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SENATE—*Monday, February 23, 1998*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Yesterday was George Washington's birthday. It is appropriate to open the Senate this morning with the prayer that he prayed for our Nation exactly as it is reproduced on the wall of the chapel at Valley Forge.

Let us pray.

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to the government and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And, finally, that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion and, without a humble imitation of whose example in these things, we can never hope to be a happy Nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord."

Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Louisiana, Ms. LANDRIEU, will now read Washington's Farewell Address.

Ms. LANDRIEU. Thank you, Mr. President.

Ms. LANDRIEU, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern—Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another.

The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, or privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that is must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from South Carolina, Mr. THURMOND, is recognized.

COMMENDING SENATOR LANDRIEU

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Louisiana, MARY LANDRIEU, for the excellent manner in which she rendered on this day, February 23, 1998, George Washington's Farewell Address to the people of the United States.

Incidentally, Washington did not publicly deliver this address. It is dated September 17, 1796, and it first appeared 4 days later in the Philadelphia Daily American Advertiser and then in papers around the country.

SCHEDULE

Mr. THURMOND. Mr. President, this morning, the Senate will be in a period of morning business until 3 p.m. by previous consent. At 3 p.m. the Senate will begin debate on the campaign reform bill. As previously announced, no rollcall votes will occur during today's session of the Senate. However, Members should be prepared for votes during Tuesday's session of the Senate. Also, by previous consent, on Wednesday, February 25, at 11:30 a.m., the Senate will proceed to the consideration of the veto message to accompany H.R. 2631, the military construction appropriations bill, with 2 hours of debate in order and a vote occurring on the veto message upon the expiration or yielding back of that time. However, our former colleague, Senator Ribicoff, passed away, and it is my understanding that a few of our colleagues intend to attend his funeral on Wednesday morning in New York. Therefore, I now anticipate the vote with respect to the veto message to occur at approximately 3 p.m. We will notify all Members as to the votes on Wednesday, February 25, after consultation with the minority leader.

As Members are now aware, there are a number of important issues that we hope the Senate will be able to address prior to the Easter recess. Therefore, all Members' cooperation is appreciated on the scheduling of votes and floor action.

UNANIMOUS CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I now ask unanimous consent, notwithstanding the agreement of October 3, 1997, that no amendments be in order prior to the motion to table the McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until the hour of 3 p.m., with Senators permitted to speak therein for not to exceed 10 minutes.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE HIGHWAY BILL

Mr. BYRD. Mr. President, I have come to the floor today to reiterate the pressing need for early Senate action on S. 1173, the highway bill, commonly referred to as ISTEA II. The federal-aid highway program expired on September 30, last year. In November, Congress passed a short-term extension of the program, but we included in that stop-gap measure a deadline for enacting a new highway bill this year. And I remind my colleagues, the deadline of May 1 is fast approaching. The clock is ticking; the calendar is running. After May 1, 1998, no state will be able to obligate any federal highway funds unless a new highway bill has been signed into law by that time.

So, Mr. President, at this point, there are exactly 40 session-days remaining—including today—until the clock strikes midnight on May 1 and every state's ability to obligate federal highway funds is suddenly and indefinitely cut off. The longer the Senate waits to take up the legislation, the more likely it is that the federal-aid highway program will lapse and road work in many states will slow to a trickle or come to an abrupt halt. Unlike past delays in reauthorizing the highway program, the obligation of highway funds will not go forward after that date, if there is not new authorizing legislation enacted by Congress in the meantime. Mr. President, that means that unlike those past reauthorizations of the highway program, this year it will come at the height of the construction season. As a result, construction workers are likely to be laid off, at a time of the year that many of them depend upon their largest paychecks to come in to help them and their families.

And these lay-offs will not be mere statistics, Mr. President. We are talking about the loss of real jobs for real people who have real families. There are thousands of road construction workers around the country whose jobs are in greater and greater risk each day that we delay action on the highway bill. We in the Congress have an obligation to those workers and their families, our constituents, to beat the May 1 deadline and prevent those lay-offs and work stoppages from occurring.

Let me describe just how important this highway legislation is for the construction industry. According to the most recent biennial report of the U.S. Department of Transportation on the condition and performance of the nation's highways, federal, state, and local governments combined invest approximately $39 billion annually in capital improvements to our roads and bridges. That is a lot of money. That is $39 for every minute since Jesus Christ was born. Federal funds account for 44% of that investment. That means, in little more than two months, almost half of all the funds spent on road construction in this country will dry up—disappear—and the results will be unfortunate for many who work in road construction and related industries. Construction laborers and employers, those who supply construction materials and equipment, thousands employed at engineering and design companies—these people and their families face an uncertain future because of the Congress' failure to act promptly on this very important highway bill.

Even now, the approaching May 1 deadline is having a disruptive impact on road construction in some states, and the disruptions will grow exponentially if the deadline comes and passes without enactment of a new highway bill. For instance, the state of Missouri has announced it will stop bid-lettings in April, Illinois and Ohio will follow suit on May 1, and the Tennessee Department of Transportation has told contractors that the state will delay all federally-funded highway projects beginning in March, when they will run out of available intrastate maintenance money. They will run out of resources from other Federal programs soon thereafter.

So the State of Missouri will let its last Federal contract in March. As I have already indicated, the State of Ohio will stop bid-letting on or around May 1, and the State of Illinois has reported that in the April-to-June timeframe it will be required to defer over one-quarter of a billion dollars in planned Federal projects.

As states announce delays in project bid-lettings, contractors know they will have more difficulty in finding work for their employees and making payments on their machinery and facilities. If Congress has not enacted a new highway bill by May 1, contractors across the country will have to begin laying off their employees as projects are completed. According to officials at the Associated General Contractors, most companies will not begin rehiring construction workers until at least a month after new legislation is enacted. Furthermore, companies will stop using their concrete, pipe, steel, cement, asphalt and guardrail suppliers and won't use them again until 45–60 days after new legislation becomes law.

In addition, if the federal highway program is left unfunded for a number of months, the employees of the construction companies will attempt to find employment elsewhere, I should think. They have to continue to put bread on that table for a wife and for children. If they are successful in gaining other employment, the construction companies will have to hire new employees, often requiring expensive and time-consuming job training.

If new federal highway funds are not available after May 1, much of the summer construction season will be gone. If there is no new highway bill until September, the entire fall construction season will be lost, and since winter road construction is nearly impossible in many of our northern tier states, construction and related industries in those states may be out of work until spring, 1999. How many companies will survive the loss of income for that lengthy period of time, Mr. President? What effect will it have on the families of construction workers left unemployed because of our inaction, our delay on the highway bill?

Remember, construction does not operate like an assembly line that can be stopped and started again on short notice. The design and construction of highway projects are carefully planned months in advance. Projects to be constructed in September generally must be planned early on and funded by May.

And if our inaction on the highway bill cripples the construction industry, what effect will it have on the national economy?

Mr. President, the last Census of the Construction Industry tallied 572,851 construction companies with a total employment of 4.6 million persons. The industry's annual estimated payroll is $118 billion, and construction companies work on projects valued at approximately $528 billion a year in the United States. Clearly, crippling the construction industry will have a ripple effect on our overall economy.

The U.S. Department of Transportation has estimated that every one billion dollars invested in highway construction creates 42,100 jobs. Passing the highway legislation by May 1 will release to the states billions of federal highway dollars, creating and preserving hundreds of thousands of jobs across the country. But the clock, Mr. President, is ticking, and those jobs are put at greater risk with each passing day.

Already, uncertainty about future highway funding is affecting the economy. I am told by people in the construction industry that contractors are putting off hiring and purchasing decisions until they have a clearer idea of how much federal highway funding there will be and when it will become available. And if highway contractors aren't hiring or buying, other firms aren't selling. Therefore, jobs are threatened in construction-related industries, too.

With so much at stake, the Senate should delay no longer. I implore the leadership to call up the highway bill now. The deadline is looming and a lot of work lies ahead before we can send a bill to the President's desk for his consideration and signature. We should be debating the bill today while the Senate is not preoccupied with other matters. With only 40 session-days remaining, every day counts for those thousands of Americans whose livelihood depends on the uninterrupted flow of federal highway funds.

Let us fulfill our responsibilities, and our obligation to those working Americans, without further delay. We should begin debating ISTEA now.

Mr. President, I thank the Chair.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud the Senator from West Virginia for his comments on ISTEA. I note—he may have noted this before I came on the floor—that the Washington Post today had an article by Eric Pianin speaking of the problems specifically, in the State of Vermont in getting this ISTEA money through. In our State—this also occurs in Maine and, obviously, in parts of the beautiful State of West Virginia—we have a very early fall and extremely late spring and heavy snows in between. We have a fairly short construction season.

I hope that the majority leadership of both bodies will get this bill up, get it voted on, take the amendments up, vote them up, and vote them down to get it over with so that States—whether it is West Virginia, or North Dakota, or Vermont, or Arizona, or any other State represented by Senators now on the floor—could get on with this.

I hate to think of the amount of money that would be wasted if this is delayed much longer, and then we have to scramble to get the contracts out. It is taxpayer dollars that get wasted where interests are not taken care of.

The Senator from West Virginia has been on the floor several times already on this. He has certainly been diligent in meetings with other Senators off the floor. And I commend him for doing this. He is doing a service to the country.

Mr. BYRD. Mr. President, if the Senator will yield.

Mr. LEAHY. Certainly.

Mr. BYRD. Mr. President, I thank the very distinguished senior Senator from Vermont for his remarks. They are both timely and appropriate. I deeply appreciate his contribution to this colloquy.

Vermont, like West Virginia—and like many other States, as he has pointed out—has a short construction season, especially when we think of winter, and spring, fall, and winter again.

So the time is now. And I feel greatly emboldened and encouraged by the comments of the distinguished Senator from Vermont. He is a stalwart supporter of all things that benefit his State, and the other States of the country.

I thank him very much.

Mr. LEAHY. Mr. President, I thank my good friend from West Virginia. I have had the privilege of serving with him for nearly a quarter of a century. He, of course, has served much longer than I. I appreciate it.

Mr. President, I ask unanimous consent that I be allowed to use my full morning business time normally allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ AND THE INDEPENDENT COUNSEL LAW

Mr. LEAHY. Mr. President, dueling for the lead on the front page of every newspaper in this country over the past month have been two stories: Whether the United States will send American soldiers into battle with Iraq, whether people will die in Iraq on both sides, or whether the President of the United States had an affair months ago with a former White House intern. Fueled by what have been titillating leaks and innuendo, the story of the alleged affair and Special Prosecutor Kenneth Starr's investigation has, more often than not, stolen the lead.

I have spoken before about the high volume of information that apparently originates from prosecutor Starr's office. The press has cited as sources "several Federal investigators," "one official involved in the discussions," or "sources close to independent counsel Kenneth Starr," and "government officials." Whether or not the material concerns matters before the grand jury may be relevant to whether a criminal violation occurred, but the distinction is of no relevance as a matter of prosecutorial ethics. It is prosecutorial ethics that I am concerned about.

The distinguished senior Senator from Pennsylvania, Senator SPECTER, who shares with me a former career as a prosecutor—a career both of us are proud of—knows that a prosecutor's case should be tried in court and not the press. When I spoke about Mr. Starr earlier, Senator SPECTER came to the floor on January 27 to repeat Mr. Starr's "emphatic denial" that his office was in any way responsible for these stories, as Senator SPECTER had a perfect right to do. But less than 2 weeks after that denial—the denial made by Mr. Starr—Mr. Starr acknowledged, on February 5, his "regret that there have been instances, so it would appear, when that [grand jury secrecy] rule has not been abided by," and announced that he was initiating an internal investigation to determine whether his office was responsible for the leaks. Perhaps his "emphatic denial" was too hastily put.

We will see if Mr. Starr pursues that internal investigation of his own office with anything even approaching his zealous pursuit of the President and the First Lady.

One of the most disturbing spectacles we have seen from Mr. Starr's inquest is that of a mother being hauled before a grand jury to reveal her intimate conversations with her own daughter. And she is, of course, not the only one. According to press accounts, Monica Lewinsky's close friends have had to fly in from California to testify, at whatever expense that might be, to hiring lawyers, and so forth. Bystanders—people who just happened to be standing there—at White House events where both the President and the former intern were both present have also been given grand jury subpoenas, as have those who used to supervise her work or work alongside the former intern. In this investigation, even the possibility of gossip based upon gossip, hearsay based upon hearsay, is enough to bring you into the chambers of Kenneth Starr. For witnesses, this may be a matter of having to spend all the money you have saved for a college education, your children's education, or anything else, to pay for lawyers, if there is even a possibility that you might have been somewhere in the area and might have known something—even though you are not alleged to have done anything wrong, even though nothing wrong was alleged to have happened while you were standing there.

But, as a father, no tactic was more shocking than the treatment that Mr. Starr gave the mother of the former White House intern at the center of this controversy. Every single parent wants to be able to provide comfort and advice to a son or a daughter who is in trouble or in need of solace. No attorney, no doctor, no clergymen, no psychotherapist, no spouse would, in most States, be faced with the awful choice of the mother caught in the machinations of Mr. Starr's expanding investigation. Her choice, as I understand it, was refuse to testify—refuse to say what confidence she had shared with her own daughter—and, if she did refuse, be faced with contempt proceedings, including possible jail time. She would either go to jail or betray her child's confidences.

This is the United States of America. This is not the Star Chamber of hundreds of years ago. This is not the Spanish Inquisition. No child, no matter what their age, expects his or her conversations with a parent to be disclosed to prosecuting attorneys, compelling a parent to betray his or her child's confidence is repugnant to fundamental notions of family, fidelity, and privacy. Indeed, I can think of nothing more destructive of the family and family values, nor more undermining of frank communications between parent and child, than the example of a zealous prosecutor who decides to take advantage of close-knit ties between mother and daughter, of a prosecutor who said, if a mother loves a daughter and a daughter will go to a mother to talk to that mother, then we are going to grab the mother. Great family values, Mr. President. Great family values, Mr. Starr.

As one law professor said, "I want my child to be able to come to me and share anything in the world. Neither of us should be fearful in the back of our minds, that if I'm hauled in front of a grand jury, I'll either have to hurt my child or put myself in legal jeopardy." If my child were in trouble and chose, as I hope that child would, to come to me, I would be loathe to have to refer my child to an attorney or priest or psychiatrist, because they have a privilege, and say, "You can't talk to your own father or your own mother." Family bonds of blood, affection, loyalty and tradition deserve as much protection as the professional relationships of trust that are already protected by legal privileges.

Frankly, I can tell you right now if a child of mine confided in me, no grand jury, no prosecutor, no runaway special counsel would get me to talk about my child. I would tell that special prosecutor, "Have you no shame? Have you no shame?" I would go to jail before I would ever disclose one word that a child of mine said to me. That is the feeling this Vermonter has. And that is the feeling of the shame of a prosecutor who would force a mother—a mother—to talk about what her daughter may have told her. It is awful.

Four States already have adopted or recognized some variant of the parent-child privilege. One Federal circuit to consider whether a parent-child privilege should be recognized in Federal proceedings, refused to recognize this privilege stating:

> The legislature, not the judiciary, is institutionally better equipped to perform the balancing of the competing policy issues required in deciding whether the recognition of a parent-child privilege is in the best interests of society. Congress, through its legislative mechanisms, is also better suited for the task of defining the scope of any prospective privilege. . . . In short, if a new privilege is deemed worthy of recognition, the wiser course in our opinion is to leave the adoption of such a privilege to Congress. *In re Grand Jury Proceedings*, 103 F.3d 1140 (3d Cir. 1996).

The third circuit is right to let Congress consider this important issue. We in Congress should take up this challenge since we apparently cannot trust the sound judgment of certain prosecutors. I am going to have a bill which will be a start.

We have to assume the reason we have not had legislation on this before is that prosecutors showed some discretion. A prosecutor is the most powerful position, usually, in government. He or she can decide not only when to bring a prosecution but when to withhold, whether to initiate an investigation or whether to withhold. Prosecutors generally do not think of bringing parents in and browbeating them. But I am going to ask for a study to see what legislation we might have to prevent abuses in this area.

Perhaps we should also confirm in legislation that there is a Secret Service privilege. On this issue I am glad the Justice Department has apparently concluded there is such a privilege. Presidential security and privacy demand such a privilege. Imagine if there were no such privilege. The challenge to this privilege could result in changing the way our President and other officials, including foreign dignitaries, are able to be protected. To avoid being witness to private conduct, will security details be forced to change where they stand, where officers are placed, how many officers are assigned, and so on? Without a privilege, will officers on security detail be forced to carry litigation insurance to pay for attorneys when they are called upon to testify as to what they observed? We should not be forcing officers to change the way they carry out their duties simply to avoid being called upon to testify by investigators of unprecedented zealotry.

Mr. President, I ask unanimous consent I might have 5 more minutes.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is troubling to me, I have been approached by law enforcement officers within our FBI who speak about being concerned that they may be assigned to the special prosecutor's office because they are going to be asked to look into things they normally never would have looked into as law enforcement officers; that there is a reputation that this special prosecutor's office has of an overconcentration on private sexual conduct of people—and not just the President but others as well—that they are going to be asked to look at things that as trained professional law enforcement people they usually do not look at.

I have also been approached by Secret Service agents who talked to me about the fact that they have been called upon to protect foreign dignitaries and others and now ask, are they going to be in a situation where they don't dare come close because they may overhear something of personal conduct and may then be called upon to testify to it? Do they have to worry that in carrying out their own duties they may find themselves bankrupted paying lawyer fees later on? This is a matter of some concern. I hope the feelings of these people are not widespread, but they may well be.

I have supported the independent counsel statute in the past, but never before have I been so disturbed by the tactics, judgment, and, at minimum, the appearance of partisanship by an independent counsel as I have by those of Mr. Starr and his staff. At a time when we need an independent counsel with the confidence of the American people, we do not have one.

For example, although a highly respected independent counsel, Robert Fiske, had concluded that Vincent Foster's death was a result of suicide, Mr. Starr, prodded by Richard Mellon Scaife and other right-wing activists, reopened that investigation. He spent years doing it. He spent millions of dollars of taxpayers' money doing it. He dragged the Foster family and friends through that experience again. He made people again have to hire lawyers. Then what happens? He reaches exactly the same conclusion that Mr. Fiske did before, but doing the bidding of someone else.

Mr. Starr publicly justifies his rush to secretly tape Monica Lewinsky to expand his Whitewater land deal investigation because a close friend of the President helped her find a job. If the source of job offers can prove influence, then Kenneth Starr is in deep trouble and probably he should consider resigning. Just 1 year ago, Mr. Starr accepted a job offer for a teaching position funded largely by Mr. Scaife, the same well-known conservative publisher and financier who thought that the Foster case should be reopened, who has helped publicize allegations of wrongdoing by the President. Who knows what the status of that job offer is now?

In order for people to have confidence in the results of an investigation, that investigation must be nonpartisan and perceived to be nonpartisan. That is not the case when it comes to Mr. Starr. My friend from Pennsylvania, Senator SPECTER, as a former prosecutor, fully appreciates that principle as well. I understand he, too, has questioned the wisdom of having Mr. Starr head an investigation into the alleged affair since his activities have raised such an appearance of partisanship. I again urge Mr. Starr to do what is in the interests of the country and to consider whether his judgment has been so affected, whether he is now so driven to achieve a result, that he should reconsider his own role in the process.

The Senator from Vermont must conclude that Prosecutor Starr has not used his power responsibly and has failed his duty. Kenneth Starr is not the impartial, neutral and independent prosecutor the American people need now and the President, as would any American, deserves.

I predicted that his investigation may mark the death knell of the independent counsel statute. Before it is reauthorized, we ought to take a hard look at safeguards and accountability here. To have a nation on the brink of war preoccupied with affairs of the bedroom rather than of state is an abomination. More time has been spent on weekend talk shows talking about a White House intern than on the President's decision whether to use force against Iraq.

The good news is that while the rest of the country may be distracted by whom Mr. Starr will next drag before his grand jury, the President and his administration are properly focused on speaking to the American people about the circumstances that brought us to the brink of battle. The administration's preparations for battle surely helped bring about the proposed agreement the United Nation's Secretary General Kofi Annan has reached with Iraqi officials, and I remain hopeful that diplomacy, backed by the commitment to use force, will result in a peaceful resolution of this standoff. I look forward to reviewing the details of that agreement.

Mr. President, I thank my colleagues for their forbearance, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

THE HIGHWAY BILL

Mr. DORGAN. Mr. President, I listened with interest to the presentation by Senator BYRD, the distinguished Senator from West Virginia, on the subject of the highway bill and his desire, and the desire of so many others in this Chamber, to see that the piece of legislation that authorizes spending on highways and roads, the building and repairing of our country's infrastructure, be brought to the floor of the Senate, be debated and go to conference so that we can get this bill done and tell the Governors and the other people in this country who are waiting for this Congress to do its work that we have finally finished the job. This is not some idle piece of legislation that either may or may not be enacted into law. The Congress has a responsibility to deal with the issues of this country's infrastructure, especially bridges and roads and safety on our highways, and all of those issues are in the body of this legislation.

This legislation was supposed to have been enacted by this Congress last year. Now we are told by some that last year's business must wait until we have considered next year's budget. That is preposterous. We should bring that bill to the floor now. We were told it would be the first item of business on the Senate calendar when we reconvened in January. It was not. Today we will take up campaign finance reform. I am pleased that we are going to do that. But we should take up, expeditiously, the highway bill, debate it and pass it and get it to conference.

The highway bill, investing in our country's infrastructure, is about jobs, economic expansion, retaining and creating a first-class transportation system. For a first-class economy to exist, it must have a first-class transportation system, and that is what this issue is about. Every day, people pull up to the gas pumps and put some gasoline in their automobiles. When they do so, they pay money, through a tax on every gallon of that gasoline, that goes into a trust fund that is to be used in the highway bill that we are required to authorize. The taxes are already paid. The question is, will we use that money to invest in this country's bridges and roads? Those who are driving around this country know there is plenty yet to do. There is a big job ahead of us, and the quicker we get this legislation out of the Congress the better for this country.

So, I appreciate the Senator from West Virginia, the Senator from Montana, the Senator from Texas, Senator GRAMM, and others who have repeatedly come to the floor of the Senate saying this is not a partisan issue, this is not about parties; this is about investment in our country and that we finish the work we didn't get done last year and bring this important piece of legislation to the floor and pass it as soon as possible.

CAMPAIGN FINANCE REFORM

Mr. DORGAN. Mr. President, I would like to turn just for a moment to the issue of campaign finance reform which we will take up this afternoon at 3 p.m. This is an issue, also, that was discussed some last year and, by agreement, is to be brought to the floor of the Senate this afternoon. Since our last discussion on this issue, I want to call my colleagues' attention to two pieces of information in the newspaper dealing with the two special elections to the Congress that have been held in the interim period. One was in New York, a special election to fill a vacancy in New York. It says:

> RNC [Republicans National Committee] Invests Heavily in "Issue" Attack Ads; $800,000 spent in New York House race.

It's not hard to figure out who won this race. Mr. President, $800,000 of outside money called "issue ads," unregulated by the current rules on campaign finance—corporate money, unlimited quantities of money from any given source stuck into a big pot and then sent into a district by a political party. And it is declared, under current circumstances and with current court decisions, that this is not a part of the investment in those races. This nearly $1 million, with other funds included, was brought into the system in the form of issue ads—sham ads that were clearly direct 30-second advertisements expressly waged for one purpose, and that was to attack and destroy a candidate of the other party. This was done, by the way, with a legal form of cheating made possible by today's campaign finance law and current court decisions permitting issue ads, not so thinly disguised, to be waged in unlimited quantity using unlimited corporate money, unlimited individual money and undisclosed so that no one, no one in this country, will discover where the money came from. That is what is wrong with this current system.

We just had more recently a race in California. Same result; different amounts. Two different groups, large amounts of money coming into so-called issue advertising. Do they have a right to do this? Yes, they do. But do they have a right to wage advertisements in political campaigns with money that can come in huge blocks donated by corporations or very wealthy people to the tune of $50,000, $100,000 or $500,000 and then go into a State and use it in a political race in a Federal election and never have to disclose where the money came from? I don't think that's fair.

If anybody on the floor of the Senate, given what we have seen in the recent races in this country, can stand and say, "Gee, campaign finance reform, there's nothing wrong here, things are just fine," if anybody can honestly stand on the floor of the U.S. Senate and say things are just fine, we have no problems with campaign finance reform, I submit that they have not watched what is happening around the country.

We passed a piece of campaign finance reform legislation in 1974, and the rules since 1974 have been bent and twisted and people have gone under them and over them, and the result now, not only because of what has happened with those rules but also because of some court decisions, is that we have a campaign finance system in total chaos.

I come to the floor today to support the McCain-Feingold bill which will be voted on this week by the U.S. Senate. We have some Members of the Senate who have stood and said, "We intend to filibuster; we don't think that anything should be passed by the Congress; we believe anything that Congress does limits someone else's speech." And, in effect, I guess they are saying there ought not be any rules.

We are told somehow that money is speech in politics: The more money you have, the more speech you have, the more you are able to speak. Some of us believe that there ought to be in politics campaign finance reform that begins to set some reasonable limits on what kind of money is spent in political campaigns. We think that the current regime of campaign finance is just completely spiraling out of control, and we think the McCain-Feingold bill, while not perfect, is a good piece of legislation for this Congress to enact.

Mr. President, I also intend to offer, if I am allowed in the context of these debates, one additional piece of legislation I would like to mention just for a moment. Federal law currently provides that all television stations must offer candidates for Federal office the lowest rate on their advertising rate card for commercials for a certain amount of time preceding the election. To repeat, under current law, we say candidates are entitled to the lowest rate on the rate card for political advertising for a certain period prior to the election.

Everyone has a right to put on the air what they wish to put on the air about their opponent. In politics, unlike most other forms of competition, the normal discourse is to say, "There's my opponent. Look at what an awful person that opponent is. Let me tell you 18 awful things about my opponent." Is that the way you see airlines advertise? "Look at my competing airline over here. Let me tell you about how awful they are, how awful their maintenance record is." I don't think so. Is that the way automobile companies advertise? No. It is the way people in politics advertise because it has worked.

My point is this. I am going to offer an amendment that says we will change the Federal law that requires the lowest rate on the rate card for the 60 days prior to elections. We will say that the television stations are required to offer that lowest rate only to television commercials that are 1 minute in length and only in circumstances where the candidate appears on the commercial 75 percent of the time.

Why do I do that? Because I would like candidates to start taking some ownership of their commercials instead of the 30-second slash-and-burn commercial that the candidate never appears on. Oh, everybody has a right to continue to run those. However, we are not required, in my judgment, to tell television studios they must offer the lowest rate for these kinds of ads.

Air pollution in this country is a problem. We have been concerned about air pollution for some long while. One form of air pollution in this country is the kind of political commercial that has been very successful. I don't deign to suggest now we can ban it. We can't. Free speech in this country and free political speech allows anybody to do anything they want in their campaigns in a 30- or 60-second ad.

But I believe we ought to give an incentive for those who put commercials on the air during political campaigns that say to the American people, "Here's what I stand for, here's what I believe, here's what I want to fight for as we debate the future of this country," in which the candidate himself or herself asserts positions that they think ought to be a part of public discourse and public debate. It seems to me we ought to try to provide incentives for that by saying the lowest rate card in campaigns, the lowest rate on the bottom of the card, will go to commercials that are at least 1 minute in length and on which the candidate appears 75 percent of the time.

I don't know if we are going to get to that. I intend to offer it as an amendment.

First and foremost, I rise to say I support the McCain-Feingold bill. I think Senator MCCAIN and Senator FEINGOLD have done a good job. Is it perfect? No. It is an awfully good start to try to bring some order and establish some thoughtful rules to a campaign finance system that is now a mess.

I want to be involved in the debate in the coming hours, when I hear people stand on the floor of the Senate and say, "Gee, we think the campaign finance system is wonderful," because I want to ask them what they have been reading, what they have been watching. Not the campaigns that I have seen, not the reports that I have seen about campaign finance awash in soft money, awash in issue ads financed by soft money flying all over the country to pollute the air waves, that never allow the American people to understand who was the donor, who put in half a million dollars to go after this or that candidate. That has become a perversion of fair rules and fair standards in campaign finance reform, and I hope when we pass McCain-Feingold we will finally begin to make some order and some thoughtful response to campaign finance reform.

I thank the President, and I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

SENATOR RIBICOFF

Mr. WELLSTONE. Mr. President, let me say to my colleague from Connecticut, I imagine he came to the floor to speak about Senator Ribicoff. I will not be long. I will say, although I did not have a chance to know Senator Ribicoff, I know so much about him. He was a great Senator. I pass on my sympathy and love to the State of Connecticut and his family.

ISTEA

Mr. WELLSTONE. Mr. President, let me also thank my colleagues from West Virginia and North Dakota for talking about ISTEA, the transportation bill, which is all about investment in infrastructure, which is all about investment in our economies. And Minnesota is another State that awaits anxiously for us to take up this piece of legislation and pass it.

SECRETARY GENERAL KOFI ANNAN

Mr. WELLSTONE. Mr. President, I want to talk about 2 issues, and I want to talk about them briefly.

First of all, I would like to talk about this past weekend. I feel as if I speak on the floor of the Senate with a sense of history. Secretary General Kofi Annan, Secretary General of the United Nations, said when he went to Iraq that he considered this to be a sacred mission. I think he was right. I think it was very important and is very important for our country and the international community to have resolve with Saddam Hussein and to make it clear that it is extremely important that there be unhindered inspection so that we, in fact, know what exactly is going on in Iraq and, for that matter, for other countries, I wish it would be the same in terms of development of weapons of mass destruction.

Mr. President, I have to say this from the floor of the U.S. Senate. I believe as a Senator that war is always the last option. When you can talk instead of fight and when you can work out a peaceful solution and when diplomacy works and where there is a nonviolent resolution to a conflict, the world is better off for it. We should have no illusions, though sometimes people come to the floor of the Senate and people talk to each other and we get all pumped up and we talk about going to war and how awful Saddam Hussein is. I certainly agree he is a very cruel—very cruel—man. But, Mr. President, there is no question that if military action was to be necessary, a lot of innocent people would die. One child, one mother, one civilian in Iraq is one too many. One of our soldiers is one too many.

I am prayerfully thankful that Saddam Hussein seems to have understood the importance of these demands and, most important of all, because of the strong position that our country has taken and also because of the very, very skillful diplomacy—very skillful diplomacy—of the Secretary General, I would like to thank the Secretary General for his effort.

We haven't dotted all the i's and crossed all the t's, and we have not seen the specifics, but I believe as a United States Senator that his mission was a sacred mission. I am very hopeful that we will have a political settlement. I am very hopeful that diplomacy will have worked, and I think the world will be better for that. Whenever we can avoid loss of life, let's first do that.

So we all wait to see. From what I have read, from what I have heard, and the Secretary General is a man who is very careful with his words, when he says he believes this will be acceptable to the United Nations, to the Security Council, I don't think he would have said that unless there is good cause for it.

So I am very hopeful that this will be acceptable to the Security Council, and we will have a resolution to this conflict without having to go to war, without having to take military action.

CAMPAIGN FINANCE REFORM

Mr. WELLSTONE. Mr. President, let me briefly talk about this campaign finance reform bill that is coming to the floor. By the way, this, I think, will be the business of the Senate this week. This is a core issue. This is the core problem, and this is going to be a real important debate for our country. I think it should be very clear to everybody in the country where all of us stand.

I know we have differences. Probably the Chair and I have differences on this issue. But I can't help but believe that we can't get some good things done together, because I can't but believe that any of us who have been through these campaigns just hate this system. It is just crazy.

I remember when I ran in 1990 in Minnesota the first time around. It was as if the only thing that mattered was how much money you had in terms of who gets to run, in terms of whether you have a viable campaign, in terms of who wins, in terms of what issues get discussed, in terms of who the people are who have access to the Congress all too often, as opposed to so many of the people who don't.

This is a core issue, and if you believe that each person should count as one and no more than one in a representative democracy, all the ways in which big money have come to dominate politics severely undercut our democracy. As a matter of fact, I think it is part of what has led to this serious decline of participation of our citizens which really can only lead to decline of our democracy.

So there are many concerns that people have, and they care about a lot of issues that are important to themselves and their families. But the problem is, they don't believe that their concerns are of much concern in the Halls of the Congress or, for that matter, the White House, because they believe that the political process in Washington, DC, has become so dominated by big money and special interests.

How important it is that we at least take some steps toward eliminating some of this corrupting influence of this big money and try to begin to make these campaigns sane, try to begin to make these campaigns at least a little bit more of a level playing field.

The Washington Post had an editorial today:

> McCain-Feingold is already a limited bill.

I agree. I wish we had the clean money-clean election option passed by Maine and Vermont, but McCain-Feingold is a very important step forward.

> For lack of votes, the original proposals meant to clean out the stables of congressional campaign finance almost all have been dropped. Congress's indignation with regard to financing of presidential United States campaigns somehow does not extend to the financing of its own.

Well, I would just ask people in Minnesota and people in the country: Please be vigilant. Please keep an eye out on our work. Do not let the U.S. Senate block reform. And do not let the U.S. Senate pass some piece of legislation that has that made-for-Congress look with a great acronym which pretends to do so much and ends up doing so little.

That is the worst of all cases. I'd just as soon we not do anything as opposed to passing something which we claim will make an enormous difference but really does not and will just add to the disillusionment of people in our country.

So I just say, this will be an important week. This is going to be an important debate. I hope we will get some things done.

For my own part, if the majority leader will let us, I will have a set of amendments that will apply to the Congress. I will have a set of amendments that will apply to our campaigns which will be an effort to begin to go after some of the influence of big money in congressional campaigns along with some of the other things that we will be talking about, like soft money.

If I cannot bring those amendments to the floor in this debate, I will bring these amendments to the floor in the next bill that comes up or the following bill that comes up, because I do not think there is any more important issue that is facing this country.

So to Minnesotans and to people in the country: Please hold all of us accountable. Do not let people get away with blocking reform. Do not let any of us get away with passing some piece of legislation which has no teeth and makes really no difference at all. Make sure that we take some steps in this U.S. Senate that will at least get some of this big money out of politics and at least move us a little bit more toward elections as opposed to auctions going to the highest bidder.

Mr. President, I think that I have about run out of my time. I yield the floor to my colleagues from Connecticut.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

TRIBUTE TO SENATOR ABRAHAM RIBICOFF

Mr. DODD. Mr. President, I rise to commemorate an extraordinary life. We in the U.S. Senate have lost a former colleague and a leading light of the U.S. Senate—Abraham Ribicoff.

Abe Ribicoff, Mr. President, was born and raised in New Britain, CT. He was the son of poor Polish immigrants. Yet this humble son of Connecticut rose to become one of our State's and our country's most distinguished public servants. He served in this body for 18 years—beginning in January of 1963 and retiring in 1981.

One of the highest honors I have had in public life, Mr. President, was to succeed Abe Ribicoff in the U.S. Senate, and I take great pride in the fact that in 1981 Abe Ribicoff placed my name in nomination for this office.

Abe Ribicoff believed fervently that the highest calling one can have in American life is public service. He obeyed that calling as few Americans ever have. He is the only person in our Nation's history to have served as a State legislator, a municipal judge, a U.S. Representative, a Governor, a Presidential Cabinet Secretary, and a U.S. Senator.

But to appreciate Abe Ribicoff, it is important to understand that he did more than occupy an impressive collection of public offices. What distinguished Abe Ribicoff from his peers, from his predecessors, and from those who have come after him is not the number of offices he held, but the manner in which he held them. Abe Ribicoff brought to his life's work integrity, candor, high principle, an unshakeable faith in America's Government, and a deeply held belief in the goodness and decency of our people.

Abe Ribicoff had the rarest and most important of all qualities we seek in public leaders—courage in the public arena. Time and again, in ways large and small, he demonstrated a commitment to principle even in the face of fierce opposition. He was willing to fight for what he believed to be right. And he fought hard, though always—always—in a decent and honorable manner.

In Abe Ribicoff's politics, there was no place for meanness, no place for personal attacks. He understood the importance of public opinion, but he never relied on polls to shape his political decisions. He was guided not by emotion, not by numbers, but by judgment, by reason, and by principle.

One of the defining moments in his public life took place in 1968 at the Democratic National Convention. Here was a man, Mr. President, a first-term Senator, not unaware that he was confronting the entire national leadership of his party, willing to take a stand and make a very, very public display and call for civility in our society.

In doing so on that day, he appealed, in my view, to what is best about our Nation and ourselves—our capacity for tolerance and understanding; our belief that in a truly civilized society we live by the rule of law, not by the rule of force; that in fact it is right that makes might.

In this moment, the world learned what we in Connecticut had long known, that Abe Ribicoff was a national gift.

His entire career stood above all for the belief that America is a land of limitless opportunity and equal justice.

He abhorred discrimination in all its forms, and he knew it in his own life. During his campaign for Governor in 1954, an ugly whispering campaign questioned whether Connecticut was ready for a Jewish Governor. Abe Ribicoff answered from the heart. In a famous address in Connecticut, Abe Ribicoff said:

> In this great country of ours, anybody, even a poor kid from immigrant parents in New Britain, could achieve any office he sought, or any position in private or public life, irrespective of race, color, creed, or religion.

The voters of Connecticut, Mr. President, answered that they agreed with their Governor-elect.

Even when he himself was not touched by the sting of discrimination, he acted to do what was right. In 1956, a young Senator from Massachusetts was mentioned as a possible Vice Presidential candidate. Ironically, many Catholics, mindful of the discrimination that still existed against them, questioned whether America was ready for an Irish Catholic in the White House after what had occurred to Alfred Smith in 1928.

Abe Ribicoff, speaking to the Irish Catholic leadership of the Democratic Party, took exception.

> I never thought [he said] I'd see the day when a man of the Jewish faith had to plead before a group of Irish Catholics about allowing another Irish Catholic to be nominated for the position [of Vice President].

In no small measure, Mr. President, it was Abe Ribicoff's faith—faith in his country and faith in a candidate that propelled John Kennedy to the Presidency just a few years later.

Once again, Mr. President, in 1976, questions were raised about whether a southern Governor and a born-again Baptist believer could serve as President of the United States. Without a moment's hesitation, this Connecticut Yankee said yes. Judge the man, judge his ideas, but do not judge his personal faith.

Abe Ribicoff lived most of his professional life at the highest, most austere and auspicious levels. He knew his share of Governors, of Senators, of Presidents. But lest we forget, Mr. President, he also knew struggle. He knew hardship growing up among the shops and mills of New Britain, CT. And he knew discrimination and he knew defeat, having lost his first campaign in the Senate by a slim margin.

But even as he rose to the very top of public life, he never forgot about those that he served. He knew that all principles are in the end empty letters and hollow rhetoric if they are not connected to people's lives. The instrument of Government, the laws of the land mean little if they do not help ordinary citizens surmount obstacles and obtain their noblest aspirations.

At a time when Medicare was described as "socialism," Abe Ribicoff knew that it embodied the obligation of a compassionate society to care for its elderly. When some called civil rights laws an affront to "States rights," he knew that they could make the promise of equal justice a reality for millions of Americans. When others said that a Governor and a Senator should not spend his time fussing about highway safety, he knew that a tough approach to speeding and drunk driving would save lives and spare families immeasurable grief and sorrow.

We have spoken of Abraham Ribicoff as a public servant, but he was much more than that. He was also a husband and a father. To his wife Casey and to his family we convey our deepest sorrow.

He was also a teacher. I consider myself extremely—extremely—fortunate to have been able to call on him many, many, many times since he left office in 1981 for his advice and counsel and guidance and just good old political conversation. No one—no one—in this world of political life could have had a better mentor than I did in Abe Ribicoff.

Mr. President, I want to close with a reading from Hebrew text. It captures, I believe, the essence of this man whose passing we all mourn today. Let me quote it:

> A good name is to be chosen above wealth, and character rather than silver and gold.
> Blessed is the one who bequeaths a good name to his descendants.
> There are three crowns: the crown of Torah, the crown of priesthood, and the crown of royalty,
> But the crown of a good name excels them all.
> Even a long life ends too soon, but a good name endures forever.
> Blessed is he whose noble deeds remain his memorial after his life on Earth is ended.

Mr. President, I yield to my good friend and colleague, Senator LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair and thank my friend and senior colleague from Connecticut. I thank him for his eloquent and moving tribute to Senator Abraham A. Ribicoff whose passing yesterday we mourn on the floor of the Senate today. I would like to just add a few words to my colleague's extraordinary statement.

Mr. President, as Senator DODD has referred to that critical moment in the 1954 campaign of Senator Ribicoff for Governor of Connecticut, when there were expressions of bigotry, of anti-Semitism, and Senator Ribicoff at a turning point in his own career rose to challenge those whispers directly in the eloquent words that Senator DODD has spoken in what has become known in Connecticut political lore as Abe Ribicoff's "American Dream Speech." In the bottom line of it was Senator

Ribicoff saying, "Abe Ribicoff believes in the American dream." And indeed he did. The extraordinary life that he led that ended yesterday, after 87 years, is a testament to the vitality of the American dream.

Mr. President, there are many other great civilizations and democracies in the world, but I must say the more that I have the opportunity to visit them the more I come back home appreciating how unique this great country of ours is, how we have created here an ethic of mutual respect, of a fairness of opportunity that has allowed people who are capable, who are willing to work hard to rise to the highest levels in our society, whether it is in the public sector, the private sector, in the arts, sports, whatever.

In that moment of crisis, in a campaign that, if he had lost, probably his public career would have ended, Abe Ribicoff stood up and directly confronted and challenged those who did not believe in the American dream, who were prepared to stimulate an effort against him because of his religion, to say that he believed in the American dream and had confidence that the people of Connecticut did. Also, of course, they vindicated that confidence on election day.

His father was an immigrant from Poland—Polish, Jewish—came to New Britain, CT, worked at first as a peddler, then as a factory worker, and raised a son and other distinguished members of the family who rose to extraordinary and proud heights.

Abe Ribicoff worked for everything he achieved. He had—if I may borrow from a phrase that my colleague mentioned earlier—he had a regal quality to him. It is a remarkable thing to say, when you think of the humble origins from where he came, but it was within himself, his dignity, his intelligence, his civility, his honor and integrity that those qualities remarkably in the hurly-burly of the political life that we lead remained intact.

He worked his way forward, ultimately graduating from the University of Chicago Law School. He came back to Connecticut and began to practice law. And very soon he went into public life.

As Senator DODD said, he has a record that as far as we know is unequaled in America because of the extraordinary range of offices he held—State legislator, judge, member of the U.S. House of Representatives, Governor, Secretary of Health, Education and Welfare in the Kennedy Cabinet, and then the capstone to his career, 18 extraordinarily distinguished and productive years as a U.S. Senator.

I want to comment on a few of those periods of his life and end with a personal word. When Abe Ribicoff became Governor of the State of Connecticut, he led an administration that constituted a turning point in the history of our State and, in many ways, pointed the direction for the future of the Democratic Party. As I have been thinking over the last 24 hours of some of the accomplishments that characterized Abe Ribicoff's career, it seems to me he was a "new Democrat" before anybody thought of the term.

In Connecticut, where the party had most of its strength in the cities, Abe Ribicoff and others—including my colleague's distinguished and beloved father, Senator Tom DODD—reached out from the cities to the suburbs, to the smaller towns, and broadened the reach of the Democratic Party in our State. In doing so, he not only achieved personal success and paved the way for partisan success in the future throughout the State but served with the public and the public interest in Connecticut mightily.

Abe Ribicoff as Governor was a fiscal conservative. He believed in balancing the budget. He believed in governmental reform. He focused on public safety questions such as highway safety. He never hesitated to work across party lines. During his 6 years as Governor, there were times when the Republican Party controlled one or, I believe, both Houses of the State legislature. He had a guiding principle that he adopted and articulated that carried him very well, right through the Senate years. It is what he described as the integrity of compromise. He said, in this business of politics there is nothing dishonorable and certainly not dishonest about compromising your initial position to get something done. What is the value, he would say, of holding to that initial position as strongly as you originally felt if just moving a little bit—as long as it is not against your conscience and your principles—allowed you to do something for the people.

He had a distinguished, very popular career as Governor, winning a very close victory in 1954, then going on to win an enormous landslide in 1958. As Senator DODD has said, he played a pivotal role, along with our State Democratic chairman, John Bailey, in the election of JFK as President, there, again, as my senior colleague has said, giving another testament to Abe Ribicoff's belief in the American dream.

President Kennedy asked Senator Ribicoff to become a member of the Cabinet, Secretary of Health, Education, and Welfare. He served there with distinction. He did some of the early work that led to the Medicare Program, which today is so critical to so many millions of Americans to provide decent health and is itself one of the reasons the average lifespan of the American people is longer today than it was before Medicare started.

The truth is, as he said to those of us who were privileged to know him and as he said after his retirement from public life, that the year and a half as a member of the Cabinet were not the happiest years of his career. In fact, they were probably the least satisfying. He was very honest about it. He said, "I'm used to being my own man. I was Governor, I was a Member of Congress. I'm used to being my own man, instead of having to support positions that are someone else's that I really didn't support or having to oppose other positions that I really did support."

He served with distinction but not with pleasure and took the opportunity to run for the U.S. Senate in 1962. That, I think, was the most productive and the most satisfying time of his remarkable career. He was again ahead of his time here. He worked on subjects like environmental protection before the great burst of activity in that area occurred in the 1970s. He had a hearing and invited the mother of the environmental movement, Rachel Carson, after she published her book "Silent Spring," to testify before his committee. From that testimony, he worked on pesticides and other threats to the environment and public health. He continued the work that he started at HEW and played a leading role in the passage of the Medicare Program, serving as a member of the Finance Committee. He continued the work he had done in Connecticut on highway safety and did some very important legislative work to raise the standards for automotive safety of the American people. He was a great believer in free and fair trade and a strong supporter of the kind of governmental stimulus to the private sector that creates economic growth. He was very much in that sense a person of the Senate.

He worked very easily and comfortably across party lines. Again, remembering the integrity of compromise in a body of 100 people with a lot of strong opinions, you need people who are bridge builders, and Senator Abe Ribicoff built some extraordinary bridges that have so dramatically improved the quality of American life.

Mr. President, if I may end on a personal note, Senator Ribicoff was for me a hero, an inspiration, and a mentor. In 1954, when he first ran for Governor, I was a kid in Stanford, CT, beginning to develop an interest in politics. I was taken by his strength, by his independence, by the way he carried himself. Because he and I shared the same religion—both members of a minority religion—I wondered how he would fare. In some sense, he tested in a most public way the faith that my own dear parents gave me that this is a great country, this is a country of opportunity; people will judge you not by how you worship but by how you work, how you conduct yourself, what you propose to do.

Of course, in that election in 1954, the people of Connecticut vindicated Abe

Ribicoff's faith, my parents' faith and in that sense gave me that faith at a critical time in my own life.

In the 1960s, as a college student, I had the great opportunity to work for Senator Ribicoff for two summers. This is sometimes what happens to Senate interns. We end up in the field of our dreams, as it were, here in the U.S. Senate, first in 1962 on his committee, his Campaign Finance Committee, working in the State, and then in the summer of 1963 as one of his first summer interns. We developed, I don't even want to at that stage call it a friendship, but he was a mentor, he was a teacher. I learned an enormous amount from him and will forever be grateful that when a few years later, in 1970, I decided to tackle public office as a State senator, he was gutsy enough and supportive enough to endorse me. It happened to be a Democratic primary against an incumbent, so it was quite a boost for a youngster, running without previous officeholding experience, to receive the support of the distinguished U.S. Senator whom I have talked about in terms of compromise and the integrity of compromise.

While it was true he was a moderate man in many ways, and that helped him to build the coalitions that made things happen for his constituents and for the American people, Abe Ribicoff's moderation was not a mushy vacuum moderation. It was full of principle; it was full of substance. As those of us who knew and loved him also can tell you, he was capable of leaving that moderation to go to periods of white heat when he felt strongly about something and was prepared to step out on those occasions, regardless of what the political conventions would have told him to do. The most dramatic, well-known example is the remarkable, courageous speech at the 1968 Democratic National Convention that Senator DODD referred to.

Abe Ribicoff was a towering figure who served with honor and great result. It is a source of great personal pride and no small amount of humility that I have the opportunity to stand here as a U.S. Senator today to express my own sadness at his passing and my own pride at the great career that he had and, finally, to offer my condolences to his beloved wife Casey, to his children Peter and Jane, to his stepson Peter, and to his six grandchildren. Your father, your grandfather, served America with great distinction and served in a way that should give hope to the millions of others out there who may be, as he did long ago, forming their own American dream.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Connecticut.

Mr. DODD. I commend my colleague for his eloquent statement and his remembrances of Abe Ribicoff.

On behalf of both of us, Mr. President, I ask unanimous consent to have printed some very fine comments from today's editions of the Hartford Courant and the New Britain Herald, his hometown newspaper. They did excellent jobs in capturing the career and the essence of Abe Ribicoff.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, Feb. 23, 1998]

ABRAHAM RIBICOFF DIES AT 87

WAS CONGRESSMAN, GOVERNOR, CABINET MEMBER AND U.S. SENATOR IN 4 DECADES OF PUBLIC SERVICE

(By Charles F.J. Morse—Special to The Courant and David Lightman—Washington Bureau Chief)

Abraham A. Ribicoff, a storybook politician whose rare mix of talent, timing and luck took him from a boyhood dream in New Britain to a distinguished third term in the United States Senate, died of heart failure Sunday at the Hebrew Home in Riverdale, N.Y.

He was 87.

One of the state's most accomplished Democrats, Mr. Ribicoff was Connecticut's first and only Jewish governor and one of its longest-serving senators. And he became known nationally as President Kennedy's first secretary of health, education and welfare and later as the man who stood up to Chicago Mayor Richard J. Daley during the tumultuous 1968 Democratic National Convention.

"Abe Ribicoff served Connecticut and our nation with great distinction, style and elegance. He is truly one of the great leaders of the 20th century," U.S. Sen. Christopher J. Dodd, D-Conn., said Sunday. "He displayed courage and conviction throughout his life, and he was a symbol for what public service can and should be. He will be sorely missed."

Mr. Ribicoff left Washington in 1981, declining to run for a fourth Senate term. He went to New York to practice law, "the generalist in a firm of 400 specialists," he would jest.

In a 1992 interview, he explained why he returned to his Cornwall Bridge home and sometimes took on the two-hour commute to midtown Manhattan instead of staying in Washington to enjoy elder-statesman status.

"I always felt that once a person no longer has power, he should get out," Mr. Ribicoff said from his Park Avenue office. "Nothing is as sad as seeing a person who used to have power have none."

STRONG-WILLED GENTLEMAN

Mr. Ribicoff always had a keen sense of timing. He was a craftsman of the political surprise.

On the eve of his election as governor in 1954, feeling the closeness of his challenge to incumbent Republican Gov. John Davis Lodge, and hearing some anti-Semitic undercurrents, Mr. Ribicoff went on television and winged it from the heart, telling of his American dream:

"In this great country of ours, anybody, even a poor kid from immigrant parents in New Britain, could achieve any office he sought, or any position in private or public life, irrespective of race, color, creed or religion."

No one can measure the impact of that 11th-hour emotional candor, but he won the election by a slim 3,200 votes.

"He was a true leader and a leader in many ways that were first," former Gov. William A. O'Neill said Sunday.

O'Neill recalled Mr. Ribicoff as an old-fashioned gentleman who nonetheless had strong will and fought for what he believed in.

"He was a very strong man, a firm man, yet a very compassionate person who looked out for those who could not look out for themselves," O'Neill said. "As far as political courage, he had all you needed of that."

Mr. Ribicoff was born in New Britain on April 9, 1910, son of Samuel and Rose Sable Ribicoff.

He put himself through New York University and married Ruth Siegel of Hartford before attending the University of Chicago Law School. The couple had two children, Peter Ribicoff of New York City and Jane Bishop of Del Mar, Calif.

Ruth Ribicoff died on April 12, 1972. He married Lois "Casey" Mathes of Florida the following August.

AN EARLY CRUSADE

Mr. Ribicoff's public career spanned 42 years. He lost an election only once.

His first elective office, won in 1938, was a seat from Hartford in the state House of Representatives. From there he moved on to a Hartford Police Court judgeship. He was elected to Congress, from the 1st District, in 1948 and as governor in 1954.

After winning the state's highest office by a hair, Mr. Ribicoff later issued an executive order mandating 30-day license suspensions for drivers convicted of speeding. Thousands lost their licenses.

During 1956, the first year of its enforcement, 10,346 licenses were suspended for speeding, as compared to only 372 suspensions in the same period during 1955. In the same year, traffic deaths were reduced by 38 from the 1955 total.

The anti-speeding crusade could have cost the gutsy young governor dearly. "Unless public officials have the guts to see it through, nothing will work," he responded to his political critics. "We need tough, hard measures if we are to save lives."

Connecticut's highway deaths continued to drop, and Mr. Ribicoff's stature soared. It rose even higher with his handling of the catastrophic floods that hit the state in August 1955. Four years later, he was re-elected by a landslide.

During that period, his timing served him well again. He was one of the first to urge John F. Kennedy, a Roman Catholic, to run for president. He always considered his support of Kennedy one of the most important moments of his political career.

"Kennedy said time and time again the first man who thought he could be president was Abe Ribicoff," Mr. Ribicoff recalled in a 1979 interview. "In 1950, I said that Kennedy would be the first Catholic president of the United States. In Worcester, at the Massachusetts Democratic Convention of 1956, I proposed Jack for vice president. I nominated him in Chicago."

U.S. Sen. Edward M. Kennedy, D-Mass., said Sunday, "The Kennedy family has lost a good and trusted friend."

The late Jack Zaiman, The Courant's political writer for most of Mr. Ribicoff's career, recalled "a charmed political life. It seemed that whatever he did, and however he did it, it turned out right."

The people knew him instantly. He became the best-known political name in Connecticut, until Ella T. Grasso.

In a 1985 remembrance piece, Zaiman wrote that Mr. Ribicoff formed an ideal political relationship with John M. Bailey, the late state and national Democratic chairman. The two had met by chance, as young Hartford lawyers who happened to have rented offices in the same building at 750 Main St.

"Ribicoff always made it appear as if he were above politics," Zaiman wrote. "He was, so he wanted the world to know, a grand independent. No politician would run him or tell him what to do. But, underneath, he worked with Bailey and the professional Democratic politicians. He used them; they used him. He got what he wanted. He gave them, in the main, what they wanted. It was the best of all worlds for Ribicoff."

Perhaps no other political figure in the state influenced so many historical changes:

The first and only Jewish governor of his state.

The transformation of Connecticut from a Republican to a Democratic state.

The end of county government.

The first successful state constitutional convention, which changed the structure of the General Assembly in 1965.

The joint Ribicoff-Bailey sponsorship of Kennedy, the first Roman Catholic elected president.

HIS ONLY REGRET

The Kennedy victory was Mr. Ribicoff's springboard to Washington. He was mentioned for U.S. attorney general but was named secretary of health, education and welfare, resigning as governor on Jan. 21, 1961.

His resignation as governor was his only regret. He acknowledged the excitement of the times; being asked to become part of the new Kennedy administration was too hard to resist, but in retrospect, he said, in 1992, "I always felt badly about it; felt I didn't fulfill my agreement with the people . . . I still do."

In 1962, he was elected to the Senate, succeeding retired U.S. Sen. Prescott Bush, father of President Bush. Ironically, he succeeded the only man who ever beat him at the polls. Mr. Ribicoff had vainly challenged Prescott Bush in 1952 at the tail end of his second term as congressman.

Mr. Ribicoff's best-remembered national moment came not in the Senate, but in Chicago, live on national television, from the podium of the 1968 Democratic National Convention. He had been expected to simply step up and nominate U.S. Sen. George S. McGovern of South Dakota for president.

That he did. Then he threw away the script and said, "If George McGovern were president, we wouldn't have to have gestapo tactics in the streets of Chicago tonight."

As he spoke, he looked directly down at the city's legendary Mayor Richard J. Daley, whose police were gassing and mauling young anti-war protesters in full view of the network cameras.

Daley shouted back from his seat on the floor. No microphone picked up his words, but the cameras caught his red faced anger and some of the more obvious profane insults formed by his lips as he glowered at Mr. Ribicoff on the rostrum.

When the uproar died down, Mr. Ribicoff's gaze returned to Daley and he added: "How hard it is . . . how hard it is to accept the truth."

GREATEST MOMENTS

Of all that he did or said during his career, Mr. Ribicoff used to talk of that Chicago moment as the one with the greatest impact. Film of it still is often included as part of retrospectives of the '60s.

"I really didn't know what I was going to say. I was just appalled at what we were seeing on television. I felt that what was going on out there was the real issue facing the party and the country," he recalled.

McGovern later offered Mr. Ribicoff the vice presidential spot on his ticket. Mr. Ribicoff declined.

"I didn't lust for that type of office. I didn't want to run all over the country doing the chicken circuit and making political speeches, and I liked the Senate," he said.

In 1976, Charles Kirbo of Atlanta, President Carter's personal friend and adviser, felt out Mr. Ribicoff about running for vice president. The answer was no, again.

In the Senate, he listed his major accomplishments as joining John Stennis, a conservative southern Democrat, to insist on equal enforcement of new school desegregation regulations in the North and South; the creation of a Department of Education and the revision of foreign trade regulations.

Perhaps his greatest test came in 1978, when President Carter proposed the sale of advanced American warplanes to Egypt and Saudi Arabia, over strong objections by Israel, the American Jewish lobby and American Jews.

In an unusual secret Senate session Mr. Ribicoff supported the sale, warning his colleagues that the Soviet Union was threatening the entire Middle East and its oil supply, and that America had to have friends there in addition to Israel.

He saw lifelong friends turn on him as the pressure mounted.

But he led Carter's supporters to the controversial victory and said he felt completely vindicated by subsequent events in the area, including the Camp David accords.

During a Democratic fund-raiser in Hartford on Oct. 28, 1978, Carter acknowledged it.

"Our commitment to Israel, our allegiance to Israel, is unshakable," Carter said. "Sometimes there are nuances or complications or facts that can't be revealed at the time. But over a period of weeks, I think you have always seen that when Abe Ribicoff votes in Congress for a controversial issue, like for instance, the sale of F–15s to Egypt, it seems to some that he may have made a mistake or I have made a mistake in advocating it.

"But we would never have induced President Sadat to come to Camp David had it not been for that vote," Carter said.

KNOWING WHEN TO QUIT

On May 3, 1979, Mr. Ribicoff summoned the press to his Washington office for what was expected to be a routine announcement that he was seeking re-election.

"As [former Senate Majority Leader] Mike Mansfield said," Mr. Ribicoff told the gathering, "'There is a time to stay and a time to go.'

"I've watched them come and go and I have admiration for the men who know how to go out at the top of their careers. A person who's been in power a long time should know how to step aside and open up the political process."

He had ended it—once again unexpectedly—at the top of his form. His announcement stunned his party and his colleagues.

"Most people stay one term too long," he said later, convinced his timing had been right.

"There is no such thing as a unreplaceable person. . . . Everyone is replaceable," he said.

When Mr. Ribicoff retired from the Senate in 1981, he jointed the New York law firm of Kaye, Scholer, Fierman, Hays & Handler. But he continued to advise presidents, governors and Congress.

In the 1990s, he would discuss how his brand of politics seemed worn. Civility was no longer an important character trait; nastiness was. When Democrats returned to Chicago for their convention in 1996, Mr. Ribicoff wanted nothing to do with it. Ironically, the man best remembered for engaging in harsh intraparty warfare had found today's politics too harsh.

"Everybody in politics today plays dirty," Mr. Ribicoff said in a 1996 interview. "Everybody wants to say bad things about everything."

What he did in 1968 was spontaneous and heartfelt, not calculated to win political points. Today's politicians use their tempers as weapons to win poll points, and Mr. Ribicoff wanted none of that.

"I'm not a politician anymore," he said.

Mr. Ribicoff would continue working in New York, though he contracted Alzheimer's disease in later years.

When Mr. Ribicoff retired from the Senate, Sen. Edward M. Kennedy, his longtime friend and ally, and former Senate Minority Leader Howard H. Baker Jr., R-Tenn., led the Senate tributes.

Kennedy said Mr. Ribicoff would be remembered "by all of us as a colleague who was both loved and listened to as a skillful leader on all the sensitive issues of foreign and domestic policy we face together."

Baker said Mr. Ribicoff had been "a giant of the U.S. Senate."

His Connecticut colleagues at the time, Republican U.S. Sen. Lowell P. Weicker Jr., praised him as a "great friend and a valued mentor.

"A government already comprised of too few Ribicoffs honestly can't stand the loss of Connecticut's senior senator," Weicker said.

Looking back over his life, during a 1986 interview, Mr. Ribicoff said it was not a piece of legislation but people who made the greatest impact on him—the people of Connecticut during the floods of 1955.

"I saw the grandeur of the whole state in the faces of the average citizen, their leaders and how they acted," he said, "Everyone pitched in, Connecticut came together. That's a memory I will always treasure."

Besides his wife and two children, he leaves a stepson, Peter Mathes, and six grandchildren.

The funeral will be at 11 a.m. Wednesday at Temple Emanu-El, 1 E. 65th St., at Park Avenue, in New York City.

[From the New Britain Herald, Feb. 23, 1998]

ABE RIBICOFF, NB NATIVE, DEAD AT 87

NEW YORK (AP).—Abraham A. Ribicoff, a former U.S. Senator and governor of Connecticut who served as secretary of Health, Education and Welfare in the Kennedy administration, died Sunday. He was 87.

Ribicoff, who suffered from Alzheimer's disease, died at a nursing home in Riverdale, N.Y., said ABC's Barbara Walters, a family friend.

Ribicoff, a Democrat, had a public service career that spanned more than four decades.

"Connecticut and the nation have lost a patriot," Connecticut Gov. John G. Rowland said in a statement Sunday. "Abraham Ribicoff was one of the greatest leaders in Connecticut history. Beyond having served in all three branches of government, he stood for what was right regardless of the personal consequences."

Ribicoff began his career as a state legislator in the Connecticut General Assembly and went on to serve as a municipal judge, a congressman, governor of Connecticut, a member of Kennedy's Cabinet, a member of the United States delegation to the United Nations and, for the last 18 years of his career, a U.S. senator.

As a senator, Ribicoff gained national prominence at the 1968 Democratic National Convention, when he made a blistering speech criticizing Chicago Mayor Richard J. Daley for the strong-arm tactics used to control protesters.

"I don't think anyone involved in politics will forget his speech out in Chicago," Connecticut Democratic Party Chairman Ed Marcus said Sunday. "He certainly left his mark on the political landscape of this country."

* * * * *

Former Connecticut Gov. Lowell P. Weicker Jr., a Republican turned independent, who served with Ribicoff in the Senate, lauded Ribicoff as a man of courage who was never afraid to go out on a limb for what he believed.

"Abe Ribicoff did what he thought was right and the devil take the consequences," Weicker said.

Ribicoff was known as a perfectionist and as one who got along with those in both parties.

His years as governor were marked by reforms of the state's judiciary system, the elimination of county governments and education improvements. He helped win national acclaim for Connecticut when he instituted a program to suspend the driver's licenses of speeders. The program helped decrease highway fatalities.

Ribicoff retired from the Senate in 1981 to join the New York law firm of Kaye, Scholer, Fierman, Hays & Handler, but he didn't stay out of politics entirely and remained a popular adviser to presidents, governors and congressional committees. He chaired a Reagan administration commission on military base closings and testified before a panel on political campaign reform.

Ribicoff clearly enjoyed his status as an elder statesman.

"I've been around the track a lot," he said in a May 1993 interview. "I had the best of the years (in politics) and I don't want a single year back."

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent I be allowed to speak up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SERVICE CONTRIBUTIONS OF MINNESOTA BROADCASTERS

Mr. GRAMS. Mr. President, I rise today to recognize the public interest contributions of the radio and television broadcasters in my home state of Minnesota. As a former broadcaster, I appreciate their efforts in our communities, and their accomplishments should not be overlooked.

Last month, I reflected upon how radio has become an influential medium in the lives of many Americans throughout its 78 years of operation in the United States. As my colleagues know, January was recognized as "National Radio Month." Today, I wanted to highlight in broader terms, the extraordinary influence and unselfish nature of both radio and television broadcasts.

Broadcasts over the 12,200 radio stations in the U.S. serve a variety of purposes. Radio communicates with listeners during time of emergency, informs them of noteworthy community events such as fundraising drives, educates them about developing stories and current events, and entertains during long drives across our states. Americans listen to the radio an average of three hours and twelve minutes on weekdays, and four hours and 42 minutes on weekends.

Similar to the listening power of radio, television has also become a vital part of our daily lives. Since the first television broadcast test in the U.S. took place during the 1920s, this medium has evolved and grown from approximately 36 broadcast television stations in 1948 to more than 1,550 stations across the country today. According to the National Association of Broadcasters, 98 percent of U.S. households currently own television receivers. And television is the main news source for 70 percent of the American public.

Mr. President, many of our country's radio and television stations have participated in public service to their communities, not only out of statutory obligation for the licenses they receive, but because they have become part of their communities' way of life. I am proud of a recent Minnesota Broadcasters Association survey of station executives in which all 16 commercial television stations and 50 percent of the 242 radio stations responded. As impressive as these findings are, I am sure they represent only a microcosm of the public interest contributions of our nation's broadcasters.

I was pleased to learn that radio and television stations across Minnesota raised more than $19.4 million for charities between June 1996 and June 1997, including $65 million in donated air time for Public Service Announcements. The hundreds of public service announcements broadcast each week highlighted such issues as AIDS awareness, disaster relief, safety campaigns, drunk driving, and drug and crime education programs.

Additionally, of those stations surveyed, 100 percent of television stations and 95 percent of radio stations have helped charitable causes or needy individuals through fund-raising and other types of support.

I know my constituents who suffered through the midwest floods of 1997 are grateful to those stations in Minnesota who were involved in local news broadcasts, public service announcements, public affairs programming, and off-air campaigns to aid disaster victims.

A typical example of the Minnesota broadcasters' efforts during last year's spring floods is how Minnesota radio and television stations worked together with their listeners to raise $1.6 million to help and assist the flood victims. These stations also produced a video titled "Beyond the Flood," donating the profits to the hundreds of thousands of Minnesotans who had their lives disrupted by the floods.

Mr. President, the statistics I have cited do not tell the whole story. There have been hundreds of examples of how Minnesota's broadcasters have provided extraordinary local public service to communities around Minnesota.

Additional past noteworthy accomplishments that come to mind include efforts by WJON–AM and its two sister stations in St. Cloud to raise money to buy bulletproof vests for the police departments. Its goal was $50,000, but ultimately raised $75,000. And stations 92 KQRS–FM and 93.7 KEGE–FM in Minneapolis have worked with Minnesota Job Services to set up a free interactive telephone hotline to connect employers with qualified applicants. Amazingly, this service registers 10,000 calls each month.

Finally, some of my colleagues in the Senate have advocated that Congress or the Federal Communications Commission mandate "free" or further discounted air time for political candidates. While I share the concern of many of my colleagues over the decreasing level of voter participation over the last few years, I believe proponents of this idea should more closely examine the level to which broadcasters are already raising the political awareness of the electorate through news coverage and free debate time. In 1996, two-thirds of Minnesota radio stations and four in ten television stations offered free air time to political candidates, with many of those stations actually holding the events.

Many more stations aired a local political affairs program or segment dealing with the local elections, and special segments profiling candidates and their positions on the issues. And nearly all of the stations surveyed appealed to their audiences to vote, whether through public service announcements, public affairs programming or the news. These efforts by Minnesota's broadcasters have helped to restore the people's faith and participation in our democracy.

Through disaster relief efforts, holiday safety initiatives, fund-raising drives, school announcements, public affairs programming, and weather emergency information, Minnesota broadcasters have demonstrated their commitment and dedication to public service.

I am proud to say that in some instances, these efforts have been recognized by the Minnesota Broadcasters Association through their "Media Best Awards" and by the National Association of Broadcasters annual "Crystal Radio Awards."

I applaud the leadership shown by all of Minnesota's stations, and am pleased to have shared their accomplishments with the Senate.

OMB'S STUDY OF THE NORTHEAST DAIRY COMPACT

Mr. GRAMS. Mr. President, I rise today to express concern at the continued efforts of some Members of Congress to use dairy farmers and consumers as vehicles for political manipulation.

Late in the day on Friday, February 12, the Office of Management and Budget released a study requested by Congress which is reported to be an analysis of the economic effects of the Northeast Interstate Dairy Compact. Unfortunately, it appears only to be a masterful work of political manipulation that skillfully avoids answering the core question of what actually is the impact of the Northeast Dairy Compact. As a watered-down compromise, the report sheds little light on the plight of dairy farmers both inside the Compact region and around the nation. Meanwhile, the New England milk tax continues to take its toll on the most vulnerable consumers.

Senator FEINGOLD and I were the authors of the amendment which directed OMB to undertake an unbiased, independent study of the direct and indirect economic effects of the Northeast Interstate Dairy Compact. Did we receive an unbiased study? Hardly. I was informed that Compact supporters had plenty of input. Lacking the same political clout, opponents did not. What the American people have received is a sanitized product of regional politics. It's one more example of this administration's failed dairy policy.

The OMB has made it painfully clear that they had neither the time, data, nor resources to produce a meaningful analysis. This is not a legitimate excuse for producing a report with exorbitant levels of "statistical uncertainty." We attempted to work with OMB in addressing the issue of the inadequate time frame for conducting a meaningful study. At the beginning of the year, OMB asked for my assistance in requesting a time-extension before the release of the report. I worked with them to obtain the short extension they requested, in the interest of not rushing through the project. This was the only time an extension was requested even though I made it clear I would work with them in obtaining further extensions as necessary.

So, why did OMB wait until the week before the initially scheduled release of the study to inform us that not enough time had passed to produce a significant, decisive report? If OMB could see there still was a problem with insufficient data due to the limited time the Compact has been in effect, they should have made a formal request for an extension.

There was no attempt to seek an extension to allow a meaningful study, only a veiled attempt to get this request off their plate—even if it resulted in an inferior product compromising the integrity of OMB. Aren't the best economists in the government at OMB? This study questions that presumption.

The attitude in a staff briefing conducted by OMB three weeks ago was that it did not want this task, and sought to get rid of it as soon as possible. We expect OMB to conduct professional and unbiased studies. Apparently, that is not possible.

Even without a decent report, we all know the Compact hurts consumers. Milk prices have increased an average of 17 cents a gallon throughout New England. Those most adversely impacted include low-income families, children, and elderly residents on fixed incomes.

Over the past year, a number of newspaper articles have appeared in the New England region that have questioned the legitimacy of the Compact. I ask unanimous consent that a sampling of these be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Legislative Gazette, Nov. 3, 1997]

GROUP CONCERNED ABOUT RAISING MILK PRICES

(By Elysia Nest)

Cookies will just have to go without it. And morning coffee just won't be the same.

If Gov. George E. Pataki's newly appointed dairy task force agrees to artificially raise the price of milk to aid the state's ailing dairy farmers this week, low-income families will be hit the hardest, according to John Schnittker, senior economist for Public Voice for Food and Health Policy. Schnittker warned that boosting the price dairy farmers receive for milk will cost the state's consumers $91 million over the next 12 months. That's an increase of 21 cents a gallon.

Also, the organization opposes the possibility of New York joining in the Northeast Interstate Dairy Compact for fear that it would raise prices for consumers without enhancing the long-term viability of small dairy farmers.

The revenue would continue to flow to the largest producers, who would in turn produce more milk, further shutting out the smaller farms. The Compact allows New England to receive a price for milk that is about the price set by the federal dairy program. This price is currently $16.94 per 100 pounds of milk.

Farmers are getting less for their milk. People are paying more. Schnittker sees danger signs ahead.

"The governor's dairy task force should reject attempts to get a quick fix to these problems," he said. "A price increase will harm the pocketbooks and the health of New York. The low-income consumer will be hit the hardest. It robs families of purchasing power. Dollars that are needed for groceries will be spent on milk."

But Rick Zimmerman of the New York Farms Bureau said Public Voice is a front group for dairy farmers. "They are farmer advocates," he said, "not consumer advocates." Zimmerman, however, said there is a short-term answer to the problem.

"This is an opportunity for the governor to institute an emergency price increase for fluid milk that could prove of some assistance." While the length of time that an artificial price increase may be implemented is dictated by state law at 90 days, Zimmerman said it may be just what the state needs to get the dairy farms back on track.

Peter Gregg, spokesman for the Department of Agriculture and Markets, said he has complete faith that the dairy task force will do what needs to be done.

Still, Michele Mitola, director for New York Citizens for a Sound Economy, said an artificial price increase would barely help farmers at all. It would just be another consumer tax increase.

"It is bad enough that the federal government has set prices for milk; to allow the state to artificially raise the price higher amounts to nothing but a tax increase for the state's consumers," she said. "As with any consumption tax, the burden will be greatest on those at the lowest end of the income scale. The governor is trying to sustain an industry on the backs of the state's consumers. This is the equivalent of corporate welfare, and consumers should not be forced by the government to pay above-market process to sustain any industry."

In addition to the financial strain higher prices would cause, Public Voice estimates the loss in purchasing power to New York food stamp recipients under the plan to exceed $11 million over 12 months. Also, New York taxpayers will pay $5 million more for school meal programs.

The assistance plans would also hit the New York metropolitan area hard, since it has a large urban population. Over the next 12 months, the analysis found, downstate residents can expect to pay $49 million in higher milk costs under the plans.

The New York State Public Research Group (NYPIRG) is also concerned. It opposes "over-order" pricing, regardless of whether it is accomplished through administrative action by the Department of Agriculture and Markets or through participation in the Northeast Interstate Dairy Compact.

"There is little reason to believe that an increase in dairy support will provide help to the small family farms that truly in need," said Russ Haven, legislative director for NYPIRG. "If anything, non-targeted assistance in the form of dairy price support will widen the disparity between large and small milk producers.

So while "milk may do a body good," unless the dairy task force can come up with a fair compromise between farmers and consumers, many consumers will just have to go without it.

"If the governor truly wanted to help family farmers without hurting consumers, he would focus more on further lowering their tax burden and removing unnecessary constraints that increase the cost of doing business in the state," said Mitola.

The 14-member dairy task force is expected to meet this week.

[From the Record, Nov. 30, 1997]

CONSUMER GROUPS: LET MARKET SET MILK PRICES

(By Kenneth Lovett)

ALBANY.—If the government sets higher milk prices for farmers, consumers are likely to pay more at the grocery store but New York's small dairies aren't likely to be any better off, two consumer advocacy groups charged yesterday.

"It would be nothing more than a milk tax on consumers," said John M. Schnittker, a senior economist with Public Voice for Food and Health Policy, a Washington, D.C.-based think tank.

Public Voice and New York Citizens for a Sound Economy, a Westchester-based advocacy group, said the industry and consumers would be better off letting the free market set the price of milk.

If really interested in helping small dairies survive, the state should continue to lower the cost of doing business in New York, offer property tax relief for farmers and other direct incentives, they said.

"Sixty years of federal intervention into milk pricing has done nothing but accelerate the trend of fewer farms and smaller farms that have been replaced by larger ones," Schnittker said.

Though declining, agriculture is still New York's and the Mid-Hudson's No. 1 industry.

Dairy farmers have long complained that the federally-set milk prices are too low to offset the steadily increasing cost of running their operations. The wholesale price of milk is about $12 per 100 pounds for New York farmers or $4.50 less than a year ago.

Gov. George Pataki last week formed a task force to develop recommendations to help farmers without hurting consumers.

Among the options being explored is whether the state should temporarily raise milk prices paid to farmers above the federally set rate. By law, New York's agriculture and markets commissioner can increase the rate if petitioned by 35 percent of the state's milk producers.

Another option supported by many farmers is to have New York join the six New England states in the Northeast Interstate Dairy Compact, which would allow them to charge more for their milk. The states now in the compact are receiving $1.31 more per hundred pounds for their milk than New York farmers.

Consumer groups are urging both options be rejected. The study that Public Voice released yesterday predicted raising the price paid to farmers would translate to about 21 cents a gallon more for milk. The average upstate milk price per gallon is now $2.24.

But it's not just consumers who would suffer, he said. The higher prices would encourage larger farms to up production, thus allowing them to benefit significantly more than smaller farmers. According to the study, 53 percent of the revenue taken in from the increase in prices would go to only 18 percent of the producers. For the largest 400 dairies that would mean annual subsidies averaging $45,000 per farm.

But farming interests say the consumer groups are only working to scare people. They say increased milk prices will be one way to make it easier for small farmers to compete.

They also argue that costs to consumers won't necessarily increase just because farmers are paid more.

Rick Zimmerman, New York Farm Bureau director of governmental relations, noted that the price of milk over the past year has not dipped as much as the price paid to farmers.

"It is unfortunate that the general public is being scared by a group that pretends to exist for the best interest of New York consumers," Zimmerman said. "The facts are clear. Public Voice is—merely a front for milk processors who find it in their best interest to keep the farmers milk price as low as possible."

[From the Boston Globe, Dec. 2, 1997]

N.E. MILK TAX HITS NEEDY HARD

(By Kevin G. Honan)

In the last several months consumers throughout New England have seen their milk prices increase an average of 17 cents a gallon. The reason for the increase is the Northeast Interstate Dairy Compact, which sets a minimum price that dairies must pay farmers. The minimum is currently $1.46 a gallon, or 13 percent above the federally set national minimum.

Because of this surcharge on milk prices, New England consumers have paid an extra $16 million for milk since July. Massachusetts consumers were hit hardest, paying $7.4 million of the increase. According to a study by a Washington agricultural policy group, the compact's milk tax will add $32 million to Massachusetts consumers' grocery bills by September 1998.

The compact is designed to protect New England dairy farmers, yet the benefits to the state are minimal, because Massachusetts has only about 350 dairy farmers, less than one-tenth of the New England total. Additionally, Massachusetts consumers will pay almost half of the entire New England milk tax, yet 88 percent of the state's $27 million in milk tax revenues will benefit out-of-state farmers. By next September, membership in the compact will cost Massachusetts consumers more than $90,000 in milk taxes per Massachusetts dairy farmer.

There must be a better way to help farmers in need than a milk tax that places financial stress and unfair burden on hundreds of thousands of working people, especially lower-income families, children, and elderly residents on fixed incomes, who need milk at affordable prices.

At a time when many low-income families are being hurt by severe cuts in food stamp benefits, the compact's milk price increases are especially distressing. The purchase power for food stamp recipients decreased by more than a half-million dollars in the first three months after the compact's decision. Over the coming year, the compact will cost the state's poorest residents more than $1 million in lost purchasing power.

Government programs that provide food benefits for children are also particularly vulnerable. National statistics show that children are the biggest milk consumers. In fact, while children constitute only 29 percent of the U.S. population, they drink 49 percent of all milk sold. In Massachusetts, over the first three months alone, the increased expense for school lunch programs, which provide many children with the one nutritious meal they have each day, was $400,000. By September 1998, the compact will cost school lunch programs statewide almost $2 million.

Massachusetts Commissioner of Agriculture Jay Healy, a member of the Compact Commission, recently proposed an amendment to exempt school lunch programs from the milk tax, but that attempt was rejected by other commission members.

I recognize that the compact's goal is to help subsidize New England dairy farmers, but penalizing the low-income, elderly, and children is not the best method. Increased training and tax relief programs are among the options we should consider. Alternatives to the compact are necessary and could involve initiating lending programs with banks for preferential interest rates to small farmers, or creating tax-relief initiatives on land transfers, so families are not penalized when farms are transferred from one generation to the next.

It is now in the hands of the five Massachusetts members of the Northeast Dairy Compact Commission. At the December compact meeting, the Massachusetts delegation should offer a motion to rescind their previous vote in favor of the milk tax. Low-income families, children, and senior citizens cannot afford to bear this burden.

Mr. GRAMS. Opposition to the Compact is growing among State legislators from the New England area. One State may even be attempting to pull out of the Compact. Those regions with the most to lose are densely populated and have fewer dairy farmers relative to other regions. The result is an effective subsidization by urban consumers.

A milk tax that burdens financially stressed working families—especially those of lower-income, who rely on reasonable and affordable milk—is wrong. It is high time we put an end to partisan, regional politics which block real, long-term, assistance for dairy farmers.

I intend to continue my efforts to oppose the Northeast Dairy Compact. This will include fighting to obtain a comprehensive, informative study on its effects and consequences.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia [Mr. CLELAND] is recognized.

Mr. CLELAND. Mr. President, I ask unanimous consent to speak for 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 1664 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, February 20, 1998, the Federal debt stood at $5,518,340,599,802.18 (Five trillion, five hundred eighteen billion, three hundred forty million, five hundred ninety-nine thousand, eight hundred two dollars and eighteen cents).

One year ago, February 20, 1997, the Federal debt stood at $5,340,668,000,000 (Five trillion, three hundred forty billion, six hundred sixty-eight million).

Twenty-five years ago, February 20, 1973, the Federal debt stood at $452,362,000,000 (Four hundred fifty-two billion, three hundred sixty-two million) which reflects a debt increase of more than $5 trillion—$5,065,978,599,802.18 (Five trillion, sixty-five billion, nine hundred seventy-eight million, five hundred ninety-nine thousand, eight hundred two dollars and eighteen cents) during the past 25 years.

MEDICAL AID TO ETHIOPIA

Mr. ASHCROFT. Mr. President, I rise today to acknowledge and honor the achievement of Assist International, World Serv, the Hewlett Packard Foundation, and the Erie Area Chamber of Commerce in delivering medical aid to the people of Ethiopia. This group of organizations has worked to provide medical equipment to Ethiopia that can save hundreds of lives. This generous gift, valued at over one million dollars, will bring hope and health to many in Ethiopia.

These organizations and the concerned Americans associated with them have demonstrated the true spirit of charity. The group cooperatively has donated a state-of-the-art cardiac heart monitoring unit to the Black Lion Hospital—Ethiopia's leading teaching medical facility. In addition to the cardiac unit—beds, mattresses, and other system support equipment—will be provided.

World Serv and Assist International have a strong history of providing humanitarian aid to relieve human suffering in needy countries. Assist International donated medical equipment to a site in Mongolia which was then approved by the World Health Organization to perform open heart surgery. The Hewlett Packard Foundation donated the medical equipment in the Black Lion Project in its goal to ease human suffering internationally. Finally, the Chamber of Commerce of Erie, PA, has joined together with the other organizations and has raised the funding for transportation, installation, and training costs of this project. Specifically, I commend the Erie Area Chamber of Commerce for this cooperative effort and for holding the third annual "Aid to Africa" banquet to raise funds for humanitarian projects.

The Black Lion project is an example of the compassion and generosity that other countries appreciate and admire in the United States. It gives me great pleasure as the chairman of the Senate Foreign Relations Africa Subcommittee to know that Americans are finding ways within the private sector to aid other countries in Africa. It is my pleasure to ask the members of the Senate to join me in recognizing and honoring the work of the members and staff of Assist International, World Serv, the Hewlett Packard Foundation, and the Erie Area Chamber of Commerce.

JOSEPH CHESHIRE WEBB (1915–1998)

Mr. HELMS. Mr. President, as I speak, the countless friends of Joe Webb have been sadly saying farewell to him at services today in Raleigh and at Saint Matthews Church Cemetery in Hillsborough, Joe's final resting place.

Joseph Cheshire Webb, 83, died this past Friday afternoon after a distinguished career as trust officer for Wachovia Bank and Trust Company in Raleigh—which he had served for decades as head of that bank's trust department.

But it was not merely Joe's able service as a highly respected banker that earned for him the wide circle of friends who were saddened by the news of his passing.

Joe was thoughtful and caring without fail—and his sense of humor made him welcome everywhere he went.

In other words, he was a genuinely good guy, a sincere and honorable friend. His service in the Navy during World War II, his participation in the civic and business life of Raleigh and the State of North Carolina, and the sincerity of his friendly personality earned for him the respect and affection of all who knew him.

To all of us who knew Joe Webb well, he was what the late Senator Dick Russell of Georgia so often referred to as "one of Nature's Noblemen."

I am proud to have been his friend, Mr. President, and, to have him as mine. I shall miss him.

ROGER STEVENS—A GIANT FOR THE PERFORMING ARTS

Mr. KENNEDY. Mr. President, with the death of Roger Stevens earlier this month, the Nation lost one of its greatest leaders in the arts. Roger Stevens was the Founding Chairman and unstoppable visionary for the John F. Kennedy Center for the Performing Arts. Just inside the entrance of the Center is a bust of Roger Stevens with those words inscribed to him.

Roger Stevens was a real estate magnate who loved the excitement, energy and creativity of American theater. During his lifetime, he produced hundreds of plays and musicals, including many of the nation's all-time favorites such as "West Side Story," "Les Miserables," and "Annie."

It was Roger Stevens whose efforts and extraordinary ability created Washington's national cultural center which was later named for my brother, President Kennedy. The Kennedy Center today is truly the house that Roger built, and it is a wonderful living memorial to my brother. It presents the finest in the performing arts on its stages, and it is an extraordinary success. Washingtonians and an estimated million visitors to Washington each year enjoy its performances and educational programs.

In St. Paul's Cathedral in London, there is a tribute to its great architect, Christopher Wren. It says, "If you would see his monument, look around you." The Kennedy Center is a monument to Roger Stevens' too.

I know that my brother would be very proud of the Center which bears his name. All of us who value achievement in the arts treasure the Center's continued pursuit of Roger's dream—that Washington will be a great center for the performing arts and that the Kennedy Center will present the best in plays, symphonies, ballets and operas from across the country and around the world. Roger Stevens made it possible for all of us to share in that dream—and the nation owes him a tremendous debt.

I ask unanimous consent that the tributes to Roger Stevens at a memorial service on February 4 at Oak Street Cemetery Chapel in Georgetown be printed in the RECORD.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

TRIBUTE BY MARTA ISTOMIN

I came to the Kennedy Center in January 1980 and worked closely with Roger Stevens some 10 years and our friendship lasted 'til the end. It was much more than friendship from my part—it was admiration, affection and respect, and the realization of the privilege of being near such an extraordinary personality—from whom I learned so much.

Many have spoken and written about Roger's lifetime achievements. I can only speak first hand about those later years when he was involved in the development of the artistic dream of making the Kennedy Center a genuine National Cultural Center—raising the awareness of what true Art means—as compared to just anything that carries the label of Performing Arts—and we need to know the difference! A Center that would be a place where the best expression and excellence of American Arts would be appreciated and encouraged—while presenting the best from around the world.

At the Kennedy Center—the house that Roger built—there was an incandescent spirit within those walls—not only on the stages but before the performances were ever on stage. The ideas, the preparation, the challenges, the excitement! It was Roger that instilled that spirit. He was a passionate believer and supporter of many projects—not only for the Theater—but for all forms of arts. One of his extraordinary gifts was for recognizing creative talent and for bringing together the best artists. As an example, when he served as first chairman of the National Council on the Arts, he assembled such council members as: Agnes De Mille, Ralph Ellison, John Steinbeck, George Stevens, Sr., Gregory Peck, Oliver Smith, Leonard Bernstein, Isaac Stern, William Pereira, Minoru Yamasaki, David Smith, and Philip Hanes.

This tells us the all encompassing vision he had for culture in America.

I can tell you what working with him was like.

If he believed in you—he gave you full reign to pursue your goals, and, while observing their development one could feel supported and understood. When there was a project that he might not be completely familiar with, he would listen—look at the budget and finally ask: "Do you believe in it? Is it worthwhile for this Center? . . . then, go for it." If there was something that did not succeed, there would be no blame. Let's learn from it and go to the next project.

It was a very personal kind of leadership. He inspired others by his dedication and his intuitive genius in recognizing excellence. Unless he was traveling for fund-raising or scouting for new projects all over the world, he was day and night at the Center—hardly ever missing a performance. His curiosity and thirst for knowledge were constantly fed by extensive reading.

He loved to attend rehearsals. He would drop into every office—asked questions. His memory was prodigious, especially for numbers and budgets. During his era there was no need for long memos, strategy meetings or management meetings. He simply led the way—without too many words. We understood, the work was done, and wonderful programs were given. Everything fell into place. He elicited the best in each of us.

In moments of détente, he would enjoy good laughs, conversation, a glass of good wine, reports on artistic ventures and gossip about artists. He loved to talk to artists, staff, stagehands and volunteers—he would be informed about everything.

Roger radiated a quality that was powerful but benign. The power to make things happen through the humble, plain and complete dedication for his cause.

His generosity was as his commitment—enormous.

My husband Eugene would make him laugh when he mimicked his way of approaching big donors. He would say "Look it." "There is this great project. I'm giving X thousand dollars towards this play-opera. This is important for our Cultural Center, to work for everybody's sake. Will you join me?" And so they did. But it was Roger who gave first, and usually the most, and they followed.

I recall that a beautiful Monet painting, one of the Nymphea Series hung in the living room of the Stevens' home. One day it disappeared. "Where's the Monet?" "I sold it. We needed the money at the Center," without even a sign of regret. That was Roger! That was his extraordinary leadership.

But there is another side of Roger which was perhaps less evident to the public. The personal shining star of his life—Christine. One day I was waiting for him at his office looking at a beautiful picture of Christine that he always had on his desk. I said, "She is truly a beautiful woman." He said, "Oh . . . so beautiful outside and inside," and his eyes filled up as he spoke. Both he and Christine have been missionaries. He was a leading champion for the Arts in America. Christine's mission has been first and foremost the companionship and care of Roger over a whole lifetime and their daughter Christabel. She also embraced humanitarian and humane causes for which she works tirelessly. Because of their example, many have been made aware of how determined dedication can affect our world. They celebrated their wedding anniversaries on New Year's Day and at the celebrations on New Year's Eve at the Kennedy Center, and later on in our home. Christine would always wear a white orchid given to her by Roger. Theirs was a true love story for 60 years.

Roger you will remain in our minds and hearts.

You remain as a shining inspiration for generations to come.

Your life achievements will always be cause for celebration.

And, we loved you!

TRIBUTE BY WILLIAM MCCORMICK BLAIR

I knew Roger for forty-six years. He was a warm and wonderful friend and one of the most decent and honorable people I've ever known.

He is gone now but his long and luminous life has left us with indelible memories.

I had the enormous privilege of working closely with Roger during the Adlai Stevenson years when he was one of our most effective fund-raisers. He didn't change over the years—back then the same unassuming and modest nature, completely without pretense.

Roger used to say to me that if I could block off a luncheon he would produce five or six people, each of whom would contribute $50,000 to the campaign—a significant sum in those days—and produce he did. I remember standing with him in the fields outside Adlai's house in Libertyville and watching the private planes circling like angels before landing to disgorge the contributors. And in New York, when on occasion the networks would refuse to put Adlai on national TV until the money was in hand, we went to Roger, who would invariably say, "Don't worry, I'll take care of it."

The "Don't worry, I'll take care of it" approach carried over to the turbulent years during which the Kennedy Center was constructed. There were difficult times and innumerable provocations, frustrations with architects, contractors, performers, playwrights, etc., to say nothing of endless trips to the Hill seeking funds, but Roger was unfailingly generous, considerate, good humored, and kind—and he made it all work.

I remember his first heart attack—he called me from New York at six or seven in the morning telling me that he knew he had had a heart attack in his apartment, had gotten dressed and walked over to Lenox Hill Hospital, from where he was calling. He asked me to reschedule or take over some meetings, but admonished me not to call Christine, saying it was too early to bother her and that he would call her in an hour. So typically considerate, as always.

Dear Christine, together with your independent spirit, you combined over the years a thoughtfulness, enthusiasm and warmth of friendship which you brought to everyone, and a devotion to Roger so tender, so thoughtful, so full of consideration and kindness that it would be hard to suggest an equal.

Horace Greeley once said, "Fame is a vapor, popularity an accident, riches take wind, and those who cheer today will curse tomorrow. Only one thing endures—character."

And it was his character that was Roger's ultimate strength.

So with unmeasured gratitude we remember the impeccable dignity and integrity that were the hallmarks of his life. For all of us, and particularly for Christine and Christobel, there are those wonderful memories. It is also for the little things we remember as well as the ones the obituaries have been listing, that we send our love back to Roger.

Robert Ingersoll could have had Roger in mind when he said of a friend, "He added to the sum of human joy, and were everyone to whom he did some loving service to bring a blossom to his grave, he would sleep tonight beneath a wilderness of flowers."

TRIBUTE BY SENATOR EDWARD M. KENNEDY

There's a famous saying that all men are dust, but some are gold dust. And that's how we thought of Roger—a golden friend, one of the finest friends our family ever had.

Roger was an easy friend to love. He was a quiet, modest man; but his low-key manner disguised energy, passion and ability of the highest order. These three priceless qualities earned him enormous success in his brilliant career. But even more important, they earned him the enduring respect and genuine affection of the countless people whose lives he touched.

He was well-known for saying very little, and equally well-known for mumbling—a lot. But if you paid close attention, you realized he was talking about "West Side Story" or a thousand other creations that his mind's eye could so clearly see, and the rest of us would come to see in due course as well.

He was pre-eminent in real estate by profession, especially for his legendary purchase and sale of the Empire State Building—Roger never did anything small. But as we all know, his heart and soul were with the theater.

So it was inevitable that Jack and Jackie and Roger would find each other. Frankly, they came together like a magnet. From his first days in public service, Jack had been deeply committed to a leading role for the arts in the nation's life. As my brother said near the end of the 1960 campaign, "There is a connection, hard to explain logically but easy to feel, between achievement in public life and progress in the arts. The Age of Pericles was also the age of Phidias. The Age of Lorenzo de Medici was also the Age of Leonardo da Vinci, the Age of Elizabeth was also the Age of Shakespeare. And the New Frontier for which I campaign in public life can also be a New Frontier for American art."

So it was natural and inevitable that Jack would give Roger the assignment of establishing a national performing arts center here in Washington. Roger was a man after Jack's heart—the difficult you do immediately, the impossible takes a little longer.

Roger simply said, as he always did, "I'll take care of it." And the rest is history—the house that Roger built, a quarter mile from here—the beautiful living memorial to my brother.

In a sense, I inherited Roger from Jack. I often kidded Roger that he was a modern Robin Hood—robbing his friends to support the arts.

His special gift was not just constructing a building, or planning the endless series of hit plays and musicals that bore his special stamp. Roger enriched the entire nation by instilling a higher appreciation across America for the possibilities of artistic achievement. He had a remarkable eye for the best emerging playwrights and the best unknown actors. He gave them a chance and a stage, and he gave the nation a higher level of greatness.

Roger succeeded where others failed because he would never allow himself to be distracted by the mean-spirited. He had a determination that could overcome any obstacle or criticism. He was never burdened, some might add, by any sense of reality, which made him all the more endearing and successful, when many others would have failed.

Above all, it was Roger and Christine together—they brought a new era of grace to Washington and new sense of achievement that reflects the best of the human spirit. We miss you, Roger, and we always will.

Mr. CLELAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDAMENTAL TAX REFORM

Mr. LOTT. Mr. President, I want to talk for just a few minutes about a long-term goal of many Senate Republicans, and I think most Americans. And that is fundamental tax reform.

Our Tax Code contains the accumulation of 85 years of various special interest provisions, and provisions that have just been added through one tax bill or another. And it has become more complicated, more difficult, and more unfair with every passing year.

Since the Federal Government first started taxing Americans' income, the tax beast has grown, and the power of the tax collector along with it. That is why we need IRS reform, and why we will have an IRS reform bill on the floor of the Senate by the end of March so that we can pass it before April 15th of this year. It certainly is overdue. But we have found a lot of the problems that we have suspected really do exist and in many ways are worse than the worst horror stories we have heard.

We now have a system in which the Federal Government takes one dollar out of every five dollars that you earn. And the IRS uses its coercive powers to pry into every aspect of financial life and personal life. It has gotten totally out of control.

The copy of the Tax Code that I have here contains thousands of pages in very small print, and weighs 6½ pounds. How could the average working small businessman, farmer, rancher, or individual be expected to cope with and understand all that is in these two very large volumes?

The IRS has an annual budget now of $7.7 billion. We spend five times more to pay tax auditors to harass hard-working citizens than we spend to clean up Superfund waste sites.

It really doesn't make sense.

It is important that we in Congress admit that we are part of the problem because every time we have good intentions we pass another tax bill that reduces taxes—hopefully, in most instances. But it doesn't make it simpler. In many ways it quite often makes it more complicated.

The Congress writes the tax law. And almost every time we pass a tax bill we make the code more complex, increase the burden on the taxpayer, and make it harder to enforce.

For all of these reasons, America needs fundamental tax reform.

Incremental tax cuts are good. And I hope we can have some this year. And I am glad we were able to take a small step toward reducing the taxpayers' burden last year in the very critical areas of capital gains, estate tax, and families with children.

To go where we really need to go, however, we must force the Congress to act.

To make fundamental tax reform happen, we need a "forcing event," a deadline.

I firmly believe that Congress will never commit itself to replacing the Tax Code with something simpler, flatter, and growth-friendly, unless we create our own deadline.

For that reason, I want to announce today that I will ask Budget Committee Chairman DOMENICI to put a sense-of-the-Senate provision in this year's budget resolution that the current Tax Code should be terminated as of December 31, 2001.

I am also an original cosponsor of Senator HUTCHINSON's bill, S. 1520, The Tax Code Termination Act.

In addition to the sense-of-the-Senate provision in the budget resolution, we will vote on legislation like Senator HUTCHINSON's bill this year.

It creates the deadline to force Washington and the American people to make some hard choices but to make the right choices.

We will then be able to see who is serious about replacing our rat's nest Tax Code, and who wants to defend the current tax system.

I yield the floor, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARKING THE SIXTY-SIXTH BIRTHDAY OF SENATOR EDWARD M. KENNEDY

Mr. BYRD. Mr. President, the Senate has been blessed with the presence of many fine men and women over the past two centuries. Many of the great figures in our country's history played their parts before a Senate backdrop. Names such as Daniel Webster, Henry Clay and John C. Calhoun leap to mind.

I should say, incidentally, that I have been unable to find any piece of legislation, certainly any major piece of legislation, that carries the name of Webster, Clay or Calhoun. They did not achieve their greatness by introducing legislation and by seeing it enacted, but they spoke to the great issues of the day and spoke with fervor and courageously and with great vision.

But there are speakers, thinkers and leaders in more recent times as well, and I think of Robert Taft of Ohio, renowned in his day for his integrity and intelligence; I think of Georgia's erudite, gentlemanly Richard Russell; and of the wise, capable Mike Mansfield from Montana. To these names I would like to add, today, one of my most esteemed colleagues and best friends in the Senate family—EDWARD M. KENNEDY, who, on yesterday, celebrated his 66th birthday.

Oh, to be 66 again!

From my perspective, of course, turning 66 places one in the springtime of one's life. What is truly remarkable about Senator KENNEDY is that, despite his relative youth, he ranks third in seniority in the Senate. Indeed, having begun his senatorial career at the tender age of 30, there is no reason why Senator KENNEDY may not grace this chamber with his presence for another 35 years (although I assure my colleague that, while he may have the upper hand on me in years, I am in no rush to relinquish my seniority to him!).

But Senator KENNEDY's career is not adequately measured in years. Rather, if we are to fairly and truthfully evaluate the career of the senior Senator from Massachusetts, we must reckon with the hard work, the legislative skill, and the undiminished idealism that have been the hallmarks of his Senate tenure. I shall elaborate on each of these points in turn.

I begin with hard work. For, far from relaxing upon his well-deserved laurels, Senator KENNEDY continues to put many of his far younger colleagues to shame with his willingness to put in long hours. I for one have always found it doubly fitting that Senator KENNEDY is the ranking member (and former Chairman) of the Senate Labor Committee. For the Senator is not just a passionate advocate of the causes of working men and women; he is also one of the most industrious members of this body, and a man whose tireless labor continues to inspire others. Senator KENNEDY knows well that, as Thomas Edison pointed out several generations ago, "there is no substitute for hard work," and his success as a legislator owes much to his energy and dedication.

This brings me to my second point: the remarkable legislative acumen of my dear friend from Massachusetts. Senator KENNEDY first ran for the Senate in 1962 under the slogan "He can do more for Massachusetts," and he has certainly more than lived up to those words. Massachusetts and the rest of the country owe a debt of gratitude to Senator KENNEDY. I will not try to recite all of his legislative achievements. Though many may consider me an orator of the old school, I have no intention of delaying the business of this body for the many hours that such a recitation would require. Instead, let me just point out a few of his more recent achievements, such as AmeriCorps, the School-to-Work Opportunity Act, the Family and Medical Leave Act, and the Job Training Partnership Act (and subsequent amendments). Few Senators have been as successful and as skillful as Senator KENNEDY at passing bills. Never content simply to endorse the efforts of his colleagues or to introduce a bill for the sole purpose of providing fodder for a self-serving press release, Senator KENNEDY brings to each of his legislative endeavors the diligence, savvy, and bipartisanship that have made him a great lawmaker.

Finally, I wish to salute Senator KENNEDY's idealism. Throughout his career, Senator KENNEDY has fought for a simple premise: that our society's greatness lies in its ability and willingness to provide for its less fortunate members. Whether striving to increase the minimum wage, to ensure that all children have medical insurance, or to secure open access to higher education, Senator KENNEDY has shown time and time again that he cares deeply for those whose needs greatly exceed their political clout. Unbowed by personal setbacks or by the terrible sorrow that has been visited upon his family time and time again, his idealism burns forth as resolutely and indefatigably as the torch burning over the grave of his brother, President John F. Kennedy.

And so, Mr. President, it gives me great pleasure to wish my good friend and beloved colleague, TED KENNEDY, a happy, healthy 66th birthday.

I yield the floor.

PAYCHECK PROTECTION ACT

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the hour of 3 p.m. having arrived, the Senate will now proceed to the campaign finance reform legislation. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 1663) to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

The Senate proceeded to consider the bill.

Mr. McCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, spring has come early to Washington this year, and the Senate's return to the subject of campaign finance will strengthen the impression that we have already entered the television rerun season. The evening news, I fear, for the next few nights will seem like a replay of events from last fall when two irreconcilable points of view met on the Senate floor and reached a stalemate.

We agreed to try again at some time before March 6, and so, pursuant to that agreement, I have laid down a bill that embodies the most important campaign finance reform of all: paycheck protection. The bill, S. 1663, is at the desk.

It is as simple as this: No one should be forced to make a political contribution. That is pretty elementary, and overwhelmingly Americans, including union members, agree with that. No one should be compelled by a union or a corporation or a Congress to give their hard-earned dollars to a candidate or a campaign. And yet, millions of our fellow Americans are held up like that, not at the point of a gun but through misuse of their union dues.

I am the son of a shipyard worker, a pipefitter, a pipefitter union member, and even, as I understand it, temporarily a union steward. I grew up in a blue-collar family. I grew up with my father going to work in a shipyard, and I am very sympathetic to how they work—the conditions they used to have to work in and the fact that those conditions are better now.

But I know my father would have objected strenuously to his union dues being taken and used for political purposes with which he did not agree. Diverting workers' earnings to campaign coffers of some favorite politicians in some other part of the country, that certainly is a legitimate concern. No matter who does it, we shouldn't be allowing that to happen.

If we are serious about reforming the Nation's campaign finance laws, this is the place to start, by protecting workers' paychecks.

This bill before us, which is largely the work of my colleague from Oklahoma, Senator NICKLES, is the gate through which campaign finance reform must proceed if it is to proceed at all. Whatever our respective views on other aspects of the campaign finance debate, support for paycheck protection is a litmus test of whether we are serious or whether we are credible.

Opponents of paycheck protection have created quite a stir about other problems they perceive with campaign finance reform. They remind me of the overly zealous policeman writing a ticket for a car parked just 3 inches too close to a fire hydrant while a brutal mugging takes place right behind his back. In fact, the workers of America are mugged every time they are forced to contribute to candidates and to causes they do not support.

The bills that have thus far been called "campaign finance reform" would not do a thing about that, but, golly, they would sure write parking tickets.

This Senate over the past 2 years has been able to reach consensus on a lot of difficult issues. It hasn't been easy. We have worked hard reaching consensus, agreeing to welfare reform and last year the budget agreement and tax reductions. It took weeks, it took months, it took sacrifice, it took give and take. That atmosphere has not developed with campaign finance reform. You would think we could reach a consensus, but the consensus is not there yet. Both sides have to want consensus, and a consensus would have to do five things:

First, respect the constitutional rights of every American to engage in the political process as those rights were enunciated by the Supreme Court in Buckley v. Valeo. We don't need less participation by Americans at all stages of life and in all avenues in elections; we need more participation. We shouldn't be trying to restrict their expression; we ought to be encouraging it to take advantage of every opportunity to express themselves and express their views on issues and, yes, on candidates, and not sometime far off removed from an election when people are not paying attention. As a matter of fact, I think one of the things we ought to do is shorten the length of campaigns and compact them if we can, but there is a little problem with that, too. That would be my desire, but how do you do it constitutionally?

Second, encourage greater participation by citizens in the political process.

Third, ensure that any and all contributions to a campaign are absolutely voluntary.

Fourth, restrict the power of Government officials to meddle in campaigns and to intimidate citizens who participate in them.

And fifth, and last, safeguard America's elections from foreign influence.

All of us should be able to rally around those very basic principles, I think. Unfortunately, though, many in this Chamber don't seem to want a consensus. What they want is an advantage, an unfair advantage for some candidates, some special interests, and some contributors, but not for all.

Sure, let's be real honest. Democrats would like to limit contributions from groups that support Republicans, but if you talk about any kind of fair restriction on their supporters, oh, no, that's not fair. They want to tilt the Nation's campaign laws and, in the process, discourage citizen involvement in Government. Their legislation would make it more difficult for Americans to hold accountable their elected officials. That is hardly the way to restore trust in government or respect for those who lead it.

More rules and regulations will not do the job. Our elections are already swamped with rules and regulations. They are so complicated that virtually every congressional campaign now needs a battery of election law attorneys to guard against inadvertent violations.

Every campaign now has to have a CPA to make sure you get all these filings done properly and that you get the addresses and the employment. You better have some good legal advice and you better take every possible precaution to make sure that you are dotting every "i" and crossing every "t," because there are going to be some people who will be pawing through everything you do.

I have voted for some of the campaign finance laws in the past. I voted for the FEC, thinking maybe it would get better, and it has gotten worse. We have been limiting participation. We have been making it more difficult for candidates to be able to raise the money to get their message out, and there are a lot of people I figure who would like to really put elections in the control of the national news media, the national broadcasters, certain limited organizations.

I have said here before, if I were at the mercy of the major newspaper in my State and the biggest television station in my State, I would be trying lawsuits in Pascagoula, MS, and making a lot more money, but I was able to get out and get my message across in spite of the opposition of the establishment, the courthouse gangs, and the news media with their prejudices. I was able to go directly to the people. Would the proposal that we have heard—McCain-Feingold—help that? No. It would cut that off.

All the laws already on the books did not prevent, by the way, the most blatant, the most egregious, the most offensive disregard of the law in the last Presidential campaign. I mean, this idea of "stop me before I do it again," I do not think should sell.

The first thing we should do with our campaigns in America is to comply with the laws on the books. That is where the problem was. The last election, you know, did not have problems because we had people who were doing things that we could stop with this bill; they were violating the law. That is what caused the problem.

Foreign contributions are illegal. Many of the problems that we saw in the last election were illegal. Now some people say, "Well, we've got to stop the efforts of people to help the parties." I thought we were supposed to help the two-party system in America. We should encourage the two-party system. We should encourage parties to get voters to turn out to the polls. We should encourage groups to support candidates of their choice—not discourage it.

The outcome, of course, that we had from the last Presidential campaign was a morass involving everything from Vice Presidential phone calls and Native American casinos to illegal fundraising at religious institutions. All of those things were probably against the law anyway.

When key Democratic fundraisers flee the country to avoid questioning, it is no wonder their beneficiaries would like to change the subject away from the enforcement of current law. But enforcing current law is precisely the way that we should begin the debate on this campaign finance reform issue today.

If current law needs to be streamlined or clarified or simplified, let us do it. But let us do it while encouraging greater participation by more people in politics, and let us do it constitutionally.

The amendment that will be offered by Senator McCAIN and Senator FEINGOLD will take us in the wrong direction, in my opinion, toward more controls, more restrictions, and less accountability. We should go the other way. We should try to replicate on a national scale the spirit of a town meeting in which every person is free to speak, free to complain, and free to hold accountable those in positions of power.

The bill I have presented advances that goal by protecting workers' paychecks against political abuse. Let us agree to do this today and then explore other possible accords. If we can take this one step, this modest step, it could be the one that would break the dam and allow us to do some of the other things that we probably could agree to. But, no, it is said that this is a poison pill—a poison pill—when the American people know it is the right thing to do, when union members support it overwhelmingly, when what we are really talking about is voluntarily agreeing to have your money used.

That is a very American thing we are trying to do, I think. We should stop the confiscation of workers' earnings for the benefit of politicians. Then we can finish campaign finance reform in a true sense and move on to other matters the American people want us to deal with.

Let me just say that we are going to have a full debate on this today, tomorrow, Wednesday; and there will be votes on it as we agreed to last year. But I want to remind my colleagues that after this, we have pending some really important issues, including issues involving education in America, highway construction in America, NATO enlargement, a budget resolution, supplemental appropriations to provide funds for the situations in Bosnia and Iraq, and to make a decision about how to deal with IMF.

We are talking about Internal Revenue Service reform, maybe even some tobacco settlement legislation. All of that, and it has to be done before the end of April. We have a lot of work to do. We have a lot of work to do on issues that people really care about. Education is a perfect example. A decent infrastructure is another example. In my own State of Mississippi, we have gotten an unfair share of the highway funds for 40 years. It is time we changed that.

We should give this debate fair time. And we can do that this week as we promised. But we have a lot of really important issues that we need to take up that will directly affect people's lives in America for years to come. I hope that after a reasonable time, unless we can find some broader consensus that I do not see that would include paycheck equity for workers, then we should move on to other very important issues.

Mr. McCONNELL. Would the leader yield?

Mr. LOTT. I yield to the Senator from Kentucky.

Mr. McCONNELL. I say to my good friend and leader how much I appreciate his leadership on this issue. Your speech was, of course, right on point. We have many important things to accomplish for the people of the United States that they care about deeply. I think the leader was right on point when he made the observation that the last thing we want to do is to diminish the ability of Americans to participate in the political process. So I thank my good friend and leader for his outstanding work on this subject.

Mr. LOTT. I thank the Senator.

I yield the floor, Madam President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Madam President.

I thank the leader for kicking off this debate on campaign finance reform.

PRIVILEGE OF THE FLOOR

Madam President, I ask unanimous consent that the following members of my staff be granted floor privileges for the duration of our debate on campaign finance reform: Mary Murphy, Bob Schiff, Sumner Slichter, Kitty Loos, and Diane Welsh.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, I and the senior Senator from Arizona, the senior Senator from Tennessee, and the Presiding Officer, and many of the rest of us have been looking forward to this moment for a number of months—the return of campaign finance reform to the floor of the U.S. Senate.

This is an important occasion because, when we left the issue last fall, we clearly were in somewhat of a stalemate. Some people wanted more than anything else to say that it, the campaign finance reform debate of the 105th Congress, is over and done with and we will not see it again. They wanted to call a halt to this debate and let us go to the 1998 elections changing absolutely nothing about the current system.

But others, including myself, thought that our consideration last fall of this issue had not been sufficient, that the American people deserved more from this Senate than parliamentary tricks and poison pills, that campaign finance reform is essential to the future of our democracy, and that we cannot afford to once again sweep this problem under the rug.

The sweeping has already begun anew. And it is vigorous sweeping. It is coming in the form, not this time of a poison pill amendment, but a poison pill bill. The underlying bill to which we will have the McCain-Feingold bill attached as an amendment is the same thing as the poison pill amendment. The majority leader made no pretense in this regard. It is simply the antiunion poison pill bill, as if that is the only issue that is involved in the question of campaign finance reform.

The idea that the entirety of campaign finance reform can be summarized in just the question of what happens to union dues is completely untenable. It is an untenable notion to any American that the whole problem with the campaign finance reform system is related only to labor unions.

Surely, that is part of the problem. But what about corporations? What about groups spending incredible amounts of money on ads that are not really issue ads at all; they are just phony campaign ads? What about multimillionaires buying Senate seats? What about all of these things?

I do not think anyone in America really believes that this whole topic is summarized and encapsulated in the mere question of what happens with union dues. It is also incorrect to suggest that the McCain-Feingold bill does not address that issue. It does in fact codify, put into statute, what the U.S. Supreme Court has said ought to be done and what is the law with regard to union dues, and it does so by codifying what is actually said in the so-called Beck decision.

So, Madam President, for all these months, after all this discussion of this issue for well over a year, all that the majority leader's bill does is say: We have to address this problem of union dues. I do not think anyone in America believes that.

We just learned a few hours ago, Madam President, that that was going to be the entire contents of the leader's bill. Over 4 months after we agreed that he would lay down the first bill in the debate and after an entire year of scandals and revelations and accusations and investigations, the entire bill that is before us at the moment consists of one narrow provision—one provision—the so-called Paycheck Protection Act. All this time the Republican leadership has not been able to come up with even one thing about this current campaign finance system that it wants to change other than that—not one—as if nothing else has occurred in the country that might trouble Americans a little bit about how much big money is awash in their system in Washington, DC.

The leader's bill does not even mention disclosure. It says nothing about fundraising on Federal property. It does not say a word about foreign money. It lets the soft money system off the hook entirely.

I guess, from the point of view of the majority leader, all is well in the campaign finance world except for that one question: What about those union dues? Of course, we in effect knew this was his position anyway. The majority leader calls our current system of unlimited contributions in the political parties by corporations and unions and wealthy individuals "the American way."

Frankly, Madam President, although I am not surprised at the proposal, I am disappointed. Although all the pundits have been saying for the past few months that the Republican opponents of McCain-Feingold were just going to try to bring about the same deadlock that we had before, I guess I hoped, without reason, that we might have a real debate here about two different bills, about two different visions, about two different real, comprehensive ideas about how our campaign financing system should work.

McCain-Feingold has been out there now for over 2 years. It has been analyzed and criticized and, of course, vilified in many ways, but at least it is out there. The so-called Snowe-Jeffords amendment has even been out there for the past week in draft form. Already some groups are attacking it. At least they have something to attack. At least the senior Senator from Arizona and I put our bill out there for people to review and consider. And at least Senators SNOWE and JEFFORDS are trying to reach a compromise and are willing to let people have a look at what they are proposing.

But, again, the leadership here has given us nothing new to look at. Instead, all we get is merciless criticism of President Clinton's campaign fundraising for the last year and yet not a hint of a suggestion about how we could have changed that system that both Presidential campaigns abused. In fact, the very things that the leader was just describing as troubling about the President's campaign, in most cases, I think almost everyone would have to concede was legal. The raising of huge amounts of soft money is entirely legal. The leader's bill does not even mention the problem, as if nothing happened in 1996. Apparently the goal is, once again, just to tie this body in knots, not with a poison pill amendment, but now with a poison pill bill, the goal of which is to attack only one player in the system, the labor unions.

Madam President, I did note that one commentator this morning said that campaign finance reform is going to go down again in a prearranged standoff. I remember being told at the beginning of last year the bill would never come up, it was dead on arrival, it would never see the light of day, and certainly that it would never come back this year. But this notion of a prearranged standoff is something that I cannot accept from our point of view.

Well, there is no prearrangement on our side. We are ready to fight for reform, because that is what the American people want us to do. I think we have some reason to hope that we will have the votes to defeat the majority leader's attack on unions if he does in fact bring that up again for an up-or-down vote.

The majority leader is not going to be able to rely on his poison pill bill to defeat campaign finance reform this time. I hope that gives the American people some hope that we can finally achieve meaningful reform this year.

Madam President, a lot has happened in the world and in the country since we last debated this issue last October. Current events and breaking news are always unpredictable and sometimes distract us from the very important task we have at hand.

I want to agree with the leader that there are many other issues that require our earnest attention this year. But my first message today with regard to our priorities is that the allegations here in Washington with regard to certain personal issues and issues involving the White House are serious and they have to be taken seriously. But let us not let one potential scandal become an excuse to ignore an obvious and clear scandal. That clear and proven scandal is the record of the 1996 elections and the virtual destruction of the post-Watergate campaign finance reform. Today, Madam President, we are in grave danger of letting that happen.

Campaign finance reform is a difficult enough topic to get people interested in, anyway. It can be very arcane, and this other alleged scandal which has piqued the public's interest could distract the public and the Senate and end up becoming one of the biggest gifts to the money-driven status quo that has ever occurred.

We have to recommit ourselves to the issue of cleaning up the political money system. That is why we are here today. I think there are two questions we have to answer. First, how is the American political system supposed to work? Whom is it supposed to serve? How one answers both of those questions depends on one's vision of American democracy. One vision, the one I share and I bet most of us share, that this is supposed to be a representative democracy. Our Government, our political process, and a good part of our common social and cultural heritage are all based on the premise that we are all to be treated equally under the law. It says so on the facade of the U.S. Supreme Court Building, "Equal Justice Under Law." It is implied in our Nation's motto, e pluribus unum, "out of many, one." It is clearly the driving principle behind our Constitution and behind this basic concept which has been summarized in the notion of one person, one vote, and the foundation of our whole electoral system.

Madam President, that vision of America and our democracy, a representative democracy, assumes that every American by his or her birthright has an equal role to play in this system. But there is another vision and that is a vision that does away with this notion of equality, "one person, one vote," and replaces it with a system that I have come to see and refer to as "corporate democracy."

Now, what do I mean by that? I want to return again to a story from my younger days, as I mentioned before, because I think it illustrates the difference between representative democracy in one person, one vote, and the notion of a corporate democracy, which is what I think we are becoming. When I was 13, a relative of mine gave me one share of stock in our great Janesville, WI, company, the Parker Pen Company. My relative wanted me to learn something about how our economy worked, and more specifically about how the stock market worked. I think that share was worth about $13. My father told me in addition to owning a stock and getting the massive dividends that $13 share of stock would produce, I also owned a small piece of the company, and therefore, I was entitled to a vote at the company's stockholder meeting.

Now, already at age 13 I was interested in the political process and I sort of equated the idea of a shareholders meeting with voting at an election, so at that age I could hardly wait to get to the shareholders meeting and cast my ballot. I asked my father a follow-up question, "When is the stockholders' meeting? When do I get to cast my vote?" He laughed, and said "I better tell you something, the number of votes you get depends on how many shares you have. It is not one person, one vote. It is how many bucks you have invested in the company." He said, "You don't have the same vote and the same power as everyone else because it is a corporation. It is properly based—because it is a corporation—on how much money you are able to put into the corporation." He said, "You can go to the stockholders meeting, Russ, but your vote won't count for very much."

Needless to say, that dampened my excitement a little bit, but it helped me understand how a corporation works. The people with the largest stake in the business get the most say in how the business operates. That is how it should be. That is how it should be in a corporation. That is the basis of our system.

But that is not, Madam President, the way our democracy should work. We are all supposed to have the same opportunity in the democratic process. Now, some of us may have a larger interest in a particular policy or piece of legislation, but we are all supposed to be vested with an equal share of power in the process by which we appoint people to set policy and to vote on legislation.

Madam President, the current campaign finance system is fueling the transformation of our representative democracy into a corporate democracy, creating a political system that allots power in direct relation to the amount of money an individual or an interest group can contribute.

Let's not completely ignore those hearings that were held earlier last year by the senior Senator and chairman from Tennessee. Remember the testimony of Roger Tamraz who said not only that he had given $300,000 in soft money legally—remember the words of the majority leader, "the problem is only what is illegal"—$300,000, legally to go to a coffee at the White House, but that next time he would do better. He would get into some serious money and contribute, instead, $600,000. He said he felt after his earlier experience that he needed to pay that kind of money to participate, to get access, and in his own words, "to level the playing field" with his competitors. He felt he needed to pay $600,000 so he could have equal share in the political process.

There is a question here of what that means not only for our political system but what does it mean for our free enterprise system? One of the great ironies for me in serving on both the Judiciary Committee where we work for the most part on domestic laws and then working on the Foreign Relations Committee is that we have an opportunity to look at the issue of international bribery.

Under American law, the Foreign Corrupt Practices Act, American business men and women are not allowed, under penalty of law and fines and imprisonment, to give bribes under that law to foreign companies and to foreign countries. But here in America, with a soft money system that is perfectly legal, these same business men and women have become the fall guys of the American political system who are called up and asked to give outrageous sums of soft money so they can enter a particular room to apparently be on a "level playing field" with others who have been pushed to do the same.

Madam President, there has got to be a different vision, a different vision than paying for nights in the Lincoln Bedroom or to have coffee with the President or going down to Florida to have lunch with a distinguished leader of the majority party for $50,000 and having him stand up and look out at the crowd and say this is the "American way."

In case anyone thinks that the motive of the people who give these kinds of soft money contributions is simply public spirited or perhaps that we could regard them as a bunch of people who are trying to buy influence that are constantly being swindled because they are getting nothing for it, you can rest assured that these contributions one way or another do affect public policy.

There have been a number of embarrassing examples. One is the case of the Federal Express Corporation. Another antiunion express carrier provision was inserted in the aviation bill. That provision, Madam President, had been defeated at every turn, at every opportunity, in every committee, on every floor vote, when it had been attempted, in Congress. This provision was supposed to make it more difficult for the employees of the Federal Express Company to organize their union, and the Federal Express Corporation makes no denial about this. In the waning days of the session, the Federal Express Corporation gave each party $100,000 in soft money, and the provision almost within a few hours found its way magically into a conference committee report. After this was jammed through the Congress, the very impressive CEO of FedEx—who I give credit to for his ingenuity in creating FedEx—came to see me and said, "You people in Washington set this game up this way and I will play it and I will play it hard as long as that is the way it is set up." I can't fault him for that. That is the way the system is set up.

Madam President, I think you know, as they say, the rest of the story. We had a UPS strike, and while that strike went on, while the unionized company was in a very difficult position and difficult negotiations, the FedEx Corporation obtained a 10 to 15 percent share of the business that used to go to UPS. That is a very good return for only $200,000 of soft money.

The 1996 Telecommunications Act covered a huge field from cable to cellular service to long distance. There was massive lobbying involved. It was the biggest overhaul of our communications law since 1934, and a Center for Responsive Politics analysis showed that cable companies, local telephone companies, and long distance companies gave more than $12 million in soft money and PAC contributions just during the 1996 election cycle.

When the bill finally passed in February 1996, all these corporate concerns supported it while consumer groups opposed it. There was very, very little in the way of consumer protections in that bill. Today, cable rates continue to go up, and merger mania has hit all parts of the telecommunications industry. We have yet to see any of those proconsumer effects of competition that the corporate donors who so strongly supported the bill had promised us at the time.

One more example, the B–2 bomber. Apparently, the Department of Defense doesn't really want the B–2 bomber anymore. There are questions about its effectiveness, including the possibility that it may not work very well when it gets wet. Yet the Congress added this past year $331 million in this year's bill to keep it going.

Northrup Grumman made $877,000 in PAC contributions and soft money contributions during that 1996 election. Its PAC gave $84,500 to House Members from January 1 to May 31, 1997.

There are other examples. There are many examples, but these are examples

I have had a chance to witness in the last couple of years and they concern me. Lobbyists and other representatives have gotten the message that some members expect contributions from lobbyists if they want to be heard. Some rely on the stick, saying "put up or shut up." Others hold out a carrot, such as those who would write a letter to people inviting them, if they contribute a certain amount of money, to sort of a club atmosphere where they have been promised the rewards of "leadership, friendship, effectiveness and exclusivity" in return for a contribution.

In other words, our democracy has become a huge bazaar for very powerful traders. It is bizarre to watch it played out in the middle of our country's great symbol of democracy. Some of us are willing to fight for reform as long as it takes. Some say this is nothing more than a couple of Senators pretending to be like Sisyphus, pushing a rock up a hill.

But many issues take time. Tax reform has to be done over and over again to make it work. The post-Watergate reforms were difficult to get through but the fact is they worked pretty well for quite a few years. It has been 24 years since Watergate. Thomas Jefferson said there should be a revolution in America every 20 years. That is not such a terrible statement on our system if we have to fix our campaign finance laws every 20 years or less.

Madam President, this is the third year in a row we have made this effort and we will keep fighting for this until we give the American people a campaign finance system that does not turn them away from participating, it doesn't turn them off on participating in our great democracy.

I can't really talk about this issue without paying tribute to my senior partner in this effort, the senior Senator from Arizona, who is really the courageous one here. I am the one who is in the minority. It takes a lot more courage to buck this system for a member of the majority. He initiated our relationship for working together on many reform issues and I am grateful to him for having allowed me the chance to work with him on this issue.

When we got to the point of campaign finance reform after having successfully passed the gift ban and a number of other efforts, it became pretty clear this would be the hardest of all, changing this addiction to money in this town would be the hardest of all. So our bill has gone through several transformations due to political necessity, but it remains a strong and unique bipartisan compromise. It is not the Feingold bill. I tried the Feingold bill and got no cosponsors. That is a good bill, but it involves public financing, and there isn't majority support for that approach.

This was an exercise, instead, in seeing if people of different philosophies could come together and put together the first bipartisan effort of its kind in 11 years. McCain-Feingold in the form presented as an amendment at the next procedural point has several key components. It simply bans these unregulated soft money contributions, these huge contributions that are primarily funneled to the political parties. This is the piece President Clinton focused on correctly and rightly in his State of the Union Address. He said if you vote for McCain-Feingold you are voting against soft money; if you don't, you are supporting the current system.

In our bill, we have the beginning of mechanisms to try to encourage people to voluntarily limit how much they spend, at least of their own personal wealth, in the base bill. We also require much greater and more immediate disclosure of campaign contributions, electronic filing, daily filing of campaign contributions, and a prohibition on accepting contributions from people who have not disclosed their profession.

We heard a lot of opponents of our bill in the last debate talk about the need for prompt and complete disclosure. Madam President, that is exactly what we have in our bill, the strongest disclosure provisions to date. We also strengthen the FEC's enforcement powers, and we clarify and strengthen the ban on raising money on Federal property and on foreign contributions to elections. Now the current McCain-Feingold bill doesn't do everything that I would like to do on campaign finance reform. I don't think it even does everything that the senior Senator from Arizona wants to do. And so if we do have the opportunity as the debate goes on, we will offer the McCain-Feingold challenger amendment.

Our amendment would ask Senate candidates to voluntarily limit their overall spending by getting most of their campaign contributions from their own home State, limiting their PAC fundraising and restricting their spending from their own personal wealth. In return, they would receive the benefit of reduced-cost television time. So we hope to get to that point, and we are optimistic.

We expected fierce opposition to our bill in the past, and we got it. We knew from experience that many Members of the Senate are comfortable with the current campaign finance system and they don't want to change it.

We tried this in 1996 before people really got a good, clean look at this system, and we didn't get terribly far. When we failed to break a filibuster in 1996, the Senator from Arizona turned to me and said, "This thing is going to take a scandal." I said, "John, you're too pessimistic, we'll get it through." Well, he was right and I was wrong.

But we got a scandal. In 1997, we moved this issue much further. After the hearings conducted by the senior Senator from Tennessee and the revelation of many of the things that went on, we got 53 votes on the floor of the Senate; but we still faced a filibuster and a series of arguments that, in my view, can't withstand scrutiny.

I see that the Senator from Tennessee has entered the Chamber as well, and the Senator from Kentucky has risen to speak. At this point I will yield the floor and I will complete my remarks at another point.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Kentucky is recognized.

Mr. McCONNELL. The measure before us today is the Paycheck Protection Act, authored by the distinguished majority leader and the assistant majority leader. The Paycheck Protection Act is predicated on a fundamental tenet of any truly free society—that no person should be forced to support a cause or a candidate.

It is really quite that simple. Thomas Jefferson, perhaps, best enunciated this principle with a characteristic eloquence that we will likely hear often during the course of this debate, and it certainly merits repetition.

Mr. Jefferson observed:

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Sinful and tyrannical as it is, union bosses do it every day. Millions of Americans are on the receiving end of this tyranny as a portion of their paychecks are confiscated and used to advance a political agenda with which many of them disagree. That fact, Mr. President, should not be in dispute.

Ten years have passed since the Supreme Court's Beck decision in which the Court ruled that workers who are forced to pay union dues as a condition of employment cannot be forced to pay dues beyond those necessary for collective bargaining. Yet, most union workers still have no relief. Their unions provide them with little or no information of their rights.

A national survey last year revealed that most union workers are not even aware of their rights under the Beck decision. Even more deplorable, many union workers' efforts to exercise their constitutional rights under Beck have been met with intimidation and with stonewalling. In a telling illustration, a union worker testified before Congress in 1997, just last year, that "almost immediately the lies started: anti-union, scab, freeloader, and religious fanatic were labels ascribed to me," said a union member. That poor fellow had to resort to a lawsuit to get his union dues reduced in accordance with Beck.

The onus, Mr. President, should not be on the workers. It should not be the workers' burden to pursue an after-the-fact refund or to wait until the end of the year and have to jump through hoops to get returned to him or her money that should not have been taken in the first place.

Our friends on the other side of the aisle are understandably alarmed at the prospect of their most powerful, aggressive and well-funded ally losing a significant portion of the political war chest after workers are freed from the compulsory dues tyranny.

Mr. President, we know what happens. Washington State voters, back in 1992, by an overwhelming margin—70 percent, by the way, supported this—approved a referendum to make it illegal for unions to extract dues for political purposes without obtaining prior written approval from union workers. After this emancipation, only 82 of Washington State's public employee union members gave the union permission to take their money for political purposes. Prior to the voters' action, 40,000 Washington State employees had been forced to stand by helplessly as a chunk of their paychecks were confiscated and used without their consent to advance the political causes of the union bosses.

The number of Washington State teachers union members contributing even a modest dollar amount to the union bosses' political fund dropped from 48,000 down to 8,000. Now, all politicians who benefited from the union largess, a largess born of forced contributions, intimidation, and a conspiracy of silence, will understandably tremble at the prospect of losing it.

For them, the sounds of paycheck protection roaring down the legislative tracks must be terrifying indeed. Nationwide, over 80 percent of the American people support a Federal Paycheck Protection Act.

But I am certainly not so naive as to think union workers will see this freedom coming out of Washington, DC, because President Clinton would surely veto it. The union bosses have been so generous to the Clinton-Gore campaigns over the years that the Lincoln Bedroom probably feels like home.

Fortunately for America's union workers, they may well see relief in those States with the referendum process or political leaders less beholden to union bosses than is the President of the United States.

So, Mr. President, there is a lot of action out in the States. Proponents of paycheck protection are heartened by the reception they are getting out in the States. It will be on the ballot in California this June. Californians will have an opportunity to strike a blow for freedom for union workers. Freedom's prospects are quite bright there.

But the union bosses will resist this freedom for the rank and file. The union bosses will fight it with everything at their disposal, including the hundreds of millions of dollars they have amassed for political use from the workers' dues. It is expected that union bosses will spend $20 million or more in California in their quest to defeat this freedom quest for the rank and file.

I am confident that Californians will not be duped by the union bosses and their millions. Paycheck protection rings true to regular folks and not even the most sophisticated, well-funded smear campaign will drown it out.

There is going to be paycheck protection referenda in other States as well, Mr. President. I think there are four or five that are going to be on the ballot this year. There are movements all across America in State legislatures to press forward with bills giving union members these basic, fundamental rights. So to have this kind of measure described as a "poison pill" is amusing indeed.

It is fundamental, Mr. President, that no one in this country ought to be forced to contribute to causes with which they might disagree. So we will press forward with this issue and hope for the best. But it will go forward on a State-by-State basis regardless of what happens here in Washington.

Now, Mr. President, let me just make a few more observations. I see that my friend from Tennessee is here, and I won't delay him too long. I do want to make some observations about the larger question of McCain-Feingold. The whole motive behind this reform agenda for the last 22 years has been a disappointment, Mr. President, in the Supreme Court decision of Buckley v. Valeo, which was, of course, a great victory for the American people. The Court said in the Buckley case that spending is speech. When you first hear that, you sort of scratch your head and say, "Gee, could that be true?" But when you think about it and when you read the decision, it is obviously the case that in a country of 270 million people, unless you can amplify your voice, you don't have much speech. Dan Rather and Tom Brokaw and Peter Jennings have a lot of speech—way more than any of us—because their speech is amplified every night to millions of Americans. But the Court said to put Americans in a straitjacket of spending limits is to say that they are left only with inadequate speech—in other words, a kind of continuing effort to go door-to-door, I guess, to carry your message to more and more Americans.

In fact, the Court said a spending limit would be about like saying you are free to travel, but you can only have $100. How free are you? You are not very free if you can't amplify your voice. The Court said you are going to have a constitutional first amendment right to amplify your voice, either with your own resources or that of others gathered together in a common purpose to advance a particular cause. The cause could be speaking for a candidate, or against a candidate, or advocating an issue, or opposing an issue.

In fact, the whole Court case was crafted in the direction of a wide amount of permissible political discourse in this country. Well, the reformers hated that decision, and they have been coming back and coming back and coming back over the years, and it has had different names in different Congresses. A few years ago it was Boren-Mitchell. Now it is McCain-Feingold. But, fundamentally, the philosophy is the same: What is wrong with the system is that we just don't have enough regulation. We just don't have enough restraint on the voices of all of these Americans who are running around expressing themselves, and we don't like it.

So McCain-Feingold has been constantly changing, and the version we currently have before us is a little bit different from earlier versions. The original version sought to put the Government in charge of the political speech of individuals, groups, candidates, and parties. The current version, which is the same version that was defeated in October, seeks to put the Government in charge of the political speech of parties and groups, leaving aside individuals and leaving aside candidates.

So let me focus just a minute, Mr. President, on the kind of speech that parties and groups engage in. It is said that, because of the scandals of 1996, we should take away from the political parties their ability to function in State and local races. It's called getting rid of soft money. What happened in 1996, Mr. President? As the distinguished majority leader pointed out, and as Senator THOMPSON's hearings have confirmed, we had arguable violations of existing laws; that is, contributions from foreigners, money laundering, and raising money on Federal property. All of that is against the law now. What that cries out for is enforcement of the law.

This bill—McCain-Feingold—doesn't have anything to do with the scandals of 1996. It is a totally different subject. This bill is seeking to restrain, to inhibit, to diminish the voices of American citizens in their effort to participate in the political process through their political parties, or through groups they may belong to.

Now, the courts have had a good deal to say about that, Mr. President. Let me start with the groups. The courts have said that a group or, for that matter, an individual can go out and engage in what's called issue advocacy, without having to ask permission from the Federal Government, without having to register with the Federal Election Commission, or subject itself to the rules that apply to candidates and to parties in Federal elections. The Court has said that as long as you don't say "vote for" or "vote against," you are permitted wide latitude to applaud, condemn, say whatever you want to in the American political process.

There has been a whole line of cases on the question of issue advocacy. The Federal Election Commission doesn't like the law on issue advocacy. It has been pursuing groups over the years and it has lost every single case. In fact, the last case the FEC lost was in the Fourth Circuit, and they not only lost the case, but were required to pay the lawyer's fees of the other side because the FEC just didn't get it. They couldn't read the law.

It is very clear. We don't have the authority here in the Congress to keep people from criticizing us. We don't like it. We love to be able to control the entire election. But we don't own the election. The election is not the property of the candidates, and if people want to criticize us early or late, the courts are not going to allow us to interfere with that.

One of the mutations of this that is developing that we have heard about and read about may be offered by the senior Senator from Maine, Senator SNOWE.

I gather, in addition to trying to change the rules on issue advocacy, that it would also, in proximity to the election, require the group to disclose.

Mr. President, the courts have already spoken on that issue. They spoke on it as early as 1958 on the question of whether you could require a group to disclose their sources of funds or their membership lists as a condition for criticism. In the case of the National Association for the Advancement of Colored People, NAACP v. Alabama in 1958, the court made it very, very clear that it is a real threat to citizens' groups and to their right to band together and express themselves to require them as a condition for expressing themselves that they disclose their membership.

The court said in that case, "Compelled disclosure of membership in an organization engaged in advocacy of particular beliefs" . . . is inappropriate. "Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs."

The court went on to say:

> We think it apparent that compelled disclosure of petitioner's Alabama membership is likely to affect adversely the ability of petitioner and [*463] its members to pursue their collective effort to foster beliefs which they admittedly have the right to advocate, in that it may induce members to withdraw from the Association and dissuade others from joining it because of fear of exposure of their beliefs shown through their associations and of the consequences of this exposure.

In other words, Mr. President, there will probably be another effort here to shut down issue advocacy. Members may argue that we are not really telling them they can't speak; we are just saying they have to disclose if they speak. The courts have already said you can't do that; you can't require people to disclose their membership as a precondition for expressing their beliefs.

So it gets back to the fundamental point: We don't own these elections. Most of us do not like it when some group comes in. Even if they are trying to help us, we usually think they are botching it. We hate all of these voices that are outside of our campaigns and outside of our control. But that is the price you pay for free speech in a democracy—that is the price you pay for free speech in a democracy.

So all of these efforts to try to shut these groups up by forcing them to come under the Federal Election Commission, by forcing them into the hard money camp, by trying to make it difficult for them to express themselves in proximity to an election, there is no court in America that would uphold that. It is so clearly and blatantly unconstitutional that we ought not to do it.

The other entity that the most recent version of McCain-Feingold seeks to shut up are our great political parties. Soft money has become a pejorative term. Let me define it: Soft money is everything that isn't hard money. Hard money, by definition, is money raised and spent in support of Federal candidates. But, as we know, Mr. President, this is a Federal system. The two great national parties—the Democratic National Committee and the Republican National Committee—care who gets elected Governor of Tennessee and who controls the legislature in Tennessee. They may even care who gets to be mayor of Knoxville. They have at times even cared who the county commissioner was going to be in whatever county Knoxville is in. These are national parties. The only way you could eliminate non-Federal money by definition is to federalize everything. So that the Federal Election Commission would then be in charge of the city council races in Nashville.

That is a great step in the right direction—just what we need. The FEC would be the size of the Pentagon with reams of files in every race in America.

The second problem with eliminating non-Federal money is a practical problem. As I have already indicated, you will not be able to constitutionally eliminate issue advocacy from the American political scene. It cannot be done. If we tried to do that, it would be struck down. Maybe. We don't know. Some court could uphold an effort to eliminate so-called soft money for the national parties. I don't know. I doubt it.

But let's assume they would uphold it. Then, Mr. President, the situation would be this: The two great political parties, which exist only for the purpose of electing candidates, would be the only entities in America that could not engage in issue advocacy. Everybody else can—from the AFL-CIO to the Sierra Club to the Chamber of Commerce. Only political parties wouldn't be able to engage in issue advocacy.

So the candidates of those parties would be defenseless when groups hostile or individuals hostile to candidates of their parties came in and engaged in issue advocacy, particularly in proximity to an election. So the parties which exist for no other purpose other than to elect candidates would be restricted in engaging in issue advocacy presumably in defense of the candidates who wore their party label—a perfectly absurd result, Mr. President; a perfectly absurd and undesirable result of a quest to end non-Federal money.

Mr. President, fortunately, the Senate is not going to take that step. There is not a consensus for any of these so-called reforms. Fortunately, there is strong support for the first amendment.

I am glad that our friends in the press believe in the first amendment. They are the practitioners of the first amendment. They have from time to time believed that it only applied to them, which I have always found somewhat amusing.

I started last year asking reporters with whom I discuss this issue whether they have read Buckley. At the beginning of 1997 almost no one had. I am pleased to report that it got better. More and more reporters sat down and struggled their way through the Buckley case, and, all of a sudden, eyes popped open and they began to realize that the first amendment was not the sole prerogative—or property, shall I say—of the fourth estate. It exists for all of us.

I have been perplexed, frankly, at the editorial support around the country for McCain-Feingold. The ACLU has been perplexed, too. I will just read a few observations from a letter of December 29 that they sent out to editorial boards around the country.

The ACLU said:

> We're perplexed. As Washington prepares for another round of campaign finance debate, we are deeply puzzled about why so many—particularly in the media—continue to support campaign finance legislation like the McCain-Feingold bill that is patently unconstitutional, unlikely to pass and doomed to failure in the courts.
>
> Frankly, we're also worried. Polls are beginning to suggest that the media's cavalier disregard for the free speech implications of current campaign finance proposals is encouraging an attitude among the public that could lead to serious damage to freedom of the press. A recent Rasmussen Research survey, for example, found that Americans believe that one of the best ways to clean up campaigns is to restrict newspaper coverage of elections.

Mr. President, I am not advocating that. But imagine the Washington Post calling for spending limits. It makes about as much sense as the Congress saying to the media, "You are free to say whatever you want to but, by the way, your circulation is limited." And I wonder how the Washington Post would feel if the Congress decided it could only have a 5,000 circulation—not saying that Congress can have any impact on what the Washington Post can say—but that we just think the Post is speaking to too broad an audience, and it is spending too much. Obviously, I am being facetious. But it is the same principle. It is the very same principle.

Advocates of spending limits say we are not telling you what to do; we just think you are saying it too much or too many, but your audience is too widespread. We may all snicker about this issue. But, frankly, the public has a lot of skepticism about the press.

I am looking at an article by Richard Harwood in the Washington Post from last October referring to a study of public opinion commissioned in 1990 by the American Society of Newspaper Editors. It is part of the observance of the 200th anniversary of the Bill of Rights. Dick Harwood points out that a Lou Harris survey for that group more recently had some, as he put it, "depressing findings." This is Harwood's observation about the Lou Harris poll of the American people. He said:

> If they had their way, "the people"—meaning a majority of adults—would not allow journalists to practice their trade without first obtaining, as lawyers and doctors must license. Whether the preferred licensing authority would be the government or some other credentialing agency is not clear.

That was the majority view of the American public with regard to the licensing of the media.

Number two, referring to the survey:

> They would confer on judges the power to impose fines on publishers and broadcasters for "inaccurate and biased reporting" and would liberalize libel laws to make it easier for plaintiffs to win judgments against the press.

This is the majority view of the American people now. Third:

> They would empower government entities to monitor the work of journalists for fairness and compel us to "give equal coverage to all sides of a controversial issue." They also favor the creation of local and national news councils to investigate complaints against the press and issue corrections" of erroneous news reports.

That is the view of the American public, Mr. President.

Also, from this Rasmussen Research study, that I referred to earlier, there is a release from this institute of October 2, 1997, which has an interesting finding. It says:

> Most Americans think that friendly reporters are more important to a successful political campaign than money, according to a Rasmussen Research survey of 1,000 adults. By a 3-to-1 margin (61% to 19%) Americans believe that if reporters like one candidate more than another, that candidate is likely to win—even if the other candidate raised more money in the campaign.

Further:

> Americans are also generally suspicious of reporters. More than seven-out-of-ten registered voters believe that the personal biases of reporters affect their coverage of stories, issues, and campaigns.

I cite this somewhat tongue and cheek to make the point that the first amendment applies to all of us. Just because the American public is skeptical of the press and its motivations doesn't mean that we want to restrict the press. By the same token, Mr. President, it is astonishing to find so many editorial boards around the country that do not understand that the first amendment doesn't just apply to the press. It applies to all of us.

So, Mr. President, when all is said and done and this debate is ended, the Constitution will still be intact and the ability of individuals, groups, candidates, and parties who participate in the American political process without regulation or interference by the Government will be preserved.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent to allow a member of my staff, Melissa Figge, to have privileges of the floor during the duration of this debate on campaign finance reform.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Thank you, Mr. President.

Mr. President, during a 3-month period, the Governmental Affairs Committee saw examples of clear violations of the law—money laundering, foreign campaign contributions, violations of the Hatch Act, possible sale of influence. These are simple, flat-out legal violations which require little debate or delay in terms of prosecuting the appropriate individuals. There has been considerable delay, however, but at least we now see three indictments and the request for one special council coming totally or in part from our committee activities. One would assume that several more are imminent, judging from the record laid out before our committee.

There is another category of matters which up until 1996 were also considered to be violations of the law by most people—using the White House for fundraising purposes, a Presidential candidate actually controlling the expenditure of millions of dollars of soft money for TV ads containing electioneering messages placed specifically to advance his reelection prospects.

I say "considered to be violations until recently" because the Attorney General and Justice Department apparently now take the position that these activities are legal for the final time. Although I believe that these are erroneous interpretations of the law, supported by neither the law or logic, the result is to give new arguments to those who would seek to circumvent the clear intent of the law. This along with court decisions, Federal Election Commission interpretations of the law, and piecemeal Congressional amendments has resulted in a campaign finance system that is in shambles. The loopholes are now bigger than the law and there are now effectively no limits on big corporate, big labor, big individual monies flowing into our political campaigns—a situation that Congress has said we do not want for almost a hundred years.

And if people think the 1996 campaign set new records for the big money scramble, they only have to wait until the next election cycle, and especially the next Presidential race. At least the last time there was some concern among the candidates, and even the Clinton-Gore campaign, as to how far they could go in pushing the limits. Now that everyone has seen that the Justice Department is apparently willing to bless the most egregious of this activity and refuse to request the appointment of an independent counsel for what the Courts and FEC consider to be illegal activity, there will be no such hesitancy next time.

And the Clinton-Gore example will be picked up and followed in the Senate and House races, one can only assume. Under the Attorney General's interpretation, I can see nothing wrong with a Congressional candidate raising unlimited amounts of soft money for use in TV ads praising the candidate or denigrating his opponent, so long as the ads do not contain the magic words of "vote for" or "vote against" a particular candidate.

Congress must decide whether or not we are going to pass on this patchwork, swiss cheese system, which goes against the clear intent of Congress the last time they addressed these issues. If so then the implicit message will be that we are no longer concerned about the appearance of corruption; that we think that millions of dollars from companies, unions and individuals who are trying to get us to pass legislation is okay with the American people. I don't think it is and I don't think that is what we want to say.

The McCain-Feingold bill addresses the worst of these problems. Also, many of my colleagues have amendments which would greatly improve our current situation, although they may never see the light of day.

However, I would urge that we don't get so caught up in the details of a particular piece of legislation that we are oblivious to the fact that we are going to have to comprehensively address money in our political system eventually. We haven't really done it in 20 years and it shows. In many other areas we see that after a period of time laws that have been passed have resulted in unintended consequences, and there are court decisions and there are administrative rulings to point out weaknesses in the legislation and sometimes they go contrary to congressional intent and we conclude that we need to address the law again. That is clearly what we are going to have to do with regard to campaign finance legislation.

It's important for us to understand how we got to where we are today. In 1907, Congress banned corporate contributions. In 1943, Congress banned labor union contributions. Congress comprehensively addressed how we finance our federal political campaigns in 1972 and 1974. Again, Congress was specifically concerned with the extent to which corporations, union, and individuals should be allowed to contribute to political candidates. Individuals were limited to $1,000 per election and limited to $25,000 in total annual contributions—$20,000 of this could go to party committees. Corporations and labor unions were strictly forbidden involvement in the federal campaign process, outside of $20,000 per election per candidate political action committee contributions. The underlying justification for allowing political action committees was to provide a mechanism to facilitate voluntary contributions from individual union members, corporate stockholders, and their administrative personnel.

In 1972 and 1974 limitations were placed on expenditures but all of them were either repealed or deemed unconstitutional with the Buckley versus Valeo decision in 1976, except for the restrictions on party committees and publicly funded Presidential candidates. And the contribution limits were upheld. So we have been talking about Buckley v. Valeo. The Senator from Kentucky rightly pointed out that in Buckley the Court struck down most of the limits on expenditures. The Court did not strike down the limits on contributions because the Court recognized that, historically, governments of all kinds have been concerned with the amounts of big money that could be given to politicians who were in charge of public policy. And, as I said, Congress has been concerned about that since 1907. This is not a new concern or a new issue.

Also, Congress eliminated private contributions to Presidential general election campaigns altogether for those who opted into the Presidential public financing program that was established. So for the last 25 years or so, Presidential nominees, who were willing to certify that they would not raise and spend additional funds, were given millions of dollars of tax payers money to fund their campaigns. That has been our system. Again, as with the idea of limiting corporate, union, and large individual contributions, the idea was to cut down on the corrupting influence or appearance of corruption of large sums of private money being given to Presidential candidates, or maybe Presidents who were already in office. Congress also believed this legislation would have the added benefit of pulling presidential candidates out of the fundraising chase, and instead allow them time to focus on issues and not so much on the money behind factions supporting those issues. So, for a long time, Mr. President—we talk about the Government being in charge and we don't want to put the Government in charge—for a long time in this country, many Members of this same body and many Members from both sides of the political spectrum, enough to get these laws passed for almost a century, the Government has been involved. I am not a big one for having the Government involved in a lot of things, but many of us have come to the conclusion that how we elect our Federal officers, how we elect our Federal officials, is one of those things that is legitimately the business of the Federal Government. And the Federal Government, and this Congress, has passed on specific contribution limitations in times past because of this notion that we need to kind of watch that carefully, because if you go out here in the private world and you see people in positions of decisionmaking receiving money from the people whom they are making the decision with regard to, that could be a problem. It is just kind of basic common sense. And the idea that the Government has kind of been oblivious to this and not involved in this for some time is really an invalid concept.

For 25 years, the system that I have just described has worked pretty well. There hasn't been a major Presidential scandal. People talk about public financing. We are clearly not talking about public financing here. But on the Presidential level, many people may not realize it but we have had public financing for a long time, and it has been scandal free. It has operated about as well for incumbents as it has challengers. It has been more of a level playing field, people have opted into it, and it has worked pretty well. All the TV advertisements were paid for within this system. With all of this money that was raised within this system, with these limitations placed on them, people managed to buy television ads and have pretty decent television campaigns—with this money, we call it hard money now, but the money within the system that was carefully thought out and allowed to be given to those of us in political office—because they were reasonable amounts and it didn't feel like they were large enough to have any influence on us, is what it boils down to.

However, things began to happen in the 1970s, with later more significant developments in the 1990s, that have totally transformed that system that Congress set up.

There was concern in Congress, for example, that there be adequate funding for grassroots political activities. We are all concerned about that. So, in the late 1970's, Congress amended the campaign laws and the FEC interpreted those amendments to allow national parties to send unlimited amounts, but for voter registration, voter turnout, and so forth, without these moneys counting against the limitations placed on party expenditures. Buckley, by the way, said that you could place limitations on party expenditures. That was one of the expenditure areas that Buckley said it was right and proper for Congress to place limitations on. We have limitations on party expenditures today.

Congress and the FEC also allowed part of these expenditures to be funded with money that might be referred to as "outside the system"—outside the system that we have just been discussing, the $1,000/$5,000 limitation system that we have just been discussing. We now call this other money outside the system soft money—unlimited moneys; no limitation on these moneys from corporations, labor unions, individuals.

In 1991, now, moving along, the FEC—this is the Federal Election Commission, as we all know—decided that national parties could fund 35 percent of their generic voter-drive cost from soft money and 40 percent in an election year. So, now the soft money race was on. So now, we see, we were concerned about local grassroots participation. We let the parties send in more unlimited money for that purpose. Then we said OK, we can send some soft money in that you don't have to worry about limitations on, for that particular purpose. So the soft money drive was on and the public learned, in 1992, that the major party committees raised more than $83 million in soft money, which was 4 times the amount of soft money estimated to have been spent by the parties in 1984.

In 1996 the explosion in soft money continued. Soft money receipts by the Republican National Party committees increased 178 percent over 1992, to $138 million; while Democratic Party committee receipts of soft money increased 242 percent over 1992 levels to $123 million. It is almost enough to make you long for the good old days back when many people were concerned about $5,000 PAC contributions. PACs were considered to be our greatest potential problem, not too long ago by many people.

So, naturally with all this new money on hand there was a tremendous desire by people in the political system to marry up that money with the largest expenditure that we were all beginning to incur at that time, and of course that's television advertising. So, in the summer of 1995, Dick Morris fervently believed television advertisements comparing the President with the Republican Congress were keys to the President's reelection. He encouraged the President to opt out of the public financing program in order to run expensive TV ads that he felt were absolutely necessary. Because he understood at the time, under the public system, if you took the public money but you couldn't go out here and raise all this money on the side, all this soft money to run these additional programs—he said, "Mr. President, I wish you just wouldn't take the public money so we can have unlimited expenditures." The President decided to take the money and figure out a way to get the unlimited expenditures anyway. He told Mr. Morris to come back with plan B.

So, luckily for Mr. Morris, plan B was outlined for him in an advisory opinion, once again issued by the FEC. We talk about not putting the Government in this. The Government has been in this up to its eyebrows almost from the very beginning. Congress has been involved in it. Congress set up the Federal Election Commission. The Federal Election Commission comes with all these advisory opinions. They said you can use so much soft money for this, so much hard money for that, so many percentages for this purpose, so many percentages for the other purpose—that is the system we have now. The campaign finance reform bill would almost be a deregulation bill. This is not adding additional regulations on top of anything. This is doing away with some of this Rube Goldberg system that we have now.

So, continuing on with this pattern, the FEC comes in again and, in August of 1995, they issued an opinion and, despite an attempt to use careful language, the clear result of this advisory opinion was to place the FEC stamp of approval for the first time on the use of soft money by national party committees to pay for broadcast media advertisements that directly reference Federal candidates. So, by lumping this candidate-specific but issue-based TV advertising with grassroots activity which, as we discussed a moment ago, was encouraged by the 1979 amendment, the FEC handed Mr. Morris his plan B on a silver, soft-money platter.

The DNC and the Clinton-Gore campaign seized on the opportunity to use the FEC's hard/soft allocation regulations to run TV ads, using the 40 percent soft money. The first ones began running in October of 1995, shortly after this opinion was rendered. And so there we go.

However, it is very important to note that the rules still prohibited soft money electioneering messages and coordination between the candidate and the committee.

So, in summary, the national party could now spend soft money for a portion of its State-based party building, and it could directly spend soft money for a portion of its issue advocacy, or it could transfer soft money to the State parties.

Again, this is the system we have today. Does this sound like a simple free-enterprise system that we are trying to somehow improperly mess with? This is the hopelessly complex, as we will see in a minute, ridiculous system that we have allowed to be created under our very noses.

However, again, under the FEC rulings and court decisions, it should be noted that none of this soft money was supposed to go for activities that were to be coordinated with individual candidates. Nevertheless, by now the system had been haphazardly and without premeditation transformed from one which limited big money for Federal candidates into an attractive opportunity for anyone willing to push the soft money game to its next level and past what the law allowed.

The Clinton-Gore campaign was willing. Briefly stated, their campaign circumvented the DNC's coordinated limit and used approximately $44 million in national committee soft money to their candidates' advantage through electioneering messages that they claimed to be "issue advertisements," all the while certifying under our Presidential system, that they would not spend more than the public funding system was giving them. They were receiving the taxpayer funding all at the same time they were raising the $44 million outside the system.

The President and the Vice President personally raised a lot of this money, putting them right back into the campaign fundraising chase that Congress specifically intended the campaign laws to put them above. The President personally reviewed and edited TV commercial scripts that the soft money went for and helped make the decision as to where the ads would be run. Again, soft money is not permitted to go to support individual candidates, and it is not supposed to be coordinated or directed by those candidates. Nevertheless, the Attorney General, through her opinion on this matter, permits this abuse, and we can fasten our seatbelts for the next elections unless we make some changes.

The second large area that was exploited in the 1996 election cycle had to do with the transfer of large amounts of soft money from the national party to the State parties, which in turn would be directed by the national parties as to how to use the funds for national party purposes. In other words, the national party is just using the State parties as a passthrough.

Under FEC rules, the amount of permissible soft money expenditures by State parties depends on the ratio of Federal to non-Federal candidates that is on the State's November ballot. For example, if there are two Federal races, say a Presidential and a congressional race, and eight non-Federal local races, the State party can pay for 80 percent of their generic activities with soft dollars.

Again, this is the simple, deregulated system that we have today.

Given that hard dollars raised in $1,000 increments are more difficult to raise, this gives an incentive to have the State party pay for as many activities as possible using soft money. In other words, now they have a system all contorted so that States can use more soft money than the Federal can, so you game the Federal system as much as you can through the party committee. The President raises the soft money, runs it through the DNC and spends the soft money additionally to what he is allowed to spend through the public financing. Then you go to the States, and because the States can use more soft money than you can, you run the rest of it through the States and have the States run the same ads that you are running at the Federal level for the same purpose, of reelecting the President. Now, that is the system that we have today.

So to take advantage of the system, the national party committees began transferring soft money to State party committees to utilize their higher soft-money allowance.

In the crucial 1995 pre-election year, according to the FEC reports, the DNC transferred almost $11.4 million of soft money to State parties, followed by another $6.4 million in the first quarter of 1996. The RNC shifted a little over $2.4 million to the States in about that same period of time. Ultimately, the DNC quietly transferred at least $32 million, and perhaps as much as $64 million by some estimates, to State Democratic Party committees in the 1996 election cycle. Of course, much of this money was used for television commercials.

This transfer allowed, of course, the State party committees to use national party soft money in areas to help their Federal election goals more than if the national committee had made the expenditures directly. The DNC, on its own, would have had to purchase the same air time under the guidelines requiring a high percentage of hard dollars.

Our hearings demonstrated that on some occasions, the very same ad would be run by both the national party and the State party, all created by the DNC Clinton-Gore consultants, Squier, Knapp & Ochs. Reports of the receipts and expenditures of a dozen State Democratic parties from July 1, 1995, to March 31, 1996, indicate the

State entities operated as a little more than passthroughs for the DNC to pay for the production and broadcasting of ads by the Squier firm. The Squier firm, of course, was in the White House consulting with the President, was the paid media consultant for the DNC, for the Clinton-Gore campaign and, at the same time, was running these ads and creating these ads for these State parties, and, in many cases, they were the same ads. As we see, the DNC and Clinton-Gore campaign found a way to use the big corporate, union and individual soft money they could raise for the direct benefit of their own campaign. They could actually raise the soft money from the DNC, which would, in turn, spend it as they were directed by the Clinton-Gore campaign in order to benefit the national campaign.

So it was all an obvious ruse to anybody who took a look at it, but it could work in a world where the FEC might take 4 or 5 years to impose a modest fine and where the Attorney General was willing to adopt a tortured Clinton-Gore legal defense theory in order to justify such actions.

Of course, labor unions and 501(c)(4) tax-exempt independent groups supporting both parties have kept apace of these new developments. They, too, now systematically run ads supporting or targeting specific candidates while often coordinating their activities with the candidate they support as well as with each other.

As with the national parties, they claim the ads they run are "issue ads" and, therefore, can't be regulated. Sometimes they are and sometimes maybe they are not. We have to decide that on an individual fact-by-fact basis. However, they take the position that, in most cases, they are not coordinating factual issues. But if they are coordinated with the candidate, it is considered to be a contribution to the candidate, according to Buckley.

Buckley has been quoted, of course, as limiting the regulation that Congress can place on expenditures, but in the Buckley decision, it says, if you set up a kind of a sham deal where you are supposed to be making these independent expenditures but you are really doing it at the direction of the candidate, that is not independent and that is considered a contribution to the candidate. The FEC has, in many cases, supported that proposition.

There is nothing in the court cases that would indicate that that is proper. In fact, quite the contrary. In fact, the FEC takes the position that even issue ads which are coordinated are illegal. National parties and independent groups seem to be taking the position that, "We didn't coordinate, but if we did, it may be legal anyway." But the DNC and the Clinton-Gore campaign kind of stand alone on that issue because their soft-money expenditures were coordinated and directed by the President so openly and clearly and blatantly that they had no choice but to just adopt the idea, in the face of court decisions and in the face of FEC rulings, that it was still legal and proper, and the Attorney General has gone along with them on it.

As I said, Buckley addressed the problems of would-be contributors avoiding the contribution limits by the simple expedient of paying directly for media advertisements for a candidate when the expenditures were controlled by or coordinated with the candidate. Buckley stated—and this is a quotation from the much-quoted Buckley—". . . such controlled and coordinated expenditures are treated as contributions rather than expenditures under the Act's contributions ceilings [And this]. . . prevents attempts to circumvent the Act through prearranged or coordinated expenditures amounting to disguised contributions. . . ."

That is the Buckley decision. But, of course, in the present environment, it prevents no such thing. Buckley says legally it prevents it. Practically we see that it does not.

It certainly makes no difference that the person who wants to purchase the TV ads runs his contributions through the political parties instead of directly. The potential corrupting influence that people have been concerned with for many, many years in this country and others is there anyway. Nevertheless, the Attorney General seems to have adopted the Clinton-Gore campaign argument.

The Attorney General's position will have many ramifications, Mr. President. Her position is based on the idea that soft money contributions are not "contributions" within the definition of the act, and she thinks since soft-money contributions really don't fall within that definition of contributions, then they are not regulated, so that you can have unlimited soft money over here, but we won't call them contributions, so they are not regulated.

Well, if that blanket position is true, then foreign soft-money contributions are not illegal either, because they came under the same definition. If soft-money contributions of any kind are not really contributions as defined by the act, then that is going to apply to domestic or foreign. Under her interpretation, you could have unlimited amounts of foreign money brought in and put by a political campaign into a soft-money account and used for so-called issue ads, and it would be perfectly legal.

These are the things we are going to see in the next election cycle.

If Congress does not want to be bound by this absurd interpretation, then we are going to have to act. So, in summary, we see that the 1996 elections produced some clear violations of the criminal law, and Congress' job in this area is to exercise oversight over the Justice Department to make sure the laws are enforced. We need no changes in the law with regard to these matters.

However, we also see that because of the way in which soft money, issue advocacy and coordination are being used and allowed to be used, as a practical matter, we are left with no campaign finance system at all, and we must decide if that is really what we want.

Because all these loopholes have been opened up now, contrary to our original intent, we find ourselves with a situation where we weren't the ones who opened up the barn door, but all the horses are rapidly leaving. Do we want to fix it or do we want to take advantage of it, because it essentially helps all incumbents, and we go through this exercise every so often and get a pretty good vote, but not quite enough, and now we can have our cake and eat it, too.

If we had come to this floor and passed a piece of legislation that allowed the current system, they would have laughed us out of town, and nobody here would have had the courage to do it.

So the question is whether or not, if we find ourselves with it, we are going to take advantage of it because it benefits an incumbent. Some would welcome this turn of events. Some honestly believe there is not enough money in our political system and that large corporations, unions and others should be allowed to make unlimited contributions to candidates.

I believe that those who hold this opinion have won the day so far, because I think that is exactly where we are now. And I think it is tragic, and I believe that those of us in both parties who support such a system because we think it might be beneficial to us as incumbents in some way are being very shortsighted, because I believe that no system that requires us or allows us as elected officials, including the President of the United States, to spend so much time raising so much money from so many people who have interests before us that we are passing legislation on, no such system will be allowed to survive indefinitely.

Where does such a system leave the average citizen with his or her $100 contribution? Is there any doubt as to why the more money we raise the fewer people vote?

Throughout history, people have recognized the inherent problems associated with large amounts of money going to those who make public policy. It does not require a very smart person to see the inherent problem with that. Nineteen centuries ago, the historian Plutarch thought that that was, more than anything else, what brought down the Roman Republic. Seven centuries ago, the Venetians imposed strict limitations on what could be given public officials. If the donors had favors to ask, they were not allowed to give anything.

Political influence money brought down the entire political systems in Japan and Italy. We have had our own money scandals—the corporate influence-buying scandals at the end of the last century as well as the Watergate campaign finance scandal that in large part caused the legislation of 1974. So we do not have to look very far to see the relevant historical precedence of what we are dealing with.

It is unlikely that we have recently abridged the laws of human nature or the corrupting influence of power or what people are willing to do to get it. In fact, that is what the 1996 scandals are all about.

When you add all of this history, the fact that we now have spent—last time—$2.7 billion on our national elections, with all this amount of money involved, it is a virtual certainty we will have another major scandal in the not too distant future if we do nothing.

There are some who would try to convince those of us who are somewhat new to these hallowed halls that campaign finance reform is somehow not conservative or it is anti-Republican.

Well, I believe that the best witness on that is Mr. Republican himself, Barry Goldwater. In testifying before Congress in 1983, he said that big money "eats at the heart of the democratic process. It feeds the growth of special interest groups created solely to channel money into political campaigns. It creates the impression that every candidate is bought and owned by the biggest givers. And it causes elected officials to devote more time to raising money than to their public duties. If present trends continue, voter participation will drop significantly"—sound familiar?—"public respect will fall into an all-time low"—sound familiar?—"political campaigns will be controlled by slick packaging artists"—sound familiar?—"and neglect of public duties by absentee officials will undermine government operations."

Now, that is the man that we call "Mr. Republican." Reading his "Conscience of a Conservative" as a college student had a lot to do with my becoming a Republican. And I do not think anybody ever accused Barry Goldwater of being an enemy of the first amendment.

I would ask those who are rightfully concerned about maintaining the authority of Congress in our system of checks and balances, those of us who criticize the courts—and I am one of them—and who criticize our Federal agencies—and I am one of them—if we really want the way we elect the highest officials in our Federal system to be determined not by Congress but by the courts, and by the Federal Election Commission, and by the Attorney General, and by those running for office who have the most audacity.

So while McCain-Feingold may achieve its predicted fate again this year—and maybe not—we need to realize that this overall issue is going to continue to stare Congress in the face. And as the next campaign makes the last one look like child's play, we are going to have to ultimately decide in this body, is this what we really want? And since it involves the very fundamentals of our democracy, don't we have an obligation to deal with it?

Thank you, Mr. President. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, before the Senator from Tennessee leaves the floor, I would like to ask him a question and make a comment about his remarks.

I believe I heard the Senator from Tennessee predict that there would be more scandals associated with the present system. Did I hear him right? And what form will they be in? And how serious?

Mr. THOMPSON. Absolutely, I would say to my friend from Arizona. Nobody ever knows for sure what is going to happen, but if the past is prologue, we have seen throughout history and in our own recent history, and certainly in the history of Europe, that when the money gets out of hand, the scandals come.

And we have gone from a system now where we were arguing whether it should be a $1,000 limitation per individual or a little more or little less or whether it should be a $5,000 PAC limitation or not, and a big controversy whether that had a corrupting influence, to where now, instead of soliciting those amounts, we are soliciting $250,000 from these large entities.

So if the past has brought those kinds of political problems and legal problems to us, I think we can almost rest assured that in the future, with those amounts involved, that we will have the same thing.

As I said, I do not think that we have abridged the laws of human nature over the last few years. And I suppose that Lord Acton's admonition about the corrupting influence of power is still very much alive and well and with us.

So I say to my friend, I regret to say it, but I know that you predicted it would take another one to get anybody's attention on this issue. Now we have had one. Your prediction has come true. I am afraid that I am just following up with the next prediction.

Mr. McCAIN. Could I ask the Senator also, in light of the literally thousands of hours that he has spent on this issue in the last year, is there any remaining restraint on campaign contributions? Is there any remaining law, rule, or regulation that, if someone is serious enough, that they can inject not as much money as they wish into any political campaign?

Mr. THOMPSON. As a practical matter, I think there are no restraints. I think under the present situation, with the FEC interpretations that have come down, with the Attorney General decisions and opinions that she has made, I literally think that you could call up someone, if you knew someone in Russia or China or Brazil, or wherever you wanted to—or California for that matter—get them to send a suitcase full of a million dollars cash, launder it, if you needed to, put it into a soft money account, and as long as you used issue ads and did not say "vote for" or "vote against" under this current ridiculous setup of interpretations we have now, that is permissible. That is the system we have currently.

Mr. McCAIN. Could I ask my colleague from Tennessee then, if that is the situation, why does he detect a reluctance for our colleagues to support even, say, full disclosure or the banning of soft money or an abolition of the most obvious abuses that you so well described in your remarks?

Mr. THOMPSON. Well, I do not want to delve too deeply into the motivations of anyone. People can have different reasons for their thoughts. But it does puzzle me because, you know, in looking back at the history of this thing, some of the leading Republicans, some of the leading conservatives, as well as some of the leading liberals and Democrats in this body, have all joined together on some of these basic things.

What I think the Senator from Arizona and the Senator from Wisconsin and I are trying to do here is kind of get back to where we were 20, 25 years ago. We do not have that situation now. I hope the answer to your question is not that we see this current situation as an opportunity for incumbents. And we know that most of the money goes to incumbents. I have been a challenger; I have been an incumbent, like we all have. And we know how the system works and operates. And that is fine. That will always be the case.

We have some certain advantages, inherent advantages, in terms of news coverage and things of that nature that I have no intention of willingly giving up. And I think it is fine that I have those advantages. But the money situation has gotten out of hand, and incumbents have such an advantage there that about 90 percent of all the kind of money that we are talking about—well, that is not the correct figure either—but the great majority of the money we are talking about now goes into incumbents.

In times past, in this body those considerations have not ruled, and I do not think ultimately they will here now. And I am not saying that that is the motivation. All I am saying is that I hope that is not the motivation. I am afraid that if we do not do some things—the Senator from Kentucky pointed out problems with Buckley that we have on the free speech side of things. He makes some valid points there. It is a problematic situation. It has to be either not dealt with at all, because of the Court interpretations, or it has to be dealt with very, very carefully. I do not know how far we can go constitutionally.

But that has nothing to do with the contribution side. We decided back in 1907 that we did not want corporate contributions, large or small, and yet now we have effectively repealed that law, in my estimation.

Mr. McCAIN. Let me finally ask the Senator from Tennessee, he also brings a unique perspective to this issue in that he, I am sure, is the only Member of this body who was an active participant in the Watergate scandal. Part of the scandal was the washing around of large amounts of money. I have heard the stories—people walking around with a valise with a million and a half dollars of cash, et cetera. If we do not do something about this situation, in the view of the Senator from Tennessee, are we likely to see a repeat of those kinds of revelations?

Mr. THOMPSON. Well, I think if we do not do something about it, the big difference will be that people will not have to hide that activity anymore because it would be considered permissible. You might have some limitations on cash and things of that nature, but in terms of the amounts, you know, one of the Cabinet members of the President at that time allegedly was going around and, you know, hitting up these corporations for pretty good sums of money—at that point, $50,000, increments like that, some of it cash.

Mr. McCAIN. That was scandalous.

Mr. THOMPSON. That was scandalous in those days.

Mr. McCAIN. Now they are hit up for $50,000, and it is the order of the day, it is a lunch with the President.

Mr. THOMPSON. So we decided that—I think the country decided, after that, that we needed to decide what we wanted to have corporations and large labor unions do. Clearly, they needed to participate. We set up political action committees and decided how much we wanted them to participate. And we said to corporations, labor unions, "You can't do any more than that in terms of direct political contribution." We said to individuals, "You can't spend more than $1,000 per election per individual." That was not indexed. I think that was a mistake.

I think that $1,000, frankly, is ridiculously low nowadays, and if we had a higher hard money limitation that maybe so much money would not go into these independent ads and more money would go into hard money. But we sat down and consciously decided, I think, as a Congress and as a country, how much was appropriate for candidates to get their message out and to communicate with people and in what line did you get to a point where the influence might appear to be too great. These were all conscious decisions.

All I am saying to this body now is that we at least need to recognize that we are now addressing whether or not we still adhere to that or not or are we going to a system where there are no limitations.

Some people make an eloquent argument there should be no limitations at all. But it ought to be debated. We ought to hash that out here on the floor and not fool the American people into thinking that everything is basically just the way it was, and we do not want to encumber the system with additional regulations, and everything is fairly simple, and everything is fairly clean.

The Government, as I said, has been up to its eyeballs in this from day one, sometimes beneficially and sometimes ridiculously. And this law, to me, is just like most other major pieces of legislation. After 20 years, you learn some things about it. You have unintended consequences. You have court interpretations that go against what you thought you were doing.

So you have to sit down and revisit it and bring it up to date. I hope we don't avoid the responsibility of sitting down and revisiting this. If the majority sentiment is that we don't want any rules anymore, that we want to allow candidates to pick up the phone and raise $5 million, maybe run it through a committee but coordinate all of it and direct it so that you can slam somebody maybe 2 years in advance who might be a potential rival—if we really want to do that, say that is what we are doing and lay it out in a piece of legislation.

It is a hodgepodge now. We argue about what is legal and illegal. We have had some people say it is just violations of the law, what we need to do is enforce the law. That is true. Other people say, "I don't see any violations of the law." See no evil, hear no evil, speak no evil. All we need is reform. They are in part true. The biggest problem is the gray area that everybody has assumed up until this last election was against the law.

The Clinton-Gore campaign primarily went way beyond that and the Attorney General is trying to back them up. We can stamp our feet about it—I think she is dead wrong— or we can sit down and say no, this is not the way it is, Attorney General, this is not the way it is, FEC, or courts, within the Constitution. We can make our own determinations as to what the Federal Government should be doing with regard to the election of Federal candidates.

You and I do not want the Federal Government involved in many aspects of people's lives. I decided a long time ago, the motivation has to do with lots of other things, like term limits and how long people stay when they are here, what their motivations are when they come here, what is primarily on their mind. All those kinds of things are the business of this body. That is Federal Government business. I make no apology for that.

So whether it is by inaction or by action, we are going to be determining how we elect people for Federal offices in this country.

Mr. McCAIN. Let me ask the Senator from Tennessee to sum up. Right now there is no restriction on any campaign contribution, in his view; there is no enforcement of existing law; there is no outrage because "everybody does it."

Mr. THOMPSON. I have heard that often. That was part of what we heard over the last several months.

Everybody doesn't do it. Everybody doesn't do the things that we saw the Clinton-Gore campaign do last time. I think everybody doesn't do what their campaign did in terms of laundering foreign money into this campaign or using the White House and denigrating the White House. Everybody doesn't do that.

Where there are clear law violations the laws ought to be enforced. That is another speech. If you get me started, it will be longer than the last speech.

Mr. McCAIN. But existing law is not being prosecuted.

Mr. THOMPSON. Is not being pushed hard enough, I don't think. We finally got a couple of indictments on matters that have been on the public record for a long, long time now. I am willing to reserve a certain amount of judgment to see what comes up. Based on the public record we have there could be a dozen indictments, based on things that have been on public record for a long, long time now. I expect there will be more indictments coming down the pike, but up until now it has not been aggressive. I'm afraid the trail has gotten cold on many. If you don't act promptly on some of these things, it is a lost cause. I'm afraid that has happened.

Having said all of that, they can't blind us to the fact that separate and apart from the clear violations of the law which do not need amendment—they are clear laws, they are clear violations—we have now created another area that does not require our attention, except our oversight, to see the law is enforced. What doesn't require our attention because of what the courts have done, because of what the FEC has done, because of what we have done and because of what the Attorney General has done, we have a hodgepodge that results in the allowance of unlimited amounts of money coming into any campaign almost under any circumstances. You have to run it through a committee, perhaps. You have to be careful how you word the TV ads, but as a practical matter we have no limitations. That is what deserves our attention.

Mr. MCCAIN. I thank the Senator from Tennessee. I hope that it is understood the Senator from Tennessee, chairman of the committee, just finished a year-long oversight of the campaign finance abuses of this country. I think it is an important way to frame the debate which we are again embarking on, and that is that there are no limitations on any campaign contributions in American politics today. That is wrong. It is wrong. It is wrong. We need to do something to fix it, or I suggest that the people of this country will send some people who will fix it.

I thank the Senator from Tennessee for his incredible work and for his perseverance and for his courage under sometimes very difficult circumstances as he conducted his investigations throughout the last year. I'm grateful for him, as well, obviously for his friendship.

AMENDMENT NO. 1646

(Purpose: To provide a complete substitute to reform the financing of Federal elections)

Mr. MCCAIN. Mr. President, in accordance with the unanimous consent agreement regarding this issue, I send an amendment in the form of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself Mr. FEINGOLD, Mr. THOMPSON, Ms. COLLINS, Mr. LEVIN, and Mr. CLELAND, proposes an amendment numbered 1646.

Mr. MCCAIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment will be printed in a future edition of the RECORD.)

Mr. MCCAIN. Mr. President, I am proud that today we begin what promises to be a thorough and responsible debate on the issue of campaign finance reform. I say responsible because I anticipate that in the course of this debate Senators will make unmistakenly clear whether they support or oppose meaningful reform. Senators will cast votes on at least one reform proposal, the revised McCain-Feingold legislation, and probably other proposals such as the one to be offered by Senator SNOWE before we vote on whether or not to invoke cloture.

Previous debates have ended, unsatisfactorily, in a series of cloture votes which, as we all know, tended to discourage good faith compromises among Senators who are genuinely committed to finding a fair and effective solution to the disreputable state of modern campaign financing. Moreover, cloture votes sometimes obscure from the public a Senator's true position on the issue in question. By the end of this debate, whichever argument prevails, Senators will be on the record in support or opposition to reform, and, thus, accountable to their constituents who may then register their approval or disapproval at the polls.

Mr. President, I believe an open debate, which considers amendments representing various views on the subject of reform, will encourage Senators on both sides of the issue to pursue a majority consensus on what can be done to improve our obviously and appallingly dysfunctional campaign finance system. Should our debate result in honest progress toward an acceptable compromise we may not even need to hold cloture votes. Of course, this is an ideal result of the debate we commence today, and I recognize that we are a long way from achieving it. But I believe, with just a minimum of good faith on all sides, we can get there.

But even if we fall short again, Mr. President, Senators will have shown ourselves willing to stand up for our beliefs and risk the people's judgment when next we stand for election. I am proud of my colleagues for having the courage of their convictions.

Mr. President, I want to thank the Majority Leader, Senator LOTT, for agreeing to return to this subject, and allow Senators to express their views by means usually employed in Senate debates—by means of amendment. I wish also to thank my friend, the Senator from Kentucky, who has long shown he has the courage of his convictions, for agreeing to resume debate in this manner.

I want also to thank the Minority Leader for his essential assistance in helping use to arrive at this important moment. I want to thank Senators SNOWE, JEFFORDS and CHAFEE along with Senator LEVIN for their efforts to help the Senate achieve a meaningful consensus on a contentious issue involved in this debate, and all Senators, on both sides of the aisle and the issue, who have worked hard to ensure that this issue is fairly addressed by this Senate.

I wish to thank all the co-sponsors of McCain-Feingold, both Republicans and Democrats, with a special thanks to a hardy band of determined Republicans, Senators THOMPSON, COLLINS and SPECTER who have labored long and hard to change what we believe to be a mistaken majority view among our fellow Republicans.

Lastly, I want to especially thank my tireless, resourceful and passionately committed friend, Senator FEINGOLD. I have been in Congress for many years now, and I have never worked with a more dedicated or able member of this institution to pass legislation of such importance to our political system. He has inspired my own determination, and I am grateful to him.

Mr. President, we will hear from many Senators, representing several points of view, during the course of this debate. I look forward to debating various provisions of our legislation, as well as amendments offered by my colleagues on a range of issues related to campaign finance reform. As I have said, many times in the past, this is a necessary and important debate. The issue of campaign finance reform merits our most serious attention. Indeed, I believe it deserves to be a central focus of this Congress' work. I believe this so strongly because I think it is beyond doubt that the way we finance our elections in this country has caused the people we represent to doubt our personal integrity and the integrity of the institution we are privileged to serve. And that, my friends, is a concern that should call us all to action.

The substitute that Senator FEINGOLD and I offer today represents a substantial change from S. 25, the original McCain-Feingold Campaign Finance Reform Bill, but at the same time, maintains the core of the original bill.

I strongly support all the provisions of the original bill. And as I have stated in the past, as the debate proceeds, Senator FEINGOLD and I intend to offer amendments that would restore the component parts of our original bill. We intend to proceed to those amendments in good time.

Pursuant to the unanimous consent agreement that the Senate entered into last year, the Senate will now turn to the bill S. 25 as modified, as an amendment to an original underlying bill. Later I will discuss my thoughts on the underlying bill, but now I would like to outline for my colleagues the contents of our proposal.

Before I elaborate on the provisions of the bill, I want to remind my colleagues of three points:

One—For reform to become law, it must be bi-partisan. This is a bi-partisan bill. It is a bill that effects both parties in a fair and equal manner.

Two—Reform must seek to lessen the role of money in politics. Spending on campaigns in current, inflation adjusted dollars continues to rise. In constant dollars, the amount spent on House and Senate races in 1976 was $318 million. By 1986, the total had risen to $645 million. And in 1996 to $765 million. Including the Presidential races, over a billion dollars was spent in the last race. And as the need for money escalates, the influence of those who have it rises exponentially.

Three—Reform must seek to level the playing field between challengers and incumbents. Our bill achieves this goal by recognizing the fact that incumbents almost always raise more money than challengers and as a general rule, the candidate with the most money wins the race. If money is forced to play a lesser role, then challengers will have a better chance.

TITLE I

Title One of the modified bill seeks to reduce the influence of special interest money in campaigns by banning the use of soft money in federal races. Soft money would be allowed to be contributed to state parties in accordance with state law.

In the first half of 1997, a record $34 million dollars of soft money flowed into political coffers. That staggering amount represents a 250% increase in soft money contributions since 1993. And Mr. President, unless reform is passed, we are witnessing only the beginning of this problem.

We do, however, seek to differentiate between state and federal activities. Soft money contributed to state parties could be used for any and all state candidate activities. Let me repeat that statement. Soft money given to the state parties could be used for any state electioneering activities.

If a state allows soft money to be used in a gubernatorial race, a state senate race, or the local Sheriff's race, it would still be allowed under this bill. However, if a state party seeks to use soft money to indirectly influence a Federal race, such activity would be banned 120 days prior to the general election. Voter registration and general campaign advertising would be allowed except during the 120 days prior to the election.

Voter registration efforts are very important. I know my colleagues recognize that fact. We want individuals to register and then to go vote. This bill allows parties to engage in voter registration activities. Additionally, state parties would be allowed within limits to engage in generic party advertising. These activities help build the party and encourage people to vote.

To make up for the loss of soft money, the modified bill doubles the limit that individuals can give to state parties in hard money. Consequently, the aggregate contribution limit for hard money that individuals could donate to political races would rise to $30,000.

This ban of soft money is important for two fundamental reasons: first, it would reduce the amount of money in the election process; and second, it would result in candidates being forced to campaign for smaller dollar amounts from individuals back home.

TITLE II

Title II of the modified bill seeks to limit the role of independent expenditures in political campaigns.

The bill in no way bans, curbs, or seeks to control real, independent, noncoordinated expenditures in any manner. Any independent expenditure made to advocate any cause, with the exception of the express advocacy of a candidate's victory or defeat, is fully allowed. To do anything else would violate the first amendment.

However, the bill does expand the definition of express advocacy. The courts have routinely ruled that the Congress may define express advocacy. In fact, current standards of express advocacy have been derived from the *Buckley* case itself.

As we all know, the Supreme Court case of *Buckley* v. *Valeo* stated that campaign spending cannot be mandatorily capped. This bill is fully consistent with the *Buckley* decision.

What the modified bill seeks to do is establish a so-called "bright line" test 60 days out from an election. Any independent expenditures that fall within that 60 day window could not use a candidate's name or his or her likeness. During this 60 day period, ads could run that advocate any number of issues. Pro-life ads, pro-choice ads, anti-labor ads, pro-wilderness ads, pro-Republican party or Democratic party ads—all could be aired with impunity. However, ads mentioning candidates themselves could not be aired.

This accomplishes much. First, if soft money is banned to the political parties, such money will inevitably flow to independent campaign organizations. These groups often run ads that the candidates themselves disapprove of. Further, these ads are almost always negative attack ads and do little to further beneficial debate and a healthy political dialogue. To be honest, they simply drive up an individual candidate's negative polling numbers and increase public cynicism for public service in general.

The modified bill explicitly protects voter guides. I believe this is a very important point. Some have unfairly criticized the original bill because they thought it banned or prohibited the publication and distribution of voter guides and voting records. While I disagree with those individual's conclusions, the sponsors of the modified bill sought to clarify this matter.

Let me state that voter guides are completely protected in the modified bill. Any statements to the contrary are simply not true.

Not only are statements criticizing the bill on this point inaccurate, but the bill—as I have stated—in fact protects voter guides. I want to read the provision in its entirety so that there will be no questions regarding this matter:

(C) VOTING RECORD AND VOTER GUIDE EXCEPTION.—The term express advocacy shall not include a printed communication which is limited solely to presenting information in an educational manner about the voting record or positions on campaign issues of 2 or more candidates and which:

(i) is not made in coordination with a candidate, or political party or agency thereof;

(ii) in the case of a voter guides based on a questionnaire, all candidates for a particular seat or office have been provided with an equal opportunity to respond;

(iii) gives no candidate any greater prominence than any other candidate; and

(iv) does not contain a phrase such as "vote for", "reelect", "support", "Cast your ballot for", "(name of candidate) for Congress", "(name of candidate) in 1997", "vote against", "defeat", or "reject", or a campaign slogan or words which in context can have no reasonable meaning other than to urge the election or defeat of 1 or more candidates.

I hope that this clear and concise language dispels any rumors that this modified bill will adversely, in any way, affect voter guides.

TITLE III

Title III of the modified bill mandates greater disclosure. Our bill mandates that all FEC filings documenting campaign receipts and expenditures be made electronically and that they then be made accessible to the public on the Internet not later than 24 hours after the information is received by the Federal Election Commission.

Additionally, current law allows for campaigns to make a "best effort" to obtain the name, address, and occupation information of the donors of contributions above $200. Our bill would eliminate that waiver. If a campaign can not obtain the address and occupation of a donor, then the donation can not and should not be accepted.

The bill also mandates random audits of campaigns. Such audits would only occur after an affirmative vote of at least four of the six members of the FEC. This will prevent the use of audits as a purely partisan attack.

The bill also mandates that campaigns seek to receive name, address and employer information for contributions over $50. Such information will enable the public to have a better knowledge of all who give to political campaigns.

TITLE IV

Title IV of the modified bill seeks to encourage individuals to limit the amount of personal money they spend on their own campaigns. If an individual voluntarily elects to limit the amount of money he or she spends in his or her own race to $50,000, then the national parties are able to use funds known as "coordinated expenditures" to aid such candidates. If candidates refuse to limit their own personal spending, then the parties are prohibited from contributing coordinated funds to the candidate.

This provision serves to limit the advantages that wealthy candidates enjoy and strengthen the party system by encouraging candidates to work more closely with the parties.

TITLE V

Lastly, the bill codifies the *Beck* decision. The *Beck* decision states that a non-union employee working in a closed shop union workplace and who is required to contribute funds to the union, can request and be assured that his or her money not be used for political purposes.

I personally support much stronger language. I believe that no individual—a union member or not—should be forced to contribute to political activities. However, I recognize that stronger language would invite a filibuster of this bill and would doom its final passage. As a result, I will fight to preserve the delicately balanced language of the bill and will oppose amendments offered by both sides of the aisle that would result in killing this important measure.

Mr. President, what I have outlined is a basic summary of our modifications to the original bill. I have heard many of my colleagues say that they could not support S. 25, the original McCain-Feingold bill for a wide variety of reasons. Some opposed spending limits. Others opposed free or reduced rate broadcast time. Yet others could not live with postal subsidies to candidates. And others complained that nothing was being done about labor.

I hope that all my colleagues who made such statements will take a new and open minded look at this bill. Gone are spending limits. Gone is free broadcast time. Gone are reduced rate TV time and postal subsidies. And we have sought to address the problem of undue influence being exercised by labor unions. All the excuses of the past are gone.

Mr. President, I know our legislation is not perfect. I know that if given the opportunity to offer amendments, many Members will do exactly that, and the legislation may well be improved as a result. I welcome those amendments. But first we are required to vote for or against tabling our amendment. And I appeal to my colleagues to vote against tabling.

I know that many on this side of the aisle do not agree with all the provisions I have outlined. But I know that many recognize that there is a problem with the way we finance our elections, and are distressed over the public's disdain for the system. It is a problem we must address. So let us do so. Let any senator offer an amendment to our legislation. I may agree with some. I may disagree with others. But by means of the amendment process we may begin building a consensus. Then we can all sit down, in good faith, and do what the people want us to do: come together on a consensus proposal to repair this terribly inequitable, unnecessarily expensive and, at times, corrupt campaign finance system.

This is our opportunity. If we opt for gridlock over results, we will only fuel the cynicism of the American electorate. I hope we will do what is right and take such steps as necessary to pass meaningful campaign finance reform.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCAIN. Mr. President, On behalf of the majority leader, I ask unanimous consent that at 10:30 a.m. on Tuesday, February 24, the Senate resume consideration of the pending McCain-Feingold amendment. I further ask consent that the time between 10:30 and 12:30 be equally divided between the opponents and proponents. I ask unanimous consent that the time from 2:15 to 4 p.m. be equally divided between the opponents and proponents prior to the motion to table, and, finally, at 4 p.m. the Senate proceed to a vote in relation to the pending McCain-Feingold amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCAIN. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:00 noon, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1270. An act to amend the Nuclear Waste Policy Act of 1982.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and placed on the calendar:

H.R. 1270. An act to amend the Nuclear Waste Policy Act of 1982.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3938. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of the fiscal year 1999 budget request; to the Committee on Rules and Administration.

EC-3939. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on military expenditures for countries receiving U.S. assistance; to the Committee on Appropriations.

EC-3940. A communication from the Director of the Office of Surface Mining, Reclamation, and Enforcement, Department of the Interior, transmitting, pursuant to law, the reports of two rules; to the Committee on Energy and Natural Resources.

EC-3941. A communication from the Deputy Associate Director for Royalty Management, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3942. A communication from the Deputy Associate Director for Royalty Management, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3943. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a report relative to the establishment of a memorial to the Reverend Dr. Martin Luther King, Jr.; to the Committee on Energy and Natural Resources.

EC-3944. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to hazardous air pollutants; to the Committee on Energy and Natural Resources.

EC-3945. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the report of a rule received on February 17, 1998; to the Committee on Energy and Natural Resources.

EC-3946. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule received on January 21, 1998; to the Committee on Energy and Natural Resources.

EC-3947. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to provide for the establishment of an electronic case management demonstration project; to the Committee on Banking, Housing, and Urban Affairs.

EC-3948. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule received on February 17, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-3949. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule received on February 10, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-3950. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule received on February 6, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-3951. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule received on February 18, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-3952. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the report of Development Assistance Program allocations for fiscal year 1998; to the Committee on Foreign Relations.

EC-3953. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relative to foreign military sales customers; to the Committee on Foreign Relations.

EC-3954. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relative to the status of loans and guarantees issued under the Arms Export Control Act; to the Committee on Foreign Relations.

EC-3955. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relative to an analysis and description of services performed by full-time USG employees during fiscal year 1997; to the Committee on Foreign Relations.

EC-3956. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a determination relative to assistance to the Government of Haiti; to the Committee on Foreign Relations.

EC-3957. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the allocation of funds for fiscal year 1998; to the Committee on Foreign Relations.

EC-3958. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on U.S. Government assistance to and cooperative activities with the New Independent States of the former Soviet Union; to the Committee on Foreign Relations.

EC-3959. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report regarding the economic policies and trade practices of countries with which the U.S. has significant economic or trade relations; to the Committee on Foreign Relations.

EC-3960. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the reports of four notices of the proposed issuance of export licenses; to the Committee on Foreign Relations.

EC-3961. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-3962. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-3963. A communication from the National Endowment for Democracy, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3964. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3965. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3966. A communication from the Director of the National Counterintelligence Center, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3967. A communication from the Vice Chairman of the National Indian Gaming Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3968. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3969. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3970. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3971. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3972. A communication from the Principal Deputy Assistant Secretary of Defense for Public Affairs, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3973. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-3974. A communication from the Attorney General, transmitting, pursuant to law, the report of the summary performance plan for fiscal year 1999; to the Committee on the Judiciary.

EC-3975. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of three rules; to the Committee on the Judiciary.

EC-3976. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the Office of Community Oriented Policing Services; to the Committee on the Judiciary.

EC-3977. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule received on February 11, 1998; to the Committee on the Judiciary.

EC-3978. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, the report of a rule received on February 2, 1998; to the Committee on the Judiciary.

EC-3979. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule received on February 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3980. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3981. A communication from the Deputy Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule received on February 17, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3982. A communication from the Under Secretary of Agriculture for Rural Development, transmitting, pursuant to law, the report of a rule; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3983. A communication from the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, transmitting, pursuant to law, the report of a rule received on February 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3984. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the reports of two rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3985. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the reports of three rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3986. A communication from the Acting Administrator of the Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the reports of seven rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3987. A communication from the Brigham and Women's Hospital, Boston, Massachusetts, transmitting, a report relative to breastfeeding; to the Committee on Labor and Human Resources.

EC-3988. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule received on February 6, 1998; to the Committee on Labor and Human Resources.

EC-3989. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the report of a rule received on February 4, 1998; to the Committee on Labor and Human Resources.

EC-3990. A communication from the Assistant Secretary of Labor for Occupational Safety and Health, transmitting, pursuant to law, the report of a rule received on February 2, 1998; to the Committee on Labor and Human Resources.

EC-3991. A communication from the Chairman of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the annual report of activities for fiscal year 1997; to the Committee on Labor and Human Resources.

EC-3992. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the U.S.-Japan Cooperative Medical Science Program; to the Committee on Labor and Human Resources.

EC-3993. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the sentinel disease concept study; to the Committee on Labor and Human Resources.

EC-3994. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the

Ryan White Care Act Programs for fiscal year 1996; to the Committee on Labor and Human Resources.

EC-3995. A communication from the Chairman and Vice Chairman of the National Commission On the Cost of Higher Education, transmitting jointly, pursuant to law, the final report of the Commission; to the Committee on Labor and Human Resources.

EC-3996. A communication from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the reports of two rules; to the Committee on Labor and Human Resources.

EC-3997. A communication from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the reports of four rules; to the Committee on Labor and Human Resources.

EC-3998. A communication from the Principal Deputy of the Office of the Assistant Secretary (Installations and Environment), Department of the Navy, transmitting, pursuant to law, a report relative to DOD civilian employees; to the Committee on Armed Services.

EC-3999. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to depot-level maintenance and repair workloads; to the Committee on Armed Services.

EC-4000. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to depot-level maintenance and repair workloads; to the Committee on Armed Services.

EC-4001. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to depot-level maintenance and repair workloads; to the Committee on Armed Services.

EC-4002. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report on strategic and critical materials for fiscal year 1997; to the Committee on Armed Services.

EC-4003. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Foreign Comparative Testing Program for fiscal year 1997; to the Committee on Armed Services.

EC-4004. A communication from the Chair of the Defense Environmental Response Task Force, Office of the Under Secretary of Defense, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Armed Services.

EC-4005. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison; to the Committee on Armed Services.

EC-4006. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison; to the Committee on Armed Services.

EC-4007. A communication from the Acting Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, a report relative to institutions of higher education; to the Committee on Armed Services.

EC-4008. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report on Reserve retirement initiatives; to the Committee on Armed Services.

EC-4009. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report relative to depot-level maintenance and repair; to the Committee on Armed Services.

EC-4010. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on private sourcing of airlift of military personnel and cargo; to the Committee on Armed Services.

EC-4011. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Armed Services.

EC-4012. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on Armed Services.

EC-4013. A communication from the Secretary of Defense, transmitting, a draft of proposed legislation entitled "The Department of Defense Reform Act of 1998"; to the Committee on Armed Services.

EC-4014. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the reports of two rules; to the Committee on Armed Services.

EC-4015. A communication from the Director (Administration and Management), Office of the Secretary of Defense, transmitting, pursuant to law, the reports of two rules; to the Committee on Armed Services.

EC-4016. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacoo, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on February 10, 1998; to the Committee on Finance.

EC-4017. A communication from the Attorney-Advisor, Federal Register Certifying Office, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on January 28, 1998; to the Committee on Finance.

EC-4018. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on January 22, 1998; to the Committee on Finance.

EC-4019. A communication from the Acting Assistant Secretary for Import Administration, Department of Commerce, and the Director of the Office of Insular Affairs, Department of the Interior, transmitting jointly, pursuant to law, the report of a rule received on February 12, 1998; to the Committee on Finance.

EC-4020. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the emigration laws and policies of Albania; to the Committee on Finance.

EC-4021. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Finance.

EC-4022. A communication from the Secretary of Health and Human Services and the Attorney General, transmitting jointly, pursuant to law, the report of the Health Care Fraud and Abuse Control Program for fiscal year 1997; to the Committee on Finance.

EC-4023. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the reports of three rules; to the Committee on Finance.

EC-4024. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Medicare SELECT supplemental policies; to the Committee on Finance.

EC-4025. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of an action on a decision received on February 2, 1998; to the Committee on Finance.

EC-4026. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of two Treasury Regulations; to the Committee on Finance.

EC-4027. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of four Notices including Notices 98:9–10, and 14; to the Committee on Finance.

EC-4028. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Procedures 98:18, 20-21, and 23; to the Committee on Finance.

EC-4029. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Ruling 98:9; to the Committee on Finance.

EC-4030. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-226 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4031. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-227 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4032. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-228 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4033. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-229 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4034. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-230 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4035. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-231 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4036. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-232 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4037. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-233 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4038. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 12-234 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4039. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-235 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4040. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-236 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4041. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-246 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4042. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-249 adopted by the Council on December 4, 1997; to the Committee on Governmental Affairs.

EC-4043. A communication from the Secretary, Mississippi River Commission, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4044. A communication from the General Counsel and Corporate Secretary, Legal Services Corporation, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4045. A communication from the Executive Officer of the National Science Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4046. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4047. A communication from the Executive Secretary of the National Labor Relations Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4048. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4049. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, six additions to the procurement list received on February 12, 1998; to the Committee on Governmental Affairs.

EC-4050. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-4051. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-4052. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-4053. A communication from the Office of the Director of the National Gallery of Art, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC-4054. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4055. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1 through September 30, 1997; to the Committee on Governmental Affairs.

EC-4056. A communication from the Director, Financial Management, Assistant Comptroller General of the United States, transmitting, pursuant to law, the report of the Comptrollers' General Retirement System for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4057. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of Congressional detailees; to the Committee on Governmental Affairs.

EC-4058. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to bid protests for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4059. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for December 1997; to the Committee on Governmental Affairs.

EC-4060. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4061. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, a draft of proposed legislation entitled "The Federal Employees' Benefits Equity Act of 1997"; to the Committee on Governmental Affairs.

EC-4062. A communication from the Acting Director of the U.S. Office of Personnel Management, transmitting, a draft of proposed legislation entitled "The Federal Employees' Health Benefits Children's Equity Act of 1997"; to the Committee on Governmental Affairs.

EC-4063. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a report entitled "Health Promotion and Disease Prevention Activities"; to the Committee on Governmental Affairs.

EC-4064. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the reports of two rules; to the Committee on Governmental Affairs.

EC-4065. A communication from the Administrator of the U.S. General Services Administration, transmitting, a draft of proposed legislation relative to child care services for Federal employees in Federal buildings; to the Committee on Governmental Affairs.

EC-4066. A communication from the Deputy Associate Administrator for Acquisition Policy, U.S. General Services Administration, transmitting, pursuant to law, the report of a rule received on February 18, 1998; to the Committee on Governmental Affairs.

EC-4067. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, a report entitled "Graduating to a Better Future: Public Higher Education in the District of Columbia"; to the Committee on Governmental Affairs.

EC-4068. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, the report of the general purpose financial statements and independent auditor's report for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4069. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Department of Employment Services' Surplus Tax Surcharge Funds"; to the Committee on Governmental Affairs.

EC-4070. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the performance plan for fiscal year 1999; to the Committee on Governmental Affairs.

EC-4071. A communication from the Office of Independent Counsel, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4072. A communication from the Postmaster General of the U.S. Postal Service, transmitting, pursuant to law, the report entitled "Comprehensive Statement on Postal Operations"; to the Committee on Governmental Affairs.

EC-4073. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report entitled "Evaluation of Partnership"; to the Committee on Governmental Affairs.

EC-4074. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule received on January 29, 1998; to the Committee on Governmental Affairs.

EC-4075. A communication from the Acting Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule received on February 18, 1998; to the Committee on Governmental Affairs.

EC-4076. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of indemnification actions approved during calendar year 1997; to the Committee on Commerce, Science, and Transportation.

EC-4077. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule received on January 26, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4078. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Port-au-Prince International Airport, Port-au-Prince, Haiti; to the Committee on Commerce, Science, and Transportation.

EC-4079. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the potential for use of land options in Federally-funded airport projects; to the Committee on Commerce, Science, and Transportation.

EC–4080. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Environmental Compliance and Restoration Program for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC–4081. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the White House Commission On Aviation Safety and Security; to the Committee on Commerce, Science, and Transportation.

EC–4082. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule received on February 12, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4083. A communication from the Director of the Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule received on February 3, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4084. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of assistance provided to foreign aviation authorities for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–4085. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report on the Aircraft Cabin Air Quality Research Program; to the Committee on Commerce, Science, and Transportation.

EC–4086. A communication from the Executive Director of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of a rule received on February 4, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4087. A communication from the Secretary of Commerce, transmitting, pursuant to law, the spectrum reallocation report; to the Committee on Commerce, Science, and Transportation.

EC–4088. A communication from the Acting Under Secretary of Commerce for Technology, transmitting, pursuant to law, a report relative to PNGV technologies; to the Committee on Commerce, Science, and Transportation.

EC–4089. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the reports of fourteen rules; to the Committee on Commerce, Science, and Transportation.

EC–4090. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the reports of eighty-four rules; to the Committee on Commerce, Science, and Transportation.

EC–4091. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC–4092. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC–4093. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of three rules; to the Committee on Commerce, Science, and Transportation.

EC–4094. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of three rules; to the Committee on Commerce, Science, and Transportation.

EC–4095. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Migratory Bird Conservation Commission for fiscal year 1997; to the Committee on Environment and Public Works.

EC–4096. A communication from the Service Federal Register Liaison Officer, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of three rules received on January 26, 1998; to the Committee on Environment and Public Works.

EC–4097. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report entitled "Progress on Superfund Implementation in Fiscal Year 1997"; to the Committee on Environment and Public Works.

EC–4098. A communication from the President of the United States, transmitting, pursuant to law, the report of the Presidential Determination (97-35) relative to classified information concerning the Air Force's operating location near Groom Lake, Nevada; to the Committee on Environment and Public Works.

EC–4099. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the period October 1 through December 31, 1997; to the Committee on Environment and Public Works.

EC–4100. A communication from the Secretary of Energy, transmitting, pursuant to law, the report relative to the Comprehensive Environmental Response, Compensation, and Liability Act; to the Committee on Environment and Public Works.

EC–4101. A communication from the Chief Financial Officer of the Department of Energy, transmitting, pursuant to law, a report relative to mixed waste streams; to the Committee on Environment and Public Works.

EC–4102. A communication from the Executive Director of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of a rule received on January 27, 1998; to the Committee on Environment and Public Works.

EC–4103. A communication from the Executive Director of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of a rule received on January 27, 1998; to the Committee on Environment and Public Works.

EC–4104. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Environment and Public Works.

EC–4105. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Environment and Public Works.

EC–4106. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on January 26, 1998; to the Committee on Environment and Public Works.

EC–4107. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on January 27, 1998; to the Committee on Environment and Public Works.

EC–4108. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on January 28, 1998; to the Committee on Environment and Public Works.

EC–4109. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on January 29, 1998; to the Committee on Environment and Public Works.

EC–4110. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on February 2, 1998; to the Committee on Environment and Public Works.

EC–4111. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on February 3, 1998; to the Committee on Environment and Public Works.

EC–4112. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the reports of forty-eight rules received on February 4, 1998; to the Committee on Environment and Public Works.

EC–4113. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on February 5, 1998; to the Committee on Environment and Public Works.

EC–4114. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the reports of five rules received on February 6, 1998; to the Committee on Environment and Public Works.

EC–4115. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the reports of thirteen rules received on February 11, 1998; to the Committee on Environment and Public Works.

EC–4116. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of six rules received on February 12, 1998; to the Committee on Environment and Public Works.

EC–4117. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on February 17, 1998; to the Committee on Environment and Public Works.

EC-4118. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on February 18, 1998; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of February 12, 1998, the following reports of committees were submitted on February 19, 1998:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

S. 1133. A bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts (Rept. No. 105-164).

REPORTS OF COMMITTEES

The following reports of committees were submitted on February 23, 1998:

By Mr. SHELBY, from the Select Committee on Intelligence, without amendment:

S. 1668. An original bill to encourage the disclosure to Congress of certain classified and related information (Rept. No. 105-165).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated on February 11, 1998:

By Mr. ROTH:

S. 1622. A bill to suspend temporarily the duty on deltamethrin; to the Committee on Finance.

S. 1623. A bill to suspend temporarily the duty on diclofop-methyl; to the Committee on Finance.

S. 1624. A bill to suspend temporarily the duty on piperonyl butoxide; to the Committee on Finance.

S. 1625. A bill to suspend temporarily the duty on resmethrin; to the Committee on Finance.

S. 1626. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

S. 1627. A bill to suspend temporarily the duty on tralomethrin; to the Committee on Finance.

S. 1628. A bill to suspend temporarily the duty on the synthetic organic coloring matter c.i. pigment yellow 109; to the Committee on Finance.

S. 1629. A bill to suspend temporarily the duty on the synthetic organic coloring matter c.i. pigment yellow 110; to the Committee on Finance.

S. 1630. A bill to suspend temporarily the duty on pigment red 177; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. DEWINE, Mr. SMITH of New Hampshire, Mr. CRAIG, Ms. COLLINS, Mr. INHOFE, Mr. FAIRCLOTH, and Mr. HELMS):

S. 1631. A bill to amend the General Education Provisions Act to allow parents access to certain information; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1632. A bill to reduce temporarily the duty on certain weaving machines; to the Committee on Finance.

By Mr. CHAFEE:

S. 1633. A bill to suspend through December 31, 1999, the duty on certain textile machinery; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1634. A bill to guarantee honesty in budgeting; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated on February 23, 1998:

By Mr. LOTT:

S. 1663. A bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization; read twice.

By Mr. CLELAND:

S. 1664. A bill to reform Federal election campaigns; to the Committee on Rules and Administration.

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1665. A bill to reauthorize the Delaware and Lehigh Navigation Canal National Heritage Corridor Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN:

S. 1666. A bill to amend Federal election laws to better define the requirements for Presidential candidates and political parties that accept public funding, to better define the limits on the election-related activities of tax exempt organizations, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1667. A bill to amend section 2164 of title 10, United States Code, to clarify the eligibility of dependents of United States Service employees to enroll in Department of Defense dependents schools in Puerto Rico; to the Committee on Armed Services.

By Mr. SHELBY:

S. 1668. An original bill to encourage the disclosure to Congress of certain classified and related information; from the Select Committee on Intelligence; placed on the calendar.

By Mr. SARBANES (for himself and Mr. WARNER):

S.J. Res. 41. A joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated on February 11, 1998:

By Mr. GRASSLEY (for himself, Mr. BOND, Mr. BROWNBACK, and Mr. ROBERTS):

S. Con. Res. 74. A bill expressing the sense of the Congress relating to the European Union's ban of United States beef and the World Trade Organization's ruling concerning that ban; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Con. Res. 75. A concurrent resolution honoring the sesquicentennial of Wisconsin statehood; to the Committee on the Judiciary.

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated on February 23, 1998:

By Mr. SPECTER:

S. Res. 179. A resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND:

S. 1664. A bill to reform Federal election campaigns; to the Committee on Rules and Administration.

THE FEDERAL ELECTION ENFORCEMENT AND DISCLOSURE REFORM ACT

Mr. CLELAND. Mr. President, the year 1996 witnessed both a record high in the amount of money spent in pursuit of federal office—a staggering $1 billion, an increase of 73 percent just since 1992—and the second worst turnout in American history. In 1996, some $220 million was spent on Senate races alone—an average of $4.5 million per campaign. Members of Congress combined currently raise an average of about $1 million a day. It has been estimated that if these trends continue, by the year 2025 it will take $145 million to finance an average Senate campaign. This is truly a ridiculous situation.

When I came to the Senate last year, I volunteered to serve on the Governmental Affairs Committee. Sitting in the Committee's hearings on campaign finance abuses and listening to the sordid tale of the 1996 money chase was a most unsettling experience. What I witnessed, heard and read made me even more convinced that we must strengthen our campaign financing laws, now, and provide strong enforcement through the Federal Election Commission of these laws, now, or risk seeing our election process be swept away in a tidal wave of money.

At the conclusion of the Governmental Affairs hearings, I wrote to the Committee Chairman to make four basic recommendations as appropriate follow-ons to the investigation:

(1) That we refer all evidence in the Committee's possession of alleged illegal acts to the Justice Department;

(2) That we hold additional hearings on both FEC enforcement and "gray areas" in current law, such as the Pendleton Act and the definition of campaign coordination;

(3) That we mutually work for passage of McCain-Feingold as the best

first step in curing our system-wide campaign finance problem; and

(4) That, to the maximum extent feasible, the Majority and Minority work to produce a joint final report, with bipartisan conclusions and recommendations.

While the jury is still out on my first three suggestions, clearly the final one—concerning a bipartisan committee report—will, unfortunately, not be adopted. The separate, partisan reports which are apparently to be released this week represent a lost opportunity to present a strong, united case for reform.

Regardless of what action the Senate takes, or fails to take, on McCain-Feingold, we need to turn to additional reforms in order to further improve our electoral process. I am pleased today to introduce the Federal Election Enforcement and Disclosure Reform Act which is aimed at dealing with two of the biggest problems confronting our current federal campaign system: the inability of the Federal Election Commission (FEC), as currently constituted and funded, to adequately enforce election laws; and the significant gaps in existing campaign finance disclosure requirements.

Let me be very clear that I continue to believe that enactment of McCain-Feingold, even in its reduced form, is an essential step for the Senate to take this year in beginning the process of repairing a campaign finance system which is totally out of control. Banning soft money and imposing disclosure and contribution requirements on sham issue ads aired close to an election, as provided for under McCain-Feingold, are absolutely vital reforms, without which the campaign finance system will only grow less accountable, and more vulnerable to the appearance, if not the fact, of undue influence by big money.

Nonetheless, I recognize that the issues raised by McCain-Feingold, in all of its forms, have become highly politicized and polarized, and continue to face a filibuster which threatens the Senate's ability to act on this legislation. Consequently, in addition to continuing to urge Senate adoption of McCain-Feingold, I want to broaden the scope of debate, and to begin the process of seeking common ground on important reforms which are, by and large, outside of the purview of McCain-Feingold.

As previously discussed, one of the most glaring deficiencies in our current federal campaign system is the ineffectiveness of its supposed referee, the Federal Election Commission. The FEC, whether by design or through circumstance, has been beset by partisan gridlock, uncertain and insufficient resources, and lengthy proceedings which offer no hope of timely resolution of charges of campaign violations.

Thus, the first major element of my bill is to strengthen the ability of the Federal Election Commission to be an effective and impartial enforcer of federal campaign laws. Among the most significant FEC-related changes I am proposing are the following:

Alter the Commission structure to remove the possibility of partisan gridlock by establishing a 7-member Commission, appointed by the President based on qualifications, for single 7-year terms. The Commission would be composed of two Republicans, two Democrats, one third party member, and two members nominated by the Supreme Court.

Give the FEC independent litigating authority, including before the Supreme Court, and establish a right of private civil action to seek court enforcement in cases where the FEC fails to act, both of which should dramatically improve the prospects for timely enforcement of the law.

Provide sufficient funding of the FEC from a source independent of Congressional intervention by the imposition of filing fees on federal candidates, with such fees being adequate to meet the needs of the Commission—estimated to be $50 million a year.

A second major component of the Federal Election Enforcement and Disclosure Reform Act is to create a new Advisory Committee on Federal Campaign Reform to provide for a body outside of Congress to continually review and recommend changes in our federal campaign system. The Committee would be charged, "to study the laws (including regulations) that affect how election campaigns for Federal office are conducted and the implementation of such laws and may make recommendations for change," which are to be submitted to Congress by April 15 of every odd-numbered year. As with the FEC, the Advisory Committee would receive independent and sufficient funding via the new federal candidate filing fees.

The impetus for the Advisory Committee is two-fold: (1) To build a "continuous improvement" mechanism into the Federal campaign system, and (2) to address the demonstrable fact that Congress responds slowly, if a all, to the need for changes and updates in our campaign laws. In both instances, the conclusion is the same: we cannot afford to wait twenty-five years or until a major scandal develops to adapt our campaign finance system to changing circumstances.

The final section of my bill seeks to enhance the effectiveness of campaign contribution disclosure requirements. As Justice Brandeis observed, "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most effective policeman." This is certainly true in the realm of campaign finance, and perhaps the most enduring legacy of the Watergate Reforms of a quarter-century ago is the expanded campaign and financial disclosure requirements which emerged. By and large, they have served us well, but as with everything else, they need to be periodically reviewed and updated in light of experience. Therefore, based in part on testimony I heard during last year's Governmental Affairs Committee investigation and in part on the FEC's own recommendations for improved disclosure, my bill will make several changes in current disclosure requirements.

Specifically, I am recommending two reforms which will make it more difficult for contributors and campaigns alike to turn a blind eye to current disclosure requirements by, first, preventing a campaign from depositing a contribution until all of the requisite disclosure information is provided; and second, requiring those who contribute $200 or more to provide a signed certification that their contribution is not from a foreign national, and is not the result of a contribution in the name of another person.

In addition, my legislation adopts a number of disclosure recommendations made by the FEC in its 1997 report to Congress, including provisions: requiring all reports to be filed by the due date of the report; requiring all authorized candidate committee reports to be filed on a campaign-to-date basis, rather than on a calendar year cycle; and mandating monthly reporting for multi candidate committees which have raised or spent, or anticipate raising or spending, in excess of $100,000 in the current election cycle.

In developing this legislation, I have been pleased to have the input and advice from a variety of individuals and organizations interested in the subject of campaign finance reform. In particular, while none of them bear any responsibility for the finished product, I would like to acknowledge and thank the Reform Party and its founder Ross Perot, and chairman Russ Verney, Common Cause, and its president Ann McBride and vice president Meredith McGehee, and the Federal Election Commission and its assistant general counsel Susan Propper for their insights.

It is easy to be pessimistic when considering campaign finance reform efforts. The public and the media are certainly expecting this Congress to fail to take significant action to clean up the scandalous campaign system under which we now run. But ladies and gentlemen of the Senate, I suggest that we cannot afford the luxury of complacency. We may think we will be able to win the next re-election because the level of outrage and the awareness of the extent of the vulnerability of our political system have perhaps not yet reached critical mass. But I am confident that it is only a matter of time, and perhaps the next election cycle—which will undoubtedly feature more unaccountable soft money, more sham issue ads of unknown parentage, more circumvention of the spirit and in some cases the letter of current campaign finance law—before the scales are decisively tilted in favor of reform.

We will have campaign finance reform. The only question is whether this Congress will step up to the plate, and fulfill its responsibilities, to give the American public a campaign system they can have faith in and which can preserve and protect our noble democracy as we enter a new century.

Mr. President. I ask unanimous consent that a summary of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE FEDERAL ELECTION ENFORCEMENT AND DISCLOSURE REFORM ACT

I. FEC REFORM

A. The Federal Election Commission (FEC) would be restructured as follows:

The Commission will be composed of 7 members appointed by the President who are specially qualified to serve on the Commission by reason of relevant—

—two Republican members appointed by the President;

—two Democratic members appointed by the President;

—one member appointed by the President from among all other political parties whose candidates received at least 3% of the national popular vote in the most recent Presidential or U.S. House or U.S. Senate elections; in the event no third party reaches this threshold, the President may consider all third parties in making this appointment; and

—two members appointed by the President from among 10 nominees submitted by the U.S. Supreme Court. One of these two members would be chosen by the Commission to serve as Chairman, and the other would serve as Vice Chairman.

Relevant knowledge (for purposes of qualification for appointment to the FEC) is defined to include:

—A higher education degree in government, politics, or public or business administration, or 4 years of relevant work experience in the fields of government or politics, and

—A minimum of two years experience in working on or in relation to Federal election law or other Federal electoral issues, or four years of such experience at the state level.

Commissioners will be limited to one 7 year term.

B. The FEC would be given the following additional powers:

Electronic filing of all reports required to be filed with the FEC would be mandatory, with a waiver permitted for candidates or other entities whose total expenditures or receipts fall below a threshold amount set by the Commission (similar to Section 301(a) of modified MCCAIN-FEINGOLD bill). The requirement for the submission of hard (paper) copies of such reports would be continued.

The Commission would be authorized to conduct random audits and investigations in order to increase voluntary compliance with campaign finance laws (same as Section 303 of modified MCCAIN-FEINGOLD bill).

The FEC would be authorized to seek court enforcement when the Commission believes a substantial violation is occurring, failure to act will result in "irreparable harm" to an affected party, expeditious action will not cause "undue harm" to the interests of other parties, and the public interest would best be served by the issuance of an injunction (same as Section 303 of S. 25).

The Commission would be authorized to implement expedited procedures for complaints filed within 60 days of a general election (same as Section 309 of S. 25).

Penalties for knowing and willful violations of the Federal Election Campaign Act would be increased (same as Section 305 of S. 25).

The Commission would be expressly granted independent litigating authority, including before the Supreme Court (same as Section 304 of HR 493).

Private individuals or groups would be authorized to independently seek court enforcement when the FEC fails to act within 120 days of when a complaint is filed. A "loser pays" standard would apply in such proceedings.

The Commission would be authorized to levy fines, not to exceed $5,000, for minor reporting violations, and to publish a schedule of fines for such violations.

Candidates for the Senate would be required to file with the FEC rather than the Secretary of the Senate (same as Section 301(b) of modified MCCAIN-FEINGOLD bill).

C. The FEC would be provided with resources in the following manner:

Consistent with its expanded duties, the FEC would be authorized to receive $50 million in FY1999 and FY2000, with this amount indexed for inflation thereafter.

The funding would be derived from a "user fee" imposed on federal candidate and party committees. The FEC would establish a fee schedule and determine the requisite fee level to fund the operations of the FEC and the new Advisory Committee on Federal Campaign Reform. This determination will include a waiver for the first $50,000 raised by campaigns.

II. ADVISORY COMMITTEE ON FEDERAL CAMPAIGN REFORM

A. A new Advisory Committee on Federal Campaign Reform would be created.

B. The Committee would be composed of 9 members, who are specially qualified to serve on the Committee by reason of relevant knowledge, to be appointed as follows: 1 appointed by the President of the United States, 1 appointed by the Speaker of the House, 1 each appointed by the Majority and Minority Leaders of the U.S. House and Senate, 1 appointed by the Supreme Court, 1 appointed by the Reform Party (or whatever third party's candidate for President received the largest number of popular votes in the most recent Presidential election), and 1 appointed by the American Political Science Association. Committee members would elect the Chairman.

C. Committee members would each serve four-year terms, and would be limited to two consecutive terms.

D. The appointees by the Supreme Court, the Reform Party (or other third party), and the American Political Science Association must be individuals who, during the five years before their appointment, have not held elective office as a member of the Democratic or Republican Parties, have not received any wages or salaries from the Democratic or Republican Parties, or have not provided substantial volunteer services or made any substantial contribution to the Democratic or Republican Parties, or to a Democratic or Republican Party public office-holder or candidate for office.

E. Relevant knowledge (for purposes of qualification for appointment to the Committee) is defined to include:

A higher education degree in government, politics, or public or business administration, or 4 years of relevant work experience in the fields of government or politics, and

A minimum of two years experience in working on or in relation to national campaign finance or other electoral issues, or four years of such experience at the state level.

F. The Committee would be authorized to spend $1 million a year in its first year, indexed for inflation thereafter. Funding would be provided by the new campaign user fee discussed above.

G. The Committee would be required to monitor the operation of federal election laws and to submit a report, including recommended changes in law, to Congress by April 15 of every odd numbered year.

H. Congress would be required to consider the Committee's recommendations under "fast track" procedures to guarantee expeditious consideration in both houses of Congress.

III. ENHANCED CAMPAIGN FINANCE DISCLOSURE

A. Campaigns would be prohibited from putting contributions which lack all requisite contributor information into any account other than an escrow account from which money cannot be spent. Contributions placed in such an account would not be subject to the current ten-day maximum holding period on checks.

B. A new requirement would be placed on contributions in excess of $200 (aggregate): a written certification by the contributor that the contribution is not derived from any foreign income source, and is not the result of a reimbursement by another party.

C. The current option to file reports submitted by registered or certified mail based on postmark date would be deleted, thus requiring all reports to be filed by the due date of the report.

D. Authorized candidate committee reports would be required to be filed on a campaign-to-date basis, rather than on a calendar year cycle.

E. Monthly reporting would be mandated for multi candidate committees which have raised or spent, or anticipate raising or spending, in excess of $100,000 in the current election cycle.

F. The requirement for filing of last-minute independent expenditures would be clarified to make clear that such report must be received within 24 hours after the independent expenditure is made.

G. Campaign disbursements to secondary payees who are independent subcontractors would have to be reported.

H. Political committees, other than authorized candidate committees, which have received or spent, or anticipate receiving or spending, $100,000 or more in the current election cycle would be subjected to the same "last minute" contribution reporting requirements as candidate committees. (Under current law, all contributions of $1,000 or more received after the 20th day, but before 48 hours, before an election must be reported to the FEC within 48 hours.)

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1665. A bill to reauthorize the Delaware and Lehigh Navigation Canal National Heritage Corridor Act, and for other purposes; to the Committee on Energy and Natural Resources.

THE DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS OF 1998

Mr. SPECTER. Mr. President, I have sought recognition today to reintroduce legislation I originally introduced on November 8, 1997, to reauthorize the work of the Delaware and Lehigh National Heritage Corridor Commission in Pennsylvania. The new bill makes some technical changes which deal with method of appointing Commission members, ensuring that the Commission will continue to be composed of representatives from local and state agencies who have worked on this successful public/private partnership with the federal government over the past 10 years. I am hopeful that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Senate Committee on Energy and Natural Resources will hold hearings on this bill as soon as possible. Since authorization for the Commission is set to expire in November, 1998, it is vital that the Senate pass this legislation this year to enable the Commission to continue its unfinished work in eastern Pennsylvania.

By Mr. LIEBERMAN:

S. 1666. A bill to amend Federal election laws to better define the requirements for Presidential candidates and political parties that accept public funding, to better define the limits on the election-related activities of tax exempt organizations, and for other purposes; to the Committee on Finance.

CAMPAIGN FINANCE REFORM LEGISLATION

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation designed to prevent future occurrences of some of the more egregious campaign finance abuses that we learned of during the Senate Governmental Affairs Committee investigation into the 1996 federal election campaigns.

What I have particularly in mind is the misuse of taxpayer money by our presidential candidates and by various tax-exempt organizations that intervened in both congressional and presidential elections in 1996.

Over the course of its inquiry, the Governmental Affairs Committee compiled a compelling record that leaves little question our political system was subverted in 1996 by overzealous presidential campaigns working with their parties to circumvent spending limits and by independent organizations abusing the special tax status conferred upon them. At times, the campaigns and outside groups conducted their business as if the election laws were written in invisible ink. Our democratic process suffered as a result.

My proposal focuses on two specific areas of the law whose spirit and intent were violated in 1996. They are the campaign finance statutes regarding the public financing of presidential campaigns and the tax code, as it applies to the political activity of tax-exempt organizations.

Let me first make clear that I am a steadfast supporter of the McCain-Feingold campaign finance reform bill. I hope the ideas that I present today might be considered as supplemental to it, since they complement McCain-Feingold and fill in some of the gaps that only became apparent after our year-long Governmental Affairs Committee investigation.

THE ABUSE OF PUBLIC FINANCING FOR PRESIDENTIAL CAMPAIGNS

Under the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act, the taxpayers spent approximately $236 million on the 1996 presidential campaigns. The purpose of this support was to limit spending in order to protect presidential candidates from the potentially corrupting influence of full-time fund-raising and to reduce the flow of private money into campaign coffers.

The two laws give public subsidies to presidential candidates and their parties at three stages. First, the Treasury matches contributions raised by certain primary candidates who agree to limit their primary spending to an amount specified in the statute. Second, political parties may receive a specified amount to fund their presidential nominating conventions if they agree to spend no more than that. Third, major party nominees who agree to limit their spending to the amount they receive in public funds are eligible for full public financing during the general election.

Both of 1996's major party candidates accepted public financing and pledged in return to limit their spending to $37 million during the primary season and $62 million during the general election.

But, as the Governmental Affairs Committee's hearings demonstrated, the candidates effectively ignored their pledges. Instead of curtailing their fund-raising and limiting themselves to spending the amount they agreed to, the two major party candidates continued raising massive amounts of money which their parties then spent on TV ads that advanced the nominees' candidacies. In other words, the public did not get the behavior they were supposed to get in return for their $236 million.

The McCain-Feingold campaign finance reform legislation, S. 25, would go a long way toward preventing these abuses by banning soft money and limiting the sources of funding available for running advertisements using a candidate's likeness or name within 60 days of an election.

But because the Supreme Court in Buckley v. Valeo explicitly sanctioned Congress's ability to impose even greater restrictions on those candidates who accept public financing, we should go beyond S. 25's proposals in regard to publicly-funded presidential candidates.

Therefore, I am introducing legislation that would underscore the original goal of the presidential public financing laws by banning candidates from raising soft money throughout their campaigns, requiring them to limit fundraising to hard money during the primary season, and prohibiting them from raising any money at all after they are nominated. My bill would further prevent presidential candidates from using the parties to circumvent spending limits by making illegal their involvement in any party spending on advertising that exceeds the amount federal law in 2 U.S.C. § 441a(d) explicitly authorizes for candidate/party coordination.

I am also proposing to limit what parties seeking public financing of their conventions can do. To get convention financing, parties would have to agree to use only hard money to pay for advertising using the name or likeness of the presidential candidates and would be limited in their coordinated or independent expenditures on behalf of presidential candidates to the amount set forth in Section 441a(d). Parties seeking convention financing also would have to agree to a ban on soft money and would be prohibited from soliciting or directing contributions for tax-exempt organizations.

THE ABUSE OF TAX-EXEMPT ORGANIZATIONS

And that leads me to an equally troubling phenomenon in the 1996 elections, which was the improper use of tax-exempts to circumvent the tax-code and campaign finance laws so that they could conduct partisan campaign-related activity.

The Federal Election Campaign Act (FECA) mandates strict limits on who may contribute to campaigns, and it imposes reporting and disclosure requirements on organizations involved in federal elections. The purpose is to ensure honest elections by limiting the sources of campaign funds and publicly identifying those trying to influence votes.

Groups with Internal Revenue Code Section 501(c)(3) status —which confers not only tax-exempt status but also the ability to receive tax-deductible contributions—may not intervene in any political campaign on behalf of or in opposition to any candidate. The tax code permits organizations with Section 501(c)(4) status—which qualify for tax-exempt status, but whose contributors cannot deduct their contributions—to engage in non-partisan election advocacy as long as that is not the group's primary activity.

Unfortunately, the scope of the activities some of these groups engaged in during the 1996 elections went far beyond what Congress intended.

The Republican National Committee, (RNC), for example, infused the 501(c)(4) organization Americans for

Tax Reform, (ATR), with over $4.5 million in the weeks leading up to the 1996 election. The RNC sent that money to ATR just in time for ATR to pay its bills for a direct mail and phone bank campaign involving four million calls and 19 million pieces of mail explicitly disputing the Democrats' position on Medicare as it related to the November 5th election.

By funneling money through an outside group like ATR, the RNC was effectively able to hide the fact that it was behind the mail and phone calls. Recipients of the material funded by the RNC were left with the impression that it came from a disinterested organization, not the party itself.

The RNC also steered large amounts of money to the American Defense Institute (ADI), a 501(c)(3) organization that runs a voter turnout program for military personnel, who tend to vote Republican. The Washington Post reported on October 23, 1997 that in September 1996, ADI returned $600,000 donated to it by the RNC because, according to the group's president, "we didn't want to be controversial and we had funding from other sources." However, as the Post reported, that money was not returned until several days after the RNC itself sent checks totaling $530,000 from six donors to ADI. Around that time, RNC Chairman Haley Barbour also apparently solicited $500,000 from the Philip Morris Companies Inc. for ADI.

The timing of these transactions raises the question of whether the RNC and ADI substituted the donor's money for the RNC's money to avoid publicizing the fact that the RNC was the source of ADI's funding—in other words, to avoid disclosure requirements. Furthermore, all the donors could take a tax deduction for their RNC-solicited ADI contributions, forcing taxpayers to subsidize donations to a political campaign.

On the Democratic side, the Committee heard testimony that Vote Now 96, the fund-raising arm of the 501(c)(3) get-out-the-vote organization Citizens Vote, Inc., sought and received help from the DNC in raising money for its work, presumably because these organizations were working to raise the turnout among groups who tend to vote Democratic. For example, the DNC apparently directed a $100,000 contribution to Vote Now 96 from Duvaz Pacific Corporation after it learned the head of the Philippine company, who had attended a DNC fund-raiser, could not legally contribute to the party because of her foreign citizenship.

There is also significant evidence that a number of tax-exempt groups, none of which disclosed their activities to the FEC, intervened in elections by producing TV ads the groups claimed were issue oriented, but which, in fact, were designed to influence specific elections. According to a study by the Annenberg Public Policy Center, the 501(c)(4) Citizens for Reform ran $2 million worth of ads during October and November of 1996 on behalf of several Republican congressional candidates around the country.

All of these activities by tax-exempt, presumably non-partisan corporations cry out for remedial action by Congress. The McCain-Feingold proposal, S. 25, partially addresses these problems by prohibiting party organizations from soliciting contributions for, or directing them to, tax-exempt entities. This is a very important restriction.

In addition, I am proposing to prohibit such organizations from coordinating any expenditure with parties and candidates and to forbid them to run advertisements or send direct mail identifying a candidate within 60 days of a general election or 30 days of a primary election.

I am confident this proposal will pass constitutional muster because the Supreme Court upheld similar restrictions on tax-exempt organizations in Regan v. Taxation with Representation of Washington. In finding against a First Amendment challenge to a prohibition against substantial lobbying by a 501(c)(3), the court said that "tax exemptions and tax deductibility are a form of subsidy that is administered through the tax system" and that by restricting a tax-exempt's lobbying activities "Congress has merely refused to pay for the lobbying out of public monies."

My bill also would also make clear that Section 527 organizations must comply with federal campaign laws. Internal Revenue Code Section 527 offers tax benefits to "political organizations," a term it defines to include organizations seeking to influence Federal, State or local elections. A number of 501(c)(4) groups active in federal election campaigns apparently have switched their tax status to Section 527, which offers tax benefits with fewer restrictions on political activity. At the same time, these groups claim they are not subject to FECA because they don't engage in express advocacy of particular candidates, even though FECA defines the groups it covers in essentially the same terms as Section 527. My bill would make it clear that the taxpayers should not be subsidizing undisclosed and unregulated political activities by groups who claim they are trying to influence Federal elections for the purpose of the tax code—and thus are entitled to tax-exemption—but not for the purpose of FECA—and thus are immune from regulation. My bill makes clear that they cannot have it both ways and that Section 527's tax benefits are available only to groups regulated under FECA, unless a group seeking Section 527 status is engaged exclusively in State or local political activity.

It is important to emphasize that this bill would not prevent any one or anything from engaging in any type of activity. Instead, it would just say that if a candidate or an organization puts a hand out and asks for a public subsidy—whether it be public financing for a presidential candidate or tax-exemption for an organization—they have to be willing to comply with the rules for taking that public subsidy. After all, no person or entity has a right to public money or to be free of taxes; it is entirely up to Congress to determine what type of activities are so important to society that we should use public money or tax-exemption as ways of encouraging them. In offering tax-exemption to the 501(c)(3) and (c)(4) organizations covered by this bill, Congress already plainly chose to limit their involvement in partisan campaign activity. This bill would merely build on the experience of the 1996 elections to clarify the scope of those limitations.

There are always some who find new and clever ways to manipulate the legal system. Their efforts peaked in our politics in the 1996 cycle with an unparalleled flouting of the laws' requirements and prohibitions. Based on the excuses the Committee heard last year to justify this behavior, I have no doubt the trend will continue—unless we find the will to radically restructure our campaign finance laws.

I urge my colleagues to join me in supporting this legislation, and ask unanimous consent that the text of the bill and a section-by-section of it appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENTS FOR PRESIDENTIAL CANDIDATES ACCEPTING PUBLIC FUNDING.

(a) RESTRICTIONS ON FUNDRAISING BY CANDIDATES.—

(1) DEFINITION OF FUNDRAISING.—Section 9002 of the Internal Revenue Code of 1986 (relating to definitions in the Presidential Election Campaign Fund Act) is amended by adding at the end the following:

"(13) FUNDRAISING ACTIVITY.—

"(A) IN GENERAL.—The term 'fundraising activity' means—

"(i) an activity or event the purpose or effect of which is the direct or indirect solicitation, acceptance, or direction of a contribution (as defined in section 271(b)(2)) for—

"(I) any candidate for public office,

"(II) a political committee (including a national, State, or local committee of a political party),

"(III) an organization that—

"(aa) is described in section 501(c) and exempt from taxation under section 501(a) (or has submitted an application to the Secretary of the Treasury for determination of tax-exemption under such section), and "(bb) engages in any election-related activity, including, but not limited to, voter registration, get-out-the-vote activity, publication or distribution of a voter guide, or making communications that are widely disseminated through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising and that clearly identify a candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a political party,

"(IV) a political organization (as defined in section 527), or

"(V) an organization that engages in any electioneering advertising (as defined in section 324 of the Federal Election Campaign Act of 1971), or

"(ii) the authorization of use of a candidate's name in connection with an activity or event described in clause (i).

"(B) EXCEPTION.—The term 'fundraising activity' does not include an activity or event the sole purpose or effect of which is to solicit or accept a contribution (as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) for the candidate participating in the activity or event that is specifically solicited for, and deposited in, the candidate's legal and accounting compliance fund or that is necessary to cover any deficiency in payments received from the Presidential Election Campaign Fund, to the extent otherwise permissible by law.".

(2) GENERAL ELECTION.—Section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility for payments) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "and" at the end;

(ii) in paragraph (2), by striking the period at the end and inserting ", and"; and

(iii) by inserting after paragraph (2) the following:

"(3) such candidate, a member of the candidate's immediate family (as defined in section 9004(e)), and the candidate's authorized committee or agents or officials of the committee shall not participate in any fundraising activity during the expenditure report period."; and

(B) in subsection (c)—

(i) in paragraph (1), by striking "and" at the end;

(ii) in paragraph (2), by striking the period at the end and inserting ", and"; and

(iii) by inserting after paragraph (2) the following:

"(3) subject to paragraph (2), such candidate, a member of the candidate's immediate family (as defined in section 9004(e)), and the candidate's authorized committee or agents or officials of such committee shall not participate in a fundraising activity during the expenditure report period.".

(3) PRIMARY ELECTION.—Subsection (b) of section 9033 of the Internal Revenue Code of 1986 (relating to eligibility for payments) is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(5) the candidate, a member of the candidate's immediate family (as defined in section 9004(e)), and the candidate's authorized committee or agents or officials of such committee shall not participate in a fundraising activity during the matching payment period unless such activity has as its sole purpose and effect the solicitation or acceptance of contributions (as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))).".

(b) RESTRICTION ON COORDINATED DISBURSEMENT.—

(1) DEFINITION OF COORDINATED DISBURSEMENT.—Section 9002 of the Internal Revenue Code of 1986 (as amended by subsection (a)) is amended by adding at the end the following:

"(14) COORDINATED DISBURSEMENT.—

"(A) IN GENERAL.—The term 'coordinated disbursement' means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made in connection with any broadcasting, newspaper, magazine, billboard, direct mail, phone bank, widely distributed electronic mail, or similar type of general public communication or advertising by a person (who is not a candidate or a candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a member of the candidate's immediate family (as defined in section 9004(e)), the candidate's authorized committees, or a committee of a political party.

"(B) SPECIAL RULE.—In the case of a candidate who designates a committee of a political party as the candidate's authorized committee, the term 'coordinated disbursement' shall include disbursements made by the committee in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or a member of the candidate's immediate family (as defined in section 9004(e)) in excess of an amount equal to the aggregate of the limit under section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) and the appropriate limit under section 315(b)(1) of such Act (2 U.S.C. 441a(b)(1)).

"(C) EXCEPTIONS.—The term 'coordinated disbursement' does not include—

"(i) a disbursement that is an expenditure subject to the limits under section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)); or

"(ii) a disbursement for a bona fide newscast, news interview, news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), editorial, or on-the-spot coverage of bona fide news events.".

(2) GENERAL ELECTION.—Subsection (a) of section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility for payments) is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(4) agree not to participate in a coordinated disbursement during the election report period.".

(3) PRIMARY ELECTION.—Section 9033(b) (as amended by subsection (a)(3)) is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(6) the candidate and the candidate's authorized committees shall not participate in a coordinated disbursement (as defined in section 9002(14)) during the matching payment period except to the extent that the disbursement is a contribution subject to the contribution limits of section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a).".

SEC. 2. REQUIREMENTS FOR POLITICAL PARTIES ACCEPTING PUBLIC FINANCING FOR PRESIDENTIAL NOMINATING CONVENTIONS.

(a) REQUIREMENTS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 324. REQUIREMENTS FOR POLITICAL PARTIES ACCEPTING PUBLIC FINANCING FOR PRESIDENTIAL NOMINATING CONVENTIONS.

"(a) DEFINITIONS.—In this section—

"(1) COMMITTEE.—The term 'committee' shall include a national, State, district, or local committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such party committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity.

"(2) ELECTIONEERING ADVERTISING.—

"(A) IN GENERAL.—The term 'electioneering advertising' means a communication—

"(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of individual) for President', '(name of individual) in (calendar year)', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to recommend the election or defeat of 1 or more clearly identified candidates such as '(name of candidate)'s the One' or '(name of candidate'); or

"(ii) referring to 1 or more clearly identified candidates in a communication that is widely disseminated to the electorate for the election in which the identified candidates are seeking office through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public communication.

"(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'electioneering advertising' does not include a printed communication that—

"(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more individuals;

"(ii) is not made in coordination with an individual, political party, or agent of the individual or party;

"(iii) in the case of a voter guide based on a questionnaire, provides each individual seeking a particular seat or office an equal opportunity to respond to the questionnaire and have the individual's responses incorporated into the voter guide;

"(iv) does not present an individual with greater prominence than any other individual; and

"(v) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of individual) for President', '(name of individual) in 1997', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified individuals.

"(3) ELIGIBLE POLITICAL COMMITTEE.—The term 'eligible political committee' means a national committee of a political party entitled to receive payments under section 9008 of the Internal Revenue Code of 1986 for a presidential nominating convention.".

"(b) LIMITS ON ELECTIONEERING ADVERTISING.—During the matching payment period (as defined in section 9032(6) of the Internal Revenue Code of 1986) and the expenditure report period (as defined in section

9002(12) of such Code), an eligible political committee shall not—

"(1) make disbursements for electioneering advertising in connection with an individual seeking nomination for election, or election, to the office of President or Vice President except from funds that are subject to the limitations, prohibitions, and reporting requirements of this Act; or

"(2) transfer of funds that are not subject to the limitations, prohibitions, and reporting requirements of this Act to a State, district, or local committee of a political party that will be used to make disbursements for electioneering advertising in connection with an individual seeking nomination for election, or election, to the office of President or Vice President.

"(c) Limitation of Coordinated and Independent Expenditures.—In the case of an eligible political committee, the limitation under section 315(d)(2) (relating to coordinated expenditures by committees of a political party) shall apply to the aggregate of expenditures, disbursements for electioneering advertising, and independent expenditures made by the national committee in connection with a candidate for President of the United States.

"(d) Prohibition of Coordinated Disbursements.—During the matching payment period (as defined in section 9032(6) of the Internal Revenue Code of 1986) and the expenditure report period (as defined in section 9002(12) of such Code), an eligible political committee shall not participate in a coordinated disbursement (as defined in section 9002(14) of the Internal Revenue Code of 1986) with respect to an individual seeking nomination for election, or election, to the office of President or Vice President.

"(e) Prohibition of Certain Donations.—An eligible political committee and any officer or agent acting on behalf of such committee shall not solicit any funds for, or make or direct any donation to, an organization that—

"(1) is described in section 501(c) and exempt from taxation under section 501(a) (or has submitted an application to the Secretary of the Treasury for determination of tax-exemption under such section), and

"(2) engages in any election-related activity, including, but not limited to, voter registration, get-out-the-vote activity, publication or distribution of a voter guide, or making communications that are widely disseminated through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising that clearly identify a candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a political party.

"(f) Prohibition of Soft Money.—

"(1) National committees.—

"(A) In general.—An eligible political committee (including a national congressional campaign committee of a political party) and any officers or agents of such committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(B) Applicability.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by an eligible committee (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

"(2) State, district, and local committees.—

"(A) In general.—An amount that is expended or disbursed by a State, district, or local committee of a political.party that has an eligible political committee (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(B) Federal election activity.—

"(i) In general.—The term 'Federal election activity' means—

"(I) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

"(II) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

"(III) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

"(ii) Excluded activity.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

"(I) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office if the campaign activity is not a Federal election activity described in clause (i);

"(II) a contribution to a candidate for State or local office if the contribution is not designated or used to pay for a Federal election activity described in clause (i);

"(III) the costs of a State, district, or local political convention;

"(IV) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

"(V) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

"(VI) the cost of constructing or purchasing an office facility or equipment for a State, district, or local committee.

"(3) Fundraising costs.—An amount spent by a national, State, district, or local committee of a political party (that has an eligible political committee) to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.".

(b) Increased Contribution Limit.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C)—

(A) by inserting "(other than a committee described in subparagraph (D))" after "committee"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) to a political committee established and maintained by a State committee of a political party that is entitled to receive payments under section 9008 of the Internal Revenue Code of 1986 for a Presidential nominating convention in any calendar year that, in the aggregate, exceed $10,000.".

(c) Conforming Amendments.—

(1) Federal election campaign act of 1971.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(2)) is amended by striking "The national committee" and inserting "Subject to section 324(b), the national committee".

(2) Internal revenue code of 1986.—Subsection (b) of section 9008 of the Internal Revenue Code of 1986 (relating to payments for presidential nominating conventions) is amended—

(A) in paragraph (1), by inserting "and section 324 of the Federal Election Campaign Act of 1971" after "section"; and

(B) in paragraph (2), by inserting "and section 324 of the Federal Election Campaign Act of 1971" after "section".

SEC. 3. REQUIRED DISCLAIMER FOR PRESIDENTIAL CANDIDATES.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by adding at the end the following:

"(c) Required Disclaimer for Presidential Candidates.—In the case of an expenditure by a candidate for President or Vice President eligible under section 9003 of the Internal Revenue Code of 1986 or under section 9033 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury for an advertisement that is broadcast by a radio broadcast station or a television broadcast station or communicated by direct mail, such advertisement shall contain the following statement: 'Federal law establishes voluntary spending limits for candidates for President. This candidate   agreed to abide by the limits.' (with the blank filled in with 'has' or 'has not' as appropriate).".

SEC. 4. LIMITATIONS ON POLITICAL ACTIVITY BY TAX-EXEMPT ORGANIZATIONS.

Subsection (c) of section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following new subsection:

"(o) Special Rules for Organizations Exempt Under Paragraph (3) or (4) of Subsection (c).—An organization described in paragraph (3) or (4) of subsection (c) shall be denied exemption from taxation under subsection (a) if such organization—

"(1) solicits or accepts a contribution (as defined in section 271(b)(2)) from a committee of a political party or an authorized committee of a candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)),

"(2) makes or directs a contribution to a committee of a political party or an authorized committee of a candidate,

"(3) makes a disbursement for electioneering advertising (as defined in section 324 of the Federal Election Campaign Act of 1971), except to the extent that—

"(A) the disbursement constitutes an independent expenditure (as defined in section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)), or

"(B) the advertising is—

"(i) described in section 324(a)(2)(A)(ii) of the Federal Election Campaign Act of 1971,

"(ii) otherwise permitted by law, and

"(iii) made more than—

"(I) 60 days before the date of a general, special, or runoff election in which the identified candidates are seeking office, or

"(II) 30 days before the date of a primary or preference election or a convention or caucus of a political party that has authority to nominate a candidate for the office for which the identified candidates are seeking election, or

"(4) participates in a coordinated disbursement (as defined in section 9002(14)).".

SEC. 5. DEFINITIONS OF POLITICAL COMMITTEE AND POLITICAL ORGANIZATION.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) a political organization (as defined in section 527(e)(1) of the Internal Revenue Code of 1986 and subject to section 527 of such Code) unless the activities of the organization are for the exclusive purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual or individuals to any State or local public office or office in a State or local political organization.".

(b) DEFINITION OF POLITICAL ORGANIZATION.—Paragraph (e)(1) of section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by striking "incorporated) organized and operated" and all that follows through the period and inserting "incorporated)—

"(A) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function, and

"(B) that is a political committee described in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) except to the extent that the activities of the organization are for the exclusive purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual or individuals to any State or local public office or office in a State or local political organization.".

SEC. 6. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 7. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 30 days after the date of enactment of this Act.

SEC. 8. REGULATIONS.

The Federal Election Commission and the Commissioner of the Internal Revenue Code of 1986 shall—

(1) promulgate regulations as necessary to enforce this Act; and

(2) in the promulgation of regulations under paragraph (1), provide an exception to any provision that the Commission or Commissioner determines necessary to serve the public interest.

SECTION-BY-SECTION OF LIEBERMAN CAMPAIGN FINANCE REFORM BILL

The Lieberman campaign finance reform proposal responds to two significant problems highlighted during the Governmental Affairs Committee's recently concluded campaign finance investigation. First, it would amend the presidential public financing laws to ensure that taxpayers—who spent $236 million on the 1996 elections in an effort to limit spending on the presidential campaign and keep candidates for the presidency above the fundraising fray—get what they pay for. Second, it offers amendments to the tax code, with the goal of limiting the ability of tax-exempt organizations to circumvent existing restrictions on their involvement in partisan politics. The following provides a section-by-section explanation of the bill's provisions.

SECTION 1: REQUIREMENTS FOR PRESIDENTIAL CANDIDATES ACCEPTING PUBLIC FINANCING

Section 1 imposes two new requirements on candidates seeking public financing for their presidential primary or general election campaigns: (a) they must limit their fundraising; and (b) they must agree not to try to evade spending limits on their own campaigns by using the parties or outside groups to make expenditures for them.

(a) Fundraising Restrictions: Subsection 1(a) imposes fundraising restrictions on candidates accepting public financing:

(1) Definition of "Fundraising Activity": Subsection 1(a)(1) defines the term "fundraising activity" to include efforts to raise money for: (a) candidates, (b) political committees (like the DNC or RNC), (c) tax-exempt organizations that engage in any election-related activity, which is defined to include voter registration, get-out-the-vote activities, the publication or distribution of voter guides, or the making of widely disseminated communications that mention candidates or political parties, (d) political organizations as defined by Section 527 of the tax code, or (e) any organization that engages in "electioneering advertising," a term the bill defines in Section 2 below. "Fundraising activity" in this section also includes the candidate's authorization to use his name in connection with any of the activities just described. Because the election laws explicitly allow presidential candidates to seek private contributions to defray their legal and accounting costs or if the public financing fund does not have enough money in it to give candidates their full allotment of public funds, the subsection excludes raising contributions for those purposes from its definition of "fundraising activity."

(2) Restrictions on Fundraising During the General Election: Subsection 1(a)(2) provides that a publicly-funded general election candidate for the presidency, members of his immediate family, the candidate's authorized committee, and agents and officials of that committee may not engage in any fundraising activity from the date of the candidate's nomination until the general election.

(3) Restrictions on Fundraising During the Primary Campaign: Subsection 1(a)(3) provides that from January 1 of an election year until the date of the convention of the party whose nomination the candidate seeks, a primary election candidate receiving federal matching funds must limit his fundraising activities to the solicitation or acceptance of hard money (money regulated and limited by the Federal Election Campaign Act). This restriction also applies to members of the candidate's immediate family, the candidate's authorized committee, and agents and officials of that committee.

(b) Restrictions on Spending Through the Parties and Outside Groups: Subsection 1(b) seeks to prevent candidates for the presidency from circumventing limits on their own campaigns by working with parties or outside groups to spend party money to advance their candidacies.

(1) Definition of Coordinated Disbursement: Subsection 1(b)(1) defines the term "coordinated disbursement" as spending by a person or entity other than a candidate or his authorized committee for broadcast, print, direct mail or other similar type of public communication if the spending person or entity consults or coordinates with a candidate or party about the disbursement. "Coordinated disbursements" encompass any type of communication or advertising, and are not limited to those including words of express advocacy. The term does not encompass, however, any spending a political party makes under Section 441a(d), which explicitly allows parties to coordinate a set amount of spending with their candidates, or disbursements for bona fide newscasts, editorials, and the like. In addition, in the case of a presidential candidate who designates a political party as his authorized campaign committee, the term encompasses only coordinated spending by the political party that exceeds the combined limit allowed under the public financing laws and Section 441a(d).

(2) Prohibition on Participating in Coordinated Disbursements During General Election: Subsection 1(b)(2) prohibits publicly-funded general election candidates from participating in any coordinated disbursements.

(3) Prohibition on Participating in Coordinated Disbursements During Primary Election: Subsection 1(b)(3) prohibits primary candidates receiving federal matching funds from participating in coordinated disbursements unless the coordinated disbursement is a contribution subject to the election law's contribution limits.

SECTION 2: REQUIREMENTS FOR POLITICAL PARTIES ACCEPTING PUBLIC FINANCING FOR PRESIDENTIAL NOMINATING CONVENTIONS

Section 2 imposes five new requirements on political parties accepting public financing for their presidential nominating conventions: (a) they must agree to use only hard money to fund advertisements using a presidential candidate's name or likeness in a presidential election year; (b) they must agree to limit their express advocacy expenditures—whether they are made in coordination with their presidential candidate or independently of them—to the amount set in Section 441a(d); (c) they must agree not to participate in coordinated disbursements with respect to their presidential candidates; (d) they must agree not to solicit any funds for or make any donations to tax-exempt groups; and (e) they must agree to a ban on soft money:

(a) Definition of Electioneering Advertising: Section 2 defines "electioneering advertising" to include a communication that either uses words like "vote for" or "vote against" the candidate, or that refers to one or more clearly identified candidates in a communication that is widely disseminated through a broadcast station, newspaper, magazine, direct mail or any other type of general public communication. The provision explicitly excludes printed voter guides from the term "electioneering advertising," as long as the voter guide presents information in an educational manner about two or more candidates' positions on issues, is not coordinated with candidates or political parties, provides equal prominence to all candidates covered by the guide, and does not contain phrases like "vote for" or "vote against" any candidate.

(b) Restrictions on Electioneering Advertising by Parties: Section 2 provides that throughout the presidential election year, parties accepting public convention financing must use only hard money to pay for electioneering advertising featuring presidential candidates. In addition, it prohibits them from avoiding this restriction by transferring funds to State parties for the purpose of running such ads.

(c) Limits on Coordinated and Independent Expenditures: Section 441a(d) provides that political parties can spend a set amount of money in coordination with their presidential candidates to further those candidates' chances for election. Under Colorado Republican Federal Campaign Committee v. Federal Election Commission, parties also have the right to make unlimited "independent expenditures"—that is, expenditures that expressly advocate a candidate but are not made in consultation with the candidate. Section 2 of the Lieberman bill would require parties accepting convention financing to agree to limit all categories of their expenditures for their presidential candidates—whether they be coordinated expenditures, independent expenditures or expenditures for electioneering advertising—to the amount set in Section 441a(d).

(d) Prohibition on Coordinated Disbursements: Section 2 provides that parties accepting public convention financing may not participate in coordinated disbursements involving presidential candidates during a presidential election year. Note that because the definition of "coordinated disbursement" excludes Section 441a(d) expenditures, parties still may spend a specified amount in coordination with their presidential candidates.

(e) Prohibition on Donations to Tax-Exempt Organizations: Section 2 provides that parties accepting convention financing may not solicit any funds for, or direct any donations to, IRS Code Section 501(c) organizations that engage in any election-related activity, which is defined to include voter registration, get-out-the-vote activities, the publication or distribution of voter guides, or the making of widely disseminated communications that mention candidates or political parties.

(f) Prohibition on Soft Money: Section 2 requires parties accepting convention financing to agree to a ban on soft money. The language for the ban is taken from S. 25, the McCain-Feingold bill.

SECTION 3: REQUIRED DISCLAIMER FOR PRESIDENTIAL CANDIDATES

Section 3 requires candidates for the presidency to add the following statement to any broadcast or direct mail advertisement: "Federal law establishes voluntary spending limits for candidates for President. This candidate   agreed to abide by the limits." The blank line is to be filled in with either "has" or "has not," as appropriate.

SECTION 4: LIMITATIONS ON POLITICAL ACTIVITY BY TAX-EXEMPT ORGANIZATIONS

Section 4 makes more explicit the precise limits on the political activities of organizations with tax-exempt status under Section 501(c)(3) or (c)(4) of the tax code. It provides that such organizations shall lose their exemption if they:

(a) solicit or accept a contribution from a political party or a candidate;

(b) make or direct a contribution to a political party or a candidate;

(c) make a disbursement for electioneering advertising (defined in Section 2, above) if the advertising is made 60 days or less before a general election or 30 days or less before a primary election, unless the disbursement constitutes an independent expenditure that is otherwise permitted by law; or

(d) participate in a coordinated disbursement (defined in Section 1(b)(1), above).

SECTION 5: ENSURING THAT SECTION 527 ORGANIZATIONS COMPLY WITH THE FEDERAL ELECTION LAWS

A number of 501(c)(4) organizations active in federal election-related activity apparently have started switching their status to Section 527, a different provision of the tax code that offers tax benefits with fewer restrictions on political activity. At the same time, these organizations claim that they are not subject to FECA because they are not engaging in express advocacy. Section 5 amends the definitions of the term "political organization" in Section 527 and "political committee" in FECA to make clear that the tax benefits of Section 527 are available only to organizations whose activities are regulated under FECA, unless the organization focuses exclusively on State or local political activity.

SECTION 6: SEVERABILITY

Section 6 provides that a declaration that any provision of the legislation is unconstitutional shall not affect the rest of the legislation.

SECTION 7: EFFECTIVE DATE

Section 7 provides that the legislation takes effect 30 days after enactment.

SECTION 8: AUTHORITY TO PROMULGATE REGULATIONS

Section 8 provides the FEC and the IRS with authority to (a) promulgate regulations as necessary to enforce the legislation and (b) provide exceptions to any of the legislation's provisions if necessary to serve the public interest.

By Mr. GRASSLEY:

S. 1667. A bill to amend section 2164 of title 10, United States Code, to clarify the eligibility of dependents of United States Service employees to enroll in Department of Defense dependents schools in Puerto Rico; to the Committee on Armed Services.

DEPARTMENT OF DEFENSE SCHOOLS LEGISLATION

Mr. GRASSLEY. Mr. President. I would like to draw attention to a problem in our drug control program. It concerns something that the Department of Defense (DoD) is not doing. And frankly it's embrassing. Today, the men and women of federal law enforcement constantly put their lives at risk in an effort to fight the increasing flow of illicit drugs into our country. Not only do we face the threat of an increase of drugs in our children's schools and on our streets, but our law enforcement officers continue to face a rising tide of violence at our borders and in our cities as a result of the drug trade. We continue to see the flow of narcotics across the Southern tier of the U.S. to include Puerto Rico. Law enforcement personnel, with their commitment to the mission to fight the war on drugs, work many long hours, sometimes late into the evening and are subject to changes in their schedules at a moment's notice. The families of these officers also feel the pressures of the job they perform. This brings me to the point I would like to make.

The front lines of the U.S. Customs Service do not involve just a problem of gun-toting drug thugs. Agents face more than long hours and risky situations. While they deal with all these things, they must shoulder the additional burden of coping with bureautic bumbledom. This added load is a result of DoD officiousness and unwillingness to cooperate. The language of instruction in Puerto Rico public schools is Spanish and not English. Therefore, the only affordable English-language school option for U.S. Customs personnel is the DoD school. However, current legislation and DoD policy is creating a hardship for Customs employees and their families. This unnecessarily affects our counter-drug efforts by undermining morale.

It is understanding that the children of these law enforcement personnel have been attending DoD schools in Puerto Rico for more than 20 years. Throughout the years, changes in legislation and DoD policy have placed numerous restrictions on Customs and other Federal civilian agencies. Customs has recently augmented its workforce in Puerto Rico under its Operation Gateway initiative in light of the continuing and heightened threat of narcotics smuggling and money laundering in the Caribbean Basin. I supported this initiative.

This session I will also stress the need for better coordination of our interdiction strategy, particularly the need to develop a "Southern Tier" concept. This initiative will strive to focus resources in a more comprehensive way to protect our southern frontier. Puerto Rico is crucial to this strategy. Current legislation and DoD's policy requirements are, however, obstacles to the effective implementation of this aggressive enforcement initiative in terms of recruitment and retention of Customs employees because, as I stated earlier, there are no English speaking public schools in Puerto Rico.

In my view, it is unfair that Customs agents and Inspectors in Puerto Rico—the men and women who deal daily with difficult and dangerous situations—should find their attention distracted by something like this.

The U.S. Customs Service interdicts more drugs than any other Government Agency. Based on the size of the workforce of Customs in Puerto Rico, their critical law enforcement mission, the difficulty in recruiting, and the negative effect this policy is having on their employees and families (over 150 children of Customs employees are currently enrolled in the program), I would like to see a swift solution to these problems.

Recently, a Customs' Special Agent was killed in an accident while assisting the U.S. Secret Service on a Presidential detail. This highlights another problem. My legislation would also address a concern raised by this case. It happens that the children of this agent currently attend classes in the DoD school in Puerto Rico. It is my understanding that a letter from the Secretary of the Treasury was sent to the Secretary of Defense requesting that these children be able to continue to attend classes in the DoD school program for the remainder of their education. So far, DoD has dragged its feet and has not resolved the matter. What is unfortunate is that at the end of the year, these children will no longer be eligible to attend the DoD school.

My staff has communicated with DoD to resolve these problems. But DoD has not been very responsive. I personally wrote the Secretary of Defense to work out a solution. I got a response from a low-level bureaucrat who responded just like, well, a bureaucrat. The answer was, "nothing can be done", that the solution is to "change the legislation".

Mr. President, I plan to do just that. Today, I am introducing legislation that would clarify the eligibility of Customs Service employee dependents to enroll in the Department of Defense Schools in Puerto Rico. This bill is essential in order to address the current problems that I have described for these employees and their families. I look forward to working with my colleagues to ensure that our efforts to protect our country from illicit drugs is effective and adequately supported. I hope that my colleagues will look at this legislation and join me in sponsoring this bill. It is enough of a burden on the families of the dedicated men and women who labor to protect our borders without further weighing them down with senseless red tape.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF ELIGIBILITY OF CUSTOMS SERVICE EMPLOYEE DEPENDENTS TO ENROLL IN DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS IN PUERTO RICO.

(a) CLARIFICATION.—Section 2164(c) of title 10, United States Code, is amended by adding at the end the following:

"(4)(A) A dependent of a United States Customs Service employee who resides in Puerto Rico but not on a military installation may enroll in an educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico.

"(B) Notwithstanding the limitation on duration of enrollment set forth in paragraph (2), a dependent described in subparagraph (A) who is enrolled in an education program described in that subparagraph may be removed from the program only for good cause (as determined by the Secretary).

"(C) In the event of the death in the line of duty of an employee described in subparagraph (A), a dependent of the employee may remain enrolled in an educational program described in that subparagraph until—

"(i) the dependent completes the secondary education associated with such educational program; or

"(ii) the dependent is removed for good cause (as so determined).".

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and apply to academic years beginning on or after that date.

By Mr. SARBANES (for himself and Mr. WARNER):

S.J. Res. 41. A joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital; to the Committee on Energy and Natural Resources.

LEGISLATION ON PLACEMENT OF THE MARTIN LUTHER KING, JR. MEMORIAL

Mr. SARBANES. Mr. President, the 104th Congress passed legislation, introduced by myself and my distinguished colleague Senator WARNER, to authorize the establishment of a monument to Dr. Martin Luther King, Jr. on federal land in the District of Columbia.

Today I rise, once again for myself and Senator WARNER, to introduce legislation that would give effect to the recommendation of the Department of Interior that this Memorial be situated in Area I of the Capital. Area I comprises, in the words of the Interior Department, "the central Monumental Core of the District of Columbia and its environs," that is, the Mall and its surrounding areas. The Department has determined that a commemorative work belongs in Area I only if it is determined to be of preeminent historical and lasting significance to the Nation. It comes as no surprise that the King memorial has been found to meet these criteria, and I urge my colleagues to join me in approving the Department's recommendation. I ask unanimous consent that the text of a January 29, 1998 letter from Don Barry, Acting Assistant Interior Secretary for Fish and Wildlife and Parks, to Vice President GORE transmitting this recommendation be included in the RECORD.

Mr. President, it is particularly apt that Senator WARNER and I introduce this legislation in February, which has been designated Black History Month. To place the King Memorial alongside monuments to America's greatest leaders would acknowledge the nation's historic debt to Dr. King, to his philosophy of nonviolence, and to his dream of Americans living together in racial harmony. The National Capital Memorial Commission agrees. After holding a hearing on July 29, 1997, on the question of the location of the King Memorial, the Commission informed Assistant Secretary Barry that, in his words:

> Dr. King, the central figure of the Civil Rights movement, a man who strove to advance the cause of equality for all Americans, and a man who dedicated himself through nonviolent means to promote the principles of justice and equality, who paid the ultimate price for his beliefs, has had a profound effect on all Americans which will continue through history.

Situation of the King Memorial in Area I would also place Dr. King's legacy in historical context. Americans are already aware of the achievements of George Washington, Thomas Jefferson, Abraham Lincoln, Franklin Delano Roosevelt, the veterans of our foreign wars, and other Area I honorees in preserving the liberties, freedoms, and rights that Americans hold dear. Dr. King and his legacy hold a vital place along this continuum, and fully deserve the honor that the Secretary of the Interior seeks to accord them.

Mr. President, while we have come a long way since Dr. King's death toward the goals of equality and racial harmony for which he lived, and gave, his life, we still have a long way to go. A King Memorial in Area I would serve as a signpost along the road toward these goals for those who were not alive when Dr. King lived, and as a reminder that the goals toward which he strove must be attained in order for America to remain strong and true to its governing principles.

In closing, let me pay tribute to Alpha Phi Alpha, the oldest African-American fraternity in the United States, to which Dr. King and many other prominent African-Americans, such as former Supreme Court Justice Thurgood Marshall, belonged. Under the King Memorial plan enacted into law last Congress, Alpha Phi Alpha will coordinate the funding and design of the King Memorial, which will be funded entirely through private donations, at no cost to the public. Alpha Phi Alpha's efforts in this area—and its support of this legislation—reflect its desire that Dr. King's legacy remain alive. I urge the Senate to carry its burden in this effort, and to pass the Interior Department's recommendations into law as soon as possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, January 29, 1998.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Public Law 104-333, Section 508, 110 STAT. 4157, (1996), authorized the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia pursuant to the Commemorative Works Act, 40 U.S.C. §§1001–1010 (1994 & Supp. I 1995).

The Alpha Phi Alpha Fraternity has requested that the memorial be located in

Area I, the area comprising the central Monumental Core of the District of Columbia and its environs, which is defined in section 1002(e) of the Commemorative Works Act by a referenced map. Section 1006(a) of that Act provides that the Secretary of the Interior, after consultation with the National Capital Memorial Commission, may recommend locating a commemorative work in Area I only if the Secretary determines that the subject of the memorial is of preeminent historical and lasting significance to the Nation. If a determination of preeminence and lasting significance is made, this section further provides that the Secretary shall notify the Congress and recommend that the memorial be located in Area I.

Following its public meeting on July 29, 1997, the National Capital Memorial Commission advised me that Dr. King, the central figure of the Civil Rights movement, a man who strove to advance the cause of equality for all Americans, and a man who dedicated himself through nonviolent means to promote the principles of justice and equality, who paid the ultimate price for his beliefs, has had a profound effect on all Americans which will continue through history.

I have considered the advice and find the subject to be of preeminent historical and lasting significance to the Nation. The Alpha Phi Alpha Fraternity should be granted the authority to consider locations within Area I as potential sites for the memorial to Martin Luther King, Jr.

In accordance with section 1006(a) of the Act, notice is hereby given that I have, through my designee, consulted with the National Capital Memorial Commission, and recommend that the memorial be authorized a location within Area I. Under section 1006(a) of that Act, my recommendation to locate the memorial in Area I shall be deemed disapproved unless, not later than 150 days after this notification, the recommendation is approved by law.

No sites have been considered in advance of this recommendation. Enclosed is a draft of a joint resolution to authorize location of this memorial in Area I. We recommend that it be referred to the appropriate Committee for consideration.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft joint resolution from the standpoint of the Administration's program.

Sincerely,

DON BARRY,
Acting Assistant Secretary for Fish and Wildlife and Parks.

ADDITIONAL COSPONSORS

S. 194

At the request of Mr. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 194, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations and for other purposes.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the Medicare and Medicaid programs.

S. 467

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 467, a bill to prevent discrimination against victims of abuse in all lines of insurance.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 531

At the request of Mr. ROTH, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 531, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 837

At the request of Mr. CAMPBELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 837, a bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

S. 990

At the request of Mr. FAIRCLOTH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 990, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging.

S. 1042

At the request of Mr. CRAIG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1042, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 1151

At the request of Mr. DODD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 1151, a bill to amend subpart 8 of part A of title IV of the Higher Education Act of 1965 to support the participation of low-income parents in postsecondary education through the provision of campus-based child care.

S. 1204

At the request of Mr. COVERDELL, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1283

At the request of Mr. BUMPERS, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from South Dakota (Mr. DASCHLE), the Senator from Washington (Mrs. MURRAY), the Senator from North Dakota (Mr. DORGAN), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. KERREY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. CLELAND), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Rhode Island (Mr. REED), the Senator from Louisiana (Mr. BREAUX), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1334

At the request of Mr. BOND, the names of the Senator from Virginia (Mr. ROBB) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1350

At the request of Mr. LEAHY, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1350, a bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilites, and for other purposes.

S. 1421

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1421, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1422

At the request of Mr. MCCAIN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Virginia (Mr. ROBB), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1460

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1460, a bill for the relief of Alexandre Malofienko, Olga Matsko, and their son Vladimir Malofienko.

S. 1461

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1461, a bill to establish a youth mentoring program.

S. 1569

At the request of Mr. COVERDELL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1569, a bill to amend the Internal Revenue Code of 1986 to raise the 15 percent income tax bracket into middle class income levels, and for other purposes.

S. 1578

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1578, a bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1605

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1643

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1643, a bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Michigan (Mr. ABRAHAM), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of Senate Joint Resolution 30, a joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day," and for other purposes.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. LOTT, the name of the Senator from Kansas (Mr. BROWNBACK) was withdrawn as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the names of the Senator from Arkansas (Mr. BUMPERS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE RESOLUTION 171

At the request of Mr. SPECTER, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from New York (Mr. D'AMATO), the Senator from Michigan (Mr. ABRAHAM), the Senator from New York (Mr. MOYNIHAN), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from Wisconsin (Mr. KOHL), the Senator from New Mexico (Mr. DOMENICI), the Senator from California (Mrs. BOXER), the Senator from North Carolina (Mr. HELMS), the Senator from Michigan (Mr. LEVIN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of Senate Resolution 171, a resolution designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 179—RELATING TO THE INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN FOR WAR CRIMES AND OTHER CRIMES AGAINST HUMANITY

Mr. SPECTER submitted the following resolutions; which was referred to the Committee on Foreign Relations:

S. RES. 179

Whereas, the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law during World War II;

Whereas, the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990 and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas, the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas, the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas, both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas, the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas, the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas, in violation of the Fourth Geneva Convention, from January 18, 1991 to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing two persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas, Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraq invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas, Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas, Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991;

Whereas, President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas, Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas, the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas, Section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities";

Whereas, Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas, there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas, more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the Former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas, the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas, a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts;

Whereas, on February 17, 1998, the President of the United States outlined his policy on engaging in a military action against Iraq and stated that his purpose is "to seriously diminish the threat posed by Iraq's weapons of mass destruction program" and further stated that if a United States military operation does not prevent Saddam Hussein from rebuilding his weapons of mass destruction, future military strikes will be necessary;

Whereas, current plans are grossly inadequate because it is insufficient to "seriously diminish" the threat posed by Saddam Hussein to the international community through the use of weapons of mass destruction;

Whereas, there is a need for a long-term approach to removing Saddam Hussein from his position as President of Iraq: Now, therefore, be it

Resolved, That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials; and

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) devise a long-term plan, in consultation with allies of the United States, for the removal of Saddam Hussein from his position as President of Iraq, so that he can be prosecuted fully for war crimes and other violations of international law.

Mr. SPECTER. Mr. President, I now offer a resolution that seeks to deal with the international crisis caused by Saddam Hussein's amassing of weapons of mass destruction. There are reports as of this morning that Secretary General Kofi Annan has solved the problem after discussions with Saddam Hussein. A diplomatic solution is always preferable to a military solution, even though Saddam Hussein has carried the world to the brink of war. Before we will know whether or not Secretary General Kofi Annan has succeeded, we will have to read the fine print.

In the event that the Secretary General's efforts to end the crisis are unsuccessful, I submit that it is a constitutional imperative that Congress consider, debate, deliberate, and vote on a resolution on how to deal with this threat before the President takes unilateral action with air and missile strikes.

Air and missile strikes constitute acts of war. Under the U.S. Constitution, only the Congress has the authority to involve our Nation in war. In his constitutional capacity as Commander in Chief, the President may act in emergencies, but there is now time for deliberative action by the Congress.

During the week of February 9, when this issue was the talk of the caucuses and the cloakrooms, Congress spoke loudly by not speaking at all because there was no agreement on what should be done. On February 16, I wrote the President urging that no military action be taken until Congress returned from the recess today, February 23. With the prospect of unilateral Presidential action, if Secretary General Annan is unsuccessful, I believe it is our duty in both the Senate and the House to take a position on this obviously critical issue of war or peace before the President takes unilateral action with a military strike.

My resolution is an alternative to the approach outlined by the President on February 17. Without deciding whether I would vote to support the President's plan, I am submitting this alternative because I think it is a preferable course of action and, perhaps even more importantly, to stimulate debate in the Congress which could produce an even better course of U.S. action. The issues that now confront our Nation are complex, controversial, and could produce unintended consequences. I do not contend that my resolution provides all the answers, or even necessarily the best answer, but it could lead to the least of the available undesirable alternatives, and that is what I think we face, Mr. President—a question of which is the least of the undesirable alternatives.

At the outset, let there be no doubt that it is my view that Saddam Hussein's amassing weapons of mass destruction is intolerable and must be stopped. If the United States takes action, there must be national unity behind our fighting forces, but that doesn't mean giving the President a blank check in advance by delegating to the executive the Congress' constitutional duties.

Again, without committing myself on how I will vote if the President's plan is submitted to Congress in a resolution, I do wish to express my deep reservations and concerns for the following reasons:

First, the President's plan does not reach the core issue of removing Saddam Hussein as Iraq's leader or in eliminating his weapons of mass destruction. The maximum result, as articulated by the President in his own words, is "to seriously diminish the threat posed by weapons of mass destruction." But there is the understanding or concession in that statement that there would only be a serious diminution, not an elimination, of weapons of mass destruction. The President then noted that if such weapons are rebuilt, there would be another strike. Such a series of strikes, which could be indefinite for all we know, are hardly the answer.

Saddam Hussein's continuous flouting of his specific agreements and U.S. mandates since 1991 requires removing him from office as the only adequate answer.

My second concern is that U.S. air and missile strikes, aided only by Great Britain, could materially hurt our position as the world leader, or at least as the leader of the free world. We are, after all, seeking to enforce the U.N. position on Saddam Hussein's weapons of mass destruction and that Iraq must comply with those U.N. resolutions and yield to U.N. inspections.

When we arrogate unto ourselves, with only Great Britain's concurrence, the decision to undertake air and missile strikes, on this state of the record, we are likely to be viewed by the world as arrogant, which is the root meaning of arrogating unto ourselves that ultimate decision.

In my foreign travels, I have found enormous respect and admiration for the United States around the world. People everywhere admire and really envy our freedom, our democratic values, our standard of living, and our power. But, in a January trip to Europe, the Mideast and North Africa, I heard virtually unanimous objections to the proposed U.S. air and missile strikes on Iraq as an abuse of power and U.S. arrogance. The key part of that arrogance involves projected Iraqi civilian casualties and our insistence on acting as we see fit, contrasted with the views of the other nations, almost uniformly with the exception of Great Britain.

Third, air and missile strikes may cause devastating unintended consequences. Our experience has demonstrated that we may expect retaliation from terrorists. The bombing of Libya in 1986 produced the bombing of Pan Am 103. Our so-called covert proposals against Iran most probably produced the terrorist attack on Khobar Towers in June of 1996.

On the issue of unintended consequences, who can be sure what will happen if we detonate Iraq's biological and chemical weapons of mass destruction and those substances enter the atmosphere? In March 1991, allied forces detonated Iraq's chemical weapons at Kamasia. Those substances became airborne and may have been a significant contributing cause to Gulf War syndrome, an issue now under intensive investigation by the Veterans Affairs Committee, which I chair.

The resolution, which I am submitting today, strikes at the core of the problem: removing Saddam Hussein as Iraq's leader by prosecuting him as an international war criminal; and, if he is not taken into custody as a war criminal, by then implementing a long-term plan for his removal as Iraq's President.

My basic proposal to try Saddam Hussein as an international war criminal was advanced on March 5, 1991, at the conclusion of the Gulf War. On that day I introduced a Senate resolution which articulated the applicable principles of international law, and then concluded with this clause.

> Resolve . . . , that it is the sense of the Senate that the President should confer with Kuwait and other member nations of the coalition of the United Nations to establish an international criminal court or an international military tribunal to try and punish all individuals involved in the planning or execution of the above-referenced crimes including Saddam Hussein.

Had we pursued that course of action at that time we would very likely—almost certainly, in fact—be in a different position today.

Since my resolution was offered, and this is an ongoing effort which I have made, along with Congressman JIM LEACH in the House, and Senator CHRISTOPHER DODD here in the Senate, a War Crimes Tribunal has been established by U.N. Security Council Resolution 808 on February 22, 1993, establishing an international tribunal to try individuals accused of international war crimes in the former Yugoslavia, and Resolution 955 adopted on November 8, 1994, to establish a similar war crimes tribunal for Rwanda. By extending the jurisdiction to Iraq, the War Crimes Tribunal could prosecute Saddam Hussein.

There is an abundance of evidence which would warrant the conviction of Saddam Hussein and the imposition of the death penalty. While the U.N. resolutions on the former Yugoslavia and Rwanda do not provide for the death penalty, the United Nations may well be persuaded that Saddam Hussein's conduct warrants the death penalty. I believe the evidence speaks loudly to that effect. Beyond his war of aggression against Kuwait and his missile attacks killing U.S. personnel in Saudi Arabia and Israelis in Tel Aviv, there is powerful evidence of Saddam Hussein's systematic action to destroy the population of civilian Kurds in Iraq through the use of chemical weapons in 1987–1988, with more than 182,000 missing persons and the destruction of more than 4,000 villages, including the placement of more than 10 million land mines in Iraq's Kurdistan and ethnic cleansing in the city of Kurkuk.

Those international crimes certainly warrant the death penalty by all existing standards. With an international judicial determination that the death penalty should be imposed on Saddam Hussein, we would then have the high moral ground to carry out that verdict.

The removal of Saddam Hussein as Iraq's President does pose questions as to who would take over and what would happen to Iraq's ability to counterbalance Iran in that region. It is hard to imagine an international situation worse than the one currently posed by Saddam Hussein, and it is hard to imagine a new Iraqi leader worse than Saddam Hussein. It may well be that a covert action or covert actions might succeed in deposing Saddam Hussein. That was the subject of an op-ed piece in the New York Times yesterday by former CIA Director John Deutch. The Voice of America could be intensified giving encouragement to his many enemies in Iraq. An alternative government could be established with those dissident forces. And, a no-fly zone could be established over all of Iraq. A naval blockade could further tighten the noose and perhaps bring Saddam Hussein to his knees. These and other proposals could lead to his removal without targeting him.

As a generalization, our national policy is sound, not to kill a foreign leader for political purposes. But it is important to note that that prohibition is mandated only by a Presidential Executive order. It does not have the force of law of congressional enactment.

Let me now pursue a series of questions relating to that policy.

First, should that policy be applied to Saddam Hussein after he attempted to assassinate former President George Bush?

Second, should that policy be applied to Saddam Hussein, considering his atrocious record of war crimes, or at least after he is convicted and sentenced to death?

Three, would targeting Saddam Hussein constitute a lesser use of force and a more justifiable use of force than the President's contemplated air and missile strikes?

Fourth, is it time to reexamine that policy as it applies to the likes of Saddam Hussein?

Fifth, is it sensible to tie our own hands for self-defense by such a Presidential Executive order when Saddam Hussein amasses weapons of mass destruction which threaten the United

States and the whole world with horrible consequences?

Sixth, if we are justified in preemptive air and missile strikes, which will inevitably kill Iraqi civilians, why are we not justified in preemptive actions against Saddam Hussein who is a mass murderer and a certified international war criminal?

Mr. President, it is a rapidly changing world scene. It is time to consider those questions.

I have no doubt about two propositions. First, a trial of Saddam Hussein as an international war criminal would be preeminently just. Second, solving the international threat posed by Iraq's weapons of mass destruction mandates removing Saddam Hussein as Iraq's leader. Perhaps Saddam Hussein could be replaced by the people of Iraq with additional U.N. sanctions, a stronger Voice of America, and nonlethal covert action. If not, then we may have to change our answers to those six questions, just as Saddam Hussein has changed the world with his weapons of mass destruction.

Mr. President, I ask unanimous consent that my letter to the President, dated February 16, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS
Washington, DC, February 16, 1998.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I strongly urge you not to take military action against Iraq until Congress has an opportunity to consider a resolution to authorize the use of force.

Bomber and missile strikes constitute acts of war. Only Congress has the Constitutional prerogative to authorize war. The Congress spoke loudly last week by not speaking at all. It is not too long to wait until next week for Congress to consider and vote on this issue.

Our national experience in Vietnam is a relatively recent reminder that public and Congressional support are indispensable to successful military involvement. I am glad to note you plan to address the nation tomorrow night. I held five town meetings last Monday and Friday, and can tell you that my constituents are very uneasy about air and missile strikes. There are concerns about inflicting casualties on innocent Iraqis, about potential terrorist reprisals, and the possibilities of expanding the conflict.

There is general agreement that Saddam Hussein is an intolerable menace and cannot be alloweded to threaten the world with weapons of mass destruction. But are there near-term alternatives such as a blockade to tighten the noose on his oil exports? Or can our allies be persuaded to tighten economic sanctions if they will not join us on the use of force?

I compliment Secretary Cohen and Secretary Albright, but their visits have not produced the coalition which was formed for the successful prosecution of the 1991 Gulf War. Have you considered personal meetings with the leaders of France, Russia, China, Germany, Egypt, etc?

There has been unanimity in our Congressional discussions to support the men and women of our military forces. But that unanimity does not extend to giving the President a blank check when the Constitution calls for independent Congressional action to decide whether to involve the United States in war.

There is yet time to pursue alternatives. Diplomacy and other sanctions short of war should be given every chance to work.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I thank the Chair.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, February 24, 1998, 10:00 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Tobacco Settlement V. For further information, please call the committee, 202/224-5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, February 25, 1998, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is The Non-School Hours: Mobilizing School and Community Resources. For further information, please call the committee, 202/224-5375.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the nomination of Togo D. West, Jr., to be Secretary, Department of Veterans Affairs.

The hearing will take place on Tuesday, February 24, 1998, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, February 26, 1998, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Health Care Information Confidentiality. For further information, please call the committee, 202/224-5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to hold a meeting during the session of the Senate on Monday, February 23, 1998. The committee will be having a hearing, 1:00 to 5:00 p.m., on "Caring for America's Children."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Monday, February 23, 1998, to conduct a hearing on S. 1260, The Securities Litigation Uniform Standards Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATO EXPANSION

• Mr. D'AMATO. Mr. President, I rise today to urge my colleagues to leave the door to NATO open. Others, whose wisdom I respect, have come before the Senate to urge that we legislatively adopt a policy that would close the door to NATO membership to candidate countries, regardless of their qualifications. While the reasons advanced in support of that view carry weight, I do not believe that they outweigh the reasons for leaving the door open.

Last year, as Chairman of the Commission on Security and Cooperation in Europe, I chaired a series of hearings at which ambassadors of candidate countries appeared and testified concerning their respective countries' reasons and qualifications for joining NATO. At the end of that series of hearings, we issued a report urging that Poland, the Czech Republic, Hungary, Romania, and Slovenia be included in the first round of NATO expansion. Since that time, ten months ago, I believe that subsequent developments have supported strongly the conclusion that we drew in favor of NATO expansion.

Now, the Senate is close to voting on the admission of Poland, Hungary, and the Czech Republic. I intend to vote for expansion. These countries have each proven that they share our democratic and free enterprise values, that they want to be members of NATO, and that they are willing to join us in bearing the burdens that Alliance membership imposes.

Mr. President, I want to take particular note that each of these countries, contrary to the positions taken by some of our allies of longer standing, have not hesitated to publicly state their support for our effort to persuade, and if necessary, compel Saddam Hussein to comply with the United Nations Security Council resolutions adopted after Iraq's unprovoked military aggression against Kuwait. One of the tests of alliance is the political will to take risks for the common good of the group. Poland, the Czech Republic, and Hungary have met this test.

As I stated earlier, our recommendation ten months ago was that Slovenia and Romania be included in the first group of countries considered for NATO membership. That did not happen. But neither Slovenia nor Romania recoiled from their rejection by NATO. In fact, both have persisted in policies readying their countries and their militaries for NATO membership, and have been vocally enthusiastic about the prospect.

On July 8th, 1997, the "Madrid Declaration on Euro-Atlantic Security and Cooperation" was issued by the Heads of State and Government of NATO. Paragraph 8 of the Madrid Declaration stated that, and I quote:

> We reaffirm that NATO remains open to new members under Article 10 of the North Atlantic Treaty. The Alliance will continue to welcome new members in a position to further principles of the Treaty and contribute to security in the Euro-Atlantic area. The Alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership, and as NATO determines that the inclusion of these nations would serve the overall political and strategic interests of the Alliance and that the inclusion would enhance overall European security and stability. To give substance to this commitment, NATO will maintain an active relationship with those nations that have expressed an interest in NATO membership as well as those who may wish to seek membership in the future. Those nations that have previously expressed an interest in becoming NATO members but that were not invited to begin accession talks today will remain under consideration for future membership. The considerations set forth in our 1995 Study on NATO Enlargement will continue to apply with regard to future aspirants, regardless of their geographic location. No European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration. Furthermore, in order to enhance overall security and stability in Europe, further steps in the ongoing enlargement process of the Alliance should balance the security concerns of all Allies.

Mr. President, those words sound like a promise to me. Perhaps more importantly, they recognized a central fact. That fact is that by setting an artificial limit to NATO enlargement, we are drawing a new dividing line across Europe. Whether that line is geographic or temporal does not matter. When such a line is drawn, in the present environment it creates a gray area. History teaches us that gray areas are not solutions, they are problems waiting to happen.

Other candidate NATO members do not want to be consigned to gray areas. They know that bad things happen to small countries left alone in gray areas. We know that we do not want to create situations that invite anti-democratic forces to grow and plan and act.

At the Commission, we pay very close attention to human rights concerns in Europe. Our experience with NATO enlargement has been that the requirements countries must meet for consideration for NATO membership have very strongly influenced their domestic politics. While all human rights problems are not resolved, most of them are. Also, disputes between ethnic majority and minority groups are given prominence and progress is made toward solutions. Some of these problems have existed for centuries and, in my view, would have continued unaddressed but for the necessity each country has seen to "put its house in order" before applying for NATO membership.

Moreover, international cross-border disputes that in the past have triggered at least hostility if not military conflict have been formally resolved, with the support of democratic majorities in the countries involved. This is not a trivial development in a part of the world where such disputes have given repeated rise to brutal conflicts that are incomprehensible to most Americans.

For these reasons, it is vitally important that the door to NATO membership not be closed, especially not by the United States. Proponents argue that a "delay" is necessary as a period of consolidation of the Alliance, and for the Russians to accommodate themselves to the changed European landscape.

I believe that "delay" in this case could become denial, with very grave consequences to those nations shut out by such a decision. Moreover, Russia is one of the nations I have in mind when I make this statement. Regardless of rhetoric by Russian Communists like Zhirinovsky, and others of the so-called "red-brown" extreme nationalist fringe, Russia itself has a very real interest in NATO expansion. And that interest is not in blocking, delaying, or limiting it.

In fact, to the extent that NATO expansion is delayed or limited, the radical forces in Russia's political equation will be strengthened. For the United States to provide them with a victory they could not have secured by any other means would be a terrible mistake. Radical forces in Russia cannot be appeased by throwing them a bone. All it does is embolden them and add to their power, allowing them to say to Russian voters, "See what we can do, and we are not yet in charge of the government." Our policy should be to do what is best for us, and that means to give hope, support and security to small states trying to become democratic capitalist members of the Western community, and treat anti-democratic forces with implacable opposition.

Mr. President, the citizens of Lithuania, Latvia, and Estonia were given hope when we refused for the duration of the Cold War to recognize their forcible and illegal incorporation into the Soviet Union. Ukraine is now a NATO "Partner for Peace." The President of Bulgaria, Petar Stoyanov, was here recently, seeing President Clinton to make the case that Bulgaria is a credible candidate for NATO membership. The people of these countries do not deserve to have the door to NATO slammed shut on their fingers.

While some states with serious human rights and democratization problems do not look like possible NATO members at any time in the near future, as states around them make major efforts to put their domestic and international affairs in order to quality for membership, this has an influence and an impact. If we do as we have pledged, and allow candidate countries to join when they demonstrate that they meet the qualifications, those who choose not to make the effort will be more and more isolated. This process will undermine and weaken anti-democratic forces that have stirred back to life in some former Warsaw Pact states after the fall of Communism.

I want to make one other point. When the Commission issued its report, I reminded the Senate that NATO is a military alliance. A look at the map will refresh my colleagues' understanding of the need to include Romania and Slovenia in the next round of expansion. After Poland, Hungary, and the Czech Republic are admitted, we will have an Alliance with a member, Hungary, which lacks a land corridor connecting it with other Alliance members. This is a weakness of major importance, one whose significance can only be magnified if we artificially "delay" accession of other qualified candidates. This point also focuses attention on Bulgaria's desire to become, when it is qualified, an Alliance member.

The Washington Post's Wednesday, February 11, 1998 edition contains an editorial and a separate article that support my perspective on this issue. The editorial entitled "Opening NATO's Door," states that, and I quote:

> There is a moral heart to the case for enlargement, and it is to bind the democracies, refreshing the old, strengthening the new. The first three candidates have demonstrated they are committed to assuming alliance responsibilities. Their accession would, as Secretary of State Albright put it Monday, "make us all safer by expanding the area of Europe where wars do not happen." The resulting increments of stability would benefit not only NATO members but the Russians, who remain opposed to the development but are unable to stop it.
>
> The serious American objection to enlargement comes from strategists who fear the political and military dilution of an alliance once focused laser-like on territorial defense against a single dangerous foe. These strategists would have the European Union do the

main work of easing the path of the new democracies, leaving NATO to deal with a still-problematic Russia and its huge residual nuclear resource. But the would leave the now-free pieces of the old Soviet empire marooned in strategic ambiguity. The new democracies need better and deserve it.

The article, entitled "NATO Candidates Urge Senators to Back Expansion," by Edward Walsh, is also important. It quotes the foreign ministers of Poland, the Czech Republic, and Hungary as supporting the continued expansion of NATO when other candidate states are ready to join. Here is the description of what they said, and I quote:

> Geremek said other Central and Eastern European countries that hope to join NATO were disappointed to be left out of the first proposed expansion round but "they are happy that the expansion will take place and feel it will increase their security."
>
> Enacting legislation requiring a three- to five-year wait before others could join NATO, as some have suggested, would send a discouraging message to these countries, the officials argued. "The purpose of the enlargement is to diminish the dividing lines [in Europe], not to create new lines of division between the new members of NATO and those who stay outside," Kovacs said.

Mr. President, I ask that the full text of both the editorial and the article from which I have just quoted be included in the RECORD at the conclusion of my remarks.

I urge my colleagues to support NATO expansion. It is the right thing to do for America, the right thing to do for the Alliance, and the right thing to do for the people of Central and Eastern Europe who struggled so long in a seemingly hopeless quest for freedom and independence. We supported them then, and we must continue to support them now.

The material follows:

[From the Washington Post, Feb. 11, 1998]

OPENING NATO'S DOOR

As the Senate moves to the question of ratifying NATO enlargement, the debate is in a curious place. It is generally accepted that adding Poland, Hungary and the Czech Republic to the 16-nation Atlantic Alliance will be approved by well over the necessary two-thirds when the vote comes probably next spring. Yet several years of intense discussion have not removed all serious doubts about the step. Even among supporters, misgivings about adding further members later are evident.

There is a moral heart to the case for enlargement, and it is to bind the democracies, refreshing the old, strengthening the new. The first three candidates have demonstrated they are committed to assuming alliance responsibilities. Their accession would, as Secretary of State Albright put it Monday, "make us all safer by expanding the area of Europe where wars do not happen." The resulting increments of stability would benefit not only NATO members but the Russians, who remain opposed to the development but are unable to stop it.

The serious American objection to enlargement comes from strategists who fear the political and military dilution of an alliance once focused laser-like on territorial defense against a single dangerous foe. These strategists would have the European Union do the main work of easing the path of the new democracies, leaving NATO to deal with a still-problematic Russia and its huge residual nuclear resource. But that would leave the now-free pieces of the old Soviet empire marooned in strategic ambiguity. The new democracies need better and deserve it. The EU should move more quickly but cannot fairly be asked to satisfy the full range of their wish to be of the West. Their insecurity could rub events raw and unsettle the region.

The different currents of resistance to enlargement meet in common opposition to taking in any more than Central Europe's favored three. This is the impulse behind suggestions of a legislated "pause." Such a maneuver, tying the hands of executive-branch foreign policymakers, is a truly bad idea. It could generate nervousness verging on desperation among the unfavored of Central Europe, and tempt others to throw their weight around.

The better way surely is, with Secretary Albright, to leave the NATO door open. Other democracies, as they meet the rigorous political as well as military standards for alliance membership, will then be able to assert their claim to be brought into the charmed circle. Time will let the allies show that enlargement, far from simply moving a military bloc menacingly closer to Russia's borders, calms the region as a whole.

[From the Washington Post, Feb. 11, 1998]

NATO CANDIDATES URGE SENATORS TO BACK EXPANSION

(By Edward Walsh)

Pressing for Senate ratification of an agreement to admit their countries to NATO, senior officials from three Central European countries said yesterday that enlarging the military alliance would enhance stability in that region.

Foreign Ministers Laszlo Kovacs of Hungary and Bronislaw Geremek of Poland and Deputy Foreign Minister Karel Kovanda of the Czech Republic visited key senators yesterday and Monday as part of the campaign to win the two-thirds Senate vote necessary for ratification. President Clinton is scheduled to send the expansion agreement, formally known as Protocols of Accession, to the Senate today. The Senate Foreign Relations Committee has scheduled at least one more hearing on the agreement for Feb. 24 before a full Senate vote, probably this spring.

At a breakfast meeting with Washington Post reporters and editors, the officials said Senate concerns about the agreement center on the cost of the expansion and its impact on U.S.-Russian relations. Russia last year agreed to the expansion, which NATO officials have estimated will cost $1.5 billion over 10 years, with the United States paying about 25 percent of that amount. Other estimates have set the figure significantly higher.

Pointing to numerous potential "trouble spots" in the region, Kovacs said NATO and the United States "have two options—to stay idle and wait for the next crisis, then to intervene and try to enforce peace, which is more expensive and certainly more risky, or to enlarge NATO, projecting stability. The new members will further project stability."

Kovacs and Geremek said public opinion in their countries supported joining NATO. Polls in the Czech Republic, Kóvanda said, show 55 percent to 60 percent support, but also 15 percent to 20 percent who are "die-hard opponents."

Geremek said other Central and Eastern European countries that hope to join NATO were disappointed to be left out of the first proposed expansion round but "they are happy that the expansion will take place and feel it will increase their security."

Enacting legislation requiring a three- to five-year wait before others could join NATO, as some have suggested, would send a discouraging message to these countries, the officials argued. "The purpose of the enlargement is to diminish the dividing lines [in Europe], not to create new lines of division between the new members of NATO and those who stay outside," Kovacs said.

Sen. John W. Warner (R-Va.), a senior member of the Armed Services Committee, said in a statement to the Senate yesterday he intends to propose a three-year moratorium on further NATO expansion as a condition to the resolution of ratification for the admission of Poland, Hungary and the Czech Republic.●

TRIBUTE TO STEVE DAHL

● Mr. DURBIN. Mr. President, I rise to pay special tribute to a legendary radio personality, Steve Dahl, who today is celebrating his twentieth anniversary of broadcasting in Chicago, Illinois.

At age sixteen, Steve launched his career into radio broadcasting. At the time, he was considered somewhat of a rebel on the airwaves, but over the years, Chicagoans have come to love his unique style and personality.

With his afternoon talk-show, "The Steve Dahl Show," on WCKG FM Chicago, Steve continues to entertain and inform more than a half million listeners everyday. As his loyal audience tunes in daily to hear his commentary on life in the Windy City, Steve's popularity continues to grow.

Steve Dahl has made a lasting contribution to the Chicago radio industry. Today, I join his colleagues, listeners, friends and family to commend Steve for his impressive tenure on the Chicago airwaves.●

A BUDGET THAT SLAMS THE MIDDLE CLASS

● Mr. KYL. Mr. President, in his State of the Union Address last month, President Clinton urged Congress to approve his request to pump billions of dollars into the International Monetary Fund (IMF) to help stabilize Asian economies. He justified his request by saying that "preparing for a far off storm that may reach our shores is far wiser than ignoring the thunder 'til the clouds are just overhead."

There is something to be said for trying to deal with problems before they grow too large—before they engulf us. We will have a debate about the propriety of the IMF request in the weeks ahead. But I would suggest that it is not just the IMF that is attempting to deal with an approaching storm.

Mr. President, millions of Americans are also looking ahead to be sure they can cope with unforeseen threats to their own family's future financial security. Some people are trying to create a nest egg for their retirement years. Some take out a life-insurance policy or buy an annuity to ensure that a spouse or child is taken care of when they are gone. Others are looking for a way to pay death taxes without creating too much hardship for their families. Whatever the coming storm might be, they are trying to find a way to prepare. And most of us would consider that to be good planning—something the federal government would want to encourage.

Unfortunately, while the Clinton administration eagerly argues the benefits of pouring billions of dollars into the IMF to help other countries, it cannot seem to see a benefit in helping our own citizens to ward off their own personal storm clouds. I am referring to the provisions in the President's proposed budget that would impose significant tax increases on people who try to save and invest for the future, including people who take out life insurance or buy annuities to protect themselves and their families.

President Clinton's budget calls the existing tax treatment of life insurance and annuities "unwarranted." But the Washington Post has identified the President's proposed changes as an effort to "slam [the] middle class."

Let us put this issue in context. Personal savings rates in our country have been on the decline since 1981, when they stood at 9.4 percent. Some say that was respectable by international standards. By 1992, the savings rate had declined to 6.2 percent, and it has plunged during the Clinton years. As of last November, the personal savings rate stood at 3.8 percent—the lowest since the Great Depression. In other words, people are not setting much aside for their future needs, including retirement.

Add to that the problems we all know are coming in the Social Security system. The experts are telling us that Social Security recipients currently receive, on average, benefits equal to 43 percent of their pre-retirement earnings. But then they point out that only 70 percent of that amount is fully funded for future retirees, which means that unless taxes are raised substantially or additional funding is found, retirees in the future will only get a benefit that amounts to less than 30 percent of their pre-retirement income.

In other words, retirees in the future are likely to experience a significant decline in their standard of living unless they find some way to supplement their Social Security benefits. That means saving and investing more, contributing to an IRA, buying an annuity, or taking out a good life insurance policy. We ought to make it as easy as possible for people to do that.

However, the Clinton budget means to take us in the opposite direction. For example, it would impose new taxes on individuals who substitute one insurance policy for another policy that better meets their needs. We are talking here about new taxes, primarily on households with incomes under $75,000. Many people in this group work for employers who do not offer, or who have terminated, a retirement plan. So unless they find some other way to protect themselves, they could be out in the cold when they retire.

The proposed budget would make it harder for businesses to protect themselves with business life insurance. It seems to me entirely reasonable that a business would want—and need—insurance to minimize the costs that would result from the death of a key employee. That is particularly true of small businesses, whose size means that so much of its success depends upon a few individuals.

The Clinton budget would overturn so-called Crummey powers, making it harder for moderate income families to even pay death taxes. That alone sets up a major confrontation with many of us in Congress who believe that death taxes ought to be eliminated altogether.

These substantive problems with the Clinton plan come on top of what many of us consider a reneging by the President on last year's budget agreement. Only seven months after entering into that agreement, which provided for very modest tax relief—relief amounting to $95.3 billion over five years—the President is proposing a net tax increase of $98.1 billion. In other words, the entire amount of tax relief approved just seven months ago would be reclaimed in one fell swoop.

Not only does that back track on the promise to provide tax relief, but it comes at the same time that the President is proposing to bust the spending limits that were established in last year's agreement. Spending levels would exceed the agreed-upon limits by more than $37 billion.

Mr. President, the federal government is collecting record amounts of tax revenue, primarily as a result of robust economic growth. We do not need another tax increase, let alone a tax increase that singles out the very tools people need to protect themselves against threats to their personal security. We must reject the unwarranted tax increases proposed in this budget, and instead consider tax policies that will make it easier for people to save and invest. Families need tax relief, not new burdens.•

NATIONAL CHARACTER COUNTS WEEK RESOLUTION

• Mr. DORGAN. Mr. President, I am pleased to again join Senator DOMENICI as an original cosponsor of S. Res. 186, a resolution designating the week of October 18–24, 1998, as "National Character Counts Week." As he does every year, Senator DOMENICI again introduced this resolution on behalf of the bipartisan membership of the Senate Character Counts Group, and I want to thank him for his continuing leadership on this important effort.

For those of you who are not familiar with Character Counts, the national Character Counts Coalition is an alliance of hundreds of groups, communities, and individuals who share a concern about the moral compass of our country. I know a lot of us here in the Senate share this concern about the wrong direction that many of our young people seem to be headed.

Character Counts was born out of a meeting of some of our country's best thinkers and doers about five years ago. Character Counts is an effort that says to all of us, parents, educators, church and youth leaders, community and business leaders, let us constantly by action and example reinforce six basic values, or pillars of character. These pillars of character are so important and so basic that I do not think anyone could question them. They are: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

I have two young children, so I know firsthand how difficult it is for kids to make the right choices when they are constantly being bombarded by messages from our popular culture about how cool it is to drink alcohol, or smoke, or use vulgar language. By the time they finish elementary school, most kids have seen 8,000 murders on television.

To counteract these messages, it is more important than ever that we instill in our young people the integrity and good character to stand up for what is right. Children are not born with good character. They learn by example, and if they have good role models all around them, I am confident they will make the correct choices for themselves. Perhaps Teddy Roosevelt said it best: "To educate a person in mind and not morals is to educate a menace to society."

We often tell our kids to do what is right, but unfortunately, kids witness adult actions that do not reinforce that message. For example, I have spoken on this floor several times about the case of Juan C., a 15-year-old New York high school student who brought a gun to school in 1992.

The facts of this case stand common sense on its head and send a terrible message to students. In 1992, Juan C. was stopped by a school security guard who saw a bulge resembling the handle of a gun inside Juan's leather jacket. The guard grabbed for the bulge, which was indeed a loaded .45 semiautomatic handgun.

Juan was charged with criminal weapon possession violations. He was also expelled from school for one year, as is consistent with the "zero tolerance" law written by Senator FEINSTEIN and me to prevent guns in our schools.

The family court that heard Juan's criminal case ruled that the security guard did not have reasonable suspicion to search this student. As a result, the court refused to admit the gun as evidence of Juan's court. The New York appellate court then took this decision to ridiculous lengths by applying the same reasoning to the internal school disciplinary action against the student to expel him for a year.

This was a ludicrous decision from a court. It sent a message to students that there will be no consequences for bringing a loaded gun to school, even though that is clearly against school rules and the law. In some cases, like this one, it tells school officials that they ought to look the other way when they know a student is carrying a loaded weapon.

With these kinds of messages, it is no wonder that our children are confused about what is right and wrong. Fortunately, this case was ultimately overturned, and I have also taken the step of introducing the Safer Schools Act, along with Senators FEINSTEIN, CLELAND, COVERDELL, JOHNSON, and LANDRIEU, to send a clear message to school officials, parents, and students that guns seized from students on school premises can and will be used as evidence in a school disciplinary hearing. I hope the Congress will act on my bill soon so that the confusing messages the courts have been sending on this issue are cleared up.

We all have a role in ensuring that our children are given the ethical tools they need to make difficult choices in today's world. Quite simply, that is what the Character Counts effort is all about.

Before closing, I want to take a few minutes to highlight the Character Counts efforts that have been occurring in North Dakota. Less than two years ago, Character Counts in North Dakota was borne out of a meeting I hosted to bring together parents, educators, young people, and other concerned citizens to introduce them to what the Character Counts program is all about. In the last year, under the vigorous and capable leadership of 4-H youth leader Geri Bosch, Character Counts has blossomed. More than 800 people in North Dakota have participated in Character Counts training so that they could take this program, or a variation of it, back to their communities. Several communities in North Dakota are considering adopting a comprehensive Character Counts program. Service clubs are adopting Character Counts among their projects, and Character Counts was even used as the platform for one of our state's Miss North Dakota candidates last year. Most importantly, the lives of thousands of young people in North Dakota have been influenced for the better directly and indirectly.

I have been proud to play some small role in supporting Character Counts in North Dakota and our Nation. It is through these kinds of efforts that we can build a better future for our kids, and I pledge my continued help and support for teaching the pillars of good character.•

THE LIFE OF STANLEY O. McNAUGHTON

• Mr. GORTON. "People need a vision greater than themselves. Without a vision, there is no goal. This vision has to be larger than yourself. It has to dignify you. Then, goals become the navigational stars to guide you in the vision."—Stanley O. McNaughton.

These are the words Stanley O. McNaughton lived by until his sudden death on January 19th.

Stan McNaughton was a man who rose from modest beginnings in a small British Columbia town, who would later become the CEO of PEMCO Financial Services and who would leave behind one of the greatest legacies of goodwill Washington State will ever see.

I could spend an evening recounting Stan's business successes. I could spend even greater time speaking of Stan's dedication to community service, his exceptional character, integrity and the countless personal accolades. Yet the two worlds are intertwined. The man who was once named Seattle-King County First Citizen and Seattle University alumnus of the year relied on the same values to achieve personal and professional success and improve the lives of others.

As Stan used to say, "Our security lies in our values. And from values flow principles."

Stan placed profound importance on family, philanthropy, and leadership.

Stan donated money to causes involving children and education, and often said: "A corporation is the greatest vehicle ever created to do good. Corporations have a responsibility to raise the quality of life in the communities where they do business."

I know I can speak for all of us by saying: Stan McNaughton succeeded in leaving his community a better place.

Tomorrow in Olympia, the extraordinary life of Stan McNaughton will be honored with a Medal of Merit, one of the highest awards that the State of Washington can bestow upon a citizen. to quote from the resolution: "Stanley O. McNaughton exemplified the best characteristics of an employer and community leader by his constant concern and activities for those employed by him and others in the community."

Stan had the amazing ability to see the potential in everyone, inspiring his employees, friends and family to be the best they could possibly be. There are countless "Stan stories": the woman who remembered the time Stan sent her child a birthday card; the man who lost his wallet and Stan offered to reimburse the money; the donations to charities, particularly those that benefitted people disadvantaged through no fault of their own; and his special efforts to know every name of the more than 1,000 PEMCO employees.

Of course, there is the definitive "Stan story" of the great lengths he went to for one of his employees, Mark Roberts who had broken his neck and become paralyzed from the neck down. Stan could have sent a card or even a bouquet of flowers, but in true Stan McNaughton fashion, Stan went the extra mile. He assured Mark he would still have a career at PEMCO and went about changing the dynamics of Mark's job. By computerizing much of the workload, Stan made it possible for Mark to succeed and recover from what would have ordinarily been a career ending accident. Stan even went so far as to buy Mark a specialized van, for his professional and personal use.

Stan McNaughton touched the lives of so many different people. His personal philosophy of seeing life as a batting average: "You must give people enough chances at bat" represents the spirit of this great leader and sets an example for all of us to follow.

My heart goes out to his wife Clare of 55 years, his six children, and 10 grandchildren.

Stnaley O. McNaughton will be very much missed.•

DAN & WHIT'S

• Mr. LEAHY. Mr. President, if there is one thing that anyone who visits Norwich, Vermont does not forget, it is Dan & Whit's General Store. Dan & Whit's is a Vermont legend, as are its namesakes, Dan Fraser and Whit Hicks, who bought the store back in 1955. Since then it has become the unrivaled nerve center of business, socializing, and political debate for Norwich and the surrounding area. Whit died a while back, Dan has since retired and his wife Eliza, known to all as Bunny, who did the bookkeeping, died not long ago. But the store has not lost any of the Vermont character they gave to it. Fortunately it has stayed in the family. Today it is managed by Dan's sons George and Jack Fraser, with the help of George's wife Susan, Jack's daughter Cheri, George's sons Dan and Matt, and a throng of loyal employees, young and old.

When you first enter Dan & Whit's you think it is just another grocery store. Of course there is a lot more Vermont maple syrup and cheddar cheese. But then you notice winter boots and snowshoes hanging from the ceiling, and boxes of nuts and bolts and nails and screws and every type of hardware. There are pots and pans, outdoor clothing, pens and stationery, guns and "No Hunting" signs. Keep walking and you pass piles of the "New York Times" and the paint mixing machine, and then you realize you have barely scratched the surface. Through a door and around a corner there are aisles that stretch almost as far as you can see, stacked high with snow shovels, horse feed, half a dozen sizes of stove pipe, sheep fence, sewing pipe, sleds, saws and axes, rakes and wheelbarrows, mail boxes, window glass, there's no end to it. You can even bring in your fire extinguishers for recharging, Jack being the Captain of the Norwich Fire Department. Thus the Dan & Whit's motto, "if we don't have it, you don't need it." Vermont author Noel Perrin once wrote, "There may be a better general store in the United States. But I haven't heard of it."

Mr. President, Dan & Whit's General Store is the unbelievable number and variety of things you can buy there, but it is also the extraordinary people who work there. In addition to the Fraser family members, it is people like Larry Smith, Linda Conrad, Al Langlois, Ron Swift, and Perry Wagner, who have been there for years and help make the store the one-of-a-kind place that it is. Dan & Whit's is people like Bill Fitzgerald, who finally retired after more than 30 years. Always in good spirits, always helpful, always finding what you need. And the one time in a million that they don't find it, they will convince you that you did not need it in the first place.

Recently, "The Norwich Times" printed an article about Dan & Whit's that says it better than I can. I ask that the article be printed in the RECORD.

The article follows:

IF WE DON'T HAVE IT, YOU DON'T NEED IT

What has 22,600 square feet of space (but you'd never know it), and is filled with great stuff like aerators, Sorels, and the Sunday Times?

The legendary Dan & Whit's has stretched out along Main Street ever since the Merrill family opened their grain store in this location in 1891. At that time, the wandering building with the now-creaky wooden floors also housed Norwich's post office, town hall, and several small shops. Today, under the diligent management of owners George and Jack Fraser, this nerve center of Norwich is open seven days a week from seven o'clock in the morning until nine o'clock at night, three hundred and sixty four days a year.

ALL IN THE FAMILY

In 1955, Dan Fraser and his partner Whit Hicks bought it from Leon Merrill for whom they had worked since 1933. Dan and Whit plunged right in, expanding their merchandise to include newspapers, guns, beer, and wine. As the line of merchandise and inventory continually expanded, family members helped out. First it was Dan Fraser and his wife Bunny running it with Whit and Grace Hicks. Also at that time, grandfather John pitched in and cemented the basement of the store and stocked shelves, while the younger generation filled in after school. In 1973 when Dan bought out Whit and became sole proprietor, he was joined by his sons, George and Jack. Today, there are eight Frasers working at the store in various capacities.

GOOD PEOPLE

"What has kept me in the business is that I like the people. I would have retired before, but I know it's hard to find good people."—Bill Fitzgerald, Dan & Whit's employee off and on since 1934.

When two brothers work 60 and 70 hours each per week, one wonders how they can keep the peace. Jack and George say their partnership works very well. "We seldom fight," says Jack despite their grueling work schedules and the constant decisions that have to be made.

If you're looking for the people person, you'll find George up front managing staff, scheduling, hiring and training people and overseeing the Produce Department. Jack, on the other hand, is a product man. From his bench desk in the back of the store, he manages the Hardware and Housewares Departments.

No doubt the brothers are handy and resourceful people. However, working as many hours as they do, they gladly entrust some of the major responsibilities to guys like Larry Smith, one of their longest term employees, who runs the grocery department, and Al Langlois and Ron Swift who have the resourcefulness of a handy-man. Supervisor Linda Conrad oversees the check-out counters and trains many of the new hires. Then there's 82-year-old Bill Fitzgerald, with a white apron over his work attire, who cruises the aisles helping customers. Bill says that he first worked at the store in 1934, then after a number of years in the old drug stores in Hanover, came back in 1964. He's been at Dan & Whit's ever since.

THE STORE

"I use Dan & Whit's as part of my tour when showing property in Norwich. I always tell my customers to look around Dan & Whit's and be sure to go to the back. It's awesome."—Brian Gardner, Realtor at The Gardner Agency, Main Street, Norwich

In the 22,600 square feet of space, 13,000 of that is devoted to selling. The basement is as large as the main store where vast amounts of goods are stored as is the huge supply of wood for the store's main source of heat—a large wood furnace. In former times, the store was heated by coal and then by oil. Now the Frasers use 16 to 20 cords of wood a year, most of it obtained by various arrangements Matt Fraser makes with loggers and wood lot owners. A back-up supply of split firewood is kept in the yard of Dan Fraser off Turnpike Road. In times of extreme cold, an old railroad stove in the basement is fired up.

THE CUSTOMER IS EVERYTHING

"We have a very serious responsibility to our customers, and if we can't serve them and the community, we are in trouble."—George Fraser

The very lifeblood of Dan & Whit's is the customer. "Helping our customers is most important for our business—more than any kind of media advertising," said George. "We train and orient our employees to be nice to them," adds Jack.

With so many products, helping the customer adjust to new products and changing technology is a good example of the Dan & Whit's customer-friendly philosophy. Jack tells about the lady who came in to complain that the batteries she bought from Dan & Whit's weren't working. She overlooked the fact that she had to buy a charger for the batteries. "Customers do get confused," he said.

NO CASH REQUIRED

"You know you have gone through an important rite of passage when you get to sign your name at Dan & Whit's—which seems to happen in the 3rd or 4th grade."—Norwich attorney, Garfield Miller

Local, down-home trust has been a hallmark of Dan & Whit's for years. How many places do you know (and it's practically the year 2000) that still offer customer charge accounts. About 30% of Dan & Whit's customers have charge privileges which used to involve prepayments or deposits of up to $300, but that minor inconvenience has since been dropped.

"Personal trust helped the store develop customer loyalty," said George. ". . . and it was also very convenient. If a customer forgot their checkbook or wallet, the store would carry them until the next time they came in."●

TRIBUTE TO WOMEN'S SPORTS

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the students, journalist, coach and business that have been recently recognized for their achievements in women's sports by the University of Vermont Women's Center in collaboration with the YWCA of Vermont as well as the Women's Sports Foundation. The recipients were selected from a long list of nominations based upon their contributions and support for women's athletics.

Sports play an integral role in the development of our children and help to bring communities together. By participating in sports, student athletes are exposed to a variety of situations that help to develop the skills they will need to succeed. As such, community support for these programs is of the utmost importance.

I am particularly pleased to see that the criteria for these awards included consideration of the students' academic performance, community involvement and leadership qualities.

I am thrilled that these awards acknowledge the contributions made by coaches, journalists and local businesses as well. Each plays a critical role in promoting school athletics. Coaches provide students with mentorship while journalists supply the public recognition and businesses contribute financially. Without the assistance of each, Vermont's student athletes would not have the opportunity to excel that they enjoy today.

In addition to the awards ceremony, the Professional Programs Division of Continuing Education hosted a teleconference for a number of recognized experts to discuss Title IX funding. Through our efforts in this field, significant progress has been achieved in providing women athletes with improved opportunities and better recognition, as is evident in this year's Olympic games.

Once again, I would like to congratulate this year's recipients and wish them luck in their future endeavors. Those recognized include:

HIGH SCHOOL STUDENTS

Katy Perinea—Middlebury
Courtney Swanda—Bennington

Margery Bolton—Bennington
Anne Dean—Burlington
Elizabeth Smith—Burlington
Laura Jagielski—Grand Isle
Erin Mascolino—Jeffersonville
Sara Stanley—Westfield
Heather Moylan—Newport
Elizabeth Smith—Saint Albans
Krista Calano—Saint Albans
Amber Atherton—Williamstown
Elizabeth Burt—Hyderville
Sarah Bourne—Pittsford
Alyse Averill—Barre
Hilary Goddrich—Northfield
Erin Hazen—Richford

COLLEGE STUDENT

Aimee Becker—Southern Vermont College

COACH

Missy Foote—Middlebury

JOURNALIST

Andy Gardiner—Burlington Free Press

BUSINESS

Howard Bank.•

SALUTE TO FUTURE BUSINESS LEADERS OF AMERICA—PHI BETA LAMBDA WEEK

• Mr. BREAUX. Mr. President, I rise today to commend the Future Business Leaders of America—Phi Beta Lambda (FBLA-PBL) for fifty-six years of service to America's students, teachers, businesses, and communities. During the week of February 8–14, educators, students, and business professionals across the country recognized National FBLA-PBL Week. I think this is a wonderful time for us to look back on the accomplishments of this organization, whose legacy leaves a strong foundation for education and the future of American enterprise.

On February 3, 1942, Dr. Hamden L. Forkner spearheaded the effort to create the first FBLA chapter in Johnson City, Tennessee. Dr. Forkner envisioned a national organization that would train high school students in the real-life aspects of the professional business world, and also develop their leadership, self-confidence, and patriotism. The FBLA concept quickly expanded, and membership grew many times over.

In 1958, the benefits of FBLA were extended to postsecondary students with the creation of Phi Beta Lambda. This professional business organization seeks to ease the transition from school to work for thousands of students by providing training in business leadership skills and connecting students with current industry leaders.

Over the years, FBLA-PBL has grown to encompass two additional divisions: a Professional Division, founded in 1989, for their partners, supporters and alumni; and the Middle Level, founded just a few years ago, which connects middle school and junior high students with basic leadership and business principles.

The mission of the FBLA-PBL is to bring business and education together in a positive working relationship through innovative leadership and career development programs. They accomplish this through a variety of national programs, including seven national leadership conferences, over seventy competitive events, strategic business partnerships, career expos, and community service.

Mr. President, in the past fifty-six years, FBLA-PBL has trained literally millions of today's leaders in American business. For fifty years now, Louisiana has benefited from the FBLA-PBL and today, there are approximately 7,000 members in my home state. I am proud to say that the National Phi Beta Lambda President is from Louisiana. This is truly an organization that has made a positive impact on my home state as well as on our country, proving that our youth are ready, willing, and able to take the reins of leadership and help guide us toward a brighter tomorrow. With over 240,000 members annually, FBLA-PBL is a shining example of what makes America great, and I am pleased to have this opportunity to recognize them for their efforts. I would like to take this opportunity for all of us to recognize and remember that FBLA-PBL has done a tremendous service for this country.•

HONORING THE HEROIC EFFORTS OF JOHN BENSCHEIDT

• Mr. CRAIG. Mr. President, all too often, we hear frightening stories about today's young people. I think it's important to remember that not all of them deserve that bad reputation. In fact, many—if not most—of our young people step up to the responsibility of caring for their communities and fellow citizens. I would like to take this opportunity to tell you about a heroic young Idahoan, John Benscheidt, who courageously saved the life of eight year-old Douglas Schedler. This remarkable youth responded to an emergency situation with the speed of a trained professional.

John Benscheidt was the only person to witness the heavy snow pile cascade off a condominium roof at Schweitzer Mountain and quickly bury a small child standing nearby. Without hesitating, John began digging with his snow board, trying to reach little Douglas trapped under five feet of snow. John's calls for help caught the attention of others in the area, who assisted in John's efforts to save the boy. After frantic minutes of searching, the child was retrieved and taken to Bonner General Hospital, where he was treated and released without serious injuries.

We are all grateful that John had the presence of mind to act quickly in a life-threatening situation. The inherent characteristics John demonstrated during this incident reflect a strong upbringing and profound awareness of human value. Let him serve as a reminder to all of us that we have exceptional youth in this country who contribute greatly to our communities and to our lives. It gives me great pleasure to honor such a fine young man.•

RADIATION EXPOSURE

• Mr. HARKIN. Mr. President, today I want to recognize those Americans who were exposed to radiation fallout from government testing of nuclear weapons in the 1950's, the effects of which are still being studied.

I was recently contacted by Karen Anderson and her two children, Leah and Seth, who are constituents of mine from Urbandale, Iowa. Included in their correspondence was a moving and touching tribute to Bob Anderson, their husband and father, who, after a lengthy and courageous battle, succumbed to cancer on September 7, 1996. As someone who grew up in Iowa and lost two sisters and a brother to cancer, I understand and empathize with their situation.

The letters, photos and other personal materials that made up a bound volume memorializing the life and struggle of Mr Anderson displayed the obvious affection and love he felt for everyone and that he received in return. In fact, dozens of friends and relatives signed the notebook in tribute to Bob Anderson. It is always a tragedy when someone is taken from us when they have so much left to offer. There is no doubt he will be greatly missed by all.

The anguish of the Anderson family was compounded by the circumstances surrounding the cause of Mr Anderson's cancer. Atomic bomb tests in Nevada during the 1950's exposed millions of Americans—particulary children—to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. "Hot Spots"—where the Iodine-131 fallout was the greatest—were identified as receiving 5–16 rads of Iodine-131

To put that in perspective, Federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this—116 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States compared with 7.3 million from the Chernobyl nuclear power plant disaster in the former Soviet Union. Exposing our citizens to these risks is unacceptable.

The "Hot Spots" included many areas far away from Nevada, including New York, Massachusetts and Iowa. Due to the character of Iodine-131, those exposed to the highest concentrations were those who drank large amounts of milk from cows that grazed in fields with radiation fallout. Because their thyroids are smaller and still growing, children were most vulnerable.

Mr. Anderson grew up in Iowa in Woodbury County , an area noted as a hot spot by the National Cancer Institute (NCI). He also suffered from Thyroid cancer. It is understandable that his family now wonders whether his cancer could have been detected and treated more effectively if the NCI information was known earlier.

This hits very close to home for me. During the 1950's, like Bob Anderson, I was living in a rural Iowa county which has now been identified as a "Hot Spot" by the long delayed National Cancer Institute study. Along with many Iowans, I drank milk from cows kept on the farm. This increased the risk faced by myself and my family because of the accumulation of radioactive iodine in milk.

When it comes to the government and nuclear testing, history shows the problem hasn't just been a fallout of radiation, but withholding of facts which may be detrimental to the public health. Information has come to light that government officials were aware that fallout from nuclear testing would contaminate areas that were hundreds, even thousands, of miles away. Additionally, it is outrageous that the government provided maps and forecasts of potential radioactive contamination to the Kodak film corporation during the 1950's and not to the American public. As I've said before, if we could protect a roll of film, we should have protected the parents and children.

On October 1, 1997, the Senate Labor, Health and Human Services Appropriations Subcommittee held hearings where I raised questions about Iodine-131 fallout and its impact on our nation's citizens. I am working with NCI and other federal health agencies to ensure that useful and timely guidelines on the health impacts of radioactive fallout from nuclear weapons testing gets to physicians and concerned scientists. Although NCI has started this process, a lot more needs to be done.

There is strong evidence that exposure to other radioactive isotopes, such as strontium 90, cesium 137, and barium 140, which were also spread by nuclear testing, could lead to bone cancer, leukemia, higher infant mortality, and a host of other illnesses. This needs to be examined. So do the nuclear weapons tests that took place in other parts of the United States and around the world. I am hopeful that my colleagues will support legislation I have introduced, S. 1524, which continues the study of the health impacts of nuclear fallout. I feel this is important legislation that needs to become law this year.

I am grateful to the Anderson family for sharing their highly personal and powerful story of the struggle with Bob's illness and the lack of forthcoming information on the potential exposure to radiation fallout in the 1950's. A story like the Anderson's underscores the need for accurate and timely dissemination of information to protect the public health.

Mr. President, I ask to include a letter from the Anderson family in the RECORD.

The letter follows:

Urbandale, IA, January 20, 1997.

Hon. TOM HARKIN,
U.S. Senator, Federal Building, Des Moines, IA.

DEAR SENATOR HARKIN: My name is Bob Anderson. My family has been reading with great interest the newspaper articles that have appeared in the Des Moines Register regarding the radioactive fallout that resulted from the more than 90 atomic bombs detonated above and below ground between 1951 and 1970. I was born in Woodbury County on October 3, 1952 and lived there until I left to attend college in 1970. As you are aware, Woodbury County received moderate levels of radioactive fallout (6.1 rads) from the above-ground atomic bomb tests between 1951 and 1962, and was one of four counties to be repeated in the list of Iowa counties receiving radiation from underground nuclear tests (1960–1970)?

In October 1992, at the age of 40, I noticed a large lump in my neck and showed the lump to my family physician during my annual physical exam. He told me that the lump was just a fat deposit and to go home and not worry about it. About six months later, I mentioned the lump to my wife and she advised me to see a specialist as soon as possible. In March of 1993, I went to an ear, nose and throat specialist who spent several weeks performing a needle biopsy with no results. In April of 1993, I underwent a thyroidectomy. The surgeon removed only the side of my thyroid which contained the tumor. Two weeks later the final biopsy confirmed the 2¼ centimeter tumor was malignant. I then saw an oncologist who advised me the other side of my thyroid should be removed immediately so I could start my radioactive iodine treatments to rid my body of any remaining cancerous thyroid tissue. I visited another surgeon to remove the remaining thyroid. He was very apologetic but said that he could not remove the rest of my thyroid until my incision was completely healed which would take six more months. From the time I first showed the lump to a physician until the time that I received my radioactive thyroid treatments for cancer, over one year had elapsed.

My family wonders if the information from the National Cancer Institute had only been released earlier, if my physicians would have taken a more serious approach to the "fat deposit" in my neck. They also wonder if this information had been made available to the public earlier, if I would have been so trusting of my doctors' opinions. Many wrong choices and assumptions were made in regard to my thyroid cancer. Knowledge is power and without the knowledge of the exposure I had as a youth to the radioactive fallout, I was rendered powerless.

In 1996 I was diagnosed with multiple myeloma, a very deadly cancer. I went to the University of Iowa Hospital and found out that I had had the multiple myeloma at the same time that I had the thyroid cancer. In order to survive, I would have to undergo a bone marrow transplant. Because I was adopted, I could not find a related bone marrow donor. An unrelated donor was located, and in July of 1996 I received my bone marrow transplant. On September 7, 1996, in spite of the love and prayers of family and friends, I died from rejection of the transplant.

After my death, my wife, Karen, saw Dr. Andrea McGuire (nuclear medicine physician) interviewed on TV13. When Dr. McGuire told about her three in-laws from Woodbury County who had all developed thyroid cancer, my wife decided to call her to share my story. One of Dr. McGuire's relatives was born the same year that I had been born (1952) and also developed cancer at age 40 like me. My wife read to Dr. McGuire a portion from a National Cancer Institute publication entitled, "What You Need to Know About Multiple Myeloma." In that publication, under the subheading, "Possible Causes," it states, "Some research suggests that certain risk factors increase a person's chance of getting multiple myeloma. * * * In addition, people exposed to large amounts of radiation (such as survivors of the atomic bomb explosions in Japan) have an increased risk for this disease. Scientists have some concern that small amounts of radiation (such as those radiologists and workers in nuclear plants are exposed to) also may increase the risk." Dr. McGuire not only agreed my multiple myeloma was caused by the radioactive fallout but even told my wife that the radionuclide strontium 89 would have been directly responsible since it collects in the bone marrow after it is ingested by the body.

The main purpose of my letter is to let you know my family believes that I was a victim of radioactive fallout. I, like millions of others, was an innocent infant when the atomic bomb tests were being conducted. I can't think of anything more evil than a government that would intentionally contaminate their own population, especially babies and small children.

I have enclosed some photos of myself and my family. I want you to see what I looked like as a small child when the atomic bombs were being detonated. I want you to see that I was a caring son, wonderful brother, loving husband, adored father and a treasured friend.

Since I could not write this letter for myself, my family and friends decided to write it for me. I hope you don't mind that they have signed it for me also.

Senator Harkin, please keep fighting for the truth. Only when the American people have the whole truth, will they have the power and control over their own lives. It is my hope that this letter will encourage the release of all information that the government has regarding radioactivity and its connection with *all* forms of cancers. It is also my prayer that this information may help others.

Senator Harkin, please don't forget me. Please don't let my death be in vain.

In Loving Memory of Bob Anderson,

KAREN ANDERSON, *Widow.*
LEAH ANDERSON, *Daughter.*
SETH ANDERSON, *Son.*●

TELECOMMUNICATIONS ACT OF 1996

● Mr. THOMAS. Mr. President, Sunday, February 8 marked the second anniversary of the signing of the landmark Telecommunications Act of 1996. As we take this opportunity to reflect on the state of telecommunications reform, I rise to share my concerns with the implementation of a critical provision of the historical law—the provision dealing with universal telephone service.

The Telecommunications Act of 1996 ordered the overhaul of the estimated $23 billion in subsidies currently used to fund universal telephone service. Congress intended all implicit subsidies to universal service to be removed from rates and transferred to a new explicit Universal Service Fund to be supported equally by all carriers.

In the face of declining telephone rate support, through federally mandated access charge reduction and new competitors targeting the most profitable markets and services, a sustainable universal service support mechanism is ever more important. I view with great concern the Federal Communication Commission's (FCC) current formula for universal service support: twenty-five percent of funding from federal sources and seventy-five percent from each state.

Many states, like Wyoming, clearly are not in a position to bear seventy-five percent of the universal service burden alone. Universal service is a shared state-federal responsibility. The best approach to fulfill Congress' intent and ensure affordable phone service in all corners of the country is to create a national universal service fund that ensures support reaches where it is needed most.

The fund should be based on interstate and intrastate telecommunications revenues and cover one-hundred percent of the subsidy needed to keep phone rates affordable for customers in rural and high-cost areas. With a national fund, all telecommunications service providers would contribute a portion of their revenues to support reasonable rates across the country. In other words, service providers in more urban, low-cost areas would help support affordable phone service in rural, high-cost areas.

Leaving seventy-five percent of the funding responsibility to the states would place a disproportionate burden on consumers, service providers and utilities commissions in rural states like Wyoming. Such a burden could result in higher phone rates and reduce network investment—both of which would have a chilling effect on economic development opportunities. Since telecommunications is a vital element of commerce, disparate universal service surcharges on communications services between states would divert industries and job growth away from the rural areas that need it the most.

Mr. President, I submit for the RECORD a letter I wrote with the other members of the Wyoming delegation to the FCC on this issue. There is still time for the Commission to get this funding problem right. We must ensure that all customers across the country continue to have access to quality local phone service at affordable rates.

The letter follows:

U.S. SENATE,
Washington, DC; July 23, 1997.

Hon. REED E. HUNDT,
Chairman,
Federal Communications Commission,
Washington, DC.

DEAR CHAIRMAN HUNDT: Reforming our nation's universal service system is a tremendous challenge, and one that will have lasting implications for telephone customers in Wyoming and other rural states. In your work on the Joint Board, we encourage you to protect the interests of rural consumers and create a national high-cost fund that sends support dollars where they are needed most. By doing this, you will fulfill the clear mandate of the Telecommunications Act of 1996 and help sustain a truly national communications system available to all citizens.

In the face of declining telephone rate support, through federally mandated access charge reductions and new competitors targeting the most profitable markets and services, a sustainable universal service support mechanism is ever more important. We therefore view with great concern the current formula for universal service support: 25 percent of the funding comes from federal sources and 75 percent from the states.

In Wyoming, with its vast terrain and dispersed and relatively small population, a 75 percent state funding responsibility will have a clear, immediate and detrimental effect on phone rates. Although Wyoming has a universal service funding mechanism, it is beyond the capacity of Wyoming to absorb the huge increases in costs that a 25/75 split would create for it. It is clear to us that a federal universal service fund that pays only 25 cents on every dollar of high-cost telephone service will shortchange thousands of Wyoming telephone customers, and millions of others across the country.

Universal telephone service is a national commitment requiring strong federal support. In that regard, the Telecommunications Act of 1996 envisioned a partnership between the states and the federal government to work together on the nation's telecommunications challenges. We urge you to adopt a national high-cost fund that provides all of the rate support needed to keep Wyoming customers connected to the public telephone network. Only with a national fund available to all high-cost service providers can customers in our state be assured of affordable access to this vital communications link.

Thank you for your consideration of this matter. We hope you will join us in supporting a cooperative national solution for universal service.

Sincerely,

CRAIG THOMAS,
U.S. Senator.
MICHAEL ENZI,
U.S. Senator.
BARBARA CUBIN,
Member of Congress.•

FEBRUARY IS AMERICAN HEART MONTH

• Mr. DORGAN. Mr. President, I stand in observance of American Heart Month. This is an annual event since 1964 resulting from passage of a joint Congressional resolution asking the President to proclaim each February as American Heart Month. In declaring February as American Heart Month for the last 34 years, both the Congress and the President recognize the seriousness of heart disease and the need to continue the battle against this our country's number 1 killer and a leading cause of disability.

American Heart Month takes on an added significance in 1998 because both the National Institutes of Health's National Heart, Lung, and Blood Institute and the American Heart Association are celebrating their 50th anniversaries—50 proud years for both national organizations.

The NHLBI is the federal government's leading supporter of heart research and educational programs. The American Heart Association is the nation's largest voluntary health organization dedicated to the reduction of death and disability from heart attack, stroke and other cardiovascular diseases—the leading cause of death in the United States.

There have been wonderful discoveries made through research and wonderful treatments that are provided in our hospitals in the area of cardiology. Yet there is so much we still do not know. It seems to me more and more research can unlock these mysteries and give us the opportunity to save more and more lives in this country.

Virtually all of us have a friend or a loved one who has been affected by heart attack, stroke or other cardiovascular diseases. As many of my colleagues know, I have a very personal interest in trying to provide additional resources for NHLBI to be used to provide funding vitally needed for heart and stroke-related research.

I have become increasingly concerned, however, with what has been happening to the amount of money spent on heart research by the federal government. Even with the significant increases that Congress has been giving to the NIH over the past decade, funding for heart research has simply not kept pace. In fact, funding for heart research at the NHLBI appears to be losing more and more ground.

In constant dollars from FY 1985 to FY 1995, funding for the NHLBI heart program decreased 4.8 percent.

In constant dollars from FY 1986 to FY 1996 funding for the NHLBI heart program declined 5.5 percent.

And, in figures just released by the NHLBI, funding for the heart program decreased by 7.6 percent in constant dollars from FY 1987 to FY 1997.

We can do better, and we must do better. Our nation must do a better job than this in the battle against America's No. 1 killer.

During the commemoration of this 50th anniversary of the 1948 Heart Act, which created the National Heart Institute, I call on the on the President and every one of my colleagues to take three pivotal steps to make more progress against this insidious disease:

Commit to providing a significant increase in funding for research against heart attack, stroke and other cardiovascular diseases;

Establish a Presidential Commission on Heart Disease and Stroke, similar to the one convened by President Lyndon Johnson in 1964. Today, 34 years after the first Presidential Commission, these diseases remain the first and third largest killers in America; and

Convene a National Conference on Cardiovascular Diseases sponsored by the NHLBI and the Centers for Disease Control and Prevention. The first one was sponsored by the National Heart Institute and the American Heart Association in 1950 to "summarize current knowledge and to make recommendations concerning further progress against heart and blood vessel diseases." I think it is time we take another systematic look at the status of our heart disease research efforts to date and the areas that need further research.

These steps are vital to the health and well being of the more than 57 million Americans with one or more types of cardiovascular disease.

I ask that this year's Presidential proclamation on American Heart Month be printed in the RECORD.

AMERICAN HEART MONTH, 1998

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

Fifty years ago, a heart attack meant an end to an active lifestyle, and, for a third of those stricken, it meant death. Thankfully, the past half-century has brought us an array of advances in the prevention and treatment of heart disease. Procedures such as balloon angioplasty and coronary artery bypass grafts, noninvasive diagnostic tests, and drugs that treat high blood pressure and clots and reduce high blood cholesterol have enabled Americans to live longer and healthier lives. Equally important, we have become better educated during the past five decades about heart disease risk factors and how to control them.

This year, two of the groups most responsible for this remarkable progress—the National Heart, Lung, and Blood Institute and the American Heart Association—are celebrating their golden anniversaries. The National Heart, Lung, and Blood Institute, part of the National Institutes of Health, leads the Federal Government's efforts against heart disease by supporting research and education for the public, heart patients, and health care professionals. The American Heart Association plays a crucial role in the fight against heart disease through its research and education programs and its vital network of dedicated volunteers.

Despite the encouraging developments in that fight, we still face many challenges. Heart disease continues to be the leading cause of death in this country, killing more than 700,000 Americans each year. The number of Americans with heart disease or a risk factor for it is staggering. Approximately 58 million have some form of cardiovascular disease, about 50 million have high blood pressure, and about 52 million have high blood cholesterol. Americans are also becoming more overweight and less active—two key factors that increase the risk of heart disease. Most disturbing, for the first time in decades, Americans are losing ground against some cardiovascular diseases. The rate of stroke has risen slightly, the prevalence of heart failure has increased, and the decline in the death rate for those with coronary heart disease has slowed.

Women are particularly hard hit by this disease, in part because public health messages too often have not focused on how this segment of our population can best protect their hearts. The American Heart Association recently discovered that only 8 percent of American women know that heart disease and stroke are the greatest health threats for women, and 90 percent of women polled did not know the most common heart attack signals for women.

For a variety of reasons, including poorer access to preventive health care services, minorities in America have high mortality rates due to heart disease. The American Heart Association reported that, in 1995, cardiovascular disease death rates were about 49 percent greater for African American men than for white men, and about 67 percent higher for African American women than white women. In addition, the prevalence of diabetes—a major risk factor for heart disease—is very high in some of our Native American populations, and Asian Americans have a high mortality rate for stroke.

However, both the National Heart, Lung, and Blood Institute and the American Heart Association have undertaken activities to counter these trends. Both groups have initiated major efforts to better inform women and minorities about the threat of heart disease and the steps that can be taken both to prevent and treat it. These fine organizations also continue their efforts to educate health professionals on improving medical practice in heart health and to inform patients and the public about how to reduce their risk of heart disease. As we celebrate their 50th anniversaries, let us resolve to build on their record of accomplishment. By continuing our investment in research, raising public awareness of the symptoms of heart disease, and educating Americans about the importance of a heart-healthy diet and exercise, we can continue our extraordinary progress in saving lives and improving health.

In recognition of these important efforts in the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim February 1998 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combating cardiovascular disease and stroke.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

WILLIAM J. CLINTON.●

CHRISTMAS IN APRIL PROVIDENCE 5-YEAR ANNIVERSARY

● Mr. REED. Mr. President, I rise today to pay tribute to Christmas in April USA, our Nation's oldest volunteer home repair initiative. This program has helped to rehabilitate the homes of over 31,000 elderly, low-income, and disabled individuals nationwide.

I would particularly like to recognize the 5th anniversary of the Christmas in April program's arrival in Providence, Rhode Island, where it is making a difference in many communities. In just five years, Providence's Christmas in April has helped to restore over 100 dwellings, through the efforts and commitment of thousands of volunteers. Indeed, this important initiative has dedicated almost $1 million to improve our communities and to help Rhode Island's less fortunate homeowners. The Christmas in April program exemplifies the true spirit of volunteerism.

Mr. President, I would particularly like to commend Providence College and its President, Reverend Philip A. Smith, for his leadership in creating our nation's first Christmas in April campus chapter. I am convinced that this unique volunteer service organization will continue to better Rhode Island's communities for many years to come.●

JUNIOR LEAGUE OF STAMFORD-NORWALK

● Mr. LIEBERMAN. Mr. President, I rise today to honor the Junior League of Stamford-Norwalk, based in Darien, Connecticut, on their 75th anniversary.

For 75 years the Junior League of Stamford-Norwalk has worked to promote volunteerism, develop the potential of women, and improve the community through the effective action and leadership of trained volunteers. Since Junior League of Stamford-Norwalk was founded in 1923, their members have donated more than 2.5 million volunteer hours to meeting the needs of the area towns it serves. In doing so, they have touched many lives and served innumerable members of the community with their hard work and generous spirit. Their donation of time and money has helped organizations such as the Volunteer Center, the Women's Crisis Center, Lockwood Mathews Mansion, and the Maritime Aquarium at Norwalk to better serve the people of the area. The work of the Junior League of Stamford-Norwalk over the past 75 years had made it a cornerstone of the community, and the people of Connecticut thank them for their service, dedication, and contribution to their communities.●

RENAMING WASHINGTON NATIONAL AIRPORT

• Mr. DORGAN. Mr. President, the proposal in Congress to rename the Washington National Airport for former President Ronald Reagan has caused some to claim that anyone who opposes the change is expressing a partisan view.

I greatly respect and admire former President Reagan. I have supported naming Washington, D.C.'s largest federal office structure the Ronald Reagan Building. The ceremony to do that will be held in the next few months. I also have supported naming the aircraft carrier that is currently under construction the U.S.S. *Ronald Reagan*.

But I did not think it was appropriate for Congress to dictate a name change to the local airport authority. The bill turning over the authority for the airport to a metropolitan airport authority was signed by President Reagan nine years ago. I don't think the spirit of that transfer of control is served by a proposal directing the airport authority to rename the airport.

That airport is now named after America's first President. In fact, the porticos in the architecture of the Washington National Airport were designed to resemble Mount Vernon.

Again, while I admire and respect President Reagan, I believe that it's most appropriate that the principal airport serving our nation's capital retains the name of our first President. However, I did vote for an amendment that would permit renaming it, provided the local airport authority chose to do so. I think that is the appropriate course.•

MEDICARE TRANSFER REPEAL

• Mr. GRASSLEY. Mr. President, on February 4, I joined Senator D'AMATO in introducing legislation to repeal a provision of the Balanced Budget Act of 1997 which penalizes hospitals that provide appropriate and efficient care. This law punishes hospitals that make use of the full continuum of care and discourages them from moving patients to the most appropriate levels of post-acute care.

The current hospital prospective payment system is based on an average length of stay for a given condition. In some cases, patients stay in the hospital longer than the average and in other cases their stay is shorter. Historically, a hospital has been reimbursed based upon an average length of stay regardless of whether the patient remained in the hospital a day less than the average or a day more than the average. When the Balanced Budget Act transfer provision takes effect, however, this will no longer be the case.

This new policy penalizes facilities that transfer patients from the hospital to a more appropriate level of care earlier than the average length of stay. It encourages hospitals to ignore the clinical needs of patients and keep them in the most expensive care setting for a longer period of time. In short, it offers an incentive for hospitals to provide an unnecessary level of care, for an unnecessary length of time.

The transfer policy is particularly hard on hospitals in low-cost states like Iowa, where the cost of implementation has been estimated at $25 million a year. Because Iowa's hospitals practice efficient medicine, they have average lengths of stay well below the national average. These hospitals will be hit especially hard. This kind of perverse incentive is part of the problem with Medicare, not part of the solution.

I understand that there may be concerns about abuses by some hospitals moving patients to lower levels of care sooner than is clinically appropriate. If that is a problem, let's attack it. But let's not punish all hospitals—especially the most efficient for the sins of a few others.

In addition to the irrational incentives this policy creates, there is the very real problem of administering it. This law holds hospitals accountable for the actions of patients that are no longer under their care. If a Medicare beneficiary were discharged from the hospital without the expectation of a need for further care and circumstances changed, the hospital would not be entitled to the full Medicare payment. But the reality is that, the hospital may or may not know of this change. The law sets hospitals up for accusations of fraud due to events that are completely beyond their control.

This law is a serious roadblock to the provision of appropriate and efficient care. The repeal of this legislation will help ensure that logical coordinated care remains a primary goal of the Medicare program.•

IN MEMORY OF DONALD RUSSELL

• Mr. HOLLINGS. Mr. President, South Carolina lost one of its greatest citizens when former Governor, former U.S. Senator, and Federal Judge Donald Russell passed away Sunday night. I am both greatly saddened and honored to pay tribute today to the exemplary life of this extraordinary man.

In addition to his many years of public service as Governor, U.S. Senator, and Federal Judge, Donald Russell also served as president of the University of South Carolina from 1952 to 1957. During the Second World War, he served in the War Department and as a special assistant to James F. Byrnes until 1943. In 1943, he entered upon active duty in the U.S. Army; he was decommissioned as a major in 1944 after serving with Supreme Allied Headquarters. He was present at Yalta with James Byrnes and President Roosevelt. Following the War, he served for two years as Assistant Secretary of State for Administration.

Some in this Chamber remember Donald Russell as an esteemed colleague who served with great distinction in the United States Senate in 1965 and 1966. During his time in the Senate, Senator Russell was known as a serious, conscientious, and particularly intelligent lawmaker, dedicated to his country and to his state. Both South Carolina and the United States benefitted from Senator Russell's wise and vigorous leadership.

Before entering the Senate, Donald Russell served as Governor of South Carolina. His governorship was one of the most progressive, most active, and most important in my state's history. For example, he strongly supported and helped fund the statewide system of technical colleges that has been essential to South Carolina's dramatic economic growth for the past two decades. But the hallmark of Donald Russell's governorship was his commitment to racial reconciliation and fair treatment for all in South Carolina.

Mr. President, the best way to illustrate Donald Russell's caring, generous, and just nature and his commitment to equitable and progressive policies is to relate a vignette. On his inauguration as Governor, Donald threw a barbecue for the people of South Carolina—all the people. This was unprecedented: never before in South Carolina had a governor thrown a party and invited all the state's people—white and black—to attend. For the first time, the Governor shook many black as well as white hands in his receiving line. Donald's act was as bold as it was wonderful, and it set the tone for his governorship, during which he worked to encourage the citizens of South Carolina to accept the end of the pernicious system of segregation.

After leaving the Senate, Donald was appointed by President Lyndon Johnson to the United States District Court for the District of South Carolina. In 1971, Judge Russell was appointed by President Richard Nixon to the United States Court of Appeals for the Fourth Circuit. For over thirty years, Judge Russell served with great distinction and earned a reputation as one of America's most respected jurists. His intellect remained keen to the end and he never accepted senior status. His years on the bench set a standard for judicial integrity, wisdom, and fair-mindedness that will endure for many years. In fact, it was as a jurist that Donald Russell found his true calling. I doubt that I ever have seen or will see another jurist to surpass him.

For more than fifty years, Mr. President, I have known Donald Russell to be one of the most dedicated public servants in South Carolina's rich history. His dedication to improving the lives of everyday citizens has inspired me throughout my own career in public service. I am proud to have been his friend and colleague, and I send his family my sincere condolences.●

TRIBUTE TO THE HONORABLE STAN CAVE: REPUBLICAN LEGISLATOR OF THE YEAR

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Stan Cave, who represents the 45th district (Lexington) in the Kentucky House of Representatives. Representative Cave has been recognized by the National Republican Legislators Association as one of their ten Legislators of the Year.

I am proud to have joined several of his General Assembly colleagues in nominating Stan for this award. I have worked closely with Stan since his election to the Kentucky House of Representatives in 1993, on a variety of issues of importance to our constituents.

Since his election, Stan has risen quickly in the Republican leadership in the Kentucky House. He currently serves as Chairman of the House Republican Caucus. For the past two years, Stan has played a major role in overhauling Kentucky's Workers' Compensation laws, as well as other important issues ranging from Higher Education Reform to the state budget.

Outside of the General Assembly, Stan has been very generous with his time to both Republican causes and candidates for office. As Recruitment Chairman for the Fayette County Republican Party, Stan has worked tirelessly to find quality candidates for Congress, the state legislature, Mayor and Council in his home community of Lexington, Kentucky.

Mr. President, in just a few short years, Stan Cave has become a respected contributor to Kentucky government and politics. His meteoric rise has now been recognized and rewarded by the National Republican Legislators Association as a 1997 Legislator of the Year, a great and well deserved honor.●

TRIBUTE TO THE CORVETTE: MOTOR TREND'S 1998 CAR OF THE YEAR

Mr. MCCONNELL. Mr. President, I rise today to celebrate the recent recognition of the redesigned Chevrolet Corvette as Motor Trend magazine's 1998 Car of the Year. By recognizing the 1998 Corvette with one of the automobile industry's most prestigious awards, the editors of Motor Trend bestow a great honor, not only on the car, but more importantly on those men and women who design and build the Corvette in Bowling Green, Kentucky.

Motor Trend—in celebrating the radically-redesigned 1998 Corvette—points to the new, cleaner 5.7 liter/345 horsepower V-8 engine, a lighter, more refined chassis, and an impressive 24.9 cubic feet of cargo space, noting that "the new Corvette will be remembered as one of the greatest cars in American automotive history."

The selection of the Corvette further signals the resurgence of great American cars. I am proud that the Corvette has been at the forefront of this revival.

This award is a testament to the tireless efforts of those in Bowling Green who have designed and assembled the Corvette since 1981, when the shiny new plant was born from an old Chrysler Air Temps facility. Since Corvette production moved from St. Louis 18 years ago, the people of Bowling Green have been proud to carry on the tradition of America's original roadster.

Mr. President, by honoring the Corvette, the editors of Motor Trend honor all the hard-working men and women in my home state of Kentucky who have played a role in all stages of the production of the new, 5th generation Corvette. I offer my congratulations to all those who work for Chevrolet in Bowling Green, whose innovative thinking and diligence has resulted in the Corvette winning this prestigious award.●

TRIBUTE TO THE TOYOTA CAMRY: AMERICA'S NO. 1 SELLING CAR

Mr. MCCONNELL. Mr. President, I rise today to recognize the employees at the Erlanger, Kentucky, headquarters of Toyota's North American manufacturing operations as well as those at the Georgetown Toyota assembly plant whose dedication and hard work have resulted in the Toyota Camry becoming the number one selling car in the United States for 1997.

By recording its best-ever sales month in December, the Camry edged past traditional favorites—the Honda Accord and the Ford Taurus—to become the best selling car in the United States—the first time a Toyota automobile has been so recognized.

Because dealers had a hard time keeping both the Accord and the Camry in stock this year, the primary factor in determining which model sold best was which company could get the most out of its assembly line. I am proud to report that, because of the industriousness of those men and women who work in the Georgetown plant, there were enough Camrys on dealer's lots to outsell both the Accord and the Taurus. And by the way, 80% of all Camrys sold in the U.S. have been assembled in Georgetown.

This past year, the Camry plant in Georgetown increased production by 12% over the previous year, mostly by improving efficiency on the assembly line and pressing suppliers to keep up with their demand for raw materials.

Despite the tremendous growth this year, officials at the Georgetown plant say that they intend to build even more Camrys next year, as they improve the speed of the assembly line and further improve the plant's efficiency.

Mr. President, again, I would like to congratulate all those men and women associated with Toyota Motor Sales, USA, particularly those in Erlanger and Georgetown, whose dedication and hard work made the Camry 1997's top selling car.

SUBMISSION OF SENATE RESOLUTION

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 179 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

CAMPAIGN FINANCE REFORM

Mr. MURKOWSKI. Mr. President, the debate that we begin today on campaign finance reform must be prefaced with one question: To what extent, if any, should the Federal Government regulate political speech in our country?

The President has endorsed Senator MCCAIN and Senator FEINGOLD's campaign finance reform legislation. However, I cannot.

Campaign finance reform debate is not just about politicians and their campaigns. At the core of this issue is the First Amendment. The government must tread lightly in attempts to place limitations on speech. The government can no more dictate how many words a newspaper can print than it can limit a political candidate's ability to communicate with his or her constituents

The McCain-Feingold legislation bristles with over a dozen different restrictions on speech—provisions that, I believe, flagrantly violate the First Amendment as interpreted by the Supreme Court.

I cannot overemphasize this point. George F. Will, in a Washington Post editorial stated of the McCain-Feingold bill:

> Nothing in American history—not the left's recent campus 'speech codes,' not the right's depredations during the 1950s McCarthysim or the 1920s 'red scare,' not the Alien and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign 'reforms' advancing under the protective coloration of political hygiene.

Mr. President, I would point out that the 1996 presidential system of campaign finance clearly reveals that two significant problems exists with our current election process:

1. Too much money is spent on campaigns; and 2. Current laws are not enforced.

Unfortunately, McCain-Feingold would do little to end the vicious cycle of fundraising. In fact, if anything, it would only prolong the campaign calendar. Since McCain-Feingold contains restrictions on "express advocacy" financed by soft money only 60 days before an election—that will mean that money will simply be raised earlier in the calendar year, and the election season will seem virtually unending.

And what is "express advocacy?" If this proposal ever becomes law, we can change the name of the Federal Election Commission to the Federal Campaign Speech Police. Every single issue advertisement will be taped, reviewed, analyzed and litigated over. The Speech police will set up their offices in all 50 states to ensure the integrity of political advertising. Is that what we in this chamber really want? I don't think so. But that is what will inevitably happen if we adopt McCain-Feingold.

Mr. President, the political tactics and schemes of the 1996 Presidential election campaign reveal the abuses involved in our current system. Bottomline, our current election laws are not being enforced.

It's interesting to note that where the lack of law enforcement has become the most apparent is in the one area that receives guaranteed federal funding via a tax subsidy—federal presidential elections.

As grand jury indictments amass with regard to Democratic fundraising violations in the 1996 Presidential election, we learn more and more about President Clinton's use of the perquisites of the Presidency as a fundraising tool. It's important to recall some of those abuses as we begin our debate on campaign reform. And please keep in mind my point here is existing campaign laws are not being enforced.

First, the Lincoln bedroom. During the five years that President Clinton has resided in the White House, an astonishing 938 guests have spent the night in the Lincoln bedroom, and generated at least $6 million to the Democrat National Committee.

Presidential historian, Richard Norton Smith, stated that there has "never been anything of the magnitude of President Clinton's use of the White House for fundraising purposes . . . it's the selling of the White House."

Presidential Coffees. President Clinton hosted 103 "presidential coffees." Guests at these coffees, which included a convicted felon and a Chinese businessman who heads an arms-trading company, donated $27 million to the Democrat National Committee.

President Clinton's Chief of Staff, Harold Ickes, recently turned over a large number of documents that show figures for both expected and actual donations from nearly every White House coffee. Mr. Ickes gave the President weekly memorandums which included projected monies he expected each "Clinton coffee" would raise. He projected each would raise no less than $400,000.

Here's a comparison: President Bush hosted one "presidential coffee." No money was raised. The cost was $6.24.

Foreign Contributions. Investigations by both the Senate Government Affairs Committee and the Department of Justice into campaign abuses in the 1996 presidential campaign have revealed that the Democrats recklessly accepted illegal foreign donations in exchange for presidential access and other favors. A few examples:

First John Huang. John Huang, raised millions of dollars in illegal foreign contributions for the Democratic National Committee (DNC), which the DNC has already returned.

Huang, despite being wholly unqualified according to his immediate boss, received an appointment to the Department of Commerce, where he improperly accessed numerous classified documents on China.

Huang made at least 67 visits to the White House, often meeting with senior officials on U.S. trade policy.

Senator SPECTER stated that the activities of Mr. Huang at the Commerce Department had "all the earmarks of . . . espionage."

Second Charlie Trie.

Longtime friend of Bill Clinton, raised and contributed at least $640,000 contributions to Clinton, GORE and the DNC.

Shortly thereafter, Clinton signed an executive order to increase the size of the U.S. Commission on Pacific Trade and appointed Trie to the Commission.

On January 29th of this year, the Department of Justice indicted Trie on charges that he funneled illegal foreign contributions to the 1996 Clinton-Gore reelection campaign in order to buy access to top Democratic Party and Clinton Administration officials.

MONEY LAUNDERING

Vice President GORE was present at an event at a Buddhist Temple where $80,000 in contributions to the DNC were laundered through penniless nuns and monks.

Vice President GORE offered differing characterizations of the Buddhist Temple event. First, the vice-president described the event as a "community outreach." He later characterized it as a "donor-maintenance" event where "no money was offered or collected or raised at the event."

However, last week, the Department of Justice determined otherwise. On February 18, veteran Democratic fundraiser Maria Hsia was charged in a six-count indictment by the Justice Department for her part in raising the illegal contributions for the Democrat National Committee at the Buddhist Temple event.

These abhorrent abuses in our current campaign laws must end. Healthy reform can begin with this debate. So my point is that current laws are not being enforced.

Mr. President, there is clearly one area where reform is certainly needed. During the 1996 election, the AFL–CIO spent $35 million to defeat Republican candidates. Where did the AFL–CIO get the resources to fund this campaign? From the dues of both union and non-union members.

Were these hard-working Americans asked by their unions how those dues should be spent? We all know the answer—No. The leaders of the AFL–CIO, headquartered here in Washington, just sat down and decided they would use their members' dues to target Republicans, whether those due-paying workers liked it or not.

I believe this practice should end. I applaud Senator LOTT for offering a sensible alternative. The Lott Substitute requires full public disclosure. Just as someone cannot donate money to a campaign in someone else's name under existing law, the Lott Amendment would close the loophole for labor unions by requiring that members approve of ads that their dues are spent on.

Mr. President, it is my intention to offer amendments to this bill that will address several issues related to campaign finance reform. One of those amendments will address what I believe is a fundamental inequity in the rules governing Senatorial activities.

The amendment I will offer will conform the rules that we have for transportation and lodging in connection with a charitable event with the rules that exist for transportation and lodging in connection with a political event, such as a political fundraiser something we all know.

Under rules we adopted in 1995, private entities cannot reimburse Members for the cost of transportation and lodging to a charitable event. But, members are still permitted to be privately reimbursed if they travel to a fundraising event for another member. In other words, lobbyists and PAC Committee contributions can be used to reimburse members for taking a night off and flying to Hollywood for political fundraisers.

Under the Senate Ethics Committee's Interpretative Ruling No. 193, a Senator may accept travel expenses from an official of a district's political party organization in return for his appearance at a rally sponsored by the organization.

Now, Mr. President, every Member of this body has at one time or another made a campaign appearance for his or her party or for a candidate of his party. Often, that means flying to another Member's home state, attending a party function; maybe making a speech and sharing a meal; maybe attending an entertainment or sports function. And the entire cost is almost always covered by lobbyists and other political contributors.

So we have a situation where a Senator can travel all over the country attending political fundraisers and have lodging and transportation reimbursed, but a Senator can't attend charity events—events that raise money for very worthwhile causes such as breast cancer detection—and have those costs reimbursed. Does that make sense?

Why is it all right for a political action committee to host a $500 a plate political fundraiser, or give a campaign check for $5,000 to an elected official, but there can be no solicitation of corporations and other individuals to participate in a charitable event that only benefits a small community or state? I believe this whole notion of preventing Senators and corporations from sharing in raising money for a worthy cause outside the Beltway, but allowing $5,000 and $10,000 political gifts smacks of sheer hypocrisy.

Since we adopted this change in our rules, it has become far more difficult for Senators to participate in charitable events. A recent article in Roll Call pointed out that charitable golf and ski events have dried up as a result of our rule change. But as Roll Call notes: "But Members and their staff can still flock to sports tournaments or wine and dine with lobbyists—as long as it's part of a fundraiser."

Mr. President, the amendment I intend to offer will end this hypocrisy.

My amendment simply provides that Senators would be permitted to be privately reimbursed for the costs of lodging and transportation in connection with charitable fund-raising events in the same manner they can be reimbursed for political travel.

This is a very simple amendment. It merely conforms the charitable travel rules with the political travel rules.

Mr. President, I believe one of the most important responsibilities of a public official is to promote worthwhile charitable causes. Not everything that can be done for the public good derives from government. Private charities play a vital role in servicing many of the needs of our citizens.

In my own case, for the past 4 years, my wife Nancy and I have been the honorary chairs of a fishing tournament in Alaska which has raised $830,000 for a mammogram machine for the Fairbanks Breast Cancer Detection Center and a mobile detection van.

And as a result, the center has been was able to provide free breast cancer examinations and mammograms for 25,000 women who from 81 villages in Alaska.

The units we've been able to finance have been vital in helping preserve the health of Alaska's women, especially the women in the small villages.

The State's cancer mortality is the third highest in the nation—one in eight Alaska women will develop breast cancer. Breast cancer screening can reduce these amounts by 30 percent.

I believe that without the money raised from these two fundraisers, the health of Alaska's women would be severely marginalized. I am proud of the work that my wife Nancy has done to get these units operating. If we change the rules on charitable events, I am convinced that neither of these units would have become a reality.

What we have here is a situation that discriminates against distant States.

Mr. President, even though Senators are permitted to attend charitable events, the rules relating to transportation and lodging clearly discriminate against charitable events in distant States.

Large national charitable organizations have the clout and resources to hold events in Washington, D.C. where Members can easily attend.

But if you are a small organization, like the Fairbanks Breast Cancer Detection Center or you are not going to have the resources or the capability to have your event held in the Nation's Capital. And if Senators cannot receive transportation and lodging reimbursement, events like mine and events sponsored by other Senators in their home states are just going to disappear because it costs too much to get to Alaska and other small States.

Mr. President, I think we have a very clear choice here. Do we want to establish the same lodging and transportation rules for charitable fund raisers as we have for political fundraising? Or do we want to make it harder to raise money for worthy charities, while at the same time continuing the unlimited reimbursement for political fundraising.

Mr. President, I hope my colleagues will support my amendment when it is offered. And I want to assure my colleagues that should my amendment fail, I will offer an amendment to conform the transportation and lodging rules with the charitable rules so that Members will have to pay out of their own pockets to participate in fund raisers for other political candidates.

Mr. President, I am hopeful that sensible campaign reform will come forth during this debate—reform that:

does not violate free speech rights; provides greater enforcement for current laws; and ends loopholes that circumvent the intent of campaign laws.

Any reform taken by this Body must not infringe upon individual liberties. Reform should limit the elected official —not the electorate. The American public deserves no less.

I defer to my good friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1667 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING SECRETARY GENERAL KOFI ANNAN

Mr. DASCHLE. Mr. President, the last 48 hours have been a very important moment in our diplomatic efforts to achieve Iraqi compliance with U.N. Security Council resolutions. I want to congratulate Secretary-General Kofi Annan of the United Nations for his remarkable mission to Iraq. Obviously, many of us still look forward to being briefed on all of the details of the agreement between U.N. and Iraqi officials. But I think it is fair to say we have made great progress over the course of the last several days in large measure because of his effort.

Just before the February congressional recess, Senator LOTT and I came to the floor to impress upon the world community and our country the Senate's unity with regard to dealing with Saddam Hussein's lack of cooperation.

I believe that unity exists today as well. With this unity we express to Saddam Hussein that his pattern of intransigence is unacceptable; that his willingness now to agree once more to open up his facilities for complete inspection is commendable.

The question we now face is, when and under what circumstances will UNSCOM now be allowed to reenter the country to carry on its mission. But I believe that the willingness on the part of Saddam Hussein to negotiate with the U.N. leadership and to reach this agreement is a direct result of this administration's willingness to demonstrate to him that we will use force if necessary to accomplish our goals.

I commend President Clinton and his administration for their efforts, while facing criticism in some circles, to make it abundantly clear to Saddam Hussein, that with or without successful negotiations, we will open up those facilities, we will inspect every questionable location to our satisfaction.

This message of our determination to see Iraqi compliance and the unity we demonstrated in showing our determination to use force, along with the successful diplomatic efforts of Kofi Annan, have brought us the results today.

We are not there yet. U.N. weapons inspectors still have to reenter the country and be permitted to go to each location. We still have to be confident that whatever questions we have regarding Iraq's intentions on the manufacture of weapons of mass destruction will be completely answered.

I hope that until and unless we have all of those questions answered, our forces will be kept in the Persian Gulf to demonstrate our willingness to use force, if necessary, to accomplish our mission.

So, again, Mr. President, I commend the administration, I commend Mr. Annan, I commend all of those who have had so much to do with our success today. We will watch with interest, we will watch with the expectation of complete success, but we will also watch with the knowledge that if we need to use force, that force will be every bit as available in the future as it has been for the last 2 weeks. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

ORDERS FOR TUESDAY, FEBRUARY 24, 1998

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, February 24, and that immediately following the prayer, the routine requests through the morning hour be granted. I further ask unanimous consent that the Senate then begin a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator BROWNBACK, 10 minutes; Senator HUTCHISON, 15 minutes; Senator BOND, 5 minutes; Senator CONRAD, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I also ask unanimous consent that at 10:30 a.m., the Senate resume consideration of S. 1663, the campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, tomorrow, the Senate will be in a period for morning business from 9:30 a.m. to 10:30 a.m. As under a previous consent agreement, at 10:30 a.m., the Senate will resume consideration of S. 1663, the campaign finance reform bill, and as under the consent agreement, the time from 10:30 a.m. to 12:30 p.m. will be equally divided between the opponents and proponents of the legislation. In addition, by consent, from 12:30 p.m. to 2:15 p.m., the Senate will recess for the weekly policy luncheons to meet. Following the policy luncheons at 2:15 p.m., the Senate will resume consideration of the campaign finance reform bill, with the time until 4 p.m. being equally divided between the opponents and proponents. Following that debate, at 4 p.m., the Senate will proceed to a vote in relation to the pending McCain-Feingold amendment. Therefore, the first rollcall vote tomorrow will occur at that time at 4 p.m. Senators can also anticipate additional votes following the vote in relation to the McCain-Feingold amendment to the campaign finance reform bill.

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:15 p.m., adjourned until Tuesday, February 24, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 23, 1998:

DEPARTMENT OF COMMERCE

PATRICK A. MULLOY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE CHARLES F. MEISSNER.

DEPARTMENT OF LABOR

RAYMOND L. BRAMUCCI, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE TIMOTHY M. BARNICLE, RESIGNED.

SETH D. HARRIS, OF NEW YORK, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE MARIA ECHAVESTE, RESIGNED.

WITHDRAWALS

Executive message transmitted by the President to the Senate on February 23, 1998, withdrawing from further Senate consideration the following nomination:

FEDERAL ELECTION COMMISSION

JOHN WARREN MCGARRY, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2001, WHICH WAS SENT TO THE SENATE ON JANUARY 7, 1997.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 24, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 25

9:00 a.m.

Rules and Administration

To hold oversight hearings on the strategic plan implementation including budget requests for the operations of the Office of the Secretary of the Senate, the Sergeant at Arms and the Architect of the Capitol.

SR–301

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine universal service administration issues and the General Accounting Office's (GAO) report from February 11, 1998 that declared the schools and libraries and rural health care corporations illegal.

SR–253

Labor and Human Resources

To hold hearings to examine how to mobilize school and community resources during non-school hours.

SD–430

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 1999 for Indian programs.

SD–562

10:00 a.m.

Armed Services

Readiness Subcommittee

To continue hearings on the status of the operational readiness of the U.S. military forces including the availability of resources and training opportunities necessary to meet our national security requirements.

SH–216

Banking, Housing, and Urban Affairs

To hold oversight hearings on monetary policy of the United States.

SD–538

Budget

To hold hearings to examine long term budget projections and issues.

SD–608

Finance

To resume hearings on proposals and recommendations to restructure and reform the Internal Revenue Service, including a related measure H.R. 2676.

SD–215

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings on the implementation of U.S. policy on construction of a Western Caspian Sea oil pipeline.

SD–419

Judiciary

To hold hearings to examine incidences of high tech worker shortage and immigration policy.

SD–226

Joint Economic

To hold hearings to examine the potential for economic terrorist attacks, focusing on the use of radio frequency weapons.

SD–106

10:30 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the use of speciality forest products from the National Forests.

SD–366

2:00 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Rail Safety Act.

SR–253

Foreign Relations

To hold hearings on the nomination of Robert T. Grey, Jr., of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament.

SD–419

Judiciary

To hold hearings on pending judicial nominations.

SD–226

FEBRUARY 26

9:30 a.m.

Labor and Human Resources

To resume hearings to examine the confidentiality of medical information.

SD–430

Rules and Administration

To hold hearings on S. 1578, to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site, and to hold oversight hearings on the budget requests for the operations of the Government Printing Office, the National Gallery of Art, and the Congressional Research Service.

SR–301

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Non-Commissioned Officers Association, the Paralyzed Veterans of America, the Jewish War Veterans, the Military Order of the Purple Heart, the Blinded Veterans Association, and the Veterans of World War I.

345 Cannon Building

9:45 a.m.

Commerce, Science, and Transportation

To resume hearings to examine the scope and depth of the proposed settlement between States Attorneys Generals and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SR–253

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Natural Resources Conservation Service, Department of Agriculture.

SD–138

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Secretary of the Senate, the Capitol Police Board, and the Congressional Budget Office.

SD–116

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of State.

SD–192

Armed Services

To hold hearings to examine NATO expansion.

SH–216

Budget

To hold hearings to examine the success of the national trade strategy from the perspective of international affairs funding.

SD–608

Finance

To hold hearings to examine private contracting in Medicare.

SD–215

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine whether U.S. unilateral trade sanctions are effective for U.S.-Asia trade policy.

SD–419

10:30 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD–226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

11:00 a.m.
Indian Affairs
To hold oversight hearings on the Bureau of Indian Affairs' tribal priority allocations.
SD–562

1:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department, focusing on law enforcement programs.
SD–124

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine the Federal Aviation Administration's (FAA) efforts to upgrade the infrastructure that supports air transportation in the United States.
SR–253

Foreign Relations
Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee
To hold hearings to examine drug trafficking and certification.
SD–419

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings on S. 1495, to strengthen the ability of the Office of Personnel Management to obtain judicial review to protect the merit system.
SD–342

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on oversight of the Antitrust Division of the Department of Justice, focusing on international and criminal enforcement.
SD–226

2:30 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MARCH 3

9:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Army and Defense programs.
SD–124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on defense programs.
SD–116

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Forest Service, Department of Agriculture.
SD–366

Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Rural Utilities Service, Rural Housing Service, Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Federal Bureau of Investigations, the Drug Enforcement Administration, and the Immigration and Naturalization Service, all of the Department of Justice.
S–146, Capitol

Judiciary
To hold hearings to examine market power and structural change in the software industry.
SD–226

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed legislation making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998.
SD–192

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold open and closed hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the seapower threat-based requirement.
SR–222

MARCH 4

9:30 a.m.
Indian Affairs
Business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget, and to mark up the Indian provisions contained in S. 1414, S. 1415, and S. 1530, bills to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use; to be followed by a hearing on S. 1280, to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Air Force programs.
SD–192

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Commerce. S–146, Capitol

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Department of Energy.
SD–366

2:00 p.m.
Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on recruiting and retention policies.
SR–222

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on the implementation of the Telecommunications Act of 1996, focusing on section 271.
SD–226

MARCH 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corporation for National and Community Service, and the Federal Emergency Management Agency.
SD–138

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Education.
SD–562

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Internal Revenue Service, Treasury Department.
SD–192

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Department of the Interior.
SD–366

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Oceanic and Atmospheric Administration, Department of Commerce, and the Small Business Administration.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings to examine barriers to airline competition.
SD–124

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD-226

MARCH 9

1:00 p.m.
Special on Aging
To hold hearings to examine how retirement of the baby boomer generation will impact the demand for long-term care, the ability of public budgets to provide those services, and the projected retirement income of baby boomers.
SD-562

2:00 p.m.
Judiciary
Youth Violence Subcommittee
To hold hearings to examine the proposed effectiveness of the provisions of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime (pending on Senate calendar).
SD-226

MARCH 10

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the current Federal crop insurance program and proposals to improve the system.
SR-332

9:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for military construction programs, focusing on Air Force and Navy projects.
SD-124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food and Nutrition Service, Department of Agriculture.
SD-138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine proposals to prevent child exploitation.
SD-192

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on littoral warfare missions in the 21st century.
SR-222

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on research and efficiency programs.
SD-116

MARCH 11

9:30 a.m.
Indian Affairs
To hold oversight hearings on sovereign immunity, focusing on contracts involving Indian tribes and alleged difficulties in collecting state retail taxes.
SH-216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD-192

MARCH 12

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for child nutrition programs.
SR-332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Housing and Urban Development, and the Community Development Financial Institute.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Joint Committee on Printing, the Joint Economic Committee, the Joint Committee on Taxation, the Sergeant at Arms, the Library of Congress and the Congressional Research Service, and the Office of Compliance.
S-128, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Supreme Court, and the Judiciary.
S-146, Capitol

MARCH 17

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for child nutrition programs, focusing on the Women, Infants, and Children (WIC) program.
SR-332

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's environmental management program.
SD-116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD-138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S-146, Capitol

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics.
SD-124

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD-138

Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Indian Affairs
To hold oversight hearings on the implementation of the Indian Arts and Crafts Act (P.L. 101-644).
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.
SD-192

MARCH 19

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.
S-128, Capitol

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD-124

2:00 p.m.
Judiciary Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD-226

MARCH 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corps of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD–138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD–192

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–124

MARCH 25

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Indian Affairs
To hold hearings to examine Indian gaming issues.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Health and Human Services.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD–192

MARCH 31

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.
SD–192

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.
SD–124

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD–192

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable/video markets.
SD–226

APRIL 2

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD–138

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD–124

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD–192

APRIL 23

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD–138

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

OCTOBER 6

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

POSTPONEMENTS

FEBRUARY 25

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1999 for the intelligence community.
S-407, Capitol

SENATE—*Tuesday, February 24, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have planned perfectly for the balance of our listening and speaking. Help us to do both well. You have called us to listen to You in prayerful meditation on Your truth revealed in the Bible. You also speak through Your Spirit to our inner being. Sometimes You shout to our conscience; other times it is a still small voice that whispers to our souls. The world around us asks, "Is there any word from the Lord? What does He want? Is what we are doing in plumb with His plans?"

When we have listened to You, what we have to say cuts to the core of issues. We are decisive and bold. Our voices ring with reality and relevance.

The psalmist longed for this equipoise. He prayed, "Let the words of my mouth and the meditation of my heart be acceptable in Your sight, O Lord, my strength and my Redeemer."—Psalm 19:14.

Bless the men and women of this Senate with the grace to hear Your voice and then speak with an echo of Your guidance and wisdom.

Now we join our hearts in intercession for the people of central Florida whose homes and communities have been devastated by tornados. Bless Senators BOB GRAHAM and CONNIE MACK as they care for their people. Especially, be with those families that have lost loves ones. Comfort and strengthen them. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will be in a period of morning business until 10:30 a.m., as under the previous consent order. At 10:30 a.m., the Senate will resume consideration of S. 1663, the campaign finance reform bill. Also, under the previous unanimous consent order, the time from 10:30 a.m. until 12:30 p.m. will be equally divided between the opponents and proponents of the legislation.

In addition, by consent, from 12:30 p.m. to 2:15 p.m., the Senate will recess for the weekly policy luncheons to meet. Following those luncheons, at 2:15 p.m., the Senate will resume consideration of the campaign finance reform bill, with the time then going until 4 o'clock being equally divided between the opponents and proponents.

Following that debate, at 4 p.m., the Senate will proceed to a vote in relation to the pending McCain-Feingold amendment. Therefore, the first rollcall vote today will occur at 4 p.m. Senators can also anticipate the possibility of additional votes after that vote on the McCain-Feingold amendment. But we do not have a definite time agreement on that presently. Before the 4 o'clock vote, we will notify Senators about the schedule for the remainder of the day.

I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business.

Mr. BOND addressed the Chair.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. BOND. Mr. President, I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 1669 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. BOND). The able Senator from West Virginia.

THE HIGHWAY BILL

Mr. BYRD. Mr. President, other Senators and I have spoken numerous times over the past several weeks about the significant problems that will arise in States across the country if the Senate further delays action on the highway bill. Each day we delay adds to the burden of commuters sitting in traffic that is often moving at a crawl or brought to a complete stop because many of our highways are simply overcrowded. Each day we delay brings us closer to the May 1 deadline—just 39 session days away from today. That includes today—39 days. The time bomb is ticking. Senate session days remaining before May 1 deadline: 39. That includes May 1 as it includes today.

Since 1969, the number of trips per person taken over our roadways increased by more than 72 percent and the number of miles traveled increased by more than 65 percent.

The combination of traffic growth and deteriorating road conditions has led to an unprecedented level of congestion, not just in our urban centers but in our suburbs and rural areas as well. Congestion is literally choking our roadways as our constituents seek to travel to work, travel to the shopping center, to the child care center, and to the churches. According to the Department of Transportation, more travelers, in more areas, during more hours are facing high levels of congestion and delay than at any time in our history. And these congested conditions make us more susceptible to massive traffic jams as the result of even the most minor of accidents. The DOT tells us that, during peak travel hours, almost 70 percent or the urban interstates and just under 60 percent of other freeways and expressways are either moderately or extremely congested. That is lost man hours, reduced productivity, wasted fuel, and wasted time.

The worsening congestion is taking a horrible toll on our economic prosperity. I direct the attention of my colleagues to a study conducted by the Texas Transportation Institute at Texas A&M University. According to the Institute's study, the annual cost of highway congestion in our nation's 50 most congested cities has grown from $26.6 billion in 1982 to almost $53 billion in 1994. In other words, it has doubled. Delay accounted for 85 percent of this cost, while fuel consumption accounted for 15 percent. While more recent data are still being collected, the Institute's researchers state that, in the last four years, the cost of congestion in these cities has only continued to grow. This multi-billion dollar hemorrhage is found not only in our largest cities where eight of the top ten cities had total annual congestion costs exceeding $1 billion; we find congestion taxing severely the economies of several small- and medium-sized cities as well. According to the Institute, the economy of Albuquerque, New Mexico endures an estimated annual cost of congestion approaching $150 million per year; Memphis, Tennessee—almost $150 million per year; Nashville, Tennessee—almost $200 million per year; Norfolk, Virginia—more than $350 million per year; Columbus, Ohio—more than a quarter of a billion dollars per year; Jacksonville, Florida—more than $350 million per year; and San

Bernadino-Riverside, California—over $1 billion per year.

There are a lot of explanations for traffic congestion's growing impact on our cities, but a principal cause of congestion, clearly, is the fact that road mileage has not kept pace with a growing population, a growing work force, and an American lifestyle in which the personal mobility afforded by automobiles is as essential to daily life as are eating and sleeping. Many people say that Americans have a love affair with their cars. More than a love affair, however, Americans simply depend on their cars to squeeze their myriad chores and activities into a busy work day.

A vehicle is one tool that many American workers cannot do without. They do not just drive to and from work anymore. Americans stop at the day care, the grocery store, the dry cleaners, the PTA meeting, the gymnasium, and at volunteer programs, all in the course of driving to and from work. Transportation researchers call this phenomenon "trip-chaining," and it is a trend that continues to grow and shows no sign of slowing.

While the size of our highway network has remained relatively static for years, the condition and performance of those roads has deteriorated. Poor road and bridge conditions must share part of the blame for our nation's congestion problem. According to a 1995 U.S. Department of Transportation's report to Congress, 28 percent of the most heavily traveled U.S. roads are in poor or mediocre condition. That means that those roads need work now—work now—to remain open and protect the safety of the traveling public. And more than 181,000 bridges, or 32 percent of our nations' 575,000 bridges, are in need of repair or replacement, including 70,000 bridges built in the 1960's and designed to last 30 years under 1960's travel conditions. These roads and bridges that have outlived their useful life or that are falling apart from under-investment often are traffic choke-points that can be corrected with the proper repairs.

And Senators don't have to travel very far away to see the traffic choke-points, as they attempt to cross the bridges, get on the bridges and cross the Potomac every morning and every evening. It took me an hour and 15 minutes to get from my home in McLean, 10 miles away, this morning, to get to my office because of traffic congestion feeding into the streets, and feeding on and feeding off the bridges. We have to get across that Potomac. As I say to my colleagues, we don't have to travel far to see these choke-points working against us, against the traveling public.

If Senators would like examples of a choke points, they need look no further than the bridges that cross the Potomac River. Most of these bridges were not designed to carry the traffic that accompanies the morning and evening rush hours. As a result, traffic jams back up for miles every work day, in both directions. That is the gridlock that poor roads and bridges can cause. I am sure that if Senators contact their own state transportation departments, they will find numerous examples of traffic choke-points in their own states where a new bridge, smoother pavements, where an additional lane would alleviate the problem and get people and freight moving again.

And congestion means more than just economic costs. Obviously, congestion costs Americans time that could otherwise be spent with the family, with those children who are coming in from school and times that otherwise could be spent at work, time that could be otherwise spent in school or elsewhere. According to a study by the Texas Transportation Institute, commuters in the country's 50 largest urban areas lose an average of 34 hours each year idling in traffic. Now that is not only time wasted, it is not only gasoline wasted, it is pollution in the air.

Another, and equally important, cost of congestion is, as I say, its impact on air quality. As cars and trucks are slowed by traffic congestion, they emit more pollutants, thereby impeding efforts in many parts of the country to come into compliance with federal air quality standards. Road improvements aimed at smoothing the flow of traffic can reduce auto-related pollutant emissions substantially. All such improvements, however, cost money. And the Senate should be doing everything possible to ensure that our state and metropolitan officials do not run out of federal highway funds that can help them relieve congestion and improve air quality.

Today, Mr. President, Americans rely on automobiles for 90 percent or more of all trips. In many areas of the country, we need additional highway capacity to accommodate that travel. And federal highway funds are often a critical source of capital for these projects.

What can we do about congestion, Mr. President? What can Congress do to help eliminate the $53 billion annual burden borne by commuters in our large cities? What can we do to give people more time at home with their families or on the job instead of stuck in traffic? What can Congress do to our cities and counties to help their air quality?

Probably the single most important action Congress can take to help alleviate these problems is the prompt enactment of the 6-year highway bill. That bill is on the Senate calendar, ready to go, and the country cannot afford to wait any longer. The May 1 deadline after which States will have no more Federal money—the Governors are in town and I hope that some of them are watching the Senate at this moment—the May 1 deadline after which States will be unable to obligate any more money, and if there is any doubt as to whether or not the States may obligate any more money after midnight, May 1, take a look at what the law says, public law 105–130, the Surface Transportation Extension Act of 1997, which is the short-term highway authorization that Congress passed last November before adjourning Sine die.

Here is what it says. This is the law. ". . . a State shall not"—it doesn't say it may not—". . . a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998 . . . ."

There it is. That is the law. Unless a new law is passed that will be the law on midnight, May 1, all the highway departments throughout the country, the Governors and mayors and other officials and the employees of the various highway agencies throughout the country, will feel the pinch. So the May 1 deadline, after which States cannot obligate new Federal money to finance congestion relief projects, as I say and I repeat it, is just 39 session days away—including today and including May 1. It is drawing nearer with every passing minute.

Mr. President, we cannot afford to delay. Our constituents stuck in traffic jams need our help. They want their highway taxes used to get them out of gridlock, but we cannot do that while the Senate is stuck in legislative gridlock. I urge the majority leader to get the Senate—and the country—out of gridlock by calling up the highway bill now.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 23, 1998, the Federal debt stood at $5,519,492,792,898.57 (Five trillion, five hundred nineteen billion, four hundred ninety-two million, seven hundred ninety-two thousand, eight hundred ninety-eight dollars and fifty-seven cents).

Five years ago, February 23, 1993, the Federal debt stood at $4,195,090,000,000 (Four trillion, one hundred ninety-five billion, ninety million).

Ten years ago, February 23, 1988, the Federal debt stood at $2,472,592,000,000 (Two trillion, four hundred seventy-two billion, five hundred ninety-two million).

Fifteen years ago, February 23, 1983, the Federal debt stood at $1,207,534,000,000 (One trillion, two hundred seven billion, five hundred thirty-four million).

Twenty-five years ago, February 23, 1973, the Federal debt stood at $452,993,000,000 (Four hundred fifty-two billion, nine hundred ninety-three million) which reflects a debt increase of more than $5 trillion—$5,066,499,792,898.57 (Five trillion, sixty-six billion, four hundred ninety-nine million, seven hundred ninety-two thousand, eight hundred ninety-eight dollars and fifty-seven cents) during the past 25 years.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. DASCHLE. Mr. President, I want to thank those who have participated thus far in this debate about campaign reform. I am sure that many of those who view C-SPAN with any regularity are experiencing a sense of deja vu about this debate, wondering whether or not we haven't already had debate very similar to this and whether we are not stuck in the same spot, whether we are ever going to stop talking about it and actually start moving toward some resolution. Today we are about to find out. This will give us the opportunity for the first time to vote this afternoon at 4 o'clock to indicate to the American people that, indeed, we have resolved to deal with the extraordinary problems that we have in campaign finance today. This is probably going to be our best chance in a generation for meaningful campaign reform, and a clear-cut vote is something that will allow us to move to that next step toward resolution. We do not need any procedural excuses, no amendment trees, no obfuscation. This will be clearly an up-or-down vote on the McCain-Feingold bill, through a tabling motion, that we have sought now for some time.

The vote on Senator MCCAIN's amendment answers the question, are you for reform or not? A vote against McCain-Feingold is a vote, in my view, to end reform, at least for this Congress, once again. I am very proud of the fact that each one of the members of the Democratic caucus will stand up and be counted. And my hope is that a number of Republicans will join us in this effort. The only question is how many Republicans and Democrats will come together in the middle to make this a reality this afternoon.

I believe the fate of campaign reform rests in the hands of those who have not yet publicly taken their positions with regard to campaign reform. It has been a generation since the last time we passed any meaningful legislation having to do with campaigns. In 1971 and in 1974, Congress enacted major reforms that first limited the amount of money in politics and, second, required candidates for the first time to disclose how they got their money. Today those laws are outdated and virtually useless, and some have been circumvented by new decisions and, as a result of those decisions, loopholes that have been created in the campaign finance law.

Other aspects of that reform effort in 1971 and 1974 today are unenforced or completely unenforceable because of the systematic defunding of the FEC, the Federal Election Commission. Still others have been overturned by narrow and, many believe, incorrect court decisions. Many reforms were thrown out by the Supreme Court in 1974 in the 5-to-4 ruling, a very controversial ruling, in Buckley v. Valeo.

So, for the last 23 years now, Democrats have tried to overcome obstacles put in place by the Buckley ruling and to pass a campaign finance reform modification, a realization that what happened in 1974, and what was addressed in that Court decision, needs to be addressed with clarification in statute.

So, consider the record of a decade, beginning in 1988. At the opening of the 100th Congress, then majority leader ROBERT BYRD introduced a bill to limit spending and reduce special interest influence. We had a record-setting eight cloture votes when that happened. Democratic sponsors modified the bill to meet objections, but the fact is that it was killed in a Republican filibuster.

In the Democratic-led 101st Congress, the House and the Senate passed campaign finance bills. President Bush threatened to veto the bill, effectively killing it, because it contained voluntary spending limits.

In the 102d Congress, also a Democratically-led Congress, again the House and Senate passed campaign finance reform bills and President Bush vetoed the bill with the backing of all of his Republican colleagues.

In the 103d Congress, again under Democratic control, we passed a campaign finance reform bill with 95 percent of the Democrats in the Senate and 91 percent of the Democrats in the House voting for reform. Again, Republicans filibustered the move to take the bill to conference.

That brings us, then, to the 104th Congress, supposedly the reform Congress. Senators MCCAIN and FEINGOLD introduced their bipartisan reform plan, and reform at that point, for the first time in almost 2 decades, actually seemed to be within reach. Republicans, again, in the Senate, filibustered the measure, while Republicans in the House introduced a bill to allow more spending—a family of four would have been able to contribute $12.4 million in Federal election. The legislation again failed to produce results of any kind. As a result of that impasse, nothing was done for the remaining months of the 104th Congress, which now brings us to this Congress and last year.

In his State of the Union Message in January of 1997, President Clinton called on Congress to pass campaign finance reform by July 4, 1997. In the House, Republicans have voted time and again against bringing campaign finance reform to the floor. Speaker GINGRICH has promised consideration this year, but also shook hands with the President on a campaign reform commission that really never came to pass. Here in the Senate, we have traveled a tough road to get here today. We forced our way to the floor and refused to yield; poison pills, amendment trees and cloture votes were all tactics used, and this is probably the last opportunity we have to do something meaningful in the 105th Congress.

The problem is really one that can be described in one word: money. The amount of money, after two decades of delay, has skyrocketed. That is the fundamental problem. We hear talk in this debate about hard money and soft money, this money and that money. They are not the core of the problem. The core of the problem is that there is just too much money in politics, period. Total congressional campaign spending in 1975 was $115 million; in 1985, $450 million; in 1995, $765 million. We are expected, for the first time in this cycle, to exceed $1 billion in election year spending, shattering every other record we have ever seen in politics in 220 years. A 73 percent increase over the previous Presidential cycle is anticipated in the year 2000. In other words, what we spend in 2000 on Presidential politics will exceed by 73 percent what we spent in 1996 on Presidential politics. To put that in perspective, wages rose 13 percent, college tuition rose 17 percent—politics has increased in spending 73 percent.

The average cost of winning a Senate seat in 1996 was $4.5 million. To raise that much money, a Senator has to raise approximately $14,000 a week every week for 6 years. Given the current political rate of inflation, by the year 2023, in just 25 years, it will cost $145 million to run for the U.S. Senate.

We have pages on the right and left, Republican and Democratic pages. I talk to them; I look at them; I encourage them to run for public office. But how can I tell them that I want them to run if in their lifetime they will be asking the question: How do I raise $145 million to have the position you have today, Senator DASCHLE? I can't answer that. I don't know the answer to that. And I am troubled by that. What happens if the U.S. Senate is only made up of those who have $145 million to spend? Is it a truly democratic legislative body if we lose the opportunity to bring in families who pay their bills and confront all of the many, many challenges that an American family faces today and has a real appreciation of the enormity of those challenges? If that vacuum, that void, is demonstrated cycle after cycle, year after year here in the Senate, what kind of decisions will this body actually make affecting those working families? If we don't have the broad representation anticipated by our Founding Fathers, do we then have the kind of democracy so anticipated? Mr. President, I don't think we do.

So, indeed, it is not a question of soft money or hard money; it's really a question of money. Do we tell our pages, we want you to be women and men in the U.S. Senate in your lifetime, but we also expect that sometime, if you choose to do so, in order to be successful you will have to raise $145 million? I hope not.

Obviously, this legislation is not going to solve that problem entirely, but it is going to give us an opportunity to deal with it more effectively. At the very least, what we ought to do is recognize that if we do not solve this problem, we are never going to be able to encourage effectively people getting into public life, people expecting to serve in public office.

The antipathy, the skepticism, is reflected in the polls taken of the American people these days. They understand the circumstances. They understand that it is not just a question of a Senator or a Congressman spending inordinate amounts of time and effort raising money. They understand that there is a problem that goes beyond whether or not a young person today, contemplating public office, can come up with $145 million. What they understand is that just the sheer effect of money is as important as the amount of money.

In the eyes of most Americans, the current system makes Congress appear to be for sale to the highest bidder. The recent Harris poll shows it very clearly. Mr. President, 85 percent of people think special interests have more influence than voters; 85 percent, almost 9 out of 10 Americans today, said if you put a special interest and a voter side by side, there is more likelihood that a Senator is going to listen to the special interest than he is to the voter. Three-quarters of voters think Congress is largely owned by special interests. Voter turnout has plummeted, public confidence in this institution has eroded, and democracy simply can't survive with the cynical atmosphere that exists today.

It is just amazing to me as I talk to world leaders who come from all parts of the world, who have not experienced democracy until just recently—they are from countries where they have not had a chance to vote; they are from countries where totalitarian regimes are the order of the day, where their whole lives were dictated by government in large measure that had everything to do with every facet of their lives. Now they have this new-found freedom, and, in an explosion of interest in democracy and the joy of participation, we are seeing record numbers of turnout, 80, 90 percent at the polls. They come from Eastern Europe, they come from Africa, they come from Asia, all expressing to us this profound joy that they now have democracy. But do you know what they say to us? They say, what is amazing to us is that when we look at your country, you have more freedom than we even have today and yet your participation in that freedom is the lowest of any country in the world. How is it that you can be so free and yet so callous towards that freedom, so unwilling to commit to prolonging that freedom, that democracy? And they worry out loud about how long our freedom can last if no one cares; how long will it be before we lose part or all of it because we don't care.

Mr. President, it is so critical that we restore trust and confidence in our democracy, that we recognize we are dealing here with a very, very fragile institution that will rise or fall based in large measure on whether or not we care enough to make participation in democracy a real aspect of this country's future.

So that is, in part, what this is about. Do we care enough? Are we prepared to take the responsibilities seriously that we hold as U.S. Senators to bring back participation, to allow the voters more confidence that we are listening to them and not the special interests, and to deal with the reality—the reality that I can't ask a young person today to come up with $145 million when he or she is my age and wants to run for the U.S. Senate?

We also have a serious problem with regard to the ads themselves and all that comes from spending this money. It is the amount of money, the perception of to whom we are indebted, but now we also have a problem with the virulent advertising that comes from it. I believe that negative advertising is the crack cocaine of politics. We are hooked on it because it works. We are hooked on it because we win elections using it. There is no accountability, no reporting; it is publicly not tied to any candidates. And I expect that in 1998 we are going to see a meltdown of the process, because we are going to see more virulent ads than we have ever seen in our lifetimes. The crack cocaine of politics will be at work again.

Negative ads from anonymous sources push candidates to the margins. Candidates become bit players in their own races. How many times have I heard candidates actually say, "I couldn't keep track of who was on my side. I'd watch television and I'd hear my name used pro and con, and I didn't have anything to do with those ads. I am sitting like a man at a tennis match, watching both sides play it out." And the debate now is defined by who has the most money; that is how it is defined.

The solution to all of this is not going to be achieved today. There are those who look at all of this and contend that nothing is wrong. Some have argued that the system is not broken, that we actually need more money in politics. We believe the system is badly broken, and so do the American people.

They don't want to be subjected to this barrage of negative advertising that we know we are going to see again. They don't want to see the dumbing down of politics year after year, in spite of the fact that we see the creeping up of costs, the explosion in increases in costs.

So it brings us really to the issue of the day: McCain-Feingold. It does not cover all the critical components of reform, overall spending limits, but it lets us at least get off dead center. If it doesn't address the central problem, it does address several problems, including banning one very, very difficult aspect of campaign finance today—soft money; setting restrictions on independent expenditures; better disclosures so people have an idea of who is giving how much to which candidate and why; and it limits the ability of the superrich to buy political office.

So we are here and all 45 Democrats stand ready to pass it. We have made a lot of changes to pick up Republican support. We have dropped spending limits, we have dropped reduced TV rate, we have dropped PAC restrictions, we codified the so-called Beck decision having to do with labor contributions.

There is no more we can do, particularly since McCain-Feingold is the least we should do. We want to do more. If we were in the majority, we would fight to cap spending. The Valeo decision, as I said, was 5 to 4. Mr. President, 126 scholars have said spending limits are constitutional. But we simply can't let the perfect be the enemy of the good. We are confronted with a systemic problem, and we need a systemic solution. We have a chance to make some changes we plainly know are needed to restore some dignity and sanity to this process.

So much time and money in this Congress has been spent already to investigate perceived abuses in the 1996 election. There are cries of outrage, cries of shock and indignation. The American people are cynical because they don't think Congress is going to do anything about it. They believe that the politicians' self-interest will again override the public good. If, after all the hearings, all the press releases, all the statements, all the reports, all the votes, we do nothing, then frankly, Mr. President, that cynicism will be justified.

The American people get it. They know the system is broken. They know we have an opportunity to fix it, but they don't think we will. We should surprise them. We need sincere bipartisan efforts to clean up our own house. We need Republicans to join with Democrats to make that happen this afternoon.

People who think they can quietly kill this effort are wrong. One day, hopefully today, but one day we will succeed. We will not give up. But this is the time to do it. If we squander this opportunity, it will not go unnoticed. If we seize this moment, we can make history and do the right thing for those people who want to be a part of the process, for all Americans, for people who want once more to participate in our Federal elections system. This is our opportunity. Let's do it right. Let's do it this afternoon. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, morning business is closed.

PAYCHECK PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1663, the Paycheck Protection Act, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1663) to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

The Senate resumed consideration of the bill.

Pending:

> McCain amendment No. 1646, in the nature of a substitute.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I am sorry the Democratic leader has left the floor. I did want to make a couple of observations.

First, with regard to the Buckley case, it was 9 to 0 on the issue of spending is speech. Quoting that great conservative Thurgood Marshall:

> One of the points on which all Members on the Court agree is that money is essential for effective communication in a political campaign.

This was an extraordinarily important Supreme Court decision. It wasn't 5 to 4 on any of the critical issues, and, as a matter of fact, Mr. President, the Court has had an opportunity over the last 22 years to revisit the Buckley case in various subcomponent parts and has consistently expanded the areas of permissible political speech.

I heard the Democratic leader saying all of this spending is getting out of control. Bear in mind that what he is saying is that all of this speaking is getting out of control. What he is suggesting, and our dear colleagues on the other side are suggesting, is we need to get somebody in charge of all this speech and, of course, it is the Government that they want to be in charge of all this speech. The courts are not going to allow that. They didn't allow it in the mid-seventies, they haven't allowed it any time they have revisited that issue since, they are not going to allow it now, and they are not going to allow it ever, because it is not the Government's business to tell citizens how much they get to speak in the American political process.

The suggestion was made that all this spending is out of control. I always say, how much is too much? I asked my colleague from Wisconsin during the debate last October, how much is too much? I could never get an answer. Maybe today we can get that answer. How much is too much?

In the 1996 campaign, the discussion was intense. Spending did go up, the stakes were big—big indeed. It was the future of the country—a Presidential election, control of Congress. But we only spent about what the public spent on bubble gum.

Looking at it another way, Mr. President, of all the commercials that were run in 1996, 1 percent of them were about politics. Speaking too much? By any objective standard, of course not. Of course not.

It is naive in the extreme to assume everybody in this country has an equal opportunity to speak. Dan Rather gets to speak more than I do and more than the Senator from New Hampshire does, as do Tom Brokaw and Larry King and the editorial page of the Washington Post. Maybe we ought to equalize their speech. I am saying this, of course, tongue in cheek. But you can make the argument, it is the same first amendment, the same right applies to all of us.

I wonder how they would feel if we said, "OK, you are free to say what you want on the editorial page, but, henceforth, your circulation is limited to 5,000. We haven't told you what to say, but we think you are saying it to too many people, and so the Government has concluded that this is pollution."

I heard the Democratic leader talking about all this polluting speech—I am not sure that is the exact word he used —all this negativity, all this hostility. Most of the negativity and hostility I see is on the editorial page of the American newspapers. Maybe we ought to suggest they can't do that in the last 60 days of the election.

There isn't a court in America that is going to uphold this bill. But the good news is they are not going to get it and have the chance to uphold it.

The Democratic leader said we wanted to quietly kill it. We are not quietly killing it, we are proudly killing it. We are not apologizing for killing this unconstitutional bill. We are grateful for the opportunity to defend the first amendment. No apologies will be made, not now, not tomorrow, not ever. The Government should not be put in charge of how much American citizens as individuals or as members of groups or as political candidates or as political parties may speak to the people of this country.

I heard the Democratic leader complain that candidates can't control the campaigns. Well, it is not theirs to control. Of course we don't like issue advocacy. Of course we don't like independent expenditures. But the Supreme Court has given no indication that the political candidates are entitled to control all of the discourse in the course of a campaign. I wish I could control the two major newspapers in my State that are always against what I am doing. It irritates me in the extreme, Mr. President. But I am not trying to introduce a bill around here to shut them up the last 60 days of an election.

The good news is there has been a whole line of court cases on this question of trying to control what is called "issue advocacy"; that is, groups talking about issues at any time they want to, up to and including proximity to an election.

The FEC has been on a mission for the last few years to try to shut these folks up. They have lost virtually every single case in court. As a matter of fact, in the fourth circuit in a case about a year and a half ago, not only did the FEC lose again, but the court required that they pay the lawyer's fees for the group they were harassing. It was pretty clear, Mr. President, there is no authority to do this.

That is really where we are in this debate. The American people are not expecting us to take away their right to speak in the political process, and the Supreme Court has made it very, very clear. Let me say it again. They have said, unless you have the ability to amplify your voice, your speech is not worth very much. You could go door-to-door for the rest of your life in California and have no impact on the process. So the Court wisely recognized that citizens under the first amendment had to have their right either as individuals or to band together as a part of a group to amplify their voice.

Spending has been critical in the political process going back to the founding of the country. Somebody paid for those pamphlets that were distributed around the time of the American Revolution. Somebody paid for those.

It is suggested under the most recent incarnation of McCain-Feingold, "Oh, we are not going to shut them up, we are just going to make them report their donors." Put another way, the price for discussing political issues at the end of a campaign is to disclose your donor list. The courts have already dealt with that issue in 1958 in an NAACP case in Alabama, that a group cannot be compelled to disclose its donor list as a condition for criticizing all of us.

This kind of effort to quash speech, to shut up the critics of candidates is not only going nowhere in the Senate, it is going nowhere in the courts. There has been an effort around the country, financed by some very wealthy people. George Soros, when he is not financing a referenda to legalize marijuana, is also financing this effort. And Jerome Goldberg, one of the wealthy financiers on Wall Street, has been providing money to go out and try and get these kinds of referenda on the ballot and approved around the country.

The good news is they are all getting struck down. Even if they are passed, they are getting struck down. It happened in California a couple weeks ago. It happened in Wisconsin. The courts understand the law, and the law is clear, and no effort to circumvent the first amendment, either in Washington in the Congress or community by community or State by State around the country is going to succeed, because the law is clear.

We are not apologetic in defeating this bill. It richly deserves to be defeated. For the moment—I see that there are some colleagues here who wish to speak—let me just recount some of the points from the Buckley case as a way of beginning today's discussion.

As I said earlier, the great conservative Thurgood Marshall said:

> One of the points on which all Members of the Court agree is that money is essential for effective communication in a political campaign.

That is not MITCH MCCONNELL or BOB SMITH, that is Thurgood Marshall. Further excerpts from the Buckley case that we ought to be aware of, the Court said:

> The first amendment denies Government the power to determine that spending to promote one's political views is wasteful, excessive or unwise.

The Government doesn't have the power to do that to individual citizens and groups.

The Court went on:

> In the free society ordained by our Constitution, it is not the Government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity—

How much we speak—

> and range—

What we say—

> of debate on public issues in a political campaign.

In other words, this is beyond the province of Government to regulate in our democracy.

The Court went on:

> A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.

It is a statement of the obvious. It is a statement of the obvious. If it did not require money to communicate, why would Common Cause be doing direct mail finance solicitations all the time? They have to have money to operate. And I do not decry them that opportunity.

The Court observed that even "distribution of the humblest handbill" costs money. Further, the Court stated that the electorate's increasing dependence on television and radio for news and information makes "these expensive modes of communication indispensable"—Mr. President, this is the Supreme Court—"indispensable instruments of [free speech]."

In other words, it is a statement of the obvious. In a country of 270 million people, unless you have the ability to amplify your speech, to amplify your voice so you might have a chance of competing with Dan Rather, Tom Brokaw, and the editorial pages of your newspapers, at least during the last 30 days of your election, you do not have a chance. So we shut down all of these people, Mr. President. It is a power transfer to the broadcast industry and to the print industry in this country, which some of us think have a good deal of power as it stands now.

With regard to the appearance of corruption issue, it is frequently said that all of this money is corrupting the process. The Court held there is "nothing invidious, improper or unhealthy" in campaign spending money to communicate—nothing.

With regard to the growth in campaign spending, I heard the Democratic leader projecting some astronomical figure that candidates were going to have to spend in the future. Let me say, there is nobody in the Senate spending all their time raising money. That is said all the time. That is not true. Eighty percent of the money raised in Senate races is raised in the last 2 years, it is raised in the last 2 years by candidates who think they may have a contest.

What is wrong with that? We do not own these seats. If we are in trouble, we are probably going to want to express ourselves in the campaign. And if you are going to express yourself in the campaign, you are not going to write the check for it out of your own bank account. You better get busy to get the resources to communicate your message or you are history.

The Court said, with regard to the growth in campaign spending, ". . . the mere growth in the cost of federal election campaigns in and of itself provides no basis"—no basis—"for governmental restrictions on the quantity of campaign spending . . ."—no basis.

It is often said that we need to level the playing field. How many times have we heard that? The Court addressed that issue in Buckley as well. The Court said, with regard to leveling the playing field, ". . . the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment." "Wholly foreign to the First Amendment"—brilliant and thoughtful words from the Supreme Court in Buckley v. Valeo.

And the Court has never retreated from the major principles in this case, Mr. President. In fact, they are moving in the opposite direction, in the direction of more and more permissible political speech.

In fact, one of the few things in the Buckley case that the reformers liked has created one of the biggest problems in the last 20 years. The reformers liked the fact that the Court did uphold a limit on how much one could contribute to another, the contribution limit. Well, the Congress has never indexed the contribution limit. Even President Clinton said last month that the hard money contribution should be indexed to inflation. And he was absolutely right. That $1,000 set back in the mid-1970s, at a time when a Mustang cost $2,700, is now worth $320. In a medium- or small-sized State, it does not produce a huge distortion, but it is an absolute disgrace for a candidate seeking to run for office in a big State where you have a huge audience, like California or New York or Texas, to be stuck with a $320 per person contribution limit.

So ironically, Mr. President, the only part of the Buckley case that the reformers applauded has produced the biggest distortion in the process and the biggest problem for candidates running in large States.

So, Mr. President, let me just conclude this part of my remarks, as I see others here. We make no apologies for beating this terrible piece of legislation. It does not deserve to pass. It will not pass. The first amendment will be protected.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. In a moment I will yield to the Senator from Minnesota who I very much want to hear from on this issue.

Just a very brief comment with regard to the comments of the Senator from Kentucky. The language of the McCain-Feingold bill on issue advocacy was not an issue in the Wisconsin case. In fact, in that Wisconsin case the judge specifically suggested our provision on issue advocacy may be a model of what might pass constitutional muster.

The Senator made a lot of general comments on Buckley v. Valeo, but the one thing he didn't do is relate Buckley v. Valeo to our bill. Our bill was specifically crafted to be constitutional under Buckley v. Valeo. We have a letter from 126 constitutional scholars who say that our bill is in fact constitutional, especially with respect to the ban on soft money. It is 126 constitutional scholars against the mere constant repetition of the claim that our bill is unconstitutional. We have the weight of legal authorities on this issue on our side. Of course, it is our intention and belief that this would pass constitutional muster.

With that, Mr. President, I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, it has been reported that a majority—majority; that is, Republican party—written portion of the Governmental Affairs Committee draft report reaches the following conclusion or contains the following statement: "In 1996, the federal campaign finance system collapsed." I would like to associate myself with this observation by the majority members of the Governmental Affairs Committee.

Mr. President, the system did collapse. Americans witnessed a corruption, a tarnishing of our political system. And I say to my colleague from Kentucky, the Supreme Court is very clear that that in fact is a justification for reform. People saw in a very systematic way special interest money dominate the discourse. And the American people stayed home in record numbers.

It is not surprising that as this system becomes more and more dominated by big money, and regular people feel like they are locked out of involvement, and that this system dominated by money does not respond to the concerns and circumstances of their lives, they stay home.

As a matter of fact, we did not even have 50 percent of the people voting in the last Presidential election. That was the third lowest turnout in the history of our country. Some people here on the floor of the U.S. Senate may be comfortable with that reality. I am not. It is the opposite of what I live and work for. And it is the opposite, I would say to my colleagues, of real representative democracy.

Mr. President, a New York Times headline: "1996 Campaign Left Finance Laws in Shreds." I agree with the judgment of this article, which I quote:

> Beneath the cloudy surface of the Senate hearings, one clear picture has emerged: The post-Watergate campaign finance laws that were passed to restrict the influence of special interests in politics have been shredded.

Mr. President, Americans know this. Some of my colleagues may not want to face up to these truths, but Americans know it. They know that every Federal Government issue that affects their lives is damaged by the way big money, special interest money has taken over our politics. It is as if there has been a hostile takeover of elections in our country, a hostile takeover of Government, whether it is health care, insurance rates, taxes, telecommunications, banking, tobacco, environment, food and agriculture, trade, oil and pharmaceutical company subsidies. What is on the table and what is not on the table, what is considered reasonable and realistic, what is not considered reasonable and realistic, what is debated, what isn't, what is distorted, what issues are even dealt with in the first place—people in the country know that this is dominated by big money. The system has collapsed. The laws that are meant to regulate it have been shredded.

What are we doing about it? We have a good bill, S. 25, the McCain-Feingold bill. It is the pending amendment. It would, A, prohibit soft money to the parties. That is maybe the biggest abuse. This might be the most single important reform that we can undertake; and, B, it restricts—restricts; not prohibits—phony "issue" ads which are really election ads.

My colleague from North Dakota, Senator DORGAN, read a piece yesterday on the floor of the Senate about $800,000 of so-called issue ads poured into one congressional race, one special election, by a party—$800,000 of so-called issue ads in a New York House district race last year to destroy a candidate there.

The bill would also expand disclosure requirements. It would strengthen FEC enforcement, and it would discourage wealthy candidates from spending more than $50,000 of their own money on a race.

It is a decent, worthy bill, Mr. President. I hope we can pass it. My two colleagues have worked extremely hard in order to assure that this vote could happen. And I think that the bill will receive a majority of the vote. But it is going to be filibustered. And I fear that most Members of the majority party do not want reform. They are not willing to allow an acceptable version of this bill to receive the 60 votes. Why is that?

Mr. President, the public is fed up with the current system. Congressional Quarterly summarizes this aptly. "While polls show that the public is fed up with the current system, the public is cynical about politicians' ability to fix it."

Mr. President, my colleague keeps talking about the first amendment. Nobody is saying you cannot spend money. Nobody is saying you cannot speak out. But what we are talking about is that we now have auctions rather than elections. We are talking about the way in which money has subverted this system, systemic corruption, when too few people have too much wealth, power and say, and too many people are left out.

Mr. President, we will also be discussing the Snowe-Jeffords proposal. I have said to my colleague from Wisconsin that I am a bit skeptical about it. I am a bit skeptical about it. I am not at all sure that I like the idea that this amendment only gets introduced if all 45 Democrats pledge allegiance to it, so that we can pick up two more Republican votes. But I know it certainly is a desirable alternative to the poison pill, the Paycheck Protection Act.

But here is what I am worried about. Maybe for tactical reasons we do it, but maybe for substantive reasons we do not. I am a little worried that we now have the following argument before us: We are desperately afraid that we cannot enact real campaign finance reform this year because the public is not angry enough and because the public is not mobilized; therefore, we should weaken the reform bill in order to excite the public. I do not think that is really going to happen. And I think we need an aroused public behind this worthy effort.

Again, I think it is desirable as a substitute for the poison pill Paycheck Protection Act, but it is also a retreat from the definitely superior express-advocacy and issue-ad provisions of the McCain-Feingold bill. Let me just remind my colleagues, that those of us who have been the reformers, we have compromised many times over already.

As a matter of fact, the provisions of the McCain-Feingold bill that would affect us most are basically out right now. We are not even talking about a piece of legislation that really affects the way we ourselves raise and spend money in Congressional races. It is an important effort. I am for it. I want it to pass. But I want to be clear, we dropped the voluntary spending limits which would have done the most to assure a more level playing field between incumbents and challengers.

In addition, we dropped the free and discounted television time. We also, as a concession, have inserted codification of the Beck language. We have gone a long ways toward trimming this down in order to try and get something passed that would at least be a positive step in the right direction, and the majority party is still stonewalling this.

Now, Mr. President, let me be clear in dealing with the provision that Senator JEFFORDS and Senator SNOWE have come up with. There is some merit to it tactically, without any doubt. I still worry that it represents a retreat. I'm not sure we can excite people by continuing to strip this bill down to the point where it doesn't have teeth, and it doesn't do the job.

Mr. President, I ask unanimous consent to place a piece by Greg Gordon of the Star Tribune, the largest newspaper in my home State, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the (Minneapolis, MN) Star Tribune, Oct. 29, 1997]

TURNING NONPROFITS INTO POWERFUL POLITICAL TOOLS

(By Greg Gordon)

(Twin Cities entrepreneur Robert Cummins gave $100,000 to a nonprofit that backed a dozen GOP campaigns, including Gil Gutknecht's, a Senate panel has found. The trend, while legal, allows donors to circumvent federal election laws, observers say)

Senate investigators have obtained bank records showing that a Twin Cities entrepreneur donated $100,000 to a nonprofit group that ran "issue ads" last year backing a dozen Republican congressional candidates, including Minnesota Rep. Gil Gutknecht.

With his donation to the Citizens for the Republic Education Fund, Robert Cummins, chairman of Eden Prairie-based Fargo Electronics Inc., joined in a trend by both major parties to turn nonprofit groups into political weapons.

Campaign-finance experts say the practice, although legal, offers a way for donors to circumvent federal election laws that require public disclosure of their names and limit the amounts they can give. The loophole also enables corporations that are barred from directly donating to campaigns to play major roles in political races, said Democratic investigators for the Senate Governmental Affairs Committee.

Gutknecht, whose reelection campaign faced an onslaught of attack ads sponsored by labor unions, says that early last year he gave the names of several potential Minnesota donors to Triad Management Service, the Virginia company that ran the Citizens for the Republic Fund. The First District congressman declined last week to say whether Cummins, who with his wife had each already donated the maximum $2,000 to Gutknecht's campaign, was among them. Cummins, a politically active conservative, did not respond to phone calls seeking his comment.

Gutknecht said he has never heard of the Citizens for the Republic Education Fund, which spent at least $3,000 boosting his campaign in the Rochester, Minn., media market, and that he never knew about the ad.

The organization is one of three conservative-backed nonprofits that were dormant in the summer of 1996 but sprang to life shortly before the election as donations poured into their accounts, people familiar with the investigation said.

Together, Citizens for the Republic Education Fund, Citizens for Reform, which also was managed by Triad, and the Coalition for Our Children's Future spent nearly $4 million in October and November 1996 on ads that gave GOP candidates a late boost in at least 34 close House and Senate races, Senate investigators have found. The Coalition for Our Children's Future also send Republican-leaning postcards to tens of thousands of voters in at least nine Minnesota legislative districts.

Nonprofit groups are barred from expressly advocating the election or defeat of a candidate. But so-called "issue ads," which stop just short of doing so, have provided political consultants with an effective alternative.

The three tax-exempt groups have refused to identify their donors. Democratic investigators said they used subpoenaed bank records to trace the identities of Cummins and several other contributors to Citizens for the Republic Education Fund and Citizens for Reform.

Other donations to the three groups were made through secret trusts represented by Gen. Ginsberg, a former general counsel to the Republican National Committee (RNC), according to Senate investigators and a former employee of one of the groups. Ginsberg failed to return phone calls seeking his comment.

Senate investigators suspect one of these trusts is shielding the identities of Charles and David Koch, brothers who run oil industry giant Koch Industries, which operates a large refinery in Rosemount, a Democratic committee aide said. Jay Rosser, a spokesman for Wichita, Kan.-based Koch, declined to comment on whether the Kochs or their money were involved. Democrats on the committee sent Charles Koch a letter this month asking to speak with him about their inquiry, but he failed to respond, according to investigators.

Thomas Mann, a campaign-finance expert who is director of governmental studies for the Brookings Institution, called the financing of politically active nonprofits "an utter corruption of the system."

"There is just no question that this is an effort to circumvent the rules limiting the sources and amounts of contributions to federal campaigns," he said. Mann said the effort is proof that "the whole regulatory regime for campaign finance collapsed in 1996" amid "gaming" by both parties.

The Senate committee has previously disclosed that aides to President Clinton and officials at the RNC referred large donors to nonprofit groups so they could avoid the publicity that often accompanies big donations to the parties. The New York Times reported last week that Twin Cities businessman Vance Opperman donated $100,000 to Vote Now '96, a nonprofit organization to which Clinton campaign and White House aides referred a number of large donors. The organization, which promoted voter turnout, apparently did not finance "issue ads."

Both conservative and liberal nonprofit groups have resisted committee inquiries, and the competing Republican and Democratic investigations have led to deep disagreements. Sen. John Glenn, D-Ohio, and other Democratic members complain that the panel's chairman, Sen. Fred Thompson, R-Tenn., has refused to sign subpoenas that would enable them to fully trace the funding of the conservative groups or to allow the Democrats to hold hearings where they could confront officials of Triad and the nonprofits. A Republican spokesman contended that the Democratic inquiry has been overly broad and burdensome for the nonprofit groups.

INVESTMENT ADVISER

At the center of the controversy is Triad, whose officers have declined to answer investigators' questions.

Mark Braden, a Washington lawyer for Triad, says the company served as "an investment adviser" that assisted clients in deciding "where to make political, charitable and issue-related donations." Senate investigators say Triad helped clients who had already donated the legal maximum to a candidate find other ways to help.

Triad was formed in 1995 by Carolyn Malenick, a former political fund-raiser for Oliver North, the ex-Marine who was a central figure in the Iran-contra affair and then ran unsuccessful for a Virginia Senate seat.

In the spring of 1996, investigators found, Malenick met with Pennsylvania businessman Robert Cone, the former owner of children's products manufacturer Graco Inc., and Sen. Don Nickles, R–Okla. Cone soon sent the firm $600,000 in seed money and later gave substantially more, the investigators said.

In a promotional film in which Nickles endorses the group, Malenick talked about Republicans developing a way to quickly infuse $100,000 into a congressional race, countering labor unions' ability to provide "rapid fire" to Democratic candidates.

Braden said Malenick's firm sent consultants to do "political audits" with about 250 GOP campaigns nationwide to identify races where donors could support candidates who shared their ideological views and had "a viable campaign."

Braden said Triad launched the "issue ad" campaign through the nonprofits only to respond to the AFL–CIO's $20 million advertising blitz in the districts of vulnerable Republicans such as Gutknecht.

"The father of these ads is [AFL–CIO President] John Sweeney," Braden said. "If there had been no AFL–CIO campaign, there would have been no Citizens for the Republican Education Fund issue campaign."

Braden denied that any of the donations facilitated by Triad were illegally "earmarked" to specific candidates.

Another large donor was California farmer Dan Garawan, who has said publicly that he gave $100,000 to Citizens for Reform, which spent heavily on issues ads that attacked Rep. Calvin Dooley, D–Calif.

Among donors yet to be identified is a trust that donated a total of $1.3 million to citizens for the Republican Education Fund and to Citizens for Reform. Also still a mystery is the source of a $700,000 check to the Coalition for Our Children's Future, a group unrelated to Triad. Barry Bennett, the coalition's former executive director, says that the donation was arranged in September 1996 by a Houston political consultant and that Ginsberg drew up confidentiality documents.

The investigators have information "that very strongly suggests the Koch family and Koch Industries were a major funding source for the Triad subsidiaries and the Coalition for Our Children's Future," one Democratic committee aide said. Koch made one direct donation to Triad of $2,000, investigators found. Triad booster Nickles, a member of the Governmental Affairs Committee, has been a major Senate ally of Koch.

Federal Election Commission records show that the Koch brothers and KochPAC donated to more than a dozen of the candidates supported by the three nonprofits, most of them located in Kansas, Oklahoma and other states where Koch has facilities.

BOOST FOR GUTKNECHT

Cummino sent a $100,000 check to the Citizens for the Republic Fund on Oct. 3, 1996, a week after Triad signed a consulting agreement with the nonprofit, investigators found.

Meredith O'Rourke, a former Triad employee, told the committee in a recent deposition that Triad officials has discussed key issues in Gutknecht's reelection race with Gutknecht or his campaign, people familiar with the inquiry said. Gutknecht acknowledged that he met with a Triad official early in his campaign, but said he only recalls discussing the "issues they [Triad representatives] were advancing," not his own.

The Citizens for the Republic Fund "issue ad" that fall mentioned Gutknecht's name five times, without identifying his Democratic challenger, Mary Rieder, and accused "big labor bosses in Washington" of distorting Gutknecht's record on education.

Gutknecht dismissed disclosures about the nonprofit groups' political role as "a joke" and "a desperate" attempt by Democrats to distract public attention from Clinton's embarrassing campaign activities, such as inviting major donors to stay overnight in the Lincoln Bedroom.

"As far as I know," he said, "any businesspeople who participated with Triad did not get a night in the Lincoln Bedroom. They didn't get any preferential treatment on Asian pipelines, they didn't want to block an Indian casino in Hudson, Wisconsin. All were American citizens. None were Buddhist monks."

In the spring of 1996, three Washington-based nonprofit groups had no offices, no staffs and were inactive. By that fall, the groups had raised nearly $4 million in donations and were pouring much of the money into "issue ads" supporting conservative House and Senate candidates.

CITIZENS FOR REFORM

Founded by conservative activist Peter Flaherty, the nonprofit group was incorporated in May 1996 and is now run by Triad Management Services, a political consulting firm in Manassas, Va. Senate investigators say the group spent $1.4 million in October 1996 on ads in 21 House and Senate districts, including one that attacked Democratic congressional candidate Bill Yellowtail of Montana for striking his wife.

CITIZENS FOR THE REPUBLIC EDUCATION FUND

Incorporated in June 1996, the fund later obtained tax-exempt status as a political group. Also run by Triad, it is headed by former Reagan White House aide Lyn Nofziger. In October 1996, investigators say, the fund spent almost $1.5 million on "issue ads" in 13 House and Senate races, helping secure victories for Rep. Gil Gutknecht, R-Minn., and Republican Senate candidates Sam Brownback of Kansas and Tim Hutchinson of Arkansas.

COALITION FOR OUR CHILDREN'S FUTURE

Formed in late 1995 to air ads supporting the Balanced Budget Act, the coalition was only a shell in the fall of 1996, operating in offices at the Virginia political fund-raising firm of Odell, Roper and Simms. Then a secret trust reportedly contributed $700,000 to the coalition, which ran "issue ads" in Arkansas and Louisiana Senate races and three House races and blitzed voters in at least nine Minnesota legislative districts with postcards favoring GOP candidates.

Mr. WELLSTONE. He talks about turning nonprofits into powerful political tools. I'm worried about all of the ways, to quote Thomas Mann from the article, that this new practice has "become an utter corruption of the system." I don't want to retreat from clear standards here.

Mr. President, since I have less than 2 minutes, I hope the McCain-Feingold bill will pass intact. I hope we will vote for it today. I hope that colleagues will not be able to block it. I hope we will be wary of "deform" measures, not reform measures. We have to pass something real. We have to pass something significant. I hope we get a positive vote for this piece of legislation today, and I ask people in the country, please be vigilant, please hold all of us accountable. Don't let the majority party block a reform that would restore your voice and some real democracy in this country. Don't let the U.S. Senate pass a piece of legislation which would have that made-for-Congress look, a great acronym, but will not have the enforcement teeth and would not do the job and really wouldn't get some of the big money out of politics.

The McCain-Feingold effort is not all I desire—I proposed the clean money, clean elections approach which has passed in Maine and that was also passed in Vermont—but it is a worthy piece of legislation and it ought to pass the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Kentucky.

Mr. McCONNELL. I understand we are under a controlled time situation without designating a controller, so I ask unanimous consent I control the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I yield to the distinguished Senator from Washington such time as he may consume.

Mr. GORTON. Mr. President, the first amendment to the Constitution of the United States reads in relative part "Congress shall make no law abridging the freedom of speech or of the press."

Today, once again, we are engaged in a debate in which the proponents propose to limit the freedom of speech, and most particularly, to limit freedom of speech in political debate about the policy and political future of the United States.

At the time of an identical debate last fall, George Will wrote, and I wish to quote him in full:

> Nothing in American history—not the left's recent campus "speech codes," nor the right's depredations during 1950s McCarthyism, or the 1920s "red scare," not the Alien and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign "reforms" advancing under the protective coloration of political hygiene.

Mr. Will concludes by saying:

> As Senator MITCH MCCONNELL, the Kentucky Republican, and others filibuster to block enlargement of the Federal speech-rationing machinery, theirs is arguably the most important filibuster in American history.

Mr. President, the Senator from Minnesota has just said that fewer people vote because of cynicism about the 1996 campaign and the blatant violations of the present law that took place during the course of that campaign.

Mr. President, the cure for the blatant violations of present campaign laws is not a new set of laws. It is the simple enforcement of the laws we already have. Laws, incidentally, that were passed in 1974 with arguments identical to those that are being made here today; laws that themselves seem to have been accompanied by a drop-off in the number of people who are voting.

If we simply look at our history and desire to have more people voting, we would presumably repeal all of those laws and go back to a pre-1974 situation in which at least we had a greater participation in our election process.

So what do the proponents today ask us? They ask us to limit severely the right of political parties to raise money and to use that money in order to express the ideas that motivate those political parties. In other words, they ask us to limit the ability to communicate the freedom of speech of those organized parties that have spanned most of the history of the United States, parties that most academics studying our political system say are too weak, not too strong. Most academics in this field feel that party discipline ought to be stronger rather than weaker. Yet the heart of McCain-Feingold is the philosophy that parties should not be able to communicate their ideas to people during election campaigns in any significant fashion whatever.

The predecessors of those who make these arguments today successfully limited the ability of political candidates for Congress to raise and to spend money and now criticize the very condition that they caused by saying that candidates spend too much time in raising money. It is a paradoxical set of arguments to say that the very cause that we espoused has caused candidates to spend too much time campaigning or raising money for campaigning and therefore we ought to have more laws of exactly the same type.

Mr. President, whatever the constitutionality of limiting the right of people to contribute to political parties and the right of political parties to solicit contributions, it can hardly be proposed with a straight face that we can limit the right of third parties, of independent organizations, to express their ideas on matters of politics and on candidates and on incumbents at any time, much less in the 30 or 60 days preceding an election. There is simply no indication in any decision by the Supreme Court of the United States that such limitations are appropriate. There is also no indication that such limitations are a good idea.

I wonder what the editorial page of the New York Times would say if the proposal before the Senate today said that newspapers would be limited to one or two editorials about election-year politics and none at all in the 30 days before an election. Yet, Mr. President, unless you can say in order to make elections fair, in order to give each citizen an equal right to participate, we can and should tell the New York Times, and every other daily newspaper in the country, all television networks and television stations, that they should shut up in the 30 days before an election takes place and let the election work its way out on the basis of whatever individual candidates say—unamplified, of course, by any mass media—and that even outside of that period of time they should be strictly limited in the number of statements that they ought to make about politics because, after all, they have a much larger voice than does an individual citizen.

We know exactly what they would say. They would say that is a blatant violation of the first amendment of the Constitution. They would go to court and they would get any such statute immediately thrown out. But if the New York Times and NBC and an individual television station are free to communicate their ideas about politics and about political candidates without restraint, how, then, can an organization, whether it is the Christian Coalition, the American Civil Liberties Union, a liberal or a conservative organization, be so limited? And why, if an organization of that nature can't be limited, should a political party be limited in what it can say and how it raises money in order to make any such statement?

Mr. President, all we have done is to make political speech less responsible rather than more responsible. We limited the amount of money candidates can get, and candidates, of course, can be called to account for any misstatement they make in a political campaign or for any unfair tactics. We now propose to limit the parties to which those candidates belong, so we force those who are interested in the political system whose lives are affected by the political system to operate entirely independently of parties or of candidates and to make whatever statements they wish for which those candidates and parties will, of course, bear any responsibility whatever.

Finally, I find it extraordinarily curious that the proponents of this bill—most recently the Senator from Minnesota—will say that the original proposal before the Senate by the majority leader, Senator LOTT, is a poison pill. Now, what is that poison pill? It is the totally constitutional and totally valid requirement that a labor organization to which people in given bargaining units must belong and to which they must contribute can only use the dues and the payments of their members for political purposes with permission. Now, this is the one area which is not only obviously constitutional but obviously desirable. Why should any American, why should any American have his or her money used by an organization to which he or she is required to belong to promote an idea and candidates with which whom he or she disagrees?

I do have in this connection, Mr. President, one advantage over, I believe, every other Member in this body, except for my own colleague from the State of Washington. In 1992, at a time in which Bill Clinton won the State of Washington in his Presidential campaign, the people of my State passed Initiative No. 134 by a 73-27 percent margin.

Initiative 134 simply said that neither an employer nor a labor organization could withhold a portion of a worker's wages or salary for political contributions without receiving written permission from that worker each and every year—the so-called "poison pill," which is anathema to Members on the other side. Seventy-three percent of the citizens of the State of Washington voted for that proposition, Mr. President.

Now, what happened? Let's take one such organization, the Washington Education Association. Immediately after the passage of that initiative, fewer than 20 percent of the members of the Washington Education Association gave that association permission to use their money for its political purposes. Where it had 45,000 members who were constrained to contribute to its political action committee previously, the figure, after the election was over, was 8,000. Well, that is why 45 members on the other side of the aisle feel the Lott bill to be a "poison pill," because it deprives one of their principal supporters of the right to force people to contribute to their campaigns. That is a "poison pill," Mr. President. It is a "poison pill" to restrict political parties the right to speak and the right to effectively participate in politics, or even to restrict certain other organizations.

Mr. President, I understand—and perhaps the Senator from Kentucky will enlighten me on this—that the United Kingdom had similar restrictions to those proposed here with respect to issue advocacy. If my understanding is correct, the court of the European Community has just determined that those restrictions were a violation of human rights; is that correct? I ask the Senator from Kentucky that question.

Mr. MCCONNELL. The Senator from Washington is entirely correct. Just last Thursday, February 19, the European Court of Human Rights ruled that laws banning ordinary citizens from spending money to promote or denigrate candidates in an election campaign was a breach of human rights. That was in response to a group in England that brought the suit with the argument that their voices were essentially quieted, eliminated, by British law that prohibited them from speaking, in effect, in proximity to the election. So the Europeans are heading in the direction of issue advocacy, which is something, I say to my friend from Washington—and I see my friend and colleague from Utah on his feet as well—that the Supreme Court anticipated in the Buckley case.

Mr. GORTON. I was simply going to ask that question of the Senator from Kentucky. Does the Supreme Court in Buckley versus Valeo not deal with this question of issue advocacy?

Mr. MCCONNELL. Absolutely. The Senator is correct. Our friends on the other side of the aisle act as if issue advocacy is a recent invention that has been sort of conjured up and not previously thought of. The Court said in the Buckley case, in laying out the terms for express advocacy, which is the category directly in support of a candidate, which is in the category of FEC money, so-called hard money—they were defining express advocacy, and by definition pointing out that "it would naively underestimate the ingenuity and the resourcefulness of persons and groups to believe that they would have much difficulty devising expenditures that skirted the restrictions on express advocacy of election or defeat, but nevertheless benefited the candidate's campaign."

Just one other quote from that same Buckley case: "The distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application." That was the Supreme Court 22 years ago. "Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest."

What is the Court saying? They are saying, in effect, that there is this whole category of discussion in this country that, under the first amendment, citizens are entitled to engage in, whether candidates like it or not. I mean, the whole assumption of the argument on the other side is that somehow the candidates have a right to control the election, control the discourse, in this selected period right before the election. Well, the Court anticipated that. They have already dealt with it. You clearly can't do it. We don't own these elections. Besides, as my friend from Washington pointed out, nobody is suggesting that the newspapers shut up during that period of time. Obviously, this would enhance their power dramatically.

Now, I will stipulate and concede that all of us candidates don't like all of this discourse that we don't control. Sometimes there are people coming in trying to help us and we think they are botching the job. Sometimes people are trying to hurt us, and that is particularly offensive. But it is absolutely clear that we cannot, by statute, shut all these people up, cleanse the process of all of this discussion, and control the campaign.

Mr. GORTON. If I may conclude, I thank the Senator from Kentucky for those comments. In reflecting back on the article from which I read excerpts by George Will, if we had detailed CONGRESSIONAL RECORDS of what was said in Congress in 1797 and 1798, at the time of the Alien and Sedition Act, I think we would see a philosophy quite similar to the philosophy that is being expressed by the proponents of McCain-Feingold: People aren't smart enough to know what ought to be said or not said or to sort out the quality of what is being said and not said, unless we here in Congress tell them who can say it, when they can say it, and how much of it they can say. This bill, under those circumstances, Mr. President, does have distinguished antecedents, the most significant of which is the Alien and Sedition Act.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, perhaps we have reached a new low in the debate on the McCain-Feingold bill, which has been characterized as a "human rights violation" and the "Alien and Sedition Act."

Perhaps the Senator from Maine can bring us back to the real discussion here. I yield her such time as she requires.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the time has come to strike an important blow for our democracy by making some limited, but urgently needed, repairs to our campaign finance laws.

Mr. President, the legislation currently pending before this body is dramatically different from the original McCain-Feingold bill, which I cosponsored and supported. It does not seek to radically alter how we finance our campaigns. Indeed, I submit that it does not alter at all the basic framework that Congress established more than two decades ago.

Nevertheless, Mr. President, the bill before us today is vitally important.

Before us today is a bill designed to close election law loopholes that undermine the protections the American people were promised in the aftermath of Watergate. Unlike the prior version of the bill, it will not make new reforms to our campaign finance system. Rather, it will merely restore prior reforms.

Let me be more specific, Mr. President. Gone from S. 25 are the provisions intended to create a different system for financing campaigns. Gone are the voluntary limits on campaign spending. Gone is the free TV time. Gone is the discounted TV time. Gone is the reduction in PAC limits.

Most of these reforms continue to be very important, and they are reforms to which I remain personally committed. But in the interest of securing action on the major abuses in the current system, we, the proponents of the McCain-Feingold proposal, have agreed to significant compromises.

What, then, is left? The principal purpose of today's bill is to close two immense loopholes that have recently been exploited to evade the restrictions and the requirements of current law. I refer, of course, to soft-money contributions and bogus issue ads.

It is fair to ask whether these are, in fact, loopholes or whether they are practices that were contemplated when our election laws were enacted in the 1970s. To be more specific, when Congress put a $1,000 limit on campaign contributions, was it intended that individuals could make unlimited contributions to political parties that, often following a circuitous route, would wind up financing ads clearly designed to help or to harm particular candidates? Clearly, Mr. President, the answer is no. Similarly, when Congress established political action committees as a legitimate and needed mechanism for unions, corporations, and other groups to contribute to campaigns, did it intend that these entities could nevertheless also make unlimited expenditures for political attack ads as long as certain words were avoided and some reference, however flimsy, was made to an issue? Again, the answer to this question is obviously no, and history bears out this conclusion.

Go back to the early 1980s when soft money was used only for party overhead and organization expenses, and you will find that contributions totaled only a few million dollars. By contrast, in the last election cycle, when soft money took on its current role, these contributions exceeded $250 million.

Bogus issue ads were such a small element in the past, that it is impossible to find reliable estimates on the amounts expended on them. Unfortunately, that is no longer the case, and these expenditures have now become worthy of study. The most prominent of these studies estimates that as much as $150 million was spent on bogus issue ads in 1995 and 1996.

Mr. President, simple logic also shows that soft money, as it is currently used, and bogus issue ads could not have been intended by those who drafted our election laws. There would have been little purpose in limiting contributions to candidates if unlimited money could be given to parties to run ads effectively promoting those candidates. There would have been little purpose in placing monetary limits on contributions to and by PACs, as well as subjecting them to reporting requirements, if the entities for which they were designed could avoid all of that by simply running issue ads.

Mr. President, some may still ask whether any of this matters. Why should we be concerned if the campaign contribution limits have been rendered a sham by unlimited soft-money donations? Why should we care if the PAC safeguards have been eviscerated by bogus issue ads?

Starting with soft money, one need only consider the situation of the Hudson Band of Chippewa Indians, an impoverished tribe in the State of Wisconsin. Mr. President, this tribe has every reason to believe and every reason to suspect that the denial of their casino application was driven by the expectation of large soft-money donations by the wealthy tribes who opposed them.

Allowing such unlimited contributions subverts the proper operation of government or at least creates the appearance that it has been subverted. It is a sign of how extensive the corrupting effect has become that even Native Americans believe they must play the soft money to participate in our democracy.

The situation with bogus issue ads is not better. That practice undermines the two major objectives of our election laws, namely, placing limits on contributions and disclosing the identity of those making the contributions. Without such disclosure, we lose accountability. A recent study found that as accountability in political communications declines, levels of misinformation and deceit rise. Thus, it is no surprise that bogus issue ads almost always carry a negative message, something which all in this body purport to decry. The question is—are we willing to do something about it?

In my view, it is imperative that we do something real about these problems. Mr. President, I spent much of my first year as a Member of this body listening to endless hours of testimony before the Governmental Affairs Committee about the campaign finance practices in the 1996 elections. While reasonable people can disagree on the solutions, those hearings demonstrated beyond any doubt that the current system is in shambles precisely as a result of the loopholes I have described.

Mr. President, let me briefly comment on the argument that S. 25 would violate the first amendment. I personally do not believe that to be the case, but more important, there are scores of constitutional scholars who support that conclusion. But the reality is that we can play the game of dueling law professors forever, and it will not resolve the issue.

We are dealing with an area of great uncertainty. Indeed, in the seminal case of *Buckley* v. *Valeo*, a majority of the Supreme Court Justices could not agree on a single opinion. On the subject of what constitutes issue advocacy, Federal Courts of Appeals have handed down conflicting decisions. Thus, no member of this body can say with certainty how the Supreme Court will decide the issue. Our role is to craft election laws that strengthen our democracy, knowing that the Supreme Court and the Supreme Court alone will ultimately determine the constitutionality of our actions.

It is also essential to eliminate two myths about this bill. It will not stop any American, whether acting as an individual or as part of a group, from running ads advocating for or against a position on any issue. It will also not stop any American, whether acting as an individual or as part of a group, from advocating for or against the election of a candidate, as long as the contribution limits and reporting requirements of our election laws are satisfied. Statements to the contrary are false, and their constant repetition does not make them true.

Let me close, Mr. President, by returning to my original point. When I ran for a seat in this body, I advocated a major overhaul in our campaign finance laws. Regrettably, that goal must await another day. The challenge before us today is far more modest. Are we prepared to close loopholes that subvert the intent of the election laws that we enacted more than two decades ago? Are we willing to restore to the American people the campaign finance system that rightfully belongs to them?

I sincerely hope, Mr. President, that at the end of this debate, the answer will be yes and that the Senate will take an initial step on the road to restoring public trust in government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I yield 10 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank the Senator from Kentucky and I thank my colleagues for this debate. Let me make a personal point at the beginning of my comments. While I disagree quite heartily with the position taken on behalf of those who support McCain-Feingold, I do not challenge their integrity or their motives. I believe that they are acting on the basis of the highest motives, that they honestly believe that this legislation would, in fact, be good for our political system and be good for the Republic as a whole. I disagree most heartily with that position and I do my best to try to convince them that the course they are on, however well meaning and well motivated, is, in fact, dangerous and threatening of our first amendment rights.

I learned today on the floor that in Europe it has been determined that if we went down this road we would be violating basic human rights, according to the European court. I am delighted to know that the Europeans have that much common sense. Clearly, the United States Supreme Court has made that clear and we in this body should not shirk our constitutional responsibility.

I was somewhat distressed to hear the comment that the Supreme Court and only the Supreme Court can determine what the Constitution has to say about this. I think we have a responsibility to pay attention to the Constitution in this body itself and not burden the Supreme Court with laws that are clearly unconstitutional. There is always the chance one of them might slip through. A court might not be appropriately attentive when a case comes before them, and we get unconstitutional legislation. We are the first line of defense as far as the first amendment in the Constitution is concerned, and we should take that responsibility very seriously and not say, "Oh, well, let's pass a law because it sounds good, let's pass a law because the New York Times will give us a good editorial, and the Supreme Court will bail us out by declaring it unconstitutional." That is a very dangerous position to take and I want to do my best to see to it that the first line of defense of the first amendment is drawn here in this body and maintained here so that the Supreme Court can pay attention to other issues.

I want to address the two points that my friend from Maine talked about, soft money contributions and bogus issue ads. Let me reverse the order and talk about the first one, the bogus issue ads. She suggests, and I'm sure sincerely and honestly she believes, that bogus issue ads have come as a result of an attempt to get around the Watergate reforms. In fact, bogus issue ads have been with us since the beginning of the Republic and they are a free exercise of first amendment rights by Americans pre-Watergate, post-Watergate, and frankly post McCain-Feingold. Americans will find a way around that even if the Supreme Court were to allow McCain-Feingold to stand, should we pass it.

One of the most vivid memories I have in politics is, as a 17-year-old high school student, watching my father, who was running for his first term in this body, standing in the living room of my grandmother, his mother, holding a newspaper and saying, "I can handle my enemies but, Lord, protect me from my friends"—a newspaper attacking the incumbent Senator from Utah, Elbert Thomas, as a Communist. And my father, trying to run his own campaign on other issues, was terribly distressed by this four-page attack on his opponent. There are those who wrote about that election after it was over who blamed my father for that rag. One of the professors from whom I took classes at the University of Utah, in the political science department, wrote an extensive article in the Western Political Quarterly in which he called the 1950 Senate race the dirtiest in Utah history, and blamed my father for calling his opponent a Communist and smearing him. My father had absolutely nothing to do with that particular publication and had no control over it. Mr. President, 1950 was clearly pre-Watergate. It was clearly pre- the reforms that the Senator from Maine hopes to reestablish here.

However distasteful it was, however reprehensible it may have been, it was well within the rights of the first amendment guaranteed to the people who put up the money, published the paper, and distributed it. As the Senator from Kentucky indicated, we don't like independent expenditure ads. We want to control them. They make us mad—many times from our friends, many times from our opponents. But they are part of the price we pay for a free press and free speech in this country and I, for one, am not willing, in the name of shutting down that kind of an ad, to damage the first amendment right that everyone has, including the first amendment right to be stupid, the first amendment right to be outrageous, the first amendment right to say inflammatory kinds of things. I think that right is precious and the line to protect it must be drawn here in the Senate and not let us wait until we get to the Supreme Court.

Now, the second issue, the issue of soft money contributions. Like the Senator from Maine, I sat on the Governmental Affairs Committee. I heard the testimony. Maybe I heard some different testimony than that which she heard, but one of the things that struck me most clearly was testimony from someone not of my party, not of my political persuasion, someone on the liberal end of the spectrum, who made this point historically. When Lyndon Johnson was President of the United States and prosecuting the war in Vietnam in a way that outraged huge numbers of our citizens to the point of protests in the streets, he was challenged in the electoral process within his own party by one brave Member of this body, Eugene McCarthy. McCarthy went to New Hampshire and took on an incumbent President within his own party, an unheard of kind of thing. He didn't win that primary but he came close. He came a close enough second that he shook LBJ to the point that LBJ subsequently left the race. How was the McCarthy campaign financed? It was financed with five wealthy individuals, each one of whom put up $100,000 apiece. And in 1968, $100,000 went a lot farther than it does in 1998.

In a way, he brought the Government down, not because he had $500,000 to spend but because he had a message that the people of New Hampshire responded to. Without the $500,000, however, the message could not have been heard. He and the others who were involved with him, who testified before our committee, said, "If we had been limited to $1,000 apiece, McCarthy would never have been able to challenge Lyndon Johnson. If we had been limited to that kind of restriction, history would have been changed." And he quoted, I believe it was Senator McCarthy, who said, "The Founding Fathers did not say: To this we pledge our lives, our fortunes up to $1,000, and our sacred honor." They went the whole way and the Constitution gives them the opportunity to go the whole way.

We have put limitations on. I happen to think that is a mistake, and I have talked about that. But we have allowed political parties to flourish by unlimited contributions to those parties. That is the terrible, awful, debilitating, corrosive soft money that we are talking about: The ability to challenge an incumbent President, the ability to expand political discourse at a time of great national concern over the direction in which an administration is going.

I ask unanimous consent I be allowed to continue for another 2 minutes.

Mr. McCONNELL. Mr. President, I yield 2 more minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized. The Senate will suspend until we get order in the Senate.

The Senator is recognized.

Mr. BENNETT. I thank the Chair.

Mr. President, I am not a lawyer. Sometimes that is an advantage, sometimes it is a disadvantage. But I happen to have devoted a good portion of my life to trying to understand the Constitution and understand the intentions of the Founding Fathers.

I don't know what was fully intended by the passing of the Watergate reforms, because, frankly, that was a period of time when I was leaving Washington instead of paying attention to what was going on here. But I do know what was intended in the passing of the first amendment. I do know what was intended in the creation of the Constitution.

I believe that McCain-Feingold falls on two overwhelmingly significant points: No. 1, and most important, it is clearly unconstitutional; and No. 2, equally crippling, it is totally unworkable. On those two bases, I am happy and proud to be part of the group that is opposing it here today.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes and 20 seconds.

Mr. McCONNELL. Mr. President, if I may, I want to follow up on some observations by my friend from Utah. The underlying bill seeks to abolish what is pejoratively referred to as "soft money." In fact, as the Senator from Utah and I know, soft money should not be a pejorative term. It is, in fact, everything that isn't hard money. Our two great political parties, of course, are interested in who gets to be Governor in Utah; occasionally, they are interested in who gets to be mayor of Salt Lake City. They are, in fact, Federal parties.

So, in the aftermath of McCain-Feingold, you would have a complete federalization of the American political process, I guess putting the FEC in charge of the city council races in Salt Lake City.

Mr. BENNETT. Mr. President, if I might interrupt.

Mr. McCONNELL. I yield for a question.

Mr. BENNETT. Salt Lake City has nonpartisan races. There are no limits on contributions and there are no limits on spending, and somehow we have managed to maintain the pattern of decent mayors through that whole situation.

Mr. McCONNELL. A good point, I say to my friend from Utah.

It has been suggested by some around here that party soft money could simply be abolished, and that is what this underlying bill seeks to do. I doubt that, Mr. President.

A law professor at Capital University in Columbus, OH, who is an expert in this field, in a recent article in a Notre Dame Law School Journal of Legislation was pointing out with regard to the prospects of eliminating non-Federal money for the parties by Federal legislative action and said, in referring to the Colorado case in 1996:

> The precedent makes clear that political parties have the rights to engage in issue advocacy—

Which is funded by the so-called "soft money"—

> as other entities. In Colorado Republican Party v. FEC, the Republican Party ran a series of advertisements critical of the Democratic nominee for a U.S. Senate seat from Colorado. At the time the ads ran, the Republican nominee had not been determined, and the three candidates were actively seeking that nomination.

That was the fact situation in that case.

> The Court rejected the FEC's position that a political party could not make expenditures independently of a candidate's campaign.

Independent expenditures are hard money; issue advocacy is soft money. So let's get them divided.

> The Court held that the facts quite clearly showed that the defendant Republican Party expenditures in the race were independent of any candidate's campaign and so could not be limited as contributions to the candidate's campaign directly. If a political party can conduct express advocacy—that is independent and hard money—if a political party can conduct express advocacy campaigns independently of its candidates, surely it can conduct an issue ad campaign independently of its candidates. The Colorado Republican Federal Campaign Committee held that political parties' rights under the first amendment are equal to—equal to—those of other groups and entities: "The independent expression of a political party's views is 'core' First Amendment activity no less than is the independent expression of individuals, candidates or other political committees." In reaching this conclusion, the Court was not breaking new ground, but again merely following established law granting parties the right to speak on political issues.

I cite that, Mr. President, just to make a point in discussion with my friend from Utah that there is virtually no chance the courts would say that the Congress, by legislation, can prevent the parties from engaging in issue advocacy. We already know they can engage in independent expenditures which are financed by so-called "hard money," Federal money. Everybody else in America can engage in issue advocacy. The Senator from Utah can do it by himself. He can do it as part of a group. There is no change. The courts are going to say parties can engage in issue advocacy.

I commend my friend from Utah for his statement. He is absolutely correct, there is no chance that this bill, were it to be passed, which it will not be passed, but if it were to be passed, would be held constitutional. In fact, the courts are going in the opposite direction, in the direction of more and more political speech, more and more discourse, more and more discussion.

We do not have a problem in this country because we have too little political discussion. That is not a problem. Even though, as the Senator from Utah wisely pointed out, we frequently do not like the content, the tone of the campaign, it is not ours to control. Nobody said we had ownership rights over the campaign. Lots of people are entitled to have their say.

I thank my friend from Utah for his fine statement. I yield the floor.

Mr. FEINGOLD. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair, and I thank my colleague from Wisconsin.

Mr. President, I have spent so much time on this subject in the last year that I think I can just clear my throat in 5 minutes. But I will try to do more than that, and I hope to have additional opportunities to comment as the debate goes on.

I want to speak against the underlying proposal, the so-called Paycheck Protection Act, and in favor of the substitute McCain-Feingold proposal that is before us. The Paycheck Protection Act, very briefly, is a very disappointing response to the many problems the Senate Governmental Affairs Committee uncovered in its recently concluded investigation. In fact, I was very surprised to see my dear friend, the majority leader, say yesterday, "I have laid down a bill that embodies the most important campaign finance reform of all, paycheck protection."

Frankly, there is not a single problem, with all respect, looked at during our investigation in the Governmental Affairs Committee that would have been solved with the Paycheck Protection Act. "Paycheck Protection" doesn't touch foreign money, it doesn't touch the use of public buildings for fundraising, it doesn't touch the problem of unregulated and undisclosed attack ads, and it doesn't touch the abuse of tax-exempt status by tax-exempt organizations.

In fact, the underlying bill, the Paycheck Protection Act, is a response to a problem that doesn't exist. No one is forced to join a union, and under the Beck decision, nonunion members already have an absolute right to ask for a refund of the amount they paid the union in agency fees that went to political activities of which they do not approve. Union members, for their part, voluntarily join an organization, and they express a desire to have their leadership represent them, both with management and more generally. If they disagree with the way in which the leadership of the union is spending that money for political or legislative purposes, they have the same right that shareholders have who are disgruntled with the activities of the leadership of a corporation. Shareholders can launch a proxy fight. Disgruntled union members can try to change the leadership of the union. There is a democratic process dramatically, intensely supervised by the Federal Government itself.

In fact, I suggest that the Paycheck Protection Act as before us is not only a solution to a problem that doesn't exist, it is itself a problem because it is of doubtful constitutionality. This bill says to a union that before it can involve itself in political activities, before it can spend its own general treasury funds, contributed by dues-paying members, not just on political campaigns but, by definition in the underlying bill, in attempting to influence legislation, the union leadership needs the separate prior written voluntary authorization of each one of their members.

To me, that comes close to being a prior restraint on the exercise by a labor union of the rights it receives under the First Amendment to petition our Government to attempt to influence legislation and to free association. If that is not the case, it certainly raises questions of equal protection, because there is no similar restriction put on any other organization that I know of, including particularly corporations. True, there is language in the paycheck protection bill that deals with corporations, but by not even trying to cover shareholders, it is plainly not at all equivalent to the restriction on the expenditure of union dues.

On the other side, McCain-Feingold, with appreciation to its two cosponsors—a great example of the kind of bipartisanship that should exist around here—is a practical response to the problems that came before the Governmental Affairs Committee. The arguments against it, with all respect, are premised on this strange twist of principle that money is speech.

I think it was my friend, the junior Senator from Georgia, who said last year, if money is speech under the Constitution, that must mean that the more money you have, the greater is your right to free speech. Is that what the Framers of the Constitution meant when they said that all of us are created equal, we have an equal right, unfettered, to petition our Government? I don't think so. Against that specious principle, money is speech, they have undercut the sacred principle of equality of access to our Government.

So I say the soft money ban and the other limits in the McCain-Feingold proposal are constitutional. In the Buckley decision, the Court made it clear that it is constitutional to limit contributions to campaigns, and this ban on soft money is just another way to do that.

The fact is, as Chairman THOMPSON of the Governmental Affairs Committee said during our proceedings, effectively, there is no campaign finance law anymore in the United States of America, and the reason why the limits on individual contributions, the prohibitions on corporate and union money that are in the law are no longer effective is mostly because of soft money.

The PRESIDING OFFICER. The time requested by the Senator has expired.

Mr. LIEBERMAN. I thank the Chair for the very gracious way in which he conveyed that message, which is very typical of the occupant of the Chair. I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Connecticut very much for his remarks. I note the emergence of a new argument that is in effect that the Supreme Court of the United States is incompetent, that they will not be able to recognize the constitutional problems in any bill and, therefore, we have to make sure that every piece of our bill raises absolutely no constitutional questions. I think that is a somewhat absurd proposition.

With that, Mr. President, I yield 5 minutes to the distinguished senior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I, too, join in commending Senator FEINGOLD, Senator McCAIN, Senator LIEBERMAN and the others for their persistence and perseverance in advancing sensible and responsible campaign finance reform to the U.S. Congress, and, hopefully, we will address it in a serious way as they have addressed this issue and do so in the next few days.

I will speak for a few moments about the underlying bill that is being proposed, and I suggest that this bill really is a sham in terms of proposing to protect the interests of American workers.

The average American worker earns $12.51 an hour, just over $26,000 a year. These workers want a good retirement, a decent education for their children, safe neighborhoods and quality health care. But how can they compete on these issues in the political process when the fat cats spend far more in one political fundraiser or in one 30-second political ad than the average worker earns in a year?

We must return election campaigns to the people, in which all voters are equal, no matter what their income, what job they hold or where they live.

The current system is a scandal, and Democrats are ready to reform it right now. Every Democratic Senator—every single one—supports the McCain-Feingold campaign finance bill. The burden now rests squarely with the Republican Party. It is up to Republicans to decide whether Congress will reform the broken campaign finance laws or continue the unseemly influence of special interests in American politics.

So far, all the Republican leadership in Congress proposes is more money in politics, not less. They want more money from their special interest friends. They want to silence working families and the labor unions for speaking up on issues they care about. That is what the Republican leadership calls campaign finance reform.

The Republican proposal purports to help working families by regulating how labor unions pay for their participation in the political process. But for working families, this proposal is grossly unfair. It is the centerpiece of an agenda by big corporations and the right wing of the Republican Party to silence working families, not help them.

The Republican leadership proposal is not reform but revenge—revenge for the role of the labor movement in the 1996 campaign. It imposes a gag rule on American workers, and it should be defeated.

The bill is a sham. It does not protect the workers. It is designed to advance an antiworker, antilabor, antiunion agenda. It does not protect individual rights, as its sponsor claims. It singles out unions, but does nothing for corporate shareholders or members of other organizations.

In fact, in the 1996 election, corporations outspent labor unions 11 to 1. Under the Republican proposal, big tobacco can still use corporate treasury funds to oppose using cigarette tax revenues to promote children's health, even if shareholders object. And the National Rifle Association can oppose a ban on cop-killer bullets even if NRA members object. But before labor unions can use union funds to speak up for working families, they would have to obtain written approval from every union member first.

But it does not stop there. The antiworker Republican proposal before us today is only part of a larger, big business, right wing campaign conspiracy to deny working families a voice in their own Government. Already, proposals virtually identical to this one have been introduced in 19 States as ballot initiatives or as State legislation. The same people who fought the minimum wage and want to abolish labor unions—the same people who lead the charge in the Republican party for tax breaks for the rich—are also part of this coordinated nationwide campaign to block workers and their unions at every turn in Washington and State capitals everywhere.

A recent editorial in a Nevada paper says it clearly as anyone. Nevada is one of the States where the right wing is pushing these initiatives. And the Reno Gazette journal spoke out against the proposal, saying:

> Beware of GOP Foxes in Labor's House. . . . Its main purpose is not to help workers but to weaken Democrats. . . . This petition is not intended to benefit the common man nearly as much as it is intended to benefit one specific class of politicians. . . . So when someone asks you to sign this Republican petition outside your favorite supermarket or elsewhere, think about what is really going on here. The scent of special interest fills the air like a convention of skunks in the hollow.

This language applies equally to the Paycheck Protection Act that my Republican friends are advocating in the U.S. Senate. The Republican proposal is phony reform, and it should be opposed. Far from protecting the American worker, it is a prescription for disaster for millions of Americans and their families. I oppose it. My colleagues on this side of the aisle oppose it. I urge every Senator to oppose it.

Senator McCAIN and Senator FEINGOLD have proposed sensible reforms to ban soft money and to crack down on campaign adds by outside interest groups that are nothing more than thinly veiled appeals to defeat particular candidates. These are responsible reforms. And I urge my colleagues to support them.

I thank the Senator for yielding me time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Massachusetts for his statement, and I strongly agree with his description of what this Paycheck Protection Act is all about. It is a poison pill directed at only one group in this country, which I think is clearly unfair.

Mr. President, I now yield 5 minutes to the distinguished Senator from Illinois, Mr. DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator for yielding to me.

Mr. President, when I try to understand the logic of those who oppose this bipartisan campaign finance reform and try to understand their thinking, which concludes that both the rich and the poor in America should have the right to purchase millions of dollars in television time, my mind is drawn to a movie, the movie "Titanic."

What is the link between the opposition to McCain-Feingold and the fate of the *Titanic*? On the *Titanic*, only 5 percent of the first-class women passengers drowned; more than 50 percent of all the women in the lowest class cabin drowned.

Now, in the eyes of those who oppose McCain-Feingold, everyone on the *Titanic* had the right to a lifeboat. Unfortunately, they would have to conclude, I guess, that those passengers in first-class cabins were just better swimmers. In fact, on the *Titanic*, they locked the doors of the cabin class until all the lifeboats had been opened for first-class passengers.

It reminds me too of their logic that the rich need to have their opportunity to exercise free speech. It reminds me of the old case in law school or the old story in law school that said the law, in its infinite wisdom, makes it a crime for the wealthy as well as the homeless to sleep under bridges. That gives us an insight, I think, into the thought processes that guide those who oppose this bipartisan campaign finance reform.

We have to understand what the result of the current campaign financing system is. It is a system without rules and without any moral grounding. It is a system heavily weighted in favor of the insiders, the grifters and those middle-age crazy millionaires who just cannot get the melody of "Hail to the Chief" out of their minds. The flaw in their thinking in supporting the current campaign system is their conclusion that campaign spending limitations restrain speech.

I know the Supreme Court reached that decision over 20 years ago. And I guess there is some value that the Supreme Court Justices by and large have never been political candidates. They have not been sullied by this nasty process. But that decision and their conclusion lacked any grounding in the real world of campaigns.

The campaign system we have today, where wealth buys speech, creates in fact, if not in law, a restraint on speech more insidious than any frontal assault on the first amendment. We give the candidates of modest means a throat lozenge and a soap box and give the wealthiest candidates the magic lantern of television and all its proven power of persuasion. The opponents to McCain-Feingold are blind to this obvious disparity and its consequences.

Now in this debate over changing our campaign system, if you stay tuned today, and perhaps later in the week, do not be surprised that the "haves" in politics are unwilling to concede any ground to the "have-nots."

If Machiavelli did not write this axiom, he should have: "No party in power will ever willingly surrender the means by which they came to power."

The Republican party is and always has been more adept at fundraising. They seldom lose for lack of money, only for lack of talent or ideas. And now we have a situation where eight Republicans have stood up and said that they are for campaign finance reform. They deserve our praise. It took courage for them to do it.

JOHN McCAIN, who has joined Senator RUSS FEINGOLD, deserves that recognition, as well as Senators CHAFEE, SUSAN COLLINS, TIM HUTCHINSON, JIM JEFFORDS, OLYMPIA SNOWE, ARLEN SPECTER and FRED THOMPSON. But I hope we can rally some more Republican support to join the 45 Democrats who are on the record for real reform.

Step back for a minute and ask yourself this question: Is the current campaign system serving America? Not whether it is good for Democrat or Republican incumbents or challengers. Is it serving America?

Let me show you two charts to take a look at. This is an interesting chart because it shows on this red line the percentage of eligible voters who are actually registered.

Back in 1964, 64 percent of eligible voters actually registered. By 1996, the number was up to 74.4 percent. That is good news, isn't it? More Americans are signing up to vote. We certainly want to encourage that. But look down here at the bottom line. Look at the turnout of voters for Presidential elections. The high number—61.92 percent over here in 1964—look how high it was in comparison to those eligible to vote who actually registered, and then look what happens in 1996, 49.08 percent actually turned out to vote for President.

So, 74.4 percent eligible, 49 percent turned out, the lowest percentage turnout of eligible voters since 1924. In 1924, the first year when women were allowed to vote, it was a year when it was an extraordinary count. There were more eligible women than actually voted. You have to go back to 1830 to find this low a turnout.

Mr. FEINGOLD. I yield to the Senator from Illinois such time as he requires.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Thank you.

This chart really brings home the issue what we are faced with. In 1960, the total amount of money spent in the United States of America on all Federal, State and local campaigns—$175 million. Watch it grow. Watch it grow dynamically until we get to $4 billion, the estimate of the amount spent in 1996 on all political campaigns.

But look what is happening to the voters. When we are spending $175 million, 63 percent of the voters turned out. As we get up to $4 billion in spending, we are down to 49% of the voters showing up for the Presidential election year.

If you were running a company and you said to your marketing division, "I want you to double the advertising budget and sell more of our product," and they come back in the next quarter and said, "We doubled the advertising budget and we're selling fewer products," you would have to reach one of two conclusions: something was wrong with your advertising organization or something is wrong with your product. In politics there is something wrong with both.

People are sick of our advertising. It is too negative. It is too nasty. These drive-by shooting ads that we have, 30-second ads by issue groups you never heard of, at the last minute of a campaign, and candidates, myself included, spending a lot of time groveling and begging for money, that does not help the process. It does not help our image. It does not encourage people to get involved.

What McCain-Feingold is about is not just changing the law but changing the attitude of the public toward the political campaigns. And unless and until that happens, we face a very serious problem in this country. What McCain-Feingold goes after in eliminating soft money is something that has to happen. Soft money is what is left after all of the restrictions on hard money have been applied.

For those who are not well versed in the language of politics and campaigns, "soft money" can be corporate money, it can be money that is given by a person that exceeds any kind of limitation. It can be money that is used indirectly to help a campaign. And that sort of expenditure has just mushroomed.

I am glad that the legislation of Senator FEINGOLD and Senator MCCAIN is going to ban soft money. I also think it is critically important they do something about these issues ads. For goodness sakes, as a candidate for the U.S. Senate, I have to disclose every penny raised and every penny spent. And when I put an ad on the air, I have to put an allocation at the bottom of each ad as to who paid for it and a little mug shot of myself so they can see my face.

But these groups that appear out of nowhere come in, in the closing days of a campaign, and absolutely blister candidates in the name of issue advocacy groups that do not disclose one single item of fact about how they raise their money and how they spent it. Don't believe for a minute that there is some group called the "Campaign for Term Limits" that is running around shopping centers with kettles and bells collecting money. This is a special interest group, spending literally millions of dollars in our political process to defeat candidates in the name of an issue, and you do not know a thing about them. You do not know if they are funded by the tobacco companies, you do not know if they are funded by foreign money, you do not have a clue. That is not fair.

What we have in the McCain-Feingold bill is an effort to finally—finally—bring some reality to this process and some sensibility to it. And it is long overdue. We have to make sure that we have a bustling, free marketplace of ideas. But the evidence is compelling that political megamergers of special interest groups like the NRA, Right to Life, Americans for Tax Reform, Chamber of Commerce, and even the AFL–CIO, which has clearly supported more Democrats than Republicans, all of these things are driving individuals with limited means and middle-range incomes out of the political process.

To argue passionately as we have in America for "one man, one vote" as a pillar of democracy and ignore the gross disparity of resources available to pursue that vote is elitist myopia.

I rise in support of this bill. And I hope that those who do support real campaign finance reform will not fall for proposals and poison pill amendments which will basically scuttle this effort. We have a rare opportunity to win back the American people and their confidence in our process. Defeating McCain-Feingold by procedural tricks and any other mechanism that they dream up is really not serving the future of this country and the future of our Republic. So I stand in strong support of McCain-Feingold, and thank my colleague from Wisconsin for yielding this time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Illinois for all his tremendous help on this issue, and now yield to the Senator from North Dakota such time as he requires.

The PRESIDING OFFICER. The Senator has 9 minutes 40 seconds.

Mr. DORGAN. Mr. President, the Senator from Illinois said much of what I would like to say. I appreciate very much the leadership of the Senator from Wisconsin, Senator FEINGOLD, and the Senator from Arizona, Senator MCCAIN, on this issue.

We had a lot of hearings last year about campaign finance reform: 31 days of hearings, 240 depositions, about 50 public witnesses, $3.5 million, 87 staff people. We learned about all kinds of abuses with soft money and attack ads thinly disguised as issue advertising.

Well, here we have on the floor of the Senate today a piece of legislation that says, "Let us reform the system we have for financing campaigns."

One of the important pieces of this reform, the centerpole for the tent, in my judgment, is the ban on soft money. Now, what is soft money? People who are not involved in political campaigns may not know what this term soft money means. It is the political equivalent of a Swiss bank account. Soft money is like a Swiss bank account. It is where somebody takes money that is often secret, from an undisclosed source, with nobody knowing where it comes from, how much is there, how it got there, and it is used over here in some other device, ostensibly to help the political system and not to be involved in Federal elections. But what we now know from the range of campaigns that have gone on in recent years is soft money is a legalized form of cheating that has been used to affect Federal campaigns all across this country.

The total amount of soft money raised is on the rise. In the first 6 months of the 1993–1994 political cycle, $13 million; the first 6 months of the 1997–1998 cycle, $35 million. It is going up, up, way up.

Some say there is not a problem of campaign finance and we don't need a reform. Take a look at this political inflation index. At a time when wages have risen 13 percent in 4 years, education spending rose 17 percent, the spending on politics in this country rose 73 percent. There is too much money in politics.

Some say money is speech and we like free speech. That is the political golden rule. I guess those who have the gold make the rules.

I suppose if I was part of a group that had a lot more money than anybody else I suppose there would be an instinct deep inside to try to persuade you to say this situation is great. We not only have more money but we have access to more money than anyone else in the history of civilization. Why would we want to change the rules? We ought to change the rules because this system is broken and everybody in this country knows it and understands it.

Let me go through some examples to describe what is happening in this system. And both political parties have had problems in these areas, both parties. Let me give one example. In 1996, $4.6 million of soft money went from the Republican National Committee to an organization called Americans for Tax Reform, $4.6 million. This soft money, then, comes from contributors whose identities are often unknown—they often do not need to be disclosed—

contributing money in amounts that would be prohibited under our federal election laws, to influence a Federal election. $4.6 million from a major political party to this organization, Americans for Tax Reform. That was four times the total budget of this organization in the previous year.

How was the money spent, this soft money raised in large undisclosed chunks from sources in many cases prohibited from trying to spend money to influence Federal elections? How was it used? To influence Federal elections, 150 of them, to be precise—17 million pieces of mail to 150 congressional districts.

You say the system isn't broken? Mr. President, $4.6 million? This is the equivalent of a political Swiss bank account. Large chunks of money, blowing into the system to a group that never has to disclose what it does with it.

And what about the issue ads which Senator DURBIN mentioned as well? These issue ads—are they ads that contribute to this political process? Eighty-one percent of them are negative. They represent the slash, burn and tear faction of the political system. Get money, get it in large chunks from secret sources and put some issue ads on someplace and try to tear somebody down.

Let's discuss one group, and one ad in particular. Look at this scenario.

The Citizens for Republic Education Fund is a tax-exempt organization incorporated June 20, 1996, that raised more than $2 million between June and the end of the year in this election year—$1.8 million of which was raised between October 1 and November 15. They spent $1.7 million after October 11 and before the election in a matter of a couple of weeks. Remember, these funds are not intended to influence Federal elections, but here's all this money being spent in just three weeks before the election.

You be the judge. Consider the following, and then you tell me whether these were intended to influence a Federal election. The vast majority of the money was spent after October 11 in an election year. The group didn't come into existence until June of the election year. The group never had any committees or programs, had no offices, no staff, no chairs, no desks and no telephones. All it had was millions of dollars to pump into attack ads.

The ads did not advocate on behalf of any one set of issues. Instead, the ads were almost universally tailored to a particular unfavored candidate's perceived flaws, just like any campaign attack ad would be. In fact, you could ask whether they advocate any issues at all.

Let me turn to a so-called issue ad.

> Senate [Candidate X] budget as Attorney General increased 71 percent. [Candidate X] has taken taxpayer funded junkets to the Virgin Islands, Alaska and Arizona, and spent about $100,000 on new furniture. Unfortunately, as the State's top law enforcement official, he's never opposed the parole of a convicted criminal, even rapists and murders. And almost 4,000 prisoners have been sent back to prison for crimes committed while they were out on parole. [Candidate X]: Government waste, political junkets, soft on crime. Call [Candidate X] and tell him to give the money back.

A political ad, paid for with soft money from a political Swiss bank account. It's like a Swiss bank account because it is from a secret source, designed to be used to create attack ads, to be used at election time to influence Federal elections, something that, frankly, is supposed to be prohibited by law. But this has now become the legalized form of cheating. In fact, we are not even sure it is legal, but it is being done all across this country and it is being done with big chunks of secret money.

In fact, one secret donor put up, I'm told, $700,000 to spend on so-called issue ads to influence federal campaigns. We don't even know for certain the identity of that person. And that soft money, that big chunk of money prohibited from ever affecting Federal races was used in this kind of advertising to directly try and influence Federal campaigns.

Now, I just ask the question, is there anyone here who will stand in the Senate with a straight face and say that this isn't cheating? Anyone here who will stand with a straight face and say this isn't designed to affect a Federal election? Anybody think this is fine? Go to a friend someplace that has $40 million and say, will you lend us $1 million, we have these two folks we don't like—one in one State up north and one in a State down south. We want to put half a million into each State and defeat them because they happen to be of a political persuasion we don't like, and we don't want them serving in the U.S. Senate. If you give us $1 million we will package it in two parts, half a million into each State. Your name will never be used. No one will know you did it. We will package up these kind of 30-second slash, tear and burn political ads and claim they are issue ads and they can be paid for with soft money.

Does anybody in this body believe this is a process that the American people ought to respect? That this is a process the American people think makes sense? Do we really believe that money is equal to speech and that anything that we would do to change the amount and kind of money spent in the pursuit of any campaign is somehow inhibiting the political process?

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Is that off of your time?

The PRESIDING OFFICER (Mr. SESSIONS). The presumption would be we would recess at 12:32.

Mr. McCONNELL. I believe I have 7 minutes, and I do want to reserve my 7 minutes.

Mr. DORGAN. I do want to make a couple of final points here. We can decide to do one of two things in this Senate on this day or this week. We can decide that campaign finance system in this country is just fine, that nothing is wrong with it, that we like the way it works. We can say that we think it has the respect of the American people, that we think this sort of nonsense that goes on is just fine and perfectly within the rules, that we think that the growth of soft money, the growth of spending in campaigns in this country is wonderful. We can say we think this explosion in political money reflects the American people's determination to acquire more and more speech, and that we think the American people believe, as some would say, that this system works just fine.

Or we can decide that something smells in campaign finance, that something is wrong with campaign financing in this country, that we see the costs of political campaigns are skyrocketing up, up, way up because we have people who believe they can take secret money and now use it to buy elections. We can decide something is horribly wrong with that, and we can decide that we know the American people know there is something horribly wrong with that. We can decide that it is in our province to do something about it, now, today, this week, this month. We in Congress can do something about this. We can do something about it without hurting free expression anywhere in this country, and anywhere in our political system. No one who supports reform wants to restrict free speech in this country, nor should we do that. But we can decide that this system is out of control, that this system disserves our democratic process, and that we must pursue a better way.

Senator McCAIN and Senator FEINGOLD have proposed a piece of legislation. Is it perfect? No, it is not. But it is a good piece of legislation. I am a cosponsor. I want this Congress to pass that piece of legislation this week, have the House pass it, get to conference and pass a piece of campaign finance reform that will make the American people proud.

The PRESIDING OFFICER. The Senator from Kentucky has 7 minutes.

Mr. McCONNELL. After I use 7 minutes, we go into recess for policy luncheons?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. Maybe a good place to wrap up the morning discussion, which I think has been a good one, is to call to the attention of Members of the Senate an NPR morning edition commentary by a woman named Wendy Kaminer who is a professor at Radcliffe College—not exactly a bastion of conservatism. This was NPR's morning edition, December 3, 1997, on the subject we are debating here today.

Professor Kaminer said in her commentary that morning:

> Protecting the act of spending money as we protect the act of speaking means standing up for the rights of the rich, something not many self-identified progressives are eager to do.
>
> But the realization that money controls the exercise of rights is hardly new. Money translates into abortion rights, for example, as well as speech. Indeed, liberals demand Medicaid funding for abortions precisely because they recognize that money insures reproductive choice. Money also insures the right to run for office. Liberal support for reforms that provide minimum public subsidies to candidates is based on an implicit recognition that exercising political speech requires spending money.
>
> So proposed public financing schemes are based on the fact that reformers like to deny—the fact that sometimes money effectively equals speech. Reformers who support public financing argue persuasively that candidates with no money have virtually no chance to be heard in the political marketplace. They want to provide more candidates with a financial floor, in order to insure more political speech. It is simply illogical for them to deny that a financial ceiling—caps on contributions and expenditures—is a ceiling on political speech.

It is absurd to deny that that is a cap on political speech. Professor Kaminer went on:

> We need campaign finance reform that respects speech and the democratic process; it would subsidize needy candidates and impose no spending or contribution limits on anyone.

She says:

> I'm not denying that money sometimes corrupts. It corrupts everything, from politics to religion. But if some clergymen spend the hard-earned money of their followers on fast women and fancy cars, there are others who raise money in order to spend it on the poor. While some politicians seek office for personal gain, others seek to implement ideas, however flawed. Money only corrupts people who are already corruptible. It is terribly naive and misleading for reformers to label their proposals "clean election laws." Dirty politicians who sell access and lie to voters in campaign ads will not suddenly become clean politicians when confronted with limits on contributions and spending.
>
> Reformers are guilty of false advertising when they market campaign finance reform as a substitute for integrity. Politicians are corrupted by money when they are unprincipled. Limiting the flow of money to them will not increase their supply of principles. And, in the end, money may be less corrupting than a desire for power, which can engender a willingness to pander rather than lead.

Finally, she says:

> If I wanted to influence Bill Clinton, I would not write him a check, I'd show him a poll.

So, Mr. President, it is the denial of the obvious to conclude that the limitation on the financing of campaigns or restrictions on the ability of individuals or groups to amplify their message is anything other than a degrading, a quantification, a limitation of their ability to express themselves in our democracy. And the bill that we have before us essentially seeks to weaken the parties and make it impossible for outside groups to criticize us in proximity to an election.

There is no chance the courts would uphold this, but fortunately we are not going to give them a chance to rule on this because we are not going to pass this ill-advised legislation.

Mr. President, how much time is left?

The PRESIDING OFFICER. All time has expired.

I believe the Senator from Illinois wants to speak on a separate subject. The Senator would need to make a unanimous consent request.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PENNY SEVERNS OF ILLINOIS

Mr. DURBIN. Mr. President, on Saturday morning, in the early morning hours, my wife and I received a telephone call that was a shock to us. A dear friend and close political ally of ours, State Senator Penny Severns of Decatur, IL, had succumbed to cancer in the early morning hours.

I have literally known Penny Severns for over 25 years, since she was a college student. I followed her political career. We had become close and fast friends. The outpouring of genuine warmth and affection for Penny that we have heard over the last few days since the announcement of her death has been amazing.

Penny Severns was 46 years old. A little over 3½ years ago, she was running for Lieutenant Governor in the State of Illinois, and she discovered during the course of the campaign that she had breast cancer. I think most people, upon hearing that they had cancer, would stop in their tracks, would not take another day on the job, would head for the hospital and the doctor and say that the rest of this could wait. But not Penny Severns. She announced that she was going through the chemotherapy and radiation and then would return to the campaign trail. And she did.

I will tell you, in doing that, she inspired so many of us because her strength, her caring, her spirit, were just so obvious. She finished that campaign and was reelected to the State Senate and announced last year she was going to run for secretary of state in our State of Illinois. She filed her petitions, and within a week or so it was discovered she had another cancerous tumor, and in December she went into the hospital to have it removed. She went through the radiation and chemotherapy afterwards and had a very tough time. Unfortunately, she succumbed to the cancer in the early morning hours last Saturday.

It is amazing to me how a young Democratic State Senator like this could attract the kind of friends she did in politics. Penny was not wishy-washy; when she believed in something, she stood up for it. Yet, if you listened to Republicans and Democrats alike who have come forward to praise her for her career, you understand that something unique is happening here.

There is so much empty praise in politics. We call one another "honorable" when we are not even sure that we are. But in this case, people are coming forward to praise State Senator Penny Severns because she truly was unique, not just because she fought on so many important political issues and gave all of her strength in doing that, but because of her last fight, which was her personal fight against cancer, and the fact that she just would not give up and would not give in.

Breast cancer has taken a toll on her family. She lost a younger sister to breast cancer a few years ago, and her twin sister is in remission from breast cancer today. Penny dedicated herself, in the closing years of her service, to arguing for more medical research when it came to breast cancer—not just for her family, but for everybody. That is part of her legacy. She will be remembered for that good fight and so many others.

I have to be honest with the Presiding Officer and the other Members. I would rather not be here at this moment. I would rather be in Decatur, IL, because in just a few hours there will be a memorial service for Penny Severns. My wife will be there, and I wish I could be there, too. But if there is one person in Illinois who would understand why I had to be here on the campaign finance reform debate, it was Penny Severns. I am going to miss her and so will a lot of people in Illinois.

Thank you, Mr. President.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota, Mr. GRAMS, is recognized.

Mr. GRAMS. I ask unanimous consent to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHY WE MUST RETURN ANY BUDGET SURPLUS TO THE TAXPAYERS

Mr. GRAMS. Mr. President, I rise today to express my strong disappointment as my colleagues waffle on our commitment to allow working Americans to keep a little more of their own money.

I rise as well, Mr. President, to make the case for returning any potential budget surplus to the taxpayers.

Mr. President, I was shocked to pick up the Washington Times on February 18 and find the headline "Senate GOP leaders give up on tax cuts."

Having been elected on a pledge to reduce taxes for the working families of my state, the idea that we would so quickly abandon a core principle of the Republican Party is a folly of considerable proportions, one I believe would abandon good public policy.

In all the legislative dust that is kicked up in Washington, someone has to consider the impact of high taxes and spending, and speak up for the people who pay the bills: the taxpayers.

When the Republican Conference met on February 11 to outline our budget priorities for the coming year, I joined many of my colleagues in stressing the need for continued tax relief. I did not leave the room with the belief that we had abandoned the taxpayers.

Yet that is precisely what the Conference's "Outline of Basic Principles and Objectives" does, because under the Conference guidelines, tax relief for hard-working Americans would be nearly impossible to achieve.

Mr. President, since its very beginnings in the 1850s, the Republican Party has dedicated itself to the pursuit of individual and states' rights and a restricted role of government in economic and social life.

In 1856, the slogan of the new party was "Free Soil, Free Labor, Free Speech, Free Man." It is still our firm belief that a person owns himself, his labor, and the fruit of his labor, and the right of individuals to achieve the best that is within themselves as long as they respect the rights of others.

The fundamental goal of the Republican Party is to keep government from becoming too big, too intrusive, to keep it from growing too far out of control.

We constantly strive to make it smaller, waste less, and deliver more, believing that the government cannot do everything for everyone; it cannot ensure "social justice" through the redistribution of private income.

These two different approaches of governance are indeed a choice of two futures: A choice between small government and big government; a choice between fiscal discipline and irresponsibility; a choice between individual freedom and servitude; a choice between personal responsibility and dependency; a choice between the preservation of traditional American values versus the intervention of government into our family life; a choice of long-term economic prosperity and short-term benefits for special interest groups, at the expense of the insolvency of the nation.

I think history has proven that whenever we have stuck to Republican principles, the people and the nation prosper, freedom and liberty flourish; whenever we abandon these principles for short-term political gains, it makes matters far worse for both our Party and our country.

Here are two examples. Facing a $2 billion deficit and economic recession in 1932, the Hoover Administration approved a plan to drastically raise individual and corporate income taxes.

Personal exemptions were sharply reduced and the maximum tax rate increased from 25 percent to 63 percent. The estate tax was doubled, and the gift tax was restored. Yet the federal revenue declined and the nation was deeply in recession.

President Reagan took the opposite approach in 1981 when he enacted a 25 percent across-the-board tax, and again in 1986 when he signed a landmark piece of legislation to reduce the marginal tax rate to a simple, two-rate income-tax system: 15 percent and 28 percent.

What resulted was nothing short of an economic miracle. Our nation experienced the longest peacetime economic expansion in American history, the benefits of which we are still enjoying today.

Over eight years, real economic growth averaged 3.2 percent and real median family income grew by $4,000, 20 million new jobs were created, unemployment sank to record lows, all classes of people did better, and in spite of lower rates, tax revenues increased dramatically.

Mr. President, let us not forget the fact that the Republicans gained control of Congress in 1994 because we were the champions of the taxpayers—the American people trusted us to carry out our promise when we said, "Elect a Republican majority and we will work to let you keep more of the money you earned."

The taxpayers elected us with the expectation that Republicans would seize every opportunity to lessen the tax burden on America's families.

They certainly did not elect Republicans thinking we would be a collaborator of the President's tax-and-spend policies—that we would build a bigger, more expensive government at the first chance we got and completely abandon our promise of tax relief for them.

Is this the same Republican majority that arrived in Washington in January of 1995, ready to create fundamental change in a government that had enslaved so many working families for so many years?

Is this the same Republican majority that promised the American people that there was no turning back to the era of big government and higher taxes? Is this the same Republican majority that I was so proud to be part of?

It has been tremendously disappointing to me, and I believe the majority of taxpayers, to read the recent comments from those who have endorsed the President Clinton's "save Social Security first" gimmicks and are seeking to eliminate meaningful, achievable tax cuts from the next fiscal year's budget.

As I said before on this floor, if we do not carry out the taxpayers' agenda, we may as well pack up our bags and go home, because we will have failed. And the price of that failure will fall on the backs of those we were elected to represent. I believe any retreat from that promise would be a terrible mistake.

Tax relief is still critical for America for two basic reasons—moral and economic.

First, there is a moral case to be made for continuing tax cuts.

The robust American economy and working Americans, not government action, have produced this unprecedented revenue windfall. These unexpected dollars have come directly from working Americans—taxes paid by consumers, individual labor, and investment income. This money belongs to the American people.

Washington should not be allowed to stand first in line to take that away from American families, workers, and job creators. It is moral and fair that they keep it.

We have also heard the argument that we already had a large tax cut last year, so there is no need for more tax cuts. Let me set the record straight.

Last year, after spending $225 billion unexpected revenue windfall and busting the 1993 budget spending caps to do it, the Republican Party delivered tax relief only one-third as large as what we would promised in 1994.

Those tiny tax cuts—no more than slivers, really—amounted to less than one cent of every dollar the federal government takes from the taxpayers. Is one cent worth of tax relief too much? I do not really think so.

And the President today wants to increase spending by $123 billion and increase taxes $115 billion, wiping out entirely—and more—the tax reduction of 1997.

A recent Tax Foundation study shows that 1997's tax cuts came too late to stem the rising tax burden on the American families.

The study finds that Federal, State and local taxes claimed an astonishing 38.2 percent of the income of a median two-income family making $55,000—up from 37.3 percent in 1996. That is about a 1 percent increase.

When we ask the Government to take a small cut of 1 percent across the board they say it's impossible. But nobody asked the taxpayers how they were going to manage to pay another percent more of their income in taxes. They either had to reduce their spending or make do without. But the Federal Government doesn't have to do that. Federal taxes under President

Clinton consumed 20 percent of America's entire gross domestic product in 1997. That is the highest level since 1945, when taxes were raised to finance the enormous expenses of the Second World War.

The average American family today spends more on taxes than it does on food, clothing, and housing combined. If the "hidden taxes" that result from the high cost of government regulations are factored in, a family today gives up more than 50 percent of its annual income to the government. At a time when the combination of federal income and payroll taxes, State and local taxes, and hidden taxes consumes over half of a working family's budget, the taxpayers are in desperate need of relief.

Thanks to the Clinton Administration, the Democratic minority, and the Republicans of this Congress, big government is alive and well. In fact, the Government is getting bigger, not smaller. Total taxation is at an all-time high. So is total Government spending. Annual Government spending has grown from just $100 billion in 1962 to $1.73 trillion today, an increase of more than 17 times. Even after adjustment for inflation, Government spending today is still more than three times bigger than it was 35 years ago. It will continue to grow to $1.95 trillion by 2003 nearly $2 trillion a year. In the next 5 years, the government will spend $9.7 trillion, much of it going toward wasteful or unnecessary government programs. Tax relief is the right solution because it takes power out of the hands of Washington's wasteful spenders and puts it back where it can do the most good: with families.

There is also an economic case for cutting taxes for working Americans. Lower tax rates increase incentives to work, save, and invest. They help to maximize the increase in family income and improvements in standards of living. Beyond the direct benefits to families, tax cuts can have a substantial, positive impact on the economy as a whole. It was John F. Kennedy who observed that:

> an economy hampered with high tax rates will never produce enough revenue to balance the budget just as it will never produce enough output and enough jobs.

President Kennedy was able to put his theories to work in the early 1960s, when he enacted significant tax cuts that encouraged one of the few periods of sustained growth we have experienced since the Second World War. Twenty years later, President Ronald Reagan cut taxes once again. The reinvigorated economy responded enthusiastically.

Mr. President, should we save Social Security first or provide tax cuts first? My answer is that we must do both in tandem. We had a very similar debate last year about whether we should balance the budget first and provide tax cuts later. The truth is we can absolutely do both at the same time, as long as we have the political will to enact sound fiscal policies.

I agree with the Conference leadership that reforming the Social Security and Medicare programs to ensure their solvency is vitally important. Any projected budget surplus should be used partly for that purpose. Yet, I believe strongly that the Congress owes it to the taxpayers to dedicate a good share of the surplus for tax relief. After all, the Government has no claim on any surplus because the Government did not generate it—it will have been borne of the sweat and hard work of the American people, and it therefore should be returned to the people in the form of tax relief.

Our Social Security system is in serious financial trouble, a fiscal disaster-in-the-making that is not sustainable in its present form. Simply funneling money back into it will not help fix the problem. It will not build the real assets of the funds for current and future beneficiaries and it does not address the flaws of the current pay-as-you-go finance mechanism. Without fundamental reform, using the general revenue to pay for Social Security equals a stealth payroll tax increase on American workers. I believe using part of the budget surpluses to build real assets by changing the system from pay-go to pre-funded is the right way to go.

The President is maintaining that not one penny of the surplus would be used for spending increases or tax cuts. To that, I must say Mr. Clinton is not being at all truthful to the American people. In his FY 1997 budget, he proposes $150 billion in new spending, which is well above the spending caps he agreed on last year. In the next five years, he will raid over $400 billion from the Social Security trust funds to pay for his Government programs. If Mr. Clinton is serious about saving Social Security, he should stop looting the Social Security surplus to fund general government programs, return the borrowed surplus to the trust funds, and withdraw his new spending initiatives—only then will he be qualified to talk about saving Social Security.

Wrapping up, Republicans should not allow Mr. Clinton to hold any budget surplus hostage. We should continue pursuing our "taxpayers' agenda" and do what is right for working Americans. It is clear to me that returning part of the budget surplus to the taxpayers in the form of tax relief is the right thing to do. But how should we do it? In my view, the best way is to have an across-the-board marginal tax rate cut and eliminate the capital gains and estate taxes. This will help to improve American competitiveness in the global economy and increase national savings.

However, tax cuts will not solve the problems once and for all. The origin of this evil is the tax code itself. We must end the tax code as we know it and replace it with a simpler, fairer and more taxpayer-friendly tax system.

By creating a tax system that is more friendly to working Americans and more conducive to economic growth—one based on pro-family, pro-growth tax relief—Congress and the President can make our economy more dynamic, our businesses more competitive, and our families more prosperous as we approach the 21st century.

Again, to omit tax cuts from this year's budget resolution is totally unacceptable to Republicans seeking to deliver on our commitment to return money to the taxpayers. I will not walk away from our obligation to the American taxpayers to pursue a Federal Government that serves with accountability and leaves working families a little more of their own money at the end of the day. I intend to make good on my promise to the taxpayers, and I urge my fellow Republicans, especially our leadership, in the strongest terms possible, to honor your commitment as well by considering meaningful tax relief in the budget resolution.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15.

Thereupon, at 12:52 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Coats).

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYCHECK PROTECTION ACT

The Senate continued with the consideration of the bill.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The time is occurring equally divided on the bill until 4 p.m.

Mr. FEINGOLD. Mr. President, I ask to yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator has that right. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

Mr. President, today I rise in strong support of the bipartisan compromise amendment offered by Senators McCain and Feingold. This would be reasonable but limited reform of our campaign finance system, reform that is long overdue.

This legislation would effectively change two very important issues with respect to campaign finance reform. First, it would ban soft money, those unlimited, unregulated gifts by corporations, wealthy individuals, and unions to political parties. The soft money issue has created a great crisis within the electoral system of the United States.

Second, the bill would require those who run broadcasts which expressly advocate the election or defeat of a candidate within a certain window, 30 days of a primary or 60 days of a general election, to play by the same rules applying to candidates and others who participate in political campaigns. Thus, organizations funding such broadcasts would have to disclose the individuals and political action committees which fund their advertisements.

This would curtail what has become an explosion throughout our American political system. Phony issue advertisements are unconstrained, cropping up suddenly, without attribution, to strike at candidates.

These are two very important reforms which must be implemented to preserve the integrity of our political system by inspiring within the American people confidence that we, in fact, are conducting elections and not auctions for public offices. I believe these provisions are very, very important.

Again, I commend both Senators McCAIN and FEINGOLD for their efforts. I also commend my colleagues from the States of Vermont and Maine. Senator JEFFORDS and Senator SNOWE are proposing another amendment which would help break the current gridlock we have on this legislation. The Snowe-Jeffords proposal also addresses the issue of phony advertising through better disclosure of those who are participating in campaigns. I think their efforts are commendable.

Frankly I prefer a much more robust form of campaign finance reform. I believe that at the heart of our problem is the Supreme Court decision of *Buckley* v. *Valeo*, which more than 20 years ago held that political campaign expenditures could not be limited. Frankly, I think the decision is wrong. Justice White, who dissented from that opinion and, by the way, was the only Member of that Court with any practical political experience, declared quite clearly that Congress has not only the ability but the obligation to protect the Republic from two great enemies—open violence and insidious corruption.

Indeed, the Court in Buckley did accept part of that reasoning by outlawing unlimited contributions to political campaigns, but they maintained that unlimited expenditures were constitutionally permissible.

I believe that we should go further than this bill proposes today. Indeed, we have practical examples within the United States of systems that do constrain contributions and expenditures in political campaigns.

I was interested to note that in Albuquerque, NM, since 1974, the mayor's campaign has been limited to an expenditure of $80,000, equivalent to the salary of the mayor. I know as I go around my home State of Rhode Island, people often ask why a candidate would spend more money in a campaign than he or she would receive in salary to hold that office. In Albuquerque, they took the rather interesting step of capping expenditures to the pay of the mayor.

It turns out that for the last 23 years, the Albuquerque system worked well. Unfortunately, last year the Albuquerque law was challenged in court under the *Buckley* v. *Valeo* theory. Up until last year, the municipal law was a model of not only good campaign finance practice but of also good electoral politics. A former mayor, who held the position during the challenge said, "No one's speech was curtailed, no candidates were excluded, the system worked well."

I hope we can adopt on another day robust campaign finance reform that would begin to revise the *Buckley* v. *Valeo* decision. But today we are here to support McCain-Feingold, to take a limited step forward to ensure that we go after the two most pressing problems currently facing our political system: the prevalence of soft money and the explosion of issue advertising by third parties. These unaccountable groups surreptitiously enter the race, deal their blow and leave.

I believe if we support today the McCain-Feingold formula, we can, in fact, take a step forward to ensure that our political system is recognized by people as legitimate and positive. I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield 5 minutes to the senior Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President. I thank both the Senator from Arizona and the distinguished Senator from Wisconsin for their yeoman's work, their perseverance and their energy on behalf of this cause.

I am one who, in a very short period of time, has had to raise very large amounts of money for political campaigns. And I am one who has watched and seen the evolution of, soft money and what that soft money has wrought upon the American political system.

So I rise today to join with my colleagues in very staunchly supporting the McCain-Feingold legislation.

Since the 1996 election, Members of Congress and the public have repeatedly called for reform of what is, without question, a broken system.

Congress had ample opportunity to pass this bill last October, but, shamefully, after so much talk, there was still no action to back it up. It should be no source of pride for this body to know that the public believes that Congress is all talk and no action on an issue that has dominated the Washington agenda for the last year and a half.

Now we have an opportunity to put our votes where our mouths are when it comes to campaign spending reform and, if nothing else, vote to ban soft money.

It is interesting to read the newspapers where Member of Congress after Member of Congress admits to the vicissitudes and the problems of soft money. For the first 6 months of 1997, the Republican Party raised $21.7 million and the Democrats $13.7 million. Both of these figures are increases over the 1995–1996 cycle, and both are sure to rise in the coming months.

While many in this body would like to see stronger legislation, and some would like to see no legislation at all, it is important to note that McCain-Feingold is essentially a stripped-down bill, pared to address a number of the most pressing issues. The most important aspect is soft money.

Last fall, we had a healthy debate about the amounts of soft money flowing in and out of party coffers, so I am not going to speak at length about that. But without reform, we can expect soft money expenditures to rocket up with no brakes.

The Court's decision in the Colorado case opens the door to unlimited independent party spending on behalf of candidates running for office as long as those expenditures are not coordinated with the candidates.

Prior to the Colorado decision, parties long supported their candidates with hard money. Those were the regulated dollars. In our case, limited to $1,000 contribution per election.

Increasingly, though, candidate advocacy has fallen to soft money, and that is money contributed in unlimited, unregulated amounts from seldom-disclosed sources.

Increasingly, the form that soft money takes is in scurrilous, vituperate ads that are often far different than reality. I believe that goes for both sides of the aisle. I think it is a scourge on our American political system.

We have an opportunity today to say we ban soft money and to limit express advocacy to a certain length of time prior to the election so that the opportunity for untrue, false and often defamatory ads is greatly reduced. If this bill were to do nothing else, I think that would be an enormous contribution to the political culture of a campaign.

One of the reasons, Mr. President, I did not cast my hat in the California gubernatorial campaign is because of the specific nature of campaigns today. There is very little that is uplifting about them.

The McCain-Feingold bill bans soft money and prohibits parties from funneling money to outside groups and would prohibit party officials from raising money for such groups.

Instead, these groups—and there are similar advocacy groups on both sides—would have to raise money from individual contributors or from PACs to raise money.

There is nothing in the bill barring these groups from continuing to participate in campaigns, but the bill does prohibit these outside groups from serving as de facto party adjuncts funded by the parties.

Also, this bill does nothing to prevent individuals from making unlimited contributions to advocacy groups, it merely requires them to report their contributions.

UNREGULATED SPENDING

This brings me to the critical issue of unregulated spending. This is, essentially, unlimited and undisclosed soft money spent outside the party system.

A study released last fall by the Annenberg Public Policy Center estimated that over two dozen independent groups spent between $135 million to $150 million on so-called issue advertising during the 1996 election cycle.

Of the ads that were reviewed, 87 percent mentioned clearly identified candidates and a majority of those ads were negative.

Most of the time we don't know where these ads come from or who pays for them. All we see are vicious personal attack ads which pop up on television during a campaign and, occasionally, a follow-up newspaper article or report claiming credit and detailing the particulars of the attack.

Let me give you some examples of what I am talking about:

This is an issue ad that ran in the last Virginia Senate election. It was placed by a group called Americans for Term Limits:

> Announcer: It's a four letter word. It's a terrible thing. It's really a shame it's so widespread. It's here in Virginia. The home of Washington and Jefferson . . . of all places. The word is D-E-F-Y. Defy. That's what Senator X is doing. He's defying the will of the people of Virginia and America. By a five to one margin, the people who pay Warner's salary support Congressional term limits. Yet Warner is defying the people's will on term limits—on important and needed reform. Senator X has refused to sign the U.S. Term Limits Pledge and has promised to fight against enactment of Congressional term limits. An 18-year Congressional incumbent, Senator X, is defying the clearly expressed wishes of the people he's supposed to represent. Call Senator X and ask him to stop defying the will of the people on term limits. Your action can make a difference. Tell Senator X to sign the U.S. Term Limits Pledge.

The AFL–CIO ran the following ad in its much publicized campaign:

> Announcer: Working families are struggling. But Congressman X voted with Newt Gingrich to cut college loans, while giving tax breaks to the wealthy. He even wants to eliminate the Department of Education. Congress will vote again on the budget. Tell Congressman X, don't write off our children's future.

Both of these ads are clearly designed to get voters to support one candidate—or in both of these to oppose a specific candidate—and both mention candidates by name.

Yet, both are artfully crafted to elude campaign disclosure laws because neither use the "magic words" that would make them express advocacy and subject to campaign finance laws. The "magic words" outlined in a footnote on the Buckley case are "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," and "reject."

McCain-Feingold modernizes the definition of express advocacy and adds to its current definition the criterion of using a candidates name in advertisements within 60 days of an election.

What this means is that campaign advertisements that use a candidate's name within 60 days of the election would be considered express advocacy and could not be funded with unregulated and undisclosed money.

Instead, groups wanting to expressly advocate the election or defeat of an identified candidate would have to abide by federal campaign finance laws, raise hard money to fund their attacks and disclose the donors.

Will this have a dramatic impact? The answer is unequivocally yes.

Candidate ads that name names and run within 60 days of the election will be recognized for the express advocacy they are and would be subject to funding limits and reporting requirements. Issue ads meant to educate voters on the issues will still be permitted as long as they do not cross the line.

Last month, a Wisconsin court looked at exactly this issue: if the state can crack down on advertisements clearly designed at influencing the election, but that stop short of requesting voters to support or oppose candidates.

The debate in the Court mirrors exactly what the issue is here. Wisconsin Attorney General James Doyle said in a Washington Post article:

> The heart of this issue is if you run an ad that any reasonable person who looks at it recognizes to be a political ad, just before an election, in which you call a particular person names, and use phrases like "send a message" to that person but do not use the magic words "vote for" or "vote against," whether you can then avoid all the basic campaign finance laws that we have in the state.

That is what we're looking at here and that is exactly the issue we have before us.

OTHER NOTEWORTHY AREAS IN THE BILL

There are some other areas of the bill which, I believe, enhance accountability for how campaign money is spent.

Requiring candidates to attest to the content of ads they fund. I would like to see this go one step further and require candidates to attest to the veracity of independent ads that are run on their behalf. The problem lies not with the candidates, but with these anonymous attack ads.

Leveling the playing field between self-financed candidates and candidates who rely on contributions. This bill prohibits parties from making coordinated expenditures on behalf of candidates who spend more than $50,000 of their own money. I would like to see a mechanism whereby we would raise individual contribution limits for candidates running against self-financed candidates.

Lowering the disclosure requirement for contributions to candidates from $200 to $50.

Requiring that any person (including political committees, i.e. unions, corporations, and banks) making independent expenditures over $10,000 (aggregate) prior to 20 days before an election, file a report with the FEC within 48 hours.

Requiring that any person (including political committees, i.e. unions, corporations, and banks) making independent expenditures over $1,000 within 20 days of an election report that expenditure to the FEC within 24 hours.

Requiring individuals making disbursements of over $50,000 annually (aggregate) file with the FEC on a monthly basis.

CONCLUSION

It is important to note that nothing in this bill prohibits any type of speech. We are all aware of the Court's guarantee in Buckley that spending is the equivalent of speech. With the exception of banning parties receiving soft money, nothing in this bill limits how much can be spent on campaigns.

This legislation seeks to hold candidates accountable for what they say, how they say it and, most importantly, how far unregulated special interests are allowed to go in paying to impact elections.

This bill gives Congress the opportunity to make a real difference. I hope we will have that chance.

The PRESIDING OFFICER. The 5 minutes allocated to the Senator have expired.

Mrs. FEINSTEIN. I thank the Chair.

Mr. MCCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague for yielding to me. Let me, again, tell him how grateful I am for the work he has done on the issue of campaign finance reform and the clarity which he has brought into the debate which I think the American people now understand.

I say that in the context now of the discussion that goes on in this Chamber, and I also look at the news of the day. The media, I think, has really attempted to work up a bit of a feeding frenzy, showing all kinds of angles as to how this issue might have divided Congress, that it has divided the members of the same party, that there is a cry of outrage across the land as people stand up ready to storm the Capitol in protest over this issue. But despite the media's efforts and despite their hype, the public really does not care about this issue. In the most recent Gallup poll, where people were asked about the most important problems facing the country, campaign finance reform did not appear in the top five items on the list. In fact, in all honesty, Mr. President, it did not appear at all.

The same stands true for the latest CBS News poll and the latest Time/CNN poll, and even the latest Battleground poll by Ed Goaes and Celinda Lake, which is a bipartisan effort to balance out the issues so you cannot question that it might be distorted one way or the other. After extensive research of all of the major polling groups, the issue of campaign finance reform did not show up as a concern amongst almost every American.

What is important to the American people are issues like crime, economic health, health care, education, Social Security and the moral decline of our country. What people really care about is whether their kid will get to school and back safely and whether the schooling they are going to get once they get there is good and of high quality.

They care about keeping their jobs and trying to make ends meet while they watch a good portion of their hard-earned money go to Washington to support what they think is a wasteful Federal bureaucracy.

They care about their future, whether they can save enough money to someday retire and whether they have affordable health care. What they do not care about is campaign finance reform. It isn't a real issue at all. It is an issue created here inside the beltway to try to divide and in some instances to conquer.

Let us just suppose for a minute that people really did care about campaign finance reform, that they sat around the dinner table at night and said, "Well, dear, how was your day at the office? And, oh, by the way, shouldn't we reform campaign finance?" I doubt that that question has been asked at any dinner table in America since the last election—after hundreds of millions of dollars were spent by some interests only to generate a passing question about how the system works.

What Americans really do need to know are the details of the campaign laws that are currently on the books. You know, once you begin to explain the laws that are out there today, their eyes glaze over and they say, "Well, isn't that enough?" And I think they need to know about some appalling campaign practices that were used by this administration in their reelection.

Now, we had a committee spend millions of dollars here searching out these allegations. I use the word "allegations." My guess is the only result from it was that it diverted our attention away from other scandals besetting this administration for some period of time.

They need to know what Congress wants to do to reform campaign finance laws and to level the playing field so that neither political party has an unfair advantage over the other. They need to know what we are going to do to make all political contributions voluntary so that no person, union or nonunion worker, is forced to pony up their money for political purposes without their expressed consent or permission.

Is it possible that today in America people are forced to contribute money that goes to political purposes they do not want? Oh, yes, Mr. President, you bet it is. And that is the issue in an amendment before us. I do not care how the other side tries to whitewash it, the bottom line is hundreds of thousands of American working men and women who are members of unions, when given the opportunity to give voluntarily, walk away from the forced contribution that goes on currently within their unions.

Americans need to know what we are going to do to give them complete and immediate access to campaign contribution records about who gives and to whom. This prompt and full disclosure of so-called "soft money" campaign donations will make the names of the donors immediately public and allow voters to decide if the candidate is looking after their best interests.

So I have suggested to you today what I think Americans want to know and, most importantly, what Americans do not want to know or do not care to know or sense no urgency in knowing.

However, under the McCain-Feingold plan, there would be an across-the-board ban of soft money for any Federal election activity, Mr. President. I feel this is a grave mistake for the political process. Report it? You bet. Report it promptly? You bet. Let the American people know they have a right to know. To ban it? Well, let us talk about that for a moment.

Let me first recognize my colleagues who have worked hard on this issue, and let me also recognize that I think they are people with a deep concern. I have great respect for them. I have respect for their tenacity and their diligence as they brought this issue to the floor. But I just flat disagree with them. And I think a good many other of my colleagues disagree with them. And I think there is a substantial basis for that disagreement.

As for the ban on soft money, I have several major reservations on how this measure would ultimately impact the current campaign finance system, not improving it, but creating such a hardship on this country's State and local political parties that it would force them to spend more time concentrating on raising money in order to exist.

Under the McCain-Feingold proposal, the ban on soft money, any State and local party committees would be prohibited from spending soft money for any Federal election activity.

Right now, State and local parties receive so-called "soft money" from their national political parties. Here in Washington, both the Republican National Committee and the Democrat National Committee receive money from donors. Some of that money is then distributed to the respective political parties in counties and locales around this country. There are thousands of State, county and local party officials who receive this financial aid.

Then, under certain conditions—and they are clear within the law—the money is used for activities such as purchasing buttons and bumper stickers and posters and yard signs on behalf of a candidate. The money is also used for voter registration activities on behalf of the party's Presidential and vice Presidential nominees. The money is also used for multiple candidate brochures and even sample ballots.

Let us talk about election day. You go down to the local polling site. Maybe it is a school or a church or an American Legion hall. Sometimes there is a person standing out there who hands you a sample ballot listing all of the candidates running for office in your party and the other party. And it is quite obvious some people at that point are not yet informed. They tend to vote their party. This is an assistance. No subterfuge about it. It is very up front. It is very clear and it is what informing the public and the electorate is all about.

But under the McCain-Feingold proposal, it would be against the law to use soft money to pay for a sample ballot with the name of any candidate who is running for Congress on the same ballot that the State and local candidates were on.

Under McCain-Feingold, it would be against the law to use soft money to pay for buttons, posters, yard signs, and brochures that include the name or the picture of a candidate for Federal office on the same item that has the name or the picture of a State or a local candidate office on it. What you are talking about is setting up a morass of laws to be implemented and to be enforced that becomes nearly impossible to do.

I ask unanimous consent for an additional 5 minutes.

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. Does the Senator from Kentucky yield the Senator from Idaho the additional 5 minutes?

Mr. MCCONNELL. Yes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Under McCain-Feingold, it would be against the law to use soft money to conduct a local voter registration drive for 120 days before the election. These get-out-the-vote drives, which have proven to be effective tools for increasing all of our parties' interests and the public's interests, would simply be banned.

Why would we want to ban all that I have mentioned? Because under these new laws in McCain-Feingold's plan State and local officials would have to use hard money instead of soft money. And already by what I have said, the public is confused. What is hard money? What is soft money? How does it get applied? We have the FEC that is out there now trying to make rulings on something that happened 3, 4, 5 years ago. What we are talking about is timely reporting, not creating greater obstacles for the process.

Most importantly, what we are talking about, Mr. President, is free speech. It is what the majority leader has called very clearly the greatest scandal in America. Well, the greatest scandal in America is not campaign financing. The greatest scandal in America is trying to suggest that there is a scandal when it does not exist, a scandal that under anyone's measurement just does not meet the muster.

Poll America. I have mentioned that polling. And it does not work. Back home in my State, when I suggested at town meetings that campaign finance is an issue, they scratch their heads and say, "Why?" Most importantly, today, now they are coming out and saying, "No. And, Senator CRAIG, let me tell you why it wouldn't work. Because I, as an individual, am a member of a small group, and I can contribute collectively and that small group's voice can become louder. And if I am able to make my voice louder, then I can affect, under the first amendment of the Constitution, my constitutional right as a free citizen of this country by the amplification of my voice, my ideas, and my issues in the election process."

Of course, our colleague and leader on this issue, Mitch MCCONNELL, has made it so very clear by repeating constantly what the courts of our country have so clearly said—that the right to participate in the political process, the right to extend one's voice through contribution is the right of free speech.

So no matter how you look at what is going on here on the floor, no matter how pleading the cries are that major reform is at hand, let me suggest a few simple rules. Abide by the laws we have—and 99 percent of those who enter the political process do—abide by those laws, and you do not walk on the Constitution and you guarantee the right of every citizen in this country, whether by individual power or by the collective power of individuals coming together, the insurance of free speech.

Why has the Senate rejected this issue in the past? And why will they reject it Thursday when we finally vote on this once again? Because we will not trample on free speech. We recognize what Americans across the board have said to us: Provide limited instruction, which we already have in major campaign finance reform over the last several decades, and then we trust that we will be able to extend our voice in the political process, and through that our freedoms, our constitutional freedoms, will be guaranteed, and the political process will not be obstructed by the bureaucracy that is trying to be created here today by McCain-Feingold.

Let us look at the reality of this situation. Because of these new restrictions, local party officials—say like the Republican party chairman in Custer County, ID,—will be forced to seek out hard money donations from local businesses and individuals to fund these political activities.

In a county of a little better than 4,000 people, this party official—who is more than likely a volunteer—now has to spend more of his or her time fundraising, not to mention the fact that those with more money stand a better chance of winning an election.

Party affiliation will become insignificant.

In other words, raising hard money will become a bigger concern for these State and local officials than ever before. And, whomever raises the most money can then fund more political activities.

Mr. President, what kind of campaign finance reform is this? What are we trying to accomplish? We've just added more laws to a system that is already heavily burdened with regulations, forced thousands of State and local party officials to go out and raise money, and created more confusion for the voters. If the point of the McCain-Feingold plan is to reform the campaign finance system, the last thing you want to do is ban soft money.

Instead, full and immediate public disclosure of campaign donations would be a much more logical approach.

With the help of the latest technology, we could post this information on the Internet within 24-hours. Let us open the records for everyone to see.

Anyone interested in researching the integrity of a campaign, or in finding out the identity of the donors, or in looking for signs of undue influence or corruption would only have to have access to a computer. They could track a campaign—dollar for dollar—to see first hand where the money is coming from.

But Mr. President, what bothers me the most about the McCain-Feingold proposal is not what is in the bill, but what has been left out.

As I said, it is—what the majority leader once called—"the great scandal in American politics * * * and the worst campaign abuse of all." That is the forced collection and expenditure of union dues for political purposes.

Mr. President, this is nothing short of extortion.

Let me make myself clear, I fully support the right of unions and union workers to participate in the political process. Union workers should and must be encouraged to become involved and active in the electoral process. It is not only their right but their civic responsibility.

Back in my home state of Idaho, I meet with union workers in union halls, on the streets, and in their homes. And I hear their complaints, their anger and their outrage over how their dues are being spent and mishandled by national union officers.

They say to me "Senator CRAIG, every month I am forced to pay dues that are used for political purposes I don't agree with. But what can I do? If I speak out, they'll call me a trouble maker!"

During the 1996 elections alone, union bosses tacked on an extra surcharge on dues to their members in order to raise $35 million to defeat Republican candidates around the country. It is likely they used much more of the worker's money than they reported, but I am sure we will never find out the truth.

But under the Paycheck Protection Act, union workers will have new and exapanded rights and the final say on how their money is being spent. The legislation not only protects the rights of union workers, but also makes it clear that corporations adhere to the same measure.

Unions and corporations would have to get the permission in writing from each employee prior to using any portion of dues or fees to support political activities. And, workers will have the right to revoke their authorization at any time.

Finally, employees would be guaranteed the protection that if their money was used for purposes against their will, it would be a violation of Federal campaign law. Mr. President, this is commonsense legislation and it is the right thing to do.

Mr. President, I thank my colleague from Kentucky for his leadership on this issue.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Just briefly, I thank the Senator from Idaho for his outstanding contribution to this debate. We are grateful for his knowledgeable presentation. I thank him very much. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield 10 minutes, the first 5 minutes to the Senator from California and the following 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Thank you very much, Mr. President.

Others have spoken to the merits of the McCain-Feingold bill. They have done so quite eloquently. And I want to share in that praise. Reining in special-interest money is absolutely necessary. Why do I say that? Because this is a Government of, by, and for the people. We learned that in school. It is one of the first things we learned, that Government is of, by, and for the people—not a Government of, by, and for the special interests and the people who are very wealthy and the people who could put on pin-striped suits and come up here and lobby us. It is a Government of, by and for the people. It is not for sale. It must not be for sale. We have an obligation to make sure that it is not. We have an obligation to make sure that there isn't even a perception that it is for sale.

Now, for those who say they don't see the difference between a $5 check, a $25 check, even a $1,000 check versus a $50,000 corporate check or a $100,000 check and even a $1 million check which is allowed under the current system, for those who don't see the difference, I say to them that to me, to this Senator, you are simply not credible. You are not credible. Even if there isn't one bit of a desire on the part of someone giving a $1 million check, it sure looks that way. So we have to have rules in place so that we are not perceived as being a Government that is for sale. That is the soft money. Those are the huge dollars that Senators McCAIN and FEINGOLD are trying to stop.

By the way, those are the huge dollars that play a big role in campaigns today. Right now in Santa Barbara, CA, there is a very important race going on. Congressman Walter Capps died while in office and there is a spirited race to replace him, two good candidates fighting it out on the issues. Mr. President, money is flowing in from outside California into this race. Money is flowing in from people outside my State to influence an election in my State and it is flowing in huge amounts, and it is flowing into negative advertising. Mr. President, that does not lift the debate.

We heard from the senior Senator from California, Mrs. FEINSTEIN, about the need to raise enormous sums of money. She talked about her own decision not to run for Governor because of that. Let me tell you something I have said on this floor before. To raise the amount of money that she would have needed, or I need today to run for the U.S. Senate, would come to $10,000 a day for 6 years including Saturday and Sunday. Now, for 3 years when I got here I couldn't bear to ask anyone for a penny because I had just come from a very tough race and I didn't want to ask anybody for any money, so I didn't get started for 3 years. That means I have to raise $20,000 a day for 3 years to make this budget. It takes time. It takes effort. It is hard. It takes you away from the things you want to do, not to mention the time to think about creative ways to solve the problems that matter to real people.

Now I agree with Senator CRAIG that when you ask people what they care about the most, they don't list campaign finance reform. They list education, crime, sensible gun control, Social Security, the environment, HMO bill of rights, pensions. But if you ask them, do you want your Senator to be free of conflicts or potential conflicts when he or she votes on the economy, votes on HMO reform, votes on the minimum wage, votes on sensible gun control, they will say, of course, I want my Senator to do what is in his or her heart; I don't want my Senator to be conflicted in this either in fact or in perception.

We have a job here to do. My constituents do care. My constituents do write me about this. My constituents do show up at my community meetings and they want me to be strong for campaign finance reform. I get sick, Mr. President, when I hear people come on this floor or on television and say huge money in politics is the American way. They have actually said that—it is the American way. I don't think that is the American way. I don't think it is right to say that huge money in politics is the American way. I think our founders would roll over in their graves. They didn't write a Constitution so that the privileged few could get access or the perception of access. They founded this Nation based on a Government of, by and for the people. I feel sick when I hear free speech equated with money. Yes, I know the Supreme Court said that. But I disagree vehemently with that decision. If someone wealthy has more free speech than someone who is of modest income or poor, there is something wrong.

So I want to say to my friend, RUSS FEINGOLD, and my friend, JOHN McCAIN, thank you for your persistence. I say to Senators SNOWE, JEFFORDS, and CHAFEE, thank you for working with us. I think we will have a victory here.

The PRESIDING OFFICER. Under the previous agreement, 5 minutes was yielded to the Senator from Michigan.

It is the understanding of the Chair that the time was yielded to the Senator from Massachusetts.

Mr. KERRY. The time was yielded to the Senator from Michigan, but the Senator from Massachusetts wanted to inquire if we could lock in a sequence if possible. Would it be possible to ask unanimous consent that I be permitted to proceed for 5 minutes following the Senator from Michigan?

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts sought consent to follow the 5 minutes allocated to the Senator from Michigan.

Mr. McCONNELL. Reserving the right to object, this is off the other side's time?

Mr. KERRY. Unless the Senator wants to be good enough to give it to me.

The PRESIDING OFFICER. It appears that is the case.

Mr. McCONNELL. We are under divided time from now until the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. I have no problem, provided it is coming off Senator FEINGOLD's time.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The time will be so charged.

The Senator from Michigan.

Mr. LEVIN. McCain-Feingold takes direct aim at closing the loopholes that swallowed up the election laws. In particular, it takes aim at closing the soft money loophole which is the 800-pound gorilla in this debate.

As much as some want to point the finger of blame at those who took advantage of the campaign finance laws during the last election, there is no one to blame but ourselves for the sorry state of the law. The soft money loophole exists because we in Congress allow it to exist. The issue advocacy loophole exists because we in Congress allow it to exist. Tax-exempt organizations spend millions televising candidate attack ads before an election without disclosing who they are or where they got their funds because we in Congress allow it.

It is time to stop pointing fingers at others and take responsibility for our share of the blame. We alone write the laws. We alone can shut down the loopholes and reinvigorate the Federal election laws.

When we enacted the Federal Election Campaign Act 20 years ago in response to campaign abuses in connection with the Watergate scandal, we had a comprehensive set of limits on campaign contributions. Individuals aren't supposed to give more than $1,000 to a candidate per election or $20,000 to a political party. Corporations and unions are barred from contributing to any candidate without going through a political action committee.

At the time that they were enacted, many people fought against those laws, claiming that those laws—the $1,000, the $2,000 restrictions and the other ones—were an unconstitutional restriction of the first amendment rights to free speech and free association. The people who opposed the current limits on laws which are supposed to be there but which have been evaded through the loopholes, the people who opposed the law's limits, took their case to the Supreme Court. The Supreme Court ruled in Buckley that the campaign contribution limits were constitutional. I repeat that, because there has been a lot of talk on the floor about limits on campaign contributions being violations of free speech. The Supreme Court in Buckley specifically held that limits on campaign contributions were constitutional.

> It is unnecessary to look beyond the act's primary purpose—to limit the actuality and appearance of corruption resulting from large individual, financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation. Under a system of private financing of elections, a candidate lacking immense personal or family wealth must depend on financial contributions from others to provide the resources necessary to conduct a successful campaign . . . To the extent that large contributions are given to security political quid pro quo's from current and potential office holders, the integrity of our system of representative democracy is undermined . . . Of almost equal concern is . . . the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions . . .

That is the Supreme Court speaking on limiting contributions and saying that Congress has a right to stem the appearance of corruption which results from the opportunities for abuse which are inherent in a regime of large individual financial contributions.

Then the court said:

> Congress could legitimately conclude that the avoidance of the appearance of improper influence "is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent."

Now the question is, what are we going to do about it? What are we going to do about the unlimited money? Now the test is us. It is time to quit shedding the crocodile tears, quit pointing the fingers. It is time for us to act. It is our responsibility legislatively and it is a civic responsibility.

I thank the Chair and I thank the Senator from Wisconsin for his leadership, along with Senator MCCAIN.

The PRESIDING OFFICER. Under the previous agreement the Senator from Massachusetts is recognized for 5 minutes.

Mr. KERRY. Mr. President, the rising cost of seeking political office is nothing less than outrageous. Last year (1996), House and Senate candidates spent more than $765 million—a 76 percent increase since 1990 and a six-fold increase since 1976. In the same time frame, the more telling figure for our purposes, the average cost for a winning Senate race went from a little more than $600,000 to $3.3 million. And some of us involved in 1996 races raised and spent a great deal more.

And over the last 3 election cycles "soft money," which is money not regulated by federal election contribution laws, and which largely fuels the barrage of negative attack ads, has increased exponentially. In the 1988 cycle, the major parties alone raised a combined $45 million in soft money. In 1992 that amount doubled—and in the 1995–96 cycle that figure tripled again, to a staggering $262 million. Initial FEC reports show this sorry trend continues in the current cycle.

And if Congressional Quarterly and other sources are correct, the Majority's draft of the campaign fundraising investigation of the Governmental Affairs Committee report, due out later this week, will bluntly declare that in 1996 the federal campaign finance system "collapsed."

The draft of the Minority's portion of that report, according to the same sources, apparently continues that theme, stating that our dependence on large contributions from wealthy persons and organizations is so great that "the democratic principles underlying our government are at risk." It goes on to state, as reported by Congressional Quarterly:

> "We face the danger of becoming a government not of the people, but of the rich, by the rich, and for the rich. . . . Activities surrounding the 1996 election exposed the dark side of our political system and the critical need for campaign finance reform."

Is it any wonder, Mr. President, that Americans believe that their government has been hijacked by special interests—that the political system responds to the needs of the wealthy, not the needs of ordinary, hard-working citizens—and that those of us elected may be more accountable to those who financed our campaigns than to average Americans? Many of them sense that Congress no longer belongs to the people. We are witnessing a growing sense of powerlessness, a corrosive cynicism. The reasons for this cynicism and disconnect are clear. More than anything, Mr. President, they are the exorbitant cost of campaigns and the power of special interest money in politics—the special interest money used to campaign for elective office. Special interest money is moving and dictating and governing the process of American politics, and most Americans understand that.

An NBC/Wall Street Journal poll finds that by a margin of 77 percent to 18 percent the public wants campaign finance reform, because "there is too much money being spent on political campaigns, which leads to excessive influence by special interests and wealthy individuals at the expense of average people." Last spring a New York Times poll found that an astonishing 91 percent favor a fundamental transformation of the existing system. The evidence of public discontent could not be more compelling.

In the 1996 Presidential and Congressional elections we witnessed an appalling no-holds-barred pursuit of stunning amounts of money by both parties and their candidates. And I must admit that in my own re-election campaign, despite an agreement between my opponent and me to limit expenditures, the amounts raised and spent were staggering.

The American people believe—with considerable justification—that the scores of millions of dollars flowing from the well-to-do and from special interest organizations are not donated out of disinterested patriotism, admiration for the candidates, or support for our electoral system. They have seen repeatedly that public policy decisions made by the Congress and the Executive Branch appear to be influenced by those who make the contributions.

Who can blame them, Mr. President, for believing either that those contributions directly affect the decisionmaking process, or, at the least, purchase the kind of access for large donors that enables them to make their case in ways ordinary Americans seldom can?

It is no surprise that those who profit from the current system—special interests who know how to play the game and politicians who know how to game the system—continue to try to block genuine reform. If we want to regain the respect and confidence of the American people, if we want to reconnect people to their democracy, we must get special interest money out of politics. That process begins here with the bill before us.

One reason the results of the Governmental Affairs Committee's work may have less impact than it should is the perhaps unavoidable need of each party to highlight the sins of the other. But I am not interested today in assigning blame, Mr. President. As our distinguished colleague, the ranking minority Member of the Committee, Senator GLENN has said, "There is wrong on both sides." Indeed, the minority draft, again as reported by Congressional Quarterly, says the investigation showed that:

> Both parties have become slaves to the raising of soft money. Both parties have been lax in screening out illegal and improper contributions. Both parties have openly sold access for contributions.

Mr. President, the creative minds of campaign managers and candidates alike have found ways to undermine every reform over the years. To attack the problem by a piecemeal approach will not work. One man who knew all about abuse of the campaign finance system, Richard Nixon, once said that campaign finance reform cannot work if it "plugs only one hole in a sieve."

Thanks to a unanimous consent agreement last fall, we are here today, finally, to have the first real debate and meaningful action in this Congress on a proposal for campaign finance reform advanced by my good friends, Senators JOHN MCCAIN of Arizona and RUSSELL FEINGOLD of Wisconsin. I supported their original bill, because it assembled a package of meaningful reforms that seemed to Bridge the party divide that has too often poisoned this debate and prevented any real change. And, although its scope is now reduced, I continue to support this version of the bill, because it does move us forward. Throughout my years in this body my goal has been the same as JOHN MCCAIN's and RUSS FEINGOLD's: to get special interest money and special interest access out of politics.

As we begin this debate, most of the pundits tell us that true reform again has no chance. My friend, the junior Senator from Kentucky (Mr. MCCONNELL) has assured us all repeatedly that McCain-Feingold is dead. Yesterday, however, The Washington Post, said that "the success of this venture depends on the stubbornness of the advocates." I am proud to count myself among this group which is determined to see that real reform begins now. And that means continuing to work in the coming days with all those on both sides of the aisle with the fortitude to keep reform alive.

In a recent speech, Bill Moyers quoted a distinguished Republican, former Senator Barry Goldwater, who said some ten years ago that the Founding Fathers knew that "liberty depended on honest elections," and that "corruption destroyed the prime requisite of constitutional liberty, an independent legislature free from any influence other than that of the people." The Senator continued:

> To be successful, representative government assumes that elections will be controlled by the citizenry at large, not by those who give the most money. Electors must believe their vote counts. Elected officials must owe their allegiance to the people, not to their own wealth or to the wealth of interest groups who speak only for the selfish fringes of the whole community.

Those who join JOHN MCCAIN and his hardy band could do no better than to follow Barry Goldwater's advice today.

Today's version of McCain/Feingold still correctly identifies a number of glaring deficiencies in the current campaign finance system and seeks to remedy them. This bill should pass, Mr. President. The American people want these reforms.

Mr. President, because it so fascinates those on the other side of this issue, I'd like to take a moment to explain briefly why the so-called First Amendment objections to a soft money ban do not hold water. Simply put, as a distinguished group of 124 law professors from across the country has pointed out, there is nothing in Buckley v. Valeo that even suggests a problem in restricting, or even banning, soft money contributions. Last September, those distinguished constitutional scholars, led by New York University Law School Professors Ronald Dworkin and Burt Neuborne, joined in a letter to the sponsors of this amendment.

We need to remember that this 1976 Supreme Court decision expressly reaffirmed the right to ban all hard money, corporate and union political contributions in federal elections, stating that Congress had a basis for finding a "primary governmental interest in the prevention of actual corruption or the appearance of corruption in the political process." And the Court recognized the potential for corruption inherent in the large campaign contributions that corporations and labor organizations could generate.

These esteemed scholars point out that the most vital statement of the Supreme Court came in 1990, in Austin vs. Michigan Chamber of Commerce. The scholars tell us, and I quote,

> the Court found that corporations can be walled off from the electoral process by forbidding both contributions and independent expenditures from general corporate treasuries. Surely the law can not be that Congress has the power to prevent corporations from giving money directly to a candidate, or from expending money on behalf of a candidate, but lacks the power to prevent them from pouring unlimited funds into a candidate's political party in order to buy preferred access to him after the election.

Accordingly, these professors continue—and again, I am quoting—"closing the loophole for soft money contributions is in line with the longstanding and constitutional ban on corporate and union contributions in federal elections and with limits on the size of individual's contributions that are not corrupting."

There have also been a number of references in this debate to the 1996 Supreme Court case of Colorado Republican Federal Campaign Committee vs. FEC. These same scholars have said that

> any suggestion that [the Colorado Republican case] cast doubt on the constitutionality of a soft money ban is flatly wrong. [The Colorado Republican case] did not address the constitutionality of banning soft money contributions, but rather expenditures by political parties of hard money, that is, money raised in accordance with FECA's limits. Indeed, the Court noted that it "could understand how Congress, were it to conclude that the potential for evasion of the individual contribution limits was a serious matter, might decide to change the statute's limitations on contributions to political parties."

Mr. President, I suggest to you that these definitive findings on the First Amendment issue have settled the argument. We can now move forward to a healthy and productive debate within the boundaries our Constitution sets before us.

I will acknowledge that, in my judgment, this amendment does not go far enough. Its useful reforms are by no means all we need. That is why, Mr. President, I, along with Senators WELLSTONE, GLENN, BIDEN and LEAHY, introduced S. 918, the "Clean Money, Clean Elections Act" last June.

Like the bill before us, S. 918 also bans soft money and takes steps—stronger steps than we can take today—truly to rein in those phony issue ads that are only thinly veiled, election-oriented advocacy ads, many of which are purely negative attacks. It would also strengthen the Federal Election Commission, reduce the costs of campaigning in many ways, such as by requiring free air time for candidates—and it would effectively reduce the length of campaigns. Our bill contains nearly all the other solid reforms included in the original McCain-Feingold bill.

But fundamentally, the Clean Money bill creates a totally new, voluntary, alternative campaign finance system that removes virtually all private money—and all large private contributions—from federal election campaigns for those who choose to participate.

Let me briefly summarize our proposal: Any Senate candidate who demonstrates sufficient citizen support by collecting a set number of $5 qualifying contributions from voters in his or her state is eligible for a fixed amount of campaign funding from a Senate "Clean Election Fund." To receive public funds, a Clean Money candidate must forego all private contributions (including self-financing) except for a small amount of "seed money" (to be used to secure the qualifying contributions raised in amounts of $100 or less), and he or she must limit campaign spending to the allotted amount of "clean money" funds. Additional matching funds, up to a certain limit, will be provided if a participating candidate is outspent by a private money candidate or is the target of independent expenditures.

"By placing a premium on organizing rather than fundraising," as Ellen Miller of Public Campaign has pointed out, Clean Money Campaign Reform shifts "the priorities of electoral work back toward those that ought to matter most in a representative democracy: issue development and advocacy, canvassing, and get-out-the-vote drives."

And most important, once elected, Clean Money office holders are free to spend full-time on the jobs they were elected to do. The days of dialing for dollars would truly be over.

This reform effort began in the State of Maine where in November 1996, a statewide Clean Money, Clean Elections initiative passed by a margin of

56 to 44 percent. Last June Vermont's state legislature adopted a similar measure by a two-thirds margin in the Senate and by better than six to one in the House. Other efforts are underway across the nation. In my home State of Massachusetts, 2,000 volunteers collected 100,000 signatures for a Clean Money initiative—well over the number needed to place it on the ballot this fall. In thirteen other states, from JOHN MCCAIN's Arizona to Connecticut, from Georgia to Oregon, coalitions of effective grassroots advocates are all working hard for Clean Money reform.

I believe the day is coming, Mr. President, when the Congress will have no choice but to approve this fundamentally simple reform. It will finally put an end to the senseless money chase and totally eliminate the influence of private money in our campaigns—and thereby let the people buy back their politicians.

That day is not yet here. I am a realist. Although the grassroots work in the vineyards of state legislatures and state initiative campaigns is on the march, we are not close enough to reach that goal in this chamber today. But today we can make a down payment on the debt we owe the people who sent us here by supporting McCain-Feingold. I support it without reservation.

I congratulate and thank both sponsors of this bill for their efforts in putting together this bill and fighting for it. It is good legislation. It is needed legislation. It heads us in the right direction.

I commend Senator FEINGOLD for his hard work, his determined bipartisanship, and his commitment to making our political process a cleaner, better and more democratic system. The junior Senator from Wisconsin, who joined this body after a race in which he was outspent three to one, has worked tirelessly to make real progress possible.

And I especially commend the work of Senator MCCAIN. All of us understand the stamina it takes to assume a mission of this kind, and to stick with one's convictions despite opposition from friends. JOHN MCCAIN has always excelled as a patriot, and with this legislation, he has done so again. He courageously pursues a just cause. I am proud, once again, to stand with JOHN MCCAIN and support his amendment.

Mr. President, one reason the naysayers are again predicting defeat for reform is their reliance on smokescreens like the so-called "paycheck protection" proposal that is clearly designed as a poison pill to sink this reform. We cannot let that effort deter us. Nor can we ignore the plain fact that it is being pressed by the big business lobbyists whom my friend RUSS FEINGOLD has called "the Washington Gatekeepers," the ones who in many cases decide who get the largest contributions. These folks, as the Senator points out, are the ones "who transfer the money to the politicians and produce the legislative votes that go with it."

The American people must not—and I believe they will not—be fooled by these attempts at sabotage. This is not a complex issue. All of us face a stark, but simple choice—a choice between the disgraceful status quo and an important step forward. Despite the efforts to muddy the waters, we can and should prevail—especially if all those hearing and reading about this debate will let their voices be heard now by contacting their own Senators.

Mr. President, I want to strongly emphasize one point—the single most important point today, in fact the only important point today—as we approach this vote on this amendment. Do not be deceived by this complicated explanation or that complex rationale. Do not be misled by diversions and red herrings. Understand this vote for what it is. This is the most important vote the 105th Congress will have cast to date on campaign finance.

It is, in essence, stunningly simple. Because this vote will show which Senators are for real campaign finance reform and which Senators are against real campaign finance reform.

There is no place to run, and no place to hide. If a Senator is for real campaign finance reform—for reducing the influence of special interest money on the key decisions of our democracy—he or she will vote for the McCain-Feingold amendment. If a Senator votes against this amendment, no one will need further evidence that, despite all the lofty rhetoric about constitutionality, about freedom of speech, about personal rights, and all the rest, that Senator is not committed to real campaign finance reform. If McCain-Feingold prevails on this vote, the effort goes on. If the opponents of reform defeat this amendment, they have prevailed for the 105th Congress.

Perhaps yesterday's New York Times said it best:

> It is too early to predict how this fight will turn out. But when it ends, Americans will know where each Senator stands on protecting his or her own integrity and the integrity of government decision-making from money delivered with the intention to corrupt.

I urge all my colleagues to support the McCain-Feingold amendment.

Mr. President, this is without any question the most important vote we will have had in this Congress and no one should mistake that this vote is about the First Amendment or that this vote is about one genuine alternative versus another. It is really a choice between those who want to keep campaign finance reform alive, those who really want to vote for campaign finance reform, and those who don't.

Every conversation on the Hill reflects that. There are countless quotes that have appeared from individuals on the other side of the aisle in the House or Senate, talking to their colleagues about how this is really a vote about institutional power and the capacity to stay in power and be elected. The simple reality is that all Americans are coming to understand is that Republicans have a stronger finance base, they have raised more money, more easily, they pour more money into campaigns, and money is what is deciding who represents people in the United States of America.

Last year, the House and Senate candidates spent $765 million, a 76 percent increase over 1990 and a sixfold increase from 1976. We have seen voting in America go down from 63 percent in 1960 to 49 percent in the last election because increasingly Americans are separated from a Government that they know is controlled by the money.

The fact is that in the Commonwealth of Massachusetts where I ran for re-election last year I spent $12 million to run for the U.S. Senate. I had never spent more than $2.5 or $3 million on media alone in a previous race. That is a measure of the escalating costs of campaigning under the system in place today.

In a recent speech, Bill Moyers quoted Barry Goldwater, a leader of the conservative movement in this country, who reminded us 10 years ago that the Founding Fathers knew that "liberty depended on honest elections" and that "corruption destroyed the prime requisite of constitutional liberty, an independent legislature free from any influence other than that of the people" to be successful.

Senator Goldwater also said ". . . Representative government assumes that elections will be controlled by the citizenry at large, not by those who give the most money. Electors must believe their vote counts. Elected officials must owe their allegiance to the people, not to their own wealth or to the wealth of interest groups who speak only for the selfish fringes of the whole community."

So that is what this vote is about today.

Mr. President, to those who hide behind the First Amendment, let me make it clear that there is nothing in the First Amendment that prohibits a ban on soft money or prohibits what we seek to do in this legislation.

Simply put, a very distinguished group of 124 law professors from across the country has pointed out that there is nothing in the 1976 Supreme Court decision of Buckley v. Valeo that even suggests a problem in restricting or banning soft money contributions. Last September, those distinguished constitutional scholars sent a letter to the sponsors of this amendment and they said we need to remember that the Buckley decision expressly reaffirmed the right to ban all hard money, corporate and union political contributions in Federal elections. And it stated that Congress specifically has a basis for finding a "primary governmental interest in the prevention of actual corruption or the appearance of corruption in the political process." More than twenty years ago, Mr. President, the High Court recognized the potential for corruption inherent in the large campaign contributions that corporations and labor organizations could generate.

In the more recent 1990 Supreme Court case of Austin v. Michigan Chamber of Commerce, these scholars pointed out, "the Court found that corporations can be walled off from the electoral process by forbidding both contributions and independent expenditures from general corporate treasuries."

Mr. President, it is clear not only in that language, but in the language of Colorado Republican Federal Campaign Committee v. FEC—which the other side often tries to cite to the contrary—there is certainly a legitimate basis for banning soft money consistent with the other restraints that the Court has already found permissible with respect to hard money. The Supreme Court said there that it could indeed understand how Congress might "conclude that the potential for evasion of the individual contribution limits was a serious matter," and might indeed "decide to change the statute's limitations on contributions to political parties." And it's absolutely inconsistent that we should be allowed to set limits on campaign contributions, which we are allowed to—that we are allowed to have Federal limits on the total amount of contributions somebody can make—$25,000—and not be able to restrict in the context of soft money, the same kinds of contributions.

So, Mr. President, this is about power and money. And most people in America understand precisely what is going on here. Our colleagues have an opportunity to vote for reform, and I hope they will embrace that today. If they don't, it will be clear who stands in the way of that reform.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I yield 10 minutes to the distinguished Senator from Alabama.

Mr. SESSIONS. Mr. President, this has been a great debate. I think about the abilities of those of us in this body to participate in unlimited debate, and I think it is a great thing. Great and free debate is a characteristic of American society. Unfortunately, people use the freedom and the money they raise sometimes to run negative ads. I certainly see nothing in McCain-Feingold that would stop that kind of activity from happening. But this is an important vote. As a matter of fact, I consider it a very fundamental and crucial vote for America.

In my 1996 campaign, just over a year ago, in the primary, I faced seven Republican candidates. Two of them were multimillionaires, and two of those individuals spent $1 million-plus out of their own pockets to further their dream of being elected to this great body. They used most of it to attack me. I was attorney general, I was leading in the polls, and I took most of the brunt of that. Two other individuals in that race raised or spent themselves over a half-million dollars to attempt to put their message out to the Alabama people. I spent approximately a million dollars during that primary. I was outspent $5 million to $1 million in that primary. And then in the general election, there was also a very vigorous and contested general election. My opponent spent approximately $3 million, as I recall, in that race.

One of the key parts of that race and one of the things that was most interesting and painful to me was that I was attacked and received a volume of attack ads from money that really was raised by the Alabama Trial Lawyers Association. You see, in Alabama, there is a contested, bitter fight over the attempt by many in the Alabama legislature to reduce the aberrationally high verdicts in plaintiff litigation in the State. It embarrassed the State and there was a bitter fight over it.

The Trial Lawyers Association, which wanted to continue to file those lawsuits and receive those big verdicts opposed that legislation. It was bitterly fought over. Tort reform passed the house of representatives twice but twice it failed in the Alabama State Senate. My opponent was the chairman of the senate judiciary committee, where most of those bills died. He was also, himself personally, a plaintiff trial lawyer. He had a plaintiff trial lawyer lawsuit filed during the election. He was suing somebody for fraud during the election. That was an important issue. It was an issue that the people of Alabama needed to discuss and know about. The Trial Lawyers Association raised, I guess, what you would call "soft money" in the amount of around a million dollars to express their views and to oppose me because I took a different view.

Earlier today, I saw somebody with a chart that had an ad similar to the ad that was run against me. It complained about an attorney general—obviously, in a different State—and it said, "if you don't like what he did, call his office and complain." This was their attempt to get around some of the campaign expenditure rules and laws that existed in our country. We faced those ads and were frustrated by them.

When I came here to this body, I was prepared to consider what we could do to fix that situation. Frankly, I was not happy with having such a sum of money being raised and used against me in my campaign. I have given it a lot of thought. I talked to the manager, the distinguished Senator from Kentucky, Senator McCONNELL, and others. I have done some research. I have considered the Constitution and what I believe is fair and just and consistent with the great American democracy of which we are a part. Based on that, I have concluded that we must fundamentally recognize the primacy of the first amendment, which provides to all Americans the right of free speech. That includes the right to spend money to project your views, as the Supreme Court has said. To limit that is a historic event and an unhealthy event, in my opinion.

They say, "Jeff, we are not trying to limit people's free speech; we just want to limit your speech during a campaign, just during an election cycle." When do people want to speak out most if it is not during a campaign? Isn't it then that people are most focused on the issues and have the greatest opportunity to change the direction of their country? Isn't that when they want to speak out? It certainly is. If you want to limit free speech, I say to you that the last place you want to limit it, is during a campaign cycle. That would be terribly disruptive of freedom in America.

Now, they say, "Well, it really doesn't interfere with the first amendment." But I was on this floor, Mr. President, early last year—in March of last year, as I recall—when the Democratic leader and other Members of this body proposed—and people have forgotten this—a constitutional amendment to amend the first amendment to the U.S. Constitution, to justify their attempt to control free debate in America during an election cycle. It was an attempt to reduce the expenditures during that election cycle and give this Congress, incumbent politicians, the right to restrict their opponents' ability to campaign against them. I thought that was a thunderous event.

I said at the time that I considered that a retreat from the principles of the great democracy of which we are a part—as a matter of fact, the largest retreat in my lifetime, maybe the largest retreat in the history of this country. And, amazingly, 38 Senators voted for it. You have to have two-thirds, and that was not nearly enough to pass this body. But I was astounded that we would have that. But at least those people who favored the amending of the first amendment were honest about it. They knew what they were attempting to do with election campaign finance reform, and that is to affect the ability of people to raise money to articulate their views during an election cycle and that a constitutional change was needed to effect such a change.

So, Mr. President, I have a lot of issues that could be discussed here. I am not going to go into any others. I simply say that I believe this is a historic vote. I think it does, in fact, reflect our contemporary view of the importance of the right of free speech. We have had the American Civil Liberties Union and other free speech groups opposing McCain-Feingold because they are principled in that regard. But others who have, in the past, been champions of free speech curiously are now attempting to pass this legislation, which I think would restrict the ability of Americans to speak out aggressively and criticize incumbent officeholders and attempt to remove them from office and express their views in a way they feel is important.

So, Mr. President, those are my thoughts on the matter. I will be opposing this legislation. As to the question of union contributions, dues being used against the will of the members, against their own views on political issues, I think that is something we could legislate on. Somebody said such a change would be a "poison pill" for campaign finance reform. Well, it is a poison pill to me. I am not going to support any campaign reform that is going to allow somebody's money to be taken and spent on political issues they may oppose.

Mr. McCONNELL. Mr. President, I thank the Senator from Alabama for his important contribution. It seems to me that it shows real principle. When you have been through a campaign and you have had independent expenditures or issue advocacy—either one—used against you and you didn't like it, but you fully recognize that it is constitutionally protected speech, that is commendable. So I thank the Senator from Alabama for his important contribution to this debate.

Mr. FEINGOLD. Mr. President, I yield 5 minutes to the senior Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank my colleague from Wisconsin. Mr. President, I think the previous speakers have demonstrated—speaking of the Senator from Alabama—that this debate is more than just about money. It really is about our core values and what kind of people we are in this country.

The argument made on this floor that money is equal to speech is to suggest then that the poor can't speak as loudly as the rich. The reality check is that money magnifies speech, particularly in these times when money can buy technology and access to the mass media in ways that were not available, of course, when the Constitution was written. To suggest that money is equal to speech is the same thing as saying that the rich and the poor have equal rights to sleep under bridges. We have heard that analogy before. We know that is abject nonsense. So it is, in my opinion, abject nonsense to suggest that in a context in which money buys elections the poor have the same rights as the rich. That does not comport with reality.

The reality check is—and the people know that to be the case; they know that right now—money plays such a role as to buy elections and that elections dictate the direction of our democracy. And so this debate really is about a crisis of inestimable proportion going to the core of what kind of democracy we are going to enjoy in this country.

I am very pleased that the Senate is again turning its attention to S. 25. It is certainly not a perfect bill. It does not solve all of the problems created by the current state of the law. However, it at least brings us a little bit closer to the sort of comprehensive campaign finance reform that I believe we all desperately need. We have, in my opinion, a responsibility to restore the faith of the American people in the political process that our democracy is as equally open to the poor as it is to the wealthy, that every citizen has the same and equal right to participate in the process of elections and, therefore, the same and equal rights to dictate the direction of our Government.

At the present time, too many people feel removed from the decisions that affect them in their lives. Many do not believe they are capable of influencing their Government's policies. A League of Women Voters' study found that one of the top three reasons that people fail to vote is the belief that their vote will not make a difference. We saw an expression of the cynicism during the 1994 elections when just 38 percent of all registered voters cast their ballots. We saw it again in 1996 when only 49 percent of the voting age population turned out to vote—the lowest proportion in some 72 years.

I have noticed in my own State of Illinois a falloff in voter participation and turnout. In 1992, Mr. President, I won my election for the Senate with 2.6 million votes, which represented 53 percent of the total vote. By 1996, when Senator DURBIN ran, he won with 2.3 million votes, which was 55 percent of the total votes. Senator DURBIN, in other words, won by a greater margin but with fewer votes cast. And if our citizens continue to participate in the electoral process in fewer and fewer numbers, the United States runs the risk of jeopardizing its standing as the greatest democracy on Earth.

Now, campaign finance is diminishing our democracy. Consider for a moment the fact that 59 percent of the respondents in the Gallup/USA Today poll agreed with the statement "Elections are for sale to whoever can raise the most money" while only 37 percent agreed with the statement "Elections are won on the basis of who's the best candidate." What is causing this perception? The people are aware that we are spending more on congressional campaigns than we ever have before. The Federal Election Commission has reported that congressional candidates spent a record-setting total of $765.3 million in the 1996 elections. That represents an incredible 71 percent increase over the 1990 level of $446.3 million. And those numbers do not even take into account the massive expenditures of "soft money" by political parties on behalf of House and Senate candidates.

The average winning campaign for the House cost over $673,000 in 1996. That's a 30 percent increase over 1994, when the average House seat cost its occupant $516,000. In 1996, 94 candidates for the House spent more than a million dollars to get elected. Winning Senate candidates spent an average of $4.7 million in 1996. In that year, 92 percent of House races and 88 percent of Senate races were won by the candidate who spent the most money. Forty-three of the 53 open-seat House races and 12 of the 14 open-seat Senate races were won by the candidate who spent the most money.

One of the major factors responsible for these huge costs increases in the avalanche of negative advertising that has muddied the political landscape in recent years. Political figures have come to rightly expect that they will be attacked from every imaginable angle come election time and are raising more and more money to fend off charges that often have nothing to do with the people's business. Moreover, politics has become so vicious and negative over the last few years that able public officials are leaving public service and potentially outstanding candidates are choosing not to run at all. These individuals know that politicians today have to spend a large portion of their time raising money, and that is simply not an attractive job description for many people capable of making outstanding contributions to our government. For example, in explaining his retirement from government service, former Senator Paul Simon, one of the most able individuals ever to sit in this chamber, cited fundraising responsibilities as a burden that he no longer wished to bear.

All of the problems associated with the immense role that money plays in the electoral system have been exacerbated in recent years by an increase in the number of wealthy candidates contributing outlandish sums to their own campaigns. In 1994, for example, one candidate for the Senate spent a record $29 million, 94 percent of which was his own money. During the 1996 election cycle, candidates for federal office contributed $161 million to their own campaigns. One presidential candidate helped finance his campaign with $37.4 million of his own money. Fifty-four Senate candidates and 91 House candidates put $100,000 or more of their own money into their campaigns, either through contributions or loans. It is true that in 1996 only 19 of those candidates won their elections, but the fact remains that the current system allows such candidates to drive up the costs of campaigns and make it more difficult for average citizens to contend for political office. If we allow this trend to continue, it won't be long before only the wealthiest Americans will be able to fully participate in the political process.

The time has come to reduce the role that money plays in our electoral system. Besides providing elected officials with more time to tend to the people's business, doing so will result in fewer negative ads, for if a candidate has less money to spend or faces a spending limit, he or she will have to be more careful about how expenditures are made. The capacity to run fewer ads would help ensure that candidates focus on establishing a connection with the voters by using television and radio time to discuss their stands on the issues, instead of running negative ads.

S. 25 and an amendment to the bill that I understand its distinguished authors plan to introduce takes significant steps in the right direction. The bill would ban "soft money" contributions to national political parties and would bar political parties from making "coordinated expenditures" on behalf of Senate candidates who do not agree to limit their personal spending to $50,000 per election. The proposed amendment would create a voluntary system to provide Senate candidates with a 50 percent discount on television costs if they agree to raise a majority of their campaign funds from their home states, to accept no more than 25 percent of their campaign funds in aggregate PAC contributions, and to limit their personal spending to $50,000 per election.

Ideally, S. 25 would place an absolute limit on the ability of candidates to fund their own campaigns. In Buckley v. Valeo, the Supreme Court ruled that limitations on candidate expenditures from personal funds place direct and substantial restrictions on their ability to exercise their First Amendment rights. It may be time to revisit the Buckley decision by passing legislation tailored closely around what the Court said. Putting the issue back in front of the Court would give it the opportunity to clarify how the position it took in 1976 is supposed to govern campaign finance law in the very different era in which we now live.

In Buckley, the Court struck down a provision of the 1971 Federal Election Campaign Act that barred presidential candidates from spending more than $50,000 out of personal resources. As three distinguished law professors at the University of Chicago have stated, it is possible that, with a *new set of legislative findings*, the Court might uphold a statute that imposed significantly more generous limits. . . [T]he Court might find that with a much more generous (though not unlimited) opportunity for candidates to spend their own money, the infringement of individual freedom is less severe—perhaps not "substantial," in the Court's language.

One argument for such a provision is that an important element of the democratic process is requiring that candidates demonstrate support from a broad range of individuals. Legislation of this type would be similar in intent to laws requiring candidates to obtain a minimum number of petition signatures in order to secure a place on the ballot. Such legislation would arguably be consistent with Buckley, for in that case the Court recognized that the government has "important interests in limiting places on the ballot to those candidates who demonstrate substantial popular support." Given the crucial role that money plays in today's elections, it is not unreasonable to ask the Court to extend its interpretation of what constitutes "substantial popular support" into the realm of campaign financing.

The most effective approach to comprehensive campaign finance reform would be legislation establishing overall campaign spending limits. If the Supreme Court's decision in Buckley is regarded as prohibiting the enactment of mandatory caps on overall campaign spending, then we should at least create a system that offers candidates cost-reducing benefits in exchange for their voluntary compliance with such caps. The Court has made clear that such a voluntary system would be constitutional. Overall spending limits would not only open up our system to greater competition, they would help to shift the focus of elections from advertising to issues. Until we cap runaway campaign spending, we will only be working at the margins of a problem that is turning our electoral system—one of the pillars of our cherished democracy—into a grotesque circus of saturation (and frequently negative) advertising and round-the-clock fundraising.

S. 25 may not effect the type of far-reaching reforms that I would like to see, but I strongly approve of its goals and spirit. The time has come for us to send a signal that we share our fellow citizens' concerns regarding the enormous role that money has come to play in our political system. Passing S. 25 would send that signal and would place us on the road toward creating a system in which the people's priorities would be our own. I therefore urge my colleagues to support the bill.

I commend my colleagues, the Senator from Wisconsin and the Senator from Arizona, for their perseverance in this important area and say to the Senator from Wisconsin and the Senator from Arizona, this may be one stage in the battle. But it seems to me that we have an absolute responsibility to cure this corrupt system. And it is a corrupt system. It is full of mousetraps. It favors people who are wealthy over people who are working class, ordinary citizens, and it is having a diminishing effect on our democracy and the people's faith in it.

I yield the floor.

Mr. FEINGOLD. I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, for the last 5 years we have been debating the issue of campaign finance reform and for the last 5 years we have failed to fix the system that most Americans agree is broken. I have voted for campaign reform legislation several times now, and each time it has been killed off by filibuster. Today we are once again presented with the opportunity to do what is right and stop the rising tide of special interest money that is drowning the democratic process.

We last debated the McCain-Feingold campaign finance reform bill in October. Since that time the bipartisan group of Senators committed to reform has continued to work together to build a coalition and to craft a measure that is fair and offers meaningful change. I have been proud to support that effort.

Changing the status quo has been an uphill battle. The opponents of reform cleverly disguise their argument. They wrap themselves in the flag and posture as protectors of "free speech." They make complicated and convoluted arguments about "threats to the Constitution." but here's what they are really saying: *if you have more money, you are entitled to more influence over campaigns and elections*. People out there find this argument to be a cynical charade and it's time to stop playing games.

The opponents of reform are just not listening. The American people have been calling for reform for years, and now the call is louder than ever. Eighty-nine percent of the American people believe fundamental changes are needed in the way campaigns are funded. We were elected to represent the American people. We cannot continue to ignore their wishes.

The campaign system is clogged with money, and there is no room left for the average voter. The last time we debated reform, I told a story of a woman who sent my campaign a small contribution of fifteen dollars. With her check she enclosed a note that said, "please make sure my voice means as much as those who give thousands." With all due respect, this woman is typical of the people who deserve our best representation. Sadly, under the current campaign system, they rarely do.

In 1996, $2.4 billion was raised by parties and candidates. Let me say that again: $2.4 billion flowed into campaigns all across the country and dictated the terms of our elections. And as if that weren't enough, hundreds of millions more were spent on so-called "issue advocacy". Nobody knows exactly how much more because these ads, even though they are political, are unregulated.

Currently there is no disclosure requirement for these expenditures, there is no ban on corporate or union money, and there is no limit on how much can be spent. "Issue ads" frequently take the form of negative attacks made against candidates by groups that no one has ever heard of. Because of the current weak laws, the American people don't know who are making these charges, what their agenda is and who is paying for it. The bill we are considering today would change that by strengthening the definition of political advertising to include these sorts of expenditures. We need more accountability, not less.

My first Senate campaign was a grassroots effort. I was out spent nearly three-to-one by a congressional incumbent. But because I had a strong, people-based effort, I was able to win. I am proud of the contributions I have received for my campaign.

And I am willing to put my money where my mouth is. I hope to offer an amendment to implement full disclosure of campaign contributions. Under current law, the names and addresses of contributors who give more than $50 at a time or $200 in aggregate must be disclosed. My amendment would drop those numbers down to zero. Under my amendment *every* contribution to a PAC or a campaign must be disclosed.

Having full disclosure for campaign contributions is like listing the nutritional facts on a candy bar: the public deserves to know what it's made of.

But I also want to make a pledge. Whether or not my amendment passes, I still intend to tell my constituents everything about who is contributing to my campaign. I will make full disclosure of all my contributions, no matter how big or how small. This is my commitment, this is my pledge. I challenge all of my colleagues to do the same.

Mr. President, the opponents of reform miss the point. In America, money does not equal speech. More money does not entitle one to more speech. The powerful are not entitled to a greater voice in politics than average people. In America, everyone has an equal say in our Government. That is why our Declaration of Independence starts with, "We, the people."

Mr. President, I believe we have made this debate way too complicated. This issue boils down to one basic question: Are you for reform, or against it? Are you with the people, or against them on the need for a more healthy democracy? The votes we are taking today will show the answers to these questions.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 27 minutes remaining.

Mr. McCONNELL. I yield 10 minutes to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, I thank Senator MCCONNELL for his leadership on this issue. I also thank Senator FEINGOLD and Senator MCCAIN.

I would like to point out to the American people, this is not a debate between good people and bad people. I note, however, that many who are for this bill have stated that those who are against it are hiding behind the first amendment. I don't propose to hide behind it. I propose to stand up today and defend it. Let me read to you, for the RECORD, what the first amendment to the Constitution says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

We are talking about the whole second half of this amendment, about how people petition Government for the redress of grievances, how they speak about Government. It is amazing to me that some of those who are for this bill point out how money is buying offices. My friend, the Senator from Washington, pointed out how she was outspent 3 to 1, but she is here! I notice Senator FEINSTEIN is here. She had an opponent who spent, I think, nearly $30 million of his own money! I do not yet know of a President Ross Perot, though he's one of the biggest advocates of this and spent millions of his own trying to make his case.

The point is, this is a legitimate issue for the people to decide. Then the attack is made on soft money, and PACs have become a very bad word. Do people remember that PACs were created as an outgrowth of Watergate, to clean up campaign finance? This is a product of Watergate. If you break down what it is a PAC is—some of them I don't really like because they stand for things I don't like. But some of them I do like; for example, the National Right to Life PAC. They talk about wealthy people? I look at that organization and I see humble folks who are defending a principle that is sacred to them. These are not wealthy people, but they are enjoying their right to speak.

I want to make one other candid admission to the American people. Republicans spend an awful lot of time attacking the Democrat use of union money, compulsory union dues that are used in attacks on Republicans. We attack their major asset. The Democrats attack the Republicans' major asset, which is in some cases the use of PACs, or soft money. Any campaign finance reform that does not include both of these elements will disserve the American people and I will not vote for those things, because at the end of the day what will happen to America is what happened to Oregon in a recent election cycle.

We had a well-meaning public interest group that, through our initiative system, instituted a campaign finance law not unlike McCain-Feingold. It applied to State candidates. Let me tell you what happened. Contributions to candidates directly, were severely restricted and, in a nutshell, candidates could not raise enough money to communicate with the people whose attention they were trying to get. But the money wasn't taken out of politics; it simply left direct democracy, which is disclosable to the public, and it went back into the smoke-filled rooms. Then various groups colluded and figured out how they could influence elections, not with a candidate, but about a candidate. And they did it with the luxury of knowing that they were not accountable to the American people, they could not be held accountable, so they could say or do anything they wanted.

So what we went through in Oregon, before our State supreme court declared it all a violation of the first amendment, was a cycle whereby candidates, were terribly frustrated, and so were our citizens. In the end, I have to say, what we should be encouraging is not a return to the smoke-filled rooms; we should be encouraging people to contribute directly to candidates and to fully disclose it.

I have to say that I have experienced this also on a personal level; I have run for the U.S. Senate twice. The first time I ran, I put a lot of my own money into the race. And, folks, I didn't win. And then I ran again, and I did win, and I won with the contributions of perhaps more individual contributions than have ever been raised by an Oregon candidate for Federal office in our history. So you cannot buy elections.

During my first election I had one conservative PAC director tell me that during January of 1996 it was the best time he could remember in Washington because there were no liberals here. They were all in Oregon, beating the stuffings out of me. They said horrible things about me. I didn't like it. It wasn't fun. But you know what, I am standing here today defending their right to say it. But don't tie my hands and say I can't respond to it, because you, the people of this country, will then be the ones disserved by all of this.

So, if you really have concluded that we have too much political speech in this country, insist that this Chamber disenfranchise soft money and unions, and then you are talking about something. But before you do that, ask yourself the question, do we talk too much about politics in this country? Is it a bad thing that we are doing? I believe the answer to that is no. And if you want the proof of it, open up Newsweek or Time or U.S. News & World Report on any given day in any week and you will see the bodies of people in other countries in the gutters of their streets, because they have not learned how to fight with words and not with bullets.

So, let's be careful as we talk about amending the most important document that we have. Don't fall for the easy way out, that somehow we are not affecting speech. We are. I have seen it in Oregon and we will see it in this country if this passes in this form. So I stand today proudly, not to hide behind the first amendment but to defend it, and thank the leader for this time, and I urge my colleagues to vote against this amendment in its current form.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Kentucky.

Mr. McCONNELL. I thank the Senator from Oregon for his extremely valuable contribution to this debate. He understands this issue very well and has experienced both the heartbreak of defeat and the exhilaration of victory. I certainly share his view that we do not suffer from too little political discussion in this country. We ought to be encouraging more of it, not less. I thank the Senator from Oregon.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. McCONNELL. I yield 10 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Thank you, Mr. President.

Let me start by recognizing the amount of work and effort that Senator McCONNELL, the Senator from Kentucky, has done on this issue. At a time early on, I can recall in this debate when it seemed like this thing may take off across America, and Senator McCONNELL, even in the face of his own tough reelection, stood firm and led us, all of us in this body, on this issue. He is knowledgeable, to say the least, and has been a great leader not only leading us on this issue but, more important, leading the fight to protect and defend the first amendment to the Constitution of the United States.

I say with great respect for my friend—I know I embarrass him a little bit—this has been one of the major debates in this Congress since I have been here, with the possible exception perhaps of the Persian Gulf war in 1991, but this goes to the heart of the first amendment. And the Senator from Kentucky stood strong day after day, sometimes by himself. I remember, leading a filibuster. I remember being here at 5 o'clock in the morning, to the marching orders of my leader to be out here in a filibuster. The Senator was right, and history will prove that he was right. So there is a great debt of gratitude that I think—he may not realize it at the moment, but it will come his way.

I want to add a few remarks to the debate. Much has been said and there is not too much more to add. I was somewhat taken by some of the remarks of my colleagues on the other side about special interests. We hear a lot about that. I think you can pretty well come to the conclusion that if you don't like somebody's views, they are special interests. But if you do like their views, they are probably responsible policy advocates.

This is where the whole debate gets kinds of silly. There are a lot of people who have special interests. The Breast Cancer Institute is a special interest. Social Security recipients are special interests. But I don't get the impression that some of our folks over there would be labeling them special interests in the context of what has been defined.

There are many reasons why McCain-Feingold is the wrong approach, but I just want to focus on a couple and specifically title II.

Under title II of McCain-Feingold, it purports to draw a new bright line between issue ads and independent expenditures. As so many have said before, I had expenditures against me. I would have loved to have seen them off the air, but I had the opportunity to respond to them. As many have said before me, however close, I made it back because I did have the opportunity to respond, thanks to thousands of people who were there to help me with contributions so that I could respond.

Many citizen organizations have expressed strong opposition to these issue-advocacy provisions. The Christian Coalition, for example, in a letter dated January 28 of this year urged the Senate to defeat McCain-Feingold because "this legislation essentially requires that if a citizen or group plans to advocate a position or report on votes candidates have cast, they must operate a PAC and comply with all the regulatory burdens that go with it. More Government control over what is said and how it is said is not what campaign finance reform should be about."

They are correct in that assessment.

The National Right to Life Committee sent letters to Senators on February 17 of this year saying:

> Title II of McCain-Feingold would radically expand the definition of the key legal terms expenditure, contribution and coordination, so as to effectively ban citizen groups from engaging in many constitutionally protected issue advocacy activities.

Lest you think I am singling out groups that may be more inclined to be Republican, we can also take a letter dated February 19 from the American Civil Liberties Union—certainly one of the leading organizations, I would say, not exactly ideologically with the right—they characterize title II as "a 2-month blackout on all radio and television advertising before primary and general elections."

The ACLU continues by noting:

> Under McCain-Feingold, the only individuals and groups that will be able to characterize a candidate's record on radio and TV during the 60-day period would be the candidate, the PACs and the media.

That last point made by the ACLU is very interesting, Mr. President, because by limiting what issue groups can say during the 60 days before an election, McCain-Feingold would increase the power of the media, which may be the reason why they have been so silent in this debate.

We are picking and choosing what part of the first amendment we want to protect, and of all people, the media should understand that. I think they do understand it and they are being very silent. I was particularly taken by the Senator from California a few moments ago when she said more money by candidates who have access to more money is not fair. I think that is pretty much what she said. I think I characterized it correctly. It is not fair or it is not right to have people with more money or access to more money.

What about newspapers that have more money than other newspapers, is that fair? Should we restrict the New York Times and the Washington Post 60 days out so that they can be as fair as some small paper in Louisville, KY, or Wolfeboro, NH? Maybe we ought to even that out. There seems to be a lot of silence in regard to that. It is ironic that so much of the media supports these restrictions on free speech of political candidates and groups, and even more ironic is the silence. It is deafening.

I can just imagine the cry if the Government tried to restrict the freedom of the press or say how many words, as the Senator said this morning, that Dan Rather can speak. I hear him speak so much I get sick of it, but it is his right to speak, and I would certainly protect that right, as we are doing today with our votes on the Senate floor. I hope Mr. Rather is taking note that we are protecting his rights to speak. But I hope that they will speak to protect our rights and to protect the rights of others to participate in the political process who don't have access to the national media to speak every day to the listeners. There are thousands of people out there, and they do it by contributing to a political campaign.

Beyond the very serious issues raised by the specific issue-advocacy provisions in title II of McCain-Feingold, I have a more general concern, and this is something, Mr. President, that I think has not really been stated firmly in this debate.

There is a premise, and I think it is an erroneous premise, and I say this to the Senator from Kentucky because I think this is something that may not have been brought out quite as much, that money is the corrupting factor here, that money in and of itself corrupts. I say to the Senator, does money corrupt when we do research for cancer? Does money corrupt when we give to charity and help millions of people? Does money corrupt when we ask for more money for education, indeed, higher education to allow kids to go to college, does that corrupt? I don't think so.

Let me say it in another way. If I am in a store or any American citizen is in a store somewhere, and as I am walking down the aisle looking for something to purchase, I see a wallet on the floor. I reach down and pick up the wallet and there is $5,000 in the wallet and a name. I have two options: I can put the wallet in my pocket and walk out of the store, or I can take the wallet up to the counter and give it back to the clerk and say, "Somebody lost their wallet. Here is the name. There is $5,000 in it and you can return it."

If you use the logic that money corrupts, everybody keeps the wallet. But everybody doesn't keep the wallet, and the majority of Americans don't keep the wallet. That is the issue here. If the shoe fits, wear it; if money corrupts you, maybe you shouldn't be here. I have never been asked for anything for the money. Nobody has ever asked me for a vote, and I wouldn't give it to them and I would be insulted if somebody thought I would, and if somebody thought I would then they ought not elect me and vote for me. That is how strongly I feel about it.

Fundamentally, McCain-Feingold is unconstitutional. That is the bottom line, as the Supreme Court said in Buckley versus Valeo, 9 to 0, liberals and conservatives on the Court.

We also hear a lot about how we give special access to those who give us money. It is never reported in any of the stories, but yes, sure, people give money and they might see me or Senator McCONNELL or Senator KEMPTHORNE or Senator FEINGOLD, sure. But how about the other people who we help get their Social Security checks, who we meet with every day or we speak to from this group or that group who we never ask for anything, they never give us anything; we just help them every day, day in and day out, hundreds of letters we answer, hundreds of people we help in our constituent offices in our States. Nobody talks about them. Nobody asks them for money. They can't give money, in most cases. They just want good Government and some help. We don't hear about that. If you put it out there and balance it out, you find there is heck of a lot more people with access to us who don't have money than people who do.

Mr. McCONNELL. Will the Senator yield for an observation? I say to my friend, you know who has the most access to us is the press.

Mr. SMITH of New Hampshire. That is exactly right.

Mr. McCONNELL. The most access to us. I never heard of an editorial writer complain about access of the press. Have you heard that?

Mr. SMITH of New Hampshire. I have not. As I promised you I would speak on this at 2:15 today, it took me until 2:30 to get here because I had four minipress conferences coming over on a number of issues, from Iraq to this and a couple of other issues as well.

I, again, commend my leader and proudly, as the Senator from Oregon said a few moments ago, proudly support the first amendment. Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Let me take a moment and thank the Senator from New Hampshire for his contribution to this debate. He has very skillfully presented the analogy. The wallet story, I think, is a very, very important addition to the debate and really says a lot about what this is all about. In fact, as the Senator from New Hampshire pointed out, if you are going to have much of an impact on the political dialog in a country of 270 million people, you have to be able to amplify your voice, you have to be able to project your voice to large numbers of citizens or your voice isn't very much.

Of course, as the Senator from New Hampshire pointed out, Dan Rather, Tom Brokaw and the rest certainly have more speech than we do. Nobody is suggesting that we rein them in. But there are many of us who think their speech is not very helpful, occasionally, to the political process. So I thank the Senator from New Hampshire for a very important speech.

Mr. SMITH of New Hampshire. If I can respond, on election night, Dan Rather called my election the other way, and he was wrong. I would not have minded restricting his speech that night, but I still support his right to say it and glad he was wrong.

Mr. McCONNELL. I thank the Senator for his answer. How much time remaining do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. McCONNELL. I reserve the remainder of my time.

Mr. FORD. Mr. President, once again, I rise to discuss an issue that in the recent past has generated lots of talk and not much action—campaign finance reform. But thanks to the hard work of my colleagues—on both sides of the aisle—we are once again at the brink of doing something to address the many problems we have with our system for financing election campaigns.

Thanks to the tireless efforts of our colleagues, Senators McCAIN and FEINGOLD, we now know that the question is not whether a bill will come to the floor, but whether we will pass the bill that they have brought us. Keeping that in mind, I want to speak a bit today on why I support the measure before us.

As an original co-sponsor of McCain-Feingold, I agree that what is necessary is a comprehensive overhaul of the way we conduct our campaign business. If we have learned anything from our experiences in the last few elections, it is that money has become *too important* in our campaigns. Mr. President, in the last election federal candidates and their allies spent over $2 billion—$2 billion—in support of their campaigns. The McCain-Feingold bill currently before us, I believe, is the sort of sweeping reform that we must pass if we are to restore public trust and return a measure of sanity to the way we finance elections.

Now each of us has his or her own perspective on what's wrong with the system. For me, Mr. President, it's the explosive cost of campaigning. When I announced in March 1997 that I would not seek reelection, I said: "Democracy as we know it will be lost if we continue to allow government to become one bought by the highest bidder, for the highest bidder. Candidates will simply become bit players and pawns in a campaign managed and manipulated by paid consultants and hired guns." The problem becomes clearer when you look at specifics. In my case, when I first was elected to the Senate, I spent less than $450,000—actually, $437,482—on my campaign. Back then, I thought that was a lot of money. If only I'd known. Mr. President, if I hadn't decided to retire, for next year's election I would have had to raise $4.5 million. Now, I know all about inflation but that's not inflation—that's madness. What's worse, I understand that if we continue on this path, by the year 2025 it will cost $145 million to run for a single Senate seat. Can any of us imagine what our country will look like when the only people who can afford public service are people who have—or can raise—tens of millions of dollars for their campaigns? I can't imagine such a future, Mr. President—and the time is now to make sure things never get that bad. McCain-Feingold won't cure everything that ails the current system, but I support it because it represents a real, meaningful first step toward restoring a sense of balance in our campaigns by ensuring that people and ideas—not money—are what matters. Specifically, I support McCain-Feingold because it deals with a series of disturbing issues that have grown in importance in recent years.

I also agree that a primary problem with the current system is the flood of "soft money." But when I speak of soft money, Mr. President, I want to make it clear that we are talking about more than just the fundraising of the national parties. True—in 1996, the parties raised over a quarter billion dollars in soft money, which they then used in various ways to support their candidates at every level of the ballot. That's a lot of money, but it's only a small part of the total so-called "soft money" picture. That's because soft money is any money that is not regulated by the Federal Election Campaign Act. That includes national party money, of course, but it also includes millions of dollars raised and spent by independent groups on so-called "issue ads." Thanks to the excellent work of our colleagues on the Government Affairs Committee, we now know that many of these so-called independent organizations, many claiming tax-exempt status, are established, operated, and financed by parties and candidates themselves—and their finances are totally unregulated. Therefore, McCain-Feingold is meaningful reform because it recognizes that the problem is not just "soft" money, it is "unregulated" money.

The McCain-Feingold bill is also valuable because it recognizes that closing the party soft money loophole is not enough. The bill also addresses the problem of so-called "issue advocacy" advertising. These so-called issue ads have developed as a new—and sometimes devious—way that unregulated money is issued to affect elections. Lawyers might call it "issue advocacy", but I'm not a lawyer so I call it what it really is, "handoff funding". "Handoff funding" is where a candidate "hands off" spending, usually on hard-hitting negative ads, to a supposedly neutral third party whose finances are completely unregulated and not disclosed. Now I know there are those who call these ads free speech. But this isn't free speech, it's paid speech. Of course we need to respect the Constitution, but we can't let people hide behind the Constitution for their own personal or partisan gain. McCain-Feingold draws this paid speech into the light where not the lawyers but the jury—the American people—can decide which issues and which candidates they will support.

Mr. President, I want to respond just a moment to the claim of many of my Republican colleagues that McCain-Feingold's issue advocacy reform somehow limits free speech. That simply is not true. When this bill passes, not one ad that ran in the last election—not one, not even the worst attack ad—will be illegal. What McCain-Feingold would do is say to those candidates and groups who have been using "handoff funding" to puff themselves up or tear down their opponents—all the while claiming that they were simply, quote, "advocating issues"—is that within 60 days of the election they must take credit for their work, dirty or otherwise. The only people whose speech will be prevented by this law are people who are afraid to step into the light and be seen for who they are. That, Mr. President, is what I call reform—and I think the American people would agree.

Another critical issue addressed in McCain-Feingold—and this is one area, I think, where we all are in nearly unanimous agreement—is the question of disclosure. Currently there is too much campaign activity—contributions and spending—that is not disclosed to the public on a regular, timely basis. We must commit ourselves, as does McCain-Feingold, to providing the American people with timely and full disclosure to information about political spending, and the means by which they can access that information. Like many colleagues, I believe that the Internet and electronic filing is the way to make this happen; but I hope we will make it clear that *all* campaign finances—including third-party issue advocacy—are to be disclosed before we get too worried about how such disclosure would take place.

Mr. President, all these reforms will be meaningless unless we are willing to do right by the Federal Election Commission. If the FEC really is the toothless tiger that many people said it is, we must take at least some of the blame for removing its teeth. Any bill that makes changes to the campaign finance laws without restoring the FEC's funding and improving its ability to publicize, investigate, and punish violations cannot truly claim the title of "reform."

In conclusion, Mr. President, I know that we will not have an easy road to passage of campaign finance reform legislation. In this body there are a number of colleagues who are opposed to reform and aren't afraid to speak their minds about the quote, "danger," of reform. Mr. President, I can't blame them. If I had the advantage of millions of dollars from wealthy folks and millions more from corporations and special interests, I would think reform was dangerous, too, and I would have to think twice before supporting a bill that took away that advantage. Their opposition—whether in the public interest or their self-interest—means that the debate on this issue will get more than a few of us into a real lather. I'll take that challenge, Mr. President. Just because campaign finance reform will be difficult, and might require each party to give up things it cares about or simply has gotten used to, is no reason not to pass McCain-Feingold, and soon.

All we need to do is to roll up our selves and remember the wisdom of that great Kentuckian Henry Clay, who called compromise "mutual sacrifice." Our way is clear, if not easy, but I have confidence that we will do what is right to restore public confidence in the way we fund our campaigns. I look forward to the continuing debate, and to demonstrate to the American people that we are serious about cleaning up the system by voting for comprehensive campaign finance reform.

Mr. KOHL. Mr. President, I rise today to voice my support for the McCain-Feingold campaign finance reform bill. This debate is one of the most important that the Senate will conduct in this session of Congress, and I desperately hope it will result in passage of meaningful campaign finance reform.

We are beginning another mid-term election year, and the American public is again bracing for the barrage of money, special interest TV ads, and rhetorical hyperbole that accompany modern campaigns. There is near universal belief in this nation that Congress should do something about our campaign finance laws. We hold weeks of hearings on abuses in recent elections; we document loophole after loophole in the fabric of our laws whereby special interest influence campaigns to the detriment of our national interests; and we see meaningful, genuine reform proposals twisted and maligned by those same groups who are terrified at their potential loss of power.

This is an old-fashioned debate in Washington, because it's about who has the power and how that power will be used. The McCain-Feingold bill seeks to diffuse that power; to level the playing field a little bit in federal campaigns and reduce the amount of special interest money in elections. Senators MCCAIN and FEINGOLD have developed a genuine compromise plan. It is not exactly as I would have drafted—or any of us, if we had that chance. It is, however, the best chance we have to repair the broken campaign finance system.

The modified version of the bill addresses one of the fundamental problems in the system—soft money contributions. By banning these huge sums from federal campaigns, we correct many of the problems which were exposed last year in hearings before the Senate Government Affairs Committee.

The bill also tries to deal with the growing and disturbing impact of independent expenditures. I believe the sponsors of the bill have achieved a delicate balance in this area—curtailing the use of this practice, while still conforming to constitutional boundaries.

Mr. President, there is an extraordinary need for reform of our election laws. Despite the apparent problems—problems that have gotten worse with every election—Congress has not passed reform. Our failure to act has contributed to a loss of confidence, not only in our electoral system, but in our democracy.

The American public has lost faith in government and its institutions. Americans feel they don't control government because they believe they don't control elections.

If you ask people who runs Washington, most will say "special interests." People watch state officials, Members of Congress, and presidential candidates chase money, and believe that's the only way to get your voice heard in Washington. They see televised campaign finance hearings, allegations of trading contributions for access, and they think, "how could my voice be heard over all that cash."

Certainly, Congress is not alone to blame for the current system. Voters themselves share some responsibility. People routinely decry the use of negative political ads, yet continually respond to the content of those ads. The media, especially television stations and networks, have failed to adequately inform the public of important policy questions. Instead of covering significant issues, broadcasters often fall back on covering the "horserace" aspect of the campaign, or "sideshow" disagreements among candidates.

But the ultimate responsibility rests in this chamber, with Congress. For more than 30 years the growing crisis has been ignored. Year after year, speeches are given, bills are introduced, but no action is taken.

We now have a rare opportunity, with public attention focused on this debate and this bill, to pass real campaign finance reform.

Mr. President, we have never had a time in our nation's history when such a pervasive problem went unanswered by the Congress. America has met challenges such as this before, and adopted policies which strengthened our democracy. We have that opportunity with the bill before us.

The McCain-Feingold bill will help restore the American public's faith in this institution and in all the institutions of government.

As some of my colleagues know, Senator BROWNBACK and I have introduced legislation to establish an independent commission to reform our campaign finance laws. This commission would be similar to the Base Closure Commission, which proposed a series of recommendations to Congress for an up-or-down vote of approval.

But I do not believe that we should take such an approach at this time. It would be much better if Congress acted on its own, without the help of an outside body, to reform our election laws. It would demonstrate to the American public that Congress is serious about changing the way our democracy functions.

Mr. President, before I conclude, I just want to take a moment to once again commend my colleague from Wisconsin, Senator FEINGOLD. Last year, when we debated this bill, I said that Senator FEINGOLD truly follows in the tradition of the great progressive movement in Wisconsin. That's more even true today than it was last year. I'm proud to serve with him, and I urge my colleagues to support our efforts to pass this vital legislation.

Mr. FAIRCLOTH. Mr. President, I believe we need campaign finance reform, but the McCain-Feingold amendment is not the right approach at this time. I will say that I am disappointed that many of the people advocating reform are defending people who couldn't live under the laws we already have. Perhaps the best reform that we can make immediately would be for candidates to live within the laws we have now. Clearly this Administration did not do this in 1996.

I am disturbed by two provisions. First, the naked attempt to muzzle the free speech of citizens who want to advocate on behalf of a candidate. This "reform" would limit the free speech of all American citizens. I hardly see that as being "reform." We put too many limits on our citizens now, we cannot restrict their right to participate in the political process.

Second, this bill does nothing to stop the loophole that unions have exploited for years to advocate their political positions. It does nothing to stop the practice of labor unions taking the dues from hard working citizens and spending millions of dollars on ads to defeat candidates. Why is it that the people who advocate reform will not permit union members to keep their well-earned money and spend it as they wish? Why do they oppose a separate, voluntary means for using the dues of union members? Regrettably, the answer is that the so-called reform advocates want to keep the liberal ads coming in waves, and cut off the political speech of others. I cannot support that under any circumstances.

And what happens when we make reforms? Look at the results of the 1974 law. The reforms limited personal contributions from individuals, yet it spawned PAC's and soft money. On public financing, the taxpayers were to pay for the campaigns of those running for President—so that they would be beyond reproach. Yet by 1996, the President and the Vice President spent untold hours raising soft money by the millions. From appearing at Buddhist Temples to renting out the Lincoln Bedroom, to making phone calls from the Oval Office, the 1974 reforms became a mockery at the hands of this Administration. For them to be calling for campaign finance reform is like a horse thief galloping down the street warning citizens to lock their barns. It simply doesn't pass the straight face test.

Ill conceived, reforms can make the system worse and that is why I cannot support McCain-Feingold. If we want real reforms, we will do the following: limit soft money; equalize PAC and individual contribution at $2500; speed disclosure to the public; tighten the ban on contributions by non-citizens; and, stop the abuses by unions taking dues for political purposes. Finally, we should pass the ultimate reform: term limits.

These kinds of reforms would improve the system, empower the individual, stop some of the most flagrant abuses taking place now and expand more opportunities for citizen legislators to serve. This is the kind of approach we need.

Mr. KERREY. Mr. President, I rise today in support of the McCain-Feingold bill, which will provide this country with much needed campaign finance reform.

The Constitution lays out the requirements for someone wanting to run for office. In order to run for Senate, the Constitution tells us that there are 3 requirements: First, you need to be a U.S. Citizen for 9 years. Second, you need to be at least 30 years old. Third, you need to live in the state whose office you're running for.

Three simple requirements, right? Wrong.

What the Constitution doesn't tell you is that there is a fourth requirement. You must have an awful lot of money, or at least know how to raise a lot of money.

The Constitution doesn't tell you this because when the framers sat down to draft the Constitution, they could not possibly have imagined the ridiculously large amounts of time and money one must spend today if a person wants to be elected to office.

For example, if you want to run for Senate in my home state of Nebraska, population 1.6 million, it will cost you several million dollars. This means that candidates must raise over $10,000 every week for 6 years to cover the cost of the average Senate campaign.

We need to stop using partisan procedural stalling tactics and get serious about fixing our campaign financing laws. We need to change the law to give power back to working families, restore their faith in the process, and make democracy work again. That's why I rise in support of the bipartisan bill offered by Senators MCCAIN and FEINGOLD.

This bill would be a strong first step toward making democracy work. It seeks to solve the problem of soft money (money raised in an election, but is outside of federal campaign finance rules), not just with the political parties, but with the special interest groups who run attack ads, who are completely unregulated by the system, and whose contributors are undisclosed. It would require better disclosure, and give more power to the F.E.C. It would create incentives to keep wealthy individuals from trying to buy a Senate seat.

This is not a perfect bill, especially in the stripped-down form in which it has ultimately reached the floor. I feel that it could be improved in ways which would make it easier for average Americans to run, win and serve, and which would make incumbent senators a lot less comfortable. I feel especially strong about the need to toughen our system of election law enforcement, so that the politicians who break the law end up paying the price.

But my colleagues and I can't make an effort to improve this bill if the other party continues with their stalling tactics and prevent us from debating it.

Mr. President, Americans are frustrated. It is time to get serious about this debate. I know it, you know it, and the American people want it.

As I've said before, in a Harris Poll last March, 83 percent of Americans said they thought that special interest groups had more power than the voters. Seventy-six percent said that Congress is largely owned by special interest groups.

Our lack of action on this issue reinforces the view that Americans have of their Government.

The American people are frustrated by our delay. They are frustrated with the political process that appears to respond to those with economic power and which, all too often, ignores the needs of working men and women.

They are frustrated with the rising cost of campaigns, with a political system which closes the door to people of average means who also want to serve their country in the U.S. Congress.

They are frustrated with the millions of dollars they see go into our campaigns. They are frustrated with our tendency to talk instead of act.

Mr. President, it is time for us to show the American people, not with words but with action. With a single vote today, Senators can act to allow this issue to move front and center on the political stage. With this bipartisan bill, we can show the American people that we mean what se say when we talk.

Last week in the Omaha World Herald, there was an op-ed piece written by Deanna Frisk, the President of Nebraska's League of Women Voters. In laying out her reasons why all Americans would benefit from fixing our campaign finance laws, Ms. Frisk said:

> Campaign finance reform is about creating the kind of democracy we want to have: a democracy where citizens come first, a democracy that is open to new faces, a democracy that can respond with fresh ideas to the problems confronting our country.

Mr. President, I couldn't agree more. As members of the Senate, we are in a unique position to make our government work better for the American people.

Let's give every 30 year old, U.S. Citizen who wants to serve his state as a Member of the Senate a fighting chance. Let's get rid of that unofficial requirement that says don't bother running for office if you don't have lots of time and money to invest. Let's make the wealthy candidate who can afford to dump loads of his own money into a campaign the exception, not the norm like it is today.

Let's give the American people what they want. Let's end this partisan bickering and pass the McCain-Feingold bill.

Mr. BAUCUS. Mr. President, I rise in support of the important campaign finance reform legislation that is before us today.

Today very wealthy special interest groups can pump unlimited amounts of money into a political campaign. In fact, one individual or group can attempt to buy an election. After this bill passes, that will not longer be true. This is the one reform that will do the most to give an ordinary person an equal say in who they send to Congress.

I support this legislation because I believe it represents the right kind of change. While not a perfect solution, it will help put our political process back where it belongs: with the people. And it will take power away from the wealthy special interests that all too often call the shots in our political system.

Let's be clear of our goal today: we must ensure that political campaigns are a contest of ideas, not a contest of money. We need to return elections to the citizens of states like Montana and allow them to make their own decisions, rather than letting rich Washington, DC groups run attack campaigns designed to do nothing but drag down a candidate.

Yet, ironically, by failing to act; by failing to pass this legislation; we will also be opening the door to change—the wrong kind of change. Our political system will continue to drift in the dangerous direction of special interests.

Since the 1970s, when Congress last enacted campaign finance reform, special interest groups supporting both political parties have found creative new ways, some of questionable legality, to get around the intent of our campaign finance laws. Things like soft money, independent expenditures, and political action committees all came about as a consequence of well-intended campaign finance reforms.

MONTANANS WANT REFORM

During my last campaign, I walked across Montana—over 800 miles across the Big Sky State. One of the benefits to walking across Montana, in addition to the beautiful scenery, is that I hear what real people in Montana think. Average folks who don't get paid to fly to Washington and tell elected officials what they think. Folks who work hard, play by the rules, and are still struggling to get by.

People are becoming more and more cynical about government. Over and over, people tell me they think that Congress cares more about "fat cat special interests in Washington" than the concerns of middle class families like theirs. Or they tell me that they think the political system is corrupt.

EFFECT ON WORKING MONTANANS

Middle-class families are working longer and harder for less. They have seen jobs go overseas. Health care expenses rise. The possibility of a college education for their kids diminished. Their hope for a secure retirement evaporate.

Today, many believe that to make the American Dream a reality, you have to be born rich or win the lottery. Part of restoring that dream is restoring confidence that the political system works on their behalf, not just on behalf of wealthy special interests.

Now it is time for use to take a real step to win-back the public trust—it is time for us to pass a tough, fair, and comprehensive Campaign Finance Reform bill. That bill must accomplish three things.

First, it must be strong enough to encourage the majority if not all candidates for federal office to participate.

Second, it must contain the spiraling cost of campaign spending in this country. finally, and most importantly, it must control the increasing flow of undisclosed and unreported "soft-money" that is polluting our electoral system.

REFORM MUST REDUCE COSTS OF CAMPAIGNS

Under the current campaign system, the average cost of running for a Senate seat in this country is $4 million. I had to raise a little more than that during my 1996 race. That is an average of almost $2000 a day.

When a candidate is faced with the daunting task of raising $12,000 a week—every week—for six years to meet the cost of an average campaign, qualified people are driven away from the process. If we allow ideas to take a back seat to a candidates ability to raise money—surely our democracy is in danger.

The numbers are proof enough. As campaign costs have risen, voter turnout has drastically fallen. Think about that. People are spending more and more, while fewer people are voting. Since 1992, money spent on campaigns has risen by $700 million dollars. In the same time period, turnout has dropped from 55% to an all time low of 48%.

Mr. President, less than half the country now votes in elections. What does this say about our political system? It says, quite simply, that people no longer believe that their vote counts, that they can make a difference. They believe that big corporations and million dollar PACs have more of a say in government than the average citizen. That perception is the most dangerous threat facing our country today.

Let me be clear—my first choice would simply be to control campaign costs by enacting campaign spending limits. However, the Supreme Court, in Buckley v. Valeo, made what I believe was a critical mistake.

They equated money with free speech—preventing Congress from setting reasonable state-by-state spending limits that everyone would have to abide by.

WHAT'S RIGHT WITH THE BILL

While I must admit this bill is not perfect, it will take several crucial actions to reign in campaign spending. First, this is the first bi-partisan approach to campaign finance reform in more than a decade.

Second, the bill establishes a system that does not rely on taxpayers dollars to work effectively.

The McCain-Feingold substitute would prohibit all soft money contributions to the national political parties from corporations, labor unions, and wealthy individuals.

The bill offers real, workable enforcement and accountability standards. Like lowering the reporting threshold for campaign contributions from $200 to $50. It increases penalties for knowing and willful violations of FEC law. And the bill requires political advertisements to carry a disclaimer, identifying who is responsible for the content of the campaign ad.

Every election year, in addition to the millions of dollars in disclosed contributions, there are the hundreds of millions in unreported, undisclosed contributions spent by "independent expenditure" campaigns and "issue advocacy" advertisements. These ads are funded by soft-money contributions to national political parties.

Out-of-state special interest groups can spend any amount of money they choose, none of which is disclosed, all in the name of "educating" voters—when in fact their only purpose is to influence the outcome of a election. More times than not, the see-sawing 30 second bites do more to confuse than to educate.

This lack of accountability is dangerous to our democracy. These independent expenditure campaigns can say whatever they wish for or against a candidate, and there is little that candidates can do—short of spending an equal or greater amount of money to refute what are often gross distortions and character assassinations.

To close, Mr. President, America needs and wants campaign finance reform. The Senate should pass comprehensive legislation right now. That legislation should accomplish one clear goal: we must ensure that political campaigns are a contest of ideas, not a contest of money.

An oft-quoted American put it this way: "Politics has got so expensive that it takes lots of money to even get beat with." That statement wasn't made this year or last year, or even during our political lifetimes. Will Rogers said that in 1931. He was right then, and he's even more right today.

I remain committed to this cause and will do everything in my power to ensure that the Congress passes meaningful Campaign Finance Reform, this year.

Mr. WYDEN. Mr. President, the American political system is profoundly broken. I experienced this in my recent campaign for this office, which was why I made it my first official act, fifteen minutes after being sworn in to the Senate, to cosponsor the McCain-Feingold bill.

We have all seen the phenomenon, in our own campaigns and in others, where they hold the election on Tuesday, you sleep in on Wednesday, and by Thursday afternoon it has started all over again. There is no interval in which to focus exclusively on the public's business.

I don't think that anyone in this body likes that situation. I have never heard a group of Senators talking among themselves about how wonderful the seemingly permanent campaign is. Well today we have a chance to do something about it. The McCain-Feingold bill won't fix everything, but it will be the most significant step in the right direction in a long, long time.

This bill also takes on one of the greatest threats that has developed in recent years to the quality of our nation's public dialogue, the recent rash of so-called "independent expenditure campaigns."

Political campaigns ought to be an opportunity for people who want to serve in public office to not only explain themselves, but to listen and learn. I have tried when running for office to spend as much time as possible listening to what the people I meet at shopping centers and bus stops and ice cream socials have to say. I want to hear what they think and I want to talk to them in a serious way about the fights that I want to wage on their behalf, the issues that I feel passionately about, and the direction I think our country ought to be headed.

But in the past few years, new tactics have been developed by a variety of groups on both the left and the right who seek to insert themselves in between candidates and the public they seek to serve. In these races, the candidates at times become mere pawns in some larger battle for influence.

In the race that my colleague from Oregon and I ran against each other, there were ads that were run that were probably meant to help me, and ads that were run that were meant to hurt me. I think that Senator SMITH and I would both agree that we both would have preferred if all of these ads had never been aired. The McCain-Feingold bill is the best solution available at this time to clean up the excess of these independent expenditures.

Democracy is a precious and fragile gift that has been left to us by previous generations, Mr. President. I don't expect that the republic will collapse tomorrow if we fail to pass this bill, but make no mistake about it, the steady erosion of the public's confidence in their leaders is a dangerous trend. We can make a real beginning today. The American people want this system fixed, and they have a right to expect that it will be. Let's not disappoint them again.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself such time as I require.

The PRESIDING OFFICER. The Senator is recognized.

Mr. FEINGOLD. Mr. President, conversations today have been including the notion that the American people don't care about campaign finance reform, and occasionally people do ask why is it important to reform our system of financing campaigns. I think it is pretty clear that people do care about this issue. Just talk to them about it. Trying to get it to show up on a poll is one thing, but if you talk to them, you will find a different story.

That is particularly true when Americans are told the facts or learn the facts about our current system that it actually affects average Americans who may not even care a great deal about being involved in the political process.

I heard today on the floor a number of opponents of our bill assert this issue has no impact on the average citizen. Although I recognize many Americans do not think this issue is the No. 1 issue in America, Americans do care about this issue because it does affect their daily lives in real ways.

Why should Americans care about campaign finance reform? One very good reason to care is that as consumers, they are affected. We all pay for the current system of campaign financing through higher prices, higher prices in the pharmacy, in the supermarket, on our cable bills, when we fill our cars with gas and in many other ways.

Mr. President, in support of this, I have two items I would like to have printed in the RECORD which explain that our current system of financing political campaigns has a very real and direct effect on consumers and provides further support for the need to pass meaningful campaign finance reform.

Today, Common Cause released a report entitled "Pocketbook Politics." Common Cause reveals how special interest money hurts the American consumer. This report examines the campaign contributions of special interest groups which have benefited from Federal programs and policies that have had a costly effect on American consumers.

Mr. President, I ask unanimous consent to have printed in the RECORD the executive summary from this new Common Cause report, "Pocketbook Politics."

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the Common Cause Follow the Dollar Report, February 1998]

POCKETBOOK POLITICS: HOW SPECIAL-INTEREST MONEY HURTS THE AMERICAN CONSUMER

In 1996 and 1997, powerful special interests—with the help of generous campaign contributions—won victories in Washington that resulted in higher prices in our day-today lives and have taken a substantial bite out of the pocketbooks of typical American families.

Special-interest victories in just six areas denied the American public access to cheaper, generic versions of many popular brand-name drugs; halted improvements in the fuel efficiency of their minivans and cars; pushed up their cable bills; made them pay more to make a call from a pay phone; and kept the prices of peanuts and sugar artificially high.

Since 1991, the special interests represented in just these six examples gave more than $61.3 million in political contributions, including $24.6 million in unlimited soft money donations to the political parties.

The policies these special interests supported not only harm consumers, they often hurt the environment as well. Environmentalists charge that the peanut price-support program whose benefits go to large peanut producers and a small number of landowners, has encouraged farming practices that exhaust the land and result in an increased use of agricultural pesticides. Sugar policies encouraged the growth of sugar plantations near the environmentally sensitive Florida Everglades. A stalemate on fuel efficiency standards increased air pollution and aggravated global warming.

"Our report documents six government programs and policies and their costly effect on the American family," Common Cause President Ann McBride said. "But what we show is just a drop in the bucket. These examples don't begin to explore all the agendas of all special-interest political contributors, their victories on Capitol Hill and at the White House, and their overall impact on the American public.

"But it's clear that a campaign finance system that rewards deep pocket corporations and wealthy individuals directly affects all Americans, robbing them of their hard-earned dollars and threatening to degrade the earth's environment—our legacy to our children. In the insider's game that determines public policy in Washington, special interests and politicians hit the jackpot. But too much of that jackpot comes out of the pocketbook of the American consumer."

POCKETBOOK POLITICS: EXECUTIVE SUMMARY

In 1996 and 1997, powerful special interests—with the help of generous campaign contributions—won victories in Washington that resulted in higher prices in our day-today lives and have taken a substantial bite out of the pocketbooks of typical American families. This study examines just a handful of examples where special interests won victories at the expense of the American consumer.

Bad Medicine: Since 1991, the companies belonging to the Pharmaceutical Research and Manufacturers of America (PhRMA), the trade group for brand-name drug makers, have given more than $18.6 million in political contributions, including $8.4 million in soft money donations to the political parties. With the help of that influence, brand-name drug companies have kept their bottom lines healthy by successfully convincing Congress to let them hold on to their drug patents longer. Loss of access to generic drugs costs consumers, as much as $550 million a year.

Car Fare: The American auto, iron, and steel industries gave $5.7 million in political contributions since 1991, including more than $1.7 million in soft money donations to the political parties. For the past three years, Congress has voted for a freeze on Corporate Average Fuel Economy (CAFE) standards, thereby sparing these special interests the burden of making cars and trucks more fuel efficient, which they fear might eat into their bottom lines. Supporters of higher CAFE standards claim that it is possible to produce safe, fuel-efficient cars that can save consumers money at the gas pump. Being deprived of this fuel efficiency costs consumers about $59 billion annually.

Party Lines: Together cable and local phone companies have given $22.8 million in political contributions since 1991, including $8.7 million in soft money donations to the political parties. The groundbreaking Telecommunications Act of 1996, which was supposed to make the industries more competitive and responsive to consumer needs, has actually worked to shrink competition. The resulting jump in cable TV bills and pay phone rates costs consumers about $2.8 billion annually.

The $1 Billion PB&J Sandwich: Together peanut and sugar interests have given $14.2 million in political contributions since 1991, including $5.7 million in soft money donations to the political parties. In 1996, they fought to ensure that a historic overhaul of domestic farm policy left their programs virtually untouched. They also rebuffed congressional proposals in 1997 to phase out or eliminate their programs. These legislative victories have upped the price of peanuts and sugar substantially, costing consumers about $1.6 billion annually.

Mr. FEINGOLD. Also, Money magazine published an article in December making much the same point, with additional examples of how consumers have been hurt by decisions made by this Congress under the influence of campaign donations from affected industries.

Our decisions on everything from the airline tax to sugar subsidies to securities laws reform to electricity deregulation are potentially compromised by the money chase. Anyone who cares about public confidence in this institution should be concerned about these examples of industries and individuals with a great economic stake in our deliberations being able to and actually, in fact, making large and strategically focused campaign contributions.

I ask unanimous consent to have printed in the RECORD an excerpt from the Money magazine article entitled "Look Who's Cashing in on Congress."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Money Magazine, December 1997]

LOOK WHO'S CASHING IN ON CONGRESS; TALES FROM THE MONEY TRAIL: HERE ARE SOME OF THE REASONS YOU'LL PAY NEARLY $1,600 THIS YEAR FOR LEGISLATION THAT BENEFITS CORPORATIONS AND THE WEALTHY.

(By Ann Reilly Dowd)

Ordinary Americans are prohibited from climbing Mount Rushmore, where the faces of four great Presidents are carved in granite. But this September, just before the Senate began debating campaign finance reform, Senate Minority Leader Tom Daschle (D-S.D.) led a group of supporters, including 21 representatives of industries as diverse as airlines, financial services, telecommunications and tobacco, up the mountain that's been called the "Shrine of Democracy." Taking Washington's traditional brie-and-Chablis fund raiser to unusual heights, Daschle pulled in $105,000 for his re-election campaign and for his party during that weekend trip to his state's Black Hills. In return, the contributors not only got to perch at the top of a monument off limits to most mortals, but they also won access to the second most powerful politician in the Senate, a man who wields enormous influence over their industries' futures and their own fortunes.

That cash-driven coziness was not exactly what our forefathers had in mind when they spoke of a government of, by and for the people. Increasingly, however, the soaring cost of congressional races, weak campaign finance laws and potentially fat returns on contributors' donations have conspired to give big-spending corporations and wealthy individuals unprecedented access to Washington lawmakers, putting the givers in a prime position to influence the laws the politicians make. "The founding fathers must be spinning in their graves," says Sen. John McCain (R-Ariz.), co-sponsor with Sen. Russell Feingold (D-Wis.) of the leading campaign finance reform bill.

Yet after weeks of high-profile hearings on presidential campaign finance abuses before a panel chaired by Sen. Fred Thompson (R-Tenn.) and heated debate on the Senate floor, the nation's legislators remain deadlocked over whether to fix the system—let alone how to do so. Worse, public interest in the subject is practically nil. For example, a recent poll found only 8% of Americans have been paying close attention to news about the Democrats' 1996 fund raising.

So why should you care about the way both parties finance their congressional campaigns? Because the subject isn't only about politics, it's about your money. Here are two examples of this year's tab:

U.S. taxpayers will pay $47.7 billion for corporate tax breaks and subsidies. That's the conclusion of an exhaustive study by economist Robert Shapiro, vice president of the Progressive Policy Institute, a Washington think tank affiliated with the moderate Democratic Leadership Council. The total cost to the average American household in 1997: $483.

Import quotas for sugar, textiles and other goods will raise consumer prices $110 billion, according to economist Gary Hufbauer of the nonprofit Council on Foreign Relations. Total cost per household: $1,114.

All of this comes amid rising public cynicism and apathy about politics. In a recent poll by the Center for Responsive Politics, a nonpartisan group that studies how money influences politics, nearly four in five Americans said major contributors from outside U.S. representatives' districts have more access to the lawmakers than their constituents do. Also, about half of those polled believe that money has "a lot of influence on policies and legislation." Says Ann McBride, president of Common Cause, a political watchdog group: "It's no accident that last year's extraordinarily low voter turnout coincided with the highest-priced election in history."

During the 1995–96 election cycle, the Federal Election Commission (FEC) reports, candidates running for the House and Senate raised $791 million, 68% more than a decade earlier. Of the total, a quarter, or $201 million, came from political action committees (PACs) run by corporations, labor unions and other interest groups. Of the $444 million from individuals, only 36%, or $158 million, was given in amounts of less than $200.

Even more startling, the political parties collected an additional $264 million in so-called soft money in 1995–96, triple the amount they raised during the last presidential election campaign. While the law limits so-called hard-money contributions to candidates to $1,000 per election from individuals and $5,000 from PACs, there are no caps on soft money, which flows from corporations, unions and individuals in huge chunks. For example, according to Common Cause, in the last election cycle tobacco giant Philip Morris and its executives gave $2.5 million in soft money to the G.O.P., while the Communications Workers of America contributed $1.1 million to the Democratic Party. The FEC says soft money is supposed to be spent on "party building." But much of the cash finds its way into congressional and presidential races. Says McBride: "Soft money is clearly the most corrupting money in politics today."

Indeed, campaigning has mostly turned into a money chase. Last year, winning a Senate seat cost an average of $4.7 million, up 53% since 1986. Snagging a House seat ran $673,739, up 89%. Some veteran senators, including Paul Simon (D–Ill.) and Bill Bradley (D–N.J.), have cited their distaste for endlessly dialing for dollars as one reason they dropped out of politics. As for the current Capitol gang, says Charles Lewis, president of the Center for Public Integrity, a nonpartisan research group: "It's a misimpression to think all new members are innocents. Either they are millionaires or they are willing to sell their souls, or at least lease them, before they even set foot in Washington."

Of course, lawmakers often take positions out of principle. Other times, constituent or broader public interests dictate their votes. But the question remains: What role does money play in shaping legislation?

MONEY has found five instances where big money and bad bills collided, resulting in legislation that has—or may soon—cost taxpaying consumers like you dearly. (For more examples, see the table on page 132). We'll tell the tales and let you judge whether it's time for campaign finance reform.

FEAR OF FLYING

Why you may pay more for air travel: Early this year, Herb Kelleher, the tough-talking chief executive of Southwest Airlines, dropped to his knees in the office of U.S. Rep. Charles Rangel of New York City, the top Democrat on the powerful House Ways and Means Committee. "If you'll support the little guy against this measure," begged Kelleher, referring to a proposed new flight tax that would hurt discount carriers like his, "I'll give up Wild Turkey and cigarettes."

Though only half in jest, Kelleher's theatrics weren't enough to overcome the clout of the Big Seven airlines—American, Continental, Delta, Northwest, TWA, United and US Airways—who stood to gain from the new tax. The Center for Responsive Politics estimates that during the 1995–96 election period, the Big Seven contributed $2.5 million in PAC money to candidates and soft money to both parties, almost three times what the airlines had given during the last election cycle. Among their biggest recipients was House Speaker Newt Gingrich of Georgia, where Delta is based, who took in $12,000 for his congressional campaign. Then in the first six months of this year, while Congress was debating the airline-tax bill, the big carriers kicked in another $640,000, including $6,000 more to the Speaker. By contrast, Texas-based Southwest and its small airline allies have contributed nothing to Gingrich and only $95,000 to congressional campaigns and the parties since 1995.

After a bruising Capitol Hill battle, the major carriers emerged with much of what they wanted, tucked into the 1997 tax act: a gradual reduction in the airline ticket tax from 10% to 7.5% plus a new $1 levy, rising to $3 in 2002, on each leg of a flight between takeoff and final landing. Many passengers who fly on regional carriers and discounters like Southwest emerged as losers, since those airlines tend to make more stops. For example, after the ticket-tax reduction and new segment fee are fully phased in, a family of four that flies on Southwest for $225 per person from Houston to Disney World, with a stop in New Orleans, will pay $25.50 in additional taxes.

For that, opponents say, the family can thank Gingrich, who broke a deadlock in the Ways and Means Committee over two warring proposals. One, backed by Southwest and Republican Jennifer Dunn of Washington, would have preserved the flat 10% ticket tax. The other, supported by the Big Seven and sponsored by Republican Michael ("Mac") Collins of Georgia, reduced the tax and imposed a segment fee.

"Let's settle this like adults and compromise in [the House-Senate] conference," Gingrich told Dunn, who agreed to shelve her proposal. The Senate sided with Southwest. But a House provision favorable to the big airlines won in the closed door negotiations between Senate Majority Leader Trent Lott (R–Miss.) and Gingrich. Says a congressional aide whose boss backed Southwest: "We left it to Trent and Newt, and Newt fought harder." Campaign money was not a factor, insists the Speaker's press secretary, Christina Martin. Instead, she says, Gingrich was guided "by his experience, his vision and the will of his constituents and the Republican conference."

DANCE OF THE SUGARPLUM BARONS

Why you pay 25% too much for sugar: The next time you buy a bag of sugar, consider this: You are paying 40[cents] a pound, 10[cents] more than you should, because a handful of generous U.S. sugar magnates have managed to preserve their sweet deals for 16 years. Says Rep. Dan Miller (R–Fla.), who led the bitter losing battle last year to dismantle the program of import quotas and guaranteed loans that props up domestic sugar prices, costing U.S. consumers $1.4 billion a year: "This is the poster child for why we need campaign finance reform."

The sultans of sugar are Alfonso ("Alfy") and Jose ("Pepe") Fanjul, Cuban emigre brothers whose Flo-Sun company, with headquarters in South Florida, produces much of the sugarcane in the U.S. The Fanjuls sprinkle more money over Washington than any other U.S. sugar grower. According to the Center for Responsive Politics, during the 1995-96 election cycle, when the sugar program was up for another five-year reauthorization, the Fanjul family, the companies they own and their employees gave $709,000 to federal election campaigns. Alfy served on President Clinton's Florida fund-raising operation, while Pepe co-chaired Republican presidential nominee Bob Dole's campaign finance committee. Overall during the past election cycle, the Center reports, U.S. sugar producers poured $2.7 million into federal campaign coffers, nearly 60% more than the $1.7 million given by industrial sugar users, including candy and cereal companies, who oppose price supports.

The sugar industry's investment appears to have paid off handsomely. At first, two conservative firebrands, Rep. Dan Miller (R–Fla.) and Sen. Judd Gregg (R–N.H.), seemed to have enough votes to kill the price-support program. In the Senate, however, then-Majority Leader Dole, determined that nothing would hold up the 1996 farm bill, took a machete to amendments that threatened to topple it, including Gregg's, which died by 61 votes to 35.

In the House, the sugar program was saved after six original co-sponsors of the Miller amendment switched sides, killing it by 217 votes to 208. One defector, Texas Republican Steve Stockman, who was locked in a tight re-election race that he ultimately lost, received $7,500 in sugar contributions during 1995 and '96, including $1,000 on the day of the vote. Stockman did not return Money's phone calls. Another voting for big sugar, Robert Torricelli (D–N.J.), now a U.S. senator, received $19,000 from sugar producers. New Jersey grows no sugar, but it is home to 870,000 Cuban Americans, whose votes Torricelli wanted for his Senate campaign. On the House floor, he argued that eliminating the program would drive up world prices, hurting domestic growers and helping foreign producers like Cuba. Said Torricelli: "We will lose the jobs and the money, and Fidel Castro's Cuba will reap the benefits."

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WASHINGTON POWER PLAY

How politically charged utilities are short-circuiting federal deregulation efforts that could cut your electric bill: If you could shop around for power instead of buying it from a single local utility, you could cut as much as 24% off your monthly electric bill, according to the Department of Energy. For a family whose monthly electric bills average $100, that would mean yearly savings of $288, nearly three months of free power. But while states from California to New Hampshire are moving to increase competition among utilities, two deep-pocketed and determined adversaries have thus far stymied federal deregulation efforts.

Those fighting for rapid deregulation include large commercial electricity users, such as Anheuser-Busch, General Motors, Texaco and major retailers, as well as low-cost power producers and marketers like Houston's Enron. The Center for Responsive Politics estimates that during the 1995–96 election cycle, as Congress began considering deregulation, the major commercial power users contributed $7.8 million to congressional candidates and the parties, while Enron and its employees gave another $1.2 million.

On the other side of the power war are old-line, monopolistic utilities led by the Edison Electric Institute (EEI), their major Washington lobby. Their big fear: that so-called stranded costs for investments in nuclear power plants and other projects they pass on to consumers in the rates they pay will make it difficult to compete with low-cost energy producers under deregulation. During the 1995-96 election period, the old-line utilities contributed $7.7 million to the candidates and the parties. In addition, the Institute assessed its members $3 million to pay for a lobbying campaign against rapid federal deregulation.

So far, that effort seems to be working. After 14 hearings on deregulation, Frank Murkowski (R–Alaska), chairman of the Senate Energy and Natural Resources Committee, has still not introduced a comprehensive bill. Instead he is backing a narrower measure sponsored by Sen. Alfonse D'Amato (R–N.Y.) that would help the old-line utilities by letting them compete in any nonutility business, without allowing other power companies to enter the older firms' local electricity markets.

* * * * *

What will these power plays mean to you? Says, Charlie Higley, a senior policy analyst at Public Citizen, a consumer rights group: "Generally we are concerned that legislators will strike a deal where the utilities will get the taxpayer to foot the bill for their stranded costs, the big industrial users will get all the breaks, and residential and small business customers will get no relief or, worse yet, higher costs."

A MIDSUMMER'S NIGHT SCHEME

How Wall Street and Silicon Valley could undercut investor rights: In the summer of 1995, a coalition of accounting, securities and high-tech firms persuaded Congress to pass sweeping legislation limiting securities litigation that MONEY had warned could severely restrict investors' abilities to bring successful class-action suits for securities fraud. Though the Securities and Exchange Commission has concluded that it is too early to tell whether the Securities Litigation Reform Act has seriously eroded investors' rights, the same group of industries is now promoting legislation that would virtually ban investors from bringing class-action suites in state courts involving nationally traded securities. Warns Barbara Roper, the Consumer Federation of America's securities law expert: "The big risk for investors is that the federal law will end up restricting meritorious cases and that we'll lose the states as an alternative venue for them." The possible result: Wronged investors not only could find such cases harder to win, but they also may be prevented from filing suits in the first place.

* * * * *

In 1995 and '96, securities and accounting firms, as well as high-tech companies, which frequently are the targets of securities fraud lawsuits, flooded Congress and both parties with $29.6 million in campaign money, according to the Center for Responsive Politics. By contrast, the Center estimates the trial lawyers association, the biggest critic of the legislation, gave $3.1 million. (The total from all trial lawyers is unknown.) Says one top Democratic congressional aide: "This is completely money-driven, special-interest legislation that we would never even be looking at if there were campaign finance reform. Most congressmen are not being bombarded with requests from local constituents to pre-empt state securities laws."

WHAT CONGRESS SHOULD DO

Here are six changes recommended by advocates of campaign finance reform:

Ban soft money. This is the heart of the McCain-Feingold bill to improve the way campaigns are funded. The prohibition would shut down the easiest way corporations, unions and the wealthy have to buy access to Congress and influence legislation.

Limit PAC contributions. Congress ought to ban PACs from giving money to the campaigns of members of committees that govern the PACs' industries or their interests.

Offer cut-rate TV time. Candidates who agree to reject PAC money might get free or discounted TV time.

Reward small contributors. Tax credits for donations of $200 or less might stimulate more people to give. Says Kent Cooper, executive director of the Center for Responsive Politics: "It's critical that we build a wider base of small contributors."

Streamline disclosure. Candidates should be required to file their campaign receipts and expenditures electronically to the Federal Election Commission. That would enable it to post the data to its Website (www.fec.gov) more quickly.

Toughen election laws and enforcement. Congress must make the six-member Federal Election Commission, typically half Republican and half Democrat, more effective. The panel needs authority to impose civil penalties, a bigger enforcement budget (now only $31.7 million) and a seventh member to break ties.

What can you do? Write to congressional leaders Gingrich, Lott and McCain, as well as your own U.S. representative, senators and President Clinton. Tell them you want campaign finance reform that will restore accountability and integrity to federal elections and the government. And while you're at it, tell them you'd like the right to climb Mount Rushmore—without giving Tom Daschle $5,000 of your hard-earned money.

Mr. FEINGOLD. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 9 minutes remaining.

Mr. FEINGOLD. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum with the time being charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, at this time I yield such time as he requires to the leader on this issue, the senior Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Senator from Wisconsin.

May I ask, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Arizona has 8 minutes 48 seconds; the Senator from Kentucky controls 7 minutes 13 seconds.

Mr. McCAIN. Since it is the McCain-Feingold amendment, I ask the Senator from Kentucky if we could close the debate with our comments.

Mr. McCONNELL. I am sorry; I did not hear the Senator from Arizona.

Mr. McCAIN. Since the vote would be on our amendment, it is customary that we, the sponsors of the amendment, be allowed to close the debate. I ask if the Senator from Kentucky would agree that I could have the last 5 minutes before the vote.

Mr. McCONNELL. I have absolutely no problem with that. That is perfectly acceptable.

Mr. McCAIN. Does the Senator from Kentucky want to proceed now?

Mr. McCONNELL. Yes. Would you like me to go on to wrap up?

Mr. McCAIN. Yes.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I am happy to accommodate the Senator from Arizona.

Mr. President, I think we have had a very important and useful debate. In many ways it has gone on for the last 10 years in various forms. Prior to 1995, it was the Mitchell-Boren bill. There have been several changes over the years, but fundamentally the issue is this: Do we think we have too much political discourse in this country?

I would argue, Mr. President, that we do not have any problems in this country related to too much political discussion. The Supreme Court has made it quite clear that in order to effectively discuss issues in this country, one must have access to money, and, frankly, that should not be a shocking concept to anyone going all the way back to the beginning of our country when anonymous pamphlets were passed out supporting the American Revolution. Somebody paid for those.

Virtually any undertaking, whether it is raising money for Common Cause so that they can get their message out or raising money for a campaign so that it can get its message out or raising money for a political party so it can get its message out or by some group that wants to be critical of any of us up to and including the time just prior to an election, the Supreme Court has appropriately recognized that in order to have effective speech you have to be able to amplify your voice. That is not a new concept. It has been around since the beginning of the country.

So the fundamental issue, Mr. President, is this: Do we have too much political discourse in this country? I would argue that we clearly do not. The political discussion has increased in recent years for several reasons. No.

1, the effective means of communication costs more—nobody has capped inflation in the broadcast industry—and, No. 2, the stakes have been large.

The Congress was for many years sort of a wholly owned subsidiary of the folks on the other side of the aisle. But since 1994 it has been a good deal more competitive, so the voices have been louder. We had a robust election in 1996 about the future of the country, and a good deal of discussion occurred. But even then, Mr. President, that discussion, converted to money and compared to other forms of consumer consumption, if you will, in this country, was minuscule. One percent of all the commercials in America in 1996 were about politics. So it seems to me, Mr. President, by any standard, we are not discussing these issues too much.

The other side of the issue that must be addressed is, assuming it were desirable to restrict this discussion, is that a good idea? In order to do that, Mr. President, you have to have a Federal agency essentially trying to control not only the quantity but the quality of discourse in our country.

The Supreme Court has already made it quite clear that it is impermissible for the Government to control either the quantity or the quality of our political discussion in this country.

So this kind of regulatory approach to speech is clearly something the courts are not going to uphold. Nor should the Senate uphold that approach. Fundamentally that is the difference between the two sides on this issue.

Do we think there is too much speech? Or do we think there is too little? Do we think it is appropriate for the Government to regulate this speech? Or do we think it is constitutionally impermissible? That is the core debate here, Mr. President.

McCain-Feingold, in its most recent form, upon which we will be voting on a motion to table here shortly, in my view, clearly goes in the regulatory direction. It is based on the notion that there is too much political discussion in this country by parties and by groups.

Mr. President, the political parties do not exist for any other reason than to engage in political discussion. They financed issue advocacy ads with non-Federal money. The pejorative term for that is "soft money," but it should not be a pejorative thing. The national political parties get involved in State elections, local elections. They need to be there to protect their candidates if they are attacked by the issue ads of someone else.

All of this is constitutionally protected speech. Obviously, we do not like it when they are saying something against us. We applaud it when somebody is trying to help us. But the problem is not too much discussion, Mr. President. America is not going to get in trouble because of too much discussion.

In fact, we have killed this kind of proposal now for 10 years. It is unrelated to the popularity of Congress. Congress is currently sitting on a 55 to 60 percent approval rating, the highest approval rating in the last 25 years. It achieved that approval rating in spite of the fact that this issue was not approved last year, nor the year before, and, Mr. President, I am confident will not be approved this afternoon.

So when a motion to table is made, I hope that the majority of the Senate will support a motion to table McCain-Feingold.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. In a moment, I will yield to the senior Senator from Arizona. But before I do, let me make clear what we are tabling here today if we table the McCain-Feingold amendment.

The other side would have us believe it is one narrow aspect of a bill that has to do with certain aspects of express advocacy and independent advocacy. Surely, that is part of the bill. But what they don't talk about very much is what else would be tabled. It would involve the tabling of a complete ban on soft money. It would be wiping out the opportunity for this Congress to have a ban on soft money. What that means is they are also tabling a concept that has been endorsed by over 100 former Members of Congress who signed a letter to ban soft money.

It is also a denial and tabling of an effort to ban soft money that has been endorsed by people like former Presidents George Bush and Jimmy Carter and Gerald Ford. In addition, if this tabling motion prevails, you will be wiping out provisions that actually lower the provisions that require candidates to report contributions of $50 and over, not just the ones of $200 and over. It would be wiping out provisions that double the penalties for the knowing and willful violations of Federal elections law and tabling the provisions that require full electronic disclosure of campaign contributions to the FEC.

You will be wiping out provisions that require the Federal Elections Commission to make those campaign finance records available on the Internet within 24 hours. You will be wiping out provisions that would stop the practice of Members of Congress using their franking privileges, their mass mailing franking privileges in an election year. Our bill would ban that.

The tabling motion would wipe out the provisions that require a candidate to clearly identify himself or herself on one of these negative ads.

So the fact is this bill has many important provisions. A tabling motion denies the chance to do all of these things. What the opposition has chosen to focus on is merely a few aspects, which I think we are right about, but they completely ignore the many important items of enforcement and disclosure and the banning of soft money the McCain-Feingold bill would achieve.

How much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes 30 seconds.

Mr. FEINGOLD. Mr. President, I yield the remaining time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, first of all, I want to extend thanks, as is customary at the end of debates such as these, to the majority leader for agreeing to schedule this vote and to the minority leader for all of his help in this effort, Senator DASCHLE, the Democratic leader. I would like to thank Senator McCONNELL of Kentucky for again conducting the debate, which is distinguished by its lack of rancor and by its adherence to an honest and open difference of opinion, a fundamental difference but one that I believe is strongly held by both Senator McCONNELL and myself.

As always, I want to thank my dear friend, Senator FEINGOLD, who, in my view, represents the very best in public service. As he and I differ on a broad variety of issues, we have always agreed on the principle of the importance, the integrity, and the honor associated with public service.

Mr. President, since last year, a number of things have been happening since we had votes last September. A very good manifestation of how this system is out of control was contained in the January 17 Congressional Quarterly about the California House race that is taking place.

I will not go into all the details. This was January 17. On March 10 there is an election. It lists noncandidate spending in the California special: Campaign for Working Families, $100,000; Americans for Limited Terms, $90,000; Foundation for Responsible Government, $50,000; Planned Parenthood Action Fund, $40,000; Catholic Alliance, $40,000; California Republican Assembly, $16,000; and the list goes on and on and on.

Millions of dollars are being spent in a House race in California. And you know what, Mr. President? Those funds and those campaigns are not being conducted by the candidates. They are being conducted by organizations that enter into these races that sometimes have no connection with the candidate themselves. And you know they all have one thing in common. They are all negative, Mr. President, they are all negative.

One of the radio ads says, "Call Bordonaro and tell him you're not buying Planned Parenthood. Tom

Bordonaro is the definition of a religious political extremist." That came from Planned Parenthood.

The same thing on both sides. You will never see one of these, Mr. President, in a so-called independent campaign that says, "Vote for our guy or woman. They're very decent and wonderful people." Then we wonder why there is the cynicism and the lack of respect for those of us who engage in public service.

Mr. President, since last year there have been several indictments that have come down. One thing I can predict to you with absolute certainty on this floor; there will be more indictments, Mr. President, and there will be more scandals and more indictments and more scandals and more indictments and more people going to prison until we clean up this system. There is too much money washing around. This money makes good people do bad things and bad people do worse things.

I guarantee you, Mr. President, this system is so debasing as it is today that we will see lots of indictments, prison sentences and, frankly, these investigations reaching levels which many of us had never anticipated in the past.

We have also, thanks to our tenacity, gotten a vote. For the first time, Members of the Senate will be on record on campaign finance reform. I have no doubt about what this vote is about. It is on campaign finance reform.

Later, hopefully, we will have a vote on the Snowe amendment, which I think is a compromise which is carefully crafted and one that deserves the support of all of us. I believe that we are closer to the point that I have long espoused and advocated to my friends and colleagues from both sides of this issue. We are closer to the point where all 100 of us agree that the system is broken and needs to be fixed and we need to sit down together and work out the resolution to this terrible problem which is afflicting America, which we can work out in a bipartisan fashion that favors neither one party nor the other.

The American people are demanding it, the American people deserve it, and the American people will get it. Mr. President, we will never give up on this issue because we know we are right in the pursuit of an issue that affects the very fiber of American life and American Government.

Mr. President, I yield the remainder of my time.

Mr. MCCONNELL. I move to table the McCain-Feingold amendment.

The PRESIDING OFFICER (Mr. HAGEL). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1646

The PRESIDING OFFICER. The question is on agreeing to the motion to table the McCain-Feingold amendment numbered 1646.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Warner

NAYS—51

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

NOT VOTING—1

Harkin

The motion to lay on the table the amendment (No. 1646) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 1647

(Purpose: Relating to electioneering communications)

Ms. SNOWE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Mr. JEFFORDS, Mr. LEVIN, Mr. LIEBERMAN, Mr. MCCAIN, Mr. FEINGOLD, Mr. CHAFEE, Ms. COLLINS, and Mr. THOMPSON, proposes an amendment numbered 1647.

Ms. SNOWE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 201 and insert:

Subtitle A—Electioneering Communications

SEC. 200. DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) ADDITIONAL STATEMENTS ON ELECTIONEERING COMMUNICATIONS.—

"(1) STATEMENT REQUIRED.—Every person who makes a disbursement for electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

"(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

"(A) The identification of the person making the disbursement, of any entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

"(B) The State of incorporation and the principal place of business of the person making the disbursement.

"(C) The amount of each disbursement during the period covered by the statement and the identification of the person to whom the disbursement was made.

"(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

"(E) If the disbursements were paid out of a segregated account to which only individuals could contribute the names and addresses of all contributors who contributed an aggregate amount of $500 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $500 or more to the organization or any related entity during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(G) Whether or not any electioneering communication is made in coordination, cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee, any political party or committee, or any agent of the candidate, political party, or committee and if so, the identification of any candidate, party, committee, or agent involved.

"(3) ELECTIONEERING COMMUNICATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'electioneering communication' means any broadcast from a television or radio broadcast station which—

"(i) refers to a clearly identified candidate for Federal office;

"(ii) is made (or scheduled to be made) within—

"(I) 60 days before a general, special, or runoff election for such Federal office, or

"(II) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for such Federal office, and

"(iii) is broadcast from a television or radio broadcast station whose audience includes the electorate for such election, convention, or caucus.

"(B) Exceptions.—Such term shall not include—

"(i) communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate, or

"(ii) communications which constitute expenditures or independent expenditures under this Act.

"(4) Disclosure date.—For purposes of this subsection, the term 'disclosure date' means—

"(A) the first date during any calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000, and

"(B) any other date during such calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

"(5) Contracts to disburse.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(6) Coordination with other requirements.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act."

SEC. 200A. COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

Section 315(a)(7)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended by inserting after clause (ii) the following new clause:

"(iii) if—

"(I) any person makes, or contracts to make, any payment for any electioneering communication (within the meaning of section 304(d)(3)), and

"(II) such payment is coordinated with a candidate for Federal office or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee.

such payment or contracting shall be treated as a contribution to such candidate and as an expenditure by such candidate; and".

SEC. 200B. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) In General.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting "or for any applicable electioneering communication" before ", but shall not include".

(b) Applicable Electioneering Communication.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) Rules Relating to Electioneering Communications.—

"(1) Applicable electioneering communication.—For purposes of this section, the term 'applicable electioneering communication' means an electioneering communication (within the meaning of section 304(d)(3)) which is made by—

"(A) any entity to which subsection (a) applies other than a section 501(c)(4) organization, or

"(B) a section 501(c)(4) organization from amounts derived from the conduct of a trade or business or from an entity described in subparagraph (A).

"(2) Special operating rules.—For purposes of paragraph (1), the following rules shall apply:

"(A) An electioneering communication shall be treated as made by an entity described in paragraph (1)(A) if—

"(i) the entity described in paragraph (1)(A) directly or indirectly disburses any amount for any of the costs of the communication; or

"(ii) any amount is disbursed for the communication by a corporation or organization or a State or local political party or committee thereof that receives anything of value from the entity described in paragraph (1)(A), except that this clause shall not apply to any communication the costs of which are defrayed entirely out of a segregated account to which only individuals can contribute.

"(B) A section 501(c)(4) organization that derives amounts from business activities or from any entity described in paragraph (1)(A) shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute.

"(3) Definitions and rules.—For purposes of this subsection—

"(A) the term 'section 501(c)(4) organization' means—

"(ii) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

"(B) a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(4) Coordination with Internal Revenue Code.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 from carrying out any activity which is prohibited under such Code."

Subtitle B—Independent and Coordinated Expenditures

SEC. 201. DEFINITION OF INDEPENDENT EXPENDITURE.

Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) Independent expenditure.—The term 'independent expenditure' means an expenditure by a person—

"(A) expressly advocating the election or defeat of a clearly identified candidate; and

"(B) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent."

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 1648 TO AMENDMENT NO. 1647

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending Snowe amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. Lott] proposes an amendment numbered 1648 to amendment No. 1647.

Mr. LOTT. Mr. President, I ask unanimous consent the amendment be considered as having been read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 200. ELECTIONEERING COMMUNICATIONS.

(a) Prohibition.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934.

AMENDMENT NO. 1649

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. Mr. President, I now send a perfecting amendment to the desk to the underlying bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. Lott] proposes an amendment numbered 1649.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the language proposed to be stricken in the bill, strike all after the word "political" on page 2, line 23, and insert the following:

"party.

SEC. 3. ELECTIONEERING COMMUNICATIONS.

(a) Prohibition.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934.

(b) Effective Date.—This section shall take effect one day after enactment of this Act.

Mr. LOTT. I ask for the yeas and nays on my amendment, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1650 TO AMENDMENT NO. 1649

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. I now send an amendment to the desk to my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. Lott] proposes an amendment numbered 1650 to amendment No. 1649.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word in the pending amendment and insert the following:

SECTION 3. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITIONS.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligations with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligations is specifically and expressly authorized by title III of the Communication Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect two days after enactment of this Act.

MOTION TO COMMIT

Mr. LOTT. I send to the desk a motion to commit the bill to the Commerce Committee with instructions to report back forthwith.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] moves that the Senate commit S. 1663 to the Committee on Commerce, Science and Transportation with instructions that it report back the bill forthwith.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1651

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. I now send an amendment to the desk to the instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1651 to the motion to commit the bill to committee.

Mr. LOTT. I ask the amendment be considered as having been read.

Mr. FORD. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will report.

The legislative clerk read further as follows:

At the end of the instructions add the following:

"with an amendment as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934."

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1652 TO AMENDMENT NO. 1651

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. I now send an amendment to the desk to my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1652 to amendment No. 1651.

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect one day after enactment of this Act.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Parliamentary inquiry.

Mr. LOTT. I now send a final amendment to my amendment to the desk——

Mr. DASCHLE. What constitutes a sufficient second in this case?

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. LOTT. I yield for a parliamentary inquiry.

Mr. DASCHLE. I appreciate the majority leader's yielding. I ask the Chair, what would constitute a sufficient second, given the number of Senators on the floor currently?

The PRESIDING OFFICER. The Constitution requires one-fifth of those present.

Mr. DASCHLE. Mr. President, I hope we will count carefully, because I think we are getting very close here to whether or not we have a sufficient second. I appreciate the answer of the Chair.

AMENDMENT NO. 1653 TO AMENDMENT NO. 1651

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. I now send a final amendment to the desk to my amendment. I believe the desk has that amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered No. 1653 to Amendment No. 1651.

Strike all after the word "section" in the pending amendment and insert the following:

1. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect two days after enactment of this Act.

Mr. LOTT. Mr. President, for the information of all Senators, the Senate is now in a posture where the tree is filled with respect to the pending campaign finance legislation. Senator MCCAIN has offered his substitute amendment and we have had a very good discussion about the issue prior to the motion to table, and the time for the vote was agreed to and that occurred, of course, at 4 o'clock. The motion to table did fail, although I think we should note that it was the identical vote that we had on this same issue last year.

Now our colleague, Senator SNOWE, has offered her version of paycheck protection to the McCain-Feingold amendment, and I intend to file a cloture motion on that today. However, it is my hope that cloture votes on the Snowe amendment could occur Thursday morning, but after we have had debate tonight. She is prepared, I believe, to talk about her amendment.

There also are a number of Senators who are very interested in talking about the second-degree amendment, or the amendment I offered to her amendment. I know Senator MCCAIN feels very strongly that the FCC should not impose the requirement of free broadcast time. Senator BURNS had indicated he wanted to speak on this. We had been hoping he would be here momentarily, and I am sure he will be, and he will want to speak on that issue, too.

So, after a debate on this issue, we expect to have a time set for a vote. But I will consult with the minority leader and also with the sponsor of the amendment and the second-degree amendment before we announce a time on that.

I ask for the yeas and nays on amendment No. 1647.

The PRESIDING OFFICER. Is there a sufficient second? So ordered.

The yeas and nays were ordered.

Mr. MCCAIN. Will the majority leader yield for a second?

Mr. LOTT. I ask for the yeas and nays on amendment No. 1646.

The PRESIDING OFFICER. It would take unanimous consent to do that. Is there objection?

Mr. DORGAN. Reserving the right to object, what is the request?

The PRESIDING OFFICER. To be able to order the yeas and nays on amendment No. 1646.

Mr. DASCHLE. Did the majority leader ask unanimous consent to do that? In that case, we will be compelled to object.

Mr. MCCAIN. Will the majority leader yield for a question? My understanding of the majority leader's amendment is it would bar the FCC from allocating free television time to candidates. As the majority leader pointed out, that is a position that I share because I believe only the legislative and executive branch should be responsible for what basically changes the entire electoral system in this country.

But my question to the majority leader is that, following disposition of his amendment, either through tabling or up-or-down vote, would the majority leader be amenable to a unanimous consent request that Senator SNOWE's amendment be taken up without amendment, so that the Senate can vote on this issue?

Mr. LOTT. Let me discuss this with you, Senator MCCAIN, and with Senator SNOWE. I want to make sure we had considered all of the ramifications to that. I think probably the answer may be yes, but I would like to make sure we have had a chance to talk it through. I am not making a commitment at this point.

I think it is important that we have a full discussion on the FCC effort and we have a full discussion on our amendment. That will give us time. I presume she is not interested in having a vote this afternoon, so we will have some time tonight to talk about that and then tomorrow, after the funeral services for Senator Ribicoff, and then after the vote on the military construction appropriations bill, we will come back to this issue around, I guess, 3:30. Then, hopefully, we will have a vote sometime tomorrow afternoon, probably around this time or a little earlier. We will talk about what order that would be in prior to that.

Mr. MCCAIN. If the majority leader will further yield, I thank him for that consideration. I do believe, obviously, that we should have a vote on the Snowe amendment, and I appreciate his consideration of it. Of course, whether we were going to have a vote on the Snowe amendment would obviously dictate my vote and, I think, that of some of my colleagues, including those on the other side of the aisle who may share our view concerning whether the FCC should be deciding these things or not. Because, if it serves just to kill our ability to vote on the Snowe amendment, then obviously that may not be something that I would want to support. But I appreciate the majority leader's consideration.

Mr. LOTT. I agree with the chairman of the committee. I feel very strongly the FCC should not be doing this. I would like to inquire, does the chairman of the committee intend to have some hearings on this and maybe move this as an amendment or as a part of another bill at some point? Perhaps this year?

Mr. MCCAIN. I would hope so. As you know, the majority leader knows I am loath—loath—to determine policy issues on appropriations bills. But on occasion there might be some exception made to my absolute opposition to any authorization on appropriations bills, because I feel this is a very important issue. I thank the majority leader.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. I file two cloture motions, one on the McCain-Feingold amendment and then on the Snowe—first on Snowe and then on McCain.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Snowe amendment:

Edward M. Kennedy, Daniel Inouye, Byron Dorgan, Max Cleland, Russell D. Feingold, Ernest F. Hollings, Daniel K. Akaka, Wendell Ford, Patrick J. Leahy, Christopher J. Dodd, Jack Reed, Patty Murray, Robert Torricelli, Barbara Boxer, Ron Wyden, Carol Moseley-Braun, Kent Conrad, and Jeff Bingaman.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McCain-Feingold amendment:

Russell D. Feingold, Paul Wellstone, J. Lieberman, Richard J. Durban, Tim Johnson, Edward M. Kennedy, Byron L. Dorgan, Barbara A. Mikulski, Daniel K. Akaka, Jay Rockefeller, Dale Bumpers, Wendell H. Ford, John Breaux, J.R. Kerrey, Ernest F. Hollings, Daniel Moynihan, Patty Murray, Carol Moseley-Braun, and Max Cleland.

Mr. DASCHLE. Mr. President, here we go again. I thought that we had an understanding about the opportunity that we would be presented to have a good debate. In fact, I am going to go back to the RECORD and check, but I am quite sure that there was some understanding that there would not be any need to fill trees and to prevent open and free debate, because we saw what happened the last time we tried this. It locked up the Senate for weeks on end with absolutely no result.

I would ask my colleagues, what are you afraid of here? Why are our colleagues on the other side not willing to allow this body to work its will? Why is the majority party filibustering legislation that the majority of Senators supports?

Mr. President, I am disappointed and frustrated. I am prepared to take this to whatever length is required to bring it to a successful resolution this week, next week, at some point in the future. We have a lot of work to do here, and I want to work with the majority leader to find a way to accomplish all that must be done. But I can't think of a better way to slow progress, to stop progress, to preclude us from getting our work done than to deny this body the opportunity to have a good debate and some votes on this important issue.

I must say, it is, again, a reminder to the Democratic caucus that when we enter into these agreements, we better check the writing, we better check the specifics, we better ensure we have a clear understanding of what the agreement is.

There was a colloquy just a moment ago about whether or not we could have an up-or-down vote on the Snowe amendment. Clearly, with this scenario, there is no way you can have an up-or-down vote on the Snowe amendment. This is a tree so loaded that the branches are breaking. And so I suppose I could dream someday of drafting a scenario that would allow us to get to the amendment of the Senator from Maine. It ain't going to happen. With the tree as filled as it is right now, there is no way there will be a vote on the Snowe amendment.

I note, and the majority leader even noted, that there is maybe another option, another route, another bill, maybe, as the Senator from Arizona suggested, an appropriations bill. I suspect that this loaded tree will provide both sides with ample opportunity to offer amendments and bills to other amendments, and with a limited period of time, we all know what that means. But if those are the cards we are dealt, I am prepared to accept that as the circumstance and deal with it.

It is really amazing to me that there are those in the Senate who profess to support a process by which we can accomplish all of our legislative goals, but then continue to put obstacles in the path of resolution to the objectives in reaching those goals.

So, I am disappointed and, frankly, somewhat amazed that we have not learned our lessons of the past. But so be it, the tree is filled, the opportunities will be there, either this week, next week, the week after, but they will be there, just as they were last fall.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from North Dakota.

Mr. DORGAN. I thank the minority leader for yielding for a question. So that those who watch these proceedings and listen to these proceedings understand, is it not the case that a procedure, a rarely used procedure until recently, has been used today that is designed to block legislation, that creates shackles and handcuffs designed in a way to lock the legislation up so it can't move?

We were, as I recall, promised some long while ago that we would be able to consider campaign finance reform legislation on the floor of the Senate. So, a date was set, a time for a vote was set, and the legislation came to the floor of the Senate, at which time we discover that, although we have a first vote on a tabling motion, following that vote, this procedure, throughout its history always used to block legislation, is immediately employed.

The implication of that, I guess, is that there is not a desire to proceed to consider, fully consider campaign finance reform. Many in this Chamber have other amendments they wish to offer, have considered and have votes on. It appears to me that the procedure now employed by the majority leader is to say, "Yes, I brought it to the floor; yes, you had one tabling vote, and from now on we will do it the way I want to do it." As the Senator from South Dakota said, the majority leader expressed, "I filled up the tree and we will allow only amendments that I will allow in the future." It seems to me that is not an approach that is designed to allow consideration of campaign finance reform.

I ask the Senator from South Dakota, was it your understanding when we had an agreement on this issue that campaign finance reform would be brought to the floor of the Senate for a debate and for the opportunity to offer amendments and to consider fully and have votes on issues related to that subject?

Mr. DASCHLE. The Senator from North Dakota is absolutely correct. I think we can all go back and look through the RECORD and, again, as I say, we have to look at the meaning of each word in these agreements with perhaps greater skepticism. This idea of filling the tree is great short-term strategy. It has a horrible long-term effect, long-term effect on the comity of the of the Senate, long-term effect on getting legislation accomplished.

So we are compelled, once again, to use the techniques and methods we have used in the past. It is very likely that we will be relegated to using them again in the future.

The Senator is right, clearly we had an understanding that we would have an opportunity to debate issues, to offer amendments and ultimately to resolve this issue. We have been denied that as a result of the actions taken just now, and I deeply regret it.

Mr. WELLSTONE. Will the minority leader yield for one moment?

Mr. DASCHLE. I will be happy to yield to the Senator.

Mr. WELLSTONE. It will take me only a few seconds. Since this is an effort to basically choke off debate and deny us an opportunity to present amendments—many of us worked on this for years and care fiercely about it and many of the people in the country do. The minority leader understands and certainly realizes that on any bill that comes up forthwith, it would be our right to come back with these amendments, is that correct?

Mr. DASCHLE. The Senator from Minnesota is absolutely right. We will have the opportunity on countless occasions over the course of the next 10 months to revisit this issue, which obviously we will be in a position to do and be prepared to begin at some point either this week or next week. But we will certainly pursue this in other ways.

Mr. WELLSTONE. I thank the leader, because I very much want to do that. We have a right to continue to do this and if we are serious about it, we will fight for it, and we can bring amendments out over and over and over again, is that correct?

Mr. DASCHLE. That is correct.

Mr. KERRY. Mr. President, will the leader yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Massachusetts.

Mr. KERRY. I ask the leader, referring back to the October 30, 1997, CONGRESSIONAL RECORD, reading from the language of the leader himself, he said:

> This is not better—

Referring to the agreement—

> This is not better necessarily for Democrats or Republicans. But in our view, this is a very big victory for the country. This will give us an opportunity to have a good debate as we have discussed.

And then going on further, the minority leader said:

> I expect a full-fledged debate with plenty of opportunity to offer amendments. Given this agreement, now I have every assurance and confidence that will happen.

I recall, having been part of the discussion and referring back to Senator LOTT's request, Senator LOTT said:

> I further ask that if the amendment—

Referring to Senator MCCAIN's amendment—

> is not tabled . . . the underlying bill will be open to further amendments, debates and motions.

There was a clear understanding, if I am correct, and I ask the leader if there was not a clear understanding, that while the Republicans retained the right to filibuster, they would not fill up the tree and they would not deny the Senate the right to have the opportunity to debate and have a series of votes on the substantive issues, but that there would be a distinct opportunity for both sides to be able to amend and follow this debate? Is that the minority leader's understanding, and is that a correct reference to the language that he relied on at that time?

Mr. DASCHLE. There is no doubt about it. Again, Senator LOTT, and I quote a comment he made to reporters that very day, said: "As far as I can tell at this point, amendments would certainly be in order, would be considered, they might be second-degreed and they certainly would be given a third degree."

There is no question that we had the clear understanding that there would be an opportunity to have a good debate, offer amendments, have them voted upon and ultimately dispose of this issue.

So I am really disappointed we have not been able to reach that point in this debate to date, and this, in my view, is not what we had agreed to last fall.

Mr. KERRY. I thank the minority leader. I simply express on behalf of all of us I think who had an anticipation of an opportunity to bring a number of amendments that this is a setback for the Senate and it is clearly a setback for all those in the country who thought the Senate could approach the issue of reform responsibly.

When we talk about filling the tree here, for a lot of people who listen to these debates and don't know what that means, under the rules of the Senate, we are given an opportunity to be able to bring up an amendment according to the rules. But according to the rules, the majority leader has the opportunity of right of recognition to take up all of the options that the rules allow in order to bring up amendments. By doing that, he can choose to deny any other opportunity for an amendment.

That is precisely what the majority leader has chosen to do here. When we say he has filled up the tree, he has denied the Senate the opportunity to be able to bring amendments in order to be able to work the legislative process as people sent us here to do.

I think what he has asked for is a long process of delay. He has initiated gridlock in the U.S. Senate again, solely to protect a certain group of narrow vested interests represented in this campaign finance debate. It is very, very clear as of today, there are a majority of the U.S. Senate prepared to vote for campaign finance reform. There is a minority that is trying to stop it. They have that right, but they also, I hope, will be subject to the judgment of the American people who will recognize who is for campaign finance reform and who is against it. I thank the leader.

Mr. DASCHLE. Mr. President, I yield to the Senator from North Dakota.

Mr. DORGAN. For one additional question. I mentioned in my initial question to the Senator from South Dakota, this is a rarely used approach. It is true that this approach has been used by the majority leader a couple of times last year, but in history, it has been rarely used in the Senate. And the reason is, it is almost exclusively used to block legislation, but it is never successful, because you can block someone by tying legislation up in chains and shackles now and preventing anybody from offering an amendment, but you can't prevent that forever. You have to bring legislation to the floor of the Senate at some point which, according to the rules of the Senate, will allow another Senator to stand up and offer an amendment to such legislation.

In my judgment, this is very counterproductive. Some in this Chamber want to dig their heels in and say, "Notwithstanding what the majority wants to do in this Chamber, we intend to block campaign finance reform." You can block the right of Members to offer amendments now if you use this rarely used procedure, but you can't block people here forever from doing what we want to do, and that is have a full and good debate on campaign finance reform, offer amendments and have votes on those amendments.

I don't think the American people are going to be denied on this issue. The American people know this system is broken, it needs fixing, and they want this Congress and this Senate to do something about it. We can temporarily tie it up in these legislative chains, but that is not going to last forever, and I think that simply delays the final consideration of this issue.

Mr. DASCHLE. I thank the Senator from North Dakota for his comments, and I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, if I may, I listened with great interest to the comments of the Democratic leader and others on that side of the aisle. Point No. 1 should be crystal clear to everyone who has followed this debate. Forty-eight Senators are not in favor of this measure.

In the Senate, as we know in recent years, every issue of any controversy requires 60 votes. So it is not at all unusual when an issue cannot achieve 60 votes for it not to go forward. That is the norm around here.

Point 2. It does not make any difference in what context the issue comes up. There are 48 people in the Senate who are not willing to vote for this measure either on cloture or on a motion to table. So it isn't going to pass. It is not going to pass today, not tomorrow, not 3 months from now, not 5 months from now. We can decide whether we want to waste the Senate's time on an issue that is not going to pass. But it is clearly a waste of time.

With regard to how unusual it is to fill up the tree, let me just mention that when Senator Mitchell was majority leader in the 103d Congress, he filled up the tree on February 4, 1993; February 24, 1993; January 31, 1994; May 10, 1994; May 18, 1994; June 9, 1994; June 14, 1994; June 14, 1994; and August 18, 1994. Those are nine occasions, Mr. President, when Senator Mitchell, during the 103d Congress, nine occasions in which Senator Mitchell filled up the tree. This is not exactly uncommon. It is not a routine everyday activity, but it certainly is not uncommon.

In 1977, Jimmy Carter's energy deregulation bill, Senator BYRD was the leader and he filled up the amendment tree.

In 1984, in the Grove City case, Senator BYRD was in the minority, and he filled up the tree.

In 1985, the budget resolution, Senator Dole was the majority leader, and he filled up the tree.

In 1988, campaign finance—it has been around for a while—Senator BYRD filled up the tree, and there were eight cloture votes.

In 1993, there was an emergency supplemental appropriations bill, the so-called stimulus bill. Senator BYRD filled up the tree.

Let me say that it is not an everyday action but it is not uncommon for majority leaders to fill up the tree. What is fairly unusual is for the minorities to file cloture motions. Not common, typically done by the majority. And the only cloture motions we have at the desk at the moment are by the minority.

But the fundamental point is this, Mr. President. There are not enough votes in the Senate to pass this kind of measure. Consequently, it isn't going to happen. That is the way the process works around here. And we can waste a whole lot of time having repetitive votes. The 48 votes that were cast in favor of the motion to table were the same 48 votes that were cast against cloture in October. And it will be the same 48 votes that will be cast whether it is a motion to table or a motion to invoke cloture no matter how many times it is offered. So who is wasting the people's time here? It is certainly not the majority.

The majority leader sets the agenda. He is anxious to move on to issues that people care about that will make a difference to this country. And clearly, any way you interpret what had happened last October and here in February, there are not enough votes to pass this kind of campaign finance reform.

So, Mr. President, I just wanted to set the record straight with regard to how unusual it is for a majority leader to fill up the tree and to make the point that the 48 votes that were cast in favor of the motion to table today were the same 48 votes cast against the cloture motion back in October. This is a high water mark in the 10 years I have handled this debate. And 48 votes is the best we have ever done. This measure simply isn't going to pass.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, in response to the Senator from Kentucky, let me say the point still stands. I ask the Senator from Kentucky to do a little research and tell me whether in all of those instances, where he described the so-called filling of the tree, whether someone came to the floor of the Senate and tried to fill the legislative tree or create a set of chains beyond which the Senate could not work before filing a cloture motion and allowing the votes on amendments on an issue. I do not think he will find that circumstance existed.

He pointed out a number of occasions when the legislative approach was used. I said it is rarely used. I stand by that. But it is almost never used in a circumstance where prior to a cloture vote and prior to allowing amendments to be offered and voted, someone comes out here and ties the legislative system up with these chains and shackles. That has not been the case. And so we ought not to suggest this is some normal procedure that has been used on occasion over the years by both sides.

The point I make is this. This is not a partisan issue. There are Republicans that support campaign finance reform and Democrats who support campaign finance reform. In fact, there is a majority of the Members of this body that support campaign finance reform and if we can have a vote up or down on final passage in some reasonable form on campaign finance reform, it is going to pass. It is what the American people want and it is what this Congress ought to do.

The Senator from Kentucky appropriately said that there is a 60-vote issue in the Senate. And I understand that. That is what the rules provide. But it is extraordinary and it is unusual before a vote on cloture or vote on amendments with the exception of one for somebody to come out and say we are going to tie this whole system up and we are going to use a procedure that is always used to block legislation.

I say, we ought to let the American people have their day on the floor of the Senate. And their day is a day in which the Senate recognizes that this system needs reforming, this system needs changing. And if we debate between Republicans and Democrats and find a set of proposals, starting with McCain-Feingold, which I support, concluding perhaps with Snowe-Jeffords, which I also will support, and perhaps with some additional amendments, we will, I think, find an approach for campaign finance reform that, while not perfect, certainly does improve campaign finance in this country.

You cannot, in my judgment, stand here today and say, "Gee, the current system works really well. This is really a good system." The genesis of this system starts in 1974, with the campaign finance reform legislation in

1974. The system has been changed somewhat over the years by virtue of court decisions and rule changes, and also by some of the smartest legal minds in our country trying to figure out how you get campaign money under the door and over the transom and into the campaign finance system. The rules have now been mangled and distorted so badly that the system just does not work.

And if you have a system that is not working, it seems to me our responsibility is to say: Let's fix it. And, by the way, despite many attempts to muddy the waters on this, we are not saying: Let's fix it in a way that denies anyone a voice in this system or attempts to shut anyone down or any group down.

The McCain-Feingold bill, in my judgment, is a very reasonable approach to addressing the abuses and the problems in the current campaign finance system.

The Snowe-Jeffords proposal, which I will support, is one that falls short of what I would like—I would like to expand its reach, and prefer the issue advocacy approach in the original McCain-Feingold.

Senator SNOWE is on the floor and prepared to speak to that amendment. Will her proposal advance us towards a better system? Yes, it will. So let us decide that we can be more than just roadblocks. I mean, the easiest thing in the world is to be a roadblock to something. I think it was Mark Twain who once said, when he was asked if he would be willing to debate an issue, "Of course, providing I'm on the negative side."

They said, "You don't even know the subject."

He said, "It doesn't matter. It doesn't take any time to prepare for the negative side."

It is always easy to be against something.

So I hope, as we go along, the majority leader and others will think better of a strategy that says we allowed you to bring it to the floor, but we are not going to allow a full and free debate and votes on amendments. I hope he will think better of that, because there isn't a way, in the long run, to shut off our opportunity to thoughtfully consider this legislation, and to prevent our ability to offer amendments.

Mr. President, I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

AMENDMENT NO. 1647

Ms. SNOWE. Mr. President, I rise today to offer an amendment on behalf of myself and Senator JEFFORDS, along with a bipartisan group of colleagues—Senator McCAIN, Senator FEINGOLD, Senator LEVIN, Senator LIEBERMAN, Senator CHAFEE, Senator COLLINS, Senator THOMPSON, which I believe represents a commonsense middle-ground approach to reforming our campaign financing system in America.

As I think our colleagues know, I have long been a proponent of fair, meaningful changes in the way campaigns are financed in this country. That is why, when this issue came to the floor last year, I worked with Senators McCAIN, JEFFORDS, FEINGOLD, Senator DASCHLE, and others, to try to forge a compromise that would address the concerns of both sides and move the debate forward. I said then on the Senate floor, and say again today, that we should be putting our heads together, not building walls between us with intractable rhetoric and all-or-nothing propositions.

While that effort was not successful, I am pleased that we are again having the opportunity to address campaign reform, and I thank the distinguished majority leader for making this possible. I also want to thank the bill's sponsors—Senators McCAIN and FEINGOLD—for their continued leadership and determination on this issue, and their support of the efforts that are being done here today with Senator JEFFORDS and myself.

I want to acknowledge the hard work of my colleagues who are committing themselves to this compromise amendment and have committed themselves to moving campaign finance reform forward: Senators LEVIN, CHAFEE, LIEBERMAN, THOMPSON, COLLINS, BREAUX, and SPECTER have worked very hard with us on crafting this amendment. They have made clear their support for meaningful reform this year.

Last year, this body became stuck in the mire of all-or-nothing propositions and intransigence. We missed an opportunity to coalesce around a middle ground—any middle ground—and the result was that the status quo remained alive and well. Despite the efforts of some of us who tried to work to forge a compromise that would have moved the debate forward, campaign finance reform died a quiet and ignoble death here in the U.S. Senate.

The reasons are many but the central issue then, as now, centered on the objection of Republicans to a package that does not address the issue of protecting union members from having their dues used without their permission for political purposes with which they may disagree, and the objection of Democrats to singling out unions while not providing similar protections for corporation shareholders.

Let me say that I am among those Republicans who have had a concern about the use of union dues for political purposes and, in fact, the campaign finance reform bill that I introduced last year included language similar to the Paycheck Protection Act. I happen to think it is not a bad idea, and in a perfect world where I could get my way on this and still pass meaningful reform, I would support it.

But the fact is, I believe we can still have fair and meaningful reform at the same time we take a step back from this incredibly divisive issue. In fact, it is probably the only way we can have such reform. The bottom line is, we will never pass campaign finance legislation—at least in the foreseeable future—if we take an all-or-nothing approach on this facet of reform. And I believe that we can and must make significant changes that may not be perfect, that may not make everyone happy, but which will be a great improvement over the current morass we find ourselves in.

If we do nothing, we will see a repeat—or likely an even worse scenario—of what we saw in 1996, which confirmed all the reasons why it is imperative to be strong proponents of campaign finance reform. We saw over $223.4 million in soft money raised by the two national parties—three times more than in the last Presidential election. We saw more than $150 million—we do not know the precise amount because it is not disclosed—spent on attack ads paid with unlimited funds by third-party groups that made candidates largely incidental to their own campaigns.

We saw an electorate that was, to put it bluntly, disgusted by the spectacle. And the 1996 elections were barely over when allegations were made of illegal and improper activities, centered around the issues of so-called "soft money" and foreign influence peddling through campaign contributions, all egregious abuses highlighted by the Senate Governmental Affairs hearings.

All of this has only served to further undermine public confidence and underscore the importance of enacting meaningful and achievable campaign finance reform this year.

I believe that S. 25 is a good start, and I commend Senators McCAIN and FEINGOLD for their tenacity in getting this bill to the Senate floor once again. One of the most important aspects of this scaled-back version of the original bill is its ban on soft money. We all know that soft money is becoming a major issue, and for good reason. It is money that circumvents the intent of the law—unaccounted for money which influences Federal campaigns above and beyond the intended limits.

S. 25 takes a tremendous step forward by putting an end to national party soft money, as well as codifying the so-called Beck decision, making prudent disclosure reforms, tightening coordinating definitions, and working to level the playing field for candidates facing opponents with vast personal wealth to spend in their own campaigns.

Do I think this is a perfect bill? No. Are there other things I would like included? Of course. Do I think it can be improved? Certainly. That is why I have again teamed up with my colleague from Vermont, Senator JEFFORDS, to work with the sponsors of this legislation, Senators MCCAIN and FEINGOLD and others, in a fresh approach developed by noted experts and reformers, including Norm Ornstein, Dan Ortiz of the University of Virginia School of Law, Josh Rosenkranz at the Brennan Center for Justice at NYU, as well as others. They developed a proposal to address the exploding use of unregulated and undisclosed advertising that affects Federal elections and the concerns of many that the intent of S. 25 to address this issue would not withstand or survive court scrutiny.

Therefore, the amendment that my colleague from Vermont and I are offering will fundamentally change the way in which the underlying bill addresses this issue. It strikes section 201 of title II, which redefines express advocacy and replaces it with the language that we have offered in our amendment that makes a clearly defined distinction between issue advocacy and influencing a Federal election. In other words, we are making a distinction between candidate advocacy and issue advocacy. This is important because, if the courts rule the efforts of S. 25 to address this distinction as unconstitutional, then essentially all that will remain from S. 25 is a ban on soft money. If that happens, we will be left with only one-half of the equation. I share the concerns of those who want to see balanced reform and who want to improve the system.

Our amendment applies to advertisements that constitute the most blatant form of electioneering. The chart to my left shows what the Snowe-Jeffords amendment does. It is a straightforward, two-tier approach that only applies to ads run on television or radio—those are the only ads that this amendment addresses—near an election, 60 days before a general election, 30 days before a primary, that identify a Federal candidate, that mentions a Federal candidate in that radio ad or that television ad, and only if the group spends more than $10,000 on such ads in a year. What we require is the sponsors' disclosure and also the donors on such ads because we think it is important that donors who contribute more than $500 to such ads should be disclosed by these organizations.

The amendment also prohibits direct or indirect use of corporation or union money to fund the ads in the 60 days before the general election and 30 days before the primary. We call this new category "electioneering" ads—again, making the distinction between issue advocacy and candidate advocacy designed to influence the outcome of a Federal election.

They are the only communications that we address in our amendment, and we define them very narrowly and very clearly. If the ad is not run on television or radio, if the ad is not aired within 30 days of a primary and 60 days before a general election, if the ad doesn't mention a candidate's name or otherwise identify either he or she clearly, if it isn't targeted at the candidate's electorate, or if a group hasn't spent more than $10,000 in that year on these ads, then it is not an electioneering ad. If an item appears in a news story, editorial, commentary, distributed through a broadcast station, it is also not an electioneering ad, plain and simple.

If one does run one of these electioneering ads, two things happen. First, the sponsor must disclose the amount spent and the identity of the contributors who donated more than $500 to the group since January 1 of the previous year. Right now, candidates, as we all well know since we have been candidates, have to disclose campaign contributions over $200. So the threshold and the requirement in this amendment is much higher.

Second, the ad cannot be paid for by funds from a business corporation or labor union in the nonvoluntary contributions such as union dues or corporate treasury funds.

Again, I just want to repeat, these are basically the provisions on what this amendment would do. We have heard a lot of things about what it would do, and I want to make sure that everybody understands. It is very simple, very direct, it is very narrow. The clear and narrow wording of this amendment is important because it passes two critical first amendment doctrines that were at the heart of the Supreme Court's landmark Buckley v. Valeo decision—vagueness and overbreadth.

Vagueness could chill free speech if someone who would otherwise speak chooses not to because the rules aren't clear and they fear running afoul of the law. We agree that free speech should not be chilled, and that is why our rules are clear. Any sponsor will know with certainty if their ad is an electioneering ad. That, again, gets back to when the ad is run and whether or not it mentions a candidate by name.

Overbreadth can unintentionally sweep in a substantial amount of constitutionally protected speech. But our amendment is so narrow that it easily satisfies the Supreme Court's overbreadth concerns. We strictly limit our requirement to ads near an election that identify a candidate or ads that plainly intend to convince voters to vote for or against a particular candidate.

Nothing in the Snowe-Jeffords amendment restricts the right of any advocacy group, labor union, or business corporation from engaging in issue advocacy or urging grassroots communications. If a group were truly interested in only the issues, all they would have to do to avoid our requirements is to run an ad talking about the issues and encouraging people to call their Senators rather than naming them. Indeed, nothing in our amendment prohibits groups like the National Right-to-Life Committee, the Sierra Club, and a host of groups that exist in America from running electioneering ads, either. We just require them to disclose how much they are spending on electioneering ads, who contributes more than $500, and we prohibit them from using union and corporation money during that 60-day period before the general election and 30 days before a primary.

So we create a very narrow standard. Even if the threshold of disclosure is $500, it is not like what it was in the Buckley v. Valeo decision where it was $10. That was broad and it was sweeping, drawing everybody in, and it raised questions in the Court. That is why they struck it down. We are raising a threshold of $500—$300 more than we are required in terms of disclosing our donors.

Both of the basic principles, disclosure and a prohibition on union and corporation treasury funds, not only make sense, they are also on solid, legal footing. As detailed in a letter recently circulated by legal experts Burt Neuborne, professor of law at NYU School of Law; Norm Ornstein; Dan Ortiz; and Josh Rosenkranz, executive director of the Brennan Center, the Supreme Court has made clear that, for constitutional purposes, electioneering is different from other forms of speech. Congress is permitted to demand the sponsor of an electioneering message to disclose the amount spent on the message and the source of funds. Congress may prohibit corporation and labor unions from spending money on electioneering. These legal scholars further state that in Buckley the court declared that the governmental interests that justify disclosure of election-related spending are considerably broader and more palatable than those justifying prohibitions or restrictions on election-related spending.

Disclosure rules, the Court said, enhance the information available to the voting public. That is why we disclose; that is why we are required to disclose; that is why the Congress can require us to disclose; and that is why the Supreme Court has upheld it. Disclosure rules, according to the Supreme Court, are the least restrictive means of curbing the evils of campaign ignorance and of corruption. Our disclosure rules are eminently reasonable.

Second, the Congress has had a long record, which has been upheld, of imposing more strenuous spending restrictions on corporations and labor unions. Corporations have been banned from electioneering since 1907, unions since 1947. As the Supreme Court pointed out in the United States v. UAW, Congress banned corporate and union contributions in order "to avoid the deleterious influences on Federal elections resulting from the use of money by those who exercise control over large aggregations of capital." In 1990 the Supreme Court upheld that rationale, as well.

If anything, we have increased first amendment rights for union members and shareholders, while we maintain the right of labor and corporate management to speak through PACs and raising hard money like other political action committees.

As these legal experts further state, "The Snowe-Jeffords amendment builds on these bedrock principles, extending current regulations cautiously and only in the areas in which the first amendment protection is at its lowest ebb. It works within the framework of the two contexts—disclosure rules and corporate and union spending—" which the Supreme Court allows and says we have the broadest discretion when it comes to governmental interest and governmental regulations, as well as corporate and union spending because we have had a century of rulings by the Supreme Court, not to mention Congress, in this issue, "in which the Supreme Court, as well, has been most tolerant of campaign finance regulations."

Hearing the debate here today, there have already been misconceptions out there. I think it is important to make very clear what this amendment does not do. I have a chart here to my right that talks about what the Snowe-Jeffords amendment would not do. I think it is important to restate this because there is a lot of information that has been circulated here in the Congress about saying what it would do, from a variety of groups, saying they would not be able to disseminate electioneering communications.

That is not true. It would not prohibit groups like the Sierra Club or the right-to-life or any other group from disseminating electioneering communications. They can send out whatever they want.

It would not prohibit these groups, again, from accepting corporate or labor funds.

It would not require groups like the Sierra Club or right-to-life to create a PAC or other separate entities.

It would not bar or require disclosure of communications by print media, direct mail, voter guides or any other nonbroadcast media because, again, it only applies to TV and radio broadcast 60 days before the election.

It would not affect the ability of any organization to urge grassroots contacts with lawmakers on upcoming votes. They could say, "Call your Senator." They could say, "Call your Senator on the 1-800 number" which is a very popular means of advertising today. But if they use the Senator's name 60 days before the election, they have to disclose their donors who donate more than $500.

It does not require invasive disclosure of all donors, because some have said it will require them to release their donors list. Well, we all have to release donors at a certain threshold. We are not requiring everybody to release donors lists. We are saying in a very narrow period, right before the election, those groups who identify candidates in their ads or use a likeness are required to disclose their donors who donate more than $500. That is not invasive. It is not intrusive.

It would not require advance disclosure of full contents of ads. Some have said in some of the material circulated here in Congress that somehow these groups will be required to disclose in advance the contents of their ad. That is not true.

So, it is important to understand what this amendment does as much as in terms of what it does not do. It is a very limiting amendment. That is why it will withstand constitutional scrutiny. That is why it is important for everybody to understand that. So every group can advertise, they can communicate, they can accept money. But in that narrow period of time before the general election, if they target a candidate by identifying them by name—because if they are doing that, it is designed to influence the outcome of the election—that will be upheld by the courts.

We are not saying they can't engage in grassroots activities and communications with their lawmakers who come and vote in Congress. They can urge their Senator or urge their Congressman to vote for or against such and such a bill. It is not affected by this amendment. All we are doing is requiring disclosure. Now that is for a very good reason, as to why we require disclosure, as we will see in the next chart of how much money is being placed in these elections by groups that don't have to disclose $1.

Mr. President, this is a sensitive and reasonable approach to addressing a burgeoning segment of electioneering that is making a mockery of our campaign finance system. That is why it is important to use the 1996 election. It is certainly the one that reflects the most significant changes in campaigns. As is indicated by the two charts behind me—and I am going to describe this because I think it is interesting to show the problem we are facing in elections today, and it will only get worse. It will only get worse. We haven't seen a declining amount of money in each subsequent election. In fact, the opposite is true, as we well know.

According to the Annenberg Public Policy Center, it shows that $130 million to $150 million was spent on issue ads in the 1996 election. But that is just a guesstimate because they don't disclose. We don't know. It could be far more than that. It could be more than $150 million. That is the best guess, the best estimate anybody can make. Money spent by all candidates, including the President, U.S. Senate and U.S. House, was $400 million. So a third of the ad spending was done on issue ads. A third of all the money that was spent by candidate advertising was spent on issue ads, and they didn't even have to disclose a dime.

Now, something is wrong. Something is wrong with a system where a third of all the money was spent on candidate advertising and not one dime was disclosed in the last election. Do you think this number is going to get worse, or is it going to get better? It is going to get worse.

The chart represents the so-called issue ads in the 1996 elections. Again, according to the Annenberg Public Policy Center of the University of Pennsylvania survey—and it is important to look at this because when you see so-called issue ads, many of them are designed to influence the outcome of an election. It is not talking about legislative outcome. And no one wants to affect issue ads in which a group has a legitimate right and is entitled to discuss issues and run an ad that tells a Senator or a Member of Congress how to vote without identifying them. You must disclose it if their name is mentioned, if you do it 60 days before the election. Interestingly enough, on these so-called issue ads, almost 87 percent referred to an official or a candidate; 87 percent of the so-called issue ads referred to an official or a candidate. Instead of saying, "Call your Senator," or, "Call your Congressman," they identified that official or that candidate by name. That is the big distinction between issue advocacy and candidate advocacy. We do not want to infringe upon the rights of those groups who want to conduct grassroots communications through their membership or through Members of Congress and their elected officials on the issues of true issue advocacy. But now it is becoming candidate advocacy, designed to influence the outcome of a Federal election.

Pure attack in 1996 issue ads. According to the Annenberg survey, 41 percent of those issue ads were "pure attack"—41 percent; 24 percent, Presidential ads; debates, 15 percent; free time, 8.9 percent; and 36 percent from the news organizations. But 41 percent of the attacks came from what were so-called issue ads. That is the problem that we are facing in the system today.

Now, that is why this amendment Senator JEFFORDS and I are offering requires disclosure. We are not even saying they can't do it. We are saying that 60 days before the election, if they mention a candidate by name, they have to disclose their donors of $500 or more. Now, I know there are some in this body who object to disclosure. But can anyone, with a straight face, tell me that when ads like these clearly cross the line into electioneering—which is a different category—there should not even be disclosure? Candidates, as I said earlier, have to disclose, and as candidates, I could not believe we would not want more disclosure in other areas that affect candidates in elections throughout this country.

So can somebody honestly say that groups that spend millions of dollars in ads near elections that mention specific candidates don't have to disclose anything? Are we prepared to say that we don't even have the right to know who is spending vast sums of money to influence Federal elections? It is interesting to me we had $150 million—it could be more—spent in the last election cycle and we don't even know who donated that money. Yet, 87 percent of those so-called issue ads identified the candidate.

As the letter from the legal scholars that I referenced earlier states:

> The Supreme Court has never held that there is only a single constitutionally permissible route a legislature may take when it defines "electioneering" to be regulated or reported. Congress has the power to enact a statute that defines electioneering in a more nuanced manner, as long as its definition adequately addresses the vagueness and overbreadth concerns expressed by the Court.

The letter from these distinguished scholars also says:

> The Supreme Court has made clear that, for constitutional purposes, electioneering is different from other speech (FEC v. Massachusetts Citizens for Life). Congress has the power to enact campaign finance laws that constrain the spending of money on electioneering in a variety of ways . . . (Buckley v. Valeo). Congress is permitted to demand that the sponsor of an electioneering message disclosure the amount spent on the message and the sources of funds. And Congress may prohibit corporations and labor unions from spending money on electioneering. This is black letter constitutional law about which there can be no serious dispute.

Again, these are their words, and these are constitutional experts. These are the words of experts who have made a life of studying these issues.

Mr. President, we have the power and the obligation to put elections and specifically electioneering ads—because that is what this amendment is all about—back into the hands of voluntary, individual contributors. The question before us now is, will we stand foursquare behind reform? Will we support this incremental, reasonable, constitutional approach that gets at some of the core abuses that we have seen in previous elections?

Maybe the question is better stated this way: How can we not support such a reasonable approach? How can we go home and face our constituents, our electorate, and explain that we didn't even want to vote for a measure that would give them the information they need to be informed voters? How can we go home without having voted for a measure that addresses at least some aspect of campaign reform that Americans view as out of control in a sensible and reasonable way?

Let's make no mistake about it; we will pay the price. To those who hide behind the mistaken notion—the doorkeepers of the status quo—that people don't really care, I say that you are making a grave mistake. Yes, some of you may point to studies such as the January poll conducted by the Pew Research Center, which ranked campaign reform 13th on a list of 14 major issues. But let's look at the reason. The report also said that the public's confidence in Congress to write an effective and fair campaign law had declined.

That is a sad commentary. Many Americans have taken campaign finance off of their radar screens simply because they have given up on us. Frankly, it is an embarrassment, Mr. President. That this great body has not come together on some reasonable, incremental reform to move the issue forward is unacceptable. That is why Senator JEFFORDS and I have worked, with a bipartisan group, to change the dynamic in this debate, to address what were some legitimate concerns about some of the issue advocacy provisions of the McCain-Feingold amendment, on some of their restrictions. So this takes a different approach, based on what legal and constitutional experts have said would withstand judicial scrutiny.

We have a chance to remedy this abrogation of our responsibility and, so far, we have failed to address some of the serious inequities and abuses in our campaign finance system. Our amendment would deal simultaneously and in a realistic way with broadcast electioneering messages at the time they have the most impact—which is right before an election, and, as we all know, that is where most of the money is spent in the final analysis—and a clear campaign context. It would provide the electorate with information as to who is running the ads. Isn't that something that everybody is entitled to know when we are seeing $150 million and we don't know who spends that money? Not one penny. In fact, it is probably much more.

Our amendment would reinforce the traditional rules, limiting the role of unions and corporations in elections. I believe that this amendment would move us forward, again, because the courts, as well as Congress, have been able to draw a line on imposing restrictions on certain groups, and it can do so when it comes to unions and corporations because of the preferential benefits that have been accorded to them through the U.S. Congress and by statute in law.

Typical of any compromise, both sides of the aisle have identified aspects of the measure they might not like. But I think that always means that we are on the right track. It is my hope, Mr. President, that this commonsense, incremental approach can be the impetus to passing an improved, balanced and fair S. 25. I sincerely believe that we can and must take a first step toward restoring public confidence and public faith in our campaign finance system. We are the stewards of this great democracy that has been handed down from our forefathers—who would be aghast if they saw the state of campaigning in this country today, I might add—and it is our responsibility to see that it does not disintegrate under the weight of public cynicism and mistrust.

As I said last year, it is the duty of leaders to lead and that means making some difficult choices and doing the right thing. I had hoped that our leaders would have been able to have come together and I had urged last fall that we have a bipartisan group to work out a plan, through the leaders, to come to the floor. That didn't happen. But many of us in the rank and file are working together on a bipartisan basis because we think this issue is important. Not to say that all we are doing is right and perfect; it is not. But it advances the process forward, the issue forward, and it makes substantial improvements on those areas which we have identified to be the most problematic in our campaign finance system today.

I hope that we would not entrench ourselves in the rhetoric of absolutism. Let us not shun progress in the name of perfection. The fact is, improved S. 25 would be a good bill and it would be a good start down the road to putting our elections back into the hands of the American people. I urge my colleagues to join my colleague Senator JEFFORDS and others in bringing this bill out of the shadows of obfuscation and into the light of honest discussion and debate. The American people expect as much and they certainly deserve as much.

Mr. President, I know we will have further discussions on this issue tomorrow before we have a vote on the motion to table. But I urge that each and every Senator give consideration to this amendment—that has been offered by a bipartisan group—that Senator JEFFORDS and I have been working on with others in hopes of moving this debate forward, to change the debate discussion and to show there is an earnestness and willingness to approach this very serious issue; not to set it aside, not to deflect it, not to ignore it, saying it will go away and people will not notice. I happen to think that people will notice. They will notice.

They will be quickly reminded when they see the next election, because more money will be spent, as we see in this $150 million. This number is going to go up and people will be reminded how much they care about this issue. But more important, they will be reminded, if we fail to take action here, of our unwillingness and our failure to take action on this issue.

I suggest to Members that we are embarking on a high-risk strategy by suggesting that somehow we can get away with not addressing this issue. I think that is a very high-risk strategy and I think it is dead wrong.

I hope Members of this Senate will look very carefully at this amendment. There is nothing tricky about it. It is pretty straightforward, in accordance with the decisions that have been rendered by the Court in the past. It is very narrowly drawn, very precisely drawn, requiring disclosure. Because that is where the Court has granted a greater prerogative to the Congress and to the public's right to know, and restrictions only in those areas in which the Court and Congress has ruled in the last century, because we have a right to draw that line when it comes to unions and corporations.

So, I hope that each Member of the Senate will have a chance, over the next 24 hours, to look at this amendment very carefully and to see that it does move in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. The distinguished Senator from Maine asks rhetorically who would be opposed to disclosure of group contributions? I would say to my friend from Maine, the Supreme Court would be opposed to it. In the 1958 case of NAACP v. Alabama, the Court ruled definitively on the issue of whether a group could be required to disclose its membership or donor list as a precondition for criticism or discussion of public issues. So the Supreme Court very much is opposed to requiring groups, as a condition of engaging in issue advocacy, constitutionally-protected speech, that they have to disclose their list.

Interestingly enough, two groups that certainly have not been aligned with this Senator on this issue over the years had something to say about that. Public Citizen and the Sierra Club, on the question of disclosure of issue advocacy:

> Top officials in Public Citizen and the Sierra Club Foundation, a separate tax-exempt offshoot of the environmental organization, argued that divulging their donor lists would either give an unfair advantage to competitors or unfairly expose identities of their members.
>
> "As I am sure you are aware, citizens have a First Amendment right to form organizations to advance their common goals without fear of investigation or harassment."

That was Joan Claybrook, with whom I have dueled on this issue for a decade, in response to questions about whether or not Public Citizen would be willing to disclose their donor list. Claybrook goes on:

> We respect our members' right to freely and privately associate with others who share their beliefs, and we do not reveal their identities. We will not violate their trust simply to satisfy the curiosity of Congress or the press.
>
> Bruce Hamilton, national conservation director for the Sierra Club Foundation, said [of] donors to the separate Sierra Club's political action committee . . .

Of course they are required to disclose, because they engage in express advocacy. That is part of hard money, part of the Federal campaign system. What Senator SNOWE's amendment is about is issue advocacy, which is an entirely different subject under Supreme Court interpretations; an entirely different subject.

Now, the Sierra Club said with regard to compelling them to disclose their membership as a precondition for engaging in issue advocacy—Hamilton said:

> That is basically saying, "Turn around and give us your membership. . . . We want public disclosure of the 650,000 members of the Sierra Club, which is a valuable resource, coveted by others, because they can turn around and make their own list."

The last thing he had to say I find particularly interesting, and knowing the occupant of the Chair is from out West, he might appreciate this. He said:

> It can also be turned around and used against them. We have members in small towns in Wyoming and Alaska (who could by hurt) if word got out that they belong to the Sierra Club.

So I say to my friend from Maine, this is not in a gray area. The Supreme Court has opined on the question of the Government requiring a donor list of groups as a precondition for expressing themselves at any time—close to an election or any other time.

My good friend from Maine also cited a 1990 case, commonly referred to as the Austin case, in support of the notion that, somehow, the Court would sanction this new category of electioneering. The Austin case, I am sure my good friend from Maine knows, had to do with express advocacy, not issue advocacy. In the Austin case, they banned express advocacy by corporate treasurers. That of course has been the law since 1907. That is not anything new. You can't use corporate treasury money to engage in express advocacy of a candidate.

But the definitive case on the issue the Senator from Maine is really talking about, because her amendment deals with issue advocacy, is First National Bank of Boston v. Bellotti in 1978, where the Court held that corporations could fund out of their treasuries—out of their treasuries, issue advocacy.

So, with all due respect to my good friend from Maine, the courts have already ruled on the kind of issues that she is discussing here. No. 1, you can't compel the production of membership lists as a condition to criticize all of us. And, No. 2, issue advocacy cannot be redefined by Congress. The courts have defined what issue advocacy is.

Now, with regard to the opinion of various scholars, let me just say America's expert on the first amendment is the American Civil Liberties Union, and they wrote me just yesterday, giving their view on the Snowe-Jeffords amendment. Let me read a pertinent part.

> We are writing today, however, to set forth our views on an amendment to that bill dealing with controls on issue advocacy which is being sponsored by Senators Snowe and Jeffords. Although that proposal has been characterized as a compromise measure which would replace certain of the more egregious features of the comparable provisions of McCain-Feingold, the Snowe-Jeffords amendment still embodies the kind of unprecedented restraint on issue advocacy that violates bedrock First Amendment principles.
>
> Those time-honored principles were set forth with great clarity in Buckley v. Valeo.

Which we frequently refer to. The ACLU goes on:

> First, "issue advocacy" is at the core of democracy. In rejecting the claim that issue-oriented speech about incumbent politicians had to be regulated because it might influence public opinion and affect the outcome of elections, the Supreme Court reminded us of the critical relationship between unfettered issue advocacy and healthy democracy. "Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution."

Further, the ACLU said:

> . . . in an election season, citizens and groups cannot effectively discuss issues if they are barred from discussing candidates who take stands on those issues. "For the distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest." 424 U.S. at 43. If any reference to a candidate in the context of advocacy on an issue rendered the speaker or the speech subject to campaign finance controls, the consequences for First Amendment rights would be intolerable.
>
> Third [the ACLU says] to guard against that, the Court fashioned the critical express advocacy doctrine.

The Court fashioned it. They didn't say, Congress, you can make up something called electioneering. This is not our prerogative. The Court fashioned the critical express advocacy doctrine, which holds that:

> Only express advocacy of electoral outcomes may be subject to any form of restraint. Thus, only "communications that in express terms advocate the election or defeat of a clearly identified candidate" can be subject to any campaign finance controls.

Express advocacy: Within the Federal Election Campaign Act. Issue advocacy: Outside the Federal Election Campaign Act. That just didn't happen last year. This has been the law since Buckley. Issue advocacy has been around since the beginning of the country.

> Finally, and most importantly, all speech which does not in express terms advocate the election or defeat of a clearly identified candidate is totally immune from any regulation;

The ACLU continued:

> The Court fashioned the express advocacy doctrine to safeguard issue advocacy from campaign finance controls, even though such advocacy might influence the outcome of an election. The doctrine provides a bright-line, objective test that protects political speech and association by focusing solely on the content of the speaker's words, not the motive in the speaker's mind or the impact on the speaker's audience, or the proximity to an election.
>
> Nor does it matter whether the issue advocacy is communicated on radio or television, in newspapers or magazines, through direct mail or printed pamphlets. What counts for constitutional purposes is not the medium, but the message.

My understanding of the Snowe-Jeffords amendment is that these restrictions only apply to television and radio. But there is no constitutional basis for sort of segmenting out television and radio and saying those kinds of expenditures require the triggering of disclosure, but it's OK to go on and engage in direct mail or presumably telephones or anything other than the broadcast medium. That is in a somehow different category.

By the same token, it is constitutionally irrelevant whether the message costs $100 or $1,000 or $100,000. It is content, not amount, that marks the constitutional boundary for allowable regulation and frees issue advocacy from any impermissible restraint. The control of issue advocacy is simply beyond the pale of legislative authority.

So the Snowe-Jeffords amendment violates these cardinal principles. First, the amendment's new category, which we have not heard before, of electioneering communication is simply old wine in old bottles with a new label. The provision would reach, regulate and control any person, group or organization which spent more than $10,000 in an entire calendar year for any electioneering communications.

The ACLU says that critical term is defined solely as any broadcast communication which refers to any Federal candidate at any time within 60 days before a general or 30 days before a primary election and is primarily intended to be broadcast to the electorate for that election, whatever that means.

The unprecedented provision is an impermissible effort to regulate issue speech which contains not a whisper of express advocacy simply because it refers to a Federal candidate who is more often than not a congressional incumbent during an election season.

The ACLU says the first amendment disables Congress from enacting such a measure regardless of whether the provision includes a monetary threshold, covers only broadcast media, applies only to speech during an election season and employs prohibition or disclosure as its primary regulatory device. It would still cast a pall over grassroots lobbying and advocacy communication by nonpartisan, issue-oriented groups like the ACLU, for example.

It would do so by imposing burdensome, destructive and unprecedented disclosure and organizational requirements and barring use of any organizational funding for such communications if any corporations or unions made any donations to the organization.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ACLU,
WASHINGTON NATIONAL OFFICE,
Washington, DC, February 23, 1998.

DEAR SENATOR: We have shared with you our grave concerns about the different versions of the McCain-Feingold campaign finance bill that have been before the Senate. (See "Dear Senator" letter dated February 19, 1998 and enclosure.) For the reasons we have stated previously, the most recent "pared down" reincarnation of that bill remains fundamentally flawed, and we continue fully to oppose it.

We are writing today, however, to set forth our views on an amendment to that bill dealing with controls on issue advocacy which is being sponsored by Senators Snowe and Jeffords. Although that proposal has been characterized as a compromise measure which would replace certain of the more egregious features of the comparable provisions of McCain-Feingold, the Snow-Jeffords amendment still embodies the kind of unprecedented restraint on issue advocacy that violates bedrock First Amendment principles.

Those time-honored principles were set forth with great clarity in *Buckley* v. *Valeo*, 424 U.S. 1 (1976) and reaffirmed by numerous Supreme Court and lower court rulings ever since.

First, "issue advocacy" is at the core of democracy. In rejecting the claim that issue-oriented speech about incumbent politicians had to be regulated because it might influence public opinion and affect the outcome of elections, the Supreme Court reminded us of the critical relationship between unfettered issue advocacy and healthy democracy. "Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution." 424 U.S. at 14.

Second, in an election season, citizens and groups cannot effectively discuss issues if they are barred from discussing candidates who take stands on those issues. "For the distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest." 424 U.S. at 43. If any reference to a candidate in the context of advocacy on an issue rendered the speaker or the speech subject to campaign finance controls, the consequences for First Amendment rights would be intolerable.

Third, to guard against that, the Court fashioned the critical express advocacy doctrine, which holds that only express advocacy of electoral outcomes may be subject to any form of restraint. Thus, only "communications that in express terms advocate the election or defeat of a clearly identified candidate" can be subject to any campaign finance controls.

Finally, and most importantly, all speech which does not in express terms advocate the election or defeat of a clearly identified candidate is totally immune from any regulations; "So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views." 424 U.S. at 45.

The Court fashioned the express advocacy doctrine to safeguard issue advocacy from campaign finance controls, even though such advocacy might influence the outcome of an election. The doctrine provides a bright-line, objective test that protects political speech and association by focusing solely on the content of the speaker's words, not the motive in the speaker's mind or the impact on the speaker's audience, or the proximity to an election.

Nor does it matter whether the issue advocacy is communicated on radio or television, in newspapers or magazines, through direct mail or printed pamphlets. What counts for constitutional purposes is not the medium, but the message. By the same token, it is constitutionally irrelevant whether the message costs $100 or $1,000 or $100,000. It is content, not amount, that marks the constitutional boundary of allowable regulation and frees issue advocacy from any impermissible restraint. The control of issue advocacy is simply beyond the pale of legislative authority.

The Snowe-Jeffords amendment violates these cardinal principles.

First, the amendment's new category of "electioneering communication" is simply old wine in old bottles with a new label. The provision would reach, regulate and control any person, group or organization which spent more than $10,000, in an entire calendar year, for any "electioneering communications." That critical term is defined solely as any broadcast communication which "refers to" any federal candidate, at any time within 60 days before a general or 30 days before a primary election, and "is primarily intended to be broadcast to the electorate" for that election, whatever that may mean.

This unprecedented provision is an impermissible effort to regulate issue speech which contains not a whisper of express advocacy, simply because it "refers to" a federal candidate—who is more often than not a Congressional incumbent—during an election season. The First Amendment disables Congress from enacting such a measure regardless of whether the provision includes a monetary threshold, covers only broadcast media, applies only to speech during an election season and employs prohibition or disclosure as its primary regulatory device. It would still cast a pall over grass-roots lobbying and advocacy communication by nonpartisan issue-oriented groups like the ACLU. It would do so by imposing burdensome, destructive and unprecedented disclosure and organizational requirements, and barring use of any organizational funding for such communications if any corporations or unions made any donations to the organization. The Snowe-Jeffords amendment would force such groups to choose between abandoning their issue advocacy or dramatically changing their organizational structure and sacrificing their speech and associational rights.

Beyond this new feature, the Snowe-Jeffords amendment simply leaves in place many of the objectionable features of McCain-Feingold that we have criticized previously. One is the unprecedented generic expansion of the definition of "express advocacy" applicable to all forms of political communication going forward in all media and occurring all year long. Another are the intrusive new "coordination" rules which will be so destructive of the ability of issue organizations to communicate with elected officials on such issues and later communicate to the public in any manner on such issues. And the radically expanded activities encompassed within the new category of "electioneering communications" would be subject to those radically expanded coordination restrictions as well. The net result will be to make it virtually impossible for any issue organization to communicate, directly or indirectly, with any politician on any issue and then communicate on that same issue to the public.

All of this will have an exceptionally chilling effect on organized issue advocacy in America by the hundreds and thousands of groups that enormously enrich political debate. The bill flies in the face of well-settled Supreme Court doctrine which is designed to keep campaign finance regulations from ensnaring and overwhelming all political and public speech. And the bill will chill issue discussion of the actions of incumbent officeholders standing for re-election at the very time when it is most vital in a democracy: during an election season. It may be inconvenient for incumbent politicians when groups of citizens spend money to inform the voters about a politician's public stands on controversial issues, like abortion, but it is the essence of free speech and democracy.

In conclusion, the ACLU remains thoroughly opposed to McCain-Feingold. The ACLU continues to believe that the most effective and least constitutionally problematic route to genuine reform is a system of equitable and adequate public financing. While reasonable people may disagree about the proper approaches to campaign finance reform, McCain-Feingold's restraints on issue advocacy raise profound constitutional problems, and nothing in the Snowe-Jeffords amendment cures those fatal First Amendment flaws.

Sincerely,

LAURA W. MURPHY,
Director, ACLU Washington Office.
JOEL GORA,
Dean & Professor of Law, Brooklyn Law School and Counsel to the ACLU.

Mr. McCONNELL. Mr. President, we will discuss this issue further tomorrow. Let me sum it up by saying the courts are clear. The definition of express advocacy has been written into the laws of this country through court decisions. It is clear what issue advocacy is. It is clear that under previous Supreme Court decisions that you cannot compel a group to disclose its donors or membership lists as a condition for expressing themselves on issues in proximity to an election or any other time for that matter.

Mr. President, I will be happy to discuss these issues further tomorrow. With that, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I understand what my good friend from Kentucky is saying, but I remind everyone what the real issue is, and that is elections. We are talking about a system which has developed over the past couple of years which has seriously imposed upon us unfairness as far as candidates are concerned who find themselves faced with ads, and other areas of expression, to change the election. Why would they spend $135 million to $200 million unless it was successful?

Let us get a real-life situation of what we are talking about. I have been in the election process for many, many years, and I know from my own analysis—and I think it probably is carried forward everywhere—that the critical time in an election to make a change in people's minds is the last couple of weeks.

Basically, I find that probably of the electorate, only about 50 percent care enough about elections to even go. That is the average across the country. Of that 50 percent, probably half of them will make up their minds during the last 2 weeks.

So you are out and have a well-planned campaign and everything is coming down to the end. You can go and find out what your opponent has to spend, and you can try to be ready to match that. And then whammo, out of the blue comes all these ads that are supposedly issue ads, but they are obviously pointed at positions that are taken by you saying how horrible they are. So these are within the Snowe-Jeffords amendment.

What can you do about it? You cannot do anything. You cannot even find out who is running them, unless you are lucky and have an inside source in the TV and radio stations to tell you who it is. You cannot find out. There is no disclosure.

The most important part of our amendment is just plain disclosure. If it is far enough in advance, 30 days before a primary and 60 days before a general election, at least you have time to get ready for it. If you know you are going to get all these ads coming, then you can reorder your priorities of spending. You can say, "Oh, my God, we have all this coming," and you never know until it is all over. You are gone. You lose the election and you didn't know. The opposition comes forth with this barrage and you are totally helpless.

What we do is not anywhere near what we would like to do in the sense of protection against this kind of thing, because I am sure they will find ways to get around it and feel they do not have to disclose. But it is so simple.

What is wrong with disclosure? What is wrong, if somebody is going to spend a couple of million bucks in the election against you, with at least knowing what is coming and who it is coming from? That is all we are asking for. We don't say you can't do it. Another thing we do, as explained very well by Senator SNOWE, is deal in a constitutional way with the money coming from the treasuries of corporations or money coming from the treasuries of unions by restricting that even more so they cannot even intervene within that last 30 to 60 days. But there are other ways, through PACs and other ways the money can be brought into the election process, but it would be disclosed to the FEC and you have the ability to understand what you are going to be facing.

I cannot understand why anybody would be against this amendment. It makes such common sense. It doesn't do anything. It doesn't create anything except it requires people to disclose their intentions and also prohibits the use of the treasuries of the corporations and unions. There is nothing very dramatic about that as a change in the law. I really take serious issue with my good friend, the Senator from Kentucky, on the questions he raised.

Are these ads effective? Yes, I have talked with consultants, and I know one consultant who ran a lot of these ads. Obviously, what they were trying to do was win an election for their person who they were trying to help. No evidence of connection, but the people who wanted the ads sent the money for this purpose to defeat a candidate, and they felt those ads turned around at least five elections that would not have been turned around if it were not for use of these funds with no way for the poor candidate who is facing it to understand who it is, how much money is going to be spent and where it goes.

I want to give real-world situations we are involved with. What is so unfair about being fair and getting full disclosure?

I commend my good friend from Maine with whom I have worked very closely. I must say, this amendment is weaker than I would like to see, but I think we have done all we can do under the Constitution. I commend her for the presentation she has given and for her effort to raise the visibility to the Nation of the serious problems we have with these so-called advocacy or issue ads.

It has been my pleasure to work with her on this important endeavor, and today the Senate has the opportunity to enact real campaign finance reform.

The amendment we offer succeeds where others have failed in bringing the two sides closer to a workable solution. Combined with the underlying McCain-Feingold legislation, this amendment will ensure that all parties are treated equally in the reformed campaign finance structure.

As my record has shown, I have long been a supporter of campaign finance reform. I have sponsored a number of initiatives in the past and have worked actively to enact campaign finance reform. I have been reluctant to cosponsor the McCain-Feingold bill this time around because of my concerns in two areas which I have just been discussing. First, issue ads that have turned into blatant electioneering with no meaningful disclosure of the source of the attack; second, the unfettered spending by unions and corporations to influence the outcome of an election, especially close to elections, without the ability to identify the source.

Disclosure—how in the world can you be against disclosure?

The amendment Senator SNOWE and I are proposing strengthens the McCain-Feingold bill in a fair manner. Maybe too fair. That is the only criticism I can find of it.

Mr. President, the work that Senator SNOWE and I, as well as many other Senators, have done to develop an acceptable compromise is squarely within the goals of those calling for full campaign finance reform. We have been brought to this point by the disillusionment of the electorate. People across this Nation have grown wary of the tenor of campaigns in recent years. This disappointment is reflected in low voter participation and the diminished role of individuals in electing their representatives.

Our efforts to reform the financing of campaigns should begin to reinvigorate people to further participate in our democracy. I am ashamed at the voter turnouts across the Nation. I am a little bit less ashamed of Vermont which has one of the highest, but we all should be working to get fuller participation, closer to 60, 70, 80, 90 percent.

The 1996 election cycle reinforces the desperate situation we face. During this campaign, more than $135 million was spent by outside groups not associated with the candidates' campaigns. These expenditures indicated to the public that our election laws were not being enforced and the system was out of control. Additionally, recent hearings in both the Senate and the House point to the need for serious reform.

Senator SNOWE has clearly outlined the content of our amendment. Our proposal boosts disclosure requirements and tightens expenditures of certain funds in the weeks preceding a primary and general election. The amendment provides disclosure of the funding sources for electioneering communications broadcast within 30 days of a primary or 60 days of a general election.

The measure prohibits labor union or corporation treasury funds from being used for these electioneering broadcast ads 30 days before a primary or 60 days before a general election. These two main provisions should strengthen the efforts put forward by the proponents of reform.

Of equal importance is what this amendment will not do, and that was gone into in very great detail. In fact, we have so many things we will not do that it sometimes concerns me if we have done enough. The amendment will not restrict printed material nor require the text or a copy of a campaign advertisement to be disclosed.

The amendment does not restrict how much money can be spent on ads, nor restrict how much money a group raises. In fact, our amendment clearly protects the constitutional prerogatives while promoting reform in a system badly in need of change. We have taken great care not to violate the important principles of free speech.

In developing the amendment, we have reviewed the seminal cases in this area, particularly the Buckley case. The Supreme Court has been most tolerant in the area of limiting corporate and union spending and enhancing disclosure rules. We also worked to make the requirements sufficiently clear and narrow to overcome unconstitutional claims of vagueness and overbreadth.

I have long believed in Justice Brandeis' statement that "Sunlight is said to be the best of disinfectants." That is what we are looking for here, just a little sunlight on some of the very, very devious types of procedures that are utilized to influence elections.

Discloser of electioneering campaign spending will provide the electorate with information to aid voters in evaluating candidates for Federal office. As we have seen in the last few campaign cycles, ads appear on local stations paid for by groups unknown to the public. These ads reference an identified candidate with the result of influencing the voters. Giving the electorate the information required in our amendment will give the public the facts they need to better evaluate the candidates but, more importantly, evaluate what information they are receiving and whether it is biased or where it came from, to be able to at least check where it came from and make sure it did not come from Indonesia or China or some other place.

Additionally, this disclosure, or disinfectant, as Justice Brandeis puts it, will also help deter actual corruption and help avoid the appearance of corruption that many feel pervades our campaign finance system.

Delivering this information into the public purview will enable candidates, the press, the FEC and interest groups to ensure that Federal campaign finance laws are being obeyed. Our amendment will expose any corruption and help reassure the public that our campaign laws will be followed and enforced.

The amendment will also prohibit corporations and unions from using general treasury funds to pay for electioneering communications in a defined period close to an election.

By treating both corporations and unions similarly, we extend current regulation cautiously and fairly. This prohibition, coupled with the disclosure requirements, will address many of the concerns my colleagues from both sides of the aisle have raised on campaign finance reform proposals. This provision will help satisfy our goal of creating a fair and equitable campaign finance system.

The amendment I am asking my colleagues to support will, hopefully, provide the additional momentum to bring this issue to closure. Although I am optimistic, I am not blind to the uphill battle we face in enacting appropriate change. I am encouraged by the fair and informative and productive debate we have had on campaign reform today. The proposal Senator SNOWE and I are offering, built upon the McCain-Feingold legislation, should become law.

I cannot conceive of how any legitimate objection can be made to the Snowe-Jeffords amendment. It is a step forward to making sure that elections are fair, that the public knows who it is trying to influence the elections, and that they have the right to find out that information.

Mr. President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to make a few comments about at least one amendment that has been offered here this afternoon.

As we work our way through the debate on campaign finance reform and you listen to Senators express themselves in the legal areas, the more one thinks that maybe we have got enough laws in place, maybe it is a matter of enforcing them.

I remind Senators that it was in 1996 when one major party failed to file their FEC report on the date it was supposed to be filed. In fact, it never was filed until after the election was over.

So I would argue that law enforcement probably has as much to do with the problems we see in political campaigns more than anything else. All through this process, we try to pass legislation that would maybe bring political campaigns into the light of public scrutiny. We would try to cap contributions, how much an individual or an organization can contribute to a particular campaign. We would try to cap spending. We would try to establish and make permanent filing dates.

Yet all of them would be to no purpose if we do not enforce them. In fact, we have gone into some approach of asking for free advertising from radio and television based on a faulty assumption, an assumption, if we do something, get something for nothing, we can limit the expenses, thus making it easier for everybody to run for political office.

I would ask those who would advocate such a regulation to offer free television and free radio time, I would ask them, the newspapers and publications, will they be made to offer free space? Will printers lay out people, graphic artists? Will they donate their labor for direct mail and fliers and stickers and, yes, those things that we mail direct to our constituency?

While we are talking about that, would we also write into the same regulation that they may be sent postage free? Should the laborers of the post office, or whoever, be made to do it for nothing? And my answer to that is, of course not.

Radio and television is a unique medium. Some would say it operates on the public airwaves. How public are they? If a radio station or a television station owns a chunk of frequency, do they not own it? They are only given so many hours in a day—like 24—that they can sell time. Once that time has passed, it cannot be recovered or made up later on. Are we asking them to give away their inventory? Are we asking them to pay their production people to dub and to produce? Why are not their expenses the same as any other segment of the American media?

The amendment is nothing more than that the FCC should not advocate or use funds to regulate radio and television stations for free time or free access. It just does not make a lot of sense, especially when broadcasters lead this country in public service, in news and weather and services to a community. Yes, they get paid for the advertising for some of those programs, but basically they are there 24 hours a day, 7 days a week, 52 weeks a year.

Of course, they are being asked to do something for nothing. So I hope in any kind of reform that passes this body, that this amendment to prevent the FCC from requiring radio and television stations to give free advertising space would be a part of that reform.

But bottom line—and I am not a lawyer; never been hinged with that handle—as I listen to the argument, it boils down to, bottom line, the integrity of the folks that are supporting an issue or an individual for political office. It all comes down to that. For if lawyers write this law, it will be lawyers that will figure a way around it. It is a matter merely of enforcing the law.

CLOTURE MOTION

Mr. BURNS. Mr. President, I send a cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1663, the Paycheck Protection Act.

Trent Lott, Mitch McConnell, Wayne Allard, Paul Coverdell, Robert F. Bennett, Larry E. Craig, Rick Santorum, Michael B. Enzi, Jeff Sessions, Slade Gorton, Chuck Hagel, Don Nickles, Gordon H. Smith, Jesse Helms, Conrad Burns, and Lauch Faircloth.

Mr. BURNS. Mr. President, for the information of all Senators, this cloture vote will be the last of three consecutive cloture votes occurring Thursday morning, assuming none of the previous cloture votes is successful. The leadership will notify all Senators as to the time for these votes, once the leader has consulted with the minority leader. However, at this point, I ask unanimous consent that the mandatory quorum under rule XXII be waived with respect to all three cloture motions filed today.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF EXECUTIVE ORDER ORDERING THE SELECTED RESERVE OF THE ARMED FORCES TO ACTIVE DUTY—MESSAGE FROM THE PRESIDENT—PM 97

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

Pursuant to title 10, United States Code, section 12304, I have authorized the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, when it is not operating as a Service within the Department of the Navy, to order to active duty Selected Reserve units and individuals not assigned to units to augment the Active components in support of operations in and around Southwest Asia.

A copy of the Executive order implementing this action is attached.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1998.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 927. An act to reauthorize the Sea Grant Program.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOND (for himself, Mr. COCHRAN, Ms. SNOWE, and Mr. SHELBY):

S. 1669. A bill to restructure the Internal Revenue Service and improve taxpayer rights, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1670. A bill to amend the Alaskan Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself and Mr. DODD):

S. 1671. A bill to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1672. A bill to expand the authority of the Secretary of the Army to improve the control of erosion on the Missouri River; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself, Mr. COCHRAN, Ms. SNOWE, and Mr. SHELBY):

S. 1669. A bill to restructure the Internal Revenue Service and improve taxpayer rights, and for other purposes; to the Committee on Finance.

THE PUTTING THE TAXPAYER FIRST ACT OF 1998

Mr. BOND. Mr. President, I rise today to introduce a bill—Putting Taxpayers First. In the next few weeks the Senate will have a historic opportunity to make far-reaching changes to the operation of the Internal Revenue Service and to strengthen taxpayers' rights. For too long, taxpayers have had to put up with poor service when dealing with the IRS—often to the tune of larger tax bills because of interest and penalties that accrue during the lengthy delays in resolving disputes. While our ultimate goal must be a simpler and less burdensome tax law, taxpayers need help today when dealing with the IRS. We must put taxpayers first.

For my part, I have asked the people of Missouri for their suggestions on how to fix the IRS and better protect taxpayers' rights. In addition, as chairman of the Committee on Small Business, I have asked small businesses across the country for their recommendations on this issue. I am pleased to say that a great many people have taken the time to call or write with their suggestions for improving this country's tax administration system.

Over the last several months, the Finance Committee has focused extensively on abuse of taxpayers and the need to reform our tax administration system. In addition, my committee has held hearings on this issue and the importance of reform for entrepreneurs and small business owners throughout the country. The House has also completed its package of reform measures. That legislation provides a good start, but I believe we can make it even stronger.

With the input and recommendations from all these sources in mind, today I am introducing the Putting Taxpayers First Act. This bill will provide critical relief for a broad spectrum of taxpayers from single moms and married couples to small business owners and farmers. It is based on two fundamental principles. We must create an IRS and a tax system that are based on top-quality service for all taxpayers, and we must act swiftly to restore citizen confidence in that system.

My bill tackles these goals in three ways: by improving taxpayer rights and protections, restructuring the management and operation of the IRS, and using electronic filing technology to help taxpayers, not complicate their lives.

For more than 200 years, Americans have had the right, guaranteed by the fourth amendment, "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," and have enjoyed the constitutional protections against being "deprived of * * * property, without due process of law" under the fifth amendment.

My bill will make the IRS fully respect these rights by requiring, as part of the Tax Code, that the IRS must obtain the approval by a judge or magistrate with notice and a hearing for the taxpayer before seizing a taxpayer's property. The Government ought to be required to treat ordinary taxpayers at least as well as they treat common criminals. It is way past time to level the playing field and preserve the constitutional rights of all taxpayers.

My bill also stops the runaway freight train of excessive penalties and interest in two ways. First, the interest on a penalty will only begin after the taxpayer fails to pay his tax bill. Today, interest on most penalties is applied retroactively to the date that the tax return was due, which may be as much as 2 to 3 years back. That is just not fair. Second, my bill eliminates multiple penalties that apply to the same error. Penalties should punish bad behavior, not honest errors that even well-intentioned people are bound to make now and then.

Next, with respect to restructuring the IRS, the second part of my bill addresses the need for structural changes within the IRS. I believe that the operations and staffing of the IRS should be based along customer lines, an idea supported by the National Commission on Restructuring the IRS. The IRS' current one-size-fits-all approach no longer meets the needs of taxpayers and is inefficient for the IRS as well.

By restructuring the IRS along customer lines, the agency could provide one-stop service for taxpayers with similar characteristics and needs, such as individuals, small businesses and large companies. As a result of these changes, a married couple could go to an IRS service center designed for individuals and get help on the issues they care about✓like the new child tax credit and the ROTH IRA. Similarly, a small business owner could resolve questions about the depreciation deductions for her business equipment with IRS employees specifically trained in these areas.

I was extremely pleased to hear IRS Commissioner Rossotti embrace this one-stop-service proposal early this month. While the Commissioner has signaled his interest in a customer-based IRS, I want to make sure that it does not become one of the many reorganization ideas that lose favor after a few short years.

To protect against this risk, my bill that I introduce today will make this structure a permanent part of the Tax Code. But reorganizing the IRS front lines, however, is only part of the task. The top-level management of the IRS here in Washington must make taxpayer service a reality throughout the agency. My bill takes that step by creating a full-time board of governors, which will have full responsibility, authority and accountability for IRS operations.

This board composed of four individuals drawn from the private sector plus the IRS Commissioner will have the authority and information necessary to ensure that the agency's examinations and enforcement activities are conducted in a manner that treats taxpayers fairly and with respect.

The board will also oversee the service provided by the taxpayer advocate and will ensure that the IRS appeals process is handled in an impartial manner.

An independent, full-time board of governors will protect the IRS from being used for political purposes. Any efforts to instill confidence in our tax administration system are severely undercut when there are allegations that the IRS is being used for politically motivated audits. Regrettably, there have been recent reports suggesting the IRS has undertaken these types of audits with regard to certain individuals and nonprofit organizations like the Christian Coalition and the Heritage Foundation. An IRS board of governors with representatives of both political parties will help ensure that the agency is used for one purpose and one purpose alone: helping taxpayers to comply with the tax laws in the least burdensome manner possible.

Mr. President, in addition to redesigning the agency, my bill also creates a commonsense approach for redesigning IRS communications. Too often we have heard from constituents, especially small business owners, that the notice they receive from the IRS is incomprehensible. As a result, one of two things usually happens: The taxpayer pays the bill without question just to make the IRS go away, even if they are not sure they owe taxes; or the taxpayer has to hire a professional to tell him or her what the notice means and then spend vast amounts of time and money getting the matter straightened out. This no-win situation has to end now.

My bill creates a panel of individual taxpayers, small entrepreneurs, large business managers and other types of taxpayers who will review all standardized IRS documents to make sure they are clear and understandable to the taxpayers who must read them. Any notice, letter or form that does not meet this minimum standard will be sent back to the IRS with a recommendation that it be rewritten before it is sent to the taxpayer. And clear communications, I believe, are essential for good customer service. America's taxpayers deserve no less.

Mr. President, as I said, in the next few weeks the Senate will have an historic opportunity to make far-reaching changes to the operation of the Internal Revenue Service and to strengthen taxpayers' rights. For too long, taxpayers have had to put up with poor service when dealing with the IRS—often to the tune of larger tax bills because of interest and penalties that accrue during the lengthy delays in resolving disputes. While our ultimate goal must be a simpler and less burdensome tax law, taxpayers need help today when dealing with the IRS. We must put taxpayers first.

For my part, I have asked people across Missouri for their suggestions on how to fix the IRS and better protect taxpayers' rights. In addition, as the Chairman of the Committee on Small Business, I have asked small businesses across the country for their recommendations on this issue. And I am pleased to say that a great many people have taken the time to call or write with their suggestions for improving this country's tax-administration system.

Over the last several months, the Finance Committee has focused extensively on abuse of taxpayers and the need to reform our tax-administration system. In addition, my Committee has held hearings on this issue and the importance of reform for entrepreneurs and small business owners throughout the country. The House has also completed its package of reform measures. That legislation provides a good start, but I believe we can make it even stronger.

With the input and recommendations from all of these sources in mind, today I am introducing the Putting the Taxpayer First Act. This bill will provide critical relief for a broad spectrum of taxpayers, from single moms and married couples to small business owners and farmers. And it is based on two fundamental principles. We must create an IRS and a tax system that are based on top quality service for all taxpayers, and we must act swiftly to restore citizen confidence in that system. My bill tackles these goals in three ways: by improving taxpayer rights and protections, restructuring the management and operation of the IRS, and using electronic filing technology to help taxpayers, not complicate their lives.

IMPROVING TAXPAYER RIGHTS

While our ultimate goal should be the wholesale reform or substantial replacement of the tax laws, much additional progress can be made now by strengthening taxpayers' rights in order to restore faith in the fairness of our tax system. My bill includes several improvements to taxpayers' rights, and I will stress just a few of them today.

Recent reports of excessive seizures by the IRS have alarmed all of us. These inexcusable practices were highlighted by Senator NICKLES in a hearing he held last December in Oklahoma City. Imagine the devastation to an individual who finds himself in trouble with the IRS over back taxes, and the next thing he knows, the IRS has seized his bank account or his car—or worse yet, his home. In the case of an unfortunate small business, an abrupt seizure can mean shutting the business down, ending the livelihoods of all the employees and their families.

While some will say that seizures are a last resort and do not happen that often, the IRS has disclosed that during Fiscal Year 1996, the agency made about 10,000 seizures of taxpayers' property. That is still a sizeable number, and what is truly alarming is that these seizures can be done on the IRS' own initiative, without judicial approval.

For more than 200 years, Americans have had the right, guaranteed by the Fourth Amendment, "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," and have enjoyed the Constitutional protections against being "deprived of . . . property, without due process of law" under the Fifth Amendment. My bill will make the IRS more fully respect these rights by requiring, as part of the tax code, that the IRS must obtain the approval by a judge or magistrate, with notice and a hearing for the taxpayer, before seizing a taxpayer's property. The government ought to be required to treat ordinary taxpayers at least as well as they treat common criminals. It is way past time to level the playing field and preserve the Constitutional rights of all taxpayers.

Mr. President, taxpayers, and especially small enterprises, often need help when it comes to tax planning and examining alternatives to minimize their tax liability within the law. With the enormous complexity of the tax code today, taxpayers frequently have to make good faith judgment calls about whether a particular deduction or credit applies.

Today, there is an inequity in the law that results in unequal treatment of taxpayers based on their choice of tax professional or financial ability to afford a lawyer. Under the current law, a taxpayer who goes to an accountant to obtain advice for tax planning or assistance in a controversy to make sure he is not paying more tax than the law requires, does so at his peril. In fact, he may as well invite the IRS to that meeting because there is no privilege of confidentiality between a taxpayer and his accountant.

For a taxpayer to gain the confidentiality protection that is available, he must engage an attorney. Oddly enough, in many cases, the attorney may hire an accountant to gain accounting expertise, and then the work of the accountant would be protected from disclosure to the IRS. Now the taxpayer has assumed enormous additional costs, and for what? Just to prevent the IRS from having an even greater upper hand against taxpayers who already have to prove their innocence?

My bill ends this disparity. It permits a taxpayer, in non-criminal matters, to hire any individual authorized to practice before the IRS, such as an accountant, an enrolled agent, or an attorney, and be able to have conversations with that tax professional, which can remain private from the IRS. This taxpayer confidentiality provision will ensure that all taxpayers receive equal treatment from the IRS in a way that can save them money. In addition, it gives all taxpayers a wider choice of tax advisors without giving up their right to confidentiality. This is a common-sense protection for the millions of individuals and businesses that seek professional tax advice each year.

Penalties, too, have become an enormous burden for taxpayers who make mistakes, which is not uncommon with today's complex tax laws. Far too often, a minor tax bill grows into an unmanageable liability because of the interest on the tax owed, the penalties for negligence and late payment, and the interest on the penalties. Frequently, these penalties can prevent a taxpayer from settling his account and getting back into good standing.

Penalties were included in the tax code to encourage taxpayers to comply with our voluntary assessment system. But the multiplicity of penalties and hidden punishments disguised as interest on those penalties seriously undermines Americans' confidence that our system is fair.

My bill stops the runaway freight train of excessive penalties and interest in two ways. First, interest on a penalty will only begin after the taxpayer has failed to pay his tax bill. Today, interest on most penalties is applied retroactively to the date that the tax return was due, which may be as much as two to three years back. That's just not fair. Second, my bill eliminates multiple penalties that apply to the same error. Penalties should punish bad behavior, not honest errors that even well-intentioned people are bound to make now and then.

Mr. President, another issue of enormous importance to many entrepreneurs in this country is the status of independent contractors. Over the past several years, I have worked hard for the adoption of a clear legislative safe-harbor for the classification of workers and protections against retroactive reclassification of independent contractors. I included these provisions as part of the Home-Based Business Fairness Act, S. 460, which I introduced last March. And I intend to pursue these important changes to the tax code through that bill as the Senate debates legislation to restructure the IRS and improve taxpayers' rights.

RESTRUCTURING THE IRS

The second part of my bill addresses the need for structural changes within the IRS. Over the past century, the IRS has evolved into a bureaucratic web of functions, regions, and district offices, all aimed at making the collection of taxes easy for the government. What has been overlooked is that those tax dollars come from citizens whom the government is supposed to serve and represent. With roughly 140 million individuals, alone, filing tax returns every year, the system must be made convenient for the taxpayer, not just for the government.

I believe that the operations and staffing of the IRS should be based along customer lines, an idea supported by the National Commission on Restructuring the IRS. The IRS' current "one size fits all" approach no longer meets the needs of taxpayers and is inefficient for the IRS as well. By restructuring the IRS along customer lines, the agency could provide one-stop service for taxpayers with similar characteristics and needs, such as individuals, small businesses, and large companies. As a result, a married couple could go to an IRS service center designed for individuals and get help on the issues that they care about like the new child tax credit and the Roth IRA. Similarly, a small business owner could resolve questions about the depreciation deductions for her business equipment with IRS employees specifically trained in these areas.

I was extremely pleased to hear IRS Commissioner Rossotti embrace this one-stop-service proposal earlier this month. And I look forward to working with the agency to make it a reality for taxpayers at the earliest possible date. While the Commissioner has signaled his interest in a customer-based IRS, I want to make sure that it does not become one of the many reorganization ideas that lose favor after a few short years. To protect against that risk, my bill will make this structure a permanent part of the tax code.

Reorganizing the IRS at the front-lines, however, is only part of the task. The top-level management of the IRS here in Washington must make taxpayer service a reality throughout the agency. My bill takes that step by creating a full-time Board of Governors, which will have full responsibility, authority, and accountability for IRS operations. This Board, composed of four individuals drawn from the private sector plus the IRS Commissioner, will have the authority and information necessary to ensure that the agency's examination and enforcement activities are conducted in a manner that treats taxpayers fairly and with respect. The Board will also oversee the service provided by the Taxpayer Advocate and will ensure that the IRS' appeals process is handled in an impartial manner.

An independent, full-time Board of Governors will also protect the IRS from being used for political purposes. Any efforts to instill confidence in our tax-administration system are severely undercut by allegations that the IRS is being used for politically-motivated audits. Regrettably, there have been recent reports suggesting that the IRS has undertaken these types of audits with regard to certain individuals and non-profit organizations like the Christian Coalition and the Heritage Foundation. An IRS Board of Governors with representatives of both political parties will help ensure that the agency is used for one purpose, and one purpose alone: helping taxpayers to comply with the tax laws in the least burdensome manner possible.

Mr. President, in addition to redesigning the agency, my bill also creates a common sense approach for redesigning IRS communications. Too often I have heard from constituents, especially small business owners, that a notice they received from the IRS is incomprehensible. As a result, one of two things usually happens. The taxpayer pays the bill without question just to make the IRS go away, even if they are not sure they owe any taxes. Or the taxpayer has to hire a professional to tell him what the notice means and then spend vast amounts of time and money getting the matter straightened out. This no-win situation has to end now.

My bill creates a panel of individual taxpayers, small entrepreneurs, large business managers, and other types of taxpayers, who will review all standardized IRS documents to make sure they are clear and understandable to the taxpayers who must read them. Any notice, letter or form that does not meet this minimum standard, will be sent back to the IRS with a recommendation that it be rewritten before it is sent to any taxpayer. Clear communications are essential for good customer service, and America's taxpayers deserve no less.

FAIR AND EFFICIENT USE OF TECHNOLOGY

The third part of my bill concerns the fair and efficient use of technology in our tax-administration system. With the continuing advances in technology, we have an enormous opportunity to make all taxpayers' lives easier. In fact, the IRS has already made good progress in this area with programs like TeleFile, which enables many taxpayers to file their tax returns through a brief telephone call.

But with technological advances comes the risk of imposing even more burdens on taxpayers, and Congress must make sure that these improvements are not implemented at the expense of the taxpayers, and especially the small businesses, who are expected to comply with them. To prevent that result, my bill makes clear that expanded electronic filing of tax and information returns should be a goal, not a mandate imposed on American taxpayers.

In addition, my bill ensures that in making electronic filing a reality, the IRS will involve representatives of all taxpayer groups—individuals, small business, large companies, and the tax-preparation community—to ensure that electronic filing does not complicate everyone's lives in the name of modernization and simplification.

Mr. President, the provisions of the Putting the Taxpayer First Act will make the IRS a better public servant and help restore confidence in our tax system. Taxpayers face enormous difficulties today just to comply with the tax law, and they have waited far too long for good service and fair treatment in a timely manner. I urge my colleagues on the Finance Committee to include the provisions of this bill when they markup IRS-reform legislation next month. Our efforts must focus on putting the taxpayer first if we are to make positive and lasting changes to the IRS and not keep America's taxpayers waiting any longer.

Mr. President, I ask unanimous consent that Senators COCHRAN, SNOWE and SHELBY be shown as original cosponsors. And I ask unanimous consent that a copy of the bill and a description of its provisions be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Putting the Taxpayer First Act of 1998".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—TAXPAYER RIGHTS

Sec. 101. Court approval for seizure of taxpayer's property.
Sec. 102. Improved offers-in-compromise procedure.
Sec. 103. Clarification that attorney's fees are available in unauthorized-disclosure and browsing cases.
Sec. 104. Uniform application of confidentiality privilege for taxpayer communications with federally authorized practitioners.
Sec. 105. Taxpayer's right to have an IRS examination take place at another site.
Sec. 106. Prohibition on IRS contact of third parties without taxpayer prenotification.

Sec. 107. Expansion of taxpayer's rights in administrative appeal.

TITLE II—PENALTY REFORM

Sec. 201. Imposition of interest on penalties only after a taxpayer's failure to pay.
Sec. 202. Repeal of the penalty for substantial understatement of income tax.
Sec. 203. Repeal of the failure-to-pay penalty.

TITLE III—INTERNAL REVENUE SERVICE RESTRUCTURING

Sec. 301. Internal Revenue Service Board of Governors; Commissioner of Internal Revenue.
Sec. 302. Restructuring of IRS operations along customer lines.
Sec. 303. Greater independence of the Taxpayer Advocate.
Sec. 304. Greater independence of the Office of Appeals.
Sec. 305. Improved IRS written communications to taxpayers and tax forms.

TITLE IV—ELECTRONIC FILING

Sec. 401. Goals for electronic filing; electronic-filing advisory group.
Sec. 402. Report on electronic filing and its effect on small businesses.

TITLE V—REGULATORY REFORM

Sec. 501. Congressional review of Internal Revenue Service rules that increase revenue.
Sec. 502. Small business advocacy panels for the IRS.
Sec. 503. Taxpayer's election with respect to recovery of costs and certain fees.

TITLE I—TAXPAYER RIGHTS

SEC. 101. COURT APPROVAL FOR SEIZURE OF TAXPAYER'S PROPERTY.

(a) In General.—Section 6331(a) is amended by adding at the end the following new paragraph:

"(2) Limitation on authority of Secretary.—Notwithstanding paragraph (1)—

"(A) General rule.—The Secretary shall not levy upon any property or rights to property until—

"(i) the taxpayer has received the notice described in subsection (a) which notifies the taxpayer of the opportunity for judicial review under this subparagraph and advises the taxpayer that criminal penalties may be imposed if the property is transferred or otherwise made unavailable for collection while such review is pending, and

"(ii) a court of competent jurisdiction has determined, after the taxpayer has received notice and an opportunity for a hearing, that such levy is reasonable under the circumstances.

"(B) Exception.—A court may waive the right to notice and hearing under subparagraph (A) if the Secretary demonstrates to the court's satisfaction that—

"(i) irreparable harm will occur with respect to the Secretary's ability to collect the tax if relief is not granted,

"(ii) the Secretary has provided the taxpayer with notice and demand pursuant to section 6303(a),

"(iii) the taxpayer has neglected or refused to pay the tax within 10 days after notice and demand, and

"(iv) the Secretary has a reasonable probability of success on the merits with regard to the taxpayer's liability for the tax."

(b) Conforming Amendment.—Section 6331(a) is amended by striking "If any person" and inserting:

"(1) In general.—If any person".

(c) Effective Date.—The amendments made by this section shall be effective for levies occurring on or after the date of the enactment of this Act.

SEC. 102. IMPROVED OFFERS-IN-COMPROMISE PROCEDURE.

(a) In General.—Section 7122 (relating to compromises) is amended by adding at the end the following new subsection:

"(c) Offers in Compromise.—

"(1) In general.—If the Secretary receives an offer in compromise which is based on the taxpayer's inability to pay the taxpayer's tax liability in full, the Secretary shall accept such offer in compromise if it reasonably reflects the taxpayer's ability to pay.

"(2) Timely response.—

"(A) General rule.—The Secretary shall accept, reject, or make a counteroffer to an offer in compromise described in paragraph (1) within 120 days from the date that the offer is filed and reasonable documentation is submitted regarding the taxpayer's ability to pay.

"(B) Failure to respond.—If the Secretary fails to respond within such time, interest on the underpayment under section 6601(a) shall be suspended until such date as the Secretary responds. This subparagraph shall not apply if the Secretary reasonably determines that the taxpayer's offer in compromise is frivolous.

"(C) Unacceptable offers.—If the Secretary does not accept an offer in compromise from a taxpayer—

"(i) the Secretary shall provide a detailed description of the reasons that the offer was not accepted, and

"(ii) the taxpayer may appeal the Secretary's determination to the Office of Appeals.

"(3) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations—

"(A) establishing standards for acceptable offers in compromise based on the economic reality of the taxpayer's ability to pay, and

"(B) providing for the application of this subsection to offers in compromise made by small businesses and the self-employed."

(b) Effective Date.—The amendments made by this section shall be effective for offers in compromise filed after the date of the enactment of this Act.

SEC. 103. CLARIFICATION THAT ATTORNEY'S FEES ARE AVAILABLE IN UNAUTHORIZED-DISCLOSURE AND BROWSING CASES.

(a) In General.—Subsection (a) of section 7430 (relating to awarding of costs and certain fees) is amended to read as follows:

"(a) In General.—In any administrative or court proceeding which is brought by or against the United States in connection with the determination, collection, or refund of any tax, interest, or penalty under this title (including any civil action under section 7431), the prevailing party may be awarded a judgment or settlement for—

"(1) reasonable administrative costs incurred in connection with such administrative proceeding within the Internal Revenue Service, and

"(2) reasonable litigation costs incurred in connection with such court proceeding."

(b) Effective Date.—The amendments made by this section shall be effective for any proceeding which—

(1) arises after the date of the enactment of this Act, or

(2) arises on or before such date and which does not become final before the 30th day after such date.

SEC. 104. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE FOR TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7525. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE FOR TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

"(a) General Rule.—With respect to tax advice, the same common law protections of confidentiality which apply to a communication between a taxpayer and an attorney shall also apply to a communication between a taxpayer and any federally authorized tax practitioner if the communication would be considered a privileged communication if it were between a taxpayer and an attorney.

"(b) Limitations.—Subsection (a) may only be asserted in—

"(1) noncriminal tax matters before the Internal Revenue Service, and

"(2) proceedings in Federal courts with respect to such matters.

"(c) Federally Authorized Tax Practitioner.—For purposes of this section, the term 'federally authorized tax practitioner' means any individual who is authorized under Federal law to practice before the Internal Revenue Service but only if such practice is subject to Federal regulation under section 330 of title 31, United States Code."

(b) Conforming Amendment.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7525. Uniform application of confidentiality privilege for taxpayer communications with federally authorized practitioners."

SEC. 105. TAXPAYER'S RIGHT TO HAVE AN IRS EXAMINATION TAKE PLACE AT ANOTHER SITE.

(a) In General.—Subsection (a) of section 7605 (relating to time and place of examination) is amended to read as follows:

"(a) Time and Place.—

"(1) In general.—The time and place of examination pursuant to the provisions of section 6420(e)(2), 6421(g)(2), 6427(j)(2), or 7602 shall be such time and place as may be fixed by the Secretary and as are reasonable under the circumstances. In the case of a summons under authority of paragraph (2) of section 7602, or under the corresponding authority of section 6420(e)(2), 6421(g)(2), or 6427(j)(2), the date fixed for appearance before the Secretary shall not be less than 10 days from the date of the summons.

"(2) Limitation.—Upon request of a taxpayer, the Secretary shall conduct any examination described in paragraph (1) at a location other than the taxpayer's residence or place of business, if such location is reasonably accessible to the Secretary and the taxpayer's original books and records pertinent to the examination are available at such location."

(b) Effective Date.—The amendments made by this section shall be effective for examinations occurring after the date of the enactment of this Act.

SEC. 106. PROHIBITION ON IRS CONTACT OF THIRD PARTIES WITHOUT TAXPAYER PRE-NOTIFICATION.

(a) In General.—Section 7602 (relating to examination of books and witnesses) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Limitation of Authority To Summon.—In the case of a taxpayer engaged in a trade or business, no summons concerning such trade or business may be issued under this title with respect to any person other than such taxpayer without providing reasonable notice to the taxpayer that such summons will be issued. This subsection shall not apply if the Secretary determines for good cause shown that such notice would jeopardize collection of any tax or any pending criminal investigation."

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective for summons issued after the date of the enactment of this Act.

SEC. 107. EXPANSION OF TAXPAYER'S RIGHTS IN ADMINISTRATIVE APPEAL.

(a) IN GENERAL.—Subchapter B of chapter 63 (relating to assessment) is amended by adding before section 6212 the following new section:

"SEC. 6211A. NOTICE OF PROPOSED ADJUSTMENT.

"(a) INCOME TAXES.—At least 60 days prior to issuing a notice of deficiency under section 6212, the Secretary shall send a notice explaining the adjustments that the Secretary believes should be made to the amount shown as tax by the taxpayer on his return that would result in a deficiency. If the taxpayer does not agree with the Secretary's proposed adjustments, the taxpayer may appeal such proposed adjustments to the Office of Appeals.

"(b) ADDRESS FOR NOTICE OF PROPOSED ADJUSTMENT.—The provisions of section 6212(b) shall apply with respect to mailing of the notice of proposed adjustment described in subsection (a)."

(b) EMPLOYMENT TAXES.—Section 6205(b) is amended—

(1) by adding at the end the following new paragraph:

"(2) NOTICE OF PROPOSED ASSESSMENT.—At least 60 days prior to making any assessment with respect to paragraph (1), the Secretary shall send a notice of proposed assessment (mailed to the taxpayer at its last known address) explaining the adjustments that the Secretary believes should be made to the amount paid or deducted with respect to any payment of wages or compensation which would result in an underpayment. If the taxpayer disagrees with the Secretary's adjustments, the taxpayer may appeal such adjustments to the Office of Appeals.", and

(2) by striking "If less than" and inserting: "(1) IN GENERAL.—If less than".

(b) CONFORMING AMENDMENTS.—The table of sections for subchapter B of chapter 63 is amended by inserting the following new item:

"Sec. 6211A. Notice of proposed adjustment."

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective 60 days after the date of the enactment of this Act.

TITLE II—PENALTY REFORM

SEC. 201. IMPOSITION OF INTEREST ON PENALTIES ONLY AFTER A TAXPAYER'S FAILURE TO PAY.

(a) IN GENERAL.—Section 6601(e)(2) is amended to read as follows:

"(2) INTEREST ON PENALTIES, ADDITIONAL AMOUNTS, OR ADDITIONS TO THE TAX.—Interest shall be imposed under subsection (a) in respect of any assessable penalty, additional amount, or addition to the tax only if such assessable penalty, additional amount, or addition to the tax is not paid within 21 calendar days from the date of notice and demand therefor (10 business days if the amount for which such notice and demand is made equals or exceeds $100,000), and in such case interest shall be imposed only for the period from the date of the notice and demand to the date of payment."

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective for penalties assessed after the date of the enactment of this Act.

SEC. 202. REPEAL OF THE PENALTY FOR SUBSTANTIAL UNDERSTATEMENT OF INCOME TAX.

(a) IN GENERAL.—Subsection (d) of section 6662 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6662(b) is amended by striking paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(2) Section 6662 is amended by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(3) Section 461(i)(3)(C) is amended to read as follows:

"(C) any partnership or other entity, any investment plan or arrangement, or any other plan or arrangement if a significant purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax."

(4) Section 1274(b)(3)(B)(i) is amended by striking "section 6662(d)(2)(C)(iii)" and inserting "section 461(i)(3)(C)".

(5) Section 6013(e)(3) is amended to read as follows:

"(3) SUBSTANTIAL UNDERSTATEMENT.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'substantial understatement' means any understatement which exceeds $500.

"(B) UNDERSTATEMENT.—For purposes of subparagraph (A), the term "understatement" means the excess of—

"(i) the amount of the tax required to be shown on the return for the taxable year, over

"(ii) the amount of the tax imposed which is shown on the return, reduced by any rebate (within the meaning of section 6211(b)(2)).

"(C) REDUCTION FOR UNDERSTATEMENT DUE TO POSITION OF TAXPAYER OR DISCLOSED ITEM.—The amount of the understatement under subparagraph (B) shall be reduced by that portion of the understatement which is attributable to—

"(i) the tax treatment of any item by the taxpayer if there is or was substantial authority for such treatment, or

"(ii) any item if—

"(I) the relevant facts affecting the item's tax treatment are adequately disclosed in the return or in a statement attached to the return, and

"(II) there is a reasonable basis for the tax treatment of such item by the taxpayer.

"(D) SPECIAL RULES IN CASES INVOLVING TAX SHELTERS.—

"(i) IN GENERAL.—In the case of any item of a taxpayer which is attributable to a tax shelter—

"(I) subparagraph (C)(ii) shall not apply, and

"(II) subparagraph (C)(i) shall not apply unless (in addition to meeting the requirements of such subparagraph) the taxpayer reasonably believed that the tax treatment of such item by the taxpayer was more likely than not the proper treatment.

"(ii) TAX SHELTER.—For purposes of this subparagraph, the term 'tax shelter' has the meaning given such term by section 461(i)(3)(C).

"(E) SECRETARIAL LIST.—The Secretary shall prescribe (and revise not less frequently than annually) a list of positions—

"(i) for which the Secretary believes there is not substantial authority, and

"(ii) which affect a significant number of taxpayers.

Such list (and any revision thereof) shall be published in the Federal Register."

(6) Section 6694(a) is amended—

(A) by striking "section 6662(d)(2)(B)(ii)" and inserting "section 6013(e)(3)(C)(ii)" in paragraph (3), and

(B) by adding at the end the following: "For purposes of paragraph (3), in applying section 6013(e)(3)(C)(ii)(II), in no event shall a corporation be treated as having a reasonable basis for its tax treatment of an item attributable to a multiple-party financing transaction if such treatment does not clearly reflect the income of the corporation."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 203. REPEAL OF THE FAILURE-TO-PAY PENALTY.

(a) IN GENERAL.—Section 6651(a) is amended by striking paragraphs (2) and (3).

(b) CONFORMING AMENDMENTS TO SECTION 6651.—

(1) Section 6651(a) is amended—

(A) by striking "In the case of failure—

"(1) to" and inserting "In the case of failure to", and

(B) by striking the semicolon at the end of paragraph (1) and inserting a period.

(2) Section 6651(b) is amended—

(A) by striking "For purposes of—

"(1) subsection (a)(1)" and inserting "For purposes of subsection (a)",

(B) by striking the comma at the end of paragraph (1) and inserting a period, and

(C) by striking paragraphs (2) and (3).

(3) Section 6651 is amended by striking subsections (c), (d), and (e).

(4) Section 6651(f) is amended by striking "paragraph (1) of".

(5) Section 6651(g) is amended to read as follows:

"(g) TREATMENT OF RETURNS PREPARED BY SECRETARY UNDER SECTION 6020(b).—In the case of any return made by the Secretary under section 6020(b), such return shall be disregarded for purposes of determining the amount of the addition under subsection (a)."

(6) Section 6651, as amended by paragraphs (3) and (4), is amended by redesignating subsections (f) and (g) as subsections (c) and (d), respectively.

(7) The heading of section 6651 is amended to read as follows:

"SEC. 6651. FAILURE TO FILE TAX RETURN."

(8) The table of sections for subchapter A of chapter 68 is amended by striking the item relating to section 6651 and inserting the following new item:

"Sec. 6651. Failure to file tax return."

(9) Section 5684(c)(2) is amended by striking "or pay tax".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for failures to pay occurring after the date of the enactment of this Act.

TITLE III—INTERNAL REVENUE SERVICE RESTRUCTURING

SEC. 301. INTERNAL REVENUE SERVICE BOARD OF GOVERNORS; COMMISSIONER OF INTERNAL REVENUE.

(a) IN GENERAL.—Chapter 80 (relating to general rules) is amended by adding after section 7801 the following new section:

"SEC. 7801A. INTERNAL REVENUE SERVICE BOARD OF GOVERNORS; COMMISSIONER OF INTERNAL REVENUE.

"(a) INTERNAL REVENUE SERVICE BOARD OF GOVERNORS.—

"(1) ESTABLISHMENT.—There is established within the Department of the Treasury the

Internal Revenue Service Board of Governors (in this title referred to as the 'Board').

"(2) Membership.—

"(A) Composition.—The Board shall be composed of 5 members, of whom—

"(i) 4 shall be individuals who are appointed by the President, by and with the advice and consent of the Senate, and

"(ii) 1 shall be the Commissioner of Internal Revenue.

Not more than 2 members of the Board appointed under clause (i) may be affiliated with the same political party.

"(B) Qualifications.—Members of the Board described in subparagraph (A)(i) shall be appointed solely on the basis of their professional experience and expertise in the following areas:

"(i) The needs and concerns of taxpayers.

"(ii) Organization development.

"(iii) Customer service.

"(iv) Operation of small businesses.

"(v) Management of large businesses.

"(vi) Information technology.

"(vii) Compliance.

In the aggregate, the members of the Board described in subparagraph (A)(i) should collectively bring to bear expertise in these enumerated areas.

"(C) Terms.—Each member who is described in subparagraph (A)(i) shall be appointed for a term of 5 years, except that of the members first appointed—

"(i) 1 member who is affiliated with the same political party as the President shall be appointed for a term of 1 year,

"(ii) 1 member who is not affiliated with the same political party as the President shall be appointed for a term of 2 years,

"(iii) 1 member who is affiliated with the same political party as the President shall be appointed for a term of 3 years, and

"(iv) 1 member who is not affiliated with the same political party as the President shall be appointed for a term of 4 years.

A member of the Board may serve on the Board after the expiration of the member's term until a successor has taken office as a member of the Board.

"(D) Reappointment.—An individual who is described in subparagraph (A)(i) may be appointed to no more than two 5-year terms on the Board.

"(E) Vacancy.—Any vacancy on the Board—

"(i) shall not affect the powers of the Board, and

"(ii) shall be filled in the same manner as the original appointment.

Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

"(F) Removal.—

"(i) In general.—A member of the Board may be removed at the will of the President.

"(ii) Commissioner of internal revenue.—An individual described in subparagraph (A)(ii) shall be removed upon termination of employment.

"(3) General responsibilities.—

"(A) In general.—The Board shall oversee the Internal Revenue Service in the administration, management, conduct, direction, and supervision of the execution and application of the internal revenue laws or related statutes and tax conventions to which the United States is a party.

"(B) Consultation on tax policy.—The Board shall be responsible for consulting with the Secretary of the Treasury with respect to the development and formulation of Federal tax policy relating to existing or proposed internal revenue laws, related statutes, and tax conventions.

"(4) Specific responsibilities.—The Board shall have the following specific responsibilities:

"(A) Strategic plans.—To review and approve strategic plans of the Internal Revenue Service, including the establishment of—

"(i) mission and objectives, and standards of performance relative to either, and

"(ii) annual and long-range strategic plans.

"(B) Operational plans.—To review and approve the operational functions of the Internal Revenue Service, including—

"(i) plans for modernization of the tax system,

"(ii) plans for outsourcing or managed competition, and

"(iii) plans for training and education.

"(C) Management.—To—

"(i) review and approve the Commissioner's selection, evaluation, and compensation of senior managers,

"(ii) oversee the operation of the Office of the Taxpayer Advocate and the Office of Appeals, and

"(iii) review and approve the Commissioner's plans for reorganization of the Internal Revenue Service.

"(D) Budget.—To—

"(i) review and approve the budget request of the Internal Revenue Service prepared by the Commissioner,

"(ii) submit such budget request to the Secretary of the Treasury,

"(iii) ensure that the budget request supports the annual and long-range strategic plans of the Internal Revenue Service, and

"(iv) ensure appropriate financial audits of the Internal Revenue Service.

The Secretary shall submit, without revision, the budget request referred to in subparagraph (D) for any fiscal year to the President who shall submit, without revision, such request to Congress together with the President's annual budget request for the Internal Revenue Service for such fiscal year.

"(5) Board personnel matters.—

"(A) Compensation of members.—Each member of the Board who is described in subsection (b)(1)(A)(i) shall be compensated at an annual rate equal to the rate for Executive Schedule IV under title 5 of the United States Code. The Commissioner shall receive no additional compensation for service on the Board.

"(B) Staff.—The Chairperson of the Board shall have the authority to hire such personnel as may be necessary to enable the Board to perform its duties.

"(6) Administrative matters.—

"(A) Chair.—The Commissioner of Internal Revenue shall serve as the chairperson of the Board.

"(B) Committees.—The Board may establish such committees as the Board determines appropriate.

"(C) Meetings.—The Board shall meet at least once each month and at such other times as the Board determines appropriate.

"(D) Quorum; voting requirements; delegation of authorities.—3 members of the Board shall constitute a quorum. All decisions of the Board with respect to the exercise of its duties and powers under this section shall be made by a majority vote of the members present and voting. A member of the Board may not delegate to any person the member's vote or any decisionmaking authority or duty vested in the Board by the provisions of this section.

"(E) Reports.—The Board shall each year report to the President and the Congress with respect to the conduct of its responsibilities under this title.

"(b) Commissioner of Internal Revenue.—

"(1) Appointment.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate, to a 5-year term. The appointment shall be made without regard to political affiliation or activity.

"(2) Vacancy.—Any individual appointed to fill a vacancy in the position of Commissioner occurring before the expiration of the term for which such individual's predecessor was appointed shall be appointed for the remainder of that term.

"(3) Removal.—The Commissioner may be removed at the will of the President.

"(4) Duties.—Subject to the powers of the Board, the Commissioner shall have such duties and powers as the Secretary may prescribe, including the power to—

"(A) administer, manage, conduct, direct, and supervise the execution and application of the internal revenue laws or related statutes and tax conventions to which the United States is a party; and

"(B) recommend to the President (after consultation with the Board) a candidate for appointment as Chief Counsel for the Internal Revenue Service when a vacancy occurs, and recommend to the President (after consultation with the Board) the removal of such Chief Counsel.

If the Secretary determines not to delegate a power specified in subparagraph (A) or (B), such determination may not take effect until 30 days after the Secretary notifies the Committees on Finance, Appropriations, and Governmental Affairs of the Senate, the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, and the Joint Committee on Taxation.

"(5) Consultation with board.—The Commissioner shall consult with the Board on all matters set forth in subsection (a)(4)."

(b) Conforming Amendments.—

(1) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Members, Internal Revenue Service Board of Governors."

(2) Section 7701(a) (relating to definitions) is amended by inserting after paragraph (46) the following new paragraph:

"(47) Board.—The term 'Board' means the Board of Governors of the Internal Revenue Service."

(3) The table of sections for subchapter A of chapter 80 is amended by inserting after the item relating to section 7801 the following new item:

"Sec. 7801A. Internal Revenue Service Board of Governors; Commissioner of Internal Revenue."

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Nominations to internal revenue service board of governors.—The President shall submit nominations under section 7801A(a) of the Internal Revenue Code of 1986, as added by this section, to the Senate not later than 6 months after the date of the enactment of this Act.

(3) Current commissioner.—In the case of an individual serving as Commissioner of Internal Revenue on the date of the enactment

of this Act who was appointed to such position before such date, the 5-year term required by section 7801A(b)(1) of the Internal Revenue Code of 1986, as added by this section, shall begin as of the date of such appointment.

SEC. 302. RESTRUCTURING OF IRS OPERATIONS ALONG CUSTOMER LINES.

(a) IN GENERAL.—Subsection (a) of section 7802 (relating to the Commissioner of Internal Revenue) is amended to read as follows:

"(a) ORGANIZATION OF THE INTERNAL REVENUE SERVICE.—

"(1) IN GENERAL.—The Internal Revenue Service shall be organized into divisions representing the following types of taxpayers:

"(A) Individual taxpayers subject to wage withholding.

"(B) Small businesses and self-employed individuals.

"(C) Large businesses.

"(D) Employee plans and exempt organizations.

"(E) Trusts and estates.

"(F) Such other divisions as the Board deems necessary and appropriate.

"(2) SUPERVISION AND DIRECTION OF DIVISIONS.—Each division established by paragraph (1) shall be under the supervision and direction of an Assistant Commissioner of Internal Revenue. As the head of a division, each Assistant Commissioner shall be responsible for carrying out the functions of taxpayer services, examinations, collections, counsel operations, and such other functions as the Board may designate with respect to the taxpayers covered by the division."

(b) CONFORMING AMENDMENTS.—

(1) The section heading for section 7802 is amended to read as follows:

"SEC. 7802. ORGANIZATION OF THE INTERNAL REVENUE SERVICE; TAXPAYER ADVOCATE; OFFICE OF APPEALS."

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7802 and inserting the following new item:

"Sec. 7802. Organization of the Internal Revenue Service; Taxpayer Advocate; Office of Appeals."

(3) Subsection (b) of section 5109 of title 5, United States Code, is amended by striking "the employee appointed under section 7802(b)" and inserting "an employee appointed under section 7802(a)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 303. GREATER INDEPENDENCE OF THE TAXPAYER ADVOCATE.

(a) IN GENERAL.—Section 7802(d)(1) is amended to read as follows:

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Office of the Taxpayer Advocate'. Such office shall be independent of all other functions of the Internal Revenue Service and shall be under the supervision and direction of an official to be known as the 'Taxpayer Advocate' who shall be appointed by, and report directly to, the Board. The Taxpayer Advocate shall be entitled to compensation at the same rate as the highest level official reporting directly to the Commissioner of the Internal Revenue."

(b) CONFORMING AMENDMENTS.—

(1) Section 7802, as amended by subsection (a), is amended by striking subsection (b) and by redesignating subsection (d) as subsection (b).

(2) Section 7802(b)(3), as so redesignated, is amended—

(A) by striking "Commissioner of Internal Revenue" and inserting "Board", and

(B) by striking "Commissioner" each place it appears in the text and heading and inserting "Board".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 304. GREATER INDEPENDENCE OF THE OFFICE OF APPEALS.

(a) IN GENERAL.—Section 7802(c) is amended to read as follows:

"(c) OFFICE OF APPEALS.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Office of Appeals'. Such office shall be independent of all other functions of the Internal Revenue Service and shall be under the supervision and direction of an officer to be known as the 'National Appeals Officer' who shall be appointed by, and report directly to, the Board. The National Appeals Officer shall be entitled to compensation at the same rate as the highest level official reporting directly to the Commissioner of the Internal Revenue.

"(2) FUNCTIONS OF OFFICE.—

"(A) IN GENERAL.—It shall be the function of the Office of Appeals to resolve tax controversies, without litigation, on a basis that is fair and impartial to both the Government and the taxpayer and in a manner that encourages voluntary compliance and public confidence in the integrity and efficiency of the Internal Revenue Service.

"(B) RESTRICTIONS.—In carrying out its functions, the Office of Appeals—

"(i) shall consider only those issues concerning the taxpayer's return raised by the division established under subsection (a) prior to its referral to the Office, and

"(ii) shall not have any communications with any officer or employee of the division with respect to such issues unless the taxpayer, or the taxpayer's representative, has the opportunity to be present for such communications."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 305. IMPROVED IRS WRITTEN COMMUNICATIONS TO TAXPAYERS AND TAX FORMS.

(a) TAXPAYER-COMMUNICATIONS ADVISORY GROUP.—

(1) IN GENERAL.—In order to ensure that the Internal Revenue Service Board of Governors receives input from the taxpayers who must comply with written communications from the Internal Revenue Service, the Board shall, not later than 180 days after the date of the enactment of this Act, convene a taxpayer-communications advisory group to review all—

(A) standardized letters, notices, bills, and other written communications sent to taxpayers by the Internal Revenue Service, and

(B) tax forms and instructions.

The advisory group shall recommend to the Board the rewriting of any standardized written document, form, or instruction which it finds is not clear to, or easily understood by, the taxpayers to whom it is directed.

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the taxpayer-communications advisory group shall be appointed by the Board and shall include at least one representative of the following: individual taxpayers subject to withholding; small businesses and the self-employed; large businesses; trusts and estates; tax-exempt organizations; tax practitioners, preparers, and other tax professionals; and such other types of taxpayers that the Board deems appropriate.

(B) TERM.—A member of the advisory group shall be appointed for a term of one year and may be reappointed for one additional term.

(b) PERSONNEL AND OTHER MATTERS.—

(1) MEMBERS' COMPENSATION.—Each member of the advisory group shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the advisory group.

(2) DETAILS.—Any Federal Government employee may be detailed to the advisory group without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

TITLE IV—ELECTRONIC FILING

SEC. 401. GOALS FOR ELECTRONIC FILING; ELECTRONIC-FILING ADVISORY GROUP.

(a) IN GENERAL.—It is the policy of Congress that—

(1) paperless filing should be the preferred and most convenient means of filing Federal tax and information returns,

(2) electronic filing should be a voluntary option for taxpayers, and

(3) there be a goal that no more than 20 percent of all such returns should be filed on paper by the year 2007.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate (hereafter in this section referred to as the "Secretary"), in consultation with the Board of Governors of the Internal Revenue Service and the electronic-filing advisory group described in paragraph (4), shall establish a plan to eliminate barriers, provide incentives, and use competitive market forces to increase electronic filing gradually over the next 10 years while maintaining processing times for paper returns at 40 days.

(2) PUBLICATION OF PLAN.—The plan described in paragraph (1) shall be published in the Federal Register and shall be subject to public comment for 60 days from the date of publication. Not later than 180 days after publication of such plan, the Secretary shall publish a final plan in the Federal Register.

(3) IMPLEMENTATION OF PLAN.—The Secretary shall prescribe rules and regulations to implement the plan developed under paragraph (1). Notwithstanding any other provision of law, the Secretary shall—

(A) prescribe such rules and regulations in accordance with section 553 (b), (c), (d), and (e) of title 5, United States Code, and

(B) in connection with such rules and regulations, perform an initial and final regulatory flexibility analysis pursuant to sections 603 and 604 of title 5, United States Code, and outreach pursuant to section 609 of title 5, United States Code.

(4) ELECTRONIC-FILING ADVISORY GROUP.—

(A) IN GENERAL.—To ensure that the Secretary receives input from the private sector in the development and implementation of the plan required by paragraph (1), not later than 60 days after the date of enactment of this Act, the Secretary shall convene an electronic-filing advisory group to include at least one representative of individual taxpayers subject to withholding, small businesses and the self-employed, large businesses, trusts and estates, tax-exempt organizations, tax practitioners, preparers, and other tax professionals, computerized tax processors, and the electronic-filing industry.

(B) PERSONNEL AND OTHER MATTERS.—The provisions of section 305(b) of this Act shall apply to the advisory group.

(5) TERMINATION.—The advisory group shall terminate on December 31, 2008.

(c) PROMOTION OF ELECTRONIC FILING AND INCENTIVES.—Section 6011 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) PROMOTION OF ELECTRONIC FILING.—

"(1) IN GENERAL.—The Secretary is authorized to promote the benefits of and encourage the use of electronic tax administration programs, as they become available, through the use of mass communications and other means.

"(2) INCENTIVES.—The Secretary may implement procedures to provide for the payment of appropriate incentives for electronically filed returns."

SEC. 402. REPORT ON ELECTRONIC FILING AND ITS EFFECT ON SMALL BUSINESSES.

Not later than June 30 of each calendar year after 1997 and before 2009, the Chairperson of the Internal Revenue Service Board of Governors, the Secretary of the Treasury, and the Chairperson of the electronic-filing advisory group established under section 401(b)(4) of this Act shall report to the Committees on Finance, Appropriations, Governmental Affairs, and Small Business of the Senate, the Committees on Ways and Means, Appropriations, Government Reform and Oversight, and Small Business of the House of Representatives, and the Joint Committee on Taxation, on—

(1) the progress of the Internal Revenue Service in meeting the goal of receiving 80 percent of tax and information returns electronically by 2007,

(2) the status of the plan required by section 401(b) of this Act,

(3) the legislative changes necessary to assist the Internal Revenue Service in meeting such goal, and

(4) the effects on small businesses and the self-employed of electronically filing tax and information returns, including a detailed description of the forms to be filed electronically, the equipment and technology required for compliance, the cost to a small business and self-employed individual of filing electronically, implementation plans, and action to coordinate Federal, State, and local electronic filing requirements.

TITLE V—REGULATORY REFORM

SEC. 501. CONGRESSIONAL REVIEW OF INTERNAL REVENUE SERVICE RULES THAT INCREASE REVENUE.

(a) IN GENERAL.—Section 804(2) of title 5, United States Code, is amended to read as follows:

"(2) The term 'major rule'—

"(A) means any rule that—

"(i) the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

"(I) an annual effect on the economy of $100,000,000 or more;

"(II) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

"(III) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

"(ii)(I) is promulgated by the Internal Revenue Service; and

"(II) the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds that the implementation and enforcement of the rule has resulted in or is likely to result in any net increase in Federal revenues over current practices in tax collection or revenues anticipated from the rule on the date of the enactment of the statute under which the rule is promulgated; and

"(B) does not include any rule promulgated under the Telecommunications Act of 1996 and the amendments made by that Act."

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective 90 days after the date of the enactment of this Act.

SEC. 502. SMALL BUSINESS ADVOCACY PANELS FOR THE IRS.

(a) IN GENERAL.—Section 609(d) of title 5, United States Code, is amended to read as follows:

"(d) For purposes of this section, the term 'covered agency' means the Internal Revenue Service, the Environmental Protection Agency, and the Occupational Safety and Health Administration of the Department of Labor."

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective 90 days after the date of the enactment of this Act.

SEC. 503. TAXPAYER'S ELECTION WITH RESPECT TO RECOVERY OF COSTS AND CERTAIN FEES.

(a) IN GENERAL.—

(1) Section 504(f) of title 5, United States Code, is amended to read as follows:

"(f) A party may elect to recover costs, fees, or other expenses under this section or under section 7430 of the Internal Revenue Code of 1986."

(2) Section 2412(e) of title 28, United States Code, is amended to read as follows:

"(e) A party may elect to recover costs, fees, or other expenses under this section or under section 7430 of the Internal Revenue Code of 1986."

(b) COORDINATION.—Section 7430 (relating to awarding of costs and certain fees) is amended by adding at the end the following new subsection:

"(g) COORDINATION WITH EQUAL ACCESS TO JUSTICE ACT.—This section shall not apply to any administrative or judicial proceeding with respect to which a taxpayer elects to recover costs, fees, or other expenses under section 504 of title 5, United States Code, or section 2412 of title 28, United States Code."

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for proceedings initiated after the date of the enactment of this Act.

PUTTING THE TAXPAYER FIRST ACT

EXPLANATION OF PROVISIONS

TITLE I—TAXPAYER RIGHTS

Section 101. Court approval for seizure of taxpayer's property

In response to recent concerns raised about the IRS' unchecked authority to seize a taxpayer's property, the bill requires that before the IRS may seize property the agency must obtain court approval with notice to the taxpayer and an opportunity for a hearing. This requirement will protect a taxpayer's right against unreasonable search and seizure under the Fourth Amendment of the Constitution and ensure the taxpayer's right to due process under the Fifth Amendment.

The bill includes an exception when a taxpayer tries to hide, damage, or destroy property to evade paying his or her taxes. In such a case, if the IRS demonstrates that the property is likely to be lost or damaged, the court may provide immediate relief, without involving the taxpayer, to protect the property. To obtain such relief, the IRS must demonstrate to the court's satisfaction that without relief, the government's ultimate ability to collect the tax due from the property will be lost. The IRS must also demonstrate that the taxpayer has been given notice that tax is due, the taxpayer has failed to pay, and the IRS has a reasonable probability of success on the merits of the case.

Section 102. Improved offers-in-compromise procedure

The bill strengthens the IRS' current administrative program for taxpayers who have no chance of paying their tax liability in full. The program is intended to be a last resort, and the bill requires the IRS to accept offers in compromise when it is unlikely that the tax can be collected in full and the offer represents the taxpayer's ability to pay. The bill requires the IRS to accept, reject, or make a counteroffer to a taxpayer's offer-in-compromise within 120 days from the date that the taxpayer filed the offer and submitted reasonable documentation concerning his or her ability to pay. The bill suspends interest on the taxpayer's tax liability if the IRS fails to meet the 120-day deadline (with exceptions for frivolous offers made by taxpayers merely to buy time). In addition, if the IRS does not accept an offer (e.g., rejects it or returns it as unprocessable), the IRS will be required to provide a complete explanation to the taxpayer as to the reasons that the offer was not accepted, and the taxpayer may appeal the rejection to the Office of Appeals.

This section also requires the Treasury Department to issue regulations that establish the standard for an acceptable offer. The regulations will require that an acceptable offer be based on the economic reality of the taxpayer's ability to pay, and establish specific provisions addressing cases involving small businesses and the self-employed.

Section 103. Expansion of attorney's fees to cover unauthorized-disclosure and browsing cases

The bill clarifies that a court may award attorney's fees in cases involving unauthorized disclosure of taxpayer information and browsing of taxpayer records by IRS employees. This provision is intended to overrule McLarty v. United States, 6 F.3d 545 (8th Cir. 1993), which denied attorney's fees in a case involving unauthorized disclosure, and adopt the ruling in Huckaby v. United States Department of Treasury, 804 F.2d 297 (5th Cir. 1986), which permitted such fees. The bill is also intended to prevent the interpretation in McLarty from being applied to browsing cases.

Section 104. Uniform application of confidentiality privilege for taxpayer communications with Federally authorized practitioners

The bill expands the privilege of confidentiality that exists currently between a taxpayer and an attorney with respect to tax advice to any tax practitioner who is currently authorized to practice before the IRS, such as accountants and enrolled agents. Such confidentiality may be asserted only in non-criminal tax cases before the IRS and Federal courts, including Tax Court.

Section 105. Taxpayer's right to have an IRS examination take place at another site

The bill provides that the IRS must accept a taxpayer's request that an audit be moved away from his or her home or business premises if the off-site location is accessible to the auditor and the taxpayer's books and records are available at such a location. This provision will enable the IRS to conduct an audit but without the fear and disruption resulting from the auditor being present in a family home and among a business' employees and customers for days or weeks.

Section 106. Prohibition on IRS contact of third parties without taxpayer pre-notification

In many audit cases, especially employment tax audits, the IRS uses its summons authority to verify information from a business' customers, employees, suppliers, and others who do business with the taxpayer, but without notifying the taxpayer. Such inquiries often chill business relationships and can lead a third party to cease doing business with the taxpayer for fear of becoming "involved" in the audit themselves. To reduce the economic harm of such contacts, the bill requires pre-notification to a business taxpayer in advance of the IRS issuing a summons to the business' customers, employees, suppliers, and other third parties. An exception is provided for cases in which the IRS can demonstrate a specific bona fide reason that such notice would jeopardize the collection of tax (e.g., the business has threatened to fire any employee who talks to the IRS) or a criminal investigation.

Section 107. Expansion of taxpayer's rights in administrative appeal

In some cases, when an audit is completed, the IRS does not issue a notice of proposed deficiency (i.e., 30-day letter) to the taxpayer, and instead the taxpayer receives a notice of deficiency (i.e., 90-day letter). As a result, the taxpayer loses the opportunity to resolve his or her tax dispute through an administrative appeal, and the taxpayer's only recourse is to pay the tax or file suit in the Tax Court. To prevent this situation, the bill requires the IRS to issue a notice of proposed deficiency and permits the taxpayer to appeal any proposed adjustments to the Office of Appeals. This section is intended to encourage disputes to be resolved at the agency level without the enormous costs to the taxpayer of litigation.

TITLE II—PENALTY REFORM

Section 201. Imposition of interest on penalties only after a taxpayer's failure to pay

Currently, interest on most penalties imposed by the IRS is retroactively applied back to the due date for the taxpayer's return. As a result, such interest amounts to an additional hidden penalty, which can increase a taxpayer's tax bill enormously. The bill provides that interest on a penalty begins to run only after the time has expired for the taxpayer to pay the bill.

Section 202. Repeal of the penalty for substantial understatement of income tax

To simplify the penalty rules, the bill repeals the penalty for substantial understatement of income tax. In most cases involving a substantial understatement, the existing negligence penalty will also apply. As a result, there will still be a deterrent against taxpayers who attempt to cheat on their taxes. However, with the growing complexity of the tax code, it is possible for an innocent mistake to lead to a substantial understatement, and the bill will protect taxpayers in such cases.

Section 203. Repeal of the failure-to-pay penalty

The failure-to-pay penalties were originally enacted in the 1960s to compensate for the low rate of interest applied to an individual's tax liability, and for the fact that such interest was not compounded. Today, with interest compounded daily and adjusted for changes in the interest rate, these penalties are no longer needed and serve only as another hidden, second penalty. In addition, these penalties are often applied on top of accuracy-related penalties, resulting in total punishment of as much as 45 percent in noncriminal cases. To reduce the multiplicity of punishment on taxpayers who make mistakes, the bill repeals the failure-to-pay penalties.

TITLE III—INTERNAL REVENUE SERVICE RESTRUCTURING

Section 301. Internal Revenue Service Board of Governors and Commissioner of Internal Revenue

The bill creates an independent, full-time Board of Governors for the Internal Revenue Service (IRS), which will exercise top-level administrative management over the agency. The Board of Governors will have full responsibility, authority, and accountability for the IRS' enforcement activities, such as examinations and collections, which are often at the heart of taxpayer complaints about the IRS. In addition, the Board will oversee the Office of the Taxpayer Advocate and the Office of Appeals. While the bill keeps the formulation of tax policy within the purview of the Treasury Department, the Board of Governors will have a significant consultative role in such policy decisions.

The Board will consist of five members appointed by the President and confirmed by the Senate, and the members will have staggered five-year terms (i.e., one member will be appointed each year). Two of the members will be affiliated with the Republican party and two with the Democratic party. The fifth member will be the Commissioner of Internal Revenue, who will continue to be appointed by the President with Senate confirmation, subject to a 5-year term. The Commissioner will also serve as the Chairperson of the Board. Collectively, the members of the Board will represent experience and expertise in the needs and concerns of taxpayers, organization development, customer service, the operation of small businesses, the management of large businesses, information technology, and compliance.

Section 302. Restructuring of IRS operations along customer lines

The bill reorganizes the IRS' operations according to customer groups to provide "one stop service" for taxpayers with similar characteristics and needs. This structure will replace the current functional or "one size fits all" approach under which an IRS function, such as taxpayer services, examinations, or collections, handles all taxpayers. The new IRS under this section of the bill will have the following customer groups:

Individual taxpayers (subject to wage withholding).

Small business and self-employed individuals.

Large business.

Exempt organizations and pension plans.

Trusts and estates.

Other division deemed necessary by the Board of Governors.

Each customer group will be headed by an Assistant Commissioner and will have existing IRS functions such as taxpayer service, examinations, collections, and counsel operations dedicated to the specific needs of the individuals or businesses within the division. This structure will be required by law in order to make it permanent and prevent it from becoming just one of the many reorganization plans that the IRS has undertaken over the past several decades.

Section 303. Greater independence of the Taxpayer Advocate

The bill requires that the Taxpayer Advocate be appointed by and report directly to the Board of Governors. The Office of the Taxpayer Advocate will also be independent of all other functions of the IRS. Currently, the Taxpayer Advocate is appointed by and reports only to the Commissioner of Internal Revenue.

Section 304. Greater independence of the Office of Appeals

The section establishes a statutory Office of Appeals within the IRS, which will be independent of all other IRS functions. The Office of Appeals will be managed by a National Appeals Officer, who will be appointed by and report to the Board of Governors.

In order to ensure that the Office of Appeals is an impartial arbiter, the bill prohibits two practices that currently occur in the IRS' appeals process. Under the bill, an appeals officer will be precluded from addressing issues and arguments outside of those identified by the auditor. In addition, this section prohibits communications between an appeals officer and the auditor handling the case without the presence of the taxpayer or his or her representative.

Section 305. Improved IRS written communications to taxpayers and tax forms

The bill directs the Board of Governors to create a taxpayer-communications advisory group to provide a common-sense review process for all new and existing IRS written communications to taxpayers, such as standardized letters, notices and bills as well as forms and instructions. The advisory group's goal will be to ensure that all written communications are clear and easy to understand by the taxpayer to whom it is directed. If a document does not meet this minimum standard, the advisory group will recommend to the Board of Governors that the letter, notice, etc. be rewritten before it is used.

The members of the advisory group will be volunteers with at least one representative of individual taxpayers, small businesses and the self-employed, large businesses, trusts and estates, tax-exempt organizations, tax compliance professionals and other constituencies deemed necessary by the Board of Governors.

TITLE IV—ELECTRONIC FILING

Section 401. Goals for electronic filing and the electronic-filing advisory group

This section establishes a goal, but not a mandate, that paperless filing should be the preferred and most convenient means of filing tax and information returns in 80 percent of cases by the year 2007. In addition, this section calls on the Treasury Secretary to create an electronic-filing advisory group to ensure that the private sector has a role in the implementation of that goal. The advisory group will include representatives of individual taxpayers, small businesses and the self-employed, large businesses, trusts and estates, tax-exempt organizations, and the tax preparation and filing industries.

This section requires the Treasury Secretary, in consultation with the Board of Governors and the advisory group, to develop a strategic plan for implementing the electronic-filing goal. The plan will be subject to public notice and comment and to the requirements of the Regulatory Flexibility Act to ensure that the costs and burdens on taxpayers who decide to file electronically are minimized.

This section also provides authority for the IRS to promote the benefits of electronic filing and to provide appropriate incentives to encourage taxpayers to file electronically.

Section 402. Report on electronic filing and its effect on small businesses

The bill requires the IRS Board of Governors, the Treasury Secretary, and the electronic-filing advisory group to issue an annual report to Congress through 2008 that specifically addresses the effects of electronic filing on small business and its feasibility. In particular, the report will include a detailed description of the forms to be filed electronically, the equipment and technology required for compliance, cost of filing electronically, implementation plans, and efforts undertaken to coordinate Federal, state and local filing requirements including the possibility of one-stop filing.

TITLE V—REGULATORY REFORM

Section 501. Congressional review of Internal Revenue Service rules that increase revenue

The bill includes the provisions of the Stealth Tax Prevention Act of 1997 (S. 831), which will provide Congress with a 60-day window to review any final IRS rule that raises revenue.

Under the bill, Congress will have expedited procedures to enact a joint resolution of disapproval to overrule the IRS rule before it takes effect. The primary example of this situation is the IRS' 1997 proposed regulations defining who is a limited partner for self-employment tax purposes (now known as the "stealth tax regulations"), which is currently subject to a Congressionally imposed moratorium.

Section 502. Small Business Advocacy Panels for the IRS

The bill requires the IRS to increase small business participation in agency rulemaking activities by convening a Small Business Advocacy Review Panel for a proposed rule with a significant economic impact on small entities. For such rules, the IRS will have to notify SBA's Chief Counsel of Advocacy that the rule is under development and provide sufficient information so that the Chief Counsel can identify affected small entities and gather advice and comments on the effects of the proposed rule. A Small Business Advocacy Review Panel, comprising Federal government employees from the IRS, the Office of Advocacy, and OMB, must be convened to review the proposed rule and to collect comments from small businesses. Within 60 days, the panel will have to issue a report of the comments received from small entities and the panel's findings, which will become part of the public record. As appropriate, the IRS may modify the rule or the initial Reg Flex analysis (or its decision on whether a Reg Flex analysis is required) based on the panel's report.

Currently, the requirement for Small Business Advisory Panels applies to the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA). By expanding it to the IRS, the bill will ensure that the views of small businesses are taken into account early in the process of developing new rules and regulations and that the IRS will take action to reduce the burdens of such rules on these small enterprises.

Section 503. Taxpayer's election with respect to recovery of costs and certain fees

Under the Internal Revenue Code, a taxpayer may recover costs and fees, including attorney's fees, against the IRS if he or she prevails and the IRS' litigation position was not substantially justified. The Equal Access to Justice Act (EAJA) permits a small business to recover such costs when an unreasonable agency demand for fines or civil penalties is not sustained in court or in an administrative proceeding. In addition, a small business may also recover such costs and fees under the EAJA when it is the prevailing party and the agency enforcement action is not substantially justified. Currently, the EAJA prohibits a taxpayer seeking to recover costs and fees in an IRS enforcement action from doing so under the EAJA if the fees and costs can be recovered under the Internal Revenue Code.

The bill permits taxpayers to elect whether to pursue recovery of attorney's fees and expenses under the Equal Access to Justice Act ("EAJA") or the Internal Revenue Code.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1670. A bill to amend the Alaskan Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era; to the Committee on Energy and Natural Resources.

THE ALASKA NATIVE VIETNAM VETERANS ALLOTMENT OPEN SEASON ACT OF 1998

Mr. MURKOWSKI. Mr. President, I am pleased to rise today to introduce on behalf of myself and Senator STEVENS, legislation that will provide Alaska Native Veterans of the Vietnam era, from 1964–75, a chance to apply for Native Allotments. Because these brave men and women were outside of the country, serving America with distinction, they missed the opportunity to apply for these allotments. Our bill will create a year-long open season for these veterans and their heirs to apply for and select allotment parcels.

The Alaska Native Allotment Act, in effect from 1906–71, allowed Alaska Natives who had continuous use of either vacant land or certain mineral lands set aside for federal use, the opportunity to apply for, select, and ultimately be granted conveyance of these lands. Alaska Native Vietnam Veterans did not receive the outreach and assistance in applying that other Alaska Natives received during the time the act was in effect, and were effectively denied the opportunity to apply for allotments when they were serving their country. Our legislation calls for the same standards that were in effect under the Allotment Act be used to evaluate these new applications. It calls for DOI to develop rules to implement this bill, in consultation with Alaska Native groups. Congressman YOUNG has introduced a companion measure in the House, and our respective committees plan to hold hearings this winter on these pieces of legislation.

Mr. President, I am pleased that my 1995 authorizing legislation, Public Law 104–2, that required the Department of the Interior to produce a report on the possible impacts of allotment legislation, has led to this day. The time has come to give these veterans the opportunity to join their fellow Alaska Natives in reaping the benefits of the historic Alaska Native Allotment Act.

By Mr. BENNETT (for himself and Mr. DODD):

S. 1671. A bill to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE EXAMINATION PARITY AND YEAR 2000 READINESS FOR FINANCIAL INSTITUTIONS ACT

Mr. BENNETT. Mr. President, I rise today, with my esteemed colleague Senator DODD, to address an issue of significant import. Almost all of our nation's commercial banks, thrifts, and credit unions are regulated and insured. This brings great peace of mind to the American public. We all rest easier knowing that our funds, held by our insured and regulated financial institutions, are protected by (a) an insurance fund, (b) a safety and soundness regulator, and (c) the full faith and credit of the U.S. Treasury. In order to continue this tradition of safe and sound banking practice, we need to ensure that banking law stays abreast of current practices in the market place and that our banks have the most up-to-date information available on upcoming issues affecting the safety and soundness of their operations.

The Bill we introduce today has a two-fold purpose. It grants the Office of Thrift Supervision (OTS) and the National Credit Union Administration (NCUA) the authority to examine third party service organizations which have assumed more of the traditional bank functions. This bill will make OTS and NCUA comparable to the Office of the Controller of the Currency and the Federal Deposit Insurance Corporation in their ability to ensure safe and sound banking practices as they relate to third party service organizations. This Bill also requires federal financial regulatory agencies to hold seminars for financial institutions on the implications of the Year 2000 (Y2K) problem for safe and sound operations, and to provide model approaches for solving common Y2K problems.

The authorities proposed for the NCUA and OTS have been requested by both regulatory agencies. NCUA "strongly supports [this proposal] and urges its quick enactment." OTS, in separate letters to Senator DODD and myself, refers to the current situation as an "obstacle" to their supervisory efforts and a "statutory deficiency". OTS Director Seidman further states "I support your efforts. . . . I have asked my staff to cooperate fully with Senate Banking Committee staff to address any concerns you may have regarding this provision."

OTS staff has been very helpful in this effort and I want to take this opportunity to thank OTS Director Seidman for her assistance as well as Ms. Deborah Dakins. I also want to express appreciation to the Senate Banking Committee staff, especially Mr. Andrew Lowenthal, and my own Subcommittee staff for their efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Examination Parity and Year 2000 Readiness for Financial Institutions Act".

SEC. 2. YEAR 2000 READINESS FOR FINANCIAL INSTITUTIONS.

(a) FINDINGS.—The Congress finds that—

(1) the Year 2000 computer problem poses a serious challenge to the American economy, including the Nation's banking and financial services industries;

(2) thousands of banks, savings associations, and credit unions rely heavily on internal information technology and computer systems, as well as outside service providers, for mission-critical functions, such as check clearing, direct deposit, accounting, automated teller machine networks, credit card processing, and data exchanges with domestic and international borrowers, customers, and other financial institutions; and

(3) Federal financial regulatory agencies must have sufficient examination authority to ensure that the safety and soundness of the Nation's financial institutions will not be at risk.

(b) DEFINITIONS.—For purposes of this section—

(1) the terms "depository institution" and "Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act;

(2) the term "Federal home loan bank" has the same meaning as in section 2 of the Federal Home Loan Bank Act;

(3) the term "Federal reserve bank" means a reserve bank established under the Federal Reserve Act;

(4) the term "insured credit union" has the same meaning as in section 101 of the Federal Credit Union Act; and

(5) the term "Year 2000 computer problem" means, with respect to information technology, any problem which prevents such technology from accurately processing, calculating, comparing, or sequencing date or time data—

(A) from, into, or between—

(i) the 20th and 21st centuries; or

(ii) the years 1999 and 2000; or

(B) with regard to leap year calculations.

(c) SEMINARS AND MODEL APPROACHES TO YEAR 2000 COMPUTER PROBLEM.—

(1) SEMINARS.—

(A) IN GENERAL.—Each Federal banking agency and the National Credit Union Administration Board shall offer seminars to all depository institutions and insured credit unions under the jurisdiction of such agency on the implication of the Year 2000 computer problem for—

(i) the safe and sound operations of such depository institutions and credit unions; and

(ii) transactions with other financial institutions, including Federal reserve banks and Federal home loan banks.

(B) CONTENT AND SCHEDULE.—The content and schedule of seminars offered pursuant to subparagraph (A) shall be determined by each Federal banking agency and the National Credit Union Administration Board taking into account the resources and examination priorities of such agency.

(2) MODEL APPROACHES.—

(A) IN GENERAL.—Each Federal banking agency and the National Credit Union Administration Board shall make available to each depository institution and insured credit union under the jurisdiction of such agency model approaches to common Year 2000 computer problems, such as model approaches with regard to project management, vendor contracts, testing regimes, and business continuity planning.

(B) VARIETY OF APPROACHES.—In developing model approaches to the Year 2000 computer problem pursuant to subparagraph (A), each Federal banking agency and the National Credit Union Administration Board shall take into account the need to develop a variety of approaches to correspond to the variety of depository institutions or credit unions within the jurisdiction of the agency.

(3) COOPERATION.—In carrying out this section, the Federal banking agencies and the National Credit Union Administration Board may cooperate and coordinate their activities with each other, the Financial Institutions Examination Council, and appropriate organizations representing depository institutions and credit unions.

SEC. 3. REGULATION AND EXAMINATION OF SERVICE PROVIDERS.

(a) REGULATION AND EXAMINATION OF SAVINGS ASSOCIATION SERVICE COMPANIES.—

(1) AMENDMENT TO HOME OWNERS' LOAN ACT.—Section 5(d) of the Home Owners' Loan Act (12 U.S.C. 1464(d)) is amended by adding at the end the following:

"(7) REGULATION AND EXAMINATION OF SAVINGS ASSOCIATION SERVICE COMPANIES, SUBSIDIARIES, AND SERVICE PROVIDERS.—

"(A) GENERAL EXAMINATION AND REGULATORY AUTHORITY.—A service company or subsidiary that is owned in whole or in part by a savings association shall be subject to examination and regulation by the Director to the same extent as that savings association.

"(B) EXAMINATION BY OTHER BANKING AGENCIES.—The Director may authorize any other Federal banking agency that supervises any other owner of part of the service company or subsidiary to perform an examination described in subparagraph (A).

"(C) APPLICABILITY OF SECTION 8 OF THE FEDERAL DEPOSIT INSURANCE ACT.—A service company or subsidiary that is owned in whole or in part by a saving association shall be subject to the provisions of section 8 of the Federal Deposit Insurance Act as if the service company or subsidiary were an insured depository institution. In any such case, the Director shall be deemed to be the appropriate Federal banking agency, pursuant to section 3(q) of the Federal Deposit Insurance Act.

"(D) SERVICE PERFORMED BY CONTRACT OR OTHERWISE.—Notwithstanding subparagraph (A), if a savings association, a subsidiary thereof, or any savings and loan affiliate or entity, as identified by section 8(b)(9) of the Federal Deposit Insurance Act, that is regularly examined or subject to examination by the Director, causes to be performed for itself, by contract or otherwise, any service authorized under this Act or, in the case of a State savings association, any applicable State law, whether on or off its premises—

"(i) such performance shall be subject to regulation and examination by the Director to the same extent as if such services were being performed by the savings association on its own premises; and

"(ii) the savings association shall notify the Director of the existence of the service relationship not later than 30 days after the earlier of—

"(I) the date on which the contract is entered into; or

"(II) the date on which the performance of the service is initiated.

"(E) ADMINISTRATION BY THE DIRECTOR.—The Director may issue such regulations and orders, including those issued pursuant to section 8 of the Federal Deposit Insurance Act, as may be necessary to enable the Director to administer and carry out this paragraph and to prevent evasion of this paragraph.

"(8) DEFINITIONS.—For purposes of this section—

"(A) the term 'service company' means—

"(i) any corporation—

"(I) that is organized to perform services authorized by this Act or, in the case of a corporation owned in part by a State savings association, authorized by applicable State law; and

"(II) all of the capital stock of which is owned by 1 or more insured savings associations; and

"(ii) any limited liability company—

"(I) that is organized to perform services authorized by this Act or, in the case of a company, 1 of the members of which is a State savings association, authorized by applicable State law; and

"(II) all of the members of which are 1 or more insured savings associations;

"(B) the term 'limited liability company' means any company, partnership, trust, or similar business entity organized under the law of a State (as defined in section 3 of the Federal Deposit Insurance Act) that provides that a member or manager of such company is not personally liable for a debt, obligation, or liability of the company solely by reason of being, or acting as, a member or manager of such company; and

"(C) the terms 'State savings association' and 'subsidiary' have the same meanings as in section 3 of the Federal Deposit Insurance Act.".

(2) CONFORMING AMENDMENTS TO SECTION 8 OF THE FEDERAL DEPOSIT INSURANCE ACT.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(A) in subsection (b)(9), by striking "to any service corporation of a savings association and to any subsidiary of such service corporation";

(B) in subsection (e)(7)(A)(ii), by striking "(b)(8)" and inserting "(b)(9)"; and

(C) in subsection (j)(2), by striking "(b)(8)" and inserting "(b)(9)".

(b) REGULATION AND EXAMINATION OF SERVICE PROVIDERS FOR CREDIT UNIONS.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by inserting after section 206 the following new section:

"SEC. 206A. REGULATION AND EXAMINATION OF CREDIT UNION ORGANIZATIONS AND SERVICE PROVIDERS.

"(a) REGULATION AND EXAMINATION OF CREDIT UNION ORGANIZATIONS.—

"(1) GENERAL EXAMINATION AND REGULATORY AUTHORITY.—A credit union organization shall be subject to examination and regulation by the Board to the same extent as that insured credit union.

"(2) EXAMINATION BY OTHER BANKING AGENCIES.—The Board may authorize to make an examination of a credit union organization in accordance with paragraph (1)—

"(A) any Federal regulator agency that supervises any activity of a credit union organization; or

"(B) any Federal banking agency that supervises any other person who maintains an ownership interest in a credit union organization.

"(b) APPLICABILITY OF SECTION 206.—A credit union organization shall be subject to the provisions of section 206 as if the credit union organization were an insured credit union.

"(c) SERVICE PERFORMED BY CONTRACT OR OTHERWISE.—Notwithstanding subsection (a), if an insured credit union or a credit union organization that is regularly examined or subject to examination by the Board, causes to be performed for itself, by contract or otherwise, any service authorized under this Act or, in the case of a State credit union, any applicable State law, whether on or off its premises—

"(1) such performance shall be subject to regulation and examination by the Board to the same extent as if such services were being performed by the insured credit union or credit union organization itself on its own premises; and

"(2) the insured credit union or credit union organization shall notify the Board of the existence of the service relationship not later than 30 days after the earlier of—

"(A) the date on which the contract is entered into; or

"(B) the date on which the performance of the service is initiated.

"(d) ADMINISTRATION BY THE BOARD.—The Board may issue such regulations and orders as may be necessary to enable the Board to administer and carry out this section and to prevent evasion of this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'credit union organization' means any entity that—

"(A) is not a credit union;

"(B) is an entity in which an insured credit union may lawfully hold an ownership interest or investment; and

"(C) is owned in whole or in part by an insured credit union; and

"(2) the term 'Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(f) EXPIRATION OF AUTHORITY.—This section and all powers and authority of the Board under this section shall cease to be effective as of December 31, 2001.".

Mr. DODD. Mr. President. I am very pleased to join with Senator BENNETT to introduce the "Examination Parity and Year 2000 Readiness For Financial Institutions Act." This legislation, while technical in nature, will provide badly needed authority and guidance to Federal financial regulators to help their supervised institutions cope with the Year 2000 computer problem.

The Year 2000—or Y2K—computer problem is caused by the inability of most of the major financial systems to process the year 2000 as the one that follows the year 1999. This is caused by the fact that basic computer code, much of it written as many as thirty years ago, reads dates as two-digits, "98" or "99," instead of four digits "1999" or "2000." If left untreated, computers will read the year 2000 as the years 1900, 1980 or some other default date. The result is not only erroneous calculations, but the total crash of many critical financial systems.

Federal financial regulators have been very active, of late, in helping their supervised institutions prepare for this extremely dangerous problem. However, both the Office of Thrift Supervision and the National Credit Union Administration have notified Senator BENNETT and I that they lack the authority to examine the Year 2000 preparations of service providers to thrifts and credit unions. Currently, other federal financial regulators—the Federal Reserve, Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation—have this authority.

These service providers perform many of the key transaction and data processing for federally-insured thrifts and credit unions, particularly smaller institutions for whom it is not cost-effective to establish their own computer systems. As a result, it is imperative to the safety and soundness of these institutions for the regulators to be able to establish that their service providers will be Year 2000 compliant.

The legislation also contains provisions that require all financial regulators to hold seminars to educate their respective supervised institutions and, to the maximum extent possible, provide model solutions for fixing the problem. The beneficial impact of such outreach and education efforts for federally-insured institutions is self-evident.

Mr. President, the Year 2000 problem is one that we will have to confront in many more ways than this legislation. The extent of the problem goes well beyond the financial services industry to affect virtually every segment of our nation's economy. But this sensible bill is a good first step to ensuring that Federal financial regulators have the tools necessary to address the problem in their area of jurisdiction.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1672. A bill to expand the authority of the Secretary of the Army to improve the control of erosion on the Missouri River; to the Committee on Environment and Public Works.

THE MISSOURI RIVER EROSION CONTROL ACT OF 1998

Mr. DASCHLE. Mr. President, it is my pleasure today to introduce the Missouri River Erosion Control Act of 1998, a bill to provide much-needed assistance to homeowners who live along the Missouri River. Over the past several years, many South Dakotans have seen property values drop and homes nearly destroyed by shoreline erosion. This legislation will help these families to work with the U.S. Army Corps of Engineers to take responsible steps to prevent these problems. My colleague, Senator JOHNSON, is joining me as an original cosponsor of this legislation.

While erosion occurs naturally on any river, shorelines on the Missouri are particularly vulnerable to it. Releases from the hydroelectric dams that span the river in South Dakota cause its depth and speed to fluctuate drastically, sometimes with dangerous consequences. Following last year's flooding disaster, the rapid, swirling current caused by sustained high releases from the dams swept away half an acre of land near Burbank, South Dakota, in just 3 hours. A subsequent release destroyed an additional 40 feet of land, bringing the river's edge to the foundation of the home of Neil and Eileen Helvig. Thanks to last minute work by the Corps of Engineers to stabilize the shoreline, the Helvig's home, and several others nearby, were saved. However, this is not the only case when bank erosion has posed a threat to residential homes and without a comprehensive program in place to provide help to others in need, we may not be so lucky in the future.

Over the last several years, Mrs. Lois Hyde of rural Lake Andes has watched the river work its way to within a stone's throw of her home—an original homestead first settled by her family over 100 years ago. Without additional help, it is likely that she may be forced to abandon her farm. I believe it is our responsibility to give individuals like her the help they need to protect their homes.

The Missouri River Erosion Control Act of 1998 will give homeowners the opportunity to take responsible steps to protect their property. The bill amends current law to permit homeowners to work in partnership with the U.S. Army Corps of Engineers to take steps to stabilize their shoreline. Under the my bill, the Corps of Engineers will accept applications from private property owners along the Missouri River and rank those applications in order of need. The most vulnerable stretches of the shoreline would then be targeted for assistance. Like other erosion control programs, the bill requires a 35 percent non-federal cost share, while the federal government will provide the other 65 percent of the cost.

For many years the Corps of Engineers has been reluctant to work with private property owners to prevent damage to private property from erosion. Nevertheless, new circumstances require new thinking. Particularly in the wake of last year's disaster in South Dakota, circumstances have made it clear that we must help families take the steps they need to protect their homes. Homeowners want to take responsible measures to protect their property. We must give them that opportunity. I urge my colleagues to join me in support of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missouri River Erosion Control Act of 1998".

SEC. 2. MISSOURI RIVER EROSION CONTROL.

Section 9(f) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (102 Stat. 4031)), is amended—

(1) by striking "(f) The" and inserting the following:

"(f) MISSOURI RIVER BETWEEN FORT PECK DAM, MONTANA, AND A POINT BELOW GAVINS POINT DAM, SOUTH DAKOTA AND NEBRASKA.—

"(1) IN GENERAL.—The";

(2) in the first sentence of paragraph (1) (as designated by paragraph (1)), by striking "58" and inserting "77";

(3) in the second sentence—

(A) by striking "The cost" and inserting the following:

"(2) COSTS.—

"(A) MAXIMUM.—The cost"; and

(B) by striking "**$3,000,000**" and inserting "**$6,000,000**";

(4) in the third sentence, by striking "Notwithstanding" and inserting the following:

"(B) APPORTIONMENT AMONG PROJECT PURPOSES.—Notwithstanding";

(5) in the last sentence, by striking "In lieu" and inserting the following:

"(3) ACQUISITION OF LAND.—

"(A) IN GENERAL.—In lieu";

(6) in paragraph (3) (as designated by paragraph (5)), by adding at the end the following:

"(B) RECREATIONAL RIVER SEGMENTS.—Notwithstanding the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), in the case of a segment of the Missouri River in the State of South Dakota that is administered as a recreational river under section 3(a) of that Act (16 U.S.C. 1274(a)), the Secretary of the Army may acquire, from willing sellers, such real estate interests as the Secretary determines are necessary to carry out this subsection."; and

(7) by adding at the end the following:

"(4) MEASURES ON BEHALF OF NON-FEDERAL ENTITIES.—The Secretary of the Army may undertake measures authorized by paragraph (1) at the request of, or on behalf of, a non-Federal public or private entity or individual with respect to land owned by the entity or individual as of the date of enactment of this paragraph, if a non-Federal interest described in section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)) agrees in writing to provide 35 percent of the cost of the measures to be undertaken.".

ADDITIONAL COSPONSORS

S. 230

At the request of Mr. THURMOND, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 314

At the request of Mr. THOMAS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 358

At the request of Mr. DEWINE, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 375

At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 1067

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 1163

At the request of Mr. BRYAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1163, a bill to amend the Truth in Lending Act to prohibit the distribution of any negotiable check or other instrument with any solicitation to a consumer by a creditor to open an account under any consumer credit plan or to engage in any other credit transaction which is subject to that Act, and for other purposes.

S. 1194

At the request of Mr. LOTT, his name was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1283

At the request of Mr. BUMPERS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1283, A bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1365

At the request of Ms. MIKULSKI, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1396

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1396, A bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools.

S. 1422

At the request of Mr. MCCAIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Montana (Mr. BAUCUS), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1481

At the request of Mr. DEWINE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Michigan (Mr. LEVIN), the Senator from North Dakota (Mr. DORGAN), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1481, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide for continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 1570

At the request of Mr. FAIRCLOTH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1570, a bill to limit the amount of attorneys' fees that may be paid on behalf of States and other plaintiffs under the tobacco settlement.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1631

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1631, a bill to amend the General Education Provisions Act to allow parents access to certain information.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Joint Resolution 30, a joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day", and for other purposes.

SENATE JOINT RESOLUTION 40

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

SENATE RESOLUTION 114

At the request of Mr. TORRICELLI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of Senate Resolution 114, a resolution expressing the sense of the Senate that the transfer of Hong Kong to the People's Republic of China not alter the current or future status of Taiwan as a free and democratic country.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Nevada (Mr. BRYAN), the Senator from South Dakota (Mr. DASCHLE), the Senator from New York (Mr. D'AMATO), the Senator from Kentucky (Mr. FORD), the Senator from North Carolina (Mr. HELMS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 175, a resolution to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

AMENDMENTS SUBMITTED ON FEBRUARY 23, 1998

THE PAYCHECK PROTECTION ACT

McCAIN (AND OTHERS) AMENDMENT NO. 1646

Mr. McCAIN (for himself, Mr. FEINGOLD, Mr. THOMPSON, Ms. COLLINS, Mr. LEVIN, and Mr. CLELAND) proposed an amendment to the bill (S. 1663) to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bipartisan Campaign Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Civil penalty.
Sec. 203. Reporting requirements for certain independent expenditures.
Sec. 204. Independent versus coordinated expenditures by party.
Sec. 205. Coordination with candidates.

TITLE III—DISCLOSURE

Sec. 301. Filing of reports using computers and facsimile machines; filing by Senate candidates with Commission.
Sec. 302. Prohibition of deposit of contributions with incomplete contributor information.
Sec. 303. Audits.
Sec. 304. Reporting requirements for contributions of $50 or more.
Sec. 305. Use of candidates' names.
Sec. 306. Prohibition of false representation to solicit contributions.
Sec. 307. Soft money of persons other than political parties.
Sec. 308. Campaign advertising.

TITLE IV—PERSONAL WEALTH OPTION

Sec. 401. Voluntary personal funds expenditure limit.
Sec. 402. Political party committee coordinated expenditures.

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.
Sec. 502. Use of contributed amounts for certain purposes.
Sec. 503. Limit on congressional use of the franking privilege.
Sec. 504. Prohibition of fundraising on Federal property.
Sec. 505. Penalties for knowing and willful violations.
Sec. 506. Strengthening foreign money ban.
Sec. 507. Prohibition of contributions by minors.
Sec. 508. Expedited procedures.
Sec. 509. Initiation of enforcement proceeding.

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 601. Severability.
Sec. 602. Review of constitutional issues.
Sec. 603. Effective date.
Sec. 604. Regulations.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. 324. SOFT MONEY OF POLITICAL PARTIES.

"(a) NATIONAL COMMITTEES.—

"(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) and any officers or agents of such party committees, shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) APPLICABILITY.—This subsection shall apply to an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee of a political party (including a national congressional campaign committee of a political party), or an entity acting on behalf of a national committee, and an officer or agent acting on behalf of any such committee or entity.

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—An amount that is expended or disbursed by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) for Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) FEDERAL ELECTION ACTIVITY.—

"(A) IN GENERAL.—The term 'Federal election activity' means—

"(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

"(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot); and

"(iii) a communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and is made for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).

"(B) EXCLUDED ACTIVITY.—The term 'Federal election activity' does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

"(i) campaign activity conducted solely on behalf of a clearly identified candidate for State or local office, provided the campaign activity is not a Federal election activity described in subparagraph (A);

"(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

"(iii) the costs of a State, district, or local political convention;

"(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office;

"(v) the non-Federal share of a State, district, or local party committee's administrative and overhead expenses (but not including the compensation in any month of an individual who spends more than 20 percent of the individual's time on Federal election activity) as determined by a regulation promulgated by the Commission to determine the non-Federal share of a State, district, or local party committee's administrative and overhead expenses; and

"(vi) the cost of constructing or purchasing an office facility or equipment for a State, district or local committee.

"(c) FUNDRAISING COSTS.—An amount spent by a national, State, district, or local committee of a political party, by an entity that is established, financed, maintained, or controlled by a national, State, district, or local committee of a political party, or by an agent or officer of any such committee or entity, to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

"(d) TAX-EXEMPT ORGANIZATIONS.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity), shall not solicit any funds for, or make or direct any donations to, an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application to the Secretary of the Internal Revenue Service for determination of tax-exemption under such section).

"(e) CANDIDATES.—

"(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not solicit, receive, direct, transfer, or spend funds for a Federal election activity on behalf of such candidate, individual, agent or any other person, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(A) STATE LAW.—Paragraph (1) does not apply to the solicitation or receipt of funds by an individual who is a candidate for a State or local office if the solicitation or receipt of funds is permitted under State law for any activity other than a Federal election activity.

"(B) FUNDRAISING EVENTS.—Paragraph (1) does not apply in the case of a candidate who attends, speaks, or is a featured guest at a fundraising event sponsored by a State, district, or local committee of a political party.".

SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) CONTRIBUTION LIMIT FOR STATE COMMITTEES OF POLITICAL PARTIES.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C)—

(A) by inserting "(other than a committee described in subparagraph (D))" after "committee"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) to a political committee established and maintained by a State committee of a political party in any calendar year that, in the aggregate, exceed $10,000".

(b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000" and inserting "$30,000".

SEC. 103. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 203) is amended by adding at the end the following:

"(e) POLITICAL COMMITTEES.—

"(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

"(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 324 APPLIES.—A political committee (not described in paragraph (1)) to which section 324(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2) and (3)(A)(v) of section 324(b).

"(3) ITEMIZATION.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

"(4) REPORTING PERIODS.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xiv) as clauses (viii) through (xiii), respectively.

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 201. DEFINITIONS.

(a) DEFINITION OF INDEPENDENT EXPENDITURE.—Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—

"(A) IN GENERAL.—The term 'independent expenditure' means an expenditure by a person—

"(i) for a communication that is express advocacy; and

"(ii) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent.".

(b) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) EXPRESS ADVOCACY.—

"(A) IN GENERAL.—The term 'express advocacy' means a communication that advocates the election or defeat of a candidate by—

"(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

"(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is broadcast by a radio broadcast station or a television broadcast station within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

"(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference to external events, such as proximity to an election.

"(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

"(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

"(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent;

"(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.".

(c) Definition of Expenditure.—Section 301(9)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) a payment for a communication that is express advocacy; and

"(iv) a payment made by a person for a communication that—

"(I) refers to a clearly identified candidate;

"(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

"(III) is for the purpose of influencing a Federal election (regardless of whether the communication is express advocacy).".

SEC. 202. CIVIL PENALTY.

Section 309 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(A)—

(i) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(ii) by adding at the end the following:

"(iii) If the Commission determines by an affirmative vote of 4 of its members that there is probable cause to believe that a person has made a knowing and willful violation of section 304(c), the Commission shall not enter into a conciliation agreement under this paragraph and may institute a civil action for relief under paragraph (6)(A)."; and

(B) in paragraph (6)(B), by inserting "(except an action instituted in connection with a knowing and willful violation of section 304(c))" after "subparagraph (A)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A), by striking "Any person" and inserting "Except as provided in subparagraph (D), any person"; and

(B) by adding at the end the following:

"(D) In the case of a knowing and willful violation of section 304(c) that involves the reporting of an independent expenditure, the violation shall not be subject to this subsection.".

SEC. 203. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (7); and

(3) by inserting after paragraph (2) (as amended by paragraph (1)) the following:

"(d) Time for Reporting Certain Expenditures.—

"(1) Expenditures aggregating $1,000.—

"(A) Initial report.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours after that amount of independent expenditures has been made.

"(B) Additional reports.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

"(2) Expenditures aggregating $10,000.—

"(A) Initial report.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours after that amount of independent expenditures has been made.

"(B) Additional reports.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

"(3) Place of filing; contents.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.".

SEC. 204. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "and (3)" and inserting ", (3), and (4)"; and

(2) by adding at the end the following:

"(4) Independent versus coordinated expenditures by party.—

"(A) In general.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

"(B) Certification.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

"(C) Application.—For the purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

"(D) Transfers.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.".

SEC. 205. COORDINATION WITH CANDIDATES.

(a) Definition of Coordination With Candidates.—

(1) Section 301(8).—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office."; and

(B) by adding at the end the following:

"(C) The term 'provided in coordination with a candidate' includes—

"(i) a payment made by a person in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with a candidate, the candidate's authorized committee, or an agent acting on behalf of a candidate or authorized committee;

"(ii) a payment made by a person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, a candidate's authorized committee, or an agent of a candidate or authorized committee (not including a communication described in paragraph (9)(B)(i) or a communication that expressly advocates the candidate's defeat);

"(iii) a payment made by a person based on information about a candidate's plans, projects, or needs provided to the person making the payment by the candidate or the candidate's agent who provides the information with the intent that the payment be made;

"(iv) a payment made by a person if, in the same election cycle in which the payment is made, the person making the payment is serving or has served as a member, employee, fundraiser, or agent of the candidate's authorized committee in an executive or policymaking position;

"(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

"(vi) a payment made by a person if, in the same election cycle, the person making the payment retains the professional services of any person that has provided or is providing campaign-related services in the same election cycle to a candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including services relating to the candidate's decision to seek Federal office, and the person retained is retained to work on activities relating to that candidate's campaign;

"(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

"(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

"(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy (including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

"(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

"(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

"(E) For purposes of subparagraph (C), all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.".

(2) SECTION 315(a)(7).—Section 315(a)(7) (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

(b) MEANING OF CONTRIBUTION OR EXPENDITURE FOR THE PURPOSES OF SECTION 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by striking "shall include" and inserting "includes a contribution or expenditure, as those terms are defined in section 301, and also includes".

TITLE III—DISCLOSURE

SEC. 301. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES; FILING BY SENATE CANDIDATES WITH COMMISSION.

(a) USE OF COMPUTER AND FACSIMILE MACHINE.—Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form, including the use of a facsimile machine, if not required to do so under the regulation promulgated under clause (i).

"(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

"(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

(b) SENATE CANDIDATES FILE WITH COMMISSION.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 302, by striking subsection (g) and inserting the following:

"(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission."; and

(2) in section 304—

(A) in subsection (a)(6)(A), by striking "the Secretary or"; and

(B) in the matter following subsection (c)(2), by striking "the Secretary or".

SEC. 302. PROHIBITION OF DEPOSIT OF CONTRIBUTIONS WITH INCOMPLETE CONTRIBUTOR INFORMATION.

Section 302 of Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

"(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of a candidate's authorized committee shall not deposit, except in an escrow account, or otherwise negotiate a contribution from a person who makes an aggregate amount of contributions in excess of $200 during a calendar year unless the treasurer verifies that the information required by this section with respect to the contributor is complete.".

SEC. 303. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1) IN GENERAL.—" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least 4 members of the Commission.

"(B) LIMITATION.—The Commission shall not conduct an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer a candidate for the office sought by the candidate in an election cycle.

"(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF $50 OR MORE.

Section 304(b)(3)(A) of the Federal Election Campaign Act at 1971 (2 U.S.C. 434(b)(3)(A) is amended—

(1) by striking "$200" and inserting "$50"; and

(2) by striking the semicolon and inserting ", except that in the case of a person who makes contributions aggregating at least $50 but not more than $200 during the calendar year, the identification need include only the name and address of the person;".

SEC. 305. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name; or

"(ii) except in the case of a national, State, or local party committee, use the name of any candidate in any activity on behalf of the committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 306. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a) IN GENERAL.—"; and

(2) by adding at the end the following:

"(b) SOLICITATION OF CONTRIBUTIONS.—No person shall solicit contributions by falsely representing himself or herself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 307. SOFT MONEY OF PERSONS OTHER THAN POLITICAL PARTIES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c)) is amended by adding at the end the following:

"(g) DISBURSEMENTS OF PERSONS OTHER THAN POLITICAL PARTIES.—

"(1) IN GENERAL.—A person, other than a political committee or a person described in section 501(d) of the Internal Revenue Code of 1986, that makes an aggregate amount of disbursements in excess of $50,000 during a calendar year for activities described in paragraph (2) shall file a statement with the Commission—

"(A) on a monthly basis as described in subsection (a)(4)(B); or

"(B) in the case of disbursements that are made within 20 days of an election, within 24 hours after the disbursements are made.

"(2) ACTIVITY.—The activity described in this paragraph is—

"(A) Federal election activity;

"(B) an activity described in section 316(b)(2)(A) that expresses support for or opposition to a candidate for Federal office or a political party; and

"(C) an activity described in subparagraph (C) of section 316(b)(2).

"(3) APPLICABILITY.—This subsection does not apply to—

"(A) a candidate or a candidate's authorized committees; or

"(B) an independent expenditure.

"(4) CONTENTS.—A statement under this section shall contain such information about the disbursements made during the reporting period as the Commission shall prescribe, including—

"(A) the aggregate amount of disbursements made;

"(B) the name and address of the person or entity to whom a disbursement is made in an aggregate amount in excess of $200;

"(C) the date made, amount, and purpose of the disbursement; and

"(D) if applicable, whether the disbursement was in support of, or in opposition to, a candidate or a political party, and the name of the candidate or the political party.".

(b) DEFINITION OF GENERIC CAMPAIGN ACTIVITY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 201(b)) is amended by adding at the end the following:

"(21) GENERIC CAMPAIGN ACTIVITY.—The term 'generic campaign activity' means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.".

SEC. 308. CAMPAIGN ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(B) in paragraph (3), by inserting "and permanent street address" after "name"; and

(2) by adding at the end the following:

"(c) Any printed communication described in subsection (a) shall—

"(1) be of sufficient type size to be clearly readable by the recipient of the communication;

"(2) be contained in a printed box set apart from the other contents of the communication; and

"(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in paragraphs (1) or (2) of subsection (a) shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in paragraph (3) of subsection (a) shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: ' is responsible for the content of this advertisement.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If broadcast or cablecast by means of television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

TITLE IV—PERSONAL WEALTH OPTION

SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 101) is amended by adding at the end the following:

"SEC. 325. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

"(a) ELIGIBLE SENATE CANDIDATE.—

"(1) PRIMARY ELECTION.—

"(A) DECLARATION.—A candidate is an eligible primary election Senate candidate if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

"(2) GENERAL ELECTION.—

"(A) DECLARATION.—A candidate is an eligible general election Senate candidate if the candidate files with the Commission—

"(i) a declaration under penalty of perjury, with supporting documentation as required by the Commission, that the candidate and the candidate's authorized committees did not exceed the personal funds expenditure limit in connection with the primary election; and

"(ii) a declaration that the candidate and the candidate's authorized committees will not make expenditures in excess of the personal funds expenditure limit.

"(B) TIME TO FILE.—The declaration under subparagraph (A) shall be filed not later than 7 days after the earlier of—

"(i) the date on which the candidate qualifies for the general election ballot under State law; or

"(ii) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

"(1) IN GENERAL.—The aggregate amount of expenditures that may be made in connection with an election by an eligible Senate candidate or the candidate's authorized committees from the sources described in paragraph (2) shall not exceed **$50,000**.

"(2) SOURCES.—A source is described in this paragraph if the source is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(c) CERTIFICATION BY THE COMMISSION.—

"(1) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this section and, based on the determination, issue a certification stating whether the candidate is an eligible Senate candidate.

"(2) TIME FOR CERTIFICATION.—Not later than 7 business days after a candidate files a declaration under paragraph (1) or (2) of subsection (a), the Commission shall certify whether the candidate is an eligible Senate candidate.

"(3) REVOCATION.—The Commission shall revoke a certification under paragraph (1), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate violates the personal funds expenditure limit.

"(4) DETERMINATIONS BY COMMISSION.—A determination made by the Commission under this subsection shall be final, except to the extent that the determination is subject to examination and audit by the Commission and to judicial review.

"(d) PENALTY.—If the Commission revokes the certification of an eligible Senate candidate—

"(1) the Commission shall notify the candidate of the revocation; and

"(2) the candidate and a candidate's authorized committees shall pay to the Commission an amount equal to the amount of expenditures made by a national committee of a political party or a State committee of a political party in connection with the general election campaign of the candidate under section 315(d).".

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) (as amended by section 204) is amended by adding at the end the following:

"(5) This subsection does not apply to expenditures made in connection with the general election campaign of a candidate for the Senate who is not an eligible Senate candidate (as defined in section 325(a)).".

TITLE V—MISCELLANEOUS

SEC. 501. CODIFICATION OF BECK DECISION.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h) NONUNION MEMBER PAYMENTS TO LABOR ORGANIZATION.—

"(1) IN GENERAL.—It shall be an unfair labor practice for any labor organization which receives a payment from an employee pursuant to an agreement that requires employees who are not members of the organization to make payments to such organization in lieu of organization dues or fees not to establish and implement the objection procedure described in paragraph (2).

"(2) OBJECTION PROCEDURE.—The objection procedure required under paragraph (1) shall meet the following requirements:

"(A) The labor organization shall annually provide to employees who are covered by such agreement but are not members of the organization—

"(i) reasonable personal notice of the objection procedure, the employees eligible to invoke the procedure, and the time, place, and manner for filing an objection; and

"(ii) reasonable opportunity to file an objection to paying for organization expenditures supporting political activities unrelated to collective bargaining, including but not limited to the opportunity to file such objection by mail.

"(B) If an employee who is not a member of the labor organization files an objection under the procedure in subparagraph (A), such organization shall—

"(i) reduce the payments in lieu of organization dues or fees by such employee by an amount which reasonably reflects the ratio that the organization's expenditures supporting political activities unrelated to collective bargaining bears to such organization's total expenditures;

"(ii) provide such employee with a reasonable explanation of the organization's calculation of such reduction, including calculating the amount of organization expenditures supporting political activities unrelated to collective bargaining.

"(3) DEFINITION.—In this subsection, the term 'expenditures supporting political activities unrelated to collective bargaining' means expenditures in connection with a Federal, State, or local election or in connection with efforts to influence legislation unrelated to collective bargaining.".

SEC. 502. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

"SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

"(a) PERMITTED USES.—A contribution accepted by a candidate, and any other amount received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

"(1) for expenditures in connection with the campaign for Federal office of the candidate or individual;

"(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

"(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

"(4) for transfers to a national, State, or local committee of a political party.

"(b) PROHIBITED USE.—

"(1) IN GENERAL.—A contribution or amount described in subsection (a) shall not be converted by any person to personal use.

"(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal officeholder, including—

"(A) a home mortgage, rent, or utility payment;

"(B) a clothing purchase;

"(C) a noncampaign-related automobile expense;

"(D) a country club membership;

"(E) a vacation or other noncampaign-related trip;

"(F) a household food item;

"(G) a tuition payment;

"(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(I) dues, fees, and other payments to a health club or recreational facility.".

SEC. 503. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.".

SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended by—

(1) striking subsection (a) and inserting the following:

"(a) PROHIBITION.—

"(1) IN GENERAL.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value for a political committee or a candidate for Federal, State or local office from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. An individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, shall not solicit a donation of money or other thing of value for a political committee or candidate for Federal, State or local office, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

"(2) PENALTY.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both.".

(2) inserting in subsection (b) after "Congress" "or Executive Office of the President".

SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLATIONS.

(a) INCREASED PENALTIES.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraphs (5)(A), (6)(A), and (6)(B), by striking "$5,000" and inserting "$10,000"; and

(2) in paragraphs (5)(B) and (6)(C), by striking "$10,000 or an amount equal to 200 percent" and inserting "$20,000 or an amount equal to 300 percent".

(b) EQUITABLE REMEDIES.—Section 309(a)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking the period at the end and inserting ", and may include equitable remedies or penalties, including disgorgement of funds to the Treasury or community service requirements (including requirements to participate in public education programs).".

(c) AUTOMATIC PENALTY FOR LATE FILING.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) PENALTY FOR LATE FILING.—

"(A) IN GENERAL.—

"(i) MONETARY PENALTIES.—The Commission shall establish a schedule of mandatory monetary penalties that shall be imposed by the Commission for failure to meet a time requirement for filing under section 304.

"(ii) REQUIRED FILING.—In addition to imposing a penalty, the Commission may require a report that has not been filed within the time requirements of section 304 to be filed by a specific date.

"(iii) PROCEDURE.—A penalty or filing requirement imposed under this paragraph shall not be subject to paragraph (1), (2), (3), (4), (5), or (12).

"(B) FILING AN EXCEPTION.—

"(i) TIME TO FILE.—A political committee shall have 30 days after the imposition of a penalty or filing requirement by the Commission under this paragraph in which to file an exception with the Commission.

"(ii) TIME FOR COMMISSION TO RULE.—Within 30 days after receiving an exception, the Commission shall make a determination that is a final agency action subject to exclusive review by the United States Court of Appeals for the District of Columbia Circuit under section 706 of title 5, United States Code, upon petition filed in that court by the political committee or treasurer that is the subject of the agency action, if the petition is filed within 30 days after the date of the Commission action for which review is sought.";

(2) in paragraph (5)(D)—

(A) by inserting after the first sentence the following: "In any case in which a penalty or filing requirement imposed on a political committee or treasurer under paragraph (13) has not been satisfied, the Commission may institute a civil action for enforcement under paragraph (6)(A)."; and

(B) by inserting before the period at the end of the last sentence the following: "or has failed to pay a penalty or meet a filing requirement imposed under paragraph (13)"; and

(3) in paragraph (6)(A), by striking "paragraph (4)(A)" and inserting "paragraph (4)(A) or (13)".

SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: "CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS"; and

(2) by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—It shall be unlawful for—

"(1) a foreign national, directly or indirectly, to make—

"(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election to a political committee or a candidate for Federal office; or

"(ii) a contribution or donation to a committee of a political party; or

"(B) for a person to solicit, accept, or receive such contribution or donation from a foreign national.".

SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 401) is amended by adding at the end the following:

"SEC. 326. PROHIBITION OF CONTRIBUTIONS BY MINORS.

An individual who is 17 years old or younger shall not make a contribution to a candidate or a contribution or donation to a committee of a political party.".

SEC. 508. EXPEDITED PROCEDURES.

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) (as amended by section 505(c)) is amended by adding at the end the following:

"(14)(A) If the complaint in a proceeding was filed within 60 days preceding the date of a general election, the Commission may take action described in this subparagraph.

"(B) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur, the Commission may order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of title 26, United States Code, to the Attorney General of the United States, without regard to any limitation set forth in this section.".

SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking "reason to believe that" and inserting "reason to investigate whether".

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 60 days after the date of enactment of this Act or January 1, 1998, whichever occurs first.

SEC. 604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

AMENDMENTS SUBMITTED ON FEBRUARY 24, 1998

THE PAYCHECK PROTECTION ACT

SNOWE (AND OTHERS) AMENDMENT NO. 1647

Ms. SNOWE (for herself, Mr. Jeffords, Mr. LEVIN, Mr. LIEBERMAN, Mr. MCCAIN, Mr. FEINGOLD, Mr. CHAFEE, Ms. COLLINS, and Mr. THOMPSON) proposed an amendment to amendment No. 1646 proposed by Mr. MCCAIN to the bill (S. 1663) to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization; as follows:

Strike section 201 and insert:

Subtitle A—Electioneering Communications

SEC. 200. DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) ADDITIONAL STATEMENTS ON ELECTIONEERING COMMUNICATIONS.—

"(1) STATEMENT REQUIRED.—Every person who makes a disbursement for electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

"(2) CONTENTS OF STATEMENT.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

"(A) The identification of the person making the disbursement, of any entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

"(B) The State of incorporation and the principal place of business of the person making the disbursement.

"(C) The amount of each disbursement during the period covered by the statement and the identification of the person to whom the disbursement was made.

"(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

"(E) If the disbursements were paid out of a segregated account to which only individuals could contribute the names and addresses of all contributors who contributed an aggregate amount of $500 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $500 or more to the organization or any related entity during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(G) Whether or not any electioneering communication is made in coordination, cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee, any political party or committee, or any agent of the candidate, political party, or committee and if so, the identification of any candidate, party, committee, or agent involved.

"(3) ELECTIONEERING COMMUNICATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'electioneering communication' means any broadcast from a television or radio broadcast station which—

"(i) refers to a clearly identified candidate for Federal office;

"(ii) is made (or scheduled to be made) within—

"(I) 60 days before a general, special, or runoff election for such Federal office, or

"(II) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for such Federal office, and

"(iii) is broadcast from a television or radio broadcast station whose audience includes the electorate for such election, convention, or caucus.

"(B) *Exceptions*.—Such term shall not include—

"(i) communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate, or

"(ii) communications which constitute expenditures or independent expenditures under this Act.

"(4) DISCLOSURE DATE.—For purposes of this subsection, the term 'disclosure date' means—

"(A) the first date during any calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000, and

"(B) any other date during such calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

"(5) CONTRACTS TO DISBURSE.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(6) COORDINATION WITH OTHER REQUIREMENTS.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act."

SEC. 200A. COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

Section 315(a)(7)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)(B)) is amended by inserting after clause (ii) the following new clause:

"(iii) if—

"(I) any person makes, or contracts to make, any payment for any electioneering communication (within the meaning of section 304(d)(3)), and

"(II) such payment is coordinated with a candidate for Federal office or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee.

such payment or contracting shall be treated as a contribution to such candidate and as an expenditure by such candidate; and".

SEC. 200B. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting "or for any applicable electioneering communication" before ", but shall not include".

(b) APPLICABLE ELECTIONEERING COMMUNICATION.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) RULES RELATING TO ELECTIONEERING COMMUNICATIONS.—

"(1) APPLICABLE ELECTIONEERING COMMUNICATION.—For purposes of this section, the term 'applicable electioneering communication' means an electioneering communication (within the meaning of section 304(d)(3)) which is made by—

"(A) any entity to which subsection (a) applies other than a section 501(c)(4) organization, or

"(B) a section 501(c)(4) organization from amounts derived from the conduct of a trade or business or from an entity described in subparagraph (A).

"(2) SPECIAL OPERATING RULES.—For purposes of paragraph (1), the following rules shall apply:

"(A) An electioneering communication shall be treated as made by an entity described in paragraph (1)(A) if—

"(i) the entity described in paragraph (1)(A) directly or indirectly disburses any amount for any of the costs of the communication; or

"(ii) any amount is disbursed for the communication by a corporation or organization or a State or local political party or committee thereof that receives anything of value from the entity described in paragraph (1)(A), except that this clause shall not apply to any communication the costs of which are defrayed entirely out of a segregated account to which only individuals can contribute.

"(B) A section 501(c)(4) organization that derives amounts from business activities or from any entity described in paragraph (1)(A) shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute.

"(3) DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) the term 'section 501(c)(4) organization' means—

"(i) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

"(B) a person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(4) COORDINATION WITH INTERNAL REVENUE CODE.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 from carrying out any activity which is prohibited under such Code."

Subtitle B—Independent and Coordinated Expenditures

SEC. 201. DEFINITION OF INDEPENDENT EXPENDITURE.

Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) INDEPENDENT EXPENDITURE.—The term 'independent expenditure' means an expenditure by a person—

"(A) expressly advocating the election or defeat of a clearly identified candidate; and

"(B) that is not provided in coordination with a candidate or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent."

LOTT AMENDMENT NO. 1648

Mr. LOTT proposed an amendment to amendment No. 1647 proposed by Ms. SNOWE to the bill, S. 1663, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 200. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934.

LOTT AMENDMENT NO. 1649

Mr. LOTT proposed an amendment to the bill, S. 1663, supra; as follows:

In the language proposed to be stricken in the bill, strike all after the word "political" on page 2, line 23, and insert the following:

"party.

SECTION 3. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect one day after enactment of this Act.

LOTT AMENDMENT NO. 1650

Mr. LOTT proposed an amendment to amendment No. 1649 proposed by him to the bill, S. 1663, supra; as follows:

Strike all after the first word in the pending amendment and insert the following:

SECTION 3. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communication Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect two days after enactment of this Act.

LOTT AMENDMENT NO. 1651

Mr. LOTT proposed an amendment to the motion to commit proposed by him to the bill, S. 1663, supra; as follows:

At the end of the instructions add the following:

"with an amendment as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934."

LOTT AMENDMENT NO. 1652

Mr. LOTT proposed an amendment to amendment No. 1651 proposed by him to the bill, S. 1663, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect one day after enactment of this Act.

LOTT AMENDMENT NO. 1653

Mr. LOTT proposed an amendment to amendment No. 1651 proposed by him to the bill, S. 1663, supra; as follows:

Strike all after the word "section" in the pending amendment and insert the following:

1. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communications Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect two days after enactment of this Act.

HUTCHISON AMENDMENTS NOS. 1654–1656

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted three amendments intended to be proposed by her to the bill, S. 1663, supra; as follows:

AMENDMENT NO. 1654

At the appropriate place, insert the following:

SEC. ___. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for election to any Federal office in that year (including the office held by the Member).".

AMENDMENT NO. 1655

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON REIMBURSEMENT FROM CAMPAIGNS FOR CONTRIBUTIONS BY SENATE CANDIDATES AND IMMEDIATE FAMILIES OF SENATE CANDIDATES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. ___. LIMITATION ON REIMBURSEMENT FROM CAMPAIGNS FOR CONTRIBUTIONS BY SENATE CANDIDATES AND IMMEDIATE FAMILIES OF SENATE CANDIDATES.

"(a) IN GENERAL.—The aggregate amount of contributions made during an election cycle to a Senate candidate or the candidate's authorized committees from the sources described in subsection (b) that may be reimbursed to those sources shall not exceed $250,000.

"(b) SOURCES.—A source is described in this subsection if the source is—

"(1) personal funds of the candidate and members of the candidate's immediate family; or

"(2) personal loans incurred by the candidate and members of the candidate's immediate family.

"(c) INDEXING.—The $250,000 amount under subsection (a) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 1997.".

AMENDMENT NO. 1656

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON ACCEPTANCE OF OUT-OF-STATE CONTRIBUTIONS BY SENATE CANDIDATES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. ___. LIMITATION ON ACCEPTANCE OF OUT-OF-STATE CONTRIBUTIONS BY SENATE CANDIDATES.

"(a) LIMITATION.—A Senate candidate and the candidate's authorized committees shall not accept, during an election cycle, contributions from persons other than individuals residing in the candidate's State in an amount exceeding 40 percent of the total amount of contributions accepted during the election cycle.

"(b) DEFINITION OF ELECTION CYCLE.—In this section, the term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that the candidate seeks and ending on the date of the next general election for that office or seat.".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Wednesday, February 25th, 1998 at 9:30 a.m. and Thursday, February 26th, 1998 at 11:00 a.m. in room 562 of the Dirksen Senate Office Building to conduct hearings on the President's FY '99 budget request for Indian programs.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on March 5, 1998 at 9:00 a.m. in SR-328A. The purpose of this meeting will be to examine the Kyoto Treaty on Climate Change and its effect on the agricultural economy.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Tuesday, February 24, 1998, at 9:30 a.m. on tobacco legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet for a hearing on Tuesday, February 24, 1998, at 3:00 p.m. The subject of the hearing is the substitute for S. 981, The Regulatory Improvement Act of 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 24, 1998, at 10:00 AM to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Tobacco Settlement V during the session of the Senate on Tuesday, February 24, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, February 24, 1997 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Term Limits or Campaign Finance Reform: Which Provides True Political Reform?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, February 24, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this oversight hearing is to receive testimony on the visitor center and museum facilities project at Gettysburg National Military Park.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet on Tuesday, February 24, 1998 at 3:00 p.m. in open session, to receive testimony on the status of the operational readiness of the U.S. Military Forces including the availability of resources and training opportunities necessary to meet our national security requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism, and Government Information, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, February 24, 1997 at 9:00 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Foreign Terrorists in America: Five Years After the World Trade Center."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ISTEA REAUTHORIZATION

• Mr. FAIRCLOTH. Mr. President, I would like to speak on reauthorization of the highway bill. I respectfully urge the Majority Leader to take up Senate Bill 1173—ISTEA—now. Let's not delay its consideration into the spring.

The State's highway programs are already operating under a temporary funding extension. I believe that further delaying consideration of S. 1173 will add more uncertainty to the States' highway construction.

As I mentioned, before this body adjourned last November, we passed a temporary extension of the highway bill, after repeated attempts to begin debate on the bill failed.

It now appears that floor consideration of S. 1173 may be delayed until after the Senate considers the Fiscal Year 1999 Budget Resolution.

I am second to no Member in my commitment to a balanced federal budget. However, I believe that we must also follow through on our commitment to quality infrastructure, and these two objectives are by no means mutually exclusive.

The current funding extension expires on March 31. That means that all federal highway funds will be cut off on May 1. Clearly, prompt action on ISTEA is critical to maintaining the flow of federal highway dollars.

Unlike delays last fall, however, these spring delays for ISTEA will occur in the middle of construction season. This will compound the disruptive effects of this halt on highway projects—and the jobs they support—around the country.

In the northern States, it is critical that construction funding flows at this time of year. The window for road construction work in many areas is limited by weather factors during the winter months.

Many states, including my own, have highway construction projects underway that are designed to reduce traffic congestion. This congestion worsens air quality, causes "road rage," increases wear and tear on vehicles, wastes fuel, and robs American businesses and families of valuable time.

Cutting off crucial federal funds for these projects undermines State efforts to deal with their congestion problems.

It is very unfortunate that highway fatalities continue to rise. By Federal Highway Administration estimates, poor road maintenance may contribute to as many as 30 percent of fatal accidents, resulting in thousands of deaths per year. Safety-related highway work faces stoppage if we delay consideration of ISTEA.

In fact, in North Carolina, 300 million dollars in safety projects may be delayed if federal funds are not approved.

I want to emphasize that these funds come from gas taxes collected every time Americans pull up to the pump. This "user fee" arrangement is supposed to ensure that these taxes pay for improving their highways.

Mr. President, 31½ billion dollars in gas taxes are collected each year, of which about 20 billion dollars actually goes towards highways. Even as we delay consideration of S. 1173, Americans pay their gas taxes in the belief that much-needed highway improvements will be funded.

Looking at the legislative calendar between now and May 1, when federal highway funds will dry up, there are 41 legislative days including Mondays and Fridays.

Even after we debate and pass a bill in the Senate, we have a conference report to complete.

Other issues are sure to be considered here, including potential military conflict with Iraq, IRS restructuring, campaign finance reform, and the budget resolution. That will take us well into April at best.

If we do not act on S. 1173 now, a lapse in federal highway funding is a virtual certainty. The presence of other important matters on the calendar only increases the importance of bringing up the Highway bill.

This is our obligation. It is our obligation to the millions of motorists who pay gas taxes, and the contractors, subcontractors and employees working on highway projects.•

RED CEDAR ELEMENTARY SCHOOL 50TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge the 50th anniversary of the Red Cedar Elementary School in East Lansing, Michigan. The school began immediately following World War II in an effort to educate the children of G.I.s who moved to East Lansing to get an education promised by the G.I. bill. Since that time, Red Cedar has grown tremendously and has come to hold a prominent place in the East Lansing community. Because many of the students are from other countries, the diverse backgrounds and beliefs that make up the Red Cedar community provide for a truly unique learning environment.

This momentous occasion has been celebrated throughout the month of February within both the Red Cedar and East Lansing communities and will culminate on the evening February 27, 1998 with a reception and a dance for students, parents and other members of the community. It is with great pleasure that I recognize and congratulate the Red Cedar Elementary School on their 50th anniversary.

Mr. President, I yield the floor.•

DR. ROBERT A. REID, INCOMING PRESIDENT OF THE CALIFORNIA MEDICAL ASSOCIATION

• Mrs. BOXER. Mr. President, I rise to recognize Dr. Robert Reid, who on February 16, 1998, became the 133rd President of the California Medical Association, the largest state medical association in the nation. With a membership of 35,000 physicians, the California Medical Association represents California physicians from all regions, medical specialties, and modes of practice.

Dr. Reid's medical career is both long and distinguished. For more than 25 years, he was a practicing OB/GYN, and is currently Director of Medical Affairs for the Cottage Health System in Santa Barbara, California. Dr. Reid has also served as the hospital's Chief of Staff, and was a member of its Board of Directors from 1991 to 1996. Dr. Reid is a Fellow of the American College of Obstetrics-Gynecology and Past President of the Tri-Counties Obstetrics-Gynecology Society. A former President of the Santa Barbara County Medical Society, Dr. Reid also served as Alternate Delegate to the American Medical Association.

Born in Milan, Italy, Dr. Reid is a graduate of the University of Colorado Medical Center. He lives in Santa Barbara, California, with his wife Patricia, and is the father of four grown children.

At a time of rapid change in the medical profession, Dr. Reid's leadership will be most welcome. I extend my congratulations to him, and wish him the very best in his term as President of the California Medical Association.•

TRIBUTE TO EDWARD AKER, DEVOTED PUBLIC SERVANT

• Mr. SMITH of New Hampshire. Mr. President, I rise to pay tribute to the life and accomplishments of Edward Aker, of Adelphi, Maryland, who passed away last week of brain cancer.

Ed was an executive officer with the U.S. Agency for International Development (USAID) for nearly two decades. His service brought him posts in many countries, including Israel, Nicaragua, Guatemala, Pakistan, Somalia, Kenya and Tanzania. He was known by citizens throughout the Washington area and the world for his commitment to his mission, and his desire to help the underprivileged by encouraging economic development, humanitarian assistance and international cooperation.

Ed distinguished himself with his public service. He served in the United States Navy during the Korean War, and worked at a number of government agencies including Housing and Urban Development, the State Department, and the General Services Administration before commencing his distinguished career at the United States Agency for International Development. He graduated from the University of Maryland, received masters degrees from the U.S. International University in Nairobi and San Diego, and received a PhD in business administration from Pacific Western University.

Ed was admired by many for his patriotism, commitment to his family, dedication to his job, and uplifting spirit. He was the type of dedicated public servant that all Americans can admire. He was a no-nonsense executive who could be tough when the job had to get done; but, he combined this strong work ethic with a quick wit, great sense of humor and special charm. His generous smile will be missed by all who knew him.

Ed Aker was buried today, Tuesday, February 24th, 1997, with military honors at Arlington National Cemetery. I extend my deepest sympathies to his wife, Lisa, his sons, Mike and Tim, his stepson, Jared, and his grandson, Mitchell. He leaves behind a legacy of which his family can be very proud.•

THE HEROISM OF CHRISTOPHER SIMMONS

• Mr. DURBIN. Mr. President, I would like to enter into the RECORD an amazing story of heroism and courage. Faced with the threat of severe injury to his 4-year-old brother, Michael, Christopher Simmons, an 8-year-old from Mt. Vernon, Illinois, boldly placed himself between his brother and a 95-pound dog. In doing so, Christopher demonstrated a profound sense of selflessness that is all too rarely reported. His heroism, as described in an article in the Mt. Vernon Register-News, was quite possibly the only thing that saved his younger brother from serious bodily harm.

On April 6, 1997, as the boys' father, Phillip Simmons, spoke with the dog's owner, Christopher noticed the boxer playfully tugging at Michael's jacket. Suddenly, the dog lunged for the 4-year-old's throat. Christopher, without the slightest hesitation, stepped in front of the attacking dog and kicked it in the left eye. The dog, startled momentarily, became more angry and jumped onto Christopher, clawing and biting his chest. Fortunately, Christopher's quick thinking gave his father enough time to come to his aid, removing the dog from the boy's chest and subduing it until the owner arrived.

Christopher received two chest wounds and lost a significant amount of blood. Michael, now 5 years old, needed surgery to repair a wounded jaw and a severely damaged ear. The dog's teeth barely missed nerves that help control the movements of the eyes and the jaw. If the dog had been able to do more harm to Michael, the little boy may not have survived.

This horrible incident had one positive consequence: Christopher will be in Washington next month to represent 2.1 million Cub Scouts as he presents President Clinton with the Scouts' annual Report to the Nation. I am pleased to have this opportunity to join President Clinton in honoring Christopher for his tremendous heroism and outstanding courage. I ask that the Mt. Vernon Register-News article describing Christopher Simmons' act of heroism be printed in the RECORD.

The article follows:

[From the Mount Vernon Register-News, Feb. 2, 1998]

MT. VERNON YOUTH WHO SAVED BROTHER FROM DOG TO MEET WITH CLINTON

MT. VERNON—A young boy who stepped between his 4-year-old brother and a 95-pound attacking dog is being rewarded for his bravery with a meeting with President Clinton.

Christopher Simmons, 8, has been chosen to represent the nation's 2.1 million Cub Scouts in presenting scouting's yearly Report to the Nation in the Oval Office next month.

His bravery also earned him the Scouts' rare Honor Medal, "for unusual heroism in saving or attempting to save life at considerable risk to self." Only 42 such medals were earned last year by the nation's 4.5 million Cub Scouts, Boy Scouts and Explorers.

Christopher's story began last April 6 when his dad, Phillip, took along Christopher, then 7, and his brother, Michael, to help the dog's owner with some yard work.

Phillip Simmons was chatting with the man, who is in his 80s, when he saw the dog shaking Michael by his coat. The boxer then released its grip and aimed for Michael's throat.

"As his jaws closed on Michael's head, Christopher launched a kick that connected with the dog's left eye," the father recalled last week. "The pain further enraged the dog, who instantly turned on Christopher."

As Christopher stepped back, with the dog's paws on his chest and its jaws ripping at his coat, the momentary diversion gave Simmons time to reach his sons.

"I jumped on him and kicked him," Christopher, a third-grader at St. Mary's School, recalled last week at his home here. "Then he jumped on me. By that time my dad was there. I pulled my brother out of reach of the dog."

Seizing the dog by one ear, Phillip Simmons rammed his fist down the animal's throat and held him against a car.

"As the dog struggled, I looked back to see Michael standing frozen in a pool of blood, still within reach of the dog if he got loose," the father recalled.

"Chris, even though bleeding from two sets of chest wounds, had the presence of mind to pull Michael out of range of the boxer so I could release the dog," Phillip Simmons added. "There is no doubt that if it had not been for Christopher's quick thinking and action, I would have lost my 4-year-old son."

Michael, now 5, had to have surgery on his jaw and dangling left ear. Physicians stitched along a crease so that the ear would heal with no visible damage. The boxer's teeth barely missed a nerve that controls the eye and another that controls the jaw.

A typically lively 5-year-old, Michael seems to have few emotional scars, though his parents say he is very afraid of dogs.

The dog had no history of harming or threatening anyone.

Instead of insisting the dog be killed, the Simmons family agreed to allow the boxer to be sent to a breeding farm where children were not allowed. The dog has since died.●

TRIBUTE TO JACK VAN HOOSER

● Mr. FRIST. Mr. President, at the end of this month, Jack Van Hooser the Commissioner for Rehabilitation Services for the State of Tennessee is retiring after thirty-five years of dedicated service. Throughout his career, Jack has been a tireless servant of the State of Tennessee and has worked to empower individuals with disabilities to achieve independence and gain employment. Jack's record of achievement is impressive. In 1996, under his direction, the Tennessee Vocational Rehabilitation Program served 26,032 individuals with disabilities of which 81 percent were severely disabled. Of the individuals, served 5,820 were successfully employed with more than 90 percent of them working in the competitive labor market. The annualized income of these 5,820 individuals, once they entered the work force increased from $8.732 million to $64.233 million. I am proud of Jack's leadership and the achievement of his agency.

Jack began to develop the strong leadership skills that have transcended through his distinguished career while attending Columbia High School in Columbia, Tennessee. At Columbia High, Jack was elected President of the Student Body, and served as the captain of the football, baseball and basketball teams. In football, Jack was All-State for two years and made the All-Southern and All-American teams.

After High School, Jack attended Tennessee Tech where he met his wife of forty-three years, Wanda with whom he has two sons, Jay and Dave. He continued his sports career at Tennessee Tech where he played football and baseball. As Tennessee Tech's quarterback he made the All-Conference Team and the little All-American Football Team. Jack served in the United States Army for two years upon graduation.

Jack went back to school and earned a master's degree from the University of Tennessee after his military service and was a teacher and athletic coach in Lake City, Florida and Isaac Litton High School in Nashville. Even today, serving as a softball coach, his passion for sports and coaching is evident.

In 1960, Jack began his service to the citizens of Tennessee with the Tennessee Division of Rehabilitation Services. He started as a Disabilities Examiner, helping individuals with disabilities get their benefits. Jack, went on to supervise, train and develop the staff of the Division of Rehabilitation Services. As I review Jack's record of achievement, I notice that he has held several important positions that touched all aspects of the program until he ultimately headed the program in 1995. I am proud of his dedication to help Tennesseans with disabilities achieve employment, to help give them opportunity and independence. That caring and dedication should serve as an example to us all as we carry out the critical work of the United States Senate.

Friday, Jack Van Hooser will retire. He will spend more time with his wife and family. I have no doubt that he will also teach his four granddaughters, not only how to play softball, but teach them how to be leaders and serve their fellow citizens with the dignity and respect he has for so many years.●

ORDER OF BUSINESS

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

EXECUTIVE CALENDAR NO. 380 RETURNED TO COMMITTEE

Mr. BURNS. As in executive session, I ask unanimous consent that Executive Calendar No. 380 be returned to committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the majority leader, pursuant to Public Law 105–134, his appointment of the following individuals to serve as members of the Amtrak Reform Council: Gilbert E. Carmichael, of Mississippi, Joseph Vranich, of Pennsylvania, and Paul M. Weyrich, of Virginia.

Mr. LOTT. Mr. President, I am pleased to announce the appointment of three individuals to the Amtrak Reform Council—the ARC: Mr. Gilbert E. "Gil" Carmichael of Mississippi, Mr. Joseph Vranich of Pennsylvania, and Mr. Paul M. Weyrich of Virginia. All three have years of rail transportation experience. All three understand and respect Amtrak's contributions to the American economy. All three are truly committed to genuine railroad reform. All three will serve for five years. All three will examine the fiscal performance of Amtrak.

Each of these appointees bring many years of experience to this challenging railroad issue. Each brings his own particular approach to this transportation job.

I've known Mr. Gil Carmichael for many years. He is a dedicated public servant who has already served our nation as Federal Railroad Administrator for President Bush and served four years on the Amtrak Board of Directors. He also has an impressive depth and breadth of knowledge on all facets of transportation—it was Gil who sponsored the first World Railways Congress. It brought together senior rail officials from around the world. So Gil knows the rail business from the bottom up, and he brings to the ARC that good old every-day, common sense approach that we Mississippians are so proud of.

Mr. Joseph Vranich helped create Amtrak while serving as the Executive

Director of the National Association of Railroad Passengers. He is a specialist on high-speed train travel, and literally wrote the book on so-called "Supertrains." Just late last year, he published the most important new book on railroads, "Derailed: What Went Wrong and What to Do About America's Passenger Trains." Mr. Vranich brings to the ARC a broad vision of passenger rail service, what it was, what it was meant to be, what it can be.

And Mr. Paul Weyrich has over 30 years of experience with rail and mass transit issues. He also served on the Amtrak Board of Directors during the Bush administration, and has published numerous works on the subject. Mr. Weyrich brings the hard-boiled sensibilities of a newspaperman of the old school, a newspaperman good at digging for the facts. Just the facts for the ARC.

The selection of these three reflects my desire to bring managerial expertise to Amtrak's oversight. The ARC will ensure that Amtrak spends the taxpayers' money wisely. The ARC's first loyalty will be to the American taxpay—not to the nostalgic sound of passenger trains going down the tracks.

Gil, Joe and Paul are executives who will take a good, hard look at Amtrak, and I expect them to exercise courage and leadership. The ARC has the responsibility to offer sound judgment as they advise both the Administration and the Congress.

I have no doubt the ARC will have a key role in shaping Amtrak's future.

I'm pleased to announce that today the Speaker will also identify his three selections. These selections together will constitute the majority of the ARC.

Mr. President, I want to thank my colleagues who gave me such a rich list of candidates to select from. The choices were difficult.

The Amtrak Board of Directors, the other managerial oversight body for Amtrak is to be renominated this summer. I hope to see new faces, a fresh look and a fresh approach. This would help Amtrak successfully deal with the cultural shift required by the new reauthorization statute. The combined synergy of a new board and the ARC will make a profound difference to the way America's passenger rail service will enter the next millennium.

I look forward to seeing ARC getting started on its important task. America's passenger rail service will be well served by the ARC.

ORDERS FOR WEDNESDAY, FEBRUARY 25, 1998

Mr. BURNS. Mr. President, seeing no other Senators requesting time to speak, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Wednesday, February 25, and immediately following the prayer, the routine requests through the morning hour be granted and there then be a period of morning business until 11:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator HUTCHINSON, 20 minutes; Senator GORTON, 5 minutes; Senator BROWNBACK, 10 minutes; Senator BYRD, 20 minutes; Senator MIKULSKI, 15 minutes; Senator GRAMM of Texas, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BURNS. Mr. President, tomorrow morning, at 11:30, under a previous consent agreement, the Senate will debate the veto message to accompany H.R. 2631, the military construction appropriations bill. All Senators should be aware that although there is a 2-hour limitation on the veto message, that rollcall vote will occur later in the day in an effort to accommodate those Members attending the funeral of former Senator Ribicoff. All Senators will be notified when that vote is set.

Following the debate on the veto message, the Senate will resume debate on the pending legislation regarding campaign finance reform. Additional votes can be expected during Wednesday's session relating to campaign finance reform.

Finally, as a reminder, three cloture motions were filed during today's session to pending amendments and the underlying bill, S. 1663. These votes will occur on Thursday of this week.

Mr. President, I thank my colleagues.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:28 p.m., adjourned until Wednesday, February 25, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 24, 1998:

DEPARTMENT OF STATE

GEORGE MCGOVERN, OF SOUTH DAKOTA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

MARY BETH WEST, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS AND SPACE.

THE JUDICIARY

MELVIN R. WRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE HENRY HAROLD KENNEDY, JR., ELEVATED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. NANCY R. ADAMS, 4217.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN S. PARKER, 5626.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ROBERT F. BIRTCIL, 3384.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD W. MEYERS, 7762
CHARLES M. SINES, 6087

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RAYMOND ADAMIEC, 7916
BRUCE A. ALBRECHT, 8470
JOHN R. ALLEN, 5762
DAVID A. ANDERSON, 4080
MICHAEL F. APPLEGATE, 3761
RAY A. ARNOLD, 5069
DOUGLAS F. ASHTON, 9946
BRIAN J. BACH, 4781
DENNIS T. BARTELS, 5038
JOHN R. BATES, 1487
JEFFERY W. BEAROR, 0012
MICHAEL D. BECKER, 1197
BRUCE E. BISSETT, 0054
KENNETH D. BONNER, 4637
GREGORY K. BRICKHOUSE, 5352
BRUCE E. BRONARS, 3643
LARRY K. BROWN, JR., 0816
DAVID L. BULAND, 8989
JOSEPH F. BURANOSKY, 1085
JAMES P. CAROTHERS, 0768
ROXANNE W. CHENEY, 6615
PAUL C. CHRISTIAN, 0362
HENRY J. COBLE, 7804
JOHN C. COLEMAN, 5043
THOMAS L. CONANT, 7621
DONALD G. CROOM, 5105
RICHARD H. DUNNIVAN, 4022
RUSSELL A. EVE, 5252
PHILIP J. EXNER, 1736
EUGENE J. FRASER, 9062
LEE W. FREUND, 8972
ANDREW P. FRICK, 7905
MICHAEL J. GODFREY, 3501
JEFF D. GRELSON, 4970
TERRY W. GRIFFIN, 4579
MYRON L. HAMPTON, 5362
CHARLES T. HAYES, 7162
MICHAEL J. HEISINGER, 4434
CRAIG S. HUDDLESTON, 3918
PHILIP R. HUTCHERSON, 7524
MAURICE B. HUTCHINSON, 0960
ANTHONY L. JACKSON, 9180
KEVIN P. JANOWSKY, 8977
WESLEY A. JARMULOWICZ, 3574
WILLIAM F. JOHNSON, 8723
KEVIN B. JORDAN, 2195
CHRISTOPHER K. JOYCE, 9158
DENNIS JUDGE, 1191
BRENDAN P. KEARNEY, 1502
WILLIAM R. KELLNER, JR., 9209
JOHN F. KELLY, 7821
MICHAEL J. KELLY, 5845
LEELLEN KUBOW, 8672
ROBERT F. KUHLOW, 8528
RANDALL W. LARSEN, 3508
ROBERT R. LOGAN, 2532
JAMES M. LOWE, 2385
RICHARD W. LUEKING, 1641
MICHAEL A. MALACHOWSKY, 8095
DAVID W. MUALDIN, 5824
RICHARD P. MILLS, 1153
GARY E. MUELLER, 0705
WILLIAM J. MULLENS, JR., 3443
MICHAEL C. O'NEAL, 3542
RENE P. ORTIZ, 8934
RICHARD J. PACKARD, 3293
FRANK A. PANTER, JR., 2226
PHILIP S. PARKHURST, 3903

CHARLES S. PATTON, 9576
MARTIN D. PEATROSS, 6595
REYNOLDS B. PEELE, 4357
ROSS D. PENNINGTON, 7959
NICHOLAS C. PETRONZIO, 7801
MARTIN POST, 9807
JOHN C. RADER, 6300
STEVEN W. RAWSON, 4314
JOHN D. REARDON, 8726
ERVIN RIVERS, 4500
STEPHEN C. ROBB, 1587
MASTIN M. ROBESON, 1984
BONNIE J. ROBISON, 7416
PHILIP C. RUDDER, 1111
JONATHAN T. RYBERG, 5811
BENNETT W. SAYLOR, 1784
HOWARD P. SCHICK, 1389
ROBERT E. SCHMIDLE, JR., 7820
DANIEL C. SCHULTZ, 7539
JACK K. SPARKS, JR., 6344
STEPHEN P. TAYLOR, 6797
BRADLEY E. TURNER, 4319
THOMAS D. WALDHAUSER, 4358
JAMES C. WALKER, 5284
CLARENCE L. WALLACE, JR., 6783
ROBERT M. WEIDERT, 2075
RUSSELL C. WOODY, 3295
GERALD A. YINGLING, JR., 2569

To be major

ANTHONY P. ALFANO, 5879
CASSONDRA K. AYERS, 6535
LAWRENCE A. BAUER, 4810
BRAIN T. BECKWITH, 7840
DOUGLAS H. BIGGS, 4740
JOSEPH G. BOWE, 7603
HERBERT A. BOWLDS, JR., 6184
GERALD R. BROWN, 2925
JACQUELINE BRYTT, 9531
TERRANCE L. BURNS, 7182
JOHN M. CAPPS, 3987
CURT A. CAREY, 7726
MARK D. CICALI, 0549
BIAGIO COLANDREO, JR., 0500
ROBERT J. DARLING, 5976
DANIEL J. DAUGHERTY, 0097
TIMOTHY J. FLANAGAN, 7178
JOHN J. FOLEY, 2698
CHARLES C. FURTADO III, 9050
GLENN E. GERICHTEN, 4895
LAUREL D. GLENN, 1592
ROBERT C. GRAHAM, 5891
PATRICK A. GRAMUGLIA, 8929
PHILLIP D. HARWARD, 5010
FREDERICK J. HOPEWELL, 6809
KENNETH V. JANSEN, 5241
DENIS J. KIELY III, 4684
LARRY L. KNEPPER, 9910
GREGORY G. KOZIUK, 2408
JEFFREY D. LEE, 6775
BRIAN K. MCCRARY, 6859
JON E. MCELYEA, 9598
JAMES G. MCGARRAHAN, 3434
JACK P. MONROE IV, 4584
JAMES L. NORCROSS, 5674
JEFFREY J. NYHART, 3474
ROBERT R. PIATT, 4136
CHARLES B. RUMSEY, JR., 6762
JOHN B. STARNES, 5190
ALAN R. STOCKS, 7576
RICHARD A. STONES, 5951
SUSAN C. SWANSON, 5309
STEPHEN O. VIDAURRI, 5674
THOMAS M. VILAS, 4570
RICHARD E. WILLIAMS, 4736
JAMES G. WILSON, 1411
WINBON J. TWIFORD III, 1281

To be captain

TIMOTHY L. ADAMS, 6898
CURTIS M. ALLEN, 3786
DEBBIE J. ALLEN, 0145
ROBERT J. ALLEN, 5597
DAWN R. ALONSO, 7009
RONALD J. ALVARADO, 4138
ARNOLD L. AMPOSTA, 1499
RANDY L. ANDERSON, 8099
STEVEN M. ANDERSON, 1273
MARCUS B. ANNIBALE, 8702
TRAY J. ARDESE, 4567
ARTHUR K. ARMANI, 3528
RICHARD J. ASHBY, 8910
GAMAL F. AWAD, 0286
CHARLES R. BAGNATO, 1719
ANTHONY J. BANKS, 4461
CRAIG A. BARRETT, 1961
RANDELL D. BECK, 7024
STEWART G. BECKER, 9287
DOUGLAS C. BEHEL, 0073
THOMAS J. BEIKIRCH, 0231
BRUCE E. BELL, 0163
DANIEL L. BELL, 6689
AARON E. BENNETT, 2821
MARLIN C. BENTON, JR., 6629
ANDREW J. BERGEN, 4565
JOHN J. BERGERON, 6645
JESSICA M. BERGMANN, 0928
GREGORY D. BIGALK, 5282
JOHN R. BINDER III, 3817
FRED W. BISTA III, 9226
TIMOTHY H. BOETTCHER, 1848
DEMETRIUS J. BOLDUC, 8401
LLOYD E. BONZO II, 3855
DAVID C. BORKOWSKI, 6258
BRADLEY R. BORMAN, 1295
BRIAN J. BRACKEN, 0217
STEPHAN L. BRADICICH, 8456
RICHARD T. BRADY, 8504
CHARLES R. BRANDICH III, 9551
FREDERICK W. BREMER, 7562
BENJAMIN T. BREWER, 7032
BRUCE L. BRIDGEWATER, 5700
MARCELINO L. BRITO, 9509
SCOTT E. BROBERG, 6809
PHILLIP V. BROOKING, 6713
DAREN L. BROWN, 1306
GLENN F. BROWN, 1454
ROBERT J. BRUDER, 5292
TODD M. BURCH, 4192
HEATHER M. BURGESS, 5403
JOHN P. BURTON, 7872
PAUL A. BUTA, 1220
JEFFREY R. CALLAGHAN, 3074
EZRA CARBINS, JR., 9619
JUDE F. CAREY, JR., 1108
CURTIS W. CARLIN, 3928
MATTHEW J. CARROLL, 5770
RONNIE A. CARSON, JR., 9846
TODD M. CARUSO, 8958
BRIAN T. CASKEY, 3812
MICHAEL J. CASSIDY, 6636
MICHAEL V. CAVA, 0133
DONALD L. CERRI, 9774
MATTHEW G. CHALKLEY, 1094
NATHAN D. CHAMBERLAIN, 6888
ROBERT M. CLARK, 4809
STEVEN B. CLAYTON, 8586
SCOTT B. CLIFTON, 3947
THOMAS E. CLINTON, JR., 9395
ERIK E. COBHAM, 5930
JOSEPH R. COLOMBO, 5910
JEFFREY L. CONGLETON, 1695
GARLAND N. COPELAND, 3634
BRIAN G. COSGROVE, 6378
JAMES A. COSMETIS, 2387
LANCE C. COSTA, 5222
DANIEL P. CREIGHTON, 9137
RICHARD J. CREVIER, 8473
TIMOTHY S. CRONIN, 0097
VANCE L. CRYER 6094
SCOTT R. CUBBLER 8076
JEFFREY K. DANIELS 4202
BRENT R. DAVIS 6470
HAROLD P. DAVIS 9880
JOHN B. DAVIS 4775
THOMAS E. DAVIS 8976
YOLANDA DAVIS 9188
GARY E. DELGADO 0519
JAMES W. DEMOSS JR. 0224
TODD S. DENSON 9687
SCOTT T. DERKACH 2413
GERT J. DEWET 6036
ANDREW L. DIETZ 3645
JOHN T. DODD 5109
THOMAS J. DODDS 6823
EDWARD A. DONOVAN III 7246
BRIAN G. DOOLEY 5955
LANCE S. DORMAN 7118
MICHAEL J. DOUGHERTY 6566
CHRISTOPHE G. DOWNS 6467
KEVIN C. DUGAN 0786
SCOTT P. DUNCAN 6241
JAMES M. DUPONT 2366
JOHN J. EDMONDS 0282
JAMES P. EDMUNDS III 9509
RODNEY S. EDWARDS 1859
BRIAN D. EHRLICH 1349
KEITH L. FAUST 0140
WADE A. FELLER 1975
STEVEN L. FELTENBERGER 8502
JAMES A. FENNELL 6682
ROBERT S. FERGUSON 0909
TAD J. FINER 9115
MARTIN J. FORREST IV 1492
DAVID C. FORREST 7576
TIMOTHY J. FRANK 5704
ERIK G. FRECHETTE 7915
LLOYD D. FREEMAN 0937
STEPHEN P. FREEMAN 6212
THOMAS C. FRIES 7702
BRYON J. FUGATE 4634
TROY FULLER 0370
JOHN M. FULTON 8713
MATTHEW F. FUSSA 2875
PETER S. GADD 0915
GREGORY CALBATO 7796
JESUS M. GARCIA 5877
EDWARD A. GARLAND 0476
SCOTT R. GARTON 6297
WILLIAM W. GERST, JR., 5832
STEPHEN P. GHOLSON, 2524
ROBERT R. GICK, 3607
JOSEPH C. GIGLIOTTI, 5229
BRIAN S. GILDEN, 6561
MARK A. GIVENS, 9029
WILLIAM E. GLASER IV, 7260
SEAN M. GODLEY, 9145
JAMES M. GOETHE, 0343
ADRIAN S. GOGUE, 3262
JOHN C. GOLDEN IV, 9009
SCOTT A. GONDEK, 4526
FLAY R. GOODWIN, 3321
CARL W. GOUAUX, 6551
KENNETH G. GRAHAM, 8800
DAVID I. GRAVES, 9913
MICHAEL T. GRAVES, 2347
JERAMY GREEN, 6609
TRAVIS L. GREENE, 4017
WILLIAM B. GREER, 3366
DAVID E. GRIBBLE, 1422
DAVID M. GRIESMER, 4400
STEPHEN M. GRIFFITHS, 5844
JOSEPH S. GROSS, 0703
LOUIS S. GUNDLACH, 4010
RYAN R. GUTZWILLER, 7224
JOHN J. HADDER, 8892
MARK E. HAHN, 0737
THOMAS R. HALL, 1702
WILLIAM G. HALL, 7489
HUGH M. HALLAWELL, 9920
ROBERT J. HALLETT, 8033
HOLMES HARDEN, JR., 6977
THOMAS J. HARMON, 7106
HARRY A. HARNETT IV, 6347
TIMOTHY A. HARP, 1440
JOHN D. HARRILL III, 2549
CARROLL N. HARRIS III, 8789
JEFFREY A. HARRISON, 5816
PAUL W. HART II, 5861
SEAN D. HAYES, 5510
LEE G. HELTON, 2771
MARK J. HENDERSON, 5745
STANLEY D. HESTER, 1630
MARK B. HEVEL, 8706
WALTER R. HIBNER III, 5821
MARTIN J. HINCKLEY, 6680
RUSSELL J. HINES, 5438
EVERETT J. HOOD, 8746
WILLIAM W. HOOPER, 4255
THEODORE J. HORSE, 0706
WILLIAM S. HOWELL, 0770
MICHAEL D. HOYT, 2591
COLT J. HUBBELL, 0459
ROBERT O. HUBBELL, 2018
DANIEL P. HUDSON, 1787
CHRISTOPHE W. HUGHES, 9622
DAVID A. HUMPHREYS, 1068
LANDON R. HUTCHENS II, 2819
CLAUDE O. HUTTON, JR., 8651
THOMAS J. IMPELLITTERI, 0155
ALBERT B. INTILLI, 2824
BERNARDO IORGULESCU, 7340
WILLIAM J. JACOBS, 0516
DAVID K. JARVIS, 0707
MATTHEW J. JAVORSKY, 9909
BRADLEY S. JEWITT, 2242
SCOTT R. JOHNSON, 1389
TERRY M. JOHNSON, 3352
JASON A. JOHNSTON, 1816
MICHAEL T. KAMINSKI, 4563
WILLIAM F. KEEHN, 2828
GREGORY R. KELLY, 0656
LEONARD L. KERNEY, JR., 6540
PETERJOHN H. KERR, 8938
ROBERT L. KIMBRELL II, 2199
JAMES J. KIRK, 0319
BRENDAN M. KLAPAK, 8258
GLENN M. KLASSA, 4581
DAVID T. KLAVERKAMP, 5733
DOUGLAS W. KLEMZ, 0218
PAUL H. KLINK III, 1721
CHRISTOPHE A. KOLOMJEC, 3642
TODD A. LAGRECO, 8737
TROY D. LANDRY, 4928
DOUGLAS K. LANG, 4586
STUART C. LANKFORD, 2033
TERRENCE H. LATORRE, 5792
PETER N. LEE, 0423
JOSEPH P. LEVREAULT, 5900
REGINALD LEWIS, 6215
MARK A. LIVINGSTON, 2169
JOSEPH A. LORE, 2272
MELVIN L. LOVE, 6119
DAVID G. LOYACK, 2433
JOHN M. LOZANO, 0197
KENNETH E. LUCAS, 0995
BRIAN M. LUKACZ, 2045
CHARLES N. LYNK III, 0857
JOHN F. MACEIRA, 9477
GONZALO MADRID, JR., 9991
NATHAN MAKER, 3992
BRYAN T. MANGAN, 9953
MICHAEL J. MARTIN, 1149
DANIEL R. MARTINEAU, 7037
RUBEN A. MARTINEZ, 9059
JOHN D. MARTINKO, 4982
GEORGE A. MASSEY, 5911
JULIA S. MATHIS, 6713
NICOLE L. MAUERY, 8277
DAVID H. MAYHAN, 3688
TODD L. MCALLISTER, 9393
DAVID L. MCCAFFREE, JR., 5603
JOHN T. MCCLOSKEY, 1556
JOHN M. MCDERMOTT, 6856
JOHN A. MCDONALD, 0117
MATTHEW J. MCDONALD, 5023
CLEVE D. MCFARLANE, 5212
LESLIE A. MCGEEHAN, 3552
JAMES T. MCHUGH, JR., 2422
NEIL S. MCMAIN, 6985
SEAN D. MCNULTY, 7137
SEAN C. MCPHERSON, 2245
CHARLES D. MCVEY, 9322
ROGER C. MEADE, 4122
FRANCISCO J. MELERO, 9395
CHRISTOPHE E. MICKEY, 8713

DANIEL E. MILLER, 7881
WILLIAM C. MILLER, 9934
PATRICK S. MITCHELL, 3750
ROBERT P. MITCHELL, 0832
JAMES E. MITILIER, 7164
MICHEL W. MONBOUQUETTE, 8627
MICHAEL C. MONTI, 6773
JERRY R. MORGAN, 8795
JOSEPH W. MURPHY, 9105
JOSEPH C. MURRAY, 1362
CORNELL MYATT, 4743
DAVID B. NICKLE, 4963
NEAL D. NOEM, 9995
KEVIN A. NOVAK, 3907
EDWARD L. O'CONNOR, 1550
CLAYTON G. OGDEN, 5529
PAUL D. OLDENBURG, 8779
KENNETH A. OLDHAM, 5093
VICTOR M. O'LEAR, 3968
ROGELIO OLIVAREZ, JR., 3885
JEFFREY P. OLSON, 7591
CHRISTOPHE H. O'NEILL, 9420
THOMAS E. OWEN, 6743
PRISCILLA A. PAEPCKE, 0009
PAUL T. PATRICK, 8970
SCOTT A. PAYNE, 9343
JOHN PERSANO III, 5519
ROBERT A. PETERSON, 7837
JOHN R. PETERWORTH, 7351
ANDREW J. PETRUCCI, 2876
MICHAEL D. PHILLIPS, 3342
BRIAN N. PINCKARD, 7351
STEVEN A. PLATO, 8295
CLARK A. POLLARD, 8396
CURTIS A. POOL, 1512
FORREST C. POOLE III, 8415
THOMAS P. PREIMESBERGER, 3126
THOMAS E. PRENTICE, 5542
ROMAN T. PRZEPIORKA, 7586
ERIC A. PUTMAN, 9254
JAMES E. QUINN, 2510
INN QUIROZ, 7881
JON D. RABINE, 1888
CHRISTOPHE T. RADFORD, 9383
MINTER B. RALSTON IV, 1849
WARREN L. RAPP, 8703
KYLE G. RASH, 0682
THOMAS R. RAYNOR, 7074
WILLIAM G. RICE IV, 3570
CARL A. RICHARDSON, 8669
COLLEEN B. RICHARDSON, 5418
DANIEL R. RICHARDSON, 3626
MICHAEL D. RIDDLE, 1631
RYAN S. RIDEOUT, 7895
LARRY A. RISK, 8529
DONALD A. ROACH, 8286
WHITNEY S. ROACH, 0142
LENNIS R. ROBBINS, 0438
JOHN W. ROBERTS, 0674
EDWARD J. RODGERS, 0581
TIMOTHY W. ROGERS, 0681
ERIC S. ROTH, JR., 2647
SCOTT R. ROYS, 0302
PETER S. RUBIN, 3462
JOAQUIN A. SALAS, 0985
JAMES L. SAMMON, 4851
BRIAN G. SANCHEZ, 6142
ELEAZAR O. SANCHEZ, 5109
FRANK SANDERS, 5149
BRIAN P. SANDYS, 5783
OWEN A. SANFORD, 9121
ROBERT E. SAWYER, 0192
PAUL D. SAX, 6589
RICHARD J. SCHMIDT, 0677
ROBERT E. SCHUBERT, JR., 8531
MICHAEL B. SCHWEIGHARDT, 4996
DOUGLAS J. SCOTT, 1106
KEVIN R. SCOTT, 6027
DAVID J. SEBUCK, 3022
ANTHONY T. SERMARINI, 8540
MILO L. SHANK, 2861
THOMAS T. SHAVER, 5148
HECTOR SHEPPARD, JR., 1744
DANIEL L. SHIPLEY, 3495
TIMOTHY A. SILKOWSKI, 5127
THOMAS K. SIMPERS, 2183
DUNCAN D. SMITH, JR., 2602
MARTY L. SMITH, 8056
SHEILA M. SMITH, 0701
MATTHEW D. SPICER, 6423
BRIAN K. SPIEGEL, 8559
THOMAS M. STACKPOLE, JR., 1991
JEFFREY P. STAMAN, 4542
BRIAN C. STAMPS, 3576
PAUL A. STEELE, 8693
PAUL L. STOKES, 5630
IAN L. STONE, 6975
VIRGIL G. STRONG, 5771
MATT D. STRUBBE, 6487
WILLIAM H. SWAN, 1187
JAMES B. SWIFT, JR., 2084
PATRICIO A. TAFOYA, 0579
GREGORY W. TAYLOR, 9214
DAVID A. TEIS, 6393
DONALD G. TEMPLE, 1635
ROBERT E. THIEN, 2844
JAMES W. THOMAS, JR., 8369
GEORGE A. THOMAS, 7635
BRIAN J. THOMPSON, 2365
TOMMY J. THOMPSON, 0194
DONALD J. TOMICH, 7316
JOHN C. TREPKA, 6478
PATRICK W. TRIMBLE, 6307
BRENT C. TROUSLOT, 8969
MICHAEL A. TUCKER, 8425
LARRY E. TURNER, JR., 0529
CARLOS O. URBINA, 2593
ANDREW M. VADYAK, 9563
CESAR A. VALDESUSO, 2139
GABRIEL L. VALDEZ III, 0876
MICHAEL C. VARICAK, 9840
SALVATORE VISCUSO III, 5474
GORDON R. VOGEL, 7714
ROBERT M. VOITH, 8673
PETER C. WAGNER, 5093
WILLIAM WAINWRIGHT, 7889
RICHARD E. WALKER III, 8015
JAMES K. WALKER, 6830
TYRONE WALLS, 2871
BENNETT W. WALSH, 9058
DAVID C. WALSH, 9180
NEIL E. WALSH, 7891
ROBERT T. ARSHEL, 5556
MICHAEL R. WATERMAN, 1505
JAMES W. WATERS, 8693
CLARK E. WATSON, 7694
HENRY D. WEEDE, 8966
GUY M. WEST, 5130
WILLIAM L. WHEELER JR., 2064
RAYMOND M. WHITE III, 0530
BROOKE A. WHITE, 8330
RYDER A. WHITE, 2504
TERENCE H. WHITE, 9330
TIMOTHY K. WHITE, 2210
ZACHARY M. WHITE, 2909
ARTHUR L. WIGGINS, JR., 1678
KYLE S. WILBUR, 6709
JOHN N. WILKIN, 2122
SEAN P. WILLMAN, 7247
JUSTIN W. WILSON, 7683
CARL D. WINGO, 4672
ROBERT A. WINSTON, 5169
THOMAS A. WOLLARD, 6649
CRAIG R. WONSON, 6172
BENJAMIN Z. WOODWORTH, 1448
KIMBERLY A. WYLIE, 5458
ROBERT W. ZACHRICH II, 9560
PAUL F. ZADROZNY, JR., 5303
STACEY S. ZDANAVAGE, 7215

To be first lieutenant

CLINTON E. AMBROSE, 1855
MATTHEW H. ANDERSON, 8191
MARY N. ANICH, 8710
COURTNEY ARRINGTON, 0964
ANDREW A. AUSTIN, 3141
PATRICIA S. BACON, 0911
LARRY A. BAILEY, JR., 8489
AISHA M. BAKKARPOE, 4288
CARNEL BARNES, 5441
DANIEL L. BATES, 7552
WILLIAM T. BELL, III 4309
ROMAN V. BENITEZ 3669
DANIEL G. BENZ, 1900
ELLERY L. BLAKES, 7123
CAVAN N. BRAY, 8244
ALVIN BRYANT, JR., 8676
DUNCAN J. BUCHANAN, 5308
KEITH E. BURKEPILE, 7037
CHRISTOPHE M. BURT, 2163
CHRISTOPHE W. BUSHEK, 6848
BRINSON L. BYRDSONG, 3364
MICHAEL J. BYRNE, 8309
CHRISTOPHE T. CANNAVARO, 3102
KEVIN T. CARLISLE, 6990
PATRICK L. CARTER, JR., 9006
ROBERT R. CHESHIRE, 9843
JAMES CHUNG, 5502
CLAUDE E. CLARK,JR., 2241
DANIEL C. CLARK, 0826
RICHARD A. CLEMENS, JR., 3098
BRIAN K. COCKRIEL 2860
JENNIFER E. COE, 5458
JEFFREY R. COLEY, 2592
NORBERTO COLON, 6663
JOHN G. CORBETT, 9657
HUGH C. CURTRIGHT, IV, 5597
CHRISTOPHE H. DALTON, 2783
RICHARD M. DAVIS, JR., 2547
BRANDON A. DAVIS, 8515
SHAWN B. DAVIS, 1418
JOHNNY L. DAY, 6633
DANIEL S. DEWITT, 3895
CHRISTOPHE B. DOODY, 0210
TIMOTHY T. DOUGLAS, 9897
JASON C. DRAKE, 4862
GORDON R. DYKES, 2842
EDWARD J. EIBERT, JR., 0614
ROBERT G. ENSLEY, 3122
MATTHEW W. ERICKSON, 4317
NATHANIEL G. FAHY, 5015
DAVID M. FALLON, 1690
RAUL J. FELICIANO, 4631
LINDA N. FERRELL, 8122
JOHN L. FINCH, 4801
GREGORY P. FLAHERTY, 6592
SETH W. FOLSOM, 3361
KEVIN J. FOSKEY 8244
MARC D. FREESE, 1533
BRIAN T. FULKS, 7776
DENISE M. GARCIA, 3474
LUIS GARZA III, 2350
JEFFREY W. GARZA, 6279
PATRICK A. GAUGHAN, 2579
MICHAEL T. GIBBS, 2290
BRIAN L. GILMAN, 6947
DENNY W. GINGERICH, 6596
PAUL M. GOMEZ, 8012
RUFINO H. GOMEZ, 7742
JONATHAN W. GOOD, 0528
WENDY T. GORDON, 8594
RUSSELL R. GRAHAM, 4469
JOSHUA K. GREENE, 2734
BRENT A. GREGOIRE, 1745
KRISTINA K. GRIFFIN, 4235
GREGORY L. GRUNWALD, 0837
PAUL GULBRANDSEN, 6497
MICHAEL P. HADLEY, 7764
HOWARD F. HALL, 1139
TREVOR HALL, 1642
ANDREW D. HAMILTON, 6716
JOHN W. HARMAN, 8195
JAMES A. HARRIS IV, 6227
DENNIS J. HART, 1185
EMILY H. HAYDON, 7857
GINA D. HEALD, 4652
HERRINGTON, 0965
CHARLES R. HINTON, JR., 8715
RANDALL S. HOFFMAN, 6658
DANNY L. HOWARD, JR., 3043
SAMUEL K. HOWARD, 9671
EMILY S. HOWELL, 1072
MATTHEW F. HOWES, 3364
CHRISTOPHE D. HRUDKA, 9174
NICOLE K. HUDSPETH, 8591
PATRICK M. HUGHES, 6556
LANCE A. JACKOLA, 7892
WILLIAM J. JAEGER, 3118
LARRY M. JENKINS, JR., 4403
JOSEPH W. JONES, 0847
ROBERT C. KAMEI, 2292
STEPHEN F. KEANE, 1925
WILLIAM J. KEHOE, 1050
JOSHUA A. KEISLER, 9839
PATRICK M. KELLY, 4003
STEPHEN J. KHOOBYARIAN, 8367
SEAN C. KILLEEN, 4413
CATHERINE A. KING, 0121
SHARON E. KING, 0068
THOMAS T. KING, 3585
ERICK V. KISH, 1547
JAMES V. KNAPP II, 4869
KARL K. KNAPP, 9597
KEITH F. KOPETS, 4614
JOHN A. KRALIK, 9140
THOMAS G. LACROIX, 4205
MICHAEL L. LANDREE, 0383
STEPHEN J. LAVELLE, 8517
JAMES R. LEACH, 1279
FRANCIS X. LILLY, JR., 5780
BART W. LOGUE, 6831
MARK C. LOMBARD, 7553
CHARLES M. LONG, JR., 1657
NICHOLAS J. LOURIAN, 8045
BENJAMIN J. LUCIANO, 7192
JEFFREY AL T. MAC FARLANE, 4532
JAMES D. MAHONEY, 8298
ROBERT K. MALDONADO, 0058
NICO MARCOLONGO, 9959
GRANT D. MARK, 9573
GEORGE W. MARKERT, 3447
BRIAN P. MATEJA, 2145
THOMAS F. MAZZELLA, 3349
COREY E. MC CLAIN, 1629
DAVID J. MC CLOY, 8648
TRACY L. MC GARVIE, 1223
MAURA A. MC GEE, 5719
CATHLEEN M. MC KINNEY, 4894
JAMES A. MC LAUGHLIN, 5685
STEPHEN J. MC NAMARA, 1212
TIMOTHY E. MC WILLIAMS, JR., 3363
PAUL M. MELCHIOR, 8197
JESSE E. MENDEZ, 8385
BRIAN L. MILAN, 9798
SCOTT H. MILLER, 6388
JOSEPH F. MOFFATT III, 0714
IVAN I. MONCLOVA, 9795
BILLY R. MOORE, JR., 7730
SAMUEL K. MOORE, 2857
MATTHEW T. MORRISSEY, 3587
KIRK D. MULLINS, 3241
KAIZAD J. MUNSHI, 6273
FERNANDO T. NATER, 1164
LEONARD E. NEAL, 8538
DAVID R. NETTLES, 7519
JENIFER NOTHELFER, 7468
JAMES J. OLSON, 0160
JOSEPH R. ONIZUK, 8636
MARK A. OSWELL, 9900
PAUL R. OUELLETTE, 9446
SEAN W. PASCOLI, 2148
RYAN W. PATERSON, 2033
MARK P. PATTERSON, 9603
JOHN G. PAYNE, JR., 1040
ADIN M. PFEUFFER, 2786
ROBERT C. PIDDOCK, 3458
JASON T. POWELL, 4734
STEPHEN M. POWELL, 3379
SAMUEL A. PRICE, 8844
ERIC R. QUEHL, 5281
AMY L. RAINES, 8497
JAMES R. READY, 4928
GARY R. REIDENBACH, 6364
MICHAEL D. REILLY, 1768
JUSTIN R. REIMAN, 7149
MICHAEL R. RENZ, 9371

EDWIN R. RICH II, 2510
CHARLES R. RIVENBARK, JR., 2855
GARY T. ROESTI, 3079
JAMES M. ROSE, 6699
KEVIN C. ROSEN, 0486
WILLIAM E. RUDD, 5544
EDWIN O. RUEDA, 5065
BRIAN K. RUPP, 9368
JEFFREY K. SAMMONS, 2430
FRANKLIN V. SANNICOLAS, 8252
JASON A. SANTAMARIA, 7787
SCOTT N. SCHMIDT, 3993
DANIEL A. SCHMITT, 7835
WILLIAM J. SCHOUVILLER, 6757
JOEL V. SEWELL, 6510
PATRICK S. SEYBOLD, 3118
BILLY J. SHORT, JR., 4325
PATRICK E. SIMON, 6841
MATTHEW M. SKIRMONT, 0840
GERASIMOS J. SKORDOULIS, 2103
CHARLES E. SMITH, 0971
DOUGLAS W. SMITH, 5644
MICHELLE R. SMITH, 1376
WILLIAM R. SPEIGLE II, 8775
RYAN W. SPRINGER, 8310
ANTHONY R. STARNER, JR., 9263
TIMOTHY STEFANICK, 5046
DEAN M. STEFFEN, 7204
MARCUS L. STEWART, 3194
ROBERT E. STPETER, 5884
ANDREW J. STRALEY, 6822
ADAM T. STRICKLAND, 5266
MARK A. SULLO, 4772
SHAWN M. SWANSON, 0951
DANIEL R. TAYLOR, 6751
TERRANCE L. THOMAS, 7972
JAMES R. THOMPSON, 0857
TRUETT A. TOOKE, 1915
KEVIN C. TRIMBLE, 2808
PATRICK M. TUCKER, 7738
CLIFTON L. TURNER, 6403
JOON H. UM, 7650
DAVID T. VANBENNEKUM, 1872
JEFFREY A. VANDAVEER, 1548
MICHAEL C. VANHORN, JR., 3360
JOHN T. VAUGHAN, 7628
TIMOTHY B. VENABLE, 4437
BRIAN J. VENTURA, 7566
KEVIN S. WADA, 9243
ROBERT R. WAFFLE, 8981
ERIC D. WARBASSE, 9707
DEREK J. WASTILA, 4171
PATRICK D. WAUGH, 5298
STEPHAN F. WHITEHEAD, 9833
JAMES B. WHITLOCK, JR., 3262
CRAIG W. WIGGERS, 4810
VERNON J. WILLIAMS, 5519
SAMUEL G. WILLIAMSON, 7725
ANDREW R. WINTHROP, 3809
JAY V. WIRTS, 9321
BRETT C. WITTMAYER, 6129
DONALD R. WRIGHT, 4232
GREGORY A. WYCHE, 1922
GREGORY A. WYNN, 9731
KEVIN E. YEO, 6245
ERIC K. YINGST, JR., 2229
PATRICK J. ZIMMERMAN, 4310

To be second lieutenant

DANN V. ANGELOFF, JR., 4549
DEREK M. BRANNON, 8317
PAUL R. BULLARD, 7503
ROBERT S. BURRELL, 2921
DAVID E. COOPER, 6164
MARK A. CUNNINGHAM, 0760
CHRISTOPHE E. DEANTONI, 3661
NEAL W. DUCKWORTH, 6400
JOHN F. GRIFFIN, 8938
MARK E. HALVERSON, 6970
ROBERT M. HANCOCK, 0612
WILLIAM C. HENDRICKS, IV, 1559
GORDON L. HILBUN, 0326
MICHAEL P. HOWARD, 2708
ROB L. JAMES, 3376
DOUGLAS K. KELLER, 7471
JAMES H. KELLER, 2544
KEVIN R. KORPINEN, 1915
KEVIN J. LEGGE, 2764
JOSEPH F. MAHONEY, III, 8102
SCOTT D. MANNING, 1461
DONALD G. MARASKA, 9764
JACOB M. MATT, 4865
DARREN W. MILTON, 2802
DAVID B. MOORE, 1972
BRIAN W. MULLERY, 4905
DANIEL M. O'CONNOR, 0856
SEAN T. QUINLAN, 4405
SEAN P. RILEY, 6811
CLAIBORNE H. ROGERS, 3981
KELLY D. ROYER, 0230
DENNIS A. SANCHEZ, 4147
JOSEPH G. SCHMITT, 6239
SCOTT D. SEEDER, 3050
KRAIG D. SMITH, 9167
WILLIAM A. THOMAS, II, 7293
ERIC N. THOMPSON, 7696
BRADFORD W. TIPPETT, 6307
DAVID J. VANLANEN, 8505
FRANCIS M. WALD, 8969
JAMES R. WENZEL, 0346

HOUSE OF REPRESENTATIVES—*Tuesday, February 24, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 24, 1998.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 927) "An Act to reauthorize the Sea Grant Program."

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SKAGGS) for 5 minutes.

WHETHER CONGRESSIONAL AUTHORIZATION OF FORCE IN THE PERSIAN GULF IN 1991 CONTINUES TO AUTHORIZE FORCE IN 1998

Mr. SKAGGS. Mr. Speaker, I think we were all heartened by the developments over the weekend when the Secretary General of the United Nations was able to put together an agreement with Iraq concerning the current crisis there. It is certainly a promising development, and we all hope and pray that it will be the solution to the crisis.

But given Saddam Hussein's history of broken promises, we all will remain skeptical and will wait to be shown that this time it is for real. It is understandable, therefore, that the President has stated that the United States forces currently deployed in the region will stay there for the foreseeable future, and again, given the history of broken promises, it is entirely possible that we may face again soon the question of the use of military force against Iraq.

So, it is important, even though we have this moment to catch our breath, to remind ourselves of Congress' responsibility in this matter. In my opinion, and I think an opinion widely shared, the initiation of military action that is contemplated in Iraq clearly implicates Congress' responsibilities under the war-making clause of section 8, article 1, of the Constitution.

The President's position, as I understand it, has been that he already has sufficient authority in this matter derived, in a way, from the Persian Gulf War resolution that this Congress passed back in 1991. The administration claims that it is appropriate to see that Persian Gulf War resolution as looking forward to the authorization of force not only to implement then existing Security Council resolutions, which at the time of course dealt with getting Iraq out of Kuwait, but also to contemplate future Security Council resolutions, including the one that after the war set up the United Nations commission and the inspection regime that is now at issue in going after Iraq's weapons of mass destruction.

That Security Council resolution, number 687, of course was adopted after the Persian Gulf War, and unlike the ones that preceded the war, did not expressly contemplate or state that member states of the U.N. could use force, or "all necessary means," to use the proper phraseology, to carry out its purposes.

I do not believe those of us who were here in 1991 for the debate before the Persian Gulf War would say that the text of the resolution passed before the Persian Gulf War, and certainly not the debate that preceded passage of the resolution, support the idea that we were then granting authority for some future military action to force compliance with a weapons of mass destruction inspection regime that did not then exist.

Over the weekend we have heard former Secretary of State Baker remind us all that the issue at the time that we went to war in 1991, the mandate at that time, was to get Iraq out of Kuwait.

I have today released a report, a memorandum, done at my request by the Congressional Research Service on this issue. A copy has been sent to all Members' offices. I believe the analysis of these legal, but very important, considerations done by CRS reinforces the argument that this 105th Congress cannot rely on what the 102nd Congress did, and that we need to face up to our current constitutional responsibilities.

The Constitution requires authority from Congress before this country initiates a major military attack for good reasons, both as a check against any precipitous action by a President, but also to be sure that the American people, acting through their representatives in Congress, have been consulted and do consent.

Should we face another major military confrontation with Iraq in the coming weeks or months, Congress must fulfill that responsibility and conduct the kind of debate, the thorough debate we did in 1991. I think we all remember that debate as one of Congress' finest moments, in which we were soberly engaged in a meaningful discussion of a critical issue. It helped to unify the country.

We should welcome a debate and a vote again, as the President should. He needs to know that the country is behind him.

It is troubling to look ahead to circumstances that might arise very quickly in the next weeks or months that might not enable us to have the kind of debate and vote that we should. Therefore, I hope my colleagues will unite in requesting that the leadership proceed while we enjoy this reprieve to have the kind of discussion that is warranted under the Constitution.

Mr. Speaker, I include for the RECORD the memorandum from the Congressional Research Service.

The memorandum is as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, February 23, 1998.

To: Honorable David Skaggs.
From: American Law Division.
Subject: Whether 1991 Congressional Authorization of Force in the Persian Gulf Continues to Authorize Force in 1998.

This memorandum is in response to your request that we briefly evaluate an argument that has been presented in the present debate over use of United States military forces in and over Iraq, namely whether Congress can be said to have authorized in its 1991 enactment the use of U.S. military forces to carry out resolutions of the Security Council of the United Nations adopted

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

subsequent to the conflict in 1991 in the Persian Gulf.

We here deal with a specific and limited, though important, question. We do not consider what the Constitution, in its authorization to Congress to declare war, requires of Congress and the Executive Branch in the initiation and carrying out of combat with Iraq. We do not consider what restraints the War Powers Resolution imposes on the President's use of force in and over Iraq in the absence of some affirmative pre-action approval by Congress. We do not consider what effect upon the ability of the United States to act, within its constitutional structure, may be derived from United Nations authorization(s). To be sure, these issues are implicated in the response to the question with which we do treat, but it is possible to assess a resolution of this single question without also attempting to venture answers to the other questions.

Following the invasion of Kuwait and its occupation by Iraq, the Security Council adopted Resolution 660, demanding that Iraq withdraw from Kuwait. After adoption of a series of other Resolutions, the Security Council in 1990 adopted Resolution 678, which is considered the United Nation's authorization for the carrying out of the military actions that took place, by which member states were authorized to use "all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peach and security in the area."

Although President Bush and his Administration took the public position that no authorization by Congress was necessary, at the last moment the President did seek congressional approval, which was forthcoming by close votes in both the House of Representatives and the Senate. P.L. 102–1, 105 Stat. 3, 50 U.S.C. §1541 note. The Joint Resolution became law January 14, 1991. The pertinent part of the Joint Resolution provided: The President is authorized, subject to subsection (b), to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 679, 670, 674, and 677. §2(a).

After Iraq's military defeat, the Security Council on April 3, 1991, adopted Resolution 687, setting out conditions to which Iraq had to agree in order for a cease fire to come into effect. Among the obligations, Iraq had to accept the neutralization under international supervision of its chemical, biological, and medium- or long-range missile capabilities. Furthermore, the Resolution stated, the matter was to remain before the Council, which would "take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the area."

On November 12, 1997, in response to various moves by the Government of Iraq to disavow and to hinder the inspections to which Iraq had agreed as a result of Resolution 687, the Security Council adopted Resolution 1137, condemning Iraq for its actions, demanding adherence to its agreement, and specifically referencing Resolution 687. Resolution 1137 further stated "the firm intention to take further measures as may be required for the implementation of this resolution."

One reading of the series of United Nations resolutions from 660 (1990) through 678 (1990) and on to 687 (1990) and 1137 (1997) is that the Security Council has authorized its member states to take enforcement action under Chapter VII of the United Nations Charter against Iraq not only to force Iraq from Kuwait, which has, of course, been achieved, but additionally to require Iraq to comply fully with its obligations to rid itself of its prescribed weapons and to continue to accept UN inspections to assure its compliance with the obligation to destroy the weapons. That is not the only reading, other members of the Security Council being in disagreement with the United States and the United Kingdom on the proper interpretation. Indeed, while Resolution 678 did specifically authorize member states to use "all necessary means," both Resolution 687 and Resolution 1137 appear only to pledge that the Security Council will "take such further steps" and "to take further measures" without in either Resolution authorizing member states to act.

In any event, the issue is not the correct interpretation of the series of United Nations resolutions; rather, it is what Congress may be understood to have authorized in P.L. 102–1. That is, did Congress authorize only the use of United States military force to drive Iraq from Kuwait? Or, more broadly, did Congress authorize open-endedly the use of United States military forces to achieve whatever goals subsequently adopted Security Council Resolutions may have set out?

Facially, P.L. 102-1 bears little indicia of the broader reading. Its pertinent authorization paragraph, set out above, references the use of force "pursuant" to Resolution 678 and the implementation of Resolutions 660-677, which have to do with the unconditional withdrawal of Iraq from Kuwait. As we have noted above, Resolution 678 authorized member states to use "all necessary means to uphold and implement Resolution 660 (1990) and all subsequent resolutions and to restore international peace and security in the area." The phrase "all subsequent relevant resolutions" doubtlessly refers to all the Resolutions following 660 and leading up to Resolution 678. While it might be read to include Resolutions adopted subsequently to 678, and the Security Council might interpret it that way as well as its member states, the pertinent point here is what the congressional enactment comprehends.

First, the authorization paragraph specifically references Resolution 678 and expressly states that action pursuant to that Resolution is "in order to achieve implementation of" the specifically identified Resolutions from 660 to 677. The express wording of this paragraph appears to target exactly the United Nations goal of ending the Iraqi occupation of Kuwait.

Reference to the purpose clauses, the preamble, of P.L. 102-1, which has no legal force but does declare congressional intention and is relevant to understanding the meaning of the law that Congress has enacted, confirms this reading of the authorization. That is, while the third "whereas" clause states the danger to world peace of the existence of Iraq's weapons of mass destruction, the other clauses all relate to the termination of the occupation of Kuwait. It is true that the same ambiguity noted above with respect to the language of Resolution 678 may be discerned in the sixth "whereas" clause, because of its referencing of Resolution 678.

Whereas, in the absence of full compliance by Iraq with its resolutions, the United Nations Security Council in Resolution 678 has authorized member states of the United Nations to use all necessary means, after January 15, 1991, to uphold and implement all relevant Security Council resolutions and to restore international peace and security in the area[.]

Thus, the more likely reading of the authorization section of P.L. 102–1 is that Congress specifically authorized the use of United States military forces to drive Iraqi forces from Kuwait. Congress would have taken the reference in Resolution 678 to "all subsequent relevant resolutions" to mean those Resolutions that preceded 677, those, that is, referenced by number in 678. Congress further would have understood the reference in Resolution 678 to the use of force "to restore international peace and security in the Area" to encompass the restoration of the *status quo ante*, the withdrawal of Iraq from Kuwait. Certainly, there is nothing in the authorization section of P.L. 102–1 that requires or compels a reading that would be in effect an open-ended authorization of the use of United States military forces to achieve any subsequently adopted goals of the United Nations.

Nonetheless, sufficient ambiguity does exist to permit the possible construction of the language of P.L. 102–1 as authorizing United States military force to carry out subsequently-adopted Resolutions setting forth an intention to force Iraq, under threat of military force, to rid itself of prescribed weapons and to permit United Nations inspections to assure that the result has been achieved. It is not clear, as noted above, that the Security Council has adopted any authorization for its member states to use military force to achieve these results, but we pass that question by.

The pertinent question is, given two possible interpretations of congressional meaning, how do we resolve the matter?

Second, one must look at the textual object. Although two meanings are possible, one is more likely to represent the meaning to be ascribed to it by Congress. If, however, after confronting the actual language to be interpreted and finding a likely but not compelled interpretation, how do we then infer or deduce meaning from context and surroundings? One such method, favored by the courts, including the United States Supreme Court, is under some circumstances to adopt a default means of interpretation. When, for example, the issue arises in the context of a critical or critically important question of constitutional meaning, courts impose a "clear-statement" rule under which Congress, or some other entity, will not be understood to have meant to say something having great bearing on its powers or on the Constitution without saying it clearly, perhaps expressly. For example, when the issue is whether by the terms of a statute Congress has waived the sovereign immunity of the United States, the Court will not apply ordinary rules of statutory construction but will require the clearest possible expression of congressional intent; any waiver must be unequivocal. E.g., United States Dept. of Energy v. Ohio, 503 U.S. 607 (1992); Library of Congress v. Shaw, 461 U.S. 273 (1983). Of course, the particular issue with which we deal is highly unlikely to present itself as suitable for judicial resolution, but subsequent Congresses and private parties may resort to such rules of construal.

Congress has been highly protective of its powers in this area, especially of the use of United States military forces abroad, since the great debate in this country with respect to the undeclared war in Indochina, which eventuated in the adoption, over a presidential veto, of the War Powers Resolution. P. L. 93–148, 87 Stat. 555, 50 U.S.C. §§1541–1548. In view of the hesitancy of Congress to act in respect of the Gulf War and of the close votes in both Houses, how likely is it that Congress would have authorized the President to use United States military forces to effectuate a United Nations Resolution or a series of Resolutions that were to be adopted sometime in the future? It is, of course, possible for Congress to authorize something on the basis of an occurrence not yet having resulted. But with respect to the commitment of United States forces abroad? Again, Congress might do so, but ought we to conclude that it did so in 1991 on the basis of contestable language susceptible to more than one interpretation? Might a clear statement of Congress' intent to do so be required before such a construction is adopted?

In short, to conclude that P. L. 102–1 contains authorization for the President to act militarily in 1998 requires the construction of an interpretational edifice buttressed by several assumptions. We must conclude that Congress in 1991 intended to base its authorization of United States military action upon the future promulgation of United Nations policy developed in the context of circumstances unknown or at most highly speculative in 1991. We must conclude that Resolution 687 did authorize member states to act to implement its goals and not merely reserved to the Security Council a future determination of what it might authorize. We must conclude that Resolution 1137 did authorize member states to act to end Iraqi recalcitrance and not merely expressed the aspiration of the Security Council to do something in the future. And we must conclude that Congress in 1991 was so confident of United Nations policy in the future that it would have authorized the future committal of United States military forces to achieve what the Security Council wished to achieve.

We have examined legislation enacted later by Congress in the same year that bears on Operation Desert Storm, in particular P. L. 102–190, 105 Stat. 1290, and P. L. 102–25, 105 Stat. 75, and find nothing bearing on what Congress might have thought it was doing in P. L. 102–1. Certainly, there is nothing in those Acts to be construed as additional authorizations.

In the end, it is for the Congress to determine what the 102d Congress meant in adopting the joint resolution that became P. L. 102–1. How, if Congress' interpretation is different from that of the President, Congress is to give effect to its determination presents another question altogether.

JOHNNY H. KILLIAN,
Senior Specialist, American Constitutional Law.

TRIBUTE TO GOLD MEDAL WINNING U.S. WOMEN'S OLYMPIC HOCKEY TEAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Minnesota (Mr. RAMSTAD) is recognized during morning hour debates for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, America's two newest sports heroes are the pride of every American. I rise today to pay tribute to a group of talented, hard-working women who have written a new chapter in America's glorious Olympic history, the U.S. women's Olympic hockey team.

Minnesota is the birthplace of hockey in America, Mr. Speaker, and the first ever gold medal in women's Olympic hockey was won by a spirited, never-give-up American team that included two Minnesotans. Jenny Schmidgall of Edina, Minnesota, and Alana Blahoski of St. Paul, Minnesota, along with 21 other members of the U.S. women's team, brought home the gold from the 18th Olympic winter games in Nagano, Japan. The American women's team won all six of its games.

Mr. Speaker, what a marvelous Olympic tournament it was, and what a remarkable team won the gold medal. As a proud Minnesotan and a patriotic American, my heart burst when Jenny Schmidgall was awarded her gold medal and spontaneously blurted out our national anthem. Our hearts as Americans burst in pride when our women's hockey team, every single member, raised their hands to the sky in saying our national anthem with all the strength left in their souls.

Mr. Speaker, after losing to Canada four times in the world championship since 1990, the U.S. women's Olympic hockey team defeated Canada 3 to 1 last week to claim the gold medal. It was the second time the Americans had defeated their fiercest rival in four days. It was also the first U.S. hockey gold medal since the 1980 miracle on ice at Lake Placid.

Mr. Speaker, great joy swept over Minnesota as the U.S. women held hands, waved American flags, and accepted their well-earned gold medals. As her parents, Dwayne and Terri Schmidgall of Edina, would be quick to tell you, Jenny Schmidgall had prepared long and hard for her moment in the land of the rising sun. Jenny graduated from Edina High School, in the heart of our Third Congressional District, this past spring, and will be skating for the University of Minnesota next year.

In fact, that is the reason Jenny's picture did not make the Wheaties box, because she is still an amateur, and NCAA rules are about as arcane as some of the rules around here, and she was not allowed to be pictured.

But anyway, when Jenny skated at Edina's Lewis Park, she was known as little Gretzky. She grew up learning the game at Lewis Park at Edina while following her hockey playing dad onto the ice.

There was magic in the air at the Big Hat arena in Nagano the day of the gold medal game. Jenny's parents got to the game and learned that their seats were not with the rest of the parents down below in the lower bowl but, rather, in the upper deck away from the rest of the parents of the women's team.

But all that changes when Wayne Gretzky, the great one himself, tapped Dwayne Schmidgall on the shoulder, and seeing Schmidgall's Team U.S.A. jackets and asked if she had somebody playing in the game. Gretzky told them, by the way, he hoped their team would win and left when the score was one to nothing in favor of the Americans.

In this first Olympic women's tournament, Jenny Schmidgall scored two goals and had three assists. She also helped set up the first U.S. goal in the gold medal game. As her mother Terri said, holding back tears, and I am quoting now, "When you know all the hard work that went into this and see them this way, it's really something."

Mr. Speaker, it is really something. All the women on Team U.S.A. have stories to tell, stories like Jenny Schmidgall's. They all followed others onto the ice at an early age and often met with resistance when they tried to join in the boys' games. But showing great American ethic that makes our nation shine, these women would not take no for an answer. They practiced. They persevered. Last week, they realized their dream. They brought home the gold.

Mr. Speaker, one sign held up above the U.S. team's bench in Nagano said it all: "U.S. Women, the Real Dream Team." Now the women of the 1998 U.S. Olympic ice hockey team are stirring new dreams in the hearts and minds of girls throughout America. They stirred our passion over the past fortnight halfway around the world, and they will live in our hearts forever.

Congratulations to Jenny, to Alana, and to the other 21 members of the U.S. women's ice hockey team as well as your wonderful coaches, managers, trainers, and other officials. You have made America proud.

PUERTO RICO'S CENTENNIAL ANNIVERSARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, 1998 is a centennial year. We think of centennial years as occasions to celebrate. In 1976, for example, the country joyfully celebrated the bicentennial anniversary of the signing of the Declaration of Independence. On this centennial, we recall that 100 years ago, the United States defeated Spain in the Spanish-American War and, as a result, acquired Puerto Rico as a possession.

It is a bittersweet anniversary for many of the 3.8 million U.S. citizens living in Puerto Rico. Make no mistake. The people of Puerto Rico are proud to be citizens of the United States, and they have affirmed, repeatedly, their desire to be an integral part of this great Nation.

In the poll booth, 95 percent of them have voted continuously for strengthening their rights of U.S. citizenship. And on the battlefield, in every war the country has engaged in during this century, Puerto Ricans have pledged their commitment to the Nation and its democratic ideals with their lives.

There is one regret. Despite a progression from military rule to a federally appointed civil government in 1900, the granting of U.S. citizenship by statute in 1917 and the adoption of a constitution for local self-government in 1952, Puerto Rico continues to be an unincorporated territory of the United States, or as it is called in international forums, a colony.

The residents of Puerto Rico are subject to the authority and plenary powers of Congress under the territory clause of the U.S. Constitution. We may not vote in presidential elections, and we have no voting representation in Congress.

The economic, social, and political affairs of the people of Puerto Rico, in great measure, are controlled and influenced by government which is in no way accountable to them. In 1898, Puerto Rico became a colony of the United States; a century later, it remains a U.S. colony. Puerto Rico has a dubious distinction of being the longest standing colony of over 1 million inhabitants in the whole world.

Only the Congress has the power to end this chapter of colonialism. Only Congress has the authority to create the opportunity for the full exercise of self-determination by the people of Puerto Rico.

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And Congress alone bears the political responsibility and the moral imperative to act.

H.R. 856, the United States-Puerto Rico Political Status Act is status neutral. It does not promote, endorse or advocate one political choice over another. Instead, it seeks to create Constitutionally-sound and Congressionally approved definitions of political status options for the residents of Puerto Rico; it proposes a timetable for referendums on status and it makes provisions, should they prove necessary, for a smooth transition to and the implementation of a new political status.

For nearly five decades, the Commonwealth status has been misrepresented to the voters of Puerto Rico. In 1950, when the Congress passed the Puerto Rico Federal Relations Act, which authorized the people of Puerto Rico to draw up a constitution and reorganize a local self-government, the intent was to establish a provisional government until the issue of status was resolved. But when Commonwealth was "sold" to our people, it was billed as a bilateral pact that could only be altered by mutual consent, implying that the new status conferred political and economic autonomy and sovereignty to the island.

The United States Government became a party to this misrepresentation in 1953 when it notified the United Nations that it would no longer submit reports regarding the status of Puerto Rico because the island had achieved a "full measure" of self-government under the new "constitutional arrangement."

Unfortunately, the misinformation campaign continues unabated. Since the creation of the so-called Commonwealth, Puerto Ricans have voted in two referendums on status. But in the most recent of these, the 1993 plebiscite, the definition of Commonwealth on the ballot "contained proposals to profoundly change, rather than continue the current Commonwealth of Puerto Rico government structure," observed the gentleman from Alaska (Mr. YOUNG) and several other colleagues in a 1996 letter to the President of the Senate and to the Speaker of the House of the Commonwealth of Puerto Rico.

What is more, as our colleagues explained, "Certain elements of the Commonwealth option, including permanent union with the United States and guaranteed U.S. citizenship, can only be achieved by full integration into the U.S. leading to statehood. Other elements of the Commonwealth option on the ballot, including a government-to-government bilateral pact, which cannot be altered, either are not possible or could only be partially accomplished through treaty arrangements based on separate sovereignty."

To perpetuate this farce, this rhetorical slight of hand that disguises Puerto Rico's true status as a colony, defrauds the U.S. citizens of Puerto Rico of their right to self-determination. It leaves them disenfranchised, in a state of political limbo.

Mr. Speaker, we are 8 years into the decade that the United Nations General Assembly has dedicated to the eradication of colonialism, and we act as if we were frozen in time. Does this country and does this Congress really want to celebrate 100 years of colonialism? This centennial gives us no joy. In order for all to celebrate, Congress must act. It is time to pass H.R. 856.

THE YEAR 2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I want to continue the conversation I began a few weeks ago about the 2000 Census. As I have said, I believe we need to work together to ensure that we have the best, most honest Census possible. But I believe we are a long way from realizing that type of Census.

As everyone involved in the decennial Census knows by now, I have concerns that we are headed for a failed Census. Today, I want to discuss what I believe are the serious mistakes the Clinton Administration has made to date, and what I believe they need to do to start correcting them in time to save the 2000 Census.

The biggest mistake, indeed a colossal mistake, was made right from the start. They decided to ignore Congress. They thought they could just go ahead and design any methodology they wanted and just say to Congress: This is what we are going to do, and you just pay for it. That is not how our system works on any issue.

Mr. Speaker, we expect the Decennial Census to cost almost $4 billion. In other words, we spend real money on the Census. As a general rule, Congress does not give the executive branch $4 billion and say, hey, do whatever you want with it, you know best.

Under our system, Congress controls the purse strings. So when the administration wants to spend tax dollars, they come to Congress and justify what they want to do. This gives Congress the ability to shape how the money is spent.

Congress plays an even larger role in the conduct of the Census. We do this for one basic reason: the Constitution mandates that it is the Congress' responsibility to direct the manner in which the Census is taken. Let me quote from the Constitution itself: Quote: "The actual enumeration shall be made within every subsequent term of 10 years, in such a manner as they, meaning the Congress, shall direct by law." End quote. In other words, the Constitution places the responsibility for the Census on the Congress, not the executive branch.

For reasons I do not fully yet understand, the Clinton Administration used the "Hillary Health Care Model" for designing the 2000 Census. They decided to design a complicated, untested Census plan that was created by "experts." And since the idea was sanctioned by well-meaning experts, they just figured there was no reason to explain it or to sell it to average Americans and certainly no reason to work with the Congress.

Mr. Speaker, remember the secret health care task force that designed the original Health Security Act? They were all well-meaning, hard-working individuals with great educations and they designed the ultimate graduate school seminar project. The plan was over 1,000 pages long. They had thought of every possible problem. And when the American people raised concerns, they just said do not worry, we know best. When Congress asked questions, the President threatened vetoes. Well, the Clinton health care plan collapsed.

Unfortunately, they are headed down the same path on the Census. They used some legitimate problems in the 1990 Census as an excuse to totally redesign a 200-year method for taking the Census. But because they used experts, in this case statisticians, to design this unprecedented method, they decided they did not need approval from Congress. How could Congress have any legitimate concerns after all, because the Census Bureau used "expert panels" to create this new concept?

Well, "expert panels" weren't elected by the people. Professional statisticians are not constitutionally responsible for directing the Census. Academics do not have the responsibility for deciding how taxpayers' dollars are spent. That is Congress' job.

By the way, I have a Ph.D. in marketing and statistics, so I understand the theory behind what they are trying to pull off. I believe, however, that the Clinton Administration dropped the ball in informing the Congress, working with the Congress, and seeking approval from Congress.

This serious miscalculation has placed the 2000 Census in danger and the institution of the Federal Government most impacted by a failed Census is the United States House of Representatives. Every State legislature, every city council, every school board needs a successful Census to legitimately represent the people. Let me repeat that. Every State legislature, every city council, every school board needs a successful Census to legitimately represent the people.

If the administration fails in the implementation of their academic theory, all representative bodies in this country will be thrown in turmoil and uncertainty.

The majority in Congress have made it very clear that we do not approve of the administration's current plan. What we want, or more precisely what we intend to pay for, is a traditional Census that is transparent and fair. We understand the problems of the 1990 Census and we want them fixed. We do not believe, however, that we need to throw out the baby with the bath water.

To date, I am not satisfied they have gotten the message downtown. In November, Congress passed and the President signed legislation to continue on an actual enumeration. They have not gotten the message.

Mr. Speaker, let me quote from the legislation—"that funds appropriated under this act . . . shall be used by the Bureau of the Census to plan, test and become prepared to implement the 2000 decennial census, without using statistical methods. . . ."

It seems pretty clear that the law requires them to prepare for a traditional Census. I don't believe that's what they are doing. They're budget submission hides behind legalisms and technicalities and says, "The Administration has not included additional funding for nonsampling census activities because that funding is not required by the agreement."

To me, that is yet another slap in the face to the Congress. They seem to have this attitude that Congress' opinion doesn't matter.

The 2000 Census is in deep trouble at this moment. The Commerce Department's own Inspector General has said that. I stand ready to work with the Administration. We want and we need a successful Census in 2000. But the attitude downtown needs to turnaround. They need to understand that we have a role to play—a very major role to play—in the planning, preparation and implementation of the 2000 Census.

POST OFFICE COMMUNITY PARTNERSHIP ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, oftentimes, the Federal Government is called to spend billions of dollars to try and repair communities after they fall apart. It is far better for the Federal Government and its agencies to lead by example, and one of the ways that we can lead by example is best illustrated by the impact that the United States Postal Service has on our communities.

Post Offices are the heart and soul of America's small towns, drawing people to main streets and preserving the core of these communities. Despite this vital role, the Postal Service continues to move post offices to the outskirts of town, leaving devastated communities in their wake.

This is happening across the country, not just in my community in Oregon. I have heard similar stories from Washington, Montana, Colorado, Ohio, Louisiana, New York, and everywhere in between. Small downtowns across the country are being stranded despite the protest of town residents.

Mr. Speaker, it is absurd that the Postal Service gives its customers more say in which Elvis stamp to issue than where the post offices are located. Residents of Christianburg, Virginia, know this story all too well. They used to gather at a post office in the center of town to collect their mail and talk about the events of the day. Today, their main post office has moved 3 miles from downtown leaving only a small contact station in its wake. The gathering place for the community has become this window in a grocery store next to the motor oil and the fuel filters.

Fortunately, Christianburg residents refused to take this affront as the final word. Residents of the town, supported by the city council and their Chamber of Commerce, fought back and finally after a 2-year battle, it appears as though the Postal Service has conceded that a "communications breakdown" occurred and they are apparently ready to reverse this decision.

Our Nation's governors know that these post office relocations are directly contributing to the decline of their towns and reducing the access of the elderly and disabled to post office services. The governors have now asked for our help. They have asked Congress to eliminate the loophole that is keeping citizens from having a voice in these post office relocation decisions.

They have also asked that we require the Postal Service to comply with the same local zoning and building codes that apply to State and local governments. Governors made this request because they know firsthand the problems caused when the Postal Service claims immunity from the same laws that private citizens, businesses and local governments abide by.

Mr. Speaker, I agree with the governors and have introduced H.R. 1231, which would meet their goals. The Post Office Communities Partnership Act strengthens the voice of local citizens in decisions to relocate or rebuild postal facilities. It would give at least 60 days notice before renovating or relocating. It would require the Postal Service to consider a number of additional factors, including the community sentiment, the extent to which the post office is a part of a core downtown, and the effect a new facility may have on a community. And it must comply with all local zoning, planning and land use regulations.

The bill is fair. It does not place unnecessary burdens on the Postal Service. For the first time they would be treated as a responsible member of the community and not above local laws.

Mr. DOYLE. Mr. Speaker, I am pleased to have the opportunity today to join with my distinguished colleagues to speak about H.R. 1231, the Post Office Relocation Act. In particular, I want to express my appreciation to Representative BLUMENAUER for organizing this forum and to recognize his efforts in fashioning thoughtful legislation that directly responds to the postal needs and concerns of constituents in every community in our country.

Regardless of where one may reside, the services that the U.S. Post Office provides are deeply rooted in the essence of community and by extension connote a sense of identity. Thus, rural and urban residents understandably react unfavorably when their mail delivery or local post office is altered in some way. A community's reaction is unduly compounded when they have a sense that their concerns and needs were not considered as part of the decision-making process.

In just the last year, I have been approached by several communities in the 18th Congressional District of Pennsylvania that are faced with some type of difficulty regarding postal services. While the circumstances of these cases are quite different, the level of frustration they have experienced with respect to their ability to interject individual thoughts and opinions has been the same.

The residents of Whitaker, Pennsylvania—in my district—have had to deal with having the operating hours of their local post office reduced to 10AM to 2PM. I don't care where you live, four hours of service is utterly inadequate. In a community nearby to Whitaker, the small, close-knit community of Jefferson Boro is currently being served by four different post offices. Can you imagine four different post offices delivering mail to one community of just over 3,000 households? In yet another part of my district, Rural Ridge has been trying to reach consensus with the U.S. Postal Service on what type of delivery best meets the needs of their community.

While the particulars of these cases are disparate, they all point to the need for greater participation on the part of affected individuals and communities in the decisions arrived at by the U.S. Postal Service. The Post Office Relocation Act is responsive to this need and lays out a reasonable structure through which substantive discourse will occur and collaborative decisions will be reached.

At the risk of being repetitive, I will not outline every provision of the bill. I do however, want to briefly highlight some parts that I think embody the common sense approach taken by Representative BLUMENAUER's legislation. As a starting point, H.R. 1231 would require the U.S. Postal Service to give residents a 60 day notice before the renovation, relocation, closing, or consolidation of their post office. This notice can either be hand delivered or delivered by mail. In addition, a notice of such action must be published in one or more newspapers of general circulation within the zip codes served.

The Post Office Relocation Act does not stop with this good beginning, but also incorporates an allowance for any person affected to offer an alternative proposal and the requirement for hearings to be conducted. Finally, this bill revises the factors that are considered to include the sentiment of the community, whether postal officials negotiated with persons served, and the adequacy of the existing post office.

The Post Office Relocation Act will most assuredly add to the great amount of respect that we all hold for the U.S. Postal Service. I am hopeful that this discussion will lead to more members adding their support to this bill which currently has 49 cosponsors. I also want to offer my strongest encouragement to the Chairman of the Subcommittee on Postal Service to examine this most necessary bill as soon as possible.

Again, I want to recognize Representative BLUMENAUER for introducing H.R. 1231, the Post Office Relocation Act. I appreciate having this chance to express my support for the bill.

Mr. BLUMENAUER. Mr. Speaker, I am pleased to yield to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I am pleased to stand in support of H.R. 1231, the Post Office Relocation Act. I am a proud cosponsor of this legislation and urge its passage.

Rural areas like my district especially feel the pinch when the post office announces the move of a local office. Post offices in such rural areas are the social and information centers in the town, and are usually located in the heart of the business district. Downtown areas in rural America are often fragile and many local businesses depend on the foot and car traffic which post offices attract.

One town in particular, Castine, is a small coastal town that is the home of the Maine Maritime Academy, faced a similar dilemma. Castine's post office, one of the oldest continually operating post offices in the country, was built in 1814 and has changed very little over time. Probably to the Postal Service it looks like a dilapidated, inefficient place to conduct business. But to the citizens of Castine, it was a treasured facility, an historic sight, and the heart and soul of the community.

It was Castine's bicentennial year and the townspeople were faced with losing a part of what makes their community so unique.

The Postal Service decided that Castine's office should be relocated out of the heart of downtown Castine, but the citizens had other ideas and many of them thought they could create the space needed to ensure quality mail service and they should not be shy about sharing them with the post office. And as a result of this outcry from the public and attention from national news organizations, the Postal Service reconsidered their proposal.

Mr. Speaker, this is good legislation. I appreciate being able to support the legislation.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, it is my privilege to be here before the House to discuss an issue that is so important to the people of the district that I represent. I have the privilege of representing one of America's most diverse districts, representing the south side of Chicago, the south suburbs in Cook and Will counties, bedroom communities like Morris, or the small town I live in, as well as a lot of cornfields and farm towns. Whether I am at the union hall, or the local VFW or the business and professional women's club or the local grain elevator, there is a common series of questions that my constituents ask time and time again:

Do Americans feel that it is fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million married working couples with two incomes pay on average $1,400 more in higher taxes just because they are married than an identical couple with two incomes that lives together outside of marriage?

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Do Americans feel that it is right, that it is fair, that our Tax Code actually punishes marriage and provides an incentive for divorce? In fact, really, for many married couples, the only way they can avoid paying the marriage tax penalty is to file the paperwork for divorce.

My colleagues, the marriage tax penalty not only is unfair; it is wrong that our Tax Code punishes society's most basic institution: the institution of marriage. It punishes 21 million married working couples, on average, of $1,400.

Let me give Members an example of a south suburban couple, a couple I have the privilege of representing in the south suburbs of Chicago. This particular couple, we have a machinist. He works at the local Caterpillar manufacturing plant where they make heavy equipment like bulldozers and cranes and earth movers. This particular machinist makes $30,500 a year.

Now if he is single, after the standard deduction and personal exemptions, this particular machinist is in the 15 percent tax bracket. Now say he and his girlfriend decide to get married, and his girlfriend is a tenured schoolteacher in the Joliet public schools. Say she is making an identical income of $30,500. Now, if she stays single, she would also be in the 15 percent tax bracket.

But because this machinist at the local Joliet Caterpillar plant and this tenured schoolteacher at the local Joliet public schools decide to get married, just because they get married, they, of course, file jointly on their income taxes; and in that case, with this couple, this machinist from Joliet and the schoolteacher from Joliet, since they are married and file jointly, their combined income of $61,000 produces the average marriage tax penalty of almost $1,400.

Is that right that this south suburb couple, this working couple with two incomes, should pay higher taxes just because they are married?

When we think about it, $1,400 may be a drop in the bucket here in Washington, D.C. We do have a 1.7 trillion dollar budget. But for this working couple in Joliet, $1,400 is one year's tuition at Joliet Junior College, it is 3 months' worth of day care at a local child care center and several months' worth of car payments, and it is also a significant portion of a downpayment on a home.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. WELLER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I commend the gentleman for bringing to the attention of the Members this very vital issue.

At home, I have been saying that the surplus that we seem to be generating, part of that in tax cuts should go to alleviate this problem. So it fits well with the need to bring about some tax justice.

I thank the gentleman very much for bringing it to the attention of the House.

Mr. WELLER. Mr. Speaker, reclaiming my time, I thank the gentleman from Pennsylvania, who I believe is a cosponsor of our legislation.

It is so important we look for ways to allow middle-class working families to keep more of what they earn. As we look at the Tax Code we want to make the Tax Code fairer; and, clearly, eliminating the marriage tax penalty should be a number-one, must-do priority.

I am proud that 235 Members of this House are cosponsoring the Marriage Tax Elimination Act, which many have also said should be called the Working Women's Tax Relief Act, because in so many cases it is the woman's income which is taxed away with the marriage tax penalty.

The Marriage Tax Elimination Act is fairly simple legislation. It allows a married working couple with two incomes to have the choice, the power of choice to choose whether to file as two singles or to file jointly, as many married couples do today; and, of course, we give them that choice. The benefit of having that choice is not only as a married couple they get the benefit from the lower rates but, in this case, this machinist from Joliet and this tenured schoolteacher from Joliet would have the opportunity to avoid the marriage tax penalty.

My colleagues, this should be a bipartisan priority. Let us all work together.

HOUSE MUST VOTE ON CAMPAIGN FINANCE REFORM DESPITE SENATE ACTION

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of California. Mr. Speaker, if all things go according to plan, in several hours the Republican leadership in the United States Senate will succeed in killing campaign finance reform in that body. This will be a tragedy of enormous proportions.

Regardless of what action the Senate takes, however, the House must be allowed to vote on campaign finance reform this spring. This Speaker has pledged that we will. Currently, it is still on the schedule.

I hope that defeat in the Senate will not mean that that will lessen the appetite for our leadership to bring this to the floor. The House should be allowed to debate, to offer amendments and to have a free and open discussion of how we reform the system that finances our elections.

Campaign finance reform is crucial not only to the democratic process in this House but it is crucial to all Americans. Because it is the lack of campaign finance reform that continues to allow vast amounts of money from industries to come into the Congress, to distort the outcomes of the democratic process and America's consumers to pay at the marketplace. They pay in higher pharmaceutical prices and drug prices because of campaign contributions in the extensions of patents. They pay higher cable rates because of campaign contributions. They see that the effort to reform HMOs, managed care practices in this country that the public finds unacceptable, are now being thwarted by a concerted campaign effort by the National Association of Manufacturers.

Time and again we see that public resources are sold cheaply because of campaign contributions by the affected industry, by the oil and gas industry, by the mineral industry, by the grazing industry, by the broadcast industry. Time and again Americans find that their tax rates are increased. They find that the costs they pay in the marketplace are increased because of the influence of these large, large contributions to the politicians in the United States Congress.

The time has come to have an open debate and to pass campaign finance reform. If we do not, we will find that the consumers of this country, the taxpayers of this country, will continue to be the losers in this system. But, also important, we will continue to see the erosions and the underpinnings of our very democratic principles and our democratic institutions as the vast waves of soft money overwhelm what the decisions of local voters are in districts, the vast waves of soft money that very often are anonymous and that dictate the outcome of and influence the outcome of these elections.

The time has come for the Congress to be square with the American people. Not rig the outcome, as is being done in the Senate, but to have a debate where competing plans can be offered to the House.

Two weeks ago, 100 Democrats wrote Speaker GINGRICH to demand he honor the pledge to hold a bipartisan vote this spring. Earlier, 30 Republicans wrote to the Speaker calling for him to schedule a vote; 187 Democrats have signed a discharge petition calling for a fair and open vote on competing proposals on the House floor.

This should not be a structured debate so we only get one alternative. There are many good ideas on both sides of the aisle, and we ought to spend time. It is not as though this Congress is working hard. The French have been debating whether they should vote and work on a 35-hour workweek. This Congress has been working on a 35-hour month. So there is plenty of time to have this debate, to have it open, to let people participate and let them vote on these competing efforts to bring about campaign finance reform.

If we do not, we will go into another election where, at the end of that cycle, we will see a recurrence of the campaign scandals by both parties, by individual campaigns and by organizing committees. The American public deserves better than that. The time has come now to start to set out the parameters of that debate, and I look forward to statements by the Speaker and the majority leader as to how the debate will be handled in the coming months.

BANKRUPTCY REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania (Mr. GEKAS) is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Mr. Speaker, very shortly now we will be engaged in one of the most serious debates of the forthcoming remainder of the session, and that is on bankruptcy reform.

I see that the gentleman from Virginia (Mr. MORAN) is in the well here with me. He is one of the cosponsors, along with several others, of a bona fide bankruptcy reform measure that in this coming month of March will see four to five hearings, gaining testimony from every sector of our society, on the needs of the public and of the financial community, of the credit establishments and of the people who need a fresh start and really can use the bankruptcy laws to their advantage. And the best portions of all of those will be part of the hearings that we plan to hold.

How has this come about? The last time that the Congress acted on an overwhelming set of proposals for bankruptcy was 1978. Since that time, we have had ups and downs in the financial health of our society, but in the last year, even with an economy that seems to be ever moving upward, we had 1,300,000 bankruptcy filings. That is an outrageous number and one that has worried financial houses and institutions, lending institutions, and people from every walk of life for a variety of reasons.

How can it be that, with the economy continuing to draw strength, at the same time the curve of the economy goes up so does the curve of bankruptcy? There is something terribly wrong.

We have endeavored to put together a bill that would in some way try to restore the way Americans do business, a sense of accountability and personal responsibility in how they deal with their finances.

It appears that because of the statutes of 1978 it becomes a matter of financial planning many times for people to go bankrupt, a matter of convenience, a matter of how they can get out of a situation and keep all the materials, materials they have garnered over the years and still go bankrupt.

So we have to fine tune it to bring this accountability.

What we do generally in this bill that we are proposing is to say that when a person really needs a fresh start and we acknowledge that that is the fact, that some people become so overwhelmed by debt, so incapable of meeting the emergency strains on their pocketbook and other factors, that they have no recourse but to go bankrupt. And we acknowledge that, and we conform to that, and we make it easy for people to do that. But we also then take the extra step to say that when an individual is or an entity is contemplating bankruptcy and there is a demonstrable ability to repay some of the debt, even if not all of it, even if only a small proportion of it, that that moral obligation is in the forefront, they should be given the opportunity and, yea, they should be mandated to repay some of that debt.

So we have a formula that would go into place; and when we determine that after all the bills are lined up and a person's ability to pay is gauged, if we determine that, indeed, some, maybe 20 percent, of the total outstanding bills could be paid in 5 years, over a period of 5 years, then that individual should go into what we call Chapter 13 in order to enter into a plan whereby they can begin to repay some of the debt that they have built up over the years.

Now, many will blame the rash of credit cards that seem to be floating around and that, therefore, we ought to have credit companies withhold those credit cards so that the people will not be overcharging and overdebting themselves. But we do not know if that is the answer or not. We will be looking into that. Is there a predator creditor in the picture? If so, we have to make sure that that does not happen.

But, by and large, it is still a question of personal responsibility. If I am given five or six credit cards, does that mean I have to use all of them, exhaust the limitations of all of them and knowingly put myself into debt? And, if I do, should I then be excused from paying the debt because of the temptation of having four or five plastics in front of me?

These are the questions that we have to pose and we have to answer as judiciously as possible in the forthcoming weeks. The way we have planned this is to end this debate.

ELDER ABUSE IN THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Ms. SANCHEZ) is recognized during morning hour debates for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, over the past few weeks there have been several news reports about one of the most rapidly growing crimes in our communities. In fact, the Los Angeles Times and the Orange County Register have both reported a rise in physical and financial abuse against senior citizens.

As our population continues to grow older, we must be prepared to face the reality of these horrible crimes. As leaders in our communities, we must be prepared to deal with this growing problem of elder abuse.

□ 1315

All too often seniors are taken advantage of in their own homes. Many perpetrators see senior citizens as easy targets who are both vulnerable and oftentimes unable to defend themselves. It is our responsibility to help protect our elders from these criminals and to ensure that they feel safe within their own homes. I have been working closely with the local agencies, law enforcement agencies and the FBI to develop legislation that will effectively protect senior citizens from abuse.

H.R. 3181 does this. H.R. 3181, the Older and Disabled Americans Criminal Protection Act, authorizes shared housing agencies to run background checks on potential caretakers. Shared housing agencies give seniors the opportunity to remain within their own homes by matching them with a caretaker who cares for them in lieu of rent. Unfortunately, shared housing agencies do not have the proper tools to help ensure the safety of these senior citizens. H.R. 3181 gives shared housing agencies the proper mechanism to run State and FBI background checks on potential caretakers before placing them in the home of a senior citizen. The local police departments in my district along with the FBI have commended H.R. 3181 as a proactive effort to prevent crime. They recognize the growing problem of elder abuse and realize that my bill attacks these crimes by lessening the chance that they will ever occur. As people grow older, remaining in their homes should increase their level of comfort and security, not threaten it. I urge all of my colleagues to join me in this effort to protect our loved ones and to battle the growing problem of elder abuse. It is our responsibility to give our communities the proper tools to battle crime. Cosponsor H.R. 3181 and protect our senior citizens.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am going to talk for a few minutes about putting Social Security first. The challenge is, what the President can do and what Congress might do to give a higher priority for saving Social Security.

For review, this is a pie chart of Federal Government spending for this year. As we see, one of the largest pieces of the pie is Social Security that takes 22 percent of the total Federal budget. Social Security right now, sends out $660,000 a minute in Social Security benefit payments. But by 2030, we are going to be spending almost $6 million a minute for Social Security benefit payments. An 866% increase.

That represents part of the problem. The fact that there are relatively fewer workers paying their Social Security taxes to finance these increasing benefits represents the other part of the problem. It is probably one of the most challenging problems facing Congress and the White House. Yet politicians in Washington have avoided dealing with this very important issue because of the potential political demagoguery. We have to deal with the hard facts of how we are going to make Social Security continue for those that are now retired, for those that are going to retire in the near future, as well as our kids and our grandkids.

Let me just give my colleagues a quick review. In 1935, the Social Security system was devised and passed into law. It has always been a pay-as-you-go program. In other words, existing workers pay in their taxes and those taxes are immediately sent out in benefit payments to existing retirees. So it is sort of a Ponzi game, sort of like a chain letter. Early retirees made out very well. Taxes started out as 1.5 percent of the first $3500 of payroll. Now it is 12.4 percent for the employee and the employer's share for the first $65,000. Over the year we have continued to increase taxes on workers. In fact these taxes have been increased 36 times since 1971.

This next chart shows the dilemma for Social Security. The red part represents how much in debt Social Security is going to be in the future. If nothing is done, eventually Congress must provide an additional $400 billion a year to cover promised benefit payments. This little blue blob on the top left is the short-term surplus that is in the Social Security trust fund. Congress supposedly fixed Social Security in 1983. What they did is substantially increase taxes on workers. But this fix was short-lived. By 2011 there will again be a cash shortage. Dorcas Hardy, a former Social Security Administrator, is estimating that we are going to run short of money as early as 2005. But even in the scenario of 2011, what does Congress do to come up with the money to meet their obligations of paying back the $600 billion borrowed from the trust fund. Well, Congress can cut spending someplace else, they can increase taxes like they have been doing for the last 40 years every time Social Security was a little shy. They can borrow more money from the public and disrupt some of the downward pressures on interest rates that we have achieved so far.

I think it is important, and just for a minute, allow me to say that we do not have a balanced budget. We are not going to have a balanced budget this year, next year, any year for the next 5 years of the President's budget, because every year all the surplus coming into the Social Security trust fund is used to balance the budget. So every year, the national debt increases between $120 billion and $170 billion. Every year. That is how much more the national debt is going to increase. I think it is interesting to note that one of the dilemmas of this Congress is the fact that now 15 percent of the budget is required to pay interest on the debt. So if we can pay some of that debt back and start paying down that debt, we reduce interest cost. Let me just briefly run through these charts. Because we have increased taxes so often on workers, this chart shows how many years you are going to have to live after you retire in order to get the money back you and your employer put in. If you retire after the year 2006, you have to live 26 years after you retire just to break even. It is a serious problem. We need to deal with it.

ON THE INTRODUCTION OF LEGISLATION TO ALLEVIATE THE INFORMATION TECHNOLOGY WORKER SHORTAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia (Mr. MORAN) is recognized during morning hour debates for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, tomorrow I will introduce a package of 5 bills to help our economy address the critical shortage in information technology workers. We are fortunate to live and work in a time of economic growth and expansion. Unemployment is low and production is up. But we cannot take these good times for granted. We have to continue to take those measures necessary to sustain our thriving economy.

One of the hazards that could derail our economic engine is a growing shortage of skilled workers. Too many firms across the country are facing serious difficulties in hiring workers with needed skills. This shortage, which has been estimated to be as high as 190,000 employees nationwide, is especially restricting the growth and development of our Nation's information technology industry, which is the vanguard of our national economic boom. This shortage of skilled workers is costing our economy over $10 billion a year in lost revenue.

But high tech firms are not the only ones suffering from this workforce shortage. When asked about the main barriers to expansion and competitiveness, companies across the country in many different industries point to the difficulty of getting skilled workers.

While the current low unemployment rate contributes to this problem, its roots are more fundamental. In the new economy, skill requirements are going up in many industries, even so-called low-tech industries. More than half of the new jobs created require some education beyond high school. The percentage of workers who use computers at work has risen from 25 percent to 46 percent, nearly half, in the last 10 years. States such as Colorado, Maryland, Rhode Island, Washington have all recently released reports highlighting the pressing need of employers for skilled workers.

Standard supply and demand economics will not address this shortfall. Most firms, but particularly small and medium-sized enterprises, have limited capacity to engage in significant and sustained workforce development efforts. Managers and owners of most firms are simply too busy running their business to develop training systems. Firms lack information on the type of training they need and where to get it. And, unless their competitors are willing to invest in training as well, such an investment will increase the relative cost of their products above that of their competitors.

So there is a natural inclination not to be the first ones to invest in training. And so when confronted with a shortage of skilled workers, most firms try to hire workers from other companies. Competition for skilled employees is so high that companies are offering irresistible packages, including signing bonuses, long-term bonuses, finder's fees, to lure trained employees away from firms who have invested the time and money to train them. Just across the Potomac River, SRA Technologies, a fine firm, a technology firm in my district, offers a $10,000 bounty to employees for every trained worker who signs on as a result of their recommendation. But we are not increasing the supply sufficiently, which is the real long-term solution to this problem.

As the United States enters its unprecedented seventh year of growth, attributed in part to the dynamic expansion of the technology industry, Congress must move to remove barriers to technology industry expansion. My legislation addresses the worker shortage and the need to provide additional training through a number of approaches.

The first bill creates Regional Skills Alliances. Modeled after the successful Manufacturing Extension Program, this bill would provide Federal support to encourage companies to participate in consortia which would address their industry's specific skill needs. The Federal involvement in this program amounts to one-third of the cost. Every dollar in Federal support will be matched by a dollar in State and local government support and a dollar in direct industry support, so that the competitive pressure not to be the one to take the initiative on training is relieved.

The second provision allows the Secretary of Labor to establish Regional Private Industry Councils. PICs play a constructive role in addressing the workforce needs within a State. But these organizations are State organizations and not formed to address problems that may cross State lines. To remedy that situation, my legislation would allow the Secretary of Labor to certify and fund regional PICs that address regional problems. They would be funded directly by the Secretary of Labor to ensure that they do not detract from existing State programs.

The third bill would offer employers who train employees for information technology jobs a tax credit for 50 percent of the training costs up to $2,500 per year per employee.

The fourth bill would ensure that the Federal Government's investment in training is well spent by allowing these Private Industry Councils to reward bonuses to training providers with a high percentage of placement. This will help establish a more outcome-based system to ensure that training providers emphasize placing their students in jobs. My bill would amend JTPA to allow funds to be used for bonuses for the most successful training providers.

It would also allow high technology professionals to more easily immigrate to the United States so that we are not exporting jobs abroad but are paying American workers at home. It is a good and necessary package of legislation. I urge my colleagues' support for it.

TAX REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. RIGGS) is recognized during morning hour debates for 5 minutes.

Mr. RIGGS. Mr. Speaker, I rise today to suggest that we can increase take-home pay and improve retirement security in America by leading our country to a new level of freedom and opportunity for every American worker and taxpayer. I am not talking about raising the minimum wage. I am talking about reducing taxes further, especially on working-class Americans, those who are on modest incomes, those who have fixed incomes because they are wage earners and salaried workers. The first step in reducing taxes, as the gentleman from Illinois (Mr. WELLER), who preceded me here in the well, suggested, is to eliminate the marriage penalty in the Tax Code. Then we should go on to pass the Middle Class Tax Relief Act and the Taxpayer Choice Act, both introduced by the gentleman from South Dakota (Mr. THUNE), which would have the effect of raising the income levels for the 28 percent tax bracket. That would put more working Americans in the lowest tax bracket, the 15 percent tax bracket, and for those who are already in the 15 percent tax bracket, we would increase the personal exemption. The effect again, more take-home pay for working-class Americans.

Let me be clear about one thing. I think I speak for almost all House Republicans when I say this. If the President has money for more social spending, then we have money for tax cuts. But also let me be clear about one other thing. That is we cannot have, we should not have, tax relief without real tax reform. We have to stop the IRS collection abuses. The best way to do that is to end the IRS as we know it. That is why I and many House Republicans have signed a pledge, a written pledge, and we have cosponsored legislation to sunset the Tax Code by the year 2001. This is a death sentence for the Tax Code and we hope would move the country in the direction of a fairer, a flatter, a simpler Tax Code and a tax system, one that is hopefully based on a single rate of taxation. But we do not have to wait until the year 2001. What we could do right now is let taxpayers choose between paying a flat tax and the current system. You heard me right; they could simply, come tax day, choose whether to report their income and pay a flat tax on that income or to stay in the present system. We do not have to wait to 2001. That is the Washington way of studying things to death; it is called paralysis by analysis back here in Washington.

We could also and should also let taxpayers have the choice of investing a portion of their payroll taxes, their FICA contributions, into a directed IRA, an individual retirement account, so that they can earn a better return on their money than Social Security. To do that though we have to, as Mr. SMITH just has suggested here, we have to take the Social Security Trust Fund off budget once and for all. We have to let the trust fund stay in, the surplus rather, stay in the Social Security, let the surplus stay in the Social Security Trust Fund so that it will continue to accrue and compound interest.

We can do this. We can give workers a choice now again between a flat tax and the current system, between being able and having to put all their payroll taxes in Social Security or at least being able to put a portion in a directed IRA so that they can earn a better return than Social Security. The net effect is higher take-home pay, better retirement security and more freedom and opportunity for every American.

With that, Mr. Speaker, I yield to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I am honored to represent the citizens of central Florida's 7th Congressional District. Our area and other central Florida communities were in the path of devastating tornadoes yesterday.

Mr. Speaker, while our residences, our businesses and our communities can and will be replaced, the lives of an unprecedented number of wonderful human beings has been lost forever. I would like to extend my heartfelt sympathy to the families and friends who have lost loved ones in this terrible natural disaster.

The people of my district are strong, determined, faith and family-oriented. They will rebuild, they will heal their wounds, but they will never forget that night or those lost.

Yesterday, I had the opportunity to again see the wonderful people of my district in central Florida come together. I saw volunteers, law enforcement, emergency management personnel, utility workers, Red Cross representatives, private contractors, State and local and Federal officials and employees working together.

Mr. Speaker, I salute and pay tribute to the fine citizens of my State and district, and I want to take this opportunity to say thank you to my colleagues and others who have made expressions of concern and support during this difficult time.

RECESS

The SPEAKER pro tempore. (Mr. BARRETT of Nebraska). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 34 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O gracious God, that in our lives and in our world we experience the contrasts of life. There are threats of war and promises of peace. There are moments of laughter and times of tears. There are seasons of love and occasions of disdain. There are instances of trust and others of suspicion. And yet, with all these feelings and attitudes, we have Your abiding word and Your reconciling peace.

As we walk through the uneven paths of our existence, may we rejoice and be glad that underneath are Your everlasting arms supporting us and making us whole. For these and all Your blessings, O God, we offer this prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SALUTING ILLINOIS BROADCASTERS AND BROADCASTERS ACROSS THE NATION

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, broadcasters across this Nation have a single mandate from the Federal Government, to serve the public interest in the communities where they operate. I am pleased that the Illinois broadcasters in my State do such an excellent job both on and off the air.

A recent survey conducted by the Illinois Broadcasters Association indicates that the average TV station in my State contributes over half a million dollars annually in air time for public service announcements and over 80,000 per radio station.

These stations are an integral part of small town USA and even create a sense of community in large cities. Local stations provide the news we depend on, the weather warnings we count on, and the public affairs programs which give viewers and listeners the opportunity to hear from their elected officials.

I salute the Illinois broadcasters in my district and the broadcasters across the Nation that do such a fine job day in and day out. America's system of free, over-the-air broadcasting has been on the job since the 1920s and still serves us well almost 80 years later. It is one thing we can all count on in the next millennium.

WE NEED ALLIED SUPPORT IN IRAQ

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the American people are saying if military action is needed in Iraq, America should not do it alone, and the American people are right. The days of sending American soldiers overseas with a rifle on their shoulder and a credit card in their pocket just does not cut it anymore, Mr. Speaker, especially when many of our so-called allies sit on the sidelines and shout Yankee go home to boot.

Kofi Annan is to be commended for his efforts. It sounds good. But in any event, I think the wise words of Ronald Reagan apply here: Trust but verify; trust but verify.

But I will not, Mr. Speaker, support military action unless our allies are on the battlefield with us. We represent Uncle Sam; we do not represent Uncle Sucker.

PROTECTING SOCIAL SECURITY

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, I was among hundreds of Republicans last month who stood and applauded President Clinton when he spoke in this Chamber I applauded because I thought he said that we should use any budget surplus to save "Social Security first." That is why so many of us vigorously applauded a position we thought he was taking. However, I have gone back and looked at his speech. What he actually said was we should "reserve" every penny of the surplus until we "save" Social Security.

What does that mean? We find out from the President's budget recently submitted that it does not mean reserving the surplus for Social Security Trust Fund, because in the budget he presented, there is $100 billion in new taxes, $100 billion in new spending, but nothing about putting the surplus into Social Security. In fact, his senior economic advisers later have said they don't know what "reserving" it means.

Mr. Speaker, Mark Twain said everybody talks about the weather, but nobody does anything about it. This administration talks a good game about Social Security, but he hasn't done anything about it in his budget proposal. It would be nice if the President treated Social Security better than Mark Twain treated the weather.

IRS REFORM IS LONG OVERDUE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Rush Limbaugh, in an interview with the very distinguished gentleman from Ohio (Mr. TRAFICANT) asked why would Bill Clinton defend the IRS?

Let us think about that. Why would Bill Clinton defend the IRS? If my colleagues recall when the President was confronted with hearings this past month which exposed the incredible abuse of power that seems to be a way of doing business over at the IRS, his first reaction almost instinctively was to defend the IRS.

His first reaction was to say that things are really not that bad, and he criticized the Republican reform plan. Of course, that was until he saw the polls that the American people were having none of it, that they have known for years that the IRS suffers from heavy-handed tactics, sloppiness and lack of accountability.

This last point is the key point. Any agency or bureaucrat that lacks accountability will, over time, abuse its power. The Republican IRS reform proposal would inject real accountability into the IRS, and make the audit process accountable to an outside review body for the first time ever. It is long overdue.

SULLIVAN AWARD TO PEYTON MANNING, QUARTERBACK AT THE UNIVERSITY OF TENNESSEE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, in the last 4 years, Peyton Manning, quarterback for the University of Tennessee, has earned a reputation not only as one of the finest college athletes in the country, but also as an individual of exceptional integrity and character.

Tomorrow, the Amateur Athletic Union will present the Sullivan Award to Peyton Manning, recognizing him as the most outstanding amateur athlete in the country. This prestigious award recognizes not only athletic ability, but also exceptional leadership, moral character and sportsmanship.

In his time as starting quarterback at University of Tennessee, Peyton Manning has become the SEC's all time leading passer and has broken a total of 42 NCAA SEC and Tennessee records.

However, Peyton Manning's accomplishments go far beyond the football field. He graduated near the top of his class in only 3 years, and he is well known for his leadership and service to his school and the community.

Last spring, Peyton Manning passed up the opportunity to make millions of dollars by turning pro, instead choosing to stay at the University of Tennessee to continue his education and finish his fourth year of college eligibility. Peyton Manning certainly deserves the Sullivan Award, and I commend the Amateur Athletic Union on their selection of Peyton Manning as their athlete of the year. No one is more deserving of this award.

PRIORITIZING SPENDING AND FOCUSING ON DEFENDING OUR BORDERS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, it is often said that those who do not learn from the past are doomed to repeat it. Today, this Nation stands on the edge and the threshold of runaway drug use and rising violence against all Americans. So how do our liberal colleagues plan to counter this most dangerous trend? Well, my colleagues can guess it, $120 billion in new taxes and more Washington-knows-best, unworkable big government programs. They are proposing that we make the Federal social bureaucracies larger and more invasive into the lives of American people.

To them I say, enough is enough. What does it say about our government when the IRS employs five times as many as the FBI and 14 times as many people as the DEA? When did policing the American taxpayer become more important than policing America's drug dealers and criminal thugs?

Now more than ever we must practice fiscal discipline and common sense by reprioritizing spending and focusing our government on defending the borders of this Nation and the safety of the American citizens.

OPPOSING THE USDA'S ORGANIC LABEL STANDARD

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, 8 years ago it became apparent that producers of organic foods were having a marketing problem. The public was confused about what organic meant. The label "organic food" was being cheapened by the public confusion.

So, in 1990 the Congress passed a law to correct this problem, organic Foods Production Act, a single set of criteria by which food products could be labeled as organic. However, what the USDA is proposing is both overreaching and inadequate.

For example, the USDA proposal would allow irradiated foods. Further, the proposal would permit genetically engineered ingredients. It would permit vegetable ingredients where the plants had been fertilized with municipal wastes.

I think we need to send this agency, our U.S. Department of Agriculture, out to talk with consumers. They need to find out what organic means to the consumer now, and it does not mean radiated, engineered or sludge-fertilized food.

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I am emphatically opposed to these proposed standards.

CUBAN DISREGARD FOR INTERNATIONAL STANDARDS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, today, February 24, marks the anniversary of a tragic case of the Cuban regime's blatant disregard for international legal and moral standards.

Two years ago today, three U.S. citizens and a U.S. resident exiled in the United States died at the hands of the Cuban Air Force. The Cuban regime did not care that these were civilian planes. The regime in Cuba did not care that they were flying over international waters. The illegal Cuban government did not care that these four men were keeping a vigilance in search of Cubans risking their lives in these treacherous waters. The corrupt dictator, Fidel Castro, did not care then, nor does he care now.

What many are not aware of is that the violations in this case did not end with the shootdown of these four brave men. The grandniece of one of the victims was still in Cuba. This 11-year-old girl was suffering from Reye's syndrome. Her ailments were affecting her sight, and the pain to her fragile body was intolerable. But as the niece and the granddaughter of individuals who had fled Castro's claws, she was denied basic medical attention.

When a visiting doctor began tending to her suffering, the Cuban regime detained him and threatened his family. Castro did not care about the pain of the defenseless child, and the regime did not care, nor does it care now, about basic human rights.

ORDERING SELECTED RESERVE OF ARMED FORCES TO ACTIVE DUTY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-217)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on National Security and ordered to be printed:

To the Congress of the United States:

Pursuant to title 10, United States Code, section 12304, I have authorized the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard, when it is not operating as a Service within the Department of the Navy, to order to active duty Selected Reserve units and individuals not assigned to units to augment the Active components in support of operations in and around Southwest Asia.

A copy of the Executive order implementing this action is attached.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1998.*

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Democratic leader:

CONGRESS OF THE UNITED STATES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 23, 1998.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 202(b)(3), Public Law 103-227, I hereby appoint the following Member to the National Education Goals Panel:

Mr. Martinez, CA.

Yours very truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Democratic leader:

CONGRESS OF THE UNITED STATES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 12, 1998.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 203(b)(1) of Public Law 105-134, I hereby appoint the following individual to the Amtrak Reform Council:

Mr. S. Lee Kling, Villa Ridge, MO.

Yours very truly,
RICHARD A. GEPHARDT.

APPOINTMENT OF MEMBERS AT CEREMONIES IN OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

The SPEAKER pro tempore. Pursuant to the order of the House on Thursday, February 12, 1998, the Chair announces the Speaker's appointment of the following Members of the House to represent the House of Representatives at wreath-laying ceremonies at the Washington Monument for the observance of George Washington's birthday held on Monday, February 23, 1998:

Mr. DAVIS of Virginia.

Mr. HOYER of Maryland.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE KENNY HULSHOF, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Scott Callicott, Office Director of the Hon. KENNY HULSHOF, Member of Congress:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 12, 1998.

Hon. NEWT GINGRICH,
Speaker,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena (for testimony) issued by the Circuit Court for Marion County, Missouri in the case of *State* v. *Kolb*.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,
SCOTT CALLICOTT,
Office Director.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

NATO SPECIAL IMMIGRANT AMENDMENTS OF 1998

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 429) to amend the Immigration and Nationality Act to provide for special immigrant status for NATO civilian employees in the same manner as for employees of international organizations, as amended.

The Clerk read as follows:

H.R. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NATO Special Immigrant Amendments of 1998".

SEC. 2. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (J),

(2) by striking the period at the end of subparagraph (K) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—

"(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North Atlantic Treaty Organization (NATO);

"(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO-6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the 'Protocol on the Status of International Military Headquarters' set up pursuant to the North Atlantic Treaty, or as a dependent); and

"(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and

Nationality Technical Corrections Act of 1994 were a reference to the NATO Special Immigrant Amendments of 1997.".

(b) CONFORMING NONIMMIGRANT STATUS FOR CERTAIN PARENTS OF SPECIAL IMMIGRANT CHILDREN.—Section 101(a)(15)(N) of such Act (8 U.S.C. 1101(a)(15)(N)) is amended—

(1) by inserting "(or under analogous authority under paragraph (27)(L))" after "(27)(I)(i)", and

(2) by inserting "(or under analogous authority under paragraph (27)(L))" after "(27)(I)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 429, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2429, the NATO Special Immigrant Amendments of 1998, was introduced by our colleague, the gentleman from Virginia (Mr. PICKETT). The bill would allow aliens who are civilian employees of the North Atlantic Treaty Organization and have worked for many years in the United States to retire here with their families as special immigrants. The number of special immigrant visas available each year, currently about 10,000, would not be increased.

Currently aliens who have been longtime employees in the United States of numerous international organizations are eligible to retire here as special immigrants. NATO employees are also deserving, and should be granted this same privilege.

The North Atlantic Treaty Organization kept the peace in Europe for four decades, saving untold American lives. We should now bestow this small honor on its employees as well.

According to testimony received at the hearing of the Subcommittee on Immigration Claims held on H.R. 429, the total number of people who would benefit from this bill is about 130.

Also at the hearing, Paul Virtue of the Immigration and Naturalization Service stated, "We do not oppose this proposal and do not foresee any budgetary or resource impact on the Service if this bill should be enacted."

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 429.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. It is not a controversial bill. H.R. 429 would grant special immigrant status to retired civilian NATO employees who served in the headquarters of the Protocol on the Status of International Military in Norfolk, Virginia. Special immigrants and their families are entitled to permanent resident status in the United States now. H.R. 429 would immediately impact 60 families and only approximately 132 individuals.

We certainly have no quarrel with NATO civilian employees who have lived in the United States for extended periods of time exercising this privilege, or extending this right to them or this privilege to them. However, we do believe there should be some degree of reciprocity for Americans who are working for NATO abroad who would like to retire with their families in Belgium or Germany, for example, if they should elect to do that, and that has not been addressed in any way.

That is not a knock against the bill; the bill is fine. It would have been nice if we could have put something in there or if the other countries could address that issue to demonstrate some degree of reciprocity.

The final point I would like to make though is that while we believe that the NATO personnel and their families who remain in the United States after retirement certainly should be extended this prerogative, many of the requirements are equally applicable to some other circumstances, and I would like to spend a minute or two just laying those out for my colleagues, because we need to address some of these issues and make sure that our immigration policy continues to be consistent and the rationale for our immigration policy continues to be consistent.

Supporters of H.R. 429 have asserted that NATO personnel should be allowed to remain permanently in the United States for four reasons.

Number one, they say their children came to the United States at elementary school age and have never experienced a lifestyle in their country of origin. That is correct.

Number two, they say their children possess educational qualifications and experiences that are unique to the United States and that are unlikely to be fully recognized if they return to their native countries. That is also correct.

Number three, they say that current law requires children of NATO employees to return to their native country upon graduating from high school or college, thereby breaking up families. That, too, is correct, and a good argument in support of this bill.

Finally, they say that NATO employees should be able to retire into the communities that have become their home after years of service to NATO in the United States. That, too, is correct.

All four of those arguments are good arguments in support of this bill. But they are also good arguments for addressing the issues that relate to Haitians who have been in this country under the same or similar circumstances and to which the same arguments would be equally applicable.

So I hope as we pass this piece of legislation, we take time to understand the rationale for passing this legislation, and apply that same rationale to other people for whom these four arguments would be applicable, such as the Haitians, the Hmongs, and some other folks who have come to this country at our invitation and with our blessing and have exactly the same arguments in favor of extending citizenship to them on a permanent basis.

Mr. Speaker, I yield five minutes to the gentleman from Virginia (Mr. PICKETT), the sponsor of this bill.

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time, and thank the committee for their dispatch of this legislation.

Mr. Speaker, I am very proud to say that the Supreme Allied Command Atlantic is in my Congressional District, and H.R. 429 was introduced so that non-U.S. NATO civilian employees would be treated the same as civilian employees of all other international organizations located in the United States.

Mr. Speaker, there are only approximately 60 non-U.S. employees employed by NATO in southeastern Virginia, and these civilians are divided between the Allied Command Atlantic Communications Logistic Depot, ACLANT, in Yorktown, and the headquarters of the Supreme Allied Commander Atlantic, SACLANT, in Norfolk.

The civilians and their dependents, a total of about 132 people, are from eight NATO nations: Belgium, Canada, Denmark, Germany, the Netherlands, Norway, Turkey, and the United Kingdom. They are issued a NATO–6 visa, and most are employed on contracts of indefinite duration.

Under the terms of their visa, they are considered nonresident aliens and can only remain in the United States as long as they continue to be employed at ACLANT or SACLANT. The dependent children of these civilians are not allowed to retain the NATO–6 visa after attaining the age of 21. However, those children who are full-time students may retain their visa until age 23.

The dilemma facing a number of these families is that their children come to the United States at elementary school age and never experience the lifestyle of their country of origin. They acquire educational qualifications and experiences that are unique to the United States.

□ 1430

Under present legislation, when these children graduate from high school or college, the family is forced to break apart because the children, having attained the age of 21, must leave the United States. A similar situation faces a NATO employee upon retirement. The civilian and his or her spouse are unable to retire into a community that has become their home after their years of service to NATO in the United States. I would add here that these people do reside in the community in my district, and make very, very fine community citizens.

Until 1990, the problem confronted employees of all international organizations located in the United States. Amendments to the U.S. Immigration and Nationality Act passed in 1990 and 1997 resolved this situation to a large degree for G–4 visa employees of international organizations and their dependents. These amendments provide G–4 visa holders with the opportunity to obtain special immigrant status for adults if they have lived in the United States for 15 years, and for children if they have lived in this country for 7 years, based upon certain other conditions.

The provisions of these amendments apply to non-U.S. civilians employed by all international organizations located in the United States except for NATO. Presently there is no executive order that defines NATO as an international organization in the United States, and due to their NATO status, additional legislation is required to enable 1992 civilians to benefit from the privilege accorded to G–4 visa holders. These are employees such as those of the United Nations.

The SACLANT administration has consulted the Secretary of Defense, Foreign Military Rights Affairs, the State Department, and the Immigration and Naturalization Service. It has been concluded by them that this issue can best be resolved by legislation to further amend the Immigration and Nationality Act to provide for special immigrant status for NATO employee civilians in the same manner as for employees of international organizations. H.R. 429 has been introduced for this purpose.

This initiative is fully endorsed by NATO headquarters and is urgently needed to redress what is regarded as a very unfair situation for employees working for the collective security of all NATO nations. I request that you give favorable consideration to the privilege of special immigrant status which is enjoyed by those employed by all other international organizations in the United States.

I might add, again, that this is a very small group of people we are speaking of. All of them are highly educated and highly trained. They work in very sensitive positions for NATO and their present status is, I believe, an oversight that should be corrected.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just reiterate to my colleagues that this is not a controversial bill. It serves a very worthy purpose, and the fact that I have talked about some things that the bill could cover and should cover should not overshadow the good aspects of the bill. I hope that the House will have the courage to address some of those issues, but that is not a negative about this bill. This bill should be supported.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I just want to say to my friend, the gentleman from North Carolina, that I appreciate his effort to expand the four criteria that he listed to include other groups like the Haitians and the Hmongs that he mentioned. But unfortunately, that is not a valid application of those criteria.

I say this because there are at least two major distinctions. One is in the case of the NATO employees, who were specifically admitted to work for NATO and indirectly for the United States, and that is not the case with these other groups that were mentioned.

Secondly, the NATO employees have to have been in the United States for an aggregate of 15 years. Again, that would distinguish the NATO employees from members of the other groups that were mentioned by the gentleman from North Carolina.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 429, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXAMINATION PARITY AND YEAR 2000 READINESS FOR FINANCIAL INSTITUTIONS ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3116) to address the year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Examination Parity and Year 2000 Readiness for Financial Institutions Act".

SEC. 2. YEAR 2000 READINESS FOR FINANCIAL INSTITUTIONS.

(a) FINDINGS.—The Congress finds that—

(1) the Year 2000 computer problem poses a serious challenge to the American economy, including the Nation's banking and financial services industries;

(2) thousands of banks, savings associations, and credit unions rely heavily on internal information technology and computer systems, as well as outside service providers, for mission-critical functions, such as check clearing, direct deposit, accounting, automated teller machine networks, credit card processing, and data exchanges with domestic and international borrowers, customers, and other financial institutions; and

(3) Federal financial regulatory agencies must have sufficient examination authority to ensure that the safety and soundness of the Nation's financial institutions will not be at risk.

(b) DEFINITIONS.—For purposes of this section—

(1) the terms "depository institution" and "Federal banking agency" have the same meanings as in section 3 of the Federal Deposit Insurance Act;

(2) the term "Federal home loan bank" has the same meaning as in section 2 of the Federal Home Loan Bank Act;

(3) the term "Federal reserve bank" means a reserve bank established under the Federal Reserve Act;

(4) the term "insured credit union" has the same meaning as in section 101 of the Federal Credit Union Act; and

(5) the term "Year 2000 computer problem" means, with respect to information technology, any problem which prevents such technology from accurately processing, calculating, comparing, or sequencing date or time data—

(A) from, into, or between—

(i) the 20th and 21st centuries; or

(ii) the years 1999 and 2000; or

(B) with regard to leap year calculations.

(c) SEMINARS AND MODEL APPROACHES TO YEAR 2000 COMPUTER PROBLEM.—

(1) SEMINARS.—

(A) IN GENERAL.—Each Federal banking agency and the National Credit Union Administration Board shall offer seminars to all depository institutions and insured credit unions under the jurisdiction of such agency on the implication of the Year 2000 computer problem for—

(i) the safe and sound operations of such depository institutions and credit unions; and

(ii) transactions with other financial institutions, including Federal reserve banks and Federal home loan banks.

(B) CONTENT AND SCHEDULE.—The content and schedule of seminars offered pursuant to subparagraph (A) shall be determined by each Federal banking agency and the National Credit Union Administration Board taking into account the resources and examination priorities of such agency.

(2) MODEL APPROACHES.—

(A) IN GENERAL.—Each Federal banking agency and the National Credit Union Administration Board shall make available to each depository institution and insured credit union under the jurisdiction of such agency model approaches to common Year 2000 computer problems, such as model approaches with regard to project management, vendor contracts, testing regimes, and business continuity planning.

(B) VARIETY OF APPROACHES.—In developing model approaches to the Year 2000 computer problem pursuant to subparagraph (A), each Federal banking agency and the National Credit Union Administration Board shall take into account the need to develop a variety of approaches to correspond to the variety of depository institutions or credit unions within the jurisdiction of the agency.

(3) COOPERATION.—In carrying out this section, the Federal banking agencies and the National Credit Union Administration Board may cooperate and coordinate their activities with each other, the Financial Institutions Examination Council, and appropriate organizations representing depository institutions and credit unions.

SEC. 3. REGULATION AND EXAMINATION OF SERVICE PROVIDERS.

(a) REGULATION AND EXAMINATION OF SAVINGS ASSOCIATION SERVICE COMPANIES.—

(1) AMENDMENT TO HOME OWNERS' LOAN ACT.—Section 5(d) of the Home Owners' Loan Act (12 U.S.C. 1464(d)) is amended by adding at the end the following:

"(7) REGULATION AND EXAMINATION OF SAVINGS ASSOCIATION SERVICE COMPANIES, SUBSIDIARIES, AND SERVICE PROVIDERS.—

"(A) GENERAL EXAMINATION AND REGULATORY AUTHORITY.—A service company or subsidiary that is owned in whole or in part by a savings association shall be subject to examination and regulation by the Director to the same extent as that savings association.

"(B) EXAMINATION BY OTHER BANKING AGENCIES.—The Director may authorize any other Federal banking agency that supervises any other owner of part of the service company or subsidiary to perform an examination described in subparagraph (A).

"(C) APPLICABILITY OF SECTION 8 OF THE FEDERAL DEPOSIT INSURANCE ACT.—A service company or subsidiary that is owned in whole or in part by a saving association shall be subject to the provisions of section 8 of the Federal Deposit Insurance Act as if the service company or subsidiary were an insured depository institution. In any such case, the Director shall be deemed to be the appropriate Federal banking agency, pursuant to section 3(q) of the Federal Deposit Insurance Act.

"(D) SERVICE PERFORMED BY CONTRACT OR OTHERWISE.—Notwithstanding subparagraph (A), if a savings association, a subsidiary thereof, or any savings and loan affiliate or entity, as identified by section 8(b)(9) of the Federal Deposit Insurance Act, that is regularly examined or subject to examination by the Director, causes to be performed for itself, by contract or otherwise, any service authorized under this Act or, in the case of a State savings association, any applicable State law, whether on or off its premises—

"(i) such performance shall be subject to regulation and examination by the Director to the same extent as if such services were being performed by the savings association on its own premises; and

"(ii) the savings association shall notify the Director of the existence of the service relationship not later than 30 days after the earlier of—

"(I) the date on which the contract is entered into; or

"(II) the date on which the performance of the service is initiated.

"(E) ADMINISTRATION BY THE DIRECTOR.—The Director may issue such regulations and orders, including those issued pursuant to section 8 of the Federal Deposit Insurance Act, as may be necessary to enable the Director to administer and carry out this paragraph and to prevent evasion of this paragraph.

"(8) DEFINITIONS.—For purposes of this section—

"(A) the term 'service company' means—

"(i) any corporation—

"(I) that is organized to perform services authorized by this Act or, in the case of a corporation owned in part by a State savings association, authorized by applicable State law; and

"(II) all of the capital stock of which is owned by 1 or more insured savings associations; and

"(ii) any limited liability company—

"(I) that is organized to perform services authorized by this Act or, in the case of a company, 1 of the members of which is a State savings association, authorized by applicable State law; and

"(II) all of the members of which are 1 or more insured savings associations;

"(B) the term 'limited liability company' means any company, partnership, trust, or similar business entity organized under the law of a State (as defined in section 3 of the Federal Deposit Insurance Act) that provides that a member or manager of such company is not personally liable for a debt, obligation, or liability of the company solely by reason of being, or acting as, a member or manager of such company; and

"(C) the terms 'State savings association' and 'subsidiary' have the same meanings as in section 3 of the Federal Deposit Insurance Act.".

(2) CONFORMING AMENDMENTS TO SECTION 8 OF THE FEDERAL DEPOSIT INSURANCE ACT.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(A) in subsection (b)(9), by striking "to any service corporation of a savings association and to any subsidiary of such service corporation";

(B) in subsection (e)(7)(A)(ii), by striking "(b)(8)" and inserting "(b)(9)"; and

(C) in subsection (j)(2), by striking "(b)(8)" and inserting "(b)(9)".

(b) REGULATION AND EXAMINATION OF SERVICE PROVIDERS FOR CREDIT UNIONS.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by inserting after section 206 the following new section:

"SEC. 206A. REGULATION AND EXAMINATION OF CREDIT UNION ORGANIZATIONS AND SERVICE PROVIDERS.

"(a) REGULATION AND EXAMINATION OF CREDIT UNION ORGANIZATIONS.—

"(1) GENERAL EXAMINATION AND REGULATORY AUTHORITY.—A credit union organization shall be subject to examination and regulation by the Board to the same extent as that insured credit union.

"(2) EXAMINATION BY OTHER BANKING AGENCIES.—The Board may authorize to make an examination of a credit union organization in accordance with paragraph (1)—

"(A) any Federal regulator agency that supervises any activity of a credit union organization; or

"(B) any Federal banking agency that supervises any other person who maintains an ownership interest in a credit union organization.

"(b) APPLICABILITY OF SECTION 206.—A credit union organization shall be subject to the provisions of section 206 as if the credit union organization were an insured credit union.

"(c) SERVICE PERFORMED BY CONTRACT OR OTHERWISE.—Notwithstanding subsection (a), if an insured credit union or a credit union organization that is regularly examined or subject to examination by the Board, causes to be performed for itself, by contract or otherwise, any service authorized under this Act, or in the case of a State credit union, any applicable State law, whether on or off its premises—

"(1) such performance shall be subject to regulation and examination by the Board to the same extent as if such services were being performed by the insured credit union or credit union organization itself on its own premises; and

"(2) the insured credit union or credit union organization shall notify the Board of the existence of the service relationship not later than 30 days after the earlier of—

"(A) the date on which the contract is entered into; or

"(B) the date on which the performance of the service is initiated.

"(d) ADMINISTRATION BY THE BOARD.—The Board may issue such regulations and orders as may be necessary to enable the Board to administer and carry out this section and to prevent evasion of this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) the term 'credit union organization' means any entity that—

"(A) is not a credit union;

"(B) is an entity in which an insured credit union may lawfully hold an ownership interest or investment; and

"(C) is owned in whole or in part by an insured credit union; and

"(2) the term 'Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(f) EXPIRATION OF AUTHORITY.—This section and all powers and authority of the Board under this section shall cease to be effective as of December 31, 2001.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3116, the Examination Parity and Year 2000 Readiness for Financial Institutions Act. This bill is a product of hearings which the Committee on Banking and Financial Services held in November and February to examine the potential impact of the year 2000 computer problem on the Nation's financial institutions. It was reported from committee on February 5 on a voice vote with broad bipartisan support, and I want to express my appreciation to the minority for their cooperation, particularly the gentleman from New York (Mr. LAFALCE), and assistance in facilitating timely action on this bill.

For those of our colleagues who may not yet be aware of this issue, the year 2000 problem, or Y2K problem, as it is sometimes called, arises from the fact that most computers represent the year with only two digits. Hence, 1998 is simply recorded as "98." Unfortunately, that means when the clock rolls over to January 1, 2000, many computers may incorrectly assume that 00 means 1900 rather than 2000. As a result, computers may reject data entries, calculate erroneous results, or simply shut down.

As inconsequential as this issue may appear, it is clear from testimony presented at the committee's hearing that the year 2000 problem poses a serious challenge to the banking sector and to the economy as a whole. Thousands of financial institutions in the United States rely on computers for such functions as check clearing, direct deposit, accounting, automated teller machines, ATM networks, credit card processing, and electronic data exchanges with external parties.

Even passenger security systems, vaults, phone systems, elevators, and other building systems could malfunction if embedded data-sensitive microchips failed to process the year 2000 date change.

Most of the effort to address the year 2000 problem does not require new legislation. The bill before us today is designed to deal with a couple of discrete aspects of the problem as it relates to financial institutions.

First, H.R. 3116 requires Federal financial regulatory agencies to hold seminars for financial institutions on the implications of the problem for safe and sound operations, and to provide model approaches for solving common problems. The bill gives the agency broad latitude to work together and with outside industry organizations to accomplish these objectives.

Second, H.R. 3116 extends to the Office of Thrift Supervision and the National Credit Union Administration the authority to examine the operations of service corporations or other entities that perform services under contracts for thrifts and credit unions, thereby giving these two financial regulatory agencies statute parity with the other three, the Fed, the OCC, and the FDIC, which already have such authority.

Mr. Speaker, I urge my colleagues to vote aye on this important measure, and I would like to thank in particular the staff for all of their work for what appears to be a very esoteric but surprisingly sophisticated issue.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with my friend and colleague, the distinguished chairman of the Committee on Banking and Financial Services, in urging the House to suspend the rules and approve H.R. 3116, the Examination Parity and Year 2000 Readiness for Financial Institutions Act.

It is imperative that Congress give greater focus to the potential ramifications of what is being called the year 2000 or Y2K problem. We have a series of date-related programming problems that can adversely affect computer operations, beginning, really, as early as January of 1999. If not corrected, these problems could create serious disruptions throughout our economy.

Credit cards could read as expired, insurance policies could get lost, checks could bounce, phone lines could crash, and entire computer systems could fail under the weight of nonsensical dates.

The potential implications for the United States and, indeed, the global economy are virtually mind-boggling. But even if these problems can be averted, the economic costs of resolving the problems will still be enormous.

The cover story in this week's Business Week estimates that correcting year 2000 problems could cost the economy roughly $119 billion in lost economic output, simply between now and the year 2001. This would cut roughly half a percentage point off economic growth in 2000 and early 2001, roughly equal to the estimated economic damage anticipated from the financial crisis in Asia.

The year 2000 problem is particularly serious for financial institutions and their regulations. The failure of computers to distinguish between the year 2000 and the year 1900 or the risk they will misread dates as commonly used symbols for "die dates" in financial accounting could result in loan schedules being miscalculated, debts being cancelled, payments and bank statements being delayed, electronic funds transfers being lost, 100-year interest charges and late payment fees being imposed on consumers, and a virtually limitless variety of other problems.

Some analysts warn and believe that the entire financial system could shut down New Year's Day 2000. Fortunately, the Federal Reserve Board, other bank regulators, and the Nation's larger banks have taken the year 2000 problem quite seriously for several years and have spent considerable sums to develop and test potential solutions.

But the same has not always been true of smaller banks, thrift institutions, and credit unions. These institutions sometimes lag behind in year 2000 compliance, in part because they do not fully comprehend the potential disruptions that would occur and also, to a certain extent, because they lack the resources to commit to developing solutions.

Smaller institutions are further hampered by the fact that they typically outsource most data processing, check clearance, credit card, and other computer dependent operations, to outside service providers and assume that these companies will handle the year 2000 problems.

Unfortunately, these companies often face problems of their own in resolving year 2000 problems. Any failures to make appropriate adjustments in these computer networks will easily be compounded throughout the entire financial system.

As of now, the Comptroller of the Currency, and only the Comptroller, has the authority to examine the operations of affiliated service corporations and outside vendors that perform services for banks to monitor compliance in resolving year 2000 problems.

Clearly, this authority must be expanded on a uniform basis to permit comparable examination of year 2000 compliance by service providers to thrift institutions and credit unions.

H.R. 3116 addresses these problems in several ways. First, it directs the Federal bank, thrift, and credit union regulatory agencies to offer seminars to financial institutions on the implications of the year 2000 computer problem on safe and sound operations.

Second, it requires each agency to make available to financial institutions model approaches for addressing year 2000 computer and data processing problems.

And, third, the bill provides the necessary authority to the Office of Thrift Supervision and the National Credit Union Administration to examine the operations of affiliated service corporations and outside vendors that provide services under contract to thrifts and credit unions.

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This will provide both agencies with comparable authority to the bank regulatory agencies for monitoring the Year 2000 compliance.

Mr. Speaker, I again applaud the gentleman from Iowa (Mr. LEACH) chairman of the committee, and the staff, both the majority and the minority, for working on this bill. It is extremely timely and important legislation. It is necessary to assure the safety and soundness of our financial system. I strongly urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA) chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mrs. ROUKEMA. Mr. Speaker, I do not believe I will take the whole 5 minutes, but I do want to rise in strong support of H.R. 3116. I am an original cosponsor and believe this is a very far-reaching bill and we are giving adequate time to address the problem of Y2K, as it has come to be none, and we need this advance planning time.

Certainly, we will be addressing the readiness question in this legislation, as well as providing parity and examination authority among the Federal banking agencies and the National Credit Union Administration.

The gentleman from Iowa (Mr. LEACH) has very well, along with the gentleman from New York (Mr. LAFALCE) our ranking member, explained the Y2K problem. And in a nutshell I would simply say that it is the ability of a financial institution's computers to recognize data in their own computer base as well as databases from other systems. And I will not go into the full and complete explanation that Chairman LEACH has made, except that I would also say, however, that as has been noted that financial institutions are spending millions of dollars and man-hours trying to fix their systems presently, and what we are doing here today, both for the Y2K problem, as well as the parity question for examination authority, is hopefully negating those problems and we will be saving both the industry and the consumers untold billions of dollars both in unnecessary disruptions and inconveniences and a lot of legal questions that could arise.

So, Mr. Speaker, I do rise in complete support of this bill. I think we should note that particularly that in dealing with the parity authority for the Federal regulators, as well as the NCUA and the OTC, that what we are doing here is providing services to savings associations and credit unions to help them fulfill their part of the safety and soundness mandate of the banking institutions.

Again, I urge full support of the legislation and I thank the gentleman from Iowa for his leadership.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time to me, and I rise to commend the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) the ranking member, and the sponsors of this legislation on the Committee on Banking and Financial Services on their effort to ensure that our Nation's financial institutions are adequately addressing the Year 2000 computer problem.

It has been said that almost 70 percent of all the network computers around the world are connected to banking and financial institutions. If that is so, then the Year 2000 computer problem, left unattended, could not only detrimentally affect every depositor and creditor in that computer-dependent industry, but also could potentially cripple international commerce. It is clear that our Nation's financial institutions must move expeditiously to ensure that they will not be at risk at the beginning of the new millennium.

H.R. 3116, the Examination Parity and Year 2000 Readiness for Financial Institutions Act, will help them achieve that goal. By requiring the industry to provide seminars for financial institutions on the implications of the Year 2000 problem for safe and sound operations, as well as developing model approaches for solving common year 2000 problems in such areas as vendor contracts, the bill takes an important first step to better assure American customers and depositors that their local banks and credit unions will be safe and open for business when the Year 2000 rolls around.

Mr. Speaker, as you know, we in Congress have been working diligently over the past 2 years to raise the Nation's awareness and to push our Federal Government, as well as State and local governments, and private industry, for immediate corrective action. We have done this through legislation and an ongoing series of current congressional hearings and attentive oversight, even with the national Republican radio address.

As chair of the House Committee on Science's Subcommittee on Technology, we have held six hearings on the Year 2000 problem, many in conjunction with the Committee on Government Reform and Oversight's Subcommittee on Operations, chaired by the gentleman from California (Mr. HORN).

In legislation, we required the creation of a national Federal strategy on the Year 2000 problem. Federal quarterly reporting requirements and a statutory prohibition on the Federal purchase of any information technology which is not Year 2000 compliant.

I am also very pleased that the President has finally joined with Congress to help ensure that our Nation will address the Year 2000 problem in a timely and effective manner. The President's recent Executive order establishing a Year 2000 Conversion Council, chaired by John Koskinen, to make correcting the problem the highest priority attention for both the public and private sector, is vital to our Nation's ability to correct the problem by the unrelenting deadline. This is an important step if we are to avert catastrophic failure of government and industry computer systems. We have been calling for leadership from our Nation's chief executive for over a year. The President is at last giving this issue the attention it deserves.

And while I am anxious to work with Mr. Koskinen and the national Year 2000 Council on future efforts, today I intend to support this necessary measure to ensure the American people that not only is their money safe, but they will have reasonable timely access to it in the Year 2000 and beyond.

So, Mr. Speaker, I urge all of my colleagues to join me in passing H.R. 3116. I also want to again congratulate Chairman LEACH and Ranking Member LAFALCE for their leadership, and I look forward to working with them as Congress moves to enact other Year 2000 solutions.

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume just to conclude by saying this issue is extraordinarily important for consumers. It is important for America's competitive position abroad. To become Year 2000 compliant will involve a multi-billion dollar cost to the economy and success or failure will affect the competitive position of many types of private sector organizations at home and abroad.

I am particularly concerned at home with the competitive position of various vendors to financial institutions, some of which are on top of the problem, some of which are less so. Abroad, we could literally see a run to American financial institutions who are on top of the problem, in contrast with foreign competitors. Europe is intertwined with a series of problems related to European Community. In Asia there is a series of very different kinds of problems. Neither in the world is putting as much attention as the United States is. So as there are challenges, there are also potential opportunities for those institutions who are on top of this particular subject matter.

Mr. Speaker, let me just conclude by saying that also from a job sense, we are going to see perhaps the greatest shortage of software engineers and technicians in the history of the country in almost any industry. And it is important for individuals not only in the financial services sector, but in other types of critical industries, to be very sensitive to these issues. Obviously, relating to airlines which is one most in the public mind, but there are many others as well.

In any regard, this is a very, very modest bill that the Congress is putting forth. Behind the bill is also the sense that involved is an education process of which the Congress is a part. And while this bill will not be an answer to anything, it is intended to precipitate serious attention to the issue.

Mr. Speaker, with that, I have no further requests for time. I would like to thank particularly the gentleman from New York (Mr. LAFALCE) and the gentlewoman from New Jersey (Mrs. ROUKEMA), as well as the gentlewoman from Maryland (Mrs. MORELLA) for her thoughtful attention.

Mr. PAUL. Mr. Speaker, this Legislation, H.R. 3116, will not solve the Year 2000 problem. Giving some financial regulators "statutory parity" with other regulators will not solve the problem. Everyone will have to take responsibility to secure that their own systems will be Year 2000-compliant. We must hope that the government will be as diligent in its compliance with the so-called Millennium Bug problem as it want the private sector to be.

The General Accounting Office (GAO) has reported unfavorably on the FDIC's readiness. Before the Subcommittee on Financial Services and Technology, Committee on Banking, Housing and Urban Affairs, US Senate, Jack L. Brock, Jr., Director, Governmentwide and Defense Information Systems, testified on February 10, 1998 (Year 2000 Computing Crisis: Federal Deposit Insurance Corporation's

Efforts to Ensure Bank's Systems Are Year 2000 Compliant) that the Federal Deposit Insurance Corporation (FDIC) has not met its own "y2k-compliant" standards. According to GAO, the FDIC has not yet completed the assessment phase of the remediation process, despite its own standard that banks under the agency's supervision should have completed this phase by the end of the third quarter of 1997.

The bill requires the regulators to provide information (seminars, etc.), make available to financial institutions model approaches to address the Year 2000 problem, and to give the regulators examination authority to examine third party service provides under contract to federally-insured institutions.

James Mills, of NAFCU, testified before the House Committee on Banking and Financial Services, "Historically, the role of providing education and training is one best performed by the private sector, namely trade associations and industry-related organizations . . . Rather than require federal agencies to offer seminars, perhaps any legislative efforts should require federal agencies to participate in such programs or make it advisable and permissible to participate." NAFCU believes that the focus of H.R. 3116 should be strictly limited to ensuring compliance. In its present form, H.R. 3116 contains a broad and permanent expansion of NCUA's examination and regulatory authority . . . Legitimate questions may be raised as to whether, absent the year 2000 issue, NCUA, as a federal financial regulatory agency, should have the authority not just to examine but to actually regulate private business enterprises incorporated under the laws of various states. The authority given to NCUA in H.R. 3116, is not limited to the examination and regulation of credit unions, but would allow NCUA to examine and regulate third-party businesses, vendors and outside providers. Do the members of the Committee intend to give NCUA authority to regulate private entities?"

Ellen Seidman, Director OTS, added, "Clearly, the primary responsibility and liability for Year 2000 compliance rests with the regulated institutions themselves, including those that rely on service providers . . . Some service providers, however, have been resistant to these contractual provisions and, as a result, thrifts have been hindered in their ability to contract for services."

This bill raises legal liability questions that may actually thwart a financial institution's ability to address the y2k problem more effectively. Introducing legislation on the y2k issue would only give more people more incentive to sue companies which are not compliant. How does the bill define "year 2000 compliance"? It isn't clear. Such ambiguity only causes further problems. The real problem with y2k isn't the computers, its the people. More legislation will only compound the problem.

Year 2000 issues with computers cause numerous headaches but by no means unsolvable problems. Solutions exist, and since we do exist in a relatively free market, we should allow it to work.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3116, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to include in the RECORD additional statements and to revise and extend their remarks on H.R. 3116, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REAUTHORIZATION ACT OF 1998

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 365) regarding the bill S. 1150, the Agricultural Research, Extension, and Education Reauthorization Act of 1998.

The Clerk read as follows:

H. RES. 365

Resolved, That, upon the adoption of this resolution, the House shall be considered to have—

(1) taken from the Speaker's table the bill S. 1150, to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes;

(2) struck out all after the enacting clause of the bill S. 1150 and inserted in lieu thereof an amendment consisting of the text of the bill H.R. 2534, to reform, extend, and repeal certain agricultural research, extension, and education programs, and for other purposes, as passed by the House;

(3) passed the bill S. 1150 as amended; and

(4) insisted on the House amendment and requested a conference with the Senate thereon.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. SMITH) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. SMITH).

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 365. This resolution, upon adoption, will delete all of the Senate language within S. 1150, including that which has been the cause of concern of many Members, and insert in its place the language of H.R. 2534, which was passed by the House last November.

Passage of the resolution is merely a necessary procedural step which allows the House to declare itself in disagreement with the Senate and to request a conference on the House-passed language.

Mr. Speaker, so there is no confusion, I know my colleagues had concern with the Senate language. The objective here in H.R. 365 is simply to reauthorize the Foreign Agricultural Research Extension and Education Programs within the Department of Agriculture. The funding provisions which came under scrutiny in the Senate version are not, I repeat, are not in this bill or the language in this resolution.

The language identical to 365 passed the Committee on Agriculture by a unanimous vote on Wednesday, October 29, and the full House on November 8 by a vote of 291 to 125. It is the first comprehensive overhaul of agricultural research programs since 1977. It encompasses over $14 billion in 5 years.

The last two decades have brought sweeping changes to agricultural trade, production, and the government's approach to agriculture culminating in the reforms accomplished in the Federal Agriculture Improvement and Reform Act of 1996, commonly referred to as the Freedom to Farm Bill.

In the Committee on Agriculture, we have adapted to these changes by focusing on American agriculture's competitiveness around the globe, working to eliminate barriers to American farm products and to open international markets.

Mr. Speaker, every farmer I know would prefer a market to a subsidy, and it is on that principle and in that knowledge that Congress, 2 years ago, began getting government out of the farmers' business. But that is not to say that government does not still have a role. It clearly does, and agricultural research is an enormous part of it.

Today, agricultural research is more important than ever in transitioning to a market economy and securing new markets for American farm products overseas and ensuring that we continue to produce the world's highest quality food and fiber at competitive prices. The core bill, H.R. 365 lives up to this challenge in addition to reauthorizing numerous agricultural research programs through the year 2002.

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The bill includes reform provisions to ensure peer and merit review of all USDA research programs, greater accountability in the development of Federal research priorities, and greater dependence on cost sharing through requirements for matching funds. I urge my colleagues to support the resolution so that we may move forward with this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 365, a resolution which contains four provisions that upon their adoption will provide the following:

One, it will take Senate bill 1150 from the Speaker's table; two, it will strike all after the enacting clause and insert the text of H.R. 2534 as passed by the House and ably described by the gentleman from Oregon (Mr. SMITH); three, it will pass Senate bill 1150 as amended by H.R. 2534 and insist on the House amendment and request a conference with the Senate.

I would like to make it perfectly clear that this resolution merely allows us to go to conference with the Senate. That is all.

H.R. 2534 passed the House on November the 8th, 1997, by a vote of 291 to 125 and is the result of a bipartisan effort. H.R. 2534 provides for a straightforward reauthorization and reform of current USDA agricultural research programs. H.R. 2534 does not contain any of the savings and reallocation measures associated with Senate bill 1150.

Confusion and concern over this issue prevented our going to conference on this bill at the end of the first session, the 105th Congress. I recognize that there are concerns about provisions in the Senate bill. For this reason I urge Members to permit us to go to conference so we can begin to work through these differences. The sooner we begin working on a suitable conference report, the more time we will have to carefully consider these concerns while ensuring that support for vital agricultural research programs is not unnecessarily delayed.

Again, I strongly urge passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time; and I rise in support of the resolution.

I would like to take the opportunity to congratulate the Committee on Agriculture on this bill. Agricultural research is the heart of a system of agriculture which allows less than 2 million American farmers and ranchers to feed 260 million Americans and hundreds of millions of more people overseas.

This bill reflects great credit on the distinguished chairman of the committee, my good friend, the gentleman from Oregon (Mr. SMITH), and all of his colleagues, particularly my two good friends, the gentleman from Texas (Mr. COMBEST) and the distinguished ranking member, the gentleman from Texas (Mr. STENHOLM).

I do wish to raise a serious concern about the bill that has come out of the other body. That bill, creates more than $1 billion in new mandatory spending that I believe contradicts all the hard work that has been done in cutting the budget here in this House in the last 3 years.

In particular, section 301 of the Senate bill creates a new $780 million mandatory spending program for research; and I would point out that we already are spending annually about $1.6 billion in the two major agriculture research programs in the discretionary account.

Section 226 of the Senate bill adds $300 million to an existing mandatory program called "The Fund for Rural America." About half of the annual $100 million of spending in that program goes to research which, as I have already pointed out, already gets substantial discretionary funding.

The other half of the annual $100 million goes to rural development activities. I would like to remind all my colleagues that, in the current fiscal year, we are supporting a program level of more than $6 billion in rural development through discretionary funding.

Again, I think the House bill is a good bill; and I commend the gentleman from Oregon (Mr. SMITH) and the authorizing committee for their work. I believe, however, that in conference the conferees must eliminate the costly and unnecessary mandatory programs in the Senate bill in order for the conference report to have sufficient support to pass.

Mr. STENHOLM. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Let me simply say that I have mixed feelings about this bill. I certainly have no objection to the bill as it is leaving the House. I think the House bill is a responsible bill. But as both gentlemen know who are managing the bill, I have three major concerns with the Senate bill with which this bill will be conferenced.

As the gentleman from Louisiana just indicated, first of all, that Senate bill creates new mandatory spending for agriculture research. While I certainly support an expansion of agriculture research, I strongly oppose making ag research an entitlement program. Research is inherently a discretionary function of the budget, whether it is cancer research or energy research or agriculture research, and there is no reason to elevate agricultural research to a different standard.

I would also say that creating new mandatory programs in the ag research area will not add to a net gain in spending for the agricultural research community because, if a new mandatory program is created, you can bet your last dollar that when the 302 allocations are made in the appropriations process, that that new mandatory research will be taken into account and discretionary research will be reduced accordingly by the majority party when they establish their 302 allocations. So there will be, in the practical world, no net gain for ag research.

My second objection is that the source of the savings in the mandatory spending is the food stamp program. And while I certainly agree that States should not be able to double bill the Federal Government for food stamp administrative costs, there are other pressing needs in the food stamp arena that ought to be met, including restoring food stamp benefits to legal refugees, including the Hmong veterans who fought side-by-side with American troops during the Vietnam war.

Thirdly, even if full savings were not needed to restore food stamp benefits to immigrants or refugees, there are other mandatory spending issues that the authorizing committee ought to be addressing, in my view, rather than raiding the jurisdiction of the Committee on Appropriations.

I would point out that spending $200 million a year for sales commissions in the crop insurance program means that there will be less discretionary money spent for important agricultural research programs, and I think that the authorizing committee ought to fix that problem before they set up new mandatory spending programs.

So I would simply say to Members who have asked me about whether they should vote for this bill or not, I have no problem voting for this resolution at this time. But I hope that Members who talk about holding spending caps will, if this bill comes back from conference with new mandatory spending, I hope they will be prepared to vote against that conference report and deep-six it, as it will justifiably deserve to be deep-sixed, if it adopts the approach taken by the Senate.

Mr. SMITH of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT), chairman of the Subcommittee on General Farm Commodities of the Committee on Agriculture.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in full support of the Agricultural Research, Extension and Education Reauthorization bill.

I think it is a very well-reasoned and responsible bill that will make sure that vital agriculture and related research will, in fact, continue through the year 2002, including reform provisions which ensure peer and merit review of agricultural research. It also includes provisions which will provide for input into the priority setting process by those who benefit from agricultural research.

I think it is important for us to remember that the bill has already been passed. It is important for us to know that this is a clean resolution that will simply substitute our language for the other body's language and will simply allow us to go to conference on this issue.

Strong agricultural research programs have certainly enabled our farmers and ranchers to produce the highest quality food and fiber in the world at competitive prices. This resolution simply reauthorizes our agricultural research. It updates and modernizes our research program so that American farmers will, in fact, maintain their competitive edge in an increasingly global marketplace.

As the current Asian crisis is teaching us, our ability to ensure a stable export market is tenuous at best. Therefore, we need to continually work at expending our ag markets in every region of the world. This requires, among other things, the ability to be on the cutting edge of agricultural research, to provide agricultural products that these markets demand.

In addition, for my very agricultural district in Nebraska, this reauthorization is, in fact, critical. Among the many provisions of the bill that are key to Nebraska agriculture are provisions for research on wheat scab, precision agriculture, ethanol, animal waste and management, and methyl bromide.

The reauthorization provides a new direction in ag research. I think it is reform at its best, and I encourage all Members to vote "yes" on the resolution.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate this opportunity.

I am in strong support of H.R. 2534 as written by the House and, has been stated already, it has been passed by the House. This piece of legislation needs to go forward to conference.

The problem is not with this bill. The problem is with S. 1150, the Senate version of agriculture research, which uses a considerable amount of saving from the food stamp administration for other purposes in the majority, other than responding to the needs of the hungry and for which food stamp monies are authorized for. Therefore, the conference needs to proceed very carefully.

While this legislation contains very important items, many of those I support, such as authorization of the use of research in extension grants to study the impact of pfiesteria and other microorganisms that pose threats to human and animal health upon our waterways; increasing the priority of finding alternative resources to methyl bromide; animal waste management; and significantly increasing the funding for historically black colleges and universities for research.

All of these, indeed, I support. And this bill, again as stated, is a wonderful bill; and it is much needed in the agricultural community.

I am gravely concerned and I urge the conferees as they go forward to please consider the needs of the hungry and that the food stamp savings will be there; that they should, in fact, go for those purposes.

Mr. Speaker, I urge my colleagues to vote for this, but I also urge the conferees to understand what my reservation would be, and I look forward to seeing how the conference turns out.

Mr. SMITH of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EWING), who is chairman of the Subcommittee on Risk Management and Specialty Crops.

Mr. EWING. Mr. Speaker, I support the legislation before us; and the conference committee, I hope, will take note of what is said here today as they do their deliberations on this legislation.

First of all, this is the first comprehensive overhaul of the agricultural research program in 20 years. This legislation is a crucial step toward meeting an increasing demand for world food and, yes, the commitment which we made to our farmers when we passed the Freedom to Farm Act: the Federal Government's responsibility for research.

The bill improves the ability and capacity of participants in the U.S. food and agricultural sector to meet consumer needs for high-quality, safe, nutritious, affordable and convenient food.

H.R. 2534 will help those participants compete in a global market and produce products in an environmentally sound manner. The legislation is vital in ensuring the United States remains at the forefront of producing the world's highest quality food and fiber at competitive prices.

This bill creates an exciting new food genome research initiative which is fundamental in developing new and improved uses.

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It also establishes an animal waste management research initiative, which is very important across the country as we have many, many controversies in America and in Illinois over waste from animal facilities. Mr. Speaker, this is really a piece of legislation whose time has come. I am very pleased to have the opportunity to support it.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding me the time. Mr. Speaker, I come here with some reservations about this bill, but with some confidence. This bill as it will leave this House and go to conference will not contain a provision which when it comes back from conference I guarantee you it will have, and that is a provision that will take, it is not clear how much, it is somewhere between perhaps $1 billion to $2 billion, from the food stamp program, which are considered administrative savings, and those moneys will be used for which programs we do not know. But the concern that a number of us have is that if we are going to take money out of food stamps, and we took a whole lot of money out of food stamps two years ago when we passed the welfare reform law, that we should put the money back into services for the hundreds of thousands of families, including mostly families with children that were now as a result of this bill denied access to food stamps.

As I said before, I have reservations but I have confidence from speaking to many of my colleagues that a serious effort will be made to address this concern if in fact we have moneys that comes out of the food stamp account. I trust that the members of the Committee on Agriculture will remember that the moneys in these savings should go into those programs from where the money came. If that is done, then certainly when this bill comes back after conference, all of us could say that we could support the programs.

I support those ag programs, the ag research programs that are there. If it were a straight bill on agriculture research, it would have my vote. But I express my reservation at this stage because it is unclear to me where we will head. But as I said before, I do have confidence, especially because of my colleagues the gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. DOOLEY), that an effort will be made to ensure that if we take money from food stamps, it will be used to help the thousands of families who are in great need of providing nutrition to their children. With some reservations I say this is a bill that we should see go to conference, and with confidence I do say that I believe at the end we will all be able to vote for it.

Mr. SMITH of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), a former member of the Committee on Agriculture, now on the powerful Committee on Appropriations.

Mr. WALSH. Mr. Speaker, I rise in reluctant opposition to this very good bill. I would congratulate the gentleman from Oregon (Mr. SMITH) and all the members of the Committee on Agriculture for putting together a very responsible bill. My concern, Mr. Speaker, is that the Senate bill takes $1.2 billion in savings from the food stamp administrative savings and then creates two new mandatory programs, one for ag research, which I support but we are already spending $1.6 billion on it, and another for rural development, a program we are spending $6 billion on. The House did the right thing. The Senate has not. My concern is if this goes to conference, the temptation will be too great to spend that money on other programs that do not, quite frankly, need the funds. But the fact is, Mr. Speaker, over 900,000 legal immigrants, including over 150,000 children, have lost food stamp benefits. I think most of us would agree that that is wrong and that these funds need to be put back into the program to help to feed those people. In addition, there are many elderly and disabled persons who have lost food stamp benefits and I think we need to correct that wrong, too.

Mr. Speaker, I would again reluctantly oppose the bill, ask that we return it to the committee and allow them to put some language into the bill that directs the committee bill to provide for language that would keep those funds within the food stamps program. For that reason, Mr. Speaker, I oppose the bill.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I know that the gentleman from Oregon (Mr. SMITH) faces a difficult conference, as does the gentleman from Texas (Mr. STENHOLM) and their colleagues. I am here simply to express my fervent hope that in conference they will take a look at the President's proposal on food stamps for legal immigrants. We are talking about in no way undoing welfare reform. I worked for and voted for the ultimate product. This is about hungry kids and this is about hungry elderly people, many of them refugees. The cuts in food stamps were very, very large and no one is suggesting at this point the restoration of most of them. But the President's proposal focuses on those most vulnerable, kids, most of them citizens themselves. Their parents are not yet. And the elderly, many of them, as I said, refugees and asylees. So I am here simply to say as they deal with the complexities, please do not forget these very vulnerable people who are here in our midst legally.

Mr. SMITH of Oregon. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. COMBEST), chairman of the Subcommittee on Forestry, Resource Conservation, and Research, whose subcommittee drew this bill.

Mr. COMBEST. Mr. Speaker, I rise today in support of this resolution. I would like to thank the gentleman from Oregon (Mr. SMITH), the gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. DOOLEY) for their hard work and cooperation in bringing this bill to the floor. As chairman of the subcommittee with jurisdiction over agricultural research programs, I presided over a series of hearings last summer and through the fall to prepare for this bill. We worked diligently to improve upon the current research, education and extension structure by increasing coordination, communications and competition among the public and private sectors and across State lines. This bill represents a significant step toward that goal.

Mr. Speaker, I think it is important for our colleagues who may be watching or for their staffs who may be watching to make for certain that they understand what this is. The House has passed this bill. All we are simply trying to do is to go to conference. We had the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations. We had the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations. We had the gentleman from New York (Mr. WALSH), a subcommittee chairman of appropriations, who the one common thing throughout their statements was what a great bill this was.

Mr. Speaker, we did not make any changes in the food stamp program in this bill. I agree with the gentleman from Wisconsin (Mr. OBEY). We need to fix the crop insurance program. Nothing about crop insurance is in this bill. I agree with the gentlewoman from North Carolina (Mrs. CLAYTON), who is a member of our committee about her concerns on food stamps. Nothing in this bill has anything to do with food stamps. The gentleman from Michigan (Mr. LEVIN), the gentleman from California (Mr. BECERRA), all expressed their concerns about what the Senate has done. We cannot even talk to the Senate if we do not get this bill out of here under this resolution and go to conference.

So I want to make for certain that people understand, everybody loves this bill. But if the gentleman from New York (Mr. WALSH) is correct in his efforts, as he said reluctantly, to defeat the bill, nothing he is trying to do in regards to the money for food stamps is done. I want to make for sure that we understand where we are and I want to make for sure that Members understand that all we are doing is going to conference on a bill that has passed the House and all of the concern that has been raised on the floor today is about the Senate bill. We have got to go to conference before we can even begin to cure the problems. Let us not get caught up in these other things that are of legitimate concern to us as well in a bill that has nothing to do with it and keep from American agriculture the opportunity to move forward with a research bill that has not been reauthorized in, I believe, 15 years, and is vitally important to the future of agriculture and to all of our producers and to all of those people involved in it. All we are doing today is trying to go to conference.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I want to thank the distinguished gentleman from Texas (Mr. STENHOLM) for yielding me this time.

Mr. Speaker, many of us are talking about the debate that we had last year, actually in November. At the time there were serious concerns, not with the House bill itself but with major funding decisions at stake in the conference committee. Those same concerns remain, and I would repeat them. Unlike the House bill, the Senate bill creates over $1.2 billion in new mandatory spending, offset by administrative savings from the food stamp program. Programs to be funded with those savings, however worthy, should not take precedence over feeding hungry people. The food stamp program has already been drastically cut, and it is only fair that a substantial share of any food stamp savings should be reinvested in addressing the critical food and nutrition needs, in particular restoring food stamp benefits to vulnerable groups of legal immigrants, including the elderly, the handicapped and families with children.

We did not have an opportunity to offer a motion to instruct conferees on this important concern. So if we pass this resolution, we will send this bill to conference with no firm assurance that a fair share of food stamp savings will be reinvested in feeding the hungry.

Mr. Speaker, I would urge my colleagues to pass this resolution, but send a very strong signal to conferees that many of us will work to defeat a conference agreement that does not invest at least half the Senate bill's food stamp savings in feeding hungry people, specifically vulnerable groups of legal immigrants and refugees facing hunger and hardships as a result of losing food stamps.

Mr. STENHOLM. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, first of all, I am confident that both the gentleman from Oregon (Mr. SMITH) and the gentleman from Texas (Mr. STENHOLM) have heard enough comments and concerns today so that they will go into that conference doing what needs to be done on behalf of people who are hungry and who are in need of the food stamp program. I would like to echo the comments made by other Members here today, the fact that this is a very difficult situation. On one hand, we want to be supportive of agricultural research. On the other hand, we know that so much good can come of the food stamp program, more so than we have had up to now, especially in the area of legal immigrants. And so my role today here is again to echo what the gentleman from Ohio (Mr. HALL) said before. I will do nothing to stop this resolution from leaving the House. I will be supportive of its passage, in the hope that we come back with a conference report that I will not have to oppose, a conference report that will take into consideration the balance that is needed in this issue.

Mr. STENHOLM. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in strong support of sending this bill to conference. I think that many of us have heard the comments of many of the Members who have raised some concerns, not about the House bill but about the Senate bill. I think all of us who played a major role in crafting the bill that was passed, the ag research bill that was passed by the House, were motivated by some primary objectives. One is we have to ensure that the taxpayer dollars which are invested in agriculture research are going to obtain the maximum benefit to all of our society, all members of our economy. I think the bill that we passed made some major improvements to ensure that we will be getting the best return on behalf of the taxpayers. I would also state that many of us are sympathetic and sensitive to the issues in terms of how we will allocate any dollars that might have been saved in the food and nutrition side of this bill.

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But I would also point out that when we look at the major advocates in this country who spend so much time in trying to ensure that the needs of some of the most impoverished of our country will be met are supporting this bill going to conference.

We can look at the Center on Budget and Policy Priorities, who are asking this Congress to vote, yes, to send the bill to conference, the National Council of La Raza, the Food Research and Action Committee, and the Sustainable Agriculture Coalition. We have a broad coalition of people, advocates on behalf of food stamp recipients and advocates on behalf of making the most appropriate investment of research dollars to benefit the ag industry are saying let us send this bill to conference in order that we can develop the compromises and the resolution with the Senate version so that we can bring it back so that we can have a bill that is going to be in the best interests not only of the agriculture sector through increased investments in ag research, but also on the interests of ensuring that we are going to help the most impoverished in our country.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to commend the gentleman from Texas (Mr. COMBEST), the gentleman from California (Mr. DOOLEY) for their work in the subcommittee, and the gentleman from Oregon (Mr. SMITH) for his work in bringing us here today, and I urge my colleagues to support this resolution. Let us go to conference and try to work out these issues in the best way that we possibly can for all concerned.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Oregon. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank the gentleman from Texas (Mr. STENHOLM) and the gentleman from California (Mr. DOOLEY) especially who have been side by side with us in a very cooperative fashion putting together a research program that has not been reauthorized since 1977. So it is time, I think, that we did act and we are acting.

Frankly, Mr. Speaker, we are not guilty of raiding the Committee on Appropriations. We are not guilty of starving children. We are not guilty of making all of these horrible choices. We are guilty of bringing our colleagues a straightforward bill that addresses research in America. And I remind those Members, and we have heard them all, that if there are concerns that they have should this bill survive conference, there would be many chances for them to be heard on this floor. This is not their last opportunity to express their thoughts.

So in the meantime, please help us pass this bill, and let us move forward with research for American agriculture.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in support of this resolution, which will move the agriculture research reauthorization bill one step closer to enactment. This resolution strikes the Senate language and moves the House bill to conference.

I would like to thank Chairman SMITH, Chairman COMBEST, ranking member DOOLEY, and the committee staff for their hard work on this important bill. I am particularly pleased that this bill includes the essential part of legislation I authored: The Precision Agriculture Research, Education, and Information Dissemination Act.

Several new technologies make up precision agriculture. These include global positioning satellites, digital field mapping, grid soil sampling, and the list continues to grow as technologies develop.

If our farmers are to remain the most productive and most efficient growers and producers in the world, precision technology must be made available to them. This technology is just as revolutionary as moving from the horse to the tractor, or from plow to conservation tillage.

Let's not deny our farmers the opportunity to remain the best in the world. Today's vote is just another step in bringing our farmers into the 21st century.

Mr. BISHOP. Mr. Speaker, I rise today to express my support for the House Resolution 365, which would order the House to go to conference with the Senate on the Agricultural Research bill.

The House version of the research bill, HR 2534, which I supported and voted for last year, was a good bill. When we acted on that bill, it did not contain the $1.25 billion food stamp administrative savings contained in the Senate version of the bill.

The issue of how these savings should be divvied up, between nutrition program needs, agricultural research, rural development and crop insurance is the only outstanding issue holding up a good bill from becoming law.

I urge the House to proceed to conference with the Senate and on this bill, in order to settle the differences over this matter. I trust that the goals of all parties can be addressed in conference, and the traditional strong alliance between the agricultural and nutrition programs can be rekindled.

Mr. Speaker, I recently saw first hand the importance of agricultural research at the dedication of the National Environmentally Sound Production Agriculture Laboratory (NESPAL).

This new facility is an exciting addition to the other outstanding research and educational facilities located across southwest Georgia. It is important to our state and, in fact, to the whole country. This is one more reason why that area of Georgia is recognized as a center of cutting-edge agricultural research—the kind of research we must have if we are to meet the awesome challenges in the years ahead.

NESPAL is a shining example of how business, the academic community, and government are working together to achieve the level of scientific research and development needed to sustain agricultural leadership in an increasingly-competitive world.

The Georgia Research Alliance, made up of agribusiness and agricultural and environmental sciences researchers and educators, provided the non-federal funds to match USDA's $3.6 million grant, as well as key leadership support, that gave Georgia the edge in the competition for this facility. This is a great thing for Georgia—but it is just one of many things the Alliance has done to boost research and development in Georgia, including raising $50 million a year to help create new programs and enhance existing ones at Georgia's research universities. The Alliance has played a major part in building the foundation that has made Georgia the number one state in high-tech growth.

Agriculture faces challenges of historic magnitude in the years ahead. For one thing, there will be many more people to feed in the world, and much less arable land to grow the food and fiber they will need. Over the next 50 years, the world's population is expected to jump from the current figure of between 5 and 6 billion people to more than 9 billion—not quite double the current population, but close to it. The land available for planting is already decreasing at an alarming rate as developing countries expand and provide housing for growing populations. As farm land disappears, people throughout the world will continue to destroy timber resources and even rain forests as they try to find the last acre on which they can plant. Without adequate scientific advances, these conditions pose an extremely-dire threat to the world's environmental well-being.

Another factor is the rise in the standard of living which is occurring throughout much of the world, including Southeast Asia and China, where food consumption is already sharply increasing. As income rises, so does the demand for food and fiber—in terms of both quantity and quality.

To meet these demands, the United States will be called upon to increase production three-fold over the next 50 years. If our country is prepared to meet this demand, we have the potential to provide an unprecedented level of prosperity for our farmers and our agricultural economy in general. This is both a responsibility and an opportunity. It is also something that will not be attained easily.

A corn producer, for example, will have to increase per-acre yields from 130 bushels to more than 300 bushels to meet this projected demand. This seems like an insurmountable goal. But current research indicates it can be done. Research projects that are underway in several states are routinely producing yields of 200 bushels an acre—and occasionally yields of more than 300 bushels.

U.S. farmers could not have tripled the country's corn production over the past 60 years, as they have done, if it has not been for the research done by both the public and the private sectors. This is an impressive achievement. But we know it isn't the end of the story. Current research suggests that we have the potential to make even more dramatic gains. We are not there yet—but we can, in fact, develop new and improved ways to meet the needs that are projected for the years ahead.

Without a sufficient investment in research, we will almost surely fail. But, as long as we keep our diverse research efforts going strong, I have no doubt our farmers and agri-businesses will have the tools they need to seize the exhilarating new opportunities that are opening before them as the new century approaches. Thanks to visionary citizens like those in the Alliance, we are headed in the right direction.

One of the things we need to do to fulfill our agricultural potential in an environmentally-progressive way, I believe, is to make greater use of farm materials in the production of industrial goods.

We're talking about making non-food products out of renewable, earth-friendly commodities grown on the farm rather than depletable, environmentally troublesome resources like petroleum.

The number of trailblazing farm utilization companies that are emerging all over the country is rapidly growing—companies that transform soybeans into ink, canola into hydraulic fluid; cotton gin waste into cleansers; beets into a heart transplant medication; corn and potatoes into lubricants, paint and plastic products ranging from packing material to disposable diapers.

Most people know about ethanol, the motor fuel made mostly from corn, which as captured 7 percent of the petroleum market over the past 20 years. But many people are not as aware of the fact that plastic was originally developed from vegetable starches when discovered in the late 1800's. After the turn of the century, it was found that plastic made from petroleum had a big advantage in both quality and cost—and by the end of World War II petro-based plastic had taken over the entire market.

Now, veggie-based plastic is making a comeback. It still costs less to make plastic from petroleum. But research has narrowed the gap, and the demand for the biodegradable kind is increasing. In just the past 15 years, the amount of plastic produced in the U.S. from vegetables has climbed from virtually nothing to more than 100 million pounds a year. While this is just a drop in the bucket compared to the 60 billion pounds of petroplastic produced every year, it represents a secure foothold in the market—a foothold that's growing every year.

Cotton is another example of the country's shift back to farm materials. Cotton production went into a tailspin in the 1950's, when synthetic fabrics that require less ironing took over the market. This changed when researchers developed wrinkle-resistant cotton and cotton-blend fabrics—triggering a new boom for cotton in Georgia and much of the South.

Not coincidentally, I understand some portions of the NESPAL building's floor is covered by linoleum—a farm-based product made from linseed oil.

Two farm utilization companies can be found in the Second Congressional District of Georgia—BioPlus, Incorporated of Ashburn and Scientific Ag Industries of Blakely. Both of these companies are using peanut hulls as their basic resource—buying the hulls for just a few dollars a ton and transforming them into products like cat litter, cleansing absorbents, and activated carbon used in air and water filters that sell for $120 or more a ton.

They are marketing the breakthroughs that came from our research universities, from government, and from their own research efforts. While both are still relatively small companies, with 30 employees or less, their potential for spurring commercial growth in rural areas, while helping improve the environment, is tremendous.

BioPlus and Scientific Ag are improving the environment by diverting many thousands of tons of peanut hulls from landfills. They are also providing a new source of income for farmers and shellers, And, as they become commercially successful, other industrial investors are sure to follow their lead—creating a chain-reaction of new industrial development. BioPlus is already a success. After operating in the red for about eight years, the company turned the corner two years ago and is now earning a nice annual profit. The firm got substantial start-up advice and assistance from the University of Georgia. More recently, it received federal venture capital to finance the expansion that helped break into the black. Most of all, it did intensive research on its own—acquiring four patents while substantially improving its product and making it more desirable and profitable.

Scientific Ag is the 2-year-old creation of a group of Georgia Tech researchers, who plan to put about as much emphasis on doing research on new industrial uses for farm materials as they do in selling the peanut hull-based activated carbon they have perfected and are producing for sale. This new firm, which has also relied on the country's whole spectrum of research programs, is just now getting to the production stage, and I believe its future is also very promising.

These companies are fairly representative of this whole movement. They are the end result of the partnership between the public and private sectors—that wide range of research programs that are collectively providing the scientific advances and the business assistance that make our farmers and manufacturers competitive in the world.

This is a partnership we must nurture and build upon. It would be catastrophic if we ever let our research infrastructure break down. Inadequate research would be a disaster for our economic future just as it would be for our national defense. If we failed to maintain a lead in military weaponry, you know what would happen—the country's influence would be weakened and our national interests would become more vulnerable throughout the world. If we failed to maintain our economic lead, our position in the world would also be weakened—as would as our standard of living.

Overall, this Ag Research Reauthorization bill strengthens the role of government in ag research—not just in terms of authorizing funds, but by ensuring that the inseparable bond between the public and private sectors involved in ag research is reinforced in the funding formulas themselves.

When we preserve this partnership, we are preserving something that is historic. Early in the nation's history, the federal government got involved in agriculture by collecting seeds from throughout much of the world and distributing them to farmers so they could experiment with new crops. This activity was managed by the Patent Office, which began to expand its farm research role in the 1840's by publishing new discoveries by our farmers for use by other farmers. In 1887, the Hatch Act greatly expanded the federal government's agricultural research activities by setting up the first experiment stations at a number of colleges in the 13 states.

Out of this beginning grew the collaboration that now exists. The private sector is the biggest part of this partnership. But the public contribution is not far behind. According to the National Research Council, private expenditures account for about 57 percent of our agricultural research and government about 43 percent. We need both.

The Georgia Research Alliance does a great job of promoting a sound, responsible, innovative, highly-diversified research infrastructure, and I commend them for what you are doing to enhance the quality of life for everyone. They are certainly doing its part to maintain this partnership, and it is up to us in Congress to make sure the federal government continues to contribute its share.

Government must stand shoulder-to-shoulder with the business and educational communities to produce the healthiest and most abundant food and fiber supply in the world; achieve our potential in agricultural exports and restore the balance of trade; reduce our dependence on oil imports; protect the environment; and keep the country economically secure for our generation and for generations to come.

Mr. Speaker, I encourage my colleagues to join me in sending this bill to conference.

Mr. SMITH of Oregon. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Oregon

(Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 365.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 365, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

RE-REFERRAL OF EXECUTIVE COMMUNICATION 6736 TO COMMITTEE ON COMMERCE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from the consideration of Executive Communication 6736, an Environmental Protection Agency rule on State Implementation Plans under the Clean Air Act, and that Executive Communication 6736 be re-referred to the Committee on Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair intends to postpone appointment of conferees on S. 1150 until after 5 p.m. today in order to preserve the motion to instruct the conferees.

HOWARD C. NIELSON POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3120) to designate the United States Post Office located at 95 West 100 South Street in Provo, Utah as the "Howard C. Nielson Post Office Building," as amended.

The Clerk read as follows:

H.R. 3120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 95 West #100 South in Provo, Utah, shall be known and designated as the "Howard C. Nielson Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the "Howard C. Nielson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us was introduced on January 28, 1998, by the gentleman from Utah (Mr. CANNON) and cosponsored by all Members of the House delegation from the State of Utah pursuant to the policy of the Committee on Government Reform and Oversight. This legislation was before the committee on February 12, at which time it was amended to reflect the correct address of the facility. The address of the postal facility in the original bill read 95 West 100 South Street. The committee unanimously passed the bill with an amendment correcting the address to read 95 West Number 100 South.

The amended bill designates the U.S. Post Office located at that location as the Howard C. Nielson Post Office Building.

Mr. Speaker, we have a number of representatives who have cosponsored this bill. I know they will take the opportunity to expound upon Mr. Nielson's great history and his service to this country so, therefore, I would simply note that, as has happened in many occasions in the past, this recipient, I think, reflects very favorably on the kind of individual that we have historically honored with the designation of the United States Postal Service.

Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CANNON) who has been the prime motivator and mover of this legislation for comments that he might have.

Mr. CANNON. Mr. Speaker, when my office and I considered honoring one of the great Americans who has had an impact not only on my own district, but at the national level, our thoughts turned almost immediately to Howard Nielson.

I approached several of Howard's former colleagues including the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) the chairman and the ranking member of the Committee on Commerce, on which Howard sat. They wholeheartedly supported this tribute and recalled fond memories.

Elected in 1983 to this great body to be the first to represent my district, the Third District of Utah, after reapportionment, Howard is probably best known as a relentless public servant, a brilliant man who legislates honesty and integrity.

A native of Utah, Howard Curtis Nielson was born on September 12, 1924, in the city of Richfield in Sevier County, Utah. In 1947, after attending Richfield High School, he graduated with a Bachelor of Science from the University of Utah in Salt Lake City. He went on to receive a Master of Science from the University of Oregon at Eugene, and an MBA and Ph.D. from Stanford University in Palo Alto, California.

Howard served in the United States Air Force during World War II. Then, after graduating from the University of Oregon in 1949, Howard accepted a position as a statistician with C&H Sugar. From 1951 until 1957, he worked as an economist at the Stanford Research Institute and then obtained a professorship at Brigham Young University where he taught statistics, economics and business management from 1957 to 1976.

In 1960, Howard became active in politics and after spending 6 years as a district GOP committeeman in Provo, Utah, he was elected to the State House.

Quickly earning a reputation as a man who knew how to read the fine legislative print, Howard became Majority Leader in 1971, and 2 years later was elected Speaker. In this capacity Howard fought hard to see that a State budget surplus was used for tax relief rather than new programs.

When the speakership came to an end, Howard retired from the legislature, but remained active in State politics serving as a party chairman in Utah County from 1979 to 1981.

So, with this background, when Howard was elected to the U.S. House of Representatives, his first assignment was on the Energy and Commerce Committee.

In the 99th Congress, he also secured a position on the Government Operations Committee, and by 1986, was ranking member of the Government Activities and Transportation Subcommittee of this committee.

Most notably, Howard was active throughout these committee assignments on several issues ranging from the deregulation of broadcast, telephone and the natural gas industries, to the commercial interests of the motion picture industry.

Howard was also integral in spotlighting the problem of waste dumping by Amtrak and by focusing on the health consequences he urged the railroad to take corrective measures. At the completion of his fourth term in Congress, Howard decided not to run again. Instead, he and his wife, Julia, moved first to Sidney, Australia, for 18 months and then to Budapest, Hungary, for 2 years where they served as missionaries for the Church of Jesus Christ of Latter-Day Saints.

I am proud to be joined today not only by several of Howard's colleagues here on the floor, but with all of Congress in expressing our gratitude. Those of us who have had the opportunity and privilege of serving with

Howard Nielson know him as an honorable man, a good friend, and in the words of Doris Wilson, a friend and former staffer, Howard was a model of what the Founding Fathers envisioned legislators to be.

Both sides of the aisle respected his integrity and willingness to make the tough decisions with fairness to everybody. Today, Howard continues this dedication to his community serving as a member of the Utah State Senate.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I am pleased to join my colleagues in bringing before the House legislation naming United States Post Offices after a number of fine individuals. All of these measures have met the Committee on Government Reform and Oversight cosponsorship requirement and enjoy the support of their respective State congregation national delegations. I am proud that my colleagues have sought to honor such a diverse and distinguished group of people and urge swift adoption of these bills.

Before I yield time, I would like to acknowledge the efforts of the gentleman from New York (Mr. MCHUGH) and his staff, particularly Robert Taub, the new staff director, and the committee counsel for their hard work in moving these measures forward.

I join the gentleman from New York (Mr. MCHUGH) in support of H.R. 3120, legislation introduced by the gentleman from Utah (Mr. CANNON) which designates the United States Post Office located at 95 West 100 South Street in Provo, Utah, as the Howard C. Nielson Post Office Building.

A former Member of Congress elected in 1991 to represent the Third District of Utah, Representative Nielson served on the former Committee on Government Operations during the 99th Congress and on the former House Committee on Energy and Commerce. It must be noted that Representative Nielson, after spending 6 years as a district Republican committeeman in Provo, Utah, became a member of the Utah State House where he was elected Speaker. After serving in Congress and later as a missionary, Representative Nielson has returned to the Utah State legislature. Naming a post office in his hometown is a very fine and fitting tribute to a man who is, once again, representing his neighbors, friends and constituents

Mr. Speaker, I yield such time as he might consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I do want to thank the gentleman from New York and the sponsor of this bill, the gentleman from Utah, my good friend (Mr. CANNON). I rise today in strong support of H.R. 3120, a bill to designate the United States Post Office in Provo, Utah, as the Howard C. Nielson Post Office. By the time I made it to the House as an elected Member, Congressman Nielson had already established himself as an active member of this body.

His rise to the position as the representative from Utah of the Third Congressional District did not come as a surprise to those who knew him. Prior to coming to Congress, Howard Nielson was elected as Majority Leader of the Utah House, and 2 years later elected to the position of Speaker of the State House of Representatives, and it was from that position that he was elected to the Congress.

As a ranking member of the Government Activities and Transportation Committee, Congressman Nielson played an important role in the National Debate on Transportation, which was going on during that time. And as important to me, Mr. Speaker, his interest in improving the health of our country's American Indians. I want to commend him for his efforts.

To his credit, Mr. Speaker, he continues to serve the public, currently as a member of the Utah State legislature, and I can think of no more fitting tribute to him than to name the United States Post Office in Provo, Utah, after him. I commend, again, my good friend from Utah (Mr. CANNON) for proposing this bill and I urge my colleagues to support this legislation.

□ 1545

Mr. MCHUGH. Mr. Speaker, I yield four minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in 1972, I ran for the state legislature, and at the time a gentleman from Provo, Utah, came up to see me to tell me he was running for Speaker of the House. His name was Howard Curtis Nielson. I voted for the gentleman and he became Speaker of the House, and it was a great two years with him.

I was impressed with how well he understood the legislation, how he read the bills, how his knowledge of figures and understanding was awesome. He could come into our caucuses or on the floor, he could come up with figures faster than anyone I ever met, but then I found out he was Dr. Nielson, Professor of Statistics at the BYU, and I could understand that.

As my colleague from Utah talked about, Howard Nielson is a well-educated man, bachelors, masters, doctorate degree. Around here, whenever you wanted to know something on the floor about a bill, you would see Howard Nielson and ask him. He could give you chapter and verse, both sides of the argument, and he was a real resource, and I always noticed a lot of people huddling around him because he had such a great understanding of what was going on.

I ran for Congress in 1980, and in 1982 Howard Nielson elected to run for Congress, as Utah was reapportioned and we got a third Congressional seat. Howard was successful and served for eight years here. He served on the Committee on Commerce and a few other committees, and was well-known on both sides of the aisle as a man of fairness and integrity and a man who would be helpful to every Member.

He had some funny things happen to him while he was here, as we all do. He loved taking dome tours, and on one occasion he was taking a bunch of BYU students up to the dome, and the place where the door opens and goes up to the roof and goes up, he was the last in line.

Surprisingly enough, the door was open. He walked out on to the top of the Capitol, and the wind blew it shut, and no one knew that he was not with the group. So he started yelling at the police down below, and everyone thought somebody was suicidal up there and was going to jump off the roof of the Capitol. But Howard was written up in all of the papers in America on that little adventure, and, to this day, he still enjoys telling that story.

Howard, after leaving this body at his own volition after eight years, served a mission for the Church of Jesus Christ of Latter Day Saints. In fact he served two missions. And, like Howard, you would expect, he also learned two additional languages, which is one of the things about Utah, there are more bilingual and trilingual people in Utah than anyplace in America, and now Howard joins that group.

I expected he would retire, but Howard is very healthy and very active and has a great mind, and Howard elected to again get back into politics, and ran successfully as a state senator in the State of Utah.

I think it is only fitting and I compliment my colleague from the third district, the gentleman from Utah (Mr. CANNON) for introducing legislation that would give some recognition to a person who truly believes in public service.

If I may wax a little Ecclesiastical, in the Scriptures it says the greatest of all will be the servant of all. In this instance, Howard Nielson, all of his life, as an educator, as a church leader, as a political man, has been a servant of many people; never aspiring to anything for himself, but in helping other people.

So with this humble man, with a great family of seven children and well over 25 grandchildren, it will now be emblazoned in stone that it is the Howard C. Nielson Post Office.

Let me point out one of his sons, Curtis, worked for me for a while, and last year Curtis graduated number one from Chicago law school, which is a real tribute to the Nielsons and to Curtis.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back, I would just briefly state that I want to express my appreciation to the gentleman from Illinois (Mr. DAVIS) and all the committee staff members on both the minority and majority side for their efforts. What we heard today is descriptive of really an extraordinary man. I would ask all of my colleagues to support this measure and give a very justified honor to a very special person.

Mr. COOK. Mr. Speaker, I am pleased to support H.R. 3120, a bill to name the U.S. Post Office in Provo, Utah after my friend Howard C. Nielson. Howard has been active in Provo and Utah politics since 1960. A longtime resident of Provo, he worked his way up from District Voting Chairman to Speaker of the Utah State Legislature. By vocation, a statistician, Howard used his aptitude for numbers to fight for tax relief for Utah citizens during his tenure in the legislature during the 1960s and 1970s. He was well-known for his ability to understand and explain complicated economic and budget documents.

Howard was elected to the U.S. House of Representatives in 1982, where he served four terms. He continued his practice of providing unbiased economic analyses to members on both sides of the aisle. He was always happy to help anyone understand the budgetary and economic legislation that came before Congress. During his time in the House he fought for the Trade Readjustment Act legislation which helped retrain workers who lost their jobs as a result of overseas trade deficits. He highlighted the problem of waste dumping by Amtrak, fought for Indian health care and worked on the deregulation of the broadcast, telephone and natural gas industries.

But, Howard has not confined his efforts to politics. As a professor at Brigham Young University and Dean of the Statistics Department, he has passed along his love of numbers to his students. He is much sought after by think tanks like the Ford Foundation and has worked in places like Lebanon doing economic development studies.

An active member of the Church of Jesus Christ of Latter-day Saints, Howard and his wife have served as missionaries to Australia and Hungary. He is a family man and the proud father of seven children.

It is fitting, therefore, that the U.S. Post Office in Provo, should be named in his honor.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 3120, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the United States Post Office located at 95 West #100 South in Provo, Utah, as the 'Howard C. Nielson Post Office Building'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3120.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

KARL BERNAL POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2766) to designate the United States Post Office located at 215 East Jackson Street in Painsville, Ohio, as the "Karl Bernal Post Office Building".

The Clerk read as follows:

H.R. 2766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 215 East Jackson Street in Painesville, Ohio, as the "Karl Bernal Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the "Karl Bernal Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2766 was introduced on October 29, 1997, by the gentleman from Ohio (Mr. LATOURETTE), and it is cosponsored by the entire House delegation of the State of Ohio, as required under committee policy. The legislation was unanimously voted out of the committee on February 12, 1998, by a voice vote.

H.R. 2766 honors Mr. Karl Bernal, a civic and community leader in Painesville, Ohio. Mr. Bernal was a life member of the National Association for the Advancement of Colored People.

Mr. Speaker, I will submit for the record a complete statement on the achievements of this very special individual. I know the gentleman from Ohio (Mr. LATOURETTE) and I presume others will want to make further comments upon that.

I think it is worth noting that the Ohio House of Representatives and the Ohio Senate have recognized Mr. Bernal's volunteer work and his work in mental health services.

The gentleman died at the age of 76 after a full life of service to his community. It is worthy of note that the people of Lake County considered Mr. Bernal more than a leader amongst the black community. His obituary stated, "It would be more accurate to portray him as possibly the most influential person in all the county, without consigning him to a subdivision based on race or other limiting factors."

Mr. Speaker, I think it is entirely fitting that we designate the Post Office at 215 East Jack Street in Painsville, Ohio, as the Karl Bernal Post Office Building, to honor a man who dedicated his life to his community.

Mr. Speaker, H.R. 2766 was introduced on October 29, 1997 by the gentleman from Ohio, Mr. LATOURETTE, and it is cosponsored by the entire House Delegation of the State of Ohio pursuant to the policy of the Committee on Government Reform and Oversight. The legislation was unanimously voted out by the Committee on February 12, 1998 by voice vote.

H.R. 2766 honors Karl Bernal, a civic and community leader in Painesville, Ohio. Mr. Bernal was a life member of the National Association for the Advancement of Colored People (NAACP). He was probably best known for his two terms as president of the Lake County Branch of the NAACP. Mr. Bernal was founder of the Lake County NAACP Scholarship Program and was a fundraiser for numerous other organizations. He attended the St. James Episcopal Church for many years. He was a member of the Painesville Area Chamber of Commerce and received its Outstanding Citizen of the Year award in 1989. Additionally, he received the distinguished service award of the Lake County Mental Health Board, distinguished service award of Lakeland Community College, the United Way of Lake County's Good Neighbor Award, the United Way of Lake County's Good Neighbor Award, among many other honors. The Ohio House of Representatives and the Ohio Senate recognized Mr. Bernal's volunteer work and for his work in mental health services.

Mr. Bernal died at the age of 76 after a full life of service to his community. People of Lake County consider Mr. Bernal more than a leader among the black community; his obituary stated that "[I]t would be more accurate to portray him as possibly the most influential person in all the country without consigning him to a subdivision based on race or other limiting factors."

Mr. Speaker, it is fitting to designate the post office at 215 East Jackson Street, Painesville, Ohio as the "Karl Bernal Post Office Building" to honor a man who dedicated his life to this community.

Mr. Speaker, I strongly urge our colleagues to support this measure.

Mr. Speaker, I yield three minutes to the gentleman from Ohio (Mr. LATOURETTE), who has been the driving force on this particular piece of legislation.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from New York

(Chairman McHUGH), and also the ranking member of our subcommittee, the gentleman from Pennsylvania (Mr. FATTAH), and his able stand-in, the gentleman from Illinois (Mr. DAVIS), and the chairman of our full committee, the gentleman from Indiana (Mr. BURTON), and also our ranking member, the gentleman from California (Mr. WAXMAN), for allowing this bill to come forward to the floor in such a timely fashion.

Mr. Speaker, as the gentleman from New York (Mr. McHUGH) stated, Karl Bernal did so much for the community in which I live, and it is more than fitting that his legacy be permanent with the addition of the Karl Bernal Post Office.

Karl Bernal was not one who simply paid lip service to a cause, but rather one who embraced so many causes and did not let go until he had affected some positive change. He was a giant in Lake County, Ohio, and with his passing last May, he is an individual who is sorely missed.

He was active in the Lake County Salvation Army, the United Way, where he was awarded with the Lake County's Good Neighbor Award. He was named the Painesville Chamber of Commerce Outstanding Citizen of the Year in 1989 and the recipient of the Distinguished Service Award from the Lake County Mental Health Board. He received a Distinguished Service Award from Lakeland Community College, and he was also given the Outstanding Pacesetter Award from the Ohio NAACP, and, probably most important to him, he was elected as a member of the Lake County Senior Citizen Hall of Fame.

I only had the pleasure of knowing Mr. Bernal during the last 20 years of his life. As the gentleman from New York (Mr. McHUGH) stated, he died when he was 76, but his was a rich life, and, through his life, he made the community that I have the honor of representing richer for all of our citizens, and, for that reason, I respectfully ask all of our colleagues to support the naming of this Post Office in his memory, the Karl Bernal Post Office in Painesville, Ohio.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from New York (Chairman McHUGH), in support of H.R. 2766, legislation introduced by our colleague, the gentleman from Ohio (Mr. LATOURETTE) designating the United States Post Office located at 215 East Jackson Street in Painesville, Ohio, as the Karl Bernal Post Office Building.

Mr. Bernal, as already noted, although deceased, was in the words of the News Herald Newspaper, truly one of a kind. His notion of civic responsibility was to totally immerse himself in organizations, projects, ventures and good deeds designed to make life better for others.

Mr. Karl Bernal was the recipient of numerous awards attesting to his dedication to his family and community. He received the Distinguished Service Award of the Lake County Mental Health Board, the Outstanding Pacesetter Award of the Ohio NAACP, the Distinguished Citizen Award of the Painesville Chamber of Commerce, and recognition from the Ohio House and Senate for his volunteer efforts.

By all accounts, designating the East Jackson Post Office in honor of Mr. Karl Bernal is indeed only a small token of the appreciation that we can bestow for his efforts to make life better for people throughout his community and throughout the State of Ohio.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with a final thank you to the gentleman from Illinois (Mr. DAVIS) and his staff, and also to the gentleman from Ohio (Mr. LATOURETTE), who is not just a sponsor of this bill, but is also a valued member of the Postal Subcommittee, I would urge all my colleagues to support this very worthy designation of an extraordinary man.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 2766.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2766.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

BLAINE H. EATON POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 916) to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building".

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BLAINE H. EATON POST OFFICE BUILDING.

The United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, shall be known and designated as the "Blaine H. Eaton Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Blaine H. Eaton Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

□ 1600

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us, S. 916, was introduced by the senior Senator from Mississippi, Senator COCHRAN on June 17, 1997, and cosponsored by the junior Senator from Mississippi, the majority leader, Senator LOTT.

On October 9 the measure was called up by unanimous consent, discharging the Senate Committee on Government Affairs. It was considered in the Senate without amendment and passed the same day. The legislation designates the United States Post Office located at 750 Highway 28 East in Taylorsville, Mississippi, be known as the "Blaine H. Eaton Post Office Building".

Mr. Speaker, Mr. Eaton started his professional career as a farmer and cotton buyer from Anderson-Clayton Company. He was executive secretary to U.S. Senator James Eastland before joining the U.S. Navy from 1944 to 1946. After returning from World War II he was elected to the Mississippi State House of Representatives, where he served for 12 years. The bills he passed in Mississippi, such as the farm-to-market legislation, are still benefiting the people of that State today.

He left public office in 1958 and became the manager of the Southern Pine Electric Power Association. He was recognized for his outstanding service by the National Rural Electric Cooperative Association and was presented with the Clyde T. Ellis Award for distinguished service and outstanding leadership.

Mr. Eaton retired from his professional career in 1982, but remained active in community service. He taught Sunday school classes for 25 years at the First Baptist Church of Taylorsville, where he was a member until his death in 1995.

Mr. Speaker, here, too, I think we see a very fitting individual, fully deserving of having a United States Post Office Building dedicated to his name. This is a man who, like so many others, represents the values, represents the kind of personal qualifications that all of Americans can look toward with a great deal of honor and a great deal of respect.

I would certainly urge all of my colleagues to join in supporting the entire State delegation, including Mr. Pickering, who is not able to be with us on the floor today, but I can tell you, Mr. Speaker, was very, very instrumental in ensuring full and fast consideration of this bill in the House, and he would urge its passage as well.

Mr. Speaker, the legislation before us, S. 916, was introduced by the Senior Senator from Mississippi (Senator COCHRAN) on June 17, 1997 and cosponsored by the Junior Senator from Mississippi (Senator LOTT). On October 9, 1997, the measure was called up by unanimous consent discharging the Senate Committee on Government Affairs. It was considered in the Senate without amendment and passed the same day. This legislation designates the United States Post Office Building located at 750 Highway 28 East in Taylorsville, Mississippi be known as the "Blaine H. Eaton Post Office Building".

S. 916 honors Blaine H. Eaton, a native of Smith County, Mississippi. He attended Jones Junior College in the 1930's and was named Alumni of the Year in 1984. He also attended the University of Mississippi and George Washington Law School.

Mr. Blaine Eaton started his professional career as a farmer and cotton buyer for Anderson-Clayton Co. He was executive secretary to U.S. Senator James O. Eastland before joining the U.S. Navy from 1944 to 1946. After returning from World War II he was elected to the Mississippi State House of Representatives where he served 12 years. The bills he passed in Mississippi, such as the Farm-to-Market legislation, are still benefiting the people of Mississippi today. He left public office in 1958 and became the manager of the Southern Pine Electric Power Association. He was recognized for his outstanding service by the National Rural Electric Cooperative Association and was presented the Clyde T. Ellis Award for distinguished service and outstanding leadership.

Mr. Eaton retired from his professional career in 1982 but remained active in community service. He taught Sunday School classes for 25 years at the First Baptist Church of Taylorsville where he was a member until his death in 1995.

Mr. Speaker, it is a fitting tribute to Blaine H. Eaton to have the U.S. Post Office Building located at 750 Highway 28 East in Taylorsville, Mississippi, named after this extraordinary Mississippian.

Mr. Speaker, I urge our colleagues to support S. 916.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to join with the gentleman from New York (Chairman McHUGH) in support of Senate bill 916, legislation introduced by Senator THAD COCHRAN from Mississippi which names a United States Post Office building in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building".

Mr. Eaton, as we have already heard, although deceased, had a very illustrious career. He served in the Navy, the Mississippi State House of Representatives, worked for the Southern Pine Electric Power Association, and was active in many civic organizations, including his church. I think his neighbors and friends continue to remember his long legacy of community service, and S. 916 commemorates Mr. Eaton's public service and dedication to his community, State, and country. Therefore, I am pleased to join in support of this legislation.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. PICKERING. Mr. Speaker, thank you for the opportunity to speak on behalf of legislation designating the U.S. Post Office facility located in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building."

A native of Smith County, Mississippi, Mr. Eaton attended Jones Junior College from 1932–1934 and was named "Alumni of the Year in 1984." He also attended the University of Mississippi and George Washington Law School.

He began his professional career as a farmer and cotton buyer from Anderson-Clayton Company and in 1942, he became the first executive secretary to former U.S. Senator James O. Eastland (D–MS). Mr Eaton served our Nation in the U.S. Navy from 1944 to 1946. Upon returning home from world War II, he was elected to serve in the Mississippi House of Representatives, and he effectively served the people of Smith County for 12 years. His leadership as chairman of the Highway and Highway Finance Committee resulted in the successful passage of the "Farm-to-Market" legislation that is still benefiting Mississippi today as the "State Aid Road Program." After leaving public office in 1958, Mr. Eaton became the manager of the Southern Pine Electric Power Association. His outstanding service and accomplishments were recognized by the National Rural Electric Cooperative Association with the "Clyde T. Ellis Award" for distinguished service and outstanding leadership.

Although retiring from his professional career in 1982, Mr. Eaton remained active in community service and enriched the lives of many by volunteering his time and leadership abilities to such organizations as the Lions Club International, the Hiram Masonic Lodge, the Southeast Mississippi Livestock Association, and the Economic Development Foundation. He was also a loyal member of the First Baptist Church of Taylorsville where he taught Sunday School classes for 25 years.

With the death of Blaine Eaton in 1995, our State lost one of its finest citizens. Designating the Taylorsville Post Office as the "Blaine H. Eaton Post Office Building" will commemorate the public service of their extraordinary Mississippian who dedicated his life to the betterment of the community and State he loved so much.

Mr. McHUGH. Mr. Speaker, with a final urging of all our colleagues to support this legislation and give a very fitting tribute to a very fitting person, I would urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the Senate bill, S. 916.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 916, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EUGENE J. McCARTHY POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2836) to designate the building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building".

The Clerk read as follows:

H.R. 2836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

(a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the "Eugene J. McCarthy Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Eugene J. McCarthy Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 2836, was introduced by the gentleman from Minnesota (Mr. VENTO) on November 6, 1997, and was favorably voted on a voice vote by the Committee on Government Reform and Oversight on February 12. The legislation is cosponsored by the entire House delegation of the

State of Minnesota, pursuant to committee policy.

As the Clerk read, Mr. Speaker, this legislation designates the building of the United States Postal Service located at 180 East Kellogg Boulevard in St. Paul, Minnesota as the "Eugene J. McCarthy Post Office Building".

Obviously, as we have seen here today, Mr. Speaker, we are accustomed to honor individuals who are fully worthy but often don't have the kind of national reputation for achievement that the subject matter of H.R. 2836 does. Mr. McCarthy has had a long and storied career in government and politics, one that I am sure the gentleman from Minnesota (Mr. VENTO) and others will share with us.

I can only say that clearly this gentleman, who is still in his 81st year and residing here in the Washington area, continues to care about this country and to contribute in very special ways. So I would clearly urge the passage of this bill, and extend my appreciation to the gentleman from Minnesota (Mr. VENTO) and the other members of the entire Minnesota delegation for their work on behalf of this very worthy piece of legislation.

Mr. Speaker. H.R. 2836 was introduced by Representative VENTO on November 6, 1997 and was favorably voted on by voice vote by the Committee on Government Reform and Oversight on February 12. The legislation is cosponsored by the entire House Delegation of the State of Minnesota pursuant to Committee policy.

The legislation designates the building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building."

H.R. 2836 honors Eugene J. McCarthy who served as both a U.S. Representative and Senator from Minnesota for more than two decades. Eugene McCarthy was elected to Congress from Minnesota's 4th District in 1948 and served in the House for 10 years. He was then elected to serve in the U.S. Senate, where he served until 1970.

He declared his candidacy for the Democrat nomination for President of the United States in 1968 while he was still in the Senate. He called for an immediate withdrawal of all U.S. troops in Vietnam, the first anti-war candidate.

Mr. McCarthy, now 81, left politics in 1970 and presently resides in Washington, D.C. However, it would be an suitable tribute to have a post office named after him in his home state.

I urge our colleagues to support H.R. 2836.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with the gentleman from New York (Chairman MCHUGH) in support of H.R. 2836, legislation introduced by the gentleman from Minnesota (Mr. BRUCE VENTO) which designates the United States Postal Service Building located at 180 East Kellogg Boulevard in St. Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building".

Former Senator Eugene J. McCarthy has a unique and distinguished background, both as a leader and public servant. He served as both a U.S. Representative and Senator from the great State of Minnesota for more than two decades and was a candidate for the Democratic nomination for President of the United States in 1968.

The gentleman from California (Mr. HENRY A. WAXMAN), the ranking minority member of the Committee on Government Reform and Oversight, and I are pleased to honor this great political leader, and thank the gentleman from Minnesota (Mr. VENTO) for sponsoring legislation naming a post office in downtown St. Paul, Minnesota, after Senator McCarthy.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, of course, I rise in support of the bill that enjoys the support of the Minnesota delegation and I daresay the resounding support of this Congress and of this Nation for the outstanding service that Senator and Representative Gene McCarthy provided to our Nation.

Mr. Speaker, Gene McCarthy started out in a rural county in Minnesota, Meeker County, in the small town of Watkins, Minnesota. From there, with a good education, a public education, he went on to St. John's College a renowned education institution in our State. He eventually taught public school in Minnesota and in North Dakota, and from that background went on to teach at St. John's College, where he had attended, and at St. Thomas in St. Paul, both in economics and sociology and literature.

Of course, from St. Paul he went to the United States Congress and in 1958 to the United States Senate, and to national prominence and electrifying this Nation in terms of the issues of social justice and many other problems that faced our Nation.

Of course, one of the outstanding characteristics of Gene McCarthy was his wit and wisdom. He sort of had little patience for those of us in politics, who took ourselves so serious, there was a great deal of self-deprecating humor that characterized his statements. He said, "Being in politics is like being in a football game. You have to be smart enough to know the game and stupid enough to think it is important."

Mr. Chairman, on a more serious vein, though, I think that Gene McCarthy, in his work in public service and his role as an educator, really there is another story and side to him. That is the story that is told that Senator McCarthy stated that "Politics is the responsibility of everyone. If you don't do politics, someone else will do it for you." That view, I think, is more characteristic and an insight into this renowned American.

Mr. Speaker, I remember as a young student, I believe it was at St. Patrick's grade school, I was raised Irish, they tried as hard as they could with me, it didn't always work, Mr. Speaker, but the fact was I was a pretty good Irish tenor at that point.

I remember reading my Catholic Messenger at St. Paul's. On the front of the Messenger was this profile of a young new congressman from Minnesota that I was reading about. I can't remember if it was in the late forties or early fifties.

But I remember how we all, at that time, looked up to him because obviously coming from a Scandinavian State, a State in which we weren't always probably very successful, either Irish or Italians, in terms of getting elected to public office in the 1940's and 1950's clearly Gene McCarthy's aspiration motivated us then and now.

But, clearly, he epitomized and set for a generation of Americans a great motivation to be involved along with others that he worked with, including the Bobby Kennedys and of course his great support from Minnesota and his fellow Senator, Senator Hubert H. Humphrey, of course, who went on to be Vice President and who of course the high profile, the great competition between these two Minnesota son's for many years.

But I am very pleased to have had the support that I have here today for this measure to recognize, actually, the work of Senator McCarthy, and especially for his leadership in his Nation and for his work in terms of expression, both in the manner in which he has conducted his life and the impact that he has left on this Congress, nation and world yesterday and most importantly today.

A few of us, when we leave these hallowed halls, this Chamber, can point to the types of achievements and the mark that he has made inside this Congress and in this country and in this world. We wish him well. He has been, as most Members know, not well these past days. But we trust that his fighting spirit will prevail.

I hope and trust my colleagues will support this measure. I look forward to its passage in the Senate as it has the sponsorship of both of our United States Senators from Minnesota, and to designate this building on Kellogg Boulevard, another good name, Kellogg, one of our Supreme Court Justices from Minnesota, Mr. Speaker, but to designate this important art deco postal building in Gene J. McCarthy's honor.

I thank my colleagues, especially the gentleman from New York (Mr. MCHUGH), for his consideration and that of the committee and the ranking member for their support in this manner.

Eugene McCarthy was a teacher in the public schools in Minnesota and a Professor at St. John's University in Collegeville, Minnesota. He was also an instructor of Economics at the College of St. Thomas in St. Paul and a distinguished author of numerous books on subjects ranging from children's literature to history and most renowned for his poetry.

The State of Minnesota is the home of many great leaders, however, few have touched as many lives as Minnesota's Eugene McCarthy. Senator McCarthy is a tireless leader and throughout his recent illness that many of us have followed, Gene's fighting spirit persists. Therefore I, as well as, the Minnesota delegation and the people of the great State of Minnesota want to honor the accomplishments and service of this historic Minnesota leader from the area of St. Paul, Minnesota that catapulted him onto the national stage and into the U.S. Congress.

I would like to express my thanks to the Chairman and Ranking Member of the Committee on Government Reform and Oversight, as well as, the Chairman and Ranking Member of the Subcommittee on Postal Service for their support in moving this legislation promptly in through the committees.

I urge the support of all my colleagues regarding this legislation.

Mr. McHUGH. Mr. Speaker, I have no further requests for time. And with a final thank you to the gentleman from Minnesota (Mr. VENTO) for his hard work on this measure and of course the support of the gentleman from Illinois (Mr. DAVIS) and the entire minority, we would urge our colleagues to adopt this legislation and honor a very remarkable man in this country's history and one who is extraordinarily deserving of the honor contemplated in this bill, and urge its passage.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 2836.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2836, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DANIEL J. DOFFYN POST OFFICE BUILDING

Mr. McHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2773) to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J. Doffyn Post Office Building".

The Clerk read as follows:

H.R. 2773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

(a) IN GENERAL.—The facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, shall be known and designated as the "Daniel J. Doffyn Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office building referred to in subsection (a) shall be deemed to be a reference to the "Daniel J. Doffyn Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2773 was introduced by the gentleman from Illinois (Mr. BLAGOJEVICH) on October 30, 1997. The measure is cosponsored by the House delegation, the State of Illinois, pursuant to the policy of the Committee on Government Reform and Oversight.

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The committee unanimously voted to favorably pass this measure by voice vote on February 12. As the Clerk has designated, Mr. Speaker, this bill would seek to name the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, to be known as the Daniel J. Doffyn Post Office Building.

Mr. Speaker, this legislation honors a very young man of 40 years old, a Chicago police officer who was shot to death by gang members while investigating a routine burglary call. His life, his career is really one that I think exemplifies the sacrifices that police officers across this land make on our behalf each and every day; make on our behalf, rarely thinking of the consequences to their own lives, but simply wishing to be of help and of assistance to their communities.

Mr. Speaker, this is a special bill. I feel all of these pieces of legislation are, but this one particularly in that it honors a law enforcement officer and, therefore, it honors all law enforcement officers who have been killed in the line of duty. We are, indeed, irrevocably indebted to these brave men and women who try, at risk of their lives, simply to make our lives better.

Mr. Speaker, I would like to pay tribute to the gentleman from Illinois (Mr. BLAGOJEVICH) for his work on behalf of an extraordinarily brave person, and I certainly urge my colleagues to endorse this measure unanimously in support of a very, very worthy individual.

Mr. Speaker, H.R. 2773 was introduced by the gentleman from Illinois, Mr. BLAGOJEVICH, on October 30, 1997. The measure is cosponsored by the House Delegation of the State of Illinois, pursuant to the policy of the Committee on Government Reform and Oversight. The Committee unanimously voted to favorably pass this measure by voice vote on February 12.

H.R. 2773 designates that the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, be known as the "Daniel J. Doffyn Post Office Building".

Mr. Speaker, this legislation honors Daniel J. Doffyn, a 40-year-old Chicago police officer who was shot to death by gang members while investigating a routine burglary call. Officer Doffyn's long time dream was to be a police officer. That opportunity came just eight months before he was killed.

Mr. Speaker, this is a special bill—it honors a law enforcement officer and, therefore, it honors all law enforcement officers who have been killed in the line of duty. We are indebted to these brave men and women who try, at the risk of their lives, to bring order to disorderly situations.

An estimated 2,000 police officers traveled from neighboring states and as far away as New York to mourn Officer Doffyn's untimely death and attend his funeral in Chicago. He received the Police Medal of valor for his ultimate sacrifice. His survivors include his 8-year-old daughter, Brittany and his parents.

Mr. Speaker, I commend the gentleman from Illinois for introducing this important legislation and urge our colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I am pleased to join with the gentleman from New York (Mr. McHUGH) in support of H.R. 2773, legislation which has been introduced by the gentleman from Chicago, Illinois, (Mr. BLAGOJEVICH), which would designate the post office located at 3750 north Kedzie Avenue in Chicago, Illinois, as the Daniel J. Doffyn Post Office.

The gentleman from Illinois (Mr. BLAGOJEVICH), himself a champion of the promotion of public safety, is indeed to be commended for seeking to honor a slain Chicago police officer, Daniel Doffyn, who was killed in the line of duty.

Officer Doffyn, shot in 1995 while investigating a routine burglary, left behind his parents, Roger and Lea Doffyn, and his daughter, Brittany.

I also would associate myself with the remarks made by Chairman McHUGH when he suggested that we do all of ourselves an honor when we pay tribute and give honor to those who, on a daily basis, serve and protect and give their best so that the rest of us can enjoy safe lives and safe communities.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. BLAGOJEVICH) who introduced this legislation.

Mr. BLAGOJEVICH. Mr. Speaker, I thank the gentleman from New York (Mr. MCHUGH) very much for his kind remarks and his support for this effort. I also thank the gentleman from Illinois (Mr. DAVIS) for his kind remarks and his support.

Mr. Speaker, I am pleased to rise today to support a bill I introduced last year to designate the post office located at 3750 north Kedzie Avenue in my Congressional District in Chicago as the Daniel J. Doffyn Post Office Building.

As required under House rules, and as the gentleman from New York mentioned moments ago, this bipartisan bill has been cosponsored by all 19 members of the Illinois House Congressional Delegation.

Mr. Speaker, I am pleased also that the House is taking up this measure today because this legislation is designed to honor a very special man: Chicago police officer Daniel J. Doffyn, a man who gave his life protecting and serving his neighbors and who exemplified the values of honor, heroism and community service that make us all proud.

On the afternoon of March 8, 1995, Daniel J. Doffyn, then a 40-year-old rookie police officer, and his partner, Officer Michael Bubalo, had just finished their regular shift when they answered a burglary call in the Austin Police District of the City of Chicago. In the course of investigating what appeared to be a routine call, both officers were suddenly fired upon by gun-wielding gang members, who believed that the officers were there to arrest them.

In the course of the gun battle, Officer Bubalo and Officer Daniel J. Doffyn were seriously wounded. Officer Doffyn later passed away at the hospital from wounds he received in that gunfight. He left behind an 8-year-old daughter, Brittany, and two loving parents, Roger and Lea Doffyn. He received the police Medal of Valor for his ultimate sacrifice.

Daniel Doffyn was a model of what a public servant ought to be. He worked hard his entire life, but never really found a job he liked completely until he became a Chicago police officer. Serving and protecting the citizens of Chicago was a job that Officer Doffyn performed with distinction. He was known by people who knew him as a wonderful father, a caring man, and as fine a person as anyone could hope to know.

While I realize it is not common for Congress to designate a post office for a slain law enforcement officer, I hope that my colleagues will agree that in this case it is an appropriate honor and a fitting testament to the bravery and heroism of Officer Doffyn and to the thousands of brave men and women who work every single day in law enforcement to keep our families and our communities safe.

Mr. Speaker, I would like again to express my sincere appreciation to the gentleman from New York (Mr. MCHUGH), to the gentleman from Illinois (Mr. DAVIS) to the gentleman from Maryland (Mr. FATTAH) and also to the gentleman from Indiana (Mr. BURTON), chairman of the full committee, for bringing H.R. 2773 to the floor, and I urge my colleagues to support this very worthy tribute.

Mr. Davis of Illinois. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, as I indicated, I do not have any further requests for time. I would again extend my appreciation to the gentleman from Illinois (Mr. BLAGOJEVICH) for his hard work on behalf of this very, very worthy tribute to a gentleman who represents the very best of what is good in America today, and I urge its unanimous passage.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 2773.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed, H.R. 2773.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LARRY DOBY POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 985) to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office".

The Clerk read as follows:

S. 985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Larry Eugene Doby was born in Camden, South Carolina, on December 12, 1923, and moved to Paterson, New Jersey, in 1938.

(2) After playing the 1946 season in the Negro League for the Newark Eagles, Larry Doby's contract was purchased by the Cleveland Indians of the American League on July 3, 1947.

(3) On July 5, 1947, Larry Doby became the first African-American to play in the American League.

(4) Larry Doby played in the American League for 13 years, appearing in 1,533 games and batting .283, with 253 home runs and 969 runs batted in.

(5) Larry Doby was voted to 7 all-star teams, led the American League in home runs twice, and played in 2 World Series. He was the first African-American to play in the World Series and to hit a home run in a World Series game, both in 1948.

(6) After his stellar playing career ended, Larry Doby continued to make a significant contribution to his community. He has been a pioneer in the cause of civil rights and has received honorary doctorate degrees from Long Island University, Princeton University, and Fairfield University.

SEC. 2. DESIGNATION OF LARRY DOBY POST OFFICE.

(a) IN GENERAL.—The post office located at 194 Ward Street in Paterson, New Jersey, shall be known and designated as the "Larry Doby Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in subsection (a) shall be deemed to be a reference to the "Larry Doby Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 985 was introduced by the junior Senator from New Jersey, Senator TORRICELLI, on June 27, 1997, and referred to the Committee on Government Reform and Oversight.

On October 9, the committee discharged the measure by unanimous consent and it was laid before the Senate by unanimous consent. The Senate agreed to an amendment and S. 985, as amended, passed the Senate. The House received the legislation on October 21, and it was referred to the House Committee on Government Reform and Oversight. The committee unanimously passed S. 985 on voice vote on February 12.

Mr. Speaker, I would like to bring to your attention that the gentleman from New Jersey (Mr. PASCRELL) introduced similar legislation, H.R. 2116, on June 8, 1997, which was cosponsored by the Members of the House delegation from the State of New Jersey, pursuant to the committee policy, and 45 other Members of Congress.

S. 985 honors Larry Doby, the first African-American to play in the American League. Mr. Speaker, Larry Doby was born in Camden, South Carolina, but moved to Paterson, New Jersey, with his mother when he was 8 years old. So I think we can understand why the great people of the great State of New Jersey take great pride in the fact of calling Mr. Doby a resident of their State.

He was a gentleman who obviously excelled in sports while in high school and attended Long Island University briefly on a basketball scholarship before he heard his Nation's call in another way and went into service in the Navy.

Mr. Speaker, after World War II ended, he returned to play for the Negro League Newark Eagles and there history truly began. His was a storied career; one of high achievement; one of playing as the first African-American on a world championship team, helping the Indians to that championship victory. He later played 13 seasons in the majors with the Cleveland Indians, the Chicago White Sox and the Detroit Tigers. He had a career average of .283 with 253 home runs.

Mr. Speaker, Larry Doby, by any measure, had a remarkable career in baseball. But he had placed upon him an additional challenge, one of his ethnic background. Many of us think, very rightfully so, of the incredible achievements of Jackie Robinson, the first African-American to play in the major leagues, and some of us very incorrectly somehow assume at times that after Jackie Robinson, everything was easy. That was anything but the case and Larry Doby, in his own way, took on that challenge in every bit as an effective fashion as the great Jackie Robinson, and I know they consider each other as colleagues and co-pioneers in doing some remarkable things.

The designation of this post office, I think, is a very, very fitting tribute to a remarkable man with a remarkable career, facing equally remarkable challenges. And I would urge all of my colleagues to unanimously join in passing this worthy piece of legislation.

Mr. Speaker, I would again thank the gentleman from New Jersey (Mr. PASCRELL) for his efforts in working with his colleagues in the Senate in bringing this bill to the floor here today.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with Chairman MCHUGH in support of Senate Bill 985, legislation which was introduced by Senator ROBERT TORRICELLI of New Jersey, which designates the post office located at 154 Ward Street in Paterson, New Jersey, as the Larry Doby Post Office.

Mr. Speaker, I must confess that growing up I was a Brooklyn Dodger fan, and Jackie Robinson, Don Newcombe, Roy Campanetta, Junior Gilliam, Pee Wee Reese, Carl Furillo, Andy Pafko and all of those were my main men. But I agree with the gentleman from New Jersey (Mr. PASCRELL) sponsor of an identical House bill, H.R. 2116, when he stated that Larry Doby is an exceptional man and athlete. Of course, the first African-American to play baseball in the American League. Larry is the only black major leaguer from 1947 still alive.

As we have heard, he was born in Camden, South Carolina. Larry Doby moved with his mother to Paterson, New Jersey. He starred in four sports in high school, a real feat, and attended Long Island University on a basketball scholarship before enlisting in the Navy.

After World War II, he played for the Negro League, the Newark Eagles, with a batting average of .458, that is, until the Cleveland Indians owner, Bill Veeck, signed him up. Larry played 13 seasons in the majors: Cleveland Indians, Chicago White Sox and Detroit Tigers, with a career batting average of .283 with 253 home runs.

But Larry Doby was more than an athlete, more than a player. He was, indeed, a leader and was tagged and tapped to become the manager of the Chicago White Sox in 1978, becoming only the second African-American manager in the major leagues. He has not yet been elected to the Baseball Hall of Fame, and I certainly do not know why. But I am indeed pleased to join with Senator TORRICELLI and the gentleman from New Jersey (Mr. PASCRELL) to commend Larry Doby. And, Mr. Speaker, I commend the gentlemen for their foresight and for giving an honor to this great American.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

□ 1630

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to begin by thanking the members of the Committee on Government Reform and Oversight and, in particular, the distinguished Subcommittee on Postal Service chairman, the gentleman from New York (Mr. MCHUGH); the ranking member, the gentleman from Pennsylvania (Mr. FATTAH); and the gentleman from Illinois (Mr. DAVIS) for their assistance in bringing this bill to the floor.

I would also like to thank my colleagues from New Jersey, each of whom is cosponsor of this legislation, and Senator TORRICELLI, the sponsor of the bill on the Senate side.

I think it is more than appropriate, Mr. Speaker, that we bring this bill to the floor today as we are in the midst of celebrating Black History Month. Few people are more deserving than Larry Eugene Doby to be honored by this Congress during this Black History Month.

The impact Larry Doby had on the integration of professional baseball should not be underestimated or diminished. As the first African American to play in the American League, and only the second African American to play in the major leagues, Larry Doby is in no small part responsible for opening doors for thousands upon thousands of African American ball players.

After playing in 1946 in the Negro League for the Newark Eagles, Larry Doby's contract was purchased by the Cleveland Indians of the American League on July 3rd, 1947. Two days later, on July 5th, he became the first African American to play in the American League. Larry Doby's debut came 11 weeks after that of Jackie Robinson in Brooklyn for the Brooklyn Dodgers.

Many have discounted his achievement on the basis that he was not the first African American but rather the second. That, I think, is foolish. In fact, there is much reason to believe that what Larry Doby did was more special because he was second.

He stepped onto the field at a time when Jackie Robinson, a man who would be a great Major League baseball player, was struggling to find his game, struggling to the point that many wondered whether or not he would make it. Robinson's struggles could have been more than enough to keep other African Americans from seizing the opportunity to integrate the American League, but not Larry Doby. He was a very special, special person.

We honor him not only for his feats in professional baseball but this is truly a family man, a large family, a great family, an extended family. This is what Larry Doby was about. Not only in Cleveland, not only where he came from, Paterson, New Jersey, but all of northern Jersey and New Jersey knew of his feats. The silk city.

Mr. Speaker, Larry Doby was from another time but very appropriate to our time. Today, when professional athletes hold up sneakers made in foreign lands with less than reasonable wages, we think of Larry Doby and his professionalism and his character that he brought to the field and off the field.

Mr. Speaker, he is a special person because he loved children; still, to this day, working with them in his own community of Montclair, which is a few miles from Paterson, New Jersey.

The naming of this post office is very fitting, very apropos. It should make us think about sports, which is all around us today. Every time we turn to the tube or turn to our own children or our children's children, it is around us and we are submerged. But that athlete, and particularly Larry Doby, was an individual who made sports more than a profession. He made sports his life.

And, yes, he helped integrate the sport. But as significant as that was, he helped elevate the character of what it was to be in professional sports. He is a very special person, very special indeed. Not only as a long-time resident of our State, the silk city slugger has certainly been a hero to everyone. Naming this post office will not only be an appropriate honor for Larry Doby, it is an honor for the people of Paterson. From another time, perhaps, Mr. Speaker, but appropriate for our time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from New York (Mr. MCHUGH), the chairman, and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, for their leadership in bringing all of these bills to the floor for consideration today. I think, as usual, they have done a magnificent job; and I certainly appreciate their efforts.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, today we pay tribute to Larry Doby. More than just a good professional baseball player, Mr. Doby was the first African American to play for the American League Cleveland Indians.

Like his counterpart Jackie Robinson playing for the National League Brooklyn Dodgers, Larry Doby proved to any doubting fan of the game that baseball's color barrier had nothing to do with ability and heart and everything to do with ignorance and fear.

The American men who played for the Negro Leagues should be commended for their grace and grit, showing world class athleticism to a country still coming to terms with race. In spite of being kept from the Major League teams, the men of the Negro Leagues, men like Jackie Robinson, Larry Doby and Satchel Page, played the game just as well as their white counterparts, men like Babe Ruth, Joe DiMaggio, and Stan Musial.

Larry Doby played for the Newark Eagles in my home state of New Jersey. There is another man I would like to mention who played for the Eagles, and his name is John Drakeford. Although Mr. Drakeford played for the Eagles long after Larry Doby departed, his role as a player in the Negro Leagues should not be forgotten. John Drakeford loved the game as much as any Major League baseball player and showed it every time he took the field. His son, Theodore Drakeford, works in my district office in Long Branch. Theodore talks proudly of his dad, his uncle Steve Stephenson who played alongside John Drakeford, as well as his grandfather, John Stephenson, who played for the Philadelphia Hilldales. John Stephenson was an All-Star second baseman and played when Doby played.

Men like John Stephenson, Steve Stephenson, John Drakeford and Larry Doby not only contributed to America's pastime by playing good baseball, but also provided a valuable lesson to America's understanding of race. They showed us all that arbitrary labels and discriminatory barriers can do nothing to weaken the heart of a champion.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume and echo the words of the gentleman from New Jersey (Mr. PASCRELL) and note the very worthy individual we are about to honor on this last piece of legislation and urge its unanimous acceptance by the body.

I would also like to return the very gracious remarks of the gentleman from Illinois (Mr. DAVIS) and also extend my deep appreciation to him, to the gentleman from Pennsylvania (Mr. FATTAH), the entire membership on the minority side of the subcommittee, and the staff who have worked with us to bring these six bills to the floor and, in anticipation of passage of the final one, for a fairly successful afternoon.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the Senate bill, S. 985.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

* * *

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 985, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

* * *

INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS POSSESSING FIREARMS

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 424) to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes, as amended.

The Clerk read as follows:

H.R. 424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANDATORY PRISON TERMS FOR POSSESSING, BRANDISHING, OR DISCHARGING A FIREARM OR DESTRUCTIVE DEVICE DURING A FEDERAL CRIME THAT IS A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

Section 924(c) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively; and

(2) by striking paragraph (1) and inserting the following:

"(1) A person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States—

"(A) possesses a firearm in furtherance of the crime, shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime, be sentenced to imprisonment for 10 years;

"(B) brandishes a firearm, shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime, be sentenced to imprisonment for 15 years; or

"(C) discharges a firearm, shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime, be sentenced to imprisonment for 20 years;

except that if the firearm is a machinegun or destructive device or is equipped with a firearm silencer or firearm muffler, such additional sentence shall be imprisonment for 30 years.

"(2) In the case of the second or subsequent conviction of a person under this subsection—

"(A) if the conviction is for possession of a firearm as described in paragraph (1), the person shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime involved, be sentenced to imprisonment for not less than 20 years;

"(B) if the conviction is for brandishing a firearm as described in paragraph (1), the person shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime involved, be sentenced to imprisonment for not less than 25 years; or

"(C) if the conviction is for discharging a firearm as described in paragraph (1), the person shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime involved, be sentenced to imprisonment for not less than 30 years;

except that if the firearm is a machinegun or destructive device or is equipped with a firearm silencer or firearm muffler, the person shall, in addition to the sentence imposed for the crime of violence or drug trafficking crime involved, be sentenced to life imprisonment.

"(3) Notwithstanding any other provision of law, the court shall not impose a probationary sentence on any person convicted of a violation of this subsection, nor shall a term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used.

"(4) For purposes of this subsection, the term 'brandish' means, with respect to a firearm, to display all or part of the firearm so as to intimidate or threaten, regardless of whether the firearm is visible.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 424, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we take an important step in the battle against firearm violence in America. With the bill that we have before us, this House will send a clear message to violent predators that the criminal use of guns will not be tolerated.

Criminals who use firearms to commit violent crimes and drug trafficking offenses are demonstrating the ultimate indifference to human life. The risks for law enforcement and the potential for harm to innocents are dramatically increased when criminals wield guns. Criminals who carry guns while committing serious crimes are making a clear and unequivocal statement to the world: I will hurt you or kill you if you get in my way. Such persons should be punished severely, and that is what this legislation will ensure.

Why do we need this bill so desperately? We need it because three young Starbucks employees were shot in execution style in Georgetown, very near Washington, DC, simply because, as police now believe, the manager could not open the safe in the back office. We need it because dedicated law enforcement officers across the country are being gunned down for the mere thrill of the kill. And unless we make it the law of the land that criminal gun use will put you in prison for a long, long time, we and all of our loved ones will continue to remain in grave danger any time some young thug decides to pull the trigger. For the time being, Congress must look at the laws as they exist and should intervene now.

Mr. Speaker, consider these frightening facts: The National Institute of Justice released a study earlier this year in which arrestees in 11 major urban areas across the country were interviewed regarding their propensity for gun use. Thirty-seven percent of all arrestees admitted to owning a gun. Even more astonishing and terrifying for the country is that a whopping 42 percent of admitted drug sellers and 50 percent of admitted gang members further confessed to using a gun to commit a crime. Mr. Speaker, these are just the ones that are willing to admit to such criminal behavior.

H.R. 424 amends section 924(c) of Title 18 of the United States Code. Currently, that section allows for additional time in prison for any person who "uses or carries" a firearm during and in relation to the commission of a Federal crime of violence or drug trafficking crime. Section 924(c) is a very significant and frequently used tool for Federal criminal prosecutors. According to the U.S. Sentencing Commission, there were 10,576 defendants sentenced from 1991 to 1996 under this section.

In December of 1995, the Supreme Court significantly limited the effective use of this Federal statute. The court held in the case of Bailey v. United States that in order to receive the penalty enhancement for use of a firearm under section 924(c), the government must demonstrate "active employment" of the firearm. In so stating, the Supreme Court overturned the Justice Department's long-standing practice of applying this penalty to dangerous criminals whose firearms further or advance their criminal activities.

The impact caused by the Bailey decision was immediate. Federal prosecutors have been less able to utilize this section of the code. Moreover, drug dealers and other bad actors have been successful in having their convictions overturned on the basis of erroneous jury instructions regarding the "use" prong of the "use or carry" test.

It is important to note the court observed in Bailey if Congress had intended possession alone to trigger liability under the statute it could have so provided. This legislation thus clarifies Congress' intent as to the type of criminal conduct which should trigger the statute's application.

The bill passed out of committee strikes the now unworkable "use and carry" element of the statute and replaces it with a structure that allows a penalty enhancement for "possessing, brandishing or discharging" a firearm during and in relation to a Federal crime of violence or drug trafficking crime. Possessing will result in a 10-year mandatory sentence, brandishing will bring 15 years, and discharging will lead to a mandatory 20 years in Federal prison. The legislation retains current law which allows for higher penalties for machine guns, destructive devices, firearm mufflers and firearm silencers.

For those who ask whether this bill will unintentionally affect someone who merely possesses a firearm in the general vicinity of a crime or someone who might use a gun in self-defense, the answer is no. The government must prove that the gun furthered or was used during and in relation to the commission of a Federal violent crime or drug trafficking offense. In other words, the government must prove as an element of the offense that the person with the gun committed a Federal drug or violent crime.

A bill containing nearly identical provisions to H.R. 424 passed the House in the last Congress and this proposal was included in the Contract With America. The gentlewoman from North Carolina (Mrs. MYRICK) introduced this legislation during the first days of the 105th Congress, and I am very grateful to her for her continued dedication to ensuring the passage of this legislation.

Section 924(c) is a critical tool in our fight against gun-toting criminals. The Supreme Court's Bailey decision has put this issue squarely in Congress' lap, and we must act before more violent criminals escape accountability for their life-threatening conduct. Certainly this bill is tough, but I believe it is exactly what we need in response to the menacing threat of vicious gun crimes.

When someone possesses a gun in a crime of violence that is a Federal crime or a crime of drug trafficking, that is a Federal drug-trafficking crime, that person should get an additional, on top of whatever the underlying crime is, 10-year mandatory sentence. Lock them up for that period of time and throw away the key. That is an incredibly strong deterrent message. If they are going to brandish or point that gun at somebody, they should get the 15 years additional mandatory sentence on top of the underlying crime. And, by golly, if they pull the trigger under this bill, they should get an additional 20-year mandatory sentence for pulling the trigger as well as possessing the gun.

The administration has no problem with this legislation, and the Fraternal Order of Police endorses this bill. I am very pleased that we are here today offering it and supporting it.

Mr. Speaker, I reserve the balance of my time.

□ 1645

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose this legislation for several reasons, the most important of which is the fact that the penalties are out of proportion to the crimes committed. Let us compare these penalties to the penalties for other violent crimes: Aggravated assault, 2 years; assault with intent to murder, 3½ years; kidnapping, 4 years; voluntary manslaughter, 5 years; rape, 6 years. Does this make sense, all these sums, and add 10 years for possession of a gun in connection with a drug offense where no one was injured?

Mr. Speaker, this bill provides for enhancements. The gentleman from Florida, the chairman of the subcommittee, mentioned many of the heinous crimes. For those crimes, robbery, murder, you would get the penalty for that crime and these would be enhancements. Obviously they will serve many years in jail just for the underlying crime. Mr. Speaker, the Department of Justice has strongly urged us to amend Title 18, section 924, in response to the Bailey decision, as the gentleman has indicated, but they have not requested any change in the gun sentencing penalty. In fact, they sent a letter to the Committee on the Judiciary declaring the existing penalty structure appropriate. The American Bar Association has opposed the changes in this bill.

Mr. Speaker, in 1984 we established the Sentencing Commission to avoid the disparate sentencing, as is evidenced in this bill, 5 years for murder, 6 years for rape, and 10 years for possession of a firearm in a routine drug deal as an enhancement over the underlying crime. The Sentencing Commission should review these crimes and deliberate without politics and without political considerations to assess a reasonable penalty. That is obviously not what we are doing today.

Mr. Speaker, we should also be aware of the cost of this legislation before we pass it. The Department of Justice estimates that over 30 years this new gun penalty will cost the American taxpayers between $3.9 billion and $4.2 billion and will require the construction of 4 new prisons. That is $100 million to $150 million a year. Last year the Rand Corporation studied many strategies for crime reduction and found that mandatory minimums such as those in this bill were one of the least cost effective ways to reduce crime. So that is another $100 million a year that could have been put to better use.

Mr. Speaker, this bill provides penalties out of proportion to the crimes. It bypasses the Sentencing Commission and wastes the taxpayers' money. Therefore, I urge my colleagues to vote no on H.R. 424.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), the author of this bill.

Mrs. MYRICK. Mr. Speaker, first I want to thank the gentleman from Florida (Mr. MCCOLLUM) for all the hard work and the effort he has put into bringing this bill to the floor. As mayor of Charlotte, I spent far too much time attending funerals of young people that were senseless because of the scourge that drugs have brought on this country. Day after day we hear of more and more people being victimized by drug traffickers. Today we have got the opportunity to fight back and fight back for our children and for our communities.

Throughout North Carolina and the Nation, citizens routinely claim that crime is one of their greatest fears and concerns. Nothing is scarier or more dangerous than a criminal possessing or brandishing a gun during the commission of a crime. We do not have to put up with it and we will not.

H.R. 424 provides for longer mandatory minimum sentences and clarifies Federal law so that convicted criminals will spend a long time behind bars where they cannot hurt anyone else. Crime victims across the country deserve to know that Congress has dealt harshly with reckless criminals and those criminals need to know that the law is clear, commit a Federal drug trafficking crime while possessing or brandishing a firearm and you will be in prison for a very, very long time. We cannot send that message too strongly or too often. I urge my colleagues to support H.R. 424.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in opposition to H.R. 424, a bill that would dramatically increase mandatory minimum sentencing. Let me make it clear. I do not like guns. I abhor crime, but this is not about sensible ways to deal with crime. This is about mandatory minimum sentencing, taking away the discretion of judges to make decisions about the varied situations that they may be confronted with. What are we doing with our criminal justice system, where we are spending, what, $3.5 billion in the Federal system alone, where we perhaps have the highest rate of incarceration of any industrialized nation? We may have people believe that somehow we are making the streets safer for them with this incarceration, but let me tell my colleagues, the recidivism rate does not prove in any way that this incarceration is doing anything to make our streets safer. We should not take away the discretion of judges who have to walk through these situations to be able to make decisions. I am very, very concerned that when we start to increase the sentencing mandatory minimums that we distort the criminal justice system.

We heard my colleague talk about other penalties and try and do some comparison. Let me reiterate. Aggravated assault, less than 2 years. Assault with intent to murder, less than 4 years. Voluntary manslaughter, 5 years. Criminal sexual abuse, under 6 years. It does not make good sense to distort sentencing in this manner. Let me give my colleagues an example of what I think is absolutely crazy. We have a 19-year-old, maybe they are stupid but they are not criminals, they end up with 5 grams of crack cocaine in their possession. First-time offense. An automatic 5-year mandatory minimum sentence in Federal prison. We add to that an unloaded gun that they may have in their possession that happens to be under a coat that may be brandished. This does not say anything about it having to be loaded. So now they have 15 years minimum. 19 years old, stupid, your son, who is not a criminal, who if sentenced appropriately will have a chance to go on and straighten out their lives and do something with it. But we want to put them in prison for 15 years? I do not think we want to do that.

What is wrong with creating these sentences from the floor of Congress is this: We all have these different ideas. We have a Sentencing Commission who studies this and makes recommendations. I suppose we could all get up and look as if we are tough on crime and we could give 20 and 30 and 40 years and I guess it just spins out of control. I do not think it is sensible, I do not think it is logical. I think this increase in mandatory minimums for crimes that could end up not being violent crimes at all with the simple possession is harmful to our system and should not be done.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I will be brief. I want to commend the gentleman from Florida (Mr. MCCOLLUM) for bringing this legislation to the floor in this timely manner. The gentlewoman from North Carolina (Mrs. MYRICK), my colleague on the Committee on Rules, introduced this bill last year along with my cosponsorship and others and we almost got this bill considered as the final item of business last year. But nothing could be done on the floor at that time on that last day of the session without unanimous consent, and of course the Democrats blocked unanimous consent and we could not pass it as the last bill of the day. That is just too bad. As a result, this crucial piece of legislation was delayed for many months now. We may never know for certain how many lives could have been saved if this bill had been passed earlier. What I do know is that the sooner we enact this legislation, the sooner we can toughen mandatory minimum penalties on those who commit crimes involving guns. In the long run this is a bill to save lives by getting criminals with guns off the street.

Mr. Speaker, there is nothing that aggravates me more than the real cause for drug use in America. Seventy-five percent of all the drug use in America is not used by these poor people in the inner cores of our country, it is used by the upper middle class in suburban America. Seventy-five percent of them are the ones that use drugs recreationally. They are the ones that prop up the price of these drugs because of so much use. We just need to go after these people. The only difference between this democracy and democracies that have failed all across this world is the fact that we are law-abiding citizens, and we have to send that word that we insist that people obey the laws of this land. One can fight to change the law, but one has to obey the law. If one does not, he ought to be penalized.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I would like to give the gentleman a scenario. If a young man 19 or 20 years old maybe goes out to hunt and they have got a hunting rifle and they happen to have 5 ounces of crack cocaine inside their jacket pocket, they have a gun, it is there for you to see, they are in possession of drugs, first-time offense on the possession of the cocaine, 5 years minimum in Federal prison added to this with a gun, the hunting gun, now

15 years. Is that what the gentleman understands this bill to be?

Mr. SOLOMON. Not at all. I understand it has to be in the furtherance of a crime. Be that as it may, and I cannot yield any further because I have to get upstairs to a meeting, but let me tell the gentlewoman what I told my 5 children: If you are out there with cocaine in your possession, damn it, I want you to go to jail and I want everybody else's kid in America to go to jail if you are using these kinds of drugs and committing these kinds of crimes.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I just outlined a possibility, a scenario that was not responded to. It was not responded to because I do not think that any reasonable legislator, public policymaker would intend to do this. I am as tough on crime as anybody. I am in the forefront of trying to do something about crime. I happen to be honest enough to admit that our children oftentimes are getting involved with drugs and we are not doing enough to prevent it, to rehabilitate them, to discourage them and create the kind of society where we can essentially be drug-free. I think we make a mistake by putting these small drug dealers in prison or by having simple possession, causes them to go to prison. I think this bill, despite the fact of what has been represented, would take the kind of situation where a young man out with a hunting rifle and a small amount of drugs could end up with 15 to 30 years in prison. I do not think that is what is intended, but that is the problem when we have mandatory minimums being created by legislators from the floor rather than working in an organized way with the Sentencing Commission.

Yes, drugs are bad. We are working very hard to do something about it. I have gone to every appropriations committee that has got anything to do with appropriating funds to get rid of drug abuse in our society. I put myself on the line. It is the number one priority of the Congressional Black Caucus, to get rid of drugs in our society. We do not just use this as a political issue. We are really working very hard. We have this "lock them up and throw the key away" for young people with small amounts of drugs when we should be rehabilitating them, have more prevention in our schools and in our community. We should be thinking about what we can do to reduce the cost of incarceration and ruining lives.

Mr. Speaker, I would ask my colleagues to get to the floor and vote against this legislation. This legislation does America no good. It sounds good, it maybe will make many of our constituents feel good. It may make some legislators look as if they are against drugs and that they are tough law and order legislators. But this is misdirected, misunderstood perhaps by many, and will do more harm than good.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will close by saying that this gives us an opportunity to sound tough on crime but this mandatory minimum strategy has been studied, and it is one of the least cost effective ways of reducing crime. The highest risk offenders do not get enough. The lowest risk offenders get too much. This will provide more time for this offense than those who are convicted of rape, voluntary manslaughter, and kidnapping.

□ 1700

The money that will be spent in this bill could be put to better use. It is 100 to $150 million a year that could be put to crime prevention programs, enhanced police protection, drug rehabilitation and a lot better uses than this sound bite that is in this bill, and I would hope we would defeat it.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume, and then I am going to yield, if I can, to the gentleman from Indiana (Mr. BUYER), a member of the committee, who just walked in.

I want to make a response at this point to the gentlewoman's concerns expressed with regard to the issue of whether or not somebody in possession of a small amount of crack cocaine or cocaine period, out hunting with a rifle could indeed be found to be guilty of a crime that would result in the enhanced punishments under this bill, and the answer is they could not. And the reason why they could not is because the crime under the bill, the enhancement provisions for the crime, requires that it be committed, that a crime be the possession or the brandishing or the discharging of the gun be committed during and in relationship to a crime of violence or drug trafficking, and it has to be in furtherance of that crime.

And in our report, the committee report, we define all of that in quite a lengthy time, talking about both Webster's New International Dictionary and Black' Law Dictionary, defining furtherance as the act of furthering, helping, forwarding, promoting, advancement or progress, and we go on to say the mere possession of a firearm in an area where a criminal act occurs is not a sufficient basis for imposing this particular mandatory sentence. Rather, the government must illustrate through specific facts which tie the defendant to the firearm thát the firearm was possessed to advance or promote the criminal activity.

Somebody out hunting who simply happens to have possession of narcotics would not be somebody that this would apply to because the gun would not be in furtherance of a criminal enterprise, the violent crime of drug trafficking.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, that is the trouble with this kind of mandatory minimum sentencing making. If, for example, the gentleman was in possession of a small amount of drugs, crack cocaine, had a gun, and while he was out there said to his friend, oh, I will sell you half of it, two 19-year-olds, that is the furtherance of a crime. They have got the drug trafficking.

Mr. MCCOLLUM. Mr. Speaker, I reclaim my time and tell the gentlewoman that the gun is not being used in that case in the furtherance of the crime. The gun is not. We have got to have that gun in the furtherance of the crime itself, not simply possess it on their person.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER) a member of the committee.

Mr. BUYER. Mr. Speaker, I rise in support of the bill before us, H.R. 424, which will increase the penalties when thugs have firearms while committing federal crimes of violence or drug trafficking offenses. This debate is about sincere and fundamental differences in addressing violent crime.

The other side believes with all their heart that if we get the guns off the streets, there will not be crime in our society. Then, there is the alternative, in which camp I place myself, that believes gun control is not crime control and that law-abiding, free citizens have the right to own and bear arms.

Under this bill, the thug who uses a firearm in the commission of a crime receives a mandatory minimum sentence of 5 years above the sentence for the crime itself. If this same thug brandishes a weapon to incite fear in victims, it increases the sentence to 10 years. If a thug discharges the firearm, then the mandatory minimum is 20 years. The opponents of this measure believe these sentences are harsh. Yes, they are harsh, but many of us also believe that if a firearm is used in the commission of violent crime, the penalty should be harsh.

This bill is about achieving a proper balance in punishment that upholds the needs of victims in society, and I urge the adoption of the bill.

Mr. MCCOLLUM. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, the gentleman from Florida (Mr. MCCOLLUM) did not respond to the question. What he did was to confirm that this is triggered not simply by violent crime, but so-called drug trafficking. He did not respond to the scenario that I built for him where a small possession of drugs may trigger a mandatory minimum sentence already.

On top of having this hunting gun in one's possession and to exacerbate it, to even make it worse, or even to try and answer what he said, I said, and he may say to a friend who is hunting with him, I will give him half for $5.

Now, what he is saying to us is this: Mothers and fathers should go out and hire the best lawyer that can be hired and spend all of the money that they have got to prove, in fact, that this gun was not used in the commission of a crime. I do not want to heap that on anybody's head.

I do not like drugs; I do not like guns. If I had my druthers, I would have complete gun control. I would take guns out of the hands of everybody. I do not like drugs. We fight very hard against them.

So I do not want anybody to think I am covering anybody. What I dislike is mandatory minimum sentencing. I want the judges that we appoint to the bench to be able to look at each of these situations and decide. In some cases they have got to be very tough; in other cases, they know the difference, when we just have a stupid kid who has fallen into an ill-conceived law like this one and will not allow them to have their lives thrown away simply because they are stupid.

Mr. Speaker, I say to my colleague that he has just set up a scenario where he tells me that if, in fact, they fall in these gray areas, let them go and prove, or let somebody prove, that they, in fact, did not come into having this law take effect for them.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I want to be respectful to the gentlewoman from California (Ms. WATERS). I do not know if the example of a hunter with crack cocaine is the right example to use. Hunters in Indiana with crack cocaine are not out hunting game, they are out hunting to sell their product. So I do not know if that is appropriate.

I have been listening to the gentlewoman about the mandatory minimums. We just met with our Federal judges. Even in Indiana they wish they had some discretion in certain areas. But as my colleagues know, society, we are moving this and being tough on these judges because of some lenient sentences, and we have to make these decisions on the Committee on the Judiciary.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to explain before we go into the closing of this the relative words with regard to the possession of a firearm that might trigger the mandatory 10-year sentence.

We have brandishing, which is pointing the gun, which gets 15, and pulling the trigger, which gets 20. That is pretty apparent. The gentlewoman from California has discussed a potential scenario involving a cocaine dealing or trafficking situation.

Let us assume that it, in fact, is a crime of cocaine trafficking that is going on. If indeed the person possesses a gun, the simple possession of it during the course of while that is going on, if it is not in furtherance of that crime, it is not going to trigger the additional mandatory minimum. And it is not a gray area at all. It would require, in all of the experts that we have had look at this and the way the Justice Department has interpreted, and I think the courts have, too, that the person who is dealing in that drug have to say since he is just possessing the gun, hey, I have got a gun here, and by golly, if these people do not do whatever I say do, then they are going to likely see me use that gun and words to that effect, something that is active, some furtherance in relationship to the crime, not the mere passive possession of the gun on the person during the course of the transaction.

I think that is pretty clear, and it also has to be clearly on the person. It cannot be sitting over on some other side of the room somewhere. That is why, for example, the National Rifle Association has not expressed any problem with this bill. I am quite confident they would oppose this bill if they thought simple possession of a gun would get somebody into trouble, and they do not.

What we are dealing with here is minimum mandatory hard message sentences for people who are out there committing crimes and are using guns in the furtherance of those crimes, and I think that is the important part.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just say that when we talk about possession as less than brandishing, I am not sure how we are ever going to get to prove simple possession that was not brandishing. As the gentlewoman from California indicated, I guess that is for the family that spent all their money on lawyers to protect themselves from this falling on them.

The bottom line, though, is that mandatory minimums have been studied and are the least, one of the least effective ways to reduce crime. If we are serious about reducing crime, if we are serious about it, we should not pass the mandatory minimums. We should use the money for something constructive.

Mr. Speaker, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would just simply like to conclude this debate by making the point of why this bill is out here. This bill is out here to send a message, a message to anybody who is going to think about using a gun in the commission of a crime, to tell them they better think twice, three times or four times because if they are out there using a gun in the commission of a Federal violent crime or drug trafficking offense, they are going to pay an extraordinary price, 10 more years in addition to the underlying sentence, minimum 10 more years in Federal prison for possession, 15 more years in Federal prison for brandishing the gun, pointing at somebody, and 20 years more if they actually pull the trigger while they are committing a Federal crime of violence or drug trafficking.

The idea is to deter people from using guns in the commission of violent and drug trafficking crimes to say, no, and believe me, they talk about it. Hoodlums on the street, young people who are involved, there is a whole chain of conversation that goes on, most of them are very much in the know, and the idea of why we need this legislation is to send that message to them so we have far less violent crime with drugs than we have in America today.

So, kids, do not use guns, and if that message is sent out there, if we really can send that message home, there is hope of truly reducing violence in America. This is one, in my opinion, one of the most important pieces of legislation that this Congress has passed in the years I have been here, and I hope it is passed today, and I urge the passage of H.R. 424 today.

Mr. PAUL. Mr. Speaker, I rise to opposition to H.R. 424 for the following reason. Crime control and crime-related sentencing, the stated reason for enacting gun control legislation in the first place, was never intended to be a function of the federal government. Rather, it is a responsibility belonging to the states.

This country's founders recognized the genius of dividing power amongst federal, state and local governments as a means to maximize individual liberty and make government most responsive to those persons who might most responsibly influence it. This division of power strictly limited the role of the federal government and, at the same time, anticipated that law enforcement would almost exclusively be the province and responsibility of state and local governments.

Constitutionally, there are only three federal crimes. These are treason against the United States, piracy on the high seas, and counterfeiting. Despite the various pleas for the federal government's correction of all societal wrongs, a national police force and mandatory sentencing laws which violate the ninth and tenth amendments to the U.S. are neither prudent nor constitutional.

For this reason I oppose H.R. 424 and the federal government's attempt to usurp the police power which properly rests with state governments.

Mr. CRANE. Mr. Speaker, I rise in support of H.R. 424, providing for mandatory minimum sentences for criminals who use guns in the commission of a crime.

Mr. Speaker, I have been a strong supporter of the Second Amendment, which guarantees the right of law-abiding Americans to keep and bear arms. I have opposed gun control laws because they infringe upon this right. Instead, I have strongly supported tough prison sentences for criminals who use firearms in the commission of a crime. I believe that this is the correct way to deal with gun violence—punish the criminals.

H.R. 424 imposes increasingly stiff penalties for crooks with guns, depending on how the weapon is used in the crime. The bill mandates a 10-year jail term for possessing a firearm in the commission of a crime. If a gun is brandished, the criminal will face a 15-year sentence. If a gun is discharged during the crime, he will receive a 20 year prison term. In addition, the bill provides 20, 25, and 30-year sentences, respectively, for subsequent convictions of the three categories of crimes. Furthermore, the bill prohibits courts from weakening these sentences by eliminating the possibility for probation as well as allowing the sentences to be served concurrently.

Gun control laws prevent law-abiding citizens from owning guns, not criminals. Rather than laws which do not discriminate between peaceful gun owners and gun toting crooks, H.R. 424 gets tough on the right people, criminals.

I urge my colleagues to join me in supporting H.R. 424.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of H.R. 424, which increases the mandatory minimum penalty for possessing a firearm while committing a crime, and imposes tough, new penalties based on how a firearm is used in the commission of a crime.

The Second Amendment of our Constitution protects the right of law-abiding Americans to bear arms. It does not extend this solemn right to criminals. Nor does it extend this right to those individuals who use firearms in the commission of crimes.

In response to Americans' concern with violent crime, the Federal government, and several States, have pursued policies which fail to distinguish between two widely disparate interests: the law-abiding citizens who wish to acquire firearms for protection, hunting, recreation or any other lawful purpose; and criminals, who, by definition, seeking to obtain firearms for purposes contrary to the law, and who are dangerous to our communities. Unfortunately, this policy of targeting both law-abiding citizens and criminals is not succeeding. Criminals can be relied upon to obtain firearms outside lawful channels. Americans understand that waiting periods and other hindrances to the acquisition of firearms that fail to differentiate between law-abiding citizens and criminals simply do not reduce crime, and do not make our communities safer. Such policies do injustice to our Constitutional liberty for citizens to bear arms. Just as importantly, such policies do not target the cause of violent gun crimes. The cause of violent gun crimes is violent gun criminals.

In the best interests of crime victims, and of men, women and children who want safe communities, let us send a strong message to the criminals: If you use a firearm in the commission of a crime, you will go to jail for a long time.

I am pleased today to support HR 424 because this important legislation targets firearms crimes by targeting criminals who use firearms, while protecting the Constitutional rights of lawful firearms owners. It is based on a simply, easily-understood principle: penalty escalation. If an individual commits a crime while possessing a firearm, he gets 10 years in jail. If he brandishes that weapon in such a way that it aids in the criminal act, that's a 15-year sentence. If he discharges that weapon, count on 20 years in jail. And those penalties are for the first offense. Second or subsequent offenses demand greater penalties. Additional penalties are provided if the crime was committed with a machine gun, or a firearm with a silencer or muffler.

My congratulations go to my colleague, Rep. SUE MYRICK (R–NC), who wrote this bill, and to Chairmen BILL McCOLLUM and HENRY HYDE for reporting HR 424 to the floor today. I also want to express my appreciation to the leadership of this Republican Congress, which is thoroughly and fully committed to making every American community safer for families and for freedom.

I encourage my colleagues to stand for safer communities, to stand for the rights and liberties of law-abiding citizens who are gun owners and those who are not, and to stand against the criminal element in this country, by voting in favor of HR 424. I hope that the Senate and the President will follow through as well, by promptly adopting this important anti-crime measure.

Mr. McCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. McCOLLUM) that the House suspend the rules and pass the bill, H.R. 424, as amended.

The question was taken.

Mr. McCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF CONFEREES ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT of 1998

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on the Senate bill (S 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes:

Messrs. SMITH of Oregon, COMBEST, BARRETT of Nebraska, STENHOLM, and DOOLEY of California.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS POSSESSING FIREARMS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 424, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. McCOLLUM) that the House suspend the rules and pass the bill, H.R. 424, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 350, nays 59, not voting 21, as follows:

[Roll No. 18]

YEAS—350

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur

Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (FL)

NAYS—59

Berman
Bonior
Brown (FL)
Carson
Clay
Clayton
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
Dixon
Fattah
Fazio
Filner
Goode
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Kilpatrick
LaFalce
Lewis (GA)
Lofgren
Martinez
McDermott
McKinney
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Nadler
Oberstar
Olver
Paul
Payne
Peterson (MN)
Rangel
Roybal-Allard
Sabo
Sawyer
Scarborough
Scott
Serrano
Skaggs
Smith, Linda
Stokes
Vento
Waters
Watt (NC)
Watts (OK)
Waxman
Wynn
Yates

NOT VOTING—21

Brown (CA)
Brown (OH)
Ford
Furse
Gilman
Gonzalez
Gutierrez
Hefner
Jackson-Lee (TX)
Klink
Lampson
Lantos
Lipinski
McCarthy (MO)
McIntyre
Pelosi
Poshard
Rush
Schiff
Stupak
Young (AK)

☐ 1735

Mrs. LINDA SMITH of Washington changed her vote from "yea" to "nay."

Ms. ESHOO, Ms. SLAUGHTER, Mr. THOMPSON, Mr. TIAHRT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TIERNEY, Mrs. CUBIN, and Messrs. CLYBURN, DEFAZIO, STARK, and OWENS changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcall no. 18, passage of H.R. 424, I was detained in transit on US Airway Flight #6 out of Pittsburgh which had multiple mechanical problems. Had I been present, I would have voted aye.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, on rollcall vote 18, final passage of H.R. 424, I was recorded as voting "yea."

I ask that it be reflected that I wish to be recorded as voting "nay" on this rollcall vote.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2181, WITNESS PROTECTION AND INTERSTATE RELOCATION ACT

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–419) on the resolution (H. Res. 366) providing for consideration of the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1544, FEDERAL AGENCY COMPLIANCE ACT

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–420) on the resolution (H. Res. 367) providing for consideration of the bill (H.R. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3073

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3073.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Washington?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 358

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of House Resolution 358.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE HONORABLE HARRIS W. FAWELL, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. SHAW) laid before the House the following communication from the Honorable Harris W. Fawell, Member of Congress:

WASHINGTON, DC,
February 18, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Northern District of Illinois seeking the right to inspect and copy documents in a file of two constituents maintained by my congressional office.

After consultation with the General Counsel, I have determined that compliance with the subpoena to allow inspection and copy of such file is appropriate.

Sincerely,

HARRIS W. FAWELL,
Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1748

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1748.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO U.S. NAVY ASIATIC FLEET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I am pleased to rise today in recognition of the sailors and marines who served in the United States Navy Asiatic fleet and in support of legislation that Senator JOHN WARNER and I have introduced in their honor.

Although many of my colleagues may not be familiar with the efforts waged by the Asiatic fleet, these brave men played a critical role in protecting American security interests.

From the early 1900s until just after Pearl Harbor, the Fleet sailed courageously across the coastal waters between China and the Philippines as well as in Russian waters and in the straits and narrows of Malaysia and Indonesia during the very dynamic period in history.

The Asiatic fleet had originally been established in August of 1910 as a successor of the Asiatic station to protect American lives and property in the Philippines and in China.

☐ 1745

It sailed the seas in defense of American interests and in Southeast Asian waters until 1942.

In the final years of the Asiatic Fleet operations, these sailors and marines distinguished themselves by defending against the tidal wave of Japanese aggression. Fighting against the larger modern Japanese naval forces were the fleet's three cruisers, 13 World War I-vintage destroyers, 29 submarines and a handful of gunboats and patrol aircraft. In all, the fleet lost 22 ships.

More importantly and most gravely, 1,826 men were killed and over 500 were said to be placed in prison camps. Sadly, many of these sailors taken prisoners were beaten, tortured, and killed in the most gruesome of manners.

They made the supreme sacrifice for their country, but regrettably, Congress and the American people have never risen to recognize the valiant actions of the Asiatic Fleet, the precursor to today's Seventh Fleet.

Mr. Speaker, I rise today dedicated to granting long overdue recognition of the heartbreaking struggles of the fleet that fought alone against the overwhelming modern Japanese Navy. It is altogether fitting and appropriate that this Nation pause and reflect upon the noble action of these fine sailors and marines of the Asiatic Fleet.

It is for these reasons that I have joined my colleague in the Senate, Senator WARNER, to introduce a resolution calling for the recognition of the 56th anniversary of the sinking of the Asiatic Fleet flagship, the USS *Houston*. This resolution supports the efforts of the Senate to designate March 1, 1988, as the "United States Navy Asiatic Fleet Memorial Day."

Mr. Speaker, I call upon my colleagues to join me today in this effort to give these forgotten heroes Congress' support for long-awaited and much-deserved recognition by joining me in cosponsoring H.J. Res. 100.

INTERNATIONAL . COMMUNITY MUST COOPERATE TO RESOLVE NONCUSTODIAL PARENT KIDNAPPING CASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, the kidnapping of a child is a terrible crime that should not be tolerated. However, it is something that happens all too often with the perpetrator actually being rewarded in some cases.

There are hundreds of unresolved cases in which children have been abducted by a noncustodial parent and taken to a foreign country. Some of these countries are allowing the kidnappers to illegally keep the children without fear of prosecution or ever having to face extradition.

Our legal system makes decisions involving the custody of children based on what is in the best interest of the child. Once such arrangements are made, no one should ever be rewarded for the illegal abduction of a child from our country by being able to keep the child and thumb their nose at authority.

Such crime imposes horrible grief and suffering upon the parent from whom the child is taken. Tomorrow I will be introducing a resolution expressing the sense of the Congress that the international community must work together to resolve cases where kidnapped children are taken abroad.

Mr. Speaker, this is a serious problem that should be treated as a high priority issue by the United States Government in its relations with other countries. By giving this resolution our full consideration and support, we will be sending a strong signal of our support for the rights of children.

WILLIAM D. GLOVER, JR.: HUSBAND, OFFICER, HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, tonight I rise to pay tribute to Officer William Glover, of the Ashtabula Police Department. On November 17, 1997, William Glover was senselessly killed in the line of duty, shot execution style by a 21-year-old man wanted by police for aggravated robbery.

It was a Monday afternoon and Bill Glover was responding to a call when he spotted the suspect on West 43rd Street in Ashtabula. Knowing that an arrest warrant had been issued, Patrolman Glover radioed in that he was pursuing the suspect on foot. Seconds later police received a 911 call saying that shots had been fired in the area.

Fellow officers found Officer Glover lying in the snow critically injured, his service revolver still in its holster. He had been shot three times, once in the torso and twice in the head. He was flown by medical helicopter to Cleveland's MetroHealth Medical Center, where he died early the next day.

Bill Glover, age 30, left behind a wife, Marianne, and three small children and a community and department in mourning. It had been four decades, Mr. Speaker, since another Ashtabula officer had been shot and killed in the line of duty.

Bill Glover had been a police officer since 1988, and had worked as chief of police for the Roaming Shores Village before joining the Ashtabula Police Department just 6 months before his death. His death deeply affected the citizens of Ashtabula and particularly the residents of the city's public housing complexes.

Bill Glover had been hired by the Ashtabula department as part of a drug elimination grant awarded to the Ashtabula Metropolitan Housing Authority. In the short time that he patrolled the city's housing complexes, he had become well-known and well-liked. His efforts to eradicate the area of drugs and crime were genuinely appreciated by residents.

Since his death, Mr. Speaker, every resident of one of the public housing complexes he patrolled, Bonniewood Estates, has signed a petition to rename Bonniewood Drive to Glover's Lane and hope to establish a recreation center in his name. Perhaps only in death will Patrolman Glover's family, friends, and community truly understand the impact that he had on the city's residents.

One Bonniewood resident summed it up this way: To a lot of kids here, Officer Glover was the only male role model they had and they are going to miss him.

While renaming Bonniewood Drive in Bill Glover's memory is undoubtedly appreciated by his widow, it cannot fully ease her pain or diminish her loss, nor should it be expected to. For Marianne Glover, Bill Glover was not just one of Ashtabula's cherished "Men in Blue," he was her beloved husband and the father of her three children, Philip, 10, Sean, 7, and Amanda, 5.

Mr. Speaker, it is regrettable that a profession as important as law enforcement is so fraught with danger. A law enforcement officer dies in this country every 54 hours, a rate of about three a week nationwide. That, Mr. Speaker, is unconscionable.

I have submitted Bill Glover's name for inclusion in the National Law Enforcement Memorial in Washington, D.C., which honors the more than 14,000 law enforcement officers who have been killed in the line of duty during our Nation's history. It is my hope that Bill Glover's name will be added to the memorial's walls where the names of fallen officers are displayed in random order.

Each May during an annual candlelight vigil the new names of fallen officers are added to coincide with the National Police Week. With the addition of each name, the theme of the memorial is reinforced: It is not how these officers died that made them heroes, it is how they lived.

As we pay tribute to Ashtabula Patrolman William D. Glover, Jr., I hope that we will all remember the heroism that marked his life, the infectious joy and enthusiasm that he brought to his work, and the tremendous pride that he felt in being part of that elite corps of men and women in blue.

Words, Mr. Speaker, cannot adequately convey all that he did in his life nor how his death has affected so many. While we mourn the senseless passing of the life of yet another good cop, we can take comfort knowing that Officer Bill Glover left his mark on this world and he left this world a safer, better place.

To his wife, Marianne, to his children, to his family, his community, and his department and his brethren in law enforcement, our most heartfelt sympathies are offered. In his sacrifice, he was able to leave earth and join hands with God. And I know that his watchful, caring eyes will continue to watch over and protect the family, department, and community that he loved so much.

Mr. Speaker, may God bless Ashtabula Patrolman William D. Glover, Jr., and may God rest his soul.

THE DISTRICT OF COLUMBIA IS TURNING AROUND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this evening with some good news, and let me report it from a more objective observer. The Washington Times, in an editorial, said the following: The District is looking good. There is a $186 million surplus from fiscal 1997. People are buying homes in the District and businesses are expanding and setting up shop.

I know that everyone on both sides of the aisle greets this good news about our Nation's Capital in the same spirit I do. Yes, a surplus. The District is turning around. It has balanced its budget, more than balanced it now 2 years ahead of the congressionally mandated year. How has this been done? Through prudent budgeting, Mr. Speaker, through fiscal discipline, and through preserving the fruits of an excellent economy rather than spending that money.

The highlights are quite extraordinary, and I am sure to many Members, unexpected. Vendors are now being paid ahead of time rather than behind time. We have, Mr. Speaker, a clean opinion from an outside independent auditor, which means an unqualified opinion looking at the books and records of the District of Columbia, that the District is revitalizing itself financially.

We have a general fund surplus of almost $186 million. This is a city that was close to bankruptcy just a few years ago. And the District is reaping increased revenue from taxes, not because it has raised taxes, but because improved operations have allowed the city to collect taxes from those who should have been paying taxes all along.

Mr. Speaker, the District's problems have not been entirely self-inflicted, but the city's repair must be completely self-generated. I think that we now have evidence that that self-generation is occurring, and it is occurring for a combination of reasons. It is occurring because this Congress set up a Control Board. It is occurring because the gentleman from Virginia (Mr. DAVIS), chair of the Subcommittee on the District of Columbia, and I, the ranking member, have worked collaboratively and in a bipartisan fashion on the District ever since the Control Board was set up 2 years ago.

It is occurring because of the work of the Control Board, and yes, Mr. Speaker, it is occurring because of the work of the mayor and the members of the city council. They deserve our congratulations, even as they have gotten the criticism of this body when they have deserved it. And I must say, sometimes even when they have not.

Mr. Speaker, the District's Government is now multilayered. The Congress seeks an efficient government from the District, but the fact is that the Congress has imposed a highly inefficient structure to do the job. The District needs better collaboration among its many layers until the Control Board sets and Congress will be hearing from me about streamlining its oversight as it requires the District to streamline its operations.

Mr. Speaker, I began with editorial comment praising the District from the Washington Times. The Washington Post said as much when this audit was reported: The District is not enjoying a $185.9 million general fund surplus and a clean fiscal year 1997 annual audit by accident. It took hard work and a stiff spine to bring unchecked and irresponsible spending under control.

That is exactly what has happened. I have been as impatient as many Members to see this day. Now it has come in spades, not little by little, but with a buildup of improvements that is now showing itself in a way that I think none of us anticipated seeing in this fashion.

The District, knowing that this is no time to sit down, that there is much work to be done. The District has revved itself up to work now on its services and operations. It knows that those services and operations must improve and improve quickly. And that is not, Mr. Speaker, because of what this body wants, although that is part of it.

First and foremost, it is because the residents of the District of Columbia, among the highest taxpaying citizens of the United States, deserve no less. My congratulations to the Control Board, to the chief financial officer, to the mayor, and to the city council for a job that is beginning to be well done.

□ 1800

IS THERE A MEDIA BIAS? ASK BOB ZELNICK

The SPEAKER pro tempore (Mr. SHAW). Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, is there a liberal bias in the nation's media? Just ask a prominent member of that media.

Bob Zelnick had been a respected member of ABC's news division for 21 years. He was fired because he wanted to write a book on Vice President AL GORE. The head of ABC news had first granted him permission to write such a book, but then changed his mind when it became clear that Zelnick was not going to write a puff piece about Mr. GORE.

In my own experience, ABC News has a liberal bias. I recently traveled to the Commonwealth of the Northern Mariana Islands, to investigate whether the accusations of sweatshops and other labor abuses were true. At a reception hosted by the Governor of the CNMI, a member of my staff noticed that a film crew was spying on us from a clump of bushes. When the staff asked this film crew whom they represented, they would not identify themselves. Later, they admitted that they were from ABC News.

When someone is spying on you from a nearby bush, it's hard to believe that they will do a fair story. I tried to accommodate them in their story later on. For example, I made certain that they had a chance to follow me as I inspected various garment factories and workers housing units on the island of Saipan. But I have every expectation that the story will be unfair and unbalanced when it ultimately comes out next month.

Bob Zelnick's experience with ABC News just further goes to show the true bias at that news division. I urge my colleagues to read this illuminating piece that appeared in the Wall Street Journal today, entitled "ABC: Anyone but Conservatives."

ABC: ANYONE BUT CONSERVATIVES

By Bob Zelnick

Last week I was forced to leave my position as a correspondent for ABC News. What happened to me illustrates something of what is wrong with TV news today.

In December 1996, following a dinner conversation with my publisher, Alfred Regnery, I agreed to undertake a biography of Vice President Al Gore. Early the following month I phoned Richard C. Wald, the ABC News executive who tends to the business of editorial standards, to describe the project and secure his permission to proceed.

Mr. Wald asked if I intended to write a "straightforward" biography or one with a distinct point of view. I replied that except for opinions I might develop during my research, the book would be reasonably straightforward. Mr. Wald then inquired what I thought of Mr. Gore. I replied that I knew the vice president only slightly, but had a generally favorable impression of him, shaped by his pro-defense views in the Senate and his critical support for the 1991 Gulf War resolution. I added that my sense was that his environmental views might be a bit extreme.

'YOU HAVE MY PERMISSION'

Late in the conversation, Mr. Wald remarked: "If you write a book about him, you probably can't cover him for us." I told him I thought that writing a book on the vice president would enhance my credentials to cover him. "Now that I think of it, you may be right," said Mr. Wald. "We'll have to see. In any event, you have my permission."

I conducted scores of interviews. I hired a researcher who performed more than four months of full-time work. I traveled to Harvard, where Mr. Gore went to school, and to Tennessee. I came up with fascinating, previously unpublished material on both Mr. Gore and his father, also a former Tennessee senator, and mined a rich lode of background material on Tennessee politics. My sense was that the project would prove helpful not only to my own career as a television correspondent but also to ABC's coverage of the 2000 presidential campaign.

But last September, just days before my contract with ABC was to expire, the network informed me that if I wished to sign a new one, I would have to break my contract with Regnery, return the advance and discontinue all work on the Gore book. ABC's new position was that there was an inherent conflict between writing a book on a subject and covering that subject.

In a written appeal to Roone Arledge and David Westin, respectively chairman and president of the news division, I objected to the ruling as unjust, contrary to ABC's own standards and procedures, and repugnant to the First Amendment values we all endorse. I pointed out that the decision was wildly excessive as regards any valid interest of ABC News, in that I was willing to submit the manuscript months before publication in order to address any editorial problems the company perceived. I noted that most news organizations encourage their correspondents to write books on subjects they cover, then point to them with pride as indicating staff depth, scholarship and authority. Examples from the print press are legion, but even in television, where a career spent writing 90-second spots can erode the ability to think and write in depth, correspondents such as Marvin Kalb, Bernard Kalb, Dan Rather, Sam Donaldson and I have published books on subjects close to our beats.

Nonetheless, Mr. Westin's written reply explained that "we cannot have a Washington correspondent writing a book about one of our national leaders whom that correspondent will undoubtedly have to cover." Otherwise, we could be "held up to ridicule that our reporting is influenced by views you/we have formed about the individual involved."

I eventually decided to complete the book and to leave ABC News after 21 years. Mr. Wald, asked by a newspaper reporter why he had granted permission in the first place, concocted a tale that I was about to be fired when I approached him, and he didn't want to impede my earning a living by writing books. Thanks, Dick.

Would I have faced the same problem if I were an avowedly liberal journalist undertaking a book that made conservatives mildly uncomfortable rather than a moderately conservative one writing about a liberal icon? Had the proposed title been "Gingrich: A Critical Look at the Man and His Climb to Power," would I have been forced to choose between my book and my career? I rather doubt it.

Nor does the double standard stop with books. My friend and former colleague Sam Donaldson is again covering the White House six days a week. On the seventh day he does not rest, but rather appears on "This Week With Sam and Cokie," where he is free with his concededly liberal opinions. Sam is a gifted reporter, and in 21 years I have never seen evidence of deliberate bias in his work. I think ABC is wisely using his talents. But where is his conservative counterpart, licensed both to report and to ruminate?

My original sin may have been my earlier book, "Backfire: A Reporter's Look at Affirmative Action," also published by Regnery. In 1996, when "This Week" decided to interview Gary Aldrich—author of yet another Regnery book, "Unlimited Access: An FBI Agent Inside the Clinton White House"—and I was asked to prepare the set-up piece, George Stephanopoulos, then a White House spinmeister (now an ABC commentator), blasted ABC News for anti-Clinton bias, specifically citing my limited involvement with the program. Months later, Jane Mayer, a New Yorker reporter, did the same. Is this what Mr. Westin had in mind when he said he feared "ridicule"?

Like others at ABC News, I committed my life, my fortune and my sacred honor to the furtherance of the First Amendment and the pursuit of truth. Along with a brave and resourceful crew, I was thrown into a Moscow prison for refusing to stop interviewing a dissident on her way to court. I accompanied soldiers who came under fire in South Lebanon and Somalia. In these times I was conscious of the far greater physical dangers that other correspondents had faced in times and places as different as Gettysburg, Normandy, Khe Sanh and Srebrenica.

But the principal dangers that threaten television journalists today are not those of an errant bullet, or even a well-aimed one. Rather, they spring on the one hand from the merciless demands of the news cycle, the dumbing down of public affairs programming and the belief in viewers' shrinking attention span. The end results of these dangers are poorly sourced, factually insubstantial, overly sensational stories that, in the end, harm our credibility and make us easy targets for political demagogues.

IDEOLOGICAL ORTHODOXY

The other danger—the one that led to my departure from the industry—involves ideological orthodoxy, political correctness and complete lack of self-confidence regarding the management of a news organization, partly because so many of those at the top have little or no background as working journalists.

For most of my career I felt honored to serve as a correspondent for ABC News. But the ABC News I served did not practice prior restraint.

The ABC News I served did not demand that its reporters shatter their integrity by breaching contracts.

The ABC News I served did not look for a rock to crawl under when the Jane Mayers of the world attacked.

The ABC News I served did not seek to destroy correspondents who had performed for the company over two decades with dignity, integrity and excellence.

The ABC News I served did not break its word, ignore its standards or brazenly lie to explain its actions.

Sad to say, the ABC News I served is not the ABC News I left.

ASTHMA AND AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

Mr. SERRANO. Mr. Speaker, in a week-long special series in New York this week, the New York Daily News is documenting what we in the South Bronx district that I represent have been saying for years: The concentration of waste treatment facilities and their fleets of diesel trucks are killing our children, our families, our older folks with asthma and respiratory illness.

One-half million New Yorkers suffer from asthma. Six percent of the population. The worst rate in the country. New York City's asthma hospitalization rate is three times the national average. More than 35,000 residents are treated at city hospitals for severe asthma attacks each year, a 24 percent rise over the last decade. Deaths accountable to asthma are up 50 percent since 1980. 284 died of asthma in 1995.

The asthma epidemic hits children the hardest. More than 10 percent of New York City's one million students, 130,000, suffer from asthma. 15,000 are admitted to the hospital each year, which is twice the national average. The hardest hit of all the children are those with families in the Hunts Point area of the South Bronx in my district and East Harlem in the district of my colleague (Mr. RANGEL).

New York City's asthma admission rates are highest in the Bronx, along with Harlem. Almost 13 percent of Bronx children under the age of 17 were estimated to suffer from asthma several years ago. Children in poor New York City neighborhoods are five times more likely to be hospitalized than their better-off neighbors.

Lincoln Hospital, the primary medical center in the South Bronx, recorded 14,300 asthma emergency room visits last year; 4,500 of these involved children. Lincoln Hospital now operates two, 24-hour emergency rooms devoted exclusively to dealing with the problem of asthma, one for children and one for adults. Eleven died there last year, more than double the usual number. The youngest was only 5 years old.

Now, listen to this fact. There is a school in my congressional district where 30 percent of the children in

Public School 48 in Hunts Point have asthma. Asthma threatens our children's chance of success as well. Asthma has become the leading cause of children who are absent among New York City schoolchildren.

Now, while researchers debate the root causes of asthma and New York public health officials focus on every theory other than pollution, our communities continue to breathe foul air and continue to sicken and die from respiratory illness.

Like neighborhood residents who spend their time dealing with these issues, take, for instance, a woman by the name of Lora Lucks, who is the principal at Public School 48 in the Hunts Point area of the Bronx. She blames the area's poor air quality. She says her students get sicker and sicker every year and that the air sometimes smells bad enough to make you sick to your stomach.

Now, what is really interesting here is that 200 of Public School 48's 800 students required emergency treatment last year at the same Lincoln Hospital.

And perhaps the best test that something is terribly wrong with the air quality in that community is the fact that teachers that come from outside the South Bronx neighborhood, upon spending the 8 months or whatever time they spend in the school during the year, not counting weekends, they complain that the condition under which they live, their inability to breathe properly, the tearing of the eyes, the sick stomach, all the asthmatic conditions that prevail, happen not when they are living during the summer months outside the South Bronx area but only when they come into the South Bronx.

Now, where could the problem be? Well, the South Bronx area of the Bronx now has over 40 sitings for waste transfer stations. One of the big mysteries in New York City is why one community got to the point to where over 40 waste recycling centers appear only in that community. New York City's Department of Sanitation currently licenses at least 85 private waste transfer stations in New York City, handling at least 13,000 to 14,000 tons per day of commercial solid waste.

Today I begin to introduce this series which the New York Daily News has been working on all week long; and I will close with this, Mr. Speaker: 500,000 New Yorkers have asthma, the silent killer, and there is a child trying to breathe. This may look dramatic and some people may think in some way it is grandstanding by a newspaper, but this is the truth. This is a condition not in a foreign country. This is a condition in the Sixteenth Congressional District in New York.

THE HAYWORTH EDUCATION LAND GRANT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise this evening to report to my colleagues and to the people of the Sixth Congressional District of Arizona and, indeed, Mr. Speaker, to those who watch us across the country on C-SPAN of the latest progress on what I believe can form a firm foundation for educational improvement across America but especially in rural America. For this morning, Mr. Speaker, a subcommittee of the Committee on Resources held hearings on H.R. 2223, what my staff has taken to calling HELGA, the Hayworth Education Land Grant Act.

I think this is very important, Mr. Speaker, because this legislation is borne out of two historical achievements, one small and little noticed, the other of momentous import in our Nation's history vis-a-vis education.

The first feature was a little-known bill that was passed into law in the final days of the 104th Congress, in my first term representing the people of the Sixth District of Arizona, that had to do with the tiny Alpine School District located on the Arizona-New Mexico border.

You see, Mr. Speaker, the people of Alpine came to me and they said, we do not have much of a tax base. We no longer are able to really harvest the timber in this area. But we have been able to scrimp and save and we think we have enough money to build a new school building.

Now, we should note that the people of Alpine and the students there in that school district were holding classes in a small building that was formerly a church facility, and these people desperately needed a new school. They came and they said, Congressman, we have the money to build a new school, but we do not have the money to buy the land on which the school would be situated. It would cost us some, well, almost one quarter of a million dollars. That is too much for us to handle.

But the irony is that Alpine sits on the edge of a national forest. A federally controlled land. So they asked, would it be possible for the Congress to grant a conveyance of 30 acres of land for the construction of new athletic and academic facilities to educate the children of the Alpine School District? And the good news is that that passed on the final day of the 104th Congress; and the people of Alpine, Arizona, are building their new school facility.

Well, Mr. Speaker, as I have often pointed out, one of the most accurate observations of life in these United States, indeed of what has transpired on the historical stage worldwide, was the observation of Mark Twain that history does not repeat itself but it rhymes. And in the wake of what transpired with the Alpine School District, I got to thinking about what else had been done similarly in American education, and I looked back to something that had happened really over one century ago when another Member of Congress and another member of the Committee on Ways and Means, Justin Smith Morrill of Vermont, revolutionized, I do not think that is too strong a term, Madam Speaker, revolutionized the whole notion of higher education in this country by working for and achieving passage of the Federal Land Grant Act, the process of ceding federally controlled land back to the States with a promise that those respective States would establish institutions of higher learning with a concentration in the agricultural and mechanical arts.

Congressman Morrill looked back at his own life and, more importantly, the life of his father. He talked about the fact that his father was a blacksmith, a laborer, who spent all of about 6 months receiving instruction within the classroom. And he thought it was important for the sons and daughters of farmers and laborers to have an opportunity to go on to college.

Passage of the Federal Land Grant Act brought down the barriers to higher education one century ago. What had formerly been something only for the elite was now available to many.

In that same spirit, I have introduced the Federal Land Grant Act of this 105th Congress that would allow for a uniform procedure for school districts to apply for conveyances of land for the construction of new school facilities. It carries no budget impact because the land already belongs to the Federal Government. But what it can mean to the education of schoolchildren in rural America is priceless.

Madam Speaker, I look forward to speaking more about this perhaps later tonight and in further proceedings of this Congress but, Madam Speaker, I would also urge Members to actively support H.R. 2223.

TORNADOES WREAK DEVASTATION IN FLORIDA

The SPEAKER pro tempore (Mrs. Northup). Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. McCOLLUM. Madam Speaker, I come tonight before this body to express my deep concern for what has happened in my congressional district this past day. We had one of the great tragedies in the State of Florida in three tornadoes that touched down in that area, two of them in my district, one in the Kissimmee area, one in Winter Garden, one in the district of my colleague (Mr. Mica) in the Sanford area, which wreaked deaths that are almost 40 in number, and maybe more, we just do not know.

There were more people I believe killed in those three tornadoes that occurred two nights ago in my area than died in Hurricane Andrew, which was a huge natural disaster many people are aware of that hit the State of Florida a couple years back and caused millions and millions of dollars worth of damage.

It is hard to express the feelings that one sees when you walk out into the areas where those tragedies occur. I spent most of the day yesterday with our Governor and Senator MACK and others walking through the devastation in three counties, Osceola, Orange and Seminole in Florida.

The amount of damage we see in the photographs are probably just as real on television or in the newspapers that the Nation can see as indeed exists there, but it is very, very hard to express in the written words or even over the communicated radio or television word the feelings and the emotions that you feel yourself when you go out there and see all of that that has been wreaked by God and when you see the feelings of the people and you empathize with those who have lost loved ones or whose loved ones have been badly injured or who have lost possessions that were their life's savings, their life's possessions, things that cannot be replaced.

I know that one of the tornadoes, the most serious one that killed the most people, sat down just a short distance from the Silver Spurs Rodeo in Kissimmee, where I attended with a German exchange student living with me on Saturday. I looked yesterday across the field where that was and realized the calmness of that, where little or nothing had been disturbed where the Houston Astros have their spring training and their ballpark, the stadium where the radio takes place, the area where they had a State fair, an open field between where I was standing in there, and then right at the moment where I was standing this tornado had come down to start a 10-mile rampage across that county.

It came down and destroyed a convenience store. It left, leaving nothing but a handful of concrete blocks. It took down the power lines along this road on one side, clipping them off about two feet or so above, taking the entire lines and the power poles across into the woods on the other side.

□ 1815

Then as it crossed that street, just immediately across almost an idyllic setting that I described where the rodeo took place and the ballpark is, here was this recreational vehicle park where people come with their RVs, these big RVs, and they were shredded, they were torn apart, just like many mobile home communities in the area were. People say things looked like match boxes. That is not an adequate description. Trees were shredded like a shredder shreds them at the top. Destruction of these vehicles as well as many of the homes in the area were terribly devastated, indescribable, even though one may see pictures of them, to see what has actually happened in this setting.

The bad news was that 10 people or so were killed in that recreational vehicle park. Over in a neighborhood a short distance away from that of regular single-family homes, there was the same type of destruction I had seen from the air after Hurricane Andrew, a narrower swath but very similar where the homes were literally destroyed. These were well-built, modern homes and people lost everything. Some people lost their lives. Not far from there, there was a strip mall shopping center with a grocery store, with a McDonald's, with a lot of other things in it totally wiped out.

Fortunately, the tornado occurred at night and so the devastation of all of this block and concrete that came down did not kill anyone in that mall other than I understand two people in a pub that was still open that night in the area. A mobile home park wiped out with a lot more people killed. In Orange County, I talked to a couple in a mobile home park where the devastation was terrible, another park near Winter Garden. They had been very fortunate. Nothing had happened to their mobile home. The inside had not been damaged, nothing had fallen off the shelves. But you walked right outside to their carport and the cars under that carport, which was no longer there, had been crushed, a large Ford vehicle whose axle and frame just bent over like some giant block had been set on top of it and immediately next door to them, which was in a mobile home park only a very short distance of a few feet, was another mobile home that had been shredded apart, just totally destroyed and a body had been flung in there from a mobile home 5 or 6 homes down from them where this horrible wreaking had come through but God for whatever reason had spared them and their mobile home but not someone else.

I just want to say that all of the people who have helped in that, all the compassionate workers need to be thanked, all the people whose outpouring of sympathy and concern have been given and the hours and hours of work that were put in in the aftermath of that storm deserve a lot of thanks and praise. Thank God more people were not killed.

EDUCATION, TAXES AND RETIREMENT

The SPEAKER pro tempore (Mrs. Northup). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Madam Speaker, I wanted to tonight touch base on 3 issues very quickly, but first I want to say, representing the Third Infantry Division in Hinesville, Georgia, Fort Stewart-Hunter, I had the opportunity on Friday to go say good-bye to many of the troops who were leaving to go to Kuwait. They were on the tarmac, they had already said good-bye to their families, they had already gotten their paperwork in order. They had guns in hand, canteens loaded, rucksacks on their back, they were sitting in their fuel trucks, in their communication trucks and Jeeps and so forth, getting ready to get on a C–5 and go to Germany or to Spain, then on to Kuwait. The men and women who were about to go in harm's way on behalf of not only the United States of America but the entire world were standing tall. They were confident but not cocky, they were proud but not arrogant and to a person brave and sure of themselves. They are well-trained.

I told them that the American people are behind them. I was excited as everybody else was when I read about the potential peace agreement. I hope that it stands. However, I do think that this administration needs to clearly outline to Congress, this week, exactly what that agreement means to our foreign policy in Iraq and the Middle East. What will be the long-term ramifications? Do we have a lasting peace, what will be involved, and can our troops come home? Can we bring down the 25,000 troops that we have? I am very interested to hear from the administration on that. I, like many Members of Congress, again would ask this administration to tell us exactly what is going on.

To touch base on a couple of issues, real quickly. Education. This year we need to do everything we can to decentralize education and put it back in the hands of the local people. I was talking to a woman in Brunswick, Georgia whose mother was a teacher in Gray, Georgia, one of the great teachers that introduces all the kids to all the wonderful subjects and has taught most of the kids in the small town of Gray. She said that not long ago, a Harvard federally funded education consultant went down to Gray, Georgia and told this 30-year veteran of teaching that she needed to start pointing to the other side of the chalkboard because kids learn cognitively better on one side of the brain than the other and if the teacher would only start pointing to the other side of the chalkboard, these kids would learn a lot more. That kind of absurd busybodiness out of Washington, we do not need.

The second issue, taxes. We need to continue to be mindful that the average American family pays 38 percent in taxes. That means every Monday, you are working for the government and most of Tuesday you are working for the government. We need to reduce our tax burden to the 25 percent range. We need to simplify our Tax Code. If we go to a sales tax or a flat tax, whichever, it is better than the Tax Code that we have now. Then we need to change the attitude of the IRS. They work for us, the American people. We do not work for them. You should be considered innocent until proven guilty.

Finally, we need to have a mature dialogue on retirement. We really do not have a zero balanced budget. We have a Social Security surplus that we are applying to the general fund. If we want to protect Social Security and put it first, we have to say absolutely no new spending programs.

Madam Speaker, the President has committed to over $100 billion in new spending programs for this year in his budget. That money comes right out of the surplus in Social Security. We need to personalize Social Security, but we need to protect it. The first step is not spending the money. In these things, education, taxes and retirement, I hope that this Congress makes them the top priority.

10TH ANNIVERSARY OF THE NAGORNO KARABAGH MOVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I have come to the floor of the House tonight to pay tribute to a very important milestone for the Armenian people and for people everywhere who care about the values of freedom, human rights and self-determination.

Last Friday, February 20, marked the 10th anniversary of the liberation struggle of Nagorno Karabagh. Nagorno Karabagh, or Artsakh as it is known to the Armenian people, is an independent Nation populated primarily by ethnic Armenians and located between the Republic of Armenia and the Republic of Azerbaijan. The Soviet dictator Joseph Stalin consigned Nagorno Karabagh to Azerbaijan despite the fact that this land has been continuously inhabited by Armenians for centuries. Armenia was the first Nation to embrace Christianity, and Karabagh was an integral part of the ancient land of Armenia. Under the Soviet system Nagorno Karabagh was recognized as an autonomous region because of its distinct Armenian identity.

Madam Speaker, in 1988 as Soviet central authority was breaking down, the Armenian people living in Azerbaijan were subjected to harassment, deportation and pogroms, massacres. On February 20, 1988, thousands of Armenians marched in Stepanakert, the capital of Karabagh, inspired by public protests in Armenia the day before. Eventually the people of Karabagh prevailed in their struggle, fighting and winning a war of independence. A cease-fire was signed in 1994, but persistent violations by Azerbaijan continue to make that cease-fire shaky at best.

The cause of Karabagh became a rallying cry for the entire Armenian nation and the Diaspora, including 1 million Armenian-Americans. The establishment of the Republic of Armenia and the Republic of Karabagh also helped focus American attention on this previously ignored part of the world.

Madam Speaker, Nagorno Karabagh's declaration of independence on September 2, 1991 and a referendum which passed shortly afterward were all conducted within the requirements of international law. Yet 10 years into their independence movement, Nagorno Karabagh still has not achieved the international recognition to which it is entitled. I am sorry to say, Madam Speaker, that the United States is among the countries that still refuse to recognize the Nagorno Karabagh republic. In his speech to the national assembly last Friday, President Ghukasian of Karabagh stated that Karabagh has its own state symbols and is able to conduct its foreign and home policies by itself. He expressed certainty that international recognition would only be a matter of time.

Madam Speaker, having twice visited Nagorno Karabagh, I can attest to the fact that Karabagh is indeed a functioning state. The sense of cohesion and mission among its citizens is inspiring. I wish I could share President Ghukasian's optimism about international recognition, although I do want to reiterate the fact that the foreign operations appropriations bill for this fiscal year does provide $12.5 million in aid targeted at Nagorno Karabagh. I want to express my admiration for the members of the foreign ops subcommittee who made that happen. I see one of the members is actually on the floor there, the gentleman from Georgia (Mr. KINGSTON).

I am also concerned that U.S. policy, though, is headed in the wrong direction. The fact that the United States is a cochair of the OSCE's Minsk Group, which was formed to achieve a negotiated settlement of the Karabagh conflict, offers a great opportunity for us to take a stand in support of democracy and the right of peoples to determine their own future. Unfortunately, the United States' negotiating position places far too much importance on the principle of territorial integrity, keeping Karabagh under Azerbaijan's authority. The U.S.-supported negotiating position essentially forces Karabagh to surrender the gains it made on the battlefield with no binding security guarantees in exchange. The Karabagh Armenians would once again be at the mercy of Azerbaijan.

I cannot help but conclude that the lure of the potential oil reserves in the Caspian Sea off the shores of Azerbaijan is influencing our policy in this region. Madam Speaker, last Friday I sent a letter of congratulations to President Ghukasian. I wrote that seeing the brave people of Artsakh and the dedicated officials serving in the government and armed forces of the NKR, I was reminded of the founding of our United States. Our Founding Fathers also had to fight for their independence and international recognition. I said I hoped that the United States and the West will base our policies in the Caucasus on the respect for self-determination and human rights on which our own nations are founded.

The progress the people of Karabagh have made in 10 years is nothing short of miraculous. In the decade since 1988, the elected government has proven to be worthy of recognition as the legitimate government of the land and the people of Artsakh. In a step that I hope will spur further progress towards that goal, I am pleased to announce that the foreign minister of Nagorno Karabagh, Mrs. Naira Melkoumian, will be in Washington next week and we plan to have a briefing next Wednesday under the auspices of our Armenia Caucus to allow her an opportunity to interact with Members of Congress. It is my hope, Madam Speaker, that future anniversaries of Karabagh will be marked by strong expressions of congratulations from the American people and from our government.

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the Republic of Nagorno Karabagh on the occasion of the 10th anniversary of its struggle for independence. I extend my congratulations to the people of Nagorno Karabagh on this truly historic occasion.

Ten years ago as the Soviet Union was falling apart and Armenians faced a new cycle of deportation and violence, Nagorno Karabagh took a brave step forward. With extraordinary sacrifice and courage, the people of Nagorno Karabagh affirmed their right of self-determination and began their struggle for independence. The Republic of Nagorno Karabagh emerged as a newly independent state.

It is now time for the United States and the international community to recognize the legitimate government of the Republic of Nagorno Karabagh. It is now time for the independence of the Republic of Nagorno Karabagh to be secured with a lasting peace. Only direct talks between the parties to the conflict can secure that peace. I regret that to date the OSCE negotiations, co-chaired by the United States, have not produced workable and acceptable solutions.

I will continue to fight along with the Armenian community in the diaspora for assistance to the people of Nagorno Karabagh and for a lasting peace. I am gratified that my original proposals for aid to Nagorno Karabagh were adopted by my colleagues on the Committee on Appropriations who allocated $12.5 million in U.S. assistance. I urge the Administration to move expeditiously to distribute this aid to the needy people of Nagorno Karabagh.

I would like to bring your attention to the "Caucasus Peace and Stability Act" which I introduced last session to support the peace process in Nagorno Karabagh and to deter renewed Azerbaijani aggression. This bill calls upon the United States to act as an impartial mediator in the peace negotiations and to foster confidence building measures to create incentives for peace leading to a lasting and equitable long-term settlement to the conflict. In the case of renewed aggression by Azerbaijan on Nagorno Karabagh, it calls for the imposition of trade and investment sanctions on Azerbaijan and a ban on commercial arms sales. These provisions are intended to increase the security of Nagorno Karabagh and to provide an economic incentive for peace.

I pledge that I will continue to uphold the sovereignty of Nagorno Karabagh and U.S. support for democracy, economic development and a secure future for the people of Nagorno Karabagh. I look forward to celebrating the 20th anniversary of a free and independent Republic of Nagorno Karabagh.

Mr. McGOVERN. Mr. Speaker, today I rise in honor of ten years of struggle and determination by the people of Nagorno Karabagh to gain their independence.

For ten years, the people of Nagorno Karabagh have aspired to create a republic where human rights and democracy are respected and cherished.

The people of Nagorno Karabagh, mainly ethnic Armenians, have survived and overcome the horrors and destruction of war. For ten years they have resisted efforts to bring about another Armenian Genocide in the Caucasus. Today, they continue to bravely face the threat of violence and deprivation from their surrounding neighbor, the Republic of Azerbaijan.

For ten years the people of Nagorno Karabagh have fought in defense of their homeland. In support of their efforts, I call upon the international community and the United States, as co-chair of the Minsk Group, to ensure that a peaceful resolution to the conflict in the region respects the self-determination and democratic aspirations of the people of Nagorno Karabagh.

Mr. Speaker, our own nation was founded on the struggle and hope for a free and democratic nation, free from tyranny, free from oppression, free to determine our own future, free to honor the basic dignity of every human being. As an American, this is my wish for the people of Nagorno Karabagh—that next year will see a free and independent Republic of Nagorno Karabagh.

I want to thank my colleagues from New Jersey [Mr. PALLONE] and from California [Mr. SHERMAN] for their strong and capable leadership on these issues, and for coordinating this time today to recognize and celebrate the tenth anniversary of the independence movement in Nagorno Karabagh.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the 10th anniversary of the Nagorno Karabagh movement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Madam Speaker, earlier today I rose during morning hour to talk about how we can increase take-home pay and improve retirement security in America. I want to elaborate on those earlier comments this morning during this special order tonight. I am talking about the Congress leading our country to a new level of freedom and opportunity for every single American worker and taxpayer.

First of all, let me stipulate that I am not talking about wage and price controls. I am not talking about another government mandate. I am not talking about Washington and the Federal Government through the Congress trying to dictate to the marketplace. I do not support a further increase in the minimum wage. But I do very much favor reducing taxes further for working Americans. We can start in the area of tax reduction by addressing the marriage penalty, which is a very, very unfair, very punitive section of our Tax Code. We ought to eliminate that, because the marriage penalty affects working-class individuals, those on limited or modest incomes, those who are earning a fixed wage or salary the most.

An example that was given on this floor earlier today during morning hour by the gentleman from Illinois (Mr. WELLER) was a teacher, or a police officer living in your community who is married and whose spouse is of necessity working. If we can eliminate the marriage penalty in the Tax Code, that couple will be able to keep more of their own hard-earned tax dollars.

Second, earlier today, promoted the Middle Class Tax Relief Act and the Taxpayer Choice Act, both introduced by our colleague, the gentleman from South Dakota (Mr. THUNE). This is good legislation because the net effect would be to raise the income levels for the 28-percent tax bracket, thereby putting more people in the 15-percent, the lowest tax bracket, and for those who are already in the 15-percent tax bracket, Congressman THUNE and I propose to increase the personal exemption.

This is a bottom-up approach, if you will, a bubble-up approach to lowering taxes in America. It is broad-based, real tax relief. It gets away from this notion back here in Washington that we can only do targeted tax relief that picks winners and losers from certain segments of the American people, and it is a Republican solution, if I might be so bold to say, on Democratic terms. This legislation will be difficult for the practitioners of class warfare and what I call the politics of envy to oppose.

Let me further say that if President Clinton has more money to pay for more social spending, as he suggested from in this Chamber during the State of the Union address for a host of new programs, many of them so-called mandatory entitlement programs, then I respectfully submit that we have the money for tax cuts.

But we should not do tax relief without real tax reform. We need fundamental tax reform in this country today right now to put a stop to the collection abuses by the IRS and to effectively end the IRS as we know it. That is why I and many of my Republican colleagues have already signed a public pledge and we have cosponsored legislation to sunset the Tax Code, the current tax system, by the year 2001.

This is a death sentence for the Tax Code, and it would move the country, as Congressman KINGSTON was just suggesting, in the direction of a fairer, a flatter, and a simpler tax system, one that embraces a single rate of taxation. That single rate of Federal taxation, though, when combined with State and local taxes, should not exceed 25 percent total, 25 percent in the aggregate for taxes at all levels; Federal, State and local. Today, the median family, the average family of four, is paying 38 percent of their income in taxes at all levels, and that is more than what they pay for food, clothing, housing and transportation combined.

Now, the other point I want to talk about is giving taxpayers more choice. We can let taxpayers today choose between paying a flat tax or the current system. It is just that simple. We could give taxpayers that option, that choice that says we would be empowering taxpayers because they would have the right to decide whether they prefer a flat tax or reporting all their income, and after they have declared that income, simply paying a flat rate of tax on that income or staying under the current system.

Furthermore, we could let taxpayers today decide to give them the right, again the choice and the option, to choose to invest a portion of their own hard-earned money, what they pay in payroll taxes or what are called FICA contributions into a directed IRA, which would earn a better return on their money than Social Security.

So imagine that we let taxpayers check off now a flat tax versus the current system, check off now to put their own money, at least a portion of their payroll taxes into Social Security. The net effect again, higher take-home pay, better retirement security, more freedom, and opportunity for every American worker and taxpayer.

REQUEST FOR REINSTATEMENT OF SPECIAL ORDER

Mrs. MALONEY of New York. Madam Speaker, I ask unanimous consent to reclaim my time and to address the House for 5 minutes.

The SPEAKER pro tempore (Mrs. Northup). Is there objection to the request of the gentlewoman from New York?

Ms. WATERS. Madam Speaker, for purposes of trying to understand how the rules work, I object.

What happens under the 5-minute rule? Do we entertain 5-minute presentations for as long as unanimous consent is not objected to?

The SPEAKER pro tempore. That is correct. It takes unanimous consent to address the House for 5 minutes.

Ms. WATERS. Is there a possibility of all of those who keep coming with their 5 minutes to do it following the time that I have reserved on the floor?

The SPEAKER pro tempore. The gentlewoman from New York was already on the 5-minute list. She came back to reclaim her time. Unanimous consent is required for anyone to reclaim or to add their name to the list.

Ms. WATERS. Madam Speaker, I do not want to interfere with the gentlewoman being able to address the House, but I need to know how long this can go on tonight if I do not object to unanimous consent. How many more could come? I have been here for almost 40 minutes.

So is the Chair saying that if I never object, people could keep coming and doing this?

The SPEAKER pro tempore. By the Rules of the House, as long as unanimous consent is obtained, a member may speak for 5 minutes.

Ms. WATERS. If I do object, do they have the opportunity to do it following my reserved 1 hour?

The SPEAKER pro tempore. Yes, they could come back later tonight.

Ms. WATERS. Then, Madam Speaker, I must proceed, and those who have not been here must know I have to get out of here.

The SPEAKER pro tempore. Objection is heard.

PLIGHT OF BLACK FARMERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Madam Speaker, I rise to bring to the attention of the House a problem and a situation that has lingered for far too long. I rise this evening to talk about the plight of black farmers and others in our Nation who have not been able to receive fair treatment at the United States Department of Agriculture.

What I am about to describe is one of the most unfortunate situations I have encountered since I have been a Member of this House. I have been working on this problem with other Members who represent agricultural districts, and I thought at one point we would be able to deal with bringing about some fairness and justice to black farmers and others who have been denied the ability to have their concerns addressed at USDA.

In order to make this presentation, I would like to ask my colleague from Mississippi if he would join me in a colloquy regarding the inability for black farmers and others to have their problems dealt with.

Mr. THOMPSON, I understand that it is planting season, we are nearing planting season, in many of our States where agriculture is a leading part of the economy. Is that correct?

Mr. THOMPSON. You are absolutely correct.

The other problem associated with the timing is how our farmers put their applications for support into the United States Department of Agriculture. And if they are late in putting the applications in or if there are complaints outstanding, then they are prohibited from putting applications in for operating loans for their farms.

Ms. WATERS. Mr. THOMPSON, as I understand it, many of these farmers who have lost their land, lost their homes, who have been trying to file complaints with the U.S. Department of Agriculture thought that this year that there was a break, that there was finally an opportunity to get some justice to have their complaints heard. They had great hope that this planting season, despite the fact that many of them have for years been denied access to the Department and their ability to resolve their complaints, would finally have the chance to do some planting and get on with the business of farming. Is that correct?

Mr. THOMPSON. Absolutely correct. The most astounding thing associated with your comments is that the Department of Agriculture agreed that in effect they had discriminated against African-American and other small farmers, put it in writing and ultimately said we are going to do better.

The Civil Rights Action Team Report, which was produced in January of last year, documented it. We talked about over 1500 complaints from farmers all over the country having been mistreated by our government, documented by our government, now all of a sudden here we are over 1 year later and we are still dealing with the same problem.

Ms. WATERS. Mr. THOMPSON, are you referring to what is known as the crack report labeled Civil Rights at the United States Department of Agriculture, where there is documented discrimination of the documented filing of claims that went unaddressed where the Secretary of Agriculture, Mr. Glickman, and everybody else agreed that the Civil Rights Department had literally been dismantled and that the complaints had not been worked on; all of that in this report. Is this the report that you are referring to?

Mr. THOMPSON. That is absolutely correct and the fact that to my knowledge no one disputed the findings of the report. It was a very thorough report, but also it really crystallized the problems that small and minority farmers have.

The most egregious situation with the report, Madam Speaker, is the fact that one farmer in the report has been trying for 20 years to get his claims settled, and I want to enter into the record a copy of a letter dated February 17 from Mr. Gary R. Grant from Tillery, North Carolina, and he is yet to get his problem settled that was documented in the Civil Rights Action Team Report as something that they should, in fact, settle.

Ms. WATERS. Mr. THOMPSON, I know the letter that you speak of. I, too, have a copy, and I think it is wise to enter that into the record, and maybe if we have time this evening, we can read it right into the record. It is so absolutely typical of what has been happening, and it spells out, in no uncertain terms, the trauma and the harm that has been fostered on many of our farmers who have attempted to get some justice at the United States Department of Agriculture.

Mr. THOMPSON, we also have here Mr. HILLIARD from Alabama, and I would like to ask Mr. HILLIARD if he would join us in this colloquy where we are describing what has happened to the black farmer and what we have been trying to do.

Mr. HILLIARD, as you know, those of you who represent agricultural areas have been working so hard with your constituents, you have been working with the U.S. Department of Agriculture, you have been working with the Justice Department, you have been working with the President of the United States of America. You asked the Black Caucus to take this up as an issue; we did. We had hearings. Those hearings went out over America. All of us agreed. We got more calls about the hearings where farmers came forth and talked about what had happened to them than perhaps on any other issue that we are dealing with.

I am from an urban area. I do not have agricultural interests in my district. But my urban constituents called me about this issue because many of them left the South, they left Alabama and Mississippi and other places after they determined they could no longer farm, that they could not be heard.

So would you please join us, Mr. HILLIARD, in helping the Nation to understand what has taken place with the black farmer in America.

Mr. HILLIARD. Madam Speaker, you know it is extremely difficult for me to believe that my government would sanction what the States have done for so long in this area. I find it contemptuous that the government would set up administrative rules to block those farmers from having their grievance addressed, and let me tell you how they did it.

While we in good faith have been talking to the administration, have been having hearings and have been discussing the problems hoping to have some resolution, the Justice Department decided that although those farmers had filed complaints, that those complaints would be barred by the statute of limitations if, in fact, they had not filed any court action.

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Well, prior to that administrative rule being made, the rule in force was you file your complaint, and if you receive justice that you did not like or no justice, then you go to court.

What happened that made it so bad in terms of what the government has done, neither the government, our government, the Agriculture Department nor the Department of Justice addressed any of those complaints or even discussed them or looked at them or resolved them. So they just stayed on somebody's desk, in some cases for 10 years.

Then they come back with the rule that if it has not been filed in court it is barred by the statute of limitations. This is our government, not Russia.

Ms. WATERS. You are absolutely right. I want you to, if you would spend a moment further explaining to us, Mr. THOMPSON, what Congressman HILLIARD just started to talk about. America needs to understand the details of this.

Mr. THOMPSON. Well, Madam Chairman, the notion of the statute of limitation in effect says that if you filed a discrimination complaint against the Department of Agriculture before 1994, then in effect you have lost your right to complain, because our government did not perform its required duties within the period of time that the law required. Therefore, as a person complaining, you have now lost your right to any redress or any monetary reward for having a legitimate complaint.

It is inconceivable that an agency charged with the responsibility of conducting an investigation now jumps behind the statute of limitation veil by saying, look, we did not do our job; now, I am sorry, we cannot do anything for you.

I refuse to believe that in this country, when the government clearly is at fault, that we cannot find some remedy for our taxpaying citizens who have been aggrieved by this government.

Mr. HILLIARD. If I may, Madam Chairlady, let me even go further. This was a part of an agency or a department of the Agriculture Department that had the power to look into these grievances and these complaints and make a finding. It was set up sort of like an equal opportunity commission just for the Department of Agriculture.

Now we come back and say that, even though they filed the complaint, because they did not file suit then they are barred by the statute of limitation.

But let me go one step further.

Mr. THOMPSON. If the gentleman will yield, let me share one point.

On our stationery from the Department of Agriculture it says that if you feel that you have been discriminated against, you may file a complaint with the Civil Rights Division of the United States Department of Agriculture, Washington, D.C. Our investigation found out that this department had been disbanded in 1983.

Ms. WATERS. I think that is what the Nation needs to understand. Ronald Reagan dismantled the Civil Rights Division of the United States Department of Agriculture. So when an innocent farmer who had been discriminated against was aggrieved, went to that department, followed the rules and filed the complaint, they had no reason to believe that these complaints would not be investigated.

But the fact of the matter is, they went in a cardboard box, and they sat there for years, and nothing was done.

Mr. HILLIARD. The government deceived them.

Ms. WATERS. They were misled. That is right.

Mr. THOMPSON. Now they say it is too late. We waited too long in the deception. I am sorry. You have to take your complaint elsewhere.

Mr. HILLIARD. There is no elsewhere.

Ms. WATERS. We have just been joined by the gentlewoman from North Carolina (Mrs. CLAYTON), who has been working on this issue for a long time.

We were just describing this unbelievable situation where the farmers had filed the complaint, there was no Civil Rights Division, the complaints went into a cardboard box. Now they are being told by the Justice Department, sorry, they were not filed in a timely manner, and the statute of limitations has run, and we cannot resolve your complaint.

So I know that you have been involved in discussions with both the Department of Agriculture and the administration about this, and we have some examples of people who are now not able to get them resolved unless we do something extraordinary, such as get waivers by way of legislation perhaps.

Could the gentlewoman share with us your experiences in working with all of this?

Mrs. CLAYTON. Well, we have a number of farmers in North Carolina who have filed not only part of a class action, but we have a number of farmers who have filed administrative complaints, and some of them have been 17 years old, 20 years old, and now they are being told they are barred until 2 years. So that means 22 years of their being barred will have no recourse. They are not able to get assistance from that.

What is so devastating about this is that this is our government doing it to us, not so much that this is a place where you think you would come and get some consideration or remuneration for your suffering and pain. And these farmers are being told, not only were they deceived and ignored, but there is no sense of equity. There was no sense on the part of the Justice Department in saying that the estoppel of the statute of limitations should not have been put in place because of the acts of the government itself.

The government was saying they were investigating and did not do it. The government was saying they were going to find a remedy and did not do it.

You would think the acts would bar the statute of limitations. Even if the law requires it, equity requires it, and people put in such pain and disadvantage, the equity of the case would prevail. This is what we call justice. The rule of law is based on having equity and fairness, in addition to the statute.

Now, I know they can invoke the statute of limitation. They can invoke what they call res judicata, meaning it has been adjudicated before. Those are legal bars to prevent the government from doing what they should do.

Mr. HILLIARD. I am not so sure they can legally invoke the statute of limitations at this point. You see, what happened, it had been set up by our government according to the law, a procedure, and now the government, because of what it had done in disbanding the procedure, is saying it is a bar. Because they say it does not necessarily mean that is the last word or that is the fact.

But what it does mean is that each one of those farmers must now go to another forum just to get back on the procedural track, which means they will probably have to go to the court system in order to have them rule that the statute of limitations is not applicable.

Mrs. CLAYTON. If the gentleman will yield, the fear I have is that the decision from the Justice Department is treated like a rule of law. I may disagree with it, but if everybody is treating it as a rule, it means the farmers are not getting anything. I want to find a way where we remove that. So whether I agree with it, I respect it. It is having the same effect as if it is the right thing. So we have to find a way to overcome it.

Mr. THOMPSON. If the gentlewoman will yield, the problem I have is, given the visibility of this issue, why can people of good will not come together and craft a response to this dilemma, rather than put blocks up to prevent solutions from happening?

Mr. HILLIARD. If the gentleman will yield, if we had good will, if our government had had good will, we would not have the problems we are having. We would not have had 20 years of no resolutions, no resolve. We would not have had 5 and 10 years of complaints just stacking up.

Mr. THOMPSON. Well, can the gentleman, for the viewing public, explain the statute of limitations and the government not doing its job in conducting an investigation and telling that farmer that either your complaint has validity or it does not? But the fact that our government did nothing in the administrative conduct of hearing and now falls behind a statute of limitations issue, to me it is a false notion.

Mr. HILLIARD. Deception.

Ms. WATERS. Misled. They were absolutely misled.

Correct me if I am wrong, for the lawyers who are here, I am told by some attorneys that I have talked to that if, in fact, the Justice Department is telling us, despite the fact that farmers were misled, if they are saying to us they cannot in any way deal with this issue of the statute of limitations and put it aside in the interests of justice and fairness and equality, then they are not doing their job.

This is our Justice Department, where we are supposed to go and get justice. I am not happy with the way the Justice Department has sidestepped this issue.

I would say to you, if there is a way to get into court, and maybe there is a way by way of the class action maybe that has been filed or something, that this government ought to be sued.

Now, I know there are those in the administration that are saying, well, we will try and come to Congress and fashion legislation by which we can get a waiver. And while I am not going to turn down any way by which we can get justice for these farmers, I suggest to you that if we give up on the struggle for righting this wrong based on this argument, that what we are doing is allowing them for other cases and other instances to use the same kind of argument to deny justice. I am not sure we should do that.

Mrs. CLAYTON. If the gentlewoman will yield, I agree. We have to fight on every front. And the gentlewoman's point is we cannot just depend on the legislative route to do this, because this is such an important issue that we allow the statute of limitations to be the bar for justice and fairness. We have given away the very principle that is so fundamental to our democracy. I agree with that. But I would think, I would hope as you have said, we will fight on every front.

Now, I think the U.S. Department of Agriculture is beginning to try to go around the statute, but the problem with that is that is each individual case, and that is such a difficult process. We almost have 800 cases we need settled immediately. So if they are going to settle one and go around, we ought to have the law that applies to everybody. It would make it so much easier.

I know USDA is trying to find ways creatively, and I commend them for that, because I know today they are in that process with some clients that come from North Carolina doing that. But the pain of that is that you have to do 700 of those, those families and the costs.

If we could find a remedy, Madam Chairman of our caucus, if you could think of a remedy where we could go into court and have standing, I think that is an option we ought to look at. I also think we need to find legislation that could also make that point.

I would hope there is still enough goodwill, as the gentleman from Mississippi (Mr. THOMPSON) said, of people who see the inequity of this and the visibility. And as many people understand how these farmers have suffered, they will say it is now time for Congress to do something and we should put this behind us and go forward.

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Mr. THOMPSON. Will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Mississippi.

Mr. THOMPSON. Many of our farmers have gone through bankruptcy, have gone through some real health problems. Now for our government to say to them, if you seek relief you now have to go hire a lawyer to fight the government, the notion that our Civil Rights Division in the United States Department of Justice cannot take this on as an issue and say look, I understand the ruling, but it is not right because you have in effect denied certain liberties of people in this country who should have had their concerns addressed. So why should we require people who now have been dealing with the lender of last resort to make crops come now and hire lawyers to fight the government again?

Ms. WATERS. That is right.

Mr. THOMPSON. I am not so convinced that if they did challenge the law, that our government would not try to defend the law. So in essence, we would be in court another 5 years trying to get clarification on that.

Ms. WATERS. The gentleman is absolutely right. I would say to the gentleman from Alabama (Mr. HILLIARD), if I may just for a moment, yes, if that happened and we did find a way to get in court, the Justice Department would defend its position. So we would be fighting the very department that is supposed to be getting justice for the farmers.

I yield to the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. And the devastating part of what our government has done and will do, if it takes another 5 years, is in effect eradicate the few farmers of African-American descent that are left.

After all, if we look at the period of the last 15 to 25 years, the period of time when most of these complaints originated, Members will find that we have lost tens of thousands of black farmers. There are very few left. If we take another 5 or 10 years, there will be even less. I am beginning to wonder whether this is a pattern of our government, whether this is in fact what it is trying to do.

Mr. THOMPSON. Your comments, I would say to the gentleman from Alabama (Mr. HILLIARD), go clearly and factually to the notion that there just might be a conspiracy which our government is participating in to do away with African-American farmers in this country. If I had to look at the facts in this situation, I believe they are irrefutable.

Ms. WATERS. Mr. Speaker, I would say to the gentleman from Alabama (Mr. HILLIARD), I have learned so much about this issue. Members have put so much work into this, those the Members representing agricultural districts, and the entire Black Caucus is engaged in trying to get justice for farmers.

One of the things we all know is that we have lost black farmers in America who would have been perfectly happy to farm their land, raise their families, purchase their homes. They have lost the ability to do that because they had no support. As a matter of fact, in many cases they were undermined.

The Members have taught me about the systems that have worked in these communities and the boards that are set up, and how on those boards you have people who have supported each other in not only getting the loans and the subsidies, but they have indeed sat there making decisions that worked against farmers, and then they were part of foreclosing on the farms, and they ended up in the hands of some of the very people who had in fact made decisions against their ability to get some assistance from their government.

It is outrageous, it cannot be tolerated. Before I yield back my time, I would like to submit for the RECORD a letter that we did as a Congressional Black Caucus, dated January 13th, 1998, that took issue with the way they were handling Mr. Ross before he finally got a settlement.

I would like to submit a letter of February 20 that confronts the Justice Department about the way they have dealt with the statute of limitations issue, and I would like to submit for the RECORD the report that identifies the systematic discrimination of farmers who have been trying to get some assistance from their government.

Madam Speaker, I include for the RECORD the following correspondence:

GARY R. GRANT,
Tillery, NC, February 17, 1998.

Re: Discrimination Complaints: Matthew Grant, Richard D. Grant, Gary R. Grant.

Secretary DAN GLICKMAN,
US Department of Agriculture,
Washington, DC.

DEAR MR. GLICKMAN: At the invitation of the USDA, my family and I made the long trip to Washington, DC for a meeting scheduled with Mr. Lloyd Wright, Monday, February 9. We agreed to come for what we were led to believe would be the final settlement of the negotiations process over the discrimination complaints filed by my father Matthew Grant, my brother Richard D. Grant and by me.

We took our children out of school so that they would have a first hand experience of how our government works.

Matthew Grant has filed complaints against USDA for over 20 years. Because of the severe stress and anxiety he has endured and the impossible odds set against him by the officials at USDA, he is now suffering from congestive heart failure. My father is a man who has never consumed alcoholic beverages, never smoked, and has led a life unencumbered by unhealthy habits and practices. My brothers and sisters and I painfully watch as this strong indefatigable man deteriorates. We lament the stress and worry he continues to endure because of USDA.

As we made plans to travel to Washington, and to bring our father, he lastly committed, "I just can't make it. I honestly don't think I can survive another face to face experience with these people." (Meaning the USDA and DOJ)

After being delayed in Washington for three (3) days of non-negotiations, we finally bulldozed our way to speak to you on Wednesday, February 11. We were directed by you to go immediately to Acting Secretary Pearlie Reed's office. There we met with Mr. Wright, Mr. Reed, Judge Ramsey and the new attorney from DOJ, Mr. Charles Rauls, Acting General Counsel.

After another day of waiting for negotiations to begin, nothing substantive transpired at this meeting. At this point, we decided to go home because we had already made too many sacrifices to be there nor could we afford the continued personal expenses of these unproductive meetings and delays.

We needed to come home to see about our father and mother, to get back to our jobs and to get our children back to school.

We left the meeting with the understanding that we would go home and USDA would contact us within 24 hours to bring resolution to our complaints.

To date we have had no response from Mr. Wright, Mr. Reed, nor Mr. Rauls.

We are not going away. We will fight for our rights and for justice to the death. Our children got the history lesson that no classroom could provide. They learned first hand how racist, unfair, prejudicial and tyrannical the USDA continues to treat our family.

We await your immediate response.

For justice and equality,

GARY R. GRANT.

CONGRESSIONAL BLACK CAUCUS,

CONGRESS OF THE UNITED STATES,
Washington, DC, January 13, 1998.

Hon. JANET RENO,
Attorney General, Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL: Once again I must take time out from my busy schedule to ask that the Department of Justice (DOJ) stop denying justice to black farmers.

As you are aware, black farmers have endured generations of well-documented and continuing discrimination at the hands of this government. This discrimination has caused black farmers to lose their land, their livelihood, and their homes.

Secretary Dan Glickman of the United States Department of Agriculture (USDA) and other top level government officials have pledged to remedy this discrimination and to immediately resolve the backlog of over 700 claims which have been languishing at the USDA without any action.

However, now that the USDA is finally attempting to resolve some of these cases, the DOJ has constructed roadblock after roadblock to scuttle the settlement agreements made by senior USDA officials.

The latest roadblock comes in Mr. Eddie Ross' case. The USDA settled his case by a Resolution Agreement on November 19, 1997, with full agreement by the Secretary, the USDA Office of Civil Rights, and the Office of General Counsel. The Farmer Service Agency was instructed to issue Mr. Ross' check under the terms of the settlement agreement.

Yet, the day before Mr. Ross was to receive this check, the Civil Division of the DOJ inexplicably halted the distribution of his check and refused to honor the terms of this executed settlement agreement.

Not only are the DOJ's actions in Mr. Ross' case contrary to United States District Court Judge Paul Friedman's Order of December 24, 1997, they also raise serious questions about the DOJ's willingness to remedy the long-standing pattern and practice of insidious discrimination by this government.

On December 24, 1997, Judge Friedman specifically stated that Mr. Ross is "not precluded" from "completing the administrative settlement of his case with the Department of Agriculture." I have attached a copy of this order.

It is outrageous that the DOJ wound put Mr. Ross through the USDA's administrative settlement process allowed by the Court, raise his hopes that a resolution had finally been reached, and then at the eleventh hour, dash those hopes in such a cowardly and heartless manner.

I do not know why the DOJ chose to ignore a Court Order in this instance and insist that the USDA renege on its legal obligations to Mr. Ross.

The DOJ legal tactics are dilatory and mean-spirited. They only serve to reinforce black farmers' belief that this government is not interested in remedying its admitted discrimination.

Indeed, my office has received several other complaints about the DOJ heaping more injury and harm on the black farmers by engaging in questionable legal tactics that deny them the justice they deserve.

Yes, the DOJ must do its job. However, there is a fine line between the DOJ doing its job and it acting in bad faith by engaging in questionable legal tactics that deny justice to those whom this government has admitted harming.

This government should be embarrassed and ashamed at how it has treated black farmers. I demand an immediate release of Mr. Eddie Ross' check and that the DOJ start negotiating in good faith to resolve each and every black farmer claim.

Sincerely,

MAXINE WATERS,
Chair, Congressional Black Caucus.

CONGRESSIONAL BLACK CAUCUS,
CONGRESS OF THE UNITED STATES,
Washington, DC, February 20, 1998.

Hon. JANET RENO,
Attorney General, Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: This letter is a follow-up to our conversation last week concerning the United States Department of Justice's (DOJ) position regarding the black farmers' discrimination claims.

Despite the fact that many black farmers timely filed civil rights claims with the United States Department of Agriculture's (USDA) Office of Civil Rights, the DOJ now asserts that many of these claims are barred by the statute of limitations. The DOJ's position ignores decades of documented class discrimination.

As you are aware, the USDA dismantled its Civil Rights Division in 1983 without notice to black farmers, Members of Congress, or anyone else. Subsequently, the black farmers did not know, and could not have known, that the USDA decided to ignore and let languish their timely filed claims.

As we understand it, the DOJ's Office of Legal Counsel (OLC) has issued a legal/policy memorandum (the "OLC Memo") that essentially concludes that many black farmers' claims are barred by the statute of limitations. The OLC Memo apparently states that timely filed administrative claims cannot go forward in the administrative process simply because such claims arguably would be barred by the statute of limitations if filed in a court action. It also apparently states that equitable doctrines which could be asserted to overcome the statute of limitations defense rarely are applied against the United States.

Although the OLC Memo provides the sole basis for the policy used to deny many black farmers' claims, the DOJ continues to deny the Congressional Black Caucus' (CBC) request for a copy of this memo. We can only speculate about whether the DOJ's unwillingness to provide us with a copy is because the conclusions contained in the OLC Memo cannot withstand public scrutiny.

While timely filed administrative claims subsequently filed in court may raise statute of limitation defenses, it is absurd to stretch that defense to also mean that timely filed administrative claims are also barred in the administrative process simply because such claims may be barred by the statute of limitations if filed in a court action. Indeed, many of these black farmers have not filed court actions.

In essence, the DOJ's conclusions mean that, because the federal government sat on timely filed complaints for years, black farmers are now prohibited by the statute of limitations from receiving any money to compensate them for their injuries. This is indefensible.

Black farmers also relied on Secretary of Agriculture Dan Glickman's promise to resolve these complaints. Neither the black farmers nor the Members of the CBC understood Secretary Glickman's commitment to "resolve quickly" the black farmers' complaints to mean that the DOJ would hide behind unsupportable and far-fetched theories to unilaterally dismiss hundreds of timely filed administrative actions.

Again, we insist that you intervene and correct this travesty of justice.

Sincerely,

MAXINE WATERS,
Chair, Congressional Black Caucus.

Before I yield back my time, I would ask the Members' indulgence before we complete this hour to read this letter that will be entered into the RECORD. America needs to hear the letter of this farmer and how he and his family were treated when they came to Washington, D.C. one more time to try to address their government.

I yield to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON. What I would like to do, since the gentlewoman from North Carolina (Mrs. CLAYTON) has joined us, is ask the gentlewoman to talk about the Grant family and the dilemma that they have gone through for the last 20 years, and how expectations have been elevated, only to be deflated, and as recently as last week brought family members here.

Ms. WATERS. I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I want to tell the Members, this is a family which has had a lot of struggles, a very prominent family in our community in my district; that is, in Halifax County. I know the father has been ill. By the way, the family—I will tell the Members, with the costs and the sharing, the family is back here today and we have just talked with them, and I want to tell the Members that this family has undergone all kinds of stress and pain over the years.

There are two particular cases. Now, the father has a case and the brother has a case. Mr. Grant's brother is Richard, and there is Gary Grant, who we know is over the black farmers. His brother Richard is very bitter about this, and understandably. His father has been very ill. They feel threatened over his health about this whole issue.

They brought about 16 members of the family last week at their expense to make sure that their family could experience what was going on. There was on the front page of the Boston Globe a whole profile of this family, and their contribution to the community and their desire to farm, and what they have been fighting over for a number of years.

They came for a settlement, and because of this big issue of the statute of limitations, really, obviously that was kind of a bar for that. I want to tell the Members I am aware, as we speak, that there is a settlement going on, but it is because the Caucus indeed got involved and brought that issue. But what that means is that we have to do each individual case just like that, Madam Speaker. So the gentlewoman's point is well-taken. I do want to read part of this, because if there is a response to this family, there are 700 other families that are right behind them that we have to speak to.

"At the invitation of USDA, my family and I made the long trip to Washington, D.C. for meetings scheduled with Mr. Lloyd Wright Monday, February 9th. We agreed to come for what we were led to believe would be a final settlement of the negotiations process over the discrimination complaint filed by my father, Matthew," and by the way, I saw him Saturday, "and my brother, Richard Grant, and by me. We took our children out of school so they would have a firsthand experience of how our government works," how our government worked.

"Matthew Grant had filed complaints against the USDA for over 20 years. Because of the severe stress and anxiety he has endured and the impossible odds set against him by the officials at USDA, he is now suffering from congestive heart failure. My father is a man who has never consumed alcoholic beverages, never smoked, and has led a life unencumbered by other unhealthy habits and practices. My brothers and sisters and I painfully watch as this strong, indefatigable man deteriorates. We lament the stress and the worry he continues to endure because of USDA.

"As we made plans to travel to Washington to bring my father, he lastly commented, 'I just can't make it. I honestly don't think I can survive another face-to-face experience with these people.'

"After being delayed in Washington for 3 days of non-negotiations, we finally bulldozed our way to speak to you on Wednesday, February 11. We were directed by you to go immediately to the Acting Secretary Pearlie Reed's office. There we met with Mr. Wright, Mr. Reed, Judge Ramsey, and the new lead attorney for DOJ, Mr. Charles Rauls, Acting General Counsel.

"After another day of waiting for negotiations to begin, nothing substantive transpired at this meeting. At this point, we decided to go home because we had already made too many sacrifices to be there" and to have nothing happen.

"We needed to come home to see about our father and mother, to get back to our jobs and to get our children back to school.

"We left the meeting with the understanding that we would go home and USDA would contact us within 24 hours to bring resolution to our complaints.

"To date we have had no response from Mr. Wright, Mr. Reed, or Mr. Rauls.

"We are not going away. We will fight for our rights and for justice to the death. Our children got the history lesson that no classroom could provide. They learned firsthand how racist, unfair, and prejudicial and tyrannical the USDA continues to treat our family.

"We await your immediate response.

"With justice and equality, Gary Grant."

And he sent to all of us, and the President, in terms of that. I think his effort and certainly the efforts of the Black Caucus and the intervention of that certainly means that this family is coming to some resolution, and they are feeling comfortable.

The point to be made is that they speak for so many families that stand in line, so we need to have a resolution. This is so critical.

Mr. THOMPSON. Well, if the gentlewoman will yield, with an abundance of caution, Mr. Eddie Ross from Vicksburg, Mississippi was in a similar situation. He signed a settlement agreement in November of last year, and we only got his check last Friday.

Mrs. CLAYTON. That is right.

Mr. THOMPSON. So even though you sign the settlement agreement, the ink is dry, it is not over until the check is received.

Mr. HILLIARD. Would the gentlewoman yield?

Ms. WATERS. If the gentleman will wait for one moment, my understanding is that Mr. Ross was not fully compensated. He was the case that helped to highlight this.

Mrs. CLAYTON. Statute of limitations.

Ms. WATERS. Statute of limitations.

Mrs. CLAYTON. Absolutely.

Ms. WATERS. And while they were able to do some compensation, they sidestepped the issue of the statute of limitations.

Mrs. CLAYTON. You have it right. Absolutely.

Ms. WATERS. And if the truth be told, he has not been fully compensated even though he has some compensation, is that correct?

Mr. THOMPSON. That is right.

Mr. HILLIARD. That is the point I wanted to bring out. Is this also the gentleman that had thought that his complaint had been settled some time back and that everything was perfect and everything was fine and had received certain mailers from another governmental agency?

Mr. THOMPSON. You are absolutely correct.

Mrs. CLAYTON. Taxes.

Mr. HILLIARD. And what agency was that?

Mr. THOMPSON. Let me tell you, this gentleman received a 1099 for $523,000.

Ms. WATERS. Is that IRS?

Mr. HILLIARD. Which is the amount of the settlement.

Mr. THOMPSON. For the amount of the settlement, which he had not received.

Mr. HILLIARD. But he received that, which meant that, theoretically, he was supposed to pay taxes on that for the year 1997.

Mr. THOMPSON. You are absolutely correct.

Mr. HILLIARD. And he just received a check last week.

Mr. THOMPSON. That is correct.

Ms. WATERS. If the gentleman will yield back to me. After it was decided that the money was owed, the check was cut.

Mrs. CLAYTON. That is right.

Ms. WATERS. He had to sign the check within four hours. And a memorandum went from USDA to the Justice Department that talked about all of the ways they could deny the check. In the final analysis, they found the good old statute of limitations and ruled that they could not go forward.

Mr. HILLIARD. Madam Speaker, would the gentlewoman yield?

Ms. WATERS. Yes.

Mr. HILLIARD. Because I want to make sure I understand her.

Ms. WATERS. Yes.

Mr. HILLIARD. Is the gentlewoman saying that agreement had been reached?

Ms. WATERS. Yes, sir.

Mr. HILLIARD. And a check had been cut?

Ms. WATERS. Yes, sir.

Mr. HILLIARD. And they held that check?

Ms. WATERS. Yes, sir.

Mr. HILLIARD. After our government has signed the agreement?

Ms. WATERS. That is right, sir.

Mr. THOMPSON. That is right.

Mr. HILLIARD. And said what?

Ms. WATERS. Said, uh-oh, the statute of limitations.

Mr. THOMPSON. That is right.

Ms. WATERS. The memorandum discussed a way by which they could deny the check that had already been cut, and they did it within 24 hours. See, the reason the gentleman got his 1099 from the IRS was because the check was cut, and the form went over to notify Internal Revenue that he had been paid.

So when you send that notification, then IRS takes, of course, a look at the additional dollars or compensation or whatever you have so that they can tax you. That is why he got the notice from IRS because they assumed, given they had been given the notice, that he had the money.

Mr. THOMPSON. Well, Madam Speaker, what happened, they told the people that processed the check, but then they did not go back and tell them but we are not going to mail it, do not send the statement out, because if you do, you let the cat out of the bag.

So what happened when Mr. Ross got the 1099, it was obvious that they were moving so fast to cover their tracks that they missed one scenario to cover it. And that was the issuance of the 1099. And that is what brought all of this to light.

So, to the Grant family and the public, we want them to understand that we are still having a difficult time getting our government to be sensitive to the problems that our farmers are having. We should not have to fight our government to make it right.

Mr. HILLIARD. Will the gentlewoman yield?

Does it not go further than that? Does it not show that our government is really maneuvering and trying not to keep their word, not to compensate these people for the wrongs that have been heaped on them?

Mr. THOMPSON. Oh, absolutely. And the civil rights action team report documents all the wrongs.

Mrs. CLAYTON. Absolutely.

Mr. THOMPSON. I would say that Secretary Glickman had the novel idea that, now that we have the problems documented, we can move and solve them right away.

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Mr. THOMPSON. Madam Speaker, the systemic problem within that agency is so deep, the good old boy network.

Mr. HILLIARD. But there also has to be in Justice, too.

Ms. WATERS. Madam Speaker, I submit that the Justice Department has said no matter what we move to do in USDA, they have got the final word. We can go through the administrative process all we want and resolve these cases, but they are going to look at each one of them and they are going to determine whether or not they will let it go through and will let these payments be made.

I really do believe that the Secretary is doing the best that he can do and he is acting in good faith. I do not think that Secretary Glickman ever anticipated that some lawyer sitting over in DOJ would have the audacity to stop these payments. Because as we all understood, and the Secretary thought, when all is said and done, once the Secretary signs off: Done. None of us anticipated that DOJ would interfere in the way that they are doing.

And so we have now 864 cases still to be resolved. All of the work that you have been doing for the time that you have been in Congress, only 224 have been resolved. It is planting season and we have farmers that are bare. In this 864 have been waiting 10, 15, 20 years. We have people who have died waiting. We have people who have had heart attacks who have died brokenhearted waiting for their government to look at these cases to investigate them, to give them just a modicum of justice.

And so let me just say to all of my colleagues, despite this difficulty, I cannot use a better example than Winnie Mandela when they had to confront the past laws of an apartheid system. She said, "Now that you have touched the women, you have struck a rock."

Well, now that they have engaged the Congressional Black Caucus, they have struck a rock. This is our "40 acres and a mule." We are not going anywhere. Eight hundred sixty-four cases to be resolved. We are committed to resolving each one of them by any means necessary. We will try to resolve them administratively. We will attempt to do whatever we can do to pass legislation. But we will not go away.

Madam Speaker, I say to all of those farmers who are out there whose voices have gone unheard, all of the farmers that my colleagues have been working so hard for, that they have been knocking on the doors of USDA and Department of Justice and Congress, they need to know this evening that we are joined as a strong team with good Members of this Congress who want to help us. Members who I understand may come from both sides of the aisle. Members who have watched as we have been engaged in this struggle who have said how can I help?

They may get a chance to vote on some legislation to waive the decision about the statute of limitation. But we are determined that whatever it takes, we are going to win justice for these farmers. Not only will the farmers be proud, but all of their relatives who went up North because they could not farm; all of them who live up in my district and live in New York and who live in St. Louis and other places who could not continue their farming and who are fighting for their relatives down South. We stand here today committed to the proposition: We are not going anywhere. We are going to work these cases one by one, two by two, three by three, four by four. We are going to get justice for all of these 864 cases. Am I correct?

Mr. HILLIARD. Madam Speaker, yes, absolutely correct.

Mr. THOMPSON. Madam Speaker, to the question of fundamental fairness, I am convinced that if this proposition is put before this body, that if, in fact, the record says that these individuals have, in fact, been aggrieved by an Agency of the United States Government, and we cannot provide relief to them because of a little something called the statute of limitations, and we have provided relief in other situations for other individuals. I look at this as a similar position.

Farmers have been done wrong. We have documented the wrongdoings of the Department of Agriculture. The Secretary of Agriculture would like to resolve the problems. Now, another branch of government decides that they know more about agriculture than the Department of Agriculture and they will become, if we please, "the new plantation" which is about the business of making black farmers extinct in this country.

So in the interest of fairness, we can resolve it, Madam Speaker, but it will take people of goodwill, as I said earlier, sitting down, reviewing the facts. And the record is clear. Mr. Eddie Ross' case was 7,500 pages long. One little small farmer who was renting land to farm. And here we have wasted thousands of dollars before we came to a partial settlement in his case.

Let us cut the red tape. Let us quit spending money. Let us put our lawyers to work to fighting the druggies and folk who bring in drugs in this country. We should not be fighting hard-working farmers in this country with our tax dollars. Let us fight crime. Let us fight the problems that tear communities down. Let us not fight the people who work by the sweat of their brow trying to make something out of this country that we call America.

Ms. WATERS. Madam Speaker, I ask the gentleman from Alabama (Mr. HILLIARD) if he would like to have our closing statement.

Mr. HILLIARD. Madam Speaker, basically I want to make one point. That the results of our government's action or inaction, whether intentional or unintentional, has caused continuous discrimination against African-American farmers to the detriment of their very existence. We must continue to help them.

Mrs. CLAYTON. Madam Speaker, this is an opportunity, I think, that we have to acknowledge that a great injustice has been done. And I agree with the gentleman from Mississippi (Mr. THOMPSON), we ought to just say we should not have done that, government. We understand we did wrong, and try to make amends. We have done this in this country before. And the pain and suffering that is continuously happening need not happen.

But more importantly, we ought to say something about the sincerity of this democracy when we acknowledge that people have been aggrieved and harmed; that is what the rule of law is about. It is about justice and equity. And this is a small, narrow group. We are not talking about a large group. We are talking about a small narrow group. In fact, only 3 percent of the Americans provide the food and fiber anyhow. And of that 3 percent, we have less than 16,000 African-American farmers.

So we need to find how we increase the number of farmers. Not only for opportunities, but increase of number of farmers, period. And not put them at a disadvantage. They are providing food and fiber for all of us as Americans. They do not discriminate. They put their sweat and their brow to produce good food at affordable rates. We ought to at least say they ought to have an even break and their justice should be in their making an honest living, providing products that are worthy and that government should say that they will do these things without any regard to discrimination of race or equity or physical disability.

And if they have erred, usually our government would be big enough to say we have erred and we have documented that we have erred, and now that we have admitted, as the report says, and in each of the cases that we talk about we are not talking about rewarding people who just claim to have been discriminated, we are talking about rewarding people that the government said they discriminated against. So we are asking them to acknowledge and pay for their acknowledgment and not just say, uh-oh, I am sorry; it is too late.

Our government is too great. What makes our government great is its compassion and its rule of law and the rule of law has the confidence of its people when there is a sense of justice and a sense of fairness.

Madam Speaker, I thank the gentlewoman from California (Ms. WATERS) for having this special order that we could talk about. I am pleading with our other Members who I think on both sides understand the inequity that has happened here, and we will need them to reinforce that the rule of law does prevail and it does prevail for black farmers as it does for any other American. I thank the gentlewoman from California for her leadership.

Ms. WATERS. Madam Speaker, the gentlewoman is certainly welcome. And I would like to thank her for the education that she has provided for all of the Members of the Congressional Black Caucus. Those who have struggled with this issue have taught us not only the importance of the black farmer, but really have opened our eyes to the discrimination that they have been confronted with, and the harm and the detriment, the loss of property that they have experienced.

We know this issue now. We understand it very deeply and we are very much committed to justice and fairness. And I want to thank them for all the work that they have been doing on behalf of the farmers and the way that they have moved this issue forward.

I have been here in the government long enough to understand and witness, just before I came, the bailout of the banks. I am now here when I am watching us be involved in an issue where we are being asked for $18 billion for the International Monetary Fund where, again, we are going to bail out banks.

We bailed out savings and loans, we are going to bail out banks who made loans in countries where the money was at risk. Countries where there are dictators, countries where the economy is not stable. Countries that are on the verge of civil war. We have watched our government bail out and come to the aid of those who oftentimes have not been deserving.

Banks have not been discriminated against; they have been embraced. S&Ls were not discriminated against. They were embraced. And here we have the little people, the little people who are trying to eke out a living, good hard-working, God-fearing people who came before our committee and cried real tears. People who pray to their God every night, who rise up early in the morning and go to work, who send their children to school, who played by the rules who have been harmed. People who are just asking for a little justice.

I know we have spent a lot of hours on this issue. I know how much time my colleagues have spent. But I know that in the final analysis we are going to win on this issue. And I do believe that even those Members who may have not paid attention who come from a different philosophical point of view on most issues, will understand the harm and injustice of this issue.

I am confident, as a matter of fact, that when we pursue the legislative remedy, that we are going to be able to prevail on this floor because in the final analysis, most people understand simple and basic fairness. And most people want the little people to receive justice from their government.

So I say to all of my colleagues, our work continues. But in many ways we have just begun. No matter how many hours we have put into it until the race is run, it has not been done. And as we stand here today, we can be proud, the Congressional Caucus can stand proud because we are representing the black farmers of America from every nook and cranny throughout the South, throughout the Midwest, wherever they are, we stand tall in representing them and we are going to fight for justice. We will not stop until this ill is cured.

□ 1930

Mrs. CLAYTON. I want to say the fight that we are making for the black farmers is also yielding for the betterment of small farmers and other minorities. I want to tell my colleagues that the farmers who are Indian that have come from their reservations saying they got no help are now joining with the black farmers. White women who have been discriminated in New Jersey are coming to our Committee on Agriculture saying, because of the fight, they saw the hearing and called and asked if they could participate.

So fighting for little people has united our effort and our leadership to fight for all rural farmers in that area.

Mr. THOMPSON. If the gentlewoman will yield one last time, one of the things perhaps tomorrow night we can talk about, in addition to expanding more on this issue, is the notion that the settlement would adversely impact the budget. The gentlewoman from North Carolina and I are on the Committee on the Budget, but the reality is we already have monies set aside to settle the notion.

So if there are any people wondering, saying if we settle all those cases, what will it do to the budget? Zero. Because we have a judgment fund created within our government to handle situations like this when we do wrong.

So, clearly, we will expand a little more tomorrow night on it, but just the notion that if relief is to come, who will write the check. Gladly, somebody had the foresight to know that we are not perfect, so we have a judgment fund available to us that clearly has money in it and we can resolve these issues and get on with the business of running the government.

Ms. WATERS. Madam Speaker, I want to thank Members very much.

CONTINUED REPRESSION IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

Mr. DIAZ-BALART. Madam Speaker, today, February 24th, is a very important day in the history of Cuba. It is the day that in 1895 the war of independence of the Republic of Cuba began. After almost a century of fighting, the Cuban people began the war of independence of 1895 on February 24th, a war that was ultimately successful.

And names that already had become not only part of martyrdom but of history, names like Cespedes and Agramonte and Aguilera, the founding fathers of the Cuban republic that had launched the first war of independence in 1868, a war that lasted 10 years, that caused hundreds of thousands of casualties, those names were added in the war that began in 1895 on this date to many others that also became part of martyrdom and of history, names like Marti and Banderas and some names from the prior war that again that took part in the war of independence that was successful in 1895, names like Gomez and Maceo. So this is a very important date in the history of Cuba, and it is important to remember it.

It is also a very important date, Madam Speaker, now in the history of the United States, a date that is already not only part of history but has been bloodied just 2 years ago, on the 24th of February, 1996, when the Brothers to the Rescue airplanes were on a humanitarian mission over the Straits of Florida and were shot down and four innocent civilians were killed.

I would like to, if I may, Madam Speaker, read a part of an opinion issued just a few weeks ago, a final judgment by the United States District Court of the Southern District of Florida, specifically written by Federal Judge James Lawrence King, where this incident of just 2 years ago is detailed. Not only is it described in all its brutality but some of the most, I think, extraordinary characteristics of this brutal incident are laid out.

Judge King writes in his order of just a few weeks ago, the government of Cuba on February 24, 1996, in outrageous contempt for international law and basic human rights, murdered four human beings in international airspace over the Florida Straits. The victims were Brothers to the Rescue pilots flying two civilian unarmed planes on a routine humanitarian mission searching for rafters in the waters between Cuba and the Florida Keys.

As the civilian planes flew over international waters, a Russian-built MiG–29 of the Cuban Air Force, without warning, reason or provocation blasted the defenseless planes out of the sky with sophisticated air-to-air missiles in two separate attacks.

The pilots and their aircraft disintegrated in the midair explosions following the impact of the missiles. The destruction was so complete that the four bodies were never recovered.

One of the victims, Armando Alejandre, was 45 years old at the time of his death. Although born in Cuba, Alejandre made Miami, Florida, his home at an early age and became a citizen of the United States. Alejandre served an active tour of duty for 8 months in Vietnam, completed his college education at Florida International University and worked as a consultant to the Metro Dade County Transit Authority at the time of his death. He is survived by his wife of 21 years, Marlene Alejandre, and his daughter Marlene, a college student.

Carlos Costa was born in the United States in 1966 and resided in Miami. He was only 29 years old when the Cuban government ended his life. Always interested in aviation and hoping to some day oversee the operations of a major airport, Costa earned his Bachelor's Degree at Embry-Riddle Aeronautical University and worked as a training specialist for the Dade County Aviation Department. He is survived by his parents, Mirta Costa and Osvaldo Costa, and by his sister Mirta Mendez.

Mario De la Pena was also born in the United States and was 24 years old at the time of his death. Working toward his goal of being an airline pilot, De la Pena was in his last semester at Embry-Riddle when he was killed. During that semester he had obtained a coveted and highly competitive internship with American Airlines. Embry-Riddle granted De la Pena a bachelor's degree in professional aeronautics posthumously. He is survived by a younger brother, Michael De la Pena, and his parents, Mario and Miriam De la Pena.

Pablo Morales was the fourth victim. His survivors are not part of this court case. That is why Pablo, a marvelous young man also, who himself had been rescued by Brothers to the Rescue, is not mentioned in this opinion by the Federal Court.

The court then describes the shootdown.

Alejandre, Costa and De la Pena were all members of a Miami-based organization known as Hermanos al Rescate, or Brothers to the Rescue. The organization's principal mission was to search the Florida Straits for rafters, Cuban refugees, who had fled the island nation on precarious inner tubes or makeshift rafts, often perishing at sea. Brothers to the Rescue would locate the rafters and provide them with lifesaving assistance by informing the Coast Guard of their location and condition.

On the morning of February 24, 1996, Brothers to the Rescue's civilian Cessna 337 aircraft departed from Opa-Locka in South Florida. Costa piloted one plane, accompanied by Pablo Morales; De la Pena piloted the second plane, with Alejandre as his passenger.

Before departing, the planes notified both Miami and Havana traffic controllers of their flight plans, which were to take them south of the 24th parallel. The 24th parallel, well north of Cuba's 12-mile territorial sea, is the northernmost boundary of the Havana flight information region. Commercial and civilian aircraft routinely fly in this area, and aviation practice requires that they notify Havana's traffic controllers when crossing south through the 24th parallel.

Both Brothers to the Rescue planes complied with this custom by contacting Havana, identifying themselves and stating their position and altitude.

While the planes were still north of the 24th parallel which, as the judge stated, is well north of the 12-mile territorial limit, the Cuban Air Force launched two military aircraft, a MiG–29 and a MiG–23, operating under the control of Cuba's military ground station. The MiGs carried guns, close-range missiles, bombs and rockets and were piloted by members of the Cuban Air Force experienced in combat.

Excerpts from radio communications between the MiG–29 and Havana military control detailed what transpired next.

The MiG–29: Okay, the target is in sight; the target is in sight. It's a small aircraft. Copied, small aircraft in sight.

We have it in sight.

Target is in sight.

Military Control: Go ahead.

MiG–29: The target is in sight.

Military Control: Aircraft in sight.

MiG–29: Come again?

It's a small aircraft.

It's white. White.

Military Control: Color and registration of the aircraft?

MiG–29: Listen, the registration also?

Military Control: What kind and color?

MiG–29: It's white and blue.

White and blue, at a low altitude, small aircraft.

Give me instructions.

Authorize me.

If we pass it, it will complicate things. We're going to give it a pass because some vessels are approaching there. I'm going to give it a pass.

Talk. Talk.

I have it on lock-on. I have it on lock-on.

I have it on lock-on. Give us authorization.

It's a Cessna 337. Give us authorization, damn it.

Military Control: Fire.

MiG–29: Give us authorization. We have it.

Military Control: Authorized to destroy.

MiG–29: I'm going to pass it.

Military Control: Authorized to destroy.

MiG–29: We already copied. We already copied.

Military Control: Authorized to destroy.

MiG–29: Understood, already received. Leave us alone for now.

Military Control: Don't lose it.

MiG–29: First launch.

We hit him. Damn, we hit him. We hit him. We retired him.

Wait to see where it falls.

Come on. Come on in. Come on in. Obscenities.

Mark the place where we took it out.

We are over it. This one won't mess around anymore.

Military Control: Congratulations to the two of you.

MiG–29: Mark the spot.

We're climbing and returning home.

Military Control: Stand by. Stand by there circling above.

MiG–29: Over the target?

Military Control: Correct.

MiG–29: Obscenities. We did tell you, buddy.

Military Control: Correct, the target is marked.

MiG–29: Go ahead.

Military Control: Okay, climb to 3,200, 4,000 meters above the destroyed target and maintain economical speed.

MiG–29: Go ahead.

Military Control: I need you to stand by. What heading did the launch have?

MiG–29: I have another aircraft in sight.

We have another aircraft in sight.

Military Control: Follow it. Don't lose the other small aircraft.

MiG–29: We have another aircraft in sight. It is in the area where the other one fell. It's in the area where it fell.

We have the aircraft in sight.

Military Control: Stand by.

MiG–29: Comrade, it's in the area of the event.

Did you copy?

Okay, this one's heading 90 degrees now.

It's in the area of the event, where the target fell. They are going to have to authorize us.

Military Control: Correct, keep following the aircraft. You are going to have to stay above it.

MiG–29: We're above it.

Military Control: Correct.

MiG–29: For what? Is the other authorized?

Military Control: Correct.

MiG–29: Great. Let's go, Alberto.

Understood. Now we're going to destroy it.

Military Control: Do you have it in sight?

MiG–29: We have it. We have it. We're working. Let us work.

The other one is destroyed. The other one is destroyed. Fatherland or death. Obscenities. The other one is destroyed. It's down also.

The judge continues: The missiles disintegrated the Brothers to the Rescue planes, killing their occupants instantly and leaving almost no recoverable debris. Only a large oil slick marked the spots where the planes went down. The Cuban Air Force never notified or warned the civilian planes, never attempted other methods of interception, and never gave them the opportunity to land.

□ 1945

The MiG's first and only response was the intentional and malicious destruction of the Brothers to the Rescue planes and their 4 innocent occupants. Such behavior violated clearly established international norms requiring the exhaustion of all measures before resort to aggression against any aircraft and banning the use of force against civilian aircraft altogether.

The international community, the judge writes, moved quickly to condemn the murders. The United Nations Security Council, the European Union, and the International Civil Aviation Organization were among the many to issue statements deploring the Cuban regime's unjustifiable use of force. The Congress characterized the shootdown as a blatant and barbaric violation of international law, tantamount to cold-blooded murder. Congress concluded, "The Congress strongly condemns the act of terrorism by the Castro regime in shooting down the Brothers to the Rescue aircraft on February 24, 1996."

The court in its opinion rightly found both the Cuban Air Force and the Cuban government are liable for the murders of Alejandre, Costa, and De la Pena.

The court writes, Cuba's extrajudicial killings of Mario De la Pena, Carlos Costa, and Armando Alejandre, and Pablo Morales, which is not part of this action.

Cuba's extrajudicial killings of these innocent civilians violated clearly established principles of international law. More importantly, they were inhumane acts against innocent civilians. The fact that the killings were premeditated and intentional, outside of Cuban territory, wholly disproportionate and executed without warning or process, makes this act unique in its brazen flouting of international norms. There appears to be no precedent, writes Judge King, no precedent for a military aircraft intentionally shooting down unarmed civilian planes.

The only conceivable parallel may be the shootdown of KAL Flight 007 by the former Soviet Union in 1983. That incident can be distinguished from this case, however, by two key facts. First, the Soviets were arguably under the impression that the KAL plane was a military aircraft. Second, the plane had strayed into Soviet airspace. Neither of these facts is true in this case. Yet despite the fact that the KAL plane was in Soviet airspace, a commentator studying the incident concluded that the lethal use of force was completely inappropriate.

So I think it is important, Madam Speaker, to realize that there is no precedent for the terrorist action committed just 2 years ago today by the Castro regime killing 4 unarmed civilians over international waters. This kind of extrajudicial killing constituted an act of state terrorism, not state-sponsored terrorism but rather state-committed terrorism that must be, and I commend at this point Judge King and the court, the Federal District Court for the Southern District of Florida for this very erudite and responsible and obviously fair and humane final judgment.

I think it is important that despite the great courage required to do so, out of a Cuban political prison there has been sent out, smuggled, if you will, surreptitiously sent, a statement by 8 political prisoners. They managed to get this statement out of the Ariza prison in Cienfuegos, Cuba just a few days ago with regard to this date. These prisoners, risking their lives in sending this statement out, wrote the following:

"The dictatorship has stained another date in the history of Cuba with blood, injustice and profound pain with the shootdown of the aircraft of Brothers to the Rescue in 1996, the second anniversary of which is commemorated on February 24.

"As will so many Cubans, we will never forget the victims of that day who because of the love of justice became doves of peace who offered their lives to try to bring freedom to their humiliated people.

"To those who did not take death seriously when the nation was discussed, because of their example, we are willing to equal their measure of devotion.

"In memory of those who fell in flights of peace, the political prisoners of Las Villas in Ariza, Cienfuegos, manifesting our repudiation of the massacre and our heartfelt condolences to their families, will be fasting and in prayer during the entire day of February 28, 1998.

"Decided for the nation."

Signed by Vladimiro Roca, Bernardo Arevalo, Augusto Cesar San Martin, Jorge Felix Canosa, Israel Hidalgo-Gato, Benito Pojaco, Jose Ramon Lopez and Pedro Genaro Barreras.

This is an example of extreme courage and typical of the kinds of statements and actions that are being taken by the internal opposition within Cuba day in and day out, even in the midst and while they suffer as a consequence grave repression from the dictatorship.

Madam Speaker, I try to utilize this position of great honor granted to me at 2-year intervals by the 600,000 residents of the 21st Congressional District of Florida to bring to the attention of my colleagues and the American people facts and realities that the majority of the communications media and the press often ignore. All too often the reality of Cuba, the reality facing the Cuban people fits into that category. To use the analogy of failing to see the forest while talking about trees, for one story by a journalist who sees the forest, we are forced to read 50 stories about trees, stories that are either completely one-sided, out of context or simply seem to be from another forest altogether. One of those few articles, one of those few examples by mass media that show that there are exceptions I read just yesterday in the Washington Times by a journalist named Tom Carter. Mr. Carter writes, in an article entitled Cuba's Forgotten Prisoners of Conscience:

"We knew Nelson Mandela's name long before he was released from the South African jail because reporters made his name known. All over the United States and Europe people prayed in synagogues and churches for the release of Natan Shcharansky and Andrei Sakaharov from Soviet imprisonment or exile."

Amnesty International lists 600 prisoners of conscience. Those are people who have been sentenced for alleged crimes by Castro's regime which are totally nonviolent, even pursuant to the accusation made by the dictatorship. Because there are hundreds, thousands of others who are charged with so-called common crimes even though they are political prisoners.

"Amnesty International nevertheless lists 600 prisoners of conscience currently rotting in the Cuban Gulag. Pope John Paul II gave the government a list of 200 names pleading for their release. Some were released in a government amnesty earlier this month. Nonetheless, the State Department's 1998 report on human rights lists Cuba as one of the world's most egregious violators of human rights."

"Why then with some 3,000 American reporters credentialed to cover the Pope's visit to Cuba was there so little news from those opposed to Castro's Communist paradise?"

"One theory on the media's silence is that the Cuban regime has cowed the U.S. press in much the same way it has subdued much of its 11 million people, with fear. For years, getting permission to report in Cuba has been coveted like a brass ring, visas awarded only to reporters deemed reliable by the Cuban government and some reporters hoping to make return trips purposely tailor their coverage so as to not offend anyone in government."

"On my first visit to Cuba 6 years ago, a well respected reporter who is still reporting from Cuba schooled me on what the authorities would permit and what was out of bounds: It was permitted to interview government-approved dissidents, most notably Elizardo Sanchez, a former Marxist professor who has spent 8 years in jail. The head of the Cuban Commission for Human Rights and Reconciliation has suffered enormously and has jackboot prints on his front door to prove it, and reporters have beat a well worn path to his house. Perhaps coincidentally, Mr. Sanchez is by his own count one of the minority of opposition figures who, like the Cuban government, also opposes the U.S. embargo on Cuba."

"Other opposition figures I asked about were considered sensitive and way off limits, only to be interviewed on the way to the airport and only if a return visa was unimportant."

"Despite the so-called openness of the Cuban government for the Pope's visit, it refused visas to at least 60 reporters from the Miami Herald, the St. Petersburg Times and several European and Latin American newspapers. Many denied entry were old Cuba hands who had written unflattering reports about the deterioration of the revolution in recent years."

"So many who received the coveted tickets to Havana were Cuban novices, first-time visitors to the island with no time to peer behind the public mask of the revolution. Others apparently in sync with the, quote, gains of the revolution, end quote, and opposed to the U.S. Cuba policy simply choose to ignore the other side of the story."

"While I cannot comment on all of CNN's coverage, I did see Christiane Amanpour's 1-hour special on Cuba and the Pope that was aired on CNN's international channel."

"Masquerading as news, it was little more than a song of praise to the revolution and a political commercial against the U.S. embargo. I kept waiting in vain for someone, anyone, to say something that didn't sound like it was straight out of the government newspaper Granma."

"It is not as though opposition figures in Cuba are unknown. Two phone calls before I left the United States for Cuba got me 4 pages of names, addresses and phone numbers. Time prevented me from visiting more than one, Dr. Hilda Molina, who said American reporters rarely stop by."

"Asked if my visit put her in danger, she was defiant. 'I don't care if you're State security, I'll say the same thing,' she said."

"Before that kind of courage, I find it cowardly that some news organizations simply recycle regime propaganda as news."

Unfortunately, Madam Speaker, that is all too often the reality of news reporting with regard to Cuba. The reality of Cuba is ignored and very often if it is not ignored, it is part of disinformation and even misinformation.

I attempt to update, and I will use this opportunity to update my colleagues about recent arrests and acts of repression against dissidents and independent journalists in Cuba. I guess we could call it a plaque of human rights update on the situation there because I think that it is important as Mr. Carter writes, for human rights support groups and international organizations and parliaments throughout the world and especially in this greatest of all democratic parliaments in the world, for those brave human rights activists and freedom fighters to be mentioned, to be supported, to be given solidarity. It is very telling that despite the repression, despite the great obstacles faced by the internal opposition, that internal opposition is an ever growing, brave opposition movement within Cuba that is actively working to achieve a transition to democracy and freedom in that long-suffering island.

I have before me just a very incomplete, I recognize, list of obvious and direct human rights violations, and I would like to read out the names of just a few of these incidents that have come to my attention in recent months, and most of them I have actual dates for.

On July 23, Pascual Escalona, a well-known human rights activist, was charged with dangerousness and arrested.

July 24, Aguilleo Cancio Chong, President of the Cuban National Alliance, was arrested by Cuban State Security and subjected to intense interrogation and threats.

On July 24, Pascaul Escalona Naranjo was sentenced to one year's imprisonment on a charge of dangerousness. It is believed that the charge stems from his and his wife's advocacy of freedom of expression for Cuba through the Agencia de Prensa Independiente, the Cuban independent press agency.

On July 25, Ramon Morejon Castillo's house was searched from 7 in the morning until 12 noon and he was later arrested. Morejon Castillo is not a member of any opposition group but was arrested 2 years ago under the charge of suspicion of sabotaging Cuban elections. He is still imprisoned in the Villa Marista state security center.

On July 28, Raul Rivero, head of the Independent Press Group, Cuba Press, was detained.

□ 2000

He was detained again on August 12.

On July 29 Luis Lopez Prendes, reporter with the Independent Press Bureau, was arrested after speaking with members of the New York based Committee to Protect Journalists.

July 31 Rafael Fonseca, Yordys Garcia, Juan Rodiles, Carlos Herrera, Jackelin Caballero and Dr. Walter Estrada, members of the Cuban Democratic Youth Movement, all from Guantanamo, were warned by State security not to show themselves in public while delegates of the XIV World Youth and Students Festival were visiting Guantanamo. In spite of this, a peaceful rally demanding the release of Nestor Rodriguez Lobaina was held and broken up by State security.

Also in July 1997, date unknown Reinaldo Soto from the Cuba Press was sentenced to 5 years in a maximum security prison. He was found guilty of distributing enemy propaganda to foreign states.

Also July 1997, date unknown, Heriberto Leyva Rodriguez, vice president of Youth for Democracy, was convicted of contempt for the authority of the Santiago courts, based on his testimony given at the hearing of Garcia de la Vega, another member of Youth for Democracy.

July 1997, date unknown, Lorenzo Paez Nunez, a journalist with the Habana Press Agency, was sentenced to 18 months for, "contempt and defamation of national policy," based on allegations that he reported on police abuses.

August 2, Juan Carlos Herrera was arrested and kept in isolation for 2 days for attempting to contact foreign delegates at Cuba's youth festival who were in Guantanamo at the time. He was told by Manuel Ceballos, who was in charge of interrogation, that he would be charged with disorderly conduct and enemy propaganda because he had a copy of the Universal Declaration of Human Rights when he was arrested. He was released when the delegates left Guantanamo.

August 2, Mauri Chaviano Mesa, executive with the Cuban National Alliance, was arrested in Santa Clara and submitted to interrogations, harassment and threats by State security.

August 12, Raul Rivero, President of the Cuba Press was detained by Cuban officials. The agents confiscated materials from his domicile, and after hours of detention he was released.

August 14 Raul Rivero, was again detained on charges of possessing enemy propaganda. His house was searched without warrant.

August 15, David Norman Dorm, Director of International Affairs for the American Federation of Teachers here in the United States, visiting Cuba, was deported allegedly for contacting the internal opposition on behalf of the Freedom House Cuban Rights organization here in the United States.

August 15 Maritza Lugo Fernandez, vice president of the Thirtieth of November Party, was arrested for informing foreigners about human rights abuses in Cuba. She started a hunger strike when informed that she would be tried by a military court.

August 19, State security agent known as Pepin and other agents in an act of continuing psychological torture, went to the home of Professor Reinaldo Cosano Allen and told him to gather his belongings because he was being arrested.

August 20, Zohiris Aguilar, activist and president of the Popular Democratic Alliance, ADEPO, was detained by Cuban State police without being given cause. Her husband Leonel Morejon Almagro, lawyer and founder of Concilio Cubano, well known human rights umbrella group, was also questioned by police. Police threatened to take away their child to be raised by the State unless they ceased their activities advocating free and fair elections.

August 20, Nery Gorotiza Campoalegre, executive of the Cuban National Alliance, was detained by State Security Agent Pepin, interrogated and threatened for 24 hours.

August 20, opposition activist Sergio Quiro, secretary for Leonel Morejon Almagro, was arrested. While being interrogated and threatened, State security agents played audio tapes with phone conversations opposition members had had with international human rights support groups.

August 21, Roberto Gonzalez Tibanear, who had been deported from Sweden to Cuba early in 1997, was arrested. His defense lawyer was given 48 hours to prepare his case. The charges against him were instigation and contempt.

August 21, Vicente Escobar Barreiro, director of the Cuban Unionism Studies Institute and a leader of the Cuban Workers Council, an independent union, was called in for questioning by the Singular Vigilance System. The Singular Vigilance System is one of the many repressive organs of the Cuban dictatorship.

August 23, Odilia Collazo, while traveling in a car with her husband, was rammed by a government-owned bus and received severe life-threatening injuries. In addition to being President of the Cuban Pro Human Rights Party, Collazo had just assumed the Presidency of the Dissidents Task Force Support Committee after the task force members, well known dissidents, Vladimiro Roca, Felix Bonne Carcasses, Dr. Rene Gomez Manzano and economist Marta Beatriz Roque, were incarcerated the previous month.

Throughout the month of August 1997, Jesus Chamber Ramirez, sentenced to 10 years in prison for enemy propaganda and disrespect against government authority, was regularly denied family visits because he insisted on being treated as a political prisoner rather than as a common prisoner. He was tried and sentenced to an additional 4 years for demanding better conditions with yet another trial still pending.

August 1997, date unknown, Luis Mario Pared Estrada, a leader of the Thirtieth November Party, Frank Pais, was convicted of dangerousness and sentenced to one year in prison.

September 8, three leaders of the Democratic Federation of Workers in Cuba, Ana Maria Ortega Gimenez, Nacional Coordinator; Gustavo Toirac Gonzalez, Secretary General; and Ramon Gonzalez Fonseca, Secretary of Transportation were arrested. Jose Orlando Gonzalez Brindon, President of the organization was placed under house arrest.

September 9, Cuban State police arrested the President of the Democratic Solidarity Party, Hector Palacio Ruiz, for commenting on Castro's lack of mental stability in an interview with a German journalist. We certainly could do an entire special order on Castro's lack of mental stability.

September 10, Jorge Luis Garcia Perez Antunez, Nestor Rodriguez Lobaina, and Francisco Herodes Diaz Echemendia were beaten by over 30 guards in the prison where they were being kept and still are today on charges of enemy propaganda, attempted sabotage and acts against State security.

September 10, Raul Ernesto Cruz Leon, a citizen of El Salvador, was arrested and charged with being a material author of seven hotel bombings in Cuba.

September 13, Lazaro Fernandez Valdez and Rodolfo Valdez Perez were detained at their homes after attending a mass given by Cardinal Jaime Ortega. They had shouted, Long live Cardinal Ortega.

September 15, Cecilio Monteagudo Sanchez, member of the Democratic Solidarity Party, was charged with enemy propaganda and detained. He allegedly distributed a flyer encouraging people to boycott voting in the one-party election run by the regime.

September 16, U.S. citizen Walter Van de Veer, who had been arrested in Cuba in August of 1996, was tried as a high risk mercenary, and on that date was sentenced to 15 years in prison.

September 23, Alexander Hernandez Lago, reportedly a contributor to Vitral, an officially sanctioned religious magazine, was beaten in his home by police for allegedly failing to pay a utility bill of 41 pesos. Lago then protested by wearing a placard in public stating we are fed up with so much arbitrariness and injustice, Human Rights, Article 19, Respect Them, for which he was arrested.

September 24, Cecilio Ruiz Rivero, member of the Association for Struggle Against Injustice, was arrested and charged with disrespect, assault and resistance.

September 24, Efrain Rodriguez Santos, member of the Club Pueblos Cautivos de Cuba, Captive Towns of Cuba Club, because there are entire towns in Cuba that are in effect prisons, and that is a subject that we will have to treat in detail at some point. Efrain Rodriguez Santos, member of the Captive Towns of Cuba Club was sentenced to 18 months imprisonment on charges of disrespect of Fidel Castro. He allegedly shouted from his home's balcony, Down with Fidel Castro.

September 27, Maritza Lugo Fernandez, was convicted of bribery for allegedly attempting to convince a prison guard to give prisoners belonging to the Thirtieth of November Party a tape recorder.

October 23, 11 members of the Pro Human Rights Party of Cuba, PPDH, were convicted of associating to commit criminal acts and disobedience after conducting a hunger strike to protest the government's detention of another PPDH member, Daula Carpio Mata. Sentences ranged from 1 year of house arrest, Maria Felicia Machad, to 1½ years in prison camp for Jose Antonio Alvarado Almeida, Ileana Penalver Duque, Roxana Alina Carpio Mata, Lilian Meneses Martinez, Arelis Fleites Mendez, Marlis Velázquez Aparicio, Ivan Lema Romero, Danilo Santos Mendez, Vicente Garcia Ramos, and Jose Manuel Yera Meneses.

October 29 Luis Lopez Prendes, with the Bureau of Independent Journalists, was severely beaten for speaking to Radio Marti by phone.

October 29, Daula Carpio Matas of the Pro Human Rights Party, PPDH, was sentenced to 16 months in the prison work camp for her outspoken criticism of an earlier trial. She was initially arrested on charges that she verbally criticized a prison doctor at the trial of a fellow PPDH member.

November 11, Orestes Rodriguez Urrutinier, acting President of the Followers of Chibas Movement, Movimiento Seguidores de Chibas, was brought to trial on charges of enemy propaganda and sentenced to 4 years imprisonment.

November 18, Dr. Desi Mendoza Rivero, this is amazing, President of the Santiago de Cuba Independent Medical Association, was sentenced to 8 years imprisonment for, quote, "using the mass media to spread enemy propaganda," end quote. Rivero accused the regime on Radio Marti of covering up the extent of danger, he is a physician speaking, of covering up the extent of danger to the public during an epidemic of dengue fever and of not taking sufficient measures to control the epidemic.

November 28, Bernardo Arevalo Padron, director of the Independent Press Agency Linea Sur Press, was sentenced to 6 years imprisonment for enemy propaganda.

December 17, Ileana Penalver Duque, was sentenced to 18 months correctional work without internment, ordered to report to work despite physical illnesses from which she is still suffering, including memory and vision disturbances and loss of feeling in her legs, ordered to report to work.

January 9, Jose Angel Pena, president of the Pro Human Rights Party Chico Oriental, was detained for visiting activist, Silvano Duarto.

January 15, Frank Fernandez Lobaina, president of the union, the National Union of Opposition Members, UNO, was arrested for signing The Agreement for Democracy, which is an incredible document that the opposition has come together and not only drafted, but agreed to the opposition in Cuba and outside of Cuba. He spoke on its behalf on January 14 publicly, and he was arrested the next day, January 15.

January 1998, date unknown, numerous people were arrested at papal services during the Pope's visit, the 4-day trip, which was a marvelous visit where the Cuban people had a ray of hope for 4 days with the visit of that incredible, not only one of the greatest figures of this century, but of the millenium and leader of the Catholic Church, John Paul, II. Numerous people were arrested at the papal services for speaking to foreign journalists or holding up pro democracy signs or other activities that bothered the dictatorship.

I personally witnessed two young women who were filmed by Univision and CBS tele noticias, and none of our networks here in the English language or especially CNN, I did not see any of those networks show that film that they had access to because I saw it on Univision and tele noticias, two young women being dragged away for holding up a sign that said, Down with the dictatorship of the Castro brother. That is during the papal masses.

February 17, dictatorship prosecutors requested a 15-year sentence in prison for the vice president of the Association for Struggle Against National Injustice Reynaldo Alfaro Garcia. His crime, speaking out for the release of political prisoners.

February 18, the regime announced that Benito Fojaco, Israel Garcia, Jose R. Lopez, Angel Gonzalez and Reynaldo Sardinas will be tried for acts against the security of the State.

February 22, Castro's joke of a Foreign Minister fellow named Roberto Robaina, warned that the release of a few dozen prisoners that the regime has recently announced as a gesture to Pope John Paul does not mean that those dissidents can engage in antigovernment activities when they are out of prison.

February 1998 Jose Miranda Acosta, considered a prisoner of conscience by Amnesty International, was previously sentenced to 15 years in prison even though a Mexican national who was charged along with him served 9 months before being released. Numerous human rights advocacy groups have called for his immediate release because of his extremely delicate health condition. The regime is denying him medical treatment as a form of torture. Jose Miranda Acosta was included in the list of prisoners that the Catholic Church gave to the regime for release, but Castro has refused to release him as he has refused to release countless others.

The denial of medical care by the dictatorship to political opponents as a form of torture is widespread. Yesterday, I called for the resignation of Cesar Gaviria, a secretary general of the Organization of American States, for his systematic ignoring of multiple requests made by Sebastian Arcos for condemnation by the Human Rights Commission of the OAS of that practice by the regime, denying of medical care as a form of torture for political prisoners.

☐ 2015

One of the most well-known dissidents in Cuba, he died last December here in exile after he had received cancer while in prison and being denied medical treatment for years. That, in addition to the highest incidence of cancer in the Cuban prisons, in the entire world, and many reports point out that that is too much of a coincidence, is one of the realities that not only has to be analyzed but definitely is going to be made known in all its magnitude when Cuba is freed and the files are opened with regard to inconceivable techniques of torture, like the ones that are used on a daily basis by the regime.

But the reality of the matter is that, despite those techniques of torture and the repression, the internal opposition is working harder than ever.

Just before coming to the floor this evening, I received notification, I had been told that numerous internal opposition groups within Cuba were planning to attend a mass this evening around 6 o'clock commemorating the 24th of February, the massacre of the four Brothers to the Rescue, their murder 2 years ago.

Well, about 20 of them made it to the church in Havana. Over 20 of them apparently made it to the church. When they left the church after the mass, just about a little over an hour ago, they started walking toward the waterfront. They were met by 80 state security gestapo types, and apparently they have been arrested.

What they wanted me to know and to say was that it does not matter if they are arrested, it does not matter how many of them are thrown in the dungeon, they will continue fighting peacefully until freedom and democracy are restored to Cuba. And they wanted me to make a point of the fact that it does not matter how many of them are thrown in the dungeon, the fight will continue, and that every day there are more and more members of the internal opposition and members of the pro-democracy movement in Cuba.

The fact that the Cuban people's hands are tied at this point and that they are unarmed does not mean that they will not triumph. It does not mean that they will not continue fighting until freedom is achieved.

I mentioned briefly that the world had witnessed those great days of hope in January, the four days of hope with Pope John Paul's visit to Cuba just a few weeks ago.

Even before John Paul had completed his visit to Cuba, TV anchormen and analysts and editorial writers were at work interpreting the message, the intention, the agenda behind his words. What exactly did the Pope say in Cuba?

I want to point to a marvelous analysis done by the Center for a Free Cuba, run by Mr. Frank Calzon here in Washington, a tremendous human rights activist.

In the analysis that the Center for a Free Cuba made public, "The Pope said his journey was 'a pastoral visit,' 'an apostolic trip,' though, judging by some media reports, the lifting of the Washington trade sanctions against Havana was the most important issue of the visit. And yet, a word search of the 21,094 words pronounced by Pope John Paul II in 14 speeches and homilies while in Cuba indicates the following:

The Pope used the word "truth" 74 times; "freedom" 53 times; "family" 42 times; "justice," 31 times; "moral values" 32 times; "solidarity" 16 times; "education" 11 times; "civil society" 9 times; "do not be afraid" 5 times.

I am sure those words to the Cuban people, "do not be afraid," are having a tremendous impact and will have every day even a greater impact.

The Pope mentioned "Our Lady of Charity," Cuba's patroness, 13 times; "Jesus and God" 129 times. He used the word "prisoner" 3 times, referred to Cuban exiles around the world 4 times; and he mentioned the embargo once, before getting on the plane to leave Cuba. And he did not mention the United States by name at all.

I want to commend Frank Calzon and the Center for a Free Cuba, because this analysis shows us the kind of campaign that we are facing by the majority of the media and the means of communication day in and day out, where they have their agenda. And none of those arrests, human rights violations and abuses that I mentioned did I see reported in the mainstream media in the United States or the international media, newspapers, that I had a chance to read.

You hear about the couple dozen prisoners that Castro releases as a gesture to the Pope. Most of them had served time as common criminals, not political prisoners, or who had already finished their terms, their sentences, in prison.

You read about the couple dozen being released, but you do not read about the hundreds and thousands when they are arrested. I think that Mr. Carter of the Washington Times pointed out to a certain extent why that is the case.

With regard to that so-called humanitarian gesture of the regime, of the couple of dozen people who were released from prison in the last few days, it is very important to point out the statement also made at the cost of great risk and demonstrating great courage by one of the leading opposition leaders within Cuba, Oswaldo Paya of the Christian Liberation Movement.

Mr. Paya states the release from prison of a few dozen prisoners cannot be seen as a sign of political opening. "We cannot say this is an opening, when many remain in prison for their beliefs and when some are still waiting to be tried for political reasons."

Even if you do not want to believe the opposition and the dissidents, read what Castro himself or his pathetic foreign minister says:

"The pardon was not made with the intention of stimulating activities of internal dissent," Foreign Minister Roberto Robaina said Sunday. "He who returns to the street has the space we all have in the street."

I do not think they have the space he has with his yachts. I have seen a photograph of him in a big capitalist yacht and having access to la dolce vita and, like Forbes Magazine says, Castro having over $1.5 billion in Swiss bank accounts. That is not the space he is referring to when he says, "He who returns to the street has the space that we all have in the street. Not a space to bend over for those who, from abroad, want to destroy the country."

No, no, no. I do not think he means everybody is going to have the kind of life he has, with his yachts and the hundreds of millions of dollars that Castro has in Swiss foreign accounts.

What they are talking about is that this is not, as has been stated, this is not a political opening. What this is is simply a token gesture, so that the world, that wants to find reasons and pretexts to justify the actions of Castro, will find another pretext for doing so.

The reality of Cuba is that there are thousands imprisoned. The reality of Cuba, and I commend to the viewers "The Politics of Psychiatry in Revolutionary Cuba," I recommend it to the viewers, this is put out by Freedom House here in Washington, and it details example after example after example of the use of psychiatry, electroshock torture and psychotropic drugs against political prisoners and dissidents by the Cuban regime.

That is the reality of Cuba today, and anyone who wants to find out the reality of Cuba today should read books like this and, really, actually listen to the words of the dictator, listen to what happens when people want to commemorate in a mass the massacre of simply two years ago, just two years ago, against four Brothers to the Rescue who were shot and killed over the straits, over international waters, and the people who wanted to peacefully dedicate a mass in their memory are met by 80 gestapo thugs and thrown in prison. That is the reality of Cuba today.

The reality of Cuba today is, and I also recommend this report just released by Dr. Juan Clark, a Ph.D. in South Florida, Miami Dade Community College, "Religious Oppression in Cuba." He goes on in detail about what happens day in and day out to believers in Cuba, simply for peacefully trying to exercise the right of free worship. That is the reality of Cuba today.

Also though the reality of Cuba today is the fact that the internal opposition is more active than ever; that those words that the Pope said do not fear, do not fear, do not be afraid, are having a great effect, like they did in Poland and like they did everywhere that the Pope has visited, and the Cuban people are living in the tradition that they have demonstrated throughout their history, including the entire 19th century, and if they will put an end to this barbaric regime, despite the fact that it has been in existence 39 years, it will come to an end and it will come to an end soon, because the Cuban people are going to see to it.

The reality of Cuba today is more than 70 opposition movements have already signed onto this extraordinary agreement called Agreement for Democracy, and many of the opposition movements in exile as well have signed on. I will not read it all, but I think it is a fundamental document to see where the Cuban people are going, where they wish to go and what they think, and to break through the disinformation and the misinformation and the lack of information that is provided or not provided by the international media.

This Agreement for Democracy states as follows. As I say, it has already been signed on to by more than 70 opposition groups, most within Cuba.

"We recognize as the fundamental principle of the new republic that Cuba has wanted independence whose sovereignty resides from the people and functions through the effective exercise of representative multiparty democracy, which is the government of the majority with absolute respect for the minority. All governments must respect the sovereignty of the people.

Therefore, at the end of the current tyrannical regime, the provisional or transition government shall be obliged to return sovereignty to the people by way of the following measures.''

Then they list 10 specific measures through which sovereignty after the end of the Castro nightmare will be returned to the Cuban people, obviously in the holding of free and fair elections. Free and fair elections is the essence, and free and fair elections is the essence of what we seek in our policy in the United States for the Cuban people.

That is the purpose of our policy. That is why we deny access to the U.S. market to those who profit from the lack of freedom of the Cuban people. That is why we have an embargo against Castro.

We have an embargo on credits, on financing, on profits from the apartheid economy that Castro imposes on the people. We have an embargo on massive U.S. tourism to Cuba. We do not have an embargo on medicine. It is important that I repeat that, because there is so much disinformation and so much misinformation on this. We do not have an embargo on the sale of medicine. We do not have an embargo on the shipment of humanitarian aid to Cuba. More humanitarian aid is sent from the American people each year to the Cuban people than from all the other countries in the world combined.

□ 2030

$2.4 billion in humanitarian aid has been sent. That is not including the cash remittances that the Cuban people send to their family members on the island each year, not including the cash amounts of hundreds of millions per year, such as $2.4 million in humanitarian aid has been sent from the American people to the Cuban people in the last 5 years alone. That is more again than from all the other countries in the world combined.

And what we are saying with our policy is that yes, we will deny credits and we will deny financing and we will deny profits from those who want to invest in the lack of labor rights, in human rights in Cuba, until and unless there is a democratic opening, a transition to democracy in Cuba.

The only instrument that exists for the Cuban people to be taken into account when Castro dies, and he cannot last much longer, you have to look at him, they shot him up with cortisone for the Pope's trip. It will be a while, a year, 2 years, and thank God he is not immortal, he is going to die.

What instrument do the Cuban people have at that moment so that those in a situation of provisionality will take them into account and will agree to return sovereignty to the Cuban people, to have elections, the only instrument that exists is the U.S. embargo.

Those who find themselves in a situation of provisional power are going to want to lift the U.S. embargo, and we are going to say, ''Fine, we want to lift the U.S. embargo. The only thing we ask is that you, those who find themselves in a situation of provisional power when Castro dies, is that you hold elections. That is the only thing we are asking for.

Just like in 1898 the only country that stood by the Cuban people and said they deserve to be free was the United States of America. In 1998 we are the people, we are the Nation, who wants the Cuban people to be free, and who say, we will not permit access to the U.S. market until the Cuban people are allowed free and fair elections. The Cuban people will not continue to be the only people in this hemisphere to be denied free elections, to be condemned to live under tyranny. We do not accept that, and the Cuban people do not accept that. They deserve to live in freedom.

We will hold out and we will deny our market and we will maintain our embargo until three key conditions are met: Political legalization, all political parties have to be legalized; all political prisoners have to be freed; and there has to be a willingness to hold free and fair elections.

They are three very simple conditions, but they are conditions that are not going to waived. We will insist on political legalization, we will insist on freedom for all political prisoners, and we will insist on free elections. That is our commitment. That is the commitment of this Congress. That is why we obtained 80 percent of the votes, both in the Senate and in the House, for our sanctions legislation in 1996, and we are going to maintain that policy until there is a democratic transition.

So I end my remarks remembering the four martyrs from Brothers to the Rescue, remembering all the political prisoners, in solidarity with them, remembering as well the martyrs of the 13th of July of 1994, the over 40 men women and children who were murdered by the tyrant just a few years ago while trying to seek freedom, including more than 20 children.

In memory of them, on this historic date, I end my remarks and I guarantee that this Congress and the American people will stand with the Cuban people until they are free.

SOCIAL SECURITY'S BLEAK FUTURE

The SPEAKER pro tempore (Ms. NORTHUP). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would ask everybody to hold onto their hats. I am going to spend the next 30 minutes talking about Social Security. And maybe the question should be, why should anybody be interested in what the situation is in this country with Social Security?

I suggest seniors that are now retired should be very concerned, because Social Security is going to have less money coming in in payroll taxes than is going to be required to meet the benefits as early as 2002.

I would suggest that young people should be very interested in Congress and the President facing up to the real issue of starting to solve the Social Security problem, because when they retire, their retirement is going to be at risk unless we do something.

I would certainly suggest that my grandkids, and Bonnie and I have seven grandkids, should be very concerned, because if we do nothing, they are going to be asked to pay huge amounts of their taxes, up to 85 percent of what they earn, just to cover the Social Security benefits. So something has to be done.

I wanted to start tonight with the President's budget. I think we start by getting rid of some misconceptions, if you will, hoodwinking of the American people, on the balanced budget. I think the American people know this. What we are doing is borrowing from Social Security to balance the budget.

If you take a look at the historical tables on the President's budget, and you were to turn to page 111, you would see that the national debt increases every year for the next 5 years. If the national debt increases, how can the budget be balanced? It is not. We are borrowing from Social Security.

I put this chart together very quickly, so please excuse the patchwork quilt here.

As you go down the fiscal years, starting in 1998, the national debt is $5.5 trillion. That is an increase, by the way, of $174 billion over the previous year. In 1999, the national debt increases to $5.7 trillion. In the year 2000, it increases to $5.9 trillion. In the year 2001, the national debt increases to $6 trillion. In the year 2002, the national debt increases to $6.2 trillion, an increase of between $175 billion and $174 billion a year.

How can this be, you say, if the President of the United States and Congress is saying, well, we are reaching a balanced budget? Here is why. We are borrowing from the Social Security trust fund. That is the major borrowing that is allowing us to pretend that the budget is balanced. But what it is doing in the process is depriving Social Security of being solvent in the future years.

I have introduced the only bill in the United States Congress that is scored by the Social Security Administration to keep Social Security solvent for the next 75 years. I introduced my first bill when I first came to Congress in 1993. I introduced my second bill last session, and I introduced a bill this session.

That legislation says, for part of the solution, let individual workers have the option of taking part of their Social Security tax, and it would still be sent in to the government and still be deducted at the rate of 12.4 percent of taxable payroll, but they would have the option of investing that in certain safe investments. Safe investments in my bill are indexed stocks, indexed bonds, indexed global funds, indexed cap funds, and any other safe investment as determined by the Secretary of Treasury.

Okay. So here is the situation. We have got a system that was devised in 1935 to allow senior citizens money to make sure that they were socially stable, socially secure. It was a system in 1935 that was designed to use existing taxpayers' money to pay for existing benefits, sort of a pay-as-you-go program.

As we look at this bleak future for Social Security, what I was discussing on how much the Federal Government is borrowing from the Social Security trust fund to pretend that we have a balanced budget is the little amount in blue that goes from this year, 1997, over to about 2011. So every year because we raised taxes so high on workers in 1983, there is more tax revenues coming in than is required to pay out existing benefits. Remember, this is a pay-as-you-go program, where existing taxes pay for existing benefits. So as government borrows this money and spends it for other uses, as government borrows this money and uses it for other purposes, what we do is further jeopardize the solvency of Social Security.

This chart, because we have increased taxes so much on existing workers, this chart represents how many years a person is going to have to live after they retire simply to break even and get back what they and their employers paid into Social Security. So because it is sort of a chain letter, a Ponzi game, a pay-as-you-go system, if you retired early, then you were very, very well off and Social Security was very, very solvent.

If you happened to retire in 1940 it took 2 months to get everything back that you and your employer put in plus compounded interest. If you retired in 1960, it took 2 years. Going across the chart you see anybody that retires after the year 2005 is going to have to live 24 to 26 years after they retire simply to break even and get back what they and their employer put into Social Security.

Not a good investment. Not a good savings. The National Tax Foundation estimates that the average person retiring after the year 2000 will get a negative return on the amount of money that the employer and the employee put into Social Security. The employee now puts 6.2 percent. The employer puts 6.2 percent.

Really what we are talking about is a situation where it all comes out of the employee's pocket, because the employer would give that money to the employee. Obviously they are willing to pay that much. So it is really a tax on the employee, the whole 12.4 percent.

The National Tax Foundation says that you are going to get a negative one-half to a negative one and a half percent return on your money. So that is why everybody is suggesting let us use a little bit of private investment to allow workers to take some of this money and invest it in the stock market or the bond market so that they can realize the increase in wealth.

A lot of people suggest that there is a danger in allowing people to invest their own money because they might lose it all. Number one, it is optional. Number two, we are suggesting in our pilot program that you would only have a reduction in Social Security benefits if you make money on your private investment. In other words, for every $2 you make on the private investment, you would lose $1. $1 would be offset in the traditional Social Security benefits.

And that is going to help solve the whole Social Security problem. Because if your index stocks are average of what has happened over the last 90 years in this country, there is a 9 percent per year return on those index stocks, 9 percent per year. Remember, this compares to a negative one-half, to a negative one and a half return on your Social Security money.

Social Security is a bad investment. Stocks are continually going up. Even the economists suggest that even the 10 years surrounding one of our worst depressions around 1928, 1929, if you take any 10-year period around that depression, you still have a positive return that is going to be much better than what Social Security is going to give you.

So the point is we need to make some changes in Social Security. It is a bad investment. Let us look at other ways. Let us at least start a pilot program.

I am introducing a bill that is going to be a pilot program that will allow 18-year-olds to 30-year-olds to invest 2.5 percent of their payroll. This money will be sent in. That individual will have the option of saying I want this much in index stocks, this much in index bonds. There will be an offset; for every $2 you make, a $1 offset in your fixed benefits. Then you have the option at 10 years to say, look, I have decided I want to go back to the old fixed benefit plan.

I think it is so important that we allow American working families to experience the creation of wealth. We have taxed everybody so much in this country. You now pay 40 cents out of every dollar you make in taxes at the local, state, and national level. We have taxed so many people so much that it has taken away the ability to start saving and creating wealth.

Part of the wealth creation is the fact that, at 9 percent interest, I think your money doubles something like every 7 years. So that means, if you start with a dollar, 7 years from now, you will have two. And 14 years, you will have four.

That compounding, that magic of compounding interest is why the economists suggest that you are going to be so much better off if you have some private investment rather than a fixed benefit plan that is now going broke.

Look at this next chart. The number of seniors is increasing very dramatically. We see over the next 28 years, 29 years, there is going to be an increase of 4.7 percent for those people under 20 years old. For those people in the age of 20 to 64 years, there is going to be an increase in numbers of 20.6 percent. But look what happens to seniors. The senior population, over 65 population, is increasing at 79.5 percent, almost 80 percent.

When we started Social Security, the average life-span for an individual was 61 years old. That means most people never lived long enough to collect any Social Security. So the Social Security system worked very well then. It went spinning along very nicely.

We got into the late 1940s. We ran a little short of money. We increased taxes. In the 1950s, we increased taxes again. We kept increasing taxes on workers to keep the program solvent. And that is why it is going to be impossible for most workers in the future, unless we make some changes, to ever get back even what they and their employer put into Social Security.

□ 2045

Before I get to this next chart, if we were to look at the number of people working paying in their taxes to fund every single beneficiary, in 1942, there were 40 workers paying in their Social Security tax for every retiree. By 1950, that got down to 17 people working for each retiree. Today, there are three people working, three people working for every retiree paying in that large increased number of tax.

This chart shows how we have increased taxes over the years on those workers. In fact, we have increased taxes 36 times since 1971. More often than once a year we have increased taxes on the American workers and there are people now suggesting the way to fix Social Security is to increase taxes again on those workers.

Look at this pie chart right now: 78 percent of Americans pay more in the FICA tax than they do in the income tax. That is because of Social Security taxes that have kept going up. Okay. That is the problem. Like I mentioned, in 1961, the average life span was 61 years old. In 1936, the average life span was 61 years old. Today, the average life span for a female is 76 years old; for a male it is 74 years old.

But if we live to 65, ready for retirement, then on the average we are going to live another 20 years. That is why the senior population is going up so dramatically. And after the baby boomers, after World War II, the birth rate went way down. So our birth rate is slow in relation to the number of seniors that need to be supported by those existing taxes.

There has got to be a way, there has got to be a system that will help us save Social Security. I want to suggest that I have got one proposal. I want to run it up the flag pole. But instead of burying our heads in the sand, let us face up to the fact that there is a problem. Let us face up to the fact that we do not want to cut benefits for any existing retirees or any of those individuals close to retiring and we want to have a system that is available for working families today and for our grandkids tomorrow.

Mr. Speaker, every proposal that the President's Advisory Commission came up with included as part of the solution private investment, and that is what I am suggesting. But I am suggesting we start very gradually. That we start taking some of this surplus, this blue area, some of the $100 billion that the general fund is borrowing from the Social Security trust fund in the 1999 budget that we have just started working on, $100 billion that we are borrowing from the Social Security trust fund to balance this budget. Let us start taking some of that money and allowing some personal investment for some of these young people.

Of course, with the magic of compound interest, that means the doubling of that money is going to happen more often. If we can wait until one more doubling, then we are going to have benefits that are far in excess of what we ever can expect to get out of Social Security.

This blue portion means that we are going to continue to have more tax revenues coming in than is required for Social Security benefits. So in my proposal, in the pilot program proposal, we are suggesting that we allow that certain group of individuals to have the option to start seeing the creation of wealth, the magic of compounding interest, and to prove to the world that the American people are pretty smart.

We have now had the experience of going out and shopping for a car or a home; the experience of investing our own 401(k) plans or our Thrift Savings Plans or the IRAs that we are allowed to invest. People are going to invest that money and they are going to talk, they are going to study. It is going to mean increased investments that is going to help our economy. It means that we are going to have a Social Security system that can last forever, because we are starting to wisely have a fixed investment portion rather than a fixed revenue portion.

Now, where do we go from here? Number one, I invite all of my colleagues to join me in sponsoring a bill to use some of those surpluses, quote-unquote surpluses that we are going to have this year, for personal investment for some of these young workers in our country. And then we are hopefully going to expand that to more and more workers.

Mr. Speaker, we always have the option of saying well, I want to stay with the old system. I do not want to privately invest. Let me give a couple of examples of what has happened in some counties in Texas. County government has the option that their employees can have other pension investment plans rather than Social Security. In Texas, some of those counties took that option and now the retirees of those counties are receiving many times more than their counterparts that are receiving Social Security benefits. The Social Security system, the way it is designed now, shortchanges everybody.

Let me tell particularly who it shortchanges. Those people who have a life span that is less than some other individuals' life span. What was called to my attention is that the average life span at birth for a black male is go 63 years old. That means that they paid all of their lives into Social Security, subsidizing those individuals that might live a longer time. If a person dies before they start collecting Social Security, then other than for some burial funds that might be available, they lose all of that money that they and their employer have ever put into Social Security. It is gone.

Whereas on the private investment, if they die at 30 years old, or 40 years old, or 50 years old, it becomes part of their estate. It is their property. It is their private retirement savings plan. I think there should be a ground swell of support from working men and women around this country that says: Look, quit gypping us, United States Congress and Mr. President, on what you are doing for Social Security. Quit saying that Social Security is first and let us really make Social Security first. Let us use some of these surpluses to start saving the Social Security system.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF (at the request of Mr. ARMEY) for today through March 6, on account of medical reasons.

Mr. FORD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of sitting for the State of Tennessee bar exam.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today, on account of business in the district.

Mr. KLINK (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of a death in the family.

Mr. RUSH (at the request of Mr. GEPHARDT) for today, on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of ENGEL) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mr. SERRANO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:

Mr. RIGGS, for 5 minutes each day, on today and February 25.

Mr. LATOURETTE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, on February 25.

Mr. TIAHRT, for 5 minutes, on February 25.

Mr. DELAY, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes, today.

The following Member (at his own request) to revise and extend their remarks and include extraneous material:

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. ENGEL) and to include extraneous matter:

Mr. LANTOS.
Ms. SANCHEZ.
Mr. PASCRELL.
Mr. SHERMAN.
Mr. FAZIO of California.
Mr. BOYD.
Mr. UNDERWOOD.
Mr. KUCINICH.
Mr. SABO.
Ms. MCCARTHY of Missouri.
Mr. VENTO.
Mr. SCHUMER.
Mr. NEAL.
Ms. BROWN of Florida.
Mr. KLECZKA.
Ms. SLAUGHTER.
Mrs. KENNELLY of Connecticut.
Mr. STOKES.
Mr. DOYLE.
Mr. TIERNEY.
Mr. CARDIN.
Mr. KIND.
Mr. MCGOVERN.

Mr. GEJDENSON.

The following Members (at the request of Mr. SMITH of Michigan) and to include extraneous matter:

Mr. GOODLING.
Mr. MCINTOSH.
Mr. RADANOVICH.
Mr. BOEHNER.
Mr. MCHUGH.
Mr. CRANE.
Mr. TALENT.
Mr. SHUSTER.
Mr. PAPPAS.
Mr. DELAY.
Mr. SOLOMON.
Mr. DAN SCHAEFER of Colorado.
Mr. GILMAN.

The following Members (at the request of Mr. SMITH of Michigan) and to include extraneous matter:

Mr. SHERMAN.
Ms. BROWN of Florida.
Mr. BOYD.
Mr. CRANE.
Ms. MCCARTHY of Missouri.
Mr. VENTO.
Mr. CONYERS.
Mr. MCGOVERN.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 54 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 25, 1998, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second, third and fourth quarters of 1997, by various Committees of the House of Representatives, pursuant to Public Law 95–384, as well as a consolidated report of foreign currencies and U.S. dollars utilized for Speaker-authorized official travel in the fourth quarter of 1997 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPTEMBER 30, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mark Foley	6/13	6/16	Haiti	[3] 651.60		542.45					[3] 1,194.05
Sean Peterson	9/21	9/25	Hong Kong	607.08		4,372.45					4,979.53
Committee total				1,258.68		4,914.90					6,173.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Amended.

JIM LEACH, Chairman, Oct. 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob Smith	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. Bob Smith	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Hon. Bill Barrett	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. Bill Barrett	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.00
Hon. Richard Pombo	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. Richard Pombo	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Hon. Tom Ewing	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. Tom Ewing	12/7	12/14	Australia		2,079.00		(3)		156.25		2,757.25
Hon. Frank Lucas	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. Frank Lucas	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Hon. Sam Farr	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. Sam Farr	12/7	12/14	Australia		2,079.00		[4] 493.00		156.25		2,728.25
Hon. Eva Clayton	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. Eva Clayton	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Hon. Gary Condit	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. Gary Condit	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Hon. John Boehner	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. John Boehner	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Hon. Collin Peterson	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Hon. Collin Peterson	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Paul Unger	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Paul Unger	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Andrew Baker	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502,75
Andrew Baker	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Lynn Gallagher	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Lynn Gallagher	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Bryce Quick	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Bryce Quick	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Jason Vaillancourt	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
Jason Vaillancourt	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
William O'Conner	12/2	12/7	New Zealand		1,346.50		(3)		156.25		1,502.75
William O'Conner	12/7	12/14	Australia		2,079.00		(3)		156.25		2,235.25
Committee total					54,808.00		1,015.00		5,000.00		60,823.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military air transportation except for amount stated.

BOB SMITH, Chairman, Jan. 29, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign-currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jesse Jackson, Jr	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00		(3)				650.00
Gregory Wierzynski	12/1	12/5	England		1,650.00		591.90				2,241.90
Ellen Kuo	12/10	12/14	Switzerland		1,423.73		973.20				2,396.93
Hon. Maurice Hinchey	12/17	12/20	Denmark		816.75		6,469.00				7,285.75
Committee total					4,890.48		8,034.10				12,924.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM LEACH, Chairman, Jan. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dennis Fitzgibbons	12/4	12/11	Japan		1,794.00		5,460.00				7,254.00
Sue Sheridan	10/26	10/31	Germany		1,150.00		1,177.90				2,327.90
Troy Timmons	10/26	11/01	Germany		1,338.00		1,129.90				2,467.00
Linda Dallas Rich	12/10	12/14	Switzerland		992.00		1,139.90				2,131.90
Robert Gordon	12/10	12/14	Switzerland		992.00		1,139.90				2,131.90
Catherine Van Way	12/3	12/13	Japan		2,691.00		5,460.00				8,151.00
Hon. Ron Klink	10/2	10/4	Spain		350.00		(3)				350.00
	10/4	10/6	Italy		650.00		(3)				650.00
Committee total					9,957.00		15,506.70				25,463.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

TOM BLILEY, Chairman, Jan. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gary Ackerman	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/14	Thailand		217.00						217.00
	8/14	8/18	India		1,424.00						1,424.00
	8/18	8/19	Jordan		251.00						251.00
	8/19	8/22	Israel		1,075.00						1,075.00
Commercial airfare							2,339.95				2,339.95
David Adams	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/14	Thailand		217.00						217.00
	8/14	8/18	India		1,424.00						1,424.00
	8/18	8/19	Jordan		251.00						251.00
	8/19	8/22	Israel		1,075.00						1,075.00
	8/25	8/27	Panama		258.00						258.00
	8/27	8/29	Guatemala		278.00						278.00
Commercial airfare							1,874.95				1,874.95
Hon. Cass Ballenger	8/1	8/3	Venezuela		[3] 73.00						73.00
	8/3	8/5	Colombia		[3] 271.90						271.90
	8/5	8/8	Nicaragua		[3] 66.50						66.50
	8/8	8/11	Costa Rica		[3] 210.00						210.00
Paul Berkowitz	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/18	India		1,651.00						1,651.00
	8/18	8/19	Jordan		251.00						251.00
	8/19	8/22	Israel		1,075.00						1,075.00
Commercial airfare							1,136.00				1,136.00
	9/18	9/22	Cook Islands		817.00						817.00
Commercial airfare							4,049.45				4,049.45
Deborah Bodlander	8/12	8/17	Israel		[3] 1,391.00						1,391.00
	8/17	8/19	Jordan		[3] 442.00						442.00
	8/19	8/22	Israel		936.00						936.00
Commercial airfare							2,444.00				2,444.00
Paul Bonicelli	8/1	8/3	Venezuela		289.00						289.00
	8/3	8/5	Colombia		[3] 544.00						544.00
	8/5	8/8	Nicaragua		[3] 550.50						550.50
Commercial airfare							640.95				640.95
Parker Brent	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/14	Thailand		217.00						217.00
	8/14	8/18	India		[3] 1,324.00						1,324.00
	8/18	8/19	Jordon		251.00						251.00
	8/19	8/22	Israel		1,075.00						1,075.00
Elana Broitman	6/27	7/2	Thailand		835.00						835.00
Commercial airfare							4,135.95				4,135.95
Peter Brookes	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/14	Thailand		217.00						217.00
	8/14	8/18	India		1,424.00						1,424.00
	8/18	8/19	Jordan		251.00						251.00
	8/19	8/22	Israel		1,075.00						1,075.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Campbell	9/5	9/8	Haiti		434.50						434.50
	9/18	9/21	Canada		[3] 443.56				324.00		767.56
Commercial airfare							1,038.60				1,038.60
Jodi Christiansen	8/1	8/3	Venezuela		[3] 239.00						239.00
	8/3	8/5	Colombia		[3] 546.00						546.00
	8/5	8/8	Nicaragua		[3] 592.00						592.00
	8/8	8/11	Costa Rica		[3] 274.00						274.00
Hon. Eni F.H. Faleomavaega	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/14	Thailand		217.00						217.00
	8/14	8/18	India		1,424.00						1,424.00
	8/18	8/19	Jordan		251.00						251.00
	8/19	8/22	Israel		1,075.00						1,075.00
	9/18	9/22	Cook Islands		650.00						650.00
Commerical airfare							3,344.49				3,344.49
Martin Gage	6/29	7/4	Russia		[3] 1,410.00						1,410.00
	7/4	7/4	Poland		[3] 88.00						88.00
Commercial airfare							2,831.70				2,831.70
	8/4	8/14	Russia		[3] 2,385.00						2,385.00
Commercial airfare							6,469.68				6,469.68
Richard Garon	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/14	Thailand		217.00						217.00
	8/14	8/18	India		[3] 1,184.00						1,184.00
	8/18	8/19	Jordan		251.00						251.00
	8/19	8/22	Israel		1,075.00						1,075.00
Hon. Benjamin Gilman	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/14	Thailand		217.00						217.00
	8/14	8/18	India		1,424.00						1,424.00
	8/18	8/19	Jordan		251.00				1,573.22		1,824.22
	8/19	8/22	Israel		1,075.00				5,287.00		6,362.00
Hon. Alcee Hastings	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/14	Thailand		217.00						217.00
	8/14	8/18	India		1,424.00						1,424.00
	8/18	8/19	Jordan		251.00						251.00
	8/19	8/22	Israel		1,075.00						1,075.00
	9/19	9/25	Uzbekistan		1,750.00						1,750.00
Commercial airfare							6,508.65				6,508.65
Hon. Earl Hilliard	6/30	7/2	Haiti		351.00						351.00
Commercial airfare							708.95				708.95
	8/1	8/3	Venezuela		150.00						150.00
	8/3	8/5	Colombia		579.00						579.00
	8/5	8/8	Nicaragua		186.50						186.50
	8/8	8/11	Costa Rica		300.00						300.00
Amos Hochstein	8/14	8/17	Japan		861.00						861.00
	8/18	8/19	China		[3] 352.00						352.00
	8/20	8/26	North Korea		1,778.00						1,778.00
	8/27	8/27	China		251.00						251.00
Commercial airfare							4,624.95				4,624.95
Mark Kirk	8/14	8/17	Japan		861.00						861.00
	8/18	8/19	China		502.00						502.00
	8/20	8/26	North Korea		1,778.00						1,778.00
	8/27	8/27	China		251.00						251.00
	8/28	8/30	South Korea		867.00						867.00
Commercial airfare							4,817.95				4,817.95
Clifford Kupchan	6/29	7/4	Russia		[3] 1,480.00						1,480.00
Commercial airfare							2,831.70				2,831.70
	8/4	8/14	Russia		2,435.00						2,435.00
Commercial airfare							6,469.68				6,469.68
John Mackey	6/29	7/4	Russia		1,500.00						1,500.00
Commercial airfare							4,285.35				4,285.35
	8/8	8/10	Taiwan		532.00						532.00
	8/10	8/13	China		753.00						753.00
	8/13	8/14	Thailand		217.00						217.00
	8/14	8/17	India		1,424.00						1,424.00
	8/19	8/23	Italy		1,072.00						1,072.00
Commercial airfare							1,958.65				1,958.65
Caleb McCarry	9/5	9/8	Haiti		[3] 291.50						291.50
Denis McDonough	6/29	7/1	Haiti		[3] 306.00						306.00
	7/1	7/7	Mexico		[3] 1,187.50						1,187.50
Commercial airfare							553.80				553.80
	8/25	8/27	Panama		258.00						258.00
	8/27	8/29	Guatemala		278.00						278.00
Commercial airfare							1,874.95				1,874.95
Hon. Robert Menendez	8/1	8/3	Venezuela		[3] 125.00						125.00
	8/3	8/5	Colombia		[3] 379.00						379.00
	8/5	8/8	Nicaragua		[3] 161.50						161.50
	8/8	8/11	Costa Rica		[3] 250.00						250.00
Vincent Morelli	8/25	8/27	Panama		258.00						258.00
	8/27	8/29	Guatemala		278.00						278.00
Commercial airfare							1,874.95				1,874.95
Lester Munson	8/21	8/23	Cameroon		386.00						386.00
	8/23	8/25	Chad		328.00						328.00
	8/25	8/26	Cameroon		149.00						149.00
	8/26	8/29	Nigeria		852.00						852.00
	8/29	8/30	Cote d'Ivoire		[3] 162.00						162.00
	8/30	8/30	Senegal		185.00						185.00
Commercial airfare							5,492.75				5,492.75
Roger Noriega	6/29	7/1	Haiti		351.00						351.00
	7/1	7/7	Mexico		1,587.50						1,587.50
Commercial airfare							553.80				553.80
Hon. Donald Payne	7/4	7/8	Kenya		570.00						570.00
Commercial airfare							6,085.65				6,085.65
Grover Joseph Rees	6/27	7/2	Thailand		835.00						835.00
Commercial airfare							4,135.95				4,135.95
	8/9	8/16	Kenya		[3] 1,400.00						1,400.00
	8/16	8/17	Sudan								
	8/17	8/19	Kenya								
Commercial airfare							6,797.55				6,797.55

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1997—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Thomas Sheehy	8/24	8/29	Nigeria		[3] 808.82						808.82
	8/29	8/30	Cote d'Ivoire		[3] 324.00						324.00
Commercial airfare							4,592.95				4,592.95
Gregory Simpkins	8/24	8/29	Nigeria		[3] 808.82						808.82
	8/29	8/30	Cote d'Ivoire		[3] 324.00						324.00
Commercial airfare							4,592.95				4,592.95
Committee total					85,036.10		99,066.90		7,184.22		191,287.22

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Jan. 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sheila Jackson Lee	5/26	5/28	South Africa		501.00		(3)				501.00
	5/28	5/30	Angola		688.00						688.00
	5/30	6/2	Zimbabwe		701.00						701.00
Committee total					1,890.00						1,890.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

HENRY J. HYDE, Chairman, Jan. 13, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to United Kingdom, Italy, Hungary, Bosnia and Germany, October 10–16, 1997:											
Hon. Gene Taylor	10/10	10/11	United Kingdom								
	10/11	10/12	Italy		163.00						163.00
	10/12	10/14	Hungary		404.00						404.00
	10/14	10/14	Bosnia								
	10/14	10/16	Germany		441.00						441.00
Commercial airfare							4,111.10				4,111.10
Dudley L. Tademy	10/10	10/11	United Kingdom								
	10/11	10/12	Italy		163.00						163.00
	10/12	10/14	Hungary		404.00						404.00
	10/14	10/14	Bosnia								
	10/14	10/16	Germany		441.00						441.00
Commercial airfare							4,111.10				4,111.10
Visit to Russia, October 12–16, 1997:											
Hon. Sonny Bono	10/12	10/16	Russia		1,400.00						1,400.00
Commercial airfare							6,924.20				6,924.20
Visit to Ukraine and Russia, October 14–19, 1997:											
Hon. Mac Thornberry	10/14	10/15	Ukraine		285.00						285.00
	10/15	10/19	Russia		1,380.00						1,380.00
Commercial airfare							3,905.00				3,905.00
Hon. Vic Snyder	10/14	10/15	Ukraine		285.00						285.00
	10/15	10/19	Russia		1,380.00						1,380.00
Commercial airfare							4,711.00				4,711.00
Visit to Turkey, Azerbaijan, Kazakstan, Uzbekistan, Turkmenistan and Norway, November 15–25, 1997:											
Hon. Floyd D. Spence	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azerbaijan		645.00						645.00
	11/19	11/21	Kazakstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
Visit to Russia, November 16–19, 1997:											
Hon. Curt Weldon	11/16	11/19	Russia		1,050.00						1,050.00
Commercial airfare							5,388.40				5,388.40
Visit to Japan, November 18–22, 1997:											
Hon. Norman Sisisky	11/18	11/22	Japan		796.35				6.00		802.35
Commercial airfare							7,876.77				7,876.77
Committee total					11,592.35		37,027.57		6.00		48,625.92

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Jan. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lloyd Jones	10/12	10/17	Turkey		1,250.00		5,344.54		350.00		6,944.54
William Simmons	10/12	10/17	Turkey		1,250.00		5,344.54		350.00		6,944.54
Jeffrey Petrich	10/12	10/17	Turkey		1,250.00		5,899.54		350.00		7,499.54
Bonnie Bruce	11/15	11/22	Spain		1,296.00		703.60				1,999.60
Jean Flemma	11/15	11/22	Spain		1,296.00		703.80				1,999.80
Daniel Weiss	12/05	12/11	Japan		1,494.00		5,454.00		300.00		7,248.00
Committee total					7,836.00		23,450.02		1,350.00		32,636.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Jan. 26, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 14 AND NOV. 25, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gerald B.H. Solomon	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azerbaijan		645.00						645.00
	11/19	11/21	Kazakstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
Bryan H. Roth	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azberbaijan		645.00						645.00
	11/19	11/21	Kazakstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
Jim Dornan	11/15	11/17	Turkey		516.00						516.00
	11/17	11/18	Azerbaijan		322.00						322.00
David Hobbs	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azerbajian		645.00						645.00
	11/19	11/21	Kazakstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
Scott Palmer	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azerbaijan		645.00						645.00
	11/19	11/21	Kazakstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
Al Santoli	11/15	11/17	Turkey		516.00						516.00
	11/17	11/19	Azerbaijan		645.00						645.00
	11/19	11/21	Kazakstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
Hon. Tony Hall (OH)	10/11	10/13	Japan		387.00						387.00
	10/14	10/17	DPRK		510.00						510.00
							(3)				
									879.00		879.00
Committee total					16,735.00				879.00		17,614.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JERRY B.H. SOLOMON, Chairman, Jan. 5, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. AND DEC. 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Rodemeyer	10/25	11/1	Germany		1,338.00		692.10				2,030.10
Harlan Watson	10/25	11/1	Germany		1,338.00		830.10				2,168.10
Todd Schultz	12/5	12/11	Japan		5,460.00		1,794.00				7,254.00
Bill Smith	12/5	12/11	Japan		4,345.00		1,794.00				6,139.00
Harlan Watson	11/29	12/12	Japan		4,924.00		4,186.00				9,110.00
Committee total					17,405.00		9,296.20				26,701.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman, Dec. 22, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 17 AND NOV. 25, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ziad Ojakli	11/18	11/19	Israel		624.00						624.00
	11/19	11/20	Kuwait	69,070	231.00					69,070	231.00
	11/20	11/21	Bahrain	139,075	369.00					139,075	369.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 17 AND NOV. 25, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	11/23	11/24	Turkey		258.00						258.00
	11/24	11/27	Greece	757,952	215.00					757,952	215.00
Committee total					1,697.00						1,697.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM TALENT, Chairman, Jan. 27, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sam Johnson	11/15	11/17	Turkey		516.00		(3)				516.00
	11/17	11/19	Azerbaijan		645.00						645.00
	11/19	11/21	Kazakstan		606.00						606.00
	11/21	11/23	Uzbekistan		688.00						688.00
	11/23	11/24	Turkmenistan		241.00						241.00
	11/24	11/25	Norway		304.00						304.00
Angela Ellard	12/8	12/9	France		299.00						299.00
	12/9	12/13	Switzerland		1,218.72						1,218.72
Commercial airfare							4,150.90				4,150.90
Committee total					4,517.72		4,150.90				8,668.62

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, Jan. 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Diane Roark	6/18	7/3	Europe		2,025.00						2,025.00
Commercial airfare							4,980.85				4,980.85
L. Christine Healey	6/30	7/6	Europe		1,240.00						1,240.00
Commercial airfare							4,153.15				4,153.15
Hon. Porter J. Goss	8/6	8/15	Asia		2,415.00						2,415.00
Hon. Bill McCollum	8/6	8/15	Asia		2,415.00						2,415.00
Hon. Charles F. Bass	8/6	8/15	Asia		2,415.00						2,415.00
Hon. Jim Gibbons	8/6	8/15	Asia		2,415.00						2,415.00
Hon. Sanford D. Bishop	8/6	8/15	Asia		2,415.00						2,415.00
Hon. Nancy Pelosi	8/8	8/14	Asia		1,624.00						1,624.00
Commercial airfare							5,262.75				5,262.75
Hon. Jane Harman	8/8	8/14	Asia		1,624.00						1,624.00
Commercial airfare							3,500.95				3,500.95
John Millis	8/6	8/15	Asia		2,415.00						2,415.00
Tom Newcomb	8/6	8/15	Asia		2,415.00						2,415.00
Wendy Selig	8/6	8/15	Asia		2,415.00						2,415.00
Calvin Humphrey	8/6	8/15	Asia		2,415.00						2,415.00
L. Christine Healey	8/7	8/15	Asia		2,164.00						2,164.00
Commercial airfare							2,024.00				2,024.00
Patrick Murray	8/6	8/15	Asia		2,415.00						2,415.00
Commercial airfare							1,790.00				1,790.00
Brett O'Brien	8/13	8/19	South America		1,467.00						1,467.00
Commercial airfare							3,532.95				3,532.95
Catherine Eberwein	8/17	8/26	Europe		1,890.00		34.00				1,924.00
Commercial airfare							3,215.09				3,215.09
Michael W. Sheehy	8/18	8/20	North America		400.00						400.00
Commercial airfare							1,080.70				1,080.70
Michael Meermans	8/18	8/20	North America		400.00						400.00
Commercial airfare							1,080.70				1,080.70
Committee total					36,984.00		30,655.14				65,615.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO AFRICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 21 AND AUG. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Kolbe	8/21	8/23	Ivory Coast		424.00		(3)				
Hon. Bernard Sanders	8/21	8/23	Ivory Coast		424.00		(3)				
Hon. William Jefferson	8/21	8/23	Ivory Coast		424.00		(3)				
Hon. Scott Klug	8/21	8/23	Ivory Coast		424.00		(3)				
Hon. Jim Greenwood	8/21	8/23	Ivory Coast		424.00		(3)				
Hon. Steve Chabot	8/21	8/23	Ivory Coast		424.00		(3)				
Hon. Melvin Watt	8/21	8/23	Ivory Coast		424.00		(3)				
Hon. Karen Thurman	8/21	8/23	Ivory Coast		424.00		(3)				
Everett Eissenstat	8/21	8/23	Ivory Coast		424.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO AFRICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 21 AND AUG. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ron Lasch	8/21	8/23	Ivory Coast		424.00		(3)				
Meredith Broadbent	8/21	8/23	Ivory Coast		424.00		(3)				
Hon. Jim Kolbe	8/23	8/25	South Africa		512.00		(3)				
Hon. Bernard Sanders	8/23	8/25	South Africa		512.00		(3)				
Hon. William Jefferson	8/23	8/25	South Africa		512.00		(3)				
Hon. Scott Klug	8/23	8/25	South Africa		512.00		(3)				
Hon. Jim Greenwood	8/23	8/25	South Africa		512.00		(3)				
Hon. Steve Chabot	8/23	8/25	South Africa		512.00		(3)				
Hon. Melvin Watt	8/23	8/25	South Africa		512.00		(3)				
Hon. Karen Thurman	8/23	8/25	South Africa		512.00		(3)				
Everett Eissenstat	8/23	8/25	South Africa		512.00		(3)				
Ron Lasch	8/23	8/25	South Africa		512.00		(3)				
Meredith Broadbent	8/23	8/25	South Africa		512.00		(3)				
Hon. Jim Kolbe	8/25	8/26	South Africa		207.00		(3)				
Hon. Bernard Sanders	8/25	8/26	South Africa		207.00		(3)				
Hon. William Jefferson	8/25	8/26	South Africa		207.00		(3)				
Hon. Scott Klug	8/25	8/26	South Africa		207.00		(3)				
Hon. Jim Greenwood	8/25	8/26	South Africa		207.00		(3)				
Hon. Steve Chabot	8/25	8/26	South Africa		207.00		(3)				
Hon. Melvin Watt	8/25	8/26	South Africa		207.00		(3)				
Hon. Karen Thurman	8/25	8/26	South Africa		207.00		(3)				
Everett Eissenstat	8/25	8/26	South Africa		207.00		(3)				
Ron Lasch	8/25	8/26	South Africa		207.00		(3)				
Meredith Broadbent	8/25	8/26	South Africa		207.00		(3)				
Hon. Jim Kolbe	8/26	8/28	Zimbabwe		468.00		(3)				
Hon. Bernard Sanders	8/26	8/28	Zimbabwe		468.00		(3)				
Hon. William Jefferson	8/26	8/28	Zimbabwe		468.00		(3)				
Hon. Scott Klug	8/26	8/28	Zimbabwe		468.00		(3)				
Hon. Jim Greenwood	8/26	8/28	Zimbabwe		468.00		(3)				
Hon. Steve Chabot	8/26	8/28	Zimbabwe		468.00		(3)				
Hon. Melvin Watt	8/26	8/28	Zimbabwe		468.00		(3)				
Hon. Karen Thurman	8/26	8/28	Zimbabwe		468.00		(3)				
Everett Eissenstat	8/26	8/28	Zimbabwe		468.00		(3)				
Ron Lasch	8/26	8/28	Zimbabwe		468.00		(3)				
Meredith Broadbent	8/26	8/28	Zimbabwe		468.00		(3)				
Hon. Jim Kolbe	8/28	8/29	Zimbabwe		223.00		(3)				
Hon. Bernard Sanders	8/28	8/29	Zimbabwe		223.00		(3)				
Hon. William Jefferson	8/28	8/29	Zimbabwe		223.00		(3)				
Hon. Scott Klug	8/28	8/29	Zimbabwe		223.00		(3)				
Hon. Jim Greenwood	8/28	8/29	Zimbabwe		223.00		(3)				
Hon. Steve Chabot	8/28	8/29	Zimbabwe		223.00		(3)				
Hon. Melvin Watt	8/28	8/29	Zimbabwe		223.00		(3)				
Hon. Karen Thurman	8/28	8/29	Zimbabwe		223.00		(3)				
Everett Eissenstat	8/28	8/29	Zimbabwe		223.00		(3)				
Ron Lasch	8/28	8/29	Zimbabwe		223.00		(3)				
Meredith Broadbent	8/28	8/29	Zimbabwe		223.00		(3)				
Hon. Jim Kolbe	8/29	8/31	Uganda		546.00		(3)				
Hon. Bernard Sanders	8/29	8/31	Uganda		546.00		(3)				
Hon. William Jefferson	8/29	8/31	Uganda		546.00		(3)				
Hon. Scott Klug	8/29	8/31	Uganda		546.00		(3)				
Hon. Jim Greenwood	8/29	8/31	Uganda		546.00		(3)				
Hon. Steve Chabot	8/29	8/31	Uganda		546.00		(3)				
Hon. Melvin Watt	8/29	8/31	Uganda		546.00		(3)				
Hon. Karen Thurman	8/29	8/31	Uganda		546.00		(3)				
Everett Eissenstat	8/29	8/31	Uganda		546.00		(3)				
Ron Lasch	8/29	8/31	Uganda		546.00		(3)				
Meredith Broadbent	8/29	8/31	Uganda		546.00		(3)				
Committee total					26,180.00						

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JIM KOLBE, Sept. 29, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, AUSTRIA, BOSNIA, FRANCE, UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 30 AND SEPT. 11, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gardner G. Peckham	9/1	9/1	Germany		200.00						200.00
	9/1	9/2	Austria	2,814.32	221.00						221.00
	9/2	9/7	Bosnia		1,755.00						1,755.00
	9/7	9/9	France	3,432.80	560.00						560.00
	9/9	9/11	United Kingdom	436.30	692.00						692.00
Commercial airfare							2,322.05				2,322.05
					[3] – 475.00						– 475.00
Charles G. Boyd	9/1	9/1	Germany		200.00						200.00
	9/1	9/2	Austria	2,814.32	221.00						221.00
	9/2	9/7	Bosnia		1,755.00						1,755.00
	9/7	9/9	France	3,432.80	560.00						560.00
	9/9	9/11	United Kingdom	436.30	692.00						692.00
Commercial airfare							2,322.05				2,322.05
Committee total					6,381.00		4,644.10				11,025.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Excess per diem; returned to the U.S. Treasury.

GARDNER G. PECKHAM, Sept. 29, 1997.
CHARLES G. BOYD, Nov. 23, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO OSLO, NORWAY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 6 AND SEPT. 8, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jack Quinn	9/6	9/8	Norway		224.00		1,497.65				1,721.65
Dan Skopec	9/6	9/8	Norway		224.00		1,497.65				1,721.65
Committee total					448.00		2,995.00				3,443.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK QUINN

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO INDIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 12 AND SEPT. 15, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Cox	9/12	9/15	India		575.00						575.00
Hon. Jon D. Fox	9/12	9/15	India		575.00						575.00
Hon. Sue Myrick	9/12	9/15	India		575.00						575.00
Hon. Michael R. McNulty	9/12	9/15	India		575.00						575.00
Hon. Frank Pallone	9/12	9/15	India		575.00						575.00
Hon. Sherrod Brown	9/12	9/15	India		575.00						575.00
J. Dean McGrath	9/12	9/15	India		575.00						575.00
Committee total					4,025.00						4,025.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS COX, Oct. 8, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY VISIT TO BUCHAREST, ROMANIA AND LISBON, PORTUGAL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 9 AND OCT. 17, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Gerald Solomon	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Tom Bliley	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Sherwood Boehlert	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Ralph Regula	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Herb Bateman	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Marge Roukema	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Mike Bilirakis	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Porter Goss	10/10	10/14	Romania		1,230.00						
	10/14	10/17	Portugal		680.00						1,910.00
Hon. Paul Gilmor	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Joel Hefley	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Dennis Hastert	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		512.00						1,892.00
Hon. Scott McInnis	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Hon. Vern Ehlers	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Susan Olson	10/19	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00		2,609.60				4,757.60
Jo Weber	10/9	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00		2,609.60				4,757.60
Michael Ennis	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Bill Cox	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Ronald Dasch	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00		2,609.60				4,757.60
Linda Pedigo	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Robin Evans	10/9	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00		2,609.60				4,757.60
Scott Palmer	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
Bob King	10/10	10/14	Romania		1,380.00						
	10/14	10/17	Portugal		768.00						2,148.00
John Walker Robert	10/10	10/13	Romania		1,035.00		1,035.00				
Total					49,945.00		10,438.40				60,383.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Nov. 20, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UKRAINE AND RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 13 AND OCT. 19, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jeffrey Clay Sell	14/10	15/10	Ukraine		285.00						
	15/10	19/10	Russia		1,380.00						1,380.00
Commercial airfare							3,652.00				3,652.00
Committee total					1,665.00		3,652.00				5,317.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JEFFREY CLAY SELL, Nov. 18, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND, SCOTLAND, ENGLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 16 AND NOV. 23, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Benjamin Gilman	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		196.00						196.00
Hon. James Walsh	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		196.00						196.00
	11/22	11/23	England		335.00						335.00
Hon. Jennifer Dunn	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Hon. Clifford Stearns	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Hon. Michael McNulty	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Hon. Richard Neal	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Hon. Thomas Ewing	11/16	11/20	Ireland		1,112.00		2,066.33				3,178.33
Hon. James Moran	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Hon. Peter King	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Hon. Martin Meehan	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Hon. Matt Salmon	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Hon. Michael Doyle	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
John Mackey	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Lester Munson	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Allison Kiernan	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
James O'Connor		11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
John Feehery	11/16	11/20	Ireland		1,112.00						1,112.00
		11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Marti Thomas	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Daniel Turton	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
William Tranghese	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
John Simmons	11/16	11/20	Ireland		1,112.00						1,112.00
	11/20	11/22	Scotland		688.00						688.00
	11/22	11/23	England		335.00						335.00
Committee total					42,158.00		2,066.33				44,224.33

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES T. WALSH, Dec. 22, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO OTTAWA, CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 2 AND DEC. 3, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Lane Evans	12/2	12/3	Canada	279.48	234.31		853.58			279.48	1,087.89
Tom O'Donnell	12/2	12/3	Canada	279.48	234.31		470.04			279.48	704.35
Hon. Jack Quinn	12/2	12/3	Canada	106.40	79.50		470.04				549.54
Dan Skopec	12/2	12/3	Canada	279.48	209.25		470.04				679.29

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO OTTAWA, CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 2 AND DEC. 3, 1997—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					757.37		2,263.70				3,021.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LANE EVANS, Dec. 23, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO KYOTO, JAPAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 5 AND DEC. 12, 1977

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. F. James Sensenbrenner	12/5	12/11	Japan		1,794.00		5,460.00				7,254.00
Hon. Ralph Regula	12/5	12/11	Japan		1,794.00		5,373.00				7,167.00
Hon. Dan Schaefer	12/5	12/11	Japan		1,794.00		5,232.00				7,026.00
Hon. Joe Barton	12/6	12/10	Japan		1,495.00		5,567.00				7,062.00
Hon. Dennis Hastert	12/7	12/11	Japan		1,495.00		5,579.00				7,074.00
Hon. Ken Calvert	12/5	12/10	Japan		1,495.00		4,171.00				5,666.00
Hon. Joe Knollenberg	12/5	12/10	Japan		1,495.00		5,286.00				6,781.00
Hon. Jo Ann Emerson	12/5	12/11	Japan		1,794.00		5,454.00				7,248.00
Hon. John Dingell	12/7	12/11	Japan		1,196.00		5,286.00				6,482.00
Hon. George E. Brown	12/5	12/11	Japan		1,794.00		4,171.00				5,965.00
Hon. George Miller	12/5	12/11	Japan		1,794.00		4,171.00				5,965.00
Hon. Henry Waxman	12/5	12/11	Japan		1,794.00		4,171.00				5,965.00
Hon. Ron Klink	12/5	12/10	Japan		1,495.00		5,456.00				6,951.00
Hon. Karen McCarthy	12/5	12/11	Japan		1,794.00		5,284.00				7,078.00
Rob Hood	12/5	12/11	Japan		1,794.00		4,845.00				6,639.00
Andrew Weinstein	12/3	12/11	Japan		2,392.00		4,460.00				7,852.00
Jim Hawley	12/5	12/12	Japan		1,794.00		4,256.00				6,050.00
Committee total					29,003.00		85,222.00				114,225.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Dec. 22, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HONG KONG, MACAU, SHENZHEN AND BEIJING, CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 13 AND DEC. 20, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	12/13	12/17	Hong Kong, Macau		1,472.00						1,472.00
	12/17	12/20	China		671.00						671.00
Hon. Alcee Hastings	12/13	12/17	Hong Kong, Macau		1,422.00						1,422.00
	12/17	12/20	China		621.00						621.00
Hon. Donald Manzullo	12/13	12/17	Hong Kong, Macau		1,052.00						1,052.00
	12/17	12/20	China		362.00						362.00
Gardner Peckham	12/13	12/17	Hong Kong, Macau		1,477.00						1,477.00
	12/17	12/20	China		676.00						676.00
Richard Kessler	12/13	12/17	Hong Kong, Macau		1,477.00						1,477.00
	12/17	12/20	China		676.00						676.00
Daniel Martz	12/13	12/17	Hong Kong, Macau		1,492.00						1,492.00
	12/17	12/20	China		691.00						691.00
Total					12,089.00						12,089.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS BEREUTER, Chairman, Feb. 5, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SPAIN AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND OCT 6, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Judith Wolverton	10/2	10/4	Spain		350.00						350.00
	10/4	10/6	Italy		650.00						650.00
Committee total					1,000.00						1,000.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JUDITH WOLVERTON, Oct. 8, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 14 AND DEC. 17, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mac Collins	12/14	12/17	Germany[3]		400.00		4,966.80				5,366.80

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 14 AND DEC. 17, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					400.00		4,966.80				5,366.80

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Includes day trip to Bosnia.

MAC COLLINS.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO ASIA PACIFIC PARLIAMENTARY FORUM, SEOUL, KOREA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 5 AND JAN. 10, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Van Wicklin	1/6	1/10	Korea	1,545,840	912.00		4,180.00			1,545,840	5,092.00
Committee total					912.00		4,180.00				5,092.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT VAN WICKLIN, Feb. 10, 1998.

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, February 9, 1998.
Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995, 2 U.S.C. §1383, I am transmitting the enclosed Notice of Adoption of Amendments (amending procedural rules previously adopted) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notices be published on the first day on which both Houses are in session following this transmittal.

Sincerely yours,
RICKY SILBERMAN,
Executive Director.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules.

NOTICE OF ADOPTION OF AMENDMENTS

Summary: The Executive Director of the Office of Compliance ("Office"), with the approval of the Board of Directors ("Board"), having considered comments received in response to the Notice of Proposed Rulemaking ("NPRM") published on October 1, 1997, 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997), has amended the Procedural Rules of the Office of Compliance to cover the General Accounting Office ("GAO") and the Library of Congress ("Library") and their employees under the rules governing: *(1)* proceedings involving Occupational Safety and Health inspections, citations, and variances under section 215 of the Congressional Accountability Act of 1995 ("CAA"), and *(2) ex parte* communications.

The NPRM also proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of processing allegations of violation of sections 204–206 of the CAA, which apply rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), the Worker Adjustment and Retraining Notification Act ("WARN Act"), and the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), and of section 207 of the CAA, which prohibits employing offices from intimidating or taking reprisal against covered employees for exercising rights under the CAA. However, by a recently published Supplementary Notice of Proposed Rulemaking, 143 Cong. Rec. S86 (daily ed. Jan. 28, 1998), the Office is requesting further comment on whether the Procedural Rules should be extended to cover GAO and the Library with respect to alleged violations of sections 204–207, and no final action will be taken on this question until the comments have been received and considered.

Availability of comments for public review: Copies of comments received by the Office in response to the NPRM are available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

SUPPLEMENTARY INFORMATION

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104–1, 2 U.S.C. §§1301–1438, applies the rights and protections of eleven labor, employment, and public access laws to certain defined "covered employees" and "employing offices" in the Legislative Branch. The CAA expressly includes GAO and the Library and their employees within the definitions of "covered employees" and "employing offices" for purposes of four sections of the Act: *(a)* section 204, making applicable the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"); *(b)* section 205, making applicable the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"); *(c)* section 206, making applicable the rights and protections of section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"); and *(d)* section 215, making applicable the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). These four sections go into effect by their own terms with respect to GAO and the Library one year after transmission to Congress of the study under section 230 of the CAA. The study was transmitted to Congress on December 30, 1996, and sections 204–206 and 215 therefore went into effect at GAO and the Library on December 30, 1997.

The purpose of the NPRM was to extend the Procedural Rules of the Office to cover GAO and the Library and their employees for purposes of any proceedings in which GAO or the Library or their employees may be involved. To accomplish this, the NPRM proposed to cover GAO and the Library and their employees in four respects: *(1)* Sections 401–408 of the CAA establish administrative and judicial procedures for considering alleged violations of part A of Title II of the CAA, which includes sections 204–206, and the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of a violation of sections 204–206. *(2)* Section 207 prohibits employing offices from intimidating or taking reprisal against any covered employee for exercising rights under the CAA, and the NPRM proposed to extend the Procedural Rules to include GAO and the Library and their employees for the purpose of resolving any allegation of intimidation or reprisal prohibited under section 207. *(3)* Section 215 specifies the procedures by which the Office conducts inspections, issues citations, grants variances, and otherwise enforces section 215, and the NPRM proposed to extend the Procedural Rules to cover GAO and the Library and their employees for purposes of proceedings involving section 215. *(4)* Section 9.04 of the Procedural Rules governs *ex parte* communications, and the NPRM proposed to extend the Procedural Rules to cover these instrumentalities and employees for purposes of section 9.04.

In the only comment received in response to the NPRM, the library argued that "Congress expressly excluded the Library and other instrumentalities of Congress from the application of Titles I, III, IV and V of the CAA," which include the administrative and judicial procedures established in sections 401–408. (The Office of Compliance has made the Library's entire submission available for public review in the Law Library Reading

Room of the Law Library of Congress, at the address and times stated at the beginning of this Notice.) As to whether GAO and the Library and their employees are covered by the procedures mandated by sections 401–408 when a violation of sections 204–207 is alleged, the Library's comments raise issues of statutory construction upon which the Office seeks further comment. To solicit such comments, the Office recently published a Supplementary Notice of Proposed Rulemaking, 143 Cong. Rec. S86 (daily ed. Jan. 28, 1998), and will make no decision as to whether the Procedural Rules will be amended to cover GAO and the Library and their employees for purposes of resolving allegations of violations of sections 204–207 until after the comments are received and considered.

The issues of statutory construction raised by the Library's comments are not pertinent, however, to proceedings under section 215 and to rules regarding *ex parte* communications. The procedures under section 215 expressly cover GAO and the Library and their employees because section 215(a)(2)(C)–(D) explicitly includes these instrumentalities and employees within the definitions of "employing office" and "covered employee" for purposes of applying the OSHAct "under this section [215]." As to *ex parte* communications, section 9.04 of the Procedural Rules includes within its coverage any covered employee and employing office "who is or may reasonably be expected to be involved in a proceeding or rulemaking." The CAA explicitly authorizes GAO and the Library and their employees to be involved in proceedings under section 215(c), as described above, and the Library itself has exercised its right to be involved in the Office's rulemaking proceedings.

The Library further notes that the substantive regulations adopted by the Board to implement section 215 have not yet been approved by the House and Senate pursuant to section 304 of the CAA and argues: "Since all OSHA regulations must follow the procedures for adopting substantive rules under section 304 of the Act, including approval by Congress, it would seem more appropriate to delete the reference to the coverage of the Library for purposes of section 215 of the CAA, in order to avoid confusion over the effect of possible Congressional approval of these proposed rules but not the underlying provisions applying to OSHA procedures." However, the Library's assumption that "all OSHA regulations," including provisions of the Procedural Rules describing the Office's procedures under section 215, are subject to Congressional approval is incorrect. Congressional approval under section 304 is required only for the regulations adopted by the Board under section 215(d) of the CAA, which must generally be the same as the substantive regulations promulgated by the Secretary of Labor to implement section 5 of the OSHAct. The Board adopted such regulations for employing offices other than GAO and the Library and submitted the regulations to Congress for approval under section 304, *see* 143 Cong. Rec. S61 (daily ed. Jan. 7, 1997), and recently amended those regulations to cover GAO and the Library and submitted the amendments to Congress for approval, *see* 143 Cong. Rec. S11663 (daily ed. Nov. 4, 1997). However, the Procedural Rules, including provisions describing the Office's procedures under section 215 of the CAA, were adopted under section 303 of the CAA, which authorizes the Executive Director, subject to the approval of the Board, to adopt rules governing the procedures of the Office. *See* 143 Cong. Rec. H1879, H1879–90 (daily ed. Apr. 24, 1997). The amendments in this Notice are likewise adopted under section 303, so the Library's expressed concern is unfounded.

Finally, although no comments were received regarding the specific language of the proposed amendments to the rules, the final adopted rules differ slightly from the text of the proposed amendments. The preamble to the NPRM explained that the purpose of the rulemaking was to cover GAO and the Library and their employees "for purposes of any proceedings in which GAO and the Library or their employees may be involved as employing offices or covered employees," and, with respect to section 215, the preamble stated that GAO and the Library would be covered "for the purposes of proceedings involving section[] . . . 215 of the CAA . . . ." 143 Cong. Rec. S10291, S10292 col. 1 (daily ed. Oct. 1, 1997). However, the proposed rules in the NPRM described specific kinds of proceedings under section 215, *i.e.*, enforcement of inspection and citation provisions of the CAA and the granting of variances, and stated that GAO and the Library would be covered for purposes of those specific proceedings. *Id.* at S10292 col. 2. To avoid any confusion, the final rules have been simplified and revised to make clear that they cover GAO and the Library for purposes of "[a]ny proceeding under section 215." Section 102(q)(1) of the Procedural Rules, as amended by this Notice.

Signed at Washington, D.C., on this 9th day of February, 1998.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

The Executive Director of the Office of Compliance hereby amends section 1.02 of the Procedural Rules of the Office of Compliance by revising paragraphs (b) and (h) and by adding at the end of the section a new paragraph (q) to read as follows:

§1.02 Definitions.

"Except as otherwise specifically provided in these rules, for purposes of this Part:

* * * * *

"(b) *Covered employee.* The term 'covered employee' means any employee of

"(1) the House of Representatives;

"(2) the Senate;

"(3) the Capitol Guide Service;

"(4) the Capitol Police;

"(5) the Congressional Budget Office;

"(6) the Office of the Architect of the Capitol;

"(7) the Office of the Attending Physician;

"(8) the Office of Compliance; or

"(9) for the purposes stated in paragraph (q) of this section, the General Accounting Office or the Library of Congress.

* * * * *

"(h) *Employing Office.* The term 'employing office' means:

"(1) the personal office of a Member of the House of Representatives or a Senator;

"(2) a committee of the House of Representatives or the Senate or a joint committee;

"(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;

"(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; of

"(5) for the purposes stated in paragraph (q) of this section, the General Accounting Office and the Library of Congress.

* * * * *

"(q) *Coverage of the General Accounting Office and the Library of Congress and their Employees.* The term 'employing office' shall include the General Accounting Office and the Library of Congress, and the term 'covered employee' shall include employees of the General Accounting Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1) and (2):

"(1) Any proceeding under section 215 of the Act. Section 215 of the Act applies to covered employees and employing offices certain rights and protections of the Williams-Steiger Occupational Safety and Health Act of 1970.

"(2) Any proceeding or rulemaking, for purposes of section 9.04 of these rules."

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7268. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Peanuts Marketed in the United States; Relaxation of Handling Regulations [Docket Nos. FV97–997–1 IFR and FV97–998–1 IFR] received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7269. A letter from the Federal Register Liaison Officer, Bureau of Land Management, transmitting the Bureau's final rule—Federal Timber Contract Payment Modification [WO–330–1030–02–24 1A] (RIN: 1004–AC69) received January 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7270. A letter from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Distribution of Risk Disclosure Statements By Futures Commission Merchants and Introducing Brokers [17 CFR Parts 1, 30, 33, and 190] received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7271. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Bifenthrin; Pesticide Tolerance; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5959–6] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7272. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Thiodicarb; Pesticides Tolerance [OPP-300541; FRL–5739–7] (RIN: 2070–AB78) received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7273. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerance [PP 5F4485/R2232; FRL–5364–3] (RIN: 2070–AB78) received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7274. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bensulfuron Methyl (methyl-2[[[[[(4,6-dimethoxypyrimidin-2-yl) amino] carbonyl] amino] sulfonyl] methyl] Benzoate; Pesticide Tolerance [OPP–300603; FRL–5766–4] (RIN: 2070–AB78) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7275. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kaolin; Exemption from the Requirement of a Tolerance [OPP–300614; FRL–5769–9] (RIN: 2070–AB78) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7276. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Vinclozolin; Revocation of Certain Tolerances [OPP–300540A; FRL–5769–2] (RIN: 2070–AB78) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7277. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Benoxacor; Pesticide Tolerances [OPP–300617; FRL–5771–1] (RIN: 2070–AB78) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7278. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lambda-cyhalothrin; Pesticide Tolerances [OPP–300608; FRL–5767–7] (RIN: 2070–AB78) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7279. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Flammability Labeling Requirements for Total Release Fogger Pesticides [OPP–36189; FRL–5748–7] (RIN: 2070–AC60) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7280. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Norflurazon; Extension of Tolerance for Emergency Exemptions [OPP–300615; FRL–5770–8] (RIN: 2070–AB78) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7281. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Thiabendazole; Pesticide Tolerances for Emergency Exemptions [OPP–300607; FRL–5767–6] (RIN: 2070–AB78) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7282. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Special Combinations for Tobacco Allotments and Quotas (RIN: 0560–AE13) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7283. A communication from the President of the United States, transmitting his requests for emergency and nonemergency FY 1998 appropriations for the Departments of Agriculture, Energy, the Interior, and the Treasury; the National Aeronautics and Space Administration; and, the National Transportation Safety Board, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—216); to the Committee on Appropriations and ordered to be printed.

7284. A communication from the President of the United States, transmitting a report of 24 proposed rescissions of budgetary resources, totaling $20 million, pursuant to 2 U.S.C. 683(a)(1); (H. Doc. No. 105—215); to the Committee on Appropriations and ordered to be printed.

7285. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the annual report detailing test and evaluation activities of the Foreign Comparative Testing Program during FY 1997, pursuant to 10 U.S.C. 2350a(g); to the Committee on National Security.

7286. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the fiscal year 1997 annual report on operations of the National Defense Stockpile, pursuant to 50 U.S.C. 98h—5; to the Committee on National Security.

7287. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restructuring Costs [DFARS Case 97–D313] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7288. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a plan or directive that sets forth the specific procedures for the conduct of competitions among private and public sector entities for such depot-level maintenance and repair workloads, pursuant to Public Law 105—85, section 359(b); to the Committee on National Security.

7289. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report identifying the percentage of funds that were expanded during the preceding fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to Public Law 105—85, section 358; to the Committee on National Security.

7290. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report describing the proposed allocation of certain depot-level maintenance and repair workloads that were performed at the closed or realigned installations as of July 1, 1995, pursuant to Public Law 105—85, section 359(b) and (c); to the Committee on National Security.

7291. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Technical Assistance for Public Participation in Defense Environmental Restoration Activities (RIN: 0790–AG14) received February 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7292. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize military construction and related activities of the Department of Defense, pursuant to 31 U.S.C. 1110; to the Committee on National Security.

7293. A communication from the President of the United States, transmitting the annual certification of the nuclear weapons stockpile by the Secretaries of Defense and Energy and accompanying report; to the Committee on National Security.

7294. A letter from the Secretary of Defense, transmitting a progress update report on the event-based decision making for the F–22 aircraft program for the FY 1998 and FY 1999 decisions, pursuant to section 218 of the National Defense Authorization Act for FY 1997; to the Committee on National Security.

7295. A letter from the Secretary of Defense, transmitting the five-year plan (FY99–FY03) for the Manufacturing Technology (ManTech) Program, pursuant to Public Law 105—85, section 211(b); to the Committee on National Security.

7296. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions [12 CFR Part 701] received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7297. A letter from the Administrator, Legislative and Regulatory Activities Division, Office of the Currency, transmitting the Office's final rule—Fiduciary Activities of National Banks [Docket No. 98–02] (RIN: 1557–AB63) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7298. A letter from the Under Secretary, Food, Nutrition and Consumer Services, Department of Agriculture, transmitting the Department's "Major" final rule—Child and Adult Care Food Program: Improved Targeting of Day Care Home Reimbursements (RIN: 0584–AC42) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7299. A letter from the Under Secretary, Food, Nutrition and Consumer Services, Department of Agriculture, transmitting the Department's "Major" final rule—Child Nutrition and WIC Reauthorization Act Amendments (RIN: 0584–AC20) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7300. A letter from the Secretary of Health and Human Services, transmitting the Thirtieth Annual Report of the United States-Japan Cooperative Medical Science Program for the period of July 1995 to July 1996, pursuant to 22 U.S.C. 2103(h); to the Committee on Commerce.

7301. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Clean Air Act Promulgation of Extension of Attainment Date for Ozone Nonattainment Area; Ohio; Kentucky; Correction of Effective Date Under Congressional Review Act (CRA)[FRL–5958–9] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7302. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Control of Air Pollution; Removal and Modification of Obsolete, Superfluous or Burdensome Rules; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5960–3] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7303. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of Implementation of State Air Quality Plans for Disignated Facillities and Pollutants, New Mexico; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills; Correction for Same, Louisiana; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5961–3] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7304. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical

Amendments to Approval and Promulgation of Implementation Plans; State of Missouri; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5961–2] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7305. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of Implementation Plan; Minnesota; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5961–1] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7306. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Minor Amendments to Inspection/Maintenance Program Requirements; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5960–9] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7307. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of Implementation Plans: Ohio; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5960–8] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7308. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of Implementation Plans: Washington; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5960–7] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7309. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of Implementation Plans; State of Missouri; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5960–6] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7310. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Approval and Promulgation of Maintenance Plan Revisions; Ohio; Correction of Effective Date Under Congressional Review (CRA) [FRL–5960–5] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7311. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Standards of Performance for New Stationary Sources National Emission Standards for Hazardous Air Pollutants Addition of Method 29 to Appendix A of Part 60 and Amendments to Method 101A of Appendix B of Part 61; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5960–4] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7312. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Clean Air Act Final Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of Massachusetts; Correction; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5959–1] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7313. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Hydrochloric Acid; Toxic Chemical Release Reporting; Community Right-to-Know; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5959–7] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7314. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Cyclohexanecarbonitrile, 1,3,3-trimethyl-5oxo-; Revocation of a Significant New Use Rule; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5959–5] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7315. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Ethane, 1,1,1 Trifluoro-; Revocation of a Significant New Use Rule; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5959–4] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7316. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Thiodicarb; Pesticide Tolerance; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5959–3] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7317. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Alabama: Final Authorization to State's Hazardous Waste Management Program; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5959–2] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7318. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Acquisition Regulation; Coverage on Information Resources Management (IRM); Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5959–9 received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7319. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to West Virginia; Final Approval of State Underground Storage Tank Program; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5960–2] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7320. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to Acquisition Regulation; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5960–1] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7321. A letter from the Information Management Specialist, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans, Texas; Revision to the Texas State Implementation Plan (SIP); Alternative Reasonably Available Control Technology (ARACT) Demonstration for Raytheon TI Systems, Inc. [TX–85–1–7344a; FRL–5955–8] received February 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7322. A letter from the Information Management Specialist, Environmental Protection Agency, transmitting the Agency's final rule—National Ambient Air Quality Standard for Particulate Matter and Revised Requirements for Designation of Reference and Equivalent Methods for PM2.5 and Ambient Air Quality Surveillance for Particulate Matter [AD-FRL–5963–3] (RIN: 2060–AE66) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7323. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ethane, 1,1,1 Trifluoro-; Revocation of a Significant New Use Rule [OPPTS–50608D; FRL–5372–1] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7324. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation [FRL–5919–4] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7325. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Alabama: Final Authorization of Revisions to State's Hazardous Waste Management Program [FRL–5925–8] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7326. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyclohexanecarbonitrile, 1,3,3-trimethyl-5-oxo-; Revocation of a Significant New Use Rule [OPPTS–50601H; FRL–5371–7] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7327. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hydrochloric Acid; Toxic Chemical Release Reporting; Community Right-To-Know [OPPTS–400062A; FRL–5372–3] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7328. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of Massachusetts [AD-FRL–5522–9] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7329. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources National Emission Standards for Hazardous Air Pollutants Addition of Method 29 to Appendix A of Part 60 and Amendments to Method 101A of Appendix B of Part 61 [AD-FRL 5407–4] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7330. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation; Coverage on Information Resources Management (IRM) [FRL–5525–6] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7331. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—West Virginia; Final Approval of State Underground Storage Tank Program [FRL–5896–7] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7332. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution; Removal and Modification of Obsolete, Superfluous or Burdensome Rules [FRL–5526–2] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7333. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, New Mexico; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills; Correction for Same, Louisiana [NM–33–1–7331a; LA–39–1–7332; FRL–5910–9] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7334. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 034–1034(a); FRL–5886–3] February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7335. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan: Minnesota [MN54–01–7279a; FRL–5913–3] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7336. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Minor Amendments to Inspection/Maintenance Program Requirements [FRL–5610–4] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7337. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH106–1a; FRL–5890–9] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7338. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Washington [WA56–7131a; FRL–5603–7] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7339. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO–006–1006(a); FRL–5542–6] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7340. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Ohio [OH104–1A; FRL–5877–9] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7341. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources National Emission Standards for Hazardous Air Pollutants Addition of Method 29 to Appendix A of Part 60 and Amendments to Method 101A of Appendix B of Part 61 [AD-FRL–5407–4] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7342. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Indian Tribes: Air Quality Planning and Management [OAR-FRL–5964–2] (RIN: 2060–AF79) received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7343. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sole Source Aquifer Designation of Poolesville Area Aquifer System, Lower Western Montgomery County, MD [FRL 5952–3] received February 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7344. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL147–1a, IL156–1a; FRL–5965–1] received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7345. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Texas-Dallas/Fort Worth Nonattainment Area; Ozone [TX89–1–7370; FRL–5967–4] received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7346. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Michigan [MI58–01–7266; FRL–5967–3] received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7347. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District [CA 179–0066; FRL–5963–1] received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7348. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Administrative Amendments [FRL–5968–9] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7349. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Organotin Lithium Compound; Final Significant New Use Rule [OPPTS–50615C; FRL–5757–2] (RIN: 2070–AB27) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7350. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Failure to Submit Required State Implementation Plans for Particulate Matter; Arizona; Phoenix PM–10 Nonattainment Area [AZ–006–FON; FRL–5969–8] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7351. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Uses of Certain Chemical Substances; Correction [OPPTS–50628A; FRL–5770–7] (RIN: 2070–AB27) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7352. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Significant New Use Rules for Certain Chemical Substances [OPPTS–50629A; FRL–5769–1] (RIN: 2070–AB27) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7353. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards [FRL–5969–4] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7354. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans (SIP) for Louisiana: Motor Vehicle Inspection and Maintenance (I/M) Program; Correction [LA–33–1–7374; FRL–5955–9] received January 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7355. A letter from the AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule—Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Reallocate the 29.5–30.0 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services [CC Docket No. 92–297] received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7356. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—

Reallocation of Television Channels 60–69, the 746–806 MHz Band [ET Docket No. 97–157] received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7357. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Billed Party Preference for InterLATA 0 Calls [CC Docket No. 92–77] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7358. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rules of Practice [16 CFR Part 3] received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7359. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 97F–0181] received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7360. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Direct and Secondary Direct Food Additives; Sodium Mono- and Dimethyl Naphthalene Sulfonates [Docket No. 96F–0076] received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7361. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 97N–0301] received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7362. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Investigational New Drug Applications and New Drug Applications [Docket No. 95N–0010] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7363. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Reclassification and Codification of Suction Lipoplasty System for Aesthetic Body Contouring [Docket No. 88P–0439] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7364. A letter from the Secretary of Commerce, transmitting the Spectrum Reallocation Report, as required under Title III of the Balanced Budget Act of 1997; to the Committee on Commerce.

7365. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Offshore Offers and Sales [RELEASE NO. 33–7505; 34–39668; FILE NO. 1118] (RIN: 3235–AG34) received February 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7366. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Statement of Policy on the Establishment and Improvement of Standards Related to Auditor Independence [Release No. 33–7507; 34–39676; IC–23029; FR–50] received February 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7367. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption of Issuance and Sale of Securities By Public Utility and Nonutility Subsidiary Companies of Registered Public Utility Holding Companies; Rescission of Statements of Policy [Release No. 35–26826, File No. S7–11–95] (RIN: 3235–AG45) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7368. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Procedures for Filing Applications for Orders for Exemptive Relief Pursuant to Section 36 of the Exchange Act [Rel. No. 34–39624] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7369. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Taiwan (Transmittal No. DTC–108–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7370. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the preliminary "Report on U.S. Government Assistance to and Cooperative Activities with the New Independent States of the former Soviet Union," pursuant to Public Law 102—511, section 104; to the Committee on International Relations.

7371. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulations (Bureau of Political-Military Affairs) [22 CFR Part 121] received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7372. A communication from the President of the United States, transmitting notification terminating the suspensions pertaining to the Chinasat-8 satellite program, pursuant to Public Law 101—246, section 902(b)(2) (104 Stat. 85); to the Committee on International Relations.

7373. A letter from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 1997, pursuant to D.C. Code section 43—513; to the Committee on Government Reform and Oversight.

7374. A letter from the Comptroller General, Government Accounting Office, transmitting a copy of his report for FY 1997 on each instance a Federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during the fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Reform and Oversight.

7375. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List [98–002] received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7376. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—Exemption of Records Systems Under the Privacy Act [AAG/A Order No. 137–97] February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7377. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Privacy Act; Implementation [Docket No. OST–96–1472] (RIN: 2105–AC68) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7378. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report entitled "Graduating to a Better Future: Public Higher Education in the District of Columbia"; to the Committee on Government Reform and Oversight.

7379. A letter from the Agency Freedom of Information Officer (1105), Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7380. A letter from the Active Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7381. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7382. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

7383. A letter from the Director, National Counterintelligence Center, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7384. A letter from the President, National Endowment for Democracy, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7385. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule—Implementation of the Privacy Act of 1974 (RIN: 2550–AA05) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7386. A letter from the Director, Office of Management and Budget, transmitting the Office's performance plan for fiscal year 1999, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

7387. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of the Orlando, FL, Appropriated Fund Wage Area (RIN: 3206–AI13) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7388. A letter from the Administrator, U.S. Agency for International Development, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

7389. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

7390. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Central Gulf of Mexico, Sale 169, scheduled to be held in March 1998, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

7391. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a report regarding the authorization of the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia, pursuant to Public Law 104—333, section 508; to the Committee on Resources.

7392. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel in the Eastern Aleution District and Bering Sea subarea of the Bering Sea and Aleutian Islands [Docket No. 971208296–7296–01; I.D. 013098B] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7393. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 [Docket No. 971208295–7295–01; I.D. 013098A] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7394. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 18 [Docket No. 970829217–8025–02; I.D. 081597E] (RIN: 0648–AJ79) received February 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7395. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Multispecies Community Development Quota Program; Eastern Gulf of Alaska No Trawl Zone [Docket No. 970703166–8021–02; I.D. 060997A] (RIN: 0648–AH65) received February 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7396. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications [Docket No. 970930235–8028–02; I.D. 090397A] (RIN: 0648–AJ12) received February 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7397. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Final List of Fisheries for 1998 [Docket No. 970515117–8020–02; I.D. 040996D] (RIN: 0648–AJ85) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7398. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Oklahoma Abandoned Mine Land Reclamation Plan [SPATS No. OK–023–FOR] received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7399. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to repeal the provisions of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 which provide for the establishment of an electronic case management demonstration project; to the Committee on the Judiciary.

7400. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Progress Reports: Triennial Preparation [BOP–1067–F] (RIN: 1120–AA63) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7401. A letter from the Secretary of Transportation, transmitting the Department's annual report on the progress in implementing the Coast Guard Environmental Compliance and Restoration Program for fiscal year 1996, pursuant to Public Law 101—225, section 222(a) (103 Stat. 1918); to the Committee on Transportation and Infrastructure.

7402. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29122; Amdt. No. 1849] (RIN: 2120–AA65) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7403. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes (Federal Aviation Administration) [Docket No. 98–NM–09–AD; Amendment 39–10301; AD 98–03–09] (RIN: 2120–AA64) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7404. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–320-ad; Amendment 39–10297; AD98–03–05] (RIN: 2120–AA64) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7405. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–114–AD; Amendment 39–10299; AD 98–03–07] (RIN: 2120–AA64) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7406. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–178–AD; Amendment 39–10298; AD 98–03–06] (RIN: 2120–AA64) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7407. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–1A11 and CL–600–2A12 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–256–AD; Amendment 39–10294; AD 98–03–02] (RIN: 2120–AA64) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7408. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–3011–AD; Amendment 39–10296; AD 98–03–04] (RIN: 2120–AA64) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7409. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737, 747, 757, and 767 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–334–AD; Amendment 39–10302; AD 98–03–10] (RIN: 2120–AA64) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7410. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class D and Class E Airspace and Removal of Class E Airspace; Belleville, IL (Federal Aviation Administration) [Airspace Docket No. 97–AGL–42] (RIN: 2120–AA66) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7411. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Bottineau, ND (Federal Aviation Administration) [Airspace Docket No. 97–AGL–43] (RIN: 2120–AA66) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7412. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Mankato, MN (Federal Aviation Administration) [Airspace Docket No. 97–AGL–45] (RIN: 2120–AA66) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7413. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Encino, TX (Federal Aviation Administration) [Airspace Docket No. 97–ASW–16] (RIN: 2120–AA66) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7414. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modifications of the Legal Descriptions of Federal Airways in the Vicinity of Colorado Springs, CO (Federal Aviation Administration) [Airspace Docket No. 97–ANM–9] (RIN: 2120–AA66) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7415. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; New Braunfels Municipal, TX (Federal Aviation Administration) [Airspace Docket No. 97–ASW–21] (RIN: 2120–AA66) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7416. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and E Airspace; McKinney, TX (Federal Aviation Administration) [Airspace Docket No. 97-ASW-22] (RIN: 2120-AA66) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7417. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Camden, AR (Federal Aviation Administration) [Airspace Docket No. 97-ASW-20] (RIN: 2120-AA66) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7418. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Transactions Involving Documented Vessels and Other Maritime Interests; Elimination of Mortgagee and Trustee Restrictions (Maritime Administration) [Docket No. R-170] (RIN: 2133-AB29) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7419. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; EXTRA Flgzeugbau GmbH Models EA-300 and EA-300/S Airplanes (Federal Aviation Administration) [Docket No. 97-CE-85-AD; Amendment 39-10307; AD 98-03-14] (RIN: 2120-AA64) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7420. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revisions to Minimum IFR Altitudes & Change Over Points Amendment 407 (Federal Aviation Administration) [Docket No. 29123] (RIN: 2120-AA65) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7421. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29121; Amdt. No. 1848] (RIN: 2120-AA65) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7422. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes (Federal Aviation Administration) [Docket No. 98-CE-06-AD] (RIN: 2120-AA64) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7423. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-188-AD; Amdt 39-10303; AD 98-03-11] (RIN: 2120-AA64) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7424. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-10 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-154-AD; Amdt 39-10304; AD 98-03-12] (RIN: 2120-AA64) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7425. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3-60 SHERPA and SD3 SHERPA Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-118-AD] (RIN: 2120-AA64) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7426. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Primary Category Seaplanes (Federal Aviation Administration) [Docket No. 27641; Amdt No. 21-75] (RIN: 2120-AG39) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7427. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking (National Highway Traffic Safety Administration) [Docket NHTSA-98-3345] (RIN: 2127-AG06) received February 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7428. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. ()HC-()(2,3)(X,V)()—() Series and HA-A2V20-1B Series Propellers with Aluminum Blades (Federal Aviation Administration) [Docket No. 96-ANE-40; Amdt. 39-10112; AD 97-18-02] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7429. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-25-AD; Amdt. 39-10093; AD 97-16-03] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7430. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-130-AD; Amdt. 39-10095; AD 97-16-04] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7431. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G-159 (G-I) Airplanes (Federal Aviation Administration) [Docket No. 97-NM-18-AD; Amdt. 39-10096; AD 97-16-05] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7432. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters (Federal Aviation Administration) [Docket No. 97-SW-19-AD; Amdt. 39-100-92; AD 97-16-02] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7433. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. ALF502 and LF507 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96-ANE-36; Amdt. 39-10091; AD 97-05-11R1] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7434. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transport Category Airplanes, Technical Amendments and Other Miscellaneous Corrections (Federal Aviation Administration) [Docket No. 29147, Amdt. No. 25-94] (RIN: 2120-ZZ07) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7435. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cumberland, WI (Federal Aviation Administration) [Airspace Docket No. 97-AGL-60] (RIN: 2120-AA66) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7436. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Friendship (Adams), WI (Federal Aviation Administration) [Airspace Docket No. 97-AGL-51] (RIN: 2120-AA66) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7437. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; St. Paul, MN (Federal Aviation Administration) [Airspace Docket No. 97-AGL-57] (RIN: 2120-AA66) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7438. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Escanaba, MI (Federal Aviation Administration) [Airspace Docket No. 97-AGL-58] (RIN: 2120-AA66) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7439. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modifications of the Houston Class B Airspace Area; TX (Federal Aviation Administration) [Airspace Docket No. 95-AWA-1] (RIN: 2120-AA66) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7440. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Osceola, WI; Correction (Federal Aviation Administration) [Airspace Docket No. 97-AGL-49] (RIN: 2120-AA66) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7441. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Alliance, NE (Federal Aviation Administration) [Airspace Docket No. 97-ACE-29] (RIN: 2120-AA66) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7442. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of VOR Federal Airway; Dallas/Fort Worth, TX (Federal Aviation Administration) [Airspace Docket No. 97-ASW-13] (RIN: 2120-AA66) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7443. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft Corporation Models PA-23, PA-23-160, PA-23-235, PA-23-250, PA-30, PA-40, PA-31, PA-31-300, PA-31-325, PA-31-350, PA-34-200, PA-34-200T, PA-34-220T, PA-42, PA-42-720, PA-42-1000 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-61-AD; Amdt. 39-10339; AD 98-04-27] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7444. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-215-1A10 and CL-215-6B11 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-332-AD; Amdt. 39-10321; AD 98-04-08] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7445. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft Incorporated Models SA226-TC, SA226-T, SA226-T(B), and SA226-AT Airplanes (Federal Aviation Administration) [Docket No. 96-CE-58-AD; Amdt. 39-10318; AD 98-04-05] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7446. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-240-AD; Amdt. 39-10323; AD 98-04-10] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7447. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-78-AD; Amdt. 39-10341; AD 98-04-29] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7448. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Limited Dart Series Turboprop Engines (Federal Aviation Administration) [Docket No. 94-ANE-43; Amdt. 39-10325; AD 98-04-13] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7449. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-150-AD; Amdt. 39-10324; AD 98-04-11] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7450. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models T303, 310R, T310R, 335, 340A, 402B, 402C, 404, F406, 414, 414A, 421B, 421C, 425, and 441 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-63-AD; Amdt. 39-10340; AD 98-04-28] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7451. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft Corporation Models Pa-46-310P and PA-46-350P Airplanes (Federal Aviation Administration) [Docket No. 97-CE-60-AD; Amdt. 39-10338; AD 98-04-26] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7452. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model 2000 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-59-AD; Amdt. 39-10337; AD 98-04-25] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7453. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models E55, E55A, 58, 58A, 58P, 58PA, 58TC, 58TCA Airplanes, and 60, 65-B80, 65-B90, 90, F90, 100, 300, and B300 Series Airplanes (Federal Aviation Administration) [Docket No. 97-CE-58-AD; Amdt. 39-10336; AD 98-04-24] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7454. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerostar Aircraft Corporation Models PA-60-600, PA-60-601, PA-60-601P, PA-60-602P, and PA-60-700P Airplanes (Federal Aviation Administration) [Docket No. 97-CE-56AD; Amdt. 39-10355; AD 98-04-23] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7455. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA— Groupe AEROSPATIALE, Model TBM 700 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-55-AD; Amdt. 39-10334; AD 98-04-22] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7456. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Limited Models BN-2A, BN-2B, and BN-2T Airplanes (Federal Aviation Administration) [Docket No. 97-CE-54-AD; Amdt. 39-10333; AD 98-04-21] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7457. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Partenavia Costruzioni Aeronauticas, S.p.A. Model P68, AP68TP 300, AP68TP 600 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-51-AD; Amdt. 39-10332; AD 98-04-20] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7458. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Harbin Aircraft Manufacturing Corporation Model Y12 IV Airplanes (Federal Aviation Administration) [Docket No. 97-CE-50-AD; Amdt. 39-10331; AD 98-04-19] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7459. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd. Models N22B and N24A Airplanes (Federal Aviation Administration) [Docket No. 97-CE-49-AD; Amdt. 39-10330; AD 98-04-18] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7460. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-45-AD; Amdt. 39-10328; AD 98-04-16] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7461. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. BN-2, BN-2A, and BN-2B Series Airplanes (Federal Aviation Administration) [Docket No. 97-CE-12-AD; Amdt. 39-10329; AD 98-04-17] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7462. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, North Carolina (Coast Guard) [CGD05-97-072] (RIN: 2115-AE47) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7463. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Clarification and Rearrangement of Puget Sound Vessel Traffic Service Regulated Navigation Area (RNA) Regulations (Coast Guard) [CGD 13-98-002] (RIN: 2115-AE84) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7464. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Salvage and Firefighting Equipment; Vessel Response Plans (Coast Guard) [USCG 98-3417] (RIN: 2115-AF60) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7465. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone Regulations; Colorado River, Bluewater Marina to La Paz County Park, Parker, AZ [COTP San Diego, 98-001] (RIN: 2115-AA97) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7466. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—National Standards for Traffic Control Devices; Revision of the Manual on Uniform Traffic Control Devices; Temporary Traffic Signals (Federal Highway Administration) [FHWA Docket No. FHWA-97-2314] (RIN: 2125-AD45) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7467. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's list of the foreign aviation authorities to which the Administrator provided services in the preceding fiscal year, pursuant to Public Law 103—305, section 202; to the Committee on Transportation and Infrastructure.

7468. A letter from the Secretary of Commerce, transmitting the 1997 Annual Report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology (NIST), U.S. Department of Commerce, pursuant to Public Law 100—418, section 5131(b) (102 Stat. 1443); to the Committee on Science.

7469. A letter from the Acting Deputy Director, National Institute of Standards and Technology, transmitting the Institute's final rule—Precision Measurement Grants [Docket No. 971201285-7285-01] (RIN: 0693-ZA18) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7470. A letter from the the Director, National Legislative Commission, The American Legion, transmitting the proceedings of the 79th National Convention of the American Legion, held in Orlando, Florida from September 2, 3 and 4, 1997 as well as a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 105—214); to the Committee on Veterans' Affairs and ordered to be printed.

7471. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 98-21] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7472. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Classification of taxes collected by the Internal Revenue Service [Rev. Proc. 98-18] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7473. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit for abatement; determination of correct tax liability [Rev. Proc. 98-23] received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7474. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Conversion to the Euro by Members of the European Union [Announcement 98-18] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7475. A letter from the Program Manager, Pentagon Renovation, Department of Defense, transmitting certification that the total cost for the planning, design, construction, and installation of equipment for the renovation of the Pentagon will not exceed $1,118,000,000, pursuant to Public Law 105—56, section 8070; jointly to the Committees on National Security and Appropriations.

7476. A letter from the Secretary of Defense, transmitting a report on the military requirements and costs of NATO enlargement pursuant to the FY98 Department of Defense Authorization and Appropriations Acts and the FY98 Military Construction Appropriations Act; jointly to the Committees on National Security and Appropriations.

7477. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicaid Program: State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 1998 [HCFA-2005-NC] (RIN: 0938-AI39) received February 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Ways and Means.

7478. A letter from the Director, Defense Security Assistance Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104—107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

7479. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on allocation of funds the Executive Branch intends to make available from funding levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 as enacted in Public Law 105-118, pursuant to 22 U.S.C. 2413(a); jointly to the Committees on International Relations and Appropriations.

7480. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to regulations under section 303 of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

7481. A letter from the Secretary of Transportation, transmitting notification of the actions the Secretary has taken regarding security measures at Port-au-Prince International Airport, Port-au-Prince, Haiti, pursuant to 49 U.S.C. 44907(d)(3); jointly to the Committees on Transportation and Infrastructure and International Relations.

7482. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicare and Medicaid Programs; Salary Equivalency Guidelines for Physical Therapy, Respiratory Therapy, Speech Language Pathology, and Occupational Therapy Services [HCFA-1808-F] (RIN: 0938-AG70) received February 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH. Committee on Banking and Financial Services. H.R. 3116. A bill to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes; with an amendment (Rept. 105-417). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM. Committee on the Judiciary. H.R. 2460. A bill to amend title 18, United States Code, with respect to scanning receivers and similar devices; with an amendment (Rept. 105-418). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART. Committee on Rules. House Resolution 366. Resolution providing for consideration of the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes (Rept. 105-419). Referred to the House Calendar.

Mr. McINNIS. Committee on Rules. House Resolution 367. Resolution The title of this measure is not available (Rept. 105-420). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GOODLING (for himself, Mr. Fawell, and Mr. Talent):

H.R. 3246. A bill to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and, to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. LaTourette, Mr. Hobson, Mr. Brown of Ohio, Mr. Sawyer, and Mr. Hall of Ohio):

H.R. 3247. A bill to amend title XI of the Social Security Act to provide a safe harbor under the anti-kickback statute for hospital restocking of certain ambulance drugs and supplies; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself, Mr. Goodling, Mr. Armey, Mr. DeLay, Mr. Boehner, Mr. Hoekstra, Mr. Graham, Mr. Blunt, Mr. Hilleary, Mrs. Emerson, Mr. Watts of Oklahoma, Mr. Talent, Mr. Redmond, Mr. Chambliss, Mr. Hefley, Mr. Ryun, Mr. Istook, Mr. Weldon of Florida, Mr. Manzullo, Mr. Smith of Michigan, Mr. Sensenbrenner, Mr. English of Pennsylvania, Mr. Royce, Mrs. Linda Smith of Washington, Mr. Solomon, Mr. Rogan, Mr. Sam Johnson, Mr. Chabot, Mrs. Myrick, Mr. Cooksey, Mr. Bryant, Mr. Coburn, Mr. Bachus, Mr. Gillmor, Mr. Cook, Mr. Pickering, Mr. Kingston, Mr. Norwood, Mr. Spence, Mr. Hayworth, Mr. Baker, Mr. Peterson of Pennsylvania, Mr. Snowbarger, Mr. Largent, Mr. Dickey, Mrs. Chenoweth, Mr. Livingston, Mr. Bass, Mr. McIntosh, and Mr. Sessions):

H.R. 3248. A bill to provide dollars to the classroom; to the Committee on Education and the Workforce.

By Mr. MICA (for himself, Mr. Cummings, Mrs. Morella, Mr.

Pappas, Mr. Sessions, Mr. Gilman, Mr. Leach, and Mr. Ford):

H.R. 3249. A bill to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKEY:

H.R. 3250. A bill to designate a highway bypass in Pine Bluff, Arkansas, as the "Wiley A. Branton, Sr. Memorial Highway"; to the Committee on Transportation and Infrastructure.

By Mr. HOYER (for himself, Mr. Wolf, Mr. Cummings, Mr. Davis of Virginia, Mr. Ford, Mr. Wynn, Ms. Norton, Mr. Moran of Virginia, Ms. Pelosi, Mrs. Morella, Mrs. Meek of Florida, Mr. Sisisky, Mr. Jefferson, Mr. Filner, Mr. Cardin, and Mr. Waxman):

H.R. 3251. A bill to modify the conditions that must be met before certain alternative pay authorities may be exercised by the President with respect to Federal employees; to the Committee on Government Reform and Oversight.

By Mrs. JOHNSON of Connecticut:

H.R. 3252. A bill to amend title 38, United States Code, to establish an advisory board to review requests for waivers of eligibility requirements for burial in Arlington National Cemetary submitted to the Secretary of the Army; to the Committee on Veterans' Affairs.

By Mr. MANTON:

H.R. 3253. A bill to amend title 18, United States Code, to provide penalties for murders of armored car crew members; to the Committee on the Judiciary.

By Mr. RIGGS:

H.R. 3254. A bill to amend the Individuals with Disabilities Education Act to clarify the requirements relating to reducing or withholding payments to States under that Act; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER (for herself and Mr. Houghton):

H.R. 3255. A bill to amend title XVIII of the Social Security Act to require universal product numbers on claims forms submitted for reimbursement of durable medical equipment and other items under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H.R. 3256. A bill to establish an index of economic freedom to evaluate on an annual basis the level of economic freedom of countries receiving United States development assistance and to provide for a phase-out of that assistance based on the index, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. Obey, Mr. Petri, Mr. Kleczka, Mr. Klug, Mr. Barrett of Wisconsin, Mr. Neumann, Mr. Johnson of Wisconsin, and Mr. Kind of Wisconsin):

H. Con. Res. 223. Concurrent resolution honoring the sesquicentennial of Wisoncsin statehood; to the Committee on Government Reform and Oversight.

By Mr. SMITH of Oregon (for himself, Mr. Stenholm, Mr. Combest, and Mr. Dooley of California):

H. Res. 365. A resolution regarding the bill S. 1150, the Agricultural Research, Extension, and Education Reauthorization Act of 1998; considered under suspension of the rules and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

250. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolutions supporting the "Charter for Change" in Northern Ireland and recommending due consideration of its principles as part of the Anglo-Irish peace process; to the Committee on International Relations.

251. Also, a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 196 calling upon Congress to expedite the return of the unused Federal land to the people of Guam and calling for the closure of the wildlife refuge overlay in Guam and the return of lands included therein to the people of Guam for immediate transfer to the original landowners; to the Committee on Resources.

252. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to urging the Congress of the United States to take action on the comprehensive multiyear transportation funding legislation; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. METCALF introduced A bill (H.R. 3257) for the relief of Richard W. Schaffert; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mrs. Lowey, Ms. Sanchez, Mr. Dixon, Mr. Ford, Ms. Pelosi, and Mr. Maloney of Connecticut.

H.R. 45: Mr. Clyburn and Mr. Cramer.

H.R. 54: Mr. Evans.

H.R. 192: Mr. Kennedy of Massachusetts.

H.R. 198: Mrs. Emerson.

H.R. 334: Mr. Blunt.

H.R. 339: Mr. Linder.

H.R. 371: Mr. Martinez, Mrs. Myrick, Mr. Hunter, and Mr. Matsui.

H.R. 372: Mr. Jackson, Mr. Abercrombie, and Mr. Adam Smith of Washington.

H.R. 450: Mr. Kennedy of Rhode Island.

H.R. 611: Mr. Strickland and Ms. DeGette.

H.R. 715: Ms. Woolsey.

H.R. 716: Mr. DeLay and Mr. Doolittle.

H.R. 758: Mr. Camp.

H.R. 815: Mr. Boehlert and Mr. Turner.

H.R. 859: Mr. Sandlin.

H.R. 883: Mr. Hilleary.

H.R. 884: Mr. Engel.

H.R. 900: Mr. Wynn.

H.R. 919: Mr. Tierney.

H.R. 979: Mr. Weldon of Pennsylvania, Mr. Gillmor, Mr. Olver, and Mrs. Meek of Florida.

H.R. 981: Ms. Ros-Lehtinen.

H.R. 1023: Mr. Quinn and Mr. Etheridge.

H.R. 1036: Mr. Ensign.

H.R. 1063: Mr. Pease, Mr. Roemer, Mr. Kennedy of Rhode Island, Mr. Hoekstra, Mr. Talent, Ms. Millender-McDonald, and Mr. Sandlin.

H.R. 1114: Mr. Kildee and Mr. Davis of Illinois.

H.R. 1126: Mr. Manzullo and Mr. Deal of Georgia.

H.R. 1151: Mr. Gingrich, Mr. Mollohan, Mr. Green, Mr. Waxman, Ms. Brown of Florida, and Mrs. Chenoweth.

H.R. 1166: Mr. McIntyre and Mr. Lewis of Kentucky.

H.R. 1173: Mr. Pallone, Mr. Hilleary, Mr. Costello, and Mr. Bentsen.

H.R. 1176: Mr. Roemer.

H.R. 1231: Mr. Lantos, Mr. Peterson of Minnesota, and Mr. Rahall.

H.R. 1283: Mr. Smith of New Jersey and Mr. Gibbons.

H.R. 1356: Mr. Engel, Mr. Metcalf, Ms. Brown of Florida, Ms. Christian-Green, Mr. Wynn, Mr. Towns, Mr. LoBiondo, Mr. Kennedy of Massachusetts, Mr. Riggs, Mr. Abercrombie, and Mr. Barcia of Michigan.

H.R. 1361: Ms. Kaptur.

H.R. 1371: Mr. Nethercutt and Mr. Hunter.

H.R. 1375: Mr. Royce, Mr. Fazio of California, Mr. Wexler, Ms. Norton, Mr. Andrews, Mr. Upton, and Mr. Payne.

H.R. 1387: Mr. Pappas.

H.R. 1401: Mr. Shaw.

H.R. 1415: Mr. Leach.

H.R. 1432: Mr. Wynn.

H.R. 1481: Ms. Stabenow and Mr. Sawyer.

H.R. 1515: Mr. Wexler.

H.R. 1518: Mr. Paul.

H.R. 1524: Mr. Cannon and Mr. Cook.

H.R. 1539: Mr. Hamilton.

H.R. 1549: Mr. Kennedy of Massachusetts.

H.R. 1595: Mr. DeLay and Mr. Snowbarger.

H.R. 1601: Mr. Sherman, Ms. Kaptur, Mr. Rothman, Mr. Doyle, and Mr. Dingell.

H.R. 1608: Mrs. Emerson.

H.R. 1679: Mr. Bilbray.

H.R. 1689: Mr. Hoekstra, Mr. Ford, and Mr. McCrery.

H.R. 1690: Mr. Coble.

H.R. 1766: Mr. Baesler, Mr. Barton of Texas, Mr. Bateman, Mr. Boucher, Mr. Calvert, Mr. Deutsch, Ms. Eshoo, Mr. Evans, Mr. Frelinghuysen, Mr. Frost, Mr. Gibbons, Mr. Gilchrest, Mr. Goodling, Mr. Gordon, Mr. Goss, Mr. Greenwood, Mr. Hansen, Mr. Hastings of Washington, Mr. Hilleary, Mr. Holden, Mr. Jenkins, Mr. Kleczka, Mr. Lantos, Mr. Lewis of Georgia, Ms. Lofgren, Mr. Lucas of Oklahoma, Mrs. Meek of Florida, Mr. Moran of Kansas, Mr. Pitts, Mr. Poshard, Mr. Rahall, Ms. Rivers, Mr. Sandlin, Mr. Sherman, Mr. Snowbarger, Mr. Stark, Mr. Talent, Mr. Torres, Mr. Traficant, Mr. Underwood, Mr. Weldon of Pennsylvania, Mr. Yates, Mr. Young of Alaska, Ms. Norton, and Mr. McNulty.

H.R. 1812: Mr. Istook and Mr. Doolittle.

H.R. 1872: Ms. Dunn of Washington.

H.R. 1951: Ms. Danner and Mr. Hamilton.

H.R. 1972: Ms. Eddie Bernice Johnson of Texas.

H.R. 2019: Mr. Porter, Mr. Baker, Mrs. Kelly, and Mr. Bliley.

H.R. 2070: Mr. Walsh.

H.R. 2094: Mrs. Maloney of New York.

H.R. 2145: Mr. POMBO and Mr. SOLOMON.

H.R. 2173: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2183: Mr. GREENWOOD.

H.R. 2224: Mrs. THURMAN, Ms. DANNER, and Mr. COLLINS.

H.R. 2313: Mr. ROHRABACHER.

H.R. 2365: Mr. ACKERMAN, Mr. MANTON, Mr. TOWNS, and Mrs. MALONEY of New York.

H.R. 2374: Mr. SERRANO and Mrs. MALONEY of New York.

H.R. 2409: Mr. FROST, Mr. LUTHER, Mr. OLVER, and Mr. KENNEDY of Massachusetts.

H.R. 2449: Mr. WATKINS.

H.R. 2460: Mr. SESSIONS.

H.R. 2474: Mr. JOHNSON of Wisconsin, Mr. LIPINSKI, and Mr. ENSIGN.

H.R. 2477: Mr. REDMOND.

H.R. 2478: Mr. REDMOND.

H.R. 2499: Ms. KILPATRICK, Mr. BONIOR, Mr. GOODLING, Mr. PAUL, Mr. TAYLOR of North Carolina, Mr. FROST, Mr. DOOLITTLE, Mr. LATOURETTE, Mr. RUSH, Mr. ROEMER, Mr. BLILEY, and Mr. BILBRAY.

H.R. 2500: Mr. HOSTETTLER, Mr. TALENT, and Mr. UPTON.

H.R. 2524: Mr. YATES and Mr. OLVER.

H.R. 2541: Mr. HOYER, Mr. FRANK of Massachusetts, and Mr. ABERCROMBIE.

H.R. 2568: Mr. BUYER.

H.R. 2609: Mr. CALLAHAN, Mrs. EMERSON, and Mr. GOODLING.

H.R. 2611: Mr. BARTON of Texas.

H.R. 2713: Ms. BROWN of Florida and Mr. OLVER.

H.R. 2718: Mrs. MYRICK.

H.R. 2720: Mr. PITTS.

H.R. 2723: Ms. DUNN of Washington.

H.R. 2754: Mr. WEXLER, Mr. RAHALL, Mr. NEY, Mr. FRANK of Massachusetts, Mr. MILLER of California, and Mrs. MALONEY of New York.

H.R. 2789: Mr. YATES, Mr. FORBES, Mr. ANDREWS, Mr. FORD, Mr. FRANK of Massachusetts, Mr. KUCINICH, Mr. LANTOS, Mr. ACKERMAN, Mr. BONIOR, Mr. FRANKS of New Jersey, and Mr. MARTINEZ.

H.R. 2817: Mr. PETERSON of Pennsylvania and Mr. MATSUI.

H.R. 2819: Mr. EVANS and Ms. HOOLEY of Oregon.

H.R. 2821: Mr. CLYBURN, Ms. LOFGREN, and Mr. FALEOMAVAEGA.

H.R. 2836: Mr. FRANK of Massachusetts.

H.R. 2854: Mr. WEXLER and Mr. MARTINEZ.

H.R. 2870: Mr. LEACH and Mr. SHAYS.

H.R. 2884: Mr. GOODLING, Mr. COBLE, and Mr. McCOLLUM.

H.R. 2885: Mr. LANTOS.

H.R. 2891: Mr. STEARNS.

H.R. 2908: Mr. THOMPSON, Mrs. McCARTHY of New York, Mr. SAXTON, Mr. WATKINS, Mr. BARCIA of Michigan, Mr. ENSIGN, Mr. BLUMENAUER, Mr. SHIMKUS, Mr. OLVER, Ms. STABENOW, Mr. CAMP, and Mr. FROST.

H.R. 2912 Mr. FRANK of Massachusetts, Mr. HAMILTON, Ms. BROWN of Florida, Mr. BALDACCI, Mr. GREEN, Mr. WATT of North Carolina, and Mr. FOLEY.

H.R. 2923: Ms. WOOLSEY, Ms. SLAUGHTER, and Mr. FOLEY.

H.R. 2955: Ms. KILPATRICK.

H.R. 2960: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2970: Mr. NEUMANN and Mr. WOLF.

H.R. 2987: Mr. WATTS of Oklahoma, Mrs. MINK of Hawaii, Ms. FURSE, Mr. ABERCROMBIE, and Mrs. MEEK of Florida.

H.R. 2990: Mr. GALLEGLY, Mr. HINOJOSA, Mr. DICKS, Mr. FATTAH, Mr. BROWN of California, Mr. JONES, Mr. HEFNER, Mr. BONIOR, Mr. WELDON of Pennsylvania, Mr. ALLEN, Ms. ROYBAL-ALLARD, Mr. BLUMENAUER, Ms. HARMAN, Mr. ETHERIDGE, Ms. KILPATRICK, and Mr. FRANK of Massachusetts.

H.R. 3014: Mr. DREIER.

H.R. 3016: Mr. WEXLER.

H.R. 3048: Mr. BROWN of Ohio, Mr. PICKETT, Mr. PETERSON of Minnesota, Mr. NORWEOD, Mr. DEFAZIO, Mr. PALLONE, Mr. RAMSTAD, Mr. BALGOJEVICH, Mr. LATOURETTE, Mr. TOWNS, Ms. BROWN of Florida, Mr. SHAYS, Mr. WICKER, Mr. RAHALL, and Mr. OWENS.

H.R. 3094: Mr. POMBO.

H.R. 3099: Mr. SHAYS and Mr. FRANK of Massachusetts.

H.R. 3100: Mr. KENNEDY of Rhode Island and Mr. SHERMAN.

H.R. 3107: Mr. CUNNINGHAM, Mr. FILNER, and Mr. DAVIS of Virginia.

H.R. 3114: Mr. HAMILTON, Mr. BENTSEN, and Mrs. MALONEY of New York.

H.R. 3120: Mr. LIVINGSTON.

H.R. 3127: Mr. TALENT, Mr. GUTKNECHT, Mr. THORNBERRY, Mr. GILLMOR, Mr. DELAY, Mr. BRYANT, Ms. FURSE, Mr. NORWOOD, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BALDACCI, Mr. FROST, and Mr. BARCIA of Michigan.

H.R. 3131: Mr. FROST AND MR. DAVIS of Virginia.

H.R. 3152: Mr. WOLF, Mr. GILLMOR, Mr. BARRETT of Wisconsin, Mr. GOODE, Mr. WAXMAN, Mr. WELDON of Flroida, and Mr. FALEOMAVAEGA.

H.R. 3153: Mr. LANTOS.

H.R. 3155: Mrs. McCARTHY of New York, and Mr. HASTINGS of Florida.

H.R. 3156: Mr. WALSH, Mr. GEJDENSON, Mr. McHUGH, Mr. ENGEL, Mr. KING of New York, Ms. CARSON, Mr. QUINN, Mr. BROWN of Ohio, Mr. BLUNT, Mr. McNULTY, Mrs. KELLY, Mrs. McCARTHY of New York, Mr. FORBES, Mr. BERMAN, Mr. WYNN, Ms. DANNER, Mr. SCHUMER, Mr. WEXLER, Mr. ACKERMAN, Mr. LAFALCE, Mr. SHERMAN, Mr. NADLER, Mr. MANTON, Mrs. LOWEY, Mr. FALEOMAVAEGA, Mrs. MALONEY of New York, Ms. NORTON, Mr. GREEN, Mr. CUNNINGHAM, Mr. BISHOP, Mr. BOEHLERT, Mr. DAVIS of Illinois, and Mr. LAZIO of New York.

H.R. 3164: Mr. DELAHUNT.

H.R. 3166: Mr. WICKER, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. LIPINSKI, Mr. BUNNING of Kentucky, Mr. EWING, Mr. GALLEGLY, and Mr. SENSENBRENNER.

H.R. 3179: Mr. ENGEL.

H.R. 3181: Ms. BROWN of Florida, Mr. WEXLER, Ms. KILPATRICK, Mr. LAFALCE, and Mr. SNYDER.

H.R. 3208: Mr. ROHRABACHER and Mr. BARTLETT of Maryland.

H.R. 3218: Mr. COX of Califorina.

H.R. 3229: Mr. LARGENT, Mr. MCINTOSH, Mr. DOOLITTLE, Mr. GOODLATTE, and Mr. CRANE.

H.R. 3230: Mr. LARGENT, Mr. MCINTOSH, Mr. DOOLITTLE, Mr. GOODLATTE, and Mr. CRANE.

H.R. 3241: Mr. LARGENT.

H.J. Res. 100: Mr. UNDERWOOD, Mr. HASTERT, Mr. SHERMAN, Mr. HERGER, Mr. ADAM SMITH of Washington, Mr. SKELTON, Mrs. FOWLER, Mr. WEXLER, Mr. HUNTER, Mr. TAYLOR of Mississippi, Mr. LEWIS of Kentucky, and Mr. PETRI.

H.J. Res. 102: Mr. BLAGOJEVICH, Mr. BORSKI, Mr. CHRISTENSEN, Mr. CLEMENT, Mr. CONDIT, Mr. CRANE, Mr. CUNNINGHAM, Mr. FORBES, Mr. FOSSELLA, Mr. FRANKS of New Jersey, Mr. HOLDEN, Mrs. KENNELLY of Connecticut, Mr. KENNEDY of Massachusetts, Mr. MCGOVERN, Mr. MCINNIS, Mr. MCINTYRE, Mr. MANTON, Mr. MEEHAN, Mr. OLVER, Mr. PASCRELL, Mrs. ROUKEMA, Mr. SHAYS, Ms. SLAUGHTER, Mr. WATTS of Oklahoma, and Mr. WELDON of Florida.

H. Con. Res. 55: Mr. FRANKS of Massachusetts and Mr. ANDREWS.

H. Con. Res. 126: Mr. DUNCAN, Mr. REDMOND, Mr. VENTO, Mr. CALVERT, Mr. COOK, Mr. LANTOS, Mr. COMBEST, and Mr. McCOLLUM.

H. Con. Res. 127: Mr. BRYANT.

H. Con. Res. 181: Mr. GREEN, Mr. BATEMAN, Mr. KLINK, Mr. LEVIN, Ms. SANCHEZ, Ms. RIVERS, and Mrs. MYRICK.

H. Con. Res. 188: Mr. MCGOVERN and Mr. PALLONE.

H. Con. Res. 203: Mr. BATEMAN and Mr. ACKERMAN.

H. Con. Res. 210: Mr. FOLEY.

H. Con. Res. 211: Mr. WELDON of Florida.

H. Res. 37: Ms. ROYBAL-ALLARD, Mr. MOAKLEY, Mr. SANDERS, Mr. PALLONE, AND MR. MATSUI.

H. Res. 279: Mr. RODRIGUEZ AND MS. CHRISTIAN-GREEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1748: Mr. WATTS of Oklahoma.

H.R. 3073: Mr. HASTINGS of Washington.

H. Res. 358: Mr. DOGGETT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

41. The SPEAKER presented a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to urging Congress to vigorously investigate the lease of the Long Beach Naval Base to determine whether the national security interests of the United States might have been compromised or jeopardized; and to take appropriate action; to the Committee on National Security.

42. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to urging the Congress and the Department of Defense to continue to fund collegiate ROTC and high school JROTC programs as being in the nation's best interests; to the Committee on National Security.

43. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to urging Congressional action to assure that the Department of Defense limit the procurement of military equipment, supplies and weapons systems and their components to domestic manufacturing and assembly sources, so as to reduce U.S. reliance on foreign-produced defense items which might not be available during a global crisis; to the Committee on National Security.

44. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to urging the Congress to assure that National Guard and Reserves are realistically manned, structured, equipped, trained, fully deployable and maintained at high readiness levels in order to accomplish their indispensable missions; to the Committee on National Security.

45. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to urging the Congress to more adequately recognize the national defense requirements of the United States by significantly increasing defense budgets, force structures and military end strengths over those recommended in the Quadrennial Defense Review; to the Committee on National Security.

46. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to urging the Administration and Congress to preserve America's defense industrial base by continuing to fund research, development and acquisition budgets so as to retain our technological edge in the 21st century and to ensure production can surge whenever U.S. military power is committed; to the Committee on National Security.

47. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to reaffirming its position that the President and the Congress, in order to assure military readiness, must fund operations, training and maintenance accounts so that material and personnel of the fighting forces are kept combat ready at sufficient levels, to include funds for modernization, so that vital weapons systems can be acquired to maintain technological advantage over potential enemies; to the Committee on National Security.

48. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to urging the United States Government to honor its full obligations to all service members, veterans, military retirees, and their families, who have served the ideals of this nation through numerous sacrifices, often paying the ultimate price in defense of the United States and its vital national interests; to the Committee on National Security.

49. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to urging the United States Government to adopt the following principles as an integral part of its national security and foreign policy decision-making process, when considering the commitment of U.S. military forces: a clear definition of vital national interests as they relate to all military operations; insisting that only Congress approve the commitment of U.S. troops to peacekeeping or humanitarian operations; and specifying that U.S. military personnel not be placed under foreign or United Nations operations control, except in those unusual to the Committee on International Relations.

50. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to supporting legislation to amend the Soldiers and Sailor's Civil Relief Act of 1940 to guarantee the right of all active duty military personnel and their dependents to vote in Federal, State, and local elections, and, for the purposes of voting for an office of the United States or of an individual State, any person who is absent from a State in compliance with competent military or naval orders shall not be considered to have lost a residence or domicile solely by reason of that absence; to the Committee on House Oversight.

51. Also, a petition of the Military Order of the World Wars, Alexandria, Virginia, relative to reaffirming its support of the efforts of the American Battle Monuments Commission to create a World War II Memorial in accordance with decisions of site and design by competent and legal authority; to the Committee on Resources.

52. Also, a petition of the Military Order of the World Wars, Alexandria, Virgina, relative to urging the Administration and the Congress to fully fund the United States Coast Guard to carry out its numerous vital missions, including law enforcement, environmental protection, maritime safety, national security, and other missions as assigned; to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. GOODLING. Mr. Speaker, I rise today to introduce a bill which will help small businesses, small labor organizations, and employees, in their dealings with the large, aggressive, and burdensome bureaucracy known as the National Labor Relations Board.

The Fairness for Small Business and Employees Act of 1998 (FSBEA), is a bill with four titles—each title a bill previously introduced last session—which will level the playing field for small entities and greatly assist employees waiting for justice from the Board. The Act will assist small businesses and labor organizations in defending themselves against government bureaucracy; ensure that employees entitled to reinstatement get their jobs back quickly; protect the right of employers to have a hearing to present their case in certain representation cases; and, prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers.

Let me say how appreciative I am of my friend, Rep. HARRIS FAWELL, of Illinois, chairman of the Subcommittee on Employer-Employee Relations. Rep. FAWELL is the author and sponsor of three of the bills incorporated into this legislation. He has for years done the heavy lifting on labor bills, and brings an unmatched expertise and enthusiasm to these issues. Today I introduce the Fairness for Small Business and Employees Act of 1998 with great gratitude to Rep. FAWELL, and anticipation that he will bring his wisdom to bear as this bill moves through committee and to the floor of the House.

Title I of the FSBEA addresses the problems employers face when victimized by "salting" activity—which includes disruption to the workplace, a decline in productivity and quality, and economic hardship on the company and employees who are legitimately working for the good of the company.

"Salting" involves sending paid or unpaid professional union agents and union members into non-union workplaces under the guise of seeking employment. These agents often state openly that their purpose is to advance union objectives by organizing the employer's workforce. If an employer refuses to hire the union agents or members, the union files unfair labor practice charges.

Alternatively, if the "salts" are hired by the employer, they often attempt to persuade bona fide employees of the company to sign cards supporting the union—indeed, that is their sole purpose in accepting employment. The union agents also often look for other reasons to file unfair labor practice charges, solely for purposes of imposing undue legal costs on the employer they are seeking to organize.

Thus, under current law an employer must choose between two unpleasant options; either hire a union "salt" who is there to disrupt the workplace and file frivolous charges resulting in costly litigation, or deny the "salt" employment and risk being sued for discrimination under the NLRA.

The committee has held numerous hearings on the most abusive aspects of union "salting." Rep. FAWELL introduced H.R. 758, the Truth in Employment Act, on February 13, 1997. He has refined that Act's language, and it is now Title I of the FSBEA.

Title I would amend Section 8(a) of the NLRA to make clear than an employer is not required to hire any person who is not a "bona fide" employee applicant, in that "such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status." It is common sense that an employer should not have to hire someone whose true intention is not to work for the employer. Title I sets up a test that would require a determination of the applicant's "primary purpose." If the applicant's motivation is at least 50 percent to work for the employer, they are a "bona fide" applicant under Title I and enjoy full rights and protections of the NLRA. This legislation will help restore the balance of rights that "salting" upsets, and that is fundamental to our system of labor-management relations.

Title II of the FSBEA is formerly H.R. 1595, the Fair Hearing Act, introduced by Rep. Fawell on May 14, 1997. Title II would require the NLRB to conduct hearings to determine when it is appropriate to certify a single location bargaining unit in cases where a labor organization attempts to organize employees at one or more facilities of a multi-facility employer.

This title is a response to the NLRB's attempt to impose a "one-size-fits-all" rule for determining the appropriateness of single location bargaining units. The Board's proposed rule ignores many factors relevant to a bargaining unit's appropriateness, and is a rigid test that ignores realities of the workplace, and undermines the ability of employers to develop flexible solutions to the needs and demands of their workforces. Congress has attached riders to appropriations bills the past two years to prevent the Board from spending any money to impose such a rule, but Title II is necessary to ensure that a specific analysis is conducted of whether or not a single location unit is appropriate, given the facts and circumstances of a particular case. The NLRB wisely decided last week to withdraw its proposed rule, but Title II will permanently protect the employer's right to a fair hearing, and give employers assurance that the Board will not resurrect its proposed rule.

A hearing process—as the Board has conducted for decades—will allow a more complete examination of the comprehensive approach to human resource policies and procedures pursued by many employers today that may influence the bargaining unit determination.

Title III of the FSBEA is formerly H.R. 1598, the Justice on Time Act, which I introduced on May 14, 1997. Title III ensures that the NLRB resolves in a timely manner all unfair labor practice complaints alleging that an employee has been unlawfully discharged to encourage or discourage membership in a labor organization. The legislation amends Section 10(m) of the NLRA to make clear that the Board must dispose of the case not later than 365 days after the filing of the unfair labor practice charge. The legislation provides an exception for cases involving "extreme complexity."

Title III recognizes that the lives of employees and their families, wondering whether and when they will get their jobs back, are hanging in the balance during the long delays associated with the NLRB's processing of unfair labor practice charges. It also recognizes that the discharge of an employee who engages in union activity has a particularly chilling effect on the willingness of fellow employees to support a labor organization or to participate in the types of concerted activity protected by the NLRA.

The median time for the NLRB to issue a decision on all unfair labor practice cases in fiscal year 1996 was 591 days and has generally been well more than 500 days since 1982. This length of time is a disservice to the hard-working men and women who seek relief from the Board, and Title III sends a strong message that the NLRA can provide effective and swift justice.

Title IV is formerly H.R. 2449, the Fair Access to Indemnity and Reimbursement (FAIR) Act, which Rep. FAWELL introduced on September 10, 1997. Title IV amends the NLRA to provide that a small employer which prevails in an action against the NLRB will automatically be allowed to recoup the attorney's fees and expenses it spent defending against the unworthy action.

Title IV would apply to an employer (including a labor organization) which has not more than 100 employees and a net worth of not more than $1.4 million. These limits represent a mere 20 percent of the current 500 employee/$7 million net worth eligibility limits for employers under the Equal Access to Justice Act (EAJA), a bill passed with strong bipartisan support in 1980 to provide small businesses with an effective means to fight against abusive and unwarranted intrusions by federal agencies. The EAJA—the vehicle by which employers prevailing against the Board must currently try to recover attorney's fees and costs—has proven ineffective and is not often utilized against the NLRB.

A government agency the size of the NLRB—well-staffed, with numerous lawyers—should more carefully evaluate the merits of a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

case before bringing a complaint against a small business, which is ill-equipped to defend itself against an opponent with such superior expertise and resources. Furthermore, small employers have been victimized by relatively frivolous lawsuits by the Board, but have been unable to fight the case to its conclusion based on the merits due to lack of resources, and have had to settle the case. Title IV would at least provide some protection for a small employer or union which feels strongly that its case merits full consideration. If the Board brings a losing case against a "little guy," it should pay the attorney's fees and expenses the company or labor organization had to spend to defend itself.

As a package, these four titles will greatly level the playing field for small companies and unions as they deal with the NLRB; will make sure that employees can depend on the Board for quick justice; will protect a multi-location employers' current ability to have a hearing to look at all relevant factors in determining the appropriateness of a single location bargaining unit; and will help prevent the NLRA from being used to inflict economic damage on employers.

TRIBUTE TO MICHAEL MCDONALD, GENERAL MANAGER OF THE NORTHERN CALIFORNIA POWER AGENCY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to Michael McDonald, General Manager of the Northern California Power Agency, who has served the citizens of California since 1985. Mr. McDonald, at the helm of NCPA, has provided public power customers with some of the highest quality electrical service in the nation. I wish him luck in his new career.

Mr. McDonald has served many cities in California. He was City Manager for the City of Healdsburg for eight years. He also spent over a decade at NCPA, a full service Joint Powers Agency comprised of 19 public entities, including the cities of Alameda, Santa Clara, Lodi, Palo Alto, among others. Mr. McDonald has also worked tirelessly as the Chairman of the Transmission Agency of Northern California, a Joint Powers Agency which owns and operates high voltage transmission between California and Oregon; a member of the Western Systems Coordinating Council Board of Trustees; and a member of the California Municipal Utilities Association Board of Governors.

I would like today to honor Mr. McDonald and his contribution to the citizens of California and wish him the best in his future.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. CLAY. Mr. Speaker, as we meet today in commemoration of Black History month, I would like to comment on the historic battle for educational opportunity that continues to this day in the state of Missouri. The State of Missouri is proposing to end the 17-year-old school desegregation program that is finally, after more than a century of struggle, beginning to offer equal educational opportunity to black children in the city of St. Louis.

It is almost impossible to comprehend the current controversy surrounding efforts to end St. Louis' successful voluntary school desegregation program without understanding the sad, sordid history of state imposed segregation in Missouri's public schools. In 1847 the Missouri Legislature outlawed teaching reading and writing to colored children. In fact, for the next 18 years it was a state felony for any person to teach blacks to read or write. The crime was considered so heinous that those who committed it were subject to six months in jail and a fine of $500. Fortunately, there were people of courage who stood up to this preposterous law.

Catholics, Quakers and Unitarians, the First Baptist Church, St. Paul A.M.E. and Central Baptist and other colored churches conducted clandestine schools in underground locations. Catholic nuns at the Old Cathedral openly defied the law and taught Negro children. Six Sisters of Mercy defied the state government and opened a school for blacks in 1856.

John Berry Meachum, a former slave, purchased his freedom and then saved enough money to buy a cooperage and boat supply company. He used his earnings to buy the freedom of many slaves and let them work for him until he was repaid. Meachum also became pastor of the First African Baptist Church. During the time that it was illegal to teach blacks to read and write, he operated covert classrooms on boats moored to a sandbar on the Mississippi River. When Meachum's boat schools were discovered, he built a steamboat, equipped with a library, and transported black children and illiterate adults to the middle of the Mississippi River where federal law prevailed. There blacks were taught to read, write and add numbers. His floating school continued until his death.

Despite, the heroic and valiant efforts of a few, the state government was determined to keep the black citizens of Missouri illiterate and uneducated. In 1865 the Missouri Constitution stated: "Separate schools may be established for children of African descent. All funds provided for the support of public schools shall be appropriated in proportion to the number of children without regard to color." The following year the City of St. Louis opened its first school for blacks. This was 28 years after the City had opened its first school for whites. In that era more than 120,000 blacks lived in Missouri and according to the 1865 report of Superintendent Ira Divoli, colored property owners paid taxes on between two and three million pieces of property.

In 1889, the Missouri Legislature enacted a law mandating separate schools "for the children of African descent." A year later, the Missouri Supreme Court upheld the statute and in its unanimous decision declared that "colored carries with it natural race peculiarities" justifying the separation of blacks and whites. Six years later, the U.S. Supreme Court in Plessy v. Ferguson declared segregated education the law of the land and ruled that "separate but equal facilities were legal." As "separate" became the edict, "unequal" became the standard for black tax-supported education throughout the nation and the state of Missouri.

For nearly 80 years after the historic Plessy v. Ferguson decision, the public schools in Missouri were legally segregated institutions of opportunity for white students and ill-equipped, underfunded dungeons of disgrace for black children who were provided an absolutely inferior education. In 1972, a class action suit was filed alleging segregation in the City's public school system. But, in 1979, the federal district court ruled that the St. Louis Board of Education had not violated the Constitution's "equal protection" provisions.

Finally, in 1980, the 8th U.S. Circuit Court of Appeals recognized the plight of black children and overruled the 1979 decision. The lower federal court then issued an order allowing busing of children for the purpose of desegregating St. Louis' public schools.

Since 1980, more than $100 million has been expended to improve the all-black schools in St. Louis and to assist the St. Louis County suburban schools which serve inner city children. Those who now condemn seventeen years as too long and assert that the expenditure of public funds has been too extravagant, need to familiarize themselves with the long and costly history of mis-education of blacks and the role played by the State of Missouri in this long, sad story.

I suggest that critics of the St. Louis school desegregation program compare what the State of Missouri spent in dollars and cents to deny black children an equal education with the amount that is now being expended to equalize educational opportunity. It is hardly the time to decry the cost of school desegregation as excessive and wasteful.

Under the court-approved plan each year, 13,000 black children from St. Louis attend public schools in the suburban districts of St. Louis County in the largest voluntary metropolitan desegregation program in the nation. White children from the County attend magnet schools in St. Louis and substantial funds are devoted to early grade reading programs and other educational improvement efforts in St. Louis. These thirteen thousand black students voluntarily board buses in the inner-city each school day and go to the suburban school districts where they learn in an integrated atmosphere alongside middle class white students. These poor black children fit into the latest national study showing that poor children attending predominantly middle class schools do much better than their counterparts who go to school with mostly poor children. And, the record reveals that the 13,000 inner-city students attending integrated and magnet schools in middle class neighborhoods are graduating from high school at twice the rate of students attending all black schools in the inner city.

These 13,000 St. Louis school children may be, at long last, ending one of the ugliest chapters in the history of the State of Missouri. Yet, unbelievably, some state leaders are rushing to dismantle their classrooms.

Mr. Speaker, Black History Month was established to inspire all people to learn a little more about the history of Black Americans. It is a history that Blacks were once denied the opportunity to learn by the power of the state. Those who do not comprehend this are conspiring to gamble away our future.

DANCE MARATHON MAKES SPECIAL CHILDREN'S WISHES COME TRUE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise today to recognize the students of St. Fisher College in Rochester, New York, who are holding their annual Dance for Love on February 27 and 28.

This is no ordinary college dance but a 24-hour dance marathon to benefit special children. Over the past fifteen years, the Dance for Love has raised hundreds of thousands of dollars to benefit the Teddi Project at Camp Good Days and Special Times. These generous, caring students give of their time and energy each year to make dreams come true for children.

Established by local leader Gary Mervis in 1980, Camp Good Days and Special Times provides a special haven for children who are coping with cancer, HIV, physical challenges, or violence in their lives. Too many of these children spend most of their time in hospitals and doctor's offices, or battling their way through the challenges of everyday activities. Camp Good Days is a loving environment where they can learn that they are not alone and enjoy activities like boating, seaplane rides, horseback riding, canoeing, fishing, and much, much more. Camp Good Days and Special Times gives hope and laughter to children who have been robbed of much of their childhood.

The Teddi Project is one of a number of programs operated by Camp Good Days. Named for Gary Mervis's daughter, Teddi, who suffered from a brain tumor and inspired her father to start the camp, the Teddi Project makes wishes come true for children with life-threatening illnesses. Wishes range from a new bicycle or party dress to a trip to Disney World or meeting a celebrity. The Teddi Project gives sick children and their parents an opportunity to bring the family together and remember good times. Since 1982, over 1000 children and families have benefited from the Teddi Project.

The Teddi Project could not happen without the loving support of people like the St. John Fisher students dancing this weekend. Though they will finish the weekend weary, they can be proud knowing the dance will have raised thousands of dollars for the Teddi Project. These students are truly an inspiration to our entire community about our power to make miracles happen.

SECRETARY OF STATE ALBRIGHT PRESENTS A CONVINCING CASE FOR NATO EXPANSION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. LANTOS. Mr. Speaker, during the district work period that is just ending, the Foreign Ministers of Poland, Hungary, and the Czech Republic were here in Washington to present jointly the case for the accession of these three countries to the North Altantic Treaty—Boleslaw Geremek of Poland, Laszlo Kovacs of Hungary, and Jaroslaw Sedivy of the Czech Republic. While the chief diplomats of these three countries were here in Washington, they met with our colleagues in the Senate and with some of our colleagues here in the House. Also during the past week, the President formally submitted to the Senate for ratification the documents for the admission of these three countries to NATO.

I welcome, Mr. Speaker, the President's decision which was affirmed by the heads of government of the other fifteen NATO member countries at Madrid in July of last year to invite the Czech Republic, Hungary, and Poland to become full members of NATO. The admission of these three Central European states to NATO is the next critical step in healing the division of Europe that came about at the end of World War II. As we face the uncertainties of the post-Cold War world, it is critical that the new democratic states of Central and Eastern Europe have the opportunity to join the North Atlantic community of nations—action which will give them the sense of security that will permit them to consolidate the gains of democracy and economic market reform.

Mr. Speaker, two weeks ago, Secretary of State Madeleine K. Albright spoke at a conference of the New Atlantic Initiative here in Washington, and joining her on this occasion were the three visiting foreign ministers from Poland, Hungary, and the Czech Republic. In that address, Secretary Albright made the case for the expansion of NATO clearly and convincingly. I ask that excerpts of her outstanding remarks be placed in the RECORD, and I urge my colleagues to give and give thoughtful consideration to her comments.

REMARKS OF SECRETARY OF STATE MADELEINE K. ALBRIGHT BEFORE THE NEW ATLANTIC INITIATIVE CONFERENCE IN WASHINGTON, D.C., FEBRUARY 9, 1998

Thank you very much. * * * Let me welcome my colleague Foreign Ministers Geremek, Kovacs, Mikhailova and Sedivy to Washington. And let me thank John O'Sullivan, Jeffrey Gedmin and everyone at the New Atlantic Initiative for all you have done to strengthen America's partnership with its friends and allies in Europe, old new new. * * *

These old and new organizations in Europe are part of a truly hopeful global trend that our country has done more than any other to shape. In every part of the world, we have encouraged the growth of institutions that bring nations closer together around basic principles of democracy, free markets, respect for the law and a commitment to peace.

America's place and I believe, correctly—is at the center of this emerging international system. And our challenge is to see that the connections around the center, between regions and among the most prominent nations, are strong and dynamic, resilient and sure. But it is equally our goal to ensure that the community we are building is open to all those nations, large and small, distant and near, that are willing to play by its rules.

There was a time not long ago when we did not see this as clearly as we do today. Until World War II, we didn't really think that most of the world was truly part of our world. This attitude even applied to the half of Europe that lay east of Germany and Austria. Central Europe and Eastern Europe was once a quaint, exotic mystery to most Americans. We wondered at King Zog of Albania; we puzzled about Admiral Horthy, ruler of landlocked Hungary; we laughed with the Marx Brothers as they sang "Hail, Hail Fredonia."

Jan Masaryk, the son of Czechoslovakia's first president, used to tell a story about a U.S. Senator who asked him, "How's your father; does he still play the violin?" To which Jan replied, "Sir, I fear you are making a small mistake. You are perhaps thinking of Paderewski and not Masaryk. Paderewski plays piano, not the violin, and was president not of Czechoslovakia, but of Poland. Of our presidents, Benes was the only one who played. But he played neither the violin nor the piano, but football. In all other respects, your information is correct."

It took the horror of World War II and the Holocaust to get across the message that this region mattered; that it was the battleground and burial ground for Europe's big powers; that the people of Paris and London could neither be safe nor free as long as the people of Warsaw and Riga and Sofia were robbed of their independence, sent away in box cars, and gunned down in forests.

President Bush certainly understood this when, after the fall of the Berlin Wall, he inspired us to seek a Europe whole and free. And President Clinton understood it when, in 1993, he set in motion a process that would bring that ideal to life.

Part of our challenge was to adapt NATO to master the demands of the world not as it has been, but as it is and will be. This meant adopting a new strategic concept, streamlining NATO's commands, accepting new missions and asking our European allies to accept new responsibilities. It also meant welcoming Europe's new democracies as partners, and some eventually as members, in a way that preserves NATO's integrity and strength. For NATO, like any organization, is defined not just by its mission, but by its makeup. The preeminent security institution in an undivided Europe cannot maintain the Iron Curtain as its permanent eastern frontier.

And so last July, after three years of careful study, President Clinton and his fellow NATO leaders invited three new democracies—Poland, Hungary and the Czech Republic—to join our alliance, while holding the door open to others. This month, Canada and Denmark became the first NATO members to ratify the admission of our future central European allies. On Wednesday, President Clinton will send the instruments of ratification to the United States Senate.

The strategic rationale for this policy is straightforward. First, a larger NATO will make us safer by expanding the area of Europe where wars do not happen. By making it clear that we will fight, if necessary, to defend our new allies, we make it less likely that we will ever be called upon to do so. It is true that no part of Europe faces an immediate threat of armed attack. But this does not mean we face no dangers in Europe. There is the obvious risk of ethnic conflict. There is the growing threat posed by rogue states with dangerous weapons. There are still questions about the future of Russia.

And while we cannot know what other dangers might arise in ten or 20 or 50 years from now, we know enough from history and human experience to believe that a grave threat, if allowed to arise, would arise. Whatever the future may hold, it will not be in our interest to have a group of vulnerable, excluded nations sitting in the heart of Europe. It will be in our interest to have a vigorous and larger alliance with those European democracies that share our values and our determination to defend them.

A second reason why enlargement passes the test of national interest is that it will make NATO stronger and more cohesive. Our Central European friends are passionately committed to NATO. Experience has taught them to believe in a strong American role in Europe. They will add strategic depth to NATO, not to mention 200,000 troops. Their forces have risked their lives alongside ours from the Gulf War to Bosnia. Without the bases Hungary has already provided to NATO, our troops could not have deployed to Bosnia as safely as they did. Here are three qualified European democracies that want us to let them be good allies. We can and should say yes.

A third reason to support a larger NATO is that the very promise of it has given the nations of Central and Eastern Europe an incentive to solve their own problems. Aspiring allies have strengthened democratic institutions; made sure soldiers serve civilians, not the other way around; and resolved virtually every old ethnic and border dispute in the region.

I have been a student of Central European history, and I have lived some of it myself. When I see Romanians and Hungarians building a real friendship after centuries of enmity; when I see Poles, Ukrainians and Lithuanians forming joint military units after years of suspicion; when I see Czechs and Germans overcoming decades of mistrust; when I see Central Europeans confident enough to improve their political and economic ties with Russia, I know something amazing is happening. NATO is doing for Europe's east precisely what it did for Europe's west after World War II.

I know that there are serious critics who have had legitimate concerns about our policy. We have grappled with many of the same concerns. Some revolve around the cost of a larger NATO, which will be real. But NATO has now approved estimates which make clear that the costs will be manageable, that they will be met, and that they will be shared fairly.

I certainly understand the concern some have expressed about Russian opposition to a larger NATO. But as Secretary of State, I can tell you that Russia's disagreement on this issue has not in any way hurt our ability to work together on other issues. On the contrary; we have made progress on arms control; Russia now has a permanent relationship with NATO; it has improved its ties with the Baltic states, even as those nations have made clear their desire to join NATO. Russia has a better relationship with Central Europe now than at any time in history; and the differences we still have with Russia would certainly not disappear if we suddenly changed our minds about enlargement.

We need to keep Russia's objections in perspective. They are the product of old misperceptions about NATO and old ways of thinking about its former satellites. Instead of changing our policies to accommodate Russia's outdated fears, we need to concentrate on encouraging Russia's more modern aspirations.

Others have argued that we should let the European Union do the job of reuniting Europe, or at least tell Central European countries that they cannot join NATO until they join the EU. I want the EU to expand as rapidly as possible. But the EU is not in the business of providing security; NATO is. And we saw in Bosnia what a difference that makes.

As for tying membership in one institution to membership in another, it is not in America's interest to subordinate critical security decisions of NATO to another institution. We are a leader in NATO; we're not even members of the EU. The qualifications for joining the EU are vastly different from the qualifications for becoming a member of NATO. Forcing the two processes to move in lockstep makes no sense, neither for the EU nor for NATO.

Others ask why we need to enlarge NATO when we already have NATO's Partnership for Peace. When the Partnership for Peace was established in 1994, I went to Central Europe with General Shalikashvili and with my good friend, Charles Gati, who is with us here today, to explain its purpose. I can tell you the Partnership was never intended to be an alternative to a larger NATO. On the contrary, it has always provided both the opportunity to cooperate with NATO, and a program for preparing to join. That is why so many nations have participated in it so enthusiastically, whether they aspire to membership or not. If we want the Partnership to thrive, the last thing we should do is to tell some of its members that they can never be allies, no matter how much progress they make.

NATO is a military alliance, not a social club; but neither is it an in-bred aristocracy. That is one reason why today every NATO ally agrees that NATO doors must remain open after the first three new allies join. Let us be clear—we have made no decisions about who the next members of NATO should be or when they might join. But let us also have some humility before the future.

How many people—even in this room of experts—predicted in 1949 that Germany would so soon be a member of the Alliance? Who could have known in 1988 that in just ten years, members of the old Warsaw Pact would be in a position to join NATO? Who can tell today what Europe will look like in even a few years? We should not erect artificial roadblocks today that will prevent qualified nations from contributing to NATO tomorrow.

This Administration opposes any effort in the Senate to mandate a pause in the process of NATO enlargement. This would be totally unnecessary, since the Senate would, in any case, need to give its advice and consent to any new round of enlargement. It would also harm American interests by surrendering our leverage and flexibility, fracturing the consensus NATO has reached on its open door, and diminishing the incentive Central European countries now have to cooperate with the Alliance.

Some critics have said NATO enlargement would draw a destabilizing dividing line in Europe. A larger NATO with an open door will not. One round of enlargement with a mandated pause would. President Clinton and I will keep on addressing these concerns, and others, in the days ahead. The debate has been joined, and it will continue.

But already an extraordinary coalition has come together to say NATO enlargement is right and smart for America. It includes American veterans, who do not want their country to have to fight another war in Europe; American business, which understands the link between security and prosperity; American labor, which aided freedom's victory in Europe and wants it to endure. It includes every living former Secretary of State, a half a dozen former National Security Advisors and five Chairmen of the Joint Chiefs.

The debate about a larger NATO might easily have provided an opportunity for skeptics to praise isolationism. Instead, it has given the American people and the Congress an opportunity to bury it. And I have confidence that is what will happen.

If the Senate says yes to a larger NATO—and I believe it will—that will be a vote for continued American engagement in Europe. It will be a signal that America will defend its values, protect its interests, stand by its allies and keep its word.

We'll need that same spirit to prevail when the Congress faces its other foreign policy tests this year. For example, the President and I are asking the Congress to pay what our country owes to the International Monetary Fund and to the United Nations. At issue is a very simple question. Will we stand alone in the face of crises from Gulf to Rwanda to Indonesia, asking American soldiers to take all the risks and American taxpayers to pay all the bills? Or will we support organizations that allow us to share the burdens of leadership with others? This is not least an issue in our relationship with Europe. When we challenge our allies to meet their responsibilities to us, it hurts our case when we are seen as not meeting ours. . . .

It is my great hope that Poland, Hungary and the Czech Republic will be part of a transatlantic partnership that is not only broader, but deeper as well; a partnership that is a force for peace from the Middle East to Central Africa; a partnership that has overcome barriers to trade across the Atlantic; a partnership strong enough to protect the environment and defeat international crime; a partnership that is united in its effort to stop the spread of weapons of mass destruction, the overriding security interest of our time.

However old or new the challenges we face, there is still one relationship that more than any other will determine whether we meet them successfully, and that is our relationship with Europe. The transatlantic partnership is our strategic base—the drivewheel of progress on every world-scale issue when we agree, and the brake when we do not.

In cultivating that partnership and extending it to those free nations that were too long denied its benefits, I pledge my continued best efforts, and respectfully solicit all of yours.

CONGRATULATIONS TO ROOSEVELT HIGH SCHOOL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Fresno Unified School District's Roosevelt High School for winning the California School Board Foundation's Golden Bell Award. Fresno Unified's Roosevelt High School was recognized for this prestigious award for its Family and Community Program. Additionally, Roosevelt High has been successful in creating other programs and activities to draw parents and community members into the school.

The Golden Bell Awards program promotes excellence in education by recognizing outstanding programs in school districts and county offices of education throughout California. The Golden Bell Awards reflect the importance of the education necessary to address the changing needs of students. This awards program contributes to the development and evaluation of curriculum, instruction and support services. It seeks out and recognizes innovative or exemplary programs which have been developed and successfully implemented by California teachers and administrators. The program also focuses on recognizing and supporting educators who invest extra energy and time to make a demonstrated difference for students.

Roosevelt High, built in 1928 for a student body of 1,700, now houses 3,669 young people of diverse backgrounds. Approximately 60% of the student body is Hispanic, 20% Asian, 10% African American, and 10% are white. The remainder of the students are Native American and come from other countries including India. In 1983, Roosevelt School of the Arts was created for the purpose of desegregation. Roosevelt School of the Arts provides quality visual and performing arts opportunities for nearly six hundred students from all over Fresno. The faculty and administrative staff consist of educators who are also talented artists.

The faculty, staff, students, and parents of Roosevelt High School have received many awards and grants. Roosevelt was awarded the California High Schools Network grant in 1993 and the SB1510 Technology grant in 1994. The School was presented with the National Science Teacher of the Year Award in 1996, the California School Boards Association Golden Bell Awards for parent and community involvement in 1995 and 1997, and the State Board of Education Distinguished Schools Award in 1996. Two student volunteers and one adult volunteer for the school have received Fresno County Volunteer Bureau Volunteer of the Year awards for 1995, 1996, and 1997.

Mr. Speaker, it is with great honor that I congratulate Fresno Unified School District's Roosevelt High School for winning the California School Board Foundation's Golden Bell Award. The students and faculty of this school exemplify a care for the community and a dedication to hard work. I ask my colleagues to join me in wishing Roosevelt High School many more years of success.

FIGHTING HUNGER 365 DAYS A YEAR

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. SHERMAN. Mr. Speaker, I wish to share with our colleagues remarks made by Wayne S. Bell, who serves as Trustee and Secretary of the Ralphs/Food 4 Less Foundation. Around the holidays, individuals are much more likely to donate food to the needy, but then contributions typically decrease over the remaining months. This organization works to call attention to the problem of hunger that exists throughout the year. They recently awarded $100,000 in grants to thirteen recipient organizations that are leading the fight against hunger in Los Angeles. Wayne's remarks reflect the seriousness of this cause and the need for all communities to join together to do more in addressing the issue of hunger.

Wayne's remarks follow:

Thank you Joe [Haggerty],[1] and good morning everyone.

The Ralphs/Food 4 Less Foundation is proud to join with United Way of Greater Los Angeles in the fight against hunger. Tragically, as the statistics show, over 1 million people are affected by hunger in Los Angeles County on a daily basis. Our partnership with United Way in this effort came about as a result of our independent commitments to address the problem of hunger.

United Way has long been a leader in assessing need and delivering funding to programs that positively and favorably impact the lives of people throughout the Los Angeles community. Joe has told you about United Way's Impact Goals, which are in essence a blueprint to tackling some of the more serious concerns of those who live in poverty.

The Ralphs/Food 4 Less Foundation established its Foundation Hunger Program with a modest goal of allocating nearly $300,000 per year to help organizations that serve the needs of those faced with hunger due to poverty, homelessness, emergency circumstances, and/or illness. In the course of examining the persistent problem of hunger, which, as we all know too well, sadly perpetuates the cycle of poverty, we became familiar with United Way's commitment to institute measurable Impact Goals to increase awareness of the problem and to improve access to available food programs for those in need. It became clear that we could be much more effective in our independent efforts if we combined forces.

The joint program of The Ralphs/Food 4 Less Foundation and United Way of Greater Los Angeles is aptly called "Fighting Hunger 365 Days A Year" to bring attention to the constant, year round problem of hunger and the additional burden on service providers when donations drop-off after the December holidays. While giving is good at any time, too often it falls off dramatically or ceases altogether following the holidays. We hope to set an example for other corporations, businesses, individuals and foundations, and invite them to join with us and United Way to assist organizations that are on the front lines in the fight against hunger.

Please join me in applauding the 13 grant recipients who are here today. They are truly making a difference by Fighting Hunger 365 Days A Year. Congratulations to all of the recipients.

Thank you.

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[1] President, United Way of Greater Los Angeles

A TRIBUTE TO A.J. NASTASI: PENNSYLVANIA'S ALL-TIME HIGH SCHOOL BASKETBALL SCORING LEADER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to a young man who has made an athletic accomplishment that many people thought would probably not be broken. A.J. Nastasi, a student at Northern Bedford High School located in Loysburg, Pennsylvania, broke the Pennsylvania Boys High School Basketball Scoring record on Saturday, February 7, 1998, with 3,627 points. I was fortunate enough to be in attendance for this historic game, watching A.J. and his teammates take on my hometown's team from Everett, Pennsylvania. A.J. has demonstrated great poise and maturity throughout this exciting basketball season, a trait no doubt attributed to his family. It should be noted that the previous record holder is a former colleague of mine here in the House of Representatives, former Representative Tom McMillen of Maryland. Tom set the state record in 1970 at Mansfield High School, scoring 3,608 points, and went on to a successful college and professional basketball career before coming to Congress. It was a privilege to be invited to honor A.J. and celebrate this momentous occasion with the many fans, friends and family members in attendance. Next Fall, A.J. will be attending West Virginia University as a scholar-athlete. A.J. has become part of an esteemed group of athletes through his accomplishment. I wish A.J. the best in his future endeavors, and hope that he continues his success on and off the court.

TRIBUTE TO PATSY WATKINS

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. BOEHNER. Mr. Speaker, I want to recognize Mrs. Patsy Watkins, who is retiring as Director of the Shelby County Board of Elections.

Patsy Watkins has served the citizens of Shelby County on the Board of Elections for the past 17 years. In addition to her duties at the Board of Elections, Patsy has served on Congressman Mike Oxley's service academy review board and as chairperson of the Shelby County Republican Central Committee. On top of all this, she finds the time to be a loving, devoted wife, mother and friend.

Patsy is a quiet leader and confidante to many. While representing Shelby County, I have appreciated her words of wisdom and her friendship. She has never been shy about telling it like it is.

Abraham Lincoln said, "A good leader avoids issuing orders, preferring to request, imply or make suggestions." Like Abe Lincoln, Patsy Watkins attained success, admiration and a positive image by practicing these principles. Patsy proved to be an effective leader; choosing a subtle, softer path rather than a heavy-handed approach. For this reason, among others, Patsy has become the backbone of the Republican Party in Shelby County.

It is no coincidence Shelby County voters are energized. Through Patsy's leadership and hard work, Shelby County has enjoyed Republican success in recent years. She has worked to promote conservative values and elect those who share her vision for better government. Congressman Mike Oxley, who represented the citizens of Shelby County prior to 1992 said, "Patsy epitomizes the Republican Party in Shelby County."

Mr. Speaker, it is with great pride and admiration that I rise to recognize Patsy Watkins for her service to the citizens of Shelby County. For those of us who know her for service to her community, we are grateful. For those of us who are fortunate to call Patsy friend, may God bless her with a long and fruitful retirement.

THE RETIREMENT OF JOHN DAPONTE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. CRANE. Mr. Speaker, on December 31, John DaPonte retired from U.S. Government service and returned to his home state of Rhode Island after having served at the FTZ Board since 1968. The retirement of a federal official happens most every day. However, I believe it is important that John DaPonte's career in government be remembered because of the impact that he and the Foreign-Trade Zones Board have made on U.S. trade policy, U.S. companies in the global marketplace, and the economic development of a wide range of communities in the United States. There are few federal government officials who have made such a direct positive impact on the subject they manage.

The agency for which he worked, the Foreign-Trade Zones Board, is one of the smallest federal agencies in Washington, DC with only nine employees. It is so small that it does not have a line item in the federal budget. In 1968, zone projects existed in only 6 states and Puerto Rico and were very modest in size; today, Foreign-Trade Zones Board activity is in all 50 states and Puerto Rico. During his tenure at the Board, the Agency's zone projects increased from 9 in 1968 to 586 in 1997, a yearly growth rate of 221%; domestic merchandise receipts grew from $18 million in 1968 to $125.6 billion in 1996, an average yearly rate of 24,933%; and employment increased from 1,200 jobs in 1968 to 370,000 jobs in 1996, an average yearly rate of 1138%. There are few, if any, federal agencies with this growth record. John DaPonte deserves a thank you for managing an important U.S. trade program that grew rapidly over the last 30 years with very modest resources.

The Foreign-Trade Zone program is an economic development tool for communities providing financial assistance to many troubled U.S. industries, as well as to foreign-based firms interested in establishing U.S. production operations, by helping them be competitive in the global marketplace. Foreign-trade zones place U.S. production facilities on an equal footing with foreign operations. This benefit requires investment and jobs in the U.S. as opposed to another country. Industry groups become involved in the Foreign-Trade Zone Program in order to solve trade problems. Major industries involved In the program include shipbuilding, motor vehicles, oil refining, pharmaceuticals, information technology, etc.

The growth of the Foreign-Trade Zone Program required a very significant amount of effort by the staff of the Foreign-Trade Zones Board. The Foreign-Trade Zones Act or laws pertaining thereto were amended in the 1968 to 1997 period on thirteen (13) occasions. Mr. DaPonte implemented many new procedures at the Foreign-Trade Zones Board including Minor Boundary Modifications and Grant Restrictions to assist in managing the very rapid growth of the program in a balanced manner and without major funding or personnel. In 1968, 2 Applications for new projects were filed; in 1997, 85 Applications were filed. Board Orders approving new zone projects grew during the period from 3 Board Orders issued in 1968 to 78 Board Orders issued in 1997.

In order to effectively manage the developing program, a wide range of Customs management changes were necessary. The Board supported these changes when it issued Board Order 103 on November 27, 1974, encouraging Customs to manage zone projects in a new and innovative manner. In 1981, the U.S. Customs Service published its first Foreign-Trade Zone Manual, which has been subsequently updated. In 1986, the U.S. Customs Service Regulations were totally rewritten to reflect the many necessary changes to the zone program. Special new procedures introduced to expedite activity included valuation of manufactured products, recognition of industry inventory methods, Customs audit management, direct delivery, daily CF 214s, and weekly entries.

In order to undertake its activities, the Foreign-Trade Zones Board actively interfaces with a wide range of U.S. government agencies. Most importantly, was the Board's continuing involvement with state and local governmental organizations that carried out most zone activity. At a time when Washington is trying hard to empower states and localities, it would do well to look at the positive program developed under John DaPonte's leadership. The Foreign-Trade Zone Program, from the beginning, has been one that actively engaged states, counties, cities, and port authorities on a wide range of bases to encourage local economic development activities. Literally hundreds and thousands of meetings and reports and articles were written over the period that Mr. DaPonte was at the Foreign-Trade Zones Board on all of these issues.

It is clear that during John DaPonte's tenture at the Foreign-Trade Zones Board, the program experienced extraordinary growth. He managed this high level of growth effectively with extremely modest personnel and budget resources. No other Federal agency has created such a positive impact on our nation's balance of trade with such limited resources. John DaPonte's involvement in the Federal Government is a classic example of the federal government at its best. Today, we remember the positive contributions of John DaPonte in Washington, DC to U.S. trade. This Congress thanks him for his efforts and wishes him well in his future endeavors.

TRIBUTE TO GARY SUDDUTH

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. SABO. Mr. Speaker, I rise before you today to acknowledge a great man from Minneapolis who was an outstanding leader in Minnesota's African American community. In honor of Black History Month, I would like to take this opportunity to once again pay tribute to Gary Sudduth, who died suddenly on July 28, 1997, at the young age of 44.

As we celebrate the final week of Black History Month, I thought it appropriate to resubmit my commemoration of the life of Gary Sudduth, who made a profound impact on the African American community as well as everyone who knew him. He is sadly missed. The following is my July, 1997 tribute to Gary.

> Minnesota lost a passionate voice for social and economic justice when Gary Sudduth, the Minneapolis Urban League President, died suddenly on July 28, 1997, at age 44. His untimely death strikes a blow to the community and efforts to make our cities better places to live, work and learn.
>
> For years, Gary's reputation as an effective force for social change was well-known, not only in Minnesota, but across the nation. In the process, he touched and improved the lives of millions.
>
> Gary was born and raised on the North side of Minneapolis with his eight brothers and sisters. He continued to live there until his death. In 1977, he joined the Minneapolis Urban League, and I first knew him as the young, active director of its juvenile advocate program. Later, he became director of the Street Academy and then vice president of community outreach and advocacy programs. In 1992, Gary was named president and chief executive officer.
>
> Throughout his tenure, Gary united people from all walks of life to focus on a common goal—improving the social and economic conditions for people in urban areas. He knew how to negotiate with his adversaries and to prod his friends—all in the name of implementing policies that would revitalize cities and benefit their inhabitants. At the same time, he sought long-lasting solutions for problems, not quick fixes. Above all, he listened and he led, sustained by the belief that every problem had a solution.
>
> Gary demanded fairness, excellence and accountability from the government, from our schools and from the legal system. He challenged the establishment and the status quo to accomplish the changes he saw necessary—all the while speaking out for minorities, the poor and for children. His moderating style and negotiating skills often

brought calm, compromise and peace to Minneapolis at times when crisis and unrest threatened to destabilize it.

It will be difficult for the community to replace the talents and drive of Gary Sudduth, who made the work of the Urban League his mission. The way he lived his life was an example for us all—in fact it was his greatest asset. The city of Minneapolis, the state of Minnesota, and indeed the nation are better off for his commitment and his contributions. That is his enduring legacy. I hope his example has inspired a new generation of leaders and urban advocates who will try to emulate his life's work.

THE SKILLED WORKFORCE ENHANCEMENT ACT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. TALENT. Mr. Speaker, I rise today to make the point that as this Nation prepares for the 21st century, we are facing a severe shortage of skilled workers in the metalworking industry. For years we have relied on inefficient, big-government programs to train our workforce. This approach has obviously failed and the time has come to change.

The metalworking industry covers precision machinists, die makers, mold makers, as well as tool and die designers. These workers can make just about anything. They produce the parts that are shipped off to larger companies, such as Ford Motor Co. or Boeing, just to name a couple of examples. If you ask a person in the industry "What do you make?", he'll respond, "What do you want?" and proceed to produce your tailor-made products. These companies are the backbone of manufacturing in America. Without them, mass production of manufactured goods would not be possible. That is why it is imperative we act to help this industry recruit and train new skilled workers. Something must be done.

In my district in St. Louis, we have a large number of small precision machining plants. These plants have good jobs available at good pay but cannot find trained employees. The tax burdens placed on these small firms makes it nearly impossible for most of them to even consider taking on the high costs of training new workers themselves.

The Department of Labor estimates that the need for skilled labor in these trades is 2 percent annually of the current workforce. But with little new blood entering the industry, that percentage climbs to 5 percent when you take into account the aging factor. Indeed, the majority of workers in the industry are fast approaching retirement age.

If we fail to alleviate this shortage of skilled workers, we will soon see the Ford Motor Cos. and Boeings take their business overseas to foreign competitors who have sufficient labor, while American businesses just disappear.

On January 27, I introduced H.R. 3110, the Skilled Workforce Enhancement Act, to return power and resources back to these small business owners so that they can address their need for new skilled workers. My bill would allow these small shop entrepreneurs to train people in their own plants. Currently, such training is cost-prohibitive to most small businesses. H.R. 3110 would allow the employer to train an individual through an 8,000 hour, 4-year apprenticeship program and, after completion, the trainee would be hired on for at least 1 year. In exchange, the employer will receive a tax credit of up to 80 percent of the wages paid to the apprentice, starting after the 5th year, in 20 percent increments for 5 years. The newly trained employee will have already been paying taxes for 5 years before the employer begins to receive the credit.

We need to pass this bill because it will: I. Provide a needed incentive to have the people who know the industry train the next generation of skilled workers in the metalworking trades; II. shift the responsibility of training from the bureaucracy to the private sector; III. encourage us to keep jobs in this country rather than recruiting from overseas; and IV. give small business some much-needed tax relief.

I would like to thank my constituent, Mr. Bill Bachman, Sr. of Bachman Machine Co., Inc. of St. Louis, MO, for his research, hard work, and most of all, his persistence in getting this legislation introduced. It is a workable solution that he and Mike Mittler of Mittler Bros. Machine & Tool proposed to help solve a real, and increasingly urgent problem in their industry. I would also like to thank John Cox and Becky Anderson of the National Tooling and Machining Association for their assistance on this issue. And I thank my colleagues, Representatives RON PAUL (R–TX) and STEVEN LATOURETTE (R–OH) for being original cosponsors of this bill.

Mr. Speaker, we have people who need good jobs and good jobs waiting for the right people. Let's match them up. I urge all my colleagues on both sides of the aisle to become a cosponsor of the Skilled Workforce Enhancement Act.

A TRIBUTE TO SANDY HUME

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. DeLAY. Mr. Speaker, I rise today to pay tribute to an energetic, intelligent and gifted young man who tragically died over the weekend.

Sandy Hume was a rising star in the media world. An aggressive reporter, Sandy broke the biggest congressional story of the year in 1997, regarding the frictions in the House Republican leadership. I didn't always agree with Sandy's conclusions, but his reporting was first class.

I'll always remember Sandy, roaming the halls of the Congress, hanging out in the Speaker's lobby, getting insights from so many members of Congress. He had a gift for understanding the news business, and he had a knack for getting the story first.

Sandy Hume represented the best of the younger generation. He worked hard, but he didn't let hard work upset his perspective. He had an innate sense of right and wrong, an abounding sense of fairness and a healthy skepticism of the political class that served him well as a reporter.

Sandy's death is tragic. Our souls survive death, the Roman poet said, and we know that Sandy's soul lives on. But all of us who knew him will miss Sandy's spirit, his sense of humor, and his sense of mission.

I want to extend my deepest condolences to his family, including Sandy's father Brit and his wife Kim, Sandy's mother Clare, and Sandy's sister, Virginia.

TRIBUTE TO JUDGE JUELANN K. CATHEY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Judge Juelann K. Cathey, who will be honored by the San Fernando Valley Bar Association for her many accomplishments throughout her career.

For over two decades, Juelann has dedicated her time and energy to our community through her work in the legal system. After graduating from the University of San Fernando Valley College of Law with honors, Juelann began her career as public defender in Colusa County. She was quickly promoted to Assistant District Attorney. Recognized for her hard work ethic and dedication, Juelann has continued to advance within the system. She now serves as the Los Angeles Municipal Court Commissioner.

Perhaps one attribute that colleagues find most refreshing is Juelann's ability to handle a stressful situation with humor. Though everyone is well aware of the seriousness of the issues she deals with on a daily basis, her grace under pressure puts everyone in the courtroom at ease. In addition, Juelann's ability to mediate situations successfully and her willingness to incorporate the ideas of others make her well respected among lawyers and her court staff.

These achievements are a testament not only to Juelann's dedication to her career, they also illustrate her strength of character and perseverance. Though Juelann is widely respected throughout our community for her demeanor in the courtroom, perhaps it is her personal strength and will to succeed which is so amazing. Widowed at the age of 28, Juelann was left to raise six young children on her own. Realizing that she needed to financially support her family, she decided to attend law school. Balancing school work and family was not easy, but Juelann excelled at both.

Booker T. Washington once said that, "Success is to be measured not so much by the position that one has reached in life as by the obstacles which one has overcome while trying to succeed." Faced with a devastating personal tragedy, Juelann chose to move forward, making a life for her children and working to improve the social conditions within our community.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Judge Juelann Cathey. She is truly a role model to those with whom she interacts, not only in the courtroom, but in the community as well.

CONGRESSMAN BENJAMIN A. GILMAN AWARDED COMMANDERS CROSS OF THE ORDER OF SERVICE OF THE POLISH REPUBLIC

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. LANTOS. Mr. Speaker, I rise today to call to the attention of my colleagues in this House the very high honor recently bestowed upon our colleague from New York, Congressman BENJAMIN A. GILMAN, the Chairman of the International Relations Committee. During a visit to Poland last month as head of a congressional delegation, Congressman GILMAN was presented with the Commanders Cross of the Order of Service of the Republic of Poland by the Minister of Foreign Affairs, Boleslaw Geremek. The award was made at the direction of the President of the Republic of Poland, Aleksander Kwasniewski.

The Order of Service is given to foreigners and to Polish citizens permanently resident abroad for distinguished service in support of cooperation between nations. The Commanders Cross is awarded to distinguished political leaders and leaders in the fields of culture, art, and science. The order was created by the Sejm (the Polish Parliament) in 1992. Previous recipients of this honor include Dr. Henry Kissinger, our former Secretary of State.

The decision to decorate Congressman GILMAN with the Commanders Cross of the Order of Service is a most appropriate recognition of his activities in support of cooperation between the United States and Poland, as well as cooperation with Poland and other countries of Central and Eastern Europe in their desire to be admitted to NATO. As the Chairman of the Committee on International Relations in the 104th and 105th Congress (since 1995) and as the Ranking Member of the Committee on Foreign Affairs during the 103rd Congress (1993–1994), Congressman GILMAN was one of the leaders in the Congress in encouraging the expansion of NATO to encompass the newly democratic countries of Central and Eastern Europe, including Poland. Legislation that he introduced has provided important authorities to the Administration permitting the provision of assistance to these countries which have been proposed for membership in NATO, and the strong support in Congress for Congressman GILMAN's legislation has been an important indicator of Congressional support for NATO expansion.

Mr. Speaker, I invite my colleagues in the Congress to join me in extending congratulations and best wishes to BEN GILMAN for his receiving this most appropriate recognition of his outstanding contribution to the excellent relations between the United States and Poland.

SALUTE TO THE HONOREES OF THE INTEGRITY MASONIC TEMPLE'S PAST MASTERS' BANQUET

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the Past Masters' Banquet of the Integrity Masonic Temple of Paterson, New Jersey. Honored at the banquet will be Bob Bolling, Leroy Walker, Willie Harris, Levi Price, and Harrison Adams.

Bob Bolling, was born to the late Sidney and Olivia Bolling on May 25, 1940 in Baltimore, Maryland. Bob lived in Buffalo, New York from which he enlisted in the U.S. Army on April 22, 1958, and served a total 10½ years on active duty.

Upon completion of basic and advance training, Bob served two tours of duty in West Germany from 1958 to 1960 and 1961 to 1965. After completion of heavy helicopter maintenance supervisor training, he was assigned to duty in South Vietnam from 1966 to 1967. Returning stateside, Bob was assigned to duty at Fort Sill, Oklahoma until October 30, 1968 whereupon he was discharged from the Army. Joining the Army Reserve program in 1974 as a Staff Sergeant, he served in the 2nd brigade, 76th and 78th divisions. On January 18, 1997, Bob was promoted to Chief Warrant Officer 4 and is presently serving with the 800th Military Police Brigade in Long Island.

Bob, a resident of the City of Paterson, worked at a variety of jobs, including the State Department of Corrections (1973–1975). In early 1975, Bob joined the Passaic County Sheriff's Department and was given many assignments at the County Jail including Floor Control Officer, Day Shift Supervisor of the Jail's Satellite Housing Unit at Preakness Hospital, and Supervisor of the Ombudsman's Office, from which he retired in April 1994 with the rank of Lieutenant.

Bob received an Associate's Degree in Police Science from Bergen Community College 1978, and a Bachelor's Degree in Criminal Justice from William Paterson College in 1980. He enjoys membership in numerous organizations including the Reserve Officer Association, the Reserve Warrant Officer Association, the American Legion, Disabled American Veterans, the Passaic County Mental Health Association, the William Paterson College Alumni Association, and the Paterson NAACP.

Bob is married to the former Ester Palmer and together, are the proud parents of Damia Ann, a graduate of Clark University, and Ajamu Sekou, a student at Passaic County Technical Institute.

Leroy Walker was born on January 23, 1949 to Janie May Walker and the late Roy Walker, and is married to Minnie Walker. He attended Paterson Public School #12 and graduated from Eastside High School in 1966 whereupon he enlisted in the United States Marine Corps. Leroy served tours of duty in the United States, Vietnam, and Japan and was honorably discharged as a Sergeant. Upon returning to Paterson, he worked at a variety of jobs including Broadway Bank and the *Bergen Record.*

In 1972, Leroy joined the Paterson Police Department where he served for the past 25 years and has received several awards for valor as well as community service. He is also a Certified Police Instructor for the State of New Jersey and is a member of PBA Local #1. In 1995, Leroy was promoted to the rank of Sergeant and is now presently serving as Detective Sergeant with the Paterson Juvenile Division. While working for the Paterson Police Department, Mr. Walker attended William Paterson College and graduated with a Bachelor's Degree in Public Safety Administration.

Willie Harris was born in Camden, South Carolina to Logie and Bertha Harris. He graduated from the Mather Academy in Camden upon which he worked at Brown's Funeral Home as a licensed funeral director. Willie joined the Air Force in 1956 and served four years on active duty. He came to Paterson in 1960 and joined the Air National Guard Reserve and was honorably discharged in 1962.

Willie and his wife, Joyce Wilson, are the proud parents of two children, Tona Peel, and Tyson, and the proud grandparents of four grandchildren, Marquis, Ashley, Naja, and Tiana.

Levi Price was born in Lexington Park, Maryland, the son of Robert and Maggie Price. He graduated from G.R. Whitfield High School in Grimesland, North Carolina. After graduating from high school, Levi worked in a variety of jobs, and presently works for the Marangi Sanitation Company of Paterson. Levi is married to Mattie Price, and together are the proud parents of three children, Tony, Angelie, and Janita, and proud grandparents of seven grandchildren.

Harrison Adams was born in Ridgewood, New Jersey and attended school in Paterson. He is a graduate of Passaic County Technical and Vocational High School in Wayne and the Barnet Temple Culinary Institute. Harrison has worked for Marcus Jeweler for 9½ years, and the Meadowlands Sport Facility for six years.

Mr. Speaker, I ask that you join me, our colleagues, the family and friends of Bob, Leroy, Willie, Levi, and Harrison, and the City of Paterson in recognizing the many outstanding and invaluable contributions to our society of Bob Bolling, Leroy Walker, Willie Harris, Levi Price, and Harrison Adams.

TRIBUTE TO NEW YORK STATE MILITARY FORCES AND THE 10TH MOUNTAIN DIVISION (LIGHT INFANTRY)

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. MCHUGH. Mr. Speaker, I want to take this opportunity to pay tribute to the New York State Division of Military and Naval Affairs and the Army's 10th Mountain Division (Light Infantry) at Fort Drum, New York for their extraordinary efforts on behalf of the people of Northern New York during one of the worst ice storms to ever hit the region. Their efforts represent the finest tradition of joint training and missions.

In January, a devastating storm swept through the northeast, paralyzing most of

Northern New York. The ice storm toppled trees, grounded power wires, created flooding and left more than 100,000 homes, businesses, schools and other public and community facilities without power and communications in the bitter cold. The devastation was so severe that six counties were declared a Federal disaster area.

The New York State Division of Military and Naval Affairs' immediate National Guard response and continuous coordination with the Army's active 10th Mountain Division (Light Infantry) provided full coverage of the disaster area throughout the crisis. Thousands of men and women from the New York Army National Guard, Air National Guard, New York Guard and Naval Militia, and 10th Mountain Division (Light Infantry) were committed to the emergency.

The 10th Mountain Division (Light Infantry) and New York State military forces worked tirelessly to bring needed help to North Country residents. Most people were without heat, water and other basic necessities, some for days, others for weeks. Military personnel delivered generators to homes, shelters and businesses crucial to Northern New York and went door-to-door checking on the well-being and health of residents and bringing food and water. For many, their round-the-clock efforts, in conjunction with that of thousands of local volunteers and county emergency management personnel, and the Fort Drum civilian workforce, meant the difference between life and death.

I am proud and honored to have as neighbors such fine men and women serving New York State and our Nation. Throughout the crisis, the North Country witnessed first-hand the high caliber and professionalism of our military personnel. We owe them a debt of gratitude for all that they do and all that they have done. I am pleased to have this opportunity to extend my most sincere thanks to them for making a difference under dire circumstances.

Mr. Speaker, I would also like to share with you the following letters from two of my constituents, Sanford Jones of Black River and Martha Hartle of Potsdam, addressed to Major General Lawson Magruder, Commander of the 10th Mountain Division (Light Infantry) and Fort Drum. These two letters are illustrative of scores of tributes which have been sent to him, the New York National Guard, local newspapers and my office.

Potsdam, NY, January 19, 1997.

Maj. Gen. LAWSON W. MAGRUDER, III
Secretary of General Staff, Fort Drum, NY.

DEAR SIR: As coordinator of disaster medical services at the Maxcy Hall Shelter in Potsdam during Ice Storm '98, I am writing to thank you and your Fort Drum troops who came to help us out at the shelter. The first few days of the storm offered several challenges that were frightening, to say the least. And then, in came the Fort Drum people. My sense of relief and that of my fellow volunteers can not be overstated when we realized that help had arrived in the guise of military uniforms.

I want to specifically commend the actions of Sergeant John Ott, Lieutenant Cathleen Shultz and Chaplain Swain who continually offered administrative support and skilled medical assistance to me and the volunteers, as well as emotional and personal care support to our elderly. Without them, I am certain that the services we offered at the shelter would have been substantially diminished.

Sergeant Ott served as my administrative support and never wavered in his duty. He was always respectful and quick to offer knowledgeable and helpful advice. He taught me a lot about delegating and yet never flinched at any duty I asked him to address. When the troops arrived, John offered to set up a duty schedule for me and he did a fantastic job. We were all tired, and his schedule provided each of us some much needed rest. He is a soldier of whom you can be proud. I will never forget his friendly smile and warm good humor during such a difficult time.

Lieutenant Shultz was my right-hand medical person. She dealt with several medical situations that would normally be less challenging, and she responded well. She always kept her sense of humor and helped to keep our perspective. She dealt well with the young, the old, and the medically compromised. Her calm and efficient care provided our folks the sense of security was needed during this tremendously difficult time.

Chaplain Swain was also the perfect person for our shelter. I had made it clear that we must do everything we could for our seniors who were distressed by leaving their home. Chaplain Swain fell right into that role and spent countless hours listening, talking, hugging, and praying with our "guests." When a recently recovering alcoholic requested a bible, knew just the person for the job—Chaplain Swain. His kind, calm demeanor was heart warming to me when I had an extra minute to observe his interactions with our people. The Chaplain also spent time lifting patients, personal assistance with bathroom and other personal details, and helped feed those needing assistance.

Sir, this ice storm has provided the perfect opportunity for North Country people to experience first hand the remarkable assets provided by our military and enjoyed by our Country. Ott, and Swain are three names that stand out in my mind, but be assured that every soldier who arrived at the Maxcy Hall Shelter in Potsdam spent days demonstrating to us that they are caring, loyal, and unselfish people.

Sincerely,

MARTHA E. HARTLE.

BLACK RIVER UNITED
METHODIST CHURCH,
Black River, NY, January 20, 1998.

Maj. Gen LAWSON W. MAGRUDER III
Commanding General, Fort Drum, NY.

DEAR GENERAL MAGRUDER: I have always had a lot of respect and admiration for the United States Army and what it has done to establish and preserve our democracy and our American way of life. These feelings were reinforced by what has happened in the past two weeks in the little village of Black River and other communities in the North Country where Fort Drum is our neighbor.

The "1998 ICE STORM" struck this area January 7th, causing widespread and terrible damage and devastation, knocking out electrical power, telephones and communications, as well as very serious flooding along the Black River. After the initial shock and disbelief, almost every element of government, private industry, homeowners, apartment dwellers—even our children and grandchildren—our schools, law enforcement agencies, farmers and officials—set about to do whatever was necessary to recover from this evidence of Mother Nature's fury. Telephone and utility crews rushed to our aid from all over New York State and from other states as well—Pennsylvania, Ohio, Massachusetts, Virginia,—even Hawaii!! State Police arrived from such places as her Herkimer, Syracuse and points beyond.

Shelters were set up in schools, fire halls, churches and other locations, both public and private—so cold and hungry families and individuals could come for a hot meal and a warm bed. Representatives came from FEMA, HUD, The Red Cross, the Salvation Army, and every other agency or private group that might to able to render help in the face of the disaster.

The first shelter set up in the Village of Black River was up to Leray Street at the St. Paul's Catholic Church. That site was soon filled to capacity, and we were asked to provide a 2nd shelter at the Black River United Methodist Church on S. Main Street. Blankets and cots arrived, but we became mostly responsible for providing hot meals for families and storm recovery teams. Kerosene and food was being distributed to those in need at the Black River Elementary School on a daily basis, and your soldiers were very much in evidence helping out with those services. Hundreds of area residents came to avail themselves of this assistance.

The Army brought in and hooked up a trailer-mounted generator so we could have heat and lights in the church. Volunteers came to help prepare the food, and these volunteers included Jefferson County Court Judge Lee Clary and his wife, Shirley, members of our church, Joyce Birchenough from the Catholic Church, Beth Stiefel, a former resident and member of St. John's Episcopal Church, and two soldiers from DivArty, Christopher O'Brien and Jennifer Haeffner.

On different days, we provided meat loaf and turkey dinners, chili, hot soups, sloppy joes, marcaroni and cheese, canned fruit and cookies, donuts and oceans of hot coffee. We served anywhere from 25 lunches to over 100 lunches each day for eight days. The power company crews came. Also, deputy sheriffs, State Troopers, and other men and women struggling to return our village to a semblance of normalcy.

I was never more proud of the U.S. Army than I was the day Capt. Michael Gabel brought large numbers of BDU-clad soldiers with green fluorescent sashes into town to help clear the tree branches and storm debris from our streets. I also got to meet two other officers working with him, Capt. Ronald Leggett and 2nd Lt. Michael Brown. Anyway, it was like a well-planned attack during wartime, groups were assigned to certain streets and, as one street was cleared, they moved on to another one. Their deportment was admirable and their mood was one of good cheer and helpfulness. When they came to the church for lunch each day, they were all courteous and well-behaved, and seemed glad to be doing something very worthwhile for their citizens.

They came to our shelter to warm themselves, rest a bit, sit down and enjoy a hot cup of coffee, soup and a well-deserved meal. Their morale was as high as I've seen amongst soldiers anywhere.

Their efforts continued for several days. Today is Tuesday, January 20th, and we expect at least 50 soldiers for lunch today. They're still here, and giving their best effort. When they're done, we'll miss them. They lightened our load considerably, and we are grateful for their kindness, their concern, and their cheerful and willing attitude—and for all the work they're done!

I believe these men were all from Division Artillery units, and we are somewhat familiar with Col. Robert Reese and some of his men, who have supported us in the past on patriotic holidays, such as Flag Day and Veterans Day.

Your Public Affairs Officer, B.D. Murphy, dropped by to visit, and the 10th Mountain Band came in to play for us one noon hour. And Chaplain Scottie Lloyd and his assistant dropped in on several occasions to offer their support and assistance.

God Bless You, General, for making all this possible, and please convey our sincere gratitude to Capts. Gabel and Leggett, Lt. Brown, the NCO's and enlisted men who all understood our critical situation and came to help us find our way back out of it.

Sincerely and With Gratitude,

SANFORD L. JONES,
The B.R.U.M.C. Shelter.

REPORT FROM INDIANA—ON SERGEANT BRAD BROWN

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. McINTOSH. Mr. Speaker, I would like to share a heroic story with my colleagues and the American people which took place in New Castle, Indiana. Sergeant Brad Brown, going beyond the call of duty, risked his life to save an eighty-three year old woman from a burning building in Henry County. The fact that the woman he saved was incapacitated at the time gives added weight to the heroism of Sergeant Brown. The dedication and bravery of Sergeant Brown is an example of the character which is needed to make a difference in our local communities. Individuals like Sergeant Brown make towns like New Castle safer places to live. I commend Sergeant Brad Brown for his actions and his service. Thank you for the role you have played in making our community a better place.

RECOGNIZING THE 200TH ANNIVERSARY OF LEBANON TOWNSHIP

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. PAPPAS. Mr. Speaker, it is my privilege to send congratulations and best wishes to the citizens of Lebanon Township as they commemorate the 200th anniversary of the incorporation of their community. Our nation and this community have come a long way in the past 200 years and it is appropriate that we pause and recognize this milestone.

This is a day of celebration and remembrance—a time to celebrate the growth and achievements of Lebanon Township while remembering the efforts and sacrifices of the good men and women, past and present, who helped to make Lebanon what it is today.

In its origins as a small rural village community, Lebanon has kept with its traditions over the course of time. Remaining a relatively small town for most of its history, the people of Lebanon and the rest of New Jersey have enjoyed its quiet, peaceful atmosphere and its natural beauty. Now in more recent times, Lebanon has exhibited growth and prosperity in its business and population. However, it still maintains its rural roots and natural splendor that have always made it a valuable asset to the community and the state.

Now, 200 years later, the Township will celebrate its anniversary with rich new traditions while honoring its past. These festivities include a time capsule burial at the Woodglen School with artifacts and mementos of Lebanon, music and dance events, an arts festival; all to be led off by a February 21st Proclamation Day celebrating the historic bicentennial.

In the years to come, I sincerely hope that Lebanon Township will continue to build on the foundations of the past to ensure a happy and prosperous future for all its residents.

I offer my congratulations and best wishes to Mayor Art Gerlich and the Township Committee. It is my honor to have this municipality with the boundaries of my district. And it is my good fortune to be able to participate in its very special anniversary.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. BECERRA. Mr. Speaker, due to a medical emergency, I missed 11 votes which occurred between January 27, 1998 and February 5, 1998. Had I been present, I would have voted as follows:

Roll call Vote number 1—Present, 2—No, 3—No, 4—Yes, 5—Yes, 6—No, 7—No, 8—No, 9—No, 10—Yes, 11—Present.

A TRIBUTE TO EMPRESS CASINO JOLIET

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. WELLER. Mr. Speaker, I rise today to recognize the Empress Casino Joliet, a tremendous corporate citizen in Joliet, Illinois as it has been named the 1998 Salute to Industry Award recipient by the Joliet Region Chamber of Commerce and Industry.

From its opening day in June of 1992, the Empress Casino has made a dramatic impact on the economic landscapes of Joliet, Will County and the State of Illinois. In a region where many hard working people have struggled to find consistent and reliable employment, the Empress Casino has risen to become Will County's sixth largest employer, keeping 1600 local employees on its $45 million annual payroll. During its first 14 days of operation, the Empress Casino welcomed over 50,000 people and has currently hosted over 21 million guests, an incredible achievement for less than six years of operations.

Understanding how local support is a major factor to the Empress Casino's success, the owners have made a substantial commitment to support the community through charitable contributions. In just one year, the Empress Casino has donated nearly $300,000 to organizations able to assist people in need. Further emphasizing its commitment to boosting the local economy, the Empress reinvests well over $9 million each year purchasing supplies, products, and services from local businesses. The City of Joliet and the State of Illinois have received substantial benefits from the Empress Casino's success, including $77 million and $191 million of tax revenue, respectively.

Mr. Speaker, I am happy to join the Joliet Region Chamber of Commerce as we recognize the Empress Casino Joliet as an outstanding corporate citizen in Joliet and Will County, Illinois. I applaud the owners and employees of the Empress Casino for their dedication made to our community and wish them the best in the future.

TRIBUTE TO LOUIS WALSH, "IRISHMAN OF THE YEAR"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Mr. Louis Walsh, who was honored on Friday, February 20, as "Irishman of the Year" by the Denver Chapter of the Ancient Order of Hibernians. I invite my colleagues to join me in extending congratulations to Mr. Walsh on his receiving this outstanding and appropriate honor.

Mr. Speaker, there are many characteristics which we associate with the Irish—loyalty, perseverance, humor, trustworthiness, generosity, hospitality. These are especially true of Louis Walsh. He has also been blessed with an unmistakable Irish wit. For all intents and purposes, his home is your home. But Lou can also be very demanding—he expects the best from all of his friends and colleagues, and in doing so he has contributed markedly to improving the quality of their lives.

Lou appreciates the best of everything, whether it be music, drink, entertainment or, most important of all, friendship and loyalty. He appreciates the good life all the more for having starting out in humble circumstances. Lou was born on March 5, 1928, in Curry, County Sligo, Ireland, one of ten children. Life was simple and full of hard work, but that did not stop Lou from riding ten miles on his bike to get to a dance, arriving home in time to sleep for but an hour before morning chores. But he had much longer journeys in his future.

Lou attended St. Nathy's College before traveling to England to teach school at Rodbourne College. Soon afterwards, with the assistance of his brother Matt, he made the decision to cross the Atlantic and emigrate to America. Lou initially settled in Chicago and continued his education, attending Peter Shannon's School of Accounting. Mr. Shannon, astutely noting his numerous abilities, employed Lou after his completion of the course. Lou has been everlastingly grateful to Mr. Shannon for believing in him from the start and for assisting him in every possible way. Lou has tried to be similarly inspiring and helpful to others throughout the course of his life.

After five years of work for Mr. Shannon and an additional two years of service as an Army medic during the Korean War, Lou's appreciation of nature and love of beauty prompted him to move to Colorado in 1961. He worked as an auditor for the State of Colorado for a dozen years, during which time he was involved in the creation of the Colorado lottery. Lou also started a real estate business, which proved both demanding and successful. Lou's philosophic foundation appeared on every one of his real estate signs: "Let Right Be Done." This outlook has reflected his approach towards his customers, his neighborhood and his family.

Lou's legacy is to be found in a myriad of activities, organizations and good deeds, most notably those within the Irish community. He was one of the founders of several significant Irish organizations, including The Emerald Athletic Club in Chicago, The Irish Fellowship Club of Colorado and The St. Patrick's Day Parade Committee, which has given rise to one of the most prominent St. Patrick's Day parades in the country. Louis love of Irish culture applies to Irish books (of which he has many), Irish newspapers and magazines (to which he still subscribes), Irish wolfhounds (of which he once had four), Morgan horses (of which he has two), and Irish Whiskey. He appetite for Irish music and entertainment has promoted him to develop and foster Irish concerts and special events, and he has long dreamed of the establishment of an Irish cultural center in Denver. His concern for young people inspired him to organize a summer program in Colorado for Irish students. Finally, Lou's strong and unabated commitment to his church and homeland once gave him the opportunity to host the highest cleric in Ireland, Cardinal O'Fiaich.

While Lou's devotion to the Irish community is legendary, his greatest passion is for his family: Ann, his extraordinary wife and partner in work as well as in life, son Louis, Jr., who has followed his proud father in his interest in real estate, and innumerable other relatives by blood or friendship whose lives have been touched by his compassion and enthusiasm.

Mr. Speaker, it is time, to paraphrase Lou, to see to it that Right Be Done. I ask my colleagues to join me in expressing appreciation for a fine man and a true Irishman, Mr. Louis Walsh.

TRIBUTE TO THE ST. LOUIS SMALL BUSINESS MONTHLY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to the St. Louis Small Business Monthly. this month, the St. Louis Small Business Monthly celebrates its tenth anniversary.

Mr. Speaker, the St. Louis Small Business Monthly is more than just a newspaper. It is a valuable networking tool, resource center, and clearinghouse for all things small business. It's a resource by and for the small business owner; it is invaluable to this important community.

Small businesses are not just the engine of our economy, they are the backbones of our communities. The St. Louis Small Business Monthly was founded to support the spirit of entrepreneur and recognizes the vitality and importance of the growth and success of this community. It fills a need in the community and fills it well.

Mr. Speaker, I'd like you to join me in congratulating editor Judy Meador, co-founders Katie Muchnick and Bill Schneider, and the rest of the staff at the St. Louis Small Business Monthly for a terrific first ten years and to its long and prosperous future.

THE MINNESOTA NATIONAL GUARD—NORWEGIAN HOME GUARD TROOP RECIPROCAL EXCHANGE PROGRAM

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. SABO. Mr. Speaker, this year marks the 25th Anniversary of the Minnesota National Guard—Norwegian Home Guard Troop Reciprocal Exchange Program. The program is the longest running military exchange between two nations, and it has strengthened the ties between our countries while enriching the lives of the young men and women who have participated in it.

Each February, over 200 soldiers from the Minnesota National Guard and Norwegian Home Guard leave their homes and join the guards of each other's nation. They spend two to three weeks in the other country, training with the host military, visiting cultural sites, and getting to know their new peers. The exchange guards even spend a weekend with a host family, to enrich their experience in the host nation.

The Minnesota National Guard—Norwegian Home Guard Troop Reciprocal Exchange Program is of great value to both our peacekeeping and cultural goals. By training in Norway, members of the Minnesota National Guard gain experience operating in a foreign environment. At the same time, participants from both countries have an opportunity to explore a new culture and to travel at a young age. The Norwegian-Americans of the Minnesota National Guard also have a chance to explore their family roots in Norway. Finally, the coordination between our nations' militaries reinforces our mutual dedication to working for world peace.

I am pleased to recognize the Minnesota National Guard—Norwegian Home Guard Troop Reciprocal Exchange Program for its 25 years of accomplishments, and I wish the program its continued success in the future.

WILMA DEAN OF BARTHOLOMEW COUNTY, IN

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. McINTOSH. Mr. Speaker, I would like to share an inspiring story with my colleagues and the American people about a woman whose whole life has been full of kindness, compassion and hard work. Wilma Dean of Bartholomew County, Indiana has worked for over twenty-five years at the Ramada Inn in Columbus, Indiana as a Senior Gust Representative. Throughout her years of service, she has strived to make people feel good about themselves. And on so many occasions Wilma has performed her duties above and beyond her job requirements. When asked, her co-workers will describe her as a wonderful lady who often stays late to help others. She even performs task outside of those assigned to her. Her co-workers remembered one memorable occasion when she assisted an elderly couple to their room because they were barely able to walk.

In her twenty-five years of service as a Ramada Inn employee, Wilma created a warm atmosphere for the guest that is similar to a home. She would do this through her courtesy and her ability to be a team-player.

Recently, Wilma was rewarded for her exceptional job performance. She was one of five hospitality employees to receive Ramada's nation-wide award: Hospitality Employee of the Year. Wilma's efforts were noticed from Ramada's sixty-thousand employees nationwide.

Wilma Dean's hard work, dedication and kindness is an important example for others to follow. Work hard. Be kind to others. And help your neighbor if you can.

Mr. Speaker, that is my Report from Indiana.

HONORING THE 1997 MASSACHUSETTS DIVISION II GIRLS SOCCER STATE CHAMPIONS, SHEPHERD HILL REGIONAL HIGH SCHOOL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great pleasure that I take this opportunity to honor the team members, coaches, and manager of the Shepherd Hill Regional High School 1997 Girls Soccer team. Hailing from Charlton, Massachusetts, this Shepherd Hill team captured the Division II State Title on November 22, 1997, defeating Marblehead High School in a 3–1 victory.

Before capturing the statewide Division II crown, this team achieved many accomplishments. While accumulating an impressive 18–5–1 record, their hard work both on and off the field secured for these fine players, coaches, and manager the Southern Worcester County League West Conference Championship, the District E Division II Championship, and the Massachusetts Interscholastic Athletic Association Academic Excellence Gold Award for having a team Grade Point Average of 3.35.

In gaining these accolades, this Shepherd Hill team demonstrated that athletic and academic excellence can be achieved in tandem. For this reason in particular the 1997 Shepherd Hill Regional High School Girls Soccer

Team is a model for athletic teams around both the nation and globe as they have shown that the qualities of determination, commitment, and effort are as important in the classroom as they are on the playing field.

I would finally like to congratulate each and every person associated with the 1997 Shepherd Hill Regional High School Girls Soccer Team. Please let me submit the names of those dedicated individuals who helped bring the Massachusetts Division II Girls Soccer State Championship Title to Shepherd Hill Regional High School. They are Team Co-Captains Katie Brothers, Trisha Cushing, Jen Langlois; Players, Katie Bembenek, Julia Faia, Jessica Frink, Gina Gregoire, Colleen Hackenson, Danielle Houle, Samantha Kane, Melissa Kasheta, Emily Koslowski, Tracy Koslowski, Elizabeth Laplante, Kerry Malone, Kristen Malone, Angela Minardi, Amanda Muise, Jenna Murphy, Moiria Murphy, Wendy Paquin, Kelly Walsh, Megan Welch, Katelyn Weymouth; Head Coach Harry Logan; Assistant Coaches Karen Jensen and Jody McManus; and Manager Jim Rawson. From this great victory may come many more. Congratulations to you all!

VOTER ELIGIBILITY CONFIRMATION SYSTEM IS A THREAT

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. BROWN of Florida. Mr. Speaker, I rise today with grave concern regarding legislative initiatives to restrict voter registration and turnout. The so-called "Voter Eligibility Confirmation System" in effect threatens voting rights of the American constituency.

As introduced, this legislation would establish a federal program for state and local elected officials to "confirm" the citizenship of registered voters and voter registration applicants. The proposal would allow elected officials to submit the names of voter registration applicants and registered voters to the Immigration and Naturalization Service and the Social Security Administration for citizenship confirmation through a computerized system.

With all due respect to my colleague, this is bad policy! The data on which this system is based is inaccurate. The fact is that an American citizen can have a social security number and stand the possibility of not being confirmed as a citizen by the Social Security Administration. Thousands of U.S. citizens were naturalized before the agency began keeping computer records at all. As a result, our fellow Americans will be targeted to have their voting rights undermined by the use of such a system.

Women and minorities in our Nation have historically been singled out and questioned based on their surnames or appearance. Although this American struggle has made many progressions, this act of discrimination should not and must not be tolerated by our distinguished House.

Under current federal and state laws, both voter registration fraud and voter fraud are crimes. The notion that massive citizenship verification procedures are needed does not align with the facts. The data received from the House Oversight Committee hearing in 1995 revealed that the real problem of voter fraud had to do with the abuses of State absentee ballot laws, not by Latinos or Asian Americans.

Let's get real. This bill attempts to set measures that not only overturns the Privacy Act projections, but recreates a system that affects the minorities in our America.

As the Honorable Jimmy Carter so eloquently stated in his 1981 farewell address, "America did not invent human rights. In a very real sense . . . human rights invented America."

As we move into the new millennium, let us continue to build bridges in our Nation. We need to address the facts of this proposed legislation and not be distracted by the rhetoric.

All Americans should have the inalienable right to vote and that right must not be determined based on whether an elected official decides that one of our fellow Americans is "ethnic-looking" versus "American-looking."

In closing, I will leave with the powerful statement of the Reverend Dr. Martin Luther King, Jr., "Injustice anywhere is a threat to justice everywhere."

IN HONOR OF JIM CALHOUN

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to a constituent of mine, Jim Calhoun of Mansfield. Mr. Calhoun is the Coach of the University of Connecticut Men's Basketball Team. On December 30th of 1997, Jim recorded his 500th victory as a college coach and more significantly, he is the first coach to win 250 games at two different Division I schools: the University of Connecticut, which is my *alma mater* and Northwestern University.

Mr. Calhoun is the first New England coach to reach the 500 victory mark and he now has more victories than any Division I coach in that six-state region. It is all part of a composite that has earned him a standing as one of Connecticut's most popular personalities.

In the 500 victory category, Calhoun joined such giants of the sport as Dean Smith, John Wooden, Phog Allen, Adolph Rupp and John Thompson. Thompson, the Georgetown mentor, made a significant observation when he was quoted as saying "Jim doesn't get the credit he probably deserves nationally, but he's one of the best coaches in the country."

Calhoun was the 46th coach in Division I history to reach the 500 win milestone, but he is number one among UConn fans for the contributions he has made to the State University since he took over its basketball program in 1986. His first coaching assignment after college was at Old Lyme High School, one of the excellent schools in the Second District that I proudly represent.

Since his time at Old Lyme, as one newspaper headlined, he has been a "consistent winner." That is the most accurate assessment of this legendary coach in the fullest measure of the term.

My congratulations to Jim, Pat, his wife of 31 years, and his children.

Calhoun and UConn, a wonderful and productive partnership for his students, players, University, and for our entire community.

IN RECOGNITION OF NATIONAL ENGINEERS WEEK

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. TIERNEY. Mr. Speaker, I rise today to commemorate National Engineers Week which is being celebrated on February 22–28, 1998.

I am so proud of the engineers in the Sixth District of Massachusetts. Engineers are a vital component of the work force, and these individuals make significant contributions not only to technology, but to society as a whole. I am particularly proud of the more than 500 engineers working for our national defense at Hanscom Air Force Base, home of the Air Force Electronic Systems Center. These men and women have developed and fielded countless new capabilities for our armed forces, systems that help protect our military members in wartime and deter potential aggressors during peacetime. These systems serve as the eyes and ears of our military commanders, using the latest technologies to cut through the fog of war and see where no one else can see. The engineers at Hanscom Air Force Base have a long and proud legacy of developing electronic systems—from the DEW Line to AWACS to Joint STARS—and they are working today on the new capabilities that will maintain America's technological superiority. They are true pioneers of possiblities, working with the belief that excellence is the basis for success and tomorrow will be better than today.

On February 19, General Electric Aircraft Engines in Lynn, Massachusetts, celebrated Engineering Recognition Day. The day highlighted past achievements of GE personnel in the areas of engineering, technology, and customer service, recognizing those individuals and teams who made truly notable contributions during the course of the year. This year's theme, "Product Preeminence Through Six Sigma Quality," captured the importance that business places on the Six Sigma initiative and its potential for GE Aircraft Engines. The 550 engineers and the additional 500 technical and support staff at GE in Lynn work in harmony to comprise the aerospace industry's top engineering functions—designing, manufacturing and supporting the best jet engines in the world.

Mr. Speaker, I am proud of the accomplishments of the engineers all over America, and in particular the engineers of the Sixth District of Massachusetts. I hope my colleagues will join with me in recognizing National Engineers Week and the engineering profession for their tireless work to advance American society.

TRIBUTE TO GREG GUINAN

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise to pay tribute to my friend, a native Coloradan Greg Guinan who is retiring after a stellar career of nearly forty years with the Tribune Company and for the past 29 years with its Denver station, KWGN the very first television station in Colorado.

Under his guidance, Denver's channel 2 has gone to extraordinary lengths to report on, inform and uplift our community. For the past 27 years, Greg has produced and appeared on "Your Right to Say It," featuring leaders from Colorado and the nation. Greg has been the catalyst for environmental initiatives "Clean It Up Colorado." He has overseen the telecast of various activities from Denver's St. Patrick's Day Parade to our Easter Seal's Telethon, to a moving 50th anniversary documentary of World War II. In 1996, he spearheaded a remarkable "Yes to Youth" fund which raised $2.2 million for Colorado non-profit organizations.

Let me note in closing that my good friend Greg is also a former Marine. To best describe this wonderful person and the fashion in which he conducted himself throughout his remarkable career, I think the Marine Corps motto fits best—Semper Fidelis, always faithful.

INTRODUCTION OF H.R. 3205

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. COOK. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Congressman McGOVERN as an original cosponsor of H.R. 3205, legislation that will address some serious problems caused by certain provisions included in the Balanced Budget Act.

There were several provisions included in the Balanced Budget Act intended to target Medicare waste and fraud occurring in the home care industry. However, some of these provisions missed the target, and one, the so-called "Interim Payment System"—or IPS—is causing a great deal of hardship and heartbreak for seniors in Utah and across the nation.

The IPS was intended to transition the home care industry from a retrospective, cost-based reimbursement system to a prospective payment system. The IPS will impose tight spending limits on home care providers. A prospective payment system is currently used by Medicare to calculate reimbursement to hospitals and other providers. Moving home care to a prospective payment system is a sensible reform which I support. However, we also need a sensible transition to a prospective payment system. The IPS as it has been implemented by the Health Care Financing Administration, is not providing a sensible transition. Instead, the IPS is creating chaos and financial distress for home care providers and beneficiaries. Why is it doing that?

First, the IPS has put the cart before the horse. It was put in place beginning in October of last year. However, HCFA will not be able to tell home care agencies what their new IPS spending limits are until April of this year—at the earliest. Home care providers have to guess how much they need to cut back care. If they do not cut enough, they will be penalized. If they cut too much, it will obviously hurt beneficiaries. As one of my constituents who runs a home care agency wrote: "we are operating completely in the dark." Common sense argues for announcing regulations first, then requiring compliance.

Second, the IPS has created a Rube Goldbert system where home care providers are rewarded or punished depending on what kind of fiscal year they use. Let me try to explain this. Under the IPS, reimbursement rates are projected from a base year which is defined as "fiscal year 1994." Because different agencies use different fiscal years, this provision will impact the agencies differently. This grossly distorts payments to home health care providers and the entire market for home care. Agencies who have a "favorable" fiscal year will have a competitive advantage over agencies with an "unfavorable" fiscal year. For example, an agency with a fiscal year that begins on October 1, will have its reimbursement rate based partially on what it was spending in 1993. Other agencies base years will be in calendar year 1994, when their spending may have been higher than a fiscal year that straddles 1993 and 1994.

The legislation that Congressman McGOVERN and I have introduced will address these problems and provide a sensible transition to a prospective payment system. First, it will extend HCFA's deadline for developing the Interim Payment System to August, 1998, and delay implementation of the caps under the IPS until October 1, 1998. That way the regulations will be announced before the home care providers have to comply. It will let the providers know what kind of cost limits they need to meet and more importantly, it will give them more time to meet those limits.

H.R. 3205 will also change the base year used to calculate the agency's cap. Instead of "federal fiscal year 1994," the home health care providers would be permitted to use a cost reporting period ending either during fiscal year 1995, or calendar 1995. This will soften the severity of the cuts by moving the base year forward to 1995 and eliminate the distortions created by agencies' use of different fiscal years.

While this bill applies directly to home care providers, it is obviously critically needed for the senior citizens who are the recipients of home care. Often home care makes all the difference between our senior citizens remaining independent and moving into institutional care. Many of the letters and phone calls that I am receiving from my elderly constituents emphasize the crucial difference that home care makes. More individuals receiving institutional care means more state and federal Medicaid spending. These provisions in the Balanced Budget Act could ultimately cost money as spending moves from the Medicare/home care side of the ledger to the Medicaid/nursing home side.

Prior to the Balanced Budget Act, Medicare was in desperate need of reform. Most of the reforms included in the Balanced Budget Act are sensible and will help this vital program survive into the 21st Century. I want to commend Congressman McGOVERN for developing a sensible, measured bill that will address these serious problems. I look forward to working with him to see this legislation through to passage.

GUAM AND HUMAN RIGHTS DAY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. UNDERWOOD. Mr. Speaker, the Bill of Rights contained in the Constitution of the United States outlines the fundamental freedoms granted to all American citizens. There have been many interpretations and challenges to these amendments, yet it is evident that the Bill of Rights are timeless principles which guarantee protection and accord opportunities for all Americans.

Many of us have taken our fundamental rights for granted. Although we are constantly reminded by current events that the citizens of other nations are not afforded these essential liberties, it is easy to forget that the rights we enjoy are not shared by a majority of the world's population.

On December 10, 1948, the General Assembly of the United Nations overwhelmingly adopted the Universal Declaration of Human Rights, a document based on the United States Bill of Rights. This document explicitly sets forth a list of fundamental rights from the right to life to the right to participation in the cultural life of a community.

I cosponsored a resolution last year, H. Con. Res. 185, which calls on the United States to reaffirm its dedication to the Universal Declaration of Human Rights' tenets.

The celebration of Human Rights Day on December 10 is in direct correlation to the approval of the U.N. Universal Declaration of Human Rights. Not only does this remind us of the continuing global fight for basic human rights, it also serves as a forum to honor those committed to this fight. I commend the following individuals from Guam for their initiatives in the fight for human rights: Senot Carlos P. Taitano, Senot Antonio M. Palomo, Senot Eddie D. Reyes, Senot Ted S. Nelson, Senot Ben G. Blaz, Governor Carl T.C. Gutierrez, Senot Joseph F. Ada, Senot Paul M. Calvo, Judge Benjamin J.F. Cruz, Attorney Michael F. Phillips, Senator Angel L.H. Santos, Senator Mark C. Charfauros, Senora Hope A. Cristobal, Senora Marilyn D.A. Manibusan, Dr. Katherine B. Aguon, Senot Henry M. Eclavea, Senot Vicente U. Garrido, Senot Manuel L. Tenorio, Senot Ivan Blas DeSoto, Senot Antonio A. Sablan, Senot Juan M. Flores, Senot Ed Benavente, Senot Ron Rivera, Senot Ron Teehan, Senot Chris Perez-Howard, Senot William Hernandez, and Senot Norbert P. Perez.

On December 10, 1997, the Ancestral Landowners' Coalition (ALC) invited me and several other community leaders to their forum on human rights. I applaud the ALC's efforts for supporting the people of Guam's struggle to fight for our civil rights, for although Guam is under the American flag, there are still issues, such as our petition for commonwealth status, with which the people of Guam feel the federal government has not addressed sufficiently.

Remembering Human Rights Day on December 10 will renew our dedication to supporting universal civil rights. I encourage the people of the United States to set the example for the rest of the world: continue supporting Human Rights Day and bring attention to the plight of those punished for exercising their right to simply live as a human being.

THE 50TH ANNIVERSARY OF THE INCORPORATION OF THE CITY OF MILLBRAE, CALIFORNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. LANTOS. Mr. Speaker, it is a great pleasure for me to congratulate the beautiful City of Millbrae, California, on the 50th anniversary of its incorporation. Located just 16 miles south of San Francisco on magnificent sloping land between San Francisco Bay and the Pacific Ocean, Millbrae has evolved through the years from rural farmland to a sleepy town to a bustling suburban community. Despite all these changes, Millbrae has remained an outstanding home to its 21,000 citizens, a nourishing environment for parents to raise children and for citizens to become involved in their schools and their neighborhoods.

Millbrae's history begins long before the presentation of its City Charter on January 14, 1948. It can be traced back to the years prior to the birth of our country. The first documented residents were the Costanoan Indians, who were joined during the 18th century by Spanish explorers traveling north from Mexico. The first sighting of San Francisco Bay by the European newcomers took place near Millbrae's present border, on Sweeney Ridge in 1769.

Growth was quite limited during the next century, Mr. Speaker. In the 1860s, financier and philanthropist Darius Ogden Mills purchased a large tract of land in what is now Millbrae. He encouraged the development of his property, which he named Millbrae, combining his last name with the Scottish word brae, which means "rolling hills." While the area encompassed by the estate remained largely rural, dairy, a train depot, and several other buildings eventually joined Mills' impressive mansion.

As San Francisco matured into a leading American city, Millbrae and other surrounding communities steadily grew and began to thrive. Around 1919, the West Coast Porcelain Works Factory opened in Millbrae, creating enough jobs to boost the area population to over 300 people. Eight years later, on May 7, 1927, Mayor James Rolph, Jr., of San Francisco dedicated the Mills Field Municipal Airport just east of Millbrae. By the end of 1928, 22,352 flights carrying 38,302 passengers had used the new airport. Today—seventy years later—the facility, now called San Francisco International Airport, handles over 35 million passengers annually, is one of the major airports in the United States, and remains a major boon to Millbrae's economy. The City currently claims over five hundred flourishing businesses, including six major hotels, and branch offices of leading financial institutions.

Millbrae organized a volunteer fire department in 1931, a signal of the progress and rapid growth that continued unabated during the Great Depression and post-World War II years. This progress culminated in the incorporation of the City of Millbrae less than three years after V–J Day.

The half-century since its incorporation, Mr. Speaker, has witnessed the continuing growth and invigoration of Millbrae's economic and social life. As the able and devoted city mayor, Mark Church, explained:

> Despite tremendous growth and change in and around the City, Millbrae still remarkably maintains its unique charm. Millbrae is strengthened by its citizenry who give selflessly for the betterment of the community. An economically viable, balanced community, where residents enjoy a high quality of life is the result.

Mr. Speaker, the outstanding quality of life that the citizens of Millbrae enjoy is the result to a long line of dedicated city officials and city workers, including Mayor Church, the current Millbrae City Council, the City Administrator and the 136 full-time employees. They serve as a hallmark of the City's long tradition of public service and devotion to community.

I would like to encourage all of my colleagues to visit this splendid city. Millbrae is the host of a number of wonderful events throughout the year. One of the premier activities is the annual Millbrae Art & Wine Festival, one of Northern California's premier events with over 250 craftspeople and 20 international food vendors. The City also boasts a year-round Farmers Market, which attracts an average of 2,000 patrons every Saturday.

But as wonderful as it is to visit Millbrae, Mr. Speaker, it is an even greater delight to live there. I can personally attest to this, as I lived in the City for ten years and served as a member of the Millbrae School Board for eight years. Millbrae's spirit and energy represents the best our nation has to offer, and I am honored to invite my colleagues in this House to join me in congratulating Millbrae on the 50th anniversary of its incorporation.

TRIBUTE TO MARIO LOMBARDO AND STEVEN NICHOLAS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Mario Lombardo and Steven Nicholas, both of Haledon, New Jersey. Mario and Steve are being sworn-in as members of the Haledon Borough Council on Saturday, January 3, 1998.

Mario Lombardo has been a resident of the Borough of Haledon for 18 years. His family emigrated from Italy to the United States when he was nine years old. A graduate of Passaic Valley Regional High School, Mario has been a member of the Manchester Regional Board of Education for seven years, and has served as vice-president. He is a member and past president of the San Andrea Social Club; a member of the Passaic County Republican League; vice-president of the Haledon Independent Republican Organization; and, a member of the Board of Adjustment for the Borough of Haledon.

Mario has been a hair stylist since 1960 and is fluent in three languages. He is the proud father of three sons, Donald and twins, Mark and David.

Steven Nicholas has been a Haledon resident for 19 years. A graduate of the New Jersey Institute of Technology (NJIT), Steve is employed by Erasteel, Inc. where he is operations manager. He has been a member of the Haledon Board of Education for nine years and has served as president for four years and vice-president for two years. Additionally, Steve has served the P.A.L. (Police Athletic League) for six years.

Steve has also served on the Key Communications Committee of Manchester Regional High School, and was a committee member for the high school's Project Graduation.

Steve is married to the former Ida Fattorusso and is the proud father of Lisa, of William Paterson University, and Steven, of Manchester Regional High School.

Mr. Speaker, I ask that you join me, our colleagues, Mario and Steve's family and friends, and the Borough of Haledon in recognizing the many outstanding and invaluable contributions Mario Lombardo and Steven Nicholas have made to the community as they take office as Councilmen of the Haledon Borough Council.

IN MEMORY OF KERNAA D. MCFARLIN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. BROWN of Florida. Mr. Speaker, I rise today to recognize the contributions of a "most outstanding musician", Kernaa D. McFarlin.

At age eleven, Kernaa D. McFarlin began his career in Tampa, Florida under the tutelage of Captain Carey W. Thomas, retired director of bands at Florida A & M University. Later, he played in the Middleton High School Band and received a scholarship to Florida A & M upon graduation.

During his college years, he was the woodwind section leader in the band and orchestra. Kernaa credits Leander Kirksey with outstanding woodwind instruction. In 1943, Mr. McFarlin was inducted into the U.S. Army and soon became a member of the famous 92nd Infantry Division Band. During his military career, he attained the rank of Sergeant.

After leaving the army, Kernaa returned to Florida A & M where he participated in the college bands under the direction of William P. Foster. Because of Mr. McFarlin's experience and training, he was able to provide valuable assistance and leadership in the development of the newly re-activated college band program.

Upon graduation, Kernaa McFarlin was appointed to be the first official band director at Stanton Senior High in Jacksonville, Florida. During his tenure as the band director, he earned a Master's Degree from the New York University. McFarlin's bands amassed a total of nineteen consecutive years of superior ratings in the Florida Association of Band Directors and the Florida Bandmasters Association contests.

Other highlights of the achievements of this band include: being selected as Florida's representative at the 1964 New York World's Fair, participating in three Florida Governor Inaugural parades, and being selected by the Florida Department of Education in 1966 Midwest National Conference of Colleges and University Education's "Education is for All" convention. In 1966, Mr. McFarlin's Stanton High School band was recognized by the "Instrumentalist" magazine as one of the "highly regarded bands in the Southeast."

For the past twenty-seven years, Mr. McFarlin served as an honorary member and adjudicator of the Florida Bands Association. He received over fifty awards for musical excellence and community service.

Mr. McFarlin's achievements can best be described by his students who all echoed that "Mr. Mac" as they lovingly referred to him, not only taught them music, but character and Christian values necessary for successful living.

An award, "Most Outstanding Musician" was named in McFarlin's honor has been established at the Stanton Preparatory College Band and is given annually to the most deserving student.

The State of Florida has been fortunate to have shared the talents of Kernaa D. McFarlin.

Mr. McFarlin passed on December 21, 1997.

SALUTE TO OUR WINTER OLYMPIANS

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. KIND. Mr. Speaker, the Olympics have a history of promoting national pride and memorable moments. Regardless of the sport or background, the Olympics bring out the best in athletes and brings our world together. A number of people from western Wisconsin made their mark in Nagano, each in their own unique way that epitomizes the nature of the games.

Mike Martino from La Crosse, WI received a bronze medal for ice sculpting at the Olympic Festival of the Arts in the Olympic Village. His sculpture, "Nature's Way," depicted a winter landscape of wind shaping the snow.

Curling had been an Olympic demonstration sport numerous times before, but this was the first time it was included as a medal sport. Although the team came one spot short of a bronze medal, Mike Peplinski from Eau Claire, WI was able to compete even though he has a rare kidney disease and is scheduled to receive a transplant.

By far the most memorable image of these past Olympics was when the women's hockey team won the first gold medal awarded for women's hockey. Karyn Bye, from River Falls, WI led the team in scoring through the games and was third overall in scoring out of all the teams participating. To see Karyn carry the flag after the gold medal victory inspired feelings of pride and captivation.

On behalf of the people of western Wisconsin, I would like to salute our Winter Olympians, Mike, Mike and Karyn. Their hard work, dedication, and love of country is an inspiration to everyone. These Wisconsin natives embody the true Olympic spirit, which makes them all winners.

IN HONOR OF THE FOUNDING OF THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC)

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. SANCHEZ. Mr. Speaker, today I rise to honor the League of United Latin American Citizens on this their sixty-ninth birthday.

LULAC was founded in Corpus Christi, Texas in 1929 and is the oldest and largest Hispanic civil rights organization in the country. Since its beginning, LULAC has promoted the cause of Hispanic Americans in education, employment, economic development and civil rights. LULAC has established nationwide programs for educational attainment, job training, housing, scholarships, citizenship, and voter registration.

LULAC has adopted a legislative platform that promotes humanitarian relief for immigrants, increased educational opportunities for our youth, and equal treatment for all Hispanics in the United States and its territories, including the Commonwealth of Puerto Rico.

In every endeavor, LULAC has stood for the rights of individuals. Through community outreach, LULAC has touched the lives of thousands of Hispanic members of society.

My congratulations to the founders and members of LULAC and my best wishes to the continued success of this venerable organization on its sixty-ninth birthday.

IN MEMORY OF JOHN J. BROSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of John J. Broski for his years of service to Cleveland-area athletics and education. Mr. Broski was a dedicated educator and mentor to students of all ages.

Mr. Broski was destined for greatness from the beginning of his high-school career. As a student at South High School, Mr. Broski earned six varsity letters and excelled in sports, specifically baseball and basketball. After playing freshman baseball at Western Michigan University, Mr. Broski Played minor-league baseball with the Cleveland Indians, igniting his interest in Cleveland sports. Mr. Broski obtained a master's degree from Western Michigan in 1955 and earned guidance counselor certification from Kent State University in 1968.

Mr. Broski was named head coach at East Technical High School in 1954. During his tenure as coach, Mr. Broski won two state championships in class AA and was named Ohio Coach of the Year in 1959. Mr. Broski continued coaching at several area high schools and became a guidance counselor in 1968. With his retirement from Parma High School as guidance counselor in 1985, Mr. Broski became a registrar with Dyke College, now known as David N. Myers College, where he had coached basketball in the late 1970s.

Mr. Broski was the lone Cleveland Cavaliers basketball scorer from 1970 until his death in 1996. His devotion to the Cavaliers and the new professional women's team, the Cleveland Rockers, highlight his tremendous life. Mr. Broski leaves behind his wife of 22 years, Paula; two daughters, two grandchildren, and a brother.

My fellow colleagues, join me in saluting the life of a truly dedicated educator and sportsman, Mr. John J. Broski.

CONGRATULATIONS TO GUAM BUSINESS MAGAZINE ON THEIR 15TH ANNIVERSARY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to recognize Guam Business Magazine as it celebrates its 15th anniversary on March 1, 1998. This monthly magazine has consistently provided Marianas and Micronesian readers with lengthy analysis, exciting, well written articles and in-depth coverage of business trends and developments in Guam, the Northern Marianas and the rest of Micronesia. For a decade and a half, Guam Business Magazine has set journalistic standards in the region through consistent quality production, proving wrong those who thought a small community like Guam could not support such a sophisticated business journal.

A logistical achievement in and of itself, Guam Business Magazine has never missed the publication or distribution of an issue, despite occasional typhoons, airline disruptions and distant printing schedules. Entering its 16th year of publication, Guam Business is the oldest monthly magazine in the western Pacific. It has established itself as the publication of record for a variety of business statistics, including new business licenses, bankruptcies, new vehicle and home sales, and mortgage updates; thus serving as a useful tool for tracking economic climates in Guam and the Northern Marianas.

Guam Business Magazine was the brainchild of Joe T. Couch, president of Glimpses of Guam, Inc., and Laling Cruz-Couch, executive vice president, who saw the need to rate the pulse of Guam's vibrant and growing business community and to provide that information in a well-written, well-designed monthly magazine. Despite the difficulties inherent in publishing a magazine in a small island community, Joe and Laling remained committed to this risky business venture, established on March 1, 1983, and built it into the success it is today. Through the efforts of its founders and dedicated publisher, Stephen V. Nygard, Guam Business Magazine is recognized as the authority on business in Micronesia and enjoys a reputation for accuracy and fairness.

Over the past 15 years, Guam Business Magazine, its staff, and many of its contributing writers have been recognized with numerous awards from the Guam Press Club, the Marianas Chapter of the Society of Professional Journalists, and Guam Media Awards. In return, Guam Business Magazine contributes to Guam's business community by annually naming an Executive of the Year. Chosen from nominees selected from Guam's own business community, the Executive of the Year announcement is a much-anticipated event. The award also is entering its 16th year.

With best wishes for continued success, I congratulate Joe, Laling and Steve, and Guam Business Magazine's dedicated staff, Editor Sondra White; reporters Sarah Cresap and Abigail M. Wade; Sales Director Vicki L. Anderson; Sales Representative Kimberlee B. Hollingsworth; Production Director Dorie Abdon; Art Director Masahide Muramatsu; and Design and Production Coordinator Allan R. Abad.

100TH ANNIVERSARY OF THE SAINT CIRO SOCIETY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the 100th Anniversary of the Saint Ciro Society. The Saint Ciro Society will be celebrating this memorable occasion on Saturday, January 31st.

The Saint Ciro Society was founded in 1898 by Italian immigrants, many of whom came from the small town of Marineo in the Province of Palermo. Saint Ciro is the patron saint of Marineo and it was only natural that these immigrants would dedicate their association to the Saint to whom they were so devoted. In time, the Saint Ciro Society became the place where these immigrants could go and not feel isolated by language barriers and discrimination. It was a touch of home in a far away place.

As time passed, enough money was raised to make it possible to buy a site where they could go and feel accepted and share their experiences of living in a foreign land with their fellow "paisans." Eventually, a chapel was built where Saint Ciro could be venerated. Gathering at their site on Gaston Avenue in Garfield, New Jersey, members of the Saint Ciro Society pray in the chapel where masses are often celebrated by local priests in addition to priests visiting from other countries.

The Saint Ciro Society has a long history of association with Our Lady of Mount Virgin Church as well as aiding numerous charities. The society has donated close to $25,000 to help build a church in the Republic of Congo (formerly Zaire), where the Adorno fathers have a mission supported by the organization. The Saint Ciro Society also supports the Collegine Sisters in Tanzania and Father Salerno's mission in Peru. Additionally, the society has raised $15,000 to help acquire and send a much needed ambulance to the town of Marineo.

The charity of the Saint Ciro Society is not limited to just foreign countries. In 1996, $8,600 was donated to having a shrine installed in honor of Saint Ciro and in helping to defray the costs of renovating the organization's church. Always an integral part of the community, the society helps all those in need by helping to pay rent or medical bills and, every year at Christmas, the society collects food for the needy. Over the past two years, the collected food has been brought to the food pantry at Mount Virgin.

As a valued member of the community, the Saint Ciro Society provides yearly scholarships to worthy Italian-American students, one each from Garfield and Lodi High Schools. One year the society also provided a mobile mammography unit to help screen for breast cancer and stands ready to do it again.

Mr. Speaker, I ask that you join me, our colleagues, the members of the Saint Ciro Society, and the community of North Jersey, in recognizing the many outstanding and invaluable services provided by the Saint Ciro Society. It is only fitting that we honor the society on the occasion of the 100th Anniversary.

A SPECIAL TRIBUTE TO JUDGE JOHN A. HOWARD

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. STOKES. Mr. Speaker, I am proud to join with others in saluting an outstanding member of the nation's judicial system. In just a few days, on February 28, 1998, friends, family and colleagues will honor Judge John A. Howard. Judge Howard recently retired as Presiding Judge of the Elyria Municipal Court. At the Appreciation Banquet, he will be recognized for a career built upon leadership and commitment.

I take special pride in saluting Judge Howard. He is a good friend whom I admire and respect. I want to share with my colleagues and others throughout the nation some information concerning this distinguished individual who is being honored.

Judge John A. Howard is a native of Elyria, Ohio, and graduated from Elyria High School. He attended Florida A&M University where he received Bachelor of Arts and Bachelor of Science Degrees. He went on to attend Ohio State University and Franklin University, receiving his law degree in 1949. He was admitted to the Ohio State Bar that same year.

Mr. Speaker, John Howard was appointed to the Elyria Mayor's Court in 1954. His career also included service as City Prosecutor and City Solicitor, and Chief Adult Probation Officer for Lorain County. In 1983, Judge Howard was appointed Interim Clerk of the Courts. His appointment in 1984 as Presiding Judge of the Elyria District Court represented the highlight of a notable legal career. Throughout his career, Judge Howard has demonstrated the highest level of integrity and devotion to duty. His efforts have won him respect and praise from his friends and colleagues.

Judge Howard has received numerous awards and honors from organizations throughout the State of Ohio. He received an award for Superior Judicial Service from the Supreme Court of Ohio, and an Honorary Doctor of Law Degree from Capital University. He has also been recognized by the National Conference of Black Lawyers, and he received the "Man of the Year" award on at least three occasions. He is also a member of the Florida A&M University Hall of Fame. Judge Howard's memberships include the American Bar Association; Ohio State Bar Association; and Lorain and Cuyahoga County Bar Associations. He is a member of the Lorain County Urban League; the Association of Municipal/County Judges; and the Ohio Judicial Foundation. Judge Howard is a former president of the Ohio State Bar Association.

Mr. Speaker, I am pleased to join in the Appreciation Banquet honoring Judge John Howard. He is more than deserving of this special tribute. I take this opportunity to extend my best wishes and applaud him for a job well done.

A POEM IN TRIBUTE TO PFC. FERREL F. McDONNELL, UNITED STATES ARMY, 66TH PANTHER DIVISION, COMPANY F, 262ND INFANTRY REGIMENT, COMPANY HEADQUARTERS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. TIERNEY. Mr. Speaker, I rise to recite a Poem written by Tom Cordle that is a tribute to Pfc. Ferrel F. McDonnell and the soldiers of the 66th Panther Division who died during the sinking of the S.S. *Leopoldville* on December 24, 1944.

Hell is not the place you think
For I have seen its murky ink
Though there is fire down in that hole
It's cold and wet and chills the soul
December Channel, dark and cruel
Coffin on that mournful Yule
Fifty years have passed away
Fifty years like yesterday—

Christmas Eve of '44
The *Leopoldville* just off shore
Of Cherbourg and its dancing lights
The U-Boat had us in her sights
Torpedo caught us in the hold
The water rushed in—Oh, so cold!
Steel and wood and flesh all met
Oh, God! I wish I could forget!

But heroes rose up everywhere
Brave hearts fought their own despair
To comfort wounded, dying, weak
And tried to find the words to speak
They gave their all that some might live
Till they had nothing left to give
Then prayed to find the strength to stand
"God, Oh God, make me a man!"

The *Brilliant* came through churning seas
Answering our urgent pleas
She pulled along our starb'rd side
"Jump or die!," her crewmen cried
Men climbed up on the rolling rail
And prayed somehow they would not fail
To breach that twenty feet and odd—
And leaped into the arms of God

Some conquered space and borrowed time
And made the *Brilliant* or its lines
But others lost their deadly bet
And plunged into the dark, cold, wet
And swallowing sea and fought for breath
And knew the briny taste of death
Or fought the water's clawing pull
Till they were crushed between the hulls

Strong, young soldiers watching wept
For promises would not be kept
For children they had never seen
For all the dying of their dreams
Some were but boys, some not quite men
But they would not be boys again
For only men survived such sights
And all grew old in that one night

Cherbourg glittered on the shore
Laughing at our dreams of war
To die and never fire a shot
To die and never know for what
No glory, only senseless waste
With salty, oily aftertaste
No glory, only drowning dance—
Death by simple, crazy chance

But death is not the end of things
For those who've felt its searing sting
For hearts that will forever feel
For wounds that never really heal
We pay with photos, black and white
We pay with voices in the night
We ask the endless haunting why?
A son or husband had to die

What matters why the soldier falls?
What matters but the answered call?
Who measures sacrifices made?
Who dares deny the price was paid?
And there are channels yet to cross
And wars to fight that can't be lost
And men will die and do their part
Till freedom rings in every heart

So let there be no bitter tears
Let us remember better years
And those whose blood has bought and paid
That we might live lives unafraid
And let us honor valiant men
For here tonight, we say again
There is but one thing worth the price
Of such unselfish sacrifice
"Freedom!" "Freedom!" "Freedom!"

IN HONOR OF LINDSAY LEACH, BRONZE CONGRESSIONAL AWARD WINNER

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. DOYLE. Mr. Speaker, I rise today in praise of an outstanding young adult from the 18th Congressional District of Pennsylvania, Ms. Lindsay Leach, a Congressional Award medal recipient. Lindsay's commitment to self-development and community involvement serves as an inspiration to people of all ages, and illustrates the accomplishments that come with hard work and determination.

Without motivation, however, hard work and determination are destined to remain unfulfilled ideals. Lindsay's motivation breathed life into numerable commendable acts. Not only did Lindsay involve herself in volunteer work, but invested time in broadening her physical and artistic skills. While much of what is directed towards young people is prescriptive in nature, it is important to note that these acts were of Lindsay's own design and were completed with her own resolve.

Upon review of Lindsay's achievements, one is particularly struck by the considerable amount of time that was devoted to obtaining this award. Hundreds of hours over the course of months were invested. Clearly, Lindsay recognizes the immense value of giving one's time to others. It is my hope that your actions foreshadow a life distinguished by the pursuit of new challenges.

Congratulations Lindsay! Best wishes to you for continued success.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. BOYD. Mr. Speaker, since 1926, America has designated February as Black History Month, a time when we honor the achievements of African-American leaders and their contributions to our great nation. This month also provides us with an opportunity to reflect upon the progress that Americans have made as a nation in our struggle to promote the constitutional ideals of liberty, equality, and justice. In honor of Black History Month, I would like to take a moment to recognize Florida Agricultural and Mechanical University, a Historically Black College in my district that has been nationally recognized not only for the great African-American leaders that it has produced, but for also its success in fostering these sacred constitutional principles.

At a time when there is an urgent need for greater access for minorities to higher education, FAMU has risen to meet the challenge. The school opened its doors on October 3, 1887, when segregation was required by law, with 15 students and one professor, but today, student enrollment is over 10,000. Even more impressive is the caliber of students that FAMU draws to its campus each year: the school competes with Harvard annually for the highest number of National Achievement Scholars. Recognizing FAMU's high quality education program, last year Time magazine and Princeton Review named FAMU The College of the Year.

FAMU's recent successes can be attributed to its President, Dr. Frederick S. Humphries. Dr. Humphries has also received national recognition; last month, The Orlando Sentinel named him the Floridian of the Year, an award that the paper grants each year to a person who has made the most outstanding contribution to Florida. Dr. Humphries has tirelessly committed his time and energy to promoting the interests of FAMU and making the school and its community what it is today.

Black History Month is a time to celebrate the achievements of African-Americans. Today, in honor of Black History Month, I hope that the citizens of North Florida will take a moment to recognize the work that FAMU and Dr. Humphries have done to make high-quality higher education available to the nation's African-American students.

In addition, I would like to encourage my constituents to take time to participate in Black History Month. Last month, in honor of Martin Luther King, Jr. Day, I took part in several programs throughout North Florida to commemorate the legacy of Dr. King. I found these events to be a wonderful way to learn more about the history of our nation's African-American leaders, and also an opportunity to come together with other community members to share in celebration. I greatly enjoyed attending both FAMU and Florida State University's events honoring Dr. King and participating in Jackson County's Day of Service, among other events. I hope that the people of North Florida will use Black History Month as a chance to learn more about the great role that African-Americans play in every facet of our human society; for when we recognize the contributions of each individual to the whole, we can unify to build a more perfect America.

THE BROOKLYN IRISH-AMERICAN PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. SCHUMER. Mr. Speaker, I submit the following: Whereas, The Brooklyn Irish American Parade Committee's organization and purpose is to honor the cultural, educational and historical contributions and accomplishments of the Irish to their community, borough, city, state and nation; and

Whereas, This parade encourages a knowledge and appreciation of an ancient Irish heritage; and

Whereas, This annual event is a celebration of Brooklyn's cultural diversity and richness; and

Whereas, This parade takes place in historic Park Slope on the hallowed ground of the Battle of Brooklyn and commemorates the Marylanders, Irish Freedom Fighters and Americans of other ethnic backgrounds who gave their lives to secure independence for our America; and

Whereas, The Spirit of '76 was, and still is, the ideal of the Brooklyn Irish American Parade; and

Whereas, This year's parade is dedicated to the memory of Patrick Heaney, Drum Major of the Clann Eireann Pipe Band of Brooklyn, for over forty years, and who was a loyal supporter of the Committee; and

Whereas, This year's Parade Theme is the bicentennial of the "Rebellion of 1798" when 100,000 Irish men, women and children, with inspiration from the American Revolution, rose up with bare hands and pitch forks to overthrow British occupation and oppression; and

Whereas, This year the Parade continues the memorialization of the Great Famine (1845–1850), when hunger and starvation devastated Ireland and its people with estimates of a million and a half who perished in

Ireland, on coffin ships and in the fever sheds; and

Whereas, The memory of the victims and survivors of when Ireland starved is sacred and never to be forgotten; and

Whereas, "The Great Famine" brought one million of Erin's sons and daughters to the port of New York; and

Whereas, It is only fitting that this year's Grand Marshal is William W. Whelan, President of New York City Fire Department Emerald Society and Chairman of the Great Hunger Memorial to be erected at Battery Park, New York in memory of the victims and survivors of "AN GORTA MOR", now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to commend the Brooklyn Irish American Parade Committee on its twenty third Annual Parade to be held on Sunday, March 15, 1998; its Grand Marshal, William W. Whelan, and his Aides, Sister Elizabeth Hill, President of St. Joseph's College and Educator; Richie O'Shea, Band Leader representing Irish Culture; James Buckley representing Irish Business, Buckleys of Flatbush and Kennedys of Breezy Point; Frank Carroll, President of the United Irish Counties of New York; Mildred Kane representing Kings County Ladies A.O.H.; Michael Fitzgerald, President of Brooklyn's Shamrocks Gaelic Sports Club; Alfred F. Donohue, Kings County A.O.H.; Special Parade Honoree: Heinz M. Popp, President of Bay Ridge Car World and 1998 Benefactor to the Irish Community of New York; Parade Chairperson, Kathleen McDonagh; Dance Chairperson, Mary McMullan; Journal Chairperson, James McDonagh; Raffle Chairperson, Helen O'Shea; Parade Officers, Members and all the citizens of Brooklyn, participating in this important and memorable event; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to William W. Whelan, his Aides and the Brooklyn Irish American Parade Committee in Brooklyn.

CONGRATULATIONS TO UNITED STATES WOMEN'S GOLD MEDAL HOCKEY TEAM

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to ask my colleagues to join with me in recognizing the incredible achievement of the United States Gold Medal Women's Hockey Team. I am particularly proud that Gretchen Ulion of Connecticut's First District played as a member of this team. Gretchen is an accomplished hockey player, having played on three United States Women's National Teams. Gretchen also left a legacy of records at Dartmouth College. She excelled while playing for the Big Green, setting 11 Dartmouth and 4 Ivy League records. She is also a hero off the ice. Prior to the Olympic games, Gretchen taught high school math and history at the Pingree school in Massachusetts. She plans to continue teaching in the future. Gretchen is joined on the team by two other members with Connecticut roots: Sue Merz from Greenwich and Angela Ruggiero who is presently attending Choate Rosemary Hall in Wallingford.

The Women's Gold Medal in hockey is a great step forward for women and marks their contribution to athletics. The women's team's brilliant play showed not only their talent but their love of the sport. The team showed that a desire to prove themselves and earn respect for their game could lead to success. Women athletes prevailed in the 1998 Winter Olympics, winning eight of the thirteen medals earned by the United States. As Cammi Granato (captain of the 1998 United States Women's Olympic Hockey Team) carried the flag in the closing ceremonies, she became a symbol of the ideals that we cherish so deeply for our youth: heart, dedication, and unity, the kind of ideals that we now find in women athletes like Connecticut's Gretchen Ulion.

This Gold Medal, earned by the United States in the first-ever full medal Women's Olympic Hockey competition is a sign of things to come. As Jack Edwards of ESPN Sports Zone remarked, "They brought home the glittering gold. They'll have the rest of their lives to savor its aura."

THE PASSING OF PATRICK J. CAMPBELL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of one of the outstanding labor leaders in our nation, an individual whose footsteps will be difficult to fill.

Patrick J. Campbell is one of the few last members of a generation that truly knew the meaning of the word hardship. He is one of the last who learned at an early age that hard work is the path not just to success, but to survival.

Pat was born in New York City on July 22, 1918, and was orphaned six years later. This was an era when child welfare and social services were limited, so Pat went to work at a tender, young age. And work he did: shining shoes, hawking newspapers, and working in a candy-making factory.

At the age of 20, Pat moved to Rockland County, New York, in what is now my Congressional District. He became an employee at the Rockland State Hospital, but three years later his career was nipped in the bud with the dropping of enemy bombs on Pearl Harbor. Pat, at the age of 23, enlisted in the Army Air Force, and was one of the many of us who saw action in the South Pacific.

Soon after he returned to Rockland County, after a distinguished career of heroism in the service throughout World War Two, Pat signed up as an apprentice in Local Union #964, United Brotherhood of Carpenters and Joiners. Someone with Pat's talents, drive, and determination to work was not going to be kept down for long. He quickly moved up the ladder: to journeyman, to carpenter, foreman, general construction foreman, superintendent, and, finally, he was elected President of Local Union #964 in 1954.

Just a year later, his accomplishments as Local President were so impressive that he was appointed by U.S. General President M.A. Hutcheson to the International organizing staff. In this position, Pat met carpenters from throughout the free world and gained a greater insight into the problems facing the labor movement at the halfway mark of the 20th century.

In 1957, Pat was appointed a General Representative and assigned to the Niagara Power Project, one of the largest construction undertakings in U.S. history. Pat served as Chairman of the Labor-Management Committee of the entire operation.

Pat continued to advance through the ranks of the United Brotherhood of Carpenters and Joiners. In 1966, he was appointed Assistant to the General President; in 1969, he succeeded to the position of First District Board Member; and in 1974 he was promoted to the high office of Second General Vice President of the United Brotherhood of Carpenters and Joiners of America. He advanced to First General Vice President in 1980.

After 37 years of devotion to the well being of his fellow carpenters and to the labor movement, Patrick J. Campbell became General President of the United Brotherhood of Carpenters and Joiners of America when his predecessor retired, on November 1, 1982.

Mr. Speaker, I am pleased to report that Pat Campbell was just as willing and eager to help and advise after his rise to the National Presidency as he was prior to it. He never forgot his roots in Rockland County, and never hesitated to step forward any time he thought he could be of assistance to my efforts. I shall never forget the superb advice and assistance with which Pat was so generous. He was truly of great help to me in the burdens of public service.

Pat received many honors and awards throughout the years, and continued to serve as Vice President of the New York State AFL–CIO, as Director for the Board of the Urban Development Corporation for the State of New York as a Board Member of the Federal Committee on Apprenticeship, on the Executive Board of the maritime Trades Department, and in many other positions.

Mr. Speaker, I invite our colleagues to join in mourning the passing of a true gentleman who personified the best that the labor union movement has to offer, and to join me in expressing our condolences to his widow, Catherine Keane; his sons, Patrick and Kevin; his daughter, Cynthia; and his six grandchildren. Although no mere words spoken today can possible help ease their grief, they may take some comfort in knowing that many of us share their sense of loss on the passing of this remarkable, big-hearted gentleman, Patrick J. Campbell.

MR. TIM MOORE AND THE STUDENTS OF HERITAGE CHRISTIAN HIGH SCHOOL ARE 'WE THE PEOPLE' CHAMPIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to recognize truly outstanding students from West Allis, WI. Together with their teacher, Mr. Tim Moore, a group of students from Heritage Christian High School united hard work and dedication and have been judged this year's State of Wisconsin 'We the People' champions.

Heritage Christian High School students have consistently succeeded at the 'We the People' competitions, this year being the second time in recent years that a group has emerged victorious from the event. This consistency is no accident, and would not be possible without an impassioned interest by both Mr. Moore and his students in the Constitution of our nation.

The 'We the People' program, funded by the U.S. Department of Education by an act of Congress, compels students to critically examine our Nation's Constitution and provides an arena in which students can explore the intricacies of the document. With the help of a team of volunteers from outside the school, the students studied the history of the document and considered its present day applications.

I would like to again congratulate Mr. Moore and the students from Heritage Christian High School, and wish them continued success in this year's national competition in Washington, D.C.

ERIN WHITTEN—A GUSTY AND TALENTED ATHLETE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. SOLOMON. Mr. Speaker, there's one face missing from that Wheaties box, and it's that of Erin Whitten of Glens Falls, New York.

Mr. Speaker, I was enormously proud of our triumphant women's hockey team and their success in Nagano, Japan. And I got a kick out of their securing that sure proof of success in American sports, a team photo gracing that "breakfast of champions," Wheaties.

Who's Erin Whitten? Erin Whitten is the young lady who made it all possible. In 1993, Erin Whitten, then a goalie with the Toledo Storm, was the first women goalie to post a regular season in a professional hockey game. It wasn't the first "first" for Erin.

She raised some eyebrows when she was only seven years old in the Adirondack Youth Hockey Association. The Glens Falls High School Boy's Hockey Team posted a 21–9–2 record with Erin blocking 84.6 percent of the shots against her. She was the first female to play in the Division II high school state championships. And she was an all-conference honorable mention during the 1988–89 season.

At the University of New Hampshire Erin led the women's hockey team to a record of 54–14–4. She was a four-time ECAC goalie of the year, the University's 1992–93 Woman Athlete of the Year, twice ECAC player of the week, and a two-time Concordia University tournament player of the game. Her women's hockey record of 46 saves in one game still stands. Her collegiate save percentage was an impressive 91 percent.

After a career on minor league hockey teams, Erin began concentrating on the national team with the hope of making the trip to Nagano. Unfortunately, she was one of the last cuts.

But no doubt many of the stars on the women's hockey team, whose triumph ranks with that of the men's team in that glorious 1980 Winter Olympics in Lake Placid, now in our 22nd district, were first inspired by Erin Whitten.

It was she who proved that women, too, have the toughness it takes to play organized hockey, and that given a chance, a team of talented athletes like Erin Whitten play an exciting brand of hockey.

Erin is determined to stay in shape and make the team that represents us in the 2002 Winter Olympics in Salt Lake City. I, for one, would advise every one not to bet that she doesn't make the team. She has already proven herself, and any future history of U.S. women's hockey that's worth reading will devote a long chapter to this gutsy, talented athlete.

And so, Mr. Speaker, please join me in paying tribute to a remarkable young lady, Erin Whitten of Glens Falls.

INTRODUCTION OF THE MEDICARE UNIVERSAL PRODUCT NUMBER ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise to announce that today I will introduce the Medicare Universal Product Number Act, an important bill to cut waste, fraud and abuse in the Medicare program.

In 1996, the federal government conducted the first-ever comprehensive audit of Medicare's books. This audit revealed that Medicare was losing more than $23 billion every year to waste, fraud, and abuse—almost 14 percent of the program's budget. This level of waste and fraud is simply unacceptable. Medicare must make better use of the hard-earned taxpayer dollars that fund this important program.

One of the most important ways Medicare can reduce waste, fraud and abuse is by reforming its durable medical equipment program. Durable medical equipment includes supplies like catheters, wheelchairs, walkers, and ostomy supplies needed by older patients. One of the greatest problems in the medical equipment program is that the current system does not tell Medicare exactly what items are being supplied and paid for.

The Medicare Universal Product Number Act will empower Medicare to know precisely what items are being supplied to older Americans and to tailor reimbursement levels appropriately. This bill requires all medical equipment paid for by Medicare to have a Universal Product Number—very similar to the bar codes on groceries. When suppliers submit claims for reimbursement, they will identify items by UPN. Medicare will know exactly what equipment has been provided and reimburse accordingly.

Most Americans probably believes Medicare already operates this way. Unfortunately, it does not. Medicare currently reimburses for medical equipment under broad categories known as billing codes. A single billing code may cover hundreds of items across a wide price range. Within a billing code, Medicare pays an average cost based on a complicated formula. Billing codes can be confusing for equipment suppliers and are easily manipulated by unscrupulous suppliers.

UPNs will help revolutionize the way Medicare pays for medical equipment and accounts for the program's spending. The bill will improve Medicare in three important ways.

First, UPNs will help Medicare reduce fraud and abuse by identifying exactly what equipment is being supplied. Inspectors will be able to verify precisely what equipment was billed for and whether it was provided.

Second, UPNs will cut waste by allowing Medicare to pay an accurate price for individual items, instead of wasting money by paying a higher average price when less expensive items are supplied.

Third, UPNs will make the program simpler and fairer for suppliers. They will eliminate the confusing billing codes and ensure that suppliers receive a fair price for all products, instead of overpaying for some and underpaying for others.

I am proud to be introducing this bill with Rep. AMO HOUGHTON of Corning, an outstanding legislator known for his important contribution to health care issues. I would also like to note that this legislation has already been endorsed by Health Industry Distributors Association and the National Association for Medical Equipment Services.

The current system is wasteful and vulnerable to abuse. UPNs are a common-sense solution to make Medicare a wise health consumer on behalf of older Americans, taxpayers, and medical equipment suppliers alike.

NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. HOYER. Mr. Speaker, I rise today in support of S. 927, the National Sea Grant College Program Authorization. We have needed to re-authorize the Sea Grant Program since 1995 and I want to applaud Representatives SAXTON, YOUNG, ABERCROMBIE and FARR for their leadership on this increasingly important issue:

Mr. Speaker, the Sea Grant Program was established in 1966 to improve the conservation, management, and utilization of marine resources. Modeled after the highly successful Land Grant College Program, Sea Grant has become a National leader in conducting marine research. This research is conducted at 29 designated Sea Grant colleges but the program disseminates their findings to over 300 hundred colleges and universities across the country. One of these Sea Grant designees is the University of Maryland which is located in my District. Maryland is a leader in living marine and estuarine resources research and I can attest to quality of the research conducted through the program.

As a Member from a coastal district, I am acutely aware of the problems confronting our marine environment. This spring and summer we saw how critically important research is with the outbreak of Pfiesteria in the upper Chesapeake Bay. At the time of the outbreak, we were not certain about the most basic facts about the organism, exactly what conditions triggered it to become lethal, how it attacked fish, and the potential danger this organism posed to humans.

The Chesapeake Bay, Mr. Speaker, is not only a National ecological treasure but is one of the most abundant and productive places to conduct research. In addition to Pfiesteria, the Bay has seen the oyster population, which is so vital ecologically and economically, threatened by Dermo and MSX viruses. Sea Grant has been the leader in the Oyster Disease Research Program and fully six million dollars per year is specifically earmarked in the re-authorization for oyster and Pfiesteria study.

Mr. Speaker, I encourage all my colleagues to support this legislation to reauthorize this critically important environmental program.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. KIND. Mr. Speaker, today and for the rest of this week, the U.S. Senate is considering bipartisan campaign finance reform legislation. This is an issue whose time is long overdue. I rise today to applaud the Senate leadership for their willingness to allow a vote to come to the floor of the Senate. This does not mean that passage of a reform bill is guaranteed. It is, however, a significant step forward.

Mr. Speaker I have documented over the past six months the need to schedule a vote on the floor of the House. I have spoken daily about the importance of this issue to the people of my district. There is little more I can say to convince you to move this issue forward and give Members of Congress an opportunity to make their position known to the public.

I simply ask that as we consider a light legislation schedule this week we find some time to bring to a vote a true bipartisan campaign finance reform bill. The Senate has demonstrated leadership on this issue, it is now our turn. The people of my district will not accept "no" for an answer.

HONORING JOHN B. PERERA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of John B. Perera, for his dedication to worthy causes, his numerous years of service, and for his devotion to the continuance of humanity.

Born in New York City, Mr. Perera, because of his staunch Quaker faith, executed his military duties in the Korean War by doing social work in Mexico and El Salvador for the government. He studied at Ohio State University and held many jobs before finally arriving in Cleveland to work as a truck driver for a food cooperative. Unfortunately during his tenure as a truck driver, Mr. Perera acquired a respiratory illness that led to his retirement on disability.

Mr. Perera's retirement can be seen as a blessing though. Mr. Perera took advantage of his retirement to pursue causes relevant to the survival of the human race and the advancement of human rights. He served on numerous councils and committees, most notably the Sierra Club, Coalition for a Clean Environment, and the American Lung Association. Mr. Perera testified in front of state committees to stop the dumping of nuclear waste, championed the issues of improving low-income housing and women's rights, and demonstrated for causes he strongly believed in such as the environment and health care.

Mr. Perera's activism portrays him as a model American citizen. His peaceful demonstrations in support of his most cherished values and issues will never be forgotten. He leaves behind two sons, one daughter, his father, four grandchildren, a brother, three sisters, and a legacy of true patriotism.

My fellow colleagues, please join me in saluting the life of Mr. John B. Perera.

TRIBUTE TO JOSEPH F. DUFFY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Joseph F. Duffy of the Diocese of Paterson, New Jersey. Joe is being honored on Sunday, February 15, 1998 on the occasion of the 28th Annual Murray House Dinner Dance.

Joe is currently serving as Executive Director of Catholic Family & Community Services (CFCS). As Executive Director, he is responsible for the delivery of social services to clients in Morris, Passaic and Sussex Counties, and oversees a budget of $6.5 million. These services include assistance to emotionally troubled children and adults, persons with disabilities, individuals with AIDS, the elderly, homeless, jobless, refugees, immigrants, and persons seeking to adopt.

Additionally, Joe is also Executive Secretary for Social Ministries. In this capacity, Joe is responsible as CEO of CFCS and oversees the activities of four other Social Services Agencies and the Department of Parish Social Ministries. He directs Social Ministries with a budget of $25 million.

Joe's impressive resume does not stop here. Before joining CFCS in April of 1997, Joe served as Vice-President of Long-Term and Ambulatory Care Services, Assistant Vice-President of Long Term Care Services, and in many capacities with the Diocese of Paterson's Department of Persons with Disabilities. He also served as a Co-Director and House Parent at the Murray House from September of 1971 to June of 1976.

In addition to his administrative skills and experience, Joe has vast educational and teaching experience. He is currently service as Field Instructor at Rutgers University's Graduate School of Social Work, a position he has held before in the late 1970's and mid-1980's at Rutgers, Fordham University, Ramapo College, Fairleigh Dickinson University, and William Paterson College. Joe has also served as an Adjunct Faculty member at St. Elizabeth's College, in the Department of Business Administration and Sociology.

An honors graduate, Joe has an M.P.A. degree in Health Care from Rutgers. He has two M.A. degrees in Rehabilitation Counseling from Seton Hall University, and in Special Education from William Paterson College. Joe also has a B.A. degree in Sociology from Seton Hall. He graduated from all of these schools with honors.

Joe is also involved with numerous professional and civic associations, and currently serves as President of CFCS, Straight & Narrow, the Father English Multi-Purpose Community Center. He is a member of the New Jersey Chapter of the American Red Cross, the Federal Emergency Management Agency (Passaic County), the Association for Special Children & Families, and the West Milford Board of Education.

Joe is married and is the father of three children.

Mr. Speaker, I ask that you join me, our colleagues, and Joe's family and friends, in recognition of Joseph F. Duffy's many outstanding and invaluable contributions to our society.

HONORING MRS. BETTY WILHELM FOR HER SERVICE TO THE COFFEE COUNTY DEMOCRATIC PARTY AND CONGRATULATING HER FOR BEING AWARDED THE TITLE OF "MRS. DEMOCRAT"

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mrs. Betty Wilhelm for her service to the Coffee County democratic party and congratulating her for being awarded the title of "Mrs. Democrat."

The honor of being chosen Mrs. Democrat stems from life-time support of the party, dedication to the democratic process and an unceasing energy for volunteerism.

Mrs. Democrat, Betty Wilhelm, is a native of Coffee County and a dedicated servant for the Democratic Party. Any time she is called, she is available to help, most of the time behind the scenes. She does not offer her assistance in order to get publicity; instead, Mrs. Wilhelm chooses to work quietly, but enthusiastically.

Mrs. Wilhelm has received a number of awards in her 26-year capacity as a teacher at Coffee County New Union School. In 1974, she was named "Outstanding Young Educator" by the Kiwanis Club, and in 1996, she was named Coffee County 4–H Teacher/leader. She is listed in "Who's Who in America."

Mrs. Wilhelm's honors don't always come in the form of awards. She is active in community volunteerism, in her church and serves on the board of directors of the Arrowheads to Aerospace Museum. She has been active in several Democratic campaigns, working to ensure that Democratic candidates are elected.

This committed citizen embodies the kind of energy, enthusiasm and dedication that we should all strive for. Mrs. Wilhelm is a grassroots campaigner who works to get voters out on election day. Because of her work, and the work of people like her, Coffee County has not gone Republican for many years.

I congratulate Betty Wilhelm on her lifetime achievement award and I commend her for her years of commitment.

CONGRATULATING THE GIRL SCOUTS OF APALACHEE BEND

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. BOYD. Mr. Speaker, I am proud to congratulate twelve outstanding young women from the Girl Scout Council of the Apalachee Bend who were honored with the Girl Scouts of the United States of America Gold Award. Linda F. Brown, Cheryl Leigh Collins, Katie Copeland, Lucy Donnellan, Elizabeth Fraser, Amber Lanier, Ashley Luten, Antonia McDonald, Francesca Simmons, Jessica Stewart, Patricia Welch, and Jennifer E. Weldon have now become a part of the elite few who have earned the highest achievement award in Girl Scouts, the Gold Award.

This prestigious award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. I hope that they each will share with their communities the knowledge and experience they gained throughout their years as Girl Scouts.

On behalf of the citizens of North Florida, I want to express my appreciation for the patriotism and dedication of these young women and confidence in their leadership and ability to guide our communities to a brighter tomorrow.

IN HONOR OF THE DETROIT SHOREWAY COMMUNITY DEVELOPMENT ORGANIZATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the accomplishments of the Detroit Shoreway Community Development Organization on its 25th anniversary of service to the Cleveland community.

The Detroit Shoreway Community Development Organization prides itself on establishing close relations with members of the Cleveland community to promote neighborhood development. During the organization's tenure, numerous neighborhoods throughout Cleveland have seen the positive effects of Detroit Shoreway's work. By cooperating with community leaders, civic groups, and Cleveland citizens, the Detroit Shoreway Community Development Organization has accomplished its goal of developing successful neighborhood improvements in the Cleveland area.

My fellow colleagues, join me in saluting the Detroit Shoreway Community Development Organization on their 25th anniversary of promoting successful economic development for Cleveland neighborhoods.

CELEBRATING THE 100TH ANNIVERSARY OF THE INDEPENDENCE EXAMINER

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. MCCARTHY of Missouri. Mr. Speaker, I am honored today to rise on behalf of former President Harry Truman's home town daily newspaper, "The Examiner" which is celebrating its 100th anniversary. "The Examiner's" reflective motto for the celebration "proud past, exciting future" is certainly appropriate. Having been founded on February 19, 1898 as "The Jackson Examiner" by Colonel William Southern, Jr., "The Examiner" serves eastern Jackson County, Missouri as a daily newspaper. With a rich heritage of journalism, the newspaper captures the essence of life in former President Harry Truman's home community.

"The Examiner" maintains an operating philosophy which "counts the day lost when you or your company has not done something to benefit the community it serves." The newspaper staff is committed to sound Midwestern principles and dedicated to serving its readers. "The Examiner" as we know it today has evolved into a pillar in the community during its century of service to Jackson County. Now celebrating its 100th year in business, "The Examiner" also celebrates its first year of being on-line with interactive journalism.

The publication has been led since 1986 by publisher Ben F. Weir, Jr. who through his leadership has continued to ensure that "The Examiner" remains on the cutting edge of journalism. Currently held by Morris Communications Corporation of Augusta, Georgia, "The Examiner" publishes daily news in the greater Independence and Blue Springs areas of Missouri. Mr. Speaker, our community is fortunate to have the commitment and leadership of the Weir family, as well as other dedicated publishers like Colonel Southern and former co-publisher Frank Rucker, who remain committed to communicating the news of the day and serving their community. It is with great pride that I salute "The Examiner" on 100 years of success. On Thursday, February 19, 1998 I have the distinct honor of joining "The Examiner" family in celebrating their 100th anniversary.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. TIERNEY. Mr. Speaker, while we celebrate the many accomplishments and contributions that African Americans have brought to our diverse country this month, I would like to bring to the attention of my colleagues an individual whose spiritual faith and dedication to inner-city children has been an inspiration to many.

Rev. Walter Murray graduated from Harvard School of Divinity in 1986 and for the past eight years, has been Pastor at Zion Baptist Church in Lynn, Massachusetts. During his tenure at Zion Baptist he founded the "Inroads New England" program and provided transportation to inner-city children who otherwise would not be able to attend program events. Last fall, Rev. Murray was honored for his work with Inroads New England.

The co-founder of the Essex County Community Organization, Rev. Murray also helped create the Jump Start program in the basement of his church, which provided afterschool activities for latchkey children. He is a member of the Swampscott, Massachusetts Rotary Club and has assisted in the development of youth leadership weekends. He has been honored with the Massachusetts Ecumenical Council of Churches award for Ecumenism, the First Decade Award from Harvard Alumni Association, and the Childrens Defense Fund National Achievement Award.

Frederick Douglass once said, "I cannot allow myself to be insensitive to the wrongs and suffering of any part of the great family of man." Rev. Murray personifies the words of the great abolitionist and civil rights leader through his selfless dedication and spiritual devotion the children who are often neglected and forgotten. His work has touched the lives of hundreds of children and adults and he continues to influence more and more individuals every day. In our lifetime, we are fortunate to know at least one person with such philanthropic commitment, and as we commemorate Black History Month, I am honored to call Rev. Murray a constituent, a dear friend, and an individual who truly represents the achievements of African Americans to our society.

TWO MINNESOTANS ON THE U.S. WOMEN'S HOCKEY TEAM SHARE IN OLYMPIC VICTORY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. VENTO. Mr. Speaker, I want to take this opportunity to bring the attention of my colleagues to the accomplishments of our U.S. Women's Hockey Team, who recently won the gold medal in the 1998 Winter Olympics in Nagano, Japan. I am particularly honored to mention two Minnesotans who shared in the February 16 victory over Canada, Alana Blahoski of St. Paul and Jenny Schmidgall of Edina.

Alana Blahoski, who is 23 years old, played on boy's teams at Johnson High School, traditionally one of the best Minnesota high school hockey teams. She later played on the men's hockey team at Providence College in Rhode Island. This has been her third year with Team USA. Jenny Schmidgall was in eighth grade when she started playing women's hockey at Edina High School. At 19 years old, she is the second youngest player on Team USA. She currently plays hockey for the outstanding University of Minnesota women's hockey team.

The victory of Team USA marks a watershed moment in the history of women's hockey and sports in the United States. Until as recently as five years ago, women's hockey as a sanctioned sport was practically nonexistent in the United States, though its popularity in Canada and countries in Europe was soaring. As early as the 1970s, women's hockey was an internationally competitive sport. The United States did not actually recognize women's hockey until 1994, when Minnesota became the first state to sanction high school ice hockey for girls. Now, thanks to the dedication, hard work and discipline of Alana Blahoski, Jenny Schmidgall and the rest of the Team USA, women's ice hockey in the United States is receiving the recognition it deserves. The future of women's ice hockey has been assured by this historic moment.

This achievement is a wonderful opportunity to pay tribute to two great Minnesotans, whose efforts last week made history for female hockey players all over the world and earned them the 1998 Olympic gold medal.

RECOGNIZING KERNAA D. MCFARLIN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. BROWN of Florida. Mr. Speaker, I rise today to recognize the contributions of a "most outstanding musician", Kernaa D. McFarlin.

At age eleven, Kernaa D. McFarlin began his career in Tampa, Florida under the tutelage of Captain Carey W. Thomas, retired director of bands at Florida A&M University. Later, he played in the Middleton High School Band and received a scholarship to Florida A&M upon graduation.

During his college years, he was the woodwind section leader in the band and orchestra. Kernaa credits Leander Kirksey with outstanding woodwind instruction. In 1943, Mr. McFarlin was inducted into the U.S. Army and soon became a member of the famous 92nd Infantry Division Band. During his military career, he attained the rank of Sergeant.

After leaving the army, Kernaa returned to Florida A&M where he participated in the college bands under the direction of William P. Foster. Because of Mr. McFarlin's experience and training, he was able to provide valuable assistance and leadership in the development of the newly re-activated college band program.

Upon graduation, Kernaa McFarlin was appointed to be the first official band director at Stanton Senior High in Jacksonville, Florida. During his tenure as the band director, he earned a Master's Degree from the New York University. McFarlin's bands amassed a total of nineteen consecutive years of superior ratings in the Florida Association of Band Directors and the Florida Bandmasters Association contests.

Other highlights of the achievements of this band include: Being selected as Florida's representative at the 1964 New York World's Fair, participating in three Florida Governor Inaugural parades, and being selected by the Florida Department of Education in 1966 Midwest National Conference of Colleges and University Education's "Education Is For All" convention. In 1966, Mr. McFarlin's Stanton High School band was recognized by the "Instrumentalist" magazine as one of the "highly regarded bands in the Southeast."

For the past twenty-seven years, Mr. McFarlin served as an honorary member and adjudicator of the Florida Bands Association. He received over fifty awards for musical excellence and community service.

Mr. McFarlin's achievements can best be described by his students who all echoed that "Mr. Mac" as they lovingly referred to him, not only taught them music, but character and Christian values necessary for successful living.

An award, "Most Outstanding Musician" was named in McFarlin's honor has been established at the Stanton Preparatory College Band and is given annually to the most deserving student.

As a former student of Mr. McFarlin, I am delighted to mention that the great State of Florida has been most fortunate to have shared the gifts and talents of Kernaa D. McFarlin.

Mr. McFarlin passed on December 21, 1997.

IN HONOR OF DAVE'S SUPERMARKETS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the contribution of Dave's Supermarkets to the economic well-being and general welfare of the Ohio City neighborhood.

Dave's Supermarkets have exemplified the attitude of community improvement and well-being during its many years of operation. With the opening of the Ohio City store, 93 locals, most of whom were unemployed or in low-income jobs, now receive union wage paychecks and even health care benefits and pension plans. Dave's gave them the opportunity to reintegrate themselves into the workforce, thus improving their lifestyles and revitalizing the neighborhood. The attitude of Dave's Supermarkets and its owners, the Saltzman family, has clearly affected the life of the Ohio City community for the better.

Employees of the newly-constructed Dave's reflect the ethnic and cultural diversity of the neighborhood and are friendly, energetic, and optimistic. by mixing the local characteristics of the "general store" with the modern supermarket experience, Dave's provides a welcome community atmosphere. Truly, Dave's Supermarkets offer intrinsic American values that we all cherish: congeniality, supportive customer service, and a friendly atmosphere in which to shop.

My fellow colleagues, please join me in saluting Dave's Supermarkets and the employees of the Dave's Ohio City store.

HONORING MR. SAM MOORE FOR HIS SERVICE TO GOD AND FOR HIS COMMITMENT TO THOMAS NELSON PUBLISHERS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. Sam Moore, the head of Thomas Nelson Publishers, for his devoted service to God and for his dedication to the distribution of God's Word.

Mr. Moore was born in Beirut, Lebanon in 1930. When he immigrated to the United States in 1949, he came with $600, a will to succeed, a strong faith and a willingness to devote his life to God.

Upon his arrival, Mr. Moore began to live the "American dream." by selling books and Bibles door to door, he earned enough money to pay tuition to Columbia Bible College in South Carolina. The oldest of six children, Mr. Moore knew the importance of sacrifice and he worked hard to put himself through school. In any situation, supporting oneself is difficult while pursuing an education. But for Mr. Moore, the task was more difficult because he was thousands of miles away from home and had only a limited grasp of the English language.

Still, he was determined to succeed, and he certainly did. He earned two master's degrees simultaneously from the University of South Carolina and from Columbia International University. Then he started his own Bible and book sales business, sticking to the trade that had allowed him to go to college. His dedication paid off. By 1962, Mr. Moore had formed his own Bible publishing firm, Royal Publishers.

In 1967, Mr. Moore was approached by the owner of Thomas Nelson Publishers, a publishing house with a history that dated back to

1798 in Scotland. Thomas Nelson Publishers had been the first to offer spiritual literature to everyone, not just the wealthy elite. The company had survived fires, World Wars and bombs. Now, the owner of the company was asking Mr. Moore to run the American operations.

Instead, Mr. Moore bought Thomas Nelson and merged it with Royal Publishers. By 1975, Thomas Nelson was the leading publisher of Bibles in the world, publishing Bibles with special features targeting individual needs. Today, Thomas Nelson books and Bibles continually top best-seller lists and are found in every country across the globe. In addition, Thomas Nelson is the largest publicly traded Christian communications company in the world. All this from $600, a determination to succeed, and an unfailing belief that God had a plan.

This year, Thomas Nelson celebrates its 200th anniversary. Examining the history of the publishing company, God clearly had a plan for Sam Moore. The company started In the heart of an 18-year-old Scottish man, flourished through political and social change, survived several devastating setbacks and emerged as a world leader in Christian publishing. God's plan was for Sam Moore and Thomas Nelson Publishers to join together with the goal of spreading God's Word to all people.

As we celebrate 200 years, let us reflect on the colorful, glorious history of Thomas Nelson Publishers and the promise of a bright future in Christian publishing. And, let us not forget the man we honor today, who lives his life to honor God.

Congratulations to Sam Moore on his extraordinary life and business career, and may God continue to bless him, his wife Peggy and his children, Samuel Joseph and Sandra Lee and Rachel Michelle.

THE 150TH ANNIVERSARY CELEBRATION OF WORCESTER—THE HEARTBEAT OF MASSACHUSETTS—1848-1998

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. McGOVERN. Mr. Speaker, on February 29, 1848, Governor George W. Briggs signed a charter, drafted by local citizens and authorized by the General Court, which transformed Worcester from a town to a city.

January 7, 1997 was the day that I took the oath of office and became a Member of the U.S. House of Representatives—representing the City of Worcester and thirty-three other towns and cities in Massachusetts. And in those initial moments as a Member of Congress, I began to dream. I thought of the magnificent objectives that could be achieved during the years to come if we were able to commit ourselves to a shared vision for this marvelous city. Without question, our ancestors had such dreams.

The first Mayor of Worcester, Levi Lincoln, made the following remarks upon leaving office in 1849. "* * * And now, Gentlemen, in leaving these seats to our successors, we leave to them, also, the fruits of our labors and of our experience, whatever may be their value. We leave to them a new form of organized municipal Government, in all its departments in successful operation, with a system of rules and ordinances, unquestionably somewhat imperfect and requiring modification and amendment, yet the basis of all necessary legislation for the administration of the affairs of the City. We leave them our best hopes and our truest good wishes for the performance of their official duties with satisfaction to their own minds, and to the approval of their constituents, and the lasting benefit and prosperity of our beloved City. They assume high trusts, and heavy responsibilities. The peace and happiness of thousands of citizens, and the security and enjoyment of millions of property, will, in a greater or less degree, be affected by the manner in which these responsibilities shall be met, and these trusts discharged."

On the occasion of Worcester's 50th anniversary, Frank Roe Batchelder wrote:

Five decades have her children kept
  Her civic honor free from stain,
While with the world she's laughed and wept
  And shared her country's loss and gain.

She toils and ventures, strives and builds,
  And seeks to sweeten life for all
The craftsmen of her thousand guilds
  Who answer to her every call.

Crowned by the smoke of many mills
  She welcomes workers to her gate;
And in her children's hearts instills
  Love for the toil that makes her great.

Patron of every useful thing,
  She sits at Learning's feet, nor finds
Her glory less that she should bring
  Her tribute to the might of minds.

Yet does she make, when all is said,
  No product more desired of men,
No brighter chaplet for her head,
  Than her grand type of citizen.

In war and peace, in school and shop,
  Beyond the knowledge of her name,
Rising insistent to the top,
  Those she has bred have brought her fame.

When her bright century is run,
  Be ours to have our children say
Their service is the better done
  For that we render her to-day.

The heart of Worcester beats the rhythm of progress as she boldly moves in to the 21st Century. This heartbeat is deeply rooted in a strong sense of pride in Worcester's past and reflects not only a deep appreciation for the cultural, religious and ethnic heritage of its people but a legacy of greatness as well.

I am proud to call Worcester my home.

RECOGNIZING LIEUTENANT GLEN S. LEVERETTE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. BROWN of Florida. Mr. Speaker, I rise today to recognize the distinguished Lieutenant Glen S. Leverette of the United States Navy.

On March 17, 1998, Lieutenant Leverette will be recognized by the Newport County Council, Navy League of the United States and the Rotary Club to receive the Military Service Member of the Year.

A native of Jacksonville, Florida, Lieutenant Leverette graduated from Fletcher Senior High School, Neptune Beach, Florida in 1986. He is a graduate of the U.S. Naval Academy, Gordon Conwell Theological Seminary, and Jacksonville University, where he received a Master of Arts in teaching. Commissioned in May 1990, Lieutenant Leverette has had a versatile career as a naval officer, from the Command Information Center and Assistant Operations Officer on the cruiser USS Leyte Gulf (CG-55), to his current assignment as the Propagation Detection/Command and Control Unit Lead Instructor at Surface Warfare Officers School Command (SWOSCOLCOM), Newport, RI.

Lieutenant Leverette was cited for his sustained superior performance during his tour with the SWOSCOLCOM. He has served with the utmost distinction as an instructor, student advisor, and ADP Officer at Division Officer Training Department. Lieutenant Leverette's professional knowledge, enthusiasm, and motivation has had a direct impact on thousands of officers. Due to his dedication of duty and sustained superior performance, Lieutenant Leverette was selected as the Instructor of the Year by his peers.

As a community leader, Lieutenant Leverette provides counseling, spiritual, and pastoral support for more than 150 members in the Providence, Rhode Island Metropolitan area as Pastor of the Congdon Street Baptist Church. As an advocate for youth in his community, he supports the Baptist Youth Fellowship and the City of Providence's Adopt-A-Child program.

Lieutenant Leverette currently resides in Taunton, Massachusetts with his wife Marian and their daughter Kalea.

I am pleased to salute Lieutenant Glen S. Leverette of the United States Navy on his outstanding accomplishment.

DEPARTMENT OF JUSTICE BARS REMEDY FOR BLACK FARMERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. CONYERS. Mr. Speaker, it is with outrage that I rise today to strongly admonish the Attorney General Janet Reno, and the Department of Justice in its handling of discrimination complaints of Black Farmers. It has come to the attention of the members of the Congressional Black Caucus that Attorney General Janet Reno will be releasing an opinion shortly which would block many Black Farmers from receiving adequate relief in the form of compensatory damages for federal claims made prior to 1994. The fate of many, many black farmers will rest on this opinion.

The situation is that the United States Department of Agriculture encouraged all farmer program participants to participate in the administrative complaint/investigation process. Subsequently, after the farmers placed their claims in good faith, the USDA in effect "closed down" the administrative process. This process was closed down for approximately 12 years with no notice of this "closing down" being given to the farmers. Finally, when the black farmers filed lawsuits because they were getting no satisfaction from the administrative process, they were told they were barred by the Statute Of Limitations.

The government is complicit and has unclean hands in this matter. It is shameful that the Department of Justice has decided to raise technical defenses, primarily the Statute Of Limitations to bar claims made by these farmers. The black farmers are granted only one avenue for monetary remedy from which the Department of Justice is allowing payment. This avenue is The Equal Credit Opportunity Act of 1972. This Act has a two year statute of limitations. Hence, all black farmers who made their claims prior to 1994 will be barred from monetary relief, even in cases where discrimination can be established. This is a crime and an atrocity. If the Attorney General goes forward with this tact, then only program type relief will be available. Program relief includes debt and loan forgiveness. Such relief would not be sufficient to right the wrongs done to America's Black Farmers.

I strongly urge Attorney General Janet Reno and the Department of Justice not to issue this opinion, not add to injustices that black farmers have suffered, not to be final death knell to hope for justice and fairness to these black farmers.

RONALD REAGAN WASHINGTON NATIONAL AIRPORT

SPEECH OF

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2625) to redesignate Washington National Airport as "Ronald Reagan Washington National Airport".

Mr. STENHOLM. Mr. Chairman, I regretfully rise in opposition to this legislation which will rename Washington National Airport for former President Reagan. I rise regretfully because I do believe that President Reagan certainly should be honored, but I do not believe that this is the proper way to honor our former president.

Washington National Airport is named after one of our founding fathers and first president, George Washington. It is not appropriate to change a name which honors our first president in order to honor another. President Washington lived just down the road from the airport at Mount Vernon, and it has been said here today that the tract of land on which Washington National Airport currently sits was actually owned by his family.

Additionally, this proposed name change is not consistent with President Reagan's philosophies on local control and federal intrusion. President Reagan was a champion of shifting control from the federal government to state and local authorities where decisions are best made. The local governments of Arlington County and the City of Alexandria oppose this change; certainly the federal government should not usurp the wishes of the local governments to honor a man who worked to ensure local representation and control of many entities, including Washington National Airport.

I hope that we in Congress will find a more appropriate way to honor President Reagan. I personally have a great deal of admiration for President Reagan and respect his public service to our nation. In fact, I doubt there is a single Democrat in Congress who supported Ronald Reagan as much as I did during his presidency. I intend to visit with my constituents to come up with ways to honor President Reagan, and I hope that we come up with a better way to honor President Reagan and his legacy.

HONORING MR. ROBERT L. COUCH JR. FOR HIS SERVICE TO THE COFFEE COUNTY DEMOCRATIC PARTY AND CONGRATULATING HIM FOR BEING AWARDED THE TITLE OF "MR. DEMOCRAT"

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. Robert Couch Jr. for his service to the Coffee County democratic party and congratulating him for being awarded the title of "Mr. Democrat."

The honor of being chosen Mr. Democrat stems from life-time support of the party, dedication to the democratic process and an unceasing energy for volunteerism.

Mr. Democrat, Bob Couch, is a dependable, life-time supporter of the Democratic party. Mr. Couch played an important role in a campaign that is very dear to my heart—he co-chaired Coffee County's campaign to elect my father, Frank Clement, to governor in 1953. I remember meeting Mr. Couch when he came to the Governor's residence to have a picture made with me and my brothers. My father always appreciated the work Mr. Couch did for him and for the Democratic party.

Mr. Couch is a Tullahoma merchant, a photographer and a historian. He teaches Sunday School and holds several offices at his church. He has been active in the American Legion for 52 years and a member of the Shriners Masonic Lodge for 48 years. Mr. Couch was also the recipient of the first Tullahoma "Lifetime Achievement" award.

This devoted citizen embodies the kind of energy, enthusiasm and dedication that we should all strive for. Mr. Couch is a grassroots campaigner and because of his work, and the work of people like him, Coffee County has not gone Republican for many years.

I congratulate Bob Couch on his lifetime achievement award and I commend him for his years of commitment.

HOUSE OF REPRESENTATIVES—*Wednesday, February 25, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 25, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember in our prayer those people who use their abilities and talents in ways that heal the hurt and strengthen the good for their neighbors and for the world. O gracious God, from whom comes every good gift, bless each person who strives to do justice and love mercy, who serves as a peacemaker, and who respects each person as created in Your image. May all people of good will, O God, join together in a unity of purpose that honors You and serves every person, whatever their need. In Your name we pray, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. ROGAN) come forward and lead the House in the Pledge of Allegiance.

Mr. ROGAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TAXPAYER ABUSE BY THE IRS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I come to the House floor today to tell my colleagues of yet another example of taxpayer abuse by the Internal Revenue Service. A constituent of mine who requested that his name not be used has recently contacted me regarding his recent IRS audit. This hardworking family man was recently forced to take a day off of work and pay his CPA $1,100 for his representation and defense. The gentleman's crime, you might ask? He was a little late in filing his tax return and accidentally incorrectly reported his daughter's Social Security number. After the audit the IRS declared the whole incident a mistake.

I can understand why these mistakes would set off bells and whistles at the IRS, but what I cannot understand is why a taxpayer would have to lose work time, wages, and pay a CPA to fix such a simple problem.

Madam Speaker, I am proud to have voted for the IRS restructuring bill last fall, but I am even more excited about our attempts to rid the American people of this terrible Tax Code. The time is right to reform our Tax Code.

MANAGED CARE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, the Republican leadership continues its efforts to try to kill managed care reform. Just yesterday the Speaker, the gentleman from Georgia (Mr. NEWT GINGRICH), attacked a reform proposal put forward by some of the members of his own Republican Party.

Let there be no mistake, the Republicans do not want to bring up managed care reform. They are aligned with the special interests, who are spending a million dollars to kill managed care reform because they know what tremendous support the issue has with the American people.

Meanwhile, the Democrats are moving forward to push legislation that provides Americans a choice of doctors, access to specialists, emergency care, and length of stay in a hospital that is determined by the patient and his or her physician, and not the insurance company.

President Clinton issued an executive order last week that will extend patient protections to Federal health insurance programs. The Democrats are determined to move ahead with managed care reform.

EMPTY PROMISES, BIG GOVERNMENT, HIGH TAXES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, everyone is familiar with the axiom related to the word "assume," which colorfully explains why we should avoid doing so, everyone, that is, except the President of the United States.

In his budget proposal the President assumes that the American people will not notice the billions of dollars in new Federal spending. He assumes the American people would not notice the creation of numerous additional Federal bureaucracies. He assumes that it is okay to spend over $60 billion in tobacco settlement money that has not even been sent to Congress. Finally, he assumes the American people will not notice the billions of dollars in higher fees and taxes in his budget.

But let us be fair, Madam Speaker. The fault does not lie solely with the President. The American people must admit our guilt in believing his promises. We all assumed that the President was serious when he said to all America that the era of big government was over. Yet, this budget proposal is the very essence of big government. Empty promises, big government, high taxes. Mr. President, you can run from reality, but you cannot hide from the American people.

NOMINATION OF U.N. SECRETARY GENERAL KOFI ANNAN FOR NOBEL PEACE PRIZE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Madam Speaker, peace is fragile anyplace, but it is particularly so in the Middle East. Only time will tell whether the agreement reached by U.N. Secretary General Kofi Annan in Baghdad will hold.

There are two things, however, which are nondebatable: that the presence of our military forces is the best guarantee that the agreement will be kept; and that the extraordinary diplomatic skill of the Secretary General of the United Nations, Kofi Annan, needs to be honored and recognized.

I ask all of my colleagues on both sides of the aisle to join me in recommending and nominating Kofi Annan

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for the Nobel Peace Prize. This great international public servant deserves this recognition. His impeccable integrity and commitment to the finest values manifested itself in his negotiations, and may in fact save untold human lives in the region and beyond.

I ask my colleagues to join me in nominating Kofi Annan for the Nobel Peace Prize.

FEDERAL EDUCATION DOLLARS CAN BE REDIRECTED TO WORTHWHILE PROGRAMS IN THE CLASSROOM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise to bring an egregious example of Federal education waste to Members' attention. Through the Department of Education we funded an education study entitled, and I quote, "Channeling Your Donna Reed Syndrome."

Since when does the 1950s television ideal wife and mother have anything to do with teaching kids basic math, reading, writing, science, and history? As part of this education study, we learned the "Four Affirmations We Should Say Daily: 1, I am competent; 2, I am attractive; 3, I am respected; 4, I own this day."

While American schoolchildren lag behind the rest of the developed world in basic academic skills, our Federal education dollars are paying for the recitation of daily affirmation concepts. Instead of funding studies like this one, I urge Members to cosponsor the Dollars to the Classroom Act, which block grants 30 Federal education programs to States, requiring that at least 95 percent of the funds be made available for classroom activity.

LEGISLATION MUST ENSURE THAT HEINOUS CRIMES RECEIVE APPROPRIATE PUNISHMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, 20 years ago Larry Singleton picked up Mary Vincent. Singleton raped her, and to escape discovery, chopped off her hands and threw Mary into a ditch for her to bleed to death. Mary survived and helped convict this bum.

Larry Singleton was out in 8 years, Congress. Yesterday Mary Vincent, in a courtroom with two metal hands, fingered Singleton once again, because, you see, 20 years later, Larry Singleton picked up Roxanne Hayes. He raped her, and to make sure he did not get caught, he executed her.

Beam me up. Enough is enough. Eight years. We have victims screaming out from graves all over America, and Congress is coddling to criminals. It is time for Congress to look at the rights of the victims, not the murderers. It is time to legislate that those life sentence people who murder again do not get another life sentence. They get put to death.

BARBARIANS IN THE WHITE HOUSE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, Harry Thomason, a friend of the President who was forced out of the White House in the Travelgate affair once said he planned to stay, and I quote, until the barbarians are driven from the gate.

Well, the barbarians are now in the White House. History tells us that barbarian kings commonly killed the messenger if the messenger was the bearer of bad tidings.

That barbaric practice in a more civilized way exists today. You see, the White House does not like the message Judge Ken Starr is bringing. That message is possibly, just possibly the President of the United States misrepresented the truth, attempted to obstruct justice, and encouraged others to perjure themselves. So since the White House does not like the message, they have attacked Judge Ken Starr. It is a new version of kill the messenger if you do not like the message.

Madam Speaker, America must demand the truth, because if there is no truth, there is no justice. If there is no justice in Washington, there is no justice in Wichita, Kansas or anywhere else in the United States

ANNOUNCEMENT FROM THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Speaker would request Members not to make personal reference to the President of the United States.

PRESIDENT'S BUDGET HEADING IN THE WRONG DIRECTION

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Madam Speaker, I wish to make a few statements of principle. I consider tax increases to be a step in the wrong direction. I consider tax cuts to be a step in the right direction.

I consider increased spending and bigger government a step in the wrong direction. I consider lower government spending and smaller government a step in the right direction.

It is the belief of the Republican Party that the Federal Government has gotten too big, that tax burdens on families have grown too high, and that Washington is about the last place we ought to be looking to solve family problems.

This is why Republicans believe that the President's budget proposal represents a step in the wrong direction for two very good reasons. First, it is a step toward higher taxes, with a request for $100 billion in new taxes. Second, it is a step toward higher government spending; $100 billion in new spending.

This is the wrong direction because it means government, instead of families, will grow stronger, Washington becomes more powerful, and Americans have less freedom.

Madam Speaker, this is not what America voted for in November of 1996.

SCHOOL CONSTRUCTION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Speaker, I rise today to call on my colleagues in Congress to pass the legislation to help States and localities meet the school infrastructure needs of this country.

In community after community in my district, we desperately need new and improved schools. The General Accounting Office has documented that America's unmet school construction needs total more than $100 billion. And we know that, from the Education Department's projected growth study, the problem is going to get radically worse in the next decade.

Madam Speaker, our schools are bursting at the seams. School children are being forced to attend classes in trailers. And educators struggle to teach in appalling overcrowded conditions and unsafe classrooms.

This Congress must act and act now to address this urgent problem. As a former school superintendent of my State's public schools, I know firsthand that the quality of a child's physical surroundings does make a difference in his or her ability to learn. Modernizing our school infrastructure will improve academic performance.

North Carolina citizens approved recently a $1.8 billion investment in our education infrastructure. Congress must do the same. And I call on this Congress to do its part.

Madam Speaker, we must pass school construction legislation and do it now.

□ 1015

AMERICA NEEDS AN ACROSS-THE-BOARD INCOME TAX CUT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Madam Speaker, America needs an across-the-board income tax cut. The average American family still pays more in taxes than it spends on food, clothing and shelter. This Congress, I think, has an obligation to cut taxes again.

Last year's tax cut was a positive step in the right direction, but it did not go far enough, for far too many Americans received little or no benefit at all, particularly singles and seniors.

Instead of picking winners and losers among overtaxed Americans, it is time to cut taxes across the board. I have introduced a bill, the Taxpayer Relief and Protection Act, that would cut marginal income tax rates 5 percent across the board.

This tax cut will ensure that every American who earns a paycheck will be able to keep a little more of their hard-earned money.

Madam Speaker, I urge my colleagues to cosponsor the Taxpayer Relief and Protection Act. An across-the-board income tax cut is the fairest way to provide the American people with the additional tax relief that they need and deserve.

SENATOR FEINGOLD: CHAMPION OF CAMPAIGN FINANCE REFORM

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Madam Speaker, I rise today to pay tribute to my friend and colleague from Wisconsin, Senator RUSS FEINGOLD. Senator FEINGOLD for 5 years has courageously championed campaign finance reform. The debate this week in the United States Senate is a tribute to Senator FEINGOLD and Senator MCCAIN's perseverance in the face of strong opposition.

While passage of the McCain-Feingold bill is not guaranteed, the Senate at least has been given an opportunity to cast an up-or-down vote on it. We in the House have been denied the right to any debate and vote on campaign reform.

Now, many of my friends in the Republican Party have argued that our first step must be to investigate any campaign violations that occurred during the 1996 elections. I agree. As a former prosecutor, I believe that anyone who violated the laws of this country must be held accountable.

Simply investigating the abuses, however, ignores the largest problem, that most of the worst problems of the campaign system are legal: Soft money, unregulated issues ads, and independent expenditures from groups accountable to no one.

Madam Speaker, these are the real problems of our campaign system and the citizens of Wisconsin have asked us not to accept "no" for an answer on this.

THE IRS: LAWLESS, ABUSIVE, OUT OF CONTROL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, a few weeks ago Newsweek Magazine had on its cover these words: "The IRS: Lawless, Abusive, Out of Control."

Now, these are not my words. This was Newsweek Magazine, a very mainstream publication. When Newsweek Magazine describes any Federal Agency as lawless, abusive, and out of control, things have gotten pretty bad. But when it is the IRS, an agency that touches all of us so personally, this is an especially horrendous situation.

About 85 to 90 percent of the people want us to drastically simplify the Tax Code. There is no good reason why we should have a tax law that is so hopelessly complicated and convoluted and confusing. Yet will we do it?

Well, Madam Speaker, do not hold your breath. The IRS would lose much of its power and some extremely big businesses would lose some of their tax breaks. Very powerful interests are fighting tax simplification, so we will probably do little more than just cosmetic changes around the edges.

CONGRESS' SCHEDULE SHOULD "WORK" FOR THE AMERICAN PEOPLE

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Madam Speaker, I stand here today for my 1-minute to talk about our schedule in Congress. And even though personally I think we enjoy it, I heard 2 weeks ago we have a vote schedule that a French trucker would strike for.

What we need to do is deal with tax reform, IRS reform. We need to make sure we continue that balanced budget effort and safeguard Social Security first, just like the President said here in January.

We also need to work on modernizing public schools. We need to make sure we have the teachers and the smaller class sizes there to help make sure those children are prepared for the next century.

The other thing that hopefully we will do this session is establish a Patient's Bill of Rights, whether it is the Norwood bill that we have or a number of other bills that are being introduced to set some parameters on people getting health care. That is what this Congress needs to deal with.

Madam Speaker, we do not need to have a schedule that is light. We need to have a schedule that works for the American people.

THE CHERRY TREE

(Mr. DeLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeLAY. Madam Speaker, last Sunday, the Nation celebrated George Washington's birthday. Washington was known for his honesty. We all remember that story of how he admitted to chopping down the cherry tree.

Now, if that were Bill Clinton, he would have blamed Ken Starr and the vast right-wing conspiracy for chopping down that poor cherry tree. We might say that Bill Clinton has a credibility problem.

So, Madam Speaker, when he says we should reserve the surplus for Social Security, I think we all need to be very, very careful. We know Bill Clinton wants to spend more money. In fact, as the gentleman from Texas (Mr. GREEN) just said, his budget has close to $100 billion in new Washington spending programs. Now that is a lot of cherry trees.

When it comes to the surplus, I believe the money belongs not to Washington bureaucrats, but to the American people. Madam Speaker, let us not allow the President to spend that surplus.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Members should be reminded not to make personal reference to the President.

HMO REFORM

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Madam Speaker, American families are being denied proper health care. They are being denied the right to see specialists, the right to go to the emergency room, and they have to battle just to get reimbursements for legitimate medical procedures.

The problem is that managed care for health insurance companies has become more about managing the profits for these health insurance companies than about managing the quality of health care for America's families.

We can no longer afford to have health insurance company clerks making health care decisions for our loved ones. That is the job of our doctors and our nurses.

There is a bipartisan bill put forth by the gentleman from Georgia (Mr. NORWOOD), a Republican, that would make health care insurance companies accountable. I am a cosponsor of that bill, as are 223 of my colleagues.

Madam Speaker, it is time we bring the Norwood bill to the floor so that we can give the American people what they deserve: a health care system accountable to them. Health care insurance companies must be made accountable when they wrongly deny coverage and reimbursements to patients.

NOTHING TO SHOW?

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Madam Speaker, how many times have we heard the White House or their attack dogs on their behalf repeat the lie that the Starr investigation has cost $40 million and has nothing to show for it; $40 million and produced no results; $40 million and turned up nothing? How many times, I ask? How many times have we heard this?

Turned up nothing?

Madam Speaker, all the Clinton associates, Cabinet officials, and business partners who are now sitting in jail might have a different view. In case James Carville and other apologists for political corruption and government fraud need a little help with their memory, we prepared a list for them. Let us take a quick look at that "most ethical administration in history."

Four independent counsels appointed by Attorney General Janet Reno; Cabinet Secretary Mike Espy, indicted; Cabinet Secretary Henry Cisneros, indicted; Cabinet Secretary Ron Brown, indicted; former Arkansas Governor Jim Guy Tucker, convicted of fraud and conspiracy; President Clinton's business partners, Jim and Susan McDougal, convicted of felonies and now sitting in jail; and the list goes on.

Nothing to show? That is simply wrong. There is a list and it is longer than I have given.

HEALTH CARE CONSUMER BILL OF RIGHTS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Madam Speaker, good morning. We can tell it is an election year because my Republican colleagues rush down to the well yelling "Tax cut, tax cut."

I think the President is correct. He says we need to be fiscally responsible. We need to save Social Security first. We need to look forward to future generations. There may be, however, something that we can agree on and that is a Health Care Consumer Bill of Rights.

I believe consumers need protection. The President has issued an Executive order saying that Federal employees, Medicare recipients, Medicaid recipients will all have that assurance. But we need it for all Americans.

A recent California study showed that 42 percent of the patients in HMOs have encountered problems with their health care delivery service. My State of Maryland took the first step and implemented a guarantee to emergency room care. We need to do that. We also need to guarantee the security and privacy of medical records. We also need to ensure that Americans can gain access to health care specialists when they need them.

Madam Speaker, we need to take the "medicrats" out of the health care business. We need to make sure that all Americans have a Health Care Consumers Bill of Rights.

DISTRICT OF COLUMBIA OPPORTUNITY SCHOLARSHIPS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Madam Speaker, I have good news this morning. Low-income children in D.C. are a giant step closer to a good education.

The Senate has passed the bill, which I had the privilege of introducing in the House, to provide opportunity scholarships in the District of Columbia. With this legislation, 2,000 poor children will be able to attend the public, private, or religious school of their choice. Only one thing stands between these children and a brighter educational future: President Clinton's signature.

The teachers unions may be determined to kill this bill. They may pressure him to veto it. But the parents of D.C. are saying: Sign the bill. In fact, one out of every six eligible children in D.C. wants an opportunity scholarship. That is right, 7,500 low-income children have applied for a voucher from a local private charity called the Washington Scholarship Fund. That is 17.2 percent of the eligible population.

Unfortunately, Madam Speaker, only 1,000 of these children will actually get a scholarship. That leaves 6,500 children empty handed, stuck in crumbling schools that are failing them.

Madam Speaker, we cannot abandon these children to another year of failure. If the President will not listen to me, I hope he will listen to his fellow Democrats. I hope he will listen to Floyd Flake, to JOE LIEBERMAN, to the gentleman from Illinois (Mr. LIPINSKI), to the gentleman from Texas (Mr. HALL), to JOE BIDEN. These courageous Democrats have risen above politics and reached across the aisle to help these children.

Madam Speaker, thousands of needy families in D.C. want hope. President Clinton can give them that hope. He can give them a choice. He can sign the bill.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Madam Speaker, a recent caller to my office wanted to know who is the President of Puerto Rico. Of course, the answer was Bill Clinton, and there was a stunned silence as the caller digested this information. They still were not sure, so they asked the question a different way. Does Puerto Rico not have a President? Yes, we do, my staffer clarified. Puerto Rico is part of the United States.

Despite a 100-year relationship, many people do not realize that Puerto Ricans are U.S. citizens. Despite many privileges and responsibilities that we as American citizens share with our counterparts in every State, Puerto Ricans do not share some fundamental political and citizenship rights. We can say that Puerto Ricans were granted a second-class citizenship.

The U.S. citizens in Puerto Rico serve and die in wars defending democracy and other people's right to vote in other nations, but they cannot vote to elect their Commander in Chief. Puerto Ricans do not have a voting representative in either the House of Representatives or the Senate, thus we have no input in the American political process. We are equal in death and war, but unequal in life and peace.

Congress has the opportunity to redress this situation by voting for Puerto Rico's self-determination bill, H.R. 856, the United States-Puerto Rico Political Status Act. Let us put an end to the disenfranchisement of the U.S. citizens in Puerto Rico and support H.R. 856.

SOCIAL SECURITY FIRST, BUT NO NEW SPENDING

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, put Social Security first. This is the battle cry of certain leading politicians, and I agree with that. But how can we say put Social Security first, and then go out and introduce a whole bunch of new spending programs?

The way our budget is done, Social Security is really not a separate trust fund. Right now Social Security has an overpayment in it of about $100 billion. When we add that overpayment to the deficit, we come up with the sum of zero.

So let us be honest. Social Security, if taken off budget, still leaves us with a deficit.

□ 1030

It is very important for all of us, young and old, to realize that; that when we say the budget is balanced, all we are saying is Social Security is part of the general fund.

If we are going to put Social Security first, we sure do not do that and then turn right around, as the President has done, and introduce $100 billion in new spending programs. Because that money comes right out of Social Security.

I am sick and tired of Social Security being the political football and used to scare all the folks who are on it in the United States of America. We need to be honest about it. I believe we need to personalize Social Security, we need to have an open dialogue, and we need to acknowledge that, right now, the way the accounting is done it is being used to offset the deficit.

CAMPAIGN FINANCE REFORM

(Mr. TIERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNEY. Madam Speaker, I rise today to talk about campaign finance reform. As we witness the current spectacle of the Senate leadership preventing a clean vote on even modest campaign reform, I urge my Republican colleagues in the House to stand up and resist any attempts by the House leadership to follow in the footsteps of the Senate leadership.

Let us have a full and open debate in this House on campaign finance reform. Let us have a straight up-or-down vote on any one of the many measures that have been introduced here in the House. Let us not have a poison pill amendment. Let us have a clean vote so that our constituents can know where we stand on this very important issue.

Madam Speaker, I note that 187 of my colleagues have signed a discharge petition that would bring the issue of campaign finance reform to the House floor for a vote. I urge my Republican friends and colleagues who say that they, too, want reform to join us in this effort.

We may not agree on the actual context of any reforms, but the people in the House and all the Members therein are entitled to a debate that is open and honest and fair.

PUT REAL DOLLARS INTO THE SOCIAL SECURITY TRUST FUND

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Madam Speaker, I rise to follow on the 1 minute done by my colleague from Georgia.

The Social Security System this year is collecting about $450 billion from taxpayers all across America, including my 15-year-old son who is paying about $300 into that system. So they are collecting about $450 billion this year.

They are paying about $360 billion back out to our senior citizens in benefits, and that leaves a $90 billion surplus in the Social Security Trust Fund, and this is a true surplus. But instead of putting that money into a savings account to preserve and protect Social Security, that money, instead, is being put into the government's big checkbook, or general fund, and is being spent on other programs.

In the President's budget he did not propose that we take the surplus, whatever is left over in that big government checkbook, and put it into Social Security. Instead, his budget proposes we take that surplus, whatever is left over, which is not the way Social Security should be treated, and he proposes we take that and pay off nonSocial Security debt. He does not propose we put that money back down into the Social Security Trust Fund where it actually belongs.

This is a big problem facing our country; and it is here in the near term, not in the long term. It is time to put Social Security first by putting real dollars into the Social Security Trust Fund.

TIME TO PAY OFF BALANCE ON NATIONAL CREDIT CARD DEBT

(Mr. McINNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINNIS. Madam Speaker, the national credit card now carries a balance of $5.5 trillion. Now, just in case those listening thought they heard me wrong, let me say that again. It is a trillion, $5.4 to $5.5 trillion, not billion, dollars in debt.

While the deficit this year may very well be zero, and that is of some question because of the Social Security issue and whether or not the Social Security funds create an artificial surplus, the last 60 years of government living beyond its means has brought us a debt that will not be zero for many, many more years when we consider the overall debt, not the annual deficit.

With a hundred billion dollar a year deficit year after year when the liberals controlled the United States Congress, the taxpayers now face a national debt that threatens our children's future. It is the time, the appropriate time, to start reducing that debt on the credit card that has been used by years and years of abuse in the United States Congress.

I would like to invite fiscal conservatives on both sides of the aisle, both Republicans and Democrats, to work together on a bipartisan method to control spending, to cut wasteful programs, and to make government smaller. It is time to start paying off the balance on our national credit card debt.

PERSONAL EXPLANATION

Mr. LAMPSON. Madam Speaker, on February 24, on rollcall 18, I am recorded as not voting. Unfortunately, my flight into National Airport was delayed.

This bill provides for increased mandatory minimum sentences for criminals possessing firearms. Had I been recorded on that vote, I would have voted "aye."

FEDERAL AGENCY COMPLIANCE ACT

Mr. McINNIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 367 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 367

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Colorado (Mr. McINNIS) is recognized for 1 hour.

Mr. MCINNIS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the fine gentleman from the State of Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 367 is a very simple resolution. The proposed rule is an open rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary. After general debate, it shall be in order to consider the Committee on the Judiciary's amendment in the nature of a substitute as an original bill for the purpose of amendment under the 5-minute rule. House Resolution 367 allows the Chair to accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Additionally, House Resolution 367 allows for the chairman of the Committee of the Whole to postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote.

Finally, Madam Speaker, the rule provides one motion to recommit with or without instructions.

Madam Speaker, this open rule was reported out of the Committee on Rules by a unanimous voice vote. The underlying legislation, the Federal Agency Compliance Act, is a bill which makes a great deal of sense. This legislation generally prevents agencies from refusing to follow controlling precedents of the United States Courts of Appeals in the course of program administration and litigation of their programs.

In my opinion, citizens have the right to expect that Federal agencies will follow the law as interpreted by the courts of this country. Sadly, the Federal agencies often prefer to relitigate settled questions of law in multiple circuits at one time, creating needless expense for both the government and private parties.

I urge my colleagues to support this rule, it is an open rule, as well as the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Madam Speaker, I thank my colleague, my dear friend from Colorado (Mr. MCINNIS), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Madam Speaker, I rise in support of this open rule; and I congratulate the chairman and the majority members of the committee for bringing this rule to the floor in its present condition. It will enable Members to offer amendments to what has the potential of being a very good bill with very small changes.

This bill was written to stop some of the abuses that began in the 1980s when people were denied benefits by the Social Security and the Veterans Administrations.

For example, Madam Speaker, people who were seriously disabled were either arbitrarily dropped from the disability rolls or denied their benefits entirely. Once the courts determined that the agencies should neither have dropped the people nor denied them coverage, the agencies still did not fix all their mistakes.

Madam Speaker, there is no reason on earth that people who risked their lives defending this country or who work hard and pay into the Social Security system should have to go to court to get the benefits to which they are entitled; and there is certainly no reason that once the mistakes are found out that they should not be fixed immediately.

Because of the potential for abuse, this bill is a great idea, but it needs a few changes. And, Madam Speaker, since it is being brought up under the open rule, Members of this House will be able to offer amendments to improve the bill on the House floor and make these very needed changes.

For one thing, Madam Speaker, the way the bill stands now, this bill puts huge restrictions on all Federal agencies in order to stop the abuses of just a very few Federal agencies.

Madam Speaker, this bill is something like killing a mosquito with a sledgehammer. In this case, I am not saying the mosquito should not be killed, but maybe we could find a way to do it without creating an even more severe problem in the process.

Federal agencies should certainly be required to comply with court decisions about eligibility for benefits, such as Social Security and veterans' disability, but the implementation will be far from easy. And if we are not careful, Madam Speaker, this bill, as it stands now, might hurt the enforcement of labor, environmental and civil rights laws. So I look forward to supporting an amendment protecting the enforcement of these mechanisms, and I urge my colleagues to support this open rule.

Madam Speaker, I reserve the balance of my time.

Mr. MCINNIS. Madam Speaker, I yield myself such time as I may consume.

I think it is worth our time to spend a few minutes this morning looking into the question that motivated this legislation. It is important because the question here is whether or not Federal agencies should respect and abide by case law precedent established by the Federal Courts of Appeal.

The answer to that question, in my opinion, should be self-evident. But apparently it is not; and, of course, the self-evident answer is these Federal agencies should be bound by court precedents; and I think that is probably the opinion shared by most of the people that we represent in this country.

Chief Justice John Marshall stated in the case of Marbury versus Madison, and that case has become one of the cornerstones of our democracy, that it is emphatically the providence and the duty of the judicial department to say what the law is. The courts having said what the law is, it is the duty of every citizen, and that just as emphatically includes the executive branch, to follow the law.

It would seem strange that the question has arisen as to whether or not our Federal agencies, who by the way work for our people, who are bound by the courts, that there is some question as to whether they are bound to follow the law as determined by the courts. But for many years now agencies have asserted it is their right to determine whether or not they should acquiesce in court decisions. It is a right that has been granted or conceded to agencies by neither the courts nor Congress, and the result is an unwarranted exercise that has been the infliction of needless hardship on many of our most disadvantaged citizens, not to mention the destructive effect on the American legal system and the confidence that the ordinary people have in their government.

□ 1045

The ordinary people in this country face the consequences of a court action. They cannot defy a court action. Why on goodness earth should the Federal agencies be able to ignore Federal court decisions? The Judicial Conference of the United States, which is chaired by the Chief Justice, has identified agency nonacquiescence as a policy that undermines certainty and fair application of the law. It has recommended in strong terms that the Congress enact a law to control it.

Thus, the bill that we consider today, supported by the Judicial Conference, not to mention other groups, such as the American Bar Association, attempts to put some order back into the situation by prohibiting agencies from engaging in a general policy of nonacquiescence. We have attempted to provide agencies the latitude necessary in the administration of their various programs, but we have considered just as importantly the legitimate expectation of persons who appear before and whose lives are affected by Federal agencies. Disadvantaged supplicants face insurmountable hardships when a Federal agency reserves that right to follow its own policy despite the fact that an appellate court has decided a question of law against it. The aged, the disabled, the impoverished not to mention most ordinary citizens who are affected by an agency's policy of nonacquiescence lack the resources to carry out a fight against an agency through the courts to receive what the Court of Appeals has already said is their right. In fact, few, if any, citizens, no matter what their status is in our society, have the time or the resources to battle the agency juggernaut. That is why it is so important to ensure that agencies follow applicable precedent absent a good reason to the contrary.

I think that this bill, with bipartisan cosponsorship that includes the distinguished ranking member, represents a fair and workable measure that will ensure that those who administer our laws also realize that they have a duty to follow them. The bill recognizes circumstances may sometimes warrant limited nonacquiescence by an agency and those situations are provided and addressed in this bill. H.R. 1544 takes a stronger position against intracircuit nonacquiescence than it does against intercircuit nonacquiescence because it recognizes that an agency's decision not to obey a Circuit Court of Appeals precedent within that circuit is an extraordinary attack on the principle of stare decisis, which must be controlled by the courts. Needless and repetitive litigation, seeking to create intercircuit conflicts with respect to the administration of a program or rule can also have destructive effects. But these are such that I think we can rely upon the Attorney General to prevent by placing upon her the duty to report annually to us on government compliance.

I know in the last few minutes I have been using a lot of legal terms, but to put it very simply in the language that a lot of us understand, that is that if the average ordinary person out there is ordered by a Federal court to do something, they have to follow that. They have to acquiesce to the Federal court's orders. We have a history of Federal agencies deciding they do not have to agree, or acquiesce, that is the word that has been used in the testimony we have had, they make a decision of nonacquiescence, that they do not have to follow the same kind of court orders that the ordinary citizen that we represent has to.

That is what this bill is trying to correct. That is what this bill, with assistance from other people like the American Bar Association and so on, is trying to curb, to force Federal agencies to live within the same bounds that the ordinary person has to. Some might argue that agencies which have in the past been so nonacquiescent, nonagreeable, should be trusted to change their spots. I do not think so. I do not think we can depend upon them to do it. I think that time after time though we have complained about it and no action has been taken. It is now time for us in the United States Congress to take action and pass this bill.

I have of interest here a letter from the American Bar Association. That is pretty controlling authority. That is the body of attorneys throughout the United States. They form an association that carries a lot of weight. They have experts in this area. I would like to read that letter. It is dated February 24, 1998. It is from the American Bar Association. It is addressed to the gentleman from Pennsylvania (Mr. GEKAS), the chairman.

> DEAR MR. CHAIRMAN: We understand that on Thursday, February 26, 1998, the House of Representatives will consider H.R. 1544, the Federal Agency Compliance Act legislation that would, among other things, require the Social Security Administration to comply with Federal court precedents within the same circuit. I am writing on behalf of the American Bar Association to express our strong support, strong support from the American Bar Association, that is my own add in there, for legislation that would require the Social Security Administration to cease its policy of nonacquiescence and to follow Court of Appeals decisions within that circuit subject to seeking review in the United States Supreme Court. The provisions of H.R. 1544 addressing the SSA issue are consistent with the ABA goal of requiring the SSA, Social Security Administration, to cease its practice of nonacquiescence to the legal interpretations of the Court of Appeals within each circuit.

I will not go ahead and read the rest of this letter. I know that we would like to move on. We do have an open rule here. I would ask for Members' support on that open rule. But it is important that we remember the concept, and that is that the law that the ordinary person has to follow, as issued by the Federal courts, should very well be expected to be followed by the Federal agencies when the Federal court renders a decision involving those agencies.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BUNNING). Pursuant to House Resolution 367 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1544.

□ 1052

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Chairman, I yield myself such time as I may consume. This is the time that is now set for a full debate on the merits of the legislation that is before us which would for the first time make it a part of our law that administrative agencies who have established policies and who establish policy every day in the furtherance of their domains, that that policy when it clashes with precedent that has been set by the courts in a particular area should comply with what the courts have said. That is, that the agencies, just like every other citizen, should comply with the law.

How has this arisen and why is it such a problem? We would not be here on the floor today, Madam Chairman, if it were not for the fact that the Judicial Conference, which is made up of the Supreme Court Chief Justice and Federal judges across the Nation, they have discovered that it is a source of worry to them, more than worry, one in which they have pledged to take action and have, that some Federal agencies refuse to acquiesce to a circuit court decision which compels, or should compel, the agency to act one way or another in future cases based on the precedent that has been set. Yet we see time after time that the agency ignoring the precedent set, follows its own policy in the second, third, fourth and subsequent cases that come up, thus forcing litigation, forcing expenditures of time and money on the part of claimants, and, therefore, leads to uncertainty in the law.

Let me give my colleagues a quick example. I think this would set the stage for what we attempt to do here. This is based on an actual case but I am going to do it in hypothetical terms. If an individual claiming Social Security disability demonstrates through the medical reports that there is a lot of pain involved in the particular injury that this individual has but the pain, everyone agrees, is only subjective in that claimant's psyche, that it is totally subjective, the administrative agency, in this case the Social Security Administration, has found in the past that they will not grant benefits on the basis of a subjective claim of pain, and so they rejected a claimant's similar claim. The claimant now appeals. The circuit court then rules that the agency was wrong. Although pain may not be the final determinant as to whether that benefit should be conferred, it has to be considered whether it is subjective or not. The pain level as asserted by the claimant is an element that has to be considered in the administrative level. Well, notwithstanding that, the next few cases that come by, the administrative agency sought to continue denying such claims based on pain even though the circuit court has acted on it and has set a precedent for at least that circuit. And so what do we have here? We have the vision of a nonacquiescence, as it is called. That is, that the Social Security Administration in the hypothetical that I gave chooses to pursue its own policies of how to deal with pain and ignore the precedent that has been set by the bona fide court decision.

This has worried the Judicial Conference. They suggested that the Congress deal with it. That is what we are trying to do. In the lowest common denominator that we can place this debate, Madam Chairman, is that everyone expects everyone to obey the law. If the law states, as it did in this case, this hypothetical that I gave, that pain has to be considered, then not just individuals have to comply with the law but the agencies which are charged with the responsibility of executing the law as the Congress and the courts have adjudicated, or have stated.

That is why we are here. We also enjoy the support of other bar association groups and other litigation groups and recipient groups; that is, of the benefits that are conferred by most of our agencies in the contemplation of this very serious problem. I must say that we have worked on this problem for perhaps 10 to 12 years now. We think that we have been spurred into action finally by reason of the fact that at last the judiciary itself, from the Supreme Court down, became alarmed at what was occurring. Although there are certain sanctions that the Supreme Court and the court system can apply to an agency that nonacquiesces, as we are wont to say, their recommendation that we craft it into law is why we have had hearings, we had good debate in both the subcommittee and in the full committee in Judiciary and by overwhelming vote, the matter carries to the floor here today.

Madam Chairman, I reserve the balance of my time.

Mr. NADLER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of this bill. I want to commend the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee, for the fair and adequate consideration this bill has gotten in the subcommittee and in the committee. I want to commend the gentleman from Massachusetts (Mr. FRANK), who did so much work for over a dozen years in originating the concept of this bill and in bringing it to where it is now. The gentleman from Massachusetts (Mr. FRANK) and I are going to offer an amendment in a while which we will discuss at that time but let me say in general about the bill now, there has been a serious problem.

□ 1100

Madam Chairman, it is generally, but not completely, but almost completely, with respect to benefits programs where an agency adopts an interpretation of the law, a perhaps overly restrictive interpretation of the law, and based upon that denies someone a benefit that he is entitled to, denies Social Security benefits. We had a lot of problems in the mid-1980s during the Reagan Administration about Social Security problems. We are having apparently currently a lot of problems about Medicare problems.

Someone sues, someone gets a lawyer, goes to court and sues and says the agency is wrong and I am entitled to this benefit under these circumstances, and the court agrees. The agency appeals. The Court of Appeals agrees. So that person gets his benefit. But the next person, the agency does not change their policy. They deny the next person their benefit, and he or she has to go to court. And every individual has to litigate up to the Court of Appeals.

Now this is wrong. Most people will not be able to afford attorneys or to get free legal help and to go through the problems, nor should they have to waste the money and the time, and especially a right delayed is often a right denied.

Federal Agencies have long asserted the right to ignore the law of the circuit in order to advance issues of public policy, recognizing that the United States speaks for all Americans, and it is in that sense a litigant different from all others.

While that is a debatable point, what is not debatable is that the so-called right of nonacquiescence has been abused under administrations of both parties. That abuse has been especially egregious in the areas of Social Security benefits, Medicare benefits and IRS enforcement where agencies for private citizens repeatedly have required private citizens to repeatedly relitigate settled issues of law. No one should have to spend years in court to win a right already recognized under law.

The purpose of this bill is to establish precisely that point, that no one should have to spend years in court to win a right already recognized under law. That is why this bill, if we pass the amendments that we will talk about in a few minutes, should become law, and that is why I rise in tentative support of it pending the outcome of the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEKAS. Madam Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. GOODLATTE) a member of the committee.

Mr. GOODLATTE. Madam Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding this time to me, and I commend him for his hard work in this important issue and join him in supporting his legislation. Nonacquiescence by Federal agencies has been an ongoing problem for most of this century dating as far back as the 1920s. Many Federal agencies, in particular the Internal Revenue Service and the Social Security Administration, have repeatedly held themselves to be outside the rules on which our system of justice is based.

They claim to be bound only by Federal, district and appellate court decisions in a particular circuit as they affect the particular litigant in the specific case under consideration. Beyond that, these agencies act without check until either the Congress or the Supreme Court intervenes.

This arrogance flies in the face of the reliance on judicial precedent that our system of justice presupposes and undermines the integrity and efficiency of the appeals process, while guaranteeing the claimant due process. By continuing to pursue its policy of nonacquiescence, these agencies are limiting access to the justice system for the claimant, who must pursue lengthy appeals to obtain a decision on an issue of the law that could have been resolved at the agency level, the claimants whose cases are delayed because the agency's resources are spent on duplicative efforts and claimants who may be denied timely access to the Federal court system because the court is forced to reconsider issues of law that it has already decided.

The Federal Agency Compliance Act generally bars intracircuit nonacquiescence while at the same time addressing the need in special cases for agencies to relitigate a precedent. In addition, the bill circumscribes the practice of intercircuit nonacquiescence. H.R. 1544 applies to all agencies, thereby recognizing that the policy on nonacquiescence, whether inter or intra, has been applied by various agencies and could be asserted by any agency.

In addition, this legislation provides a balanced approach by including exceptions to give Federal agencies sufficient flexibility to adhere to valid established precedent so as not to interfere with continued development of the law. This important legislation preserves the judiciary's constitutional role of interpreting the law. This important legislation preserves the judiciary's constitutional role of interpreting the law while allowing Federal agencies to administer fairly their programs.

Madam Chairman, I urge my colleagues to support the passage of H.R. 1544, and I thank the gentleman from Pennsylvania (Mr. GEKAS) for having yielded this time to me.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. GOODLATTE) assumed the chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

FEDERAL AGENCY COMPLIANCE ACT

The committee resumed its sitting.

Mr. GEKAS. Madam Chairman, I yield such time as he might consume to the gentleman from Kentucky (Mr. BUNNING).

Mr. BUNNING. Madam Chairman, I thank the gentleman from Pennsylvania for yielding, and I thank him for the opportunity to comment on H.R. 1544, the Federal Agency Compliance Act.

Madam Chairman, I appreciate the committee's effort to prevent agencies from refusing to follow controlling precedents of the United States Courts of Appeal in the course of program administration. I fully agree that Federal agencies, including the Social Security Administration, must follow circuit court decisions. However, I do not support legislation that compromises the fair and impartial treatment of Social Security claimants.

This bill seeks to allow administrative law judges and other adjudicators the latitude to apply their own interpretation of circuit court decisions. As chairman of the Subcommittee on Social Security, I have grave concerns about the impact this legislation would have on Social Security disability decision-making and particularly on the Americans' public right to unbiased treatment.

Currently, when the U.S. Circuit Court of Appeals publishes a decision that conflicts with the Social Security Administration policy, Social Security can either, one, issue an acquiescent ruling to apply the case in that circuit or, two, change its policies to apply the case nationwide or seek Supreme Court review.

SSA's acquiescent ruling process is the means by which SSA provides all decision makers with directions on how to uniformly and fairly apply courts' decisions which conflicts with SSA's nationwide policy. SSA takes over 2 million new disability claims a year and processes over 600,000 disability appeals. SSA has over 20,000 decision makers. H.R. 1544 would authorize SSA, more than 20,000 adjudicators, to apply their own individual interpretation of a circuit court decision.

As we all know, court decisions are often subject to various interpretations. If all 20,000 SSA adjudicators were permitted to apply their own interpretations of court decisions, different standards would be applied to individuals with similar circumstances across this Nation.

I am not in favor of SSA adjudicators applying conflicting standards. Not only does H.R. 1544 jeopardize the right of individuals seeking SSA benefit, the bill also undermines the statutory authority of the Commissioner of SSA to establish rules and policies. In order to insure that similarly situated individuals are treated in a consistent manner, SSA would have to devote additional resources to monitor its adjudication process.

Total SSA resources are limited. Any shift in resources to account for new work loads would likely have untold effects. Those untold effects could include delays in retirement claims, claims filed by widows or claims filed by severely disabled individuals waiting for their disability decisions. SSA's disability work load is of such staggering proportion that any proposal that would have even the slightest impact on processing time delays must be carefully examined and deliberated by Congress.

The American public should not have to tolerate additional delays in the process that already takes too long. The American public should not be subjected to inconsistent and possible biased decision-making. The public deserves better.

We are all aware of the challenges facing the Social Security Trust Fund. CBO has stated that they cannot predict the budgetary impact of H.R. 1544. I say we cannot move forward until we know how this legislation will impact the long term solvency of the Social Security Trust Funds.

Therefore, I urge my colleagues to vote no on H.R. 1544, and I thank the gentleman from Pennsylvania (Mr. GEKAS) for the time.

Mr. GEKAS. Madam Chairman, having reserved some time, I now yield myself such time as I may consume. The gentleman from Kentucky has brought up some issues that require a response.

First of all, the Social Security Administration has told us in different ways repeatedly that they are willing to acquiesce and that they have changed their procedures and are turning towards a policy of acquiescence rather than the nonacquiescence which we seek to cure by this legislation. But even if they did, if they took a complete turn around and now are acquiescing in full, that does not make our legislation obsolete because this would carry to all agencies across the board where all of them would be bound by the circuit court and other court decisions.

So if the Social Security Administration itself says they are acquiescing, then opposition to this bill comes empty handed because all this does would be in effect codify what the Social Security Administration has asserted to us it is trying to do anyway. But in the meantime, while we pass this legislation, we are codifying their new system if they are acquiescing, while at the same time applying it to other agencies across the board whereby we would know that the court opinions would be respected and in which acquiescence would be a routine matter.

Another point which has to be made is that from the standpoint of the administrative judges, and the gentleman from New York (Mr. NADLER) first noted this very important aspect of what we are about here, the administrative law judges, in the first instance, are the first battleground. They, too, should have a cognizance that the precedents already set by the circuit court should apply to them as they deliberate on the adjudicative level within an agency on a particular matter.

So all of this helps the entire system of justice from the standpoint of the claimant, who makes the first claim would know that the chances of having to litigate and relitigate the claim that that individual is making for disability, for Social Security benefits, for Medicare, for land management questions, for labor questions, any kind of question that comes up before agencies would have the sweep of this law to help protect them against the cost. And the aggravation and the time involved in relitigation over and over again for a precedent that has already been set by the courts and should be adhered to in the first place, thereby saving all the time and energy and cost that would be involved in pursuing the case time and time again.

□ 1115

Madam Chairman, I reserve the balance of my time.

Mr. NADLER. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I believe that, subject to the amendment I am going to offer in a few moments, as soon as the bill is open to amendments, that this is an excellent bill, a bill worthy of support, and, unfortunately, an unnecessary bill.

I say unfortunately because we should not have to do this. Agencies should not continue to deny benefits to people when the Circuit Court has said you are wrong in your interpretation of the law. That is not what Congress meant. Congress meant under these circumstances, whatever they may be, the person is entitled to Medicare or Social Security or disability or whatever the case may be.

But we know that, under administrations of both parties, this has happened. It has happened repeatedly, even recently; and we should protect people from the necessity and the taxpayers, too. Because when there is a relitigation of the same points, the taxpayers are paying the money on one side, the individual on the other; and this is wrong.

So I strongly support this bill; and I hope the majority, the distinguished chairman, will see his way clear to accepting the amendment so that we will have the votes to make sure that this bill is enacted into law.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in opposition to H.R. 1544, the Federal Agency Compliance Act. My primary point of contention with this bill, is that this legislation could potentially cause drastic harm to our federal agencies' ability to enforce and protect many of our essential labor, environmental and civil rights laws. The fact of the matter is that our federal agencies already have systematic procedures to determine which cases should be challenged in federal appellate court, and which should not. If we were to add another (unnecessary) set of criteria which restricts when our federal agencies can seek appellate review, ultimately, we will disadvantage these agencies' ability to protect some of our most fundamental civil rights.

Actually, many federal agencies rely upon the Department of Justice to be their "arm of litigation", because any desired appeal by a federal agency to an appellate court must be approved by the Solicitor General's office. Additionally, a court can hold these agencies to be financially responsible for their opposing parties' attorney's fees if their legal challenge is deemed to be "substantially unjustified". The fact remains that there is little incentive for federal agencies to bring frivolous challenges to standing circuit court precedents. Critics, however, respond to this evidence by saying, then why don't these federal agencies choose to comply with the various precedential decisions in the many federal judicial circuits?

Even though, I agree wholeheartedly, with the spirit of this concern, I can not in good conscience, agree with its substance. The Social Security Administration, widely considered to be the main target of this legislation, has already enacted a new regulation that in effect is a model of H.R. 1544, so why is it a necessity to potentially endanger our collective civil rights? Furthermore, what sense does it make to pass a law to restrict circuit court appeals by federal agencies, which then requires these same federal agencies to challenge potential exemptions to this new statutory rule in federal court? What is the added value? If an agency feels that it meets the standards for exemption and files an appeal in federal circuit court, a federal court, again, is the only available source of clarification and dispute resolution.

If this bill's intent is simply to prevent the relitigation of certain claims that affect individual grievances against federal agencies such as Health and Human Services or the Social Security Administration it should do that, and only that. However, as is clear from these many impassioned polemics against this bill, H.R. 1544 ends up doing far more. At least, the supporters of this bill should be able to say that even though this proposed legislation may very well endanger some of our most sacred Constitutionally-protected rights, it is motivated by an overwhelmingly meritorious reason. Unfortunately, neither I, nor anyone else that has questions about the necessity of this bill, has been able to find evidence of a desperate need for this legislation.

I believe that my colleagues simply have failed to ask and answer a series of important questions in their haste to pass this bill. For example, what will the immediate effect of H.R. 1544 probably be? If a federal agency is going to acquiesce according to the letter of this bill, it must adopt differing policies for the many judicial circuits which have made rulings about a particular issue. Under these rules, it is highly unlikely that a federal agency could ever have a singular, national regulatory policy again. In the bureaucratic maelstrom that is our federal government, is further complication of regulatory policies either prudent, or pragmatic? Ultimately, how is it different for an aggrieved party? If a circuit court rules disfavorably to one claimant's position, all similarly situated parties will be judged (in that particular judicial circuit) by that same standard. If we agree that aggrieved parties are too often unaware, if not financially unable, to pursue any further review of their claim in a court of law, how does this new statute help their plight?

And finally, the Supreme Court often has very good reasons for granting or not granting certiorari in matters involving controversial issues of law. Why enact a law that would require a multi-faceted standard for relief among the many judicial circuits, if we do not really know which is the appropriate standard of review? Often it takes several years for a rule of law to mature completely or even be overturned, so why should we force all claimants in a judicial district to experience the far too erratic "growing pains" of our federal judicial process.

For all of these reasons, I would implore my colleagues to vote against H.R. 1544, there must be a better way to solve this problem. A better way, a more efficient way than jeopardizing our most fundamental civil rights and liberties.

Mr. NADLER. Madam Chairman, I yield back the balance of my time.

Mr. GEKAS. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Mr. GEKAS. Madam Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Agency Compliance Act".

SEC. 2. PROHIBITING INTRACIRCUIT AGENCY NONACQUIESCENCE IN APPELLATE PRECEDENT.

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, is amended by adding at the end the following:

"§ 707. Adherence to court of appeals precedent

"(a) Except as provided in subsection (b), an agency (as defined in section 701(b)(1) of this title) shall, in administering a statute, rule, regulation, program, or policy within a judicial circuit, adhere to the existing precedent respecting the interpretation and application of such statute, rule, regulation, program, or policy, as established by the decisions of the United States court of appeals for that circuit. All officers and employees of an agency, including administrative law judges, shall adhere to such precedent.

"(b) An agency is not precluded under subsection (a) from taking a position, either in administration or litigation, that is at variance with precedent established by a United States court of appeals if—

"(1) it is not certain whether the administration of the statute, rule, regulation, program, or policy will be subject to review by the court of appeals that established that precedent or a court of appeals for another circuit;

"(2) the Government did not seek further review of the case in which that precedent was first established, in that court of appeals or the United States Supreme Court, because neither the United States nor any agency or officer thereof was a party to the case or because the decision establishing that precedent was otherwise substantially favorable to the Government; or

"(3) it is reasonable to question the continued validity of that precedent in light of a subsequent decision of that court of appeals or the United States Supreme Court, a subsequent change in any pertinent statute or regulation, or any other subsequent change in the public policy or circumstances on which that precedent was based.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 5, United States Code, is amended by adding at the end of following new item:

"707. Adherence to court of appeals precedent.".

SEC. 3. PREVENTING UNNECESSARY AGENCY RELITIGATION IN MULTIPLE CIRCUITS.

(a) IN GENERAL.—Chapter 7 of title 5, United States Code, as amended by section 2(a), is amended by adding at the end the following:

"§ 708. Supervision of litigation; limiting unnecessary relitigation of legal issues

"(a) In supervising the conduct of litigation, the officers of any agency of the United States authorized to conduct litigation, including the Department of Justice acting under sections 516 and 519 of title 28, United States Code, shall ensure that the initiation, defense, and continuation of proceedings in the courts of the United States within, or subject to the jurisdiction of, a particular judicial circuit avoids unnecessarily repetitive litigation on questions of law already consistently resolved against the position of the United States, or an agency or officer thereof, in precedents established by the United States courts of appeals for 3 or more other judicial circuits.

"(b) Decisions on whether to initiate, defend, or continue litigation for purposes of subsection (a) shall take into account, among other relevant factors, the following:

"(1) The effect of intervening changes in pertinent law or the public policy or circumstances on which the established precedents were based.

"(2) Subsequent decisions of the United States Supreme Court or the courts of appeals that previously decided the relevant question of law.

"(3) The extent to which that question of law was fully and adequately litigated in the cases in which the precedents were established.

"(4) The need to conserve judicial and other parties' resources.

"(c) The Attorney General shall report annually to the Committees on the Judiciary of the Senate and the House of Representatives on the efforts of the Department of Justice and other agencies to comply with subsection (a).

"(d) A decision on whether to initiate, defend, or continue litigation is not subject to review in a court, by mandamus or otherwise, on the grounds that the decision violates subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 5, United States Code, as amended by section 2(b), is amended by adding at the end of following new item:

"708. Supervision of litigation; limiting unnecessary relitigation of legal issues.".

AMENDMENT OFFERED BY MR. COX OF CALIFORNIA.

Mr. COX of California. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COX of California:

On page 5, line 16, strike the final period and insert "of section 707 or 708."

Mr. COX of California. Madam Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the committee, for discussing with me my concerns about this bill and for his good work in bringing this bill to the floor.

Madam Chairman, the Federal Agency Compliance Act, H.R. 1544, is intended to do two things: first, to ensure that the executive branch obeys the law, a good purpose; second, to discourage the relitigation of settled questions and to avoid the needless expense for both the government and private parties of unnecessary and wasteful litigation.

As one who has worked long and hard on civil justice reform, I could not agree with the gentleman more about the importance of reducing needless, wasteful and expensive litigation, both for the benefit of the parties and for the taxpayers, who, in the case of government litigation, of course, are footing the bill.

The Federal Agency Compliance Act contains essentially two parts, one dealing with the relitigation of decisions of the courts within a judicial circuit and another dealing with the relitigation of questions that have been decided in one circuit but perhaps not in all others, or that have been decided in others but where multi-circuit litigation is undertaken to address the question anew.

In the inter-circuit, the multi-circuit part of the bill, there is the following sentence: "A decision on whether to initiate, defend or continue litigation is not subject to a review in the court by mandamus or otherwise on the grounds that the decision violates subsection A".

In other words, there will not be collateral litigation, a new cause of action created, by virtue of the alleged violation of section 708, the decision by the government whether to continue to defend or to initiate a lawsuit.

That is a very good part of this bill. It relies upon not only the good faith of the executive branch in making decisions whether or not to litigate intercircuit but also upon the notion that it is the responsibility not of private litigants but of the government to take care, and the President is head of the executive branch of government, to take care that the laws are faithfully executed. That is the executive branch's constitutional responsibility.

The prohibition against that kind of wasteful, needless collateral litigation in this bill ought to apply not to just half of it but all of it.

So my amendment makes clear that the sentence that I just read, that decisions whether to litigate or continue litigation are not subject to review, not subject to additional collateral litigation, that will apply to both the inter- and intra-circuit parts of this legislation under my amendment.

As a consequence, I offer it for the consideration of the Members. I believe that, absent this provision, we would do two things that we ought not to do. Number one, we would unnecessarily and deeply intrude upon the constitutional prerogative of the executive branch to take care that the laws are faithfully executed; and, number two, we would be actually fomenting additional wasteful, expensive litigation.

It is the very purpose of this bill to do just the opposite. Reading from the purpose and summary of the bill: "Unnecessary litigation is a needless expense, for both the government and private parties."

I could not agree more. Hence, my amendment, and I urge my colleagues to consider it.

Madam Chairman, I should add, having just discussed this for the first time with the chairman and ranking member, I understand their reticence in accepting it, although they have been gracious in discussing the merits with me and understanding the purpose by which I offer it now.

Because there is similar legislation pending in the other body, because I expect that we have an opportunity to resolve this during conference, I will not be disheartened if my amendment is defeated today, but I do look forward to working with the chairman and the ranking member as well as our colleagues in the other body to see if we can improve the bill in this respect.

Mr. GEKAS. Madam Chairman, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I would respectfully request that the gentleman seek unanimous consent to withdraw the amendment, only on the basis that he has already asserted, namely, he has brought a good point to our attention. In fact, this point may have been raised subliminally during our testimony, and, therefore, it does require our attention.

But because it has come up at this juncture and we do not know the full consequences of accepting the amendment or even debating it, I would ask the gentleman to ask unanimous consent to withdraw his amendment, with the promise of the chairman and others that we are going to duly consider it in the pathway of this legislation all the way to the end.

Mr. COX of California. Madam Chairman, reclaiming my time, I appreciate the gesture that the chairman has made; and, inasmuch as I have not been able to alert my colleagues to my concern about this, I myself just discussed this with lawyers in recent days and in our leadership meeting yesterday, Madam Chairman, I would accept the chairman's generous offer.

I will note that because I will just now, as the gentleman suggested, ask unanimous consent to withdraw the amendment, that because the underlying bill lacks this amendment, I will not be able to support it today.

Madam Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 5, insert after line 20 the following:

SEC. 4. APPLICATION.

The amendments made by section 2 shall apply only with respect to agency actions which involve a Federal health benefit programs, a Federal program under which cash is paid based on need or insurance benefits are paid, or the Internal Revenue Code of 1986 and the amendments made by section 3 shall apply on with respect to proceedings in courts which involve a Federal health benefit programs, a Federal program under which cash is paid based on need or insurance benefits are paid, or the Internal Revenue Code of 1986.

Page 3, line 4 and beginning in line 10, strike "Government" and insert "agency".

Page 4, beginning in line 7, strike "neither the United States nor any agency or officer thereof was," and insert "the agency was not".

Page 3, line 21, strike "of following" and insert "the following".

Page 5, line 20, strike "of following" and insert "the following".

Page 4, line 19, insert before the period the following: "unless the precedents in a majority of other United States courts of appeals supports the position of the agency".

Mr. NADLER (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Madam Chairman, I am offering this amendment today, which would narrow the scope of this bill, to those areas where the record of abuse is clear, to those areas which in fact are the areas that motivated the introduction of the development of this bill over these many years.

Those areas are the areas of benefits and where the public actually deals with the government on a daily basis, the areas of health care, Medicare benefits, the areas of Social Security and disability benefits, the area of dealing with the Internal Revenue Service.

In those areas I think we clearly need a bill such as this to say to the agencies, to the Internal Revenue Service, to the Health Care Financing Administration, to the Social Security Administration, that you may not deny a benefit, you may not harass a taxpayer by insisting on the interpretation of the law denying the benefit or imposing the tax when the Court of Appeals has said you are wrong. You should not require the taxpayer or the person seeking Social Security or disability benefits to relitigate that on an individual basis.

That is what this bill is about. But I think it is a mistake to apply the bill more broadly in other areas, because there may be unforeseen effects, and it would really require more congressional study to determine the need and the implications.

For example, independent agencies such as the Securities and Exchange Commission play no role in government litigation and by virtue of their independence, this bill, without the amendment, might saddle them with rules without bringing important issues to the court's attention. The majority agrees there would be a mistake and has a manager's amendment to solve this problem, this particular problem. But we really do not know how many additional such issues there may be, and I think it would be a mistake to pass an overly broad bill where no compelling need has been demonstrated. The compelling need is with regard to benefits and with regard to the benefits that may be denied to people who need them and with regard to taxpayers dealing with the Internal Revenue Service.

That is certainly 95 percent of the problem. It is what brought this bill here. It is the subject matter of the hearings that we held to determine the need for this bill, and I say let us fix the problem at hand and do it right.

I will say one other thing on this amendment. Without this amendment, there will be very substantial opposition to this bill from the labor movement, opposition, I believe, not to be correct but, nonetheless, very substantial opposition, which will probably be more than sufficient opposition to prevent this bill from being enacted into law, especially given the fact that the administration has already told us they do not like the bill at all, with or without the amendment.

So we have the problem of getting this bill into law to deal with the problem that we know needs dealing with in the face of very substantial opposition that would be eliminated by this amendment.

Since this amendment would not eliminate any of the solutions to the problems the bill was designed to deal with, I urge the majority, I urge my friend, the gentleman from Pennsylvania (Mr. GEKAS) to accept the amendment so we can enact the bill into law and deal with the problems it is intended to deal with.

That is the argument. Let us deal with the problems we know are out there and let us do it in a way that is realistic in terms of being able to enact the bill into law so we have an accomplishment and so that we help the people that have to deal with the IRS and help the people that need benefits from Medicare, Medicaid, Social Security and disability and solve the problems and not simply have a debate on the floor of the House but have a real bill that helps real people.

So I urge all Members to accept this amendment.

□ 1130

Mr. GEKAS. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, when we undertook this measure from the start, most of us were convinced of the egregious problems that have existed for a long period of time under both Republican and Democrat administrations. What charged us into final action on this type of legislation was the action of the Judicial Conference.

The Judicial Conference, in recommending this proceeding to us, this process to us, made no distinction among agencies. It did not contemplate any other visitation of these benefits on this agency or that agency or that type of claimant or this type of claimant, but rather, noted a serious problem in the enforcement of our laws, and said, in effect, to us, "Please, enact legislation that would cause the administrative agencies to acquiesce in the precedents that the court system set." They even felt it was inadequate for themselves to rely on the sanctions that they are able to impose and still preferred that we enact legislation to do so.

But here is the key. Here is the key. The gentleman from Massachusetts (Mr. FRANK) and I, on a radio symposium, touched upon this matter. Not only do we feel that it should apply across the board to all agencies, but we maintain that the language in the bill allows anyone who is disaffected with a problem of nonacquiescence or acquiescence, like the labor people to which the gentleman from New York alluded, the language in our bill provides for loopholes, as it were, which we crafted purposely; to say that if some agency, like whatever labor is saying should be exempted, or the Securities and Exchange Commission, which others say has to be exempted, the loopholes that we apply are the exceptions to the mandatory adherence to court of appeals precedent.

And we say, for instance, "An agency is not precluded under section A from taking a position, either in administration or litigation, that is at variance with precedent established by United States court of appeals if," and then we cite three provisions which give that option to whoever the gentleman from New York (Mr. NADLER) is alluding to would feel threatened by a general law that asks for acquiescence in law.

Therefore, we have envisioned the moment that would come that some agency would feel that it would be threatened in the execution of its duties or the administration of its responsibilities by acquiescence with court decisions. And if it comes to that irony, that they are worried about acquiescing to court precedent, which is a wild thought, even in that circumstance we give them the option to opt out if they can demonstrate the rationale that is embodied in our own legislation, the one to which the gentleman from New York has acquiesced as necessary in the new processes that we want to see established among the agencies.

First, I would like to see all citizens be able to approach every single agency in the Nation, every single one, with equal justice available to all. That means no exceptions to acquiescence in the law. And in those egregious circumstances, which I cannot even envision, that acquiescence would be a terrible thing to follow the law, how terrible it would be to have to follow the law, in those cases the provisions in our bill which have envisioned that kind of circumstance allow an option out.

But we ought to start with general application of the recommendations of the Judicial Conference that all the agencies should adhere to the law, should obey the law, like every citizen must. And we start from there, and then back away only if, under our bill, those exceptions can be proved.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise to disagree with the gentleman from Pennsylvania, but first, to praise him. This bill first came to my attention when I chaired the relevant subcommittee several Congresses ago, and I began to move on it. I want to pay tribute to the gentleman from Pennsylvania, because it is his determination, as chairman of the subcommittee, that got us to this point. I think there is need for legislation. He showed a great deal of diligence and brought it forward.

But I believe in the interests of getting legislation we ought to be adopting the amendment. I will acknowledge that when I brought the bill out it looked like this, when we had it in committee, and generated a lot of opposition. At the time the opposition was so strong, and that was why it did not get anywhere. I believe we will run into the same wall of resistance if we do not make some changes.

I originally got interested in this subject as the result of unfair decisions by which disabled people were denied disability benefits, in conflict with court opinions. That was something that began under the Reagan administration, and I must acknowledge that it, sadly, continued under the Clinton administration. I felt conscience bound to continue to support this bill, because I had originally dealt with it when it was a Republican administration, and it seems to me the same rules ought to apply to a Democratic administration.

But I should also acknowledge that virtually all of the discussion and evidence I have seen on this bill, having been through hearings on it and been through debates, had to do with the denial of benefits, most particularly through the Social Security Administration, where it seemed to me the pattern had been the most egregious.

While the Social Security Administration has from time to time, and the various administrations, promised us they will stop doing this, I do not believe them. And since we do not have a Secretary General of the U.N. to go get them to sign an agreement, I think legislation is necessary.

So with regard to people who should be beneficiaries of subsistence dollars, yes, one cannot allow the nonacquiescence policy, because it does damage to individuals. But I must acknowledge that in all of the hearings I have been at, the discussion focused on benefits.

At the most recent full committee markup some other agencies finally awakened to this. Maybe they had not taken it seriously before. It is to the credit of the gentleman from Pennsylvania that his diligence brought the bill forward and made them focus on it.

The Securities and Exchange Commission and some other agencies expressed some problems with the bill. I agree, we have tried to deal with them. The gentleman from Pennsylvania has outlined some ways to do that, but I do not think we have done it fully yet.

I do believe very strongly that both in terms of the information that we have had about the bill and the impact, there is a difference between nonacquiescence when it denies beneficiaries who are desperately in need of the benefits they should get, and the questions involved the Securities and Exchange Commission, the National Labor Relations Board, where we are not talking about anything quite so desperate, and where there is a legitimate right to relitigate.

The gentleman from Pennsylvania acknowledges this. He has from the beginning. Yes, we do not think that once a certain number of circuit courts have decided something, that is it forever. Even the Supreme Court of the United States has been known to reverse itself and within a fairly short period of time. The dilemma for us is how do you work out a method of protecting fairness for individuals without preventing legitimate relitigation. That is part of our process.

I believe that there is a compromise between this amendment and the bill that can deal with it. I do not think we have time to work this out now. I would hope if this amendment were adopted we might be able to revisit this before the bill finally went to conference.

But I can say this, if the bill goes forward as is, I believe it will be vetoed. It might be vetoed in any case, because this President, as his Republican predecessors, does not like the idea of Congress mandating that their agencies follow the law. It is more of an executive-legislative dispute than it is a partisan one.

The point I would make to my friend, the gentleman from Pennsylvania, who I honor for his work on this, is this: if we pass it in this form and it is vetoed, we cannot override. If we accept the amendment of my friend, the gentleman from New York, and leave open the possibility of working out some other method of dealing with the agency questions of a broader sort of litigation, the SEC and NLRB, then we will reach a point where we can override a veto.

But if the only thing we can get would be what the amendment would be limited by my friend gentleman's amendment, it would be an enormous accomplishment. Because I would remind everybody again, the impetus for this bill came from actions of the Social Security Administration. We are dealing here with people who are disabled. They are least able to relitigate, least able to hire a lawyer to get the benefit of a court opinion.

Where we are talking about litigants in the NLRB situation or the SEC situation, even if they have to go to court, they are better able to do it.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. So, Madam Chairman, there is an urgency to providing this protection for the recipients and benefits, which is not the same as for more sophisticated, better financed litigants who were dealing with public policy in the field of labor law, securities law, et cetera.

I would hope the amendment would be adopted. I would hope to work with the gentleman. I must say I was almost surprised the bill came up too soon. I think one of the issues was that we had some time to fill. I was hoping we could have worked a little bit more on some amendments.

Faced with this choice now, I think it would be important for us to adopt the amendment because, otherwise, we run the risk of a nonoverrideable veto that would deny the people whose plight led us to get into this years ago, the beneficiaries of disability programs and others who were being hurt. I do not want to put their right to get the benefit of this good legislation at risk, and that is why I hope the amendment is adopted.

Mr. CONYERS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment. I am delighted to participate in this debate with my friend, the gentleman from Pennsylvania (Mr. GEKAS), who I think has worked in a very good spirit to try to deal with a set of problems that were ones that we all agreed with.

I think the problem here, though, is that we have gone too far, that we move now to cover every agency, department, bureau. I think that might lead to some results that we would regret, especially without the Nadler amendment.

I am prepared to say now that, if the Nadler amendment is supported, that I will support the bill. But I want to remind the gentleman from Pennsylvania (Mr. GEKAS), who is one of the more senior members of the Committee on the Judiciary, that there have been dangerous legal precedents that, had this bill been law without the Nadler amendment, and there was a determination by the United States Government and the Department of Justice to go forward on the Dredd Scott case, which denied African American slaves and former slaves constitutional rights, or the Plessy versus Ferguson case, which upheld separate but legal facilities in the United States, or the Korematsu versus United States case, which gave court approval to the Japanese American internment during World War II, the agencies or the departments that would have gone to the Department of Justice to challenge these legal precedents would have been barred under the gentleman's proposal.

My view is that the gentleman did not and does not intend to do that, but the fact of the matter is this would be the result. Because of that, without Nadler, we cannot support Gekas.

The Administration is opposed to it, and I think correctly so. The Department of Justice is opposed to it; I think rightly so. I recall that one of our colleagues, the gentlewoman from Texas (Ms. JACKSON-LEE), in the committee pointed out how civil rights litigation might be impacted negatively with this kind of bar that the gentleman suggests here.

How would a legislative initiative of this kind limit the ability of Federal entities to address the encroachment of the judicial branch on civil liberties? The Department of Justice, in its Civil Rights Division, the Department of Health and Human Services, those would be her primary focus in this objection to the language in the gentleman's bill and the thrust of it.

The limitation of these agencies' ability to appeal seemingly unjust court decisions to the Supreme Court, in addition to their ability to create novel and ingenious ways of protecting the rights of citizens, is literally sacred.

□ 1145

That should be regulated only with the greatest amount of reluctance and the highest level of scrutiny.

And so we must do all we can to ensure the efficient and effective government, but not at the expense of civil liberties and civil rights.

Now, one of our colleagues that sponsored the version of this language I do not think is motivated as the author of the bill is on the House side, because the gentleman from Colorado, Senator BEN NIGHTHORSE CAMPBELL, made it perfectly clear one of his reasons for introducing this bill.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 3 additional minutes.)

Mr. CONYERS. Madam Chairman, the author of the legislation on the other side in the other body telegraphed his intention of limiting the ability of the Bureau of Land Management to protect lands from grazing damage.

When that bureau recently proposed reform regulations for grazing permits, they were challenged by ranchers. After exhausting administrative remedies, the ranchers went to court. And after costly and lengthy litigation, the appellate court ruled in favor of the ranchers. However, with the nonacquiescence policy, the Bureau of Land Management could have refused to abide by this ruling each and every time the issue arises.

So I urge, for these reasons, that the Nadler amendment to this bill be accepted.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in support of the Frank-Nadler Amendment to H.R. 1544, the Federal Agency Compliance Act. My primary point of contention with the original H.R. 1544 bill, as I have expressed previously, is that it could potentially cause drastic harm to our federal agencies' ability to enforce and protect many of our essential labor, environmental and civil rights laws. However, the Frank-Nadler Amendment is a breath of fresh air to a legislative initiative that I once thought hopeless. This amendment would tailor H.R. 1544 in such a way that it would benefit those who need certain federal agencies to recognize the precedential justice that is handed down by our federal circuit courts, yet not harm the most fundamental civil rights of those who are completely disconnected from this entire process.

Since the initial authorship of this bill, I have been an advocate of limiting the scope of H.R. 1544 to only those agencies whose non-acquiescence has a detrimental effect on the claims of aggrieved parties, and finally we have a proposed amendment that seems to do that. Many people have tried to urge me that my concerns were unfounded, but the bottom line is why should we take so dangerous of a chance with something as important as our Constitutionally-granted rights? I can not think of a compelling reason why.

I know that this proposed threat to our collective civil rights was completely accidental. I am confident that no one who is a supporter of H.R. 1544 wants to intentionally cripple the pursuit of justice in this country. No one would maliciously try to impede the protection of the discouraged, mistreated and abused that is so much a part of the responsibilities of the civil rights divisions of our many federal agencies. The initial purpose of H.R. 1544, to my knowledge, was to force the government bureaucracy to recognize the rights of those who are being unjustly treated in particular claims, because of the unwillingness of certain federal agencies to acquiesce to standing circuit court precedents across the country.

Obviously, this bill was created to protect those who are often unable to protect themselves, but how are we helping these people if we diminish the ability of other parts of our government to defend their rights to fair labor, a clean and safe environment, and a series of their most fundamental Constitutional rights. The answer is clear, we must amend H.R. 1544. For these reasons, I would ask my colleagues to please support the Frank-Nadler Amendment to H.R. 1544, and in turn, protect the sacred civil rights and liberties of the American people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 238, not voting 20, as follows:

[Roll No. 19]

AYES—172

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brown (CA)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Fox
Frank (MA)
Frost
Furse
Gilman
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Petri
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Lipinski
Livingston
Lucas
Manzullo
Matsui
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Boucher
Brown (FL)
DeLauro
Ford
Gejdenson
Gephardt
Gonzalez
Kennelly
Klink
Lewis (KY)
Luther
Mica
Miller (CA)
Paxon
Pelosi
Poshard
Redmond
Riggs
Rodriguez
Schiff

☐ 1214

Mr. KASICH changed his vote from "aye" to "no."

Ms. HARMAN, Mr. DEUTSCH, Mr. DAVIS of Illinois, Ms. MILLENDER-McDONALD, and Messrs. SHERMAN, McHUGH, MURTHA, BAESLER, McINTYRE and HILLIARD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. REDMOND. Mr. Speaker, I ask unanimous consent to insert into the RECORD that I would have voted in the negative on this amendment. I was unavoidably detained.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 3, line 11 strike "or", line 18 strike the period, close quotation marks and period following and insert "; or", and after line 18 insert the following:

"(4) the substance of the agency matter is under consideration by a United States court of appeals and involves issues of civil rights, labor rights, or environmental protection.".

Ms. JACKSON-LEE of Texas. Mr. Chairman, the intentions of H.R. 1544 are good intentions. I supported the Nadler-Frank legislation, and I am sorry that we did not see fit to add, I think, a very strong component to this legislation. But now, Mr. Chairman, I have to come and say that we need to understand that this legislation has as a potential, it may not be the desire, but the potential to negatively impact on some very serious rights of Americans.

I am a product of civil rights laws. Many of my constituents, many Americans, are the product of civil rights laws. Hispanic Americans who recently have seen a flood of legislation dealing with immigration laws, dealing with laws regarding their voting privileges and as we look toward the renewal of the Voter Rights Act of 1965, our civil rights are being impacted every single day. The working men and women of the 18th Congressional District and of this Nation are impacted by labor rights. All of us, every single day, are impacted by environmental protection laws as implemented under the laws of this Nation. I am concerned that this legislation gives us the potential of overturning or disallowing good laws that may have been ruled against. I believe it is imperative that we understand the importance of separating out the impact on civil rights, labor rights and environmental protection. Allow me to read from the subcommittee markup my statement:

The bottom line is how would a legislative initiative of this kind limit the ability of Federal entities to address the systematic encroachment of the judicial branch upon the civil liberties of the average citizen, particularly the Department of Justice, its Civil Rights Division and the civil rights division of various agencies? The Department of Health and Human Services will be my primary focus in this categorical objection to the language of H.R. 1544, the limitation on these agencies' ability to appeal seemingly unjust circuit court decisions to the Supreme Court. For example, autonomy of relitigation in addition to their ability to create novel and ingenious ways of protecting the rights of citizens is a sacred craft that should be regulated only with the highest and most hesitant level of scrutiny. We must do all we can to ensure efficient and effective government, but not at the expense of our civil rights and liberties and, might I add, our labor rights and environmental laws. The primary source of my problem with this bill is that our trained public servants working in Federal Government agencies will not be allowed the discretion to determine whether a potential threat to standing civil rights and liberties posed by the new circuit court precedent should be challenged by the relitigation of that issue in open court.

I am sure, Mr. Chairman, that many are saying, what if the shoe is on the other foot, for I do realize that in years past the courts came to our rescue in environmental law, civil rights and labor protection. Tragically sometimes we have to look at the cup being half full. That means now we have gone full swing. Now our courts are interfering with civil rights around the Nation.

In particular, as we watched the litigation of Proposition 209 in California, we found that as our Justice Department attempted to intervene in that instance, we determined and saw the results, cases going on in the Southern District of Texas where our administrative agencies are not even allowed to intervene on cases dealing with affirmative action and civil rights, where courts have single-handedly dismantled the civil rights legacy of all that occurred in the sixties and seventies.

I think it is imperative as the shoe is shifted to the other foot that we still give our agencies if they are appealing decisions that infringe upon the civil rights of our citizens and infringe upon the labor rights of our citizens and infringe upon environmental rights.

Under its present language H.R. 1544 would potentially restrict agency divisions assigned the task of protecting civil rights and liberties from contesting a host of adverse and intolerable circuit court precedents in open court. I do not oppose the stated purpose of this bill, but simply question whether in its current form it is the best way to achieve its author's desired end. Again, my primary concern is how this bill will affect an agency's ability to contest those circuit court precedents which unjustly result in the denial or refusal of previously acknowledged civil rights or liberties. It is good that the previous amendment limited it to the IRS, Social Security benefits and Medicare, which is what I truly believe in, but unfortunately such amendment did not pass. Now we have a situation where legislation has a potential to run away with our rights.

Mr. Chairman, I offer this amendment out of concern of the human and civil rights and labor rights and environmental rights of our citizens. I ask my colleagues to join me in upholding these rights by supporting this amendment.

Mr. GEKAS. Mr. Chairman, I rise in opposition to the amendment.

Not only do I oppose the amendment from the basic tenets of the bill that we have introduced here which has as its foundation, Mr. Chairman, equal treatment for all of our citizens in front of the various agencies of the Federal Government. We start with that premise, that that is what we are trying to protect, and then say that in the furtherance of policy on the part of any agency, that they must acquiesce to the court decisions in their circuit or elsewhere when opposition to it would be, in effect, nonacquiescence in the law that is already established. That is a fair premise upon which to start. That is one reason that I oppose it.

Secondly, to chop out of the purview of the bill this agency or that agency, whether it has to do with labor or environmental protection or any issue of the day, would mean that that would render the bill useless and toothless. For that reason, added to the first, we should have enough reason to oppose the amendment. But there is a third one, and the one that it seems to me allows this amendment to crash down as being one that we should be voting down.

The gentlewoman herself makes the strongest argument when she says that the courts have historically been the last resort of our citizens and those who felt that the legislative process was inadequate to meet the problems of civil rights were exhilarated when in case after case the courts found that the agencies were incorrect and that the civil rights of individuals were paramount. It was court decisions to which acquiescence was preached on behalf of civil rights in the past.

Now, the gentlewoman says the shoe is on the other foot and she seeks to, in effect, preach nullification, if she says that now I am appraising, she says that the court system is no longer able to protect the rights of citizens; therefore, we have to look to an agency in the Federal Government, in the administration, to thwart the prospective judgment of the court. In other words, she is preaching nonacquiescence, which is the reason we are here in this bill in the first place, because there has been too much nonacquiescence, a point that the Judicial Conference well noted in urging us to do something about this.

The last point that I wish to make, that even if we were to give credence to all that the gentlewoman from Texas has said, that there are cases in which, my goodness, acquiescence in the law would be horrid, would be terrible to contemplate, to obey the law would be ridiculously harmful, I say to her, as I have said before, that in the very language of this bill, we have those exceptions carvable that would protect the gentlewoman's worries about what the court might do. Because in the last section of our bill, we say that an agency is not precluded in making a decision at variance with the court actions if, and then we list 3 exceptions that would allow a kind of nonacquiescence, the third one being they would be able to nonacquiesce if it is reasonable to question the continued validity of that precedent in light of the subsequent decision of that Court of Appeals or the United States Supreme Court, a subsequent change in any pertinent statute or regulation, and here is the crucial language, or any other subsequent change in the public policy or circumstances on which that precedent was based.

The gentlewoman's concerns are addressed by the very bill which she is aiming to destroy by offering an amendment that would render the bill useless. I say to her that she should work with us in the implementation of this bill and to be able to in the forefront of her advocacy for any one of these concerns, environmental protection or civil rights, turn to that portion of this bill which would allow her to show that acquiescence would not be in the best interests of our people.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the very distinguished gentlewoman from Texas, the sponsor of this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much both for his leadership and for his kindness. Mr. Chairman, I wish in the best of all worlds we had been able to accept the Nadler-Frank amendment that would have clarified that this legislation pertains to programs such as Social Security and Medicare and that it would not interfere with the rights, the life and death rights of many Americans. In fact, I disagree with my chairman, not on his leadership but on his interpretation. I am not advocating nullification for an agency to be able to ignore a circuit court precedent, but I do argue to preserve their right to contest unjust decisions.

As I have said, we are now moving to the cup is half full, to the shoe on the other foot. I recognize that we are in different times. As we moved in the civil rights movement, we looked to the Department of Justice to send in and to be able to have FBI agents. We looked to the Department of Justice to go into courts and argue our cases. In that instance, those cases prevailed in some circumstances and generated legislative authority under the Civil Rights Act of 1964 and the Voting Rights Act of 1965. We now have a circumstance where tragically the civil rights of our citizens, laws are being legislated, courts are determining the other direction. I would not want to see those individuals in the Federal Government who are pressing forward on issues dealing with the labor rights of my community and this Nation, with the civil rights of those children who will come behind me and the environmental laws that I need to protect every single citizen of this Nation to be denied by this legislation.

☐ 1230

Mr. Chairman, I ask my colleagues would they want to have a constituent in their district denied the expertise of the Department of Justice or the Environmental Protection Agency or the NLRB, the National Labor Relations Board, and those other agencies that are needed?

Allow me to put into the RECORD and read very briefly a letter, Mr. Chairman, from the Mexican-American Legal Defense and Education Fund.

The letter referred to follows:

MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND,
Washington, DC, February 23, 1998.

DEAR REPRESENTATIVE: On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), I urge your opposition to H.R. 1544, the "Federal Agency Compliance Act."

Because of your historical respect for the integrity of the legal system, it is important that you consider the problems inherent in the changes proposed by H.R. 1544 with respect to both intracircuit and intercircuit nonacquiescence and the litigation needs of those represented by various governmental agencies.

H.R. 1544 purports to address the problem of governmental agencies' failure to explicitly comply with appellate court rulings both within and outside a particular circuit. While there is both a need for individuals to have their claims heard as well as having a consistent result within each agency, this bill does nothing to promote internal procedure to address more efficient internal rulemaking and guidance, nor enhance the ability of an agency to pursue a full determination of an individual claim. By limiting each agency's discretion in determining the cases it will appeal, agencies such as the U.S. Department of Justice and the Social Security Administration can only do less to adequately and legally interpret and pursue particular cases deemed to be significant in determining substantive policy.

Furthermore, in its vagueness, this bill may instead require more litigation to determine whether decisions are "substantially favorable to the government" or whether a "substantial change in public policy" has occurred. Because most agencies have already adopted internal guidance requiring intracircuit acquiescence, this legislation fails to do that which it allegedly seeks, namely require agencies to avoid unnecessary litigation.

While the needs of both agencies and individuals require a clear and equitable means by which to resolve pending litigation, I urge your consideration of the inherent problems of this bill that limits the ability of agencies to seek appropriate legal remedies.

Sincerely,

Antonia Hernández,
President and General Counsel.

Mr. Chairman, I will just simply say that their opposition to this legislation because of historical respect for the integrity of the legal system is important. They consider the problems inherent in the changes proposed by H.R. 1544 with respect to both intracircuit and intercircuit nonacquiescence and the litigation needs of those represented by various governmental agencies.

While the needs of both agencies and individuals require clear and equitable means by which to resolve pending litigation, I urge consideration of the inherent problems of this bill that limits the ability of agencies to seek appropriate legal remedies, and I will add the rest into the Record at some point, Mr. Chairman.

Let me conclude and say that this legislation is legislation that could be good, but it cannot be good if it denies the rights of citizens who need the protection of our civil rights laws, need the protection sometimes of the Federal Government and its expertise, need the protection of labor laws, need the protection of environmental laws. I ask my colleagues would they want to vote for legislation that slams the door of justice on those citizens who stand before our court systems and need the kind of justice that can be implemented by a strong fight on their behalf in the Federal Government? I would think not.

Mr. Chairman, to make this legislation better I would ask that my amendment be voted on as well as approved by this body.

Mr. Chairman, I rise today to speak in support of my amendment to H.R. 1544, the Federal Agency Compliance Act. The primary source of my problem with this bill, is that our trained public servants working in federal government agencies will not be allowed the discretion to determine whether a potential threat to standing civil rights and liberties posed by a new circuit court precedent, should be challenged by the relitigation of that issue in open court. I believe that the discretion that our federal agencies and the experts they employ currently wield in matters of civil justice, is, at its core, a political necessity that no good government can do without.

Under its present language, H.R. 1544 would potentially restrict agency divisions assigned the task of protecting civil rights and liberties, from contesting a host of adverse and intolerable circuit court precedents in open court. I do not oppose the stated purpose of this bill, but simply question whether in its current form it is the best way to achieve its authors' desired end. Again, my primary concern is how this bill will affect an agency's ability to contest those circuit court precedents which unjustly result in the denial or refusal of a previously acknowledged civil right or liberty. In essence, the only reason that these subagencies were created was so that they could be champions of justice for the uninformed, disadvantaged, and mistreated. If this Congress moves to prevent the full exercise of these agencies' discretion to litigate, by passing H.R. 1544, they will effectively deem the civil rights divisions of these various federal agencies as impotent, if not irrelevant.

My proposed amendment to this bill will, in turn, allow federal agencies to proceed with appellate challenges to those matters in which issues of civil rights or liberties are centrally involved. I have not proposed an amendment that would allow only those decisions that I disagree with to be challenged in Circuit Court, but instead, I have offered an alternative to the present language of H.R. 1544 that is in the defense of the fair process of government. I may not agree with every appellate challenge made by federal agencies to federal court decisions, but I am surely not prepared to suspend their right to make such challenges in every possible regard because of my displeasure. If the purpose of H.R. 1544 is not to inhibit the exercise of our civil rights and liberties in this country, then its language should be changed accordingly. If it is, then the authors of this bill should have the courage to say so. If civil rights, and all of their many forms, are not the target of this legislation, passing this amendment is the simplest way to take them out of play.

Furthermore, I fear that if the Civil Rights Divisions in the Department of Justice, Department of Health and Human Services, and the Department of Education, among others, are barred from relitigating those claims deemed "off-limits" by the letter of H.R. 1544, we will start down a slippery slope of ineffectual and indifferent regard for our most sacred, longstanding civil rights that will eventually marginalize the entire federal government's civil rights agenda. We must remember that the government exists not simply to protect us against each other, but at times to protect us against the encroachment of government itself. In this case, an exception for civil rights cases is necessary so that the government through our federal agencies can seek, when necessary, to defend the rights of the American people against the often highly-prejudiced decisions of our federal circuit courts. Often our federal agencies, and their activism in the arena of civil rights, is the only thing keeping our struggle for social justice in this country in balance.

Even though, I believe that this limitation on the purview of civil rights activism by federal agencies was an unfortunate by-product of this legislation and not the original intent of this bill, it is a lurking problem, nonetheless. During the Judiciary Committee Mark-Up of this bill, my efforts to try to amend the language of this bill so that the effects of this potentially dangerous threat to all of our civil and political rights might be mitigated proved unsuccessful. So now, I am giving the supporters of this bill a final warning. If we are going to make an error in the enactment of this legislation, it is my belief that we should err on the side of the civil rights and liberties of the American people, and not in favor of a more efficient bureaucracy. Our government, through the vehicle of its federal agencies, must be allowed the full discretion to propose novel and ingenious criticisms of adverse civil rights precedents when it deems such action to be necessary. Rogue circuit court decisions like the Hopwood versus Texas decision in the 5th Circuit, which affects the exercise of affirmative action in educational settings throughout the entire state of Texas, must not escape the legal scrutiny of relevant federal agencies when such scrutiny is applicable.

In light of these facts, I urge all of my colleagues, whether you are supporters of H.R. 1544 or still undecided, to keep these concerns in mind as you review the merits of this legislation, again. Ask yourself the question, why should we harm the civil rights of the many in order to expedite or eliminate the interaction with the judicial process for the few? There must be a better way to achieve this goal. So I ask you to oppose H.R. 1544 as it stands, and pass the Jackson-Lee Amendment.

Mr. NADLER. Mr. Chairman, reclaiming my time, I want to, first of all, commend the gentlewoman from Texas (Ms. Jackson-Lee) for the work she has done in bringing this problem to the attention of the committee and now to the House, and I wish that the amendment that I sponsored that was defeated a few moments ago had been passed. It would have taken, this is one of the problems that it would have taken care of, and one source of opposition to the bill in chief that would have been removed, and I hope that as we move forward with this bill in conference, if it passes the House, that we can work to alleviate the problems presented or illustrated by this amendment and by the amendment that I offered earlier so that we have a bill that in the end we can support, especially since we will need that support on final passage.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. Nadler).

(By unanimous consent, Mr. Nadler was allowed to proceed for 30 additional seconds.)

Mr. NADLER. Mr. Chairman, we will need all that bipartisan support in both Houses at the end of the day.

So I look forward to working with the gentlewoman and I hope with the majority in trying to work these problems out. In the meantime, I urge the adoption of this amendment as resolving one of the problems with the bill, and even with this amendment adopted, the bill will still deal with the core problem with the 98 percent for which it was, of the problem for which it was designed, and it would be more likely to be passed. So I urge the adoption of the amendment.

The CHAIRMAN pro tempore (Mr. Snowbarger). The question is on the amendment offered by the gentlewoman from Texas (Ms. Jackson-Lee).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 5, insert after line 20 the following:

SEC. 4. APPLICATION.

The amendments made by sections 2 and 3 shall not apply to an agency in its actions involving a commercial transaction with a business located in a foreign country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me first say that we all want to see positive results coming from this legislation, but my concern is that I think it makes no sense to limit the ability of critical government agencies such as the National Labor Relations Board, as I spoke earlier, and the Environmental Protection Agency, along with our civil rights agencies, not to be able to protect the rights of our citizens, and of course that is the basis of the Nadler amendment previously and my amendment that was just on the floor.

This amendment that I now have goes to a much narrower point. That point deals with the provisions that apply to an agency dealing with the foreign governments and foreign businesses. Whatever justification there might be for forcing line adherence to legal precedents when the cases involve U.S. citizens and companies, there is no reason for these entities to be forbidden when it comes to a foreign company. This simply says that someone who is here in America has a right to have the protection of their government when dealing with a foreign entity, one that is larger, one that is stronger, one that has the backing of its government. That is, I think, a clear, a clear principle that we should advocate, is that our citizens have our protection both by the agencies and both by the courts.

For example, it is a possibility in a trade or a dumping dispute against a foreign company. We need to make sure the Commerce Department or other agency is fully armed to protect American jobs and American goods, and if the Agriculture Department is seeking to rid the country of disease through foreign products, that we need to make sure that we are fully prepared to protect American consumers.

This Nation faces a record and growing deficit. In the wake of the recent turn down or turmoil in Asia, we might expect, for example, dumping claims. We do not want them, we hope we do not get them, but we need to have the protection of the Federal Government and agencies who again have the expertise to protect in these two-person situations.

When foreign companies fight our government in court, they are forced to challenge work in adverse or work with adverse court precedence. This will not be true of our government under this bill, however. All my amendment does is create a level playing field with foreign companies, and this should be done to protect our citizens.

Again, I say do we want justice to be slammed in the face of our citizens or do we want them to have the opportunity to have the expertise, the power of Federal agencies on their side in pressing the point dealing with foreign companies? I hope that my colleagues will join me in supporting a very fair and balanced amendment that simply says it gives our citizens, our businesses a working chance, a viable chance, in a contest with foreign entities in this instance of doing business in a new world order.

Mr. GEKAS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Texas.

First of all, I want to thank the gentlewoman from Texas for bringing to the attention of the Members another region of the Federal agency world which is covered and should be covered by our bill; namely, the Commerce Department. That is one example that I had not yet had the time to show the Members should also be covered by our bill as well as every other agency to provide equal justice for our citizens no matter in which agency they appear to claim certain benefits and rights and privileges.

Secondly, the Department of Commerce, for example, which is alluded to by the gentlewoman from Texas (Ms. JACKSON-LEE) could make decisions that would disfavor American citizens as much as it could make decisions that would benefit them. And so the gentlewoman says do not bother with the courts, leave them out of it, let the Department of Commerce decide finally what is best for the American citizen. Even if a decision of the Commerce Department under her analogy finds against the American citizen and says in favor of a foreign business entity.

Well, to make the decision as to whether it is beneficial to an American citizen or not historically and constitutionally and pragmatically and with the separation of powers in tact, it will be the court that will determine the relative merits of the proposition to either protect an American citizen against a foreign company or deny benefits to an American citizen because of a foreign company. The court will decide whether the Commerce Department decision is appropriate or not.

But that is not the basic issue. The basic issue is should we allow the Department of Commerce or any other agency in the Federal Government to look at the court decision on a proposition that is now before them that is lying on the desk for immediate action and say nuts to that decision, we are going to apply what we think is the best possible plan for this claimant even if it is to the detriment of that claimant, and if it is depriving of a benefit, all the more reason why they should acquiesce to the judgment of the court.

So we are saying follow the law, Commerce Department, follow the law, and then if for some egregious invisible rationale we again determine, my gosh, it might be disastrous to have to obey the law, then we can revert to the language of the bill that we have so carefully crafted that would allow those special circumstances in which it can be proved that following the policy of the Commerce Department and the example that the gentlewoman has given, to follow the policy would be strong enough to allow an exception to the purview of the bill. That is the way to approach this.

We believe that in order to provide equal justice at the start, we also allow justice to prevail if some great wrong would be committed by acquiescence to the law. But the way we have crafted it, that has to be proved, it has to be demonstrated, and that is fair in itself.

I urge rejection of the amendment and adherence to final passage in favor of the bill.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much, and I appreciate the argument of the chairman, but let me just simply say we do not allow foreign nationals to give monies to politicians; why then should we allow foreign companies to fight our Government in court, and they have a better leg up or greater standing than our own Federal agencies to be able to protect or contest the kinds of decisions that may negatively impact on our companies, citizens, and others doing business.

As Fuji Film comes into our court system, it seems that they may have a greater standing in our court system than our Department of Commerce or Department of Justice. We are simply trying to protect jobs here. We are trying to give an equal playing field, if my colleagues will, which all of America believes in, give us an equal playing field, allow our agencies to go in, but again with their expertise and fight fairly in court against decisions that may be adverse to our business community, to those who are doing international trade, to those who find themselves in a litigation mode against a foreign entity, and why give that foreign entity, if my colleagues will, the chance to come and overcome our maybe small- or medium-sized business or maybe large corporation who stands by themselves without the clout and protection of the Federal Government.

One of the points that we have noted when we do international business is that the governments of our foreign countries are intimately interwoven in their countries doing business. Why then, if we are in trouble here in the United States and have a litigation matter without businesses should we not allow our clout, Federal agencies, to be engaged in the fight and to have the ability to be in the fight on an equal playing field.

Mr. Chairman, I ask my colleagues to join me in support on behalf of American businesses and American citizens to give them an equal playing field in the court of international thought, international business and making sure that they have the clout of the American Government behind them.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair informs the gentleman from New York (Mr. NADLER) that although time is not controlled, the time has passed. He cannot yield blocks of time when we are in the Committee of the Whole, but must remain on his feet under the five minute rule.

The gentleman from New York (Mr. NADLER) is recognized for the remainder of his time.

Mr. NADLER. Mr. Chairman, I want to simply observe that this amendment, like the last amendment offered by the distinguished gentlewoman from Texas, is a worthy amendment and improves the bill. I urge its adoption. I urge all my colleagues to vote for it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

Mr. GEKAS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COMBEST) having assumed the chair, Mr. SNOWBARGER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1544), to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits, had come to no resolution thereon.

□ 1245

WITNESS PROTECTION AND INTERSTATE RELOCATION ACT OF 1997

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for one hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 366 is an open rule providing for the consideration of H.R. 2181, the Witness Protection and Interstate Relocation Act of 1997. The purpose of the legislation is to ensure the safety of State witnesses and to promote the notification of the interstate relocation of witnesses by States and localities engaging in that relocation.

Resolution 366 provides for one hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule further provides that the bill will be considered by title, with each title being considered as read.

The Chair is authorized by the rule to grant priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

In addition, the rule allows for the Chairman of the Committee of the Whole to postpone votes during the consideration of the bill, and to reduce votes to 5 minutes on a postponed question if the vote follows a 15 minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I believe that this resolution is a fair rule. It is an open rule for the thorough consideration of H.R. 2181, the Witness Protection and Interstate Relocation Act of 1997.

H.R. 2181 is a step in the right direction, Mr. Speaker, to address the very real problem of gang-related witness intimidation, which is an increasingly frequent problem as gangs expand their influence and membership beyond State lines.

In a recent survey, over half of the prosecutors in large jurisdictions cited intimidation of witnesses as a major problem in criminal proceedings.

This bill, among other things, establishes a new Federal offense for traveling interstate with the intent to delay or influence the testimony of a witness in a State criminal proceeding by bribery, force, intimidation or threat.

In Florida, our department of law enforcement has identified the presence of over 300 gangs with a membership of over 10,000, including motorcycle gangs, street gangs, prison gangs, militia gangs and racist gangs. However, of the current prison population in our State, less than 2 percent of those behind bars were convicted as part of gang-related crimes. Clearly it is very difficult to actually convict gang members, especially when witnesses are reluctant to testify for fear of retaliation in gang-related cases.

Witnesses in State proceedings are sometimes relocated to other States. Currently no Federal law exists which requires the notification of the State or local enforcement officials that a witness, sometimes with a criminal record, has been relocated to this new jurisdiction. This lack of notification has presented its share of serious difficulties. This legislation, H.R. 2181, promotes coordination among jurisdictions when a witness is relocated interstate.

It is my understanding that some Members may wish to offer germane amendments to this bill, and, under this open rule, they will have every opportunity to do so.

I would like to commend the gentleman from Florida (Mr. MCCOLLUM) for his hard work on H.R. 2181, and would urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Mr. Speaker, this rule is a completely open rule. It is obviously very fair. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this open rule and urge my colleagues to support it so that all alternatives and potential improvements to this legislation may be considered.

Law enforcement officials around the country report that gang-related witness intimidation is now endemic in a growing number of areas. Witnesses' refusal to testify is a major concern, because it undermines the administration of justice, while simultaneously eroding public confidence.

H.R. 2181 addresses the problem of gang-related witness intimidation by establishing a Federal offense for traveling in interstate or foreign commerce with the intent to delay or influence the testimony of a witness in a State criminal proceeding.

Such intimidation is increasingly interstate in nature and now poses a severe impediment nationally to the prosecution of violent street gangs and drug-trafficking organizations.

In 1994, a survey of 192 prosecutors found that intimidation of victims and witnesses was a major problem for 51 percent of the prosecutors in large jurisdictions. That is over half. Prosecutors interviewed for the 1996 National Institute of Justice Report on Preventing Gang and Drug-Related Witness Intimidation estimated that witness intimidation occurs in 75 to 100 percent of violent crimes committed in neighborhoods with active street gangs. Increasingly, gangs are promoting community-wide noncooperation through public humiliation, assaults and even the murder of victims and witnesses.

This type of community-wide intimidation cannot be allowed to undermine our judicial process by threatening our witnesses and our juries. I strongly support the witness notification relocation provisions in the legislation, as well as the goals of the witness intimidation provisions.

But, nevertheless, despite the laudable goals of the bill, provisions were included that allow for the death penalty for witness intimidation. The committee voted 17 to 7 against an amendment that would have deleted the death penalty provisions.

I find this death penalty provision troubling, because this past February the American Bar Association passed a resolution declaring that the system for administering the death penalty is unfair and lacks adequate safeguards. The resolution declared that executions should be stopped completely until a greater degree of fairness and due process can be achieved.

My fear is that the proliferation of new death penalty offenses that we keep churning out only works to guarantee that executions will indeed become more haphazard. I do not oppose this open rule, however.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

The SPEAKER pro tempore (Mr. Ewing). Pursuant to House Resolution 366 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2181.

□ 1256

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and a member of the minority party each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2181, which is before us today, represents another important step by this Congress to address the unacceptably high levels of violent crime ravaging our country today. A lot of people do not realize that when they read about or hear that the violent crime rate in the country has come down the last two or three years, that it is still as high as it is, and that is why when they turn on their television sets at night and watch violence so much on that set, it is not out of proportion, even though some critics want to say it is.

Back in 1960 there were about 165 violent crimes for every 100,000 people in our population. That is 165 for every 100,000 people. About 4 years ago, we reached a little height in terms of the total number of violent crimes at about 685 violent crimes for every 100,000 people in our population, a huge difference between 1961–65 and the 165.

Now that we have had a marginal decrease in the violent crime rate over the past couple years, that is, down to the last year's figures of about 630 violent crimes for every 100,000 people, still more than 4 times as many violent crimes committed in the last year in this country per capita, per 100,000 in the population, as was the case in 1960. Way too much.

It means if you go to a 7-Eleven store, a convenience store, in the evening to buy a carton of milk, it is 4 times more likely you are going to get robbed or murdered or mugged or raped or whatever by an assailant than it was back in 1960.

We cannot take the country back to 1960 in a lot of ways, but we certainly should be able to take it back there in terms of the total numbers of violent crimes per capita in this Nation.

It is absolutely outrageous that this is the case, and that is why we have tried over the last year or two in this Congress to address those issues. That is why we have the law that went into effect to encourage the States to adopt truth in sentencing, to make those who commit violent crimes serve at least the greater portion of their sentence, the 85 percent rule, rather than in the last few years where it was at about 33 or 34 percent of their sentences.

□ 1300

That has been very successful, by the way, in over half the States now, with a pool of money being offered to them to build more prisons if they will agree to change their laws to make that truth-in-sentencing requirement, so violent criminals serve at least 85 percent of their sentences. That is why more than half of the States, to get that pool of money, have changed their laws now and we have those laws in place in those States. That is going to mean those who commit those violent repeat crimes are going to be locked up for long periods of time, not to be back out on the streets to commit the crimes.

We have also done some other things that are equally important in a bill that passed this Congress, at least passed this House, this body, last year, with regard to juvenile justice, where we are attempting to get some consequences put in the juvenile justice laws of this Nation very early on, so that those who commit misdemeanor crimes, spray painting graffiti on a building as a teenager, or perhaps running over a parking meter, breaking a store window, vandalizing the store, whatever, get a chance to see that there are some consequences, be it community service or otherwise. We have done an incentive grant program to the States in this proposed legislation that is now pending in the other body that would provide the States with additional resources if they would simply make sure, and assure the Attorney General of the United States, that they are putting consequences in some kinds of punishment, from the very early misdemeanor crimes that juvenile delinquents have, because we know most violent crimes proportionately are committed by teenagers in their middle to later years of teenaged life.

This is all part of a pattern, this bill today, H.R. 2181, to try to get control over this extreme violence that is out here in our country today. Yesterday we passed a bill in the House that would give some real tough teeth to Federal laws with regard to gun use. Whenever there is a violent crime committed using or in some way brandishing or discharging a firearm, or if there is a drug trafficking crime at the Federal level involving the possession or brandishing or discharging of a firearm, if that is indeed the case, then if the bill that passed the House becomes law, anyone who does that, in addition to whatever sentence they get for the underlying crime they are committing, anybody who does that is going to get 10 more years on for possession, 15 more years on for brandishing, and 20 more years added onto their sentence for the discharge of a firearm in connection with that crime.

Today H.R. 2181 is another step in that effort. It is another smart, tough response to the problem of juvenile violent crime we are talking about. It is the product of two hearings, this bill today, one which was held in my home district of Orlando, Florida, with a great deal of input from the Justice Department and the U.S. Marshals Service. It is derived in part from a proposal in the President's juvenile crime bill and it has strong bipartisan support.

Mr. Chairman, today there is a crisis emerging in our country. Violent street gangs are intimidating and retaliating against witnesses who have the courage to testify against them. In every major city in America today the rule of law is under attack by violent street gangs that are using violence and the threat of violence to silence those who would help bring those who are criminals in those gangs to justice. The stories of witnesses paying the ultimate price for their willingness to testify are as tragic as they are numerous.

Eduardo Samaniego, a courageous 14-year-old from Pomona, California, was one such victim. The son of a maintenance worker, Eduardo avoided gangs, although they virtually engulfed his working class neighborhoods. As much as possible he lived the life of a typical adolescent, becoming a star Little League baseball player, and dreaming of making the big leagues.

But one afternoon right in his own neighborhood Eduardo witnessed a gang murder. To his parents great pride, he was one of only three witnesses among approximately 15 who had observed the shooting who agreed to testify. He spoke up firmly at the preliminary hearing, but he never had a chance to testify at trial. Within a week Eduardo was fatally shot in an alley near his home. Not surprisingly, the two other witnesses subsequently refused to testify at trial.

The threatened violence and actual violence used by gangs against such witnesses is by itself enough to demand action, but the spectacle of violent street thugs getting away with undermining the administration of justice in cities, counties, and States throughout the country is simply intolerable. Sadly, their outrageous conduct has already led to the erosion of public confidence in law enforcement and our judicial system in too many communities, making community cooperation even more difficult to obtain.

Intimidation of witnesses is on the rise around the country, with the problem now endemic in a growing number of cities, cities as diverse as Los Angeles, California, Des Moines, Iowa and Washington, D.C.

The tentacles of street gangs extend and even flourish behind bars. Fear of retaliation is often fed by the belief that incarcerated gang members will return quickly to the community life after serving brief sentences and will be able while incarcerated to arrange for other gang members to target potential witnesses. Meetings that I had of the Subcommittee on Crime in the last Congress around the country with various community leaders in five different sections of the country reinforce the fact that indeed this was the case, that there is an awful lot of crime being directed and conducted out of prisons today in this Nation, far too much, and much of it is gang-related, and much of it involves witness intimidation, to try to allow the person who is serving jail time, who is the leader of the gang or the leader of organized crime in that community, or drug trafficking crime, whatever, to get off the hook or to get one of his compatriots off the hook.

The mere fact that a crime is gang-related can be sufficient to prevent an entire neighborhood from cooperating. In New York City, a local gang executed a man for a petty drug theft. The gang then decapitated him and used his head as a soccer ball, kicking it around in the street. This atrocity served the gang's purpose. According to local law enforcement, the lack of cooperation by residents in this neighborhood prevented law enforcement officials from solving nearly 30 homicides in 1994, and contributed to an atmosphere of rampant violence in which an average of 8 gunshots occurred each night.

The traditional steps taken by State and local law enforcement to counter the problem of witness intimidation continue to be helpful, but these measures, which include requesting high bail, prosecuting witness intimidation vigorously, and enhancing witness and victim protection program services, are by themselves increasingly not enough.

As gangs have become more interstate in their operations and scope, their ability and willingness to track down witnesses who have moved to other States has increased. As a result, State and local law enforcement officials such as those who testified in our June, 1997 Subcommittee on Crime hearing have called for a greater Federal role in responding to interstate witness intimidation.

Title I of H.R. 2181 responds to this problem by establishing a Federal offense for traveling in interstate or foreign commerce with the intent to delay or influence the testimony of a witness in a State criminal proceeding by bribery, force, intimidation, or threat. The penalties provided for such an offense, in addition to fines, are imprisonment for not more than 10 years if serious bodily injury results, imprisonment for not more than 20 years, and if death results from the offense, the sentence may be for any terms of years or for life or the death penalty.

At our June 1997 subcommittee hearing a deputy district attorney from Los Angeles County, Jennifer Snyder, provided compelling testimony regarding the value of tough penalties for those who intimidate witnesses.

When asked whether the penalties provided in this bill would have any deterrent effect, and relying on the existing California State law for what occurs in that State, she stated, "Gang members know that it is the death penalty to kill a witness. We have heard that in our wire intercepts, we hear it in their casual conversations. They know the difference between mad dogging, or staring at a witness, and what is going to cost him if they actually go through with it and kill them. So it does have an impact when you are talking about increasing the punishment."

In addition to establishing a new crime and tougher personalities aimed at protecting witnesses, title II of the bill seeks to protect witnesses by facilitating safe and effective witness protection programs.

Witness protection programs are an indispensable tool in combating violent crime. In cases involving drug trafficking and organized criminal activity, prosecutors often must rely on the testimony of witnesses who were involved in some facet of the illegal operation.

In order to encourage them to testify, the government may need to offer protection when such witnesses are subject to retaliatory threats by defendants.

As the subcommittee learned during its November 1996 field hearing, the nature and sophistication of witness protection programs varies widely. Some localities have no witness protection and relocation capability. And even those that do have such capability vary considerably. While most programs do not relocate witnesses out of State, others, such as Puerto Rico's program, do so frequently.

There is currently no Federal law directly addressing the interstate relocation of witnesses. As such, unless required by a State's own law or by other agreement, programs are under no legal obligation to notify local law enforcement officials and witnesses with criminal records who are relocated interstate.

The potential problems associated with failing to provide notification were highlighted by the June 15, 1996 incident in Osceola County, Florida. On this occasion, Florida Highway Patrol officers and plainclothes Puerto Rico police officers moving a witness narrowly averted an altercation. The Florida troopers thought the officers from Puerto Rico were criminals posing as FBI agents, while the officers from Puerto Rico apparently thought the Florida troopers were assassins sent to kill their witnesses.

As a result of this incident, the Florida Department of Law Enforcement and the Puerto Rico Department of Justice entered into a Memorandum of Understanding to regulate the relocation of witnesses between the State and the Commonwealth. I am pleased to report that there have been no incidences since this Memorandum of Understanding was implemented.

Title II of this bill addresses the need for coordination among jurisdictions when a witness is relocated interstate, by directing the Attorney General to survey State and local protection programs with the aim of making training available to those programs.

The Attorney General is also directed to promote coordination among State and local interstate witness relocation programs, in part by developing a model Memorandum of Understanding for interstate witness relocation. This model Memorandum of Understanding is to include a requirement that notice be provided to the jurisdiction to which the relocation has been made in certain cases.

It is also noted that that particular notification has to be narrow. You cannot just blanket notify everybody that might possibly be in law enforcement or you do not protect your witnesses.

There needs to be a targeted method of doing that in order to provide protection in those States where these witnesses are relocated for the residents of those States because, often, these witnesses who are relocated themselves are potentially very dangerous since they were involved, often, in the underlying crime some way or another and are being protected in order to get them to testify against somebody who is perceived by the other State or jurisdiction's authorities to have committed a more heinous crime or maybe be the organizer and the head kingpin of that criminal enterprise.

Title II also authorizes the Attorney General to make grants under the Byrne discretionary grant program to those jurisdictions that have interstate witness relocation programs that have substantially followed the Memorandum of Understanding in terms of how it has been structured and proposed as a model.

Mr. Chairman, the two titles of this bill, taken together, represent a strong commitment to protect witnesses in federal and State criminal trials, and in doing so, to strengthen the criminal justice systems around the country which are increasingly overwhelmed, particularly by gang violence, but by violence generally.

Mr. Chairman, I have traveled through the drug source countries of South America over the last three months, and I have seen the tragic results of unchecked drug trafficking and violent crimes. I have seen what happens when the rule of law is under siege. The tradition of democratic self-government breaks down, and ordered liberty becomes a thing of the past.

In the United States, we cannot tolerate such lawlessness directed against our justice system. We must ensure that we have the right laws and the right penalties in place to send an unmistakable message to those who would subvert justice.

We must have the provisions in this bill which would provide for very, very tough penalties, including an up to the death penalty where murder occurs, for people across the State line to intimidate or kill a witness to avoid their own conviction or the conviction of somebody in their gang or somebody in their criminal enterprise.

We do not have that law now. It needs to be on the books, not only so that when that does occur we can see justice carried out for the ones who perpetrate this crime, but in order to send the message, the message to those who do talk, as Ms. Snyder, the Los Angeles County prosecutor, told us, who do talk among themselves, whose wire intercepts we have heard, who understand what the penalties and the prices are. And when they understand it, they will be far less likely to go over and do this kind of intimidation across State lines.

I want to thank the Justice Department and the Marshals Service for their input into this much-needed bipartisan legislation.

Mr. Chairman, I reserve the balance of my time.

□ 1315

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Florida (Mr. McCOLLUM) for that extensive review of the witness intimidation and relocation bill. We can all support the notion that those who obstruct our system of justice must be subject to penalties, and we can support measures designed to make such conduct a Federal crime. If State lines are crossed, which is along the lines of measures proposed in the administration's juvenile justice bill, I think that this is also a good thing to do.

May we also indicate our support for the need to collect information regarding what States are doing in terms of relocating witnesses and notifying other States of those relocations. We need Federal standards for such programs, and I fully support witness relocation and notification provisions contained in this bill. And if it were not for the inclusion of the death penalty, I would support this legislation.

Recently, the Death Penalty Information Center issued a report entitled "Innocence and the Death Penalty: The increasing danger of mistaken executions." This report described 16 instances since 1973 in which condemned prisoners had to be released from death row because mistakes had led to wrongful convictions. The figure represents more than 1 percent of the approximately 6,000 people sentenced to death in that period. And, of course, there are no measures to calculate the number of innocent people actually executed.

Last year, the American Bar Association passed a resolution declaring that the system for administering the death penalty in the United States is unfair and lacks adequate safeguards. They further declared that the executions should be stopped until a greater degree of fairness and due process could be achieved.

So 25 years after the Furman vs. Georgia invalidation of the death penalty in the Supreme Court, finding that the penalty was so wantonly and so freakishly imposed that those being sentenced to die received cruel and unusual punishment, I am sorry to say little has changed. The death penalty is still inflicted upon a capriciously selected, random handful. Moreover, the proliferation of new death penalty offenses only works to guarantee that its imposition will even become more hazardous and more capricious.

There is compelling evidence for many jurisdictions that the race of the defendant is the primary factor governing the imposition of the death sentence. In Georgia, the district attorney in one circuit sought the death penalty in 29 cases, and in 23 of those 29 cases, the defendant was African-American, although blacks made up only 44 percent of the population.

Similar evidence is emerging under the Federal death penalty for drug kingpins. Of the 37 defendants for whom the death penalty was sought between 1988 and 1994, four were white, four were Hispanic, but 29 were African-American.

Death sentences are even more frequently imposed when the victim is white. Since 1977, more than 80 percent of the country's death penalty cases have involved white victims, while about half of the homicides committed each year in the United States involve black victims.

A study by Professor David Baldus at the University of Iowa of over 250,000 homicide cases in Georgia, which controlled for 230 nonracial factors, found that a person accused of murdering a white was 4.3 times more likely to be sentenced to death than a person accused of murdering a black. Although fewer than 40 percent of Georgia homicide cases involved white victims, 87 percent of all the cases in which a death sentence was imposed involved white victims.

We are also concerned that the imposition of the death penalty has become so routine that there is now immediate support for the addition of this penalty whenever it is suggested. A death penalty attached to a new crime is deemed unremarkable and seldom engenders serious debate or discussion, and that is why I raise it on the floor with the measure before us.

Given the overwhelming concerns of fairness and accuracy with which the death penalty is imposed, combined with the lack of a proven deterrent effect, it is my strong desire and intention to modify the measure that is on the floor to contain a life sentence rather than the death penalty.

Mr. Chairman, with that I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), a member of the committee.

Mr. BUYER. Mr. Chairman, I appreciate the gentleman from Florida yielding to me.

Mr. Chairman, I rise in support of H.R. 2181, which is to address the very real problem of intimidation of witnesses. The instances of intimidation across State lines is especially pronounced in gang and drug cases, frustrating the ability of State and local authorities to successfully prosecute these cases to include the Federal Government.

The intimidation of witnesses is specifically intended to undermine and subvert our system of justice. I believe that it is an insult to the integrity of the judicial system. Let me give an example.

The last case that I was involved with in the United States Attorney's Office involved two Colombians charged with the distribution of cocaine. Three of our witnesses were also witnesses in a State collateral case, one of which was an informant who we had spoken to. The following morning they were found in the kitchen of an apartment, their hands tied behind their backs, washcloths stuffed in their mouths, and the back of their heads were blown off with shotguns.

Mr. Chairman, I can share that in all other cases that these individuals had been involved, not only in Federal cases, but also in State cases, no one would step forward to testify. The intimidation was very real and it was very effective. We never found out who actually pulled the trigger and killed these people, but I would have enjoyed having the opportunity to have prosecuted them.

Such a strategy of violence intended to intimidate does have a chilling impact on the system and I saw it firsthand. Opponents to this bill believe that in such instances the death penalty should not be used as the ultimate punishment. I disagree. The death penalty is appropriate to those who would kill to undermine our judicial system for their own personal gain.

Mr. Chairman, this intimidation does undermine and have a chilling impact upon the judicial system. It is not healthy and I support this bill.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROGAN), the newest member of the Committee on the Judiciary.

Mr. ROGAN. Mr. Chairman, I thank the distinguished gentleman from Florida (Mr. McCOLLUM), chairman of the subcommittee, not only for his leadership on this particular issue, but for his eloquence in presenting it before the House. In doing so, I wish also to thank and congratulate the distinguished gentleman from Michigan (Mr. CONYERS), our ranking member, for his articulate presentation today, and for the dissenting views he and others put forth in the subcommittee report.

Although I do differ with the gentleman from Michigan in his opinion respecting the death penalty, aside from this philosophical difference, his statement respecting the merits of the bill itself is in line with those of the subcommittee chairman.

Mr. Chairman, it is significant that all the members of the subcommittee who heard this bill see a real need for this particular legislation. Our differences are over the level of penalty that should be imposed for the most egregious cases.

This bill strikes a particular chord with me, because before I arrived in Congress I spent 10 years as both a criminal trial court judge in Los Angeles County and as a member of the Los Angeles County District Attorney's Office. Specifically, during my tenure in the District Attorney's Office, I was assigned to what was called the hard-core gang murder unit.

My job on a daily basis for a couple of years was prosecuting gang cases, particularly gang murder cases. It was very common for members of that unit like myself to carry over 20 open gang murder cases.

Mr. Chairman, those were extremely difficult cases to prosecute. The difficulty did not come from the lack of ballistic evidence, because we often had ballistic evidence. They were not difficult because we did not have fingerprints. Often we had fingerprints. And the difficulty did not come from a lack of witnesses. There were generally many witnesses. The difficulty came in getting those witnesses who saw the crime to come to court and testify. The whole trick to trying gang cases was getting the witnesses into court to tell what they saw.

Generally speaking, when a violent crime occurred, in the excitement of the moment or in the confusion when the police arrived, we often could find a lot of people who were willing to tell the police exactly what they saw, exactly what they heard, and identify the perpetrators. But once the police crime scene tape came down, once the squad cars left and once the detectives returned to the station, those witnesses became victims within their own community—helpless to the intimidation and threats from gang members. It did not take long for any of them to find out what the bottom line was to their safety.

Mr. Chairman, there was a curious phenomenon from the time of the crime until we empaneled the jury: a predictable loss of a witness' memory. Often we would try to do whatever we could to accommodate these witnesses, such as preparing to move them out of the neighborhood. But even that became problematic, because the sophistication of gangs throughout this country has become such that their boundaries are no longer within a neighborhood or a city. Their sophistication and their reach crosses State lines. That is why the current situation cries out for the remedy being suggested by this legislation.

The need for this bill is uncontroverted from both sides, and that is why I again congratulate and thank the gentleman from Florida, the subcommittee chairman, for bringing this to the floor. Again I thank the gentleman from Michigan, the ranking member, and the minority members of the subcommittee, for their support for the bill in concept.

Mr. Chairman, this will make an incredible difference to those who are on the front lines every single day trying to prosecute these cases to make our neighborhoods safe, and for those who must live in these areas. And I cannot emphasize enough to my colleagues what a difference this bill will make once it is on the books. It will note of those people who ought to be protected, those whom we call upon to do their civic duty and go before the bar of justice to help convict dangerous offenders. This will be a significant help to their level of comfort and safety.

Ms. DEGETTE. Mr. Chairman, I rise today to express my regret that H.R. 2181, the Witness Protection and Interstate Relocation Act, expands the death penalty in federal law.

Members of this Congress have heard definitive testimony from law enforcement officials that witness intimidation and coercion are increasing at a disturbing rate. As the instance of intimidation rises for gang-related and drug crimes, Congress must be responsive. Witnesses need to feel confident that they will be removed and protected from aggressors. Creating a series of new opportunities for courts to impose the death penalty, however, is not the answer.

Mr. KUCINICH. Mr. Chairman, I rise to state my views on H.R. 2181, the Witness Protection and Interstate Relocation Act of 1997.

While this bill includes many valuable provisions which would improve States' witness protection and relocation programs, I cannot, in good faith vote for final passage due to a provision currently in the bill.

My fellow colleagues, my moral and religious values prevent me from voting for a bill which calls for imposition of the death penalty. I believe those who commit serious crimes should be severely punished, even to the extent of life imprisonment, but I do not believe in the death penalty. I believe very strongly in the sanctity of life, and my voting record consistently reflects this belief.

I hope that when this bill goes to conference the death penalty provision is removed. I look forward to working with my colleagues on both sides of the aisle to provide the States with the means to protect witnesses who put their lives at risk to do the right thing and to set strong and reasonable penalties for those who engage in witness intimidation or obstruction of justice.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I support you in your efforts to address the crisis of witness intimidation; however, I do have some concerns. The problem of witness intimidation is a growing problem and one that must be addressed by this Congress. In a growing number of criminal cases around the United States, police and prosecutors are unable to prosecute cases successfully because key witnesses refuse to testify for fear of retaliation by defendants.

This problem is particularly acute in gang- or drug-related cases. In fact, prosecutors report that the mere fact that a crime is gang-related is often sufficient to ensure neighborhood silence. This situation is frustrating for prosecutors because the absence of an overt threat precludes the use of traditional responses to witness intimidation.

It is hard not to sympathize with the witnesses to these crimes who choose to remain silent out of fear of harm to themselves or their loved ones. These are people who are surrounded daily by crime, violence and death. They witness first-hand the horrors that the nation sees only on the six-o'clock news. They know that the threat of retaliation is not an idle one.

A 1994 survey of prosecutors found that 51 percent of prosecutors in large jurisdictions and 43 percent of those in small jurisdictions, identified intimidation of witnesses as a problem. Several prosecutors interviewed for the 1996 National Institute of Justice Report, "Preventing Gang- and Drug-Related Witness Intimidation," estimated that witness intimidation occurs in 75 to 100 percent of the violent crimes committed in neighborhoods with active street gangs.

This all points to the fact that witness intimidation is a very serious concern because it undermines the administration of justice and erodes public confidence in the justice system.

However, I do have some concerns about this legislation includes the death penalty for witness intimidation that results in death. Recently, the Death Penalty Information Center issued a report entitled "Innocence and the Death Penalty: The Increasing Danger of Mistaken Executions." This report describes 69 instances since 1973 in which condemned prisoners had to be released from death row because mistakes had led to wrongful convictions. This figure represents more than one percent of the approximately 6,000 people sentenced to death in that period. If an amendment is offered which would give a federal judge discretion in removing an imposed death penalty sentence and commuting it to life imprisonment when the facts do not support the imposition of a death penalty, then my colleagues should support such an amendment. This legislation addresses the problem of witness intimidation by establishing a new federal offense for interstate travel to intimidate a witness. It also requires that States which relocate witnesses into other States notify law enforcement in the "recipient" state.

Mr. BLUMENAUER. Mr. Chairman, I support the Witness Protection and Interstate Relocation Act as passed by the House of Representatives today. I voted for the bill because I believe protection of witnesses is one of the most important principles of the judicial process. We cannot tolerate interference or tampering with witnesses at any level of the judicial process, and any effort the federal government can make to ensure greater witness protection is a step in the right direction. While I do not agree with some of the details of the bill, in my mind, the importance of protecting witnesses, a cornerstone of our system of justice, supersedes those concerns.

Mr. DEUTSCH. Mr. Chairman, I rise today in strong support of this important legislation.

H.R. 2181 establishes meaningful guidelines for interstate witness relocation procedures. The legislation will help avoid conflicts between law enforcement agents of differing jurisdictions. In 1996, Florida officials narrowly missed an armed conflict with Puerto Rican agents who were protecting a witness in central Florida. This legislation will ensure that state officials are fully aware of witness relocation efforts in their communities so we can avoid the types of problems we've experienced in Florida.

Between 1987–1996, 83 witnesses have been relocated to Florida from Puerto Rico alone. More than 1 out every 10 of these have a criminal record. Without a formal process for notification and cooperation, we are unknowingly jeopardizing the lives of innocent Americans and law enforcement agents. This legislation will protect these citizens and public safety officers.

There are serious questions about the appropriate procedures for interstate relocation. I attempted to address these concerns when I traveled to Puerto Rico last year and met with the Justice Minister to craft an agreement between our two states. This was followed by the first, and only, Memorandum of Understanding on interstate witness relocation procedures.

This legislation will build on our efforts to facilitate coordination between jurisdictions. Mr. Speaker, I am pleased to join my colleagues, Congressmen MCCOLLUM and ROMERO-BARCELO, in sponsoring this important legislation and I urge its adoption.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman from California (Mr. ROGAN) for his wise comments, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by title, and each title shall be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Witness Protection and Interstate Relocation Act of 1997".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—GANG-RELATED WITNESS INTIMIDATION AND RETALIATION

SEC. 101. INTERSTATE TRAVEL TO ENGAGE IN WITNESS INTIMIDATION OR OBSTRUCTION OF JUSTICE.

Section 1952 of title 18, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Whoever travels in interstate or foreign commerce with intent by bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding, and thereafter engages or endeavors to engage in such conduct, shall be fined under this title or imprisoned not more than 10 years, or both; and if serious bodily injury (as defined in section 1365 of this title) results, shall be so fined or imprisoned for not more than 20 years, or both; and if death results, shall be so fined and imprisoned for any term of years or for life, or both, and may be sentenced to death.".

SEC. 102. CONSPIRACY PENALTY FOR OBSTRUCTION OF JUSTICE OFFENSES INVOLVING VICTIMS, WITNESSES, AND INFORMANTS.

Section 1512 of title 18, United States Code, is amended by adding at the end the following:

"(j) Whoever conspires to commit any offense defined in this section or section 1513 of this title shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

The CHAIRMAN. Are there any amendments to title I?

□ 1330

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

Page 3, after line 14, insert the following:

SEC. 103. FURTHER CONSIDERATION OF DEATH SENTENCE RECOMMENDATION.

(a) IN GENERAL.—Section 3591(a) of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a defendant who has been found guilty of an offense described in section 1512(j) or 1952(b) for which a sentence of death is provided shall not be sentenced to death but shall be sentenced to life imprisonment if court has any doubt that the defendant actually committed the offense.".

(b) CONFORMING AMENDMENT.—Section 3594 of title 18, United States Code, is amended in the first sentence by inserting ", subject to the second sentence of section 3591(a)" before the period.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, this amendment provides that in cases where a jury has imposed the death sentence or death resulting from witness intimidation, if a court has any doubt regarding the defendant's guilt, the court shall sentence the defendant to life imprisonment rather than death.

This amendment is offered because of the Supreme Court's decisions regarding what has come to be known as "actual innocence." Incredibly, the Supreme Court has held that actual innocence, without proof of a violation of a defendant's constitutional rights, is not enough to stop a death sentence.

In the case, only a few years back, of Herrera v. Collins, the Court ruled that a death row inmate who presents belated evidence of innocence is not ordinarily entitled to a new hearing before being executed. In that case, Judge Rehnquist stated that the Federal habeas courts sit to ensure that individuals are not imprisoned in violation of the Constitution, not to correct errors of fact.

According to the Supreme Court, newly discovered evidence has never been regarded as a sufficient basis for the Federal Court relief in the absence of some underlying constitutional violation. And that is notwithstanding the finality of a death penalty. If a mistake has been made, there is no way to undo it.

For the last 26 years, a little over 1 percent of the nearly 7,000 Americans sentenced to death have been released from death row after new facts came to light indicating their innocence. This means that at least 700 people who were sentenced to death were not guilty. In the State of Illinois alone in the past few years no fewer than nine death row inmates have been released after their innocence was proven.

While the system worked in these cases, if we ignore the fact that many of these people were imprisoned wrongfully for many years, the evidence that cleared these men turned up by accident and could well have been discovered too late to halt their executions. This means that although we do not know how many innocent people have been executed, we do know that there are such people and that their numbers are substantial.

This amendment is an accommodation to the irrevocable nature of the death penalty. It provides that where doubt of guilt remains, the opportunity to reverse the conviction on the basis of new evidence must be preserved, and a death sentence obviously does not allow for this.

The effect of this provision, then, would allow the trial judge to stop the imposition of the death penalty only in cases involving the death of witnesses in those cases in which experience has shown the greatest likelihood of erroneous conviction. In practice, this would mean the judges would exclude the death penalty in cases that turned on sometimes notoriously unreliable evidence of uncorroborated eye-witness identifications on the bargained-for testimony of accomplices and jailhouse informants.

The court would remain free to sentence the defendant to life imprisonment without possibility of parole. Only the death penalty would be precluded and only in cases where the judge, based on his experience, could conclude that the possibility of miscarriage of justice actually existed.

This amendment will not totally eliminate the possibility of error in capital cases involving witness intimidation, but it would provide a safety check, reducing the risk of sentencing innocent people to death.

No such safety mechanism exists now. The trial judge can only determine whether the evidence is sufficient to convict and impose a death sentence. But as the law currently stands, a judge has no power to protect the defendant against the possibility of factual error by the jury.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. Mr. Chairman, the same is true on appeal. While appellate courts must review the adequacy of the evidence and the procedural regularity of the trial and sentencing, on appeal all factual determinations must be made in the light most favorable to the prosecution and appellate courts are powerless to reverse a death sentence based on questionable but legally sufficient evidence unless some harmful procedural error occurred at trial.

Only by means of this amendment will trial judges, in the limited number of cases involving violations of this act, acquire the power to ensure that the death penalty will not be imposed when the evidence appears strong enough to convict but not strong enough to bet a life on it.

Even those who in this Chamber do not oppose the death penalty, I do not think they can be in favor of executing innocent people; and, therefore, I urge my colleagues to support this amendment.

Mr. MCCOLLUM. Mr. Chairman, I rise in strong opposition to the amendment.

The death penalty has been debated on this floor many times, and I respect the gentleman's views and philosophy on this subject differ from mine considerably, but it is particularly poignant today, in light of this bill and how the death penalty would be applied if this new Federal crime were created and the issue of the death penalty generally.

I think it is probably true to say that there is no more important situation to have the deterrent effect of the death penalty than in this case where we have witness intimidation.

The truth of it, so everybody understands this, and I will make it very clear, the amendment the gentleman from Michigan is offering today would prohibit the death penalty from applying in this legislation to the witness intimidation cases where somebody crosses a State line and kills somebody to prevent them from testifying.

Do we support, the question really should be, capital punishment for vicious criminals who brutally kill bystanders who happen to have the misfortune of witnessing a serious crime and are brave enough to come forward and testify against the criminals? That is what we are talking about in this legislation. If we vote for the amendment, we are voting against the possibility of the death penalty for that provision.

Believe me, just as the prosecuting attorney in Los Angeles said, that I mentioned, Ms. Snyder, in my opening statement on this bill, there is an understanding among those in the street gangs who are doing this witness intimidation and who do cross State lines and have people killed to keep them from testifying. There is an understanding about what the punishment is. And if the death penalty is there, they are far less likely to do it.

We all know the overwhelming majority of the American public supports capital punishment. For as long as I have been a Member of this body, the House has consistently voted in favor of the death penalty.

Mr. Chairman, there is good reason for this record of strong support. The death penalty is the just punishment for the most heinous of crimes, and there are few crimes more heinous than the murder of a witness. Such murders destroy the lives of the victim and the victim's family and rock the very foundations of the criminal justice system.

It is absolutely essential that the possibility of the death penalty exist in this situation. How else will we deter a drug gang member who faces the possibility of a long prison term from killing a critical witness called to testify against him? If the death penalty is not an option, such criminals assume that they have nothing to lose if they kill witnesses. They face no greater punishment if they get caught. We cannot sit idly by and let it occur. That is why gang prosecutors so strongly support the death penalty provisions in this bill.

Let me say we have heard a lot of about the imposition of the death penalty in America. A few facts, I think, might set the record straight.

The death penalty is actually rarely used in comparison to the number of murders in this country. Less than one-tenth of 1 percent of all murderers are executed. Less than one-tenth of 1 percent of all murderers are executed.

Death penalties are imposed with extraordinary care and accuracy. There is no evidence whatsoever that anyone truly innocent has been executed since the Supreme Court reinstated the death penalty in 1976.

While I respect the statistics the gentleman from Michigan raised a moment ago with regard to the fact that there are some people who have been put on death row who have been ultimately exonerated, they were not executed, obviously.

And there is a long period of time for appeal. The average time for appeal in this Nation has been about 10 years. We hope with the change in the habeas corpus laws we passed last year it will get down to 4 to 6 years. But it is a long period of time.

If somebody is truly innocent, there is going to be plenty of time for them to get off death row. It is not as though it were occurring right before the sentence was being carried out.

The average time a convicted murderer sits on death row before they are executed, as I said, is 10 years.

In 1996, there was a total of 3,219 prisoners on death row; and only 45 were executed.

Among the offenders on death row, 66 percent had at least one prior felony conviction and almost 10 percent had a previous murder conviction. Forty-two percent were on probation, parole or supervised release at the time they committed the crime which landed them on death row.

Studies by anti-death penalty scholars, including last year's report by the Death Penalty Information Center, or a highly publicized 1987 study from Stanford Law Review, failed to sufficiently confirm that one innocent person had been executed. In fact, both studies showed that innocent individuals were released, as I said earlier, well before their executions.

There are many other facts about capital punishment that we could discuss but time does not permit me today.

Let me conclude by saying on this amendment, Mr. Chairman, that it should be defeated. When gang members can joke about killing snitches, we know America is in trouble. If we strip the death penalty from this bill, Congress will take a dangerous step closer to turning America's criminal justice system over to brute force rather than to the rule of law.

I urge my colleagues to vote against this amendment. Leave the death penalty in in this bill. It is as important or more important than in any other provision of Federal law to have the death penalty for those who cross States lines to intimidate and to actually kill a witness who otherwise would testify.

The message is important, the deterrent message; and, obviously, the execution itself, in some cases, is certainly as justified as in any other heinous crime.

The CHAIRMAN. The time of the gentleman from Florida (Mr. McCOLLUM) has expired.

(On request of Mr. CONYERS, and by unanimous consent, Mr. McCOLLUM was allowed to proceed for 3 additional minutes.)

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentleman very much for yielding.

The only two points I wanted to bring up is this is not about whether we are for or against the death penalty. This amendment is to make sure that, if the court has any doubt that the defendant actually committed the offense, the court would be allowed to suspend the sentence of death and provide a sentence of life imprisonment.

And with reference to the gentleman's observation that there is no evidence that any person that has been executed was innocent, it is pretty hard after the execution to ask people to continue to look for evidence that the execution was wrong. We know that they were on death row and we have saved them because the effort and the energies persisted while they were alive.

So I would not want the gentleman to conclude from the fact that we have not proven that people executed were in fact innocent turns on the fact that they were in fact guilty. That is a pretty long stretch.

□ 1345

Those were the two points in his refutation I wanted to bring forth.

Mr. McCOLLUM. Mr. Chairman, if I could reclaim my time, I do want to address that. I am glad he pointed it out to me. The point about any doubt is what bothers me in his amendment more than anything else. He has suggested that a person shall be sentenced to life imprisonment if the court has any doubt. As the gentleman knows, the rule of law with regard to this matter is reasonable doubt now, not any doubt whatsoever. I think by passing this, he effectively means there will be no death penalty when he puts out any doubt. It is very difficult to come up with cases where that standard would be applicable and it would be I think an extraordinary change in the law that exists in all other death penalty cases to my knowledge in the Nation, let alone here in the Federal system, to have the contingency of this as any doubt as opposed to reasonable doubt. Reasonable doubt is the current standard, which he would not need an amendment to do as the gentleman knows. I oppose this. I think he has cleverly drawn this. I respect why he has done it. Again he and I philosophically differ. But I think it is clever by one too much. Effectively it would end the death penalty or not allow it in most of the cases, or at least in a great many of them that would be involved in the prosecution under this bill. I think my remarks earlier were equally applicable regardless of the subtlety of this point he is making which is true and technically correct.

I thank the gentleman for allowing me the additional time, but I again strongly oppose this amendment and urge its defeat because we need an ordinary, everyday, plain vanilla death penalty provision in here if we are going to deter gangs from going across State lines and intimidating people and witnesses, especially the death penalty part applying when they kill somebody when they do that, kill a potential witness.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 113, noes 300, not voting 17, as follows:

[Roll No. 20]

AYES—113

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Berman
Blumenauer
Bonior
Brown (CA)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dixon
Ehlers
Engel
Eshoo
Evans
Fattah
Filner
Frank (MA)
Furse
Goodling
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoekstra
Hooley
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Levin
Lewis (GA)
Lowey
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pappas
Paul
Payne
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano
Skaggs
Slaughter
Stabenow
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Yates

NOES—300

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Brown (FL)
DeLauro
Ford
Gejdenson
Gonzalez
Kennelly
Klink
Luther
Mica
Miller (CA)
Paxon
Pelosi
Poshard
Riggs
Rodriguez
Schiff
Smith (NJ)

□ 1408

Messrs. BOB SCHAFFER of Colorado, CLEMENT and PETERSON of Pennsylvania changed their vote from "aye" to "no."

Mr. SCOTT and Mr. HOEKSTRA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GEJDENSON. Mr. Chairman, I regret that I missed two votes pertaining to H.R. 2181, the Witness Protection and Interstate Protection and Interstate Relocation Act and H.R. 1544, the Federal Agency Compliance Act. At the time I was attending the funeral of former Connecticut governor and Senator Abraham Ribicoff. If I had been here, I would have voted yes on Roll Call #19 and yes on Roll Call #20.

The CHAIRMAN. Are there any further amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—WITNESS RELOCATION AND SAFETY

SEC. 201. WITNESS RELOCATION SURVEY AND TRAINING PROGRAM.

(a) SURVEY.—The Attorney General shall survey all State and selected local witness protection and relocation programs to determine the extent and nature of such programs and the training needs of those programs. Not later than 270 days after the date of the enactment of this section, the Attorney General shall report the results of this survey to Congress.

(b) TRAINING.—Based on the results of such survey, the Attorney General shall make available to State and local law enforcement agencies training to assist those law enforcement agencies in developing and managing witness protection and relocation programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsections (a) and (b) for fiscal year 1998 not to exceed $500,000.

SEC. 202. FEDERAL-STATE COORDINATION AND COOPERATION REGARDING NOTIFICATION OF INTERSTATE WITNESS RELOCATION.

(a) ATTORNEY GENERAL TO PROMOTE INTERSTATE COORDINATION.—The Attorney General shall engage in activities, including the establishment of a model Memorandum of Understanding under subsection (b), which promote coordination among State and local witness interstate relocation programs.

(b) MODEL MEMORANDUM OF UNDERSTANDING.—The Attorney General shall establish a model Memorandum of Understanding for States and localities that engage in interstate witness relocation. Such a model Memorandum of Understanding shall include a requirement that notice be provided to the jurisdiction to which the relocation has been made by the State or local law enforcement agency that relocates a witness to another State who has been arrested for or convicted of a crime of violence as described in section 16 of title 18, United States Code.

(c) BYRNE GRANT ASSISTANCE.—The Attorney General is authorized to expend up to 10 percent of the total amount appropriated under section 511 of subpart 2 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 for purposes of making grants pursuant to section 510 of that Act to those jurisdictions that have interstate witness relocation programs and that have substantially followed the model Memorandum of Understanding.

(d) GUIDELINES AND DETERMINATION OF ELIGIBILITY.—The Attorney General shall establish guidelines relating to the implementation of subsection (c) and shall determine, consistent with such guidelines, which jurisdictions are eligible for grants under subsection (c).

SEC. 203. BYRNE GRANTS.

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking "and" at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting "; and"; and

(3) by adding at the end the following:

"(27) developing and maintaining witness security and relocation programs, including providing training of personnel in the effective management of such programs.".

SEC. 204. DEFINITION.

As used in this title, the term "State" includes the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States.

The CHAIRMAN. Are there any amendments to title II?

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

Page 3, line 4, insert the following before the quotation mark:

"When considering whether to inflict the death penalty for a violation of this section, the jury shall consider, as a mitigating factor, whether the evidence, although sufficient to permit a finding of guilt, does not completely remove all doubt about the defendant's guilt."

Page 3, line 14, insert the following before the quotation mark:

"When considering whether to inflict the death penalty for a violation of this section, the jury shall consider, as a mitigating factor, whether the evidence, although sufficient to permit a finding of guilt, does not completely remove all doubt about the defendant's guilt."

The CHAIRMAN. That is an amendment to title I, and we have gone beyond title I at this point.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the amendment be considered in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. Does the gentleman from Florida reserve his point of order?

Mr. MCCOLLUM. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, this amendment is on the same lines as the previous amendments. This amendment also provides a safeguard against executing innocent people. Unlike the last amendment, however, which allowed the judge to void the decision by the jury, this amendment simply proposes a way for the jury to consider the possibility of the defendant's innocence.

I offer this amendment to exclude the death penalty as an option whenever the evidence does not foreclose all doubt regarding a defendant's guilt.

In 1988, the Supreme Court held that a defendant has no constitutional right to have a capital sentencing jury consider as a reason not to impose the death penalty the possibility that the defendant may be innocent. This means that if the jurors are to consider the possibility of error as a reason to vote against imposing the death penalty, the law must explicitly provide for such consideration.

Under current law, the jurors are told to consider a long list of specific mitigating factors as reasons not to sentence a defendant to death. These factors can include that the defendant is mentally ill, youthful, under duress or suffered impaired capacity at the time of the crime. The law does not, however, require the jury to consider the most basic reason of all for worrying against the imposition of death, the possibility the defendant is actually not guilty of the crime for which he has been convicted. The amendment would add residual doubt to the list of mitigating factors a citizen jury can consider.

□ 1415

The amendment provides that the jury may consider any doubt that the defendant committed the offense, notwithstanding that such doubt may initially not be considered to constitute reasonable doubt.

This amendment should be unobjectionable, even to my colleagues opposed to the death penalty. This does not take away anything from the power of the trier of fact, nor does it overturn a trier of fact's determination. This amendment merely instructs the jury to consider, among other mitigating and aggravating factors that they already consider, whether the jury has remaining doubts as to whether the defendant is actually the perpetrator of the crime.

Again, this amendment will not stop innocent people from winding up on death row or even being executed. It will, however, offer another check, another way for us to say hold on, we better be certainly sure that a person committed an offense before we sentence him or her to death, at least in cases arising from violations of this particular statute.

This extra safeguard, I think, is certainly desirable, in light of the consequences. When you vote on this amendment, remember that since 1976, 66 inmates have been freed from death row based on strong evidence of their innocence. I urge my colleagues to vote in favor of the amendment.

Mr. MCCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I equally and strongly oppose this amendment, as I did the one before this offered by the gentleman from Michigan. The amendment, while clear in its nature, is one which effectively destroys the death penalty provisions in this bill and sets a different course for the consideration of whether to impose the death penalty or not from any other law of this Nation that I am aware of, either State or Federal.

What it does effectively is to say that you have to completely remove all doubt before you impose a death penalty. It is given as a mitigating factor, which sounds innocent enough, but what happens in a criminal trial when you get to the sentencing phase on the death penalty under Federal law is that under the Supreme Court ruling and under the legislation that has been established since the court several years ago overturned the death penalty as unconstitutional, there has been a way to reestablish it, and that way involves a weighing of aggravating and mitigating circumstances that are put forward for consideration with regard to the death penalty.

There is very precise statutory language constructs in Federal law with regard to this. There are listings of what those aggravating factors are and what those mitigating factors might be, and here is what you produce to the jury or to the deciding court.

In this particular case, what the gentleman from Virginia is trying to do is to suggest that the burden gets a lot higher for the prosecution seeking the death penalty in a witness intimidation murder case; again, one of those cases which I think is the most heinous of all crimes, where you are intimidating a witness and trying to prevent him or her from being able to testify to get a conviction in a major gang-related case or an organized crime or otherwise case.

Well, gosh knows, when that situation occurs, murdering the witness is the strongest form possible of intimidation. Not only does it intimidate, obviously eliminating that witness altogether, but it intimidates other witnesses, which is what this legislation is all about, by sending an extraordinarily strong message. We are trying to send one equally strong or stronger back that says look, if you go across a state line and kill a witness, you are going to get the death penalty for doing that.

Well, what is happening here though is because under the gentleman from Virginia's construct, you would add another mitigating factor that says to whoever is deciding this, before you can give the death penalty after the conviction has occurred of killing a witness in an intimidation across the state line matter, you have got to have removed completely all doubt. It does not say just all doubt, it says completely remove all doubt of the defendant's guilt.

Let me tell you, there are example after example where somebody could interject some spurious, rather simplistic type of evidence, that would allow some doubt to exist. I think some doubt exists in lots and lots of cases where the death penalty is imposed.

For example, you can have a whole stack of evidence over here of the crime and that somebody did it, but you can have a single witness come in and say gee, Sam is my best friend and he was with me drinking last night.

Does that create reasonable doubt, when you have got all this other evidence outweighing it on the other side in the guilt or innocence or sentencing phase? The answer is no, it does not create reasonable doubt. But if it is a jury instruction or an instruction under the law to the court on the death penalty, it could create some doubt, however tiny, however small that is, which would effectively mean that in virtually any case, anybody could drum up somebody to walk in and give an alibi, even though there is overwhelming evidence they committed the heinous crime for which they are getting the death penalty or might get the death penalty. Then you would not be able to say, a decider of the death penalty, the sentence, could not say that all doubt had been completely removed, which is what is required by the gentleman from Virginia.

So the bottom line is, the gentleman's amendment is just as pernicious as the previous one. It effectively eliminates the death penalty for those who would commit the crimes for which it is intended that they receive the death penalty in witness intimidation, witness murder, in this bill that is before us today.

I urge strongly the defeat of this amendment. It is a killer amendment in the true sense of the word, in that it eliminates the death penalty teeth of this bill, and it needs to be defeated.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just submit to my colleagues that what would be pernicious is not the provisions of this amendment. What would be pernicious is if our country put somebody to death, and then found that what they were being put to death for was untrue. And that has been happening more and more recently with the advent of new technological advances, such as the advances in DNA research. We are able now to go back 20 or 30 years and find out that people have in fact been put to death by our country, by our system of criminal justice, for a crime that they did not commit. That is what is pernicious.

This amendment has nothing to do with the burden of proof. The burden of proof is whether you are guilty or innocent. In our system of justice, that burden of proof is, in a criminal case, beyond a reasonable doubt.

This amendment goes to what is considered after there has been a determination of guilt or innocence beyond a reasonable doubt. It goes to what you consider in determining whether there is a death penalty assessed, whether you put somebody to death.

So this is not about the burden of proof on guilt or innocence; this is about what you consider in deciding whether someone should be put to death by our criminal justice system.

Simply put, the amendment says if there is one iota of doubt, if there is any doubt about it, the jury which is considering whether to put a person to death or not ought to be able to take that into account. That is all it says.

I submit that is a very reasonable proposition. The notion that we are doing something un-American by trying to remove any doubt before we use the official forces of the government to put a citizen to death is surprising to me.

I think this amendment is imminently reasonable. I encourage my colleagues to support it. It is not pernicious, it is just plain good sense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title II of the bill?

There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAZIO of New York) having assumed the chair, Mr. SNOWBARGER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes, pursuant to House Resolution 366, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 366, nays 49, answered "present" 1, not voting 14, as follows:

[Roll No. 21]

YEAS—366

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner

Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—49

Barrett (WI)
Bonior
Brown (CA)
Brown (OH)
Clay
Clayton
Clyburn
Conyers
Cox
Cummings
Davis (IL)
DeGette
Delahunt
Fattah
Furse
Hastings (FL)
Hilliard
Jackson (IL)
Kennedy (RI)
Kilpatrick
LaFalce
Lewis (GA)
Martinez
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Mink
Mollohan
Oberstar
Owens
Paul
Payne
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Scott
Serrano
Stabenow
Stark
Stokes
Towns
Waters
Watt (NC)
Weygand
Yates

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—14

Brown (FL)
Ford
Gonzalez
Hall (OH)
Klink
Luther
Mica
Miller (CA)
Nadler
Paxon
Pelosi
Poshard
Sanchez
Schiff

☐ 1446

Mr. McGOVERN and Ms. WATERS changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, on rollcall vote 21, final passage of H.R. 2181, I was unavoidably detained.

Had I been present, I would have voted YES.

PERSONAL EXPLANATION

Mr. COX of California. Mr. Speaker, on rollcall No. 21, I am recorded as voting no. I wish to be recorded for the record as aye.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Speaker, it is my understanding that what is left yet to occur on the floor is the voting on the two Jackson-Lee amendments and then final passage. Has the Speaker notified the House that that is the order, if it is?

The SPEAKER pro tempore (Mr. BLUNT). The gentleman's understanding is correct.

Mr. GEKAS. That is the case.

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. GEKAS. So it will be two amendments back to back, Jackson-Lee and then final passage.

The SPEAKER pro tempore. The gentleman is correct.

Mr. GEKAS. I thank the Speaker very much.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2495

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2495.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

FEDERAL AGENCY COMPLIANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 367 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1544.

☐ 1449

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits, with Mr. LAZIO of New York (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) had been postponed, and the bill was open for amendment at any point.

Are there any further amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. There being no further amendments, pursuant to House Resolution 367, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and amendment No. 2 offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT OFFERED BY MS. JACKSON-LEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 253, not voting 13, as follows:

[Roll No. 22]

AYES—164

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Fox
Frank (MA)
Furse
Gejdenson
Gephardt
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—253

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Bryant
Bunning
Burr

Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Brady
Brown (FL)
Ford
Frost
Gonzalez
Klink
Luther
Mica
Miller (CA)
Paxon
Pelosi
Poshard
Schiff

☐ 1509

Mr. KINGSTON changed his vote from "aye" to "no."

Ms. SANCHEZ and Messrs. McHALE, BAESLER, PASCRELL, BONIOR and FOX of Pennsylvania changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BRADY. Mr. Chairman, on rollcall No. 22, I was unavoidably detained.

Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LAZIO of New York). Pursuant to House Resolution 367, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment on which the chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the second amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

Vote was taken by electronic device, and there were—ayes 154, noes 258, not voting 18, as follows:

[Roll No. 23]

AYES—154

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Berry
Bilirakis
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Coyne
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Stabenow
Stark
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—258

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry

Thune
Tiahrt
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Brown (FL)
Conyers
Ford
Frelinghuysen
Gonzalez
Graham
Hobson
Klink
Luther
Mica
Miller (CA)
Paxon
Pelosi
Poshard
Riggs
Schiff
Smith (NJ)
Stokes

□ 1519

Mr. MATSUI changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No.'s 19, 20, and 23, I was unavoidably detained from the House Chamber on other congressional business and could not be present to vote.

Had I been present, I would have voted "no" on all three rollcall votes.

The CHAIRMAN pro tempore (Mr. LAZIO of New York). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WICKER) having assumed the chair, Mr. LAZIO of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1544) to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits, pursuant to House Resolution 367, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 176, not voting 13, as follows:

[Roll No. 24]

AYES—241

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Bryant
Burr
Buyer
Callahan
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Diaz-Balart
Dickey
Dooley
Doyle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Livingston
Lofgren
Lucas
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Pryce (OH)
Ramstad
Redmond
Regula
Riley
Roemer
Rogers
Ros-Lehtinen
Roukema
Ryun
Sanchez
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—176

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brown (CA)
Brown (OH)
Bunning
Burton
Calvert
Campbell
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Cox
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dixon
Doggett
Doolittle
Dreier
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fossella
Frank (MA)
Frost
Gejdenson
Gephardt
Green
Gutierrez
Hastings (FL)
Hayworth
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Reyes
Riggs
Rivers
Rodriguez
Rogan
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schumer
Scott
Serrano
Shadegg
Skaggs
Slaughter
Spratt
Stabenow
Stark
Stokes
Stupak
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Brown (FL)
Ford
Gonzalez
Gordon
Klink
Luther
Mica
Miller (CA)
Paxon
Pelosi
Poshard
Schiff
Smith (NJ)

□ 1539

Mr. REYES changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Speaker, today I was away from the House with the President visiting the tornado damage in and around my district in Central Florida. I was unable to vote on roll call votes 19 through 24. If I had been here I would have voted as follows:

Rollcall vote: 19—Aye, 20—Aye, 21—Aye, 22—Aye, 23—Aye, and 24—Nay.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2460, WIRELESS TELEPHONE PROTECTION ACT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–421) on the resolution (H. Res. 368) providing for consideration of the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a resolution (H. Res. 369) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 369

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Small Business: Ms. Velazquez to rank directly above Mr. Sisisky.

Committee on Banking and Financial Services: That the powers and duties conferred upon the ranking minority members by House rules shall be exercised by the next senior member until otherwise ordered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

JERRY CHOUINARD, A TRUE PUBLIC SERVANT

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, this week marks the end of 35 years of public service, 32 years of which were with the House Committee on Appropriations for Jerry Chouinard. Jerry has decided to retire from the government, and he plans to split his time between consulting and traveling.

He was born in Nashua, New Hampshire, on June 19, 1943, where he graduated from the public schools, and in 1961 he enlisted in the United States Army and was stationed in Ethiopia prior to his honorable discharge July 1963. Shortly afterward he moved to Washington, D.C., and began a career in the Federal Government in the Washington, D.C. field office of the United States Secret Service. He was detailed to the House Committee on Appropriations in April 1966 where he quickly received a staff appointment and began service that lasted for 32 years. Over this time period he has had various administrative positions for the committee culminating with the position of the committee's administrative officer.

In his various capacities, he has worked closely with the committee members' offices, helped organize conferences with the Senate, coordinated activities with the various 13 subcommittees, organized full meetings and just kept the committee on an even keel. One testimony to his talent was his ability to know what needed to be done before he even thought of it. In a sense he was our Radar O'Reilly.

As Jerry enters retirement we wish him well as he will now be able to see more of his family and his two daughters, Joanna and Alison, and his one grandchild, soon to be a second. We wish him good health and extend a permanent invitation to him to come through our door to stop by and see his friends. We shall always be grateful for his untiring work and his unwavering loyalty to the committee and the institution of the House of Representatives and his service to the country. Good luck, my friend.

□ 1545

CONTINUATION OF NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–218)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 1998, to the *Federal Register* for publication.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1998.*

REPORT ON LOAN GUARANTEES TO ISRAEL PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations.

To the Congress of the United States:

The attached report to the Congress on the Loan Guarantees to Israel Program was completed on December 31, 1997. Since then there have been several key, positive economic developments in Israel that I wanted to communicate to the Congress.

The Israeli Knesset passed its 1998 budget on January 5. The final budget adhered to the deficit target of 2.4 percent of gross domestic product (GDP) set by the Israeli Cabinet in August 1997, and established a spending target of 46.3 percent of GDP (down from 47.3 percent in 1997), without resorting to additional taxes. Furthermore, due partially to the mid-year spending cuts discussed in the report, the Government of Israel overperformed the 1997 deficit target of 2.8 percent of GDP by a significant margin; the 1997 budget deficit came in at 2.4 percent of GDP. These events demonstrate the commitment of the Israeli government to fiscal consolidation and reform.

Second, the Israeli consumer price index (CPI) for 1997 rose by only 7 percent, at the bottom of the 7–10 percent 1997 target range and a 28-year low. This indicates that the battle being waged by the Bank of Israel and the Israeli government against persistent inflation is succeeding. The Israeli Ministry of Finance is reportedly considering lowering the 1998 inflation target (currently set at 7–10 percent) in order to consolidate the strong inflation performance registered in 1997.

This information will be included in the 1998 report to the Congress on the Loan Guarantees to Israel Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1998.*

INCENTIVE FOR ACADEMIC ACHIEVEMENT

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and include extraneous material.)

Mr. MCGOVERN. Madam Speaker, today I rise to announce that I will be introducing a bill that will offer students significant motivation to pursue academic excellence during their high school years. The bill is entitled the Incentive for Achievement through Pell Grants Act.

I am a strong supporter of the Pell grant program and would like to take this moment to thank the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. MCKEON), the gentleman from Michigan (Mr. KILDEE), the gentleman from Illinois (Mr. PORTER), and the gentleman from Wisconsin (Mr. OBEY) for their leadership on Pell grants.

My bill would double the Pell grant award for the first 2 years of college for those Pell eligible students who, against all the odds, graduate in the top 10 percent of their high school class. Over 84,000 students can benefit from this achievement award.

This bill will provide students with a strong incentive to achieve academically in high school. This bill will increase the affordability of higher education without increasing the indebtedness of students and their families. This bill will increase the accessibility of a higher education and expand the options of college choice available to students and their families.

I encourage my colleagues to join me in this effort and cosponsor this bill.

Mr. Speaker, I include the following for the RECORD:

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, February 17, 1998.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCGOVERN: I write to express my interest in and appreciation for the bill you are sponsoring, the "Incentive for Achievement Through Pell Grants Act," which will establish a program to increase Pell Grant awards to students who graduate in the top 10 percent of their high school class. This bill is clear evidence of your commitment to providing greater access to higher education for students from low- and middle-income families.

Your proposal to provide an incentive to students with early information about the availability of an increased Pell Grant could have a profoundly positive impact on students' academic performances and aspirations. This will help to mitigate students' concern that resources necessary to fund a postsecondary education are beyond their financial reach, and will instead motivate them to achieve greater academic success.

I congratulate you for introducing this innovative legislation. I look forward to working with you as reauthorization of the Higher Education Act progresses.

Sincerely,

TERRY W. HARTLE,
Senior Vice President.

ASSOCIATION OF JESUIT
COLLEGES AND UNIVERSITIES,
Washington, DC, February 17, 1998.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of the Association of Jesuit Colleges and Universities, I want to commend and support your initiative in introducing the "Incentive for Achievement Through Pell Grants Act" for needy students who have demonstrated special achievement.

The doubling of the Pell Grant for recipients who graduate in the top 10% of their high school class can provide both an incentive and a reward for those students. This program would send the encouraging message to students struggling to achieve under difficult circumstances that their hard work and perseverance will be rewarded.

The new Hope Tax Scholarship Credit and Life-Long Learning Tax Credit assist middle income families in providing an education for their children. Your program addresses the needs of lower income families.

Pell Grants have long been a critical component of federal student financial aid programs on our campuses. Our association has consistently worked diligently to preserve these and all campus-based programs at the same time we have significantly increased our own institutional commitment to financial aid for our students. Your new program very importantly supplements these efforts, rather than replacing them.

Our special thanks to you for this latest example of your leadership, this time in support of deserving and needy students who will help create our nation's future.

Sincerely and gratefully,

CHARLES L. CURRIE, S.J.,
President.

COLLEGES OF WORCESTER CONSORTIUM,
Worcester, MA, February 18, 1997.

STATEMENT OF PAUL J. LYNSKEY, DIRECTOR OF EDCENTRAL

"Those of us who work with low income college bound students know that the cost of an education is often perceived as a major barrier. We need to do all that we can to encourage these students especially those with exceptional ability, to strive for their ultimate potential in higher education and beyond"

ASSUMPTION COLLEGE,
Worcester, MA, February 18, 1998.

DR. CHARLES L. FLYNN, JR. ENDORSES PELL GRANT LEGISLATION

Worcester—Dr. Charles L. Flynn Jr., acting president and provost of Assumption College, spoke in support of Congressman James P. McGovern's Pell Grant legislation today.

Dr. Flynn remarked, "On behalf of Assumption College, it is my pleasure to commend Congressman McGovern for leading the effort to increase Pell Grants. Pell is the federal government's largest, most important program of need-based financial aid. More than any other federal program, it targets low and middle-income students.

"Congressman McGovern's proposal to create a 'Double' Pell Grant for students of high academic achievement is particularly impressive. This proposal simultaneously addresses two important national needs. First is the need to make educational opportunity available to all citizens without regard to family wealth. Second is the importance of encouraging outstanding student achievement. Congressman McGovern's legislation will help to keep the doors of higher education open to students who need financial assistance; it will also reward high school students who strive hard, learn more, and earn better grades.

"Last year, 16 percent of Assumption students who applied for financial aid were eligible to receive Pell Grants. The average award to these students was $1,500. Those Pell Grants were supplemented by other federal and state loans and grants. And by far, the largest amount of financial aid came to students and their families from the College itself. The system I am describing, therefore, is a partnership of colleges, state government, and the federal government. This partnership is essential if we are to continue to be a nation of true opportunity.

"Congressman McGovern, you are playing a vital role in the Congress of the United States. At Assumption, we share your view that Congress should do more to ensure opportunity for low and middle-income students. I hope that everyone here today will send a message to our congressional leadership that the McGovern Bill is important, not only to Central Massachusetts, but also to higher education nationally.

"Higher education serves several purposes. As chief academic officer of this liberal arts college, I am particularly aware of the humanizing role of a college education. At Assumption, in reason and in faith, we prepare citizens. We prepare students for the good use of their talents, the responsible exercise of their rights, and the fulfillment of their obligations to others. That is true for our graduates at work, at home, and in the public square. In that way, too, I am keenly aware of the importance of higher education to the future of Central Massachusetts. If we are to have a community of hope and economic opportunity, we must have a highly skilled workforce. The McGovern Bill promises to keep the doors of higher education wide open, and thus to further both the noble and practical ends of our colleges and universities."

RICHARD P. BURKE,
Vice President, Public Affairs.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WICKER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ACCOMPLISHMENTS OF REPUBLICAN MAJORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, the Republican Congress has much to be proud of, and the American people who elected us should take heart in the dramatic shift in how our government in Washington is perceived by those it serves.

When I was elected to Congress in November of 1994, the economy and American businesses were reeling from the effects of the largest tax increase in the history of America. Our Nation was also facing a $200 billion deficit each year for the next 10 years.

However, in 1994, the American electorate turned and supported Republicans around the Nation and endorsed their promise to lower taxes and balance the budget. No longer would Washington spend money it did not have on programs we did not need.

In 1995, the American people entrusted the new Republican majority with the reigns of Congress, handing them the gavel for the first time in 40 years.

Mr. Speaker, some will tell you that our prosperous economy and our recently restrained budget had nothing to do with the revolution of 1994. They might even say that the political implications of the 1994 election were overstated.

They are wrong. The electoral revolution of 1994 lives today. Each of us in the Republican majority should stand proud and tall, knowing that if American people had not given their trust to us in 1994, and renewed it in 1996, our economy would not be surging, our budget would not be balanced; we would not have had the first tax cut in 16 years, and the stock market would not have more than doubled in just three years. Each of us in the Republican majority can take pride in the new-found hope and confidence of our Nation.

I stand here not to boast of our accomplishments, but to thank the American people for their well-placed trust, and I pledge to them that those of us in the Republican majority will put the needs of families first, always. You see, families do come first, for me, and for the Republican majority.

This afternoon I am proud to say that when I cast votes in this session of the 105th Congress to reduce taxes on the American family, to reform government and its overreaching involvement in our lives, and to restore our precious and sacred rights, including the most fundamental of all, the right-to-life, I will think of a new little Kansan named Jason Robert Searl, Jr., because it is his future, along with the future of all our children, that we determine when we vote in this sacred chamber.

He was born just three days before Christ's birthday at 5:18 in the evening at Via Christi Hospital's St. Francis Campus, in Wichita, Kansas. Really, I should not call him little, because he weighed 8 pounds and 10 ounces and was over 20 inches long.

I want to salute and warmly congratulate Chrissy and Jason Searl. I want to thank them for having the courage to take the toughest job in our world, parenting. I pledge to them and all others who place their trust in the Republican majority that we will continue to live up to the promises we made to all of them, including little Jason.

REMOVING FINANCIAL BURDENS PLACED ON FAMILY PHARMACIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise today to urge my colleagues' support for legislation I am introducing with Senator DORGAN to eliminate the regulatory and financial burdens placed on America's family pharmacies by the Balanced Budget Act of 1997.

The Balanced Budget Act contained a provision that required all dealers of durable medical equipment for Medicare to obtain a $50,000 surety bond. Unfortunately, pharmacists were inadvertently included in the surety bond requirement, because some of them do sell small amounts of durable medical equipment such as crutches and other items.

My bill will exempt any licensed pharmacist who owns his or her own business from the bond requirement. It is an unnecessary and costly burden for these professionals, who are already struggling to keep their businesses afloat, particularly in rural areas.

America's family pharmacist is already under siege by drug companies who set prices on pharmaceutical prices. These companies offer reduced or rock-bottom prices to HMOs and other purchasing groups, but do not offer the same discounts to a family pharmacist.

Even if the terms of a recent court settlement are met by the pharmaceutical companies, the family pharmacist in rural areas will likely still not have full access to these discounts.

Who is hurt most by high drug prices? Our pharmacists, increasing numbers of whom are forced to shut down their family-owned businesses in rural areas, and, most important, their patients. It is indeed a crime that here in the world's richest Nation, our seniors must choose between buying groceries and buying prescription drugs.

This legislation will eliminate the costly burden placed upon pharmacies by the Balanced Budget Act, but it will not eliminate the costly burden of the high drug prices that continue to grow by leaps and bounds. I intend to address that issue at a later date.

HANDLING THE SO-CALLED BUDGET SURPLUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, over the President's Day break I had the opportunity to travel the length and breadth of my great State of South Dakota, and during that time I met with senior groups, with business groups, with education groups, with volunteer groups, with student groups, with community leaders, all across my State.

This is the real world. These are real people who are concerned about their future, their children's future, about their children's education, about affordable health care, about retirement and about the deterioration of American values.

Now, there was an aversion as I traveled across the State, I didn't find anybody who was very much in favor of the situation in the Middle East of our going to war there. I heard a lot a lot of interest in getting a transportation bill passed in the very near future, and I also had a lot of skepticism expressed by the people in my State about the budget situation in Washington, the so-called budget surplus, and what might be the right thing to do with that.

And what is the right thing? That is a question I asked as I traveled the State. And the answer I frequently got from the people of South Dakota, according to them, is to use the budget surplus to the extent there is one to pay down, begin retiring our $5.5 trillion debt, to repay the Social Security Trust Fund. Beyond that, there wasn't much appetite for new Washington programs and new Washington spending. Instead, people would like to see those dollars, to the extent there are any additional dollars available, returned to the taxpayers.

Now, in deciding how best to do that, I came up with an idea which is now in the form of legislation, and I have introduced along with the gentlewoman from California (Ms. DUNN) a couple of tax relief bills which I think are consistent with two principles that are very important as we debate tax relief in this country.

The first principle is that we ought to be looking at how we can come up with tax relief legislation that is broad-based. We hear a lot from the White House, from Members even in this body, about targeted tax relief, about Washington picking winners and losers. In my own view, the best way we can deal with the issue of tax relief is to do it in a way that allows everyone in this country to participate from a growing economy and benefit from a growing economy.

So our legislation is based upon the principle that everyone, irrespective of what your status is, whether you are married, whether you have children or any other issue, that you ought to be able to, if you are a taxpayer, have the benefits of tax relief.

The second principle is this: It ought to lead us toward the goal of simplification. As we move to the long-term goal of a new Tax Code for a new century, it ought to be about trying to come up with a way in which we further simplify, rather than further complicate, the Tax Code in this country.

I, a couple of weeks ago, did my own tax return, and I can tell you that even though last summer in the balanced budget agreement we lowered taxes on people in this country, we made the Code even more complicated than it already is.

I think an underlying fundamental principle of any tax relief that we do ought to be moving us toward the goal of simplification. So, in doing that, we came up with a couple of ideas.

The first raises the personal exemption from $2,700 to $3,400. Again, anybody in this country who is a taxpayer claimed as a dependent on a tax return gets the benefit of that tax proposal.

The second proposal actually raises the late rate at which the 28 percent rate applies to taxpayers in this country. It drops 10 million taxpayers out of the higher 28 percent bracket, down to the 15 percent bracket.

□ 1430

That is significant for a number of reasons: because it gives an incentive to people, to hard-working Americans, to work harder, to produce more, to earn more. Instead of penalizing them by assessing 28 cents out of each additional dollar they earn, it moves them back into the 15 percent bracket.

More taxpayers in this country—in fact, the estimate is that there are 29 million Americans in this country who will have their taxes lowered under this proposal, to the tune of about $1,200 per filer. That is significant. I think that is a movement in the right direction.

In a conversation I had last week with Fed Chairman Alan Greenspan, I asked him, what things can we do to continue the economic growth cycle we are in? He said two things, one of which was lowering marginal rates. That is effectively what our legislation would do.

These are real choices. This is real relief for hard-working men and women in this country because it allows them to decide how they spend their savings. Instead of creating new Washington bureaucracies, new Washington programs, new Washington spending, we say that as a matter of principle and philosophy we believe the people of this country are better equipped to make those decisions in their living rooms, in their homes. We want to empower people in small town America to make those decisions on their own and to quit looking to Washington, D.C.

I encourage the Members of this body to take a hard look at cosponsoring this legislation, and work towards its passage.

URGING MEMBERS TO SUPPORT H.R. 856 AND ALLOW A VOTE ON THE STATUS OF PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

Mr. SERRANO. Mr. Speaker, for half a century our Nation has been committed to political freedom and self-determination around the world. In his special message to Congress on Puerto Rico on October 16, 1945, President Truman said, "To this end I recommend that the Congress consider each of the proposals, and that legislation be enacted submitting various alternatives to the people of Puerto Rico. In that way, the Congress can ascertain what the people of the island themselves most desire for their political future."

Since then, Presidents Kennedy, Johnson, Nixon, Ford, Reagan, Bush, and Clinton all have supported self-determination for Puerto Rico. Moreover, both the Democratic and Republican Party platforms have supported self-determination by the people of Puerto Rico. But support is not enough.

Therefore, I come before the House to remind Members that next week we will be taking up H.R. 856, a bill submitted by the gentleman from Alaska (Mr. DON YOUNG) and supported by yours truly and many Members on this side. In fact, it has bipartisan support.

This bill would allow, for the first time ever, a federally-sponsored plebiscite in the Commonwealth of Puerto Rico where people can choose to remain a Commonwealth, choose statehood, or choose independence or free association. What I think is most important as we look forward to this vote is to fully understand that unlike some opponents' comments, the bill does not commit this Congress to any one option. In other words, this is not, I repeat, this is not, a pro-statehood bill. If you have a problem with statehood, or if you have a problem with independence, or if you have a problem with the Commonwealth status, this bill would only allow, this November, for a vote to be taken in the Commonwealth. Then 180 days later we take up the result. Then you can bring up the issue of whether you support statehood or not based on their requests.

So it is important as we look forward to next week that we do not allow some people to muddy the waters by suggesting that this bill favors statehood. But from 1493 to 1898, Puerto Rico was a colony of Spain. Now, from 1898 to this July 25th, 1998 will be another 100 years of colonial status.

I know that the minute some of us mention the word "colony" some people react to it and say, well, it is truly not a colony. It is a self-governing commonwealth. But the fact of life is that the government and the people of Puerto Rico cannot establish relationships with another government at this point. They cannot trade ambassadors, they cannot trade on their own, they cannot set up foreign affairs offices. Therefore, they are not an independent nation.

At the same time, they do not have six Members of Congress and two U.S. Senators who sit here, they have one Representative who does not have a vote in Congress representing 4 million people. So it is not a State.

I ask the Members, if it is not a State and it is not an independent nation, call it whatever you want, it is a colony. Even though we do not pay much attention to the United Nations, the United Nations has suggested that by the year 2000 every country in the world do away with, get rid of, or solve the problem of any colonies they may hold.

Next week is a historic moment during the commemoration of this 100-year relationship. By passing the Young bill, we will allow 4 million Puerto Rican citizens on the islands of Puerto Rico to make this decision for themselves, and then we will put forth our advice.

It is interesting to note that in 1917 Congress took a vote and gave the citizens of Puerto Rico American citizenship. Since then Puerto Ricans have fought in every war, have participated in every Democratic and Republican Convention, and yet have had very little representation, if any, at the Federal level. This bill will give us the opportunity, once and for all, to do in Puerto Rico what we preach to the rest of the world.

I ask the Members, as I ask them on so many other occasions, can we truly demand for the Cuban government to hold "free elections" if we do not allow for 100 years a free election in Puerto Rico to determine its future? Secondly, can we promote democracy throughout the world and demand that people, as they should be, be free of all persecution, if we on one hand say "you are 4 million American citizens," and on the other hand say "but you do not have the same rights either as an independent nation or as a member of the union?"

Think of this. If any one colleague who is here with us today, or anyone watching this program, was to move to Puerto Rico with me, they would immediately lose all their rights. So I ask Members next week to vote for the Young bill, a way out of this problem.

CELEBRATING 9 YEARS OF A HAPPY MARRIAGE, AND URGING MEMBERS TO HELP END THE MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise to a point of personal privilege this afternoon. While I acknowledge that every constituent within the Sixth Congressional District of Arizona is very important, I think my colleagues, and indeed, my constituents, will not mind if I talk about the one to whom I refer as my most important constituent, because, Mr. Speaker, it was on this date 9 years ago today that Mary Denice Yancey became Mary Denice Hayworth. In those 9 years I have been honored beyond compare.

The institution of marriage is many things: A sacred partnership, a friendship, a trust, a shared endeavor. Mary Hayworth, Mr. Speaker, has been my best friend and companion and helpmate for this Member, is often said to have the ability to put into words many things. It is essentially indescribable.

For those of us who endeavor to serve and embrace this public life, there are many challenges, challenges of spending time here in the Nation's capital as well as spending time in the district, challenges of family. We live in the Sixth District. Mary several days of the week basically has to take care of all the responsibilities of the household, and added responsibilities of a congressional spouse.

But I cherish her and I appreciate her, and I love her very much for all that she does for me and our family. Mr. Speaker, I think it is proof positive that miracles can and do happen that someone like Mary Denice Hayworth is there to help me and love me and encourage me.

You learn many things, as I mentioned earlier, through marriage. I remember one remark my mother made, and maybe it is something many of us have heard, "Oh, honey, I am so happy you are going to get married, because after all, two can live as cheaply as one." I appreciated my mom's advice, but, Mr. Speaker, I should point out that mom is not a certified public accountant, and the fact is today, Mr. Speaker, as we know, for many people, two cannot live as cheaply as one, especially when it comes to tax policy in this country.

As the first Arizonan to serve on the Committee on Ways and Means, not only our personal experience with the institution of marriage but hearing from many of our constituents, we know what a challenge it is. Many people write us to say that marriage actually has proven to be a financial disadvantage, that tax policies have proven to serve as a disincentive to the institution of marriage.

Indeed, sadly, we have a tax code, Mr. Speaker, which has grown so expansive, so often working at cross purposes that, perhaps unintentionally we as a Nation have proscribed penalties against those very things that we should value as a society.

And that is why, Mr. Speaker, on this special day in the Hayworth household I am pleased to rise not only to that point of purely personal privilege, but also to make this policy statement, that to really cherish families, that to really cherish the institution of marriage, we as a Congress, for our constituents, for our families, for the institution of marriage, should eliminate the marriage penalty that exists, should eliminate those things in the tax code which actually serve as a disincentive to the institution of marriage.

There are many tasks which confront us in this Congress, but we should remember that, in representing all families, we need to move to maximize the fact that those families across this country should hang on to more of their money, to save, spend, and invest as they see fit, not to have those funds confiscated by a government in Washington trying to redistribute wealth, because the families know best.

MEDIA BIASED AGAINST KENNETH STARR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, today on Good Morning America, I saw the most biased, most slanted, least objective interview I have ever watched. The interview was conducted by a woman named Lisa McCree, and she was interviewing Monica Lewinsky's lawyer, William Ginsberg.

Before I went to law school, I got my undergraduate degree in journalism. While this does not make me an expert, it does cause me to notice words or expressions that others perhaps may overlook. Seldom have I seen any commentator make his or her view so obvious to color an interview while trying to at least give an appearance of objectivity.

I do not have the transcript, so I cannot quote word for word, but Ms. McCree's most obvious bias was in regard to Kenneth Starr, the Independent Counsel. Her every word, every nuance, every expression indicated that Judge Starr, in her opinion, had exceeded his authority, was unethical, and just a generally horrible person. Ms. McCree made it very clear that she seems to think that Judge Starr is almost the devil incarnate.

Then when it came to Monica Lewinsky, she kept referring to her by her first name, Monica this and Monica that, and once referred to her as this girl, wondering if Mr. Starr was going to prosecute this girl.

Well, first, Ms. Lewinsky is 24 years old. I used to be a criminal court judge trying the felony criminal cases all across this Nation. Many, perhaps even most, defendants in adult criminal courts are 24 years of age or younger.

Secondly, the polls tells us that a large majority of the people believe that the President had an affair with Ms. Lewinsky starting when she was 21. Thus, if Mr. Starr is trying to take advantage of Ms. Lewinsky, millions of Americans apparently believe the President took advantage of her in a much worse way when she was even younger than that.

I switched stations after this interview by Ms. McCree, and I saw Tim Russert.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised to avoid personal references to the President.

Mr. DUNCAN. I saw Tim Russert of Meet the Press, and he was talking about the same subject. He asked, why all the smoke? Why all the cover-up? He asked what is the truth, Mr. President?

I was a criminal court judge for seven and a half years prior to coming to Congress. I tried the felony criminal cases. Offenses like subornation of perjury and obstruction of justice are very serious offenses. If anyone lied under oath in a major case, even at the deposition stage, that is very serious.

The American people have a right to know the truth. Yet, today, we learn that the White House is now hiding behind executive privilege. They do not want the Secret Service to testify. They do not want top officials at the White House to testify. Even the President's own press secretary says this is all going to be very hard to explain and that the people may have a hard time accepting some of what may come out. Judge Starr is doing exactly what he is required by law to do.

□ 1615

He has already gotten more convictions than any independent counsel in history, including convictions of some of the President's closest friends like Webster Hubbell, formerly the Number 2 man at the Justice Department, and Jim Guy Tucker, the former Governor of Arkansas.

Judge Starr was the Solicitor General of the United States. He represented the Federal Government before the Supreme Court. He was a judge of the Federal Court of Appeals. He was one of the most respected lawyers and judges in this Nation until he started going after the President.

If we had a conservative President in office, most of the media and most liberals would be attacking Mr. Starr for not being aggressive enough, yet Ms. McCree, in her interview, asked Mr. Ginsburg if Mr. Starr should be sued. Sued for what? For doing his job?

Bernard Goldberg of CBS Television, in a column in the Wall Street Journal a couple of years ago, said the very liberal bias of the national news media is now so obvious that it is hardly worth mentioning. This from a veteran news man like Bernard Goldberg.

Mr. Speaker, I think the thing that concerns me the most out of this whole situation is the message that we are sending to our young people. We seem to be saying that everyone is having affairs and that everything is all right and that there is not a real difference between right and wrong anymore. I can tell my colleagues that there is still a difference between right and wrong and not everyone out there is having an affair.

I can say that it is interesting to me that women rate a very high percentage of men as having affairs. But if the same women were asked: Do you think your fathers ever had affairs or your husbands, that percentage drops way down. And I think the truth is I know millions of people have had affairs, but far fewer than many people seem to think. We need to send a better message to the young people of this country.

TRIBUTE TO JULIE ROGERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, Southeast Texas said good-bye to Julie Rogers last week. Julie Rogers, and her late husband, Ben, displayed the finest example of citizenship throughout their lives that I have ever known.

"Extraordinary" is the only word our language provides us to describe the qualities Julie Rogers displayed throughout her 83 years. In an era where women were supposed to stand in the background, Julie's intelligence and talent stood out. She was born and grew up in Chicago. She finished college at age 16 and earned her law degree from DePaul University when she was only 19 years old.

While in Chicago, Julie fell in love with a promising young man named Ben Rogers. The couple moved to Texas in 1936 to seek their own portion of the American Dream. Through hard work, the Rogers family prospered and Julie and Ben Rogers were able to share their love for each other with the entire community.

Julie was a talented violinist and her love of music motivated her to promote the fine arts. She helped organize the Beaumont Symphony and the Texas Arts Alliance. As we laid Julie to rest, two internationally acclaimed artists, pianist Van Cliburn and opera singer Roberta Peters performed in her honor. The funeral was held in the Julie Rogers Theater for the Performing Arts.

While the lives of the people of Southeast Texas will be greatly enriched by the Rogers' promotion of the arts, their love and care for the people around them will be their legacy. Julie and Ben Rogers established philanthropic entities that helped the less fortunate get a college education, receive mammograms and receive needed treatment for mental illness.

Julie and Ben Rogers fought for social justice even when popular opinion was against them. They actively supported the Anti-Defamation League and the National Association for the Advancement of Colored People and the National Conference of Christians and Jews.

The awards won by Julie Rogers are too numerous to list. She received the highest civilian honor from the Salvation Army in 1992, which is perhaps the most symbolic recognition of her giving and loving spirit.

Ben Rogers left us 4 years ago and now, as we say farewell to Julie, we can take comfort in the fact that the two of them will be reunited. Their legacy of love will live on in the lives of Southeast Texans for many generations to come. We are all richer for having known them.

BALANCED BUDGET SHOULD NOT INCREASE NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I suspect some of my colleagues might be disappointed in the message I am going to convey in the next 5 minutes.

Mr. Speaker, this is one of the several books that the President sent over on the budget that we will start in 1999. The budget books, however, go for the next 5 years. There has been a lot of maybe bragging done that we have a balanced budget or we now may have a balanced budget by the end of this year, definitely by the end of next year. The President suggested in his budget that we have a balanced budget next year.

Well, I would like to suggest that it is not a balanced budget; that we are borrowing $100 billion every year, more than $100 billion from the Social Security Trust Fund. And like the saying goes, "You can't fool Mother Nature," neither can you fool the economists and bookkeepers that decide what is happening to the national debt.

Now, it would seem reasonable to me, Mr. Speaker, that if we had a balanced budget, the national debt would not continue to go up every year for the next 5 years under the President's budget. And I suggest anybody that might want to look at the historical tables that the President sent over, on page 111, it shows actually what is happening to the national debt for the next 5 years.

In 1998, the national debt is $5.5 trillion. In 1999, it goes to $5.7 trillion. In the year 2000, it goes to $5.9 trillion. In the year 2001, it goes up to $6 trillion. In the year 2002, $6.6 trillion. In 2003, 6.33 trillion dollars. Every year the national debt increases between $122 billion and $176 billion every year for the next 5 years.

So what is wrong? How come we say it is a balanced budget? Well, that is because we creatively figure good ways to say things that maybe meets the end that we have accomplished more than we really have accomplished.

I would like to suggest the real test of a balanced budget is when the national debt stops going up. When I go back to my district, I hear some people ask what is the difference between a deficit and a debt? Well, the deficit is how much we overspend every year. The national debt is if we add up all of those years' borrowings, that is the national debt.

Right now the national debt is $5.5 trillion. It takes 15 percent of our total Federal budget to pay off the interest on that national debt. That is why I think it is very important to be very clear and very honest with all of the American people that we need to do a little better job than we have done.

As good as the job has been for the last 3 years in cutting down spending, in trying to get rid of some of the waste in government, we have still got a distance to go if we are going to have a true Federal balanced budget that does not borrow from the trust funds.

Look, borrowing from the Social Security Trust Fund is one of the most dangerous things we can do. We heard the President say Social Security should be first. A lot of my colleagues are now suggesting Social Security should be first. I suggest that if we are serious about starting to help solve the problem of Social Security, we are going to take some of that surplus money and give the option to a group of working Americans to say, look, we are going to invest part of that money in our own personal retirement savings account that becomes our property. If we die before retirement age, it goes into our estate. Unlike Social Security and those benefits today, if we die early, we do not get anything.

I think it is important that we look at the long-range solutions for Social Security and simply that we be honest with the American people when we really have achieved a balanced budget.

TRIBUTE TO HARRY CARAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, a few days ago this country lost one of its most colorful personalities. And so I rise today to pay tribute to an individual who has been characterized as Mr. Baseball: the legendary Harry Caray.

Harry left this life Wednesday, February 18, at the age of 78 and he leaves behind a lifetime of memories and great service to mankind. His legacy of changing the seventh inning of baseball with "Take me out to the ball game" will be remembered forever by millions of people.

Harry was a man who loved life and enjoyed every minute of what he did. He was certainly one of the top broadcasters in the business. His famed phrase, "holy cow" can be heard throughout the United States. He made baseball's most exciting moments even more fun.

Harry was not just a broadcaster from the booth. He would often mix in with the fans and go out in the bleachers and broadcast with the fans in Wrigley Field and Comiskey Park and other places throughout the country.

His 53-year remarkable career as a play-by-play man comes to an end just as his grandson, Chip, embarks upon his career as an announcer for the Chicago Cubs. Harry made baseball a better game because of his way of presenting it to the public.

I guess he has left behind a legacy that others will try to imitate and emulate, but there will never be another Harry Caray. To his wife, Dutchie, and the rest of the Caray family, we simply say, "Holy cow." Harry Caray has been a part of a great tradition, a great legacy, and to all of those people who might be in Harry Caray's, back in the Seventh District in Illinois at this moment, reminiscing, having a sandwich, remembering the life and the legacy, we say all of us are going to miss Harry Caray. But all of us will always know that he has been here and was a part of the great American tradition. And so we say "Holy cow," another great broadcaster gone.

IN TRIBUTE TO JOHN E. HOGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I proudly rise today to pay tribute to a sturdy Irishman, a fine farmer, a distinguished lawyer, a committed naval officer, a devoted family man, a solid churchman who has served the farmers and ranchers of America, the United States House of Representatives, and indeed all of his countrymen for better than a quarter of a century. I am, of course, speaking of the recently retired Chief Counsel of the House Committee on Agriculture and, Janesville, Minnesota's favorite son, John E. Hogan.

It is tough for any of us to measure the loss to this body that will result from John's departure. This is not because we cannot quantify his many contributions to the United States House, not the least among them are five farm bills. Rather, we cannot predict the loss this body will sustain because few Members of this Congress can imagine a day without John Hogan. To be exact, only seven Members of this body, seven Members were around when John committed himself to public service back in 1969.

John Hogan grew up in rural Waseca County on the family farmstead. He and his sister, Agnes, still own that farm today. Those years growing up on a farm in southern Minnesota left an indelible impression on John and he never, ever, in style or substance, lost his roots.

Even today far from home, John Hogan farms in southern Maryland and drives an old Dodge truck when negotiating the streets of this capital. It was not at all unusual to see John wearing work boots at the office when Congress was not in session. And occasionally you could even find denim overalls folded behind John's desk.

□ 1630

But this is not mere window dressing. Passion for agriculture and those who provide Americans with the most abundant, affordable and safest food supply in the world courses through John Hogan's veins. For nearly 29 years John Hogan gladly and dutifully put in a farmer's workday on behalf of America's farmers and ranchers.

Mr. Speaker, John Hogan is living proof that you can take the boy out of the country, but you can't take the country out of the boy. Having lost his father at a very early age, the young and determined John Hogan pulled himself up by his own bootstraps.

Equipped with little besides his intellect, work ethic and the strong values instilled in him by his devoted Irish Catholic mother, John headed off to the University of Minnesota, where he graduated with a Bachelor of Arts degree. John Hogan became first in his family to graduate from college.

Upon his graduation, John was commissioned as an officer in the United States Navy and served aboard the USS *Hood*. During his active military duty, the Navy ultimately transferred John to the Nation's capital, whereupon the young and industrious naval officer took advantage of any spare time and the GI bill to enroll at George Washington University School of Law.

In 1957, John Hogan left the U.S. Navy to practice law and further pursue higher learning. In that tradition, in the tradition of an Irishman, John Hogan did so with a happy vengeance. Between 1967 and 1969, John Hogan would work as a legal assistant for the Federal Reserve Board of Governors, as a law clerk for a Federal judge, as an assistant U.S. Attorney, as senior trial attorney for the Small Business Administration, and as a director of the Commission of the Organization of the Government of the District of Columbia.

Meanwhile, John would earn his Master's in Law at Georgetown School of Law, a Master's in Business at American University and would do graduate work in government and politics at the University of Maryland.

Through all of this, John somehow managed to find time to search for a bride. He courted and caught Edith Howard. Together for 36 years, they would raise two children, Christi and Terry, and nurture along three grandchildren, Cassie, T.J., and Abigale.

John Hogan made his way to Capitol Hill in 1969, where he began his 29 year career for the House of Representatives. In that year, John took a position with Minnesota Congressman Anchor Nelson, the ranking member on the House Committee on the District of Columbia. But it was not until 1975 when John Hogan finally arrived at the place where he has since become an institution in his own right, the House Committee on Agriculture.

In that year, Congressman Bill Wampler, the ranking Republican, added John Hogan to his committee staff as associate counsel and 4 years later promoted him to minority chief counsel. John Hogan remained minority counsel until January, 1995, when the GOP took control of the House; and to the incoming chairman of the committee, PAT ROBERTS, it was a foregone conclusion that John Hogan would be elevated to committee chief counsel.

John Hogan has served in 15 consecutive Congresses, outlasted all but seven Members of this House, outran four Committee on Agriculture chairmen and six ranking members and worked on five farm bills, effectively shepherding U.S. agriculture law for the past 23 years. He did it all with a keen wit and sense of humor, which is characteristic of the Irish but perfected by John.

In short, in two lifetimes' worth of achievement, John Hogan never compromised principle, never forsook his family and never shrunk from his duty to God and country. We can all be thankful that John served us.

To John Hogan I wish to say good luck and may God bless you.

ATTACKS ON THE INDEPENDENT COUNSEL AND EFFORTS TO AVOID ACCOUNTABILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. BURTON) is recognized for 10 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, I rise today to make some observations about the White House efforts to avoid accountability to the American people. It is very apparent that there has been a concerted White House attack on independent counsel Kenneth Starr, the independent counsel who has been investigating a number of serious allegations against the Clinton administration.

First, regarding all these attacks on Ken Starr: Attorney General Janet Reno approved the expansion of Starr's investigation into the Lewinsky-related matters as well as the Travelgate and Filegate matters of 1996.

Three Federal judges approved expansions of Mr. Starr's jurisdiction each time serious allegations arose. There was overwhelming approval of these actions from the Justice Department, according to reports.

In the past, the President said he was in the cooperation business with investigators. That simply has not been the experience of anyone investigating anything to do with this administration. What we have here is an orchestrated attack on Kenneth Starr, the independent counsel, in order to change the subject and avoid answering the real questions.

The Clinton White House has a history of engaging in smear campaigns against anyone conducting legitimate investigations. The President's attorneys and friends have attacked and demonized everyone who has conducted investigations of the President or members of his administration.

When FBI director Louis Freeh called for an independent counsel, the White House staff started maligning him in the press and trying to undermine one of the Nation's chief law enforcement officials. The President allowed these attacks.

Independent counsel Donald Smaltz, who has obtained six guilty pleas and six convictions and millions recovered in fines from wrongdoers, testified before my Committee on Government Reform and Oversight and was compared by one of my Democrat colleagues to a Nazi. Such mindless attacks are unprecedented and the Washington Post even attacked this senseless smear.

The Clinton White House has attacked every committee chairman who has conducted investigations: Senator THOMPSON, who conducted the Senate campaign finance investigation; the gentleman from Iowa (Mr. JIM LEACH), when he conducted the Whitewater investigation here in the House; Senator D'AMATO, when he conducted the Senate Whitewater investigation; and Mr. Clinger, my predecessor, who had actively participated in many investigations of Republicans as well as Democrats.

So when we have the Clinton White House once again attacking, this time, Mr. Starr, the independent counsel, it is predictable and consistent. Instead of answering questions, the White House attacks the questioners, evades the press and changes the topic.

These are all legitimate and necessary investigations. The Clinton White House does not cooperate with investigators to get the truth out; they attack them.

Ken Starr has been doing the work the Justice Department has directed him to do. This attack on Mr. Starr is extremely misdirected.

Mr. Starr has had a distinguished legal career. He clerked for the Supreme Court, for Chief Justice Warren Burger when he first got out of law school. He served as the chief of staff to Attorney General William French Smith during the Reagan administration. He served as solicitor general of the United States and argued cases on behalf of the United States before the Supreme Court. He also served as a judge on the D.C. Circuit Court of Appeals and has taught constitutional law at New York University Law School.

Mr. Starr also was called upon by the Senate to review Senator Packwood's diaries when Senator Packwood was embroiled in an ethics scandal. No one criticized him when he was involved in an investigation of a Republican Senator.

Now we learn that private investigators, get this, private investigators were hired to investigate Mr. Starr's team of Democrat and Republicans, a bipartisan group of career prosecutors. Last year, we learned these same private investigators investigated Oklahoma Senator DON NICKLES' wife, and I believe other Members who have been investigating the White House have had private investigators looking into them and their past as well. And I believe that is being done to intimidate those who are trying to get the truth out.

Senators, both Democrats and Republicans, attacked the actions that were taken against DON NICKLES' wife in last fall's Senate hearings. This suggests an effort to intimidate and silence both investigators and witnesses. That is just wrong. If we are trying to get the facts out to the American people, as investigators looking into illegal activities, or alleged illegal activities, we should not be intimidated, or there should be no attempt to intimidate us in doing our job. And that goes for Mr. Starr as well.

In his various positions, Mr. Starr had to go through the confirmation process; and never, never was his integrity put into question by anybody, Democrat or Republican. When he was appointed independent counsel, he was almost unanimously applauded as a fair and seasoned jurist.

Ken Starr selected as his legal ethics adviser for his office a Mr. Sam Dash, the chief counsel for the Watergate Committee. Ken Starr has selected a team of lawyers who are both Republican and Democrat, yet still the attack. Why? All of these attacks are designed to do two things: change the subject and delay the investigation. This has been a pattern and practice of the Clinton White House in response to each investigation, whether it be Travelgate, Filegate, Whitewater, the campaign finance investigation or this latest scandal.

This, after all, was going to be the most ethical administration in history. Yet consider this: Numerous close friends and senior aides of the President, such as Webster Hubbell, former Governor Jim Guy Tucker of Arkansas, and the President's former business partners, Jim and Susan McDougal, have been convicted and have served prison terms.

Four independent counsels have been appointed by Attorney General Reno, his Attorney General.

Independent counsel Kenneth Starr has secured 11 guilty pleas, three convictions and two indictments that are pending.

Independent counsel Donald Smaltz in the Espy investigation over at the Agriculture Department has secured six guilty pleas and six convictions with three indictments pending, including an indictment against former Agriculture Secretary Espy.

Independent counsel David Barrett, Cisneros investigation, has seven indictments pending, including an indictment of former HUD Secretary Cisneros.

Independent counsel Donald Pierson, of the Ron Brown investigation, his investigation was turned over to the Justice Department, which has now indicted DNC fund-raisers Nora and Gene Lum, as well as Ron Brown's son, Michael Brown.

And consider this: In the campaign finance investigation which I am conducting, over 70 people have taken the Fifth Amendment or fled the country.

This is not a history of the most ethical administration in history. It is not even close.

Just in the past few weeks, Attorney General Reno called for an appointment of an independent counsel regarding Secretary Babbitt at the Department of the Interior regarding actions with Indian tribes who are large DNC donors. All of this has come to pass because of the actions of the President and his appointees.

The attacks on Ken Starr should stop. The President has had five independent counsels appointed by his Attorney General. Some of his closest friends have been convicted of serious crimes and others have taken the Fifth Amendment or fled the country. Instead of attacking Mr. Starr, the President's lawyers, associates and friends should be allowing the answers to many legitimate questions to be answered.

Mr. Speaker, I would like to put into the RECORD four editorials by leading newspapers regarding this because I think it is very relevant. So, without objection, I hope you will do that.

Let me say one last thing. When we had the FBI director before my committee and I asked him if he had ever seen scandals before of the magnitude that we were investigating, he said, well, as a matter of fact, I have. And I said, could you tell me when that was? He said, when I was investigating organized crime in New York City.

Now, I am sure he wished he had that comment back, but the fact of the matter is these scandals are huge, they are out of control, and Mr. Starr should not be taken to task because he is trying to do his job.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the gentleman will be allowed to insert the articles mentioned but is cautioned that it would be unparliamentary to insert articles personally offensive to the President.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

THE FOLLY OF FOREIGN INTERVENTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. PAUL) is recognized for 50 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, if I had a chance to pick a topic for my special order today, I would call it the folly of foreign intervention.

We have heard very much in the last few weeks about the possibility of a war being started in the Persian Gulf. It looks like this has at least been delayed a bit. There is a temporary victory brought about by Secretary General Kofi Annan of the United Nations in agreement with the government of Iraq.

This, I think, is beneficial. At least it gives both sides more time to stop and think and talk before more bombs are dropped.

Before we left about 10 days ago from the Congress, I think many Members and much of the Nation thought that within a short period of time, within a week or so, there would be additional bombing by the Americans over Baghdad.

□ 1645

There were polls out at that time that said 70 percent of the American people endorsed this move, something that I questioned and of course I question the legitimacy of dealing with policy by measuring polls, anyway. I think we should do what is right, not try to decide what is right by the polls. But in this circumstance, I think the polls must have been very, very misleading.

We heard a gentleman earlier this evening from North Dakota mention when he was at home essentially nobody was telling him that they were in favor of the war. I think most Members of Congress on this past week on visiting home had the same message. Certainly there was a very loud message in Columbus at a town hall meeting. It was written off by those who wanted to go to war and wanted to drop the bombs by saying, well, no, this was just a very noisy bunch of hippies who are opposed to the war. There are a lot of people in this country who are opposed to the war and they are not hippies. I think to discredit people who oppose going and participating in an act of war and try to discredit them by saying that they belong to a hippie generation, I think they are going to lose out in the credibility argument in this regards.

This debate has been going on for quite a few months. It looks like it is not resolved. Although there has been an agreement, it is far from a victory for either side. It is somewhat ironic about how this has come about, because it seems that those of us who have been urging great caution have been satisfied with at least a temporary solution, yet we are not entirely satisfied at all with the dependency on the effort by the United States enforcing U.N. resolutions. In this case I think what we must do is reassess the entire policy because it is policy that gets us into trouble.

It is in this one instance. We did not just invent foreign interventionism in foreign policy. This has been going on for a long time. The worst and the first egregious example, of course, was in Korea where we went to war under the U.N. banner and was the first war we did not win. Yet we continue with this same policy throughout the world. Hardly can we be proud of what happened in Vietnam. It seems like we are having a lot more success getting along with the Vietnamese people as we trade with them rather than fight with them.

There is a lot of argument against this whole principle of foreign interventionism, involvement in the internal affairs of other nations, picking leaders of other countries. We were warned rather clearly by our first President, George Washington, that it would be best that we not get involved in entangling alliances and that we instead should talk with people and be friendly with people and trade with people. Of course the first reaction would be, yes, but the person that we are dealing with as leader of Iraq is a monster and therefore we cannot trust him and we should not talk to him. There have been a lot of monsters in the world and we have not treated them all the same way. Just think of the tremendous number of deaths to the tune of millions under Pol Pot. At that time we were even an ally of his. Even the inconsistency of our policy where in the 1980s we actually encouraged Saddam Hussein. We sold him weapons. We actually had participated in the delivery of biological weapons to Hussein. At that time we encouraged him to cross the border into Iran. We closed our eyes when poison gases were used.

So all of a sudden it is hard to understand why our policy changes. But once we embark on a policy of intervention and it is arbitrary, we intervene when we please or when it seems to help, it seems then that we can be on either side of any issue anytime, and so often we are on both sides of many wars. This does not serve us well. A policy design that is said to be pro-American and in defense of this country where we follow the rules and follow the laws and we do not get involved in war without a declaration by the Congress, I think it would be very healthy not only for us as Americans but it would be very healthy for the world as a whole.

I am very pleased that there has been at least a pause here, although our troops will be maintained there and they are waiting to see if there is some other excuse that we can go in there and resume the bombing. But the whole notion that we are going to bring Hussein to his knees without the cost of many American lives I think is naive, because nobody has proposed that we go in and invade the country. There have been proposals that we just assassinate Hussein, which is illegal. At least that is acknowledged that this is an illegal act, to go in and kill another leader, although we have been involved in that too. But many people have argued that this should be our policy now, and that is to topple Hussein.

But we used the CIA in Cuba a few decades ago. Now it has just been revealed that our CIA botched the job. Also, those individuals who were trying to restore freedom to Cuba, we let them down by them assuming we would do more and then we did less. We were very much involved in overthrowing a leader in South Vietnam right before the rampant escalation of the war there. That did not serve us well. And then there is another example of our CIA putting a government in charge over in Iran. That is when we put the Shah in. But this did not bring peace and stability to the region. It brought us hostage takings and hostility and hatred and threats of terrorism in this country. So although many will make the moral cause for doing good around the world, there is no moral justification if we are going to follow the laws of this land and try to stick to the rules of providing a national defense for us and a strong foreign policy.

I yield to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I wanted to take just a moment to say how much I appreciate many of the points that the gentleman is making, particularly in regard to the folly of much or many of our foreign interventions in recent years.

I remember about 3 years ago reading on the front page of the Washington Post that we had our troops in Haiti picking up garbage and settling domestic disputes. Picking up garbage for Haitians and settling their domestic disputes should not be a mission of the American military. The Haitians should pick up their own garbage.

Then a few weeks ago, I heard that we had our troops in Bosnia giving rabies shots to dogs. The Bosnians should give their own rabies shots to their dogs. That should not be a mission of the American military. This business of turning our American military into international social workers is something I think the overwhelming majority of Americans are strongly opposed to.

The really sad thing is that we have spent many, many billions of hard-earned tax dollars in recent years in Haiti, Rwanda, Somalia, Bosnia, now in Iraq, and I said on the floor of this House a couple of weeks ago, why the rush to war in Iraq, why the rush to war, why the eagerness to send young American men and women into harm's way. The American people were not clamoring for war then. They are even more so not clamoring for war now.

Going to war should be the most reluctant decision that we make. We should go to war only when there is no other reasonable alternative. I saw

George Stephanopoulos on television a few days ago and he said that even in World War II, we had some people who were opposed to World War II. But I can tell you the day after Pearl Harbor, the Senate voted 82–0 and the House voted 388–1 to go to war against Japan. But Japan had attacked us at that time. It was a totally different situation from the one we face in Iraq. You can say any bad thing that you want to about Saddam Hussein and I would agree with you. But I can also tell you that he was greatly weakened by the first Gulf War, he has been weakened even more by the sanctions since then. I heard one commentator say that even the Italian army could beat Saddam Hussein at this time. The threat is not there. For us to spend all these hundreds of millions of dollars deploying all our troops over there in the Middle East is a tremendous waste of money. It is not something that should be done. We should try to be friends with all nations in the world that will let us be friends. But that does not mean we need to keep sending billions and billions of dollars overseas. Much of this money and many of these interventions are creating great resentment toward us.

I read recently that in regard to the International Monetary Fund that many of these countries, they feel like we are behind the International Monetary Fund interventions in Southeast Asia, and they are requiring some of these countries and peoples to do things that they do not want to do and really all they are doing is bailing out big banks and big multinational companies, and it is creating great resentment toward us.

I will stop with just two other points. One is that Tony Snow said in a column a few days ago in regard to the situation in Iraq, we are about to achieve the worst of all possible worlds. We are about to alienate our European allies and our Arab allies and achieve nothing of military significance.

President Kennedy in 1961 said: We must face the fact that the U.S. is neither omnipotent nor omniscient, that we are only 6 percent of the world's population, that we cannot impose our will upon the other 94 percent, that we cannot right every wrong or reverse each adversity, and that therefore there cannot be an American solution to every world problem.

That was President Kennedy in 1961. The only change is that now we are slightly less than 5 percent of the population of the world instead of the 6 percent that we were then. I think President Kennedy was exactly right. There cannot be an American solution to every world problem. Let us be friends with every country, but let us not try and impose our will and create great resentment toward this country. Let us have a foreign policy, a trade policy, an economic policy that puts this country and its taxpayers and its workers first, even if that is not politically correct or fashionable to say at any particular given time in history.

Mr. PAUL. I would like to ask the gentleman one question. He was just home in his district, he traveled and talked to quite a few of his constituents. Did he get a sentiment from his district on what they want?

Mr. DUNCAN. I spoke many places in my district. I represent east Tennessee, which is a very conservative, patriotic, pro-military district. I have said before that I think a strong national defense is one of the most legitimate functions of our national government. But we should not try to turn the Department of Defense into the department of offense and do things like that. When I spoke, and I told the people of my district what I had said on the floor just a few days before, that we should not rush into war, I told them some of the things that I had said on the floor that I have said here today, I got nothing but applause, nothing but support. All of my calls and letters that I have gotten have been totally against us attacking what Tom Aspell, the CNN correspondent, said now is a defenseless country.

I am not trying to get any sympathy for Saddam Hussein. I will say once again, you can say bad things against him. He is a megalomaniac. But the truth is even if we put every single person in this country in a military uniform, we could not 100 percent guarantee that there would not be some kook do something with a chemical or biological weapon of some sort. But we need to be a little more thoughtful in the way we handle some of these situations in the future and I think not be so eager to show that we are a macho nation and be so eager to go around and attack other countries. I do not think that is what the American people want us to do. I thank the gentleman for yielding to me.

Mr. PAUL. I thank the gentleman for his remarks. He made some very good points. I would like to follow up on the one point with regards to the military. That is one of the most essential functions of the Federal Government, is to provide for a strong national defense. But if we intervene carelessly around the world, that serves to weaken us.

I have always lamented the fact that we so often are anxious to close down our bases here within the United States because we are always looking for the next monster to slay outside of the country, so we build air bases in places like Saudi Arabia. Then when the time comes that our leaders think that it is necessary to pursue a war policy in the region, they do not even allow us to use the bases. I think that is so often money down the drain. It is estimated now that we have probably pumped in $7 billion into Bosnia and that is continuing. Our President is saying now that that is open-ended, there is no date to bring those troops back. We have already spent probably a half a billion additional dollars these last several weeks just beefing up the troops in the Persian Gulf.

The funds will not be endless. I have too many calls from so many in my district who serve in the military, and their complaint is that they do not have enough funds to adequately train. We are wasting money in the wrong places, getting ourselves into more trouble than we need to. At the same time we detract from spending the money where we should in training our personnel the way they should be. I think this is not so much a tactical decision made by management as much as it is a policy decision on what our foreign policy ought to be.

□ 1700

If we continue to believe that we can police the whole world and provide security and right every wrong, I think it will lead us to our bankruptcy, and just as was mentioned earlier, we receive the same kind of grief when we pretend that we can impose economic conditions on other countries.

We, as a wealthy Nation, are expected to bail out other countries who have overextended themselves and they get into trouble. At the same time, we put economic rules and regulations on them and resentments are turned back toward us. The Arabs in the Middle East do not understand our foreign policy because there have been numerous U.N. resolutions, but it is only this one particular resolution that we have felt so compelled to enforce.

And the real irony of all this is that first we use the United Nations as the excuse to go in. Then, the United Nations gets a little weak on their mandates, and they themselves do not want to go in. So it is a U.N. resolution that we try to enforce, and then when it is shown that it is not a good resolution, the U.N. then backs away from it. So there is no unanimous opinion in the U.N., I think further proving that this is a poor way to do foreign policy.

And those who would like to do more bombing and pursue this even more aggressively tend to agree with that. They do not like the idea that we have turned over our foreign policymaking to an international body like the United Nations.

So this, to me, is a really good time to make us stop and think should we do this? I certainly think that our foreign policy in the interests of the United States should be determined by us here in the Congress, and then some will argue, well, it is not up to Congress to deal in foreign policy. That is up to a President. But that is not what is in the Constitution.

As a matter of fact, foreign policy, those words do not even exist in the

Constitution, and the Congress has all the responsibility of raising funds, spending funds, raising an army, declaring war, so the responsibilities are on us.

And this is the reason why I have introduced a resolution that would say that we do have the authority to withdraw the funds from pursuing this bombing, and there is another resolution that the gentleman from Maryland will mention here shortly dealing with that same subject, because we do have the responsibility, and we, especially in the House, are closest to the people.

We have to be up for reelection every 2 years, and if we listen to the polls that say that 70 percent of the American people want this war, at the same time if we fail to go home and talk to our people and find out that most Americans do not want this war and there is no good argument for it.

The whole idea that we can immediately go over there and make sure there are no weapons of mass destruction when we helped build the weapons up in the first place, and if we are really concerned about weapons of mass destruction, why are we not more concerned about the 25,000 nuclear warheads that have fallen into unknown hands since the breakup of the Soviet Union? Our allies in the Middle East have nuclear weapons, and we have China to worry about. What did we do with China? We give them more foreign aid.

So there is no consistent argument that we can put up that all of a sudden Saddam Hussein is the only threat to world peace and it is in our interest to go in there and take him out. It just does not add up. If he really was a threat, you would think his neighbors would be the most frightened about this, and yet the neighbors are urging us not to do it. They are urging us to take our time, back off and wait and see what happens.

We, in the United States, so often are involved in conflicts around the world, and one of the things that we urge so many to do is sit down and talk to each other. We ask the Catholics and the Protestants in Ireland to talk, we ask the Croats and the Serbs to talk, we ask the Jews and the Arabs to talk; why is it that we cannot do more talking with Saddam Hussein? Instead, we impose sanctions on him which does nothing to him, solidifies his support, rallies the Islamic fundamentalists while we kill babies. There is now a U.N. report that shows that since the sanctions, well over a half a million children died from starvation and lack of medicines that we denied them.

So I think that there is every reason in the world for us to reassess this policy. There is a much more sensible policy. What we need is more time right now. There is no urgency about this. We did the bombing in the early 1990s, and by the way, I can see this as a continuation of that single war. But since that time with inspections, even the President claims that they have gotten rid of more weapons since the war ended than occurred with the war.

So if there is no military victory in sight by bombing and only great danger, what is the purpose? Why can we not continue with more negotiations and more inspections? And they say, well, we cannot trust Hussein. Well, that may be true. But looking at it objectively when we finished in 1991 our policy was to encourage the Kurds and the Shiites to rebel, and we implied that we would be there, and what happened? We were not there. Thousands and thousands of Shiites and Kurds were just wiped out because we misled them, similar to our promises that we made to the Cubans in the early 1960s.

So we do not gain the respect of the world by, one, saying, well, we cannot trust anything he says. Of course not, we cannot trust it. But we have to be realistic, and can they trust us, as well, because our record is not perfectly clean.

I now yield to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, I am sorry I could not join the discussion before this, but I have just come from a Members-only briefing on Iraq, where we are now in the Iraq situation.

I would like to start my discussion by referring to something that Congressman PAUL has just referred to, and that is there really is not just one, but two constitutional issues involved here. The first of those constitutional issues is Article 1, section 8 of the Constitution, and it is a little document, a very important one; I carry it in my pocket.

Article 1, section 8 says that one of the responsibilities of the Congress is to declare war. There is no hint of that in the responsibilities of the President, who is Commander in Chief, who commands the troops after they are committed by the Congress.

Yeltsin said that if we bomb, that could start World War III. By our President's own admission we were going to take casualties. I think it is very difficult to argue that this bombing would not have been the equivalent of what our Forefathers were talking about when they mentioned declaration of war.

And that is not the only part of the Constitution that would have been violated by this. Article 1, section 9 says that no moneys shall be drawn from the Treasury, but in consequence of appropriations made by law. There has been no appropriation for this activity over in Iraq, so I think that clearly two parts of the Constitution are involved here, the part that says that the President, as you know, we do not elect in our democratic republic, we do not elect an emperor. We elect a President, and the President is bound by the Constitution. And the Constitution says that the Congress declares war; that he is the Commander in Chief after war has been declared.

The Constitution also says that moneys cannot be taken from the Treasury except by appropriations. We have made no appropriation for this. So he clearly needs to come to the Congress.

I have a resolution that Congressman PAUL was on and a great many others, and by the way, this has wide support across the aisle. We have Members from the most conservative to the most liberal on this. It is a very simple resolution. All it says is that, Mr. President, if you want to bomb Iraq, you have got to come to the Congress first.

We do not mention this resolution, the constitutional issues because one may debate those, but one cannot debate the common sense position that the President, if he is going to do this, has got to have the support of the American people.

The way to get the support of the American people is to have the Congress debate it. I would hope that debate would be long enough that the American people would have a chance to weigh in on that debate because we cannot do this kind of thing without involving the American people.

Let me just mention the two objectives of these strikes. The first was to destroy the weapons of mass destruction. This has to be the most telegraphed military strike in the history of mankind. If those weapons of mass destruction were where we thought they were when we said we were going to bomb him, you can bet that they are not there now, and we would have no way of knowing when you see some barrels moved on an ox cart or in the back of a truck whether they were barrels of molasses or chicken feed or anthrax. Our satellites are very good, but they cannot see inside the barrel.

The other objective was to diminish significantly his capability to produce weapons. If you have a brewery, you can produce biological weapons. That is why we call them the poor man's atomic bomb because they are so easy to make.

So we were not going to accomplish either one of those objectives. Let me tell you what we would have accomplished. We would have galvanized the Islamic world against us. We sit on 2 percent of the known reserves of oil. We use 25 percent of the world's energy. The Islamic world, the Middle East, controls 70 percent of the world's oil, and I cannot understand how it is in our vital national interest to alienate that part of the world, which controls 70 percent of the world's oil.

Let me tell you something else it would have done. I can see it now.

Peter Arnett is holding up on CNN the shredded body of a baby. It would have been an absolute P.R. disaster, killing innocent civilians over there, and they are innocent. This is a tyrannical regime that does not represent, I think, the Iraqi people. But, you know, what are we going to accomplish by killing these innocent citizens? And we call that collateral damage, and there was an admission trying to steel us so that we could endure those TV pictures that were going to come. We were told we are going to have significant collateral damage.

□ 1715

As a matter of fact, they were all pleased that there had been a level of constraint; and they were all raising their voices to President Clinton and to Madeleine Albright, saying let's keep talking. Let's keep negotiating. Let's continue to look and see if there is not a way to avert this crisis. That as long as there is a sliver of hope, let us find that hope and let us have the alternative and let us not put the American people in the predicament where we would have to know that because some innocent child lived down the road from Saddam Hussein, or some elderly citizen, who had no interest in moving towards war, had to be maimed, hurt or killed because of our inability to find a peaceful solution.

I think people like yourself, who talk about peace and who talk about alternatives, we know it is difficult.

Peace has never been easy. I grew up sort of in the traditional Christian experience, and we were led to believe that at one time there were only four people on the earth: Adam and Eve and Cain and Abel. And it seems as though they had some difficulty. One thought that the other one had something that was his or that he ought to have. And only four people, yet some friction.

I think if we try and live in movement towards peace, it can be obtained.

I am reminded of something I believe John Kennedy was supposed to have said, that peace is not really found in treaties, covenants and charters but in the hearts and souls of men and women; and if we actually look for a way, if people all over the world can believe that there is the opportunity to peacefully coexist and if we can use our resources to find solutions to the major problems that plague our earth, rather than using those to create and develop weapons of war, then, perhaps, we can find a cure for cancer. Perhaps we can indeed find a way to eradicate hunger or we can find a way to make people healthy, to create the kind of quality of life that we are looking for.

So, again, I commend the gentleman for taking out the time, for giving the rest of us an opportunity to share and participate; and I believe that if people continue to pursue, as the gentleman is doing, as difficult as it might be, we can ultimately find a peaceful solution to the world's problem.

Mr. PAUL. I thank the gentleman very much for participating.

Early on, I talked about a policy of nonintervention; and I would like to talk a little bit more about that. Because some might construe that if you have a policy of nonintervention, it means you do not care; and that is not the case. Because we can care a whole lot.

There are two very important reasons why one who espouses the constitutional viewpoint of nonintervention, they do it. One, we believe in the rule of law and we should do it very cautiously, and that is what we are bound by here in the Congress. So that is very important.

The other one is a practical reason, and that is that there is not very good evidence that our intervention does much good. We do not see that intervention in Somalia has really solved the problems there, and we left there in a hurry.

We have spent a lot of money in Bosnia and the other places. So the evidence is not very good that intervention is involved, certainly the most abhorrent type of intervention, which is the eager and aggressive and not-well-thought-out military intervention. That is obviously the very worst.

I would argue that even the policy of neutrality and friendship and trade with people, regardless of the enemy, would be the best.

Of course, if you are involved in a war or there is an avowed enemy, declared enemy, that is a different story. For the most part, since World War II, we have not used those terms, we have not had declared words, we have only had "police actions," and, therefore, we are working in a never-never limbo that nobody can well define.

I think it is much better that we define the process and that everybody understands it.

I would like to go ahead and close with a brief summary of what we have been trying to do here today.

It was mentioned earlier, and I want to reemphasize it, something that has not been talked about a whole lot over this issue, has been the issue of oil. It is oil interests, money involved.

As I stated earlier, we were allies with Hussein when we encouraged him to cross the border into Iran, and yet, at the same time, the taking over of the Kuwait oil fields was something that we could not stand, even though there has not been a full debate over that argument. We have heard only the one side of that, who drew the lines and for what reason the lines were drawn there and whose oil was being drilled. There is a major debate there that should be fully aired before we say that it is the fault of only one.

But it is not so much that it was the crossing of borders. I do believe that oil interests and the huge very, very important oil fields of Iraq and what it might mean to the price of oil if they came on has a whole lot to do with this.

We did not worry about the Hutus and the Tutus in Africa. A lot of killing was going on there; 1 million people were being killed. Where was our compassion? Where was our compassion in the killing fields of Cambodia? We did not express the same compassion that we seem to express as soon as oil is involved.

We cannot let them get away with the repetition of "we got to get the weapons of mass destruction." Of course. But are they mostly in Iraq? I would say we have done rather well getting rid of the weapons there. They are a much weaker nation militarily than they were 10 years ago, and those kind of weapons are around the world, so that, as far as I am concerned, is a weak argument.

Another subject that is not mentioned very often, but the prime minister of Israel just recently implied that, hopefully, we will pursue this policy of going in there and trying to topple this regime. I can understand their concerns, but I also understand the concerns of the American taxpayers and the expense of the American lives that might be involved. So I can argue my case.

But even taking it from an Israeli point of view, I do not know how they can be sure it is in their best interests to go over there and stir things up. They are more likely to be bombed with a terrorist bomb if we go in there and start bombing Iraq. If we do, Israel will not stand by as they did once before. They told us so.

So if we bomb first and then the goal of Saddam Hussein is to expand the war, what does he do? He lobs one over into Israel, and Israel comes in, and then the whole procedure has been to solidify the Islamic fundamentalists. Then there is no reason not to expect maybe Iran and Syria coming in.

Right now Iraq is on closer ties with Syria and Iran than they have been in 18 years. This is the achievement of our policy. We are driving the unity of those who really hate America, and will do almost anything. So we further expose ourselves to the threat of terrorism. So if they are attacked and they have no way to defend themselves against this great Nation of ours, they will strike out. Therefore, I think in the practical argument, we have very little to gain by pursuing this policy.

It is not difficult for me to come down on the side of arguing for peace. Peace is what we should be for. That does not mean you give up your military, but you use your military more wisely than we have over the past 30 or 40 years. You use it for national defense.

Today we have a powerful military force, but a lot of people do not think we are as strong in defense as we used to be. So, yes, we are stronger than others, but if we have a failed and a flawed policy and a military that has been weakened, then we are looking for trouble.

So even the practical arguments call for restraint and a sensible approach, for debate and negotiations. It is for this reason I think for the moment we can be pleased that Mr. Annan went to Iraq and came back with something that is at least negotiable, and that the American people will think about and talk about. Hopefully this will lead not only to peace immediately in this area, but hopefully it will lead to a full discussion about the wisdom of a foreign policy of continued perpetual interventionism and involvement in the internal affairs of other nations.

If we argue our case correctly, if we argue the more argument, the constitutional argument, and the argument for peace as well, I cannot see how the American people cannot endorse a policy like that, and I challenge those who think that we should go carelessly and rapidly into battle, killing those who are not responsible, further enhancing the power and the authority of those who would be the dictators. They do not get killed. Sanctions do not hurt them. The innocent people suffer. Just as the economic sanctions that will be put on Southeast Asia as we give them more money, who suffers from the devaluations? The American taxpayer, as well as the poor people, whether they are in Mexico or Southeast Asia, in order to prop up the very special interests. Whether it is the banking interests involved in the loans to the Southeast Asians, or our military-industrial complex who tends to benefit from building more and more weapons so they can go off and test them in wars that are unnecessary.

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. COOKSEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102-356), I transmit herewith the report of the Corporation for Public Broadcasting.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1998.*

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, I want to stand here and have the opportunity to have a discussion with some of my colleagues this evening, to talk about an issue that is near and dear to the hearts of the American people, and that is for those who are today in something called managed care for their health care, people who are looking at how they are going to afford health care, how in fact they can meet the rules and regulations that some of the HMOs have put upon them, how they can have the option of selecting their physician or specialist if they need one, how in fact they can get all of the information that they need in order to make good choices and good decisions about their medical treatment, and how, if they run into a difficulty with their provider, their HMO, their insurance company, that they have an appeal process that they can go to to see if this can be sorted out.

□ 1730

This is a topic that is going to be hotly debated in this Chamber in the next several months. The President talked about a patient's Bill of Rights, if you will. That sounds like a very elevated term. Essentially it is what I have talked about, having for individuals the opportunity to know what their best options are in order to get their health care.

This patient's Bill of Rights is going to be debated. The President talked about it in his State of the Union Address. He wants to see something like this passed. There are a number of us on both sides of the aisle, and as a matter of fact it was one of those issues the night of the State of the Union where Democrats and Republicans were on their feet because it makes good sense. It makes good sense for people to have the adequate kind of health care, the adequate treatment that they need in order that they may survive, themselves and their families. What is at stake here is not just the bottom line, the profit motive in health care today, but in fact the health and safety of the American public.

An issue that I have specifically focused on is the issue of mastectomies. I have found through a Dr. Sarfos in Connecticut, a surgeon, he came to me and told me that women were being treated as outpatients for mastectomies, and that they were getting a few hours' treatment, or less treatment than both their doctor and they thought they needed in order for them to be healthy, to be on that road to recovery both emotionally and physically.

Together a number of us have written legislation that says in fact that the length of stay in a hospital needs to be determined by a doctor and by a patient, and not be the decision of the insurance company. In the case of this specific piece of legislation, it says 48 hours for a mastectomy, 24 hours for a lymph node dissection, and that the individual, the woman can in fact have the luxury, if you will, of not having to stay for 48 hours if the doctor and patient make that determination that in fact it can be a shorter stay.

These are commonsense kinds of decisions that we are talking about. What we want to do is to make sure, as I say, at the base of all of this, is that people's health is the first order of business, and not the profit motive of the insurance provider or of the HMOs.

I am delighted to have with me tonight a colleague from Illinois, and I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding to me, and I also want to do more than that. I want to thank her for the kind of leadership that I think she displays and continues to display in this House of Representatives by bringing before the American people on a daily basis issue by issue, making the greatest use of herself to awaken the conscience of the American people; for putting before them positions that they need to be aware of, things that they need to understand, and then taking the lead in actually not only talking the talk but walking the walk, and voting her conscience and convictions. It is just a pleasure and an honor for me to serve in this body with her.

Ms. DELAURO. Mr. Speaker, I thank the gentleman very much.

Mr. DAVIS of Illinois. Mr. Speaker, when we look at health care delivery and we look at what has happened in health care all over the place, there have been changes and changes and changes. We see in America right now thousands of individuals who are physicians who decided to go to medical school, learned their profession, because they wanted to be engaged in the practice of medicine. They wanted to work out with patients treatment plans and treatment patterns. They wanted to make use of the skills which they had acquired to provide the best possible care for their patients and their clients.

Now we reach a point where many of these very same physicians, individuals who have spent years and years and years of study and training, are actually being told how they must practice. They are being told what it is they have to prescribe for certain illnesses, what it is that they have to do for certain patients, how long they can keep their patients in the hospital, what they have to do with them if they have to go home. It just seems to me that rather than making use of that training and skills, now we have health maintenance organizations, managed care organizations, HMOs, which are telling the physician how he or she must practice.

I can understand when we first evolved to the point where managed care became a real part of the American scene, people were concerned about cost containment, lack of regulation. It appeared as though the health care industry was running wild, and in some instances people may have been staying in hospitals much longer than they actually needed to. There may have been a few physicians in some cases who may have been taking liberties with their prescriptions and what they were doing, or seeing patients when they were not needed to be seen. But that was not the majority. That was not even anything close to a majority.

I think we have now given managed care, HMOs, a little too much action. I think we have given them too much leeway to set the pace, to make the decisions, to make the determinations. It is time to look at the needs of the patients. That is why, when the President talks about a patient's Bill of Rights, what he is really talking about is looking now at what the patient can logically and reasonably expect from a health care provider, from a health care institution that will meet his or her individual needs.

I do not believe that you can practice medicine wholesale, when it gets down to the actual treatment. One person does not necessarily respond and react the same way as another. While you need to keep one person 3 days, you may need to keep another one 5. There may be some special problems and some special needs that they have.

I think we have to move to enact the Patient's Bill of Rights, and we have to give to the patients the greatest opportunity to interact with their doctor, to interact with their provider to determine what the health care is going to be.

Mr. Speaker, I see that we have also been joined by a number of other colleagues, and I await what it is the gentleman is going to say.

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from New Jersey (Mr. MENENDEZ) is recognized for the balance of the hour as the designee of the minority leader.

Mr. MENENDEZ. Mr. Speaker, I yield to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for this special order, but also for the issue, managed care and managed health care. I was interested when my colleague, the gentleman from Chicago, was discussing the managed care issues in his community. I would like to talk about it in mine, not only in the State of Texas but in Houston.

My concern is we need to be more concerned about the patients' rights and establishing some standards for managed health care plans. We all have to live by parameters. If you drive on the road, you have to live by the speed limits. You have to live by rules and regulations. That is what I would like to see this Congress address, is something that would protect the patients' rights, and establishing standards for managed health care plans, which a great many of them already comply with, Mr. Speaker. But I think we would like to see that as knowledgeable consumers, people would be able to know that, and know that they have certain rights and certain requirements on whatever managed care plan they have.

Ever since their existence, managed care health plans have determined what medical procedures would and would not be covered for the patients. We need to guarantee patients will receive quality health care from their managed care plans. We need to hold managed care companies accountable for providing quality health care, instead of just being concerned about their bottom line.

We are a free enterprise system in our country. All of us in business are interested in making a profit, but that is also why we have government regulations. If it is a State health plan, then you have a State agency. In Texas, our State Commission on Insurance is one that regulates health plans in the State of Texas. They set the guidelines for health plans in Texas, and now we need some guidelines on national plans.

But more importantly, we need to be concerned. We need to protect that patient's rights. I am a cosponsor of the bill of the gentleman from Georgia (Mr. NORWOOD). It is a bipartisan piece of legislation to protect patients' rights and to establish standards for managed health care.

I know there are other options. The gentleman from New Jersey (Mr. PALLONE) also has a bill. There is a health care task force within the Democratic Caucus that is working on that. Our ranking member, the gentleman from Michigan (Mr. JOHN DINGELL) has been putting that together, and hopefully we will see it. So there are lots of options out here, and it is a bipartisan concern that we need to deal with.

The legislation, whether it is the gentleman from Georgia (Mr. NORWOOD) or any other "Woods" should require employer health plans to allow employees to select their own personal physicians, for example. That is what Congressman NORWOOD's bill would do.

Patients would have the rights to choose their own doctor, a doctor who meets their personal needs. It would eliminate preauthorization requirements for emergency room visits and pay for specialists' care recommended by a primary doctor.

One of the concerns I have heard from my own constituents is that, oftentimes, for emergency room care, they really do not know what kind of illness they may be having. For example, I have used, and I heard this used to me from my constituents, if I have chest pains, I do not know whether it is a heart attack or it may be indigestion. And the only place to know that is to go to an emergency room. So that is why preauthorization for emergency room visits may not be practical in the real world.

If you are badly injured or severely ill, you should not have to worry about your insurance. You should be more concerned, and rightfully so, about your health and getting the needed help you get. Your health should be your primary concern.

According to a study from the American College of Emergency Physicians, 94 percent of emergency room visits have been allocated to an injured person. So 94 percent of those emergency room visits, they are not someone who thinks they have the flu or have a fever. They are actually to an injured person.

In most cases of injury, there is not an ample enough amount of time to call or get approval for an emergency room visit. If there is a 24-hour phone line for preauthorization for emergency room treatment, again, most of the time, the concern is for the health care need and not necessarily for the authorization.

Congressman NORWOOD's legislation would also help patients who have been denied care to appeal their decisions to a mutual third party. Patients should be allowed the right to file a claim regarding their health coverage. And a third party neutral would ensure quality health care for patients unlike current managed care regulations oftentimes.

It would also allow patients to sue health plans for damages under the State malpractice law. In other words, if a person's health care plan makes the medical decision, then that patient would then have the right, instead of suing their doctor or whatever provider, they can say, well, that health care was denied by my health plan.

In fact, the State of Texas this last legislative session in 1997 passed that legislation on a very bipartisan vote. And it was sponsored by a Republican State senator to make sure that where the decision making is at is also where the responsibility is at. And that is what's important.

I would hope whatever bill, I know the gentleman from Georgia (Mr. NORWOOD's) bill has it and whatever bill we consider would also say we have responsibility for our decisions whether you are an individual or whether you are a health care plan.

Current Federal law allows self-insured employers to exempt themselves from State regulation governing both pension and health benefit plans and often prevents individuals from having that opportunity to seek legal redress for their health care plans. That is under the ERISA preemption.

We like the ERISA preemption. I have companies in my District who need to have ability to have a health care plan that covers, not only their employees in Houston, Texas, but also their employees in Louisiana or Seattle or anywhere else.

That is why it is so important on a Federal level. This cannot be handled just on the State level. On the Federal level, we have to provide some guidelines for these plans that may not be licensed by the State but do business in the State, but they come under Federal law.

Health care needs need to be held to a standard, a standard that provides that quality health care to patient at all times by providing quality health care such as in the Norwood legislation and again in other legislation that the House we hope we will consider will provide patients with medical options.

One of the medical options is that any time there is a managed care plan, and I know this is in the Democratic Task Force plan that the gentleman from Michigan (Mr. JOHN DINGELL) has been working on, that will allow an individual that their employer may only be able to afford a managed care plan. But they would offer them at the employee's expense to be able to upgrade that to a different plan a point a service plan or something else.

□ 1745

That, again, just brings options into health care. And having been in a business where we oftentimes had trouble being able to justify the increasing in health care premiums, I know what has happened in the industry the last few years. Businesses want to try and cut their costs or cut the increasing costs in health care premiums. And so that is why managed care has been so successful. It has limited the cost, but in a lot of cases we are also seeing a limit in the ability of the service to the people that are supposed to be served, the employees or the patients.

Hopefully, our managed care reform legislation will give patients a greater range of medical options instead of restricting them. Managed care originally was an ideal program to say patients will have other options, they will have wellness care, for example. Because, again, it is much better to provide immunizations and provide checkups on an annual basis before there is a need. Checkups catch things like diabetes, and that is what managed care was originally about.

There are a lot of great managed care plans in our country. What we need to do, again on a congressional level, is provide some guidelines for managed care companies to live by. If they are licensed by the State with State regulations, then the State can take care of that. But also on the Federal level, and that is our job as Members of Congress. Let us provide patients with options to make the right choice for their health care, at the same time being mindful of the cost considerations of employers and people who have to pay those premiums.

Mr. Speaker, I know that is the important part and I would hope tonight that during this managed care reform discussion in the Congress over the next few months, that will be one of the issues we deal with.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, FEBRUARY 24, 1998

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 927. An act to reauthorize the Sea Grant Program.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. KENNELLY of Connecticut (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. MICA (at the request of Mr. ARMEY) for today on account of traveling with the President concerning the violent tornadoes in his district.

Mr. LUTHER (at the request of Mr. GEPHARDT) for today on account of family matters in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York for 5 minutes today.

Mr. ALLEN for 5 minutes today.

Mr. BERRY for 5 minutes today.

Mr. SERRANO for 5 minutes today.

Ms. NORTON for 5 minutes today.

Mr. LAMPSON for 5 minutes today.

Mr. SHERMAN for 5 minutes today.

Mr. DAVIS of Illinois for 5 minutes today.

Mr. GREEN for 5 minutes today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS for 5 minutes on March 3.

Mr. THUNE for 5 minutes today.

Mr. HAYWORTH for 5 minutes today.

Mr. DUNCAN for 5 minutes today.

Mr. LUCAS of Oklahoma for 5 minutes today.

Mr. LIVINGSTON for 5 minutes today.

Mr. SMITH of Michigan for 5 minutes today.

Mr. LEWIS of Kentucky for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:

Mr. CLYBURN.

Mr. CARDIN.

Mr. KUCINICH.

Mrs. MEEK of Florida.

Mr. MARKEY.

Mr. HAMILTON.

Mr. BLUMENAUER.

Ms. STABENOW.

Mr. FILNER.

Mr. MILLER of California.

Mr. RUSH.

The following Members (at the request of Mr. THUNE) and to include extraneous matter:

Mr. SMITH of Oregon.

Mr. RADANOVICH.

Mr. PAUL.

Mr. PETERSON of Pennsylvania.

Mr. DAVIS of Virginia.

Mr. PACKARD.

Mr. SMITH of Michigan.

Mr. COBURN.

The following Members (at the request of Mr. GREEN) and to include extraneous matter:

Mr. SHUSTER.

Mr. ROMERO-BARCELÓ.

Mr. GILLMOR.

Mr. STARK.

Mr. MENENDEZ.

Mr. STOKES.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building".

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office".

ADJOURNMENT

Mr. GREEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, February 26, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7483. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Tinker Air Force Base, Oklahoma, has conducted a cost comparison to reduce the cost of operating communications functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7484. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Edwards Air Force Base, California, has conducted a cost comparison to reduce the cost of operating base supply functions, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

7485. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Regulations Governing Book-Entry Federal Home Loan Bank Securities [No. 98–03] (RIN: 3069–AA54) received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7486. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Administrative Reporting Exemptions for Certain Radionuclide Releases [FRL–5970–8] (RIN: 2050–AD46) received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7487. A letter from the Acting Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: Health Claims; Soluble Fiber From Certain Foods and Coronary Heart Disease [Docket No. 96P–0338] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7488. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 96F–0477] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7489. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted in Feed and Drinking Water of Animals; Sodium Stearate [Docket No. 96F–0410] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7490. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Germany (Transmittal No. DTC–10–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7491. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–34–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7492. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC–15–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7493. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–13–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7494. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC–11–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7495. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–12–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7496. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC–9–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7497. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the Republic of Korea (Transmittal No. DTC–16–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7498. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Taiwan (Transmittal No. DTC–130–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

7499. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of the Philippines (Transmittal No. DTC–14–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7500. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in January 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

7501. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Modular Contracting [FAC 97–04; FAR Case 96–605; Item XV] (RIN: 9000–AH55) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7502. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Transfer of Assets Following a Business Combination [FAC 97–04; FAR Case 96–006; Item XIV] (RIN: 9000–AH56) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7503. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Limitation on Allowability of Compensation for Certain Contractor Personnel [FAC 97–04; FAR Case 97–303; Item XIII] (RIN: 9000–AH90) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7504. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Change in Contract Administration and Audit Cognizance [FAC 97–04; FAR Case 95–022; Item XII] (RIN: 9000–AH27) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7505. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Administrative Changes to Cost Accounting Standards Applicability [FAC 97–04; FAR Case 97–025; Item XI] (RIN: 9000–AH88) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7506. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Treatment of Caribbean Basin Country End Products [FAC 97–04; FAR Case 97–039; Item X] (RIN: 9000–AH93) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7507. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Special Disabled and Vietnam Era Veterans [FAC 97–04; FAR Case 95–602; Item IX] (RIN: 9000–AH86) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7508. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Business Competitiveness Demonstration Program [FAC 97–04; FAR Case 97–305; Item VIII] (RIN: 9000–AH91) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7509. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; SIC Code and Size Standard Appeals [FAC 97–04; FAR Case 97–026; Item VII] (RIN: 9000–AH87) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7510. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; OMB Circular No. A–133 [FAC 97–04; FAR Case 97–029; Item VI] (RIN: 9000–AH83) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7511. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Applicability of Cost Accounting Standards Coverage [FAC 97-04; FAR Case 97-020; Item V] (RIN: 9000-AH89) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7512. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Certificate of Competency [FAC 97-04; FAR Case 96-002; Item IV] (RIN: 9000-AH66) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7513. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Review of Procurement Integrity Clauses [FAC 97-04; FAR Case 97-601; Item III] (RIN: 9000-AH92) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7514. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Federal Compliance With Right-To-Know Laws and Pollution Prevention Requirements [FAC 97-04; FAR Case 92-054B; Item II] (RIN: 9000-AH39) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7515. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Use of Data Universal Numbering System as the Primary Contractor Identification [FAC 97-04; FAR Case 95-307; Item I] (RIN: 9000-AH33) received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7516. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97-04; Introduction [48 CFR Chapter 1] received February 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7517. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Fishery Openings [Docket No. 970930235-8028-02; I.D. 021798E] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7518. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Topeka, Forbes Field, KS (Federal Aviation Administration) [Airspace Docket No. 98-ACE-1] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7519. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Crete, NE (Federal Aviation Administration) [Airspace Docket No. 97-ACE-23] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7520. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; St. Louis, MO; Correction (Federal Aviation Administration) [Airspace Docket No. 97-ACE-22] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7521. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Keokuk, IA; Correction (Federal Aviation Administration) [Airspace Docket No. 97-ACE-16] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7522. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbia, MO (Federal Aviation Administration) [Airspace Docket No. 98-ACE-3] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7523. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Cape Girardeau, MO (Federal Aviation Administration) [Airspace Docket No. 98-ACE-2] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7524. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D and Class E Airspace; Joplin, MO (Federal Aviation Administration) [Airspace Docket No. 98-ACE-4] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7525. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft Corporation Model PA-38-112 Airplanes (Federal Aviation Administration) [Docket No. 96-CE-53-AD; Amdt. 39-10308; AD 98-03-16] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7526. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Valentine, NE (Federal Aviation Administration) [Airspace Docket No. 97-ACE-39] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7527. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-222-AD; Amdt. 39-10312; AD 98-03-20] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7528. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB-120 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-231-AD; Amdt. 39-10311; AD 98-03-19] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7529. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Chadron, NE (Federal Aviation Administration) [Airspace Docket No. 97-ACE-38] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7530. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes (Federal Aviation Administration) [Docket No. 98-NM-23-AD; Amdt. 39-10319; AD 98-04-06] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7531. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-43-AD; Amdt. 39-10317; AD 98-04-04] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7532. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lexington, NE (Federal Aviation Administration) [Airspace Docket No. 97-ACE-27] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7533. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models TB9, TB10, TB20, TB21, and TB200 Airplanes (Federal Aviation Administration) [Docket No. 97-CE-77-AD; Amdt. 39-10316; AD 98-04-03] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7534. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Jefferson City, MO (Federal Aviation Administration) [Airspace Docket No. 97-ACE-17] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7535. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; EXTRA Flugzeugbau GmbH Model EA-300/S Airplanes (Federal Aviation Administration) [Docket No. 97-CE-93-AD; Amdt. 39-10314; AD 98-04-01] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7536. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Eagle Grove, IA (Federal

Aviation Administration) [Airspace Docket No. 97-ACE-19] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7537. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; HOAC Austria Model DV 20 Katana Airplanes (Federal Aviation Administration) [Docket No. 97-CE-84-AD; Amdt. 39-10315; AD 98-04-02] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7538. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pella, IA (Federal Aviation Administration) [Airspace Docket No. 97-ACE-25] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7539. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9 and DC-9-80 Series Airplanes, and C-9 (Military) Series Airplanes (Federal Aviation Administration) [Docket No. 98-NM-12-AD; Amdt. 39-10320; AD 98-04-07] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7540. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Topeka, Philip Billard Municipal Airport, KS; Correction (Federal Aviation Administration) [Airspace Docket No. 97-ACE-12] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7541. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glasflugel Models Standard Libelle and Standard Libelle 201 B Sailplanes (Federal Aviation Administration) [Docket No. 96-CE-35-AD; Amdt. 39-10213; AD 97-24-06] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7542. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Atchison, KS (Federal Aviation Administration) [Airspace Docket No. 97-ACE-26] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7543. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-264-AD; Amdt. 39-10322; AD 98-04-09] (RIN: 2120-AA64) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7544. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Flight Information Region of the Democratic People's Republic of Korea (Federal Aviation Administration) [Docket No. 28831; Special Federal Aviation Regulation (SFAR) No. 79] (RIN: 2120-AG48) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7545. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29017; Amdt. No. 1820] (RIN: 2120-AA65) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7546. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes (Federal Aviation Administration) [Docket No. 28937, Amdt. Nos. 25-93 and 121-269] (RIN: 2120-AG42) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7547. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29018; Amdt. No. 1821] (RIN: 2120-AA65) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7548. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials in Intrastate Commerce; Technical Amendments (Research and Special Programs Administration) [Docket HM-200; Amdt. No. 173-259] (RIN: 2137-AB37) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7549. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment (National Highway Traffic Safety Administration) [Docket No. NHTSA-98-3452] (RIN: 2127-AG47) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7550. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29019; Amdt. No. 1822] (RIN: 2120-AA65) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7551. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Additional Interchanges to the Interstate System (Federal Highway Administration) (RIN: 2125-ZZ00) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7552. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29078; Amdt. No. 404] (RIN: 2120-AA65) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7553. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Passenger Manifest Information [Docket No. OST-95-950] (RIN: 2105-AB78) received February 12, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7554. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Grumman Model TS-2A Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-75-AD; Amdt 39-10353; AD 98-04-42] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7555. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-200 and -300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate SA2969SO (Federal Aviation Administration) [Docket No. 98-NM-30-AD; Amdt 39-10352; AD 98-04-41] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7556. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 500, 501, 550, 551, and 560 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-170-AD; Amdt. 39-10350; AD 98-04-38] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7557. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sabreliner Model 40, 60, 70, and 80 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-171-AD; Amdt. 39-10349; AD 98-04-37] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7558. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Salyer Farms, CA (Federal Aviation Administration) [Airspace Docket No. 96-AWP-33] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7559. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Keokuk, IA (Federal Aviation Administration) [Docket No. 97-ACE-16] (RIN: 2120-AA66) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7560. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G-159 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-172-AD; Amdt. 39-10348; AD 98-04-36] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7561. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-3 and DC-4 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-173-AD; Amdt. 39-10347; AD 98-04-35] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7562. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Model YS-11 and YS-11A Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-174-AD; Amdt. 39-10346; AD 98-04-34] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7563. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream American (Frakes Aviation) Model G-73 (Mallard) and G-73T Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-175-AD; Amdt. 39-10345; AD 98-04-33] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7564. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-14 and L-18 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-176-AD; Amdt. 39-10344; AD 98-04-32] (RIN: 2120-AA64) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7565. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Model F27 and FH227 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-177-AD; Amdt. 39-10343; AD 98-04-31] (RIN: 2120-AA64) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7566. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone Regulations; Swift Creek Channel, Freeport, NY (Coast Guard) [CGD01-97-135] (RIN: 2115-AA97) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7567. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services, 1998 Update [STB Ex. Parte No. 542 (Sub-No. 2)] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7568. A letter from the Acting Deputy Director, National Institute of Standards and Technology, transmitting the Institute's final rule—Physics Laboratory 1998 Summer Undergraduate Research Fellowships (SURF)— Partnerships in Atomic, Molecular and Optical (AMO) Physics and Materials Science and Engineering Laboratory (MSEL) 1998 Summer Undergraduate Research Fellowships (SURF) [Docket No. 971029258-7258-01] (RIN: 0693-ZA17) received February 17, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7569. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 98-11] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7570. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Contributions to Foreign Partnerships Under Section 6038B [Notice 98-17] received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7571. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition Relating to Corporate Reorganizations [Rev. Rul. 98-10] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7572. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Dole Amendment determination and the accompanying justification for national interest determination relating to Haiti, pursuant to Public Law 105—118, section 562; jointly to the Committees on International Relations and Appropriations.

7573. A letter from the Secretary of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to reform and reorganize the Department of Defense, to streamline its operations, to eliminate its inefficiencies, to reallocate its functions, and for other purposes; jointly to the Committees on National Security, Government Reform and Oversight, Rules, Education and the Workforce, and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 368. Resolution providing for consideration of the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices (Rept. 105-421). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MARKEY (for himself, Mr. Shays, Mr. Boucher, Mr. Bereuter, Mr. Moran of Virginia, Mr. McHugh, Ms. Slaughter, Mr. Miller of California, Mr. Weygand, Mr. DeFazio, Mr. Peterson of Minnesota, Mr. Frank of Massachusetts, Mr. Brown of California, Mr. Gejdenson, Mr. Gutierrez, Mr. Lipinski, Mr. Neal of Massachusetts, Mr. LaFalce, Mr. Tierney, Mrs. Maloney of New York, Mr. McDermott, Mr. Yates, and Mr. Coyne):

H.R. 3258. A bill to eliminate the March 1999 sunset of consumer price protections on cable programming services; to the Committee on Commerce.

By Mr. CARDIN (for himself, Mr. Barrett of Wisconsin, Mr. Bentsen, Mr. Clement, Mr. Murtha, Mr. Frost, Mr. Kucinich, and Mr. Sandlin):

H.R. 3259. A bill to amend title XVIII of the Social Security Act to clarify that any restrictions on private contracts for Medicare beneficiaries do not apply to non-covered services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. Ehlers, Mr. Hoekstra, Mr. Camp, Mr. Kildee, Mr. Smith of Michigan, and Mr. Barcia of Michigan):

H.R. 3260. A bill to amend the National Sea Grant College Program Act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Resources.

By Mr. PAUL:

H.R. 3261. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, and to prohibit the establishment in the Federal Government of any uniform national identifying number; to the Committee on Ways and Means, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. Lewis of Georgia, Mr. Waxman, Mr. Markey, Ms. Furse, Mr. Payne, Mr. Rush, Ms. DeGette, Mr. Hinchey, Ms. McKinney, Mrs. Clayton, Mrs. Lowey, Mr. Serrano, Mr. Vento, Ms. Christian-Green, Mr. Wexler, Mr. Berman, Mr. Dixon, Ms. Jackson-Lee, Mr. Evans, Ms. Pelosi, Ms. DeLauro, Mr. Gejdenson, Mr. Jackson, Mr. Frost, Mr. Yates, Mr. Kennedy of Massachusetts, Mr. Olver, Mr. Kucinich, Mr. Neal of Massachusetts, Ms. Millender-McDonald, Mr. Gutierrez, Mr. Owens, Mr. Sanders, Mr. Brown of California, Mr. Davis of Illinois, Mr. McGovern, Mr. Lantos, Mr. Stark, Mr. Barrett of Wisconsin, Mr. Delahunt, Mr. Conyers, Mr. Miller of California, and Mr. Farr of California):

H.R. 3262. A bill to reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROMERO-BARCELÓ:

H.R. 3263. A bill to designate the Federal building located at 300 Recinto Sur Street in Old San Juan, Puerto Rico, as the "Jose V. Toledo United States Post Office and Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. BAESLER (for himself and Mr. Hamilton):

H.R. 3264. A bill to stabilize tobacco quota fluctuations despite any comprehensive legal settlement between cigarette manufacturers and State governments, to require cigarette manufacturers to pay all Department of Agriculture costs associated with tobacco regulation, to establish a voluntary quota retirement system for tobacco quota holders, to provide market transition assistance for tobacco producers, tobacco industry workers, and their communities, particularly in the event of tobacco quota reductions, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 3265. A bill to amend the Federal Credit Union Act with regard to qualifications for membership in a Federal credit union; to the Committee on Banking and Financial Services.

By Mr. CLYBURN (for himself, Mr. Thompson, Mr. Hilliard, Ms. Waters, Mr. Conyers, Mr. Clay, Mr. Stokes, Mr. Rangel, Mr. Dixon, Mr. Owens, Mr. Towns, Mr. Lewis of Georgia, Mr. Payne, Ms. Norton, Mr. Jefferson, Mrs. Clayton, Mr. Bishop, Ms. Brown of Florida, Mr. Hastings of Florida, Ms. Eddie Bernice Johnson of Texas, Ms. McKinney, Mrs. Meek of Florida, Mr. Rush, Mr. Scott, Mr. Watt of North Carolina, Mr. Wynn, Mr. Fattah, Ms. Jackson-Lee, Mr. Jackson, Ms. Millender-McDonald, Mr. Cummings, Ms. Carson, Ms. Christian-Green, Mr. Davis of Illinois, Mr. Ford, Ms. Kilpatrick, and Mr. Meeks of New York):

H.R. 3266. A bill to amend section 507 of the Omnibus Parks and Public Land Management Act of 1996 to provide additional funding for the preservation and restoration of historic buildings and structures at historically black colleges and universities, and for other purposes; to the Committee on Resources.

By Mr. HUNTER (for himself, Mr. Lewis of California, Mr. Calvert, and Mr. Brown of California):

H.R. 3267. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea; to the Committee on Resources.

By Mr. JENKINS:

H.R. 3268. A bill to suspend temporarily the duty on the chemical DEMT; to the Committee on Ways and Means.

By Mr. MCGOVERN:

H.R. 3269. A bill to amend the Higher Education Act of 1965 to establish a program to increase Pell grant awards to students who graduate in the top 10 percent of their high school class; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia (for himself, Mr. Davis of Virginia, Ms. Stabenow, Mr. Adam Smith of Washington, Mr. Sawyer, Ms. Hooley of Oregon, Ms. Christian-Green, and Mr. Rush):

H.R. 3270. A bill to authorize the Secretary of Commerce to provide grants to improve the job skills necessary for employment in specific industries; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia (for himself and Mr. Davis of Virginia):

H.R. 3271. A bill to amend the Job Training Partnership Act to establish regional private industry councils for labor market areas that are located in more than one State, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia:

H.R. 3272. A bill to amend the Job Training Partnership Act to allow certain funds under that Act to be used for payment of incentive bonuses to certain job training providers that place large percentages of individuals in occupations for which a high demand exists; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia:

H.R. 3273. A bill to treat certain information technology occupations as if the Secretary of Labor had made a determination under section (a)(5)(A) of the Immigration and Nationality Act, to limit such determinations, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself and Mr. Davis of Virginia):

H.R. 3274. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for high technology job training expenses; to the Committee on Ways and Means.

By Mr. PETRI (for himself and Mr. Boswell):

H.R. 3275. A bill to amend the Internal Revenue Code of 1986 to exempt auxiliary power units from the excise tax imposed on heavy trucks; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mr. Edwards, Mr. Dickey, Mr. Thune, and Mr. McKeon):

H.R. 3276. A bill to amend the Federal Credit Union Act with regard to qualifications for membership in a Federal credit union; to the Committee on Banking and Financial Services.

By Mr. TRAFICANT:

H.R. 3277. A bill to amend the Internal Revenue Code of 1986 to require 15 days notice and judicial consent before seizure and to exclude civil damages for unauthorized collection actions from income; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 3278. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowable as a first-year contribution to education individual retirement accounts and to adjust for inflation the amount allowable thereafter as an annual contribution to such accounts; to the Committee on Ways and Means.

By Mr. BERRY (for himself, Mr. Lampson, Mr. Franks of New Jersey, Mr. Cramer, Mr. Hutchinson, Mr. Snyder, Mr. Cooksey, Mr. Schiff, Mr. Frost, Ms. Woolsey, Mr. Pascrell, Mr. Turner, Ms. Furse, Mr. Matsui, Mr. Dickey, Mr. McInnis, Mr. Foley, and Mr. Sandlin):

H. Con. Res. 224. Concurrent resolution urging international cooperation in recovering children abducted in the United States and taken to other countries; to the Committee on International Relations.

By Mr. FAZIO of California:

H. Res. 369. A resolution designating minority membership on certain standing committeesof the House; considered and agreed to

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolution as follows:

H.R. 132: Mr. Bob Schaffer.

H.R. 150: Mr. Pascrell.

H.R. 292: Mr. Talent.

H.R. 306: Mrs. Kelly and Mr. Costello.

H.R. 612: Mr. Filner, Mrs. Northup, Mr. Wamp, Mr. Gutknecht, and Mr. Dixon.

H.R. 693: Mrs. Lowey, Mrs. Myrick, Mr. Gallegly, and Mr. Bilirakis.

H.R. 715: Mr. LaFalce.

H.R. 922: Mr. Davis of Virginia, Mr. Ford, Mr. Pitts, Mrs. Kelly, Mr. Forbes, Mr. DeLay, and Mr. Doolittle.

H.R. 923: Mr. Davis of Virginia, Mr. Ford, Mr. Pitts, Mrs. Kelly, Mr. Forbes, Mr. DeLay, and Mr. Doolittle.

H.R. 1016: Mr. Sandlin.

H.R. 1059: Mr. Metcalf.

H.R. 1061: Ms. Kilpatrick, Mr. Towns, Mr. Blumenauer, and Mr. Coyne.

H.R. 1134: Ms. Veĺazquez.

H.R. 1151: Mr. Barr of Georgia, Mr. Shuster, Mr. Royce, Mr. Young of Alaska, Mr. Wise, Ms. Lofgren, Mrs. Thurman, Mr. Bilbray, Mr. McHugh, Mr. Souder, Mr. McHale, Mr. Burr of North Carolina, Mr. Obey, Mr. Matsui, Ms. DeGette, Mr. Smith of Michigan, and Mr. Jones.

H.R. 1215: Mr. Manton, Mrs. Lowey, and Mrs. Meek of Florida.

H.R. 1320: Mr. Quinn.

H.R. 1335: Mr. Thompson.

H.R. 1401: Mr. Gallegly and Mr. DeFazio.

H.R. 1679: Mr. Sandlin.

H.R. 1812: Mrs. Chenoweth.

H.R. 1813: Mr. Olver and Mr. Calvert.

H.R. 1842: Mr. Pease.

H.R. 1891: Mr. Miller of Florida, Mr. Matsui, and Mr. Snowbarger.

H.R. 2070: Mr. Frank of Massachusetts.

H.R. 2090: Mr. Maloney of Connecticut.

H.R. 2228: Mr. McGovern and Mr. Neal of Massachusetts.

H.R. 2257: Mrs. Meek of Florida and Mr. Evans.

H.R. 2321: Mr. Fox of Pennsylvania.

H.R. 2377: Mr. Cox of California, Mr. Deutsch, Mr. Herger, Mr. Hilliard, Mr. Jenkins, Mr. McCollum, Mr. Riley, and Mr. Snowbarger.

H.R. 2500: Mr. Nethercutt, Mr. Bachus, Mr. Lewis of Kentucky, and Mr. Bilirakis.

H.R. 2509: Mrs. Meek of Florida, Mr. Stearns, and Mr. Shuster.

H.R. 2515: Mr. Nethercutt.

H.R. 2538: Mr. Diaz-Barlart, Mr. Skeen, Mr. Lewis of California, Mr. Campbell, Mr. Watkins, Mr. Boehner, Mr. Sununu, Mr. Pombo, Mr. Cannon, Mr. Cunningham, Mr. Gibbons, Mr. Sessions, Mr. Wicker, Mr. Bilbray, Mr. Bilirakis, Mr. Blunt, Mr. Cox of California, Mr. Fox of Pennsylvania, Mr. Hansen, Mr. Pickering, Mr. Hastert, Mr. Hutchinson, Mr. Lewis of Kentucky, Mrs. Cubin, Mr. Kingston, Mr. Riley, Mr. Manzullo, Mr. Parker, Mr. Pease, Mr. Smith of New Jersey, Mr. Solomon, Mr. Tauzin, Mr. Wamp, Mr. Jackson, Mr. Scott, Mr. Traficant, Mr. Jenkins, and Mr. Herger.

H.R. 2541: Mr. Ford.

H.R. 2547: Mr. Shays, Mr. Berman, Mr. Gutierrez, and Mrs. Maloney of New York.

H.R. 2560: Mr. Strickland, Mr. Blunt, Mr. McNulty, Mr. Shays, Mr. Andrews, Mr. Schumer, Mr. Brown of California, Mr. Kildee, Ms. Kaptur, Mr. Yates, and Mr. Fox of Pennsylvania.

H.R. 2608: Mr. Archer.

H.R. 2715: Mr. Hyde.

H.R. 2754: Mr. Clement, Mr. Olver, Mr. Peterson of Minnesota, Mr. Brown of California, and Mr. Hilliard.

H.R. 2758: Mr. Calvert, Mr. Barcia of Michigan, Ms. Stabenow, Mr. Baker, Mr. Goode, Mr. Kennedy of Rhode Island, Mr. Gilman, Mr. King of New York, Mr. Latham, Mr. Berry, and Mr. McHugh.

H.R. 2760: Mr. Skeen, Ms. Danner, and Mrs. Kelly.

H.R. 2761: Mr. Kucinich.

H.R. 2828: Mr. Hall of Texas and Mr. Condit.

H.R. 2829: Mr. Latham and Mr. McHugh.

H.R. 2888: Mrs. McCarthy of New York, Mr. Roemer, Mr. Bob Schaffer, Mr. Manzullo, and Mr. Collins.

H.R. 2912: Mr. Pease and Ms. Kaptur.

H.R. 2922: Mr. Collins.

H.R. 2925: Mr. Solomon, Ms. Kaptur, and Mr. Ford.

H.R. 2936: Mr. SKELTON, Mr. TURNER, Mr. MANZULLO, Mr. METCALF, Mr. COMBEST, and Mr. MCINTOSH.

H.R. 2941: Mr. GOODE, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. SESSIONS, Mr. ISTOOK, and Mr. PAUL.

H.R. 2951: Mr. GEJDENSON, Mr. COSTELLO, Mr. OBERSTAR, Mr. MCDERMOTT, Mr. HILLIARD, Mr. KENNEDY of Massachusetts, Mr. STRICKLAND, Mr. OLVER, Mr. PETERSON of Minnesota, Mr. STUPAK, Mr. FROST, Mr. BLUMENAUER, Mr. YATES, Mr. RUSH, and Mr. ADAM SMITH of Washington.

H.R. 2955: Mr. MATSUI.

H.R. 2968: Mr. RAHALL.

H.R. 2970: Mr. SAXTON and Mr. QUINN.

H.R. 2992: Mr. ARMEY.

H.R. 3095: Mr. HERGER and Mr. HOUGHTON.

H.R. 3097: Mr. COBLE, Mr. HERGER, Mr. MCCOLLUM, Mr. GILLMOR, Mr. LATHAM, Mr. SHIMKUS, Mr. CRAPO, Mr. HOSTETTLER, Mr. KIM, and Ms. ROS-LEHTINEN.

H.R. 3104: Mr. LEWIS of California, Mr. PITTS, Mr. QUINN, Mr. HILLEARY, Mr. TALENT, Mr. DUNCAN, Mr. HUTCHINSON, Mr. SNOWBARGER, Mr. BARTLETT of Maryland, Mrs. MYRICK, Mr. PAXON, Mr. POMBO, Mr. NEY, Mr. FRANKS of New Jersey, Mr. LEWIS of Kentucky, and Mr. NETHERCUTT.

H.R. 3121: Mr. LANTOS and Mr. MANTON.

H.R. 3131: Mr. BOUCHER.

H.R. 3145: Mr. SCARBOROUGH.

H.R. 3154: Mr. YOUNG of Florida.

H.R. 3161: Mr. HOYER, Ms. SLAUGHTER, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, and Mr. COYNE.

H.R. 3205: Mr. RAHALL and Mr. MANTON.

H.R. 3217: Mr. NEAL of Massachusetts.

H.R. 3240: Mr. LAFALCE and Mr. CONYERS.

H.R. 3247: Mr. EHRLICH, Mr. CHABOT, and Mr. ANDREWS.

H.R. 3248: Mr. LEWIS of Kentucky and Mr. BOB SCHAFFER.

H.R. 3254: Mr. MCKEON, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. POMBO, Mr. HERGER, Mr. DREIER, and Mr. CALVERT.

H.J. Res. 66: Mr. GEJDENSON and Mr. PASTOR.

H. Con. Res. 152: Ms. NORTON and Mr. FOLEY.

H. Con. Res. 203: Mr. KENNEDY of Massachusetts and Mr. TIERNEY.

H. Con. Res. 205: Mrs. LOWEY and Mr. MCGOVERN.

H. Con. Res. 208: Mr. LEACH, Mr. DAVIS of Virginia, Mr. BOEHLERT, Mr. HOLDEN, Mr. CAMPBELL, Mr. ADAM SMITH of Washington, Mr. UNDERWOOD, Mr. PETERSON of Minnesota, Mr. BENTSEN, Mr. BAKER, Mr. FILNER, Ms. SANCHEZ, Mr. WOLF, Mr. FROST, Mr. LATHAM, Mr. MCHUGH, and Mr. MINGE.

H. Con. Res. 211: Mrs. KENNELLY of Connecticut.

H. Res. 83: Mr. YATES.

H. Res. 340: Mr. HALL of Ohio, Mr. ACKERMAN, Mr. WEXLER, Mr. ANDREWS, Mr. FARR of California, and Mr. BORSKI.

H. Res. 364: Mr. EVANS, Mr. MCGOVERN, Mr. COX of California, Mr. PITTS, Mr. SANDERS, Ms. ROS-LEHTINEN, Mr. HYDE, and Mr. BROWN of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1415: Mr. COMBEST.

H.R. 2495: Mr. COLLINS.

SENATE—*Wednesday, February 25, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Serendipitous Lord, fill our day with surprises of Your intervention. You have a wonderful way of going way beyond our expectations. When we least expect it, we feel the artesian surge of Your Spirit within, giving us fresh strength, supernatural creativity, and divine inspiration. You invade the glumness of our human efforts with the gladness of Your presence. You use people to speak words of comfort or courage or to simply be there as human angels, Your messengers, sent to lift burdens and infuse hope. You resolve problems when we are ready to give up. You put joy in our hearts when life interrupts our happiness. We are startled by the stunning quality of Your spectacular providence. Bless the Senators and all of us privileged to work with them that we may all live in awareness of Your unseen closeness and with expectation of Your anticipated blessings. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period of morning business until 11:30 a.m. We had a number of Senators who requested time to speak on several important issues, including, hopefully, some comment about the Iraq situation.

As under the previous agreement, at 11:30 the Senate will debate the veto message to accompany H.R. 2631, the military construction appropriations bill. Members are reminded that while there is a 2-hour limitation on that veto message, the vote will occur later in the day in order to accommodate those Members attending the funeral of former Senator Ribicoff, and, I believe, there is at least one other Senator attending another funeral. We always try to honor requests from Senators to accommodate the votes, the demands of their schedule, especially when it involves a personal matter, like a funeral of a loved one. Senators will be notified when a vote is scheduled. We hope to have the two votes stacked at around 6 o'clock. We are working on that. We are trying to clear it with all of the interested Senators.

Following the debate on the veto message, we will resume debate on S. 1663, the pending campaign finance reform legislation. Therefore, a vote on that, also, is likely this afternoon on the pending Snowe amendment. We hope that would be the second vote that will occur this afternoon.

I remind my colleagues that three cloture motions were filed during yesterday's session of the Senate, so there is a potential for three back-to-back votes to occur on Thursday morning. Again, I will notify all Senators as to the timing of those votes, following consultation with the minority leader.

I might note that we are having meetings at this time in my office down the hall to see if we can come to some agreement as to how we can proceed to the very important ISTEA, transportation bill. We have a bipartisan group meeting, and we are anxious to get that legislation ready for consideration because it will take some time. There are some 200 amendments that have been suggested on this bill. I am sure 20 or more of them will have to be debated and voted on. We will need the time that it would take to get that legislation complete so it will be ready for conference when the House does act.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 11:30 a.m, with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from Washington is recognized under the previous order.

Mr. GORTON. I ask unanimous consent to have 2 extra minutes added to that 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMY CORPS OF ENGINEERS

Mr. GORTON. Mr. President, I am here today to speak about one of the federal government's bureaucracies: The Army Corps of Engineers. More specifically, however, I note recent actions and inactions by the Corps that provide excellent examples of a DC government bureaucracy intent on accomplishing its own agenda at its own pace, and out of touch with the American people.

The first situation I will address involves specific direction by the Congress of the United States. The Corps is required to provide the Senate Appropriations Committee with an outline of its proposed study on the economic, biological and social implications of a drawdown of the John Day Dam reservoir on the Columbia River. Specific instructions were given to provide this information to the Committee within 90 days of the President's signing of the fiscal year 1998 Energy and Water Appropriations bill. The President signed the bill on October 13, 1997. As of today, more than 130 days later, we still have not seen the report.

Mr. President, the Portland District of the Corps sent the report to its Washington, DC, headquarters in mid-December. But, there is still no final document. Assuming that the Corps began work immediately after the bill was approved by the President, or even a month earlier, the field office spent between eight and twelve weeks preparing the report. It has now been nine weeks since it was sent to Headquarters for approval, and we still have no idea when the Corps will finally issue it. Should a document take longer to be approved than it did to be drafted? Apparently, if it is to be approved by the Corps, it does. But it shouldn't.

Why is this document important? Countless residents of the rural Pacific Northwest rely on the benefits that the Columbia and Snake River dams provide to our region and our nation. If the Corps of Engineers is to study the drawdown of a major multi-purpose federal project like the John Day Dam, it is imperative that its plans be subjected to an open review by those of us sent back here to Washington, DC to represent these communities. Without the formal views of the Corps, these communities are left with excessive and inexcusable uncertainty over the future of their livelihoods.

Mr. President, I will continue to wait for the Corps to provide a report. I do not intend to wait patiently.

While I am on the topic of waiting, I will address a second issue. The communities in the Tri-City area of Washington state have been waiting since 1996 for the Corps of Engineers to complete a legally required transfer of riverfront land to local governments. The Corps has claimed that it does not have the funds to begin the process, and although it has recently begun working with the local communities to come to a resolution, it still claims it cannot complete the process without an additional appropriation from this Congress. Along similar lines, the Corps claims that it cannot come up with approximately $60,000 to manage the Wallula, Stateline and Juniper Canyon wildlife habitats, and must lease the management of this important, pristine land to the Confederated Tribes of the Umatilla Indian Reservation. This transfer of land management has raised many serious questions in the minds of a number of my Tri-City constituents, who have yet to receive a comforting answer.

Taken on their own, these incidents might not seem odd. The very same office of the Corps that claims poverty in these latter two cases, however, sees fit to spend freely in other areas. Mr. President, I am sure you are aware of Kennewick Man. Kennewick Man's remains were discovered in July, 1996, on the shore of the Columbia River, near Kennewick, Washington. Using carbon dating techniques, scientist have determined Kennewick Man's remains to be more than 9,000 years old, by far the oldest human remains ever found in North America. This represents a major breakthrough for the study of ancient peoples in North America.

Mr. President, what would be the logical thing to do with the land on which Kennewick Man was discovered? Should we study it further, or cover it with boulders? Some of our Nation's most esteemed anthropologists and archaeologists have answered—as I am sure you or I would—that we should allow the site to be studied further, in the hope that we can learn even more about early North American inhabitants. But that is not the way the Corps sees it. If the Corps has its way, it will helicopter tons of "rip-rap"—large stones—to the river and use them to cover the site, after which it will plant numerous willow trees, completely covering, and possibly destroying, important geological and archaeological evidence. Scientists studying the site claim that this will erect an "impenetrable barrier" to future research.

How much will it cost to cover this important site? The Corps has not disclosed its estimate, but I have been told by people in the local community that it is likely to cost at least $100,000, and perhaps as much as $250,000. In addition, the Corps claims, that should scientists want to study the site in the future, the boulders and trees can be removed—at a cost of course. How much? Another $100,000. Even then the boulders are likely to have crushed any remaining archaeological objects and possibly changed the chemical makeup of the soil, rendering future tests worthless.

Mr. President, if the Corps of Engineers cannot come up with $60,000 to manage important wildlife habitats, and cannot put together enough money to begin satisfying its legal requirement to transfer land to local authorities, how can it possibly justify spending upwards of a quarter-million dollars, which the Congress never appropriated, to cover a potential gold mine of archaeological information with boulders and trees? Of course it cannot. In fact, it has not even attempted to do so. The Corps spokesman in Walla Walla has refused to answer specific questions about the pending contract to cover the Kennewick Man site. If this bureaucracy has its way, it will ignore the concerns of the residents of its district, lease important and pristine land to an outside group to manage, and then apparently use that money to cover a site to which countless members of the scientific community have requested access. This is nothing short of unbelievable.

Mr. President, The Corps of Engineers has a lot of explaining to do. It owes answers to Congress and it owes answers to the people of the Tri-Cities. I sincerely hope it will be more forthcoming in the near future than it has been in the recent past. If not, I anxiously await an opportunity to question the Corps of Engineers during this year's appropriation process.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—VETO MESSAGE ON H.R. 2631, CANCELLATION DISAPPROVAL ACT

Mr. GORTON. Mr. President, on behalf of the leadership, I ask unanimous consent at 5:50 p.m. this evening the Senate lay aside the pending business in order to resume the veto message to accompany the military construction appropriations bill and that there be 10 minutes remaining for debate to be equally divided between Senator STEVENS and Senator BYRD. I further ask that the vote occur at 6 o'clock p.m. on the question: "Shall the bill pass, the objections of the President to the contrary notwithstanding?"

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 1647

Mr. GORTON. I ask unanimous consent that at 2 p.m. today the Senate resume consideration of the pending SNOWE amendment and that there be 3 hours and 50 minutes equally divided in the usual form prior to a motion to table, with the vote occurring on the motion to table immediately following the scheduled 6 o'clock p.m. vote with respect to the veto message.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. For the information of all Senators, the Senate will next vote back to back at 6 o'clock p.m. this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, what is the current order?

The PRESIDING OFFICER. The Senator has 10 minutes under his leader time and 5 minutes under morning business.

Mr. DASCHLE. I thank the Chair. I will use that time for some remarks this morning.

GENERAL LEE BUTLER

Mr. DASCHLE. Mr. President, I want to take a moment to raise one of the most critical issues facing this nation today, nuclear weapons security, and to call the Senate's attention to one of the most intelligent and courageous people involved in the debate surrounding this issue, General Lee Butler.

At a National Press Club appearance earlier this month, General Butler delivered an eloquent address entitled, "The Risks Of Nuclear Deterrence: From Superpowers To Rogue Leaders." His major conclusion was that, ". . . as a nation we have no greater responsibility than to bring the nuclear era to a close. Our present policies, plans, and postures governing nuclear weapons make us prisoners still to an age of intolerable danger."

For those unfamiliar with General Butler, let me provide some background on this distinguished American that should add some context to his remarks. After graduating from the Air Force Academy, General Butler spent the next 33 years advancing through the ranks of the U.S. Air Force.

In 1991, he was promoted to Commander-in-Chief of the U.S. Strategic Air Command and, shortly thereafter, Commander-in-Chief of the U.S. Strategic Command. In this last post, General Butler was responsible for the overall U.S. strategy for deterring a nuclear war and, if deterrence fails, fighting such a war.

It is safe to say that very few Americans know as much as General Butler when it comes to nuclear weapons and their role in our national security posture—from the concrete, such as the physics of these weapons, to the more abstract, such as deterrence theory. When General Butler speaks about nuclear deterrence, people should listen.

In his National Press Club address, General Butler spoke of the lessons he has drawn from over 30 years of "intimate involvement with nuclear weapons." I ask that his full statement be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, so ordered.

(See Exhibit 1.)

Mr. DASCHLE. General Butler summarizes his experience in the following terms:

> I came to a set of deeply unsettling judgments. That from the earliest days of the nuclear era, the risks and consequences of nuclear war have never been properly weighed by those who brandished it. That the stakes of nuclear war engage not just the survival of the antagonists, but the fate of mankind. That the likely consequences of nuclear war have no politically, militarily, or morally acceptable justification. And therefore, that the threat to use nuclear weapons is indefensible.

General Butler goes on to note that for much of the Cold War period up to the present, America's massive nuclear arsenal was justified and sustained on the basis of a single concept: deterrence. However, his experience and analysis led him to the inherent flaw in the concept of deterrence.

> Deterrence failed completely as a guide in setting rational limits on the size and composition of military forces. To the contrary, its appetite was voracious, its capacity to justify new weapons and larger stocks unrestrained. Deterrence carried the seed . . . that spurred an insatiable arms race.

Mr. President, the consequences of this paradox remain with us today—despite the fall of the Berlin Wall and the end of the Cold War. Consider where the world is with respect to nuclear weapons as we approach the end of the 20th century—over 50 years since man developed the first nuclear device.

First, the United States and Russia together still field nearly 15,000 strategic nuclear weapons—each with a destructive power tens or hundreds of times greater than the nuclear devices that brought World War II to a close. The closest rival, friend or foe, has less than 500 strategic weapons.

Second, the United States and Russia each still deploy large numbers of tactical nuclear weapons. According to unclassified sources, the United States has about 500 to 1,000 operational tactical nuclear weapons, and the Russians have about 4,000.

Third, both the United States and Russia continue to operate large numbers of their strategic weapons, roughly 5,000 weapons between them, on a high level of alert, ready to be launched at a moment's notice. As noted by Senator Sam Nunn and Dr. Bruce Blair, "while [this] practice may have been necessary during the Cold War, today it constitutes a dangerous anachronism."

Fourth, the United States and Russia continue to adhere to nuclear plans that permit the first use of nuclear weapons and allow for the launch of weapons after receiving warning of attack but before incoming warheads detonate.

Mr. President, this is truly a very troubling state of affairs, made all the more so by the fact that the Cold War has dissipated and our major adversary during this period, the Soviet Union, has long since ceased to exist. General Butler's conclusion is that the United States and the world should aspire to the abolition of all nuclear weapons.

General Butler makes a very compelling case for this lofty yet pragmatic goal. And, as General Butler will be the first to note, it is not one that can be quickly or easily achieved. It will essentially require putting the nuclear genie back in the bottle and being able to verify that no country tries to let it out.

This is a very difficult task to say the least, and one that ultimately may not be achievable. But that is no reason not to try.

There is an old saying that, if you shoot for the stars and miss, you still could hit the moon. If in shooting for the ultimate objective of nuclear elimination we take lesser steps that enhance our security, then the journey will have been worthwhile.

At his National Press Club speech, General Butler released a letter signed by 117 leaders from 46 countries that calls for the immediate removal of nuclear weapons from alert status, an end to nuclear testing, the beginning of discussions on deeper reductions in the U.S. and Russian nuclear arsenals, and the development of a plan for eventual elimination of all nuclear weapons. Among the signatories were Mikhail Gorbachev, President Carter and Helmut Schmidt.

In this regard, there are 3 initiatives the United States could take immediately to begin this journey to reduce the threat of nuclear weapons: dealerting a portion of U.S. and Russian strategic nuclear weapons, ratifying the Comprehensive Test Ban Treaty, and pushing for much deeper reductions in nuclear weapons than currently contemplated in START II.

Each of these steps make sense in isolation. Together, they will lead to a safer world, and one much closer to that envisioned in the poignant remarks delivered by General Butler.

EXHIBIT 1

THE RISKS OF NUCLEAR DETERRENCE: FROM SUPER POWERS TO ROGUE LEADERS

(An Address by Gen. Lee Butler to the National Press Club, Washington, DC., 2 February 1998)

Thank you, and good afternoon ladies and gentlemen. Dorene and I are honored by your presence and gratified by your welcome. Although we are now proud residents of Nebraska—note the obligatory display of home team colors—Dorene and I feel very much at home in this city. I see many familiar faces in this audience, which makes the moment all the more special.

I have two roles to serve this afternoon, both very much akin to the events marking my appearance here just over a year ago. As your speaker, I intend to address two matters that go to the Heart of the Debate over the Role of Nuclear Weapons: Why these artifacts of the cold war continue to hold us in thrall; and the severe penalties and risks entailed by policies of deterrence as practiced in the nuclear age.

But first, it is my privilege to announce a compelling addition to the roster of distinguished international figures who have joined their voices in calling publicly for the abolition of nuclear weapons. Last year General Goodpaster and I unveiled a list of some 60 retired generals and admirals from a host of nations who declared their strong conviction that the world would be better served by the total elimination of these weapons. Today, at a press conference following my remarks, Senator Alan Cranston and I will present the names of more than one hundred present and former heads of state and other senior civilian leaders who have signed their names to a powerful statement of common concern regarding nuclear weapons and who have endorsed a reasoned path toward abolition.

The willingness of this extraordinary assembly to speak so publicly and directly to these issues is very much in keeping with what I have experienced since I became engaged in the abolition debate some two years ago. I have met legions of remarkable men and women from every corner of the earth who have labored long and patiently in this cause. Their ranks have now been swelled by tens of millions of citizens of our planet who reject the prospect of living in perpetuity under a nuclear Sword of Damocles.

My purpose in entering the debate was to help legitimize abolition as an alternative worthy of serious and urgent consideration. My premise was that my unique experience in the nuclear weapons arena might help kindle greater antipathy for these horrific devices and the policies which justify their retention by the nuclear weapon states. My purpose this afternoon is to share with you the abiding concern I harbor about the course of the debate. I accepted the Press Club invitation because I believe this forum is well suited to speak to that concern. In so doing, I intend to render a much more explicit account than I have given to date of the lessons I have drawn from over thirty years of intimate involvement with nuclear weapons.

Permit me, however, to preface my remarks by postulating that with respect to legitimizing the prospect of abolition, there is much to applaud on the positive side of the ledger. Nuclear issues now compete more strongly for the attention of policy makers and the media that often shapes their interest. Converts are being won on many fronts to the propositions that these issues matter, that nuclear arsenals can and should be sharply reduced, that high alert postures are a dangerous anachronism, that first use policies are an affront to democratic values, and that proliferation of nuclear weapons is a clear and present danger. I am persuaded that in every corner of the planet, the tide of public sentiment is now running strongly in favor of diminishing the role of nuclear weapons. Indeed, I am convinced that most publics are well out in front of their governments in shaking off the grip of the cold war in reaching for opportunities that emerge in its wake.

Conversely, it is distressingly evident that for many people, nuclear weapons retain an aura of utility, of primacy and of legitimacy that justifies their existence well into the future, in some number, however small. The persistence of this view, which is perfectly reflected in the recently announced modification of U.S. nuclear weapons policy, lies at the core of the concern that moves me so deeply. This abiding faith in nuclear weapons was inspired and is sustained by a catechism instilled over many decades by a priesthood who speak with great assurance and authority. I was for many years among the most avid of these keepers of the faith in nuclear weapons, and for that I make no apology.

Like my contemporaries, I was moved by fears and fired by beliefs that date back to the earliest days of the atomic era. We lived through a terror-ridden epoch punctuated by crisis whose resolution held hostage the saga of humankind. For us, nuclear weapons were the savior that brought an implacable foe to his knees in 1945 and held another at bay for nearly a half-century. We believed that superior technology brought strategic advantage, that greater numbers meant stronger security, and that the ends of containment justified whatever means were necessary to achieve them.

These are powerful, deeply rooted beliefs. They cannot and should not be lightly dismissed or discounted. Strong arguments can be made on their behalf. Throughout my professional military career, I shared them, I professed them and I put them into operational practice. And now it is my burden to declare with all of the conviction I can muster that in my judgment they served us extremely ill. They account for the most severe risks and most extravagant costs of the U.S.-Soviet confrontation. They intensified and prolonged an already acute ideological animosity. They spawned successive generations of new and more destructive nuclear devices and delivery systems. They gave rise to mammoth bureaucracies with gargantuan appetites and global agendas. They incited primal emotions, spurred zealotry and demagoguery, and set in motion forces of ungovernable scope and power. Most importantly, these enduring beliefs, and the fears that underlie them, perpetuate cold war policies and practices that make no strategic sense. They continue to entail enormous costs and expose all mankind to unconscionable dangers. I find that intolerable. Thus, I cannot stay silent. I know too much of these matters, the frailties, the flaws, the failures of policy and practice.

At the same time, I cannot overstate the difficulty this poses for me. No one who ever entered the nuclear arena left it with a fuller understanding of its complexity nor greater respect for those with whom I served its purposes. I struggle constantly with the task of articulating the evolution of my convictions without denigrating or diminishing the motives and sacrifices of countless colleagues with whom I lived the drama of the cold war. I ask them and you to appreciate that my purpose is not to accuse, but to assess, to understand and to propound the forces that birthed the grotesque excesses and hazards of the nuclear age. For me, that assessment meant first coming to grips with my experience and then coming to terms with my conclusions.

I knew the moment I entered the nuclear arena I had been thrust into a world beset with tidal forces, towering egos, maddening contradictions, alien constructs and insane risks. Its arcane vocabulary and apocalyptic calculus defied comprehension. Its stage was global and its antagonists locked in a deadly spiral of deepening rivalry. It was in every respect a modern day holy war, a cosmic struggle between the forces of light and darkness. The stakes were national survival, and the weapons of choice were eminently suited to this scale of malevolence.

The opposing forces each created vast enterprises, each giving rise to a culture of Messianic believers infused with a sense of historic mission and schooled in unshakable articles of faith. As my own career progressed, I was immersed in the work of all of these cultures, either directly in those of the Western World, or through penetrating study of communist organizations, teachings and practices. My responsibilities ranged from the highly subjective, such as assessing the values and motivation of Soviet leadership, to the critically objective, such as preparing weapons for operational launch. I became steeped in the art of intelligence estimates, the psychology of negotiations, the interplay of bureaucracies and the impulses of industry. I was engaged in the labyrinthian conjecture of the strategist, the exacting routines of the target planner and the demanding skills of the aircrew and the missilier. I have been a party to their history, shared their triumphs and tragedies, witnessed heroic sacrifice and catastrophic failure of both men and machines. And in the end, I came away from it all with profound misgivings.

Ultimately, as I examined the course of this journey, as the lessons of decades of intimate involvement took greater hold on my intellect, I came to a set of deeply unsettling judgements. That from the earliest days of the nuclear era, the risks and consequences of nuclear war have never been properly weighed by those who brandished it. That the stakes of nuclear war engage not just the survival of the antagonists, but the fate of mankind. That the likely consequences of nuclear war have no politically, militarily or morally acceptable justification. And therefore, that the threat to use nuclear weapons is indefensible.

These judgements gave rise to an array of inescapable questions. If this be so, what explained the willingness, no, the zeal, of legions of cold warriors, civilian and military, to not just tolerate but to multiply and to perpetuate such risks? By what authority do succeeding generations of leaders in the nuclear weapons states usurp the power to dictate the odds of continued life on our planet? Most urgently, why does such breathtaking audacity persist at a moment when we should stand trembling in the face of our folly and united in our commitment to abolish its most deadly manifestation?

These are not questions to be left to historians. The answers matter to us now. They go to the heart of present day policies and motivations. They convey lessons with immediate implications for both contemporary and aspiring nuclear states. As I distill them from the experience of three decades in the nuclear arena, these lessons resolve into two fundamental conclusions.

First, I have no other way to understand the willingness to condone nuclear weapons except to believe they are the natural accomplice of visceral enmity. They thrive in the emotional climate born of utter alienation and isolation. The unbounded wantonness of their effects is a perfect companion to the urge to destroy completely. They play on our deepest fears and pander to our darkest instincts. They corrode our sense of humanity, numb our capacity for moral outrage, and make thinkable the unimaginable. What is anguishingly clear is that these fears and enmities are no respecter of political systems or values. They prey on democracies and totalitarian societies alike, shrinking the norms of civilized behavior and dimming the prospects for escaping the savagery so powerfully imprinted in our genetic code. That should give us great pause as we imagine the task of abolition in a world that gives daily witness to acts of unspeakable barbarism. So should it compound our resolve.

The evidence to support this conclusion is palpable, but as I said at the outset of these remarks for much of my life I saw it differently. That was a product of my both my citizenry and my profession. From the early years of my childhood and through much of my military service I saw the Soviet Union and its allies as a demonic threat, an evil empire bent on global domination. I was commissioned as an officer in the United States air force as the cold war was heating to a fever pitch. This was a desperate time that evoked on both sides extreme responses in policy, in technology and in force postures: Bloody purges and political inquisitions; covert intelligence schemes that squandered lives and subverted governments; atmospheric testing with little understanding or regard for the long term effects; threats of massive nuclear retaliation to an ill-defined scope of potential provocations; the forced march of inventive genius that ushered in the missile age arm in arm with the capacity for spontaneous, global, destruction; reconnaissance aircraft that probed or violated sovereign airspace, producing disastrous encounters; the menacing and perilous practice of airborne alert bombers loaded with nuclear weapons.

By the early 1960's, a superpower nuclear arms race was underway that would lead to a ceaseless amassing of destructive capacity, spilling over into the arsenals of other nations. Central Europe became a powder keg, trembling under the shadow of Armageddon, hostage to a bizarre strategy that required the prospect of nuclear devastation as the price of alliance. The entire world became a stage for the U.S.-Soviet rivalry. International organizations were paralyzed by its grip. East-West confrontation dominated the nation-state system. Every quarrel and conflict was fraught with potential for global war.

This was the world that largely defined our lives as American citizens. For those of us who served in the national security arena, the threat was omnipresent, if seemed total, it dictated our professional preparation and career progression, and cost the lives of tens of thousands of men and women, in and out of uniform. Like millions of others, I was caught up in the holy war, inured to its costs and consequences, trusting in the wisdom of succeeding generations of military and civilian leaders. The first requirement of unconditional belief in the efficacy of nuclear weapons was early and perfectly met for us: Our homeland was the target of a consuming evil, poised to strike without warning and without mercy.

What remained for me, as my career took its particular course, was to master the intellectual underpinning of America's response, the strategic foundation that today still stands as the central precept of the nuclear catechism. Reassessing its pervasive impact on attitudes toward nuclear weapons goes directly to my second conclusion regarding the willingness to tolerate the risks of the nuclear age.

That also brings me to the focal point of my remarks, to my purpose in coming to this forum. For all of my years as a nuclear strategist, operational commander and public spokesman, I explained, justified and sustained America's massive nuclear arsenal as a function, a necessity and a consequence of deterrence. Bound up in this singular term, this familiar touchstone of security dating back to antiquity, was the intellectually comforting and deceptively simple justification for taking the most extreme risks and the expenditure of trillions of dollars. It was our shield and by extension our sword. The nuclear priesthood extolled its virtues, and bowed to its demands. Allies yielded grudgingly to its dictates even while decrying its risks and costs. We brandished it at our enemies and presumed they embraced its suicidal corollary of mutual assured destruction. We ignored, discounted or dismissed its flaws and cling still to the belief that it obtains in a world whose security architecture has been wholly transformed.

But now, I see it differently. Not in some blinding revelation, but at the end of a journey, in an age of deliverance from the consuming tensions of the cold war. Now, with the evidence more clear, the risks more sharply defined and the costs more fully understood, I see deterrence in a very different light. Appropriated from the lexicon of conventional warfare, this simple prescription for adequate military preparedness became in the Nuclear Age a formula for unmitigated catastrophe. It was premised on a litany of unwarranted assumptions, unprovable assertions and logical contradictions. It suspended rational thinking about he ultimate aim of National security: to ensure the survival of the Nation.

How is it that we subscribed to a strategy that required near perfect understanding of an enemy from whom we were deeply alienated and largely isolated? How could we pretend to understand the motivations and intentions of the Soviet leadership absent any substantive personal association? Why did we imagine a Nation that had survived successive invasions and mindnumbing losses would accede to a strategy premised on fear of Nuclear War? Deterrence in the cold war setting was fatally flawed at the most fundamental level of human psychology in its projection of Western reason through the crazed lens of a paranoid foe. Little wonder that intentions and motives were consistently misread. Little wonder that deterrence was the first victim of a deepening crisis, leaving the antagonists to grope fearfully in a fog of mutual misperception. While we clung to the notion that Nuclear War could be reliably deterred, Soviet leaders derived from their historical experience the conviction that such a war might be thrust upon them and if so, mut not be lost. Driven by that fear, they took Herculean measures to fight and survive no matter the odds or the costs. Deterrence was a dialogue of the blind with the deaf. In the final analysis, it was largely a bargain we in the West made with ourselves.

Deterrence was flawed equally in that the consequences of its failure were intolerable. While the price of undeterred aggression in the age of uniquely conventional weaponry could be severe, history teaches that Nations can survive and even prosper in the aftermath of unconditional defeat. Not so in the nuclear era. Nuclear weapons give no quarter. Their effects transcend time and place, poisoning the Earth and deforming its inhabitants for generation upon generation. They leave us wholly without defense, expunge all hope for meaningful survival. They hold in their sway not just the fate of Nations, but the very meaning of civilization.

Deterrence failed completely as a guide in setting rational limits on the size and composition of military forces. To the contrary, its appetite was voracious, its capacity to justify new weapons and larger stocks unrestrained. Deterrence carried the seed, born of an irresolvable internal contradiction, that spurred an insatiable arms race. Nuclear deterrence hinges on the credibility to mount a devastating retaliation under the most extreme conditions of war initiation. Perversely, the redundant and survivable force required to meet this exacting text is readily perceived by a darkly suspicious adversary as capable, even designed, to execute a disarming first strike. Such advantage can never be conceded between nuclear rivals. It must be answered, reduced, nullified. Fears are fanned, the rivalry intensified. New technology is inspired, new systems roll from production lines. The correlation of force begins to shift, and the bar of deterrence ratchets higher, igniting yet another cycle of trepidation, worst case assumptions and ever mounting levels of destructive capability.

Thus it was that the treacherous axioms of deterrence made seemingly reasonable nuclear weapon stockpiles numbering in the tens of thousands. Despite having witnessed the devastation wrought by two primitive atomic devices, over the ensuing decades the superpowers gorged themselves at the thermonuclear trough. A succession of leaders on both sides of the East-West divide directed a reckless proliferation of nuclear devices, tailored for delivery by a vast array of vehicles to a stupefying array of targets. They nurtured, richly rewarded, even revealed in the industrial base required to support production at such levels.

I was part of all of that. I was present at the creation of many of these systems, directly responsible for prescribing and justifying the requirements and technology that made them possible. I saw the arms race from the inside, watched as intercontinental ballistic missiles ushered in mutual assured destruction and multiple warhead missiles introduced genuine fear of a nuclear first strike. I participated in the elaboration of basing schemes that bordered on the comical and force levels that in retrospect defied reason. I was responsible for war plans with over 12,000 targets, many struck with repeated nuclear blows, some to the point of complete absurdity. I was a veteran participant in an arena where the most destructive power ever unleashed became the prize in a no holds barred competition among organizations whose principal interest was to enhance rather than constrain its application. And through every corridor, in every impassioned plea, in every fevered debate range the rallying cry, deterrence, deterrence, deterrence.

As nuclear weapons and actors multiplied, deterrence took on too many names, too many roles, overreaching an already extreme strategic task. Surely nuclear weapons summoned great caution in superpower relationships. But as their numbers swelled, so mounted the stakes of miscalculation, of a crisis spun out of control. The exorbitant price of nuclear war quickly exceeded the rapidly depreciating value of a tenuous mutual wariness. Invoking deterrence became a cheap rhetorical parlor trick, a verbal sleight of hand. Proponents persist in dressing it up to court changing times and temperaments, hemming and re-hemming to fit shrinking or distorted threats.

Deterrence is a slippery conceptual slope. It is not stable, nor is it static, its wiles cannot be contained. It is both master and slave. It seduces the scientist yet bends to his creation. It serves the ends of evil as well as those of noble intent. It holds guilty the innocent as well as the culpable. It gives easy semantic cover to nuclear weapons, masking the horrors of employment with siren veils of infallibility. At best it is a gamble no mortal should pretend to make. At worst it invokes death on a scale rivaling the power of the creator.

Is it any wonder that at the end of my journey I am moved so strongly to retrace its path, to examine more closely the evidence I would or could not see? I hear not the voices long ignored, the warnings muffled by the still lingering animosities of the cold war. I see with painful clarity that from the very beginnings of the nuclear era. The objective scrutiny and searching debate essential to adequate comprehension and responsible oversight of its vast enterprises were foreshortened or foregone. The cold light of dispassionate scrutiny was shuttered in the name of security, doubts dismissed in the name of an acute and unrelenting threat, objections overruled by the incantations of the nuclear priesthood.

The penalties proved to be severe. Vitally important decisions were routinely taken without adequate understanding, assertions too often prevailed over analysis, requirements took on organizational biases, technological opportunity and corporate profit drove force levels and capability, and political opportunism intruded on calculations of military necessity. Authority and accountability were severed, policy dissociated from planning, and theory invalidated by practice. The narrow concerns of a multitude of powerful interests intruded on the rightful role of key policymakers, constraining their latitude for decision. Many were simply denied access to critical information essential to the proper exercise of their office.

Over time, planning was increasingly distanced and ultimately disconnected from any sense of scientific or military reality. In the end, the nuclear powers, great and small, created astronomically expensive infrastructures, monolithic bureaucracies and complex processes that defied control or comprehension. Only now are the dimensions, costs and risks of these nuclear nether worlds coming to light. What must now be better-understood are the root causes, the mindsets and the belief systems that brought them into existence. They must be challenged, they must be refuted, but most importantly, they must be let go. The era that gave them credence, accepted their dominion and yielded to their excesses is fast receding.

But it is not yet over. Sad to say, the Cold War lives on in the minds of those who cannot let go the fears, the beliefs, and the enmities born of the nuclear age. They cling to deterrence, clutch its tattered promise to their breast, shake it wistfully at bygone adversaries and balefully at new or imagined ones. They are gripped still by its awful willingness not simply to tempt the apocalypse but to prepare its way.

What better illustration of misplaced faith in nuclear deterrence than the persistent belief that retaliation with nuclear weapons is a legitimate and appropriate response to post-cold war threats posed by weapons of mass destruction. What could possibly justify our resort to the very means we properly abhor and condemn? Who can imagine our joining in shattering the precedent of non-use that has held for over fifty years? How could America's irreplaceable role as leader of the campaign against nuclear proliferation ever be re-justified? What target would warrant such retaliation? Would we hold an entire society accountable for the decision of a single demented leader? How would the physical effects of the nuclear explosion be contained, not to mention the political and moral consequences? In a singular act we would martyr our enemy, alienate our friends, give comfort to the non-declared nuclear states and impetus to states who seek such weapons covertly. In short, such a response on the part of the United States is inconceivable. It would irretrievably diminish our priceless stature as a nation noble in aspiration and responsible in conduct, even in the face of extreme provocation.

And as a nation we have no greater responsibility than to bring the nuclear era to a close. Our present policies, plans and postures governing nuclear weapons make us prisoner still to an age of intolerable danger. We cannot at once keep sacred the miracle of existence and hold sacrosanct the capacity to destroy it. We cannot hold hostage to sovereign gridlock the keys to final deliverance from the nuclear nightmare. We cannot withhold the resources essential to break its grip, to reduce its dangers. We cannot sit in silent acquiescence to the faded homilies of the nuclear priesthood. It is time to reassert the primacy of individual conscience, the voice of reason and the rightful interests of humanity.

IRAQ POLICY

Mr. KERREY. Mr. President, the world witnessed a diplomatic success in United Nation's Secretary General Kofi Annan's trip to Baghdad last weekend. We saw a successful conclusion to an episode that has been and probably will continue to be a very long drama of confrontation with Iraq. This success is not due solely to Mr. Annan's considerable powers of persuasion. Mr. Annan's mission was backed by force—by the real, credible potential for violent punishment from U.S. forces if a diplomatic solution was not achieved. He said this about his successful negotiations: "You can do a lot with diplomacy, but of course you can do a lot more with diplomacy backed up by firmness and force." It takes nothing away from Mr. Annan's success to note he shares star billing as a peacemaker with the soldiers, sailors, airmen and marines of the United States.

The smile of diplomacy combined with the force of the gun has produced an offer from Baghdad to allow U.N. weapons inspectors into sites previously denied to them by the Iraqi government. For the moment there is hope that air strikes to reduce Iraq's capacity to use weapons of mass destruction will not be needed. Gratefully, for now, we will not again be witnesses to the necessary violence of combat. The images of war, which increasingly shape and limit our national tolerance for war, will thankfully not supplant Seinfeld on our TV screens this week.

And yet our gratitude for peace is not entirely satisfying. A sour taste remains in our mouths. We wonder again if Saddam Hussein has got the better of us. The question nags: Did we win a diplomatic battle but not the war? These feelings and this question flow from our national discussion of Iraq policy over the past several weeks, especially the growing realization that America should not deal with the Iraq problem episodically, but rather with finality, even if greater effort is required.

This problem was eloquently stated last Wednesday at Ohio State University by a veteran. He said:

> I spent twenty years in the military; my oldest son spent twenty-five; my youngest son died in Vietnam; six months later, his first cousin died in Vietnam. We stood in the gap. If push comes to shove and Saddam will not back down, will not allow or keep his word, are we ready and willing to send the troops in? You see, I have no problem with asking any one of these guys in the Armed Forces to stand in the gap for me now, that we stood in the gap back then. . . . I think all of Congress wants to know. Are we willing to send troops in and finish the job, or are we going to do it [half-hearted] like we've done before?

Mr. President, this veteran speaks for me. He gave the nation a clarion call to finish the job. It falls to us to determine what finishing the job means. We must do so with the understanding that wherever and however we stand in the gap, our stand and our actions will be globally public. All of us who are given power by the Constitution to declare war and raise armies must take note of how much is won or lost over the airwaves.

We will not restrict the flow of images in the next war as we have in the past. The recently released CIA report on the Bay of Pigs thirty-six years after the report was written, represents the old way of making: war in secret. The new way is portable video cameras and satellite communications opening the battlefield to full view. And victory may hinge more on the impressions of the battle conveyed through the media than on the effect of the combatants themselves. Even if the struggle is only diplomatic, it is no less public and global, and the impression made on the public who witness the struggle through the media is at least as important as the diplomatic outcome.

Television images are powerful and effect all who watch. Two and one-half billion people watched Princess Diana's funeral. Perhaps as many watched the war of words between the U.S. and Iraq. I am concerned that to date, we may be losing this battle of the airwaves. A ruthless dictator who has starved and brutalized and robbed his people for over twenty years actually appears in some media to be more interested in the welfare of his people than do we. To win, we must have an objective that is clear, will justify war's violence if war comes, and will enable us to rally world opinion. We need a mission that puts us in the gap not just to reduce a threat but to liberate a people and make a whole region secure and prosperous. We need a cause which will unite moral leaders like Nelson Mandela, and Vaclav Havel with other political and military leaders. We need an objective which will permanently remove the threat the Iraqi dictatorship poses to the United States, to our allies, to our interests, to its neighbors, and to its own people.

The containment of Iraq—although it has been a success—cannot be such a cause. Containment reduced the Iraqi military threat and introduced UNSCOM inspections, which are our principal means of limiting Saddam's production of weapons of mass destruction. But the ultimate failure of containment is signaled by the word "reduce" as a policy goal. With biological weapons, reduction or limitation are not sufficient. We need to be sure such weapons are eliminated from Saddam's arsenal. To "reduce" is not enough.

Let me say a word about the fear that has been aroused over the potential of biological weapons, both Iraqi weapons and possibly such weapons in the hands of terrorists in this country. Fear is a natural reaction, but fear is also the great debilitator. Fear keeps us from taking necessary action. We must manage our fears, we must keep fear from paralyzing us, and we must realistically measure the threat posed by these weapons. If we are to truly stand in the gap with regard to Iraq, we must do something hard: we must have a broader perspective than just altering our fear of biological weapons. We must transcend that fear and convert it into a hope for freedom. A democratic Iraq is certainly in our interest, an Iraq free of weapons of mass destruction is certainly in our interest, but it is above all for the sake of the Iraqis that we must replace Saddam.

A review of what Saddam has done to his people underscores the need to remove him. After over 20 years of Saddam, it is hard to recall that Iraq was once the heart of the Fertile Crescent, a country blessed with oil resources, rich agricultural potential, and a vibrant middle class. Through a disastrous war with Iran and then the invasion of Kuwait, Saddam mortgaged and then caused the destruction of much of Iraq's oil capacity. Through static economic policies, he marginalized a middle class which has since been almost wiped out by the effect of sanctions, which is to say, by the effect of Saddam's behavior. Per capita income in Iraq has dropped from $2,900 in 1989 to $60 today, in currency terms. The dinar, which was worth three dollars in 1989, is now at the rate of 1,500 to one dollar. Iraqis have seen their salaries drop to five dollars a month, and their pensions evaporate. We are also familiar with the starvation and the permanent health crisis he imposes on his people while he builds palaces and other grandiose monuments to himself.

Saddam's policies have killed hundreds of thousands of Iranians and Iraqis and thousands of Kuwaiti citizens, many of whom are still unaccounted for. His reign of terror continues to kill, including between 500 and 1,200 prisoners murdered in his prisons last December. His weapons of mass destruction, with which we are too familiar, were tested on living human beings, according to British press reports. In sum, if there is a dictator in the world who needs to be removed, it is Saddam Hussein.

Force, either our own or that of dissident Iraqis, will be required to remove this regime. But in my view, Desert Storm is not the model. A much better example of the marriage of military force with diplomacy, a success story in the making, is the U.S. deployment to Bosnia. An initial agreement was reached at Dayton as a result of the use of U.S. military force. Then our troops led an allied force into the country and provided, and continue to provide, the overarching security and stability beneath which a traumatized people regain the confidence to govern themselves democratically and live civilly with each other. The lesson of Bosnia is that force persuaded diplomacy, which has in turn given the people of Bosnia a chance for a lasting peace. Iraq, with its devastated middle class and ethnic divisions, may need the same kind of long-term application of potential force, once Saddam's regime has passed.

It took hope, at the worst moments of the Yugoslav war, when Sarajevo was a deadly obstacle course for its citizens, to dream of a peaceful Bosnia, and it took courage to make the commitments which are now slowly bringing that dream into reality. In the same way, we must get past our pessimism about Iraq and the Middle East, summon our hope, and dream the successful outcome of our policy: a democratic Iraq. Imagine its characteristics: a democratic Iraq would be at peace with its neighbors. It would have no weapons of mass destruction. A democratic Iraq would enjoy the benefits of its agricultural and oil wealth and would share them equitably across their society. A democratic Iraq would be a tolerant society, in sharp contrast to some of its neighbors. It would not oppress its minorities. Its Kurdish population, secure and free in northern Iraq, would not be a base for an insurgency against Turkey. A democratic Iraq would be a powerful example to the rising oil states of Azerbaijan, Kazakhstan, and Turkmenistan, a proof to them that a government can use oil revenue for something other than hiring police and buying weapons.

There is a dissonant sound to the words "Iraq" and "democracy" side by side, but this dream, aided by a sound American strategy, can become real. I know of no genetic coding that predisposes the Iraqis, or any people, to dictatorship. In November, I laid out a road map which included the following steps and I repeat them today.

First, we must convince our core European and Asian allies that democracy, not just the temporary compliance of a dictator, is the right long-term goal for Iraq. We must use the facts about Saddam's brutality to convince our allies to support a transition to democracy in Iraq, and to convince them the security and economic opportunity that would flow out of a new, democratic Iraq is worth more than the money owed our allies by Saddam's regime. In other words, we must convince our allies to forgive the debts of a post-Saddam Iraq. Beyond debt forgiveness, we should clearly state the loan and foreign assistance preferences which a democratic Iraq would receive from U.S. and multinational lending agencies.

Second, we should fill Iraqi airwaves, by means of Voice of America and commercial means, with the horrific truth about Saddam's regime. The Iraqi people must learn that we know what Saddam has done to them, and that weapons of mass destruction are not our sole concern. Two recent news stories exemplify the kind of information we should be putting in every Iraqi home. The first, from the Los Angeles Times for February 9, describes the murder of up to 1,200 prisoners in Iraq's main prison. The second, from the January 18 Sunday Times of London, relates in detail how Saddam's government tested biological weapons on human beings. Mr. President, I ask unanimous consent both these these articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KERREY. Third, we should openly and consistently state our goal of a free, democratic Iraq, even if we have to state it repeatedly for years. To accept less and say less is simply unworthy of our heritage.

Mr. President, there are additional steps which are essential if we are to achieve our goal:

We should announce our intention to see Saddam Hussein indicted and tried for war crimes and genocide.

As some commentators have suggested, the United States should form an umbrella organization of pro-democracy Iraqi exile groups and support them with money and military supplies.

When the exile group seizes significant Iraqi territory, the United States should recognize it as Iraq's government and make frozen Iraqi government funds available to it.

The UN has already decided to expand the amount of oil Iraq can sell in exchange for food and medicine. We should work with the UN to facilitate greater amounts of life's necessities getting into the hands of the Iraq people. Over the long term, we should consider the usefulness of sanctions in overthrowing Saddam. The debilitating effect of sanctions on ordinary Iraqis may actually help keep Saddam in power. Our policies should serve the strategy of removing this dictator from office and creating the democratic Iraq and peaceful Middle East which is our goal.

Mr. President, I am laying out what could be a long road for the United States. But when you compare today's situation with tomorrow's possibilities, it is a road worth taking. It is a road worthy of our heritage as liberators and as a free people. Mr. Annan carefully selected these familiar words to describe the U.N.'s success this week: "We the peoples of the world can do anything if united." We have dreamed the possibility. Now it is time for us to make it real.

I yield the floor.

EXHIBIT 1

[From the Los Angeles Times, Feb. 9, 1998]

FREED INMATE TELLS OF MASS EXECUTIONS AT IRAQI PRISON

(By John Daniszewski)

Amman, Jordan—Ammar Shehab Dein shudders at the memory of the "meals" served up at the notorious Abu Ghraib prison outside Baghdad.

A "meal" is what guards there called the Iraqi prison's periodic mass executions. "We have a meal tomorrow," they would taunt the terrified inmates.

During the last 20 days in December, said Shehab Dein, there were at least three "meals" in his section alone. Each time, an officer would stand in front of the two-story cellblock and read off the names of those who were to die.

The doomed men would then have their hands tied behind their backs and be led away—crying, shouting, "Allahu Akbar" (God is great) and, in some cases, cursing the name of Iraqi President Saddam Hussein.

Later, other inmates would be ordered into the execution chamber to clean up.

As it was described to Shehab Dein, the chamber was "primitive," ropes suspended over 12 wells. Bound prisoners would be put into a noose and then pushed to their deaths, he said. Doctors were present mainly to determine if the prisoners were dead.

Shehab Dein, a 27-year-old Jordanian trader who was imprisoned last year, is not only a rare survivor of the Iraqi leader's death row. In interviews with The Times, he is also the first released inmate of Abu Ghraib prison to publicly corroborate and add detail to accounts that emerged at the end of 1997 of a series of executions of hundreds or even thousands of political prisoners and common criminals in Iraq.

At the time, U.S. State Department spokesman James Foley called the reports of mass execution "horrific" and said they would constitute "a gross violation of human rights" if true.

Shehab Dein's statements were supported by a second released inmate, a 31-year-old Jordanian businessman who said he was badly tortured shortly after his 1995 arrest and that he fears being identified by name.

"The last weeks before Ramadan, we heard [that] about 500 people were killed. . . . We used to hear them [executions] every day," the businessman said.

Both men were interviewed in Amman days after their Jan. 21 release in a surprise amnesty, announced by Hussein, for all Jordanian prisoners. (Hussein declared a further amnesty Thursday for all nationals of other Arab countries, apparently in a goodwill gesture hours after he met with the secretary-general of the Arab League.)

According to Iraqi opposition sources in Jordan, Britain and the United States, Hussein's regime executed 800 to 1,200 inmates at the Abu Ghraib and the Radwaniyah prisons, both near Baghdad, in a cleaning out that began Nov. 20 and lasted into December.

After the State Department raised the issue Jan. 1, the Iraqi Information Ministry angrily denied the accusations, calling them another example of the "hostile propaganda" of Iraq's opponents.

With the world focused on Iraq's standoff with the United States and the United Nations over access to disputed sites by arms inspectors, the allegations have elicited relatively little attention.

But the experiences of the two Jordanians, who went to Iraq voluntarily for business and say they once were sympathetic to Hussein, nevertheless are a reminder of the unpredictable brutality inside Iraq.

"If I had a choice between dying and going back to Iraq, I would prefer to die," said the businessman, who declined to discuss details of his torture except to say: "Execution was something I wanted."

Since mid-December, opposition groups have been circulating accounts of the executions, which they said were ordered Nov. 19 by Hussein's powerful younger son, Qusai, and underscore his preeminent role in the spheres of "security and repression," in the words of one opposition newsletter.

The Iraqi National Congress, a U.S.-backed anti-Hussein group, has compiled lists identifying 160 of the victims.

It said one brother of an executed Iraqi Kurd had to comb through 12 cold-storage rooms containing 30 bodies apiece before he was able to find his sibling and claim the remains. The opposition Iraqi Communist Party, meanwhile, said that 109 of its followers apparently were killed in one day.

Decreed at a time when Iraq appeared to have driven a wedge between the United States and other U.N. Security Council members, the executions may have been ordered to celebrate this diplomatic "triumph on the part of Saddam Hussein," speculated the Iraqi Broadcast Corp., the oppositions' radio station in northern Iraq.

Neither Shehab Dein nor the businessman actually saw any hangings, but both stated without hesitation that hundreds of their fellow inmates died.

Shehab Dein's younger brother, Jihad, and that when he visited his brother in prison in December, he saw other families collapse in sobs and wails upon learning that loved ones had been executed. He was once told that he should leave the prison because a round of executions was about to take place, he said.

Shehab Dein, who lived with his family in Iraq for most of the past six years, was arrested Sept. 9 and sent to Abu Ghraib on Dec. 10 after being condemned to death for allegedly buying up cheap construction equipment in Iraq to be dismantled and smuggled out for sale abroad.

Although Shehab Dein and his five brothers buy and sell heavy machinery, he denies being a smuggler and blames his arrest on a false accusation from a business rival who stood to get a significant chunk of Shehab Dein's assets as a reward from the Iraqi regime.

As soon as he arrived at Abu Ghraib after three months in a cell in Baghdad's Public Security Department, Shehab Dein said, he was told by fellow inmates about the mass executions that had been taking place.

"Between November and December, they used to take 50 people, 80 people a day," he said. "It was not something normal."

From Dec. 10 until Dec. 30, when executions were stopped in observance of the start of Ramadan, the Muslim holy month, Shehab Dein said, he saw or heard a total of 56 men dragged away—27, 15 and 14 at a time.

None ever returned to his section, which housed more than 1,000 people who had been sentenced to death for various crimes, ranging from corruption to theft to murder.

He said he believes that prisoners from other sections, including political prisoners and those containing people sentenced in long prison terms but not death, were being executed daily. Among those killed, he said, was a friend he had made earlier at the Public Security Department cells, a likable would-be counterfeiter whom he knew as "Eyad the Palestinian."

Eyad's name was among those called out one morning, and he was led out with his hands tied behind his back.

"They allowed him to say goodbye to his friends," Shehab Dein said quietly. "Eyad came to me right away because I was the only other Palestinian. He said, 'Forgive me if I have done anything wrong, and give charity in my name if you have the chance.'

"I cannot describe to you the feeling—someone saying that to you. What I thought was, how dear he was to me, and I was helpless to give him any consolation," he said.

Shehab Dein said prison conditions were appalling.

He was in a 5-foot-square cell with three other condemned men. They took turns sleeping. But that was "paradise" compared with other cells of the same dimensions packed with seven or eight prisoners.

He said he was sentenced to die based on a confession he never made and upon the written testimony of two "witnesses" whom he had never met and who were not even present at his trial.

Iraq executed four Jordanian students Dec. 9 for smuggling, despite repeated entreaties from Jordan's King Hussein that they be spared.

Shehab Dein, who had been condemned Dec. 7, said he believed that he surely would be the next to die. But he got a reprieve when Saddam Hussein suddenly ordered all Jordanians in his prison let go, apparently to mollify Jordanian anger.

"I thought I was dead," Shehab Dein murmured, recalling the moment he learned that he would escape the noose. "But I was reborn."

[From the London Sunday Times, Jan. 18, 1998]

SADDAM TESTED ANTHRAX ON HUMAN GUINEA PIGS

(By Marie Colvin and Uzi Mahnaimi)

Evidence has emerged that Saddam Hussein, the Iraqi dictator, has had prisoners tied to stakes and bombarded with anthrax in brutal human experiments with his biological and chemical armoury.

Dozens of prisoners are believed to have died in agony during a secret programme of military research designed to produce potent new weapons of mass destruction.

In one incident, Iranian prisoners of war are said to have been tied up and killed by bacteria from a shell detonated nearby. Others were exposed to an aerosol of anthrax sprayed into a chamber while doctors watched behind a glass screen. Two British-trained scientists have been identified as leading figures in the programme.

As the first details of Iraq's use of human guinea pigs came to light, Saddam threatened yesterday to expel United Nations weapons inspectors unless they complete their work within six months. The British aircraft carrier Invincible is sailing for the Gulf to support American forces.

Saddam's biological and chemical warfare programme is at the heart of his latest confrontation with the UN, which began when a team of inspectors was prevented from visiting Abu Gharib jail, near Baghdad, to investigate evidence that some prisoners were sent to a military facility for experimentation two years ago.

The Sunday Times has obtained evidence about the programme from several sources, including UN inspectors, Iraqi dissidents and Israeli intelligence. The evidence suggests that tests on human beings began in the 1980s during Iraq's eight-year war with Iran after initial experiments on sheep and camels.

According to Israeli military intelligence sources, 10 Iranian prisoners of war were taken to a location near Iraq's border with Saudi Arabia. They were lashed to posts and left helpless as an anthrax bomb was exploded by remote control 15 yards away. All died painfully from internal haemorrhaging. In another experiment, 15 Kurdish prisoners were tied up in a field while shells containing camel pox, a mild virus, were dropped from a light aircraft. The results were slower but the test was judged a success; the prisoners fell ill within a week.

Iraqi sources say some of the cruellest research has been conducted at an underground facility near Salman Pak, southwest of Baghdad. Here, the sources say, experiments with biological and chemical agents were carried out first on dogs and cats, then on Iranian prisoners.

The prisoners were secured to a bed in a purpose-built chamber, into which lethal agents, including anthrax, were sprayed from a high-velocity device mounted in the ceiling. Medical researchers viewed the results through fortified glass.

Details of the experiments were known only to Saddam and an inner circle of senior government officials and Iraqi scientists educated in the West.

Madeleine Albright, the American secretary of state, said Saddam was "tightening the noose around himself". She added, "By not letting this inspection team go forward, in almost a strange way it's almost as if he has come close to saying, 'Okay, you caught me'."

IRAQ TESTED ANTHRAX ON POW'S

They started with domestic cats and dogs. But the scientists at Salman Pak, a military complex 50 miles southwest of Baghdad, were under pressure from President Saddam Hussein to prove the potency of the technology that would underpin their new weapons of mass destruction. It was inevitable that their experiments would eventually be conducted on human beings.

From behind a reinforced glass screen they watched as, one by one, Iranian prisoners of war were strapped to the bed in a chamber at the underground facility.

The terror of their victims as a high-velocity device mounted on the ceiling dispensed a lethal spray can only be imagined. Sometimes it contained anthrax bacteria, which penetrate the skin and lungs. The prisoners died in agony from internal hemorrhaging.

At other times the aerosol was of toxins suitable for use in chemical weapons. The results were no less devastating. The facility, which is understood to have been built by German engineers in the 1980s, has been at the centre of Iraq's experiments on "human guinea pigs" for more than 10 years, according to Israeli military sources.

The first details of the atrocities carried out there and in experiments in the open air emerged this weekend as Saddam threatened to expel United Nations weapons inspectors unless they complete their work within six months.

Dozens of prisoners have died during the research. In one test, 10 Iranian prisoners were taken to an open-air site near Iraq's border with Saudi Arabia. There they were tied to posts and left helpless while shells loaded with anthrax were detonated by remote control 15 yards away. The prisoners' heads were shielded to protect them from shrapnel so that the effectiveness of the bacteria could be observed. All died from the disease.

In another experiment, 15 Kurdish prisoners were tied up in a field while shells containing a pox virus were dropped from a light aircraft. The virus was camel pox, normally a relatively mild disease. Iraqi scientists, however, are believed to have developed a more virulent strain by genetic manipulation. All the prisoners fell ill within a week.

The programme is the focus of Iraq's latest confrontation with the UN, which began when inspectors were prevented from visiting Abu Gharib jail, near Baghdad, to investigate evidence that prisoners had been sent away for experimentation two years ago.

Two of the leading researchers in Iraq's biological programme studied in Britain. Rihab al-Taha, educated at the University of East Anglia, is the head of Iraq's military research and development institute. Another scientist, who received a doctorate in molecular biology from the University of Edinburgh, is said by Israeli sources to have specialized in anthrax although her precise role, if any, in human experiments is unknown.

The evidence compiled by the Israelis could not be independently corroborated. But it appeared consistent with information about Iraq's chemical and biological programmes in documents recovered by UN inspectors after the 1995 defection of Hussein Kamel, Saddam's son-in-law, who had been in charge of Iraq's military procurement programme.

Apparently afraid of what Kamel would reveal after he fled to Jordan, Iraqi officials led the inspectors to a cache of papers they said they had discovered in a shed on his chicken farm in the hope that he would be blamed for the programme. Inspectors raised eyebrows at the fact that the boxes were shiny new while their surroundings were filthy. Kamel was killed on his return to Iraq in 1996.

Among the "chicken farm" documents on biological warfare was a photograph of a human arm with lesions. The inspectors also found video footage of dogs that had died after being exposed to unidentified agents.

Iraqi opposition sources said last week they had received reports of prisoners disappearing from their cells, only to return with mysterious illnesses that proved fatal.

The prisoners, they said, were usually released out of fear of contamination and died afterwards at home.

EDUCATION IN AMERICA

Mr. DOMENICI. Mr. President, I note the presence on the floor of the chairman of our committee that handles education matters, Senator JEFFORDS. You have talked to me a lot of times about the reforms necessary in education. I look forward to your committee doing some real reform work.

I ask unanimous consent to have printed in the RECORD something I read today with great embarrassment and chagrin on the front page of the Washington Post: "U.S. High School Seniors Rank Near Bottom" when it comes to math and science. They are not at the bottom of the free world when they finish the first grade and the fourth grade. They are in good shape. However, when they graduate from high school, they are at the bottom rung of all the countries that will be competing with us in the next millennium for the kind of competitive industries and the kinds of things that are necessary to keep America strong.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 25, 1998]

U.S. HIGH SCHOOL SENIORS RANK NEAR BOTTOM—EUROPEANS SCORE HIGHER IN MATH, SCIENCE TEST

(By Rene Sanchez)

American high school seniors have scored far below their peers from many other countries on a rigorous new international exam in math and science.

The test results, which were released yesterday, present a damning assessment of American students in their last year of mandatory schooling: In both subjects, their scores ranked close to last among the 21 nations that participated. And their showing was much worse than the marks that American elementary and middle school students have earned on similar international exams in the past two years.

Even the scores of academically elite American students—those who take either physics or advanced math courses in high school—were a disappointment. They also finished below the international average and lagged behind many other nations on the latest test.

The nation's education leaders reacted with dismay to the poor results yesterday. Education Secretary Richard W. Riley called the American scores "unacceptable" and said that too many schools are failing to establish tough academic standards for students and often lack qualified teachers in math and science even when they do.

"We need to have higher expectations for our students," Riley said. "Many of our students stop taking math and science after 10th or 11th grade."

Riley said that middle schools also may be a source of the problem. "Other nations begin to introduce challenging concepts such as algebra, geometry, probability and statistics, but we continue to focus on arithmetic, even though our students are good at arithmetic," he said. "So we shouldn't be surprised that by the 12th grade, our students have fallen even further behind our counterparts abroad."

The work of American fourth-graders is quite strong in math and science when compared to similar students in other countries, but from that point their scores decline in international tests. American eighth-graders posted mediocre marks in both subjects when their work was matched recently against counterparts around the world.

In a speech to the National Council of Jewish Women yesterday, President Clinton said the fact that fourth-graders do well while eighth- and 12th-graders struggle indicates the problem lies in instruction, not in the abilities of students, or that the United States has more students from disadvantaged backgrounds than other nations.

"The fourth-graders represent the same socioeconomic diversity" as the older students, Clinton said. "Therefore, there is something wrong with the system. . . . I do not believe these kids cannot learn. I am tired of seeing children patronized because they happen to be poor or from different cultural backgrounds than the majority. That is not true."

About 10,000 seniors selected randomly from more than 200 public and private high schools across the United States took the international exam. American high schools are often run quite differently from secondary schools abroad. Here, most schools are comprehensive and strive to teach all types of students. In other countries, however, many teenagers are instead placed into specific kinds of schools, some heavily academic, others vocational. But test officials said they accounted for the differing academic arrangements in other countries by giving the test to students from varying backgrounds and types of schools.

The 90-minute test assessed students' general knowledge of math and science concepts through problem-solving and multiple-choice questions.

Only 57 percent of American students, for example, chose the correct answer to this question: "Experts say that 25 percent of all serious bicycle accidents involve head injuries and that, of all head injuries, 80 percent are fatal. What percent of all serious bicycle accidents involve fatal head injuries?" The answer is 20 percent.

American students fared poorly in math and science even though they expressed more enthusiasm for learning the subjects than their peers in other nations and reported using computers and having lab experiments and practical lessons more often in class.

Also, none of the Asian nations that have finished at the top of other similar tests in math and science participated in this one. Most of the countries that excelled on the exam are in Europe, in particular the Netherlands, Sweden and Norway. But Canada and New Zealand also had higher marks than the United States. American scores were comparable to those of students from Russia, Italy and the Czech Republic. American students outperformed students only in Cyprus and South Africa.

"This study is a wake-up call for us to change the culture in the classroom," said Gerry Wheeler, executive director of the 53,000-member National Science Teachers Association. He added that many science teachers say they get mixed signals about what to teach and lack the time and resources to achieve more in class.

A report on the test, which was supervised by the Education Department and similar government agencies around the world, does not give conclusive reasons for why American students had such a dismal performance. But it offers possible clues.

First, researchers said that school curricula seem stronger in other nations than in the United States. The percentage of high school seniors taking math and science courses also is lower here than in most other nations. American students spend fewer hours on homework than most of their international peers. And many more American high school seniors work. More than half of them who took the test said they spend three hours a day at a paid job. Only about one-fifth of high school students from other nations had to balance a daily job with their class work. American students reported watching roughly the same amount of television weekly as students abroad.

To some educators, the test results starkly reveal how far the nation's high schools are from the goal state governors set at the start of the decade: to make American students "first in the world" in math and science.

Many states and school districts have begun the difficult task of revamping what they teach in those vital subjects, and there are signs that strides are being made. On another highly regarded exam, the National Assessment of Educational Progress, student scores in math and science have risen in recent years.

But some of the nation's top business leaders, worried about American competitiveness in the global economy, have been pressuring schools to show more academic progress. "These results are very disappointing," said Susan Traiman, who directs education initiatives for the Business Roundtable, a national group of executives from large corporations. "It looks like reforms are taking hold in the early grades, but one we get beyond the basics, it's clear that our curriculum is still not demanding."

Other educators, however, contend that drawing profound conclusions from an international test is risky, even dubious, because the educational systems of other nations are so different from those in the United States, where schools are run locally and often have extraordinarily diverse student enrollments. Of the 21 nations that took part in the latest test, for example, half had a strict national curriculum, a notion that much of the American public views either with suspicion or hostility.

Riley said the poor test results offer compelling evidence for why states and Congress should support Clinton's call for voluntary national tests for eighth-graders in math. Only a small sample of students now take national tests, and many educators say Clinton's plan—which Congress has delayed—could prompt schools to demand more from students. But critics say the testing Clinton wants could create too much federal involvement in schools and lead to a national curriculum.

The latest test results are the third and final part of an international study that began three years ago. It is the most comprehensive attempt ever made to compare the academic work of students around the world. Some skeptics of other similar efforts say this one is more credible because students from all types of high schools were tested.

One bright spot on the test for the United States was that, unlike in many other nations, the scores of male and female students in math and science were roughly the same.

Mr. DOMENICI. While I am here and while the chairman of the committee is here, let me suggest that it is time we at the national level stop looking at proliferating programs on behalf of education. We don't need any more programs on behalf of education. Let me say what I think we ought to do. Let me state for the record the General Accounting Office, assisting the Budget Committee, has found the following: We have 86 teacher training programs in 9 agencies and offices of the Government. I repeat, 86 teacher training programs. At-risk and delinquent youth, the Federal Government has 127 at-risk and delinquent programs in 15 agencies and departments. Some of them you don't even have jurisdiction over because they are in Interior and all kinds of departments. Young children, the Federal Government has over 90 early childhood programs in 11 agencies and 20 offices.

It is time we square with the American people and say we have just been duplicating, adding programs on programs because there is a problem out there. Yet today we wake up and read the article in the paper this morning. One wonders whether we have any idea with all this proliferation of programs that I just read.

Frankly, Mr. President, if we ask the GAO to take another five areas they will find a proliferation just as large and significant as previously mentioned. When you wake up today and read this article—let's take another look and try to do it. It doesn't mean more. It means go to the problem and try to solve the problem.

I yield the floor.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Kansas is recognized for up to 10 minutes.

Mr. BROWNBACK. Mr. President, thank you, very much.

(The remarks of Mr. BROWNBACK and Mr. HUTCHINSON pertaining to the introduction of S. 1673 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. FAIRCLOTH. I thank the Chair.

(The remarks of Mr. FAIRCLOTH pertaining to the introduction of S. 1674 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FAIRCLOTH. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the pending situation in the Senate?

The PRESIDING OFFICER. The Senate is conducting morning business until 11:30 a.m., at which time there will be 2 hours of debate on the veto message to accompany H.R. 2631.

Mr. BYRD. Do I have any time under a previous order?

The PRESIDING OFFICER. The Senator from West Virginia had 20 minutes reserved. Since we only have 10 minutes left in morning business, the Senator would be recognized for 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be recognized for the 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Would the distinguished Senator yield?

Mr. BYRD. Yes, I will be happy to.

Mr. GRAMM. Would the distinguished Senator amend his unanimous consent request to include that I might have 5 minutes at the conclusion of his remarks?

Mr. BYRD. Mr. President, parliamentary inquiry. I believe that under the order that was entered into with respect to the line-item veto debate, I had 5 minutes, did I not?

The PRESIDING OFFICER. The Senator from West Virginia will control 30 minutes.

Mr. BYRD. In that debate?

The PRESIDING OFFICER. In that debate.

Mr. BYRD. Mr. President, I ask unanimous consent that I may control 20 minutes in that debate and have 10 minutes now for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order. I yield—how much time does the Senator wish?

Mr. GRAMM. Mr. President, I think 5 minutes would be sufficient.

Mr. BYRD. I yield 5 minutes.

Mr. GRAMM. I will listen to the distinguished Senator from West Virginia. At the conclusion of his speech—would he like me to go ahead and speak?

Mr. BYRD. I prefer that the Senator would go ahead first, if he will.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

THE HIGHWAY BILL

Mr. GRAMM. Mr. President, over one year ago the distinguished Senator from West Virginia and I got together to talk about a real problem in America related to highway funding. It is a problem of priorities and it is a problem of basic honesty in Government. The problem of priorities is that we have a crumbling transportation infrastructure in America.

My State has 31,000 miles of highways that are substandard. We built our farm-to-market system in the 1930s, and those roads had a life of about 30 years. That life basically ended in 1960, yet we are still using those roads today. Our newest highways in Texas, our Interstate System, were built in the 1950s and 1960s, and it is approaching the end of its life. This is not just a problem in Texas; it is a problem all over America. That is the priority problem that Senator BYRD and I are concerned about.

The fairness problem, the honesty problem, is that when Americans all over the country go to the filling station and stick that nozzle in the tank of their car or truck, and pump gas, they read right on the sign on the gas pump, that about a third of the cost of a gallon of gasoline is taxes, but the tax goes to build highways. The problem that Senator BYRD and I started working on a year ago, was that that statement is not true. In fact, since the late 1980s, we have been collecting money in gasoline taxes and spending the money on other things. Then starting in 1993, the diversion got as big as about 30 cents on the dollar.

Senator BYRD and I worked together last year on the tax bill where I offered an amendment in committee to guarantee that every penny of the gasoline tax went into the highway trust fund. We offered a sense-of-the-Senate resolution last year on the budget saying that it is the sense of the Senate that the money ought to go into the trust fund and it should be spent on highways. Eighty-three Members of the Senate voted for that amendment, and it is now the law of the land that all gasoline taxes go into the trust fund.

What Senator BYRD and I have been working to do is guarantee that the money is spent on highways. We are in the process now of looking at the highway bill coming up perhaps as soon as tomorrow. Senator BYRD and I have been pushing to deal with the highway bill since this session started, so we rejoice at that, and we want to thank the majority leader for moving ahead on this issue before current highway funds expire on May 1.

Our position in principle is simple, straightforward, and is not going to change. And that is, we are not asking that the money that has been diverted out of the trust fund in the past be given back to us. While we have every right to ask for that, we are not asking for it. We are not even asking that interest on the trust fund be spent, though it should be. We are asking for something much less demanding. If the American people had a vote on this, our amendment would receive an overwhelming majority.

All we are saying is, from this day forward, the amount of new money coming into the trust fund ought to be spent on highways. Not that it be promised to be spent, not that there be obligations that it be spent in the sweet by-and-by, some time between now and the second coming, but that it actually be spent where the dollars actually go to the States and where the States actually pour the concrete and lay the asphalt. That is our position, and we are in the process now of trying to work out an agreement. That is how the democratic process works.

But today we want to thank the 53 cosponsors we have. We would like to have more. If Members have not signed on, we could be on this bill tomorrow and you have one more opportunity to have your name on this list. When you get to the Pearly Gates, Saint Peter will look down at this bill and see your name on it as a cosponsor if you sign on today. As of tomorrow, it will be too late.

I think if the Lord struck Ananias dead, in the Book of Acts, for claiming he was selling his worldly goods and giving them to the church—not only struck him dead but also struck Sapphira, his wife, dead, too—then maybe there are Members who will want their names on this list. We are going to tell the American people the truth, that if they pay gasoline taxes, that those gasoline taxes are going to be used for the purpose of building highways, and only to build highways.

So we are grateful for the 53 cosponsors we have, but we would like to have more. We have one more day. We hope there will be an agreement. But if there is not an agreement, we are going to be fighting for this principle. I believe we are going to be fighting successfully. The principle is, when you tell people the money is going into the trust fund to be spent on highways, do not spend it on anything else; spend it on highways. It is a simple principle and one we think people understand. The most important principles are simple principles.

So I thank Senator BYRD for his leadership. I thank him for giving me this opportunity to speak before he did. Thank you.

Mr. BYRD. Mr. President, I thank my friend from Texas.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia, of the original 20-minute grant, has 15 minutes remaining.

Mr. BYRD. I had 20 minutes originally out of the order that was previously entered.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. But I also asked that 10 minutes I will have on the veto override be included. And so that will be 10 minutes off my time in that.

The PRESIDING OFFICER. The Senator has up to 25 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, let me echo the sentiments that have been expressed by my friend from Texas. We want to see this 4.3-cent gas tax that the American people are paying every time they drive up to the pump—they pay 4.3 cents, which, added to the previous taxes, amounts to 18.3 cents on the gallon.

Now, of course, some of that goes for mass transit, but of the 4.3 cents, 3.45 cents on each gallon goes to the highway trust fund for highways, and .85 cents goes to the trust fund for mass transit, am I correct on that? My colleague nods in the affirmative.

Now, Mr. President, I have been on this floor each day urging that the leadership take up the highway bill. I compliment the majority leader on his indications that he intends to take up the highway bill, perhaps as early as tomorrow. That would still be his judgment to make. I also compliment the distinguished majority leader for having some of the principals in his office this morning to discuss this matter so that, hopefully, we can arrive at some conclusions and agreements which will pave the way for expeditious action on the floor in connection with the highway bill when it is taken up. The majority leader did a worthwhile service when he did that.

The majority leader also stressed that this was nonpartisan, and it is. This is not a Republican bill. It is not a Democratic bill.

So for the first time, this morning we sat down to discuss this matter and we had the chairman of the Environment and Public Works Committee, Mr. CHAFEE, the chairman of the Budget Committee, Mr. DOMENICI, the ranking member of the Environment and Public Works Committee, Mr. BAUCUS, we had Senators GRAMM, D'AMATO, WARNER, and myself. We had these Senators together in the room.

Now, Mr. President, I have been reading almost daily—and even this morning before I went to that meeting—that there is a deal. There is no deal. I have been reading little headlines and statements in various publications to the effect that a deal is near. Well, we don't know about that. This is the first time that I have sat down with the principals to discuss this matter. I have talked about it with my friend from Texas, Mr. GRAMM, and with the other two cosponsors of the amendment, Mr. BAUCUS and Mr. WARNER, but there is no deal, not yet. We all hope that we will reach a point where we can hold each other's hand and say we, as principals in this effort, have agreed to thus and so, and then we will come to the floor and see where we go from there.

I should state at the very beginning, again, that the Byrd-Gramm-Baucus-Warner amendment provides for every State in the United States to have an increase in their highway contract authority—every State, am I not correct on that?

Mr. GRAMM. Yes.

Mr. BYRD. So as far as our amendment is concerned, all States benefit—not just West Virginia, not just Texas, not just Montana, not just Virginia—but that will be discussed at another point. I just want to stress that again.

Mr. GRAMM. Will the Senator yield?

Mr. BYRD. I am happy to yield to the Senator.

Mr. GRAMM. Not only does our amendment provide that every State would have an increase, but the amount is roughly 25 percent. By requiring the Government to live up to the commitment it makes when it collects the tax, to spend the appropriate share on highways, what our amendment would do in essence is guarantee that every State in the Union relative to the bill as it now is written would get approximately 25 percent more.

Mr. BYRD. Exactly.

Mr. GRAMM. That is the difference it makes if you don't divert the gasoline tax to other uses; but you, instead, spend it for the purpose that it is collected.

Mr. BYRD. Absolutely.

Mr. GRAMM. I thank the Senator.

Mr. BYRD. I thank the distinguished Senator.

Until we brought out our amendment there was no other game in town, no game in town, for increasing highway spending in the States over what was in the reported bill. I had various Senators come to me and say, "We need more money." I'm not the chairman of any committee at this point, but I said why not spend this money that the American people are putting into the highway trust fund? So I came forward with the amendment to do that, together with Senators GRAMM, BAUCUS, and WARNER.

Each time citizens go to the gas tank, as gasoline comes out of that nozzle and goes into the tank, the American people see a little cylinder that turns round and round. They should also, in their mind's eye, not only see the gasoline coming out of that nozzle into their tank, they should also see the money which they are paying as an additional tax on gasoline go into that trust fund. As they watch that cylinder, let them think in those terms—there is money going into that trust fund, and they have been told, there are some who don't like to admit this, but they have been told that this money will be spent on highways. Now, that can be discussed because there was a period when they were not told about a particular portion of that money, the 4.3 cents, there was a brief period when that was not going into the trust fund for highways.

Because of the action by the distinguished Senator from Texas, Mr. GRAMM, and the Finance Committee, that money, the 4.3 cent tax, is not going into the highway trust fund but it is just sitting there. We are saying in our amendment, let's spend it, because the American people think that is what they are getting when they go to the gas tank. Don't let anybody tell you they don't think that.

I was in this Congress in 1956—I was in Congress before that—but in 1956 we created a highway trust fund. That was during the Eisenhower administration. It was during his administration that his great and good idea concerning an interstate highway system came into being. In order to fund that highway system, Congress created a trust fund. The people were told that the moneys that they were putting into that trust fund in 1956 would go for highways, and they have been under that impression for 42 years, except for a couple of years, perhaps, beginning in 1993 or some such.

Mr. President, the people ought to have faith in their Government and that is what this amendment is all about, a faith-in-Government amendment. Build highways. And the Department of Transportation tells us that only 39 percent of the highway systems throughout this great country stretching from the Atlantic to the western waters and from the border of Canada to the Gulf of Mexico can be considered in good condition.

The highways are rapidly deteriorating. So are the bridges. We have over 580,000 bridges and 180,000 of them are either structurally deficient or functionally obsolete. The American people want to see their highways and their bridges built back up. We talk a lot about child care. We see people spending their time in the long lines because of congestion. They ought to be home taking care of the children who have just come in from school. They have to have good highways in order to do that. It took me an hour and 15 minutes to get from my house, 10 miles away, to my office yesterday morning. What are we talking about? What are we kidding the people about? That is our purpose.

Now, I hope, as do my colleagues, that we can reach an agreement among the principals. I am encouraged by this morning's meeting, very much encouraged, by the attitudes and presentations of all who were there. I want to express my compliments and my thanks, again, to the majority leader and to the chairmen of the committees who were there, Mr. DOMENICI, Mr. CHAFEE, and to the ranking members who were there. Everyone participated.

Mr. President, I hope we will be able to continue these discussions. The majority leader is going to ask us to come back tomorrow, and in the meantime we will be talking. But there is no deal, and I hope people will debunk some of such wishful thinking from their minds. We have yet to see where we are going to go and how we are going to get there. We are making progress but we are not there yet.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes and 50 seconds remaining.

Mr. BYRD. Mr. President, I see Mr. WARNER has come on the floor. Would he like any time at this point? Our friend, Mr. GRAMM, and I have been discussing this highway bill. I think the Senator who has just walked on the floor would be pleased with what we said.

Mr. WARNER. I was not able to be here when our distinguished colleague from West Virginia spoke, but I am sure the Senator got the assurance of our colleagues to work this problem out, together with the Republican leader, and I am sure, shortly, the Democrat leader, will likewise join. I think it is in the interests of the Senate that this legislation move. That was very definitely Senator LOTT's principal motivation to try and assemble this meeting today. We would not have reached this meeting today had it not been for the leadership shown by the distinguished Senator from West Virginia and the senior Senator from Texas.

Here we go. Let's hope for the best.

Mr. BYRD. I thank my friend from Virginia, Mr. WARNER, who has been a participant in this matter from the beginning. I am sure he will agree that until he and Senator GRAMM and Senator BAUCUS and I came up with this amendment, the Byrd-Gramm-Baucus-Warner amendment, until we came up with that amendment, there wasn't any idea as to how we were going to get more money above the reported bill for the States. It is only because our amendment was prepared and 53 cosponsors are on it today, that any of the States have real prospects for getting more money for highways.

Is that an accurate statement?

Mr. WARNER. Mr. President, I say to my distinguished colleague, you will recall Senator BAUCUS and I had an amendment early on in this procedure. It failed, by my recollection, by one single vote. I believe the distinguished Senator from West Virginia joined in our amendment urging the Senate for a greater allocation of spending.

I do believe, however, there is considerable momentum not only within the 53 Senators who have joined in this Byrd amendment but other Senators who are hearing from their respective highway constituencies, and that is not just the road builders, that is the citizens that use the highways.

As the distinguished Senator from West Virginia pointed out in our meeting with the majority leader this morning, there is one-third growth in the use of highway structure, which in and of itself is perhaps only one-third to 40 percent in top shape. So it is essential for America that this is truly a bipartisan effort, for America to move ahead to improve its infrastructure transportation.

I thank the distinguished Senator.

Mr. BYRD. Mr. President, I just close by thanking the people out in the country who have shown great interest in this amendment, who have discussed it, Senators in their home States with the people, and people who are in the construction business, people who are in the highway construction business, people who are in the cement-asphalt business, other related industries that see the imperativeness of having this highway bill called up, acted on, in time, that it can be acted on in the

House, in time, that both Houses can go to conference, in time, that we hopefully can get a signature on the bill by May 1. I thank those groups, as well.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes and 35 seconds remaining.

Mr. BYRD. Mr. President, I will yield back that time. Before I do, I thank all Senators for listening. I thank the Chair.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CANCELLATION DISAPPROVAL ACT—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the veto message to accompany H.R. 2631.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives, as follows:

> The House of Representatives having proceeded to reconsider the bill (H.R. 2631) entitled "An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was
>
> *Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives, as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 2631, "An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45."

Under the authority of the Line Item Veto Act, on October 6, 1997, I canceled 38 military construction projects to save the taxpayers $287 million. The bill would restore all of the 38 projects.

The projects in this bill would not substantially improve the quality of life of military service members and their families, and most of them would not likely use funds for construction in FY 1998. While the bill does restore funding for projects that were canceled based on outdated information provided by the Department of Defense, I do not endorse restoration of all 38 projects.

The Administration remains committed to working with the Congress to restore funding for those projects that were canceled as a result of data provided by the Department of Defense that was out of date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1997.*

The Senate proceeded to consider the bill (H.R. 2631) disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45, returned to the House by the President on November 13, 1997, with his objections, and passed by the House of Representatives, on reconsideration, on February 5, 1998.

The PRESIDING OFFICER. Under the previous order, there will be 17 hours of debate on the message, to be equally divided between the chairman and ranking minority member of the committee, with 1 additional hour for debate to be under the control of the Senator from Arizona, Mr. McCAIN.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we have a logistics problem here, myself being the cause of most of it. This is the first time that the U.S. Senate has considered a veto message from the President under the line-item veto law. This has already been taken up in the House. There were 38 projects in the military construction appropriations bill that were lined out by the President, and those vetoes were overridden in the House by a strong bipartisan vote of 347–69.

The line-item veto provides a mechanism that allows the President to veto items that he doesn't think necessary or which do not meet his approval. We have been asked many times, "Do you still support it?" after we have worked so hard with the ranking member, Senator MURRAY of Washington, and then it came back with 38 projects lined out—and probably with a very, very weak argument.

I urge my colleagues to vote for this override of the President's veto of H.R. 2631, a bill disapproving the President's line-item vetoes for the fiscal year 1998 military construction bill. I will go back and say that this money should be in the pipeline. Here we are halfway through the year, or better, and if you come from a northern tier of States, especially Montana, we only have two seasons, winter and the construction season. So these projects need to be on line. I will have more to say about this particular issue. I have to take the Presiding Officer's chair this morning between 12 and 1. First, I would like to say that this is a pretty nonpartisan piece of legislation, the appropriations on military construction, and even this project of the Presidential veto override.

The cooperation between the ranking member of our committee and the work that we do on this for the good of families, and also keeping our military infrastructure in pace with the times, sometimes takes lots of work, and decisions have to be made, sometimes tough decisions, especially if we have less money to work with—and we are going to have less money to work with in the next year—it is going to be even more difficult.

I want to state publicly what a pleasure it was to work with Senator MURRAY and her staff in putting together what we think are the priorities that should be taken care of to ensure that the infrastructure, especially military construction and support of our fighting men and women, whenever it is needed. Senator MURRAY has an opening statement, and I will have more to say on this later on.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Jay Bynum, a Capitol Hill fellow serving on the staff of Senator JOHN McCAIN, be granted privileges of the floor during the debate on the veto message to accompany H.R. 2631.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank my colleague, Senator BURNS, the chairman of the committee, who has done an outstanding job in leading our way through this bill.

Mr. President, the Senate today once again is addressing the line-item veto exercised by the President of 38 projects that were included in the FY 98 military construction appropriations bill.

Last fall, the Congress and the American people were informed of a list of 38 projects included in the military construction appropriations bill that fell victim to the President's new line-item veto authority.

The administration cited three criteria that were used in determining whether the President should veto certain projects.

The first criteria is that the project was not included in the President's FY 98 budget request. However, in creating our FY 98 military construction bill, it should be noted that careful thought went into considering the President's requests, the priorities included in the Department of Defense's five-year plan, and due consideration for the Guard and Reserve projects that are too often woefully overlooked by the Department in fashioning its request.

We balanced these interests with the interests of our constituents and the American people to come up with a comprehensive, reasoned and well-rounded list of projects that will benefit our country.

This balancing of interests is consistent with committee practice—particularly with regard to Guard and Reserve matters. The budget is not perfect, and Congress must act affirmatively to make the most responsible decisions.

The second criteria demanded by the White House is that the project was not a quality of life project, such as housing, dining, clinics, child care or similar family-oriented facilities.

This has always been my number one priority, and in fact, the subcommittee added many such quality of life projects on its own initiative.

I know the President shares my concern for quality-of-life initiatives, but there needs to be some give and take on both our parts to ensure that not only are we providing our men and women in uniforms with a high quality of life, but we are doing this without sacrificing our readiness capabilities.

The third and final criteria offered by the White House, which we were told had to be met by all projects selected, is that the project must be executable in fiscal year 1998.

Inexplicably, the administration claimed none of the projects were executable. However, this was not the case at all. In fact, all the projects included in the FY 98 Senate-passed bill were in fact executable.

By a standard set by the subcommittee itself along with recommendations of the Armed Services Committee, every project was deemed executable. Furthermore, the executable status of these projects was confirmed in Department of Defense reports.

Mr. President, the chairman and ranking member of the Appropriations Committee, Senators STEVENS and BYRD, rejected the vetoed items as an inappropriate overreaching of authority on the part of the administration.

I am gratified that the committee has stood up for the subcommittee's work. It is a substantially better product than the budget submitted by the President, and that is our job. The administration has no exclusive corner on wisdom in making its selection of projects.

Mr. President, the Senate passed a resolution of disapproval, rejecting the President's veto of the projects in the military construction bill last October 30, 1997.

Under the terms of the Line-Item Veto Act, the President then exercised his veto power of this Senate resolution. It is that final Presidential veto that we are attempting to override today, and thereby reinstate the viability of the projects originally subjected to his line-item veto pen.

While it is clear that the entire question as to the constitutionality of the line-item veto law is being considered by the Supreme Court and will be ruled on in the next few months, that nevertheless should have no impact on Senators' votes on the matter before us.

I suggest that Senators need not address their position on the constitutionality or wisdom of the line-item veto legislation itself to vote for this resolution. It was supported by 69 Senators last October, and I would hope it has at least that much support this afternoon when we vote on it again.

A vote for this measure is a vote against the administration's blatant exercise of power that was sloppy and rushed and resulted in many errors.

The subcommittee and full committee, as well as membership of both houses, labored over a period of several months to scrub the budget and add only those projects that were deemed worthy.

I hope that this measure will receive the strong support of the full Senate as it has in the past, and that this will be the end of this matter.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent to be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY ACTION AGAINST IRAQ AVERTED

Mr. LOTT. Mr. President, it now appears that U.S. military action against Iraq will not be undertaken in the near future. All Americans, and I'm sure people all around the world, are pleased when military force can be avoided, when our men and women in uniform are not put in harm's way, and when innocent civilian lives are not put at risk.

But we must be clear: We cannot afford peace at any price—peace that could lead to a much more difficult conflict later on down the road.

It is always possible to get a deal if you give enough away. The central issue with regard to Iraq is whether an agreement furthers American interests.

The deal negotiated by U.N. Secretary General Kofi Annan with Iraq does not adequately address the threat posed by Saddam Hussein. After years of denying that Saddam Hussein had any right to determine the scope of inspections or the makeup of inspection teams, this agreement codifies his ability to do both. It is, to quote one diplomat, "the beginning of the unraveling of the inspection process." This accord sets up a new inspection regime under the control of the Secretary General of the so-called "eight palace residences." He appoints "senior diplomats" to the group. He names the head of the group.

And it is not clear to me, although others I am sure are getting clarification on this, who that person would be. Would it be one of the UNSCOM inspectors? Would it be some diplomat?

The group will have its own rules. And we don't know exactly what they are because they have not yet been developed. I know questions are being asked about this by Ambassador Richardson. I know he is trying to get clarifications. I also know that he is concerned about what he is learning.

The Secretary General is calling the shots. The United States is not. Secretary Albright earlier this week objected to my characterization of this episode as "contracting out U.S. foreign policy." With all due respect, I stand by that comment, because it appears that in fact is what has happened.

Because of the central role of the U.N. Secretary General, it is important to understand his approach and his conclusions.

Before and after his mission to Baghdad, Secretary General Annan stopped in Paris. He briefed the French government before he met personally, as I understand it, with any senior U.S. official. I find if of great concern that the French are, frankly, accorded a privilege denied to the United States.

The Secretary General has now briefed the Security Council and the press on his trip.

Let's look at what he has said. "Saddam can be trusted." "I think I can do business with him." "I think he was serious." These are all direct quotes. The Secretary General told reporters he spent the weekend building a "human relationship" with Saddam Hussein.

The Secretary General thinks that he can trust the man who has invaded his neighbors, who has used chemical weapons ten times, and who tried to assassinate former President George Bush. This is folly. I cannot understand why the Clinton Administration would place trust in someone devoted to building a "human relationship" with a mass murderer.

According to the Washington Post, Secretary General Annan described UNSCOM inspectors "as 'cowboys' who had thrown their weight around and behaved irresponsibly." He also "passed along without comment on Iraqi complaint—denied by [UNSCOM] as a paranoid delusion—that some of the most aggressive U.N. inspectors were seeking to hunt down Iraqi President Saddam Hussein so he could be assassinated . . ."

The Secretary General of the U.N. starts describing the inspectors as "cowboys," when, as a matter of fact, I had the impression, and it was universally agreed, that they had been very professional. These are people with expertise on biological and chemical weapons. These are people that have come from the international atomic agencies. They know what they are doing. Mr. Butler, the Brit, was in charge of the inspectors, has been very diligent, and very circumspect. As a matter of fact, I understand that one of the most aggressive and most effective inspectors is a Russian. Why in the world would the Secretary General use this kind of wording? Why would he come up with, or even pass along, this ridiculous suggestion that they were being used to hunt down Saddam Hussein?

These comments are outrageous. They reflect someone bent on appeasement—not someone determined to make the United Nations inspection regime work effectively.

The Secretary General has greatly harmed the credibility of the United Nations by cutting what appears to be a special deal with the most flagrant violator of United Nations resolutions, probably in history. Instead of standing on principle, he sat with the unprincipled—and gave him what he wanted.

The United States has not yet formally announced its support for the deal negotiated by Secretary General Annan. It is not too late to reject a deal if it leaves Saddam Hussein rejoicing and leaves UNSCOM out in the cold.

I yield the floor, Mr. President.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I wanted to make some remarks about the situation in Iraq as well.

Is this a time that has been set aside within the MilCon debate, or should I ask consent?

The PRESIDING OFFICER. The Chair would entertain a request from the Senator that she might proceed as if in morning business.

Mrs. HUTCHISON. Thank you, Mr. President. I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN IRAQ

Mrs. HUTCHISON. Mr. President, I appreciate very much the leadership that Senator LOTT has provided in the ongoing discussions that we have had in Congress on the situation with Iraq.

I was very pleased that in the 2 weeks previous to this, when the President came to consult with Congress, that Senator LOTT stated that we needed a plan, that it was important that the President have, indeed, in an aftermath certainly the acknowledgment that there might be a retaliation, and asking the President to tell us what the response would be. I think this set in motion, on the part of the President and the President's advisers really the awareness and the reality of the situation—that it is not an immediate situation that is going to be set aside and not visited again. In fact, I think all the indicators point to the fact that we are going to revisit this again—that perhaps we have a reprieve, that we have a window of opportunity. And this window of opportunity should be taken to lay out a long-term strategy—a long-term strategy that would, once and for all, make clear what our policy is in dealing with Saddam Hussein.

For whatever else you say about Saddam Hussein, his objectives are clear. He has been very clear in his actions and in his words that he intends to make weapons of mass destruction, that he intends to abuse his people to be able to keep them, that he does not intend to be part of the community of nations. And I think it is time that America be just as clear with Saddam Hussein as he has been with us and with the world.

It crystallized I think for the American people a higher-stake universe—not the rabble rousing by the people who were protesting the war. They would protest the war, no matter what. The people who would protest the war for the integrity and the security of the United States are not the mainstream of America. But who was the mainstream of America? It is that veteran, who spoke with a cracked voice, who said, "I fought in a war. My son fought in a war." And he asked the question that the American people and the Congress ask. And that is: What are you going to do? What is the plan? If you are going to put our troops in harm's way, are we going to have the guts to stick with it when the going gets tough? That was his question. He was so sincere. He captured the heart of America in that moment. And he captured the essence of what Congress has asked the President to do; that is, to submit a plan. If our troops are going into harm's way, if we are going to have an altercation with another country, let's be specific about what the mission is.

The time has come to stop status quo with Saddam Hussein. The majority leader just mentioned that Saddam Hussein has quite a record. He plotted the assassination of our former President Bush. He used chemical weapons on his own people. He used chemical weapons on the Iranian people. He went into Kuwait, and tried to take over another country. This is not a man that we can deal with very easily. And business as usual has not worked for the last decade with Saddam Hussein.

So I believe that the time has come for Congress and the President to work together to address this issue of Saddam Hussein. I hope the President will continue to consult with Congress, because I think in the last 2 weeks there has been a good understanding of where Congress is and where the American people are. Now is the time to put forth a plan. A group of our former Secretaries of State and Secretaries of Defense have made some suggestions. This is not to say that this is the only thing we could do. But certainly having a strategy is something that America has been able to do in the past, and should be able to do today.

I think it is important that we look for another Iraqi Government that we could support—one that wants to be part of the community of nations. We could look at lifting sanctions in liberated areas of Iraq and communicate directly with the Iraqi people. Let them know the dangers of the chemical weapons that are being housed in their country and tell them there is another way. We want to help the Iraqi people. We want to give them the food and medicine for their children that we would like for them to have that every parent in the world wants for his or her children.

We should target relief supplies to those Iraqi people who are in need. We need to delegitimize Saddam Hussein. And we need to be ready with enough troop force to make the threat and live up to it. That, if Saddam Hussein does not live up to this potential agreement that is laid before the Security Council today, we will be ready to act with force swiftly and go for what will be a destabilization of Saddam Hussein; that is, the military regime.

That brings up another question. Are we ready to lead the forces we need for that kind of strength in the area of the Persian Gulf? Are we ready? That brings up the issue of what we are doing in other parts of the world. Is that bringing our forces down to the extent that we are not going to be able to do what we need in the Persian Gulf where everyone I think would agree we have a security interest? Right now we have some pretty alarming statistics. Last year the military had its worst recruiting year since 1979. The Army failed to meet its objectives to recruit infantry soldiers—the single most important specialty in the Army. More than 350 Air Force pilots turned down the $60,000 bonuses they would have received to reapply for the Air Force for 5 more years. That was a 29 percent acceptance rate. Mr. President, 59 percent of the pilots offered that bonus accepted last year and 81 percent in 1995. This is an alarming trend. This is something that we must address as we look at the issues of the use of our force and where they are.

I come back to the need for a policy of when we are going to send American troops into harm's way. I think we must be very careful, because they are stretched so thin, that they are not going to be able to establish in the Persian Gulf a major presence in addition to our responsibilities in Korea and in Europe, and then with responsibilities that we have taken on for the United Nations in places like Haiti and Somalia. We have to have a policy. I would ask this administration to look very clearly at drawing down our readiness at the same time we are asking our troops to do more.

So, these issues are before us. I think the administration should step back and use the window of opportunity to have a clear policy in Iraq. As we go into the discussion of Bosnia, I hope the President will also look at the fact that we have 500,000 fewer soldiers today than we did in Desert Storm, and that we are having a tough time keeping our good people in the military. Let's have a policy that will use our military when there is a U.S. security interest, but be very careful about dissipating our resources in places where we do not. That is causing us to lose many of our best people in the military.

The young men and women who sign up to protect our freedom deserve the support of the U.S. Congress and the President—the support, the training, the quality of life, the equipment to do their job—because their job is protecting our freedom, and there can be nothing as important.

I ask the administration to address these issues as we are looking at Iraq, as we are looking at Bosnia, as we are looking at our responsibilities in a global sense. Let's start acting like the superpower that we are and target our defense dollars for our readiness and our national security. Let's have policies where, when the United States speaks, everyone knows that we will be a reliable ally and a formidable enemy.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. We are on the veto message of H.R. 2631.

Mr. SHELBY. Mr. President, I ask unanimous consent that I may proceed in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. I thank the Chair.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 1675 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CANCELLATION DISAPPROVAL ACT—VETO

The Senate continued with the consideration of the veto message.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield to no Senator, with the possible exception of ROBERT C. BYRD from the great State of West Virginia, in my contempt for and disdain for the line-item veto bill that we passed in the 104th Congress and which two district courts have held to be unconstitutional. But I intend to vote to sustain the President's veto.

I stood on this floor day after day, year after year, saying that the line-item veto was a lousy idea, an unconstitutional idea. When I think of the abuse that I and Senator BYRD and the people who stood fast on the floor of the Senate against the line-item veto—when I think of the abuse we took, the political abuse we took for resisting what was a palpable political idea, that still rankles me. Like so many ideas that have been floated through this body in the past 23 years that I have been here, they have immense popularity but they are lousy ideas, and the line-item veto stands out about as high as any next to the constitutional amendments related to prayer in school, flag burning and term limits and all those others things that people love to bring up here so they can run on them because they are popular.

A little history. When Ronald Reagan ran for President in 1980 he ran on the single proposition that he would balance the budget, and the people of this country were becoming, at a time when the national debt was $1 trillion—the people were not only becoming apprehensive about the ability of Congress to control its habits, they were becoming downright frightened. So the soothing voice and the soothing promise of Ronald Reagan played very well with them and he was elected in a landslide. He carried 44 States. He promised that he would balance the budget in 4 years and maybe in 3.

I believed him. I thought he really was committed to a balanced budget. Frankly, not to denigrate the President, I think he really was committed to a balanced budget. I just think, somehow or other, his advisers gave him bad advice and convinced him that, somehow or other, the budget would take care of itself just because he was President. So he came with one of the strangest economic programs in the history of this country. The Nobel laureate at MIT, whose name I forget, who won a Nobel prize for economics, said it was the most profligate, irresponsible economic policy, not in the history of America, but in the history of the world.

And what was it? We would balance the budget by cutting taxes. That is a new one, isn't it? You balance the budget by cutting taxes. And, to his credit, he offered a lot of spending cuts. Some of them were foolish. I remember making ketchup a vegetable in the school lunchrooms. I didn't think that was a very appropriate way to balance the budget. I didn't think considering Hamburger Helper to be an entree was a very good way to balance the budget. But I voted against his tax cuts. There were 11 Senators, 11 Senators who voted against the tax cuts which were, as usual, mostly for the rich. But on the spending cuts I voted "Aye." Eleven Senators voted against the tax cuts, and I said—if you want to read a beautiful speech, write my office and I'll send you a copy of it—I said, "If you pass this bill, you are going to create deficits big enough to choke a mule." I was wrong. They were big enough to choke an elephant.

But then when it came time to vote for the spending cuts, and there were a lot of programs that I liked that President Reagan was proposing to cut, some to eliminate, and I voted with him. And you know something? There were only three U.S. Senators who voted against the tax cuts and for the spending cuts.

The budget would have been balanced in 3 years if a majority of the Members of Congress had voted that way. Three Senators—Bill Bradley from New Jersey, FRITZ HOLLINGS from South Carolina and yours truly. I want that put on my epitaph.

As the deficits began to soar, first to $100 billion and then later to $200 billion, that was scary. That was scary, Mr. President, when we doubled the national debt of $1 trillion, which has taken us 200 years to accumulate, and all of a sudden the first 4 years of Ronald Reagan's administration we doubled it. We did not balance the budget, we doubled the national debt, and people were scared. That is when President Reagan said, "What we need is a line-item veto. If you will just give me a line-item veto, I can balance the budget."

Every thinking person knew at that time that you weren't going to balance the budget with a line-item veto.

I can remember when entitlements represented almost as much as the entire income to the Federal Government. I used to do a study every year on seven programs: defense, Social Security, Medicare, Medicaid, interest on the debt, Civil Service pensions and one other thing which eludes me. Seven things. When you added those seven things up, not counting any other discretionary spending, you used up virtually all of the income the Federal Government had. To suggest that a line-item veto could be used to bring this budget into balance in light of those kinds of statistics was absolutely inane, if not insane.

I can remember when I ran for reelection in 1986, the question was always—of course, first of all, I had to face prayer in school. But you know something, Mr. President, with my constituents, I was the only southern Senator who voted against a constitutional amendment for prayer in school. When I explained to my constituents why I voted against it, I got 62 percent of the vote. That sounds like a boast. I don't mean that. All I am saying is, when people hear common sense, they respond in a commonsensical way.

Not only was I having to defend myself against prayer in school, I was having to defend myself against the so-called line-item veto. Why do you not want the President to have the right to stop all those pork projects? It was like

Gerald Ford said when he was first elected President. He learned early on the difference between those very meritorious projects out in his district in Michigan and all those poor projects in the rest of the country.

The point is, every analysis that was done of the Federal budget showed that if a line-item veto were used to the very maximum, it would have a minuscule effect on the deficit. It was nothing but a distraction, but a very politically popular one. A lot of us who stood up for the Constitution paid dearly. We were abused politically by admittedly unsophisticated people, well-meaning people, but people who really did not understand the Constitution, which says Congress shall pass a bill and present it to the President. It did not say for the President to pick and choose what he wants. It said he shall sign it or not sign it. If he does not sign it, he can veto it. Approve or not approve, those were his options.

The President has the right and the power—he has the bully pulpit. Anytime the appropriations committees are meeting in the U.S. Senate, the President can call over here and say, "If you put this, this, this and this in that bill, I am going to veto it." I have seen Presidents do it a lot of times. Bill Clinton does it all the time.

Do you know what we do? We normally take it out because we do not want the bill vetoed. That is a Presidential prerogative. But John Adams, James Madison, people who drafted the Constitution, would be whirling in their graves if they knew this body passed such a piece of legislation as the line-item-veto bill.

Mr. President, I feel badly sometimes when I talk the way I am talking right now, because a lot of well-meaning Senators really believed in the line-item veto, I think. I don't mean to denigrate anybody who disagrees with me on this. It is just that I feel so strongly about the Constitution.

I have to say, the Congress is the worst place in the world for trivializing the Constitution. It is incredible the things that people come up with. There was even a resolution in 1976 in the House of Representatives saying it shall be unconstitutional for any President to run who hasn't got enough sense to get out of a hail of bullets. Not out of the rain, out of a hail of bullets.

Mr. President, 11,000 resolutions have been submitted in the Congress since this great Nation was founded—11,000—to change the Constitution. If you take the Bill of Rights out, to the eternal credit of both Congress and the American people, we have only tinkered with it 17 times. No thanks to Congress, in one way, because there have been plenty of efforts, 11,000 efforts, to amend the Constitution, the greatest organic law in the world.

So every time we get a chance to do something politically popular, it is always the Constitution that suffers, that magnificent document crafted by the greatest assemblage of minds under one roof in the history of the world. People around here treat it as though it is a rough draft.

I do not want to wait for the Supreme Court to declare the line-item veto unconstitutional, which they will surely do. I want the people who passed the line-item veto bill in the first place to repeal it. It is our solemn duty to undo one of the most miserable mistakes we have ever made.

I spoke to some of my good friends who supported that thing, and now they tell me they supported it because they believed there would be a new President in 1996—I must say a lot of people voted for the line-item veto because they thought Ronald Reagan would have been elected forever for life. Nobody ever thought about William Jefferson Clinton being in the White House when the line-item veto took effect, and he likes it. He had it when he was Governor. I was Governor of Arkansas before he was and I liked it. I used it. I used to call those legislators up and say, "You know that vo-tech school down there in your hometown. There is $250,000 in this budget. If you don't get down there and behave, there isn't going to be any vo-tech school in your hometown." If you want to straighten up a legislator's conduct, that is the way to do it.

As I say, I am not being cute about this, I am just simply saying I am going to vote to sustain the President's veto, because I want the line-item veto to be painful enough that a majority of the people in this body will be willing to undo a miserable mistake we made.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, as one who fought for 10 years to pass the line-item veto, I rise in opposition to H.R. 2631, which would restore $287 million for 38 military construction projects which were eliminated by the use of the line-item veto from the fiscal year 1998 Military Construction Appropriations Act. I urge my colleagues, a significant majority of whom supported enactment of the line-item veto authority, to vote against this egregious waste of taxpayers' dollars.

Mr. President, many arguments have been mentioned as a compelling reason to restore this funding. Sadly, most of these arguments seem to be thinly veiled attempts to provide a convenient rationale for Congress' self-serving pork barrel spending. Some of my colleagues have argued that the President's use of the line-item veto to eliminate those unrequested low-priority military construction projects was politically motivated. These arguments conveniently ignore the possible political motivations of the Members of Congress who added the projects.

Others defend various and sundry projects saying they meet the criteria established by Congress to provide a rudimentary method to evaluate group requests by Members of Congress for military construction add-ons. Others simply say that it is the prerogative of the Congress to add projects to the budget request. While true, Congress should not abuse its power over the purse strings by wasting money on special-interest projects in our home States or districts. Finally, some of my colleagues simply object to the line-item veto authority. Although I do not share their opinion, I respect it.

Today, I would like to point out that the exercise we are completing today was set up in the Line-Item Veto Act to ensure that Congress has the last word in determining how Federal funds are spent.

While I disagree with the expected outcome of the Senate's action on this veto override bill, I believe it supports the constitutionality of the line-item veto by demonstrating that the prerogatives of Congress to control the Government's purse strings are protected in the law.

Now, I understand that not long ago my friend from Arkansas spent time talking about how terrible the line-item veto is. I do not quite understand how, in this setting, that my colleague would be averse to the line-item veto since what we are seeing is exactly what the line-item veto was intended to do, and that is, if the President vetoes and the Congress does not believe that that veto is warranted or legitimate, Congress has the right to override the veto.

My friend, the Senator from West Virginia, kept talking about how terrible it would be if we enacted the line-item veto because then there would be this arrogance of power and blackmail exerted on Members of Congress.

Have we seen any manifestation of that, Mr. President? I have not. And if anyone has, I would like to hear about it. Maybe I have missed something.

The reality is, what we are seeing today is an affirmation—even though I regret what is probably the outcome—we are seeing an affirmation of the line-item veto. Because there will be times, I say to my colleagues, that the line-item veto will be exercised, and the President's line-item veto will not be overridden for various strong and compelling reasons.

This is a time where as much as I object to it—and I will elaborate shortly about my objections—the President's veto will be overridden. So the process works. So there has not been a huge transfer of power as so eloquently articulated by some of my colleagues, most of them on the other side of the aisle, when we passed the line-item veto. This has not destroyed the entire appropriations process as was predicted. In fact, the opposite has happened.

In my view, the President of the United States has exercised the line-item veto all too little—all too little. There are billions of dollars in these appropriations bills that he should have—that he should have—vetoed and did not. So to those of my colleagues who somehow use this particular exercise where we are about to override the President's veto as an argument against that line-item veto, I respectfully disagree with your assertion. This is an affirmation—an affirmation—that the Congress has indeed not abrogated its power nor consigned it to the executive branch. In fact, the opposite is happening.

I look forward, as I have for the last 10 years, to debating this particular aspect of the issue with my most respected and revered colleague, the Senator from West Virginia, Senator BYRD.

Most of the arguments in favor of this bill miss the point that wasting scarce defense dollars on pork barrel projects is a disservice to the men and women who serve our military and is potentially detrimental to our national security.

Mr. President, I want to repeat that. Most of the arguments in favor of this bill miss the central point of my remarks and the central point of this issue: Wasting scarce defense resources on pork barrel projects is a disservice to the men and women who serve in our military and is potentially detrimental to our national security.

The question is not whether these unrequested military construction projects can be defended as meeting the Senate's review criteria or as actions within the prerogatives of Congress. The question is whether we are directing scarce defense resources where they will do the greatest good for our country and for the men and women of our All Volunteer Force. I believe we are not.

Today, the United States has approximately 30,000 men and women deployed to the southwest Asia theater of operation, preparing to go into harm's way in Iraq if so ordered. There are 8,000 American troops deployed in support of peacekeeping operations in Bosnia and another 70,000 U.S. personnel deployed in support of other commitments worldwide. That is a total of 108,000 personnel of a 1.4 million men and women force, a force that is nearly half the size of our force a decade ago, deployed overseas in support of our Nation's interests.

Now, Mr. President, that is a lot of people gone for a long time under very difficult conditions. We have an All Volunteer Force. I promise you, I promise my colleagues, if we continue to waste scarce defense dollars on unwanted projects, unwanted weapons systems and unneeded programs that have nothing to do with defense, you will see a dramatic and continued erosion of the All Volunteer Force.

I will give you one example—one example—although I could give many. An Air Force pilot is obligated for 8 years of service after completion of that pilot's training. At the end of 8 years is the first time a pilot has the option of leaving or remaining in the U.S. Air Force. The year before last, 30 percent of those Air Force pilots who had the option of leaving the U.S. Air Force left. Last year, 60 percent—60 percent—of the most highly trained young men and women who are young Air Force pilots left the Air Force. What was the reason? There was primarily one reason that dwarfed all other reasons—too much time away from their homes and families; too much time away from their homes and families. Almost all of them are married. Almost all of them have children. And yet we are going to spend—in this case we will override $287 million—$287 million. I will describe to this body what that $287 million would buy.

Never before has the U.S. military been more heavily committed overseas in time of peace, and not since before World War II has our standing force been this small. The increasing demands placed on our shrinking Armed Forces coincide with more than a decade of national defense budget cuts. In the last 10 years, the defense budget has been cut in half as a percentage of the gross domestic product and, in real spending terms, by over $120 billion. Yet, America's military personnel have performed admirably, bridging the gap between decreased funding and increased commitments with sheer dedication to duty and professionalism.

Mr. President, in 1998, the U.S. Air Force is one-half the size that it was in 1991—one-half. The U.S. Air Force is half the size and has four times the amount of commitments that they had during the cold war—four times. Some of these young people are meeting themselves coming and going as they go from one deployment to another.

By the way, one of the reasons why I am so skeptical about this latest agreement with Saddam Hussein is: We are going to keep our forces out there for an indefinite period of time? All these aircraft carriers, all these aircraft and people deployed for an indefinite period of time?

Mr. President, I will tell you, it is called the All Volunteer Force—the All Volunteer Force. We are having trouble right now recruiting them, and we are having a terrific problem retaining them. They are responsible for some multimillion dollar and sometimes even billion dollars worth of equipment.

The Clinton administration has consistently underfunded our Nation's defense requirements. Although the Republican Congress has increased funding overall for national defense, we failed to allocate those funds to meet the highest priority needs of our Armed Forces.

In fact, the tendency of Congress to waste billions of defense dollars on low-priority pork projects may be just as potentially harmful to our national security as the administration's neglect of those needs in its budget requests.

Last month—last month—the Chairman of the Joint Chiefs of Staff, General Shelton, sounded a warning about the state of readiness of our forces. He said:

> There is no question that more frequent deployments affect readiness. We are beginning to see anecdotal evidence of readiness issues in some units, particularly at the tactical level of operations.

To many of us, these words sound a lot like the cautious criticisms of top military leaders in the late 1970s, when our Army had been hollowed out after years of inadequate funding and inattention to training and operational readiness. It took nearly a decade to restore force readiness and the morale of our troops.

Let us look at the warning signs of declining readiness.

Recruitment and retention shortfalls are beginning to significantly impact our Armed Forces. The Army is not meeting requirements for infantry units which are already undermanned; pilot shortages are affecting all of the services.

Large force training exercises have been reduced due to funding shortfalls.

Last year, the military had to come hat in hand to Congress to ask for an additional half a billion to fund flying hour accounts to provide pilots and aircrews with required training. By the way, I have been told by the administration that they will be coming over for a supplemental appropriations bill to pay for the latest exercise in the Persian Gulf. I hope that is the case. It has not always been the case in the past.

Aircraft maintenance backlogs are up. At last count, nearly $900 million was required to clear those backlogs. The Navy alone had 172 aircraft awaiting critical depot level maintenance in 1997.

It has been reported that, of 200 tactical aircraft on the front line in the Arabian Gulf region, only 160 aircraft are mission capable. Let me emphasize, this is the front line force, the very force sent to the Gulf to prepare for combat.

The aircraft at home are in worse shape. In many of today's Navy squadrons, commanders are forced to remove hydraulic actuators, flight control surfaces and laser targeting pods from shore-based squadrons in order to keep their deployed aircraft mission capable.

Over the past three years, Congress has added more than $20 billion to the defense budget requests submitted by the Clinton Administration. So why do we still have these serious and growing deficiencies in readiness? Because the practice of Congress has tragically been to misuse billions of these scarce defense dollars to add unrequested programs and building projects to the defense budget.

Let's look at military construction, which is just a small part of the defense budget.

Since 1990, in 1998 dollars, the Congress has spent $8.2 billion on unrequested military construction projects, including new National Guard armories and reserve centers in every state. Not a single one of these projects was requested. Many were not in the long-range military construction plan. Some projects added by Congress were actually at facilities that were to be closed. We paid to build facilities at bases that were scheduled to be closed.

One need only look at the 129 unrequested military construction projects at a cost of nearly $1 billion in the FY 1998 Military Construction Appropriations bill to realize the pork habit has become an addition.

I have no doubt that many of the projects may be needed, but I do question whether any one of these low priority projects are more necessary than the basic welfare and readiness of our armed forces. If this veto is over-ridden and we have to pay the $287 million price tag for this bill, we will be sending an embarrassing message to the American taxpayer, and more importantly, to the men and women of our armed forces.

The message we will be sending to aircraft mechanics is that we know they can't keep their aircraft mission capable because there are not enough parts. But Congress thought it more important that Fort Irwin, California get a new $8.5 million car wash and Oakdale, Pennsylvania get a new $25 million replacement reserve center.

The message we will send to our pilots who are ready to go into harm's way is that, even though they have lost significant training opportunities due to budget cuts, Congress thinks it more important that there's a new $9.5 million facility at the Asian-Pacific Center for Security Studies in Hawaii.

Picture a young enlisted member and his family that must use food stamps to pay the grocer. What's the message to his family as they struggle to make ends meet? We found a way to spend $12.7 million on the construction of the Olympic village in Utah, a project for which land has not yet been purchased and where environmental concerns have not even begun to be addressed.

Each of these projects were included in the long-term military construction plan of the Department of Defense, but in the year 2003, the very last year of the six-year plan. Certainly, projects in the earlier years of the FYDP should logically be deemed higher priority than these projects. There are over $32 billion worth of programs that the Pentagon included in its plan as higher priorities than these projects.

There are other examples of projects that are less than critical to the primary mission of the services.

$7.7 million was earmarked for the expansion of an ammunition supply point at Fort Bliss, Texas, at a facility that was upgraded in 1991, just a few years ago.

Eight million nine hundred thousand dollars was added to build a civil engineering complex at Grissom Air Reserve base in order to improve facilities that were admittedly serviceable but not optimum. It is interesting to note that the DoD project data sheet was blank regarding the planned year of the project.

At a time when the rest of the Defense Department was shrinking, $14 million was set aside for an aircraft hangar at Johnstown, PA, for an activity that had not yet stood up into existence.

So why did Congress deem these projects worthy of fiscal year 1998 funding? Because a Member of Congress asked that they be moved forward, and because that's the way these deals have always been made.

Mr. President, the message will get through, loud and clear, to the men and women who volunteered to serve their country that Congress cares more about pork-barrel spending than their well-being. And a vote to over-ride the veto of $287 million in unrequested, low-priority military construction projects is an endorsement of each and every one of those messages.

Our military is wearing out its machines and wearing out its people. Military health care remains under funded, and there are reports that as many as 11,787 service members and their families are on food stamps. These are the priority problems facing our armed forces, and we, the Congress, are not addressing them.

What could we have done with the $8.2 billion we wasted on unnecessary military construction projects?

According to recent estimates, the costs incurred in support of peacekeeping in Bosnia total $6.7 billion. The estimated costs of the force build-up in the Persian Gulf will be about $1 billion. We could have paid the bills of those commitments and still had nearly half-a-billion dollars left.

That $500 million would be enough to fully fund the short-term modernization of the Navy and Marine Corps Hornet fleet. That modernization would put new radios, global positioning equipment, upgraded defensive countermeasures, improved mission computers and a datalink system that would make all 618 C and D model Hornets ready today to operate in the information centered warfare environment of the next millennium, not to mention be better equipped to face Iraqi defenses, if necessary.

And that's just the military construction pork. In last year's Defense Appropriations bill, Congress added nearly $2 billion for programs that were clearly funded for special interests in their States or districts. Since we added only $2.6 billion overall to the defense budget last year, clearly, pork-barrel spending consumed the entire add-on and more, and took precedence over the real priorities for national security.

Unfortunately, we cannot undo the damage done by past wasteful spending. Today, however, we are faced with the historic opportunity to halt the source of Congress' undisciplined spending and prevent the waste of defense dollars in the future.

Mr. President, I urge my colleagues to seize this opportunity to send the right message to our servicemen and women by voting against the veto override. It is the right thing to do.

I yield the floor.

The PRESIDING OFFICER (Mr. COATS). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to urge my colleagues to vote to override the President's line-item veto of these 38 military construction projects which we approved in the 1998 budget.

I think the recent district court decision that would reverse legislation granting the President the right to veto individual projects confirms my view of what the Constitution requires. I opposed extending the line-item veto authority to this President or to any President because I believe that those who wrote our Constitution had it right. The separation of powers assigned by the Constitution prevents political manipulation that does a disservice to the democratic process.

Aside from the constitutional question, however, I want to say a few words about why I believe that the President's choices, at least the ones I am familiar with, for program vetoes were ill-advised, at least in the case of the projects in New Mexico that are included in this bill. These were not pork barrel projects. I understood my colleague from Arizona and his comments about opposition to pork barrel spending in the defense bill, and I commend him for that because I agree with him that there are numerous instances each year where projects are added that cannot be justified on a military basis. I do not condone that in any way.

By its own admission, the administration canceled a number of the projects this year in this bill because in the administration's view they did not meet the criteria that they had set up for selection. In spite of what the administration concluded. I'm persuaded that many of these projects were important to the quality of life of military personnel and their families. In addition, many of these projects had been able to complete significant planning that would permit their construction to begin in 1998.

Let me just indicate the sequence of events that occurred with regard to some of the projects in New Mexico when this list of projects that the President was going to line-item veto came out. On the list were some projects that I will refer to later, including White Sands Missile Range, to refurbish aging facilities at White Sands Missile Range. I called the director of the Office of Management and Budget and asked why they had chosen to delete these particular projects. His response was that according to the information he had been given by the Department of Defense, the necessary planning and design work for construction or refurbishing of those facilities had not been done and the money could not be spent in 1998.

We went back to the Army, which is the military service that had the funding in its budget, and asked if we had false information here or inaccurate information and what their understanding was. They assured us, as they had before, that this money was needed, that these were projects where design and construction planning had occurred, and that the money could well be spent in 1998.

I am persuaded that at least with regard to those projects, the Office of Management and Budget was giving the President incorrect advice or incorrect information and that incorrect information was the basis upon which the President chose to line-item veto those particular projects. I don't think this was intentional on anyone's part. Nobody was intentionally misrepresenting the situation, but in its haste to compile a list of projects to veto and in its concern for maintaining secrecy about that list, the administration did not submit candidate projects to the kind of thorough review that such important decisions normally warrant.

I blame the process that was used. Obviously, as I have said before, I believe the process is unconstitutional and has fatal flaws in that regard. But clearly, in addition to that, I think this process was flawed because of this inaccurate information that was given to the President.

As I stated before, part of what the President vetoed was funding to refurbish aging facilities at White Sands Missile Range in New Mexico. Of course, I am concerned about that because many of my constituents work on that facility and believe that facility is important. But I am also concerned because, as General Reimer recently testified before the Armed Services Committee, White Sands is a critical national asset; it is our most capable test evaluation center. It is the premier facility that we have with unique capabilities to test new technologies and weapons, to ensure continued technological superiority over any potential adversary.

The test range is operated by the Army, but it supports testing by all of our various military services. Also, it supports testing by many companies in the private sector. Because of that fact, that the Army does not exclusively benefit from the work at White Sands, the installation has been vulnerable to budget and personnel cuts in the Army that threaten the continued capability of that range. Accordingly, it threatens the continued long-term national security of the country.

Since 1995, for example, White Sands has lost about 43 percent of its military contingent needed to ensure that the users participate in the design, test, and operation of new weapons systems. If the Department of Defense Quadrennial Defense Plan is fully implemented, then White Sands would eventually lose all of its soldiers who are assigned to operate, maintain, and test systems being evaluated.

Similar severe cutbacks have occurred in the civilian work force needed to support the scientific work and operations of the test range.

Meanwhile, the testing workload at White Sands continues to increase as the services move toward this high-tech weaponry of tomorrow's military services. I am concerned because I did visit White Sands this last week and I had the opportunity to observe the conditions of the range firsthand. Many of the facilities on the base date back to World War II. Some of the launch facilities are lodged in makeshift trailers with jury-rigged air conditioning and outdoor toilet facilities.

The risk of fire hazard is great at many of White Sands' widely dispersed facilities, and the ability of the base to combat a blaze effectively is extremely limited. Personnel risk their personal safety in some of these facilities that the President's line-item veto would prevent from being replaced.

Mr. President, my concern extends beyond the refurbishment of the aging buildings at White Sands. I am concerned, also, that the instrumentation that we have in place to conduct and analyze tests at White Sands is inadequate to meet the challenges of new technologies and weapons systems of the future.

Instrumentation at the range is simply not capable of meeting high optical, radar, and telemetry standards needed to observe, report, and evaluate tests of new technologies that are now being designed.

Scientists and the military personnel at White Sands indicated to me that it could cost in the range of $110 million to modernize the instrumentation at White Sands sufficiently in order to meet future test requirements.

While we fully intend to modernize our military weapons, we are not taking the steps necessary to ensure through testing that those weapons will work as designed and as needed.

White Sands is critical to meeting these requirements. If we permit the President's line-item veto to stand, we would endanger our national security interests by continuing to allow the Nation's preeminent testing facility at White Sands to atrophy further than it already has.

I call on my colleagues to reverse the President's veto and to join me in ensuring the future effectiveness of White Sands during this year's defense authorization and appropriations debates.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to speak in favor of the resolution to override this line-item veto. I have heard the argument both philosophically about not overriding the President and on the specifics, and I am not persuaded in either case because I supported the line-item veto. I see absolutely no inconsistency in supporting the line-item veto and supporting this override because that is exactly what was intended by the line-item veto in the first place. It was to let the President have a chance to cut projects that he considered inconsequential or not necessary, and Congress reserved the right, as it always does, to override a President's veto by two-thirds vote. It is a higher standard. I think this meets the test of the higher standard, because the President went back and looked at the line-item vetoes he had made and admitted he had made mistakes in his calculations.

The Department of Defense also said that some of the information was erroneous. For instance, these projects are in the military 5-year plan. Many of these projects are very important for our military readiness. In fact, one of the specifics that was mentioned by the Senator from Arizona, the Fort Bliss ammunition storage facility, is necessary and will actually pay for itself because you won't have to pay for the transportation of ammunition 20 miles from a firing range into Fort Bliss. So you are going to save transportation costs and, most of all, you are going to have a safety factor that will be better because you are able to have the ammunition stored in and next to the firing range where it will be used.

This is the end of a project that has already been started. So this is just one instance. I don't disagree with, perhaps, the other suggestions of the Senator from Arizona. I don't know much about that. I know that at Fort Bliss the ammunition storage facility is essential. In fact, I thought it was interesting that the President signed the bill for ammunition storage facilities in Europe. He signed the bill for facilities such as operations headquarters in Europe, and yet he vetoed those that were in the budget in the United States. So I think he has shown that he sees the importance of operational headquarters and the importance of ammunition storage facilities. I just think we need to have those at our bases where they are necessary and where they are in the 5-year plan in our military here.

I think it is important, as we are testing the line-item veto in Congress—and it is already being tested in court—the test should be exactly what we are looking at today. It should be the importance of these projects where Congress has said in its budget submission to the President that they are a high priority. The military has given them a high priority, and I think Congress certainly should have the ability to add to the priorities. In fact, Congress has added to the military budget every year that I have been in Congress and that President has been in office. President Clinton cuts the military budget and Congress puts it back in because Congress values military spending.

Congress believes that the readiness of our forces depends on many things, such as quality of life, pay raises, our military construction, our equipment being maintained. All of this is an issue between Congress and the President, and it is a legitimate issue. Congress has spoken. The President has spoken. Congress has the right under the line-item veto, with a two-thirds margin, to override the President and say these are in fact priorities.

So I hope the President will understand that we have our set of priorities. We are going to fund the military. We are going to make the military a priority. This is our national security at stake, and we believe these projects meet the test. The Senate has a rigorous test. We don't even add in the Senate military budget a military construction project that isn't already in the Defense Department 5-year plan. We never do that. That is our standard. So it is not like we picked something out of the air that the military didn't think was important. It is in the military 5-year plan, and we believe that spending this money for military construction is part of readiness. As we have added equipment, training, salary increases, we are also adding military construction for the overall readiness of our troops.

We cannot continue to add to the responsibility of our military and cut the spending for the military budget. We cannot do it. We are facing a crisis in Iraq, which we must meet, and I support the President sending troops to make sure that we shore up our situation in the Persian Gulf. I hope the President will give us a plan of action for the future there. We support that. But we can't take from military readiness accounts all over the world when we have a situation like we do in Iraq where we need to respond. That is why we are trying to plan for the future, and that is why it is important to override this line-item veto of the President, so that we can maintain that readiness.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. COATS. Madam President, I yield myself such time as I may consume. I don't anticipate consuming more than about 5 or 6 minutes.

Madam President, I come before my colleagues today with a sense of duality regarding the measure we have before us. On the one hand, the line-item veto override contains two items that are very important to me and to the State of Indiana, and also important to the national defense of our country. On the other hand, embodied in this line-item veto override is a fundamental question that goes to the very root of the principle of the Line-Item Veto Act. That question is whether Congress will abandon the longstanding practice of chasing good money with bad money, of holding worthy projects hostage to unnecessary funding.

So, for me, this vote represents a choice of parochialism and a choice of principle—the former rooted in the hard realities of the military construction process and the latter rooted in the Line-Item Veto Act and the critical necessity of fiscal discipline.

During the markup of the fiscal year 1998 military construction appropriations bill, a preestablished criteria, jointly agreed upon by Congress and the Pentagon, was used to determine what projects would be funded.

There were four criteria:

First, is this project consistent with past action?

Secondly, is the project requested in the future years' defense plan?

Third, is the project necessary for reasons of national security?

Fourth, could a contract be awarded for construction of the project during the next fiscal year, this being fiscal year 1998?

However, the Congress ultimately appropriated five projects that did not meet the jointly established criteria. The President abandoned this criteria when determining which projects he would veto. Thus, both the legislative and executive branches were guilty of abandoning the fiscal discipline established under the joint criteria.

Madam President, I assert that it is impossible to have a disciplined, consistent budget process if the Congress and the White House can't stick with a preestablished plan.

You see, further aggravating this situation is that, following the President's veto, there came admissions from the White House that errors had been made in evaluating projects for the veto, errors beyond the obvious abandonment of the joint criteria. This is of particular frustration to this Member, as two of the projects that were incorrectly vetoed reside in my home State.

However, the Congress has a veto override process designed to address such situations. That is what we wrote into the law. But in an act of regression to past fiscal habits, the override resolution before us today contains those five projects that didn't meet the criteria in the first place, totaling $50 million, that, as I said, failed to meet the criteria, the preestablished criteria.

One is tempted to conclude—and maybe the only conclusion is—it's business as usual. It is just an indication of how extraordinarily difficult it is for Members of Congress, all of us, to curb our compulsion for spending taxpayer dollars.

In this case, the cost of abuse is compounded because the game is being played with our national security at stake.

A maintenance facility for chemical and biological warfare detection devices at Crane naval surface warfare center, and a civil engineering center a Grissom air reserve base are included in this resolution. Both projects are in my home state, and both meet the joint criteria.

The Crane chemical/biological detection center, a $4 million project, relates to a mission shortfall in chemical and biological warfare detection capabilities that should be built as soon as possible.

It would address the Navy's growing need to provide maintenance and support for chemical and biological warfare detection devices aboard surface ships such as those deployed in the Persian gulf today.

Current facilities are inadequate and lack the required environmental controls. The Navy supports the project and local officials have already entered into a contract for the design of the facility. So it meets the criteria that we established.

I want to inform my colleagues and the Members of the Indiana delegation, those who work at Crane, the Department of the Navy, that I intend to work with them expeditiously and as conscientiously as I can, along with the Secretary of Defense and the Department of the Air Force, to accelerate this Crane project—not just support but to accelerate, as well as the Grissom Project, in an effort to ensure that our national defense capabilities are not weakened as a result of the cancellation of these projects.

However, as I previously stated, there is embodied in this resolution the violation of a principle basic to the line-item veto, a principle of fiscal discipline and restraint.

Senator MCCAIN and I fought a long battle for passage of the Line-Item Veto Act. We did so in the belief that it would apply a measure of discipline to a Congress that seemed consumed by a spending habit, and particularly egregious—a practice which loaded otherwise meritorious acceptable spending with that which had not met the criteria and gained the support of a majority of Members of Congress in an up-or-down vote, or straightforward debate on that particular item, but attached to something that was popular, attached to something that was needed with the intent of having it ride through on the train of something that was important. Unfortunately, the resolution before us today embodies that same practice, that same budget chicanery that has taken place in the past.

Though there are many projects of merit contained in this resolution, these meritorious projects are being used to spirit through those that are without merit.

This resolution is a missed opportunity. As the Supreme Court readies itself to ponder the final fate of the Line Item Veto Act, Congress had the opportunity to send the President a resolution that embodied the principle and the practice of fiscal discipline. Instead, we have squandered this opportunity by providing legislation handicapped by fiscal indiscipline.

Mr. President, though I am disappointed in this particular measure, I firmly believe that it demonstrates that the line item veto process is both practical and constitutional.

Judge Hogan has now placed the final question on the Line Item Veto Act before the Supreme Court. As such, I would like to comment briefly on the constitutional strength of the measure.

I believe that the Line Item Veto Act conforms to the presentment clause of the Constitution and that Congress is within its constitutional right in granting to the President the authority to rescind, or withhold from obligation, spending, as he administers the law.

As Walter Dellinger, then assistant attorney general testified before the Senate Judiciary Committee: "Unlike line item veto bills that our office previously found unconstitutional, S. 4 would not violate any aspect of the presentment clause: It would not authorize the President to veto some portions of a bill and also sign the remaining portions into law. Rather, it would permit the President to rescind discretionary spending after the enactment of an appropriations act that would remain law. Such rescission authority would not implicate the specific textual requirements of Article I, Section 7: It would apply to the administration by the executive of a duly enacted law, not to the constitutionally prescribed procedures for a bill's enactment."

Timothy Flanigan, a former assistant attorney general during the Bush administration went further, stating that:

> This approach avoids the presentment clause problems . . . by doing nothing to alter how an appropriations or spending bill becomes law. It would not alter the presentment process but instead authorizes the President to rescind specific spending items, unless Congress within a certain time acts to approve that particular item.

The process established by the Line Item Veto Act is not new. Rather, it is the essential restoration of a budget process that existed prior to the Impoundment Control Act of 1974.

On the delegation of powers question, just as Gramm-Rudman survived constitutional scrutiny, so shall the Line Item Veto Act. In that case, the courts ruled that appropriations power was not distinguishable from other powers that had been successfully delegated in the past. The court equated Congress' power to appropriate with the power to tax. Taxing power has been successfully delegated in the past.

I am confident that the Line Item Veto Act is fully constitutional.

Opponents of the line item veto have long argued that any such measure could face constitutional challenges in two key areas. They suggest that a line item veto may violate the presentment clause because a bill no longer would be signed or vetoed in whole, but in part. Secondly, they suggest that the line item veto represents an unconstitutional delegation of Congress' power of the purse. The district court bought into this argument, and the supreme court will now have final say on the question.

The Line Item Veto Act clearly meets the presentment clause standard. It does not allow the President to individually veto sections of a bill when it is presented to him. Rather, the act grants the President authority to rescind, or withhold from obligation, spending, as he administers the law.

In hearings before the Senate Judiciary Committee, Walter Dellinger, former Assistant Attorney General, Department of Justice testified about the line item veto:

> Unlike Line Item Veto Bills that our office previously found unconstitutional, S. 4 would not violate any aspect of the presentment clause: It would not authorize the president to veto some portions of a bill and also to sign the remaining portions into law. Rather, S. 4 would permit the president to rescind discretionary spending after the enactment of an appropriations act that would remain the law. Such rescission authority would not implicate the specific textual requirements of article I, section 7: It would apply to the administration by the executive of a duly enacted law, not to the constitutionally prescribed procedures for a bill's enactment. Our office has carefully reviewed S. 4 and concluded that it is constitutional.

In fact, Timothy Flanigan, former Assistant Attorney General during the Bush Administration, testified that of the various line item veto proposals, enhanced rescission is on the strongest footing constitutionally.

> A far more promising legislative proposal, S 4, the Dole-McCain-Coats legislative Line Item Veto Act of 1995, is aimed at giving the President greater control over the expenditure of funds. This approach avoids the presentment clause problems by doing nothing to alter how an appropriations or spending bill becomes law. Senator Dole's bill would not alter the presentment process but instead authorizes the President to rescind specific spending items, unless Congress within a certain time acts to approve that particular item. A statute of that type would amount to a restoration to the President of power taken by Congress during the Nixon Presidency in the Impoundment Control Act of 1974.

Just as the Line Item Veto Act meets the presentment clause challenge, it in no way exceeds Congress' constitutional Authority to delegate its functions to the Executive.

Gramm-Rudman-Hollings survived a constitutional challenge. The courts ruled that appropriations power was not functionally distinguishable from other powers that had been successfully delegated in the past. The court noted that Congress' power to appropriate was particularly akin to its power to tax which has been successfully delegated in the past.

In 1989, the Supreme Court unanimously rejected a plea that Congress' power to tax may not be delegated, the court stated:

> Article I, section 8 of the Constitution enumerates the powers of Congress. First in place among these enumerated powers is the 'power to lay and collect taxes, duties, imports and excises . . .' We discern nothing in the placement of the taxing clause that would distinguish Congress' power to tax from its other enumerated powers . . . in terms of the scope and degree of discretionary authority that Congress may delegate to the executive. . . . (Skinner v. MidAmerica Pipeline Co., 109 S. Ct. 1726, 1732, 1733 (1989).

Walter Dellenger testified before the Senate Judiciary Committee,

> Although [delegation] is a significant constitutional issue, we are confident that the Supreme Court would sustain S. 4 or similar legislation. It is well established that Congress may delegate sweeping discretionary powers to the executive, including powers that related directly to the nation's fiscal policy. For example, Congress may authorize the President to raise or lower tariffs, to set the price of agricultural commodities, or to recover excess wartime profits. Indeed, on

> only two occasions—both of which occurred nearly sixty years ago—has the Supreme Court struck down a statute on the grounds that it impermissibly delegated power to the President.

Timothy Flannigan added,

> Although this type of bill has previously been attacked on the ground that it would constitute an unconstitutional delegation of congressional power, there is no foundation in the constitution for that claim. The constitution requires that no money be drawn from the treasury except "in consequence of appropriations made by law," (Article I, Section 9, Clause 7), but there is no requirement that the President spend all moneys that are appropriated. Indeed, such a policy would either encourage gross fiscal irresponsibility by the President or would require Congress to micromanage all aspects of Federal procurement. There is nothing in the Constitution that requires either result. [Timonthy Flannigan, Subcommittee of the Constitution, Senate Judiciary Committee, January 17, 1995].

I am confident that the Line Item Veto Act is constitutionally sound and that it will be upheld by the Supreme Court.

Let me conclude by stating that I am saddened to be confronted with a resolution that places my principles in conflict with the interest of my State. However, we are entrusted by the people who elected us to make the tough decisions that will ensure the long-term health, security, and fiscal soundness of this great Nation. As such, I cannot support a resolution that continues the fiscal chicanery of the past. Thus I must vote against it, and urge its defeat.

Madam President, I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Madam President, we didn't make our opening statement a while ago because we had sort of a logistics problem. But we have most of that ironed out.

There are a couple of points that I would like to make on which the support for the override of this veto is very important. I assure my good friend from Nebraska that I will not take long.

We have worked with Senator McCAIN, who serves on the Armed Services Committee, in developing parameters and guidelines on what we should do when making determinations of spending that money on military construction. I am beholden to him, and I thank him for his leadership, because not only did it help us develop our guidelines but also it helps us to at least coordinate the activities of military construction with Armed Services.

There are two different entities here. I agree that it is alarming whenever we see the attrition, especially an accelerated attrition and losing people who are essential to make our fighting forces really effective—in other words those pilots, those specialized people, who are highly technical and necessary to operate in today's modern Army, Air Force, Navy, or Marine Corps.

There has been some attention given to Guard facilities. There is a very good reason for that. This administration since it came to town has been integrating Guard and Reserve units with regulars wherever they can because the force structure and our cutback in defense spending has required them to do that. In each one of those places where you have Guard or Reserves, it takes facilities that at least come up to the standard that you would find in any regular unit.

So there is a new way of looking on how we build facilities and what facilities are going to be needed. I also say that losing through attrition these people that we depend on in technical positions concerns me. But it also concerns me that if they do not accept advancement or more money to fly 5 or 6 more years, then there is another reason why they are leaving the military. You say they are away from their families. I would say quality of life has a lot to do with that. And the emphasis of the last 3 years or 4 years or so has been on quality of life—not only quality of life for the person that is serving in uniform, or serving in our particular services, but also the spouses of those men and women because that is just as important, too, when we take a look at family life on any base, post, or operation.

It might surprise a lot of Senators that the biggest share of appropriations—the lion's share—goes to environmental cleanup caused by BRAC, the Base Realignment and Closure Commission. The ranking Member and I have looked at some figures, and fully a third of next year's appropriations will be in environmental cleanup. It does nothing to add to the quality of life nor to build facilities nor to integrate anything that has to do with the security and the defense of this country.

There we ought to make some changes, because I think sometimes when we go into environmental cleanup when a base is closed and all of these requirements we are putting on, a lot of these bases are not going to end up being day care centers. Maybe we ought to find out what they are going to be used for and go to that degree as far as environmental cleanup. I am not against environmental cleanup. I do not want to go as far as I can to eat off the floor of barracks. But that is what we are talking about here. All of these so-called add-ons were authorized by the committee. Those are the guidelines. Those are the guidelines and the parameters that were set down.

We will continue as long as I am chairman of this committee to press for quality of life, and also the new thrust of how we are going to prepare our young men and women for the defense of this country. And if we are going to integrate what we would call regulars with the Reserves or with the National Guard, then it is going to take a new thrust in the way we allocate money to maintain the infrastructure for that to happen. That is the thrust we have used today.

I yield the floor.

(Mr. COATS assumed the chair).

Mr. CAMPBELL. Mr. President, I take the time today to announce my support for the upcoming vote to override the President's veto of the Military Construction Line-Item Veto bill. This bill would have restored the funding to several very important construction projects in twenty-four states, one of which is my own.

I voted for the line-item veto law. This law has recently been adjudged unconstitutional. We could simply wait for the Supreme Court to strike this law down. But I want to be on record reaffirming my belief that the President should have the authority to strike certain portions of congressional appropriation bills. However, I also want to be on record affirming the error in the President's line item in this instance of a certain Colorado project, as well as many others which my colleagues will attest.

In vetoing the restoration of funding to these projects, the President commented, "the projects in this bill would not substantially improve the quality of life of service members and their families, and most would not likely use funds for construction in FY 1998." Mr. President, I can assure you that this assumption is certainly not the case for the appropriation for work on the Army railyard expansion at Fort Carson. It is not, as the President seems to imply, a "pork project." In fact, the Army itself stated it needs this project. It is included in the Army's 5-year development plan.

This project is necessary to expand Ft. Carson's rail capacity to meet the minimum requirements to deploy several assigned units and potentially very large number of reserve units. Let me repeat that: this project is necessary to enable Ft. Carson meet the minimum requirements of deployment. In other words, Ft. Carson currently does not meet the minimum deployment requirements.

In addition, the project would add several basic infrastructure components, including rail spurs, an operations support building and a maintenance shop. If these improvements are not made, the railyard's ability to deploy units, as a member of the "contingency force pool," will be severely limited.

As you can see, the project's completion is necessary in the Army's opinion. I urge my colleagues to vote to override this veto.

Mr. DOMENICI. Mr. President, I rise today in support of the override of the

President's veto of the fiscal year 1998 Military Construction Appropriations Bill. On November 13, the President vetoed H.R. 2631 which would have restored funding for the 38 military construction projects he earlier line-item vetoed. It had passed the House by a veto proof margin (352–64) November 8, 1997, and been passed by the Senate in its own version of the same bill by a vote of 69–30.

Mr. President, I believe the Senate will overwhelmingly override the President's veto of this bill. The President listed as one of the criteria used that none of the 38 projects he line-item vetoed was requested by the DoD in FY98. I want to caution the President. Article I, Section 8 of the Constitution of the United States says the Congress has the responsibility to raise and support the military. That means that he does not have the only say how to raise and support our troops. If the Congress believes that certain projects will support our military, it is our right and responsibility to fund those projects. I supported the line-item veto when it was originally passed, but I agree with the Chairman of the Appropriations Committee and others who have stated that his action on this particular bill was an abuse of authority.

The President stated in his line-item veto announcement, "The balanced budget that I signed into law this summer will extend America's fiscal discipline into the next century. It will bring enormous dividends in our long term economic health. But it will continue to require difficult choices. American government will live within its means."

It should be clear to everyone, neither the Military Construction Appropriations bill, or any other appropriations bill this Congress has passed, violates the Budget Agreement. America is living within its means, and none of the 38 projects the President vetoed changes that fact.

The President states that the projects he is canceling do not make substantial contribution to the quality of life and well-being of our men and women in uniform. I believe that those who put this list together for the President made a grave error in calculating what exactly can be called a contribution to the quality of life and well-being of our men and women in uniform. It is my belief that calculation should take into account the health and safety of those working at the facility in question. In our case, at WSMR, $6.9 million was appropriated for Launch Complex Revitalization. At the current Launch Complex, personnel are potentially exposed to HANTA virus due to infestation by rodents below existing structures. If that does not qualify as making a contribution to the quality of life, I do not know what else will.

In addition the President line-item vetoed $14 million for the construction of a new Theater Air Command Control and Simulation Facility and Kirtland Air Force Base. This facility was in the Department of Defense's five year plan, it met the President's requirement for 35% design being completed, and it was deemed to have been a military essential project.

In both cases, as with the rest of the 38 projects the President vetoed, these items are important to strengthening and protecting the health and safety of the Department of Defense and those who work at these facilities. The President made grave errors when he put this list together, and I am gratified that after a lot of hard work, today we will be correcting his mistake once and for all. All of these projects were scrutinized by the Appropriations Committee in detail. The Committee found that in many cases the criteria were not correctly applied. This effort is to correct those mistakes.

I ask all my colleagues to support the veto override. I believe it is the appropriate action for us to take. I yield the floor.

Mr. CRAIG. Mr. President, there is another vote that will occur here tonight at 6 o'clock that is very important. That is a veto override. I ask my colleagues to recognize the importance of this and the 38 military construction projects that the President vetoed last fall. He is a bit embarrassed about that now. Somehow the communication between he and the Defense Department on those projects that he had already penciled off on for this year's budget but that we found and the budget process found adequate moneys for, he vetoed.

I am one who supported the line-item veto, but I will say if it is going to be used as haphazardly as it was used in this instance, I will have to reconsider my support, as I think others do.

Mr. President, today the Senate is considering whether to override President Clinton's veto of 38 military construction projects last fall. The President argued that these projects weren't requested, couldn't be completed in FY 98, and did not contribute to quality of life for service member. Mr. President, I strongly disagree. I offer that his reckless veto of these projects is an indication of his disregard for important defense matters and sloppy work by his staff.

Let me begin by setting the record straight. The President claimed that the projects he vetoed were not in the future years defense plan (FYDP). Wrong, Mr. President. 33 of the 38 projects were in the FYDP. The President also contended that design work for the projects wasn't complete and couldn't be executed in the coming fiscal year. Wrong again, Mr. President. For example, the two projects vetoed for Mountain Home Air Force Base in Idaho are currently designed at 50 percent or more, and could be awarded this year.

This President has consistently underfunded the military construction budget, and then had the audacity to veto projects that the Congress thoughtfully restored. This isn't frivolous, Mr. President, the total Military Construction Appropriations approved by Congress FY 98 was already $610 million below FY 97, but the President's budget was lower—because it was reckless in underfunding the military construction and quality of life projects. In July, this body approved the additional funds for military construction recommended by the Senate Armed Services Committee to help provide money for rundown bases facilities and other high priority projects submitted by the military services that were not funded in the President's budget. It think it is noteworthy that both the authorizing Committees in the House and the Senate noted the continuing low priority military facilities received, despite maintenance and modernization backlogs.

Congress knew better than to cut defense as deeply as the President. It's pretty clear to me that this Commander-in-Chief doesn't have the regard for the men and women in uniform that they deserve. What also angers me also is that the Administration never tried to negotiate or object to any of these projects when they came before the Congress for a vote. It seem apparent that these vetoes were either afterthought or politically motivated.

Despite my frustration by the President's action, I do want to reiterate my support for the line-item veto. However, today Congress is also exercising its right to object and vote down those vetoed items. Certainly, a vote to override the President's veto is not a vote against the line-item veto, it's a vote against arbitrary and reckless vetoes of important projects.

One of the items vetoed is the B–1 Bomber Avionics Shop at Mountain Home Air Force Base. I can hardly think of a more worthy candidate for military construction funds. Currently, it is difficult to keep the proper environment necessary to perform required maintenance tasks on the composite wing aircraft avionics and EMC systems. In fact, sometimes the avionics projects have to be flown off base and back to finish the required work. This mission essential avionics shop not only supports the B–1 beddown, but will also restore inefficient avionics repairs for the F–15 and F–16 which are done in an aging misconfigured building. The current facility has repeated power dumps from faulty fire suppression alarm system, leading to equipment failures and costly repairs.

The President also vetoed the F–15 Squadron Operations Facility. This project replaces a 28 year old, substandard facility that is misconfigured for flight operation and geographically separated from the flight line. The new facility will provide adequate space to plan, brief, and critique combat crews, and direct the F-15 flight operations. Administrative space is required for the commander and staff to program and conduct mission briefings and command activities and to care for, store and issue equipment.

Mr. President, although military construction represents a small portion of the overall defense budget, it is a very important part. The quality of our facilities and installation directly strengthens or weakens the safety and readiness of our troops. It seems apparent to me than many of the vetoed items enhance quality of life of our troops and directly contribute to the mission that our service men and women are asked to perform—no one is asking for country clubs, or golf courses here. These projects are essential to national security interests and improving the readiness of our forces. Mr. President, your vetoes are simply not justified.

I yield the floor.

Mr. ALLARD. Mr. President, I come to the floor today in support of HR 2631. Let there be no mistake, I support the line item veto, but, perhaps just as important, I support Congressional authority to override the veto if deemed necessary. In fact, one of the reasons that I support the line item veto is to make Members go on record in support of or against the vetoed items. I am willing to go on record and support this Resolution without hesitation. One such program is to fund the Army Strategic Mobility Program railhead project at Fort Carson. This project is recognized by the Department of the Army as a need for readiness and is included in the Administration's own Five Year Plan.

To give a brief history, the current railhead at Fort Carson was built in the 1940's and includes several one-story wooden warehouse buildings that were built during the same period. Since then, the railhead has received no major improvements or overhaul.

While the loading and storage capabilities were adequate for many years, they are no longer. Fort Carson is now home to two TIER I units, the 10th Special Forces and the 3rd Armored Cavalry Regiment. As you know, TIER I units must be able to deploy within 72 hours upon receiving notification. The current capabilities fall far short of this requirement. The Army Strategic Mobility Program requires that the railhead deliver 500 cars for a two day outload. The current railhead only allows for 314, well short of that required for the ASMP.

The 3rd ACR is the only heavy cavalry unit in the Army's inventory, and as such it can be sent to any theater of operations. It is critical that this unit be able to meet its deployment requirements. Unfortunately, at this time it cannot due to the inadequacy of the Fort Carson railhead.

Also, Fort Carson would serve as a major staging area for numerous National Guard and reserve units in time of war and the rail-loading and warehousing deficiencies could hamper those activities as well.

Mr. President, when Congress granted the President the line item veto we did not make him the final voice on budget priorities. Congress has the Constitutional obligation to have the final say on all revenue and outlay matters. This is how I believe the system should work. The President vetoes projects and if the Congress disagrees, then two-thirds of the Members in each body must vote to override. Today, it is my belief that Congress will use its veto-override power to approve these projects which are in the Administration's Five Year Plan.

Mr. DOMENICI. Mr. President, the Senate is considering the question as to whether the Senate shall override the President's veto of legislation to disapprove his line item veto of projects in Public Law 105-45, the FY 1998 Military Construction Appropriations Act.

In his first use of the line-item veto authority on an appropriations measure, the President proposed to cancel $287 million in budget authority for 38 military construction projects.

The President used three criteria upon which to evaluate these military construction projects for use of his line-item veto authority: The project was not requested in the President's 1998 budget; the project would not substantially improve the quality of life of military service members and their families; and the project almost certainly would not begin construction in 1998 because the Defense Department reports that no design work has been done on it.

All of these projects were scrutinized by the Appropriations Committee in detail. The committee found that in many cases the President's criteria were not correctly applied. The Appropriations Committee found that in many cases—

The project was included in the Department of Defense's future year defense plan;

The project was mission essential;

The project would enhance readiness, safety or working conditions for service personnel;

A site had been identified for the project;

Money had been spent on the design of the project; and

The Department could begin to execute the project during fiscal year 1998.

Based on this information, the Senate passed S. 1292 on October 30 by a vote of 69 to 30. The President vetoed this legislation on November 11. The House voted to override his veto on February 5, by a vote of 347 to 69. While the Supreme Court has not ruled on the constitutionality of this legislation, lower Federal court has ruled it unconstitutional. If that ruling stands, the 38 projects will be restored. We should go ahead now to permit that to happen. Also, the criteria that the Senate Appropriations Committee applied to these projects are still valid. For that reason alone, the projects should be approved.

Mr. President, this is the first test of the line-item veto on an appropriations bill. I support overriding the President's veto.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Montana is recognized.

The Presiding Officer will advise the Senator from Montana that under a previous agreement we are scheduled to return at 2 p.m., which is just about 30 seconds away, to the Snowe amendment No. 1647 to S. 1663.

Mr. BURNS. Mr. President, I would like to advise the Chair that on this issue of the override vote on this bill, we are prepared to yield back the remainder of our time. After I make a couple of unanimous consent requests, I think we are prepared to yield back our time and then we can go on to campaign finance.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BURNS. Mr. President, also, we had a hearing on this bill after it was vetoed the first time. I ask unanimous consent to have printed in the RECORD the proceedings of that hearing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Excerpts from a hearing before a Subcommittee of the Committee on Appropriations, United States Senate entitled "Evaluate the President's Use of the Line Item Veto Authority for Military Construction Fiscal Year 1998 Appropriations"]

They went in to say because the Department reported to the office that no design work had been done on it. Are any 1 of those 33 that are Air Force projects subject to those restrictions?

General LUPIA. Thirteen of those were line item vetoed. Sir, all of those 13 projects were in our 5-year defense plan. None of the 13 were in the President's budget. But they were all in our 5-year defense plan.

The program years varied. Some were in the year 2000 out to the year 2003. Of the 13 items, quite frankly, sir, there is 1, a dining hall at Malmstrom Air Force Base, that I am having a little bit of trouble with determining why the project did not qualify as a quality of life project, and I was not in on the decisionmaking, so I do not know what criteria was used.

The CHAIRMAN. It is all three criteria, General. Was it capable of being executed in 1998?

General LUPIA. Yes, sir, executed, it was, sir.

The CHAIRMAN. But you had trouble finding whether any design work had been started?

General LUPIA. No, sir; I have the information on design work. What I was saying was I have trouble understanding why the Malmstrom dining hall did not qualify as a quality of life project, and again I do not know who made the decision or how, but it is, in fact, a project that supports 700 of our airmen who eat in the dining hall at Malmstrom.

The CHAIRMAN. Well, it was my understanding if it satisfied any one of those three criteria it was not supposed to be on the list. That was what I was informed. Quality of life projects were taken out. Those in the President's budget were taken out. And those that already had design work and could be executed in 1998 were taken out, and the balance were supposed to be those that were vetoed.

Were there any of those that did not have one of those three criteria, as far as the Department of Air Force is concerned?

General LUPIA. No, sir.

The CHAIRMAN. General Gill, how about your service, the Army?

General GILL. Mr. Chairman, we had 44 projects that were accelerated by Congress. I believe 14 were line item vetoed. Of those 14 projects, 12 were in the 5-year, the future years defense program; 2 were not.

Earlier we had been asked by Congress last spring whether or not these projects were in the FYDP and could they be executed in fiscal year 1998. You can debate what execution means. We reproted in all cases that they could be executed. To me as a budget person or as an engineer, that means award of a contract.

The CHAIRMAN. But two of them have some question as to whether that design work has actually been done. The design work I think was added in at an earlier time. Were either of those two quality of life projects?

General GILL. No, sir, they were operational projects. One was a National Guard aviation support facility in Rapid City, SD, and in this case the design work is done by the State, and the action officer in the National Guard Bureau and the State Guard representative miscommunicated and we provided the wrong information to OSD. The State had actually, begun some design work, but had been reported as zero percent design.

The other case was at Fort Campbell, KY, a vehicle maintenance shop. This was the result of a project that was phased and, in fact, the design had been done completely in the earlier phase 1. The data base did not carry the design as being completed for phase 2. Phase 2 was accelerated. It was reported as not designed when, in fact, it is at 100 percent.

Admiral AMERAULT. Yes, sir; sir, all but 3 of the 12 projects that were line item vetoed in the Navy were in the FYDP, in the years 2000 to 2003, some in the out-years of the FYDP.

We reported that all could be executed. That is under the definition that executable means to us a construction contract could be let in the fiscal year. We reported that they could all be executed in fiscal year 1998. And none of them were quality of life.

The CHAIRMAN. I want your judgment, General, whether each of the projects that were vetoed, in every case, the Air Force projects, is the project an essential Air Force project to meet your mission?

General LUPIA. Sir, the projects are essential to the Air Force and they are in our 5-year defense plan. In terms of budget constraints, some of them are in later years than we would like to have them, but they are of military value. Each of the projects vetoed would enhance operations at the respective installations, but their deferral to a future year does not undercut national security.

General GILL. I think categorically I can say that those that are in the FYDP were essential. It is my judgment—and you asked my judgment—that those which fell within the FTDP, appear to be essential facilities for the accomplishment of the Army's mission. They would have been moved forward had there been enough room in our budget. Some of them would have come forward; others would have been gotten to later. It was simply a matter of how many dollars we had and our internal prioritization.

The CHAIRMAN. Thank you. The same question to you, Admiral.

Admiral AMERAULT. Yes, sir; we reported that, whether or not these projects were militarily essential in our response to questions from OSD, we reported in all cases that they were, with the exception of those three that were not in the FYDP. We were not asked that question for those three.

Their placement within the FYDP was simply a matter of budget priorities, affordability, and so forth.

The CHAIRMAN. The timeframe of affordability within the 5-year plan. Thank you much.

Senator DOMENICI. I will go very quickly. I think the project at Kirtland Air Force Base, that is yours, General Lupia. I understand that this project was included within the defense future year defense plan. Is that true?

General LUPIA. Yes, sir; it was in 2002.

Senator DOMENICI. Is this project mission-essential within the context of the plan?

General LUPIA. Yes, sir, it is.

Senator DOMENICI. Has a site been identified for this project?

General LUPIA. Yes, sir, it has.

Senator DOMENICI. Has money been spent on the design of this project?

General LUPIA. Yes, sir; we have already invested $350,000 in beginning the planning and design of the project.

Senator DOMENICI. Can you begin to execute this project during fiscal year 1998?

General LUPIA. Sir, we can execute it, the definition being contract award in 1998, yes, sir.

Senator INOUYE. Admiral, if I may ask, my staff indicated the Navy had every intention of executing construction of the Asian Pacific Center.

Admiral AMERAULT. Yes, sir; sir, that project is in the FYDP in the year 2003. We had spent no military construction planning and design funds on that project. That is what we reported on September 26. Since that time, the A&E contract for preparation of an RFP was awarded on September 30, 9 days ago. Since then $145,000 has been obligated.

Our anticipation was the earliest construction contract award would be in the third quarter of fiscal year 1998.

Senator INOUYE. So your files would indicate that we have already expended $145,000 for design?

Admiral AMERAULT. Within the last 9 days, sir.

Senator INOUYE. And you are ready to move in the third quarter of the next fiscal year.

Admiral AMERAULT. We anticipate that we could award that contract in the third quarter of 1998.

Senator CRAIG. Thank you much, Mr. Chairman.

Let me do a similar action, General Lupia, on the two items vetoed—Mountain Home Air Force Base, the B-1 avionics building. What is its current status?

General LUPIA. Sir, we reported in April 1997 that the project was zero percent designed. We are today reporting 10 percent work that has been accomplished since then.

Senator CRAIG. So design activity is fully underway?

General LUPIA. Yes, sir, that is correct.

Senator CRAIG. Location?

General LUPIA. The site has been identified, no problem with the site, no environmental problems. The project is in the Air Force's 5-year defense plan in the year 2000. So we had already planned to spend 1998 design money to get it going. We spend 2.5 percent 2 years out, and then 6.5 percent on design 1 year out. We have already invested in the project.

Senator CRAIG. How essential is this to the overall beddown of the B-1's at Mountain Home?

General LUPIA. Sir, this project is essential to the beddown. We have been using workabounds and will continue to do that, but it is essential to the beddown.

Senator CRAIG. The F-15 squadron operations facility, what is the status of that, to your knowledge?

General LUPIA. Sir, that project is in the Air Force's 5-year defense plan in the year 2002. So we reported that we have not begun design. But this is again back in April 1997.

Senator CRAIG. So both of these are clearly within the 5-year plan, design work has begun, locations have been determined.

General LUPIA. No environmental problems, sir.

Senator CRAIG. No environmental problems, viewed to be essential for mission?

Mr. BURNS. Mr. President, we have checked with Senator MCCAIN and his office. He requires no more time. The vote on this will occur at 6 p.m. this evening, I am told. We are prepared to yield back the remainder of our time, and I yield the floor.

PAYCHECK PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1663) to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

The Senate resumed consideration of the bill.

Pending:

McCain amendment No. 1646, in the nature of a substitute.

Snowe amendment No. 1647 (to amendment No. 1646), to amend those provisions with respect to communications made during elections, including communications made by independent organizations.

The PRESIDING OFFICER. Who seeks time? Who yields time?

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Thank you, Mr. President. I think that the debate on the Snowe-Jeffords amendment has been very important in terms of underscoring the issues that need to be addressed in reforming our campaign finance system. I would like to review for the membership of this body exactly what the Snowe-Jeffords amendment would do, because we have heard so much about the impact of it and the misconceptions about the impact of the provisions included in this amendment.

The fact is, this amendment will affect several categories with respect to advertising by groups across this country during the course of an election designed to influence the outcome of a Federal election. We are not saying they cannot advertise. We are not saying that they cannot engage in political activity. But what we are asking these groups to do is to disclose their major donors if they advertise on either medium, radio or television, 60 days before a general election, 30 days before a primary, in which they identify or mention a candidate for Federal office.

They then would be required to disclose their major donors who contribute more than $500. That is more than twice the threshold for disclosure for Federal candidates.

So, unlike the suggestion of those who are opposed to the campaign finance proposal and the Snowe-Jeffords amendment that this is too invasive, too broad, it is not. In fact, it would meet the Buckley standards handed down in that Supreme Court decision of not being invasive. In that Court decision, they were considering the impact of requiring donors of more than $10 to be disclosed. Obviously, that is broad and invasive. But this would pass constitutional muster.

We are talking about groups that spend money on television or radio broadcasts in which they identify a Federal candidate 60 days before a general election, because, obviously, when those ads are aired at that point in time, they are intending to influence the outcome of an election.

The medium is radio and television. The timing is 60 days before a general election, 30 days before a primary. The ad must mention a candidate's name or identify the candidate clearly.

Targeting: The ad must be targeted at voters in the candidate's State.

And the threshold: The sponsor of the ad must spend more than $10,000 on such ads in the calendar year.

It is very narrow, it is very clearly targeted, very specific. And the Supreme Court has said that you can make a distinction of electioneering communications from other forms of speech. That is exactly what the Snowe-Jeffords amendment does. We are replacing the issue advocacy provisions of the McCain-Feingold legislation, section 201, that could raise constitutional questions. The proposals that Senator JEFFORDS and I are offering today are ones that have been designed by legal and constitutional experts based on court decisions.

What the Snowe-Jeffords amendment would not do, because, again, we have heard so much about what the impact would be and, in many cases, have been very erroneous in some of the circulations in Congress by various groups, it would not prohibit groups from communicating. If they want to advertise, they have every right to do that. They can communicate with their grassroots membership.

It does not prohibit them from accepting funds, corporate or labor funds. It would not require groups to create a PAC. They can continue what they are doing. But they are required to disclose if they are going to identify a candidate 60 days before an election in a television advertisement or radio broadcast.

It would not affect the ability of any organization to urge grassroots contacts with lawmakers in upcoming votes. They can say, "Call your Senator, call your Member of Congress, using the 1–800 number," which is a popular means today. That is certainly allowed. There is nothing to discourage that. If they identify a candidate in a TV or radio broadcast 60 days before an election, then they have to disclose their donors of more than $500, and that is all we are requiring. So it is not invasive; it would not require them to give an advance of the specifics of their advertisement and the text.

What we are requiring in all of this is disclosure so that everybody understands who is financing these advertisements when they are designed to influence the outcome of an election.

It guards against sneak attacks. Doesn't everybody have the right to know? Absolutely. And that is why the Supreme Court made that distinction in Buckley and in other cases, to draw that bright line, which is what the Snowe-Jeffords amendment does.

The Court has never said that there is one route towards what can be distinguished in terms of electioneering communications. The fact of the matter is, it said you can make that distinction, that the U.S. Congress has the prerogative to make that distinction in a very narrow, very targeted way.

This amendment would pass constitutional muster. I think that is what causes some anxiety for some people, because they are opposed to this amendment because it will require disclosure of major donors.

Since when has disclosure been antithetical to good government, to campaign financing? Because that is the thrust of this amendment. It is disclosure. I think we all can concur that secrecy does not invite the kind of campaign that we want to see in America. We are entitled to know who finances these campaigns when it comes to major donors, when they are running ads that influence the outcome of these campaigns.

The fact is, these groups have spent at least, based on what we know because it is a guesstimate because they did not have to disclose, $150 million—$150 million. The best we can guess, because, again, it does not require disclosure, is a third of all the money that was spent was spent on campaign advertising in the last election cycle, and we do not know where one dime comes from. We don't have the identity of donors, and yet they play a key role in influencing Federal elections.

We had $150 million spent on issue ads in the 1996 election, and $400 million was spent for all the candidates: for the President, the Senate and the House. And yet, of this $150 million—this is probably a conservative estimate; this is based on the Annenberg Public Policy Center study; probably the most definitive study on issue advertising and issue advocacy. In fact, what they did was they analyzed advertising that was done by 109 organizations—109 TV and radio advertisements from 29 organizations. So we would expect that that estimate is pretty conservative. So what we are saying here is that there should be a means for disclosure.

The courts have never said that disclosure is not in the public interest. The fact is that the Supreme Court has ruled time and again, and specifically in Buckley, that there is strong governmental interest that justifies disclosure, and that is why we have designed this amendment in the manner that we have.

We also restrict campaign spending by unions and corporations with their nonvoluntary contributions in television and radio advertising in which they mention a candidate 60 days before a general election and 30 days before a primary because, again, there has been a century-long decision by the Government as well as the Congress in which that distinction can be made.

The courts have made that distinction that Congress has the right to restrict spending by those entities because of those benefits that have been conferred on unions and corporations by the Congress, so that we are entitled to draw that distinction. And we do in this amendment.

The courts have ruled that the Congress has the right to enact a statute that defines electioneering as long as it isn't vague or overbroad, that we can develop a more nuanced approach, because I know the Senator from Kentucky has cited cases in which he said that the Court would not support this type of an amendment.

To the contrary, the fact of the matter is, this amendment is not vague and it is not overbroad. Not only will it pass muster, I think the Court would have the advantage of seeing what has happened over the past 22 years since it ruled in Buckley that has made a mockery of the campaign laws in ways in which the system works today. If they had had the advantage of that back when they made the decision in Buckley, I think there is no question that they would have indicated the approach that we have here today.

There is something wrong in a system where we have $150 million influencing Federal campaigns and we do not require disclosure, and that is what the Snowe-Jeffords amendment is all about.

Mr. President, I hope that Members of the Senate will see fit to support this amendment because I think it is in the interest of our campaign system, it is in the interest of good government. We have heard so much about these issues ads and the content of these so-called "issue ads" in the last election. Every group has the right to state their position. They have the right to communicate with their lawmakers. They have the right to even participate in the political process in advertisements and voting for or against. But I think they also should be required to identify their major donors when they are identifying a candidate 60 days before an election.

Now, there are different kinds of issue ads. The one that I am mentioning here in the content of so-called "issue ads" isn't pure issue advocacy because there is a difference between issue advocacy and candidate advocacy.

In this case, what we are seeing in what is so-called "issue ads," 87 percent of what is called "issue ads" actually referred to a candidate or an official—87 percent.

So rather than just talking about an issue and informing the public or running an ad that says, "Call your Senator or call your Congressman," it was one in which it was designed to influence the outcome of an election, because 87 percent of those ads referred to an official or a candidate.

In fact, according to the Annenberg study, 41 percent of those ads were "pure attack"—41 percent—and yet not one dime is required when it comes to disclosure. So $150 million of this money was spent on so-called "issue ads," and some of them were pure issue ads, but many of those ads, in fact 87 percent, referred to an official or to a candidate that, again, had the impact, or certainly had the intent, of affecting the outcome of an election, or otherwise they would not have mentioned the candidate's name.

Mr. GORTON. Mr. President, will the Senator from Maine yield for a set of factual questions about her amendment?

Ms. SNOWE. I am glad to yield.

Mr. GORTON. Mr. President, would the Senator from Maine tell us, am I correct in reading the requirements relating to electioneering communications, that they apply to broadcast stations, television and radio broadcast stations, but not to newspapers or to direct mail?

Ms. SNOWE. That is correct.

Mr. GORTON. Do they apply to the Internet?

Ms. SNOWE. Excuse me?

Mr. GORTON. Do they apply to the Internet?

Ms. SNOWE. No. Television and radio.

Mr. GORTON. So none of these requirements apply to newspapers or direct mail or to——

Ms. SNOWE. If I can answer the Senator's question, that is correct. I know the Senator from Kentucky has objected to any possibility of impacting the first amendment. We would all agree in that respect, that obviously we want to draw that bright and distinctive line. Because no one wants to chill the first amendment right of freedom of speech. So that is where you can invite the possibility of concerns when it comes to printed material and to direct mail and to newspapers. We also know that most of the money in campaigns is particularly in television, rather than radio, because it has the greatest impact. It can have the greatest effect. So as a result, we do narrowly target those two mediums.

Mr. GORTON. I take it the Senator from Maine believes it is constitutional to target one medium of communication but not to target a separate, a different, medium of communication?

Ms. SNOWE. That is correct.

Mr. GORTON. Does the Senator from Maine believe, in connection with the exceptions for the broadcasting stations' own editorial comments, which is granted here, that in fact she is granting that exception simply because she feels it to be desirable, or does she—let me rephrase the question. Does the Senator from Maine believe that she could have constitutionally applied these rules and regulations to the television station's communication of its own ideas?

Ms. SNOWE. Well, obviously, we are talking about political advertising that is sponsored by organizations. That is what we are identifying here because that is obviously playing the primary role.

Mr. GORTON. I understand what it is being aimed at. My question is, is this exception a part of the amendment of the Senator from Maine because the Senator from Maine believes that it is mandatory that she could not constitutionally apply these electioneering communications to TV stations? Or is she doing it because she does not think it is a good idea to apply it to them?

Ms. SNOWE. I think we are taking the approach in this amendment to draw it as narrowly as possible so that we do not affect the first amendment rights. So, we are taking the most prudent, most cautious approach in designing this amendment.

Mr. GORTON. So the Senator feels that——

Ms. SNOWE. If I might reclaim my time to answer the Senator's question. My concern—and I think shared by others, such as Senator JEFFORDS, who is a lead sponsor of this amendment as well—we are concerned about the political advertising that is in these campaigns, hundreds of millions of dollars, where there is no disclosure, that influences the campaigns. So we are creating a separate category of advertising called "electioneering communication," in response to the question.

Mr. GORTON. I think I do understand the Senator's feelings on that. I was simply asking whether she is exempting the television stations because she thinks she is required to by the first amendment.

Ms. SNOWE. Yes.

Mr. GORTON. Or she thinks it is a good idea.

Ms. SNOWE. I think it is the most cautionary approach.

Mr. GORTON. Thank you.

Ms. SNOWE. The courts have allowed and made those distinctions in the past where we can draw a line in terms of methods of communicating and have allowed different rules for public airwaves. We are focusing on the most egregious abuses that have been identified in these campaigns in the past.

If anything, I think the 1996 cycle highlighted the extent of the problem by the amounts of money that were placed in issue advertising that ordinarily would be, I think, a significant component in the campaign. But what has developed in the final analysis, as we all know, is sort of circumventing some of the restrictions that are currently in campaigns by what is masked as issue ads but really are candidate advocacy ads. That is what we are highlighting in this amendment by requiring disclosures by those groups that support these advertisements on behalf of candidates or in opposition to candidates shortly before the election.

So we create a very narrow timeframe so that we do not engage in any possibilities of interfering with first amendment rights. We limit the medium to television and radio, again, so we do not invite any infringements on freedom of speech.

Candidates-specific. They have to identify the candidate. Again, if that advertisement is targeted to a candidate's State, or in terms of House of Representatives elections, towards that candidate's district, again it is a threshold so that we don't affect small groups. If the sponsor of the ad spends less than $10,000 in a calendar year, they would not be required to disclose.

Again, the Senator from Kentucky has mentioned Court cases like the NAACP v. Alabama in 1958, saying that the courts say you should not be required to supply your donor list because such disclosure could cause the fear of reprisal by its membership. Certainly there are exceptions to every rule, but you can have those exceptions without having the Court rule on its constitutionality. So, yes, there are exceptions, and the Court would require groups to obviously demonstrate that they had reasonable feeling that disclosing their donor base would be a reprisal. But there are exceptions, and there can be exceptions, but the law can be allowed to stand without suggesting that it will be ruled unconstitutional because there is an exception to that rule.

We have drawn this amendment to be as narrow as possible in order to be as protective of the first amendment rights, constitutionally. If even possible we could have gone further but we chose to be narrow so that we don't create any problems with this legislation, because one of the concerns originally with the McCain-Feingold legislation is we would have the ban on soft money, but the issue advocacy provisions very possibly would have been struck down. So we designed this amendment in order to address those concerns.

Mr. President, I yield such time as he may consume to Senator JEFFORDS, the other sponsor of this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise to urge my colleagues to support this fair and reasonable amendment. I think it is important for us to take a close look at what this does to make sure that we understand that it is really hard for anyone to be against it as near as I can tell. It is not the end-all of the situation that we face or the problems that need to be handled, by any means, but it does take into consideration doing something where nothing is done now to alert the public to who is behind the things that are being thrown on television.

I can just imagine a candidate, and this happens now, I am sure, when they think they are running their campaign, they had it all organized and they are watching carefully the amount of money their opponent has, and then they wake up one morning thinking they are in fine shape and every channel they turn on on the television has this ad attacking them at the last moment, the last couple of weeks before the election, and they don't know who it is coming from or what to do about it; they were not aware of it.

All we say is, OK, that can happen; but at least 45, 50, 60 days before it happens, you know it will happen. That is all we are saying. So that you don't get the surprise attacks by somebody who is running so-called issue ads that did not place them under the FEC regulations with respect to supporting that candidate.

That is the real world we are faced with. It happened last time. It happened to the tune of $135 million. The least we could do, the very least, is to say at least you ought to know it is coming, first; and No. 2, where it is coming from so you have an idea when you get this last-minute flurry of advertising you are ready to do the best you can to protect yourself against it.

Again, I want to commend the Senator for the continued leadership on this very important issue. Senator SNOWE mentioned yesterday and today it is the duty of leaders to lead, and that means making some difficult choices in doing the right thing. On the issue, Senator SNOWE has been a true leader. Crafting a compromise is often difficult. I thank the Senator from Maine for leading this body to a logical resolution, one which is sensible and one which is so commonsensical it is hard to understand why anybody would be against it,

As was discussed yesterday, the basic tenets of the Snowe amendment are boosting disclosure requirements and tightening expenditures of certain funds in the weeks preceding a primary and general election. The amendment strengthens the McCain-Feingold bill in these areas in a reasonable manner. I could not support the McCain-Feingold bill until something was put into that area which is going to be the most used area. It is the first time it was used in the last election and we saw $135 million or more come in to the election. You have to remember that power is what those who are spending money seek. The money is going to follow that group which is most effective in gaining that power. Our job is to know where it comes from.

The last Presidential election shows how terrible our means are to trace the money now. This is an opportunity to trace effectively, to know where it is coming from, you have a chance to understand where it came from. The last few election cycles have shown the spending has grown astronomically in two areas that cause me great concern: First, issue ads that have turned into blatant electioneering; second, the unfettered spending by corporations and unions to influence the outcomes of elections.

As an example of how this spending has grown, a House Member from Michigan in 1996 faced nearly $2 million in advertisements alone before the fall campaigning season had begun. Campaigning really starts early and then there is a big boost at the end. Early on you want to knock the candidate out before he has a chance to get on the scene, and at the end it is because you know a large percentage of the people who vote really don't pay much attention until the last couple of weeks. The Snowe-Jeffords amendment addresses these areas in a reasonable, equitable, and, last but not least, constitutional way.

Mr. President, citizens across this Nation have grown weary of the tenor of campaigns in recent years. This disappointment is reflected in low voter participation and the diminished role of individuals in electing their representatives. Increasing the information available to the electorate will help return the power of this democratic aspect to the people who should have it—the voters. Expanded disclosure will bring daylight to this process. Increased disclosure will rid corruption; more disclosure will protect the public and the candidates.

How can we deny our electorate the ability to know the sponsors of electioneering communications? Give the people the information they need to better evaluate those Federal candidates that they will be voting on. Each of us should ask or be fully informed before we vote on a bill or amendment. How can we as Members of Congress stand here and say that the public should not have all the information they need before stepping into the voting booth?

Additionally, the disclosure required in the Snowe-Jeffords amendment will help deter actual corruption and avoid the appearance of impropriety that many feel pervades our campaign finance system. Armed with this information, voters are guaranteed access to the truth. This change will restore the public's confidence in the election process and their elected representatives.

As noted yesterday, the Annenberg Public Policy Center report figured there were somewhere between $135 to $150 million spent during the 1996 elections on so-called issue ads. This is a conservative estimate prepared very specifically not to lead to any exaggeration. The Annenberg report found that nearly 87 percent of these ads mentioned a candidate of office by name, and over 41 percent were seen by the public as pure attack ads. You ought to know who paid for them so we can better judge whether or not to believe them. This is the highest percentage recorded among a group that also included Presidential ads, debates, free time segments, court candidates, and new programs. Clearly, these ads were overtly aimed at electing or defeating targeted candidates, but under current law these ads were not subject to disclosure requirements of any nature.

The second part of our amendment considers an area Congress has long had a solid record on: imposing more strenuous spending restrictions on corporations and labor unions. Remember, under the law, these are not given the same freedom of speech rights that individuals are, and rightfully so. Corporations have been banned from electioneering since 1907; unions, since 1947. As the Supreme Court pointed out in United States v. UAW, Congress banned corporate and union contributions in order to "avoid the deleterious influences on Federal elections resulting from the use of money by those who exercise control over large aggregations of capital."

Our amendment would ban corporations and unions from using General Treasury funds to fund electioneering communications in the last 60 days of the general election and the last 30 days before a primary. They still have the right to foster and to approve PACs, organizations for their employees or members of the union, to contribute to, in order that they individually, working together in the PACs, can influence the election process.

The Snowe amendment takes a reasoned, incremental and constitutional step to address the concerns many of my colleagues have voiced on campaign finance reform proposals.

Mr. President, some of our colleagues have expressed constitutional concerns with our amendment. Let me assure Members that we have taken great pains to craft a clear and narrow amendment on this issue in order to pass two critical first amendment doctrines that were at the heart of the Supreme Court's landmark Buckley decision, vagueness and overbreadth. Vagueness could chill free speech if someone who would otherwise speak chose not to because the rules aren't clear and they fear running afoul of the law. We agree that free speech should not be chilled and that is why our rules are very clear.

Any sponsor will know with certainty if their ad is an electioneering ad. There would be no question the way we have delineated within the bill.

Overbreadth could unintentionally sweep in a substantial amount of constitutionally protected speech. Our amendment is so narrow that it easily satisfies the Supreme Court's overbreadth concerns. We have asked the experts to check and give us advice on this. It is not just merely our opinion. We strictly limit our requirements to ads run near an election that identify a candidate—ads plainly intended to convince voters to vote for or against a particular candidate.

As the Court declared in Buckley, the governmental interests that justified disclosure of election-related spending are considerably broader and more powerful than those justifying prohibitions or restrictions on election-related spending.

Disclosure rules, the Court said, enhance the information available to the voting public. Who can be against that? Disclosure rules, according to the Court, are "the least restrictive means of curbing evils of campaign ignorance and corruption." And our disclosure rules are immensely reasonable.

As James Madison said:

> A popular government without popular information is but a prologue to a tragedy or a farce or perhaps both.
>
> Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

Mr. President, our amendment will arm the voters in order to sustain our popular Government. I fear that without our amendment, and campaign finance reform generally, the disillusionment of the voting public will grow, along with the scandals, and the participation of our voting public will continue to decline, to the extent that we will be embarrassed. It is close to that point now when, many times, only half of the people even bother to go to the polls.

I ask that each Senator carefully consider the beneficial effects that our amendment will have and support us in moving this debate forward.

Mr. GORTON. Mr. President, I yield such time off of Senator MCCONNELL's time as I may use.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, it is with intense regret that it's my view that this amendment, representing a good-faith attempt by two of my friends and my Republican colleagues, it seems to me, is subject to even more widespread and deeper constitutional objections than the original McCain-Feingold bill—a bill that seems, to this Senator at least, to be unconstitutional on its face.

The fundamental objection to all of these attempts to limit the freedom of speech, of course, is that they fly in the face of the unrestricted language of the first amendment, language that does not—though the Senator from Maine might wish to permit it to do so—permit exceptions to every general rule.

This amendment, however, seems to me to violate the 14th amendment in many respects, with respect to both equal protection and due process. This amendment imposes broad and what some may consider to be onerous disclosure requirements with respect to what it calls "electioneering"—on electioneering in certain ways through the mass media, but not at all in other ways, and even in the ways in which it covers electioneering by certain groups and organizations and not by other groups and organizations.

The Senator from Maine said, during the course of her comments, that she does not think that she could constitutionally apply these requirements to electioneering by mail. She has not applied them to electioneering through newspapers, nor has she applied them to electronic electioneering through the Internet, but only to electronic electioneering by television or by radio. She does that, she says in all candor, because those seem to be the most effective methods of electioneering, the methods of choice by those who have engaged in what the law now calls "express advocacy" and what she calls "electioneering."

Well, Mr. President, it seems to me hardly to be subject to argument that you can say that the Government can regulate your speech in one medium, but cannot or will not regulate it through another medium. That is a fundamental denial of the most fundamental of all of our constitutional rights. It does, however, illustrate the flaw in this entire debate, and that is that effective electioneering should be banned, or severely controlled, and that certain kinds of speech are so unfair or so late in a political campaign that we ought not to allow them; and if we have to allow them, we ought to impose on them such heavy restrictions as to discourage them, even though we are going to permit exactly the same kind of communication, as long as it is done in a relatively ineffective fashion. To claim, Mr. President, that the Constitution of the United States, in the first and 14th amendments, permits those distinctions is to fly in the face of all rationale, all logic, and all constitutional law.

But the amendment doesn't stop there. Even with respect to radio and television electioneering, it makes an exception. What is that exception? It is any news story, commentary, or editorial distributed through the facilities of a broadcasting station. So now we will have a law that clearly states that no matter how expensive, no matter how unfair, no matter how late in a campaign, a television station or a television network can do whatever it wishes without any of the restrictions of this statute; but no one else can without being subject to the restrictions of this amendment. Is there something that is so much superior in an editorial appearing on a television station over similar opinions expressed by a labor union, or by the Christian Coalition, or by any other political organization, that one should be discouraged and the other should be encouraged?

Mr. President, that is a terrible policy in any political debate, and it is clearly a policy that is so discriminatory as to run afoul of the equal protection clause of the 14th amendment. And, Mr. President, this discrimination doesn't even stop there in distinguishing between a communication paid for by a labor union or the Christian Coalition with one paid for by the facilities of the television station and network. Oh, no. The prohibitions do apply to a television, or a radio station, or a network owned or controlled by a political party, a political committee, or a candidate.

So, Mr. President, we have the spectacle of all of these requirements being applied to a radio station or a television station owned by a candidate, but not applied to the National Broadcasting Company and, say, Tom Brokaw, the company owned by General Electric. So a corporation can purchase a television station or a network and do whatever it wants in politics.

But a candidate can't and a political party can't.

Mr. President, how can that possibly, under any circumstances, be valid under the equal protection clause? How does that grant due process to candidates, political parties, or to any other organization, except for a corporate owner of a television station, a radio station, or a network?

The Senator from Maine also deals with the NAACP case and says, well, yes, the Supreme Court has ruled rather expressly that you cannot require a group expressing its point of view on a political subject to list its membership. She says every rule has its exceptions and there are certain kinds of organizations where that should be the case, but there are other kinds where it should not.

Last June, in testimony I think, on a bill like this, top officials of two organizations, Public Citizen and the Sierra Club Foundation, refused to expose the identities of their members.

> "As I am sure you are aware, citizens have a first amendment right to form organizations to advance their common goals without fear of investigation or harassment," Public Citizen President Joan Claybrook told GNS.
>
> We respect our members' rights to freely and privately associate with others who share their beliefs, and we do not reveal their identities. We will not violate their trust simply to satisfy the curiosity of Congress or even the press.

Evidently, the sponsors of this amendment feel that they need pay no attention to that proposition. But I look through the NAACP case without finding the slightest hint that the Supreme Court will oblige the sponsors of this amendment. The Supreme Court in that case said:

> Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly. . . . It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the "liberty" assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech. . . . It is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious, or cultural matters. . . . In the domain of these indispensable liberties, whether of speech, press, or association, the decisions of this Court recognize that abridgement of such rights, even though unintended, may inevitably follow from varied forms of governmental action.

The Court has recognized the vital relationship between freedom to associate and privacy in one's associations. When referring to the varied forms of governmental action that might interfere with freedom of assembly, it said, "A requirement that those in adherence of particular religious faiths or political parties wear identifying armbands is obviously of this nature. To compel the disclosure of membership in an organization engaged in the advocacy of particular beliefs is of the same order. Inviolability of privacy in group association may, in many circumstances, be indispensable to the preservation of freedom of association."

(Ms. COLLINS assumed the Chair.)

Mr. GORTON. Now, Madam President, that is not a statement of the Supreme Court of the United States that is going to admit exceptions and say, oh, well, we really didn't mean it in a political race, we really didn't mean it in connection with an advocacy organization like the Christian Coalition or the labor unions; though, perhaps, we did mean it with respect to television networks. They will not do that.

Madam President, with respect to this attempt to limit freedom of speech, the views of the American Civil Liberties Union are particularly eloquent, and I do want to share just a handful of them at this point on this specific amendment.

> We are writing today . . . to set forth our views on an amendment to that bill dealing with controls on issue advocacy which is being sponsored by Senators SNOWE and JEFFORDS. Although that proposal has been characterized as a compromise measure which would replace certain of the more egregious features of the comparable provisions of McCain-Feingold, the Snowe-Jeffords amendment still embodies the kind of unprecedented restraint on issue advocacy that violates bedrock First Amendment principles.

They go on eloquently to discuss exactly this proposition.

They say, "The Court"—referring to the Supreme Court—"fashioned the express advocacy doctrine to safeguard issue advocacy from campaign finance controls, even though such advocacy might influence the outcome of an election. The doctrine provides a bright-line objective test that protects political speech and association by focusing solely on the content of the speaker's words, not on the motive in the speaker's mind or the impact on the speaker's audience, or the proximity to an election."

Madam President, this proposal is blatantly unconstitutional. It is overwhelmingly discriminatory among organizations engaged in identical activity. It is overwhelmingly discriminatory in treating the forum or the particular medium by which a group advocates its views differently depending solely on the sponsor's views on the effectiveness of that particular medium in influencing the outcome of an election. It discriminates between a commercial corporation ownership of a television or radio medium and a political ownership of the same medium.

Madam President, it is exactly these prohibitions that the first amendment of the United States to the Constitution of the United States was designed to prohibit. And, of all forms of speech, the first amendment was aimed primarily at political speech. Here we have an attempt not only to ration political speech but to discriminate against certain forms of political speech and in favor of other forms of political speech, thus accomplishing the goal of violating not only the first amendment but the 14th amendment as well.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Madam President, I will yield time to the Senator from Michigan. I just want to make a couple of points in response to the Senator from Washington and to Senator JEFFORDS.

Mr. LEVIN. I wonder if I might ask unanimous consent that immediately after the Senator from Maine is finished with her remarks I be recognized for 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. SNOWE. The time off I yield to the Senator.

The PRESIDING OFFICER. Is that acceptable to the Senator from Maine?

Ms. SNOWE. With one exception: We would like to respond to the Senator from Washington briefly and Senator JEFFORDS briefly. We both have made our remarks. I want to yield to the Senator from Michigan 20 minutes.

Mr. LEVIN. Madam President, I ask unanimous consent that after the Senators from Maine and Vermont are finished with their responses to the Senator from Washington, I be recognized for 20 minutes and that the time be taken from the time of the Senator from Maine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Ms. SNOWE. Thank you, Madam President.

Madam President, in response to what the Senator from Washington mentioned in terms of our amendment and the constitutional questions, it is interesting to note that his arguments suggest that in fact he prefers a broader amendment, which I think is interesting.

So I would certainly ask the Senator from Washington if he could tell us where in the Constitution it is impermissible to draw these distinctions and to draw these lines? The Constitution doesn't require us to address every problem. It certainly allows us to address some of the problems. And we know where some of the problems develop in campaigns today. The problems develop in the amount of money that is placed in television and radio advertising. That is what we are attempting to address.

So I think it is interesting that the Senator from Washington is talking about printed materials, newspapers, and direct mail. In fact, we are saying that isn't the source of the problem in these campaigns. The source of the problem is where you have $150 million being spent in television advertising by groups that do not have to disclose their donors That is all we are requiring—disclosure.

That is the thrust of our amendment. We are entitled to draw those distinctions. It would not be unconstitutional. We don't need to find something in the Constitution to justify every policy decision that we make.

Mr. JEFFORDS. Will the Senator from Maine yield on that point?

Ms. SNOWE. I am glad to yield to the Senator from Vermont.

Mr. JEFFORDS. I have known my good friend from Washington for 30 years, I guess. He is a master of the facts. Let us take a look at one of the glaring examples of that in his dissertation.

He takes a case involving the NAACP during the 1950s, when we had huge racial unrest, and the Supreme Court, in examining the case to expose all of the members of the NAACP in the South, said, when you have a paramount interest here of protecting people from bodily harm, then there is no way that you can require them to expose their membership so that you can go beat them up. This is a paraphrase.

In Buckley—someone raised that issue in this case—it said no. We are talking about different rights. We are talking about the rights of the public and the sacred right of casting a vote to know all of the information that can be available to them when they make decisions. That is a vital right, a sacred right. So that right overcomes any concern about releasing the names. You have to know. The voting public can't make decisions if they hear all of this coming out of the air at them and they do not know who said it.

So I don't think there is any question. But that is just an example of the erudite on constitutional law running through all of this, because I think this is clearly a situation where it is not in violation of the Constitution.

Ms. SNOWE. I thank Senator JEFFORDS for those comments. He is entirely correct on that issue. Obviously, there were legitimate fears of bodily harm and economic retribution in the 1950s in Alabama. That is what that case was all about. The court recognized that concern, and exceptions can be made, and have been made.

In fact, in response to the issue that was raised by the Senator from Washington and the Senator from Kentucky, several legal experts—Burt Neuborne, from New York University School of Law; Mr. Ornstein, of the American Enterprise Institute; Dan Ortiz, University of Virginia School of Law; and Josh Rosenkranz, from the New York University School of Law and the Brennan Center—wrote a response to these concerns.

These are legal and constitutional scholars in response to some of the groups suggesting that somehow they would fear the same reprisal. They said:

> These groups, like any other group, may be entitled to an exemption from electioneering disclosure laws if they can demonstrate a reasonable probability that compelling disclosure will subject its members to threats, harassment, or reprisal; but the need for these kinds of limited exceptions certainly do not make general disclosure rules contained in the Snowe-Jeffords amendment unconstitutional.

So, yes, exceptions can be made without making a broad ruling with respect to the constitutionality of any legislation that we might pass here.

To further buttress this point in terms of anonymity of donors, the courts have indicated in the past that there is no generalized right to anonymity. The Senator from Vermont mentioned the Buckley case upheld that:

Another case that has been identified here is McIntyre v. Ohio Elections. Justice Scalia said:

> The question relevant to our decision is whether a right to anonymity is such a prominent value in our constitutional system that even protection of the electoral process cannot be purchased at its expense.

The answer is clearly no.

He went on to say:

> Must a parade permit, for example, be issued to a group that refuses to provide its identity, or that agrees to do so only under assurance that the identity will not be made public? Must a government periodical that has a "letters to the editor" column disavow the policy that most newspapers have against the publication of anonymous letters? . . . Must a municipal "public access" cable channel permit anonymous (and masked) performers? The silliness that follows upon a generalized right to anonymous speech has no end.

Scalia went on to say that not only is it not a right, disclosure can be helpful in curbing "mudslinging" and "character assassination" and improving our elections.

So the point of it all is that disclosure is in our public interest. It is the public's right to know.

That is essentially the thrust of the Snowe-Jeffords amendment—to require disclosure of major donors over $500. It is in all of our interest to have such a requirement.

Now I yield to the Senator from Michigan 20 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, let me commend the Senators from Maine and Vermont for their leadership. This amendment will strengthen the chances of this bill passing and, indeed, in many ways strengthen the bill itself. I lost track of the number of times this body has debated a need for campaign finance reform and was presented with reasonable bipartisan efforts and, yet, failed to get the job done. This is an issue which will not go away, and it is an issue which should not go away.

Soft money contributions of hundreds of thousands of dollars, indeed, of millions of dollars, have made the contribution limits in Federal election laws meaningless. Both the Republican and Democratic National Committees, national parties, solicited and spent soft money and used it to develop so-called "issue ads" which are clearly designed to support or defeat specific candidates. These soft money and issue ad loopholes are used to transfer millions of dollars to outside organizations to conduct allegedly independent election-related activities that are, in fact, benefiting parties and candidates. These soft money and issue ad loopholes are used by tax-exempt organizations to spend millions of dollars from unknown sources on candidate attack ads to influence election outcomes.

The reality of our campaign finance system simply cannot be avoided. Soft money has blown the lid off contribution limits in our campaign finance system. Soft money is the 800-pound gorilla sitting right in the middle of this debate.

Just look at Roger Tamraz, a contributor to both political parties. He is a bipartisan symbol of what is wrong with this system. He served as a Republican Eagle in the 1980s during the Republican administrations, and a Democratic Managing Trustee in the 1990s during Democratic administrations. Tamraz was unabashed in admitting that his political contributions were made for the purpose of buying access to candidates and officeholders, and he showed us in stark terms the all too common product of the current campaign finance system—using soft money to buy access.

Despite condemnation by the committee and the media of Tamraz' activities, when he was asked at the hearing to reflect upon his $300,000 contribution in 1996, Tamraz said, "I think next time I will give $600,000."

Now he was taunting us. He was flaunting the fact that he had given $300,000, indicating that it's perfectly legal and you folks like it that way or else you would change it. That's what Tamraz told us. And the truth of the matter is, he was right. It is a sad truth. We can change it if we want to change it. And the next time he will give $600,000 or $1 million to do the same thing, to buy access to candidates and to officeholders.

Most of the 1996 excesses involved activities that were legal, and they all centered around that 800-pound gorilla, soft money. Virtually all the foreign contributions that concerned the committee that just held hearings involved soft money. Virtually every offer of access to the White House or the Capitol or the President or to Members of the

Senate or the House involved contributions of soft money. Virtually every instance of questionable conduct in the committee's investigation involved the solicitation or use of soft money.

The opponents want to pretend this monster doesn't exist, but it is sitting right in the middle of this debate. It is not going to be removed until we address it.

The bipartisan McCain-Feingold bill would do an awful lot to repair this system. It is not a new bill. It has been before this body for years now and it has received sustained scrutiny from Members on both sides of the aisle.

The truth is that the soft money loophole exists as long as we in Congress allow it to exist. The issue advocacy loophole exists because we in Congress allow it to exist. Tax-exempt organizations spend millions televising candidate attack ads days before an election without disclosing who they are or where they got their funds, because we in Congress allow it.

It is time to stop pointing fingers at others and take responsibility for our share of the blame for this system. We alone write the laws. Congress alone can shut down the loopholes and reinvigorate the Federal election laws.

When the Federal Election Campaign Act was first enacted 20 years ago in response to the Watergate scandal, Congress enacted a comprehensive system of laws including contribution limits and full disclosure of all campaign contributions. The requirements are still on the books, at least in form. Individuals are not supposed to give more than $1,000 to a candidate per election. Corporations and unions are barred from contributing to any candidate without going through a political action committee. Campaign contributions and expenditures have to be disclosed.

At the time that these laws were enacted, many people fought against those laws, claiming that they were an unconstitutional restriction on first amendment rights to free speech and free association. And the law's opponents, including the ACLU, took their case to the Supreme Court.

The ACLU is sometimes right and the ACLU is sometimes wrong, but they are always eloquent. And the reason they are always eloquent is that the first amendment is eloquent. But so are clean elections an eloquent idea. So are elections which are free and clean and democratic an eloquent idea.

So the Supreme Court, in Buckley, had to weigh the ACLU opposition to the campaign contribution limits against the need for elections which were free and clean, both of corruption and the appearance of corruption—both. And the ACLU lost that issue in Buckley.

It is frequently forgotten around here that there was an attack on the campaign contribution limits, which are now the law, that attack was led by the ACLU in the Buckley case, and the ACLU lost. The Supreme Court in Buckley upheld contribution limits and disclosure limits. It upheld them despite the eloquence of the ACLU in opposition to those limits in Buckley.

Now, this is what the Supreme Court said in Buckley:

> It is unnecessary to look beyond the Act's primary purpose—to limit the actuality and appearance of corruption resulting from large individual financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation. Under a system of private financing of elections, a candidate lacking immense personal or family wealth must depend on financial contributions from others to provide the resources necessary to conduct a successful campaign. . . . To the extent that large contributions are given to secure political quid pro quo's from current potential office holders, the integrity of our system of representative democracy is undermined.

And then the Supreme Court said the following in Buckley:

> Of almost equal concern is . . . the impact of the appearance of corruption, stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions.

And the Court went on:

> Congress could legitimately conclude that the avoidance of the appearance of improper influence is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.

So the Supreme Court weighed the free speech arguments of the opponents of campaign contribution limits and weighed that against the argument about the need to have elections which are free and clean, and to avoid the appearance of corruption. And they decided in Buckley that we, Congress, "could legitimately conclude that the avoidance of the appearance of improper influence is critical if confidence in the system of representative government is not to be eroded to a disastrous extent."

The same Court upheld tough disclosure requirements, effectively prohibiting anonymous or secret contributions to candidates and parties, despite arguments in Buckley that disclosure collides with first amendment rights of free speech and free association. The Court in Buckley said the following:

> Compelled disclosure has the potential for substantially infringing on the exercise of first amendment rights. But we have acknowledged that there are governmental interests sufficiently important to outweigh the possibility of infringement, particularly when the free functioning of our national institutions is involved. The governmental interests sought to be vindicated by the disclosure requirements are of this magnitude.

So, despite the arguments of opponents of contribution limits and opponents of disclosure who base their arguments on first amendment concerns, the Supreme Court in Buckley said you can limit contributions and you can require disclosure because the governmental interests sought to be vindicated, the free functioning of our national institutions, is involved. And Congress can consider that. They used a balancing test, and that is the test that they would use when we pass McCain-Feingold.

Now, relative to the question of the so-called magic words test on issue ads, it is true that two circuits have said that the Supreme Court has ruled that only if certain magic words are present can you then limit those ads to being paid for by regulated contributions. But another circuit, the ninth circuit, in the Furgatch case, has held that this list of magic words referred to so frequently here "does not exhaust the capacity of the English language to expressly advocate the election or defeat of a candidate."

And of equal importance to the fact that the circuits are divided on the question of what constitutes issue advocacy and what constitutes candidate advocacy is the fact that the Federal Election Commission just recently, on a bipartisan basis, reaffirmed its commitment to a broader test that goes beyond the magic words test to unmask ads that use the guise of issue ads to advocate the election or defeat of a Federal candidate.

The Supreme Court has not yet ruled on whether the FEC regulation is constitutional. But when you have at least one circuit and the FEC saying that you can have a broader test than the ones that have been adopted in the other circuits, there is a division of authority here which means that at least there is a reasonable chance that the Supreme Court will affirm the FEC regulation.

I wonder how much time I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 27 seconds.

Mr. LEVIN. I thank the Chair.

Relative to the Snowe-Jeffords amendment, this amendment strikes an acceptable balance between the need to protect the integrity of our electoral process and the need to protect the rights to free speech. It would address issue ad abuse by creating a new category of electioneering ads, defined as ads that refer to a clearly identified candidate up for election and which are broadcast on the regulated media of television or radio close in time before an election.

Now, why radio and television? The answer is that the Supreme Court itself has held that, due to the fact that these media, radio and television, are regulated, are licensed, and that the spectrum is limited, you can regulate these media in ways in which you cannot regulate newspapers or the printed word. The Supreme Court has ruled that there is a difference between Government regulating licensed media and unlicensed media, and where Government issues a license—gives out a license of great value for public media—

it can indeed regulate the media in a reasonable way, ways it can't possibly even think of regulating newspapers or other print media, which are not regulated media.

Indeed, the FCC has regulations on what can be said on radio and television. There are rules against obscenity on radio and television. There are rules about the numbers of commercials and the types of commercials on children's television. There are all kinds of rules for the regulated media of television and radio which do not exist relative to newspapers. So, it is not an uncommon distinction. It is a distinction which has been affirmed by the Supreme Court and it is not the effectiveness which is so much the issue, it is the fact that they are regulated, licensed media which, in my judgment at least, represents a significant difference.

The Snowe-Jeffords amendment would impose a limited set of contribution limits and disclosure requirements on commercials on these licensed media. No corporate or union funds could be used to pay for them. Donors who provide more than $500 would have to be disclosed. These limits are well within the bounds of the contribution limits and disclosure requirements which have been upheld in Buckley as a constitutional means for protecting the integrity of our electoral process.

Madam President, this is not the first time that loopholes have eroded the effectiveness of a set of laws. This happens all the time. The election laws are just the latest example. We saw that true with lobbying disclosure. We saw that true with gift bans. You adopt a set of rules and then people who want to try to evade those rules or push the envelope find loopholes. And then Congress has a responsibility to come along to try to close these loopholes in order to carry out the original intent of the statute.

The question is whether or not we are going to do this now with the campaign contribution laws. We passed a law saying there is a $1,000 contribution limit to a campaign and now there is really no limit on how much you can contribute. All you have to do is give your millions to a party and have the party, then, spend the money on ads which are indistinguishable from ads attacking or supporting candidates. These ads are indistinguishable. You can put up two ads next to each other, ask any reasonable person, "Do you see the difference between this candidate support ad and this issue ad?" and people will look at those ads and say, "There is no difference at all."

We saw that in committee hearings, which the Presiding Officer and I and others participated in, in the Thompson committee, where we put up side by side a so-called candidate ad and an issue ad, with three words difference, one of which had to be paid for with limited funds and the other one which could be paid for with soft money or unregulated funds, and we had expert witnesses, including two former Members of this body, Senator Kassebaum and Vice President Mondale, who could see no distinction in those ads. And there is none.

So we now have a farce. We have a sham. The campaign contribution limits, for all intents and purposes, do not exist. There is no $1,000 limit on giving money to a candidate. Just give $1 million to the candidate's party, have that party put a so-called issue ad on in that candidate's election, and it is indistinguishable from the so-called candidate support ad which has to be paid for with regulated funds.

The question is whether we are going to do anything about it. The time for shedding crocodile tears about the 1996 campaign funding raising is over. We ought to wipe away these tears from our eyes and see clearly what the American people see.

Over 80 percent of them, according to a recent Los Angeles Times poll, believe the campaign fundraising system needs to be reformed; 78 percent of the American people think we ought to limit the role of soft money. A majority of this body wants to limit it. We saw that in the vote yesterday.

The question now is whether or not the majority will of this body and the majority will of the American people are going to be carried out, and that is where we are.

I hope that the chief sponsors—I am one of them, but I hope that the key named sponsors of this amendment will stick to their position and will insist that we finally be able to have an up-or-down vote on the enactment of McCain-Feingold.

Last year, the Senate took up the issue of campaign finance reform, but never got past superficial gamesmanship.

The misnamed Paycheck Protection Act, as their version of campaign finance reform, was offered last year to the McCain-Feingold as a killer amendment that singled out unions in an effort to punish them for their participation in the 1996 elections, perhaps even for the last victory won on the minimum wage. The amendment was not even limited to campaigns—it sought to defund unions and stop them from spending money on any political activity, including for example lobbying the Senate to enact another minimum wage increase. The purpose of the amendment wasn't to change the law, but to kill the bill—and that's what it did.

This year, the same legislation was offered by the Republican leadership as their version of campaign finance reform. It is a killer bill—not intended for enactment but to kill campaign finance reform.

A way around that killer legislation has been found by Senator SNOWE, Senator JEFFORDS, Senator FEINGOLD, Senator MCCAIN, myself and others working on a bipartisan basis. Hopefully, the Snowe-Jeffords amendment will prevent campaign finance reform from being derailed again.

Campaign finance reform is an issue that could convert a dedicated optimist into a doomsayer. But it is not doomsday yet. We have a bipartisan bill that provides the key reforms. We have a bipartisan coalition willing to defeat last year's killer amendment. We have an election around the corner in which our constituents can let opponents of reform know what they think of their opposition.

So let's turn off the crocodile tears about the 1996 elections. Let's stop complaining about weak enforcement of the election laws, when the wording of those laws makes them virtually unenforceable. Let's stop feigning shock at the law's loopholes, while allowing them to continue. It is time to enact campaign finance reform. That is our legislative responsibility and our civic responsibility.

Madam President, I would like to ask my friend from Maine about one of the changes that her amendment would make to the McCain-Feingold campaign finance reform legislation, to make it clear for the record the reason for that change.

Ms. SNOWE. I would be happy to respond to my friend from Michigan for that purpose.

Mr. LEVIN. I thank the Senator. The Snowe-Jeffords amendment, of which I am a cosponsor, proposes removing from the McCain-Feingold legislation all of Section 201, a section which would have codified several legal tests for determining when an expenditure expressly advocates the election or defeat of a candidate. The reason for striking those provisions is not because you or any of the other cosponsors of the Snowe-Jeffords amendment do not want to stop candidate attack ads that pretend to be issue ads, but because you are willing to leave that battle for the courts, is that right?

Ms. SNOWE. My friend from Michigan is correct. Stopping issue ad abuse is critical to meaningful campaign finance reform. But distinguishing candidate ads from issue ads based on ad content is the Supreme Court's approach in Buckley versus Valeo; it is an approach that the courts are now examining; and I am willing to defer to the courts at this point.

Mr. LEVIN. The courts have divided on whether the Buckley test, which includes providing so-called "magic words" which make an ad subject to the federal election laws, is the only way to determine when an ad is covered, or whether, as the Ninth Circuit decided in the Furgatch case, the Buckley magic words do not "exhaust the capacity of the English language to expressly advocate the election or defeat of a candidate." Just a week or so ago, the Federal Election Commission reaffirmed its commitment to a broader test—one that goes beyond the magic words. I urged FEC to take that position, and I think it's the right one to take. Am I correct that it is not the Senator's intention or the intention of any of the cosponsors of the Snowe-Jeffords amendment to send a message critical of the FEC's position?

Ms. SNOWE. That is correct—our amendment is not intended to convey any criticism of the FEC. The Buckley magic words test is a very narrow one, and has proven completely ineffective in stopping phony issue ads that attack candidates. My amendment offers a new approach to this problem, by creating a new category of "electronic ads" that name candidates in broadcasts close in time to an election. But my amendment does not foreclose or criticize other approaches to the problem. The FEC and the courts must continue to wrestle with clarifying when ads advocate the election or defeat of a candidate, and I fully support that effort. In fact, it is because the courts are still wrestling with the constitutional issues that makes me comfortable with waiting awhile longer before we legislate.

Mr. LEVIN. The Snowe-Jeffords amendment does not, then, imply any disagreement with the FEC, the Ninth Circuit or any of the rest of us who believe that the magic words test is not enough to stop candidate attack ads masquerading as issue ads, and that such a narrow test is not constitutionally required.

Ms. SNOWE. That is correct. The Snowe-Jeffords amendment is fully consistent with the view that the Furgatch decision and the FEC regulation may be a constitutional approach for detecting ads that pretend to discuss issues, but are really attacks on candidates. If that's where the Supreme Court ends up, I will be glad to see it, but it will be a separate approach from the Snowe-Jeffords amendment's treatment of broadcast ads that name candidates just before an election.

Mr. JEFFORDS. I join in the remarks of my friend from Maine.

Mr. LEVIN. I thank both Senators for that clarification.

I thank, again, the leaders of this effort to reform a system that is long overdue for reform. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, Senator LEVIN and I had a discussion about the Furgatch case back in October. I am going to talk a good deal about the Furgatch case a little later.

My good friend and colleague Senator ENZI from Wyoming is here and would like to speak. I yield him whatever time he may need.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Madam President.

Madam President, I rise in opposition to the amendment that is on the floor and to the McCain-Feingold substitute on campaign finance. Rather than "reform" the way that campaigns are financed, this substitute would infringe on the first amendment rights of millions of American citizens and place enormous burdens on candidates running for office.

While the McCain-Feingold substitute claims to "clean up" the elections, it does so by placing unconstitutional restrictions on citizens' ability to participate in the political process. For the past few days, we have heard Members of the Senate bemoan the fact that various citizens groups and individuals have taken out ads criticizing them during their elections. I have to admit that I can sympathize with my colleagues who have been the object of often pointed and critical campaign ads. In fact, during my last campaign, some ads were aired against me that were downright false. That is why I support truth in advertising, but this isn't truth in advertising. At the same time, I believe that in a free society it is essential that citizens have the right to articulate their positions on issues and candidates in the public forum.

The first amendment to our Constitution was drafted to ensure that future generations would have the right to engage in public political discourse that is vigorous and unfettered. Throughout even the darkest chapters of our Nation's history, our first amendment has provided an essential protection against inclinations to tyranny.

Just a moment ago, the Senator from Michigan mentioned loopholes that we are plugging up. One of the things that always disturbs me about legislation, while legislation is being designed, loopholes are being thought out, loopholes nobody intends to disclose until after they have an opportunity to use them.

I suggest to you that this piece of legislation and the amendment before us is subject to loopholes. There are people who have already decided how they can get around it. These are not the ethical people. These are the unethical ones. That is unenforced responsibility, that is what unethical activity is. It is also what ethical responsibility is, unenforced responsibility. You can't make somebody who intends to be bad be good, not if they intend to be.

What we do by placing some of these restrictions on people is say to those who are willing to conform to the rules that they have limitations and those who don't have, don't have limitations. "Oh, well, we will build in penalties, we will make this tough, we will take away the right of those people who intend to follow rules the opportunity to address an issue while it is timely, an issue that really concerns them," and an issue in this day and age may cost more than they can give to that candidate. We will take that right away from them. But the person who isn't worried about being punished after the fact will go ahead and do exactly what they have been doing all the time. So we are going to put in place a rule that takes away a constitutional right, adds additional burden, builds bureaucracy and takes away the freedom of speech. We are doing it in the name of making contests fairer. But, again, there are people out there thinking of the loopholes as we speak, and there are a lot of them in this.

The Supreme Court has consistently interpreted the first amendment to protect the right of individual citizens and organizations to express their views through issue advocacy. The Court has maintained for over two decades that individuals and organizations do not fall within the restrictions of the Federal election code simply by engaging in this advocacy. No time limits, no disclosures, they just do not fall within the restrictions of the Federal election code simply by engaging in advocacy.

Issue advocacy includes the right to promote any candidate for office and his views as long as the communication does not "in express terms advocate the election or defeat of a clearly identified candidate." As long as independent communication does not cross the bright line of expressly advocating the election or defeat of a candidate, individuals and groups are free to spend as much as they want promoting or criticizing a candidate and his or her views. While these holdings may not always be welcome to those of us running in campaigns, they represent a logical outgrowth of the first amendment's historic protection of core political speech.

Madam President, this amendment, which parades under the guise of reform, would violate these clear first amendment protections. The amendment impermissibly expands the definition of express advocacy to cover a whole host of communications by independent organizations. The McCain-Feingold amendment attempts to expand bright-line tests for issue advocacy to include communications which, in context, advocate election or defeat of a given candidate. Are we comfortable with giving a Federal regulatory agency the power to determine what constitutes acceptable political speech?

The substitute gives expansive new powers to the Federal Election Commission. This is one Federal agency which has abused the power it already has to regulate Federal elections. Just last year, the Fourth Circuit Court of Appeals strongly criticized the Federal Election Commission for its unsupportable action against the Christian Action Network. The network's only crime was engaging in protected political speech.

The Court of Appeals required the FEC to pay the network's attorney's fees and court costs since the FEC's prosecution had been unjustified. Congress should not condone flagrant administrative abuses by giving the FEC expanded new powers and responsibilities.

What we have talked about for a year and a half while I have been here is the inability to really look into situations that appear to be pretty flagrant. Now we want to expand their right, after they have not been able to do the job and have enforced their actions in court actions that have been decidedly abusive, we want to give them more power.

The McCain-Feingold substitute also includes within its new definition of express advocacy any communication that refers to one or more clearly identified candidates within 60 calendar days preceding an election. These provisions would allow the speech police to regulate core political speech during the most crucial part of the election cycle. The amendment that is on the floor right now also talks about that most crucial part of the election cycle.

They would also place an economic burden on thousands of small radio and television stations which carry these ads. I don't think we in Washington should be placing any more restrictions on America's small businesses. Our Founding Fathers drafted the first amendment to protect against attempts such as these to prohibit free citizens from entering into public discourse on issues that greatly affect them.

I cannot support legislation that stifles free speech of American citizens and gives expanded new powers to the Federal bureaucracy. For these reasons, I must oppose the McCain-Feingold substitute and the current amendment. I ask my colleagues to join me in paying tribute to the first amendment and opposing the McCain-Feingold substitute and this amendment and any other amendment that unconstitutionally restricts the rights of citizens to participate in the democratic process. I thank the Chair, and I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, I thank my good friend from Wyoming for his important contribution to this debate. He obviously understands the issue well, and I don't say that because he clearly shares my own biases on this subject. I thank my good friend from Wyoming.

Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has approximately 1 hour and 28 minutes remaining.

Mr. McCONNELL. Madam President, there has been a lot of discussion about what some have called sham issue advocacy. Among the most appalling spectacles we have witnessed on the Senate floor in recent years is that of Senators standing around casting judgment on whether particular ads by citizens groups transgress some notions of what is appropriate.

Sham issue advocacy is the reformer's favorite pejorative term of art for first amendment protected speech which those pushing the regulatory scheme in McCain-Feingold and the Snowe substitute do not regard as legitimate. They say it is sham speech because—brace yourself—it might actually affect an election. Well, by all means.

We are admonished that any communication by a private citizen or group that might have any impact on a Federal election should be regulated by the Federal Government, should be reported to the Federal Election Commission. The citizens who gather together to pay for it to exercise their constitutional right of association ought to be disclosed to the Federal Government, so the argument goes, so that they may be judged.

Many in the media beat the drums for Government regulation of this so-called sham issue advocacy. Roll Call last month actually had the audacity to besiege the Congress to get this speech—now listen to this—to get this speech under control. Of course, if you really want to have influence, if you really want to affect the course of an election to favor certain candidates over others, repeal certain legislation or certain issues and you are wealthy, you can always buy a newspaper or become a newspaper editor, write editorials, headlines, stories.

A lot of people would like to get those sham editorials under control. I thought about that from time to time over the years, but the first amendment would not allow it, and I don't know of anyone advocating it, certainly not Roll Call.

Fortunately for the media, they benefit from a provision in the Federal Elections Campaign Act, I might call it a loophole, that exempts their issue advocacy, their express advocacy, and only theirs, from the definition of expenditure.

The presumption underlying the notion that issue advocacy needs to be gotten under control is a remarkably arrogant one, or perhaps, in some instances, an ignorant one. The premise is that the politicians, all of us, own these elections and, therefore, politicians must control them, and politicians must not be drowned out by all this other independent speech issue advocacy by private citizens and groups.

Good heavens, the politicians may wish to keep the race on a particular issue or two or perhaps they rather not talk about legislative issues at all. Perhaps they prefer to keep the emphasis on personality, resume or some other nonissue qualities.

And there could be some citizen group with all their "sham" issue advocacy spoiling the election, messing the election up, fussing the election up with issues, for goodness sake—with issues. A group of citizens may feel strongly that character is an issue, one that should be injected into a particular race, and so they broadcast, through paid ads, some misdeed of a candidate because it is relevant to character. Reformers write such communications off as "negative" and somehow unbecoming in a democracy.

They do this without the candidate's permission. The temerity of these folks presuming they have a constitutional right to participate in elections, to weigh in on issues, to influence public opinion. Private citizens and groups interjecting themselves into American elections? How dare they do that. What do they think this is? A democracy?

A so-called compromise is being shopped around—actually it is the one we are considering—it is a compromise insofar as it seeks to pick up some additional Republicans, enough to invoke cloture at some point down the road. Its proponents claim it addresses the constitutional shortcomings of McCain-Feingold. Its authors have created a new label, a sort of new category of speech that exists nowhere save for the talking points here on the floor. They rephrase "sham" issue advocacy, calling it instead "electioneering."

Electioneering. What sinister overtones this term must evidently hold to reformers. This is positively subversive stuff, this "electioneering." It warrants, in the reformer view, Federal regulation. Those who contribute to it should, we are told, be disclosed to the Federal Government.

We are advised by proponents of McCain-Feingold and the Snowe-Jeffords substitute or addition, that this "sham" issue advocacy, this "electioneering" is a new phenomenon, a new scourge which must be routed out, regulated, and disclosed to a Federal agency, the FEC.

Here is a news flash: Issue advocacy—"sham" or otherwise—is neither novel nor ripe for Federal regulation. The legal minds at the Brennan Center who are building the case for McCain-Feingold and the Snowe-Jeffords proposal do not like the Buckley case. They do not respect the Buckley case. And their mission is to overturn the Buckley case.

Their theory—really a desperate hope, actually—is that the Court will look at 20 years of election activities since the Buckley decision and decide things differently, even obliterate the "bright-line" standard, the "express advocacy" tripwire.

More likely is that the Court will go the other way toward my view and that of those who think the first amendment that passed back before 1800 is America's premier political reform—not the Federal Election Campaign Act of 1974.

The Court is not going to look at the proliferation of issue advocacy and say, "Whoa, we need to get that under control." No. I think the Court is going to say, "We told you so."

The Court, in Buckley two decades ago, anticipated that which the reformers now identify as a horrible "loophole," which has recently opened up somehow and must be closed.

In Buckley, the Court anticipated exactly what we are discussing this afternoon. It said in that case:

> It would naively underestimate the integrity and resourcefulness of persons and groups desiring to buy influence to believe that they would have much difficulty devising expenditures that skirted the restriction on express advocacy of election or defeat but nevertheless benefited the candidate's campaign.

The Court was emphatic in Buckley that issue advocacy—"sham" or otherwise—was at the core, the very core, of the first amendment. To regulate it in any way is unconstitutional, even a "reform" so seemingly innocuous as "disclosure" of donors.

In NAACP v. Button, in 1963, which was quoted in Buckley, the Court said:

> Because First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity.

The Court went on to say in Buckley:

> . . . the distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application.

So the Court anticipated exactly what has happened.

> Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions.

The Court said in Buckley:

> Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest.

The Court went on the say:

> [W]hether words intended and designed to fall short of invitation would miss that mark is a question both of intent and effect. No speaker, in such circumstances, safely could assume that anything he might say upon the general subject would not be understood by some as an invitation. In short, the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation puts the speaker in these circumstances wholly at the mercy of the varied understanding of his hearers and consequently of whatever inference may be drawn as to his intent and meaning.
>
> Such a distinction offers no security for free discussion. In these conditions it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim.

The Court went on:

> The constitutional deficiencies described in Thomas v. Collins can be avoided only by reading [the 1974 independent expenditure provision regarding advocacy of election or defeat] as limited [very limited] to communications that include explicit words of advocacy of election or defeat of a candidate. . .
>
> . . . in order to preserve the provision against invalidation or vagueness grounds, [it] must be construed to apply only to expenditures for communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office.

So, Madam President, the Court understood that an issue advocacy was very much to be, to some viewers or listeners, indistinguishable from express advocacy that they said the first amendment requires its protection.

> So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, [the Court said] they are free [I repeat, free] to spend as much as they want to promote the candidate and his views. The exacting interpretation of the statutory language necessary to avoid unconstitutional vagueness thus undermines the limitations's effectiveness as a loophole-closing provision . . .
>
> . . . yet no societal interest would be served by a loophole-closing provision . . .

So summing up Buckley's observations about issue advocacy, they anticipated this. They wanted people to have wide latitude to discuss the issues or the pros and cons of candidates for office, up to and including proximity to an election. And they wanted them to be able to do that without having to file with the Federal Election Commission or to conduct their speech with hard-money dollars.

The Supreme Court reiterated the explicit words requirement for a determination of express advocacy in the 1986 Massachusetts Citizens for Life case—citing, again, footnote 52 as a guide. And here is what they said:

> Buckley adopted the "express advocacy" requirement to distinguish discussion of issues and candidates from more pointed exhortations to vote for particular persons. We therefore concluded in that case that a finding of "express advocacy" depended upon the use of language such as "vote for," "elect," "support," etc.

Now, those who advocate McCain-Feingold and the Snowe-Jeffords proposal, which involve regulatory regimes, have precious few court cases upon which to base their arguments. Most prominent among these is the ninth circuit's Furgatch decision, dating back to 1987, which my colleague from Michigan, Senator LEVIN, made reference to a few moments ago. Frankly, it is a mighty slim reference. The Furgatch limb upon which their issue advocacy regulation case rests is a pretty weak limb.

While Furgatch is not my favorite decision, it is certainly not the blank check for reformers who seek to shut down issue advocacy either. Furgatch was an express advocacy case. It hinged on the content of the communication at issue—words, explicit terms—just as the Supreme Court required in Buckley and reiterated in Massachusetts Citizens for Life.

The words in Furgatch were not those contained in Buckley's footnote 52. Indeed, no one—least of all the Supreme Court—ever intended that the list, typically referred to as "footnote 52" was exhaustive. That would defy common sense.

Desperate for even the thinnest constitutional gruel upon which to base their regulatory zeal to extend their reach to everyone who dares to utter a political word in this country, the FEC leapt at Furgatch and will not let it go. FEC lawyers misread it, misrepresent it, and are rewarded with loss after loss after loss in the courts.

In last year's fourth circuit decision, which Senator ENZI referred to, ordering the FEC to pay one of its victims, the Christian Action Network's attorney's fees, the "Furgatch-as-a-blank-check-for-issue-advocacy-regulation" fantasy, was thoroughly dissected, debunked and dispensed with.

The court in the Christian Action Network case puts Furgatch in the proper perspective.

And let me read some portions of the Christian Action Network case.

> On the authority of Buckley v. Valeo and FEC v. Massachusetts Citizens for Life, the district court dismissed the FEC's action against the Network for failure to state a claim upon which relief could be granted, holding that, as "issue advocacy intended to inform the public about political issues germane to the 1992 presidential election," the advertisements were "fully protected as 'political speech' under the First Amendment.".

Further on in the case, Madam President, the Court said:

> Because the position taken by the FEC in this litigation was foreclosed by clear, well-established Supreme Court caselaw, and it is apparent from the Commission's selective quotation from and citation to those authorities that the agency was so aware, we conclude that the Commission's position, if not assumed in bad faith, was at least not "substantially justified". . .
>
> Seven years later, and less than a month following the Court's decision in MCFL, the Ninth Circuit in FEC v. Furgatch, could not have been clearer that it, too, shared this understanding of the Court's decision in Buckley. Although the court declined to "strictly limit" express advocacy to the "magic words" of Buckley's footnote 52 because that footnote's list does "not exhaust the capacity of the English language to expressly advocate election or defeat of a candidate," curiously, the Ninth Circuit never cited or discussed the Supreme Court's opinion in MCFL, notwithstanding that MCFL was argued in the Supreme Court three months prior to the decision in Furgatch and decided by the Court almost a month prior to the Court of Appeals decision. The Ninth Circuit does discuss the First Circuit's opinion in MCFL, but without noting that certiorari had been granted to review the case.

Thus, the Furgatch court relied upon Buckley alone, without the reaffirmation provided by the Court in MCFL, for its conclusion that explicit "words" or "language" of advocacy are required if the Federal Election Campaign Act is to be constitutionally enforced.

The entire premise of the court's analysis was that words of advocacy such as those recited in footnote 52 were required to support Commission jurisdiction over a given corporate expenditure.

* * * * *

The Court explained that individual words or sentences of the message cannot be considered in isolation, but, rather, must be considered together with the other words and sentences that appear in the communication, in determining whether the message is one of election advocacy:

* * * * *

Then, although noting how "[w]ords derive their meaning from what the speaker intends and what the reader understands," the court declined to place too much importance on intent because "to fathom [the speaker's] mental state would distract [the court] unnecessarily from the speech itself." And, finally, although the Court refused to foreclose resort to contextual considerations external to the words themselves, it explained that external context must necessarily be an "ancillary" consideration because it is "peripheral to the words themselves," and it pointedly noted that such "context cannot supply a meaning that is incompatible with, or simply unrelated to, the clear import of the words."

Having established that the emphasis must always be on the literal words of the communication, with little if any weight accorded external contextual factors, the court proceeded to outline what it considered to be "a more comprehensive approach to the delimitation of 'express advocacy.'" In so doing, the court repeatedly emphasized that the message of candidacy advocacy must appear in the speech, in the words, of the communication if the expenditure of corporate funds for that communication is to be prohibited:

The court's almost exclusive focus on "speech," and specifically "speech" defined as the literal words or text of the communication, could not have been clearer. . . .

This standard can be broken into three main components. First, even if it is not presented in the clearest, most explicit language, speech is "express" for present purposes if its message is unmistakable and unambiguous, suggestive of only one plausible meaning. Second, speech may only be termed "advocacy" if it presents a clear plea for action, and thus speech that is merely informative is not covered by the Act. Finally, it must be clear what action is advocated. Speech cannot be "express advocacy of the election or defeat of a clearly identified candidate" when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other [kind of] action.

We emphasize that if any reasonable alternative reading of speech can be suggested, it cannot be express advocacy subject to the Act's disclosure requirements.

It is plain that the FEC has simply selected certain words and phrases from Furgatch that give the FEC the broadest possible authority to regulate political speech and ignored those portions of Furgatch quoted above, focusing on the words and text of the message. The ninth circuit did not use other soft language when describing the framework within which the express advocacy determination is to be made. Madam President, let me just say the case is replete with refutation of the Furgatch decision. Clearly, the Furgatch decision is not controlling when it comes to reaching a decision about the appropriateness of the language in the Snowe-Jeffords proposal.

Madam President, I ask unanimous consent the excerpts of this case that I was going to cite be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS

434(c) so as to prevent speech that is clearly intended to affect the outcome of a federal election from escaping, either fortuitously or by design, the coverage of the Act," *id.* at 862. Under the facts of the case, these broader observations were obviously *dicta*.

* * * * *

. . . to the extent that they do represent an intentional departure by the Ninth Circuit from the standard set forth by the Supreme Court in *Buckley* and *MCFL*, they were just that.

* * * * *

Against this overwhelming weight of (and, in the case of the Supreme Court decisions, dispositive) authority, the FEC argued before the district court and before us the concededly "novel" position, . . . that, even though the Christian Action Network's advertisements did not include any explicit words or language advocating Governor Clinton's defeat, the expenditure of corporate funds for these advertisements nonetheless violated section 441b because, considered as a whole with the imagery, music, film footage, and voice intonations, the advertisements' nonprescriptive language unmistakably conveyed a message expressly advocating the defeat of Governor Clinton. That is, the FEC argued the position that "no words of advocacy are necessary to expressly advocate the election of a candidate," . . .

* * * * *

Stripped of its circumlocution, the FEC's argument was (and is) that the determination of whether a given communication constitutes "express advocacy" depends upon all of the circumstances, internal and external to the communication, and could reasonably be considered to bear upon the recipient's interpretation of the message. The right to engage in political speech would turn on an interpretation of the "imagery" employed by the speaker. . . . It would depend upon the perceived "charge" of the "rhetoric" used . . . and upon the timing of the communication . . . The right would be contingent upon one's mere identity or association, as the following exchange between the court and FEC counsel reveals.

"The Court: And [the advertisement is] only bad if you believe that the voters disagree with the message about homosexuality there. For those voters who agree with the message, why is it a negative ad?

"Mr. Kolker: Well, I think, I think it's clear to a reasonable person that the Christian Action Network thinks these things are bad . . . I think that the ardent gay rights activist would view this ad as a message from the Christian Action Network to vote against Clinton. That they believe his views on homosexuals are wrong. . . .

"The Court: That's only if you bring to the table an understanding of what the Christian Action Network is:

* * * * *

"Mr. Kolker: It's a self-defined group using the label Christian Action."

The FEC thus argues that "[w]hen included as part of the message, the speaker's identity becomes part of the communication itself, and what matters is not what the viewer or the courts will infer about the speaker's intent, but what a reasonable person, informed about the speaker's identity (and thus potential biases and passions), understands the communication to mean."

. . . Under certain circumstances, as the following exchange shows, the right could even be withdrawn merely because the speaker expresses disagreement with a candidate over a particular issue:

"Mr. Kolker: . . . If all you're doing is mentioning an issue to say that their candidate's position on it is wrong, it is not a real discussion of the issue, the focus of the ad is the candidate——

"The Court: —So you can't link the candidate with the issue, that's what——

"Mr. Kolker: No, I think you can but not if all you're doing is saying the candidate believes X and X is the wrong position. . . .

* * * * *

"Mr. Kolker: [I]t's clear from the ad that the way that final [rhetorical] question [in the television ad] forcefully is spoken, that from the speaker's perspective, it's the wrong vision. And what I'm saying is the candidate has a position, he's wrong on the position. There's no real issue discussion. It's just an attack on the candidate." Oral Arg. Trans. at 15–16.

To quote the following passage, in which the FEC articulates some of the multitude of factors that would be considered under its interpretation in determining whether a given communication was prohibited, is to appreciate the breadth of power that the FEC would appropriate to itself under its definition of "express advocacy":

"[E]xpress electoral advocacy [can] consist[ ] not of words alone, but of the combined message of words and dramatic moving images, sounds, and other non-verbal cues such as film editing, photographic techniques, and music, involving highly charged rhetoric and provocative images which, taken as a whole, sen[d] an unmistakable message to oppose [a specific candidate]."

Opp. Mem. at 8. This is little more than an argument that the FEC will know "express advocacy" when it sees it.

C.

The FEC's enforcement action against the Christian Action Network in this case brings into relief the extent to which, under the FEC's interpretation of "express advocacy," political speech would become hostage to the vicissitudes of the Commission, because, although a viewer could interpret the Network's video as election advocacy of the defeat of Governor Clinton, another viewer could just as readily interpret the video as issue advocacy on the question of homosexual rights. Indeed, the commercial and advertisements that the FEC here contend fall squarely within its regulatory purview are precisely the kinds of issue advocacy that the Supreme Court sought to protect in *Buckley* and *MCFL*; and the FEC's interpretation of these advertisements is exactly that contemplated by the Court when it warned of the constitutional pitfalls in subjecting a speaker's message to the unpredictability of audience interpretation, . . .

* * * * *

Yet, the FEC would have us confer power upon it to regulate these advertisements because, in its assessment, "[t]o the ordinary viewer in 1992, the CAN video unmistakably encourages voters to defeat Bill Clinton. The video communicates the following: A group explicitly aligning itself with Christian, heterosexual, and traditional family values graphically depicts a specific presidential candidate supporting homosexual men vividly asserting their sexual preferences; the message attacks Clinton's moral judgment and alleged policy agenda; those positions involve steps that only a federal elected official could take; the message is delivered to viewers who live in states where Governor Clinton has no contemporaneous authority to set policy; the message is televised shortly before the presidential election; and the message employs powerful symbolism and persuasive devices unique to the medium of video. . . . The video admittedly contains no literal phrase such as "Defeat Bill Clinton." But it contains a special kind of charged rhetoric and symbolism that exhorts more forcefully and unambiguously than mere words."

Appellant's Br. at 37–38. Or, because, in the words of the "expert" whom the FEC retained to assist it in its action against the Christian Action Network.

"[T]his 30 second television spot expressly advocated the defeat of candidates Clinton and Gore in the upcoming presidential general election. It did so by employing the techniques of audio voice-overs, music, visual text, visual images, color, codewords, and editing. In their totality, these techniques said voters should defeat Clinton and Gore because these candidates favor extremist homosexuals and extremist homosexuals are bad for America."

* * * * *

. . . the FEC's position was based not only "on a misreading of the Ninth Circuit's decision in *Furgatah*," but also on a "profound misreading" of the Supreme Court's decision in both *Buckley* and *MCFL*.

From the foregoing discussion of *Buckley* and *MCFL*, it is indisputable that the Supreme Court limited the FEC's regulatory authority to expenditures which, through explicit words, advocate the election or defeat of a specifically identified candidate. In the portion of *Buckley* in which the Court addresses the overbreadth of the Federal Election Campaign Act and adopts its limiting construction of section 608(e)(1)'s term "relative to," the Court does not even use the phrase "express advocacy," upon the purported "ambiguity" of which the FEC builds its diffuse definition. In this most important portion of the opinion, *cf.* DNC Br. at 5, the Court *only* refers to "explicit words of advocacy," "express terms" and "express words of advocacy." *See Buckley*, 424 U.S. at 43–44. It is not until the Court interprets the statutory term "expenditure" in section 434(e) to include the same limitation as in section 608(e)(1), forty pages later in the opinion, that the Court even uses the phrase "express advocacy," *see id.* at 80. But even there, the Court confirms through footnote 108's cross-reference to footnote 52, in which the Court lists the kinds of words that would warrant exercise of the FEC's regulatory authority, that it meant by the phrase "express advocacy" nothing more or less than "express words of advocacy." *In other words, the Court itself in Buckley confirmed that it intended the phrase "express advocacy" simply as a shorthand for the "explicit words of advocacy of election or defeat" "of a clearly identified candidate for federal office," which it had held earlier in the opinion were required in order to save the Act from constitutional infirmity.*

Were this alone not sufficient to establish that the Court meant by "express advocacy" "express words of advocacy," then the Court's subsequent discussion in *MCFL* removes all doubt. There, because it was interpreting the statutory term "expenditure," the Court cited to *Buckley*'s discussion of section 434(e), rather than to that case's discussion of section 608(e)(1), and used the shorthand phrase "express advocacy." *See MCFL*, 479 U.S. at 248–49. The Court then went on to define "express advocacy," again through citation to its footnote 52 in *Buckley*, to mean "express words of advocacy." *See id.* at 249 (citing *Buckley*, 424 U.S. at 44 n.52). It even stated that in *Buckley* it had concluded "that a finding of 'express advocacy' depend[s] upon the use of *language* such as 'vote for,' 'elect,' 'support,' etc." *MCFL*, 479 U.S. at 249 (citing *Buckley*, 424 U.S. at 44 n.52) (emphasis added).

The FEC is fully aware that the Supreme Court has required explicit words of advocacy as a condition to the Commission's exercise of power, as evidenced by its own dissembling before this court.

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The FEC argues throughout its submissions that the Supreme Court "nèver suggested that communications can constitute express advocacy only if they include specific words from a special list." Appellant's Br. at 23. This is true, but it is a red-herring. Most certainly, the Court never said this. But, just as certainly, the Court never suggested that communications with no words of advocacy at all can nonetheless be considered "express advocacy." In fact, as we show, it actually held precisely the opposite.

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The agency even goes so far as to quote the very sentence from page 80 of *Buckley* in which the Court uses the phrase "express advocacy" and defines that phrase in the sentence's footnote 108 to mean "express words of advocacy,"

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The FEC resorts to the same slight-of-hand in its discussion of the Ninth Circuit's decision in *Furgatch*. According to the FEC, the court of appeals in that case said that "courts must take care to avoid an unnecessarily narrow application of express advocacy to prevent 'eviscerating the Federal Election Campaign Act.'" Appellant's Br. at 18. In fact, what the Ninth Circuit said was that "[a] test requiring the magic words 'elect,' 'support,' etc., or their nearly perfect synonyms for a finding of express advocacy would preserve the First Amendment right of unfettered expression only at the expense of eviscerating the Federal Election Campaign Act." 807 F.2d at 863. In light of our discussion herein, the difference is of enormous significance.

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That the Commission knows well the Court's holdings in *Buckley* and *MCFL* is further confirmed by the agency's subsequent action in *Furgatch*, which we referenced *supra* at 8–11. Because *Furgatch*, despite its narrow holding, does include broad *dicta* which can be read (or misread) to support the FEC's expansive view of its authority, the agency vigorously opposed *certiorari* in the case. Wishing to have the opinion preserved intact, the Commission in its submissions there, in contrast to its submissions before this court, quoted *Buckley* as "requir[ing] 'explicit words of advocacy of election or defeat of a candidate.'" . . . The Commission even took the position that *Furgatch* did, as we noted above, interpret the Federal Election Campaign Act's corporate disclosure statutes as "narrowly limited to communications containing *language* 'susceptible to no other reasonable interpretation but as an exhortation to vote,'"

. . . Moreover, the FEC argued to the Supreme Court that *Furgatch* was fully consistent with *Buckley* and *MCFL* precisely because the opinion focused on the specific language of Furgatch's advertisement and concluded that express advocacy existed only because the advertisement "explicitly exhorted" voters to defeat then-President Carter. Thus, there is no doubt the Commission understands that its position that no words of advocacy are required in order to support its jurisdiction runs directly counter to Supreme Court precedent.

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. . . the Supreme Court has unambiguously held that the First Amendment forbids the regulation of our political speech under such indeterminate standards. "Explicit words of advocacy of election or defeat of a candidate," "express words of advocacy," the Court has held, are the constitutional minima. To allow the government's power to be brought to bear on less, would effectively be to dispossess corporate citizens of their fundamental right to engage in the very kind of political issue advocacy the First Amendment was intended to protect—as this case well confirms.

Mr. McCONNELL. I yield the floor.

Ms. SNOWE. Madam President, I am delighted to yield 20 minutes to my colleague from Wisconsin, Senator FEINGOLD. I want to commend him for his perseverance and tenacity to ensuring that campaign finance reform reached the floor.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from Maine.

Let me first say that it was an interesting comment by the Senator from Kentucky that those of us trying to pass campaign finance reform don't like Buckley v. Valeo. I don't have strong feelings on liking or not liking Supreme Court cases. I just consider them the law of the land.

In this case, instead of taking the route that some people would like me and others to take of supporting a constitutional amendment to achieve campaign finance reform, something I vigorously opposed, I have instead, working with Senator McCAIN and others, chosen to find a way to pass a bill that is within the Court's rulings and holdings in Buckley v. Valeo.

So I happen to think that is the controlling law. And the suggestion that somehow we don't consider that to be a valid case is simply wrong. Our efforts for 3 years have consistently been to craft a bill that the United States Supreme Court would say is constitutional in every respect. In fact, the

Senator from Kentucky, after years of trying to suggest that the voluntary spending limits and the soft money ban are unconstitutional, now is only focusing on suggesting that a redefinition of phony issue ads is somehow unconstitutional. I think that is not at all an established proposition. I might add, I think our efforts here on this bill, with the help of the Snowe-Jeffords amendment, are getting stronger. Every day we are getting a little stronger on this bill, and it is a good feeling.

So it is my pleasure to rise today to speak in support of the amendment that the distinguished Senators from Maine and Vermont have offered. It reminds me of the tremendous help that the Presiding Officer, the other Senator from Maine, gave us when she had some ideas about how we could improve our bill. This is how you get a good bill. People with good ideas come together and gradually it gets improved, you gain support, until the point where it becomes obvious not only that a majority of the body supports the bill, which we have already achieved, but obviously it is in the interests of the people of this country that we simply get on with the business of the country and pass it. So I am a cosponsor of that amendment that has been offered, along with Senators LEVIN and LIEBERMAN on our side of the aisle and Senators MCCAIN, THOMPSON, COLLINS and CHAFEE on the Republican side.

When the debate on campaign finance reform reached a stalemate last fall, Senators SNOWE and JEFFORDS indicated they did intend to continue through the winter months looking for a solution to the deadlock. Those were not idle words. They were true to their word.

The Snowe-Jeffords amendment that has taken shape over the past 2 weeks is a sincere effort to address the two primary sticking points that have caused our efforts to be delayed: alleged first amendment concerns with the provisions of our bill dealing with issue advocacy and express advocacy, and the use of corporate and union treasury money for what amount to campaign attack advertisements in the closing days of the campaign.

Let me talk for a moment how the Snowe-Jeffords amendment navigates the difficult political and constitutional shoals that face us in this debate.

The first thing the amendment does is more clearly define a category of communications in the law. We call them electioneering communications. These electioneering communications are communications that meet three tests: First, they are made through the broadcast media, radio and television, including satellite and cable. Second, they refer to a clearly identified official candidate—in other words, they show the face or speak the name of the candidate. And third, they appear within 60 days of a general election or 30 days of a primary in which that candidate is running.

The Snowe-Jeffords amendment provides that for-profit corporations and labor unions cannot make electioneering communications using their treasury funds. If they want to run TV ads mentioning candidates close to the election, they must use voluntary contributions to their political action committees. We firmly believe that this approach will withstand constitutional scrutiny because corporations and unions have for a very long time been barred from spending money directly on Federal elections.

The Senator from Kentucky suggested we lack case law for these propositions, but the Supreme Court upheld the ban on corporate spending in the Austin v. Michigan Chamber of Commerce case. Mr. President, it is noted that a Michigan regulation that prohibited corporations from making independent expenditures from treasury funds prevented "corruption in the public arena: the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas." According to the Court, the Michigan regulation "ensured that the expenditures reflect actual public support for the political ideas espoused by the corporations."

We are merely saying through this amendment that actual public support, shown by voluntary contributions to a PAC, must be present when corporations and unions want to run ads mentioning candidates near in time to an election.

The Snowe-Jeffords amendment goes on to permit spending on these kinds of ads by nonprofit corporations, if they are registered as 501(c)(4) advocacy groups, and other unincorporated groups and individuals. The rules about corporations and unions do not apply in the same way to these groups, but the amendment, but it makes one requirement. It requires disclosure of the groups' large donors whose funds are used to place the ads once the total spending of the group on the electioneering communications reaches $10,000. It only applies if the total spending over a total amount of $10,000.

A few things should be noted about the disclosure requirement that entities other than unions and for-profit corporations are subject to if they engage in these kinds of electioneering communications. The disclosure required here is not burdensome; it simply requires a group placing an ad to report the spending to the FEC within 24 hours, and to provide the name of the group, or of any other group that exercises control over its activities, and of the custodian of records of the group, and finally of the amount of each disbursement and the person to whom the money was paid.

Second, this disclosure requirement is triggered by the spending of $10,000 or more on these kinds of ads. If a small group that spends only a few thousand on radio spots wants to do that, and they stay under $10,000, they will never have to report a thing. There is no new requirement there.

Third, the disclosure of contributors required is really quite limited. It does not require all contributors of all amounts to be disclosed. Only large donors who contribute more than $500 must be identified, and they have to be identified only by name and address. And a group that received donations from a wide variety of purposes, including some corporate or labor or treasury money, can set up a separate bank account to which only individuals can contribute, pay for the ads out of that account, and then they only have to disclose only the large donors whose money is put in that account. So any individual who doesn't want to be disclosed can easily ask that the group not spend his or her money on that kind of activity.

The net result will be that the public will learn through this amendment who the people are who are giving large contributions to groups to try to influence elections. If a group is merely a shell for a few wealthy donors, as we suspect that many of the groups who ran the nastiest ads in 1996 were, then we will know who these big money supporters are and we will be in a lot better position to assess their real agenda. On the other hand, if an established group with a large membership of small contributors under $500 wishes to engage in this kind of activity, it doesn't have to disclose any of its contributors under this amendment because it can pay for the ads freely from small donor money routed to the special bank account for individual donors.

Mr. President, I believe these disclosure provisions will pass constitutional muster. But the Senator from Kentucky and also the Senator from Washington earlier in the debate today have argued that even these reasonable disclosure requirements somehow violate the Constitution, and they cite the case of NAACP v. Alabama from 1958. That is a very important case in the history of our country and the history of the first amendment, and one with which I fully agree, but the conclusion that the Senator from Kentucky draws from it with respect to the Snowe-Jeffords amendment is simply wrong.

At the height of the civil rights struggle, the State of Alabama obtained a judicial order for the NAACP to produce its membership lists, and fined it $100,000 for failing to comply. The NAACP challenged that order and argued that the first amendment rights of its members to freely associate to advance their common beliefs would be violated by the forced disclosure of their membership lists. They pointed out many instances where the revealing of the identities of its members exposed them to economic reprisals, loss of unemployment, and even threats of physical coercion. The Court held that the State had not demonstrated a sufficient interest in obtaining these lists that would justify the deterrent effect on the members of the NAACP exercising their rights of association.

Now, Mr. President, everyone in this body should know that the Snowe amendment is totally different from what the State of Alabama tried to do in the NAACP case. The Snowe amendment doesn't ask for any membership lists. The Senator from Washington stood up and read quotes about how the NAACP case doesn't allow a requirement that a group disclose its membership list, but the Snowe amendment doesn't do anything of the kind. It is a simple red herring with regard to what we are asking in the Snowe amendment. All the Snowe amendment does is ask for is the very limited disclosure of the names and addresses of large contributors to a specific bank account used for the single purpose of paying for certain kinds of electioneering communications.

So, Mr. President, contrary to the claim that this is somehow like the NAACP case, most membership groups won't have to disclose anything if they receive sufficient small donations to cover their expenditures on these types of communications. And even if contributors want to give more, they don't have to be identified, as long as their money is not used for the kinds of ads that would be subject to this kind of disclosure.

Finally, the disclosure requirement can be avoided altogether by crafting an ad that does not specifically refer to a candidate during the short window of time right before an election. This is nothing like asking the NAACP or the NRA or anyone else to divulge their complete membership lists. This is a false analogy.

Mr. President, the Supreme Court has shown much more willingness to uphold disclosure requirements in connection with election spending than the Senator from Kentucky has been willing to recognize so far in this debate. In Citizens Against Rent Control v. the City of Berkeley, a 1981 case, for example, the Court struck down a limit on contributions to committees formed to support or oppose ballot a measure. But the court, Mr. President, noted specifically:

> The integrity of the political system will be adequately protected if contributors are identified in a public filing revealing the amounts contributed; if it is thought wise, legislation can outlaw anonymous contributions.

Mr. President, it is worth noting that the opinion in that case was by Chief Justice Warren Burger and the vote was 8–1. The only dissenter, Justice White, thought the limits themselves on contributions should be upheld. So with regard to this issue, it was essentially unanimous.

In U.S. v. Harriss, the Court upheld disclosure requirements for lobbyists, despite the alleged chilling effect that those requirements might have on the right to petition the Government. Of course, the Buckley Court itself, which the Senator from Kentucky frequently refers to, upheld disclosure requirements for groups who make independent expenditures.

Now, of course, the Court will have to analyze the Snowe amendment when it gets there and the type of communications that trigger it and determine if they pass constitutional muster. I will not proclaim that there is no argument to be made at all that this provision is unconstitutional. Of course there is, and I am sure groups like the National Right to Life Committee will make it. But to say that there is no chance that this provision will be upheld, as the Senator from Kentucky has said, is just not right. There is ample and substantial constitutional justification and precedent for this provision.

As the Brennan Center for Justice wrote in its letter analyzing the Snowe-Jeffords amendment:

> Disclosure rules do not restrict speech significantly. Disclosure rules do not limit the information that is conveyed to the electorate. To the contrary, they increase the flow of information. For that reason, the Supreme Court has made clear that rules requiring disclosure are subject to less exacting constitutional strictures than direct prohibitions on spending . . .. There is no constitutional bar to expanding the disclosure rules to provide accurate information to voters about the sponsors of ads indisputably designed to influence their votes.

Mr. President, it is also important to note that the Snowe-Jeffords amendment contains provisions designed to prevent the laundering of corporate and union money through nonprofits. Groups that wish to engage in this particular kind of advocacy must ensure that only the contributions of individual donors are used for the expenditures.

Because the prohibition in the Snowe-Jeffords amendment is limited to unions and corporations spending money from their treasuries on these kinds of ads, many of the concerns that opponents of McCain-Feingold voiced about the effect of the bill on speech by citizens groups are eliminated. Keep that in mind. One of the things people claimed was the real problem of McCain-Feingold—there has been sort of a shifting bottom line of what the real problem is—but that portion has been modified in Snowe-Jeffords.

Senators who oppose this amendment must be willing to stand on two positions now that I think are both unsupportable. First, Mr. President, those who still oppose McCain-Feingold, if it is amended by Snowe-Jeffords, must defend the rights of unions and corporations using treasury money—not citizens groups like the National Right to Life Committee or the Christian Coalition or the Sierra Club—to run essentially campaign advertisements that dodge the Federal election laws by not using the magic words "vote for" or "vote against" or to finance those ads through other groups. So that is the conclusion: Corporations and unions, apparently, should just be allowed to do this freely, despite the almost unanimous complaints by Members of the Senate with regard to this question.

Secondly, those who are still holding out, even though they represent a minority of the Senate, in terms of supporting McCain-Feingold as it will be amended, argue that the public is not entitled to know, in the case of advocacy groups that run these ads close to an election, what the identities of these people are. They say that they should not be known to those who are about to vote. Many opponents of McCain-Feingold have trumpeted the virtues of full disclosure and say that is what we need—disclosure; not McCain-Feingold. I have, at times, doubted how serious they were about disclosure because they would never acknowledge the important advances our bill provides with regard to disclosure.

Now, when we vote on the Snowe-Jeffords amendment, we will see how sincere the opponents of this bill are about the importance of disclosure, because the Snowe-Jeffords amendment requires nothing more of advocacy groups than full disclosure. In fact, it requires a lot less because the groups only have to make these disclosures if they run these ads close to an election and if they spend more than $10,000 on those electioneering communications.

Mr. President, our agreement on the Snowe-Jeffords amendment means that a clear majority of this Senate supports bipartisan campaign finance reform. Further, we will vote as a block to defeat any "poison pill" offered by opponents. This agreement puts the onus of killing reform, if that is what happens, back where it belongs—on those who would put a partisan attack on unions over the greater good of abolishing soft money.

I urge my other colleagues on the Republican side to join this effort and recognize, as Senators SNOWE and JEFFORDS have done, along with Senators THOMPSON, COLLINS, SPECTER, and the original author, Senator MCCAIN, before them, and that a strong majority of the American people understands, that the McCain-Feingold bill is a balanced, reasonable, and fair step toward reform and that we can achieve that reform if we put our heads together and work out our differences.

Once again, Senator McCAIN and I are more than willing to talk to anyone who sincerely wants reform or to talk about changes to our bill that will bring us closer to the 60 votes we need to get past the filibuster that opponents have promised. The fruitful negotiations that have produced the Snowe-Jeffords amendment have shown that we are serious about passing McCain-Feingold this year.

Mr. President, with that renewed invitation, I yield the floor.

Mr. McCONNELL. Mr. President, I yield such time as he may need to Senator GRAMS from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, throughout Minnesota's history, its residents have been considered among America's most civic-minded citizens, who are interested in public affairs and concerned about how government decision-making affects their daily lives. I have been well-served by the counsel of thousands of Minnesotans who have expressed concerns about high taxes, balancing the budget, and, most recently, U.S. military involvement in Iraq.

During the 105th Congress, I have also heard from many Minnesotans who are concerned over the reports of alleged illegal or improper campaign contributions to the Democratic National Committee and White House during the 1996 campaign cycle. These reports have raised the perception among some Americans that access and votes can be bought in Washington and that the system for financing our federal campaigns is corrupt and "broken."

As the Senate considers campaign finance reform legislation, I am not surprised that many constituents have contacted me about this issue—but out of great concern for its potential impact upon their First Amendment right of free speech guaranteed by the U.S. Constitution. Regrettably, the consideration of the McCain-Feingold amendment is not the first time that Congress appears to have misinterpreted the will of the people.

Mr. President, I recently received a letter from President Clinton concerning the McCain-Feingold legislation. In his letter, the President urged my support for this measure because it would "make our democracy work better for all Americans." Many of my colleagues received a similar letter last fall from the President in which he encouraged Congress to work with him and "restore the public trust" by supporting the modified McCain-Feingold bill.

As someone who has heard first-hand of the public's growing mistrust of their government, I strongly agree with the President's belief that the people's trust in their government should be restored and their participation in our democracy encouraged. However, I respectfully disagree with the President's recommended method for achieving these goals—through passage of new campaign finance laws.

I believe the people's faith in our democracy can be restored through greater enforcement of our existing laws, rather than passage of new laws. Congress should also require frequent and fair disclosure of every contribution, and allow all Americans to participate in the political process. These measures, not new limits or government controls, will restore the public trust and allow Americans to participate in our democracy.

Most importantly, Congress should ensure that one of our country's most fundamental freedoms, the right to speak freely and openly in our society, is preserved for future generations of Americans. I believe Congress should focus its attention on preserving the First Amendment, which has always been the basis for active citizen participation in our political process.

The First Amendment ensures that, among other things, average Americans can participate in the democratic process through publicly disclosed contributions to campaigns of their choice. It also allows Americans to freely draft letters to the editor, distribute campaign literature, and participate in rallies and get-out-the-vote drives. Minnesota has a long history of its citizens becoming engaged in many of these activities during each election cycle.

Mr. President, we had a lengthy and spirited debate last fall over the McCain-Feingold legislation, in which many of our colleagues on both sides of the issue participated. The Senate wisely voted to reject this attempt to direct attention away from the reports of alleged illegal or improper campaign contributions during the 1996 campaign cycle. In taking this action, the Senate sent a message to the electorate that it will work to preserve the rights of Americans to participate in the democratic process and restore the public's trust in their government.

Despite this clear message sent by the Senate, and although many Americans continue to express opposition to "reform" efforts such as the McCain-Feingold bill, the President and some of my colleagues forced Congress, through various delaying tactics, to spend valuable legislative time revisiting this issue again this year.

Mr. President, as I noted last year, proponents of the modified McCain-Feingold bill should be commended for excluding provisions intended to limit candidates spending, requirements for reduced broadcasting time, and the ban on political action committees. However, this measure continues to suppress the rights of Americans to communicate their ideas and express their views. Ultimately, it will control, rather than encourage, greater participation in the democratic process.

And as a couple from Hastings, Minnesota recently wrote to me about the pending McCain-Feingold bill, "It would be used as a tool to silence all criticism and disagreement by opponents of whatever government regime is in power in Washington at a particular time."

First, the McCain-Feingold proposal continues to be premised upon the belief that there is too much money spent on American elections. If we accept this assumption, then Congress has decided to assert questionable authority to suppress the rights of Americans to become involved in the political process and make their voices heard. In fact, the belief that there is government justification for regulating the costs of political campaigns was rejected by the Supreme Court in the landmark case of Buckley versus Valeo.

Second, the McCain-Feingold proposal again includes a new and expanded statutory definition for "express advocacy" that would place additional restrictions on advocacy groups' political communications.

As my colleagues know, the Supreme Court established in Buckley a "bright line" test for protected speech which stated that a political communication must expressly advocate the election or defeat of a clearly identified candidate using such key words as "vote for" "elect" or "vote against" before it would be subject to federal regulation.

Third, the McCain-Feingold amendment places new restrictions upon the ability of national parties to support state and local party activities. Rather than pursue a suspect expansion of government control of national parties, we should recognize that political parties enjoy the same rights as individuals to participate in the democratic process.

For nearly two decades, political parties have been allowed to raise money for party-building and similar activities without limits on the size of contributions.

Additionally, the Supreme Court decision in Colorado Republican Federal Campaign Committee v. FEC, in which the Court found that Congress may not limit independent expenditures by political parties, makes it questionable whether these restrictions would be constitutional.

Finally, the McCain-Feingold amendment does not adequately protect the right of Americans to participate in the democratic process without fear of coercion.

Despite the Supreme Court decision in Communications Workers of America v. Beck almost ten years ago, millions of Americans still have portions of their paychecks taken and used for political purposes for which they may disagree, without their knowledge or consent.

I believe forcing an individual to make compulsory campaign contributions is contrary to our constitutional form of government and the First Amendment freedoms we enjoy as citizens.

For these reasons, I support the Majority Leader's decision to offer S. 1663, the "Paycheck Protection Act," as the underlying bill.

This will allow individuals to regain control of their paychecks, avoid coercion, and exercise their political freedoms.

And unlike the Beck provision contained within the McCain-Feingold legislation, it would apply to all dues-paying employees. It would also reduce unnecessary burdens placed upon employees by requiring an employer to receive an individual's written permission before using his or her dues for political purposes.

Mr. President, there has been some discussion that amendments may be offered to reach a compromise between those who support the McCain-Feingold legislation and others who support greater enforcement of our existing laws.

While I believe compromise is an important part of legislating, I do not believe the Constitution should be compromised simply to give the public the impression that we are reacting to their concerns over allegations of campaign finance irregularities and illegal fundraising.

I believe the American people deserve a full accounting and will receive a full accounting of allegations of campaign finance law violations in the 1996 campaign cycle. However, we should not forget that the public's mistrust of their elected officials has not grown from a lack of laws, but from the activities of those who may have broken our existing laws.

Congress must not use violations of existing law to restrict political speech and participation by those who abide by current law. It is our responsibility to help safeguard the free speech rights of Americans and their ability to participate in the democracy which they have helped to create.

Thank you very much.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the distinguished Senator from Minnesota. I listened carefully to his comments, and they were right on the mark. I appreciate his support and contribution to this debate.

Mr. President, I see the distinguished Senator from Kansas on the floor.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 57 minutes and 47 seconds.

Mr. McCONNELL. I will not yield a specific amount of time. I will just yield time to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I have spoken to this issue before. Before I made very clear my respect and admiration for the distinguished Senator from Kentucky as a stalwart defender of something we call free speech. I want to thank him again for his stalwart efforts. It seems to me that we have been focusing on this debate over and over and over again on perception as opposed to what really is at stake.

I can't imagine what I can add to this today under the circumstances, and go on and on and on ad nauseam, to a certain extent, and I don't mean to purger anybody's intent or their feelings about this, or even intimate that this is not an important issue.

I would like to repeat a couple of things that I said before. At that time I quoted Thomas Paine in Common Cause. It wasn't Common Cause. It was Common Sense. Thomas Paine said, "Tyranny, like Hell, is not easily conquered." And I was speaking to a resolution that would have defined free speech. We considered it certainly earlier in the session.

I then went on and gave quite a few quotes from American history and people that everybody respects about the value of free speech. I talked a little bit about the infamous Alien and Sedition acts. That was mentioned by Senator GORTON, the distinguished Senator from Washington. I think it has application in this legislation. I said at the time that those acts were passed by a young country that had adopted but didn't fully appreciate the first amendment rights of free speech. They were passed because the Government did not like what some of its citizens were saying about politics, politicians, and Government.

And, goodness knows, we have heard awful sorts of comments in regard to this debate on both sides about the fact that people really do not appreciate some of the criticism that we get in this business. The Government was worried, of course, about national security. But it is instructive to note that the Government's attempt to limit free speech is like walking in a swamp, and we are, in fact, walking toward a swamp in regard to the bill that we are considering. Your good intentions are tugged and pulled from all sides. Abigail Adams, for example, urged the passage of the acts to deal with Benjamin Franklin Bache, an editor who had referred to her husband as "old, querulous, bald"—well, she had something there—"blind, crippled, toothless Adams." I don't think anybody would appreciate that. Bache was arrested, but died before he could be prosecuted, according to historians Jean Folkerts and Dwight Teeter.

Twenty-five persons were charged under the sedition laws. Included was one unlucky customer in a Newark tavern who staggered into the sunlight to make a negative comment about John Adams' anatomy as the President's carriage passed. My goodness, that might have some modern-day application.

Only after the rights of American citizens to speak freely were trampled by their Government did our young country come to appreciate the real meaning of the first amendment.

James Madison and Thomas Jefferson objected to the attack on free speech with their Virginia and Kentucky resolutions. Madison presented the importance of free speech to democratic government. His argument has great relevance to our discussion today, it seems to me, in regard to this discussion as he drew the connection between free speech and elections.

Listen to Madison:

> Let it be recollected, lastly, that the right of electing members of the government, constitutes more particularly the essence of a free and responsible government. The value and the efficacy of this right, depends on the knowledge of the comparative merits and the demerits of the candidates for public trust; and on the equal freedom, consequently of examining and discussing these merits and demerits of the candidates respectively.

That is the essence of free and also political speech. That is the essence of the philosophy advanced by great philosophers like John Milton, John Locke, and John Stuart Mill. If they were here to take part in this debate, they probably couldn't or wouldn't believe it. The concept of a marketplace of ideas is based on unfettered speech and thought.

One of America's greatest jurists, Louis Brandeis, warned us to be "most on guard to protect liberty when government's purposes are beneficial . . . the greatest dangers to liberty lurk"—lurk, lurk—"in insidious encroachment by men of zeal, well-meaning but without understanding."

Advocates of this resolution want us to believe the need for Congress to limit campaign spending is so great that first amendment rights are secondary. Further, they argue that limits on campaign spending are really not limits on speech at all. We have gone over and over and over again, back and forth, on the Buckley decision and the Supreme Court.

> A restriction on the amount of money a person or group can spend on a political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached.
>
> This is because virtually every means of communicating ideas in our mass society requires the expenditure of money. The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event. The electorate's increasing dependence on television, radio, and other mass media for news

> and information have made these expensive modes of communication indispensable instruments of effective political speech.

In Kansas, I tell my esteemed colleague from Kentucky, a full-page advertisement in the Topeka Daily Capital cost $4,400. One 30-second TV ad to reach across the State costs more than $33,000. I know. I was in a Senate race, obviously. Even speech via the Internet, or the Postal Service, requires the expenditure of resources.

If we adopt this kind of legislation, and it is ratified—or, that was the earlier resolution. Obviously, this wouldn't have to be ratified by the States. What will you tell the business owner who wishes to petition his government for redress of grievances, to criticize a campaign of PAT ROBERTS, SAM BROWNBACK, or MITCH MCCONNELL, or to urge election of another candidate? Will we see that free political speech is only a half-page advertisement? Because I think the limit is $10,000. We wouldn't spend $10,050. Maybe $9,000 is OK. But we say free speech only applies to 15 seconds at the TV station. Who is going to administer all of this? The FEC? Really. We can't even get decisions on a timely basis.

The thought occurs to me, come to think of it, that the distinguished Secretary of Agriculture, Dan Glickman, a good friend and colleague of mine—was it 4 or 6 years ago? I think it was 6 years ago, or maybe 8 years ago. He had an opponent who was very "brain noisy." That is probably not the right way to put it—very "vigorous" in his campaign. And a local cable distributor, a local cable TV company, didn't like the way Dan voted on an issue directly affecting his future. It was a telecom issue in the House. Every hour on the hour he just gave him unmitigated grief about it, including a lot of other things that had nothing to do with the legislation. I don't know whether Dan filed the inquiry, or the charge, or the complaint with the FEC after that election, or whatever, but, clearly, this was out of bounds. The FEC in its usual, expeditious manner, I think about 2 or 3 months ago, finally got around to a 6- or 8-year-old case, and made no decision.

So this leads me to question the distinguished Senator. Who is the first amendment for? To be more accurate, if Congress were to act on the principle of the first amendment uniformity, which the proponents of this legislation would do, it would not discriminate against the political speech of some speakers in favor of others. First amendment uniformity would mean that John Q. Public gets the same treatment as the highly paid, vastly influential Joe Anchorman, or the cable operator, or the TV anchorman or the editorialist, or the radio editorialist, or the publisher, or the editor of a newspaper? It might guide campaign "reform" legislation if the following resolution were adopted:

> Whereas the First Amendment to the Constitution of the United States says in pertinent part that "Congress shall make no law abridging the freedom of speech, or of the press," and
>
> Whereas the First Amendment makes no distinction between the freedom of speech and the freedom of the press,
>
> Now Therefore Be It Resolved that no campaign reform proposal shall be enacted that treats Joe Anchorman's political speech more favorably than John Q. Public's.

This obviously is not a draft resolution that I think the supporters of the legislation would adopt. But, is the first amendment for everyone equally, or some persons or institutions entitled to special treatment for their political speech? Is John Q. Public entitled to the same first amendment treatment as Joe Anchorman, or is Mr. Anchorman entitled to special treatment because he delivers the news?

Here is the question I have for the distinguished Senator: What happens if John Q. Public wants to express issue advocacy and then says he is John Q. Anchorman? Say somebody solicits a group of people from a list of migrant workers, the American Farm Bureau, Kansas Wheat Growers, the wheat growers of, say, North Dakota, or of Common Cause, or the tobacco growers of Kentucky. I know that is, I guess, politically incorrect. Obviously, they couldn't start a newspaper. It might go up in smoke. It might be regulated by the FDA.

But, having said that, say that they sell the stock at $100 a crack, $1,000, and they start a newspaper. My dad was an old newspaperman. I am an old newspaperman. I am a journalist. That is what it says in the bio when you read about ROBERTS; that he is an unemployed newspaperman. So, to start a newspaper, all you needed was a hat rack and a hat. A newspaper? No. Not a newspaper. You could print—and a typewriter. Those are the old days—and a subscription list. You don't even need, if you have the money, an advertisement. Well, you don't need a hat rack anymore. You don't need a hat. You don't need a typewriter. You do need a subscription list. If you know some nice ladies that work in an offset shop, you can have your own newspaper. Say you have a bunch of thousand-dollar contributors and you want to start your own newspaper. The Common Cause Daily News is published every week in Kansas. That is a newspaper. They are not affected by this legislation. I want to know, what is a newspaper anyway? What is the definition of a newspaper? Volume, 1, 2, 3, 4, and they started it for 6 months. What about an editorial announcer on a TV station? What about the situation with Dan Glickman who had no redress? I am not saying whether Dan was right or wrong. By the way, that race did not affect the current incumbent who didn't defeat Mr. Glickman. I think not everybody in the world gets the chance to be a Secretary as a consequence. But Dan is enjoying that and doing an outstanding job.

What is a newspaper? Where are the loopholes? Where does John Q. Public become John Q. Anchorman? How do we distinguish?

Mr. McCONNELL. I say to my friend from Kansas that the example he cited, a cable owner expressing himself without limit about the relevant merits of former Congressman Glickman, would be entirely exempt from anything we are considering here today and entirely current law.

Let me read a short provision. This is from the Federal Election Campaign Act of 1974.

> The term "expenditure" does not include a news story, commentary, or editorial—which is what was happening on that cable station—or editorial distributed for the facilities of any broadcasting station, newspaper, magazine, or other periodical, or publication unless such facilities are owned or controlled by political party, or political committee, or candidate.

So, I say to my friend from Kansas, to the extent that proposals like Snowe-Jeffords put groups in a position where they would have to disclose significant numbers of their membership and/or donors as a precondition for criticizing or expressing themselves in proximity to an election, the perfect outlet would be to go into the newspaper business.

I am not suggesting that we put restrictions on newspapers. I don't want to put restrictions on citizens, which is what this debate is all about today. But the first amendment applies to everybody, not just to the press. We get the impression reading the editorials on this issue across the country that the first amendment is the sole province of the press. In fact, the courts have been quite clear about this; it applies to all of us.

So I would say my friend has put his finger right here on a good way around this growing regulatory environment that is being proposed. Just go into the newspaper business and you are free of it all. You can go out and trash whomever you want. You are not going to have to be regulated by the FEC or anyone else. Have at it.

And my guess is there would be a proliferation of so-called newspapers under this.

Mr. ROBERTS. We are going to have a lot of newspapers. We are going to have a lot of commentators. We are going to have a lot, under the Snowe-Jeffords amendment, of "news stories, commentaries and stories distributed under the facilities of any broadcasting station [that] are exempt from its reporting requirements."

What about the Internet? What about the Internet? Does the distinguished Senator have a view in that regard?

The reason I ask is, just today, like every Senator, you know, you check the Internet and you check your e-mail and all of that. On the Internet, on somebody's web page, there was sort of a semi-newspaper making commentary about one of our colleagues. It indicated down the road anybody but that individual should be supported in the next election. That is pretty express advocacy, it seems to me. They had some issue tied to it. It was interesting.

I am just wondering. As a matter of fact, a lot of people who started newspapers—I don't know if they call them newspapers but they call them, certainly, free and protected speech under the first amendment on the Internet. Who is going to—how are we going to police that? Would the distinguished Senator have a view on that?

Mr. MCCONNELL. I don't have a clue and I think the courts will be wrestling with that.

I say to my friend from Kansas, you know that GE owns NBC, Westinghouse owns CBS, and Disney owns ABC.

Mr. ROBERTS. Oh, my goodness.

Mr. MCCONNELL. Talk about corporate involvement in the political process. Those three corporations presumably have a good deal more speech than all the rest of us.

Mr. ROBERTS. That could conceivably cause some of the supporters of this legislation to change their minds. Because just yesterday the coauthor of the major spending bill indicated if you just took a look at the legislative agenda of those who are dealing with express advocacy or soft money, you would see that the people who vote for that agenda are bought and paid for in regards to that specific agenda.

Obviously, if a person has a different agenda from those who support this bill and it's a little different—whether it be big labor or labor or, say, many of the nonprofits as opposed to, say, the Chamber of Commerce or whatever—why, that is certainly different.

I am wondering if they now understand that since the major broadcast networks are owned by corporations, that this should not apply to them. I mean, that's dreadful, to really figure out that the major broadcasters are corporate entities. Why, we can't give them free speech. My goodness, it has to be pure as wind-driven snow, as described by these other groups you see, because the legislative agenda would be different.

That was amazing to me, absolutely amazing, that if you support the top five issues of Common Cause on one hand, why, that's fine and we want to certainly encourage that free flow of information. But if you supported the Chamber of Commerce, which may or may not agree with Common Cause, that's different and your vote was bought and paid for, even to the point that if you support this legislation, it will result in lower food costs, lower gas prices, better farm income—I don't know—better health care, protecting the environment.

What do we have here? I'll tell you what we have. We have censorship by agenda of the particular group that either favors or does not favor this legislation. I maintain there is not any Senator here who is bought or paid for by that kind of contribution. I don't know anybody here who would do that. That is a very specious commentary; self-serving, condescending, elitist.

I worry about free speech. I am an old newspaper man. My family started a newspaper, the second oldest in the State of Kansas, the Oskaloosa Independent, based on abolition. My great grandfather, John W. Roberts, came to Kansas to make it a free State. I firmly believe in the first amendment and free speech.

This legislation, well-intended, strikes at free speech. It doesn't define what is and is not a newspaper. We are dealing with the same issue that the Founding Fathers spoke to with the Alien and Sedition Act. Senator GORTON is right; it is not a stretch.

As you can see, I get a little worked up about this. But I think it is a point that every editorialist in every newspaper who thinks they are on cloud nine and protected should stop and consider.

I thank the distinguished Senator from Kentucky for being a protector of free speech.

I yield the floor.

Several Senators addressed the Chair.

Mr. MCCONNELL. I thank the distinguished Senator from Kansas for his important contribution. What he is talking about here is precisely this, that the first amendment applies to everybody, not just to the press, and any misguided effort to make it more difficult for citizens to band together and express themselves without limitation, even though it may be in the neighborhood or proximity of an election, is not going to be upheld by the courts of the United States. So I thank the Senator very much for his contribution.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 37 minutes and 10 seconds.

Mr. MCCONNELL. I reserve the remainder of my time.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Maine.

Ms. SNOWE. I would now like to yield to my friend from North Dakota, Senator DORGAN, 10 minutes.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, I gather that the previous discussion was about the Snowe-Jeffords amendment, but it was very difficult to connect. I gathered from the discussion that at least one Member came out in favor of free speech and the first amendment of the Constitution. Perhaps two Members did. I expect we could sign up the other 98. But that has as much relationship to the Snowe-Jeffords amendment as discussing how to make an apple pie. It doesn't have any relationship at all.

This is not about free speech. This is not about free speech at all. This is about disclosure, and the question propounded by the Senator from Maine with her amendment is, why are we afraid of disclosure? Why not ask people who want to interfere with and invest in Federal elections that they disclose who they are and how much money they are investing in Federal elections? That is what the question is.

So then I ask those of you who are opposed to this, what are you afraid of? Why not disclose it? What is wrong with disclosure? This amendment doesn't say you can't contribute, you can't raise soft money, you can't do issue advocacy. It doesn't say that at all. It says you must disclose who you are and what you are spending. What is wrong with that?

Yesterday I mentioned that Mark Twain was once asked to join in a debate. He said, "Fine, as long as I can take the opposing side." They said, "We didn't tell you what the subject was." He said, "It doesn't matter. The negative side doesn't require any preparation."

We are on the floor of the Senate, proposing to reform the campaign finance system in this country because it is broken and needs fixing. Those who think it is not broken, look at the record. Look at the statistics. Look at the data.

Let me show a chart that describes an interesting comparison, the number of voters versus the number of dollars in American politics. The number of dollars goes up and the voting participation goes down in this country. You think there is not something wrong with this system? I mentioned yesterday that soft money, a problem that is dealt with in the McCain-Feingold bill and also in the amendment that is before us today—soft money is the political equivalent of a Swiss bank. Soft money is the mechanism by which you create secrecy for contributions, unlimited quantity, that come into campaigns to interfere with Federal elections. It has become the legal form of cheating in American politics.

The amendment before us says let us require disclosure, let us require disclosure in certain circumstances. The underlying bill says let us ban soft money in other circumstances, but it has nothing to do with free speech. Nothing.

Let me read a couple of things, if I might. Here is a so-called issue ad from a group that was formed very close to an election. This ad ran 2 weeks before a general election. It was paid for from a $1.7 million pot of money, almost all of it raised 3 weeks before the election.

It came from eight deposits. Eight deposits created a $1.7 million pot of money spent in the last couple of weeks before the election. Here is what they said: "Can we trust candidate X?" They used the name. Let me say Thompson, just hypothetically. "Can we trust candidate Thompson? The ad says Thompson "has been criticized as inefficient and disorganized by the county auditor," and that he was "accused of Medicare fraud by a home health care worker from his family business. Call Thompson and tell him to support ethics in government."

That is an issue ad? It's not an issue ad. This is an ad designed specifically to defeat candidate Thompson, paid for by a $1.7 million pot of money collected in eight deposits from secret donors. I ask those who stand up and say things are just fine on campaign finance reform, do you support this? Is this a legal form of cheating you think is fine in campaign finance reform? Does anybody here stand up and support this? Anybody? I guess not.

So, another one: $700,000 from a wealthy individual who calls up a 501(c)(4) organization and says, "I want to spend $700,000." But he doesn't want any fingerprints on it, so he calls up the political equivalent of the Swiss bank and says, "I want secrecy." And $700,000 magically disappears into in a political Swiss bank and then the ads go out. The ads run just weeks before an election, targeted to defeat candidates, called "issue ads." Not issue ads, cheating; $700,000 from one person designed to try to defeat candidates and get around Federal election rules.

Mr. President, $1.8 million was formed by a group that was formed on paper in October 1996. One wealthy donor gave $100,000 to buy negative ads attacking one specific Congressman in the closing weeks of the campaign; 12 deposits put together $1.8 million to be used for these so-called issue ads that represent the form of political cheating that is going on in this country.

Again, it is the political equivalent of the Swiss bank: Put together soft money in large quantities, go out and target and try to defeat people, call them issue ads, and essentially get around the Federal election laws.

Do you think this is the way the system ought to work? Do you think this is just fine? If you think this is fine, then I guess you ought to try to defeat campaign finance reform. And some are trying to do that. I don't question their motives or honesty. They, I think, honestly believe the system is fine, that this is about money being speech. If you have more money, you have freer speech, apparently. And some people have more money than others, so, I guess they apparently are better able to speak in this country.

But that is not what the Constitution is about. At least in this system we have said that there ought to be reasonable restrictions and regulations on the financing of Federal elections. And if you believe that these examples are examples that just fit well within the frame of what we think a reasonable campaign finance system is, then you are about a century behind where we ought to be.

We have already made a decision in this country. We don't want people with $2 million to hide behind a veil of secrecy and say, "By the way, with my $2 million I want to go out and find these two candidates and I want to undercut them with $2 million worth of advertisements and I don't want my fingerprints on it. I don't want anybody ever to know that I did it, but I want to defeat these two candidates." Until these smart campaign lawyers came up with these loopholes, Federal law said you can't do that. But the soft money loophole says there is a new way around these laws, and that is what is creating, I think, the disrespect for the current campaign finance system that requires us to take action here in the Congress. No, not to abridge free speech, but to require, as this amendment does, full disclosure.

Let one Member of the Senate stand up and tell me an answer to this question. Why are we afraid of full disclosure? Do we want to protect the person who took $700,000 and wrote a check and says, "I want to defeat this person and that person and I don't want my fingerprints on it"? Is that why we oppose full disclosure?

What on Earth would be wrong with requiring full disclosure in the circumstances described by Senator SNOWE and Senator JEFFORDS? Who can stand up on the floor of the Senate and say that is a step in the wrong direction?

It seems to me it is a giant step in the right direction. For this Congress to do nothing, as some on this Senate floor want us to do, I think would be a travesty. Anyone who looks at this system understands the system is broken. Soft money is growing by leaps and bounds. The first 6 months of this year tripled the first 6 months of 2 cycles ago.

Soft money is growing by leaps and bounds, and everyone knows that it is the way around the current campaign finance system. Some say, incidentally, there is not enough money in politics. They have a right to say that. I understand that. They are so dead wrong. There is too much money in politics, and what this amendment and what the underlying bill does is to say, let us decide that there needs to be some rational approach to putting back together again a set of rules on financing Federal elections that give people some confidence that these are elections and not auctions.

Again, the political equivalent of the Swiss bank in American politics is exactly what Senator SNOWE and Senator JEFFORDS are attempting to deal with in this amendment.

Would I have written this amendment differently? Yes, I would have. I think they left out a couple of things, and I would have written it differently. I support this amendment, because I want this Congress to pass campaign finance reform, and this is a step to allow us to get to a vote to do that.

I come here today happy to support the effort that Senator SNOWE and Senator JEFFORDS have made on the floor of the Senate. I have listened to their debate. They have been forceful and persuasive.

Frankly, I am surprised to come and listen to a discussion about the first amendment, free speech. It has nothing to do with free speech. Come and trade recipes, come and ruminate about baseball. It has as much to do about this amendment as the discussion of free speech a moment ago. Nothing Senator SNOWE is proposing and nothing in the underlying bill, in my judgment, impinges free speech.

I think those who have proposed the McCain-Feingold bill and those who propose this amendment do this country a service by saying the current system is broken and we can do a better job in creating rules of campaign finance that will give people in this country more confidence in this system.

I thank very much the Senator from Maine for providing me this time. I hope very much the Senate will not only support her amendment, but we will go on from that point and pass the underlying bill. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mr. MCCONNELL. I yield the Senator from Pennsylvania 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, first, I commend the job that the Senator from Kentucky, Senator MCCONNELL, has done this year on this debate, today on this debate, and for his stalwart defense of the first amendment.

Let me make a couple of comments about the Snowe-Jeffords amendment and then move on to more general debate.

First, let me say about my colleague Senator SNOWE, she is constantly here in the U.S. Senate trying to find areas to bring people together to try to solve problems and issues that she has concerns about. She has worked tirelessly, I know, on this and on a variety of other issues to try to find common ground and make things work. I commend her in her effort. I don't agree with the approach she has taken, but I think it is a sincere and honest attempt to meet what she perceives is a great problem in this country. We just happen to disagree on what the problem is, and, thereby, the solution she perceives doesn't meet up with what I see as the problem. We see a different problem.

The Senator from North Dakota, maybe unwittingly, said something which I think is exactly the way those who want to restrict the first amendment—to restrict speech—see speech, as other than speech of the candidate. He said, and I am fairly sure I wrote it down at the time, he said, "Those who want to interfere with Federal elections." I just found that remarkable. "Those who want to interfere with Federal elections," as if the election between me and the guy or lady I am running against is really just the two of us and anybody else who wants to speak is interfering with our election: How dare you interfere with my election. Really, that is what this is all about.

If I was just concerned about me and my election, I would vote for the Snowe-Jeffords amendment. It is a great thing for me, because what it says is the labor unions, who are going to be salivating to run nasty ads against me in my election, can't do so. That would be a wonderful break for me. And the other groups that want to get together and run nasty, horrible things about me—and I am sure they can find nasty, horrible things to say about everybody in this Chamber—can't do so. That is a wonderful thing for me.

I would like this to apply to the newspapers and everybody else so nobody can criticize me and I can get up and say what I want and the other guy can say what he or she wants. That is fine; it is just the two of us. But that is not the way democracy works, nor should it work that way.

I think the problem this amendment tries to address is a nonexistent problem. The problem is, as the Senator from North Dakota eloquently said, that they believe there are too many people interfering with our elections. I don't believe there are too many people. I think that is part of the public discourse. It is something I don't like. When my kids see a nasty thing about their daddy on television, I don't like them to see it. Their mom doesn't like to see it. My parents don't like to see it. But I am going to defend on the floor of the U.S. Senate to my dying day the right to say it, because that is how democracy works best.

When plenty of people interfere with the election, the more people we can get to interfere the better, because the public is then heard. It is not always pleasant, not always to my advantage, certainly, but it is important to be heard.

So I stand up today and say, yes, labor unions should be able to run ads, they should be able to run ads right up until the day of the election and voice for their members who voluntarily contribute to their PAC their concerns about issues and their concerns about the candidates for election. It is their right to do so. In fact, I believe it is their obligation to do so.

On the broader issue of the McCain-Feingold bill or the Snowe-Jeffords amendment and others, what they try to do is put up roadblocks. What this reminds me of is a tax bill. You say, "How does this remind you of a tax bill?" Do you know what it does when Congress passes a tax bill? What it does is employ a lot of lawyers and accountants to figure out ways to try to beat the bill, because this is what it is about. We put up little roadblocks here and there to catch money to fill in the cracks to fill our coffers. That is how the tax bills work, to try to plug these loopholes or get rid of this subsidy, or whatever, that was "unintended."

That is pretty much what they are saying. These were "unintended things." We didn't want all this speech out there, so we just need to plug the loopholes. By plugging the loopholes, all you do is put a lot of smart people to work figuring out how to beat it. That is how soft money was created. Soft money was created because we have a limit on how much money you can give directly to a candidate.

In Pennsylvania, we have Governor races and attorneys general races, statewide races. There is no soft money in Pennsylvania. You don't need soft money in Pennsylvania. If you want to contribute to a candidate, you can give any amount you want. It is reported, everybody knows about it, but there is no need to give money to XYZ organization to indirectly spend the money on something to benefit the candidate. You can give it directly to the candidate.

The reason soft money has grown in importance is because we have a limit of $1,000 per person in each election cycle set 25 years ago. I can tell you some have suggested inflation has tripled during that timeframe. I can tell you campaigns have probably gone up tenfold or more in expense during that timeframe, and we have kept the contribution limit the same, thus the need for some way around the system. The original campaign finance reform put barriers in place, and so smart people figured out how to get around the barriers.

We can stand up here and say, "Oh, well, we need to plug this loophole and we need to stop here." All we are going to do is create some other legal fiction out there to walk their way around it, in so doing, hiding from the public people's participation in the process.

The greatest campaign finance reform we can do is dramatically increase the limits on contributions. Do you want to solve in great measure soft money? Do you want to solve independent expenditures and all those other things? Dramatically increase at least three or fourfold the amount an individual can give directly to the candidate, increase the disclosure of that amount so it has to be much more prompt than it is today, and I will tell you what you are going to do. Soft money will be a thing of the past. Oh, there will still be some around here and there, but it will not be the big factor that everybody thinks it is now, because the money will go directly to the candidate. I guarantee it. That is where they want it to go now, but it can't go there, so they find the loophole. I guarantee you, if you plug one loophole, another one will come along, if, in fact, the Court allows you to plug the loophole in the first place, which I don't believe it will.

So we have well-intentioned people here who see this as a problem of money, too much money. I hear this when I go back home: "Don't Members of Congress spend all this time raising money?" I might be wrong, maybe Senator McCONNELL has a number on this, maybe we have taken a survey within the Senate, but I would bet that roughly half the Members of the U.S. Senate don't pick up the phone and raise money as a rule. Maybe Members won't pick up the phone and raise money. They hire people to do that.

I occasionally pick up the phone and raise money. I probably do so more than most. Usually, I am not raising it for me; I am trying to raise it for other folks back home who need help or other Senators running in other places, and I try to help them out. But I will tell you, if it takes at most a half hour out of the week—at most a half an hour out of the week—that is a busy week on average for me raising money. If you find that to be too much time on the phone raising money, I would beg to differ with you. I can think of lots of things I can do for a half hour a week that is a greater waste of time than raising money on a telephone, that I could use my time more productively.

Again, we sort of prop up these straw figures and say, "Here is the problem, here is the problem; there is too much money."

I think democracy is important, I think what we do here is important, and I think people should have a right to express their opinion. Yes, people can go out on the street corner and talk all they want, but if nobody hears them, that really isn't very effective speech.

I don't think we should put any limits on people being able to take out a newspaper ad or to sign onto an Internet provider and post something up on a bulletin board somewhere saying, "RICK SANTORUM voted the wrong way on this, and you folks who are concerned about [whatever issue] should know this." I think that is fine. I don't like it, but I think it is fine.

It is essential—it is essential—for us to be accountable to the people. What we are trying to do with all these restrictions and all these limits is isolate the people. I hear this talk that this is not about speech; this is about power. I agree. There is no comment—I heard it yesterday—there is no comment I agree with more. You are right; this is about power. It is where the power is going to rest, in the citizens of the United States, or the power is going to rest right here or in the boardrooms of NBC, ABC and all the other affiliates and newspapers and media outlets around the country, because that is where the power is going to go if things like McCain-Feingold and other measures pass.

They are going to go out—this great sucking sound; that is a common thing we hear now—it is going to come out of your ability to speak and right into the corporate boardrooms that own media outlets.

Senator ROBERTS was absolutely right, the reason the media is foursquare behind this is because when they shut you up, their voice becomes more important. It is as simple as that. If you can't speak, what they write in their newspapers becomes much more important, because it is one of fewer things out there. It is not overstating the fact, the case, that this debate is central to democracy in this country, and that those who, well-intentioned as they are, want to solve the money problem, it is not by muzzling people in the process. Give people the right to speak and democracy will be just fine.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I ask unanimous consent that 5 minutes be added to Senator SNOWE's time and 5 minutes to my time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I now am very pleased to be able to yield 4 minutes to the Senator from Arizona, who has been a leader on this issue, and because of his leadership and commitment to campaign finance reform, we are here today debating this issue and hopefully advancing it.

Mr. McCAIN. Mr. President, let me begin by thanking the senior Senator from Maine for all her tireless work to craft and garner support for this amendment and one that deserves the Senate's support and one that improves the underlying language in the McCain-Feingold amendment. On that basis alone, the fact that this amendment improves the underlying language, I hope that all my colleagues will support it.

The amendment has been summarized many times. I will summarize it very simply. It expands current law that bans direct participation by corporations and unions in elections. Specifically, it prohibits corporate and union funds from being used in broadcast electioneering that mentions a candidate's name or uses his or her likeness within 60 days of an election.

And the second aspect of it, of course, as we know, is disclosure. The Snowe-Jeffords amendment places no—I repeat—no restrictions on independent groups spending money to advocate their cause. It does however mandate that they disclose their contributors.

Mr. President, it is beyond my ability to reason why anyone would oppose disclosure. As mandated by law, I, and each and every one of my colleagues, discloses to the FEC the names and amounts of our contributors. Why should others who engage in electioneering not engage in such similar actions?

I have no desire to hide who gives to my campaign. In fact, I am proud to make public such information. And I am equally proud to stand up and support, through my actions and in some cases contributions, the causes that I believe in.

For example, Mr. President, I have a hundred percent pro-life voting record. Some of my colleagues feel strongly on the other side of this subject. But I am willing to stand here and defend my position because I believe it is the right thing to do. And I am happy to have pro-life groups identify me as a supporter of this cause. There is no reason to hide and to not disclose such support. Therefore, I cannot fathom why some interest groups would fight the disclosure amendment. What are they afraid of?

Again, Mr. President, I strongly support the efforts of Senator SNOWE and Senator JEFFORDS. I hope that later today this amendment will not be tabled and we can move forward to adopt both this amendment and the majority leader's amendment on restricting the FCC from overstepping its authority by mandating free broadcast time and move forward on this bill. Both amendments are good and worthy of support.

Yesterday, I asked if it would be possible to move both amendments independently. I have been engaged in talks on this matter and hope we can soon resolve the problem. I will continue to fight to see this bill move forward. As daunting as that battle may be, we will continue to fight to pass needed necessary campaign finance reform.

Again, Mr. President, I want to thank Senator SNOWE, who has worked tirelessly to try to craft a proposal that will bridge some of the differences that we have. I am grateful for all of her efforts.

Mr. President, I yield back to Senator SNOWE the balance of my time.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. I am now very pleased to yield to Senator LIEBERMAN, who has been very helpful in drafting the Snowe-Jeffords amendment as well. I yield him 3 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and thank my friend from Maine, and thank her particularly along with Senator JEFFORDS for their extraordinary progressive action in trying to find common ground and for constituting what is now clearly a bipartisan majority of the Senate in favor of campaign finance reform.

It may be blocked by the filibuster rules, but there is a majority here that recognizes the gravity of the challenge to America's democracy posed by the current absence of any real regulation of campaign spending in our country and campaign contributions and wants to do something about it. I support the Snowe-Jeffords proposal. I want to approach it from this point of view.

Mr. President, we all know that beauty is in the eye of the beholder. I would say here, having listened to this debate, that the beauty of the first amendment is also clearly in the eye of the beholder because the first amendment has been used in this debate to oppose measures that are being designed to avoid evasion of laws that have been upheld as constitutional. Let me be very specific and brief.

The law says that an individual cannot give more than $2,000 to a campaign. Some might say that is an abridgement of free speech, but it has been upheld as constitutional by the Supreme Court in Buckley.

The law says that corporations and unions cannot contribute from their treasuries for political purposes to affect elections. Some might say that was an abridgement, a violation of their free speech, but that has been upheld as constitutional.

But what has happened? Soft money, issue ads, which are clearly ads for or against candidates have been used to evade those clearly constitutional restrictions on contributions to political campaigns. And so we have to do something about it. It will not be a violation of the first amendment. The current ability of parties and outside groups to disguise candidate-focused electioneering ads as issue ads undermines these longstanding and important Federal elections policies.

A study by the Annenberg Public Policy Center found that in 1996, 29 groups spent as much as $150 million on what the groups called issue ads, but which the Annenberg study leaves little doubt were mostly aimed at electing or defeating particular candidates. Mr. President, $150 million, that is approximately one-third of the total spent for all ads by all candidates. That study found that over 85 percent of those so-called issue ads mentioned a candidate by name, almost 60 percent used a candidate's picture and, worst of all, more than 40 percent of those were pure attack ads.

Let us pass Snowe-Jeffords which is clearly constitutional and will stop these evasions of laws limiting contributions to campaigns that have been upheld as constitutional.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I now yield 4 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the Snowe-Jeffords amendment.

Under the Snowe-Jeffords amendment, labor unions and corporations would be prohibited from spending soft money—what is soft money? That is the unregulated and unreported money that falls outside of current law—on advertising that mentions the name of a candidate in the 60-day period before an election.

Now, labor unions and corporations would be permitted—some say, "Oh, you are muzzling the labor unions and corporations;" well, that is just not so—they can use their PAC dollars, so-called hard money, on electioneering ads or express advocacy.

So there is no muzzling of any of these organizations. No restrictions are placed on the first amendment rights of organizations either. That is another point that has been raised here on the floor. Organizations still will be permitted to run ads that directly advocate for the election or defeat of a candidate. Electioneering ads discuss a candidate's record in relation to issues and they still will be able to run pure issue ads.

Under Snowe-Jeffords, the only change is these organizations will be required to file disclosure statements. I do not see how anybody around here can be against disclosure. Disclosure statements will let the electorate know who is paying for what ads. I think that is what the public ought to know. How can that be objectionable? It is disheartening for me to hear other Senators object to disclosure. In my view, disclosure is at the very heart of reform.

Last year, I filed an amendment that would have required even broader disclosure requirements. My amendment would have required all entities who mention the name of a candidate during the calendar year of the election to file a disclosure statement with the FEC.

The Snowe-Jeffords amendment is a more modest approach. It simply requires entities to disclose their large donors and their spending during the 60 days before the election.

Again, let me say, Mr. President, I find it very difficult to understand why anybody would object to the disclosure. If these organizations engage in issue advocacy rather than electioneering, that is, the ad discusses an issue without mentioning a candidate, they now have to disclose either their members or their spending.

Now, the paramount goals of any true effort to reform the system of financing elections for Federal office must be to reduce the influence of special money on elected officials and to level the playing field between incumbents and challengers.

Although the proposals before us may not be the final resolution of these problems, they provide a better starting point than we have had in previous years.

As far as I am concerned, Mr. President, the most important problem to be addressed by campaign finance reform is one that barely existed a few years ago. Not too many years ago many of us were here debating election process and election reforms. What were we talking about? We were talking about PACs, about political action committees. How much should they be able to contribute? Was $5,000 right or wrong per election?

Those are things we debated. We worried that these PAC contributions might appear to give special interests too much influence. But the soft money explosion made those amounts seem like pocket change. I believe that if all else fails we must deal with the soft money problem.

As I said, Mr. President, once again the Senate is debating the question of how to reform the manner in which elections for federal office are financed. This year, progress has been made on the issue, and the Snowe-Jeffords amendment is an illustration of that progress.

Senators SNOWE and JEFFORDS have worked closely with experts in constitutional law to develop an amendment that would greatly improve the underlying McCain-Feingold bill. This amendment, which I am pleased to cosponsor, eliminates the vagueness and overstretching of the McCain-Feingold bill with regard to the treatment of bogus issue ads.

The Snowe-Jeffords amendment creates a new category under the Federal Election Campaign Act called "electioneering." This is a carefully defined category that pertains to the abundance of soft money spending by unions, corporations, and non-profits that was so proliferous in the 1996 elections. The Snowe-Jeffords amendment would not prevent these groups from letting their voices be heard. It simply would require them to adhere to the spirit of the law.

There certainly is little effort to adhere to the spirit of the law. That's what the hearings before the Senate Governmental Affairs Committee were all about. Week after week witnesses appeared and defended blatantly inappropriate behavior by pointing out that the law didn't quite cover their particular activity. The standard operating procedure in elections these days is circumventing the letter of the law. We are here to try to tighten up current law to make it harder for unions, corporations, and others to circumvent the law.

Under Snowe-Jeffords, labor unions and corporations would be prohibited from spending soft money—that is the unregulated and unreported money that falls outside of current law—on advertising that mentions the name of a candidate in the 60 day period before an election. Labor unions and corporations would be permitted to use their PAC dollars, or hard money, on electioneering ads or on express advocacy. There is no muzzling of those organizations.

No restrictions are placed on the First Amendment rights of organizations either. Organizations still will be permitted to run ads that directly advocate for the election or defeat of a candidate; electioneering ads that discuss a candidate's record in relation to issues; and they will still be able to run pure issue ads. Under Snowe-Jeffords the only change is that these organizations will be required to file disclosure statements. Disclosure statements will let the electorate know who is paying for what ads. How can that be objectionable? I have been quite disheartened to hear other Senators object to disclosure.

In my view, disclosure is at the very heart of reform. Last year, I filed an amendment that would have required even broader disclosure requirements. My amendment would have required all entities, who mention the name of a candidate during the calendar year of the election, to file disclosure statements with the Federal Election Commission. The Snowe-Jeffords amendment is a more modest approach to disclosure. It simply requires entities to disclose their large donors and their spending during the sixty days prior to the election.

If these organizations engage in issue advocacy, rather than electioneering—that is, the ad discusses an issue without mentioning a candidate—they need not disclose either their spending or their members.

The paramount goals of any true effort to reform the system of financing elections for federal office must be to reduce the influence of special interest money on elected officials and to level the playing field between incumbents and challengers. Although the proposals before us may not be the final resolution to the problems that afflict the current system of campaign fundraising, they provide a better starting point than we have had in previous years.

As far as I am concerned, the most important problem to be addressed by campaign finance reform is one that barely existed a few years ago, the explosion of soft money in the process. Not too many years ago, many of us were here debating whether PACs, political action committees, should be able to contribute $5,000 per candidate, per election. We worried that these PAC contributions might appear to give special interests too much influence. But the soft money explosion has made those amounts seem like pocket change. I believe that if all else fails, we must deal with the soft money problem. Just to make clear what soft money is: it is funds spent to influence an election that fall outside of current law. Spending on bogus issue ads—ads that are defined under Snowe-Jeffords as electioneering—is soft money. The Senate has the opportunity to make these important changes in the current fundraising system by approving the Snowe-Jeffords amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. How much time is remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 29 minutes.

Mr. McCONNELL. I yield to the distinguished Senator from New Mexico 6 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if you would remind me when I have used 3 minutes.

Mr. President, I do not recall the exact day but sometime in the not too distant past the Senate was asked to vote on an amendment by the distinguished Senator, FRITZ HOLLINGS. Now I am referring to an amendment that would have amended the Constitution of the United States and permitted Congress to control campaign expenditures. Obviously the Constitution of the United States does not give us the latitude to control expenditures in campaigns that we are involved in, or that House Members, the President and the Vice President are involved in.

I ask the distinguished manager of the bill, how many votes did the Hollings amendment get?

Mr. McCONNELL. I say to my friend from New Mexico, he got 38 votes. It would have taken 67, but at least it was honest. It indicated that you had to amend the first amendment to do the job.

Mr. DOMENICI. So 38 Senators—excuse my voice. I have a bad cold of some type. And to those listening, it is PETE DOMENICI even though it does not sound like me. So 38 Senators had the guts to vote on the real issue, and the real issue is that the Constitution of the United States has a great big amendment that guarantees freedom of speech.

I did not use to understand how the right of freedom of speech was related to campaign expenditures until I read a few of the United States Supreme Court decisions. And I am very pleased that they got the message. The Court understood when it first ruled that you could not limit an individual who wanted to spend his own money on a campaign. You could not limit the amount of money he spent because that money was his freedom of speech. That is what he used it for.

And I equate it here on the floor, and ask the question, what do we apply, in the largest and greatest sense, freedom of speech to in America? We apply it to the media of America. We have freedom of speech, but really when you look at it, it is the freedom of the newspapers, the radios, the televisions, the editorial writers, the column writers, all of whom have this absolute freedom to get involved in our campaigns.

That is why the Supreme Court said that spending money on your own campaign is exercising your freedom of speech. If four newspapers in a candidate's State are writing editorials against him, he ought to be able to spend his money even if he bought a piece of the paper and said this is my editorial, and paid for it with his own money.

Now, what is wrong with the bill before us today—not necessarily the amendment of the distinguished Senator from Maine, who has worked very hard on this, she called me, we talked about it. It is a good idea, but essentially the bill itself is so flawed in terms of the analogy I am using with reference to the right and freedom of speech and the right and freedom to spend money to get your message across, that it is at odds with the decisions of the Supreme Court.

I don't think there is a chance that the underlying bill comes even close to establishing some balance that would in some way change the Supreme Court's mind about the exercise of this freedom and this right. They have essentially said it is not vested in only a newspaper or a TV station or an anchorman or an editorial writer or letters to the editor. They have also said that right is vested in many, many entities who may want to spend money to get their message across—be it criticism or something that is positive about a candidate.

I want to thank the distinguished Senator from Kentucky for his stalwart presentations on the floor which have gone to the heart of the issue, the issue being before we jump into abridging freedom of speech we better very much know what we are doing and not speculate and guess about it. And, yes, the Supreme Court has done an excellent job of saying they will be the gatekeeper on this. I think without that we would be trying to tell everybody how to run campaigns and the American people would end up saying, isn't that something? They are telling all of us they know how to run their campaigns and they are ordering us around in their own campaigns. So I think that is the flip side of this.

Ms. SNOWE. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Maine has 5 minutes remaining on her side; the Senator from Kentucky has 21 minutes and 16 seconds.

Ms. SNOWE. I reserve the balance of the time.

Mr. McCONNELL. I yield 5 minutes to the distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I spoke yesterday on campaign finance reform and I stand today certainly in opposition to the Snowe-Jeffords amendment. It does not address the problem. I don't think the problem exists. The courts have said we don't have jurisdiction over it. We ought to leave it at that.

Mr. McCONNELL. How much time remains on our side?

The PRESIDING OFFICER. The Senator from Kentucky has 19 minutes and 20 seconds.

Mr. KOHL. Mr. President, I rise in favor of the Snowe amendment. First, I wish to commend the Senator from Maine for her efforts to craft a compromise on this issue. If everyone entered this debate with her spirit of negotiation and patience, I think we would surely be able to come to a final resolution of this matter.

I favor the Snowe amendment at this time because I feel it is the best compromise available to possibly pass the McCain-Feingold campaign finance reform bill. As an original cosponsor of that legislation, I favor S.25 as presented yesterday by Senator MCCAIN. I believe the section related to independent expenditures is well-crafted, would go a long way in improving our electoral system, and meets the difficult constitutional standards for this issue.

However, it is clear that the McCain-Feingold bill does not have the necessary votes to end the filibuster. By altering the section of the bill dealing with independent expenditures, we would have a compromise which has the potential of passing the Senate. I would prefer the language as crafted by Senators MCCAIN and FEINGOLD, but it is clear we cannot pass the bill in that form. Therefore, adding the Snowe amendment at least offers hope that campaign finance reform can be passed in this session.

I also wish to add that my support for this amendment is conditional on its inclusion in a broader package of campaign finance reform. Any reform proposal must be designed to be fair and balanced. Taken separately, or added to other legislation that does not address other important campaign finance issues, the Snowe amendment would not have the desired impact on the electoral process.

If we pass the Snowe amendment, and the underlying McCain-Feingold bill, we will have made a great stride toward reforming our campaign finance laws, and offer the American public some hope that Congress is taking their concerns on this matter very seriously.

Mr. McCONNELL. I suggest the absence of a quorum and I will have the time charged to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I was graciously letting my time run during that quorum call. I think we may have inadvertently taken away the 10 minutes prior to the military construction bill. I would like to reconstruct that time. The chairman of the Appropriations Committee is here.

Mr. President, I ask unanimous consent that the chairman of the Appropriations Committee be recognized for 5 minutes prior to the military construction vote and that Senator BYRD, or his designee, be entitled to 5 minutes prior to the military construction vote as well.

The PRESIDING OFFICER. Does the Senator wish that the time for the vote on military construction veto override also be postponed by 10 minutes, accordingly?

Mr. STEVENS. Mr. President, the time is set at 6 p.m., is it not?

The PRESIDING OFFICER. That is correct. In the absence of a change in the time for the vote, the vote would take precedence over any additional amount of time.

Mr. STEVENS. We are talking about the 10 minutes before 6 p.m.

Mr. McCONNELL. Does the military construction vote come first, before the Snowe-Jeffords?

The PRESIDING OFFICER. Yes.

Mr. McCONNELL. Maybe this would solve the problem. I ask unanimous consent that there be 10 minutes prior to the Snowe-Jeffords vote, equally divided between Senator SNOWE and myself.

The PRESIDING OFFICER. Does the Senator intend to insert that time between the two votes?

Mr. McCONNELL. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I understand that the Senator from Maine would rather speak now than between votes. Therefore, Mr. President, let me try one more time.

I ask unanimous consent that the distinguished chairman of the Appropriations Committee have——

Mr. STEVENS. Mr. President, we seek to preserve the time as it is currently allocated for the next 10 minutes before the vote on the MilCon bill.

Mr. McCONNELL. How much time does the chairman of the Appropriations Committee wish?

Mr. STEVENS. Ten minutes.

Mr. McCONNELL. Mr. President, I don't think there is a solution to the concern of the Senator from Maine. It appears that if the chairman of the Appropriations Committee would like the time remaining before the 6 o'clock vote—well, I'm open to any suggestion.

UNANIMOUS CONSENT AGREEMENT

Ms. SNOWE. Mr. President, I ask unanimous consent to move the vote on MilCon to 6:10 p.m. so that we can complete the debate before the votes begin.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CANCELLATION DISAPPROVAL ACT—VETO

The Senate continued with the consideration of the veto message.

Mr. STEVENS. Mr. President, it is my understanding that Senator BYRD will not speak during the time that he had reserved, but Senator KEMPTHORNE would like to speak. How much time does the Senator from Idaho need?

Mr. KEMPTHORNE. About 4 minutes.

Mr. STEVENS. Mr. President, I yield 4 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I thank the chairman of the Appropriations Committee. I rise with regard to the issue of the military construction veto override. I rise in support of overriding the President's veto of the military construction budget.

Mr. President, I am one of those who supported the concept of the line-item veto. I still do. But when I voted for that, I certainly did not abdicate my rights and authority, if I disagreed with a Presidential line-item veto, to come back and speak against that veto and cast my vote. If, in fact, two-thirds of the Members of this body, along with two-thirds of the Members of the House, vote to override, it would be successful.

Here is an example of two projects that were in the military construction budget which the President vetoed. Both projects were intended to support the combat requirements of the 366th Composite Wing based at Mountain Home Air Force Base.

A recent letter to me from Secretary of Defense Bill Cohen described the critical role played by the 366th Composite Wing: "As one of the first units to deploy to a problem area, it has the responsibility to neutralize enemy forces. It must maintain peak readiness to respond rapidly and effectively to diverse situations and conflicts."

In an ironic twist of fate, the 366th was doing its mission on deployment in the Persian Gulf when the President took inaccurate information, provided by the Air Force, and vetoed two projects intended to support the combat effectiveness of this unit.

President Clinton used his line-item veto pen to delete $9.2 million for an avionics facility for the B–1 bombers and $3.7 million for squadron operations facility for an F–15 squadron.

In his veto statement, the President claimed the vetoed construction projects could not be started in fiscal year 1998 because there was no design work on the proposed projects. This assertion has now been proven false by a letter from the Deputy Secretary of Defense John Hamre, which now acknowledges that the Department of Defense provided inaccurate data about the status of design work.

With respect to the two projects at Mountain Home Air Force Base, the outdated Air Force data provided to the White House listed both projects at zero percent design when in fact, as now verified by Air Force, both projects are in fact over 35 percent designed. Moreover, before any of these projects could be included in the FY 1998 Defense Authorization bill, the services were required to certify that each of the projects could be initiated in FY 1998 and that is what they did, without exception.

As my colleagues know, the Department of Defense puts together a future years defense plan which projects the DOD budget six years into the future. Regarding the two projects at Mountain Home, I note that the Avionics Facility is contained in the Air Force's 1999 budget and the F–15 Squadron Operations Facility is contained in the service's 2000 budget.

As the President ponders the use of the line item veto, I think there needs to be a dialogue with the legislative branch. If there had been dialogue, we might have been able to point out the faulty data being used by the White House.

Early this year Congress and the President reached an historic agreement to balance the budget and increase defense spending above the President's request. Congress went through its normal deliberative process and we used the additional defense dollars to move forward funding for projects on the service's unfunded requirements lists. Indeed, the B–1 Avionics Facility was one of the top ten unfunded military construction projects identified by the Air Force. In addition, the funds were within the budget caps agreed to by the Congress and the President.

President Clinton has made a mistake regarding his use of the line item veto authority on the military construction appropriations bill. The Office of Management and Budget and the Deputy Secretary of Defense acknowledged the President used outdated and inaccurate data to make his decisions. The Senate should give the President another opportunity to do the right thing and pass the pending disapproval legislation.

Let me thank the Chairman of the Senate Appropriations Committee, Senator STEVENS, and the Ranking Member, Senator BYRD for their quick and decisive action to bring this important legislation to the Senate floor.

Mr. President, the point is that we have a line-item veto by the President of the United States based upon inaccurate information provided by the U.S. Air Force. The Air Force has come forward and they have provided the documentation and the letters, and it is to help the military of the United States, such as the 366th Composite Wing, which is one of the groups that will respond upon a moment's notice. I think that we have seen in the last 2 weeks the critical nature of this world and how we may call upon the men and women in uniform to go into harm's way on behalf of the United States of America. And here we are somehow considering that we will not override a Presidential veto that was based upon inaccurate information.

I urge all of my colleagues to vote to override the President's line-item veto and to support the men and women in uniform. If there is any time in recent history that we see how critical it is to support our men and women in uniform, it is now, as we still have this buildup in the gulf and we still don't know what the resolution there will be to this international thug named Saddam Hussein, who still doesn't know and doesn't get the message. So, again, let's support our troops and override the Presidential line-item veto.

I ask unanimous consent that two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, October 21, 1997.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR DIRK: Thank you for your letter of September 8, 1997. I want to assure you nothing has changed regarding my enthusiasm for the Enhanced Training in Idaho (ETI) initiative.

The 366th Wing at Mountain Home Air Force Base (AFB) is an important component of our military capability. As one of the first units to deploy to a problem area, it has the responsibility to neutralize enemy forces. It must maintain peak readiness to respond rapidly and effectively to diverse situations and conflicts.

ETI balances realistic local training with careful consideration of environmental, cultural, and economic concerns. The elements of the ETI proposal, though designed to minimize environmental impacts, will simulate real world scenarios and allow the aircrews to plan and practice complex missions. In addition to providing realistic training, ETI's close proximity to Mountain Home AFB also will enable the Air Force to convert time currently spent in transit into actual training time. Thus, the ETI proposal allows Air Force crews to use limited flight training hours more efficiently.

I continue to give the ETI process my full support. It will provide our commanders with realistic training opportunities locally, while ensuring potential impacts to natural, cultural, social, and economic resources are identified, and where possible, cooperatively resolved. Your strong support for the ETI initiative is very important to us, and you may rely upon my continued interest and commitment.

I trust this information is useful.

Sincerely,

BILL.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, October 29, 1997.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Administration used three criteria to decide whether to use the line-item veto on individual projects in the 1998 Military Construction bill: the project was not requested in the President's 1998 budget; it would not substantially improve the quality of life of military service members and their families; and it would not likely begin construction in 1998 because the Defense Department reported to the Office of Management and Budget (OMB) that no design work has been done on it.

With regard to the last criteria—the question of design work—questions have arisen about the Defense Department data underlying the project selections. Each of the military services was asked to evaluate the design status of projects in the Military Construction bill. The Defense Department forwarded that information, without change, to OMB. I have enclosed copies of the analysis in question.

It now appears some of the Defense Department data sent to OMB may have been outdated. The Defense Department will work with Congress as quickly as possible to correct any errors that may have occurred as a result of the outdated data.

Sincerely,

JOHN J. HAMRE.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, the Senate is going to vote soon on the override of the President's veto to H.R. 2631, the bill disapproving the line-item vetoes of projects contained in the fiscal year 1998 military construction bill. I am here as chairman of the Appropriations Committee to urge all Members to vote in favor of the override of the President's veto in this matter.

Let me begin by congratulating Senators BURNS and MURRAY for their leadership in handling the military construction bill and the line-item veto process over the past few months.

At no time has the discussion on this military construction bill and the line-item veto been marked by partisan rancor. These two members of our subcommittee, Senators BURNS and MURRAY, and our full committee have proceeded in a completely bipartisan fashion to deal with this bill and the line-item process. As Senator BURNS noted in his comments earlier today, this debate and vote provide the first test of the line-item veto process enacted by the Congress.

As chairman of the conference that presented the final version of the line-item veto bill to the Senate, I am pleased that the procedures established in that bill have worked.

I regret that we must act to override the President's veto of this disapproval bill. In a hearing before our committee and in numerous public statements, administration officials conceded that errors were made in handling the military construction bill. During a time of intense pressure on our defense budget, there could be no consideration of foregoing these critical projects that are necessary to support our military efforts.

Override of the President's veto restores 38 projects, totaling $287 million, for this fiscal year 1998. All of these projects have been defined as necessary by the Armed Forces and are executable during this fiscal year.

Subsequent to the President's action on the military construction bill, the administration took a very different approach to the remaining 12 appropriations bills for fiscal year 1998. I do believe that the confrontation that has occurred over this bill has refined the process for dealing with the line-item veto. While I do not support the President's decision with regard to many of the specific line-item vetoes he presented to Congress with regard to the 1998 bills, our committee did not hold any hearings or report disapproval bills on any of the other line-item veto messages. We did not challenge the President's decision on any line-item veto on any bill other than this military construction bill, although, again, I will say, as chairman, I disagreed with many. For 1998, the President transmitted 81 line-item vetoes of specific appropriations totaling $483.4 million.

In my judgment, the line-item veto has proven to be a useful and appropriate tool for any President to reconsider spending matters passed by the Congress.

Consideration of this bill, however, and this override will demonstrate the effectiveness of the process created by the bill that created the line-item veto. We definitely prepared a process to overturn a Presidential veto of a disapproval bill, and that is what we are dealing with now. We passed the original bill, the President line-item vetoed it, we passed a disapproval bill, and he vetoed that. This is a process to overturn that veto of our bill whereby the Congress decided to literally overturn his veto.

I again regret that the President chose to veto this measure. I think he did so on the basis of misunderstanding or upon misinformation presented to him. As I said in the beginning, the criteria used by the White House, as applied to these projects, just did not fit. This was not a proper veto of the items in this military construction bill.

I am here to urge all Members to vote to override the veto on this bill, restore the funding for these projects that are urgently needed for military construction, and validate the process that the line-item veto bill presented to the Congress and make it work. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

PAYCHECK PROTECTION ACT

The Senate continued with the consideration of the bill.

Mr. MCCONNELL. Mr. President, are we now on the Jeffords-Snowe time?

The PRESIDING OFFICER. The Senator is correct. At this point, 5 minutes are left on each side, according to the previous unanimous consent agreement.

Mr. MCCONNELL. Mr. President, the Snowe-Jeffords amendment, while I am sure it is well-intentioned, isn't consistent with the first amendment. The American Civil Liberties Union, America's experts on the first amendment, say that it falls short of the free speech requirements of the U.S. Supreme Court in the first amendment.

The proponents of this proposal seem to me to be dismayed at all of this speech out there polluting our democracy and our campaigns. The presumption underlying that, of course, is that we as candidates somehow ought to be able to control elections, as if only our voices should be heard.

The proponents say what we need to do is get all of this speech under control. And the way you do that, of course, is you make the speech accountable to the Government through the Federal Election Commission. They say, "Well, it is just disclosure. All we are asking is just disclosure." The U.S. Supreme Court in the case of NAACP v. Alabama made it abundantly clear that you could not require of the group its membership list or its donations to be handed over to the Government as a condition for engaging in public discourse.

So clearly, Mr. President, this measure would not pass muster.

With regard to nonprofits, the amendment puts all manner of new controls on them if they are so audacious as to mention any of our names near an election.

Finally, Mr. President, it punishes private citizens who have a constitutional right to support causes popular and controversial without being subject to Federal regulation.

So, let me just sum it up.

There isn't any question—and I am sure proponents of this amendment wouldn't deny it—they wouldn't be offering the amendment at all if it were not designed to make it more difficult for groups to criticize all of us in proximity to an election.

Mr. President, I confess I don't like it. I wish it didn't happen. Even some of those groups that come in in support of us we frequently think make things worse and botch the job. But the Court has been rather clear—crystal clear—that the candidates don't control all of the discourse. We certainly don't control what the newspapers are writing about us in the last few days of an election. And we certainly can't control what groups may say about us to our displeasure in proximity to an election.

Democracy is sort of a messy thing. It is sort of a messy thing. The speech police don't get to control how everybody participates in our elections. It may frustrate us. But that is the price for a healthy democracy.

So, Mr. President, at the end of the discussion I will make a motion to table the Snowe-Jeffords amendment, and I hope the motion to table will be approved.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I am delighted to be able to yield a minute to my colleague from the State of Maine who has been a leader on campaign finance reform.

Ms. COLLINS. Mr. President, thank you.

Mr. President, I rise today to urge my colleagues to support the compromise amendment offered by our distinguished colleague, the senior Senator from Maine, and the Senator from Vermont.

Mr. President, I am confident that the original language in the McCain-Feingold bill relating to the issue ads would have withstood constitutional scrutiny. But the careful work of the Senator from Maine and the Senator from Vermont certainly removes any doubt on that score. They have done an artful job in crafting this language, and I hope it will receive the support of every Senator.

Thank you, Mr. President.

Ms. SNOWE. Mr. President, I now yield a minute to my colleague from Vermont, Senator JEFFORDS. I want to express my appreciation to him for all the work he has done on this amendment and his leadership on that as well.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Vermont is recognized.

Mr. JEFFORDS. Madam President, there is an adage in the legal debate that when the facts and the law are not in your favor you tend to shout loudly and improperly about irrelevant principles of free speech.

The opposition has done a masterful job on that. The issue is simple. In an election, does the public have the right to have disclosed in a timely fashion who is paying for an attack ad attacking a candidate? It is a matter of right to the voter and the election process. It is a matter of fairness to the attack candidate. More correctly stated, does the attacker have a constitutional right not to disclose who they are? The answer is a clear no. The public yes, the attacker no.

Ms. SNOWE. Madam President, first of all, I express my appreciation to my colleague, Senator JEFFORDS, for all of his efforts, and to all of my colleagues who have supported this endeavor.

First of all, Madam President, I ask unanimous consent to have printed in the RECORD a letter from Public Citizen. I know my friend, the Senator from Kentucky, quoted portions of their letter opposing disclosure. But they have distributed a letter in support of the limited disclosure in the Snowe-Jeffords amendment.

In fact, they said, "Opponents of reforms assert that they would violate freedom of speech. But what they are really protecting is the freedom to spend unlimited dollars to corrupt our democratic process."

They support our amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC CITIZEN,
Washington, DC, February 25, 1998.

Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: I understand that certain statements made by Public Citizen President Joan Claybrook, in a May 23, 1997 letter, have been cited as reasons to oppose your amendment to the McCain-Feingold bill dealing with disclosure requirements for organizations engaged in certain electioneering communications 60 days prior to a general election and 30 days before a primary election. Specifically, your amendment would require the disclosure of large donors to groups that make expenditures of more than $10,000 for radio and TV electioneering communications from other than PAC money. Let me set the record straight.

Ms. Claybrook's comments were made in response to a media request that Public Citizen disclose the names and donations of all its supporters. Public Citizen, like most membership organizations, does not provide this information, consistent with its members' expectation of privacy and the Supreme Court's case law that citizens have a protected freedom of association that government may not infringe, absent a strong reason to mandate disclosure. However, regarding non-profit groups such as Public Citizen, Congress has mandated that certain disclosures be made, and Public Citizen complies with those obligations.

Public Citizen's position is fully consistent with our support for your amendment, which is very limited in scope and seeks to mandate disclosure of large donors to organizations that use these large donations to pay for certain electioneering communications. Enactment of a law mandating disclosure in this limited circumstance concerning federal elections would also put prospective large donors on notice ahead of time and let them make their own judgments. These circumstances are far different from the situation Ms. Claybrook was describing in her letter, where requests for disclosure are made by third parties to satisfy their curiosity, and donors to the organization have no reason to believe in advance that their names might be disclosed.

Public Citizen applauds your efforts to work with Senators McCain and Feingold and other colleagues to achieve significant progress towards campaign financing reform. Opponents of reforms assert that they would violate freedom of speech. But what they are really protecting is the freedom to spend unlimited dollars to corrupt our democratic process. About $150 million, half of it soft money, was spent by political parties, business and union groups, and other interests on phony "issue ads" during the last cycle. The real purpose of these ads was to assist or attack political candidates. All of this money was spent outside the limitations of federal law, which already allows the rich and powerful to disproportionately influence our democracy.

Phony "issue ads" written by clever consultants to evade legal limitations on contributions to political candidates are a betrayal rather than a triumph of free speech. The whole idea of freedom of speech is to contribute to a reasoned debate among equal participants. Unfettered political contributions by the wealthy destroy that equality. Huge contributions end up drowning out the voices of the majority of Americans.

Sincerely,

FRANK CLEMENTE,
Director.

Ms. SNOWE. Madam President, before we vote on the motion to table the Snowe-Jeffords amendment I want to thank Senator JEFFORDS for his tremendous work and leadership on this issue, as well as the cosponsors of the amendment—Senators LEVIN, LIEBERMAN, MCCAIN, FEINGOLD, CHAFEE, COLLINS, and THOMPSON—for their invaluable comments and support.

We have had a good debate on this amendment this afternoon, but we have also heard a great many misconceptions. So before we vote, I want to once again speak to the importance of this amendment, what it really does and doesn't do, and why the American people are counting on us to pass it.

Madam President, the Supreme Court has made clear that, for constitutional purposes, electioneering is different from other speech. And the Supreme Court has also never held that there is only a single, constitutionally permissible route a legislature may take when it defines "electioneering" to be regulated or reported. To the contrary, Congress has the power to enact a statute that defines electioneering in a more nuanced manner, as long as its definition adequately addresses the vagueness and overbreadth concerns expressed by the court.

This compromise amendment carves out, in a clear and narrow way, a new category of electioneering that meets the Court's criteria. It draws a bright line between issue advocacy—which we don't want to infringe—and electioneering by laying out specific criteria that must be met in order to trigger the requirements of our amendment.

Medium: The ad must be broadcast on radio or television.

Timing: The ad must be aired shortly before an election—within 60 days before a general election or 30 days before a primary.

Candidate Specific: The ad must mention a candidate's name or identify the candidate clearly.

Targeting: The ad must be targeted at voters in the candidate's state.

Threshold: The sponsor of the ad must spend more than $10,000 on such electioneering ads in the calendar year.

If and only if a broadcast communication meets all of these criteria do the following rules apply:

First, the electioneering ad cannot be paid for directly or indirectly by funds from a business corporation or labor union. Advocacy groups could not use such funds to run electioneering ads. They could however, engage in unlimited electioneering ads using individual, voluntary funds. This provision builds on nearly a century of law and Supreme Court cases that restrict the use of union and corporate treasury money in politics. It is balanced in that it treats corporations and unions equally, and it gets at part of the problem of these entities using member dues and shareholder monies without their consent.

Second, the sponsor of an electioneering ad must disclose the amount spent and the identity of contributors who donated more than $500 toward the ad. This is entirely in keeping with the Supreme Court's Buckley decision, which stated that "the governmental interests that justify disclosure of election-related spending are considerably broader and more powerful than those justifying prohibitions or restrictions on election-related spending." Indeed, the Court put forward a threshold of $200 in terms of contributions candidates need to disclose—our amendment's threshold is more than double that.

We don't prohibit advocacy groups from disseminating electioneering communications. We don't prohibit such groups from accepting union or corporation money. We don't require such groups to create PACs or separate entities. We don't address voter guides, pamphlets, or any other print media.

We don't affect groups' ability to urge grassroots contacts with lawmakers. We don't have invasive disclosure rules that require the disclosure of entire membership lists. We don't require the disclosure of the text of any ads. We don't even say that corporation or union leaders can't engage in political speech—just that they do it through a voluntarily, individually funded PAC.

That's it, Madam President—that's our amendment. A simple, straightforward, reasonable, constitutional, brightly drawn line between issue advocacy and electioneering that only applies 30 days before a primary and 60 days before an election, if a candidate is identified, and only if more than $10,000 is spent.

But you don't have to just take my word for it. The approach was developed by noted experts and reformers including Norm Ornstein of the American Enterprise Institute, Dan Ortiz at the University of Virginia School of Law, Josh Rosenkranz at the Brennan Center for Justice at NYU and others.

And their approach has also been endorsed by Professor Thomas Baker, Texas Tech University School of Law; Professor Paul Kurtz, University of Georgia Law School; Professor William Cohen, Stanford Law School; Professor Harold Maier, Vanderbilt Law School; Professor Abner Mikva, University of Chicago; Professor Robert Aromson, University of Washington School of Law; Professor Ralph Stein, Pace University School of Law; Professor Robert Benson, Loyola Law School; Professor Elwood Hain, Whittier Law School; Professor Ann Freedman, Rutgers Law School, and Professor William Rich, Washburn University School of Law.

Why? Why are all of these prominent scholars in agreement with this approach? Because it represents a common sense, middle ground approach around which the Senate can coalesce. That's the heart of compromise—some feel the amendment doesn't go far enough, some wouldn't go as far. But this amendment would take substantial steps toward providing accountability in an exploding and currently unaccountable area of campaigning, and it would take steps toward abating some of the valid concerns raised about the use of union dues and shareholder monies for political purposes.

Madam President, we've come to the bottom line here. Either we vote to keep the system as it is—either we vote to continue to allow hundreds of millions of dollars to be spent to influence federal elections without one dime having to be disclosed—or we take a tangible, incremental step toward addressing these abuses.

A vote against this amendment is a vote against disclosure—and a vote for secrecy. A vote against this amendment is a vote against the public's right to know who is pouring millions into influencing our elections, and a vote for keeping America in the dark. A vote against this amendment is a vote against putting electioneering ads back into the hands of individuals and a vote for the involuntary use of union dues and shareholder monies for blatant political ads.

Madam President, groups spent $150 million or more—we don't know because there is no accountability for these ads—to influence the 1996 elections. That's about one-third of what all federal candidates spent on advertising. This is a massive force invading our system of elections in this country, flying under the radar screen of disclosure or any other accountability. And it's only going to get worse.

All we are saying is, let's have some disclosure for these ads, let's give the public information they need in order to make informed decisions, and let's fund these ads with voluntary, individual contributions. That's not an infringement on free speech. That is bringing the facts about elections in America out of the shadows and into the light of debate and discourse.

I hope my colleagues will join me in supporting this sensible, incremental approach that will advance the ball for campaign reform. Because frankly, if you can't support this—if you can't support disclosure—I don't know what kind of reform you can support. And the American people will be watching. The American people will be watching, and they will remember who is truly interested in working to restore America's faith in their elections—and they will remember, too, who are the doorkeepers of the status quo.

I again thank Senators JEFFORDS, McCAIN, FEINGOLD, as well as all of my distinguished colleagues who have joined me in this effort. We are in the majority in this body and I hope after the tabling vote we will be able to have a true up-or-down vote on our amendment.

Madam President, and Members of the Senate, in the final analysis, what the Snowe-Jeffords amendment is all about is disclosure. We have heard a lot of issues here today. We have heard a lot about Supreme Court cases and constitutionality and infringement on the first amendment rights of freedom of speech.

There is nothing in the Snowe-Jeffords amendment that will restrict freedom of speech. Anybody, anytime, can run any ad. The question is whether or not the public will have the right to know who is sponsoring and financing those ads. Even then the threshold is high for disclosure—$500 or more in donation.

I suspect that when Congress was debating the sunshine laws and the right-to-know laws and opening up all of the meetings in the U.S. Congress that we had pretty much the very same debate.

A vote against the Snowe-Jeffords amendment is a vote for secrecy. A vote against the Snowe-Jeffords amendment is a vote for the lack of accountability. We don't want to be the doorkeepers of the status quo for a system that has been shrouded in secrecy by the very fact that we have $150 million spent in elections. In this last election, not one dime has been disclosed. Not one dime. We have heard about editorials and newspaper and the print media being excluded. Does anybody think for one moment that that is where the money is put? Absolutely not.

We have $550 million total that goes into candidate advertising. And a third of that is not disclosed. That is the issue.

It is whether or not you are for secrecy, or the public's right to know who is supporting those ads. That is what it is all about.

We have heard about issue advocacy. I think the body should look at what we are talking about. We are talking about issue advocacy versus stealth advocacy.

I ask unanimous consent for additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. An issue ad that talks about the issues doesn't identify a candidate.

This chart demonstrates the stealth advocacy that we are talking about that is not disclosed—that talks about individual candidates 60 days before election. And this one would run 60 days before the election naming the candidate. It says, he is just another Washington politician. He has taken over $250,000 from corporate special interest groups. He listens to them but he is not listening to us anymore.

No one knows who sponsored that ad. That is what this is all about—whether or not the public will have the right to know who is financing these ads.

The PRESIDING OFFICER. The Senator from Kentucky has 1 minute and 46 seconds remaining.

Mr. McCONNELL. I yield the remainder of my time, and I move to table the Snowe-Jeffords amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

CANCELLATION DISAPPROVAL ACT—VETO

The Senate continued with the consideration of the veto message to accompany H.R. 2631.

The PRESIDING OFFICER. Under the previous order, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 78, nays 20, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—78

Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
DeWine
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gregg
Hagel
Hatch
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—20

Abraham
Ashcroft
Bumpers
Coats
Daschle
Dodd
Feingold
Gramm
Grams
Grassley
Hutchinson
Johnson
Kerrey
Kohl
Kyl
Landrieu
McCain
Robb
Wellstone
Wyden

NOT VOTING—2

Harkin
Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 78, the nays are 20. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

PAYCHECK PROTECTION ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1647

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Maine. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. FEINSTEIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "no."

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—47

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Warner

NAYS—50

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Ford
Glenn
Graham
Hollings
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

NOT VOTING—3

Feinstein
Harkin
Kennedy

The motion to lay on the table the amendment (No. 1647) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1648 WITHDRAWN

Mr. LOTT. Mr. President, I now withdraw amendment No. 1648.

The PRESIDING OFFICER (Mr. STEVENS). The Senator has that right. The amendment is withdrawn.

Amendment No. 1648 was withdrawn.

AMENDMENT NO. 1647

Mr. LOTT. I ask unanimous consent the Senate now proceed to the question with respect to the Snowe amendment.

The PRESIDING OFFICER. The question is on agreeing to the Snowe amendment.

The amendment (No. 1647) was agreed to.

AMENDMENT NO. 1674 TO AMENDMENT NO. 1646, AS AMENDED

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. I now ask unanimous consent it be in order for me to send an amendment to the desk to the pending McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1674 to amendment No. 1646, as amended.

Mr. LOTT. I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is as follows:

SECTION 600. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communication Act of 1934.

SECTION 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

Mr. LOTT. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1675 TO AMENDMENT NO. 1674

(Purpose: To prohibit new welfare for politicians)

Mr. LOTT. I ask unanimous consent it be in order now for me to send an amendment to the desk.

Mr. DASCHLE. Reserving the right to object, would the majority leader be able to describe the first amendment and the second amendment?

Mr. LOTT. Thank you for making that inquiry. Let me explain it to the Members.

What we have done here is to accept the Snowe amendment as was offered and debated this afternoon to the McCain amendment. Her amendment was a second-degree amendment to the McCain-Feingold amendment. That was accepted.

We now propose to go to a vote on the McCain-Feingold amendment, as amended. It would be a motion to table.

Mr. DASCHLE. So the majority leader has offered two amendments to the pending amendment?

Mr. LOTT. Both FEC language amendments.

What is pending is McCain-Feingold, as amended by Snowe. We would have a vote on that, as amended.

Mr. DASCHLE. I thank you for the explanation.

Mr. MCCAIN. Reserving the right to object, I will not object. I believe this is a good thing to have the Snowe-Jeffords amendment incorporated in McCain-Feingold. I appreciate the majority leader doing that.

Mr. LOTT. Mr. President, I send the second amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1675 to amendment No. 1674.

The text of the amendment is as follows:

600. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communication Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect ten days after enactment of this Act.

SECTION 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

Mr. DASCHLE. Parliamentary inquiry. There are still some questions as to what we are about to vote on. Let me state it, and I would appreciate it if the Presiding Officer could clarify whether or not my understanding is correct.

We are about to vote on tabling the McCain-Feingold amendment as modified by the Snowe amendment; is that correct?

Mr. LOTT. That is correct. That is amendment No. 1646.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. MCCONNELL. Mr. President, I move to table the amendment number 1646, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Warner

NAYS—50

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

NOT VOTING—2

Harkin
Inouye

The motion to lay on the table the amendment (No. 1646), as amended, was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

COMBATING WEAPONS OF MASS DESTRUCTION

Mr. BIDEN. Mr. President, with the end of the Cold War, the terrible threat of nuclear holocaust has been substantially reduced. But the world is far from trouble-free. The threat of the 90's, perhaps to become the threat of the coming decade, is that posed by weapons of mass destruction in the hands of lesser powers—like Iraq or Iran—or even terrorist groups.

My esteemed colleague, the senior Senator from Indiana, has written a sobering article in today's issue of The Hill. His conclusion is one to which we should all pay attention:

> Absent congressional support of a U.S. response to this threat as focused, serious and vigorous as America's Cold War strategy, Americans may have every reason to anticipate domestic or international acts of nuclear, chemical and biological terrorism against American targets before another decade is out.

The Nunn-Lugar and related programs that help countries in the former Soviet Union to guard against diversion of material or technology relating to weapons of mass destruction are an important defense against such terrorism. Last year, I was pleased to co-sponsor Senator LUGAR's amendment that restored full funding to these programs. This year, we would all be well advised to seek opportunities to expand these programs, as recommended in a study last year by the National Research Council, an arm of the National Academy of Sciences.

I commend Senator LUGAR's article to my colleagues and ask unanimous consent that its text be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Hill, Feb. 25, 1998]

THE THREAT OF WEAPONS OF MASS DESTRUCTION

(By Senator Richard G. Lugar)

Last week the American people were reminded that terrorism is not just somebody else's problem. Two men were arrested by the FBI in Nevada on suspicion of possessing a biological agent believed to be anthrax. News reports suggested that the suspects were members of the Aryan Nation, and rumors abounded that they planned to attack a large metropolitan area.

This is but the latest instance in a growing series of incidents in which weapons of mass destruction have been linked to terrorist plots.

Terrorists of today do not need a Manhattan Project to construct weapons of mass terror.

Local law enforcement and the FBI responded quickly and efficiently to the potential threat in Nevada. But this episode begs the question: What would have happened if we had not detected this threat? What were the origins of this material? In this case, the source appears to have been an American laboratory. But the origins could just as well have been foreign.

On the day the suspects were arrested in Nevada, the news media reported on a Russian-made form of deadly anthrax bacteria that is resistant to penicillin and all current vaccines. If true, this creates the risk that individual Russian biologists might illicitly sell samples of their work to rogue nations, such as Iraq. The U.S. military is concerned that such an untreatable strain, if it exists, could show up in Iraq during any military action in the Persian Gulf.

At home, the terms under which American firms and laboratories can sell such materials need to be tightened. One of the suspects arrested in Nevada had pleaded guilty to fraud after he was accused of illegally obtaining bubonic plague bacteria from an American laboratory.

The Nevada incident demonstrates that the threat is real and that we must be prepared. Preparation must take the form of help to locate "first responders"—the firemen, police, emergency management teams, and medical personnel who will be on the front lines if deterrence and prevention of such incidents fail.

That is why the 1996 Nunn-Lugar-Domenici "Defense Against Weapons of Mass Destruction" legislation directed the professionals from the Department of Defense, Federal Bureau of Investigation, Federal Emergency Management Agency and other executive agencies to join in a partnership with local emergency professionals in cities across the country. To date, 14 metropolitan areas have received training to deal with these potential threats. The Pentagon intends to supply training and equipment to 120 cities across the country over the next five years.

Preparations at home, however, are insufficient, because the most dangerous sources of proliferation are abroad where the threats are more complex and the solutions more complicated. There are three main lines of defense against the proliferation of weapons and materials of mass destruction. Individually, each is insufficient; together, they help to form the policy fabric of an integrated defense-in-depth. The first is preventing proliferation at the sources abroad. The second is deterring and interdicting the flow of illicit trade in these weapons and materials. The third line of defense is preparing domestically for a crisis.

As a consequence of the collapse of the Soviet totalitarian command and control society, a vast potential supermarket of weapons and materials of mass destruction has become increasingly accessible. Religious sects, organized crime and terrorist organizations can now attempt to buy or steal what they previously had to produce on their own. The available technology allows a small number of conspirators to threaten large populations, something heretofore achievable only by nation-states.

In attempting to fashion a response to this threat, it is common sense to attempt to deal with the threat posed by weapons of mass destruction at as great a distance from our borders as possible.

The Nunn-Lugar program at the Department of Defense, along with its companion programs at the Department of Energy, are the tools the United States is employing to reduce this threat at the source, the former Soviet Union.

The program seeks to secure weapons-usable materials that are at risk of falling into the wrong hands. Unfortunately, much still remains poorly secured.

Americans are still threatened by weapons of mass destruction. In the United States we are not adequately equipped to manage the crisis posed by the threatened use of such weapons or to manage the consequences of their use against civilian populations, whether weapons production is foreign or local.

The real question, is whether there exists sufficient political will in Congress to devote the requisite resources not only to domestic preparedness but to the first two lines of defense—namely, prevention and deterrence. Only by shoring up the lines of defense abroad can we hope to prepare successfully for the threat at home.

Absent congressional support of a U.S. response to this threat as focused, serious and vigorous as America's Cold War strategy, Americans may have every reason to anticipate domestic or international acts of nuclear, chemical and biological terrorism against American targets before another decade is out.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING FEBRUARY 20

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 20, the U.S. imported 6,167,000 barrels of oil each day, 1,083,000 barrels less than the 7,250,000 imported each day during the same week a year ago.

While this is one of the rare weeks when Americans imported slightly less oil than a year ago, Americans relied on foreign oil for 49.3 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 6,167,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 24, 1998, the Federal debt stood at $5,522,503,241,725.24 (Five trillion, five hundred twenty-two billion, five hundred three million, two hundred forty-one thousand, seven hundred twenty-five dollars and twenty-four cents).

One year ago, February 24, 1997, the Federal debt stood at $5,340,989,000,000 (Five trillion, three hundred forty billion, nine hundred eighty-nine million).

Five years ago, February 24, 1993, the Federal debt stood at $4,198,006,000,000 (Four trillion, one hundred ninety-eight billion, six million).

Ten years ago, February 24, 1988, the Federal debt stood at $2,472,187,000,000 (Two trillion, four hundred seventy-two billion, one hundred eighty-seven million).

Fifteen years ago, February 24, 1983, the Federal debt stood at $1,211,713,000,000 (One trillion, two hundred eleven billion, seven hundred thirteen million) which reflects a debt increase of more than $4 trillion—$4,310,790,241,725.24 (Four trillion, three hundred ten billion, seven hundred ninety million, two hundred forty-one thousand, seven hundred twenty-five dollars and twenty-four cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT TO THE NOTICE OF THE CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT—PM 98

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 1998, to the *Federal Register* for publication.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1998.*

REPORT ON THE LOAN GUARANTEES TO ISRAEL PROGRAM—MESSAGE FROM THE PRESIDENT—PM 99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

The attached report to the Congress on the Loan Guarantees to Israel Program was completed on December 31, 1997. Since then there have been several key, positive economic developments in Israel that I wanted to communicate to the Congress.

The Israeli Knesset passed its 1998 budget on January 5. The final budget adhered to the deficit target of 2.4 percent of gross domestic product (GDP) set by the Israeli Cabinet in August 1997, and established a spending target of 46.3 percent of GDP (down from 47.3 percent in 1997), without resorting to additional taxes. Furthermore, due partially to the mid-year spending cuts discussed in the report, the Government of Israel overperformed the 1997 deficit target of 2.8 percent of GDP by a significant margin; the 1997 budget deficit came in at 2.4 percent of GDP. These events demonstrate the commitment of the Israeli government to fiscal consolidation and reform.

Second, the Israeli consumer price index (CPI) for 1997 rose by only 7 percent, at the bottom of the 7–10 percent 1997 target range and a 28-year low. This indicates that the battle being waged by the Bank of Israel and the Israeli government against persistent inflation is succeeding. The Israeli Ministry of Finance is reportedly considering lowering the 1998 inflation target (currently set at 7–10 percent) in order to consolidate the strong inflation performance registered in 1997.

This information will be included in the 1998 report to the Congress on the Loan Guarantees to Israel Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 24, 1998.*

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102-356), I transmit herewith the report of the Corporation for Public Broadcasting.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 25, 1998.*

MESSAGES FROM THE HOUSE

At 1:37 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, each without amendment:

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building".

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office."

The message also announced that pursuant to section 202(b)(3) of Public Law 103-227, the Minority Leader appoints the following Member of the House to the National Education Goals Panel: Mr. MARTINEZ of California.

The message further announced that pursuant to section 203(b)(1) of Public

Law 105–134, the Minority Leader appoints the following individual on the part of the House to the Amtrak Reform Council: Mr. S. Lee Kling of Villa Ridge, Missouri.

The message also announced that the House insists upon its amendment to the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SMITH of Oregon, Mr. COMBEST, Mr. BARRETT of Nebraska, Mr. STENHOLM, and Mr. DOOLEY, as the managers of the conference on the part of the House.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 424. An act to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

H.R. 429. An act to amend the Immigration and Nationality Act to provide for special immigrant status for NATO civilian employees in the same manner as for employees of international organizations.

H.R. 2766. An act to designate the United States Post Office located at 215 East Jackson Street in Painesville, Ohio, as the "Karl Bernal Post Office Building."

H.R. 2773. An act to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J. Doffyn Post Office Building."

H.R. 2836. An act to designate the building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building."

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

H.R. 3120. An act to designate the United States Post Office located at 95 West #100 South in Provo, Utah, as the "Howard C. Nielson Post Office Building."

ENROLLED BILLS SIGNED

At 4:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building."

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 424. An act to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes; to the Committee on the Judiciary.

H.R. 429. An act to amend the Immigration and Nationality Act to provide for special immigrant status for NATO civilian employees in the same manner as for employees of international organizations; to the Committee on the Judiciary.

H.R. 2766. An act to designate the United States Post Office located at 215 East Jackson Street in Painesville, Ohio, as the "Karl Bernal Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2773. An act to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J. Doffyn Post Office Building"; to the Committee on Governmental Affairs.

H.R. 2836. An act to designate the building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3120. An act to designate the United States Post Office located at 95 West #100 South in Provo, Utah, as the "Howard C. Nielson Post Office Building"; to the Committee on Governmental Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 25, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 927. An act to reauthorize the Sea Grant Program.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON (for himself, Mr. BROWNBACK, Mr. NICKLES, Mr. DOMENICI, Mr. ABRAHAM, Mr. COVERDELL, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. ALLARD, Mr. ASHCROFT, Mr. SESSIONS, Mr. CRAIG, Mr. GREGG, Mr. DEWINE, Mr. COATS, Mr. LOTT, Mr. MACK, Mr. SANTORUM, Mr. SHELBY, Mr. GRAMS, Mr. GRAMM, Mr. MURKOWSKI, Mrs. HUTCHISON, Mr. SMITH of Oregon, Mr. BURNS, and Mr. FAIRCLOTH):

S. 1673. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1674. A bill to establish the Commission on Legal Reform; to the Committee on the Judiciary.

By Mr. SHELBY (for himself, Mr. BOND, and Mr. LOTT):

S. 1675. A bill to establish a Congressional Office of Regulatory Analysis; to the Committee on Governmental Affairs.

By Ms. MOSELEY-BRAUN:

S. 1676. A bill to amend section 507 of the Omnibus Parks and Public Land Management Act of 1996 to provide additional funding for the preservation and restoration of historic buildings and structures at historically black colleges and universities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. BOND, Mr. REID, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. WARNER, Mr. SMITH of New Hampshire, Mrs. BOXER, Mr. SESSIONS, Mr. ALLARD, Mr. GRAHAM, Mr. WYDEN, Mr. LAUTENBERG, Mr. HUTCHINSON, Mr. THOMAS, Mr. REED, Mr. FAIRCLOTH, Mr. JEFFORDS, Mr. BREAUX, Mr. STEVENS, and Mr. COCHRAN):

S. 1677. A bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. HOLLINGS):

S. 1678. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and clarify the pay-as-you-go requirements regarding the Social Security trust funds; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB):

S. 1679. A bill to modify the conditions that must be met before certain alternative pay authorities may be exercised by the President with respect to Federal employees; to the Committee on Governmental Affairs.

By Mr. DORGAN (for himself, Mr. JOHNSON, Mr. CONRAD, and Mr. DASCHLE):

S. 1680. A bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER:

S. Res. 180. A resolution expressing the sense of the Senate that the tax exclusion for employer-provided educational assistance programs should be made permanent; to the Committee on Finance.

By Mr. ROBB (for himself and Mr. JEFFORDS):

S. Res. 181. A resolution expressing the sense of the Senate that on March 2nd, every child in America should be in the company of someone who will read to him or her; to the Committee on the Judiciary.

By Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN):

S. Res. 182. A resolution honoring the memory of Harry Caray; considered and agreed to.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. Res. 183. A resolution congratulating Northeastern University on providing quality higher education in the Commonwealth of Massachusetts for 100 years, from 1898–1998; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself, Mr. BROWNBACK, Mr. NICKLES, Mr. DOMENICI, Mr. ABRAHAM, Mr. COVERDELL, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. ALLARD, Mr. ASHCROFT, Mr. SESSIONS, Mr. CRAIG, Mr. GREGG, Mr. DEWINE, Mr. COATS, Mr. LOTT, Mr. MACK, Mr. SANTORUM, Mr. SHELBY, Mr. GRAMS, Mr. GRAMM, Mr. MURKOWSKI, Mrs. HUTCHISON, Mr. SMITH of Oregon, Mr. BURNS, and Mr. FAIRCLOTH):

S. 1673. A bill to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

THE TAX CODE TERMINATION ACT

Mr. HUTCHINSON. Mr. President, I join Senator BROWNBACK in the introduction of the Tax Code Termination Act today and will explain a little bit about our motivation and our rationale for what I think will prove to be very historic legislation. I heard it said that a tax form is a lot like a laundry list, either way you are going to lose your shirt; and a lot of folks have lost their shirts dealing with this code right here, the Tax Code that we believe needs to be terminated, needs to be eliminated, needs to be pushed over the cliff, giving us a clean slate to start over again.

Today's laundry list of tax provisions which now comprise 480 separate tax forms, requiring an additional 280 supplemental, explanatory pamphlets, is causing taxpayers to not only lose their shirts but to lose their patience. So what we have here is only the beginning. Because, in addition to this, there are the tax forms and there are the 280 supplemental explanatory pamphlets that accompany and explain and try to make rational, try to make understandable, what to most is incomprehensible.

Taxpayers are frustrated that they must spend a combined total of 5.4 billion hours complying with the provisions of this Tax Code—5.4 billion hours. That's just a number to most people. Most people can't conceive of the number "billion" or exactly what that means. It is the equivalent of 20 hours a year for every man, woman, and child in America to comply with this Tax Code. A family of four will spend the equivalent of 2 work weeks, just for Tax Code compliance. I think you begin to understand how expensive it is, what a drag it is upon the American economy, and how much wasted time there is for productive Americans who could be using that time in better ways.

The American people are troubled that mere compliance with tax laws is costing the economy over $157 billion a year, and they find it absolutely incredible that the Federal Government itself spends $13.7 billion per year enforcing this code, enforcing the tax laws. Yet, in spite of the fact that we are spending, on the Federal level, $13.7 billion enforcing the tax laws, one out of every four calls to the IRS will get a wrong answer. The Internal Revenue Service itself doesn't understand this Tax Code that we are asked to operate under.

Unfortunately for taxpayers, and even for overburdened IRS employees, the Tax Code continues to grow and become more Byzantine every year. As the chart to my right shows, the number of words comprising the Tax Code grew from 235,000 words back in 1964, to almost 800,000 words in 1994. That is an increase of over 300 percent. This complexity has led to a veritable cottage industry of high-priced lobbyists. In fact, it is interesting, as you look at the chart, to see the parallel between the increase in lobbyists—in 1964, about 10,000, between 10,000 and 20,000—to almost 70,000 lobbyists that we have in Washington, DC now. So as we have seen the explosion in the words of the Tax Code, we have likewise seen an explosion in the number of the lobbyists up here who are lobbying on behalf of one particular provision or another that benefits their particular special interest.

Even the Taxpayer Relief Act of 1997, which I supported because of the sizable substantive real tax cuts that it provided to middle-income families, continues the trend to complexity of the Tax Code. This act added several new forms and resulted in over 830 changes to the Tax Code. So it is no coincidence, when the Taxpayer Relief Act was signed into law last year—a bill that I voted for that provided the first tax cut in 16 years—but when it was signed into law, H&R Block, the national preparation service, saw their stock jump 20 percent. Since then it has increased 50 percent; to a great extent, I think, because of what we did here in Congress in the passage of a bill that further complicated an already overcomplicated Tax Code.

Worse yet, as this chart indicates, the marginal tax rate for typical families with a child in college varies widely under the current Tax Code. As it was pointed out by two economists for the American Enterprise Institute, for typical families with incomes between $10,000 and $120,000, the marginal tax rates bear a strong resemblance to the New York City skyline. If you use your imagination, you can see the skyline of New York City in this chart.

The results of this system are unacceptable. Taxpayers making between $11,000 and $30,000 should not pay higher marginal tax rates than those earning between $30,000 and $40,000. Likewise, taxpayers making between $80,000 and $100,000 should not pay higher marginal tax rates than those earning above $120,000. It is fundamentally unfair. Yet, while we in Washington debate the merits in the flat tax, the tiered progressive tax, the national retail sales tax, the modified flat tax, the VAT tax, all the various tax proposals that have been presented to Congress with all their various advocates and all their pros and cons, the New York City skyline tax continues unfettered.

Today, I am glad to join Senator BROWNBACK in the introduction of legislation that will force this Congress to address this inequality. Like a city block that has fallen into disrepair well beyond the patchwork repairs of urban developers, our legislation would level the current skyline tax and leave a clean slate on which to build a new, fairer, and simpler Tax Code. It is not enough for us to continue to tinker with this Tax Code. It is not enough for us to merely pass IRS reform legislation, though I support that and I will support further legislation to protect the rights of American taxpayers. But all of that is really incremental. All of that is really just nibbling around the edges. We must be much more fundamental in our approach to comprehensive tax reform, and it begins with establishing a sunset date, a date certain in which the American people can with certainty understand and realize that the unfairness and undue complexity and Byzantine nature of the current Tax Code will be eliminated once and for all.

Many have claimed that this national movement to terminate the Tax Code is irresponsible, in spite of the fact that millions of Americans have joined this movement. Hundreds of thousands have already signed petitions, called, e-mailed, written letters to their Representatives demanding that we terminate this Tax Code or "scrap the code," as some have said, or "explode the code," as others have even more graphically expressed themselves.

There are those who would say that in spite of that, that the move to terminate the existing Tax Code is an act that is irresponsible. These critics have warned that the Government cannot just scrap its Tax Code without knowing how it is going to be replaced. I believe what these critics fail to realize, is that almost every major spending program of the U.S. Government terminates every 5 or 6 years. Part of the wisdom of how we operate in this Congress is that when we establish a spending program it is for a certain period of time with a termination date, a sunset date; and subsequent to that termination date, it follows that there will be a debate and there will either be reauthorization or the termination of that program. Whether it's Head Start, whether it's the school lunch program, the student loan program, or the Intermodal Surface Transportation Efficiency Act, ISTEA legislation, which we are going to right now on the reauthorization—all of them expire, all of them terminate, and must be reauthorized. So, far from being irresponsible, this termination process forces Congress to reconsider the effectiveness and efficiency of these major spending programs before they can be replaced.

In short, the Tax Code Termination Act places Federal taxes on the same footing as Federal spending. It will allow us to clean the slate, and on that clean slate, Congress will be able to write a smaller, simpler, fairer Tax Code for the American people. In the end, the Tax Code will be taken to the cleaners and the taxpayers will get to keep their shirts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Code Termination Act".

SEC. 2. TERMINATION OF INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—No tax shall be imposed by the Internal Revenue Code of 1986—

(1) for any taxable year beginning after December 31, 2001, and

(2) in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2001.

(b) EXCEPTION.—Subsection (a) shall not apply to taxes imposed by—

(1) chapter 2 of such Code (relating to tax on self-employment income),

(2) chapter 21 of such Code (relating to Federal Insurance Contributions Act), and

(3) chapter 22 of such Code (relating to Railroad Retirement Tax Act).

SEC. 3. NEW FEDERAL TAX SYSTEM.

(a) STRUCTURE.—The Congress hereby declares that any new Federal tax system should be a simple and fair system that—

(1) applies a low rate to all Americans,

(2) provides tax relief for working Americans,

(3) protects the rights of taxpayers and reduces tax collection abuses,

(4) eliminates the bias against savings and investment,

(5) promotes economic growth and job creation, and

(6) does not penalize marriage or families.

(b) TIMING OF IMPLEMENTATION.—In order to ensure an easy transition and effective implementation, the Congress hereby declares that any new Federal tax system should be approved by Congress in its final form not later than July 4, 2001.

Mr. BROWNBACK. Mr. President, I rise today to make a few remarks on our current Tax Code and the Tax Code Termination Act which Senator HUTCHINSON from Arkansas and I are introducing today, along with 24 cosponsors here in the Senate and the entire Senate leadership.

We just held a press conference on this topic, and Senator HUTCHINSON, I believe, will be joining me shortly to talk about this provision.

Mr. President, with this bill we will pull the current Tax Code up by its roots. And that is no small feat. This is a Tax Code that has roots that are down deep in the soil. I think they are hooked into bedrock. Some people believe they are there and cannot be pulled up. But they can, and they need to be for us to create another American century.

We heard last fall, when the Senate Finance Committee held its hearings on IRS reviews, a horror across the country as people stood up to say that is what happened to them—"Let me tell you what happened to me"— with the IRS abuses that have to be changed. But underlying the IRS is the Internal Revenue Code. The Internal Revenue Service complies with the Revenue Code. The Tax Code of this land has nearly 3 million words. These are words that govern our lives. They are words that micromanage our economic and personal decisions. These are the words of Washington causing us to do certain things, or not to do certain things. There is too much social manipulation involved in the Tax Code.

One of the leading ways that Washington uses to manipulate people's lives is the tax policy that we have. There are three basic ways. One is by regulation; another one is by subsidy. You can either regulate something to stop it, or you can subsidize something to try to grow it, or tax it, or to try to create an exception for somebody to try to fit their lives into it so they can get this economic treat at the end, or tax it here to stop people from doing something, to the point that our Tax Code now is more about social manipulation than it is about raising revenue for the Federal Government.

To prove that point, you can just look at the cost of compliance with this Tax Code—this 2.8-million-word Tax Code that is backed up by 10 million words of regulation. It costs over $150 billion a year just to comply with this Tax Code. That is before a single cent is paid on taxes. It costs over $150 billion a year to comply with this Code.

To give people an idea about how much that is, basically, if we took every car made in America and drove them into the ocean, that would be about the equivalent of what takes place with this. That is how much economic activity we are talking about; not that we should begrudge those people who make their livelihood by figuring taxes. They are good, honest, hard-working Americans. We shouldn't have so many people involved in that, and we shouldn't have a Tax Code that requires so much that people live in fear of it.

I want another American century. I want it for my children who are 11, 9 and 7. And I think we have the time and the moment in history now to start creating, to build that next American century. I don't think you can do it with this Tax Code which micromanages economic and personal decisions out of Washington. Let people in Kansas decide how to invest their money and decide how to take care of their families instead of taking all their money from them. They can make better decisions than people in Washington. It is a fundamental premise upon which I have run, and there are a lot of people associated with this body that have run on that—that people make better personal decisions than, as in a lot of times, the Government forces them to make through the Tax Code.

We need to get back to a Tax Code that is fairer, simpler, flatter, and, I might add as well, freer as far as allowing more freedom to the average American to be able to make their own personal decisions—making the decisions about what is best for them.

The bill that Senator HUTCHINSON and I am introducing is to sunset the current Tax Code. It does not say what we should go to from this point. There are a lot of options that are out there. You can look at a national tax. You can look at a consumption-based tax. You can look at a national sales tax. You can look at some sort of tax simplification, although I have to say when I go around Kansas talking about tax simplification, they say, "I get that joke. You tried that one on us before and it didn't simplify anything." But there are options, I think some of which we can still consider, that are out there.

By this bill, we are not saying which options should be taken. We are simply saying by this bill, let us start the great national debate about what sort of tax system we ought to go to and do away with this one; let us drive a stake through heart of this one; let us salt the soil around where the plant grew up so it cannot grow back again; and let us debate what other sorts of systems can we go to.

It is a very similar proposal that we made when we started to balance the budget 3 years ago. We said at that point in time, let us balance the budget within 7 years. There are lots of different plans out there on how to balance the budget. We did not identify at the outset that this is the way we are going to do it or that is the way. We say, by this date we will have balanced the budget. Let us start the great national debate about how we get there. It is the same thing we are doing here. We are saying by the end of the year 2001—we hopefully will have a balanced budget this year—by the year of 2001, let's have a new Tax Code and let's start the great national debate.

Should it be a national tax? Should it be a sales tax? Should it be a simplified system? Should it be another option that is yet to be identified? And let us have that out there aggressively being talked about. We do not do anything to Social Security or Medicare chapters within the Tax Code; we leave those alone. That is a debate for another day in another arena. But, otherwise, let us have this great debate talking about what we are going to replace this onerous, complex burdensome, system with.

The Tax Code has had its place in history. This Tax Code has. Now let's make it history. Americans are "taxed to the max." I believe that we need to start the clock on the Tax Code and start the process of providing Americans with that flatter, simpler, fairer, freer Tax Code system based upon which they can make a lot more of their economic decisions.

I think it is fundamental for us to create this next American century by having a different system than the onerous one we have today which people cannot understand—that regularly each year Money magazine will send a hypothetical taxpayer to 50 different accountants and get 50 different answers; or, you can ask an IRS agent. Call five of them up on the same question, and you will get five different answers. It is not that these people are not intelligent; it is that the Tax Code is unintelligible.

I have to admit that I went to law school. I have to ask forgiveness for that of a lot of people. I took every tax course, except one, that I could in law school. This Tax Code is unintelligible. My tax law professor, the Dean of the Kansas University School of Law, had the case for driving a stake through and giving capital punishment to this Tax Code, because he says, "Look; I have spent 20 years studying this thing, and it still doesn't make sense, and it is still something that is far too burdensome, and people don't understand it, nor is it free of the American people."

You have to wonder why we have evolved such a system. But it is because we have taken into this Code far more the notion of behavior modification than we have of raising revenue for the Federal Government—that behavior modification that seems now to drive more of our tax policy than for what we need to raise revenue for the Federal Government. It comes from both the left and from the right.

So, Mr. President, as the current Tax Code is anti-American and anti-government, it needs to go the way of history. Let's start this great national debate about which way we need to go. Let's involve all the people across this great land on what they think we need to do.

I might add one other point. A number of people are concerned, who say, "OK; if you accept this Tax Code, I have made decisions based on this Tax Code, and some of these are 15-year or 20-year decisions." They involve depreciation schedules; they involve investment decisions; they involve any number of factors. I think we will probably have to put in place substantial transition mechanisms similar to what we did on the farm bill when we changed the farm bill and we had a 7-year transition period. When we go into trade agreements, a lot of times we have 10- to 15-year transition periods, so that people that have made decisions based on this Tax Code are allowed the opportunity to say, "OK; I have a transition time period that I need to get to something else." So they need not fear that they are going to be driven into some sort of economic chaos or that the country will by changing the Tax Code. We need to have a long and appropriate period for transition so we do not create that economic difficulty or chaos.

This needs to be a very thoughtful and a very learned debate. And that is why Senator HUTCHINSON and I have introduced this bill, along with 24 cosponsors, that simply says sunset it by the end of the year 2001 so we can have plenty of time to talk about a different system to go to. And it is time. I would love to give to my children in the next millennium, as they go into it, a Tax Code where they don't have to worry, regarding every decision they make, what are its tax implications. But, rather, they just have a certain level of burden that is fair, that is low, that is appropriate, and that is one that they can feel is a system that leads to some justice.

I am delighted we introduced this bill and I am delighted to join TIM HUTCHINSON in this effort to sunset the Tax Code, and I encourage all of my colleagues to join me in this effort and on this bill to sunset the Tax Code.

To reiterate, this is a tax code that the annals of history will record as one of the most onerous burdens ever faced by the American people. Our bill aims to make this code history, and by moving our legislation we will take the first steps in sunsetting a tax code that has become a method by which policy makers have confiscated family income and attempted to redistribute it for the sake of big government. This must come to an end.

I am convinced that we cannot have another American Century with this tax code. It is anti-family and anti-growth. It cannot be saved—it must be scrapped.

Americans demand tax reform, we have promised tax reform, and now is time to deliver on that promise to the American people. Some, of course, will argue that we have to be careful about any radical changes to our tax laws.

I agree.

I believe that we must carefully weigh alternative plans, debate the macro and micro effects of each, and then arrive at a thoughtful and reasoned solution that is equitable and just. However, as it should be clear to anyone, what we now have in place is neither just nor equitable. If, as is often said, our tax code is fair why are the defenders so quiet? Let's have the debate.

The bottom line is this: The tax code we now have in place punishes good investment decisions and distorts the labor market as well as our rates of national savings. It manipulates behavior by adding incentives to do one thing while punishing those who do something else.

A quick look at some of the inadequacies in our code should make the case for reform clear. For example if your are a chronic gambler you can deduct your gambling losses. But if you are a homeowner who made an unlucky investment and the value of your home declined you have no recourse to the tax code because you cannot claim a deduction for a capital loss. The question is: why can someone deduct a loss associated with a bad game of blackjack but not a loss associated with their primary residence in which they were the unfortunate victim rather than a willing participant?

The code is full of inconsistencies like the one I just mentioned. Sure, we could try and fix these problems within our tax code—and we should—but the fact of the matter is our tax code is riddled with these inconsistencies which leads me to the conclusion that we cannot reform our code, we must get rid of it.

The bill I am sponsoring today will move us in the direction of making some of these basic changes.

We must move to a tax system where individuals are not punished for their investments and where the national rate of savings is not distorted through unintended consequences. It is often argued that the federal government has an economic obligation to correct for market externalities where the marginal social cost exceeds the marginal social benefit. Unfortunately, the government has become a marginal externality and in so doing has created deadweight economic loss through policies which distort economic behaviour and shift incentives away from savings and investment. Economically this just doesn't make sense. In fact, I challenge anyone within hearing to find ten credible economists who will defend our current tax code. A tax system should not discriminate against the only component of our national income that provides for future economic growth—Investment. But ours does.

Some will disagree. But this is the precise issue upon which we must focus our debate. We must decide where we want the tax to be imposed; and further, we must fully understand what effect the imposition of the tax will have on the health of the economy.

However this debate takes shape we should have as our goal a tax system that does not distort behaviour and create deadweight loss, rather we must have as our goal a pro-growth tax system that encourages growth and increases in our national rate of savings—the true vehicle to long-run sustainable growth. We should have as our model something that is simpler, fairer and yes, flatter.

The Hutchinson-Brownback Tax Code Elimination Act will start the great national debate on how best to change our tax code in favor of one that is more equitable to all taxpayers and less complicated for everyone. Also, our bill will enable this debate to take place outside of the realm of petty demagoguery because it protects the important funding mechanisms for Social Security and Medicare. I believe that we have a commitment to ensure that we have a full, honest and open debate—our bill will give the Senate that opportunity.

I look forward to this important and historic debate as we prepare for the millennium and to a new century that I hope will provide the American people with a renewed sense of the American dream, with a renewed sense of what it means to be an American and what it means to live in America.

And now as we begin this process we should keep one other thing in mind: America is watching.

By Mr. FAIRCLOTH:

S. 1674. A bill to establish the Commission on Legal Reform; to the Committee on the Judiciary.

THE LEGAL REFORM COMMISSION ACT OF 1998

Mr. FAIRCLOTH. Mr. President, I rise to introduce a bill to create a national commission of nonlawyers—nonlawyers, to study legal reform. Nonlawyers, just regular people with a 2-year mandate to offer common sense proposals to reform the legal system. While I stand here, the Association of Trial Lawyers of America are holding their winter convention. It is not a week of hard work on behalf of the American people. No, they are at the Grand Wailea Resort & Spa, in Maui, HI. They are spending a week in the sun learning how to sue more people for more things. They are learning how to throw more American workers out of a job. They are learning how to take a 40 percent share of more lawsuits against small businesses. They are learning how to run the cost of doing business through the roof.

I have not been to this resort but I am sure that it is not a bare-bones rooming house. First-class flights to a five-star resort—that's what you get, and can afford, when you sue people for a living and take 40 percent of it.

Let me say a few words about my legal reform commission. This will not be a typical Washington commission; it will be made up entirely of nonlawyers. The legal system is overrun with abuses and we need fundamental reform. I want to see what a panel of average Americans who are not lawyers trained to split legal hairs, but think in common sense, will do with legal reform. We have heard all the stories about the $2.8 million award against the lady who spilled the McDonald's coffee. We have heard about a $4 million verdict because a BMW automobile was repainted. These are well known because they are outrageous. The coffee verdict was cut to $480,000 and the BMW verdict was reduced to $50,000. But the fact that millions of dollars were awarded and hundreds of thousands of dollars upheld in these outrageous cases simply highlights the problem.

Let me mention a few cases that did not get the same attention. A Pennsylvania man was fixing his barn roof and tried to get an extra lift by putting his ladder on top of a pile of frozen manure. When the manure thawed, the man fell and he sued the ladder manufacturer. Why? Because the ladder company did not warn him that manure would not withstand the weight of a ladder. Crazy? Sure, but a jury found the ladder maker negligent and awarded the man $330,000. This is the out-of-control, ridiculous problem that we are facing.

A teenager in New Hampshire tried to slam dunk—I think that is where you push the ball through the hoop—a basketball. He lost two teeth when he hit the net. He sued the net manufacturer. The company was forced to settle the case for $50,000 because they were afraid of a tort system run out of control.

These are the types of things that we simply have to stop. With these kinds of lawsuits and 40 percent of it, you can afford to be in Hawaii.

A lumberjack was killed when a 4,000-pound redwood tree fell on him. It was a tragedy, of course, but was it a lawsuit? His family sued the hard-hat maker. The trial lawyer argued that the hard hat was defective because it could not prevent damage from a 4,000-pound falling redwood tree.

Can you imagine how thick a hat would have to be to stand up under a 4,000-pound falling redwood tree? You couldn't put it on your head. You couldn't stand up with it on. But the company wound up paying $650,000 in a ludicrous suit. A hard hat was never intended to protect you from a falling redwood tree. More of the same type of thing.

I assume some of the people who are vacationing in Hawaii received 40 percent of the $650,000.

A Texas man who had a blood alcohol level of .09 more than 8 hours after he caused an accident—8 hours; in other words, he was .09 8 hours later, so he could have been way above that when he had the accident—claimed that the road caused his crash and sued the design firm for negligence. Here is a man falling down drunk 8 hours after the wreck and he sues the highway design firm that designed the road. This was despite the fact that he was speeding and ignored the detour sign. The 15-employee firm spent $200,000 to defend itself and was forced to finally give him $35,000. So the small design firm was out $235,000 because a drunk ignored a detour sign and was speeding.

Not only are these facts—and the pattern—outrageous, but the lawyers profit from their behavior. They take anywhere from 25 to usually over 40 percent of the recovery. It is totally a system out of control: greedy lawyers exploiting the law and their own clients for personal gain.

The tort system costs the people of this country more than $150 billion annually. That is more than 2 percent of our entire economy. It is a huge waste, and it is going to have to stop if we hope to compete in a global economy.

Mr. President, I want to see what a panel of average intelligent Americans will come up with, people with common sense who can look through the facade of these lawsuits. That is why I am introducing the Legal Reform Commission of 1998. And they start out with a big plus. There is no way they can do worse than what we already have.

By Mr. SHELBY (for himself and Mr. BOND):

S. 1675. A bill to establish a Congressional Office of Regulatory Analysis; to the Committee on Governmental Affairs.

THE CONGRESSIONAL OFFICE OF REGULATORY ANALYSIS ACT

Mr. SHELBY. Mr. President, I rise today to introduce the Congressional Office of Regulatory Analysis Act. This legislation would establish a small, professional office within the legislative branch charged with analyzing the potential impacts of Federal rules and regulations.

In April 1996, Congress passed and the President signed the Small Business Regulatory Enforcement Fairness Act. Included in this legislation was a provision known as the Congressional Review Act or CRA which established an expedited process for Congress to review and disapprove Federal agency regulations. Under the CRA, agencies are required to send their final regulations to Congress 60 days before they take effect, and they can be overturned by a joint resolution of disapproval that is signed by the President. At the time of enactment, this law was hailed as a way to rein in agencies and prevent the implementation of costly regulations with few practical benefits.

The legislation that I am introducing would give Congress the tools to fully implement the CRA and reduce the regulatory drain on our economy. Under current law, the potential impacts of new regulations are not systematically evaluated—a fact that I think would come as a surprise to most of our constituents. The Office of Information and Regulatory Affairs within OMB reviews regulations only to ensure that they conform to Administration policies and current law and that they do not interfere with the actions of other Federal agencies. However, this office has performed these minimal calculations on only a small fraction of the new rules promulgated in recent years. In addition, the General Accounting Office (GAO) was given some additional responsibilities under the CRA. GAO must now submit to Congress a checklist citing which reports an agency has or has not completed when developing a new rule. These reports are often incomplete or nonexistent, and Congress has little recourse for obtaining factual information in these instances.

For these reasons, I believe that a Congressional Office of Regulatory Analysis (CORA) is essential to allowing Congress to fulfill its oversight obligations. At present, Congress does not have any resources for objectively evaluating the potential costs and benefits of new regulations. CORA can provide those resources. While the executive branch has thousands of employees devoted solely to creating and enforcing regulations, Congress has few means of effectively overseeing those rules. Our committee staffs are already stretched to their limits, and they cannot possibly study and evaluate each and every regulation that comes out. We need a professional staff that is charged with analyzing regulations and providing Congress with its findings. By gaining access to this valuable information, Congress will then be able to decide whether or not to pursue further action under the CRA.

Specifically, CORA would analyze both the monetary and non-monetary effects of all new major regulations. Non-major rules would be evaluated at the request of committees or individual Members of Congress. In addition to providing information on costs and benefits, which are very important, CORA's analyses would also explore possible alternative approaches to achieving the same goals as the proposed regulation at a lower cost. Finally, this office would issue an annual report on the total cost of Federal regulations to the United States economy.

I believe that anything which costs the average American family $6,800 per year warrants very careful Congressional examination. Without the objective information that CORA can provide, oversight cannot properly be carried out.

Senator Bond, the chairman of the Small Business Committee, has joined me as a cosponsor of this legislation. I urge the rest of my colleagues to join us in establishing this office in order to ensure that future regulations do not place unnecessary burdens on the American public.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Office of Regulatory Analysis Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) Federal regulations can have a positive impact in protecting the environment and the health and safety of all Americans; however, uncontrolled increases in the costs that regulations place on the economy cannot be sustained;

(2) the legislative branch has a responsibility to see that the laws it passes are properly implemented by the executive branch;

(3) effective implementation of chapter 8 of title 5 of the United States Code (relating to congressional review of agency rulemaking) is essential to controlling the regulatory burden that the Government places on the economy; and

(4) in order for the legislative branch to fulfill its responsibilities under chapter 8 of title 5, United States Code, it must have accurate and reliable information on which to base its decisions.

(b) Purpose.—The purpose of this Act is to establish a congressional office to provide Congress with independent, timely, and reasoned analyses of existing and anticipated Federal rules and regulations, including—

(1) assessments of the need for, and effectiveness of, existing and anticipated Federal rules and regulations in meeting the mandates of underlying statutes;

(2) statements of the existing and projected economic and noneconomic impacts, including the impacts of reporting requirements, of such rules and regulations; and

(3) separate assessments of the effects of existing and anticipated regulations on segments of the public, such as geographic regions and small entities.

SEC. 3. ESTABLISHMENT OF OFFICE.

(a) Establishment.—

(1) In general.—There is established a Congressional Office of Regulatory Analysis (hereafter in this Act referred to as the "Office"). The Office shall be headed by a Director.

(2) Appointment.—The Director shall be appointed by the Majority Leader of the Senate and the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of the Director's ability to perform the duties of the Office.

(3) Term.—The term of office of the Director shall be 4 years, but no Director shall be permitted to serve more than 3 terms. Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term. An individual serving as Director at the expiration of that term may continue to serve until the individual's successor is appointed.

(4) Removal.—The Director may be removed by a concurrent resolution of Congress.

(5) Compensation.—The Director shall receive compensation at a per annum gross rate equal to the rate of basic pay for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) Personnel.—The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate authority to perform any of the duties, powers, and functions of the Office or the Director. For purposes of pay (other than pay of the Director) and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the Senate.

(c) Experts and Consultants.—In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay under the General Schedule of section 5332 of title 5, United States Code.

(d) Relationship to Executive Branch.—

(1) In general.—The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government, including the Office of Management and Budget, and the regulatory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall promptly furnish the Director any available material which the Director determines to be necessary in the performance of the Director's duties and functions (other than material the disclosure of which would be a violation of law).

(2) Services.—Upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission—

(A) the Director may use the services, facilities, and personnel with or without reimbursement of such department, agency, establishment, or commission; and

(B) the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services, facilities, and personnel.

(e) Relationship to Other Agencies of Congress.—In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the General Accounting Office, Congressional Budget Office, and the Library of Congress, and (upon agreement with them) to utilize their services, facilities, and personnel with or without reimbursement. The Comptroller General, the Director of the Congressional Budget Office, and the Librarian of Congress are authorized to provide the Office with the information, data, estimates, and statistics, and the services, facilities, and personnel, referred to in the preceding sentence.

(f) Appropriations.—There are authorized to be appropriated to the Office for fiscal years 1998 through 2006 such sums as may be necessary to enable the Office to carry out its duties and functions.

SEC. 4. RESPONSIBILITIES.

(a) TRANSFER OF FUNCTIONS UNDER CHAPTER 8 FROM GAO TO OFFICE.—

(1) DIRECTOR'S AUTHORITY.—Section 801 of title 5, United States Code, is amended by striking "Comptroller General" each place it occurs and inserting "Director of the Office"; and

(2) DEFINITION.—Section 804 is amended by adding at the end the following:

"(4) The term 'Director of the Office' means the Director of the Congressional Office of Regulatory Affairs established under section 3 of the Congressional Office of Regulatory Analysis Act.".

(3) MAJOR RULES.—

(A) REGULATORY IMPACT ANALYSIS.—In addition to the assessment of an agency's compliance with the procedural steps for major rules described under section 801(a)(2)(A) of title 5, United States Code, the Office shall conduct its own regulatory impact analysis of such major rules. The analysis shall include—

(i) a description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of those likely to receive the benefits;

(ii) a description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of those likely to bear the costs;

(iii) a determination of the potential net benefits of the rule, including an evaluation of effects that cannot be quantified in monetary terms;

(iv) a description of alternative approaches that could achieve the same regulatory goal at a lower cost, together with an analysis of the potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted; and

(v) a summary of how these results differ, if at all, from the results that the promulgating agency received when conducting similar analyses.

(B) TIME FOR REPORT TO COMMITTEES.—Section 801(a)(2)(A) of title 5, United States Code, is amended by striking "15" and inserting "45".

(4) NONMAJOR RULES.—The Office shall conduct a regulatory impact analysis, in accordance with paragraph (3)(A), of any nonmajor rule, as defined in section 804(3) of title 5, United States Code, when requested to do so by a committee of the Senate or House of Representatives, or individual Senator or Representative.

(5) PRIORITIES.—

(A) ASSIGNMENT.—To ensure that analyses of the most significant regulations occur, the Office shall give first priority to, and is required to conduct analyses of, all major rules, as defined in section 804(2) of title 5, United States Code. Secondary priority shall be assigned to requests from committees of the Senate and the House of Representatives. Tertiary priority shall be assigned to requests from individual Senators and Representatives.

(B) DISCRETION TO DIRECTOR OF OFFICE.—The Director of the Office shall have the discretion to assign priority among the secondary and tertiary requests.

(b) TRANSFER OF CERTAIN FUNCTIONS UNDER THE UNFUNDED MANDATES REFORM ACT OF 1995 FROM CBO TO OFFICE.—

(1) COST OF REGULATIONS.—Section 103 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1511) is amended—

(A) in subsection (b), by striking "the Director" and inserting "the Director of the Congressional Office of Regulatory Analysis"; and

(B) in subsection (c), by inserting after "Budget Office" the following: "or the Director of the Congressional Office of Regulatory Analysis".

(2) ASSISTANCE TO THE CONGRESSIONAL OFFICE OF REGULATORY ANALYSIS.—Section 206 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1536) is amended—

(A) by amending the section heading to read as follows: "sec. 206. assistance to the congressional office of regulatory analysis."; and

(B) in paragraph (2), by striking "the Director of the Congressional Budget Office" and inserting "the Director of the Congressional Office of Regulatory Analysis".

(c) OTHER REPORTS.—In addition to the regulatory impact analyses of major and nonmajor rules described under subsection (a), the Office shall issue an annual report on an estimate of the total cost of Federal regulations on the United States economy.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

Mr. BOND. Mr. President, I rise today to join my distinguished colleague from Alabama Senator RICHARD SHELBY in sponsoring legislation to restore Congressional accountability to the regulatory process and improve the likelihood that Federal agencies will be more accountable to the voters for their rulemaking actions. The authority Congress has delegated to these agencies is the source of their power to issue rules, regulations, guidelines and the like. While this delegation of authority to Federal bureaucracies may be a necessary evil until we can make more progress to reduce the size and scope of government's expanded role in our daily lives, this unfortunate regulatory state of affairs calls for increased oversight and renewed involvement by the elected officials who pass the legislation that empowers the bureaucracy.

The size of the regulatory burden is staggering. According to a study for the Small Business Administration by Thomas D. Hopkins, an Adjunct Fellow of the Center for the Study of American Business in St. Louis, the direct, annual cost of regulatory compliance in 1997 was $688 billion—which is approximately $6,875 each year for a family of four. At the same time Congress exercises fiscal restraint in order to achieve a balanced budget, we must also be vigilant to ensure that the Federal government does not impose additional "hidden taxes" in the form of regulatory costs on American citizens.

As Chairman of the Senate Committee on Small Business, I have worked especially hard to reduce the burden imposed by government regulations on our nation's small businesses. In 1996, legislation I authored was enacted as an important step in our efforts to reduce red tape and increase fairness in the treatment of small businesses by Federal agencies. Enactment of this law was a victory for small business and for the consumers and workers who rely on small businesses for goods, services and jobs. Because the Small Business Regulatory Enforcement Fairness Act offers such great potential for improving the regulatory landscape, we refer to it as the "Red Tape Reduction Act."

The bill Senator SHELBY and I are introducing today builds on the work initiated by the Red Tape Reduction Act. Specifically, Subtitle E of that important law, known as the Congressional Review Act (CRA), enhances the ability of Congress to serve as a backstop against excessive regulations. Senators NICKLES and REID sponsored the CRA portion of the Red Tape Reduction Act to provide a new process for Congress to review and disapprove new regulations and to make sure regulators are not exceeding or ignoring the Congressional intent of statutory law.

Despite strong support for the CRA, Congress thus far has been hesitant to use the streamlined procedures for reviewing a regulation provided under the CRA. In fact, since enactment of the Congressional Review Act, more than 7,400 new regulations have been issued—on average 25–30 per day. While many of these rules are routine and others certainly would have survived Congressional scrutiny, the fact remains that more than 110 major final rules have been issued, each having an annual affect on the economy of $100 million or more.

In the 104th Congress, one of two resolutions of disapproval introduced in the Senate reached the floor for a vote and was defeated. In the 105th Congress, only one resolution of disapproval has been introduced in the Senate. Consequently, Congress has been criticized for not fulfilling its role under the CRA. The fact is that, without a separate, reliable, source of indepth analysis of these new rules, Congress has been limited in its ability to exercise its new authority over these rules. With Federal regulations costing our constituents $688 billion last year, and proposed and final rules accounting for more than 68,000 pages in the Federal Register in 1997 alone, it is time for Congress to take aggressive steps to ensure that the regulations flowing from Congressionally-passed legislation are fairly and reasonably fulfilling the purposes Congress intended.

To provide Congress with the information needed to review new regulations and access whether a resolution of disapproval under the CRA should be considered. Senator SHELBY and I are today introducing legislation to create a Congressional Office of Regulatory Analysis (CORA). CORA would provide an objective source of regulatory analysis to assist Congress in its review of new regulations. This small office will provide the missing information required by Congress to utilize better the potential oversight powers provided under the CRA.

Patterned after the Congressional Budget Office, but on a smaller scale, CORA would be a professional, nonpartisan office, using available information to analyze major and nonmajor regulations. The sponsor of the companion bill in the other body estimates the cost of such an office at $5 million, comparable to the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA). Consistent with the limited resources available to CORA, the bill places first priority on analysis of major rules, second priority on nonmajor rules recommended for analysis by a Congressional Committee, and third priority on non-major rules recommended for review by individual Members of Congress.

The bill we introduce today also would consolidate within CORA certain activities assigned to the Congressional Budget Office under the Unfunded Mandates Reform Act of 1995 and the Governmental Accounting Office under the Congressional Review Act. This would provide Congress with one office, dedicated to the analysis of regulations and their costs. Finally, the bill instructs CORA to provide an annual report on the estimated total cost of regulations—a valuable piece of information the Administration failed to provide adequately despite Congress requiring such a regulatory accounting.

With regulation expanding, Congress must re-take the reins of accountability and good governance. CORA provides an essential tool in that effort and is consistent with the advances made by Congress in passing the Red Tape Reduction Act, the Congressional Review Act, and Unfunded Mandates Reform Act. I urge all my colleagues to review this legislation and join in our efforts to ensure that Congress has the information it needs to fulfill its responsibilities under the Congressional Review Act and the Constitution.

By Ms. MOSELEY-BRAUN:

S. 1676. A bill to amend section 507 of the Omnibus Parks and Public Land Management Act of 1996 to provide additional funding for the preservation and restoration of historic buildings and structures at historically black colleges and universities, and for other purposes; to the Committee on Energy and Natural Resources.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES LEGISLATION

Ms. MOSELEY-BRAUN. Mr. President, today I am pleased to introduce legislation to protect and preserve some of our Nation's most important historic landmarks that are at risk of being lost forever. I speak of buildings located on the campuses of our Nation's 103 historically black colleges and universities. Like so much of our infrastructure, many of the buildings that make up these schools are literally falling down.

Our Nation's HBCUs have promoted academic excellence for over 130 years. They have produced some of our Nation's most distinguished leaders, including Dr. Martin Luther King, Jr., Thurgood Marshall, our former colleague Harris Wofford, and many current Members of Congress. These schools have distinguished themselves in the field of higher education over the years by maintaining the highest academic standards while increasing educational opportunities for economically- and socially-disadvantaged Americans, including tens of thousands of African-Americans.

Although they represent only three percent of all U.S. institutions of higher education, HBCUs graduate 33 percent of all African-Americans with bachelor's degrees and 43 percent of all African-Americans who go on to earn their Ph.D.'s.

Nonetheless, in order to meet the educational needs of these promising individuals, these schools have had to keep their tuition and fees well below those at comparable institutions. The average tuition and fees charged by private historically black colleges and universities, for example, is less than half the average charged by private colleges nationwide.

HBCUs have also had to keep their costs low in order to increase financial aid for their students, who are disproportionately more dependent on financial aid than students at other U.S. colleges. A study by the United Negro College Fund found that 90 percent of students at private historically black colleges and universities require financial aid, compared with 65 percent of private college students nationally. The study also found that nearly one-half of these students come from families earning less than $25,000.

Given that historically black colleges and universities have found it increasingly difficult to support student aid, it should not be surprising that they are unable to restore and preserve the historic landmarks that sit on their campuses.

According to a new report being released today by the U.S. General Accounting Office, $755 million are needed to restore and preserve 712 historic structures on the campuses of historically black colleges and universities. 323 of these structures are already on the National Register of Historic Places. The others are either eligible for the National Register on the basis of State historic preservation officers' surveys or are considered historic by the colleges and universities.

Some HBCUs have large numbers of historic properties. Talladega College, for example, has 32 properties on the Historic Register and one additional properties eligible for the Historic Register. The college needs $13,239,000 in order to restore and preserve these facilities.

One of these buildings is Swayne Hall, Talladega's first building. Swayne Hall, which is on the National Register, was built with slave labor in 1852 for the Talladega Baptist Male High School, and later was used to house Federal prisoners during the Civil War. Two of the slaves who helped build Swayne Hall later went on to found Talladega College. Swayne Hall now houses three floors of classrooms and offices, and needs $1.5 million worth of repairs and refurbishment.

Congress authorized $29 million under the Omnibus Parks and Public Lands Management Act of 1996 to fund restoration of certain historic buildings on HBCU campuses, including Swayne Hall. Last year, $4 million was appropriated for this purpose. In addition, Congress has provided $4.3 million over the years to the National Park Service to restore other historic properties on the campuses of HBCUs.

Those actions, while helpful, do not come close to addressing the needs of HBCUs around the country. The legislation I am introducing today will meet those needs. It authorizes the Secretary of the Interior to award $377.5 million to HBCUs to restore and preserve their historic properties. The bill preserves the matching ratio that currently exists, so that when these Federal funds are matched, dollar-for-dollar, HBCUs will have the funds to restore and preserve all their historic structures.

This legislation will help protect the national treasures found on the campuses of our historically black colleges and universities, and will ensure that these schools can continue to provide a quality education in the 21st century. I urge all of my colleagues to cosponsor this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL FUNDING FOR BUILDINGS AND STRUCTURES AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

Section 507 of the Omnibus Parks and Public Land Management Act of 1996 (16 U.S.C. 470a note; 110 Stat. 4156) is amended by striking subsection (d) and inserting the following:

"(d) FUNDING.—

"(1) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS TO THE HISTORIC PRESERVATION FUND.—In addition to other funds covered into the Historic Preservation Fund under section 108 of the National Historic Preservation Act (16 U.S.C. 470f) or under any other law, there is authorized to be appropriated to the Historic Preservation Fund $377,500,000 for fiscal years beginning after fiscal year 1998.

"(2) AVAILABILITY TO CARRY OUT THIS SECTION.—For fiscal years beginning after fiscal year 1998, $377,500,000 shall be made available pursuant to section 108 of the National Historic Preservation Act (16 U.S.C. 470f) to carry out this section.''.

By Mr. CHAFEE (for himself, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. BOND, Mr. REID, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. WARNER, Mr. SMITH of New Hampshire, Mrs. BOXER, Mr. SESSIONS, Mr. ALLARD, Mr. GRAHAM, Mr. WYDEN, Mr. LAUTENBERG, Mr. HUTCHINSON, Mr. THOMAS, Mr. REED, Mr. FAIRCLOTH, Mr. JEFFORDS, Mr. BREAUX, Mr. STEVENS, and Mr. COCHRAN):

S. 1677. A bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act; to the Committee on Environment and Public Works.

THE NORTH AMERICAN WETLANDS CONSERVATION ACT REAUTHORIZATION ACT OF 1998

Mr. CHAFEE. Mr. President, I am proud to introduce a bill to reauthorize the North American Wetlands Conservation Act (NAWCA), a law that has played a major role in conservation of wetland habitats across this continent. I am joined by many members of the Committee on Environment and Public Works.

This tremendous showing of bipartisan support is nothing less than a celebration of one of the great success stories in wildlife conservation. This is a story about the recovery of more than 30 species of ducks, geese, and other waterfowl and migratory birds from their lowest population numbers just 12 years ago, to some of their highest population numbers this year.

To appreciate why NAWCA is such a success, it is necessary to review its background. In the early 1980s populations of duck and other waterfowl plummeted precipitously. The numbers were stark: between the 1970s and 1985, breeding populations of ducks dropped an average of 31 percent, with some species declining by as much as 61 percent. This decline was due to several factors, including over-hunting, loss of habitat, and an extended drought in many parts of the country.

In 1986, the U.S. and Canada worked cooperatively to develop the North American Waterfowl Management Plan. Mexico joined the Plan in 1994, so that the entire continent now participates in this effort. The Plan established ambitious goals and innovative strategies for conserving waterfowl habitat. Under the leadership of former Senator George Mitchell of Maine, Congress provided a funding mechanism for the Plan when it passed the North American Wetlands Conservation Act in 1989.

I believe that NAWCA has been successful for three reasons. First, NAWCA focuses on the real key to wildlife conservation: the habitat itself. Populations of birds and other wildlife will fluctuate naturally over time, but if the habitat is not there, the species don't have a chance. Under NAWCA, approximately 3.7 million acres of wetlands and associated wetlands have been acquired, enhanced or restored.

Second, the law sets up voluntary partnerships, without the heavy hand of government regulations. These partnerships involve federal, state and local government agencies, businesses, conservation organizations, and private individuals. Under NAWCA, funding has been provided for about 260 projects, with more than 700 partners—across 45 states—plus Mexico and Canada.

Third, NAWCA leverages federal dollars with state, local and private dollars. Since its passage, the Act has provided more than $200 million in Federal funds, that have been matched by more than $420 million in state and private funds.

The benefits of NAWCA and other wetlands protection programs—combined with a few years of heavy rainfall—have been enormous. Populations of ducks and other waterfowl have, in large measure, rebounded to the levels of the 1970s. Every year since 1995 has been billed as a "banner year," and each year the numbers are even greater than the previous one. This past year's fall migration totaled 92 million ducks, the highest since 1972, and surveys counted 42 million breeding ducks, the highest level since the surveys began in 1955.

Also, wetlands losses, while still occurring, have declined dramatically: the rate of loss has slowed by 60 percent below that experienced in the 1970s and 1980s. This is a result of regulatory protections under the Clean Water Act and, perhaps even more, voluntary programs like NAWCA and the Wetlands Reserve Program in the Farm Bill.

But our conservation successes are no reason for complacency. More can and should be done. Each year, good projects must be turned down because there is not enough funding. In addition, abundant rainfall has helped the waterfowl populations rebound, but it is up to us to maintain these population increases when the rainfall abates. Lastly, the pressure to develop wetlands continues to grow each year. By the year 2020, more than half the U.S. population will live in coastal plains. Laws like NAWCA will become ever more important in protecting these areas.

Support for NAWCA has always crossed party lines. In 1996, 78 Senators signed a letter supporting the North American Wetlands Conservation Act. The need for a healthy environment is a need that transcends politics. With support for laws like NAWCA, we can meet today's challenges and protect the environment for the benefit of our children, and future generations after them.

The bill we are introducing also reauthorizes the Partnerships for Wildlife Act. This law was first enacted in 1992 to encourage partnerships among the Service, state agencies, and private organizations and individuals to undertake projects to conserve non-game wildlife species. It is modeled after NAWCA, and is the only Federal grants program for the sole purpose of benefiting non-game species—species that are not hunted, fished, or trapped. Projects funded under the Act have covered numerous species across 40 States, and have entailed management programs, research, education and outreach. Since 1994, Federal funding for grants has totaled $4.2 million. States leverage each Federal dollar with one State dollar and one additional private-sector dollar.

The bill would reauthorize the North American Wetlands Conservation Act through the year 2003, at a level of $30 million per year. It would also reauthorize the Partnerships for Wildlife Act through the year 2003, at a level of $6.25 million per year. These amounts are the same in the current laws, which expire at the end of 1998.

I urge my colleagues to fully support this bill. Thank you, Mr. President.

By Mr. FEINGOLD (for himself and Mr. HOLLINGS):

S. 1678. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and clarify the pay-as-you-go requirements regarding the Social Security trust funds; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE SOCIAL SECURITY TRUST FUND PROTECTION ACT OF 1998

Mr. FEINGOLD. Mr. President, I am pleased to join my good friend, the Senator from South Carolina (Mr. HOLLINGS) in offering the Social Security Trust Fund Protection Act of 1998, legislation extending our current PAYGO budget rules, and clarifying that Congress may not use so-called budget surpluses to pay for tax cuts or new spending when those surpluses are really Social Security Trust Fund balances.

Mr. President, it gives me particular pleasure to join with Senator HOLLINGS in offering this bill. Both in this body and in the Budget Committee, he has been a consistent voice for fiscal prudence in this body.

Mr. President, fiscal prudence is popular in theory, but often less attractive in practice. Senator HOLLINGS has taken tough positions, even when those positions may not have been politically attractive. That is the true measure of commitment to honest and prudent budgeting, and I am proud to join him in this effort today. I am also pleased to be introducing a measure which is similar in many respects to a measure introduced in the other body by Congressman MINGE, who has an outstanding record of working in a bipartisan manner to bring fiscal discipline to the budget.

The Minge bill, too, seeks to prevent the irresponsible use of Social Security Trust Fund balances, and I very much look forward to working with the Congressman to advance these proposed budget rules.

Mr. President, we are entering a budget era of transition. For decades, Congress and the White House ran up huge deficits, producing a mounting national debt. For the past few years, we have worked to bring down those deficits. Those efforts have paid off, in large part, and we are now about to consider something Congress has not seen in 30 years—a unified budget submitted by the President that actually reaches balance.

Mr. President, if we can work together to pass a balanced unified budget this year that will be a notable accomplishment, and it deserves to be highlighted. But, Mr. President, even if we do pass a balanced unified budget this year, that is not the end of our work. Balancing the unified budget isn't a touchdown. It's more like first and ten at mid-field. It's not a bad place to be, but we still have a way to go.

But, Mr. President, some act as if the goal posts are really on the 50; that all we have to do is balance the unified budget and we've scored a touchdown. They want to declare victory once the unified budget is in balance, and use any projected unified budget surpluses for increased spending or tax cuts. Just last week, a member of this body was reported to have complained about needing to find offsets for tax cuts. The implied intention of that member was to support a large tax cut without also cutting enough spending to fully pay for the tax cut. Instead, the unspoken intention of this member was to rely on a projected surplus in the unified budget as an offset.

Mr. President, that would be a grave mistake. As the President cautioned us during his State of the Union address, we should not touch the unified budget surplus. In fact, that admonition may have been just as important as the achievement of proposing the first balanced unified budget in 30 years.

Mr. President, while I strongly agree with the President's comments, I approach this matter from a different perspective. There are many of us who do not view the unified budget as the appropriate measure of our Nation's budget.

In particular, I want to acknowledge my fellow Budget Committee colleagues, Senators HOLLINGS and CONRAD, for their consistent warnings to the body on this very issue.

Mr. President, as I have noted before, the unified budget is not the budget which should guide our policy decisions. The projected surpluses in the unified budget are not real. In fact, far from surpluses, what we really have are continuing on-budget deficits, masked by Social Security revenues. The distinction is absolutely fundamental. As I have noted before, the very word "surplus" connotes some extra amount or bonus. One dictionary defines "surplus" as: "something more than or in excess of what is needed or required."

Mr. President, the projected unified budget surplus is not "more than or in excess of what is needed or required." Those funds are needed. They were raised by the Social Security system, specifically in anticipation of commitments to future Social Security beneficiaries. Mr. President, let me just note that the problem of using Social Security trust fund balances to mask the real budget deficit is not a partisan issue.

Both political parties have used this accounting gimmick—here in Congress and in the White House. But it must stop, and this legislation can help us stop it.

Mr. President, budget rules cannot by themselves reduce the deficit, but they can protect what has been achieved and guard against abuse. The PAYGO rule governing entitlements and taxes, along with the discretionary spending caps, have kept Congress disciplined and on track. The bill we are introducing today ensures the PAYGO rule continues to require new entitlement spending or tax cuts are fully paid for.

Our bill clarifies current PAYGO procedures to remove any doubt that tax cuts or increased spending must continue to be offset. It extends the PAYGO rule, which currently covers legislation enacted through 2002, until we are no longer using Social Security to mask the deficit. Under our bill, Congress could not use a so-called surplus until it is real, namely when the budget runs a surplus without using Social Security Trust Funds.

Mr. President, earlier I said we are in a budget era of transition. With some hard work this year, we can leave the years of unified budget deficits behind us. And with some more work, we can move toward real budget balances without using Social Security revenues. Mr. President, that must be our highest priority.

If Congress does not begin to rid itself of its addiction to Social Security trust fund balances, we will put the benefits of future retirees at serious risk. Fortunately, Mr. President, we are within reach of the goal of balancing the budget without using the Social Security trust funds. If we stay the course, and continue the tough, sometimes unpopular work of reducing the deficit, we can give this Nation an honest budget, one that is truly balanced. And the time to act is now.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Trust Fund Protection Act of 1998".

SEC. 2. EXTENSION AND MODIFICATION OF PAY-AS-YOU-GO REQUIREMENT.

(a) EXTENSION.—(1) Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "enacted before October 1, 2002," both places it appears.

(2) Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking the last sentence.

(b) MODIFICATION.—(1) Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new paragraph:

"(20) The term 'budget increase' means, for purposes of section 252, an increase in direct spending outlays or a decrease in receipts relative to the baseline, and the term 'budget decrease' means, for purposes of section 252, a decrease in direct spending outlays or an increase in receipts relative to the baseline.".

(2) Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) by striking "increases the deficit" and inserting "results in a net budget increase"; and

(B) by inserting before the period the following: "except to the extent that the total budget surplus exceeds the social security surplus".

(3) Section 252(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in its side heading by inserting "AND AMOUNT" after "TIMING"; and

(B) by striking "net deficit increase" and inserting "net budget increase" and by adding at the end the following new sentence: "The requirement of the preceding sentence shall apply for any fiscal year only to the extent that the surplus, if any, before the sequestration required by this section in the total budget (which, notwithstanding section 710 of the Social Security Act, includes both on-budget and off-budget Government accounts) is less than the combined surplus for that year in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.".

(4) Section 252(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) in its side heading by striking "DEFICIT INCREASE" and inserting "NET BUDGET INCREASE";

(B) by striking "deficit increase or decrease" the first place it appears and inserting "any net budget increase"; and

(C) by striking "any net deficit increase or decrease in the current year resulting from".

(5) The side heading of section 252(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "DEFICIT INCREASE" and inserting "NET BUDGET INCREASE".

By Mr. DORGAN (for himself, Mr. JOHNSON, Mr. CONRAD, and Mr. DASCHLE):

S. 1680. A bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program; to the Committee on Finance.

PROVIDING PARITY FOR LICENSED PHARMACISTS LEGISLATION

Mr. DORGAN. Mr. President, I am introducing today legislation that will exempt licensed pharmacists from the Medicare surety bond requirement imposed by the Balanced Budget Act of 1997 for suppliers of durable medical equipment (DME). I am pleased to be joined in offering this legislation by Senators JOHNSON, CONRAD, and DASCHLE.

Let me say right off that I understand and generally support the rationale behind the surety bond requirement. This will be an important new tool for the Health Care Financing Administration to prevent Medicare fraud and abuse by raising the threshold for participating in Medicare and thereby helping to ensure that only legitimate medical suppliers participate. I am sure we have all heard the horror stories about some of the scams uncovered by the HHS Office of Inspector General, in which businesses with no employees and no actual physical location were billing Medicare for unneeded services and supplies. It was these kinds of "fly-by-night" operations that the surety bond is intended to weed out, and I certainly support this goal.

I do not, however, think it makes sense to apply this requirement to pharmacists, who are already licensed and heavily regulated by the states, and I do not believe that was Congress' intention. Pharmacists are highly skilled health care providers who are licensed by the states, and the pharmacies they operate are also licensed and regularly inspected by state boards of pharmacy. Clearly, pharmacists are not the kind of fly-by-night business owners the surety bond was aimed at.

Congress already exempted physicians and other health care practitioners from the surety bond requirement, but HCFA has determined that this exemption does not extend to pharmacists since they do not typically bill Medicare for the services they provide. My legislation would simply ensure that pharmacists receive the same treatment as other licensed health care practitioners for purposes of the DME surety bond requirement.

Without this legislation, older Americans stand to lose access to needed durable medical equipment and prescription drugs. Pharmacies are reputable and convenient providers of medical equipment, and in many rural areas, they are the only local medical suppliers. In addition, since HCFA now requires that prescription drugs covered by Medicare be purchased from a pharmacy, driving pharmacies out of Medicare will reduce patient access not only to medical equipment but also to prescription drugs.

Pharmacies dropping out of the Medicare program is not an unjustifiable fear; it may be an economic reality. For the vast majority of pharmacies, providing durable medical equipment constitutes less than 10 percent of their total business. Yet, they provide this service for the convenience of their Medicare customers. If required to purchase even the minimum surety bond of $50,000, pharmacists have told me they will be forced to drop out of the Medicare program because it would actually cost them money to participate. For instance, in an informal survey of North Dakota pharmacists, 75 percent did less than $5,000 in business annually as a Medicare supplier, and not coincidentally, 70 percent said they would have to drop out of Medicare if they must purchase a surety bond.

I am pleased to have worked with and have the support of the National Community Pharmacists Association, the American Pharmaceutical Association, the North Dakota Pharmaceutical Association, and many individual pharmacists. I ask unanimous consent that letters of support from these organizations be included in the RECORD.

I hope my colleagues will join me in supporting this common-sense bill and acting on it promptly before Medicare beneficiaries lose access to dependable suppliers of medical equipment.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

S. 1680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. EXEMPTION OF LICENSED PHARMACISTS FROM SURETY BOND REQUIREMENTS.

(a) IN GENERAL.—The last sentence of section 1834(a)(16) of the Social Security Act (42 U.S.C. 1395m(a)(16)) (as added by section 4312(c) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 387)) is amended by inserting before the period at the end the following: ", except that the Secretary may not impose a surety bond described in subparagraph (B) of that sentence on suppliers that are licensed pharmacies for which the person signing the supplier application is a licensed pharmacist under State law who has the authority to bind the business entity".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

NATIONAL COMMUNITY
PHARMACISTS ASSOCIATION,
Alexandria, VA, December 16, 1997.

Hon. BYRON L. DORGAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DORGAN: We are especially appreciative of your initiative to amend the recently enacted Medicare Provider Surety Bond program to exempt licensed pharmacists who supply Medicare beneficiaries with covered products. We have worked closely with Stephanie Mohl and the North Dakota Pharmacist Association and look forward to a sensible solution that will assure continued access for Medicare beneficiaries and is consistent with the exemption for other licensed health care providers.

If appropriate we can target your legislation in early March at our 30th Annual Legislative Conference.

Warm Regards,

JOHN M. RECTOR, Esq.,
Senior Vice President of Government Affairs and General Counsel.

AMERICAN PHARMACEUTICAL
ASSOCIATION,
Washington, DC, January 28, 1998.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: The American Pharmaceutical Association (APhA), the national professional society of pharmacists, would like to express its support for your legislation to exempt pharmacists from the surety bond requirement for Medicare suppliers of durable medical equipment. APhA, the first established and largest association of pharmacists in the United States, has a membership of more than 50,000 practicing pharmacists, pharmaceutical scientists, and pharmacy students. This requirement will have serious consequences for both pharmacists and their patients as many pharmacies who bill Medicare for less than the required $50,000 bond amount will be unable to continue supplying beneficiaries with much needed durable medical equipment. In addition, the bonding requirement would impose a regulation upon a health care profession that is already licensed and regulated by State Boards of Pharmacy.

APhA appreciates the work you and your staff have expended to exempt pharmacists from this additional regulation. As you know, congressional conferees specifically indicated in report language for the Balanced Budget Act of 1997 that they did not intend for this regulation to be imposed upon health care professionals. Unfortunately, the proposed rules issued by the Health Care Financing Administration (HCFA) do not reflect this intent. APhA believes that your legislation is an important first step towards realizing the intentions of the Conferees.

Please feel free to contact Lisa Geiger of my staff should you require any assistance from APhA and its members. Again, thank you for your work on this important issue for the profession of pharmacy.

Sincerely,

JOHN A. GANS,
PharmD, Executive Vice President.

NORTH DAKOTA
PHARMACEUTICAL ASSOCIATION,
Bismarck, ND, January 26, 1998.

Hon. BYRON DORGAN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DORGAN: This letter is to inform you of the strong support of the North Dakota Pharmaceutical Association for the introduction of legislation to exempt pharmacists and certain other licensed health care providers from the DMEPOS Surety Bond requirement. This requirement is a result of the Balanced Budget Act of 1997. The exemption for licensed pharmacists will place them in the same position as physicians and other practitioners who are currently exempted from the requirement.

Now that HCFA has published the rules notice for Medicare DME suppliers, we can see that our members are faced with a very difficult situation. In the proposed rules, HCFA estimates that the minimum $50,000 bond will cost approximately $788—an amount greater than we had originally heard from the bonding companies. In the proposed rules HCFA estimated that Medicare accounts for approximately 40% of the average supplier's revenue and that for most suppliers the additional costs of the bond would be outweighed by the benefits gained by continuing to be a supplier. A survey of our members showed that these figures certainly do not apply to the pharmacists of North Dakota who act as suppliers. Approximately 75% of pharmacists responding to the survey did less than $5,000 business annually as a Medicare supplier. Less than 5% indicated doing more than $25,000 in Medicare business. When asked if they would continue providing Medicare supplies if bond costs were $400–500, almost 70% indicated that they would drop out of the Medicare program.

The bonding requirement will drive a number of pharmacies out of the Medicare supplier business. Those who stay will essentially be paying a bonding fee that exceeds their revenue from the Medicare program. In North Dakota rural areas, the local pharmacy is a supplier that can be relied upon to obtain supplies for Medicare eligible patients. While provision of these supplies is not even a profitable portion of pharmacists' business under the present circumstances, it is an important service that they provide to their patients and community. The surety bond requirement will cause patients to lose access to a local supplier with the ability to assist them in a place and manner that is most convenient. Quality of health care outcomes for these patients will suffer.

We feel that you are taking the right approach with legislation to exempt pharmacists from the DME supplier surety bond requirement on the same basis as other licensed health care practitioners. The pharmacists of North Dakota are personally licensed and regulated by the State Board of Pharmacy. The Board also licenses the pharmacy facilities where they practice. These licensure provisions along with other requirements for insurance and state accountability insure that pharmacists doing business as Medicare suppliers are already sufficiently screened and regulated.

Our Association feels that legislation to exempt pharmacists from surety bond requirements is very significant to our profession and we will support your efforts to the fullest. More significantly it will preserve high quality local access service to Medicare beneficiaries in all rural areas and under served areas of our country. This action will be a benefit for Medicare patients at a time when our population is aging and access to services must be maintained. Please let us know what additional actions we can take to assist you on this issue. Thank you for all the efforts that you make on behalf of pharmacy and for the patients we serve.

Sincerely,

GALEN JORDRE,
R.Ph., Executive Vice President.

Mr. JOHNSON. Mr. President, today I am pleased to join my colleagues from North Dakota, Senators DORGAN and CONRAD, and our distinguished Minority Leader and my friend from South Dakota, Senator DASCHLE, in introducing this legislation which will clarify that licensed pharmacies are not included, nor were they ever intended to be included, in the surety bond requirements imposed on certain health care providers under the Balanced Budget Act of 1997. At a time when we are properly addressing the rise in fraud and abuse of the Medicare system, we must also be cognizant of the impact some of these efforts will have on the intended beneficiaries of Medicare. This misapplication of the surety bond requirement is one such circumstance, and I urge my colleagues to join us in clarifying that licensed pharmacies were not intended to be in the scope of the surety bond requirement.

While the vast majority of health care providers are honest and do their best to comply with Medicare rules, repeated studies have found a great amount of Medicare fraud within the national system—some estimates would place the cost to the American taxpayers at an incredible $24 billion per year. These are dollars that could be used to better compensate honest health care providers, or expand Medicare coverage. I have always been supportive of, and will continue to strongly support, these efforts to crack down on fraud and abuse. We must continue our efforts in that regard.

As part of the effort to curb fraud and abuse in the Medicare system, last year Congress enacted a $50,000 surety bond requirement for home health agencies, Durable Medical Equipment (DME) providers, rehabilitation services providers and ambulance services. The law was aimed at fly-by-night home health agencies and DME providers who abuse the system, and not small rural pharmacies. Unfortunately, these pharmacies have been caught up in this broadly written provision of last year's budget reconciliation.

Under the definitions incorporated in this surety bond provision, all pharmacies are considered to be DME providers if even a small portion of their business is DME-related. Thus, they must obtain a minimum $50,000 surety bond regardless of how much or how little of their business consists of providing durable medical equipment to Medicare beneficiaries.

The surety bond requirement is intended to ensure that the federal government will have recourse in the event of fraud. Many of the perpetrators of fraud and abuse are fly-by-night organizations that can quickly disappear. Many rural pharmacies, however, only offer DME as a service to their Medicare patients. It is not a major profit center for them, and many will stop providing this service rather than undergo the expense of obtaining a minimum $50,000 bond. Rural Medicare patients would then have greater difficulty in obtaining needed DME.

The surety bond requirement attacks fraud indirectly, by mandating financial accountability. Pharmacies engaging in fraud will still be liable for their actions. This bill would clarify that the federal surety bond requirement does not apply to licensed pharmacies. It allows states to enforce their own licensing requirements, which can include surety bonds if states feel it necessary.

Mr. President, while we must continue our efforts to root out the fraud and abuse that is plaguing our Medicare system, this important clarification will help ensure that our efforts are appropriately targeted and do not have the unintended consequence of denying critical services to Medicare beneficiaries, and I urge my colleagues to support our efforts and to support this bill.

Mr. DASCHLE. Mr. President, it is my pleasure today to join my colleagues, Senator DORGAN, Senator CONRAD and Senator JOHNSON, in introducing legislation to clarify that licensed pharmacists are not subject to a surety bond requirement under the Medicare program. This bill will help ensure continued access to durable medical equipment (DME) in rural areas for those covered by Medicare.

The Balanced Budget Act of 1997 requires that all DME suppliers purchase a surety to qualify for a supplier number. The minimum amount for the bond is $50,000. The Health Care Financing Administration has estimated that these bonds will cost about $788 per year for each supplier. Many South Dakota pharmacists do not take in sufficient revenue from Medicare DME sales to support the purchase of a bond. Therefore, the surety bond requirement in the Balanced Budget Act could severely compromise the availability of services for Medicare patients in rural areas.

The surety bond requirement was established as an important way to combat Medicare fraud and abuse. I remain in strong support of efforts to combat fraud and abuse, because they are crucial to protecting and strengthening the Medicare program. Because the ultimate aim of fraud and abuse measures is to improve Medicare, they should be applied in ways that are consistent with the goal of quality health care and should not jeopardize access to necessary services and supplies.

This legislation retains the surety bond requirement for many DME suppliers, but it exempts licensed pharmacists. This policy is not only logical in terms of fairness to these pharmacists; it is the right thing to do for the beneficiaries who depend on their services.

I urge my colleagues to join me in support of this amendment to title XVIII of the Social Security Act. It will lift an unreasonable burden from small pharmacists without jeopardizing fraud and abuse prevention efforts, and it will enable pharmacists to continue to provide quality health care services in their local communities.

ADDITIONAL COSPONSORS

S. 1096

At the request of Mr. KERREY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1283

At the request of Mr. BUMPERS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1308

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1308, a bill to amend the Internal Revenue Code of 1986 to ensure taxpayer confidence in the fairness and independence of the taxpayer problem resolution process by providing a more independently operated Office of the Taxpayer Advocate, and for other purposes.

S. 1314

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1314, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

S. 1334

At the request of Mr. BOND, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1389

At the request of Ms. SNOWE, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. COVERDELL), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1389, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for prostate cancer research through the voluntary purchase of certain specially issued United States postage stamps.

S. 1606

At the request of Mr. WELLSTONE, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1606, a bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture.

S. 1631

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1631, a bill to amend the General Education Provisions Act to allow parents access to certain information.

S. 1644

At the request of Mr. REED, the names of the Senator from Washington (Mr. GORTON) and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of S. 1644, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 regarding Grants to States for State Student Incentives.

S. 1647

At the request of Mr. BAUCUS, the names of the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. MOYNIHAN), the Senator from Indiana (Mr. LUGAR), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the names of the Senator from Utah (Mr. BENNETT), the Senator from Rhode Island (Mr. REED), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of Senate Joint Resolution 30, a joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day", and for other purposes.

SENATE JOINT RESOLUTION 40

At the request of Mr. HATCH, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of Senate Joint Resolution 40, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

At the request of Mr. SPECTER, his name was added as a cosponsor of Senate Joint Resolution 40, supra.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of Senate Concurrent Resolution 74, a bill expressing the sense of the Congress relating to the European Union's ban of United States beef and the World Trade Organization's ruling concerning that ban.

SENATE RESOLUTION 148

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 148, a resolution designating 1998 as the "Onate Cuartocentenario", the 400th anniversary commemoration of the first permanent Spanish settlement in New Mexico.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 171

At the request of Mr. SPECTER, the names of the Senator from Nevada (Mr. REID), the Senator from New Hampshire (Mr. GREGG), the Senator from Idaho (Mr. CRAIG), the Senator from Vermont (Mr. JEFFORDS), the Senator from Utah (Mr. HATCH), the Senator from Indiana (Mr. COATS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from Texas (Mrs. HUTCHISON), the Senator from Hawaii (Mr. INOUYE), the Senator from Alabama (Mr. SHELBY), the Senator from Florida (Mr. MACK), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Resolution 171, a resolution designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Kentucky (Mr. FORD), the Senator from Washington (Mrs. MURRAY), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week".

SENATE RESOLUTION 179

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of Senate Resolution 179, a resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 181—CONCERNING MARCH 2ND

Mr. ROBB, (for himself and Mr. JEFFORDS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 181

Whereas reading is a basic skill for a quality education, a requirement for a successful life's work, and a source of pleasure throughout life;

Whereas reading ability is essential to our nation's ability to remain competitive in a global economy;

Whereas the American Library Association, the National Family Literacy Council, the National Association of Elementary School Principals, Reading Is Fundamental, the International Reading Association, the Boys and Girls Clubs of America, and others have joined with the National Education Association to use March 2 as a national day to celebrate reading: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) March 2, 1998 shall be known as "Read Across America Day" to focus on the basic component of learning; and

(2) every child should be in the company of someone who will read to him or her on March 2, Dr. Seuss's birthday; and

(3) the success of Dr. Seuss and many others like him in encouraging children to discover the joy of books is applauded; and

(4) all parents are encouraged to read with their children for at least one half hour on March 2 in honor of Dr. Seuss to help us realize the goal of having the best readers in the world.

SENATE RESOLUTION 182—HONORING THE MEMORY OF HARRY CARAY

Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 182

Whereas for more than 50 years, Harry Caray enthusiastically provided a unique vision of baseball in his broadcasting of thousands of games, first for the St. Louis Cardinals, then the Oakland Athletics, followed by the Chicago White Sox, and finally the Chicago Cubs;

Whereas Harry Caray was born in St. Louis in 1914, orphaned at the age of 4, and raised by family friends in St. Louis;

Whereas Harry Caray began his professional baseball broadcasting career in 1944 for the St. Louis Cardinals, and spent 25 years calling Cardinal games;

Whereas in 1971 Harry Caray began his 11 year stint with the Chicago White Sox where, in 1978, he began the tradition of leading the fans in the singing of "Take Me Out to the Ball Game" during the 7th inning stretch;

Whereas in 1982 Harry Caray moved to the broadcast booth for the Chicago Cubs, a switch that would eventually make Mr. Caray a national celebrity thanks to the popularity of the Cubs on cable television;

Whereas in the winter of 1987, Harry Caray suffered a stroke and for the first time in his career missed the broadcast of an opening day game, and yet, he never talked of retiring from the game he loved and soon was back in the booth at Wrigley Field;

Whereas the uncharacteristic honesty of Harry Caray made him immensely popular with fans;

Whereas Harry Caray once said "My style is a very simple one, be entertaining, be informative and, of course, tell the truth. If you don't have the reputation for honesty, you just can't keep the respect of the listener.";

Whereas Harry Caray's exuberant voice and his trademark shout of "Holy Cow" are known to baseball fans across the Nation;

Whereas Harry Caray was inducted into the National Sportscasters and Sportswriters Hall of Fame in 1988, the Baseball Hall of Fame in 1989, and the National Association of Broadcasters Hall of Fame in 1994;

Whereas Harry Caray became a major supporter of various Chicago organizations that supported and housed orphaned and troubled children;

Whereas on February 18, 1998, Harry Caray passed away after a long career enjoyed by millions; and

Whereas Harry Caray is survived by his wife of 22 years, 5 children, 5 stepchildren, 14 grandchildren and a great grandchild, and by baseball fans across the Nation: Now, therefore, be it

Resolved, That the Senate honors the life of Harry Caray.

SENATE RESOLUTION 183—CONGRATULATING NORTHEASTERN UNIVERSITY

Mr. KENNEDY (for himself and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas on October 16, 1997, Northeastern University marked the beginning of its centennial celebration;

Whereas Northeastern University began providing higher education in conjunction with the Boston Young Men's Christian Association (YMCA) in 1898;

Whereas Northeastern University currently enrolls over 27,000 full time students and boasts an alumni in excess of 137,000 individuals;

Whereas Northeastern University has attained a national reputation for cooperative education that prepares students to transition successfully into the workplace;

Whereas Northeastern University provides access to higher education for students from all backgrounds;

Whereas Northeastern University has achieved growing recognition as a major research institution; and

Whereas the Senate supports Northeastern University's efforts to offer exceptional educational opportunities to individuals from throughout the world: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and congratulates Northeastern University as an outstanding educational institution that has produced exceptional alumni during the past 100 years and gives every indication of doing so for the next 100 years; and

(2) wishes Northeastern University a successful and memorable centennial celebration.

SENATE RESOLUTION 180—RELATIVE TO EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE PROGRAMS

Mrs. BOXER submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 180

Whereas since its inception in 1978, section 127 of the Internal Revenue Code of 1986 has enabled millions of workers to advance their education and improve their job skills without incurring additional taxes or a reduction in take-home pay;

Whereas a well trained and educated workforce is essential to our Nation's economy, competitiveness, and national security;

Whereas education and retraining will be necessary to maintain and strengthen the competitive position of American industries through the next century;

Whereas much of our Nation's workforce and many of our Nation's industries are experiencing the pressures of rapid technological change and facing the pressures of global competition;

Whereas many cutting edge American industries are facing a dearth of qualified United States citizens to fill key positions in important disciplines such as engineering, mathematics, and computer science;

Whereas the United States Senate is on record supporting a permanent extension of section 127 of such Code for both graduate and undergraduate study; and

Whereas there is bipartisan support for a permanent extension of section 127 of such Code, as evidenced by the introduction of bills by Senators of both parties: Now, therefore, be it

Resolved, That it is the sense of the Senate that legislation to permanently extend section 127 of the Internal Revenue Code of 1986 should be brought to the Senate floor as expeditiously as possible in order to help ensure that United States workers will not be discouraged from advancing their education and job skills.

Mrs. BOXER. Mr. President, I am submitting today a Resolution urging the Senate to act quickly on legislation permanently extending the employer-provided educational assistance program—Section 127 of the Internal Revenue Code. This provision is particularly important to many high technology companies in my home state of California who are desperately seeking highly skilled employees. Employees to fill key positions in disciplines like engineering, mathematics and computer science. The employer-provided educational assistance program will help in this regard.

Section 127 of the Code enables employers to contribute up to $5,250 per year in educational assistance to an employee, without that employee having to include such expenditures, made on his behalf, as taxable income.

Since its inception in 1978, this provision has helped countless American workers advance their education and/or improve their job skills without also having to incur additional taxes; or alternatively, receiving a reduction in their take-home pay. I am an original co-sponsor of a bill—S.127—introduced by Senator MOYNIHAN on January 21, 1997 which would make Section 127 permanent and would also extend Section 127 to include graduate school education. I would note that there are several other bills currently pending before the Senate, introduced by members of both parties, which would make permanent section 127. So Mr. President I would urge the Senate to immediately adopt legislation to make permanent Section 127 and to extend that Section to include graduate school education.

AMENDMENTS SUBMITTED

THE PAYCHECK PROTECTION ACT

JOHNSON AMENDMENTS NOS. 1657–1658

(Ordered to lie on the table.)

Mr. JOHNSON submitted two amendments intended to him to amendment No. 1646 proposed by Mr. MCCAIN to the bill (S. 1663) to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization; as follows:

AMENDMENT NO. 1657

On page 11, after line 30, insert the following:

SEC. 104. TREATMENT AS CONTRIBUTION OF UNREIMBURSED COST OF CANDIDATE TRAVEL ON PRIVATE AIRCRAFT.

Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) (as amended by section 205(a)) is amended—

(1) in clause (ii), by striking "; or" at the end;

(2) in clause (iii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(iv) in the case of the use of a private aircraft by a candidate or a candidate's authorized committees (other than an aircraft owned by the candidate or the candidate's authorized committees), the unreimbursed cost of such use, determined as the greater of the value of—

"(I) a first-class ticket on a commercial airline for a comparable trip; or

"(II) the fair market value of the use of the private aircraft.".

AMENDMENT NO. 1658

On page 29, lines 9 and 10, strike "CONTRIBUTIONS" and insert "CONTRIBUTIONS AND EXPENDITURES".

On page 29, line 11, strike "Section" and insert "(a) CONTRIBUTIONS.—Section".

On page 29, between lines 20 and 21, insert the following:

(b) EXPENDITURES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by striking "$200" and inserting "$50".

At the end of Title III, add the following: On page 37, between lines 9 and 10, insert the following:

SEC. 309. REPORTING REQUIREMENT FOR CERTAIN EXPENDITURES OF CANDIDATES.

(a) REPORTING REQUIREMENT OF COMMITTEE.—Section 304(b)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)) is amended—

(1) in subparagraph (A), by inserting "(including, in the case of an expenditure to reimburse candidates or campaign workers, a specific itemization of each reimbursed candidate or worker expenditure in excess of $50 and in the case of an expenditure for air travel, the dates of the trip, each point of departure and arrival, and the identity of the traveler)" after "purpose";

(2) in subparagraph (D), by striking "and" at the end;

(3) in subparagraph (E), by inserting "and" at the end; and

(4) by adding at the end the following:

"(F) in the case of an expenditure described in subparagraph (A) that is made to a person providing personal or consulting services and is used by such person to make expenditures to other persons (not including employees) who provide goods or services to the candidate or the candidate's authorized committees, the other person, together with the date, amount, and purpose of such expenditure, shall be disclosed;".

(b) INFORMATION REPORTED TO COMMITTEE.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

"(j) A person described in section 304(b)(5)(F) shall maintain records of and provide to a political committee the information necessary for the committee to report the information described in such section.".

MURRAY AMENDMENT NO. 1659

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to amendment No. 1646 proposed by Mr. MCCAIN to the bill, S. 1663, supra; as follows:

On page 29, strike lines 9 through 20 and insert the following:

SEC. 304. REPORTING REQUIREMENTS FOR CONTRIBUTIONS IN ANY AMOUNT.

(a) SECTION 302.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "and if the amount of the contribution is in excess of $50"; and

(ii) by inserting a comma after "making a contribution"; and

(B) in paragraph (2)(A), by inserting "and the name and address of the person making the contribution" after "such contribution"; and

(2) in subsection (c)(2), by striking "in excess of $50".

(b) SECTION 304.—Section 304(b)(3)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)(A)) is amended—

(1) by striking ", whose contribution" and all that follows through "together"; and

(2) by striking the semicolon at the end and inserting ", except that in the case of a person who makes contributions in an aggregate amount of $200 or less during the calendar year, the identification need include only the name and address of the person;".

LIEBERMAN AMENDMENTS NOS. 1660–1662

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted three amendments intended to be proposed by him to an amendment to the bill, S. 1663, supra; as follows:

AMENDMENT NO. 1660

At the appropriate place, insert the following:

SEC. ____. DEFINITIONS OF POLITICAL COMMITTEE AND POLITICAL ORGANIZATION.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) a political organization (as defined in section 527(e)(1) of the Internal Revenue Code of 1986 and subject to section 527 of such Code) unless—

"(i) the activities of the organization are for the primary purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual or individuals to any State or local public office or office in a State or local political organization; and

"(ii) the organization does not engage in any activity aimed at influencing or attempting to influence the selection, election, or appointment of any individual to any Federal office or the election of Presidential or Vice Presidential electors.".

(b) DEFINITION OF POLITICAL ORGANIZATION.—Paragraph (e)(1) of section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by striking "incorporated) organized and operated" and all that follows through the period and inserting "incorporated)—

"(A) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function, and

"(B) that is a political committee described in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) except to the extent that—

"(i) the activities of the organization are for the primary purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual or individuals to any State or local public office or office in a State or local political organization; and

"(ii) the organization does not engage in any activity aimed at influencing or attempting to influence the selection, election, or appointment of any individual to any Federal office or the election of Presidential or Vice Presidential electors.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 30 days after the date of enactment of this Act.

(d) REGULATIONS.—The Federal Election Commission and the Commissioner of the Internal Revenue Code of 1986 shall—

(1) promulgate regulations as necessary to enforce this section; and

(2) in the promulgation of regulations under paragraph (1), provide an exception to any provision that the Commission or Commissioner determines necessary to serve the public interest.

AMENDMENT 1661

At the appropriate place, insert the following:

SEC. ____. LIMITATIONS ON POLITICAL ACTIVITY BY TAX-EXEMPT ORGANIZATIONS.

(a) TAX-EXEMPT ORGANIZATIONS.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following new subsection:

"(o) SPECIAL RULES FOR ORGANIZATIONS EXEMPT UNDER PARAGRAPH (3) OR (4) OF SUBSECTION (c).—

"(1) IN GENERAL.—An organization described in paragraph (3) or (4) of subsection

(c) shall be denied exemption from taxation under subsection (a) if such organization—

"(A) solicits or accepts a contribution (as defined in section 271(b)(2)) from a committee of a political party or an authorized committee of a candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)),

"(B) makes or directs a contribution to a committee of a political party or an authorized committee of a candidate,

"(C) makes a disbursement for electioneering advertising (as defined in paragraph (2)), except to the extent that—

"(i) the disbursement constitutes an independent expenditure (as defined in section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)), or

"(ii) the advertising is—

"(I) described in paragraph (2)(B)(i)(II),

"(II) otherwise permitted by law, and

"(III) made more than—

"(aa) 60 days before the date of a general, special, or runoff election in which the identified candidates are seeking office, or

"(bb) 30 days before the date of a primary or preference election or a convention or caucus of a political party that has authority to nominate a candidate for the office for which the identified candidates are seeking election, or

"(D) participates in a coordinated disbursement.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) COORDINATED DISBURSEMENT.—

"(i) IN GENERAL.—The term 'coordinated disbursement' means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made in connection with any broadcasting, newspaper, magazine, billboard, direct mail, phone bank, widely distributed electronic mail, or similar type of general public communication or advertising by a person (who is not a candidate or a candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a member of the candidate's immediate family (as defined in section 9004(e)), the candidate's authorized committees, or a committee of a political party.

"(ii) EXCEPTION.—The term 'coordinated disbursement' does not include a disbursement for a bona fide newscast, news interview, news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), editorial, or on-the-spot coverage of bona fide news events.

"(B) ELECTIONEERING ADVERTISING.—

"(i) IN GENERAL.—The term 'electioneering advertising' means a communication—

"(I) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of individual) for President', '(name of individual) in (calendar year)', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to recommend the election or defeat of 1 or more clearly identified candidates such as '(name of candidate)'s the One' or '(name of candidate'); or

"(II) referring to 1 or more clearly identified candidates in a communication that is widely disseminated to the electorate for the election in which the identified candidates are seeking office through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public communication.

"(ii) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'electioneering advertising' does not include a printed communication that—

"(I) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more individuals;

"(II) is not made in coordination with an individual, political party, or agent of the individual or party;

"(III) in the case of a voter guide based on a questionnaire, provides each individual seeking a particular seat or office an equal opportunity to respond to the questionnaire and have the individual's responses incorporated into the voter guide;

"(IV) does not present an individual with greater prominence than any other individual; and

"(V) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of individual) for President', '(name of individual) in 1997', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified individuals.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date that is 30 days after the date of enactment of this Act.

(c) REGULATIONS.—The Federal Election Commission and the Commissioner of the Internal Revenue Code of 1986 shall—

(1) promulgate regulations as necessary to enforce this section; and

(2) in the promulgation of regulations under paragraph (1), provide an exception to any provision that the Commission or Commissioner determines necessary to serve the public interest.

AMENDMENT NO. 1662

After title VI, insert the following:

TITLE VII—PUBLIC FUNDING FOR PRESIDENTIAL CANDIDATES AND PRESIDENTIAL NOMINATING CONVENTIONS

SECTION 701. REQUIREMENTS FOR PRESIDENTIAL CANDIDATES ACCEPTING PUBLIC FUNDING.

(a) RESTRICTIONS ON FUNDRAISING BY CANDIDATES.—

(1) DEFINITION OF FUNDRAISING.—Section 9002 of the Internal Revenue Code of 1986 (relating to definitions in the Presidential Election Campaign Fund Act) is amended by adding at the end the following:

"(13) FUNDRAISING ACTIVITY.—

"(A) IN GENERAL.—The term 'fundraising activity' means—

"(i) an activity or event the purpose or effect of which is the direct or indirect solicitation, acceptance, or direction of a contribution (as defined in section 271(b)(2)) for—

"(I) any candidate for public office,

"(II) a political committee (including a national, State, or local committee of a political party),

"(III) an organization that—

"(aa) is described in section 501(c) and exempt from taxation under section 501(a) (or has submitted an application to the Secretary of the Treasury for determination of tax-exemption under such section), and

"(bb) engages in any election-related activity, including, but not limited to, voter registration, get-out-the-vote activity, publication or distribution of a voter guide, or making communications that are widely disseminated through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising and that clearly identify a candidate (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a political party,

"(IV) a political organization (as defined in section 527), or

"(V) an organization that engages in any electioneering advertising (as defined in section 324 of the Federal Election Campaign Act of 1971), or

"(ii) the authorization of use of a candidate's name in connection with an activity or event described in clause (i).

"(B) EXCEPTION.—The term 'fundraising activity' does not include an activity or event the sole purpose or effect of which is to solicit or accept a contribution (as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) for the candidate participating in the activity or event that is specifically solicited for, and deposited in, the candidate's legal and accounting compliance fund or that is necessary to cover any deficiency in payments received from the Presidential Election Campaign Fund, to the extent otherwise permissible by law.".

(2) GENERAL ELECTION.—Section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility for payments) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "and" at the end;

(ii) in paragraph (2), by striking the period at the end and inserting ", and"; and

(iii) by inserting after paragraph (2) the following:

"(3) such candidate, a member of the candidate's immediate family (as defined in section 9004(e)), and the candidate's authorized committee or agents or officials of the committee shall not participate in any fundraising activity during the expenditure report period."; and

(B) in subsection (c)—

(i) in paragraph (1), by striking "and" at the end;

(ii) in paragraph (2), by striking the period at the end and inserting ", and"; and

(iii) by inserting after paragraph (2) the following:

"(3) subject to paragraph (2), such candidate, a member of the candidate's immediate family (as defined in section 9004(e)), and the candidate's authorized committee or agents or officials of such committee shall not participate in a fundraising activity during the expenditure report period.".

(3) PRIMARY ELECTION.—Subsection (b) of section 9033 of the Internal Revenue Code of 1986 (relating to eligibility for payments) is amended—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(5) the candidate, a member of the candidate's immediate family (as defined in section 9004(e)), and the candidate's authorized committee or agents or officials of such committee shall not participate in a fundraising activity during the matching payment period unless such activity has as its sole purpose and effect the solicitation or acceptance of contributions (as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))).".

(b) RESTRICTION ON COORDINATED DISBURSEMENT.—

(1) DEFINITION OF COORDINATED DISBURSEMENT.—Section 9002 of the Internal Revenue Code of 1986 (as amended by subsection (a)) is amended by adding at the end the following:

"(14) Coordinated Disbursement.—

"(A) In general.—The term 'coordinated disbursement' means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made in connection with any broadcasting, newspaper, magazine, billboard, direct mail, phone bank, widely distributed electronic mail, or similar type of general public communication or advertising by a person (who is not a candidate or a candidate's authorized committee) in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a member of the candidate's immediate family (as defined in section 9004(e)), the candidate's authorized committees, or a committee of a political party.

"(B) Special rule.—In the case of a candidate who designates a committee of a political party as the candidate's authorized committee, the term 'coordinated disbursement' shall include disbursements made by the committee in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or a member of the candidate's immediate family (as defined in section 9004(e)) in excess of an amount equal to the aggregate of the limit under section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) and the appropriate limit under section 315(b)(1) of such Act (2 U.S.C. 441a(b)(1)).

"(C) Exceptions.—The term 'coordinated disbursement' does not include—

"(i) a disbursement that is an expenditure subject to the limits under section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)); or

"(ii) a disbursement for a bona fide newscast, news interview, news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), editorial, or on-the-spot coverage of bona fide news events.".

(2) General election.—Subsection (a) of section 9003 of the Internal Revenue Code of 1986 (relating to condition for eligibility for payments) is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(4) agree not to participate in a coordinated disbursement during the election report period.".

(3) Primary election.—Section 9033(b) (as amended by subsection (a)(3)) is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(6) the candidate and the candidate's authorized committees shall not participate in a coordinated disbursement (as defined in section 9002(14)) during the matching payment period except to the extent that the disbursement is a contribution subject to the contribution limits of section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a).".

SEC. 702. REQUIREMENTS FOR POLITICAL PARTIES ACCEPTING PUBLIC FINANCING FOR PRESIDENTIAL NOMINATING CONVENTIONS.

(a) Requirements.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 507) is amended by adding at the end the following:

"SEC. 327. REQUIREMENTS FOR POLITICAL PARTIES ACCEPTING PUBLIC FINANCING FOR PRESIDENTIAL NOMINATING CONVENTIONS.

"(a) Definitions.—In this section—

"(1) Committee.—The term 'committee' shall include a national, State, district, or local committee of a political party, an entity that is directly or indirectly established, financed, maintained, or controlled by any such party committee or its agent, an agent acting on behalf of any such party committee, and an officer or agent acting on behalf of any such party committee or entity.

"(2) Electioneering advertising.—

"(A) In general.—The term 'electioneering advertising' means a communication—

"(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of individual) for President', '(name of individual) in (calendar year)', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to recommend the election or defeat of 1 or more clearly identified candidates such as '(name of candidate)'s the One' or '(name of candidate'); or

"(ii) referring to 1 or more clearly identified candidates in a communication that is widely disseminated to the electorate for the election in which the identified candidates are seeking office through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public communication.

"(B) Voting record and voting guide exception.—The term 'electioneering advertising' does not include a printed communication that—

"(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more individuals;

"(ii) is not made in coordination with an individual, political party, or agent of the individual or party;

"(iii) in the case of a voter guide based on a questionnaire, provides each individual seeking a particular seat or office an equal opportunity to respond to the questionnaire and have the individual's responses incorporated into the voter guide;

"(iv) does not present an individual with greater prominence than any other individual; and

"(v) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of individual) for President', '(name of individual) in 1997', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified individuals.

"(3) Eligible political committee.—The term 'eligible political committee' means a national committee of a political party entitled to receive payments under section 9008 of the Internal Revenue Code of 1986 for a presidential nominating convention.

"(b) Limits on Electioneering Advertising.—During the matching payment period (as defined in section 9032(6) of the Internal Revenue Code of 1986) and the expenditure report period (as defined in section 9002(12) of such Code), an eligible political committee shall not—

"(1) make disbursements for electioneering advertising in connection with an individual seeking nomination for election, or election, to the office of President or Vice President except from funds that are subject to the limitations, prohibitions, and reporting requirements of this Act; or

"(2) transfer funds that are not subject to the limitations, prohibitions, and reporting requirements of this Act to a State, district, or local committee of a political party that will be used to make disbursements for electioneering advertising in connection with an individual seeking nomination for election, or election, to the office of President or Vice President.

"(c) Limitation of Coordinated and Independent Expenditures.—In the case of an eligible political committee, the limitation under section 315(d)(2) (relating to coordinated expenditures by committees of a political party) shall apply to the aggregate of expenditures, disbursements for electioneering advertising, and independent expenditures made by the national committee in connection with a candidate for President of the United States.

"(d) Prohibition of Coordinated Disbursements.—During the matching payment period (as defined in section 9032(6) of the Internal Revenue Code of 1986) and the expenditure report period (as defined in section 9002(12) of such Code), an eligible political committee shall not participate in a coordinated disbursement (as defined in section 9002(14) of the Internal Revenue Code of 1986) with respect to an individual seeking nomination for election, or election, to the office of President or Vice President.

"(e) Prohibition of Certain Donations.—An eligible political committee and any officer or agent acting on behalf of such committee shall not solicit any funds for, or make or direct any donation to, an organization that—

"(1) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and is described in section 501(c) of such Code (or has submitted an application to the Secretary of the Treasury for determination of tax-exemption under such section), and

"(2) engages in any election-related activity, including, but not limited to, voter registration, get-out-the-vote activity, publication or distribution of a voter guide, or making communications that are widely disseminated through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising that clearly identify a candidate or a political party.

"(f) Prohibition of Soft Money.—An eligible political committee (including a national congressional campaign committee of a political party), any officers or agents of such committees, a State, district, or local committee of a political party that has an eligible political committee (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity) shall not solicit, receive, or direct to another person a contribution, donation, or transfer of funds, or spend any funds, in violation of section 324 of this Act.".

(b) Increased Contribution Limit.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C)—

(A) by inserting "(other than a committee described in subparagraph (D))" after "committee"; and

(B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) to a political committee established and maintained by a State committee of a political party that is entitled to receive payments under section 9008 of the Internal Revenue Code of 1986 for a Presidential nominating convention in any calendar year that, in the aggregate, exceed $10,000.".

(c) CONFORMING AMENDMENTS.—

(1) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—Section 315(d)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)(2)) is amended by striking "The national committee" and inserting "Subject to section 327(b), the national committee".

(2) INTERNAL REVENUE CODE OF 1986.—Subsection (b) of section 9008 of the Internal Revenue Code of 1986 (relating to payments for presidential nominating conventions) is amended—

(A) in paragraph (1), by inserting "and section 327 of the Federal Election Campaign Act of 1971" after "section"; and

(B) in paragraph (2), by inserting "and section 327 of the Federal Election Campaign Act of 1971" after "section".

SEC. 703. REQUIRED DISCLAIMER FOR PRESIDENTIAL CANDIDATES.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by adding at the end the following:

"(c) REQUIRED DISCLAIMER FOR PRESIDENTIAL CANDIDATES.—In the case of an expenditure by a candidate for President or Vice President eligible under section 9003 of the Internal Revenue Code of 1986 or under section 9033 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury for an advertisement that is broadcast by a radio broadcast station or a television broadcast station or communicated by direct mail, such advertisement shall contain the following statement: 'Federal law establishes voluntary spending limits for candidates for President. This candidate ____ agreed to abide by the limits.' (with the blank filled in with 'has' or 'has not' as appropriate).".

SEC. 704. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by this title take effect on the date that is 30 days after the date of enactment of this title.

SEC. 705. REGULATIONS.

The Federal Election Commission and the Commissioner of the Internal Revenue Code of 1986 shall—

(1) promulgate regulations as necessary to enforce this title; and

(2) in the promulgation of regulations under paragraph (1), provide an exception to any provision that the Commission or Commissioner determines necessary to serve the public interest.

McCAIN (AND OTHERS) AMENDMENT NO. 1663

(Ordered to lie on the table.)

Mr. McCAIN (for himself, Mr. FEINGOLD, Ms. COLLINS, Mr. TORRICELLI, and Mr. DURBIN) submitted an amendment intended to be proposed by them to amendment to the bill, S. 1663, supra; as follows:

On page 53, after line 16, insert the following:

TITLE VII—SENATE VOLUNTARY OPTION

SEC. 701. SENATE VOLUNTARY OPTION.

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 is amended by adding at the end the following:

"TITLE V—VOLUNTARY OPTION FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) ELIGIBLE SENATE CANDIDATE.—The term 'eligible Senate candidate' means a candidate who the Commission has certified under section 505 as an eligible primary election Senate candidate or as an eligible general election Senate candidate.

"(2) MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTION LIMIT.—The term 'multicandidate political committee contribution limit' means, with respect to an eligible Senate candidate, the limit applicable to the candidate under section 502(f).

"(3) OUT-OF-STATE RESIDENT CONTRIBUTION LIMIT.—The term 'out-of-State resident contribution limit' means, with respect to an eligible Senate candidate, the limit applicable to the candidate under section 502(e).

"(4) PERSONAL FUNDS EXPENDITURE LIMIT.—The term 'personal funds expenditure limit' means, with respect to an eligible Senate candidate, the limit applicable to the candidate under section 503(a).

"(5) SMALL STATE.—The term 'small State' means a State with a voting age population not in excess of 1,500,000.

"SEC. 502. ELIGIBLE SENATE CANDIDATES.

"(a) IN GENERAL.—A candidate is—

"(1) an eligible primary election Senate candidate if the Commission certifies under section 505 that the candidate—

"(A) has met the primary election filing requirement of subsection (b); and

"(B) has met the threshold contribution requirement of subsection (d); and

"(2) an eligible general election Senate candidate if the Commission certifies under section 505 that the candidate—

"(A) has met the general election filing requirement of subsection (c); and

"(B) has been certified as an eligible primary election Senate candidate.

"(b) PRIMARY ELECTION FILING REQUIREMENT.—

"(1) IN GENERAL.—The requirement of this subsection is met if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees—

"(A) will not exceed the personal funds expenditure limit; and

"(B) will not accept contributions for the primary election, any runoff election, or the general election that would cause the candidate to exceed the out-of-State resident contribution limit or the multicandidate political committee contribution limit.

"(2) DEADLINE FOR FILING PRIMARY ELECTION DECLARATION.—The declaration under paragraph (1) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENT.—

"(1) IN GENERAL.—The requirement of this subsection is met if the candidate files with the Commission—

"(A) a declaration, with such supporting documentation as the Commission may require, that—

"(i) the candidate and the candidate's authorized committees—

"(I) did not exceed the personal funds expenditure limit; and

"(II) did not accept contributions for the primary election or any runoff election that caused the candidate to exceed the out-of-State resident contribution limit or the multicandidate political committee contribution limit; and

"(ii) the candidate has met the threshold contribution requirement of subsection (d), as demonstrated by documents accompanying the declaration under subsection (b) or the declaration under this subsection; and

"(B) a declaration that the candidate and the candidate's authorized committees—

"(i) will not make expenditures in excess of the personal funds expenditure limit; and

"(ii) will not accept any contribution for the general election to the extent that the contribution would cause the candidate to exceed the out-of-State resident contribution limit or the multicandidate political committee contribution limit.

"(2) DEADLINE FOR FILING GENERAL ELECTION DECLARATION.—The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date on which the candidate qualifies for the general election ballot under State law; or

"(B) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

"(d) THRESHOLD CONTRIBUTION REQUIREMENT.—

"(1) IN GENERAL.—The requirement of this subsection is met—

"(A) if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount not less than—

"(i) $100,000 in the case of a candidate seeking election in a small State; or

"(ii) $250,000 in the case of any other candidate; and

"(B) the candidate files with the Commission a statement under penalty of perjury that the requirement of subparagraph (A) has been met, with supporting materials demonstrating that the requirement has been met.

"(2) DEFINITIONS.—In this subsection:

"(A) ALLOWABLE CONTRIBUTION.—

"(i) IN GENERAL.—The term 'allowable contribution' means a contribution that is made as a gift of money by an individual pursuant to a written instrument identifying the individual as the contributor.

"(ii) EXCLUSIONS.—The term 'allowable contribution' does not include a contribution from—

"(I) an individual residing outside the candidate's State to the extent that acceptance of the contribution would bring a candidate out of compliance with subsection (e);

"(II) a multicandidate political committee to the extent that acceptance of the contribution would bring the candidate out of compliance with subsection (f); or

"(III) a source described in section 503(a)(2).

"(B) APPLICABLE PERIOD.—The term 'applicable period' means—

"(i) the period beginning on January 1 of the calendar year preceding the calendar year of a general election and ending on the date on which the declaration under subsection (b) is filed by the candidate; or

"(ii) in the case of a special election for the office of United States Senator, the period beginning on the date on which the vacancy in the office occurs and ending on the date of the general election.

"(e) OUT-OF-STATE RESIDENT CONTRIBUTION LIMIT.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—The requirement of this subsection is met if more than 50 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees are from individuals who are legal residents of the candidate's State.

"(B) SPECIAL RULE FOR SMALL STATES.—In the case of a candidate seeking election in a small State, the requirement of this subsection is met if, at the option of the candidate—

"(i) more than 50 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees are from individuals who are legal residents of the candidate's State; or

"(ii) more than 50 percent of the number of individuals whose names are reported to the Commission as individuals from whom the candidate and the candidate's authorized committees accept contributions are legal residents of the candidate's State.

"(2) PERSONAL FUNDS.—For purposes of paragraph (1), amounts consisting of funds from sources described in section 503(a)(2) shall be treated as contributions from individuals residing outside the candidate's State.

"(3) TIME FOR MEETING REQUIREMENT.—The requirements of paragraph (1) must be met by an eligible Senate candidate as of the close of each reporting period under section 304.

"(4) REPORTING REQUIREMENTS.—In addition to information required to be reported under section 304, a candidate that elects to comply with the requirements of paragraph (1)(B)(ii) shall include in each report required to be filed under section 304 the name and address of and the amount of contributions made by each individual that, during the calendar year in which the reporting period occurs, makes contributions aggregating $20 or more.

"(f) MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTION LIMIT.—The requirement of this subsection is met if the candidate and the candidate's authorized committees do not accept, for use in connection with a primary, runoff, or general election, a contribution from a multicandidate political committee, to the extent that the making or accepting of the contribution would cause the aggregate amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed 25 percent of the aggregate contributions received by such candidate and committees from all sources.

"SEC. 503. PERSONAL FUNDS EXPENDITURE LIMIT.

"(a) LIMIT.—

"(1) IN GENERAL.—The amount of expenditures that may be made by an eligible Senate candidate or the candidate's authorized committees in connection with a primary, runoff, or general election of the candidate from the sources described in paragraph (2) shall not exceed, in aggregate for each such election—

"(A) in the case of an eligible Senate candidate seeking election in a small State, $25,000 per election; or

"(B) in the case of any other eligible Senate candidate, $50,000 per election.

"(2) SOURCES.—A source is described in this paragraph if the source is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

"(b) NOTICE OF FAILURE TO COMPLY WITH REQUIREMENTS.—A candidate who filed a declaration under section 502 and subsequently acts in a manner that is inconsistent with any of the statements made in the declaration shall, not later than 24 hours after the first of the acts—

"(1) file with the Commission a notice describing those acts; and

"(2) notify all other candidates for the same office by sending a copy of the notice by certified mail, return receipt requested.

"SEC. 504. BENEFIT FOR ELIGIBLE CANDIDATES.

"An eligible Senate candidate shall be entitled to the broadcast media rates provided under section 315(b) of the Communications Act of 1934.

"SEC. 505. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this title and, based on the determination, issue a certification stating whether the candidate is an eligible Senate candidate entitled to receive benefits under this title.

"(b) CERTIFICATION.—

"(1) PRIMARY ELECTION.—Not later than 7 business days after a candidate files a declaration under section 502(b), the Commission shall determine whether the candidate meets the eligibility requirements of section 502(b)(1) and, if so, certify that the candidate is an eligible primary election Senate candidate entitled to receive a benefit under this title.

"(2) GENERAL ELECTION.—Not later than 7 business days after a candidate files a declaration under section 502(c), the Commission shall determine whether the candidate meets the eligibility requirement of section 502(c)(1), and, if so, certify that the candidate is an eligible general election Senate candidate entitled to receive a benefit under this title.

"(c) REVOCATION.—

"(1) IN GENERAL.—The Commission shall revoke a certification under subsection (a), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate fails to continue to meet the requirements of this title.

"(2) NO FURTHER BENEFIT.—A candidate whose certification has been revoked shall be ineligible for any further benefit made available under this title for the duration of the election cycle.

"(d) DETERMINATIONS BY COMMISSION.—A determination (including a certification under subsection (a)) made by the Commission under this title shall be final, except to the extent that the determination is subject to examination and audit by the Commission under section 506 and to judicial review.

"SEC. 506. PENALTIES.

"(a) MISUSE OF BENEFITS.—If the Commission revokes the certification of an eligible Senate candidate, the Commission shall so notify the candidate, and the candidate shall pay to the provider of any benefit received by the candidate under this title an amount equal to the difference between the amount the candidate paid for such benefit and the amount the candidate would have paid for the benefit if the candidate were not an eligible Senate candidate.

"(b) CIVIL PENALTIES FOR EXCEEDING LIMITS.—Any eligible Senate candidate who makes expenditures in excess of the personal funds expenditure limit, or receives contributions in excess of the out-of-State resident contribution limit or the multicandidate political committee contribution limit, shall pay to the Commission as a civil penalty an amount equal to—

"(1) the amount of the excess if the excess does not exceed 5 percent of the limit,

"(2) 3 times the amount of the excess if the excess exceeds 5 percent but does not exceed 10 percent of the limit, and

"(3) if the excess exceeds 10 percent of the limit, the sum of 3 times the amount of the excess plus a civil penalty to be imposed pursuant to section 309."

(b) EXPENDITURES MADE BEFORE EFFECTIVE DATE.—An expenditure shall not be counted as an expenditure for purposes of the expenditure limits contained in the amendment made by subsection (a) if the expenditure is made before the date that is 60 days after the date of enactment of this Act.

SEC. 702. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "(b) The charges" and inserting the following:

"(b) BROADCAST MEDIA RATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the charges";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(3) in paragraph (1)(A) (as redesignated by paragraph (2))—

(A) by striking "forty-five" and inserting "30"; and

(B) by striking "lowest unit charge of the station for the same class and amount of time for the same period" and inserting "lowest charge of the station for the same amount of time for the same period on the same date"; and

(4) by adding at the end the following:

"(2) SENATE CANDIDATES.—

"(A) ELIGIBLE SENATE CANDIDATES.—In the case of an eligible Senate candidate (as defined in section 501 of the Federal Election Campaign Act), the charges for the use of a television broadcasting station during the 30-day period and 60-day period referred to in paragraph (1)(A) shall not exceed 50 percent of the charge described in paragraph (1)(B).

"(B) NONELIGIBLE SENATE CANDIDATES.—In the case of a candidate for the United States Senate who is not an eligible Senate candidate, paragraph (1)(A) shall not apply.".

(b) PREEMPTION; ACCESS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1)(A), of a broadcasting station by an eligible Senate candidate who has purchased and paid for such use pursuant to subsection (b)(2).

"(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.".

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 703. REPORTING REQUIREMENT FOR ELIGIBLE SENATE CANDIDATES.

Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended—

(1) by striking "and" at the end of subparagraph (J);

(2) by striking the period at the end of subparagraph (K) and inserting "; and"; and

(3) by adding at the end the following:

"(L) in the case of an eligible Senate candidate, the total amount of contributions from individuals who are residents of the State in which the candidate seeks office.".

DURBIN AMENDMENTS NOS. 1664–1666

(Ordered to lie on the table.)

Mr. DURBIN submitted three amendments intended to be proposed by him to amendment No. 1646 proposed by Mr. MCCAIN to the bill, S. 1663, supra; as follows:

AMENDMENT NO. 1664

In section 324(d) of the Federal Election Campaign Act of 1971 (as added by section 101 of the amendment), strike "donations" and insert "donation or loan of money or other thing of value".

AMENDMENT NO. 1665

On page 49, beginning on line 20, strike "donation" and all that follows through "donation" on line 22 and insert "donation or loan of money or other thing of value, or to promise expressly or impliedly to make a donation or loan".

AMENDMENT NO. 1666

At the appropriate place, insert the following:

SEC. . CITIZENSHIP STATUS OF CONTRIBUTORS.

(a) PROVISION OF NAMES OF INDIVIDUALS WHO LOSE UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 15 days after the end of a calendar quarter—

(A) the Secretary of State shall provide to the Federal Election Commission the name of each individual that loses United States citizenship during the calendar quarter by an act referred to in paragraph (2); and

(B) the Federal agency primarily responsible for administering the immigration laws shall provide to the Federal Election Commission the name of each individual that has had the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws revoked or administratively or judicially determined to be abandoned during the calendar quarter.

(2) LOSS OF CITIZENSHIP.—An act is referred to in this paragraph if—

(A) an individual renounces United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5));

(B) an individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4));

(C) the United States Department of State issues a certificate of loss of nationality to an individual; or

(D) a court of the United States cancels a naturalized citizen's certificate of naturalization.

(3) TRANSITION RULE.—For purposes of individuals described in paragraph (1) that lose United States citizenship status or lawful permanent resident status prior to the date of enactment of this Act, the Secretary of State and the Federal agency primarily responsible for administering the immigration laws shall—

(A) not later than 180 days after the date of enactment of this Act, provide the Federal Election Commission the names of such individuals that lose such status during the time period beginning on the date that is 5 years before the date of enactment of this Act and ending on the date on which the first calendar quarter for which this section becomes effective begins; and

(B) not later than 1 year after the date of enactment of this Act, provide the Federal Election Commission the names of such individuals that have not been previously provided under subparagraph (A) for which the Secretary of State and Federal agency have available records.

(b) AVAILABILITY OF NAMES.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended by adding at the end the following:

"(c) AVAILABILITY OF NAMES OF INDIVIDUALS WHO LOSE UNITED STATES CITIZENSHIP.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall make available the name of each individual losing United States citizenship or lawful permanent resident status during a calendar quarter with respect to whom the Commission receives information from the Secretary of State or the Federal agency primarily responsible for administering the immigration laws to persons required to file reports, statements, or designations under this Act for the purpose of ensuring compliance with section 319, not later than the date that is 30 days after the date of receipt of such information.

"(2) ELECTRONICALLY AVAILABLE.—The Commission shall make the names available on the Internet for persons required to file reports, statements, or designations under this Act.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to calendar quarters that begin on or after the date of enactment of this Act.

SEC. . CITIZENSHIP STATUS OF CONTRIBUTORS.

(a) AFFIRMATION OF CONTRIBUTOR CITIZENSHIP STATUS.—Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" the first place it appears; and

(B) by inserting ", an affirmative statement by the individual of the citizenship or lawful permanent residency status of the individual, and an affirmation by the individual that the individual is an individual who is not prohibited by section 319 from making a contribution" after "employer";

(2) in subparagraph (B), by inserting "and an affirmation by the person that the person is a person that is not prohibited by section 319 from making a contribution" after "such person".

(b) SOLICITATION OF CONTRIBUTIONS FROM FOREIGN NATIONALS.—

(1) AFFIRMATION OF POLITICAL COMMITTEE.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(9) an affirmation that the reporting person has not knowingly solicited or accepted a contribution from a person prohibited from making such contribution.".

(2) REQUIRED DISCLAIMER ON SOLICITATIONS.—Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) (as amended by section 308) is amended by adding at the end the following:

"(f) A communication described in subsection (a) shall contain a statement explaining that individuals who are foreign nationals (as defined in section 319) are prohibited from making contributions.".

(c) CLARIFICATION OF DEFINITION OF FOREIGN NATIONAL.—Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by inserting "(including an individual that has lost United States citizenship)" after "United States".

REED AMENDMENT NO. 1667

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to an amendment to the bill, S. 1663, supra; as follows:

At the appropriate place, insert the following:

SEC. . CONTRIBUTION LIMIT FOR POLITICAL PARTIES MAKING INDEPENDENT EXPENDITURES.

Section 315(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1)(B), by striking "which, in the aggregate, exceed $20,000" and inserting "that—

"(i) in the case of any political committee established and maintained by a national political party that certifies under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $20,000; or

"(ii) in the case of any political committee established and maintained by a national political party that does not certify under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $5,000"; and

(2) in paragraph (2)(B), by striking "which, in the aggregate, exceed $15,000" and inserting "that—

"(i) in the case of a political committee established and maintained by a national political party that certifies under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $15,000; or

"(ii) in the case of a political committee established and maintained by a national political party that does not certify under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $5,000".

TORRICELLI AMENDMENTS NOS. 1668–1669

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to amendment No. 1646 proposed by Mr. McCain to the bill, S. 1663, supra; as follows:

Amendment No. 1668

On page 53, strike lines 14 through 21 and insert the following:

SEC. 601. SEVERABILITY.

(a) In General.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of any provision or amendment to any person or circumstance, is held invalid, the holding shall not affect—

(1) the other provisions of this Act and amendments made by this Act; or

(2) the application of the provisions of this Act and amendments made by this Act to other persons and circumstances.

(b) Exception.—If any part of paragraph (20) of section 301 of the Federal Election Campaign Act of 1971 (as added by section 201), or the application of any part of that paragraph to any person or circumstance, is held invalid, section 324 of the Federal Election Campaign Act of 1971 (as added by section 101) shall be of no effect.

Amendment No. 1669

At the appropriate place in the bill, insert the following:

Sec. . BROADCAST MEDIA RATES FOR CANDIDATES

Section 315(b) of the Communications Act (47 U.S.C. 315(b)(1)) is amended by—

(1) by striking paragraph (1) and inserting the following:

"during the 30 days preceding the date of a primary or primary runoff election and during the 60 days preceding the date of a general or special election:

(A) 50 percent of the normal unit rate, if candidate appears in 75% of the duration of the advertisement; or

(B) 25 percent of the normal unit rate, if the candidate appears in 100% of the duration of the advertisement."

TORRICELLI AMENDMENT NO. 1670

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, S. 1663, supra; as follows:

At the appropriate place, insert:

SEC. ___. ELECTIONEERING COMMUNICATIONS BY TAX EXEMPT ORGANIZATIONS.

(a) Prohibition on Electioneering Communications by Certain Tax Exempt Organizations.—Section 501 of the Internal Revenue Code of 1986 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Prohibition on Electioneering Communications.—

"(1) Denial of tax exemption.—An organization described in paragraph (3) or (4) of subsection (c) shall be exempt from tax under subsection (a) only if the organization does not directly or indirectly disburse, or contract to disburse, amounts for electioneering communications.

"(2) Electioneering communication.—For purposes of this subsection, the term 'electioneering communication' means a communication which is broadcast on a television or radio broadcast station and which advocates the election or defeat of a candidate by—

"(A) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in (calendar year)', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates; or

"(B) referring to 1 or more clearly identified candidates in a paid advertisement that is broadcast within—

"(i) 60 calendar days preceding the date of a general, special, or runoff election, or

"(ii) 30 calendar days preceding the date of a primary election or a convention or caucus of a political party which has the authority to nominate a candidate,

and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election.

"(3) Construction.—Nothing in this subsection shall be construed as authorizing an organization to take any action which is otherwise prohibited by this title."

(b) Section 527 Organizations Required To Register as Political Committee if Electioneering Communications Are Made.—Section 301(4) of the Federal Election Campaign Act of 1971 is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; or", and by adding at the end the following new subparagraph:

"(D) any organization which—

"(i) is exempt from taxation under section 527 of the Internal Revenue Code of 1986,

"(ii) has, at any time on or after the date of the enactment of this subparagraph, directly or indirectly disbursed, or contracted to disburse, any amount for any electioneering communication (within the meaning of section 501(p)(2) of the Internal Revenue Code of 1986), and

"(iii) is not otherwise a political committee, a principal campaign committee, an authorized committee, or a connected organization."

(c) Effective Date.—The amendments made by this section shall apply to disbursements made after the date of the enactment of this Act, except that such amendments shall not apply to disbursements made after such date pursuant to a contract entered into on or before such date.

SEC. ___. RETURN AND DISCLOSURE REQUIREMENTS RELATING TO SECTION 527 ORGANIZATIONS.

(a) Return and Disclosure Requirements for Political Organizations Claiming Exemption Under Section 527.—

(1) Return requirements.—

(A) Organizations required to file.—Section 6012(a)(6) of the Internal Revenue Code of 1986 (relating to political organizations required to make returns of income) is amended by inserting "or which has gross receipts of $100,000 or more for the taxable year" after "taxable year".

(B) Information required to be included on return.—Section 6012 of such Code is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Returns of Political Organizations.—Every organization required to file a return under subsection (a)(6) for a taxable year shall include with the return information setting forth—

"(1) its gross income for the year,

"(2) its expenses attributable to such income,

"(3) its receipts and disbursements within the year which are taken into account in determining its exempt function income,

"(4) a balance sheet showing its assets, liabilities, and net worth as of the beginning of the year,

"(5) the total of the gifts and contributions received by it during the year, and the names and addresses of all substantial contributors (within the meaning of section 6033(b)),

"(6) the names and addresses of its officers and highly compensated employees,

"(7) the compensation and other payments made during the year to each individual described in paragraph (6), and

"(8) such other information as the Secretary may require to carry out the internal revenue laws."

(2) Public disclosure of returns.—

(A) Returns made available by Secretary.—Section 6104(b) of the Internal Revenue Code of 1986 (relating to inspection of annual information returns) is amended by inserting "6012(a)(6)," before "6033".

(B) Returns made available by organizations.—

(i) In general.—Section 6104(e)(1) of such Code (relating to public inspection of annual returns) is amended by inserting "or section 6012(a)(6) (relating to returns by political organizations)" after "organizations)".

(ii) Conforming amendment.—Section 6104(e)(1)(B) of such Code (relating to organizations to which paragraph applies) is amended to read as follows:

"(B) Organizations to which paragraph applies.—This paragraph shall apply to—

"(i) any organization which—

"(I) is described in subsection (c) or (d) of section 501 and exempt from taxation under section 501(a), and

"(II) is not a private foundation (within the meaning of section 509(a)), and

"(ii) an organization exempt from taxation under section 527(a)."

(3) Effective date.—The amendments made by this subsection shall apply to returns for taxable years beginning after December 31, 1997.

(b) Applications for Recognition of Section 527 Status.—

(1) In general.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection:

"(1) New Organizations Must Notify Secretary That They Are Applying for Recognition of Section 527 Status.—

"(1) In general.—Except as provided in paragraph (3), an organization organized after February 28, 1998, shall not be treated as an organization described in this section—

"(A) unless it has given notice to the Secretary, in such manner as the Secretary may prescribe, that it is applying for recognition of such status, or

"(B) for any period before the giving of the notice, if the notice is given after the time prescribed by the Secretary by regulations for giving notice under this paragraph.

"(2) Effect of failure.—In the case of an organization failing to meeting the requirements of paragraph (1) for any period—

"(A) the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions directly connected with the production of such income), and

"(B) section 2501(a)(5) shall apply to the organization in the same manner as if it were a political organization to which this section applies.

"(3) EXCEPTIONS.—This subsection shall not apply to any organization—

"(A) to which this section applies solely by reason of subsection (f), or

"(B) the gross receipts of which in each taxable year are normally not more than $5,000."

(2) DISCLOSURE REQUIREMENTS.—

(A) INSPECTION AT INTERNAL REVENUE SERVICE OFFICES.—Section 6104(a)(1)(A) of the Internal Revenue Code of 1986 (relating to public inspection of applications) is amended—

(i) by inserting "or a political organization is exempt from taxation under section 527 for any taxable year" after "taxable year",

(ii) by inserting "or 527(a)" after "exemption under section 501(a)",

(iii) by inserting "for exemption from taxation under section 501(a)" after "any organization" in the last sentence, and

(iv) by inserting "OR 527" after "SECTION 501" in the heading.

(B) INSPECTION BY COMMITTEE OF CONGRESS.—Section 6104(a)(2) of such Code is amended by inserting "or a political organization which is exempt from taxation under section 527 for any taxable year" after "taxable year".

(C) PUBLIC INSPECTION MADE AVAILABLE BY ORGANIZATION.—Section 6104(e)(2)(A) of such Code is amended—

(i) by inserting "or an organization is exempt from taxation under section 527" after "section 501(a)" in clause (i), and

(ii) by inserting "or 527" after "section 501" in clause (ii).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to organizations organized after February 28, 1998.

(c) DISCLOSURE TO FEDERAL ELECTION COMMISSION.—

(1) IN GENERAL.—Section 6104 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) DISCLOSURE OF POLITICAL ORGANIZATION INFORMATION TO, AND BY, THE FEDERAL ELECTION COMMISSION.—

"(1) IN GENERAL.—The Secretary shall disclose to the Federal Election Commission any information required to be made available to the public under subsection (a) or (b) with respect to a political organization exempt from taxation under section 527. The Federal Election Commission shall make such information available to the public in the same manner as other reports required to be filed with the Commission.

"(2) COORDINATION OF DISCLOSURE.—The Secretary may provide that disclosure by the Federal Election Commission under paragraph (1) is in lieu of disclosure by the Secretary under subsection (a) or (b) if the Secretary determines such action will not result in lack of full disclosure to the public."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to information required to be made available to the public on and after the 90th day following the date of enactment of this Act.

FEINSTEIN AMENDMENTS NOS. 1671-1673

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted three amendments intended to be proposed by her to amendment to the bill, S. 1663, supra; as follows:

AMENDMENT NO. 1671

At the appropriate place, insert the following:

SEC.   . MODIFICATION OF CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.

(a) MODIFICATION OF CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(1) in subsection (a)(1), by striking "No person" and inserting "Except as provided in subsection (i), no person";

(2) in subsection (a)(2), by striking "No multicandidate" and inserting "Except as provided in subsection (i), no multicandidate"; and

(3) by adding at the end the following:

"(i) INCREASE IN LIMITS TO ALLOW RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.—

"(1) IN GENERAL.—In the case of a nomination for election to, or election to, the Senate or House of Representatives, the limits under paragraphs (1)(A) and (2)(A) of subsection (a) for any calendar year shall be 3 times the limit determined without regard to this section until such time as the aggregate contributions accepted under the increased limits of this paragraph exceed the personal funds amount for a candidate.

"(2) PERSONAL FUNDS AMOUNT.—The personal funds amount is an amount equal to the excess (if any) of—

"(A) the greatest aggregate amount of expenditures from personal funds (as defined in section 304(a)(6)(B)) in excess of $25,000 that an opposing candidate in the same election makes; over

"(B) the aggregate amount of expenditures from personal funds made by the candidate in the election.".

(b) NOTIFICATION OF EXPENDITURES FROM PERSONAL FUNDS.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following:

"(B) NOTIFICATION OF EXPENDITURE FROM PERSONAL FUNDS.—

"(i) DEFINITION OF EXPENDITURES FROM PERSONAL FUNDS.—In this subparagraph, the term 'expenditures from personal funds' means—

"(I) an expenditure made by a candidate using personal funds; and

"(II) a contribution made by a candidate using personal funds to the candidate's authorized committee.

"(ii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate seeking nomination for election to, or election to, the Senate or House of Representatives makes or obligates to make an aggregate amount of expenditure from personal funds in excess of $25,000 in connection with any election, the candidate shall file a notification stating the amount of the expenditure with—

"(I) the Commission; and

"(II) each candidate in the same election.

"(iii) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (ii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount of $5,000 with—

"(I) the Commission; and

"(II) each candidate in the same election.

"(iv) CONTENTS.—A notification under clause (ii) or (iii) shall include—

"(I) the name of the candidate and the office sought by the candidate;

"(II) the date and amount of each expenditure; and

"(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.".

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by section 307(b)) is amended by adding at the end the following:

"(22) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.

"(23) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

"(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had—

"(i) legal and rightful title; or

"(ii) an equitable interest;

"(B) income received during the current election cycle of the candidate, including—

"(i) a salary and other earned income from bona fide employment;

"(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

"(iii) bequests to the candidate;

"(iv) income from trusts established before the beginning of the election cycle;

"(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

"(vi) gifts of a personal nature that had been customarily received by the candidate prior to beginning of the election cycle; and

"(vii) proceeds from lotteries and similar legal games of chance; and

"(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ of the property.".

AMENDMENT NO. 1672

At the appropriate place, insert the following:

SEC.   . PROHIBITION OF CONTRIBUTIONS BY INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE.

(a) PROHIBITION.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) (as amended by section 506) is amended—

(1) in the heading by adding "AND INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE" at the end; and

(2) by adding at the end the following:

"(c) INDIVIDUALS NOT QUALIFIED TO REGISTER TO VOTE.—It shall be unlawful for an individual who is not qualified to register to vote in a Federal election to make a contribution, or to promise expressly or impliedly to make a contribution, in connection with a Federal election; or for any person to solicit, accept, or receive a contribution in connection with a Federal election from an individual who is not qualified to register to vote in a Federal election.".

(b) INCLUSION IN DEFINITION OF IDENTIFICATION.—Section 301(13) of the Federal Election

Campaign Act of 1971 (2 U.S.C. 431(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" the first place it appears; and

(B) by inserting ", and an affirmation that the individual is an individual who is not prohibited by section 319 from making a contribution" after "employer"; and

(2) in subparagraph (B) by inserting "and an affirmation that the person is a person that is not prohibited by section 319 from making a contribution" after "such person".

AMENDMENT NO. 1673

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting "or for any applicable electioneering communication" before ", but shall not include".

(b) APPLICABLE ELECTIONEERING COMMUNICATION.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) RULES RELATING TO ELECTIONEERING COMMUNICATIONS.—

"(1) APPLICABLE ELECTIONEERING COMMUNICATION.—For purposes of this section, the term 'applicable electioneering communication' means an electioneering communication (within the meaning of paragraph (3)) which is made by any entity to which subsection (a) applies.

"(2) SPECIAL OPERATING RULE.—For purposes of paragraph (1), an electioneering communication shall be treated as made by an entity described in paragraph (1) if—

"(A) the entity described in paragraph (1) directly or indirectly disburses any amount for any of the costs of the communication; or

"(B) any amount is disbursed for the communication by a corporation or organization or a State or local political party or committee thereof that receives anything of value from the entity described in paragraph (1), except that this clause shall not apply to any communication the costs of which are defrayed entirely out of a segregated account to which only individuals can contribute.

"(3) DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) ELECTIONEERING COMMUNICATION.—

"(i) IN GENERAL.—The term 'electioneering communication' means any broadcast from a television or radio broadcast station which—

"(I) refers to a clearly identified candidate for Federal office;

"(II) is made (or scheduled to be made) within—

"(aa) 60 days before a general, special, or runoff election for such Federal office, or

"(bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for such Federal office, and

"(III) is broadcast from a television or radio broadcast station whose audience includes the electorate for such election, convention, or caucus.

"(ii) EXCEPTIONS.—Such term shall not include—

"(I) communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate, or

"(II) communications which constitute expenditures or independent expenditures under this Act.

"(B) MAKING OF A DISBURSEMENT.—A person shall be treated as having made a disbursement if the person has contracted to make the disbursement.

"(4) COORDINATION WITH INTERNAL REVENUE CODE.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 from carrying out any activity which is prohibited under such Code."

LOTT AMENDMENT NO. 1674

Mr. LOTT proposed an amendment to amendment No. 1646 proposed by Mr. MCCAIN to the bill, S. 1663, supra; as follows:

Strike section 601 and insert the following:

SEC. 600. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communication Act of 1934.

SEC. 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

LOTT AMENDMENT NO. 1675

Mr. LOTT proposed an amendment to amendment No. 1674 proposed by him to the bill, S. 1663 supra; as follows:

Strike all after the first word, and insert the following:

SEC. 600. ELECTIONEERING COMMUNICATIONS.

(a) PROHIBITION.—None of the funds appropriated or otherwise made available to the Federal Communications Commission may be expended to impose or enforce any requirement or obligation with respect to the provision of free or discounted television broadcast time for campaign advertising unless such requirement or obligation is specifically and expressly authorized by title III of the Communication Act of 1934.

(b) EFFECTIVE DATE.—This section shall take effect ten days after enactment of this Act.

SEC. 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, March 4, 1998 at 9:30 a.m. to conduct an oversight hearing on the FY '99 budget and operations of the Library of Congress, and to review the reauthorization of the American Folklife Center.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224-6678.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 25, 1998, to conduct a hearing on the oversight on the monetary policy report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 25, 1998, at 9:30 a.m. on universal service distribution.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 25, 1998, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, February 25, at 9:30 a.m. in room 562 of the Dirksen Senate Building to conduct hearings on the President's FY '99 Budget Request for Indian programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 25, 1998 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on the high-tech worker shortage and U.S. immigration policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 25, 1998 at

2 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on judiciary nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on The Non-School Hours: Mobilizing School and Community Resources during the session of the Senate on Wednesday, February 25, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, February 25, 1998, beginning at 9:30 a.m. until business is completed, to hold an oversight hearing on the budget and operations of the Office of the Secretary of the Senate, the Sergeant at Arms, and the Architect of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 25, 1998, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 25, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:45 a.m. The purpose of this oversight hearing is to receive testimony on the use of specialty forest products from the national forests.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Surface Transportation/Merchant Marine Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 25, 1998, at 2 p.m. on reauthorization of the Rail Safety Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet on Wednesday, February 25, 1998 at 10 a.m. in open session, to receive further testimony on the status of the operational readiness of the U.S. military forces including the availability of resources and training opportunities necessary to meet our national security requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO REVEREND MICHAEL BLEDSOE

• Mr. CLELAND. Mr. President, I recently had the privilege of attending worship services at the Riverside Baptist Church here in Washington, D.C. I was inspired by the warmth and spirit of the congregation, but I was especially touched by the message of interracial understanding in the sermon by Riverside's minister, the Reverend Michael Bledsoe.

Reverend Bledsoe's message was particularly compelling in light of the fact that Riverside Church is a church where they "practice what they preach"—a church in which all groups of people and races are represented and welcomed with open arms.

As was stated in Reverend Bledsoe's sermon, Black History Month is a celebration of all of this nation's African American men and women and their contributions and accomplishments that have informed us, educated us, inspired us, challenged us and have made us all proud. This sermon reminded me of these men and women who have had such a profound impact on American culture.

I commend this sermon to the attention of the U.S. Senate and ask that it be printed in the Record.

The sermon follows:

Sermon by Michael Bledsoe, Pastor, Riverside Baptist Church, Washington, D.C.

Several years ago there was a slogan being thrown around and worn on tee-shirts. It was a somewhat popular slogan. I recall seeing it in huge letters on a tee-shirt and being offended. Why was I offended? Because I knew the statement to be inaccurate. The slogan boldly proclaimed: It's a Black Thing, You Wouldn't Understand.

Now some might quickly conclude that I was offended as a white person. But I can tell you honestly, this is not why I was offended by that statement. On the contrary, I was offended by its inaccuracy. If it were true, then how could I account for how the truth of Martin Luther King had transformed me? how could I account for the fact that our nation has only produced two great theological movements, one the Social Gospel and the other the Black Church? How could I account for the power of the poetic words of Langston Hughes upon my soul? How account for African-American music like the spirituals, the blues and jazz which leave me at times trembling? How account for the veracity of James Cone's "Black Theology" which angrily and righteously exclaimed, "[Black Theology] refuses to embrace any concept of God which makes black suffering the will of God?" How account for the truth of Albert Murray's assertion in the late 1960's that "It is the non-conforming Negro who now acts like the true descendent of the Founding Fathers—who cries, 'Give me liberty or give me death,' and who regards taxation without representation as tyranny." How account for my sense of awe and reverence when entering the sacred halls of Howard University School of Divinity and feeling like I'm in the right place, surrounded by a great cloud of witnesses? How account for being able to look into the eyes of my church members who are African-American and sharing joy and sadness, laughter and tears?

The truth of African-American experience is a universal truth. That is, its truth is not confined to a neighborhood, but it penetrates the entire world. And I have not only embraced that truth, but have been embraced by it, for Truth makes no distinctions as regards our race, our gender our circumstances of birth, but if it is truth, it has everything to do with us. Its speech is a primary speech, a speech which speaks at the most basic levels of our humanity and is understood by all who possess the heart of human longing: the heart which yearns to be understood, loved and received as worthy.

I can tell you very clearly what contribution Black Theology—African-American experience—has made in my life. There is no blur as regards this; it is absolutely clear what I have gained from having encountered the truth contained in the religion, theology and arts of African-Americans. And it is this: I have met Jesus. Now mind you, I was raised in the church and I give thanks to God for having parents who taught me to love God and to follow Jesus. But here's the point, friends . . . no one church, no one group of people can fully comprehend Jesus. Jesus is far greater than our limited and finite abilities to understand him. We need our own knowledge and experience complimented by that of others. So when I went to college in 1972 and began to encounter the thought and life of Martin Luther King; when I began to have the gaps in history filled in and was introduced to the rest of the story, then I had a revolution in my spirit. For I was introduced to Jesus Christ the Suffering Servant. I was introduced to the God of liberation who hears the cry of the oppressed and who stands with the marginalized. That is, Black theology offered me a more comprehensive understanding of the Jesus I love and serve. Hence, the slogan "It's a Black Thing, You Wouldn't Understand," should be changed in my opinion to, "It's a Black Thing, Expand Your Understanding." For in my experience, that is in fact what happened. Black theology led me to the cross and tomb of our Lord in a way I'd never experienced and in the words of the spiritual it caused me to tremble.

I want to speak further now about the primary speech with which African-American experience has spoken. James Melvin Washington refers to this "primary speech" in his wonderful collection of prayers entitled, "Conversations With God: Two Centuries of Prayers by African Americans." Washington says that prayer is primary speech. It is first, or basic speech. But there is also a sense of primary speech being God's speech. What is it that God speaks first? What is God's basic speech?

Since prayer involves our response, I want to deal with that last. Let's think a moment about God's speech. What is it that God speaks first? The Black Church has been adamant about that question, at least since the eruption of the Civil Rights Movement, if not from the days of slavery. That speech is rooted in the human quest for freedom. The essential text for comprehending that truth is found in Exodus where God calls Moses and tells him to go to Pharaoh and say, "Let my people go!" When we consider this text, we immediately discover that this God hears and speaks.

God hears! Despite all your swirling circumstances; despite the doubts which dim the sun; the scriptures are clear: God does hear. And God is concerned when people are oppressed. This is what he says to Moses, "I have seen the affliction of my people who are in Egypt, and have heard their cry because of their taskmasters; I know their sufferings, and I have come to deliver them."

What is it that God speaks first; what is God's primary speech? Within Exodus, God speaks first about human liberation and hope. And this is one of the contributions Black Theology has made in my life: God is not just concerned for me as an individual, though that is true enough. But God is concerned with how I treat my neighbor. And I cannot pretend to love God on Sunday and oppress someone on Monday. God's primary speech is about freedom and responsibility. The freedom to be and the responsibility to allow others the same freedom.

Revealed in this passage is a God who is just and who listens when we cry. But not only that. Revealed as well is a God who sends prophets to look into the face of a tyrant and demand liberation for their people.

As I began to get in touch with the history of slavery in this country and the history of its racism whipped onto the back of this nation, leaving its scarring wounds for generations and generations; as I began to hear and listen to friends tell me what it is like to be, in the words of W. E. B. Du Bois, "a seventh son born with a veil;" as I stand in the chapel at the Howard University School of Divinity, as I did last week, and worship with the students there, many of whom have become my students and friends, and I watch them worship with fervency and with pride and dedication receive the Tradition from their ancestors and thus secure it for another generation and the future; as I did those things, I began to touch another mystery, a theological one. And it is this: how is it that those who have suffered continue to believe in God? This is a mystery of faith shared with the Jewish people. How is it that a people who have been bloodied and run barefoot and naked into rivers to find freedom, how is it that they believe in God, while the educated and the affluent have determined that such belief is untenable? I'll tell you why I think this people have kept kindled the fire of faith and trust in God: it is because of that primary speech called prayer.

The Exodus passage reveals a hearing, speaking God who speaks in the syllables of freedom and liberation. But you'll notice once again from that passage that God said, "I have heard their cry." Those Hebrew slaves were praying. That primal speech was being uttered amongst the mud and straw as they made bricks for Pharaoh. They cried from the hut of being to God and believed that this world could not have come into being without such a God and nor could their liberation occur except he send a liberator. The African-American experience knows this God; knows this contest of slavery. Daniel Coker in his "Prayers from a Pilgrim's Journal", wrote in 1820. "When will Jehovah hear our cries? When will the sun of freedom rise? When will for us a Moses stand, And bring us out from Pharaoh's hand?

Perhaps then the question is not how an African-American could still believe in God. The question is, given the utter depravity of slavery and the history of racism, upon whom else would he depend for his liberation and freedom? No one but God.

James Washington has stated his own struggle with this question of how to love and trust God who has the power to free but his people are still enslaved. And he admits that he has doubted. Well, who wouldn't? But he also says he inherited the burden of believing in God. He told the story of how as a young child, in the early morning hours, he was awake looking out his bedroom window in East Tennessee. He lay there counting stars when he heard a voice. He strained to hear. It was his mother's voice. "She was," he wrote, "speaking in a piteous hush. I yearn to recapture her exact words. I cannot. I do know that the drama of the moment demanded that I should stop counting stars. I could not resist the temptation to eavesdrop on a most unusual conversation. Mama said a few words about her burdens, anxieties, children. Then an awesome silence would punctuate her lamentation to . . . God? Who was her conversation partner? Daddy was working on the night shift. 'Please, Jesus!' she cried. I felt she was hurt, maybe even dying. I ran to be with her. I rubbed her back while she sobbed.

"In many ways," Washington writes, "I have been in spiritual solidarity with my mother since that moment. She taught me to pray. Her silence and her action taught me that I must pray."

I know. I know in a cynical age; in an age when entire sets of encyclopedias thirty and forty in number can be put on one CD; I know that in an age where we can launch people into space and gaze into the deep, black sea of space; I know that in an age which is utterly materialistic and can conceive of nothing so majestic as a spirit; that in such an age, prayer seems idle and worthless. But we better remember that few great things have been done without it and those events which matter most were most certainly the result of prayer. Think of Gandhi in India. That myriad number of persons who marched and whose names we will never see printed on a page or dramatized in film who prayed in churches and sang their way to freedom in the Civil Rights Movement. Think of those Christians in Eastern Europe who were scheduled by Marx and the children of Marx for destruction but who lived to see the Iron Curtain collapse. Think of those brave souls in South Africa who prayed and didn't give up and have seen apartheid ended and Mandela made the father of a nation. Think of Sojourner Truth who said, "Let others say what they will of the efficacy of Prayer, I believe in it, and I shall pray. Thank God! Yes, I shall always pray."

Today we begin our remembrance of those who preceded us in faith; those whose feet passed over the stony road, who felt the bitter chast'ning rod, those who somehow tread a path through the blood of the slaughtered—we remember them and we lift our voices in thanksgiving for their lives. We pray sorrowfully for those millions lost to the savage ways of this brutal world. Nameless in death, we commend them nonetheless to God who knows them by name. Today we remember and we celebrate their victory, for beloved, the God to whom they prayed for deliverance does deliver and we will march on until victory is won and we will remain true to God and our native land. We shall not be moved from the glorious vision of a table set in the presence of our enemies where all God's children can sit down together and eat at the table of brother and sister hood. Too many have paid the ultimate price; we have come too far to abandon that vision now.

Here within the primal speech of God addressing us as his own; here in the primal speech of prayer and devotion, may we offer ourselves to God and to each other. Amen.●

RICKY RAY HEMOPHILIA RELIEF ACT OF 1997

● Mr. ABRAHAM. Mr. President, I rise today as a cosponsor of S. 358. This legislation, introduced by Senator DEWINE, will provide compassionate payments to eligible individuals or families of persons with hemophilia-related AIDS.

More than 90 percent of people with severe hemophilia and half of all persons with hemophilia have been infected with HIV. In addition, between 10–20 percent of the spouses, children, and partners of these individuals also have been infected. I believe all of us should support measures that would improve the lives of those who have contracted blood diseases through poorly screened blood supplies.

The Ricky Ray Hemophilia Relief Act of 1997 would provide a payment of $125,000 to persons with hemophilia-related HIV who used blood products between July 1, 1982 and December 31, 1987. HIV-positive spouses and children of these individuals also are eligible. Based on the 7,200 eligible individuals, the bill would authorize $900 million to be contributed through a five-year trust fund administered by the Department of Health and Human Services. The "window" of eligibility is based on evidence of HIV transmission to the hemophilia community and the last manufacturer recall of contaminated blood products in 1987. It seems clear to me that both the federal government and private industry should be held accountable for the infection of most of the hemophiliac community during those years.

These people have had tragedy visited upon them through no fault of their own, amply because they depend on a blood supply that, for a time, was not kept safe. I am happy to be able to assure the American people that problems with our blood supply have been addressed and hope my colleagues will join me in providing some small relief to those who are suffering from past failures.●

CONGRATULATIONS TO WISCONSIN'S OLYMPIANS

● Mr. FEINGOLD. Mr. President, today I want to offer my heartiest congratulations to the athletes who represented our nation and the State of Wisconsin so admirably at the recently-completed 18th Winter Olympic Games in Nagano, Japan.

Millions of people throughout the world thrilled to the sights and sounds of athletes, several of whom overcame great personal hardship, pushing themselves to go faster, farther or higher at Nagano. We witnessed the full panoply of the human spirit in the arena of athletic competition; we were reminded of all the hard work and sacrifice demanded of those who would become Olympians; and many of us drew inspiration from what we saw.

Mr. President, Wisconsin sent 29 men and women to the Games in Nagano. They competed in speedskating, hockey, curling and even snow sculpting. Some brought home medals, and all of them brought back indelible memories of competing on the world stage with the world's best athletes.

Best known among them is probably Chris Witty, of West Allis, who holds the world's record for the 1,000 meter speedskate and who added to her growing cache of honors with a silver medal in the 1,000 meter speedskating event and a bronze medal in the 1,500 meter event.

Another Wisconsinite, Karyn Bye, of River Falls, played forward on the historic gold-medal-winning women's hockey team and who, draped in the Stars and Stripes after she and her teammates triumphed, showed us what pure joy looks like.

Mr. President, athletes and athletics get a lot of attention in our society, sometimes for unpleasant reasons, but I believe there is something inherently good about people testing themselves, pushing themselves, working individually and together to do their best. That is the spirit that motivated these Olympians, and to them we offer our congratulations for their efforts, our thanks for their inspiration, and our best wishes for their future endeavors. No matter where they go from here, I hope they always remember their experiences in Nagano, and I hope they retain their capacity to push themselves as far as they can, and to encourage others to do the same.•

IN HONOR OF BILLY SULLIVAN

• Mr. KERRY. Mr. President, I ask my colleagues to join me in recognizing and mourning a loss for Massachusetts, New England, and the professional sports community of this country. On Monday, February 23, 1998, William H. Sullivan, founder and former owner of the New England Patriots, passed away at his home in Florida. I join the rest of the Massachusetts delegation in extending to Mary Sullivan, his wife of 56 years, and their six children the condolences of millions of people who were affected by the vast and varied pursuits of Billy Sullivan. His leadership was instrumental in bringing a professional football team to New England, and by overseeing the merger of the American Football League and the National Football League he ushered the entire sport into a new era of cultural prominence.

While Billy Sullivan is predominantly identified with professional football and the New England Patriots, to summarize his life with just those references would do a great injustice to a public career that spanned more than 60 years. Billy's pursuits combined the worlds of business, human service, community revitalization, and education. From Little League baseball to cancer research, sports broadcasting to entrepreneurship, Billy Sullivan brought an integrity and drive to any pursuit and collectively we are the better for his efforts.

After graduating from Boston College in 1937, he served as Publicity Director for that institution from 1938 to 1940. He briefly assisted the Director of Athletics at Notre Dame, then in 1942 answered the nation's call and served in the Aviation Training Division of the United States Navy throughout World War II.

Two years after the war he was back and involved in sports, taking part in two projects that would send both him and professional sports in new directions.

In 1948 he became Director of Public Relations for the Boston Braves, a position that sparked his abiding passion for New England and its teams. For his crowning achievement in that post, he produced the first package of highlights from the recently completed Braves season for media and industry distribution. This short compilation of clips revolutionized sports broadcasting and reporting, tapping into a market so strong that he established a company in 1952 to produce these segments for mass distribution. Use of these clips on television broadcasts resulted in the nightly sports segment that is a staple of virtually every news program throughout the country.

During that same year came the inspiration for the Jimmy Fund, now an internationally recognized cancer research foundation that provides millions of dollars for research and treatments. Under Billy Sullivan's guidance, The Jimmy Fund grew from an ambitious idea to an organization that now reaches out to thousands of families from all over this country and the world. With an eye towards increased community support and permanence of mission, he enlisted the sports teams and fans of New England in his fight against cancer. This masterful stroke of organizing skill leaves us an alliance whose effectiveness and dedication will allow his helping hand to extend long into the next century. He helped create the Hundred Club, a private organization that aids the families of police officers and firefighters hurt or killed in the line of duty. He also provided distinguished service as a member of the boards of the United Way, the Dana Farber Cancer Institute, Stonehill College, the Massachusetts Eye and Ear Research Corporation and countless others. These are just a few of the dozens of community organizations that were the fortunate recipients of his time and energy.

For many New Englanders, though, William Sullivan is foremost the founder of the Patriots and one of the central players in the merger of the AFL and the NFL.

We applaud his life, his spirit and his many contributions to the millions whom he touched in one way or the other. We will miss you, Billy.•

JAMES FARMER AWARDED THE PRESIDENTIAL MEDAL OF FREEDOM

• Mr. ROBB. Mr. President, while this Congress was in recess, the President of the United States awarded the Presidential Medal of Freedom, our country's highest civilian honor, to James Farmer. The Medal was given to Mr. Farmer on January 15, 1998, the birthday of the Reverend Martin Luther King, Jr., in a symbolic gesture that reminded us again of the value of freedom, and the debt we owe those who sacrificed greatly for racial equality in America.

Mr. President, James Farmer was one of the six major civil rights leaders of the civil rights era, joining A. Philip Randolph, Roy Wilkins, Whitney Young, JOHN LEWIS and Martin Luther King, Jr. He helped establish, and later led, the Congress of Racial Equality (CORE). He was the father of the famous Freedom Rides through the South. He organized and inspired. He placed himself in great personal danger again and again. Today, he teaches civil rights history to some very lucky students at Mary Washington College in Fredericksburg, Virginia.

Last year, I was pleased to join Congressman JOHN LEWIS and others in asking that the President award the Medal of Freedom to James Farmer. Last month, Lynda and I were privileged to be at the White House when President Clinton officially presented the Medal to Mr. Farmer.

Before the White House ceremony, Congressman LEWIS and I prepared a tribute to James Farmer, which I ask be printed in the RECORD following my remarks today. In this tribute, we thank James Farmer for a lifetime of fighting for racial equality in America. We challenge our nation to continue to learn from this great American hero, to continue to reach for a truly colorblind society, to finally lay down the burden of race.

The tribute follows:

A TRIBUTE TO AN AMERICAN FREEDOM FIGHTER

As one man who had the privilege to march and demonstrate alongside this dedicated pioneer during the Civil Rights Movement, and another who has long respected his courage and is proud to represent him in the United States Senate, we both have enormous respect and admiration for James Farmer. Now, all Americans are being given the opportunity both to learn more about this man and to appreciate his lifetime of contributions to our nation as a civil rights activist, community leader and teacher.

Yesterday, on the birth date of the Reverend Martin Luther King, Jr., President Clinton presented the Presidential Medal of Freedom, our country's highest civilian honor, to fifteen distinguished Americans. We are grateful that James Farmer, one of the "Big Six" leaders of the Civil Rights Movement and the father of the Freedom Rides, was among them.

As the nation prepares to officially celebrate the life and legacy of Dr. Martin Luther King, Jr., it is also fitting that we join the President in recognizing one of the great soldiers and leaders of the Civil Rights Movement. In the 1940's, while still in his early twenties, James Farmer was already leading some of the earliest nonviolent demonstrations and sit-ins in the nation, over a decade before nonviolent tactics became a vehicle for the modern Civil Rights Movement in the South.

Early in his academic career, James Farmer became interested in the Ghandian principles of civil disobedience, direct action, and nonviolence. In 1942, at the age of 22, he enlisted an interracial group, mostly students, and founded the Congress of Racial Equality (CORE), with the goal of using nonviolent protest to fight segregation in America. During these early years, James Farmer and other CORE members staged our nation's first nonviolent sit-in, which successfully desegregated the Jack Spratt Coffee Shop in Chicago.

Five years later, in what he called the "Journey of Reconciliation," James Farmer led other CORE members to challenge segregated seating on interstate buses.

In 1961, James Farmer orchestrated and led the famous Freedom Rides through the South, which are renown for forcing Americans to confront segregation in bus terminals and on interstate buses. In the spring of that year, James Farmer trained a small group of freedom riders, teaching them to deal with the hostility they were likely to encounter using nonviolent resistance. This training would serve them well.

During the journeys, freedom riders were beaten. Buses were burned. When riders and their supporters—including James Farmer and the Reverend Martin Luther King, Jr.—were trapped during a rally in Montgomery's First Baptist Church, Attorney General Robert Kennedy ordered U.S. marshals to come to their aid and protect them from the angry mob that had gathered outside.

In reflecting on the ride from Montgomery, Alabama to Jackson, Mississippi, James Farmer said, "I don't think any of us thought we were going to get to Jackson. . . . I was scared and I am sure the kids were scared." He later wrote in his autobiography, "If any man says that he had no fear in the action of the sixties, he is a liar. Or without imagination."

James Farmer made it to Jackson and spent forty days in jail after he tried to enter a white restroom at the bus station. On November 1, 1961, six months after the freedom rides began, the Interstate Commerce Commission ordered all interstate buses and terminal facilities to be integrated.

Six years ago, James Farmer told a reporter that while the fight against racism in the 1960's "required tough skulls and guts . . . now it requires intellect, training and education."

Not surprisingly, James Farmer continues to do his part. Just as he taught his freedom riders how to battle segregation over three decades ago, he has taught civil rights history at Mary Washington College in Fredericksburg, Virginia, for the past twelve years. He teaches his students how to remember and how to learn from history.

James Farmer has, in truth, spent a lifetime teaching America the value of equality and opportunity. He has taught America that its most volatile social problems could be solved nonviolently. He has reminded us of the countless acts of courage and conviction needed to bring about great change. He has shown us the idealism needed to act and the pragmatism needed to succeed. His respect for humanity and his belief in justice will forever inspire those of us privileged to call him mentor and friend.

As we celebrate the Martin Luther King Holiday on Monday, and as we honor James Farmer with the Presidential Medal of Freedom, let us vow to continue to learn. If we truly believe in the idea of the beloved community and an interracial democracy, we cannot give up. As a nation and a people, we must join together and strive towards laying down the burden of race. And we must follow in the footsteps of a courageous leader, to whom, with the Presidential Medal of Freedom, we can finally say: thank you, James Farmer.●

TRIBUTE TO THE REVEREND DR. SAMUEL B. McKINNEY

● Mrs. MURRAY. Mr. President, Seattle's African American community loses a visionary and much respected leader when the Rev. Dr. Samuel B. McKinney steps down after four decades of service at the Mt. Zion Baptist Church in Seattle. Dr. McKinney is well known throughout the region as a tireless advocate for social justice, supporter of youth and proponent of economic development.

Samuel Berry McKinney was born in Michigan, and raised in Ohio. He entered Morehouse College in Atlanta, where he became friends with a fellow minister's son, Martin Luther King, Jr. His college career was interrupted by a tour of service in the U.S. Army, but he returned to Morehouse to earn his degree in 1949. He then continued his education at Colgate Rochester Divinity School, graduating in 1952.

Dr. McKinney began his ministry at Mt. Zion on the first Sunday of February 1958. His ministry would become the longest in the church's 107-year history as well as one of the most accomplished.

He quickly established himself as an energetic and ambitious young pastor. In 1961, Dr. McKinney invited his college friend, Dr. King, to participate in a lecture series presented by the Brotherhood of Mount Zion Baptist Church, a program started by Dr. McKinney. It would be Dr. King's only visit to Seattle and had a lasting impact on Seattle's African American community.

Mt. Zion has flourished under Dr. McKinney's leadership. The membership has more than tripled in size. An educational wing was constructed in 1963 and a new sanctuary in 1975. The church was a forerunner in accredited, church-site, preschool and kindergarten education. The Feeding Ministry provides meals to hundreds of homeless persons, seniors and shut-ins each week. Mt. Zion's six choirs provide music for the church and community at large.

Mt. Zion's work on behalf of children has been especially noteworthy and reflects Dr. McKinney's belief in educational achievement. The Educational Excellence Program presents annual awards to students from kindergarten to grade 12. The Scholarship Ministry annually provides an average of over $25,000 for undergraduate and graduate school education. The Youth Credit Union brings to participants training and experience in responsible financial management.

Dr. McKinney is well known in local and national church circles. He has served as a leader of the American Baptist Convention USA. He was the first African American president of the Church Council of Greater Seattle from 1965 to 1967. He has served as Advisor on Racism to the World Council of Churches, and as a representative to WCC's Seventh Assembly.

Dr. McKinney's leadership has extended beyond the religious community to the community at large. He has been active on the community, regional and state level. He was an original member of the Seattle Human Rights Commission and served for 12 years on the Washington State Commission for Vocational Education. He was founder of the Seattle Opportunities Industrialization Center and served as President of the Board of Directors for 20 years. He was a charter member of Seattle's first African American bank and served on the Advisory Board of Directors for the 1990 Goodwill Games. He has served as Chair of the Washington State Rainbow Coalition.

For his many works of community service, Dr. McKinney was awarded the YMCA's prestigious A.K. Guy Award. He was also honored by his alma mater with the hanging of his portrait in the Chapel of Morehouse.

Even with retirement growing near, Dr. McKinney remains involved in a variety of community activities. They include membership on the boards of the Fred Hutchinson Research Center, Washington Mutual Savings Bank, the Seattle Foundation and the Washington Gives Foundation. He is also a member of the Housing Commission of the National Baptist Convention, USA.

At Dr. McKinney's side throughout his years of service has been his wife, Louise Jones McKinney. Mrs. McKinney, retired from the Seattle Public

Schools where she was Director of Academic Achievement, shares her husband's deep commitment to community service and to encouraging academic progress. The McKinneys have passed their values and work ethic to their accomplished daughters. Lora-Ellen McKinney earned her Ph.D. in Clinical Psychology and has received awards for her innovative work with children. Rhoda Eileen McKinney Jones has a graduate degree from Columbia University School of Journalism and writes for many national church publications.

I know that Dr. McKinney will continue to make his mark on the community. I wish him the best of success in his future endeavors.•

GREG BAYANI'S FIGHT FOR EQUITY

• Mrs. BOXER. Mr. President, I rise today to honor the life of Greg Bayani, a World War II veteran and tireless advocate for Filipino-Americans. Until his death last Thursday, Mr. Bayani spent 52 years working for the day when Filipino veterans would receive the benefits they deserve for serving in the United States Army Forces in the Far East during World War II.

I join the Filipino community in mourning the death of Mr. Bayani and my heart goes out to his wife, Salvacion and their seven children. In addition to serving in World War II, Mr. Bayani took great pride in serving his community as a schoolteacher and principal in his native Philippines. In 1993, Mr. Bayani retired to southern California where many Filipino veterans currently reside.

Last July, Mr. Bayani sat directly behind me during a Senate hearing on the Filipino Veterans Equity Act. Having served under General Douglas MacArthur, Mr. Bayani proudly wore his full uniform that day to show his support for this legislation.

Mr. President, Greg Bayani was one of hundreds of thousands of Filipino soldiers who dutifully served the United States during World War II. These troops fought side by side with Americans during our campaign in the Pacific, bravely defending our democratic ideals. They fought along side American soldiers during the infamous Bataan death march, a journey that claimed tens of thousands of casualties.

The Philippines were a U.S. possession when President Roosevelt called up Filipino Commonwealth Army forces in July of 1941. Under this order, Filipino forces were eligible for full U.S. veterans benefits.

After the war, however, Congress overturned President Roosevelt's order by passing the Rescissions Act, which stripped away many of the benefits and recognition that these soldiers earned and deserve. The limitation of benefits was later extended to New Philippine Scouts, units enlisted mainly as an occupation force following the war. We must correct this inequity by restoring the full benefits that these veterans were promised.

Mr. President, time is running out to correct this clear injustice. It is tragic that the Filipino Veterans Equity Act could not be passed in time for Mr. Bayani and thousands of others who served the United States in World War II.

This injustice has lasted 53 years. I hope Congress will correct it soon by restoring the benefits promised to Filipino World War II veterans.•

TRIBUTE TO JUANITA YATES

• Mr. CLELAND. Mr. President, it was my pleasure recently to attend worship services at the Riverside Baptist Church here in Washington, D.C. It was a blessing to me that I attended services on the Sunday in which the sermon and lay message related to the church's observance of Black History Month.

I was particularly impressed by the lay message of Ms. Juanita Yates, a Riverside parishioner who is the sister of the Reverend Ronald Yates of Marietta, Georgia. Ms. Yates is a distinguished civil servant with the Food and Drug Administration.

This sermon reminded us all of the African American men and women who have had such a profound impact on American culture. Black History Month is a celebration of their contributions and accomplishments that have informed us, educated us, inspired us, challenged us and have made us all proud.

As we honor the contributions of African Americans during Black History Month, we should all celebrate America's rich diversity and many accomplishments.

I believe Ms. Yates has a message that is important for all Americans, and I ask that her remarks from that Sunday morning be printed in the RECORD.

The remarks follow:

Black History Month

(By Juanita Yates)

As we begin our celebration of Black History Month, it's wonderful to have our young people actively participate in this morning's service. We certainly pay tribute to our leaders of the past:

Thurgood Marshall, who argued the Brown vs. Board of Education of Topeka, Kansas case before the Supreme Court. The Court proclaimed that segregation in public schools was unconstitutional; Rosa Parks, whose defiance led to the year-long Montgomery Bus Boycott; Dr. Martin Luther King, Jr., who became the leader of the Civil Rights Movement and whose birthday we celebrated last month with a national holiday; and the countless others whose actions have led to a better life for African Americans.

But we must also recognize the contributions of young people. More than any other social movement in American history, the Civil Rights Crusade of the 1960's was driven by young people who marched, demonstrated, and walked through white mobs to attend newly desegregated schools. Young people sat-in, road buses, were jailed and were even killed.

A few weeks ago, the story of Ruby Bridges was shown on television. She was the 6-year-old who walked past a white mob for a year to successfully integrate the New Orleans public schools.

A few months ago, Spike Lee released a documentary of the "4 Little Girls," who were killed in the bombing of the 16th Street Baptist Church in Birmingham, AL. That documentary first aired in theaters around the country. It will be shown on HBO this month.

I believe that it was the television sights and sounds of America's children being beaten with batons, hosed down, attacked by dogs, jailed and killed that ultimately caught the attention and sparked the outrage of the American people. So, it is altogether fitting and proper that our young people are taking part in this celebration.

During the month we will hear great music—beautiful spirituals and gospels—music unique to the African American experience. And I'm looking forward to enjoying it.

We can also expect to see film clips, documentaries, and photography that chronicle the plight of African Americans in this country. The Smithsonian's National Museum of American History currently has a very moving exhibit entitled, "We Shall Overcome: Photographs From the American Civil Rights Era." It runs through February 8 and is well worth seeing.

The music, film clips and photographs are all wonderful treasures. But it is through the literature—the prose and verse—that I believe we are most able to see the pain and suffering, problems, fears, struggles, faith, hopes and dreams of our ancestors.

The writers of yesterday poured out their innermost thoughts and left us an extraordinary body of work. The writers of today articulate our frustrations and pride as a people. Of the wonderful writers of by-gone years, Langston Hughes was unique. He wrote 9 full-length plays, 10 books of poetry, 9 books of fiction, 9 juvenile books, and 2 autobiographies.

My favorite Hughes poem, "I Too, Sing America," shows determination not to stay in the corner that an individual or country want to put you in. But you must prepare yourself to move forward.

I, Too, Sing America

I was the darker brother,
They send me to eat in the kitchen when company comes.
But I laugh and eat well and grow strong.
Tomorrow I will eat at the table when company comes.
Nobody will dare say to me, eat in the kitchen then.
For they will see how beautiful I am and be ashamed.
I, too, am America.

All America is enriched by the tremendous body of work from African American writers like: W.E.B. Dubois: "The Souls of Black Folks"; Lorraine Hansberry: "A Raisen In the Sun"; James Baldwin: "The Fire Next Time," and "Notes From A Native Son"; Shirley Chrisholm: "Unbought and Unbossed"; Price Cobbs: "Black Rage"; Angela Davis: "Autobiography"; Samuel Yette:

"The Choice: The Issue of Black Survival In America"; Alex Haley: "Roots" and "The Autobiography of Malcolm X"; Toni Morrison: "Beloved"; Maya Angelou: "I know Why the Caged Bird Sings"; Bell Hooks: "Killing Rage: Ending Racism In America."

And one of the most eloquent writers of them all, Dr. Martin Luther King, Jr. In his "Letter From the Birmingham Jail," King wrote: "For years now, I have heard the word, Wait. It rings in the ear of every Negro with piercing familiarity. This wait has almost always meant, Never. We must come to see with one of our distinguished jurist that, "Justice too long delayed is justice denied."

African Americans have taken part in building this country and have often gone unnoticed. But yet, we have come a long way in making unforgettable marks in history.

We pay tribute this month to our brothers and sisters who have had such a profound impact on American culture. We thank God for them and for their body of work which informs us, educates us, inspires us, challenges us and makes us proud. Their writings should awaken in all of us the very best qualities of the American spirit.

In his State of the Union address last week, President Clinton discussed his National Initiative on Race designed to help us recognize our common humanity and interests. As we come together during February to recognize and honor the contributions of African Americans, we should all celebrate America's rich diversity.

"We are many, we must be one."•

HONORING THE MEMORY OF HARRY CARAY

Ms. MOSELEY-BRAUN. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 182) honoring the memory of Harry Caray.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. MOSELEY-BRAUN. Mr. President, this resolution, which I introduce with my distinguished colleague from Illinois, Senator DICK DURBIN, and which has been cleared on both sides of the aisle, honors the life of Harry Caray, a legendary American and Chicagoan, whom we lost last week at the age of 83.

Harry Caray's death, which saddened Americans in every corner of this country, marked the end of an outstanding 53-year career as a baseball broadcaster. But before explaining why Harry was so beloved, let me say a few words about his journey from a poor St. Louis neighborhood to the Baseball Hall of Fame.

Born in 1914, Harry Caray was orphaned in childhood and raised by an aunt. In 1943, while a salesman for a company that made basketball backboards, he wrote a letter to the manager at the St. Louis radio station KMOX, arguing he could do a better job of calling Cardinals baseball games than the station's then announcers. The manager helped Harry get a job at a radio station in Joliet, IL, where he began his career as a broadcaster. After moving to a radio station in Kalamazoo, MI, in 1945, Harry made his way back to St. Louis where he was hired to announce Cardinals games. For a quarter of a century, he was known as "the voice of the St. Louis Cardinals."

After parting ways with the Cardinals in 1969, Harry spent the 1970 season broadcasting Oakland A's games. When he signed with the Chicago White Sox in 1971, the team's games were not broadcast on any major AM radio station, so Harry had to call them on a 5,000-watt AM station in LaGrange, IL, and on a small FM station in Evanston.

Nevertheless, by his second year, Harry was drawing larger audiences on those stations than the 50,000-watt stations he was competing against.

One night, White Sox owner Bill Veeck noticed that fans sitting under the broadcast booth joined in when Harry sang "Take Me Out to the Ball Game" during the seventh-inning stretch. Veeck decided to place a public-address microphone in the booth while Harry sang, and a new Chicago tradition was created. For more than two decades, Harry led Chicago baseball fans in song during every home game.

In 1982, Harry signed on as the principal Chicago Cubs announcer. Forty-four percent of White Sox fans sampled in a Chicago Tribune poll said they would follow him to the North Side of the city. Cubs games are broadcast on superstation WGN-TV whose signal is carried by cable systems across the country, and it didn't take long for Harry to develop a national following.

After suffering a stroke in 1987, Harry was inundated with cards and letters from fans around the United States. Due to the stroke, Harry missed the first six weeks of the 1987 season, and on his first day back, former Cubs announcer and then-President Ronald Reagan called the broadcast booth to wish him well. The President said, "It was never the same without the real voice of the Chicago Cubs." Harry thanked him, then quickly reported, "And in the excitement, Bob Dernier beat out a bunt down the third-base line." In other words, announcing the game was important to him. He always put the fans first.

In 1988, Harry was inducted into the National Sportscasters and Sportswriters Hall of Fame, and in 1994 he was awarded entry into the National Association of Broadcasters Hall of Fame. Perhaps his greatest honor, however, came in 1989, when he was inducted into the broadcasters' wing of the Baseball Hall of Fame in Cooperstown, N.Y. In his acceptance speech, he said, "I always tried, in each and every broadcast, to serve the fans to the best of my ability. In my mind, they are the unsung heroes of our great game."

And why did the fans adore Harry so much? The Tribune eloquently answered that question in an editorial memorializing him. "'Broadcasting' doesn't fully capture what Harry Caray did," the editors wrote. "He exulted in baseball; he reveled in it; he loved it and, by his vocal exuberance, infected others with that love." A man of the people, he surrounded himself with baseball fans. He often chose to broadcast games from the outfield bleachers (sometimes bare-chested, like his fellow fans) and was known to spend extraordinary lengths of time signing autographs and shaking hands.

With Harry calling the games, fans knew that one of them was in the broadcast booth. He never failed to say exactly what was on his mind. If he thought a pitcher was doing poorly he would say, "Get him out of there! He's got nothing today!" Once, while calling a game in which White Sox shortstop Bee Bee Richard had made a couple of errors, Caray, noticing Richard pick up a hot-dog wrapper, quipped, "It's the first thing he has picked up all night." His habit of speaking candidly frequently got him into trouble with his employers, but the fans loved him for it.

His enthusiasm for the game of baseball and his zest for life came through in all his broadcasts. His trademark habits of shouting "It might be . . . It could be . . . It is! A home run! Holy Cow!" and booming "Cubs win! Cubs win!" endeared him to fans everywhere. He could make a routine play sound like an earthshattering event. As one fan wrote in the Chicago Sun-Times, his descriptions of baseball games on the radio were "so visible, so exciting in the mind's eye that even reality paled in comparison."

Mr. President, there has been a great deal of concern in recent years about the state of major league baseball. Commentators have suggested that it has never fully recovered from the strike season a few years ago and that it is losing young fans to football and basketball. But baseball still captures the nation's imagination in ways that cannot be rivaled. It continues to be our national pastime. Recollections of great games and great players are still passed down from parents to children just as they have always been. Harry was part of the reason that the game continues to play a major role in the lives of American families. Consider this tribute, posted on the Web with a multitude of others, after Harry's death:

> I'm a Yankees fan who is brokenhearted at the passing of Harry. He brought such joy to all our lives. He was something real in a prepackaged age. He brought smiles to my children's faces and helped bring together that beautiful bond a parent and child can share through baseball. My whole family will miss him and that wonderful booming voice.

Harry recognized something about baseball and the role that it plays in American life that those of us who root for the Cubs and White Sox understand particularly well: The pleasure of going to a baseball game is only loosely connected to whether or not the home team wins. Baseball, a game without a clock played during the summertime, is about timeless days and languid nights. It's about grass and sunshine and hot dogs and a million other things that have nothing to do with which team is ahead. In only seven of Harry's 27 years in Chicago did the team for which he was broadcasting win as many games as it lost. But this was a minor point for Harry, for whom every game represented an opportunity to visit with fans and have fun. Over and over again, whether his team was winning or losing, he would say, "You can't beat fun at the old ballpark." For Chicagoans and baseball fans all across the nation, the old ballpark will never be quite the same without him.

I yield the floor.

Mr. LOTT. Mr. President, will the distinguished Senator from Illinois yield?

Ms. MOSELEY-BRAUN. I am happy to yield to the majority leader.

Mr. LOTT. Mr. President, first of all, I commend the Senator from Illinois for the statement which she just gave. I couldn't help but smile throughout the entire remarks.

Harry Caray was truly a person of passion and devotion, a baseball idol of the whole country, not only in just St. Louis but Illinois. When I was growing up as a kid going to college at the University of Mississippi, he was the voice of the St. Louis Cardinals. We didn't have any other southern teams. We grew up listening to him and loved him the way he called the game. And he truly is a national treasure. He will really be missed. He made the game something really special.

So I thank the Senator from Illinois for calling to the attention of this body the contribution that he made.

I thank the Senator very much.

Ms. MOSELEY-BRAUN. I thank the majority leader for his gracious comments and for his eloquent statement in behalf of Harry.

I yield to my distinguished senior Senator from Illinois.

Mr. DURBIN. I thank my colleague.

Mr. President, do we need to ask unanimous consent to extend the remarks in morning business?

The PRESIDING OFFICER. The Senator has a right to speak.

Mr. DURBIN. I thank the President.

Mr. President, I rise today to pay tribute to one of baseball's most colorful contributors, Harry Caray. I join my colleague, Senator MOSELEY-BRAUN, in cosponsoring this resolution.

Baseball fans, from Chicago to St. Louis to Oakland, often heard Harry's trademark greeting over the last 53 seasons. He used to start out by saying, "Hello everybody, this is Harry Caray at the ballpark." Harry was a fan's friend, the guy who spoke for us all, our eyes and ears in the broadcast booth. Every day from April to October, he invited us aboard for an irresistible ride, to enjoy a kid's game and have the time of our lives doing it.

Harry Caray was more than baseball's goodwill ambassador, he was ever youthful, a voice who crossed the generations. He was the pied piper of fun, the white-haired kid in the oversized horned-rim glasses who made us feel better for the experience of sharing the game he loved from our seats at home listening to a radio or in front of a television set.

Harry Caray broadcast his first St. Louis Cardinals game in 1945, five days after the death of President Franklin Roosevelt and his final game with the Chicago Cubs last year. He met every president from Harry Truman to Bill Clinton.

As a boy, I tuned in KMOX from across the river in East St. Louis many a night. While I was supposed to be asleep, I heard Harry Caray rooting hard and hoping for a Cardinal victory or, like the fan he was, bemoaning a misplay or failure in the clutch with those disheartened words "Popped it up!"

But, Harry taught us never to give up hope, especially when someone like Stan "The Man" Musial came to the plate. "Musial waves that magic wand," Harry would say. "He's in that familiar stance. Now the pitch. Here it comes. There she goes!!! It might be, it could be, IT IS! A HOME RUN. HOLY COW!!!"

I will remember forever in 1966 as a kid fresh out of college going to Sparta, IL, just south of St. Louis, late at night to meet with a party official, and it was dark outside. There were no street lights. I had a street address. But I couldn't see the numbers on the houses. I had to get out and walk around. It was in August. You would have thought that they had a PA system in that town with Harry Caray on it. Everybody was sitting in the backyard and on the front porch listening to KMOX and the Cardinals from house to house and yard to yard. You didn't miss a play. That is the kind of devotion that Harry Caray brought.

In 1970, after 25-unforgettable seasons in St. Louis, Harry Caray hit the road. He stopped in Oakland, but he needed the hot-blooded passion the Midwest brought to the game. So back he came a year later to a new town, Carl Sandberg's City of Big Shoulders, to announce White Sox games. It was a match for the ages. Chicago, the raucous city that never slept, fun, exciting, alive, and Harry Caray, who loved the city and its people so much he couldn't get enough of it. Chicago reciprocated in kind as witnessed by the unprecedented outpouring of tributes this past week.

After eleven seasons, the bloom wore off the rose on the South Side, so he crossed town. With the superstation power of WGN carrying Cubs games, and another Sandberg, Ryne, to extol, Harry Caray became the first genuine superstar on cable television, selling baseball and the Cubs around the world.

Another memory I have was having been elected to Congress and I made one of my first trips out of the country to Costa Rica. I went into San Jose, Costa Rica, checked into a hotel in the middle of the day, walked in, put my suitcase down, flipped on the light, turned on the TV, and there was Harry Caray's voice in San Jose, Costa Rica, again broadcasting the Cubs.

Harry Caray missed out on just three things during his 16-years with the Cubs: a World Series, retirement that he never sought, nor desired, and the thrill of sharing the mike on a day-to-day basis with his grandson, Chip.

A few years ago, Harry, his son Skip who does such outstanding work with the Atlanta Braves, and Chip, broadcast a Cubs-Atlanta game. It was the only time three generations of one family, the Carays, ever called a major league contest.

In Illinois, only one thing is more contentious than politics. It's baseball. Downstate from Springfield south is Cardinals' country. Up north, Cub fans are every bit as vocal and spirited. Then, there's the intra-city matter of the Cubs versus the White Sox. One man, and one man alone bridged that gulf. To paraphrase Harry, now here was the only guy who broadcast baseball games for the Cardinals, White Sox, and Cubs, and remains loved by all.

Mr. President, Harry Caray's nonstop sprint through life lasted 83-far-too-brief years. As someone put it the other day, Harry joined another team this week—the "Angels."

If old Harry is up there, and I am sure he is, there is one thing I can guarantee. The cherubim, the seraphim, the saints, and the heavenly choirs will be taking a break from singing "Amazing Grace," and will join old Harry in a chorus of "Take me out to the ball game."

So long, Harry, and thanks for all those great memories.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to S. Res. 182 submitted by the Senators from the great State of Illinois. If there is no objection, the resolution and the preamble to the resolution are agreed to.

The resolution (S. Res. 182) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 182

Whereas for more than 50 years, Harry Caray enthusiastically provided a unique vision of baseball in his broadcasting of thousands of games, first for the St. Louis Cardinals, then the Oakland Athletics, followed by the Chicago White Sox, and finally the Chicago Cubs;

Whereas Harry Caray was born in St. Louis in 1914, orphaned at the age of 4, and raised by family friends in St. Louis;

Whereas Harry Caray began his professional baseball broadcasting career in 1944 for the St. Louis Cardinals, and spent 25 years calling Cardinal games;

Whereas in 1971 Harry Caray began his 11 year stint with the Chicago White Sox where, in 1978, he began the tradition of leading the fans in the singing of "Take Me Out to the Ball Game" during the 7th inning stretch;

Whereas in 1982 Harry Caray moved to the broadcast booth for the Chicago Cubs, a switch that would eventually make Mr. Caray a national celebrity thanks to the popularity of the Cubs on cable television;

Whereas in the winter of 1987, Harry Caray suffered a stroke and for the first time in his career missed the broadcast of an opening day game, and yet, he never talked of retiring from the game he loved and soon was back in the booth at Wrigley Field;

Whereas the uncharacteristic honesty of Harry Caray made him immensely popular with fans;

Whereas Harry Caray once said "My style is a very simple one, be entertaining, be informative and, of course, tell the truth. If you don't have the reputation for honesty, you just can't keep the respect of the listener.";

Whereas Harry Caray's exuberant voice and his trademark shout of "Holy Cow" are known to baseball fans across the Nation;

Whereas Harry Caray was inducted into the National Sportscasters and Sportswriters Hall of Fame in 1988, the Baseball Hall of Fame in 1989, and the National Association of Broadcasters Hall of Fame in 1994;

Whereas Harry Caray became a major supporter of various Chicago organizations that supported and housed orphaned and troubled children;

Whereas on February 18, 1998, Harry Caray passed away after a long career enjoyed by millions; and

Whereas Harry Caray is survived by his wife of 22 years, 5 children, 5 stepchildren, 14 grandchildren and a great grandchild, and by baseball fans across the Nation: Now, therefore, be it

Resolved, That the Senate honors the life of Harry Caray.

MEMORIALIZING PENNY SEVERNS

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a moment to say a few words concerning a friend, former colleague, and outstanding public servant, Illinois Senator Penny Severns. Senator Severns, one of the most courageous people I have ever known, lost her long battle with cancer over the weekend at the age of 46. Until the end, she battled for the causes that animated her outstanding political career—a career that began when she was elected as a delegate to the 1972 Democratic National Convention at the age of 20.

After graduating from Southern Illinois University two years later, Penny served in the Agency for International Development and the Illinois comptroller's office. In 1983, she was elected to the Decatur City Council and, three years after that, she won election to the Illinois Senate.

Penny's tenure in the Senate was marked by an unwavering commitment to her beliefs that impressed both her allies and opponents. An unabashed liberal in a politically conservative district, she was beloved because she worked tirelessly on behalf of her constituents the people of Illinois. She had an outstanding record of fighting for Illinois workers, women, and children. At the time of her death, Penny, the 1994 Democratic nominee for lieutenant governor, was the ranking Democrat on the Senate Revenue Committee and was the principal negotiator for Senate Democrats on issues involving the state budget. She was a champion of fiscal reforms, worked to expand Illinois exports, fought for an emergency medical leave law for workers, and sought to establish a mechanism to help the State track down parents delinquent in their child support payments.

Penny spent the final months of her life not only battling cancer, but waging a campaign to become Illinois' next Secretary of State. So strong was her commitment to the people of her State that, last year, after a tumor was removed from her skull, she vowed to "wage two campaigns at once." She said, "The doctors took care of the first battle by removing the tumor. I'll take care of the second battle, which is to continue to serve the citizens * * * and to continue my campaign."

Penny's illness began in 1994 with a diagnosis of breast cancer, a disease that her sisters, Patty and Marsha, both battled as well. Patty is currently in remission, but Marsha died in 1992. Too many families across the United States have been ravaged by this terrible scourge. In the United States in 1997, 180,200 new cases of breast cancer were diagnosed and 44,000 women died of it. One out of every nine American women will be stricken with the disease during their lifetime. These statistics are unacceptably high. We must redouble our commitment to finding a way to defeat this killer. The nation simply cannot afford to keep losing women like Penny Severns.

Mr. President, a great many people throughout our nation have come to view politics as a cynical game involving giant egos and inconsequential battles. I would suggest that those individuals take a moment to study the life and career of Penny Severns, who was involved in electoral politics for all the right reasons and cared passionately about the welfare of the people she served. Her accomplishments are not only an inspiration to those of us who continue to work on behalf of the causes she championed, but also serve as a reminder to all Americans of the good work that committed public officials throughout this nation do. The State of Illinois and, indeed, our great nation are poorer for her loss.

NATIONAL SAFE PLACE WEEK

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 225, which is S. Res. 96.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 96) proclaiming the week of March 15 through March 21, 1998 as "National Safe Place Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 96) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 96

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term "safe places" at neighborhood locations where more than 2,500 trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal runaway and homeless youth guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas currently 34 States and more than 6,000 business locations have established Safe Place programs; and

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 15 through March 21, 1998, as "National Safe Place Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place organization, and to observe the week with appropriate ceremonies and activities.

CONGRATULATING NORTHEASTERN UNIVERSITY ON PROVIDING QUALITY HIGHER EDUCATION FOR 100 YEARS

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 183, submitted earlier today by Senators KENNEDY and KERRY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 183) congratulating Northeastern University on providing quality higher education in the Commonwealth of Massachusetts for 100 years, from 1898–1998.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, it is an honor to take this opportunity to congratulate Northeastern University in Massachusetts as it begins its centennial celebration.

Northeastern University began providing higher education in conjunction with the Boston Young Men's Christian Association (YMCA) in 1898. Since then, it has been a leader in providing quality higher education to large numbers of students. It currently enrolls 27,000 full-time students and has graduated over 137,000 students over the years.

Northeastern University is also an impressive leader in the current effort to expand access to higher education. It offers the largest cooperative education plan in the country for students to combine work with college. It has also helped educators in other countries develop cooperative education programs. Thanks to Northeastern's leadership, universities in Africa and Asia now have significant programs in this important field.

Northeastern also excels in numerous academic fields. It has an outstanding engineering faculty, and excellent engineering centers in electromagnetics, communications, and digital signal processing. With its newly created graduate program in Applied Science and Engineering, Northeastern is poised to engage in breakthrough scientific research.

Northeastern is also a leader in creating partnerships with community organizations, educators, and businesses to deal with critical issues such as domestic violence and women's health. In 1990, Professor Clare Dalton founded the Domestic Violence Institute which works with community agencies to protect women and children who are victims of domestic violence. Recently, the Institute's initiatives were enhanced by a three-year grant from the Centers for Disease Control and Prevention for this critically important work.

Northeastern's first hundred years have been filled with outstanding accomplishments and contributions to our state, our country, and the world. I am sure that in the years ahead, Northeastern will continue this proud tradition of excellence, and I congratulate the university on this auspicious centennial anniversary.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 183

Whereas on October 16, 1997, Northeastern University marked the beginning of its centennial celebration;

Whereas Northeastern University began providing higher education in conjunction with the Boston Young Men's Christian Association (YMCA) in 1898;

Whereas Northeastern University currently enrolls over 27,000 full time students and boasts an alumni in excess of 137,000 individuals;

Whereas Northeastern University has attained a national reputation for cooperative education that prepares students to transition successfully into the workplace;

Whereas Northeastern University provides access to higher education for students from all backgrounds;

Whereas Northeastern University has achieved growing recognition as a major research institution; and

Whereas the Senate supports Northeastern University's efforts to offer exceptional educational opportunities to individuals from throughout the world: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and congratulates Northeastern University as an outstanding educational institution that has produced exceptional alumni during the past 100 years and gives every indication of doing so for the next 100 years; and

(2) wishes Northeastern University a successful and memorable centennial celebration.

ORDERS FOR THURSDAY, FEBRUARY 26, 1998

Mr. LOTT. I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday, February 26, and immediately following the prayer the routine requests through the morning hour be granted and there then be a period for morning business until 11 a.m. with the time equally divided between the two leaders or their designees for debate prior to the cloture votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Tomorrow morning there will be 1 hour of morning business, then, to be followed by two consecutive cloture votes. The first cloture vote will begin at approximately 11 a.m. and will be on the McCain-Feingold amendment, to be followed by a cloture vote on the underlying bill, S. 1663. All Senators should be prepared for these two consecutive cloture votes at approximately 11 a.m.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

THE EVOLVING SITUATION IN IRAQ

Mr. DASCHLE. Mr. President, I want to address the evolving situation relating to Iraq and talk briefly about the circumstances surrounding the agreement reached between Secretary General Annan and Iraq as we know them now. I am concerned about some of the comments made in the media and on the floor about the situation in Iraq. I think it is important to review the situation as the President, Secretary of State, Secretary of Defense, National Security Adviser and the Chairman of the Joint Chiefs of Staff have laid out in the last 24 hours.

First, with respect to what we are seeking, from the outset of this crisis the fundamental goal of the United States has been very simple. The goal has simply been to assure that UNSCOM has unconditional and unfettered access to all suspect sites as called for in the U.N. Security Council resolutions. Period; that's it. All we needed was simply an opportunity to visit sites that we think are suspect.

We were denied that, which triggered this whole affair, beginning, as everyone now knows, several months ago. Diplomacy, backed by the threat to use overwhelming force if required, has moved us forward and closer to achieving that goal. There can be no doubt that the presence of a military force of the magnitude that is currently in the gulf had everything to do with the fact that we now have an agreement. General Secretary Annan has said that. Others have noted it. There is no question that the combination of diplomacy and military force gave us the opportunity to bring about this agreement over the last 72 hours.

Iraq precipitated this crisis, as we all know, by trying to avoid its obligations under the Security Council resolutions. It attempted to dictate to the international community where UNSCOM could hold inspections, the manner in which they could be conducted, and the length of time that they would continue. Iraq's effort has failed. We were clear about what we were seeking: Unfettered access. Iraq objected. Iraq obfuscated. Iraq clearly was at fault in not allowing access to the sites in question. Diplomacy was used, force backed up that diplomacy, and the results are now in hand.

Let's look at what we have achieved with this agreement. The government of Iraq has made a written commitment to provide immediate, unrestricted, unconditional access for the UNSCOM inspectors to all suspected sites. So, regardless of the rhetoric, regardless of whether it was framed in exactly the way we might have it framed, what matters is the bottom line. What matters is what is now to be the order. And the order is very clear. The order is to provide immediate, unrestricted, unconditional access for inspectors to all suspected sites. If fully implemented, this commitment will allow UNSCOM to fulfill its mission: First, to find and destroy all of Iraq's chemical, biological and nuclear weapons; second, to find and destroy the missiles that could deliver these weapons; and, third, to institute a system for long-term monitoring to make sure Iraq doesn't do it again.

This commitment applies to all sites anywhere in the country, including eight so-called "Presidential Sites" that have now been precisely delineated, as well as the so-called sensitive sites that until now Iraq has tried to claim were off limits to UNSCOM. Any and all of these sites are subject to repeat visits. There are no deadlines to complete the work. In short, for the first time Iraq has committed explicitly to open every site throughout the country to weapons inspectors. Again, that has been our bottom line. That will continue to be our bottom line. And we now have it in writing that Iraq will agree.

For the eight "Presidential Sites", the agreement allows diplomats to accompany the UNSCOM inspectors, and that is acceptable if the inspectors are free to conduct rigorous and professional inspections. All other sites will be open to inspection under the existing UNSCOM procedures. The Secretary General has assured us that UNSCOM Chairman Butler remains in charge of UNSCOM and all weapons inspections. He has also made that abundantly clear to the Iraqis themselves.

Questions have been raised about the Memorandum Of Understanding between Annan and Iraq. There are issues that still need clarification and we want to clarify them, notably with respect to the inspection procedures for the eight "Presidential Sites". The United States has made clear that we expect all aspects of this agreement to reinforce the fundamental requirement that the investigators be permitted to carry out their inspections in a rigorous and professional manner.

We have received important assurances from the Secretary General that clarify aspects of the MOU, notably with regard to the eight "Presidential Sites". UNSCOM and Chairman Butler will preserve their independence. The special team for the "Presidential Sites" will be part of UNSCOM. The team leader will be an UNSCOM Commissioner who is an expert in Iraqi weapons of mass destruction, chosen by the Secretary General and UNSCOM Chairman Butler. The special team leader will report to Chairman Butler. The diplomats will be observers only, with UNSCOM retaining operational control. Procedures for these inspections will be developed by UNSCOM and the Secretary General, not by Iraq. And, as has been the case since 1991, Chairman Butler will continue to report to the Security Council through the Secretary General.

So, the more clarification we get, the better the agreement looks, the clearer the understanding we have about the success of this effort. The bottom line is that we have access in Iraq that we didn't have last week at this time.

So what is next? We support a U.N. Security Council resolution that will make it clear to Iraq that any violation of its commitments would have the most serious consequences. That would be a useful but not necessary signal from the international community. We also need to test and verify Saddam's intent. In the days and weeks ahead, UNSCOM must robustly test and verify this commitment. It is one thing to have it in language. It is one thing rhetorically to agree. It's another thing to allow it to occur. Failure to allow UNSCOM to get on with its job would have serious consequences. The United States will keep its military forces in the gulf at a high state of preparedness while we see if Iraq lives up to its commitment that it has signed.

The United States remains resolved to secure, by whatever means necessary, Iraq's full compliance with its commitment to destroy its weapons of mass destruction. So again, it will be diplomacy backed up by force. So long as diplomacy works, force will not be necessary. At the very moment diplomacy appears not to be working, force will be employed. So, let there be no mistake. This is not a question of breathing room. This is not a question of simply delaying and somehow, then, obviating the need for the use of force should it be required. It will be there.

Iraq's commitments are an important step forward, but only if matched by its compliance. They have made an important step forward in word. Now they must step forward in deed. As the President has said, "the proof is in the testing."

This agreement can be a win-win. Either Iraq implements the agreement or it does not. If it does, the weapons inspectors will for the first time have unrestricted, unconditional access to all suspect sites in Iraq with no limits on the numbers of visits or deadlines to complete their work. If Iraq does not cooperate and we need to take action, we are in a stronger position internationally than ever. After two crises provoked by Iraq in 4 months, the international community has certainly lost its patience and will not stomach another bout of Iraqi defiance. And there will be no doubt in anyone's mind about who will be responsible for those consequences.

This agreement is backed up by an immediate test that Saddam Hussein will either clearly pass or clearly fail. Our response will be swift. It will be strong. It will be certain.

So, Mr. President, we have made great progress on paper over the last 72 hours. Again, I give credit to the United Nations Secretary General Annan, to the administration, to all of those responsible for bringing us to this point. I respect the President's decision and believe it was the correct one, to keep our forces there, because, as we say, there is only one option for Saddam Hussein: Comply with his agreement. Allow access. Allow us the opportunity to complete our work.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 10 a.m. tomorrow morning, Thursday, February 26, 1998.

Thereupon, the Senate, at 7:58 p.m., adjourned until Thursday, February 26, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 25, 1998:

DEPARTMENT OF DEFENSE

SUE BAILEY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE STEPHEN C. JOSEPH, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WILLIAM C. APGAR, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE MICHAEL A. STEGMAN, RESIGNED.

DEPARTMENT OF COMMERCE

MICHAEL J. COPPS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE RAYMOND E. VICKERY, JR., RESIGNED.

POSTAL RATE COMMISSION

RUTH Y. GOLDWAY, OF CALIFORNIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2002, VICE H. EDWARD QUICK, JR., TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

DEIDRE A. LEE, OF OKLAHOMA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, VICE STEVEN KELMAN, RESIGNED.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE PRIVATE CONTRACTING CLARIFICATION ACT OF 1998

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. CARDIN. Mr. Speaker, today I introduce the Medicare Private Contracting Clarification Act of 1998. This legislation clarifies a provision of the Balanced Budget Act which, for the first time, allows doctors to privately contract with Medicare beneficiaries for services normally covered by Medicare. My bill will make clear that nothing in this provision prevents Medicare beneficiaries from privately paying for services not covered by Medicare. This has always been true for our seniors, and it remains true under current law.

Prior to passage of the Balanced Budget Act (BBA), federal law did not address the issue of private contracting between Medicare beneficiaries and their doctors. The Kyl amendment to BBA explicitly allows doctors to reject Medicare and privately contract with their patients for Medicare-covered services. For patients entering into private contracts, this means that they will be unable to use either their Medicare or Medigap coverage for their care.

However, BBA includes assurances that private contracting will not destroy the balance billing limits and other patient protections of the Medicare program. Most importantly, BBA bars physicians who choose to privately contract from the Medicare program for two years. This means that patients will know in advance whether or not their Part B insurance is valid for a doctor's care. It means that Medicare patients can expect consistent and timely care from a physician, regardless of the patient's ability to pay out-of-pocket for a Medicare benefit under a private contract. In sum, seniors can rest assured that their Medicare coverage will be there for them when they need it.

Unfortunately, false claims are being made about BBA's private contracting provisions. Proponents of private contracting are seeking to remove the two year exclusion period in BBA. In an effort to vastly expand doctors' ability to engage in private contracting, they claim that doctors will need private contracts for all services, even those not covered by Medicare. This is simply not true. Nothing in the Balanced Budget Act affects the ability of seniors to privately pay doctors for services that Medicare does not cover.

Despite this fact, some groups continue to wage misinformation campaigns. My bill will put an end to this false rhetoric by clarifying that no private contract is required for a service that Medicare does not cover. It will eliminate the confusion surrounding this much-debated issue, to assure seniors that their contract with Medicare, a public contract, will continue to be honored.

Mr. Speaker, we have scarcely had time to understand the impact of the existing private contracting provisions on the Medicare program. The Congressional Budget Office has already stated that private contracting holds a "serious potential for overbilling." Congress recently created a commission to examine ways to ensure the long-term financial stability of Medicare. To vastly expand the scope of this provision on the basis of inaccurate claims about its effect on doctors is a grave mistake, especially during this crucial period in the history of the program.

If we must pass legislation on the private contracting issue, let us focus our attention on clarifying current law to assure seniors that their Medicare coverage will be there for them when they need it. BBA allows doctors to privately contract with Medicare beneficiaries, while preserving the balance billing limits, fraud and abuse controls, and patient protections of the Medicare program. I would hope our priority in Congress would be to preserve our commitment to our senior citizens and their health care. Let's keep the Medicare program in tact.

ACCESS TO ENERGY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. PAUL. Mr. Speaker, recently, a national newsletter focusing on science, technology and energy policy highlighted the small town of Seadrift, Texas located in my District.

While focusing on Seadrift this newsletter article (Access to Energy) went on to make important points regarding the contributions which science and technology have made to freedom and industry and to the quality of life of people everywhere.

Moreover, the article outlines how certain radicals would shut off technological benefits in the name of protecting earth at the expense of the humans who live on this planet. I commend this article to every Member and insert it in the record as an extension hereof.

[From Access to Energy, February 1998]

SEADRIFT

Near the Gulf of Mexico, on the road between Houston and Corpus Christi, is the town of Victoria, Texas—one of the oldest settlements in the western United States. Thirty-five miles southeast of Victoria, rising out of the mists that roll in from the Gulf near the town of Seadrift, is one of America's great petrochemical plants, built by Union Carbide in 1954 and later expanded several times.

I feel that I know this plant well, since I have a large framed aerial photograph of it on the wall beside me along with a matching framed artist's drawing of the plant before it was built. Under the artist's drawing is the aluminum hard hat of the man who was in charge of the design and construction of this plant and partially responsible for its operation during the first four years—my father, Edward H. "Ted" Robinson. His most trusted and valued co-worker at that time, Arnold Graham, still lives in Victoria, remembering their efforts.

Ted Robinson went on to lead teams of engineers who designed and built similar Union Carbide plants in Puerto Rico, Scotland, Belgium, Brazil, Japan, and India. He is buried in an alpine glacier near the top of Mont Blanc on the border between France and Italy, which contains the remains of the Air India Boeing 707 that crashed there on January 24, 1966. The cause of this crash is not known for certain. It is believed to have been the work of assassins that killed the Indian physicist Bhaba, who was then head of the nuclear energy program of India and was also on the airplane.

The original plant at Seadrift produced primarily polyethylene. It now produces additional products. This plant is a part of the vast infrastructure of chemical plants, built by the generation of Americans now in their 80s and the generations before them, that supplies the chemicals upon which our technological civilization depends. Along with the dams, bridges, foundries, mines, wells, mills, factories, railroads, research laboratories, computers, and other technological installations that have been built by the past several generations of Americans, these plants form the technological superstructure upon which our science, technology, and economic freedom depend.

The capital required to build these things was supplied by the savings of tens of millions of people, who set aside part of the money they had earned and invested it in the free market in hopes of making a profit. It was also built by the profits retained by the corporations themselves. Capital alone did not, however, build the industries—people did. These people were led by unusual individuals whose love of science and technology dominated their personal lives and drove them and those around them to ever greater accomplishments.

Archibald MacLeish told me many years ago that the thing that impressed him most about human beings was their amazing ability to love—and he was not thinking of the shallow phenomenon that dominates the lyrics in the cacophony of "pusic" (word invented by a musician friend) which pollutes most of America's radio stations.

Each person has an enormous capacity to love—in many different ways. In some individuals, a part of this love is intensely directed toward science and technology. My father, for example, was simply head-over-heels in love with chemical plants (and with my mother, but that is another story). He lived and breathed their design and construction. When not in use for food, our kitchen table was covered with blueprints. He had no hobbies or avocations—the building of chemical plants was his vocation and all of his avocations combined. And, as a result of this all-consuming love, he built superb plants.

I have seen this sort of love in a few other individuals. Mrs. Merrifield, the wife of R.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Bruce Merrifield, who was the first man to synthesize an enzyme, described her husband's love affair with each of the 20 naturally occurring amino acids—a love that enabled him to link them together in ways never before accomplished.

Linus Pauling, regardless of the low state of his personal and professional ethics, was completely in love with the structures of molecules. The incredible joy Linus felt as he pursued three-dimensional, semi-quantitative explanations for the structures of molecules and, later, for the structures of atomic nuclei was the greatest of all the scientists I have known. He was supremely happy when calculating or describing the properties of chemical bonds.

Scientists work largely alone or with a few other people. Those who build industries work with large numbers of people. These prime builders, driven by their love for their work, are usually not the most well-liked, but they are often the most respected. It is their job to make our industrial world work—regardless of the personal foibles of those whom they must direct in doing this work. Their personal love for their work is the driving force that motivates them.

All of us are beneficiaries of science and technology. We live lives that are much longer and are filled with seemingly endless pleasures, experiences, and freedoms that would not be available without technology. Even the "warmers" who gathered in Kyoto to bemoan and attack the world's hydrocarbon technology dropped in by way of airplanes belching demon carbon dioxide.

Now, virtually all of our technology is under serious attack. From our lumber mills, farms, and ranches to our dams, power plants, and factories, all are under assault. Our enemies belong to a peculiar form of pagan religion. Petr Beckmann called it the "green religion." This is not a new religion. The animal, plant, and earth worship ascendant today (partially at the expense of animals, plants, and the earth, which are, on balance, actually harmed by this mania) is fundamentally the same as that which arose periodically among the ancients, as chronicled, for example, in the Old Testament.

This religion is now preached in our schools, our press, and our political institutions. It is, primarily, a religion of death. Technology, in the view of these zealots, has committed a terrible sin. It has made possible the lives of billions of human beings—human beings whom they believe to be alive at the expense of worshiped plants and animals. (The fact that technology enhances the lives of plants and animals is suppressed by the professional enviro religious agitators.)

It is the moral obligation of every American—each living and benefiting from freedom and technology; each obligated to pass these blessings on to future generations; and each entrusted with a vote in the fate of the great American experiment—to stop this mania.

Seadrift and the tens of thousands of like accomplishments must not be destroyed—at least not without a terrible fight.

SONNY BONO MEMORIAL SALTON SEA RECLAMATION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. MILLER of California. Mr. Speaker, the Salton Sea is a unique resource in the Southern California desert. It was created by accident of man, and over the years it has become an attractive, if unlikely, home and resting area for migratory birds and many species of fish.

Now, nearly one hundred years after the permanent Salton Sea was created, it is a polluted mess, always increasingly salty, often smelly and noxious, and most useful as a sump for agricultural and municipal wastewater, almost none of it treated. The birds and fish that once thrived here are now threatened every day with death and disease as the tons of salts and toxic contaminants that are constantly dumped into the Salton Sea become more and more concentrated and deadly over time. Economic development of the area has been frustrated because of conditions in and around the Salton Sea.

Congressman Sonny Bono worked very hard to bring national attention to the plight of the Salton Sea, and he will always and rightly be remembered for that effort. I agree that Congress should act quickly at the Salton Sea. We need to stabilize salinity and contaminant levels to protect the dwindling fishery resources and to reduce the threats to migratory birds, and we need to devise long-term solutions as well.

I do not, however, believe that Congress should act in haste to authorize and construct an expensive project at the Salton Sea before we know what we are doing. The legislation introduced today is well-intentioned, but I believe it could force Congress to make decisions and spend taxpayer dollars before the scientists and engineers have supplied us with the information we need to make good decisions. I am particularly concerned that we preserve the integrity of the National Environment Policy Act, and that we do not hastily commit to "solutions" at the Salton Sea that may limit our options for addressing other water and resource management problems in Southern California and elsewhere in the Lower Colorado River Basin. The problems at the Salton Sea are closely tied to many controversial water quality and water management issues in southern California and elsewhere in the Lower Colorado River Basin, and our solutions for the Salton Sea should properly be made in that broader context.

I sincerely appreciate the efforts that have been made by the Congressional Salton Sea Task Force and by the Salton Sea Authority, and I look forward to consideration of this bill in the Resources Committee.

ON ELECTRIC DEREGULATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. KUCINICH. Mr. Speaker, I would like to bring to the attention of my colleagues working on and thinking about electric deregulation ("retail wheeling") the remarks of Anthony J. Alexander, Executive Vice-President & General Counsel of Ohio Edison Company, which he delivered to members of Local 245, International Brotherhood of Electrical Workers (IBEW). There is much to be learned from the candid revelations of this leader in the electric power industry.

Contrary to what you've heard from supporters of retail wheeling, this issue isn't about rate cuts—because there's no guarantee on rates. In fact, they could go up for many Ohioans. And, in any event, from a global competitiveness standpoint, we already have electric rates that are lower than those of most industrialized countries in the world.

It's not about efficiency—we already have the most efficient and reliable system in the world. In fact, many of our energy-efficiency programs, especially for low income customers, could be lost under the new system.

And it's not about fairness—because only a few, privileged customers and suppliers may profit from retail wheeling. And, it's likely to lead to many differences in prices, which today we'd call discrimination.

Let's not be naive: This issue is all about money—and lots of it. There's a lot of money on the table—not only for those who believe that retail wheeling will allow them to negotiate more favored prices, but also for the speculators in futures, options, hedges and derivatives. Wall Street and others are driving this issue not for the sake of free markets, but to gain access to profits.

After all, this change involves one of the nation's largest, and most capital-intensive, industries—as well as thousands of people, just like members of Local 245, who work hard every day to deliver high-quality service to customers.

Make no mistake about this point: For supporters of retail wheeling, it's all about them getting more . . . and quite frankly, us getting less. And when I say us, I don't just mean utility employees. I'm also talking about senior citizens, small business owners, customers on low incomes, working families—including those headed by single parents . . . in other words, the vast majority of people who probably won't have suppliers competing for their business.

Other key issues are reliability and convenience. Under the existing system, utilities are obligated to serve all customers—the unprofitable as well as the profitable. By effectively eliminating the basic obligation, the reserve margins generated by today's power plants—as well as the thousands of utility jobs associated with those margins—simply wouldn't exist. Why? Because under retail wheeling, generation that is held in reserve to assure reliability would no longer be mandated. No one would build expensive new power plants or maintain reserves or any other inventories simply to assure reliable and adequate supply.

Rather than a service, electricity would become a market-drive commodity in which price and profit are the only concerns.

Reliability is a serious issue in any deregulated industry. But considering the essential role electricity plays in every home and business, unreliable electric service is a much bigger problem than a busy signal or a canceled flight.

This is a complicated issue, because the electric business is far different from other industries that have been deregulated. At the same time, supporters of retail wheeling are trying to mask the real impact of transforming electric service into just another product for which there's no substitute—and, no other product or service just like it.

Remember, choice goes both ways—customers can choose their suppliers, and suppliers can choose their customers. If lawmakers decide that our industry must be deregulated, then they should take the time to do it right the first time—because the stakes are too high to do otherwise.

THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 25, 1998 into the CONGRESSIONAL RECORD.

STATE OF THE ECONOMY

Last year the nation's economy gave its best performance in a generation. The economy grew strongly and created jobs while inflation declined. The gross domestic product grew 3.8%. Employment rose by 3.2 million. The unemployment rate dropped below 5% for the first time in 24 years and inflation averaged only 1.7%, its lowest rate in decades.

This remarkable economic performance occurred while the federal budget deficit, which reached $290 billion in 1992, declined to only $22 billion in 1997. The deficit is expected to approach zero this fiscal year. By most measures the economy is exceptionally healthy. In the past, such strong growth, coming at a time when the nation's unemployment rate was falling below 5%, would have caused inflation to worsen, but in 1997 the opposite occurred.

The prospects for continued growth with low unemployment and low inflation remain very good for this year. Economists find the U.S. economy free of many of the symptoms that often presage an economic downturn, such as an increase in inflation or a large accumulation of inventories or evidence of financial imbalance.

REASONS FOR SUCCESS

There are many reasons for the strong economy. Deficit reduction has reduced government spending relative to overall growth, and strong U.S. exports have also provided a boost. Most of the credit for the economy's performance has to go to American workers and companies. They have met challenges of a competitive global economy and rapidly changing technology.

The role of the government has not been to stimulate the economy, but rather to try to provide individuals and businesses with the tools they need to flourish through their own efforts. Sound economic policies have promoted private investment, and the government has tried to encourage the formation of skills through training and education and to empower marginalized members of our society to join the work force.

FUTURE CHALLENGES

Of course challenges remain, particularly in the areas of productivity, savings, trade, and income inequality.

PRODUCTIVITY

Productivity, the measure of economic output per worker, is the key to rising living standards. Productivity growth, which has averaged a bit more than 1% in the 1990s, is less than half of the pace of the '50s and '60s. The situation, however, may be improving. The most recent data show productivity growing about 2% for the past two years, twice the rate of the past two decades; manufacturing productivity is even higher. If sustained, that will allow the economy to grow even faster without inflation, with benefits for wages, profits, and unemployment.

SAVINGS

Private savings, which are important to investment that increases productivity, are at historic lows. Americans are currently savings about half of what they need to sustain their current living standards and that could soon become everybody's problem.

TRADE

The U.S. trade deficit for goods and services reached $114 billion in 1997, the worst showing in nine years. Most attribute the widening deficit to a strong dollar and a healthy U.S. economy, which absorbs more imports. Experts predict that the economic crisis in Asia will increase our trade deficit this year.

Income inequality

Between 1974 and 1994 families in the upper 5% of income distribution enjoyed an average annual gain in income of 1.2% while all others saw their incomes stagnate or shrink. It appears that the lion's share of gains from productivity is going to those with more education and skills. We must continue to push for high and rising living standards for all our people and ensure that the benefits of a higher standard of living are widely shared.

ECONOMIC OUTLOOK

Most of the experts think that the American economy will continue to expand through 1998 although the pace of growth will be slower than in 1997 due to the Asian financial turmoil and the prospect of tighter labor markets. If the current expansion continues through this year, it will have lasted more than 7 years, the longest period of nonstop economic growth since the 1960s. That record will be surpassed if the current expansion extends into January 2000.

Economists point to a number of factors that could derail the good times. Some worry about higher inflation as job markets continue to tighten. Others fret about the threat of sharply declining prices, particularly if Asian countries try to grow out of their financial difficulties by flooding our markets with cheap imports rather than boosting internal consumption. The danger is that declining prices might trigger lower incomes, leaving many Americans without enough money to pay off their debts. Still other economists play out different scenarios: a consumer debt crisis; a sharp decline in stock prices or a punishing trade deficit; higher unemployment; and shrinking corporate profits, with the attendant cost-cutting and layoffs.

Economists are fond of pointing out that every expansion contains the seeds of its own demise: Investors get too enthusiastic and pay too much for stocks or real estate. Businesses flush with profits and new orders invest too much in new plants or build up too much inventory. Banks take on riskier loans. Over-confident consumers take on too much debt. Prices and interest rates rise, shortages develop. And there is always the possibility of some large unforeseen event, such as the oil shocks of the 1970s, that causes a big change in the price or supply of key commodities. In short, things happen during expansions that make them end, but of course, nobody can predict when.

UNFINISHED AGENDA

Americans can take pride in our economic record of the last decade. We have the strongest, most successful economy in the world, and have become the model for other countries. Nonetheless, I worry about our country's unfinished, and largely undiscussed, agenda. First, I am most concerned about the widening gap between rich and poor. We must do more to increase the skills of our workers and create more good-paying jobs. Second, I worry about the long-term prospects for a balanced budget, particularly in the absence of serious reform to Medicare, Social Security, and other entitlement programs. Without such reform, the deficit will likely explode again when the baby boomers start to retire. Third, I think that we are not investing enough in our nation's children and their future. We need to make sure that every child has a minimum good start, health care, nutrition and educational opportunities.

HONORING DR. EVA EVANS DURING BLACK HISTORY MONTH

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Ms. STABENOW. Mr. Speaker, each year, during the month of February, our nation comes together to celebrate the history and culture of the African American community.

During Black History Month, it is my honor to acknowledge an outstanding American, Dr. Eva Evans, and her leadership.

Beginning as a child in the Detroit Public Schools, Dr. Evans has always shown a commitment to education. After receiving her Ph.D. in Administration and Higher Education at Michigan State University, Dr. Evans joined the Lansing public school system, where she worked her way from an elementary school teacher to Lansing's highly respected Deputy Superintendent for Instruction.

Along with her professional commitment to Lansing, Dr. Evans is deeply involved in the community. With a roster of community service activities too long to list, she has served virtually every avenue on both the state and local level, from Chairperson of the Capital Area United Way Board of Directors, to Board of Directors of the Mid-Michigan America Red Cross, to Corporate Board of Directors of the United Negro College Fund.

Currently, Dr. Evans is International President of Alpha Kappa Alpha Sorority, serving our nation's oldest Black Sorority, and continuing a tradition that has initiated more than 180,000 college educated African-American women since its founding in 1908.

Black history month is a special time of year to recognize contribution and achievement, but also to recognize the importance of history. Dr. Evans's work has made a real difference within the many communities of Michigan and literally, around the world. Her achievements have become a part of our history and her service to her state and country is unparalleled.

Though Dr. Evans has already been presented with many awards, such as the Diana Award for Outstanding Leadership in Education, and NAACP's Educator of the Year Award, I am proud to include Dr. Evans' great accomplishments in the 1998 CONGRESSIONAL RECORD during this important month. Dr. Evans is a role model for us all.

A SUCCESS STORY: ROBERT SNIFFEN AND THE SAN DIEGO VETERANS SERVICES CENTER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to recognize the work of Robert Sniffen, Chairman of the Board of the San Diego Veterans Services Center in Escondido, California. Mr. Sniffen was recently awarded the KGTV Channel 10 Leadership Award for his volunteer service which has made a significant impact on the San Diego County community.

In his acceptance remarks, Sniffen said:

> I am deeply humbled and greatly honored to receive this significant award. I do so in the name of the scores of volunteers and hundreds of our supporters. I accept this award in the name of the San Diego Veterans Services Center Board of Directors, as well as our Advisory Board Members, that have made the success of the Veterans Service Center a reality. Our whole purpose for existence is to be here in any way possible for this most noble and worthy cause, on behalf of all veterans of all eras throughout San Diego County.

One way in which the Veterans Service Center is there for veterans is demonstrated in the following statement by Mr. Sniffen. His statement describes the collaboration of the Service Center with the San Diego Veterans of Foreign Wars (VFW) in order to provide the VFW-SDVS Claims Service for veterans. I would like to submit Mr. Sniffen's statement into the RECORD.

In February 1996 The San Diego Veterans of Foreign Wars Service Office joined forces with the local non profit veterans group, San Diego Veterans Services, to create the VFW/SDVS Claims Service.

Then Department Service Officer Art Rodrigues LLB–J.D. had long believed that VA Claims outreach to veterans in the North part of San Diego County was a concept long over due. Current demographics indicated that some 150,000 of the county's 371,000 veterans resided in the numerous cities north of San Diego. Because of military downsizing, many discharges from Camp Pendleton, the Marine Corps largest base, have now settled in North County.

The experimental partnership forged by Art Rodrigues and Robert Sniffen, Chairman of San Diego Veterans Services, is now a major unprecedented success beyond anyone's wildest expectations! For the immediate past quarter (Oct, Nov, and Dec. 1997), 73 veterans received VA claims awards totaling $646,979. This quarterly monetary awards total was achieved in only 30 working days. Also during this quarter, 274 vets were counseled and interviewed with another 80 "new" claims filed.

The SDVS, Veterans Service Center of North County, the home of the VFW/SDVS Claims Service, has become a magnet for those wishing to file or refile VA Claims without a major journey to VA Regional facilities.

Now as the word of success of this one-of-a-kind, claims project spreads, some 10–12 veterans a day are interviewed and counseled as to their potential VA claims benefits and rights.

To illuminate the impact of this innovative program, one just needs to look at the following statistics:

The San Diego Department of Veterans Affairs Regional Office serves Imperial, Riverside, and San Diego Counties in regards to processing VA claims entitlement applications. This region provides 12,831 disabled veterans with monthly compensation and pension benefit checks.

Of that number, 315 North County vets and their families now receive such entitlements as a direct of the Veterans Service Center of North County's VFW/SDVS Claims. Since February 21, 1996 through November 30, 1997, this singular outreach program has interviewed and counseled 1817 veterans, spouses, widows and survivors to determine potential eligibility for benefit entitlements. These outstanding results were achieved in just 179 working days. As a result of the VFW/SDVS project, 567 vets have filed their VA claims and 315 vets and their families have already been granted back pay and monthly entitlement awards now topping $3 million.

That $3 million improved the quality of life for vets families, homeless vets, surviving children of deceased vets, the totally and permanently disabled vets, and those vets with partial disabilities that impact their lifetime earnings capabilities.

Veterans and their families in a dozen or more Northern San Diego County Cities are now enjoying "new found" disposable income that is rightfully due.

When one considers the round trip distance of a 50 mile plus trip to VA facilities from Escondido, it simply makes common sense that certain subsets of our veterans are precluded from taking this "Magical mystery" tour to VA facilities.

This would include an assortment of every disability for a large number of "graying" senior vets suffering from cataracts to hip replacements, as well as younger vets, disabled as a result of their military experience. Others simply are age-affected with fear of such a long trip. Following are a few other factors that prevent many veterans from filing their VA claims at any place else, other than the Vets Center:

Homeless vets without bus fare, and a 2 or 3 hour journey by bus if bus fare is provided.

The on-going distrust of government among some veterans. These Vets find it emotionally harming having to deal with the government. This skepticism is only sometimes justifiable but is real to the veteran.

Veterans who must be convinced they are not "unworthy" of government assistance or large numbers of vets who feel that "their buddies" deserve it and need it more than they do.

Unemployed Veterans and underemployed vets who are busy with 2–3 menial jobs and cannot afford the necessary cost of gas if they have a car.

Widows of deceased veterans who for similar reasons cannot navigate their way to the regional VA office.

Those veterans who come to the center for other "needs". These vets had no intention to file or were unaware of their rights to file for entitlement benefits. All new Center Clients are automatically funneled into "VFW/SDVS Claims Service" office.

Vets who are referred to the VFW/SDVS Claims Service by "Wildfire" word of mouth from fellow vets whose claims were successfully resolved.

Vets who might have filed ages ago, were initially turned down and/or abandoned their claim in the appeal process, out of frustration, moving, or a variety of other reasons.

Trust and belief in the "veterans helping veterans" all volunteer aspect of all Vet Center programs are also vital components of this One-Of-A-Kind-advocacy outreach effort.

If there is another volunteer, local nonprofit effort as wildly successful as the VFW/SDVS Claims Service we have yet to hear about it.

We are so very proud of these contributions of "new disposible" income to our vets which has vastly enhanced the quality of life for them and their families. Such efforts benefit our vets, our local businesses, and the community at large.

These glaring, indisputable, "bottom line" numbers touted by the VFW/SDVS Claims Service has been faithfully assembled by the Number Two man responsible for all VFW Claims Offices throughout the State of California, Art Rodrigues, LL.B.J.D., the Deputy Director of the California VFW Service Department. Mr. Rodrigues has single handedly produced each claim award and has kept such numbers during his 22 years of service at the San Diego Mission Valley VA Regional office as the VFW's National Service Officer.

The Veterans of Foreign Wars on the local, state, and national level have recognized the VFW/SDVS Claims Service as a unique and effective project worthy of replication. The VFW recognizes that this effective new method of dispensing claims services, because of cutbacks of VA personnel and budget constraints, will result in less services at VA regional offices. Outreach, one-stop-center efforts will eventually replace central government services across the nation. All government services, will, in coming decades, eminate from one-stop, outreach community centers. This was made clear by the 1997 VFW National Commander In Chief, James Neirs in his visitation to the Vets Center in early 1997 when he labeled the VFW/SDVS partnerships as a "Model For The Nation."

The VFW/SDVS partnership continues unabated! While Art Rodrigues has retired as a VFW Department Service Officer, he remains on the job in his capacity as the Deputy Director of the California VFW Service Department. As a volunteer three days a week, Art continues to do wonderful work on behalf of the VFW and on behalf of the veterans he serves.

"There is no question that the VFW/SDVS Claims Service is a smashing success. In my twenty two years as a DSO for the VFW I have not seen anything that compares to this efforts record of success. It is my hope that my counterparts in all veterans organization throughout California and the nation will take a close look at our collaborative outreach project and seek the replicate such an effort in their area", stated Rodrigues.

The team of Rodrigues and Sniffen, representing the good works of the VFW and SDVS, are not done yet with their outreach master plan. The 1997 VFW National Convention allocated a one year $5,000.00 grant to the state VFW which is intended for increased outreach efforts in North San Diego County.

"It has always been our intention to open another VFW/SDVS claims office in Oceanside, California to handle the ever-increasing numbers of military discharges from Camp Pendleton, many of whom chose to remain in the beautiful North County's cities where they have put down roots" according to Rodrigues and Sniffen.

While awaiting action from the VFW State level, one thing is certain, Veterans in the

Northern environs of San Diego County are receiving more VA entitlement awards than ever imagined or would ever have received if not for the existence of this unique and one of the most, if not the most successful, outreach projects in the nation.

Indeed, the VFW/SDVS Claims Service is A Model for the Nation.

INTRODUCING THE PRIVACY PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. PAUL. Mr. Speaker, I rise today to introduce the Privacy Protection Act of 1998, which forbids the use of the Social Security number for any purpose not directly related to the administration of the Social Security system. The Social Security number was created solely for use in administering the Social Security system. However, today the Social Security number is used as an identifier for numerous federal programs. Unless the use of the Social Security number is restricted, it will soon become a national identification number by which the federal government can easily keep track of all vital information regarding American citizens.

Anyone who doubts that we are well on the way to using the Social Security number as an universal identifier need only consult 1996's welfare reform bill, which forces business to report the Social Security number of every new employee to the federal government so it may be recorded in a national data base.

Another example of the abuse of the Social Security number is a provision in tax law requiring a spouse paying alimony furnish the IRS with the Social Security number of the spouse receiving alimony.

There are not isolated incidents; in fact, since the creation of the Social Security number in 1934 there have been almost 40 congressionally-authorized uses of the Social Security number as an identification number for non-Social Security programs! Abuse of the Social Security system also occurs at the state level. Mr. Speaker, in many states. One cannot get a driver's license, apply for a job, or even receive a birth certificate for one's child, without presenting their Social Security number to a government official, and just X weeks ago 210 of my colleagues voted to allow States to require citizens to show their Social Security number in order to vote. Since the Social Security number is part of a federal program created by Congress, it is Congress' responsibility to ensure it is not used to violate the privacy of America's citizens.

Perhaps the most disturbing abuses of the Social Security number is the Congressionally-authorized rule forcing parents to get a Social Security number for their newborn children in order to claim them as a dependent. Mr. Speaker, forcing parents to register their newborn children with the state is more like something out of the nightmare of George Orwell than the dreams of a free Republic that inspired the nation's founders.

Unless the abuses of the Social Security number is stopped, Americans will soon have a de facto national identification number, which would provide the federal government the ability to track all citizens from cradle to grave. The drafters of the Constitution would be horrified if they knew that the federal government would have the ability to set up a universal identifier and every newborn baby had to be assigned a number by the federal government. I therefore urge my colleagues to protect America's freedom by cosponsoring the Privacy Protection Act of 1998.

IN HONOR OF ROCKY RIVER BASKETBALL COURTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Mike McLaren and the players at the Rocky River courts in Rocky River, Ohio.

Chris Ballard, the author of Hoops Nation, recently toured the country looking for the best basketball courts and pickup games around. I am pleased to announce that Ballard features the Rocky River Courts in Rocky River, Ohio among America's top five basketball courts. NBA greats Danny Ferry and John Amaechi must agree since they play there regularly. The following is Ballard's description of the Rocky River Courts:

Take well-organized yuppie ball out of the health clubs, dump it on a court in a wealthy suburb of Cleveland, and you've got Rocky River, a magnet for Ohio's most talented gym rats. Mike McLaren, a local hoops junkie, has been organizing the games for 20 years, setting up teams and court rotations and keeping the slug fests to a minimum. Until City Hall runs the players out of town, as it's been threatening to do for years, McLaren's legions will be playing in fair and foul weather.

CONGRESS AND THE INTERNET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 18, 1998 into the CONGRESSIONAL RECORD.

CONGRESS AND THE INTERNET

The Internet is transforming American society. It is having a profound effect on our government institutions and our economy and how we communicate with each other and with the rest of the world. About 40 million people used the Internet in 1996, and that number is expected to rise to about 200 million by 1999.

The Internet is a global network of computers linked by phone and cable lines. It began in 1969 as a Defense Department initiative to link a handful of universities, research laboratories and military bases, and has now become ubiquitous. Individuals can access the Internet from personal computers at home or at work, at schools or in the library. The Internet is a means of disseminating information and, increasingly, a way to conduct business.

Congress is struggling to define what role government should play in the Internet. The Internet is a wide-open forum with few rules and regulations. It is not owned by anyone, and it is not confined by geographical borders. This very openness is the great strength of the Internet, facilitating the free exchange of information and ideas around the world. It is also a source of concern. For example, some of the most profitable web sites on the Internet are devoted to gambling and pornography. Some in Congress have urged aggressive regulation of the Internet, while others have urged minimal government involvement.

GOVERNMENT AND POLITICS

The Internet has had a dramatic effect on how the average citizen interacts with the federal government. First, individuals now have greater access to information about government. Federal agencies have web sites which usually describe key programs and initiatives and help citizens get answers to commonly asked questions, such as how to apply for a job or how to get benefits. Second, the Internet has made it easier for citizens to communicate with their elected representatives. About 4000 people have contacted my web site in the last year, and many constituents now send e-mail messages to my office. Third, the Internet provides a wide-range of fora for citizens to debate and discuss political issues, from 3-mails and chat rooms to ideologically-oriented web sites.

The Internet has also revolutionized media coverage of Washington. When I first came to Congress in the mid-1960s, most Americans got their news on current events from the morning paper and the evening news. Today, media coverage is almost non-stop, and the Internet has contributed to this trend. For example, the Monica Lewinsky story first broke on a web site, and several news outlets have provided round-the-clock reporting on the scandal from their web sites. Some would say the Internet is feeding the public's appetite for information. Others would argue that it has lowered media standards, opening the floodgates to unrestrained speculation.

AREAS OF POSSIBLE REGULATION

Congress will focus its legislative efforts on the Internet in four basic areas. First, it will consider various consumer protection bills, including measures to restrict junk e-mail, protect the privacy of personal information in government databases, and, most importantly, limit pornography and gambling on the Internet. Congress passed legislation in 1996 making it a crime to knowingly send or display indecent material over the Internet, but the Supreme Court invalidated the law on free speech grounds. Supporters say restrictions are necessary to limit access by minors to such materials. Opponents respond that parents, not the government, should control what their children see, that most Internet providers, such as America Online and Prodigy, already give parents and schools the tools to screen out offensive materials, and that regulating pornography will be difficult because U.S. laws don't reach web sites established overseas. We want to protect children from inappropriate material, but we also want to protect the exploding commercial potential of the Internet.

Second, Congress will debate measures relating to taxation of Internet commerce. One recent study estimated that the value of goods and services traded over the Internet will grow from $8 billion in 1997 to $327 billion in 2002. Those figures do not include consumers who are increasingly shopping on the Internet as they become more comfortable with the technology and more aware of the protections against credit card fraud. Many state and local governments, concerned about the shift of commerce to the Internet, want to impose taxes on Internet transactions. The challenge is determining which jurisdiction should levy the taxes, or whether state and local governments should be allowed to tax Internet commerce at all.

Third, Congress will consider bills involving the export of encryption, which is data scrambling technology used to prevent unauthorized access to electronic data on the Internet. Encryption, for example, may be used to secure credit card purchases over the Internet, or to restrict access to certain government web sites. The encryption issue is very contentious. Bills have been introduced to ease restrictions on the export of encryption products so that U.S. manufacturers are on a level playing field with their overseas competitors. The White House, however, has opposed relaxing export controls because of concerns that widespread use of sophisticated encryption will hamper law enforcement and intelligence gathering.

Fourth, Congress is reviewing the issue of trademark protection. Currently, the government has contracted with a private entity to assign web site names. Problems arise when entrepreneurs grab an address that is clearly identified with a well-known brand name or even with a governmental entity. Some argue the federal government should plan an enhanced role in resolving trademark disputes, while others favor referring such disputes to an international organization because the Internet transcends national boundaries.

CONCLUSION

The federal government has a legitimate role to play in Internet governance, particularly where interstate commerce, trade and law enforcement are involved. I do believe, however, that Congress should proceed with caution as it debates measures to regulate the Internet. I favor a minimum of regulation, but there are some things, like child molesters who get information from the Internet, that simply cannot be ignored. The Internet is a powerful, global technology which is changing our society in ways we don't fully understand, and raising complex legal and policy issues we have rarely, if ever, confronted. My sense is that Members of Congress should probably spend more time trying to learn about the complex and technical issues surrounding the Internet before trying to regulate it.

INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS POSSESSING FIREARMS

SPEECH OF

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Mr. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H.R. 424.

In the 104th Congress, I introduced the Hard Time for Gun Crimes Act of 1996, which made it clear that anyone who commits a felony with a gun should plan on spending the next few decades behind bars—no exceptions.

I am elated that the Leadership has adopted the basis of my bill and incorporated it into this legislation before us today. By adding stiffer penalties for crimes committed with guns, we'll be able to keep those who prey upon our society behind bars where they belong.

Mr. Speaker, I urge passage of this very important piece of legislation, as it will make our homes and neighborhoods safer places to live.

SPECIAL TRIBUTE TO CHICAGO STATE UNIVERSITY ON NATIONAL TRIO DAY 1998

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. RUSH. Mr. Speaker, Saturday, February 28, 1998, Chicago State University, a premier institution of higher learning in the First Congressional District, will be celebrating its annual TRIO Day. Congress established TRIO as a federally funded educational program in 1965 to serve disadvantaged first generation college students. This day recognizes the needs of disadvantaged youth and adults aspiring to improve their lives. TRIO Day also reminds us of the federal investment that we must continue to make to ensure that these individuals fulfill their potential and develop as productive members of our communities and of our country.

TRIO programs have proven effective in helping low-income students to succeed in higher education. The activities that TRIO promotes create real opportunities and address the "invisible" barriers of class, race, and culture. TRIO helps students to overcome those academic and social barriers that may pose difficulties for them in a formal educational setting.

TRIO programs truly work. Funding for TRIO supports a range of pro-active interventions to assist students. These include Upward Bound, Student Support Services, Talent Search, Educational Opportunity Centers, and the Ronald E. McNair Post-Baccalaureate Achievement program. TRIO helps students in the following areas: choosing a college; tutoring; personal and financial counseling; career counseling; workplace and college visits; assistance in obtaining financial aid; and academic assistance in high school or assistance to re-enter high school and college.

Congress can see the positive outcomes from TRIO programs. An estimated two million students have graduated college with TRIO support. Additionally, TRIO has helped to reduce defaults in the federal student loan program by helping low-income Americans to understand their financial aid obligations and to avoid institutions that may promise more than they can deliver.

I salute Chicago State University's tireless efforts to open its doors to TRIO-eligible students. Their ongoing partnership with local schools, businesses, and other community based organizations ensures that TRIO funds will impact students of diverse backgrounds.

Mr. Speaker, I ask that this body join me in saluting Chicago State University on the occasion of National Annual TRIO Day. I am proud to work on behalf of TRIO not only for Chicago State University students, but all disadvantaged students in our nation so they might fulfill their goals for higher education and lifelong learning.

REPRESENTATIVE MEEK HONORS RED MUMFORD, WESTSIDE PROPERTY OWNERS' COMMUNITY ACTIVIST

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mrs. MEEK of Florida. Mr. Speaker, on Thursday, February 19, 1998, the North Miami Westside Property Owners' Association recognized the contributions made to the community by Mr. Red Mumford, a resident of my district. I rise today to add my praises and bring to the attention of my colleagues the outstanding examples of his community activism.

With his signature crown of auburn hair, Red, as his friends know him, has lived in the City of North Miami for 29 years. Most recently, he has served as president of the Westside Property Owners' Association, tackling neighborhood problems like the Pepper Park Rock Pit and the noise caused by area adult entertainment clubs. His eagle eye has kept watch over the city council and he has led the charge on countless issues of importance.

Personally, Red has enjoyed continued support from his wife, Joyce, who is a community activist of her own merit. They are never far apart, even when Red is playing his saxophone with his own jazz band.

What speaks loudest about the man, however, are those actions which go largely unnoticed by the general public. Though his children have grown, Red continues to act as a positive role model for the kids in his neighborhood. He set up a trampoline in his yard and a basketball net in his driveway. He even allows the kids to swim in the family pool. In a world where neighbors continually grow more distant, Red goes out of his way to provide constructive activities for those children fortunate to live in his area. Never once has he asked for anything in return.

I am proud to have a man of the stature of Red Mumford living in my congressional district. His years of hard work have not gone unnoticed by his friends and family. I wish him continued success in all his endeavors.

TRIBUTE TO CAPT. JOHN HOGAN ON HIS RETIREMENT FROM THE POSITION OF CHIEF COUNSEL OF THE HOUSE AGRICULTURE COMMITTEE

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. SMITH of Oregon. Mr. Speaker, I rise to pay tribute to a man whose love for his country and its farmers stands as a far greater testament to his character than mere words ever could. John Hogan, Captain, United States Naval Reserve, retired from the position of Chief Counsel to the House Committee on Agriculture on January 31, 1998. His retirement marks a great loss to this Committee, which will surely miss his unrivaled knowledge of America's agricultural laws and policies.

Captain Hogan came to Washington D.C. in 1969 when he joined the staff of the House Committee on the District of Columbia. His boss was the Ranking Republican, Congressman Archer Nelson, from John's home state of Minnesota. Alas, farming ran in John's blood, so in 1975 he moved to the House Committee on Agriculture where he served as Associate Counsel. In 1979 he was promoted to Minority Counsel and then, with the Republican majority in 1995, John became Chief Counsel to the Committee. In this position he has ably served both myself and my immediate predecessor, now Senator PAT ROBERTS, as well as three different Republican Ranking Members.

Mr. Speaker, this Irish-American son of the soil still owns the same farm in Janesville, Minnesota that was homesteaded by his family many years ago. Yet, while dreams of dairy cows and topsoil may have danced in his head, he was so committed to his job that for almost everyday of his long career he was the first one into and the last one out of the office. Because of this, it was often remarked by his co-workers that John never left, but in fact evidence that he did from time to time leave his desk can be found in the impressive list of academic achievements he has compiled. Captain Hogan owns a Bachelor's degree from the University of Minnesota, an LLB from George Washington University, an LLM from Georgetown, and an MBA from American University.

John put this knowledge to work, and America's farm laws reflect his tremendous understanding of what it takes to keep America the breadbasket of the world.

America's farm communities could not have asked for a better friend or more dedicated servant than Captain Hogan. His long and distinguished career is a remarkable testament to a remarkable man. Mr. Speaker, I know that this whole body rises with me to say to John Hogan, Captain, you have left this Committee better than you found it; you have given of yourself, so that others might have more to receive; you have set an example that others may try to emulate, though equal it they never can. For all you have done, this body and your country thanks you. Have a happy retirement.

1998: THE YEAR OF ARMS CONTROL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention a recent oped by Senator JOSEPH R. BIDEN, Jr., entitled Let 1998 Be the Year of Arms Control. The excellent article appeared in the Christian Science Monitor on February 23, 1998.

I ask that this article be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Christian Science Monitor, Feb. 23, 1998]

LET 1998 BE THE YEAR OF ARMS CONTROL

(By Joseph R. Biden, Jr.)

An increasingly chaotic world demands US leadership across a wide front. From NATO enlargement to Bosnia to Iraq to the Asian economic crisis to the United Nations, the US carries a heavy load.

But those aren't the only problems we face. Arms control has become the forgotten stepchild in foreign policy. We face grave threats to the safety and well-being of the American people. To meet them, the president and Congress should give higher priority to critical arms control initiatives this year.

First, we should implement the Chemical Weapons Convention. Last April, the US ratified the Chemical Weapons Convention outlawing poison gas. Russia, China, India, Iran, and many others also joined. China and India admitted for the first time to having chemical weapons and related facilities, which must be destroyed under the treaty.

But the US is now in violation of the treaty because Congress has failed to enact legislation needed to bring us into compliance. The national security consequences are serious. Until we come into compliance, for example, the US cannot effectively demand that Iran declare and destroy all its chemical weapons facilities—which potentially threaten US forces in Saudi Arabia and the Persian Gulf.

Second, we should ratify the Comprehensive Nuclear Test Ban Treaty. CTBT will inhibit nuclear powers from developing new classes of nuclear weapons and make it extremely difficult for non-nuclear countries to develop sophisticated nuclear weapons at all. Limiting other countries' nuclear efforts will enhance our deterrent posture, which remains vital to world security. It is no accident that the chairman of the joint chiefs of staff and his four immediate predecessors have all endorsed ratification of this treaty.

BACKING NONPROLIFERATION

The non-nuclear states consider CTBT an act of good faith by the nuclear powers, in return for their agreeing to permanent nuclear nonproliferation. If we were to reject CTBT and resume testing, as treaty opponents have urged, the nuclear nonproliferation regime could well collapse.

Third, we should ratify the START and ABM Treaty "strategic package." After the Russian Duma ratifies START II, President Clinton will submit to the Senate a package of modifications to the START treaties and the Anti-Ballistic Missile (ABM) Treaty. These needed modifications will pave the way for further control of strategic missiles and nuclear warheads under START III and safeguard our ABM research programs.

Some Republicans would kill the ABM treaty outright. That, in turn, would kill the START process: Russia will not give up its dangerous multiple-warhead missiles if the US moves to build nationwide missile defenses. Scuttling START would be costly and harmful to US national security and would undermine continued adherence to the Nuclear Non-Proliferation Treaty by non-nuclear states.

Rejection of the ABM treaty succession agreement would also alienate Ukraine and Kazakhstan. These two nations view the ABM agreement as validating their sovereignty vis-a-vis Russia. If we reject the treaty, they might seek nuclear weapons for protection, thus increasing the risk of a nuclear war in Europe.

Fourth, we should ratify an Anti-Personnel Landmine Protocol. Landmines have produced carnage from Angola to Bosnia, from Afghanistan to Cambodia. The Ottawa Convention banning these mines is controversial. As an alternative, the Senate can and should approve the amended landmine protocol to the Convention on Conventional Weapons, which would limit their use, require safety features, establish an obligation to clean up minefields, and extend the law to civil wars, as well as international ones.

The protocol, which is supported by many powers that would not sign the Ottawa Convention, could save innocent lives while we work to make a worldwide ban feasible for all countries.

INCLUDE LIGHT WEAPONS

Fifth, we should seek to control light weapons. We limit weapons of mass destruction, but there are few if any restraints on the most pervasive weapons. From border wars to civil wars to drug wars, the weapons of choice are the military assault rifle, the grenade, and the mortar. American tourists, students, missionaries, and business people have already fallen victim to these weapons. It is in our national interest to control them. The US supports voluntary bans on arms sales to the warring parties in Afghanistan and should explore the potential for other embargoes. The most effective short-term approach may be embargoes on ammunition. But this will work only if other light-arms producers join in. As a first step, Congress should urge US discussions with our European allies on a joint policy.

Arms buy-back programs can also work, if we help protect people who turn in their arms and offer them a decent livelihood. The US assisted a successful buy-back program in Mali, and Congress should fund more such efforts.

This ambitious wish-list will not be completed in a single year. But these issues affect the safety and lives of our citizens, and we should start addressing them.

HONORING THE CENTRAL FAIRFAX CHAMBER OF COMMERCE PUBLIC SAFETY AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the Central Fairfax Chamber of Commerce Public Safety Award Winners. The Public Safety Awards honor the City of Fairfax's finest Police Officers and Fire & Rescue personnel who have gone above and beyond the call of duty on a daily basis. On Thursday, February 26, 1998, the Central Fairfax Chamber of Commerce will present the Annual Public Safety Awards to these brave public servants at the Fairfax City Holiday Inn.

1997 Officer of the Year: Detective Albert L. Leightley, III. On October 10, 1997, Detective Leightley successfully apprehended two credit card fraud suspects. From his interview with these suspects and from further investigations, Detective Leightley was led to other accomplices. By the time Detective Leightley closed this case, he had eight criminal arrests and had assisted the surrounding jurisdictions in closing numerous criminal cases of their own. Detective Leightley is known for solving the "impossible" larceny cases, often given few facts, leads or physical evidence. He has an outstanding record of closing forty-nine percent of his cases with a sixty-four percent arrest rate for 1997.

1997 Dispatcher of the Year: Betty I. Powers. On September 21, 1997, Dispatcher Powers was working alone in communications when two serious incidents occurred almost simultaneously. She remained calm under pressure as she dispatched police and fire department support to a felony traffic stop and to a hostile fight situation. This is just one of many examples of the professionalism and dedication to duty routinely displayed by Dispatcher Powers.

1997 Firefighter/Paramedic of the Year: Fire Medic Bruce Suslowitz. During the seven years Fire Medic Suslowitz has been with the Fairfax City Fire Department, he has consistently performed outstanding service to those in need. He has gained the trust and faith of his patients with his compassionate, caring and professional manner. He has not only been an invaluable asset to the community but to the Fire & Rescue Department as well. He has participated on numerous department committees, created several public service programs, and has served as a mentor to Paramedic interns.

1997 Lifesaving Award: Officer Eduardo J. Azcarate. In the early morning hours of September 21, 1997, Officer Azcarate was dispatched to George Mason University to provide assistance in ending a large fight. When he arrived on the scene, he rushed to the aid of a stabbing victim. While his fellow officers controlled the crowd, Officer Azcarate performed rescue breathing on the victim until Fire & Rescue units arrived. Officer Azcarate helped saved the victim's life by stepping into a hostile situation and without hesitation, performing emergency medical intervention.

1997 Lifesaving Award: Battalion Chief Kenneth Hahn. On July 17, 1997, Battalion Chief Hahn responded to the home of a man who was having chest pains, but did not want fire department aid. The man insisted on waiting for his friend to take him to the hospital. Battalion Chief Hahn was concerned for the man's well-being and insisted on staying with the man until his friend got there. Ten minutes later, the man went into cardiac arrest. Battalion Chief Hahn quickly called for help, and initiated Cardio Pulmonary Resuscitation until more fire department assistance arrived. Battalion Chief Hahn then addressed the concerns of the man's family and friends. Battalion Chief Hahn's conscientious actions were vital in saving this man's life.

1997 Lifesaving Award: Captain John Ahrens and Fire Medic William Schwarz. On September 29, 1997, Medic 33 was dispatched for an obstetrical emergency. When Captain Ahrens and Fire Medic Schwarz arrived, they found a woman lying on her back with a 2 month premature infant on her chest. Captain Ahrens and Fire Medic Schwarz worked feverishly to resuscitate the little boy. They were continually challenged to improvise and reassess all treatment efforts due to the extremely small size of their patient. Due to their professional, capable, and highly competent performance under difficult circumstances, the infant was delivered to the emergency room with the best possible chances for survival.

Mr. Speaker, I would like to send my sincere gratitude and heartfelt appreciation to those distinguished public servants who are truly deserving of the title "hero." Their professionalism and initiatives have earned them the well deserved Public Safety Awards from the Central Fairfax Chamber of Commerce. It is because of these outstanding public servants and their peers that Fairfax City continues to be one of the finest cities in the world.

RECOMMENDING AN ARTICLE BY R.C. SPROUL, JR.

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. PAUL. Mr. Speaker, I would like to recommend to my colleagues the following article by a young writer, R.C. Sproul, Jr., the son of the remarkable theologian and author. While this article is indeed instructive and important in regards to the recent situation with Iraq, I believe that the author does a fine job addressing the much broader topic of following the Constitution in all matters, including those of inciting war and promoting peace. His article was written for CovSyn, which is a publication of the Kuyper Institute, in Oak Ridge, Tennessee.

Our founding fathers formed our government to ensure that no single person could have complete power or authority over any aspect of government; to give anyone that kind of power is to invite tyranny.

I urge my colleagues to read and consider Mr. Sproul's article. We all took an oath to uphold the Constitution: an oath which we must take seriously if we are to promote liberty, peace and civil society.

BOMBING THE CONSTITUTION

By R.C. Sproul, Jr.

When was the last time the United States went to war? That's not exactly an easy question to answer. If, however, the Constitution is in fact the law of the land, the answer is December 8, 1941. You see, the Constitution says that only the Congress has the power to declare war on another nation. That would seem to mean that without such a declaration, there is no war. Some kept this pretense the first time the United States went to war after World War II. Some called the Korean War a "police action." Vietnam, though there was again no declaration of war, was known as a war.

Since Vietnam U.S. soldiers have shot at soldiers from other countries, and been shot at, in Libya, Grenada, Panama, Somalia, the former Yugoslavia, and Iraq. And it appears we're going to non-war again in Iraq sometime soon. Where, to quote Mr. Dole, is the outrage? How is it that the Constitution can be so brazenly ignored?

Some argue that in an age of intercontinental ballistic missiles, that the requirement for a Congressional declaration is outdated. In none of the above "non-wars" however, have such missiles constituted a threat to American safety. And even if such were the case, why not change the Constitution to reflect the current situation?

Others suggest that we have no need for this old rule since we now have the "War Powers Act" which gives congressional approval for the President to use the military freely within a certain time frame. But that's not at all the same thing. The Constitution nowhere gives the Congress the right to shirk their role as declarers of war.

Still others try to argue that the United Nations security council now serves that role. Again though, the Constitution says nothing about giving them this role. Neither does it say that a sufficient number of handshakes with Madelaine Albright shall be a substitute for Congressional action.

And still some go on insisting that these conflicts aren't wars. With the U.S.S. Nimitz in the Suez Canal, with 3,000 ground troops being sent to join the 1,500 already in Kuwait, with Stealth bombers lined up and ready to go, this is nonsense. When soldiers shoot at each other, whether they're in a foxhole, or in a room full of computers, or 35,000 feet in the air, that's war.

The only explanation I can think of is that no one really knows what the Constitution says. And while I'm not surprised that government school products would be ignorant (how can they know the Constitution when they can't read it?), what frightens me is that each and every soldier, from the buck private loading the cargo planes, to the lieutenants fresh out of ROTC, to the Commander-in-Chief, all of them have taken a solemn oath to uphold and protect the Constitution.

These United States are no longer operating under the Constitution. We, like those great nations which have come and gone before us, have sunk to the level of empire. And you, friend, are no free man or woman, but just another subject. Remember that as you wave that flag in honor of the bombing heroes.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. POSHARD. Mr. Speaker, I am honored to join my colleagues today in a celebration of Black History Month. We have come together today to remember the struggle of African-Americans, to commemorate their accomplishments and to honor their contributions. While it is my sincere hope that my fellow citizens do this every day of the year, it is nonetheless appropriate that we set aside the month of February to pay special attention to both the history and future of African-Americans in this country.

As a former history teacher and a longtime scholar of American history, I am very familiar with and deeply grateful for the countless contributions that African-Americans have made to American identity, culture, science, literature, arts and so much more. I am continually fascinated by the depth and intricacy of the American experience throughout history, and I recognize the critical role that the African-American community has played in its development.

I represent the great state of Illinois, and in particular a congressional district rich in history. Illinois is fittingly known as the Land of

Lincoln, a state which boasts the childhood home of Abraham Lincoln, the site of his first law practice, the venue for the Lincoln-Douglass debates, and the State Capitol in Springfield, where Mr. Lincoln spent a portion of his venerable political career. I am enormously proud to have served in that same legislative body, working always in the shadow of the memory of the man who had the courage to declare that under a system of slavery, our nation could never be truly free.

Near Shawneetown, Illinois, there is a unique historical landmark known as the Old Slave House, which was built in 1834. During the pre-Civil War era, the Old Slave House served as a holding place for escaped slaves who had been captured and were awaiting return to their owners. The Slave House is the only known remaining structure to have been used by kidnappers operating a sort of "reverse" Underground Railroad and is considered a key site by researchers and historians seeking to preserve relics of this critical time in American history. I am committed to ensuring that the Old Slave House and other sites receive the recognition and protection necessary for their preservation, so that future generations may benefit from the important lessons they have to teach.

Mr. Speaker, let me close by urging my colleagues and all Americans to embrace the opportunities provided by the celebration of Black History Month. This is a chance to educate a new generation about the experiences and contributions of African-Americans. This is an opportunity to pay tribute to the prominent African-Americans who have given so much to this country throughout its history. And perhaps most importantly, this month should serve as a somber reminder of a grim history of hundreds of years of slavery. Let us never forget what came before and let us never cease our efforts to rid this great nation of the racial discrimination that has for so long been used to justify it.

TRIBUTE TO SELMA LARSON

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to say a few words about one of my constituents, whose tireless efforts on behalf of senior citizens deserves respect and recognition.

Selma Larson is a columnist for the Adrian Daily Telegram in Adrian, Michigan. Her focus for a number of years has been on issues impacting senior citizens. Along with her column, she hosts forums to give voice to the concerns of seniors.

Selma doesn't expect you to agree with her on every issue. And, as it should be, she does not hesitate to take public servants to task when she holds a different view. But her commitment to improving the quality of life of our senior citizens is unquestionable. I always take note of her opinions and value her insights very much. In a very unique and important way, Selma Larson ably conveys to me the views of like-minded seniors in Lenawee County. She does this without expecting recognition or reward for her efforts.

For these reasons, when I was asked to nominate a candidate for the Blue Cross/Blue Shield Ageless Heroes Award, Selma's name was the first to come to mind. I know her colleagues and her friends in Lenawee County would agree that she is worthy of this honor.

Mr. Speaker, Selma Larson, through her vigor, hard work, and dedication, serves as a role model to us all. She proves every day that in America a person with commitment and drive can have a lasting impact on issues affecting all of us.

PERSONAL EXPLANATION OF CONGRESSMAN TOM A. COBURN, M.D. ON ROLL CALL VOTE NUMBER 557

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. COBURN. Mr. Speaker, in conducting my end of the year of review this past month I discovered that without explanation, my vote was not recorded on Roll Call vote number 557, passage of H.R. 1270, Amendments to the Nuclear Waste Policy Act of 1982. I was in fact present for this vote and did in fact vote Yea.

EQUITY IN TRANSPORTATION FUNDING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. PACKARD. Mr. Speaker, as a "donor state," Californians pay more in federal taxes at the gas pump than they receive back in federal funds for highway construction, bridge, and road maintenance. When Congress reauthorizes transportation funding legislation this year, I will support equity in transportation funding for California.

Taxpayers in my state expect their hard-earned tax dollars to be used for improvements in their communities and across California. Unfortunately, that is rarely the case. The truth is, some of the money is always used in some other town, in some other state. Mr. Speaker, we should stop asking California taxpayers to pay for highway and infrastructure improvements they will likely never see.

California communities are struggling to maintain their infrastructure. Many communities, including those I represent, are finding it virtually impossible to keep up with growing populations and business development. This is not only unfair, it is becoming unsafe.

Congress must support more equitable funding formulas for states that traditionally pay much more than they receive for their tax dollars, especially California. Mr. Speaker, we must enact a fairer transportation funding formula this year. I urge my California colleagues to unanimously support a funding formula that is fair for California taxpayers.

IN HONOR OF THE CITY OF ELIZABETH RECEIVING THE 1998 COMMUNITY EMPOWERMENT AWARD FOR THE NATION'S TOP URBAN ENTERPRISE ZONE PROGRAM

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. MENENDEZ. Mr. Speaker, I would like to congratulate the city of Elizabeth, New Jersey for receiving the 1998 Community Empowerment Award from the National Association of State Development Agencies (NASDA) for developing the nation's most successful Urban Enterprise Zone.

The city's UEZ program, which is administered by the Elizabeth Development Company, beat out more than 3,000 eligible zone program participants from 40 states for the honor. The award will be presented February 26th at the annual NASDA Awards Luncheon in Washington, D.C.

In five years Elizabeth's UEZ program has generated over $30 million in revenue. In addition, the program has helped jump start over $500 million in economic development and provide more than 6,000 jobs for the region. In the future, the program expects to add 5,000 more jobs with the development of the New Jersey Gardens MetroMall.

Elizabeth's UEZ program is a model for how targeted sales and business tax cuts coupled with effective community programs can serve to spur growth in our urban areas. This nationally renowned program has attracted such visitors as Boston Mayor Tom Menino and has brought innovative approaches to nurturing relationships between private and public sector agencies.

I would like to take this opportunity to thank everyone who has helped make this program so successful. I would especially like to congratulate Elizabeth Mayor Christopher Bollwage; Executive Director of the Elizabeth Development Company, Ed Kolling; Deputy Executive Director of the EDC, Bill O'Dea; Planning Director, George Devanney; UEZ Coordinator, Don Devanney; Senior Project Coordinator, Don Goncalves and Community Relations Coordinator, Dave Strochak.

TRIBUTE TO FAMILY CONNECTIONS ADOPTIONS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Family Connections Adoptions for over 15 years of devoted service to the community. Family Connections Adoptions helps families adopt children with special needs from all over the globe.

Family Connections Adoptions began in February, 1983. In 15 years the agency has placed over 1400 children, about half of which have been from California. The rest have been from developing countries—India, Korea, Thailand, South America, Vietnam, Romania, Ethiopia, China, Russia and others. The agency began by serving families in three counties with an office in Modesto, California. The service area has expanded gradually and now covers the whole state of California. There are branch offices in Sacramento, Fresno, and Oceanside.

The children range in age from infancy to fifteen years. The children are of every race and ethnic background. All of the children have been "waiting children," which means that they have some special needs. These special needs can consist of medical challenges which include blindness, deafness, missing limbs, cerebral palsy, heart problems, cleft lip and palate, hydrocephalus, failure to thrive, severe asthma, fetal alcohol syndrome, and drug addiction. Some of the children at Family Connections have been free of medical challenges but their age, large sibling group, or minority race kept them waiting for an adoptive family.

The families who adopt through Family Connections vary in age, income, education, race, and family size. Couples who have been married two years and singles are welcome to apply. For some, the adoption is a first child for the family. For others, the new addition joins a family with other children. The common factor all families share is their desire to nurture a child.

Many of the agency staff are adoptive parents themselves and they relate to adopting families with warmth and understanding. Family Connections has a commitment to children who wait for permanent, loving homes and to the families who long to open their hearts and homes to the waiting children.

Mr. Speaker, it is with great honor that I pay tribute to Family Connections for their contribution to child adoption. It is the care and devotion displayed by Family Connections that warrant this recognition. I ask my colleagues to join me in wishing Family Connections many more years of success.

INTRODUCTION OF THE CABLE CONSUMER PROTECTION ACT OF 1998

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. MARKEY. Mr. Speaker, I rise to introduce the Cable Consumer Protection Act of 1998.

I am pleased to be offering this legislation today with my good friend, the gentleman from Connecticut, Mr. SHAYS. The purpose of our legislative proposal is quite straightforward. We believe that Congress must act to continue consumer price controls past March 31, 1999, when they are scheduled to end pursuant to the Telecommunications Act of 1996.

The Telecommunications Act mandates that after March 31, 1999, consumer price controls for cable programming services end, a policy premised on the assumption that subsequent to enactment of the Act the telephone industry would mount a large scale assault of cable markets across the country. It is clear that competition to the cable industry has not materialized in any significant way after passage of the Telecommunications Act and that except for a few exceptions in limited areas of the country, the phone industry has largely pulled back from entering the cable business. Moreover, the cold reality is that for the overwhelming majority of consumers, an alternative wireline competitor is not going to show up in their neighborhood anytime soon to provide price competition to the incumbent cable company.

The effect of lifting consumer price controls 13 months from now in the absence of robust competition would be to permit cable monopolies to charge what they want for everything but the broadcast-tier basic service without an effective marketplace check on their ability to raise rates excessively. This means that for the vast majority of cable consumers, the expanded tier of service that typically includes CNN, ESPN, TNT, DISCOVERY, MTV, and other popular cable programming services will be offered without any price limits in place.

Without a legislative change to extend consumer price protections for cable consumers past March 31, 1999, consumers will be hit with a cable rate El Nino. Congress must act in time to adjust the law to take note of the fact that cable competition has not developed sufficiently to warrant lifting consumer price controls. The recent cable competition report from the FCC in January underscores this fact. The new Chairman of the FCC, William Kennard, noted when releasing the report that policymakers "should no longer have high hopes that a vigorous and widespread competitive environment will magically emerge in the next several months."

Our legislation would simply repeal this sunset date from our communications statutes. Cable operators would then be deregulated through two underlying provisions that are already available under the law.

The first test for deregulating an incumbent cable operator in a franchise area that is contained in the Communications Act of 1934 would be met if emerging competitors served more than 15 percent of the households in a particular franchise area (see Section 623](l)(1)(B)). Second, if a local phone company offers a competing cable service directly to subscribers in a franchise area then the incumbent operator is immediately deregulated, without waiting for the phone company to garner 15 percent of the market (see Section 623(l)(1)(D)).

As I said during deliberations on the Act in 1995, when Mr. SHAYS and I offered a cable consumer protection amendment, and which I continue to believe today, sound public policy should compel us to repeal consumer price protections only when effective competition provides an affordable alternative choice for consumers, making regulatory protections unnecessary.

Until that time, the question boils down to this—do you want your monopolies regulated or unregulated?

In my view, such protections should not be lifted on an arbitrary deadline set on the basis of politics instead of economics. I urge my colleagues to support this effort on behalf of millions of cable consumers across the country.

INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS POSSESSING FIREARMS

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1998

Ms. DEGETTE. Mr. Speaker, I rise today to oppose H.R. 424. I strongly support effective crime control and crime prevention measures. I am also a steadfast proponent of smart gun control laws and tough sentences for gun-related violence. However, this misguided attempt imposes penalties for possessing a weapon that are far more severe than are the sentences for many violent crimes, like manslaughter. It is outrageous that the penalties imposed by this legislation for a first time offender for drug possession who has a gun at the time of the crime is ten years while a rapist receives only six years. We need to get tough on crime, but we also must be smart in our crime control strategies. Mandatory sentencing does not allow judicial flexibility to address each crime individually, imposing tough sentences when necessary and second chances when warranted.

The severity of sentences should reflect the seriousness of the crime committed. The sentencing policy included in this legislation which punishes criminals based not on their crime but on whether or not they possess a gun and the type of gun they possess simply does not make sense.

JAVITS-WAGNER-O'DAY BLIND WORKER OF THE YEAR

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. PETERSON. Mr. Speaker, I rise today to recognize Joyce A. Gnoffo of Williamsport, Pennsylvania, who has been selected as Blind Worker of the Year as a participant in the Javits-Wagner-O'Day program.

Ms. Gnoffo was nominated for this honor by her co-workers at North Central Sight Services, Inc., which provides a variety of computer media to the U.S. Department of Defense and pressure sensitive labels to General Service Administration. Ms. Gnoffo was selected for this honor as a result of her on-the-job performance at North Central Sight Services, Inc.

I know I am joined by many in congratulating Ms. Gnoffo in this wonderful achievement, and I wish her the very best of luck as she competes nationally for the Peter J. Salmon Award.

Thank you, Mr. Speaker, for this opportunity to recognize and to congratulate Joyce A. Gnoffo.

JCAHO ACCREDITATION PROCESS A SHAM; MILLIONS OF LIVES AT RISK AT "ACCREDITED" HOSPITALS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. STARK. Mr. Speaker, a recent investigation of New York City hospitals has uncovered startling evidence of substandard care at hospitals with high accreditation scores from Joint Commission on Accreditation of Health Care Organizations (JCAHO). In a scathing report, the Public Advocate for the City of New York presents strong evidence that hospitals circumvent JCAHO's annual announced survey visits—simply by hiring extra staff to make operations look smoother than they really are.

In too many cases, the report finds that JCAHO's high test scores mask a darker reality—that some accredited hospitals may be endangering the health of patients because they don't meet basic standards of care.

The New York City report demonstrates widespread quality of care problems in 15 accredited City hospitals. For example, it finds: Inadequate supervision that can mean patients are left in pain; substantial delays in treatment of emergency room patients; outdated and broken equipment; overcrowded, understaffed clinics; unsanitary conditions throughout the hospital; incomplete and poorly documented patient charts.

Clearly, when such conditions are present, JCAHO should respond with sanctions, not high praise. Yet only last year, JCAHO flunked fewer than 1% of hospitals. The organization says that it fails so few because it prefers to work with hospitals to "correct" any violations that are detected. But if its accreditation standards are low to begin with, then can consumers and plans really rely on JCAHO reports? This is a critical question for Medicare beneficiaries, since JCAHO-accredited hospitals are "deemed" to have met Medicare's "Conditions of Participation," a key proxy for quality of care.

The weaknesses of JCAHO's current system are made plain in the New York report. Simply put, there are no surprise inspections, and little apparent follow-up of pro-forma walk-throughs. "Simply investigative steps, such as unannounced visits, confidential employee interviews, and document audits" could make a vast difference in what JCAHO actually found.

To make matters worse, under the Joint Commission's arbitrary scoring system, hospitals with serious quality of care problems are often awarded high accreditation scores. In effect, JCAHO surveyors are encouraged to rank hospitals highly on each standard, even if the hospital is unable to meet that standard! This practice makes a mockery of the review process.

In fact, almost all (98 percent) of the institutions surveyed in the New York City study received scores of 80 or better on a 100 point scale, and none had a score below 70! Mr. Speaker, I am astounded that, of the 18,000 institutions surveyed each year, none are judged to fail outright. Nearly all of them met JCAHO standards.

These inflated grades are confusing and misleading. Although each facility is rated on individual standards, the highest score of 1 on a scale of 1 to 5 only indicates 91% compliance; a score of 2 indicates only 76% compliance.

The results of such a skewed system are that public health authorities are left to do the hard work of sanctioning and shutting down facilities that are appalling deficiencies.

In 1994, New York City's Union Hospital was reviewed by JCAHO and given a score of 92. Three years later, in March 1997, the hospital's score rose to a near-perfect 97. But later that year, the New York Department of Health concluded that hospital staff had failed to properly treat high-risk emergency room patients, including two rape survivors, and was using outdated and expired drugs. Nurses pointed to understaffing and a lack of experienced staff in the pediatric, post-partum, and maternity departments and the emergency room. By October, public health authorities moved to partially shut the hospital, which has since filed for bankruptcy.

In Brooklyn, New York, Interfaith Medical Center received a JCAHO score of 89 in 1995 that was raised to 94 a year later. Strange, because a 1997 Wall Street Journal article on Interfaith painted a picture of a badly deteriorated facility, with heating and plumbing systems in bad disrepair and non-functioning elevators. Hospital staff, the story found, had to stave off invasions of rats, mice, and flies. Even the hospital's president, Corbett Price, was quoted as saying, "This hospital is being held together by rubber bands and Band-Aids."

JCAHO's problems are not confined to New York. In Las Vegas, poor care at Columbia/HCA's JCAHO-accredited Sunrise Hospital generated numerous newspaper articles and television pieces in October 1996, ultimately causing JCAHO to place the facility on probation a year later.

Just recently, JCAHO placed Columbia's North Houston Medical Center on preliminary non-accreditation status—but only because an employee called a hotline number to report that problems had been overlooked—including a high level of incomplete patient records. After returning to North Houston in December, JCAHO downgraded the hospital's status.

In other cases, where serious problems have been brought to light by state inspection teams, JCAHO has proved reluctant to downgrade a hospital's accreditation status.

Given this spotty record, I am outraged by media reports that the Joint Commission is considering softening its already loophole-ridden review process. According to a leading trade publication, Modern Healthcare, JCAHO may move to allow hospitals that self-report a "sentinel event" within five days of its occurrence will be put on accreditation watch. The definition of "a sentinel event" is one that could lead to the death or serious injury of a patient.

The misguided scoring and lax oversight documented in the New York report suggests that another system of oversight is needed. I am cosponsoring two bills that would overhaul the current voluntary review process. The Accreditation Accountability Act of 1997 (H.R. 800) would require all Medicare-accrediting organizations to hold public meetings. One-third of governing board members would be members of the public.

Second, the Medicare and Medicaid Provider Review Act of 1997 (H.R. 2543) would levy user fees on hospitals and other health care providers to underwrite the costs of independent federal compliance and audits. I am happy to report that President Clinton included the heart of this bill in the budget package he recently sent to Congress.

For too long, we've given JCAHO and the Health care industry the benefit of the doubt. Self-policing simply isn't working. The New York City report is all the evidence we need to show that patients suffer—sometimes fatally—from substandard care provided by JCAHO-accredited hospitals. Let's put patients' needs first, back where they belong.

A SPECIAL TRIBUTE TO HARRY THOMPSON ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding individual from Ohio's Fifth Congressional District, Mr. Harry Thompson. On Saturday, February 28, 1998, Mr. Thompson will be retiring from the Ottawa County Board of Elections.

Mr. Speaker, Harry Thompson has dedicated much of his life to serving his country, his community, and his party. Mr. Thompson has served as a member of the Board of Elections for ten years, the past eight as the Chairman. During his tenure on the board of elections, Mr. Thompson was a strong public servant, an impartial judge of electoral issues, and a valued colleague to those with whom he worked.

Like his unwavering service to the Board of Elections, Mr. Thompson dedicated a great deal of time to the Ottawa County Republican Party. Mr. Thompson served as the county GOP Chairman for many years, retiring just this past year. Mr. Thompson diligently worked to encourage and support increased participation in our political process. His support of grassroots political exercises has certainly helped to strengthen the free form of government we enjoy.

Mr. Thompson has placed an enormous emphasis on service to government, to politics, and to the community. We have often heard that America works because of the unselfish contributions of its citizens. I know that Ottawa County is a better place because of the countless hours given by Harry Thompson. His public service and commitment to Ottawa County will be sorely missed.

Mr. Speaker, in addition to the flag being flown over the Capitol on Mr. Thompson's behalf, I would urge my colleagues to rise and join me in paying special tribute to Mr. Harry Thompson, a true American, a dedicated public servant, and a good friend. We wish him well in his retirement and in the years ahead.

A SPECIAL SALUTE TO JUDGE WILLIAM K. THOMAS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. STOKES. Mr. Speaker, I am proud to salute an outstanding member of the judicial system, United States District Judge William K. Thomas. Judge Thomas recently retired after nearly 32 years on the federal bench. I take special pride in recognizing him at this time.

President Lyndon Johnson in 1966 appointed Judge Thomas to the U.S. District Court in Cleveland. In an article which appeared on January 30, 1988, the Plain Dealer newspaper paid tribute to Judge Thomas, highlighting his distinguished career. The article is entitled, "A Fair Piece of Work," and recognizes an individual who earned a reputation as a thorough, hard-working and dedicated judge. His reputation for fairness earned him the respect of his colleagues and peers.

Mr. Speaker, during my career as a practicing attorney, I tried cases in Judge Thomas' court. In my opinion, he is one of the finest trial judges in the nation. He is also a gentleman whom I respect and greatly admire. For this reason, I want to share the Plain Dealer article with my colleagues and others around the nation. I extend my personal congratulations to Judge Thomas and wish him the very best in his retirement years.

A FAIR PIECE OF WORK

(By Mark Rollenhagen)

When William K. Thomas was sworn in as a federal judge, one of the speakers at his swearing-in ceremony invoked the words of a former law partner who had long ago said Thomas could never be a good lawyer.

"The trouble with Bill Thomas is he wants to be fair to both sides," the partner had said.

Thomas, who retires today after nearly 32 years on the federal court bench in Cleveland, flashed a contented smile earlier this week when he recalled those words.

At 86 years old, he leaves what he sometimes refers to as "the judging business" with a reputation as a meticulous, hard-working jurist who treated lawyers, criminals and parties to civil lawsuits with respect and fairness.

"He's one of the best I've ever tried a case in front of," said James R. Willis, a veteran criminal defense lawyer who represented Cleveland Mafia boss James T. Licavoli when Licavoli was convicted in 1982 of racketeering. "He was patient, he listened to what you were saying and the ruled decisively. That's the whole package."

The Licavoli case, in which the mob figure and others were convicted of conspiring to kill mobster Daniel J. Greene, was perhaps the highest profile criminal case of Thomas' career. Greene, killed by a bomb in 1977, was in competition for control of organized crime in the Cleveland area.

But Thomas also presided over a trial in which porn king Reuben Sturman and several associates were found not guilty of obscenity charges, and he helped negotiate an end to a police standoff in 1975 with bank robber Eddie Watkins, who was holding hostages at a bank in Cleveland.

Watkins was sentenced to prison in 1967 by Thomas, but escaped. Watkins had asked for Thomas.

As for civil lawsuits, Thomas also shepherded a settlement of lawsuits brought by students injured when Ohio National Guardsmen fired on a crowd of demonstrators at Kent State University. With the jury deliberating, Thomas met with the lawyers in his chambers and pounded out a carefully worded agreement in 1979 in which the state of Ohio agreed to pay the plaintiffs $675,000.

Thomas said it would be difficult to pick out any of his cases as being bigger or more difficult than any of the others. He said he had never been one to look back.

What he has enjoyed the most, the judge said, is the view of life he had from the bench.

"I think the contact with individuals that comes to a trial judge is a great reward," Thomas said. "You have a chance to see the ebb and flow of humanity."

Thomas said his judicial temperament was formed in part by the experience of being dressed down in front of a client by a federal judge when he was a lawyer. "I vowed that I would never do that if I became a judge," Thomas said.

Thomas became a judge in 1950 when his friend, then-Gov. Frank Lausche, appointed him to the bench in Geauga County. He was credited with closing the Pettibone Club, a gambling club in Chardon.

He later moved to Chagrin Falls and was appointed to the Cuyahoga County Common Pleas bench by Lausche in 1953. He was the judge who released Sam Sheppard on $50,000 bond in 1954 after Sheppard was arrested and charged with murdering his wife, Marilyn.

Thomas served on the Common Pleas bench until 1966 when President Lyndon Johnson appointed him to the U.S. District Court in Cleveland.

He earned a reputation as a hard-working, thorough judge who worked through most federal holidays. He was careful and deliberate in what he said, preferring to issue his decisions in writing and avoiding rash decisions from the bench.

His approach to the courtroom was simple, he said: "Keep your head. Don't sound off until you've really had an opportunity to think things through."

Retired U.S. District Judge Thomas D. Lambros—who was appointed by Johnson in 1967—said he first met Thomas when they were both Common Pleas judges and Thomas was serving as president of a statewide association of judges.

Lambros said Thomas worked hard at improving both the court operations and dealing with the flood of civil rights law that was made in 1960s and 1970s.

"We had to deal with some very important constitutional issues which touched the lives of millions of people," Lambros said. "It was truly one of the highlights of my judicial career to have had the opportunity to serve with Bill Thomas."

Thomas has been a senior judge since 1981, handling a small docket of cases and occasionally handling trials to help out other judges.

He said he was not certain what he would do in complete retirement. His wife, Dorothy, passed away in 1992. He remains close to his four children and plans to do some writing—"nothing fancy, just a few notes for my children," he said.

"I've learned over the years to never look backwards and be thinking in terms of I'm missing what I was doing," he said. "I just try to find new things to do."

JOSÉ V. TOLEDO UNITED STATES POST OFFICE AND COURTHOUSE

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. ROMERO-BARCELÓ. Mr. Speaker, in recognition of the outstanding service of the late Judge José Victor Toledo, today I introduce a bill to designate the United States Post Office and Courthouse in Old San Juan, Puerto Rico as the "José V. Toledo United States Post Office and Courthouse."

Judge José Toledo served on the bench of the United States District Court, District of Puerto Rico, from December 1, 1970 to February 1980, when he died in office at the age of 49. He rose to the position of Chief Judge of the U.S. District Court in Puerto Rico and served with great distinction in that capacity until the moment of his untimely death.

"Pepe" Toledo, as he was known to many, was regarded by those who knew him prior to and after his appointment to the Federal bench as a man of paramount integrity and a loyal public servant. Judge Toledo was born August 14, 1931 in Arecibo, Puerto Rico. He received a Bachelor of Arts degree from the University of Florida in 1952 and a Juris Doctor from the University of Puerto Rico Law School in 1955. Prior to his appointment to the Federal bench, Judge Toledo served as an Assistant United States Attorney, as a partner of several law firms in Puerto Rico, and as a lawyer in local government in Puerto Rico. He served in the United States Army as a Member of the Judge Advocate Corps.

Judge Toledo was also a distinguished leader of the Exchange Clubs of Puerto Rico, through which he proudly served his community in Puerto Rico. He demonstrated his value to the organization through his involvement and commitment both at the local and national levels.

As expressed by the Chief Judge of the U.S. District Court in Puerto Rico, the Honorable Carmen Consuelo Cerezo, on behalf of the judges of the Federal court of Puerto Rico, "Judge José V. Toledo earned the respect of the public, the bar, and the bench for his patience, impartiality, fairness and decorum in the adjudication of the controversies brought before him. Judge Toledo set high standards for himself, yet he had a refreshing humility and capacity to understand the problems of others. His hallmarks were learning in wisdom, tempered by a tremendous feeling for people."

The U.S. Post Office and Courthouse in Old San Juan, built in 1914, stands above the foundations of the ancient-city wall that has guarded the harbor-entrance to the city for more than 300 years. Built only 15 years after Puerto Rico became a U.S. territory, it is listed on the National Register of Historic Places of the U.S. Department of Interior National Park Service. The site represents the eclecticism of American Architecture of the late XIX and early XX centuries, as it integrates American-Spanish-Revival, Sullivanesque and Beaux Arts Neoclassical Revival styles. The "Correo," as it has been known to generations of Puerto Ricans, is an imposing and beautiful structure which has stood magnificently within the old city walls, and within the hearts of Puerto Ricans as a symbol of the greatness of times past and of the importance of the U.S. Postal Service in Puerto Rico. It is fitting that this structure, so dear to us, should carry the name of Judge José V. Toledo.

The judges of the United States District Court, District of Puerto Rico, who voted unanimously to recommend the naming of the Federal courthouse in Old San Juan, Puerto Rico in honor of José V. Toledo, referred to the late Judge Toledo as a "learned jurist, outstanding citizen, and excellent human being." I am immensely proud to honor his memory with this bill to designate the U.S. Post Office and Courthouse in Old San Juan, Puerto Rico as the "José V. Toledo United States Post Office and Courthouse."

IN MEMORY OF DAVID M. CAWTHORNE, JR., TRANSPORTATION JOURNALIST

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

Mr. SHUSTER. Mr. Speaker, I wish to acknowledge with great sadness, the passing of a widely known and respected transportation journalist, Mr. David M. Cawthorne, Jr. His untimely passing at the age of 49 in January of this year has left a great gap in the Washington transportation community. Dave spent more than two decades covering regulatory issues at the Department of Transportation and the old Interstate Commerce Commission, as well as its successor, the Surface Transportation Board. It is probably safe to say that there is not a transportation lawyer, executive, or Washington representative who had not encountered Dave during his distinguished career. Many of the people he first met as Congressional staff or agency personnel have now risen to highly responsible executive positions in government and in the private sector. One small measure of this was the large number of his friends in the transportation community who recently attended his funeral in Washington. Rather than attempt to encapsulate Dave's career myself, I think that his personal legacy was better captured by the Chairperson of the Surface Transportation Board, Linda Morgan—herself a former Congressional staffer—in her memorial address at Dave's funeral. As a tribute to Mr. Cawthorne and the highest of journalistic standards he always stood for, I ask that her remarks be reprinted here.

IN REMEMBRANCE OF DAVID M. CAWTHORNE, JR.

COMMENTS BY LINDA J. MORGAN, CHAIRMAN, SURFACE TRANSPORTATION BOARD, JANUARY 21, 1998

Today we are gathered to celebrate our association with Dave, and in particular the many ways in which he inspired us and the many gifts that he gave us. I am truly honored to be able to share some of my thoughts about a very special friend and colleague.

I have thought a great deal about Dave over the last couple of days, as I know all of you have. In thinking about Dave, I am reminded that, in a town where there is so much focus on what titles people have or what job accomplishments people can claim, it is important to remember that what is a true test of a person is not so much what that person has done, but how that person has done it, or who that person really is.

Dave was quite a person. He was an individual of immeasurable human decency, profound inner strength, deep intellectual curiosity and commitment to thoroughness, impressive personal and professional integrity, and an unforgettable uniqueness.

All of us can relay our own experiences with Dave's decency. There was the call to congratulate you on something or the offer of support when you needed it, or the way he completed almost every contact with "sorry to disturb you" or "thanks so much for your time." Recently, my 12-year-old daughter was with me at the office, and we ran into Dave and had a conversation. When I told her that my friend Dave had died, she said: "I remember Dave. He was that man we met at your office who seemed so nice." Dave, seen clearly through the unjaded eyes of a 12-year-old, was a person who always remembered mutual respect and common courtesy.

And then there was his inner strength. No matter what personal or professional challenge he faced, he kept on going. He seemed to understand that life in its fullest is one challenge after another to tackle, one obstacle after another to overcome. And perhaps because of that awareness, he never stopped trying, and he never lost his spirit, his good humor, and his compassion for others. Wish that we all could struggle with such grace.

And then there was his intellectual curiosity and thoroughness. I have worked in the transportation arena for almost 20 years and had the fortune of dealing with Dave as a transportation reporter throughout that time. I always admired Dave's commitment to a full understanding of all sides of the issues and dedication to accuracy and enlightenment. He cared about the subject matter, and he wanted his reporting to be constructive and to make a positive difference. I always had great confidence in Dave's work.

And then there was his personal and professional integrity. In a town where integrity sometimes seems to be an afterthought, if a thought at all, Dave always thought about that first. Speaking as someone who has spent a great deal of time watching her back, and the backs of others, I can say that I never had that problem with Dave. In fact, Dave was one of those rare people who tried to protect other people's backs. There was never a worry that he would use information to harm others for his own interest. There was never a worry that he would compromise your wishes to suit his own. Dave taught us that so much more can be accomplished with mutual trust.

And then finally there was his unforgettable uniqueness. There was the way he opened up a telephone conversation—I will not try to do that injustice by attempting to imitate it. Or there was the funny tidbit that he always passed on. Or there was the insightful analysis of what was really going on. Or there was the kind word when you needed it.

Let me now share a reading that I think puts Dave's uniqueness in the proper perspective.

"Give Your Unique Gift. Each of us, as we journey through life, has the opportunity to find and to give his or her unique gift. Whether this gift is quiet or small in the eyes of the world does not matter at all—not at all; it is through the finding and the giving that we may come to know the joy that lies at the center of both the dark times and the light." (Helen M. Luke in Kaleidoscope)[1]

Dave certainly found and gave his unique gift of himself to all of us.

A while back, Dave called me to talk about various matters, and in the course of that conversation he thanked me for my friendship. He commented that I had always been a friend, even when he felt he was not deserving or when others seemed to have forsaken him, and he thanked me for that.

I have thought about that call a lot recently, and I want to say to you, Dave, that you had it all wrong.

We are the ones who should say thank you to you—for your decency, for your inner strength, for your intellectual curiosity, for your integrity, and above all for being you.

You have shown us the way. You have shown us the right way. We are all eternally grateful.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 26, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 27

9:30 a.m.

Rules and Administration

To hold hearings on S. 1578, to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site, and to hold oversight hearings on the budget requests for the operations of the Government Printing Office, the National Gallery of Art, and the Congressional Research Service.

SR–301

MARCH 3

9:30 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for Army and Defense programs.

SD–124

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[1] "100 Ways to Keep Your Soul Alive," Living Deeply and Fully Every Day, edited by Frederic and Mary Ann Brussat, 1994.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on defense programs.
SD-116

Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Forest Service, Department of Agriculture.
SD-366

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine the United States' response to infectious diseases.
SD-430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Rural Utilities Service, Rural Housing Service, Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD-138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Federal Bureau of Investigations, the Drug Enforcement Administration, and the Immigration and Naturalization Service, all of the Department of Justice.
S-146, Capitol

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the military strategies and operational requirements of the unified commands.
SD-106

Judiciary
To hold hearings to examine market power and structural change in the software industry.
SH-216

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed legislation making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998.
SD-192

12:15 p.m.
Foreign Relations
Business meeting, to consider the Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic, and to mark up S. Res. 174, to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilities under its arrangements with the International Monetary Fund, and that the United States should be prepared to ensure continue close bilateral relations, and H.R. 1116, to provide for the conveyance of the reversionary interest of the U.S. in certain lands to the Clint Independent School District and the Fabens Independent School District.
SD-419

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold open and closed hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the seapower threat-based requirement.
SR-222

MARCH 4

9:30 a.m.
Labor and Human Resources
Business meeting, to mark up S. 1648, to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and to consider pending nominations.
SD-430

Indian Affairs
Business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget; to be followed by a hearing on S. 1280, to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Air Force programs.
SD-192

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Commerce.
S-146, Capitol

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Department of Energy.
SD-366

Judiciary
To hold hearings to review the national drug control strategy.
SD-226

2:00 p.m.
Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on recruiting and retention policies.
SR-222

Armed Services
Acquisition and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on policies of the industrial and technology base supporting national defense.
SR-232A

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on the implementation of the Telecommunications Act of 1996, focusing on section 271.
SD-226

MARCH 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan and its effect on the agricultural economy.
SR-332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corporation for National and Community Service, and the Federal Emergency Management Agency.
SD-138

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Education.
SD-562

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Internal Revenue Service, Treasury Department.
SD-192

Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Department of the Interior.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Oceanic and Atmospheric Administration, Department of Commerce, and the Small Business Administration.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings to examine barriers to airline competition.
SD–124

Labor and Human Resources
Children and Families Subcommittee
To hold hearings to examine after school child care options.
SD–430

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the commercialization of space.
SR–253

Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

MARCH 9

1:00 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the current operation of the District of Columbia public school system.
SD–342

Special on Aging
To hold hearings to examine how retirement of the baby boomer generation will impact the demand for long-term care, the ability of public budgets to provide those services, and the projected retirement income of baby boomers.
SD–562

2:00 p.m.
Judiciary
Youth Violence Subcommittee
To hold hearings to examine the proposed effectiveness of the provisions of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime (pending on Senate calendar).
SD–226

MARCH 10

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the current Federal crop insurance program and proposals to improve the system.
SR–332

9:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for military construction programs, focusing on Air Force and Navy projects.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food and Nutrition Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine proposals to prevent child exploitation.
SD–192

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on littoral warfare missions in the 21st century.
SR–222

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on research and efficiency programs.
SD–116

MARCH 11

9:30 a.m.
Indian Affairs
To hold oversight hearings on sovereign immunity, focusing on contracts involving Indian tribes and alleged difficulties in collecting state retail taxes.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD–192

MARCH 12

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for child nutrition programs.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Housing and Urban Development, and the Community Development Financial Institute.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Joint Committee on Printing, the Joint Economic Committee, the Joint Committee on Taxation, the Sergeant at Arms, the Library of Congress and the Congressional Research Service, and the Office of Compliance.
S–128, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department.
SD–192

Armed Services
Acquisition and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on science and technology programs.
SR–222

Commerce, Science, and Transportation
Business meeting, to mark up proposed legislation relating to the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, and to consider other pending calendar business.
SR–253

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Supreme Court, and the Judiciary.
S–146, Capitol

MARCH 17

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for child nutrition programs, focusing on the Women, Infants, and Children (WIC) program.
SR–332

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's enivronmental management program.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S–146, Capitol

Labor and Human Resources
To hold hearings to examine retirement security issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics.
SD–124

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD–138

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

Indian Affairs

To hold oversight hearings on the implementation of the Indian Arts and Crafts Act (P.L. 101-644).

SR-485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.

SD-192

MARCH 19

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.

SD-138

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.

S-128, Capitol

10:00 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.

SD-124

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine international aviation agreements and antitrust immunity implications.

SD-226

MARCH 24

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.

SD-116

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.

SD-138

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.

SD-192

Labor and Human Resources

To hold hearings to examine health care quality issues.

SD-430

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.

SD-124

MARCH 25

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.

345 Cannon Building

Indian Affairs

To hold hearings to examine Indian gaming issues.

SH-216

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.

SD-192

MARCH 26

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Health and Human Services.

SD-138

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.

SD-192

Labor and Human Resources

Children and Families Subcommittee

To hold hearings on the Head Start education program.

SD-430

MARCH 31

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.

SD-138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.

SD-192

Labor and Human Resources

To hold hearings to examine issues relating to charter schools.

SD-430

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.

SD-124

APRIL 1

9:30 a.m.

Indian Affairs

To hold oversight hearings on barriers to credit and lending in Indian country.

SR-485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.

SD-192

2:00 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine competition and concentration in the cable/video markets.

SD-226

APRIL 2

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.

SD-138

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings to examine airline ticketing practices.

SD-124

APRIL 21

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.

Room to be announced

APRIL 22

9:30 a.m.

Indian Affairs

To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.

SR-485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.

SD-192

APRIL 23

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD–138

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.
345 Cannon Buildin

HOUSE OF REPRESENTATIVES—*Thursday, February 26, 1998*

The House met at 10:00 a.m. and was called to order by the Speaker pro tempore (Mr. COLLINS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 26, 1998.

I hereby designate the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With gratefulness and praise, with high hopes and anticipation, with a sense of thankfulness and with hearts of appreciation, we welcome this new day of grace. Of all Your blessings, O God, that fill the hours and nurture us until our last time, we pray for knowledge to understand our tasks and wisdom to choose the harder right instead of the easier wrong. May Your peace, gracious God, fill our hearts and souls with comfort and commitment that we may serve people in justice and in righteousness. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. RUSH) come forward and lead the House in the Pledge of Allegiance.

Mr. RUSH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be 15 one-minute speeches from each side.

WAKE UP CALL ON EDUCATION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in the most recent international education survey conducted on U.S. high school seniors, U.S. ranks near the bottom in math and science. The math category alone, our students ranked 21st out of 23 countries.

My purpose this morning is not to shame the American youth nor blame our hard working teachers in this country, but rather to give a wake-up call to my colleagues.

For too long our liberal, but well-intended, colleagues have squandered billions of Federal education dollars on national testing and bloated Washington bureaucracy. It is high time they stop wasting money and start directing more money and more control to our parents, teachers, and communities.

Let us face it, parents and teachers are the people who know our kids the best. I have a 10-year-old son in Nevada's public school system. I would much rather have the parents and teachers and school officials in Reno, Nevada, decide what is best for my son's education rather than some know-it-all Washington bureaucrat.

Please, for the sake of our children, let us get America's education system on track by keeping big government out of our school systems.

STOP BLOCKING COMMON-SENSE MANAGED CARE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, the Speaker says this body will not vote on common-sense managed care reform until we have a "vision discussion."

I have a vision for the Speaker. Envision this: Janet Drouin, 32-year-old woman from Stafford Springs, Connecticut. Janet was diagnosed with breast cancer and underwent a mastectomy and lymph node dissection. She was kicked out of the hospital only 36 hours after the surgery, in incredible pain, and with drainage tubes protruding through her chest.

Janet had two toddlers at the time. She was unable to take care of her children herself. She could not go to the bathroom by herself. She could not even get out of bed. The Speaker and the Republican leadership are clearly more worried about collecting the campaign checks from the health insurance industry than protecting the health and the well-being of people like Janet Drouin.

I urge the Republican leadership, stop blocking commonsense managed care reform. Schedule a vote today.

A TAX CUT FOR AMERICA'S CONSUMERS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I rise today to urge the Congress to pass legislation that would give the average American consumer a 30 percent tax cut. We can do this without breaking the caps, without finding offsets, and without spending the surplus. We can do this without even going to a flat tax or consumption tax. We can do this by breaking up the electricity monopoly.

The time has come to allow greater competition in the electricity industry. Giving consumers the power, the power to choose their electric company, will lead to a more efficient and cheaper electric industry. When we deregulated trucking and the airline industry and the telephone monopoly, the average savings to the American consumer was 30 percent. We can do the same with the electricity industry.

Let us give America's consumers the power to choose, and let us do it this year.

WOMEN FORCIBLY STERILIZED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to share a tragic story of an outrageous misuse of U.S. taxpayer dollars believed to go to foreign aid.

Recently a government campaign in the country of Peru revealed how USAID taxpayer dollars have been used over the past 2 years. What were these dollars used for, you ask: Community buildup, economic development, money to buy clean, sanitary medical conditions? No. Our taxpayer dollars have been put to use under the USAID banner for forced, mandatory, and coerced sterilization of poor Peruvian women.

Have these women chosen such paths for their reproductive futures? Have they been able to discuss options with their families and husbands? No. Without notification and without consent,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

U.S.-funded operatives perform these sterilizations in filthy, primitive conditions just to meet a mandated quota.

Women have been degraded. Indeed, women have died because of this policy in the name of population control, and under the guise of family planning America has exported horror to women abroad.

Mr. Speaker, Congress should end taxpayer funding of such atrocities, once and for all.

TRIBUTE TO THE LIFE OF MARK ZALKIN

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, today I rise to pay tribute to the life, work, soul, and spirit of a dear friend, Mark Zalkin. Mark's life was tragically cut short on Monday as he passed at the age of 49 due to complications from multiple sclerosis.

During the seventies Mark's vision for justice translated into him building and leading the 46th Ward Community Service Center, and later the Uptown Community Service Center. He worked tirelessly to create services to Chicago's uptown neighborhood.

One of Mark's unique qualities was his steadfast belief in the wisdom and power of people. As editor of Keep Strong Magazine and All Chicago City News, and as press strategist for the late Harold Washington, the mayor of the city of Chicago, Mark always went first to people for information and to find out what was really happening. The disabled coal miner fighting for black lung benefits or the family displaced by suspected arson for profit, these were the people who Mark went to for information.

When Mark was stricken with MS, he faced life with the same quiet strength and determination he radiated all his life. My prayers go out to Mark's family, and especially to his son Brendan, who carries on his tradition and legacy as editor of Chicago's Streetwise newspaper.

TAX CUTS AND DEBT RELIEF, THE BEST CHOICES FOR USE OF THE BUDGET SURPLUS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, after nearly three decades of Washington living beyond its means, the Federal budget is projected to have a surplus next year of several billions of dollars.

So Congress has a choice. Actually, we have three choices. We can spend the surplus, we can use the surplus to start paying down the debt, or we can continue with the tax relief started last year. Guess what the liberals want to do with the surplus? You got it, they want to spend it. They want to increase the size and power of the Federal Government.

I think that is about the last thing that Washington should do with the surplus. The way I look at it, if Congress uses the surplus for tax relief, that would be great. If the surplus goes towards reducing the debt, that would be great, too. Both would represent a radical change from the way Congress has been operating in recent decades, when the other side was in the majority.

Maybe we should take tax cuts and debt relief and go 50/50. The Americans want a debate on this. They do not want us to spend the money.

REFORM THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, unbelievable, the IRS admits it is wrong and vows to fix it. That is right, they said no more taking of property by individual agents, only district directors of the IRS can seize your property.

How nice of those computer bullies. Think about it. Instead of getting shafted by a little guy at the IRS, you will now get shafted by a big shot at the IRS. Beam me up.

I say it is time to tell the IRS to seize this, my bill, that requires judicial consent before those backstabbing, bric-a-bracken, Constitution-bending thieves destroy any more lives in our country, and that bill should be added to the conference report of the reform bill for the IRS.

IN SUPPORT OF SELF-DETERMINATION FOR PUERTO RICO

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise in support of H.R. 856, a bill that provides the process of self-determination for Puerto Rico. Since we are talking about U.S. citizens, why should this bill be necessary? This bill is essential in order to validate American democratic values. It is essential because the 3,800,000 U.S. citizens of Puerto Rico have been disenfranchised and this Congress has a moral obligation to address this inequity.

In Puerto Rico, we cannot vote to elect the President of our Nation, nor do we have any voting representation in the House or the Senate. We have no control over political decisions affecting our daily lives. We cannot vote as citizens, but we are called upon to fight and die for our country as soldiers.

The U.S. citizens of Puerto Rico have been partners in war with our fellow citizens, having fought hand in hand to defend American values and democratic ideals throughout the world in every armed conflict since 1917.

Puerto Ricans have earned with their blood the right to self-determination. As the United States preaches to the world on human rights and democracy, it has forgotten 3.8 million of its own citizens.

Mr. Speaker, I call on my colleagues to support H.R. 856. It is our moral obligation and responsibility. Let the U.S. citizens of Puerto Rico choose whether they want to be independent, stay as they are, or become a State. Vote in support of H.R. 856.

IRS REFORM

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, Americans who take an increasingly cynical view of politics and politicians often claim that "politicians are all the same," and those who do not vote justify their passivity saying "it does not matter."

I respectfully disagree. Consider the proposals to reform the IRS. The Democratic Party controlled Congress for a period of 40 years, ending in 1995. They had countless opportunities to do something about a government agency that clearly had major problems, problems which offended the American ideals of due process, of innocence until proven guilty, and basic fairness before the law.

When we have a country in which honest citizens fear a tax audit as much as tax cheats do, that is a situation that demands action. However, when one party seeks to expand the size and power of Washington and the IRS is the source of its power to do so, well, it is not surprising that nothing was done in 40 years to improve the situation.

Our party intends to reduce the size and power of Washington, so it is only natural that our party seeks to reform the IRS, and that makes all the difference.

MANAGED CARE REFORM SHOULD OCCUR NOW, NOT NEXT YEAR

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, the need for managed health care reform is growing every day. We hear numerous complaints from our constituents and concerns about managed care and how it limits their ability to make medical decisions on their own.

This coming Monday, March 2, is a special day. One, it is also Texas Independence Day, but also we are holding a town hall meeting in Houston, Texas, to talk about managed care reform and to hear from the constituents in my home district. It will be at Houston Community College Southeast from 1:00 to 4:00.

We need to take action now after hearing from our constituents on solving the problems of managed care. A patient deserves a managed care plan that meets their needs, but also provides quality health care at an affordable rate. A patient's bill of rights will ensure that providers, not insurance companies, make medical decisions for patients.

We also need to ensure that patients receive high quality health care by guaranteeing their access to specialists, guaranteeing their ability to go to the emergency room without preclearance, and participation in medical decisions about their conditions.

We need patients to have these options now, not wait until next year.

AMERICANS DESERVE A TAX CUT

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, the average American is now faced with a tax burden that is over 38 percent. I emphasize "burden" because that is exactly what it is.

I am one who believes that Americans should be rewarded for their hard work. To the contrary of that belief, however, people in our Nation today face a system that is penalizing their efforts to earn and save money by slapping them in the face with more and more taxes.

Last session, the Congress provided American families with the first tax relief they have seen in 16 long years. I hope that we will be able to continue that trend this year with further tax cuts and ultimately with a fairer and simpler tax system.

Let us once again reward the American people for their hard work and savings by giving them the tax relief they so rightly deserve.

BILL OF RIGHTS FOR HEALTH CARE CONSUMERS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise today to call for managed care reform, sometimes known as the Patient's Bill of Rights.

The President is correct, we need to protect the consumers of health care services. Today, millions of Americans have moved into managed care. It is fundamentally a good system, but there are problems. A recent California study showed that 42 percent of the people who have managed care have encountered problems with their service.

How can we correct this with a bill of rights? It would ensure that patients are informed of their health care options. It would ensure that they get the right doctor for the right type of care. It would ensure that they get access to emergency rooms when they need it. It would ensure that they are presented with all of their health care options, regardless of cost. It would ensure that doctors make decisions, not medical care bureaucrats. And it would keep patients' medical records confidential.

Mr. Speaker, these are official rights for every health care consumer. We ought to pass this law. Unfortunately, the Republican leadership is attempting to block our Health Care Consumers Bill of Rights. That is not fair. We need to move toward an intelligent bill of rights for health care consumers.

AMERICA'S BACKBONE DESERVES A TAX CUT

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, there are some who think that Americans generally are undertaxed. There are those who think that the current tax burden is just about right. And then there are those who think Americans send too much money to Washington and are just flat not getting their money's worth. I fall into that category, as do, I suspect, most of my Republican colleagues.

Mr. Speaker, Americans do not mind paying their fair share. Americans truly are a people that want to see others get ahead, especially those who face greater obstacles in life than most of us face. But Americans do not like to see their money wasted. They are not happy about a Federal Government in Washington, D.C. that just keeps getting bigger and bigger while at the same time becoming less and less accountable to the people.

Simply put, Washington has gotten too big, too powerful and Washington should not be taking between one-third and one-half of a middle-class family's income.

Mr. Speaker, I do not care what the temporary polls show. I think the middle-class, the backbone of America, could use a break. The Tax Code is aggressive. It raises our taxes without a law change. We need a tax cut to make sure that middle America does not have a tax increase that just happens automatically because of the aggressiveness of the code.

DEBATE ON HEALTH CARE REFORM SHOULD BE SCHEDULED

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, you have been quoted in the paper as saying that until you have a vision, you will not allow a bill to come out here to guarantee patients a bill of rights in the health care industry.

Mr. Speaker, I suggest you go see the movie "As Good as it Gets." When that pediatrician talks to that waitress about the asthma which her kid has, the whole audience claps because they are furious with the way they are being treated by HMOs.

As a physician, I have had the experience in Seattle of seeing a patient and having to get on the phone and call some health care bureaucrat in Omaha, Nebraska, and argue about whether my patient can stay another day in the hospital. Now that is not in the best interest of the patient nor of the physician. And this is the almost universal experience by physicians in this country.

Mr. Speaker, that is why they are so upset and why the bill offered by the gentleman from Georgia (Mr. NORWOOD), though not a perfect bill, is certainly a bill that ought to be scheduled for floor debate so that we can bring this issue that the President has called for before the American people.

There is no excuse for us never being in session and allowing this issue to sit unresolved. Schedule a debate, Mr. Speaker.

CLINTON'S BUDGET AND THE AMERICAN FAMILY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the President's budget includes a Citizen's Guide to help taxpayers better understand the budget process. It describes a typical American household where a father and mother sit around their kitchen table to review the family budget. They decide how much they can spend on food, shelter, clothing, and transportation, and figure out if they will be able to afford a family vacation this year.

Let us say that this family described in the Citizen's Guide thinks that it is important to keep one parent home to care for their children. Imagine how puzzled they will be when they realize in the President's plan they do not get a tax break unless both of them work.

And I bet that typical American family is sitting around the kitchen table wondering why the President feels compelled to raise taxes by over $100 billion when we are on the eve of a balanced budget for the first time in 20 years.

Mr. Speaker, imagine when they hear they will have to help finance 85 new Washington spending programs, including 39 new expanded entitlements. There goes the family vacation.

Mr. Speaker, I am glad our typical American family is strong, because they are going to find the President's budget very taxing indeed.

CONGRESS SHOULD REJECT SUPPLEMENTAL APPROPRIATION FOR IMF

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, a supplemental appropriation for the International Monetary Fund, IMF, is rushing toward the Congress. Against the backdrop of headlines coming from Asia, the supplemental appropriation would seem to be needed for an emergency. The fact is, the supplemental appropriation is not needed to bail out Asian borrowers. The bailout has already taken place with existing IMF funds.

The supplemental is not needed on an emergency basis. Instead, the supplemental appropriation is a back-door attempt to increase the size and scope of the IMF. The $18 billion supplemental appropriation would be the U.S. share of a planned 45 percent increase in the size of the IMF and in its magnitude.

Mr. Speaker, IMF proponents are counting on confusing Congress and the country in order to preclude careful scrutiny and push through a big increase in its size. The real question before this Congress should be do we really want to expand the size and scope of the IMF? Has the IMF been helpful or harmful? Are there changes we want?

Mr. Speaker, do we not want to find the answers to these questions before we commit $18 billion to the IMF? The only way to get time to answer those and other questions is to first reject the supplemental appropriation.

BUSINESS AS USUAL AT THE IRS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, some people think it is not fair to pick on the IRS so much. But when we think about all the people whose lives were turned upside down because of an honest mistake or an audit, our outrage might resurface with even greater force.

Americans could probably be divided into those who have experienced IRS abuse or incompetence and those who have not. And it would be interesting to see how many are in each group.

Mr. Speaker, listen to this horror story: Because of a printing error, about a million taxpayers could mail their returns to the IRS and see them sent right back to the sender. Hard to file a return on time when that happens. It turns out that there was a computer error on the stick-on address labels that are used for processing. The IRS bar code tells the computer to take poor Mr. Taxpayer's form and send it right back to him.

Of course, in fairness we could say that that mistake was a simple bureaucratic snafu or an isolated instance or we could note that this is an all-too-common IRS blunder and simply more evidence of business as usual at the IRS.

CAMPAIGN REFORM PROPOSALS THAT DO NOT REFORM ANYTHING

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, as a mom, my children used to love for me to read the Alice in Wonderland story. They used to ah and ooh and giggle as I read it, because left meant right, up meant down, and nothing was what it seemed to be.

While I participate in the campaign finance reform debate in the House I cannot help but think back to those days of reading that story to my children. They would have laughed and giggled because we have got reform proposals that do not reform anything and a lot of people screaming about a broken system, but unwilling to do anything to fix it.

☐ 1030

The trouble is, this is not Alice in Wonderland, so it is not funny. It is time to stop playing games and bring real and honest campaign finance reform to the floor for a vote.

BE HONEST ABOUT PROTECTING SOCIAL SECURITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we hear a lot of fanfare about the budget and the surplus, and we hear that the deficit has been wiped out. When we take a close look at this, we find the only reason why we can say the budget is balanced is because we take $100 billion in Social Security surplus and apply it to the general fund. Now, if we take that out of there, there is still a deficit; that we are still spending more money than we bring in if we pull Social Security out of it.

The reason why this is important is I agree with those who want to put Social Security first. I think it is very important to preserve Social Security, to protect it and to separate it from the rest of the group of money. But the President, as we know, has proposed over $100 billion in new spending. Now, is it not coincidental that we have a $100 billion surplus in Social Security and the President is pushing $100 billion in new spending?

It is total fraud. We are not putting Social Security first. We are not protecting it when we are saying let us go out with a whole bunch of big government spending programs. I think we should be truthful and honest with America's seniors, protect Social Security and not increase government spending.

WIRELESS TELEPHONE PROTECTION ACT

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 368 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 368

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 2460, it shall be in order to consider in the House S. 493. It shall be in order to move that the House strike all after the enacting clause of the Senate bill and insert in lieu thereof the provisions of H.R. 2460 as passed by the House.

The SPEAKER pro tempore (Mr. TIAHRT). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 368 is a fair and open rule providing for the consideration of H.R. 2460, the Wireless Telephone Protection Act.

The rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on the Judiciary. For the purposes of amendment, the rule makes in order the Committee on the Judiciary amendment in the nature of a substitute as an original bill and, under this rule, any germane amendment may be offered, with priority recognition given to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

In addition, the rule provides for the customary motion to recommit, with or without instructions.

In order to bring this legislation to the floor today, it is necessary to waive clause 2(l)(6) of Rule XI, which requires a 3-day layover of the committee report, and this rule provides such a waiver.

Further, to expedite consideration of H.R. 2460, the chairman of the committee will be permitted to postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question as long as it follows a 15-minute vote.

Finally, the rule provides that upon House passage, it will be in order to move to insert the House language in the Senate bill number. This provision is included because the Senate has already passed the Wireless Telephone Protection Act.

Mr. Speaker, I hope all of my colleagues will support this fair and open rule so that we may proceed with a thorough debate of the underlying legislation, which the Committee on the Judiciary reported favorably by voice vote.

The goal of 2460 is straightforward. It seeks to deter cellular telephone fraud. As our society becomes increasingly reliant on cellular technology it is important that we have the tools to discourage and prosecute fraud in the wireless telephone industry.

The pervasiveness of such fraud is startling. In fact, calls made from stolen or cloned telephones are responsible for losses to the industry of close to $710 million.

The dollars lost are very significant, but perhaps more worrisome are the much more serious crimes which are related to cellular fraud. For example, it is becoming common practice for drug dealers to use cloned telephones to avoid detection when making calls to their sources and clients.

Under current law, prosecutors must prove that a person who possessed or used technology to obtain unauthorized access to telecommunications services had the "intent to defraud." But law enforcement officials have pointed out that this is often too hard to meet the standard and prove a violation of Federal law.

H.R. 2460 responds to this legal obstacle by removing the "intent to defraud" standard, recognizing that there is no reason why any person not working in the wireless telephone industry or in law enforcement would need such high-tech equipment unless they are intending to use it to clone cellular telephones. This change in the law will enable the government to successfully prosecute and punish the fraudulent use of cellular technology.

Another provision of H.R. 2460 will clean up existing law by clarifying the penalties which may be imposed for cellular telephone fraud, allowing for a 15-year maximum penalty for violations.

Mr. Speaker, the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, explained to the Committee on Rules that this legislation is not controversial; and he requested that the legislation be considered under an open rule so that any Member who may be uncomfortable with the bill will have the opportunity to amend it.

The Committee on Rules was pleased to honor that request. In fact, the rule was reported out of committee by voice vote without dissent.

So I urge my colleagues to support a free and fair debate on the Wireless Telephone Protection Act by voting "yes" on this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank my colleague, the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time.

This is an open rule. It will allow for full and fair debate.

As my colleague just described, this rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Under this rule, amendments will be allowed under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

Fraud involving cellular telephones is a significant criminal problem in this country. Cell phone fraud is often linked to other, more serious crimes when criminals use illegal phones to avoid detection of their activities.

This measure will make it easier to obtain convictions against criminals involved in cell phone fraud. It is a bipartisan bill with support on both sides of the aisle. The Committee on Rules approved this by a voice vote, and I urge adoption of the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 368 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 2460.

□ 1040

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices, with Mr. COLLINS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Florida (Mr. WEXLER) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to rise in support of H.R. 2460, the Wireless Protection Act. This bill, introduced by the gentleman from Texas (Mr. SAM JOHNSON), is truly a bipartisan effort. I am proud to say that I was an original cosponsor of the bill, together with the gentleman from New York (Mr. SCHUMER), who is the ranking minority member of the Subcommittee on Crime, which I chair.

This bill will close a loophole in a statute Congress passed in 1994 to fight cellular telephone fraud.

At a hearing before the Subcommittee on Crime last year, witnesses from both the wireless industry and law enforcement testified that cellular telephone fraud is a significant criminal activity in the United States. In 1996, the wireless telephone industry lost over $700 million in revenue as a result of calls made from stolen or cloned phones.

As important as that loss is, it is important that Members bear in mind that criminals often use these illegal telephones as a means to evade detection while they plan and commit other crimes. This phenomenon is most prevalent in drug crimes, where criminals frequently use several cloned phones in a day, or routinely switch from one cloned phone to another each day in order to evade detection.

In 1994, Congress amended section 1029 of Title 18 to make it a crime to knowingly and with intent to defraud possess hardware or software configured to clone wireless telephones. However, law enforcement officials have testified before the Subcommittee on Crime that it is often impossible to prove the intent to defraud element of this section.

Even in the most common case, law enforcement officials will arrest criminals for other crimes and find the telephone cloning equipment in the possession of the criminals, which has been, of course, used to make the cloned phones. However, they do so without finding specific evidence that the criminals intended to use this equipment to clone the wireless telephones; and if they do not find that evidence, law enforcement officials often have been thwarted in proving a violation of this statute.

Because there is no legitimate reason why an ordinary person would possess this equipment, there is no doubt that the intent of these criminals was to use that equipment to clone cellular phones. In order to remedy this problem, H.R. 2460 amends section 1029 to eliminate the "intent to defraud" requirement concerning the possession of this equipment.

In order to ensure that telecommunications company employees may continue to use these devices, however, the bill provides that it is not a violation of the amended statute for an officer, employee or agent of a facilities-based carrier to use, produce, have custody or control of or possess the hardware or software described in that subsection if they are doing it for the purpose of protecting the property or legal rights of that carrier.

□ 1045

The bill provides a definition of facilities-based carrier to make it clear to whom the exception applies. The bill also clarifies the penalties which may be imposed for violations of section 1029. Under existing law, violations of some subsections of this statute are subject to two different maximum penalties. The bill deletes this duplicative language and restates the entire punishment section of 1029 to more clearly state the maximum punishments for each possible violation of that section. Finally, the bill directs the United States Sentencing Commission to review and, if appropriate, amend its guidelines and policy statements so as to provide an appropriate penalty for each of the offenses involving the cloning of wireless telephones.

Mr. Chairman, I would like to again reiterate the thrust of this bill. It is to provide for a situation where we can gain more prosecutions successfully, gain more convictions of those who are out there cloning telephones. The idea is that if one has this telephone cloning equipment, there is no possible earthly reason for him to have it unless he has got it there to clone phones. The only people who should have that equipment are the folks who are the manufacturers, the people who are in the telephone equipment company business who are professionals designed to have it. Therefore, in order to gain these convictions, since proving the intent to clone is not something that we have been able to do, we are making it in this case a criminal violation to possess in essence this equipment without having to prove the intent element.

It is a very simple bill, a very important bill, because telephone cloning is a very big business in this country and it involves a lot of criminal activity at all levels. Mr. Chairman, with that in mind, I urge the adoption of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. WEXLER. Mr. Chairman, I yield myself such time as I may consume. I rise in support of this bill and commend the gentleman from Texas (Mr. SAM JOHNSON) along with the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from New York (Mr. SCHUMER), the ranking member, for their work on this bill.

Mr. Chairman, cell phone cloning is the hottest new scam on the street. Cloning costs phone companies and their customers more than $650 million a year. It lets drug cartels operate in secrecy, away from the reach of law enforcement surveillance. Cloned cell phones are rapidly becoming the main communication network of drug runners and street gangs. The reason is that cloned phones not only allow the criminals to cheat the phone company, but they also evade wire taps. A drug dealer will often have 20 or more cloned phones, constantly switching among them to cover his tracks.

The gentleman from Florida (Mr. MCCOLLUM) has already explained how the cloning process works. This bill will ban the copycat machines that criminals use to make cloned phones. These machines are freely advertised in magazines and on the Internet from anywhere from $1100 to $2500. Yet the only reason anyone would buy these devices is to defraud innocent consumers. Under current law, copycat machines are illegal only if the government can prove an intent to defraud. That is often impossible to prove and it permits unscrupulous manufacturers to keep making the machines and offering them for sale. This bill will ban the copycat machines outright.

There has been one concern raised about the bill. Some cell phone companies are concerned that the language of the bill might inadvertently apply to machinery used by legitimate companies to test or reprogram their equipment. I understand that the gentleman from Florida (Mr. MCCOLLUM) will offer an amendment in the nature of a substitute that cures this problem. I expect to fully support the bill after that amendment.

I also want to note that with the amendment, the wireless industry fully supports the bill. In fact, at a hearing before the Subcommittee on Crime, representatives from both the cell phone industry and from law enforcement testified about the rapid increase they are seeing in cloning activity and the need to take these copycat devices out of circulation among the general public.

Mr. Chairman, I urge support for this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON), the author of this bill.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I thank the gentleman from Florida (Mr. MCCOLLUM) for yielding me this time and for his valuable assistance in helping make this bill possible.

The Wireless Telephone Protection Act is really another effort of ours to stop crime in this country. It is going to outlaw equipment which is used to steal cellular telephone numbers. For those who are not familiar with cellular cloning, the process is simple. Criminals sit in parked cars outside airports or along roadways and use special software and equipment to steal the electronic serial numbers from any person who uses a cellular phone within range. The stolen numbers are then programmed into other cell phones, called clones, and finally charges are made to the unsuspecting person's account, like me, for instance. My phone was cloned last year while I was standing on the curb at D-FW Airport, that is Dallas-Fort Worth, waiting for my wife. I ended up with over a $6,000 phone bill for calls that I did not make. There were calls made to places all over the world, including Spain, Colombia and Mexico. Later while I was on my phone with the telephone company trying to get this problem resolved, my personal phone number was still being used to make calls while I was talking to the phone company.

The tactic of using stolen phone numbers is commonly employed by drug dealers and gang members who are trying to evade law enforcement wiretaps or other surveillance. It is estimated that the cellular industry loses about $650 million per year due to this illegal activity. It increases the cost to every cellular phone user in the country.

I hope that as a result of this bill, we can stop this fraud and help keep costs down for both the industry and the consumer. Cellular phone use is expanding by about 40 percent per year. With this increase, the Secret Service has doubled the number of arrests due to fraud every year since 1991. I am certain our law enforcement personnel could prosecute more criminals, as the gentleman from Florida (Mr. McCOLLUM) says, if the current law permitted it, and it does not.

Current law requires prosecutors to prove that a criminal acted with the intent to defraud. This means that an officer must catch the crook in the act of cloning to be arrested, which is next to impossible. The bill removes this burden. Now criminals will be arrested for possessing or manufacturing the cloning equipment, which has no other purpose than to steal a phone number.

I have got an advertisement here that shows how easy it is to buy this cloning equipment. If we look at the fine print, it states that the equipment is used for educational or experimental purposes. That is kind of false. In fact, it is against the law. According to the Secret Service, there is no lawful purpose to possess, produce or sell hardware or software used to clone a wireless telephone.

This is good, common sense legislation that is supported on both sides of the aisle. As my colleagues can see here, it is also supported by the Department of Justice, the U.S. Secret Service, and the cellular wireless industry, as my colleague has already stated. Every Member of this House has constituents who have been the victim of cell phone cloning. It causes them great stress, and I can tell my colleagues when you get a bill for 6,000 bucks on your phone, it is a shock.

Let me just tell Members how James Kallstrom, the former head of the FBI, New York office, describes phone cloners. He says, quote, they are hard core criminals, murderers, kidnappers, terrorists, major drug dealers, child pornographers and pedophiles, violent criminals who use technology to avoid the law. We must stop this criminal activity now. This bill will do it. I urge Members' support.

Mr. McCOLLUM. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to engage the gentleman in a colloquy on cellular extension phones.

Mr. Chairman, I understand that many cellular subscribers find it advantageous to have two cellular phones with the same number. In this way, someone trying to reach a subscriber need only dial one number and the subscriber will be able to receive the call on either his or her car phone or on his or her portable hand-held phone. I also understand that the FCC currently prohibits companies from altering the electronic serial number of a cellular phone to allow more than one phone to have the same telephone number, but that the commission has been asked to reconsider that rule. I wonder, how would this bill affect the petition for reconsideration of this matter that is now pending before the FCC?

Mr. McCOLLUM. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Florida.

Mr. McCOLLUM. I thank the gentlewoman for her inquiry. In passing H.R. 2460, we do not intend to direct the FCC to act in one way or another on the pending petition for reconsideration that she has described. If the FCC were to change its rules, however, I think it is important for Members to understand that even though they did change those rules, the bill would still prevent the use, possession, production, and so forth, of hardware or software to insert or modify electronic serial numbers or other telecommunication identifying information to create extension phones. If the FCC does decide that a change in its rules serves the public interest, I would be willing to consider amending section 1029 in such a way as to conform the bill to the spirit of the FCC's decision, yet still making sure that this equipment would be unlikely to fall into the hands of criminals.

Mrs. MORELLA. Mr. Chairman, that sounds reasonable.

Mr. McCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas (Mr. HUTCHINSON), a member of the committee.

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of H.R. 2460, the Wireless Telephone Protection Act, and commend the gentleman from Texas (Mr. SAM JOHNSON) for introducing the legislation. I also want to commend the leadership of the gentleman from Florida (Mr. McCOLLUM) for his excellent work in behalf of this important legislation.

We have known for some time that a significant amount of criminal activity in the United States involves the use of cellular telephones and cloned phone numbers. Each year the cellular telephone industry loses millions of dollars in revenue as a result of the use of cell phones that are being illegally cloned. But more important, the greatest difficulty is in the arena of law enforcement. Those people who are trying to put drug dealers in jail have difficulty with the illegal use of cloned phones. Criminals frequently clone the cell phone number of an unsuspecting, innocent party and then use this cloned number to engage in criminal activity, especially drug-related crimes.

The process of cloning involves the use of a device which captures the identifying information in the telephone and a second device which is used to reprogram the subsequent phones. Current Federal law requires a prosecutor to prove that persons in possession of those devices had an intent to defraud. This standard is very difficult to meet and since these devices have no legitimate purpose except for the use by the telephone companies themselves, then I believe it is very important to remove the intent requirement and make possession itself a crime.

As a parent of teenagers, very concerned about the drug culture that is so prominent in our society, as a former Federal prosecutor, I believe this is critically important in order to address the problems of drugs in our society and the use of cloned phones by the drug dealers.

Mr. Chairman, about a year ago the Subcommittee on Crime held a hearing on drug interdiction efforts in the Caribbean. One of the issues that repeatedly resurfaced during our discussions with law enforcement was the problems posed by cloned cell phones. This legislation provides an important tool for prosecutors to use in the war against drugs and as such I urge my colleagues to support it.

Mr. PAUL. Mr. Speaker, I rise today in opposition of H.R. 2460, The Wireless Telephone Protection Act. Setting aside the vital and relevant question of whether the enumerated powers and tenth amendment allow the federal government to make possession of electronic scanning devices criminal, another aspect of this bill should have met with harsh criticism from those who hold individual liberties in even some regard.

Under current "anti-cloning" law, prosecutors must prove a defendant intended to use scanning equipment illegally, or have an "intent" to defraud. This bill shifts the burden of proof of "innocent use" from the prosecutor to the defendant.

The United States Constitution prohibits this federal government from depriving a person of life, liberty, or property without due process of law. Pursuant to this constitutional provision, a criminal defendant is presumed to be innocent of the crime charged and, pursuant to what is often called "the *Winship* doctrine," the persecution is allocated the burden of persuading the fact-finder of every fact necessary to constitute the crime . . . charged." The prosecution must carry this burden because of the immense interests at stake in a criminal prosecution, namely that a conviction often results in the loss of liberty or life (in this case, a sentence of up to ten years).

This radical departure from the long held notion of "innocent until proven guilty" warrants opposition to this bill.

Mr. McCOLLUM. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

□ 1100

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—The punishment for an offense under subsection (a) of this section is—

"(1) in the case of an offense that does not occur after a conviction for another offense under this section—

"(A) if the offense is under paragraph (1), (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(B) if the offense is under paragraph (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both; and

"(2) in the case of an offense that occurs after a conviction for another offense under this section, a fine under this title or imprisonment for not more than 20 years, or both.".

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITIONS.—Section 1029(e)(8) of title 18, United States Code, is amended by inserting before the period "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person under contract with, a facilities-based carrier, for the purpose of protecting the property or legal rights of that carrier, to use, produce, have custody or control of, or possess hardware or software configured as described in that subsection (a)(9).".

(2) DEFINITION.—Section 1029(e) of title 18, United States Code is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon;

(C) by striking the period at the end of paragraph (8) and inserting "; and"; and

(D) by adding at the end the following:

"(9) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934.".

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factor that the Commission considers to be appropriate.

The CHAIRMAN. Are there any amendments to section 2?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MCCOLLUM:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured to insert or modify telecommunication identifying information associated with or contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications service without authorization; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—

"(1) GENERALLY.—The punishment for an offense under subsection (a) of this section is—

"(A) in the case of an offense that does not occur after a conviction for another offense under this section—

"(i) if the offense is under paragraph (1), (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(ii) if the offense is under paragraph (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

"(B) in the case of an offense that occurs after a conviction for another offense under this section, a fine under this title or imprisonment for not more than 20 years, or both; and

"(C) in either case, forfeiture to the United States of any personal property used or intended to be used to commit the offense.

"(2) FORFEITURE PROCEDURE.—The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative and judicial proceeding, shall be governed by section 413 of the Controlled Substances Act, except for subsection (d) of that section.".

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITIONS.—Section 1029(e)(8) of title 18, United States Code, is amended by inserting before the period "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g)(1) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person engaged in business with, a facilities-based carrier, to engage in conduct (other than trafficking) otherwise prohibited by that subsection for the purpose of protecting the property or legal rights of that carrier, unless such conduct is for the purpose of obtaining telecommunications service provided by another facilities-based carrier without the authorization of such carrier.

"(2) In a prosecution for a violation of subsection (a)(9), (other than a violation consisting of producing or trafficking) it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) that the conduct charged was engaged in for research or development in connection with a lawful purpose.".

(2) DEFINITIONS.—Section 1029(e) of title 18, United States Code is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by striking the period at the end of paragraph (8); and

(D) by adding at the end the following:

"(9) the term 'telecommunications service' has the meaning given such term in section 3 of title I of the Communications Act of 1934 (47 U.S.C. 153));

"(10) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934; and

"(11) the term 'telecommunication identifying information' means electronic serial number or any other number or signal that identifies a specific telecommunications instrument or account, or a specific communication transmitted from a telecommunications instrument.".

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(G) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(H) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(I) any other factor that the Commission considers to be appropriate.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I will be brief in supporting this amendment in the nature of a substitute, but it does contain a number of technical amendments that we need to talk about. The manager's amendment makes changes to H.R. 2460 from the form in which the bill was reported from the full Committee on the Judiciary. It reflects the input of minority members of the Committee on the Judiciary, the cellular telephone industry, the Justice Department of the United States, Secret Service and members of the Committee on the Judiciary of the other body which passed a bill similar to H.R. 2460 at the end of last year.

Mr. Chairman, the minority has indicated support of this amendment, but for the benefit of all Members, I will briefly outline the differences between the manager's amendment in the bill as it was reported by the Committee on the Judiciary.

The purpose of H.R. 2460 is to clarify the provisions of section 1029 of Title 18 relating to equipment that could be used to clone wireless telephones. H.R. 2460 amends that section to make it clear that the mere possession of this equipment will be illegal in most instances.

The bill as reported by the committee prohibited the possession of equipment which had been configured for altering or modifying telecommunications instruments. Upon further reflection and after receiving input from the computer and telecommunications trade associations, the decision was made to further refine this language in order to make it more clear what types of devices would be prescribed.

The manager's amendment will modify the bill to refer to hardware or software which has been, quote, configured to insert or modify telecommunication identifying information associated with or contained in a telecommunications instrument, unquote.'

The bill defines the term "telecommunication" identifying information to mean the electronic serial number or any other number or signal that identifies a specific telecommunications instrument and account relating to its specific telecommunication or the actual communication itself. The effect of this amendment is to make it clear that only devices which can insert or modify telecommunication identifying information contained in or otherwise associated with a telecommunications instrument are made illegal by the bill.

Mr. Chairman, H.R. 2460 as reported by the full committee amended the penalty provisions of section 1029 to make them more clear and to correct an unintended redundancy in that section. The manager's amendment adds an asset forfeiture provision to the bill for all violations of section 1029. This provision requires forfeiture to the government of any personal property used or intended to be used to commit an offense. I note that this provision does not require the forfeiture of real property. Further, the property subject to forfeiture is only that personal property which the offender used or intended to use to commit the offense in question.

Additionally, the bill as reported by the subcommittee contains an exception to the prohibition on possessing cellular telephone cloning equipment for officers, employees, agents and persons under contract with telecommunications carriers so long as their use of this equipment is for the purposes of protecting the property or legal rights of the carrier.

The manager's amendment eliminates the requirement that third persons, quote, "be under contract with," unquote, a facilities-based carrier and requires merely the person be engaged in business with a facilities-based carrier. The purpose of this phrase is to include within the exception third parties which have a business relationship with the carrier, but where that relationship may not be evidenced by written contract.

In most cases, these parties will be persons and companies with technical expertise hired by carriers to assist them in protecting their property and legal rights. The phrase should not be interpreted to include within its meaning subscribers to the services of the telecommunications carrier.

The manager's amendment also adds a further modification to this exception to make it clear that telecommunication carriers cannot use these devices to obtain telecommunication services provided by other carriers without the other carrier's authorization.

Finally, the manager's amendment to the bill also adds a new provision creating an affirmative defense to a prosecution under new section 1029(a)(9) in instances where the charge involved was the use, custody or control or possession of the equipment described in the bill. The affirmative defense is available if the defendant can prove that his or her use, custody or control or possession of this equipment was for the purpose of research or development in connection with a lawful purpose. The defendant bears the burden of proving the facts relating to his or her conduct by a preponderance of the evidence, and I point out that the affirmative defense is not available as a defense to a charge of production or trafficking in this type of hardware or software.

Mr. Chairman, I believe the amendments made in the manager's amendment strengthen the bill, are entirely consistent with the intent of the legislation introduced by the gentleman from Texas (Mr. SAM JOHNSON) and I want to again thank him for his leadership on this issue. I also want to thank the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from California (Ms. LOFGREN) for their helpful suggestions as well as those who have also been reporting information to us on this bill.

EXPLANATORY STATEMENT AND SECTION-BY-SECTION ANALYSIS OF H.R. 2460 AS AMENDED BY THE MANAGER'S AMENDMENT SUBMITTED BY REP. SAM JOHNSON, REP. BILL MCCOLLUM, AND REP. CHARLES SCHUMER

PURPOSE AND SUMMARY

H.R. 2460 amends section 1029 of Title 18 of the United States Code, relating to fraud and related activity in connection with access devices. The bill amends subsection (a)(8) of section 1029 by deleting the "intent to defraud" requirement which exists under current law in order to prove a violation of that section. This section relates to persons who knowingly use, produce, traffic in, have custody or control of, or possess hardware or software which has been configured for altering or modifying a telecommunications instrument. As a result of the amendments made by the bill, in order to prove a violation of section 1029, law enforcement officials will no longer have to prove that a defendant possessing such hardware or software did so with the intent to defraud another person.

The amendment to the statute is being made because law enforcement officials occasionally have been thwarted in proving true violations of the statute by the "intent to defraud" requirement. But as the hardware and software in question can be used only for the purpose of altering or modifying telecommunications instruments, persons other than those working in the telecommunications industry have no legitimate reason to possess the equipment. Therefore, requiring the government to prove an "intent to defraud" in order to prove a violation of the section for possessing this equipment is not necessary. By eliminating this requirement from existing law this bill will make it easier to obtain convictions against criminals who possess this equipment before they actually use it for illegal purposes.

BACKGROUND AND NEED FOR THE LEGISLATION

Cellular telephone fraud is a significant criminal activity in the United States. Each year the wireless telephone industry loses hundreds of millions of dollars in revenue as the result of calls made from stolen telephones or cloned telephones. In 1996, the last year for which data is available, the wireless telephone industry reported that the aggregate loss to the industry was approximately $710 million. While the industry estimates that the losses for 1997 will be less, largely attributable to anti-fraud technologies it has developed and employed, the loss to this industry is still unacceptably high.

As significant as is the loss of revenue to the wireless telephone industry, cellular telephone fraud poses another, more sinister, crime problem. A significant amount of the cellular telephone fraud which occurs in this country is connected with other types of crime. In most cases, criminals used cloned phones in an effort to evade detection for the other crimes they are committing. This phenomenon is most prevalent in drug crimes, where dealers need to be in constant contact with their sources of supply and confederates on the street. These criminals often use several cloned phones in a day, or switch from one cloned phone to another each day, in order to evade detection. Most significantly, this technique thwarts law enforcement's efforts to use wiretaps in order to intercept the criminals' conversations in which they plan their illegal activity.

In 1994, Congress passed the Communications Assistance for Law Enforcement Act (Public Law 103-414) which, in part, amended 18 U.S.C. § 1029, which concerns fraud and related activity in connection with access devices. That act added a new provision to section 1029 to make it a crime for persons to knowingly, and with intent to defraud, use, produce, traffic in, or have custody or control of, or possess a scanning receiver or hardware or software used for altering or modifying telecommunications instruments to obtain unauthorized access to telecommunications services.

Law enforcement officials have testified before the Subcommittee on Crime that it is often hard to prove the intent to defraud aspect of this section with respect to the possession of hardware or software used for altering or modifying telecommunications instruments to obtain unauthorized access to telecommunications services. In the most common case, law enforcement officials will arrest criminals for other crimes and find telephone cloning equipment in the possession of the criminals. Without finding specific evidence that the criminals intended to use this equipment to clone cellular telephones, law enforcement officials often have been thwarted in an effort to prove a violation of this statute. But because there is no legitimate reason why any person not working for wireless telephone industry carriers would possess this equipment, there is no question that these criminals intended to use that equipment to clone cellular telephones. Law enforcement officials have informed the Subcommittee that deleting the "intent to defraud" requirement from section 1029(a)(8) with respect to this equipment would enable the government to punish a person who merely possesses this equipment, as well as those who produce, traffic in, or have custody or control over it.

While we believe that, generally speaking, Congress should be hesitant to criminalize the mere possession of technology without requiring proof of an intent to use it for an improper purpose, the testimony before the Subcommittee on Crime, both by law enforcement agencies and representatives of the wireless telephone industry, confirms that the only use for this type of equipment, other than by persons employed in the wireless telephone industry and law enforcement, is to clone cellular telephones. Although wireless telecommunications companies use this equipment to test the operation of legitimate cellular telephones, to test the anti-fraud technologies their companies employ to thwart the use of cloned telephones, and in other ways to protect their property and legal rights, the equipment has no other legitimate purpose. Thus, there is no legitimate reason for any other person to possess this equipment. In short, the requirement in existing law to prove an intent to use this equipment for an illegal purpose is unnecessary.

The bill H.R. 2460, amends existing law by deleting the intent to defraud requirement currently found in section 1029(a)(8). The bill strikes current subsection (a)(8) of section 1029 and replaces it with two separate subsections. New paragraph (8) restates the language presently found in section 1029(a)(8)(A). New paragraph (9) restates the introductory phrase of existing paragraph (8), but omits the "intent to defraud" requirement and essentially restates the text of existing subparagraph (B) of current paragraph (8).

The bill also clarifies the penalties which may be imposed for violations of section 1029. Under existing law, violations of subsections (a) (5), (6), (7), or (8) are subject to a maximum penalty of 10 years under section 1029(c)(1). However, these same violations are also subject to a maximum penalty of 15 years under subsection (c)(2) of that same section. This unintentional duplication of penalty provisions for these crimes should be corrected. The bill corrects this problem by restating the punishment section of section 1029 to more clearly state the maximum punishment for violations of each paragraph of section 1029(a).

In order to ensure that telecommunications companies may continue to use these devices, the bill provides that it is not a violation of new subsection (a)(9) for an officer, employee, or agent of, or a person doing business with, a facilities-based carrier to use, produce, have custody or control of, or possess hardware or software as described in that subsection if they are doing so for the purpose of protecting the property of or legal rights of that carrier. Section 1029 presently contains an exception to that section's prohibition for any lawful investigative, protective, or intelligence activities of law enforcement agencies of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States. The bill also defines "facilities-based carrier" in order to make it clear that the exception to new subsection (a)(9) is only available to officers, employees, or agents of, or persons doing business with, companies that actually own communications transmission facilities, and persons under contract with those companies, because only those persons have a legitimate reason to use this property to test the operation of and perform maintenance on those facilities, or otherwise to protect the property or legal rights of the carrier.

The bill also amends the definition of scanning receiver presently found in subsection (e)(8) of section 1029. Under that definition, a scanning receiver is a device or apparatus "that can be used to intercept a wire or electronic communication in violation of Chapter 119" of Title 18. the bill will add to that definition to ensure that the term "scanning receiver" will be understood to also include devices which intercept electronic serial numbers, mobile identification numbers, or other identifiers of telecommunications service, equipment, or instruments.

Finally, the bill provides direction to the United States Sentencing Commission to review and amend, if appropriate, its guidelines and policy statements so as to provide an appropriate penalty for offenses involving cloning of wireless telephones. The bill states eight factors which the Commission is to consider in reviewing existing guidelines and policy statements.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title. Section 1 of the bill states the short title of the bill as the "Wireless Telephone Protection Act."

Section 2. Fraud and Related Activity in Connection with Counterfeit Access Devices. Section 2 of the bill sets forth the amendments made by the bill to section 1029 of Title 18 of the United States Code.

Section 2(a) of the bill deletes existing paragraph (8) from section 1029(a) and replaces it with two new paragraphs. New paragraph (8) restates in its entirety the text of old paragraph (8)(A). The text of new paragraph (9) is essentially the text of existing paragraph (8)(B), except that the existing requirement that the government show an "intent to defraud" in order to prove a violation has been deleted. Therefore, as section 1029 will be amended, in order to prove a violation of new subsection (a)(9), the government need only prove that the defendant knowingly used, produced, trafficked in, had custody or control of, or possessed hardware or software with the knowledge that it had been configured to insert or modify telecommunication identifying information associated with or contained in a telecommunications instrument so that the instrument could be used to obtain telecommunications service without authorization.

As amended, new subsection (a)(9) does not make it a crime to simply possess a wireless telephone or other access device that has been manufactured or modified to obtain unauthorized use of telecommunications services. Under other subsections of section 1029, however, it will continue to be illegal to use, produce, traffic in, have custody or control of, or possess such a device if the act was done with the intent to defraud another person. This is current law, and it remains unchanged by the bill.

The statute, as amended, also does not prohibit persons from simply possessing equipment that only intercepts electronic serial numbers or wireless telephone numbers (defined as "scanning receivers" under section 1029, as amended by the bill). For example, companies which produce technology to sell to carriers or state and local governments that ascertains the location of wireless telephones as part of enhanced 911 services do not violate section 1029 by their actions. Under new subsection (a)(8), however, it will continue to be illegal to use, produce, traffic in, have custody or control of, or possess a scanning receiver if such act was done with the intent to defraud another person. This also is current law, and it remains unchanged by the bill.

While not specifically defined in the bill, the term "telecommunications instrument" as used in new subsection (a)(9) should be construed to mean the type of device which can be used by individuals to transmit or receive wireless telephone calls. The term should be construed to include within its definition the microchip or card which identifies the device or communications transmitted through the device.

Section 2(b) of the bill amends all of existing subsection (c) of section 1029. Due to a previous amendment to this subsection, an inconsistency exists in current law with respect to the maximum punishment which may be imposed for violations of current paragraphs (a)(5), (6), (7), or (8). Currently, the maximum punishment for violations of these paragraphs is 10 years under subsection (c)(1) but 15 years under subsection (c)(2). Clearly, it is inappropriate for there to be different maximum punishments which may be imposed for violations of these paragraphs. Section 2(b) of the bill eliminates this inconsistency by clearly stating the maximum punishments which may be imposed for all violations of section 1029.

Section 2(b) of the bill also amends existing subsection (b)(1) of section 1029 to state more clearly the maximum punishment which may be imposed for attempts to commit the crimes described in section 1029. As amended, subsection (b)(1) will provide that convictions for attempts under section 1029 are to be subject to the same penalties as those proscribed for the offense attempted.

Section 2(b) of the bill further amends existing subsection (b)(1) of section 1029 to add a criminal asset forfeiture provision for violations of section 1029(a). In the event of a conviction for a violation of this subsection, the defendant will be required to forfeit to the United States any personal property used or which was intended to be used to commit the offense. This section of the bill also provides that the forfeiture procedure to be used is that contained in section 413 of the Controlled Substances Act (except for subsection (d) of that section).

Section 2(c) of the bill amends the definition of "scanning receiver" currently found in section 1029(e)(8). The bill adds to the definition of scanning receiver additional language to ensure that the defined term is understood to include a device or apparatus that can be used to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument.

Section 2(d) of the bill creates an exception to the crime described in new subsection (a)(9) for persons who are employed by or are engaged in business with certain telecommunications carriers. The new exception provides that it is not a violation of new subsection (a)(9) for an officer, employer, or agent of a facilities-based carrier, or a person engaged in business with a facilities-based carrier, to engage in conduct (other than trafficking) otherwise prohibited by that subsection in limited situations. Therefore, the behavior permitted by this subsection is the use, production, custody or control of, or possession of the hardware or software described in subsection (a)(9). The exception is only available to those persons described if their actions were taken for the purpose of protecting the property or legal rights of the facilities-based carrier.

The purpose of the phrase "person engaged in business with a facilities-based carrier" is to include within the exception third parties which have a business relationship with the carrier but where that relationship may not be evidenced by a written contract. In most cases, these parties will be persons and companies with technical expertise hired by carriers to assist them in protecting their property and legal rights. The phrase should not be interpreted to include within its meaning parties whose business relationship with the carrier is only by virtue of having subscribed to the services of the telecommunications carrier.

The phrase "for the purpose of protecting the property or legal rights" of, the carrier should be narrowly construed. Only such actions which might be deemed to be part of the ordinary course of business of a telecommunications carrier, such as actions involving maintenance on or modifications to its telecommunications system, or which are designed to test the operation of the system or the system's ability to deter unauthorized usage (including the reverse engineering of hardware or software configured as described in new subsection (a)(9)), should be deemed to fall within this exception. Acts taken with the intent to defraud another, even if taken by officers, employees, or agents of a facilities-based carrier, or by persons under contract with a facilities-based carrier, would still violate the statute.

We take particular note of the fact that under certain under some circumstances a facilities-based carrier may wish to use this type of equipment to intercept signals carried on another telecommunications carrier's system for the purpose of testing whether its customers may be able to utilize the other carrier's system when those customers initiate or receive calls while inside the other carrier's geographic area of operation. It is our understanding that these types of interceptions have always occurred with the express consent of the two carriers involved. We believe that this is the appropriate practice. Therefore, the bill has been amended to include an "exception to the exception." The excepted conduct is not excepted (i.e., the conduct should be deemed to violate the statute) if the conduct was undertaken for the purpose of obtaining telecommunications service provided by another facilities-based carrier without the authorization of that carrier. Thus, the exception created by subsection (d) of the bill only applies to situations where the other carrier has consented to the use of this equipment to obtain the service provided on its system.

Subsection (d) of the bill also creates an affirmative defense to the crime described in new subsection (a)(9) for violations other than those consisting of producing or trafficking. The section provides that it is a defense to a prosecution for such a violation if the conduct charged was engaged in for research or development in connection with a lawful purpose. The defendant bears the burden of proving the facts supporting this defense by a preponderance of the evidence. The defendant must prove that the purpose of its acts was otherwise lawful and that its conduct was limited to research and development activities. Acts which go beyond research and development, even if connected to a lawful purpose, fall outside the scope of the affirmative defense. The defense is only available to defend against the charges of use, custody or control of, or possessing the hardware or software described in subsection (a)(9). In the event that a defendant is charged with one of these violations together with a charge for which the defense is not available (e.g., the defendant is charged with both use and trafficking) the defense may still be used by the defendant but only as against the charge permitted by the statute (e.g., use).

Section (d) of the bill also adds new paragraph (9) to subsection (e) of section 1029 in order to define the term "telecommunications service" and provides that the term is to have the meaning given that term in section 3 of title 1 of the Communications Act of 1934 (47 U.S.C. Section 153).

Section (d) of the bill also adds new paragraph (10) section 1029(e) in order to define the term "facilities-based carrier" as it is used in the exception to new subsection (a)(9). That term is defined to mean an entity that owns communications transmissions facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission. Thus, it does not include so-called "resellers" of wireless telephone air time, companies which buy blocks of air time and resell it to retail customers. The definition also does not include companies which hold nominal title to telecommunications equipment but which have no responsibility for their operations or for performing maintenance on them. Finally, the definition does not include persons or companies which may own and operate tangible telecommunications equipment but which do not hold the appropriate license for that purpose issued by the Federal Communications Commission.

Finally, the bill also defines "telecommunication identifying information," one of the key terms in new subsection (a)(9). That term is defined to mean an electronic serial number or any other number or signal that identifies a specific telecommunications instrument. The intent of this term is to identify the unique components or features of a telecommunications instrument which can be inserted or modified by the devices described in new subsection (a)(9) such that the instrument can be used to obtain telecommunications service without authorization.

Section 2(e) of the bill directs the United States Sentencing Commission to review and amend its sentencing guidelines and policy statements, if appropriate, to provide an appropriated penalty for offenses involving the cloning of wireless telephones. This section of the bill states a number of factors which the Sentencing Commission is directed to consider during its review. We are concerned that violations of section 1029 are not punished as severely as other, similar, fraud crimes are punished under the Sentencing Commission's sentencing guidelines and, in any event, are not punished as severely as they should be in light of the magnitude of loss resulting from this crime and the fact that this crime is often used to facilitate more serious crimes. This section of the bill directs the Sentencing Commission to consider these and other factors in making to Congress as part of its annual reporting process whatever recommendations it deems appropriate with respect to the guidelines for imposing punishment for violations of section 1029.

Mr. McCOLLUM. Mr. Chairman, I yield back the balance of my time on this amendment.

Mr. WEXLER. Mr. Chairman, I rise in support of the McCollum amendment.

The gentleman from Florida (Mr. McCOLLUM) has described what this amendment does. It simply makes clear that FCC license carriers can use the type of equipment described by the bill for their legitimate business purposes. On behalf of the gentleman from Michigan (Mr. CONYERS) I want to thank Chairman McCOLLUM and his counsel, Glen Schmitt, for their willingness to work through this issue. I also want to make it clear because there have been some questions on this point that the bill before us does not affect scanners. Scanners do have legitimate uses and will remain available.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in closing I just want to say that this bill will make cellular telephones across America more secure. It is high time in our society that the victim rather than the criminal is protected. No longer will the hard-core criminal be able to steal cellular phone numbers and rack up huge phone bills which cost all of us.

Mr. Chairman, this bill is about freedom and security, the right of each American to freely and safely use their phones without the fear of their number being stolen. This bill is going to help our law enforcement agencies and ensure a safer America for all.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Florida (Mr. McCOLLUM).

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there other amendments?

If not, the question on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. COLLINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2460) to amend title 18, United States Code, with respect to scanning receivers and similar devices, pursuant to House Resolution 368, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 15, as follows:

[Roll No. 25]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart

Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John

Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey

Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—15

Brown (FL)
Campbell
Fattah
Ford
Gonzalez
Hastings (WA)
Klink
Luther
Miller (CA)
Northup
Pelosi
Poshard
Sanders
Scarborough
Schiff

□ 1132

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, on Roll Call Vote No. 25, I was unavoidably detained. Had I been present, I would have voted aye.

Mr. McCOLLUM. Mr. Speaker, pursuant to House Resolution 368, I call up from the Speaker's table the Senate bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 493 is as follows:

S. 493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured for altering or modifying a telecommunications instrument so that such instrument may be used to obtain unauthorized access to telecommunications services; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—(1) IN GENERAL.—The punishment for an offense under subsection (a) is—

"(A) in the case of an offense that does not occur after a conviction for another offense under this section, which conviction has become final—

"(i) if the offense is under paragraph (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(ii) if the offense is under paragraph (1), (2), (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

"(B) in the case of an offense that occurs after a conviction for another offense under this section, which conviction has become final, a fine under this title or imprisonment for not more than 20 years, or both; and

"(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

"(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853).".

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITION OF SCANNING RECEIVER.—Section 1029(e) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7)—

(A) by striking "The" and inserting "the"; and

(B) by striking the period at the end and inserting a semicolon; and

(3) in paragraph (8), by striking the period at the end and inserting "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument; and".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person under contract with, a facilities-based carrier, for the purpose of protecting the property or legal rights of that carrier, to use, produce, have custody or control of, or possess hardware or software configured as described in that subsection (a)(9): *Provided*, That if such hardware or software is used to obtain access to telecommunications service provided by another facilities-based carrier, such access is authorized.".

(2) DEFINITION OF FACILITIES-BASED CARRIER.—Section 1029(e) of title 18, United States Code, as amended by subsection (c) of this section, is amended by adding at the end the following:

"(9) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934.".

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

MOTION OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. McCOLLUM of Florida moves to strike out all after the enacting clause of the Senate bill, S. 493, and insert in lieu thereof the text of the bill, H.R. 2460, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend title 18, United States Code, with respect to scanning receivers and similar devices."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2460) was laid on the table.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CORRECTION OF THE CONGRESSIONAL RECORD OF WEDNESDAY, FEBRUARY 25, 1998

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 369) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 369

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Small Business: Ms. VELÁZQUEZ to rank directly above Mr. SISISKY.

Committee on Banking and Financial Services: That the powers and duties conferred upon the ranking minority members by House rules shall be exercised by the next senior member until otherwise ordered by the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO THE COMMITTEE ON SMALL BUSINESS

Mr. BONIOR. Mr. Speaker, I offer a resolution (H. Res. 370), and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Small Business: Ms. VELÁZQUEZ to rank directly above Mr. LAFALCE.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO THE COMMITTEE ON THE JUDICIARY

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 371), and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 371

Resolved, That the following Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on the Judiciary: Mr. GRAHAM of South Carolina.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT FRIDAY, FEBRUARY 27, 1998 TO FILE REPORT ON H.R. 3130, CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Mr. SHAW. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tomorrow, Friday, February 27, 1998 to file a report on H.R. 3130.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

TRIBUTE TO MARTI THOMAS

Mr. BONIOR. Mr. Speaker, I will inquire shortly of the distinguished gentleman from Texas (Mr. ARMEY) regarding the schedule.

Before I yield to my friend, the gentleman from Texas, I would just like to take this opportunity to let the Members know, those who are not already in knowledge, of the leaving of one of our real fabulous, super persons who have worked this floor for 9 years, Marti Thomas of the staff of the gentleman from Missouri (Mr. GEPHARDT), who has been a real inspiration to a lot of people around here.

She is leaving. She is not going very far, just down to the Treasury Department. We will see her from time to time. I just want her to know that on behalf of all the Members of the House, and I think the gentleman from Texas (Mr. ARMEY) might elaborate on this, who also was honored here last night at a party, we want her to know how much we will miss her, how much we appreciate all the hard work she gave to this institution, and we look forward to seeing her from time to time as she comes back with her new responsibilities.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, if I may just speak for a moment, perhaps I may make a comment about Marti and how much we, too, have enjoyed working with her. She has always been pleasant, even when she was being stubborn. But we have always enjoyed it, and we, too, will miss her.

I would think we may want to hear from the gentleman from Missouri (Mr. GEPHARDT) on this subject before we talk about the schedule.

If I might just say, Marti, from my point of view, I will miss you. I wish you Godspeed wherever you go, and I believe you owe me a lot, so I will be getting in touch with you later on that.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the distinguished gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Texas for his comments. I have known a lot of staff people here, and we rarely thank and recognize our staff for the great work they do. One of the reasons this place works is that we have wonderful human beings who come here to work for us, and work behind the scenes without any celebration or without any sufficient recognition, to make this place work.

I know of no one that we have ever had on staff who has such unanimous acclaim as Marti Thomas. Everybody likes her, everybody loves her, everybody respects her, and everybody wishes her well in her new assignment with the Treasury Department.

Finally, I believe that she has such acclaim because she basically treats other people the way she would like to be treated.

That is her credo, and that is the way she conducts herself. So, Marti, we are going to miss you very, very much, and we know you are going to be a great success. And the only solace I have in this as her direct employer is that she has promised to come back here soon.

Mr. BONIOR. I yield to my friend, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have finished legislative business for the week. The House will reconvene for pro forma session on Monday, March 2 at 2:00 p.m. Of course there will be no legislative business and no votes on that date.

On Tuesday, March 3, the House will meet at 12:30 p.m. for morning hour and 2:00 p.m. for legislative business.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices. Members should note that we do not expect any recorded votes on suspensions before 5:00 p.m. on Tuesday, February 3.

On Wednesday and Thursday, the House will meet at 10:00 a.m. to consider the following bills, all of which will be subject to rules: H.R. 856, the United States-Puerto Rico Political Status Act; H.R. 3130, the Child Support Performance and Incentive Act for 1998; and H.R. 2369, the Wireless Privacy Enhancement Act of 1997.

Mr. Speaker, we hope to conclude legislative business for the week by 6:00 p.m. on Thursday, March 5. There will be no votes on Friday, March 6.

I want to thank the gentleman for yielding me this time.

Mr. BONIOR. I thank my colleague from Texas for his remarks and the information that he has given us. Can I ask the gentleman from Texas when we can expect the Puerto Rico bill to be coming to the floor?

Mr. ARMEY. I thank the gentleman for asking. We anticipate having that bill on the floor on Wednesday.

Mr. BONIOR. Wednesday. I thank my friend.

And, finally, the concern we had here is when we will be able to see the list of bills on suspension.

Mr. ARMEY. I thank the gentleman for that inquiry. We have had some late requests. We are trying to get the list together, and we should have them in your offices later today.

Mr. BONIOR. I thank my colleague and wish him a good weekend.

ADJOURNMENT TO MONDAY, MARCH 2, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from New York?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 3, 1998

Mr. SOLOMON. I would also ask unanimous consent that when the House adjourns on Monday, March 2, 1998, it adjourn to meet at 12:30 p.m. on Tuesday, March 3, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT REGARDING AMENDMENTS TO H.R. 3130, CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1988

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of making an announcement.

Mr. Speaker, I rise to inform the House of the Committee on Rules' plans in regard to H.R. 3130, the Child Support Performance and Incentive Act of 1998.

The bill was ordered reported by the Committee on Ways and Means on February 25, and the report is expected to be filed in the House on Friday, February 27, tomorrow.

The Committee on Rules will meet next week to grant a rule which may require that amendments to H.R. 3130, the Child Support Performance and Incentive Act of 1998, be preprinted in the CONGRESSIONAL RECORD. Amendments to be preprinted would need to be signed by the Member and submitted at the Speaker's table.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

Mr. Speaker, this is intended to be an open rule, but there could be the preprinting requirement, and I just wanted to make sure that the Members understood that. This is a good bill, and we should take it up early next week.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 235

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent to have the gentleman from Nebraska (Mr. BARRETT) removed as a cosponsor from H.R. 235, the War Crimes Disclosure Act.

His name was added inadvertently due to a clerical error, while the gentleman from Wisconsin (Mr. BARRETT) should have been added as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

URGING MEMBERS TO SUPPORT RESOLUTION REQUESTING POSTAL SERVICE TO ISSUE STAMP HONORING THE UNITED STATES SUBMARINE FORCE ON ITS 100TH ANNIVERSARY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, the year 2000 is the 100th anniversary of our submarine fleet. The Postal Service recently made what I believe was a serious error in rejecting a postal stamp. There were several options out there that would make a stamp that would have high demand in this country.

I ask my colleagues to join me in a resolution that will be supported by the chairman of the Committee on Veterans' Affairs and original cosponsor of this resolution. They will join President Carter, Defense Secretary Cohen, and Navy Secretary Dalton in support of having the Postal Service reconsider an earlier decision that turned down a submarine stamp.

We have but two possibilities here. Here is a second one. But what is most important, when we look at the number of stamps that are being produced, from cartoon figures to actors, it seems to me that a service that has been critical and vital to the survival of the United States and its freedoms, with so many Americans giving their lives in service, that they need to be recognized on this 20th anniversary. I hope all of my colleagues will join us in supporting this resolution.

Mr. Speaker, this morning I rise in support of the hundreds of thousands of Americans who have patrolled beneath the oceans to keep us free.

Today I will introduce a resolution urging the Postal Service to reconsider its earlier decision and issue a commemorative postage stamp honoring the United States Submarine Force on its 100th anniversary in the year 2000.

In December, the Postal Service made a mistake in turning down the request on the ground that the stamps might not have wide commercial appeal. The Americans who spent over 200 million dollars to see the Hunt for Red October and Crimson Tide at the movies would beg to differ. As would the over three million Americans who have visited the Nautilus museum in Groton, Connecticut, since it opened in 1986.

Even more importantly, this decision should be reversed on the merits of heroism. With only 2% of navy personnel during World War II, the U.S. submarine force destroyed 55% of all Japanese shipping. And we can never forget the 3,800 submariners who have given their lives to this country in the line of duty.

From the Navy's first submarine, USS Holland, to the latest due for commissioning this year as USS Connecticut, there is much of which we have to be proud. We can think of few better ways in which to honor the Submarine Force's 100 years than through this commemoration.

I am honored to have the Chairman of the Veterans Affairs Committee among the original co-sponsors of this resolution. They join former President Carter, Defense Secretary Cohen, and Navy Secretary Dalton in calling on the Postal Service to reconsider its earlier decision.

I ask all members of this House to join me and put the full weight of this body behind the men and women who have served this nation as part of the United States Submarine Force.

RETHINKING THE SAFETY NET FOR AMERICAN FAMILIES

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to talk about an issue we have dealt with here in Congress and in the Family Caucus, of which I am chairman, and that is, "Rethinking the Safety Net" for American families.

The article that I want to talk about was published over a year ago, but still it has merit in answering the question of government's role in developing and strengthening families.

The author, Mr. Butler, calls for several reforms which have already been implemented, reforms in areas such as adoption laws, in tax relief, and welfare. However, the theme of the article is still very applicable and relevant to today's debate about the role of government in American families.

"Rethinking the Safety Net" states what many of us here in Congress have concluded, that government has done more damage than good for the American family. Mr. Butler points to many areas to prove this point, including the high burden of taxes, the dependency of entire generations on welfare, and how the decline of religion in this country is partly due to government actions.

This article about rethinking the safety net tells us the current safety net of government programs is not working. The true safety net consists of social institutions like family and religion. Therefore, Congress should promote programs that strengthen the family, rather than weakening it.

When Congress debates how to best implement and create social programs, let us keep in mind that communities and families are the most important areas to look at.

Mr. Butler shows us how programs created by Congress have had an adverse impact in the past. Let's not make the same mistakes again.

Mr. Speaker, I include for the RECORD the article by Mr. Butler.

The material referred to is as follows:

RETHINKING THE SAFETY NET

(By Stuart M. Butler)

INTRODUCTION

In the conventional wisdom of Washington, everything turns on federal spending. So it is not surprising that when a "Stand Up for Children" rally took place recently, the explicit assumption of the sponsors was that if one really cared about children, he would support more spending on "children's" programs and, of course, he should condemn those anti-child politicians who would cut these programs. Needless to say, it is an article of faith among the inside-the-Beltway media that compassion itself is synonymous with voting to spend other people's money on the children and the poor.

This attitude permeates the entire debate over the social safety net. What is it that prevents people from falling into poverty or enables them to bounce back after a spell on hard times? To most liberals the essential fabric of the net is cash—it is making sure, through government programs, that a generous cash cushion is available. So the more generous and comprehensive the cash assistance programs are, the more effective will be the social safety net. That is why liberals have fought so bitterly during this Congress to defend spending levels on these programs, and why they have castigated as heartless any lawmaker voting to reduce spending.

But if the purpose of an effective social safety net is to prevent poverty and to restore the lives of those now in poverty, the fierce battle over government spending is largely irrelevant. Spending money on these programs matters a great deal to the debate over deficits, taxes and economic growth, but it has little to do with creating an effective social safety net. If you examine the mountain of scholarly evidence, and if you spend much time in poverty-ridden and crime-infested communities, it becomes crystal clear that the real social safety net consists of two things: stable families and religious practice. The presence or absence of these two things overwhelms everything else—and especially it overwhelms the effect of government social welfare programs. It is hardly an exaggeration to say that nothing else matters.

THE CRUCIAL IMPORTANCE OF STABLE FAMILIES

As far as children are concerned, there are two distinct communities in America—traditional two-parent households and single-parent households. Whichever of these communities a child is born into will profoundly affect his or her future development and probable course in life. A child born into a single-headed family, for instance, is far more likely to be poor and to be brought up poor than a child born into a traditional, intact family. The most recent Census Bureau data (for 1994) underscores this. The poverty rate among intact families in 1994 was less than 11 percent. But among children in broken families, the rate was a stunning 53 percent. Significantly, the poverty rates for these two types of households, if one considers only black families, are almost the same as among the general population (11.4 per cent and 54 per cent in 1994). Race as such is not the factor in the general poverty rate differences between black and whites. The crushing problem in the black community is the huge rate of illegitimacy. About two-thirds of all African-American babies today are born to women without a husband; in some urban areas the proportion is even higher.

It is not just that income typically is lower in single-parent households (the point noted by most liberals to argue that cash assistance would change the outcomes for children). What the evidence shows is that it is the absence of a father which matters. Whether there was a father in the house, not the household income as a child, is more the crucial indicator of how someone will turn out as an adult. Even within middle-class households the average child born without a father in the home will not do as well as a child who lives in a home where the father is present.

Studies also consistently show the probability of running into trouble with the law is linked closely to the lack of family stability and, in particular, to the permanent absence of a father in the house. Among these studies, an analysis of census data by The Heritage Foundation found recently that a 10 percent rise in illegitimacy in a state is associated with a 17 percent increase in later juvenile crime. The study found that in the case of Wisconsin (the only state for which usable data is available), a child from a female-headed household is 20 times more likely to end up in jail as a teenager than a child from a traditional family. And all over America, members of juvenile gangs are almost entirely from broken families.

An extensive survey of medical and social science literature by Heritage senior analyst Patrick Fagan also found that a child born in a female-headed household is less likely to do well in a variety of ways in later life. For example, these children (especially boys) exhibit lower levels of cognitive development and other measures of intellectual ability. They do less well in school, are generally less healthy, are two to three times as likely to have emotional and behavioral problems, and have a shorter life expectancy. Moreover, their likely future annual income is thousands of dollars less than that of children in traditional families. The effects also tend in continue from one generation to the next. The children of single mothers are much more likely to be poor and to have children out of wedlock than children who are brought up with two parents. Murphy Brown scriptwriters take note—these problems characterize children born to affluent mothers as well as to poor mothers.

THE ROLE OF RELIGION

An intact family is perhaps the strongest safety net we have. It is certainly far more effective than the plethora of government assistance programs now available. The only possible competitor would be a commitment to religious values. As in the case of intact families, the evidence is overwhelming. A recent survey of the scholarly literature by Fagan found that regular church or synagogue attendance had several profound effects. For one thing, Americans who practice religious commitment are more likely to get married, stay married and have their children when married. They are also less likely to have trouble with the law or to take drugs. And children in such households tend to do much better in school than children in otherwise identical households. Not only are people less likely to fall into poverty if they have a commitment to religion, but a spiritual awakening is typically behind the most dramatic cases of people in poverty or crime turning their lives around. Religion is the safety net that helps countless troubled people to bounce back.

A few months ago I attended a remarkable celebration in Washington. The "Achievement Against the Odds Awards" dinner, organized each year by Robert Woodson of the National Center For Neighborhood Enterprise, recognizes low-income individuals from across the country who have achieved a remarkable transformation in their own lives or in their community. Dubbed "the low-income Oscars" by Woodson, the event honored such people as former urban gang leaders who have given up a life of crime on the streets, former teenage prostitutes who are now married and finishing graduate degrees and former crack users who are now drug-free and running drug rehabilitation centers for the worst cases—with 80 to 90 percent success rates.

As these heroes received their awards, they told the audience of the people and events that had turned around their lives. Significantly, nobody thanked the government. Nobody said that a $20 increase in monthly AFDC payments had been responsible for their success. Nobody paid tribute to a government training program. Nobody praised America's generous welfare system. Indeed, to the extent speakers mentioned welfare, it was to condemn it as having imprisoned them. But without exception they declared that their lives had been saved by a religious experience, or by someone introducing them to God. The more desperate had been their plight, the more they emphasized how religious faith had been their real safety net.

HOW WASHINGTON HAS WEAKENED THE REAL SAFETY NET

It is bad enough that Congress, over the years, has failed to recognize the real social safety net. Instead, it has spent staggering amounts of money on service and cash assistance programs that have clearly failed to reduce poverty and dependence. In many ways government action has for several decades actually had the effect of weakening the safety net of family and religion.

Destructive Incentives. It is now recognized even by most liberals that the welfare system has not only failed to end poverty but has also undermined the family. Since 1965, according to calculations by Robert Rector of The Heritage Foundation, America has spent over $5 trillion, in today's dollars, on means-tested programs intended to alleviate property. That is more, in real terms, than America spent in World War II to defeat Germany and Japan. Yet, although the poverty rate was falling sharply in the decade before the War on Poverty programs were launched, the rate has been stuck at 12 to 14 per cent ever since 1965. And as Charles Murray pointed out in his landmark book Losing Ground, there has been a steady rise in the "latent poor," these Americans who are entirely dependent on government aid to keep them above the poverty line.

How could this enormous expenditure have had such a dismal effect? The reason is that in most states today a young mother can receive tax-free government cash and in-kind benefits worth between $8,500 and $15,000, depending on the state. But there are two conditions: she must not have a real job; and she must not marry anyone with a real job. Thus the incentive for the father is not to marry the mother and take financial responsibility for the child. The result is a destructive penalty against the formation of traditional working families for the very households most in need of that stabilizing institution. It is little wonder that Rector describes the welfare system as "the incentive system from Hell."

Anti-family legislation. In addition, many rules and statutes at the federal and state levels have the effect of weakening the family. For instance, the federal tax code is anti-family in many ways. While the "marriage penalty" is more of an irritant than a real problem for most couples, the erosion of the personal exemption because of inflation is a very serious obstacle to couples trying to raise children. In the late 1940s, the median-income family of four paid only two percent of its income in federal income taxes because of a generous exemption for children. But because of the declining value of the exemption, a similar family today struggles with a 24 percent federal tax burden (including payroll taxes).

At the state level, "no-fault" divorce laws have helped push up the divorce rate dramatically in recent decades. In 1950 some 300,000 American children suffered the pain of a marriage breakup. By the 1970s, however, over a million children each year saw their parents split up, and the annual number has stayed above one million ever since. This easy-out approach to marriage has been very damaging for children. Several major studies indicate that the children of divorced parents experience significantly more problems in later life, such as elevated rates of unemployment, premarital sex, school dropouts, depression and suicide.

No Religion. Almost as damaging to the real social safety net of family and religion is the almost fanatical insistence by judges and many lawmakers that a "wall of separation" must be maintained between religious practice and government activity. This means hard-working and tax-paying parents in a public housing project, struggling to send their son to a school teaching religious values, cannot use a government grant or voucher to help defray the cost. And it means that faith-based solutions to property and other social problems are generally denied inclusion in taxpayer-funded programs, even though they routinely outperform other programs. To obtain government support, these successful approaches have to remove any religious emphasis, in most instances the very basic of their success.

But even organizations that do not apply for government assistance are routinely constrained or harassed by government. Robert Woodson complains bitterly of highly successful faith-based shelters for teenage ex-gang members being threatened with closure because they are not state-approved "group homes," or because the organizer (typically a former gang member) is not a credentialed social worker. And consider the case of Freddie Garcia's Victory Fellowship. Himself a former drug addict, some years ago Garcia opened a church-based center for hard-core heroin addicts in San Antonio, Texas. The program has since spread to 60 churches in Texas and New Mexico and has a 60 percent success rate (compared with single-digit successes in typical government programs). But the Texas Drug and Alcohol Commission has told Garcia to stop promoting his center as a "drug rehabilitation" program because it does not comply with state standards.

HOW TO STRENGTHEN THE REAL SAFETY NET

If thoughtful politicians at all levels of government really want to strengthen the social safety net there are several things they and policy experts must do:

(1) Talk about what kind of safety net actually works. There is not going to be a decisive shift in the debate over the safety net until ordinary Americans, as well as most lawmakers, actually understand how important intact families and religious values are to social stability and improvement. Fortunately that process of education has been gaining traction. A decade or so ago there was little public understanding outside the conservative movement of the crucial importance of intact families to a child's life. When Vice President Dan Quayle had the temerity in 1988 to suggest that the media should not paint a rosy picture of single motherhood, he was widely denounced as a Neanderthal. But since then the sheer weight of the evidence has persuaded all but the most diehard liberals that single-parent households are bad for children. Even the left-leaning Atlantic magazine felt forced in 1993 to carry a cover story entitled "Dan Quayle was Right."

More work still has to be done to inform Americans of the relationship between religious activity and the social economic condition of families. Fortunately the evidence is beginning to be discussed in the media and among scholars. For instance, a recent Heritage survey of this scholarly work was summarized, uncritically, in The Washington Post (not normally a good platform for such ideas), and the beneficial impact of religious practice to the lives of low-income families is being discussed and accepted by politicians across the political spectrum. But much more needs to be done. For example, the General Accounting Office is the government's accounting arm, which evaluates and reports on the effectiveness of programs for members of Congress. But the GAO has never been asked to carry out a systematic comparison of faith-based and government-funded secular drug rehabilitation programs. Fortunately, surveys of this kind are now under way.

(2) Have government focus on family finances, not elaborate programs. The history of government attempts to create a system of social services for those in serious need has been a costly failure. These programs are inflexible, bureaucratic and, as discussed earlier, have eligibility criteria that create the debilitating dependence and social collapse they are intended to alleviate. The more profound the problems are of an individual or family, the less able to deal with them is the government safety net and the more decisive is the private safety net of family and religion.

What government can do is to let low-income Americans keep more of their own money. Thus policymakers should concentrate on such things as overhauling the tax system to make sure that families with children are not overburdened. A tax credit or improved exemption for families with children would go a long way to strengthen the stability of these families. Meanwhile, Congress needs to enact sweeping reform of the welfare system to end programs that hinder rather than help the poor.

(3) Reform divorce laws and encourage adoption. At the state level, government should begin to roll back many of the ill-conceived "reforms" of divorce laws enacted in recent decades, focusing especially on situations where children are involved. At the very least, to discourage easy-out divorce, couples who have children and are seeking a divorce should be required to undertake extensive counseling and complete a longer waiting period before a divorce is granted. Moreover, in the granting of a divorce and the distribution of property, the interests of the children and the parent with custody would be the overriding factor in court decisions.

Besides the need to make sure children are less often the victims of family breakup, action is also needed to make it easier for children without homes to be adopted by loving families. Several studies indicate that adopted children do as well or actually better in life than children brought up with both of their biological parents, and they do far better than children in single-headed households. Yet in most states there are still enormous barriers placed between couples who want to adopt and children wishing to be adopted.

One problem is that many social workers apparently are simply ignorant of the evidence showing the benefits of adoption over institutionalization, and therefore err on the side of not releasing a child to a couple. A related problem, particularly in placing black children with black couples, is that social workers mistakenly place a much higher importance on the financial resources of the adopting couple than on more important factors. Thus a police sergeant and his teacher wife of fifteen years, who are regular churchgoers, might be deemed inappropriate parents because they have only a modest income and live in the "wrong" part of town. And a further, more insidious, problem is that the huge government payments made to foster care institutions to house children create an equally huge incentive for these institutions to oppose adoption. Increasing the rate of adoption in America would do far more to provide a safety net for the children than any amount of new federal spending.

(4) Make it easier for faith-based organizations to tackle problems. Many of the barriers against faith-based approaches are unlikely to be removed until the U.S. Supreme Court issues more sensible rulings on the matter. Still, many bureaucratic hurdles at the state level can be streamlined or eliminated. Furthermore, the federal government could help boost private support for faith-based approaches through the tax system, without any hint of violating the Constitution. For example, Representatives J.C. Watts (R–OK) and Jim Talent (R–MO) have authored legislation that would provide Americans with a 75 per cent tax credit for contributions to private charities that deliver services to the poor. This credit would encourage more financial support to those private organizations, including church-based groups, that have proved their effectiveness to ordinary Americans, rather than merely complied with the minutiae of federal contract rules.

CONCLUSION

Equating the social safety net with a set of government programs, and measuring compassion with one's support for these programs, is a profound mistake perpetuated by the media and by liberals in Congress. The real safety net is the system of social institutions that has stood the test of time. Scholarly studies underscore the effectiveness of these institutions, in particular the institutions of family and church. Unfortunately, the unintended effect of attempts to create a government safety net has been to weaken these institutions. It is time to recognize and strengthen them.

□ 1145

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COLLINS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CENSUS DEBATE IS NOTHING NEW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, the folks at the Census Bureau must be getting a pretty thick skin. This is certainly not the first time they have been criticized. Guess who lodged the first complaint about an undercount? George Washington. He complained to Thomas Jefferson, who was the Marti Ritchie of the 1790s, that the numbers were too low. Washington knew that even back in 1790 when there were only about 3.9 million people living in the colonies, that there was no way to accurately count each American by simply going door to door.

The Census has been surrounded by controversy ever since. In 1920, the party in power was so dismayed by the Census numbers, they simply dismissed them. For the first time, the Census showed that urban areas held a greater proportion of the population than did rural areas. The shift was so devastating to the majority, that Congress just failed to act, claiming that these numbers could not possibly be right. The 1930 Census affirmed the shift and Congress was forced to act.

In 1940, the impact of the undercount simply could not be denied. The War Department was depending on the Census to determine the number of young men eligible to serve. Turns out there were many more men ready to defend their country than the count had indicated. Specifically, young black men were greatly underestimated.

Over 5 percent of the population was left out of the 1940 Census. As a result, the Census Bureau began a program to measure and understand the undercount. The undercount in the Census declined steadily across the decades until 1980 when the Census counted 98.8 percent of the population, an undercount of 1.2 percent.

However, while the total undercount grew smaller across time, the difference between black and nonblack undercounts did not change much. In fact, between 1940 and 1970, the difference actually increased slightly. In 1990, things really got bad. The net undercount went from 1.2 percent in 1980, to 1.6 percent, and the difference between black and nonblack was the highest ever measured.

The real story was even worse. The General Accounting Office estimated that there were over 26 million errors in the 1990 Census. About 10 million people were missed, 6 million people were counted twice and 10 million were counted in the wrong place. That is an error rate of over 10 percent.

We might ask why the Census Bureau has not done something about that problem. Well, the answer is that they have tried. But the efforts of its statisticians have been blocked by politicians trying to preserve their domain. The Census Bureau was under pressure to correct the errors in the 1980 Census, but at that time the technology for measuring and correcting those errors was not well enough developed to do the job. However, following the 1980 Census, the Census Bureau developed a research program to be ready to correct the 1990 Census.

The research went forward, but when time came to put the system in place to correct the 1990 Census, the Under Secretary for Economic Statistics at the Department of Commerce, an appointee of President Reagan, blocked implementation.

New York City, and several others, sued the Secretary to force the Secretary to implement the measures necessary to correct the 1990 Census, but before the case could be heard by the courts, the Commerce Department settled. The settlement called for a scaled down survey to measure the errors and an evaluation panel of eight experts, four appointed by the Secretary of Commerce, four appointed by the plaintiff.

In the end, they split 4–4. The four experts selected by the Secretary of Commerce recommended against correcting the Census. The four experts selected by the plaintiffs recommended in favor of using the survey to correct the Census. The experts at the Census Bureau voted 7 to 2 in favor of the correction and the director of the Census Bureau recommended to the Secretary that the Census counts be corrected.

The Secretary, however, refused to follow that advice and in the end the Supreme Court upheld his power to do so.

Dr. Barbara Bryant, President Bush's Director of the Census Bureau in 1990, set in place a research program to develop plans for the 2000 census that were above reproach. She called on the National Academy of Science for help, as well as talented statisticians and demographers throughout the country.

That research program led to the design for the census that we are fighting over today: A design to correct the 26 million errors. A design to reduce the cost of the census. A design that is fundamentally more fair and honest. That is the design that our colleagues want to tear down. If they succeed, they will take the whole census down with them.

Our colleagues who oppose correcting the mistakes made in 1990 have no credible alternative. Their only response to fixing the problem is to throw more money at it. We will give the census a blank check, they cry. Friends, money will not solve this problem.

Counting noses didn't work for Thomas Jefferson when there were less than 4 million persons in the United States and few of those were west of the Allegheny Mountains. Counting noses certainly will not work when there are over 260 million people spread across the 48 contiguous states, Alaska, Hawaii and the territories.

Every expert and scientific panel that has studied this problem has agreed with the Census Bureau. To fix the 10 percent error in the 1990 census you have to go beyond traditional counting techniques.

The opponents of an accurate census are quick to claim the plan for the 2000 census is unconstitutional, but none of the constitutional scholars they claim to support their views has yet to put pen to paper. There has yet to be published a serious scholarly article that makes their case.

The opponents of an accurate census are quick to scream that the plan for the 2000 census is against the will of Congress.

However, Congress ceded its authority to design and run the census to the Secretary of Commerce. The opponents of an accurate census know they cannot pass a veto proof bill that rescinds that authority.

The plans for the 2000 census are sound. However, the opponents of an accurate census are doing everything in their power to make sure those plans fail.

If the next census exceeds the error rate of the last one, it will not be the fault of the employees at the Census Bureau.

If hundreds of Americans are left out of the democratic process because of flaws in the census, it will not be the fault of the Clinton Administration.

If the next census is a failure it will be the fault of those here in Congress who are doing everything they can to block a fair and accurate count.

ADMINISTRATION SHOULD NOT CERTIFY MEXICO AS COMPLIANT WITH DRUG LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, today I understand that the administration is about to certify Mexico as compliant with the United States law that requires an assessment of every country that is making an effort to eradicate or eliminate drug trafficking or drug production.

It is rather sad that the administration would certify Mexico to a law that was designed to give benefits for trade, foreign assistance, financial assistance and military assistance to a country that is making progress in these areas, and choose to do so with Mexico because I cannot think of any offender worse than Mexico. In fact, in the drug war, Mexico is a disaster.

The major source of almost all hard narcotics coming into the United States across our borders is Mexico. In fact, the major source of cocaine, of heroin, of methamphetamines and marijuana coming into the United States, the vast quantities that are coming into our country and destroying our cities, our communities, our children, are coming in, in fact, from Mexico. And today this administration, I understand, is going to certify Mexico as compliant.

Mr. Speaker, let me tell my colleagues that Mexico is involved in narcotics up to its eyeballs, from the President's office down to the policeman on the beat. We know this. We have had hearings in our Subcommittee on National Security, International Affairs, and Criminal Justice that I serve on that confirm Mexico's lack and failure to cooperate in the war on drugs.

Mr. Speaker, they failed to sign a maritime agreement; they failed to cooperate in the extradition of the hard criminal drug traffickers; they failed to bring down even one major trafficking ring in Mexico; they failed to curb corruption; and they have failed to aid our DEA agents when they put their lives at risk in that country to help stop the war on drugs.

Mr. Speaker, neighbors do not let neighbors have their young killed in the streets. I submit that Mexico is a neighbor and it has failed to take action and should not be certified by this administration now or until, in fact, it does get its act together and takes positive steps to curtail the production and the transit of drugs from that country to our country.

All we have to do is look at the youth death and the death and crime in our country as a result of the drugs. Again, the major source of these drugs is Mexico. They are coming into our country. Two million Americans behind bars are there because of a drug-related offense and most of those drugs are coming in from Mexico.

We have a skyrocketing rate of drug abuse and drug deaths among our youth, hitting our youth and our streets and our schools and our communities with cocaine deaths.

In my area of central Florida, record heroin deaths and heroin is coming in and it will soon be as cheap as cocaine or any other drug in incredible quantities from Mexico.

So we cannot certify a Nation that, indeed, is not cooperating. We cannot certify a Nation that is raining death and terror on our young people in the streets and neighborhood at a tremendous cost to our young people, a tremendous cost to our communities. The jails that are filled in this country and our citizens cannot even go to sleep at night because of the related crime and the related violence of drugs and narcotics.

So they are taking a step today and it is the wrong step. They have taken the wrong step in the past when they had a Surgeon General, Joycelyn Elders, who established the policy of "Just Say Maybe" to drugs; when we had the President tell our young people, "If I had it to do all over again, I would inhale."

Today, another fatal step in the lack of war on drugs by this administration and this President who are about to certify this country, which is the major source of violence, crime, and drugs in our Nation. We can stop it. We must stop it. We must decertify Mexico.

COMMEMORATING THE LIFE AND WORK OF MADAME C.J. WALKER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, since the inception of the Black History celebration, an idea that was inspired by Dr. Carver G. Woodson, the world has become acquainted with the myriad of contributions of African-American achievement.

I rise today to pay tribute to a woman, Madame C.J. Walker, who contributed to black history and to the larger picture of American history, who resided in Indiana's 10th Congressional District. The Walker Building in my district is on the Register of Historic Places. For these reasons the Postal Service honored Madame C.J. Walker last month with a commemorative stamp in the 10th District of Indianapolis, Indiana.

Madame Walker was born Sara Breedlove. She was America's first woman self-made millionaire. Overcoming a life of poverty, this orphaned daughter of slaves rose from washwoman to entrepreneur. In 1905, she developed a conditioning treatment for hair. Her pioneering hair care methods and products transformed the appearance and self-image of African-American women.

As a business woman, Madame Walker was the master of door-to-door sales through the demonstration of her products in homes, in churches, and club meetings. As an innovative chemist, she experimented with herbs, ointments and chemicals and she developed an effective product that revolutionized black hair care.

□ 1200

By 1910, when Madame C.J. Walker Manufacturing Company was created in Indianapolis, Walker had perfected the direct marketing technique used today by companies such as Mary Kay. At the height of Madame Walker's success, the company had 3,000 workers, including sales agents, factory workers, public relations persons, marketing specialists and chemists.

As a leader and advocate for women, most of her employees were women. The company provided an alternative to the traditional domestic service jobs that had been reserved for black women, truly a visionary action before women had won the right to vote even. Furthermore, in Madame Walker's will was a provision that the company she founded always be headed by women.

As a philanthropist, Madame Walker did much to promote racial and women's equality. At home, she contributed to Flanner House in Indianapolis, Bethel AME, the Alpha Home and the Senate Avenue YMCA. On the national level, she was an avid supporter of the NAACP, the Tuskegee Institute and the Mary McLeod Normal School. She encouraged her agents to support black philanthropic work by forming "Walker Clubs" and giving cash prizes to the clubs performing the largest amount of community charity work.

I am grateful and proud that Madame Walker left such a rich legacy for not only me and my constituents in Indianapolis but for all of America. Indeed, if there was ever a person who personified the notion of self-determination and self-help, Madame C.J. Walker was that person. At a time when society could have strictly defined Madame Walker, she was the author of her own destiny and a beacon of inspiration for African-Americans and to all Americans, and women in particular.

RONALD REAGAN RESPONSIBLE FOR A NEW FREEDOM IN THE SOVIET UNION AND EASTERN EUROPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, over the past couple of weeks there has been a great deal of discussion in this body as to the legacy of our great former president, Ronald Reagan. I would like to add a short story which will serve only to enhance this well-deserved legacy.

Recently, one of my staffers was watching a television program with his 10-year-old son, David. The program's subject matter dealt with the role of the news media in various wars our Nation has been involved in down through the generations.

At one point in the program, David, who I know to always be an inquisitive lad, asked his dad what the Vietnam War was all about. And certainly that is a question that we all ask ourselves from time to time, I might add, but try explaining it to a 10-year-old.

While explaining our Nation's involvement in Vietnam to his son, my staffer referred to our country's efforts to stem the spread of Communism during that era. At the mention of the word Communism, David posed a simple yet profound question. "What's Communism, dad?"

Now, think about that, Mr. Speaker. Our generation is able to raise its children and grandchildren without the real and present fear of Communism and nuclear war with which we grew up.

My staffer appropriately responded to his son's question with a truth that he could thank Ronald Reagan for the fact that Communism is now such a failed relic of the past. And I agree with my staffer's assessment. Great strides have been made when a 10-year-old is able to live without the fear that haunted my childhood and yours.

No one among us should dispute the fact that under President Ronald Reagan's principled and unwavering leadership on the international stage, Communism crumbled. A new freedom has dawned in the former Soviet Union and Eastern Europe, and we live without the fear of days past.

At the beginning of this month, on February 6 to be exact, those of us who love and respect this great president joined his family and his admirers around the world in celebrating his 87th birthday. On behalf of our children and their children, thank you, President Reagan, and belated happy birthday.

SPENDING THE BUDGET SURPLUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, this morning I would like to visit just a little bit about some of the discussions that I had with members of my district, which is the entire State of South Dakota; and I had the opportunity last week to travel the length and breadth of my great State and listen to what people were saying out there on a wide range of issues.

Of course, I heard a lot about the situation in Iraq, about the need to get a transportation funding bill passed, which is something that I think that we really need to move along in this body because there are many States, like mine, who depend on that, and the construction season is upon us.

But one of the other things we talked a lot about and I heard a lot about is the question today in Washington, which is not being lost on people out in my part of the country, as to the whole budget surplus issue and what might we do to make the best use of a potential budget surplus.

Of course, like my constituents, I agree that the first thing we ought to do is to begin to retire and protect for the future, our children's future, and deal with the $5.5 trillion debt that we have racked up over the past many years. So that should be a priority and, in fact, at the same time we need to set aside money so that we can begin to replenish the trust funds that we continue to borrow from, including the Social Security Trust Fund.

I am the cosponsor of a bill, which the gentleman from Wisconsin (Mr. NEUMANN) will be visiting about here a little later, that in fact would allocate a third to debt repayment, a third to trust funds, Social Security Trust Funds, and then the balance of the third to tax relief.

It is my view that, as we look at the whole issue of whether or not we ought to use the budget surplus for tax relief, the only justification would be if it is an alternative to new Federal spending.

We have listened with great interest to some of the proposals that the White House has rolled out that would create a new Washington bureaucracy and new Washington spending; and, frankly, I think as an alternative to that, we should look at what we can give to taxpayers, the people who are paying the freight in this country, those revenues back.

So, in doing that, we have had a considerable discussion, I think, within our own ranks about what is the best method or way of returning dollars to taxpayers; and in the whole marketplace of taxpayer ideas I believe one stands out. So I have, along with the gentlewoman from Washington (Ms. JENNIFER DUNN), cosponsored legislation which would deliver tax relief in a very broad-based way, which says that a taxpayer gets tax relief without having to behave a certain way or conducting themselves in a certain way; and then we will figure out a way, through the social engineering process, to micromanage their behavior and allow Washington to pick winners and losers.

We say as a matter of policy that it ought to be our practice here in Washington to come up with policies that treat everybody equally, and this is certainly an approach that would do that.

So the first principle should be that if we, in fact, have dollars available for tax relief in any budget that is put together here, that we ought to look at how we can return those to taxpayers in a way that is across-the-board and does not pick winners and losers from Washington.

The second thing we should do is come up with a tax relief proposal that, in fact, further simplifies rather than complicates the Tax Code. Because every time that we come up with legislation in this body it always seems to make it more complicated for the people who have to pay the freight out there, for the people who have to comply with that Tax Code.

So we have introduced legislation, two pieces of legislation, actually, the first of which would raise the personal exemption from the current $2,700 to $3,400, which would affect every taxpayer in this country.

If an individual has dependents, they can claim that increased personal exemption and thereby lower their tax liabilities; and it delivers the greatest proportion of tax relief from the lower income levels up through the income scale.

The second bill would drop 10 million people out of the 28 percent rate bracket back to the 15 percent rate bracket, which I think is significant. Because today we penalize people for working harder, producing more and earning more. Now we are saying that, instead of each additional dollar that an individual earns, 28 cents is going to be collected in taxes, that we want to move more people back into the lower 15 percent bracket. I think that is a significant step forward, one, towards simplification and, two, towards delivering tax relief in a way that is very broad-based.

So as we have this debate in the Congress about the budget surplus, as we address the issues of putting a systematic plan in place which will, one, begin to pay down the debt; secondly, will replenish or restore the trust funds that we continually borrow from, particularly Social Security; that to the extent that we have additional dollars available, before we create new Washington bureaucracies and new Washington spending, that we ought to look at ways that we can give those dollars back to the taxpayers, the people whose money it is in the first place and who ought to have the first claim to additional budget revenues.

In doing that, as we make that decision, I think it is critically important we do it in such a way that we do not, from Washington, determine who wins and who loses and say that if people behave in a certain way they will be rewarded, we in Washington, D.C., will reward them by giving them this particular tax break; that, in fact, we ought to look at how we can deliver tax relief in a broad-based way so that all Americans who pay taxes are able to benefit from a growing economy.

That is the priority that I think we ought to place as we have this debate; and to the extent, again, that there are dollars available and as we talk about the whole issue of tax relief and what we might be able to do to give something back to the taxpayers of this country, that those ought to be the overriding principles; that, one, we make it broad based and that, two, we do it in such a way that it further simplifies rather than complicates the Tax Code in this country.

So I look forward to being a part of that debate, and I would urge my colleagues on both sides of the aisle to take a look at the legislation that we have introduced. Because I think it is consistent with those objectives. It is consistent with providing real relief and real choices to hard-working men and women in America who are trying to decide how to pay for their children's education, how to pay for their mortgage and their housing payments, how to pay for car payments and the groceries and everything else.

If we want to, in a very real and tangible way, empower them to make decisions about the needs that they have in their future and their children's future, this is a way we can do it.

One of the bills I mentioned earlier would, in fact, lower taxes on 29 million working Americans today to the tune of about $1,200 per filer. That is real relief, it is real choice, and it will help real hard-working Americans in this country that we look to day in and day out to continue to support this country and to build a better future for all our children and grandchildren.

With that, I would encourage the Members of this body to take a hard look at our legislation, consider cosponsoring it and try to make it a part of the debate we are about to have in terms of budgetary priorities.

CONGRESS SHOULD RALLY AROUND PRESIDENT'S DECISION WITH REGARD TO IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I want to spend the next few minutes talking about Iraq.

In 1991, I voted for President Bush's program, Operation Desert Storm. I was one of a minority of Democrats at that time to do so because I felt then and feel very strongly now that we need to have a bipartisan foreign policy; that once the President, whomever the President is, makes a decision, it is incumbent upon all of us to rally around the President's decision and to support our troops who may be in harm's way.

That is why, Mr. Speaker, I have been particularly chagrined to listen to the remarks of some of the critics of the President's policy in Iraq, the Senate Majority Leader and others, who have spoken out and said that this agreement, which the Clinton administration supports and which I support, have said it is not a good one.

I think it is very, very important that we rally around our President and that we support this agreement.

Is this a perfect agreement? Of course not. Are there some ambiguities in this agreement? Of course there are. But as Secretary of State Albright said the other day, let us try to work out these ambiguities. Let us place the onus on Saddam Hussein. Let us test this agreement.

We are testing it by keeping our forces in the region. We are testing it by making sure that American power and American might remains there to force Saddam Hussein to comply.

The main thing now is to get the inspectors into the presidential palaces and the other sites to make sure that we have adequate inspection on the ground.

This new agreement puts the onus on Saddam Hussein. If he violates it, we will have the support of many of the other nations who might have been reluctant to support our undertaking if we had started with a bombing campaign. This puts the onus squarely on Saddam and says to Saddam that the international community, the United Nations, is unified in demanding that he comply with United Nations' resolutions and with this latest agreement.

Rather than tearing down Kofi Annan, I would praise him for having the courage to go to Baghdad and trying to broker an agreement.

□ 1215

I am not annoyed that Saddam Hussein is claiming victory, as the Senate majority leader seems to be. Saddam Hussein claimed victory after Operation Desert Storm, when we know that his forces were decimated. I could not care less what Saddam Hussein says. The proof will be in the pudding. If indeed this gives the international community unfettered access to Saddam Hussein's presidential palaces and other sites, then this agreement will be successful. If it does not and if Saddam Hussein is devious, as we know he can very well be, and continues to hide things and we need to go in and do a bombing campaign, then President Clinton says that is what we will do.

Rather than this being a lose-lose situation, I think it is a win-win situation. This is not the time for U.N. bashing. Let us encourage the U.N. to pass a resolution in the Security Council adopting this agreement and putting in penalties if Saddam Hussein violates the agreement.

The critics of administration policy, I am sorry to say, would criticize the President for whatever he did. If we had a bombing campaign, they would criticize the President to say there will be civilian casualties, as we know inevitably there would be, or American casualties, as we know inevitably there would be. When the President was talking about a bombing campaign, these same critics were saying that the President had not told the American people what our objectives are, that he had not defined the objectives. If the President said, as he did say, the objectives would be to allow unfettered inspection of these sites and that is why we were bombing, the critics then said, "That's not enough. The objective should be the removal of Saddam Hussein." Well, we know the removal of Saddam Hussein, and I would like to see it as much as anybody else, would involve ground troops and would involve lots of casualties. If the President did that, the critics would say, "Well, the ground troops will mean American casualties."

So whatever the President does, and I quite frankly think he has handled the situation very, very well, these same critics would criticize. This is not the time for criticism. There has been an agreement. Let us try this agreement. If this agreement does not work, we can go back to a policy of a bombing campaign to force Saddam Hussein to allow unfettered inspections. Rather than criticize the President, I commend President Clinton. I think he has handled this situation marvelously. I think he has acted like a real statesman and acted like the American people expect him to act. I daresay that is why his approval rating is hovering around 70 percent, because people think that the President has acted boldly, not only in Iraq but all the other things he has done to put this country on the right track.

Mr. Speaker, I say it is time to go back to the traditional bipartisan policy of rallying around the President, rallying around our troops and, once the President has made a decision, to support that decision for the good of the American people.

MEDICARE CLINICAL TRIAL LEGISLATION

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the Medicare Clinical Trial Coverage Act of 1998, that would provide Medicare coverage for patient costs related to participation in clinical trials. Clinical trials are research studies that test new medications and therapies in clinical settings and are often the only treatment available for people with life-threatening diseases such as cancer, AIDS, heart disease, and Alzheimer's.

As the Representative for the Texas Medical Center, where many of these life-saving trials are being conducted, I believe there is a real need for this legislation to guarantee that patients can receive the cutting-edge treatment they need. I believe we must ensure that Medicare beneficiaries can obtain the best available treatment for their illnesses. Without this guarantee, patients must work aggressively to make sure that they receive the care they need. We must end this uncertainty and guarantee the best available care.

I have been contacted by many researchers at the Texas Medical Center, including the University of Texas MD Anderson Cancer Center, University of Texas Health Science Center, Baylor College of Medicine, and the Children's Nutrition Research Center, about the need for this legislation. These research institutes are conducting clinical trials to test new medical therapies and devices such as gene therapy, bone marrow transplantations, and targeted antibody therapy that will lead to better medical care and save lives.

Although there may be costs associated with more access to clinical trials, I believe that we should ensure access to these trials as a means to ensure quality health care. I also believe that this Medicare reimbursement policy would encourage other health care plans to cover these otherwise routine costs.

It is also important to note that providing Medicare coverage for clinical trials will increase participation in such trials and lead to faster development of therapies for those in need. It often takes 3 to 5 years to enroll enough participants in a cancer clinical trial to make the results legitimate and statistically meaningful. In addition, less than 3 percent of cancer patients, half of whom are over 65, currently participate in clinical trials. This legislation will likely increase enrollment and help researchers obtain meaningful results much more quickly.

This legislation would apply to all federally-approved clinical trials, including those approved by the Departments of Health and Human Services, Veterans Affairs, Defense, and Energy; the National Institutes of Health; and the Food and Drug Administration.

There are currently 3 types of costs associated with clinical trials, the cost of treatment or therapy itself, the cost of monitoring such treatments, and the cost of health care services needed by the patient. Clinical trials usually cover the cost of providing and monitoring the therapies and medications that are being tested. However, such programs do not cover routine patient care costs, those medical items and services that patients would need even if they were not participating in a clinical trial. Under current law, Medicare does not provide coverage for these costs until these treatments are established as standard therapies. Medicare does not consider these patient costs to be reasonable and necessary to medical care. My legislation would explicitly guarantee Medicare coverage for patient costs associated with clinical trials. Such costs serve as a significant obstacle to the ability of older Americans to participate in clinical trials.

As I stated earlier, Medicare claims for the health care services associated with clinical trials are not currently reimbursable. A recent GAO report concluded that Medicare is currently reimbursing for certain costs associated with clinical trials, even though the Health Care Financing Administration, the Federal agency responsible for Medicare, has stated that Medicare policy should not reimburse for these services. In fact, the GAO report estimates that HCFA reimburses as much as 50 percent of claims made under Part B of Medicare and 15 percent of claims made under Part A of Medicare.

While some physicians and hospitals have been able to convince Medicare to cover some of these patient care costs in certain clinical trials, such coverage has been uneven and there is no firm rule governing them. I believe we must end this inconsistency.

My legislation would also ensure that all phases of clinical trials are explicitly covered under this new benefit. Under the new drug application process, there are 3 types of clinical trials, phase I, phase II, and phase III trials. Phase I trials test the safety of a potential treatment. Phase II and III trials examine both the efficacy and the safety of a treatment. Phase II trials are generally smaller and involve fewer patients. Phase III trials include a larger number of patients to ensure that the proposed treatments help patients. My legislation requires that Medicare pay for all types of clinical trials.

Mr. Speaker, I was recently contacted by a constituent about the need for this legislation. Mr. Keith Gunning contacted our office regarding his mother-in-law, Mrs. Maria Guerra. Mrs. Guerra is suffering from AML, a type of leukemia that is common among senior citizens. Mrs. Guerra was enrolled in a Medicare HMO that would not permit her to join a clinical trial at the University of Texas MD Anderson Cancer Center for the treatment she needed. After much effort, Mrs. Guerra dropped her Medicare HMO coverage and returned to traditional fee-for-service Medicare. With her new Medicare coverage, Mrs. Guerra petitioned MD Anderson to join a clinical trial. After much effort on the part of her son-in-law, Mr. Gunning, Mrs. Guerra joined a clinical trial. It is still unclear whether the traditional patient costs associated with her clinical trials will be covered by Medicare. My legislation would guarantee that Mrs. Guerra would get the services she needs and would require all types of Medicare plans to provide coverage for clinical trials, including Medicare managed care plans.

Mr. Speaker, this is necessary to ensure that American patients, particularly older Americans, receive the best service, the best cutting-edge service, the best medical treatment that is available. Mr. Speaker, as a result, I believe this legislation will result in better health care for all Americans.

IN SUPPORT OF U.N. SECRETARY-GENERAL IN REGARD TO CURRENT SITUATION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was disappointed to hear some of the debate and discussion around the recent return of U.N. Secretary-General Kofi Annan in respect to the resolution that has now to be presented to the National Security Council of the United Nations. Interestingly enough, we have been around this block before. Having spent the week in my district, in the 18th Congressional District of Houston, I was able to glean not only from those who have strong interests and concern on this issue but school children, senior citizens, who have a great concern of this Nation's future. Many of these people are veterans or potentially young people going into the United States military. Interestingly enough, they were alive in 1991, when all of us huddled around our respective television sets and news access to determine what was going on in Kuwait with the Gulf War, frightened that we would enter into a Third World War. The conclusion of that particular effort was not all that this country wanted it to be. In fact, the discussion today surrounds the same leader, the same set of circumstances, the same tragedy, the same inequities, the same losses of life, the same inability to serve women and children who need good health care, food and other services. U.N. Secretary-General Kofi Annan left for Iraq a few days ago. I am gratified that through his leadership and the world commitment to the United Nations, we were able to carve out the understanding that we might be able at this time to get a solution without war. Why not give peaceful negotiations an attempt? Why should we accuse someone of laying down with the enemy rather than standing up for peace? I am gratified that there are reasons that as we proceed with the discussions in the United Nations, this country could support the final resolution that has been offered by Kofi Annan. He never represented anything other than let us design an agreement that I will take back to the United Nations. Let us design an agreement that I will present to the existing members of the Security Council, the 5 permanent members and others. Let us attempt to convince them that this is the right way to go, peaceful negotiations, before exercising the violence of war. Did the buildup in the Persian Gulf contribute to the negotiations? Absolutely. Was it the right thing to do? Certainly we have national interests that we must protect. But can we find better ways? We certainly should try. If, for example, this leader has acquiesced to the allowing of U.N. inspectors to continue their work, unfettered work, where they are able to see the palaces and other sites, then I say let us offer to the United Nations and those who will vote on this along with the United States this plan so that we can move forward in a peaceful manner.

May we have to go back to the drawing board? That is a possibility. Should we not give this negotiated, peaceful agreement a chance? Should we not review it with an open mind? Should we not applaud Kofi Annan who went into harm's way, if you will, and negotiated an agreement of which he did not say it is final but that I will bring it back to those members of the United Nations. Many times Americans will disagree and critique and criticize the United Nations. I would simply say that many of those who criticize are uninformed. I am gratified that there is an organization, albeit that it has those who agree and disagree that would be willing to act as the world's body where we could come and disagree and not be disagreeable, where we could come and find common solutions for peace, where it is not perfect but it is the best that we have.

And so I would simply argue that U.N. Secretary-General Kofi Annan should be applauded. The process should be applauded. We can always show our might. We are the United States of America. But we lead well when we lead peacefully, and we draw others to join us against those evil forces that would do damage to the world peace and the new world order. I am supporting these peaceful negotiations. I am likewise supporting the recognition that there is still humanitarian needs in countries like Iraq. I would hope that the leader of Iraq recognizes that this is not weakness but this is strength. I hope that he will follow through as he has promised. I hope that we will find that these weapons of war will be no more if you will, but if they are, he knows that we are able to contend with the problem. But a peaceful solution should not be criticized and looked upon with disdain. It should be applauded and welcomed, because it saves lives.

ORDER OF BUSINESS

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HIGHER EDUCATION FOR THE 21ST CENTURY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, last fall in preparation for the reauthorization of the Higher Education Act, Members of the Congressional Hispanic Caucus and I, along with several of our colleagues, introduced H.R. 2495, the Higher Education For the 21st Century Act.

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Not only do our colleagues want to express our concern and our support for this bill, but nationally, from West Coast to East Coast, I am happy to say that Latina Style Magazine, a national periodical, we have leaders like Edward James Olmos and Rita Moreno, who are expressing their support for access to higher education for all students to reach their full potential. Each mind is a world, they say, and this bill helps us in moving towards that end.

Our bill would expand access to higher education for minority and disadvantaged students. I am pleased that the bill has over 55 cosponsors. Our intention in introducing the bill was for its provisions to be incorporated into the ATA reauthorization when the Committee on Education and the Workforce takes up the legislation next week in March.

In crafting H.R. 2495, we did not seek to create any huge new programs or promote untested models for increasing access. Rather, we looked at the existing programs and determined how they could be modified to reach more students, especially those who are most disadvantaged or who are totally lacking in services.

In some cases that meant asking for increased dollars. In others it resulted in program modifications to focus on the most needy students. H.R. 2495 amends several titles in the Higher Education Act. We included proposals that will strengthen the outreach components of Title IV higher education programs and will enable disadvantaged students greater opportunities while they are attending college as well as when they graduate.

Our bill also amends Title III of the Higher Education Act to expand opportunities for financially needy students and the institutions they serve. Title III institutions play such an essential role in providing education for minority students. They allow students to attend colleges in environments that are sensitive to their needs and dedicated to making them academically successful. We therefore expanded Title III to include a separate part for both hispanic-serving institutions and tribally controlled Indian colleges and universities because of the preponderance of low-income students these institutions serve.

Many of them are desperately in need of resources such as laboratories, libraries and administrative improvements. The unqualified success of part 3 of the Title III in enhancing the capacities of historically black colleges and universities indicates that a separate part is a powerful tool in helping such institutions and in ultimately helping the students they serve. Currently, Hispanics have the highest drop-out rate in the Nation, nearly three times that of Caucasians and African-American students. They also have the lowest rates for attending college.

This is a national tragedy. It must be changed, and I believe our bill facilitates that change.

Our bill also addresses the Trio programs. Trio has been instrumental in recruiting talented disadvantaged students to go to college and in providing them with assistance in meeting obstacles along the way. However, over the past decade the Nation's demographics have changed, while the majority of the Trio providers have remained the same. Therefore, many areas of the country with high numbers of disadvantaged students who desperately need Trio services are unable to receive them because there are no local programs.

H.R. 2495 seeks to remedy that problem by rewarding applicants for Trio projects that will serve areas where those programs are currently lacking, and at the same time we are working to insure that funding for the programs are significantly increased. We want Trio to continue to serve the same areas as it has historically served as well as reach tens of thousands of new capable and deserving young people.

H.R. 2495 would also help young people with their loan indebtedness. Many students today are forced to take on huge loan burdens to pay for their college education. They then must turn their backs on professions such as teaching, nursing, and social work because such jobs simply do not pay enough to allow them to make their loan payments. In the end, we all lose.

Mr. Speaker, I want to say that we are very interested in making sure that we change the way in which HSIs can get their funding. HEP provides programs to help migrants students who have dropped out of high school, obtain their GED while CAMP recruits migrant students to go on to college and provides them with counseling and other services during their first year. These are the only exemplary programs dedicated to enabling migrant students to pursue postsecondary education. They have achieved phenomenal success rates with 17 percent of the market students in the HEP program receiving their GED, and 96 percent of the CAMP participants going on to college.

Mr. Speaker, we urge my colleagues on both sides of the aisle to support this important legislation.

STOP OUR KIDS FROM SMOKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ROTHMAN) is recognized for 5 minutes.

Mr. ROTHMAN. Mr. Speaker, today I am going to be introducing legislation to stop children from buying cigarettes at vending machines. It has been well established that the cigarette manufacturers have been marketing their cigarettes to children, so say the 81 internal documents recently made public by R.J. Reynolds Tobacco Company.

Every day, more than 3,000 children start smoking, resulting in 1 million new smokers every year. Ninety percent of the new smokers are children and teenagers. In New Jersey alone, where I am from, 36 percent of high school students smoke cigarettes. These children are very vulnerable to well-orchestrated advertising campaigns and to the idea that smoking is somehow an act of defiance.

In this day, when so many of the negative health effects of smoking are known, we should be teaching our children to stay away from tobacco, not allow tobacco companies to market to our children. And we should be passing common sense laws to stop our children from being able to buy cigarettes. That is why today I am introducing the Stop Kids From Smoking Act.

Last June's proposed tobacco settlement between the States and the tobacco industry contains important steps to stop smoking by minors, but those steps are not enough. Just getting rid of tobacco icons like Joe Camel or the Marlboro Man does not mean that the industry will stop trying to hook our kids on smoking, nor does it mean that the tobacco lobby will not go back to their old bag of legislative tricks as they did just last summer when they tried to get a $50 billion tobacco tax credit put into the balanced budget agreement. As you know, we fought back, and we repealed that $50 billion tax credit. But that episode is just an example of what we might expect when the tobacco settlement that is now under discussion comes before Congress this year.

It is obvious that stopping our children from buying cigarettes needs to be a part of the solution. But first we must have our merchants comply with the already existing age laws that in many States are already on the books. Thanks to people like Carol Wagner at the Mid-Bergen Health Center. in Bergen County, New Jersey, Carol runs a sting operation with local teenagers. She and those teens are helping win this war. The local sting operations show that merchants in Bergen and Hudson Counties, two counties that I represent in New Jersey, have already reached the national goal for the year 2000 by reducing sales to minors by 80 percent.

So what then is an industrious kid to do when the stores that sell cigarettes over the counter check for age I.D.? Well, according to the U.S. Surgeon General, these young teenagers are 10 times more likely to then go to secret vending machines to buy their cigarettes, and they know which diners, hotels, bowling alleys, gas stations and restaurants in town have those cigarette vending machines.

Our towns have tried to fight back by banning cigarette machines everywhere in their communities, but the tobacco companies make 16½ million dollars on under-aged smoking in New Jersey alone. That is why they have spent millions of dollars to bottle up these local ordinances, in many cases frivolous and expensive lawsuits they know that our local towns cannot afford to contest.

The only way to save our towns from these lawsuits is to make it part of a Federal law that any American community, if they choose to, can ban cigarette vending machines from their community.

This week I am informally introducing the Stop Kids From Smoking Act, a bill to ban all cigarette vending machines in places where children under the age of 18 have access, and for the 10 towns in my district that already ban cigarette vending machines from any part of their towns, the bill will contain a provision that allows them to have this total ban of cigarette vending machines remain valid and effective in their communities as long as they choose to keep these bans alive.

The congressional hearings that began this month should focus more attention on the tobacco companies' marketing strategy to children beyond the R.J. Reynolds memo that was recently released. Once we have that information, Congress must not delay in passing a wide-ranging tobacco settlement that will protect our children.

My Stop Kids From Smoking bill will help. That is why I am encouraging all of my colleagues on the Democrat and Republican side of the aisles to cosponsor this important bill. We need to stop kids from buying cigarettes at local unattended vending machines, and we need to do it now.

MOURNING THE PASSING OF A DEAR FRIEND, FORMER CONGRESSMAN RICHARD WHITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, I rise today in tribute to Richard C. White, former Congressman for the 16th District of Texas. Congressman White passed away last Wednesday, February 18, in El Paso, Texas. It is with deep sorrow and condolences to his family that we mark the passing of this dear friend, exceptional leader and fine human being.

During his 74 years of life, he exemplified the highest attributes that all of us here in Congress and back in our respective districts respect and admire, the attributes of leadership, vision, integrity, humility and public service.

Early in his life, Richard White showed a concern and a commitment to his community and his country. He entered military service as a marine in World War II and saw action in the Pacific theater. While fighting in the battles of Bougainville, Guam and Iwo Jima, he was wounded in action, and his service to his country was marked with honor and high decoration, receiving the Purple Heart.

Upon returning to the States, this veteran began advocating as an outstanding lawyer for the people of El Paso. In 1949, he heeded the call for even greater community service. Congressman White launched the beginning of a distinguished career as a public servant.

He served first in the Texas Legislature from 1955 to 1958. In the beginning, he worked hard to improve the quality of life along the border. Focusing on health care and environmental issues, he established a nursing school at the University of Texas at El Paso and created the Hueco Tanks State Park.

As a native Texan and a third generation El Pasoan, Congressman White remained close to his roots. After his successful terms in the State House, he returned to El Paso. He practiced law for a short time and served as a chairman of the El Paso Democratic Party prior to announcing his candidacy for the U.S. Congress in 1964.

Richard White then served in this body from 1965 to 1983. I know that during his years here in Washington he built many friendships. Many of you were his colleagues and remember his strong advocacy on behalf of his district and the well-being of this Nation. His work on the Committee on Armed Services reflected his strong commitment to national security, and this was reflected in his unwavering support for El Paso's Fort Bliss Army Post, and in the drafting of the reorganization of the Joint Chiefs of Staff language. In addition, he brought the needs of El Paso and the border to the forefront of Congress as he created the Chamizal Border Highway and the Chamizal National Memorial.

☐ 1245

In addition, he served with distinction in the Interior and Insular Affairs Committees, the Post Office and Civil Service Committee, and the Science and Technology Committee.

Congressman White was a true citizen-legislator. During his 18 years representing El Paso, he served with distinction and determination. Moreover, his accomplishments were marked by a reputation as a person of the highest character and for always conducting himself as a gentleman.

Despite having attained seniority and earning the respect and admiration of his peers, he nevertheless left this Congress to return to his family in El Paso. The proud father of 7 children, he was devoted to spending more time with them.

Nonetheless, seeing the need to always contribute towards the betterment of El Paso and the citizens of El Paso, he remained active in numerous community affairs and lent his support to the 16th District as a mentor and a civic leader.

I can personally say that Congressman White was a long time friend to me and to my family. He inspired us with his leadership, and I appreciated his many insights and willingness to offer his continued assistance on behalf of our community.

Congressman White leaves an enormous legacy of concern for his constituents and a commitment to doing everything in his power to help those whom he served. Richard White personified the meaning of honorable public service. He made the most of his life by touching the lives of those around him. As Congressman, legislator, attorney, friend, citizen, husband and father, he led a life of dignity and unselfish commitment. He worked hard. As we mourn his passing, let us all remember that his many accomplishments will be a benchmark for those of us here in Washington today.

Mr. Speaker and fellow Members of Congress, I will soon introduce legislation to name the El Paso Federal Office Building in his honor. I will ask for your support in this endeavor as a permanent monument to his proud record of public service and fierce drive to help his community and to work for the greater good of this Nation.

I thank you, and I want to wish his wife, Katherine and all his children well, and God bless the White family.

NATURAL DISASTER IN MAINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1998, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I am pleased to be here today to talk about probably the worst natural disaster ever to hit the State of Maine. But the ice storm we experienced early in January of this year did not affect Maine only; it also affected New York State, Vermont and New Hampshire, and we had never seen anything like it.

I want to use this opportunity to explain what happened in the State of Maine. Some of my colleagues, including Congressman BALDACCI from the Second District of Maine, are here. We expect others to join us in a little while. We are trying to convey a sense of what it was like, what happened, and why there remains a need for a supplemental appropriation to deal with the enormous costs of this particular disaster.

Today, those of us who went through this ice storm in Maine, we think of and our hearts are with those people in Florida and those people in California who have recently gone through a similar kind of natural disaster, those who are dealing with the issues of tornadoes in Florida and the floods and storms out in California.

The ice storm hit Maine on January 7, and the effects of it lasted for about two weeks. It was an unusual event, because in fact the storm itself did not last that long, but the ice stayed.

This photograph to my right will give you some sense of what the storm looked like. Here we have a utility pole, basically snapped off, the wires still attached, and all around are trees laden with ice.

This storm, of course, extended up into Canada. Many people saw some of those Hydro Quebec transmission poles, huge steel girders, simply bent over as if they were toothpicks. That is one photograph.

Here is a second photograph, the same kind of shot, showing a utility pole snapped off at the top, branches all around. Those of us who traveled throughout the State during the ice storm noticed that the hardwood trees all across a very broad band, about a 40 mile band running up through the State of Maine, the hardwood trees, many of them were snapped off within 25 to 30 feet of the top.

So this was a storm the effects of which came down. It was not a flood, it was not a landslide, but the effects came down from the top. As some people said, this was a storm designed by Mother Nature to take out the utility infrastructure in Maine, and that is what it did.

I have a number of experiences that I want to share. The people of Maine really pulled together in a very helpful and productive way. Like JOHN BALDACCI, I went to a great number of shelters. The shelters were put together sometimes by the Red Cross, sometimes just by local volunteers, but typically they would be set up in a high school gymnasium or some large room.

I will never forget what I saw there, because on one end of the room there might be some older people, some of them perhaps on oxygen, who were simply trying to cope with the storm. At another end there would be smaller children being cared for by their parents. In the middle there might be a soccer game, and the kids who were between 6 and 13 might be playing soccer.

But what I will always remember are the faces of the teenagers. Many of them did not have school for two weeks, and they were there volunteering in a shelter, perhaps the first extended volunteer effort that they had ever made. They were cutting carrots, carrying blankets, setting up cots, making sure the elderly were taken care of, and they had a pride and enthusiasm in their faces that really said it all.

We people of Maine like to think of ourselves as independent people, as self-reliant people, but we needed each other during this ice storm, and we needed the rest of the country. That is why I will never look at television pictures of what happens in Florida or what happens in California again without understanding how important it is for people in this country to pull together when there is a natural disaster in one part of the country. We all need to help each other. It is part of what we do as members of this great national community.

At this time, Mr. Speaker, I will yield to my good friend and colleague from the Second District of Maine, Congressman BALDACCI. I have the small district, and Congressman BALDACCI has the largest district in Maine, the largest district east of the Mississippi. He had more trees, but an equal number of people affected.

Mr. BALDACCI. Mr. Speaker, I would like to commend Congressman ALLEN for taking the leadership on this issue in terms of getting our Members here to speak to the other Members, and also to the people throughout the United States, so they have a better understanding as to what took place in Maine and why there is going to be a need for a supplemental appropriation.

I really appreciate the fact of the point that the gentleman raised in terms of what is going on in Florida and California, because our hearts certainly go out to those people, seeing the loss of lives, children suffering, and the homes going down the mountains, and furniture and everything going by the wayside, I think it really is something that the gentleman and I and many others in Maine and throughout the country certainly do have a lot of concern about, and our hearts are with those people.

I think that especially in our State, I know when the Vice President came, and the administrator, James Lee Witt, and also the people from the Federal Emergency Management Agency, we felt that there was a kinship there, and that we were not alone.

I think of the comments of building it brick by brick, and building it home by home and community by community, and letting the people of Maine and the country know as they go through these disasters that they are not doing it alone, and that the United States of America is standing there with us.

While there have been some concerns about aid or additional aid, I think to a lot of people in Maine, and I hope throughout the country, just knowing that they are there is a certain level of comfort. Because, as the gentleman pointed out earlier and many people know, Maine's citizens are hearty and well-prepared for winter storms. But nobody could have been prepared for the size and scope of the damage that ravaged our infrastructure starting on January 5.

The devastation in Maine was focused on our utilities, leaving many families without power for more than two weeks; trees and utility poles snapped like twigs under the weight of four inches of ice that accumulated from the mist and slow freezing rain that lasted for four days.

Travel was nearly impossible, not only because of the slick sheets of ice covering the road, but because of live wires, tree limbs and sometimes whole trees littering the ground. Someone said to me it looked like a helicopter had flown too low across the State, snapping off the tops of the trees in their rotors.

Mainers needing to stock up on provisions or seek shelter often found they could not leave their homes because the roads, as you see from this picture, which is very accurately portraying how impassable the roads were. Some did get out, but only by stopping frequently to cut away downed trees with chain saws and move them to the side of the road.

Thousands of Mainers gathered in emergency shelters throughout the State to get a hot meal and to stay warm. There were countless heartwarming stories of people who stood hour after hour in community kitchens, chopping and cooking to keep their neighbors fed.

I remember we were doing a dinner benefit for an individual who had bone marrow cancer surgery scheduled, and his health insurance had been tapped out, and his family and we pulled together in the community in Brewer, and we were putting on a benefit to help raise money for him and his family.

It was during the middle of this power outage, and the family felt that they could not go forward, worrying about themselves. Can you imagine, bone marrow cancer replacement surgery, but they wanted to not take proceeds, and to open it up to the entire community of greater Bangor and Brewer for those who did not have power, to welcome them to get a hot meal and find community and comradeship.

We ended up serving over 1,200 people that Sunday night, and I was just truly amazed. I should not be amazed, but we know that to be true of Maine people, that they set a good example for all of us in how they reach out to each other, even though they have problems of their own. So it really is something to be very proud of.

Congressman ALLEN and I were talking with our other representatives, and it is not often that people ask for additional assistance from Maine. You know when they are asking for it that they really do need it.

Even when we had the helicopter rides with James Lee Witt and the delegation, he was remarking that when he had flown in other states, the helicopters were carpeted, warm, and you had to take your coat and sweater off. When he was in the whirlybirds in Maine, the drafts were coming through and he had to hold his coat to make sure the drafts were not coming through. He remarked that you know you really need help when people are trying to pull together on their own and showing they are doing everything they possibly can do.

So I am very pleased and proud to join my colleague from Maine, Representative ALLEN, to seek not only support for Maine, but also New Hampshire, Vermont, New York, Florida, California, and all of those areas that are afflicted by these disasters in this additional appropriation, which is going to be so dramatically needed.

As you know, in agriculture what has happened over the years is in the Stafford Act they separated out agriculture, because in some cases it may have had better programs to help livestock and agricultural crops, to be able to repair from the damage.

What happened then is that over the years, those dissipated. So what we found out is because of lack of definition and law and because of not having a particular program, that a lot of our dairy farmers and other farmers were actually negatively impacted, because they could not qualify for the SBA program that FEMA had put forward, because they were not defined as a small business. So they really get a double whammy. Not only do they lose their crops and income, but they are unable to get into these types of programs for any additional help or assistance.

That is one of the reasons why, working together with you and other Members, we need this additional supplemental appropriation, to help those that slipped through the crack and be able to address this storm of the century.

So those are a lot of the same concerns that I know the gentleman registered and other people have registered, and I really have to say I appreciate the photo, because that tells 1,000 stories.

□ 1300

Mr. ALLEN. Mr. Speaker, I would say to the gentleman, the photograph we have right here is another one that the Portland newspapers took. They did an excellent job of covering this storm. They put out a supplement titled "When Maine Froze Over."

This photograph says it all, in many ways. There are downed trees, downed power lines. There were people that the gentleman talked to and certainly that I talked to who could not get out of their homes for several days because there were downed power lines and downed branches.

As the gentleman knows, people in Maine, sometimes we live down little dirt roads, and off to the side, where you kind of like to be tucked away in the woods sometimes. The result was that when the whole electric grid went down, people were without power all through the State.

In fact, that is one thing that might be worth showing right now. We have talked about what it was like and how severe this storm was. But just to give an example, on January 8 this chart shows 275,000 households were without power. We have 1.2 million people in the State of Maine. At one time or another 600,000 people were without power. Some of these people were without power for up to 2 weeks.

I can tell the Members that from all I heard, that the first night or two in the shelter might have been kind of exciting. The seventh and eighth nights were not. People who were out of their homes for that length of time really, really suffered.

The other point I think I would make, the stories are wonderful. The gentleman heard and I heard stories of people who got generators and they put the generator on the back of a pickup truck and drove around from home to home, hooking the generator up and running it for about 3 hours to keep the home warm so that the pipes would not burst. That kind of action really prevented a much more severe reaction, because it was well below freezing, obviously, and we could have had major plumbing problems, in addition to all of these.

What this chart shows is how gradually, over a period of time, the number of customer outages were brought down. But the stunning thing about this chart is the number that you begin with, 275,000 households. Gradually it was brought down day by day until it was 2,000 on the 23rd of January, and then we got hit again, particularly along the coast, which had not been hit so hard before, and it jumped right back up to over 75,000. So this gives us some sense of the number of people who were affected.

I have to say this, one of the reasons that this number goes down the way it does is that we had help from all across the country, all across the country. We had new utility poles that were shipped to Maine from Oregon and Washington. We had electric crews coming to Maine from Delaware and Maryland and New Jersey and North Carolina and South Carolina, and Central Maine Power, which normally has just under 100 utility crews available, at the peak of this storm had 1,000 crews out there clearing away the debris, the trees, repairing the wires, doing all of those things that they needed to do, 1,000 crews. Obviously, most of them came from outside of the State of Maine.

Mr. McHUGH. Mr. Speaker, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Speaker, I thank the gentleman for yielding to me, and I deeply appreciate his efforts in trying to provide this opportunity to help share with the American people a remarkable story, a remarkable story of crisis, and what we now see is I hope will be an equally remarkable story of recovery, and I would thank him for his efforts.

I, too, want to begin by adding my deepest words of condolence to those people in central Florida and on the coast of California that are now dealing with their tragedies, and certainly our collective hearts and thoughts and prayers are with them as they attempt to deal with that.

As the gentleman said, we are certainly anxious to work together with their Federal representatives to try to ensure that people across this country receive the kind of help, the kind of recovery assistance that they not only deserve but, frankly, they need.

I did not want to come down here and be totally redundant. As I listen to the two gentlemen recount their experiences, they sound very, very much like my own. Indeed, in my six-county district, about a 7,000 square mile area which most particularly was hit by the ice storm, more than 100,000 homes and businesses and public facilities were affected, totally without power.

As we know, they were not just without power, but in the dead of winter for each one of my six counties, as happened in the gentlemen's districts, they received a Federal declaration of disaster. What was rather interesting to us and made us perhaps somewhat unique, for some of my counties it was the third declaration of Federal disaster assistance in under 2 years. We feel we have done our part. By this time we are getting very good at responding to those, and we would like to take some time off before we meet that kind of challenge again.

It was a story of neighbor helping neighbor. I heard the gentleman from Maine (Mr. BALDACCI) talk about how those of us who live in the northern climes are very proud of our ability to deal with winter. He is absolutely correct. I get amused when I come to this wonderful capital city and all it has to offer, where a mere prediction of an inch or two of snow could actually close facilities, close schools, and send people scurrying to the grocery store for provisions.

There was one time just last year where in my district in about 22 hours we received over 70 inches of snow. We thought we had a North American record, but there was a dispute on measurement. But by any measure it was a significant amount of snow. That did slow us down a little bit, but we were able to overcome and to survive.

But we could not really imagine the difficulties that this ice storm, for all of our capabilities, all of our experience, could bring, and the challenges that it presented. It has been called the worst ice storm of the century. In spite of my gray hair I cannot attest to that personally, but I can say that in my lifetime I have never seen anything, absolutely nothing, that even begins to compare to this storm. The devastation was complete.

It is popular for people, particularly when they get their utility bills, to complain about power companies. Those of us who pay utilities understand that. But I think our hearts went out to those brave men and women who, as the gentleman from Maine (Mr. ALLEN) said, came from literally all over the country and virtually every power company in the United States, sending people to give us a hand.

I remember one night, or one morning, actually, about 1:30 in the morning, I was leaving Plattsburgh, New York for what would normally be a 4½ hour drive back to my hometown in Pierrepont Manor, and I was passing through the middle of the Adirondack Mountains, and we were getting on top of the ice storm about 10 inches of new storm.

At 1:30 in the morning I drove by a number of power trucks lined up alongside the road, and on the printed panel were the words "Virginia Power Company." And I had to believe, as I saw those poor people up there in subzero temperatures, in a driving snowstorm, thinking about their old Virginia home, they must have thought they died and went someplace south of hell. But they never complained, they stood with us.

One of the more remarkable pictures I saw, and I believe it was taken in Maine, and yet I saw signs of similar natures throughout my district in response to those Virginia Power Company people, were the signs placed on lawns by grateful individuals that said, "Yes, Santa Claus, there is a Virginia," just saying thank you to the people of Virginia for sharing their recovery people.

Of course, those are stories that are not just particular to the power companies of Virginia, but all across this great Nation. It does, I think, reflect very, very remarkably upon Americans' ability and willingness to come together in times of challenge.

When the ice storm struck I was in Indonesia, which climatically could not be more opposite from my district. We were on a national security trip. I got the call about 2:30 Indonesian time about this storm. It was not quite clear yet the dimension of the challenge, although it became clear as the hours passed.

As I tried to make my way back home, which became an Odyssey of itself, I went to Australia to try to fly home. When I was there what they call a tropical cyclone hit. A community in Townsville, Australia, received some 20 inches of rain, was literally washed away, and was declared an Australian emergency disaster area. I was beginning to wonder if maybe it was me bringing all this bad luck.

On each stop we got calls as to what was happening. My staff and the people in the emergency management office were trying to describe to me the kind of devastation they had experienced. I thought I had a good idea. But as I got off the plane at Syracuse and drove north and got further into the eye of the storm, it really defied description. To see it still, with the cleanup, and to understand the challenges ahead, and the challenges are many.

The dairy community, who have particularly unique difficulties, because it was not always that the animals died, and they often did, but rather that their production capabilities had been severely hampered; that because of the inability to milk or the inability to store the milk properly, some 14 million pounds of milk had to be destroyed, money right out of the dairy farmers' pockets.

For the maple growers, as the gentlemen know well, in the Northeast, a vital part of the economy was destroyed, whole sugar bushes wiped out. The fact that it takes 40 years to raise a maple tree to maturity so it can be tapped again and become productive, all of these are unique circumstances that I know the gentlemen are anxious to work together with all of us to try to respond to.

We do have enormous challenges ahead of us. I do not want to leave on a negative note, because I think, for all of the difficulties, the old adage that every cloud has a silver lining holds here. That morning I woke up when there was more than 70 inches of snow. I asked myself a question that I suspect many of us ask, why did my ancestors stay, and why are we still here?

The ice storm asked that question again, but I think in a real way it answered it as well. We are here because in this remarkable part of the country people care more than they do in most places. They came together, as the gentleman said. They worked with the Federal and State agencies. But above all else, they worked and cared for each other.

I want to close on one little story that I think really encapsulates the spirit of the people across this entire Northeast region. We, as you gentlemen recounted, were visiting a number of shelters. This one was located in a volunteer fire company in not even a village, it was not big enough to be a village, it was a hamlet with a total population of less than several hundred.

The volunteer firemen and firewomen and womens' auxiliary of that community had brought in cots from their own homes, had set up generators, and were feeding people. It was crowded and by most standards it was not very happy living conditions. There was one fellow there who, in spite of the effort being put forward by everyone else, I think was working harder than all of them combined. He was over here serving food, over here washing dishes. While I was there they brought in three people who had been overcome by carbon monoxide by a faulty kerosene heater in their home. He was helping administering first aid to them. Then he is back over cooking the next meal.

He finally stopped for a moment and we got to talking. And he started talking about the storm, and then another fellow told me, well, that man who had been working so hard to help everybody else, just 6 months ago had lost his son; and that very same man who was working so hard to help everybody else was on the verge of losing his prize horse, his breeding horse pair that he simply could not care for in this weather. That very same man who had lost his son, was about to lose his livelihood, had lost his home in a fire about 2 weeks previous to that. Yet this man was there.

When I asked him about that, he did not want to talk about it. He goes, well, these are the people that have it hard.

That is the spirit of the people of the north country, and through northern New York and Vermont and New Hampshire and Maine, that I think will carry us through, and how with all of our collective efforts we can put them back on the road to recovery. They need it, but I am darned sure they deserve it.

So I want to again thank the gentleman. I am pleased to join with my colleagues, and I see the gentleman from Vermont (Mr. BERNIE SANDERS), my neighbor from across Lake Champlain, and I am happy to carry a little of this message to the American people.

Mr. ALLEN. I thank the gentleman from New York. That is a terrific story. It is that kind of spirit that the storm brought out in people all across this region.

Mr. Speaker, as the storm moved from New York, it went over to Vermont. I yield to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I want to thank the gentleman and my colleagues from Maine and New York for putting on this special order, and to say that we in Vermont intend to work with the gentlemen as hard as we can to try to help some of those people who have been hurt. I applaud the gentlemen for all of their efforts.

I think the stories that we heard from Maine and New York State and New Hampshire are certainly repeated in the State of Vermont. I have lived in Vermont for 30 years, and I do not recall seeing a weather disaster to the extent that we experienced in the northern part of our State.

The storm cut electric power to some 30,000 Vermont customers for as long as 10 days. As people know, it gets awfully cold in the State of Vermont. People had to make do as best they could without electricity. As the gentleman from New York indicated, this was an especial problem for our family farmers, who already have more than enough problems to try to contend with. This is just another problem on top of many others.

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Without electricity to run their milking machines, many farmers obviously were unable to milk their cows. Because cows could not be milked regularly, there was widespread cases of mastitis developing, which is an inflammation of the udder. In some cases the cows died and had to be shipped for slaughter.

Farmers who did not have generators had no way to keep their milk cold and with roads impassable, it was not possible to ship the milk to producers. Thirty-seven dairy farms in Grand Isle County alone lost between 500,000 and 750,000 pounds of milk over the extended power outage.

In my State, and I am sure in upstate New York and in other regions of New Hampshire and Maine, family farmers are struggling very hard right now just to keep their heads above water and just to maintain their farms. This was a blow that they really did not need.

In terms of maple production, and obviously Vermont is well-known for maple syrup production, our maple producers were hit hard as well. Thousands of acres of sugar bushes were destroyed by severe icing. The storm is expected to cause a 10 percent drop in Vermont maple syrup production resulting in losses of millions of dollars to the State.

Farmers were not only hurt, but local communities were hurt. In the City of Burlington, we saw extensive damage to our trees. Burlington has a reputation of being one of the greenest cities in America and there has been substantial damage to our trees.

Utility losses due to down lines and poles total in excess of $10 million, and the estimate is that farm losses totaled nearly that amount as well. But like the representatives from Maine and upstate New York and New Hampshire, Vermonters came together as we have not seen for many, many years, helping each other and doing the best they could to weather the storm.

Mr. Speaker, I look forward to working with my colleagues from Maine and the rest of the Northeast to make certain that we do everything that we can to try to help those people and those communities that were hurt. And I want to congratulate my colleagues from Maine for calling this special order.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS) for his comments. We are back to this photograph that I had up here before, just again to show the type of damage inflicted by the storm. I want to take just one minute to give people a sense of how different this ice storm was than anything that had ever hit the State of Maine in the past.

This chart shows the comparison of the ice storm of 1998 with Hurricane Bob in 1991 and Hurricane Gloria in 1985. Those are the two other major, major storms that took out electric power.

In phase one of the ice storm of 1998, 340,000 customers lost power. In phase two, it was 75,000. So we have a total of well over 400,000. Just about half that for the two prior hurricanes.

But look at the feet of cable that needed to be replaced. Two million feet of cable line needed to be replaced as a result of this storm, whereas only 52,000 feet of cable needed to be replaced with Hurricane Bob.

We had 2,600 telephone utility poles that had to be replaced. Telephone utility poles do not snap easily. That is pretty basic. We have never seen anything like this at all.

Transformers, 4,000 had to be replaced compared to 158 when Hurricane Bob struck in 1991.

The number of customers who reported an outage, here it was basically just about 650,000. We have 1.2 million people in the State of Maine. That was 649,000 customers or households. One hundred twenty thousand by comparison with Hurricane Bob.

There simply has been nothing like this in the past in Maine. And as I said at the beginning, this looked as if, it appears to be a storm designed by Mother Nature to take out the electric power grid.

One of the frustrations with the existing FEMA law and the existing resources are that the utility ratepayers in Maine may be looking at a substantial rate increase to pay for this storm because we have investor-owned utilities in the State of Maine and not community-owned electric utilities. And the result is that part of what we are asking for is some relief for those ratepayers.

We are not suggesting that investor-owned utilities should make a profit from an ice storm. They cannot. They will not. We will not let it happen. But it is fair when disaster relief would be available for certain kinds of customers from rate increases that it be available for customers in Maine, New Hampshire, Vermont and New York who are looking at significant rate increases simply to pay for a natural disaster that is unlike anything we have ever seen before.

That is really the reason why we are here talking about this storm, making sure that people all across this country understand that there is a great need for a supplemental appropriations bill to provide additional disaster relief, not just for Maine and New Hampshire and Vermont and New York, but also from what we can say on our television every day now in Florida and in California.

Mr. Speaker, with that, let me say one more thing. I just want to praise the media in Maine. The newspapers provided extensive coverage, but in addition to the American Red Cross and the Salvation Army doing everything they could, the radio and TV talk shows basically devoted substantial time, in a couple of cases around-the-clock coverage, so that people could call in and tell their stories and ask for help.

That was true of radio and TV talk shows. The Portland TV stations coordinated on a telethon to raise money for the Red Cross. There was a terrific response. And all across the State in Bangor and throughout the State, people really pulled together.

So we can be proud of Maine, but we also know that we need some assistance from the rest of the country. With that, I yield back to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for his comments. As he has pointed out, in the stories that dealt with the media in particular, because our Maine emergency signal went down, our Maine Emergency Broadcasting Company was not able to televise and to give radio signals and broadcasts and it was the private enterprise radio stations, and particularly in central Maine and WABI radio and Voice of Maine, that were actually providing sort of Uncle Henry's Guide to what was available, where it was available, and pointing up the resources and matching up the resources.

So if somebody called in and needed a generator or somebody needed wood or needed some electrical help to do some work on the cables or whatever, somebody else would call in and say I can do that; I know who can do that.

We had so many, and it would take from here until the end of this legislative session to go through everybody, but particularly as the gentleman from Maine (Mr. ALLEN) has mentioned, the media and private enterprise stepped forward in terms of making sure that our citizens got that information.

Particularly, I have to thank the Bangor Daily News, because they were continually putting on a scroll of the 800 numbers, the points of contact, and something that people needed, because they did not have television and in many cases there was no electricity, it was only radio that they had. But the daily newspaper was able to put out this information.

I kind of remarked earlier, the first night it can be kind of romantic without power. But after a while it wears thin. My son, who is used to looking at the TV and talking to me, actually had to look at me and talk to me. There were some benefits to not having the power. But after a while, it sort of wore thin.

People were melting snow to make showers. They were washing dishes that way. And as was mentioned, they were going around and the unfortunate thing, again, as was pointed out, is that a lot of the Federal programs and resources are not set up to take care of the kind of ice storm that happened in Maine because of the way it hit and what it hit and because it was able to go into the heart of the transmission system and deny all of the citizens of the State of Maine power for up to 2 weeks.

We do not reimburse investor-owned utilities because we do not reimburse small businesses for their losses. We give them low-interest loans. But in this case we do not even give them low-interest loans. We say you do not qualify. The regulatory body says we are going to run it through the rate base so that people who are out of work, not able to get income, businesses who have lost income, dairy who has lost livestock and production and milk thrown out, now all of the sudden they get their electric bill and they are going to get an additional kick because it will be run through the rate base.

Mr. Speaker, that is just really not fair. And that is one of the reasons why we are working hard on a supplemental appropriation to pick up what slipped through the crack and to make sure that people have the opportunity, as the Federal program calls for it, rebuilding their lives so that we can stand together as a country and a community and as people.

I am so proud to be able to work with the gentleman from Maine (Mr. ALLEN) and other Members in the Congress to bring this about. And I hope, Mr. Speaker, that we are able to do that before too much time and that we are able to bring that supplemental emergency assistance program.

Mr. Speaker, I thank the gentleman very much for this time and I appreciate this opportunity.

Mr. ALLEN. Mr. Speaker, I want to thank all of my colleagues for being part of this special order. I want to end this with a small story about Bridgeton, Maine. I went up to Bridgeton, Maine, which was hit as hard as any other part of the State of Maine, and there was a woman there who owns a restaurant. She kept it open 24 hours a day for over a week to help feed the utility workers.

The utility workers, when I went and talked with them at CMP, the central main power station there, they came from New York and they came from North Carolina and South Carolina and Virginia and Delaware and Maryland, and the people of Maine were very grateful.

Maine people pulled together. We dealt with the worst natural disaster in our experience. We recognized that we are one community in our State and we pulled together and acted that way. But we also know that this country is one community, that we have to help each other and that that is why we will be asking for assistance through a supplemental appropriations bill.

Mr. MCHUGH. Mr. Speaker, I appreciate my colleague from Maine reserving this special order so that we may speak about the devastating ice storm which swept through the northeast last month and paralyzed most of Maine, New Hampshire, Vermont and Northern New York. It is ironic that as we speak today regarding our experiences from the storm which crippled our Congressional Districts, Florida has just endured a terrible tragedy with loss of life and California continues to be subjected to punishing El Nino storms. It is painfully obvious this winter's severe weather will test our abilities, patience and pocketbooks.

In my New York 24th Congressional District alone, the storm toppled thousands of trees, grounded power wires, created flooding and left more than 100,000 homes, businesses, schools and other public and community facilities without power and communications in the dead of winter. The devastation was so severe that all six of my affected counties were declared federal disaster areas. For several of these counties, this was their third federal disaster declaration in less than two years.

For those of us privileged to represent the northeastern parts of the United States, we take a special pride in our ability to weather Mother Nature's onslaughts in the winter months. When a few inches of snow brings our nation's capital to a screeching halt, we collectively chuckle and boast that where we come from, it takes a lot more than a little snow to shut us down. Well, Mother Nature apparently felt is was time to bring us down a few pegs and so came the Ice Storm of '98.

When the ice storm struck, I was in Southeast Asia with some of my colleagues from the National Security Committee on an official trip. My staff quickly alerted me to the increasingly grave situation back home and the challenges the people of the North Country were facing. My first thought was to immediately get on a flight and return to the district. After extensive discussions with my staff, the twelve hour time difference forcing me to make calls well into the wee hours of the morning, I decided that initially I could do my constituents more good during those critical first hours of the recovery effort by working the telephone from Jakarta, Indonesia than spending the next 24 hours in the air. I immediately placed phone calls to our county emergency coordinators and several State legislators to find out where their needs were and what help they needed. I then placed a call to Federal Emergency Management Agency Director James Lee Witt to make him aware of the critical situation in the North Country. I also urged he act expeditiously on Governor George Pataki's forthcoming request for federal assistance. That phone call to Mr. Witt gave me some peace of mind because he assured me his people were already on the ground and would give the Governor's request for federal disaster assistance his strongest consideration. True to his word, President Clinton declared my six counties eligible for federal disaster assistance less than twelve hours after receiving Governor Pataki's request. This declaration freed up a number of federal resources for disaster assistance and recovery efforts, for this we are very thankful.

I finally left Jakarta to return to New York, but had to make stops in three countries and wait out a monsoon before I was able to begin the long journey back. One local newspaper said I went from disaster to disaster. The devastating weather I encountered in Sydney, Australia could not come close to the destruction I found when I go home.

It has been called the worst ice storm of the century. I am not sure if that is an accurate statement from a meteorological perspective, but I can tell you that in my lifetime in Northern New York State, there has been nothing, absolutely nothing, which can begin to remotely compare to this ice storm. The devastation wrought by this storm boggles the mind. Niagara Mohawk Power Corporation, the primary utility serving these six counties, saw its entire distribution system in the region destroyed. The company estimates it will cost approximately $125 million for the clean up; the other utility serving the area, New York State Electric and Gas, estimates its storm-related costs at between $35–$40 million. These costs could ultimately be passed along to the consumer. Another legacy of the storm.

Ice, in some places four and five inches thick, coated trees and power lines. If the weight of the ice didn't bring the lines down, the falling branches did. Then, of course, the poles snapped. I witnessed destruction that can only be compared to that of a war zone. In fact, that military description was the most appropriate to describe the damage. It has been reported that when Vice President GORE toured Maine, he remarked that it looked like a reverse neutron bomb: the people are left standing but everything else is destroyed. In a matter of hours, all of Northern New York went black. For many people, it would be another two to three weeks before their power was restored.

In addition to the massive power outages, the fallen tree limbs, poles and utility lines, and ice covered roads, movement throughout the North Country came to a virtual standstill. Nothing moved and what ever did move, slid. The paralyzation of Northern New York was complete. With daytime temperatures rarely pushing past the freezing mark and nighttime temperatures occasionally dipping below zero, the discomfort level rocketed off the scale. A power outage, which in the spring, summer or fall would have been a major disruption in lifestyles, in January became a matter of life or death. And for nine souls, it was a matter of death. Our hearts go out to their families at this most difficult time and we shall keep them in our prayers.

The loss of electric power had enormous repercussions simply beyond the inconvenience factor. As the third largest dairy producer in the nation, Northern New York is the state's largest dairy region. Without power, dairy farmers were unable to milk their herds. Those with generators—an instrument which, as the hours without power turned into days and then weeks, became one of the region's most sought-after and precious commodities—who were able to milk frequently had to dump their milk because the roads were impassable and the milk trucks were unable to get through to pick up their product. Those lucky enough to be able to milk and get their product to the producer were frequently confronted with the milk plant being without power. Although final figures are still being compiled, early estimates indicate approximately 14 million pounds of milk were dumped. In addition, because of their inability to milk the herds, or to milk on a normal schedule, many cows contracted mastitis, an illness which if not treated, can kill the cow. In many instances, the illness is treatable, but it will be many weeks, if not months, before the cow is back on a regular production cycle. In the meantime, the farmer has lost critical production.

Our initial hope that the federal disaster declaration would speed assistance to our farmers was soon shattered as it became clear the Farm Service Agency's primary form of assistance was low interest loans. I was shocked. Federal programs to replace livestock losses or dairy production are either expired, do not apply to dairy farmers or non-existent. To these dairy farmers, many of whom are already operating on the margins due to a 20 year low in milk prices they are paid, the low interest loan program wasn't even an option. They simply can't afford it. Loans ain't gonna cut it for these folks.

The situation reminds me of a story of a guy who goes to see the doctor because he's not feeling very well. The doctor takes some tests and tells him to check back in a week. The guy goes back to see the doctor and the doctor tells him he has good news and he has bad news for him. The guy says, "Gosh, I guess I should have the good news first to prepare me for the bad news." The doctor says, "Okay, the good news is: you have three days to live." The guy says, "if that's the good news, then what on earth is the bad news." The doctor says, "the bad news is: I've been looking for you since yesterday to tell you." The story reminds me of the North Country right now because there hasn't been a lot of good news for the folks up there lately and what news there has been, hasn't been that good.

The maple syrup industry is also a critical component of the North Country's economy. The ice wreaked havoc on our maple trees causing either complete destruction or such severe damage the trees are effectively useless to the owner. Once again, final figures are still being compiled, but losses will run into the millions. I ask my colleagues to remember that it can take upwards of 40 years for a maple tree to reach maturity. In short, the North Country's maple syrup industry is crippled for the foreseeable future. To those who savor the simple pleasure of real maple syrup on your Sunday morning pancakes, get used to the imitation stuff.

The bushes which produce maple sugar, another important North Country commodity, were destroyed by the ice. In addition, Christmas tree farms and other tree farms sustained crippling damage. It will take years, if not decades, before the trees are restored and production reaches pre-ice storm levels. For these tree farmers, their livelihoods are as flattened and splintered as their trees.

Mr. Speaker, I could go on and on itemizing the destruction caused by this storm. Suffice it to say, it is widespread and long-term.

Further compounding the suffering many of my constituents have endured in the wake of this storm is the lack of Federal assistance programs available to many of our storm victims. Although the initial response to the disaster by the Federal government was swift, and at this point I should like to commend the Federal Emergency Management Agency (FEMA) and its New York State counterpart, the State Emergency Management Office (SEMO), for their efforts, it has become evident there are significant gaps and shortfalls in assistance programs, especially those for dairy farmers and small businesses.

In cooperation with my colleagues from the three other states targeted by this storm, we are identifying those areas most in need of assistance and working with Appropriations

Committee staff to craft the appropriate language to meet those needs. Of top priority will be a dairy indemnity program to reimburse the farmers for the milk they lost. In addition, a livestock indemnity program is needed to help finance the loss of livestock from the storm, be it from weather or from illness caused by the power outages. Another priority will be a program to finance the replacement of trees destroyed by the storm. In the aftermath of this disaster, it is readily apparent that many Federal assistance programs are simply not adequate to meet their needs. I intend to work closely with the members of the three other state delegations and the appropriate committees to institute these changes.

Mr. Speaker, I do not wish to close these remarks on a note of doom, gloom and despair. I am immensely proud of the North Country's response to the storm. Once again, in the face of another adversity thrown at us by Mother Nature, and I must admit, this is starting to get old, the residents of the North Country pulled together and weathered the storm, figuratively and literally. In instance after instance, communities rallied together. Neighbors took care of neighbors, strangers came together and worked together as a team. Community and civic groups turned their posts or clubhouses into shelters or food pantries. Without being asked, these organizations took it upon themselves to come to their communities' assistance. Many incurred costs of several thousands of dollars in renting or operating generators or purchasing food. I am hopeful that all of these costs will ultimately be reimbursed. In short, it was a community effort and in a strange manner, it may well have been the North Country's finest hour.

Now that the immediate urgency of the crisis has passed, we must work together to ensure that all those who sustained losses from the storm are afforded the assistance necessary to begin the rebuilding process and be made as whole again as possible. The mission before us will be difficult, at times frustration, and certainly long, but I am hopeful that with the goodwill of the Members of this body, we will soon accomplish this task.

Mr. Speaker, I wish to once again thank the gentleman from Maine for this time and hope the lessons learned from this experience will better prepare us for nature's next challenge.

AMERICA'S MOST IMPORTANT ISSUE: SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, first I would like to address the discussion that has been going on here on the floor so far. I think as we see the floods all across America and the ice storm certainly that hit up in Maine, I know the folks in our district are willing to lend a hand, as well as in a lot of the other parts of the country.

But as we begin this debate about a supplemental spending bill, that is spending outside the normal spending in Washington, I think it is very important that we do not just go and blow in the taxpayers' money; that we do not spend money without thinking where it is coming from.

Mr. Speaker, I would encourage my colleagues who are involved in this conversation that they find other areas of government that are less important and in order to provide the funds, the very needed funds there in Maine and in some of these other places across the country, I would like to encourage my colleagues to find other parts of the budget that are less important. And Lord knows, there is plenty of wasteful spending in this budget.

Find some of that wasteful spending, knock out the wasteful spending, and let us redirect those savings, the dollars we do not spend, into the programs that are necessary to help some of these people around the country. But for goodness sakes, let us not just go spend more money without knowing where it is coming from.

The only thing many folks like myself would ask is that we reprioritize our spending to take care of some of these areas that are in need of help in view of some of the floods that have occurred, whether it be California or Florida, or the ice storm up in Maine. Let us do what they need, but certainly let us find other programs where we do not have to spend the money in order to make up for it, as opposed to just going out and spending more of the taxpayers' money.

Mr. Speaker, I would like to turn our attention to what I think is the most important issue facing America today, or at least one of the most important issues, and that is Social Security. I would like to dedicate a good portion of this hour to Social Security, how it fits into the big budget, and where we might be going to solve some of these problems facing our Nation today as it relates to Social Security.

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First off, I think it is important that we understand the Social Security system and what is going on. For anybody out there in America or my colleagues, they are all paying taxes into the Social Security system. I think it is important that we understand how many dollars are coming into the Social Security system each year.

What I brought is a chart that shows the total revenues in the Social Security system this year is $480 billion. The total amount that we are sending back out to our seniors in benefits is $382 billion.

If you think about this like your checkbook and just for a second forget the billions on the end, if you have $480 billion in your checkbook and you only spend $382 billion or $382, that works out pretty well. In fact, you still have money left in your checkbook.

The Social Security system today is working; that is, it is collecting more money than what it is actually paying back out to our senior citizens in benefits. The idea in this system is that they collect this extra $98 billion. They put it into a savings account. They put that savings account money aside, and it grows and grows and grows, because, eventually, and it is not very far down the road, the baby boom generation gets to retirement.

When the baby boom generation gets to retirement, this top number, the revenues becomes smaller than the bottom number, the expenses. When the expenses are greater than the revenues, the idea was we were supposed to be able to go to this savings account, get the money out and make good on our promises to pay Social Security to our senior citizens. That is how the system is set up, and that is how it is supposed to work.

Every year since 1983, the situation has been much like this one, where there is more money being collected out of the taxpayers' paychecks than what is being paid out to our senior citizens in benefits. As a matter of fact, since 1983, we were supposed to accumulate this kitty or this savings account of about $700 billion. That is how much is supposed to be in that trust fund right now, today.

When I am out in Wisconsin and I ask the question does anybody want to take a shot in the dark what Washington has done with the $98 billion, I always get a snicker in the audience. It does not seem to be any big surprise when we talk about what is going on here in this city.

That $98 billion that is supposed to be going into a savings account to preserve and protect the Social Security system here is what is actually going on. They take the $98 billion; they put it into the government's general fund. You can think of that like the big government checkbook that they pay all their bills out of it.

So they take the $98 billion. They put it in the big government checkbook. Then they write checks out of the big government checkbook, and there is no money left at the end of the year. As a matter of fact, until this year, every year they overdrew even this checkbook. That is what you have been hearing about, is the deficit.

It is important to understand that when Washington says they are going to balance the budget, that that $98 billion that has been put in here from Social Security has been spent out of that checkbook.

So the facts are the government is taking the $98 billion, putting it in the big government checkbook, spending all the money out of the big government checkbook. Of course, that means that at the end of the year there is no money left to go down here into the Social Security Trust Fund.

As a result, what Washington does is they simply write an IOU to the Social

Security Trust Fund. When you hear Washington talking about whether or not the budget is balanced, that is this circle out here, and it is using that Social Security money that is supposed to be down here in the Trust Fund.

In the private sector, if anybody tried to do this with pension funds, if anybody was running a pension where $98 billion or $9,800 was supposed to go into the pension fund but, instead, they put it into their regular checkbook, they would be arrested. This would be illegal in the private sector. In Washington, D.C., this is a practice that absolutely must be stopped.

Before we are too hard on the people out here, let us understand that this idea of balancing the budget in this circle, even though it uses the Social Security money, even that has not been done since 1969.

So what has happened in the last 3 years is a good step forward. At least they have got that part balanced. But it absolutely does not solve the problem as it relates to Social Security.

Now, some have been hearing the President's State of the Union and some of the things that have been said since the State of the Union where they are now saying that that they are going to take all of these surpluses and dedicate those surpluses to Social Security. It is important to understand exactly what they are saying and what they mean.

First off, the surplus is whatever happens to be left over in this checkbook at the end of the year. We will put $98 billion of Social Security money in there, and they call it a surplus if there is anything left over at the end of that 12-month period of time.

What they are saying is that leftover is going to be used to preserve Social Security. In and of itself, that does not sound bad. It sounds like a good step at least in the right direction, albeit not what we ought to be doing.

The problem is they are not even doing that. You see, this Social Security debt, this $700 billion of IOUs that are down here in the Social Security Trust Fund, that is part of the much larger debt, the $5.5 trillion debt that has been run up for our Nation. $5.5 trillion is about $5,500 billion. Seven hundred of that billion dollars belongs here.

But when you actually look at what is being proposed, they are not actually saying they are going to pay off some of these IOUs and put real money down in the trust fund. What they are actually saying is they are going to pay off some of that other outstanding debt. In fact, not even the surplus gets down here to the Social Security Trust Fund.

So the fallacy that somehow the surpluses are going to solve the Social Security Trust Fund problem is just baloney at this point in time. It is just plain baloney. I cannot think of any better way to describe it.

Again, what is going on today, there is more money coming in than what is going back out to seniors in benefits. $98 billion is being put in the big government checkbook. All the money is being spent out of the big government checkbook, and they are simply putting IOUs down here in the Social Security Trust Fund.

Now, lest anybody think that nobody in Washington is paying any attention, some of us are. We introduced legislation in our office. It is called the Social Security Preservation Act. It is H.R. 857.

Here is what it does. It is very, very simple.

It simply takes the $98 billion and directs it straight to the Social Security Trust Fund. It prevents it from going into the general fund. It prevents it, then, from being computed in the overall budget computations. It simply takes the pension money and puts it in the pension fund.

When I am out in Wisconsin and say how many people think this is a good idea, I have not found a single audience anywhere where every single hand does not go up.

You see, when we are working with the young people, like, for example, my son, who is 15 years old and mowed lawns last year, he earned $2,000 mowing lawns. He paid $300, roughly, into the Social Security system out of his $2,000 of earnings.

Now, for a 15-year-old to be paying $300 into Social Security, that is pretty tough; and a lot of people think we ought to be doing something about that. But my point would be, until we actually get some real dollars down here in the Social Security Trust Fund so that our present seniors are safe and secure and the people that are in their forties and fifties get to a point where they can actually count on the money being there in Social Security, I do not think you can make the other changes in the system that many people out here in this city think are necessary and logical.

I think most Americans would agree that it does not make a lot of sense for a 15-year-old to be required to pay $300 into the Social Security Trust Fund. But the problem with making that change today is it puts seniors in jeopardy because there is no money currently in the Social Security Trust Fund.

So where are we going with this Social Security issue and what do we really need to do to solve it?

The first thing we need to do is pass the Social Security Preservation Act. The Social Security Preservation Act would take the surplus funds that are coming in this year and put those funds correctly into the Social Security Trust Fund.

I want to be a little bit technical for my colleagues as to exactly how this would happen. Today, those IOUs are nonnegotiable, nonmarketable Treasury bonds; and all we are suggesting is that, instead of buying nonnegotiable, nonmarketable Treasury bonds, we simply buy negotiable Treasury bonds, the same thing that any American citizen can walk into the bank and buy.

Why would you do it that way as opposed to any other way? Well, a Treasury bond is a safe, secure investment. When the shortfall occurs, when those numbers we looked at on the other chart turn around and there is not enough money coming in and too much money going out, when that shortfall occurs, we need to be able to sell the assets. A negotiable Treasury bond can be sold at any bank in America.

So the idea is you put a negotiable Treasury bond into the Social Security Trust Fund. Now you have real assets in there so today's seniors are safe and secure. Then we can begin the discussion of the young people in this great Nation having some other options if they so desire.

Again, I point to my 15-year-old who went out and worked his tail off, earned $2,000 and found out he owed $300 to the Social Security Trust Fund.

But first we need to make sure that we have real assets in that account so today's seniors are safe and secure.

The bill, again, that I have introduced is the Social Security Preservation Act. It is H.R. 857. I would strongly urge my colleagues to join us in this. It is something that people from all over the country have called and talked to us about, and I am sure that is going to continue as we move forward. We have got about 90 cosponsors on it right now, and we would hope to see that number grow as this debate goes forward.

I have one other chart here that, again, illustrates the President's discussion and what we are starting to hear out here. I encourage my colleagues not to be misled by the smoke and mirrors that has been put out of this city for years.

Out of this city, for years, we have been telling people there is a Social Security Trust Fund. That is wrong. Day one when I got here, I knew that was wrong; and we started fighting to end this practice.

Today the new smoke and mirrors game has put the $98 billion into the general fund. Spend all the money you want to out of the general fund, and whatever is left over they say is going to Social Security. But, remember, it is not coming into the Trust Fund. It is really simply going to pay additional revenues.

I would just like to point out that, even under this system, any spending that goes out of this account effectively reduces the amount of money that is left over for Social Security. The reason I point that out is because, when we look at the proposal that is coming forward, and I am now talking about the President's budget, but let us make no mistake, this is not like it is a partisan thing that obviously one side proposes new spending. Any new Washington spending program effectively reduces the availability of funds for Social Security.

I have a list here of new spending that is being proposed currently in Washington, D.C. These all happen to be in the President's plan, but I guarantee you will see people from both sides of the aisle supporting this new spending: their new child care program, $12.2 billion; new schools, $6 billion; new teachers, $5.1 billion.

I know a lot of folks out there are going, hey, Mark, those things look like good things: new schools, more teachers, child care for working families. I mean, gosh, those are all good things. Do we not want to do those things in this country?

We need to understand what is being proposed. What is really being proposed, and let us just take the new schools. That is a classic example. What is really being proposed is that Washington, the United States Government, reaches into the taxpayers' pockets. They bring the money out here to Washington, and then the people here in Washington decide where it is that we should build new schools in America.

Would it not be better if, instead of Washington getting that money out here, spending 40 cents on the dollar in the bureaucracy, and then Washington making the decision of which school district is going to get help, would it not make a lot more sense to leave the money out there in the hands of the people in the first place so they get a dollar's worth of new schools for the dollar that they are paying in taxes?

If a community needs a new school, then the parents and the teachers and the school board and the folks in the area ought to get together and build a new school.

I know in the district that I am from that a lot of our school districts have done exactly that. In our home district, Janesville, I know they just built a new middle school. Burlington built a new school. The folks in our district care about education, and so do I.

What I do not want to see happen is Washington, the government, reaching into the pockets of people, bringing the money out here to Washington and spending 40 cents on the dollar in the bureaucracy and then Washington making the decision as to who is going to get help and who is not going to get help. That is not the way it ought to work. It ought to be that the people make those decisions for themselves and the people in their local communities make a decision as to how many teachers they wanted or how many new schools they want.

Let us just look at child care. Let us look at another way to deal with the child care issue.

Would it not be much better if, instead of Washington taxing people and getting the money to Washington, that instead of that, getting that money out here and spending 40 cents on the dollar in the bureaucracy, would it not be a whole lot better if Washington just said we are going to tax all of our families less? The government says we are going to tax our families less, leaving more money in their homes.

In fact, that is exactly what happened last year. Last year, in the tax cut package, the decision was made that, rather than develop some new program called Washington-run child care, that we would, instead, leave $400 per child under the age of 17 out there in the homes and in the families.

So instead of Washington collecting the money, spending it on a bureaucracy and deciding where it should go back to, Washington simply said to the working families, for every child under the age of 17, keep $400 out there, and you decide whether that $400 is best spent for new shoes or whether it is best spent for child care.

Instead of Washington making the decision after losing lots of the money in the bureaucracy, the people are making the decision. The families are making the decision. Is that not a much better way? I guess it all depends on who you believe is best prepared to spend the people's money, the people here in this city or the people out there in America.

With that, I am going to switch. I want to stay focused just a little bit on what Washington means by a balanced budget, because that is absolutely essential in terms of understanding the problems that we have here in this city as it relates especially to Social Security.

Washington's definition of a balanced budget is that the total dollars being collected from the taxpayers is equal to the total dollars that Washington spends. Remember, some of those dollars we are collecting from the taxpayers are for things like building roads.

So when you fill your gasoline tank up and you pay a Federal tax on that gas tank, part of that money is dollars coming into Washington. Those dollars aren't even being spent to build roads. Part of that money is Social Security money.

So when they add up all the dollars coming in and they look at all the dollars going out, if those two numbers are equal that is called a balanced budget in Washington.

Now, as this relates specifically to Social Security, remember that part of those dollars in is $98 billion extra coming in for Social Security. So we need to be very concerned that we do not get confused of what we mean by a balanced budget or a surplus.

I, again, am going to show the President's numbers since the other budgets have not been produced this year, but the other budgets are basically the same.

The President's budget says in the next fiscal year that we are going to have revenue of $1,743 billion, and we are going to have expenses of $1,733 billion. That, of course, leaves a $10 billion surplus.

But I want to show you the fallacy in talking to the American people this way. The fallacy is that, if you take Social Security out of the picture, the revenues are now $1,241 billion; and, remember, the difference in these two pictures is that we have set Social Security aside.

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When we take Social Security out, the revenues are $1241 billion, the expenses are $1337 billion, and instead of talking about a surplus, we actually have a shortfall of about $96 billion. The facts are that today when we talk about dollars in equal dollars out, that is the Washington definition of a balanced budget and before we are too hard on them, remember they have not even balanced the budget that way since 1969, but let us also remember that we have a long ways to go before we start accepting this concept of new Washington spending programs. Let us remember that whenever there is a new Washington spending program initiated, that it is simply going to make that bottom line worse. We have a long ways to go in this great country of ours.

I have brought with me a few more pictures here. I always believe a picture is worth a thousand words. Whenever I am out in Wisconsin, they would much rather have a picture than a thousand words. Most people do not want to listen to a politician give them a thousand words. These pictures help us understand some of the seriousness and severity facing our country. When I talk about this next chart I get very serious about it because this is a serious problem facing America. What I have on this next chart is how the debt facing our Nation has grown from 1960 through 2000, including the projections through 2000. One can see, looking at this, from 1960 to 1980 that the debt facing our country did not grow very fast. But from 1980 forward it has grown off the wall. If we hope to have a future in this great Nation that we live in, if we even hope to have a future in this country, we have got to stop this growing debt. We are here on this chart right now today. It is a very serious problem facing our country.

Now, I said 1980. I know all the Democrats out there are going, "Sure, that was the year Ronald Reagan, the Republican, took office and it is the Republicans' fault." I know all the Republicans out there are going, "Those

Democrats spent like crazy in the 1980s. And because they spent so much money it is the Democrats' fault that we have this picture to look at." I would like to point out that it does not matter whose fault it is at this point and whether you are Democrat or Republican, I think it is our responsibility as Americans to solve these kinds of problems facing this country if we hope to preserve this Nation for future generations.

Looking at this picture, knowing that we are way up here on this chart, should encourage us to do the right thing as we look at the budgetary matters going forward. I also wanted people to see the actual number that is involved because it is a pretty staggering number. The United States government is now $5.5 trillion in debt. That is, they have spent $5.5 trillion more than what they were willing to collect from the American taxpayers in taxes, basically over the last 15 years. Let me translate that number, since that number is so big, into something that makes a little more sense. If we take that $5.5 trillion and divide by the people in the United States, we would find that every single American, man, woman and child, is now responsible for $20,400 of debt. For a family of 5 like mine, I have 3 kids and a wife at home, for a family of 5 like mine the United States Government has borrowed $102,000. Again, basically this has all occurred over the last 15 years. It is a staggering, staggering sum of money. The kicker in this whole picture is that we are paying real interest on this money. The real interest that we are paying amounts to $580 a month for every group of 5 people. It is being paid. It is being paid by collecting taxes from the American people. Every month every group of 5 people in America pays $580 to do nothing but pay interest on the Federal debt. It is an absolutely staggering number when we think about it. A lot of people do not think they pay that much in taxes. But the fact is every time you walk in the store and do something as simple as buy a pair of shoes, every time you do something as buy a pair of shoes for your kids, the store owner makes a profit on that pair of shoes and part of that money actually gets sent to Washington, D.C. in taxes. One dollar out of every $6 that Washington spends does absolutely nothing but pay the interest on this debt.

It is interesting to look at and to think about how it is that we got to this particular situation. When we look back on the past, most Americans remember the Gramm-Rudman-Hollings Act of 1985 and the Gramm-Rudman-Hollings revision of 1987 and folks remember the budget deal of 1990. They remember hearing all these different promises, how Washington was finally going to balance the Federal budget. Every time they heard the promise, their hopes got up. Then they found out Washington, the Government, did not balance the budget. They got another promise and their hopes went up again. They got another promise, their hopes went up again. They kept getting this demoralizing news that in fact Washington, our Government, had not done what it promised to do.

I have a picture here of one of them. This is the Gramm-Rudman-Hollings Act of 1987. But they were all the same. The 1985 one, the 1990 deal. They were all the same. This shows where the deficit was going to go to zero. In this particular bill the promise was by 1993. The red line shows what actually happened to the deficit. These promises were broken and broken and broken and the American people got very cynical, myself included. One of the reasons I ran for office in 1994 is because of this picture. But this is not all of the picture. The folks looked at this picture and they saw that gap out there, that deficit of $200 billion, and the people in Washington said, "We have got to solve this problem. This problem is serious." The only way they knew how to solve the problem was reach in the pockets of the American people and raise taxes. That is what they did in 1993. Some people remember Social Security taxes went up. The money was not even put in Social Security. Gasoline taxes went up by 4.3 cents a gallon. The money was not even spent on building roads. The bottom line is they reached into the pockets of the American people and they brought more money out here to Washington with the idea that if they just got more money out here in Washington, they could maintain the Washington spending programs and still balance the budget.

What happened in 1993? The American people, got very, very upset in this country. They said, "We did not want you to raise our taxes to balance the budget. What we wanted you to do is get spending under control in Washington, D.C." So in 1995, they elected a new group of people.

In fact, at that point for the first time in a long time, we have Republicans controlling the House of Representatives, Republicans controlling the Senate, and a Democrat President. That is the situation we had in 1995, the first time in 40 years that we had that situation. The problem was, this stuff in the past with all these broken promises that made the people so upset, the problem was convincing the folks in Washington, D.C. that the right thing to do was control Washington spending as opposed to reaching into the taxpayers' pocket and taking out more money. So we laid out a plan. The plan was to control Washington spending and get us to a balanced budget. We laid out a blue line like they had done before saying we are going to get to a balanced budget in 2002. We made our promise. What did the American people do when they made that promise? They yawned. They said, "It can't happen. We've been promised before. Why should we believe this group is any different?" We are now in our third year of that plan, completed the third and into the fourth year.

The facts are that we have not only hit our targets and projections, but we are far ahead of schedule. For the last 12 months running, the United States Government for the first time since 1969 did not spend as much as money as it had in its checkbook. Think about this. The first time since 1969. It is in the books. For the last 12 months running, our government did not spend more money than it had in its checkbook. What an amazing accomplishment, 3 short years in, and, I would point out, 4 years ahead of what was promised to the American people.

There is a significant change in Washington, D.C. I know there are problems with Social Security that we talked about earlier. There are bad problems and they need to be solved. But to not recognize the difference in these two pictures using the same definitions, using the same Social Security money, to not recognize how much this city has changed in 3 short years would be a mistake. This is a monumental accomplishment to be at a point where we have actually reached a balanced budget and are running a small surplus. Albeit under a definition that I do not like very well, the point is it is still the first time since 1969 that this has been accomplished. I know that out there in America, every time I say this, I have all kinds of people say to me in our town hall meetings, you politicians are taking credit for our hard work. In fact, the economy is doing so good and it is doing good because we are out here busting our tails. As we bust our tails, we make more money, which is good, that is the American way, that is good. We make more money. Then we pay more taxes and with Washington having all that extra revenue how could you have possibly messed it up? Partly that is true. In fact, people are working very hard out there. They are being more successful. I am happy to say there are stories all across this country where people have lived the American dream and they are being successful. When they are successful they do pay more taxes and revenues are up in Washington, D.C.

So a lot of the credit for this is because people have done the right thing, worked very hard, and in fact are paying more taxes, more revenue to Washington, D.C., which is why we can also reduce taxes, I might add. But there is another side to this picture that I think is important. Between 1969 and today there have been strong economies before. Every time there was a strong economy and extra revenues came into Washington, Washington very simply spent the money. They did not balance the budget. They have had this opportunity before. We have had strong economies between 1969 and today. And every single time we had a strong economy, Washington simply raised the spending to match up with the extra revenues. That is where this Congress should deserve some of the credit for changing that. This red column shows how fast Washington, or government spending was growing before we got here in 1995. This blue column shows how fast Washington spending is growing today. In fact, the growth rate of Washington spending has been slowed from a 5.2 percent to a 3.2 percent. Let me even go one step further. When we look at the growth rate of Washington spending last year, for the first time in eons, with one exception, Washington spending grew at a slower rate than the rate of inflation. Translation. Washington actually got smaller in real dollars. Last year the growth rate of Washington, or government spending was lower than the growth rate of inflation. That is not the picture we had before we got here.

What we really have going on right now today is we have two things happening simultaneously. We have a very, very strong economy, which generates additional revenues to Washington, D.C., that is the American people and they deserve the credit for it, coupled with a Washington, a government that has understood that what the American people want us to do is control Washington spending. We are bringing Washington spending under control in the face of this extra revenue.

I want to challenge each one of my colleagues today to do something. I would like them to look back in our 1995 budget plan and I would like them to look at the projection as to how much money we were going to spend in fiscal year 1997. I always do this in a fun way out at my town hall meetings. I ask the folks which one do you think is most likely to happen. Do you think it is more likely for a Martian spaceship to land in your backyard, they come in, have coffee and head back to Mars, or Washington got $100 billion of unexpected revenue and did not spend a nickel of it? What happens is a lot of our folks go to the coffee pots to welcome the Martians because they do not think it is possible.

But if my colleagues would take the time to look back at our budget plan that we laid out in 1995, we laid out our projected spending for fiscal year 1997, we actually underspent that number by over $20 billion. At the same time the revenues that we expected were up by $104 billion. So Washington got more than $100 billion of expected revenue and reduced spending from the plan by $20 billion.

It is a minor miracle what has happened in this city. Where does that really leave us? It seems to me that leaves us with 3 very significant problems facing our Nation today. After we get the budget balanced, taxes are still too high. I find very, very few people out in Wisconsin, and I see my colleague from South Dakota has joined me. I do not know what he finds in South Dakota. Does the gentleman find there are a lot of people that think taxes are not too high out in South Dakota?

Mr. THUNE. That is not what I have heard lately. I want to credit the gentleman from Wisconsin for the lead that he has taken on this important issue. Because clearly in this country, and we have seen the statistics of late that the tax burden in America is higher as a total than it ever has been since 1945, and secondly, each individual family pays higher taxes today than they ever have. To suggest for a moment that Washington has gotten spending habits under control would be a misnomer. We have some huge problems looming out there in the future. I think the approach that the gentleman from Wisconsin (Mr. NEUMANN) and his legislation has taken on that is an important step forward in addressing not only the $5.5 trillion debt that we have already piled up out there and what is going to happen when the Social Security bills start coming due.

Mr. NEUMANN. Those are the other two issues we have here. The 3 problems we have, and the gentleman just mentioned the other 2, the 3 problems we have left are taxes are too high. We still have a $5.5 trillion debt staring us in the face and the Social Security issue which we discussed in great detail earlier here in the hour.

We have two pieces of legislation, and I know he is a cosponsor on these bills. The first is the Social Security Preservation Act, which I spent a lot of time earlier in the hour, that simply says that the money coming in for Social Security gets put into the Social Security trust fund. It is very much a common sense approach.

The second one, I know the gentleman is a cosponsor on this. Why do I not let him take it a little on the second. Go ahead.

Mr. THUNE. I just happen to believe the approach the gentleman has outlined in his legislation is one that will give us the discipline, require us to have the discipline that is necessary, because frankly if we do not do something in the area of addressing the $5.5 trillion of debt, it is going to accumulate.

As the gentleman mentioned earlier, we continue to borrow from the Social Security trust fund, which is a significant problem. Another issue which his first piece of legislation addresses, that we ought to keep those funds separate. That the dollars that come in ought to pay for future benefits and we continue to borrow against that and add to this already growing national debt, which means that every year as we go through the appropriations process, before we pay for anything else we have to write the check for interest, which is $250 billion a year. I might add if we sat down and figured that out, that is every personal income tax dollar collected west of the Mississippi River and then some. This is a huge problem. What he has done in his legislation is I think taking a very systematic approach, not only to addressing the $5.5 trillion of debt by saying that each year government cannot spend more than 99 percent of what it takes in, I think that is critical and based on current economic assumptions by 2026, we would have wiped out the debt, but also, secondly, to address the issue of Social Security and how are we going to, long term, deal with that important issue.

The other thing that I think is very attractive about his plan is it puts two-thirds aside for those purposes, but then after having said that, it also allows that any dollars that are left over ought to in fact go back to the taxpayers. Of course, I have some ideas about how best to do that. But I want to credit him for the work that he has done in fashioning an approach which in a very systematic, deliberate way addresses the long-term problems that this country faces, because I think far too often we here in Washington deal with the short term, which is politically expedient, to the detriment of our children's future.

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And frankly we just cannot afford to wait any longer, and so I think your approach is the correct one and one which I hope we can debate here in the Congress and continue to build support in favor of.

Mr. NEUMANN. Especially as it relates to Social Security. You know this is becoming a short-term problem as opposed to a long-term problem. We know that the numbers in social security, the dollars coming in versus the dollars going back out to seniors turn around by not later than the year 2012. So we know sometime between now and 2012 there is a cash shortfall in the Social Security Trust Fund, and I see all the people in this city, and it has got to be shocking to you, too, as a first-termer here like it was to me last time, these people run around the city beating their chests saying those IOUs are backed by the full faith and credit of the United States Government, and it is absolutely fascinating to me that when they say that, it like dumbfounds them when you ask the next question because the next question that Americans would ask is where is the United States Government going to get the money to make good on those IOUs when the shortfall occurs?

And there is no good answer for that question. The only answers that I can see is one of three choices. One is they could raise taxes, and I do not know how you feel, but I know how I feel. Why do you not tell me how you feel about raising taxes?

Mr. THUNE. Well, again as you have noted, there are some solutions, none of which is very attractive and very palatable, and raising taxes is not going to be the solution to this because that is the solution that we have gone to in the past as a fall back, and what it has gotten us is bigger and bigger government here in Washington and less focus on the real problems that are out there. But we do. There is no question about the fact that actuarially this program just has to be dealt with because each year we start borrowing more and more from the trust fund. We fill it with IOUs and at some point the IOUs are going to have to come and, you know, have to be paid back, and the natural question for any average person is going to be, well, where do you get that? And the answer is we borrow more money from your future.

Mr. NEUMANN. That is a second possibility, but if we borrow more money, that just keeps making our debt bigger and bigger, and if the debt keeps getting bigger and bigger, the interest payment keeps going up higher and higher, and what we are passing on is a legacy to our children and our grandchildren that is more and more taxes that they have to send to Washington to do nothing but pay interest on the Federal debt.

So I sure do not like the idea of higher taxes, and I sure do not like the idea of borrowing more money, and the idea that somehow in Washington we are going to miraculously reduce spending elsewhere so that we do not have to raise taxes or borrow more money, that is just not going to happen.

So when the Social Security IOUs come due, if we have not taken the action, and again let me make it very clear that if we do enact the Social Security Preservation Act, the Social Security Preservation Act puts real dollars into the Social Security Trust Fund so when the shortfall occurs, you go to the Social Security Trust Fund much as you would go to a savings account and get the assets out. You cannot do that today because they are IOUs, they are nonnegotiable, nonmarketable bonds.

So the Social Security Preservation Act puts real money there so that instead of raising taxes or borrowing more money, I cannot hardly get that out of my mouth, it is so scary and so detrimental to our children's future that instead we have a different alternative. We have a logical planned approach to put money away in a savings account so when this occurs, and we know it is going to occur, that we are prepared for the occurrence instead of dealing with crisis management where we have to either raise taxes or reduce benefits to seniors, I guess, is another possibility. I will not do that either.

Mr. THUNE. And if the gentleman would yield, that is the traditional Washington solution. It is again a view to the short term rather than the long term.

Mr. NEUMANN. Right.

Mr. THUNE. And we just have, we do not have any alternative, I think, at this point in time other than to say that we are going to enact the type of discipline that is necessary to ensure that when, in fact, these liabilities, responsibilities that we have, come due that we are prepared to cope with that, and I think that, again, the notion of building the fire wall between the Social Security Trust Fund and getting away from the timeworn Washington practice of trying to conceal and emasculate the total size of the deficit and the debt and everything else that we are dealing with here is something that is long overdue and certainly something I want to be a part of, and of course, at some point, too, I believe that, and your plan calls for having done that to the extent that we realize additional revenues, that it should not go into more Washington spending.

And I think that is a false alternative that is being created by folks out there, including those at the White House that somehow this is about cutting taxes or saving Social Security. I think what we are saying is a matter of policy, that we agree that Social Security, the debt has to be paid back, but then to the extent that those additional revenues are generated because the economy is growing that we ought to give those back to the taxpayers, whose they are in the first place and who ought to have first claim to them, and I have already today been on the floor and talking about a proposal that I have that I think would do that in a fair, evenhanded way and one that is getting great interest back in my State of South Dakota.

The taxpayers are paying attention, and I think the opportunity to get out there and do something, these are a few things that ran in the newspapers back home, and the Investors Business Daily as well wrote something here talking about real tax relief, tax relief that is broad-based, not targeted, where Washington picks winners and losers and also leads us toward the goal of a new Tax Code for a new century, which should be our goal in a way that will simplify rather than complicate this enormous burden that we have placed on the taxpayers in this country, both individuals and families and businesses as well.

But I appreciate the hard work that you are doing and look forward to working with you toward that goal.

Mr. NEUMANN. You know we should, and I know we want to jump to my colleague from Michigan. I just want to wrap this part up by saying very specifically that the Social Security Preservation Act would require the Social Security dollars coming in this year be put into the Social Security Trust Fund. The National Debt Repayment Act, as it relates to Social Security, would look at the dollars that have been taken out of the Social Security Trust Fund over the past 15 years, and as we repay the Federal debt, it would also repay the dollars that have been taken out of the Social Security Trust Fund.

So there are two separate pieces of legislation here. They are both needed. The Social Security Preservation deals with this year's Social Security money. The National Debt Repayment Act pays off the entire debt so that we can pass this Nation on to our children debt free. In doing so, it puts the money back in Social Security that has been taken out over the last 15 years, and like you mentioned in the National Debt Repayment Act, we take two-thirds of the surplus and dedicate it to debt repayment, including Social Security as a priority. The other one-third is returned to the taxpayers.

Mr. THUNE. That is commonsense legislation, and that is probably the problem with it in this city. But in any case I hope that these bills move forward.

Mr. NEUMANN. I would like to yield to my friend and colleague from Michigan.

Mr. HOEKSTRA. I thank my colleague for yielding. I cannot tell you the excitement that I feel to see first term Member, a second term Member, and it is my third term, and just reflecting back on when I came to Washington in 1993, if we had projected in 1993 that we would be approaching the point where we would be talking about what to do with the surplus and that we would be there by 1998 or 1999 people would have said you are crazy, because if you remember back.

Mr. NEUMANN. I just need you to stop for just 1 minute. I would just like to point out for my other colleague that makes him a senior Member.

Mr. HOEKSTRA. That makes me senior, that is right.

But you know we came here in 1993, and within, I think, you know, the first 6, 8 months, the deficits were projected to be $200–$250 billion per year as far as the eye could see. The only way that we were going to stimulate the economy was by increasing Washington spending, and the only way to even try to get the surplus would not be by putting a discipline into Washington spending, but by increasing taxes because obviously Washington would know how to spend your money better than what you would. And now 5 years later, I mean, you know, Mr. NEUMANN came in and helped us take the majority.

You are helping us and setting us on a new agenda or implementing this agenda where we are now close to being at surplus, and now what we need to do is we need to put the discipline in place and make it an institutional criteria that every year we will have a surplus and every year we will work on paying down our debt, reforming entitlements and reducing the scope and the influence of Washington government.

But we, you know, made a major step on a problem in 1993. We thought we could not solve, $250 billion deficit, spending of about 1.6 trillion per year, and people said you cannot get there from here or you got to have a 10 or a 15-year plan.

Mr. NEUMANN. If the gentleman would yield for just a minute, you will recall that back in 1994, when we first got here, early 1995, and I know you worked with us on it, we did put a plan on the floor that said we can get there from here, and as a matter of fact, many of the things that were in that plan only got 89 votes that year, but many of the things in that plan have come to reality, and they are fact as of right now today.

Mr. HOEKSTRA. And I would propose that the same kind of focus and enthusiasm and energy that we have put behind the problem in 1995 of addressing this deficit and addressing the debt, we have come a long way and we got a long way to go, but we are on the right road, is the same kind of energy, enthusiasm and commitment that we need to put behind education.

In 1993, the early 1990's, the deficit was identified and the debt was identified as critical long-term problems that if we did not address them we were going to give our children an America that was not going to be as good as the one that we got from our parents.

Mr. NEUMANN. So does that mean we want more Washington programs or government run from Washington programs for education?

Mr. HOEKSTRA. Well, I do not think so. We, you know, what I have been involved in and almost all of 1997, I think we have had 22 different hearings around the country. We have been in 14 different States taking a look at what works and what does not work in education. We have also taken a look at how our children are scoring on international tests. A study came out again this week. I think out of 21 countries we are near or at the bottom in a number of different categories.

That is unacceptable. We cannot expect to compete on an international basis in a number of global industries if our kids are continuing to score at the lowest levels of any kids in the world.

Mr. NEUMANN. I have got a question for the gentleman. You may not know this answer; I did not talk to you about this ahead of time. I apologize if you do not. But when that study came out, you said we scored it near the bottom in many categories in this 21-country study in education. Was there information regarding how much money is spent on education in America by comparison to the other countries?

Mr. HOEKSTRA. I do not know if that study identifies how much money is spent per student in each of these countries. That was a question that we had asked, and we are going to go back and try to get that information because the question that we asked, is it an issue of money? You know, that if America just spends an extra $500 or $1,000 per child, we will see better results.

I can tell you as we have gone around the country, it is not an issue of spending more money. We have gone, and the best example is taking a look at what is going on outside of this building in this city where we in Congress really have control over the school system. We spend on average about $10,000 per student.

Now I come out of west Michigan. We spend about 56, $5,700 per student. It varies throughout my district, but in that neighborhood. Here in Washington, D.C. we spend about $10,000 per student. And you say, wow, we must have some of the best schools, the best technology, the best buildings, the best teachers, and we ought to be getting great results in this school system here in D.C.

It is not what is happening. We are getting terrible results. We are failing 60 to 80,000 children each and every year who are getting substandard education, and they are not going to be prepared to go out and compete. It is a huge problem.

Mr. NEUMANN. So you are telling me then that the system that the Congress has the most influence over is one of the most high priced in terms of dollars per student and is producing some of the worst results. Would the logical conclusion be that maybe Congress should not have as much influence and that maybe education should be returned to the parents and control of education returned to the parents and the community and the teachers and the school boards out there locally, take the control out of Washington and put it back in the hands of parents where it belongs?

Mr. HOEKSTRA. Well, let me give you another couple of statistics, and we can maybe reach a conclusion today. That was a question that we asked earlier in the process. We went out and we went to local schools and we talked to parents, we talked to teachers and we talked to administrators, and they said tell us what is working in your schools. And there are some phenomenal success stories around the country that schools are working well, teachers are doing a great job, classrooms are being effective.

So you ask them why is your school working, and they give us great reasons: parental involvement, technology, and the answers vary from one school district to another because the needs in one school district and the students coming in are very different from one school district to the other.

The interesting thing was nobody ever said this Federal program, and you would think that when you have 760 different education programs coming out of Washington, and you know that is maybe one reason you and I would say, hallelujah, it is a good thing we have got an education department so that we have got one place that coordinates all 760 programs.

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You take a look and say, whoa, no, that was the vision of the Education Department when it came out, that it would be the focal point of education in the Federal Government. But with 760 programs, they go through 39 different agencies, and they spend $100 billion per year out of Washington.

This system also ensures that when your parents from Wisconsin send a dollar here to Washington, they would like to get it back. So to get it back, we develop all these programs and forums, and we send the programs back to Wisconsin. And guess what the people in Wisconsin have to do?

Mr. NEUMANN. Fill out some papers.

Mr. HOEKSTRA. They have to fill out some papers. So they send fill out papers, and send them where?

Mr. NEUMANN. Back to Washington.

Mr. HOEKSTRA. Back to Washington. We go through them and say whoa, you might have been lucky and got it all through the first time. We say, it looks like Wisconsin is qualified to get X amount of dollars, so we send the dollars back to you and you can do what you want with them, right?

Mr. NEUMANN. No, that is not right. Does it not cost money to have somebody fill out all these papers, first off, and to have Washington send them back to Wisconsin? Out of the tax dollar we are collecting and sending to Wisconsin, all you are describing so far is not doing anything to help the students back in Wisconsin.

Mr. HOEKSTRA. I do not think the gentleman needs to worry about that, because we are fairly efficient here in Washington, because when you send that dollar to Washington and we figure out how to send it back to you, remember, also when you get the money, we do not let you just spend it. You have to send back to us a report on how you spent it.

Mr. NEUMANN. Does that not cost money too?

Mr. HOEKSTRA. That costs money. We know you are probably not going to tell us the truth, so that means we have to send auditors into Wisconsin.

Mr. NEUMANN. Does that cost money?

Mr. HOEKSTRA. It costs money, but it is not that much. Really, we have taken a look at it. When you send a dollar and we send it back, for every dollar you send us, we only take 30 to 40 cents, to make sure you spend the 60 cents left in the way we want you to spend it.

Mr. NEUMANN. In order to have a Washington-run education program, we are going to tax the people in Wisconsin one dollar, and, assuming they get a dollar back, they are only going to get 60 cents to help the kids in the classroom. The rest of that money is going to be spent on all of this paperwork that first applies for it, that gets reviewed by Washington, that gets corrected in the application. The money gets sent out, then they send a report verifying how they spent the money, Washington reviews that report and sends out some sort of administrator to enforce the report. That is costing 40 cents. It does not sound like this helps my kids at all. So the other 60 cents might get to the classroom.

Mr. HOEKSTRA. Does the gentleman have a problem with that? I will yield.

Mr. NEUMANN. I have a big problem with that. I know my colleague does too.

Mr. HOEKSTRA. Yes.

Mr. NEUMANN. It sure is frustrating to be in a system where we recognize that those tax dollars that are so important that they get to our kids to help them with the most advanced technology, to get the computers in the classrooms, to do what the President talked about doing, getting more teachers available in the classrooms, it is so important to get those dollars out there to help the kids. Why is Washington wasting them on all this bureaucracy? Why not leave the money in Wisconsin and let them decide how to handle it, so they get a dollar back for a dollar spent?

Mr. HOEKSTRA. If the gentleman will yield, the reason we do not is because we believe that bureaucrats here, and you and I had this discussion a couple of years ago when Wisconsin took the lead on reforming welfare, where in Wisconsin the legislature and the Governor said this is what we want to do, and people in Health and Human Services who had never seen a cheesehead said——

Mr. NEUMANN. Hey, be careful with that.

Mr. HOEKSTRA. I know, but the Lions are going to get you next year. But they said no, you cannot do that. And the people in Wisconsin are saying, wait a minute. If our Governor and State legislature want to do that, why are people in Health and Human Services saying no?

We have the same problem with education. You have things you are experimenting with, trying to help the kids in Milwaukee and in your district, trying to get money into the classroom, and, like I said, when we have gone around the country, that is where the focal point is. That is where the rubber hits the road.

You have got to get the money into the classroom to help the teacher, to get the technology there, to get the textbooks there. But that is the critical link. All of this other stuff, of the paper flying back and forth, has not helped one child one bit, and that is why I think the gentleman is supporting this, and that is why we passed the resolution last year.

That is a step in the right direction. It does not get us where we need to be, but it was the Pitts Resolution that said we have to strive to get 90 of 95 cents of every Federal education dollar into the classroom, helping the teacher improve the skills of the child in that classroom.

Mr. NEUMANN. Does that mean there will have to be less paperwork and less bureaucracy and less forms and less time spent on those forms and the paperwork and bureaucracy?

Mr. HOEKSTRA. Absolutely. What we want is we want parents and teachers and local administrators deciding what they are going to do for their children and their school, based on their needs, and that is a very different vision than the vision that our President has of education. The President believes that the responsibilities for these types of programs need to be moved to Washington. This president wants to build our schools, and he want to build them according to Federal regulations, which means we cannot really get competitive bidding, so the price of construction goes up by 10 to 15 percent. He wants to certify our teachers.

Mr. NEUMANN. Would the gentleman yield? We talked a little earlier in the hour about building schools. The price does go up by 10 to 15 percent. Remember, when Washington collects these dollars, 40 cents on the dollar is lost just on the bureaucracy.

That 10 to 15 percent is the cost of construction going up. So you not only have to collect extra dollars to pay the bureaucracy, you also have a higher cost in construction because of the Federal Government regulation red tape. We could be talking almost a 50 percent increase in cost before you are done.

Mr. HOEKSTRA. That is right. For education, we know that the Federal Government has to be defining the standards for our schools and our local districts, because we have never built a school before, right?

Mr. NEUMANN. Right.

Mr. HOEKSTRA. How crazy that we would do that, and we would do it here in Washington and set the standards from Washington, when we have been building schools for years at the local level, and that is what we need to do.

Mr. NEUMANN. What is also interesting in this school discussion, we have got school districts in our district that have just built new schools. So are we going to go into the taxpayers' pockets in Janesville, that just built a new middle school, get those dollars out of the Janesville taxpayers', even though they just built their own school pockets, get them out here in Washington, and spend 40 cents on the dollar on the bureaucracy?

I can guarantee you Washington is not going to make the decision to return that money back to Janesville, because, after all, Janesville just built a new school.

So what we are really saying is in those communities that have already taken the responsibility for education very seriously, like my hometown of Janesville, Wisconsin, those communities are now going to be punished for making the decision they made, building the new school because that was right for education in their community. Because Washington is still going to collect tax dollars from those people, even in the communities where they built the new school, and then Washington is going to make its decision where to send the dollars. I guarantee you, it is not going to be back to them.

So they are paying for a new school because they know how important education is. We did in our town, and we believe in education. So we are already paying higher taxes to pay for that school.

Now, is it fair that we are also asked to send money to Washington, of which only 40 percent is going to bureaucracy and 60 percent to some other school district? That just does not seem reasonable to me, that we would be willing to do such a thing.

Mr. HOEKSTRA. That is why so often we are viewed as being controversial, that we cannot see the logic in this system. I drive through my district, and I have seen lots of new schools opening up. I am saying these people are taking the lead, and they will be punished for taking the lead. Next time they will be better off not solving the problem and waiting for Washington to come in.

Mr. NEUMANN. I know we are getting very near the end of the hour. If we started through a list of things that you and I think are wrong and we cannot understand the logic of, because we live out in the Midwest in Michigan and Wisconsin, and I know there are other states across the country with the same kind of common sense, but not here inside the Beltway, it seems, we could be here for the rest of the week, much less the rest of the hour.

Would the gentleman like to close?

Mr. HOEKSTRA. We do know what works in education. We do know that if we move responsibility back to parents, to the local level, the teachers and local administrators, we can make it work. Now we need to start implementing the steps to make that happen.

I thank the gentleman for sharing his time with me today.

Mr. NEUMANN. I appreciate the gentleman joining me for the hour.

Just to wrap-up what we have talked about this hour, we have talked about Social Security and how much more money is coming into the system today than we are paying back out to seniors in benefits; and we have talked about how that money is supposed to be in a savings account, but in fact today is being spent as parts of the overall budget process.

We talked about the Social Security Preservation Act, which would force our government to actually put the Social Security money aside in a separate fund, much like any pension plan in the United States of America.

We have also talked about the problems remaining after we reach a balanced budget, the problems of taxes being too high, the problems of Social Security being repaid; because even when we start putting the money aside today, there is still the $700 billion that has been taken out over the last 15 years.

We talked about the problem of the $5.5 trillion debt, and a second piece of legislation, H.R. 2191, called the National Debt Repayment Act, that literally repays our Federal debt, much like you repay a home loan.

That bill addresses all three of the problems. It takes two-thirds of any surpluses that develop, and dedicates it toward debt repayment, prioritizing the money that has come from the Social Security Trust Fund. By doing this, we can restore the Social Security Trust Fund, we can pay off the Federal debt, much like you may off a home mortgage, and give this country to our children debt free. It takes the other one-third of the surplus and dedicates it to tax reductions, hopefully across the board. Hopefully we end the marriage tax penalty.

But the bottom line in this thing is for our children, they get a debt-free Nation; for the workers, they get lower taxes; and for our seniors, they get the Social Security Trust Fund restored. That is bill number H.R. 2191, the National Debt Repayment Act.

I would like to close today just by encouraging my colleagues to join us on each one of these bills so we can get them passed out of here and do what I think is common sense for the future of this great country we live in.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. SERRANO) is recognized for 60 minutes.

Mr. SERRANO. Mr. Speaker, next week the House will take up H.R. 856, the United States-Puerto Rico Political Status Act, better known in Puerto Rico and throughout the states as the Young bill.

I think from the outset we should thank Mr. Young for the fact that the representative from Alaska has put forth a bill which, for the first time, provides for a congressionally sponsored plebescite in Puerto Rico, asking the crucial questions, and the questions which are fair, not only to the people of Puerto Rico, but to all of the people in the United States that have been engaged in this relationship for all of these years.

For, you see, from November 19, 1493, to July of 1898, Puerto Rico was part of Spain. It was not an integral part of Spain; it belonged to Spain, it was a Spanish possession. It was not an independent Nation.

From July of 1898 to the present Puerto Rico, after the Spanish-American war, became again a possession of the United States. Now, under the current arrangement, Puerto Rico is known as a Commonwealth of the United States.

Now, what does that mean? Well, to people like myself who have studied these kinds of things for a while it means that Puerto Rico is, at best, a territory, but in reality a colony of the United States.

It is very simple to analyze that. Does Puerto Rico have the right to establish its own relationship with other countries, its trading agreements, its political relationships? The answer is no.

Does Puerto Rico share the same rights that the 50 States in the Union and their citizens share? The answer is no.

Puerto Ricans on the island, since 1917, have been American citizens, yet their citizenship is different than the citizenship of people who live within the 50 states.

If anyone in the House, anyone watching us on TV, was to move to Puerto Rico tomorrow, they would keep their American citizenship. They would be protected by the American Constitution. But by having legal residence in Puerto Rico, they could no longer vote for president. They could send one resident commissioner to the House, not a Congressman, not six Congressman, but one resident commissioner, who in turn is not allowed to vote on the House floor.

So if you picture that, the fact that your citizenship which is in effect here, by simply moving to the island, your citizenship becomes a second or third rate citizenship, it can only lead you to the conclusion that this relationship is something other than what a statehood relationship provides, or an independent nation's relationship provides, or that of an associated republic with the U.S.

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Now, the Young bill proposes to deal with this head on. It says that sometime before the end of 1998 Puerto Rico will hold a plebiscite, with the options of separate sovereignty, independence, free association, of statehood, integration into the Union, or remaining a commonwealth. Those will be the three options.

The bill further says, and this is where I really think the bill is very strong, it says that whatever the people of Puerto Rico choose for themselves we will take up within 180 days. The President shall present to the Congress a bill which will take in the wishes that came out of that vote.

There are many people who feel that this bill therefore commits the Congress, and therefore all of the American citizens, to give the people of Puerto Rico what they wish. I wish that was the case. But I think the strength of the bill is that it commits to dealing with the results. Some may consider that a weakness, but it is the first time that the U.S. has said to Puerto Rico, give us your wishes and we will deal with them.

The statehood option is very well understood. It becomes the 51st State. Some genius will have to figure out how to put 51 stars on the flag, and I am sure people have done that already. People will pay Federal taxes, they would send six Members to Congress, two U.S. Senators, and they would enjoy the full right of every other American.

Independence is very clear. The United States would grant independence to Puerto Rico. Puerto Rico, I am sure, would become and continue to be a very close ally of the United States, and provision would be made for those individuals who were American citizens up to the date of independence, those who served in wars and are receiving benefits from war, people who have Federal pensions, all that would be taken into consideration.

Under separate sovereignty there is also the possibility of discussing an associated republic status, which is somewhat like independence with some very close ties, actual structural ties to the U.S.

Then there is the commonwealth status. Therein lies a lot of the opposition, if not most of the opposition, to the bill. In 1952, Congress set up something called, and I firsthand apologize to the stenographer, I will use Spanish every so often, and we will work on that later for the proper way to write down those words, it set up something called estado libre asociado, state, free and associated. But it was not any of the three.

In 1952, it was presented to the people of Puerto Rico. The choice was, become a commonwealth or stay the same way. Well, commonwealth clearly at that point, in the history of Puerto Rico, was something better than what they had had, so commonwealth was accepted. But there were no other options presented at that time, such as independence or statehood.

Now, in 1993, the Puerto Rican people, on their own, held a plebiscite, "on their own," meaning that it was not sponsored by the U.S., with no commitment for the results to be dealt with. In that referendum statehood and independence were options, and then commonwealth, as it is envisioned by many people as a future alternative to the present commonwealth status.

We have to be clear on that, because a lot of what will be said here next week is that we are being unfair to the commonwealth status by not including it. What the Young bill has done, it has for the first time in the history of this Congress said, this is what commonwealth is.

That has upset a lot of people, because they were living under the impression that commonwealth was something else. In 1993 they proposed, in the referendum in Puerto Rico, what they envisioned commonwealth to be, and that won the plebiscite 48 percent to 46 percent for statehood. In all honesty, I am surprised it did not get 85 percent. What it was was a wish list of what folks wanted the commonwealth to be, so there is obviously a concern that whatever they wished for they could never get from Congress.

So what this bill does is it outlines, it breaks down for the first time, it admits for the first time, that commonwealth is a unique relationship which does not either have the strength or the attributes of statehood, or the independence of being a free republic.

Folks who support the commonwealth status will tell us next week that this is unfair. My suggestion has always been, why do you not then ask to bring commonwealth to the next step, which is an associated republic, free association with the U.S., and call it that. But there is a problem. There are some people who do not want to use the word "republic" in Puerto Rico because that would mean breaking off from the U.S., and therein lies a lot of problems.

This has been going on for a long time. As I said before, in July of 1898 the U.S. comes into Puerto Rico. From 1898 to 1917 nothing is said about who we are, who they are or who we are as a people. In 1917 a vote is taken here saying that everyone who resides and in the future will be born in Puerto Rico is a U.S. citizen, but again I repeat, with all of those provisions that made that citizenship in some cases unique, but in my opinion less than what a citizenship should be.

Now for the first time we have the opportunity to make a decision. This bill is supported by the statehood party in Puerto Rico, and supporters of statehood. What is interesting about it is that it is also supported by the independence movement in Puerto Rico.

If Members know anything about Puerto Rico politics, if they know anything about world behavior in politics, they know that the people who want to integrate into the other nation are usually poles apart from the people who want to separate from the other nation. Yet, they agree on this bill.

Why do they agree on this bill? Well, in all honesty, I think the independence leaders are extremely courageous and are probably the heroes of this whole debate, because even though, whenever there is a vote in Puerto Rico, they have not gone past 6, 7, 8 percent of the vote, they are willing to roll some dice, so to speak. They are willing to find out, if statehood wins, if this Congress is willing to give statehood to Puerto Rico.

If it does not, then they feel they hold the upper hand, because they can go back to the island and say, you see, they are our friends, we have been together 100 years, but they really do not want us, so we must begin the process to separate; separate in a friendly way, but separate nevertheless.

Why is next week's vote important? Why should it be important to people who are not Puerto Rican? Why should it be important to Americans throughout this country? Is it in our best interests as Americans to continue to tell the world that democracy is the ultimate goal, that there have to be free elections everywhere, and continue to hold a colony in the Caribbean for 100 years? Is it in the best interests of the United States to go into the Caribbean and demand that some island nations hold "free elections" while next door we do not allow an election to take place?

How do we explain to some of the children in our country who, when faced in school with the issue of studying different parts of the world, have to ask questions as to what is Puerto Rico?

I have found out in my years of working in the school system of New York that one of the toughest questions for teachers to deal with was to explain to them the relationship between Puerto Rico and the U.S., because if we were not citizens, then it would be simple. They are just people over there that we have control over, period. But it is different when we are talking about citizens.

I told the Members what happened before, if we move from here to Puerto Rico. Well, it works in reverse. If the gentleman who represents Puerto Rico here, Mr. Barcelo, and who does not vote because he is not allowed to vote under our law, if he moves to any State of the Union, establishes residence within that State, he not only can vote for President and Congress, he can run for President and he can run for the Congress, and he can be elected to Congress.

I was born in Puerto Rico. Why is he different than I am in terms of my congressional powers, if you will? Because I represent New York, where I grew up, and he represents Puerto Rico. Yet, we are American citizens. We went to serve in the military in the same way.

Therein lies also part of what this debate is all about. Since citizenship came to Puerto Rico, over 300,000 Puerto Ricans have been called at wartime. In World War I, World War II, Korea, Vietnam, the Persian Gulf, and all of the other conflicts we have been involved in Puerto Ricans served, not only Puerto Ricans from the 50 States but Puerto Ricans from Puerto Rico.

Now, picture this. You serve in the military, you go back, and for the next war you do not have a choice as to who your Commander in Chief will be because you cannot vote for him or her, but you also cannot stay out of the war as an independent nation, because you are told to be part of it. This is a question, more than anything else, of fairness.

Part of what we are trying to do here next week is to suggest to ourselves that we in Congress every so often in this country deal with issues in neat, round numbers. Is 100 years not kind of a neat number to deal with? Actually, I think it is a tragic number to keep a whole nation of people in a status other than a fair status. But if we want to deal with neat numbers, then July, 100 years to the date when the United States entered Puerto Rico. By then this Congress and the other body should have spoken out on the issue of letting the people vote.

Let me tell the Members how fair this bill is, and how it has set itself up so that there could be no controversy about the results. As I said before, a vote would be taken before the end of this year. That vote, the results would come back to the White House. The President would present to us in 6 months a bill to deal with the results. We would take a vote here. If they choose statehood or independence, we can reject it. If we approve what they request, then it goes back to the people of Puerto Rico for a yes or no vote. They can reject it.

When we look at that, we also make an argument against those people who support commonwealth who claim that this bill excludes them. Let me remind the Members again, the reason many of them feel that exclusion is because it does not allow to put in the bill what they wish commonwealth to be.

But it does not exclude the commonwealth status because, let us take it step-by-step, if the commonwealth status gets the majority, a majority of the votes, commonwealth wins. If none of the three options gets a majority of the votes, commonwealth stays. If statehood or independence wins and Congress rejects it, commonwealth stays. If independence or statehood wins, Congress accepts it, then it goes back to Puerto Rico, and if Puerto Rico rejects it the commonwealth stays. So commonwealth gets 5 shots at staying, while statehood and independence get one shot each at reaching that goal.

Now, the problem is not with being fair to commonwealth, the problem is that commonwealth is unfair in itself. We cannot have, and I cannot overemphasize this, and I will until next Wednesday say it as many times as I can, we cannot have differing kinds of citizenship.

We cannot have a citizenship that allows you all the rights under the Constitution and have another citizenship that does not allow you rights under the Constitution. We cannot. We cannot explain why my cousins in Puerto Rico, who chose, for whatever reason, not to migrate to New York or to the other 50 States, do not have the same protection under the Constitution that I have. It makes no sense that you would lose yours if you went to Puerto Rico and set up your life down there.

So the big question, and I would hope—I am surprised, in all honesty, that the national media has not picked up on this issue yet. One could say it is because we have had other things taking attention away from us, but this is an issue that certainly belongs to the people in this country as much as it belongs to the people in Puerto Rico.

A lot of Members have said to me, you know, "That is a Puerto Rican issue." No, it is not just a Puerto Rican issue; it is a United States issue.

□ 1415

It was not Puerto Rico that invaded the United States. It was the United States that invaded Puerto Rico. Therefore, it is our issue. It is not Puerto Rico's constitution that prevails over the U.S.; it is the opposite. It is not Puerto Rico's laws that prevail over the U.S., it is the opposite.

The gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), when he is here, he can be here as an observer. He can watch us pass laws that affect his constituents on a daily basis and he does not have anything to say about it.

We do not always get our way here. When we are in the minority party, as my party is, we do not get our way most of the time, but at least we have the ability to negotiate, to move here and there, to speak out and every so often we get our way. That is what is beautiful about a democracy.

But the whole fallacy, and I am not suggesting that the gentleman be removed but, the whole fallacy of having a person elected in Puerto Rico in a campaign to represent the island here and then saying, "Just sit there and we will ask for your opinion, but you do not have a vote," that cannot continue to be. I think the question we have to ask ourselves by next Wednesday, and thereafter, is where do we want to go as a Nation in terms of this issue? What is it that we want to tell the world?

Is it the statement that for 81 years we have had citizenship that is not worthy of the rest of the Nation of our Constitution? Is it to say that for 100 years, 100 years Puerto Rico has been a territorial colony of the U.S. and that does not trouble us?

Now, I do not expect Americans, other than those who have a close relationship to Puerto Rico, as I said I do, to feel any great pain about the fact that before these 100 years we had 405 years with Spain. But I think if we look at the whole picture, we would say we add 100 years to the longest running colony in the history of mankind. We should try to do something about it.

Now, there are people who are saying, wait a minute. We cannot pass this bill because somehow they will become a State and then we are going to have a State where people speak Spanish and people look different and people sound different.

Well, first of all, we Americans on a daily basis are looking very different from each and other we are sounding very different from each other. In fact, the English we speak sounds different from each other in different places.

But there is nothing to fear, because if for 100 years it worked somewhat, then certainly in the future it will work. If my colleagues come to me and give me arguments against statehood saying that statehood is not good for this reason or another, I ask that they please give me arguments that do not undo the relationship. Give me arguments that do not insult people by the way they speak or what language they speak. Give me arguments that do not undo of the things that happened in the past. Because when people were drafted from Puerto Rico to go to different wars or when they were allowed to join, I assure my colleagues, and I checked with my father, he was never asked what kind of English he spoke. They were never asked this question, and so many dying, never speaking a word of English in defense of this country.

But that is another issue. Someone will bring to the House floor an amendment on this bill. It is an amendment that could create a major problem for this bill, and it is a friend of mine, a colleague of mine. So I hope to change his mind over the next few days. The amendment that this gentleman wants to present says that Puerto Rico shall have English as an official language if it becomes a State. There are a couple of problems with that.

First of all, we are not dealing with a bill next week that says Puerto Rico will become a State. It just says they shall have a vote. And, secondly, we do not have an official language law in the country, so why would we single out a prospective State and say they shall be the only one to have it? It does not work that way.

Now, we are who we are as a Nation. We are Hawaiians, we are Eskimos, we are Mexican-Americans, we are Puerto Ricans, we are a lot of people who make up this Nation. At no moment does our integration into this Nation cause a problem.

Now that is one side of the coin. As far as independence goes, there are some people who may say we do not want to give independence to Puerto Rico because then it will be a problem and they will become a problem. What kind of a problem? If we have any faith in Puerto Ricans as a nation, if we have any faith in our involvement with them over 100 years, then we will know that that is okay, that they will be a very productive and free society taking their place in the world.

What they cannot be, and what we cannot suggest that they become, is more of the same. What they cannot be is this lie, this lie called "commonwealth," this lie called "estado libra y associado," State, free and associated. They cannot be all three. So we have to move to solve this problem.

Now I will be introducing an amendment to the bill, just one, to allow those of us who were born on the island and who reside outside the island to vote this one time on this plebiscite. The first thing I have to say is, and I know this sounds terrible, if my colleagues are going to look at my amendment, do not look at it with everything they have learned in this country about voting, because the first thing they will say is wait a minute. A guy who lives in California cannot vote in Boston. That is not right. He has got to vote in one place.

But, Mr. Speaker, this is a different vote. This vote is not about a State, because Puerto Rico is not a State. This vote is about a people who were invaded in 1898 and who, even though they have become as Americanized as anyone can become, remain to a very large degree a Nation of people. That they can be integrated into the union. Hawaii was. That they can remain a separate Nation. That can happen.

But they are a distinct people. We feel, so many of us who live outside the island, that the reason so many of us migrated from the island was due to economic conditions caused by that very same relationship. And so when a vote comes to determine once and forever the relationship and the status question, then in our opinion, all the children of that territory, all the children of the colony should be allowed to vote.

I have to say that it is painful to me, and I know of all the things I mention around this bill, one that I get criticized the most for, is that it is painful to me to know that because the plebiscite would be conducted under American law, people who recently arrived in Puerto Rico and became American citizens, which is a contract with the Federal Government, not with the Island of Puerto Rico, would be allowed to vote in that plebiscite on the political future of Puerto Rico. People who came from other countries. While those of us who were born there and reside outside would not be allowed to vote.

If we look at it, again, in terms of what American law says, of course my colleagues will never agree to my amendment. But if they look at it, as so many times we do in this House, some from here and some from here, you will realize that this vote is correct to allow all of us to vote.

But it is going to be tough next Wednesday or next week on the floor. There will be many amendments. Some trying to help the bill become stronger; many trying to weaken the bill or put such controversy into it to defeat it. I do not know how many of my colleagues have notices, but there have been dozens of ads placed in area and in House newspapers speaking about the bill in favor or against.

Let me tell my colleagues what worries me and troubles me about those ads. The ads against the bill are trying to instill fear in Americans and their representatives here in Congress as to what Puerto Rico as a State would mean. Again, I have to, until Wednesday, keep saying this: This bill is not about statehood; it is about finding out if they want to be a State.

But the ads in the paper have been saying we cannot have these people as a State. Well, did I ever see an ad saying oh, no, it is World War II, we should not draft those people because they are not really good Americans. Do not draft them now. In Vietnam, the era that I served in, so many of the people from Puerto Rico that served there, did we ever see an ad that said: Do not draft them into Vietnam? No, that was not the case.

All of a sudden these ads are flourishing all over. And I personally will try to get to the bottom of who paid for those ads. They have a right to put them, but I think we should have a right to know where they come from. And I suspect that some of the ads are paid for by groups who are working closely with folks who would like the status quo to remain.

When we find out, we are going to have to let the world know that they took the opportunity during this debate to demean the presence of the Puerto Rican community and to suggest that we did not fit within the mold.

Mr. Speaker, not that we ever pay much attention to the U.N., with all due respect to the latest Iraq situation, but we are not famous for paying too much attention to the U.N. That is a fact of life. We kind of set the tone and the U.N. sometimes follows. But the U.N. did suggest that by the year 2000, every country should do away with its colonies.

How tragic it would be if the country that professes to be the strongest supporter of democracy refuses to step up to the plate next week and begin the process for ending the colonial status. Begin the process.

Why am I so supportive of this bill? Am I looking at the fine print to see if it is true that it favors one option or the other? Not necessarily, because what it does do, which I think is highly important to me, is it begins the process to reach a final conclusion. If they ask for statehood and it is rejected, that will have created, in my opinion, what I have coined, a term I have coined which is a "legislative confrontation" with the Congress of the United States. Not any other kind of confrontation; a legislative confrontation which will eventually lead to a final solution. Everyone should be in favor of that. Everyone.

We get a thousand letters a week here. Thousands, from groups throughout the Nation and citizens throughout the Nation writing their Members of Congress demanding action on legislation. Yet the letters are not coming in and the media is not reporting the fact that this is an issue that all Americans should be concerned about. Solve this issue and solve it now.

Mr. Speaker, I tell my colleagues if they say to me we do not want them anymore, go free, or, yes, we want them and we want to take them in, that is fine. But let me just say something very interesting here. In Puerto Rico, where they play very hard ball politics, politicians are always supposed to be for something. They are either for independence, for statehood, or for commonwealth.

I may have started a new movement in this country. I am not for anything; I am against something. I am against the colonial status that Puerto Rico has right now. If I wake up tomorrow and Puerto Rico is the 51st State, I will immediately greet those two Senators and six Members of Congress and begin to see how they can join me in bringing about the other things that I would like to see changed in this country.

And if tomorrow I wake up and Puerto Rico is an independent nation, I will immediately come to the House floor and remind my colleagues that after 100 years of an association, we should maintain close ties with that nation. It does not bother me.

Mr. Speaker, what bothers me every day is when I wake up and walk into this body and the pride that I feel, and I must say at the expense of getting a little dramatic, whenever I turn the corner and see the Capitol dome, I cannot believe that I, who grew up in a family where my father went to school for 2 years and my mother for 6, that I would be a Member of Congress. But I am immediately reminded, upon the minute I walk in here, that there are people in the place where I was born who, simply because all 4 million of them did not migrate to the United States. They do not enjoy the same rights I do.

No matter how often I try to say to myself, I only represent the Bronx in Congress, I represent the Yankee Stadium area, I represent the Bronx Zoo, I represent that wonderful area of the Bronx. I cannot stop thinking at all that I, indeed, represent, indirectly, 4 million people on the island of Puerto Rico because their representative cannot vote.

□ 1500

And this whole issue of how we are going to continue to do this for, what, another 50 years if we miss the opportunity next week to vote on this issue. If we go through 1998 without letting the people of Puerto Rico speak to us about their political future, I am heartbroken at the thought that my grandchildren will be discussing with your grandchildren and my colleagues' grandchildren this issue of the status of Puerto Rico.

This comes at a dramatic time for me. We are almost in the month of March. In March, I came here in a special election, meaning that I replaced another Member of Congress not at election time.

I remember that day, as I stood right here, and I spoke to my colleagues after being sworn in by then Speaker Foley. I said that on March 28, 1950, my mother had arrived from Puerto Rico to join my father who had come here a year before and that on March 28, 1990, while their youngest son sat in the gallery, their oldest son was sworn in as a Member of Congress.

To the memory of my parents who are no longer with us and to a memory of all of those who were born on that island, how interesting it would be if, in March of this year, we in this House complete a process that will begin to give the people in Puerto Rico the opportunity to determine their political future.

I once again want to tell you that I have to really congratulate the gentleman from Alaska, Mr. YOUNG. What he has done has been courageous. What he has done has been an example for everyone to follow.

What he has done is to give us the opportunity for the first time, and I say "us", give the people in Puerto Rico the opportunity, but give the United States the opportunity to deal with a very serious problem because this hangs over our head. You may not pay attention to it, but this hangs over our head.

We cannot argue in some circles the way we used to, because France and England and everybody is getting rid of their colonies. The African nations can tell you that. The Asian nations can tell you that, Latin America, but not the United States.

I just want people to have these thoughts. There are concerns about what the final status would be, but I really think that that is unfair at this juncture to be concerned about what Puerto Rico would mean as a state. That is what all people are concerned about.

We tried this once before. In 1991, this House passed a bill and the Senate rejected it or did not act on it. The reason was, instead of discussing the bill, they began to discuss the possibility of statehood.

It presents a problem for some people. But we should discuss that problem in terms of allowing them to speak to us.

What is the problem? Well, some people say, if Puerto Rico was a state, it would be the 50th smallest state in size and the 24th largest congressional delegation populationwise. Well, right. Well, so?

That was the same place where you took a percentage of people to go to war. That was the same place where you gave citizenship in 1917. So that should not be an issue.

So the Young bill speaks to this. It speaks to this well.

I will spend all weekend trying to gather support for this bill. I will spend all the beginning of next week trying to get support for this bill. I will be on the floor the day the vote comes up, and I will be lobbying. I will be doing what people in my profession do well, trying to convince people that my position is the correct one. But I think it really is.

I am not asking this Congress to commit itself to anything, just to allow the people of Puerto Rico to tell us what they want to do. It is the least that we can do.

So, in conclusion, my colleagues, my friends, I think you have to really try to put yourself in the position of the 3.8 million American citizens who live on the island of Puerto Rico, try to look at their situation, try to analyze their citizenship, try to walk in their shoes, try to understand how it must feel not to be part of a world of free nations and not to be part of a union of 50 sovereign states. Something has to give.

I think that, as we speak in this country about family values and about morality and about what we teach our children, I think we, as a country, as a government, have to be careful that what we try to preach at home is not in total contradiction from what we preach in Congress. You cannot tell a child to be fair if our government is not fair. You cannot teach a child in school about democracy while we are not exercising everybody's right to self-determination.

Next week, I hope that we get a resounding victory for this bill. Let the vote take place, let it come back to us, and then let us deal with the results.

But let us leave here next week knowing that we stood up for democracy, that we stood up for self-determination, and that we honor those Puerto Ricans who lived their full lifetime as American citizens that were enjoying equality and, at the same time, at a point where we might be in the middle of averting military conflict with Iraq, let us honor the memory of all of those thousands of Puerto Ricans who died in American wars and who never got a chance to be equal citizens or free people in the world of free nations.

So I close with my belief that next week will be a historic moment. Let us give this bill and Mr. YOUNG the victory the bill and the gentleman deserve. More important, let us give the people of Puerto Rico the right to self-determination and the respect they deserve for having been loyal American citizens for all of these years.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, FEBRUARY 25, 1998

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1415.

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1415.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:

Mr. GEPHARDT, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. VISCLOSKY, for 5 minutes, today.

Mr. REYES, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

The following Members (at the request of Mr. LUCAS of Oklahoma) to revise and extend their remarks and include extraneous material:

Mr. LEWIS of Kentucky, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. LUCAS of Oklahoma, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. ROTHMAN for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. McNULTY) and to include extraneous matter:

Mr. STOKES.

Mr. KILDEE.

Mrs. LOWEY.

Mr. ROTHMAN.

Mr. EVANS.

The following Members (at the request of Mr. LUCAS of Oklahoma) and to include extraneous matter:

Mr. HOBSON.

Mr. RADANOVICH.

Mr. DUNCAN.

Mr. REDMOND.

Mr. MICA.

The following Members (at the request of Mr. SERRANO) and to include extraneous matter:

Mr. SMITH of Michigan.

Mr. FRANK of Massachusetts.

Mr. LIPINSKI.

Mr. HALL of Ohio.

Mr. PACKARD.

Mr. EDWARDS.

Mr. FRELINGHUYSEN.

Mr. RUSH.

Mrs. KENNELLY of Connecticut.

Mr. WEXLER.

Mr. BOB SCHAFFER of Colorado.

Mr. LANTOS.

Mr. DAVIS of Florida.

Mr. GILMAN.

Mrs. JOHNSON of Connecticut.

Mr. CLYBURN, in two instances.

Mrs. NORTHUP.

Ms. WOOLSEY.

Mr. MILLER of California.

Mr. GUTIERREZ.

Mr. BERMAN.

Mr. BARCIA.

Mr. DUNCAN.

ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Monday, March 2, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7574. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis Testing of Livestock Other Than Cattle and Bison

[Docket No. 97–062–1] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7575. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations, Dry Bean Crop Insurance Provisions; and Dry Bean Crop Insurance Regulations (RIN: 0563–AB02) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7576. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Dry Bean Crop Insurance Regulations [7 CFR Part 433] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7577. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Fresh Market Sweet Corn Endorsement; and Common Crop Insurance Regulations, Fresh Market Sweet Corn Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7578. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Florida Citrus Fruit Crop Insurance Provisions (RIN: 0563–AB03) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7579. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Pepper Crop Insurance Regulations; and Common Crop Insurance Regulations, Fresh Market Pepper Crop Insurance Provisions [7 CFR Parts 445 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7580. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Walnut Crop Insurance Regulations; and Common Crop Insurance Regulations, Walnut Crop Insurance Provisions [7 CFR Parts 446 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7581. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Raisin Endorsement and Common Crop Insurance Regulations; Raisin Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7582. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Forage Seeding Crop Insurance Regulations and Common Crop Insurance Regulations; Forage Seeding Crop Insurance Provisions [7 CFR Parts 414 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7583. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Forage Production Crop Insurance Regulations, and Common Crop Insurance Regulations; Forage Production Crop Insurance Provisions [7 CFR Parts 415 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7584. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Fresh Market Tomato Minimum Value Option, and Fresh Market Tomato (Dollar Plan) Endorsement; and Common Crop Insurance Regulations, Fresh Market Tomato (Dollar Plan) Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7585. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Sugar Beet Crop Insurance Provisions (RIN: 0563–AB55) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7586. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; ELS Cotton Crop Insurance Provisions (RIN: 0563–AB53) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7587. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Cranberry Endorsement and Common Crop Insurance Regulations; Cranberry Crop Insurance Provisions (RIN: 0563–AB54) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7588. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations, Texas Citrus Tree Crop Insurance Provisions; and Texas Citrus Tree Endorsement (RIN: 0563–AB50) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7589. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Cotton Crop Insurance Provisions (RIN: 0563–AB53) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7590. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Administrative Regulations; Collection and Storage of Social Security Account Numbers and Employer Identification Numbers (RIN: 0563–AB26) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7591. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Onion Endorsement; and Common Crop Insurance Regulations, Onion Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7592. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Grape Endorsement and Common Crop Insurance Regulations; Grape Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7593. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Fresh Plum Endorsement, and Common Crop Insurance Regulations; Plum Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7594. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Rice Endorsement; and Common Crop Insurance Regulations, Rice Crop Insurance Provisions [7 CFR Parts 401 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7595. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Fresh Tomato (Guaranteed Production Plan) Crop Insurance Regulations; Common Crop Insurance Regulations, Guaranteed Production Plan of Fresh Market Tomato Crop Insurance Provisions [7 CFR Parts 454 and 457] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7596. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Miscellaneous Amendments [Defense Acquisition Circular 91–13] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7597. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule— Interest on Deposits (RIN: 3064–AC13) received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7598. A letter from the Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—the "Significant and Substantial" Phrase in Sections 104 (d) and (e) of the Federal Mine Safety and Health Act of 1977; Interpretive Bulletin—received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7599. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—New Interim MBE/WBE Terms and Conditions for Clean Air Act Amendments of 1990 Assistance Agreements for State Recipients—received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7600. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Revised Regulations and Source-Specific Reasonably Available Control Technology Plans Controlling Volatile Organic Compound Emissions and Emission Statement Requirements [NH–9–1–5823a; A–1–FRL–5969–6] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7601. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignments Policies of the Private Land Mobile Services [PR Docket No. 92-235] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7602. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment to the Fee Schedule for the Processing of Requests for Agency Records Pursuant to the Freedom of Information Act [DA 98-53] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7603. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Yarnell, Arizona) [MM Docket No. 97-20, RM-8979] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7604. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wray and Otis, Colorado) [MM Docket No. 97-117; RM-9009] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7605. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Westley, California) [MM Docket No. 97-47, RM-8992] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7606. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Salome, Arizona) [MM Docket No. 97-27, RM-8901] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7607. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Benavides, Bruni, and Rio Grande City, Texas) [MM Docket No. 95-74, RM-8579, RM-8690] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7608. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boonville, California) [MM Docket No. 97-46; RM-8990] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7609. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (San Bernadino and Long Beach, California) [MM Docket No. 97-170; RM-8980] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7610. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fredonia, Kentucky) [MM Docket No. 97-66; RM-8997] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7611. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7612. A letter from the Chief Financial Officer, Department of Commerce, transmitting the FY 1999 Annual Performance Plan, pursuant to Public Law 103-62; to the Committee on Government Reform and Oversight.

7613. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7614. A letter from the Acting Director, Office of Federal Housing Enterprise Oversight, transmitting a report of activities under the Freedom of Information Act for 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7615. A letter from the the U.S. House of Representatives, the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1997, through December 31, 1997 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105-219); to the Committee on House Oversight and ordered to be printed.

7616. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Ohio Regulatory Program [OH-242-FOR, #75] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7617. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Maquiladora Industry Coordinated Issue—received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7618. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Drawback [T.D. 98-16] (RIN: 1515-AB95) received February 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. Mascara, Mr. Gutierrez, Mr. Filner, Mr. Blagojevich, Mr. Rodriguez, Mr. Abercrombie, Mr. Ortiz, Mr. Peterson of Minnesota, Ms. Brown of Florida, Mr. Reyes, Mr. Bishop, Mr. Clyburn, Mr. Underwood, Ms. Carson, and Mr. Kennedy of Massachusetts):

H.R. 3279. A bill to provide a scientific basis for the Secretary of Veterans Affairs to determine whether service connection for veterans of service during the Persian Gulf War should be presumed for certain diseases and disabilities, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself and Mr. Latham):

H.R. 3280. A bill to clarify and enhance the authorities of the Chief Information Officer, Department of Agriculture; to the Committee on Government Reform and Oversight, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAESLER:

H.R. 3281. A bill to exempt disabled individuals from being required to enroll with a managed care entity under the Medicaid Program; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. Filner, Mr. Murtha, Mr. Paul, Mr. Andrews, Ms. Lofgren, Mr. Upton, Mr. Klug, Mr. Ehlers, Mr. English of Pennsylvania, and Mr. Boehlert):

H.R. 3282. A bill to allow a Hope Scholarship Credit for expenses paid in December 1997 for education furnished in academic periods beginning after 1997; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 3283. A bill to amend title XVIII of the Social Security Act to provide for Medicare reimbursement of routine patient care costs for individuals participating in Federally approved clinical trials and to require a report on costs of requiring coverage of these costs under group health plans and health insurance coverage; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY (for himself, Mr. Pallone, Mr. Condit, Mr. Goode, and Mr. Davis of Illinois):

H.R. 3284. A bill to amend title XVIII of the Social Security Act to exempt pharmacists licensed under State law from surety bond requirements under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEUTSCH (for himself, Mr. Diaz-Balart, Mr. Hastings of Florida, Mrs. Meek of Florida, Ms. Ros-Lehtinen, and Mr. Shaw):

H.R. 3285. A bill to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center at Biscayne National Park; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 3286. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain bargain sales; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. BONIOR, Ms. WATERS, Ms. PELOSI, and Mr. TORRES):

H.R. 3287. A bill to authorize United States participation in a quota increase and the New Arrangements to Borrow of the International Monetary Fund, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HOSTETTLER (for himself, Mr. LEWIS of Kentucky, Mr. COBURN, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. BURTON of Indiana, Mrs. CHENOWETH, Mr. JONES, Mr. LARGENT, Mr. McINTOSH, and Mr. SOUDER):

H.R. 3288. A bill to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees; to the Committee on the Judiciary.

By Mr. INGLIS of South Carolina:

H.R. 3289. A bill to suspend temporarily the duty on certain weaving machines; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. METCALF, Mr. WELLER, and Mr. HOUGHTON):

H.R. 3290. A bill to amend the Internal Revenue Code of 1986 to modify the low-income housing credit; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself, Mr. GORDON, Mr. LaTOURETTE, and Mr. BEREUTER):

H.R. 3291. A bill to repeal pending changes in the interest rates applicable to Federal Family Education Loans; to the Committee on Education and the Workforce.

By Mrs. KENNELLY of Connecticut:

H.R. 3292. A bill to amend the Internal Revenue Code of 1986 to increase the credit for dependent care services necessary for gainful employment and to provide an equivalent benefit for families where one parent stays at home to provide childcare for a child under the age of 4 and to amend the Social Security Act to provide grants to States to improve the quality and availability of child care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE (for himself, Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mrs. McCARTHY of New York, Mrs. MINK of Hawaii, Mrs. MORELLA, Ms. NORTON, Ms. SANCHEZ, Ms. WOOLSEY, and Mr. SCHUMER):

H.R. 3293. A bill to amend the Higher Education Act of 1965 to improve the access of women to higher education opportunities; to the Committee on Education and the Workforce.

By Mr. MATSUI (by request):

H.R. 3294. A bill to modify the marketing of certain silk products and containers; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. LEWIS of California, Ms. PELOSI, Ms. HARMAN, Ms. WOOLSEY, Mr. FARR of California, Mr. FILNER, Ms. MILLENDER-McDONALD, Mr. CONDIT, Ms. WATERS, Ms. SANCHEZ, Ms. ROYBAL-ALLARD, Mr. BERMAN, Mr. BROWN of California, Mr. MATSUI, Mr. TORRES, Mr. MARTINEZ, Mr. LANTOS, Mr. BECERRA, Mr. DOOLEY of California, Mr. WAXMAN, Ms. CHRISTIAN-GREEN, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. CUMMINGS, Ms. KILPATRICK, Ms. BROWN of Florida, Mr. FORD, Mr. STOKES, Mr. DIXON, Mr. WYNN, Mrs. MINK of Hawaii, Mr. KIM, Mr. PAYNE, Mrs. CLAYTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLAY, Ms. CARSON, Mr. JACKSON, Mr. STARK, Mr. BISHOP, Mr. FAZIO of California, Mr. HILLIARD, Ms. NORTON, Ms. LOFGREN, Mrs. TAUSCHER, Ms. ESHOO, Mr. SHERMAN, Mr. HUNTER, Mr. ROGAN, Mr. BILBRAY, Mr. McKEON, Mr. OWENS, Mr. CUNNINGHAM, Mr. PACKARD, Mr. CONYERS, and Mr. RANGEL):

H.R. 3295. A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building"; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Massachusetts, Mr. GREEN, Mr. PRICE of North Carolina, Ms. JACKSON-LEE, and Ms. WOOLSEY):

H.R. 3296. A bill to amend subpart 8 of part A of title IV of the Higher Education Act of 1965 to support the participation of low-income parents in postsecondary education through the provision of campus-based child care; to the Committee on Education and the Workforce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. OBERSTAR, Mr. YOUNG of Alaska, Mrs. CHENOWETH, Mr. HANSEN, Mr. RIGGS, Mr. HERGER, Mr. RADANOVICH, Mr. DOOLITTLE, Mr. BOB SCHAFFER, Mr. SKEEN, Mr. GIBBONS, Mr. STUMP, Mr. NETHERCUTT, Mr. HILL, Mr. PICKERING, Mr. TAYLOR of North Carolina, Mr. COX of California, Mr. SOLOMON, and Mrs. CUBIN):

H.R. 3297. A bill to suspend the continued development of a roadless area policy on public domain units and other units of the National Forest System pending adequate public participation and determinations that a roadless area policy will not adversely affect forest health; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself, Mr. HANSEN, Mr. EVANS, Mr. LUTHER, Mr. MARTINEZ, and Ms. MILLENDER-McDONALD):

H.R. 3298. A bill to prohibit the use of vending machines to sell tobacco products in all locations other than in locations in which the presence of minors is not permitted; to the Committee on Commerce.

By Mrs. LINDA SMITH of Washington:

H.R. 3299. A bill to establish limitation with respect to the disclosure and use of genetic information in connection with group health plans and health insurance coverage, to provide for consistant standards applicable in connection with hospital care and medical services provided under title 38 of the United States Code, to prohibit employment discrimination on the basis of genetic information and genetic testing, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. STABENOW:

H.R. 3300. A bill to amend the Internal Revenue Code of 1986 to allow small employers a credit against income tax for costs incurred in establishing a qualified employer plan; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. HALL of Texas, Mr. SHADEGG, Mr. ANDREWS, Mr. ADERHOLT, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUNT, Mr. BOEHNER, Mr. BONILLA, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BRADY, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. COX of California, Mr. CRANE, Mr. CRAPO, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DEAL of Georgia, Mr. DeLAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN of Washington, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Mr. FOX of Pennsylvania, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GANSKE, Mr. GIBBONS, Mr. GILMAN, Mr. GINGRICH, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GORDON, Mr. GRAHAM, Ms. GRANGER, Mr. GREENWOOD, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. JENKINS, Mr. JOHN, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. KIM, Mr. KINGSTON, Mr. KOLBE, Mr. KLUG, Mr. KNOLLENBERG, Mr. LaHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MANZULLO, Mr. METCALF, Mr. McCOLLUM, Mr. McCRERY, Mr. McHUGH, Mr. McINNIS, Mr. McINTOSH, Mr. McKEON, Mr. MICA, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mrs. NORTHUP, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. PAPPAS, Mr. PARKER, Mr. PAUL, Mr. PAXON, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. PORTER, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RIGGS, Mr. RILEY, Mr. ROEMER, Mr. ROGAN, Mr. ROHRABACHER, Mr. ROYCE, Mr. RYUN, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of Michigan, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNUNU, Mr. TALENT, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr.

Thune, Mr. Tiahrt, Mr. Upton, Mr. Wamp, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Whitfield, Mr. Wicker, and Mr. Young of Alaska):

H.J. Res. 111. A joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. Stenholm, Mr. Kleczka, Mr. Minge, Mr. Cramer, Mr. Boyd, Mr. Tanner, Mr. Pomeroy, Mr. John, Mr. Dooley of California, Mr. Meehan, Ms. Rivers, Ms. Danner, Mr. Condit, Mr. Berry, Mr. Peterson of Minnesota, Mr. Sandlin, Mr. Sawyer, Mr. Porter, Mr. Gibbons, Mr. Sanford, Mr. Castle, Mr. Shays, Mr. Campbell, and Mr. Greenwood):

H.J. Res. 112. A joint resolution establishing the Joint Committee on Social Security Reform; to the Committee on Rules.

By Mr. KUCINICH:

H. Con. Res. 225. Concurrent resolution expressing the sense of Congress that the United States should be a signatory to the Guidelines for Drug Donations developed by the World Health Organization; to the Committee on International Relations.

By Mr. BARTLETT of Maryland (for himself, Mr. Rohrabacher, Ms. Woolsey, Mr. Abercrombie, Mr. Shays, Mr. Davis of Virginia, Mr. Regula, Mr. Metcalf, Mr. Weldon of Pennsylvania, Mrs. Chenoweth, Mr. Smith of New Jersey, Mr. Riggs, Mr. Burton of Indiana, Mr. Herger, Mr. Doolittle, Mr. Lucas of Oklahoma, Mr. Gilchrest, Mr. Hostettler, Mr. Goodling, Mr. Ehrlich, Mr. Paul, Mr. Duncan, Mr. Barton of Texas, Mr. Sensenbrenner, Mr. Conyers, Mr. Solomon, Mr. McCollum, Mr. Neumann, Mr. Sam Johnson, Mr. Pombo, Ms. Dunn of Washington, Ms. Kaptur, Mr. Waxman, Mr. Hall of Texas, Ms. McKinney, Ms. Furse, Ms. Waters, Mr. Skeen, Mr. Brown of California, Mr. Petri, Mr. Spence, Mr. Kildee, Ms. DeLauro, Mrs. Mink of Hawaii, Mr. Taylor of Mississippi, Mr. Scott, Mr. Jackson, Mr. Romero-Barcelo, Mr. Blunt, Mr. Campbell, Mr. Dickey, Mr. Barr of Georgia, Mr. Young of Florida, Mr. DeLay, Mr. Hoekstra, Mr. Miller of Florida, Mr. Young of Alaska, Mr. Ballenger, Mr. Pitts, Mr. Norwood, Mr. Watts of Oklahoma, Mr. Dreier, Mr. Packard, Mr. Bilbray, Mr. Wamp, Mr. Traficant, Mr. Paxon, Mr. Fossella, Mr. Mica, Mr. Lewis of Kentucky, Mr. Rogan, Mr. Talent, Ms. Slaughter, Mr. Hinchey, and Mr. Shuster):

H. Con. Res. 226. Concurrent resolution expressing the sense of the Congress that the United States should not take military action against the Republic of Iraq unless that action is specifically authorized by law; to the Committee on International Relations.

By Mr. CAMPBELL:

H. Con. Res. 227. Concurrent resolution directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from the Republic of Bosnia and Herzegovina; to the Committee on International Relations.

By Mr. DAVIS of Florida:

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress regarding the primary objectives of the process for preparing the Federal budget for fiscal year 1999; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEJDENSON (for himself, Mr. Abercrombie, Mr. Allen, Mr. Bateman, Ms. DeLauro, Mr. Frank of Massachusetts, Mr. Holden, Mrs. Johnson of Connecticut, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. Kennedy of Massachusetts, Mrs. Kennelly of Connecticut, Mr. King of New York, Mr. Kleczka, Mr. LoBiondo, Mr. Maloney of Connecticut, Mr. Shays, Mr. Sherman, Mr. Skelton, Mrs. Linda Smith of Washington, Mr. Solomon, Mr. Spence, Mr. Stump, Mr. Tierney, and Mr. Wolf):

H. Con. Res. 229. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring the United States Submarine Force on its 100th anniversary; to the Committee on Government Reform and Oversight.

By Mr. HEFLEY:

H. Con. Res. 230. Concurrent resolution honoring the Berlin Airlift; to the Committee on International Relations.

By Mr. BONIOR:

H. Res. 370. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. ARMEY:

H. Res. 371. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. McCOLLUM (for himself, Mr. Hastert, Mr. Portman, Mr. Coble, Mr. Buyer, Mr. Chabot, Mr. Barr of Georgia, Mr. Hutchinson, and Mr. Gekas):

H. Res. 372. A resolution expressing the sense of the House of Representatives that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Mr. Chabot, Mr. Payne, and Mr. Menendez):

H. Res. 373. A resolution commending democracy in Botswana; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Goode, Mr. Collins, Mr. Bartlett of Maryland, Mr. Regula, Mr. Metcalf, and Mr. Sessions.

H.R. 27: Mr. Redmond.

H.R. 145: Mr. Underwood and Mr. McHugh.

H.R. 164: Mr. Brown of California.

H.R. 209: Mr. Rothman and Mr. Lazio of New York.

H.R. 218: Mr. Pappas, Mr. Riggs, and Mr. Adam Smith of Washington.

H.R. 245: Mr. Solomon.

H.R. 371: Mr. Burton of Indiana and Mr. Davis of Virginia.

H.R. 453: Mr. Blagojevich, Mrs. Johnson of Connecticut, Ms. Kilpatrick, Mr. Hobson, Mr. Nadler, and Mr. Traficant.

H.R. 610: Ms. Rivers.

H.R. 619: Mr. Markey, Ms. Kilpatrick, and Mr. Hobson.

H.R. 754: Mr. Watt of North Carolina and Mrs. Roukema.

H.R. 864: Ms. DeLauro, Mr. Costello, Mr. Romero-Barcelo, Mr. Wolf, Mr. Wynn, Mrs. Kennelly of Connecticut, Mr. Underwood, Mr. Waxman, Mr. Olver, and Mr. Meehan.

H.R. 979: Mr. Bonior, Mr. Lewis of Kentucky, Mr. Strickland, Mr. Murtha, Mrs. Mink of Hawaii, Mr. Bass, and Mr. Berry.

H.R. 1013: Mr. Hinchey.

H.R. 1032: Mr. Abercrombie.

H.R. 1040: Mr. Callahan and Mr. Goodling.

H.R. 1111: Mr. Lewis of California, Mr. Stokes, and Mr. Watt of North Carolina.

H.R. 1126: Mr. Owens and Ms. Kaptur.

H.R. 1151: Mr. McNulty, Mr. Etheridge, Mr. Meehan, Mr. Lewis of Kentucky, Mr. Wolf, Mr. Greenwood, Mr. Kind of Wisconsin, Mr. Peterson of Minnesota, Ms. Pelosi, and Mr. Reyes.

H.R. 1189: Mr. Watt of North Carolina.

H.R. 1241: Ms. Woolsey.

H.R. 1354: Mr. Ney and Mr. Strickland.

H.R. 1362: Mr. Lazio of New York.

H.R. 1376: Mr. Luther.

H.R. 1401: Mr. Peterson of Minnesota and Mr. Kucinich.

H.R. 1571: Mr. Davis of Illinois, Mr. Watt of North Carolina, Mr. Holden, and Mr. Frost.

H.R. 1607: Mr. Paul.

H.R. 1689: Mr. Graham, Mr. Weller, Mr. Maloney of Connecticut, and Ms. Sanchez.

H.R. 1704: Mr. Watts of Oklahoma, Mr. Sessions, Mr. Metcalf, Mr. Gilman, Mrs. Myrick, Mr. Pappas, Mr. McCollum, and Mr. Largent.

H.R. 1807: Mr. Rush, Mr. Filner, Ms. Pelosi, and Mr. Hinchey.

H.R. 1864: Mr. Gejdenson.

H.R. 1872: Mrs. Cubin, Mr. Bilirakis, and Mr. Whitfield.

H.R. 1873: Mr. Torres and Ms. DeLauro.

H.R. 1874: Ms. DeLauro.

H.R. 1995: Mr. Manton, Mr. Holden, Mr. Meehan, Mrs. Maloney of New York, and Mr. Blumenauer.

H.R. 2052: Mr. Frost.

H.R. 2154: Mrs. Mink of Hawaii, Ms. Rivers, Mr. Berman, Mr. Brown of California, Mr. Pallone, Mr. Rangel, Mr. Gutierrez, Mr. Manton, Mr. Waxman, Mr. Wexler, Mr. Ackerman, Mr. Tierney, and Mr. Engel.

H.R. 2224: Mrs. McCarthy of New York and Mr. Peterson of Minnesota.

H.R. 2228: Mr. DeFazio.

H.R. 2465: Mr. DeLay.

H.R. 2489: Mr. Porter, Mr. Bunning of Kentucky, and Mr. Clyburn.

H.R. 2527: Mr. Adam Smith of Washington.

H.R. 2537: Mr. Ehrlich.

H.R. 2586: Mr. Edwards.

H.R. 2699: Mr. Neal of Massachusetts, Mr. Wolf, Mr. Bonior, and Mr. Yates.

H.R. 2701: Ms. Kaptur, Mr. Boyd, Mr. Pastor, Mr. Fattah, and Mr. Quinn.

H.R. 2718: Mr. Solomon.

H.R. 2807: Mr. Manton, Mr. Skaggs, Mrs. Johnson of Connecticut, Ms. Rivers, Ms. Furse, Mr. Green, Mr. Portman, Mr. Gutierrez, Mr. Filner, and Mr. Cook.

H.R. 2818: Mr. Filner.

H.R. 2837: Mr. Bartlett of Maryland.

H.R. 2870: Mr. McHugh.

H.R. 2908: Mr. Bachus, Mr. Frank of Massachusetts, Mr. Neal of Massachusetts, and Mr. McGovern.

H.R. 2921: Mr. Collins, Mr. Lantos, Mr. Etheridge, Mrs. Fowler, Mr. Turner, Mr.

SANDLIN, Mr. QUINN, Mr. NEY, Mr. HASTINGS of Washington, Mr. BATEMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RIVERS, Mr. ADERHOLT, and Mr. KILDEE.

H.R. 2963: Mr. MANTON, Mr. UNDERWOOD, Mr. CLEMENT, Ms. LOFGREN, Mr. OWENS, Mr. GREEN, Mr. LAFALCE, Mr. FROST, Mr. SCHUMER, Mr. DAVIS of Florida, Mrs. THURMAN, Mr. BONIOR, Mr. WEXLER, Mr. FORD, Ms. NORTON, Mr. FAZIO of California, Mr. FILNER, Mr. KENNEDY of Rhode Island, Ms. HARMAN, Mr. GUTIERREZ, Mr. EVANS, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. BARRETT of Wisconsin, Mr. OLVER, Ms. DEGETTE, Mr. WALSH, and Mr. KUCINICH.

H.R. 2968: Mr. CUNNINGHAM.

H.R. 2973: Mr. METCALF and Mr. MILLER of California.

H.R. 2991: Mr. FROST, Mr. KENNEDY of Rhode Island, Mr. PETERSON of Minnesota, Mrs. TAUSCHER, Mr. EVANS, Mr. ROMERO-BARCELO, and Mr. BOUCHER.

H.R. 3007: Mr. GUTKNECHT, Mrs. THURMAN, Mr. DAVIS of Virginia, and Mr. OBERSTAR.

H.R. 3033: Mr. EVANS, Mr. TORRES, and Mr. WAXMAN.

H.R. 3052: Mr. WYNN, Mr. CLEMENT, Mrs. MALONEY of New York, Mr. FROST, Ms. FURSE, Ms. RIVERS, Mr. KENNEDY of Massachusetts, Mr. LAMPSON, Ms. MILLENDER-MCDONALD, and Mr. MANTON.

H.R. 3086: Mr. HINOJOSA, Mrs. MORELLA, Mr. BACHUS, Mr. GEJDENSON, Ms. BROWN of Florida, Mr. BLUMENAUER, Mr. GREEN, Mr. POSHARD, Mr. MEEHAN, Mr. ALLEN, Mr. ADAM SMITH of Washington, Mr. MCNULTY, Mr. STARK, and Mr. KUCINICH.

H.R. 3093: Mr. ENGLISH of Pennsylvania and Mr. FOX of Pennsylvania.

H.R. 3101: Mrs. KENNELLY of Connecticut.

H.R. 3102: Mrs. KENNELLY of Connecticut, Mr. KLECZKA, Mr. DOOLITTLE, Mr. TIERNEY, and Mr. EVANS.

H.R. 3121: Mr. FOX of Pennsylvania and Mr. BROWN of Ohio.

H.R. 3134: Mr. BALDACCI, Ms. DANNER, Mr. GREEN, Mr. FRANK of Massachusetts, Mr. BOSWELL, Mr. NEAL of Massachusetts, and Mr. COYNE.

H.R. 3137: Mr. BRYANT, Mr. HAMILTON, Mr. HUTCHINSON, Mr. GORDON, Mrs. MEEK of Florida, Mr. WATT of North Carolina, Ms. KAPTUR, Mr. MCDADE, and Mr. SANDERS.

H.R. 3139: Ms. FURSE and Ms. DANNER.

H.R. 3149: Mr. COOKSEY, Mr. FOX of Pennsylvania, Mr. NETHERCUTT, and Mr. RIGGS.

H.R. 3151: Mr. COOKSEY, Mr. FOX of Pennsylvania, Mr. NETHERCUTT, and Mr. RIGGS.

H.R. 3156: Mr. MCKEON, Mr. FOX of Pennsylvania, Mr. JACKSON, Mr. RUSH, Mr. FOLEY, Mr. BILBRAY, and Mr. METCALF.

H.R. 3206: Mr. LAZIO of New York, Mr. HORN, Mr. METCALF, Mr. DREIER, Mr. PACKARD, Mr. CUNNINGHAM, Mr. HUNTER, Mr. BAKER, Mr. WHITE, Mrs. LINDA SMITH of Washington, Mr. CALVERT, Mr. SNOWBARGER, Mr. RADANOVICH, and Mr. WICKER.

H.R. 3211: Mr. BACHUS, Mr. PASCRELL, Mr. OLVER, Mr. CAMPBELL, Mr. TIERNEY, and Mr. LOBIONDO.

H.R. 3213: Mr. CLYBURN.

H.R. 3216: Ms. JACKSON-LEE, Mr. YATES, Ms. KILPATRICK, Mr. FORD, Mr. REGULA, Mr. LEWIS of California, Ms. RIVERS, and Mr. GREEN.

H.R. 3217: Mr. ENSIGN, Mr. SANDLIN, and Mr. MCDADE.

H.R. 3218: Mr. SKEEN.

H.R. 3224: Mr. CONYERS.

H.R. 3236: Mr. LAZIO of New York, Mr. DELAY, Mr. REYES, Mr. OLVER, Mr. BLILEY, Ms. WOOLSEY, Mr. LINDER, and Mr. WELLER.

H.R. 3239: Mr. STARK.

H.R. 3242: Mrs. MYRICK.

H.R. 3243: Mr. MICA.

H.R. 3248: Mr. GINGRICH and Mr. SHADEGG.

H.R. 3262: Ms. ROYBAL-ALLARD and Ms. WOOLSEY.

H.R. 3265: Mr. HILLEARY, Mrs. CHENOWETH, Mr. BARTLETT of Maryland, Mr. RILEY, and Mr. BAKER.

H.J. Res. 17: Ms. RIVERS.

H.J. Res. 99: Mr. LOBIONDO, Mrs. THURMAN, and Mr. BILIRAKIS.

H. Con. Res. 55: Mr. KLECZKA.

H. Con. Res. 148: Mr. FOLEY, Mr. ROTHMAN, Mr. PASCRELL, and Ms. KAPTUR.

H. Con. Res. 154: Mr. MCGOVERN and Ms. FURSE.

H. Con. Res. 195: Ms. DEGETTE and Mr. SANDLIN.

H. Con. Res. 200: Mr. TIERNEY, Mr. STUPAK, Ms. SLAUGHTER, and Ms. WOOLSEY.

H. Con. Res. 210: Mr. MALONEY of Connecticut.

H. Con. Res. 216: Mr. DAN SCHAEFER of Colorado and Mrs. MYRICK.

H. Con. Res. 217: Mr. BARTON of Texas, Mr. COX of California, and Mr. UPTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 235: Mr. BARRETT of Nebraska.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 856

OFFERED BY: MR. YOUNG OF ALASKA

Amendment in the Nature of a Substitute

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Puerto Rico Political Status Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, table of contents.
Sec. 2. Findings.
Sec. 3. Policy.
Sec. 4. Process for Puerto Rican full self-government, including the initial decision stage, transition stage, and implementation stage.
Sec. 5. Requirements relating to referenda, including inconclusive referendum and applicable laws.
Sec. 6. Congressional procedures for consideration of legislation.
Sec. 7. Availability of funds for the referenda.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Puerto Rico was ceded to the United States and came under this Nation's sovereignty pursuant to the Treaty of Paris ending the Spanish-American War in 1898. Article IX of the Treaty of Paris recognized the authority of Congress to provide for the political status of the inhabitants of the territory.

(2) Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris, Congress has exercised its powers under the Territorial Clause of the Constitution (article IV, section 3, clause 2) to provide by several statutes beginning in 1917, for the United States citizenship status of persons born in Puerto Rico.

(3) Consistent with the Territorial Clause and rulings of the United States Supreme Court, partial application of the United States Constitution has been established in the unincorporated territories of the United States including Puerto Rico.

(4) In 1950, Congress prescribed a procedure for instituting internal self-government for Puerto Rico pursuant to statutory authorization for a local constitution. A local constitution was approved by the people of Puerto Rico, approved by Congress, subject to conforming amendment by Puerto Rico, and thereupon given effect in 1952 after acceptance of congressional conditions by the Puerto Rico Constitutional Convention and an appropriate proclamation by the Governor. The approved constitution established the structure for constitutional government in respect of internal affairs without altering Puerto Rico's fundamental political, social, and economic relationship with the United States and without restricting the authority of Congress under the Territorial Clause to determine the application of Federal law to Puerto Rico, resulting in the present "Commonwealth" structure for local self-government. The Commonwealth remains an unincorporated territory and does not have the status of "free association" with the United States as that status is defined under United States law or international practice.

(5) In 1953, the United States transmitted to the Secretary-General of the United Nations for circulation to its Members a formal notification that the United States no longer would transmit information regarding Puerto Rico to the United Nations pursuant to Article 73(e) of its Charter. The formal United States notification document informed the United Nations that the cessation of information on Puerto Rico was based on the "new constitutional arrangements" in the territory, and the United States expressly defined the scope of the "full measure" of local self-government in Puerto Rico as extending to matters of "internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution, the Puerto Rico Federal Relations Act and the acts of Congress authorizing and approving the Constitution, as may be interpreted by judicial decision.". Thereafter, the General Assembly of the United Nations, based upon consent of the inhabitants of the territory and the United States explanation of the new status as approved by Congress, adopted Resolution 748 (VIII) by a vote of 22 to 18 with 19 abstentions, thereby accepting the United States determination to cease reporting to the United Nations on the status of Puerto Rico.

(6) In 1960, the United Nations General Assembly approved Resolution 1541 (XV), clarifying that under United Nations standards regarding the political status options available to the people of territories yet to complete the process for achieving full self-government, the three established forms of full self-government are national independence, free association based on separate sovereignty, or full integration with another nation on the basis of equality.

(7) The ruling of the United States Supreme Court in the 1980 case Harris v. Rosario (446 U.S. 651) confirmed that Congress continues to exercise authority over Puerto Rico pursuant to the Territorial Clause found at Article IV, section 3, clause

2 of the United States Constitution; and in the 1982 case of Rodriguez v. Popular Democratic Party (457 U.S. 1), the Court confirmed that the Congress delegated powers of administration to the Commonwealth of Puerto Rico sufficient for it to function "like a State" and as "an autonomous political entity" in respect of internal affairs and administration, "sovereign over matters not ruled by the Constitution" of the United States. These rulings constitute judicial interpretation of Puerto Rico's status which is in accordance with the clear intent of Congress that establishment of local constitutional government in 1952 did not alter Puerto Rico's fundamental status.

(8) In a joint letter dated January 17, 1989, cosigned by the Governor of Puerto Rico in his capacity as president of one of Puerto Rico's principal political parties and the presidents of the two other principal political parties of Puerto Rico, the United States was formally advised that ". . . the People of Puerto Rico wish to be consulted as to their preference with regards to their ultimate political status", and the joint letter stated ". . . that since Puerto Rico came under the sovereignty of the United States of America through the Treaty of Paris in 1898, the People of Puerto Rico have not been formally consulted by the United States of America as to their choice of their ultimate political status".

(9) In the 1989 State of the Union Message, President George Bush urged the Congress to take the necessary steps to authorize a federally recognized process allowing the people of Puerto Rico, for the first time since the Treaty of Paris entered into force, to freely express their wishes regarding their future political status in a congressionally recognized referendum, a step in the process of self-determination which the Congress has yet to authorize.

(10) On November 14, 1993, the Government of Puerto Rico conducted a plebiscite initiated under local law on Puerto Rico's political status. In that vote none of the three status propositions received a majority of the votes cast. The results of that vote were: 48.6 percent for a commonwealth option, 46.3 percent statehood, and 4.4 percent independence.

(11) In a letter dated December 2, 1994, President William Jefferson Clinton informed leaders in Congress that an Executive Branch Interagency Working Group on Puerto Rico had been organized to coordinate the review, development, and implementation of executive branch policy concerning issues affecting Puerto Rico, including the November 1993 plebiscite.

(12) Under the Territorial Clause of the Constitution, Congress has the authority and responsibility to determine Federal policy and clarify status issues in order to resolve the issue of Puerto Rico's final status.

(13) On January 23, 1997, the Puerto Rico Legislature enacted Concurrent Resolution 2, which requested the 105th Congress ". . . to respond to the democratic aspirations of the American citizens of Puerto Rico" by approving legislation authorizing ". . . a plebiscite sponsored by the Federal Government, to be held no later than 1998".

(14) Nearly 4,000,000 United States citizens live in the islands of Puerto Rico, which have been under United States sovereignty and within the United States customs territory for almost 100 years, making Puerto Rico the oldest, largest, and most populous United States island territory at the southeastern-most boundary of our Nation, located astride the strategic shipping lanes of the Atlantic Ocean and Caribbean Sea.

(15) Full self-government is attainable only through establishment of a political status which is based on either separate sovereignty and nationality or full and equal United States nationality and citizenship through membership in the Union.

SEC. 3. POLICY.

(a) Congressional Commitment.—In recognition of the significant level of local self-government which has been attained by Puerto Rico, and the responsibility of the Federal Government to enable the people of the territory to freely express their wishes regarding political status and achieve full self-government, this Act is adopted with a commitment to encourage the development and implementation of procedures through which the permanent political status of the people of Puerto Rico can be determined.

(b) Language.—English is the common language of mutual understanding in the United States, and in all of the States duly and freely admitted to the Union. The Congress recognizes that at the present time, Spanish and English are the joint official languages of Puerto Rico, and have been for nearly 100 years; that English is the official language of Federal courts in Puerto Rico; that the ability to speak English is a requirement for Federal jury services; yet Spanish rather than English is currently the predominant language used by the majority of the people of Puerto Rico; and that Congress has the authority to expand existing English language requirements in the Commonwealth of Puerto Rico. In the event that the referenda held under this Act result in approval of sovereignty leading to Statehood, it is anticipated that upon accession to Statehood, English language requirements of the Federal Government shall apply in Puerto Rico to the same extent as Federal law requires throughout the United States. Congress also recognizes the significant advantage that proficiency in Spanish as well as English has bestowed on the people of Puerto Rico, and further that this will serve the best interests of both Puerto Rico and the rest of the United States in our mutual dealings in the Caribbean, Latin America, and throughout the Spanish-speaking world.

SEC. 4. PROCESS FOR PUERTO RICAN FULL SELF-GOVERNMENT, INCLUDING THE INITIAL DECISION STAGE, TRANSITION STAGE, AND IMPLEMENTATION STAGE.

(a) Initial Decision Stage.—A referendum on Puerto Rico's political status is authorized to be held not later than December 31, 1998. The referendum shall be held pursuant to this Act and in accordance with the applicable provisions of Puerto Rico's electoral law and other relevant statutes consistent with this Act. Approval of a status option must be by a majority of the valid votes cast. The referendum shall be on the approval of 1 of the 3 options presented on the ballot as follows:

"Instructions: Mark the status option you choose as each is defined below. Ballot with more than 1 option marked will not be counted.

"A. Commonwealth.—If you agree, mark here

"Puerto Rico should retain Commonwealth, in which—

"(1) Puerto Rico is joined in a relationship with and under the national sovereignty of the United States. It is the policy of the Congress that this relationship should only be dissolved by mutual consent.

"(2) Under this political relationship, Puerto Rico like a State is an autonomous political entity, sovereign over matters not ruled by the Constitution of the United States. In the exercise of this sovereignty, the laws of the Commonwealth shall govern in Puerto Rico to the extent that they are consistent with the Constitution, treaties, and laws of the United States. Congress retains its constitutional authority to enact laws it deems necessary relating to Puerto Rico.

"(3) Persons born in Puerto Rico have United States citizenship by statute as secured by the Constitution. It is the policy of the United States that citizenship will continue to be granted to persons born in Puerto Rico. The rights, privileges, and immunities provided for by the United States Constitution apply in Puerto Rico, except where limited by the Constitution to citizens residing in a State.

"(4) Puerto Rico will continue to participate in Federal programs and may be enabled to participate equally with the States in the programs where it is not now participating equally contingent on the payment of contributions, which may include payment of taxes, as provided by Federal law.

"B. Separate Sovereignty.—If you agree, mark here

"The people of Puerto Rico should become fully self-governing through separate sovereignty in the form of independence or free association, in which—

"(1) Puerto Rico is a sovereign Republic which has full authority and responsibility over its territory and population under a constitution which is the supreme law, providing for a republican form of government and the protection of human rights;

"(2) the Republic of Puerto Rico is a member of the community of nations vested with full powers and responsibilities for its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations, including the rights and responsibilities that devolve upon a sovereign nation under the general principles of international law;

"(3) the residents of Puerto Rico owe allegiance to and have the nationality and citizenship of the Republic of Puerto Rico;

"(4) The Constitution and laws of the United States no longer apply in Puerto Rico, and United States sovereignty in Puerto Rico is ended; thereupon birth in Puerto Rico or relationship to persons with statutory United States citizenship by birth in the former territory shall cease to be a basis for United States nationality or citizenship, except that persons who had such United States citizenship have a statutory right to retain United States nationality and citizenship for life, by entitlement or election as provided by the United States Congress, based on continued allegiance to the United States: *Provided*, That such persons will not have this statutory United States nationality and citizenship status upon having or maintaining allegiance, nationality, and citizenship rights in any sovereign nation, including the Republic of Puerto Rico, other than the United States;

"(5) The previously vested rights of individuals in Puerto Rico to benefits based upon past services rendered or contributions made to the United States shall be honored by the United States as provided by Federal law;

"(6) Puerto Rico and the United States seek to develop friendly and cooperative relations in matters of mutual interest as agreed in treaties approved pursuant to their respective constitutional processes, and laws including economic and programmatic assistance at levels and for a reasonable period as provided on a government-to-government basis, trade between customs territories, transit of citizens in accordance with immigration laws, and status of United States military forces; and

"(7) a free association relationship may be established based on separate sovereign republic status as defined above, but with such delegations of government functions and other cooperative arrangements as may be agreed to by both parties under a bilateral pact terminable at will by either the United States or Puerto Rico.

"C. Statehood.—If you agree, mark here

"Puerto Rico should become fully self governing through Statehood, in which—

"(1) the people of Puerto Rico are fully self-governing with their rights secured under the United States Constitution, which shall be fully applicable in Puerto Rico and which, with the laws and treaties of the United States, is the supreme law and has the same force and effect as in the other States of the Union;

"(2) the State of Puerto Rico becomes a part of the permanent union of the United States of America, subject to the United States Constitution, with powers not prohibited by the Constitution to the States, reserved to the State of Puerto Rico in its sovereignty or to the people;

"(3) United States citizenship of those born in Puerto Rico is recognized, protected and secured in the same way it is for all United States citizens born in the other States;

"(4) rights, freedoms, and benefits as well as duties and responsibilities of citizenship, including payment of Federal taxes, apply in the same manner as in the several States;

"(5) Puerto Rico is represented by two members in the United States Senate and is represented in the House of Representatives proportionate to the population;

"(6) United States citizens in Puerto Rico are enfranchised to vote in elections for the President and Vice President of the United States; and

"(7) English is the official language of business and communication in Federal courts and Federal agencies as made applicable by Federal law to every other State, and Puerto Rico is enabled to expand and build upon existing law establishing English as an official language of the State government, courts, and agencies.".

(b) Transition Stage.—

(1) Plan.—(A) Within 180 days of the receipt of the results of the referendum from the Government of Puerto Rico certifying approval of a ballot choice of full self-government in a referendum held pursuant to subsection (a), the President shall develop and submit to Congress legislation for a transition plan of not more than 10 years which leads to full self-government for Puerto Rico consistent with the terms of this Act and the results of the referendum and in consultation with officials of the three branches of the Government of Puerto Rico, the principal political parties of Puerto Rico, and other interested persons as may be appropriate.

(B) Additionally, in the event of a vote in favor of separate sovereignty, the Legislature of Puerto Rico, if deemed appropriate, may provide by law for the calling of a constituent convention to formulate, in accordance with procedures prescribed by law, Puerto Rico's proposals and recommendations to implement the referendum results. If a convention is called for this purpose, any proposals and recommendations formally adopted by such convention within time limits of this Act shall be transmitted to Congress by the President with the transition plan required by this section, along with the views of the President regarding the compatibility of such proposals and recommendations with the United States Constitution and this Act, and identifying which, if any, of such proposals and recommendations have been addressed in the President's proposed transition plan.

(C) Additionally, in the event of a vote in favor of United States sovereignty leading to Statehood, the President shall include in the transition plan provided for in this Act—

(i) proposals and incentives to increase the opportunities of the people of Puerto Rico to learn to speak, read, write, and understand English fully, including but not limited to, the teaching of English in public schools, fellowships, and scholarships. The transition plan should promote the usage of English by the United States citizens of Puerto Rico, in order to best allow for—

(I) the enhancement of the century old practice of English as an official language of Puerto Rico, consistent with the preservation of our Nation's unity in diversity and the prevention of divisions along linguistic lines;

(II) the use of language skills necessary to contribute most effectively to the Nation in all aspects, including but not limited to Hemispheric trade;

(III) the promotion of efficiency to all people in the conduct of the Federal and State government's official business; and

(IV) the ability of all citizens to take full advantage of the economical, educational, and occupational opportunities through full integration with the United States; and

(ii) the effective date of incorporation, thereby permitting the greatest degree of flexibility for the phase-in of Federal programs and the development of the economy through fiscal incentives, alternative tax arrangements, and other measures.

(D) In the event of a vote in favor of Commonwealth, the Government of Puerto Rico may call a Special Convention to develop proposals for submission to the President and the Congress for changes in Federal policy on matters of economic and social concern to the people of Puerto Rico. The President and the Congress, as appropriate, shall expeditiously consider any such proposals. The Commonwealth would assume any expenses related to increased responsibilities resulting from such proposals.

(2) Congressional consideration.—The plan shall be considered by the Congress in accordance with section 6.

(3) Puerto Rican approval.—

(A) Not later than 180 days after enactment of an Act pursuant to paragraph (1) providing for the transition to full self-government for Puerto Rico as approved in the initial decision referendum held under subsection (a), a referendum shall be held under the applicable provisions of Puerto Rico's electoral law on the question of approval of the transition plan.

(B) Approval must be by a majority of the valid votes cast. The results of the referendum shall be certified to the President of the United States.

(c) Implementation Stage.—

(1) Presidential recommendation.—Not less than two years prior to the end of the period of the transition provided for in the transition plan approved under subsection (b), the President shall submit to Congress a joint resolution with a recommendation for the date of termination of the transition and the date of implementation of full self-government for Puerto Rico within the transition period consistent with the ballot choice approved under subsection (a).

(2) Congressional consideration.—The joint resolution shall be considered by the Congress in accordance with section 6.

(3) Puerto Rican approval.—

(A) Within 180 days after enactment of the terms of implementation for full self-government for Puerto Rico, a referendum shall be held under the applicable provisions of Puerto Rico's electoral laws on the question of the approval of the terms of implementation for full self-government for Puerto Rico.

(B) Approval must be by a majority of the valid votes cast. The results of the referendum shall be certified to the President of the United States.

SEC. 5. REQUIREMENTS RELATING TO REFERENDA, INCLUDING INCONCLUSIVE REFERENDUM AND APPLICABLE LAWS.

(a) Applicable Laws.—

(1) Referenda under Puerto Rican laws.—The referenda held under this Act shall be conducted in accordance with the applicable laws of Puerto Rico, including laws of Puerto Rico under which voter eligibility is determined and which require United States citizenship and establish other statutory requirements for voter eligibility of residents and nonresidents.

(2) Federal laws.—The Federal laws applicable to the election of the Resident Commissioner of Puerto Rico shall, as appropriate and consistent with this Act, also apply to the referenda. Any reference in such Federal laws to elections shall be considered, as appropriate, to be a reference to the referenda, unless it would frustrate the purposes of this Act.

(b) Certification of Referenda Results.—The results of each referendum held under this Act shall be certified to the President of the United States and the Senate and House of Representatives of the United States by the Government of Puerto Rico.

(c) Consultation and Recommendations for Inconclusive Referendum.—

(1) In general.—If a referendum provided in section 4(b) or (c) of this Act does not result in approval of a fully self-governing status, the President, in consultation with officials of the three branches of the Government of Puerto Rico, the principal political parties of Puerto Rico, and other interested persons as may be appropriate, shall make recommendations to the Congress within 180 days of receipt of the results of the referendum regarding completion of the self-determination process for Puerto Rico under the authority of Congress.

(2) Additional referenda.—To ensure that the Congress is able on a continuing basis to exercise its Territorial Clause powers with due regard for the wishes of the people of Puerto Rico respecting resolution of Puerto Rico's permanent future political status, in the event that a referendum conducted under section 4(a) does not result in a majority vote for separate sovereignty or statehood, there is authorized to be further referenda in accordance with this Act, but not less than once every 10 years.

SEC. 6. CONGRESSIONAL PROCEDURES FOR CONSIDERATION OF LEGISLATION.

(a) In General.—The majority leader of the House of Representatives (or his designee) and the majority leader of the Senate (or his designee) shall each introduce legislation (by request) providing for the transition plan under section 4(b) and the implementation recommendation under section 4(c) not later than 5 legislative days after the date of receipt by Congress of the submission by the President under that section, as the case may be.

(b) REFERRAL.—The legislation shall be referred on the date of introduction to the appropriate committee or committees in accordance with rules of the respective Houses. The legislation shall be reported not later than the 120th calendar day after the date of its introduction. If any such committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the legislation, and the legislation shall be placed on the appropriate calendar.

(c) CONSIDERATION.—

(1) After the 14th legislative day after the date on which the last committee of the House of Representatives or the Senate, as the case may be, has reported or been discharged from further consideration of such legislation, it is in order after the legislation has been on the calendar for 14 legislative days for any Member of that House in favor of the legislation to move to proceed to the consideration of the legislation (after consultation with the presiding officer of that House as to scheduling) to move to proceed to its consideration at any time after the third legislative day on which the Member announces to the respective House concerned the Member's intention to do so. All points of order against the motion to proceed and against consideration of that motion are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the legislation is agreed to, the respective House shall immediately proceed to consideration of the legislation without intervening motion (exception one motion to adjourn), order, or other business.

(2)(A) In the House of Representatives, during consideration of the legislation in the Committee of the Whole, the first reading of the legislation shall be dispensed with. General debate shall be confined to the legislation, and shall not exceed 4 hours equally divided and controlled by a proponent and an opponent of the legislation. After general debate, the legislation shall be considered as read for amendment under the five-minute rule. Consideration of the legislation for amendment shall not exceed 4 hours excluding time for recorded votes and quorum calls. At the conclusion of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the legislation and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions. A motion to reconsider the vote on passage of the legislation shall not be in order.

(B) In the Senate, debate on the legislation, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 25 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees. No amendment that is not germane to the provisions of such legislation shall be received. A motion to further limit debate is not debatable.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to the legislation described in subsection (a) shall be decided without debate.

(d) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of the legislation described in subsection (a) that was introduced in that House, that House receives from the other House the legislation described in subsection (a)—

(A) the legislation of the other House shall not be referred to a committee and may not be considered in the House that receives it otherwise than on final passage under subparagraph (B)(ii) or (iii); and

(B)(i) the procedure in the House that receives such legislation with respect to such legislation that was introduced in that House shall be the same as if no legislation had been received from the other House; but

(ii) in the case of legislation received from the other House that is identical to the legislation as engrossed by the receiving House, the vote on final passage shall be on the legislation of the other House; or

(iii) after passage of the legislation, the legislation of the other House shall be considered as amended with the text of the legislation just passed and shall be considered as passed, and that House shall be considered to have insisted on its amendment and requested a conference with the other House.

(2) Upon disposition of the legislation described in subsection (a) that is received by one House from the other House, it shall no longer be in order to consider such legislation that was introduced in the receiving House.

(e) Upon receiving from the other House a message in which that House insists upon its amendment to the legislation and requests a conference with the House of Representatives or the Senate, as the case may be, on the disagreeing votes thereon, the House receiving the request shall be considered to have disagreed to the amendment of the other House and agreed to the conference requested by that House.

(f) DEFINITION.—For the purposes of this section, the term "legislative day" means a day on which the House of Representatives or the Senate, as appropriate, is in session.

(g) EXERCISE OF RULEMAKING POWER.—The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives and, as such, shall be considered as part of the rules of each House and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. AVAILABILITY OF FUNDS FOR THE REFERENDA.

(a) IN GENERAL.—

(1) AVAILABILITY OF AMOUNTS DERIVED FROM TAX ON FOREIGN RUM.—During the period beginning October 1, 1997, and ending on the date the President determines that all referenda required by this Act have been held, from the amounts covered into the treasury of Puerto Rico under section 7652(e)(1) of the Internal Revenue Code of 1986, the Secretary of the Treasury—

(A) upon request and in the amounts identified from time to time by the President, shall make the amounts so identified available to the treasury of Puerto Rico for the purposes specified in subsection (b); and

(B) shall transfer all remaining amounts to the treasury of Puerto Rico, as under current law.

(2) REPORT OF REFERENDA EXPENDITURES.—Within 180 days after each referendum required by this Act, and after the end of the period specified in paragraph (1), the President, in consultation with the Government of Puerto Rico, shall submit a report to the United States Senate and United States House of Representatives on the amounts made available under paragraph (1)(A) and all other amounts expended by the State Elections Commission of Puerto Rico for referenda pursuant to this Act.

(b) GRANTS FOR CONDUCTING REFERENDA AND VOTER EDUCATION.—From amounts made available under subsection (a)(1), the Government of Puerto Rico shall make grants to the State Elections Commission of Puerto Rico for referenda held pursuant to the terms of this Act, as follows:

(1) 50 percent shall be available only for costs of conducting the referenda.

(2) 50 percent shall be available only for voter education funds for the central ruling body of the political party, parties, or other qualifying entities advocating a particular ballot choice. The amount allocated for advocating a ballot choice under this paragraph shall be apportioned equally among the parties advocating that choice.

(c) ADDITIONAL RESOURCES.—In addition to amounts made available by this Act, the Puerto Rico Legislature may allocate additional resources for administrative and voter education costs to each party so long as the distribution of funds is consistent with the apportionment requirements of subsection (b).

H.R. 3130

OFFERED BY MR. CARDIN

AMENDMENT NO. 1: In the table of contents of the bill, add at the end the following:

TITLE IV—IMMIGRATION PROVISIONS

Sec. 401. Aliens ineligible to receive visas and excluded from admission for nonpayment of child support.
Sec. 402. Effect of nonpayment of child support on establishment of good moral character.
Sec. 403. Authorization to serve legal process in child support cases on certain arriving aliens.
Sec. 404. Authorization to obtain information on child support payments by aliens.

At the end of the bill, add the following:

TITLE IV—IMMIGRATION PROVISIONS

SEC. 401. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

(a) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(i) IN GENERAL.—Any alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $5,000, until child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

"(ii) APPLICATION TO PERMANENT RESIDENTS.—Notwithstanding section 101(a)(13)(C), an alien lawfully admitted for permanent residence in the United States who has been absent from the United States for any period of time shall be regarded as seeking an admission into the United States for purposes of this subparagraph.

"(iii) WAIVER AUTHORIZED.—The Attorney General may waive the application of clause (i) in the case of an alien, if the Attorney General—

"(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; and

"(II) determines that the likelihood of the arrearage being eliminated, and all subsequent child support payments timely being made by the alien, would increase substantially if the waiver were granted.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 402. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER.

(a) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking the period at the end and inserting "; or"; and

(2) by inserting after paragraph (8) the following:

"(9) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in any arrearage, unless child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to aliens applying for a benefit under the Immigration and Nationality Act on or after 180 days after the date of the enactment of this Act.

SEC. 403. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.

(a) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

"(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons or other similar process, which is issued by—

"(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

SEC. 404. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

"(3) PROVISION TO ATTORNEY GENERAL AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—On request by the Attorney General or the Secretary of State, the Secretary of Health and Human Services shall provide the requestor with such information as the Secretary of Health and Human Services determines may aid them in determining whether an alien is delinquent in the payment of child support.".

Amend the title so as to read: "A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.".

SENATE—*Thursday, February 26, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. David Burr, Pastor Emeritus, First Presbyterian Church, Winston-Salem, NC. Incidentally, he is the father of Congressman RICHARD BURR. We are very pleased to have you with us.

PRAYER

The guest Chaplain, Dr. David Burr, Pastor Emeritus, First Presbyterian Church, Winston-Salem, NC, offered the following prayer:

May I remind ladies and gentlemen, today there will be an eclipse of the Sun in the United States. We are always praying for light.

Let us bow our heads before Almighty God.

O God of light, the giver of every good and perfect gift. Our prayer today is that You will break through the darkness of our lives; that You will shatter the barriers of our blindness with the splendor of Your wisdom and presence.

In the beginning, You created the light that leads to green pastures and still waters; You gave us the wisdom to walk in truth and to live in peace with one another.

But, Father, we confess that our minds and hearts are so limited to our selfish ways, that we do not always heed that light. We confess that sometimes we prefer to linger in the shadows and in the darkness.

But make today the beginning of a new adventure for our lives and for the Senate of the United States. Guide us in all our ways and flood this place with the splendor of Your light.

And we will rejoice and we will give praise to You forever and ever. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Oklahoma is recognized.

GUEST CHAPLAIN

Mr. NICKLES. Mr. President, first, I compliment our guest Chaplain for a beautiful prayer, a wonderful way to start the day. I hope this body will have its Chamber flooded with the light of our Lord. So, thank you very much for a great opening.

SCHEDULE

Mr. NICKLES. Mr. President, this morning there will be 1 hour for morning business to be followed by two consecutive cloture votes. The first cloture vote will be on the McCain-Feingold amendment and will begin at approximately 11 a.m., to be followed by a cloture vote on the underlying bill, S. 1663. Following those two votes, Members can anticipate a period for morning business for Senators to make statements and introduce legislation. It is hoped later this afternoon that the Senate will be able to begin consideration of the ISTEA legislation, the highway bill. Subsequently, additional rollcall votes are possible this afternoon. As a reminder to all Members, there will be two back-to-back rollcall votes at approximately 11 a.m. this morning.

UNANIMOUS CONSENT AGREEMENT

Mr. NICKLES. Mr. President, I ask unanimous consent that Senators have until 11 a.m. in order to file second-degree amendments as under section 22.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. NICKLES. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with the time for debate to be equally divided and controlled by the two leaders or their designees.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President.

TRIBUTE TO DR. DAVID BURR, GUEST CHAPLAIN

Mr. FAIRCLOTH. Mr. President, it is a distinct pleasure for me this morning to introduce our guest Chaplain and to say a few words about him, a fellow North Carolinian and really the State's most distinguished minister, Dr. David Burr.

It is also an honor to welcome his son and my colleague, Congressman RICHARD BURR, who has also become a leader in the Congress of this country. He serves the fifth district of North Carolina, which is pretty much centered on Winston-Salem. We welcome Congressman BURR and his family.

Dr. Burr was educated at the University of Wisconsin and Princeton Theological Seminary. He received a Doctor of Divinity from Davidson College. In 1963, Dr. Burr came to Winston-Salem, NC, where he began and continued a long career serving the people of Forsyth County, and I mean all the people of Forsyth County, not just those limited to his First Presbyterian Church. He was pastor of the First Presbyterian Church in Winston-Salem for over 25 years, but his ministry went far beyond the church in which he was the assigned minister. He was literally Forsyth County's minister.

He is widely respected in North Carolina, and it is a distinct honor for me to welcome him to the Senate and it is an honor for all of us to have him here. Dr. Burr, we thank you for all you have meant to North Carolina. Thank you.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The senior Senator from North Carolina.

Mr. HELMS. Mr. President, I join Senator FAIRCLOTH in extending our welcome and our appreciation to our distinguished guest Chaplain. I congratulate his son, Congressman BURR, for choosing such a fine father. I congratulate you, Dr. Burr, for having lucked out in having such a fine son. It is a pleasure to have you with us, and I hope you will come again, soon.

Thank you, Mr. President.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I join my colleagues and friends from North Carolina to not only congratulate the guest Chaplain but also his son, who is an outstanding leader in the House of Representatives.

VOLUNTARY CAMPAIGN CONTRIBUTIONS

Mr. NICKLES. Mr. President, as I mentioned earlier, we are going to have two votes at 11 o'clock on campaign finance. One will be on the so-called McCain-Feingold amendment, as amended by the Snowe amendment yesterday, and the other one will be on the underlying bill that is called the Paycheck Protection Act. That is my bill. Maybe I misnamed the bill. Maybe I should have called it voluntary campaign contributions. I am going to speak on that just for a moment.

Mr. President, we are talking about campaign reform. I see there are charts

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

on the floor—money is exploding, we need to ban soft money, we need to have more regulations of campaigns. I will tell my colleagues, I am willing to support campaign reforms, and maybe we can come up with different things we might be able to agree on, but I think a fundamental principle should be agreed upon at the outset, and that principle is this: No American should be compelled to contribute to a campaign against their will. No American. It is a fundamental principle.

We want to encourage people to contribute to campaigns, we want to encourage people to participate in the election process, but no one should be compelled to give. No one should have money taken out of their paycheck every month—against their will—to fund candidates who they don't agree with or to fund a philosophy that they are opposed to. Unfortunately, that happens today, and it happens today to the tune of hundreds of millions of dollars.

Some of my colleagues have irritated me and almost impugned the integrity of Senators—in violation of the rules of the Senate that, incidentally, go all the way back to Thomas Jefferson. They said the purpose of this bill is a killer bill because anybody who supports that bill wants to kill campaign reform.

I am the author of that bill, and I take very strong exception to that statement. Granted, the New York Times said it, but the New York Times doesn't know this Senator. I am the author of that bill, and I sponsored this bill because a union member came to a town meeting in Owasso, OK, raised his hand and said, "I don't like my money being taken from me every month and being used for political purposes of which I totally disagree. I want to have a voice, I want to have a vote, and if they ask me, I would say no."

I told that person at that town meeting that I was going to work to make sure that his campaign contributions would be voluntary, and that is the purpose of this bill. It was not designed to kill McCain-Feingold. It was not designed to kill campaign reform.

I have stated time and time again, I am willing to try and work out a decent campaign reform bill, but it must be premised on voluntary contributions. That is fundamental. It is a basic American freedom, no one should be compelled or coerced to contribute to a campaign against their will. No one.

No one should be compelled to contribute to a campaign, period. It should be against the law. All we say in our bill is that all campaign contributions must be voluntary. Before money is taken out of a person's paycheck, he or she has to say yes. If they say no, it means no. After all, it is their money. It is not the union's money or somebody else's money; it is the individual's money.

Unfortunately, that is the situation today for millions of Americans. We are talking about hundreds of millions of dollars. There is a movement growing out in the States, and there is going to be a vote on an initiative in California to protect workers paychecks and ensure all contributions are voluntary. It is also happening in many other States. It should happen all across the country. Frankly, we should do it on the Federal level, because we regulate Federal elections; we protect the freedoms of all Americans. This is supposed to be the body that protects the United States Constitution.

How in the world did we even allow a system to start where someone can be compelled to contribute to a political campaign or cause against their will? That is wrong, we ought to fix it, and the way to fix it is to support the underlying bill.

I say vote against the McCain-Feingold amendment. Why? Because McCain-Feingold did not say in addition to the underlying bill they want to add the following. It said strike the voluntary contribution language, strike that language, and replace it with McCain-Feingold. McCain-Feingold eliminates soft money. Soft money is at least done voluntarily. They want to end soft money contributions but they want to continue to have forced campaign contributions from union members.

The language we drafted in this bill said it would be voluntary for employees of banks, it would be voluntary for employees of corporations, it would be voluntary for all employees—all employees. McCain-Feingold doesn't say, "Well, we'll take that language and we'll add to it." No, it says strike that language. McCain-Feingold is the killer. It says, "We don't want voluntary contributions but we will try and micromanage campaigns and what people can say in elections."

Some of those things in McCain-Feingold are pretty debatable on constitutional grounds. The Senator from Kentucky has done a good job in handling that debate. I want to say that all campaign contributions should be voluntary.

This is not an anti-union member provision. There is nothing further from the truth. This is a proworker bill. This allows every single member of a union to say yes or no to campaign contributions. It gives them a voice. There are millions of union members who get up every day and work hard, pay their taxes and union dues, and are rewarded with a gag order over how those dues—their wages—are spent on politics. That is not right.

If you go to a union hall and ask a bunch of union members, "Hey, do you think you should have the choice to be able to say whether or not your money goes for campaign contributions or not?" they will say, "Yes, I want that right."

Let's give them that right. That is not anti-union, it is prounion worker.

Unfortunately, some people say, "Oh, no, that's wrong; that's a killer bill; that is going to stop campaign reform." Why? Why is that a killer bill? Because organized labor bosses don't like it? Since when do they have a veto over this body? Since when do organized labor bosses say, "Wait a minute, we don't think campaign contributions should be voluntary. So if you adopt the Nickles-Lott bill for paycheck protection—voluntary campaign contributions—we don't have a bill." Why? Because President Clinton says he will veto it? Why? Because a few leaders in organized labor don't like it? Why? Because organized labor bosses put in hundreds of millions of dollars in campaigns for the Democratic Party? Do they have a blank check veto over this body, over this Congress? Why, I should hope not. I would hope that one group cannot just say, "Well, we don't like that bill. Therefore, if you add to that bill, no deal." And that is basically what is happening.

I strongly disagree with that position. I strongly believe that all Americans should have the right to contribute to campaigns; no one should be compelled against their will to contribute to political causes and campaigns.

So, Mr. President, at 11 o'clock, we are going to vote on McCain-Feingold, which is a substitute amendment, which strikes the underlying voluntary campaign contribution language. I hope that we will defeat McCain-Feingold. Then I hope that we will pass—regardless of what happens to McCain-Feingold, the underlying bill, the Paycheck Protection Act, the voluntary contributions act.

I hope that my colleagues, regardless of what happens on McCain-Feingold, will vote for voluntary campaign contributions for all Americans. That is what the second vote is about. I hope that we will vote for it and we can get cloture.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Wisconsin.

PAYCHECK PROTECTION ACT

Mr. FEINGOLD. Mr. President, we are reaching another stage in the campaign finance reform debate today. I certainly sympathize with the Senator from Oklahoma when he is concerned about some ways in which his bill has been characterized. I have had the experience here on the floor this week of having the McCain-Feingold bill compared, first, to a human rights violation and, also, as very similar to the Alien and Sedition Acts.

So, clearly, sometimes the rhetoric gets a little carried away. But what is really going on here today in the U.S. Senate just has to make the American people shake their heads. How can they look at this and not wonder what is going on? They can see a clear bipartisan majority in favor of campaign finance reform; and the bipartisan majority isn't for the majority leader's antilabor bill.

The majority support that has been demonstrated over and over again this week is for the McCain-Feingold bill. I think people in Wisconsin, in particular, have to be shaking their heads, because the one thing I have learned in 15 years of representing the people of Wisconsin is that they really dislike partisanship.

They understand the need for a two-party system. They like the two-party system. They understand the fact that you talk as Republicans and Democrats at election time, because you have to have parties and you have to have an election, but they really, really do not like it when you keep talking and acting like the whole issue is Republican versus Democrat after the election. What they want is for us to work together. What they like best is when we can come together as Republicans and Democrats in bipartisan coalitions.

Mr. President, as I have gone to every county in Wisconsin every year I've been in the Senate and have held town meetings, and when I just mention the fact that I am working with a Republican, the Senator from Arizona, before they even know what the topic is, people applaud, because they crave bipartisan cooperation in this country.

Mr. President, the American people are shaking their heads because they know this is a very unusual bipartisan coalition. The Senators involved in this issue know the details of the bill in a way that maybe many Americans do not know. So they did not just applaud when they heard the title; they have looked at it very carefully and they have considered it and shown this week that the majority of the U.S. Senate wants this change in our campaign finance laws, and they want it now.

So, Mr. President, what we have is a bipartisan majority and a partisan minority. We have Republicans and Democrats together, at least 52 of them, in favor of the bill and a smaller group from one party opposing the bill. Mr. President, we have a bipartisan agreement on the merits of the bill, and we have a partisan desire to kill it.

Mr. President, we have a bipartisan majority of the Senate that understands that this issue obviously isn't just about union dues. This is the most absurd proposition. The entire range of things we have seen about the campaigns—the soft money, the coffees, the foreign contributions, the labor unions, the independent groups, the corporations—the majority of this body knows all of these things are part of the big money problem. The partisan minority says the whole problem is unions, and not even unions, just how they obtain their dues.

The fact is, the bill that the majority leader brought forth is nothing but a poison pill. Now, maybe that was not his intent. You know, if you give somebody a poison pill by accident, it still kills them. So, I am not suggesting this was the intent. It is the fact. If that provision becomes the heart of this bill, it kills the bill. I am happy to say it is almost irrelevant, because a majority of this body has made it clear this week that it does not support having that be a part of the McCain-Feingold bill. That is one thing we achieved this week.

So, Mr. President, what we have here today is a bipartisan desire, a passion for reform and for change, and a partisan insistence that we do absolutely nothing, that we do nothing.

Now, one argument that has been made, Mr. President, is that, even though there are obviously some Republicans in support of the bill, it really isn't a bipartisan bill, that somehow, because of the nature of the Republican cosponsors, it isn't a bipartisan bill. This has been said over and over again.

It was said when they said we only had two Republicans; then they said it when we only had three Republicans; and then they said it when we only had four Republicans—it is not really a bipartisan bill. Now, with seven Republicans and all the Democrats in unanimity, they still say this is really not a bipartisan bill.

Well, who are these Republicans? Are they renegades? Are they coconspirators with the Democratic Party? Are they secret allies of organized labor? Who are these seven Republicans?

Well, one, the lead author, is the chairman of the Commerce Committee, somebody who is often mentioned as a Presidential candidate. Another is the chairman of the Governmental Affairs Committee, who is also mentioned as a Presidential candidate. There is a Senator from Pennsylvania from the majority party who supports this, a distinguished member of the Judiciary Committee and a former chairman of the Intelligence Committee who supports this bill.

There is the chairman of the Environment and Public Works Committee, the distinguished Senator from Rhode Island, one of the most distinguished Members of this body. He has indicated, by his votes this week, that he supports change. The chairman of the Labor Committee supports this bill. And, finally, two individuals who are not yet chairmen but who are the two Senators from the leading reform State in this Nation, the State of Maine, Senator COLLINS and Senator SNOWE, Republicans, but people who care about this country enough to join together with the Democrats to try to pass campaign finance reform.

So let me just return to the first name—JOHN MCCAIN. JOHN MCCAIN's name on this bill alone obviously makes it a bipartisan bill. But, more importantly, the senior Senator from Arizona knows that, even though this obviously must cause him partisan heartburn, he always does what is best for this country. So, he has taken enormous heat on this issue.

This is surely a bipartisan effort and a strong one. Mr. President, what we have shown this week is that we have a working majority, not just on paper, but a group that will vote together as a block for reform. We won vote after vote this week. The majority leader of the U.S. Senate tried to table our bill once, twice, and three times, and he lost every time.

How often does the majority leader of the U.S. Senate lose with 55 Members in his caucus? I do not think we have had this few Democrats in decades in this body. How does the majority leader not win on any of those votes unless there is a clear bipartisan majority in favor of change? So my point, Mr. President, is we are winning and the opposition is losing. To be sure, it is a long, hard road. The senior Senator from Arizona has warned me about that time and again.

But we will look for every opportunity today on these votes, tomorrow, next week, and all the rest of this session, to get the additional support that we need to pass this bill. Because in the end Mr. President, can Members of the Senate go back home and tell the voters, "We had a terrible problem in Washington. There was corruption. There was wrongdoing. There was the terrible abuse of big money. And we decided to do absolutely nothing about it"? That is what the partisan minority has decided is the end of the story.

Well, when people vote next year, they will not be shaking their heads; they will be casting their ballots. And they will now know who thought it is time to return the power to the people back home and who decided to leave it all here in Washington with the Washington gatekeepers. That is what is at stake today. And that is what is at stake on these cloture votes.

So, Mr. President, with that, I will yield—could I ask how much time remains for myself?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. FEINGOLD. Mr. President, I yield 7 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Thank you, Mr. President.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 1681 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BRYAN. Mr. President, I am pleased that the Senate is finally discussing and debating the issue of campaign finance reform. I commend Senator McCAIN and Senator FEINGOLD for their diligent work and for what has been a tireless effort on their behalf in forging a bipartisan compromised legislation. I rise today not only to advocate my strong support of the McCain-Feingold bill but to urge my colleagues on the other side of the aisle to pass this campaign finance reform proposal that is so desperately needed to renew the trust in the political process and our democratic institutions. At the same time, I know the Senate leadership and the majority of those on the other side of the aisle have decided there will be no campaign finance reform of any kind. And so, they have killed a reasonable attempt at urgently needed reform; an attempt to close greatly exploited loopholes.

Along with the support of all 45 Democrats and the seven Republicans who support the effort of reform, the Senate Democratic Leader, Senator DASCHLE, pressed hard to bring this important issue back to the Senate floor for a vote. Despite the Republican leaders who oppose campaign finance reform and who have for so many years tried vigorously to thwart real reform, this legislation has strong support, including the backing of President Clinton.

Last year when the Senate turned to campaign reform legislation, the Majority Leader offered an amendment to block campaign finance reform and followed through with a procedural motion to deadlock the Senate. It was an effort to kill campaign finance reform without debate and without a vote. However, later that year, the Majority and Minority Leaders struck a unanimous consent agreement that would afford us with the opportunity to once again debate and consider McCain-Feingold and other issues related to reform legislation, or so we thought.

Mr. President, the Senate leadership this week has introduced the same poison pill legislation that was introduced last year as an amendment. Its sole purpose is to kill the cause of campaign finance reform. Once again, this is a clear indication that from the other side of the aisle that Republicans are not serious about reforming our campaign laws.

Some of my colleagues may argue that campaign finance reform is not an important issue to the American voter; I expect we will hear this refrain from a number of my colleagues. But, is that really the case? Or are they just hoping and trying to make us believe that is the case? Because the polls tell us differently?

The polls show Americans do care about the way their political system works. A full 83% of respondents to an October 1997 ABC News/Washington Post poll believed that campaign finance reform should be a goal for lawmakers. In a June NBC/Wall Street Journal poll, 62% of those questioned supported an overall reform package that called for reducing contributions from political action committees, establishing spending limits, and eliminating large contributions to political parties.

The truth of the matter is campaign finance reform is a very important issue and the public does want reform. Yet, the polls also tell us that many American voters have become deeply cynical about whether their elected representatives will have the courage to check their own self interest and summon the courage to enact real campaign finance reform. In the ABC/Washington Post poll, when respondents were asked whether reform will occur, 59% answered "no." This poll tells us that a large majority of Americans believe, once again, that politicians' self-interest will trump the public will.

There is no reason to believe that the public's opinion is going to change. And why should it? After watching the enormous amount of money spent on the 1996 elections, the hearings held over the 1996 fund-raising controversy, and the aborted effort to pass campaign finance reform last year, it is likely that the public's cynicism will only continue to grow.

Campaign finance reform is an issue that deserves our full consideration. It is our underlying responsibility to keep our own house in order, to begin to restore the integrity of the campaign system and to renew our faith in our democracy. If we miss this opportunity, and we do not heed the call to stem the ever-rising tide of money in American politics, then the confidence of the American public and the very fabric of our political system will only continue to erode.

Mr. President, the time to begin the renewal is now, or last year when we were stopped. It is past time to restore the public trust and to pass campaign finance reform legislation. We could start by adopting the McCain-Feingold compromise bill. The revised McCain-Feingold legislation is a very modest but important proposal which was modified to attract Republican support. McCain-Feingold no longer limits PAC money. It does not establish spending limits. It does not impose free tv time for candidates and it does not provide postage discounts for candidates. The McCain-Feingold amendment that we are discussing today has been stripped down to the bare minimum of what needs most to be changed to stop the downward spiral of our political system.

The McCain-Feingold proposal addresses two important issues that could begin to turn our campaign system around. The legislation proposes to ban soft money contributions to our national political parties and to curb the use of attack advertisements hidden behind so-called "issue advocacy" campaigns.

SOFT MONEY

We all know that political parties have raised enormous amounts of money through soft contributions. In the 1996 election cycle, the two major parties alone raised $263.5 million—almost three times the amount raised in the 1992 election cycle. And unless we act now to stop soft money from careening out of control, these contributions will only climb higher and higher. There is simply no way to achieve real campaign finance reform without ending the soft money machine that has encouraged the exorbitant contributions that we have seen from corporations, labor unions and wealthy individuals. The McCain-Feingold plan would put an end to the outrageous abuses of the soft money system.

The Federal Elections Commission recently proposed a ruling to address the issue of "soft money." While I prefer that Congress take the lead and pass McCain-Feingold, if we fail to do this then I will be prepared to embrace the FEC's effort to ban soft money and hope that they follow through. Sadly, that is not their track record.

ISSUE-ADS

Mr. President, the recent explosion in the so-called "independent expenditure or issue ads" also causes me great concern. Independent expenditure ads are one of the very reasons the campaign system is out of control. During the last election cycle, a large number of television ads that saturated the media weeks before the elections were attack ads on candidates, challengers and incumbents. No one is accountable for sponsoring the ad. There is no disclosure requirement which is what I find most frustrating. We all know that these ads are really intended to defeat a candidate and are often coordinated with the opposition campaign. Simply put, these ads are not genuinely independent nor are they strictly concerned with issue advocacy.

The "issue advocacy" provision in McCain-Feingold is designed to provide a clear distinction between expenditures for communications used to advocate candidates and those used to advocate issues. The bill establishes a bright line test 60 days out from an election. Any independent expenditure that falls within that 60-day window could not use a candidate's name. If a federal candidate's name is mentioned in any television or radio communication within 60 days of an election, for example, then this candidate-related expenditure will be subject to federal election law and must be disclosed and financed with so-called "hard dollars."

The Supreme Court has ruled that only communications that contain "express advocacy" of candidates are subject to federal disclosure requirements and restrictions. If parties and groups want to run "issue ads" to promote an issue—they can, and they will not be subject to federal election law so long as a candidate's name is not mentioned in the ad within that 60-day period.

While I am a cosponsor and a strong supporter of the McCain-Feingold legislation, I wish it included other important reforms. It does not include what I believe is one of the most critical components of reform which is overall spending limits. I have consistently supported legislation to limit the amount candidates can spend and have been a cosponsor since coming to the Senate of a proposal to limit spending offered by my good friend Senator HOLLINGS. I believe this should be included in any effort to reform our campaign laws.

Last year, my distinguished colleague, the senior Senator from Arkansas, announced on the floor of the Senate that he too would now support Senator HOLLINGS's constitutional amendment to limit campaign spending despite his reservations about amending the Constitution. In debating this issue in 1997, Senator BUMPERS said:

> I will do almost anything to change the way we finance campaigns in this country, because I am absolutely convinced that this system is totally destructive to our democracy.

I could not agree more with my colleague. I continue to believe that we must ultimately address the issue of spending limits.

Mr. President, we have been provided a second opportunity to vote for campaign finance reform this Congress. I urge my colleagues to do what is right for the future of our campaign system and support the McCain-Feingold legislation. Nothing less will begin to restore the American public's waning confidence in its government.

Mr. KERRY. Mr. President, some years ago this body was graced by the presence of an extraordinary woman from the State of Maine. Senator Margaret Chase Smith came to be known by her trademark red rose, an apt symbol for a woman who epitomized the bipartisan spirit that leads to good legislation for our constituents and the country.

I supported the amendment offered by the current Senior Senator from Maine [Ms. SNOWE], which the Senate passed last night and added to the McCain-Feingold campaign finance reform proposal, because, like much of the bipartisan work of her distinguished predecessor, Margaret Chase Smith, this amendment—if the Senate ever is allowed to vote on it and, as I am confident it will, add it to the campaign finance reform legislation the majority of Senators have demonstrated they want to pass—can help to advance the cause of genuine campaign finance reform.

As I said on Tuesday, the McCain-Feingold legislation is by no means a perfect bill. But the original version of that bill moved us significantly in the right direction toward reforming our campaign finance laws.

But among the many obstacles, procedural and otherwise, which are standing in its way is a cynical bill, the Lott-McConnell bill, the so-called, misnamed "Paycheck Protection" legislation, which is offered to us under the guise of campaign reform. Mr. President, it is no such thing. Make no mistake—the Lott-McConnell bill is not reform. It is a devious device designed to divide the supporters of real reform in order to defeat McCain-Feingold.

But the Lott-McConnell bill is not merely a poison pill, presented in a cynical effort to destroy any chance for reform. It is also bad legislation.

Let me explain why. First, McCain-Feingold already codifies the Beck decision; it requires unions to notify nonmembers of the right to a reduction in fees if they object to the use of those fees for campaign purposes. Lott-McConnell, instead, covers only union members. It constitutes an unacceptable intrusion into the right of free association of union members which is guaranteed by the same First Amendment its proponents profess to care so much about. It also is grossly, transparently discriminatory, singling out only unions, because the authors of this bill have concluded that unions more often than not support their opponents, or the opponents of other candidates from their party.

Like any members of voluntary organizations, those working men and women who choose to join and receive the privileges of union membership, such as voting for officers, running for office and choosing the rules that guide the union, cannot pick and choose which union expenses they want to fund. The union makes those decisions according to its organizational procedures. Those who like what the union does can choose to affiliate. Anyone who does not like what the union does—in any respect, be it campaign involvement or otherwise—can choose not to affiliate.

Just imagine the outcries from the National Rifle Association, or from thousands of other organizations from one end of the philosophical spectrum to the other, if they had to seek advance written approval from their members each time they sought to take a position on an issue or broadcast their views.

The Chamber of Commerce does not let a member cut its dues by the amount spent lobbying against air pollution regulations if the member happens to disagree with that position. The NFIB did not provide such an option to its small business members when, although many of them understood the need for the long-overdue minimum wage increase we recently adopted, the organization spent its funds to fight the legislation to increase the minimum wage. It is impossible to run any organization that way—and the Senators from Kentucky and Mississippi both know that.

Although this totally one-sided, anti-union provision does nothing to curtail the freedom of giant corporations to play fast and loose with our current campaign finance system, this unimaginative recycling of a tired idea still has the potential to divide us. And that is why I supported, and urged my colleagues to support, the Snowe Amendment, and why I oppose and will vote against cloture on the Lott-McConnell proposal.

I commend Senators SNOWE, JEFFORDS and CHAFEE for their courage and for their serious effort to keep hope for real campaign finance reform alive. In the context of McCain-Feingold, it deserves our support. Their amendment, offered to replace the Lott-McConnell proposal, would, in essence, prevent both labor unions and for-profit corporations from using their treasury funds to run any broadcast ads which mention candidates within 30 days of a primary and within 60 days of a general election. The Snowe-Jeffords-Chafee amendment thereby places essentially the same limits on union and corporate spending as S. 25, the McCain-Feingold bill—but it takes the added step of specifically naming unions and corporations as the target of those limits.

It is important to note that the Snowe amendment would not restrict unions or corporate PACs from using "hard money"—that is, funds regulated by federal campaign finance laws—to pay for such ads, but these PACs would be subject to all the reporting and contribution limits applying to all other PACs.

The ads which are the targets of this legislation are ads paid for with union and corporate soft money, and which clearly identify candidates and are aired close to the election, despite the phony claim that they are "issue ads." They are not now subject to federal election laws and their greatly expanded use was a major new development in the 1996 elections. The Annenberg Center for Public Policy estimates that all such soft money ads totaled at least $135 to $150 million. The political parties spent about $78 million of this amount for such soft money ads in the 1996 cycle. The AFL-CIO spent about $25 million. Big business groups, including the Coalition, the Coalition for Change, the Nuclear Energy Institute, the U.S. Chamber of Commerce and others, spent nearly $10 million dollars. If we were simply to ban soft money contributions to the parties, the soft money expenditures made by Labor and corporations would increase exponentially.

The Snowe Amendment also makes it unlawful for corporations or unions to launder their treasury funds by contributing to the costs of such ads produced by outside groups, including the so-called non-profits which took a much more active, and largely negative, role in the last election.

Finally, and very importantly, the amendment addresses all other radio or TV ads paid for by soft money that mention candidates during the period 30 days before a primary or 60 days before a general election. It will require anyone making or contracting to run TV or radio ads during those periods to disclose to the FEC all contributions in excess of $500 which are used to pay for producing or airing those ads if they name candidates, once any such person or group has spent $10,000 or more on such advertisements.

In considering what this amendment can achieve, we should remember that the McCain-Feingold substitute itself, with its soft money ban, would prohibit the national party ads for which payment is made with soft money (that is, contributions not subject to regulation under the federal campaign laws) that attack candidates. The recent special election to replace the retiring Congresswoman from the 13th District of New York featured $800,000 of such ads paid for by the Republican Party—and all of them were broadcast in the last ten days of that election.

The greatest virtue of the Snowe-Jeffords-Chafee Amendment is that it is a good faith effort to address this concern squarely but fairly. Like the McCain-Feingold legislation it amends, it is not perfect. But it enables the advocates of real campaign reform to defeat the grossly unfair Lott-McConnell legislation, assuming the Republican leadership ever permits it to proceed that far legislatively, and that, in turn, keeps real campaign finance reform legislation alive.

I commend Senators SNOWE, JEFFORDS and CHAFEE for their serious effort.

Mr. President, we all know that the parliamentary machinations and filibustering tactics of the Republican leadership that opposes real campaign reform may succeed in preventing us from passing any legislation containing this provision. But with this amendment, there remains a possibility of success.

On Tuesday, the motion to table McCain-Feingold failed. Last night, having been modified by Snowe-Jeffords-Chafee, another effort to table it failed again. Now it is beyond dispute that there is a majority for genuine reform in this body.

I hope the Republican leadership will acknowledge the bipartisan support for McCain-Feingold, as amended by Snowe-Jeffords-Chafee, and will permit this body to act decisively on the single most important issue facing the Congress this year.

Mr. SARBANES. Mr. President, I rise to express my dismay that, just like last fall, the Republican leadership is preventing the Senate from conducting a broad, thoughtful debate on the issue of campaign finance reform.

Mr. President, the controversy surrounding our system of elections is not a new phenomenon. I can recall the 100th Congress, during which then-Majority Leader BYRD held a total of seven cloture votes in order to effect reform in this critical area. Sadly, we were not able to command a filibuster-proof majority then and this situation has not improved under the current leadership.

It is my view that in order for our nation as a whole to be strong, our public and private institutions must be strong—our schools, our churches, and our governmental institutions must be vital instruments of democratic participation, and must instill in the people a confidence in and enthusiasm for our way of life. I am very concerned that, to the contrary, the people are growing increasingly cynical about public life. They are staying away from the polling place in increasingly large numbers, diminishing the level of political debate and the health of our public institutions. This is in large part due to their perception that money, rather than the popular will, drives electoral outcomes. Under these circumstances, meaningful campaign finance reform becomes vital to the health of our system of government and our way of life.

Mr. President, a majority in the Senate—all Democrats, including myself, and a few courageous Republicans—agree with the American public that our system of campaign financing needs repair. Regrettably, however, an effective debate in the Senate on what should be done is impossible, so long as the Republican leadership insist on using parliamentary tactics to prevent Senators from offering and debating amendments that will help us clarify the nature and gravity of the campaign finance problem. These technical ploys are not simply designed to determine the outcome of the campaign finance debate—they are designed to preclude debate altogether, and to deny those advocates of campaign finance reform even the opportunity to garner a filibuster-proof majority in favor of reform.

Mr. President, these kinds of maneuvers formed the Republican strategy last fall, when campaign finance reform legislation was successfully blocked, and here they are again. Such measures violate the Senate's reputation for thoughtfulness and deliberation, in which it rightly takes such pride. If the Republican leadership has the votes to defeat important and necessary campaign finance reform, so be it—I would not agree with this outcome, but it would at least comport with the way the Senate should conduct its business. To preclude altogether the consideration of amendments and a full and fair debate on the issue is something altogether different, and is inconsistent with the Nation's needs and desires.

Therefore, Mr. President, I urge the majority leader and his allies to recognize that a system of elections that commands the trust of the American people is essential to the proper functioning of our democratic system, and, at the very least, to allow the Senate to conduct a full, fair debate on whether our current system needs reform. No one can guarantee that the Senate will reach a result of which it can be proud, but let us at least observe a process that will make the American people confident that this issue has received thorough review by their representatives in government. Anything less would simply add to the public cynicism that already exists toward government, and that brings us to this point today.

Mr. LAUTENBERG. Mr. President, I want to praise my colleagues on both sides of the aisle who have fought long and hard to get campaign finance reform legislation on the Senate floor. Like them, I have fought hard for progressive campaign finance reform legislation since I have been in the Senate.

Regrettably, opponents of campaign finance reform are once again using parliamentary tactics to try to block passage of the McCain-Feingold campaign reform legislation. This is unfortunate because a majority of the Senate favors the McCain-Feingold proposal.

Because of the steadily growing amount of money spent on political campaigns and its adverse impact on public attitudes and governing, achieving the goals of McCain-Feingold is of paramount importance. McCain-Feingold would ban "soft money," the very large, unregulated contributions that individuals, corporations and labor unions have been making in ever greater amounts to political parties. Under existing election laws, these contributions are permitted to promote general political party activities, such as voter registration, voter education and efforts to encourage voters to turn out on election day.

However over the past several years, these large soft money contributions have become a means of donors and parties circumventing limits on campaign contributions to individual candidates. The two national political parties and state parties have used these funds to purchase TV ads that specifically mention candidate names and essentially amount to advertising by political parties or groups on behalf of individual candidates with money that the candidates cannot use themselves for this purpose. Advocacy ads of this nature, fueled by large and undisclosed contributions, are a means of circumventing campaign finance restrictions on the size of contributions to individual candidates.

I support limits on very large campaign contributions to candidates, in order to prevent undue influence by special interests on those who govern. The McCain-Feingold bill would uphold existing limits by banning soft money and requiring that independent expenditures for so-called issue advocacy advertisements by political parties or advocacy groups deal exclusively with issues, rather than being designed to persuade the public about a particular candidate. McCain-Feingold re-defines "express advocacy" as any broadcast television or radio communication that mentions the name of a Federal candidate within 60 days of an election. Parties and groups that meet the new guidelines would be required to finance their ads in accordance with Federal election laws.

This reform does not stifle free speech. It just closes a loophole that has developed in our election laws which permits unlimited, soft money expenditures to be made to buy advertisements for or against specific candidates. The bill does not in any way prevent groups or parties from publishing scorecards or voter guides.

Mr. President, I am and have always been a staunch advocate of free speech and very protective of First Amendment rights. I agree with legal scholars that the McCain-Feingold bill does not restrict free speech, but is important for reducing the influence of big, special interest money in our campaigns and political system. The amount of money now flowing through our electoral system is enormous and breeds a deep cynicism in the public. We need to break the choke of special interest money on the nation's Capitol and restore America's faith in our election system.

The McCain-Feingold bill will help cleanup American politics. It will ban unlimited, unregulated soft money that is compromising our electoral system. It will also make other improvements in our election system. For example it will begin to regulate shell organizations that exist to circumvent existing campaign laws. Many of these front organizations claim that they are independent but they are not. They are simply tools of the political parties and special interests and are primarily engaged in electioneering.

In 1997, political parties raised $67 million dollars in soft money—more soft money than ever before raised in a non-election year and more than double what was raised in 1993. The largest single soft money check written in the last half of 1997 was for $250,000 to the Republican National Committee. And who wrote this check? Phillip Morris.

Does anyone in the Senate believe that allowing tobacco companies to write unlimited checks to political parties is a good idea? Especially at a time when Congress is considering comprehensive tobacco legislation?

Congress is now considering legislation that could mean that the tobacco companies would have to forgo billions of dollars of profits. Yet while we debate possible special legal protections for this outlaw industry, our campaign finance system allows them to write unlimited checks to our political parties. This is wrong.

Mr. President, last year, the Senate Governmental Affairs Committee held hearing after hearing about the problems associated with soft money. We all witnessed the disturbing testimony and all of the abuses that were prevalent in both parties during the 1996 election.

Now we have a chance to do something about soft money. Unfortunately, some of the same Senators who were highlighting the problems associated with soft money last year in Committee hearings, are now the ones filibustering the McCain-Feingold bill that will get rid of soft money. This is tragically ironic.

We must continue the fight to clean up our political system. The American people believe that our political system is corrupt and we need to clean it up.

Mr. President, I urge the Republican leadership to let us have a full debate on campaign finance reform. Let us vote on McCain-Feingold and the Senate will pass it and the President will sign it.

So, I urge my colleagues to reject these parliamentary tactics to kill the McCain-Feingold bill and allow it to become law.

I yield the floor.

Mr. BAUCUS. Mr. President, I rise today to once again make the case for comprehensive campaign finance reform.

Today, the Senate has a great opportunity. The McCain-Feingold legislation is a step in the direction of campaign finance reform. Make no mistake, despite what anyone here tells you today, the American campaign finance system is broken. And the American people know it.

Spending in all levels of federal campaigns—from Congress to the Senate all the way to the White House—increased from 1992 to 1996 by over $700 million. With all that money, people should have known the issues better, and had a clear sense of the candidates. They should have received a comprehensive and well funded message why their involvement in the political process was crucial. All that money helped increase voter participation, right?

Wrong. Spending increased by $700 million and fewer people voted. Down from 55 percent in 1992 to 48 percent in 1996. Less than half of the American populace voted and some in Congress want to say the system is fine, everything is okay.

Mr. President, the American campaign finance system is not okay. Over and over Americans tell pollsters, elected officials, and their neighbors that the system needs major repair. People are becoming more and more cynical about government. People tell me they think that Congress cares more about "fat cat special interests in Washington" than the concerns of middle class families like theirs. Or they tell me they think the political system is corrupt.

I have simple tests on which to base my support of versions of campaign finance reform. First, it must be strong enough to encourage the majority if not all candidates for federal office to participate.

Second, it must contain the spiraling cost of campaign spending in this country. Finally, and most importantly, it must control the increasing flow of undisclosed and unreported "soft-money" that is polluting our electoral system.

McCain-Feingold is not perfect. I have a long track record of voting for bills that go further. I have voted for bills that took a closer look at PACS, increased FEC enforcement capabilities, and regulated both hard and soft money. But McCain-Feingold is a start.

I support this legislation because I believe it represents the right kind of change. While not a perfect solution, it will help put our political process back where it belongs: with the people. And it will take power away from the wealthy special interests that all too often call the shots in our political system.

WHAT'S RIGHT WITH THE BILL

While I must admit this bill is not perfect, it will take several crucial actions to reign in campaign spending. First, this is the first bi-partisan approach to campaign finance reform in more than a decade.

Second, the bill establishes a system that does not rely on taxpayer funds to work effectively.

The McCain-Feingold substitute would prohibit all soft money contributions to the national political parties from corporations, labor unions, and wealthy individuals.

The bill offers real, workable enforcement and accountability standards. Like lowering the reporting threshold for campaign contributions from $200 to $50. It increases penalties for knowing and willful violations of FEC law.

And the bill requires political advertisements to carry a disclaimer, identifying who is responsible for the content of the campaign ad.

Let me spend a moment discussing the Paycheck Protection Act. Mr. President, I oppose cloture on this bill today because it simply doesn't go far enough. Instead of comprehensively reforming campaign finance laws, it does very little. It doesn't deal with soft money, or PACS, or the costs of campaigns. Nor does it help to identify negative, attack ads that do nothing for the process except to drag it down.

Instead, the majority alternative attempts to regulate only union contributions, a clear case of political payback. I believe we should look at union contributions, Mr. President, if we also look at corporations, non-profits, and independent expenditures. But just targeting one piece to the puzzle won't solve the problem. That's why I will vote to oppose this measure.

To close, Mr. President, America needs and wants campaign finance reform. The Senate should pass comprehensive legislation right now. Let's be clear of our goal today: we must ensure that political campaigns are a contest of ideas, not a contest of money. We need to return elections to the citizens of states like Montana and allow them to make their own decisions, rather than letting rich Washington DC groups run attack campaigns designed to do nothing but drag down a candidate.

I remain committed to this cause and will do everything in my power to ensure that the Congress passes meaningful Campaign Finance Reform, this year.

Mr. KYL. Mr. President, I have stated before that I believe there are many things Congress should do to reform the way campaigns for federal office are financed.

Last year's hearings by the Senate Governmental Affairs Committee, chaired by Tennessee Senator FRED THOMPSON, confirmed that the first thing is to ensure enforcement of existing laws. The Committee investigated what appear to be an orchestrated campaign in the last Presidential election to evade restrictions on foreign contributions, and an apparent effort by Communist China to illegally influence our electoral process. It is already illegal to "launder" contributions and accept campaign contributions from foreign sources. The first step Congress should take, therefore, is to ensure that current campaign finance laws are vigorously enforced.

But we can—and should—do more. I believe any reform of our electoral process should be based on some key principles. Specifically, our laws should: be clear, simple, and enforceable; maximize disclosure of who contributed what to whom; place public interest over special interest; ensure voluntary participation for all; and most importantly, protect our constitutional right to free speech—unregulated by the government. Politicians must never be able to define the times, methods or means by which their constituents can criticize them.

Specifically, I support the following campaign finance reforms in the McCain-Feingold bill: requiring more timely and detailed disclosure of campaign funding and spending; toughening the penalties for violations of campaign law; tightening the restrictions on fundraising on federal property; strengthening the restriction on foreign money; prohibiting campaign contributions from minors (which often mask attempts at "double donations" by adults); and, curbing the advantages of incumbents by prohibiting mass mailings at taxpayer expense during an election year.

Additionally, I support several reforms not included in the bill, such as: requiring candidates to raise a majority of their campaign contributions from within their state, ensuring local support over national special interests; insisting that all political activities be funded with voluntary contributions and not coerced through mandatory union dues.

The two primary reasons I have not supported the current version of McCain-Feingold are (1) its failure to ensure that all political contributions are voluntary, and (2) its provisions unconstitutionally limiting free speech.

Concerning free speech, the McCain-Feingold bill in the view of many constitutional experts would effectively prohibit so-called "issue-ads" that mention a candidate's name within 60 days of a federal election. The bill would force groups that now engage in issue advocacy such as non-profit entities organized under 501(c)(3) and (c)(4) of the IRS Code to create new institutional entities—PACs—to be able to "legally" speak within 60 days before an election. Separate accounting procedures, new legal costs, and separate administrative processes would be imposed on these non-profit groups, merely so that their members could preserve their First Amendment rights to comment on a candidate's record. I believe this violates free speech guaranteed by the First Amendment. Elected politicians should not be given the right to regulate or forbid criticism by constituents during a campaign.

While there was an attempt to modify certain provisions of the McCain-Feingold "speech specifications" during the debate on campaign finance reform, the proposed compromise still placed unconstitutional restrictions on free speech about politicians by allowing congressional control over the timing and funding sources of communications merely because they contained the name of a member of Congress. In short, the compromise was not truly a "compromise" but rather a constitutional infirmity infringing on free speech about politicians.

While I believe McCain-Feingold is motivated by the best of intentions, and I have commended my colleague JOHN MCCAIN for his effective leadership on this difficult issue, I cannot support legislation that in my view does not protect our constitutional rights nor guarantee voluntary participation in the political process for all.

Mr. FEINGOLD. I yield 7 minutes to the distinguished Senator from New Jersey.

Mr. TORRICELLI. I thank the Senator from Wisconsin for yielding.

Mr. TORRICELLI. Mr. President, the debate before the Senate is about campaign finance reform but, indeed, it is really about something much more fundamental. It is about the credibility of the U.S. Government. It may even be about the long-term stability of our system of government.

The United States will enter the 21st century as the only industrial democracy in the world where only a minority of the people of our country choose our government. In the Presidential elections of last year, only 49 percent of eligible Americans participated in choosing our government. It is a record of shame. That shame does not belong only to those who do not participate.

Upon leaving the Continental Congress, the Founding Fathers were asked, what form of government have you chosen? It was replied, "A democracy—if you can keep it." This legislation is about campaign finance reform. But much more fundamentally it is about a democracy—if you can keep it.

For more than 20 years we have tried to evade the central truth of this problem. We told ourselves that people didn't vote because it wasn't convenient, so we gave them time off from work; that it wasn't possible to go and register in person, so we passed motor-voter. We have done everything we can think of to address a new excuse of why people do not participate in the process. The truth is those 51 percent of Americans who do not vote are participating in the process. By not voting they are speaking volumes about their belief and their confidence in this system of government.

Central to this eroding of confidence in our 200-year political system is money and people's perception of what it buys and how it undermines our system of government. I participated in the 1996 elections as a U.S. Senate candidate. The record of those elections can be a source of pride to no one. Congressional candidates raised $765 million, culminating a 700 percent increase in campaign spending since 1977. We are not the first Congress or the first generation that recognized there was a problem of confidence in governing America. Those before us, in 1974, after Watergate, passed comprehensive and meaningful reform. But like that generation, in this Congress it is time to recognize that the governing laws are not working. The 1974 reforms are being observed in the exception. A series of Federal court decisions, changes in technology, changes in the political culture, have left them meaningless. I think, indeed, the 1974 reforms did not envision, therefore did not even address, the issue of soft money which is now so prevalent and even governing the system.

This Senate has not been blind to the problem. We have not been without our advocates, like Senator FEINGOLD, who sought to change the system. In the last decade, this Senate has voted on 116 occasions for campaign finance reform, 321 different bills, all of which have left the system fundamentally unchanged.

What is it now that brings this opposition by the Republican majority? What is it that would lead potentially a majority of this Senate to participate in a filibuster on a bill which fundamentally prohibits foreign money, enhances prompt disclosure of contributions, helps the FEC in enforcing the law, and banning the soft money which for most of the last year attracted the attention of the country and the focus of the Governmental Affairs Committee on which I serve as an abuse of the system? Which of these provisions so disturbs Members that they would stop this reform legislation? Or is it simply that they like to discuss the problems but fear that any change to the current system would rearrange control of this institution?

The irony of the opposition is that the principal problem of the reform legislation is not that it does these simple and self-obvious changes but that it does not go far enough. Indeed, if given the opportunity, as the Senator from North Dakota, I would like to offer amendments to take this process further, because the principal change in the political culture since 1974, and obviously in the last election, has been the use of unregulated issue advertising by third party advertisers. We no longer have contests between candidates or Democrats and Republicans, but unregulated, third party institutions, where no one knows the source of the money or even who they are, that sometimes drown out the candidates, change the agenda of people and political parties. This legislation doesn't deal with that issue, and it should. It doesn't go far enough.

So in my amendment I go further with these tax-free organizations in making them choose. If you want to be tax free, you will not participate in electioneering; if you do want to participate in electioneering and change your status, you will disclosure your contributors. We did not do that here.

Finally, the Senator from North Dakota indicated the principal reform that is required is reducing the cost of television times. The public airwaves, licensed by this Government, owned by the people of the United States, are being sold for millions of dollars and are essentially driving the cost of these campaigns. Mr. President, 82 percent of the election in New Jersey was raising money for television advertising. The average across the country is 70 percent. Until we force the television networks to reduce the cost of the public airwaves, we will never stop the upward spiral of these campaigns.

So I rise to endorse the efforts of the Senator from Wisconsin to urge the Congress to allow its consideration, to allow a majority of 52 Senators in this institution to work their will, to do the work that every Senator knows must be done—not simply to reforming the financing of campaigns, but much more importantly, much more fundamentally, to make this part of the effort, indeed, the foundation, of restoring confidence in this system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. We come to the end of the most recent round of debate on whether to put the Government in charge of political speech of individuals, candidates, and parties. I think it is important to talk a little bit about the philosophy that divides us on this issue.

My good friends on the other side of the aisle look at America as a seething caldron of people who are trying to make us do bad things. We, on the other hand, take the approach to this that James Madison did. James Madison, the author of the first amendment, Mr. President, understood that America would, in fact, be a cauldron, a cauldron of special interests, but special interests in Madison's views, or factions, as he put it, would be people who would be guaranteed a right to have some influence; that it was totally American—expected, anticipated and necessary—in a democracy to allow people to have influence.

After all, who are we trying to wall ourselves off from, Mr. President? People who want to contribute to our campaigns, limit and disclose amounts of their hard-earned money because they believe in what we are doing? What could conceivably be wrong with that? In fact, it is as American as apple pie. Not only is it the right thing for our people, it is the constitutionally protected thing for our country.

The Supreme Court has made it abundantly clear, abundantly clear that unless you have the ability to amplify your voice in a country of 260 to 270 million people, you don't have much speech. Dan Rather has a lot of speech, Tom Brokaw has a lot of speech, the editorial page of the Washington Post has a lot of speech, but your average American citizen, unless that person can amplify his voice, doesn't have much speech. So the Court said spending is speech and the first amendment applies to individuals, groups, candidates and parties, as well as applying to the press. A stunning thing for the press to observe, that we have free speech rights as well. They don't like it. They would like to have more power, not less. They would like to control our campaigns, control the discourse in the course of the campaign that goes on, and control the outcome with their editorial endorsement. But the first amendment doesn't allow them to control the political process. It also doesn't allow the Government, through some statute we passed here, to be put in charge of regulating either the quality or the quantity of political speech.

The great conservative Thurgood Marshall summed it up in the Buckley case: "The one thing we all agree on is that spending is speech."

The Court made the point that if you say somebody is free to speak but then say they can only speak so much, they are not very free to speak. They said it would be about like saying you are free to travel, but you can only spend $100. How free are you?

I wonder how our friends at the Washington Post and New York Times would feel if we said: You are free to say anything you want, but your circulation is now limited to 2,500 or 10,000. They would say: You are interfering with our speech because we can't amplify our speech.

Of course, they would be correct. I say that somewhat tongue in cheek, but the principle is the same whether it's the press or an individual candidate or a group or a party.

Mr. President, I don't feel that people participating in our campaigns is in any way inappropriate. It should not be condemned; it ought to be applauded. We don't have a problem in this country because we are speaking too much in political campaigns. Our good friends on the other side of the aisle say, well, we are spending too much. Compared to what? It's about what the public spent on bubble gum last cycle.

There was an increase in spending because the stakes were big. A lot of people cared about what happened in the 1996 election. There was a struggle for the White House and a struggle for the Congress and a struggle over the future of America. A lot of people cared about that and they got involved. They wrote their checks out and gave it to their favorite party or candidate. Some groups came out and said how they felt about it, which they have a constitutional right to do, as well, under the first amendment. Many of our colleagues on the other side of the aisle were appalled; all this speech was polluting the process, they said.

Mr. President, I think all that speech was invigorating the process. When there is not much speech in a campaign, not much spending in a campaign, it is a sleepy campaign with no competition. Typically, statistically, it is a lower turnout election when there is no interest. So there is nothing offensive, nothing improper, and nothing to be condemned when you look at a heavily contested election in which large quantities of money are spent on behalf of the candidates because people think the stakes are big.

Now, why would people care, Mr. President? We have a huge Government that affects every American. It is naive in the extreme to expect that people don't want to have some impact on a political process which takes 30 to 40 percent of their money every year—paying taxes is not exactly a voluntary act—and spends it on what it wants to.

What kind of country would we have if all of these people in our land were unable to influence the political process? We would have an unresponsive democracy, a Government run by elitists who want to shut everybody up. Fortunately, Mr. President, the courts are never going to allow that to happen. This Senate is never going to allow it to happen, because we are not going to go down the road of regulating people out of the political process because we don't like either the quantity or the quality of their speech. I have heard it said off and on over the last few days about these polluting issue ad campaigns, these sham campaigns. Who is to decide, Mr. President, whose speech is worthy and whose speech is not? The Supreme Court made it clear that the Government is not going to allow us here to decide whose speech is worthy and whose speech is not. The first amendment doesn't allow us the latitude to categorize certain kinds of speech as offensive and other kinds of speech as laudable. So that is at the core of this debate.

I want to say to my colleagues in the Senate and to those who may be following this debate, the supporters of McCain-Feingold-type proposals—which was called, when the Democrats were in the majority, Boren-Mitchell—say they are always going to come back.

Let me make sure that everybody understands that we will always be back, too. We will fight efforts to undermine political discourse in this country wherever they may arise. There are some multimillionaires who are funding campaigns around the country. George Soros, a multibillionaire who funds a variety of things, including referenda to legalize marijuana, has taken an interest in this subject. Jerome Kohlberg, a former financier from Wall Street, has taken an interest in this subject. These are people who think everybody else's money in politics is bad except theirs. They have been trying to fund an effort to pass so-called campaign finance referenda.

Let me assure our colleagues, the Members of the Senate, that there will always be somebody there. For example, there is the James Madison Center, a new group that has been established to fight for first amendment political speech, a group of public interest lawyers who will be involved in these cases, striking them all down one after another. Their record in court has been excellent. The California referendum was struck down last month; the Maine referendum was struck down last year—all of these efforts, even though they may be well-intentioned, to push people out of the political process and put the Government in charge of how much we may speak, when we may speak, whether or not we have to disclose our membership lists as a precondition as to whether or not we can mention a candidate or not mention a candidate.

Who are we kidding? What reformers want to do is shut everybody up. They want to shut down the discussion. It isn't going to happen, Mr. President. There will be somebody there to fight in every court in America, State, local or Federal, to preserve the rights of all Americans to speak without Government interference in the political process.

This is a very important debate. This is not a little issue. There isn't anything more fundamental to our democracy—nothing—than the ability to discuss issues, to support candidates, either as individuals or in banding together as groups, and to express yourself without Government interference or limitation in this great country. This is the core of our democracy.

Now, Mr. President, I might mention that in Europe, England in particular, they have had restrictions against issue advocacy, which is something we have talked about a good deal here in the last 3 or 4 days. Issue advocacy is not complicated. It is a group banding together to express themselves about us or an issue or anything else they choose to at any time they choose to, without Government interference. Over in Europe, the British in particular, basically didn't allow citizens to band together and express themselves. Last week—it is kind of interesting—a group in England took a case to the European Court of Human Rights, which ruled that laws banning ordinary citizens from spending money to promote or denigrate candidates in election campaigns was a breach of human rights. The court was right. For the Government to say you can't go out as a citizen or as a group of citizens and criticize candidates any time you want, that is a breach of human rights. They struck down that British prohibition. The independent newspaper in London says that ruling opens up the way for American-style election battles.

Well, it is about time they had some American-style election battles in which citizens have an opportunity to band together and express themselves without government interference in Europe. So I commend that court for its ruling. It looks to me as if the Europeans are heading in the direction of having a real democracy. In a real democracy, Mr. President, the candidates don't get to control all the discussion in the election. We would love to. We would really like that because then we could have our campaigns and the other guys could have theirs. The press always has a campaign, and, of course, that would go on. But we would not have any of these groups out there messing up our campaigns.

Mr. President, we don't own these campaigns; we don't control them. It is not our right to shut these citizens up, no matter how much it may irritate us. The good thing about what is going to happen in a few minutes is that those people's ability to participate is going to be preserved. We are not going to take that away. We are going to kill a bill that richly deserves to be killed. We are going to do it proudly and unapologetically.

There is also another vote we are going to have, an opportunity to introduce an American principle as old as the founding of the country into the labor movement in this country. No one ought to be required to support political causes with which they disagree. The Supreme Court has, in fact, already ruled that way in the Beck case. But, as a practical matter, the Beck decision is not being enforced. There is a bill called the paycheck protection bill, of which Senator NICKLES was the original author and which Senator LOTT has offered, which would guarantee that there has to be written permission by a union before it takes money from its members for political purposes.

Everybody else in the American political process operates on that principle. Everybody else. It's high time that our good friends in organized labor raise their money voluntarily, from willing donors, like everyone else. I don't want to shut up the unions. I defend their right to engage in issue advocacy. It has always been directed against members of my party. I would not, for a minute, support anything that would take them off the playing field. But they ought to raise their resources from voluntary donors like everybody else.

This issue is going to be out in the States, Mr. President—a referendum in California in June, in Nevada, in Colorado, and in other States. It has already been passed in the State of Washington a few years ago. This is the real campaign finance reform that I urge our colleagues to vote for. If you want to vote for a real change in the American election system that would move us in the right direction, then let's introduce democracy into the workplace by making certain that no one's dues are taken against their will and spent on causes with which they disagree.

So, Mr. President, I urge a vote for cloture on the paycheck protection bill and a vote against cloture on McCain-Feingold, which would wreak great harm upon the first amendment to the U.S. Constitution.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute remaining.

Mr. FEINGOLD. How much time remains on the other side?

The PRESIDING OFFICER. They have 1 minute 45 seconds.

Mr. FEINGOLD. I yield the remainder of our time to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak up to 5 minutes at this time.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object. I will be happy to give the Senator what little time I have remaining.

Mr. WYDEN. That is very gracious.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, we now have a seemingly permanent political campaign in America. We have an election the first Tuesday in November, people sleep in on Wednesday, and it starts all over again on Thursday. The money chase simply does not stop. I came to the Senate after a hard-fought and, frankly, less than pleasant campaign against an individual I am proud to call both a friend and a colleague, Senator GORDON SMITH. In the final weeks of that campaign, we made a decision to unilaterally take off the air all television commercials about Senator SMITH. I thought it was time to talk about issues, time to focus, with the voters, on the real questions that were important to their future.

I am of the view that the American people need to know that today is the day when reform will be passed or defeated. The cloture vote on McCain-Feingold is the vote on campaign finance reform. It is the vote for a Senator who wants to address this problem of independent expenditures. It is the vote on the proposition that we need to have more time spent with voters, less time with raising money.

Mr. President, I urge passage of the bill. I thank the Senator from Kentucky for the additional time.

PAYCHECK PROTECTION ACT

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McCain-Feingold amendment.

Russell D. Feingold, Paul Wellstone, J. Lieberman, Richard J. Durbin, Tim Johnson, Edward M. Kennedy, Byron L. Dorgan, Barbara A. Mikulski, Daniel K. Akaka, Jay Rockefeller, Dale Bumpers, Wendell H. Ford, John Breaux, J. Robert Kerrey, Ernest F. Hollings, Daniel Moynihan, Patty Murray, Carol Moseley-Braun, and Max Cleland.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 1646 to S. 1663, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—51

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Thompson
Torricelli
Wellstone
Wyden

NAYS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Warner

NOT VOTING—1

Harkin

The PRESIDING OFFICER (Mr. SANTORUM). On this vote the ayes are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, under the previous order, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1663, the Paycheck Protection Act:

Trent Lott, Mitch McConnell, Wayne Allard, Paul Coverdell, Robert F. Bennett, Larry E. Craig, Rick Santorum, Michael B. Enzi, Jeff Sessions, Slade Gorton, Chuck Hagel, Don Nickles, Gordon H. Smith, Jesse Helms, Conrad Burns, and Lauch Faircloth.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 1663, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—45

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Coats
Cochran
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thurmond
Warner

NAYS—54

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey

Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Stevens
Thompson
Torricelli
Wellstone
Wyden

NOT VOTING—1

Harkin

The PRESIDING OFFICER (Mr. ROBERTS). On this vote, the yeas are 45, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until the hour of 2 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HIGHWAY BILL

Mr. LOTT. Mr. President, for the information of all Senators, at approximately 2 p.m. today it will be my intention to move to proceed to the highway bill. If a rollcall vote is requested on that motion, then Senators should be prepared to vote on the motion by early afternoon. Regardless of that, Senators should expect votes with respect to the highway bill throughout the afternoon and into the evening. There is still the possibility of votes on Friday, and I hope there will be votes Monday.

I hope that there will not be the necessity for a vote on the motion to proceed to the highway bill. Everybody understands it is very important. There are a lot of amendments pending we need to be working on in order to complete action in the Senate in a reasonable period of time so that we can have it done, and hopefully through the conference, well before the May 1 date.

There are negotiations, discussions that have been underway. No agreement has been worked out. Any understanding that is worked out would still have to be, obviously, considered and debated and voted on by the full Senate. But I believe we are making good progress. The time that we have had for the last month has been, I think, beneficial, but it is time we go forward on this.

I encourage Senators to get their amendments ready. There are a lot of amendments, other than funding amendments, that really need to be debated. I hope that they will be prepared to offer them this afternoon and on Friday. Let us get underway.

With that, I yield the floor, Mr. President.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

CAMPAIGN FINANCE REFORM

Mr. McCONNELL. I want to thank the distinguished majority leader for his superb leadership and for helping us pick our way through the mine field of campaign finance one more time. He has truly been outstanding. I just wanted to tell him how much I and the rest of the 48 of his party who believe deeply in the first amendment appreciate this, and for his leadership on this subject.

Mr. LOTT. Thank you very much.

Mr. McCONNELL. I also want to thank Alison McSlarrow from the majority staff who has been outstanding. We were sitting over here talking about the stress factor on this issue as it arises. It seems like a bad penny that keeps coming back. We have had a chance to get to know each other well and deal with each other a lot on this issue. Alison, I wanted to tell you what a wonderful job you did.

Mr. CRAIG. Will the Senator yield?

Mr. McCONNELL. Yes, I will yield.

Mr. CRAIG. I thank the Senator for yielding.

I want to speak only briefly, Mr. President.

Mr. CRAIG. Mr. President, a few weeks ago I had the privilege of being with Senator McCONNELL when he received a "Legislator of the Year" award from a national organization that recognized how critical his leadership on campaign finance reform is. This is an organization that has a large broad-based membership of individual God-fearing, constitutional Americans who recognized, as most of us do, that what we have here and what was debated over the last good number of days was a way of reshaping the Constitution and our basic rights as citizens in this country. You stood up and said: No, it isn't going to happen. It will not happen. We are going to agree with the courts and we are going to keep our citizens free to express, at will, their political thoughts.

So let me thank you for the kind of leadership you brought. Clearly, while it may go unrecognized by many, this was a phenomenally significant vote for the country and for our citizens. And I thank you for that.

Mr. McCONNELL. I thank my good friend from Idaho for his overly kind observation about my work on this issue. I thank you so very much.

I also want to thank my longtime ally in defense of the first amendment. We have worked together for 10 years now, Tam Somerville and I. She is from the staff, who is also in the stress reduction program, along with Alison McSlarrow and myself, as this matter pops up from time to time. Thank you again for your outstanding service to the country in helping us protect our ability to participate in the political process. And Lani Gerst, of my staff, who assisted Tam, has done yeoman's service. I thank her as well.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

(The remarks of Mr. D'AMATO and Mr. GRAHAM pertaining to the introduction of S. 1682 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent Lory Zastrow and Jeff Pegler of my staff be accorded floor privileges for the duration of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

CAMPAIGN FINANCE REFORM

Mr. GLENN. Mr. President, I rise today to speak about some of the events on the floor here over the last couple of days. I think perhaps sometimes we need a different yardstick by which to judge some of these votes.

We have now in effect, I guess, unless this campaign finance legislation is hooked onto some other legislation as we go ahead with our legislative activities of this year, that it is probably dead for this year. I hate to say that. I want to give a speech on some of the outcome of our campaign finance reform hearings that have been taking place in the Governmental Affairs Committee most of last year. I was unable to get over and give this at the appropriate time before the votes that we have had but still want to talk about this a little bit.

I think sometimes on controversial votes, which these are, that there is a different basis that we should be looking at instead of just the party line, just party loyalty and voting down the line with those party leaders who have a particular view. Those views, too often, affect just the political interests of the amendment. How much money are we going to be able to get for this next election? That is the basis on which votes seem to occur. That is a very short-term view of things.

Now, on some of these controversial votes I think there is another way to decide. It is what I call the "grandchild test"—the "grandchild test."

What you should do on some of these votes, I think, is think of what you would like the ideal political system to be when your grandchildren have grown up and long after most of us will have left the Senate of the United States. What kind of law do you want to see in place that deals with them fairly? What kind of law do you want to see in place that makes them feel that their voice is heard in Government as much as those who can contribute millions or at least hundreds of thousands of dollars worth, to get their voices heard? This may be after Democrats have reclaimed the Senate and the House and there is a Republican President. Who knows what the future situation may be.

But a "grandchild test" puts it on a little different basis, it seems to me. Do we want a system that is dominated by interests that may not favor your heirs, your children, your grandchildren? Do we want them to have to contribute hundreds of thousands of dollars to have their voice heard, to be treated fairly?

So the votes we have had over the past few days involve a matter of fairness, plain old fairness. In other words, fairness for all in our political system into the future. That is what the vote on McCain-Feingold was all about. Unfortunately, we cannot muster enough votes to overcome cloture. Although we had a majority of the U.S. Senate, the majority did not prevail because of the cloture that we would have been required to get to break a filibuster.

Mr. President, I welcome the opportunity to discuss the legislation today, the legislation we passed, because over the past year I have had the privilege of serving as the ranking member of the committee on Governmental Affairs' investigation into campaign finance. In the course of the investigation I have come to understand that the existing campaign finance system is in shreds.

Campaign finance reform is no longer something that I feel should be delayed, as we have delayed it by the votes of the last couple of days. I think it is absolutely crucial that at the earliest time we pass legislation addressing the worst abuses, if we can hope to maintain the integrity of our electoral process and the confidence of the American public. Over the course of my Senate career, I watched as public cynicism about Government has increased and trust in Government has declined. In 1996 for the first time, less than half the people in this country eligible to vote cast a ballot.

To those who argue that the public doesn't care about campaign finance, it is clear from national polls that the public does care. Polls show that while over 70 percent of Americans want campaign finance reform, only 30 percent have believed it will happen. Three out of four people interviewed do not trust us in Washington to do what is right. That is three-quarters of the American people do not trust us to do what is right. What an indictment of our activities here in the Congress.

I can't think of a better way to halt that kind of cynicism than by doing the unexpected and passing campaign finance reform and by fixing the system that breeds the cynicism and undermines public confidence. Poll after poll has shown the biggest single factor in lack of public trust in Government is the campaign finance system. I want to express my appreciate to Senators McCain and Feingold for their leadership on this issue. Their bipartisan cooperation has pointed us in the right direction. I hope we can follow their example and pass this legislation, hopefully even later this year. I hope they will take the opportunity on later legislation to attach this legislation on to it as an amendment and we will have some more votes on this, perhaps with a different outcome.

We have a unique opportunity if we pass campaign finance legislation to restore faith in our American system and renew our commitment to the concept of Government for all of the people, all of the time—not a system where access to elected leaders is meted out according to campaign dollars received. That is exactly what we have now.

The legislation that we have had before us over the past few days takes key steps to correct the two worst problems, the proliferation of huge amounts of soft money and the explosion of calculated issue advertising which exists outside the reach of existing laws simply because it avoids a key term such as "vote for" or "defeat." But the proliferation of issue advocacy candidates are becoming footnotes in their own campaigns struggling to conduct substantive debates on issues of local importance against the din of millions of dollars of issue advertising by national interest groups.

One has only to look to the campaign to replace recently deceased House Member Walter Capps taking place in Santa Barbara, CA, to understand the significance of this problem. Just last weekend, the Washington Post carried an article about this campaign which noted that while the candidates tried to focus on education and fiscal issues, hundreds of thousands of dollars were spent by national groups airing ads on term limits and abortion, issues which both candidates agree are high among voter concerns in the district but which have drowned out the candidates' own attempts to focus on issues of concern in their district.

Almost every abuse examined in the course of the Governmental Affairs Committee investigation has its roots in the proliferation of soft money and of calculated political issue ads. For that reason, I want to say something about the recent Governmental Affairs Committee investigation from the minority's perspective and how it reflects on the committee's debate.

The founders of this country envisioned that American political discourse would be based on the power of ideas, not money, and that our elected representatives would be chosen by the principles for which they stand, not the amount of money they raise.

Unfortunately, elected officials in the United States have become so dependent on political contributions from wealthy donors that the democratic principles underlying our Government are at risk. We face the danger of becoming a Government of the rich, by the rich, and for the rich. We face the danger because candidates for Congress and the Presidency spent over $1 billion on their 1996 election activities, according to an estimate by the Annenberg Public Policy Center. In order to raise that enormous quantity of money, some candidates and party officials push the campaign finance to the breaking point and some pushed it beyond. The abuses that occurred during the 1996 election exposed the dark side of our political system and underscored the critical need for campaign finance reform, as well as the need to enhance the ability of the Federal Election Commission to enforce campaign finance laws, which I will speak about later.

On March 11, 1997, the Senate voted unanimously to authorize the Governmental Affairs Committee to conduct an investigation of illegal and improper activities in connection with the 1996 Federal election campaigns. The Senate asked the committee to conduct a bipartisan investigation, one that would explore allegations of improper campaign finance activities "by all, Republicans, Democrats, or other political partisans."

Now this was a noble goal and there were widespread hopes that the committee would conduct a serious, bipartisan investigation, one that would investigate allegations of abuses by candidates and others aligned with both major political parties. In the end, however, the committee's investigation provided insight into the failings of the campaign finance system, but it certainly did not live up to its potential.

Now the minority regrets the failure of the committee to expose the ways in which both political parties have pushed and exceeded the limits of our campaign finance system. Both parties have openly offered access in exchange for contributions. Both parties have been lax in accepting illegal or improper contributions. Both parties have become slaves to the raising and spending of soft money.

Now, the committee examined a host of 1996 election-related activities alleged to have been improper or illegal. We heard from fundraisers, from donors, from party officials, from lobbyists, from candidates, and from government officials. We heard from a man, Roger Tamraz, a contributor to both parties. He admitted making 1996 campaign contributions for one reason—he wanted to obtain access to events held in the White House, period. He was willing to contribute hundreds of thousands of dollars to worm his way in there. In another instance, Buddhist Temple officials admitted reimbursing monastics for making campaign contributions at the temple's direction. Also, a wealthy Hong Kong businessman hosted the chairman of the Republican National Committee on a yacht in Hong Kong Harbor and provided $2 million in collateral for a loan used to help elect Republican candidates to office.

Most of these cases when there was questionable foreign money, most of it was given back by Democrats and Republicans both. And there was a lot on the Democratic side; I certainly don't deny that. As soon as the taint was there, the money was given back. But not in this case. The debt of $800,000 still has not been paid back. This example remains the best single, completely documented example of foreign money really being solicited and used in the 1996 campaign of anything that the committee looked at the whole year, Democrat or Republican.

The Committee's investigation exposed these and other incidents that ranged from the exemplary, to the troubling, to the possibly illegal. But investigations undertaken by the U.S. Senate are not law enforcement efforts designed to arrive at judgments about whether particular persons should be charged with civil or criminal wrongdoing, but, by Constitutional design, are inquiries whose primary purpose must be "in aid of the legislative function." Accordingly, the most important outcome of the Committee's investigation is the compilation of evidence demonstrating that the most serious problems uncovered in connection with the 1996 election involve conduct which should be, but is not now, prohibited by law. Or as Senator LEVIN has put it, the evidence shows that the bulk of the campaign finance problem is not what is illegal, but what is legal.

The systemic legal problems and the need for dramatic campaign finance reform are highlighted in our Report and in the following summary.

In our democracy, power is ultimately to be derived from the people—the voters. In theory, every voter is equal; the reality is that some voters, to borrow George Orwell's phrase, are "more equal than others." No one can deny that individuals who contribute substantial sums of money to candidates are likely to have more access to elected officials. And most of us think greater access brings greater influence. It was this concern over linkages between money, access and influence—amid allegations that Richard Nixon's 1968 and 1972 presidential campaigns accepted individual contributions of hundreds of thousands, even millions, of dollars—that spurred Congress to enact the original campaign finance laws. While those laws have evolved over the 20 years since that time, the goals have remained the same: to prevent wealthy private interests from exercising disproportionate influence over the government, to deter corruption, and to inform voters.

Violations of the law's contribution limits and disclosure requirements have occurred since they were first enacted over twenty years ago. For example, corporations and foreign nationals prohibited from making direct campaign contributions have laundered money through persons eligible to contribute. Donors who have reached their legal contribution limit have channeled additional campaign contributions through relatives, friends, or employees. Indeed, the investigation of the 1996 elections was triggered by suspected foreign contributions to the Democratic Party allegedly solicited by Democratic National Committee ("DNC") fundraiser John Huang. Indictments and convictions have emerged involving contributors to both parties, including Charlie Trie, Maria Hsia and the Lum family on the Democratic side, and Simon Fireman, vice chair of finance of Senator Dole's presidential campaign, and corporate contributors to the campaigns of Representative JAY KIM of California on the Republican side.

The most elaborate scheme investigated by the Committee involved a $2 million loan that was backed by a Hong Kong businessman, routed through a U.S. subsidiary, and resulted in a large transfer of foreign funds to the Republican Party.

I am not trying to hit the Republican Party harder than the Democrats. There was plenty of wrongdoing on both sides. That is the point. The point is that we need changes in the law.

While the Committee's investigation uncovered disturbing information about the role of foreign money in the 1996 elections, the evidence also shows that illegal foreign contributions played a much less important role in the 1996 election than once suspected and was discussed quite widely in the media. Whether judged by the number of contributions or the total dollar amount, only a small fraction of the funds raised by either Democrats or Republicans came from foreign sources.

That doesn't excuse it. It was wrong. It should not have happened. But it didn't determine the outcome of the election. That is the most important point to make.

The committee obtained no evidence that funds from a foreign government influenced the outcome of any election. It was alleged that they might have affected the outcome of the 1996 Presidential election. There is nothing, either in the documentation from intelligence sources or in the briefings we received, that could document that.

So the committee obtained no evidence that funds from a foreign government influenced the outcome of any 1996 election, altered U.S. domestic or foreign policy, or damaged our national security.

That doesn't mean it was right.

The Committee's examination of foreign money brought to light an array of fundraising practices used by both parties that, while not technical violations of the campaign finance laws, expose fundamental flaws in the existing legal and regulatory system. The two principal problems involve soft money and issue advocacy.

It is beyond question that raising soft money and broadcasting issue ads are not, in themselves, unlawful. The evidence suggests that much of what the parties and candidates did during the 1996 elections was within the letter of the law. But no one can seriously argue that it is consistent with the spirit of the campaign finance laws for parties to accept contributions of hundreds of thousands—even millions—of dollars, or for corporations, unions and others to air candidate attack ads without being required to meet any of the federal election law requirements for contribution limits and public disclosure.

The evidence indicates that the soft-money loophole is fueling many of the campaign abuses investigated by the Committee. It is precisely because parties are allowed to collect large, individual soft-money donations that fundraisers are tempted to cultivate big donors by, for example, providing them and their guests with unusual access to public officials. In 1996, the soft-money loophole provided the funds both parties used to pay for televised ads. Soft money also supplied the funds parties used to make contributions to tax-exempt groups, which in turn used the funds to pay for election-related activities. The Minority Report details, in several instances, how the Republican National Committee deliberately channeled funds from party coffers and Republican donors to ostensibly "independent" groups which then used the money to conduct "issue advocacy" efforts on behalf of Republican candidates.

Much was made the other day on the floor about the same thing happening on the Democratic side. That doesn't mean either one was excusable or right. But it happened, and it should not.

Together, the soft-money and issue-advocacy loopholes have eviscerated the contribution limits and disclosure requirements in federal election laws and caused a loss of public confidence in the integrity of our campaign finance system. By inviting corruption of the electoral process, they threaten our democracy. If these and other systemic problems are not solved, the abuses witnessed by the American people in 1996 will be repeated in future election cycles.

This will be only the beginning. All that will change will be the names, the dates, and the details, and the amounts will go up. We know that. As I said starting out, do you want your children or grandchildren to grow up in a system where their voices may not be heard in all of the venues of government because someone else bought their way in and has a bigger claim on the legislators' future than does your child or grandchild?

The federal campaign finance laws provide that candidates should finance their campaigns with so-called "hard dollars"—contributions received in relatively small dollar amounts from individual donors and political action committees. Soft money—which can be donated by individuals, corporations and unions and in unlimited amounts—is not supposed to be spent on behalf of individual candidates. And yet it is: Tens of millions of soft dollars are raised by the parties and spent, through such devices as "issue advocacy" ads, for the benefit of candidates. The soft money loophole undermines the campaign finance laws by enabling wealthy private interests to channel enormous amounts of money into political campaigns. Most of the dubious or illegal contributions that were examined by the Committee involved soft money.

The Committee's investigation also showed that the legal distinction between "issue ads" and "candidate ads" has proved to be largely meaningless. The result has been that millions of dollars, which otherwise would have been kept out of the election process, were infused into campaigns obliquely, surreptitiously, and possibly at times illegally.

The issue of soft money abuses is inevitably tied to the question of how access to political figures is obtained through large contributions of soft money. It is also tied to the question of how tax-exempt organizations have been used to hide the identities of soft money donors. A system that permits large contributions to be made for partisan purposes, without public disclosure, invites subversion of the intent of our election law limitations.

Despite a highly partisan investigation, the Committee has built a record of campaign fundraising abuses by both Democrats and Republicans. This record will hopefully be useful to the Federal Election Commission, the Internal Revenue Service and to the Department of Justice as they investigate the 1996 campaign. Most importantly, the Committee's investigation should spur much-needed reform of the campaign finance laws and strengthening of the Federal Election Commission. Congress should provide the Federal Election Commission with the necessary resources to significantly enhance its investigative and enforcement staff. Ultimately, the most important lesson the Committee learned is that the abuses uncovered are part of a systemic problem, and that the system that encourages and permits these abuses must be reformed not now, as a result of the legislative votes that we have had the last couple of days, sometime, and hopefully in the very near future.

The McCain-Feingold legislation that we are considering here today goes a long way to address these abuses. The bill rids the system of soft money, and brings "issue advertising" funded by corporate and union interests within the campaign finance system. The legislation also takes great strides towards creating a more vigorous enforcement mechanism in the Federal Election Commission.

Anyone who observed even an hour of the Governmental Affairs Committee's hearings in the campaign finance investigation over the past year, can have no doubt that the explosion of soft money, huge amounts received from corporations, unions, and individuals, has undermined the campaign finance system to the point where it does not work.

It is not fair for all of our people—which should be the objective, making our Government and its laws fair to all of our people—because the trend has become to give special influence to more and more of the special interests across Government, in the executive branch and in the legislative branch right here on Capitol Hill. This is where Congress makes the laws of this land. We didn't even look into congressional activities during this series of hearings.

The investigation revealed situations where contributors like Roger Tamraz openly used soft money contributions to buy the access to executive branch officials that he thought placed him in an equal position with his business competitors. It revealed situations where huge contributions, possibly from abroad were laundered through legal residents of this country. Without soft money these abuses would not have occurred.

In the initial debate on campaign finance legislation, and in subsequent debates, we have heated .discussions about whether it is appropriate to allow contributions of $1,000 vs $5,000. Yet today we are talking about a single contribution totaling hundreds of thousands of dollars. Mr. President I am hopeful that this body can join together in recognizing that individuals and organizations are using these contributions to gain access for their own limited and narrow purpose, and this unrestrained seeking of access is unhealthy for our democracy.

The investigation also showed instances where parties in their thirst for soft money solicited foreign funds, then used the proceeds to fund get out the vote activities in 20 states. Without soft money, these funds would never have been solicited and would not have made their way into U.S. elections.

The ready availability soft money combined with the national party's ability to air so called "issue ads" also resulted in an explosion of advertising which clearly benefitted both party's Presidential candidates. This apparently legal activity will be halted if we simply act to get rid of the soft money that is raised to pay for these ads.

As an example, the other day on the floor here, the comments were made about how the President participated in issue ads and so on, and was active in determining what was going out and so on. Much was made of that. But I would like to give the other side of that, which was not brought out on the floor the other day, too. This is not to justify both of them, this is just to say both of them, I think, should be corrected.

But, as an example, in the 1996 election, both the DNC and the RNC spent millions of dollars airing advertising that promoted their Presidential candidates. This advertising was paid for with mostly soft money. A review of some of the evidence gathered in the course of the report highlights the problem that parties use soft money to pay for advertising intended to help their candidates. Now, I don't deny some of the charges made against the Democratic National Committee. But, like the similar DNC advertising campaign:

The RNC raised additional soft money, with Senator Dole's assistance in order to pay for the ads.

The money for the ads was transferred to state parties in order to use more soft money for the ads.

The ads were created, written, and produced by Dole for President's media consultants and pollsters, and the Dole for President consultants met frequently—usually on Wednesday evenings —with RNC officials and Dole for President campaign officials.

The RNC ran the ads only in states where Clinton and Dole were close in the polls.

I offer this example not to suggest that these activities were illegal. In fact this activity—and virtually identical activity was carried out by the DNC and the Clinton campaign—were most likely legal. However, this sort of advertising would not happen without the soft money to air it. If the soft money spigot is shut off, candidates and parties would once again be limited to using contributions raised in small increments, which was the intent of the law.

If we fail to act in coming years we will probably see millions of dollars in so-called issue ads not only to help the Presidential candidates but also to help House and Senate candidates, all financed with soft money—a complete by-passing of the intent of election laws that are supposed to protect every single person in this country.

A few examples of abuses of the issue advocacy exemption uncovered in the Governmental Affairs Committee investigation, but which were precluded from being presented in hearing include the following:

An organization called the Economic Education trust, which seems to exist only as a bank account, hired its own political consultants, planned its own advertising campaign, then "shopped" for suitable nonprofit organizations to funnel the money for the ad campaign through. The trust spent millions of dollars on ads and mailings attacking candidates nationwide, including candidates in state races, without voters being aware of their existence.

Another one, Americans for Tax Reform mailed millions of mailers funded with RNC money to voters in key Congressional districts. If the RNC had mailed the same pieces, they would have had to use hard dollars.

Another one, at least two groups that each aired over one million dollars of issue ads, the Triad affiliated Citizens for Reform and Citizens for the Republic, aired advertisements that did not contain words of express advocacy but advocated no specific issue, contained inaccurate statements of candidates records, and attacked candidates on issues of past behavior and character.

The proposals for addressing such activity are carefully drafted to protect the First Amendment right of voters to engage in political speech. The proposed legislation does not prevent any individual or organization from paying for communications but simply requires disclosure and compliance with contribution limits that govern other organizations. It is a shame we could not get that legislation through in the last couple of days.

Let me talk about the FEC. I think that we can all agree that it doesn't matter how good a law you have, it has to be actively and vigorously enforced. Last fall the Governmental Affairs Committee devoted two weeks of hearing time to experts on campaign finance. Among the witnesses who testified before the Committee were former Federal Election Commission Commissioner Trevor Potter and current General Counsel Larry Noble. Along with other witnesses, their testimony revealed a agency unable to begin to deal with the mammoth task before it. The agency does not have the resources it needs to enforce existing laws. The FEC also does not have the ability to act quickly and effectively in response to complaints.

The lack of resources the agency receives from Congress almost guarantees that the agency will fail in its efforts to uncover violations of the law in a timely manner.

In testimony before the Committee on Governmental Affairs, Norm Ornstein testified that he thought, it was his opinion—and I don't think it was a studied opinion, but it was his estimate when asked a question—that it would take at least $50 million, almost twice what the FEC currently receives, and that might begin to give the agency the resources it needs.

To cover all of our election laws, there are approximately 30 lawyers on the FEC legal staff who investigate violations of the election laws. Those 30 lawyers don't really go out and do field investigations. Mainly, they may take some depositions and a few things like that; but they are not really trained investigators as such. Less than 10 additional lawyers comprise the entire litigation staff, which argues in court. And amazingly, until 1994 the commission had no investigators.

No investigators, and then they had one investigator. And it was pointed out during our hearings, they just recently, last year during our hearings, doubled the size of their investigative staff. A 100 percent increase—that got them up to 2 investigators. There were two investigators to go out and investigate complaints all across this country, as to what was going on.

Let me contrast that. By way of contrast our combined staff on the Governmental Affairs Committee had 44 lawyers, just for this investigation.

The Majority staff of 25 lawyers alone was almost equal to the entire FEC investigative staff. The Committee also had 8 FBI agents detailed to help in its investigation, as well as two investigators from the General Accounting Office and 4 investigators on the staffs. Yet when the FEC specifically asked Congress for the resources to hire more staff to deal with cases stemming from the 1996 elections, Congress specifically precluded the agency from hiring more staff. They wrote into law they could not hire more staff. Can we imagine anything more shortsighted than that?

The FEC must fight for every penny it receives. For example, in fiscal 1995, the FEC had over 10% of budget rescinded half way through the fiscal year, the largest percentage agency recision government wide.

In fiscal 1996, they sought $32 million but received only $26 million with some funds "fenced" for particular purposes.

In fiscal 1997, they had travel budget limited and fenced such that it was difficult to conduct depositions and court appearances including those undertaken in connection with the Christian Coalition litigation—just to name one.

That is just deliberately hamstringing the organization that is supposed to be enforcing our election laws, and Congress does that deliberately. Why? Well, you'll have to answer that in your own mind.

But there are undoubtedly those who do not want to see our campaign finance laws rigorously enforced.

The agency is also burdened by cumbersome procedures, which I believe the legislation before us today makes a good start at addressing. For example the FEC does not have the ability to seek an injunction that would halt illegal activity before the election was held. The FEC also cannot require electronic filing of disclosure reports that would soon permit every Internet user to see how much their local candidates had raised and spent and from whom. The FEC also lacks the ability to randomly audit campaigns to ensure compliance with the law. These reforms contained in the McCain-Feingold proposal will help the FEC to become a more vigorous deterrent to abusing the campaign finance system.

Let me make some recommendations.

Many of the proposals set forth in McCain-Feingold are also contained in the recommendations of the Governmental Affairs Committee's forthcoming report. The Minority, in its forthcoming report makes the following recommendations that can be enacted with passage of this legislation. We recommend that we eliminate soft money: Eliminating unrestricted contributions to political parties from individuals, corporations and unions is the most important step towards reducing the influence of money in the campaign finance system.

Another one, address issue advocacy: A soft money ban, however fundamental to reform, must be coupled with reforms addressing candidate advertisements masquerading as issue ads. A provision that requires any communication that mentions a federal candidate within 60 days of a general election to comply with disclosure requirements and restrictions on the use of union and corporate funds would not prevent or ban any advertisement but would bring all political ads within the campaign finance system.

Strengthen and clarify the statutory prohibitions against foreign contributions and contributions in the name of another which will be accomplished by the soft money ban contained in McCain-Feingold.

We need to give the Federal Election Commission the resources it needs to do its job. Any reform, from the most modest improvements in disclosure to the most comprehensive revision of campaign financing, will not be complete if the agency charged with enforcing the law lacks the resources to do so.

We should give the Federal Election Commission the authority needed to enforce the law. Not just the authority, but the resources to enforce the law.

Improve public disclosure and mandate electronic filing for all candidates and political committees to speed the disclosure process and allow more disclosure to voters. Those would have been covered within the McCain-Feingold legislation. In addition to what was provided in that bill, however, we should enact, with passage of this legislation, some other things. The Minority report also recommends that whenever possible we do several things

In addition to giving the FEC additional authority in general, as mentioned above, the minority also recommends several specific changes. No. 1: Increase the size of the Commission to an odd number of commissioners to avoid deadlock. Then we should grant the Commission the power to seek injunctions in Federal court. We should streamline the process for initiating investigations by eliminating requirements for a formal Commission vote, and formal finding that a violation occurred. And we should also permit the Commission to assess automatic fines for late disclosure reports.

Those are things that would not have been covered in McCain-Feingold but which should be enacted anyway.

Some other things the Minority report also recommends in, addition to what would be covered in McCain-Feingold.

For all contributions over $1,000, require certification, under penalty of perjury, that a contribution meets the requirements of federal law, including that the contributor is a citizen or legal permanent resident and that the contribution was made from the funds of the contributor.

We should reduce the costs of campaigns. During the 1996 campaign, federal candidates spent $400 million on television advertising. Congress should consider mandating some free time from broadcasters as one way to decrease the amount candidates buy and parties are required to spend to get out their message.

We should also clarify and strengthen applicable tax law. Tax exempt organizations have become increasingly influential in federal elections, while operating under legal requirements that provide insufficient guidance on permissible campaign activity and disclosure obligations.

We should also clarify campaign restrictions applicable to organizations operating under section 501(c)(4) of the tax code.

We should also ensure public disclosure of all organizations whose primary purpose is to influence elections by requiring that all organizations claiming an exemption from taxes under section 527 also file with the FEC or the applicable State body.

This next one is a very important one also. We should consider requiring the IRS to approve or disapprove all applications for tax-exempt status within 1 year and require that an application for exempt status be approved before an organization may hold itself out as tax exempt.

What is done now is exactly what was done with the National Policy Forum, an arm of the Republican National Committee, and was involved with the transfer of Hong Kong money through a loan guarantee that got money that I mentioned earlier. What happened there was that the National Policy Forum filed for 501(c) status and then advertised itself as being a tax-exempt organization even though the approval had not been granted yet by the IRS.

That is not unusual. Let me say on behalf of NPF and those who were involved with it at that time, it is not unusual when you file, you say you have filed and so you presume you are going to be a 501(c) organization and have tax-exempt status for anyone who makes a contribution pursuant to that status.

What happened was, the IRS came back later on and said the NPF was not valid as an organization, did not rate the tax-exempt status that the 501(c) would have carried with it. So they disapproved that, but that disapproval came at least 3 or 3½ years after the application was made. I do not believe any organization, whether it is for regular tax-exempt charities or political or any other organization, should be able to advertise itself as a tax-exempt organization until it has the ruling from the IRS.

These recommendations are directed at improving the system for everyone. The legislation we have had before us the last few days is also about improving our system. I didn't think that this was partisan legislation, but it certainly came out that way. The net effect of enacting these reforms would be to reduce the amount of money spent on campaigns and to have all players in the political system abide by the same rules.

In closing, I want to make one final point. Since 1976 I have supported public financing of campaigns, and it seems to me that it is a worthy use of Public Treasury funds to ensure that we have clean money and clean elections. The erosion of public confidence that I have witnessed can only be offset by taking the steps necessary to clean up our campaign finance system and renew the public trust in elected officials.

Let me say this. Sometimes I think the States get out ahead of the Federal Government in taking action that is necessary to clean up certain things within our system of Government. Maine has taken the lead now, of course, in doing exactly that with regard to campaign finance. It is my understanding some 12 other States are looking into financing candidates' races in the general election in State races, or at least a major portion of that funding that is required.

I believe that would improve our system of Government. I also believe that if we could have faith restored in our system by having taxpayer money that represents all interests of this country equally, and get back to having the Government represent all the people all the time, and not part of the time for all the people, and some of the time for the special interests who have bought their way in, that it would be the biggest value we have had in a long time.

So I wholeheartedly supported the bipartisan McCain-Feingold bill that was before us. I believe it is just a first step. Eventually, Mr. President, I believe the answer to our concern is to eliminate the role of private money in campaigns. I think we should allow campaigns to be fairly and equally underwritten by all Americans through some form of publicly supported finance. That is the purpose of Government, to represent every American, not a favored few.

Only when we have public financing do I believe we will be able to assure that loopholes will not develop and that special interests will not find new ways to bend the system to their own ends.

As I sat in on months of hearings on our campaign system, I became more thoroughly convinced that only when we turn to a public system of financing campaigns will we fully solve the problems of campaign finance. That is why I joined with my colleagues, Senator KERRY of Massachusetts and Senator WELLSTONE of Minnesota, in cosponsoring a bill called the Clean Money Clean Campaign Act. It is based on the Maine plan and those 12 other States who are looking at it, to limit campaign spending, to prohibit special interest contributions, to eliminate fundraising efforts, to provide equal funding and a level playing field for all candidates and end the loopholes that have wrecked our current system.

Through a publicly funded system, we can end the current abuse and establish a system that takes us back to our major responsibility, which is representing the interests of all the people all the time. I think that would go farther to clean up the system, restore faith and credibility in Government, and I think would be the biggest bargain the American public has had in a long time.

If you look at it another way, money comes out of our economy some way into politics. Now it is dollars for access. Too large a percentage of the money comes in from special interests looking for special treatment. With better financing, we would then fairly represent everyone. It would be nice to have people believe all of us are working all the time for the greatest benefit for all of our people. I think that would go a long way to reducing the cynicism, the apathy, the lack of interest, the lack of trust, the lack of danger that it represents, because when people feel too threatened, they will also feel that they want to split off into smaller self-protective groups to have their voice heard in some council of Government, which was something that was to be necessary if a democracy was to survive, as Thomas Jefferson said.

We don't want to see that. We think the two parties have represented our country well throughout our history, and we want to see these parties continue and not be siphoned off or not have their members siphoned off into smaller and smaller self-protective groups.

I recognize fully the time probably has not yet come to move to Federal financing, but I believe the more the American people focus on the current system and its exploding abuses, the more likely it will be that the support will grow for such a change.

So I would have liked to have seen us, over the past few days, pass the McCain-Feingold legislation that was before us, because I feel the situation is critical. We face elections in this country in less than 8 months in which the loopholes ripped open in 1996 will result in an even greater flood of legal but improper activity into the system as each party tries to elect their chosen candidates and the candidates battle to be heard against the flood of issue advertising.

Mr. President, I want to close by repeating some of the thoughts I opened my remarks with. These votes are controversial votes. They too often split just along party lines and party loyalty on the basis of what will enable one group or another to raise the most money for this particular election. But I think there is another way to decide on this. It is another test that I label the "grandchildren test," the "grandchild test."

What do we want our political system to be in the future in this country? Do we want our system to be a system that increasingly represents the few, the big interests able to put millions of dollars into a campaign, represents only the wealthy that can buy their way in by responding to ads that say that you will get to meet with the committee chairman of your choice if you make a certain large contribution, and down at the bottom it says, "Benefits upon receipt"? Is that the kind of system we really want for our children and our grandchildren in the future?

I think I would much rather have an ideal political system in which our children and our grandchildren have a great faith in Government, that their interests are being represented most by their elected officials. I don't think we want a system dominated by interests that may not favor your own children or grandchildren. I don't want my grandchildren to think that they have to contribute thousands, not just thousands, but hundreds of thousands or maybe even millions of dollars, if they ever have that much money, to have their voice heard in Government in a democracy such as ours.

So we have had votes over the past few days that, to me, were votes very simply on fairness—fairness that we have a commitment in this Senate to making certain that all of our people are treated fairly all of the time. That was what these votes were all about.

I encourage Senator McCAIN and Senator FEINGOLD to bring that legislation back to the floor again later this year. Maybe we can try again. Sometimes legislation that is important for the future of the country needs a number of votes before we finally get it through. I think this is an issue whose time has come, and it is an issue that is going to be critical if we are going to erase some of the cynicism and apathy toward Government that abounds too much in this country, particularly among our young people.

That, to me, is the hazard of going on with this. I don't think this Nation of ours is ever going to be taken over by the likes of Russia, China, North Korea or any combination of nations around this world. I do worry about the future of our democracy when we have people, particularly our young people, who are so apathetic toward politics and Government that they don't want any part of it, wouldn't think of running for public office, don't want to get into a dirty thing like political races, wouldn't think of going out and trying to raise money to help our political parties get messages across.

We have to erase that if we are to have the democracy that is our future, because our country can go downhill from that just as fast as it can from other adversaries that might have more military power but would not be able to take this country over.

Mr. President, I hope that we bring this subject up again this year, and I hope that we have a more favorable consideration of it when it comes up again.

I also want to recognize Beth Stein, who is with me here today, who has worked so long and hard on this, who has had a long experience at the FEC and contributed so much to our hearings this year and last year in trying to make sure we have a way to the future that is good for all of our people. I thank her for her efforts, and also all the committee members who worked so hard on this through the year.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.N.-IRAQ AGREEMENT

Mr. BIDEN. Mr. President, I listened with great interest yesterday to the comments of the majority leader on the agreement between the United Nations and Iraq. I did so particularly since I had come to the floor in the past and publicly credited him and complimented him for his forceful assertion the night of the State of the Union indicating we would stand united, Democrats and Republicans, in our opposition to Saddam Hussein. That was badly needed at the time. It was a statesmanlike thing to do, and it was applauded by all of us.

But I must admit I was perplexed yesterday by the majority leader's comments. He seemed, in my view, Mr. President, to rush to judgment to engage in a pessimistic fatalism that I think permeated his remarks and I think are unwarranted.

The majority leader is correct, based on what I heard yesterday, at least in one important respect, and that is the agreement between the United Nations and Iraq should be judged by whether it furthers American interests from our perspective. This is entirely consistent with the position taken by President Clinton. He and his national security team are in the process of making that judgment, which is: Is this agreement consistent with and does it further U.S. interests?

The administration is seeking clarifications to the ambiguities in this very general agreement. It is using our formidable diplomatic muscle, Mr. President, to settle unanswered questions in our favor, as I speak. In contrast to the gloomy assessment presented by the Senate majority leader, things appear to be breaking our way so far, as we seek the proper interpretation of that agreement.

Secretary General Kofi Annan has provided assurances on some of the key questions that have arisen in the accord.

First, the new special team will be an integral part of UNSCOM and not a separate entity, as some worry.

Second, the diplomats to be appointed to the new team will act as observers only. UNSCOM will retain operational control of the entire inspection process.

Third, the head of the new special team within UNSCOM for inspecting Presidential sites will be an arms control expert with a solid track record in arms control. Mr. Jayantha Dhanapala, the current Undersecretary General for disarmament, who has recently completed a tour as Sri Lanka's ambassador to the United States, will be that person. He has played a key role in making the Nuclear Nonproliferation Treaty permanent. He and Ambassador Richard Butler have known each other for nearly 20 years, and they appear to be able to work together and respect one another.

Fourth, UNSCOM and the Secretary General, not Iraq, will develop the procedures for inspecting the Presidential sites.

Fifth, UNSCOM and Chairman Butler will retain their independence.

Sixth, the reporting lines remain intact. The new team leader will report to Ambassador Butler, who, in turn, reports to the Security Council through the Secretary General, as UNSCOM's chairman has done since 1991.

Finally, the new representative of the Secretary General in Baghdad will not have a direct role in the UNSCOM inspections process.

If these assurances pan out, then this agreement will go a long way toward furthering the United States national interests.

I have personally known the Secretary General, Kofi Annan, for many years, and I regard him as a man of his word. So I have no reason to doubt these assurances that have been made now on the record.

For the sake of argument, let us assume that the Secretary General is attempting to deceive us, which I know he is not. In that case, I don't see that we have given up any of our options, even if that were his intention.

We are not bound by this agreement. If it provides unworkable mechanisms to let UNSCOM do its job, or if it undermines the integrity of UNSCOM, we can and should walk away from it.

The critics would have us believe that we are the "helpless superpower," that we are bound by the terms of an agreement negotiated by an omnipotent United Nations. This simply does not conform with reality or square with the facts.

We have a formidable armada assembled in the Persian Gulf poised to strike at a moment's notice. That armada can be called into service if the agreement falls short or if Saddam Hussein reneges on his commitments. The agreement does not in any way suspend our right to act unilaterally or multilaterally for that matter.

Indeed, should the agreement be violated, the use of force would meet with, in my view, much less international opposition than it would have in the absence of an agreement.

An allegation that I find particularly puzzling is that we have "subcontracted our foreign policy" to the United Nations. Granted, it makes for a crisp sound bite that everybody will pick up, but like most sound bites, it lacks substance.

Those who make this politically motivated charge seem to ignore that the Secretary General is acting according to specific guidelines issued by the Security Council. They seem to forget that the United States is in the Security Council and our Secretary of State, in particular, played a central role in preparing these guidelines.

Would the critics have preferred the Russians and the French coming up with an agreement without our input, or the Secretary General acting on the basis of his own instincts? Or would they rather have him act on the basis of the red lines that we drew in the agreement as a member of the Security Council? Or to avoid subcontracting our foreign policy, would the critics have preferred our diplomats traveling to Baghdad?

The charge also misses the fact that we have maintained support for our policy by acting within the bounds of the U.N. resolutions, which we crafted. We have not subcontracted; we have set the terms for Iraqi compliance.

Throughout this crisis, the same critics have leveled exaggerated charges that we have precious little international support for our policy; yet, in the same breath they call for a course of action, such as toppling the regime, that would guarantee absolutely no international support and without the willingness to supply our military with the force necessary to do that. It seems to me that this is a glaring contradiction in arguments made by the critics of President Clinton's approach. You can't have it both ways.

I believe that the Presidents resolve in backing diplomacy with force has been vindicated. It has not been easy. He was subjected to criticism from those who wanted to go farther and those who wished he hadn't gone as far as he did. These critics make some valid arguments, but they fail to put any realistic alternatives forward. They also fail to recognize that their suggested course would entail far greater costs than the President's approach.

In their rush to criticize the Clinton administration, the critics have gotten lost in the proverbial weeds. They have conjured up worst-case scenarios and portrayed American options as being much more limited than they actually are.

As the facts come in, the false picture they have painted is gradually being chipped way. The agreement moves us to a far more advantageous position than we were in before the crisis began. If Iraq implements the agreement, we will have access to all suspect weapons sites in Iraq for the first time. If Iraq refuses to comply this time around, then we will be in a much stronger position to justify our use of force, which I am convinced we will exercise.

The bottom line, Mr. President, is that we have given up none of our options, while the agreement has very likely narrowed the options for Saddam Hussein.

I yield the floor.

UNSCOM CHAIRMAN BUTLER'S REMARKS ON AGREEMENT WITH IRAQ

Mr. DASCHLE. Mr. President, yesterday, I came to the floor to discuss the agreement that has been achieved between the UN and Iraq with regard to access to suspect sites in Iraq. At that time, I indicated that clarifications over the course of the last 48 hours had increased our confidence about the degree to which we think the agreement can be successful.

I want to talk a bit more about that agreement now, given the comments just made this morning by UNSCOM Chairman Richard Butler. His statement helps clarify even further the degree to which the agreement may be as successful as we had hoped it would.

As I stated yesterday, what we are seeking could not be more clear. We are simply seeking unconditional, unfettered access to all suspect sites, as called for in prior Security Council resolutions. We also noted yesterday that diplomacy, backed by the threat to use overwhelming force, has brought us closer to that goal.

The comments made over the last 24 hours by UNSCOM Chairman Richard Butler are of immense help in clarifying the important details of the agreement, some of which we have not had access to until now.

As the process of clarification continues, there is a growing sense of just what we have achieved here. The perspective of UNSCOM Chairman Richard Butler, whose track record of toughness with Iraq is legendary, is especially valuable.

I want to take just a moment to highlight some portions of Chairman Butler's take on UNSCOM's role in the agreement.

I ask unanimous consent that the text of the remarks of Chairman Butler be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DASCHLE. Mr. President, in his statement earlier today, he made a number of comments, and I want to describe them at this point. His first comment on the overall agreement says that the agreement:

> . . . gave expression to a fundamental commitment that is set forth in the resolutions of the Security Council, mainly that UNSCOM must have immediate, unconditional and unrestricted access to all sites in Iraq for the purpose of carrying out its mandate. The memorandum of understanding at high political level reaffirms and reiterates that commitment.

In other words, what Chairman Butler has said is that his highest priority is to assure that we have this unrestricted, unfettered access to all sites in Iraq. Having now examined the details of the memorandum of understanding incorporated within the agreement, Chairman Butler concludes that the commitment is intact. With regard to the UNSCOM role in the context of the agreement, he said:

> I view it [the agreement] as strengthening UNSCOM in the conduct of its work in Iraq.

With regard to UNSCOM's access to presidential sites, he noted:

> The arrangements that are made for that access, set forth principally in paragraph 4 of the memorandum of understanding, have been the subject of some misunderstanding and, regrettably, some misrepresentation. I want to make clear that those arrangements are entirely satisfactory to me and the organization that I lead.

With regard to the role of diplomats in the inspection effort, Chairman Butler said the following:

> With the establishment of a special inspection group within UNSCOM, to be led by a chief inspector of UNSCOM, to which diplomatic observers will be added to insure concerns that Iraq has expressed and the council has acknowledged with respect to the particular dignity of those sites, we will be able to do our work.

Putting it in simple language, Chairman Butler has noted that adding a diplomatic contingent to the inspection effort will not hinder UNSCOM in fulfilling its mission.

With regard to the concern about unclear lines of authority as UNSCOM performs its duties, he said the following:

> These lines of authority and reporting are clear, and I find them entirely satisfactory. Going beyond that, quite frankly, I find it a positive additional resource which will now be put at our disposal to enable us to do the work in those designated sites within Iraq.

Chairman Butler also adds a note of caution regarding implementation of this agreement, as have the President, the Secretaries of State and Defense, and many Members of Congress: that the proof will be in the testing.

If Iraq implements the agreement, weapons inspectors will, for the first time, have unrestricted, unconditional access to all suspect sites in Iraq, with no limits on the numbers of visits or deadlines to complete their work. If Iraq does not cooperate and we need to take action, we are in a stronger position internationally than ever. Again, if Iraq fails to comply, our response will be swift, strong and certain.

Chairman Butler concludes that this is a strong agreement. I share his view. This agreement allows us to complete our work. This agreement, backed up by the use or the threat of force, would allow us the access that we did not have before.

Mr. President, I don't know how much clearer one can say it than that. Chairman Butler has concluded that this agreement does the job—as long as the Iraqis comply. Now, the question is, will Saddam Hussein be willing to live by his word? Will he provide the access he committed to in this MOU? If not, it's back to business, it's the use of force, it's a swift response militarily and by whatever other means may be necessary.

So, Mr. President, I think we need to get on with it. Let's take the necessary steps to get the inspection teams to Iraq and inspect these sites. Let's clarify, to whatever extent may be required, whether these sites contain material that needs to be destroyed. Let us continue the overall assessment of compliance on the part of Iraq. We are in a position to do that now. This agreement allows us to pursue our work. I applaud those responsible and will continue to monitor this situation with every expectation that, one way or the other, we will get the job done.

I yield the floor.

EXHIBIT 1

ARRANGEMENTS BETWEEN U.N. AND IRAQ FOR INSPECTIONS OF CONTROVERSIAL SITES IN IRAQ

(By Richard Butler, Chairman, U.N. Special Commission)

BUTLER: . . . level, it gave expression to a fundamental commitment that is set forth in the resolutions of the Security Council, mainly that UNSCOM must have immediate, unconditional and unrestricted access to all sites in Iraq for the purpose of carrying out its mandate.

The memorandum of understanding at high political level reaffirms and reiterates that commitment.

Thirdly, it follows logically from those two facts that, as far as I am concerned, I welcome it. I view it as strengthening UNSCOM in the conduct of its work in Iraq.

There is some detail in the memorandum of understanding with respect to the specific object that was addressed—namely, access for UNSCOM to presidential sites within Iraq. The arrangements that are made for that access, set forth principally in paragraph 4 of the memorandum of understanding, have been the subject of some understanding and, regrettably, some misrepresentation.

I want to make clear that those arrangements are entirely satisfactory to me and the organization that I lead. They will give us access to the presidential sites in Iraq, which have now been described accurately as a consequence of the work of the UN mapping team, and presented yesterday to the Security Council.

With the establishment of a special inspection group within UNSCOM, to be led by a chief inspector of UNSCOM, to which diplomatic observers will be added to insure concerns that Iraq has expressed and the council has acknowledged with respect to the particular dignity of those sites, we will be able to do our work.

I welcome very much in addition the appointment of a new commissioner of the special commission, who will have particular responsibility for the work of inspection of those sites, and who will work very closely with me.

With respect to the reporting and scientific analysis responsibilities arising out of the inspection of those sites, the analysis will be conducted by UNSCOM, and the reporting will be done from the new commissioner of UNSCOM to me, and I in the usual way to the Security Council through the secretary-general.

These lines of authority and reporting are clear, and I find them entirely satisfactory. Going beyond that, quite frankly, I find it a positive additional resource which will now be put at our disposal to enable us to do the work in those designated sites within Iraq.

So under these circumstances, I have to say to you that I am aware of some of the reports that suggest that this has weakened UNSCOM. I disagree. Some have gone further to say that it's the beginning of the end of UNSCOM. I view that much as the legendary reports of Mark Twain's death when he was still alive. He said they were somewhat exaggerated.

Now, this is a strong agreement. It's an agreement where I suggest to you you should not look so much at the fine print, although that's fine by me, but not so much at the fine print, but the thumbprint. the thumbprint—prints—on this agreement are those of the secretary-general of the United Nations and the president of Iraq, with whom he consulted personally on this agreement.

I look forward to implementing it as soon as possible, and, as many have said, to going out into the field and to testing in practice what is written on paper. I earnestly hope that Iraq will give as the full cooperation that it has pledged to give in this agreement, and under those circumstances, I hope that we would be able to complete the disarmament portion of our work in Iraq and put all of what remains under long-term monitoring in a relatively short time.

Now Fred, I must just quickly divert to a report from Baghdad in which a UN official in Baghdad made some remarks about the conduct of our Chilean staff—that is, the helicopter crews provided to us by Chile. I just want to say that I regret those remarks. They were an unauthorized statement for which—which was not in fact—which was not factual. I have, in fact, received within this house an apology for those remarks. I didn't require that it was made, and I gratefully received it.

The main point I would want to make to you in addition to saying that those remarks, which you may have seen, but I felt the need to address is that they are not factual. What is factual is that the work that is done for us by the 40 Chilean air force personnel who fly our helicopters is simply outstanding.

They are diligent and courageous young men. They're indispensable to the work we do in Iraq. And I want to reiterate my deep gratitude to the government of Chile for continuing to make those persons available to us.

Thank you.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 25, 1998, the federal debt stood at $5,524,032,303,574.34 (Five trillion, five hundred twenty-four billion, thirty-two million, three hundred three thousand, five hundred seventy-four dollars and thirty-four cents).

One year ago, February 25, 1997, the federal debt stood at $5,342,930,000,000 (Five trillion, three hundred forty-two billion, nine hundred thirty million).

Five years ago, February 25, 1993, the federal debt stood at $4,199,328,000,000 (Four trillion, one hundred ninety-nine billion, three hundred twenty-eight million).

Ten years ago, February 25, 1988, the federal debt stood at $2,473,169,000,000

(Two trillion, four hundred seventy-three billion, one hundred sixty-nine million).

Fifteen years ago, February 25, 1983, the federal debt stood at $1,211,806,000,000 (One trillion, two hundred eleven billion, eight hundred six million) which reflects a debt increase of more than $4 trillion—$4,312,226,303,574.34 (Four trillion, three hundred twelve billion, two hundred twenty-six million, three hundred three thousand, five hundred seventy-four dollars and thirty-four cents) during the past 15 years.

REMARKS BY GENERAL DONALD S. DAWSON CELEBRATING THE 75TH ANNIVERSARY OF THE RESERVE OFFICERS ASSOCIATION

Mr. THURMOND. Mr. President, the United States Army Reserve is celebrating its 90th anniversary this year, and for almost the past century, this force has repeatedly made important and significant contributions to the defense of the Nation, both in times of peace and war. The men and women who comprise the citizen-soldiers of the Army Reserve, and all our reserve forces, can take great pride in the tradition of service and excellence they have established from the wooded battlefields of World War II to the sands of the Persian Gulf.

One organization that has worked tireless to promote not only the Reserve forces of all the services, but the security of the United States is the Reserve Officers Association. Located just across the street from the United States Capitol, this association has been one of the leading advocates for an effective and responsible national security policy for the past three-quarters of a century.

Last year, the Reserve Officers Association celebrated their 75th birthday and one of its past National Presidents, Major General Donald S. Dawson (USAF Retired), who served as the Chairman of the Chairman of the Anniversary Committee, made an address that I ask unanimous consent to have printed in the RECORD. General Dawson personifies the type of individual who chooses to serve our Nation through the military and I think my colleagues would find his remarks of interest and inspiring.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS OF DONALD S. DAWSON, MAJOR GENERAL USAF (RETIRED), CHAIRMAN OF THE 75TH ANNIVERSARY COMMITTEE, RESERVE OFFICERS ASSOCIATION AT THE UNVEILING OF THE HISTORICAL PLAQUE COMMEMORATING ITS FOUNDING AT THE WILLARD HOTEL, OCTOBER 2, 1997

My fellow Americans, welcome! We are here today because the Congress of the USA, in its wisdom, passed the Reserve Act in 1920, establishing a two million Reserve Force, led by a 200,000 officer Reserve Corps, based on the experience of World War I and the centuries of experience before that gave us a trained, equipped, and experienced hard core military force, ready to respond and serve at a moment's notice when the need arises.

George Washington, a century and a quarter before, proclaimed, "To be prepared for war is the surest way to insure the peace," and, accompanying that policy, he said, "Every citizen of a free government owes his services, and a proportion of his property to defense of it."

Just 75 years ago today, General of the Armies, John J. Pershing hosted a luncheon for 140 Reserve officers of World War I in this very historic and beautiful Willard Hotel—at which he proposed the formation of an association of Reserve Officers that would give our country an equipped, organized, trained military force ready to insure our country's security.

General Pershing said at that meeting, "I consider this gathering one of the most important, from a military point of view, that has assembled in Washington or anywhere else within my time."

General Pershing further realized that, while he had Congressional legislation, implementation would be the key to success and he knew that the only way this civilian force could be recruited was with broad-based citizen support—since it depended entirely upon patriotism and the voluntary will of the people to participate.

Let us look at his foresight.

In December 1940, one year before our entry in World War II, General George C. Marshall commented about this Reserve Force, "In contrast with the hectic days of 1917, when the War Department, with no adequate reservoir of officers to draw upon, had hurried to select and train the great number of officers required for the vast expansion of the Army, we now have available in the Officers Reserve Corps, a great pool of trained men available for instant service."

"Today, almost 60 percent of the officers on duty with regular Army units in the field are from the Reserve Corps, and almost 90 percent of the Lieutenants are Reserve Officers."

ROA had done its job and has continued to glorify that record in every emergency since.

Yes, we have kept our contract with America, And honored it.

Just this year our Commander in Chief, President Clinton, congratulated ROA for its steadfast adherence to supporting national security and maintaining an adequate National defense since its foundation in 1922.

179,000 Reservists met the call in Korea. They were there in Viet Nam. 166,000 in the Persian Gulf and today 5,000 are on duty in Bosnia.

Let us hereby resolve that the torch of freedom that was lit 75 years ago on this spot shall burn ever more brightly in our hands for all the years to come in defense of liberty and justice for all.

URGING CONSIDERATION OF ISTEA LEGISLATION

Mr. INOUYE. Mr. President, I rise today to urge my colleagues to begin immediate consideration of the ISTEA reauthorization legislation. The current federal funding authorization for our nation's roads and bridges expires May 1st. If we allow this funding authority to expire, the ability of our state and local agencies to plan, design, implement, and manage transportation improvements and resources will be compromised.

This lapse in new highway funding authority will jeopardize highway projects and safety programs across our country, and will have significant effects on Hawaii.

Federal highway projects support approximately 5,816 jobs in Hawaii, and without a reauthorization of the ISTEA legislation, those 5,816 people may lose their jobs. In addition to employment effects, an expiration of ISTEA spending authorization will place the safety of all Hawaii's citizens at risk. More than half, 51%, of Hawaii's bridges are structurally deficient or functionally obsolete. Further, 28% of Hawaii's major roads are in poor or mediocre condition, which increases the possibility of motor vehicle crashes.

A failure to reauthorize this transportation spending authority will only increase the cost Hawaii's motorists currently pay due to poor road conditions. Each Hawaii motorist pays an additional $102 each year in extra vehicle repairs and operating costs caused by driving on roads in need of repair. Furthermore, 45% of Hawaii's urban freeways are congested, which costs Hawaii's motorists in wasted time and fuel.

'The effects of our failure to reauthorize the ISTEA legislation will be felt not only in Hawaii, but also in every state in the nation by every citizen of our nation. Every single citizen benefits from our transportation infrastructure every day. Even if you do not drive you benefit from our transportation system through the products you consume that were transported via our roads and highways. The development of our transportation infrastructure helped fuel the development of our nation. We must not let it fall into disrepair.

There may be concerns that the proposed ISTEA legislation is not the best way to meet our country's transportation needs. We must allow ourselves ample time to debate and consider all the issues surrounding ISTEA reauthorization, so that we may pass the most effective legislation. We must bring this legislation to the floor now.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. LOTT. Mr. President, I see that the distinguished chairman of the committee that has jurisdiction over the surface transportation bill is in the Chamber. I believe that the ranking member is on his way. In fact, I see he has just arrived in the Chamber.

So, I now move to proceed to S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Chafee/Warner amendment No. 1312, to provide for a continuing designation of a metropolitan planning organization.

Chafee/Warner amendment No. 1313 (to language proposed to be stricken by the committee amendment, as modified), of a perfecting nature.

Chafee/Warner amendment No. 1314 (to amendment No. 1313), of a perfecting nature.

Motion to recommit the bill to the Committee on Environment and Public Works, with instructions.

Lott amendment No. 1317 (to instructions of the motion to recommit), to authorize funds for construction of highways, for highway safety programs, and for mass transit programs.

Lott amendment No. 1318 (to amendment No. 1317), to strike the limitation on obligations for administrative expenses.

Mr. LOTT. Mr. President, I ask unanimous consent that it not be in order to offer any amendments relative to funding or financing prior to the Senate resuming consideration of the bill on Wednesday, March 4, 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would like to state at this point that I did consult with the leaders of the committee and with the Democratic leader about this issue. There are still discussions underway with regard to funding, whether or not some additional funds would be available, and how much. There will be meetings occurring on that, I am sure, later on this afternoon, tonight, and over the weekend. But there are a number of amendments that are pending to this bill that we can go ahead and take up that would take some time for debate and be considered and have debate and vote. It is my hope that we can get our colleagues to come on to the floor, offer amendments, and, hopefully, we could even have some amendments disposed of this afternoon.

I have indicated to the Democratic leader that we have to expect votes on Monday and Friday in March, because we have not only this very important bill but a number of other important bills. We are just going to have to start having votes in order to complete this very ambitious agenda.

Does the Senator wish me to yield?

Mr. DASCHLE. Mr. President, I thank the majority leader. I think he just clarified it. I just came from our Policy Committee luncheon. The question was asked about votes tomorrow. I assured them it was the majority leader's expectation that there would be votes, and I think he just confirmed that it is his expectation that we will see votes on Friday. At what point could we expect to see votes on Monday?

Mr. LOTT. I think we would honor our previous understanding that we would stack votes, if any were available, for 5 o'clock Monday afternoon. But, again, we will consult and have some further announcement on this after we get a better feel of how it is going to go later on today or before we go out for the week.

Mr. President, I further ask unanimous consent that it be in order for me to withdraw all amendments and the pending motion pending to S. 1173, except the pending committee amendment, and it be further modified to be in the form of a complete substitute subject to further amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1312, 1313, 1314, 1317, 1318, AND MOTION TO RECOMMIT WITHDRAWN

Mr. LOTT. Mr. President, therefore, I withdraw amendments numbered 1312, 1313, 1314, 1317, and 1318 and the motion to recommit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, again, what we are doing here, without going back and touching on last year's history—I do not want you to recall that—we did have some amendments that had been added to the tree, so to speak. We are withdrawing all of these now. We have the substitute bill out of committee. It is ready for amendments, and Senators will be able to come and offer their amendments, and we will have debate and vote.

AMENDMENT NO. 1676.

(Purpose: To provide a substitute)

Mr. LOTT. Mr. President, so, on behalf of the chairman, I further modify the committee amendment to reflect what is now in the form of a substitute amendment and, therefore, subject to further amendments and ask that the amendment be printed as a Senate amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. CHAFEE, proposes an amendment numbered 1676.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I thank the Senator from South Dakota for his cooperation in this effort.

Obviously, this is very important legislation. I believe progress has been made over the past couple of days in a bipartisan way to come to some agreements, although they have not been reached, that would allow us to complete this bill in a way that would be fair to most all Senators.

I thank the Senator, and I thank Senator BAUCUS for his cooperation and particularly the chairman, Senator CHAFEE.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. Mr. President, Let me thank the majority leader for his efforts in scheduling this legislation.

As I think everyone knows, this has been a matter of great priority for many of us. We are very pleased that now we are able to move ahead with the debate and consideration of this important legislation.

We do not want to miss the construction cycle, and, certainly, by passing the legislation at an early date, we ought to be in a position to send a clear indication as to what our intentions are with regard to highway funding for the foreseeable future in time to meet the construction season.

We hope that our House colleagues will also be sensitized to the importance of moving this legislation ahead quickly.

Obviously, this legislation will go to conference. That will take some time. Even if we can expeditiously consider it now, it will be some time before we are prepared to send it over to the President. The sooner we can do that the better.

It is for that reason that I hope we can avoid debate on extraneous amendments and legislation that may not be directly germane to the issues that fall within the consideration of this title and of this bill. It is for that reason that it is not our intention to offer campaign reform legislation to this bill or other forms of legislation that might be of high priority to the Democratic caucus.

I will say, with regard to campaign reform legislation, there is no doubt at some point that it will be our intention to revisit the question, revisit the issue, but not on this bill, not at this time. Our hope now is that we can expeditiously consider it so we can get the legislation passed in time to assist States in planning for resources and the allegation of the available funding that will be made as a result of the completion of this legislation.

So, I thank again the leader and all colleagues involved for bringing us to this point.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the majority leader has outlined or stated clearly what the situation is. We are going to now proceed with the Intermodal Surface Transportation Efficiency Act of 1998.

I have a statement. I suspect that the distinguished ranking member will have a statement. Then we want to get on with amendments.

The amendments that are available to consider today, tomorrow, and early next week will be amendments that are not relative to funding or financing. Funding and financing matters are now being worked out between various participants in that matter. So we will not touch on allotments or matters like that. But there is a whole series of amendments. There are some 200 amendments that have been filed, and a whole series of them have nothing to do with either financing or funding.

So I hope that the authors of those amendments will bring them over, and let's debate them. If we can get a time agreement, three cheers, and get the vote. We have a lot of work to do. I just hate to have matters pile up toward the end. The majority leader has indicated he is very anxious to complete this legislation. I join in that desire.

Mr. President, at long last, the Senate will begin its consideration of the "Intermodal Surface Transportation Efficiency Act of 1998," which will be referred to constantly on this floor as ISTEA or ISTEA II. This legislation is the product of more than a year of hard work and careful negotiations in the face of tremendous obstacles.

At this time last year, the Committee on Environment and Public Works had before us three different very good proposals. But they were different. We were able to integrate them into one unified plan that I believe is deserving of the entire Congress' support.

I might say, Mr. President, that this bill was reported out of the committee unanimously—18 to nothing. Democrats and Republicans all supported it.

When ISTEA was enacted in 1991—that is, ISTEA I, the original bill—it transformed national transportation policy. What was once simply a highway program is now a surface transportation program. That is the name of the bill. It is the Intermodal Surface Transportation Efficiency Act. That is what it is. It isn't just a highway bill; it is a surface transportation bill.

We recognize that transportation touches every facet of our lives. The transition from the old policies and practices to those embodied in ISTEA I wasn't easy, and as for S. 1173, ISTEA II, it will carry forward the strengths of ISTEA I. But it also corrects some weaknesses that were in that legislation. And it will provide a responsive and, I believe, responsibly financed transportation program.

ISTEA II preserves and builds upon the worthy objectives of intermodalism. That is a big word that we will be using around here. Intermodalism means in conjunction with and cooperation of a series of methods of transportation—it might be railroad, it might be aircraft, it might be automobiles and trucks—all working together to the greater strength of all.

ISTEA II provides $145 billion. That is what we have as of now. Perhaps that will be increased as the result of the negotiations that are taking place. That is for over 6 years. It provides it for our Federal highway system, for highway safety, and other surface transportation systems. Moreover, it aims to stretch these dollars as far as possible.

Mr. President, in the 1940s and 1950s the mindset—and understandably so—was to build an expensive highway system to move goods and passengers throughout the country. Now the interstate system is completed, and the mindset has shifted. The goal is no longer simply to build more highways but to preserve and maximize the strengths of our existing system, do the best we can to move more vehicles over the existing roads in a safe and efficient manner. We must reach out for ideas on creative ways of meeting our infrastructure needs.

One of the primary goals of the Committee on Environment and Public Works as we drafted ISTEA II was that limited Federal funding be spent as efficiently as possible. We sought to accomplish this in several ways.

First, ISTEA II provides real flexibility to States and localities and makes the program easier to understand. We believe this is a more simplified program than ISTEA I. It reduces the number of the program categories from five to three, and it includes more than 20 improvements to reduce the red tape involved in carrying out transportation projects. These provisions address some of the chief complaints we heard about ISTEA I.

Second, ISTEA II includes a number of innovative ways to finance transportation projects. It establishes the Federal credit assistance program for surface transportation. The new program leverages limited Federal dollars by allowing up to a $10.6 billion line of credit for transportation projects at a cost to the Federal budget of just over $500 million. In other words, for $.5 billion we get a $10.6 billion line of credit. The bill also expands and simplifies the State Infrastructure Bank Program to enable States to make the most of their transportation dollars.

The third change we made, or key feature of this bill, is it strengthens the transportation technology programs of the original ISTEA. Transportation technologies offer a wide array of benefits. They relieve traffic congestion and improve safety.

A key forward-looking initiative of ISTEA II has been the Intelligent Transportation Systems, or the so-called ITS. ITS technologies provide new options for transportation planners to address safety and capacity concerns without the negative environmental or social effects of just expanding the highways, adding more lanes, constantly widening the highway. The Intelligent Transportation Systems also provide timely information to travelers and more efficient ways to design and build transportation infrastructure.

The beauty of these innovative technologies is they boost the potential of our existing transportation system by moving more cars through existing lanes. That is what I was talking about before. Let me give you an example. I think we can take a good lesson from the Nation's airports. In the past decade we have only built one new airport, a major one, in our country. That is the International Airport in Denver—the only one new airport in the country in the last 10 years. Nonetheless, we have increased the capacity of our existing airports through state-of-the-art technology. By learning from innovations and air traffic control and operations used in our airports where more aircraft carrying more people are using the existing facilities, we can maximize the so-called throughput of our highways, our rail system, and our transit systems just as well.

Fourth, the bill before us significantly reforms the ISTEA funding formulas to balance the diverse regional needs of our Nation. The aging infrastructure and congested areas of the Northeast, the growing population and capacity limitations in the South and Southwest, rural expanses in the West require different types of transportation investments. Under ISTEA II, 48 of the 50 States share in the growth of the overall program, and the bill guarantees 90 cents back for every dollar a State contributes to the highway fund. This is up. In the past, under the ISTEA I, some States were as low as getting back 70 cents for every dollar. This would boost them all up to 90 cents on the dollar.

One of the wisest transportation investments we can make is safety for our passengers and drivers. In the United States alone there are more than 40,000 fatalities. That is something like 800-plus deaths a week on our highways in the United States. There are 3.5 million automobile crashes every year. Between 1992 and 1995 the average highway fatality rate increased by more than 2,000 deaths a year, while the annual injury rate increased by over 380,000.

We must work vigorously to reverse this trend, and this bill will help us do that. ISTEA II substantially increases the Federal commitment to safety. The funds set aside for safety programs such as hazard elimination and railroad-highway crossings under this bill total nearly $700 million a year, a 55 percent increase over the current level.

As valuable as transportation is to our society, it has taken a great toll on our Nation's air, water, and land. The cost of air pollution alone that can be attributed to cars and trucks has been estimated to range from $30 billion to $200 billion a year. I am proud that the bill before us increases funding for ISTEA's key programs to offset transportation's impact on the environment.

ISTEA II provides an average of $1.18 billion per year over the next 6 years for congestion mitigation and air quality improvements, sometimes referred to as CMAQ—congestion mitigation, reducing congestion and improving air quality. The amounts for this program are a substantial increase over the current funding levels for transit improvements, shared-ride services, and other activities to fight air pollution.

Over the past 6 years, the Transportation Enhancements Program has offered a remarkable opportunity for States and localities to use their Federal transportation dollars to preserve and create more livable communities. Our highway program has devastated many communities, barging through them in a fashion that was designed to "get the road built. Forget about the neighborhoods or what is happening in the communities that these highways are going through." That was the old system.

Starting with ISTEA I, continued with ISTEA II, we provide a 24 percent increase in funding for transportation enhancements such as bicycle and pedestrian facilities, billboard removal, historic preservation, rails-to-trails programs.

In addition to CMAQ and enhancements, the ISTEA II establishes a new wetlands restoration pilot program. The purpose of the program is to fund projects to offset the loss or degradation of wetlands resulting from Federal-aid transportation projects.

The original ISTEA, ISTEA I, recognized that transportation is but one part of a complex web of competing and often conflicting demands. As we all know, it is not a simple task to resolve the competing and often conflicting interests and demands with respect to transportation. The statewide metropolitan planning provisions of ISTEA I have yielded high returns by bringing all interests to the table and increasing the public's inputs into the decision-making process. This is the so-called metropolitan planning provision that we had in ISTEA I.

ISTEA II continues and strengthens the planning provisions of the original ISTEA. This program is a comprehensive approach to transportation and has been working well. ISTEA II continues the spirit of intermodalism by extending the eligibility of the National Highway System and Surface Transportation Program funds to passenger rail, such as Amtrak, and magnetic levitation systems which we are just embarking on. By unleashing the efficiency and environmental benefits of all modes of transportation systems—highway, rail and transit—the bill before us will meet these demands and give a better quality of life for all Americans.

I wish to express my appreciation to the majority leader for helping us to expedite the Senate's consideration of this important measure. The majority leader has been deeply involved in the conversations we have been having in connection with this legislation.

I also thank Senators WARNER and BAUCUS, and other members of the Environment and Public Works Committee, including our distinguished Presiding Officer this afternoon, each, for their excellent works in developing this legislation. It has been a challenging but rewarding exercise, to write the bill before us. I look forward to working with other Members of the Senate as well as the House leadership to enact a bill that will take the Nation's transportation system into the 21st century.

So, Mr. President, again I issue a call to all who may be in their offices or listening. Now is the time to bring up amendments. Undoubtedly the distinguished ranking member will have a statement. But after that we are ready to go. I will feel distressed if we just sit here waiting for people to respond and they do not bring over these amendments. As I say, there are some 200 amendments out there. Some of them, obviously, are involved with fiscal matters which we cannot take up; but the others we can and we would like to.

I thank the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Montana.

Mr. BAUCUS. Mr. President, I am very pleased to join my good friend and colleague, the chairman of the Public Works Committee, Senator CHAFEE. We have been friends for many, many years, have been on the committee for many, many years, and here we are again with the highway bill. I compliment the chairman for his graciousness, his hard work, his dedication to public service. I think the citizens of Rhode Island already know this, but for those who may not know it, or are wondering, I would like, to them and the rest of the country, to say they could not have a finer Senator than Senator CHAFEE.

Mr. CHAFEE. Thank you very much.

Mr. BAUCUS. I would also like at this point to thank our leader, Majority Leader TRENT LOTT, who has worked hard, particularly in the last several weeks, with various Senators, various groups, to assure we could bring this bill, the highway bill, the ISTEA bill, up earlier than it looked like would be the case.

At the end of the last session of Congress, the leader indicated he would like to bring this bill up as one of the first orders of business in 1998. Other factors intervened and made that difficult, extremely difficult. But, through his hard work, he was able to work out a way to bring this up very soon. One main reason is because of the tremendous need in our country. The current highway program expired several months ago. It expired the end of September. We don't have a highway program. We did pass a short-term extension until the end of April—it expires April 30—but there are not many weeks left between now and April 30. It is, therefore, incumbent upon us to take up this bill early because it is so complex, there are so many Senators who have such interest; let alone Members of the House, the other body; let alone taking it to conference. Again, I tip my hat to the majority leader for bringing this up very quickly.

The current ISTEA legislation, as I mentioned, expired the 30th of last September, and, as I mentioned, it means we are currently operating under a 6-month extension which expires May 1. I might say that is just 9 weeks from now. I might also say that after this May 1 date, States will no longer be able to obligate any Federal funds. That means we have to finish this bill very soon. By that I mean, after May 1 a State may not obligate, that is, may not contract, funds to contractors, to designers, for rights-of-way or whatever is part of the highway program.

That is not true for other bills around here, other laws that are passed here in Congress as a general rule. Sometimes an authorizing program expires and the Congress appropriates dollars for the program. That is not the same for the highway program. The highway program has to be in place in order for States and highway departments to contract dollars to people in their States to build highways.

Since it has been a little while since we debated this bill, I would like to just add a few points to those made by the chairman of our committee, Senator CHAFEE. I want to begin by saying that we have tremendous infrastructure needs in our country. It's a big, fancy term, infrastructure. It's roads, highways, it's telephone lines and power lines—all of the basic structure that is the foundation for the rest of the country to operate on. You just can't let it deteriorate.

Other countries spend more on infrastructure than we do, more on a per capita basis of their gross domestic product. Japan, for example, spends about four times what we do on infrastructure per capita; Germany spends a couple of times more than we do per capita. I might say that the Germans spend a lot of money on their highway program, and a lot of it goes into research. They have researched highways so much, when you build a highway in Germany now it lasts forever, virtually. They have a whole new technology, ways to bring their highways up to date. They spend a lot more on research and development than we do. We are a bigger country. We have to spend the dollars on our roads.

Once we spend more dollars on our highway programs, it will go a long way, obviously, to reduce congestion. There are more cars every year, not fewer. This will also help increase highway safety. It will mitigate the impacts of transportation on the environment.

Some people think of this only as a highway bill. This isn't only a highway bill. There are lots of other parts of this bill, and one of them is it helps improve the air quality in our country. The bill will also improve our mobility, our efficiency as a nation. That's a cost of doing business. A businessman knows, a company knows, the more efficient the transportation system, the more he or she is able to reduce the costs of doing business. So it's not just pleasure. It's not just convenience. It's a matter of doing business.

The bill also increases the dollars for research and for the deployment of new transportation technologies. That is very important as we move into the next millennium.

Some may ask, why is transportation so important? I have given some very obvious reasons already, but let me just amplify them a little bit. Transportation really affects us every day. Certainly when we get in our cars and drive, if we get in a taxicab, or try to move from one place to another, it very much does affect our quality of life. It also means investment. It means jobs. Over 42,000 jobs are created for every $1 billion of Federal spending. Stop and think about that for a moment. Mr. President, 42,000 jobs in America are created for each $1 billion of Federal spending. And most of those jobs are good-paying jobs. They are operating engineers, or they are laborers, they are with companies making the asphalt, concrete, highway resurfacing aggregate—those are good jobs. That's income. It helps our economy.

Transportation and related industries employ almost 10 million people overall each year. Again, transportation and related industries employ about 10 million people every year. Transportation is one of the largest sectors of our economy; about 11 percent of gross domestic product. There are only three other sectors that have a higher percentage of our national gross domestic product; that's housing, that's health care, and that's food. Highway ranks No. 4.

In addition to the economic implications of transportation investments, we cannot overlook the impact of our quality of life. The United States has the largest transportation system in the world. We enjoy the premier system of highways: a 45,000-mile interstate system; about 4 million miles of other roads.

To put that in perspective, these 4 million miles of roads in the United States would circle the Earth 157 times. Just think about it, 4 million miles of basic roads in the U.S. would circle the Earth 157 times. In a population of about 265 million, our people drive over 2.4 trillion miles each year on these highways.

I was trying to think of an example of what 2.4 trillion really means. It is such a staggeringly high number. No example immediately comes to mind, but if people just stop and think a little bit, we are not talking about millions, not billions, but trillions, 2.4 trillion miles each year on our highways.

Obviously, it causes us to repair them more. They get more beat up by trucks and cars. Some roads in our part of the country, Mr. President, thaw, freeze, thaw and freeze again. They get cracks in the pavement and fill with water and freeze again. They get bigger and cars and trucks pound on them. It is a problem.

Not only does it cause highway repair bills for our cars, but it causes us to rattle our teeth a little bit and utter a few words about our highways, roads and potholes. The Transportation Department estimates that we need about $54 billion every year just to maintain our current highway system —$54 billion every year just to maintain. If we want to spend $74 billion a year, we could improve our system. That is the needs assessment of the Department of Transportation, $54 billion to maintain. If we want to improve our system to a level that makes sense for America, it would be about $74 billion. I must say, at all levels—State, local and Federal—we spend about $34 billion a year. So just to maintain the current level, it would cost $54 billion. If we want a premier system, it would be $74 billion. But we in America spend not $54 billion to maintain to stay even, we spend $34 billion. That is a total of Federal, State and local spending on our highway system.

That means we are challenged in the Congress to come up with legislation that is very efficient, that does what it can with what we have.

I think this bill does that. It is not perfect. No legislation is perfect. We are 100 Senators; we are not one. We have to compromise. Again, I think this is a good compromise. Why?

First, it builds on the successes of its predecessor, the highway bill, otherwise known as ISTEA of 1991. That was authored by my good friend and colleague from New York, Senator MOYNIHAN, in the Senate. That was a landmark piece of legislation because it recognized the intermodal nature of transportation in America, much more than previous highway bills, and how connected we are for a more fluid flow of traffic and commerce and people, more of a seamless system.

Our transportation system is more intermodal now. Also, State and local governments will be able to choose transportation projects that meet their diverse needs. We are one country, but we are also 50 States with many, many localities. This legislation gives local municipalities more control in making decisions for themselves. No longer are we restricted in our mode of transportation. States can build highways, transit facilities, bike paths. Different communities certainly over the last 2, 3, 4 years have been more and more interested in, the fancy term is enhancements, but basically it is more concretely things like bike paths, pedestrian walkways. Again, that is a local decision hopefully covered enough in this bill.

It also continues, as I said, along that path, no pun intended. We have some improvements, and I think we will be able to have even more improvements, that is, even more dollars added to this bill in the next several days.

Let me talk a little bit about what we have attempted to do to make this bill more efficient and user friendly. The current highway program, again the fancy term is ISTEA, has about 11 categories from which dollars are taken to spend on various projects, whether it is interstate maintenance or whether it is interstate construction enhancement, bridges, whatnot. We have reduced those 11 categories down to five.

They are: the Interstate National Highway System, that is one category; the Surface Transportation Program; the Congestion Mitigation and Air Quality Program; and then two other equity accounts essentially to make this all fit. Yet, we have maintained the integrity of ISTEA.

What do I mean by that? Six years ago, Congress declared the end of the interstate era. Essentially, the interstate system had been completed. We are now in the process of combining the interstates with other key, most important primary highways in our country. We call that the National Highway System, or NHS. This National Highway System is a system of about 170,000 miles of roads and bridges, and they carry the vast majority of our traffic—commercial and passenger. These are the roads which provide access to rural and urban areas. They are the ones that connect farms to markets and homes to jobs. Mr. President, 170,000 miles, that is the interstate system, plus the other major highways in our country.

This legislation before us today recognizes the important role of that National Highway System and its key component the interstate system. Under the bill, about $12 billion a year will be spent on the National Highway System and at least half of that, about $6 billion, will be spent to maintain the interstate system of roads and bridges.

While we have eliminated the current bridge program, and I won't get into details except to say a lot of communities have abused the current bridge program; that is, they say they need all this money for bridges and then they take the money and don't spend it on bridges but spend it on something else. Obviously, we want to reduce that dodge but yet maintain the quality of our bridges. So we have folded the current bridge program into other categories. States will receive about $4.2 billion under certain bridge apportionment factors, and they will be required to spend at least what they are spending on bridges today. This will help ensure improvements in the conditions of our bridges.

The second category, the Surface Transportation Program, is retained. That is a very flexible funding category. It is very important to give State highway commissions flexibility because, after all, they know what their needs are. This STP, Surface Transportation Program, provides this flexibility for all kinds of transportation projects from new construction to improvements in current highways, just to name a couple examples.

In addition to this second program, Surface Transportation Program can be used for bike paths or pedestrian walkways or transit capital projects, transportation enhancement projects, rail highway crossing safety improvements, hazard elimination projects—again, a lot of flexibility to the highway commissions.

We also maintain a very important program to improve air quality and reduce congestion around the country. That program is called the Congestion Mitigation and Air Quality Program, otherwise known as CMAQ. This program provides dollars to nonattainment areas so they can undertake projects to improve their air quality.

What does that mean? Mr. President, as you well know, under the Clean Air Act that was passed in 1991, certain regions and certain cities of our country are "not in attainment" of air quality standards which they are working toward. We want to make sure that the highway program doesn't make attainment or air quality worse, because sometimes if you have a lot more traffic in a certain city that is having a hard time meeting its level of air quality, that is going to make it even more difficult for that community to meet air quality standards. We are trying to figure how to work the two together.

The solution, as in last year's bill, is the CMAQ Program. States then will use these dollars on certain projects that help reduce congestion in certain areas, therefore, to help that community meet its air quality requirements.

I must say, the past 6 years have demonstrated terrific benefits which CMAQ has contributed to many areas reaching attainment. It has helped areas reach attainment and helped reduce traffic flows and reduce congestion. Most important, we have updated the formulas. These factors are much more current in helping calculate what a State will receive. The bill recognizes the diverse transportation needs of our country, from large southern States to donor States to the densely populated Northeast. The bill uses transportation factors and measures the extent of the use of the highway system.

Use of these factors ensures that the funding is directed to the States based upon their need for highway funding. Just as a sidelight, I must say that the last ISTEA bill, the one we are operating under, uses very dated data. It is based on the 1980 census, for example, even though it was a 1991 bill. The ISTEA program, when it was passed in 1991, used the 1980 census data. It also uses 1916 postal roads requirements. There is a lot in there that doesn't make sense for 1998 and particularly as we move into the next century.

So we have used and changed the formulas, brought them up to date based upon the needs of a State. Just as transit program formulas measure ridership in the extent of an area's transit system, it only makes sense that highway formulas do the same. That is what we have done in this bill.

In addition to providing funding to improve infrastructure, the bill before us today also pays for more research, more development of new transportation technologies. We are not saying we are as up to date and as fancy with new technologies on our highway system as the Internet is with all the advances in computer technology, but we are developing intelligent transportation systems—shorthand ITS technologies—that will help increase the capacity of existing transportation systems without having to add new lanes and make this more efficient with the use of technologies and increase safety on our roads with new technology.

An example I might give is transponders on cars which could read the ownership and the distance a car is traveling going through a toll so you don't have to stop and pay the toll every time.

In addition to that, in my State of Montana, and I know yours, too, Mr. President, in Colorado, sometimes we drive along and there are deer and elk on the road ahead, livestock in my State. Sometimes in the southern part of the State we have bison on the road, or winter range. We are developing technology to warn cars ahead of time that there is livestock on the road, there is bison, deer and elk on the road. It is not fully developed, but it is an example of the kind of things we are working on just to help improve and update our highways.

Let me sum up by saying that I think this bill is very balanced. It passed the committee by a unanimous vote. It is a fair bill. It is good for the country and for our future, and I think it is very important we begin work today so we can meet our May 1 deadline.

I strongly urge Senators who have amendments, and under the agreement we are operating right now, as you know, we are providing only for nonfunding amendments; that is, amendments that don't deal with money in the bill, and there are a lot of them. So I ask Senators who have those amendments to come to the floor now today because we all know that when we get up to the deadline—a weekend—that things get pretty tight. It is far better to bring your amendments up earlier than later if you want them to be considered, otherwise they will not be fully considered and will go down the drain most likely.

Mr. President, I also want to mention and give tremendous credit to the Senator from Virginia, Senator WARNER, chairman of the transportation subcommittee of our full committee. He has worked very, very hard. He has many, many responsibilities around here with everything under the Sun, frankly, yet he has diligently, with his staff, worked to come up with this compromise, and I might say, also, with tremendous grace and style and class. And it has been a real pleasure to work with the Senator from Virginia.

In addition, we are here today in large part, Mr. President, because of the efforts of Senator BYRD, from West Virginia, and Senator GRAMM, from Texas. There was a problem as to whether—we did not know whether we were going to get this bill up before the budget bill. But Senators BYRD and GRAMM have offered an amendment. It is very simple. The amendment is not before us now. It is part of the matrix of this whole highway bill.

It is a very simple amendment which says, essentially, of the 4.3 cents of Federal gasoline taxes, which we last year transferred from general revenue into the highway trust fund, that money should also be spent back on highway programs, at least that portion dedicated to highways.

That is the amendment. And because of that amendment, and because of the urgency of making sure that our motorists in our States get what they pay in taxes, we are here now today, before the budget resolution is before us, and again it is Senator BYRD and Senator GRAMM who in large part are responsible, in addition to the leader and Senator WARNER and others as to why we are here.

So I close, Mr. President, because I see my good friend, Senator WARNER, standing over here ready to speak. And I thank him for what he has done.

Mr. WARNER. Mr. President, I thank my distinguished colleague. And indeed the Senator from Montana and I have been partners on this throughout. There was a time when it was just the two of us together. And we stood steadfast and put together the basic coalition of States that gave us the nucleus of concepts and ideas which were incorporated in the subcommittee bill, of which I am privileged to chair and the distinguished Senator from Montana is not only ranking on the full committee but he is ranking on the subcommittee that drew up this bill.

I thank him because there were some lonely days in the course of the development of this bill, and we stood together as we have throughout. He has quite properly acknowledged the important contributions of Senator BYRD and Senator PHIL GRAMM of Texas. And we have been meeting together with the distinguished majority leader, the chairman of the Budget Committee, chairman CHAFEE, Chairman D'AMATO, as we try to work through a solution to the timing and the presentation of that amendment.

So, Mr. President, I want to give a statement on behalf of the bill. But two of our colleagues have time constraints, and if it is agreeable to the distinguished floor manager here on the Democrat side, I would like to yield at this point in time the floor such that these Senators can get recognition and do their important work.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that I might proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I would also like to add my commendation to the distinguished Senator from Virginia for his outstanding leadership on the ISTEA II bill and on his commitment to the infrastructure of this country. It has been my privilege in my first year in the Senate to serve with Senator WARNER on the Environment and Public Works Committee, and it has been an honor indeed to see his commitment to improving the infrastructure of this Nation and his willingness to work with me on our particular needs in my home State. I commend you for your leadership.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 1684, S. 1685, and S. 1686 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HUTCHINSON. Mr. President, I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes for the purpose of introducing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THOMPSON pertaining to the introduction of S. 1687 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX MORATORIUM ON INTERNET TRANSACTIONS

Mr. GREGG. Mr. President, the administration comes in for a fair amount of criticism from our side of the aisle, and I think most of it is well directed. So when they do something that is positive and which is, in my opinion, proper policy, it should also be acknowledged.

The administration's decision today, the White House decision, the decision of the President, as presented by the President's people at Treasury, Deputy Secretary Summers, to put in place a moratorium, or send up legislation to put in place a moratorium on any tax relative to transactions over the Internet which States might try to assess is the absolute right decision.

I know that the Governors of the different States were in Washington this week, and that they made one of their priorities the ability to assess a tax on transactions which occur over the Internet. That is wrong. The Internet is obviously the last Wild West of American and world entrepreneurship. It is an explosive technology of which, as we all know, we have only seen the tip of the iceberg.

I can't think of any quicker way to retard that explosion of technology, creativity, entrepreneurship, and the prosperity which will arise from it, than to create a hodgepodge of taxation across this country assessed against the Internet by each State. I can't think of anything that would have a more chilling effect on the capacity of people using the Internet to participate in transactions involving commercial sales than if they were subjected to a tax policy which would vary from border to border, and probably within States from community to community.

This would definitely undermine the condition in which the Internet has become one of the more effective ways that this Nation markets its products, not only within the United States but internationally. It would also undermine our capacity as a Nation to speak to other countries in this world which might be considering putting a tax on the Internet or Internet transactions, which would create a waterfall effect as other nations tried to join into it. It would be truly not only a bad example, it would end up being an incredibly bad policy for our Nation as a world leader in the area of technology. So the White House has chosen the right course here.

I recognize that for years many of the Governors have sought the ability to tax interstate sales which occur through the mails. The Bellas Hess case has been the law of the land, which says that is not something that States can do and that the catalog companies that are based around the Nation, when they sell through the catalogs, are not subject in many instances to the sales taxes of the local States. I happen to think that is also the correct policy, but I recognize that many of the Governors do not.

However, if they have a grievance with the issue that addresses the sales through catalogs, then that issue should be separated and settled independent of the Internet, and that issue should be settled first before we move into the Internet. They should not use taxation of transactions over the Internet as an attempt to leverage the issue of taxing catalog sales across the country, and that is basically what the goal of the Governors was here. They obviously cared about the Internet tax policy, but they were more interested in trying to get the catalog sale issue, which is a much bigger item right now—maybe not in the future, but right now—for these States.

But in trying to do that, the Governors have, unfortunately—and speaking as a former Governor, I say that with genuine regret—pursued a policy which is wrong. Added taxes are not a good idea in most instances anyway, but added taxes which would be assessed across this country in all sorts of different varieties against the Internet transactions would undermine, as I mentioned, one of the great entrepreneurial issues, certainly in the latter half of this century and potentially as we go into the next century, for the beginning of the next century.

I congratulate the White House for its decision to send up to the Congress a moratorium on any taxes which might be assessed by States against the Internet. I will strongly support that moratorium. I look forward to prompt action on it.

I yield back my time and make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

The Senate continued with the consideration of the bill.

Mr. DORGAN. Mr. President, I am relieved, as are many of my colleagues, that the highway reauthorization bill is now on the floor of the Senate. I compliment the Senate majority leader, Senator LOTT, for bringing this piece of legislation, which is so important to this country, to the floor for debate. Not only do I compliment and thank the Senate majority leader, I thank publicly the Senator from Virginia, Mr. WARNER, Senator BAUCUS from Montana, Senator BYRD from West Virginia, Senator GRAMM from Texas, and so many others who have come to the floor of the Senate and who, prior to that time, have worked in the committees and subcommittees to produce a piece of legislation that I think is a very good and very important for this country.

Again, I express my appreciation to all of those folks who I think have crafted a bill that continues to understand that roads and highways represent a national priority and represent a national need.

There are some things in this country that we don't describe as a national need or a national priority. We decide that these are things that State and local governments make decisions on individually around the country. But there are some things that are national in scope. We decided some long while ago that if we were to be a world-class economy, we must have a first-class infrastructure, and we must have a nationwide network of roads over which we can move commerce and trade back and forth across the country. Roads that we can be proud of, roads that we keep maintained through the investment that we make in legislation like this.

The difficulty that we have had over the years in constructing a highway program has been a disagreement among the various States about who should get what, and how much money should go to one State versus another for the investment in the infrastructure of roads and bridges.

In the Senate, we have now constructed a piece of legislation that I think has an awfully good formula. It is a compromise, a compromise that has been worked out by not only Senator WARNER and Senator BAUCUS, but Senator CHAFEE and so many others. This compromise, in my judgment, is fair and makes a great deal of sense for this country.

It is my hope that the Senate, now having this piece of legislation on the floor, will move expeditiously to offer amendments, to consider amendments and get final passage. And then, hopefully, persuade the other body to do the same so that we can get to a conference and finally adopt a conference report on this important legislation.

I am going to be offering an amendment, perhaps two amendments. I will not offer them at this moment, but I want to describe one of the amendments that I will offer to this piece of legislation.

Not only is it important that we have good highways and good roads in this country, it is important that the roads be safe. This legislation deals with safety standards; it deals with highway safety programs and the investment necessary to educate the American people and to provide assistance to the States in that education process.

One of the issues of safety in our country is the issue of drinking and driving. It is interesting that if you ask the question, "Have you been touched or affected, do you have a relative or an acquaintance that you know who has been killed by a drunk driver?" almost every American will raise their hand and say, "Yes, I know someone who has been killed by a drunk driver."

Every 30 minutes in this country someone else dies on this Nation's roads because of a drunk driver. Someone who took a drink, and then took a car out on a public highway and caused a death. Every 30 minutes another American dies on our roads because of drunk driving.

My family has experienced that tragedy twice. The call that I received, like the calls that so many other Americans have received, to tell me that my mother had been killed by a drunk driver is a moment that I will never forget.

My mother was driving home from a hospital at 9 o'clock in the evening in Bismarck, ND, traveling at about 25 miles an hour, about 4 blocks from home, and a drunk driver in a pickup truck, being pursued by the police, according to eyewitnesses, at about 80 to 100 miles per hour, on a city street, hit my mother's car. She was killed instantly.

It took a long, long time for me to overcome the anger that I felt about that. I still today think of not only what a tragedy it was for our family to lose such a wonderful woman, but every time I pick up a newspaper and read a story or watch the television or listen to the radio news about another death on our highways caused by drunk drivers, stop when I hear it and understand again what a tragic, tragic thing it is. This not some mysterious disease for which we do not have a cure. We understand what causes these deaths. And we understand how to stop it.

This country does not, regrettably, view drunk driving as do some other countries in the world. In Europe, if you drink and drive and are picked up under the influence of alcohol, the penalties are so severe that you don't want to think about them. So almost inevitably in Europe, whenever several people are out drinking, one person is not drinking because that is the person who drives. You cannot afford to drink and drive in some European countries.

In this country, regrettably, for a long while, when someone was picked up for drunk driving, someone else would give them a knowing grin and a slap on the back, and say, "That's OK, Charlie." Well, it is not OK. Organizations have developed in this country—Mothers Against Drunk Driving, and others—who began to raise an awareness, State by State, on these issues, that the carnage on American roads does not have to continue.

But do you know that, despite all of the work that has been done and despite all of the efforts in the States, in the cities, and here in the U.S. Congress; do you know that there are States in this country where you can put one hand on the neck of a whiskey bottle and you can put your other hand on a set of car keys? You can slip behind the wheel of that car, put the key in, start the engine and drive off and drink from that whiskey bottle, and you are still perfectly legal?

There are still States in this country, nearly a half a dozen of them, that do not prohibit drinking and driving. It is unforgivable, in my judgment, that anywhere in this country someone can legally drink alcohol while they drive down the roads. I do not want it to be legal for someone to be driving a vehicle and drinking.

There are a couple of ways to stop that. One simple way is to describe, as a matter of Federal policy, with the incentives to make it stick, that there shall not be open containers of alcohol in vehicles anywhere in this country.

I come from a State that already prohibits open containers of alcohol in vehicles. Most States do that. But many States do not. In fact, nearly half a dozen States not only allow open containers; they allow the driver to drink. I intend to offer an amendment to this piece of legislation that complements an amendment offered by the Senator from West Virginia and others. That amendment would establish a .08 national uniform standard for determining who is under the influence of alcohol.

I intend to offer a complementary amendment that says: In addition to that, in no State in this country shall we allow drivers to drink and drive at the same time and be perfectly legal. That ought not to exist on any road or at any intersection in this country's road system.

Now, having said that, Mr. President, that is one issue that I obviously feel very strongly about. I feel strongly about that, not only because——

Mr. WARNER. Mr. President, will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. WARNER. Mr. President, that is the first time I ever heard a rendition of these facts in some States. As one of the floor managers of this legislation, I assure the Senator that that amendment will be given most careful consideration.

I thank the Senator for coming to the floor and sharing with us that personal experience because that is the true essence of our legislative process where those here in the Senate or the House or in any of the legislatures across this country bring their own life's experiences to help prepare legislation that will make it a better world for others to live in.

Mr. President, I thank the Senator for yielding.

Mr. DORGAN. Mr. President, I very much appreciate the kind words of the Senator from Virginia. I know that my experience is not any different than the experience of so many other families in this country who have suffered the tragedy of death as a result of drunk drivers.

I have worked for some long while, not only supporting the efforts of Mothers Against Drunk Driving all across this country, but worked to see if we cannot, in some way, effect public policy to say to the American people: "When you drink and drive, you can turn a vehicle into an instrument of murder. And we cannot allow that to continue to happen."

I just read the other day of someone in my State, regrettably, who was picked up for drunk driving for, I believe, the 13th or 14th time—14th time. The fact is, we must decide as a country that we will not tolerate drunk driving. It is not an insignificant event. It is not an infraction and is something to be considered seriously. It is in all too many instances something that causes the loss of life for someone else in this country. And we can do something about it.

The important thing is to understand this is not some mysterious ailment for which there is no cure. We understand what happens on our highways, and during the period that I am standing on the floor, if averages hold up, another American will have been killed because some other American was drinking and got in a vehicle.

Not only has the Senator from West Virginia, Mr. BYRD, spoken a great deal about this, but Senator BUMPERS, who lost his parents to a drunk driver, and others who have come to the floor when we have discussed this in the past understand the human toll and the tragedy of drunk driving.

The legislation that comes to the floor now is a wonderful piece of legislation that not only contains much needed investments in our country's infrastructure and jobs and economic growth, but it also includes very important highway safety issues, which I know the Senator from Virginia and others have worked very hard on. Those safety issues are a critically important component of this piece of legislation.

I will be happy to yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I congratulate the Senator for speaking on this subject. We have developed a strong moral sense of outrage against smoking. We have talked about the effects of smoking on health. The administration has picked it up, and there has been a great crusade in this country against smoking. There have been laws passed against smoking. And there have been bills passed against this or that aspect of smoking.

Tobacco is a very unwelcome—we have a good many tobacco farmers in West Virginia. We have tobacco farmers in many States that make their living farming tobacco. I am not opposed to this crusade against smoking. I am not opposed to that at all. But why not have an equally strong crusade against drinking?

When I am called upon to participate in any program before Christmas or before any holiday or before school graduations in which the thrust of the message is: "Don't drink and drive," I do not say it that way. I say, "Don't drink, period."

When is the country going to develop a sense of moral indignation and outrage at drinking? Those who smoke may injure their own health. I hear a great deal about secondhand smoke. I do not know how much of that can be proved. But drinking alcohol injures the health of the person who drinks. All of us can say, "Well, our granddaddies or great granddaddies drank a little toddy each morning, put a little whiskey in the coffee, and so on." But that is as far as it went.

We have conducted a great war against drugs in this country, illegal drugs. The most popular drug in this country is alcohol. When are we going to say, "Stop it"? When are we going to teach our young people not to drink? It is not good for them. It will get them into trouble. It has been the cause of unemployment for tens of thousands of men and women in this country. It causes men who drink to go home and beat up on their wives and to mistreat their children.

Not only does it injure the health of those who drink, but it also constitutes a threat to others. The person who drinks may pick up a club and beat you to death. He may pull out a gun and shoot you. He may get behind that automobile wheel, because he is already inebriated. But if he had been taught, if it had been ingrained into him by his parents in the home to "Stay away from that drug. Stay away from it. There is nothing good in it, nothing!" If he had been taught to stay away from it, he would not be drunk when he gets behind the wheel of an automobile.

When is a sense of moral outrage and indignation going to rise in this country to the point that people will teach their children not to touch it? "Stay away from it. Don't drink."

I would be very happy to see this administration, and other administrations in our party and other parties, join in a crusade against strong drink—against alcoholic beverages. But there is no sense of outrage, no sense of outrage about this drug.

It is a drug. And it is habit forming. And there is no good in it. When one gets on that path, it has an unfortunate end. It costs money. It costs jobs. It breaks up families. It destroys homes. It destroys marriages. And it kills people. And many times, the people who are killed are the innocent people —the wives, the children—who are out there going to the grocery store or going home from school or going to the child-care center. And they are killed by a drunk driver.

We talk about people who have been charged with drunk driving 13, 14, 15 times. That is outrageous!

When are we going to have judges and people who enforce the law in this country throw the book at them? We should simply not tolerate this drug. I don't want to be an extremist about anything, and I'm not one who would see harm in an old person that takes a little "toddy" as we say, a little whiskey, but we don't look at it that way. We look at it with an attitude that there is nothing wrong with drinking alcohol, it is the thing to do, it is the "in thing."

How many students at the universities around this country have lost their lives, who have committed suicide or died in automobile accidents as a result of binge drinking? We have read about it in the papers—the University of Virginia and other universities. It is bad. When are we going to teach our children that it is bad? Don't follow the crowd. It is not the "in thing" to do. It is a drug that kills. It may kill you. It may kill someone else. You will have the blood of that person's life on your hands.

Why don't the legislators of this country get up and talk about it? Talk about booze, booze that kills people. They don't want to talk about it. We would not hear anything about drunk driving if people would teach their children not to drink. There wouldn't then be any problem with drunk driving. It is not the "in thing." It is a drug that kills, and it is America's most popular drug.

So count me as one who feels that we ought to have a crusade against booze—not just a crusade against smoking, but also a crusade against booze. I hope my fellow legislators will rise and stand with me. It may not be a very popular thing to say but it is right. I'm right in saying that. I'm not right in everything I say, but alcohol is destructive. The sooner we teach our young people by our own example not to drink, the sooner we won't have as many drunk drivers.

I smoke a cigar, and have been smoking cigars for more than 35 years, but I am supportive of the crusade against smoking. It is not good for one's health, but neither is alcohol. I will be happy to have others join me in cracking down on drinking and in really, really making it tough on drunk drivers. Why should they be allowed to continue to drive an automobile if they are going to drive while drunk? Why not take that driver's license away? Why not put them in jail, too? And if they insist on driving while under the influence of intoxicating liquors, put them in jail, fine them. Make it tough on them—the tougher the better. Just stop them from driving at all. If they kill other people, they might as well have had a pistol. I might as well carry a pistol around, just pull it out, shoot anywhere, just let the bullets fly in any direction and kill somebody—I ought to go to jail. Let the drunk drivers go to jail. Put them in jail and keep them there until they dry out.

Let's try in our churches to create that moral indignation against drinking.

I cannot compliment the distinguished Senator too highly for what he has said on the floor today. He has a story that all people ought to hear and I commend him for what he has said.

Now, with respect to the bill, the bill is a good bill but it doesn't go far enough. Those who have joined with me in offering the Byrd-Gramm-Baucus-Warner amendment are saying let's take that money the people pay as a tax when they buy gasoline, and spend it on highways and mass transit. We are not doing that. The American people, I think, are very supportive. I know they are. Our amendment would do just that. It would provide that the 4.3 cent per gallon gas tax go for highways and mass transit. I have no doubt the American people want it to be that way. That is the purpose of our amendment.

So it is a good bill but we are trying to make it better. I hope we will have the support of all our colleagues.

I thank the Senator for yielding.

Mr. DORGAN. Mr. President, I thank very much the Senator from West Virginia for his generous statement.

The Senator from Rhode Island was not in the Chamber when I complimented him for his work on the piece of legislation that is before the Senate, and I appreciate very much the work he has done.

Let me finish the discussion for a moment on the drunk driving issue and the legislation that I will intend to offer. There are a couple of statistics that I think are important about this. The Senator from West Virginia described the circumstances with young people in this country. Drunk driving is killing a disproportionate number of young adults and youth in this country. In 1995, over 25,000 children under the age of 21 were injured because of drinking and driving. In 1995, while 30 percent of the driving population was between the age of 21 and 34, 50 percent of the fatalities and 50 percent of the drunk driving injuries were in that same group. That amounts to 6,760 deaths and 95,800 injuries. A couple of other statistics. Hard-core drunk drivers cost us thousands of lives and billions of dollars. Fifty-five percent of the drunk driving offenders, an estimated 790,000 each year, are repeat offenders. An estimated $33 billion in economic costs can be attributed to hard-core drunk drivers involved in alcohol-related traffic fatalities in 1995.

I mentioned earlier, there are five States in which it is still legal to drink and drive at the same time. There are 22 States in which there are no open container restrictions. So there are nearly half of the States in this country that say it is just fine to have booze in your car, just go ahead and have some whiskey or beer and drive down the road, and it is just fine. That ought not to exist anywhere in this country. You ought to be able to drive on any road, any place in this country, at any time of the day, and not worry about whether the car you are meeting is going to cross the intersection has a passenger or a driver that is involved in drinking alcohol. You ought not to have to worry about that on any road in this country. We ought to be able to have some sort of uniform standard on this kind of issue.

In 1996, the last year for which I have data from DOT, there were 17,272 alcohol-related traffic fatalities. One every half-hour. Now, we have made some progress. I mentioned Mothers Against Drunk Driving, an organization for which I have great respect. There has been much greater awareness of the drunk driving problem all across the country, and organizations like Mothers Against Drunk Driving and others have pressed for tougher laws. The fact is fatalities have come down, but they are far too high all over this country.

I mentioned a moment ago a North Dakota driver that the Bismarck Tribune, on the 13th of February of this year had an article, "Driver Tops North Dakota's Worst." It lists North Dakota's 10 worst drunk drivers according to the Department of Transportation information.

It says, Bismarck man fails to appear on the 11th drunk driving charge because he is in a South Dakota jail awaiting trial on the 12th drunk driving charge. A Bismarck man labeled the worst driver in North Dakota by driver's license officials missed trial Thursday on his 10th and 11th drunk driving charges. Why? He is in South Dakota, in jail, on another DUI arrest.

Some might smile at that. This man, if he hasn't already, will kill someone. He will get drunk, get in a car, meet a family on the road and there will be dead people in his wake. Then no one will smile and everyone will understand the tragedy of it and ask why wasn't he prevented from being on the road. Why didn't someone lock this person up?

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. BYRD. And the chances are that the drunk driving escape with only a few bruises.

Mr. DORGAN. That is all too often the case.

Let me read to you a letter that I received a while back from a woman named Brenda Olmsted from North Dakota. I mentioned my family's circumstances, the experience that we have had, the tragedy of death from a drunk driver. It has happened in family after family across this country.

This young woman wrote to me, and I just want to read a portion of her letter.

My name is Brenda Olmsted, and my life as well as many others was dramatically changed. My father and mother had just picked up my brother and myself from college and we were returning home to Watford City, ND. Our happiness of being reunited was shattered in an instant when we were struck by a drunk driver. My father was killed and my mother left in critical condition. . . . my brother and I were injured. This event took place just over a year ago but its memories are still very vivid and the effects are continuing. My mother is slowly recovering from a broken back that we have been told will never fully heal and bulging disks in her neck and various other serious injuries. She is slowly learning to cope with the permanent brain damage that has slowed down her thinking process. My brother is slowly struggling to overcome some traumas to the head as well as the terrors of the vivid memories of that night. My father was a pastor, which meant his job provided us with a house. With his death we not only lost a father (which hurts more than words can tell) but we also lost our home.

I write this by no means to ask for a hand out but instead to ask that you do all you can to make the penalties against drunk driving as strict as possible.

Most of us have seen the public service advertisements on television about drunk driving, and most of the advertisements we see these days from nonprofit organizations are of some wonderful people—in many instances children—on a video camera. Then we learn after 15 or 20 seconds of the video that this is a young child who was killed in a drunk driving accident.

Let me again reiterate that we can prevent many of these accidents if we as a country decide to treat drunk driving differently, if we get serious about dealing with this issue. One amendment which is going to be offered to this legislation deals with a national standard of .08 blood alcohol content. The other, I hope, will be a prohibition of open containers of alcohol in vehicles across this country.

Mr. President, I have spoken longer than I intended. I appreciate the contribution of the Senator from West Virginia, as well as the contribution of the Senator from Virginia, Senator WARNER. I look forward to coming back to the floor and offering my amendment. Again, I hope very much that we will move quickly with this piece of legislation.

Let me finish, as I started, by complimenting Senator LOTT, the majority leader, for bringing this legislation to the floor now. I commit, and I hope my colleagues will, as well, to work in a very serious way to move this legislation along as quickly as possible and get it to conference so we can finally pass a highway bill and provide some certainty about highway investment and safety programs in this country's future.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVOIDING WAR IN IRAQ

Mr. LEAHY. Mr. President, the agreement signed by UN Secretary General Kofi Annan and Iraqi Deputy Prime Minister Tariq Aziz has averted, for at least the time being, the use of military force against Iraq.

Contrary to the statements of some Members of Congress, I do not believe this signifies that the President of the United States has subcontracted the nation's foreign policy to the United Nations. Rather, I believe the President, who has said he would use force as a last resort, had good reason, indeed an obligation, to delay while the Secretary General sought a diplomatic resolution of this crisis.

I also believe the agreement, while not perfect, deserves the support of the international community, including the United States, and I say that even if, as many predict, Saddam violates this agreement as he has every other agreement since the end of the Gulf War.

I have said repeatedly that force cannot be justified until every diplomatic option has been exhausted. The agreement obtained by the Secretary General shows that we have not yet reached that point.

Seven years ago the United States led a military coalition of Western and Arab nations to force Iraqi President Saddam Hussein to withdraw from Kuwait. The United States invested an enormous amount in the Gulf War. 246 American soldiers lost their lives. Since then, we have maintained the no-fly zone and provided humanitarian relief to Iraqi Kurds who have been brutalized repeatedly by Saddam Hussein's army.

The Gulf War ended when Iraq signed a cease-fire agreement, in which Iraq agreed to promptly disclose and destroy its entire arsenal of weapons of mass destruction. Shortly thereafter, the UN Security Council adopted Resolution 687, which clearly described Iraq's obligations under the cease-fire agreement. Those obligations have the force of international law. Subsequent resolutions have reaffirmed the need for complete Iraqi compliance.

Since that time, Saddam Hussein has systematically reneged on his commitments under the cease-fire agreement. He and his government have repeatedly denied the UN weapons inspectors access to sites they sought to inspect and which they have every right to inspect.

In his speech last Tuesday, President Clinton described the numerous instances that the Iraqis have lied about their chemical and biological weapons programs, and revised their reports describing what they possess only after their lies were exposed. Any number of times the inspectors have closed in on a suspicious site only to be refused access, or to see an Iraqi truck drive away in an obvious attempt to hide incriminating evidence.

If Saddam Hussein had nothing to hide, why would he have gone to such lengths to prevent the UN inspectors from doing their job, particularly since there is no way the UN sanctions will be lifted as long as the Iraqis fail to cooperate fully with the weapons inspectors? There is no doubt that since 1991, Saddam Hussein has squandered his country's resources to maintain his capacity to produce and stockpile chemical and biological weapons.

That history of deception is what brought us to the brink of war. The agreement obtained by the Secretary General reaffirms, at least on paper, Iraq's obligations regarding the UN inspectors. It also gives Iraq some basis to hope that the sanctions could eventually be lifted.

Had the Secretary General failed, the missiles and bombs might already be raining down on Iraq. We would have had to expect American casualties. Out of hundreds or thousands of sorties, some American pilots may well have been shot down and taken prisoner. Iraqi civilian casualties were predicted to number in the thousands.

While there is no doubt that we can do tremendous damage to Iraq's military capabilities, war is fraught with uncertainties. Victory can be bitter sweet, and short-lived. Those who have taken the Secretary General to task should explain what gives them confidence that more would have been achieved through bombing. Do they really believe that the lives of thousands of innocent people are not worth the time it takes to test the agreement? Are they prepared to refight the Gulf War, with ground troops, to get rid of Saddam? I seriously doubt it.

I fully agree with the President that nothing short of free, full and unfettered access for UNSCOM must be our objective. I have been deeply concerned, however, that the use of military force would not achieve that objective, and that it might well cause the inspectors, who have been doing 90 percent of their job without interference, to be barred from Iraq entirely.

Then we would know even less about his arsenal of biological and chemical weapons, while Saddam Hussein emerges defiant and victorious in the Arab world for having successfully stood up to the military might of the United States. Damaging Iraq's facilities is a poor substitute for Iraq's compliance with the terms of the cease-fire agreement, if that can be achieved by other means.

Having said that, I am not against using force under any circumstances. Nor do I believe that we can achieve our objectives in Iraq without the credible threat of force, because it is the only thing Saddam Hussein understands. The Secretary General suggested as much himself, although he used the words of a diplomat. But if it is as likely as not that force will not coerce Saddam to permit full access for UNSCOM, and that it could even result in an end to inspections in addition to thousands of civilian casualties, and enhance Saddam's standing in the Arab world. This may show again that it would have been wrong to give up on diplomacy.

It is elementary that diplomacy requires flexibility, just as it requires creative thinking. Both, I am sad to say, have been in short supply during this crisis. I was not prepared to support the use of force against Iraq prior to the Secretary General's trip to Baghdad because I was not convinced that there had been a serious attempt at creative diplomacy. In fact, I was concerned about the apparent inflexibility of the administration, not on the question of access for the UN inspectors which I do not believe can be compromised, but on other issues such as the sale of oil so Iraq has some realistic hope of being able to meet its obligations under the cease-fire agreement, which include compensation for Kuwait and Israel.

I was also concerned that administration assertions that the embargo would not be lifted until Saddam Hussein is removed from power, as desirable as that is, were inconsistent with the cease-fire agreement, and gave the Iraqi Government little reason to even attempt to comply.

The Secretary General's initiative showed that a degree of flexibility and creative thinking can prevent bloodshed. While Saddam has shown many times that he is ruthless and untrustworthy, that is not a reason to abandon diplomacy as long as there is a glimmer of hope. It may produce a better outcome. That is worth finding out.

Or it may not. Saddam has not agreed to anything different than he had before and the agreement is devoid of details on several important points. There is uncertainty about which facilities are "presidential sites," and the procedures for inspections of such sites have yet to be determined.

There are concerns that the agreement could undercut the independence of UNSCOM if its authority is shifted to a commission named by the Secretary General. However, according to Secretary of State Albright, the Secretary General has assured her that Richard Butler, the current head of UNSCOM, will remain in charge.

There are unresolved questions about the role of the diplomats who are to accompany the inspectors. UNSCOM's success has been a result of its independence, and that absolutely must be preserved, both for purposes of its activities in Iraq and for inspections elsewhere. The wrong precedent here could come back to haunt us years from now somewhere else. The proof will be in the interpretation, and whether or not UNSCOM is able to do its job without physical or political interference.

Whether the use of force would be justified, or wise, if the agreement fails I will leave for another day. But we should remember that despite all the destruction leveled on Iraq during the Gulf War, it was not enough to prevent Saddam Hussein from defying the international community and using every trick in the book to rebuild his military arsenal.

If we bomb Iraq again, he would be right back at it, claiming victory for standing up to the US, but no longer under the watchful eye of UNSCOM's cameras. Then what would we do, after we are blamed for causing more innocent deaths on top of the Iraqi victims of the embargo for which we are deemed primarily responsible?

How do we avoid being back in the same situation in six months or a year? What about the risk of exposing our forces to poison gas or biological toxins, which might be inadvertently released in a bombing attack?

How do we weigh the risks of further damaging our relations with the Arab world, and with Russia? If we cannot get rid of Saddam, what is our long-term policy? Or are we prepared to do what it takes to get rid of him?

These questions need answers, especially if Saddam breaks his word again and the President decides to use force. If that day comes I would urge him, as others have done, to first seek authorization from the Congress.

This is not a situation where the United States is facing imminent attack. It is not the type of situation that was contemplated by the War Powers Act, when the President could single-handedly involve the country in a war for a limited period of time because there was not adequate time for the Congress to declare war. There would be time. The Congress has that responsibility. Some Members of Congress would duck that responsibility and put it all on the President. That is not why we are here. We owe it to the American people to speak.

The use of force on this scale, under the circumstances contemplated here, would have grave consequences for the American people, for our entire country. Likewise, the failure to use force if Iraq again violates the cease-fire agreement could have lasting implications for the international community's efforts to deter the manufacture and use of chemical and biological weapons and to uphold international law. For these and other reasons, the Congress should fully debate these issues and render its own judgment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MICROSOFT

Mr. GORTON. Mr. President, the Senate Judiciary Committee has scheduled a hearing on Tuesday March 3 entitled "Market Power and Structural Change in the Software Industry." As most of my colleagues know, I am deeply concerned that the true aim of this hearing is not to improve the software industry, but to attack Microsoft and to give the federal government more control over the future of this company. If my suspicions are correct, this attack is not, as some may argue, an attempt to protect the American consumer, but rather, a concerted effort to handcuff Microsoft and provide its competitors with an opportunity to play catch-up that their competitive merits have not provided them in a free market.

In a recent interview with Salon, the Chairman of the Judiciary Committee, my friend and colleague Senator HATCH, announced that his committee will release a report the morning of the hearing detailing its findings from an in-depth investigation of Microsoft. That report, no doubt, will claim that Microsoft is engaging in anti-competitive business practices. Releasing such a report only minutes before Bill Gates is scheduled to testify before the committee, without giving him adequate time to read and respond to its allegations, would be grossly unfair.

I raised these concerns with the committee and was assured that the report would not be released before Mr. Gates has an opportunity to testify. I trust that my friend Senator HATCH will stand by his word and do what is fair and right.

Witnesses at the hearing include some of the biggest players in the high-tech industry: Bill Gates, Scott McNealy of Sun Microsystems, Jim Barksdale of Netscape, Michael Dell of Dell Computer, and Doug Burgum of Great Plains. These men and their colleagues in the high-tech industry are responsible for the technological revolution that has taken place in America. Twenty years ago, computers were hulking, outrageously expensive, inefficient machines accessible to only the wealthiest corporations. Today, personal computers are in virtually every business and in many homes and schools. This is the modern day version of the Industrial Revolution.

Not only are the men and women of the hi-tech industry properly credited with allowing businesses to run more efficiently, making information on virtually any subject imaginable accessible to anyone with a PC and a modem, and providing our schools with increasingly effective learning tools, they are also responsible for the amazing pace of economic growth the United States has witnessed over the past 20 years.

The computer software industry has grown more than seven times faster than the U.S. economy as a whole, and today provides 600,000 good paying jobs to Americans across the nation. Indirectly, thousands more jobs are provided through subcontractors and small businesses serving these corporations and their employees. Industry revenues totaled $253 billion last year.

Clearly, Mr. President, the software industry is the quintessential American success story with Microsoft, Sun Microsystems, and Netscape at the helm. The women and men responsible for these amazing achievements should be congratulated and thanked for their contribution to a better, smarter, richer America.

But, Mr. President, the high-technology industry achieved these successes in a free market environment from which government was virtually absent. Government, of course, always lags behind commerce. When Bill Gates first developed what has today become the world's most popular personal computer operating system, the government didn't even know what an operating system was. When Jim Barksdale invented software enabling the average person to surf the web, the government was nowhere to be found. When Scott McNealy began marketing his Java system products government regulators did not place limits on his business opportunities.

In fact, I would venture to say that the very corporations attacking Microsoft's successes are those that have gained the most from the absence of government interference in their businesses. But these companies, in their lust to gain a competitive advantage over Microsoft, are now advocating the unthinkable—big government intervention in the industry.

According to an article in the Financial Times last week, Scott McNealy wants the big hand of government to step in and help his company compete with Microsoft. Mr. McNealy is quoted as announcing to a group of software industry executives in Silicon Valley that, "only with government intervention will we be able to deal with this," this meaning competition from Microsoft.

Many other unsuccessful corporate executives, Mr. President, have to come to Congress to petition for government interventions to save them from successful competitors. Only rarely, however, do members of my political party entertain those suggestions. But unfortunately, a member of this body from this side of the aisle, the party known for its embrace of free market principles and rejection of big-government solutions, has joined Mr. McNealy in his efforts not only in calling for a hearing on the matter, but in proposing an entirely new Federal regulatory agency, a "network commerce commission" to regulate online commerce.

I am flabbergasted. It is truly a strange day when business speaks out against free enterprise and promotes big government. It goes against the grain.

Sun Microsystems, Netscape and Novell, Microsoft's biggest detractors, are envious of Microsoft's success. Instead of doing business the old fashioned way and marshaling their forces for competition, they are going in a different, more dangerous direction. They are crying for help from big government in order to protect them from their more successful competitor.

The anti-market forces led by Netscape, Sun Microsystems, and Novell are amassing in a dangerous attempt to pilfer the market share Microsoft has earned by being a leader in the industry, always out in front of the pack with new ideas and solutions. Adam Smith must be turning over in his grave, Mr. President.

For it is precisely the absence of government intervention that has allowed all of these corporations to succeed. Competition has made this country great. America did not become the biggest economic power in the world through government regulation. And those nations that chose the path of government control of the economy are in a shambles today in almost direct proportion to the breadth of those controls.

When you consider the impact that centralized control in Washington, D.C. has had on our nation's schools and the federal income tax code, I must admit that I'm amazed that anyone in the computer software industry would be calling out for more regulation, influence and decision-making from Washington, D.C.

Let's consider how the Federal Government's gradual taking of authority from parents, teachers and school boards for education decisions has impacted children in our local schools. Test scores are falling, embittered educators are spending more time filling out forms than teaching our children, and schools are more dangerous than ever in the past.

Instead of new ideas and new solutions to these problems, Washington, D.C. bureaucrats are capable of only one answer to these challenges—more power for Washington, D.C. to decide how our local schools should be run. I ask my colleagues—based on the current state of public education in America, do you really think that Washington, D.C. bureaucrats know better than parents, teachers and locally-elected school boards what's best for the schools in your state?

I believe that people in local communities know what's best for their children and their schools, not Washington, D.C. bureaucrats.

I believe the same for the computer software industry. Knowing how the burdensome hand of the federal government has impacted our local schools, why would anyone in the software industry ask to have Washington, D.C. play a more burdensome role in the future of their industry?

Another example of how centralized decision-making has hurt American life is the Federal income tax code.

Instead of a simple, fair tax code in place to fund necessary Government programs, the tax code has become a social-engineering mechanism empowering Washington, D.C. to decide which activities in society should be rewarded, and which activities should be punished. More importantly, our complicated, messy tax code simply gives more control over our daily lives to Washington, D.C. bureaucrats in virtually every Federal Government agency. I ask my friends in the computer software industry—based on how warmly the American people have embraced the current tax code and the Internal Revenue Service, how could you possibly want the same federal government that created the tax monster to take a more powerful role in your business?

Further, I find it troubling that the request for government intervention has come not from the American consumer, whom our antitrust laws were designed to protect, but from Microsoft's competitors. The consumer has benefited greatly from Microsoft's innovations and the innovations of its competitors.

Bill Gates, summed it up best in a recent editorial in the Wall Street Journal:

> If you asked customers whom they would rather have deciding what innovations go into their computer—the government or software companies—the answer would be clear. They'd want the decision left to the marketplace, with competition driving improvements.

I vow today to do my best to ensure that consumers get exactly that.

Microsoft is the American dream, arrived at through hard work and innovation. I want to assure my colleagues that I will not stand by and allow Bill Gates' adversaries to destroy the principles upon which this nation's success is based. I urge those of you who value the free market to join me in my fight against those who want the Federal Government to gain further control over the computer software industry.

Big government is not now, has never been, and will never be the answer.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Presiding Officer advises the Senator that the pending business is S. 1173, the highway authorization bill.

Mr. ALLARD. Since we have a break in the pending business, I would like to ask unanimous consent that we go into morning business for 10 minutes.

The PRESIDING OFFICER. The Senator may ask unanimous consent to proceed as in morning business.

Mr. ALLARD. I ask unanimous consent we proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CSU-WYOMING GAME

Mr. ALLARD. Mr. President, I would like to take a few minutes to congratulate my good friend, Senator ENZI, and the University of Wyoming's basketball team on their hard-fought overtime victory over my alma mater, Colorado State University. Senator ENZI and I have engaged in a friendly competition whenever our schools play each other. These two universities are located just an hour apart on the border of Colorado and Wyoming and have always had quite a rivalry between them. Earlier this year, Senator ENZI had the opportunity to praise the Rams as CSU defeated Wyoming on January 24, with the score of 53 to 46. But like most border wars, the tables have turned and now the pleasure is mine. Not only do I have the tremendous opportunity to talk about the Wyoming basketball team on the Senate floor, but I have a tremendous opportunity to wear the Wyoming tie here for a day while I talk about that great basketball team from the University of Wyoming.

Last Saturday's game marked the 184th time over 88 years that these two teams have met when CSU went head to head with the University of Wyoming in yet another border war. To my dismay, the Rams were defeated in overtime, 69 to 64. It was a hard-fought victory where both teams played outstanding games. Although CSU outrebounded Wyoming and played a tough defensive game, the Cowboys' offense was the deciding factor.

Wyoming should be commended for having a great season this year, with a record of 18 and 6. Coach Larry Shyatt should also be recognized for bringing this team to the best season they have had in 11 years. The Cowboys certainly cannot be labeled "slowpokes," considering they have defeated top-ranking teams such as New Mexico and Utah. In fact, the Cowboys are now in third place in the Western Athletic Conference Mountain Division and will be competing for postseason tournament consideration in March. Wyoming will be given serious consideration as a WAC entry for the NCAA Tournament. I commend Wyoming's basketball team, their athletic department, and the University of Wyoming for a job well done.

Although Wyoming won the most recent border war, I would be remiss if I did not congratulate at least the Rams' seniors and wish CSU the best of luck in their remaining games. I look forward to a strong WAC contingent in the NCAA tournament and hope that CSU will be there to represent the Western Athletic Conference as well.

The University of Wyoming basketball team is to be commended for a great win against Colorado State University. I am excited about the competition in the WAC, typified by the longstanding rivalry between the border universities.

Great job, to the University of Wyoming.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I also ask for just a couple of minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CSU-WYOMING GAME

Mr. ENZI. Mr. President, I would like to take this opportunity to thank my colleague from Colorado for his outstanding sportsmanship and for recognition of this great rivalry between two universities that are part of the Western Athletic Conference, a conference that is coming into its own and being recognized nationally. We are certain that because of rankings of two of the teams, and probably three of the teams, they will be in the NCAA National Tournament. There are a lot of kids out there who are well deserving of being in that. They are fierce competitors. Of course, this is one of the old rivalries of basketball. They have been isolated by being in the far West for a long time, and, as a result, have enjoyed playing each other because of what is a close proximity out there. Just being an hour's transportation away is quite a feat in the far West.

Both schools have outstanding basketball teams. But I would be remiss if I didn't mention the outstanding schools that these basketball teams represent, particularly a portion of the school at Fort Collins that Senator ALLARD is a graduate of, the veterinarian school, which is world renowned. But both schools have a number of schools that are well recognized throughout the United States and around the world. We hope that kids take a look at both universities when they are interested attending in school.

Again, I thank my colleague for his gracious comments about the University of Wyoming. The kids there appreciate it.

I yield my time.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGE OF VOTE

Mr. JEFFORDS. Mr. President, on rollcall vote No. 17, I am recorded as voting "yes" when I actually voted "no." I ask unanimous consent that the record of my vote be changed to "no." This will in no way change the final outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. JEFFORDS. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

THE OCEAN SHIPPING REFORM ACT

Mr. LOTT. Mr. President, I rise today to report on the status of the Ocean Shipping Reform bill, S. 414. This bill is one of two very important bills in the Senate which are badly needed to reform America's maritime industry. The other such bill would implement the OECD Shipbuilding Agreement.

A few months ago, I reported that the Ocean Shipping Act was D.I.W.—"dead in the water". Down on my native Gulf Coast, that usually means the engines are broken. "D.I.W" doesn't mean you're sinking—it just means you've got some work to do. It means that everyone's got to roll up their sleeves, get down in the engine space, pitch in and get the problem fixed.

And, I'm glad to say, that's just what the maritime industry has done. Rolled up their sleeves and fixed the engine of the Ocean Shipping Reform bill.

I am pleased to report that staff members of the shippers, port authorities, ocean carriers, and labor unions—all rolled up their sleeves and have fixed this legislation.

It was very important to get everyone working together on this bill. The maritime industry is very large and very complex. Given the many interests involved, it is not surprising it has required slow, steady, and difficult work to get this bill ship-shape and steaming along.

But that work has been done—and I want to congratulate those who have done the heavy repair work. We are now prepared to move quickly to pass this legislation.

Mr. BREAUX. Mr. President, I too am pleased to report on the successful efforts to prepare S. 414 for Senate passage. I would concur with the Majority Leader that the OECD Shipbuilding Agreement bill is badly needed and I believe it is long overdue. I am hopeful that the progress made on S. 414 would provide momentum to pass the OECD Shipbuilding Trade Agreement implementing legislation.

At the end of the last session, we prepared a draft Senate floor manager's amendment to this bill and circulated it within the industry and to members of the Senate. That draft manager's amendment was helpful in moving S. 414 along, but it also continued to present some serious problems to various sectors of the maritime community.

Accordingly, over the past several months, representatives of those affected maritime sectors have worked to find an acceptable solution and to resolve their differences. With the Commerce Committee staff's help and guidance, a package of modifications to that original manager's amendment have been agreed upon.

The diverse segments of the industry—U.S. ocean carriers, foreign ocean carriers, shippers, labor, and the ports—are now in agreement on how to reform and reduce government's role in international ocean transportation. More importantly, all these industry sectors have agreed on meaningful deregulation of the ocean shipping industry to allow greater choice, flexibility, and competition in this transportation mode.

Let me say that again. Mr. President, all these industry sectors are now in agreement. Although it is a delicate balance, it is still an agreement.

This agreement will lead to greater efficiency in providing ocean transportation services to U.S. importers and exporters, and will benefit American consumers. U.S. importers and exporters will now, under the reforms of S. 414, be able to enter into more comprehensive and productive contractual relationships with ocean carriers. At the same time, S. 414 provides important protections for ports and labor which will safeguard their interests in a more deregulated environment.

Mrs. HUTCHISON. Mr. President, I'd like to join my colleagues in commending the industry representatives for their efforts in crafting the modifications which have allowed them to join together in support of ocean shipping reform. The scope of industry support is impressive and includes U.S. and foreign flag carriers, the National Industrial Transportation League, the American Association of Port Authorities, and organized labor.

I would like to detail some of the modifications to the manager's amendment of S. 414. I believe these modifications show how much thought and work have gone into this agreement. Those modifications being made to the manager's amendment of S. 414 are as follows:

1. Amend section 8(c) of the 1984 Act to provide that all service contracts are treated in a uniform manner. Individual ocean carrier and agreement service contracts would be filed confidentially with the FMC, and an abbreviated set of essential terms would be made publicly available. A similar uniform method of contract regulation was unanimously adopted by the Senate Committee on Commerce, Science, and Transportation for S. 414 and was included in the bill as reported. This addresses the core concern and goal of shippers and various carriers who want to be able to enter into contracts with confidential rates and service terms. At the same time, it allows for some transparency, thereby addressing the concerns of ports, labor and some small shippers and carrier interests.

2. Revise section 8(c) of the 1984 Act to provide for a mechanism for labor organizations to obtain information on the movement of cargo in the dock or port area that would otherwise not be disclosed as a result of these amended service contract publication requirements. This will help these organizations to continue to enforce their collective bargaining agreements with ocean carriers.

3. Continue the existing requirement that NVOCCs offer their services to shippers pursuant to tariffs, instead of service contracts. NVOCCs, as shippers, are free to pursue the purchase of ocean carrier service through the amended service contract process.

4. Amend section 10(c)(4) of the 1984 Act to permit ocean carriers to jointly negotiate U.S. inland transportation rates and services with truck, rail or air carriers when such negotiations are subject to pro-competitive restrictions, such as the antitrust laws. Today, ocean carriers cooperate with respect to the utilization of space on vessels. Enabling them to cooperate in connection with rail service, for example, will allow for greater efficiencies. Such cooperation could improve movement of containers in and out of the port area.

5. Revise section 13(f) of the 1984 Act to make clear that, while a common carrier may be penalized for charging shippers less than its tariff or service contract rates, a carrier should not be able to collect from the shipper the difference between the tariff or contract rate and the rate actually charged and agreed upon in writing. The collection of these so-called "undercharges" was a major problem for shippers when the trucking industry was deregulated. We want to avoid any recurrence of that problem in connection with ocean shipping reform.

Finally, we will clarify that members of an agreement will not be penalized under the revised 1984 Act because a member divulges confidential service contract information. The offending member will be liable for breach of contract damages, but the government should have no role in policing the confidential agreements of carriers and shippers. While no revision to S. 414 is needed to accomplish this objective, an appropriate statement of clarification will be made by the managers of the bill.

Mr. President, again let me express my appreciation to all those who have worked on and support these modifications and the passage of meaningful ocean shipping reform. I and my colleagues, as well as the maritime industry, look forward to enacting this bill this year.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:40 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1544. An act to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits.

H.R. 2181. An act to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1544. An act to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits; to the Committee on the Judiciary.

H.R. 2181. An act to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on February 25, 1998, by the President pro tempore (Mr. THURMOND):

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building."

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office."

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on February 26, 1998 he had presented to the President of the United States, the following enrolled bills:

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building."

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1534. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 181. A resolution expressing the sense of the Senate that on March 2nd, every child in America should be in the company of someone who will read to him or her.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1244. A bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 1605. A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert C. Hinson, 6467

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Gary A. Winterberger, 7009

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Russell C. Axtell, 1784

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Garry R. Trexler, 6465

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Larry K. Arnold, 3721
Brig. Gen. James H. Bassham, 8202
Brig. Gen. George F. Scoggins, Jr., 5952

To be brigadier general

Col. James F. Barnette, 4440
Col. Ralph J. Clifft, 6308
Col. Harold A. Cross, 6940
Col. Thomas G. Cutler, 0206
Col. Gilbert R. Dardis, 0949
Col. Thomas P. Maguire, Jr., 5939
Col. Barbara J. Nelson, 8708
Col. Avrum M. Rabin, 7297
Col. Gary L. Sayler, 7927
Col. Andrew J. Thompson, IV, 0451
Col. Harry A. Trosclair, 5962
Col. Stephen L. Vonderheide, 3217

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Fred E. Ellis, 9826
Brig. Gen. Edward R. Jayne, II, 0797
Brig. Gen. Carl A. Lorenzen, 9580
Brig. Gen. Richard A. Platt, 5817
Brig. Gen. John H. Smith, 7849
Brig. Gen. Irene Trowell-Harris, 0379

To be brigadier general

Col. William E. Bonnell, 6991
Col. Edward H. Greene, II, 8459
Col. Robert H. Harkins, III, 3718
Col. James W. Higgins, 5324
Col. Robert F. Howarth, Jr., 5285
Col. Thomas C. Hruby, 4185
Col. Richard S. Kenney, 4868
Col. Phil P. Leventis, 5798
Col. Charles A. Morgan, III, 9002
Col. Jerry W. Ragsdale, 4281
Col. Lawrence D. Rusconi, 1916
Col. Richard H. Santoro, 9860
Col. Wayne L. Schultz, 7036
Col. Ralph S. Smith, Jr., 2016
Col. Ronald C. Szarlan, 0548
Col. James K. Wilson, 1397
Col. Ruth A. Wong, 1961

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William P. Tangney, 4937

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John M. Keane, 9856

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John M. McDuffie, 7976

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William F. Kernan, 5841

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Joseph W. Godwin, 9278

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C. section 12203:

To be brigadier general

Col. James E. Caldwell, III, 1384
Col. Robert C. Hughes, Jr., 4532

The following named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Arnold L. Punaro, 5023

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. John W. Bergman, 6022
Col. John J. McCarthy, Jr., 8507

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Martin R. Berndt, 8515
Brig. Gen. David F. Bice, 8140
Brig. Gen. Wallace C. Gregson, Jr., 5925
Brig. Gen. Michael W. Hagee, 5620
Brig. Gen. Michael A. Hough, 9437
Brig. Gen. Dennis T. Krupp, 6282
Brig. Gen. Robert Magnus, 6252
Brig. Gen. David M. Mize, 9683
Brig. Gen. Henry P. Osman, 9358
Brig. Gen. Garry L. Parks, 1088
Brig. Gen. Randall L. West, 8789

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (1h)Jay A. Campbell, 8580
Rear Adm. (1h)Robert C. Chaplin, 7451
Rear Adm. (1h)James C. Dawson, Jr., 7743
Rear Adm. (1h)Malcolm I. Fages, 4038
Rear Adm. (1h)Scott A. Fry, 5541
Rear Adm. (1h)Gregory G. Johnson, 3052
Rear Adm. (1h)Albert H. Konetzni, Jr., 2358
Rear Adm. (1h)Joseph J. Krol, Jr., 6388
Rear Adm. (1h)Richard W. Mayo, 4195
Rear Adm. (1h)Michael G. Mullen, 9509
Rear Adm. (1h)Larry D. Newsome, 7662
Rear Adm. (1h)William W. Pickavance, Jr., 9782
Rear Adm. (1h)William L. Putnam, 6795
Rear Adm. (1h)Paul S. Semko, 1736
Rear Adm. (1h)Robert G. Sprigg, 0549
Rear Adm. (1h)Donald A. Weiss, 7917
Rear Adm. (1h)Richard D. West, 7494
Rear Adm. (1h)Harry W. Whiton, 2916
Rear Adm. (1h)Thomas R. Wilson, 1606
Rear Adm. (1h)George R. Yount, 7416

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. (lh) Kathleen L. Martin, 3639

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 23 nomination lists in the Air Force, Army, Marine Corps, and the Navy which were printed in full in the Records of November 6, 1997, January 29, February 11 and 12, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of November 6, 1997, January 29, February 11 and 12, 1998, at the end of the Senate proceedings.)

In the Air Force nominations beginning Naomi A. Behler, and ending Bryce C. Shutt, which nominations were received by the Senate and appeared in the Congressional Record of November 6, 1997.

In the Air Force nominations beginning John G. Bitwinski, and ending Gary A. Howell, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Air Force nominations beginning Kurt W. Andreason, and ending Rawson L. Wood, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Air Force nominations beginning David W. Arnett, II, and ending Bruce E. Vanderven, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nominations beginning James P. Neely, and ending John C. Warnke, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nominations beginning Roland G. Alger, and ending Johnniel Young, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nominations beginning Stephen E. Castlen, and ending John I. Winn, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nominations beginning John P. Barbee, and ending Paul L. Vicalvi, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nominations beginning Steven G. Bolton, and ending Timothy J. Wright, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nomination of Bruce F. Brown, which was received by the Senate and appeared in the Congressional Record of January 29, 1998. In the Army nominations beginning Donald E. Ballard, and ending Merrel W. Yocum, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nomination of Morris C. McKee, Jr., which was received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nominations beginning Edward S. Crosbie, and ending Martha A. Sanders, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nominations beginning Gary A. Doll, and ending Gordon E. Wise, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nominations beginning Benjamin J. Adamcik, and ending Joy L. Ziemann, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Marine Corps nominations beginning Hugh J. Bettendorf, and ending William J. Cook, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Marine Corps nominations beginning Charles G. Hughes, II, and ending William S. Watkins, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Marine Corps nomination of Kent J. Keith, which was received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Navy nomination of Albert W. Schmidt, which was received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Navy nomination of Jeffery W. Levi, which was received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Navy nominations beginning David Avencio, and ending Daniel Way, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

In the Army nominations beginning Craig H. Anderson, and ending Bruce E. Zukauskas, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 1998.

In the Air Force nominations beginning John R. Abel, and ending Helen R. Yosko, which nominations were received by the Senate and appeared in the Congressional Record of February 12, 1998.

By Mr. Hatch, from the Committee on the Judiciary:

M. Margaret McKeown, of Washington, to be United States Circuit Judge for the Ninth Circuit, vice J. Jerome Farris, retired.

Thomas J. Umberg, of California, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy, vice John P. Walters, resigned.

Robert A. Miller, of South Dakota, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2000, vice David Allen Brock, term expired.

Randall Dean Anderson, of Utah, to be United States Marshal for the District of Utah for the term of four years, vice Daniel C. Dotson, retired.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD:

S. 1681. A bill to shorten the campaign period for congressional elections; to the Committee on Rules and Administration.

By Mr. D'AMATO (for himself, Mr. Graham, Mr. Abraham, Mr. Moynihan, Mr. Biden, and Mr. Inhofe):

S. 1682. A bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes; to the Committee on Finance.

By Mr. GORTON:

S. 1683. A bill to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 1684. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board; to the Committee on Labor and Human Resources.

S. 1685. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner; to the Committee on Labor and Human Resources.

By Mr. HUTCHINSON (for himself, Mr. DeWine, and Mr. Mack):

S. 1686. A bill to amend the National Labor Relations Act to determine the appropriateness of certain bargaining units in the absence of a stipulation or consent; to the Committee on Labor and Human Resources.

By Mr. THOMPSON:

S. 1687. A bill to provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DORGAN:

S. 1688. A bill to amend the Communications Act of 1934 to limit types of communications made by candidates that receive the lowest unit charge; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI:

S. 1689. A bill to reform Federal election law; to the Committee on Rules and Administration.

By Mr. FAIRCLOTH:

S. 1690. A bill to provide for the transfer of certain employees of the Internal Revenue Service to the Department of Justice, Drug Enforcement Administration, to establish the Department of National Drug Control Policy, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself and Mr. Torricelli):

S. Res. 184. A resolution expressing the sense of the Senate that the United States should support Italy's inclusion as a permanent member of the United Nations Security Council if there is to be an expansion of this important international body; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself, Mr. Dorgan, Mr. Daschle, Mrs. Murray, Mr. Johnson, Mr. Ford, Mr. Conrad, Mr. Lautenberg, and Mr. Reid):

S. Res. 185. A resolution to express the sense of the Senate that Congress should save Social Security first and should finance any tax cuts or new investments with other funds until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 1681. A bill to shorten the campaign period for congressional elections; to the Committee on Rules and Administration.

CAMPAIGN FINANCE LEGISLATION

Mr. CONRAD. Mr. President, I want to commend the Senator from Wisconsin, Senator Feingold. Nobody has shown a greater commitment to try to change the system that is broken than the Senator from Wisconsin. He has worked diligently with Members on the other side of the aisle to fashion a plan that would command a majority of support.

I am certain there are people watching today who wonder how can it be that a majority is in favor but it does not get passed, because we all learn in our civics classes that majority rules in America. Well, majority rules at election time; unfortunately, it does not rule on the floor of the U.S. Senate because, if it did, McCain-Feingold would be passed with votes to spare and we would have our first serious reform of the campaign financing system in this country in years. Is there any question that it is needed? Is there any American who seriously believes that the system that we have is the right system? I can tell you, as one who has run three times for the U.S. Senate, this system is broken, this system is rotten, this system is corrupting and it ought to be changed.

Mr. President, last October we began this debate—last October. We resumed it on Monday. And once again we appear to be in gridlock on this important issue. During my 11 years in the Senate, there have been numerous attempts to address the problems that confront the financing of American elections. Unfortunately, all of these initiatives have failed. It is clear, I think, now more than ever that we need to change the system. Simply put, campaigns are too long and they are too expensive. I tell you, anywhere I go in my constituency, people say to me, "Gee, do we really have to be subjected to ads for a year?"

In my last campaign, the campaign ads started almost a year before the election. And we are not the exception. People are saying, "Wait a minute. That is too much." I saw last night on television, Presidential candidates are already in New Hampshire, and the election is 3 years away. Campaigns are too long and they are too expensive.

That is why today I am introducing legislation that will reduce the length and the cost of campaigns. I think increasingly the electorate is saying to us, "look, shorten these campaigns. That's the one sure way to reduce the money that is flowing into them."

During the 1996 election cycle, we saw record amounts of money spent on campaigns. Total costs for congressional elections have increased sixfold since 1976. We can see back in 1976, all congressional campaigns, $99 million. Look at this, up, up, and away; every election, up, up, up—$765 million in the last election cycle.

Where does this stop? We have Senators who are supposed to be raising $10,000 a day. It is the average for a Senator to run a campaign. There is talk now in California that a typical Senate race will cost $30 million. We are turning Senators into full-time fundraisers. Is that what we want in this country? I do not think so. I do not think that is what the American people want us to be doing with our time.

Let me go to the next chart that shows the average cost of winning a Senate seat went from $600,000 in 1976—$600,000—to nearly $4 million today. Those increased costs are primarily due to the skyrocketing cost of campaign advertising.

Let me go to the next chart. The total amount of money spent on campaign advertising jumped nearly eightfold during this period, from $51 million in 1976 to over $400 million in 1996.

It has been estimated that television advertising accounts for nearly half of the funds spent on Senate campaigns.

Clearly, candidates are being forced to spend too much time raising campaign money and not enough time debating the issues and listening to the concerns of the voters. Our current system threatens to push average Americans out of the electoral process.

I hear it all the time when we go out to recruit candidates—how can I possibly raise that amount of money to be competitive? Now, that should not be the determinant. The determinant on whether somebody is a candidate should be their qualifications, their skills and abilities to serve their constituents.

In 1960, the total amount of money spent on all political campaigns in the United States was $175 million. In 1996, that figure increased to $4 billion. Here it is, $175 million in 1960, $4 billion in 1996.

What has happened to participation? Participation was 63 percent of the American people who voted in 1960. In 1996, less than half of those eligible voted. People are turning off to this process. One of the big reasons is the money. They know money is dominating political campaigns in America and they are sick of it and they feel disenfranchised by it. Most people understand the corrosive effect of the current campaign system.

The people of my State, and I believe the people of the Nation, want the system changed. My legislation addresses in a fair and reasonable manner the problems associated with the length and costs of campaigns. Under my bill, if candidates agree to limit their campaign ads to 2 months before a general election and 1 month before a primary election, they will receive reduced broadcast advertising rates. I have been advised by the Congressional Research Service that my proposal would be upheld as fully constitutional. Under current law, broadcasters must sell time to candidates at the lowest unit rate in the 45 days before a primary and the last 60 days before a general election. My bill modifies this provision by requiring broadcasters to sell time to eligible candidates at 50 percent of the lowest unit rate in the last 30 days of a primary election and in the last 60 days of a general election. This time cannot be preempted.

In addition, for a candidate to qualify, the ads must be at least 1 minute in length. Broadcasters can't preempt this time. I want to emphasize that. Nonparticipating candidates will not be eligible for this lower rate. I would even support using broadcast spectrum revenues to offset the cost to broadcasters of these lower rates for candidates in order to provide an incentive for people to sign up for the shorter campaign period. I think that would be supported by not only both parties—I noted the majority leader indicated that he would strongly support reducing the length of campaigns, but I think it would also be welcomed by the American people who are tired of the deluge of political ads.

My legislation will achieve this end in a constitutional manner and reduce the amount of money spent on campaigns. It is high time to change this system.

I want to again commend the Senator from Wisconsin for his outstanding leadership on this subject and submit to my colleagues it is time for us to consider a radical restructuring of how we run our elections.

I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from North Dakota very much and look forward to looking carefully at his proposal.

By Mr. D'AMATO (for himself, Mr. GRAHAM, Mr. ABRAHAM, Mr. MOYNIHAN, Mr. BIDEN, and Mr. INHOFE):

S. 1682. A bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes; to the Committee on Finance.

INTERNAL REVENUE CODE LEGISLATION

Mr. D'AMATO. Mr. President, I rise today to introduce legislation with my good friends and distinguished colleagues, the senior Senator from New York, Senator MOYNIHAN, Senator GRAHAM of Florida and Senator ABRAHAM. Our bill is rightfully entitled the "Innocent Spouse Tax Relief Act of 1998."

Mr. President, this bill will bring relief to innocent spouses, predominantly women, women who have been held responsible now for the tax liabilities incurred by their husbands. Merely because they happen to file a joint return, they then become held hostage and are liable in some cases. The Finance Committee, these past several weeks, has been holding hearings.

On February 11, we held hearings on how the IRS administers the tax law after a divorce or separation. We had a number of women who came forward, women who related the most shocking tales of how they have been harassed, how they have been pursued for overdue tax debts, not that they incurred but that were incurred by their husbands.

Under the current law, when a spouse signs a joint tax return, they become 100 percent responsible and liable for the other spouse's tax errors. This law exposes the innocent spouse to incredible financial obligations and emotional harm that follows thereafter.

Let me give you the case in point that one person brought to our attention—Elizabeth Cockrell. Elizabeth came to this country from Canada at the age of 28, married a commodities broker. The marriage lasted 3 years. Now, 9 years after her divorce—9 years after her divorce—the Internal Revenue Service came to her and said her husband owed initially $100,000 because he had taken deductions with tax shelters that they disallowed.

They came after her and they said, "You owe $500,000." Now, here is this single person—no fault of her own—she was not involved in the business, had no knowledge that these tax shelters would be declared illegal, and 9 years after her marriage they come to her and say, "You owe $500,000." Today, as a result of the interest and penalties that have accrued, she is now in debt to the tune, according to the IRS, of $650,000.

Her only mistake was signing a joint return with her husband. Because she signed that return, she became individually responsible for 100 percent of that tax. Thus far, the IRS has only pursued her and not her husband and refuses to let her lawyer know that, if anything, they are going to pursue her husband. They have not been able to collect from him, so they go after her. She has a child, a job; she has community roots, so she is an easy target and they go after her.

She has done nothing wrong. She has attempted to settle with the IRS, but they refuse. This is just one case. But, Mr. President, let me say that the General Accounting Office has estimated that there are 50,000 cases a year—every year 50,000 new cases come up.

Every year we have innocent spouses who are being pursued, not because they have incurred a tax liability which they are responsible for but because of the arcane law they are held to, what we call joint and several liability. So they may have had no knowledge of the misdeeds or of the mistake, and they are held responsible.

So Elizabeth Cockrell represents what is taking place repeatedly. Now we have literally hundreds of thousands of women who are being pursued by the Internal Revenue Service whose husbands or spouses may have left owing the IRS moneys. And now they have multiplied, in the case of Elizabeth Cockrell where her husband, former husband, initially owed $100,000, and he is now being pursued, and it is up to $650,000. Next year it will rise.

So these are not nameless and faceless people; these are people, and 90 percent of them are women. Tremendous hardship. Our bill will say clearly that a person can only be held liable for the income that he or she has earned, and the failure to report properly, yes, they will be held liable, but not an innocent spouse.

Mr. President, the American Bar Association has recommended this legislation and, indeed, has worked with myself and Senator GRAHAM—I see my colleague from Florida who has cosponsored this along with Senator MOYNIHAN—and they have recommended this change. They do not recommend changes in the tax laws easily. They recognize that this is absolutely discriminatory.

In addition, the National Taxpayers Union—300,000 members—they have recommended this legislation. It is long overdue.

Last, but not least, we have hundreds of thousands of people today, mostly women—90 percent of them are women—who are being pursued improperly. The Internal Revenue Service has no choice, given the way the legislation now exists. Our bill would free these people from this unfair obligation which is now being thrust upon them. The hundreds of thousands of working women who are now being pursued unfairly, not because they have incurred any tax liability on their own, but simply because they were married and they were the innocent spouse of someone who filed incorrectly, improperly, or withheld information that they were not aware of.

Mr. BIDEN. Will the Senator yield for a question?

Mr. D'AMATO. Yes.

Mr. BIDEN. Will you be kind enough to add me as a cosponsor?

Mr. D'AMATO. I will be glad to add Senator BIDEN, the senior Senator—he has been here a long time, but he is not the senior Senator—as an original cosponsor.

Mr. President, I ask unanimous consent to add Senator BIDEN as a cosponsor of my legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I urge my colleagues to support this important, bipartisan proposal to improve fairness.

We talk about fairness. I do not know when we are going to change the overall IRS Code, et cetera, but this certainly will restore confidence among taxpayers and give desperately needed relief to hundreds and hundreds of thousands of working moms out there who are now being pursued improperly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF JOINT AND SEVERAL LIABILITY ON JOINT RETURNS.

(a) IN GENERAL.—Paragraph (3) of section 6013(d) of the Internal Revenue Code of 1986 (relating to special rules) is amended to read as follows:

"(3) if a joint return is made, the tax shall be computed on the aggregate income, and liability for tax shall be determined under subsection (e)."

(b) DETERMINATION OF PROPORTIONAL OR SEPARATE LIABILITY FOR PAYMENT OF TAX WITH RESPECT TO JOINT RETURNS.—Section 6013(e) of the Internal Revenue Code of 1986 (relating to spouse relieved of liability in certain cases) is amended to read as follows:

"(e) LIABILITY FOR PAYMENT OF TAX WITH RESPECT TO JOINT RETURNS.—When spouses elect to file a joint return for a taxable year, the liability for tax with respect to that year shall be determined as follows:

"(1) TAX REPORTED ON THE RETURN.—The liability for the tax computed with respect to income and deductions as reported on the return shall be in proportion to the tax liability which each spouse would have incurred if each had reported his or her apportionable items on a separate return of a married individual, provided that a payment by one spouse in excess of such spouse's proportionate share of liability for the tax reported on the return shall not be refunded unless there is an overpayment with respect to the return.

"(2) LIABILITY FOR DEFICIENCIES IMPOSED ON THE RESPONSIBLE SPOUSE.—Liability for a deficiency shall be imposed as follows:

"(A) With respect to an item of income, on the individual spouse to whom the item is apportionable.

"(B) With respect to an item of deduction, on the individual spouse to whom the item is apportionable to the extent that income apportioned to such spouse was offset by the deduction.

Liability for deficiency in excess of the amount allocated under subparagraph (B) shall be imposed on the other spouse.

"(3) APPORTIONABLE ITEMS.—A taxpayer's apportionable items shall be the taxpayer's share of the income and deductions reportable on the joint return of the taxpayer and his spouse, apportioned in the same manner as income and deductions are apportioned under section 861 (determination of income from sources within the United States). The Secretary may prescribe regulations under which simplified apportionment methods are authorized in making these determinations."

SEC. 2. COMMUNITY PROPERTY LAWS DISREGARDED IN DETERMINING TAX LIABILITY.

(a) IN GENERAL.—Section 66 of the Internal Revenue Code of 1986 (relating to treatment of community income) is amended to read as follows:

"SEC. 66. COMMUNITY PROPERTY LAWS.

"(a) TAX LIABILITY.—For the purpose of determining the tax liability of an individual under this chapter, community property laws shall be disregarded.

"(b) ATTRIBUTION OF INCOME AND DEDUCTIONS UNDER COMMUNITY PROPERTY LAW.—

"(1) IN GENERAL.—For purposes of chapter 1, the income and deductions of a taxpayer and his spouse under community property law shall be allocated between the spouses under rules similar to the allocation rules of section 879(a) (relating to treatment of community income of nonresident alien individuals).

"(2) INCOME DERIVED FROM PROPERTY ALLOCATED ACCORDING TO TITLE.—Notwithstanding paragraph (1), community income which is derived from property shall be allocated in the same manner as the spouses hold title to such property and not as provided in paragraph (4) of section 879(a)."

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 66 and inserting:

"Sec. 66. Community property laws."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

Mr. GRAHAM. Mr. President, I join with my colleague, Senator D'AMATO, Senator MOYNIHAN, Senator BIDEN and others in cosponsoring the innocent spouse legislation.

Under existing law, married taxpayers are liable for their spouse's Federal income taxes when they file a joint return. This is true regardless of which spouse earns what income, which spouse is responsible for expenses that qualify as deductions or credits. Each spouse is potentially liable for all of the couple's tax debts. You might ask why do couples agree to take on each other's debts. There are probably multiple reasons. For one, many couples want to intermingle all their finances as part of their marriage. Most couples filing jointly reduce the couple's overall tax liability. Most married couples do not contemplate a subsequent separation or divorce and unpaid taxes when they file a joint return.

Unfortunately, separations and divorces do occur. It is in dividing up the assets and liabilities of the marriage that many women discover that their ex-husband erred on the joint tax return and that the IRS is in pursuit of the unpaid taxes. The Finance Committee hearings and reports issued by the Treasury Department demonstrate that many times the IRS does not focus on collecting money from the ex-husband either because he cannot be found as easily or because he has few assets or income-earning potential. Instead, it is the innocent spouse who becomes the target of the collection effort. This is true despite the fact that when the return was completed and filed the wife may have had little or no income and may have had little, if any, knowledge about the couple's financial affairs.

If I could use as a specific example that illustrates literally thousands of cases, one of the witnesses who testified before the Finance Committee at the February 11, 1998, meeting was Ms. Karen Andreasen of Tampa, FL. Here is her story. Unfortunately it is all too topical of many American women.

Ms. Andreasen testified that her husband, who ironically was a former IRS employee and financial consultant operating his own business, had handled most of the family's financial affairs including completing tax returns. When the couple decided to divorce, Ms. Andreasen learned that the couple had significant potential IRS debts. She testified that her ex-husband had forged her name on joint returns, yet the IRS was holding her responsible for the tax liability resulting from her ex-husband's business. Even though Ms. Andreasen had no individual income for the years in question, she had been saddled for several years with the obligation for her husband's taxes, and her home today remains subject to a tax lien.

Why doesn't our current tax law provide protection for innocent spouses such as Ms. Andreasen? Well, Congress did pass what is called the innocent spouse rule several years ago. Under this law, in certain narrow circumstances, a spouse can be relieved of liability for taxes assessed by an IRS audit after a joint return is filed. However, its provisions are so complicated and narrow that few can meet all of its tests. There is a growing acceptance of the principle that now Congress needs to change the rules.

In 1995, the American Bar Association recommended the legislation which is being introduced today. The House has taken a different approach. It has adopted as part of its IRS reform bill liberalizations in the innocent spouse rule for purposes of providing relief to more innocent spouses. Even the Treasury and the IRS have acknowledged the need for reform and have already taken steps to provide taxpayers with more information regarding the current innocent spouse rules. They have also suggested several statutory and regulatory changes which would expand the innocent spouse provisions to accommodate more cases. However, neither the House bill nor the Treasury's proposals will solve the underlying problem. We must grant individuals fair treatment where the individual spouse makes an error on the return. To do that, we must allow individuals to take responsibility for their individual share of the joint tax liability.

The legislation which has been introduced today provides that all married taxpayers be taxed only on their individual incomes. The bill would not eliminate joint filing. It would not change the tax tables to eliminate the reduced taxes that many times accompany joint filings. The bill does simply say that if the IRS asserts a tax deficiency on a joint return, each spouse will be individually liable for his or her portion of the liability.

In other words, income and deductions attributable to activities will be used to calculate the husband's portion of the tax liability and a similar calculation of the wife or ex-wife's portion of the tax liability.

The bill specifically provides that it will be applicable to all open tax cases, including ones originating in years prior to the date of enactment. Mr. President, this legislation provides that its application will be retroactive to current open tax cases. This approach will guarantee relief for Karen Andreasen and the many other spouses who have, through no fault of their own, been placed in extreme financial and emotional distress.

Repealing the joint liability of spouses will simplify the tax system and it will give the IRS clear guidance as to where to go to collect tax debts.

I want to thank Senator ROTH for organizing a thorough examination of the IRS in preparation for markup of the Internal Revenue Service reform bill. The legislation Senator D'AMATO, others, and I introduce today was generated as a result of that thorough investigation.

Mr. President, there have been unknown thousands of innocent spouses who have been subjected to extreme emotional and financial distress solely because they filed joint returns with their spouses. This legislation establishes fundamental equity in providing that each individual is responsible for his or her own actions, but will not be held accountable for actions or conduct of another.

By applying this legislation retroactively to currently open cases, we will provide significant and immediate relief to those who have been unfairly charged with taxes they did not rightly owe. We will establish the principle that liability for an erroneous item tracks responsibility and will force the IRS to collect taxes from the person who rightfully owes those taxes.

By Mr. GORTON:

S. 1683. A bill to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest; to the Committee on Energy and Natural Resources.

THE WENATCHEE NATIONAL FOREST INCLUSION ACT OF 1998

Mr. GORTON. Mr. President, today I am introducing S. 1683, legislation to transfer approximately 23 acres of land from the Lake Chelan National Recreation Area to the Wenatchee National Forest. This legislation is supported by both the National Park Service and the United States Forest Service, and would end a 10-year ordeal for my constituent, Mr. George C. Wall. Mr. Wall has been trying since 1987 to shift his 23 acres from the Recreation Area to the National Forest in order to more effectively manage his entire 168 plot of land. S. 1683 is non-controversial and I hope this body will approve it as expeditiously as possible.

By Mr. HUTCHINSON:

S. 1684. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board; to the Committee on Labor and Human Resources.

THE FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

By Mr. HUTCHINSON:

S. 1685. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner; to the Committee on Labor and Human Resources.

THE JUSTICE ON TIME ACT OF 1998

By Mr. HUTCHINSON (for himself, Mr. DEWINE, and Mr. MACK):

S. 1686. A bill to amend the National Labor Relations Act to determine the appropriateness of certain bargaining units in the absence of a stipulation or consent; to the Committee on Labor and Human Resources.

THE FAIR HEARING ACT

Mr. HUTCHINSON. Mr. President, our economy is doing well. Over 13 million new jobs have been created in the last 5 years and unemployment is at a 24-year low. The engine behind this growth is America's entrepreneurs. Last year, over 840,000 new small businesses were started in this country adding to the 22 million small businesses already in existence in the United States.

Not only are new jobs being created at an astounding rate, but job satisfaction levels are on the rise as well. While these statistics are good news for America, they are a bitter pill for America's labor unions. Because of the strong employment conditions, unions are finding it increasingly difficult to identify workplaces that feel they need labor representation. In short, union membership is in a free-fall.

Last month, the Bureau of Labor Statistics reported that unions lost 159,000 members in 1997 alone. Union membership has declined from 14.5 percent of the work force to 14.1 percent this year. This drop in membership is hitting the unions where it hurts most, their pocketbooks. Unfortunately, rather than fighting back with legitimate, honest organizing tactics, unions are lashing out against America's merit shop employers with tactics aimed at undermining their very existence.

Mr. President, I am always reluctant to propose legislation that interferes in private matters, particularly matters that deal with contractual relationships between employers and employees. However, in this case, the Federal Government, through the National Labor Relations Board, is a coconspirator in this union attack on small businesses.

For example, Little Rock Electrical Contractors, which is a merit shop contractor in my home State that hires both union and nonunion labor, has found itself on the barrel end of several unfair labor cases filed by workers the company has no record of ever even having hired or even interviewed.

Last year, George Smith of Little Rock Electrical Contractors testified before the Senate Labor and Human Resources Committee, on which I serve, that they often settle these meritless cases simply because of the cost of litigating them through the NLRB and the courts, which is a very, very expensive process indeed.

Mr. Smith said that his business cannot compete against the flood of cases that are filed against them and which are being litigated by Government lawyers working for the NLRB. Rather than fight, they simply pay. In the end, this not only hurts the employer but it hurts employees and consumers who bear the brunt of this cost in lower wages and in higher prices.

Mr. President, unfortunately, this case is not unique. Both the House and Senate Labor Committees have been flooded with testimony showing similar efforts by unions across the country to harass and intimidate employers whose employees have chosen not to organize. Interestingly, this practice, which is known as "salting," rarely, if ever, results in a formal petition to organize. In fact, the true nature and intent of salting was best explained by Mr. Gene Ellis, an IBEW organizer, who wrote in the Maine Labor RECORD the following words. And I quote:

> We've had members get monetary awards in the thousands of dollars just for applying for a job, just a couple hours of effort. At this writing, I'm pleased to announce that five of our members will be sharing in $32,000 of BE&K's profits. All for just filling out an application.

On February 13, 1997, I introduced legislation that addresses the issue of salting. This legislation—called the Truth In Employment Act of 1997—would allow employers to reject an applicant that has no intention of actually working for the company but is instead solely interested in disrupting the workplace and harassing their employer and fellow employees.

Today, I am introducing three new bills which seek to further protect small businesses from stern and intimidating union practices by forcing Government bureaucrats to seriously evaluate the actions they take against America's small businesses and requiring that the NLRB expeditiously resolve cases that are brought before it.

First, I am introducing the Fair Access to Indemnity and Reimbursement Act. The FAIR Act will provide small businesses the incentive they need to fight back against meritless claims brought against them with the assistance of the NLRB and its team of lawyers.

Simply put, the FAIR Act will allow small businesses to recoup the attorney's fees and expenses it spends defending itself should they prevail. So if a charge is brought against them, and they defend themselves and prevail, they will receive their attorney's fees. This will put some disincentive into the current practice of filing absolutely meritless cases in the hopes that they will tie up and disrupt the workplace and eventually destroy the employer. It ensures that those with modest means, the small company, the small business man or woman, will be able to fight frivolous actions brought before the NLRB—making the agency's bureaucrats closely consider each and every case before they initiate litigation.

Mr. President, passage of the FAIR Act would be welcome news to small businesses across America. In particular, John Gaylor of Gaylor Electric from Indiana, who budgets $200,000 each year to combat frivolous labor charges brought against him, would finally be able to recoup a large portion of these annual costs and would be able to reinvest this money into his business and into the welfare of his employees.

Mr. President, the second bill that I am introducing is the Justice on Time Act. This legislation eliminates another obstacle small business must cross before they can consider fighting meritless cases brought before the NLRB. It currently takes the National Labor Relations Board an average of 546 days—546 days—to process unfair labor claims. This delay compounds the back pay rewards that businesses must pay if they are found to be in violation of the National Labor Relations Act.

Furthermore, it delays the reinstatement of employees who are in limbo waiting to learn if they will get their jobs back. The Justice on Time Act is reasonable legislation that will force the NLRB to resolve unfair labor cases involving the dismissal of an employee within 1 year. And 1 year ought to be long enough.

Finally, Mr. President, I am introducing the Fair Hearing Act which will require the NLRB to conduct a hearing to determine the appropriate bargaining unit in cases where labor organizations attempt to organize employees at one or more facilities of a multifacility employer.

The NLRB, at the behest I believe of organized labor, has recently considered regulations that would end the NLRB's decade-long practice of resolving disputes over what constitutes an appropriate bargaining unit in an open hearing. While the NLRB recently pulled its proposed rule ending the use of hearings, and replacing it with a fairly broad set of "union favoring" criteria, the Fair Hearing Act would ensure that this practice is never again jeopardized by bureaucrats at the National Labor Relations Board.

Mr. President, these three bills simply seek to level the playing field on which organized labor and small employers compete. The strength of this country rests on the freedom of individuals to pursue their dreams, to pursue their ideas and risk their capital to open and operate a small business. With a level playing field, these dreams can continue to be met and can continue to be realized.

The three bills that I am introducing today will help ensure that the efforts of small business men and women across this country are not hindered by intrusive and misused Government regulations. I ask my colleagues for their consideration and support of this legislation.

Mr. President, I ask unanimous consent that the texts of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Access to Indemnity and Reimbursement Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) Certain small businesses and labor organizations are at a great disadvantage in terms of expertise and resources when facing actions brought by the National Labor Relations Board.

(2) The attempt to "level the playing field" for small businesses and labor organizations by means of the Equal Access to Justice Act has proven ineffective and has been underutilized by these small entities in their actions before the National Labor Relations Board.

(3) The greater expertise and resources of the National Labor Relations Board as compared with those of small businesses and labor organizations necessitate a standard that awards fees and costs to certain small entities when they prevail against the National Labor Relations Board.

(b) PURPOSE.—It is the purpose of this Act—

(1) to ensure that certain small businesses and labor organizations will not be deterred from seeking review of, or defending against, actions brought against them by the National Labor Relations Board because of the expense involved in securing vindication of their rights;

(2) to reduce the disparity in resources and expertise between certain small businesses and labor organizations and the National Labor Relations Board; and

(3) to make the National Labor Relations Board more accountable for its enforcement actions against certain small businesses and labor organizations by awarding fees and costs to these entities when they prevail against the National Labor Relations Board.

SEC. 3. AMENDMENT TO NATIONAL LABOR RELATIONS ACT.

The National Labor Relations Act (29 U.S.C. 151 et seq.) is amended by adding at the end the following:

"AWARDS OF ATTORNEYS' FEES AND COSTS

"SEC. 20. (a) ADMINISTRATIVE PROCEEDINGS.—An employer who, or a labor organization that—

"(1) is the prevailing party in an adversary adjudication conducted by the Board under this or any other Act, and

"(2) had not more than 100 employees and a net worth of not more than $1,400,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Board was substantially justified or special circumstances make an award unjust. For purposes of this subsection, the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

"(b) COURT PROCEEDINGS.—An employer who, or a labor organization that—

"(1) is the prevailing party in a civil action, including proceedings for judicial review of agency action by the Board, brought by or against the Board, and

"(2) had not more than 100 employees and a net worth of not more than $1,400,000 at the time the civil action was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) or this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.".

SEC. 4. APPLICABILITY.

(a) AGENCY PROCEEDINGS.—Subsection (a) of section 20 of the National Labor Relations Act, as added by section 3 of this Act, applies to agency proceedings commenced on or after the date of the enactment of this Act.

(b) COURT PROCEEDINGS.—Subsection (b) of section 20 of the National Labor Relations Act, as added by section 3 of this Act, applies to civil actions commenced on or after the date of the enactment of this Act.

S. 1685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice on Time Act of 1998".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) An employee has a right under the National Labor Relations Act (29 U.S.C. 151 et seq.) to be free from discrimination with regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization. The Congress, the National Labor Relations Board, and the courts have recognized that the discharge of an employee to encourage or discourage union membership has a particularly chilling effect on the exercise of rights provided under section 7 of such Act.

(2) Although an employee who has been discharged because of support or lack of support for a labor organization has a right to be reinstated to the previously held position with backpay, reinstatement is often ordered months and even years after the initial discharge due to the lengthy delays in the processing of unfair labor practice charges by the National Labor Relations Board and to the several layers of appeal under the National Labor Relations Act.

(3) In order to minimize the chilling effect on the exercise of rights provided under section 7 of the National Labor Relations Act (29 U.S.C. 157) caused by an unlawful discharge and to maximize the effectiveness of the remedies for unlawful discrimination under the National Labor Relations Act, the National Labor Relations Board should endeavor to resolve in a timely manner all unfair labor practice complaints alleging that an employee has been unlawfully discharged to encourage or discourage membership in a labor organization.

(4) Expeditious resolution of such complaints would benefit all parties not only by ensuring swift justice, but also by reducing the costs of litigation and backpay awards.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure that the National Labor Relations Board resolves in a timely manner all unfair labor practice complaints alleging that an employee has been unlawfully discharged to encourage or discourage membership in a labor organization.

SEC. 4. TIMELY RESOLUTION.

Section 10(m) of the National Labor Relations Act (29 U.S.C. 160) is amended by adding at the end the following: "Whenever a complaint is issued as provided in subsection (b) upon a charge that any person has engaged in or is engaging in an unfair labor practice within the meaning of subsection (a)(3) or (b)(2) of section 8 involving an unlawful discharge, the Board shall state its findings of fact and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such affirmative action, including reinstatement of an employee with or without backpay, as will effectuate the policies of this Act, or shall state its findings of fact and issue an order dismissing the said complaint, not later than 365 days after the filing of the unfair labor practice charge with the Board.".

SEC. 5. REGULATIONS.

The National Labor Relation Board may issue such regulations as are necessary to carry out the purposes of this Act.

S. 1686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Hearing Act".

SEC. 2. REPRESENTATIVES AND ELECTIONS.

Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

"(6) If a petition for an election requests the Board to certify a unit which includes the employees employed at one or more facilities of a multi-facility employer, and in the absence of an agreement by the parties (stipulation for certification upon consent election or agreement for consent election) regarding the appropriateness of the bargaining unit at issue for purposes of subsection (b), the Board shall provide for a hearing upon due notice to determine the appropriateness of the bargaining unit. The Board shall consider factors, including functional integration, centralized control, common skills, functions and working conditions, permanent and temporary employee interchange, geographical separation, local autonomy, the number of employees, bargaining history, and such other factors as the Board considers appropriate.".

By Mr. THOMPSON:

S. 1687. A bill to provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes; to the Committee on Governmental Affairs.

THE NOTICE TO PROPERTY OWNERS ACT OF 1998

Mr. THOMPSON. Mr. President, I rise today to introduce a bill aimed at preventing private property owners from being caught by surprise when a private company asks the Federal Government for the power to take their land.

We had a situation in Marion County, TN, recently where the Federal Energy Regulatory Commission decided to grant the power of eminent domain to a private company for the purpose of building a natural gas pipeline through the county and then into Alabama.

This pipeline will exclusively serve a new wallboard plant that the company plans to build in the area. And that is fine. But in the process, about 50 private property owners—homeowners, businessmen, farmers—are being forced to allow their property to be used for the exclusive benefit—and profit—of this private company.

Now, that in and of itself raises a serious question in my mind. I wonder whether some greater public benefit needs to be demonstrated than simply the economic value of having this plant in the community. Again, we are talking about a situation where a private company is essentially being allowed to stand in the shoes of the Federal Government and seize an interest in the property of ordinary citizens but without committing that property to the direct use and benefit of the larger public. Now, that is the law as it stands today, as permitted, but it is a very serious matter and one which should not be taken lightly.

But what I find especially troubling is the fact that these private land owners—my constituents—were never given personal notice that their lands could be taken for this private pipeline. Current regulations require only that notice be published in the Federal Register.

If you do not happen to read the Federal Register on a daily basis you will never know that your property is about to be taken. Quite frankly, the Federal Register is not likely read in Marion County, TN, not by them and not by me, either, I might add. If you do not read it, the fact that your land is in jeopardy might be news to you until it is too late for you to participate meaningfully in the process in order to protect yourself and your interests. I think that is wrong.

This legislation is very simple and straightforward. It would simply guarantee that property owners get personal notice by certified mail whenever a private company is seeking to acquire an interest in their property through the power of eminent domain. This would at the very least allow the landowners to meaningfully participate in the Government's decisionmaking process.

That is something they did not get in this case. I do not think it is right. I think it is pretty hard to argue that people should not have a right to know when the Federal Government is considering giving a private company the right to take their land. I do not think that anyone would argue that these folks should not be made aware of the rights they already have under the law. If you don't know about it, you can't protect it. That is what this bill would do.

Just let me quickly mention a couple of things that this bill would not do. It would not affect State law. It only addresses a situation involving the Federal power of eminent domain. It would not restrict the Federal Government's ability to exercise the power of eminent domain itself. It only deals with situations where the Federal Government is considering whether or not to delegate the power of eminent domain to a private company. No Federal agency will find its right to acquire Federal lands through eminent domain restricted by this legislation. It would not cost the Federal Government any money. Under my bill the private companies seeking the right to exercise eminent domain—not the Government—would be responsible for notifying the property owners whose lands might be affected.

What this bill does is state that property owners have the right to be notified when the Federal Government is considering giving a private company the right to take their land. It is basic fairness. They have a right to be notified at the outset of the proceedings in time for them to participate in the process. It gives them a chance to make sure that their voices are heard.

That did not happen in Marion County. The folks there were not personally notified that their land was in jeopardy and they did not find out until it was too late. I just don't think that that is right.

I hope the Senate will agree and will support this basic commonsense bill that I am introducing today.

By Mr. DORGAN:

S. 1688. A bill to amend the Communications Act of 1934 to limit types of communications made by candidates that receive the lowest unit charge; to the Committee on Commerce, Science, and Transportation.

THE COMMUNICATIONS ACT OF 1934 AMENDMENT ACT OF 1998

Mr. DORGAN. Mr. President, I rise today to discuss legislation I am introducing to address a significant air pollution problem we have in this country.

No, I'm not talking about smog, or acid rain, or the ozone layer, I'm talking about broadcast air pollution. And by that I mean the 30-second, slash-and-burn, hit-and-run political ad that does nothing but cut down an opponent.

Can you think of any other business in this country that sells its wares only by tearing down the opposition? Do airlines ask you to consider their services because their competitors' mechanics are unreliable, and try to conjure up images of plane crashes to get you to switch carriers? Do car manufacturers sell their products by raising dark, misleading doubts about the safety of their competitors' autos? Does McDonald's run ads raising the threat of E-coli bacteria in Burger King's hamburgers?

Of course not, but that's precisely the way we compete in politics against each other.

It is a pretty sad state of affairs when the American people get a more informative and dignified discussion about the soda they drink or the fast food restaurant they prefer than they do in the debate about what choices to make for our country's future. It is time to do something about it.

We cannot and should not attempt to limit speech. But there is something we can do to provide the right incentives. Under current law, television stations are required to offer the lowest unit rate to political candidates for television advertising within 45 days of a primary election, and within 60 days of a general election.

The legislation I am proposing today would change that law to provide that the low rate must be made available only to candidates who run ads that are at least one minute in length, in which the candidate appears at least 75 percent of the time.

Now I want to be clear on one point. Candidates can still run any ad they desire. They can continue to scorch the earth with their "hit-and-run" ads to their heart's content. But they will not get the lowest rate unless the two conditions are met. If federal law can require broadcasters to offer the lowest unit rate for all political advertising, there's no reason we cannot place some content-neutral restrictions on the discount, in order to improve the quality of political discourse in this country.

How would my proposal improve the debate? It is my hope that by offering incentives for longer ads, candidates will discuss their positions on issues in greater detail. Certainly the 30-second political attack ad does little, if anything, to inform the public about the issues and advance the debate. And by appearing in the commercials, candidates will be more accountable to the voters for what their ads say, and will likely be more responsible about their content.

When selecting their leaders, the American people deserve better than a "hit and run" debate. Let us do something about it.

I would like to conclude by saying that it is still very much my hope that Congress will succeed in passing meaningful, comprehensive campaign finance reform this year. I am a co-sponsor of McCain-Feingold, and it is very much my hope that this legislation is passed by Congress and signed by the President. Although it is not perfect, it will address many of the abuses of the current system, most notably the problem of unregulated "soft money" pouring into our political process through ever-widening cracks in the law. Passing McCain-Feingold would help to restore the American people's eroding confidence in the way we run campaigns in this country.

But whether Congress succeeds in passing comprehensive reform or not, I believe this legislation would be a modest but worthwhile step towards making the political debate in this country more civil, more informative and more meaningful to the American people. I urge my colleagues to support me in this effort.

By Mr. DOMENICI:

S. 1689. A bill to reform Federal election law; to the Committee on Rules and Administration.

THE GRASSROOTS CAMPAIGN AND COMMON SENSE FEDERAL ELECTION REFORM ACT OF 1998

Mr. DOMENICI. Mr. President, I rise today to introduce my own version of campaign finance reform, the "Grassroots Campaign and Common Sense Federal Election Reform Act of 1998."

During the past several Congresses, I continuously have introduced straightforward reform legislation to deal with four specific campaign finance issues: (1) out-of-state contributions; (2) PACs; (3) soft money; and (4) super-wealthy candidates.

This legislation again addresses these age-old concerns, and also attempts to deal with some of the new problems we discovered during the investigation of campaign abuses in the 1996 election cycle by the Senate Committee on Governmental Affairs.

Before I get to those new issues, I'd like to talk a little about how this bill will address the major problem I have raised over and over again on the floor of the Senate whenever we have debated campaign finance reform. For many years, I have felt that the biggest problem with our elections is that they no longer belong to the voters, to those at the grassroots level, to the constituents we originally were sent here to serve.

Instead, our campaigns now belong to special-interest PACs, super-wealthy candidates who can essentially buy their congressional seats, and rich contributors who donate large sums of soft money to political parties and groups for use in so-called "issue advocacy" ads and contribute the maximum allowable under the law to candidates, even if those candidates do not come from their own home state.

My bill begins by making four straightforward changes to return campaigns to the voters. First, it requires that candidates raise at least sixty percent of their money from sources within their own state. In my mind, the best campaigns are those funded by a large number of contributions from among the candidate's own constituents. This bill would make that a reality in virtually every federal campaign.

Second, the bill bans all corporate, bank and labor union PACs and limits so-called ideological PAC contributions to $500 per candidate. I understand that there are concerns about a PAC ban, but I believe the best way to return elections to the electorate is to eliminate special interest PAC contributions to candidates.

Third, the bill deals with the wealthy candidate problem in a way that I believe is consistent with the First Amendment. Rather than place arbitrary and unconstitutional limits on the amount of personal wealth a candidate could spend on behalf of his or her own campaign, the bill simply requires the candidate to disclose the fact that they plan to spend their own money and raises the contribution limits for the opponents of Senate candidates who intend to spend more than $250,000 of their own money or House candidates who intend to spend more than $100,000. The bill in no way prohibits wealthy candidates from spending their own money—that is their constitutional right. But the bill does level the playing field by raising contribution limits for candidates who face opponents with massive personal wealth at their disposal.

Finally, the bill gets at the biggest problem we face today—soft money and its use for so-called issue advocacy. My bill limits soft money contributions to $100,000 per individual per party during each election cycle, while simultaneously increasing and indexing the limits on regulated federal contributions to candidates and national parties. I have long felt that Congress should limit soft money because soft money confuses the electorate and permits campaign contributions to come from clandestine, obscure sources.

After the hearings in the Governmental Affairs Committee this year, I am convinced now more than ever that we must do something to eliminate the pernicious effect of soft money on our political system. Who can forget Roger Tamraz? He's the oil pipeline financier, who told the Committee that he had given $300,000 in soft money to the DNC and gladly would have given $600,000 for a meeting with the decision-makers at the White House and in the Executive Branch. My bill would prohibit the unlimited giving of soft money by wealthy individuals like Mr. Tamraz who use soft money to buy access to government.

My bill also would deal with one of the most pernicious uses of soft money—so-called "issue advocacy" political advertisements—and it does so in a way that clearly is constitutional. My bill takes the middle ground on issue advocacy and requires anyone who spends more than $25,000 or more on radio or television advertising which mentions a federal candidate by name or likeness to make certain disclosures to the FEC. I have long felt that disclosure is the best way to pursue campaign reform. It has been said that "sunlight is the best disinfectant." In the context of campaign reform, the sunlight of disclosure also is the best policy because it does no damage to the constitutional rights of individuals and groups to engage in political speech.

Mr. President, last year's Governmental Affairs Committee hearings exposed repeated and rampant violations of the existing campaign laws. We saw on numerous occasions blatant violations of the prohibitions against soliciting and receiving foreign money contributions, against money laundering-making contributions in the name of another, and the law against raising money on federal property. I thought that these laws were pretty clear.

Now, the Attorney General tells us that because soft money is not a "contribution" under the federal election laws, it was legal for the President and Vice President to solicit soft money contributions on federal property. While I do not necessarily agree with the Attorney General's interpretation of current law, I certainly believe we need to make it absolutely clear that government officials cannot use federal property to raise any campaign funds, including soft money. My bill does just that.

Finally, Mr. President, my bill deals with one other major issue—the use of union dues for political purposes. Mr. President, I can think of no other campaign activity which is more un-American than the mandatory, compulsory taking of union dues for political purposes. The essence of democracy is that political speech must be voluntary. For many union workers today, that is not the case. My bill would require unions to get the permission of all members before using their dues for political purposes. I know many colleagues on the other side of the aisle are opposed to this idea, but I think they know it is the right thing to do.

Mr. President, I introduce this bill today so my constituents in New Mexico will know where I stand on the issue of campaign finance reform. My record is clear—I have introduced at least three bills which have included the reforms I have discussed here today. But, I am unable to support McCain/Feingold for three key reasons.

First, McCain/Feingold goes too far in its attempts to address the express advocacy-issue advocacy problem. While I am sympathetic to any efforts to deal with the problems of the 1996 election, I believe that we must do so in a way which passes constitutional muster. McCain/Feingold's overly broad definition of "express advocacy" fails that test. McCain/Feingold defines express advocacy to include any radio or television ads referring to a federal candidate which are broadcast within 60 days of any election, regardless of whether those ads truly are "issue advocacy" ads. I believe that such a ban on the exercise of political speech would eventually be found unconstitutional.

Second, McCain/Feingold fails to ban soft money in a way which will pass Supreme Court scrutiny. Under McCain/Feingold, state parties are prohibited from disbursing soft money for use in "federal election activity." The bill goes on to define "federal election activity" to include any "generic campaign activity" conducted in connection with an election in which a candidate for Federal office appears on the ballot. To me, this means that a state party could not use non-federal soft money for activity which strictly supports a state candidate just because that candidate appears on the ballot with a federal candidate. While some may believe otherwise, I do not believe that Congress possesses the authority to so regulate state campaigns.

Finally, Mr. President, I cannot support McCain/Feingold because it does very little to address the problem of the compulsory use of union dues for political purposes. McCain/Feingold codifies the Beck decision, which only applies to non-union workers and only requires unions to provide notice of the workers' right to request a refund of the portion of their dues used for political purposes. I believe unions should be prohibited from using any employee dues for political purposes, whether they are taken from members or nonmembers, unless the union receives permission up front and in advance from the employee.

Mr. President, campaign finance reform is an issue which must be resolved thoughtfully and with respect for the First Amendment. I believe that my bill offers just such an approach. I also believe that, despite the earnest efforts of its proponents, many provisions of McCain/Feingold simply would not pass the constitutional scrutiny of the Supreme Court.

I ask unanimous consent that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Grassroots Campaign and Common Sense Federal Election Reform Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Restriction on out-of-state contributions.
Sec. 3. Limitation on political action committees.
Sec. 4. Use of personal wealth for campaign purposes.
Sec. 5. Increase in contribution limits.
Sec. 6. Limit on soft money donations to political parties.
Sec. 7. Increased disclosure for certain communications.
Sec. 8. Use of union dues for political purposes.
Sec. 9. Prohibition of fundraising on Federal property and other criminal prohibitions.
Sec.. 10. Contributions to defray legal expenses of certain officials.
Sec. 11. Increased criminal penalties for violations of foreign national provisions and contributions in the name of another.
Sec. 12. Filing of reports using computers and facsimile machines.
Sec. 13. Term limits for Federal Election Commission.

SEC. 2. RESTRICTION ON OUT-OF-STATE CONTRIBUTIONS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 324. LIMIT ON OUT-OF-STATE CONTRIBUTIONS.

"A candidate for nomination to, or election to, the Senate or House of Representatives or the candidate's authorized committees shall not accept an aggregate amount of funds during an election cycle from individuals, separate segregated funds, and multicandidate political committees that do not reside or have their headquarters within the candidate's State in excess of an amount equal to 40 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees.".

(b) DEFINITION OF ELECTION CYCLE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.".

SEC. 3. LIMITATION ON POLITICAL ACTION COMMITTEES.

(a) PROHIBITION OF SEPARATE SEGREGATED FUNDS.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended—

(1) in subparagraph (A), by inserting "and" after the semicolon;

(2) in subparagraph (B), by striking "; and" and inserting a period; and

(3) by striking subparagraph (C).

(b) PROHIBITION OF CERTAIN DISBURSEMENTS BY BANKS, CORPORATIONS, AND LABOR ORGANIZATIONS.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

"(c) PROHIBITED DISBURSEMENTS.—A bank, labor organization, or corporation referred to in subsection (a) shall not make a disbursement for the establishment or administration of a political committee or the solicitation of contributions to such committee."

(c) LIMITATION ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking "$5,000" and inserting "$500"; and

(2) in subparagraph (C), by striking "in any" and all that follows through "$5,000".

SEC. 4. USE OF PERSONAL WEALTH FOR CAMPAIGN PURPOSES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following:

"(i)(1)(A) Not later than 15 days after the date a candidate qualifies for a ballot, under State law, the candidate shall file with the Commission a declaration stating whether or not the candidate intends to expend personal funds in connection with the candidate's election for office, in an aggregate amount equal to or greater than—

"(i) in the case of a candidate for the Senate, $250,000, ; and

"(ii) in the case of a candidate for the House of Representatives, $100,000.

"(B) In this subsection, the term 'personal funds' means—

(i) funds of the candidate or funds from obligations incurred by the candidate in connection with the candidate's campaign; and

(ii) funds of the candidate's spouse, a child, stepchild, parent, grandparent, brother, sister, half-brother, or half-sister of the candidate and the spouse of any such person, and a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of such person.

"(C) The statement required by this subsection shall be in such form, and shall contain such information, as the Commission may, by regulation, require.

"(2) Notwithstanding any other provision of law, in any election in which a candidate declares an intention to expend more personal funds than the limits described in paragraph (1)(A), expends personal funds in excess of such limits, or fails to file the declaration required by this subsection—

"(A) subsection (h) shall apply to other eligible candidates in the same election without regard to the $17,500 limit; and

"(B) the limitations on contributions in subsection (a) for other eligible candidates in the same election shall be increased for such election as follows:

"(i) The limitations under subsection (a)(1)(A) shall be increased to an amount equal to 1,000 percent of such limitation; and

"(ii) The limitations under subsection (a)(3) shall be increased to an amount equal to 150 percent of such limitation, but only to the extent that contributions above such limitation are made to candidates affected by the increased levels provided in clause (i).

"(3) For purposes of this paragraph, an eligible candidate is a candidate who is not required to file a declaration under paragraph (1) or notice under paragraph (5).

"(4) If the limitations described in paragraph (2) are increased under paragraph (2) for a convention or a primary election, as they relate to an individual candidate, and such individual candidate is not a candidate in any subsequent election in such campaign, including the general election, the provisions of paragraph (2) shall no longer apply.

"(5) Any candidate who—

"(A) declares under paragraph (1) that the candidate does not intend to expend personal funds in an aggregate amount in excess of the limit described in paragraph (1)(A); and

"(B) subsequently does expend personal funds in excess of such limit or intends to expend personal funds in excess of such limits,

such candidate shall notify and file an amended declaration with the Commission and shall notify all other candidates for such office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending such notice by certified mail, return receipt requested. A candidate that violates this paragraph shall be subject to a civil penalty in an amount equal to 2 times the amount of funds expended in excess of the limits.

"(6) Any candidate who incurs personal loans in connection with his campaign under this Act shall not repay, either directly or indirectly, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.

"(7) Notwithstanding any other provision of law, no candidate shall make expenditures from personal funds in connection with a general, special, or runoff election for office after the later of—

"(A) the date that is 90 days before the date of the election; or

"(B) the day after the primary election for such office, whichever date occurs later.

The provisions of this paragraph shall apply to all candidates regardless of whether such candidate has reached the limits provided in paragraph (1) of this subsection. A candidate that violates this paragraph shall be subject to a civil penalty in an amount equal to 3 times the amount of funds expended.

"(8) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to assure compliance with the provisions of this subsection.".

SEC. 5. INCREASE IN CONTRIBUTION LIMITS.

(a) Increase in Limits.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "$1,000" and inserting "$5,000"; and

(B) in subparagraph (B), by striking "$20,000" and inserting "$50,000"; and

(2) in paragraph (3), by striking "$25,000" and inserting "$50,000".

(b) Indexing.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting before "At the beginning" the following: "(A)"; and

(C) by adding at the end the following:

"(B) Each limitation established by subparagraphs (A) and (B) of paragraph (1) and paragraph (3) of subsection (a) or subsection (b) or (d) shall be increased by the percent difference determined under subparagraph (A).

"(C) Each amount increased under subparagraph (B) shall remain in effect for the calendar year in which the amount is increased."; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974." and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsection (a), calendar year 1998.".

SEC. 6. LIMIT ON SOFT MONEY DONATIONS TO POLITICAL PARTIES.

(a) Soft Money of National Political Party Committees.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 2) is amended by adding at the end the following:

"SEC. 325. SOFT MONEY OF POLITICAL PARTY COMMITTEES.

"A national committee of a political party, any subordinate committee of a national committee, a Senatorial or Congressional Campaign Committee of a national political party, or an entity that is directly or indirectly established, financed, maintained, or controlled by a national committee or a Senatorial or Congressional Campaign Committee of a national political party or that is an entity acting on behalf of a national committee or a Senatorial or Congressional Campaign Committee of a national political party shall not accept donations from any person during a calendar year in an aggregate amount that exceeds $100,000.".

SEC. 7. INCREASED DISCLOSURE FOR CERTAIN COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

"(d) Disclosure of Certain Communications.—

"(1) In general.—A person shall file a report under paragraph (2) if the person expends an aggregate amount of funds during a calendar year for communications described in paragraph (3) in excess of—

"(A) $25,000 with respect to a candidate; or

"(B) $100,000 with respect to all candidates.

"(2) Report.—

"(A) Time to file.—A report under this paragraph shall be filed in accordance with subsection (a)(2).

"(B) Contents of report.—A report filed under this paragraph shall contain the same information required for an independent expenditure under subsection (c).

"(3) Communication described.—A communication described in this paragraph is any communication that—

"(A) is broadcast to the general public through radio or television;

"(B) mentions or refers to by name, representation, or likeness, any candidate for election to Federal office;

"(C) the payment for which is not a disbursement described in clause (i) or (iii) of section 301(9)(B); and

"(D) the payment for which is not an independent expenditure.".

SEC. 8. USE OF UNION DUES FOR POLITICAL PURPOSES.

Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) (as amended by section 3) is amended by adding at the end the following:

"(d)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment, if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) In this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party.".

SEC. 9. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY AND OTHER CRIMINAL PROHIBITIONS.

(a) Definition of Donation.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by section 2) is amended by adding at the end the following:

"(21) Donation.—The term 'donation' means a gift, subscription, loan, advance, or deposit of money or anything else of value made by any person to a national committee of a political party or a Senatorial or Congressional Campaign Committee of a national political party for any purpose, but does not include a contribution (as defined in paragraph (8)).".

(b) Prohibition of Fundraising on Federal Property.—Section 607 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "or donation within the meaning of section 301(20)" after "section 301(8)"; and

(2) in subsection (b)—

(A) by inserting "or donations" after "contributions" each place it appears;

(B) by inserting "or donation" after "contribution"; and

(C) by inserting "donator" after "contributor".

(c) Amendment of Title 18 To Include Prohibition of Donations.—Chapter 29 of title 18, United States Code, is amended—

(1) in section 602(a)(4), by inserting "or donation within the meaning of section 301(20)" after "section 301(8)"; and

(2) in section 603(a)—

(A) by inserting "or donation within the meaning of section 301(20)" after "section 301(8)"; and

(B) by inserting "or donation" after "contribution" the second and third time it appears.

(d) Effective Date.—The amendments made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SEC. 10. CONTRIBUTIONS TO DEFRAY LEGAL EXPENSES OF CERTAIN OFFICIALS.

(a) Contributions To Defray Legal Expenses.—

(1) Prohibition on making of contributions.—It shall be unlawful for any person to make a contribution to a candidate for nomination to, or election to, a Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3))), an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of any such individual, to defray legal expenses of such individual—

(A) to the extent it would result in the aggregate amount of such contributions from such person to or on behalf of such individual to exceed $10,000 for any calendar year; or

(B) if the person is—

(i) a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b))); or

(ii) a person prohibited from contributing to the campaign of a candidate under section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b).

(2) Prohibition on acceptance of contributions.—No person shall accept a contribution if the contribution would violate paragraph (1).

(3) Penalty.—A person that knowingly and willfully commits a violation of paragraph (1) or (2) shall be fined an amount not to exceed the greater of $25,000 or 300 percent of the contribution involved in such violation, imprisoned for not more than 1 year, or both.

(4) Construction of prohibition.—Nothing in this section shall be construed to permit

the making of a contribution that is otherwise prohibited by law.

(b) REPORTING REQUIREMENTS.—A candidate for nomination to, or election to, a Federal office, an individual who is a holder of a Federal office, or any head of an Executive department, or any entity established on behalf of any such individual, that accepts contributions to defray legal expenses of such individual shall file a quarterly report with the Federal Election Commission including the following information:

(1) The name and address of each contributor who makes a contribution in excess of $25.

(2) The amount of each contribution.

(3) The name and address of each individual or entity receiving disbursements from the fund.

(4) A brief description of the nature and amount of each disbursement.

(5) The name and address of any provider of pro bono services to the fund.

(6) The fair market value of any pro bono services provided to the fund.

SEC. 11. INCREASED CRIMINAL PENALTIES FOR VIOLATIONS OF FOREIGN NATIONAL PROVISIONS AND CONTRIBUTIONS IN THE NAME OF ANOTHER.

Section 309(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following:

"(D) In the case of a person who knowingly and willfully violates section 319 or 320, the person shall be fined an amount not to exceed $10,000, imprisoned for not more than 10 years, or both.".

SEC. 12. FILING OF REPORTS USING COMPUTERS AND FACSIMILE MACHINES.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

"(11) FILING REPORTS USING COMPUTERS AND FACSIMILE MACHINES.—

"(A) SOFTWARE.—The Commission shall—

"(i) develop software for use to file a designation, statement, or report under this Act; and

"(ii) provide a copy of the software at no cost to a person required to file a designation, statement, or report under this Act.

"(B) COMPUTERS.—The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

"(i) is required to maintain and file the designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

"(ii) may maintain and file a designation, statement, or report in that manner if not required to do so under a regulation promulgated under clause (i).

"(C) FACSIMILE MACHINE.—The Commission shall promulgate a regulation which allows a person to file a designation, statement, or report required by this Act through the use of a facsimile machine.

"(D) VERIFICATION OF SIGNATURE.—In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying a designation, statement, or report covered by the regulation. A document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.".

SEC. 13. TERM LIMITS FOR FEDERAL ELECTION COMMISSION.

(a) IN GENERAL.—Section 306(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(2)(A)) is amended in the matter preceding clause (i) by striking "terms of 6 years" and inserting "no more than 1 term of 8 years".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to appointments made after the date of enactment of this Act and to Commissioners serving a term on the date of enactment of this section except that such Commissioner shall continue to serve until the expiration of such term.

By Mr. FAIRCLOTH:

S. 1690. A bill to provide for the transfer of certain employees of the Internal Revenue Service to the Department of Justice, Drug Enforcement Administration, to establish the Department of National Drug Control Policy, and for other purposes; to the Committee on Governmental Affairs.

THE AMERICAN PRIORITIES ACT

Mr. FAIRCLOTH. Mr. President, I am pleased to today introduce the "American Priorities Act."

First, and most importantly, this bill corrects a serious imbalance in our national priorities by transferring one-third of the enforcement agents at the Internal Revenue Service to the Drug Enforcement Agency, by January 1, 1999.

Second, and by the same time, the bill establishes a cabinet level department to marshall the resources necessary to adequately fight a real war on drugs. By so doing we would affirm our resolve to the American people and those abroad that this is a war we intend to win.

Over the last 5 years, drug use, which slowed in the later 1980's and early 1990's, has increased with a vengeance. Particularly hard-hit have been our children. Schools are not safe; children are born addicted to crack and other hard drugs which are now cheap and plentiful in most of our nation; and drug-related violent crime is soaring.

Most troubling of all has been the creation of a class of violent, drug-addicted youth predators who terrorize our citizens with almost irrational and depraved violent crimes, from carjackings in shopping malls, to drive-by shootings on city streets, to gang-related violence in schools.

Yet what is the Administration's reaction? It claims that the so-called "war on drugs" cannot be easily won, that it will take 10 or more years to even begin to control the drug trade.

Such a piecemeal application of resources is not a recipe for victory. We need a bold and dramatic shift in federal resources to end the drug scourge once and for all. If this is to be a true war on drugs, then we need a Desert Storm, not a Vietnam.

The IRS has over 100,000 employees, 46,000 of whom are enforcement officials. Recent Congressional oversight has revealed that the agency has excess enforcement resources, which are not serving the public interest.

Instead, these excess resources are often engaged in the bullying of law-abiding Americans. And it's no wonder. With over 100,000 employees, 46,000 of which are enforcement agents, the IRS is running out of legitimate things to do.

By contrast, the DEA, which is at the forefront of stemming the drug trade, has only 8,500 personnel, half of whom are special agents. If the war on drugs is to be won, we need to radically reallocate our national resources, and I would suggest that moving 1/3 of the IRS enforcement agents to the DEA is a good first step.

Further, as a member of the Treasury and General Government Appropriations Subcommittee, I plan to offer a version of this bill as a rider to this year's budget.

Mr. President, it is high time that the federal government started investigating drug dealers as intensely as the IRS investigates American taxpayers.

SENATE RESOLUTION 185—RELATIVE TO SOCIAL SECURITY

Mr. HOLLINGS (for himself, Mr. DORGAN, Mr. DASCHLE, Mrs. MURRAY, Mr. JOHNSON, Mr. FORD, Mr. CONRAD, Mr. LAUTENBERG, and Mr. REID) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 185

Resolved,

SECTION 1. SENSE OF THE SENATE ON THE BUDGET AND SOCIAL SECURITY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security system provides benefits to 44,000,000 Americans, including 27,300,000 retirees, over 4,500,000 people with disabilities, 3,800,000 surviving children, and 8,400,000 surviving adults, and is essential to the dignity and security of the Nation's elderly and disabled;

(2) the Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds have reported to Congress that the "total income" of the Social Security system "is estimated to fall short of expenditures beginning in 2019 and in each year thereafter...until [trust fund] assets are exhausted in 2029";

(3) intergenerational fairness, honest accounting principles, prudent budgeting, and sound economic policy all require saving Social Security first, in order that the Nation may better afford the retirement of the baby boom generation beginning in 2010;

(4) in reforming Social Security in 1983, Congress intended that near-term Social Security trust fund surpluses be used to prefund the retirement of the baby boom generation;

(5) in his State of the Union message to the joint session of Congress on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century"; and

(6) saving Social Security first would work to expand national savings, reduce interest rates, enhance private investment, increase labor productivity, and boost economic growth.

(b) SENSE OF THE SENSE.—It is the sense of the Senate that Congress should save Social Security first by reserving any unified budget surplus until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled.

Mr. HOLLINGS. Mr. President, today I address President Clinton's admonition: "save Social Security first." I consider the President's plea essential; in fact, it is the most important business confronting this body. Saving Social Security is not a new crusade for me; for over two decades, I have dedicated myself to this cause. As a former Chairman and the senior member of the Budget Committee, I have worked to ensure that we are honest and responsible in our treatment of the trust funds and that Social Security will be viable for decades to come.

The debate over Social Security is not a new one. I recall when we formed the Greenspan Commission in 1983 for just this purpose: to save Social Security. That commission recommended the higher Social Security payroll tax that took effect in the mid-1980s. This tax was intended to produce a large surplus in the Social Security trust fund, to be used to support the retirement of the Baby Boom generation in the next century. But because the surplus has been used to pay for general operations of the federal government, there is in fact an enormous deficit in Social Security. This government owes a great deal of money to current workers; under the current system, we will be unable to pay them their benefits when they retire. That is why it is crucial we reform Social Security.

Consider President Clinton's Social Security proposal—as elaborated in his State of the Union address—in its entirety: "Tonight I propose we reserve 100 percent of the surplus. That's every penny of any surplus."

The President is right. Reserving any surplus is essential to ensuring that Social Security remains not only solvent, but fully capable of paying benefits to future retirees. If we are serious about saving Social Security—the most effective federal program since its enactment in 1935—we must protect the Social Security trust fund.

To help achieve this, I am dropping in a resolution that would express the sense of the Senate that Congress must not use any Social Security surplus to increase spending or cut taxes. I will offer this as an amendment to the first appropriate piece of legislation.

The first way to save Social Security is to stop spending the trust funds. One way to do this is to force an up-or-down vote on my resolution. Force Congress to promise not to use surpluses for irresponsible spending or tax cuts. If we can do this, we will have eliminated the immediate obstacle to saving Social Security.

This sense of the Senate is the first step towards saving Social Security. The next step is to address the program's long-term solvency. But before we can remedy Social Security's fundamental problems and save it for future retirees, we must restore truth in budgeting and put the "trust" back in trust funds. That is why I have introduced this resolution, and that is why I strongly urge my colleagues to support it.

SENATE RESOLUTION 184—EXPRESSING THE SENSE OF THE SENATE SUPPORTING ITALY'S INCLUSION AS A PERMANENT MEMBER OF THE UNITED NATIONS SECURITY COUNCIL

Mr. D'AMATO (for himself and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 184

Whereas Italy organized and led a multinational peace enforcement operation in Albania last spring under United Nations authority to restore order and organize democratic elections;

Whereas Italy provided the second largest United Nations troop contingent in Somalia;

Whereas in 1983 Italy joined the United States in a multilateral force to bring peace and stability to Lebanon and Italy still participates in the ongoing United Nations peacekeeping force in Lebanon;

Whereas Italy brokered the peace settlement in Mozambique and led the peacekeeping force that implemented it;

Whereas Italy hosts at Brindisi the sole United Nations logistical base supporting peacekeeping operations worldwide;

Whereas Italy's strategic location in the Mediterranean makes it an indispensable partner in security operations in multiple zones of instability;

Whereas Italy hosts air bases from which the United States and its NATO partners have conducted air operations over the former Yugoslavia;

Whereas Italy is the world's fifth largest economy and next year becomes the U.N.'s fifth largest assessed contributor;

Whereas Italy's contribution to the United Nations is greater than that of Britain, Russia and China, three permanent members of the Security Council;

Whereas President Clinton stated, "Italy has been and continues to be one of our closest allies and strategic partners in the world community"; and

Whereas the United States Department of State has been actively supporting a reorganization plan that would give Germany and Japan permanent seats on the United Nations Security Council, to the exclusion of Italy: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President to oppose any reorganization plan for the expansion of the Security Council which does not include Italy;

(2) urges the President to support Italy's inclusion as a permanent member if there is to be an expansion of the United Nations Security Council; and

(3) urges the Department of State to develop a reorganization plan of the United Nations Security Council that would incorporate nations that have played a significant role in fostering world peace and stability such as Italy.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

Mr. D'AMATO. Mr. President, I rise with my colleague, Senator ROBERT TORRICELLI from New Jersey, to submit a resolution which calls upon the President to support the inclusion of Italy as a permanent member of the United Nations Security Council in any future expansion of that body. Anyone who is aware of the indispensable aide Italy has offered in the past and promises to continue providing in the future would share this view. I would like to now note just a few of Italy's numerous accomplishments with the United Nations and the Security Council in order to highlight the reasons why I believe Italy should be invited to join the United Nations Security Council.

Italy's peace-keeping efforts in the past have been invaluable in aiding the United Nations on numerous fronts. It organized and led a multi-national peace enforcement operation in Albania last spring under United Nations authority to restore order and organize democratic elections. It provided the second largest United Nations troop contingent in Somalia. In 1983 Italy joined the United States in a multilateral force to bring peace and stability to Lebanon, and is still participating in the ongoing United Nations peacekeeping force there. Italy was also essential in brokering the peace settlement in Mozambique, as well as leading the peacekeeping forces that implemented it. Finally, Italy plays a key role in hosting the sole United Nations logistical base supporting peacekeeping operations worldwide at Brindisi on the Adriatic.

Moreover, Italy's strategic location in the Mediterranean has made it an indispensable partner in security operations in a multitude of international regions. As such, Italy's assistance has been crucial in hosting air bases from which the United States and its NATO partners have conducted air operations over the former Yugoslavia. Italy has the world's fifth largest economy, and will this year increase its monetary contributions to 5.4% of that sum, becoming the United Nation's fifth largest assessed contributor. It's contribution has surpassed that of Britain, Russia, and China, three permanent members of the Security Council. In addition, with an estimated contribution of $72 million in peace-keeping operations for the upcoming year, Italy's efforts in financial aid to the United Nations have also been tremendous.

As one of our closest allies and strategic partners in the world community, Italy continues to be an asset to the United Nation's peace keeping efforts, and is thus not only worthy, but essential in continued progress toward the

Security Council's goals. I thus urge the President to oppose any reorganization plan for the expansion of the Security Council which does not include Italy, and strongly encourage Italy's inclusion as a permanent member if such an expansion is to take place.

Mr. TORRICELLI. Mr. President, I rise today in support of Senator D'AMATO's resolution supporting Italy's inclusion as a permanent member of the United Nations Security Council. Should this international body expand, I can think of no country more worthy of inclusion than Italy, and I hope my colleagues will join me in expressing their support for this idea.

Italy is a major economic player on the world stage and in terms of United Nations contributions. She forms a critical part of the UN's global peacekeeping operations and has been active in a number of international conflicts and crises. Last spring, Italy acted under UN auspices to organize and lead a multi-national peace enforcement operation in Albania. This effort was critical to restoring order and helping Albania organize democratic elections.

In more general terms, Italy's strategic location in the Mediterranean makes it an important partner for the international community as it launches security operations in many zones of potential instability. Already, Italy has hosted the air bases that the United States and other NATO members have used to conduct air operations over the former Yugoslavia. These efforts, in conjunction with Italy's status as the fifth largest economy in the world, mean that we can no longer ignore its present position in the international community. It plays a vital role in protecting and enhancing our economic and military security, and I believe the time has come to recognize these efforts.

Italy's contributions to world history and culture, her continuing support for humanitarian and developmental objectives throughout the world, and status as a thriving democracy which has overcome a fascist past all argue for Italy's inclusion in any plans to revise and expand the permanent membership of the United Nations Security Council.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 412, A bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 887

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 887, A bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes.

S. 1021

At the request of Mr. HAGEL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1244

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1244, a bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1427

At the request of Mr. FORD, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1572

At the request of Mr. BRYAN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1572, a bill to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities.

S. 1577

At the request of Mr. CHAFEE, the name of the Senator from North Carolina (Mr. HELMS) was withdrawn as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to families to increase the affordability of child care, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. WARNER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of Senate Joint Resolution 30, A joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day," and for other purposes.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of Senate Concurrent Resolution 30, A concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE RESOLUTION 181

At the request of Mr. ROBB, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from Nevada (Mr. BRYAN), the Senator from Arkansas (Mr. BUMPERS), the Senator from West Virginia (Mr. BYRD), the Senator from Georgia (Mr. CLELAND), the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. DASCHLE), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. KERREY), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from New York (Mr. MOYNIHAN), the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Maryland (Mr. SARBANES), the Senator from

New Jersey (Mr. TORRICELLI), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Oregon (Mr. WYDEN), the Senator from Michigan (Mr. ABRAHAM), the Senator from Colorado (Mr. ALLARD), the Senator from Missouri (Mr. ASHCROFT), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Colorado (Mr. CAMPBELL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAIG), the Senator from New York (Mr. D'AMATO), the Senator from Ohio (Mr. DEWINE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from New Hampshire (Mr. GREGG), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. KEMPTHORNE), the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from New Hampshire (Mr. SMITH), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), the Senator from Wyoming (Mr. THOMAS), the Senator from Tennessee (Mr. THOMPSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 181, A resolution expressing the sense of the Senate that on March 2nd, every child in America should be in the company of someone who will read to him or her.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

CHAFEE AMENDMENT NO. 1676

Mr. LOTT (for Mr. CHAFEE) proposed an amendment to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intermodal Surface Transportation Efficiency Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—SURFACE TRANSPORTATION

Sec. 1001. Short title.

Subtitle A—General Provisions

Sec. 1101. Authorizations.
Sec. 1102. Apportionments.
Sec. 1103. Obligation ceiling.
Sec. 1104. Obligation authority under surface transportation program.
Sec. 1105. Emergency relief.
Sec. 1106. Federal lands highways program.
Sec. 1107. Recreational trails program.
Sec. 1108. Value pricing pilot program.
Sec. 1109. Highway use tax evasion projects.
Sec. 1110. Bicycle transportation and pedestrian walkways.
Sec. 1111. Disadvantaged business enterprises.
Sec. 1112. Federal share payable.
Sec. 1113. Studies and reports.
Sec. 1114. Definitions.
Sec. 1115. Cooperative Federal Lands Transportation Program.
Sec. 1116. Trade corridor and border crossing planning and border infrastructure.
Sec. 1117. Appalachian development highway system.
Sec. 1118. Interstate 4R and bridge discretionary program.
Sec. 1119. Magnetic levitation transportation technology deployment program.
Sec. 1120. Woodrow Wilson Memorial Bridge.
Sec. 1121. National Highway System components.
Sec. 1122. Highway bridge replacement and rehabilitation.
Sec. 1123. Congestion mitigation and air quality improvement program.
Sec. 1124. Safety belt use law requirements.
Sec. 1125. Sense of the Senate concerning reliance on private enterprise.
Sec. 1126. Study of use of uniformed police officers on Federal-aid highway construction projects.
Sec. 1127. Contracting for engineering and design services.

Subtitle B—Program Streamlining and Flexibility

CHAPTER 1—GENERAL PROVISIONS

Sec. 1201. Administrative expenses.
Sec. 1202. Real property acquisition and corridor preservation.
Sec. 1203. Availability of funds.
Sec. 1204. Payments to States for construction.
Sec. 1205. Proceeds from the sale or lease of real property.
Sec. 1206. Metric conversion at State option.
Sec. 1207. Report on obligations.
Sec. 1208. Terminations.
Sec. 1209. Interstate maintenance.

CHAPTER 2—PROJECT APPROVAL

Sec. 1221. Transfer of highway and transit funds.
Sec. 1222. Project approval and oversight.
Sec. 1223. Surface transportation program.
Sec. 1224. Design-build contracting.
Sec. 1225. Integrated decisionmaking process.

CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

Sec. 1231. Definition of operational improvement.
Sec. 1232. Eligibility of ferry boats and ferry terminal facilities.
Sec. 1233. Flexibility of safety programs.
Sec. 1234. Eligibility of projects on the National Highway System.
Sec. 1235. Eligibility of projects under the surface transportation program.
Sec. 1236. Design flexibility.

Subtitle C—Finance

CHAPTER 1—GENERAL PROVISIONS

Sec. 1301. State infrastructure bank program.

CHAPTER 2—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

Sec. 1311. Short title.
Sec. 1312. Findings.
Sec. 1313. Definitions.
Sec. 1314. Determination of eligibility and project selection.
Sec. 1315. Secured loans.
Sec. 1316. Lines of credit.
Sec. 1317. Project servicing.
Sec. 1318. Office of Infrastructure Finance.
Sec. 1319. State and local permits.
Sec. 1320. Regulations.
Sec. 1321. Funding.
Sec. 1322. Report to Congress.

Subtitle D—Safety

Sec. 1401. Operation lifesaver.
Sec. 1402. Railway-highway crossing hazard elimination in high speed rail corridors.
Sec. 1403. Railway-highway crossings.
Sec. 1404. Hazard elimination program.
Sec. 1405. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
Sec. 1406. Safety incentive grants for use of seat belts.
Sec. 1407. Automatic crash protection unbelted testing standard.

Subtitle E—Environment

Sec. 1501. National scenic byways program.
Sec. 1502. Public-private partnerships.
Sec. 1503. Wetland restoration pilot program.

Subtitle F—Planning

Sec. 1601. Metropolitan planning.
Sec. 1602. Statewide planning.
Sec. 1603. Advanced travel forecasting procedures program.
Sec. 1604. Transportation and community and system preservation pilot program.

Subtitle G—Technical Corrections

Sec. 1701. Federal-aid systems.
Sec. 1702. Miscellaneous technical corrections.
Sec. 1703. Nondiscrimination.
Sec. 1704. State transportation department.

Subtitle H—Miscellaneous Provisions

Sec. 1801. Designation of portion of State Route 17 in New York and Pennsylvania as Interstate Route 86.

TITLE II—RESEARCH AND TECHNOLOGY

Subtitle A—Research and Training

Sec. 2001. Strategic research plan.
Sec. 2002. Multimodal Transportation Research and Development Program.

Sec. 2003. National university transportation centers.
Sec. 2004. Bureau of Transportation Statistics.
Sec. 2005. Research and technology program.
Sec. 2006. Advanced research program.
Sec. 2007. Long-term pavement performance program.
Sec. 2008. State planning and research program.
Sec. 2009. Education and training.
Sec. 2010. International highway transportation outreach program.
Sec. 2011. National technology deployment initiatives and partnerships program.
Sec. 2012. Infrastructure investment needs report.
Sec. 2013. Innovative bridge research and construction program.
Sec. 2014. Use of Bureau of Indian Affairs administrative funds.
Sec. 2015. Study of future strategic highway research program.
Sec. 2016. Joint partnerships for advanced vehicles, components, and infrastructure program.
Sec. 2017. Transportation and environment cooperative research program.
Sec. 2018. Conforming amendments.
Subtitle B—Intelligent Transportation Systems
Sec. 2101. Short title.
Sec. 2102. Findings.
Sec. 2103. Intelligent transportation systems.
Sec. 2104. Conforming amendment.
Subtitle C—Funding
Sec. 2201. Funding.

SEC. 2. DEFINITION.

In this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—SURFACE TRANSPORTATION

SEC. 1001. SHORT TITLE.

This title may be cited as the "Surface Transportation Act of 1997".

Subtitle A—General Provisions

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,979,000,000 for fiscal year 1998, $11,808,000,000 for fiscal year 1999, $11,819,000,000 for fiscal year 2000, $11,916,000,000 for fiscal year 2001, $12,242,000,000 for fiscal year 2002, and $12,776,000,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) Congestion mitigation and air quality improvement program.—

"(A) In general.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) Calculation of weighted nonattainment and maintenance area population.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) Additional adjustment for carbon monoxide areas.—

"(i) Carbon monoxide nonattainment areas.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) Carbon monoxide maintenance areas.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) Minimum apportionment.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) Determinations of population.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) Surface transportation program.—

"(A) In general.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) Data.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) Minimum apportionment.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) Effect of Certain Amendments.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) Effect of Certain Amendments.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) ISTEA Transition.—

(1) In general.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) Applicable percentages.—

(A) Fiscal year 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) Fiscal years thereafter.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) Maximum transition.—

(A) In general.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) Redistribution of funds.—

(i) In general.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

"(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	**Percentage**
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

"(b) TREATMENT OF ALLOCATIONS.—

"(1) OBLIGATION.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "NOTIFICATION TO STATES.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(2)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(2)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)(A)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

SEC. 1103. OBLIGATION CEILING.

(a) General Limitations.—Subject to the other provisions of this section and notwithstanding any other provision of law, the total amount of all obligations for Federal-aid highways and highway safety construction programs shall not exceed—

(1) $21,800,000,000 for fiscal year 1998;

(2) $22,802,000,000 for fiscal year 1999;

(3) $22,939,000,000 for fiscal year 2000;

(4) $23,183,000,000 for fiscal year 2001;

(5) $23,699,000,000 for fiscal year 2002; and

(6) $24,548,000,000 for fiscal year 2003.

(b) Exceptions.—

(1) In general.—The limitations under subsection (a) shall not apply to obligations of funds under—

(A) section 105(a) of title 23, United States Code (but, for each of fiscal years 1998 through 2003, only in an amount equal to the amount included for section 157 of title 23, United States Code, in the baseline determined by the Congressional Budget Office for the fiscal year 1998 budget (as specified in the letter from the Director of the Congressional Budget Office to the Chairman of the Senate Committee on Environment and Public Works, dated October 6, 1997), excluding amounts allocated under section 105(a)(1)(B) of that title;

(B) section 125 of that title;

(C) section 157 of that title (as in effect on the day before the date of enactment of this Act);

(D) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(E) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(F) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(G) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198); and

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027).

(2) Effect of other law.—A provision of law establishing a limitation on obligations for Federal-aid highways and highway safety construction programs may not amend or limit the applicability of this subsection, unless the provision specifically amends or limits that applicability.

(c) Applicability to Transportation Research Programs.—Obligation limitations for Federal-aid highways and highway safety construction programs established by subsection (a) shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code.

(d) Obligation Authority.—Section 118 of title 23, United States Code, is amended by adding at the end the following:

"(g) Obligation Authority.—

"(1) Distribution.—For each fiscal year, the Secretary shall—

"(A) distribute the total amount of obligation authority for Federal-aid highways and highway safety construction programs made available for the fiscal year by allocation in the ratio that—

"(i) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to each State for the fiscal year; bears to

"(ii) the total of the sums made available for Federal-aid highways and highway safety construction programs that are apportioned or allocated to all States for the fiscal year;

"(B) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State; and

"(C) notwithstanding subparagraphs (A) and (B), not distribute—

"(i) amounts deducted under section 104(a) for administrative expenses;

"(ii) amounts set aside under section 104(k) for Interstate 4R and bridge projects;

"(iii) amounts made available under sections 143, 164, 165, 204, 206, 207, and 322;

"(iv) amounts made available under section 111 of title 49;

"(v) amounts made available under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.);

"(vi) amounts made available under section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938);

"(vii) amounts made available under sections 1503, 1603, and 1604 of the Intermodal Surface Transportation Efficiency Act of 1997;

"(viii) amounts made available under section 149(d) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 201);

"(ix) amounts made available under section 105(a)(1)(A) to the extent that the amounts are subject to any obligation limitation under section 1103(a) of the Intermodal Surface Transportation Efficiency Act of 1997;

"(x) amounts made available for implementation of programs under chapter 5 of this title and sections 5222, 5232, and 5241 of title 49; and

"(xi) amounts made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995.

"(2) Redistribution.—Notwithstanding paragraph (1), the Secretary shall, after August 1 of each of fiscal years 1998 through 2003—

"(A) revise a distribution of the funds made available under paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

"(B) redistribute sufficient amounts to those States able to obligate amounts in addition to the amounts previously distributed during the fiscal year, giving priority to those States that have large unobligated balances of funds apportioned under section 104 and under section 144 (as in effect on the day before the date of enactment of this subparagraph).".

(e) Applicability of Obligation Limitations.—An obligation limitation established by a provision of any other Act shall not apply to obligations under a program funded under this Act or title 23, United States Code, unless—

(1) the provision specifically amends or limits the applicability of this subsection; or

(2) an obligation limitation is specified in this Act with respect to the program.

SEC. 1104. OBLIGATION AUTHORITY UNDER SURFACE TRANSPORTATION PROGRAM.

Section 133 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) Obligation Authority.—

"(1) In general.—A State that is required to obligate in an urbanized area with an urbanized area population of over 200,000 individuals under subsection (d) funds apportioned to the State under section 104(b)(3) shall make available during the 3-fiscal year period of 1998 through 2000, and the 3-fiscal year period of 2001 through 2003, an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

"(A) the aggregate amount of funds that the State is required to obligate in the area under subsection (d) during each such period; by

"(B) the ratio that—

"(i) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

"(ii) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

"(2) Joint Responsibility.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with paragraph (1).".

SEC. 1105. EMERGENCY RELIEF.

(a) Federal Share.—Section 120(e) of title 23, United States Code, is amended in the first sentence by striking "highway system" and inserting "highway".

(b) Eligibility and Funding.—Section 125 of title 23, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;

(3) by inserting after the section heading the following:

"(a) General Eligibility.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any part of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

"(1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

"(2) catastrophic failure from any external cause.

"(b) Restriction on Eligibility.—In no event shall funds be used pursuant to this section for the repair or reconstruction of bridges that have been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration.

"(c) Funding.—Subject to the following limitations, there are hereby authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to establish the fund authorized by this section and to replenish it on an annual basis:

"(1) Not more than $100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out the provisions of this section, except that, if in any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated in such fiscal year, the unobligated balance of such amount shall remain available until expended and shall be in addition to amounts otherwise available to carry out this section each year.

"(2) Pending such appropriation or replenishment, the Secretary may obligate from any funds heretofore or hereafter appropriated for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as may be necessary for the immediate prosecution of the work herein authorized, provided that such funds are reimbursed from the appropriations authorized in paragraph (1) of this subsection when such appropriations are made.";

(4) in subsection (d) (as so redesignated), by striking "subsection (c)" both places it appears and inserting "subsection (e)"; and

(5) in subsection (e) (as so redesignated), by striking "on any of the Federal-aid highway systems" and inserting "Federal-aid highways".

(c) San Mateo County, California.—Notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, that—

(1) was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide; and

(2) until its destruction, served as the only reasonable access route between 2 cities and as the designated emergency evacuation route of 1 of the cities;

shall be eligible for assistance under section 125(a) of title 23, United States Code, if the project complies with the local coastal plan.

SEC. 1106. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) Federal Share Payable.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

"(j) Use of Federal Land Management Agency Funds.—Notwithstanding any other provision of law, the funds appropriated to any Federal land management agency may be used to pay the non-Federal share of the cost of any Federal-aid highway project the Federal share of which is funded under section 104.

"(k) Use of Federal Lands Highways Program Funds.—Notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.".

(b) Availability of Funds.—Section 203 of title 23, United States Code, is amended by adding at the end the following: "Notwithstanding any other provision of law, the authorization by the Secretary of engineering and related work for a Federal lands highways program project, or the approval by the Secretary of plans, specifications, and estimates for construction of a Federal lands highways program project, shall be deemed to constitute a contractual obligation of the Federal Government to the pay the Federal share of the cost of the project.".

(c) Planning and Agency Coordination.—Section 204 of title 23, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Establishment.—

"(1) In general.—Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to the policies that apply to Federal-aid highways, there is established a coordinated Federal lands highways program that shall apply to public lands highways, park roads and parkways, and Indian reservation roads and bridges.

"(2) Transportation planning procedures.—In consultation with the Secretary of each appropriate Federal, land management agency, the Secretary shall develop, by rule, transportation planning procedures that are consistent with the metropolitan and statewide planning processes required under sections 134 and 135.

"(3) Approval of transportation improvement program.—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

"(4) Inclusion in other plans.—All regionally significant Federal lands highways program projects—

"(A) shall be developed in cooperation with States and metropolitan planning organizations; and

"(B) shall be included in appropriate Federal lands highways program, State, and metropolitan plans and transportation improvement programs.

"(5) Inclusion in state programs.—The approved Federal lands highways program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

"(6) Development of systems.—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, develop safety, bridge, pavement, and congestion management systems for roads funded under the Federal lands highways program.";

(2) in subsection (b), by striking the first 3 sentences and inserting the following: "Funds available for public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay for the cost of transportation planning, research, engineering, and construction of the highways, roads, and parkways, or of transit facilities within public lands, national parks, and Indian reservations. In connection with activities under the preceding sentence, the Secretary and the Secretary of the appropriate Federal land management agency may enter into construction contracts and other appropriate contracts with a State or civil subdivision of a State or Indian tribe.";

(3) in the first sentence of subsection (e), by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land management agency";

(4) in subsection (h), by adding at the end the following:

"(8) A project to build a replacement of the federally owned bridge over the Hoover Dam in the Lake Mead National Recreation Area between Nevada and Arizona.";

(5) by striking subsection (i) and inserting the following:

"(i) Transfers of Costs to Secretaries of Federal Land Management Agencies.—

"(1) Administrative costs.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay necessary administrative costs of the agency in connection with public lands highways.

"(2) Transportation planning costs.—The Secretary shall transfer to the appropriate Federal land management agency from amounts made available for public lands highways such amounts as are necessary to pay the cost to the agency to conduct necessary transportation planning for Federal lands, if funding for the planning is not otherwise provided under this section."; and

(6) in subsection (j), by striking the second sentence and inserting the following: "The Indian tribal government, in cooperation with the Secretary of the Interior, and as appropriate, with a State, local government, or

metropolitan planning organization, shall carry out a transportation planning process in accordance with subsection (a).”.

SEC. 1107. RECREATIONAL TRAILS PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

“§206. Recreational trails program

“(a) Definitions.—

“(1) Motorized recreation.—The term ‘motorized recreation’ means off-road recreation using any motor-powered vehicle, except for a motorized wheelchair.

“(2) Recreational trail; trail.—The term ‘recreational trail’ or ‘trail’ means a thoroughfare or track across land or snow, used for recreational purposes such as—

“(A) pedestrian activities, including wheelchair use;

“(B) skating or skateboarding;

“(C) equestrian activities, including carriage driving;

“(D) nonmotorized snow trail activities, including skiing;

“(E) bicycling or use of other human-powered vehicles;

“(F) aquatic or water activities; and

“(G) motorized vehicular activities, including all-terrain vehicle riding, motorcycling, snowmobiling, use of off-road light trucks, or use of other off-road motorized vehicles.

“(b) Program.—In accordance with this section, the Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall carry out a program to provide and maintain recreational trails (referred to in this section as the ‘program’).

“(c) State Responsibilities.—To be eligible for apportionments under this section—

“(1) a State may use apportionments received under this section for construction of new trails crossing Federal lands only if the construction is—

“(A) permissible under other law;

“(B) necessary and required by a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.);

“(C) approved by the administering agency of the State designated under paragraph (2); and

“(D) approved by each Federal agency charged with management of the affected lands, which approval shall be contingent on compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(2) the Governor of a State shall designate the State agency or agencies that will be responsible for administering apportionments received under this section; and

“(3) the State shall establish within the State a State trail advisory committee that represents both motorized and nonmotorized trail users.

“(d) Use of Apportioned Funds.—

“(1) In general.—Funds made available under this section shall be obligated for trails and trail-related projects that—

“(A) have been planned and developed under the laws, policies, and administrative procedures of each State; and

“(B) are identified in, or further a specific goal of, a trail plan or trail plan element included or referenced in a metropolitan transportation plan required under section 134 or a statewide transportation plan required under section 135, consistent with the statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 et seq.).

“(2) Permissible uses.—Permissible uses of funds made available under this section include—

“(A) maintenance and restoration of existing trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages;

“(C) purchase and lease of trail construction and maintenance equipment;

“(D) construction of new trails;

“(E) acquisition of easements and fee simple title to property for trails or trail corridors;

“(F) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment received by the State for a fiscal year; and

“(G) operation of educational programs to promote safety and environmental protection as these objectives relate to the use of trails.

“(3) Use of apportionments.—

“(A) In general.—Except as provided in subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

“(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

“(ii) 30 percent shall be used for uses relating to motorized recreation; and

“(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

“(B) Small state exclusion.—Any State with a total land area of less than 3,500,000 acres, and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States, shall be exempted from the requirements of subparagraph (A) upon application to the Secretary by the State demonstrating that the State meets the conditions of this subparagraph.

“(C) Waiver authority.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

“(D) State administrative costs.—State administrative costs eligible for funding under paragraph (2)(F) shall be exempt from the requirements of subparagraph (A).

“(e) Environmental Benefit or Mitigation.—To the extent practicable and consistent with the other requirements of this section, a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails to benefit the natural environment or to mitigate and minimize the impact to the natural environment.

“(f) Federal Share.—

“(1) In general.—Subject to the other provisions of this subsection, the Federal share of the cost of a project under this section shall not exceed 80 percent.

“(2) Federal agency project sponsor.—Notwithstanding any other provision of law, a Federal agency that sponsors a project under this section may contribute additional Federal funds toward the cost of a project, except that—

“(A) the share attributable to the Secretary of Transportation may not exceed 80 percent; and

“(B) the share attributable to the Secretary and the Federal agency jointly may not exceed 95 percent.

“(3) Use of funds from federal programs to provide non-federal share.—Notwithstanding any other provision of law, amounts made available by the Federal Government under any Federal program that are—

“(A) expended in accordance with the requirements of the Federal program relating to activities funded and populations served; and

“(B) expended on a project that is eligible for assistance under this section;

may be credited toward the non-Federal share of the cost of the project.

“(4) Programmatic non-federal share.—A State may allow adjustments to the non-Federal share of an individual project under this section if the Federal share of the cost of all projects carried out by the State under the program (excluding projects funded under paragraph (2) or (3)) using funds apportioned to the State for a fiscal year does not exceed 80 percent.

“(5) State administrative costs.—The Federal share of the administrative costs of a State under this subsection shall be determined in accordance with section 120(b).

“(g) Uses Not Permitted.—A State may not obligate funds apportioned under this section for—

“(1) condemnation of any kind of interest in property;

“(2) construction of any recreational trail on National Forest System land for any motorized use unless—

“(A) the land has been apportioned for uses other than wilderness by an approved forest land and resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;

“(3) construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land—

“(A) has been apportioned for uses other than wilderness by an approved Bureau of Land Management resource management plan or has been released to uses other than wilderness by an Act of Congress; and

“(B) the construction is otherwise consistent with the management direction in the approved management plan; or

“(4) upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by nonmotorized trail users and on which, as of May 1, 1991, motorized use is prohibited or has not occurred.

“(h) Project Administration.—

“(1) Credit for donations of funds, materials, services, or new right-of-way.—

“(A) In general.—Nothing in this title or other law shall prevent a project sponsor from offering to donate funds, materials, services, or a new right-of-way for the purposes of a project eligible for assistance under this section. Any funds, or the fair market value of any materials, services, or new right-of-way, may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (f).

"(B) FEDERAL PROJECT SPONSORS.—Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited to the Federal agency's share in accordance with subsection (f).

"(2) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to section 138 of this title or section 303 of title 49.

"(3) CONTINUING RECREATIONAL USE.—At the option of each State, funds made available under this section may be treated as Land and Water Conservation Fund apportionments for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

"(4) COOPERATION BY PRIVATE PERSONS.—

"(A) WRITTEN ASSURANCES.—As a condition of making available apportionments for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the land will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) PUBLIC ACCESS.—Any use of the apportionments to a State under this section on privately owned land must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by the apportionments.

"(i) APPORTIONMENT.—

"(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State that meets the requirements of subsection (c).

"(2) APPORTIONMENT.—Subject to subsection (j), for each fiscal year, the Secretary shall apportion—

"(A) 50 percent of the amounts made available to carry out this section equally among eligible States; and

"(B) 50 percent of the amounts made available to carry out this section among eligible States in proportion to the quantity of nonhighway recreational fuel used in each eligible State during the preceding year.

"(j) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—Whenever an apportionment is made under subsection (i) of the amounts made available to carry out this section, the Secretary shall first deduct an amount, not to exceed 1 percent of the authorized amounts, to pay the costs to the Secretary for administration of, and research authorized under, the program.

"(2) USE OF CONTRACTS.—To carry out research funded under paragraph (1), the Secretary may—

"(A) enter into contracts with for-profit organizations; and

"(B) enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations.

"(k) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, $22,000,000 for fiscal year 2000, $23,000,000 for fiscal year 2001, $24,000,000 for fiscal year 2002, and $25,000,000 for fiscal year 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

(b) CONFORMING AMENDMENTS.—

(1) The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title I (16 U.S.C. 1261 et seq.).

(2) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 206 and inserting the following:

"206. Recreational trails program.".

SEC. 1108. VALUE PRICING PILOT PROGRAM.

(a) IN GENERAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in the subsection heading, by striking "CONGESTION" and inserting "VALUE"; and

(2) in paragraph (1), by striking "congestion" each place it appears and inserting "value".

(b) INCREASED NUMBER OF PROJECTS.—Section 1012(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence by striking "5" and inserting "15".

(c) ELIGIBILITY OF PREIMPLEMENTATION COSTS.— Section 1012(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended in the second sentence—

(1) by inserting after "Secretary shall fund" the following: "all preimplementation costs and project design, and"; and

(2) by inserting after "Secretary may not fund" the following: "the implementation costs of".

(d) TOLLING.—Section 1012(b)(4) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking "a pilot program under this section, but not on more than 3 of such programs" and inserting "any value pricing pilot program under this subsection".

(e) HOV PASSENGER REQUIREMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by striking paragraph (6) and inserting the following:

"(6) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 146(c) of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicles are part of a value pricing pilot program under this subsection.".

(f) FUNDING.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended by adding at the end the following:

"(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $8,000,000 for each of fiscal years 1998 through 2003.

"(B) AVAILABILITY.—

"(i) IN GENERAL.—Funds allocated by the Secretary to a State under this subsection shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this subsection but not allocated exceeds $8,000,000 as of September 30 of any year, the excess amount—

"(I) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

"(II) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

"(III) shall be available for any purpose eligible for funding under section 133 of that title.

"(C) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this paragraph shall be determined in accordance with this subsection.".

(g) CONFORMING AMENDMENTS.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is amended—

(1) in paragraph (1), by striking "projects" each place it appears and inserting "programs"; and

(2) in paragraph (5)—

(A) by striking "projects" and inserting "programs"; and

(B) by striking "traffic, volume" and inserting "traffic volume".

SEC. 1109. HIGHWAY USE TAX EVASION PROJECTS.

(a) IN GENERAL.—Section 143 of title 23, United States Code, is amended to read as follows:

"§ 143. Highway use tax evasion projects

"(a) DEFINITION OF STATE.—In this section, the term 'State' means the 50 States and the District of Columbia.

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary shall use funds made available under paragraph (7) to carry out highway use tax evasion projects in accordance with this subsection.

"(2) ALLOCATION OF FUNDS.—The funds may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary.

"(3) CONDITIONS ON FUNDS ALLOCATED TO INTERNAL REVENUE SERVICE.—The Secretary shall not impose any condition on the use of funds allocated to the Internal Revenue Service under this subsection.

"(4) LIMITATION ON USE OF FUNDS.—Funds made available under paragraph (7) shall be used only—

"(A) to expand efforts to enhance motor fuel tax enforcement;

"(B) to fund additional Internal Revenue Service staff, but only to carry out functions described in this paragraph;

"(C) to supplement motor fuel tax examinations and criminal investigations;

"(D) to develop automated data processing tools to monitor motor fuel production and sales;

"(E) to evaluate and implement registration and reporting requirements for motor fuel taxpayers;

"(F) to reimburse State expenses that supplement existing fuel tax compliance efforts; and

"(G) to analyze and implement programs to reduce tax evasion associated with other highway use taxes.

"(5) MAINTENANCE OF EFFORT.—The Secretary may not make an allocation to a State under this subsection for a fiscal year unless the State certifies that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be maintained at a level that does not fall below the average level of such expenditure for the preceding 2 fiscal years of the State.

"(6) Federal share.—The Federal share of the cost of a project carried out under this subsection shall be 100 percent.

"(7) Authorization of contract authority.—

"(A) In general.—There shall be available to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for each of fiscal years 1998 through 2003.

"(B) Availability of funds.—Funds authorized under this paragraph shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(c) Excise Fuel Reporting System.—

"(1) In general.—Not later than April 1, 1998, the Secretary shall enter into a memorandum of understanding with the Commissioner of the Internal Revenue Service for the purposes of the development and maintenance by the Internal Revenue Service of an excise fuel reporting system (referred to in this subsection as the 'system').

"(2) Elements of memorandum of understanding.—The memorandum of understanding shall provide that—

"(A) the Internal Revenue Service shall develop and maintain the system through contracts;

"(B) the system shall be under the control of the Internal Revenue Service; and

"(C) the system shall be made available for use by appropriate State and Federal revenue, tax, or law enforcement authorities, subject to section 6103 of the Internal Revenue Code of 1986.

"(3) Authorization of appropriations from highway trust fund.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(A) $8,000,000 for development of the system; and

"(B) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.".

(b) Conforming Amendments.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 143 and inserting the following:

"143. Highway use tax evasion projects.".

(2) Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is repealed.

(3) Section 8002 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2203) is amended—

(A) in the first sentence of subsection (g), by striking "section 1040 of this Act" and inserting "section 143 of title 23, United States Code,"; and

(B) by striking subsection (h).

SEC. 1110. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting "pedestrian walkways and" after "construction of"; and

(B) by striking "(other than the Interstate System)";

(2) in subsection (e), by striking ", other than a highway access to which is fully controlled,";

(3) by striking subsection (g) and inserting the following:

"(g) Planning and Design.—

"(1) In general.—Bicyclists and pedestrians shall be given consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively.

"(2) Construction.—Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

"(3) Safety and contiguous routes.—Transportation plans and projects shall provide consideration for safety and contiguous routes for bicyclists and pedestrians.";

(4) in subsection (h)—

(A) by striking "No motorized vehicles shall" and inserting "Motorized vehicles may not"; and

(B) by striking paragraph (3) and inserting the following:

"(3) wheelchairs that are powered; and"; and

(5) by striking subsection (j) and inserting the following:

"(j) Definitions.—In this section:

"(1) Bicycle transportation facility.—The term 'bicycle transportation facility' means a new or improved lane, path, or shoulder for use by bicyclists or a traffic control device, shelter, or parking facility for bicycles.

"(2) Pedestrian.—The term 'pedestrian' means any person traveling by foot or any mobility impaired person using a wheelchair.

"(3) Wheelchair.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.".

SEC. 1111. DISADVANTAGED BUSINESS ENTERPRISES.

(a) General Rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) Definitions.—For purposes of this section, the following definitions apply:

(1) Small business concern.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(2) Socially and economically disadvantaged individuals.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(c) Annual Listing of Disadvantaged Business Enterprises.—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) Uniform Certification.—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. Such minimum uniform criteria shall include but not be limited to on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

SEC. 1112. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code (as amended by section 1106(a)), is amended—

(1) in each of subsections (a) and (b), by adding at the end the following: "In the case of any project subject to this subsection, a State may determine a lower Federal share than the Federal share determined under the preceding sentences of this subsection."; and

(2) by adding at the end the following:

"(l) Credit for Non-Federal Share.—

"(1) Eligibility.—A State may use as a credit toward the non-Federal share requirement for any program under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) or this title, other than the emergency relief program authorized by section 125, toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain, without the use of Federal funds, highways, bridges, or tunnels that serve the public purpose of interstate commerce.

"(2) Maintenance of effort.—

"(A) In general.—The credit toward any non-Federal share under paragraph (1) shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) Conditions on receipt of credit.—

"(i) Agreement with the secretary.—To receive a credit under paragraph (1) for a fiscal year, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(ii) Exception.—Notwithstanding clause (i), a State may receive a credit under paragraph (1) for a fiscal year if, for any 1 of the preceding 3 fiscal years, the non-Federal transportation capital expenditures of the State were at a level that was greater than 30 percent of the average level of such expenditures for the other 2 of the preceding 3 fiscal years.

"(3) Treatment.—

"(A) In general.—Use of the credit toward a non-Federal share under paragraph (1) shall not expose the agencies from which the credit is received to additional liability, additional regulation, or additional administrative oversight.

"(B) Chartered multistate agencies.—When credit is applied from a chartered multistate agency under paragraph (1), the credit shall be applied equally to all charter States.

"(C) No additional standards.—A public, quasi-public, or private agency from which the credit for which the non-Federal share is calculated under paragraph (1) shall not be subject to any additional Federal design standards or laws (including regulations) as a result of providing the credit beyond the standards and laws to which the agency is already subject.".

SEC. 1113. STUDIES AND REPORTS.

(a) Highway Economic Requirement System.—

(1) Methodology.—

(A) Evaluation.—The Comptroller General of the United States shall conduct an evaluation of the methodology used by the Department of Transportation to determine highway needs using the highway economic requirement system (referred to in this subsection as the "model").

(B) Required element.—The evaluation shall include an assessment of the extent to which the model estimates an optimal level of highway infrastructure investment, including an assessment as to when the model may be overestimating or underestimating investment requirements.

(C) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the evaluation.

(2) State investment plans.—

(A) Study.—In consultation with State transportation departments and other appropriate State and local officials, the Comptroller General of the United States shall conduct a study on the extent to which the highway economic requirement system of the Federal Highway Administration can be used to provide States with useful information for developing State transportation investment plans and State infrastructure investment projections.

(B) Required elements.—The study shall—

(i) identify any additional data that may need to be collected beyond the data submitted, prior to the date of enactment of this Act, to the Federal Highway Administration through the highway performance monitoring system; and

(ii) identify what additional work, if any, would be required of the Federal Highway Administration and the States to make the model useful at the State level.

(C) Report to congress.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(b) International Roughness Index.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the international roughness index that is used as an indicator of pavement quality on the Federal-aid highway system.

(2) Required elements.—The study shall specify the extent of usage of the index and the extent to which the international roughness index measurement is reliable across different manufacturers and types of pavement.

(3) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

(c) Reporting of Rates of Obligation.—Section 104 of title 23, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (m); and

(2) by inserting after subsection (i) the following:

"(j) Reporting of Rates of Obligation.—On an annual basis, the Secretary shall publish or otherwise report rates of obligation of funds apportioned or set aside under this section and sections 103 and 133 according to—

"(1) program;

"(2) funding category or subcategory;

"(3) type of improvement;

"(4) State; and

"(5) sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area.".

SEC. 1114. DEFINITIONS.

(a) Federal-Aid Highway Funds and Program.—

(1) In general.—Section 101(a) of title 23, United States Code, is amended by inserting before the undesignated paragraph defining "Federal-aid highways" the following:

"The term 'Federal-aid highway funds' means funds made available to carry out the Federal-aid highway program.

"The term 'Federal-aid highway program' means all programs authorized under chapters 1, 3, and 5.".

(2) Conforming amendments.—

(A) Section 101(d) of title 23, United States Code, is amended by striking "the construction of Federal-aid highways or highway planning, research, or development" and inserting "the Federal-aid highway program".

(B) Section 104(m)(1) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended by striking "Federal-aid highways and the highway safety construction programs" and inserting "the Federal-aid highway program".

(C) Section 107(b) of title 23, United States Code, is amended in the second sentence by striking "Federal-aid highways" and inserting "the Federal-aid highway program".

(b) Alphabetization of Definitions.—Section 101(a) of title 23, United States Code, is amended by reordering the undesignated paragraphs so that they are in alphabetical order.

SEC. 1115. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) In General.—Chapter 2 of title 23, United States Code (as amended by section 1107(a)), is amended by inserting after section 206 the following:

"§ 207. Cooperative Federal Lands Transportation Program

"(a) In General.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program may be used for projects, or portions of projects, on highways that are owned or maintained by States or political subdivisions of States and that cross, are adjacent to, or lead to federally owned land or Indian reservations (including Army Corps of Engineers reservoirs), as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway or bridge owned or maintained by the State, or 1 or more political subdivisions of the State, and may be a highway or bridge construction or maintenance project eligible under this title or any project of a type described in section 204(h).

"(b) Distribution of Funds for Projects.—

"(1) In general.—

"(A) In general.—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate (including the Army Corps of Engineers), shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) Adjustment.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

"(2) Availability to states.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

"(A) the percentage for the State, if any, determined under paragraph (1); by

"(B) the funds made available for the program for the fiscal year.

"(3) Selection of projects.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(c) Transfers.—

"(1) In general.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section to the allocations of the State under section 202 for use in carrying out projects on any Federal lands highway that is located in the State.

"(2) Special rule.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.

"(d) Rights-of-Way Across Federal Land.—Nothing in this section affects any claim for a right-of-way across Federal land.

"(e) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $74,000,000 for each of fiscal years 1998 through 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.".

(b) Conforming Amendment.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program.".

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.

(a) Definitions.—In this section:

(1) Border region.—The term "border region" means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(2) Border state.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(3) Border station.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(4) Federal inspection agency.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(5) Gateway.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(6) Non-federal governmental jurisdiction.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) Border Crossing Planning Incentive Grants.—

(1) In general.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) Use of grants.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) Condition of grants.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) Limitation on amount.—Each State transportation department or metropolitan planning organization may receive not more than $100,000 under this subsection for any fiscal year.

(5) Authorization of contract authority.—

(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) Trade Corridor Planning Incentive Grants.—

(1) Grants.—

(A) In general.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance.

(B) Identification of corridors.—Each corridor referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor.

(2) Corridor plans.—

(A) In general.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary not later than 2 years after receipt of the grant.

(B) Coordination of planning.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) Multistate agreements for trade corridor planning.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) Authorization of contract authority.—

(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) Federal Assistance for Trade Corridors and Border Infrastructure Safety and Congestion Relief.—

(1) Applications for grants.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) Selection of states, metropolitan planning organizations, and projects to receive grants.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(J) other factors to promote transport efficiency and safety, as determined by the Secretary.

(3) Use of grants.—

(A) In general.—A grant under this subsection shall be used to develop project plans, and implement coordinated and comprehensive programs of projects, to improve efficiency and safety.

(B) Type of plans and programs.—The plans and programs may include—

(i) improvements to transport and supporting infrastructure;

(ii) improvements in operational strategies, including electronic data interchange and use of telecommunications to expedite vehicle and cargo movement;

(iii) modifications to regulatory procedures to expedite vehicle and cargo flow;

(iv) new infrastructure construction;

(v) purchase, installation, and maintenance of weigh-in-motion devices and associated electronic equipment in Mexico or Canada if real time data from the devices is provided to the nearest border station and to State commercial vehicle enforcement facilities that serve the border station; and

(vi) other institutional improvements, such as coordination of binational planning, programming, and border operation, with special emphasis on coordination with—

(I) Federal inspection agencies; and

(II) their counterpart agencies in Mexico and Canada.

(4) Construction of transportation infrastructure for law enforcement purposes.—At the request of the Administrator of General Services, in consultation with the Attorney General, the Secretary may transfer, during the period of fiscal years 1998 through 2001, not more than $10,000,000 of the amounts made available under paragraph (5) to the Administrator of General Services for

the construction of transportation infrastructure necessary for law enforcement in border States.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $125,000,000 for each of fiscal years 1998 through 2003.

(e) COORDINATION OF PLANNING.—

(1) PLANNING AND DEVELOPMENT OF BORDER STATIONS.—The General Services Administration shall be the coordinating Federal agency in the planning and development of new or expanded border stations.

(2) COOPERATIVE ACTIVITIES.—In carrying out paragraph (1), the Administrator of General Services shall cooperate with Federal inspection agencies and non-Federal governmental jurisdictions to ensure that—

(A) improvements to border station facilities take into account regional and local conditions, including the alignment of highway systems and connecting roadways; and

(B) all facility requirements, associated costs, and economic impacts are identified.

(f) COST SHARING.—A grant under this section shall be used to pay the Federal share of the cost of a project. The Federal share shall not exceed 80 percent.

(g) USE OF UNALLOCATED FUNDS.—If the total amount of funds made available from the Highway Trust Fund under this section but not allocated exceeds $4,000,000 as of September 30 of any year, the excess amount—

(1) shall be apportioned in the following fiscal year by the Secretary to all States in accordance with section 104(b)(3) of title 23, United States Code;

(2) shall be considered to be a sum made available for expenditure on the surface transportation program, except that the amount shall not be subject to section 133(d) of that title; and

(3) shall be available for any purpose eligible for funding under section 133 of that title.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) AVAILABILITY, RELEASE, AND REALLOCATION OF FUNDS.—Section 201(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the second sentence, by inserting before the period at the end the following: ", except that each allocation to a State shall remain available for expenditure in the State for the fiscal year in which the allocation is allocated and for the 3 following fiscal years"; and

(2) by inserting after the second sentence the following: "Funds authorized under this section for fiscal year 1998 or a fiscal year thereafter, and not expended by a State during the 4 fiscal years referred to in the preceding sentence, shall be released to the Commission for reallocation and shall remain available until expended.".

(b) SUBSTITUTE CORRIDOR.—Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking "(b) The Commission" and inserting the following:

"(b) DESIGNATIONS.—

"(1) IN GENERAL.—The Commission"; and

(3) by adding at the end the following:

"(2) SUBSTITUTE CORRIDOR.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).".

(c) FEDERAL SHARE FOR PREFINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70 per centum" and inserting "80 percent".

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—

"(A) FISCAL YEARS 1998 THROUGH 2003.—For the continued construction of the Appalachian development highway system approved as of September 30, 1996, in accordance with this section, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) $40,000,000 for each of fiscal years 1998 through 2000, $50,000,000 for fiscal year 2001, $60,000,000 for fiscal year 2002, and $70,000,000 for fiscal year 2003.

"(B) OBLIGATION AUTHORITY.—The Secretary shall provide equivalent amounts of obligation authority for the funds authorized under subparagraph (A).

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined in accordance with this section and the funds shall remain available in accordance with subsection (a).".

SEC. 1118. INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM.

(a) IN GENERAL.—Section 104 of title 23, United States Code (as amended by section 1113(c)(1)), is amended by inserting after subsection (j) the following:

"(k) SET-ASIDE FOR INTERSTATE 4R AND BRIDGE PROJECTS.—

"(1) IN GENERAL.—For each of fiscal years 1998 through 2003, before any apportionment is made under subsection (b)(1), the Secretary shall set aside $70,000,000 from amounts to be apportioned under subsection (b)(1)(A), and $70,000,000 from amounts to be apportioned under subsection (b)(1)(B), for allocation by the Secretary—

"(A) for projects for resurfacing, restoring, rehabilitating, or reconstructing any route or portion of a route on the Interstate System (other than any highway designated as a part of the Interstate System under section 103(c)(4) and any toll road on the Interstate System that is not subject to an agreement under section 119(e) (as in effect on December 17, 1991) or an agreement under section 129(a));

"(B) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is more than $10,000,000; and

"(C) for projects for a highway bridge the replacement, rehabilitation, or seismic retrofit cost of which is less than $10,000,000 if the cost is at least twice the amount reserved under section 144(c) by the State in which the bridge is located for the fiscal year in which application is made for an allocation for the bridge under this subsection.

"(2) REQUIRED ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), for each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, for use for highway bridge projects, at least $20,000,000 of the amounts set aside under paragraph (1) to any State that—

"(i) is apportioned for fiscal year 1998 under paragraphs (1)(B), (1)(C)(i)(III), and (3)(A)(iii) of subsection (b) an amount that is less than the amount apportioned to the State for the highway bridge replacement and rehabilitation program under section 144 for fiscal year 1997; and

"(ii) was apportioned for that program for fiscal year 1997 an amount greater than $125,000,000.

"(B) EXCEPTION.—A State that transferred funds from the highway bridge replacement and rehabilitation program during any of fiscal years 1995 through 1997 in an amount greater than 10 percent of the apportionments for that program for the fiscal year shall not be eligible for an allocation under subparagraph (A).

"(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

"(3) AVAILABILITY TO STATES OF INTERSTATE 4R FUNDS.—The Secretary may grant the application of a State for funds made available for a fiscal year for a project described in paragraph (1)(A) if the Secretary determines that—

"(A) the State has obligated or demonstrates that it will obligate for the fiscal year all of the apportionments to the State under subparagraphs (A) and (B) of subsection (b)(1) other than an amount that, by itself, is insufficient to pay the Federal share of the cost of a project described in paragraph (1)(A) that has been submitted by the State to the Secretary for approval; and

"(B) the State is willing and able to—

"(i) obligate the funds within 1 year after the date on which the funds are made available;

"(ii) apply the funds to a project that is ready to be commenced; and

"(iii) in the case of construction work, begin work within 90 days after the date of obligation of the funds.

"(4) ELIGIBILITY OF CERTAIN BRIDGES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this subsection.

"(B) LIMITATION.—The amount of assistance under subparagraph (A) shall not exceed the cumulative amount that the agency has expended for capital and operating costs to subsidize the transit system.

"(C) DETERMINATION BY THE SECRETARY.—Before authorizing an expenditure of funds under this paragraph, the Secretary shall make a determination that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the necessary bridge replacement, seismic retrofitting, or rehabilitation project.

"(D) CREDITING OF NON-FEDERAL FUNDS.—Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of expenditure.

"(5) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—Section 118 of title 23, United States Code, is amended by striking subsection (c).

SEC. 1119. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

(a) In General.—Chapter 3 of title 23, United States Code, is amended by inserting after section 321 the following:

"§322. Magnetic levitation transportation technology deployment program

"(a) Definitions.—In this section:

"(1) Eligible project costs.—The term 'eligible project costs' means the capital cost of the fixed guideway infrastructure of a MAGLEV project, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities (including substations), control and communications facilities, access roads, and storage, repair, and maintenance facilities, but not including costs incurred for a new station.

"(2) Full project costs.—The term 'full project costs' means the total capital costs of a MAGLEV project, including eligible project costs and the costs of stations, vehicles, and equipment.

"(3) MAGLEV.—The term 'MAGLEV' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour.

"(4) Partnership potential.—The term 'partnership potential' has the meaning given the term in the commercial feasibility study of high-speed ground transportation conducted under section 1036 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 1978).

"(b) Assistance.—

"(1) In general.—The Secretary shall make available financial assistance to provide the Federal share of full project costs of eligible projects selected under this section.

"(2) Federal share.—The Federal share of full project costs under paragraph (1) shall be not more than ⅔.

"(3) Use of assistance.—Financial assistance provided under paragraph (1) shall be used only to pay eligible project costs of projects selected under this section.

"(c) Solicitation of Applications for Assistance.—Not later than 180 days after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997, the Secretary shall solicit applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.

"(d) Project Eligibility.—To be eligible to receive financial assistance under subsection (b), a project shall—

"(1) involve a segment or segments of a high-speed ground transportation corridor that exhibit partnership potential;

"(2) require an amount of Federal funds for project financing that will not exceed the sum of—

"(A) the amounts made available under subsection (h)(1)(A); and

"(B) the amounts made available by States under subsection (h)(4);

"(3) result in an operating transportation facility that provides a revenue producing service;

"(4) be undertaken through a public and private partnership, with at least ⅓ of full project costs paid using non-Federal funds;

"(5) satisfy applicable statewide and metropolitan planning requirements;

"(6) be approved by the Secretary based on an application submitted to the Secretary by a State or authority designated by 1 or more States;

"(7) to the extent that non-United States MAGLEV technology is used within the United States, be carried out as a technology transfer project; and

"(8) be carried out using materials at least 70 percent of which are manufactured in the United States.

"(e) Project Selection Criteria.—Prior to soliciting applications, the Secretary shall establish criteria for selecting which eligible projects under subsection (d) will receive financial assistance under subsection (b). The criteria shall include the extent to which—

"(1) a project is nationally significant, including the extent to which the project will demonstrate the feasibility of deployment of MAGLEV technology throughout the United States;

"(2) timely implementation of the project will reduce congestion in other modes of transportation and reduce the need for additional highway or airport construction;

"(3) States, regions, and localities financially contribute to the project;

"(4) implementation of the project will create new jobs in traditional and emerging industries;

"(5) the project will augment MAGLEV networks identified as having partnership potential;

"(6) financial assistance would foster public and private partnerships for infrastructure development and attract private debt or equity investment;

"(7) financial assistance would foster the timely implementation of a project; and

"(8) life-cycle costs in design and engineering are considered and enhanced.

"(f) Project Selection.—Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 eligible project for financial assistance.

"(g) Joint Ventures.—A project undertaken by a joint venture of United States and non-United States persons (including a project involving the deployment of non-United States MAGLEV technology in the United States) shall be eligible for financial assistance under this section if the project is eligible under subsection (d) and selected under subsection (f).

"(h) Funding.—

"(1) In general.—

"(A) Authorization of contract authority.—

"(i) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for fiscal year 1999 and $20,000,000 for fiscal year 2000.

"(ii) Contract authority.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

"(II) the availability of the funds shall be determined in accordance with paragraph (2).

"(B) Authorization of appropriations.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $200,000,000 for each of fiscal years 2000 and 2001, $250,000,000 for fiscal year 2002, and $300,000,000 for fiscal year 2003.

"(2) Availability of funds.—Funds made available under paragraph (1) shall remain available until expended.

"(3) Other federal funds.—Notwithstanding any other provision of law, funds made available to a State to carry out the surface transportation program under section 133 and the congestion mitigation and air quality improvement program under section 149 may be used by the State to pay a portion of the full project costs of an eligible project selected under this section, without requirement for non-Federal funds.

"(4) Other assistance.—Notwithstanding any other provision of law, an eligible project selected under this section shall be eligible for other forms of financial assistance provided under this title and the Transportation Infrastructure Finance and Innovation Act of 1997, including loans, loan guarantees, and lines of credit.".

(b) Conforming Amendment.—The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 321 the following:

"322. Magnetic levitation transportation technology deployment program.".

SEC. 1120. WOODROW WILSON MEMORIAL BRIDGE.

(a) Definitions.—Section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 628) is amended—

(1) in paragraph (3), by striking ", including approaches thereto"; and

(2) in paragraph (5), by striking "to be determined under section 407. Such" and all that follows and inserting the following: "as described in the record of decision executed by the Secretary in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The term includes ongoing short-term rehabilitation and repairs to the Bridge.".

(b) Ownership of Bridge.—

(1) Conveyance by the secretary.—Section 407(a)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by inserting "or any Capital Region jurisdiction" after "Authority" each place it appears.

(2) Agreement.—Section 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 630) is amended by striking subsection (c) and inserting the following:

"(c) Agreement.—

"(1) In general.—The agreement referred to in subsection (a) is an agreement concerning the Project that is executed by the Secretary and the Authority or any Capital Region jurisdiction that accepts ownership of the Bridge.

"(2) Terms of the agreement.—The agreement shall—

"(A) identify whether the Authority or a Capital Region jurisdiction will accept ownership of the Bridge;

"(B) contain a financial plan satisfactory to the Secretary, which shall be prepared before the execution of the agreement, that specifies—

"(i) the total cost of the Project, including any cost-saving measures;

"(ii) a schedule for implementation of the Project, including whether any expedited design and construction techniques will be used; and

"(iii) the sources of funding that will be used to cover any costs of the Project not funded from funds made available under section 412; and

"(C) contain such other terms and conditions as the Secretary determines to be appropriate.".

(c) Federal Contribution.—The Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 627) is amended by adding at the end the following:

"SEC. 412. FEDERAL CONTRIBUTION.

"(a) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $100,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, $125,000,000 for fiscal year 2000, $175,000,000 for fiscal year 2001, $200,000,000 for fiscal year 2002, and $200,000,000 for fiscal year 2003, to pay the costs of planning, preliminary engineering and design, final engineering, acquisition of rights-of-way, and construction of the Project, except that the costs associated with the Bridge shall be given priority over other eligible costs, other than design costs, of the Project.

"(2) Contract authority.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that—

"(A) the funds shall remain available until expended;

"(B) the Federal share of the cost of the Bridge component of the Project shall not exceed 100 percent; and

"(C) the Federal share of the cost of any other component of the Project shall not exceed 80 percent.

"(b) Use of Apportioned Funds.—Nothing in this title limits the authority of any Capital Region jurisdiction to use funds apportioned to the jurisdiction under paragraph (1) or (3) of section 104(b) of title 23, United States Code, in accordance with the requirements for such funds, to pay any costs of the Project.

"(c) Availability of Apportioned Funds.—None of the funds made available under this section shall be available before the execution of the agreement described in section 407(c), except that the Secretary may fund the maintenance and rehabilitation of the Bridge and the design of the Project.".

(d) Conforming Amendment.—Section 405(b)(1) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 629) is amended by striking "the Signatories as to the Federal share of the cost of the Project and the terms and conditions related to the timing of the transfer of the Bridge to".

SEC. 1121. NATIONAL HIGHWAY SYSTEM COMPONENTS.

The National Highway System consists of the routes and transportation facilities depicted on the map submitted by the Secretary to Congress with the report entitled "Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals" and dated May 24, 1996.

SEC. 1122. HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION.

(a) In General.—Section 144 of title 23, United States Code, is amended—

(1) in the section heading, by striking "**program**";

(2) by striking subsections (a) through (n), (p), and (q);

(3) by inserting after the section heading the following:

"(a) Definition of Rehabilitate.—In this section, the term 'rehabilitate' (in any of its forms), with respect to a bridge, means to carry out major work necessary—

"(1) to address the structural deficiencies, functional obsolescence, or physical deterioration of the bridge; or

"(2) to correct a major safety defect of the bridge, including seismic retrofitting.

"(b) Bridge Inventory.—

"(1) In general.—In consultation with the States, the Secretary shall—

"(A) annually inventory all highway bridges on public roads that cross waterways, other topographical barriers, other highways, and railroads;

"(B) classify each such bridge according to serviceability, safety, and essentiality for public use; and

"(C) assign each such bridge a priority for replacement or rehabilitation based on the classification under subparagraph (B).

"(2) Consultation.—In preparing an inventory of highway bridges on Indian reservation roads and park roads under paragraph (1), the Secretary shall consult with the Secretary of the Interior and the States.

"(3) Inventory of historical bridges.—At the request of a State, the Secretary may inventory highway bridges on public roads for historical significance.

"(c) Certification by the State.—Not later than 180 days after the end of each fiscal year beginning with fiscal year 1998, each State shall certify to the Secretary, either that—

"(1) the State has reserved, from funds apportioned to the State for the preceding fiscal year, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), an amount that is not less than the amount apportioned to the State under this section for fiscal year 1997; or

"(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2001, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), will be not less than 4 times the amount apportioned to the State under this section for fiscal year 1997.

"(d) Use of Reserved Funds.—A State may use funds reserved under subsection (c) to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures on a highway bridge on a public road that crosses a waterway, other topographical barrier, other highway, or railroad.

"(e) Off-System Bridges.—

"(1) Required expenditure.—For each fiscal year, an amount equal to not less than 15 percent of the amount apportioned to a State under this section for fiscal year 1997 shall be expended by the State for projects to replace, rehabilitate, reconstruct, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures on highway bridges located on public roads that are functionally classified as local roads or rural minor collectors.

"(2) Use of funds to meet required expenditure.—Funds reserved under subsection (c) and funds made available under section 104(b)(1) for the National Highway System or under section 104(b)(3) for the surface transportation program may be used to meet the requirement for expenditure under paragraph (1).

"(3) Reduction of required expenditure.—After consultation with local and State officials in a State, the Secretary may, with respect to the State, reduce the requirement for expenditure under paragraph (1) if the Secretary determines that the State has inadequate needs to justify the expenditure.

"(f) Federal Share.—The Federal share of the cost of a project under this section shall be as determined under section 120(b).

"(g) Bridge Permit Exemption.—

"(1) In general.—Subject to paragraph (2), notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall apply to each bridge authorized to be replaced, in whole or in part, under this section.

"(2) Exception.—Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425; 33 U.S.C. 401), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title if the bridge is over waters that are—

"(A) not used and not susceptible to use in their natural condition or by reasonable improvement as a means to transport interstate or foreign commerce; and

"(B)(i) not tidal; or

"(ii) tidal but used only by recreational boating, fishing, and other small vessels that are less than 21 feet in length.

"(h) Indian Reservation Road Bridges.—

"(1) Nationwide priority program.—The Secretary shall establish a nationwide priority program for improving deficient Indian reservation road bridges.

"(2) Reservation of funds.—

"(A) In general.—Of the amounts authorized for Indian reservation roads for each fiscal year, the Secretary, in cooperation with the Secretary of the Interior, shall reserve not less than $9,000,000 for projects to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate to, apply sodium acetate/formate deicer to, or install scour countermeasures for deficient Indian reservation road bridges, including multiple-pipe culverts.

"(B) Eligible bridges.—To be eligible to receive funding under this subsection, a bridge described in subparagraph (A) must—

"(i) have an opening of 20 feet or more;

"(ii) be on an Indian reservation road;

"(iii) be unsafe because of structural deficiencies, physical deterioration, or functional obsolescence; and

"(iv) be recorded in the national bridge inventory administered by the Secretary under subsection (b).

"(3) Approval requirement.—Funds to carry out Indian reservation road bridge projects under this subsection shall be made available only on approval of plans, specifications, and estimates by the Secretary.";

(4) by redesignating subsection (o) as subsection (i); and

(5) in subsection (i) (as so redesignated)—

(A) in paragraph (1), by inserting "for alternative transportation purposes (including bikeway and walkway projects eligible for funding under this title)" after "adaptive reuse";

(B) in paragraph (3)—

(i) by inserting "(regardless of whether the intended use is for motorized vehicular traffic or for alternative public transportation purposes)" after "intended use"; and

(ii) by inserting "or for alternative public transportation purposes" after "no longer used for motorized vehicular traffic"; and

(C) in the second sentence of paragraph (4)—

(i) by inserting "for motorized vehicles, alternative vehicular traffic, or alternative public transportation" after "historic bridge"; and

(ii) by striking "up to an amount not to exceed the cost of demolition".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

"144. Highway bridge replacement and rehabilitation.".

SEC. 1123. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) Established Program.—Section 149(a) of title 23, United States Code, is amended by striking "Establishment.—The Secretary shall establish" and inserting "IN GENERAL.—The Secretary shall carry out".

(b) ELIGIBLE PROJECTS.—Section 149(b) of title 23, United States Code, is amended in the first sentence—

(1) by striking "that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994" and inserting "that is designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) or classified as a submarginal ozone nonattainment area under that Act, or if the project or program is for a maintenance area,";

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "clauses (xii) and" and inserting "clause"; and

(B) in subparagraph (B), by striking "such section" and inserting "section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))";

(3) in paragraph (2), by inserting "or maintenance" after "State implementation";

(4) in paragraph (3), by inserting "or maintenance of the standard" after "standard"; and

(5) in paragraph (4), by inserting "or maintenance" after "attainment".

(c) STATES RECEIVING MINIMUM APPORTIONMENT.—Section 149 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) STATES RECEIVING MINIMUM APPORTIONMENT.—

"(1) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State under section 104(b)(2) for any project eligible under the surface transportation program under section 133.

"(2) STATES WITH A NONATTAINMENT AREA.—If a State has a nonattainment area or maintenance area and receives funds under section 104(b)(2)(D) above the amount of funds that the State would have received based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2), the State may use that portion of the funds not based on its nonattainment and maintenance area population under subparagraphs (B) and (C) of section 104(b)(2) for any project in the State eligible under section 133.".

(d) FEDERAL SHARE.—Section 120(c) of title 23, United States Code, is amended in the first sentence by striking "The" and inserting "Except in the case of a project funded from sums apportioned under section 104(b)(2), the".

(e) CONFORMING AMENDMENTS.—

(1) Section 101(a) of title 23, United States Code, is amended by inserting after the undesignated paragraph defining "maintenance" the following:

"The term 'maintenance area' means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).".

(2) Section 149(b)(1)(A)(ii) of title 23, United States Code, is amended by striking "an area" and all that follows and inserting "a maintenance area; or".

SEC. 1124. SAFETY BELT USE LAW REQUIREMENTS.

Section 355 of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended—

(1) in the section heading, by striking "and maine";

(2) in subsection (a)—

(A) by striking "States of New Hampshire and Maine shall each" and inserting "State of New Hampshire shall"; and

(B) in paragraph (1), by striking "and 1996" and inserting "through 2000"; and

(3) by striking "or Maine" each place it appears.

SEC. 1125. SENSE OF THE SENATE CONCERNING RELIANCE ON PRIVATE ENTERPRISE.

(a) IN GENERAL.—It is the sense of the Senate that each agency authorized to expend funds made available under this Act, or an amendment made by this Act, or a recipient of any form of a grant or other Federal assistance under this Act, or an amendment made by this Act—

(1) should, in expending the funds or assistance, rely on entities in the private enterprise system to provide such goods and services as are reasonably and expeditiously available through ordinary business channels; and

(2) shall not duplicate or compete with entities in the private enterprise system.

(b) PROCEDURES.—The Secretary should provide procedures to inform each agency that administers this Act and each recipient of a grant or other Federal assistance of the sense of the Senate expressed in subsection (a).

SEC. 1126. STUDY OF USE OF UNIFORMED POLICE OFFICERS ON FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS.

(a) IN GENERAL.—In consultation with the States and State transportation departments, the Secretary shall conduct a study on the extent and effectiveness of use by States of uniformed police officers on Federal-aid highway construction projects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a), including any legislative and administrative recommendations of the Secretary.

SEC. 1127. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)(i), by striking ", except to" and all that follows through "services";

(2) by striking subparagraph (C) and inserting the following:

"(C) SELECTION, PERFORMANCE, AND AUDITS.—

"(i) IN GENERAL.—All requirements for architectural, engineering, and related services at any phase of a highway project funded in whole or in part with Federal-aid highway funds shall be performed by a contract awarded in accordance with subparagraph (A).

"(ii) PROHIBITION ON STATE RESTRICTION.—A State shall not impose any overhead restriction that would preclude any qualified firm from being eligible to compete for contracts awarded in accordance with subparagraph (A).

"(iii) COMPLIANCE WITH FEDERAL ACQUISITION REGULATIONS.—The process for selection, award, performance, administration, and audit of the resulting contracts shall comply with the cost principles and cost accounting principles of the Federal Acquisition Regulations, including parts 30, 31, and 36 of the Regulations."; and

(3) by adding at the end the following:

"(H) COMPLIANCE.—

"(i) IN GENERAL.—A State shall comply with the qualifications-based selection process, contracting based on the Federal Acquisition Regulations, and the single audit procedures required under this paragraph, or with an existing State law or a statute enacted in accordance with the legislative session exemption under subparagraph (G), with respect to any architecture, engineering, or related service contract for any phase of a Federal-aid highway project.

"(ii) STATES WITH ALTERNATIVE PROCESS.—Any State that, after November 28, 1995, enacted legislation to establish an alternative State process as a substitute for the contract administration and audit procedures required under this paragraph or was granted a waiver under subparagraph (G) shall submit the legislation to the Secretary, not later than 60 days after the date of enactment of this subparagraph, for certification that the State legislation is in compliance with the statutory timetable and substantive criteria specified in subparagraph (G).".

Subtitle B—Program Streamlining and Flexibility

CHAPTER 1—GENERAL PROVISIONS

SEC. 1201. ADMINISTRATIVE EXPENSES.

Section 104 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on the surface transportation program under section 133, the congestion mitigation and air quality improvement program under section 149, or the Interstate and National Highway System program under section 103, the Secretary shall deduct a sum, in an amount not to exceed 1½ percent of all sums so made available, as the Secretary determines necessary to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2.

"(2) CONSIDERATION OF UNOBLIGATED BALANCES.—In making the determination described in paragraph (1), the Secretary shall take into account the unobligated balance of any sums deducted under this subsection in prior fiscal years.

"(3) AVAILABILITY.—The sum deducted under paragraph (1) shall remain available until expended.".

SEC. 1202. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION.

(a) ADVANCE ACQUISITION OF REAL PROPERTY.—Section 108 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 108. Advance acquisition of real property";

and

(2) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) AVAILABILITY OF FUNDS.—For the purpose of facilitating the timely and economical acquisition of real property for a transportation improvement eligible for funding under this title, the Secretary, upon the request of a State, may make available, for the acquisition of real property, such funds apportioned to the State as may be expended on the transportation improvement, under such rules and regulations as the Secretary may issue.

"(2) CONSTRUCTION.—The agreement between the Secretary and the State for the reimbursement of the cost of the real property shall provide for the actual construction of the transportation improvement within a period not to exceed 20 years following the fiscal year for which the request is made, unless the Secretary determines that a longer period is reasonable.".

(b) Credit for Acquired Lands.—Section 323(b) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking "Donated" and inserting "Acquired";

(2) by striking paragraphs (1) and (2) and inserting the following:

"(1) In general.—Notwithstanding any other provision of this title, the State share of the cost of a project with respect to which Federal assistance is provided from the Highway Trust Fund (other than the Mass Transit Account) may be credited in an amount equal to the fair market value of any land that—

"(A) is obtained by the State, without violation of Federal law; and

"(B) is incorporated into the project.

"(2) Establishment of fair market value.—The fair market value of land incorporated into a project and credited under paragraph (1) shall be established in the manner determined by the Secretary, except that—

"(A) the fair market value shall not include any increase or decrease in the value of donated property caused by the project; and

"(B) the fair market value of donated land shall be established as of the earlier of—

"(i) the date on which the donation becomes effective; or

"(ii) the date on which equitable title to the land vests in the State.";

(3) by striking paragraph (3);

(4) in paragraph (4), by striking "to which the donation is applied"; and

(5) by redesignating paragraph (4) as paragraph (3).

(c) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 108 and inserting the following:

"108. Advance acquisition of real property.".

SEC. 1203. AVAILABILITY OF FUNDS.

Section 118 of title 23, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) Availability of Funds.—

"(1) In general.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of a project agreement, shall be credited to the same program funding category for which the funds were previously apportioned and shall be immediately available for obligation.

"(2) Transfer of interstate construction funds.—Any Federal-aid highway funds apportioned to a State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of this paragraph) and credited under paragraph (1) may be transferred by the Secretary in accordance with section 103(d).".

SEC. 1204. PAYMENTS TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second and third sentences and inserting the following: "The payments may also be made for the value of such materials as—

"(1) have been stockpiled in the vicinity of the construction in conformity to plans and specifications for the projects; and

"(2) are not in the vicinity of the construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in the vicinity.";

(2) by striking subsection (b) and inserting the following:

"(b) Project Agreements.—

"(1) Payments.—A payment under this chapter may be made only for a project covered by a project agreement.

"(2) Source of payments.—After completion of a project in accordance with the project agreement, a State shall be entitled to payment, out of the appropriate sums apportioned or allocated to the State, of the unpaid balance of the Federal share of the cost of the project.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

SEC. 1205. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY.

(a) In General.—Section 156 of title 23, United States Code, is amended to read as follows:

"§ 156. Proceeds from the sale or lease of real property

"(a) Minimum Charge.—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

"(b) Exceptions.—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

"(c) Use of Federal Share of Income.—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 156 and inserting the following:

"156. Proceeds from the sale or lease of real property.".

SEC. 1206. METRIC CONVERSION AT STATE OPTION.

Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking "Before September 30, 2000, the" and inserting "The".

SEC. 1207. REPORT ON OBLIGATIONS.

Section 104(m) of title 23, United States Code (as redesignated by section 1113(c)(1)), is amended—

(1) by inserting "Report to Congress.—" before "The Secretary";

(2) by striking "not later than" and all that follows through "a report" and inserting "a report for each fiscal year";

(3) in paragraph (1), by striking "preceding calendar month" and inserting "preceding fiscal year";

(4) by striking paragraph (2);

(5) in paragraph (3), by striking "such preceding month" and inserting "that preceding fiscal year"; and

(6) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SEC. 1208. TERMINATIONS.

(a) Right-of-Way Revolving Fund.—Section 108 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) Termination of Right-of-Way Revolving Fund.—

"(1) In general.—Funds apportioned and advanced to a State by the Secretary from the right-of-way revolving fund established by this section prior to the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997 shall remain available to the State for use on the projects for which the funds were advanced for a period of 20 years from the date on which the funds were advanced.

"(2) Credit to highway trust fund.—With respect to a project for which funds have been advanced from the right-of-way revolving fund, upon the termination of the 20-year period referred to in paragraph (1), when actual construction is commenced, or upon approval by the Secretary of the plans, specifications, and estimates for the actual construction of the project on the right-of-way, whichever occurs first—

"(A) the Highway Trust Fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120, out of any Federal-aid highway funds apportioned to the State in which the project is located and available for obligation for projects of the type funded; and

"(B) the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the Highway Trust Fund.".

(b) Pilot Toll Collection Program.—Section 129 of title 23, United States Code, is amended by striking subsection (d).

(c) National Recreational Trails Advisory Committee.—As soon as practicable after the date of enactment of this Act, the Secretary shall take such action as is necessary for the termination of the National Recreational Trails Advisory Committee established by section 1303 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1262) (as in effect on the day before the date of enactment of this Act).

(d) Congressional Bridge Commissions.—Public Law 87-441 (76 Stat. 59) is repealed.

SEC. 1209. INTERSTATE MAINTENANCE.

(a) Interstate Funds.—Section 119 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second sentence;

(2) by striking subsection (d); and

(3) by striking subsection (f) and inserting the following:

"(f) Transferability of Funds.—

"(1) Unconditional.—A State may transfer an amount not to exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b).

"(2) Upon acceptance of certification.—If a State certifies to the Secretary that any part of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) is in excess of the needs of the State for resurfacing, restoring, rehabilitating, or reconstructing routes and bridges on the Interstate System in the State and that the State is adequately maintaining the routes and bridges, and the Secretary accepts the certification, the State may transfer, in addition to the amount authorized to be transferred under paragraph (1), an amount not to exceed 20 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1) to the apportionment of the State under paragraphs (1)(C) and (3) of section 104(b).".

(b) Eligibility.—Section 119 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking "and rehabilitating" and inserting ", rehabilitating, and reconstructing";

(2) by striking subsections (b), (c), (e), and (g);

(3) by inserting after subsection (a) the following:

"(b) ELIGIBLE ACTIVITIES.—

"(1) IN GENERAL.—A State—

"(A) may use funds apportioned under subparagraph (A) or (B) of section 104(b)(1) for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System, including—

"(i) resurfacing, restoring, rehabilitating, and reconstructing bridges, interchanges, and overcrossings;

"(ii) acquiring rights-of-way; and

"(iii) intelligent transportation system capital improvements that are infrastructure-based to the extent that they improve the performance of the Interstate System; but

"(B) may not use the funds for construction of new travel lanes other than high-occupancy vehicle lanes or auxiliary lanes.

"(2) EXPANSION OF CAPACITY.—

"(A) USING TRANSFERRED FUNDS.—Notwithstanding paragraph (1), funds transferred under subsection (c)(1) may be used for construction to provide for expansion of the capacity of an Interstate System highway (including a bridge).

"(B) USING FUNDS NOT TRANSFERRED.—

"(i) IN GENERAL.—In lieu of transferring funds under subsection (c)(1) and using the transferred funds for the purpose described in subparagraph (A), a State may use an amount of the sums apportioned to the State under subparagraph (A) or (B) of section 104(b)(1) for the purpose described in subparagraph (A).

"(ii) LIMITATION.—The sum of the amount used under clause (i) and any amount transferred under subsection (c)(1) by a State may not exceed 30 percent of the sums apportioned to the State under subparagraphs (A) and (B) of section 104(b)(1)."; and

(4) by redesignating subsection (f) as subsection (c).

(c) CONFORMING AMENDMENTS.—

(1) Section 119(a) of title 23, United States Code, is amended in the first sentence by striking "; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in subsection (e)".

(2) Section 1009(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 119 note; 105 Stat. 1934) is amended by striking "section 119(f)(1)" and inserting "section 119(c)(1)".

CHAPTER 2—PROJECT APPROVAL

SEC. 1221. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.

Section 104 of title 23, United States Code (as amended by section 1118), is amended by inserting after subsection (k) the following:

"(l) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

"(1) TRANSFER OF HIGHWAY FUNDS.—Funds made available under this title and transferred for transit projects shall be administered by the Secretary in accordance with chapter 53 of title 49, except that the provisions of this title relating to the non-Federal share shall apply to the transferred funds.

"(2) TRANSFER OF TRANSIT FUNDS.—Funds made available under chapter 53 of title 49 and transferred for highway projects shall be administered by the Secretary in accordance with this title, except that the provisions of that chapter relating to the non-Federal share shall apply to the transferred funds.

"(3) TRANSFER TO AMTRAK AND PUBLICLY-OWNED PASSENGER RAIL LINES.—Funds made available under this title or chapter 53 of title 49 and transferred to the National Railroad Passenger Corporation or to any publicly-owned intercity or intracity passenger rail line shall be administered by the Secretary in accordance with subtitle V of title 49, except that the provisions of this title or chapter 53 of title 49, as applicable, relating to the non-Federal share shall apply to the transferred funds.

"(4) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority provided for projects described in paragraphs (1) through (3) shall be transferred in the same manner and amount as the funds for the projects are transferred.".

SEC. 1222. PROJECT APPROVAL AND OVERSIGHT.

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 106. Project approval and oversight";

(2) by redesignating subsections (e) and (f) as subsections (g) and (h), respectively;

(3) by striking subsections (a) through (d) and inserting the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the State transportation department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require. The Secretary shall act upon such plans, specifications, and estimates as soon as practicable after they have been submitted, and shall enter into a formal project agreement with the State transportation department formalizing the conditions of the project approval. The execution of such project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. In taking such action, the Secretary shall be guided by the provisions of section 109 of this title.

"(b) PROJECT AGREEMENT.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction. The Secretary may rely upon representations made by the State transportation department with respect to the arrangements or agreements made by the State transportation department and appropriate local officials where a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

"(1) NHS PROJECTS.—Except as otherwise provided in subsection (d) of this section, the Secretary may discharge to the State any of the Secretary's responsibilities for the design, plans, specifications, estimates, contract awards, and inspection of projects under this title on the National Highway System. Before discharging responsibilities to the State, the Secretary shall reach agreement with the State as to the extent to which the State may assume the responsibilities of the Secretary under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title as of September 30, 1997, except upon agreement by the Secretary and the State.

"(2) NON-NHS PROJECTS.—For all projects under this title that are off the National Highway System, the State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under this title. After receiving any such request, the Secretary shall undertake project review only as requested by the State.

"(d) RESPONSIBILITIES OF THE SECRETARY.—

"(1) IN GENERAL.—Subject to paragraph (2), nothing in this section, section 133, or section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law other than this title.

"(2) LIMITATION.—Any responsibility or obligation of the Secretary under sections 113 and 114 of this title shall not be affected and may not be discharged under this section, section 133, or section 149.

"(e) VALUE ENGINEERING ANALYSIS.—In such cases as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering or other cost reduction analysis.

"(f) FINANCIAL PLAN.—The Secretary shall require a financial plan to be prepared for any project with an estimated total cost of $1,000,000,000 or more.".

(b) STANDARDS.—

(1) ELIMINATION OF GUIDELINES AND ANNUAL CERTIFICATION REQUIREMENTS.—Section 109 of title 23, United States Code, is amended—

(A) by striking subsection (m); and

(B) by redesignating subsections (n) through (q) as subsections (m) through (p), respectively.

(2) SAFETY STANDARDS.—Section 109 of title 23, United States Code (as amended by paragraph (1)), is amended by adding at the end the following:

"(q) PHASE CONSTRUCTION.—Safety considerations for a project under this title may be met by phase construction.".

(c) PROGRAMS; PROJECT AGREEMENTS; CERTIFICATION ACCEPTANCE.—Sections 110 and 117 of title 23, United States Code, are repealed.

(d) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23 is amended—

(A) by striking the item relating to section 106 and inserting the following:

"106. Project approval and oversight.";

and

(B) by striking the items relating to sections 110 and 117.

(2) Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "project agreement" by striking "the provisions of subsection (a) of section 110 of this title" and inserting "section 106".

(3) Section 114(a) of title 23, United States Code, is amended in the second sentence by striking "section 117 of this title" and inserting "section 106".

SEC. 1223. SURFACE TRANSPORTATION PROGRAM.

(a) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2), by striking "10" and inserting "8"; and

(B) in the first sentence of paragraph (3)(A), by striking "80" and inserting "82"; and

(2) in subsection (e)—

(A) in paragraph (3)(B)(i), by striking "if the Secretary" and all that follows through "activities"; and

(B) in paragraph (5), by adding at the end the following:

"(C) INNOVATIVE FINANCING.—

"(i) IN GENERAL.—For each fiscal year, the average annual non-Federal share of the total cost of all projects to carry out transportation enhancement activities in a State shall be not less than the non-Federal share authorized for the State under section 120(b).

"(ii) EXCEPTION.—Subject to clause (i), notwithstanding section 120, in the case of projects to carry out transportation enhancement activities—

"(I) funds from other Federal agencies, and other contributions that the Secretary determines are of value, may be credited toward the non-Federal share of project costs;

"(II) the non-Federal share may be calculated on a project, multiple-project, or program basis; and

"(III) the Federal share of the cost of an individual project subject to subclause (I) or (II) may be equal to 100 percent.".

(b) Program Approval.—Section 133(e) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) Program approval.—

"(A) Submission of project agreement.—For each fiscal year, each State shall submit a project agreement that—

"(i) certifies that the State will meet all the requirements of this section; and

"(ii) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

"(B) Request for adjustments of amounts.—As necessary, each State shall request from the Secretary adjustments to the amount of obligations referred to in subparagraph (A)(ii).

"(C) Effect of approval by the Secretary.—Approval by the Secretary of a project agreement under subparagraph (A) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.".

(c) Payments.—Section 133(e)(3)(A) of title 23, United States Code, is amended by striking the second sentence.

SEC. 1224. DESIGN-BUILD CONTRACTING.

(a) Authority.—Section 112(b) of title 23, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) in paragraph (2)(A), by striking "Each" and inserting "Subject to paragraph (3), each"; and

(3) by adding at the end the following:

"(3) Design-build contracting.—

"(A) In general.—A State transportation department may award a contract for the design and construction of a qualified project described in subparagraph (B) using competitive selection procedures approved by the Secretary.

"(B) Qualified projects.—A qualified project referred to in subparagraph (A) is a project under this chapter that involves installation of an intelligent transportation system or that consists of a usable project segment and for which—

"(i) the Secretary has approved the use of design-build contracting described in subparagraph (A) under criteria specified in regulations promulgated by the Secretary; and

"(ii) the total costs are estimated to exceed—

"(I) in the case of a project that involves installation of an intelligent transportation system, $5,000,000; and

"(II) in the case of a usable project segment, $50,000,000.".

(b) Competitive Bidding Defined.—Section 112 of title 23, United States Code, is amended by striking subsection (f) and inserting the following:

"(f) Competitive Bidding Defined.—In this section, the term 'competitive bidding' means the procedures used to award contracts for engineering and design services under subsection (b)(2) and design-build contracts under subsection (b)(3).".

(c) Regulations.—

(1) In general.—Not later than the effective date specified in subsection (e), the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) Contents.—The regulations shall—

(A) identify the criteria to be used by the Secretary in approving the use by a State transportation department of design-build contracting; and

(B) establish the procedures to be followed by a State transportation department for obtaining the Secretary's approval of the use of design-build contracting by the department and the selection procedures used by the department.

(d) Effect on Experimental Program.—Nothing in this section or the amendments made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning design-build contracting that is being carried out by the Secretary as of the date of enactment of this Act.

(e) Effective Date for Amendments.—The amendments made by this section take effect 2 years after the date of enactment of this Act.

SEC. 1225. INTEGRATED DECISIONMAKING PROCESS.

(a) In General.—Subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

"§ 354. Integrated decisionmaking process

"(a) Definitions.—In this section:

"(1) Integrated decisionmaking process.—The term 'integrated decisionmaking process' means the integrated decisionmaking process established with respect to a surface transportation project under subsection (b).

"(2) NEPA process.—The term 'NEPA process' means the process of complying with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a surface transportation project.

"(3) Secretary.—The term 'Secretary' means the Secretary of Transportation.

"(4) Surface transportation project.—The term 'surface transportation project' means—

"(A) a highway construction project that is subject to the approval of the Secretary under title 23; and

"(B) a capital project (as defined in section 5302(a)(1)).

"(b) Establishment of Integrated Decisionmaking Processes for Surface Transportation Projects.—The Secretary shall—

"(1) establish an integrated decisionmaking process for surface transportation projects that designates major decision points likely to have significant environmental effects and conflicts; and

"(2) integrate the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with the requirements established by the Secretary for transportation planning and decisionmaking.

"(c) Integrated Decisionmaking Goals.—The integrated decisionmaking process for surface transportation projects should, to the maximum extent practicable, accomplish the following major goals:

"(1) Integrate the NEPA process with the planning, predesign stage, and decisionmaking for surface transportation projects at the earliest possible time.

"(2) Integrate all applicable Federal, State, tribal, and local permitting requirements.

"(3) Integrate national transportation, social, safety, economic, and environmental goals with State, tribal, and local land use and growth management initiatives.

"(4) Consolidate Federal, State, tribal, and local decisionmaking to achieve the best overall public interest according to an agreed schedule.

"(d) Streamlining.—

"(1) Avoidance of delays, prevention of conflicts, and elimination of unnecessary duplication.—The Secretary shall design the integrated decisionmaking process to avoid delays in decisionmaking, prevent conflicts between cooperating agencies and members of the public, and eliminate unnecessary duplication of review and decisionmaking relating to surface transportation projects.

"(2) Integration; comprehensive process.—The NEPA process—

"(A) shall be integrated with the transportation planning and decisionmaking of the Federal, State, tribal, and local transportation agencies; and

"(B) serve as a comprehensive decisionmaking process.

"(3) Other requirements.—

"(A) In general.—The Secretary shall—

"(i) establish a concurrent transportation and environmental coordination process to reduce paperwork, combine review documents, and eliminate duplicative reviews;

"(ii) develop interagency agreements to streamline and improve interagency coordination and processing time;

"(iii) apply strategic and programmatic approaches to better integrate and expedite the NEPA process and transportation decisionmaking; and

"(iv) ensure, in appropriate cases, by conducting concurrent reviews whenever possible, that any analyses and reviews conducted by the Secretary consider the needs of other reviewing agencies.

"(B) Time schedules.—To comply with subparagraph (A)(ii), time schedules shall be consistent with sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations (or any successor regulations).

"(4) Concurrent processing.—

"(A) In general.—The integrated decisionmaking process shall, to the extent practicable, include a procedure to provide for concurrent (rather than sequential) processing of all Federal, State, tribal, and local reviews and decisions emanating from those reviews.

"(B) Inconsistency with other requirements.—Subparagraph (A) does not require concurrent review if concurrent review would be inconsistent with other statutory or regulatory requirements.

"(e) Interagency Cooperation.—

"(1) Lead and cooperating agency concepts.—The lead and cooperating agency concepts of section 1501 of title 40, Code of Federal Regulations (or any successor regulation), shall be considered essential elements to ensure integration of transportation decisionmaking.

"(2) Responsibilities.—The Secretary shall—

"(A) not later than 60 days after the date on which a surface transportation project is selected for study by a State, identify each Federal agency that may be required to participate in the integrated decisionmaking process relating to the surface transportation project and notify the agency of the surface transportation project;

"(B) afford State, regional, tribal, and local governments with decisionmaking authority on surface transportation projects the opportunity to serve as cooperating agencies;

"(C) provide cooperating agencies the results of any analysis or other information related to a surface transportation project;

"(D) host an early scoping meeting for Federal agencies and, when appropriate, conduct field reviews, as soon as practicable in the environmental review process;

"(E) solicit from each cooperating agency as early as practicable the data and analyses necessary to facilitate execution of the duties of each cooperating agency;

"(F) use, to the maximum extent possible, scientific, technical, and environmental data and analyses previously prepared by or for other Federal, State, tribal, or local agencies, after an independent evaluation by the Secretary of the data and analyses;

"(G) jointly, with the cooperating agencies, host public meetings and other community participation processes; and

"(H) ensure that the NEPA process and documentation provide all necessary information for the cooperating agency to—

"(i) discharge the responsibilities of the cooperating agency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other law; and

"(ii) grant approvals, permits, licenses, and clearances.

"(f) Enhanced Scoping Process.—During the scoping process for a surface transportation project, in addition to other statutory and regulatory requirements, the Secretary shall, to the extent practicable—

"(1) provide the public with clearly understandable milestones that occur during an integrated decisionmaking process;

"(2) ensure that all agencies with jurisdiction by law or with special expertise have sufficient information and data to discharge their responsibilities;

"(3) ensure that all agencies with jurisdiction by law or with special expertise, and the public, are invited to participate in the initial scoping process;

"(4) coordinate with other agencies to ensure that the agencies provide to the Secretary, not later than 30 days after the first interagency scoping meeting, any preliminary concerns about how the proposed project may affect matters within their jurisdiction or special expertise based on information available at the time of the scoping meeting; and

"(5) in cooperation with all cooperating agencies, develop a schedule for conducting all necessary environmental and other review processes.

"(g) Use of Title 23 Funds.—

"(1) Use by states.—A State may use funds made available under section 104(b) or 105 of title 23 or section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 to provide resources to Federal or State agencies involved in the review or permitting process for a surface transportation project in order to meet a time schedule established under this section.

"(2) Use at secretary's discretion.—At the request of another Federal agency involved in the review or permitting process for a surface transportation project, the Secretary may provide funds under chapter 1 of title 23 to the agency to provide resources necessary to meet the time schedules established under this section.

"(2) Amount.—Funds may be provided under paragraph (1) in the amount by which the cost to complete a environmental review in accordance with a time schedule established under this section exceeds the cost that would be incurred if there were no such time schedule.

"(3) Not final agency action.—The provision of funds under paragraph (1) does not constitute a final agency action.

"(h) State Role.—

"(1) In general.—For any project eligible for assistance under chapter 1 of title 23, a State may require, by law or agreement coordinating with all related State agencies, that all State agencies that—

"(A) have jurisdiction by Federal or State law over environmental, growth management, or land-use related issues that may be affected by a surface transportation project; or

"(B) have responsibility for issuing any environment related reviews, analyses, opinions, or determinations;

be subject to the coordinated environmental review process provided under this section in issuing any analyses or approvals or taking any other action relating to the project.

"(2) All agencies.—If a State requires that any State agency participate in a coordinated environmental review process, the State shall require all affected State agencies to participate.

"(i) Early Action Regarding Potentially Insurmountable Obstacles.—If, at any time during the integrated decisionmaking process for a proposed surface transportation project, a cooperating agency determines that there is any potentially insurmountable obstacle associated with any of the alternative transportation projects that might be undertaken to address the obstacle, the Secretary shall—

"(1) convene a meeting among the cooperating agencies to address the obstacle;

"(2) initiate conflict resolution efforts under subsection (j); or

"(3) eliminate from consideration the alternative transportation project with which the obstacle is associated.

"(j) Conflict Resolution.—

"(1) Forum.—The NEPA process shall be used as a forum to coordinate the actions of Federal, State, regional, tribal, and local agencies, the private sector, and the public to develop and shape surface transportation projects.

"(2) Approaches.—Collaborative, problem solving, and consensus building approaches shall be used (and, when appropriate, mediation may be used) to implement the integrated decisionmaking process with a goal of appropriately considering factors relating to transportation development, economic prosperity, protection of public health and the environment, community and neighborhood preservation, and quality of life for present and future generations.

"(3) Unresolved issues.—

"(A) Notification.—If, before the final transportation NEPA document is approved—

"(i) an issue remains unresolved between the lead Federal agency and the cooperating agency; and

"(ii) efforts have been exhausted to resolve the issue at the field levels of each agency—

"(I) within the applicable timeframe of the interagency schedule established under subsection (f)(5); or

"(II) if no timeframe is established, within 90 days;

the field level officer of the lead agency shall notify the field level officer of the cooperating agency that the field level officer of the lead agency intends to bring the issue to the personal attention of the heads of the agencies.

"(B) Efforts by the agency heads.—The head of the lead agency shall contact the head of the cooperating agency and attempt to resolve the issue within 30 days after notification by the field level officer of the unresolved issue.

"(C) Consultation with CEQ.—The heads of the agencies are encouraged to consult with the Chair of the Council on Environmental Quality during the 30-day period under subparagraph (B).

"(D) Failure to resolve.—If the heads of the agencies do not resolve the issue within the time specified in subparagraph (B), the referral process under part 1504 of title 40, Code of Federal Regulations (or any successor regulation), shall be initiated with respect to the issue.

"(k) Judicial Review.—Nothing in this section affects the reviewability of any final agency action in a district court of the United States or any State court.

"(l) Statutory Construction.—Nothing in this section affects—

"(1) the applicability of the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other statute; or

"(2) the responsibility of any Federal, State, tribal, or local officer to comply with or enforce any statute or regulation.".

(b) Timetable; Report to Congress.—The Secretary, in consultation with the Chair of the Council on Environmental Quality and after notice and opportunity for public comment—

(1) not later than 180 days after the date of enactment of this Act, shall design the integrated decisionmaking process required by the amendment made by subsection (a);

(2) not later than 1 year after the date of enactment of this Act, shall promulgate a regulation governing implementation of an integrated decisionmaking process in accordance with the amendment made by subsection (a); and

(3) not later than 2 years after the date of enactment of this Act, shall submit to Congress a report identifying any additional legislative or other solutions that would further enhance the integrated decisionmaking process.

(c) Conforming Amendment.—The analysis for subchapter III of chapter 3 of title 49, United States Code, is amended by adding at the end the following:

"354. Integrated decisionmaking process.".

CHAPTER 3—ELIGIBILITY AND FLEXIBILITY

SEC. 1231. DEFINITION OF OPERATIONAL IMPROVEMENT.

Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining "operational improvement" and inserting the following:

"The term 'operational improvement' means the installation, operation, or maintenance, in accordance with subchapter II of chapter 5, of public infrastructure to support intelligent transportation systems and includes the installation or operation of any traffic management activity, communication system, or roadway weather information and prediction system, and any other improvement that the Secretary may designate that enhances roadway safety and mobility during adverse weather.".

SEC. 1232. ELIGIBILITY OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) In General.—Section 129(c) of title 23, United States Code, is amended by inserting "in accordance with sections 103, 133, and 149," after "toll or free,".

(b) National Highway System.—Section 103(b)(5) of title 23, United States Code (as amended by section 1234), is amended by adding at the end the following:

"(R) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.".

(c) Surface Transportation Program.—Section 133(b) of title 23, United States Code, is amended by adding at the end the following:

"(12) Construction of ferry boats and ferry terminal facilities, if the conditions described in section 129(c) are met.".

(d) Congestion Mitigation and Air Quality Improvement Program.—Section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (4) the following:

"(5) if the project or program is to construct a ferry boat or ferry terminal facility and if the conditions described in section 129(c) are met.".

SEC. 1233. FLEXIBILITY OF SAFETY PROGRAMS.

Section 133(d) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) Safety programs.—

"(A) In general.—With respect to funds apportioned for each of fiscal years 1998 through 2003—

"(i) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130;

"(ii) an amount equal to 2 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 152; and

"(iii) an amount equal to 6 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out activities eligible under section 130 or 152.

"(B) Transfer of funds.—If a State certifies to the Secretary that any part of the amount set aside by the State under subparagraph (A)(i) is in excess of the needs of the State for activities under section 130 and the Secretary accepts the certification, the State may transfer that excess part to the set-aside of the State under subparagraph (A)(ii).

"(C) Transfers to other safety programs.—A State may transfer funds set aside under subparagraph (A)(iii) to the apportionment of the State under section 402 or the allocation of the State under section 31104 of title 49.".

SEC. 1234. ELIGIBILITY OF PROJECTS ON THE NATIONAL HIGHWAY SYSTEM.

Section 103(b) of title 23, United States Code (as amended by section 1701(a)), is amended by adding at the end the following:

"(5) Eligible projects for NHS.—Subject to approval by the Secretary, funds apportioned to a State under section 104(b)(1)(C) for the National Highway System may be obligated for any of the following:

"(A) Construction, reconstruction, resurfacing, restoration, and rehabilitation of segments of the National Highway System.

"(B) Operational improvements for segments of the National Highway System.

"(C) Construction of, and operational improvements for, a Federal-aid highway not on the National Highway System, construction of a transit project eligible for assistance under chapter 53 of title 49, and capital improvements to any National Railroad Passenger Corporation passenger rail line or any publicly-owned intercity passenger rail line, if—

"(i) the highway, transit, or rail project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

"(ii) the construction or improvements will improve the level of service on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

"(iii) the construction or improvements are more cost-effective than an improvement to the fully access-controlled highway described in clause (i).

"(D) Highway safety improvements for segments of the National Highway System.

"(E) Transportation planning in accordance with sections 134 and 135.

"(F) Highway research and planning in accordance with chapter 5.

"(G) Highway-related technology transfer activities.

"(H) Capital and operating costs for traffic monitoring, management, and control facilities and programs.

"(I) Fringe and corridor parking facilities.

"(J) Carpool and vanpool projects.

"(K) Bicycle transportation and pedestrian walkways in accordance with section 217.

"(L) Development, establishment, and implementation of management systems under section 303.

"(M) In accordance with all applicable Federal law (including regulations), participation in natural habitat and wetland mitigation efforts related to projects funded under this title, which may include participation in natural habitat and wetland mitigation banks, contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetland, and development of statewide and regional natural habitat and wetland conservation and mitigation plans, including any such banks, efforts, and plans authorized under the Water Resources Development Act of 1990 (Public Law 101–640) (including crediting provisions). Contributions to the mitigation efforts described in the preceding sentence may take place concurrent with or in advance of project construction, except that contributions in advance of project construction may occur only if the efforts are consistent with all applicable requirements of Federal law (including regulations) and State transportation planning processes.

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems.".

SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting ", including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(3) in paragraph (4)—

(A) by inserting ", publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: ", and any other noninfrastructure highway safety improvements";

(4) in the first sentence of paragraph (11)—

(A) by inserting "natural habitat and" after "participation in" each place it appears;

(B) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(C) by inserting "natural habitat and" before "wetlands conservation"; and

(5) by adding at the end the following:

"(13) Publicly owned intercity passenger rail infrastructure, including infrastructure owned by the National Railroad Passenger Corporation.

"(14) Publicly owned passenger rail vehicles, including vehicles owned by the National Railroad Passenger Corporation.

"(15) Infrastructure-based intelligent transportation systems capital improvements.

"(16) Publicly owned components of magnetic levitation transportation systems.

"(17) Environmental restoration and pollution abatement projects (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities, which projects shall be carried out when the transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.".

SEC. 1236. DESIGN FLEXIBILITY.

Section 109 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) In General.—

"(1) Requirements for facilities.—The Secretary shall ensure that the plans and specifications for each proposed highway project under this chapter provide for a facility that will—

"(A) adequately serve the existing traffic of the highway in a manner that is conducive to safety, durability, and economy of maintenance; and

"(B) be designed and constructed in accordance with criteria best suited to accomplish the objectives described in subparagraph (A) and to conform to the particular needs of each locality.

"(2) Consideration of planned future traffic demands.—In carrying out paragraph (1), the Secretary shall ensure the consideration of the planned future traffic demands of the facility.".

Subtitle C—Finance

CHAPTER 1—GENERAL PROVISIONS

SEC. 1301. STATE INFRASTRUCTURE BANK PROGRAM.

(a) In General.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. State infrastructure bank program

"(a) Definitions.—In this section:

"(1) OTHER ASSISTANCE.—The term 'other assistance' includes any use of funds in an infrastructure bank—

"(A) to provide credit enhancements;

"(B) to serve as a capital reserve for bond or debt instrument financing;

"(C) to subsidize interest rates;

"(D) to ensure the issuance of letters of credit and credit instruments;

"(E) to finance purchase and lease agreements with respect to transit projects;

"(F) to provide bond or debt financing instrument security; and

"(G) to provide other forms of debt financing and methods of leveraging funds that are approved by the Secretary and that relate to the project with respect to which the assistance is being provided.

"(2) STATE.—The term 'State' has the meaning given the term under section 401.

"(b) COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—

"(A) PURPOSE OF AGREEMENTS.—Subject to this section, the Secretary may enter into cooperative agreements with States for the establishment of State infrastructure banks and multistate infrastructure banks for making loans and providing other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under this section.

"(B) CONTENTS OF AGREEMENTS.—Each cooperative agreement shall specify procedures and guidelines for establishing, operating, and providing assistance from the infrastructure bank.

"(2) INTERSTATE COMPACTS.—If 2 or more States enter into a cooperative agreement under paragraph (1) with the Secretary for the establishment of a multistate infrastructure bank, Congress grants consent to those States to enter into an interstate compact establishing the bank in accordance with this section.

"(c) FUNDING.—

"(1) CONTRIBUTION.—Notwithstanding any other provision of law, the Secretary may allow, subject to subsection (h)(1), a State that enters into a cooperative agreement under this section to contribute to the infrastructure bank established by the State not to exceed—

"(A)(i) the total amount of funds apportioned to the State under each of paragraphs (1) and (3) of section 104(b), excluding funds set aside under paragraphs (1) and (2) of section 133(d); and

"(ii) the total amount of funds allocated to the State under section 105 and under section 1102 of the Intermodal Surface Transportation Efficiency Act of 1997;

"(B) the total amount of funds made available to the State or other Federal transit grant recipient for capital projects (as defined in section 5302 of title 49) under sections 5307, 5309, and 5311 of title 49; and

"(C) the total amount of funds made available to the State under subtitle V of title 49.

"(2) CAPITALIZATION GRANT.—For the purposes of this section, Federal funds contributed to the infrastructure bank under this subsection shall constitute a capitalization grant for the infrastructure bank.

"(3) SPECIAL RULE FOR URBANIZED AREAS OF OVER 200,000.—Funds that are apportioned or allocated to a State under section 104(b)(3) and attributed to urbanized areas of a State with a population of over 200,000 individuals under section 133(d)(2) may be used to provide assistance from an infrastructure bank under this section with respect to a project only if the metropolitan planning organization designated for the area concurs, in writing, with the provision of the assistance.

"(d) FORMS OF ASSISTANCE FROM INFRASTRUCTURE BANKS.—

"(1) IN GENERAL.—An infrastructure bank established under this section may make loans or provide other assistance to a public or private entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section.

"(2) SUBORDINATION OF LOANS.—The amount of any loan or other assistance provided for the project may be subordinated to any other debt financing for the project.

"(3) INITIAL ASSISTANCE.—Initial assistance provided with respect to a project from Federal funds contributed to an infrastructure bank under this section shall not be made in the form of a grant.

"(e) QUALIFYING PROJECTS.—

"(1) IN GENERAL.—Subject to paragraph (2), funds in an infrastructure bank established under this section may be used only to provide assistance with respect to projects eligible for assistance under this title, for capital projects (as defined in section 5302 of title 49), or for any other project that the Secretary determines to be appropriate.

"(2) INTERSTATE FUNDS.—Funds contributed to an infrastructure bank from funds apportioned to a State under subparagraph (A) or (B) of section 104(b)(1) may be used only to provide assistance with respect to projects eligible for assistance under those subparagraphs.

"(3) RAIL PROGRAM FUNDS.—Funds contributed to an infrastructure bank from funds made available to a State under subtitle V of title 49 shall be used in a manner consistent with any project description specified under the law making the funds available to the State.

"(f) INFRASTRUCTURE BANK REQUIREMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), in order to establish an infrastructure bank under this section, each State establishing such a bank shall—

"(A) contribute, at a minimum, to the bank from non-Federal sources an amount equal to 25 percent of the amount of each capitalization grant made to the State and contributed to the bank under subsection (c);

"(B) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances and its ability to pay claims under credit enhancement programs of the bank;

"(C) ensure that investment income generated by funds contributed to the bank will be—

"(i) credited to the bank;

"(ii) available for use in providing loans and other assistance to projects eligible for assistance from the bank; and

"(iii) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

"(D) ensure that any loan from the bank will bear interest at or below market rates, as determined by the State, to make the project that is the subject of the loan feasible;

"(E) ensure that repayment of the loan from the bank will commence not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later;

"(F) ensure that the term for repaying any loan will not exceed the lesser of—

"(i) 35 years after the date of the first payment on the loan under subparagraph (E); or

"(ii) the useful life of the investment; and

"(G) require the bank to make a biennial report to the Secretary and to make such other reports as the Secretary may require in guidelines.

"(2) WAIVERS BY THE SECRETARY.—The Secretary may waive a requirement of any of subparagraphs (C) through (G) of paragraph (1) with respect to an infrastructure bank if the Secretary determines that the waiver is consistent with the objectives of this section.

"(g) LIMITATION ON REPAYMENTS.—Notwithstanding any other provision of law, the repayment of a loan or other assistance provided from an infrastructure bank under this section may not be credited toward the non-Federal share of the cost of any project.

"(h) SECRETARIAL REQUIREMENTS.—In administering this section, the Secretary shall—

"(1) ensure that Federal disbursements shall be at an annual rate of not more than 20 percent of the amount designated by the State for State infrastructure bank capitalization under subsection (c)(1), except that the Secretary may disburse funds to a State in an amount needed to finance a specific project; and

"(2) revise cooperative agreements entered into with States under section 350 of the National Highway System Designation Act of 1995 (Public Law 104–59) to comply with this section.

"(i) APPLICABILITY OF FEDERAL LAW.—

"(1) IN GENERAL.—The requirements of this title or title 49 that would otherwise apply to funds made available under that title and projects assisted with those funds shall apply to—

"(A) funds made available under that title and contributed to an infrastructure bank established under this section, including the non-Federal contribution required under section (f); and

"(B) projects assisted by the bank through the use of the funds;

except to the extent that the Secretary determines that any requirement of that title (other than sections 113 and 114 of this title and section 5333 of title 49) is not consistent with the objectives of this section.

"(2) REPAYMENTS.—The requirements of this title or title 49 shall not apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such a repayment shall not be considered to be Federal funds.

"(j) UNITED STATES NOT OBLIGATED.—

"(1) IN GENERAL.—Other than for purposes of section 149 of the Internal Revenue Code of 1986, the contribution of Federal funds to an infrastructure bank established under this section shall not be construed as a commitment, guarantee, or obligation on the part of the United States to any third party. No third party shall have any right against the United States for payment solely by virtue of the contribution.

"(2) STATEMENT.—Any security or debt financing instrument issued by the infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

"(k) MANAGEMENT OF FEDERAL FUNDS.—Sections 3335 and 6503 of title 31, United States Code, shall not apply to funds contributed under this section.

"(l) PROGRAM ADMINISTRATION.—

"(1) IN GENERAL.—A State may expend not to exceed 2 percent of the Federal funds contributed to an infrastructure bank established by the State under this section to pay the reasonable costs of administering the bank.

"(2) NON-FEDERAL FUNDS.—The limitation described in paragraph (1) shall not apply to non-Federal funds.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. State infrastructure bank program.".

CHAPTER 2—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION

SEC. 1311. SHORT TITLE.

This chapter may be cited as the "Transportation Infrastructure Finance and Innovation Act of 1997".

SEC. 1312. FINDINGS.

Congress finds that—

(1) a well-developed system of transportation infrastructure is critical to the economic well-being, health, and welfare of the people of the United States;

(2) traditional public funding techniques such as grant programs are unable to keep pace with the infrastructure investment needs of the United States because of budgetary constraints at the Federal, State, and local levels of government;

(3) major transportation infrastructure facilities that address critical national needs, such as intermodal facilities, border crossings, and multistate trade corridors, are of a scale that exceeds the capacity of Federal and State assistance programs in effect on the date of enactment of this Act;

(4) new investment capital can be attracted to infrastructure projects that are capable of generating their own revenue streams through user charges or other dedicated funding sources; and

(5) a Federal credit program for projects of national significance can complement existing funding resources by filling market gaps, thereby leveraging substantial private co-investment.

SEC. 1313. DEFINITIONS.

In this chapter:

(1) ELIGIBLE PROJECT COSTS.—The term "eligible project costs" means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

(C) interest during construction, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

(2) FEDERAL CREDIT INSTRUMENT.—The term "Federal credit instrument" means a secured loan, loan guarantee, or line of credit authorized to be made available under this chapter with respect to a project.

(3) LENDER.—The term "lender" means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(4) LINE OF CREDIT.—The term "line of credit" means an agreement entered into by the Secretary with an obligor under section 1316 to provide a direct loan at a future date upon the occurrence of certain events.

(5) LOAN GUARANTEE.—The term "loan guarantee" means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(6) LOCAL SERVICER.—The term "local servicer" means—

(A) a State infrastructure bank established under title 23, United States Code; or

(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

(7) OBLIGOR.—The term "obligor" means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(8) PROJECT.—The term "project" means any surface transportation project eligible for Federal assistance under title 23 or chapter 53 of title 49, United States Code.

(9) PROJECT OBLIGATION.—The term "project obligation" means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

(10) SECURED LOAN.—The term "secured loan" means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 1315.

(11) STATE.—The term "State" has the meaning given the term in section 101 of title 23, United States Code.

(12) SUBSTANTIAL COMPLETION.—The term "substantial completion" means the opening of a project to vehicular or passenger traffic.

SEC. 1314. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) ELIGIBILITY.—To be eligible to receive financial assistance under this chapter, a project shall meet the following criteria:

(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

(A) shall be included in the State transportation plan required under section 135 of title 23, United States Code; and

(B) at such time as an agreement to make available a Federal credit instrument is entered into under this chapter, shall be included in the approved State transportation improvement program required under section 134 of that title.

(2) APPLICATION.—A State, a local servicer identified under section 1317(a), or the entity undertaking the project shall submit a project application to the Secretary.

(3) ELIGIBLE PROJECT COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this chapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

(i) $100,000,000; or

(ii) 50 percent of the amount of Federal-aid highway funds apportioned for the most recently-completed fiscal year under title 23, United States Code, to the State in which the project is located.

(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

(4) DEDICATED REVENUE SOURCES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), project financing shall be repayable in whole or in part by user charges or other dedicated revenue sources.

(B) USE OF PROCEEDS FROM TAX-EXEMPT FINANCING PROHIBITED.—For the purposes of this section and sections 1315 and 1316, the direct or indirect use of proceeds from the issuance by any State or local government of tax-exempt bonds for any portion of any project financing, prepayments, or repayments is prohibited.

(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

(b) SELECTION AMONG ELIGIBLE PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

(2) SELECTION CRITERIA.—The selection criteria shall include the following:

(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

(C) The extent to which assistance under this chapter would foster innovative public-private partnerships and attract private debt or equity investment.

(D) The likelihood that assistance under this chapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

(F) The amount of budget authority required to fund the Federal credit instrument made available under this chapter.

(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this chapter and projects assisted with the funds:

(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 1315. SECURED LOANS.

(a) IN GENERAL.—

(1) AGREEMENTS.—Subject to paragraphs (2) and (3), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

(A) to finance eligible project costs; or

(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 1314.

(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under

paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

(3) AUTHORIZATION PERIOD.—The Secretary may enter into a loan agreement during any of fiscal years 1998 through 2003.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

(3) PAYMENT.—The secured loan—

(A) shall be payable, in whole or in part, from revenues generated by any rate covenant, coverage requirement, or similar security feature supporting the project obligations or from a dedicated revenue stream; and

(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

(4) INTEREST RATE.—The interest rate on the secured loan shall be equal to the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

(7) FEES.—The Secretary may establish fees at a level sufficient to cover the costs to the Federal Government of making a secured loan under this section.

(c) REPAYMENT.—

(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

(4) DEFERRED PAYMENTS.—

(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

(5) PREPAYMENT.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

(d) SALE OF SECURED LOANS.—As soon as practicable after substantial completion of a project, the Secretary shall sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

(e) LOAN GUARANTEES.—

(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

SEC. 1316. LINES OF CREDIT.

(a) IN GENERAL.—

(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 1314.

(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on taxable project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

(b) TERMS AND LIMITATIONS.—

(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

(2) MAXIMUM AMOUNTS.—

(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

(5) SECURITY.—The line of credit—

(A) shall be made available only in connection with a project obligation secured, in whole or in part, by a rate covenant, coverage requirement, or similar security feature or from a dedicated revenue stream; and

(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

(7) RIGHTS OF THIRD PARTY CREDITORS.—

(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

(9) FEES.—The Secretary may establish fees at a level sufficient to cover the costs to the Federal Government of providing a line of credit under this section.

(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A line of credit under this section shall not be issued for a project with respect to which another Federal credit instrument under this chapter is made available.

(c) REPAYMENT.—

(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

SEC. 1317. PROJECT SERVICING.

(a) REQUIREMENT.—The State in which a project that receives financial assistance under this chapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this chapter.

(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

(1) shall act as the agent for the Secretary; and

(2) may receive a servicing fee, subject to approval by the Secretary.

(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

SEC. 1318. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.".

(b) Office of Infrastructure Finance.—

(1) In general.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 113. Office of Infrastructure Finance

"(a) Establishment.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

"(b) Director.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

"(c) Functions.—The Director shall be responsible for—

"(1) carrying out the responsibilities of the Secretary described in section 301(9);

"(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

"(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.".

(2) Conforming amendment.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"113. Office of Infrastructure Finance.".

SEC. 1319. STATE AND LOCAL PERMITS.

The provision of financial assistance under this chapter with respect to a project shall not—

(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

SEC. 1320. REGULATIONS.

The Secretary may issue such regulations as the Secretary determines appropriate to carry out this chapter and the amendments made by this chapter.

SEC. 1321. FUNDING.

(a) Authorization of Contract Authority.—

(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this chapter—

(A) $60,000,000 for fiscal year 1998;

(B) $60,000,000 for fiscal year 1999;

(C) $90,000,000 for fiscal year 2000;

(D) $90,000,000 for fiscal year 2001;

(E) $115,000,000 for fiscal year 2002; and

(F) $115,000,000 for fiscal year 2003.

(2) Administrative costs.—From funds made available under paragraph (1), the Secretary may use, for the administration of this chapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

(3) Availability.—Amounts made available under paragraph (1) shall remain available until expended.

(b) Contract Authority.—

(1) In general.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this chapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

(2) Availability.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

(c) Limitations on Credit Amounts.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this chapter shall be limited to the amounts specified in the following table:

Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,000,000,000
2003	$2,000,000,000.

(d) Limitations on Obligations.—Notwithstanding any other provision of law, the total amount of all obligations under subsection (a) shall not exceed—

(1) $60,000,000 for fiscal year 1998;

(2) $60,000,000 for fiscal year 1999;

(3) $90,000,000 for fiscal year 2000;

(4) $90,000,000 for fiscal year 2001;

(5) $115,000,000 for fiscal year 2002; and

(6) $115,000,000 for fiscal year 2003.

SEC. 1322. REPORT TO CONGRESS.

Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this chapter, including a recommendation as to whether the objectives of this chapter are best served—

(1) by continuing the program under the authority of the Secretary;

(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this chapter without Federal participation.

Subtitle D—Safety

SEC. 1401. OPERATION LIFESAVER.

Section 104 of title 23, United States Code (as amended by section 1102(a)), is amended—

(1) in the matter preceding paragraph (1) of subsection (b), by striking "subsection (f)" and inserting "subsections (d) and (f)"; and

(2) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) Operation lifesaver.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $500,000 of the funds authorized to be appropriated for the surface transportation program for the fiscal year to carry out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.".

SEC. 1402. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

Section 104(d) of title 23, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) Railway-highway crossing hazard elimination in high speed rail corridors.—

"(A) In general.—Before making an apportionment of funds under subsection (b)(3) for a fiscal year, the Secretary shall set aside $5,000,000 of the funds authorized to be appropriated for the surface transportation program for the fiscal year for elimination of hazards of railway-highway crossings.

"(B) Eligible corridors.—Funds made available under subparagraph (A) shall be expended for projects in—

"(i) 5 railway corridors selected by the Secretary in accordance with this subsection (as in effect on the day before the date of enactment of this clause); and

"(ii) 3 railway corridors selected by the Secretary in accordance with subparagraphs (C) and (D).

"(C) Required inclusion of high speed rail lines.—A corridor selected by the Secretary under subparagraph (B) shall include rail lines where railroad speeds of 90 miles or more per hour are occurring or can reasonably be expected to occur in the future.

"(D) Considerations in corridor selection.—In selecting corridors under subparagraph (B), the Secretary shall consider—

"(i) projected rail ridership volume in each corridor;

"(ii) the percentage of each corridor over which a train will be capable of operating at its maximum cruise speed taking into account such factors as topography and other traffic on the line;

"(iii) projected benefits to nonriders such as congestion relief on other modes of transportation serving each corridor (including congestion in heavily traveled air passenger corridors);

"(iv) the amount of State and local financial support that can reasonably be anticipated for the improvement of the line and related facilities; and

"(v) the cooperation of the owner of the right-of-way that can reasonably be expected in the operation of high speed rail passenger service in each corridor.".

SEC. 1403. RAILWAY-HIGHWAY CROSSINGS.

Section 130 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by striking "structures, and" and inserting "structures,"; and

(B) by inserting after "grade crossings," the following: "trespassing countermeasures in the immediate vicinity of a public railway-highway grade crossing, railway-highway crossing safety education, enforcement of traffic laws relating to railway-highway crossing safety, and projects at privately owned railway-highway crossings if each such project is publicly sponsored and the Secretary determines that the project would serve a public benefit,";

(2) in subsection (d), by adding at the end the following: "In a manner established by the Secretary, each State shall submit a report that describes completed railway-highway crossing projects funded under this section to the Department of Transportation for inclusion in the National Grade Crossing Inventory prepared by the Department of Transportation and the Association of American Railroads."; and

(3) by striking subsection (e).

SEC. 1404. HAZARD ELIMINATION PROGRAM.

(a) In General.—Section 152 of title 23, United States Code, is amended—

(1) in subsection (a), by inserting ", bicyclists," after "motorists";

(2) in subsection (b), by striking "highway safety improvement project" and inserting "safety improvement project, including a project described in subsection (a)"; and

(3) in subsection (c), by striking "on any public road (other than a highway on the Interstate System)." and inserting the following: "on—

"(1) any public road;

"(2) any public transportation vehicle or facility, any publicly owned bicycle or pedestrian pathway or trail, or any other facility that the Secretary determines to be appropriate; or

"(3) any traffic calming measure.".

(b) Conforming Amendments.—

(1) Section 101(a) of title 23, United States Code, is amended—

(A) in the undesignated paragraph defining "highway safety improvement project", by striking "highway safety" and inserting "safety"; and

(B) by moving that undesignated paragraph to appear before the undesignated paragraph defining "Secretary".

(2) Section 152 of title 23, United States Code, is amended in subsections (f) and (g) by striking "highway safety improvement projects" each place it appears and inserting "safety improvement projects".

SEC. 1405. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

(a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1301(a)), is amended by adding at the end the following:

"§163. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence

"(a) Definitions.—In this section:

"(1) Alcohol concentration.—The term 'alcohol concentration' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

"(2) Driving while intoxicated; driving under the influence.—The terms 'driving while intoxicated' and 'driving under the influence' mean driving or being in actual physical control of a motor vehicle while having an alcohol concentration above the permitted limit as established by each State.

"(3) License suspension.—The term 'license suspension' means the suspension of all driving privileges.

"(4) Motor vehicle.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

"(5) Repeat intoxicated driver law.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence within 5 years after a conviction for that offense whose alcohol concentration with respect to the second or subsequent offense was determined on the basis of a chemical test to be equal to or greater than 0.15 shall receive—

"(A) a license suspension for not less than 1 year;

"(B) an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

"(C) either—

"(i) an assignment of 30 days of community service; or

"(ii) 5 days of imprisonment.

"(b) Transfer of Funds.—

"(1) Fiscal years 2001 and 2002.—

"(A) In general.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402 to be used for alcohol-impaired driving programs.

"(B) Derivation of amount to be transferred.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

"(2) Fiscal year 2003 and fiscal years thereafter.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer 3 percent of the funds apportioned to the State on that date under each of paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402 to be used for alcohol-impaired driving programs.

"(3) Federal share.—The Federal share of the cost of a project carried out under section 402 with funds transferred under paragraph (1) or (2) shall be 100 percent.

"(4) Transfer of obligation authority.—

"(A) In general.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs for carrying out projects under section 402.

"(B) Amount.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

"(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year; by

"(ii) the ratio that—

"(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs; bears to

"(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

"(5) Limitation on applicability of highway safety obligations.—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under that section.".

(b) Conforming Amendment.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1301(b)), is amended by adding at the end the following:

"163. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.".

SEC. 1406. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS.

(a) In General.—Chapter 1 of title 23, United States Code (as amended by section 1405(a)), is amended by adding at the end the following:

"§164. Safety incentive grants for use of seat belts

"(a) Definitions.—In this section:

"(1) Motor vehicle.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line.

"(2) Multipurpose passenger motor vehicle.—The term 'multipurpose passenger motor vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed on a truck chassis or is constructed with special features for occasional off-road operation.

"(3) National average seat belt use rate.—The term 'national average seat belt use rate' means, in the case of each of calendar years 1995 through 2001, the national average seat belt use rate for that year, as determined by the Secretary.

"(4) Passenger car.—The term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger motor vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(5) Passenger motor vehicle.—The term 'passenger motor vehicle' means a passenger car or a multipurpose passenger motor vehicle.

"(6) Savings to the Federal Government.—The term 'savings to the Federal Government' means the amount of Federal budget savings relating to Federal medical costs (including savings under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.)), as determined by the Secretary.

"(7) Seat belt.—The term 'seat belt' means—

"(A) with respect to an open-body passenger motor vehicle, including a convertible, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(B) with respect to any other passenger motor vehicle, an occupant restraint system consisting of integrated lap and shoulder belts.

"(8) State seat belt use rate.—The term 'State seat belt use rate' means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary—

"(A) for each of calendar years 1995 through 1997, by the State, as adjusted by the Secretary to ensure national consistency in methods of measurement (as determined by the Secretary); and

"(B) for each of calendar years 1998 through 2001, by the State in a manner consistent with the criteria established by the Secretary under subsection (e).

"(b) Determinations by the Secretary.—Not later than 30 days after the date of enactment of this section, and not later than September 1 of each calendar year thereafter through September 1, 2002, the Secretary shall determine—

"(1)(A) which States had, for each of the previous calendar years (referred to in this subsection as the 'previous calendar year') and the year preceding the previous calendar year, a State seat belt use rate greater than the national average seat belt use rate for that year; and

"(B) in the case of each State described in subparagraph (A), the amount that is equal to the savings to the Federal Government due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year; and

"(2) in the case of each State that is not a State described in paragraph (1)(A)—

"(A) the base seat belt use rate of the State, which shall be equal to the highest State seat belt use rate for the State for any calendar year during the period of 1995 through the calendar year preceding the previous calendar year; and

"(B) the amount that is equal to the savings to the Federal Government due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate determined under subparagraph (A).

"(c) ALLOCATIONS.—

"(1) STATES WITH GREATER THAN THE NATIONAL AVERAGE SEAT BELT USE RATE.—Not later than 30 days after the date of enactment of this section, and not later than each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(1)(A) an amount equal to the amount determined for the State under subsection (b)(1)(B).

"(2) OTHER STATES.—Not later than 30 days after the date of enactment of this section, and not later than each October 1 thereafter through October 1, 2002, the Secretary shall allocate to each State described in subsection (b)(2) an amount equal to the amount determined for the State under subsection (b)(2)(B).

"(d) USE OF FUNDS.—For each fiscal year, each State that is allocated an amount under this section shall use the amount for projects eligible for assistance under this title.

"(e) CRITERIA.—Not later than 180 days after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997, the Secretary shall establish criteria for the measurement of State seat belt use rates by States to ensure that the measurements are accurate and representative.

"(f) FUNDING.—

"(1) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $60,000,000 for fiscal year 1998, $70,000,000 for fiscal year 1999, $80,000,000 for fiscal year 2000, $90,000,000 for fiscal year 2001, and $100,000,000 for each of fiscal years 2002 and 2003.

"(2) PROPORTIONATE ADJUSTMENT.—If the total amounts to be allocated under subsection (c) for any fiscal year would exceed the amounts authorized for the fiscal year under paragraph (1), the allocation to each State under subsection (c) shall be reduced proportionately.

"(3) USE OF UNALLOCATED FUNDS.—To the extent that the amounts made available for any fiscal year under paragraph (1) exceed the total amounts to be allocated under subsection (c) for the fiscal year, the excess amounts—

"(A) shall be apportioned in accordance with section 104(b)(3);

"(B) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d); and

"(C) shall be available for any purpose eligible for funding under section 133.

"(4) ADMINISTRATIVE EXPENSES.—Not more than 2 percent of the funds made available to carry out this section may be used to pay the necessary administrative expenses incurred in carrying out this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1405(b)), is amended by adding at the end the following:

"164. Safety incentive grants for use of seat belts.".

SEC. 1407. AUTOMATIC CRASH PROTECTION UNBELTED TESTING STANDARD.

(a) IN GENERAL.—

(1) TESTING WITH SIMULTANEOUS USE.—Beginning on the date of enactment of this Act, for the purpose of certification under section 30115 of title 49, United States Code, of compliance with the motor vehicle safety standards under section 30111 of that title, a manufacturer or distributor of a motor vehicle shall be deemed to be in compliance with applicable performance standards for occupant crash protection if the motor vehicle meets the applicable requirements for testing with the simultaneous use of both an automatic restraint system and a manual seat belt.

(2) PROHIBITION.—In no case shall a manufacturer or distributor use, for the purpose of the certification referred to in paragraph (1), testing that provides for the use of an automatic restraint system without the use of a manual seat belt.

(b) REVISION OF STANDARDS.—The Secretary shall issue such revised standards under section 30111 of title 49, United States Code, as are necessary to conform to subsection (a).

Subtitle E—Environment

SEC. 1501. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1406(a)) is amended by adding at the end the following:

"§ 165. National scenic byways program

"(a) DESIGNATION OF ROADS.—

"(1) IN GENERAL.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating the roads as National Scenic Byways or All-American Roads.

"(2) CRITERIA.—The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary.

"(3) NOMINATION.—To be considered for the designation, a road must be nominated by a State or a Federal land management agency and must first be designated as a State scenic byway or, in the case of a road on Federal land, as a Federal land management agency byway.

"(b) GRANTS AND TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make grants and provide technical assistance to States to—

"(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

"(B) plan, design, and develop a State scenic byway program.

"(2) PRIORITIES.—In making grants, the Secretary shall give priority to—

"(A) each eligible project that is associated with a highway that has been designated as a National Scenic Byway or All-American Road and that is consistent with the corridor management plan for the byway;

"(B) each eligible project along a State-designated scenic byway that is consistent with the corridor management plan for the byway, or is intended to foster the development of such a plan, and is carried out to make the byway eligible for designation as a National Scenic Byway or All-American Road; and

"(C) each eligible project that is associated with the development of a State scenic byway program.

"(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

"(1) An activity related to the planning, design, or development of a State scenic byway program.

"(2) Development and implementation of a corridor management plan to maintain the scenic, historical, recreational, cultural, natural, and archaeological characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities.

"(3) Safety improvements to a State scenic byway, National Scenic Byway, or All-American Road to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation as a State scenic byway, National Scenic Byway, or All-American Road.

"(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, passing lane, overlook, or interpretive facility.

"(5) An improvement to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

"(6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in an area adjacent to a scenic byway.

"(7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

"(8) Development and implementation of a scenic byways marketing program.

"(d) LIMITATION.—The Secretary shall not make a grant under this section for any project that would not protect the scenic, historical, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

"(e) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this section shall be 80 percent, except that, in the case of any scenic byways project along a public road that provides access to or within Federal or Indian land, a Federal land management agency may use funds authorized for use by the agency as the non-Federal share.

"(f) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $17,000,000 for fiscal year 1998, $17,000,000 for fiscal year 1999, $19,000,000 for fiscal year 2000, $19,000,000 for fiscal year 2001, $21,000,000 for fiscal year 2002, and $23,000,000 for fiscal year 2003.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1406(b)), is amended by adding at the end the following:

"165. National scenic byways program.".

SEC. 1502. PUBLIC-PRIVATE PARTNERSHIPS.

Section 149 of title 23, United States Code, is amended by adding at the end the following:

"(e) PARTNERSHIPS WITH NONGOVERNMENTAL ENTITIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title and in accordance with this subsection, a metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project carried out under this section.

"(2) FORMS OF PARTICIPATION BY ENTITIES.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, vehicle, or other physical asset associated with the project;

"(B) cost sharing of any project expense;

"(C) carrying out of administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) ALLOCATION TO ENTITIES.—A State may allocate funds apportioned under section 104(b)(2) to an entity described in paragraph (1).

"(4) ALTERNATIVE FUEL PROJECTS.—In the case of a project that will provide for the use of alternative fuels by privately owned vehicles or vehicle fleets, activities eligible for funding under this subsection—

"(A) may include the costs of vehicle refueling infrastructure and other capital investments associated with the project; and

"(B) shall—

"(i) include only the incremental cost of an alternative fueled vehicle compared to a conventionally fueled vehicle that would otherwise be borne by a private party; and

"(ii) apply other governmental financial purchase contributions in the calculation of net incremental cost.

"(5) PROHIBITION ON FEDERAL PARTICIPATION WITH RESPECT TO REQUIRED ACTIVITIES.—A Federal participation payment under this subsection may not be made to an entity to fund an obligation imposed under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other Federal law.".

SEC. 1503. WETLAND RESTORATION PILOT PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) surface transportation has unintended but negative consequences for wetlands and other water resources;

(2) in almost every State, construction and other highway activities have reduced or eliminated wetland functions and values, such as wildlife habitat, ground water recharge, flood control, and water quality benefits;

(3) the United States has lost more than ½ of the estimated 220,000,000 acres of wetlands that existed during colonial times; and

(4) while the rate of human-induced destruction and conversion of wetlands has slowed in recent years, the United States has suffered unacceptable wetland losses as a result of highway projects.

(b) ESTABLISHMENT.—The Secretary shall establish a national wetland restoration pilot program (referred to in this section as the "program") to fund mitigation projects to offset the degradation of wetlands, or the loss of functions and values of the aquatic resource, resulting from projects carried out before December 27, 1977, under title 23, United States Code (or similar projects as determined by the Secretary), for which mitigation has not been performed.

(c) APPLICATIONS.—To be eligible for funding under the program, a State shall submit an application to the Secretary that includes—

(1) a description of the wetland proposed to be restored by a mitigation project described in subsection (b) (referred to in this section as a "wetland restoration project") under the program (including the size and quality of the wetland);

(2) such information as is necessary to establish a nexus between—

(A) a project carried out under title 23, United States Code (or a similar project as determined by the Secretary); and

(B) the wetland values and functions proposed to be restored by the wetland restoration project;

(3) a description of the benefits expected from the proposed wetland restoration project (including improvement of water quality, improvement of wildlife habitat, ground water recharge, and flood control);

(4) a description of the State's level of commitment to the proposed wetland restoration project (including the monetary commitment of the State and any development of a State or regional conservation plan that includes the proposed wetland restoration); and

(5) the estimated total cost of the wetland restoration project.

(d) SELECTION OF WETLAND RESTORATION PROJECTS.—

(1) INTERAGENCY COUNCIL.—In consultation with the Secretary of the Army, the Secretary of the Interior, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, the Secretary shall establish an interagency advisory council to—

(A) review the submitted applications that meet the requirements of subsection (c); and

(B) not later than 60 days after the application deadline, select wetland restoration projects for funding under the program.

(2) SELECTION CRITERIA FOR PRIORITY WETLAND RESTORATION PROJECTS.—In consultation with the Secretary of the Army, the Secretary of the Interior, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, the Secretary shall give priority in funding under this section to wetland restoration projects that—

(A) provide for long-term monitoring and maintenance of wetland resources;

(B) are managed by an entity, such as a nature conservancy, with expertise in the long-term monitoring and protection of wetland resources; and

(C) have a high likelihood of success.

(e) REPORTS.—Not later than April 1, 2000, and April 1, 2003, the Secretary shall submit a report to Congress on the results of the program.

(f) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $12,000,000 for fiscal year 1998, $13,000,000 for fiscal year 1999, $14,000,000 for fiscal year 2000, $17,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, and $24,000,000 for fiscal year 2003.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

Subtitle F—Planning

SEC. 1601. METROPOLITAN PLANNING.

(a) IN GENERAL.—Section 134 of title 23, United States Code, is amended to read as follows:

"§ 134. Metropolitan planning

"(a) GENERAL REQUIREMENTS.—

"(1) FINDINGS.—Congress finds that it is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas, while minimizing transportation-related fuel consumption and air pollution.

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—To accomplish the objective stated in paragraph (1), metropolitan planning organizations designated under subsection (b), in cooperation with the State and public transit operators, shall develop transportation plans and programs for urbanized areas of the State.

"(3) CONTENTS.—The plans and programs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

"(4) PROCESS.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

"(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

"(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census); or

"(B) in accordance with procedures established by applicable State or local law.

"(2) REDESIGNATION.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(3) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

"(4) STRUCTURE.—Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area, when designated or redesignated under this subsection, shall consist of—

"(A) local elected officials;

"(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area (including all transportation agencies included in the metropolitan planning organization as of June 1, 1991); and

"(C) appropriate State officials.

"(5) OTHER AUTHORITY.—Nothing in this subsection interferes with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities to—

"(A) develop plans and programs for adoption by a metropolitan planning organization; or

"(B) develop long-range capital plans, coordinate transit services and projects, and carry out other activities under State law.

"(c) METROPOLITAN PLANNING AREA BOUNDARIES.—

"(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

"(2) INCLUDED AREA.—Each metropolitan planning area—

“(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period; and

“(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

“(3) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—Notwithstanding paragraph (2), in the case of an area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the boundaries of the metropolitan planning area in existence as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997, shall be retained, except that the boundaries may be adjusted by agreement of the affected metropolitan planning organizations and Governors in the manner described in subsection (b)(2).

“(4) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997 as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

“(A) shall be established by agreement between the appropriate units of general purpose local government (including the central city) and the Governor;

“(B) shall encompass at least the urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period;

“(C) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census; and

“(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

“(d) COORDINATION IN MULTISTATE AREAS.—

“(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

“(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

“(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

“(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

“(e) COORDINATION OF METROPOLITAN PLANNING ORGANIZATIONS.—If more than 1 metropolitan planning organization has authority within a metropolitan planning area or an area that is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each such metropolitan planning organization shall consult with the other metropolitan planning organizations designated for the area and the State in the development of plans and programs required by this section.

“(f) SCOPE OF PLANNING PROCESS.—The metropolitan transportation planning process for a metropolitan area under this section shall consider the following:

“(1) Supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.

“(2) Increasing the safety and security of the transportation system for motorized and nonmotorized users.

“(3) Increasing the accessibility and mobility options available to people and for freight.

“(4) Protecting and enhancing the environment, promoting energy conservation, and improving quality of life through land use planning.

“(5) Enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight.

“(6) Promoting efficient system management and operation.

“(7) Emphasizing the preservation of the existing transportation system.

“(g) DEVELOPMENT OF LONG-RANGE TRANSPORTATION PLAN.—

“(1) IN GENERAL.—

“(A) DEVELOPMENT.—In accordance with this subsection, each metropolitan planning organization shall develop, and update periodically, according to a schedule that the Secretary determines to be appropriate, a long-range transportation plan for its metropolitan area.

“(B) FORECAST PERIOD.—In developing long-range transportation plans, the metropolitan planning process shall address—

“(i) the considerations under subsection (f); and

“(ii) any State or local goals developed within the cooperative metropolitan planning process;

as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process.

“(C) FUNDING ESTIMATES.—For the purpose of developing the long-range transportation plan, the State shall consult with the metropolitan planning organization and each public transit agency in developing estimates of funds that are reasonably expected to be available to support plan implementation.

“(2) LONG-RANGE TRANSPORTATION PLAN.—A long-range transportation plan under this subsection shall, at a minimum, contain—

“(A) an identification of transportation facilities (including major roadways and transit, multimodal, and intermodal facilities) that should function as a future integrated transportation system, giving emphasis to those facilities that serve important national, regional, and metropolitan transportation functions;

“(B) an identification of transportation strategies necessary to—

“(i) ensure preservation, including requirements for management, operation, modernization, and rehabilitation, of the existing and future transportation system; and

“(ii) make the most efficient use of existing transportation facilities to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area; and

“(C) a financial plan that demonstrates how the long-range transportation plan can be implemented, indicates total resources from public and private sources that are reasonably expected to be available to carry out the plan (without any requirement for indicating project-specific funding sources), and recommends any additional financing strategies for needed projects and programs.

“(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a long-range transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

“(4) PARTICIPATION BY INTERESTED PARTIES.—Before adopting a long-range transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan.

“(5) PUBLICATION OF LONG-RANGE TRANSPORTATION PLAN.—Each long-range transportation plan prepared by a metropolitan planning organization shall be—

“(A) published or otherwise made readily available for public review; and

“(B) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

“(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

“(1) DEVELOPMENT.—

“(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

“(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

“(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

“(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

“(2) CONTENTS.—The transportation improvement program shall include—

“(A) a list, in order of priority, of proposed federally supported projects and strategies to be carried out within each 3-year-period after the initial adoption of the transportation improvement program; and

“(B) a financial plan that—

“(i) demonstrates how the transportation improvement program can be implemented;

“(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program (without any requirement for indicating project-specific funding sources); and

“(iii) identifies innovative financing techniques to finance projects, programs, and strategies (without any requirement for indicating project-specific funding sources).

“(3) INCLUDED PROJECTS.—

“(A) CHAPTER 1 AND CHAPTER 53 PROJECTS.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of this title shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of this title that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(i) by—

"(I) in the case of projects under chapter 1, the State; and

"(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project of higher priority in the program.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—

"(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and any affected public transit operator.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies.

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—In addition to the transportation improvement program development required under subsection (h)(1), all federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

"(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

"(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor.

"(C) EFFECT OF FAILURE TO CERTIFY.—

"(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

"(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

"(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

"(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated metropolitan transportation plan and program that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

"(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title or chapter 53 of title 49, in the case of a transportation management area classified as nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be programmed in the area for any highway project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project results from an approved congestion management system.

"(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

"(l) LIMITATION.—Nothing in this section confers on a metropolitan planning organization the authority to impose any legal requirement on any transportation facility, provider, or project not eligible for assistance under this title or chapter 53 of title 49.

"(m) FUNDING.—

"(1) IN GENERAL.—Funds set aside under section 104(f) of this title and section 5303 of title 49 shall be available to carry out this section.

"(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134 and inserting the following:

"134. Metropolitan planning.".

SEC. 1602. STATEWIDE PLANNING.

Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Statewide planning

"(a) GENERAL REQUIREMENTS.—

"(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight throughout each State.

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

"(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the intermodal transportation system of the United States.

"(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) SCOPE OF PLANNING PROCESS.—Each State shall carry out a transportation planning process that shall consider the following:

"(1) Supporting the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency.

"(2) Increasing the safety and security of the transportation system for motorized and nonmotorized users.

"(3) Increasing the accessibility and mobility options available to people and for freight.

"(4) Protecting and enhancing the environment, promoting energy conservation, and improving quality of life through land use planning.

"(5) Enhancing the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight.

"(6) Promoting efficient system management and operation.

"(7) Emphasizing the preservation of the existing transportation system.

"(c) Coordination With Metropolitan Planning; State Implementation Plan.—In carrying out planning under this section, a State shall—

"(1) coordinate the planning with the transportation planning activities carried out under section 134 for metropolitan areas of the State; and

"(2) carry out the responsibilities of the State for the development of the transportation portion of the State air quality implementation plan to the extent required by the Clean Air Act (42 U.S.C. 7401 et seq.).

"(d) Additional Requirements.—In carrying out planning under this section, each State shall, at a minimum, consider—

"(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

"(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

"(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

"(e) Long-Range Transportation Plan.—

"(1) Development.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(2) Consultation with governments.—

"(A) Metropolitan areas.—With respect to each metropolitan area in the State, the plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

"(B) Nonmetropolitan areas.—With respect to each nonmetropolitan area, the plan shall be developed in consultation with local elected officials representing units of general purpose local government.

"(C) Indian tribal areas.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) Participation by interested parties.—In developing the plan, the State shall—

"(A) provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

"(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

"(f) State Transportation Improvement Program.—

"(1) Development.—

"(A) In general.—The State shall develop a transportation improvement program for all areas of the State.

"(B) Consultation with governments.—

"(i) Metropolitan areas.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

"(ii) Nonmetropolitan areas.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with units of general purpose local government.

"(iii) Indian tribal areas.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(C) Participation by interested parties.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) Included projects.—

"(A) In general.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

"(B) Chapter 2 projects.—

"(i) Regionally significant projects.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually.

"(ii) Other projects.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually.

"(C) Consistency with long-range transportation plan.—Each project shall—

"(i) be consistent with the long-range transportation plan developed under this section for the State;

"(ii) be identical to the project as described in an approved metropolitan transportation improvement program; and

"(iii) be in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

"(D) Requirement of anticipated full funding.—

"(i) In general.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(ii) Limitation.—Clause (i) does not require the indication of project-specific funding sources.

"(E) Priorities.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this title.

"(3) Project selection for areas of less than 50,000 population.—

"(A) In general.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System) shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected local officials.

"(B) National highway system projects.—Projects carried out in areas described in subparagraph (A) on the National Highway System shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

"(4) Biennial review and approval.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section and section 134, approved not less frequently than biennially by the Secretary.

"(5) Modifications to project priority.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project of higher priority in the program.

"(g) Funding.—Funds set aside under section 505 of this title and section 5313(b) of title 49 shall be available to carry out this section.

"(h) Continuation of Current Review Practice.—Since plans and programs described in this section or section 134 are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section or section 134 shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 1603. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.

(a) Establishment.—The Secretary shall establish an advanced travel forecasting procedures program—

(1) to provide for completion of the advanced transportation model developed under the Transportation Analysis Simulation System (referred to in this section as "TRANSIMS"); and

(2) to provide support for early deployment of the advanced transportation modeling computer software and graphics package developed under TRANSIMS and the program established under this section to States, local governments, and metropolitan planning organizations with responsibility for travel modeling.

(b) Eligible Activities.—The Secretary shall use funds made available under this section to—

(1) provide funding for completion of core development of the advanced transportation model;

(2) develop user-friendly advanced transportation modeling computer software and graphics packages;

(3) provide training and technical assistance with respect to the implementation and application of the advanced transportation

model to States, local governments, and metropolitan planning organizations with responsibility for travel modeling; and

(4) allocate funds to not more than 12 entities described in paragraph (3), representing a diversity of populations and geographic regions, for a pilot program to enable transportation management areas designated under section 134(i) of title 23, United States Code, to convert from the use of travel forecasting procedures in use by the areas as of the date of enactment of this Act to the use of the advanced transportation model.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $4,000,000 for fiscal year 1998, $3,000,000 for fiscal year 1999, $6,500,000 for fiscal year 2000, $5,000,000 for fiscal year 2001, $4,000,000 for fiscal year 2002, and $2,500,000 for fiscal year 2003.

(2) ALLOCATION OF FUNDS.—

(A) FISCAL YEARS 1998 AND 1999.—For each of fiscal years 1998 and 1999, 100 percent of the funds made available under paragraph (1) shall be allocated to activities in described in paragraphs (1), (2), and (3) of subsection (b).

(B) FISCAL YEARS 2000 THROUGH 2003.—For each of fiscal years 2000 through 2003, not more than 50 percent of the funds made available under paragraph (1) may be allocated to activities described in subsection (b)(4).

(3) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of—

(A) any activity described in paragraph (1), (2), or (3) of subsection (b) shall not exceed 100 percent; and

(B) any activity described in subsection (b)(4) shall not exceed 80 percent.

SEC. 1604. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) ESTABLISHMENT.—In cooperation with appropriate State, regional, and local governments, the Secretary shall establish a comprehensive initiative to investigate and address the relationships between transportation and community and system preservation.

(b) RESEARCH.—

(1) IN GENERAL.—In cooperation with appropriate Federal agencies, State, regional, and local governments, and other entities eligible for assistance under subsection (d), the Secretary shall carry out a comprehensive research program to investigate the relationships between transportation, community preservation, and the environment.

(2) REQUIRED ELEMENTS.—The program shall provide for monitoring and analysis of projects carried out with funds made available to carry out subsections (c) and (d).

(c) PLANNING.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to plan, develop, and implement strategies to integrate transportation and community and system preservation plans and practices.

(2) PURPOSES.—The purposes of the allocations shall be—

(A) to improve the efficiency of the transportation system;

(B) to reduce the impacts of transportation on the environment;

(C) to reduce the need for costly future investments in public infrastructure; and

(D) to provide efficient access to jobs, services, and centers of trade.

(3) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) propose projects for funding that address the purposes described in paragraph (2);

(B) demonstrate a commitment to public involvement, including involvement of nontraditional partners in the project team; and

(C) demonstrate a commitment of non-Federal resources to the proposed projects.

(d) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

(2) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

(A) have instituted preservation or development plans and programs that—

(i) meet the requirements of title 23 and chapter 53 of title 49, United States Code; and

(ii) are—

(I) coordinated with adopted preservation or development plans; or

(II) intended to promote cost-effective and strategic investments in transportation infrastructure that minimize adverse impacts on the environment;

(B) have instituted other policies to integrate transportation and community and system preservation practices, such as—

(i) spending policies that direct funds to high-growth areas;

(ii) urban growth boundaries to guide metropolitan expansion;

(iii) "green corridors" programs that provide access to major highway corridors for areas targeted for efficient and compact development; or

(iv) other similar programs or policies as determined by the Secretary;

(C) have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment; and

(D) propose projects for funding that address the purposes described in subsection (c)(2).

(3) EQUITABLE DISTRIBUTION.—In allocating funds to carry out this subsection, the Secretary shall ensure the equitable distribution of funds to a diversity of populations and geographic regions.

(4) USE OF ALLOCATED FUNDS.—

(A) IN GENERAL.—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application to the Secretary.

(B) TYPES OF PROJECTS.—The allocation of funds shall be available for obligation for—

(i) any project eligible for funding under title 23 or chapter 53 of title 49, United States Code; or

(ii) any other activity relating to transportation and community and system preservation that the Secretary determines to be appropriate, including corridor preservation activities that are necessary to implement—

(I) transit-oriented development plans;

(II) traffic calming measures; or

(III) other coordinated transportation and community and system preservation practices.

(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $20,000,000 for each of fiscal years 1998 through 2003.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

Subtitle G—Technical Corrections

SEC. 1701. FEDERAL-AID SYSTEMS.

(a) IN GENERAL.—Section 103 of title 23, United States Code, is amended to read as follows:

"§ 103. Federal-aid systems

"(a) IN GENERAL.—For the purposes of this title, the Federal-aid systems are the Interstate System and the National Highway System.

"(b) NATIONAL HIGHWAY SYSTEM.—

"(1) DESCRIPTION.—The National Highway System consists of an interconnected system of major routes and connectors that—

"(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

"(B) meet national defense requirements; and

"(C) serve interstate and interregional travel.

"(2) COMPONENTS.—The National Highway System consists of the following:

"(A) The Interstate System described in subsection (c).

"(B) Other urban and rural principal arterial routes.

"(C) Other connector highways (including toll facilities) that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

"(D) A strategic highway network consisting of a network of highways that are important to the United States strategic defense policy and that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime. The highways may be highways on or off the Interstate System and shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(E) Major strategic highway network connectors consisting of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network. The highways shall be designated by the Secretary in consultation with appropriate Federal agencies and the States.

"(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 178,250 miles.

"(4) MODIFICATIONS TO NHS.—

"(A) IN GENERAL.—The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State or that is proposed by a State and revised by the Secretary if the Secretary determines that the modification—

"(i) meets the criteria established for the National Highway System under this title; and “(ii) enhances the national transportation characteristics of the National Highway System.

“(B) Cooperation.—

“(i) In general.—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

“(ii) Urbanized areas.—In an urbanized area, the local officials shall act through the metropolitan planning organization designated for the area under section 134.

“(c) Interstate System.—

“(1) Description.—

“(A) In general.—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico), consists of highways—

“(i) designed—

“(I) in accordance with the standards of section 109(b); or

“(II) in the case of highways in Alaska and Puerto Rico, in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway; and

“(ii) located so as—

“(I) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

“(II) to serve the national defense; and

“(III) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

“(B) Selection of routes.—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation agencies of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

“(2) Maximum mileage.—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

“(3) Modifications.—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

“(4) Interstate system designations.—

“(A) Additions.—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

“(B) Designations as future interstate system routes.—

“(i) In general.—If the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A), the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

“(ii) Written agreement of states.—A designation under clause (i) shall be made only upon the written agreement of the State or States described in that clause that the highway will be constructed to meet all standards of a highway on the Interstate System by the date that is 12 years after the date of the agreement.

“(iii) Removal of designation.—

“(I) In general.—If the State or States described in clause (i) have not substantially completed the construction of a highway designated under this subparagraph within the time provided for in the agreement between the Secretary and the State or States under clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

“(II) Effect of removal.—Removal of the designation of a highway under subclause (I) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

“(iv) Prohibition on referral as interstate system route.—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, nor shall any such highway be signed or marked, as a highway on the Interstate System until such time as the highway is constructed to the geometric and construction standards for the Interstate System and has been designated as a route on the Interstate System.

“(C) Financial responsibility.—

“(i) In general.—Except as provided in clause (ii), the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

“(ii) Certain highways.—Subject to section 119(b)(1)(B), a State may use funds available to the State under paragraphs (1) and (3) of section 104(b) for the resurfacing, restoration, rehabilitation, and reconstruction of a highway—

“(I) designated before March 9, 1984, as a route on the Interstate System under subparagraph (A) or as a future Interstate System route under subparagraph (B); or

“(II) designated under subparagraph (A) and located in Alaska or Puerto Rico.

“(d) Transfer of Interstate Construction Funds.—

“(1) Interstate construction funds not in surplus.—

“(A) In general.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997), if the amount does not exceed the Federal share of the costs of construction of segments of the Interstate System in the State included in the most recent Interstate System cost estimate.

“(B) Effect of transfer.—Upon transfer of an amount under subparagraph (A), the construction on which the amount is based, as included in the most recent Interstate System cost estimate, shall be ineligible for funding under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) or 104(k).

“(2) Surplus interstate construction funds.—Upon application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) any amount of surplus funds apportioned to the State under section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997), if the State has fully financed all work eligible under the most recent Interstate System cost estimate.

“(3) Applicability of certain laws.—Funds transferred under this subsection shall be subject to the laws (including regulations, policies, and procedures) relating to the apportionment to which the funds are transferred.

“(e) Unobligated Balances of Interstate Substitute Funds.—Unobligated balances of funds apportioned to a State under section 103(e)(4)(H) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) shall be available for obligation by the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on that date.”.

(b) Conforming Amendments.—

(1)(A) Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining “Interstate System” by striking “subsection (e) of section 103 of this title” and inserting “section 103(c)”.

(B) Section 104(f)(1) of title 23, United States Code, is amended by striking “, except that” and all that follows through “programs”.

(C) Section 115(a) of title 23, United States Code, is amended—

(i) in the subsection heading, by striking “Substitute,”; and

(ii) in paragraph (1)(A)(i), by striking “103(e)(4)(H),”;

(D) Section 118 of title 23, United States Code (as amended by section 1118(b)), is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e), (f), and (g) (as added by section 1103(d)) as subsections (c), (d), and (e), respectively.

(E) Section 129(b) of title 23, United States Code, is amended in the first sentence by striking “which has been” and all that follows through “and has not” and inserting “which is a public road and has not”.

(2)(A) Section 139 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 139.

(C) Section 119(a) of title 23, United States Code, is amended in the first sentence—

(i) by striking “sections 103 and 139(c) of this title” and inserting “section 103(c)(1) and, in Alaska and Puerto Rico, under section 103(c)(4)(A)”; and

(ii) by striking “section 139 (a) and (b) of this title” and inserting “subparagraphs (A) and (B) of section 103(c)(4)”.

(D) Section 127(f) of title 23, United States Code, is amended by striking “section 139(a)” and inserting “section 103(c)(4)(A)”.

(E) Section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597) is amended by striking subparagraph (B) and inserting the following:

“(B) Treatment of segments.—Subject to subparagraph (C), segments designated as parts of the Interstate System under this paragraph shall be treated in the same manner as segments designated under section 103(c)(4)(A) of title 23, United States Code.”.

SEC. 1702. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) Definitions and Declaration of Policy.—

(1) Creation of policy section.—Section 102 of title 23, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 102. Declaration of policy";

(B) by redesignating subsection (a) as subsection (c) and moving that subsection to the end of section 146; and

(C) by redesignating subsection (b) as subsection (f) and moving that subsection to the end of section 118 (as amended by section 1701(b)(1)(D)(ii)).

(2) Transfer of policy provisions.—Section 101 of title 23, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 101. Definitions";

(B) in subsection (a), by striking "(a)";

(C) by striking subsection (b); and

(D) by redesignating subsections (c) through (e) as subsections (a) through (c), respectively, and moving those subsections to section 102 (as amended by paragraph (1)).

(3) Conforming amendments.—

(A) The analysis for chapter 1 of title 23, United States Code, is amended by striking the items relating to sections 101 and 102 and inserting the following:

"101. Definitions.
"102. Declaration of policy.".

(B) Section 47107(j)(1)(B) of title 49, United States Code, is amended by striking "section 101(a)" and inserting "section 101".

(b) Advance Construction.—Section 115 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "Projects" and all that follows through "When a State" and inserting "Projects.—When a State";

(B) by striking paragraphs (2) and (3); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately;

(2) by striking subsection (c);

(3) in subsection (d), by striking "section 135(f)" and inserting "section 135"; and

(4) by redesignating subsection (d) as subsection (c).

(c) Maintenance.—Section 116 of title 23, United States Code, is amended—

(1) in subsection (a), by striking the second sentence;

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in the first sentence, by striking "he" and inserting "the Secretary"; and

(B) in the second sentence, by striking "further projects" and inserting "further expenditure of Federal-aid highway program funds"; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(d) Interstate Maintenance Program.—Section 119(a) of title 23, United States Code, is amended in the first sentence by striking "the date of enactment of this sentence" and inserting "March 9, 1984".

(e) Advances to States.—Section 124 of title 23, United States Code, is amended—

(1) by striking "(a)"; and

(2) by striking subsection (b).

(f) Diversion.—

(1) In general.—Section 126 of title 23, United States Code, is repealed.

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 126.

(g) Railway-Highway Crossings.—Section 130(f) of title 23, United States Code, is amended by striking "Apportionment" and all that follows through the first sentence and inserting "Federal Share.—".

(h) Surface Transportation Program.—Section 133(a) of title 23, United States Code, is amended by striking "Establishment.—The Secretary shall establish" and inserting "In General.—The Secretary shall carry out".

(i) Control of Junkyards.—Section 136 of title 23, United States Code, is amended by striking subsection (m) and inserting the following:

"(m) Primary System Defined.—For purposes of this section, the term 'primary system' means the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

(j) Fringe and Corridor Parking Facilities.—Section 137(a) of title 23, United States Code, is amended in the first sentence by striking "on the Federal-aid urban system" and inserting "on a Federal-aid highway".

(k) Nondiscrimination.—Section 140 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "subsection (a) of section 105 of this title," and inserting "section 106(a),";

(B) by striking "he" each place it appears and inserting "the Secretary";

(C) in the second sentence, by striking "He" and inserting "The Secretary";

(D) in the third sentence, by striking "In approving programs for projects on any of the Federal-aid systems," and inserting "Before approving any project under section 106(a),"; and

(E) in the last sentence, by striking "him" and inserting "the Secretary";

(2) by striking subsection (b);

(3) in the subsection heading of subsection (d), by striking "and Contracting"; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(l) Priority Primary Routes.—

(1) In general.—Section 147 of title 23, United States Code, is repealed.

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 147.

(m) Development of a National Scenic and Recreational Highway.—

(1) In general.—Section 148 of title 23, United States Code, is repealed.

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 148.

(n) Hazard Elimination Program.—Section 152(e) of title 23, United States Code, is amended by striking "apportioned to" in the first sentence and all that follows through "shall be" in the second sentence.

(o) Access Highways to Public Recreation Areas on Certain Lakes.—

(1) In general.—Section 155 of title 23, United States Code, is repealed.

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 155.

SEC. 1703. NONDISCRIMINATION.

(a) In General.—Section 324 of title 23, United States Code, is amended—

(1) by inserting "(d) Prohibition of Discrimination on the Basis of Sex.—" before "No person"; and

(2) by moving subsection (d) (as designated by paragraph (1)) to the end of section 140 (as amended by section 1702(k)).

(b) Conforming Amendments.—

(1) Section 324 of title 23, United States Code, is repealed.

(2) The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 324.

SEC. 1704. STATE TRANSPORTATION DEPARTMENT.

(a) In General.—Section 302 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a)";

(B) by striking the second sentence; and

(C) by adding at the end the following: "Compliance with this section shall have no effect on the eligibility of costs."; and

(2) by striking subsection (b).

(b) Conforming Amendments.—

(1) Title 23, United States Code, is amended—

(A) by striking "State highway department" each place it appears and inserting "State transportation department"; and

(B) by striking "State highway departments" each place it appears and inserting "State transportation departments".

(2) The analysis for chapter 3 of title 23, United States Code, is amended in the item relating to section 302 by striking "highway" and inserting "transportation".

(3) Section 302 of title 23, United States Code, is amended in the section heading by striking "**highway**" and inserting "**transportation**".

(4) Section 410(h)(5) of title 23, United States Code, is amended in the paragraph heading by striking "HIGHWAY" and inserting "TRANSPORTATION".

(5) Section 201(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking "State highway department" and inserting "State transportation department".

(6) Section 138(c) of the Surface Transportation Assistance Act of 1978 (40 U.S.C. App. note to section 201 of the Appalachian Regional Development Act of 1965; Public Law 95–599) is amended in the first sentence by striking "State highway department" and inserting "State transportation department".

Subtitle H—Miscellaneous Provisions

SEC. 1801. DESIGNATION OF PORTION OF STATE ROUTE 17 IN NEW YORK AND PENNSYLVANIA AS INTERSTATE ROUTE 86.

(a) In General.—Subject to subsection (b)(2), notwithstanding section 103(c), the portion of State Route 17 located between the junction of State Route 17 and Interstate Route 87 in Harriman, New York, and the junction of State Route 17 and Interstate Route 90 near Erie, Pennsylvania, is designated as Interstate Route 86.

(b) Substandard Features.—

(1) Upgrading.—Each segment of State Route 17 described in subsection (a) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) Designation.—Each segment of State Route 17 that on the date of enactment of this Act is not at least 4 lanes wide, separated by a median, access-controlled, and grade-separated shall—

(A) be designated as a future Interstate System route; and

(B) become part of Interstate Route 86 at such time as the Secretary determines that the segment substantially meets the Interstate System design standards described in paragraph (1).

(c) Treatment of Route.—

(1) Mileage limitation.—The mileage of Interstate Route 86 designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) FEDERAL FINANCIAL RESPONSIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the designation of Interstate Route 86 under subsection (a) shall not create increased Federal financial responsibility with respect to the designated Route.

(B) USE OF CERTAIN FUNDS.—A State may use funds available to the State under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated Route.

TITLE II—RESEARCH AND TECHNOLOGY

Subtitle A—Research and Training

SEC. 2001. STRATEGIC RESEARCH PLAN.

Subtitle III of title 49, United States Code, is amended—

(1) in the table of chapters, by inserting after the item relating to chapter 51 the following:

“52. RESEARCH AND DEVELOPMENT ... 5201”;

and

(2) by inserting after chapter 51 the following:

“CHAPTER 52—RESEARCH AND DEVELOPMENT

“Sec.
“5201. Definitions.

“SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

“5211. Transactional authority.

“SUBCHAPTER II—STRATEGIC PLANNING

“5221. Strategic planning.
“5222. Authorization of contract authority.

“SUBCHAPTER III—MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM

“5231. Multimodal Transportation Research and Development Program.
“5232. Authorization of contract authority.

“SUBCHAPTER IV—NATIONAL UNIVERSITY TRANSPORTATION CENTERS

“5241. National university transportation centers.

“§ 5201. Definitions

“In this chapter:

“(1) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“SUBCHAPTER I—GENERAL AND ADMINISTRATIVE PROVISIONS

“§ 5211. Transactional authority

“To further the objectives of this chapter, the Secretary may make grants to, and enter into contracts, cooperative agreements, and other transactions with—

“(1) any person or any agency or instrumentality of the United States;

“(2) any unit of State or local government;

“(3) any educational institution; and

“(4) any other entity.

“SUBCHAPTER II—STRATEGIC PLANNING

“§ 5221. Strategic planning

“(a) AUTHORITY.—The Secretary shall establish a strategic planning process to—

“(1) determine national transportation research, development, and technology deployment priorities, strategies, and milestones over the next 5 years;

“(2) coordinate Federal transportation research, development, and technology deployment activities; and

“(3) measure the impact of the research, development, and technology investments described in paragraph (2) on the performance of the transportation system of the United States.

“(b) CRITERIA.—In developing strategic plans for intermodal, multimodal, and mode-specific research, development, and technology deployment, the Secretary shall consider the need to—

“(1) coordinate and integrate Federal, regional, State, and metropolitan planning research, development, and technology activities in urban and rural areas;

“(2) promote standards that facilitate a seamless and interoperable transportation system;

“(3) encourage innovation;

“(4) identify and facilitate initiatives and partnerships to deploy technology with the potential for improving transportation systems during the next 5-year and 10-year periods;

“(5) identify core research to support the long-term transportation technology and system needs of urban and rural areas of the United States, including safety;

“(6) ensure the ability of the United States to compete on a global basis; and

“(7) provide a means of assessing the impact of Federal research and technology investments on the performance of the transportation system of the United States.

“(c) IMPLEMENTATION.—

“(1) IN GENERAL.—In carrying out subsection (a), the Secretary shall adopt such policies and procedures as are appropriate—

“(A) to provide for integrated planning, coordination, and consultation among the Administrators of the operating administrations of the Department and other Federal officials with responsibility for research, development, and technology transfer important to national transportation needs;

“(B) to promote the exchange of information on transportation-related research and development activities among the operating elements of the Department, other Federal departments and agencies, State and local governments, colleges and universities, industry, and other private and public sector organizations engaged in the activities;

“(C) to ensure that the research and development programs of the Department do not duplicate other Federal and, to the maximum extent practicable, private sector research and development programs; and

“(D) to ensure that the research and development activities of the Department—

“(i) make appropriate use of the talents, skills, and abilities at the Federal laboratories; and

“(ii) leverage, to the maximum extent practicable, the research, development, and technology transfer capabilities of institutions of higher education and private industry.

“(2) CONSULTATION.—The procedures and policies adopted under paragraph (1) shall include consultation with State officials and members of the private sector.

“(d) REPORTS.—

“(1) IN GENERAL.—Concurrent with the submission to Congress of the budget of the President for each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the strategic plans, goals, and milestones developed under subsections (a) and (b) to help guide research, development, and technology transfer activities during the 5-year period beginning on the date of the report.

“(2) COMPARISON TO PREVIOUS REPORT.—The report shall include a delineation of the progress made with respect to each of the plans, goals, and milestones specified in the previous report.

“(3) PROHIBITION ON OBLIGATION FOR FAILURE TO SUBMIT REPORT.—Beginning on the date of the submission to Congress of the budget of the President for fiscal year 2000, and on the date of the submission for each fiscal year thereafter, none of the funds made available under this chapter or chapter 5 of title 23 may be obligated until the report required under paragraph (1) for that fiscal year is submitted.

“§ 5222. Authorization of contract authority

“(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $1,500,000 for each of fiscal years 1998 through 2003.

“(b) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, except that—

“(1) any Federal share of the cost of an activity under this subchapter shall be determined in accordance with this subchapter; and

“(2) the funds shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.

“(c) USE OF UNALLOCATED FUNDS.—To the extent that the amounts made available for any fiscal year under subsection (a) exceed the amounts used to carry out section 5221 for the fiscal year, the excess amounts—

“(1) shall be apportioned in accordance with section 104(b)(3) of title 23;

“(2) shall be considered to be sums made available for expenditure on the surface transportation program, except that the amounts shall not be subject to section 133(d) of that title; and

“(3) shall be available for any purpose eligible for funding under section 133 of that title.”.

SEC. 2002. MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM.

Chapter 52 of title 49, United States Code (as added by section 2001), is amended by adding at the end the following:

“SUBCHAPTER III—MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM

“§ 5231. Multimodal Transportation Research and Development Program

“(a) ESTABLISHMENT.—The Secretary shall establish a program to be known as the ‘Multimodal Transportation Research and Development Program’.

“(b) PURPOSES.—The purposes of the Multimodal Transportation Research and Development Program are to—

“(1) enhance the capabilities of Federal agencies to meet national transportation needs, as defined by the missions of the agencies, through support for long-term and applied research and development that would benefit the various modes of transportation, including research and development in safety, security, mobility, energy and the environment, information and physical infrastructure, and industrial design;

“(2) identify and apply innovative research performed by the Federal Government, academia, and the private sector to the intermodal and multimodal transportation research, development, and deployment needs of the Department and the transportation enterprise of the United States;

“(3) identify and leverage research, technologies, and other information developed by the Federal Government for national defense and nondefense purposes for the benefit of the public, commercial, and defense transportation sectors; and

"(4) share information and analytical and research capabilities among the Federal Government, State and local governments, colleges and universities, and private organizations to advance their ability to meet their transportation research, development, and deployment needs.

"(c) PROCESS FOR CONSULTATION.—To advise the Secretary in establishing priorities within the Program, the Secretary shall establish a process for consultation among the Administrators of the operating administrations of the Department and other Federal officials with responsibility for research.

"§5232. Authorization of contract authority

"(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $2,500,000 for each of fiscal years 1998 through 2003.

"(b) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, except that—

"(1) any Federal share of the cost of an activity under this subchapter shall be determined in accordance with this subchapter; and

"(2) the funds shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.".

SEC. 2003. NATIONAL UNIVERSITY TRANSPORTATION CENTERS.

(a) IN GENERAL.—Chapter 52 of title 49, United States Code (as amended by section 2002), is amended by adding at the end the following:

"SUBCHAPTER IV—NATIONAL UNIVERSITY TRANSPORTATION CENTERS

"§5241. National university transportation centers

"(a) IN GENERAL.—The Secretary shall make grants to, or enter into contracts with, the nonprofit institutions of higher learning selected under section 5317 (as in effect on the day before the date of enactment of this section)—

"(1) to operate 1 university transportation center in each of the 10 Federal administrative regions that comprise the Standard Federal Regional Boundary System; and

"(2) to continue operation of university transportation centers at the Mack-Blackwell National Rural Transportation Study Center, the National Center for Transportation and Industrial Productivity, the Institute for Surface Transportation Policy Studies, the Urban Transit Institute at the University of South Florida, the National Center for Advanced Transportation Technology, and the University of Alabama Transportation Research Center.

"(b) ADDITIONAL CENTERS.—

"(1) IN GENERAL.—The Secretary may make grants to nonprofit institutions of higher learning to establish and operate not more than 4 additional university transportation centers to address—

"(A) transportation management, research, and development, with special attention to increasing the number of highly skilled minority individuals and women entering the transportation workforce;

"(B) transportation and industrial productivity;

"(C) rural transportation;

"(D) advanced transportation technology;

"(E) international transportation policy studies;

"(F) transportation infrastructure technology;

"(G) urban transportation research;

"(H) transportation and the environment;

"(I) surface transportation safety; or

"(J) infrastructure finance studies.

"(2) SELECTION CRITERIA.—

"(A) APPLICATION.—A nonprofit institution of higher learning that desires to receive a grant under paragraph (1) shall submit an application to the Secretary in such manner and containing such information as the Secretary may require.

"(B) SELECTION OF RECIPIENTS.—The Secretary shall select each grant recipient under paragraph (1) on the basis of—

"(i) the demonstrated research and extension resources available to the recipient to carry out this section;

"(ii) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-term transportation problems;

"(iii) the establishment by the recipient of a surface transportation program that encompasses several modes of transportation;

"(iv) the demonstrated ability of the recipient to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program;

"(v) the strategic plan that the recipient proposes to carry out using the grant funds; and

"(vi) the extent to which private funds have been committed to a university and public-private partnerships established to fulfill the objectives specified in paragraph (1).

"(c) OBJECTIVES.—Each university transportation center shall use grant funds under subsection (a) or (b) to carry out—

"(1) multimodal basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation;

"(2) an education program that includes multidisciplinary course work and participation in research; and

"(3) an ongoing program of technology transfer that makes research results available to potential users in a form that can be readily implemented, used, or otherwise applied.

"(d) MAINTENANCE OF EFFORT.—Before making a grant under subsection (a) or (b), the Secretary shall require the grant recipient to enter into an agreement with the Secretary to ensure that the recipient will maintain, during the period of the grant, a level of total expenditures from all other sources for establishing and operating a university transportation center and carrying out related research activities that is at least equal to the average level of those expenditures in the 2 fiscal years of the recipient prior to the award of a grant under subsection (a) or (b).

"(e) ADDITIONAL GRANTS AND CONTRACTS.—

"(1) GRANTS OR CONTRACTS.—In addition to grants under subsection (a) or (b), the Secretary may make grants to, or enter into contracts with, university transportation centers without the need for a competitive process.

"(2) USE OF GRANTS OR CONTRACTS.—A noncompetitive grant or contract under paragraph (1) shall be used for transportation research, development, education, or training consistent with the strategic plan approved as part of the selection process for the center.

"(f) FEDERAL SHARE.—The Federal share of the cost of establishing and operating a university transportation center and carrying out related research activities under this section shall be not more than 50 percent.

"(g) PROGRAM COORDINATION.—

"(1) IN GENERAL.—The Secretary shall—

"(A) coordinate research, education, training, and technology transfer activities carried out by grant recipients under this section;

"(B) disseminate the results of the research; and

"(C) establish and operate a clearinghouse for disseminating the results of the research.

"(2) REVIEW AND EVALUATION.—

"(A) IN GENERAL.—Not less often than annually, the Secretary shall review and evaluate programs carried out by grant recipients under this section.

"(B) NOTIFICATION OF DEFICIENCIES.—In carrying out subparagraph (A), if the Secretary determines that a university transportation center is deficient in meeting the objectives of this section, the Secretary shall notify the grant recipient operating the center of each deficiency and provide specific recommendations of measures that should be taken to address the deficiency.

"(C) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to a grant recipient under subparagraph (B) with respect to a center, the Secretary determines that the recipient has not corrected each deficiency identified under subparagraph (B), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination—

"(i) disqualify the university transportation center from further participation under this section; and

"(ii) make a grant for the establishment of a new university transportation center, in lieu of the disqualified center, under subsection (a) or (b), as applicable.

"(3) FUNDING.—The Secretary may use not more than 1 percent of Federal funds made available under this section to carry out this subsection.

"(h) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $12,000,000 for each of fiscal years 1998 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be made available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.

"(3) TECHNOLOGY TRANSFER ACTIVITIES.—For each fiscal year, not less than 5 percent of the amounts made available to carry out this section shall be available to carry out technology transfer activities.

"(I) LIMITATION ON AVAILABILITY OF FUNDS.—Funds authorized under this section shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which the funds are authorized.".

(b) CONFORMING AMENDMENTS.—

(1) Sections 5316 and 5317 of title 49, United States Code, are repealed.

(2) The analysis for chapter 53 of title 49, United States Code, is amended by striking the items relating to sections 5316 and 5317.

SEC. 2004. BUREAU OF TRANSPORTATION STATISTICS.

(a) In General.—Section 111 of title 49, United States Code, is amended—

(1) in subsection (b)(4), by striking the second sentence;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (J), by striking "and" at the end;

(ii) in subparagraph (K), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(L) transportation-related variables that influence global competitiveness.";

(B) in paragraph (2)—

(i) in the first sentence, by striking "national transportation system" and inserting "transportation systems of the United States";

(ii) by striking subparagraph (A) and inserting the following:

"(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the transportation systems of the United States under the Government Performance and Results Act of 1993 (Public Law 103-62) and the amendments made by that Act;"; and

(iii) in subparagraph (C), by inserting ", made relevant to the States and metropolitan planning organizations," after "accuracy";

(C) in paragraph (3), by adding at the end the following: "The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103-62), and the amendments made by that Act, and shall carry out such other reviews of the sources and reliability of other data collected by the heads of the operating administrations of the Department as shall be requested by the Secretary."; and

(D) by adding at the end the following:

"(7) Supporting transportation decisionmaking.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisionmaking by the Federal Government, State and local governments, transportation-related associations, private businesses, and consumers.";

(3) by redesignating subsections (d), (e), and (f) as subsections (h), (i), and (j), respectively;

(4) by striking subsection (g);

(5) by inserting after subsection (c) the following:

"(d) Transportation Data Base.—

"(1) In general.—In consultation with the Associate Deputy Secretary, the Assistant Secretaries, and the heads of the operating administrations of the Department of Transportation, the Director shall establish and maintain a transportation data base for all modes of transportation.

"(2) Use.—The data base shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

"(3) Contents.—The data base shall include—

"(A) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation and intermodal combinations, and by relevant classification;

"(B) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes) and intermodal combinations, and by relevant classification;

"(C) information on the location and connectivity of transportation facilities and services; and

"(D) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

"(e) National Transportation Library.—

"(1) In general.—The Director shall establish and maintain a National Transportation Library, which shall contain a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(2) Access.—The Bureau shall facilitate and promote access to the Library, with the goal of improving the ability of the transportation community to share information and the ability of the Bureau to make statistics readily accessible under subsection (c)(5).

"(3) Coordination.—The Bureau shall work with other transportation libraries and other transportation information providers, both public and private, to achieve the goal specified in paragraph (2).

"(f) National Transportation Atlas Data Base.—

"(1) In general.—The Director shall develop and maintain geospatial data bases that depict—

"(A) transportation networks;

"(B) flows of people, goods, vehicles, and craft over the networks; and

"(C) social, economic, and environmental conditions that affect or are affected by the networks.

"(2) Intermodal network analysis.—The data bases shall be able to support intermodal network analysis.

"(g) Research and Development Grants.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State departments of transportation, metropolitan planning organizations, and institutions of higher education) for—

"(1) investigation of the subjects specified in subsection (c)(1) and research and development of new methods of data collection, management, integration, dissemination, interpretation, and analysis;

"(2) development of electronic clearinghouses of transportation data and related information, as part of the National Transportation Library under subsection (e); and

"(3) development and improvement of methods for sharing geographic data, in support of the national transportation atlas data base under subsection (f) and the National Spatial Data Infrastructure developed under Executive Order No. 12906.";

(6) by striking subsection (i) (as redesignated by paragraph (3)) and inserting the following:

"(i) Prohibition on Certain Disclosures.—

"(1) In general.—An officer or employee of the Bureau may not—

"(A) make any disclosure in which the data provided by an individual or organization under subsection (c)(2) can be identified;

"(B) use the information provided under subsection (c)(2) for a nonstatistical purpose; or

"(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under subsection (c)(2).

"(2) Prohibition on requests for certain data.—

"(A) Government agencies.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this section) may require, for any reason, a copy of any report that has been filed under subsection (c)(2) with the Bureau or retained by an individual respondent.

"(B) Courts.—Any copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of its employees, contractors, or agents—

"(i) shall be immune from legal process; and

"(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

"(C) Applicability.—This paragraph shall apply only to information that permits information concerning an individual or organization to be reasonably inferred by direct or indirect means.

"(3) Data collected for nonstatistical purposes.—In a case in which the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, so as to inform a respondent that is requested or required to supply the data or information of the nonstatistical purpose.";

(7) in subsection (j) (as redesignated by paragraph (3)), by striking "On or before January 1, 1994, and annually thereafter, the" and inserting "The"; and

(8) by adding at the end the following:

"(k) Study.—

"(1) In general.—The Director shall carry out a study—

"(A) to measure the ton-miles and value-miles of international trade traffic carried by highway for each State;

"(B) to evaluate the accuracy and reliability of such measures for use in the formula for highway apportionments;

"(C) to evaluate the accuracy and reliability of the use of diesel fuel data as a measure of international trade traffic by State; and

"(D) to identify needed improvements in long-term data collection programs to provide accurate and reliable measures of international traffic for use in the formula for highway apportionments.

"(2) Basis for evaluations.—The study shall evaluate the accuracy and reliability of measures for use as formula factors based on statistical quality standards developed by the Bureau in consultation with the Committee on National Statistics of the National Academy of Sciences.

"(3) Report.—Not later than 3 years after the date of enactment of this subsection, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study carried out under paragraph (1), including recommendations for changes in law necessary to implement the identified needs for improvements in long-term data collection programs.

"(l) Proceeds of Data Product Sales.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products, for necessary expenses incurred, may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for the expenses.

"(m) Authorization of Contract Authority.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $26,000,000 for fiscal year 1998, $27,000,000 for fiscal year 1999, $28,000,000 for fiscal year 2000, $29,000,000 for fiscal year 2001, $30,000,000 for fiscal year 2002, and $31,000,000 for fiscal year 2003, except that not more than $500,000 for each fiscal year may be made available to carry out subsection (g).

"(2) AVAILABILITY.—Funds authorized under this subsection shall remain available for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(3) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23.".

(b) CONFORMING AMENDMENTS.—Section 5503 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 2005. RESEARCH AND TECHNOLOGY PROGRAM.

Title 23, United States Code, is amended—

(1) in the table of chapters, by adding at the end the following:

"5. Research and Technology .... 501";

and

(2) by adding at the end the following:

"CHAPTER 5—RESEARCH AND TECHNOLOGY

"SUBCHAPTER I—RESEARCH AND TRAINING

"Sec.
"501. Definition of safety.
"502. Research and technology program.
"503. Advanced research program.
"504. Long-term pavement performance program.
"505. State planning and research program.
"506. Education and training.
"507. International highway transportation outreach program.
"508. National technology deployment initiatives and partnerships program.
"509. Infrastructure investment needs report.
"510. Innovative bridge research and construction program.
"511. Study of future strategic highway research program.
"512. Transportation and environment cooperative research program.

"SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEMS

"521. Purposes.
"522. Definitions.
"523. Cooperation, consultation, and analysis.
"524. Research, development, and training.
"525. Intelligent transportation system integration program.
"526. Integration program for rural areas.
"527. Commercial vehicle intelligent transportation system infrastructure.
"528. Corridor development and coordination.
"529. Standards.
"530. Funding limitations.
"531. Use of innovative financing.
"532. Advisory committees.

"SUBCHAPTER III—FUNDING

"541. Funding.

"SUBCHAPTER I—RESEARCH AND TRAINING

"§501. Definition of safety

"In this chapter, the term 'safety' includes highway and traffic safety systems, research and development relating to vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

"§502. Research and technology program

"(a) GENERAL AUTHORITY AND COLLABORATIVE AGREEMENTS.—

"(1) AUTHORITY OF THE SECRETARY.—

"(A) IN GENERAL.—The Secretary—

"(i) shall carry out research, development, and technology transfer activities with respect to—

"(I) motor carrier transportation;

"(II) all phases of transportation planning and development (including construction, operation, modernization, development, design, maintenance, safety, financing, and traffic conditions); and

"(III) the effect of State laws on the activities described in subclauses (I) and (II); and

"(ii) may test, develop, or assist in testing and developing any material, invention, patented article, or process.

"(B) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

"(i) independently;

"(ii) in cooperation with other Federal departments, agencies, and instrumentalities; or

"(iii) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, or any State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

"(C) TECHNICAL INNOVATION.—The Secretary shall develop and carry out programs to facilitate the application of such products of research and technical innovations as will improve the safety, efficiency, and effectiveness of the transportation system.

"(D) FUNDS.—

"(i) IN GENERAL.—Except as otherwise specifically provided in other sections of this chapter—

"(I) to carry out this subsection, the Secretary shall use—

"(aa) funds made available under section 541 for research, technology, and training; and

"(bb) such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose; and

"(II) the funds described in item (aa) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) USE OF FUNDS.—The Secretary shall use funds described in clause (i) to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this section.

"(2) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State.

"(B) AGREEMENTS.—In carrying out this paragraph, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).

"(C) FEDERAL SHARE.—

"(i) IN GENERAL.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this paragraph shall not exceed 50 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

"(ii) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in clause (i).

"(D) USE OF TECHNOLOGY.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this paragraph, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(3) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this chapter.

"(b) MANDATORY ELEMENTS OF PROGRAM.—The Secretary shall include in the surface transportation research, development, and technology transfer programs under this subsection and as specified elsewhere in this title—

"(1) a coordinated long-term program of research for the development, use, and dissemination of performance indicators to measure the performance of the surface transportation systems of the United States, including indicators for productivity, efficiency, energy use, air quality, congestion, safety, maintenance, and other factors that reflect the overall performance of the system; and

"(2) a program to strengthen and expand surface transportation infrastructure research, development, and technology transfer, which shall include, at a minimum—

"(A) methods and materials for improving the durability of surface transportation infrastructure facilities and extending the life of bridge structures, including new and innovative technologies to reduce corrosion;

"(B) a research and development program directed toward the reduction of costs, and the mitigation of impacts, associated with the construction of highways and mass transit systems;

"(C) a surface transportation research program to develop nondestructive evaluation equipment for use with existing infrastructure facilities and with next-generation infrastructure facilities that use advanced materials;

"(D)(i) information technology, including appropriate computer programs to collect and analyze data on the status of infrastructure facilities described in subparagraph (C) with respect to enhancing management, growth, and capacity; and

"(ii) dynamic simulation models of surface transportation systems for—

"(I) predicting capacity, safety, and infrastructure durability problems;

"(II) evaluating planned research projects; and

"(III) testing the strengths and weaknesses of proposed revisions to surface transportation operation programs;

"(E) new innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of structures;

"(F) initiatives to improve the ability of the United States to respond to emergencies and natural disasters and to enhance national defense mobility; and

"(G) an evaluation of traffic calming measures that promote community preservation, transportation mode choice, and safety.

"(c) Report on Goals, Milestones, and Accomplishments.—The goals, milestones, and accomplishments relevant to each of the mandatory program elements described in subsection (b) shall be specified in the report required under section 5221(d) of title 49.".

SEC. 2006. ADVANCED RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as added by section 2005), is amended by adding at the end the following:

"§ 503. Advanced research program

"(a) Establishment.—

"(1) In general.—The Secretary shall establish an advanced research program within the Federal Highway Administration to address longer-term, higher-risk research that shows potential benefits for improving the durability, mobility, efficiency, environmental impact, productivity, and safety of transportation systems.

"(2) Development of partnerships.—In carrying out the program, the Secretary shall attempt to develop partnerships with the public and private sectors.

"(b) Grants, Cooperative Agreements, and Contracts.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts for advanced research.

"(c) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for fiscal year 1998, $7,000,000 for fiscal year 1999, $9,000,000 for fiscal year 2000, and $10,000,000 for each of fiscal years 2001 through 2003.

"(2) Contract authority.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of any activity funded under this subsection shall be determined by the Secretary.".

SEC. 2007. LONG-TERM PAVEMENT PERFORMANCE PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2006), is amended by adding at the end the following:

"§ 504. Long-term pavement performance program

"(a) Authority.—The Secretary shall complete the long-term pavement performance program tests initiated under the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section) and continued by the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) through the midpoint of a planned 20-year life of the long-term pavement performance program (referred to in this section as the 'program').

"(b) Grants, Cooperative Agreements, and Contracts.—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

"(1) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

"(2) analyze the data obtained in carrying out paragraph (1); and

"(3) prepare products to fulfill program objectives and meet future pavement technology needs.

"(c) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $15,000,000 for each of fiscal years 1998 through 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(A) the Federal share of the cost of any activity funded under this section shall be determined by the Secretary; and

"(B) the funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.".

SEC. 2008. STATE PLANNING AND RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2007), is amended by adding at the end the following:

"§ 505. State planning and research program

"(a) In General.—

"(1) Availability of funds.—Two percent of the sums apportioned for fiscal year 1998 and each fiscal year thereafter to any State under section 104 (except section 104(f)) and any transfers or additions to the surface transportation program under section 133 shall be available for expenditure by the State transportation department, in consultation with the Secretary, in accordance with this section.

"(2) Use of funds.—The sums referred to in paragraph (1) shall be available only for—

"(A) intermodal metropolitan, statewide, and nonmetropolitan planning under sections 134 and 135;

"(B) development and implementation of management systems referred to in section 303;

"(C) studies, research, development, and technology transfer activities necessary for the planning, design, construction, management, operation, maintenance, regulation, and taxation of the use of surface transportation systems, including training and accreditation of inspection and testing on engineering standards and construction materials for the systems; and

"(D) studies of the economy, safety, and convenience of surface transportation usage and the desirable regulation and equitable taxation of surface transportation usage.

"(b) Minimum Expenditures on Studies, Research, Development, and Technology Transfer Activities.—

"(1) In general.—For each fiscal year, not less than 25 percent of the funds of a State that are subject to subsection (a) shall be expended by the State transportation department for studies, research, development, and technology transfer activities described in subparagraphs (C) and (D) of subsection (a)(2) unless the State certifies to the Secretary for the fiscal year that the total expenditures by the State transportation department for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of the funds and the Secretary accepts the certification.

"(2) Exemption from small business assessment.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

"(c) Federal Share.—The Federal share of the cost of a project financed with funds referred to in subsection (a) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

"(d) Administration of Funds.—Funds referred to in subsection (a) shall be combined and administered by the Secretary as a single fund, which shall be available for obligation for the same period as funds apportioned under section 104(b)(1).".

SEC. 2009. EDUCATION AND TRAINING.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2008), is amended by adding at the end the following:

"§ 506. Education and training

"(a) Local Technical Assistance Program.—

"(1) Authority.—The Secretary shall carry out a transportation assistance program that will provide access to modern highway technology to—

"(A) highway and transportation agencies in urbanized areas with populations of between 50,000 and 1,000,000 individuals;

"(B) highway and transportation agencies in rural areas; and

"(C) contractors that do work for the agencies.

"(2) Grants, cooperative agreements, and contracts.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services that will—

"(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

"(i) develop and expand their expertise in road and transportation areas (including pavement, bridge, safety management systems, and traffic safety countermeasures);

"(ii) improve roads and bridges;

"(iii) enhance—

"(I) programs for the movement of passengers and freight; and

"(II) intergovernmental transportation planning and project selection; and

"(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

"(B) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems;

"(C) operate, in cooperation with State transportation departments and universities—

"(i) local technical assistance program centers to provide transportation technology transfer services to rural areas and to urbanized areas with populations of between 50,000 and 1,000,000 individuals; and

"(ii) local technical assistance program centers designated to provide transportation technical assistance to Indian tribal governments; and

"(D) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

"(3) Authorization of contract authority.—

"(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $7,000,000 for fiscal year 1998, $7,000,000 for fiscal year 1999, $7,000,000 for fiscal year 2000, $8,000,000 for fiscal year 2001, $8,000,000 for fiscal year 2002, and $8,000,000 for fiscal year 2003 to be used to develop and administer the program established under this section and to provide technical and financial support for the centers operated under paragraph (2)(C).

"(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(i) the Federal share of the cost of any activity under this subsection shall be determined by the Secretary; and

"(ii) the funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(b) NATIONAL HIGHWAY INSTITUTE.—

"(1) ESTABLISHMENT; DUTIES; PROGRAMS.—

"(A) ESTABLISHMENT.—The Secretary shall establish and operate in the Federal Highway Administration a National Highway Institute (referred to in this subsection as the 'Institute').

"(B) DUTIES.—

"(i) INSTITUTE.—In cooperation with State transportation departments, United States industry, and any national or international entity, the Institute shall develop and administer education and training programs of instruction for—

"(I) Federal Highway Administration, State, and local transportation agency employees;

"(II) regional, State, and metropolitan planning organizations;

"(III) State and local police, public safety, and motor vehicle employees; and

"(IV) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

"(ii) SECRETARY.—The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

"(C) TYPES OF PROGRAMS.—Programs that the Institute may develop and administer may include courses in modern developments, techniques, methods, regulations, management, and procedures relating to—

"(i) surface transportation;

"(ii) environmental factors;

"(iii) acquisition of rights-of-way;

"(iv) relocation assistance;

"(v) engineering;

"(vi) safety;

"(vii) construction;

"(viii) maintenance;

"(ix) operations;

"(x) contract administration;

"(xi) motor carrier activities;

"(xii) inspection; and

"(xiii) highway finance.

"(2) SET ASIDE; FEDERAL SHARE.—Not to exceed ¼ of 1 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding travel, subsistence, or salaries) in connection with the education and training of employees of State and local transportation agencies in accordance with this subsection.

"(3) FEDERAL RESPONSIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this subsection may be provided—

"(i) by the Secretary at no cost to the States and local governments if the Secretary determines that provision at no cost is in the public interest; or

"(ii) by the State through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

"(B) PAYMENT OF FULL COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training received by them unless the Secretary determines that a lower cost is of critical importance to the public interest.

"(4) TRAINING FELLOWSHIPS; COOPERATION.—The Institute may—

"(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and

"(B) carry out its authority independently or in cooperation with any other branch of the Federal Government or any State agency, authority, association, institution, for-profit or nonprofit corporation, other national or international entity, or other person.

"(5) COLLECTION OF FEES.—

"(A) GENERAL RULE.—In accordance with this subsection, the Institute may assess and collect fees solely to defray the costs of the Institute in developing or administering education and training programs under this subsection.

"(B) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner that may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount that does not exceed the aggregate amount of the costs referred to in subparagraph (A) for the fiscal year.

"(C) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

"(i) persons and entities for whom education or training programs are developed or administered under this subsection; and

"(ii) persons and entities to whom education or training is provided under this subsection.

"(D) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

"(E) USE.—All fees collected under this subsection shall be used to defray costs associated with the development or administration of education and training programs authorized under this subsection.

"(6) FUNDING.—

"(A) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $5,000,000 for fiscal year 1998, $5,000,000 for fiscal year 1999, $5,000,000 for fiscal year 2000, $6,000,000 for fiscal year 2001, $6,000,000 for fiscal year 2002, and $6,000,000 for fiscal year 2003.

"(B) RELATION TO FEES.—The funds provided under this paragraph may be combined with or held separate from the fees collected under paragraph (5).

"(C) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(i) the Federal share of the cost of any activity under this subsection shall be determined by the Secretary; and

"(ii) the funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(7) CONTRACTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this subsection.

"(c) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

"(1) GENERAL AUTHORITY.—The Secretary, acting independently or in cooperation with other Federal departments, agencies, and instrumentalities, may make grants for fellowships for any purpose for which research, technology, or capacity building is authorized under this chapter.

"(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

"(A) IN GENERAL.—The Secretary shall carry out a transportation fellowship program, to be known as the 'Dwight David Eisenhower Transportation Fellowship Program', for the purpose of attracting qualified students to the field of transportation.

"(B) TYPES OF FELLOWSHIPS.—The program shall offer fellowships at the junior through postdoctoral levels of college education.

"(C) CITIZENSHIP.—Each recipient of a fellowship under the program shall be a United States citizen.

"(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $2,000,000 for each of fiscal years 1998 through 2003.

"(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(i) the Federal share of the cost of any activity funded under this subsection shall be determined by the Secretary; and

"(ii) the funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.

"(d) HIGHWAY CONSTRUCTION TRAINING PROGRAMS.—

"(1) USE OF FUNDS BY THE SECRETARY.—

"(A) IN GENERAL.—The Secretary, in cooperation with any other department or agency of the Federal Government, State agency, authority, association, institution, Indian tribal government, for-profit or nonprofit corporation, or other organization or person, may—

"(i) develop, conduct, and administer highway construction and technology training, including skill improvement, programs; and

"(ii) develop and fund Summer Transportation Institutes.

"(B) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into by the Secretary under this subsection.

"(C) FUNDING.—

"(i) IN GENERAL.—Before making apportionments under section 104(b) for a fiscal year, the Secretary shall deduct such sums as the Secretary determines are necessary, but not to exceed $10,000,000 for each fiscal year, to carry out this subsection.

"(ii) AVAILABILITY.—Sums deducted under clause (i) shall remain available until expended.

"(2) USE OF FUNDS APPORTIONED TO STATES.—Notwithstanding any other provision of law, upon request of a State transportation department to the Secretary, not to exceed ½ of 1 percent of the funds apportioned to the State for a fiscal year under paragraphs (1) and (3) of section 104(b) may be made available to carry out this subsection.

"(3) Reservation of training positions for individuals receiving welfare assistance.—In carrying out this subsection, the Secretary and States may reserve training positions for individuals who receive welfare assistance from a State.".

SEC. 2010. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

(a) In General.—Title 23, United States Code, is amended—

(1) by redesignating section 325 as section 507;

(2) by moving that section to appear at the end of subchapter I of chapter 5 (as amended by section 2009);

(3) in subsection (a) of that section, by inserting ", goods, and services" after "expertise"; and

(4) by striking subsection (c) of that section and inserting the following:

"(c) Use of Funds.—

"(1) Funds deposited in special account.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person in a special account for the program established under this section with the Secretary of the Treasury.

"(2) Use of funds.—The funds deposited in the special account and other funds available to carry out this section shall be available to pay the cost of any activity eligible under this section, including the cost of promotional materials, travel, reception and representation expenses, and salaries and benefits of officers and employees of the Department of Transportation.

"(3) Reimbursements.—Reimbursements for the salaries and benefits of Federal Highway Administration employees who provide services under this section shall be credited to the special account.

"(d) Eligible Use of State Planning and Research Funds.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 505 for any activity authorized under subsection (a).".

(b) Conforming Amendment.—The analysis for chapter 3 of title 23, United States Code, is amended by striking the item relating to section 325.

SEC. 2011. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVES AND PARTNERSHIPS PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2010), is amended by adding at the end the following:

"§ 508. National technology deployment initiatives and partnerships program

"(a) Establishment.—The Secretary shall develop and administer a national technology deployment initiatives and partnerships program (referred to in this section as the 'program').

"(b) Purpose.—The purpose of the program is to significantly accelerate the adoption of innovative technologies by the surface transportation community.

"(c) Deployment Goals.—

"(1) Establishment.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish not more than 5 deployment goals to carry out subsection (a).

"(2) Design.—Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits, with respect to transportation systems, in the areas of efficiency, safety, reliability, service life, environmental protection, or sustainability.

"(3) Strategies for achievement.—For each goal, the Secretary, in cooperation with representatives of the transportation community such as States, local governments, the private sector, and academia, shall use domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology and mechanisms for sharing information among program participants.

"(d) Continuation of SHRP Partnerships.—Under the program, the Secretary shall continue the partnerships established through the strategic highway research program established under section 307(d) (as in effect on the day before the date of enactment of this section).

"(e) Grants, Cooperative Agreements, and Contracts.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to stimulate advances in transportation technology, including—

"(1) the testing and evaluation of products of the strategic highway research program;

"(2) the further development and implementation of technology in areas such as the Superpave system and the use of lithium salts to prevent and mitigate alkali silica reactivity; and

"(3) the provision of support for long-term pavement performance product implementation and technology access.

"(f) Reports.—Not later than 18 months after the date of enactment of this section, and biennially thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress and results of activities carried out under this section.

"(g) Funding.—

"(1) Authorization of contract authority.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $50,000,000 for each of fiscal years 1998 through 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(A) the Federal share of the cost of any activity under this section shall be determined by the Secretary; and

"(B) the funds shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(3) Allocation.—To the extent appropriate to achieve the goals established under subsection (c), the Secretary may further allocate funds made available under this subsection to States for their use.".

SEC. 2012. INFRASTRUCTURE INVESTMENT NEEDS REPORT.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2011), is amended by adding at the end the following:

"§ 509. Infrastructure investment needs report

"Not later than January 31, 1999, and January 31 of every second year thereafter, the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on estimates of the future highway and bridge needs of the United States.".

SEC. 2013. INNOVATIVE BRIDGE RESEARCH AND CONSTRUCTION PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2012), is amended by adding at the end the following:

"§ 510. Innovative bridge research and construction program

"(a) In General.—The Secretary shall establish and carry out a program to demonstrate the application of innovative material technology in the construction of bridges and other structures.

"(b) Goals.—The goals of the program shall include—

"(1) the development of new, cost-effective innovative material highway bridge applications;

"(2) the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges;

"(3) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

"(4) the development of engineering design criteria for innovative products and materials for use in highway bridges and structures; and

"(5) the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges.

"(c) Grants, Cooperative Agreements, and Contracts.—

"(1) In general.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with—

"(A) States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials; and

"(B) States to pay the Federal share of the cost of repair, rehabilitation, replacement, and new construction of bridges or structures that demonstrates the application of innovative materials.

"(2) Grants.—

"(A) Applications.—

"(i) Submission.—To receive a grant under this section, an entity described in paragraph (1) shall submit an application to the Secretary.

"(ii) Contents.—The application shall be in such form and contain such information as the Secretary may require.

"(B) Approval criteria.—The Secretary shall select and approve applications for grants under this section based on whether the project that is the subject of the grant meets the goals of the program described in subsection (b).

"(d) Technology and Information Transfer.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from research conducted under subsection (c) is made available to State and local transportation departments and other interested parties as specified by the Secretary.

"(e) Federal Share.—The Federal share of the cost of a project under this section shall be determined by the Secretary.

"(f) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

"(A) to carry out subsection (c)(1)(A) $1,000,000 for each of fiscal years 1998 through 2003; and

"(B) to carry out subsection (c)(1)(B)—

"(i) $10,000,000 for fiscal year 1998;

"(ii) $15,000,000 for fiscal year 1999;

"(iii) $17,000,000 for fiscal year 2000; and

"(iv) $20,000,000 for each of fiscal years 2001 through 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be made available for obligation in the same manner as if the funds were apportioned under chapter 1, except that the Federal share of the cost of a project under this section shall be determined in accordance with this section.".

SEC. 2014. USE OF BUREAU OF INDIAN AFFAIRS ADMINISTRATIVE FUNDS.

Section 204(b) of title 23, United States Code, is amended in the last sentence by striking "326" and inserting "506".

SEC. 2015. STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2013), is amended by adding at the end the following:

"§511. Study of future strategic highway research program

"(a) STUDY.—

"(1) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, the Transportation Research Board of the National Academy of Sciences (referred to in this section as the 'Board') to conduct a study to determine the goals, purposes, research agenda and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under section 307(d) (as in effect on the day before the date of enactment of this section), or a similar effort.

"(2) CONSULTATION.—In conducting the study, the Board shall consult with the American Association of State Highway and Transportation Officials and such other entities as the Board determines to be necessary to the conduct of the study.

"(b) REPORT.—Not later than 2 years after making a grant or entering into a cooperative agreement or contract under subsection (a), the Board shall submit a final report on the results of the study to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.".

SEC. 2016. JOINT PARTNERSHIPS FOR ADVANCED VEHICLES, COMPONENTS, AND INFRASTRUCTURE PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 3 of subtitle I of title 49, United States Code, is amended by adding at the end the following:

"§310. Joint partnerships for advanced vehicles, components, and infrastructure program

"(a) PURPOSES.—The Secretary of Transportation, in coordination with other government agencies and private consortia, shall encourage and promote the research, development, and deployment of transportation technologies that will use technological advances in multimodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient and cost-effective national transportation system.

"(b) DEFINITION OF ELIGIBLE CONSORTIUM.—In this section, the term 'eligible consortium' means a consortium that receives funding under the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1876), and that comprises 2 or more of the following entities:

"(1) Businesses incorporated in the United States.

"(2) Public or private educational or research organizations located in the United States.

"(3) Entities of State or local governments in the United States.

"(4) Federal laboratories.

"(c) PROGRAM.—The Secretary shall enter into contracts, cooperative agreements, and other transactions as authorized by section 2371 of title 10 with, and make grants to, eligible consortia to promote the development and deployment of innovation in transportation technology services, management, and operational practices.

"(d) ELIGIBILITY CRITERIA.—To be eligible to receive assistance under this section, an eligible consortium shall—

"(1) for a period of not less than the 3 years preceding the date of a contract, cooperative agreement, or other transaction, be organized on a statewide or multistate basis for the purpose of designing, developing, and deploying transportation technologies that address identified technological impediments in the transportation field;

"(2) facilitate the participation in the consortium of small- and medium-sized businesses, utilities, public laboratories and universities, and other relevant entities;

"(3) be actively engaged in transportation technology projects that address compliance in nonattainment areas under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(4) be designed to use Federal and State funding to attract private capital in the form of grants or investments to carry out this section; and

"(5) ensure that at least 50 percent of the funding for the consortium project will be provided by non-Federal sources.

"(e) PROPOSALS.—The Secretary shall prescribe such terms and conditions as the Secretary determines to be appropriate for the content and structure of proposals submitted for assistance under this section.

"(f) REPORTING REQUIREMENTS.—At least once each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, to remain available until expended.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 3 of subtitle I of title 49, United States Code, is amended by adding at the end the following:

"310. Joint partnerships for advanced vehicles, components, and infrastructure program.".

SEC. 2017. TRANSPORTATION AND ENVIRONMENT COOPERATIVE RESEARCH PROGRAM.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2015), is amended by adding at the end the following:

"§512. Transportation and environment cooperative research program

"(a) IN GENERAL.—The Secretary shall establish and carry out a transportation and environment cooperative research program.

"(b) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, the Secretary shall establish an advisory board to recommend environmental and energy conservation research, technology, and technology transfer activities related to surface transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation and environmental agencies;

"(B) transportation and environmental scientists and engineers; and

"(C) representatives of metropolitan planning organizations, transit operating agencies, and environmental organizations.

"(3) DEVELOPMENT OF RESEARCH PRIORITIES.—In developing recommendations for priorities for research described in paragraph (1), the advisory board shall consider the research recommendations of the National Research Council report entitled 'Environmental Research Needs in Transportation'.

"(4) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

"(c) NATIONAL ACADEMY OF SCIENCES.—

"(1) IN GENERAL.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities related to the research, technology, and technology transfer activities described in subsection (b)(1) as the Secretary determines to be appropriate.

"(2) ECOSYSTEM INTEGRITY STUDY.—

"(A) IN GENERAL.—The Secretary shall give priority to conducting a study of, and preparing a report on, the relationship between highway density and ecosystem integrity, including an analysis of the habitat-level impacts of highway density on the overall health of ecosystems.

"(B) PROPOSAL OF RAPID ASSESSMENT METHODOLOGY.—To aid transportation and regulatory agencies, the report shall propose a rapid assessment methodology for determining the relationship between highway density and ecosystem integrity.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1998 through 2003.".

SEC. 2018. CONFORMING AMENDMENTS.

(a) Sections 307, 321, and 326 of title 23, United States Code, are repealed.

(b) The analysis for chapter 3 of title 23, United States Code, is amended by striking the items relating to sections 307, 321, and 326.

(c) Section 115(a)(1)(A)(i) of title 23, United States Code, is amended by striking "or 307" and inserting "or 505".

(d) Section 151(d) of title 23, United States Code, is amended by striking "section 307(a)," and inserting "section 506,".

(e) Section 106 of Public Law 89–564 (23 U.S.C. 403 note) is amended in the third sentence by striking "sections 307 and 403 of title 23, United States Code," and inserting "section 403 and chapter 5 of title 23, United States Code,".

Subtitle B—Intelligent Transportation Systems

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the "Intelligent Transportation Systems Act of 1997".

SEC. 2102. FINDINGS.

Congress finds that—

(1) numerous studies conducted on behalf of the Department of Transportation document that investment in intelligent transportation systems offers substantial benefits in relationship to costs;

(2) as a result of the investment authorized by the Intelligent Transportation Systems

Act of 1991 (23 U.S.C. 307 note; 105 Stat. 2189), progress has been made on each of the goals set forth for the national intelligent transportation system program in section 6052(b) of that Act; and

(3) continued investment by the Department of Transportation is needed to complete implementation of those goals.

SEC. 2103. INTELLIGENT TRANSPORTATION SYSTEMS.

Chapter 5 of title 23, United States Code (as added by section 2005), is amended by adding at the end the following:

"SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEMS

"§ 521. Purposes

"The purposes of this subchapter are—

"(1) to expedite deployment and integration of basic intelligent transportation system services for consumers of passenger and freight transportation across the United States;

"(2) to encourage the use of intelligent transportation systems to enhance international trade and domestic economic productivity;

"(3) to encourage the use of intelligent transportation systems to promote the achievement of national environmental goals;

"(4) to continue research, development, testing, and evaluation activities to continually expand the state-of-the-art in intelligent transportation systems;

"(5) to provide financial and technical assistance to State and local governments and metropolitan planning organizations to ensure the integration of interoperable, intermodal, and cost-effective intelligent transportation systems;

"(6) to foster regional cooperation, standards implementation, and operations planning to maximize the benefits of integrated and coordinated intelligent transportation systems;

"(7) to promote the consideration of intelligent transportation systems in mainstream transportation planning and investment decisionmaking by ensuring that Federal and State transportation officials have adequate, working knowledge of intelligent transportation system technologies and applications and by ensuring comprehensive funding eligibility for the technologies and applications;

"(8) to encourage intelligent transportation system training for, and technology transfer to, State and local agencies;

"(9) to promote the deployment of intelligent transportation system services in rural America so as to achieve safety benefits, promote tourism, and improve quality of life;

"(10) to promote the innovative use of private resources, such as through public-private partnerships or other uses of private sector investment, to support the development and integration of intelligent transportation systems throughout the United States;

"(11) to complete the Federal investment in the Commercial Vehicle Information Systems and Networks by September 30, 2003;

"(12) to facilitate intermodalism through deployment of intelligent transportation systems, including intelligent transportation system technologies for transit systems to improve safety, efficiency, capacity, and utility for the public;

"(13) to enhance the safe operation of motor vehicles, including motorcycles, and nonmotorized vehicles on the surface transportation systems of the United States, with a particular emphasis on decreasing the number and severity of collisions; and

"(14) to accommodate the needs of all users of the surface transportation systems of the United States, including the operators of commercial vehicles, passenger vehicles, and motorcycles.

"§ 522. Definitions

"In this subchapter:

"(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term 'Commercial Vehicle Information Systems and Networks' means the information systems and communications networks that support commercial vehicle operations.

"(2) COMMERCIAL VEHICLE OPERATIONS.—The term 'commercial vehicle operations'—

"(A) means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods, including hazardous materials, and passengers; and

"(B) with respect to the public sector, includes the issuance of operating credentials, the administration of motor vehicle and fuel taxes, and roadside safety and border crossing-inspection and regulatory compliance operations.

"(3) COMPLETED STANDARD.—The term 'completed standard' means a standard adopted and published by the appropriate standards-setting organization through a voluntary consensus standardmaking process.

"(4) CORRIDOR.—The term 'corridor' means any major transportation route that includes parallel limited access highways, major arterials, or transit lines.

"(5) INTELLIGENT TRANSPORTATION SYSTEM.—The term 'intelligent transportation system' means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

"(6) NATIONAL ARCHITECTURE.—The term 'national architecture' means the common framework for interoperability adopted by the Secretary that defines—

"(A) the functions associated with intelligent transportation system user services;

"(B) the physical entities or subsystems within which the functions reside;

"(C) the data interfaces and information flows between physical subsystems; and

"(D) the communications requirements associated with the information flows.

"(7) PROVISIONAL STANDARD.—The term 'provisional standard' means a provisional standard established by the Secretary under section 529(c).

"(8) STANDARD.—The term 'standard' means a document that—

"(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

"(B) may support the national architecture and promote—

"(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

"(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

"§ 523. Cooperation, consultation, and analysis

"(a) COOPERATION.—In carrying out this subchapter, the Secretary shall—

"(1) foster enhanced operation and management of the surface transportation systems of the United States;

"(2) promote the widespread deployment of intelligent transportation systems; and

"(3) advance emerging technologies, in cooperation with State and local governments and the private sector.

"(b) CONSULTATION.—As appropriate, in carrying out this subchapter, the Secretary shall—

"(1) consult with the heads of other interested Federal departments and agencies; and

"(2) maximize the involvement of the United States private sector, colleges and universities, and State and local governments in all aspects of carrying out this subchapter.

"(c) PROCUREMENT METHODS.—To meet the need for effective implementation of intelligent transportation system projects, the Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for intelligent transportation system projects, including innovative and nontraditional methods of procurement.

"§ 524. Research, development, and training

"(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, operational testing, technical assistance and training, national architecture activities, standards development and implementation, and other similar activities that are necessary to carry out the purposes of this subchapter.

"(b) INTELLIGENT VEHICLE AND INTELLIGENT INFRASTRUCTURE PROGRAMS.—

"(1) IN GENERAL.—

"(A) PROGRAM.—The Secretary shall carry out a program to conduct research, development, and engineering designed to stimulate and advance deployment of an integrated intelligent vehicle program and an integrated intelligent infrastructure program, consisting of—

"(i) projects such as crash avoidance, automated highway systems, advanced vehicle controls, and roadway safety and efficiency systems linked to intelligent vehicles; and

"(ii) projects that improve mobility and the quality of the environment, including projects for traffic management, incident management, transit management, toll collection, traveler information, and traffic control systems.

"(B) CONSIDERATION OF VEHICLE AND INFRASTRUCTURE ELEMENTS.—In carrying out subparagraph (A), the Secretary may consider systems that include both vehicle and infrastructure elements and determine the most appropriate mix of those elements.

"(2) NATIONAL ARCHITECTURE.—The program carried out under paragraph (1) shall be consistent with the national architecture.

"(3) PRIORITIES.—In carrying out paragraph (1), the Secretary shall give higher priority to activities that—

"(A) assist motor vehicle drivers in avoiding motor vehicle crashes;

"(B) assist in the development of an automated highway system; or

"(C) improve the integration of air bag technology with other on-board safety systems and maximize the safety benefits of the simultaneous use of an automatic restraint system and seat belts.

"(4) COST SHARING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the cost of a research project carried out in cooperation with a non-Federal entity under a program carried out under paragraph (1) shall not exceed 80 percent.

"(B) Innovative or high-risk research projects.—The Federal share of the cost of an innovative or high-risk research project described in subparagraph (A) may, at the discretion of the Secretary, be 100 percent.

"(5) Plan.—The Secretary shall—

"(A) not later than 1 year after the date of enactment of this subchapter, submit to Congress a 6-year plan specifying the goals, objectives, and milestones to be achieved by each program carried out under paragraph (1); and

"(B) report biennially to Congress on the progress in meeting the goals, objectives, and milestones.

"(c) Evaluation.—

"(1) Guidelines and requirements.—

"(A) In general.—The Secretary shall establish guidelines and requirements for the independent evaluation of field and related operational tests, and, if necessary, deployment projects, carried out under this subchapter.

"(B) Required provisions.—The guidelines and requirements established under subparagraph (A) shall include provisions to ensure the objectivity and independence of the evaluator so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subchapter.

"(2) Funding.—

"(A) Small projects.—In the case of a test or project with a cost of less than $5,000,000, the Secretary may allocate not more than 15 percent of the funds made available to carry out the test or project for an evaluation of the test or project.

"(B) Moderate projects.—In the case of a test or project with a cost of $5,000,000 or more, but less than $10,000,000, the Secretary may allocate not more than 10 percent of the funds made available to carry out the test or project for an evaluation of the test or project.

"(C) Large projects.—In the case of a test or project with a cost of $10,000,000 or more, the Secretary may allocate not more than 5 percent of the funds made available to carry out the test or project for an evaluation of the test or project.

"(3) Inapplicability of paperwork reduction act.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the evaluation of any test or program assessment activity under this subchapter shall not be subject to chapter 35 of title 44.

"(d) Information Clearinghouse.—

"(1) In general.—The Secretary shall—

"(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subchapter; and

"(B) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

"(2) Delegation of authority.—

"(A) In general.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity not within the Department of Transportation.

"(B) Federal assistance.—If the Secretary delegates the responsibility, the entity to which the responsibility is delegated shall be eligible for Federal assistance under this section.

"(e) Traffic Incident Management and Response.—The Secretary shall carry out a program to advance traffic incident management and response technologies, strategies, and partnerships that are fully integrated with intelligent transportation systems.

"(f) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $120,000,000 for fiscal year 1998, $125,000,000 for fiscal year 1999, $130,000,000 for fiscal year 2000, $135,000,000 for fiscal year 2001, $140,000,000 for fiscal year 2002, and $150,000,000 for fiscal year 2003, of which, for each fiscal year—

"(A) not less than $25,000,000 shall be available for activities that assist motor vehicle drivers in avoiding motor vehicle crashes, including activities that improve the integration of air bag technology with other onboard safety systems;

"(B) not less than $25,000,000 shall be available for activities that assist in the development of an automated highway system; and

"(C) not less than $3,000,000 shall be available for traffic incident management and response.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.

"§ 525. Intelligent transportation system integration program

"(a) In General.—The Secretary shall conduct a comprehensive program (referred to in this section as the 'program') to accelerate the integration and interoperability of intelligent transportation systems.

"(b) Selection of Projects.—

"(1) In general.—Under the program, the Secretary shall select for funding, through competitive solicitation, projects that will serve as models to improve transportation efficiency, promote safety, increase traffic flow, reduce emissions of air pollutants, improve traveler information, or enhance alternative transportation modes.

"(2) Priorities.—Under the program, the Secretary shall give higher priority to funding projects that—

"(A) promote and foster integration strategies and written agreements among local governments, States, and other regional entities;

"(B) build on existing (as of the date of project selection) intelligent transportation system projects;

"(C) deploy integrated intelligent transportation system projects throughout metropolitan areas;

"(D) deploy integrated intelligent transportation system projects that enhance safe freight movement or coordinate intermodal travel, including intermodal travel at ports of entry into the United States; and

"(E) advance intelligent transportation system deployment projects that are consistent with the national architecture and, as appropriate, comply with required standards as described in section 529.

"(c) Private Sector Involvement.—In carrying out the program, the Secretary shall encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships.

"(d) Financing and Operations Plans.—As a condition of receipt of funds under the program, a recipient participating in a project shall submit to the Secretary a multiyear financing and operations plan that describes how the project can be cost-effectively operated and maintained.

"(e) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $100,000,000 for fiscal year 1998, $110,000,000 for fiscal year 1999, $115,000,000 for fiscal year 2000, $130,000,000 for fiscal year 2001, $135,000,000 for fiscal year 2002, and $145,000,000 for fiscal year 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that, in the case of a project funded under paragraph (1)—

"(A) the Federal share of the cost of the project payable from funds made available under paragraph (1) shall not exceed 50 percent; and

"(B) the total Federal share of the cost of the project payable from all eligible sources (including paragraph (1)) shall not exceed 80 percent.

"§ 526. Integration program for rural areas

"(a) In General.—The Secretary shall conduct a comprehensive program (referred to in this section as the 'program') to accelerate the integration or deployment of intelligent transportation systems in rural areas.

"(b) Selection of Projects.—Under the program, the Secretary shall—

"(1) select projects through competitive solicitation; and

"(2) give higher priority to funding projects that—

"(A) promote and foster integration strategies and agreements among local governments, States, and other regional entities;

"(B) deploy integrated intelligent transportation system projects that improve mobility, enhance the safety of the movement of passenger vehicles and freight, or promote tourism; or

"(C) advance intelligent transportation system deployment projects that are consistent with the national architecture and comply with required standards as described in section 529.

"(c) Private Sector Involvement.—In carrying out the program, the Secretary shall encourage private sector involvement and financial commitment, to the maximum extent practicable, through innovative financial arrangements, especially public-private partnerships.

"(d) Financing and Operations Plans.—As a condition of receipt of funds under the program, a recipient participating in a project shall submit to the Secretary a multiyear financing and operations plan that describes how the project can be cost-effectively operated and maintained

"(e) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $10,000,000 for fiscal year 1998, $10,000,000 for fiscal year 1999, $15,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, and $20,000,000 for fiscal year 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that, in the case of a project funded under paragraph (1)—

"(A) the Federal share of the cost of the project payable from funds made available under paragraph (1) shall not exceed 50 percent; and

"(B) the total Federal share of the cost of the project payable from all eligible sources (including paragraph (1)) shall not exceed 80 percent.

"§ 527. Commercial vehicle intelligent transportation system infrastructure

"(a) IN GENERAL.—The Secretary shall carry out a comprehensive program—

"(1) to deploy intelligent transportation systems that will promote the safety and productivity of commercial vehicles and drivers; and

"(2) to reduce costs associated with commercial vehicle operations and State and Federal commercial vehicle regulatory requirements.

"(b) ELEMENTS OF PROGRAM.—

"(1) SAFETY INFORMATION SYSTEMS AND NETWORKS.—

"(A) IN GENERAL.—The program shall advance the technological capability and promote the deployment of commercial vehicle, commercial driver, and carrier-specific safety information systems and networks and other intelligent transportation system technologies used to assist States in identifying high-risk commercial operations and in conducting other innovative safety strategies, including the Commercial Vehicle Information Systems and Networks.

"(B) FOCUS OF PROJECTS.—Projects assisted under the program shall focus on—

"(i) identifying and eliminating unsafe and illegal carriers, vehicles, and drivers in a manner that does not unduly hinder the productivity and efficiency of safe and legal commercial operations;

"(ii) enhancing the safe passage of commercial vehicles across the United States and across international borders;

"(iii) reducing the numbers of violations of out-of-service orders; and

"(iv) complying with directives to address other safety violations.

"(2) MONITORING SYSTEMS.—The program shall advance on-board driver and vehicle safety monitoring systems, including fitness-for-duty, brake, and other operational monitoring technologies, that will facilitate commercial vehicle safety, including inspection by motor carrier safety assistance program officers and employees under chapter 311 of title 49.

"(c) USE OF FEDERAL FUNDS.—

"(1) IN GENERAL.—Federal funds used to carry out the program shall be primarily used to improve—

"(A) commercial vehicle safety and the effectiveness and efficiency of enforcement efforts conducted under the motor carrier safety assistance program under chapter 311 of title 49;

"(B) electronic processing of registration, driver licensing, fuel tax, and other safety information; and

"(C) communication of the information described in subparagraph (B) among the States.

"(2) LEVERAGING.—Federal funds used to carry out the program shall, to the maximum extent practicable—

"(A) be leveraged with non-Federal funds; and

"(B) be used for activities not carried out through the use of private funds.

"(d) FEDERAL SHARE.—The Federal share of the cost of a project assisted under the program shall be not more than 80 percent.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $25,000,000 for fiscal year 1998, $25,000,000 for fiscal year 1999, $25,000,000 for fiscal year 2000, $35,000,000 for fiscal year 2001, $35,000,000 for fiscal year 2002, and $40,000,000 for fiscal year 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that, in the case of a project funded under paragraph (1)—

"(A) the Federal share of the cost of the project payable from funds made available under paragraph (1) shall not exceed 50 percent; and

"(B) the total Federal share of the cost of the project payable from all eligible sources (including paragraph (1)) shall not exceed 80 percent.

"§ 528. Corridor development and coordination

"(a) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements intended to promote regional cooperation, planning, and shared project implementation for intelligent transportation system projects.

"(b) FUNDING.—There shall be available to carry out this section for each fiscal year not more than—

"(1) $3,000,000 of the amounts made available under section 524(f); and

"(2) $7,000,000 of the amounts made available under section 525(e).

"§ 529. Standards

"(a) IN GENERAL.—

"(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—The Secretary shall develop, implement, and maintain a national architecture and supporting standards to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

"(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the standards shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the States.

"(3) USE OF STANDARDS-SETTING ORGANIZATIONS.—In carrying out this section, the Secretary may use the services of such standards-setting organizations as the Secretary determines appropriate.

"(b) REPORT.—

"(1) IN GENERAL.—Not later than January 1, 1999, the Secretary shall submit a report describing the status of all standards.

"(2) CONTENTS.—The report shall—

"(A) identify each standard that is needed for operation of intelligent transportation systems in the United States;

"(B) specify the status of the development of each standard;

"(C) provide a timetable for achieving agreement on each standard as described in this section; and

"(D) determine which standards are critical to ensuring national interoperability or critical to the development of other standards.

"(c) ESTABLISHMENT OF PROVISIONAL STANDARDS.—

"(1) ESTABLISHMENT.—Subject to subsection (d), if a standard determined to be critical under subsection (b)(2)(D) is not adopted and published by the appropriate standards-setting organization by January 1, 2001, the Secretary shall establish a provisional standard after consultation with affected parties.

"(2) PERIOD OF EFFECTIVENESS.—The provisional standard shall—

"(A) be published in the Federal Register;

"(B) take effect not later than May 1, 2001; and

"(C) remain in effect until the appropriate standards-setting organization adopts and publishes a standard.

"(d) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL STANDARDS.—

"(1) NOTICE.—The Secretary may waive the requirement to establish a provisional standard by submitting, not later than January 1, 2001, to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a notice that—

"(A) specifies the provisional standard subject to the waiver;

"(B) describes the history of the development of the standard subject to the waiver;

"(C) specifies the reasons why the requirement for the establishment of the provisional standard is being waived;

"(D) describes the impacts of delaying the establishment of the standard subject to the waiver, especially the impacts on the purposes of this subchapter; and

"(E) provides specific estimates as to when the standard subject to the waiver is expected to be adopted and published by the appropriate standards-setting organization.

"(2) PROGRESS REPORTS.—

"(A) IN GENERAL.—In the case of each standard subject to a waiver by the Secretary under paragraph (1), the Secretary shall submit, in accordance with the schedule specified in subparagraph (B), a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the progress of the adoption of a completed standard.

"(B) SCHEDULE OF REPORTS.—The Secretary shall submit a report under subparagraph (A) with respect to a standard—

"(i) not later than 180 days after the date of submission of the notice under paragraph (1) with respect to the standard; and

"(ii) at the end of each 180-day period thereafter until such time as a standard has been adopted and published by the appropriate standards-setting organization or the waiver is withdrawn under paragraph (3).

"(C) CONSULTATION.—In developing each progress report under subparagraph (A), the Secretary shall consult with the standards-setting organizations involved in the standardmaking process for the standard.

"(3) WITHDRAWAL OF WAIVER.—

"(A) IN GENERAL.—At any time, the Secretary may, through notification to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, withdraw a notice of a waiver of the requirement to establish a provisional standard.

"(B) IMPLEMENTATION.—If the Secretary submits notification under subparagraph (A) with respect to a provisional standard, not less than 30 days, but not more than 90 days, after the date of the notification, the Secretary shall implement the provisional standard, unless, by the end of the 90-day period beginning on the date of the notification, a standard has been adopted and published by the appropriate standards-setting organization.

"(e) REQUIREMENT FOR COMPLIANCE WITH STANDARD.—

"(1) IN GENERAL.—

"(A) STANDARD IN EXISTENCE.—Funds made available from the Highway Trust Fund shall not be used to deploy an intelligent transportation system technology if the technology does not comply with each applicable provisional standard or completed standard.

"(B) NO STANDARD IN EXISTENCE.—In the absence of a provisional standard or completed standard, Federal funds shall not be used to deploy an intelligent transportation system technology if the deployment is not consistent with the interfaces to ensure interoperability that are contained in the national architecture.

"(2) APPLICABILITY.—Paragraph (1) shall not apply to—

"(A) the operation or maintenance of an intelligent transportation system in existence on the date of enactment of this subchapter; or

"(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this subchapter if the Secretary determines that the upgrade or expansion—

"(i) does not adversely affect the purposes of this subchapter, especially the goal of national or regional interoperability;

"(ii) is carried out before the end of the useful life of the system; and

"(iii) is cost effective as compared to alternatives that meet the compliance requirement of paragraph (1)(A) or the consistency requirement of paragraph (1)(B).

"(f) SPECTRUM.—

"(1) CONSULTATION.—The Secretary shall consult with the Secretary of Commerce, the Secretary of Defense, and the Chairman of the Federal Communications Commission to determine the best means for securing the necessary spectrum for the near-term establishment of a dedicated short-range vehicle-to-wayside wireless standard and any other spectrum that the Secretary determines to be critical to the implementation of this title.

"(2) PROGRESS REPORT.—After consultation under paragraph (1) and with other affected agencies, but not later than 1 year after the date of enactment of this subchapter, the Secretary shall submit a report to Congress on the progress made in securing the spectrum described in paragraph (1).

"(3) DEADLINE FOR SECURING SPECTRUM.—Notwithstanding any other provision of law, not later than 2 years after the date of enactment of this subchapter, the Secretary of Commerce shall release to the Federal Communications Commission, and the Federal Communications Commission shall allocate, the spectrum described in paragraph (1).

"(g) FUNDING.—The Secretary shall use funds made available under section 524 to carry out this section.

"§530. Funding limitations

"(a) CONSISTENCY WITH NATIONAL ARCHITECTURE.—The Secretary shall use funds made available under this subchapter to deploy intelligent transportation system technologies that are consistent with the national architecture.

"(b) COMPETITION WITH PRIVATELY FUNDED PROJECTS.—To the maximum extent practicable, the Secretary shall not fund any intelligent transportation system operational test or deployment project that competes with a similar privately funded project.

"(c) INFRASTRUCTURE DEVELOPMENT.—Funds made available under this subchapter for operational tests and deployment projects—

"(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

"(2) to the maximum extent practicable, shall not be used for the construction of physical highway and transit infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

"(d) PUBLIC RELATIONS AND TRAINING.—For each fiscal year, not more than $15,000,000 of the funds made available under this subchapter shall be used for intelligent transportation system outreach, public relations, training, mainstreaming, shareholder relations, or related activities.

"§531. Use of innovative financing

"(a) IN GENERAL.—The Secretary may use up to 25 percent of the funds made available under this subchapter and section 541 to make available loans, lines of credit, and loan guarantees for projects that are eligible for assistance under this title and that have significant intelligent transportation system elements.

"(b) CONSISTENCY WITH OTHER LAW.—Credit assistance described in subsection (a) shall be made available in a manner consistent with the Transportation Infrastructure Finance and Innovation Act of 1997.

"§532. Advisory committees

"(a) IN GENERAL.—In carrying out this subchapter, the Secretary shall use 1 or more advisory committees.

"(b) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee so used shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 2104. CONFORMING AMENDMENT.

The Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking part B of title VI (23 U.S.C. 307 note; 105 Stat. 2189).

Subtitle C—Funding

SEC. 2201. FUNDING.

Chapter 5 of title 23, United States Code (as amended by section 2103), is amended by adding at the end the following:

"SUBCHAPTER III—FUNDING

"§541. Funding

"(a) RESEARCH, TECHNOLOGY, AND TRAINING.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $101,000,000 for fiscal year 1999, $104,000,000 for fiscal year 2000, $107,000,000 for fiscal year 2001, $110,000,000 for fiscal year 2002, and $114,000,000 for fiscal year 2003.

"(b) CONTRACT AUTHORITY.—Funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(1) any Federal share of the cost of an activity under this chapter shall be determined in accordance with this chapter; and

"(2) the funds shall remain available for obligation for a period of 4 years after the last day of the fiscal year for which the funds are authorized.

"(c) LIMITATIONS ON OBLIGATIONS.—Notwithstanding any other provision of law, the total amount of all obligations under subsection (a) shall not exceed—

"(1) $98,000,000 for fiscal year 1998;

"(2) $101,000,000 for fiscal year 1999;

"(3) $104,000,000 for fiscal year 2000;

"(4) $107,000,000 for fiscal year 2001;

"(5) $110,000,000 for fiscal year 2002; and

"(6) $114,000,000 for fiscal year 2003.".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Full Energy and Natural Resources Committee to consider the following measures:

S. 1100—To amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and for other purposes.

S. 1275—To implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes.

The hearing will take place on Tuesday, March 31, 1998, at 9:30 A.M. in room SD-366 of the Dirksen Senate Office Building.

For further information, please call Betty Nevitt, Staff Assistant at (202) 224-0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 26, 1998, at 9:45 a.m. on tobacco legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CHAFEE. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, February 26, 1998 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 26th, 1998 at 11:00 a.m. in room 562 of the Dirksen Senate Building to conduct hearings the President's FY '99 Budget Request for Indian programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, February 26, 1998, at 10:30 a.m. in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Health Care Information Confidentiality during the session of the Senate on Thursday, February 26, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, February 26, 1998 beginning at 9:30 a.m. until business is completed, to receive testimony on S. 1578, and to hold an oversight hearing on the budget requests and operations of the Government Printing Office, the National Gallery of Art, and the Congressional Research Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 26, 1998 at 2:30 p.m. to hold a closed hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Thursday, February 26, 1998 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Oversight of Antitrust Division of the Department of Justice: International and Criminal Enforcement."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 26, 1998, at 2:00 p.m. on Air Traffic Control.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on East Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 26, 1998 at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. CHAFEE. Mr. President, I ask unanimous consent on behalf of the Subcommittee on International Security, Proliferation, and Federal Services of the Governmental Affairs Committee to meet on Thursday, February 26, 1998, at 2:00 p.m. for a hearing on S. 1495, The Merit Systems Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. CHAFEE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, to meet on Thursday, February 26, 1998, at 9:00 a.m. for a hearing on "Progress Report on the D.C. Public Schools."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 26, 1998, at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FIFTY YEAR ANNIVERSARY OF THE NATIONAL HEART, LUNG, AND BLOOD INSTITUTE OF THE NATIONAL INSTITUTES OF HEALTH AND THE AMERICAN HEART ASSOCIATION

• Mr. FRIST. Mr. President, as we come to the end of what is recognized as National Heart Month, I would like to recognize and commend two outstanding organizations, which are celebrating their fiftieth anniversary this year. These organizations are the National Heart, Lung, and Blood Institute (NHLBI) of the National Institutes of Health (NIH) and the American Heart Association (AHA).

In 1948, President Truman signed the National Heart Act which established the National Heart, Lung and Blood Institute at the NIH. The mission of the NHLBI is to "provide for research and control relating to diseases of the heart and circulation in a supreme endeavor to develop quickly more effective prevention, diagnosis, and treatment of such diseases." In reviewing their record over the past fifty years I am proud of the advances and investments the Institute has made in the area of biomedical research. To help in the prevention and diagnosis of heart disease, the NHLBI began research studies such as the Framingham Heart Studies which advanced the understanding of the risk factors for heart disease that are universally known today, but was critically lacking in 1948. These factors are of course high blood pressure, high blood cholesterol, smoking, obesity, diabetes and the lack of exercise. These studies led to the development of effective medications to control high blood pressure that have helped reduce deaths from "brain attack", commonly known as stroke. The NHLBI has also performed a critical role in the development of techniques to restore blood flow to the heart, including the use of "clot-busting" drugs. These developments have cut the average length of hospitalization for a heart attack to under ten days.

The NHLBI has also made significant progress in lung and blood research. The programs helped protect the health of our children through the work on prevention and treatment of neonatal respiratory distress syndrome and new techniques for treating asthma. Blood research at NHLBI led to the establishment of the Comprehensive Sickle Cell Center in 1972 to continue its work to cure sickle cell anemia. They have also laid the ground work for advances in the management of blood resources, including the storage and preservation of denoted blood, blood type matching, bone marrow transplantation, and enabling safe blood transfusions and more successful organ transplantations.

As one who has devoted his life to medicine, and even more specifically to heart surgery and transplantation, I can tell you, without the NHLBI leading the way, many of the treatments for heart and pulmonary disease we take for granted today would not have been possible or would still be in development. To understand the impact of the last fifty years, let me relay a few statistics. In the fifty years since the establishment of the NHBLI, heart attacks have decreased by more than 50 percent and stroke by at least 66 percent.

However, to say that we have cardiovascular disease under control is a mistake. It is the number one killer in America, claiming 960,592 lives in 1995 or 1 out of every 2.4 deaths. In my own state of Tennessee for every 100,000 people living in the state, 220 died of cardiovascular diseases. The 1998 estimated annual cost of cardiovascular disease to the United States for health care expenses and lost productivity is $274 billion.

The American Heart Association, which I have had a long history of working with, has also played a tremendous role in fighting heart disease by investing in research, education and community service programs. Founded in 1948 the AHA held the first national conference on cardiovascular disease in 1950. Throughout the past fifty years, the AHA has been funding important research projects. Some examples of early breakthroughs that are attributed to the AHA is the first open heart surgery in 1953, and the implantation of the first externally powered pacemaker in 1957. The AHA has continued supporting research and most recently funded the 1992 Nobel Prize winner Dr. Edwin Krebs whose research on how proteins are switched on to perform functions within cells has helped scientists understand organ transplantation rejection.

In the areas of public education and community service, I would like to single out the American Heart Association efforts in starting the education of "closed chest cardiac pulmonary resuscitation", known as CPR in 1960 and their first public health campaign on the early warning signs of heart disease begun in 1970. Currently the AHA is focusing on women and heart disease, dispelling the myth that it is a man's disease. They point out that since 1984 the number of cardiovascular disease deaths for females has exceeded those of males and that in 1995 over half a million women died of heart disease, which was 50,000 more than men. Coronary heart disease is the number one killer of American women and claims more lives than the leading 16 causes of death combined and almost twice as many as all forms of cancer.

As they reach their fiftieth year, the NHLBI and AHA can look back with pride on the remarkable achievements in treating cardiovascular diseases. However, they will be the first ones to tell you that more can and needs to be done. In the next fifty years, the future of biomedical research into areas of heart disease is very promising. Molecular genetic approaches are emerging as a powerful tool of understanding the causes of disease and for developing diagnostic tests and effective drug therapies. In fact, genetic defects have already been discovered that have been shown to indicate an increased risk of high blood pressure. More extensive investigation of genetic susceptibility for heart disease may lead to new treatments and may even reveal ways to reverse the progression of these diseases.

Gene therapy, in which patients with a defective gene receive copies of a healthy gene, is still in the experimental stage. However recent successes in gene-based therapy, such as gene-based stimulation of new blood vessels around a blocked artery, show how close we are to putting gene-based therapies into practice. There is also important NHLBI research occurring to look at new ways to reduce the risk of immune rejection and graft-verses-host disease in bone marrow and organ transplantation.

Mr. President, today I recognize the past fifty years of achievement of the National Heart Lung and Blood Institute and American Heart Association on an issue that is of tremendous importance not just to me as a heart and lung transplant surgeon, but to all citizens. Through their efforts we are more aware of the dangers and causes of heart disease. Through their efforts we are more prepared to fight cardiovascular disease and are armed with more effective treatments that continue to be developed. Based on the demonstrated history of dedication by these organizations and how far we have come in fighting cardiovascular disease, I look to the next fifty years with optimism and anticipation of what science will accomplish in building on the solid foundation begun in 1948.●

FEDERAL EMPLOYEE PAY FAIRNESS ACT

● Mr. SARBANES. Mr. President, yesterday, I joined with my colleagues, Senators MIKULSKI, WARNER, and ROBB in introducing S. 1679, the Federal Employee Pay Fairness Act of 1998, legislation that will seek to ensure pay equity for our Nation's civil servants.

In 1990, Congress and then-President Bush approved the Federal Employees Pay Comparability Act of 1990 (FEPCA), legislation which governs the pay system for all general schedule Federal employees—nearly 76% of the workforce in the Executive Branch. Recognizing that Federal employees' salaries have trailed those of their private sector counterparts by an much as 30%, this law was enacted in order to bring Federal employees toward comparability with the non-federal rates that prevail in different localities across the country.

The law set in motion a schedule to close 20% of the pay gap in 1994 and an additional 10% each year thereafter through 2002 to bring Federal salaries within 5% of their private sector counterparts. Each year, the President's Pay Agent makes a recommendation to the President as to what the rates should be in order to comply with FEPCA and remain on schedule to reach comparability by 2002. However, the law also grants the President the authority to override this schedule and set the pay adjustments annually. Since 1994, FEPCA has never been fully implemented. In fact, in 1994, 1995, 1996 and 1998, Federal workers received a reduced annual adjustment, and fully locality payments have never been provided. Thus, instead of facing a 30% pay gap in 1999 as FEPCA would have allowed, we actually face a 69.3% gap today.

The President has the authority under FEPCA to deviate from the Pay Agent's recommendation "because of national emergency or serious economic conditions." Although FEPCA cites consideration of pertinent economic measures such as the GNP, unemployment rate, budget deficit, and CIP, it does not define what constitutes a "serious economic condition." In fact, despite the record economic growth, low unemployment, and reduced budget deficits of the past five years, the President continues to cite "serious economic conditions" each year when he deviates from the FEPCA-recommended pay levels and proposes a lower pay plan.

Our bill, a companion to legislation introduced by Congressman HOYER and others in the House, would change "serious economic conditions" to "severe economic conditions" and define "severe economic conditions" to clearly indicate when the President can exercise his authority over the pay schedule. Simply put, a "severe economic condition" is defined in the bill as "two consecutive quarters of negative growth in the real Gross Domestic Product"; the definition of recession most commonly used by economists. By providing an objective, rather than a subjective standard, this legislation will ensure that our Federal employees receive a fair and adequate pay level, as set out in current law.

Mr. President, over the years, Federal employees have made significant sacrifices in the name of deficit reduction. The Federal government is currently on target to downsize by more than 272,000 employees by 1999, and according to the Office of Personnel Management, has already reduced the number of Federal workers by more than 254,000 as of September, 1997. Additionally, these employees have persevered despite numerous attacks on their pay and earned benefits and the denigration by some in this body during the government shutdowns of 1995 and 1996. Through it all, Federal employees have continued to provide the high quality of service the American public has come to know and expect.

Now, in order to maintain the high quality of service the American people have come to expect, we need to be able to recruit and retain the most qualified and competent employees. Certainly, if we are to expect more from our Federal workforce, if these very dedicated individuals have to do more with less during this time of downsizing, then we should ensure a rate of pay comparable to what they could get in the private sector. Federal employees and the public they serve deserve no less.

Mr. President, as one who firmly believes in value of a first-rate public service, I urge my colleagues to join me in support of this important legislation to provide pay equity for America's Federal worker.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The text of the bill follows:

S. 1679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employee Pay Fairness Act of 1998".

SEC. 2. LIMITATION ON AUTHORITY TO PROVIDE FOR AN ALTERNATIVE PAY PLAN.

(a) IN GENERAL.—Paragraph (1) of section 5303(b) of title 5, United States Code, is amended by striking "If, because of national emergency or serious economic conditions affecting the general welfare," and inserting "If, because of a declared state of war or severe economic conditions,".

(b) SEVERE ECONOMIC CONDITIONS DEFINED.—Section 5303(b) of title 5, United States Code, is amended by adding at the end the following:

"(4) For purposes of applying this subsection with respect to any pay adjustment that is to take effect in any calendar year, 'severe economic conditions' shall be considered to exist if, during the 12-month period ending 2 calendar quarters before the date as of which such adjustment is scheduled to take effect (as determined under subsection (a)), there occur 2 consecutive quarters of negative growth in the real Gross Domestic Product.".

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 5303(b) of title 5, United States Code, is amended by striking "an economic condition affecting the general welfare under this subsection," and inserting "economic conditions for purposes of this subsection,".

SEC. 3. LIMITATION ON AUTHORITY TO PROVIDE FOR AN ALTERNATIVE LEVEL OF COMPARABILITY PAYMENTS.

(a) IN GENERAL.—Subsection (a) of section 5304a of title 5, United States Code, is amended by striking "If, because of national emergency or serious economic conditions affecting the general welfare," and inserting "If, because of a declared state of war or severe economic conditions,".

(b) SEVERE ECONOMIC CONDITIONS DEFINED.—Section 5304a of title 5, United States Code, is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

"(b) For purposes of applying this section with respect to any comparability payments that are to become payable in any calendar year, 'severe economic conditions' shall be considered to exist if, during the 12-month period ending 2 calendar quarters before the date as of which such payments are scheduled to take effect (as determined under section 5304(d)(2)), there occur 2 consecutive quarters of negative growth in the real Gross Domestic Product.".

SEC. 4. EFFECTIVE DATE.

(a) NEW STANDARDS APPLY STARTING WITH ANY ALTERNATIVE PAY PROPOSAL SCHEDULED TO TAKE EFFECT AFTER 1998.—The amendments made by this Act shall apply with respect to any alternative pay adjustments under section 5303(b) of title 5, United States Code, and any alternative level of comparability payments under section 5304a of such title 5, scheduled to take effect after 1998.

(b) TRANSITION PROVISIONS.—

(1) REVISED DEADLINE FOR ALTERNATIVE PAY PLAN REQUIRED TO BE SUBMITTED IN 1998.—For purposes of applying section 5303 of title 5, United States Code, with respect to any adjustment scheduled to take effect in calendar year 1999, subsection (b) of such section (as amended by section 2) shall be applied by substituting "December 1" for "September 1" in paragraph (1)(A) thereof.

(2) EFFECT OF AN ALTERNATIVE PAY PROPOSAL SUBMITTED BASED ON EARLIER STANDARDS.—Any plan or report submitted under the provisions of section 5303(b) or 5304a of title 5, United States Code, as applicable, relating to any alternative pay adjustments or alternative level of comparability payments proposed to take effect after 1998, if based on the standards specified in such provisions as in effect before the date of enactment of this Act—

(A) shall not be implemented; and

(B) shall not preclude the submission of any other plan or report under such provisions as amended by this Act.●

TRIBUTE TO HARRY CARAY

● Mr. BOND. Mr. President. I rise today to pay tribute to the late Harry Caray. Last week baseball lost one of its legends, but Harry's memory and spirit will live on for many years in the hearts of his fans.

Harry grew up in my home State of Missouri, an orphan in St. Louis. Although he finished with the Chicago Cubs, Harry started his memorable career with the St. Louis Cardinals announcing for the organization for twenty-five years. Harry never left our hearts when he left to go to Chicago. I grew up listening to his undying energy and remember that he was an integral part of my developing a love of the sport.

We will best remember Harry for his rendition of "Take me out to the Ball game," his "Holy Cow!" and of course his pronunciation or perhaps mispronunciation of several players. I hope that people know that he brought a lot more to the game than just those things. He could bring excitement to a dull game and was as unpredictable as he was brash. People of all ages felt as though they were part of the game when Harry was announcing. Fans everywhere, myself included, will miss him.●

1998 PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

● Mr. ROCKEFELLER. Mr. President, today I am proud to congratulate and honor two West Virginia students for their unselfish and outstanding volunteer service in their communities. Mark Jones of North Marion High School in Farmington and Tasha Daft of Mannington Middle School in Mannington have been named State Honorees in the 1998 Prudential Spirit of Community Awards program, an honor conferred on only one high school and one middle-level student in each State, the District of Columbia, and Puerto Rico.

These young volunteers, Mark and Tasha are true inspirations to all of us. They are our future, and they are diligently working to ensure the preservation of their communities as insurance for a better tomorrow.

The program that brought these young role models to our attention, The Prudential Spirit of Communities Awards, was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example.

Mark is seen throughout his community as Cowboy Dave, his stage persona, sending a drug free message to youngsters. Since 1996, he has reached nearly 1,300 students speaking about drug and tobacco prevention. Tasha is the creator of the "Flower Power," "Trash, Treasure, Recycling," and "Our World is Worth It" projects. Through these she is able to help protect our Earth and its inhabitants.

Mark and Tasha should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington in early May for several days of special events including a Congressional breakfast reception on Capitol Hill.

I highly applaud Mark and Tasha for their act in seeking to make their home communities a better place to live. I would also like to salute four other young students in my State who were named Distinguished Finalists by the Prudential Spirit of Community Awards for their volunteer service. They are: Lisa Taylor of Ansted; Ryan Donovan of Williamson; Stephanie Cooper of Hambleton; and Heather Phillips of Winfield.

All of these young people have demonstrated a level of commitment that is extraordinary and deserve our sincere admiration and respect. Their actions show how important young people are to our community and the valued asset they are to our world and future.●

EDUCATIONAL ACHIEVEMENT

● Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 1997–1998 Eighth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indianapolis. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, "Hoosier Farmers—Feeding the World, Protecting the Land." Students were encouraged to consider and creatively express the role Hoosier farmers play in feeding the world's population. I ask to have printed in the RECORD the winning essays of Jamie Ann Boone of Hamilton County and

Ben Wicker of Rush County. As State winners of the Youth Essay Contest, these two outstanding students are being recognized on Friday, February 27, 1998 during a visit to our Nation's Capitol.

The essays follow:

HOOSIER FARMERS—FEEDING THE WORLD, PROTECTING THE LAND

(By Jamie Boone, Hamilton County)

The Time: Oct. 10, 2025
The Place: Wayne Township, Hamilton County, Indiana, Planet Earth
The Farmer: Jamie Ann Boone, Age 41

All of my crops are being planted and harvested by the use of robotics engineering. Using the latest updated global positioning technology, yield monitors, and variable rate technology I am able to plant, fertilize, water, and harvest my crops from inside my computer control room.

This type of precision farming has provided farmers of the 21st century with an abundant amount of information. We are now able to predict yields and verify soil types, balance nutrient levels, and control weed pressures without even leaving our home.

Today each farmer feeds himself and 198 other people. Farmers of my parents' day in the 1990's fed 116 people. There are fewer farmers and less farm ground, but due to conservation and technology we are still able to feed the world. No-till practices, resistant seed varieties, lower chemical and insecticide rates that were begun in the 1980's and 1990's have led to the use of all organo-chemicals and new super resistant varieties of 2025.

Action taken in the 1990's by my parents and their farm neighbors to protect what little agriculture land that was left has provided for me and two other young farmers to farm Hamilton County's ground. This farm group lobbied to protectively zone all remaining tillable acres in 1998 for farm use only. This was necessary because urban sprawl from Indianapolis was rapidly and uncontrollably eating up farm land. In order to provide for the future food and feed needs of the world, something had to be done. My parents got farmers in our area and then across the nation to take similar action to preserve the land.

Today, in 2025, we ship high oil corn, soybeans, oil and meal, tofu beans, canola for oil, and white and yellow corn in large quantities from less ground than ever before. Our Hoosier products go to China, Russia, Japan, India, Europe, Mexico, Egypt and many other countries. Global communication advances make it possible for me to market many of my products directly to global end users.

Encouragement from school, teachers, and farm parents kept me involved in agriculture. The reason I'm a farmer today is because of the clubs, 4-H, and FFA activities I got involved in when I was younger. Watching and then helping my parents take care of their ground made me proud to assume their role in feeding the world into the 21st century.

HOOSIER FARMERS—FEEDING THE WORLD, PROTECTING THE FUTURE

(By Ben Wicker, Rush County)

Corn and Soybeans growing side by side in the fields, cattle grazing in green pastures with hog bards in the distance . . . Welcome to Indiana!

Indiana farmers have been feeding the world for hundreds of years. Early settlers grew only what they needed for their survival. Hoosier farmers have expanded their acres and markets through the years to include domestic and world markets, primarily corn and soybeans.

The markets of tomorrow demand specialization. Already, many Hoosier farmers are adapting to this change. In 1997, ten percent of all corn acres had a special trait, like resistance to European corn borer or certain herbicides. It is estimated that those numbers will rise to twenty-five percent in 1998, and fifty percent in 2000. Some of these special traits include high oil or white corn for specific food markets. This technology is linked to high yielding hybrids for more food producing ability.

One of the greatest technological advances for agricultural has been Global Positioning Systems (GPS). GPS ensures proper placement of fertilizers, chemicals, and other crop inputs. Farmers have used this technology in conjunction with a combination of no-till, minimum till, and conventional tillage to provide the best protection for Indiana topsoil. Other conservation practices such as grassed waterways and buffer strips along waterways help reduce soil loss to erosion. Indiana is rapidly becoming urbanized. Around the larger cities, land prices are rising, housing developments are spreading, and farm land is being destroyed by development. Indiana farmers have a responsibility to protect and preserve Indiana's prime farmland.

The conservation of Indiana's most productive land and the continuation of high yielding traditions are important to the future of Indiana agriculture. If we do not save the land now, how will future generations of Hoosier farmers carry on the tradition of feeding the world?

1997–98 District Winners

District 1: Jennifer Claypool, Rajiv Kumar
District 2: Brittney Hess, Kit Venderley
District 3: Tara Wireman, Russell Trudeau
District 4: Candace Northam, Bradley Rice
District 5: Kathryn Haselden
District 6: Jamie Ann Boone, Andrew Twibell
District 7: Courtney Reynolds, Scott Dugan
District 8: Mary Jean Word, Ben Wicker
District 9: Jessie Borden, Matthew Bender
District 10: Chandra Smith, Dusty Daulton

1997–98 County Winners

Allen: Zachory Veit, Brittney Hess
Cass: Aaron Tribby, Tara Wireman
Dearborn: Danny Powell, Elizabeth Sedler
Delaware: Andrew Twibell, Katherine Riley
Fayette: Mary Jean Word
Franklin: Chad Meyer, Kelsey Kaiser
Hamilton: Luke Nelson, Jamie Ann Boone
Hancock: Justin Christopher
Hendricks: Kathryn Haselden
Jasper: Bryron Courtright, Kara Kohlhagen
Jay: Justin Knapke, Candace Northam
Jefferson: Dusty Daulton
Lake: Mike Dlugokinski, Megan Kabella
LaPorte: Laurie Marsh
Marion: Chris Shaw, Rachel Grounds
Martin: Courtney Reynolds
Newton: Russell Trudeau, Amanda Chamberlan
Porter: Rajiv Kumar, Jennifer Claypool
Posey: Jacob Eisterhold, Ellen Herrenbruck
Rush: Ben Wicker
St. Joseph: Keegan Boucek, Megan Bauer
Spencer: Crystal Foertsch
Steuben: Kit Venderley, Jamie Brunner
Sullivan: Scott Dugan, Ash Lynn Thompson
Vermillion: Ashley Hughes
Vigo: Amy Jackson
Wabash: Bradley Rice, Sarah Andersen
Warrick: Matthew Bender, Jessie Borden
Washington: Jeremy Givens, Chandra Smith
Wayne: Christopher Cope Nicholson, Lynn Hamilton
Wells: John Stauffer, Lindsay Leas
Whitley: Derek Leininger.●

IN RECOGNITION OF BEN HALPERN

● Mr. LEVIN. Mr. President, today is the 100th birthday of a very distinguished citizen of Michigan.

Benjamin Halpern was born in Poland 100 years ago today. His story, in one sense, is the story of many immigrants who came to this land seeking safety and freedom and opportunity.

He and his wife, Esther, worked hard, raised a wonderful family, and contributed to the strength of the country which gave him so much, including utilizing his amazing language skills to help immigrants to adjust and adapt and become productive citizens, and supporting a number of charitable and community organizations.

Many of his and Esther's family were destroyed in the Holocaust. But they and part of their families did more than survive: they persevered, and in the process, helped preserve values of family and community which so characterize the ancient Jewish people of which they are so proudly a part. Along the way, his sense of humor has brought cheer to multitudes.

This wonderful man happens to be my wife Barbara's father, and three of his loving grandchildren are our daughters Kate, Laura and Erica.

They and Barbara's brothers, Irving and Daniel, and many other family members and a host of friends will be soon gathering together to say Mazel Tov to Ben as he heads toward the next millennium, when he will be well into his second century and the third century that he will have touched.●

RHINO AND TIGER PRODUCT LABELING ACT

● Mr. ABRAHAM. Mr. President, I rise today to express my support for Senate Bill 361, the "Rhino and Tiger Product Labeling Act." This legislation is desperately needed and I thank my friend and colleague Senator JEFFORDS for introducing it in the Senate.

The Rhino and Tiger Product Labeling Act amends the Endangered Species Act to prohibit the sale of products labeled as containing endangered species, even if they actually do not. Rhino and Tiger parts are two of the more widely advertised ingredients in a number of powders and balms which claim to cure a host of ailments. None of these claims is supported by scientific research, nevertheless, demand for these ingredients has encouraged the widespread poaching of these endangered animals and threatens their existence.

As I understand it, the world's population of rhinos has declined by 90 percent since 1970, and tigers populations are even more threatened. Today, less than 5,000 remain in the world. The greatest threat to many of these animals in the wild is the poacher, and poaching thrives in part because the demand for products containing rhino horn, tiger parts and others remains high.

A U.S. ban on all wares containing, and claiming to contain, parts of endangered species will greatly reduce the size of the world markets. This should lower the value of these animals and, I hope, stimulate their recovery. I am pleased to hear that the House is moving forward on a similar bill and trust that the Congress will soon send legislation addressing this problem to the White House.•

COMMEMORATING THE HEROIC ACTIONS OF DESRON 61

• Mr. JOHNSON. Mr. President, I rise today to commemorate the heroic actions of DesRon 61. DesRon 61 consisted of 9 U.S. destroyers which participated in the only surface action in Tokyo Bay during World War II. As part of Admiral William "Bull" Halsey's Task Group 38.1, DesRon 61 entered Tokyo Bay on July 22, 1945 and proceeded to engage a Japanese convoy which was attempting to leave the bay undetected. Under the command of Captain T.H. Hederman, DesRon 61 opened fire on the convoy sinking several Japanese ships and forcing the convoy to retreat back into Tokyo Bay.

All of us, as Americans, owe a great debt of gratitude to those who served our Nation with such dedication and patriotism. Our losses in World War II, especially in the Pacific Theater, were considerable, and we always should remember the brave men and women who fought to defend the freedom and liberty that is so precious to all of us. Mr. President, I would like to commend and thank the crew members of DesRon 61 for their valiant service. Their action that July night, as well as the heroic deeds of all our armed forces in the Pacific, helped defeat the Japanese empire and restore freedom in that theater of the world.•

AUSTIN DABNEY

• Mr. CLELAND. Mr. President, as we near the end of Black History Month, I wanted to take this opportunity to recognize the bravery, patriotism and service of one of Georgia's Revolutionary war heroes. Austin Dabney served in the Revolutionary War and was wounded in 1779, in the Battle of Kettle Creek, one of the most difficult and bloodiest battles fought in Georgia. Austin Dabney was a slave brought to Wilkes County, Georgia by a man named Richard Aycock. Dabney was granted freedom in order to serve in the war in his master's place, as an artilleryman in Colonel Elijah Clark's corps.

In the Battle of Kettle Creek, Dabney was seriously wounded by a shot through his thigh. His life was saved by a white soldier named Giles Harris, who took the soldier to his home and nursed him back to health. To show his gratitude to the Harris family, Dabney worked for them for the rest of his life, living with them in Madison, Newton and Pike Counties. Dabney's devotion to the Harris family didn't stop there. Dabney used money from his own pocket to send Harris's son through college, and even made arrangements for the son's legal training.

In 1786, the Georgia Legislature emancipated Dabney to prevent his former master from seizing him as a slave to benefit from the soldier's fame. Despite Dabney's veteran status with pension, because he was black, he was denied the opportunity to enter the land lottery for Revolutionary veterans in 1819. The Georgia legislature voted in 1821 to grant 112 acres of land for Dabney's "bravery and fortitude," but that grant was bitterly contested with law suits. A land lot was finally granted to Dabney in 1824.

Austin Dabney and Giles Harris both illustrate an important lesson in American History. Divided racially but brought together as soldiers, neighbors and devoted friends, they are examples of the great patriotic and democratic spirit that is the foundation our society. They are fitting examples of why it is important to learn and remember our complete American History.•

READ ACROSS AMERICA DAY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 317, S. Res. 181, reported today by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 181) expressing the sense of the Senate that on March 2nd, every child in America should be in the company of someone who will read to him or her.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAFEE. I ask unanimous consent, Mr. President, that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and further, that any statements relating to the resolution be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 181

Whereas reading is a basic skill for a quality education, a requirement for a successful life's work, and a source of pleasure throughout life;

Whereas reading ability is essential to our nation's ability to remain competitive in a global economy;

Whereas the American Library Association, the National Family Literacy Council, the National Association of Elementary School Principals, Reading Is Fundamental, the International Reading Association, the Boys and Girls Clubs of America, and others have joined with the National Education Association to use March 2nd as a national day to celebrate reading: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) March 2nd, 1998 shall be known as "Read Across America Day" to focus on the basic component of learning; and

(2) every child should be in the company of someone who will read to him or her on March 2nd, Dr. Seuss's birthday; and

(3) the success of Dr. Seuss and many others like him in encouraging children to discover the joy of books is applauded; and

(4) all parents are encouraged to read with their children for at least one half hour on March 2nd in honor of Dr. Seuss to help us realize the goal of having the best readers in the world.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to Public Law 105–83, his appointment of the following Senators to serve as members of the National Council on the Arts: The Senator from Alabama (Mr. SESSIONS), and the Senator from Maine (Ms. COLLINS).

DESIGNATING 1998 AS THE "ONATE CUARTOCENTENARIO," THE 400TH ANNIVERSARY COMMEMORATION OF THE FIRST PERMANENT SPANISH SETTLEMENT IN NEW MEXICO

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 306, S. Res. 148.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 148) designating 1998 as the "Onate Cuartocentenario," the 400th anniversary commemoration of the first permanent Spanish settlement in New Mexico.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on the Judiciary with an amendment, as follows:

Whereas Don Juan de Oñate of Spain settled the first permanent colony of Europeans in the Southwest Region of the United States, known as San Gabriel de Los Españoles, and located near modern day San Juan Pueblo and Española, New Mexico;

Whereas the first Spanish capital was established at San Juan de los Caballeros in July of 1598, predating the English settlement of Jamestown in 1610 by 12 years;

Whereas Spanish exploration activity in the New World began in 1512 when Ponce de León explored the Florida peninsula, and included the explorations of Francisco Coronado throughout California to Kansas and across Arizona, New Mexico, Texas, and Oklahoma from 1540 to 1542;

Whereas the major Spanish settlement efforts were focused in modern day Florida and New Mexico, and 1998 marks the 400th anniversary of the first permanent settlement in New Mexico, referred to as the Cuartocentenario;

Whereas Hispanic Americans are the fastest growing minority group in the United States and include descendants of the Spanish, Mexican, Cuban, Puerto Rican, Central American, and other Hispanic peoples;

Whereas the United States Census Bureau estimated in March 1993 that the Hispanic population of the United States was 22,800,000; the current estimate of the Hispanic population in the United States is 26,000,000, with projections of 30,000,000 by the year 2000, 40,000,000 by 2010, and almost 60,000,000 (or 20 percent of the total United States population) by the year 2030;

Whereas the number of Hispanic immigrants to the United States has increased from 1,500,000 in the 1960's, to 2,400,000 in the 1970's, to 4,500,000 in the 1980's, and the number of Hispanic immigrants is expected to continue to rise;

Whereas two-thirds of all Hispanics in the United States today are of Mexican origin, and 70 percent of United States Hispanics live in 4 States: California, Texas, New York, and Florida;

Whereas New Mexico's Hispanic population is 39 percent (or over 660,000 of the 1995 total State population of 1,700,000) and represents the highest percentage of Hispanics in any State in the United States;

Whereas the United States has an enriched legacy of Hispanic influence in politics, government, business, and culture due to the early settlements and continuous influx of Hispanics into the United States;

Whereas the New Mexico State Government has funded a Hispanic Cultural Center in Albuquerque, New Mexico, with assistance from the Federal Government, local governments, and private contributions, to celebrate and preserve Hispanic culture including literature, performing arts, visual arts, music, culinary arts, and language arts;

Whereas the Archbishop of Santa Fe, Michael Sheehan, is planning events throughout 1998 in New Mexico, including the opening of "Jubilee year", an encuentro at Santo Domingo Pueblo to mark the meeting of the missionaries with the Pueblo peoples, an Archdiocesan reconciliation service at the Santuario de Chimayo, and an Archdiocesan celebration of St. Francis of Assisi in Santa Fe;

Whereas in order to commemorate Don Juan de Oñate's arrival, the city of Española will have a fiesta in July 1998, the city of Santa Fe is planning several special events, and the New Mexico statewide committee is planning a parade, a historical costume ball, and a pageant in Albuquerque; and

Whereas many other religious, educational, and social events are being planned around New Mexico to commemorate the 400th anniversary of the first permanent Spanish settlement in New Mexico: Now, therefore, be it

Resolved, That the Senate—

(1) designates the year 1998 as the "New Mexico Cuartocentenario" to commemorate the 400th anniversary of the first permanent Spanish settlement in New Mexico;

(2) recognizes the cultural and economic importance of the Spanish settlements throughout the Southwest Region of the United States;

(3) expresses its support for the work of the Española Plaza Foundation, the Santa Fe and Albuquerque Cuartocentenario committees, the Archdiocese of Santa Fe, the New Mexico Hispanic Cultural Center Board of Directors, the Hispanic Cultural Foundation Board of Trustees, as well as other interested groups that are preparing New Mexico Cuartocentenario activities;

(4) expresses its support for the events to be held in New Mexico and the Southwest in observance of the New Mexico Cuartocentenario;

(5) requests that the President issue a proclamation—

(A) declaring 1998 as the "New Mexico Cuartocentenario" to commemorate the 400th anniversary of the first permanent Spanish settlement in New Mexico; and

(B) calling on the people of the United States and interested groups to observe the year with appropriate ceremonies, activities, and programs to honor and celebrate the contributions of Hispanic people to the cultural and economic life of the United States; and

(6) calls upon the people of the United States to support, promote, and participate in the many New Mexico Cuartocentenario activities being planned to commemorate the historic event of the early settling of the Southwest Region of the United States by the Spanish.

Mr. DOMENICI. Mr. President, this year New Mexico is commemorating the 400th anniversary of its first Spanish Settlement. In 1598, the first Spanish expedition arrived from Santa Barbara, Mexico, and settled near San Juan Pueblo in the Española valley.

The Spanish settlement of New Mexico in 1598 predates the Pilgrims' landing at Plymouth Rock in 1620, by 22 years. It also predates the settlement of Jamestown in 1607 by 9 years.

New Mexicans are exploring their roots with a renewed interest. The Pueblo Indians of New Mexico helped the Spanish to survive and flourish. The Spanish brought new crops, mining, weaving, cattle and other livestock, Christianity, and Spanish government.

Although the history of two cultures meeting in New Mexico has had its difficult times, such as the Pueblo Revolt of 1680, New Mexico is today known for its harmonious intercultural life, including much intermarriage.

Mr. President, I am proud to have 60 cosponsors of this resolution. Senator LOTT, the Senate Majority Leader, and Senator DASCHLE, the Senate Minority Leader, are both original cosponsors of this resolution.

This year we commemorate the brave and adventurous Spanish families who first set roots in the beautiful Land of Enchantment. By commemorating these early events, we are also honoring the important cultural, political, and economic contributions those Spanish families and their descendants have made to enrich our state and nation.

The Oñate expedition was part of a large Spanish effort to expand the Spanish Empire, convert more people to Christianity, and find great wealth in the New World. There was great excitement at the beginning of the 16th Century about these prospects.

Spaniards like Hernán Cortés and Francisco Pizzaro (cousins from Medellí in and Cuidad Trujillo) left Spain in the early 1500's to seek their fortunes and spread the glory of Spain.

When Mayan gold was taken back to Spain from the Yucatan Peninsula of Mexico in 1517 by Hernandez de Córdoba, it fueled the fires of the Spanish enthusiasm for finding the legendary Seven Cities of Gold in the New World.

Spanish explorers like Poncé de León, Francisco Coronado, and Don Juan de Oñate explored modern-day America from Florida to California.

Some 400 Spanish settlers were led by Don Juan de Oñate from Santa Barbara, Mexico, through El Paso to San Juan Pueblo (named by Oñate for John the Baptist). The soldiers, priests, laymen, families, servants and their 83 wagons and 7,000 animals formed a 2 to 4 mile-long caravan as they journeyed up the Rio Grande.

When they arrived at San Juan Pueblo on July 11, 1598, they established the first Spanish capital in the New World. They built the San Gabriel chapel and convento. Today, a beautiful replica of the San Gabriel chapel stands in the Española Plaza.

It is well known that the Spanish people founded the oldest cities in America. First, St. Augustine, Florida was founded in 1565, followed by Santa Fe, New Mexico, the second oldest city in what is now the United States. In 1610, Santa Fe was named the capital of New Mexico making it the oldest capital city in America today.

Before Santa Fe became the capital of the New Mexico territory, the San Gabriel mission served as the first Spanish Capital of New Mexico, beginning in 1598. San Gabriel is at San Juan Pueblo where the Rio Chama meets the Rio Grande. Its Indian name was Yunge Oweenge.

The designation and renaming of this site by its first Governor, Don Juan de Oñate, as San Gabriel del Yunge Oweenge marks the first permanent Spanish settlement in the west.

1998 marks the 400th Anniversary of the founding of San Gabriel del Yunge Oweenge in the Española Valley of present-day New Mexico.

This resolution highlights the importance of the Spanish explorations in America and pays tribute to the growing population of Hispanics who are anticipated to be twenty percent of our national population by the year 2030, with a projected population of 60 million Hispanics. Two-thirds of the 26 million Hispanics in America (who make up eleven percent of our population today) are of Mexican origin, and 70 percent of Hispanics live in 4 states: California, Texas, New York, and Florida.

New Mexico has the highest percentage of Hispanics at 39 percent or about 660,000 residents out of a total 1995 state population of 1.7 million. Albuquerque, New Mexico, will be the site of a new Hispanic Cultural Center to celebrate and preserve Hispanic culture including literature, performing arts, visual arts, music, culinary arts, and language arts.

New Mexico will be the center of many exciting events throughout the year to commemorate this important historic milestone. New Mexicans are looking forward to fiestas, balls, parades, and other stimulating events to mark this historic occasion.

The Archbishop of Santa Fe will be opening a Jubilee year in January. Among other events, he will hold an encuentro at Santo Domingo Pueblo to mark the meeting of the missionaries with the Pueblo Peoples.

The City of Española will have a fiesta in July to commemorate the actual arrival of the Spanish into the area. Santa Fe, Las Vegas, Taos, Socorro, Aztec, Albuquerque, and other New Mexico towns and cities will be holding such special events as fiestas, historic reenactments, a State Fair Pageant, an historic Spanish costume ball, and parades. Seminars and lectures will abound.

State Fair pageant plans include a reenactment of De Vargas' reentry into New Mexico, a review of the Pueblo Revolt and its ramifications, life under the American flag during the middle to late 1800's, and a patriotic tribute to all Hispanics who have fought for the United States. This reentry spectacular will be performed twice before large New Mexico State Fair audiences. It will also be televised.

This resolution also asks the President to issue a proclamation declaring 1998 is a year to commemorate the arrival of Hispanics and celebrate their growth in importance in our nation's culture and economy.

This Senate Resolution calls upon the people of the United States to support, promote, and participate in the many New Mexico Cuarto-centenario activities being planned to commemorate the historic event of the first Spanish settlement in the Southwest Region of the United States.

Mr President, I thank my colleagues for their overwhelming support of Senate Resolution 148. This resolution designates 1998 as the "New Mexico Cuartocentenario" to commemorate the 400th anniversary of the first Spanish settlement in New Mexico.

Mr. CHAFEE. I ask unanimous consent that the committee amendment be agreed to, the resolution be agreed to, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 148), as amended, was agreed to.

The title was amended so as to read:

A resolution designating 1998 as the 'New Mexico Cuartocentenario', the 400th anniversary commemoration of the first permanent Spanish settlement in New Mexico.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar No. 506 and 507, and the nominations of Randall Dean Anderson and Robert Miller which were reported by the Judiciary Committee today, and I ask further unanimous consent that the nominations be confirmed, the motions to consider be laid upon the table, any statements relating to the nominations appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Beverly Baldwin Martin, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Hiram Arthur Contreras, of Texas, to be United States Marshal for the Southern District of Texas for the term of four years.

Randall Dean Anderson, of Utah, to be United States Marshall for the District of Utah for the term of four years.

Robert A. Miller, of South Dakota, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR FRIDAY, FEBRUARY 27, 1998

Mr. CHAFEE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, February 27, and immediately following the prayer, the routine requests through the morning hour be granted and there then be a period for morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the following exception: Senator ASHCROFT, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that at the hour of 10 a.m., the Senate resume consideration of S. 1173, the ISTEA bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Mr. President, in conjunction with the previous unanimous consent agreements, tomorrow morning there will be a period of morning business for 30 minutes, followed by consideration of S. 1173, the so-called ISTEA legislation.

Mr. President, it is our hope that the Senate will be able to make good progress on this important legislation during Friday's session of the Senate. In addition, the Senate may consider any executive or legislative business cleared for floor action. Therefore, rollcall votes are possible during tomorrow's session.

Mr. President, it is my hope, as it is of the ranking member of the committee, that Senators will bring over their amendments tomorrow so that we can act upon them. There are a host of amendments out there. While it is true that we cannot consider amendments dealing with financial matters in connection with this legislation, there is a whole series of other amendments that are available for consideration if only the proponents of the amendments will come over and present them. I greatly hope that will take place tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CHAFEE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:14 p.m., adjourned until Friday, February 27, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 1998:

DEPARTMENT OF VETERANS AFFAIRS

EDWARD A. POWELL, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (MANAGEMENT), VICE D. MARK CATLETT, RESIGNED.

DEPARTMENT OF COMMERCE

Q. TODD DICKINSON, OF PENNSYLVANIA, TO BE DEPUTY COMMISSIONER OF PATENTS AND TRADEMARKS, VICE MICHAEL KANE KIRK, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 26, 1998:

DEPARTMENT OF JUSTICE

BEVERLY BALDWIN MARTIN, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

HIRAM ARTHUR CONTRERAS, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

STATE JUSTICE INSTITUTE

ROBERT A. MILLER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000.

DEPARTMENT OF JUSTICE

RANDALL DEAN ANDERSON, OF UTAH, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON FEBRUARY 26, 1998, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

FEDERAL AVIATION ADMINISTRATION

GEORGE DONOHUE, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE LINDA HALL DASCHLE, WHICH WAS SENT TO THE SENATE ON JUNE 26, 1997.

EXTENSIONS OF REMARKS

AFFORDABLE HOUSING IMPROVEMENT ACT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mrs. JOHNSON of Connecticut. Mr. Speaker, today the gentleman from Washington [Mr. METCALF] and I are introducing the Affordable Housing Improvement Act, a measure that would: Increase the cap on the low-income housing tax credit, which has not been adjusted for inflation since it was originally enacted in 1986; index the cap for inflation; implement several administrative reforms recommended by the U.S. General Accounting Office and the Ways and Means Subcommittee on Oversight; allow the use of the credit for developing community service areas for programs such as child care, Head Start, and job training, designed to serve individuals in the community who may not live in the credit-financed housing but who meet the income requirements of the housing credit program; and encourage the use of the credit to revitalize existing communities.

Last year, the Oversight Subcommittee held two hearings on the administration of the low-income housing tax credit program. We learned that:

The need for low income housing is greater than ever. Census data showed an unmet demand for affordable housing of more than 5 million units in 1996. The Census Bureau projects that this number will climb to 8 million units by the year 2000.

The program provides better housing than traditional public housing programs because private investors have a stake in making sure the structures are well-built and maintained—a condition of receiving the credit.

Investor demand for the credit has increased since its enactment in 1986. This greater demand has stimulated more competition, resulting in an increase in private equity raised per credit dollar. Nationwide, developer demand for housing credits now exceeds supply by more than 200 percent. This means States have a wider variety of proposals from which to choose.

Mr. Speaker, this is a good program. It enjoys strong support on both sides of the aisle. It combines good public policy with private sector innovation and efficiency. But it can be improved.

In our hearings, we learned that 43 percent of the households in properties placed in service between 1992 and 1994 were one-person households and 24 percent were two-person households. Only one-third of the units were occupied by three or more people. To encourage the States to allocate credits for developments for families with children, the bill will require allocating agencies to include "tenant populations of individuals with children" in criteria they use in allocating credits.

The bill would also encourage the use of the credit to revitalize existing communities. In our hearings, we learned that most of the buildings—an estimated 73 percent—placed in service between 1992 and 1994 were newly constructed; the rest were existing and rehabilitated buildings. Many older neighborhoods have extensive stocks of housing that could be rehabilitated and converted to low-income rental use or improved for continued low-income rental use. However, these projects are often more expensive and more difficult to develop. The bill would create a preference for projects which contribute to "a concerted community revitalization plan," and it would require States to include "whether the project includes the use of existing housing as a part of a community revitalization plan" in the selection criteria.

The measure would allow combining the housing credit with HOME funds in high cost areas, and it would allow the use of the credit for community service areas for programs such as child care, Head Start, and job training.

We also learned of several opportunities to improve the administration of the credit and they are included in this bill. The bill would: require the submission of a timely and comprehensive market study to the allocating agency for a proposed development, prepared by a neutral party commissioned by the developer and approved by the allocating agency; require that a written explanation be available to the general public for any allocation of credits which is not made in accordance with established priorities and collection criteria; require allocating agencies to include in their qualified allocation plans requirements for regular site visits and enforcement of habitability requirements; require that State agency fees be limited to no more than the costs incurred by an allocating agency in administering the tax credit program; and provide that States that over-allocate their share of credits will experience a reduction in the following year's tax credits.

Mr. Speaker, the Clinton administration has proposed increasing the per capita cap, and the gentleman from Nevada [Mr. ENSIGN] has introduced a bill to increase the per capital cap and index it for inflation as well. I support their efforts. But we must improve the credit. I would encourage my colleagues to join the gentleman from Washington and me in sponsoring the Affordable Housing Improvement Act of 1998.

INTRODUCTION OF A RESOLUTION URGING CONTINUED FISCAL DISCIPLINE

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. DAVIS of Florida. Mr. Speaker, today I introduce a resolution calling on Congress to maintain fiscal discipline during this year's budget process and to focus our attention on reducing the national debt and ensuring the long-term solvency of the Social Security system.

After decades of deficit spending, Congress and the Administration have taken the difficult steps necessary to eliminate the budget deficit and restore overdue fiscal responsibility to the federal government. From an all-time high of $290 billion just six years ago, the unified budget deficit is projected to be eliminated as soon as this year, with some forecasters now predicting a growing surplus in the unified budget.

Despite this good news, we must put these near-term projections in the broader context of the long-term budget outlook and remember that those decades of deficit spending have saddled the federal government with a publicly-held debt of nearly $3.8 trillion. This year, the interest payments alone on the debt will account for 14% of all federal spending or roughly 244 billion taxpayer dollars. These are dollars which could have been used much more wisely, and unless Congress preserves the projected surpluses, this debt is the legacy we are poised to leave to our children and grandchildren.

Congress must take advantage of the current economic growth and positive budget outlook to reduce this debt burden and address the solvency of critical programs such as Social Security. Reduced government borrowing will increase economic growth, raise future standards of living, encourage greater saving and investment, and help prepare our nation for the retirement of the baby-boom generation.

Certainly, we will have debates over additional spending and targeted tax relief, but I believe these discussions should be within the framework established by last year's historic bipartisan budget agreement. Furthermore, I believe the economic benefits of debt retirement far outweigh the short term impact of spending increases or tax cuts and therefore should be our first priority as we begin to craft this year's budget.

The resolution I introduce today states simply that during this year's budget process, Congress should focus on reducing the publicly held debt, addressing the solvency of the Social Security system, and maintaining the fiscal discipline which put us on the path to a balanced budget. Now is not the time to let

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

spending fever grip Congress and I urge all of my colleagues to support this common sense initiative.

A TRIBUTE TO R. GRAYDON BRIGGS OF GRAND LEDGE, MICHIGAN

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to pay tribute to R. Graydon Briggs of Grand Ledge, Michigan for his outstanding service to public safety.

Fire controlled is one of the man's greatest friends; unchecked, it is our deadly enemy. Each year, millions of fires kill thousands of Americans and destroy billions of dollars of property. Daily, across this nation, fire fighters risk their lives to protect us, our homes, our businesses, and our belongings. Graydon Briggs is one such man. After serving his country bravely during the Korean conflict, Mr. Briggs returned home to Michigan and began a career of service that spanned four decades. For 37-years, Mr. Briggs served his community as a firefighter protecting lives and property of Grand Ledge residents and the neighboring townships of Eagle, Oneida, and Watertown.

His leadership abilities and organizational skills caused him to be appointed to the rank of Fire Chief. He discharged this office with integrity for 31 consecutive years. Chief Briggs had the unique ability to cohesively unite both paid and volunteer firefighters under his command. Under his dedicated leadership Grand Ledge saw many improvements in their fire department. They received their first aerial ladder truck, something uncommon to smaller rural communities. A new rescue truck with the "jaws of life" tool was added. The city's first water rescue boat was placed in service. New pumper and tankers were added. These improvements helped lower fire insurance rates for Grand Ledge.

Chief Briggs was honored in 1971 when he performed rescue breathing on a young girl rescued from an apartment fire in which she was trapped. Her life was saved by this compassionate effort by Chief Briggs.

In addition to firefighting skills and administrative capabilities, Chief Briggs became a superlative instructor. He organized and conducted numerous fire training schools and taught his art to hundreds of new firefighters. He has committed his life to the service of others.

As a Member of the Congress of the United States of America, I am pleased to rise today to recognize his accomplishments and join with his many friends and admirers in extending my highest praise and warmest wishes for many happy years to come as he enters his retirement.

PERSECUTION OF BAHA'I CONTINUES IN IRAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. GILMAN. Mr. Speaker, President Khatami of Iran recently addressed the American people in a televised interview in which he stated that "religiosity liberty and justice" were the "aspirations of the Islamic Revolution." In this regard President Khatami indicated that the Iranian and American people cherished similar ideals.

Despite these hopeful statements, however, the members of the Baha'i faith in Iran still are subject to systematic persecution aimed at the destruction of this community in its own homeland. Although the number of executions of members of the Baha'i faith are down from the level of killing that occurred during the earlier phases of the Iranian revolution—two were killed during 1997 for apostacy, and the number of Baha'i in prison has fallen from 750 in 1986 to 21 at present, individual members of this faith are still subject to harassment or arrest due to their religious beliefs.

Of most concern are the state enforced measures designed to deny the ability of the Baha'i community to sustain itself. Baha'is are forbidden to elect leaders, organize schools or conduct religious activities. Elected assemblies which, since the Baha'i have no clergy, serve to govern the community were disbanded by Iranian government order in 1983. All community properties, including cemeteries, and other holy places were confiscated soon after the 1979 revolution, and none have been returned.

Baha'is are denied jobs and pensions on the basis of their faith, and Baha'i students are prevented from attending universities which, in turn denies the opportunity for economic advancement and further impoverishes the community. Members of the Baha'i faith have no legal standing and have no recourse to enforce their civil and economic rights within the Iranian judicial system.

Mr. Speaker, I believe that if we want to truly test the sincerity of President Khatami's recent offer to open a dialog with the American people we should ask his government to end the repression of the Baha'i and other religious minorities in Iran. Our government should use its voice and vote in the upcoming meeting of the UN Commission on Human Rights in Geneva to press the Iranian authorities to prove to the international community that Iranian society really does cherish religiosity, liberty and justice by ending the systematic persecution of the Baha'i and all of its religious minorities.

PRESERVING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. CLYBURN. Mr. Speaker, yesterday I introduced H.R. 3266, legislation which will be of great benefit to our nation's Historically Black Colleges and Universities (HBCUs), and will help preserve a vital cultural link for this country. I am very proud that each member of the Congressional Black Caucus has joined with me in co-sponsoring this bill.

Our bill will amend the Omnibus Parks and Public Land Management Act of 1996 to provide additional funding for the preservation and restoration of historic buildings and structures at HBCUs. There is currently an authorization of $29 million for this activity, but much more is needed.

Last year I sought a General Accounting Office (GAO) study to determine exactly the amount needed to preserve these treasures. The Congressional Black Caucus requested the GAO to conduct this survey, and after a year long undertaking, this comprehensive report was given to me on February 6th.

Every HBCU responded to the GAO survey. The report documents 712 historic properties owned by these institutions, and projects a cost of $755 million to renovate and preserve these sites. The current authorization requires a dollar for dollar match from the schools, and the legislation I introduced will expand the authorized program by $377.5 million. This authorization, Mr. Speaker, requires a dollar for dollar match by the school.

Mr. Speaker, once we lose a site of historic significance, it is gone forever. The extent of the threat these sites face is exemplified by their recent nomination to the National Trust for Historic Preservation's Eleven Most Endangered List. The schools which will benefit from this legislation are much more than academic institutions. For many Americans these HBCUs represent the very core of their communities, and were a source of refuge, shelter, and inspiration during the dark days of segregation. Indeed, the nomination to the Eleven Most Endangered List states in part, "During the Civil Rights Movement, HBCUs were as important as churches in the black community."

Mr. Speaker, I ask my colleagues from both sides of the aisle to join with me in this struggle to save a significant part of our heritage.

"WHAT NEXT IN IRAQ?"

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. WEXLER. Mr. Speaker, Saddam Hussein is the same brutal dictator today that he was when he gassed his own people with chemical weapons, starved them to death and machine-gunned them in mass graves. The only difference is that today he has been given a new lease on life by the United Nations. Don't get me wrong. I respect the negotiation effort by United Nations Secretary General Kofi Annan in Iraq. He deserves the world's gratitude for avoiding war—for the time being.

Annan's new agreement with Iraq, however, will not end the long term conflict between Iraq and the world community, and may ultimately create more problems than it resolves. One element of the agreement calls for a "Special

Group" of senior diplomats and U.N. inspection experts to inspect the eight Presidential Sites in Iraq. With the inclusion of diplomats and politicians in the inspection effort, secrecy and surprise inspections will be compromised, and U.N. efforts to discover and eliminate Iraq's weapons of mass destruction will be severely handicapped.

All of a sudden, international politics and the greed of countries like France and Russia for big profits in trade with Iraq are paramount to a successful U.N. effort to inspect and destroy dangerous weapons.

By conceding in the U.N.-Iraq Agreement to bring the issue of lifting sanctions against Iraq to the Security Council, presumably before all inspections are completed and weapons destroyed, the world has handed Saddam Hussein a significant political victory. In fact, it would be a serious mistake to ease economic sanctions against Iraq. President Clinton correctly stated in his Pentagon speech that sanctions have already cost Hussein $110 billion, and the President aptly wondered how much stronger Hussein's armed forces would be today without sanctions.

Bellyaching about the U.N.-Iraq Agreement, however, does not serve American interests well. Equally shortsighted is the effort to gear up for some future invasion of Iraq while our stated objective remains limited to the "substantial reduction" of Iraq's weapons of mass destruction capability. What the United States must do is commit herself to help the Iraqi people liberate their nation from Hussein's dictatorial reign.

The Clinton Administration has incorrectly concluded that the only way to overthrow Hussein is with a massive ground invasion. This assessment grossly overestimates Iraq's military strength. The weaknesses of Iraq's forces were exposed during the Gulf War in 1991, and the Iraqi military is significantly weaker now, in great part because of the cumulative effect of years of sanctions. On the other hand, American intelligence and military preparedness to successfully strike Iraq are significantly stronger.

Several Middle East experts, including Ambassador Paul Wolfowitz, Dean of International Studies at Johns Hopkins, have questioned the notion that only a comprehensive ground invasion by the U.S. can bring down Saddam Hussein. I am convinced that if we take the following steps, in addition to preparing for military action when the next inevitable crisis with Saddam Hussein occurs, we will help to facilitate democracy in Iraq and rid the world of a rogue dictator:

1. Challenge the claim of Saddam Hussein as the legitimate ruler of Iraq. No doubt this goal was made more difficult by the credibility Hussein has garnered through his new international agreement.

2. Make clear the intention of the United States to recognize a provisional government—a Free Iraq—and start with the Iraqi National Congress.

3. Find a mechanism to make the frozen assets of Iraq in the U.S. and elsewhere available to the anti-Hussein forces. The U.S. and U.K. alone have over $1.6 billion in frozen assets which should be used to finance democratic forces in Iraq.

4. Lift economic sanctions from regions in Iraq that are wrested from Saddam Hussein's control, and make oil resources available to the anti-Hussein forces for humanitarian needs and economic development.

5. Provide weapons and logistical support to the resistance, as well as air cover for liberated areas within the Southern and Northern no-fly zones.

Saddam Hussein remains nothing less than an international war criminal who should stand trial for his crimes against humanity. He has broken every agreement he has made with the United States and the world community since the Gulf War. He will no doubt once again subvert this agreement, and when he does, we must be prepared to initiate military air strikes immediately aimed specifically at destroying Saddam's personal power infrastructure, including his communications network and the Republican guard.

Seven years after the Gulf War, Saddam Hussein is still a menace to his own people and to world peace. Only by assisting the Iraqi people to liberate themselves will we prevent Hussein from becoming an even more serious threat seven years from now.

PERSONAL EXPLANATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. MICA. Mr. Speaker, I was unable to vote on 2–25–98 as I was in Central Florida with the President visiting the victims of the horrible tornadoes which struck our community.

Mr. Speaker on Roll Call #19 (the Nadler amendment to HR 1544) I would have voted no.

Mr. Speaker on Roll Call #20 (the Conyers amendment to HR 2181) I would have voted no.

Mr. Speaker on Roll Call #21 (Passage of the Witness Protection and Interstate Relocation Act) I would have voted yes.

Mr. Speaker on Roll Call #22 (the Jackson-Lee (TX) amendment to HR 1544) I would have voted no.

Mr. Speaker on Roll Call #23 (the Jackson-Lee (TX) amendment to HR 1544) I would have voted no.

Mr. Speaker on Roll Call #24 (Passage of HR 1544, Federal Agency Compliance Act) I would have voted yes.

INTRODUCTION OF THE INVESTMENT IN CHILDREN ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mrs. KENNELLY of Connecticut. Mr. Speaker, if there was any doubt about the need to make day care safer and more affordable, it should be erased by one clear statistic: 60 percent of mothers with children under the age of six are now in the workforce; a rate 5 times higher than 50 years ago. Of course, some might say these parents are making the wrong "choice" by going to work. But the fact is that many parents don't have a choice. Single mothers obviously have to work to support their children and an increasing number of married couples also both have to work to make ends meet. Rather than ignoring this economic reality, or questioning the role of women in the workforce, we should help these hard-working families find affordable, quality child care.

However, this does not mean we cannot also help families with a parent who stays at home to care for a young child. The debate, after all, is about caring for children, regardless of whether they are in day care or at home.

I am therefore introducing legislation today that focuses on improving child care in six critical areas. The Investment in Children Act would: (1) make day care more affordable for middle-income families by reducing their taxes; (2) provide tax relief to families with a parent who stays at home to care for a young child; (3) help low-income working families receive day care through the current child care block grant; (4) improve child care quality and safety; (5) encourage businesses to provide child care to their employees; and (6) increase the availability of after-school care.

In my home state of Connecticut, day care costs for young children average about $7000 a year; presenting a major financial barrier for many families. To help these families pay for quality child care, my legislation would increase the current Dependent Care Tax Credit (DCTC) for every family earning less than $60,000. This tax cut will help hard-working, middle-income families in Connecticut and throughout the nation afford quality day care for their children. For example, a dual-income family earning $40,000 a year with two children in routine day care would have their taxes cut by almost $2000; double the amount of tax relief now provided by the Dependent Care Tax Credit.

The Investment in Children Act would also help those families with a parent who cares for their young children at home. The legislation would allow families with a child under the age of 4 who do not receive the Dependent Care Tax Credit to file for an expanded Child Tax Credit. This credit would be equivalent to the current $500 Child Tax Credit plus an additional amount equal to the average increase in tax relief provided to two-worker families through the expansion of the DCTC. The provision ensures the same amount of new tax relief for one-worker families caring for a young child at home and two-worker families with a child in day care.

While a tax credit may help many middle-income Americans better afford day care, it may not help low-income working families with limited tax liability. To ensure these families also have access to quality child care, the Investment in Children Act would increase the current Child Care and Development Block Grant (CCDBG) by $8 billion over the next 5 years. States would be required to use no less than 70 percent of this new funding to provide subsidies and other assistance to low-income, working families who need child care. While states can already access the CCDBG to help the working poor, most of the funding is dedicated now to welfare families, leaving too little help for those working in low-wage jobs and still trying to afford quality child care.

When they cannot remain at home with their children, every parent has two basic expectations of any child care arrangement: it should be safe and it should provide a stimulating and nurturing environment. To make this expectation a reality, the Investment in Children Act would spend $3 billion over the next five years to help states check the safety of day care facilities and to improve the quality of child care programs. For example, the funds could be used by the states to: increase unannounced safety inspections of child care facilities; improve and expand training of child care providers; promote early learning programs; and reduce staff-to-child ratios.

One way to increase the availability of quality day care programs is to encourage businesses to provide on-site day care for their employees' children or to contract with existing child care providers. This legislation therefore includes the Administration's proposal to provide a 25% tax credit (up to $150,000) for businesses providing child care to their employees. The credit would be available to businesses for building or expanding on-site child care facilities, operating existing on-site child care facilities, or contracting with a licensed child care facility.

Finally, this legislation recognizes the need for more after-school care. Research from the FBI indicates that children between the age of 12 and 17 are most at risk for committing or being victims of violent crime between 3 and 6 pm. Other menacing issues, including teenage pregnancy, also become a problem during this interval between the school bell and the work whistle when an estimated 5 million children go without adult supervision. To provide constructive educational and recreational programs for more children during these perilous hours, the legislation would increase funding for after school programs by almost $4 billion over the next five years. Three billion dollars of this new funding would be sent to the states as a capped entitlement to help them promote a variety of after-school programs. Additionally, the five-year authorization level for the Department of Education's 21st Century Community Learning Center Program, which provides grants to local schools or after-school care, would be increased to $1 billion.

Before I conclude, let me remind all of my colleagues that providing additional tax relief for middle-income families to help them afford day care or care for their children at home will be drastically undercut unless we reform the Alternative Minimum Tax (ATM). Without changes, the AMT will rob 8 million families of the current $500 Child Tax Credit over the next ten years, not to mention any potential new tax credits. The Investment in Children Act therefore includes a provision that would prevent the AMT from hitting middle-income families depending on tax credits.

Taken as a whole, the provisions in the Investment in Children Act would improve the accessibility, safety and quality of child care in America and that represents nothing less than an investment in our future. I urge all of my colleagues to support this effort to provide better care for millions of children across our great nation.

TRIBUTE TO JOHN L. "JACK" SMITH, DISTRICT DIRECTOR, CHICAGO DISTRICT OFFICE, U.S. SMALL BUSINESS ADMINISTRATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. RUSH. Mr. Speaker, I rise today to honor John L. "Jack" Smith, who is retiring as the District Director, Chicago District Office, of the U.S. Small Business Administration. An event will be held in his honor on Thursday, February 26, 1998, in Chicago, Illinois. Jack began his service to his country in 1951 when he joined the Navy. From 1967 to 1970, Jack worked as a loan specialist for the Economic Development Administration after two years as Director of Financial Assistance for the Business and Job Development Corp. in Pittsburgh. In October, 1973, Jack joined the Office of Minority Business Enterprise of the Department of Commerce as the Midwest Regional Director in Chicago. Jack joined the SBA in November, 1975. As District Director, Jack was responsible for the administration of SBA's loan management assistance, government contract, and advocacy programs for small businesses throughout Illinois. Jack's efforts as Chicago District Director have resulted in several billion dollars in loans and federal contracts on behalf of Illinois' small business community.

Jack's 23 years as District Director and 34 years of federal service have greatly benefited Illinois' small business concerns. However, his service did not end there. Jack has volunteered his considerable expertise to benefit the Heart Association, the Kiwanis Club, United Fund and Boy Scouts of America.

I ask that my colleagues join me in honoring John L. Smith, an outstanding community and business leader and role model. I wish him the best of luck in his retirement. May he continue to share his talent and love of community that he has given to the federal government and the community at large.

WITNESS PROTECTION AND INTERSTATE RELOCATION ACT OF 1997

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2181) to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in the relocation, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise in opposition to H.R. 2181, the Witness Protection and Interstate Relocation Act of 1997. Although I support the witness notification and relocation provision in this bill as well as the goals of the witness intimidation provisions, I object strongly to the inclusion of the death penalty for witness intimidation that results in death. It is also troubling that the death penalty is again applied for conspiracy offenses. This subjects a defendant to be sentenced to death without tangible evidence of guilt of murder and substantially increases the risk of a mistaken conviction and execution. I cite the report from the Death Penalty Information Center, "Innocence and the Death Penalty: The Increasing Danger of Mistaken Executions," which reports 69 instances since 1973 in which condemned prisoners were released from death row because of wrongful convictions. It did not have figures on how many innocent people were actually executed.

I concur with the American Bar Association's resolution that the system for administering the death penalty in the United States is unfair and lacks adequate safeguards. The Bar Association resolution goes on to declare that a moratorium should be imposed on executions until a greater degree of fairness and due process is in place.

There is compelling evidence from many jurisdictions that the race of the defendant is the primary factor governing the imposition of the death sentence. In the Ocmulgee judicial circuit in Georgia, the district attorney sought the death penalty in 29 cases between 1974 and 1994; in 23 of those 29 cases—79 percent—the defendant was black, although blacks make up only 44 percent of the circuit's population. Another instance of the distorted effect of the death sentence is the evidence emerging under the Federal death penalty for drug kingpins. Of 37 defendants against whom the death penalty was sought between 1988 and 1994, 4 defendants were white, 4 were Hispanic, and 29 were black.

It has been 25 years since the U.S. Supreme Court invalidated the death penalty in *Furman* v. *Georgia;* there is now a large body of evidence to indicate that the death penalty is still imposed in a manner that goes beyond the words of the law. It targets African-Americans in a totally unacceptable way and although I strongly support improving the safety of witnesses and increasing the coordination between the Federal and State governments in protecting and relocating witnesses, I cannot support legislation which imposes an overtly prejudicial death penalty. I urge my colleagues to defeat this bill.

THE PERSIAN GULF VETERANS ACT OF 1998

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. EVANS. Mr. Speaker, I am today introducing the Persian Gulf Veterans Act of 1998. This important legislation offers a framework for compensating veterans suffering from Gulf War illnesses, responds to the need many veterans have expressed for identifying effective models to treat hard-to-define diseases, and addressed other problems Congress has investigated since 1992. Joining with me, as original cosponsors of the Persian Gulf War Veterans Act of 1998, are my distinguished colleagues, Representatives ABERCROMBIE, Bishop, Blagojevich, Brown, Carson, Clyburn, Filner, Gutierrez, Kennedy(MA), Mascara, Ortiz, Peterson, Reyes, Rodriguez, and Underwood. I am also pleased the Persian Gulf Veterans Act of 1998 has the support of the major groups advocating on behalf of Persian Gulf veterans. The American Legion, Veterans of Foreign Wars of the U.S. and Vietnam Veterans of America have all expressed support for this measure.

Seven years ago this week, allied ground forces, with air and naval support, countered Iraq's invasion of its neighbor Kuwait. Of the nearly 700,000 American troops who served in the Persian Gulf theatre, about 100,000 have signed onto registries maintained by the Departments of Defense and Veterans Affairs. The Departments' estimates of those registered who have diagnoses which are not easily treated vary from 10–25 percent. Meeting the needs of those suffering from illnesses, including those which defy ready diagnoses and treatments, is a continuing obligation of our nation—an obligation we must honor. With the current buildup of American troops in the Persian Gulf region, the need for enacting the Persian Gulf Veterans Act of 1998 is even more compelling.

The Persian Gulf Veterans Act of 1998 calls for an independent agency to advise the Department of Veterans Affairs on the appropriateness of the federal research agenda on the numerous illnesses suffered by Gulf vets and the probable causes of these illnesses. The research review would lay the foundation for compensating Persian Gulf War veterans by determining where associations can be made between specific exposures and illnesses and where other information must be considered.

It may take years to determine why so many veterans are sick, but we know one thing for sure. Our veterans are suffering and many share similar symptoms that are not attributable to any particular cause. It seems fair to use these symptoms, rather than some yet-to-be-determined causes as the basis for compensation. While this approach would require scientist to determine which conditions are most likely the result of Gulf War service, veterans would not have to prove that a certain exposure caused an adverse health outcome. That would require some science that simply does not exit.

Determining the "prevalence" of the illnesses Gulf War veterans experience more often than other veterans from the same era, is an epidemiologic approach endorsed by scientists from the President's Gulf War advisory panel. On February 5th, Dr. Arthur Caplan, a member of the Presidential Advisory Committee on Gulf War Veterans' Illnesses, stated that his Committee felt that a prevalence model gave the veterans the greatest benefit of the doubt. According to Dr. Caplan, "Gulf War Illness is a very real phenomena. No one on this committee should doubt that for a moment . . . What should be forthcoming . . . is an unwavering commitment from this Congress and this administration to provide the health and disability benefits to all those who became sick when they came back from the Gulf."

The Persian Gulf Veterans Act of 1998 would also require the Institute of Medicine of the National Academy of Sciences (NAS/IOM) to review emerging technologies to assess exposure to agents that may have been present in the Gulf or to identify new diagnostic tools for some conditions. It would ask the NAS/IOM to assess the most effective treatment protocols for illnesses like those from which Persian Gulf veterans suffer and to review the research undertaken by the federal government and offer its own assessment of the research to date along with identifying research that should be done to fill the knowledge gaps. This would provide the "third-party" perspective sought by many Persian Gulf veterans, as well as the American public. The Persian Gulf Veterans Act of 1998 would also require the information infrastructure VA, DOD and Congress need to review the extent of veterans' health care problems and monitor these agencies' abilities to address them with adequate compensation and health care services.

We must never give up on our efforts to learn why many of our Gulf vets are sick, but we must also use the best available means to treat their symptoms and to compensate them for their disabilities. Our veterans deserve the benefit of the doubt on this issue, and that's what the Persian Gulf Veterans Act of 1998 is designed to give them.

PREVENTING THE TRANSMISSION OF HIV

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. LANTOS. Mr. Speaker, earlier this month the Subcommittee on Health and Environment of the Commerce Committee held a hearing on "Preventing the Transmission of the Human Immunodeficiency Virus (HIV)," at which a number of witnesses discussed the problems related to this serious health issue facing our nation. The subcommittee also considered legislation that has been introduced in the House relating to HIV transmission. I requested the opportunity to present a statement for inclusion in the record of the hearing, Mr. Speaker, because of the importance of this issue to my congressional district and because of the serious national importance of this health problem. Unfortunately, there is considerable misunderstanding of the issue and the best way to deal with it.

Mr. Speaker, I ask that my statement to the Subcommittee on Health and Environment be placed in the Record, and I urge my colleagues to give thoughtful consideration to this important issue. It is probable that the House will be considering legislation involving the transmission of HIV later this year, and it is important that all of us here in this body be well informed on this issue.

STATEMENT OF CONGRESSMAN TOM LANTOS

HEARING OF THE SUBCOMMITTEE ON HEALTH AND ENVIRONMENT ON PREVENTING THE TRANSMISSION OF THE HUMAN IMMUNODEFICIENCY VIRUS (HIV)

HOUSE COMMITTEE ON COMMERCE

Mr. Chairman, I thank you for conducting this hearing on HIV transmission and prevention and for this opportunity to express my support of our country's public health efforts in dealing with this serious epidemic.

As you know, the Center for Disease Control (CDC) reports over 600,000 AIDS cases reported nationally since the outbreak of the AIDS epidemic. Annually, 40,000 new HIV infections are reported and approximately 650,000–900,000 Americans are diagnosed HIV-positive. According to the San Francisco AIDS Foundation, California alone currently reports over 100,000 cases which accounts for nearly 18% of all AIDS cases in the U.S. Only New York reports a larger total number of AIDS cases. These figures indicate precisely why the fight against HIV transmission and infection is a top public health priority.

Despite these overwhelming numbers associated with HIV infection, I am greatly encouraged by the fact that California has recently reported a 60% decline in AIDS-related deaths in the first six months of 1997, as compared to the first six months of 1996. And it is especially urgent that we understand what has enabled California to dramatically decrease its number of AIDS deaths and cases so that we may reproduce these efforts and continue to successfully combat the disease. Federal funding has been a main impetus through which we have developed new drug therapies, and we cannot underestimate the significance of improved access to medical care and increased prevention efforts in reducing AIDS transmission and fatalities.

Our country needs to take an intelligent approach to the AIDS epidemic. By intelligent approach, I mean that we need to take into account how different populations are affected by this disease. We now know that new HIV infections in the U.S. occurs among people between the ages of 13 and 20. Young gay and bisexual men experience disproportionately high numbers of AIDS cases and HIV infections. We know that the proportion of AIDS cases has risen among women and among several minority groups, despite declining in several other populations. The facts are compelling, and rather than ignore these facts, we should direct our attention to specific populations that have been specifically affected.

Research and science are our tools; we should use them to guide us in our federal policies. Because the scientific and statistical findings in regards to HIV transmission indicate significantly different proportions of HIV infection in different population groups, I am fully supportive and a proud cosponsor of H.R. 1219, the Comprehensive HIV Prevention Act of 1997, introduced by my esteemed colleagues Representative Nancy Pelosi (D-CA) and Representative Constance Morella (R-MD). Their legislation will promote targeted, primary prevention programs that effectively consider the increasing challenge for high risk populations such as people of color and women. H.R. 1219 would enhance federal coordination and planning by giving authority and responsibility for developing a strategic HIV prevention and appropriations plan to the Secretary of HHS, in consultation with an Advisory Committee. In addition, the bill will authorize further research for investigating possible new HIV infection sites. With its provisions for community-based prevention programs, counseling and testing programs, treatment and related services for rape victims, funding for AIDS/HIV education and information dissemination, as well as adolescent and school-based programs—the Pelosi-Morella act is a thorough and natural extension of current HIV prevention programs in the United States. It will approach HIV prevention through methods that are locally defined, community-based, and that utilize at-risk population targeting.

In contrast, the HIV Prevention Act of 1997 (H.R. 1062) is based upon a belief that identifying individuals who are HIV positive, in and of itself, can prevent new infections. It is a major setback to the progress we have been making in implementing effective HIV prevention programs. Despite the fact that no other disease is required to be reported by federal mandate, and despite the fact that the CDC has not requested that Congress create such an unprecedented mandate for HIV, H.R. 1062 still calls for mandatory partner notification.

Furthermore, H.R. 1062 mandates reporting of HIV infected people to the State public health officer and the CDC. Not only should HIV reporting remain a state responsibility, but this mandate is a coercive measure which would discourage people at risk for HIV from seeking treatment and testing at a time when we are making impressive breakthroughs in new treatments. This measure would only hurt our efforts to slow HIV transmission, a public health concern. There is no reason for us to isolate and differentiate HIV from other sexually transmitted diseases, nor to stigmatize HIV infected citizens.

The creation of a national partner notification program as would be mandated by H.R. 1062 would also be an unnecessary waste of resources. Furthermore, the Ryan White CARE Act Amendments of 1996 already requires states to administer partner/spousal notification programs as a condition of receiving HIV care funding. The HIV Prevention Act of 1997 would prevent state and local officials from effectively targeting their programs and making decisions to meet the needs of their individual, unique populations. We cannot tolerate a reductive one-size-fits all solution to HIV infection, a complex epidemic.

We should not simplify our efforts to prevent HIV transmission. In fighting the epidemic of HIV, we have learned a great deal from our colleagues in scientific research. Because I believe that needle exchange programs have proven to be an effective and cost-effective way of reducing the spread of HIV, I am delighted to also be a cosponsor of H.R. 2212, the HIV Prevention Outreach Act of 1997, introduced by Representatives Elijah Cummings and Nancy Pelosi.

A single clean syringe costs less than 10 cents, and treatment for one HIV-infected individual costs over $100,000. More than half a billion dollars in health care expenditures could be avoided through the implementation of needle exchange programs. There is a tragic cost to not acting and implementing needle exchange programs. The Cummings-Pelosi bill would end the ban on federal funding of needle exchange programs, and along with H.R. 1219, it enables us to battle AIDS in such a way that does not ignore the inroads we have already made into how the disease has affected certain populations.

It is my pleasure to announce that I am not alone in my sentiments about needle exchange. The findings of the scientific community support my view that needle exchange is a necessary and extremely efficient way of dealing with HIV transmission. To date, six federally funded studies, including a Consensus Development Conference by the National Institutes of Health and also a study by the University of California, San Francisco for the Centers of Disease Control and Prevention, all demonstrate the effectiveness of needle exchange in reducing an important risk factor for HIV transmission. It is not a coincidence that by providing clean needles to injection drug users who comprise nearly 50% of newly infected HIV victims, we are slowing the spread of HIV not only to those who will use the needles but to their partners and their children as well.

This information has found the ears of the American public, approximately 66% of which support needle exchange. Distinguished and respected public health organizations such as the American Medical Association, the American Public Health Association, as well as public officials and legal groups such as the United States Conference of Mayors and the American Bar Association have all heard the facts supporting needle exchange and are supportive of preserving the authority of the Secretary of Health and Human Services to determine if federal funds can be used for needle exchange programs.

In the matter of HIV transmission and infection, we should listen to what our scientific knowledge makes undeniable; we need comprehensive programs such as those authorized by the Pelosi-Morella bill, and we need to give our public health officials the means to combat HIV through needle exchange, as expressed through the Cummings-Pelosi bill.

I urge the Congress not to delay the use of federal funds for needle exchange programs. Furthermore, I want to reiterate the importance of learning from our research investigations of HIV infection and AIDS cases. The spread of HIV has taken a specific path that we have traced, and that we must take steps to counteract. The word is out that needle exchange is a successful way of addressing HIV transmission. The word is out that we can best approach this problem by funding research and funding programs that will allow states to target and address the specific developments of the HIV/AIDS epidemic. We need to lift the ban on federal funding of needle exchange and to address the needs of children, women, and minorities who are affected by AIDS and the HIV infection.

Thank you again for holding this important hearing. I hope you will be supportive of state and local officials in their efforts to combat HIV transmission and infection.

TRIBUTE TO DOYLE WILLIAMS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing Doyle Williams, retiring Business Manager and Financial Secretary of the Plumbers and Steamfitters' Local 342.

Doyle has long been an active and committed member of Local 342. Being initiated as an apprentice in May 1959, Doyle soon became a leader amongst his union brothers. Understanding the importance of a strong union organization to his community's many working men and women, Doyle undertook to position Local 342 as an integral member of Contra Costa County's labor movement. His personal involvement with the California State Pipe Trades Council, the Central Labor Council of Contra Costa County, the Contra Costa Building & Construction Trades Council and many other such organizations, has benefitted not only the members of his own union, but all of those working in the trades.

I would like to personally thank Doyle for his activism in the area of public policy. On the numerous occasions that I have addressed the House on behalf of our country's working men and women—on such critical issues as the minimum wage, occupational safety, national trade policies, to name just a few—Doyle was always there to let me know that I spoke with the support of labor. His thoughts and counsel over the years have been invaluable to me, and it has been my honor to work with him.

On behalf of the U.S. House of Representatives I would like to congratulate Doyle Williams and wish him a happy and healthy retirement.

THE 75TH ANNIVERSARY OF THE BOROUGH OF RIVERDALE, MORRIS COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 75th Anniversary of the Borough of Riverdale, Morris County, New Jersey. Although not an independent municipality until 1923, Riverdale has a long, a rich history that extends well before the Revolutionary War.

Riverdale was first settled by Dutch and English pioneers in 1695 and was part of a larger area historically known as Pompton, after the local Indian village and tribe that bore the same name. The borough itself went through several name changes since its first settlement—called at First New Greenwich, then Townsha—and remained a subsection of Pequannock Township until its official incorporation 75 years ago.

While the area was originally farm country, by the early 1800's Riverdale was a place of great activity. Along with the introduction of its first school house in 1812, there existed a thriving business in wooden staves, hoops and hoop poles. In the late 19th century, with the coming of the railroad and the establishment of several larger businesses—including DuPont, a rock quarry and two rubber factories—the population of Riverdale increased rapidly. Many more houses were erected in the area, and a newer, and larger, schoolhouse was built by 1904.

Interestingly, the issue of school size, and the desire to avoid being taxed for the construction of a large schoolhouse in the Pequannock section of town, was actually one of the decisive factors that spurred Riverdale residents to form an independent borough. After many long meetings by the New jersey state legislature, Riverdale residents were finally granted the right in 1923 to officially separate from Pequannock, and incorporate as an independent municipality.

For the past 75 years, Riverdale Borough has prospered as a community and continues to thrive today. While still covering the same 1.8 square mile area that it has for several centuries—ranking it as the second smallest municipality in Morris County—Riverdale has nonetheless emerged as one of its fastest growing communities. By all accounts, the Borough of Riverdale will continue to prosper in the future, and I ask you, Mr. Speaker, and my colleagues to congratulate all residents of Riverdale on this special anniversary year.

NATIONAL FOREST MANAGEMENT PRACTICES NEED ATTENTION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the health of the national forests in the west and the economies of rural western communities are at risk from current national forest management practices. Severe threats from fire, insects and disease endanger the forests and the health, happiness and well-being of the citizens of Colorado. While properly utilized timber harvests can effectively contribute to restoring the health of forests, timber programs on the national forests have been almost completely eliminated in Colorado.

There has been an unprecedented increase in the annual net growth of national forests since the turn of the century. Historical records and studies of paired "then and now" photographs suggest that the growth potential of timber has been consistently and seriously underestimated. Many scientists believe that Colorado has more, and older, trees now than at any time in recorded history.

It is well established that healthy forests have a diversity of age classes and successional stages. However, our forests have changed with the passage of time. Decreased use of our resources appears to have resulted in the overgrowth of shade-tolerant understory plant species, the overload of forest fuels, increased numbers of trees, and, alarmingly, a decrease in overall forest diversity. Increased forest volume and denser canopies cause more rain and snow to evaporate into the atmosphere before reaching the forest floor. That evaporation leads to a decrease in available water supplies for threatened and endangered species, drinking water and agricultural supplies.

Insect outbreaks and large, intense fires are becoming more common and more severe on these dense, homogeneous forests. Currently, 20–30 million acres of National Forests are susceptible to catastrophic wildfires. As suburban populations migrate further away from the cities, forest fires consume more property and, tragically, more lives. Those fires also cause serious air and water quality problems. In the wake of destructive fires, erosion and flooding contribute to the degradation of mountain streams, and ultimately, to our water supplies.

Mr. Speaker, the health and capacity of forests is directly related to the volume of timber harvested. Without harvesting, thinning or prescribed burns, timber inventory accumulates to the point where growth is impeded, and stands become susceptible to wildfires, beetle infestations and disease. Timber harvests add valuable and essential resources to the economy while reducing the potential for catastrophic fires by eliminating dangerously high levels of fuels. While many advocate the use of prescribed fires, without the complement of timber harvests, even those fires may have detrimental side effects. For example, prescribed burns often destroy economically viable and renewable resources while violating air quality and visibility standards.

In recent times, the U.S. Forest Service has shifted away from their mission of multiple uses and sustained yield. Competing public interests push the Forest Service to a management style motivated not by sound policy, but by fear of special interest backlash. Management, it seems, is controlled not by what is best for the forest, but by what interest group protests the loudest. Meanwhile, timber budgets and timber sales decline and administrative costs escalate. Directing funds away from timber budgets negates Forest Management plans, undermines public input into the process, and harms the forest ecosystem. Such impediments to the Forest Service mission have resulted in a de facto policy of reduced management, increased risk of wildfires, and deteriorating forest health.

Better national forest timber programs are essential to the proper stewardship of America's forests and to the health, condition and integrity of the environment. Accordingly, I strongly urge my colleagues and the Chief of the U.S. Forest Service to support proper harvest management tools to ensure better forest health throughout the country. Moreover, I urge the Congress to support the Rocky Mountain Regional Forester's strategy to reverse the decline of forest management programs and to reach a more effective program level by the year 2000. Finally, I implore all of my colleagues in the House of Representatives to support Congressional efforts to improve efficiency, effectiveness, and accountability in the management of our national forests.

TRIBUTE TO DR. MONROE D. SENTER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. DUNCAN. Mr. Speaker, for many years Dr. Monroe D. Senter has been a highly respected member of the Knoxville community. A few days ago, Dr. Senter celebrated his 100th birthday. On this occasion, I would like to call his career and many accomplishments to the attention of my colleagues and readers of the CONGRESSIONAL RECORD.

Dr. Senter was born on February 21, 1898, in Knoxville, Tennessee. I am told that as a young man he walked nearly ten miles each day to attend high school. He was president of his class, played football, and graduated as Valedictorian in 1919.

Dr. Senter went on to study at Knoxville College and later earned his Masters Degree from the University of Minnesota. In 1966 he was conferred with an honorary Doctor of Laws Degree from Knoxville College.

In his long career as an educator, Dr. Senter served as a teacher at College High School and Austin High School and was the Principal of Beardsley Junior High School for over 30 years. In addition, for two years he acted as Director of Education and Guidance for the U.S. Department of Education in Washington, D.C.

Dr. Senter has been President of the Knoxville Education Association, the East Tennessee Education Association, the Tennessee Education Association, the Tennessee State Teachers Association, and the American Teachers Central Division.

However, Dr. Senter's contributions are not only in the realm of education. He has been involved in a long list of community organizations including the Knoxville College Trustee Board, the Y.M.C.A., the National Urban League, the Kiwanis Club, and his church, the Lennon Seney United Methodist Church.

The citizens of Knoxville certainly owe a debt of gratitude to Dr. Senter for his many years of service and dedication to the community.

The world would be a much better place if we had more men like Dr. Monroe Senter.

A SEASON FOR NONVIOLENCE

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. GUTIERREZ. Mr. Speaker, I rise today to give my support to "A Season for Nonviolence", an international grassroots movement in commemoration of the 50th and 30th anniversaries of the assassinations of Mahatma Mohandas K. Gandhi and Martin Luther King, Jr.

"A Season for Nonviolence" envisions a better world for all human beings. This movement's actions are based on values firmly rooted in our society's diverse beliefs and traditions. To this end, "Gandhi/King: A Season for Nonviolence" applies its efforts and resources to identifying and bringing into full public focus the rich spectrum of grassroots projects and programs by individuals and organizations who are promoting a culture of peace.

During the period between January 30, 1998 and April 4, 1998 groups throughout the world will sponsor projects and programs to create greater awareness and consciousness of the principles and practices of nonviolence, including symposia on interfaith and inter-racial healing; days of dialogue, prayer and meditation; artistic and cultural events; essay contests and special activities for children.

In my home city of Chicago, many groups are working to focus the hearts and minds of our citizens on nonviolence in recognition and celebration of "A Season for Nonviolence."

I commend the efforts of all of the groups and individuals in Chicago and across America who are dedicating their time and resources to this noble goal. I am very pleased and honored to recognize them today.

IN COMMEMORATION OF THE LAST SUNDAY IN FEBRUARY AS A NATIONAL DAY OF CARING

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. HOBSON. Mr. Speaker, I rise before you today to commemorate the last Sunday in February as a National Day of Caring. This day is set aside for communities to show concern for those among them who are homeless and to call attention to the additive effect of individuals in alleviating the suffering of people in need. Since 1991, residents of Ohio's Miami Valley have come together and offered a variety of ways to serve those less fortunate on the Day of Caring. My colleague, Representative TONY HALL, and I personally have been long-time participants and co-chairmen of this important day. I am proud to have had the opportunity on five occasions to join in by cooking pancakes at the annual Day of Caring Kickoff Breakfast alongside other concerned Miami Valley residents.

Over the past seven years, the Day of Caring has been a tremendous success. Thousands of area residents have participated. In all, over $110,000 has been raised for donations to area organizations that serve the needy. Additionally, The Day of Caring provides an opportunity to acknowledge those who combat the problems that plague the hungry and the homeless. It promotes many of the area organizations whose primary mission is to address the needs of those less fortunate. Local affiliations of organizations such as the United Way, Hospice, Aim for the Handicapped, the Red Cross, and Habitat for Humanity individually sponsor events. Volunteers from the Franciscan Medical Center, The Good Neighbor House, The Girl Scout Council, and the Mad River Lion's Club also participate. The Day of Caring truly celebrates the spirit of volunteerism that is alive and well in the Miami Valley.

This past Sunday, February 22, 1998, was this year's Day of Caring. Nearly 1,000 volunteers kicked off the day with the Day of Caring Pancake Brunch at seventeen different locations in the Miami Valley. Two locations offered over 500 free brunches for the hungry and homeless. Fifteen sites served over 7,000 pancake and sausage breakfasts in an annual fundraising effort. Congregations of all denominations and organizations participated in raising funds this year for the Emergency Housing Coalition and the Hunger Coalition.

The factors that contribute to homelessness, such as joblessness, financial distress, chemical dependency, mental illness, and domestic violence are immensely complicated. Concerns about providing adequate health care and education for those in need weigh heavily on the minds of many. While these problems will not be solved quickly or easily, The Day of Caring highlights that a ground-swell of concern by our communities really can make a difference. The dream of the first Day of Caring Committee was to bring communities together under the common thread of caring and giving of time, talent, and support. It is certainly realized every year on the last Sunday in February in the Miami Valley. It would be wonderful if other communities might also follow the Miami Valley's lead and participate in their own local activities next year on the Day of Caring.

TRIBUTE TO MELVA BUCKSBAUM

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the invaluable contributions of Mrs. Melva Bucksbaum. Mrs. Bucksbaum has distinguished herself as a strong supporter of the arts and through her numerous accomplishments has earned the honor of being recognized at the Jewish Museum's "Festa do Brazil", a masked ball in celebration of Purim.

Melva has promoted art throughout the United States and Israel, with a particular dedication to contemporary art and artists. Her generosity toward The Jewish Museum's Legacy Campaigns helped make possible the Museum's expansion and renovation, as well as the creation of a vital endowment fund.

In addition to sitting on the Boards of the Jewish Museum and the Des Moines Art Center, Mrs. Bucksbaum serves with a number of other distinguished institutions: the Graduate School of Design, Harvard University; the International Committee of the Tate Museum, London; the Whitney Museum; American Friends of Israel Museum; Save Venice; the Independent Curator's Association; the Kennedy Center's National Committee for the Performing Arts and the International Council of the Museum of Modern Art. Since 1995, Mrs. Bucksbaum has actively managed the Martin Bucksbaum Family Foundation, which is listed as one of the founders of the United States Holocaust Museum.

Mr. Speaker, on March 4, Melva will be recognized by the Jewish Museum for her years of community service as this year's Purim Ball honoree. It is an honor and a pleasure for me to join the Museum in honoring Melva Bucksbaum on this very special occasion.

FOREST HEALTH AND MANAGEMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. SCHAFFER of Colorado. Mr. Speaker, each fall, scores of people travel to the high country to witness the changing colors of Colorado's aspen trees. The changing leaves symbolize our state's diverse, scenic environment as well as its thriving economy. Sadly, a recent study by the Club 20 Research Foundation concludes that Colorado's aspen are at a risk due to years of mismanagement by the federal government.

Club 20 was founded in 1953 by various individuals, counties, communities, businesses and associations in Western Colorado. This grass roots organization follows a broad range of issues and provides a valuable forum for considering the many complex and controversial issues facing our state. Club 20 exemplifies local involvement aimed at providing educational, environmental and economic benefits to our state. I applaud their efforts and their research and commend my colleagues to consider Club 20's findings.

James Hubbard, Colorado's State Forester, warns that if the Forest Service continues to manage as they do presently, most of Colorado's aspen trees will disappear within the next forty to fifty years. According to the Forest Service, the average age of aspen in Western Colorado is between 90 and 110 years, well beyond the point at which they mature and begin to deteriorate. Unless the Forest Service adopts an aggressive management regime designed to restore the health of Colorado's aspen trees, our aspen stands will be lost due to disease, insect infestation and decay.

Congress directed the Forest Service to manage forest lands for multiple use and sustained yields. Today, Forest Service practices show a disturbing trend towards a lack of active management. Unfortunately, those practices seem to be driven not by what is best for the forest, but by what group protests the loudest. That dynamic thwarts good policy and prohibits resource management.

The federal government, which controls more than 70% of the land on Colorado's Western Slope, has neglected to manage for the health of our forests. Their neglect is unforgivable given the consensus among foresters that, without active management, aspen trees die off and fail to regenerate.

The Forest Service and the Department of Interior advocate drastic increases in the use of prescribed burns as a management tool. While some advocate prescribed burns as a "natural" alternative to timber management, even proponents concede that prescribed burns fail to regenerate aspen stands, which do not burn easily. Moreover, prescribed burns have serious detrimental effects on air and water quality.

Selective timber harvesting provides an effective alternative to prescribed burns. Small, patch-work timber cuts facilitate the regeneration of aspen stands, provide economic benefits to the state, and enhance wildlife habitat without detrimental effects on air and water quality. Selective cuts of less than 40 acres allow for the regeneration of aspen trees without replanting. Responsible, well-planned cuts diversify forest ecosystems while leaving many large, standing aspens, and providing valuable habitat for wildlife, including many threatened and endangered species.

Timber management requires access to stands in need of regeneration. Unfortunately, the Clinton Administration advocates a "no access" policy to a large portion of our public lands. Well over 34 million acres of our public lands could be off-limits to access for recreation and management under the Administration's proposed forest transportation policy. That decline is particularly disturbing in light of the Clinton Administration's plans to sever a vital link between local communities and their forests by discontinuing timber-based revenues for schools and roads in favor of a formula developed by the federal government.

There are more aspen trees in Colorado than any other state. Aspen are symbolic of the changing seasons in a state that prides itself on a strong economy, a good quality of life, and an appreciation for the out-of-doors. National forests in Colorado account for not only the production of timber but for a large part of the state's economic benefit from recreation and tourism.

The Forest Service's de facto policy of reducing harvests, increasing the risk of catastrophic wildfires, and deteriorating forest health is unacceptable. It is time for the Forest Service to manage the forests as Congress directed it to for multiple use and sustained yields. Such a policy is best for the health of our forests and for the vitality of our state.

Mr. Speaker, I am working closely with my colleagues on the House Resources Committee and the Subcommittee on Forests and Forests Health to ensure that the Forest Service and the Administration hear Colorado's message loud and clear. On February 25th, the subcommittee conducted oversight hearings on the Administration's roadless area moratorium. There, we considered testimony from county commissioners, forestry experts and Forest Service officials on the issue of access to public lands. On March 26th, we will hold another hearing before the House Resources, Budget and Appropriations Committees into the operations, budgeting and management of the Forest Service. There, with my colleagues, I hope to examine better management alternatives and push for positive change. Proper management of our national forests can provide habitat for wildlife as well as recreational and economic resources for America.

STATEMENT OF LYNN EXE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, last year in my Congressional Office in Bridgewater, Massachusetts, I met with an eloquent and dedicated patriot, Lynn Exe, who described to me her disappointment at the way in which the Fleet Reserve Association dealt with her insurance situation. At her request, I am entering into the RECORD her description of her objection, and her invitation to the FRA to respond. I do so as Mrs. Exe's Representative in the House, who believes that she as a citizen deserves the right to be heard. The First Amendment to the Constitution, to which we all pay homage, singles out a few basic rights for particular emphasis, and one of those is the right to petition for the redress of grievances. Mrs. Exe chooses to do so, and as her Representative in Congress, I am pleased to be able to do my constitutional duty and insert her petition at this point in the RECORD.

Bridgewater Mass., January 21, 1998.

CONGRESSMAN BARNEY FRANK,

DEAR SIR, My husband, John B. Exe, United States Navy, retired, served his country with honor and dedication and retired after 20 years service. During my husband's service he took out the FRA insurance plan. He was told by the navy that should he pay high premiums in the event of his death his widow would not have to pay any further insurance premiums.

My husband had great love for his country and the navy. Therefore he believed that his country would honor the pledge they made to him and other service men.

Shortly after my husband's death I received my first insurance premium, due and payable. Upon making enquiries I was told the funding had run out. Later I was told by a representative of FRA that the navy had told them to stop paying widows and to put funding into HMO's. This is a lie still being told our service men and retirees. In other words our service men do not deserve the truth. Once again this country has broken faith.

Should this happen in Bosnia, Iraq, Mongolia the United States would call this genocide. I call what the United States has done genocide against widows of service men in the United States.

A US judge ruled that retirees can sue the government for breaking the promise of free lifetime health care.

Now as usual the navy has once again proved inept with the closure of military bases dependents now have to go to an outside pharmacautical CO. Which has not been organized completely a dependent obtaining meds through mail order often have to wait two to three weeks. God help our heart patients. Also, after submitting prescriptions which are being returned due to changes which are not notified of this causes another wait for the patient. It would appear the navy had knowledge and plenty of time to organize instead of which they appear to create confusion and more disorganization.

Does anyone really care my words are just a whisper, but I am sure they will eventually become a loud roar. And many more people will become aware of tactics which the government and Untied States Navy have done their best to keep secret.

The genocide to our retirees and their families must *STOP*!!!

The buck stops here gentlemen. It is now *YOUR* responsibility. I will be very surprised but very interested to obtain a response.

I am 73 years of age. I would like to see changes in what time I have left.

LYNNE EXE.

SUPPORT FOR H.R. 1995

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Ms. WOOLSEY. Mr. Speaker, the Point Reyes National Seashore Farmland Protection Act, H.R. 1995, is a unique solution to a growing problem in our country—How do we protect disappearing farmland while simultaneously protecting our natural resources?

Keeping local farms in agriculture is absolutely essential to local economies across the country, and California's Sixth Congressional District is a prime example. Approximately, 167,000 acres—half of Marin County's total land—are farms or ranches. In Sonoma County, 40 percent of the 1.2 million acres of land is agriculture. The majority of this farmland is divided into small third and fourth generation family-owned operations. Of the 285 agricultural operations currently in Marin County, 78 are considered large farms (annual gross income of $100,000 or more), and 207 are considered small or mini-farms. The average farm size is 588 acres.

By authorizing the purchase of agricultural conservation easements, H.R. 1995 allows *willing* landowners to receive compensation for keeping their farms in agriculture. At the same time, the lands remain on the tax rolls, and private property rights are protected. The majority of local landowners support this bill—including Joe and Doris Mendoza.

POINT REYES STATION, CA,
November 7, 1997.

Hon. JAMES HANSEN,
Subcommittee on National Parks and Public Lands,
U.S. House of Representatives,
Washington, DC.

DEAR MR. HANSEN: We are writing in support of Lynn Woolsey's legislation H.R. 1995, the Point Reyes National Seashore Farmland Protection Act. We operate a 500-cow dairy on the "Historic B Ranch" located on the Point Reyes peninsula which became part of the Point Reyes National Seashore when it was authorized in 1962. We have enjoyed a favorable tenant/landlord relationship with the National Park Service for over 25 years, and have operated a viable business partnership with our son during that period.

We reinvested our proceeds from the sale of the "B" Ranch in 2,300 acres of land on the east side of Tomales Bay. This property lies within the boundary of the Farmland Protection Act. Lynn Woolsey has worked very diligently to write this legislation in a manner to address the concerns of the agricultural land owners while protecting the interests of the people of the United States and their investment in the lands of the Park.

We feel that this innovative concept protects the land from development for the benefit of the park while providing for agriculture's need of a "critical mass". It leaves the land in private ownership and on the local tax rolls. Win! Win! We also greatly support the principle of using a local land trust to administer this arrangement.

Please enter our support of H.R. 1995.

Sincerely,

J.H. MENDOZA, SR.
DORIS S. MENDOZA.

OVERRIDE OF MILITARY CONSTRUCTION LINE-ITEM VETOES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. PACKARD. Mr. Speaker, I am pleased to rise today to praise our colleagues in the Senate for successfully overriding the veto of H.R. 2631, which will restore all 38 Military Construction projects canceled by the President late last year.

As Chairman of the Appropriations Subcommittee on Military Construction, I have visited U.S. bases at home and around the world and I have been shocked at the deplorable working and living conditions we are asking our soldiers and their families to endure. The Military Construction Bill funds family housing as well as construction of troop barracks, hospital and medical facilities, schools and childcare centers for military personnel and their families stationed here and abroad.

Mr. Speaker, the fact is, we did our homework and crafted a responsible bill. Every project in this bill meets a validated military requirement and every project is executable this fiscal year. The bill we sent to the President was $610 million less than last year's bill and almost $2 billion less than the level just two years ago. That is hardly wasteful spending.

I have long supported the line-item veto authority and Congress' responsibility to correct the President's mistakes when he makes them. Within two days of vetoing 38 items on the Military Construction Bill, the Administration admitted it made mistakes on two cancellations. Hours later, that number was up to eleven and then eighteen. The line-item veto is a powerful tool and Congress must ensure that this new authority is held to the highest possible standard.

The line-item veto can be a useful tool if it is used fairly, carefully and responsibly. Mr. Speaker, we sent a strong message yesterday that Congress will accept nothing less.

CONGRATULATIONS TO NANCY LEE HINDS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Nancy Lee Hinds, the founder of Hinds' Hospice Home Foundation in Fresno, for being recognized with the Social Action Award. Nancy Lee Hinds has dedicated her life to the dying and their families, and is very deserving of this honor.

The award for Social Action is named annually by Temple Beth Israel for works on the diocesan and community levels. The award recognizes the long practice of Christian virtues. Nancy Lee Hinds was chosen for this award based on both her current work and her instrumental efforts to have hospices recognized throughout the state.

Nancy Hinds' Hospice Foundation is a nonprofit organization that provides care for those who have life limiting illnesses and no further medical treatment available. Hinds' Hospice Foundation has cared for patients that range in age from 3 months to 103 years. The Hospice Foundation also provides outpatient care that involves volunteers caring for patients in their own homes. Outpatient volunteers also perform such duties as yard work, grocery shopping, and haircutting.

Nancy Lee Hinds was born and educated in Cleveland, Ohio. There she received a Bachelor of Science degree in nursing. In 1970, she married Godfrey Hinds, a missionary doctor in Ireland. In 1977, her husband died of cancer in Northern Ireland. Following the death of her husband, Nancy opened her arms and doors to the dying and has been dedicating her life to caring for them ever since.

Mr. Speaker, it is with great honor that I congratulate Nancy Lee Hinds for unselfishly dedicating her life to helping others. It is the leadership and care exhibited by Nancy Lee Hinds that warrants this recognition. I ask my colleagues to join me in wishing Nancy Lee Hinds many more years of success.

CONGRATULATING COURTNEY H. MANK ON HIS RETIREMENT FROM THE U.S. AIR FORCE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. EDWARDS. Mr. Speaker, today I rise to congratulate Colonel Courtney H. Mank on his July retirement from the United States Air Force. I hope Members will join with me today to thank Colonel Mank for his contributions to the U.S. Air Force, his community and the country. A graduate of Killeen High School in Killeen, Texas in 1964, Colonel Mank earned a bachelor's degree in education from Southwest Texas State University in 1968. In 1977, he completed his master's degree in personnel management from Webster College.

He received a commission as a second lieutenant through the Air Force Reserve Officer Training Corps in 1968, and was assigned as chief of security police at Laughlin AFB, Texas.

In June 1970, Colonel Mank was transferred to Cam Ranh Bay, Republic of Vietnam, where he served as base defense officer. He returned to the United States in June 1971, and was assigned as commander of the 58th Security Police Squadron, Luke AFB, Arizona.

Colonel Mank's selection as an Air Staff Training Officer in June 1972 resulted in an assignment to Headquarters U.S. Air Force, Office of the Inspector General for Security Police, Washington, D.C. The following year, he was assigned to Langley AFB, Virginia, inspection team. In March 1975, Colonel Mank was assigned to the Air Force Military Personnel Center, Randolph AFB, Texas, as a career management staff officer and executive officer.

In February 1979, Colonel Mank was assigned to the Alaskan Air Command Security Police Staff, Elmendorf AFB, Alaska, as chief of the operations branch. While at Elmendorf, the colonel assumed command of the 21st SPS in March 1980. Colonel Mank was then assigned as chief of security police, Headquarters, Air Defense, Tactical, Langley AFB, Virginia, in February 1982. In July 1984, he was transferred to Holloman AFB, New Mexico, assuming command of the 833rd SPS. After transferring to Ramstein Air Base, Germany, in August 1986, Colonel Mank became chief of the physical security division, deputy chief of staff, security police, Headquarters U.S. Air Forces in Europe.

He later transferred to Headquarters Electronic Security Command, Kelly AFB, Texas, as the chief of security police.

In July 1991, the colonel became commander of the 857th Security Police Group, Minot AFB, North Dakota. Colonel Mank assumed his current position on June 1, 1993.

The colonel's military decorations and awards include the Legion of Merit; Bronze Star Medal; Meritorious Service Medal with seven oak leaf clusters; Air Force Commendation Medal with one oak leaf cluster; Air Force Outstanding Unit Award with "V" device and one oak leaf cluster; National Defense Service Medal; Vietnam Service Medal with two service stars; Republic of Vietnam Gallantry Cross with palm device; and the Republic of Vietnam Campaign Medal.

The singularly distinctive accomplishments of Colonel Mank culminate a long and distinguished career in the service of his country and reflect great credit upon himself and the United States Air Force.

I ask members to join me in wishing Colonel Mank the very best as he returns to Killeen, Texas upon his retirement.

INTRODUCTION OF THE WOMEN'S HIGHER EDUCATION OPPORTUNITY ACT OF 1998

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. KILDEE. Mr. Speaker, I am introducing today the Women's Higher Education Opportunity Act of 1998. I am particularly pleased that nine of my colleagues have joined me as original cosponsors of this bill. They include: Mrs. JOHNSON of Connecticut, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mrs. MINK of Hawaii, Mrs. MORELLA, Ms. NORTON, Ms. SANCHEZ, Ms. WOOLSEY, and Mr. SCHUMER.

This is a very important piece of legislation, and I am very hopeful that many of its provisions will be incorporated in the legislation reauthorizing the Higher Education Act.

As the ranking minority member on the Postsecondary Education Subcommittee, I intend to do more than simply voice support for the provisions of this bill. I will do whatever I can to see many of its provisions find their way into the reauthorization bill upon which we are now working.

With respect to the bill's student aid provisions, I believe it is critically important that part-time students continue to be eligible for both Pell Grant and campus-based student aid. Many of the part-time students in college today are women who work, raise a family and attend college on a part-time basis. It is important, therefore, that if eligible, they can obtain federal student aid. They should not be disqualified simply because they are not full-time students.

If they have children who need to be cared for while they are in school, it is equally important that they receive satisfactory dependent care allowance. We would propose, therefore, that the allowance of $750 in current law be doubled, to $1500.

In current law, we also have a requirement that at least 5% of the campus-based aid go to part-time students where they make up at least 5% of the institution's student enrollment. We are well above this requirement in the SEOG, College Work Study and Perkins Loan programs. While a specific statutory percentage requirement may no longer be necessary, we must nevertheless remain vigilant in making sure that these campus-based aid programs continue to aid the part-time student in a fair and equitable manner.

It is also clear that we should go beyond the necessary student aid changes and establish a discretionary grant program that would provide more extensive on-campus child care services. This would help low-income parents more readily pursue a college education by providing child care services on the campus of the college they are attending.

Last year we celebrated the 25th anniversary of Title IX of the Education Amendments of 1972. This is the law that has done so much to expand college athletic opportunities for American girls and women. It is imperative that we reaffirm our commitment in this area, and that we not retreat from what we have worked so hard to accomplish.

As we develop a teacher training piece in the Higher Education reauthorization, I want to reiterate my commitment to a provision that is especially important to women, and one which is not covered in this particular bill. This involves the need to include in any Higher Education reauthorization bill provisions that will enhance the training of both paraprofessionals and non-certified teachers to become fully certified members of the teaching profession.

We must continue our effort to insure that groups traditionally underrepresented in graduate education, namely women and minorities, have a prominent focus in the reauthorization of these provisions of the Higher Education Act. If the reauthorization bill fails to include such a provision then we must seek passage of an amendment to accomplish that important objective.

And last, but by no means least, we must not only continue but intensify efforts to make sure that the campus is a safe heaven for learning. This means a stronger program to combat violence on the college campus and a better, more effective reporting of campus crimes, especially those involving sexual assault.

Mr. Speaker, my colleagues and I have worked closely with the American Association of University Women in formulating this bill. I want to congratulate the Association for its strong commitment in furthering educational opportunity for women, and congratulate the Association staff for the superb work they have done in putting this initiative together. We now face the hard, but enjoyable work of doing whatever we can to incorporate these provisions in the legislation reauthorizing the Higher Education Act.

A TRIBUTE TO STEVE DAHL ON HIS 20TH ANNIVERSARY OF SERVICE FOR LISTENING AUDIENCES OF CHICAGO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. LIPINSKI. Mr. Speaker, I pay tribute to an outstanding entertainer who has amused and enlightened radio listeners throughout the Chicago community for 20 years, Mr. Steve Dahl.

Mr. Dahl, who recently celebrated 20 years in Chicago broadcasting on February 23, 1998, is a true innovator in modern radio. His rapier wit and tell-it-like-it-is style have kept his listeners glued to their radios for the past two decades. Even though Steve Dahl has changed radio stations throughout the years, one thing has remained constant for Mr. Dahl, his love and respect for the power of radio as both a medium and art form, and his respect for his listeners.

Mr. Dahl is truly a great American success story. As native of California, he tirelessly honed his craft at stations throughout his home state. When he came to Chicago in 1978 at age 23, Steve Dahl was already a seasoned pro and immediately drew large audiences with his outsider's perspective and boundless humor and energy. Throughout his 20 years in Chicago, Mr. Dahl has shown that a radio personality can be creative and funny, while remaining the consummate professional.

Part of the attraction his listeners have with Mr. Dahl has been his relationship with his family. Unlike many broadcast personalities who manufacture a professional on-air persona from their real lives, Mr. Dahl has woven ups and downs of marriage and raising a family into most of his shows in a way in which any family can relate. It is not unusual for the Mr. Dahl's wife, Janet and three sons, Patrick, Matthew, and Michael to have discussions, debates and even the occasional argument over the airways.

Mr. Dahl not only takes his profession seriously, but his obligation to his community as well. He has donated his talents and countless hours of his time to worthy causes throughout the Chicago area, especially in his suburban hometown where Janet Dahl serves as a member of the Board of Education.

Mr. Speaker, I would like to congratulate Mr. Dahl on his 20th Anniversary of entertaining Chicago. I would like to extend my very best wishes for continued success in the years to come.

THE 150TH ANNIVERSARY OF THE CHURCH OF THE ASSUMPTION, MORRISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 150th Anniversary of the Roman Catholic Church of the Assumption in Morristown, New Jersey.

The Assumption Church, the oldest standing church in Morristown, has served as a gathering place for spiritual worship since 1848, when the first Mass was held there on Christmas Day. Founded several months earlier that year by Father Bernard McQuaid, who became the church's first Pastor, it was given the name, "Church of the Assumption of the Blessed Virgin Mary," and became the first Catholic church established in Morristown. At the time of its dedication by Bishop Hughes in March, 1849, the parishioners at the new church numbered only 120 in total. In contrast, approximately 1800 families belong to the parish today.

Continuing the tradition of social outreach begun by Father McQuaid, who, in 1850, started a school in the basement of the church, the Church of the Assumption today participates in close to forty social ministries along with other churches in Morristown. These range from meals and housing for the needy to programs for the spiritual enrichment of young adults, and include its newest ministry, a weekly Sunday Mass for the Deaf.

In addition to the positive community impact which comes directly from the good works of the Assumption Church, the church has also been instrumental in establishing other houses of worship, hospitals and schools in Morris County. Through the founding of St. Virgil's Church in Morris Plains, St. Joseph's Church in Mendham, Bayley Ellard High School and All Souls Hospital (now the Mt. Kemble Division of Morristown Memorial Hospital), Assumption Church has greatly expanded the spiritual and social opportunities available to residents of Morris County.

The Church of the Assumption is led today by its Pastor, Rev. Msgr. Martin F. Rauscher. Additional clergy at the church includes the Associate Pastor, Father William Winston and nine priests and deacons. As these individuals, with the assistance of the church's parish, lay the foundation for continued success into the next century, I want to ask you, Mr. Speaker, and my colleagues to join me in commemorating the Church of the Assumption of the Blessed Virgin Mary on its sesquicentennial anniversary.

INTRODUCTION OF THE LAND PRESERVATION TAX FAIRNESS ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 1998

Mr. DUNCAN. Mr. Speaker, I have introduced the Land Preservation Tax Fairness Act. This legislation will cut taxes on income earned when an individual sells his or her land or development rights to a nonprofit organization with the purpose of preserving this land.

This bill will make it more economically viable for a person to sell his or her land to an organization to keep it undeveloped rather than sell the property to someone who may develop it. I do not think all development is bad. However, I think we should reward people who are willing to pass up large sums of money so that their property can be preserved.

Currently, individuals must pay taxes on any income they may receive when they sell their property or development rights to the government or nonprofit organization which will keep the land undeveloped. I think the legislation I have introduced will encourage more people to do this by reducing the amount of taxes they must pay on any income realized from such a sale.

Reducing the pressure to build on currently undeveloped property, particularly in areas that are in close proximity to either a national park or metropolitan area, is especially important. My bill will combat the negative effects on urban sprawl and protect the natural areas around our national treasures.

Under current law, sellers can only deduct a small proportion of their original investment from any gain that they may make on this type of sale. However, this bill will allow individuals to deduct the entire amount of their original investment from any gain they may realize which will result in more people making an effort to preserve undeveloped land.

Without this type of tax relief, only the wealthy farmers and landowners will be able to afford not to sell their property to developers. The Land Preservation Tax Fairness Act will provide this opportunity to a larger number of people and help preserve more farmland and natural areas for future generations.

I hope my Colleagues will join me in supporting this legislation so that we can help protect the environment and reduce the tax burden on the American public.

THE STOP KIDS FROM SMOKING ACT

HON. STEVE R. ROTHMAN

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 26, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to introduce the "Stop Kids From Smoking Act", a bill that will go a long way to achieving the important goal of ending youth smoking. This bill would make it illegal for any establishment that allows children under the age of eighteen to have a vending machine. The premise for this bill is simple: if children are unable to buy tobacco, it makes it significantly harder for them to start smoking.

We have effective laws that require individuals to show proof that they are eighteen in order to buy tobacco products. However, each year minors illegally purchase 256 million packs of cigarettes. How is this possible? It is easy. Kids go to the one place where they do not get carded—vending machines. They go to the diners, hotels, restaurants, and other places that generally have a vending machine in a hall or entranceway, put their money in the machine and get tobacco. Rarely are they even seen, and less often are they questioned.

I realize that some states and towns across the country have already taken this a step further by banning tobacco vending machines entirely. My bill would not preempt these laws. Instead, it would simply ensure that no child under the age of eighteen be able to buy tobacco in any situation, even when they are not being watched and questioned.

Please join me and my bipartisan original cosponsors in protecting America's youth from the deadly habit of smoking. Let's stop illegal tobacco use by minors and save this next generation from premature death from tobacco-related disease.

A BILL To prohibit the use of vending machines to sell tobacco products in all locations other than in locations in which the presence of minors is not permitted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Kids From Smoking Act".

SEC. 2. FINDINGS

The Congress finds that—

(1) almost 90 percent of adult smokers began at or before age 18;

(2) 35 percent of high school kids currently smoke cigarettes;

(3) each year minors illegally purchase 256,000,000 packs of cigarettes;

(4) more than 5,000,000 kids alive today under the age of 18 will die prematurely from tobacco-related disease unless current sales are reversed; and

(5) numerous studies and surveys show that significant percentages of young people are able to purchase cigarettes from vending machines, even in jurisdictions that have laws restricting the placement of the machines or requiring the use of locking devices.

SEC. 3. ACCESS.

(a) VENDING MACHINES.—Vending machines may be used to sell tobacco products only in an area or establishment from which individuals under the minimum age prescribed by subsection (b) are denied access.

(b) MINIMUM AGE.—No manufacturer, distributor, or retailer of tobacco products may sell a tobacco product to an individual who is under the age of 18, except that if a State or municipality has established a higher age, no manufacturer, distributor, or retailer of tobacco products may sell tobacco products in that State or municipality to an individual who is less than such higher age.

(c) PREEMPTION.—This Act shall not preempt any State or municipal law which bans vending machines that sell tobacco products, nor will it preclude any State or locality from enacting such a stronger ban in the future.

SEC. 4. DEFINITION.

For purposes of this Act, the term "tobacco product" includes cigarettes, cigars, little cigars, pipe tobacco, and smokeless tobacco.

SEC. 5. PENALTY.

Any person who violates this Act is liable to the United States for a civil money penalty of $1,000 for each violation.

EMPTY SHELVES: 1998 SURVEY OF U.S. FOOD BANKS

HON. TONY P. HALL

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 26, 1998

Mr. HALL of Ohio. Mr. Speaker, I commend to my colleagues' attention the following report on the tremendous challenges food banks across the United States are facing. Despite our booming economy, demand is rising at surprising rates in most communities.

Here in Congress, most of the talk about hunger has focused on welfare and the reform bill that we passed in 1996. But when you leave Washington, the focus shifts to the food banks. That's where hungry people turn when they've run out of options, and it's where the millions of Americans who regularly donate to canned food drives send their support.

The food banks are in trouble. I am not here to rehash welfare reform, Mr. Speaker, and I was surprised that most food banks aren't interested in doing that either. As the food bank in Montgomery, Alabama put it, "We are doing our best to meet the need, and we think in the end we will help make welfare reform work." A lot of food banks expressed similar optimism, and I share their hope. I think all of us do.

Of all the ways we can make welfare reform work, food is the least expensive one. Job training, transportation to get to a job, child care, health care—these are all pricey investments. Food is an investment too—although some people talk as if food is like a carrot you dangle in front of a mule to make it go where you want it to go. That might work with animals, but it simply doesn't work with people.

Hungry makes people tired. It saps their spirit and drive. It robs them of the concentration they need to learn job skills. It forces them to focus on where their next few meals are coming from—instead of on finding a job, or holding one. And it makes them prone to get sick, from every flu bug that comes around, and up to some very serious diseases.

When Congress enacted welfare reform, we increased federal support for food banks by $100 million—but the money inserted into the gap between need and supply is falling far short. We originally took away $23 billion from food stamp recipients. But we gave just $100 million to food banks. With that, they are struggling to provide just a few days worth of emergency food to the people who've lost their food stamps, or whose food stamps don't last the entire month. It's just not enough.

It made common sense to increase our support for food banks significantly, and we did just that. With evidence mounting that this still falls impossibly short of what is needed—and that many food banks simply cannot make it without more support—it makes common sense to revisit the decision on the appropriate amount of additional support.

This survey of food banks adds to the evidence of booming demands on food banks. It is not designed to be statistical analysis. But it does provide perspective from around the country—a window on what is happening in communities of every size.

What I found most striking overall is that, of the food banks that estimated the increase in demand for food, 70% reported demand grew much faster than 16%. That is the rate reported in a December 1997 survey by the U.S. Conference of Mayors that shocked me, and many other Americans. And yet so many food banks are reporting even higher rates. I think it underscores the fact that poverty reaches beyond our cities. It scars rural committees and suburban ones too—a fact that many people overlook when they conjure in their minds the image of a welfare mom, or a food stamp recipient, or someone in line at the local food pantry.

Beyond that, the story of hunger in America that the food banks are documenting is an individual one. It increasingly features working people, whose low-wage jobs don't pay enough to put food on the table. Often, it includes people for whom hunger is a symptom of deeper problems—of illiteracy, a lack of education, a history of substance or domestic abuse. But equally often it includes people who are trying to climb out of their problems, trying to improve their prospects and willing to participate in initiatives aimed at giving them the tools they need, And, when the story includes a food bank, it always features people doing the Lord's work—and in increasingly creative ways. The survey describes some of those approaches, and I think many of them deserve attention and praise.

The food banks, and the hungry people who are doing their best to escape poverty, cannot do it alone. We need a range of initiatives to fill the gaps, and I will be using this survey to support my work on at least three ideas:

First, and most immediately, the food banks need more money. I am working on a bill now, but the fact is that even millions of dollars would be a small investment in making sure that welfare reform succeeds. I'm also looking into including the President's request for $20 million to support gleaning initiatives, because food banks rely heavily on gleaned food.

Second, we need to end the tax law's discrimination against charitable donations from farmers and businesses who want to donate food. Current law says the value of food is nothing more than the cost of its ingredients—which already are deducted as a cost of doing business.

That means it makes no difference to the green eyeshades in "Accounting" whether the food is donated or dumped. In fact, it costs a few pennies more to donate the food (in transportation or labor costs). The same is true for farmers: why not plow under unsold crops, if it costs you time or money to donate them instead? Many businesses and farmers donate food anyway—but many more probably would if we treat food as a charitable donation, in the same way that old clothes and other donated goods are treated.

Late last year, I introduced the Good Samaritan Tax Act, H.R. 2450, and I urge my colleagues to support that. I also am looking into ways we can remove obstacles to trucking companies and others who can help get food to hungry people.

Third, we must increase the minimum wage. As the Latham, New York food bank put it, "The fastest growing group of people being served by food pantries is the working poor. That is a disgrace. Minimum wage should lift people out of poverty."

There are other good anti-hunger initiatives as well, but if we are serious about answering the clear call of food banks in trouble, these three ought to be at the top of the agenda.

Food banks have been doing the hard work on the front lines of fighting hunger for decades. They are supported by their communities, and they are the organizations that increasing numbers of citizens turn to. In my own state of Ohio, *one in nine* people seek emergency food assistance every month, according to a September 1997 report by the U.S. Department of Agriculture.

When I visited my local food bank in Dayton recently, I was amazed to find it was the same place I had come often in the past. Then, the shelves were brimming with food—and good food too. Lately, the shelves have been empty, and when I visited it seemed they contained more marshmallows than nutritious staple foods. I was able to convince Kroger to make a generous donation to help Dayton's food bank. I urge my colleagues to see for themselves what is happening in their own communities, and to lend a hand in whatever way you can to answer this growing need.

Increasing numbers of people are so hungry they're willing to stand in line for food, Mr. Speaker. I cannot rest knowing that, too often, there is no food at the end of that line. And I urge my colleagues to take a few minutes to review this report, and to see the situation for themselves.

EMPTY SHELVES: 1998 SURVEY OF U.S. FOOD BANKS

A Report by Hon. Tony P. Hall, Member of Congress, February 25, 1998

BACKGROUND

In January, 1998 I surveyed more than 200 food banks to learn their experience in meeting the needs of the people, and the charities that serve them, who turn to food banks. Fifty-five responded in detail.

The questionnaire was designed to accomplish two goals. First, it would provide information that could be used to gauge the depth of a phenomenon documented in the U.S. Conference of Mayors' December 1997 report, which found 16 percent more people were turning to food banks for assistance in 1997 than just a year earlier. Second, it would yield a response—including a weekly grocery list—that could be sent to Members of Congress or corporations who may be able to provide publicity or other help in meeting their local food bank's practical needs.

The questionnaire posed these questions: (1) Is the demand for your services greater than you are able to meet? If so, please characterize the extent of unmet need. (2) Is the demand for your services increasing? If so, can you estimate how much it has grown in the past year? (3) What additional resources—food or money—do you need to answer the immediate needs of the people you serve? (4) What solutions to the problems of hunger and poverty are most promising in your experience?

SUMMARY OF FINDINGS

The overwhelming majority of those who responded indicated that food banks are having increasing difficulty keeping enough food on their shelves to feed those in need. Seven of every 10 food banks that estimated how much demand was up responded that it was rising even faster than the 16 percent increase documented by the Mayors. This does not challenge their findings; it simply underscores the fact—often overlooked—that poverty reaches beyond the inner city to scar much of rural and suburban America as well.

Food banks also emphasized that many of their clients are working, but cannot afford to put food on the table at the low wages they are earning. Living-wage jobs were the favorite suggestion of those who made policy recommendations, but with the qualification that low-paying jobs only prolong the problem.

The responses endorsed the goals of welfare reform, although many questioned the route chosen to reach those goals. And many of the food banks responding described creative and promising approaches to some problems their clients encountered regularly. Among these are programs designed to help clients manage their money better, address their child care needs, and take other steps toward self-sufficiency.

Finding: Demand at Food Banks is Booming

Estimating the increase in need for emergency food is a challenge, food banks report. It is the rare organization that can confidently say it is meeting its community's needs. It is an overwhelmingly common view that more food can always be used.

Most of the food banks limit the help they extend, often providing enough food for only two to five days each month. As food banks across Arizona found, "pantries are reporting that residents in need are regularly exhausting the number of times they can receive emergency food boxes." The question becomes, is demand up—or are we just realizing there are more hungry people than we knew?

The increased need is clear, however, in the new faces turning up in lines for food, many say. For example:

In Camden, New Jersey, one-third of the 215 non-profits the food bank serves are reporting a 50 percent increase in first-time requests. The rest say demand is up between 30 and 40 percent.

In Waynesburg, Pennsylvania, one in ten clients are first-timers. That food bank has seen no increase, but believes that welfare reform has not yet hit the region.

Beyond this indicator, the sheer numbers of people turning to food banks for help is strong evidence that, in the words of an Evansville, Indiana food bank, "we can't begin to meet this need," or as a food bank in Wilmington, North Carolina put it, "I feel we are only scratching the surface. We will never be able to solve hunger, but maybe we can make an effort at managing it."

In Everett, Washington, demand has almost tripled in the past year for its three-day food boxes, available to clients just once a month. In Abilene, Texas, the food bank is keeping up with demand, but only by "feeding twice the number of people we fed last year."

In Kansas City, Missouri, charities served by the food bank are reporting increased demand from 60 percent to 138 percent. One in five of these agencies had to cut down on the amount given to each client; 1 in 10 had to turn people away.

Demand is up 60 percent in both Lame Deer, Montana and Elizabeth City, North Carolina. And in Asheville, North Carolina, demand was 52 percent higher in the last half of 1997 than in the first half.

Crookston, Minnesota's 1997 flood turned out to be a blessing because it brought out the generosity of Americans, as natural disasters so often do. "Partly as a result of the flood we have enough food and funds at this time," Crookston reports. Still, they distributed 50 percent more food in 1997—not counting the disaster relief—and usually run short of meat for their clients.

In Ladson, South Carolina, the food bank estimates it is meeting only half of the need for food, yet demand still grew 45 percent over the past year. Fredericksburg, Virginia's food bank reports a similar situation. "We could distribute three times the food we now do," it says; actual demand is up 42 percent.

In Atlanta, Georgia and Tyler, Texas, demand is up 30 percent over a year ago. In Cumberland, Maryland it is up 37 percent. In Phillipsburg, New Jersey, with demand up 30 percent, "we are just able to keep our heads above water," the food bank reports.

Food banks reporting increases of one-fourth to one-fifth over last year include those in Montgomery, Alabama; Phoenix, Arizona; Evansville, Indiana; Lewiston, Maine; Boston, Massachusetts; Hancock, Michigan; Harrisburg, Pennsylvania; and Sioux Falls, South Dakota.

In Oregon, demand is up 18 percent statewide. Across Ohio, food banks report increases of 10 percent. This is still considerable, considering that one in eight Ohioans seeks emergency food assistance every month, according to a September 1997 study by the U.S. Department of Agriculture.

There were smaller increases reported, too, of: 17 percent in Bloomington, Indiana; 17 percent in Des Moines, Iowa; 15 percent in Norfolk, Nebraska; 13 percent in St. Louis, Missouri; 10 percent in Grand Rapids, Michigan; 8–9 percent in Orange, California; 4 percent in Howell, Michigan; 4 percent in Tillamook, Oregon (but which saw demand rise 27 percent the prior year); and 9 percent in Silverdale, Washington.

And the food banks are not alone. The charities that many of them depend upon report increasing numbers of people are turning to them for food.

The food bank serving Elizabeth City, North Carolina, has seen 15 charities that long have been in existence turn to the food bank after welfare reform. Among all of the agencies it serves, one in three is "stretching" food to try to help more people; one in four is unable to keep up with the demand no matter what it tries, it found in its own survey.

In Cumberland, Maryland, 50 charities have signed up for help from the food bank, bringing a one-third jump in the number of organizations that rely upon the food bank.

In Mobile, Alabama, demand is up 35 percent. Half of that is due to serving more individuals. There are more charities operating food pantries in Fort Smith, Arkansas as well. And across Arizona, there are nearly 15 percent more charities being served by food banks.

In Norfolk, Nebraska, several large agencies have closed their doors because they lacked money or manpower, compounding the 15 percent increase in overall demand.

In Pittsburgh, Pennsylvania, many charities cannot even afford the subsidized prices of products the food bank offers.

Nor is the demand for just an added boost—it is for much more intensive help.

In Lubbock, Texas, "increasing numbers of people turn to the food bank and our partner agencies as a first stop for emergency food assistance—rather than a resource for stretching food budgets."

Charities in Albany, Georgia also "are being called on more and more to help those in need."

Finding: Food Banks Need More Resources

Food banks across the nation are coping with this challenge by "stretching" food—putting less into packages for clients, or buying beans and other cheap foods. In Latham, New York, for example, the number of clients has increased by 25 percent at some charities, but just 10 percent more food is being distributed. That strategy runs into two obstacles, however.

First, and obviously, food can only be "stretched" so far. Dayton, Ohio's food bank echoes what many others say: "We are no longer able to provide the variety of food that we used to." This problem goes beyond the depressing prospect of eating lousy food day in and day out: without proteins and fresh produce, malnutrition quickly sets in, with all of the health problems that accompany it. Children and the elderly are at special risk.

Second, in the words of Mobile, Alabama's food bank, "even those in need are affected by national trends. Many of these people need food products that require minimum preparation." For people trying to hold down one or more jobs, this is particularly important. And many foods that offer quick preparation do not lend themselves to being "stretched."

Some food banks try to counter the widespread lack of knowledge about how to spend food dollars wisely with classes on nutrition and managing money. Some go beyond that to provide the skills needed to overcome problems that often are at the root of hunger—including classes on job readiness, overcoming drug, alcohol and domestic abuse, child care and parenting, first aid and home security.

The grocery lists the survey requested food banks to complete were particularly instructive. It seems that food banks can use almost anything, and the only item in sufficient supply in many communities is day-old bread. Most urgently needed are staple foods, with meat particularly hard to come by. In Boulder, Colorado, "we almost never have beef, pork, ham or hamburger," the food bank reported. It was a comment echoed often by other food banks.

Personal care items, diapers, soaps and detergents, and paper products—all not covered by food stamps—were another frequent requests. Produce, both fresh and frozen, and all kinds of canned goods are also needed. "Ensure" and other supplements, as well as infant formula, also were requested.

In Lame Deer, Montana, the shelves are bare by the last week of each month, with cereals and soups the first to disappear.

In Waynesburg, Pennsylvania, "fresh products are non-existent" throughout each month.

In Lubbock, Texas, staples are expected to be in short supply by summer.

After all of the donations are in, money is still needed to make up for "the staples that aren't often donated," as the food banks in Fredericksburg, Virginia and other communities said. Money also would help meet the growing need for freezers and refrigerators to store food, and vans to deliver it.

With money, food banks can buy more food than if they receive food donations directly, Abilene, Texas' food bank explained in a comment repeated often. They also can pay the overhead expenses essential to continuing to supply food. "Most of all we need more money," the food bank in Los Angeles said. "No matter how frugal we are, our operating costs rise."

Food banks also need more volunteers, many said. Finally, most would be lost without commodities provided through federal programs—but most could use a lot more commodities than they are getting.

Food Banks' Wish List

In addition to their tangible needs, several food banks described a real need for more public awareness of what the people they serve face—and what food banks are doing to respond. "Acceptance of the fact that there are poverty and hunger in the United States would be a good start," the Waynesburg, Pennsylvania food bank said.

The Des Moines, Iowa food bank recommends "a national initiative to raise the awareness of all Americans of the lifelong damage hunger and poverty can do." Des Moines and others also advocated giving "profit-making food industry companies . . . an incentive to donate."

Finally, a broader appreciation of their clients' needs would also help food banks do their jobs, some said. "While our primary goal is to feed the hungry, food does very little good if there is no power to cook it," the Silverdale, Washington food bank said, suggesting contributions to electric bills.

STRATEGIES FOOD BANKS USE TO COPE

Access to Low-Cost Food

Food banks are using a variety of ways to meet the challenge of increased demand—and one of the most promising is a push to harness their access to low-cost food.

For example, the food bank in Mobile, Alabama said, it can provide $350 worth of food each month to families at a cost of $25. If they did that during a transition period, a family could use the money saved on food to pay for transportation, child care, and other costs of starting a new job. "The bottom line is that when a comparison is made between additional monthly costs of going from welfare to work, and feeding a typical welfare-to-work family, these are approximately equal," the food bank has found.

A Grand Rapids, Michigan food bank has refined the idea further into its "Waste Not Want Not" initiative. That helps clients in need save their cash for other necessities. It encourages the donation of funds, which are tax-deductible, rather than of food; the result is 25 percent more resources. It lets clients choose their own food, significantly cutting down on the amount of food wasted. And it stays flexible enough to get the food it needs from food banks, rather than from grocery stores. The approach is promising, and the food bank estimates its operating costs have fallen to just over half of food banks' national average.

Fresno, California's food bank also sees a serious need for low-cost food available at retail for needy people. It serves 25–30 percent of its community's needs. Atlanta, Georgia's food bank also recommends cooperatives where low-income people can shop, and Cincinnati, Ohio's food bank recommends more farmers markets. Even food banks are having a difficult time getting low-cost food, according to Orange, California's food bank. "Food availability is down all over the country. This means we have to purchase more product."

"Do-It-Yourself"

Many food banks are getting involved in producing food—not just handling it. "We are grouping, gleaning, and/or processing an increasing amount of vegetables and fruits," said the food bank in Lubbock, Texas. "Not only does this assure fresh food, but it is providing job-training opportunities for many economically disadvantaged persons in our region."

An organization in Lansing, Michigan was established to do just that, and it has matched apples, potatoes and other produce from the state's farms with donations of sugar and other ingredients, cold storage, trucking, and food processing to send truckloads of food to the communities that need it.

SUGGESTED SOLUTIONS

Jobs

A considerable majority of food banks support efforts to get people off welfare and back to work. "Jobs, jobs, jobs!" a food bank in Harrisburg, Pennsylvania advised. "When people have good, reasonably paying jobs then there is no hunger, nor the need for our services."

Another food bank in Bloomington, Indiana has found that employing needy people in its operation has far-reaching effects. "Helping someone else is always helpful for yourself," its operation has proved.

Oregon food banks suggested letting people get some cash assistance if they work part-time, and enacting state Earned Income Tax Credits—both initiatives to encourage work.

Increase the Minimum Wage

But many also cautioned that low-wage jobs are not enough to end their clients' dependence on emergency food. "The fastest growing group of people being served by food pantries is the working poor," the food bank in Latham, New York complained. "That is a disgrace. Minimum wage should lift people out of poverty."

"Service sector positions at the minimum wage only continue the crisis," a Boston, Massachusetts food bank has found. "Make it more profitable to work and get ahead," said one in Norfolk, Nebraska. "Full-time work should equal at least enough for necessities," the Crookston, Minnesota food bank wrote.

Skills Training

A common companion to hunger is the lack not only of appropriate job skills—but of a range of other capabilities as well. Among "Service sector positions at the minimum wage only continue the crisis," a Boston, Massachusetts food bank has found. The recommendations: mentoring, literacy training, money management, nutrition and meal-planning, and "practical living" skills. The food bank in St. Louis found that "programs that lead a family through the system, from the beginning to self-sufficiency" worked wonders.

Child Care

As welfare reform returns people to work, food banks and others are finding that their lack of access to child care is a severe obstacle. "Affordable and reliable child care is . . . one of our most pressing needs," the food bank in Silverdale, Washington said. "There are many single moms that not only could, but are eager to, get off welfare rolls if they could just find a safe, nurturing place to bring the kids—and one that mom could afford." That observation was echoed repeatedly, along with a recommendation for more child-feeding programs

LONG-TERM SOLUTIONS

"We're helping people exist, but can't do much to solve the problems that are keeping them hungry," the food bank in Elizabeth City, North Carolina reported.

"Somehow we have to get to the roots of hunger and poverty and turn people around in their formative years. . . . Help them to help themselves," the food bank in Orange County said. There may always be a need for "just a little help with financial emergencies," Howell, Michigan's food bank said, but there are many ways to help people overcome their own trouble holding jobs.

POLITICAL ASSESSMENTS

The survey yielded several political assessments about where best to lay blame for the fact of hunger and poverty. "Undoing all of the liberal policies that have mired millions of our citizens in entitlement dependency," was the recommendation from a Verona, Virginia food bank. "Cut food stamps so people will look for work," a food bank in Tillamook, Oregon suggested.

Far more blamed welfare reform. "My day of disillusionment came on Aug. 22, 1996 [when] political expediency made a bad bill become law. We've been struggling since that day and it appears for the hungry things will only get worse," said the Des Moines, Iowa food bank.

Another in Boston, Massachusetts called it "senseless to remove people's means of sustaining their existence without developing an alternative means for them to obtain the necessities for their families."

Another took no side in the debate over the role welfare reform has played in the current situation. "Our concern is not with the political pros and cons of welfare reform but how we can best make what has already been decided upon work," said Montgomery, Alabama's food bank.

And another pointed out the ironic route welfare has traveled. "There was a time in America's history that the WPA and the CCC built a lot of libraries and camp sites for a lot fewer tax dollars than are required now just to maintain the welfare infrastructure," the Silverdale, Washington food bank pointed out.

CONCLUSIONS

As states work to replace the federal welfare system with structures of their own, the number of people turning to food banks for emergency assistance is growing. New strategies are being tried, many with success, and they need to be encouraged.

To ensure Americans who turn to food banks for help do not go hungry, food banks need additional support.

They need the goodwill and charitable contributions of their community, and that participation of more of its individuals and business.

They need public and private initiatives that complement their efforts and address the root causes of hunger and poverty.

They need federal laws that ensure a living wage and encourage generosity.

And they cannot do without the support of federal funds and a federal commodity foods.

Ingenuity alone cannot make up for the dramatic cuts in our nation's nutrition safety net. Neither the private sector, nor most local communities, can fill the gap alone.

SENATE—*Friday, February 27, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, we thank You for the Senate family. You have appointed us to care for one another. We claim the old Scots motto: "Nae above you, nae below you—always with you." We stand with one another as friends. We may have different titles but one calling: To glorify You as we serve our Nation. Bless the Senators with a fresh awareness of Your power.

Grant renewed strength to the Senators' staffs who serve with untiring dedication and unswerving loyalty. Uplift the strategic staffs of both cloakrooms.

Inspire the pages during their time with us. Give them a vision of legislative process done to Your glory.

Grant your protection to the Capitol police and security people, the subway operators, the food service providers, the maintenance crews and the countless others who make the Senate family run smoothly. And we thank You for Don Corrigan, who is retiring today. Don has served for 20 years as an expert transcriber in the Office of the Official Reporters of Debates.

Give to all of the staff a sense of importance and enable all of them to feel esteemed. Thank You for the dignity and the privilege of work. Bless us all, as we reach out to one another with encouragement and affirmation. Through our Lord and Saviour, Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

THE SENATE STAFF

Mr. LOTT. Mr. President, first I would like to express my thanks to the Chaplain for his recognition and expression of appreciation by the Senate for all of those employees who actually make this institution work. The Senators come to the floor and do their jobs legislatively, but without all of our employees who do all the things that make the doors open and the lights come on, we could not get it done. Rather than wait until the end of the session and pass a resolution to say that, I thought I would say it at the beginning. Maybe it will encourage them to work even harder in the interim.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will be in a period for morning business until 10 a.m. Following that, the Senate will resume consideration of S. 1173, the so-called ISTEA legislation, which funds our Nation's surface transportation infrastructure. It is hoped that the Senate will be able to make good progress on this important legislation during today's session of the Senate. Therefore, Members with amendments to the legislation should contact the managers of the bill to schedule floor time.

In addition, we may consider executive or legislative business cleared for floor action. I believe we cleared four items off the Executive Calendar last night. So, rollcall votes are still possible in today's session, but unless we see more activity than we saw yesterday afternoon, I don't know that we will get to a recorded vote. But we will have some announcement on that at the earliest possible time after I consult with the managers of the bill and the minority leader.

Let me say again, there have been a lot of speeches made on the floor, both last year and earlier this year over the past month, about how important this legislation is, how anxious Senators are to get on this legislation. I have a half dozen to a dozen letters on my desk from Senators saying, "Let's get started; this is so important."

Where are you? We need some amendments. Let's throw it up here on the wall. Let's get started. We are not going to be able to stay on this legislation indefinitely. At some point we are going to have to say OK, we are going to stay in at night, over the weekend, so we can finish this legislation and move on to NATO enlargement, the budget resolution, the Coverdell A-plus education bill, perhaps a supplemental which would provide funds for Bosnia, Iraq, IMF—in part or in whole. So, we have a lot of work to do. I have been saying that now for about a month, and class doesn't seem to be ready to go to work and take the tests. So, again, I plead with my colleagues, let's get some amendments started. I am expecting by late afternoon Monday, and certainly on Tuesday and Wednesday, we are going to be having amendments on a regular basis, and votes.

Let me add this additional encouragement. We are not going to let this just languish. If we have to go to third reading—I have always had this real desire to go to third reading and end it. There are some 200 amendments pending out here. At some hour, some Thursday night, we are going to be scrambling around here trying to get an agreement on a list of 50 amendments which we will then have to vote on after 5 minutes of debate, or 2 minutes. That's ridiculous.

It has been a nice 3 months, but it's time to go to work. I am going to be counting on some amendments very soon. If we do not have them by the middle of next week, I am going to start doing everything I can to cut off amendments. Because if they are serious, you will come to the floor and offer them.

With that cheery note, Mr. President, observing no Senator anxious to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. The Chair notes that, under the previous order, the Senate is in a period for the transaction of morning business. The Senator has 10 minutes.

Mr. ASHCROFT. The Senator from Missouri thanks the Chair.

IRAQ

Mr. ASHCROFT. Mr. President, the latest confrontation with Iraq shines a harsh light on an important truth. The collapse of the Soviet Union consigned to the ash heap of history has not created a world safe for democracy. The "Evil Empire" may have vanished but, alas, the world remains a dangerous and unpredictable place.

In Iraq, we are confronted with a dictator as evil as Hitler. Saddam has killed thousands of his own citizens, licensed acts of terrorism, and produced and stockpiled weapons of mass destruction. It is a reign of terror unmatched in the post-cold war era.

And how has this administration responded? Rather than draw a bright line in the sand, the President has been relegated to the role of spectator.

The Commander in Chief has surrendered his moral authority at home and found himself ill-equipped to defend American interests abroad.

At the moment of truth, America's acting Secretary of State—Kofi Annan—cut a deal with the devil and, tragically, a weakened, uncertain President endorsed the settlement before the ink had even dried.

Today, we hear reports that there is no final consensus on what to do if Iraq violates the settlement. Have we known Saddam to keep his promises? What if he does not adhere to the agreement as in previous cases? The United Nations apparently cannot come to an agreement on what to do about it.

The President's failure to lead has handed America's foreign policy to a cast of functionaries at the United Nations. Mr. President, U.S. foreign policy should not be subcontracted to Kofi Annan or written at the United Nations. America should not sacrifice one ounce—any other ounce—of her sovereignty to the architect and acolytes of one world government.

This ill-conceived transfer of sovereignty has left America and her allies with an emboldened Saddam. In Iraq today, Saddam has a firmer grip on power, carries more regional prestige and can sell more oil. Some dare call this a triumph of diplomacy.

As I indicated to Secretary Albright this week: "Preservation of the status quo is not a diplomatic triumph, Madam Secretary, it's a tragedy. The clear winner of this round is Saddam Hussein."

Instead of being penalized for his defiance, Saddam is winning bonus points: more oil sales, heightened standing, and new momentum to end the sanctioned regime. Ironically, in agreeing to agree, Saddam has committed to do nothing more than he was obliged to do all along.

Mr. President, by the grace of God, America won the cold war. We triumphed over the "Evil Empire" of Lenin and Stalin. It is time for us to stand again for liberty and freedom.

Saddam is a brutal dictator, a tyrant whose actions at home betray his intentions abroad.

Let us sound a certain trumpet for America's vital national interests—in the Middle East and around the world. Let us not be governed by the whims and the will of Kofi Annan and the United Nations. Let America lead the world by the force of our principles and the power of our ideas, with the hope that one day the long tug of memory might look favorably upon us as we look approvingly on those who answered freedom's call in decades past.

Mr. President, I ask unanimous consent that a column which appeared in the Washington Post, Friday, the 27th of February, by Charles Krauthammer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DEAL THAT'S WORSE THAN WORTHLESS—PEACE IN OUR TIME—AGAIN

Two days before Kofi Annan made his "breakthrough" in Baghdad, the U.N. Security Council, with U.S. approval, authorized a huge increase in the amount of oil that Iraq can sell. In a stroke, this "humanitarian" gesture doubled Iraq's oil income to $10.5 billion a year. Iraq can now sell nearly 2 million barrels a day—about two-thirds of the oil it was selling when producing at peak capacity before the embargo. And that number does not even count the oil that we know Saddam is illegally smuggling through Iranian coastal waters.

At this U.N.- and U.S.-authorized level, Iraq—under sanctions!—becomes the eighth-largest oil exporter in the world.

This embargo-buster passed with little fanfare. It barely made the back pages of the newspapers. All hands pretended, moreover, that there was no linkage between this bonanza and the subsequent Saddam-Annan deal in Baghdad.

But remember that last November, when the administration was desperately looking for a way out of the last Iraq crisis, the State Department said we'd be willing to offer Saddam a "carrot" to get him to be nice. Such as? Such as a sharp increase in the amount of "humanitarian" oil that Iraq could sell.

So last time, when Saddam broke the Gulf War agreements and kicked out U.S. arms inspectors, the carrot was offered. This time, when Saddam broke the Gulf War agreements and stymied all the arms inspectors, the carrot was delivered.

Last time, President Clinton flapped about threateningly, then watched meekly as the Russian foreign minister brokered a "compromise." This time, Clinton flapped about threateningly, then watched meekly as the U.N. secretary general brokered a new "compromise."

Last time, Clinton's U.N. ambassador crowed that Saddam had "blinked." This time, Madeleine Albright's spokesman deemed the deal "win-win" for us.

Last time, the deal turned out to be completely worthless, giving Saddam four more months to hide his nasty stuff. This time, the deal is worse than worthless, giving Saddam crucial victories on the two issues he cares most about: economic sanctions and weapons inspections.

1. Sanctions. Not only did Saddam incur no penalty for his open defiance of the United Nations and open provocation of the United States, he was treated by Annan with a deference and flattery that bordered on the indecent. Moreover, the Annan-Saddam Memorandum of Understanding breathes not a word of criticism about Iraq's violating previous agreements, nor about its creating this crisis. On the contrary, Annan trashed his own arms inspectors (UNSCOM) as unruly "cowboys" and undertook, in writing, to bring Saddam's ultimate objective, the lifting of sanctions, "to the full attention of the members of the Security Council."

Sure enough, upon his return to New York, Annan began emphasing the need to show Iraq "the light at the end of the tunnel," the Iraqi code phrase for ending sanctions. Like Russian Foreign Minister Yevgeny Primakov, who brokered the first nonagreement in November, Annan has become Saddam's sanctions-lifting advocate to the world. Unlike Saddam buddy and ex-KGB biggie Primakow, however, Annan is an effective shill.

2. Inspections. The United States had demanded no retreat from free and full access and no tampering by Iraq with the composition and authority of UNSCOM teams. Annan came back with a radical change in the composition of the inspection teams and a serious erosion of their authority. Inspection of "presidential sites," those huge complexes with hundreds of buildings where Saddam could be hiding anything, is taken away from control of UNSCOM, the tough inspectors whose probity we can rely on.

These sites are instead entrusted to a new body, headed by an Annan appointee. It will comprise political appointees, including diplomat-spies from Iraq-friendly France, Russia and China, as well as inspectors who presumably possess the requisite delicacy and sensitivity to Iraqi feelings. Iraqis can be so touchy about their stores of poison gas and anthrax.

How do you carry out a spot inspection—the only kind that has any hope of finding anything—when you first have to notify and await the arrival of, say, the Russian appointee, who has a hot line to the very Iraqi regime he is supposed to inspect? Inspector Clouseau has a better chance of finding concealed nerve gas than this polyglot outfit of compromised politicians and handpicked inspectors.

So tote it up. For Saddam: No penalty. Annan shilling for his demand to end all sanctions. UNSCOW undermined. Presidential palaces secure for storing anthrax and such. And his oil output doubled.

Another triumph of Clinton diplomacy.

AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1997

Mr. ASHCROFT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes.

The PRESIDING OFFICER (Mr. GREGG) laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1150) entitled "An Act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Research, Extension, and Education Reauthorization Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COORDINATION, PLANNING, AND DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

Sec. 101. Priorities and management principles for federally supported and conducted agricultural research, education, and extension.

Sec. 102. Principal definitions regarding agricultural research, education, and extension.

Sec. 103. Consultation with National Agricultural Research, Extension, Education, and Economics Advisory Board.

Sec. 104. Relevance and merit of federally funded agricultural research, extension, and education.
Sec. 105. Expansion of authority to enter into cost-reimbursable agreements.
Sec. 106. Evaluation and assessment of agricultural research, extension, and education programs.

TITLE II—REFORM OF EXISTING RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

Subtitle A—Smith-Lever Act and Hatch Act of 1887

Sec. 201. Adoption of short titles for Smith-Lever Act and Hatch Act of 1887.
Sec. 202. Consistent matching funds requirements under Hatch Act of 1887 and Smith-Lever Act.
Sec. 203. Plans of work to address critical research and extension issues and use of protocols to measure success of plans.

Subtitle B—National Agricultural Research, Extension, and Teaching Policy Act of 1977

Sec. 211. Plans of work for 1890 land-grant colleges to address critical research and extension issues and use of protocols to measure success of plans.
Sec. 212. Matching funds requirement for research and extension activities at 1890 land-grant colleges, including Tuskegee University.
Sec. 213. International research, extension, and teaching.
Sec. 214. Task force on 10-year strategic plan for agricultural research facilities.

Subtitle C—Food, Agriculture, Conservation, and Trade Act of 1990

Sec. 231. Agricultural genome initiative.

Subtitle D—National Research Initiative

Sec. 241. Waiver of matching requirement for certain small colleges and universities.

Subtitle E—Other Existing Laws

Sec. 251. Findings, authorities, and competitive research grants under Forest and Rangeland Renewable Resources Research Act of 1978.

TITLE III—EXTENSION OR REPEAL OF RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

Subtitle A—Extensions

Sec. 301. National Research Initiative under Competitive, Special, and Facilities Research Grant Act.
Sec. 302. Equity in Educational Land-Grant Status Act of 1994.
Sec. 303. Education grants programs for Hispanic-serving institutions.
Sec. 304. General authorization for agricultural research programs.
Sec. 305. General authorization for extension education.
Sec. 306. Grants and fellowships for food and agricultural sciences education.
Sec. 307. Grants for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products.
Sec. 308. Policy research centers.
Sec. 309. Human nutrition intervention and health promotion research program.
Sec. 310. Pilot research program to combine medical and agricultural research.
Sec. 311. Food and nutrition education program.
Sec. 312. Animal health and disease continuing research.
Sec. 313. Animal health and disease national or regional research.
Sec. 314. Grant program to upgrade agricultural and food sciences facilities at 1890 land-grant colleges.
Sec. 315. National research and training centennial centers.
Sec. 316. Supplemental and alternative crops research.
Sec. 317. Aquaculture research and extension.
Sec. 318. Rangeland research.
Sec. 319. Federal agricultural research facilities.
Sec. 320. Water quality research, education, and coordination.
Sec. 321. National genetics resources program.
Sec. 322. Agricultural telecommunications program.
Sec. 323. Assistive technology program for farmers with disabilities.
Sec. 324. National Rural Information Center Clearinghouse.
Sec. 325. Critical Agricultural Materials Act.

Subtitle B—Repeals

Sec. 341. Aquaculture research facilities.
Sec. 342. Agricultural research program under National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981.
Sec. 343. Livestock product safety and inspection program.
Sec. 344. Generic authorization of appropriations.

TITLE IV—NEW RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

Subtitle A—Partnerships for High-Value Agricultural Product Quality Research.

Sec. 401. Definitions.
Sec. 402. Establishment and characteristics of partnerships.
Sec. 403. Elements of grant making process.
Sec. 404. Authorization of appropriations and related provisions.

Subtitle B—Precision Agriculture

Sec. 411. Definitions.
Sec. 412. Competitive grants to promote precision agriculture.
Sec. 413. Reservation of funds for education and information dissemination projects.
Sec. 414. Precision agriculture partnerships.
Sec. 415. Miscellaneous provisions.
Sec. 416. Authorization of appropriations.

Subtitle C—Other Initiatives

Sec. 421. High-priority research and extension initiatives.
Sec. 422. Organic agriculture research and extension initiative.
Sec. 423. United States-Mexico joint agricultural research.
Sec. 424. Competitive grants for international agricultural science and education programs.
Sec. 425. Food animal residue avoidance database program.
Sec. 426. Development and commercialization of new biobased products.
Sec. 427. Thomas Jefferson Initiative for Crop Diversification.
Sec. 428. Integrated research, education, and extension competitive grants program.
Sec. 429. Research grants under Equity in Educational Land-Grant Status Act of 1994.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Role of Secretary of Agriculture regarding food and agricultural sciences research, education, and extension.
Sec. 502. Office of Pest Management Policy.
Sec. 503. Food Safety Research Information Office and national conference.
Sec. 504. Nutrient composition data.
Sec. 505. Availability of funds received or collected on behalf of National Arboretum.
Sec. 506. Retention and use of Agricultural Research Service patent culture collection fees.
Sec. 507. Reimbursement of expenses incurred under Sheep Promotion, Research, and Information Act of 1994.
Sec. 508. Designation of Kika de la Garza Subtropical Agricultural Research Center, Weslaco, Texas.
Sec. 509. Sense of Congress regarding Agricultural Research Service emphasis on in field research regarding methyl bromide alternatives.
Sec. 510. Sense of Congress regarding importance of school-based agricultural education.
Sec. 511. Sense of Congress regarding designation of Department Crisis Management Team.

TITLE I—COORDINATION, PLANNING, AND DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION

SEC. 101. PRIORITIES AND MANAGEMENT PRINCIPLES FOR FEDERALLY SUPPORTED AND CONDUCTED AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION.

(a) PRIORITY SETTING PROCESS.—Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended—

(1) by inserting "(a) PURPOSES.—" before "The purposes"; and

(2) by adding at the end the following new subsection:

"(b) PRIORITY SETTING PROCESS.—Consistent with subsection (a), the Secretary shall establish priorities for agricultural research, extension, and education activities conducted or funded by the Department. In establishing such priorities, the Secretary shall solicit and consider input and recommendations from the Advisory Board and persons who conduct or use agricultural research, extension, or education.".

(b) MANAGEMENT PRINCIPLES.—Such section is further amended by adding after subsection (b), as added by subsection (a)(2), the following new subsection:

"(c) MANAGEMENT PRINCIPLES.—To the maximum extent practicable, the Secretary shall ensure that agricultural research, education, and extension activities conducted or funded by the Department are accomplished in a manner that—

"(1) integrates agricultural research, education, and extension functions to better link research to technology transfer and information dissemination activities;

"(2) encourages multi-State and multi-institutional programs to address relevant issues of common concern and to better leverage scarce resources; and

"(3) achieves agricultural research, education, and extension objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives.".

*(c) CLERICAL AMENDMENT.—The heading of such section is amended by inserting "**, PRIORITIES, AND MANAGEMENT PRINCIPLES**" after "**PURPOSES**".*

SEC. 102. PRINCIPAL DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION.

(a) FOOD AND AGRICULTURAL SCIENCES.—Paragraph (8) of section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended to read as follows:

"(8) FOOD AND AGRICULTURAL SCIENCES.—The term 'food and agricultural sciences' means basic, applied, and developmental research, extension, and teaching activities in food and fiber, agricultural, renewable natural resources, forestry, and physical and social sciences, including (but not limited to) activities relating to the following:

"(A) Animal health, production, and well-being.

"(B) Plant health and production.

"(C) Animal and plant germ plasm collection and preservation.

"(D) Aquaculture.

"(E) Food safety.

"(F) Soil and water conservation and improvement.

"(G) Forestry, horticulture, and range management.

"(H) Nutritional sciences and promotion.

"(I) Farm enhancement, including financial management, input efficiency, and profitability.

"(J) Home economics.

"(K) Rural human ecology.

"(L) Youth development and agricultural education, including 4–H.

"(M) Expansion of domestic and international markets for agricultural commodities and products, including agricultural trade barrier identification and comprehension.

"(N) Information management and technology transfer related to agriculture.

"(O) Biotechnology related to agriculture.".

(b) REFERENCES TO TEACHING OR EDUCATION.—Paragraph (14) of such section is amended by striking "the term 'teaching' means" and inserting "TEACHING AND EDUCATION.—The terms 'teaching' and 'education' mean".

(c) APPLICATION OF DEFINITIONS TO AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.—Such section is further amended by striking the section heading and all that follows through the matter preceding paragraph (1) and inserting the following:

"SEC. 1404. PRINCIPAL DEFINITIONS REGARDING AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION.

"When used in this title or any other law relating to any research, extension, or education activities of the Department of Agriculture regarding the food and agricultural sciences (unless the context requires otherwise):".

(d) IN-KIND SUPPORT.—Such section is further amended by adding at the end the following new paragraph:

"(18) IN-KIND SUPPORT.—The term 'in-kind support', with regard to a requirement that the recipient of funds provided by the Secretary match all or some portion of the amount of the funds, means contributions such as office space, equipment, and staff support.".

(e) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking "the term" in paragraphs (1), (2), (3), (5), (6), (7), (10) through (13), and (15), (16), and (17) and inserting "The term";

(2) in paragraph (4), by striking "the terms" and inserting "The terms";

(3) in paragraph (9), by striking "the term" the first place it appears and inserting "The term";

(4) by striking the semicolon at the end of paragraphs (1) through (7) and (9) through (15) and inserting a period; and

(5) in paragraph (16)(F), by striking "; and" and inserting a period.

SEC. 103. CONSULTATION WITH NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

Subsection (d) of section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended to read as follows:

"(d) CONSULTATION.—

"(1) AS AFFECTING ADVISORY BOARD.—In carrying out this section, the Advisory Board shall solicit opinions and recommendations from persons who will benefit from and use federally funded agricultural research, extension, education, and economics.

"(2) AS AFFECTING SECRETARY.—To comply with a provision of this title or any other law that requires the Secretary to consult or cooperate with the Advisory Board or that authorizes the Advisory Board to submit recommendations to the Secretary, the Secretary shall—

"(A) solicit the written opinions and recommendations of the Advisory Board; and

"(B) provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement recommendations submitted by the Advisory Board.".

SEC. 104. RELEVANCE AND MERIT OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

(a) REVIEW OF RELEVANCE AND MERIT.—Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting before section 1463 (7 U.S.C. 3311) the following new section:

"SEC. 1461. RELEVANCE AND MERIT OF FEDERALLY FUNDED AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

"(a) REVIEW OF COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—

"(1) PEER REVIEW OF RESEARCH GRANTS.—The Secretary shall establish procedures that provide for scientific peer review of each agricultural research grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service of the Department.

"(2) MERIT REVIEW OF EXTENSION AND EDUCATION.—The Secretary shall establish procedures that provide for merit review of each agricultural extension or education grant administered, on a competitive basis, by the Cooperative State Research, Education, and Extension Service. The Secretary shall consult with the Advisory Board in establishing such merit review procedures.

"(b) REQUESTS FOR PROPOSALS: REQUEST AND CONSIDERATION OF INPUT.—When formulating a request for proposals involving an agricultural research, extension, or education activity to be funded by the Secretary on a competitive basis, the Secretary shall solicit and consider input from the Advisory Board and users of agricultural research, extension, and education regarding the request for proposals for the preceding year. If an agricultural research, extension, or education activity has not been the subject of a previous request for proposals, the Secretary shall solicit and consider input from the Advisory Board and users of agricultural research, extension, and education before publication of the first request for proposals regarding the activity.

"(c) SCIENTIFIC PEER REVIEW OF AGRICULTURAL RESEARCH.—

"(1) PEER REVIEW PROCEDURES.—The Secretary shall establish procedures that ensure scientific peer review of all research activities conducted by the Department of Agriculture.

"(2) REVIEW PANEL REQUIRED.—As part of the procedures established under paragraph (1), a review panel shall verify, at least once every three years, that each research activity of the Department and research conducted under each research program of the Department have scientific merit and relevance. If the research activity or program to be reviewed is included in the research, educational, and economics mission area of the Department, the review panel shall consider—

"(A) the scientific merit and relevance of the activity or research in light of the priorities established pursuant to section 1402(b) ; and

"(B) the national or multi-State significance of the activity or research.

"(3) COMPOSITION OF REVIEW PANEL.—A review panel shall be composed of individuals with scientific expertise, a majority of whom are not employees of the agency whose research is being reviewed. To the extent possible, the Secretary shall use scientists from colleges and universities to serve on the review panels.

"(4) SUBMISSION OF RESULTS.—The results of the panel reviews shall be submitted to the Advisory Board.

"(5) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act (7 U.S.C. 2281 et seq.) shall not apply to a review panel.

"(d) MERIT REVIEW OF COLLEGE AND UNIVERSITY RESEARCH AND EXTENSION ACTIVITIES.—

"(1) LAND-GRANT INSTITUTIONS.—Effective beginning October 1, 1998, to be eligible to obtain agricultural research or extension funds from the Secretary for an activity, a land-grant college or university shall—

"(A) establish a process for merit review of the activity; and

"(B) review the activity in accordance with the process.

"(2) 1994 INSTITUTIONS.—Effective beginning October 1, 1998, to obtain agricultural extension funds from the Secretary for an activity, each 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note)) shall—

"(A) establish a process for merit review of the activity; and

"(B) review the activity in accordance with the process.".

(b) REPEAL OF PROVISIONS FOR WITHHOLDING FUNDS.—

(1) SMITH-LEVER ACT.—Section 6 of the Smith-Lever Act (7 U.S.C. 346) is repealed.

(2) HATCH ACT OF 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) is amended by striking the last paragraph.

(3) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1444 (7 U.S.C. 3221)—

(i) by striking subsection (f); and

(ii) by redesignating subsection (g) as subsection (f);

(B) in section 1445(g) (7 U.S.C. 3222(g)), by striking paragraph (3); and

(C) by striking section 1468 (7 U.S.C. 3314).

SEC. 105. EXPANSION OF AUTHORITY TO ENTER INTO COST-REIMBURSABLE AGREEMENTS.

Section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended in the first sentence by inserting "or other colleges and universities" after "institutions".

SEC. 106. EVALUATION AND ASSESSMENT OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION PROGRAMS.

(a) EVALUATION.—The Secretary shall conduct a performance evaluation to determine whether agricultural research, extension, and education programs conducted or funded by the Department of Agriculture result in public benefits that have national or multi-State significance.

(b) GUIDELINES FOR PERFORMANCE MEASUREMENT.—The Secretary shall develop practical guidelines for measuring the performance of agricultural research, extension and education programs evaluated under subsection (a).

TITLE II—REFORM OF EXISTING RESEARCH, EXTENSION, AND EDUCATION AUTHORITIES

Subtitle A—Smith-Lever Act and Hatch Act of 1887

SEC. 201. ADOPTION OF SHORT TITLES FOR SMITH-LEVER ACT AND HATCH ACT OF 1887.

(a) SMITH-LEVER ACT.—The Act of May 8, 1914 (commonly known as the Smith-Lever Act; 7 U.S.C. 341 et seq.), is amended by adding at the end the following new section:

"SEC. 11. SHORT TITLE.

"This Act may be cited as the 'Smith-Lever Act'.".

(b) HATCH ACT OF 1887.—The Act of March 2, 1887 (commonly known as the Hatch Act of 1887; 7 U.S.C. 361a et seq.), is amended by adding at the end the following new section:

"SEC. 10. SHORT TITLE.

"This Act may be cited as the 'Hatch Act of 1887'.".

(c) COORDINATION WITH OTHER AMENDMENTS.—For purposes of executing amendments made by provisions of this Act (other than this section), this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 202. CONSISTENT MATCHING FUNDS REQUIREMENTS UNDER HATCH ACT OF 1887 AND SMITH-LEVER ACT.

(a) HATCH ACT OF 1887.—Subsection (d) of section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended to read as follows:

"(d) MATCHING FUNDS.—

"(1) REQUIREMENT.—Except as provided in paragraph (4), no allotment shall be made to a State under subsections (b) and (c), and no payments of such allotment shall be made to a State, in excess of the amount which the State makes available out of non-Federal funds for agricultural research and for the establishment and maintenance of facilities for the performance of such research.

"(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

"(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

"(B) the amount of matching funds actually provided by the State.

"(3) REAPPORTIONMENT.—The Secretary shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year. Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

"(4) EXCEPTION.—Paragraph (1) shall not apply to funds provided to a State from the Regional research fund, State agricultural experiment stations.".

(b) SMITH-LEVER ACT.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (c)2, by striking "That payments" and all that follows through "Provided further,"; and

(2) by striking subsections (e) and (f) and inserting the following new subsections:

"(e) MATCHING FUNDS.—

"(1) REQUIREMENT.—No allotment shall be made to a State under subsections (b) and (c), and no payments of such allotment shall be made to a State, in excess of the amount which the State makes available out of non-Federal funds for cooperative extension work.

"(2) FAILURE TO PROVIDE MATCHING FUNDS.—If a State fails to comply with the requirement to provide matching funds for a fiscal year under paragraph (1), the Secretary of Agriculture shall withhold from payment to the State for that fiscal year an amount equal to the difference between—

"(A) the amount that would be allotted and paid to the State under subsections (b) and (c) (if the full amount of matching funds were provided by the State); and

"(B) the amount of matching funds actually provided by the State.

"(3) REAPPORTIONMENT.—The Secretary shall reapportion amounts withheld under paragraph (2) for a fiscal year among the States satisfying the matching requirement for that fiscal year. Any reapportionment of funds under this paragraph shall be subject to the matching requirement specified in paragraph (1).

"(f) MATCHING FUNDS EXCEPTION FOR 1994 INSTITUTIONS.—There shall be no matching requirement for funds made available to 1994 Institutions pursuant to subsection (b)(3).".

(c) TECHNICAL CORRECTIONS.—

(1) RECOGNITION OF STATEHOOD OF ALASKA AND HAWAII.—Section 1 of the Hatch Act of 1887 (7 U.S.C. 361a) is amended by striking "Alaska, Hawaii,".

(2) ROLE OF SECRETARY OF AGRICULTURE.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(A) in subsection (b)(1), by striking "Federal Extension Service" and inserting "Secretary of Agriculture";

(B) in subsection (c)1, by striking "Federal Extension Service" and inserting "Secretary of Agriculture";

(C) in subsection (d), by striking "Federal Extension Service" and inserting "Secretary of Agriculture"; and

(D) in subsection (g)(1), by striking "through the Federal Extension Service".

(3) REFERENCES TO REGIONAL RESEARCH FUND.—The Hatch Act of 1887 is amended—

(A) in section 3 (7 U.S.C. 361c)—

(i) in subsection (b)(1), by striking "subsection 3(c)(3)" and inserting "subsection (c)3"; and

(ii) in subsection (e), by striking "subsection 3(c)3" and inserting "subsection (c)3"; and

(B) in section 5 (7 U.S.C. 361e), by striking "regional research fund authorized by subsection 3(c)(3)" and inserting "Regional research fund, State agricultural experiment stations".

SEC. 203. PLANS OF WORK TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) SMITH-LEVER ACT.—Section 4 of the Smith-Lever Act (7 U.S.C. 344) is amended—

(1) by striking "SEC. 4." and inserting the following:

"SEC. 4. ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS, TIME AND MANNER OF PAYMENT, STATE REPORTING REQUIREMENTS, AND PLANS FOR WORK.

"(a) ASCERTAINMENT OF ENTITLEMENT.—";

(2) in the last sentence, by striking "Such sums" and inserting the following:

"(b) TIME AND MANNER OF PAYMENT; RELATED REPORTS.—The amount to which a State is entitled"; and

(3) by adding at the end the following new subsections:

"(c) REQUIREMENTS RELATED TO PLAN OF WORK.—Each extension plan of work for a State required under subsection (a) shall contain descriptions of the following:

"(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned extension programs and projects targeted to address such issues.

"(2) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address such issues.

"(3) The efforts made to identify and collaborate with other colleges and universities within the State and other States that have unique capacity to address the identified agricultural issues in the State and current and emerging efforts to work with these other institutions and States.

"(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(5) The education and outreach programs already underway to convey currently available research results that are pertinent to a critical agricultural issue, including efforts to encourage multi-county cooperation in the dissemination of research results.

"(d) EXTENSION PROTOCOLS.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multi-State, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (a). The Secretary shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board and land-grant colleges and universities.

"(e) TREATMENT OF PLANS OF WORK FOR OTHER PURPOSES.—To the extent practicable, the Secretary shall consider plans of work submitted under subsection (a) to satisfy other appropriate Federal reporting requirements.".

(b) HATCH ACT OF 1887.—Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g), as amended by section 104(b), is further amended—

(1) by striking "SEC. 7." and inserting the following:

"SEC. 7. DUTIES OF SECRETARY, ASCERTAINMENT OF ENTITLEMENT OF STATE TO FUNDS, AND PLANS FOR WORK.

"(a) DUTIES OF SECRETARY.—";

(2) by striking "On or before" and inserting the following:

"(b) ASCERTAINMENT OF ENTITLEMENT.—On or before";

(3) by striking "Whenever it shall appear" and inserting the following:

"(c) EFFECT OF FAILURE TO EXPEND FULL ALLOTMENT.—Whenever it shall appear"; and

(4) by adding at the end the following new subsections:

"(d) PLAN OF WORK REQUIRED.—Before funds may be provided to a State under this Act for any fiscal year, plans for the work to be carried on under this Act shall be submitted by the proper officials of the State and approved by the Secretary of Agriculture.

"(e) REQUIREMENTS RELATED TO PLAN OF WORK.—Each research plan of work for a State required under subsection (d) shall contain descriptions of the following:

"(1) The critical short-term, intermediate, and long-term agricultural issues in the State and the current and planned research programs and projects targeted to address such issues.

"(2) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address such issues.

"(3) The efforts made to identify and collaborate with other colleges and universities within the State and other States that have unique capacity to address the identified agricultural issues in the State and current and emerging efforts (including regional efforts) to work with these other institutions and States.

"(4) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(f) Research Protocols.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multi-State, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under subsection (d). The Secretary shall develop the protocols in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board and land-grant colleges and universities.

"(g) Treatment of Plans of Work for Other Purposes.—To the extent practicable, the Secretary shall consider plans of work submitted under subsection (d) to satisfy other appropriate Federal reporting requirements.".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on October 1, 1998.

(2) Delayed applicability.—With respect to a particular State, the Secretary of Agriculture may delay the applicability of the requirements imposed by the amendments made by this section until not later than October 1, 1999, if the Secretary finds that the State will be unable to meet such requirements by October 1, 1998, despite the good faith efforts of the State.

Subtitle B—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 211. PLANS OF WORK FOR 1890 LAND-GRANT COLLEGES TO ADDRESS CRITICAL RESEARCH AND EXTENSION ISSUES AND USE OF PROTOCOLS TO MEASURE SUCCESS OF PLANS.

(a) Extension at 1890 Institutions.—Section 1444(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d)) is amended—

(1) by striking "(d)" and inserting the following:

"(d) Ascertainment of Entitlement to Funds; Time and Manner of Payment; State Reporting Requirements; and Plans for Work.—

"(1) Ascertainment of entitlement.—";

(2) in the last sentence, by striking "Such sums" and inserting the following:

"(2) Time and manner of payment; related reports.—The amount to which an eligible institution is entitled"; and

(3) by adding at the end the following new paragraphs:

"(3) Requirements related to plan of work.—Each extension plan of work for an eligible institution required under this section shall contain descriptions of the following:

"(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned extension programs and projects targeted to address such issues.

"(B) The process established to consult with extension users regarding the identification of critical agricultural issues in the State and the development of extension programs and projects targeted to address such issues.

"(C) The efforts made to identify and collaborate with other colleges and universities within the State and other States that have unique capacity to address the identified agricultural issues in the State and current and emerging efforts (including regional research efforts) to work with these other institutions and States.

"(D) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(E) The education and outreach programs already underway to convey currently available research results that are pertinent to a critical agricultural issue, including efforts to encourage multi-county cooperation in the dissemination of research results.

"(4) Extension protocols.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multi-State, multi-institutional, and multidisciplinary extension activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under this section. The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.

"(5) Treatment of plans of work for other purposes.—To the extent practicable, the Secretary shall consider plans of work submitted under this section to satisfy other appropriate Federal reporting requirements.".

(b) Agricultural Research at 1890 Institutions.—Section 1445(c) of such Act (7 U.S.C. 3222(c)) is amended—

(1) by striking "(c)" and inserting the following:

"(c) Program and Plans for Work.—

"(1) Initial comprehensive program of agricultural research.—"; and

(2) by adding at the end the following new paragraphs:

"(2) Plan of work required.—Before funds may be provided to an eligible institution under this section for any fiscal year, plans for the work to be carried on under this section shall be submitted by the research director specified in subsection (d) and approved by the Secretary of Agriculture.

"(3) Requirements related to plan of work.—Each research plan of work required under paragraph (2) shall contain descriptions of the following:

"(A) The critical short-term, intermediate, and long-term agricultural issues in the State in which the eligible institution is located and the current and planned research programs and projects targeted to address such issues.

"(B) The process established to consult with users of agricultural research regarding the identification of critical agricultural issues in the State and the development of research programs and projects targeted to address such issues.

"(C) Other colleges and universities in the State and other States that have unique capacity to address the identified agricultural issues in the State.

"(D) The current and emerging efforts to work with these other institutions and States to build on each other's experience and take advantage of each institution's unique capacities.

"(E) The manner in which research and extension, including research and extension activities funded other than through formula funds, will cooperate to address the critical issues in the State, including the activities to be carried out separately, the activities to be carried out sequentially, and the activities to be carried out jointly.

"(4) Research protocols.—The Secretary of Agriculture shall develop protocols to be used to evaluate the success of multi-State, multi-institutional, and multidisciplinary research activities and joint research and extension activities in addressing critical agricultural issues identified in the plans of work submitted under paragraph (2). The Secretary shall develop the protocols in consultation with the Advisory Board and land-grant colleges and universities.".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on October 1, 1998.

(2) Delayed applicability.—With respect to a particular eligible institution (as described in sections 1444(a) and 1445(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a), 3222(a))), the Secretary of Agriculture may delay the applicability of the requirements imposed by the amendments made by this section until not later than October 1, 1999, if the Secretary finds that the eligible institution will be unable to meet such requirements by October 1, 1998, despite the good faith efforts of the eligible institution.

SEC. 212. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

(a) Imposition of Requirement.—Subtitle G of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1448 (7 U.S.C. 3222c) the following new section:

"SEC. 1449. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES AT ELIGIBLE INSTITUTIONS.

"(a) Definitions.—In this section:

"(1) Eligible institution.—The term 'eligible institution' means a college eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.) (commonly known as the Second Morrill Act), including Tuskegee University.

"(2) Formula funds.—The term 'formula funds' means the formula allocation funds distributed to eligible institutions under sections 1444 and 1445.

"(b) Determination of Non-Federal Sources of Funds.—Not later than September 30, 1999, each eligible institution shall submit to the Secretary a report describing for fiscal year 1999 the sources of non-Federal funds available to the eligible institution and the amount of funds generally available from each such source.

"(c) Matching Formula.—Notwithstanding any other provision of this subtitle, the distribution of formula funds to an eligible institution shall be subject to the following matching requirements:

"(1) In fiscal year 2000, the institution shall provide matching funds from non-Federal sources in an amount equal to not less than 30 percent of the formula funds to be distributed to the eligible institution.

"(2) In fiscal year 2001, the institution shall provide matching funds from non-Federal sources in an amount equal to not less than 45 percent of the formula funds to be distributed to the eligible institution.

"(3) In fiscal year 2002, and each fiscal year thereafter, the institution shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds to be distributed to the eligible institution.

"(d) Limited Waiver Authority.—Notwithstanding subsection (f), the Secretary may waive the matching funds requirement under subsection (c)(1) for fiscal year 2000 if the Secretary determines with regard to a particular eligible institution, based on the report received under subsection (b), that the eligible institution will be unlikely to satisfy the matching requirement. The waiver of the matching requirements for subsequent fiscal years is not permitted.

"(e) Use of Matching Funds.—Under terms and conditions established by the Secretary, matching funds provided as required by subsection (c) may be used by an eligible institution for research, education, and extension activities.

"(f) Redistribution of Funds.—Federal funds that are not matched by an eligible institution in accordance with subsection (c) for a *fiscal year shall be redistributed by the Secretary to eligible institutions satisfying the matching funds requirement for that fiscal year. Any redistribution of funds under this subsection shall be subject to the applicable matching requirement specified in subsection (c) and shall be made in a manner consistent with sections 1444 and 1445, as determined by the Secretary.".*

(b) Conforming Amendment.—Section 1445(g) of such Act (7 U.S.C. 3222(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (4) as paragraph (2).

(c) References to Tuskegee University.—Such Act is further amended—

(1) in section 1404 (7 U.S.C. 3103), by striking "Tuskegee Institute" in paragraphs (10) and (16)(B) and inserting "Tuskegee University";

(2) in section 1444 (7 U.S.C. 3221)—

(A) by striking the section heading and "Sec. 1444." and inserting the following:

"SEC. 1444. EXTENSION AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY."; and

(B) in subsections (a) and (b), by striking "Tuskegee Institute" both places it appears and inserting "Tuskegee University"; and

(3) in section 1445 (7 U.S.C. 3222)—

(A) by striking the section heading and "Sec. 1445." and inserting the following:

"SEC. 1445. AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY."; and

(B) in subsections (a) and (b)(2)(B), by striking "Tuskegee Institute" both places it appears and inserting "Tuskegee University".

SEC. 213. INTERNATIONAL RESEARCH, EXTENSION, AND TEACHING.

(a) Inclusion of Teaching.—Section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291) is amended—

*(1) in the section heading, by striking "**RESEARCH AND EXTENSION**" and inserting "**RESEARCH, EXTENSION, AND TEACHING**";*

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "related research and extension" and inserting "related research, extension, and teaching"; and

(ii) in subparagraph (B), by striking "research and extension on" and inserting "research, extension, and teaching activities addressing";

(B) in paragraphs (2) and (6), by striking "education" and inserting "teaching";

(C) in paragraph (4), by striking "scientists and experts" and inserting "science and education experts";

(D) in paragraph (5), by inserting "teaching," after "development,";

(E) in paragraph (7), by striking "research and extension that is" and inserting "research, extension, and teaching programs"; and

(F) in paragraph (8), by striking "research capabilities" and inserting "research, extension, and teaching capabilities"; and

(3) in subsection (b), by striking "counterpart agencies" and inserting "counterpart research, extension, and teaching agencies".

(b) Full Payment of Funds Made Available for Certain Binational Project.—Such section is further amended by adding at the end the following new subsection:

"(d) Full Payment of Funds Made Available for Certain Binational Projects.—Notwithstanding any other provision of law, the full amount of any funds appropriated or otherwise made available to carry out cooperative projects under the arrangement entered into between the Secretary and the Government of Israel to support the Israel-United States Binational Agricultural Research and Development Fund shall be paid directly to the Fund.".

(c) Conforming Amendment.—The subtitle heading of subtitle I of title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended to read as follows:

"Subtitle I—International Research, Extension, and Teaching".

SEC. 214. TASK FORCE ON 10-YEAR STRATEGIC PLAN FOR AGRICULTURAL RESEARCH FACILITIES.

(a) Transfer of Existing Provision.—Section 4 of the Research Facilities Act (7 U.S.C. 390b)—

(1) is transferred to the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.);

(2) is redesignated as section 1473B;

(3) is inserted after section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a); and

(4) is amended in subsection (f), by striking "Notwithstanding section 2(1), in" and inserting "In".

(b) Conforming Repeal.—The Research Facilities Act (7 U.S.C. 390 et seq.) is repealed.

Subtitle C—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 231. AGRICULTURAL GENOME INITIATIVE.

(a) Establishment and Purpose of Initiative.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended by striking the section heading and subsection (a) and inserting the following:

"SEC. 1671. AGRICULTURAL GENOME INITIATIVE.

"(a) Program Required.—The Secretary of Agriculture shall conduct a research initiative for the purpose of—

"(1) supporting basic and applied research and technology development in the area of genome structure and function in support of agriculturally important species, with a particular focus on research projects that will yield scientifically important results that will enhance the usefulness of many agriculturally important species;

"(2) studying and mapping agriculturally significant genes to achieve sustainable and secure agricultural production;

"(3) ensuring that current gaps in existing agricultural genetics knowledge are filled;

"(4) identifying and developing a functional understanding of genes responsible for economically important traits in agriculturally important species, including emerging plant and animal diseases causing economic hardship;

"(5) ensuring the future genetic improvement of agriculturally important species;

"(6) supporting the preservation of diverse germplasm; and

"(7) ensuring the preservation of biodiversity to maintain access to genes that may be of importance in the future.".

(b) Competitive Grants.—Subsection (b) of such section is amended by striking "subsection (c)" and inserting "subsection (a)".

(c) Grant Types and Process; Prohibition on Construction.—Subsection (c) of such section is amended to read as follows:

"(c) Grant Types and Process; Prohibition on Construction.—Paragraphs (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.".

(d) Matching Funds.—Subsection (d) of such section is amended to read as follows:

"(d) Matching of Funds.—

"(1) General Requirement.—If a grant under this section is to the particular benefit of a specific agricultural commodity, the Secretary shall require the recipient of the grant to provide funds or in-kind support to match the amount of funds provided by the Secretary in the grant.

"(2) Waiver.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, deals with scientifically important research, and the grant recipient would be unable to satisfy the matching funds requirement.".

(e) Authorization of Appropriations.—Subsection (g) of such section is amended by striking "fiscal years 1996 and 1997" and inserting "fiscal years 1998 through 2002".

Subtitle D—National Research Initiative

SEC. 241. WAIVER OF MATCHING REQUIREMENT FOR CERTAIN SMALL COLLEGES AND UNIVERSITIES.

Subsection (b)(8)(B) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended—

(1) by striking "the cost" and inserting "the cost of"; and

(2) by adding at the end the following new sentence: "The Secretary may waive all or a portion of the matching requirement under this subparagraph in the case of a smaller college or university (as described in subsection (c)(2)(C)(ii) of section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f)) if the equipment to be acquired costs not more than $25,000 and has multiple uses within a single research project or is usable in more than one research project.".

Subtitle E—Other Existing Laws

SEC. 251. FINDINGS, AUTHORITIES, AND COMPETITIVE RESEARCH GRANTS UNDER FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT OF 1978.

(a) Findings.—Section 2 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641) is amended by striking "Sec. 2." and subsection (a) and inserting the following:

"SEC. 2. FINDINGS AND PURPOSE.

"(a) Findings.—Congress finds the following:

"(1) Forests and rangelands, and the resources of forests and rangelands, are of strategic economic and ecological importance to the United States, and the Federal Government has an important and substantial role in ensuring the continued health, productivity, and sustainability of the Nation's forests and rangelands.

"(2) Over 75 percent of the productive commercial forest land in the United States is in private ownership, with some 60 percent owned by small nonindustrial private owners. These 10,000,000 nonindustrial private owners are critical to providing both commodity and noncommodity values to the citizens of the United States.

"(3) The National Forest System manages only 17 percent of the Nation's commercial timberlands, with over half of the standing softwoods inventory located on those lands. Dramatic changes in Federal agency policy during the early 1990's have significantly curtailed the management of this vast timber resource, causing abrupt shifts in the supply of timber from public to private ownership. As a result of these shifts in supply, some 60 percent of total wood production in the United States is now coming from private forest lands in the southern United States.

"(4) At the same time that pressures are building for the removal of even more land from commercial production, the Federal Government is significantly reducing its commitment to productivity-related research regarding forests and

rangelands, which is critically needed by the private sector for the sustained management of remaining available timber and forage resources for the benefit of all species.

"(5) Uncertainty over the availability of the United States timber supply, increasing regulatory burdens, and the lack of Federal Government support for research is causing domestic wood and paper producers to move outside the United States to find reliable sources of wood supplies, which in turns results in a worsening of the United States trade balance, the loss of employment and infrastructure investments, and an increased risk of infestations of exotic pests and diseases from imported wood products.

"(6) Wood and paper producers in the United States are being challenged not only by shifts in Government policy, but also by international competition from tropical countries where growth rates of trees far exceed those in the United States. Wood production per acre will need to quadruple from 1996 levels for the United States forestry sector to remain internationally competitive on an ever decreasing forest land base.

"(7) Better and more frequent forest inventorying and analysis is necessary to identify productivity-related forestry research needs and to provide forest managers with the current data necessary to make timely and effective management decisions.".

(b) HIGH PRIORITY FORESTRY RESEARCH AND EDUCATION.—Subsection (d) of section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended to read as follows:

"(d) HIGH PRIORITY FORESTRY AND RANGELANDS RESEARCH AND EDUCATION.—The Secretary may conduct, support, and cooperate in forestry and rangelands research and education that is of the highest priority to the United States and to users of public and private forest lands and rangelands in the United States. Such research and education priorities include the following:

"(1) The biology of forest organisms and rangeland organisms.

"(2) Functional characteristics and cost-effective management of forest and rangeland ecosystems.

"(3) Interactions between humans and forests and rangelands.

"(4) Wood and forage as a raw material.

"(5) International trade, competition, and cooperation.".

(c) FOREST INVENTORY AND ANALYSIS.—Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by adding at the end the following new subsection:

"(e) FOREST INVENTORY AND ANALYSIS.—

"(1) PROGRAM REQUIRED.—In compliance with existing statutory authority, the Secretary shall establish a program to inventory and analyze, in a timely manner, public and private forests and their resources in the United States.

"(2) ANNUAL STATE INVENTORY.—Not later than the end of each full fiscal year beginning after the date of the enactment of this subsection, the Secretary shall prepare for each State, in cooperation with the State forester for the State, an inventory of forests and their resources in the State. For purposes of preparing the inventory for a State, the Secretary shall measure annually 20 percent of all sample plots that are included in the inventory program for that State. Upon completion of the inventory for a year, the Secretary shall make available to the public a compilation of all data collected for that year from measurements of sample plots as well as any analysis made of such samples.

"(3) FIVE-YEAR REPORTS.—At intervals not greater than every five full fiscal years after the date of the enactment of this subsection, the Secretary shall prepare, publish, and make available to the public a report, prepared in cooperation with State foresters, that—

"(A) contains a description of each State inventory of forests and their resources, incorporating all sample plot measurements conducted during the five years covered by the report;

"(B) displays and analyzes on a nationwide basis the results of the annual reports required by paragraph (2); and

"(C) contains an analysis of forest health conditions and trends over the previous two decades, with an emphasis on such conditions and trends during the period subsequent to the immediately preceding report under this paragraph.

"(4) NATIONAL STANDARDS AND DEFINITIONS.—To ensure uniform and consistent data collection for all public and private forest ownerships and each State, the Secretary shall develop, in consultation with State foresters and Federal land management agencies not under the jurisdiction of the Secretary, and publish national standards and definitions to be applied in inventorying and analyzing forests and their resources under this subsection. The standards shall include a core set of variables to be measured on all sample plots under paragraph (2) and a standard set of tables to be included in the reports under paragraph (3).

"(5) PROTECTION FOR PRIVATE PROPERTY RIGHTS.—The Secretary shall obtain written authorization from property owners prior to collecting data from sample plots located on private property pursuant to paragraphs (2) and (3).

"(6) STRATEGIC PLAN.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall prepare and submit to Congress a strategic plan to implement and carry out this subsection, including the annual updates required by paragraph (2) and the reports require by paragraph (3), that shall describe in detail—

"(A) the financial resources required to implement and carry out this subsection, including the identification of any resources required in excess of the amounts provided for forest inventorying and analysis in recent appropriations Acts;

"(B) the personnel necessary to implement and carry out this subsection, including any personnel in addition to personnel currently performing inventorying and analysis functions;

"(C) the organization and procedures necessary to implement and carry out this subsection, including proposed coordination with Federal land management agencies and State foresters;

"(D) the schedules for annual sample plot measurements in each State inventory required by paragraph (2) within the first five-year interval after the date of the enactment of this subsection;

"(E) the core set of variables to be measured in each sample plot under paragraph (2) and the standard set of tables to be used in each State and national report under paragraph (3); and

"(F) the process for employing, in coordination with the Department of Energy and the National Aeronautics and Space Administration, remote sensing, global positioning systems, and other advanced technologies to carry out this subsection, and the subsequent use of such technologies.".

(d) FORESTRY AND RANGELANDS COMPETITIVE RESEARCH GRANTS.—Section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 16442) is amended—

(1) by striking the section heading and "SEC. 5." and inserting the following:

"SEC. 5. FORESTRY AND RANGELANDS COMPETITIVE RESEARCH GRANTS.

"(a) COMPETITIVE GRANT AUTHORITY.—"; and

(2) by adding at the end the following new subsections:

"(b) EMPHASIS ON CERTAIN HIGH PRIORITY FORESTRY RESEARCH.—The Secretary may use up to five percent of the amounts made available for research under section 3 to make competitive grants regarding forestry research in the high priority research areas identified in section 3(d).

"(c) EMPHASIS ON CERTAIN HIGH PRIORITY RANGELANDS RESEARCH.—The Secretary may use up to five percent of the amounts made available for research under section 3 to make competitive grants regarding rangelands research in the high priority research areas identified in section 3(d).

"(d) PRIORITIES.—In making grants under subsections (b) and (c), the Secretary shall give priority to research proposals in which—

"(1) the proposed research will be collaborative research organized through a center of scientific excellence;

"(2) the applicant agrees to provide matching funds (in the form of direct funding or in-kind support) in an amount equal to not less than 50 percent of the grant amount; and

"(3) the proposed research will be conducted as part of an existing private and public partnership or cooperative research effort and involves several interested research partners.".

TITLE III—EXTENSION OR REPEAL OF RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

Subtitle A—Extensions

SEC. 301. NATIONAL RESEARCH INITIATIVE UNDER COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANT ACT.

Subsection (b)(10) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(10)) is amended by striking "1997" and inserting "2002".

SEC. 302. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

Sections 533(b) and 535 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) are amended by striking "2000" each place it appears and inserting "2002".

SEC. 303. EDUCATION GRANTS PROGRAMS FOR HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking "fiscal year 1997" and inserting "each of the fiscal years 1997 through 2002".

SEC. 304. GENERAL AUTHORIZATION FOR AGRICULTURAL RESEARCH PROGRAMS.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended in subsections (a) and (b) by striking "1997" each place it appears and inserting "2002".

SEC. 305. GENERAL AUTHORIZATION FOR EXTENSION EDUCATION.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking "1997" and inserting "2002".

SEC. 306. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) is amended by striking "1997" and inserting "2002".

SEC. 307. GRANTS FOR RESEARCH ON THE PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

Section 1419(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(d)) is amended by striking "1997" and inserting "2002".

SEC. 308. POLICY RESEARCH CENTERS.

Section 1419A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(d)) is amended by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002".

SEC. 309. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking "fiscal years 1996 and 1997" and inserting "each of fiscal years 1996 through 2002".

SEC. 310. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking "fiscal year 1997" and inserting "each of fiscal years 1997 through 2002".

SEC. 311. FOOD AND NUTRITION EDUCATION PROGRAM.

Section 1425(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(3)) is amended by striking "and 1997" and inserting "through 2002".

SEC. 312. ANIMAL HEALTH AND DISEASE CONTINUING RESEARCH.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking "1997" and inserting "2002".

SEC. 313. ANIMAL HEALTH AND DISEASE NATIONAL OR REGIONAL RESEARCH.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking "1997" and inserting "2002".

SEC. 314. GRANT PROGRAM TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking "and 1997" and inserting "through 2002".

SEC. 315. NATIONAL RESEARCH AND TRAINING CENTENNIAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended—

(1) in subsection (a)(1), by striking "and 1997" and inserting "through 2002"; and

(2) in subsection (f), by striking "1997" and inserting "2002".

SEC. 316. SUPPLEMENTAL AND ALTERNATIVE CROPS RESEARCH.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking "1997" and inserting "2002".

SEC. 317. AQUACULTURE RESEARCH AND EXTENSION.

Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking "1997" and inserting "2002".

SEC. 318. RANGELAND RESEARCH.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking "1997" and inserting "2002".

SEC. 319. FEDERAL AGRICULTURAL RESEARCH FACILITIES.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1566) is amended by striking "1997" and inserting "2002".

SEC. 320. WATER QUALITY RESEARCH, EDUCATION, AND COORDINATION.

Section 1481(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5501(d)) is amended by striking "1997" and inserting "2002".

SEC. 321. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking "1997" and inserting "2002".

SEC. 322. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(h)) is amended by striking "1997" and inserting "2002".

SEC. 323. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) is amended—

(1) in subsection (a)(6)(B), by striking "1997" and inserting "2002"; and

(2) in subsection (b)(2), by striking "1997" and inserting "2002".

SEC. 324. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking "1997" and inserting "2002".

SEC. 325. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking "1997" and inserting "2002".

Subtitle B—Repeals

SEC. 341. AQUACULTURE RESEARCH FACILITIES.

Section 1476 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3323) is repealed.

SEC. 342. AGRICULTURAL RESEARCH PROGRAM UNDER NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1981.

Subsection (b) of section 1432 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1981 (Public Law 97–98; 7 U.S.C. 3222 note) is repealed.

SEC. 343. LIVESTOCK PRODUCT SAFETY AND INSPECTION PROGRAM.

Section 1670 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923) is repealed.

SEC. 344. GENERIC AUTHORIZATION OF APPROPRIATIONS.

Sections 897 and 898 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 1184) are repealed.

TITLE IV—NEW RESEARCH, EXTENSION, AND EDUCATION INITIATIVES

Subtitle A—Partnerships for High-Value Agricultural Product Quality Research

SEC. 401. DEFINITIONS.

For the purposes of this subtitle:

(1) Eligible partnership.—The term "eligible partnership" means a partnership consisting of a land-grant college or university and other entities specified in paragraph (1) of subsection (b) of section 402 that satisfies the eligibility criteria contained in such subsection.

(2) Secretary.—The term "Secretary" means the Secretary of Agriculture.

SEC. 402. ESTABLISHMENT AND CHARACTERISTICS OF PARTNERSHIPS.

(a) Establishment by Grant.—

(1) In general.—The Secretary may make grants to an eligible partnership to coordinate and manage research and extension activities to enhance the quality of high-value agricultural products.

(2) Awarding of grants.—Grants under paragraph (1) shall be awarded on a competitive basis.

(b) Criteria for an Eligible Partnership.—

(1) Primary institutions in partnership.—The primary institution involved in an eligible partnership shall be a land-grant college or university, acting in partnership with other colleges or universities, nonprofit research and development entities, and Federal laboratories.

(2) Prioritization of research activities.—An eligible partnership shall prioritize research and extension activities in order to—

(A) enhance the competitiveness of United States agricultural products;

(B) increase exports of such products; and

(C) substitute such products for imported products.

(3) Coordination.—An eligible partnership shall coordinate among the entities comprising the partnership the activities supported by the eligible partnership, including the provision of mechanisms for sharing resources between institutions and laboratories and the coordination of public and private sector partners to maximize cost-effectiveness.

(c) Types of Research and Extension Activities.—Research or extension supported by an eligible partnership may address the full spectrum of production, processing, packaging, transportation, and marketing issues related to a high-value agricultural product. Such issues include—

(1) environmentally responsible—

(A) pest management alternatives and biotechnology;

(B) sustainable farming methods; and

(C) soil conservation and enhanced resource management;

(2) genetic research to develop improved agricultural-based products;

(3) refinement of field production practices and technology to improve quality, yield, and production efficiencies;

(4) processing and package technology to improve product quality, stability, or flavor intensity;

(5) marketing research regarding consumer perceptions and preferences;

(6) economic research, including industry characteristics, growth, competitive analysis; and

(7) research to facilitate diversified, value-added enterprises in rural areas.

SEC. 403. ELEMENTS OF GRANT MAKING PROCESS.

(a) Period of Grant.—The Secretary may award a grant under this subtitle for a period not to exceed five years.

(b) Preferences.—In making grants under this subtitle, the Secretary shall give preference to proposals that—

(1) demonstrate linkages with—

(A) agencies of the Department of Agriculture;

(B) other related Federal research laboratories and agencies;

(C) colleges and universities; and

(D) private industry; and

(2) guarantee matching funds in excess of the amounts required by subsection (c).

(c) Matching Funds.—An eligible partnership shall contribute an amount of non-Federal funds for the operation of the partnership that is at least equal to the amount of grant funds received under this subtitle.

(d) Limitation on Use of Grant Funds.—Funds provided under this subtitle may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS AND RELATED PROVISIONS.

(a) Authorization of Appropriations.—There are authorized to be appropriated such funds as may be necessary to carry out this subtitle for each of the fiscal years 1998 through 2002.

(b) Limitation on Administrative Costs.—Not more than four percent of the funds appropriated to carry out this subtitle may be retained by the Secretary to pay administrative costs incurred by the Secretary to carry out this subtitle.

Subtitle B—Precision Agriculture

SEC. 411. DEFINITIONS.

For purposes of this subtitle:

(1) Precision agriculture.—The term "precision agriculture" means an integrated information- and production-based farming system that is designed to increase long-term, site specific and whole farm production efficiencies, productivity, and profitability while minimizing unintended impacts on wildlife and the environment by—

(A) combining agricultural sciences, agricultural inputs and practices, agronomic production databases, and precision agriculture technologies to efficiently manage agronomic and livestock production systems;

(B) gathering on-farm information pertaining to the variation and interaction of site-specific spatial and temporal factors affecting crop and livestock production;

(C) integrating such information with appropriate data derived from field scouting, remote sensing, and other precision agriculture technologies in a timely manner in order to facilitate on-farm decisionmaking; or

(D) using such information to prescribe and deliver site-specific application of agricultural inputs and management practices in agricultural production systems.

(2) Precision agriculture technologies.—The term "precision agriculture technologies" includes—

(A) instrumentation and techniques ranging from sophisticated sensors and software systems to manual sampling and data collection tools that measure, record, and manage spatial and temporal data;

(B) technologies for searching out and assembling information necessary for sound agricultural production decision making;

(C) open systems technologies for data networking and processing that produce valued systems for farm management decisionmaking; or

(D) machines that deliver information based management practices.

(3) Advisory board.—The term "Advisory Board" means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

(4) Agricultural inputs.—The term "agricultural inputs" includes all farm management, agronomic, and field applied agricultural production inputs, such as machinery, labor, time, fuel, irrigation water, commercial nutrients, feed stuffs, veterinary drugs and vaccines, livestock waste, crop protection chemicals, agronomic data and information, application and management services, seed, and other inputs used in agriculture production.

(5) Eligible entity.—The term "eligible entity" means—

(A) a State agricultural experiment station;

(B) a college or university;

(C) a research institution or organization;

(D) a Federal or State government entity or agency;

(E) a national laboratory;

(F) a private organization or corporation;

(G) an agricultural producer or other land manager; or

(H) a precision agriculture partnership referred to in section 414.

(6) Systems research.—The term "systems research" means an integrated, coordinated, and iterative investigative process, which considers the multiple interacting components and aspects of precision agriculture systems, including synthesis of new knowledge regarding the physical-chemical-biological processes and complex interactions with cropping, livestock production practices, and natural resource systems, precision agriculture technologies development and implementation, data and information collection and interpretation, production scale planning, production-scale implementation, and farm production efficiencies, productivity, and profitability.

SEC. 412. COMPETITIVE GRANTS TO PROMOTE PRECISION AGRICULTURE.

(a) Grants Authorized.—The Secretary of Agriculture may make competitive grants, for periods not to exceed five years, to eligible entities to conduct research, education, or information dissemination projects for the development and advancement of precision agriculture. Such grants shall be limited to those projects that the Secretary determines are unlikely to be financed by the private sector in the absence of a grant under this section. The Secretary shall make such grants in consultation with the Advisory Board.

(b) Purpose of Projects.—Research, education, or information dissemination projects supported by a grant under subsection (a) shall address one or more of the following:

(1) The study and promotion of components of precision agriculture technologies using a systems research approach that would increase long-term, site-specified and whole farm production efficiencies, productivity, profitability.

(2) The improvement in the understanding of agronomic systems, including, soil, water, land cover (including grazing lands), pest management systems, and meteorological variability.

(3) The provision of training and educational programs for State cooperative extension services agents, and other professionals involved in the agricultural production and transfer of integrated precision agriculture technology.

(4) The development, demonstration, and dissemination of information regarding precision agriculture technologies and systems and the potential benefits of precision agriculture as it relates to increased long-term farm production efficiencies, productivity, profitability, and the maintenance of the environment, and improvements in international trade into an integrated program to educate agricultural producers and consumers, including family owned and operated farms.

(c) Grant Priorities.—In making grants to eligible entities under subsection (a), the Secretary, in consultation with the Advisory Board, shall give priority to research, education, or information dissemination projects designed to accomplish the following:

(1) Evaluate the use of precision agriculture technologies using a systems research approach to increase long-term site-specific and whole farm production efficiencies, productivity, profitability.

(2) Integrate research, education, and information dissemination components in a practical and readily available manner so that the findings of the project will be made readily usable by farmers.

(3) Demonstrate the efficient use of agricultural inputs, rather than the uniform reduction in the use of agricultural inputs.

(4) Maximize the involvement and cooperation of precision agriculture producers, certified crop advisers, State cooperative extension services agents, agricultural input machinery, product and service providers, nonprofit organizations, agribusiness, veterinarians, land-grant colleges and universities, and Federal agencies in precision agriculture systems research projects involving on-farm research, education, and information dissemination of precision agriculture.

(5) Maximize collaboration with multiple agencies and other partners that include leveraging of funds and resources.

(d) Matching Funds.—The amount of a grant under this section to an eligible entity (other than a Federal agency) may not exceed the amount which the eligible entity makes available out of non-Federal funds for precision agriculture research and for the establishment and maintenance of facilities necessary for conducting precision agriculture research.

SEC. 413. RESERVATION OF FUNDS FOR EDUCATION AND INFORMATION DISSEMINATION PROJECTS.

Of the funds made available for grants under section 412, the Secretary of Agriculture shall reserve a portion of such funds for grants for projects regarding precision agriculture related to education or information dissemination.

SEC. 414. PRECISION AGRICULTURE PARTNERSHIPS.

In carrying out this subtitle, the Secretary of Agriculture, in consultation with the Advisory Board, shall encourage the establishment of appropriate multi-state and national partnerships or consortia between—

(1) land-grant colleges and universities, State agricultural experiment stations, State cooperative extension services, other colleges and universities with demonstrable expertise regarding precision agriculture, agencies of the Department of Agriculture, national laboratories, agribusinesses, agricultural equipment and input manufacturers and retailers, certified crop advisers, commodity organizations, veterinaries, other Federal or State government entities and agencies, or nonagricultural industries and nonprofit organizations with demonstrable expertise regarding precision agriculture; and

(2) agricultural producers or other land managers.

SEC. 415. MISCELLANEOUS PROVISIONS.

(a) Prohibition on Use of Funds for Certain Purposes.—The Secretary of Agriculture may not make a grant under section 412 for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(b) Application of Other Laws.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created for the purpose of reviewing applications or proposals submitted under this subtitle.

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—There are hereby authorized to be appropriated to carry out this subtitle $40,000,000 for each of the fiscal years 1998 through 2002.

(b) Administrative Costs.—Not more than 3 percent of the amount appropriated under this subtitle may be retained by the Secretary to pay the administrative costs incurred by the Secretary in carrying out this subtitle.

(c) Availability of Funds.—Funds made available under paragraph (a) shall be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are made available.

Subtitle C—Other Initiatives

SEC. 421. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended to read as follows:

"SEC. 1672. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

"(a) Competitive Specialized Research and Extension Grants Authorized.—The Secretary of Agriculture, in consultation with the National Agricultural Research, Education, Extension, and Economics Advisory Board, may make competitive grants to support research and

extension activities in the high-priority research and extension areas specified in subsection (e).

"(b) GRANT TYPES AND PROCESS; PROHIBITION ON CONSTRUCTION.—Paragraphs (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

"(c) MATCHING FUNDS REQUIRED.—

"(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

"(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, deals with scientifically important research, and the grant recipient would be unable to satisfy the matching funds requirement.

"(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may give priority to those grant proposals found to be scientifically meritorious that involve the cooperation of multiple institutions.

"(e) HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.—

"(1) BROWN CITRUS APHID AND CITRUS TRISTEZA VIRUS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

"(A) developing methods to control or eradicate the brown citrus aphid and the citrus tristeza virus from citrus crops grown in the United States; or

"(B) adapting citrus crops grown in the United States to the brown citrus aphid and the citrus tristeza virus.

"(2) ETHANOL RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of carrying on or enhancing research on ethanol derived from agricultural crops as an alternative fuel source.

"(3) AFLATOXIN RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying and controlling aflatoxin in the food and feed chains.

"(4) MESQUITE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing enhanced production methods and commercial uses of mesquite.

"(5) PRICKLY PEAR RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

"(6) DEER TICK ECOLOGY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of studying the population ecology of deer ticks and other insects and pests which transmit Lyme disease.

"(7) RED MEAT SAFETY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing—

"(A) intervention strategies that reduce microbial contamination on carcass surfaces;

"(B) microbiological mapping of carcass surfaces; and

"(C) model hazard analysis and critical control point plans.

"(8) GRAIN SORGHUM ERGOT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing techniques for the eradication of sorghum ergot.

"(9) ANIMAL WASTE AND ODOR MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

"(A) identifying, evaluating, and demonstrating innovative technologies for animal waste management and odor control; and

"(B) conducting information workshops to disseminate the results of such research.

"(10) FIRE ANT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of fire ants.

"(11) WHEAT SCAB RESEARCH AND EXTENSION.—Research and extension grants may be made under this section to a consortium of land-grant colleges and universities for the purpose of understanding and combating diseases of wheat and barley caused by Fusarium graminearum and related fungi (commonly known as wheat scab).

"(12) PEANUT MARKET ENHANCEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating the economics of applying innovative technologies for peanut processing in a commercial environment.

"(13) DAIRY FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding risk management strategies for dairy producers and for dairy cooperatives and other processors and marketers of milk.

"(14) COTTON RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of improving pest management, fiber quality enhancement, economic assessment, textile production, and optimized production systems for short staple cotton.

"(15) METHYL BROMIDE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

"(A) developing and evaluating chemical and nonchemical alternatives, and use and emission reduction strategies, for pre-planting and post-harvest uses of methyl bromide; and

"(B) transferring the results of such research for agricultural producer use.

"(16) WATER QUALITY AND AQUATIC ECOSYSTEM RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating the impact on aquatic food webs, especially commercially important aquatic species and their habitats, of microorganisms of the genus Pfiesteria and other microorganisms that are a threat to human or animal health.

"(17) POTATO RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing and evaluating new strains of potatoes which are resistant to blight and other diseases, as well as insects. Emphasis may be placed on developing potato varieties that lend themselves to innovative marketing approaches.

"(18) WOOD UTILIZATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing new uses for wood from underutilized tree species as well as investigating methods of modifying wood and wood fibers to produce better building materials.

"(19) LOW-BUSH BLUEBERRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of evaluating methods of propagating and developing low-bush blueberry as a marketable crop.

"(20) FORMOSAN TERMITE ERADICATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of—

"(A) conducting research for the control, management, and possible eradication of Formosan termites in the United States; and

"(B) collecting data on the effectiveness of research projects conducted under this paragraph.

"(21) SWINE WASTE MANAGEMENT AND ODOR CONTROL RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating the microbiology of swine waste and developing improved methods to effectively manage air and water quality in animal husbandry.

"(22) WETLANDS UTILIZATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of better utilizing wetlands in diverse ways to provide various economic, agricultural, and environmental benefits.

"(23) WILD PAMPAS GRASS CONTROL AND ERADICATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of control, management, and eradication of wild pampas grass.

"(24) PATHOGEN DETECTION AND LIMITATION RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of identifying advanced detection and processing methods to limit the presence of pathogens, including hepatitis A and E. coli 0157:H7, in domestic and imported foods.

"(25) FINANCIAL RISK MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding financial risk management strategies for agricultural producers and for cooperatives and other processors and marketers of any agricultural commodity.

"(26) ORNAMENTAL TROPICAL FISH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of meeting the needs of commercial producers of ornamental tropical fish and aquatic plants for improvements in the areas of fish reproduction, health, nutrition, predator control, water use, water quality control, and farming technology.

"(27) SHEEP SCRAPIE RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of investigating the genetic aspects of scrapie in sheep.

"(28) ANIMAL WASTE MANAGEMENT AT RURAL/URBAN INTERFACES.—Research and extension grants may be made under this section for the purpose of identifying, evaluating, and demonstrating innovative technologies to be used for animal waste management (including odor control) in rural areas adjacent to urban or suburban areas in connection with waste management activities undertaken in urban or suburban areas.

"(29) GYPSY MOTH RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of developing biological control, management, and eradication methods against nonnative insects, including Lymantria dispar (commonly known as the Gypsy Moth), that contribute to significant agricultural, economical, or environmental harm.

"(30) DAIRY EFFICIENCY, PROFITABILITY, AND COMPETITIVENESS RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of improving the efficiency, profitability, and competitiveness of dairy production on farms that are heavily dependent on manufacturing uses of milk.

"(31) ANIMAL FEED RESEARCH AND EXTENSION.—Research and extension grants may be made under this section for the purpose of maximizing nutrition management for livestock,

while limiting risks, such as mineral bypass, associated with livestock feeding practices.

"(32) FORESTRY RESEARCH AND EXTENSION.—Research and extension grants may be made under this section to develop and distribute new, high-quality, science-based information for the purpose of improving the long-term productivity of forest resources and contributing to forest-based economic development by addressing such issues as forest land use policies, multiple-use forest management, including wildlife habitat development, improved forest regeneration systems, and timber supply, and improved development, manufacturing, and marketing of forest products.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 1998 through 2002 such sums as may be necessary to make grants under this section in each of the high-priority research and extension areas specified in subsection (e).

"(g) USE OF TASK FORCES.—

"(1) ESTABLISHMENT.—To facilitate the making of research and extension grants under this section in a high-priority research and extension area specified in subsection (e), the Secretary may appoint a task force to make recommendations to the Secretary.

"(2) LIMITATION ON COSTS.—The Secretary may not incur costs in excess of $1,000 in any fiscal year in connection with each task force established under this subsection.

"(3) APPLICATION OF OTHER LAWS.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a task force established under this subsection.".

SEC. 422. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 1672 (7 U.S.C. 5925) the following new section:

"SEC. 1672A. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

"(a) COMPETITIVE SPECIALIZED RESEARCH AND EXTENSION GRANTS AUTHORIZED.—The Secretary of Agriculture, in consultation with the National Agricultural Research, Education, Extension, and Economics Advisory Board, may make competitive grants to support research and extension activities regarding organically grown and processed agricultural commodities for the purpose of—

"(1) facilitating the development of organic agriculture production and processing methods;

"(2) evaluating the potential economic benefits to producers and processors who use organic methods; and

"(3) exploring international trade opportunities for organically grown and processed agricultural commodities.

"(b) GRANT TYPES AND PROCESS, PROHIBITION ON CONSTRUCTION.—Paragraphs (6), (7), and (11) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

"(c) MATCHING FUNDS REQUIRED.—

"(1) IN GENERAL.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

"(2) WAIVER AUTHORITY.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

"(A) the results of the project, while of particular benefit to a specified agricultural commodity, are likely to be applicable to agricultural commodities generally; or

"(B) the project involves a minor commodity, deals with scientifically important research, and grant recipient would be unable to satisfy the matching funds requirement.

"(d) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may give priority to those grant proposals found to be scientifically meritorious that involved the cooperation of multiple institutions.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 1998 through 2002 such sums as may be necessary to make grants under this section.".

SEC. 423. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1458 (7 U.S.C. 3291) the following new section:

"SEC. 1459. UNITED STATES-MEXICO JOINT AGRICULTURAL RESEARCH.

"(a) RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary may provide for an agricultural research and development program with the United States/Mexico Foundation for Science, which will focus on binational problems facing agricultural producers and consumers in the two countries, in particular pressing problems in the areas of food safety, plant and animal pest control, and the natural resources base on which agriculture depends.

"(b) ADMINISTRATION.—Grants under the research and development program shall be awarded competitively through the Foundation.

"(c) MATCHING REQUIREMENTS.—The provision of funds to the Foundation by the United States Government shall be subject to the condition that the Government of Mexico match, on at least an equal ratio, any funds provided by the United States Government.

"(d) LIMITATION ON USE OF FUNDS.—Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.".

SEC. 424. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Subtitle I of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291 et seq.) is amended by inserting after section 1459, as added by section 423, the following new section:

"SEC. 1459A. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

"(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may make competitive grants to colleges and universities in order to strengthen United States economic competitiveness and to promote international market development.

"(b) PURPOSE OF GRANTS.—Grants under this section shall be directed to agricultural research, extension, and teaching activities that will—

"(1) enhance the international content of the curricula in colleges and universities so as to ensure that United States students acquire an understanding of the international dimensions and trade implications of their studies;

"(2) ensure that United States scientists, extension agents, and educators involved in agricultural research and development activities outside of the United States have the opportunity to convey the implications of their activities and findings to their peers and students in the United States and to the users of agricultural research, extension, and teaching;

"(3) enhance the capabilities of colleges and universities to do collaborative research with other countries, in cooperation with other Federal agencies, on issues relevant to United States agricultural competitiveness;

"(4) enhance the capabilities of colleges and universities to provide cooperative extension education to promote the application of new technology developed in foreign countries to United States agriculture; and

"(5) enhance the capability of United States colleges and universities, in cooperation with other Federal agencies, to provide leadership and educational programs that will assist United States natural resources and food production, processing, and distribution businesses and industries to compete internationally, including product market identification, international policies limiting or enhancing market production, development of new or enhancement of existing markets, and production efficiencies.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 425. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Secretary of Agriculture shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the "FARAD program") through appropriate colleges or universities.

(b) ACTIVITIES.—In carrying out the FARAD program, the Secretary of Agriculture shall—

(1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;

(2) maintain up-to-date information concerning—

(A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a));

(B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

(C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

(D) data on the distribution and fate of chemicals in food animals;

(3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

(4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

(5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

(6) maintain a comprehensive and up-to-date, residue avoidance database;

(7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

(8) engage in other activities designed to promote food safety.

(c) GRANTS.—The Secretary of Agriculture, in consultation with the National Agricultural Research, Education, Extension, and Economics Advisory Board, may make grants to colleges and universities to operate the FARAD program. The term of a grant shall be three years, with options to extend the term of the grant triennially.

SEC. 426. DEVELOPMENT AND COMMERCIALIZATION OF NEW BIOBASED PRODUCTS.

(a) BIOBASED PRODUCT DEFINED.—For purposes of this section, the term "biobased product" means a product suitable for food or nonfood use that is derived in whole or in part from renewable agricultural and forestry materials.

(b) COOPERATIVE AGREEMENTS FOR BIOBASED PRODUCTS.—The Secretary of Agriculture may enter into cooperative agreements with private entities described in subsection (c), under which *the facilities and technical expertise of the Agricultural Research Service may be made available to operate pilot plants and other large-scale preparative facilities for the purpose of bringing technologies necessary for the development and commercialization of new biobased products to the point of practical application. Cooperative activities may include research on potential environmental impacts of a biobased product, methods to reduce the cost of manufacturing a biobased product, and other appropriate research.*

(c) ELIGIBLE PARTNERS.—The following entities shall be eligible to enter into a cooperative agreement under this section:

(1) A party that has entered into a cooperative research and development agreement with the Secretary under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) A recipient of funding from the Alternative Agricultural Research and Commercialization Corporation established under section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902).

(3) A recipient of funding from the Biotechnology Research and Development Corporation.

(4) A recipient of funding from the Secretary under a Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638).

(d) SOURCE OF FUNDS.—To carry out this section, the Secretary may use—

(1) funds appropriated to carry out this section; and

(2) funds available for cooperative research and development agreements (as described in subsection (b)).

(e) SALE OF DEVELOPED PRODUCTS.—The Secretary shall authorize the private partner or partners in a cooperative agreement consistent with this section to sell new biobased products produced at a pilot plant under the agreement for the purpose of determining the market potential for the products.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 427. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

(a) INITIATIVE REQUIRED.—The Secretary of Agriculture shall provide for a research initiative (to be known as the "Thomas Jefferson Initiative for Crop Diversification") for the purpose of conducting research and development, in cooperation with other public and private entities, on the production and marketing of new and nontraditional crops needed to strengthen and diversify the agricultural production base of the United States. The initiative shall include research and education efforts regarding new and nontraditional crops designed—

(1) to identify and overcome agronomic barriers to profitable production;

(2) to identify and overcome other production and marketing barriers; and

(3) to develop processing and utilization technologies for new and nontraditional crops.

(b) PURPOSES.—The initiative is established—

(1) to develop a focused program of research and development at the regional and national level to overcome barriers to development of new crop opportunities for farmers and related value-added enterprise development in rural communities; and

(2) to ensure a broad-based effort encompassing research, education, market development, and support of entrepreneurial activity leading to increased agricultural diversification.

(c) ESTABLISHMENT OF INITIATIVE.—The Secretary shall coordinate the initiative through a nonprofit center or institute that will coordinate research and education programs in cooperation with other public and private entities. The Secretary shall administer research and education grants made under this section.

(d) REGIONAL EMPHASIS.—The Secretary shall support development of multi-State regional efforts in crop diversification. Of funding made available to carry out the initiative, 50 percent shall be used for regional efforts centered at land-grant colleges and universities in order to facilitate site-specific crop development efforts.

(e) ELIGIBLE GRANTEE.—The Secretary may award funds under this section to colleges or universities, nonprofit organizations, or public agencies.

(f) ADMINISTRATION.—

(1) GRANTS AND CONTRACTS.—Grants awarded through the initiative shall be selected on a competitive basis. The recipient of a grant may use a portion of the grant funds for standard contracts with private businesses, such as for test processing of a new or nontraditional crop.

(2) TERMS.—The term of a grant awarded through the initiative may not exceed five years.

(3) MATCHING FUNDS.—The Secretary shall require the recipient of a grant awarded through the initiative to contribute an amount of funds from non-Federal sources at least equal to the amount provided by the Federal Government.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 428. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

(a) PURPOSE.—It is the purpose of this section to authorize the Secretary of Agriculture to establish an integrated research, education, and extension competitive grant program to provide funding for integrated, multi-functional research, education, and extension activities.

(b) COMPETITIVE GRANTS AUTHORIZED.—Subject to the appropriation of funds to carry out this section, the Secretary may award grants to colleges and universities (as defined in section 1404(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(4))) on a competitive basis for integrated research, education, and extension projects in accordance with the provisions of this section.

(c) CRITERIA FOR GRANTS.—Grants under this section shall be awarded to address priorities in United States agriculture, determined by the Secretary in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, which involve integrated research, education, and extension activities.

(d) MATCHING OF FUNDS.—

(1) GENERAL REQUIREMENT.—If a grant under this section is to the particular benefit of a specific agricultural commodity, the Secretary shall require the recipient of the grant to provide funds or in-kind support to match the amount of funds provided by the Secretary in the grant.

(2) WAIVER.—The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a grant if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, deals with scientifically important research, and the grant recipient would be unable to satisfy the matching funds requirement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this section.

SEC. 429. RESEARCH GRANTS UNDER EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

The Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note) is amended by adding at the end the following new section—

"SEC. 536. RESEARCH GRANTS.

"(a) RESEARCH GRANTS AUTHORIZED.—The Secretary of Agriculture may make grants under this section on the basis of a competitive application process (and in accordance with such regulations that the Secretary may promulgate) to a 1994 Institution to assist the 1995 Institution to conduct agricultural research that addresses high priority concerns of tribal, national, or multi-state significance.

"(b) REQUIREMENTS.—Grant applications submitted under this section shall certify that the research to be conducted will be performed under a cooperative agreement with at least one other land-grant college or university (exclusive of another 1994 Institution).

"(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of the fiscal years 1998 through 2002. Amounts appropriated shall remain available until expended.".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ROLE OF SECRETARY OF AGRICULTURE REGARDING FOOD AND AGRICULTURAL SCIENCES RESEARCH, EDUCATION, AND EXTENSION.

The Secretary of Agriculture shall be the principal official in the executive branch responsible for coordinating all Federal research and extension activities related to food and agricultural sciences.

SEC. 502. OFFICE OF PEST MANAGEMENT POLICY.

(a) OBJECTIVE.—The establishment of an Office of Pest Management Policy pursuant to this section is intended to provide for the effective coordination of agricultural policies and activities within the Department of Agriculture related to pesticides and of the development and use of pest management tools, while taking into account the effects of regulatory actions of other government agencies.

(b) ESTABLISHMENT OF OFFICE; PRINCIPAL RESPONSIBILITIES.—The Secretary of Agriculture shall establish in the Department of Agriculture an Office of Pest Management Policy, which shall be responsible for—

(1) the development and coordination of Department of Agriculture policy on pest management and pesticides;

(2) the coordination of activities and services of the Department, including research, extension, and education activities, regarding the development, availability, and use of economically and environmentally sound pest management tools and practices;

(3) assisting the Department in fulfilling its responsibilities related to pest management or pesticides under the Food Quality Protection Act of 1996 (Public Law 104–170; 110 Stat. 1489), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or other law; and

(4) performing such other functions as may be required by law or prescribed by the Secretary.

(c) INTERAGENCY COORDINATION.—In support of its responsibilities under subsection (a), the Office of Pest Management Policy shall provide leadership to ensure coordination of interagency activities with the Environmental Protection Agency, the Food and Drug Administration, and other Federal and State agencies.

(d) OUTREACH.—The Office of Pest Management Policy shall consult with agricultural producers that may be affected by pest management or pesticide-related activities or actions of the

Department or other agencies as necessary in carrying out the Office's responsibilities under this section.

(e) DIRECTOR.—The Office of Pest Management Policy shall be under the direction of a Director appointed by the Secretary who shall report directly to the Secretary or a designee of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 503. FOOD SAFETY RESEARCH INFORMATION OFFICE AND NATIONAL CONFERENCE.

(a) FOOD SAFETY RESEARCH INFORMATION OFFICE.—

(1) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall establish a Food Safety Research Information Office at the National Agricultural Library. The Office shall provide to the research community and the general public information on publicly funded, and to the extent possible, privately funded food safety research initiatives for the purpose of—

(A) preventing unintended duplication of food safety research; and

(B) assisting the executive and legislative branches of the Government and private research entities to assess food safety research needs and priorities.

(2) COOPERATION.—The Office shall carry out paragraph (1) in cooperation with the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, public institutions, and on a voluntary basis, private research interests.

(b) NATIONAL CONFERENCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall sponsor a conference to be known as the "National Conference on Food Safety Research", for the purpose of beginning the task of food safety research prioritization. The Secretary shall sponsor annual workshops in each of the subsequent four years after the conference so that priorities can be updated or adjusted to reflect changing food safety concerns.

(c) FOOD SAFETY REPORT.—With regard to the study and report to be prepared by the National Academy of Sciences on the scientific and organizational needs for an effective food safety system, the study shall include recommendations to ensure that the food safety inspection system, within the resources traditionally available to existing food safety agencies, protects the public health.

SEC. 504. NUTRIENT COMPOSITION DATA.

(a) IN GENERAL.—The Secretary of Agriculture shall update, on a periodic basis, nutrient composition data.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the method the Secretary will use to update nutrient composition data, including the quality assurance criteria that will be used and the method for generating the data; and

(2) the timing for updating the data.

SEC. 505. AVAILABILITY OF FUNDS RECEIVED OR COLLECTED ON BEHALF OF NATIONAL ARBORETUM.

Section 6(b) of the Act of March 4, 1927 (20 U.S.C. 196(b)), is amended by striking "Treasury" and inserting "Treasury. Amounts in the special fund shall be available to the Secretary of Agriculture, without further appropriation,".

SEC. 506. RETENTION AND USE OF AGRICULTURAL RESEARCH SERVICE PATENT CULTURE COLLECTION FEES.

All funds collected by the Agricultural Research Service of the Department of Agriculture in connection with the acceptance of microorganisms for deposit in, or the distribution of microorganisms from, the Patent Culture Collection maintained and operated by the Agricultural Research Service shall be credited to the appropriation supporting the maintenance and operation of the Patent Culture Collection. The collected funds shall be available to the Agricultural Research Service, without further appropriation or fiscal-year limitation, to carry out its responsibilities under law (including international treaty) with respect to the Patent Culture Collection.

SEC. 507. REIMBURSEMENT OF EXPENSES INCURRED UNDER SHEEP PROMOTION, RESEARCH, AND INFORMATION ACT OF 1994.

Using funds available to the Agricultural Marketing Service, the Service may reimburse the American Sheep Industry Association for expenses incurred by American Sheep Industry Association between February 6, 1996, and May 17, 1996, in preparation for the implementation of a sheep and wool promotion, research, education, and information order under the Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101 et seq.).

SEC. 508. DESIGNATION OF KIKA DE LA GARZA SUBTROPICAL AGRICULTURAL RESEARCH CENTER, WESLACO, TEXAS.

(a) DESIGNATION.—The Federal facilities located at 2413 East Highway 83, and 2301 South International Boulevard, in Weslaco, Texas, and known as the Subtropical Agricultural Research Center, shall be known and designated as the "Kika de la Garza Subtropical Agricultural Research Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal facilities referred to in subsection (a) shall be deemed to be a reference to the "Kika de la Garza Subtropical Agricultural Research Center".

SEC. 509. SENSE OF CONGRESS REGARDING AGRICULTURAL RESEARCH SERVICE EMPHASIS ON IN FIELD RESEARCH REGARDING METHYL BROMIDE ALTERNATIVES.

It is the sense of Congress that, of the Agricultural Research Service funds made available for a fiscal year for research regarding the development for agricultural use of alternatives to methyl bromide, the Secretary of Agriculture should use a substantial portion of such funds for research to be conducted in real field conditions, in particular pre-planting and post-harvest conditions, so as to expedite the development and commercial use of methyl bromide alternatives.

SEC. 510. SENSE OF CONGRESS REGARDING IMPORTANCE OF SCHOOL-BASED AGRICULTURAL EDUCATION.

It is the sense of Congress that the Secretary of Agriculture and the Secretary of Education should collaborate and cooperate in providing both instructional and technical support for school-based agricultural education.

SEC. 511. SENSE OF CONGRESS REGARDING DESIGNATION OF DEPARTMENT CRISIS MANAGEMENT TEAM.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Agriculture plays a crucial role in ensuring that the United States is a world leader in maintaining the most affordable, abundant, wholesome, and safe food supply for its citizens.

(2) It is in the best interest of consumers, producers, processors, retailers, government officials, and other interested parties to ensure that any crisis that may affect the operation of the Department or the production of a safe and wholesome food supply is addressed in an effective manner.

(3) Unforeseen circumstances, including natural disaster, personnel management problems, threats to public health, and trade disruptions, have the potential to undermine the operation of the Department and the Nation's ability to efficiently provide a safe, affordable, abundant, and wholesome food supply.

(4) Department of Agriculture employees, consumer confidence, and the food production sector have been adversely impacted as a result of the challenges associated with Federal agencies' ability to respond to incidents in a coordinated and timely fashion.

(5) An effective response to crises, emergencies, and similar situations depends upon the timely and efficient coordination of Federal, State, and local government agencies.

(6) It is in the best interests of the Nation to ensure that whenever a crisis occurs the appropriate Federal agencies coordinate their activities.

(7) The Department of Agriculture should take the lead in ensuring a safe and wholesome supply of food for the Nation because of its broad and diverse relationship with consumers and the food production sector.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Agriculture should—

(1) designate a Crisis Management Team within the Department of Agriculture, which would be composed of senior departmental personnel with strong subject matter expertise selected from each relevant agency of the Department and would be headed by a team leader with strong management and communications skills;

(2) upon establishment of such a Crisis Management Team, direct that the Crisis Management Team—

(A) develop a department-wide crisis management plan, taking into account similar plans developed by other government agencies and other large organizations;

(B) develop detailed written procedures for implementing the crisis management plan;

(C) conduct periodic reviews and revisions of the crisis management plan and procedures;

(D) ensure compliance with crisis management procedures by departmental personnel;

(E) coordinate the Department's information gathering and dissemination activities concerning issues managed by the Crisis Management Team;

(F) ensure that all employees of the Department are familiar with the crisis management plan and procedures and are encouraged to bring information regarding crises or potential crises to the attention of team members;

(G) ensure that departmental spokespersons convey accurate, timely, and scientifically sound information that is easily understood by the target audience; and

(H) cooperate and coordinate with other Federal agencies, States, local governments, industry, and public interest groups; and

(3) seek to enter into cooperative agreements with other Federal departments and agencies that have related programs or activities to help ensure consistent, accurate, and coordinated dissemination of information throughout the executive branch in the event of a crisis.

Mr. MCCAIN. Mr. President, Senator HOLLINGS and I would like to engage the chairman of the Senate Agriculture Committee, Senator LUGAR, as well as the ranking member of that Committee, Senator HARKIN, in a colloquy on certain provisions of S. 1150, the Agriculture Research, Extension, and Education Reform Act of 1997.

Mr. LUGAR. I would be pleased to join the Senators in a colloquy on this subject.

Mr. HARKIN. I would be happy to participate in the colloquy as well.

Mr. McCAIN. The Commerce Committee has expressed serious concerns about sections of the Senate version of S. 1150 which deal with aquaculture and weather activities. These provisions make changes to existing law relating to marine and estuarine aquaculture as well as federal weather activities, subjects that are within the jurisdiction of the Commerce Committee. The Commerce Committee believes that these changes are significant and need to be thoroughly reviewed in the Commerce Committee before they are enacted. We have therefore requested that the Senate Agriculture Committee conferees agree to drop these provisions during the conference on S. 1150. I would now like to defer to the Commerce Committee's ranking Democrat, Senator HOLLINGS, for his comments on this matter.

Mr. HOLLINGS. I concur with the chairman of the Commerce Committee. The provisions on aquaculture and weather activities in the Senate-passed version of S. 1150 substantially affect important issues within the Commerce Committee's jurisdiction and we need to examine and formally consider the provisions in our committee before we can agree to their enactment.

Mr. McCAIN. Mr. President, our two committees have discussed this matter and I understand that based on the concern expressed by the Commerce Committee Senator LUGAR and Senator HARKIN have agreed to drop the provisions of concern to our Committee during conference, and to substitute in place of these provisions straight reauthorizations of the National Aquaculture Act of 1980 and the National Agricultural Weather Information System Act of 1990. I understand further that these substitute provisions will simply extend the authorization of appropriations at current levels through fiscal year 2002 for each of the acts, but will otherwise not change existing law. Is my understanding of the agreement correct?

Mr. LUGAR. Senator McCAIN is correct in his understanding of the agreement reached by our two Committees. While the Agriculture Committee has an interest in both agricultural weather research and freshwater aquaculture, Senator HARKIN and I acknowledge the Commerce Committee's concerns and will accommodate them. We will propose during the conference that section 230 and section 211 of the Senate-passed version of S. 1150 be stricken, and that language be inserted in lieu of these sections which only extends the authorization of appropriations for the two statutes through fiscal year 2002, without other changes to the existing laws.

Mr. HARKIN. I concur with the foregoing description of our understanding as well. As Senator LUGAR described, we will propose to drop the existing Senate provisions on aquaculture and weather activities, and to substitute in their place straight reauthorizations of the two acts that Senator McCAIN mentioned.

Mr. McCAIN. I thank the Senator very much for their cooperation on this matter.

Mr. HOLLINGS. I also extend my thanks to Senator LUGAR and Senator HARKIN for addressing our concerns.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House, agree to the request for a conference, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer appointed Mr. LUGAR, Mr. COCHRAN, Mr. COVERDELL, Mr. HARKIN, and Mr. LEAHY conferees on the part of the Senate.

Mr. ASHCROFT. Mr. President, I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Rhode Island.

Mr. CHAFEE. Mr. President, I am delighted that the Senator from Missouri is here. It is my understanding that he has an amendment he is prepared to present. I would just use this opportunity, before we start on the Senator's amendment, to urge all Senators to come with amendments.

We are ready to do business here. There are a host of amendments. As we know, under the ground rules, we are not taking up amendments that deal with financial matters, but there are a whole host of other amendments that do not deal with those particular subjects. We would certainly like to dispose of them. So I do urge all Senators who have amendments to come to the floor and bring them up.

I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my good friend from Rhode Island. Let me begin by saying it is high time. I am anxious for this bill to move forward. I am very pleased to be here today with my colleagues to talk about this very important highway and transportation legislation and to offer an amendment which I believe has been cleared on both sides.

Mr. President, this past October, November, I had the pleasure of working with our distinguished committee chairman, Senator CHAFEE, and the subcommittee chairman, and my good friend, Senator WARNER, and the ranking member, Senator BAUCUS, to forge an interim solution that produced a short-term extension for this vital highway and transportation legislation that provided necessary resources to make certain that the orange cones and barrels that signal highway construction underway would continue to drive drivers nuts and show them that progress is being made.

But as already has been pointed out on the floor numerous times over the last couple weeks, we only passed an extension, one that does expire. Let me tell my colleagues that getting agreement in passing the extension was not easy. However, it did give us an idea of the complexity of what we have ahead of us.

We all know the importance and the role that transportation plays in our everyday lives and especially in our economy. We absolutely must improve upon the existing infrastructure—that is, the roads, the bridges, the transportation systems—and determine better ways to meet our transportation needs. That is why I worked with the distinguished chair and ranking member and the subcommittee leaders to produce the bill that is now pending.

I am very pleased to support and urge the adoption of that measure. As Senator CHAFEE said yesterday, this bill was reported unanimously out of committee—I repeat, unanimously out of committee. This happened because the bill, called ISTEA II, builds our new policy solidly on our commitment to the concrete and asphalt reality that roads and bridges are and will continue to be the foundation of our transportation system.

Mr. President, for me and for the people of my State of Missouri, highways are not an academic debate. They are a matter of life and death. All of us have heard the statistics about how our inadequate highways contribute to 114 deaths on our Nation's highways each day. Missouri's highway fatality rate is above the national average. I am reminded of these tragedies every time I go home. Every time I travel to a new part of the State, they have lost someone or several people on the highways.

Missouri has roads designated as part of the National Highway System that have no shoulders. We have two-lane roads carrying traffic meant for four lanes. These are real death traps, because somebody who is not familiar with the road, too often an out-of-

State visitor to our State, makes a mistake and crosses over the center line with tragic consequences to them and to some other innocent party as well. And our bridge needs are perhaps greater than any other State.

I drove last Friday over the bridge at Hermann, MO. It is an eerie feeling driving over a highway bridge and looking down at the river below and seeing it through the bridge that you are driving over. Mr. President, that is not fun. That gets your attention. The people know that these bridges are not going to last forever.

Missouri has too many highways marked with white crosses along the side where people have died. The white crosses are in memory of the loved ones who will never return because of our inadequate highways.

Reauthorization of this measure, this highway transportation measure, is imperative. We must move forward. I know that maintaining our Nation's roads and bridges is not always a glamorous issue or undertaking. Too often we hear discussions about priority items that take our attention away. But as with the debate raging in education circles about improving our Nation's crumbling schools, so goes the equally important debate about improving our transportation infrastructure, our roads and highways and bridges. Here it is lives we are talking about.

Mr. President, reasonable people do have passionate differences. We see that every day on the Senate floor. All of us who were here in 1991 can recall that debate can get ugly over those differences, especially when money is involved. Overall funding has proven to be one of the difficult issues already, and the floor debates have not even started on formulas yet.

We all know there are tremendous challenges in meeting our aim of balancing the budget and our commitment to the American people to do so. I am ever mindful of and support achieving this goal. However, I do know the importance of the transportation infrastructure, the roads and highways and bridges and transportation needs of this country and the desire to provide for increased funding to meet those needs.

As a member of the Budget Committee, the Appropriations Committee and the Environment and Public Works Committee, I am committed and pledge my support in working to find a solution that will provide the increased funding necessary for transportation while maintaining our commitment to a balanced budget.

I expressed my appreciation to the majority leader, Senator LOTT, and to our Budget Committee chairman, Senator DOMENICI, who are working together and working with us to provide the resources we need to put the "trust" back in the highway trust fund.

I do support the highway money going for highways and transportation needs. My goal has always been to increase the size of the overall pie for highways and transportation and, as well, to increase Missouri's share. I will do everything possible to ensure that the State of Missouri gets a full, fair share back.

Maybe S. 404, which is known as the Bond-Chafee Highway Trust Fund Integrity Act, introduced with the distinguished chairman a year ago, is part of the overall funding solution. It does not take the highway trust fund off budget, but it does ensure that the "trust" is put back in the trust fund. That is a goal that I believe we all share.

I hope that negotiations on the overall funding level continue. If we can get a $28 billion highway program, let us do it. Let us work to achieve the allocation and the commitment of the highway trust fund moneys going back to highway trust fund purposes.

Mr. President, unfortunately, when we talk about Federal money and formulas, there are always clear-cut winners and losers. I know Missouri has been on both sides, too often on the losing side. But none of this goes away if we wait. I thank the majority leader and I thank the chairman and the ranking member for bringing this up.

Now, Mr. President, unless the chairman has other matters, I wish to introduce an amendment that I believe has been cleared on both sides.

AMENDMENT NO. 1677 TO AMENDMENT NO. 1676

(Purpose: To require that, in funding natural habitat and wetland mitigation efforts related to Federal-aid highway projects, a preference be given, to the maximum extent practicable, to the use of certain mitigation banks)

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of myself, Senator BREAUX, and Senator LOTT and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. LOTT and Mr. BREAUX, proposes an amendment numbered 1677.

Mr. BOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 181, strike line 20 and all that follows through page 183, line 23, and insert the following:

esses. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems.".

SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting ", including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(3) in paragraph (4)—

(A) by inserting ", publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: ", and any other noninfrastructure highway safety improvements";

(4) in paragraph (11)—

(A) in the first sentence—

(i) by inserting "natural habitat and" after "participation in" each place it appears;

(ii) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(iii) by inserting "natural habitat and" before "wetlands conservation"; and

(B) by adding at the end the following: "With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations)."; and

Mr. BOND. Mr. President, this amendment on wetlands mitigation banking has been cleared by both sides, and has been reviewed by EPA and the Corps who have no objection. It is, I believe, consistent with administration policy. It is supported by the Association of State Highway and Transportation Officials and the National Wetlands Coalition. I believe this amendment is good for wetlands protection. It promotes private sector efforts to protect wetlands, and it saves money that can be used on highways or other authorized uses under this act. This is a win-win-win amendment.

Now, let me tell you what the amendment does. It simply provides, when highway projects result in impact to wetlands that require compensatory mitigation—a big word saying: If you take away a wetland here, you have to restore a wetland there so we do not have any loss of wetlands. That is required under current law. Here in this amendment we say that preference can be given, to the extent practical, to private sector mitigation banks.

The amendment mandates that the banks be approved in accordance with the administration's Federal guidance on mitigation banking issued in 1993. It requires that the bank be within the service area of the impacted wetlands.

Mitigation is usually accomplished by restoring or creating other wetlands. Isolated, on-site mitigation projects are expensive and often costly to maintain. Wetlands mitigation banks, on the other hand, are typically large tracts of land that have been restored as wetlands. A State department of transportation building a highway project which impacts wetlands near a bank buys "credits" generated from the bank based on the acreage quality of restored wetlands in order to satisfy its obligation to mitigate the harm to impacted wetlands.

The bank sponsor assumes full responsibility for maintaining the restored wetland site, and the State Transportation Department has fulfilled its mitigation requirement and can get on with the work on much-needed projects.

The amendment does nothing to change the mitigation requirement. It simply provides that mitigation banking will be the preferred alternative, where available, once mitigation requirements are found to exist.

In 1996, the Committee on Environment and Public Works held a hearing where witnesses from the administration, the private sector, the environmental community, and the scientific community spoke to the promise of mitigation banking as being an important instrument to protect wetlands and to do so with less expense and less red tape.

Robert Perciasepe, Assistant Administrator in the Office of Water at EPA, testified to "EPA's strong support for mitigation banking."

In his testimony, he said, "It's a unique win-win proposition. It's great for landowners because it makes the permitting process simpler and easier. * * * It's great for the environment because the consolidation of multiple mitigation projects into a single, large mitigation bank leads to greater environmental benefit in terms of the enhancement of wildlife habitat and the improvement of local water quality and flood control."

I will add that as a matter of policy, we have a great opportunity with mitigation banking to protect wetlands by making wetlands protection a profitable private enterprise.

This effort is supported by the Missouri and Ohio Departments of Transportation and by AASHTO. Let me quote for you a September 1997 letter from the Director of the Ohio Department of Transportation:

> ODOT's costs for onsite mitigation have ranged as high as $150,000 per acre, when cost of design, real estate, construction and mitigation monitoring are combined. These costs are not out of line with the high-end costs experienced by many other DOTs around the country. Our lowest costs for onsite mitigation have generally exceeded $35,000 per acre. The cost of banking, in our experience, has ranged from around $10,000 to $12,000 per acre and includes all of the above cited cost factors. This equates to about one-quarter the cost of our average onsite mitigation.

The States of Florida and Illinois, in the Chicago area, have already had a similar experience.

This savings is significant and it can be achieved because of specialization and economies of scale. As a result, less Federal highway money is spent on mitigating impacts to wetlands, and more Federal highway money is made available for highway construction.

Many agree that mitigation banks, approved in accordance with Administration guidance, will have a greater long term rate of success in protecting wetlands because: (1) they are in the business of wetlands protection and have the expertise; (2) banks are easier to regulate and be held accountable; and (3) because there is more time and flexibility for a bank to identify and procure high quality wetlands.

I appreciate the assistance of the chairman, Senator CHAFEE, and Senator BAUCUS with this amendment.

Again, this is good for the environment and the efficiencies will permit more of our precious highway dollars to be spent on highways. I urge the adoption of this bipartisan amendment.

I yield the floor.

Mr. LOTT. Mr. President, I wish to express my support for an amendment to the Federal highway bill that is simple and straightforward.

The amendment improves the environment and it saves Federal highway dollars—two worthy goals.

The amendment establishes a preference for the use of wetlands mitigation banks to offset impacts to wetlands caused by the construction of highways funded under the Federal highway program.

The amendment is not a mandate. It provides only that mitigation banking is the preferred alternative for mitigating wetlands impacts where there is a bank in the area of the highway project.

The amendment is an incentive-based strategy for environmental protection that enjoys bipartisan support. Members of Congress on both sides of the aisle know that this is the only real way to achieve compliance.

The amendment is sponsored by my friends and colleagues Senators CHRISTOPHER "KIT" BOND and JOHN BREAUX.

Mitigation banking refers to a large wetlands restoration effort where a "bank" of wetlands, usually 100 acres or more, is undertaken to compensate in advance for future wetlands losses from nearby development. The best sites for restoration of wetlands are often lands that used to be wetlands but were drained in order to plant crops. Mitigation bankers take a number of steps, such as breaking up drainage tiles, in order to reintroduce water to the site. Sometimes mitigation bankers replant native species, but often existing seed banks revegetate the land naturally once the water has been restored. Before long, a large, fully functioning wetlands ecosystem has been reestablished. Under Federal guidelines, "credits" are generated based on the acreage and quality of the restored wetlands. The credits may then be sold to those who must restore wetlands to make up for those they have been allowed to disturb in order to build their school, office park, or other nearby project.

In the context of highway construction, mitigation banking works as follows: a state department of transportation building a highway project that affects wetlands near a mitigation bank may buy credits from the mitigation bank. The state DOT fulfills its mitigation requirement by purchasing sufficient credits from the bank to offset the loss of wetlands from the project, and the bank sponsor assumes full responsibility for maintaining the restored wetlands site.

Of course, the current Federal highway program already allows Federal funds to be used to mitigate adverse effects on wetlands caused by highway construction. But small, isolated, onsite mitigation projects are expensive and costly to maintain given the many small wetlands affected by a typical new highway project. In contrast, mitigation banks consolidate small, isolated wetlands mitigation efforts into large, high quality, diverse wetlands habitat. As a result, mitigation banks provide greater environmental benefits than piecemeal mitigation.

The Bond-Breaux amendment provides simply that mitigation banking will be the preferred alternative for wetlands mitigation efforts paid for with Federal highway money where there is a bank in the area of a highway project. Banks must be approved under the Federal guidance on mitigation banking.

In addition to benefiting the environment, use of mitigation banks will save Federal highway dollars that can be made available for more highway construction. Experience has clearly demonstrated that private mitigation bankers can restore high quality wetlands at significantly less cost than state departments of transportation, as my colleague from Missouri has pointed out.

This amendment is supported by the Corps of Engineers, EPA, the American Association of State Highway Transportation Officials, and numerous state departments of transportation. Even my own State of Mississippi believes this is a smart environmental idea and a smart highway idea.

It doesn't surprise me that this amendment is sponsored by the Senator from Missouri, Mr. BOND. Senator BOND's creative mind has produced an innovative answer to this thorny environmental policy. All Americans know the value of wetlands and recognize the contributions of an effective transportation infrastructure. Mr. BOND has found a way to balance the problems and provide a smart solution.

Mr. BOND has provided a win-win solution. His amendment encourages the investment of private sector resources and technology in wetlands restoration. It establishes a policy that rewards doing the right thing for the environment. I congratulate the Senator for his foresight, good judgment, and leadership.

I am also not surprised to see the Senator from Louisiana, Mr. BREAUX, joining Senator BOND in sponsoring this amendment. The citizens of Louisiana know what wetlands are because most of their state is classified as one. They know this type of public policy is a smart way to do highway business. I also commend my friend from Louisiana for his leadership on this amendment.

Mr. President, in closing, this is an excellent amendment that will save Federal highway dollars, benefit the environment, and allow Federal highway projects to go forward more quickly and with more certainty. It has my strong support, and deserves that of my colleagues.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I commend the Senator from Missouri for this amendment. It is an excellent one. What it will do is have a wetland of a larger size than would be under normal conditions. When they do damage to a wetland, they create a new wetland next to the highway. To have it in the so-called mitigation bank is a far superior way of operating, and I commend the Senator.

The amendment will improve the mitigation that is done to offset the loss and degradation of wetlands as a result of highway projects. We have suffered unacceptable wetlands losses—more than half of the estimated 220 million acres that existed when the nation was founded have been lost.

Transportation has unintended but negative consequences on the nation's wetlands. The original ISTEA recognized this by establishing wetlands mitigation as an eligible expense of a State's highway construction funds. Mitigation banking is an innovative concept that allows a person who wishes to fill a wetlands to compensate for that loss by obtaining credits representing positive wetlands function generated at a nearby site. It is the perfect example of a forward-looking environmental policy that offers more bang for the buck.

With respect to highway construction, mitigation banking offers several potential advantages over on-site, individual mitigation. A mitigation bank, unlike on-site mitigation, can consolidate wetlands compensation where it is most ecologically beneficial. Moreover, mitigation banking helps to achieve the goal of "no net loss" of the Nation's wetlands by providing additional opportunities to compensate for impacted wetlands. So I thank Senators BOND and BREAUX again for their work on this.

We are prepared to accept the amendment.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we all want to protect wetlands, and we know when highways are constructed that wetlands are often in jeopardy. It is in the law that when a highway is constructed which does jeopardize a wetland, an offset must be provided for; that is, the developer or the contractor has to find some other way to enhance or improve the wetland.

This is another step in that direction. It is a step toward greater efficiency, namely, where someone may enhance, develop a wetland, get credit for it, and the contractor comes along and goes to the bank which already has the credit for the wetland. It is a much more efficient process for getting the job done. I compliment the Senator from Missouri for coming up with this idea. We accept the amendment.

Mr. CHAFEE. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1677) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BREAUX. Mr. President, I thank the Senate for accepting the Bond-Breaux amendment to S. 1173. It has been my privilege to cosponsor the proposal with the Senator from Missouri, Senator BOND, and to continue our work together on wetlands-related issues.

I express my deepest appreciation to the Majority Leader, Senator LOTT, and to the Committee Chairman and Ranking Member, Senator CHAFEE and Senator BAUCUS, for their support. I also look forward to working with them on this issue as the intermodal surface transportation bill advances through Congress.

The Bond-Breaux amendment proposes to establish a reasonable, responsible wetlands and natural habitat mitigation policy as part of the federal aid highway program.

Our language says that mitigation banking shall be the preferred means, to the maximum extent practicable, to mitigate for wetlands or natural habitat which are affected as part of a federal-aid highway project and whose mitigation is paid for with federal funds.

The amendment establishes three criteria which are to be met in order to use a mitigation bank: first, the affected wetlands or natural habitat are to be in a bank's service area; second, the bank has to have enough credits available to offset the impact; and third, the bank has to meet federally-approved standards.

The Bond-Breaux amendment does not mandate the use of mitigation banks nor does it say they shall be the sole means or the only method used to mitigate for wetlands or natural habitat affected by a federal-aid highway project.

Mitigation banks can offer advantages when built and operated responsibly, including achieving economies of scale and providing larger, higher-quality diverse habitat.

Again, I'm pleased to join with Senator BOND in sponsoring the amendment, pleased that it has been accepted as part of S. 1173, and appreciative of the support extended for it by Senator LOTT, Senator CHAFEE and Senator BAUCUS.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, again, I thank the Senator from Missouri. I see no other individual prepared to offer an amendment. I urge Senators to come to the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask that I be allowed to speak out of order for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IRAQI CRISIS

Mr. GRAMS. Mr. President, I rise today to express my hope that the agreement reached by Secretary Annan in Iraq results in the end of a conflict that has plagued the international community over the past seven years—the failure of Saddam Hussein to live up to the terms that he agreed to following the invasion of Kuwait and his defeat in the Gulf War.

If Saddam has truly experienced a change of heart and has decided to abandon the production and concealment of weapons of mass destruction, this agreement is a milestone; if this is just one more ploy to evade the destruction of his arsenal, then we remain on course for a showdown with Iraq.

We all know Saddam Hussein's record. He invaded the sovereign nation of Kuwait. He used chemical weapons against Iran and against his own people. He used women and children as human shields to protect himself and his weapons of mass destruction. He is both a coward and a menace—and that is a dangerous combination.

At this time it is impossible to judge whether this deal will truly permit the UN weapons inspectors full and unfettered access. UNSCOM inspectors have always insisted that they need to be able to follow a trail wherever it leads them. They are not seeking access to a certain category of sites—they just need freedom to track the evidence. If this agreement permits them to do this and allows them to use whatever techniques are necessary, then the agreement is a step forward. The inspectors do not seal off buildings because they are "cowboys," they do it because the Iraqi's were moving equipment out the back door as they entered the front.

It would have been prudent for the Administration to have studied the plan, and clarified the details before it offered its support. But, as is the case with the lack of information to the Senate on the Administration's plan to bomb Iraq, prudence was apparently too much to expect.

While I am reserving judgment on the Secretary General's agreement until the terms have been thoroughly explained, one positive immediate effect is that it has created a pause in the crisis. The Congress has a responsibility to the American people, and especially the men and women serving in our armed forces, to ensure that the Administration has clear objectives and a coherent policy in regard to Iraq. The use of air strikes against Iraq may have been averted in this instance, but given Saddam's track record of lies and deceit, I do not believe that this is the last time that we will be forced as a nation to confront him.

We all witnessed the Administration's public relations offensive with Cabinet officials holding town hall meetings around the country to build public support for limited air strikes. Through these forums it has become painfully clear that the Administration refuses—or perhaps more disturbingly—cannot consistently answer four basic questions: (1) What are the Administration's goals; (2) how will limited air strikes achieve those objectives; (3) what happens after the bombing stops; and (4) what is our endgame?

First the Administration told us that the goal of the United States was to allow UNSCOM inspectors full and unfettered access to suspected storage sites for chemical and biological weapons. Then we were told that it was to make sure that Saddam would not be able to "reconstitute" his nuclear, chemical and biological weapons production capabilities. But the Administration has failed to explain to the American people how air strikes will achieve these objectives.

After a round of briefings in the Senate with Administration officials, the only thing that is clear is what US air strikes are not going to accomplish: they will not eliminate Iraq's stockpiles of chemical and biological weapons; they will not eliminate Iraq's capability to produce weapons of mass destruction; and they will not remove Iraq's rulers, who persist on a course of action which threatens international security and the welfare of their own people.

The Administration's plan for "substantial" air strikes—which I suppose falls somewhere between "pinprick" and "massive" attacks—may delay Saddam's capability to deliver weapons of mass destruction. Of course, many of the buildings where biological weapons are produced and stored are dual-use facilities—like hospitals and vaccine laboratories. There is also a danger that uncontrolled explosions of storage facilities could result in the release of toxic substances. So it is not a question of whether we are able to destroy these targets, but whether the resulting deaths of Iraqi civilians would prove counterproductive to our goals.

In addition, Saddam has been playing a shell-game with chemical and biological weapons stockpiles. As General Zinni, commander-in-chief of the US central command acknowledged in December, "we do not have a good sense of what he has and where he has it"; and we do not know the location of mobile missile sites.

Unfortunately, Saddam does not need a huge production capacity or weapons stockpile to remain a threat. As a February 15 article in London's Sunday Telegraph noted, recent investigations of a tiny leak of anthrax from a Soviet facility in 1979 have documented 77 deaths, with animals killed up to 30 miles away, even though less than a gram of anthrax escaped.

Even if the Administration allows the military to conduct a comprehensive air campaign which cripples Saddam's ability to produce weapons of mass destruction, it is highly unlikely that air strikes will result in UNSCOM inspectors being given unfettered access to suspect sites or will enhance our ability to contain Saddam.

This brings us to the question of what happens after the bombing stops? The only proven way to effectively eliminate Iraq's chemical and biological weapons capacity is to have inspectors on the ground. As President Clinton remarked in an address last week to the Joint Chiefs of Staff, UNSCOM inspectors,

> have uncovered and destroyed more weapons of mass destruction capacity than was destroyed during the Gulf War . . . [including] 40,000 chemical weapons, more than 100,000 gallons of chemical weapons agents, 48 operational missiles, 30 warheads specifically fitted for chemical and biological weapons, and a massive biological weapons facility at Al Hakam equipped to produce anthrax and other deadly agents.

But 17 tons of biological growth agents, 600 tons of VX precursors and 4,000 tons of other chemical precursors remain unaccounted for. Iraq could have produced 200 tons of VX alone with this missing material. If, following the air strikes, Saddam denies permission for UNSCOM to conduct inspections, or if UNSCOM finds that it is not safe to proceed following the air strikes, then US actions will have jeopardized international security, not enhanced it.

Furthermore, limited air strikes may extend rather than contain Saddam's power and influence in the region. We only have to look at the fact that the states most threatened by Saddam—the Arab nations in proximity to Iraq, with the exception of Kuwait—are not supporting US military action. Even Saudi Arabia, which we protected against invasion during the Gulf War, and our NATO ally Turkey have refused the use of air bases.

The Arab nations are acting according to their own self-interest. They realize that Saddam is a threat to their national security, but they also recognize that limited US air strikes which fail to depose Saddam could leave them in an even more precarious position. The states neighboring Iraq have legitimate concerns that they could be destabilized if their populations rally around Saddam, who would be seen as a hero for standing up to the West.

Saddam could gain further sympathy from those disaffected populations by opting out of the oil-for-food program. The entire sanctions regime could crumble, and Saddam could continue to increase his weapons program unfettered by multilateral sanctions. Efforts to promote democracy in the region would be jeopardized. Terrorism could be increased and exported to the United States.

President Clinton asked a rhetorical question in his speech last week at the Pentagon: "What if he (Saddam) fails to comply, and we fail to act?" Well, I have a question for President Clinton, what if our air strikes only strengthen Saddam's power and eliminate any chance of finding and destroying his weapons of mass destruction?

Administration officials have glibly answered that we will just bomb again. That is not a policy; that is not a strategy. It is a cop-out for poor planning and the lack of a comprehensive policy toward Iraq.

How often can we bomb without mobilizing Muslim nations to stand by the people of Iraq? How often can we bomb without some form of retaliation from Iraq against our allies in the region, if not against the United States itself? This Administration talks in terms of limited strikes, but in war we must take into account the "law of unintended consequences," and the threat of a regional conflict should not be dismissed.

Which brings us to the subject of an endgame. When air strikes appeared imminent, I called Secretary General Kofi Annan and urged him to personally pursue a diplomatic solution. And I asked him at that time whether he had a message he would like to convey to the Senate. He responded that we should think through the endgame—what we will do after a military strike if we proceed to bomb Iraq. That is, I believe, sound advice.

The Administration claims that it has a long-term strategy in Iraq—a strategy of containment. But I fail to see any connection between the Administration's short-term strategy of limited air strikes and its stated long-term goal of containing Saddam Hussein. As I said earlier, the best way to contain Saddam is to have weapons inspectors on the ground. Even when they are being impeded, their very presence makes it impossible for Saddam to engage in large-scale production of weapons of mass destruction. The Administration's proposed use of air strikes is therefore inconsistent with its stated long-term strategy of containment.

Now, the Administration has stated that there are no good options for action against Iraq—and I agree. However, one of the reasons why there are no good options is the failure of this Administration to make an all-out effort over the past seven years to remove Saddam from power by establishing a power base for an alternative Iraqi government. Surely, this is an effort which could have secured allies in the region.

According to news reports, by the end of 1996, both of the CIA's covert operations programs had been obliterated. One effort to recruit Iraqi officers, to try to provoke a military coup was apparently infiltrated by Iraqi double agents, and at least 100 officers were executed by Saddam for cooperating with Americans. Another effort to back the Iraqi National Congress in northern Iraq was abandoned by the US government and thousands were slaughtered when they mounted an offensive against Saddam Hussein.

An article in the February 15 Los Angeles Times noted that the CIA team that was on the ground when the offensive started was recalled to the US when the acting Director of the CIA asked the FBI to conduct a criminal investigation as to whether five CIA officers involved in covert operations in Iraq were plotting to kill Saddam—charges, by the way, that were later dropped. Now this had a chilling effect on covert activity in Iraq, raising concerns as to whether this Administration is serious about getting rid of Saddam Hussein.

I do not support Congressional efforts to overturn the Executive Order forbidding the assassination of foreign leaders. However, there is sufficient flexibility for covert operations to succeed in removing Saddam from power and those efforts must be promoted.

As I stated before, I am pleased that Secretary General Annan succeeded in reaching an agreement with Saddam Hussein. Even if this agreement unravels, it has afforded Congress an opportunity to debate the Administration's policy toward Iraq.

We must demand that the Administration come forward with a clear explanation of its strategy and tactics. We must condemn the Administration for refusing to give a codeword briefing to Senators on targeting strategy—only later did we read an outline of this strategy on the front page of The New York Times.

As pressure to bomb Iraq was mounting, I remained convinced that further diplomatic efforts should be explored. There seemed to be a "rush to bomb." As I said earlier, I called Secretary General Annan before the Administration agreed to his trip and asked him to go to Baghdad and speak to Saddam.

I let Ambassador Richardson know that I would support a solution allowing representatives of the permanent members of the Security Council accompany UNSCOM inspectors, as long as UNSCOM was not impeded or compromised in any way.

While I applaud the Secretary General's initiative, I have been appalled by the failure of the UN as an organization, and the Security Council in particular, to support enforcement of the UN resolutions. It is the greatest of ironies that this Administration is sending American men and women to risk their lives to uphold UN Resolution 687. This is a UN Security Council Resolution, but three out of the five permanent members oppose the use of force. France is more concerned with being able to sell Iraqi oil, China wants to buy the oil, and Russia seeks to be paid the $6 billion it is owed by Iraq. Only Britain is standing by the United States.

There may come a time when the United States has to use force against Iraq to protect our national security. We cannot subcontract our national security policy to the United Nations. When, and if, that time comes, I hope that this Administration will let our armed forces do its job without one hand tied behind its back. And we should send a clear message to the "Butcher of Baghdad": If chemical or biological weapons are used anywhere in the world, and there is even the most tenuous link to Iraq, the full force of the United States will be used against him.

Mr. President, in an excellent speech on the situation in Iraq, Senator ROBERTS of Kansas cited the words uttered 30 years ago by Senator Richard Russell, the Chairman of the Armed Services Committee during the Vietnam War. I think that it is appropriate for me to once again repeat those words on the Senate floor. He said:

> I for one am not afraid of the old fashioned term, victory. We hear a great deal about limited wars, but I would point out that there is no such thing as a limit on actual combat in which our men are engaged. While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards in pursuing them.

And Senator Russell also made the following pledge:

> As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.
>
> It is inconsistent with our history, tradition and fundamental principles to commit American boys on far flung battlefields if we are to follow policies that deny them full support because we are afraid of increasing the risk of those who stay at home.
>
> It is a confession of moral weakness on the part of this country not to take any steps that are necessary to fully diminish the fighting power of our enemies.'

Mr. President, I urge my colleagues and the Administration to hear those words—they have as much relevance today as when they were first uttered in this chamber.

I yield the floor.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOND). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to proceed as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO EXPANSION

Mr. CRAIG. Mr. President, today I come to the floor of the Senate to visit with my colleagues about NATO and NATO expansion.

Of all the responsibilities the Senate is called upon to exercise under our constitutional system, none is more momentous—and, in most cases, as irrevocable—as our advice and consent to the ratification of treaties and treaty revisions. One of the treaty questions the Senate will be facing in the near future is whether the North Atlantic Treaty—the NATO alliance—should be modified to include the former Warsaw Pact states of Poland, Hungary, and the Czech Republic. Our decision on this matter will set the structure for security in Europe and the American role in it for years, perhaps decades, to come.

I would like to commend the distinguished Chairmen of the Committee on Armed Services and the Committee on Foreign Relations for the thorough and thoughtful hearings they have held on this matter. However, in my discussions with a number of Senators, particularly those who, like myself, are not members of those committees, it is clear that many Senators have only begun to focus on the many interrelated issues that touch upon the matter of NATO expansion. Indeed, some of the issues—our relations with our allies, relations with the Russians, the implications for weapons proliferation, our policy toward Iraq—are shifting every day.

For example, this week the distinguished Majority Leader spoke forcefully about his misgivings about the agreement reached between U.N. Secretary General Kofi Annan and the Saddam Hussein regime in Iraq. Our entire policy in the region has been put on hold. It is well known that both France, a key NATO ally, and Russia, the obvious object of NATO expansion, strongly welcome this outcome. Will Saddam Hussein live up to this agreement? Many of us consider it unlikely. Will the United States return to the military option in a few weeks or months? I don't think any of us really yet know that. How will the Iraq crisis, what ever its outcome, affect our relations with both our allies and Russia? We do not yet know the impact of the realities of these events. How will the outcome affect the larger task of stemming the proliferation of nuclear, chemical, and biological weapons and missile technology? We do not yet know. Not knowing the answers to these questions, are we prepared to make an irreversible decision on NATO expansion? I think not—at least not yet.

In considering the implications just of the Iraq crisis, I bring to my colleagues' attention an op-ed by Mr. Thomas L. Friedman that appeared in the New York Times on February 17, before the Annan/Hussein deal. Mr. Friedman wrote:

> The U.S. should be doing everything it can to work with Russia, not only on Iraq but to shrink Russia's own nuclear arsenal, which is the greatest proliferation threat in the world today. Attention shoppers: Russia has thousands of weapons of mass destruction. It has hundreds of unemployed or underemployed nuclear scientists. And it has only the loosest controls over its nukes and nuclear materials, and it has a signed nuclear arms reduction treaty with the U.S. that has not been implemented. But instead of dealing with this problem, the Clintonites are making it worse. They are expanding NATO to counter a threat that doesn't exist—a Russian invasion of Europe—and thus undermining America's ability to work with Russia on the threat that does exist—Russia's loose nukes. "Halting the proliferation of nuclear materials, missiles and technology is clearly our number-one foreign policy challenge since the breakup of the Soviet Empire," says former Senator Sam Nunn, who was the expert in the Senate on this issue.
>
> "But because it is number one, we should be measuring all other policies by how they affect proliferation. Not only does NATO expansion not help us deal with Russia on the issue, it is counterproductive."

Mr. President, I ask unanimous consent to have Mr. Friedman's essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

FOREIGN AFFAIRS; MADELEINE'S FOLLY

(By Thomas L. Friedman)

> With a U.S. bombing of Iraq now increasingly likely, the question being raised by those uneasy with such a strike is: What is the endgame? Is America just throwing its weight around to punish Saddam Hussein?
>
> The answer is really very simple. It comes down to two words: weapons proliferation. If Iraq—already a repeat user of poison gas—is able to snub its nose at the U.N. weapons inspectors, then the world's ability to fight the proliferation of weapons of mass destruction elsewhere would be fundamentally compromised. Libya and its friends would all be less afraid to develop germ weapons and nukes. We would all end up in a much more dangerous world. That's why Saddam has to be stopped.
>
> But it is precisely because stemming weapons proliferation should be the centerpiece of U.S. foreign policy in the post-cold-war era that the Clinton Administration's policy of NATO expansion is so stupid. The U.S. should be doing everything it can to work with Russia, not only on Iraq but to shrink Russia's own nuclear arsenal, which is the greatest proliferation threat in the world today. Attention shoppers: Russia has thousands of weapons of mass destruction. It has hundreds of unemployed or underemployed nuclear scientists. And it has only the loosest controls over its nukes and nuclear materials, and it has a signed nuclear arms reduction treaty with the U.S. that has not been implemented.
>
> But instead of dealing with this problem, the Clintonites are making it worse. They are expanding NATO to counter a threat that doesn't exist—a Russian invasion of Europe—and thus undermining America's ability to work with Russia on the threat that does exist—Russia's loose nukes.
>
> "Halting the proliferation of nuclear materials, missiles and technology is clearly our number-one foreign policy challenge since the breakup of the Soviet Empire," says former Senator Sam Nunn, who was the expert in the Senate on this issue. "But because it is number one, we should be measuring all other policies by how they affect proliferation. Not only does NATO expansion not help us deal with Russia on this issue, it is counterproductive."
>
> The Clinton team has never had an integrated foreign policy. It treats Iraq and NATO expansion as if they were totally disconnected. One day Secretary of State Albright gives a speech telling Russia that NATO is moving right up to the Baltic-Russian border. The next day she complains that Russia isn't being helpful on Iraq. Gosh, I wonder why not?
>
> "Thanks to NATO expansion, we have convinced the Russian political elite that they are not our partner and that their security is not as important to us as the security of the Czechs," says Jack Matlock, President Reagan's Ambassador to Moscow.
>
> We are already paying a price for this. NATO expansion has prompted Russia's Parliament to stall its ratification of the Start 2 nuclear arms reduction treaty, which would shrink Russian and U.S. nuclear arsenals from around 7,000 apiece to 3,500 apiece. That's 3,500 fewer Russian nukes pointed at us. But the deal has been frozen by NATO expansion. If the Clinton team loses the Start 2 treaty, in order to add the Czechs to NATO, it will go down as one of the greatest blunders in the history of U.S. foreign policy: Madeleine's folly.
>
> As Mr. Matlock notes, the more we expand NATO, "the less willing Russia's Ministry of Atomic Energy is to work with us on cooperative measures" to keep its atomic scientists constructively employed—so they don't end up in Iraq and Iran—and the less willing Russia's military is to let us in to help it better control and destroy its nuclear materials.
>
> Moreover, if Ms. Albright is serious about extending NATO to the Baltic States, the only way NATO can possibly defend them is with nukes. Baltic membership in NATO will, therefore, only encourage Russia to continue altering its defense doctrine—moving to a greater reliance on nuclear weapons for defense, on more of a hair trigger, because the closer NATO gets to Russia's border the less warning time Moscow will have. But don't worry, sleep well, Latvia will be in NATO.
>
> The Clintonites are rightly ready to go to war with Iraq to halt the spread of weapons in the Middle East. But their expansion of NATO will only increase the threat of proliferation in Russia—where there are a lot more weapons, under a lot less control, and all pointed at us.

Mr. CRAIG. Mr. President, in the same vein, one of our colleagues, the distinguished Senator from New Hampshire, Mr. GREGG, made the same point on the floor February 12, and I thought it was worth noting, especially because it came, again, before the Annan-Hussein agreement:

> But in the area of Russia, for example, this administration appears to think that they can go to the [Russians] and demand that Russia follow our policies in Iraq and insist on their support on Iraq, but at the same time this administration proposes an expansion of NATO. You have to recognize, if you were a Russian leader, you would find a certain irony in a request that was coupled in that terminology. Because, of course, an expansion of NATO, especially to Poland, is an expansion that can only be viewed in Russia with some concern and possibly viewed by some as an outright threat . . . So you can understand that Russia might view a push to expand NATO at the same time as we are asking them to support us in Iraq as being inconsistent and a bit ironic. And it reflects, unfortunately, I think, this administration's failure to understand the linkage—and linkage is the right term—between working with a nation like Russia and our capacity to do things in the Middle East and moving forward with the NATO expansion at the exact same time. Yet, if you were to listen to the leadership of this administration, they will tell you that there is no relationship, they have no overlap on those two issues. Of course, that is just not true, and that is one of the main reasons we are having problems with Russia [today].

In case anyone in this country has missed it, the Russians have not. They understand the linkage, even if the Clinton administration does not seem to understand it. On February 24, Vladimir Lukin, Moscow's former Ambassador to the United States and now the chairman of the Duma's Committee on International Affairs, commented:

> It would be a big mistake if the United States was offended by Russian policy toward Iraq or another country . . . Russia's policy toward Iraq is not only Russia's policy—we coincide with many other countries, including U.S. allies . . . The problem is whether Russia is considered part of the Atlantic community or not.

Now remember, I am quoting the Russian chairman of the Committee on International Affairs of the Duma.

He says, again:

> The problem is whether Russia is considered part of the Atlantic community or not. Russia will have to decide how it is being considered—as an equal partner or as an outsider. NATO enlargement is isolating Russia. What is the choice for us? Only to be an outsider.

He also goes on to say:

> Not a hostile outsider, but still an outsider. It is a danger. We will become stronger, and we are still a nuclear power. It is a danger to us and a danger to you—

Meaning the United States.

> A few years ago there was the idea of partnership, now there is a strong hesitation in the United States.

Mr. President, that's the linkage you are missing, that's the linkage many of us are concerned about as it relates to current policy.

The point here, as I have noted at some length, is just one ongoing aspect of this very complex issue which we have hardly begun to assess. This is just one aspect, but there are others, no less troublesome, which I will only mention briefly.

The Baltic States: What is the nature of our commitment to admit these States? What are the ramifications?

Our European partners: Why are we so passive to our allies' bald insistence that they intend to bear very little of the costs of expansion? As our distinguished former colleagues Howard Baker and Sam Nunn raised the matter in their recent essay in the New York Times:

> Advocates and skeptics of NATO enlargement alike agree that the transformation of Europe's security structure should be related to the transformation of the economy. As James Baker, the former Secretary of State, has testified, European Union membership "is just as important as membership in NATO for the countries involved," and "we must make clear that NATO membership for the countries of Central Europe is not a substitute for closer economic ties to the European Union."

So then, why are we taking the first step in a reintegration that is not primarily a question of security—since there is no credible threat—while our European allies, who together have greater resources to help their neighbors than the United States, continue to play what can only be said to be a secondary role?

The "New NATO": Republicans, in particular, should be very concerned about the words of President Clinton upon signing of the Founding Act in May of 1997. He says:

> We are building a new NATO. It will remain the strongest alliance in history, with smaller, more flexible forces, prepared to provide for our defense, but also trained for peacekeeping.

As we know, peacekeeping, in some people's eyes, can be considered offensive actions.

I go on to quote:

> It will work closely with other nations that share our hopes and values and interests through the Partnership for Peace. It will be an alliance directed no longer against a hostile bloc of nations, but instead designed to advance the security of every democracy in Europe—NATO's old members, new members and nonmembers alike.

Mr. President, I certainly hope this doesn't mean what it sounds like it means—the end of NATO as a defensive alliance and its transformation into a regional peacekeeping organization. Will the "new NATO" exist to protect its members—or to engage in many Bosnia-like missions all over Central and Eastern Europe?

Now let me speak briefly of costs. To say the least, there is a great deal of skepticism over the question of how much this is going to cost the American taxpayer and whether the very low estimates now being given by the administration are, in any way, credible. I note that we have not even begun to discuss how much of the costs accruing to the new allies will end up being billed to the United States. For example, in May of 1997, ABC News quoted the American Ambassador to Hungary to the effect that the American share of buying new planes for the Hungarian Force "will be perhaps 20 percent to 25 percent" of the cost of that "at most."

How about 30 percent or how about 40 percent? We don't know. That hasn't been negotiated. But what this administration is saying is that we will play a substantial role in the diversity of military equipment for these new partners in NATO.

So how much is the real cost? And, again, shouldn't we know before we are asked to vote?

In closing, Mr. President, let me emphasize that I do not believe we are yet ready in this Senate to give this matter the full debate that it deserves and that we must hear on this issue. If we had to vote on NATO expansion on the basis of the information we now have, I would vote no, and I know that there are many others in this body who would vote no.

I look forward to a full, detailed and lengthy debate on the issue at the appropriate time. The appropriate time is when the Senate is fully knowledgeable on the issue of NATO expansion as they take up one of their most important constitutional responsibilities: the advice and consent on these critical issues. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I commend the Senator from Idaho for his thoughtful comments. He started his comments by saying that this is a matter to which many of the Senators have not given very thorough consideration, and I think that is accurate. I certainly fall into that category.

I am not on either of the major committees that deal with the expansion of NATO. Like all Senators, I am busy with this or that. It seems to me very wise that we all give this matter some thorough consideration. It is my understanding that the majority leader is anxious to bring up the NATO expansion legislation quite soon.

I just want to say, speaking for just this Senator, I certainly haven't concentrated on it. I look forward to reading the op-ed piece—I believe it was an op-ed piece—that Senator Baker and others worked on.

All I can say is, I am grateful for the comments that the Senator from Idaho made, because it is wise for all of us—I personally haven't made up my mind on this. I am astonished that I haven't been lobbied, not that my vote is a key vote on it, but on this matter, the former Senator from New Hampshire came by to see me. He is very concerned. I am speaking of Senator Humphrey, a former Senator from New

Hampshire. He is very concerned about the expansion of NATO. I think he presented some good arguments on it. Perhaps he has also spoken with the Senator from Idaho.

Again, I thank the Senator for his thoughts.

Mr. CRAIG. Will the Senator yield?

Mr. CHAFEE. I certainly will.

Mr. CRAIG. I thank the chairman for those comments. One of the measurements I always use on issues of this gravity and importance, and especially if I do not know a great deal about them, is when there are men and women on both sides of the issue whom I respect, it demands that I begin to review it in great detail. That is what I am hearing from the Senator, that when you have the likes of Howard Baker, and a former Secretary of State, and you have Sam Nunn and a good many others on the other side of the issue who are certainly knowledgeable, I think it is time for the Senate to focus and for our colleagues to begin to try to deal with this issue, and that is why I am here. I thank the Senator for his comments.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that Ms. Cheryle Tucker, a detailee from the Department of Transportation who is working with my staff, be given floor privileges during the ISTEA debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Christopher Prins, a fellow with Senator LIEBERMAN's office, be granted floor privileges during the consideration of the ISTEA legislation, S. 1173.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent I be allowed to speak for about 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THOMAS. I also ask unanimous consent that the privilege of the floor be extended to Steve Shackelton, a detailee on my staff from the U.S. Park Service, during my statement today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 1693 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNA TREBIL'S 100TH BIRTHDAY

Mr. DASCHLE. Mr. President, I want to take a few moments to recognize a very special constituent of mine, Anna Trebil. Today—Friday, February 27, 1998—is Anna's 100th birthday.

Born and raised in Sanborn County, South Dakota, Anna is a true South Dakotan. She is a pioneer and a valued community member. She has lived her entire life in the state and currently resides in Mitchell, South Dakota. Having never spent a day of her life in the hospital, Anna has been blessed with outstanding health which has contributed greatly to her strong and enduring spirit.

I join her children, her 7 grandchildren, her great grandchild and her many friends in wishing Anna Trebil a very happy 100th birthday.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, February 26, 1998, the Federal debt stood at $5,525,033,799,622.62 (Five trillion, five hundred twenty-five billion, thirty-three million, seven hundred ninety-nine thousand, six hundred twenty-two dollars and sixty-two cents).

One year ago, February 26, 1997, the Federal debt stood at $5,345,590,000,000 (Five trillion, three hundred forty-five billion, five hundred ninety million).

Five years ago, February 26, 1993, the Federal debt stood at $4,197,003,000,000 (Four trillion, one hundred ninety-seven billion, three million).

Ten years ago, February 26, 1988, the Federal debt stood at $2,473,373,000,000 (Two trillion, four hundred seventy-three billion, three hundred seventy-three million).

Twenty-five years ago, February 26, 1973, the Federal debt stood at $453,599,000,000 (Four hundred fifty-three billion, five hundred ninety-nine million) which reflects a debt increase of more than $5 trillion—$5,071,404,799,622.62 (Five trillion, seventy-one billion, four hundred four million, seven hundred ninety-nine thousand, six hundred twenty-two dollars and sixty-two cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 493. An act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

MEASURES REFERRED

The following bill was referred to the Committee on Rules and Administration on February 26, 1998, following the adoption of the motion to proceed to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes:

S. 1663. A bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON:

S. 1691. A bill to provide for Indian legal reform, and for other purposes; to the Committee on Indian Affairs.

By Mr. NICKLES (for himself, Mr. BAUCUS, Mrs. HUTCHISON, and Mr. MURKOWSKI):

S. 1692. A bill to amend the Internal Revenue Code of 1986 to provide software trade secrets protection; to the Committee on Finance.

By Mr. THOMAS (for himself and Mr. ABRAHAM):

S. 1693. A bill to renew, reform, reinvigorate, and protect the National Park System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. KENNEDY, Mr. TORRICELLI, Mr. HOLLINGS, Mr. ROBB, Mr. SANTORUM, Mr. KYL, Mr. AKAKA, Mr. LIEBERMAN, Mr. ALLARD, Mr. COCHRAN, Mr. GRAHAM, Mr. GRASSLEY, Mr. WYDEN, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. KOHL, Mr. MACK, Ms. MIKULSKI, Mr. CRAIG, Mr. BURNS, Mr. BROWNBACK, Mr. DODD, Mr. DORGAN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. HATCH, Mr. LAUTENBERG, Mr. REID, Mr. COVERDELL, Mr. ENZI, Mr. GRAMM, Mr. KEMPTHORNE, Mr. HELMS, Mr. BAUCUS, Ms. COLLINS, and Mr. COATS):

S. Res. 186. A resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 1691. A bill to provide for Indian legal reform, and for other purposes; to the Committee on Indian Affairs.

AMERICAN INDIAN EQUAL JUSTICE ACT

Mr. GORTON. Mr. President, I introduce the American Indian Equal Justice Act and ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "American Indian Equal Justice Act".

(b) FINDINGS.—Congress finds that—

(1) a universal principle of simple justice and accountable government requires that all persons be afforded legal remedies for violations of their legal rights;

(2) the fifth amendment of the Constitution builds upon that principle by guaranteeing that ". . . no person shall be deprived of life, liberty, or property without due process of law";

(3) sovereign immunity, a legal doctrine that has its origins in feudal England when it was policy that the "King could do no wrong", affronts that principle and is incompatible with the rule of law in democratic society;

(4) for more than a century, the Government of the United States and the States have dramatically scaled back the doctrine of sovereign immunity without impairing their dignity, sovereignty, or ability to conduct valid government policies;

(5) the only remaining governments in the United States that maintain and assert the full scope of immunity from lawsuits are Indian tribal governments;

(6) according to the 1990 decennial census conducted by the Bureau of the Census, nearly half of the individuals residing on Indian reservations are non-Indian;

(7) for the non-Indian individuals referred to in paragraph (6) and the thousands of people of the United States, Indian and non-Indian, who interact with tribal governments everyday, the rights to due process and legal remedy are constantly at risk because of tribal immunity;

(8) by providing a complete shield from legal claims, the doctrine of sovereign immunity frustrates justice and provokes social tensions and turmoil inimical to social peace;

(9) the Supreme Court has affirmed that Congress has clear and undoubted constitutional authority to define, limit, or waive the immunity of Indian tribes; and

(10) it is necessary to address the issue referred to in paragraph (9) in order to—

(A) secure the rights provided under the Constitution for all persons; and

(B) uphold the principle that no government should be above the law.

(c) PURPOSE.—The purpose of this Act is to assist in ensuring due process and legal rights throughout the United States and to strengthen the rule of law by making Indian tribal governments subject to judicial review with respect to certain civil matters.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior.

(2) TRIBAL IMMUNITY.—The term "tribal immunity" means the immunity of an Indian tribe from jurisdiction of the courts, judicial review of an action of that Indian tribe, and other remedies.

SEC. 3. COLLECTION OF STATE TAXES.

Section 1362 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "The district courts";

(2) by inserting "(referred to in this section as an 'Indian tribe')" after "Interior"; and

(3) by adding at the end the following:

"(b)(1) An Indian tribe, tribal corporation, or member of an Indian tribe, shall collect, and remit to a State, any excise, use, or sales tax imposed by the State on nonmembers of the Indian tribe as a consequence of the purchase of goods or services by the nonmember from the Indian tribe, tribal corporation, or member.

"(2) A State may bring an action in a district court of the United States to enforce the requirements under paragraph (1).

"(3) To the extent necessary to enforce this subsection with respect to an Indian tribe, tribal corporation, or member of an Indian tribe, the tribal immunity of that Indian tribe, tribal corporation, or member is waived.".

SEC. 4. INDIAN TRIBES AS DEFENDANTS.

(a) PROVISIONS TO PARALLEL THE PROVISIONS THAT ARE POPULARLY KNOWN AS THE TUCKER ACT.—Section 1362 of title 28, United States Code, as amended by section 3, is further amended by adding at the end the following:

"(c)(1) The district courts of the United States shall have original jurisdiction in any civil action or claim against an Indian tribe, with respect to which the matter in controversy arises under the Constitution, laws, or treaties of the United States.

"(2) The district courts shall have jurisdiction of any civil action or claim against an Indian tribe for liquidated or unliquidated damages for cases not sounding in tort that involve any contract made by the governing body of the Indian tribe or on behalf of an Indian tribe.

"(d) Subject to the provisions of chapter 171A, the district courts shall have jurisdiction of civil actions in claims against an Indian tribe for money damages, accruing on or after the date of enactment of the American Indian Equal Justice Act for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of an Indian tribe under circumstances in which the Indian tribe, if a private individual or corporation would be liable to the claimant in accordance with the law of the State where the act or omission occurred.

"(e) To the extent necessary to enforce this section, the tribal immunity (as that term is defined in section 2 of the American Indian Equal Justice Act) of the Indian tribe (as that term is defined in such section 2) involved is waived.".

SEC. 5. TORT CLAIMS PROCEDURE.

(a) IN GENERAL.—Part 6 of title 28, United States Code, is amended by inserting after chapter 171 the following:

"CHAPTER 171A—INDIAN TORT CLAIMS PROCEDURE

"Sec.
"2691. Definitions.
"2692. Liability of Indian tribes.
"2693. Compromise.
"2694. Exceptions; waiver.

"§ 2691. Definitions

"In this chapter:

"(1)(A) Subject to subparagraph (B), the term 'employee of an Indian tribe' includes—

"(i) an officer or employee of an Indian tribe; and

"(ii) any person acting on behalf of an Indian tribe in an official capacity, temporarily or permanently, whether with or without compensation (other than an employee of the Federal Government or the government of a State or political subdivision thereof who is acting within the scope of the employment of that individual).

"(B) The term includes an individual who is employed by an Indian tribe to carry out a self-determination contract (as that term is defined in section 4(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(j))).

"(2) The term 'Indian tribe' means any Indian tribe or band with a governing body duly recognized by the Secretary of the Interior.

"§ 2692. Liability of Indian tribes

"(a) An Indian tribe shall be liable, relating to tort claims, in the same manner and to the same extent, as a private individual or corporation under like circumstances, but shall not be liable for interest before judgment or for punitive damages.

"(b) In any case described in subsection (a) in which a death was caused and the law of the State where the act or omission complained of occurred provides for punitive damages, the Indian tribe shall, in lieu of being liable for punitive damages, be liable for actual or compensatory damages resulting from that death to each person on behalf of whom action was brought.

"§ 2693. Compromise

"The governing body of an Indian tribe or a designee of that governing body may arbitrate, compromise, or settle any claim cognizable under section 1362(d).

"§ 2694. Exceptions; waiver

"(a) The provisions of this chapter and section 1362(d) shall not apply to any case relating to a controversy relating to membership in an Indian tribe.

"(b) With respect to an Indian tribe, to the extent necessary to carry out this chapter, the tribal immunity (as that term is defined in section 2 of the American Indian Equal Justice Act) of that Indian tribe is waived.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 28, United States Code, is amended by inserting after the item relating to chapter 171 the following:

"171A. Indian Tort Claims Procedure 2691".

SEC. 6. INDIAN TRIBES AS DEFENDANTS IN STATE COURTS.

(a) CONSENT TO SUIT IN STATE COURT.—Consent is hereby given to institute a civil cause of action against an Indian tribe in a court of general jurisdiction of the State, on a claim arising within the State, including a claim arising on an Indian reservation or Indian country, in any case in which the cause of action—

(1) arises under Federal law or the law of a State; and

(2) relates to—

(A) tort claims; or

(B) claims for cases not sounding in tort that involve any contract made by the governing body of an Indian tribe or on behalf of an Indian tribe.

(b) TORT CLAIMS.—In any action brought in a State court for a tort claim against an Indian tribe, that Indian tribe shall be liable to the same extent as a private individual or corporation under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

(c) FEDERAL CONSENT.—Notwithstanding the provisions of the Act of August 15, 1953 (67 Stat 588 et seq., chapter 505), section 1360 of title 28, United States Code, and sections 401 through 404 of the Civil Rights Act of 1968 (25 U.S.C. 1321 through 1324) and section 406 of such Act (25 U.S.C. 1326) that require the consent of an Indian tribe for a State to assume jurisdiction over matters of civil law, this section constitutes full and complete consent by the United States for a State court to exercise jurisdiction over any claim referred to in subsection (a).

(d) REMOVAL.—An action brought under this section—

(1) shall not be removable under section 1441 of title 28, United States Code; and

(2) shall be considered to meet the requirements for an exception under section 1441(a) of title 28, United States Code.

SEC. 7. INDIAN CIVIL RIGHTS.

Title II of the Civil Rights Act of 1968 (commonly known as the "Indian Civil Rights Act") (25 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"SEC. 204. ENFORCEMENT.

"The district courts of the United States shall have jurisdiction in any civil rights action alleging a failure to comply with rights secured by the requirements under this title. With respect to an Indian tribe, to the extent necessary to enforce this title, the tribal immunity of that Indian tribe (as that term is defined in section 2 of the American Indian Equal Justice Act) is waived.".

SEC. 8. APPLICABILITY.

This Act and the amendments made under this Act shall apply to cases commenced against an Indian tribe on or after the date of enactment of this Act.

By Mr. NICKLES (for himself, Mr. BAUCUS, Mrs. HUTCHISON, and Mr. MURKOWSKI):

S. 1692. A bill to amend the Internal Revenue Code of 1986 to provide software trade secrets protection; to the Committee on Finance.

SOFTWARE TRADE SECRETS PROTECTION ACT

Mr. NICKLES. Mr. President, recent Congressional oversight of the Internal Revenue Service has revealed an agency which has virtually limitless power to enforce the tax code. One aspect of this power is the ability of the IRS to use its summons authority to force taxpayers to turn over books, papers, records, or other data in the course of an audit.

Recently, the IRS has started to use its administrative summons power to gain access to the source code for computer software products. Source code for software is a human-readable form of computer language written by software programmers, and it contains all the "tricks of the trade" which a programmer uses to ultimately make the software product do its job. After a programmer writes the source code, it is "compiled" into machine-readable form called executable code or object code. If the software is being sold or otherwise distributed to customers, the executable code is copied onto diskettes or CD-ROM's for the customers' use.

The IRS has used its summons power to obtain computer software source code in several different audit situations. The IRS has sought the source code for the software used to produce the tax return from the vendor of the software.

The IRS has sought the source code for a software product in connection with a Section 482 transfer pricing audit with respect to a license for the software product to a foreign subsidiary, and the IRS has summoned the source code for software developed by a computer service company in the course of an audit of the firm's research and experimentation credit. The IRS has summoned the executable code of taxpayer's tax preparation software in order to run "what-if" scenarios based on the taxpayer's records during an audit.

The primary problem with complying with these summons is that, in each instance the IRS would need to hire an outside consultant in order to make any meaningful use of the source code. Such outside consultants likely would be competitors or potential competitors of the software company. A skilled computer programmer can discern the software company's trade secrets from an examination of the source code, whereas trade secrets cannot readily be discerned from an examination of the executable code.

Further, problems can also arise when the IRS issues a summons to a computer software company in connection with an audit of one of their customers. This requires the software publisher to look through its own, not the taxpayer's, voluminous records for the relevant versions of the programs in question. This can place an undue burden on the software publisher by requiring their key technical personnel to be diverted from their regular work to help with the tax audit of a customer.

Finally, if the IRS is allowed to use a taxpayer's tax preparation software and records to run "what-if" scenarios during an audit, the taxpayer will be forced to justify a tax return they did not file.

In several of these situations, Mr. President, the owner of the computer software source code has objected to the summons in order to protect their trade secrets. Unfortunately, because the IRS summons authority is so broad, the courts have been constrained to side with the IRS in most cases, leaving computer software companies with inadequate protection for their trade secrets.

Perhaps a better way to explain the issue, Mr. President, is with the following analogy. Imagine that during an audit of the Coca-Cola Company, the IRS issues a summons for the secret recipe for Coke. Even though the IRS can see the Coke, taste it, and read the ingredients on the side of the can, they still insist on examining the secret recipe. Now, imagine further than the IRS admits that since they employ no one with expertise in this area, they will have to contract with experts from Pepsi to examine Coke's secret recipe. This is the dilemma facing the computer software industry.

For these reasons, Mr. President, I am introducing the Software Trade Secrets Protection Act. This legislation is similar to a bill introduced in the House of Representatives by Congressman SAM JOHNSON, and the section 344 of H.R. 2676, the House-passed IRS reform bill.

The Software Trade Secrets Protection Act provides a general prohibition on the IRS using summons authority to obtain computer software source code. The bill then sets out three exceptions to the general prohibition: (1) cases where the Secretary can demonstrate need, (2) criminal investigations, and (3) internally developed software where competitive issues are not implicated.

In the first exception, the Secretary has the burden of showing that the need for the source code outweighs the burdens placed on the summoned person and the danger that its trade secrets might be exposed. The bill further provides a series of protections for both source code and executable code if it is eventually examined by the IRS, including provisions intended to prevent the IRS from using a taxpayer's software and data to run "what-if" scenarios during an audit.

Mr. President, the U.S. software industry leads the world in the development of innovative products and cutting-edge technology. They are one of the fastest growing and most competitive industries in the nation, and their products are unique and ofttimes require special consideration. I believe Congressional hearings have shown what the IRS can and will do if its power is unrestrained. The Software Trade Secrets Protection Act creates good, common-sense restrictions on that power.

I look forward to working with my colleagues on the Senate Finance Committee to include this legislation in IRS reform legislation this year.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Software Trade Secrets Protection Act".

SEC. 2. SOFTWARE TRADE SECRETS PROTECTION.

(a) IN GENERAL.—Subchapter A of chapter 78 of the Internal Revenue Code of 1986 (relating to examination and inspection) is amended by redesignating section 7612 as section 7613 and by inserting after 7611 the following:

"SEC. 7612. SPECIAL PROCEDURES FOR SUMMONSES FOR COMPUTER SOFTWARE.

"(a) LIMITATION ON AUTHORITY TO REQUIRE PRODUCTION OF COMPUTER SOFTWARE SOURCE CODE.—

"(1) IN GENERAL.—No summons may be issued under this title, and the Secretary may not begin any action under section 7604 to enforce any summons, to produce or examine any computer software source code or related customer communications, and training materials.

"(2) EXCEPTION WHERE INFORMATION NOT OTHERWISE AVAILABLE TO VERIFY CORRECTNESS OF ITEM ON RETURN.—Paragraph (1) shall not apply to any portion, item, or component of computer software source code if—

"(A) the Secretary, without examining the computer software source code, is unable to otherwise ascertain with reasonable accuracy the correctness of any item on a return after employing auditing procedures and practices otherwise used pursuant to this title,

"(B) the Secretary identifies with reasonable specificity the portion, item, or component of such code needed to verify the correctness of such item on the return, and

"(C) the Secretary demonstrates that with respect to the issue under examination the need for the portion, item, or component of the computer software source code requested outweighs the burdens of production imposed on the summoned person and the risks of disclosure of trade secrets.

"(3) OTHER EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) any inquiry into any offense connected with the administration or enforcement of the internal revenue laws, and

"(B) any computer software developed by the taxpayer or a related person (within the meaning of section 267 or 707(b)) for internal use by the taxpayer or such person and not for commercial purposes.

"(4) ENFORCEMENT PROCEEDING.—In any proceeding brought under section 7604 to enforce a summons issued under this section, the court shall hold a hearing to determine whether the Secretary has met the requirements of paragraph (2).

"(5) COMPLIANCE WITH SUMMONS FOR COMPUTER SOFTWARE SOURCE CODE.—Any person to whom a summons for a portion, item, or component of computer software source code is issued shall be deemed to have complied with such summons by producing a hard-copy printout of such code.

"(b) PROTECTION OF TRADE SECRETS AND OTHER CONFIDENTIAL INFORMATION.—

"(1) ENTRY OF PROTECTIVE ORDER.—In any court proceeding to enforce a summons for any portion of software, the court may receive evidence and issue any order necessary to prevent undue burdens or the disclosure of trade secrets or other confidential information with respect to such software, including providing that any information be placed under seal to be opened only as directed by the court.

"(2) PROTECTION OF SOFTWARE.—Notwithstanding any other provision of this section, and in addition to any protections ordered pursuant to paragraph (1), in the case of software that comes into the possession or control of the Secretary in the course of any examination with respect to any taxpayer—

"(A) the software may be examined only in connection with the examination of such taxpayer's return,

"(B) the software may be disclosed only to persons conducting such examination whose duties or responsibilities require access to the software,

"(C) the software shall be maintained in a secure area or place, and, in the case of computer software source code and related documents, shall not be removed from the owner's place of business,

"(D) the software may not be copied except as necessary to perform such examination,

"(E) at the end of the examination (and any judicial review of the summons issued under this section), the software and all copies thereof shall be returned to the person from whom they were obtained and any copies thereof made under subparagraph (D) on the hard drive of a machine or other mass storage device shall be permanently deleted and any notes or other memoranda made with regard to such software shall be destroyed,

"(F) the software may not be decompiled, disassembled, or reverse engineered, and

"(G) the Secretary shall provide to the taxpayer and the owner of any interest in such software, as the case may be, a written agreement between the Secretary and any person who will examine or otherwise have access to such software, in which such person agrees—

"(i) not to disclose such software to any person other than authorized employees or agents of the Secretary during and after employment by the Secretary, and

"(ii) not to compete with the owner of the software for a period of 2 years after disclosure to such person of such software.

"The owner of any interest in the software shall be considered a party to any agreement described in subparagraph (G).

"(c) COMPLIANCE WITH SUMMONS FOR CERTAIN COMPUTER SOFTWARE EXECUTABLE CODE.—Any taxpayer to whom is issued a summons for commercially available computer software executable code used to prepare such taxpayer's return or to account for the taxpayer's transactions with others shall be deemed to have complied with such summons by producing a read-only version of such code.

"(d) DEFINITIONS.—For purposes of this section—

"(1) SOFTWARE.—The term 'software' includes computer software source code and computer software executable code.

"(2) COMPUTER SOFTWARE SOURCE CODE.—The term 'computer software source code' means—

"(A) the code written by a programmer using a programming language which is comprehensible to appropriately trained persons, is not machine readable, and is not capable of directly being used to give instructions to a computer, and

"(B) related programmers' notes, design documents, memoranda, and similar documentation, excluding customer communications and training materials.

"(3) COMPUTER SOFTWARE EXECUTABLE CODE.—The term 'computer software executable code' means—

"(A) any object code, machine code, or other code readable by a computer when loaded into its memory and used directly by such computer to execute instructions, and

"(B) any related user manuals.".

(b) UNAUTHORIZED DISCLOSURE OF SOFTWARE.—Section 7213 of the Internal Revenue Code of 1986 (relating to unauthorized disclosure of information) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) DISCLOSURE OF SOFTWARE.—Any person who divulges or makes known in any manner whatever not provided under section 7612 to any other person software (as defined in section 7612(d)(1)) shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution.".

(c) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 78 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 7612 and by inserting the following:

"Sec. 7612. Special procedures for summonses for computer software.
"Sec. 7613. Cross references.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SOFTWARE TRADE SECRETS PROTECTION ACT—SECTION-BY-SECTION ANALYSIS

1. FACTUAL SCENARIOS

Recently, the Internal Revenue Service has started to use its administrative summons power to gain access to the source code for computer software products. The use of the summons power to compel production of computer software source code has come up in three situations. First, in connection with the audit of certain taxpayers under the Coordinated Examination Program, the IRS has sought the source code for the software used to produce the tax return from the vendor of the software. In other cases, IRS has sought the source code for a software production in connection with a Section 482 transfer pricing audit. In the third class of cases, IRS has summoned the source code for software developed by a computer service company in the course of an audit of the firm's research and experimentation credit. In each instance, the IRS has signaled its intention to hire outside consultants in order to make any meaningful use of the source code. Such outside consultants likely would be competitors or potential competitors of the software company.

The source code for computer software is the human readable form prepared by software programmers. After the source code is prepared, it is then "compiled" into machine-readable form called executable code or object code. The executable code is then copied onto diskettes or CD-ROM's for distribution to customers. A skilled computer programmer can discern the software company's trade secrets from an examination of the source code. Trade secrets cannot readily be discerned from an examination of the executable code.

The ease of misappropriating software trade secrets and capitalizing on such secrets is unparalleled, especially given advances in computer and communications technology.

Computer software products undergo nearly continuous change. Many times, it is not possible to match a particular version of a product in the hands of a customer with a discrete source code version. Software companies continually revise their products and issue new versions. Within a particular version, companies frequently issue updates and corrections after a product is released. These interim changes must first be made to the source code before the machine-readable versions are released. Software companies make such bug-fixes and patches available to their customers, but typically the vendor does not know whether the customer has installed them or not.

Summonses issued to third-party record keepers typically require the recordkeeper to identify and turn over to the IRS documents regarding the taxpayer's financial transactions. By contrast, a summons for source code could require a software publisher to look through its own, not the taxpayer's, voluminous records for the relevant versions of the programs in question. Further, this would require programmers to divert attention from programming to search for the summoned code. Merely complying with a summons for source code could cause competitive damage to a software company because key technical personnel will be diverted to help with the tax audit of a customer. This could be especially damaging to small or medium-sized companies.

2. TRADE SECRET LAW

The law of trade secrets provides an effective and efficient method to protect commercially sensitive and important business information. For many companies the law of trade secrets is the method of choice for protecting valuable business information. Trade secret law arises from state law. Unlike patent, copyright and trademark law there is no federal scheme for trade secret protection. The law of trade secrets, depending upon the state, derives either from the common law or the Uniform Trade Secrets Act. A slight majority of states use the uniform act. The common law, as set forth in the Restatement of Torts, Sec. 757, defines a trade secret as follows:

"A trade secret may consist of a formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know it or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a patter for a machine or other device, or a list of customers."

The Supreme Court has relied upon this definition to require that for information to constitute a trade secret, it must (1) be used in one's business, (2) provide a competitive advantage, and (3) be secret.

Under the Uniform Trade Secrets Act (Sec. 1(4)), a trade secret is defined as follows:

"trade secret means information, including a formula, pattern, compilation, device method, technique, or process that:

"(1) derives independent economic value, actual or potential, from not being generally known to, and not readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

"(2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

The cornerstone of both definitions, whether common law or statutory, is that the information must be kept secret. The standard for secrecy for a trade secret comprises a two-pronged test: (1) whether the information alleged to be a trade secret is generally known or available, and (2) whether the trade secret owner takes affirmative steps to safeguard the confidentiality of the information.

Trade secret owners may protect information from unauthorized disclosures by entering into contracts with those to whom the confidential information is disclosed. Such contracts typically take two forms. First, a trade secret owner may require such a person to enter into a "nondisclosure agreement" under which the individual promises not to disclose or use trade secret information without first obtaining the permission of the owner.

The second type of contract is a post-employment "non-competition agreement." Under this type of contract, an employee or outside consultant agrees not to compete with the present employer or client or become employed by a competitor of the employer or client after termination of the current relationship.

Both types of agreements are widely used in the software industry to protect trade secrets that might exist in software source code.

3. IRC SECTION 6103

Internal Revenue Code Section 6103 generally prohibits Internal Revenue Service employees from disclosing tax returns and "tax return information." the United States and its agents can be held liable for improper disclosures of tax returns and tax return information. See I.R.C. Sec. 7431. However, Section 6103 does not protect software source code regardless of whether it is owned by the taxpayer or a third-party software vendor. Section 6103 expressly excludes from the definition of "return information" "data which is in a form which cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer." Generally speaking, source code would not identify, either directly or indirectly, the taxpayer and thus would not qualify as "return information."

In addition, were computer source code to be treated as "return information," Section 6103 contains numerous provisions that actually authorize disclosure of return information. Section 6103(n) permits disclosure of return information to IRS contractors working on programming IRS computers. Thus, defining computer source code as "return information" actually would expose it to disclosure to potential competitors of the software owner.

4. OVERVIEW OF THE BILL

The bill reflects the basic premise that the subject matter (computer software) is unique and justifies all relevant provisions being collected in one section. The House bill, on the other hand, attempts to address the problem by amending several code sections in patchwork fashion.

The general rule of the bill is a blanket prohibition on the IRS using the summons authority to obtain computer source code and related customer communications. It also prohibits a summons for training materials. It then sets out three significant exceptions to the prohibition: (1) cases where the Secretary can demonstrate need, (2) criminal investigations, and (3) cases involving internally developed software where competitive issues are not implicated.

Under the first exception, before a summons can be issued for source code, the Secretary has the burden of demonstrating that the need for the source code outweighs the burdens placed on the summoned person and the danger that its trade secrets might be exposed. The bill also sets out a series of protections for both source code and executable code in the hands of the IRS. These protections are in lieu of whatever protections might be afforded by Section 6103.

5. DETAILED ANALYSIS

Section (a)(1):

This section establishes the general rule that no summons may be issued, and no enforcement proceeding may be commenced, for computer software source code and related customer communications or training materials. This general rule with respect to source code is subject to three exceptions.

Section (a)(2):

The first exception is for cases where the Secretary can establish that he cannot perform an accurate audit without a review of computer software source code.

The provision for a needs-based test recognizes that questions may arise during an audit that can only be answered with reference to the source code. It is intended that such a summons might be issued only as a last resort and only after traditional audit techniques have been exhausted. In these circumstances, it is contemplated that the audit has become focused on a particular issue or set of issues. The Secretary may have had access to an executable version of the software loaded with the taxpayer's financial data. At some point in the audit, the Secretary and the taxpayer may have been unable to verify the correctness of the computation of an entry on the tax return under audit. Further, in such a case, it is contemplated that the Secretary will have asked the software publisher for assistance in resolving this issue but been unable to obtain a satisfactory answer. After the Secretary has sufficiently identified the specific item on the return for which source code is sought a summons can be issued only for that portion of the source code that relates to the specific entry on the tax return.

In deciding whether a summons has been properly issued, a balancing test is established in lieu of the current standard. Under current law, all that the Secretary needs to show is that the summoned material "might shed some light" on the accuracy of the tax return. See *United States* v. *Powell*, 379 U.S. 48 (1964). This standard was developed well before the computer revolution and the proliferation of software in the United States economy. It provides considerably less protection that the standard applied by most other federal agencies in similar cases. Despite having written administrative policies acknowledging the importance of protecting trade secrets, the Secretary has not, in practice, honored those policies by showing adequate sensitivity to the legitimate concerns of software publishers.

The bill replaces the *Powell* standard with a new balancing test. To meet the balancing test, the Secretary, and any court conducting a review, must determine whether the need for the source code outweighs the burden on the owner of the source code in complying with the summons and the danger that its trade secrets might be exposed to a competitor.

The initial threshold requires that the Secretary demonstrate some need for the portion of the source code that is sought. To meet this test, the Secretary must show that he is unable to verify the correctness of the item without a review of the source code. Ordinarily, the audit process focuses on the taxpayer's financial records to determine whether the tax return reflects a proper application of the internal revenue laws to the facts. Importantly, traditional computer audit techniques used to verify data in an efficient manner are a part of this process and are not effected by the bill. Such a process does not require the source code for the software that might have been used to prepare the return. However, in cases involving tax issues related to software products, it is anticipated that very little if any probative evidence could be gleaned from the source code.

In assessing the burdens imposed on the owner of software in complying with a summons issued under this section, it is anticipated that the Secretary, and the courts, will focus on a variety of issues. The chief factor to consider is the degree of business interruption that would be caused by compliance with the summons. Other factors to consider include: (1) whether the software was initially developed by the current owner of the software source code, (2) whether the source code was developed by former employees, (3) the degree to which the source code has changed since the software was first developed and (4) whether the software owner itself has put into issue the use or content of the source code.

The danger of trade secret disclosure exists anytime non-employees of the trade secret owner are allowed access to confidential information. In weighting the risks of trade secret disclosure, a factor to consider is the ability to impose safeguards on such disclosure, including the statutory protections available under subsection (b) of this section.

Section (a)(3), Other Exceptions:

The general prohibition on issuing a summons or computer source code does not apply to a summons issued in furtherance of an inquiry into any criminal offense or with respect to software developed by the taxpayer for its own internal use and not for commercial purposes. The exception for internal use software is to be applied to situations where the taxpayer-developed software is used to process the taxpayer's own financial transactions, provide internal accounting functions, or to prepare such taxpayer's own tax return. It is not to be applied to situations where a taxpayer develops software that is used by it to provide a service to its unrelated customers.

Section (a)(4), Enforcement proceedings:

Currently, the Secretary and the Court handle summons enforcement proceedings in a summary fashion. Because the burden on the Secretary is so low, the Secretary merely files the affidavit of the Revenue Agent conducting the affidavit. This shifts the burden to the summoned person to show cause why the summons should not be enforced. This burden is a heavy one and the summoned person often is not allowed discovery for evidence that bears on such issues.

Any time the Secretary brings an action to enforce a summons issued under this section, the Court would be required to conduct a hearing to determine whether the Secretary has met the requirements of paragraph (2). The courts shall allow the summoned party to conduct discovery so that a proper defense can be presented. When a summons is issued under this section for source code in the hands of a third-party software publisher, the summoned person ordinarily will have no independent knowledge of the facts and issues surrounding the audit of the taxpayer. The Court can enter such protective orders that are necessary to prevent widespread disclosures of returns and return information.

Section (a)(5), Compliance with Summons for Source Code:

A person in receipt of a summons for computer software source code may comply with such a summons by producing a hard copy printout of the portion of the source code identified in the summons. If a person were required to produce a digital copy of source code, the danger of multiple copies being generated and transmitted outside the owner's premises is heightened.

Section (b), Other Protections:

(1) Court Ordered Protections: Under current law, there is a split among the courts of appeal over the authority of district courts to conditionally enforce IRS summonses. The Fifth Circuit and the Ninth Circuit hold that the court's authority is limited and may issue only two types of orders: (1) an order enforcing the summons in full, or (2) an order quashing the summons in full. In the Eighth Circuit, the courts have discretion to issue orders limiting the scope of the summons and can place restrictions on the Secretary's use of information obtained with a summons. With regard to summonses issued under this section, the district courts are given express statutory authority to issue such orders that are necessary or appropriate to prevent disclosures of trade secrets or other confidential information or to prevent undue hardship on the summoned person. With respect to summonses issued under this section, *United States* v. *Barrett*, 837 F.2d 1341 (5th Cir. 1988), is overruled. This provision has no effect on the authority of the district courts with regard to other types of summonses.

(2) Protection of Computer Software Code: The provisions of this subsection apply to both source code and executable code in the possession of the IRS, and apply whether or not an enforcement proceeding is commenced. The provisions of this section are in lieu of any protections that might be afforded or disclosures that might be permitted under Section 6103. These provisions are designed to: (1) limit the examination of computer software code by the Secretary, (2) limit the number of IRS employees who might be permitted access to such computer code, (3) ensure that no unauthorized copies are made, (4) require that all copies be returned or destroyed at the end of the audit, and (5) bind any person who might be exposed to such computer software code to the same or similar restrictions on disclosure and competition that might be imposed on its employees by the owner of such computer software code. With regard to computer source code, the bill permits the owner of such code to insist that it not be removed from its business premises. Because the software publisher will not be in direct privity of contract with the IRS employee or outside consultant who will have access to such code, the provision treats such owner as if it were a party to the agreement. Thus, the software publisher will have statutory standing to directly enforce the terms of such agreements to prevent disclosures or uses of trade secrets obtained in the course of an examination.

The list of protections in the bill is not intended to be exhaustive. The Secretary and the trade secret owner may agree to other protective measures in a particular case. For the avoidance of doubt, a district court in fashioning a protective order is not limited to the list of protective measures set forth in the statute.

Sec. (b), Compliance with Summons for Executable Code:

This section describes the circumstances under which a taxpayer will be deemed to have complied with a summons issued for certain computer software executable code. This section only applies to commercially available computer software executable code that is used by the taxpayer to produce the tax return under examination or accounting software that is used by the taxpayer to process transactional data. A taxpayer will be deemed to have satisfied a summons for such software upon production to the Secretary of a read-only version of such software or a run-time module containing data files produced by such software. The Secretary shall not be entitled to a fully executable version of such computer software executable code. However, the version of the computer software executable code provided by the taxpayer must allow the Secretary to access such interim data files as might be produced by the fully executable software. Such data files must be in a fully readable mode.

Section (d), Definitions:

The term "software" is defined to include both computer software source code and computer software executable code. The general prohibition on issuance of a summons applies only to a summons for computer software source code. The additional protections apply to summons for software which will include both source code and executable code.

This section adopts the common definitions of source code and executable or "object" code.

"The source code for a computer program is the series of instructions to the computer for carrying out the various tasks that are performed by the program, expressed in a programming language which is easily comprehensible to appropriately trained human beings. The source code serves two functions. First, it can be treated as comparable to text material, and in that respect can be printed out, read and studied, and loaded into a computer's memory, in much the same way that documents are loaded into word processing equipment. Second, the source code can be used to cause the computer to execute the program. To accomplish this, the source code is "compiled." This involves an automatic process performed by the computer under the control of a program called a "compiler" which translates the source code into "object code" which is very difficult to comprehend by human beings. The object code version of a program is then loaded into the computer's memory and causes the computer to carry out the program function."—See, *SAS Institute, Inc.* v. *S & H Computer Systems, Inc.*, 605 F. Supp. 816, 818 (M.D. Tenn. 1985).

Machine language, on the other hand, which is most commonly referred to as executable code or "object" code, is the only language that a computer can actually understand. All computer programs must be converted into machine language if the computer is to be able to execute the instructions in the program. Machine language is usually a binary language using two sybols, 0 and 1, to indicate an open or closed switch. Theoretically, computer programs can be written by programmers in machine language, and at one point, they actually were. But it is extremely difficult for humans to think and write operational instructions in the form of binary code.

Section (b), Criminal Actions:

This section amends Section 7213 to provide that disclosures of the types of information dealt with under this section would be punishable in the same manner as disclosures of returns and return information.

Effective date:

The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. THOMAS (for himself and Mr. ABRAHAM):

S. 1693. A bill to renew, reform, reinvigorate, and protect the National Park System; to the Committee on Energy and Natural Resources.

VISION 2020 NATIONAL PARKS RESTORATION ACT

Mr. THOMAS. Mr. President, there are many issues in the Congress that divide us. We come from different areas. We come from different philosophies. Today I come to the floor with a bill that is an opportunity to come together collectively, introducing a bill on one of the uniquely American priorities that does, in fact, bind us together—our national parks.

If you have felt the Earth shake and experienced the thunder of Old Faithful in Yellowstone or contemplated the patriotic enigma at Gettysburg, you can well understand my passion for support of these areas so important to our national identity. The value of national parks is clearly one of the cultural constants for Americans. As the chairman of the Subcommittee on National Parks, I can tell you each and every Senator needs to look at the perilous state of the parks today and act with me in developing some long-term solutions.

The bill I introduce today, Vision 2020, the National Parks Restoration Act, is a result of a quite lengthy process of inquiry and of study. Over the last year, the subcommittee has had more than 15 park-related hearings. We have spoken to dozens of park experts—environmental groups and user groups. We have listened to the suggestions as well as the criticisms from our colleagues and have attracted activity in the House. Our purpose is and was to carefully review the state of national parks and to evaluate areas for improvement within the agencies.

We have found that there is a system of parks tremendously popular with the public but afflicted by problems that the public sometimes only vaguely recognizes. Let me share some of the findings. Our system of national parks stands at 376 units, including over 83 million acres of the most treasured landscapes and historical sites of our national possessions. The National Park Service is charged by law with a distinctly unique mission—to protect its natural and cultural resources unimpaired for the enjoyment of current and future generations. It is a charge and responsibility that is hard to handle in the best of times. In times of fiscal constraint, that mandate requires a broad range of innovative approaches to get that job done. Each year, over 250 million recreational users enjoy our parks. Our hearings revealed that each year 12 million visitors are from foreign lands, with their visitations contributing significantly, of course, to America's $22 billion international travel trade surplus. This explosive popularity directly stimulates over $10 billion in annual economies locally and supports 230,000 tourism-related jobs.

However, the parks face many problems. One of the most pressing problems facing the agency is the "thinning of the blood," explained in one of our hearings by previous Park Service Director Jim Ridenour. At the same time, new parks have been added to the system without appropriations to care for them. The agency has been saddled with new responsibilities at the same time the resources have not been available for the parks already there. Collectively, the shortfall between where the Park Service is and where it should be in terms of maintenance, construction, staffing and resource protection is approximately $5 to $8 billion in arrears. Another problem is the wear and tear on roads, bridges, campgrounds and other facilities, leaving critics to observe that the parks have been "loved to death."

As visiting populations grow, facilities that were often built decades ago cannot stand the strain. It has become clear through our oversight process that park managers are hobbled in their ability to assess the inventory of natural and cultural resources, probably one of the primary functions of the park and the park management. The funding and cooperative cost sharing have simply not existed to catalog the resources that the parks must protect. At a time when we need the best from the Park Service managers, rangers, maintenance, scientific and administrative staff, we find there is less to offer them in terms of professional development.

Probably as serious as any of these conditions is the problem of the public apathy. Don't get me wrong, the Americans truly like their parks. They love their parks. But as of yet, that has not really translated into a definitive call for action from the Congress or the administration.

In my local park of Yellowstone, there has been some increase in appropriations each year, but the required changes in terms of retirement, in terms of staffing and in terms of inflation have been more than eaten up in the increase in the appropriations to where the expendable income has, in fact, gone down.

Probably as serious as any of these conditions, as I said, is public apathy. I can tell you, the day is coming when we will have increasing problems, and I hope that we will be ahead of that game. I propose we mobilize ourselves to address these problems before we are in a crisis and have to close parks and take more costly measures.

I continue to say if we are to have these resources in the future for our kids and our future generations, then we are going to have to do something soon, the sooner the better, in terms of coming to a solution. If we continue to do what we have been doing, we can't expect better results in the future.

So Vision 2020 provides a broad, systematic approach to addressing the needs of the National Park Service. The restoration bill takes a broad approach, with 11 titles covering key areas of concern. Vision 2020 will enhance resource protection by extending the fee base that goes directly to park programs. This will be accomplished by expanding, extending and dedicating to the park increased demonstration projects fees that were approved last year and that have been in effect 1 year. We want to put them in all the parks where it is practical and lawful to collect those fees. We now have them in about 100 parks out of 376 that can be expanded.

We need to harness the enthusiasm of voluntarism, and also philanthropic donations. Voluntarism is alive and well in many parks. At Golden Gate Recreation Area, 8,400 residents of the Bay Area donate time each year to support the park in a variety of ways—volunteer time and philanthropic donations can be improved by orders of magnitude to add to the solvency and expertise and the work power of parks. We need to tap the power of individual donors for local causes.

At our hearing in Denver, I learned the charitable contributions are most successfully subscribed from individual donors on a local basis, those that visit or those that live, or those who are familiar with the park that is closest to them, where they can help monitor the direct results. As a result, we also ask the National Park Foundation to develop a formal program of orientation, strengthening, guidance, and ongoing assistance for park locales interested in developing friends and groups that are interested in supporting their local park. There are many in almost every park. We were in Gettysburg last week. Gettysburg has several groups supportive of their own park.

We need to find ways to enhance the contribution of concessionaires. Park funding levels will be directly enhanced by asking the concessionaire to help to shoulder a more realistic portion of the park's expenses through a fee structure that closely tracks their earnings in particular parks. At present, fee schedules vary widely. Face it, people do travel in parks. They do require lodging, meals and facilities. Remember the purpose of the park? To preserve the resource and provide a pleasant and quality visit. That is what these concessions do. Many concessionaires operate in an almost noncompetitive market where the business is virtually assured. We are striving for a fee system that maximizes revenues for these businesses privileged to operate in parks—of course, recognizing the need for them to make a profit in order to be there.

We need to improve park concession management performance. In fairness to concessionaires and park visitors who rely on their services, a dramatic change is proposed in the way concessions are managed by the Park Service in this legislation. We think the parks should utilize more of the private sector expertise in these activities that are totally commercial in nature and we would utilize a private industry asset manager to support many aspects of developing, bidding, developing prospectus and rewarding management of commercial contracts. An advisory board, made up of the agency and industry experts, would guide the director. This would be a board of three agency people, three private sector people, chaired by the Secretary of the Interior, controlled, obviously, by the agencies, to ensure that whatever is done in the commercial sector does not, in fact, damage the resource protection purpose of the park.

In addition to that, we are going to ask that our Hollywood friends share some in the cost of maintaining parks. Hollywood will be asked to do their part through a provision that ties filming fees to a small percentage of the commercial production costs. You would be surprised how many movies are made in parks. We think that is fine, but there ought to be some contribution. We are not asking much from Hollywood, but the American public expects some return for the use of those public facilities.

We are developing a Passport to Adventure to garner members. A park "passport system" would be created featuring annually issued collectible stamps similar to the successful duck stamp series, raising revenues which would encourage people to contribute something to their park; or perhaps a tax refund contribution. We thought we would make it easy for people to make a contribution, a unique opportunity for American taxpayers who want to not only talk the talk but will, as a result, have an option of dedicating part of their tax refund to the National Park Resource Protection programs by simply checking it off on their tax form.

Promoting agency professionalism. One title of the bill concentrates on the strategy for developing more expertise among National Park Service employees. By the way, let me say that my experience personally with parks over the last year or two leads me to believe or feel that there is a great deal of loyalty among park agency employees. I don't know of an agency in the Federal Government where people are more committed or more loyal to what they do than the employees of the Park Service. Of course, to be able to do that, they do need the additional ability to have training as well as defining a system of recruitment. Future park superintendents and senior managers need to have an opportunity to become as professional as possible.

We are interested in making sure that science is there as a foundation for the management of these resources. Vision 2020 directs support for the science necessary to guide that important work by making some shifts in the program.

The Park Police are important. I guess I didn't realize myself until recently what a significant contribution the Park Police make, particularly here in Washington where there are over 400 Park Police to take care of the parkways, the parks, the rivers, and all of the things here, as well as in New York City. This aspect of the Park Service has often been overlooked. We are asking that there be some studies to assure that they have the resources to do the kinds of things that they are obliged to do.

Finally, we are going to talk about an innovative area of park resources. Almost all of the large parks have the same kinds of things that small towns have. They have sewers, streets, buildings, all of which are very difficult to maintain on an annual budget. So we are going to seek to put into play, at least as a demonstration program, a bonding program where large parks like Yosemite could have an opportunity to issue bonds of $10 million—and, in fact, that will be the limit for any park—to do some kind of facility restructuring that can't come out of annual budgets, direct a stream of repayment revenue from the demonstration project so that maybe over 5 or 10 years those bonds would be retired—similar to what almost every government agency does in the whole world when they have facilities to build.

This won't be easy. It is not customary for the Federal Government to have bonding programs. It's also, frankly, sometimes uncustomary for the Government to do anything they haven't been doing for a hundred years. So there will be some difficulty in causing that to happen. But we think it's important, and we think it will be useful.

Basically, what we are seeking to do, Mr. President, is to recognize how important parks are, to recognize the difficulty parks have had, and are continuing to have, in maintaining those resources, to deal with some opportunities to supplement the taxpayers' appropriation support for parks by having some outside methods of raising funds that can be used in the parks.

With those additional funds will go some requirements for additional and strengthened management, so that there is accountability for how those dollars are spent. There will be a vision plan over a period of time for the agency, with vision plans coming from each park, with measurable results in the plan. The GAO, the Government auditing office, says often we have plans and we even have appropriations where the plan is not implemented and we want to cause that to happen. And then, in addition to that, of course, we want to help strengthen the management through professionalism and do some things, such as bonding.

So, in conclusion, I want to ask you to consider for a moment an America without national parks. How would we feel without Yosemite, Independence Hall, or Grand Canyon protected for public enjoyment? How much of our national identity is reflected in these icons—the Statue of Liberty, Yellowstone, the National Capital Mall, or Old Faithful? How much of the rugged, adventurous American spirit is still revisited by hiking the back country of Glacier or mountaineering in Alaska's Denali? What would America be without protecting habitat for bison, moose, and bighorn sheep? These are the kinds of things we have available. These are the kinds of things that challenge us to protect.

As Americans, what would we leave our children and grandchildren if not these wild and historic places to reflect, recreate and pause for some spiritual renewal? It seems to me that we all have an obligation to a measure of national service directed at strengthening our proud system of parks—the first such system in the world—the system that over 100 other nations have modeled after around the world.

So I am asking for the support of my colleagues for Vision 2020—not only your vote, but also your review and constructive commentary. We worked very hard to put together the bill. We don't suggest that it is perfect. We will have hearings, and there will be an opportunity to evaluate how we achieve success. That is the key. These words are not unchangeable, but the goal is to preserve the parks.

I believe that together we can accomplish constructive changes. We have an opportunity to bring the National Park Service and our national parks into the 21st century, alive, vibrant, effective and efficient. I think the public expects us to seize upon that opportunity so that our parks will be healthy and available for them to enjoy for a very long time in the future.

So, Mr. President, I will submit this bill. First of all, I will add Senator SPENCER ABRAHAM as an original sponsor. I submit the bill for introduction.

ADDITIONAL COSPONSORS

S. 467

At the request of Mr. WELLSTONE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 467, a bill to prevent discrimination against victims of abuse in all lines of insurance.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was withdrawn as a cosponsor of S. 1422, supra.

S. 1605

At the request of Mr. LEAHY, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1605, A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1675

At the request of Mr. SHELBY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1675, a bill to establish a Congressional Office of Regulatory Analysis.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

SENATE JOINT RESOLUTION 41

At the request of Mr. SARBANES, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of Senate Joint Resolution 41, A joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of Senate Resolution 155, A resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 186—CONCERNING ISRAELI MEMBERSHIP IN A UNITED NATIONS REGIONAL GROUP

Mr. MOYNIHAN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 186

Whereas, of the 185 member states of the United Nations, only the State of Israel is ineligible to sit on the Security Council, the Economic and Social Council, or any other United Nations committee;

Whereas the State of Israel was created in response to a 1947 General Assembly resolution and joined the United Nations in 1949;

Whereas the members of the United Nations have organized themselves according to regional groups since 1946;

Whereas eligibility for election to the rotating seats of the Security Council, or other United Nations councils, commissions, or committees, is only available to countries belonging to a regional group;

Whereas Israel has remained a member of the United Nations despite being subjected to deliberate attacks which aimed to place the legitimacy of the State of Israel in question;

Whereas this anachronistic Cold War isolation of Israel at the United Nations continues;

Whereas barring a member of the United Nations from entering a regional group is inimical to the principles under which the United Nations was founded, namely, "to develop friendly relations among nations based on respect for the principle of equal rights . . ."; and

Whereas Israel is a vibrant democracy, which shares the values, goals, and interests of the "Western European and Others Group", a regional group which includes Australia, Canada, New Zealand, and the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it should be the policy of the United States to support the State of Israel's efforts to enter an appropriate United Nations regional group;

(2) the President should instruct the Permanent Representative of the United States to the United Nations to carry out this policy;

(3) the United States should—

(A) insist that any efforts to reform the United Nations, including the Security Council, also resolve this anomaly; and

(B) ensure that the principle of sovereign equality be upheld without exception; and

(4) the Secretary of State should submit a report to Congress on the steps taken by the United States, the Secretary General of the United Nations, and others to help secure Israel's membership in an appropriate United Nations regional group.

Mr. MOYNIHAN. Mr. President, today I am pleased to submit a resolution seeking to right a 50 year wrong. I am joined by the distinguished senior Senator from Indiana, Senator LUGAR, and 37 of my colleagues. Having served as our Ambassador to the United Nations, I am painfully aware of the paradox facing Israel at the United Nations. Israel is a state which was created by the United Nations, and yet for 50 years has been treated as a stepchild—or worse—in its dealings at the United Nations.

Never was that more apparent than the sad period when the General Assembly equated Zionism with racism. It took a long 16 years to repeal, but after great effort it was done. Today, I hope we can begin a similar effort to end a cold war anomaly. I speak of the fact that Israel is excluded from a United Nations regional group. Israel is the only one of the 185 member states of the United Nations barred from membership in a regional group. The United Nations member states have organized themselves by regional groups since before Israel joined the United Nations in 1949. Membership in a United Nations regional group confers eligibility to sit on the Security Council, the Economic and Social Council, as well as other United Nations councils, commissions, and committees.

This effort could mirror that of the effort to repeal the odious General Assembly Resolution 3379, equating Zionism with racism. That effort was led by Chaim Herzog. He came to Washington in 1987 for the first state visit by a President of Israel to the United States in history.

I took the floor of the Senate to introduce a Joint Resolution following word-for-word an Australian measure calling for the repeal of Resolution 3379.

The Senate and the House of Representatives adopted the resolution unanimously, in time for Chaim Herzog to address a Joint Meeting of Congress on November 10, 1987—on the 12th anniversary of his defense of Israel at the United Nations in opposition to Resolution 3379. President Reagan signed the resolution on November 17. Finally, there was an American policy. We meant to repeal General Assembly Resolution 3379.

Both the Zionism resolution and the rejectionist Arab Front would soon lose their major support with the collapse of the Soviet Union. The General Assembly overwhelmingly repealed Resolution 3379 on December 16, 1991. The fight had taken 16 years.

We won that battle but one cold war anachronism remains at the United Nations. One sorry throwback to an era when the institutionalized isolation of Israel was a given in international affairs—the ugly "gentlemen's agreement" that excludes Israel and only Israel from membership in any United Nations Regional Group. Israel—and only Israel—can never sit on the United Nations Security Council. Israel—and only Israel—can never serve on the United Nations Economic and Social Council, where her expertise is so sorely missed. Israel—and only Israel—is less than a full member of the very international organization which bravely voted on November 29, 1947, to create the State of Israel.

A hundred years ago the Zionist Congress first articulated the Zionist dream.

Fifty years ago the United Nations General Assembly endorsed the Zionist dream.

Today, we call for Israel's admission to a United Nations Regional Group. This must be a goal of our government's foreign policy and a priority of reform efforts at the United Nations. That such legislation is necessary is a reminder that, despite the unparalleled success of the Zionist movement in its first hundred years, the state created half a century ago as the fruit of this ideal still requires support from its friends.

I can think of no more fitting congressional tribute to this vision than our country taking its rightful place in the forefront of the effort to allow

Israel to participate fully in international affairs, to be counted as a legitimate member among the nations of the world.

Again, I thank my colleagues for supporting the measure. In particular I thank Senator LUGAR for his strong support in this effort. I hope that this will begin an effort which will finally bring Israel completely within the fold of the United Nations.

Mr. LUGAR. Mr. President, I am pleased to co-sponsor the resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group. I am delighted to join Senator MOYNIHAN in bringing this resolution to the attention of our colleagues in the Senate.

Over the years, many in the Congress have risen to comment on the United Nations. Many have been critical or skeptical about the role the United Nations can and does play in world affairs. Many have been laudatory as well. There is a division in the Congress about the extent to which the United Nations helps to advance U.S. interests and world peace. Last year, the Congress devoted an enormous amount of time on legislation to pay our arrears to the U.N. and the conditions and reforms which must be met before disbursement of our payments. That legislative effort is still continuing. There are many disagreements about the United Nations and I don't wish to revisit or bridge the gap between these views.

But, Mr. President there is an important United Nations issue on which all members of the Congress can agree and that is the resolution we are introducing today. Senator MOYNIHAN and I are joined by nearly forty members of the Senate who believe that an institutional injustice, based on political reasons, has been perpetrated on the state of Israel because it has been denied membership in a U.N. "regional group." On the surface, this denial would appear to be a minor oversight or slight snub of a long-standing member of the United Nations. But, it is much more than that.

U.N. regional group membership confers eligibility to serve on the Security Council and other important committees of the United Nations such as the International Court of Justice and the U.N. Commission on Human Rights. Nominations of members to serve on U.N. committees are made by the regional groups. Israel does not belong to any regional group. Indeed, Israel is the only country in the United Nations that can not claim membership in any regional group. As such, it is ineligible for membership in the influential committees in the U.N. Paradoxically, Iran, Cuba, Syria and Libya enjoy this privilege denied Israel.

As with the United States Congress and most every legislative or deliberative body, much of the real work is performed in committees, councils and other smaller deliberative bodies. To be denied membership in these committees is to be denied the opportunity to influence important decisions and actions of the United Nations. It is unfair and unjust and should be rectified as soon as possible.

Israel has not been allowed to join its natural regional group of the Middle East and has expressed interest in joining the Western Europe and Others Group (WEOG) regional group. The WEOG group includes Western European democracies, the United States, Australia, New Zealand, and Turkey.

The resolution we are introducing today urges the President to help facilitate Israel's membership in an appropriate U.N. regional group. Under current circumstances, an appropriate regional group is most likely to be the WEOG. It further urges the administration to report to the Congress on the steps it has taken to assist Israel's membership in a U.N. regional group and the success or failure of those efforts.

Mr. President, I ask that all members take note of this resolution. It seeks to bring full equality to Israel's membership in the United Nations. I am confident that it will be supported by the entire body.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

BOND (AND OTHERS) AMENDMENT NO. 1677

Mr. BOND (for himself, Mr. LOTT, and Mr. BREAUX) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

Beginning on page 181, strike line 20 and all that follows through page 183, line 23, and insert the following:

esses. With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations).

"(N) Publicly-owned intracity or intercity passenger rail or bus terminals, including terminals of the National Railroad Passenger Corporation and publicly-owned intermodal surface freight transfer facilities, other than seaports and airports, if the terminals and facilities are located on or adjacent to National Highway System routes or connections to the National Highway System selected in accordance with paragraph (2).

"(O) Infrastructure-based intelligent transportation systems capital improvements.

"(P) In the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, any project eligible for funding under section 133, any airport, and any seaport.

"(Q) Publicly owned components of magnetic levitation transportation systems.".

SEC. 1235. ELIGIBILITY OF PROJECTS UNDER THE SURFACE TRANSPORTATION PROGRAM.

Section 133(b) of title 23, United States Code (as amended by section 1232(c)), is amended—

(1) in paragraph (2), by striking "and publicly owned intracity or intercity bus terminals and facilities" and inserting ", including vehicles and facilities, whether publicly or privately owned, that are used to provide intercity passenger service by bus or rail";

(2) in paragraph (3)—

(A) by striking "and bicycle" and inserting "bicycle"; and

(B) by inserting before the period at the end the following: ", and the modification of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)";

(3) in paragraph (4)—

(A) by inserting ", publicly owned passenger rail," after "Highway";

(B) by inserting "infrastructure" after "safety"; and

(C) by inserting before the period at the end the following: ", and any other noninfrastructure highway safety improvements";

(4) in paragraph (11)—

(A) in the first sentence—

(i) by inserting "natural habitat and" after "participation in" each place it appears;

(ii) by striking "enhance and create" and inserting "enhance, and create natural habitats and"; and

(iii) by inserting "natural habitat and" before "wetlands conservation"; and

(B) by adding at the end the following: "With respect to participation in a natural habitat or wetland mitigation effort related to a project funded under this title that has an impact that occurs within the service area of a mitigation bank, preference shall be given, to the maximum extent practicable, to the use of the mitigation bank if the bank contains sufficient available credits to offset the impact and the bank is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605 (November 28, 1995)) or other applicable Federal law (including regulations)."; and

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

WARNER (AND OTHERS) EXECUTIVE AMENDMENT NO. 1678

(Ordered referred to the Committee on Foreign Relations.)

Mr. WARNER (for himself, Mr. MOYNIHAN, and Mr. BINGAMAN) submitted an executive amendment intended to be proposed by them to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the appropriate place in the resolution, insert the following:

( ) UNITED STATES POLICY REGARDING FURTHER EXPANSION OF NATO.—Prior to the date of ratification of the Protocols by the United States, the President shall certify to the Senate that it is the policy of the United States not to encourage, participate in, or agree to any further expansion in the membership of the North Atlantic Treaty Organization (NATO) for a period of at least three years beginning on the date of entry into force of the last of the Protocols to the North Atlantic Treaty on the Accession of Poland, Hungary, and the Czech Republic to enter into force.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Friday, February 27, 1998, beginning at 9:30 a.m. until business is completed, to receive testimony on S.1578, and to hold an oversight hearing on the budget requests and operations of the Government Printing Office, the National Gallery of Art, and the Congressional Research Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JO CLAYTON, AUTHOR

• Mr. HARKIN. Mr. President, I rise in this body to pay tribute to the gifted science fiction and fantasy writer Jo Clayton, who died Friday, February 13, in Portland, Oregon, two days short of her 59th birthday. Clayton was hospitalized in July 1996 with the multiple myeloma that eventually killed her. Her fight against the cancer of the bone marrow (plasma cells), mobilized the science fiction community and led to a national fund raising campaign to help her deal with the financial burden of her illness.

Jo Clayton was the author of 35 published novels and many short stories. She wrote in both the fantasy and the SF genres. In her best known work, "The Diadem" series (1977), she anticipated by many years the current technology which may allow development of computerized components that can be integrated with a human mind. Jo Clayton's writing was marked by complex, beautifully realized societies set in exotic worlds, lyrical prose, and compelling characters, both male and female.

Not counting sales of her last series, DRUMS OF CHAOS, Clayton's works sold over 1,250,000 copies. While in the hospital, Clayton impressed everyone with her courage by finishing DRUM CALLS, writing a number of short stories, and completing approximately half of the third volume in the DRUMS trilogy, titled DRUMS OF CHAOS. San Francisco writer Katharine Kerr, who worked with Clayton on a number of writing and editing projects, is Clayton's literary executor as well as good friend. Kerr is expected to either finish the third book herself or select a writer who will complete it.

Jo Clayton's impact on the science fiction community goes far beyond the numbers of books sold which bear her name. Many people who didn't know her personally were touched by her humor, compassion and zest for living, even some who knew her only through the medium of electronic communications. It was an unexplained interruption in those communications which alerted friends to her health problems and led to her hospitalization. Those friends and others from afar supported her battle with the illness which took her life 21 months later. Even those with only fleeting contact were stirred by the courage and determination she displayed during that struggle.

Her legacy will live on not only in her books but in the memories of her friends and fans. Toward the end of her life, her friends gathered in person and on-line to honor her achievements and remember her enjoyment of things large and small. One friend, a fellow Portlander, John C. Bunnell, composed a poem for that evening, which I would like to share with you.

AU REVOIR

Joy shared with friends is what we'll think of first,
Or stories in a book too good to close.
Comes now a twilight, bringing with it tears;
Let no one shed them for her spirit, though,
As after evening, morning reappears,
Yet where the new day beckons, none here know.
Tomorrows without number yet remain
On printed page, or on some other plane;
No need to weep: her words will be her rose.

Mr. President, I submit that we all should be fortunate enough to have friends willing to bear witness in ways such as this.•

BICENTENNIAL OF EASTPORT, MAINE

• Ms. SNOWE. Mr. President, I rise to pay tribute to the community of Eastport, Maine, which this week celebrated the 200th anniversary of its incorporation.

When the sun rises over the cities of America, it rises first over the City of Eastport. The city, located on Moose Island, epitomizes the rugged beauty of Downeast Maine as well as the hearty and individualistic nature of the region's people. This is a part of Maine and America where hard work is more than a virtue, it's a way of life—and neighbors look out for each other just as they have done for the past two centuries.

As the deepest natural harbor on the east coast, the lifeblood of Eastport has always been the sea. In its earliest days, the city was a center for trade and ship building. Later, in the 1800's, Eastport became the birthplace of the American sardine industry, which was a major source of economic prosperity for the region for many decades, and the city's sea captains sailed from Eastport to ports from Boston to the West Indies.

Today, the city is very much a working port, where traditional fishermen and a vibrant and growing shipping industry exist side-by-side. In 1981, the first year of operation for the Eastport Port Authority, the Port logged six vessels and 15,000 tons of cargo at its 420-foot pier. Last year, according to the Authority's director, Eastport shipped out value-added products to the tune of about $60 million, with markets ranging from Northern Europe to Taiwan to Italy and the Middle East.

Eastport also hosts an annual, week-long celebration of our nation's independence every year during 4th of July week that is renowned across the State of Maine. Steeped in tradition, the festival has included an almost yearly visit from U.S. Navy vessels dating back to the days when Franklin Delano Roosevelt, who summered across Passamaquoddy Bay on Campobello Island, was Secretary of the Navy. In fact, during the 4th of July celebration Eastport's population of about 2,000 swells six or seven times as visitors and former residents as well as the state's elected officials flock to the island city. Eastport also pays homage to its fishing tradition with its Salmon Festival each September, celebrating an aquaculture industry which has become an important part of the local economy.

As Eastport celebrates its 200th Birthday, her people can be proud of the community which supports a host of cultural and recreational opportunities. And they can be proud of a rich and unique history, which includes the historic site of the War of 1812 era Fort Sullivan—a part of which was relocated and appropriately lives on as a home to Eastport's Border Historical Society.

I first visited Eastport in 1977, and have returned many times over the years, getting to know many of its residents—in fact, one Eastport native is today my Chief of Staff. I have always been struck not only by the beauty of the area but also the hospitality of Eastport's people.

Most recently, I was also struck by their strength and compassion in the face of adversity. Last month, in the wake of devastating and unprecedented ice storms which left much of Maine without electricity, I visited the area to see first-hand how local residents were coping. I spent time at the emergency shelter set up at the Eastport Youth Center. While there, I marveled how people in the community, like elsewhere in Maine, pulled together to help each other through a most difficult and trying time.

I am proud to represent the City of Eastport in the United States Senate, particularly at this special time in the life of this great community. I congratulate Eastport on this wonderful milestone, and wish her people all the best as the city looks ahead toward continued success in the next hundred years.●

RECOGNITION OF REVEREND ROOSEVELT AUSTIN

● Mr. LEVIN. Mr. President, I rise today to join with many of the people from Saginaw, Michigan, as they recognize and honor Reverend Roosevelt Austin with the Coleman Temple Christian Board of Education "Living Legend" award.

Each year, an individual is selected to receive this honor based on outstanding community service, achievement in the public and/or private sector, and commitment to the cause of political, social and economic advancement for African Americans. Reverend Austin certainly meets the criteria for this award. Recognized as one of the most influential leaders in the city of Saginaw, he is the pastor of Zion Missionary Baptist Church.

Reverend Austin was ordained nearly 35 years ago, and since then he has truly made a difference in the lives of thousands of people. This is evidenced by the honors he has received from civic groups throughout the years, from the Citizen of Saginaw Award bestowed upon him by the city of Saginaw, to the Whitney M. Young Award, given to him by the Boy Scouts of America. He serves on the boards of numerous organizations in his community, including the National Association for the Advancement of Colored People, the Commission on Quality Education for all Children, and Second National Bank of Saginaw.

Members of Zion Missionary Baptist Church would say that the most important role Reverend Austin plays is that of a spiritual leader. Indeed, from his work in the Saginaw County Jail to the lives he touches each day in his own congregation, Reverend Austin is deeply devoted to his ministry and to the spiritual well-being of so many people in Saginaw.

Mr. President, throughout his career, Reverend Roosevelt Austin has truly exemplified the ideals which are the foundation for the Coleman Temple Christian Board of Education "Living Legend" award. I know my colleagues will join me in recognizing Reverend Austin for his commitment to his community and to equality and justice for all people.●

KJIL—STATION OF THE YEAR

●Mr. BROWNBACK. Mr. President, I rise to congratulate the southwest Kansas radio station KJIL 99.1 FM for being awarded the "Station of the Year" by Focus on the Family radio ministry.

KJIL is a 100,000 watt Christian radio station based in Meade, Kansas. Although it has been on the air for only five years, it has played a significant and positive role in the community and throughout the western region of Kansas. Last year alone, the station sponsored several family-oriented concerts, helped organize transportation for community members to the Promise-Keepers rally in Washington, and expanded its network for 16 different translator stations.

I particularly wish to commend Don Hughes, the station manager of KJIL, for his leadership and vision. And I am particularly pleased that an organization as worthy as Focus on the Family Radio ministries has recognized the station's achievements. It is a great honor, but no great surprise, that KJIL has received the "Station of the Year" award.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Debra Reed:									
Japan	Yen	228,982	1,802.92				442.35		2,245.27
United States	Dollar				1,089.00				1,089.00
Total			1,802.92		1,089.00		442.35		3,334.27

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Jan. 30, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steve Cortese:									
Panama	Dollar		387.00				163.04		550.04
Guatemala	Quetzal	1,709.70	278.00				34.15	1,709.70	312.15
United States	Dollar				579.00				579.00
Sid Ashworth:									
Panama	Dollar		387.00				163.04		550.04
Guatemala	Quetzal	1,709.70	278.00				34.15	1,709.70	312.15
United States	Dollar				579.00				579.00
Susan Hogan:									
Belgium	Franc	19,296	536.00					19,296	536.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick Leahy:									
Canada	Dollar	212.81	150.00					212.81	150.00
United States	Dollar				462.04				462.04
Tim Rieser:									
Canada	Dollar	558.97	394.00					558.97	394.00
United States	Dollar				462.04				462.04
Susan Hogan:									
Japan	Dollar		1,229.00						1,229.00
Total			3,639.00		2,082.08		394.38		6,115.46

TED STEVENS,
Chairman, Committee on Appropriations, Jan. 27, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mitch McConnell, Jr.:									
Hong Kong	Dollar		929.75				1,214.75		2,144.50
Taiwan	Dollar	12,219	440.00					12,219	440.00
Korea	Won	513,260	578.00					513,260	578.00
United States	Dollar				4,176.75				4,176.75
Robin Cleveland:									
Hong Kong	Dollar		929.75				1,214.75		2,144.50
Taiwan	Dollar	12,219	440.00					12,219	440.00
Korea	Won	513,260	578.00					513,260	578.00
United States	Dollar				4,176.75				4,176.75
Senator Mitch McConnell:									
Armenia	Dollar		458.75						458.75
Azerbaijan	Dollar		328.75						328.75
Georgia	Dollar		772.75						772.75
Ukraine	Dollar		289.75						289.75
Turkey	Dollar		774.00						774.00
Ireland	Pound	532.71	777.00					532.71	777.00
United States	Dollar				3,480.15				3,480.15
Robin Cleveland:									
Armenia	Dollar		458.75						458.75
Azerbaijan	Dollar		328.75						328.75
Georgia	Dollar		772.75						772.75
Ukraine	Dollar		289.75						289.75
Turkey	Dollar		774.00						774.00
United States	Dollar				2,310.25				2,310.25
William H. Piper III:									
Ireland	Pound	532.71	777.00					532.71	777.00
United States	Dollar				4,843.95				4,843.95
Senator Patrick Leahy:									
United States	Dollar				2,455.35				2,455.35
Norway	Kroner	5,733.36	762.00					5,733.36	762.00
Tim Rieser:									
United States	Dollar				986.35				986.35
Norway	Kroner	4,980.95	662.00					4,980.95	662.00
Senator Kay B. Hutchison:									
Turkey	Dollar		384.00						384.00
Georgia	Dollar		293.00						293.00
Azerbaijan	Dollar		190.00						190.00
Turkmenistan	Dollar		110.00						110.00
Total			13,098.50		22,429.55		2,429.50		37,957.55

TED STEVENS,
Chairman, Committee on Appropriations, Nov. 13, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United States	Dollar				1,898.70				1,898.70
Switzerland	Francs	422.85	296.00					422.85	296.00
Maria Rosario Gutierrez Bailey:									
United States	Dollar				3,813.55				3,813.55
Switzerland	Francs	845.75	592.00					845.75	592.00
Senator Ted Stevens:									
France	Franc	1,140.72	196.00					1,140.72	196.00
Senator Dan Coats:									
France	Franc	1,140.72	196.00					1,140.72	196.00
Steve Cortese:									
France	Franc	1,140.72	196.00					1,140.72	196.00
Gary Reese:									
France	Franc	1,140.72	196.00					1,140.72	196.00
John Young:									
France	Franc	1,140.72	196.00					1,140.72	196.00
Total			1,868.00		5,712.25				7,580.25

TED STEVENS,
Chairman, Committee on Appropriations, Nov. 13, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eric H. Thoemmes:									
United States	Dollar				710.40				710.40
United Kingdom	Dollar		825.00						825.00
Hungary	Dollar		275.00						275.00
Germany	Dollar		1,100.00						1,100.00
Stephen L. Madey, Jr.:									
United States	Dollar				710.40				710.40
United Kingdom	Dollar		825.00						825.00
Hungary	Dollar		275.00						275.00
Germany	Dollar		1,100.00						1,100.00
Martin McBroom:									
United States	Dollar				1,010.00				1,010.00
Japan	Dollar		3,588.00						3,588.00
Senator Joseph I. Lieberman:									
United States	Dollar				5,454.00				5,454.00
Korea	Dollar		456.00						456.00
Japan	Dollar		498.00						498.00
Fred M. Downey:									
United States	Dollar				4,098.00				4,098.00
Korea	Dollar		460.00						460.00
Japan	Dollar		1,190.00						1,190.00
Bert K. Mizusawa:									
United States	Dollar				4,343.00				4,343.00
Japan	Dollar		511.00						511.00
Korea	Dollar		867.00						867.00
Senator John W. Warner:									
Great Britain	Dollar		1,005.00						1,005.00
Belgium	Dollar		750.76						750.76
Bosnia	Dollar		570.00						570.00
Italy	Dollar		75.00						75.00
Martin A. McBroom:									
Germany	Dollar		2,007.00						2,007.00
United States	Dollar				1,038.00				1,038.00
Charles S. Abell:									
Turkey	Dollar		370.00						370.00
Great Britain	Dollar		480.00						480.00
Germany	Dollar		1,440.00						1,440.00
Italy	Dollar		480.00						480.00
Patrick T. Henry:									
Turkey	Dollar		370.00						370.00
Great Britain	Dollar		480.00						480.00
Germany	Dollar		1,440.00						1,440.00
Italy	Dollar		480.00						480.00
Cord A. Sterling:									
Panama	Dollar		358.00						358.00
Peru	Dollar		1,337.00						1,337.00
Bolivia	Dollar		328.00						328.00
Ecuador	Dollar		362.00						362.00
Colombia	Dollar		386.00						386.00
United States	Dollar				2,013.30				2,013.30
Senator James M. Inhofe:									
Great Britain	Dollar		2,206.00						2,206.00
Mr. Richard D. DeBobes:									
Panama	Dollar		358.00						358.00
Peru	Dollar		1,337.00						1,337.00
Bolivia	Dollar		328.00						328.00
Ecuador	Dollar		362.00						362.00
Colombia	Dollar		386.00						386.00
United States	Dollar				2,013.30				2,013.30
Patrick T. Henry:									
United States	Dollar				4,091.40				4,091.40
Charles S. Abell:									
United States	Dollar				4,091.40				4,091.40
Larry J. Lanzillotta:									
United States	Dollar				4,022.60				4,022.60
Poland	Dollar		183.00						183.00
Czech Republic	Dollar		203.00						203.00
Hungary	Dollar		168.00						168.00
Bosnia	Dollar		183.00						183.00
Belgium	Dollar		199.00						199.00
Romie L. Brownlee:									
United States	Dollar				4,022.60				4,022.60
Poland	Dollar		213.00						213.00
Czech Republic	Dollar		213.00						213.00
Hungary	Dollar		186.59						186.59
Bosnia	Dollar		182.53						182.53
Belgium	Dollar		225.17						225.17
Lucia Monica Chavez:									
United States	Dollar				4,022.60				4,022.60
Poland	Dollar		230.00						230.00
Czech Republic	Dollar		232.00						232.00
Hungary	Dollar		182.00						182.00
Bosnia	Dollar		214.00						214.00
Belgium	Dollar		184.00						184.00
Sharon Soderstrom:									
United States	Dollar				4,022.60				4,022.60
Poland	Dollar		185.08						185.08
Czech Republic	Dollar		190.00						190.00
Hungary	Dollar		153.59						153.59
Bosnia	Dollar		182.53						182.53
Belgium	Dollar		176.09						176.09
Total			33,551.34		45,663.60				79,214.94

STROM THURMOND,
Chairman, Committee on Armed Services, Feb. 10, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Panama	Dollar		169.00						169.00
Equador	Dollar		264.00						264.00
Chile	Dollar		538.00						538.00
Argentina	Dollar		267.00						267.00
Brazil	Dollar		892.00						892.00
Stephen McMillin:									
Panama	Dollar		179.00						179.00
Equador	Dollar		274.00						274.00
Chile	Dollar		281.00						281.00
Argentina	Dollar		277.00						277.00
Brazil	Dollar		635.00						635.00
Senator Connie Mack:									
Panama	Dollar		179.00						179.00
Equador	Dollar		274.00						274.00
Panama	Dollar		548.00						548.00
Argentina	Dollar		277.00						277.00
Brazil	Dollar		902.00						902.00
Total			5,956.00						5,956.00

ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, Jan. 30, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Capretta:									
United States	Dollar		-		1,090.90				1,090.90
United Kingdom	Pound	422.03	708.00					422.03	708.00
Belgium	Francs	12,624.86	342.23					12,624.86	342.23
Total			1,050.23		1,090.90				2,141.13

PETE V. DOMENICI,
Chairman, Committee on the Budget, Dec. 18, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Earl Comstock:									
Monaco	Dollar		3,000.00		1,490.60				4,490.60
Clark L. LeBlanc:									
United States	Dollar				763.60				763.60
Spain	Peseta	193,753	1,340.48					193,753	1,340.48
Mark Ashby:									
United States	Dollar				986.40				986.40
Switzerland	Francs	1,169.20	827.57					1,169.20	827.57
Total			5,168.05		3,240.60				8,408.65

JOHN McCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Jan. 26, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Garman:									
Germany	Mark	2,783.6	1,561.00		1,210.10				2,771.10
Senator Daniel K. Akaka:									
China	Yuan	10,033.57	1,213.25				313.87		1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
James P. Beirne:									
China	Yuan	10,033.57	1,213.25				313.87		1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
Kira Lynn Finkler:									
China	Yuan	10,033.57	1,213.25				313.87		1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
David Garman:									
China	Yuan	10,033.57	1,213.25				313.87		1,527.12

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
Andrew L. Lundquist:									
China	Yuan	10,033.57	1,213.25				313.87		1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
Senator Frank H. Murkowski:									
China	Yuan	10,033.57	1,213.25				313.87		1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
Deanna Tanner Okun:									
China	Yuan	10,033.57	1,213.25				313.87		1,527.12
Hong Kong	Dollar	6,870	888.00						888.00
Micronesia	Dollar		531.00						531.00
David Garman:									
Japan	Yen	153,853	1,196.00		4,497.00				5,693.00
Robert Simon:									
Germany	Mark	2,574.94	1,444.00		1,333.10				2,777.10
Total			22,626.75		7,040.20		2,197.09		31,864.04

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Feb. 23, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Japan	Yen	75,940	598.00					75,940	598.00
Philippines	Peso	26,114.40	745.06					26,114.40	745.06
Brunei	Dollar	866.94	548.00					866.94	548.00
Indonesia	Rupiah	1,950,800	494.00					1,950,800	494.00
Thailand	Baht	19,920	480.00					19,920	480.00
United States	Dollar				6,117.00				6,117.00
Senator John Chafee:									
China	Yuan	4,494.22	542.45					4,494.22	542.45
Australia	Dollar	2,135.97	1,456.94					2,135.97	1,456.94
United States	Dollar				3,124.90				3,124.90
Daniel P. Delich:									
Japan	Yen	370,210	2,917.00					370,210	2,917.00
United States	Dollar				933.00				933.00
Edward B. Gresser:									
Japan	Yen	55,596	437.80					55,596	437.80
Philippines	Peso	27,731.21	791.19					27,731.21	791.19
Brunei	Dollar	824.82	521.38					824.82	521.38
Indonesia	Rupiah	1,571,426	397.93					1,571,426	397.93
Thailand	Baht	12,814	308.76					12,814	308.76
United States	Dollar				4,043.00				4,043.00
William P. Lombardi:									
Japan	Yen	37,970	299.00					37,970	299.00
Philippines	Peso	26,114.40	745.06					26,114.40	745.06
Brunei	Dollar	866.94	548.00					866.94	548.00
Indonesia	Rupiah	1,950,800	494.00					1,950,800	494.00
Thailand	Baht	19,920	480.00					19,920	480.00
United States	Dollar				3,809.00				3,809.00
Joyce A. Rechtschaffen:									
Japan	Yen	272,775	2,177.00					272,775	2,177.00
United States	Dollar				1,010.00				1,010.00
Barbara W. Roberts:									
Japan	Yen	379,700	2,990.00					379,700	2,990.00
United States	Dollar				1,044.00				1,044.00
Total			17,971.57		20,080.90				38,052.47

JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, Feb. 13, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
United States	Dollar				1,788.95				1,788.95
Korea	Dollar		832.00						832.00
China	Yuan	1,515.24	183.00					1,515.24	183.00
Hong Kong	Dollar	6,100	787.50					6,100	787.50
Edward Gresser:									
United States	Dollar				1,788.95				1,788.95
Korea	Dollar		832.00						832.00
China	Yuan	1,515.24	183.00					1,515.24	183.00
Hong Kong	Dollar	6,100	787.50					6,100	787.50
David Podoff:									
United States	Dollar				993.10				993.10
Canada	Dollar	207.90	154.00					207.90	154.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			3,759.00		4,571.00				8,330.00

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Nov. 6, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Brownback:									
India	Dollar		150.00						150.00
Senator Christopher J. Dodd:									
United States	Dollar				194.00				194.00
Senator Chuck Hagel:									
China	Yuan	8,567.72	936.00					8,567.72	936.00
Senator John F. Kerry:									
Hong Kong	Dollar	3,038	393.00					3,038	393.00
United Kingdom	Pound	202	354.00					202	354.00
Senator Charles S. Robb:									
Bangladesh	Dollar		201.00						201.00
Egypt	Dollar		226.00						226.00
India	Dollar		712.00						712.00
Japan	Dollar		308.00						308.00
Nepal	Dollar		31.00						31.00
Pakistan	Dollar		125.00						125.00
Sri Lanka	Dollar		196.00						196.00
United States	Dollar				6,151.80				6,151.80
Senator Gordon H. Smith:									
Cyprus	Pound	49.06	96.59					49.06	96.59
Greece	Drachma	23,803.62	88.08					23,803.62	88.08
Turkey	Dollar		591.00						591.00
United States	Dollar				2,461.50				2,461.50
Senator Paul Coverdell:									
Guatamala	Dollar		40.00						40.00
United States	Dollar				1,328.00				1,328.00
Alex Albert:									
Guatemala	Dollar		60.00						60.00
United States	Dollar				1,475.00				1,475.00
Stephen E. Biegun:									
Austria	Dollar		1,115.00						1,115.00
Hungary	Dollar		494.00						494.00
United States	Dollar				1,422.30				1,422.30
Stephen E. Biegun:									
Czech Republic	Dollar		564.00						564.00
Poland	Dollar		834.00						834.00
Germany	Dollar		645.00						645.00
United States	Dollar				3,835.50				3,835.50
Marshall Billingslea:									
Austria	Dollar		570.00						570.00
Hungary	Dollar		570.00						570.00
United States	Dollar				1,355.60				1,355.60
Czech Republic	Dollar		564.00						564.00
Poland	Dollar		835.00						835.00
United States	Dollar				2,669.00				2,669.00
Ellen Bork:									
Indonesia	Dollar		1,235.00						1,235.00
Hong Kong	Dollar		394.00						394.00
United States	Dollar				4,848.00				4,848.00
Peter Cleveland:									
Egypt	Dollar		226.00						226.00
India	Dollar		712.00						712.00
Pakistan	Dollar		125.00						125.00
Nepal	Dollar		31.00						31.00
Bangladesh	Dollar		201.00						201.00
Sri Lanka	Dollar		196.00						196.00
Japan	Dollar		308.00						308.00
United States	Dollar				6,151.80				6,151.80
Peter Cleveland:									
Singapore	Dollar		261.00						261.00
Indonesia	Dollar		1,002.00						1,002.00
United States	Dollar				4,888.00				4,888.00
Kate English:									
Germany	Dollar		1,784.00						1,784.00
United States	Dollar				1,037.90				1,037.90
Christine Erikastrup:									
Hong Kong	Dollar	6,101.48	788.00					6,101.48	788.00
People's Republic of China	Yuan	3,105	375.00					3,105	375.00
Garrett Grigsby:									
Eritrea	Dollar		900.00						900.00
United States	Dollar				5,711.80				5,711.80
Michael Haltzel:									
Germany	Dollar		440.00						440.00
Austria	Dollar		570.00						570.00
United States	Dollar				4,528.60				4,528.60
Kirsten Madison:									
Haiti	Gourde	4,058	233.00					4,058	233.00
United States	Dollar				716.00				716.00
Jamaica	Dollar		348.00						348.00
United States	Dollar				769.00				769.00
Patty McNerney:									
Japan	Yen	227,820	1,794.00					227,820	1,794.00
China	Yuan	8,567.72	936.00					8,567.72	936.00
United States	Dollar				5,396.00				5,396.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Roger Noriega:									
Mexico	Dollar		315.00		45.00				360.00
United States	Dollar				267.00				267.00
Kenneth Peel:									
Germany	Mark	2,854.37	1,559.00					2,854.37	1,559.00
United States	Dollar				2,649.00				2,649.00
Japan	Yen	227,820	1,794.00					227,820	1,794.00
China	Yuan	8,567.72	936.00					8,567.72	936.00
United States	Dollar				5,396.00				5,396.00
Kurt Pfotenhauer:									
Turkey	Dollar		591.00						591.00
Greece	Drachma	56,105	207.60					56,105	207.60
Cyprus	Pound	58.06	114.31					58.06	114.31
United States	Dollar				2,461.50				2,461.50
Munro Richardson:									
China	Dollar		585.00						585.00
North Korea	Dollar		1,675.00						1,675.00
United States	Dollar				4,159.00				4,159.00
Christina Rocca:									
Turkmenistan	Dollar		482.00		116.00				598.00
Uzbekistan	Dollar		688.00						688.00
Kyrgystan	Dollar		909.00						909.00
Turkey	Dollar		258.00						258.00
United States	Dollar				5,691.80				5,691.80
Nancy Stetson:									
Taiwan	Dollar	33,410	1,035.00					33,410	1,035.00
Japan	Yen	75,997	591.00					75,997	591.00
Hong Kong	Dollar	2,898	375.00					2,898	375.00
United States	Dollar				5,950.00				5,950.00
Chris Walker:									
Eritrea	Dollar		950.00						950.00
Ethiopia	Dollar		564.00						564.00
Germany	Dollar		250.00						250.00
United States	Dollar				5,711.80				5,711.80
Michael Westphal:									
Eritrea	Dollar		950.00						950.00
Ethiopia	Dollar		564.00						564.00
Kenya	Dollar		1,175.00						1,175.00
United States	Dollar				5,871.40				5,871.40
Elizabeth Wilson:									
Turkey	Dollar		390.00						390.00
Greece	Drachma	51,347	190.00					51,347	190.00
Cyprus	Pound	60.95	120.00					60.95	120.00
United Kingdom	Dollar		360.00						360.00
United States	Dollar				4,448.50				4,448.50
Puneet Talwar:									
Bahrain	Dollar		253.00						253.00
Saudi Arabia	Dollar		246.00						246.00
Kuwait	Dollar		794.00						794.00
Lebanon	Dollar		200.00						200.00
Jordan	Dollar		240.00						240.00
Israel	Dollar		729.00						729.00
United States	Dollar				5,218.50				5,218.50
Jim Greene:									
Japan	Dollar		3,285.00						3,289.00
United States	Dollar				5,428.00				5,428.00
Marc Thiessen:									
Czech Republic	Dollar		564.00						564.00
Poland	Dollar		834.00						834.00
United States	Dollar				2,669.60				2,669.60
Total			48,334.58		111,022.90				159,357.48

JESSE HELMS,
Chairman, Committee on Foreign Relations, Feb. 13, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth Kessler:									
United States	Dollar				3,475.55				3,475.55
Kenya	Dollar		1,100.00						1,100.00
Tanzania	Dollar		400.00						400.00
Paul Matulic:									
Israel	Dollar		1,137.00						1,137.00
United States	Dollar				200.00				200.00
United States	Dollar				1,749.95				1,749.95
Louis Dupart:									
United States	Dollar				3,701.60				3,701.60
England	Pound	413.33	670.00					413.33	670.00
France	Franc	1,693.54	289.00					1,693.54	289.00
Belgium	Franc	19,866	550.00					19,866	550.00
Total			4,146.00		9,127.10				13,273.10

ORRIN HATCH,
Chairman, Committee on the Judiciary, Feb. 11, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Louis Dupart:									
Haiti	Dollar		225.00						225.00
Total			225.00						225.00

ORRIN HATCH,
Chairman, Committee on the Judiciary, Feb. 11, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Straub			647.25		579.22				1,226.47
Randall Schieber			534.45		579.22				1,113.67
James Stinebower			708.25		583.82				1,292.07
Senator Richard C. Shelby			2,465.50		3,213.60				5,679.10
Taylor W. Lawrence			3,805.50		3,213.60				7,019.10
Daniel Gallington			1,184.30		4,501.60				5,685.90
Peter Flory			2,214.00		4,501.60				6,715.60
Kenneth Myers			290.00		5,263.80				5,553.80
Senator Richard Lugar			220.00		5,263.80				5,483.80
Linda Taylor			2,400.00		5,169.69				7,569.69
Arthur Grant			960.00		4,526.00				5,486.00
Paul Doerrer			2,465.50		3,213.60				5,679.10
James Wolfe			1,429.00		4,007.40				5,436.40
Peter Dorn			1,429.00		4,007.40				5,436.40
James Stinebower			1,749.00		4,465.40				6,214.40
Emily Francona			2,647.00		5,115.10				7,762.10
Lorenzo Goco			2,647.00		5,115.10				7,762.10
Peter Flory			2,647.00		5,115.10				7,762.10
Total			30,442.75		68,435.05				98,877.80

RICHARD C. SHELBY,
Chairman, Select Committee on Intelligence, Jan. 26, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Orest Deychakiwsky:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		2,812.00						2,812.00
John Finerty:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		1,368.00						1,368.80
Chadwick Gore:									
United States	Dollar				3,670.00				3,670.00
Poland	Dollar		906.14						906.14
Robert Hand:									
United States	Dollar				1,624.95				1,624.95
Serbia-Montenegro	Dollar		734.00						734.00
Michael Hathaway									
United States	Dollar				3,670.00				3,670.00
Poland	Dollar		395.78						395.78
Janice Helwig:									
Austria	Dollar				3,063.85				3,063.85
Turkey	Dollar		208.00						208.00
Uzbekistan	Dollar		2,153.00						2,153.00
Kyrgyzstan	Dollar		648.00						648.00
Kazakstan	Dollar		253.00						253.00
Austria	Dollar		7,176.00						7,176.00
Poland	Dollar		2,280.00		490.83				2,770.83
Austria	Dollar		3,680.00						3,680.00
Denmark	Dollar		552.00		539.00				1,091.00
Austria	Dollar		736.00						736.00
Steny Hoyer:									
United States:	Dollar				1,958.00				1,958.00
Denmark	Dollar		798.00						798.00
Marlene Kaufmann:									
United States	Dollar				1,958.00				1,958.00
Denmark	Dollar		579.00						579.00
Karen Lord:									
United States	Dollar				3,828.80				3,828.80
Poland	Dollar		1,824.00						1,824.00
Ronald McNamara:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		1,564.00						1,564.00
E. Wayne Merry:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		3,963.87						3,963.87
Michael Ochs:									
United States	Dollar				6,347.85				6,347.85
England	Dollar		102.00						102.00
Turkey	Dollar		416.00						416.00
Uzbekistan	Dollar		2,016.00						2,016.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kyrgyzstan	Dollar		648.00						648.00
Kazakstan	Dollar		1,518.00						1,518.00
Erika Schlager:									
United States	Dollar				3,824.30				3,824.30
Poland	Dollar		2,736.00						2,736.00
Dorothy Douglas Taft:									
United States	Dollar				1,088.80				1,088.80
Poland	Dollar		2,401.95						2,401.95
	Total		42,468.74		36,419.58				78,888.32

ALFONSE D'AMATO,
Chairman, Commission on Security and Cooperation in Europe,
Dec. 19, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE PRESIDENT PRO TEMPORE FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steve Benza:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
Total			1,541.00						1,541.00

STROM THURMOND,
President Pro Tempore, Feb. 10, 1998.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM OCT. 1 TO DEC. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ian Brzezinski:									
Turkey	Dollar		516.00						516.00
Azerbaijan	Dollar		573.00						573.00
Kazakhstan	Dollar		606.00						606.00
Uzbekistan	Dollar		592.00						592.00
Turkmenistan	Dollar		193.00						193.00
Norway	Dollar		305.00						305.00
Senator William V. Roth, Jr.:									
Estonia	Dollar		412.00						412.00
Germany	Dollar		223.00						223.00
Portugal	Dollar		206.00						206.00
Senator Robert Bennett:									
Estonia	Dollar		369.00						369.00
Germany	Dollar		223.00						223.00
Portugal	Dollar		206.00						206.00
Kent Bonham:									
Germany	Dollar	1,827.78	1,025.00					1,827.78	1,025.00
United States	Dollar				1,037.90				1,037.90
Ian Brzezinski:									
Estonia	Dollar		412.00						412.00
Germany	Dollar		446.00						446.00
Total			6,306.00		1,037.90				7,344.90

TRENT LOTT,
Majority Leader, Jan. 23, 1998.

ORDERS FOR MONDAY, MARCH 2, 1998

Mr. THOMAS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 2, and immediately following the prayer, the routine requests through the morning hour be granted, and there be a period for morning business until 2 p.m., with the time equally divided among the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1173

Mr. THOMAS. Mr. President, I ask unanimous consent that at the hour of 2 p.m. on Monday, March 2, the Senate resume consideration of S. 1173, the ISTEA bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD TO REMAIN OPEN UNTIL 2 P.M. TODAY

Mr. THOMAS. Mr. President, I ask unanimous consent that the RECORD stay open until 2 p.m. today for the introduction of legislation and the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THOMAS. Mr. President, in conjunction with the previous unanimous consent agreements, Monday the Senate will be in a period for morning business from 12 noon until 2 p.m. At 2 p.m., the Senate will resume consideration of S. 1173, the so-called ISTEA legislation. It is hoped that the Senate will be able to make good progress on this important legislation during Monday's session. In addition, the Senate may consider any executive or legislative business cleared for floor action. Therefore, rollcall votes are possible Monday after 5 p.m.

ORDER FOR ADJOURNMENT

Mr. THOMAS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator WARNER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

NATO EXPANSION MORATORIUM CONDITION

Mr. WARNER. Mr. President I wish to associate myself with other colleagues who have risen today to address the importance of the issue of NATO expansion. For almost a year's time now, I have expressed publicly, both in this country and in Europe, my deep reservations about the proposed expansion of this alliance. I listened carefully to a briefing about the remarks of my colleagues today, and I wish to associate myself with their remarks because I think this body must spend whatever time it feels is necessary to carefully analyze this question.

NATO was put in place at a historic moment in our history. I always credit President Harry Truman for his foresight, together with that of others, regarding the importance of this wonderful, absolutely magnificent, military alliance that has exceeded, in every way, the expectations of its founders. Unquestionably, in this Senator's mind, and I think in the minds of many, we averted a military confrontation with the former Soviet Union as a consequence of the NATO treaty. I think that the basic tensions that existed in Europe at that time exist today, although not at the same level of intensity.

There has always been a measure of instability between the major powers on the continent and indeed with Great Britain. The United States has fulfilled, I think, quietly, nevertheless effectively, a strong, steady hand on those competitive forces amongst those very ancient nations—certainly ancient in terms of the 200-plus-year history of this country—as they have struggled in terms of economic competition and, indeed, tragically in military confrontations in years past.

My father served in World War I in France as a doctor. That was the first time that the United States really responded militarily by going to that continent. And then, of course, World War II is very clear in the memories of all. So those are just two examples.

So, Mr. President, I rise today as in executive session to submit for the RECORD a condition that I will seek to attach to the Resolution of Ratification, the U.S. Senate's procedure under the "advice and consent" clause of the U.S. Constitution, to facilitate the proposed NATO expansion.

I ask unanimous consent that the text of the condition be printed in the RECORD at this point.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

> At the appropriate place in the resolution, insert the following:
>
> ( ) UNITED STATES POLICY REGARDING FURTHER EXPANSION OF NATO.—Prior to the date of ratification of the Protocols by the United States, the President shall certify to the Senate that it is the policy of the United States not to encourage, participate in, or agree to any further expansion in the membership of the North Atlantic Treaty Organization (NATO) for a period of at least three years beginning on the date of entry into force of the last of the Protocols to the North Atlantic Treaty on the Accession of Poland, Hungary, and the Czech Republic to enter into force.

Mr. WARNER. Mr. President, I would like to thank my distinguished colleague, Senator MOYNIHAN, from New York from being my principal co-sponsor. Throughout he has been a consistent supporter of this objective and will be the principal Member from the other side of the aisle as I work this amendment among our body.

Let me also say thanks for the very important contributions of Senator BINGAMAN. He serves on the Senate Armed Services Committee with me. He is a broad-based thinker on national security issues, and he will be joining us as we seek to get the support of our colleagues.

As I stated throughout last year, 1997, and continuing this year, I publicly have spoken here and in Europe regarding my deep concerns over the proposed expansion of NATO by admitting Poland, Hungary, and the Czech Republic, which is the current proposal.

I believe these accessions are not in the security interests of the NATO alliance. My detailed reasons against are to be found in earlier statements.

In the course of the ratification debate, I will work with colleagues in opposition to the ratification of these three nations. I view my amendment, however, as supportive of our shared goals, and in no way should it be viewed as a concession on my part in my opposition or an indication that I accept the accession of Poland, Hungary and the Czech Republic as a fait accompli. But I have had this amendment in mind, and I have spoken about it. I discussed it at length at the Wehrkunde conference a few weeks ago when I was privileged to be in the company of the Secretary of Defense and the delegation from the Senate that was headed by Senator MCCAIN, one of our most valued Members in areas of national defense. I am not suggesting that either of those persons share my view, but I did at that time express it very clearly to a number of persons attending that conference.

This condition does not affect the three nations currently under consideration for NATO membership—Poland, Hungary, and the Czech Republic. Rather it focuses on the future by requiring a "strategic pause" of 3 years before proceeding with any further expansion of NATO membership.

As to my reasons for opposition to NATO expansion, I start from the basic premise that NATO has been the most successful military alliance in the history of the United States, perhaps, in the history of the world. NATO has surpassed all of the expectations of its founders, keeping peace in Europe for almost 50 years and emerging victorious in the cold war. In my view, NATO remains a vital, effective military alliance which will continue—in its present form—to be the bedrock of U.S. security policy in Europe.

In his biography, Harry Truman cited NATO, together with the Marshall plan, as the greatest achievements of his Presidency. The Senate should not do anything to undermine his legacy or the effectiveness of this great alliance.

The condition I am introducing today is straightforward. It requires the President to certify "that it is the policy of the United States not to encourage, participate in, or agree to any further expansion in the membership of the North Atlantic Treaty Organization (NATO) for a period of at least three years" beginning on the date of entry into force of the last of the Protocols of Accession of Poland, Hungary and the Czech Republic.

Why is this condition necessary? Assuming the Protocols of Accession are approved by all 16 nations, this condition would give NATO an opportunity to begin to integrate the first three new members and assess the impact of this first round of expansion before proceeding to any future rounds.

There are many unanswered questions concerning this first round of expansion.

What will the true costs of expansion be for current and new members? Estimates have ranged from a low of $1.5 billion over 10 years to a high of $125 billion over the same timeframe. What is the U.S. share of this cost and will our current allies fairly share the burdens of expansion?

How long will it take for these new nations to modernize their militaries to the point where they can make a positive contribution to the security of the alliance? NATO's 10-year cost time line indicates that NATO is planning on at least a decade of modernization and integration efforts. Do we really want to add additional burdens to that ambitious plan?

On a related issue, Thursday's "Washington Post" carried an article entitled, "Poland Unable to Perform All NATO Tasks." Citing "budgetary shortfalls," the Polish Defense Ministry announced that Poland would only be able to meet 70% of its expected military roles within NATO upon accession. What is interesting about this story is not the military shortfalls—which many of us anticipated—but the fact that these shortfalls are being revealed as NATO is currently going through the process of assessing the military capabilities of these three nations and establishing force goals for them. This is a process which will not be completed until late spring or early summer—months after the Senate is being asked to act on these Protocols.

I am led to the inevitable conclusion that we are being asked to act on the vital issue of NATO expansion in an information vacuum. In an October 1997 statement to the Senate Budget Committee, Susan Eisenhower addressed this issue with a frightening analogy: "If ratification is to be voted on now or in the next session, it would be as if an air traffic control agent had cleared a plane for take-off, knowing full well that the crew on board had filed several contradictory flight plans, didn't know when or if they'd pick up other passengers, and weren't even sure that their landing gear worked."

Returning to my series of questions: How will the Russians react to the reality of NATO expansion eastward? While I agree that the Russians should not be placed in a position of dictating United States or NATO policy, we must factor into this equation the reaction of the only nation on earth that possesses the military capability to destroy our nation.

Will the American people support the use of U.S. troops to defend Poland, Hungary, the Czech Republic, and possibly more nations in Central and Eastern Europe? Or are our security commitments being stretched too thin?

Time alone will answer these questions. We should not rush forward with a follow-on expansion round beginning in April 1999, immediately after these first three new members take their seat at the table. We need to know the impact of this first round on the alliance and not allow ourselves to be swayed by political reasons to rush ahead, uninformed.

I well remember the NATO debates of the 1980's when Senator Mansfield, former majority leader, led the charge to withdraw our troops from Europe. Others picked up his mantle when he departed the Senate. Almost annually, those of us who supported NATO were summoned to come to the floor and defend the U.S. troop commitment to NATO. I fear that we could see a repeat of those times if we do not proceed cautiously with NATO expansion, and ensure that any expansion has the full support of the American people who will ultimately bear the burden for these added security commitments.

In a June 1997 report entitled, "NATO Expansion: A Bridge to the Nineteenth Century," Professor Michael Mandelbaum expressed these concerns in the following way:

> When the American public decides that an international commitment has been extended under false pretenses, or that such a commitment is more expensive than its government has promised, or that whatever the government has promised the cost of the commitment is too high, it tends to withdraw its support, which causes the commitment in question to collapse.

That is my biggest fear with NATO expansion—that it could undermine the American public's support for NATO itself.

I believe the 3-year timeframe contained in this condition is a reasonable one. It is long enough for NATO to have made a reasonable assessment of the impact of the first round, but it is not so long as to remove hope from future aspirants to NATO membership. Many have advocated a longer moratorium. My good friend and former colleague Sam Nunn, when he was still in the Senate, recommended a 10-year pause between rounds.

Senator Nunn recently joined with Senator Baker, General Scowcroft, and Alton Frye in an excellent op-ed regarding NATO expansion entitled, "NATO: A Debate Recast." They join me in a call for caution on any further rounds of expansion. According to this article, "NATO should be the cornerstone of an evolving security order in Europe . . . But a cornerstone is not a sponge. The function of a cornerstone is to protect its own integrity to support a wider security structure, not to dissipate its cohesion by absorbing members and responsibilities beyond prudent limits." They recommend a "definite, if not permanent, pause" in the process of expansion.

Former Secretaries Perry and Christopher also recently joined the ranks of those urging caution regarding further expansion of the alliance. I do not want to misrepresent their position—they clearly state that the door should remain open to membership for all Partnership for Peace nations. However, they argue that "no additional nations should be designated for admission until the three countries now in the NATO queue (Poland, Hungary and the Czech Republic) are fully prepared to bear the responsibilities of membership and have been fully integrated into the alliance military and political structures." While they do not endorse the idea of a mandated pause, they clearly believe that the process should be slowed down. I agree.

I urge my colleagues to join me in this endeavor to inject an element of caution into U.S. policy on this important issue.

I also want to add that in the course of my trip to Europe two weeks ago with the Secretary of Defense, we visited Russia. We visited with the Defense Minister, Marshall Sergeyev, and the Foreign Minister, and we had a very valuable session with about eight members of the Russian Duma. NATO expansion was their No. 1 area of concern regarding the relationship between the United States and Russia today. That relationship, in the minds of many, is deteriorating—deteriorating at the very time when we are making a number of collaborative efforts to try to lessen not only tensions that still remain between our two nations but in furtherance of the recognition that the world can become a more peaceful and a more secure place if Russia and the United States join in many areas to provide that peaceful security.

For example, Bosnia. Today there is a contingent of professional Russian military serving alongside U.S. forces and those of our allied nations. That is a most historic first.

While in Russia with the Secretary of Defense, we went to visit facilities which are utilizing moneys authorized and appropriated by the U.S. Senate, and Congress as a whole, again directed towards lessening the tensions between these two nations in the area of nuclear weapons.

We saw, for example, where American taxpayer dollars paid for equipment which the Russians are now using to dismantle, in accordance with framework of treaties, nuclear weapons in a safe manner using technology which originated here in the United States and supplemented by technology in Russia. There is only really one major threat to the security of this country that always hangs above all others; that is, that Russia still possesses, and for the foreseeable future will possess, a nuclear arsenal that could devastate our Nation. I am not suggesting in any way that we are not making progress toward the lessening of tensions, but it remains there. Of course, beneath that is the threat of spreading knowledge relating to weapons of mass destruction. Much of that knowledge is leaking out of the former Soviet Union, today Russia, as to how to manufacture those weapons.

I think that we should address in the context of the expansion argument the concerns of the Russian Duma, or the Russian leadership, regarding this expansion and how it might affect our relationship with Russia at this critical point in time.

This valuable NATO alliance has been with us for over a half a century. I don't suggest that we spend the next half century considering this expansion issue, but certainly the several months that we need can be allocated to the important debate that will take place in this Chamber, maybe a time less than several months, but certainly not this rush of schedule that we are on now.

So I raise these issues today because the distinguished chairman of the Foreign Relations Committee, I understand, intends to have a markup next week. I think, in fairness to him and to the colleagues on that committee and to other Senators, I and others should express these concerns in a timely fashion today.

Mr. President, that concludes my remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I also ask unanimous consent that I be permitted to speak for up to 10 minutes, prior to adjournment. Understanding, therefore, that I am all that stands between the Chamber and adjournment, I will try to speak less than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NYKESHA SALES

Mr. LIEBERMAN. Mr. President, one of the great opportunities that comes with having been elected a Member of the U.S. Senate is to participate in deliberations on this great floor. Not just, may I say, the discussions and debates and votes on specific legislation, but to participate in what we call here morning business, which I have always seen as the people's forum, an opportunity to speak on events of the day, both public and, in some senses, those that are more personal. I would like to do that this morning.

The subject involves athletics, but it also involves, I think, values. This will not be the first time that any Member of the Senate has spoken on the floor about athletics, particularly about a team in his or her own home State. But the circumstances that lead me to stand today are somewhat different. In my own home State of Connecticut, and it seems in many places across the Nation, there are discussions in newspapers, in diners, on the radio, probably around the water cooler at the office, about what happened on the UCONN women's basketball team this week. Our great coach, Geno Auriemma, coach of our No. 2 ranked University of Connecticut women's basketball team—and, I may say with some honesty and a certain amount of envy, the occupant of the chair happens to come from the State where the No. 1 team is, Tennessee. But Coach Auriemma gave a most unusual gift, as it was put, to his All-America forward, Nykesha Sales, who is also a native of the State of Connecticut.

As is known by most, with the help of the Villanova Wildcats, who UCONN was playing on this occasion, the coaches, the referees, in fact even with the help and consent of Big East Commissioner Mike Tranghese, Coach Auriemma gave Nykesha Sales her place as an all-time leading scorer in Connecticut women's basketball history.

That seems generous enough and positive enough, but, as my colleagues probably know, the record has been called into question. Although the box score lists those two points, they were obtained through an uncontested layup that required the involvement and consent, if you will, of every player on the floor of that arena and of the coaches as well.

Three days prior to that match, that basketball game against Villanova, Nykesha Sales ruptured her Achilles' tendon, thus ending her season and, since this is her senior year, her career at the University of Connecticut, leaving her just two points short of the record as the all-time women's basketball scorer, a record that we all felt, who have watched this wonderful young woman with pride over these last years—we all knew she deserved. This was heartbreaking news, not just to her and her family but to the entire team, to the coach, to fans throughout the State and I would guess fans of college basketball everywhere. So Coach Auriemma reacted as a human being with a big heart, which he has; as a great coach as well. He went to the extra effort to arrange a way for his star player to get that game-time basket that she needed to establish her place in the University of Connecticut record books.

Since that moment, Tuesday night of this week, Coach Auriemma has been criticized by many who say that this gift that he gave, which a lot of us feel was not just a gift but something Nykesha Sales earned over her extraordinary career at the University of Connecticut, somehow calls into question the integrity of the game, that in some way it is another form of cheating, some have said surprisingly, and that it in some way cheapens the record.

I rise today to say to my colleagues here in the Senate that I feel quite the opposite. I think in this gesture, in this act, Coach Auriemma, the coach of the Villanova team, and all the other players on the field, have reminded us that beneath the thrill of victory and the agony of defeat with which they and we all identify, sports can provide opportunities for values to be learned and for lessons to be conveyed. Sports are a passion here in America. I yield to that passion myself. We find a way, over and over, to take personally the things that happen on courts and in stadiums around the country. The reason I think we are so attuned to these events is because of the complex web of individual dramas underneath the final score that keeps us riveted throughout the seasons and throughout the years.

Just as teams become families among themselves when they are at their best, so do our favorite teams, in fact, become our own extended families. Former Connecticut women's basketball star, current professional basketball star Rebecca Lobo perhaps said it best about the events of this week, when she said, "if the UCONN family"—and I stress the family here—"doesn't have a problem with it, why does everyone else?" In fact, this was a University of Connecticut basketball record, a school record.

There are obviously unforgettable moments in sports, moments when we are all left full of pride, sometimes full of despair, disappointment. We in Connecticut have had our share, like the extraordinary Tate George buzzer-beater in the 1990 NCAA tournament, the same NCAA championship that the same UCONN women's basketball team won in 1995. But I would say that the record that Nykesha Sales established this week joins that kind of high ranking of memorable and historic events in Connecticut sports history. It's true that Nykesha's basket may not have been the single greatest moment of her athletic prowess, nonetheless it was a remarkably profound moment of sportsmanship, of values, of team spirit, of a sense of family that these teams at their best exemplify.

For those who would condemn or criticize a caring coach and a grateful player for doing this, I really ask you to reconsider, again, beneath the box score, the final tally, the thrill of victory or the agony of defeat, what these sports, particularly at the college level, can convey to those who participate in them. I think we have a coach here, and a player, who have exemplified the very best in their careers. Coach Auriemma displayed a level of concern and, in fact, a kind of courage in doing what he did, and it exemplifies the program that athletic director Lew Perkins has set up at the University of Connecticut, and that not only Coach Auriemma and the women's team exemplify but Coach Jim Calhoun on the men's team do as well. These are families. These two coaches are, in a way, for the sake of those families, the fathers. They practice a kind of what some may call "tough love." They demand a lot of their players, but they also give a lot back to those players.

There are no two more competitive coaches, no two more competitive teams; yet, underneath that, extraordinary personal relationships have developed. I always take great pride and am moved by the stories of the UCONN basketball players, men and women, when they leave the school, graduate and go on—and this, of course, is true throughout the country and important to remember—that they have a tendency to call the coaches for advice about personal decisions in their lives. So there are lessons learned here and values exemplified. Perhaps these don't receive as much attention as they should in the coverage of sports today. But, again, particularly at the college level, I think that this is ultimately what it is all about.

In this unusual act, Coach Auriemma, and everyone else who was involved in this decision, I think, has not only done the right thing, but have reminded us that as much as we all share in the exultation of victory and the agony of defeat when it affects our team, that something else is going on which is that individual skills are being developed, that relationships are being formed, that a kind of community is being formed, that people accept responsibility for one another, and that those values—as we have seen as these players have left the University of Connecticut and so many other college programs around the country—those values, those relationships, that trust continues on beyond and after the competitive days. It leaves us, thrilled as we all are to follow our favorite teams, with lessons that are ultimately more lasting and certainly are profoundly encouraging. So, perhaps it is only sports. Maybe we all make too much of it. But I wanted to rise to the defense of a great coach, a great player, a great program, a great team, and tell them that I am proud of them.

I would say, finally, and with all respect to the occupant of the chair, it is going to be hard for this UCONN women's basketball team to go on to the post-season competition without Nykesha Sales, who was their star. I know they are going to give it their all, and I want to say to them that no matter what happens in this NCAA post-season competition, that as far as I am concerned—and I am sure I speak for everybody in the State of Connecticut, regardless of what the results are—this team and this coach, both on the court and off, are winners.

I thank the Chair and I believe with that and yielding of the floor, the Senate will be adjourned.

ADJOURNMENT UNTIL MONDAY, MARCH 2, 1998

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until noon, Monday, March 2, 1998.

Thereupon, the Senate, at 12:43 p.m, adjourned until Monday, March 2, 1998, at 12 noon.

HOUSE OF REPRESENTATIVES—*Monday, March 2, 1998*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. COBLE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 2, 1998.

I hereby designate the Honorable HOWARD COBLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

For all the gifts of life this day, it is for thanks that we would pray. For spirits strong and hearts aglow, an attitude of thanks to grow.

It is with gratitude we speak. It is with minds and spirits so meek. Of all the trials from which we copy, it is for life and faith we hope.

Without such gifts we would despair, life would flounder, not be fair. So when we speak our words to You, may You, O God, be ever true.

With love and joy we see Your light, in which creation has delight, may we and all Your people here, find thankfulness and daily cheer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. COX) come forward and lead the House in the Pledge of Allegiance.

Mr. COX of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 2631) "An Act disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.", returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House on reconsideration of the same, it was resolved, that the said bill pass, two-thirds of the Senators having voted in the affirmative.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1150) "An Act to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LUGAR, Mr. COCHRAN, Mr. COVERDELL, Mr. HARKIN, and Mr. LEAHY, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 105–83, the Chair announces on behalf of the Majority Leader, his appointment of the following Senators to serve as members of the National Council on the Arts—the Senator from Alabama (Mr. SESSIONS), and the Senator from Maine (Ms. COLLINS).

The message also announced that pursuant to Public Law 105–134, the Chair announces on behalf of the Majority Leader, his appointment of the following individuals to serve as members of the Amtrak Reform Council—Gilbert E. Carmichael, of Mississippi, Joseph Vranich, of Pennsylvania, and Paul M. Weyrich, of Virginia.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES FOR JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 114(b) of Public Law 100–458 (2 U.S.C. 1103), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development to fill the existing vacancy thereon, the term to expire on September 27, 1999:

Mr. PICKERING of Mississippi.

There was no objection.

TRIBUTE TO BRIGADIER GENERAL THOMAS F. RILEY

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, today, one of our Nation's great leaders, one of our California leaders will be laid to rest at Arlington National Cemetery. He is a dedicated public servant and a gentleman.

Brigadier General Thomas F. Riley passed away in Orange County on February 19, 1998. He was known to millions of us affectionately as just the General. Tom Riley embodied every virtue that we seek in our public service.

He was born just 2 days after the 4th of July in 1912 in Harrisonburg, Virginia. He received his training as an engineer at Virginia Military Institute. And he went on to serve his country for just one year short of 30 years in the United States Marine Corps.

He worked for another decade in the aerospace industry. Before 1974, President Reagan appointed him to fill out the remaining term of supervisor on the Orange County Board of Supervisors. He served for 30 years, nearly 30 years on the Orange County Board of Supervisors, where he was its chairman. In those years when he was not its chairman, he was always its most important person. He was reelected five times, always by large margins, to preside over what he always called the fabulous 5th District.

General Riley served his community in many ways, not the least of which was his service to his church. He was a Catholic, and he was a member of the Knights of Malta and the Order of the Holy Sepulcher of Jerusalem.

He was always eager to assist. One of his favorite charities was the Sisters of the Sacred Heart. General Riley helped establish a fashion show known as the Gentleman's Haberdashery, an event that has become a beloved tradition in Orange County.

He was never alone in his efforts. His community was always anxious to serve him and to help him in his service. But most of all at his side for so

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

long, for over 50 years, nearly 60 years, was his wife Emma Jane, who is with us today. She stood with him shoulder to shoulder in all of the hard work, and all the victories, and all the triumphs that he has achieved during a long life.

I know that I speak for all of us in Orange County when I say that our hearts and prayers are with you and your family in this time of your grief. But we must remember that, just as General Riley was not alone in this life, neither will he be in the next.

When he is laid to rest later today in Arlington National Cemetery, he will join the company of other American heroes whose watchwords were always duty, honor, and country. General Tom Riley was one of our heroes in California, and we will never forget him.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHITHER THE BUDGET SURPLUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. RIGGS) is recognized for 60 minutes as the designee of the majority leader.

Mr. RIGGS. Mr. Speaker, I rise today to address my colleagues on where I see our country going. I see a country where children come first and where integrity and virtue are honored, indeed, they are recognized and rewarded in American life and to the extent possible through our official government policies; an America where values and character still matter and where the American dream is still real and within reach for those who strive to achieve and succeed.

I believe I speak for most of my colleagues when I say that I want an America where Americans have more personal safety, more financial opportunity and security and more independence and freedom, and that the best way to do that is by lowering taxes, putting an end to judicial activism on the Federal bench, reforming and improving our education system, raising our education standards in this country, and demanding real results from our schools and holding our schools accountable for the performance of their pupils. I also believe that we need to strengthen families and communities in America and that, lastly, we need to restore fairness and morality in American life. So it is those goals and it is that vision that I would like to address today.

I want to begin, though, my remarks under this special order by admitting that I never thought that I would see the day before my House service where I would be able to take to the House floor and talk about a balanced Federal budget, that I would be able to participate in a debate about the Federal Government actually generating an annual budget surplus as opposed to an annual budget deficit like the deficits that we have run back here in Washington for over a decade. This is all brand new, this whole debate about surplus politics.

Let me first of all, while admitting that balancing the budget and generating a budget surplus presents a new challenge for those of us in positions of elected decision-making responsibility here in Washington, I will just again admit the obvious, what I think most Americans would certainly recognize in their daily lives and in their homes and in their businesses: that we ought not spend the budget surplus before we actually have it in hand. That would be too much like business as usual in Washington. It would be, I think, continuing the very dubious and questionable budget practices of smoke and mirrors.

So let us say for a moment that we are still a ways away from the Federal Government and the Federal budget actually generating a budget surplus. However, this idea, this age of surplus politics does present a very new challenge for us and as the party, the Republican Party, the governing majority party in the Congress, the party of less government and less taxes, we are looking for ways to allow families to keep more of what they earn so that they can decide themselves how best to spend it. It is a very simple, fundamental principle of Republicanism. That is the Republican way.

So as we enter this debate in this new age of surplus politics, we want to make sure that those who earn the money are able to keep more of what they earn and that whenever possible, while fulfilling the primary and fundamental responsibilities of the Federal Government, we return more money from Washington to the people who earn it rather than recycle it through the bureaucracy here and then attempt to find various ways to spend it. The Republican way is again to allow families to keep more of what they earn so that they can decide how best to use that to meet the needs of their family.

The President and congressional Democrats, though, seem to be hostile to that idea. We have been able to, in a way, force the President and force congressional Democrats to go along with the idea of reducing taxes, and we were actually able to pass through this body and get enacted into law with the President's signature a tax cut. But it is clear, particularly if you hear the President's comments today talking about tax simplification, the idea of moving the country in the direction of a simpler, fairer, flatter Tax Code and tax system, perhaps a single rate of taxation, where we hear the President criticizing that as reckless, then we know that the President continues to resist our efforts to help families and to help our economy.

□ 1415

So, we are now going to be debating here over the next few weeks and months an annual budget resolution. This would be, if you will, the budget blueprint for the Federal Government for the 1998 Federal fiscal year, and as we enter that debate, I believe we ought to be guided by several basic principles.

First of all, the best way to save Social Security is to make sure that we do not spend another dime of the Social Security surplus on more Washington spending, more social programs.

You may recall, Mr. Speaker, that the President stressed the importance of putting Social Security first when he spoke from this podium right behind me to the Nation and to the Congress in his State of the Nation address back in early February. He talked about the importance, the need of putting Social Security first. But I think we have to kind of somewhat doubt his sincerity when he then, in the next breath, proposes to create a host of new Federal Government programs and to use the budget surplus, as well as the anticipated settlement proceeds, the anticipated proceeds from the large class action tobacco lawsuit, this is the class action litigation that the States have initiated against the big tobacco companies, when the President talks about using the budget surplus and these tobacco lawsuit settlement proceeds, which may or may not materialize, and he talks about using all that money to pay for all of these new Federal Government programs back here in Washington, programs that when added up in the aggregate would cost Federal taxpayers about $60 to 70 billion more in new Federal Government, Federal taxpayer spending.

We believe the best way to save Social Security is to take Social Security off budget once and forever. No more smoke-and-mirrors budgeting, as I said earlier, no more using the Social Security Trust Fund to mask the true size of the Federal budget deficit and to pay for other Federal Government spending, most of it on social programs.

If we took the Social Security Trust Fund completely off budget, and if we allowed the surplus in that Trust Fund to continue to accrue and to compound interest, we then would be able to offer Americans the opportunity of investing a portion of their own money, their own payroll taxes, in a directed individual retirement account, which would actually earn them a better return than Social Security.

Imagine that, your money. These, of course, are mandatory taxes imposed on you, your FICA contributions, payroll taxes, automatically withheld and deducted from your paycheck, going into your own individual retirements account, an investment that you select in order to provide you a better return than what Social Security can provide. The difference over the span of your work life, your adult career employment, could be in the hundreds of thousands of dollars. The net effect would be more retirement security for all working Americans.

So the best thing we can do with Social Security is take it off budget and, as I said, not use another dime of the Social Security surplus on more Washington spending. To the contrary, use that Social Security surplus to offer or build better retirement security for working Americans.

Secondly, when a legitimate problem needs to be addressed, child care would be an example, we ought to address it by giving families more control and more choice by allowing them to keep more of what they earn. This means cutting taxes. In fact, there are those that are talking about now a targeted tax credit for families with children under the age of 5. The desire, the goal, is to enable families that so choose to have more disposable after-tax income so that at least one spouse can remain in the home and not be forced to work, to be able to provide that all-important nurturing and upbringing that children need.

The President's proposal with respect to child care shows a clear bias towards institutionalized child care and against families that choose to have one spouse remain in the home for child-rearing and child-raising purposes.

So we think a better way to go, rather than spend a lot more money in block grants for child care, rather than continuing to move the Federal Government in the direction of the nanny state, where you have paternalistic big government attempting to address all the needs of families, is to empower families by allowing them to keep more of what they earn, and that, again, means cutting taxes so that families have more money at the end of the day to address their concerns, including child care, which we acknowledge is one of the principal concerns of any family where one or both spouses have to work outside the home, and, therefore, has to depend sometimes or all of the time on reliable, safe, quality child care.

Third, we have to resist pressure from the left, particularly the more liberal wing of the House Democrats, to see the surplus as an excuse to build a bigger and more intrusive Federal Government.

We simply cannot go back to the old ways of spending money on Washington bureaucracies that do not work. You had to wonder when the President gave his State of the Union Address if it was the same President who just 2 years earlier stood at the same spot and had declared the era of big government over, because for those of us sitting in this chamber, and for those Americans watching and listening across the land, it sounded like the President's State of the Union was a recipe for returning to an era of big government, for expanding government again, basically assuming money that does not exist here today, betting on the if come and maybe, if you will, where the President would propose to pay for all these new programs, again costing in the aggregate somewhere between $60 and $70 billion, with a budget surplus we do not yet have in hand, or with the settlement proceeds from this large class action tobacco lawsuit brought by the States against the big tobacco companies.

I submit, Mr. Speaker, that if that settlement does materialize, and if there are proceeds that are left over after all the attorneys who have some piece of the action are paid off, that that money ought to be used for health care research. We are very committed to biomedical research, particularly trying to find, if you will, a cure to cancer and some of the other chronic diseases and illnesses that plague too many Americans, and it should be used for antitobacco, antidrug initiatives, education and preventive initiatives, if you will, aimed at our young people. Those proceeds should not be used to pay for a whole bunch of Washington programs not even remotely related to medical research or trying to prevent our young people from using tobacco products, or at least trying to educate them as to the damages of using tobacco products.

So, the President has finally agreed to our plan to balance the budget and cut taxes, yet he now appears to have done a 180, and he is attempting, we think, to energize, to galvanize the liberal wing of his party with this budget proposal currently before the Congress. This is really a throwback to the President's first 2 years in office. It is really, if you will, a politics as usual in the model of 1992 and 1993.

The President wants to raise taxes. In his budget proposal, he increases the size and scope of government, and he rejects allowing families to keep more of their own money. Well, it is their money. When we are talking about their children, we are talking about their future as well. So it is their money, their, if you will, lives, their future, and they ought to, American families, be able to keep more of their own money.

So this is just classic vintage politics as usual, and I wanted to come down to the floor and set the record straight about the Clinton budget.

We will have choices to make about the budget surplus, there is no doubt about that, but it is clear we will not follow the prescription that the President sets out in his State of the Union Address and in his budget proposal to Congress, which is bigger government supported by higher taxes and a Social Security program that would be jeopardized, not saved, by increased spending.

So, let me now talk about where I believe we can help all middle-class working families in this country. I think all of us in this chamber, almost all of us in this chamber, are really concerned that taxes in America are at a record level. They are at a record high, where the average two-income family earned approximately $54,000 in 1997, last year, but paid more of their income in Federal and State taxes, approximately 38 percent, than they paid for food, clothing, housing and transportation combined; 38 percent as opposed to approximately 34 percent.

So what does that say? It basically says the IRS spends more of your money than you do, and that is wrong, particularly during times of peace and prosperity as we enjoy today. We want to lower the tax burden on working Americans. We believe that the tax burden combined, at all levels of government, Federal, State and local, should not exceed 25 percent during times of peace and prosperity.

As I just mentioned, Federal and State taxes are at 38 percent, more than what families pay today for the necessities of life.

We want to reduce that. Most of us came here to Washington, we campaigned for Congress as fiscal conservatives, and we came here to put our fiscal house in order, to really redefine the role of the Federal Government and to replace big government with smart government.

So the solution, unlike what the President has proposed, is to shrink the government by downsizing at all levels, and to allow the American people to keep more of what they earn. Our responsibility here in the Congress is to reset priorities, if necessary, to establish national priorities. There is no national priority greater, after providing for the collective security through national defense and public safety, there is no priority higher than empowering Americans, particularly those that are economically disadvantaged, by letting them keep more of what they earn.

We feel that your tax dollars should be spent on the things that matter to you, because, after all, it is your money.

So we are talking now about cutting taxes further for the American people, lowering taxes so that Americans have more money, are able to keep more of their own money at the end of the day, and doing something about this onerous tax burden, which is at a record high 38 percent, again, Federal and State taxes, for a median family of four, with Federal taxes accounting for about 21 to 22 percent, the highest level of Federal taxation in our country's history.

So where could we begin to lower taxes? I think the best way to lower taxes is to raise the income threshold at which the 28 percent tax bracket would apply; in essence, putting more people in the 15 percent, the lowest tax bracket. That would be a tax break for every single taxpayer, except for those already in the lowest bracket, and for those folks, to help reduce their taxes, our plan would raise the personal exemption from 27- to $3,400 per year, so that more of the lowest-income earners would pay no taxes at all.

It is a bottom up approach, if you will, to tax relief in America that can and will lift all boats. It is one that those who serve in the Congress now, those who talk about targeted tax relief, and that includes, of course, the President, it is one that they would have a hard time attacking, because these are the people, the practitioners of what I call class warfare and the politics of envy. They believe in confiscating wealth and redistributing that wealth, and I think that approach is not only flawed, but failed. It has not worked in the former Communist bloc in Eastern Europe, and it will not work in America, because it is inherently anti-American.

□ 1430

So what we want to do is cut taxes, but on terms that Members of Congress ought to be able to support on a bipartisan basis.

Let me just tell the Members, as for paying for these tax cuts, because we have a very real fiscal discipline in Washington nowadays, it is called "pay as you go," where you have to find a corresponding offset. You have to find a way, if you will, of paying for lowering taxes. So as for paying for these tax cuts, if the President has more money to spend, we have the money to cut taxes in Washington. There is no question about it.

So we need to reduce spending, we need to reduce taxes, and we need to save Social Security. That is why I favor the idea of letting every American taxpayer, beginning now, this year, choose between paying a flat tax on their income or staying in the current system. We do not need to study the flat tax or the whole concept of tax simplification indefinitely.

That is the Washington way, to study things to death. It is called paralysis by analysis. Instead, we could now begin giving taxpayers that choice, that option of reporting their income and paying a flat tax on that income or staying in the current system. Like I said earlier, we could now, if we take the Social Security trust fund off budget, start allowing working Americans the opportunity to invest a portion of their payroll taxes in a directed individual retirement account so they can earn a better return than what Social Security provides.

This would create a retirement program that protects current retirees, protects seniors, older Americans, and at the same time offers opportunity to young workers. The combination of allowing taxpayers to choose a flat tax, on the one hand, and to invest a portion of their own payroll taxes in their own individual retirement account, as opposed to Social Security, the combination of those two ideas would not only empower millions of Americans, but it would lead to more take-home pay and more retirement security in America today.

So I wanted to share those two ideas with my colleagues today. I talked about a vision of a country where there is more personal safety, more freedom, and more opportunity.

I am also working very hard for passage of legislation that would impose term limits on Federal judges who are currently appointed for life. Think about that for a moment. We have too many judges who are activist judges, pursuing a political agenda as opposed to strictly interpreting and enforcing the law. What really makes that, I think, particularly troublesome is the fact that so many of those judges have lifetime appointments to the Federal bench. They are appointed for life and therefore they are not accountable to we, the people.

My bill which I have introduced for consideration by my colleagues would apply term limits or impose term limits on Federal judges, because it would require the periodic renomination and reconfirmation of all Federal judges. So the net effect would be no more lifetime tenure for unaccountable judges who too often pursue, as I said earlier, an activist political agenda.

We have been particularly hard hit by that in California, where California voters have voted overwhelmingly for Proposition 187, a statewide initiative, a ballot referendum, if you will, that addresses illegal immigration, and more recently, the California civil rights initiative, Proposition 209 on the California ballot, which would eliminate affirmative action preferences in California law.

In both instances, opponents of those ballot initiatives were immediately able to go to Federal court and find a friendly, sympathetic judge who, in effect, delayed the implementation of those two ballot initiatives which had the effect of subverting the will of a majority of California voters. Think about that; one person on the Federal bench who can effectively block the will of millions of voters, a majority of the electorate. That is wrong, and that is why we need term limits for Federal judges.

I also believe, if we are truly committed to public safety in this country, that we will end lenient release and parole standards. We have a huge problem in this country today. It is particularly acute in California where many people, arrested and charged with serious crimes, are released right back out on the streets. In fact, many times they are back out on the streets before the arresting officer can get back out on the street, because arresting officers have to, and I know this as a former police officer and deputy sheriff myself, they have to complete the required paperwork.

So we have lots of people who are being released right back out into society in California today and in other States around the country because of these very lenient release practices. It is called OR, releasing somebody on their own recognizance and their promise to appear at a later date in court to stand trial on those charges.

We know what happens. Too often those individuals commit other crimes, additional crimes, while they are free on their own recognizance, or they fail to appear to stand trial on the charges, which is a crime in itself. Then they become fugitives from justice, in many, many cases, avoiding justice for years and years and years, or avoiding justice indefinitely.

We need to end those lenient release standards in our jails. The best way to do that is to require bail, not jail, for those people who have been arrested and charged with serious crimes. That bail requirement, the idea of a surety bond or a bail bond, is the best way to assure that that person will appear at that later date to stand trial on the charges and will be less likely to commit additional crimes while they are free in society if they are able to post bail.

We also have to eliminate lenient parole standards in American society. I think most Americans believe that when someone is convicted of a crime that the time they are given should be the time that they serve, but too often time given is not time served. The average sentence imposed in America today for murder, the taking of another human life, is roughly 15 years. Yet, the average sentence actually served for someone who has been convicted of murder is 5 years, 6 months. I do not believe that 15 years should mean 5 years, 6 months.

So we need to end lenient release standards, and we need tough sentencing and parole standards. We have to make sure, again, that those who are arrested and charged with serious crimes get jail, not bail; that they go to jail, that they are not released right back into society, and we have to make sure that the time given is time served.

If we are truly concerned, though, about public safety, certainly in California, we have to seal off our border from drugs and illegal immigration. We have about 6,600 jail beds or jail cells in America today, and about a half a million, a half million, illegal aliens, many of whom commit other crimes while in America; bearing in mind, of course, that coming here, crossing the border, entering America illegally, is a crime in itself, and they then commit other crimes while living in America.

So 6,600 jail beds, and one-half million, approximately, or estimated, illegal aliens in America. We obviously have no way to control the problem. We obviously have no way to incarcerate those individuals. Too many of those individuals are filling up our jails, are occupying our available jail cells, and as a result, we are not able to incarcerate, pretrial, many of the people who should remain in jail, not free on their own recognizance or promise to appear in court, because they pose a very serious risk, a real menace, if you will, to society as a whole.

We also should change Federal policy in this country where criminal aliens, aliens who are arrested and convicted of serious crimes in America, I am talking about illegal aliens, are deported back to their country of origin. Because again, our concern is we do not have enough jail cells, we do not have enough prison cells to ensure the public safety, and to protect the public from those individuals who have shown as a result of their criminal history that they pose a very real risk to society as a whole.

Lastly, if we are concerned about public safety, since children account for the fastest growing segment of the criminal population, we ought to pass legislation in this session of Congress, which is rapidly running down now, that deals with the juvenile crime problem in America.

I am the author of H.R. 1818, that passed the House of Representatives by a strong and in effect an overwhelming bipartisan vote, that is now languishing in the other body. It is languishing in the Senate. We should not let the other body be the graveyard for legislation that deals with juvenile crime and delinquency prevention. I like my bill, which is tough on punishment but smart on prevention.

The bottom line is we have to be willing to do what it takes to save our children from drugs, violence, and failing schools. We cannot as a country afford to lose another generation of urban schoolchildren. We have to invest in education, job skills, and stronger families and communities, and our policy should be directed there, because there is never going to be any way we can build enough jail or prison cells to house the entire criminal population.

If we do not address this growing crime problem on the part of young people who lack the education and the job skills to find gainful employment and to live a productive and successful adult life, it is a perfectly real problem in this country and it is one that continues to grow with every passing day.

We do have a gap in American society, a gap between the haves and the have nots, or the have little. That gap is defined more by your education and your job skills than by your financial status or your material wealth, particularly with respect to young people. So there is a clear need to improve our education system in America today, and that is why at the beginning of this Congress I accepted the responsibility of chairing the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce in the House of Representatives.

I truly believe that every American child has the inalienable right to a high-quality, world class, if you will, education. For those who talk a lot about affirmative action, even though I believe as we enter the 21st century we ought to be moving into the post-affirmative action era, where a person is judged, as Dr. King suggested, by the content of their character rather than the color of their skin, but if you believe in affirmative action, as so many people in the Congress espouse, then I think you have to say, okay, affirmative action really means equal opportunity, and equal opportunity begins in our schools.

There is a great American tradition of a free public education for every child. That is the common denominator. That is where equal opportunity begins in American society, not equal outcome. It is equal opportunity. The assumption is that as an American, if you get the education and skills through our public education system, then you are ready. You are at the starting line, and where you end up in the race of life, if you will, is then up to you. It is a matter of personal initiative and discipline and effort.

But too many of our children are not getting that education today. They are not getting the education they need to be productive citizens. What are we trying to do to improve our education system? For the last year and a half I, as the chairman of the Subcommittee on Early Childhood, Youth and Families, have focused a lot on improving the quality of teaching, because we need good teachers.

There are few professions, few occupations, more important than the teaching profession. It is truly a missionary calling, and there is a saying that a teacher can affect eternity, because he or she never knows where their influence on that child might end. So we need to improve education through good teachers, through a traditional curriculum in our schools focusing on the basics, the core academic subjects, by ensuring that every child has access to and instruction in technology, and lastly, by holding our schools accountable. I am going to have more to say about that in just a moment.

We have also worked for the last year and a half, and I am talking, now, about the majority party, the Republican Party in the Congress, not only forming an education task force, but crafting a legislative agenda that makes sure that education dollars, your taxpayer dollars for Federal education programs, are spent on teachers and on students and on classrooms, not on more bureaucracy here in Washington or at the State government level.

We want 90 cents, 90 cents minimum, that is the minimum, the goal actually is 95 cents, of every Federal taxpayer dollar for education to go down to the classroom level, ideally, to pay someone who knows that child's name. That is our goal. We are working steadily, making sure of progress, gradual progress, in driving more money down to the local level and trying to make sure that that money then follows the child. It is the child-centered approach to education funding.

We are also working for more local control and more accountability through competition and choice. We have bipartisan legislation that has passed, again, the House of Representatives, it is pending across the way in the Capitol, in the other body, the Senate, that would create more independent public schools, known as charter schools.

These are deregulated public schools that are free of a lot of the bureaucracy and red tape that strangles our schools today. Those schools obviously are a lot freer, a lot more able to experiment and to innovate in education today. Charter schools in the public schools are the best way to ensure local control and local decision-making.

□ 1445

They are truly autonomous. We respect this tradition in America today of local control where that locally elected school board is responsible for making education policy decisions, from curriculum to personnel and everything else.

But with charter schools, we drive that control and that accountability down one step further, to the lowest possible level, which is that individual school site. And that is what we want in education today. We want site-based decision-making. We want local control at the individual school. That is what we are doing by helping to create more charter schools around the country; charter schools which, by the way, are the first step on the road to full parental choice in education.

Full parental choice is ultimately the best way to assure accountability in education today, that we ought to, as a matter of national policy, allow parents the right to choose the education and the schooling that is appropriate for their child. To do that, we have to let them choose among all possibilities, all options in that local community. We have to give them the full range of choice among all competing institutions, public, private, and parochial.

Mr. Speaker, we are trying to do that at the Federal level by pursuing legislation that would give parents tuition tax credits. We are pursuing tuition scholarships, which are also called opportunity scholarships or vouchers, for low-income families who too often do not have the same array, the same range of choice that more affluent families have and whose children too often are trapped in failing, underperforming and even unsafe schools.

We are trying to pursue education saving accounts where parents can invest their own hard-earned, after-tax dollars in an education savings account, a little bit like an individual retirement account, and then make tax-free withdrawals to pay for education of any kind in primary and secondary schools, in other words for grades K through 12, for their children, and that would include private school tuition.

We have literacy legislation, and the main thrust of the literacy legislation is to give parents what is called tuition assistance grants if their children are not reading at or above grade level. If their children are falling behind their peers, if that school cannot get that child up to grade level in terms of their reading skills, then we provide a tuition assistance grant for that family which can be used at other reading tutors or those kinds of companies or services in the local level.

Our belief is that every child should be able to read and write by the end of the first grade. The first grade, Mr. Speaker. We hear people in this Chamber and elsewhere in Washington talking about every child being able to read and write well in English by the end of the third or fourth grade. We believe that every child should be able to read and write by the end of the first grade in English, which is the official, it is the common and, yes, it is the commercial language of our country.

So we are very, very committed to improving the quality of education in America today. We are also cognizant that there is a problem with bilingual education in America today; that too many children are placed in bilingual education classes and that seems to compound some of their learning difficulties. They seem to lag even further behind their peers. So we want to change Federal policy, Federal law, with respect to bilingual education so that parents must give their consent, must give their written permission before their child can be placed in a bilingual education class. We are working hard on legislation that would do that now.

But when we talk about our children, we have to ask the question: Do we really care for our children? Do we demonstrate by our own personal action, and I am talking now not just to my colleagues but to all adults, we are role models for our children. Do we really care for our children and do we teach our kids the right lessons?

Mr. Speaker, I personally believe that there is nothing more important than personal morality in life; that the truth matters and character does count. I worry that with recent events here in Washington, we send a very different, almost opposite, opposing message to our children today.

Many of the problems that plague our Nation today arise primarily from bad moral decisions that have been made by adults. Illegitimacy, crime, drugs, a divorce rate that is way too high, drug abuse, child abuse and neglect, pornography, a rate of abortion in America that is way too high. I believe that the most pressing issue affecting child welfare is the breakdown of the family. That is why I mentioned at the beginning of my comments the need to try to help build stronger families and stronger communities.

Mr. Speaker, I also mentioned at the beginning of my comments that we have balanced the budget, or are on the verge of balancing our budget, which was a goal that I and many of my colleagues had when we were first elected to Congress. But I really believe that being on the verge of eliminating the fiscal deficit in America today, we need to address the moral deficit in America today. We have to address the spiritual state of the Union, which is our real national product.

That begins, for those of us in positions of elective office, with the responsibility of being good role models for our children. Politicians and elected officials, and I know that this goes contrary to the grain, counter to the grain, contrary to conventional wisdom in America today that holds out a very cynical belief and there is disdain for the political process and for those of us who hold political office. I really believe that politicians and elected officials should be held to higher standards, whether we like it or not.

Mr. Speaker, I speak now in a very personal sense to some of my colleagues in Federal Government today from the very top on down. Politicians should be held to higher standards because we are and should be role models for our kids.

So I wanted to stress that in my remarks today. I will have more to say on that subject over the next few days. I am constrained, I am told, by the rules of this body, the rules of this House, from commenting on the President's conduct and personal character. But I do hope that I will be able to find a way to address the controversy here in Washington which I worry is setting the wrong example and sending the worst possible message to our young people today.

Speaking of the moral erosion of American society, I also wanted to share with my colleagues some comments that were made by one of our former colleagues, former California Congressman Dan Lungren, who is the Attorney General of California today. He has been speaking out a lot about the future of our country and the importance of morality and restoring morality in American life. He has been addressing the moral erosion and the neglect of virtues in America today.

Mr. Speaker, I think his words and some of the things that he has written really bear a great deal of merit, thought, reflection and consideration by this body here. I want to share very quickly a column that appeared in the Los Angeles Times talking about former Congressman and now California Attorney General Dan Lungren. I will read from the column. It says, "Attorney General Dan Lungren may be behind the times, his values stuck in a bygone era."

Mr. Speaker, let me digress for a moment just to say that if he is stuck in that bygone era, I guess I am there and I know many other people may be as well. The column goes on to say:

> He may be ahead of the times, far in front of some moral pendulum. But polls indicate he is not with the times. Lungren has this unconventional notion that character and virtue are important in a person's public and private life. He doesn't understand how the two can be separated.

The article quotes him as saying,

> I don't compartmentalize my life. I don't think most people do. To suggest you can be honest in one significant part of your life and dishonest in another, and that one side never affects the other, I don't find it possible. And if Americans really don't understand that, we are in for a sad state of affairs. Because we will not have enough cops, enough prosecutors, enough prisons to take care of our young people if, in fact, they believe that character does not count. That if you can get away with it, it's okay.

That is what I worry about. I worry that we are now teaching our young people that somehow the truth is disposable. That in the political fray, the give and take back here in Washington, that the truth is something to be distorted and manipulated for partisan advantage. And, again, that is the worst possible message we can be sending to our children about the importance of personal morality and character and about the way our political process works.

The column goes on to say that Attorney General Lungren has been talking about morality for a long time. So have some of the rest of us. It reminds me of the old country song, "I was country when country wasn't cool." A lot of us were talking about morality and character and talking about stressing the need to talk more about character and virtue for a long time now. We were doing that not only because we have to be role models for our children as elected decision-makers, but because we think there is a tremendous yearning for spiritual values now in America, as this column suggests, that is unarticulated and unfulfilled. And, hence, here I am today in what is really sort of an "off" day for the Congress talking about these particular issues.

It just, I think, cannot be stressed enough that we should have a public debate on character, especially the character of politicians, and that those of us who are in elective office should welcome that debate and the scrutiny that comes with it.

Two weeks ago we celebrated President's Day, the day that is created to celebrate the birthdays of Presidents George Washington and Abraham Lincoln. Two weeks ago today. It is a day when the country honors two great men who led this country at unique times. I certainly would not put myself in the same category as Washington and Lincoln, but it is their qualities of leadership and strength of character that I believe every person running for elective office should try to emulate.

First and foremost, both men were men of great integrity and fortitude. Secondly, both men were willing to do the right thing for their country regardless of the political consequences. If we think about that for a moment, perhaps like I do, my colleagues will realize that times have indeed changed. These were men, by the way, long before the advent of modern American politics where everything is polled and focus-grouped, and where we can have political operatives and handlers and advisors and everybody is out there spinning constantly. This was long, long before that. Both men, though, stood for what they believed was right. They stood for doing the right thing for their country, for their constituencies, regardless of consequences.

Washington said, "Let prejudices in local interest yield to reason. Let us look to our national character and to things beyond the present period." That is, I think, very timely advice for today. Washington said, "Let us look to our national character and to things beyond the present period."

Abraham Lincoln, in his last public address in April of 1865, said, "Important principles may and must be inflexible." Both men believed in being patriotic citizens first and politicians second. It is called, very simply, principle over politics. Both men triumphed over adversity and numerous setbacks. The value of courage, persistence and perseverance has rarely been illustrated more convincingly than in the life story of these men, and both men recognized that their perseverance was a gift of God.

Both men realized, again, as I said earlier, that the truth matters and character counts. They understood the importance of morality in American life. They understood that our freedom, the foundation of this country, was built on our Judeo-Christian values, and that it would never be possible or desirable to separate those values from the official actions and policies of our government.

□ 1500

George Washington said, in his Farewell Address, of all the dispositions and habits which leads to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who would subvert these great pillars of human happiness.

So, Mr. Speaker, I appreciate the opportunity to come to the floor today to talk about building a better America for our children, about leading the country to a new level of freedom and opportunity for every citizen, about repairing and rebuilding the moral fabric of America, and about my concern for the lessons we teach our children, the message that we send our children if, in fact, we really do care for our children when we begin to become very subjective, very relative about the truth and about morality in American life.

Washington and Lincoln again reminded us that there is no substitute for character and morality in elective office, and there is no shortcut for the truth. Today, 2 weeks after the President's Day holiday to celebrate their birthdays, I thought it would be a good idea to come to the floor and remind my colleagues that we can learn from the lessons of Washington and Lincoln, that we can, by following their example, do the right thing and put principle over politics.

1998 TRADE POLICY AGENDA AND 1997 ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. COBLE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1998 Trade Policy Agenda and 1997 Annual Report on the Trade Agreements Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 28, 1998.*

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RIGGS) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. ROMERO-BARCELÓ, for 5 minutes, today.

(The following Members (at the request of Mr. RIGGS) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, on March 4.

Mr. GUTKNECHT, for 5 minutes, on March 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RIGGS) and to include extraneous matter:)

Mr. MCINTOSH.

Mr. DIAZ-BALART.

Mr. HAMILTON.

Mrs. MALONEY of New York.

Mr. BARCIA.

(The following Members (at the request of Mr. RIGGS) and to include extraneous matter:)

Mr. OXLEY.

Mr. BERMAN.

ADJOURNMENT

Mr. RIGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), the House adjourned until Tuesday, March 3, 1998, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7619. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Reduced Assessment Rate [Docket No. FV97–982–1 FIR] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7620. A letter from the Administrator, Marketing and Regulatory Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Removal of Sunday Packing and Loading Prohibitions [Docket No. FV98–959–2 IFR] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7621. A letter from the Administrator, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting the Department's final rule—Procurement of Processed Agricultural Commodities for Donation Under Title II, Pub. L. 480 (RIN: 0560–AF09), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7622. A letter from the Administrator, Agricultural Marketing Service, Department of

Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quanitities and Allotment Percentages for the 1998–99 Marketing Year [Docket No. FV98–985–1FR] received Febuary 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7623. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Extension of Tolerance for Emergency Exemptions [OPP–300620; FRL–5772–8] (RIN: 2070–AB78) received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hydramethylnon; Pesticide Tolerances for Emergency Exemptions [OPP–300606; FRL–5767–1] (RIN: 2070–AB78) received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7625. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pendimethalin; Extension of Tolerance for Emergency Exemptions [OPP–300621; FRL–5772–9] (RIN: 2070–AB78) received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7626. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Nonavailability Statement Requirements [Docket No. 0720–AA35] received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7627. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Balance Billing (RIN: 0720–AA46) received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7628. A letter from the Secretary of Defense, transmitting renotification of the proposed obligation of $4 million in certain FY 1994 and FY 1995 funds to implement the Cooperative Threat Reduction Program, pursuant to Public Law 104–106, section 1205; to the Committee on National Security.

7629. A letter from the Acting Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0375] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7630. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; FFDCA Jurisdiction over Food Packaging Impregnated with an Insect Repellent Transferred to FDA [OPP–300605; FRL–5766–9] (RIN: 2070–AD20) received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7631. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amends its Table of Allotments; FM Broadcast Stations (Brodhead, Kentucky) [Docket No. 96–202] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7632. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments; FM Broadcast Stations (Ocean Shores, Washington) [Docket No. 97–50] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7633. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (New Albany, Mississippi) [Docket No. 97–230RM–9185] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7634. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Payson, Arizona) [Docket No. 97–125 RM–9058] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7635. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Coarsegold, California) [Docket No. 97–209 RM–9152] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7636. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Farmersburg, Indiana) [Docket No. 97–202 RM–9129] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7637. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules Concerning Maritime Communications [PR Docket No. 92–257 RM–7956, 8031, 8352] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7638. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Baron and Rice Lake, Wisconsin) [MM Docket No. 96–15 RM–8748 Rm–8798] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7639. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Negaunee, Michigan) [MM Docket No. 96–137 RM–8823] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7640. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boonville, Missouri) [MM Docket No. 96–229 RM–8919] received Feburary 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7641. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Radio Broadcasting Services; San Angelo, Texas [MM Docket No. 95–150, RM–8692] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7642. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Monroe, Utah) [MM Docket No. 97–224 RM–9177] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7643. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 07–98 requesting final approval for a memorandum of understanding between the U.S. and the United Kingdom for certain research and development projects, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7644. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7645. A letter from the Secretary of Transportation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7646. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Habitat Conservation Plan Assurances ("No Surprises") Rule [Docket No. 980212035–8035–01] (RIN: 1018–AE24) received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7647. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Permits; Establishment of a Depredation Order for the Double-Crested Cormorant (RIN: 1018–AE11) received Febuary 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7648. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes [Docket No. 97–NM–275–AD; Amendment 39–10202; AD 97–21–16] (RIN: 2120–AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7649. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines [Docket No. 97–ANE–07; Amendment 39–10135; AD 97–19–14] (RIN: 2120–AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7650. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9 Series Airplanes and C–9 (Military) Series Airplanes [Docket No. 96–NM–95–AD; Amendment 39–10176; AD 97–22–05] (RIN: 2120–AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7651. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S-61A, D, E, L, N, NM, R, and V Helicopters [Docket No. 97–SW–18–AD; Amendment 39–10026; AD 97–19–06] (RIN: 2120–AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7652. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes [Docket No. 97–CE–90–AD; Amendment 39–10188; AD 97–23–01] (RIN: 2120–AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7653. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes [Docket No. 98–NM–04–AD; Amendment 39–10362; AD 98–02–51] (RIN: 2120–AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7654. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332L2 Helicopters [Docket No. 97–SW–29–AD; Amendment 39–10359; AD 98–04–48] (RIN: 2120–AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7655. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines [Docket No. 98–ANE–04–AD; Amendment 39–10351; AD 98–04–39] (RIN: 2120–AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7656. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation and Establishment of Class C Airspace Areas; Cedar Rapids, IA (RIN:2120–AA66) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7657. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Poplar, Mt; and Revision of Class E Airspace; Wolf Point, MT [Airspace Docket No. 97–ANM–04] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7658. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Twin Falls, ID [Airspace Docket No. 97–ANM–24] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7659. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hayden, CO [Airspace Docket No. 97–ANM–13] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7660. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Connecticut River, CT (RIN: 2115–AE47) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7661. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area Regulation: Ice Operations in Chesapeake Bay [Docket No. CGD 05–98–004] (RIN: 2115–AE84) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7662. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Mission Bay, San Diego, CA; Oceanside Harbor, Oceanside, CA [Docket San Diego, 98–006] (RIN: 2115–AA97) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7663. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Critical Ship Safety Systems Table and Components of a Supplement under the Alternate Compliance Program [Docket No. USCG 98–3324] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7664. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Coast Guard Acceptance of Resiliently Seated Valves [Docket No. USCG 1998–3560] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7665. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Passenger Manifest Information [Docket No. OST–95–950] (RIN: 2105–AB78) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7666. A letter from the Secretary of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Big Piney, WY [Airspace Docket No. 97–ANM–14] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7667. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Election in respect of losses attributable to a disaster [26 CFR 1.165–11] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7668. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credits or abatement; determination of correct tax liability (Also Part I, Section 6001; 1.6001–1) [Docket No. 26 CFR 601.105] received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 3130. A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements; with an amendment (Rept. 105–422). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 1432. A bill to authorize a new trade and investment policy for sub-Saharan Africa; with an amendment (Rept. 105–423 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 1432. A bill to authorize a new trade and investment policy for sub-Saharan Africa; with an amendment (Rept. 105–423 Pt. 2).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Banking and Financial Services discharged from further consideration. H.R. 1432 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1432. Referral to the Committee on Banking and Financial Services extended for a period ending not later than March 2, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASTLE:

H.R. 3301. A bill to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program; to the Committee on Banking and Financial Services.

By Mr. RADANOVICH:

H.R. 3302. A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 to provide a loan to the Madera-Chowchilla Power Authority; to the Committee on Resources.

By Mr. CHABOT (for himself and Mr. HASTINGS of Florida):

H. Res. 374. A resolution expressing the sense of the House of Representatives regarding the ongoing violence in Algeria; to the Committee on International Relations.

By Mr. TOWNS:

H. Res. 375. A resolution supporting the efforts of Dobroslav Paraga to bring about increased respect for democratic and human rights in Croatia; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 859: Mr. REDMOND.

H.R. 902: Mr. BRADY.

H.R. 1054: Mr. ARMEY and Mr. GOODLING.

H.R. 1372: Mr. HULSHOF.

H.R. 1401: Mr. OLVER and Mr. STUPAK.

H.R. 1841: Mr. PAUL.

H.R. 2004: Mrs. THURMAN.

H.R. 2052: Mr. BERMAN, Mr. MARKEY, Mr. WATT of North Carolina, Mrs. MEEK of Florida, and Mrs. MINK of Hawaii.

H.R. 2351: Mr. LEVIN, Mr. TORRES, and Mr. KLECZKA.

H.R. 2545: Mr. PALLONE, Ms. HOOLEY of Oregon, Mr. MANTON, and Mr. YATES.

H.R. 2568: Mr. POMBO.

H.R. 2593: Mr. FROST, Mr. PITTS, Mr. LEWIS of Kentucky, Mr. JONES, and Mr. GUTKNECHT.

H.R. 2639: Ms. WOOLSEY.

H.R. 2788: Mr. MCHUGH, Mr. QUINN, Mr. ANDREWS, and Mr. EVANS.

H.R. 2803: Mr. SESSIONS and Mr. TALENT.

H.R. 3147: Mr. DAVIS of Illinois, Mr. GUTIERREZ, and Mr. MANZULLO.

H.R. 3166: Mr. HULSHOF.

H.R. 3270: Mr. SNYDER.

H.R. 3291: Mr. FAZIO of California, Mr. BAKER, and Mr. METCALF.

H.J. Res. 102: Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. BOYD, Mr. COBLE, Mr. GREEN, Mr. GUTIERREZ, Mr. HAYWORTH, Mr. HILLEARY, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. KLECZKA, Ms. LOFGREN, Mr. REYES, Mr. ROHRABACHER, Mr. SABO, Ms. SANCHEZ, Mr. BOB SCHAFFER, Mr. SERRANO, Mr. SHAW, Mr. SHIMKUS, Mr. SKELTON, Mr. SPRATT, Mr. STUPAK, and Mr. WALSH.

H. Con. Res. 122: Mr. ACKERMAN.

SENATE—*Monday, March 2, 1998*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our Father, we begin this new day, week, and this new month profoundly moved by Your amazing grace. You are the same yesterday, today, and forever; You do not change Your attitude toward us; Your love has no limits. We all need something infinitely greater than self-esteem. We need the security and the serenity that come only from You. We report in for the duties of this day, needing a fresh infusion of delight in being alive and being assigned crucial work to do. Holy Spirit, be the wind under our wings. Lift us to new heights of effectiveness. We claim this promise: "But those who wait on the Lord shall renew their strength; They shall mount up with wings like eagles."—Isaiah 40:31. Lord, help us to soar in the jet stream of Your power. In the name of Him who is the way, the truth and the life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will be in a period of morning business until 2 p.m. At 2 p.m., the Senate will resume consideration of S. 1173, the so-called ISTEA legislation, which is the surface transportation authorization bill.

As was mentioned on last Friday, many Members had lobbied for floor consideration of this very important legislation. I know that the chairman of the committee and the distinguished Senator from West Virginia had been urging that we move forward. Now we have the opportunity, but we are having difficulty getting Senators to come to the floor and offer amendments. We need those amendments to be offered today. I believe we have had one amendment that has been offered and accepted, but we need others. We need to make really good progress this week on this important legislation. Beginning on Wednesday or Thursday, we will also, hopefully, be able to take up the funding or financing amendments that may be offered.

We do have some items—only a few—but we have some items left on the Executive Calendar that could be considered. Therefore, a rollcall vote is possible today. I had hoped that it would be on the bill itself. I understand now it may not be. So I am looking for an Executive Calendar nomination or two that might require a vote that we can take up.

I want to make it clear to the Senators, once again, there will be votes on Mondays and there will be votes on Fridays so that we can get the ISTEA bill done and the other important legislation we must get done in March.

Mr. President, I see Senator KYL is here to seek recognition to talk on an issue that is very important to me and the country with regard to how we deal with the situation in Iraq. So I yield the floor at this time.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. HAGEL). There will now be a period for the transaction of morning business.

The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President. I thank the distinguished majority leader for recognizing me this morning to speak on a subject which he addressed the Senate on last week. I think that I may need 15 or 20 minutes. I ask unanimous consent to speak for 15 to 20 minutes this morning.

Mr. BYRD. Mr. President, I have no objection, but I would like to be recognized at the conclusion of his remarks. I will seek recognition at such time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I might be shorter than that time, in recognition of the desire of the Senator from West Virginia to address the Senate as well.

IRAQ

Mr. KYL. Mr. President, we are well aware that an agreement was struck this week by the Secretary General of the United Nations, Kofi Annan, and the Iraqi Government, led by Saddam Hussein, with respect to the sites that Iraq agreed would be open to unfettered inspection at the conclusion of the gulf war. Let me give a little history first.

Remember that the United States and the allied forces were prepared to carry the battle further, perhaps even to Saddam Hussein himself, but the President of the United States judged that the battle could be called off if the Iraqi Government would agree to a series of commitments to abide by the rule of law in the future. As a result, we stopped our military campaign against the Iraqi Army, and an agreement was entered into between the Iraqi Government and the allied forces under the jurisdiction of the United States in which the Iraqi Government made some very specific promises. The key promise was not to develop any weapons of mass destruction and to destroy everything that they had.

To implement that commitment, an inspection regime was established, and the Iraqi Government agreed to allow unfettered inspection of its country in order to assure that it was abiding by the agreement not to develop and, indeed, to destroy any weapons of mass destruction that it might already have.

From the day that agreement was signed, it has been violated repeatedly by the Iraqi Government and Iraqi authorities, and it has been literally, Mr. President, a cat-and-mouse game between the U.N. inspectors under UNSCOM and the Iraqi Government. It seems that unfettered inspection has been permitted until the inspectors get warm—like the old child's game, "Am I getting warm yet?"—and as soon as the inspectors would get warm, then there would be delay and deception and denial and, if it were serious enough, outright barring of inspectors from a site or facility until the offending material had been whisked literally out the back door, in some cases, and then when the site was clean, the front door would open, the inspectors would be invited in and they would find, of course, nothing. That game went on for a long time. Finally, the U.N. inspector said, "Enough, this isn't going to work; every time we get warm, he stops us and we have to find a way to enforce the agreement that Saddam had entered into." That is when the United States began to consider a bombing campaign as a means of at least attempting to degrade the weapons of mass destruction that Iraq had developed.

A lot of people felt it probably wouldn't succeed because it is difficult to find those caches of weapons, except for the ones that were disclosed when Saddam Hussein's son-in-law defected to Jordan for a while and indicated where this material was and our inspectors were able to go in and find it as a result of that, Saddam Hussein all of a sudden remembering that he had forgotten to tell us that that existed.

Except for that instance, we have been unsuccessful in being able to identify much of these stocks. So it was problematic as to whether a bombing campaign would actually result in the destruction of this material. As a result, a lot of people were pushing the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

administration prior to that bombing campaign to develop a broader strategy that would consist of a wide array of actions that over time could result in addressing the real problem here, which everyone agrees is Saddam Hussein himself. That broader strategy might consist of a series of actions that would destabilize his regime, would put more pressure on him and would eventually perhaps result in a replacement of his government, not by assassination, which is contrary to American policy, but by means of the assistance of the people of Iraq.

Since the agreement by the U.N. Secretary General, the need for a resolution from the Congress supporting military action has been, in effect, put on hold, but I suggest that it is only on hold, that there will come a time, sooner or later, when the United Nations will, again, be faced with the question, and the United States as the primary actor here, as to whether or not it is necessary to take some additional action.

As sure as we are here today, Mr. President, the Iraqis will violate the terms of either the most recently agreed-upon regime for inspection or the remaining principles of inspection which apply to other than the so-called eight Presidential sites in Iraq. That would probably happen if, that is to say, we begin again to get warm, if our inspectors find something that they want to get into further.

At that point, we will begin to again see denial and deception by the Iraqi Government. At that point, it is going to be relevant again whether or not the American people, the world community and the Congress support action by the administration to deal with the then most recent crisis. If the administration has developed a broad strategy, the bombing campaign only being a part of that strategy, and everyone recognizing that it by itself is not going to solve the problem, but as a part of an overall strategy can contribute to a solution, then the President, I think, will have the support he needs to proceed with the execution of that plan.

But the development of that plan is critical, and that is why I think during this interregnum, this period in which at least nominally inspections will be permitted and pressure of immediate military action has receded, it is important for us in the Congress to work with the administration to help it develop the outlines of such a policy. That is not our job, and I don't suggest that the Congress be the one to develop that broad strategy. That is the administration's prerogative; it is the administration's responsibility. It is its responsibility, and because many in Congress feel the administration has abdicated a significant part of that responsibility in the past, I think we have the opportunity and we have the responsibility to share ideas with the administration that it could put together in a broader strategy. If it does that, it will have the support of the Congress if and when that time comes. That is why I think it is important for us to talk a little bit about the agreement that was entered into and about some alternative proposals that have been suggested, including one which I will submit for the RECORD. A letter sent to the President by 28 prominent—prominent—American citizens offers their suggestions as to what might be done, most of which have also been offered by Members of the Senate.

Before I close with that, let me indicate that when the majority leader took the floor last week to criticize the agreement that had been entered into between the Secretary General and Saddam Hussein, I supported the remarks that he gave and I have said that ever since, because I think some criticism of this agreement is warranted.

It is a fact that our Government was put in a box when the President and the Secretary of State, in effect, ceded this element of policy to the United Nations. It was a foregone conclusion we would have to then accept the agreement and attempt to abide by it; we had no choice at that point; and as a result, the administration has to go forward with it and has to nominally at least support it. Richard Butler, the chief inspector, has to support it. He is a man of significant qualifications and eloquence. In describing how this is going to work, he says he can make it work, but it is all predicated on the assumption that Saddam Hussein will abide by the agreement. That is what Richard Butler himself says.

There are a lot of criticisms of the agreement, about the precedent that it sets, about the fact that it puts the United Nations literally in the driver's seat and reduces the UNSCOM inspectors, the professionals, and the United States, which has been a primary country backing the agreement, to a secondary position. There has been significant question about whether the inspections themselves will be compromised by the inclusion of a lot of diplomats which are essentially to act as chaperones to the inspectors at these eight Presidential sites.

Part of the problem of the inspections is that Saddam Hussein has always seemed to have been aware of where we wanted to go and has been one step ahead of us. That is because his government has significantly penetrated the operations and has information in advance of the inspections. If the diplomats are involved in this, and some of them are from countries which are clearly supportive of the Iraqi regime, it certainly is open to question as to whether or not the inspections will be compromised in the future.

So a lot of questions that the majority leader raised about this agreement, I think, remain as significant and ought to instruct us in the future as to how not to go about business. But it is done. And for the time being, we are going to have to at least abide by it.

The key point about the agreement that I think I will make is this: We should have no illusions that it will be abided by. At some point, the Iraqis will, if we get close to finding something, prevent either the full inspection under the new agreement or revert to form under the current policies that apply to all of the sites other than the eight Presidential sites. In either case, we have the responsibility to act.

Now, the administration has the view that this will actually make it easier for us to engage in military action in the future because in the past we did not have support from the world community, but this time if Saddam Hussein violates it, the world community will be with us. Well, unfortunately, the world community appears to have an almost infinite capacity for rationalization not to take an action against Saddam Hussein because we cannot even get a resolution through the Security Council that says the "severest" consequences will result from a violation of the agreement. Instead, we argue about words—of whether it will be very severe consequences. This clearly means that our allies are not going to be backing us in terms of the kind of military action that we will want to take if and when that becomes necessary.

So concluding on this point, Mr. President, I think it is important for us to look at some of the suggestions that are being made and for the administration to begin to develop this broader policy.

I want to put two things in the RECORD at this point. I will ask unanimous consent to do so. One is a letter, an open letter to the President, signed by 28 prominent Americans, calling upon the President to consider a variety of specific actions that should be taken; and the other is a statement by Paul Wolfowitz who is the Dean of the Paul H. Nitze School of Advanced International Studies at Johns Hopkins University for the House Committee on International Relations on February 24. Since that was a House hearing, I thought it would useful for our Members here in the Senate to have it.

So I ask unanimous consent that those two documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPEN LETTER TO THE PRESIDENT—COMMITTEE FOR PEACE AND SECURITY IN THE GULF,

February 19, 1998.

DEAR MR. PRESIDENT: Many of us were involved in organizing the Committee for Peace and Security in the Gulf in 1990 to support President Bush's policy of expelling

Saddam Hussein from Kuwait. Seven years later, Saddam Hussein is still in power in Baghdad. And despite his defeat in the Gulf War, continuing sanctions, and the determined effort of UN inspectors to fetter out and destroy his weapons of mass destruction, Saddam Hussein has been able to develop biological and chemical munitions. To underscore the threat posed by these deadly devices, the Secretaries of State and Defense have said that these weapons could be used against our own people. And you have said that this issue is about the "challenges of the 21st Century."

Iraq's position is unacceptable. While Iraq is not unique in possessing these weapons, it is the only country which has used them—not just against its enemies, but its own people as well. We must assume that Saddam is prepared to use them again. This poses a danger to our friends, our allies, and to our nation.

It is clear that this danger cannot be eliminated as long as our objective is simply "containment," and the means of achieving it are limited to sanctions and exhortations. As the crisis of recent weeks has demonstrated, these static policies are bound to erode, opening the way to Saddam's eventual return to a position of power and influence in the region. Only a determined program to change the regime in Baghdad will bring the Iraqi crisis to a satisfactory conclusion.

For years, the United States has tried to remove Saddam by encouraging coups and internal conspiracies. These attempts have all failed. Saddam is more wily, brutal and conspiratorial than any likely conspiracy the United States might mobilize against him. Saddam must be overpowered; he will not be brought down by a coup d'etat. But Saddam has an Achilles' heel; lacking popular support, he rules by terror. The same brutality which makes it unlikely that any coups or conspiracies can succeed, makes him hated by his own people and the rank and file of his military. Iraq today is ripe for a broad-based insurrection. We must exploit this opportunity.

Saddam's long record of treaty violations, deception, and violence shows that diplomacy and arms control will not constrain him. In the absence of a broader strategy, even extensive air strikes would be ineffective in dealing with Saddam and eliminating the threat his regime poses. We believe that the problem is not only the specifics of Saddam's actions, but the continued existence of the regime itself.

What is needed now is a comprehensive political and military strategy for bringing down Saddam and his regime. It will not be easy—and the course of action we favor is not without its problems and perils. But we believe the vital national interests of our country require the United States to:

Recognize a provisional government of Iraq based on the principles and leaders of the Iraqi National Congress (INC) that is representative of all peoples of Iraq.

Restore and enhance the safe haven in northern Iraq to allow the provisional government to extend its authority there and establish a zone in southern Iraq from which Saddam's ground forces would also be excluded.

Lift sanctions in liberated areas. Sanctions are instruments of war against Saddam's regime, but they should be quickly lifted on those who have freed themselves from it. Also, the oil resources and products of the liberated areas should help fund the provisional government's insurrection and humanitarian relief for the people of liberated Iraq.

Release frozen Iraqi assets—which amount to $1.6 billion in the United States and Britain alone—to the control of the provisional government to fund its insurrection. This could be done gradually and so long as the provisional government continues to promote a democratic Iraq.

Facilitate broadcasts from U.S. transmitters immediately and establish a Radio Free Iraq.

Help expand liberated areas of Iraq by assisting the provisional government's offensive against Saddam Hussein's regime logistically and through other means.

Remove any vestiges of Saddam's claim to "legitimacy" by, among other things, bringing a war crimes indictment against the dictator and his lieutenants and challenging Saddam's credentials to fill the Iraqi seat at the United Nations.

Launch a systematic air campaign against the pillars of his power—the Republican Guard divisions which prop him up and the military infrastructure that sustains him.

Position U.S. ground force equipment in the region so that, as a last resort, we have the capacity to protect and assist the anti-Saddam forces in the northern and southern parts of Iraq.

Once you make it unambiguously clear that we are serious about eliminating the threat posed by Saddam, and are not just engaged in tactical bombing attacks unrelated to a larger strategy designed to topple the regime, we believe that such countries as Kuwait, Turkey and Saudi Arabia, whose cooperation would be important for the implementation of this strategy, will give us the political and logistical support to succeed.

In the present climate in Washington, some may misunderstand and misinterpret strong American action against Iraq as having ulterior political motives. We believe, on the contrary, that strong American action against Saddam is overwhelmingly in the national interest, that it must be supported, and that it must succeed. Saddam must not become the beneficiary of an American domestic political controversy.

We are confident that were you to launch an initiative along these lines, the Congress and the country would see it as a timely and justifiable response to Iraq's continued intransigence. We urge you to provide the leadership necessary to save ourselves and the world from the scourge of Saddam and the weapons of mass destruction that he refuses to relinquish.

Sincerely,

Hon. Stephen Solarz, Former Member, Foreign Affairs Committee, U.S. House of Representatives; Hon. Richard Perle, Resident Fellow, American Enterprise Institute; Former Assistant Secretary of Defense; Hon. Elliot Abrams, President, Ethics & Public Policy Center; Former Assistant Secretary of State; Richard V. Allen, Former National Security Advisor; Hon. Richard Armitage, President, Armitage Associates, L.C., Former Assistant Secretary of Defense; Jeffrey T. Bergner, President, Bergner, Bockorny, Clough & Brain; Former Staff Director, Senate Foreign Relations Committee; Hon. John Bolton, Senior Vice President, American Enterprise Institute; Former Assistant Secretary of State; Stephen Bryen, Former Deputy Assistant Secretary of Defense; Hon. Richard Burt, Chairman, IEP Advisors, Inc.; Former U.S. Ambassador to Germany; Former Assistant Secretary of State for European Affairs. Hon. Frank Carlucci, Former Secretary of Defense; Hon. Judge William Clark, Former National Security Advisor; Paula J. Dobriansky, Vice President, Director of Washington Office, Council on Foreign Relations; Former Member, National Security Council; Doug Feith, Managing Attorney, Feith & Zell P.C.; Former Deputy Assistant Secretary of Defense for Negotiations Policy; Frank Gaffney, Director, Center for Security Policy; Former Deputy Assistant Secretary of Defense for Nuclear Forces; Jeffrey Gedmin, Executive Director, New Atlantic Initiative; Research Fellow, American Enterprise Institute; Hon. Fred C. Ikle, Former Undersecretary of Defense; Robert Kagan, Senior Associate, Carnegie Endowment for International Peace; Zalmay M. Khalilzad, Director, Strategy and Doctrine, RAND Corporation; Sven F. Kraemer, Former Director of Arms Control, National Security Council; William Kristol, Editor, The Weekly Standard; Michael Ledeen, Resident Scholar, American Enterprise Institute, Former Special Advisor to the Secretary of State; Bernard Lewis, Professor Emeritus of Middle Eastern and Ottoman Studies, Princeton University; R. Admiral Frederick L. Lewis, U.S. Navy, Retired; Major. Gen. Jarvis Lynch, U.S. Marine Corps, Retired; Hon. Robert C. McFarlane, Former National Security Advisor; Joshua Muravchik, Resident Scholar, American Enterprise Institute; Robert A. Pastor, Former Special Assistant to President Carter for Inter-American Affairs; Martin Peretz, Editor-in-Chief, The New Republic; Roger Robinson, Former Senior Director of International Economic Affairs, National Security Council; Peter Rodman, Director of National Security Programs, Nixon Center for Peace and Freedom; Former Director, Policy Planning Staff, U.S. Department of State; Hon. Peter Rosenblatt, Former Ambassador to the Trust Territories of the Pacific; Hon Donald Rumsfeld, Former Secretary of Defense; Gary Schmitt, Executive Director, Project for the New American Century; Former Executive Director, President's Foreign Intelligence Advisory Board; Max Singer, President, The Potomac Organization; Former President, The Hudson Institute; Hon. Helmut Sonnenfeldt, Guest Scholar, The Brookings Institution; Former Counsellor, U.S. Department of State; Hon Caspar Weinberger, Former Secretary of Defense; Leon Wienseltier, Literary Editor, The New Republic; Hon. Paul Wolfowitz, Dean, Johns Hopkins SAIS; Former Undersecretary of Defense; David Wurmser, Director, Middle East Program, AEI; Research Fellow, American Enterprise Institute; Dov S. Zakheim, Former Deputy Undersecretary of Defense.

Organization affiliations given for identification purposes only. Views reflected in the letter are endorsed by the individual, not the institution.

STATEMENT OF PAUL WOLFOWITZ

Mr. Chairman, I appreciate the opportunity to testify before this distinguished committee on such an important subject as policy toward Iraq.

Although I share in the general sense of relief that the mission of the U.N. Secretary

General has made it possible to avoid, for the time being, the necessity of U.S. military action against Iraq, I see no reason to rejoice about the outcome of the latest crisis with Iraq. Nor do I see any reason to be optimistic about the agreement that has been reached. In fact, the events of the last several weeks constitute a significant political victory for Saddam Hussein.

However, the course of military action that the Administration was preparing for would have been an even greater political defeat for the United States, accomplishing little or nothing at the cost of the lives of American pilots and Iraqi civilians and also at great political cost to our friends and allies in the region. What the United States needs to develop urgently is a long-term strategy so that we will not find ourselves in the same box again in a few months, forced to choose between an unsatisfactory diplomatic outcome or costly and ineffective military action. If we must act militarily in Iraq, it should be in support of a serious effort to help Iraqis to liberate their country from Saddam Hussein's tyrannical grasp. That is also the only way to rescue the region and the world from the threat that will continue to be posed by Saddam's unrelenting effort to acquire weapons of mass destruction and to exact vengeance for the defeat he suffered in the Persian Gulf War.

I would like to discuss three points in my testimony this morning:

(1) Even a perfect agreement would have constituted a tremendous victory for Saddam Hussein and left the UNSCOM inspectors under an enormous handicap in their efforts to uncover his weapons of mass destruction and delivery systems.

(2) The agreement, or what we know of the agreement, leaves enormous question marks about whether UNSCOM will any longer be able to carry out its function of searching for Saddam Hussein's weapons of mass destruction in any of the eight so-called Presidential Palaces or for that matter, in any other locations that Saddam Hussein may at some later date decide.

(3) If the agreement has not effectively gutted the inspection effort and if the inspectors are thus able to get lucky and get back on the trail of what they were about to discover when Saddam blocked inspections a few months ago, the United States must have military options that are better than the one that was available this time of bombing targets whose contents we have little knowledge about in the small hope that this might "substantially reduce" his weapons of mass destruction capability. What is needed is not the "major land campaign" that top Administration officials falsely suggest is the only effective way to remove Saddam from power. The real option is to support the many Iraqis who desperately want to overthrow this tyrant, but who have so far found the U.S. stinting and unreliable in the support we have provided them. What is needed is not a "massive U.S. ground invasion" but political, economic and military support so that Iraqis can carry that fight themselves.

THE LOSSES IN A RETURN TO THE STATUS QUO

First, it is important to recognize how much Saddam has gained even if the present agreement actually did commit him to allow the UNSCOM inspectors the "free, full, unfettered access to these sites, anywhere in the country" that President Clinton demanded in his speech to Pentagon personnel on February 17. Most of the reasons to be skeptical about this agreement can be found in the President's own speech.

As President Clinton said, an agreement with Saddam Hussein on this issue means nothing: "Saddam has spent the better part of the past decade trying to cheat on [the] solemn commitment" to submit to inspection of his suspect weapons programs. "Throughout [this] entire process," as the President said, "Iraqi agents have undermined and undercut UNSCOM."

It is also true, as the President said, that the UNSCOM inspectors have done a remarkable job of uncovering Iraq's secret programs despite all of this lying, concealing and obstruction. But there is one major difference now if the inspectors are able to go back to work unhindered in Iraq: this crisis has bought Saddam months of time to move whatever it may have been that U.N. inspectors were about to discover that forced Saddam finally to declare key sites off limits. As good as the inspectors are, it is not reasonable to think that they could get back any time soon to the point they were at when Saddam's obstruction began. It could take many months, or even years, particularly when much of the progress they have made in the last two years has been due, again as the President acknowledged, to the extraordinary revelations brought out by Saddam's son-in-law, Hussein Kamel, when he defected in 1995. It is unlikely that we will ever get such a well-placed defector again.

Thus, even in the best of circumstances, Saddam Hussein has almost certainly bought himself a very long time before we will have to face the need to obstruct the U.N. inspectors again, to continue the game of "cheat and retreat" as Les Aspin called it. Long before then, we can be sure, the pressure will build from Russia, France and others to lift the sanctions on Iraq on the grounds that the inspectors have found nothing. And once again President Clinton had it right in his February 17 speech when he said: "Already these sanctions have denied him $110 billion. Imagine how much stronger his armed forces would be today, how many more weapons of mass destruction operations he would have hidden around the country if he had been able to spend even a small fraction of that amount for a military rebuilding."

What has Saddam had to pay for this long breathing space and for the four-month defiance of the United Nations that produced it? Absolutely nothing. Even worse, he has been rewarded for it. Rewarded by forcing the United States into a costly military build-up that has strained our relations with key allies in the region. Rewarded by the legitimacy of a meeting with the Secretary General of the United Nations and a formal agreement with him (a dignity, we should be remember, would never have been accorded to Radovan Karadzic when he claimed to be the leader of Serbian Bosnia). Rewarded by an enormous outpouring of sympathy and support for him in many parts of the Arab world. Rewarded by appearing to have stood up to the United States and not paying any price for doing so.

Perhaps most seriously of all, Saddam has been rewarded by the repeated statements by top U.S. officials—not to mention those of other countries—that our goal is limited merely to getting the U.N. inspections restored. That is to say, or rather as President Clinton said, "Would the Iraqi people be better off if there were a change in leadership? I certainly think they would be. But that is not what the United Nations has authorized us to do; that is not what our immediate interest is about." Or, in the words of the Secretary of Defense: "What we are seeking to do is not to topple Saddam Hussein, not to destroy his country, but to do what the United Nations has said in its declarations." Of course, these are not warm endorsements of Saddam Hussein's continuation in power. But they certainly go a long way to discourage opponents of his regime from thinking that we are seriously interested in removing Saddam.

POTENTIAL WEAKNESSES IN THIS AGREEMENT

There are also serious problems with the agreement itself. It does much more than simply provide for "diplomats" to accompany UNSCOM inspectors in visiting sensitive sites. In fact, Article 4 of the agreement says that inspection of those sites will be conducted not by UNSCOM but by a new Special Group, appointed by the Secretary General, in which members of UNSCOM will simply be members. Although the language is ambiguous, it suggests that the Executive Director of UNSCOM, Ambassador Richard Butler, who by all reports has done a magnificent job to date, would not be a member of this Special Group. The Special Group would have its own head, called a Commissioner, also appointed by the Secretary General.

If this means that Ambassador Butler has effectively been dismissed for the function of inspecting sensitive sites, and access to those sites is now to be negotiated by a Russian diplomat or someone else who is more sensitive to Saddam's claims of "sovereignty" than to the need to carry out effective inspections, then the damage to the inspection regime is truly fatal. If any confidence is to be placed in this agreement at all, it is vital that the Secretary General move very quickly to appoint Ambassador Butler as the Commissioner of the Special Group, something which the agreement permits but does not require.

Even if the Executive Director of UNSCOM remains in charge of inspecting sensitive sites, there are other reasons for concern. The inclusion of "diplomats" in the teams may compromise security, a serious problem for UNSCOM in the best of circumstances. The promise by the Secretary General to bring the issue of lifting of sanctions to the attention of the Security Council, while seemingly vapid, could generate serious problems. Finally, there are serious concerns about the size and scope of the defined eight "Presidential Sites" that are supposed to be defined in the annex to the agreement, an annex which was still not available more than twenty-four hours after the agreement was announced.

THE NEED FOR BETTER MILITARY OPTIONS

It may be a long time, if ever, before the inspectors can get close to finding whatever it was that caused Saddam to start obstructing them last year. But if they do, we can be certain, he will block them again. President Clinton has said that in that case we must be prepared to take military action. If so, that military action needs to be something more effective than what was planned this time.

Although the Clinton Administration declared repeatedly that the air strikes they were planning would not be "pin-pricks" like the ones they administered in response to Saddam's attempted assassination of President Bush in 1993 or to his attack on our Iraqi opposition allies in 1996, simply making a bigger bang is no guarantee of serious results. There is simply no way that the U.S. Air Force can do from the air what the U.N. inspectors must do from the ground. Over time it seemed that our objectives were steadily scaled back. As it began to dawn that bombing would probably not succeed in forcing the inspectors back in—indeed, it might well have the opposite effect—one heard less talk of that as a possible objective. But since we also couldn't hope to eliminate Saddam's weapons of mass destruction with air power alone, we finally ended up with the objective of "substantially reducing" that threat. In the absence of inspectors, it would be impossible to know what we had actually destroyed. Perhaps the thinking was that the word substantially has enough flexibility in it to cover a range of outcomes. But as Secretary Cohen demonstrated with his bag of sugar, it would not take much left over to continue to pose a serious threat.

Thus, the U.S. would have been left trying to claim significant military success, with little evidence to back it up, while the evidence of death and destruction in Iraq would be real and readily demonstrated by Saddam. Risking American lives and the lives of innocent civilians is something that should be done only when there are serious goals to be accomplished by doing so. The proposed operation could meet that standard only with the greatest of difficulty. And it would have imposed serious costs on our allies in the Arab world.

Which brings us to the question asked by the elderly veteran in Columbus, Ohio: "If push comes to shove and Saddam will not back down, will not allow or keep his word, are we ready and willing to send the troops . . . and finish this job, or are we going to do it half-assed, the way we did before?"

Secretary Cohen's answer was "What we are seeking to do is not to topple Saddam Hussein . . . but to do what the United Nations has said in its declarations." At the same Town Meeting, Sandy Berger said that "The costs and risks of that course of action, in our judgment, are too high and not essential to achieving our strategic interests as a nation . . . It would require a major land campaign, and risk large losses of our soldiers."

Yet Secretary Cohen on other occasions, has said correctly, that this is not simply about U.N. declarations but about real threats to U.S. National Security. Saddam Hussein has demonstrated that we will cheat and try to build weapons of mass destruction as long as he remains in power. He demonstrated, by attempting to assassinate George Bush early in the term of a new American administration and by burning Kuwait's oil fields as his army left that country, that he is bent on serious vengeance against those who opposed him in the Gulf War. He has demonstrated not only in 1990 but also again in 1994 that he will pose a threat to Kuwait whenever he thinks he has a chance. He has demonstrated countless times that he will conduct genocide and war crimes against his own people including gassing them with chemical weapons, machine-gunning them in mass graves. and threatening them with starvation by diverting rivers. The one effective way to cope with the weapons of mass destruction problem, like all these other problems, is to help remove him from power.

As President Clinton has said, the issue of weapons of mass destruction is an issue that concerns the future of the twenty-first century. As Mr. Berger said in Columbus, it is an issue worth fighting for. Why is it worth fighting for ineffectively with air power and not worth fighting for effectively, if that means using ground forces? Instead of deciding what means it is willing to use, and then tailoring the goals to fit them, the Clinton Administration should decide what it takes to do the job and ask the country to support it.

However, the estimates that it would take a major invasion with U.S. ground forces seriously overestimates Saddam Hussein. As we did for too long in Bosnia, we are in danger of painting a brutal dictator and his army as mighty giants when, in fact they are military pygmies. There was some excuse for overestimating the capability of the "fourth largest army in the world" before the Gulf War, when all we had to go on was their performance against Iran in the 1980's. There is no reason to be doing so today, when their weaknesses were exposed in 1991, and when the Iraqi army of today is far weaker than the one that we faced then.

The notion that a large U.S. ground invasion would be needed is based on the belief, repeated often by U.S. government officials, that the Iraqi opposition is feckless. But that Iraqi opposition rose up in large numbers to fight against Saddam Hussein in the immediate aftermath of the Gulf War. That Iraqi opposition, with some help from the U.S. Operation Provide Comfort, kept the northern third of Iraq out of Saddam's control for more than five years, and even today, despite the serious division between the two major Kurdish factions, Saddam's writ is weak in Northern Iraq.

Alas, it is U.S. support for the Iraqi opposition, more than that opposition itself, which has been feckless. I am sorry to say that the single best opportunity to support the Iraqi opposition was during the Bush Administration, when Saddam Hussein was to use his armed helicopters to slaughter the rebel forces, while American fighter planes flew over head, with their pilots not allowed to shoot at Saddam's gunships. But, where the Clinton Administration came to office promising to do more, they in fact have done less. We have preferred to support coup attempts in Baghdad, which are almost certain to be penetrated and to fail, than to provide open support to the democratic opposition. Ultimately, when the Iraqi opposition was fighting for its life in the North when Saddam attacked Irbil in 1996, the United States made a few meaningless missile strikes against radars in the *South*, proclaiming the North to be of no strategic importance and abandoning the people whom we had promised to support.

But Saddam is not ten feet tall. The brutality that makes him so feared by his people also makes him hated. And his army is badly weakened by its defeat in the Gulf War and by the effect of years of sanctions. When President Bush did decide to do something to stop Saddam's repression of his people, by launching Operation Provide Comfort in April of 1991, it took only a small, lightly armed American force and ill-equipped Kurdish guerillas, backed up by the threat of American air power, to drive the Iraqi army out of the northern third of the country. When the opposition proposed an attack on Iraqi forces in the North in 1995, the United States warned them not to and said we would not support them. As a result, the larger of the two Kurdish factions pulled out but the operation nevertheless succeeded in capturing several large Iraqi army units with minimal fighting.

Just a few days ago, Daniel Williams reported in the Washington Post from Amman, in an article titled "Saddam May Be Weaker Than He Seems," that:

"Diplomats, Jordanian officials and travelers say that the south is dangerous territory for Saddam Hussein's army and police. 'By day, things seem calm enough, but at night the police and soldiers retreat into their shelters. They are not safe,' said a recent arrival from Iraq. 'There is lots of hit-and-run activity on Saddam's security forces. The nighttime belongs to them,' a Western diplomat added."

What saves Saddam from massive uprisings in this situation, a former Iraqi military official exiled in Jordan told Williams, is that "no one wants to be burned twice." If the United States wants the opposition to Saddam Hussein to be less feckless, then it must be less feckless in its support. This does not mean that we can guarantee their success. But there are certain minimum things that we must do. We cannot pretend to support a serious resistance movement when we have yet to give them a single rifle, much less antitank weapons. We cannot plan to sit by while helicopter gunships slaughter them without interference.

What the U.S. needs to do to support effective resistance to Saddam Hussein is not a large ground invasion, but rather a series of political, economic and military measures that can help the Iraqi people liberate themselves:

Political: We need to challenge Saddam Hussein's claims to be the legitimate ruler of Iraq. This will be much harder to do in the wake of the agreement that he has just signed with the Secretary General. But it is important, nevertheless, to press to indict him as a war criminal and to challenge his claim to represent Iraq in the United Nations.

We should also indicate our willingness to recognize a provisional government of free Iraq, and the best place to start is with the current organization and principles of the Iraqi National Congress, the only organization that has to date set forth a set of principles on which a post-Saddam representative government could be built.

The United States can expect to be isolated at first in pushing these positions, but it is important to do so because they are not merely symbolic steps. They have real practical consequences, both political and economic.

Economic: One of the consequences of creating a mechanism to recognize a provisional government for Iraq is that it would open a way to make the frozen assets of Iraq, reportedly in the neighborhood of $1.6 billion just in the U.S. and U.K. alone, available to support the resistance.

Another important measure will be to lift economic sanctions from regions in Iraq that are wrested from Saddam's control. It is inexcusable that sanctions have been kept in place all this time on Northern Iraq, even when it was liberated territory. This squeezed the people in the North between a U.N. embargo from the north and Saddam's embargo from the south, thus exacerbating tensions among the Kurds.

Ultimately, the most important economic measure will be to make provision for the oil resources of liberated areas to be made available to support the resistance to Saddam Hussien.

Military: Serious military support is also needed from the United States, but not the large land invasion that is thrown up regularly as a straw man. What is needed most of all is weapons and logistics support. Antitank weapons, in particular, could have a powerful equalizing effect, just as anti-air weapons did in Afghanistan. It is difficult to understand how U.S. officials can claim that we have tried supporting the opposition, when we have never tried to arm them.

We should also be prepared to provide air cover for liberated areas within the southern and northern no-fly zones. This is of critical importance, not only to provide a base from which the resistance to Saddam can operate, but also to provide a secure zone to which units of his own army that wish to change sides can go. Saddam is now so unpopular with his own regular army and even with many parts of his Republican Guards that if a secure and honorable path can be opened for his army to leave, major units are likely to do so or to desert without a fight. This presents a very different scenario than the imagined "major land invasion" with U.S. troops marching on Baghdad against a fiercely resisting Iraqi army.

CONCLUSION

Mr. Chairman, it seems clear that the United States is going to have to live with this agreement. While we can work to clarify certain important details—particularly those that bear on the continued ability of UNSCOM to do its remarkable work. But no new agreement with Saddam Hussein is going to fundamentally alter the threat that Saddam poses to his people, his neighbors and the world, whether from weapons of mass destruction or conventional weapons or from terrorism. Despite the eagerness of some for a quick test of the new agreement, we can't really know whether this new inspection regime is working for a long time (although we might learn sooner that it is not working). Despite the eagerness of some for quick military action if the inspectors are obstructed now, we should not be in a hurry to take military action as pointless as what we were just now planning to do.

What we should be doing now is preparing for the time when we face another crisis with Saddam Hussein or another opportunity to act to help the Iraqi people liberate themselves. That is something that we should start doing now. It seems to be something the Administration will not do unless Congress forces them to. For that purpose, I would urge the Congress to:

Urge the United States government to recognize, and assist in all practicable ways, a provisional government of free Iraq representing all the people of Iraq and committed to reconciliation within Iraq and to living at peace with its neighbors.

Appropriate $100 for the purpose of assisting the provisional government. The administration should work to recover these funds from blocked Iraqi assets now held by the U.S. treasury.

Press for the United States to seek an indictment of Saddam Hussein for war crimes and crimes against humanity in an appropriate international tribunal.

Saddam is in a position of great weakness today. But the weakness will only become apparent if he is pushed. If we exaggerate his strength and thus encourage the defeatist mentality that seems to affect Administration strategy today, we will help him buy time for a later confrontation when he will be much stronger and the costs in blood and lives will be much higher. As the veteran said in Columbus:

> "Are we going to do it half-assed? And then men at that time to (sic) come back and ask my grandson and some of these other grandsons to put their lives on the line, if we're going to do it half-assed, the way we did before."

Mr. KYL. Now, this document that the 28 advisers—let me indicate who some of these people are, people like former Secretary of Defense Frank Carlucci; and Caspar Weinberger; and Judge William Clark, former National Security Adviser; Doug Feith, former Deputy Assistant Secretary of Defense; Fred C. Ikle, former Undersecretary of Defense; Bill Kristol; Robert Kagan; Bernard Lewis; Don Rumsfeld, former Secretary of Defense; and Paul Wolfowitz, as I said; and Richard Perle. They are all, I think, eminently qualified to offer this kind of advice.

I urge the President to consider the suggestions that are made here, which revolve around preliminarily the principle that military action alone will not force Saddam to comply, that he is the problem, that is, no coup d'etat is likely to succeed in this country and therefore the way to get him out is to create a series of conditions which will enable the Iraqi people themselves to provide the insurrection that will eventually depose him. This might include the following:

Recognizing a provincial government; restoring safe-haven both in the northern and southern portions of Iraq so that the people there can actually declare themselves free of his influence and control; lifting the sanctions in those areas so that the people can benefit from the economic end, of course, that would result; release frozen Iraqi assets to the Iraqis in exile; facilitating broadcasts from U.S. transmitters to the people of Iraq; removing vestiges of Saddam's "legitimacy" by considering, for example, whether the United Nations should indict him as a war criminal; an air campaign could be a part of this, launched against the Republican Guard divisions which prop him up; and tightening down on the embargo.

Right now we know the sanctions are of primary concern to him. And if we tighten down on the embargo so that the black market oil sales cannot continue to provide him with significant oil revenues, it will squeeze him further.

All of these things could eventually create conditions under which the Iraqi people could retake the Government of Iraq from Saddam Hussein.

So, Mr. President, my concluding point is this: The administration now has some time to develop a strategy which had not been developed prior to the time that it was asking for Congress to support a bombing campaign. If that program is developed, with the help of the Congress—and it makes sense as a broad strategy to deal with Saddam Hussein—the President will have all of the authority and the backing that he needs and deserves in taking action against Saddam Hussein, I would say, when, not if, that is called for, as a result of probable Iraqi violation of some part of the international inspection regime.

It is a serious business, Mr. President, for us to decide to move beyond a policy of containment to a policy of rollback. It is one which ought to be debated by this body and by the administration. But the time for it has come because, as we have seen, neither the American people nor the Congress were willing to support a half-measures kind of action against Saddam Hussein. We felt something more was required to really deal with the problem.

As we learned in Vietnam, and as we have learned elsewhere, halfway measures—calibrated bombing attacks, and the like—do not seem to solve the problem. When you go to war, I think the maxim from the gulf war, from the Vietnam war, and the new thinking of military strategists in this country is: When you go to war, you'd better mean it; you have to be able to succeed at what you are doing.

That probably requires the imposition of overwhelming force and it requires a broad strategy that will get you where you are going. That is why the administration needs to develop this policy, with the assistance of the Congress, and be able to implement it if and when the time for action comes.

Mr. President, I ask, how much of that remaining time do I have, because I have one more thing I would like to say?

The PRESIDING OFFICER. The Senator has consumed 16 and a half minutes.

Mr. KYL. Fine. Mr. President, I know I can conclude these remarks in the time allotted.

Mr. President, I want to change the subject in this remaining 2 or 3 minutes to discuss the issue of balancing the budget for American families.

BALANCING THE BUDGET FOR AMERICAN FAMILIES

Mr. KYL. Mr. President, Milton Friedman once said he would rather have a $1 trillion budget that is way out of balance than a $2 trillion budget that is in balance. I think his point is even more poignant now than when he made it several years ago.

If we manage to balance the unified budget this year—and most recent revenue trends suggest we will—we will do so by taxing and spending at a level of about $1.75 trillion. That is a level of spending that is 25 percent higher than when President Clinton took office just 5 years ago.

Despite the claim President Clinton made in his State of the Union Address that we have the smallest Government in 35 years, the fact is that the Government has never been bigger—never. And it will continue to grow by leaps and bounds if Congress approves the myriad of new spending proposals that President Clinton is proposing in his latest budget.

It seems to me that although we may have succeeded in balancing the budget, we still have two very different visions of where we should be headed in this country. Is it a balanced budget that is the paramount goal, even if it comes with substantially higher taxes and more spending? Or is the real goal of a balanced budget to be more responsible with people's hard-earned tax dollars—to limit Government's size and give the people more choices and more control over their lives? Before we try to answer those questions, let us give them a little context.

As I mentioned, the Federal Government has grown 25 percent larger in just the last 5 years. It spends the equivalent of $6,700 for every man, woman, and child in the country every year. And that is the equivalent of nearly $27,000 for the average family of four. But all of that spending comes at a tremendous cost to hard-working taxpayers.

The Tax Foundation estimates that the median income family in America saw its combined Federal, State, and local tax bill climb to 38.2 percent of income last year—up from 37.3 percent the year before. That is more than the average family spends on food, clothing, and shelter combined. Put another way, in too many families one parent is working to put food on the table while the other is working almost full time just to pay the bill for the Government bureaucracy.

Perhaps a different measure of how heavy a tax burden the Federal Government is imposing would help shed some light here. Consider that Federal revenues this year will claim about 19.9 percent of the Nation's income, its gross domestic product. Next year, the tax take will climb to 20.9 percent, according to the administration's projections. That would be higher than any year since 1945. It would be only the third year in our Nation's entire history that revenues have exceeded 20 percent of the national income.

As if taxes were not high enough, President Clinton is proposing to raise them again. He is proposing a tax increase of $98 billion, which would more than offset the modest amount of tax relief that we approved just 7 months ago. It is worth noting that the new taxes the President proposes are not needed to balance the budget. We have more than enough revenue to do that given the economy's performance in the last year. The tax increases are intended to finance dozens of new spending programs—$125 billion worth of new spending over the next 5 years.

More taxes, more spending, and more Government. That is just the opposite of where I believe we ought to be headed. For me, there is no great achievement in balancing the budget if it means that hard-working families continue to be overtaxed. There is no great achievement in a balanced budget if the Government continues to grow, seemingly without limits, taking choice and freedom away from the people in the process.

Mr. President, this is the point that I think Milton Friedman was making. A balanced budget is not the only goal, or even the highest goal. A balanced budget is merely the means of right-sizing the Government so that it is more respectful of hard-working taxpayers' earnings and their desire to do right by their own families. That is where our paramount concern should be—with families.

To those who are suggesting we abandon plans for another tax relief bill this year, I say this: Let us not lose sight of our true objective. Families are overtaxed. The Government is still too big. We were sent here to help hard-working families, not to keep them saddled with high taxes or to add to that burden with more spending and more taxes. We will do the right thing by limiting the size of Government so that families have more freedom and more income left in their pockets.

Mr. President, thank you. And I thank the Senator from West Virginia for being patient.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I assure the distinguished Senator that this Senator is always patient, never in too big a hurry. I thank the Senator.

TRIBUTE TO ABRAHAM RIBICOFF

Mr. BYRD. Mr. President, as I grow older I am obliged to bid farewell to some friend almost every day, and thus does the circle gradually and all too rapidly diminish. That great New England poet James Russell Lowell said it well:

As life runs on,
The road grows strange
With faces new,
And near the end
The milestones into headstones change,
'Neath everyone a friend

Mr. President, it is with sadness that I take the Floor today to pay tribute to the memory of a departed former colleague, Abraham Alexander Ribicoff, with whom I served from January 3, 1963, to January 3, 1981. Senator Ribicoff was a man of many talents. And he was a man who had been honored by the people of his State and country many times and in many ways. After graduating from the University of Chicago Law School in 1933, he was admitted to the bar the same year. He became a hearing examiner, under the Connecticut Fair Employment Practices Act in 1937, and he became a member of the Connecticut legislature in 1938, a judge of the Hartford Police Court in 1941, Chairman of the Assembly of Municipal Court Judges for the State of Connecticut in 1941, and he was elected to the 81st and 82nd Congresses, a service which extended from January 3, 1949 to January 3, 1953. He was Governor of Connecticut during the years 1955–1961, and he was sworn in as Secretary of the Department of Health, Education, and Welfare in the cabinet of the late President John Kennedy.

Abraham Ribicoff was elected to the U.S. Senate in 1962, reelected in 1968 and again in 1974, and served until January 3, 1981, not being a candidate for reelection in 1980. During this period of Senator Ribicoff's service in the Senate, I served in the Senate leadership as Secretary to the Democratic Conference, Democratic Whip, and Senate Majority Leader, during which time Abe Ribicoff was my close friend and valued advisor.

Abraham Ribicoff was a man of high character, great character, sterling integrity, excellent judgment, with an unusual sense of history and with excellent political instincts, and with uncommon ability.

His advice was widely sought by other Senators, and it was always kindly given. He was a popular Senator, and could easily have won reelection to a fourth Senate term. His career of public service spanned 42 years.

Abe Ribicoff had a very rare sense of timing and political judgement. He was among the first to endorse Senator John F. Kennedy for President. He nominated John F. Kennedy for Vice President in 1956, and was his convention Floor Manager for the, now legendary, successful presidential nomination in 1960.

Abe Ribicoff had the air and dignity of a Senator in a classic sense. He always dressed impeccably, he possessed faultless manners, and he was a gentleman in every sense of the word. Yet, he spoke forcefully, and he was unafraid of advocating politically difficult positions—unafraid. He was among the first to break with the strong-armed tactics of certain Israeli lobby groups, and he willingly paid a political price for his courage. In 1978, he conducted the first major Senate investigation, and produced the first Senate report on the difficult problem of global warming. His report on the subject could well have been written today, some 20 years later, when global warming has now become fashionable as an issue. He was also an expert on international trade.

I have spoken of his service during the time I was Majority Leader. He was then the Chairman of the Senate Governmental Affairs Committee, as well as second ranking Democrat under Senator Russell Long on the Finance Committee. I relied heavily on Abe Ribicoff's advice on a broad range of issues, from the creation of the cabinet level Department of Education to the fashioning of major energy legislation during the energy crisis of the late 1970's.

Abe Ribicoff was a persuasive speaker, and always gave as well as he got in Senate debates, during the days when the Senate really did debate issues.

Yet, his strength was as much in his ability to sense the appropriate compromise, and he knew how to build consensus, and to craft sound solutions to highly contentious issues in Committee and on the Senate Floor.

His passing, at a ripe old age, is another chapter, rounding out a history of remarkable men who have graced this chamber, and who have made their individual marks on the minds and memories and hearts of their colleagues and they have done it on the basis of their character, their instincts, and their talents. Senators would do well to read the story of Abraham Ribicoff's life. He came from humble beginnings and he made a success from his own resources, his own grit, and his own instincts. His life was one which can be used as a model by others on both sides of the aisle. He stood his ground when it really counted, and consequently he claimed the high road in his political life. I have missed Abe Ribicoff's counsel since his retirement, and I wish he had remained longer in this body. I wish he were here today.

Abe Ribicoff waged many political battles in life. The battle with death he finally lost, as we must all finally succumb to the onslaught of that grim and unrelenting enemy: death. But though that grim reaper may lay claim to ending the battle of this life, the claim of victory has always and will always elude death, even though it stalks each of our lives from the cradle to the grave. How sweet the words of thy great Apostle Paul in his first epistle to the Corinthians:

> O death, where is thy sting? O grave, where is thy victory?

Mr. President, man was not created an animal, as we are taught in our universities and our high schools. Man was not created an animal, but as a living soul within which there is embedded a spark of the Divinity, a nexus with the Creator. It is that spark that lives on, a soul that an animal does not have, a soul that goes back, when one departs this earthly life, to the presence of his Maker. And we all have that journey to travel. Great Grecian and Roman philosophers, by pure reason and logic, arrived at the conclusion that there is indeed a creating, directing, and controlling Divine power, and an immortality of the soul. Throughout the ages, all races and all peoples have instinctively so believed. It is the basis of all religions, be they heathen, Mohammedan, Hebrew, or Christian. It is believed by savage tribes and by semicivilized and civilized nations, by those who believe in many gods and by those who believe in the one God. Atheists are and always have been few in number. But beyond all credulity is the credulousness of atheists, who believe that chance can make the world, when it cannot build a house!

So, Mr. President, as Longfellow said:

> There is no death! What seems so is transition;
> This life of mortal breath
> Is but a suburb of the life elysian,
> whose portal we call death.

Mr. President, we have heard the story of an old king in the Middle Ages who had his barons at a great banquet. They were quaffing their bumpers of ale. It was a bitter night outside. The storm raged. The snow was falling furiously. Suddenly, into the rude chamber in which they were gathered there flew through some crack or crevice in the roof a little bird. Blinded by the light and perplexed, it flew wildly here and there and beat itself against the rude beams. Finally, it found another crevice and out it went into the night again. The old king, advanced in years, spoke to his barons and said:

> That bird is like a life; it comes from out of the night, it flits and flies around a little while, blinded by the light, and then it goes back out into the night again.

So, Mr. President, my friend Abraham Ribicoff has gone to what Hamlet said was "the undiscovered country from whose bourne no traveler returns," but I have no doubt that the Creator, who stoops to give to the rose bush whose withered blossoms float upon the autumn breeze the sweet assurance of another springtime, has received into His bosom a man who was my friend, who loved his country, and who loved his fellow man—rich and poor, high and low, who neither looked up to the rich nor down on the poor—Abraham Alexander Ribicoff.

To his dear wife Casey, a graceful, charming, and noble woman, my wife, Erma, and I extend our sympathy and our love.

> Let fate do her worst, there are relics of joy,
> Bright dreams of the past that she cannot destroy,
> That come in the night-time of sorrow and care,
> And bring back the features that joy used to wear.
> Long, long be my heart with such memories filled,
> Like the vase in which roses have once been distilled,
> You may break, you may shatter the vase if you will,
> But the scent of the roses will hang round it still.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE VOTES

Mr. LOTT. Mr. President, as I suggested this morning and had been predicting for the last couple of weeks, we are going to start having Monday votes—not before 5, usually, unless there is plenty of notice. But we need to make some progress on the highway transportation bill and also to further clear the Executive Calendar.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF RICHARD YOUNG, OF INDIANA, TO BE U.S. DISTRICT JUDGE

Mr. LOTT. Mr. President, as in executive session, I now ask unanimous consent that at 5:20 today, the Senate lay aside the pending business and turn to executive session to consider the nomination of Richard Young, of Indiana, to be U.S. District Judge for Indiana, that the time be equally divided between the chairman and ranking member, and the Senate proceed to an immediate vote on the nomination, without further debate, at 5:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order for me to order the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

SENATE SCHEDULE IN MARCH

Mr. LOTT. Mr. President, for the information of all Senators, a rollcall vote will occur at 5:30 this evening with respect to the nomination of Richard Young of Indiana. I repeat, Senators can now expect votes every Monday and more than likely on every Friday throughout the month of March, so that we can complete the highway infrastructure bill, have debate and votes on the NATO enlargement issue, so that we can take up the budget resolution, the Internal Revenue Service reform, and possibly even a supplemental that could include funds for Bosnia, Iraq, and IMF. We need to do those issues, plus the Coverdell A-plus education issue. There is no way we can do all of those in March without a much more aggressive schedule than we have had so far. So it is my intent to do that, and I believe I have the cooperation of the Democratic leader in that effort.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COATS). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

LOSING OUR WAY

Mr. GRASSLEY. Mr. President, there is an old saying that reminds us that when you have no idea of where you're going, any road will get you there. Well, that wisdom explains a lot about our current national drug strategy. It's a poor little lamb that has lost its way. The administration has never made drug control a serious element in its policies. Oh, we have had all the right sound bites. But we have not had the sound efforts. Not now, not from the beginning. We are paying the price for this inattention. In this and a subsequent statement, I will explain in more detail why I believe our national drug efforts are in disarray. Why they need more attention, more oversight, and more consistency.

I remind you, Mr. President, that this administration opened its doors for business with a move to gut the Office of National Drug Control Policy. It then began a process of cutting support to law enforcement, interdiction, and international control efforts. That process continued until the Congress reversed the trend in 1995. Even then, the administration did not change its tune on drug policy until the 1996 campaign. To those who might believe that none of this made any difference anyway, let me remind you of some disturbing facts.

Let me begin with a reminder of why we have a drug policy. We have a drug control policy because this country has a big appetite for illegal drugs. We have a major problem with addiction because we have a lot of hardcore users and new initiates. We have the hardcore user problem because we ignored all the warning signs about drug use in the 1960's and 1970's and early 1980's. It was not until we woke up one morning to find many of our kids hooked and our streets war zones for traffickers that we understood our mistake. Although we began late, we did begin to address the problem of drug use, production, and trafficking.

Despite what many believe, the war on drugs in the late 1980's and early 1990's was not a failure. Indeed, there is not a single other major social program into which we put money and effort that can demonstrate the significant progress we made in reducing teen drug use. We were less successful with hardcore addicts. But, as anyone who knows who has dealt with well-established addiction, there is no cure. Even success is measured in multiple treatment episodes.

Treatment can stretch over a lifetime with limited results. A typical addict may go through treatment a dozen times, and success does not always mean ending addiction—only the moderation of use. Thus, our folly in the 1960's and after in ignoring the dangers of drug use, laid the foundations for an addict population that remains a problem today. But we had made great strides in convincing a new generation of kids to say no to drugs. The results were dramatic and, if sustained, promised to return us, gradually, to a largely drug-free community.

But, as I have noted here before, we did not sustain the successes. We did not sustain the effort. The present administration shifted our priorities and our messages. We were told that we needed more focus on treatment. We were told we needed less talk about enforcement. We were told all these changes would be better. We were assured drug use would stay down. What happened? Well, the results are in. They have been accumulating for years.

They tell a revealing tale: Teen drug use reversed the downward trend. It is now on the rise and getting worse. The age of onset of use dropped to younger kids. Negative attitudes about the dangers of drug use went south. The legalization movement found a bag man to fund its efforts and is active on many fronts all over the country. We now see Hollywood and our music moguls back to pushing drug themes in movies and music. We see our major companies and advertisers dropping support to drug-free advertising. We see our major networks give less attention to this advertising. And now we know what happens. The consequence has been a growing drug crisis among our kids. This is no accident. We saw decisions made on wrong assumptions that have got us to this state. It's embarrassing and it's frustrating. And the administration still is lagging behind. It is just not serious. Having said this, let me give you just a few examples to illustrate the point.

I started by noting the cuts at the drug czar's office from the early days of the administration. That was not an isolated event. We saw the problem beginning with the White House's whole cavalier attitude toward drug use and drug testing among employees there. We saw it continued by the I-didn't-inhale atmosphere. As a result, we lost the "Just Say No" message from the start. But there was more than this. The administration also began to reduce support to interdiction and law enforcement. This has been well documented and I won't repeat that now. Suffice it to say that the administration substituted reducing supply reduction for reducing supply. The legacy of neglect and indifference continues.

Let me illustrate my point with a number of concrete examples. What these various cases I am going to talk about illustrate, when added together, is the lack of seriousness by the administration on drug policy. They are illustrative of the fragmented, incoherent thinking that has contributed to our growing crisis of teenage use.

In these remarks, I will focus on domestic issues. Later, I will discuss international problems. In either case, we have a peck of trouble.

Let me begin with some of those troubles. In the past 5 years of this administration, drug use among kids has doubled over the levels before it took office. Those increases came on top of almost a decade of declines. Although the use numbers are from every major survey of drug use, many of the government's own numbers, the administration continues to argue that drug use is down. The President did this most recently in releasing the National Strategy and his State of the Union Address. He takes credit for this. How does the administration explain the difference between the claims and the facts? Simple. It charts drug use trends from the 1980's, when the numbers were getting better, in order to disguise present trends, when the numbers are getting worse. It also plays fast and loose with the figures.

They make the numbers work for them by doing what is called "data slicing." What that means is that you focus on only one part of the data while ignoring the whole. Thus, in discussing the most recent teenage drug use survey, the administration makes much of the fact that use among eighth graders went down. What the administration did not say, however, is that use was up in every other category. And, it failed to note that the indicators of use being down among eighth graders was not statistically significant.

This is what the Wall Street Journal had to say:

> Clearly, the recent data from the Monitoring the Future Study are far more discouraging than the president has implied. If the president and his administration insist on talking credit for negligible improvements in relatively small cohorts, then they must accept responsibility for the overall dismal record that they have compiled over five years.

The figures are there for anyone to look at. The Washington-based research organization, the Statistical Assessment Service, did just that in their annual survey of the abuse of research and statistics. As this research organization noted, someone has been playing with the numbers. I offer a Washington Post story noting their findings and ask unanimous consent it be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, is so ordered.

[See exhibit 1.]

Mr. GRASSLEY. Mr. President, this playing with the numbers is of a piece with another fact. The administration has consistently avoided providing Congress and the public with accountable standards of performance on drug control as required by law. Although the law creating the national drug strategy requires annual quantifiable performance measures, this administration has not complied with the law from its first day. Although the present drug czar has repeatedly promised such standards, we have yet to see them. And what they propose to send us is not a report on performance but a methodology for reporting on performance.

If that system is ever put into place, we won't seek any accountability based on them until after this administration leaves office. Does this oversight strike you as paying serious attention to drug policy? Not to mention the law?

But this is not all. What the administration has also proposed is a formula for downgrading the whole effort to have a national strategy. The administration's proposal for reauthorizing the drug czar's office drops the idea of a national strategy for an annual report. It proposes a 10-year strategy document instead. The effect of this sleight-of-hand is to reduce the drug strategy to a proforma exercise, which, by the way, is another means to dodge accountability. This administration will leave office without ever having provided a serious accounting for its drug policy. If present trends continue, it will leave office having presided over a renewed drug epidemic.

It is in keeping with a number of other things the administration has done to signal its real feelings about the war on drugs.

In keeping with this pattern, this administration has one of the worst records I know of in responding to congressional requests. I am not talking about responding to all the requests for information in response to major investigations. I am talking about responses to the normal business of Government. I am still waiting for the Immigration and Naturalization Service and the Justice Department to respond to questions from a hearing last May. Lest you think the questions were a burden, I only asked three. I am still waiting.

We only recently received responses from the administration to a hearing from last October, and not even all those are in. I also have requests of or correspondence to the Department of Defense, Health and Human Services, Justice, and others that are months old. It routinely takes this administration, 3, 4, 5, even 6 months to answer a letter, respond to a request, or provide answers to complete the record of hearings. And the answers are often pretty slim and uncommunicative. This is an administration that needs to do a lot of explaining.

The administration is now proposing to undermine the laws on cocaine sentencing. Let me note at the outset, that contrary to the impression in some quarters, the United States does not, I repeat, does not fill its jails with nonviolent drug offenders. It does not fill its jails with simple users. The majority of felons in our jails for drug crimes are there for trafficking and violent crimes. In the face of the drug epidemic, Congress passed and the public supported tougher sentencing for dealers and traffickers who pushed crack to our kids.

Now, however, the administration is planning to walk backwards on crack. The administration plans to deal with a disparity in crack and powder cocaine sentencing by reducing sentencing for crack. Instead of lowering the boom they're lowering the standards. This is hardly a message to be sending at a time when use of drugs is on the rise. But it is in character with what we have seen.

From our borders to our streets, we see a similar image. We see disarray and a lack of seriousness. Let me share with you one last example to illustrate why I am a little frustrated. Recently, $3.5 million was set aside on ONDCP's budget to assist parent groups in prevention work with youth. Keep that number, $3.5 million in mind. Remember, it was intended to support parent groups. Also keep in mind that these groups have a long track record of working with parents on drug prevention. Now, here goes. Of that $3.5 million, ONDCP pocketed $500,000 that did not go to the parent groups. That leaves $3 million. So far so good. That money was transferred to the Center for Substance Abuse Prevention (CSAP) at HHS. Of that, it appears that CSAP kept $600,000, presumably for administrative costs. That leaves $2.4 million for parent groups. Of that, CSAP awarded a private contractor, with no experience in parent movements and drug prevention, some $900,000. The purpose was to develop a program for parent groups. Never mind that the parent groups were the experts. Never mind that the contractor then had to spend its money talking to these same parent groups on how to help parent groups. Never mind that the parent groups have disavowed the resulting study and the proposed prevention effort as unworkable. That left roughly $1.5 million for the parent groups. That is to be spread over 2 years. It is to be shared by several different groups. The result? Each group will receive less than $70,000 a year, hardly enough to cover their costs. Is it any wonder that so many prevention groups have a hearty dislike for CSAP. This is hardly a reassuring story. It is, unfortunately, not atypical. It is a small example that explains a lot.

These are only some of the examples of problems in our drug control program. I will have more to say about failures and shortcomings in our international efforts later. The story there is just as grim.

Exhibit 1

Dubious Data Made Headlines in 1997

Each year at this time, the Statistical Assessment Service, a Washington research organization that abbreviates itself STATS, releases its annual list of the most absurd, amusing and alarming science and statistical news stories of 1997.

Herewith, a few of the group's choices. The full list may be found on the World Wide Web at *www.stats.org*.

Study Links Cancer Deaths to Site—Associated Press, Sept. 11.

The AP reported on a new study that linked low levels of radioactivity to cancer deaths among nuclear workers. The researchers found that 29 percent of all deaths among former employees of the Rocketdyne Santa Susana Field Laboratory were attributable to cancer.

Sounds pretty scary, but compared to what? For the general population, 35 percent of all deaths of those between 44 and 65 years of age are attributable to cancer, as are 25 percent for all deaths of those over 44, according to the National Center for Health Statistics. So the workers died from cancer at about the same rate as anyone else.

YOUR CHILD'S BRAIN ON DRUGS

Teen Drug Use Dips Down—Associated Press, Aug. 7.

Drug Use Rising Among Young Adults—Associated Press, a few hours later the same day.

These dueling headlines were based on the same National Household Study on Drug Abuse survey, which found that illicit drug use among the young was up, alarmingly in some cases. The AP's first headline and the story accompanying it illustrate the perils of data slicing—focusing on only one segment of the study population—and a failure to appreciate a concept called statistical significance. According to the study, young people between ages 12 and 15 did report a slight decline in the use of marijuana.

But another age bracket, dubbed "young adults" 18 to 25, showed a significant increase in marijuana use. More importantly, the drop among younger people was not statistically significant, which means there's a fair chance that the apparent decrease was due to sampling error.

YOUNGER THAN SPRINGTIME

Premature Puberty: Is Early Sexual Development the Price of Pollution?—E-The Environmental Magazine, Nov./Dec. issue.

In April, a study published in the medical journal Pediatrics reported that the mean age of onset of menstruation occurred at 12.2 years for African American girls and 12.9 years for white girls.

As The Washington Post correctly reported, this meant that American girls were "developing pubertal characteristics at younger ages than currently used norms," which were based on a study of British girls in the 1950s.

But many journalists interpreted the findings as an alarming new trend toward lower ages for puberty.

This produced scary headlines such as "Girls Facing the Perils of Puberty Earlier" (Hartford Courant), "Puberty Find Could Point to Danger" (Pittsburgh Post-Gazette) and "Girls Hitting Puberty at an Earlier Age; Some Worry Environmental Estrogens Could be Behind a New Study's Findings" (Des Moines Register).

These fears of pollution-induced puberty ignored the fact that, as The Post reported, "the age at which girls first menstruate hasn't changed much since 1950."

Mr. GRASSLEY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO EXPANSION

Mr. STEVENS. Mr. President, my attention was called to an article, an oped article, in the New York Times for Wednesday, February 4, of this year entitled: "NATO: A Debate Recast." It was authored by Howard Baker, Sam Nunn, Brent Scowcroft and Alton Frye.

I read the article with great interest and asked the question of whether this had been inserted in the RECORD at the time it was written. I am informed that that was not the case, that it has not been put in the RECORD, not been called to the attention of the Members of the Senate.

I call the attention of the Members in the Senate to this article because I think it makes some very good points about NATO expansion. I particularly want to quote this one provision. These writers said:

> The Senate would be wise to link NATO and European Union expansion. If that link is made, it is essential to stipulate that admission to the European Union is not sufficient qualification for entry into NATO. NATO should weigh any future applicant against the contributions and burdens its membership would entail. What is called for is a definite, if not permanent, pause in this process.

Mr. President, we soon will be, I assume, taking up the debate on NATO expansion. I do ask that Members pay attention to the words of our two former colleagues, Senator Baker and Senator Nunn; and also Brent Scowcroft, who was the National Security Advisor to Presidents Ford and Bush; and Alton Frye, who is senior fellow of the Council on Foreign Relations.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 4, 1998]

NATO: A DEBATE RECAST

(By Howard Baker, Jr., Sam Nunn, Brent Scowcroft and Alton Frye)

The looming Senate debate over NATO enlargement marks a historic encounter between good intentions and sound strategy. Despite momentum toward admitting three more members—Poland, Hungary and the Czech Republic—the fundamental interests at stake demand probing examination of the specific candidacies, the approach that has brought the alliance to this fateful juncture and the troubling implications of that approach. Along with many who have worked to build a strong NATO, we harbor grave reservations about the pending expansion and the direction it points.

Far from being a cold war relic, NATO should be the cornerstone of an evolving security order in Europe. It provides the infrastructure and experience indispensable to coping with instabilities—Bosnia today, and other troublespots tomorrow. NATO is vital to insuring arms control and maintaining the kind of industrial base that provides a solid defense. Perhaps most important, NATO provides the institutional home for coalitions to meet crises beyond Europe.

But a cornerstone is not a sponge. The function of a cornerstone is to protect its own integrity to support a wider security structure, not to dissipate its cohesion by absorbing members and responsibilities beyond prudent limits. A powerful NATO undergirds other institutions, including the Organization for Security and Cooperation in Europe and the Western European Union. It makes possible the Partnership for Peace to promote cooperation among countries that are not NATO members.

The rush to expand the alliance has put the cart before the horse. Advocates and skeptics of NATO enlargement agree that the transformation of Europe's security structure should be related to the transformation of its economy. As James Baker, the former Secretary of State, has testified, European Union membership "is just as important as membership in NATO for the countries involved," and "we must make clear that NATO membership for the countries of Central Europe is not a substitute for closer economic ties to the E.U."

In our view, it would have been preferable not to invite more countries to join NATO. At the very least, it would be desirable for the European Union to proceed with its planned expansion before NATO completes the acceptance of the new members.

The European Union has now decided to begin negotiations with six aspirants, including the three candidates NATO is considering. Linking NATO expansion to the expansion of the European Union would accomplish several things:

It would underscore the connection between Europe's security and its economy—and offer certification that entrants to NATO could afford to meet its defense obligations.

It would permit the Partnership for Peace to demonstrate that it should be the proper association for countries outside NATO. So long as the option to join NATO remains open, it utterly undercuts the partnership as the preferred mode of cooperation.

It would allow the United States and Russia to focus on the gravest security problem still before us, the formidable hangover of nuclear and other weapons of mass destruction. The cooperative framework provided by the NATO-Russia Founding Act may be useful, but frictions over NATO distract Moscow and Washington from profound common dangers. Even if everything goes right in expanding NATO, we will have misplaced our priorities during a critical window of opportunity to gain Russian cooperation in controlling nuclear arsenals and preventing proliferation. Russian antagonism is sure to grow if the alliance extends ever closer to Russian territory.

The Senate would be wise to link NATO and European Union expansion. If that link is made, it is essential to stipulate that admission to the European Union is not sufficient qualification for entry into NATO. NATO should weigh any future applicant against the contributions and burdens its membership would entail. What is called for is a definite, if not permanent, pause in this process.

By leading the charge for NATO expansion, the Clinton Administration may well elicit hasty proposals and considerable pressure to admit other countries. Other Central and East European countries are hoping that they, too, will soon be welcomed into allied ranks.

But a military alliance is not a club, and the Administration's rhetoric and policy risk converting NATO into an organization in which obligations are diluted and action is enfeebled. Pursuing that path may simultaneously spur Russian animosity and weaken the alliance's capability to contain it, if required. William Perry, the former Defense Secretary, and Warren Christopher, the former Secretary of State, acknowledge the problematic situation in which the country finds itself. In their words, "there is no consensus on the wisdom of the path taken so far by the alliance and spearheaded by the Clinton Administration."

While Mr. Perry and Mr. Christopher state that NATO should remain open "in principle," they contend that no additional members should be designated until the three current candidates "are fully prepared to bear the responsibilities of membership and have been integrated into the alliance." That reads to us like advice to slow this train down. We are in accord with that view, and with their argument that NATO should make the experience of Partnership for Peace membership for non-NATO members "as similar as possible to the experience of NATO membership."

We are dubious, however, that consensus can be found on the Administration's premise that NATO should be receptive to many additional members. That is a prescription for destroying the alliance. It guarantees future discord with present allies, few of whom are prepared to follow the Clinton policy to its logical end, the inclusion of Russia.

The task is to build a security structure in which Russia assumes a place commensurate with its geostrategic importance and its progress toward democracy and a market economy. With due respect, those campaigning to expand NATO confuse the longer term challenge of shaping a comprehensive security system with our continuing responsibility to sustain a robust NATO as our principal security bulwark.

The question confronting the Senate is not only whether to enlarge NATO, but how, when and on what terms. The imperative now is for the Senate to bring to bear the independent assessment mandated by the Constitution. In that assessment it has several options, including linking alliance expansion with enlargement of the European Union and laying down a marker against an excessively elastic NATO.

The Senate has constructive leverage to shape a wiser outcome than simple acquiescence in the President's plan. The widespread grumble that "NATO expansion is a bad idea whose time has come" is no basis for policy. This is not a dose of medicine one can swallow and be done with. It is a fundamental extension of American security guarantees, an ill-defined invitation for new members unrelated either to military threats or military capabilities.

A final caution to the Administration: It is no service to candor or consensus to invoke the shadow of Versailles, implying that resistance to NATO enlargement would be comparable to Senate rejection of the League of Nations. One doubts that senators will respond well to overdrawn analogies. As John Maynard Keynes noted at the time, the central failure of Versailles lay in the fatal miscalculation of how to deal with a demoralized former adversary. That, above all, is the error we must not repeat.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I believe we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

READ ACROSS AMERICA DAY

Mr. JEFFORDS. Mr. President, I rise today to speak about the key to our children's future, and to commemorate an individual who dedicated his life's work to this great cause. Through a resolution sponsored by my good friend Senator CHUCK ROBB, and co-sponsored by myself and 91 other Senate co-sponsors, today has been proclaimed Read Across America Day. The day to celebrate the 94th birthday of Dr. Seuss and a day when all across the country adults will be reading out loud to children.

In fact, Senator ROBB is unable to join me right now because he spent the morning reading to kids at a local elementary school, but I know that you will be hearing from him later. First, I would like to say a few words about the crisis we face as a nation if we don't all work toward improving literacy in this Nation.

Reading is the key to our children's future. There is an easy way to think about this: from first to third grades you learn to read—from third grade on you read to learn. Now, we have heard some frightening statistics as of late, about our children's performance in various subjects compared to other nations. I want to remind my colleagues and everyone in every community around the country—we have a 51 percent functional illiteracy rate in kids who are graduating from high school. That means, these kids can't read a newspaper, balance a checkbook or read a bus schedule to get themselves to a job, let alone hold down a good job. This, in America, is a tragedy. And we must stop it. We must all be a part of the solution.

Reading aloud to children, beginning at the youngest age, is a big part of the solution. A national commission on reading found that reading out loud to a child for at least 30 minutes a day is the single most important factor to the child learning to read and loving to read. And so, on what would have been his 94th birthday, I say thank you to Dr. Seuss, whose given name was Mr. Theodor Geisel, for all the fantastic, creative and wonderful books he gave to countless numbers of parents and children to enjoy in this most significant activity for a child's success.

Many pro-literacy groups have sponsored activities so that every child in the country is read aloud to by an adult for at least a half hour today. I endorse this activity whole-heartedly—and I try to lead by example by reading to my reading partner in the Everybody Wins! program that I launched here in Washington three years ago.

The Everybody Wins! program pairs adult reading mentors with young children in elementary schools to foster a love of reading and of learning and to provide that critical reading aloud activity. I am so proud of all the Congressional Members and staff participating in the program—now totaling more than 450 reading every day of the week during lunch hour at two schools here on Capitol Hill. In all we now have 10 schools and 1200 reading partners and students participating in the Everybody Wins! program. But we must reach many, many more children. We need 10 times that if we are going to do what we should be doing in the District of Columbia.

The Everybody Wins! program has benefitted enormously from corporate support to help us reach more children.

As it happens, tomorrow night is the third annual event that makes expansion of Everybody Wins! possible—it is called Links to Literacy and takes place just a stone's throw from here in Union Station. With complete bi-partisan support, and sponsored by the PGA tour we hope to be able to impact many more children in the year to come. I want to thank all of my colleagues who joined with me in lending their names to Links to Literacy and I look forward to seeing all of you tomorrow night.

Also, I want to commend some extraordinary programs at work in my home state of Vermont: Mother Goose Logs On, a collaborative effort between Nynex and IBM that improves literacy through interactive technology; the America Reads program that so many of our college students are tutoring in and the Vermont Center for the Book which has worked to improve access to books for kids in so many ways. When everyone in the community becomes involved and when adults read aloud to children—Everybody Wins!

I thank all my colleagues who helped pass this resolution.

I just want to indicate we have a number of these Links to Literacy '98, Everybody Wins invitations available to those who would like to participate tomorrow night. The Singing Senators will be there to make sure the event is enjoyable for everyone.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I also ask unanimous consent that Debra Ladner, an intern in our office, be allowed to be on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, it is my understanding that we are in morning business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. MACK and Mr. WELLSTONE pertaining to the submission of S. Res. 187 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, February 27, 1998, the federal debt stood at $5,520,668,318,465.51 (Five trillion, five hundred twenty billion, six hundred sixty-eight million, three hundred eighteen thousand, four hundred sixty-five dollars and fifty-one cents).

One year ago, February 27, 1997, the federal debt stood at $5,349,403,000,000 (Five trillion, three hundred forty-nine billion, four hundred three million).

Twenty-five years ago, February 27, 1973, the federal debt stood at $454,020,000,000 (Four hundred fifty-four billion, twenty million) which reflects a debt increase of more than $5 trillion—$5,066,648,318,465.51 (Five trillion, sixty-six billion, six hundred forty-eight million, three hundred eighteen thousand, four hundred sixty-five dollars and fifty-one cents) during the past 25 years.

IN MEMORY OF SENATOR ABRAHAM RIBICOFF

Mr. HOLLLINGS. Mr. President, today I would like to pay tribute to my friend Senator Abraham Ribicoff and his remarkable legacy. His passing has left a void in public service that will be difficult to fill. Over more than 40 years of public service, he set a standard for integrity, dedication, and wisdom that is difficult to match.

Abe Ribicoff's journey to the Senate was an arduous one. He was born not to power, but rather to poverty. His father was a Polish Jewish immigrant who worked in a factory and as a peddler. After graduating from high school, young Abraham Ribicoff worked for a year at a zipper and buckle factory in New Britain, Connecticut, to earn money to attend New York University. After a year, he transferred to Chicago. There, he was such an assiduous and gifted student that he was admitted to the University of Chicago law school—one of the most prestigious in the nation—without an undergraduate degree.

After graduating from law school, Abraham Ribicoff realized his calling was that of the public servant. He entered politics at an early age, but without the benefit of well-placed connections or cronies. He worked his way up from the lower house of the Connecticut legislature by mastering complicated legislation and earning the respect of his peers, and after ten years he was elected to the U.S. House of Representatives. In 1954, Abraham Ribicoff was elected Governor of Connecticut.

His personal experience of poverty instilled in Sen. Ribicoff a compassion and a desire to serve the public good that never faded. The desire to help the unfortunate and marginalized members of our society was the hallmark of his political career. As Governor of Connecticut, he established a strong, progressive record. As the Secretary of the Department of Health, Education, and Welfare in the Kennedy administration, he promoted policies to improve the living conditions, working environment, and health care of all Americans. And as a Senator during the 1960s and '70s, he was one of the strongest supporters of Medicare, education funding, environmental protection and regulation, and auto safety standards.

Most of all, I remember Abe Ribicoff as a man of integrity who never wavered from his convictions or sacrificed his principles for political expediency. He was a statesman who disregarded opinion polls and governed by conscience. His death marks the passing of a great public servant, and it reminds us that America could use many more like him today.

NEW MEXICO'S CUARTOCENTENARIO CELEBRATION

Mr. BINGAMAN. Mr. President, I rise today to speak briefly about a very special anniversary this year in New Mexico, and to share a message from President Clinton to everyone celebrating the state's Cuartocentenario.

The date July 1, 1998, marks 400 years since a small group of Spanish pioneers ventured north from Mexico, up the Rio Grande Valley and settled in what is now North-Central New Mexico. The settlers, led by Don Juan de Onate, established a small mission at the confluence of the Rio Chama and the Rio Grande and next to an Indian Pueblo the inhabitants called "Ohke". The Spanish settlers named their mission San Gabriel de los Espanoles.

This year is not just about recognizing these early Spanish settlements, but about celebrating the Hispanic people themselves and the many contributions they have made to the history of this continent and this country over the last 400 years. Indeed, we can point to all aspects of American culture, from literature to sports, and identify many Hispanic individuals who have made significant contributions.

I look forward to celebrating this anniversary and the Hispanic culture throughout this year in New Mexico. I ask that a copy of President Clinton's message to all who are celebrating this historic occasion be printed in the RECORD.

The message follows:

THE WHITE HOUSE,
Washington, February 24, 1998.

Warm greetings to everyone celebrating New Mexico's Cuartocentenario.

In 1598, when Juan de Oñate led a band of soldiers and Franciscan priests to the land we now know as New Mexico, few could have foreseen the impact of their expedition. The chain of events that would ultimately lead to statehood for New Mexico in 1912 had begun and would change our country forever.

This year's celebration of the 400th anniversary of New Mexico reminds us all of the long and rich history of this beautiful place. Today's New Mexicans live with that history. The state's original peoples, who are represented by 21 pueblos and tribes ranging from Apache to Zuni, would consider four centuries a blink in time, for their ancestors arrived more than 10,000 years ago. And the remains of earlier civilizations can still be seen in New Mexico.

Our 47th state is a fascinating mixture of old and new, deserts and forests, mountains and valleys, small towns and urban centers, cattle ranches and microprocessor plants, scientists, artists, and farmers. While taking pride in their colorful past, New Mexicans also look to the future with vision and confidence. With a strong dedication to quality education and a clean environment, with thriving agriculture, expanding industry, and a growing, ethnically diverse population, New Mexico is approaching the 21st century with energy and enthusiasm. This milestone anniversary offers a wonderful opportunity to reflect on the extraordinary achievements of New Mexico's people, remembering their accomplishments in the past and celebrating the promise of the future.

Best wishes to all for a memorable celebration.

BILL CLINTON.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173.

The clerk will report.

The bill clerk read as follows:

A bill (S. 1173) to authorize funds for the construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this as you know is the so-called surface transportation legislation, sometimes called the highway bill, sometimes called ISTEA II. We are ready to do business here. Anybody who has amendments I hope will come over and present them. We are ready to take them up. There is no waiting. There is plenty of opportunity. So I hope those within listening distance will heed this very kind invitation to please report for duty.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Let me ask Senator CHAFEE a question. Did Senator CHAFEE want to outline the agreement we have reached?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I wanted to come to the floor this afternoon to talk about an agreement that has been reached with regard to the highway bill, to talk about where we are and what the highway bill is going to look like, and, obviously as each of us will do, I want to talk about the impact on my own State of this very important agreement.

Let me give people a little history to sort of define how we came to the moment of reaching this agreement. First of all, last year in the tax bill I offered an amendment to take the 4.3-cent-per-gallon tax on gasoline that had, under the 1991 budget agreement, gone into general revenue and been spent. It was the first tax on gasoline since we had the Highway Trust Fund that went to general Government. What my amendment in the tax bill last year did was it took that 4.3-cent-per-gallon tax on gasoline and took the money away from general revenue and put it back into the trust fund where it belonged.

All over America, when Americans go to the gas pump and put that nozzle into their tank and pump gas, right on the gasoline pump it says there is bad news and there is good news. The bad news is that roughly a third of the price of a gallon of gasoline is taxes; the good news is that the money goes to build roads. The only problem is, prior to today the good news was not true. Between 25 cents and 30 cents out of every dollar of gasoline taxes was being siphoned off to spend on things other than roads. We have reached an agreement today that will, over the next 6 years, end that process. We have reached an agreement today that will guarantee that over the next 6 years every penny collected in the 4.3-cent-per-gallon tax on gasoline will go to build roads and only to build roads. What that will mean is that we will raise the total level of spending in the bill that is before the Senate, in terms of committed obligations, by $26 billion.

For people who are trying to figure out what that means to them and their State, let me give you a couple of numbers. That will mean that over this 6-year highway bill, we will spend on roads roughly 45 percent more than we spent in ISTEA, our previous highway bill. For my State, because of the leadership of the chairman of this committee, Senator CHAFEE, in trying to eliminate the unfairness to donor States, when you combine the new funds that are available with the fact that under the Chafee bill donor States will receive a minimum of 91 cents out of every dollar they send to Washington in gasoline tax back to their States, what it will mean is that my State will, under the new bill, receive 54 percent more funding than it received under the last bill.

That, in Texas, will mean an opportunity to rebuild our crumbling highway system. We have 31,000 miles of substandard highways. We have tens of thousands of substandard bridges. That 54 percent increase in funding for Texas will mean our ability to improve our highways. It will mean that thousands of people who are dying because of poor roads won't die. It will mean an improved infrastructure that will mean more jobs, more growth, more opportunity all over the country. It will mean that people will spend less time in traffic and, obviously, have the opportunity to spend more time at work or more time with their families or more time doing what they choose to do.

So, I believe that this is a major step forward. It is a step forward in terms of building roads. It is a step forward in people seeing the Government do what they believed it has committed to do. Now that we have all the gasoline taxes going into the highway trust fund, we will, under this bill, for the first time, be in a position to say to people that every penny we are collecting in gasoline taxes under this bill will be spent on highways; that money will not be siphoned off to pay for other programs; that we will not use the trust fund as a slush fund for other forms of Government spending; and that when Americans pay gasoline taxes, the bad news is, a third of the cost of a gallon of gasoline in America is taxes, but the good news will be that, for the first time in a long time, every penny of those taxes will end up being spent on roads. I believe that is a very good piece of news.

Finally, let me say there is one additional piece of good news that I think every Member should understand, and that is this agreement does not bust the budget. We have agreed to use the gasoline tax to fund highways and only to fund highways for that portion that goes to roads. And we have agreed that in writing a budget, we will offset this dollar for dollar, so that we will not bust the spending cap.

I hope that the House will decide to do it this way as well and that we will have an opportunity to use gasoline taxes, that portion that goes to highway construction in the highway trust fund, for roads and only for roads.

So I thank the majority leader. I thank Senator CHAFEE, Senator BAUCUS and Senator WARNER. I thank Senator BYRD for his leadership. I believe that this amendment, which is now scheduled to come up tomorrow, will be adopted by an overwhelming vote. I believe, based on that vote, that 85 or 90 percent of the pending amendments will go away. I believe it will put us on the road to passing a highway bill that will benefit everybody in America, and we are doing it the way families make decisions about priorities. We are doing it by deciding that this is a high priority.

We collected the tax for the purpose of building roads, and we are going to build roads with those taxes, and we are going to pay for it by not spending as much on other things. It seems to me that this is a rare example of Government really working the way people believe it should. I congratulate everyone involved. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I congratulate the Senator from Texas for his hard work in connection with this highway legislation. He was right when he said that it was his efforts that brought what was considered the 4.3-cent gasoline tax, that then went in the general fund, into the highway trust fund.

I have to confess that I was not an enthusiastic supporter of that effort, but I can certainly see the rationale behind it. The Senator had the votes and, as I recall, won that vote rather overwhelmingly.

The Senator has been intensely interested in the situation that not only affects his State but a series of States leading to the border, the additional traffic that has been generated by a program I was for, he was for and that I believe has been a great benefit overall for our country but has been very difficult on his State and some of the neighboring States, and that is the so-called NAFTA truckloads, where these trucks are rumbling down into Mexico and from Mexico up into the United States carrying goods, which was the whole objective of what we sought when we passed the North American Free Trade Agreement.

The distinguished senior Senator from Texas has worked very hard to provide some extra money to take care of those roads that are taking an incredible pounding from the NAFTA trucks. In the agreement that we have reached, we have provided, as a result of the pressing of the Senator from Texas, some $450 million, which we will be presenting to the committee tomorrow, and it is my hope and belief that the committee will approve that additional money.

I tip my hat to the Senator from Texas. He is a veritable bulldog in connection with these matters. When he and the senior Senator from West Virginia team up, it is a formidable aggregation. I salute both of them. As a matter of fact, they came away with everything they sought. But in the agreement that we reached, they made some concessions to other programs that they might not have been too enthusiastic about. So the whole thing was a compromise. All of us had to give, and I think the result is a good one for our country.

What will happen next, Madam President? I and the distinguished ranking member of the Environment Committee will take this to our committee tomorrow. We are both for it. We will be salesmen for it. We are not just messengers; we are salesmen for this program. The staffs have met and appear to be enthusiastic about what we are undertaking here. We look forward to our meeting tomorrow. If all goes well, we could report it out, and then I believe that we cannot bring up financial matters until Wednesday, that is, amendments that deal with financial matters to this bill. But that can be changed, and we can, hopefully, bring up this amendment that the Senator from Texas was discussing.

Mr. BYRD. Mr. President, will the distinguished Senator yield or if I may have some time?

Mr. CHAFEE. Yes. Yes, I yield the floor, Madam President.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, we have completed today what I consider to be one of the most remarkable group of meetings that I have participated in during my nearly 40 years in the Senate. Those meetings were called by the distinguished majority leader, Mr. LOTT.

What brought us to the meetings were these circumstances: A 6-year highway authorization bill had been reported to the floor. Numerous Senators came to me and said to me, "Senator, we need more money." I am not on the Environment and Public Works Committee. I am not on the Budget Committee. So I suppose I am a player who, in a way, has just come in from the outside.

But working with the distinguished Senator from Texas, Mr. GRAMM, whose amendment in the Finance Committee last year effected the transfer of the 4.3-cent gas tax into the highway trust fund, he and I and Senator BAUCUS and Senator WARNER joined together in an amendment which would have provided $30.9 billion in additional contract authority for highways and bridges. Am I correct?

It was our desire to see this money that was building up in the highway trust fund spent on highways and bridges. Now, of the 4.3-cent gas tax that goes into the highway trust fund, 3.45 cents is intended to go for highways and bridges and 0.85 cents goes for mass transit.

Senators GRAMM, BAUCUS, WARNER, and I worked hard last fall in an effort to get cosponsors of our amendment. As a final result, we got 50 other cosponsors which, added to the four of us, made a total of 54 cosponsors of the amendment. And we had a good many Senators who told each of us that they would vote for the amendment even though they would not cosponsor it, if and when it came to a vote.

The majority leader then made the highway bill the pending business, and called certain Senators to meetings in his office, and we have had several such meetings. The participants have been the majority leader, Mr. DOMENICI, Mr. GRAMM, Mr. WARNER, Mr. CHAFEE, Mr. BAUCUS, and myself. On at least one occasion, Mr. D'AMATO was included.

In any event, those were difficult meetings. In the final analysis, everybody sacrificed something. In the end, we agreed to increase the amount in the bill $26 billion for highways. I ask my colleagues, am I correct?

Mr. GRAMM. Twenty-six.

Mr. BYRD. Twenty-six. All right. I thank from the bottom of my heart my friend, that old crusty New Englander who wins our admiration and respect, Mr. CHAFEE. He and I have gone round and round about this, but in the final analysis, we have joined hands. So, the people of Appalachia, who constitute 22 million people in 399 counties of 13 States—those people who have been promised these corridors now for 32 years—can now see the light at the end of the tunnel, because what we have agreed to here will be the $300 million that is already in the reported highway bill, plus $1.89 billion, which will be added according to our agreement, thus making a total of $2.19 billion, which conforms to the President's request.

For the entire cycle 1998–2003, then, there will be $2.19 billion for Appalachian highways. That is not going to be earmarked money. That money is going to those 13 States on the basis of the Appalachian highway mileage that remains to be constructed and considering the costs of completion. Throughout the region, of the total Appalachian development highway system, 78 percent of the system has been completed or is under construction.

Beside and beyond the Appalachian portion, this agreement will benefit every State in the Union in terms of additional dollars for highways. I believe I am making a correct statement. The distinguished Senator from Rhode Island, Mr. CHAFEE, is nodding his head in the affirmative.

Let me close by thanking him again and by thanking the majority leader, by thanking Mr. GRAMM of Texas, Mr. BAUCUS, Mr. WARNER, and Mr. DOMENICI. It has been a beautiful exercise in give and take and finally coming to a consensus and shaking hands and saying, "We are going to stand by this agreement."

I thank all Senators, and I thank the Chair.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Madam President, I salute the distinguished senior Senator from West Virginia for the tremendous work he did in connection with this, not only just the Appalachian regional highway portion of this bill but the overall bill.

As the Senator mentioned, he was in on all the negotiations and pressed forward to conclusion. He outlined vigorously the needs of, and I don't want to say just West Virginia, because West Virginia is just part of the Appalachian region, he stressed the needs for all the Appalachian regional area and prevailed. I salute him for the work he did.

If he can fit it in, I would like to be asked down to the dedication of one of those roads. I have never seen them, to tell you the truth. I think I will go down and take a look. I have heard about them.

Mr. BYRD. Madam President, will the Senator yield?

Mr. CHAFEE. Yes.

Mr. BYRD. He will receive an invitation.

Mr. CHAFEE. Thank you. Thank you.

If it is anything like when we used to build roads at home when I was Governor, we would have a ribbon-cutting about every 2 miles of road we built. In any event, I look forward to it. And I salute the distinguished Senator with whom I have had such pleasure serving in the Senate ever since I came here. He had been here long before I ever got here. It has been one of the real treats of my experience in the Senate to have served with Senator BYRD.

Mr. BYRD. Madam President, I thank my friend.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I can only but add to the remarks that have already been given, first, on the substance of the agreement and, second, in my thanks to all the Senators who have participated so intensely, so vigorously in the last week, or so.

The amendment that has been agreed to, first, is a significant amendment. It is an increase of about $26 billion in contract authority over 6 years, from $145 billion to about $171 billion for highway programs, plus about $2 billion for safety programs. So the agreement is very significant. It increases highway spending by roughly 20 percent over the committee-reported bill.

Now, the actual spending by the States, that is, the outlays, may be a little less than that. I hope not, but that amount is up to the Budget Committees and the Appropriations Committees.

Where did we come up with this money? Well, it started with Senator GRAMM's amendment last year, which transferred the 4.3-cent gasoline tax to the highway trust fund. That solved the first problem, namely putting that revenue in the Highway Trust Fund. But the second problem was that the Environment and Public Works Committee, which has jurisdiction over highways, could not increase the contract authority in order to spend that 4.3 cents without an agreement on the budget.

I am pleased that the agreement we reached today allows most of the 4.3 cents, namely the 3.45 cents that goes to the highway account, to be spent on highways. So the agreement provides for an increase from $145 billion in contract authority in the committee bill, to $171 billion. There is an additional $2 billion that goes to safety programs under the jurisdiction of the Commerce Committee, for a total increase of $173 billion.

This agreement is fair to all regions of the country. I know a lot of Senators were thinking, "What are those Senators doing in Senator LOTT's office? What have they agreed to? Aren't they just taking care of their own States? And are they being fair to us, too?" The fact is that Senator CHAFEE and I made an extra effort since the committee reported the bill out last fall, to talk to Senators who have had specific concerns with the bill—and meritorious concerns, I might add. This agreement, which will be incorporated into a committee amendment tomorrow, by and large, addresses those concerns.

Now, I cannot say it totally accommodates everybody. No amendment on highways can totally accommodate everybody. In fact, among the group that have been working on this agreement—Senator GRAMM; myself; Senator BYRD; the leader; the chairman of our committee, Senator CHAFEE, certainly; and

Senator WARNER—each of us would have fashioned this agreement a little bit differently if left to our own devices. But when the Senators see what is in the amendment and reflect on it and on the competing interests of other Senators, I daresay they are going to realize that this is fair. I would like to also add what this agreement will mean to the economy. It will give it a big boost. The Department of Transportation statistics indicate that for every billion dollars in additional highway spending, there are 42,000 more jobs in America—a billion dollars equal 42,000 jobs. That is in addition to the benefits derived from relieving congestion and helping America's competitive place in the world with better transportation systems. Furthermore, there is investment in intelligent transportation systems, new technologies which are going to further improve our transportation capabilities.

Let me add too that this agreement is within the budget. It is very important that this increase be within the budget, within budget caps. And I say that, Madam President, because this morning one of the newspapers had a headline, page 1, saying, in effect, "Uh-oh, there goes Congress again. It is going to bust the budget."

I appreciate the concern about busting the budget. I think all of us in the Senate do not want to break the budget caps or the provisions and the amounts that are in the budget. This amendment is consistent with the budget. We do not break the budget. It is true there is an increase in highway dollars as a consequence of this amendment, but it is also true that we are within the budget.

Senator DOMENICI, the very able chairman of the Budget Committee was very clear: We have to live within the budget. And we do.

I have the highest regard for him. He is a tough fighter. He is a very intelligent opponent. In fact, I learned a lot, Madam President, watching Senator DOMENICI, Senator GRAMM, Senator BYRD, and Senator CHAFEE. And what I learned is not only how tough and intelligent and fair-minded they are, but how committed they are to the legislative process. At the end of the meeting we all said, "Hey, this is within the ballpark. It may not be perfect. Each of us would probably prefer to do it a little differently. But it's a good outcome for all."

I am, frankly, very honored to be a part of the process. I will not belabor the point, but Winston Churchill once said that—and let me paraphrase here, Democracy, with all of its delays and inefficiencies and faint starts, is absolutely the worst form of government, except there's none better.

I think that the meetings we have been having over the last week or so are a good example of that. And I only hope now that we can get this adopted, finish with the highway bill, get on to conference, and, most importantly, put it on the President's desk so that all of our work will come to fruition.

I thank all Senators.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Did the Senator yield?

Mr. BAUCUS. Yes.

Mr. CAMPBELL. Madam President, I ask unanimous consent to speak for 7 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, I ask the Senator, could I speak for 2 minutes on this bill? I was part of the negotiating.

Mr. CAMPBELL. I will be glad to yield.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Thank you, Madam President.

We have reached, to the extent that the budget chairman could have some kind of influence, agreement on making sure that we fund this new 4.3 cents, which Senator GRAMM last year had moved from the general fund to the trust fund for highways. My role was to make sure that we did not spend any more than the 4.3 cents portion of that which goes to the highway programs of this country.

You would be surprised what differing opinions there were about what is the right dollar number, because there are different versions of what one was trying to do with the Byrd-Gramm bill and what Senator CHAFEE was trying to do with his bill and what I was trying to advocate.

But let me say to the Senators—some of whom have not gone on the Byrd-Gramm bill because they were wondering what its impact on the budget would be—I cannot say it will not have any impact, because if I showed up here and said that, knowing what I know about the budget, I would be laughed off the Senate floor, because it is a substantial addition to the trust fund, which would not have been there had Senator GRAMM not moved that 4.3 cents from the general fund, where it was being used before for deficit reduction as part of President Clinton's first budget, and there would not be this additional money.

So I had a difficult problem with it. And some Senators were waiting for me to suggest that we would not have to break the caps, that is, the agreed upon annual expenditure levels written into law for the next 5 years which, as I will repeat over and over on this floor, are dollar numbers. And that is not a process. That means we have written into statute, law, how much we can spend in appropriated expenditures—the 13 bills we do plus the highway bill and a few other things. That is the total amount each year. If you spend more than that, then all of Government gets an across-the-board sequester cut.

We did our best to arrive at, what is the number. I think it is fair to say that it was somewhere between a total of $171 billion and $174 billion or $175 billion; and then we settled on $173 billion. That is a pretty fair number from the standpoint of asking the Congressional Budget Office: How much will it spend? How much contract authority do you need to have all of that money obligated? And that is where we are.

Now, that will be divided over the 6 years. The first 6 years is already settled, because we have completed it. But the next 5 will have new activity. And I think by the time Senator CHAFEE's committee produces the bill, each State can look and see what it is going to get in relation to donor and donee States. And I believe it is going to be a very satisfactory bill.

There are a lot of other things that have to be done besides just pour highways in the country. There is some research that has to be done. There is some money that has to go to States that have special problems because they have an awful lot of public lands in their States. There are Indian roads, which in the last 6 years we have started funding. They are the poorest, in roads, of any group in America, and their reservations are the poorest, in terms of transportation, of any. That money has to be in here.

But I think under Senator CHAFEE's leadership there will be no donor-donee disparity exceeding 91 percent. They will get 91 percent of the money back. And the other part will go to the various programs that are national in scope or specific. I think that is a rather good final conclusion. I regret having to have stood in the way of this bill for so long. But when it finally comes down to it, I think we all understand better what we are going to do.

Now, to the final observation: Can we fund this bill and not have to break the caps? I can tell you that we certainly will be able to in the year 1999 in the budget that we are going to write. Now, this money spends out more rapidly as years go on. I am just bound to do the best I can and to tell it as honestly as I can.

I believe we will be able to meet the caps and do this, but it may very well be that in a few years we will not be able to do that. I do not think it is going to be a big disparity. And I think that everybody understands that the people of this country deserve that highway trust fund moneys be spent on highways. That is why it has been very difficult to say, we should not have this program. Because that money is there, what can it be used for? Since we voted overwhelmingly to put it in that trust fund, we ought to spend it for highways. There is nothing by way of infrastructure in our Nation—to use the word as generously as you want—there is nothing more wanting in the country than the highway infrastructures of our respective sovereign States. And we will make a pretty big dent in catching up with this bill.

So I am pleased to be a part of it. I didn't write the bill, but it was a good experience. And I want to close by saying in particular, when you have a leader who wants to get things done—TRENT LOTT, our leader, wants to get things done. We could have gone on for I don't know how many more days, but we finished in about 3 or 4 days of rather lengthy sessions getting as much input as we could.

Now the Senate will speak. We will look at this bill that Senator CHAFEE will produce, a substitute that reaches the conclusions that this negotiating team had, and then the Senate will decide what it is going to do. I, for one, have committed that I am going to support the product that is forthcoming. Not every bit of it is what I would do, but I think overall it is probably the best we could do for our country. I hope it leaves the Senate with a very large majority. The House still has to do theirs. We have to go to conference. And States, by May 1, ought to be getting some additional obligational authority.

I thank the Senators for their participation, and I yield the floor.

Mr. CHAFEE. Madam President, I want to salute the Senator from New Mexico for his part in this. He had responsibilities. He had responsibilities to guard the budget. And he carried out those responsibilities. I felt very strongly allied with him in connection with those efforts, and I think what we came out with was a satisfactory solution. Are all of us totally satisfied? Of course not. But we are totally satisfied that the end result was as good as we could get under the pressing problems we are faced with. So I am going away happy and hope that the Senator from New Mexico is likewise.

I also want to join his tribute to the majority leader. The majority leader was the one who got us in there and actually proposed the final compromise that we agreed to. So he deserves a lot of credit for moving us along.

I thank the Chair. I thank the Senator from Colorado for his patience.

Mr. CAMPBELL. It is good to be of service.

Madam President, I ask unanimous consent to speak as in morning business for 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Colorado is recognized for 7 minutes.

(The remarks of Mr. CAMPBELL and Mrs. HUTCHISON pertaining to the introduction of S. 1695 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. HUTCHISON. Madam President, I also want to say I was here on the floor during the recent agreement that was made on the highway bill. I commend my fellow Senator, my colleague from Texas, Senator GRAMM, for working with Senator BYRD in what I think is a very important accomplishment not just for my State but for all Americans.

Many of us feel that our transportation infrastructure is the key to our continued economic viability in this country. Many of us have been very concerned that we have shortchanged that infrastructure by putting money in other areas.

What Senator GRAMM and what Senator BYRD did today was to assure that we are going to have the money that people pay in their gasoline taxes each day when they go to work, assure that it comes back in the form of a user fee to help ease the transportation congestion in our urban areas and to make it easier to access our rural areas in this country.

I commend Senator CHAFEE and Senator BAUCUS for working with Senator GRAMM and Senator BYRD to come out with a very fair agreement that will benefit everyone. I especially thank also Senator DOMENICI, the chairman of the Budget Committee, for helping to make sure that would happen without busting the budget caps because that is also our responsibility as stewards of our Nation.

I think we had a very important agreement, and I look forward to voting for this agreement tomorrow on the floor. I think everyone will be pleased that we are going to have the money that is paid every day by Americans, that 4.3-cent-per-gallon gasoline tax, go right where it should go, and that is to ease our transportation byways and highways and the transit systems that keep us from having congestion and environmental pollution in our cities.

Mr. CHAFEE. Madam President, I thank the distinguished Senator from Texas for her very kind comments. We appreciate those remarks.

She is absolutely right. The senior Senator did do a splendid job not just for his State but all the trucks coming and going in connection with the NAFTA agreement, particularly the border crossings down in her State. We are pleased things came out the way they did. We look forward to her support when we bring the bill up on the floor.

Mrs. HUTCHISON. If the Senator from Rhode Island would yield, I am happy he mentioned the corridors, the trade corridors, that were also included in the recent agreement.

As we have opened our trade with Mexico, it has caused a huge congestion on the NAFTA corridors that come through my State but also through other States that are on the border and also up into the rest of our country.

I am very pleased you have allocated an extra amount for wear and tear because it will ease the congestion and stop some of the long delays that we are seeing at the border because we don't have enough bridges and gateways. This will help alleviate that and make it even easier to trade with our neighbor to the south.

Mr. CHAFEE. Madam President, I have seen those jams down there. I have seen them in California by Tijuana. The trucks were all lined up. It is incredible. I saw a little bit of it in Texas, but that was just a sampling of what later has occurred as the NAFTA agreement has come into full flower with the jam-ups on both sides of the border, trucks trying to come across, customs inspectors trying to do their job. It truly is tremendously congested.

Both Senators from Texas are absolutely right in addressing this problem.

TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Madam President, I rise today to talk about a point of history as well. That is to commemorate, today, from 162 years ago, Texas Independence Day.

Each year I look forward to March 2. This is a special day for Texans, a day that fills our hearts with pride. On this day, 162 years ago, a solemn convention of 54 men, including my great great grandfather Charles S. Taylor, met in the small settlement of Washington-on-the-Brazos. There they signed the Texas Declaration of Independence. The declaration stated:

> We, therefore . . . do hereby resolve and declare . . . that the people of Texas do now constitute a free, sovereign and independent republic . . .

At the time, Texas was a remote territory of Mexico. It was hospitable only to the bravest and most determined of settlers. After declaring our independence, the founding delegates quickly wrote a constitution for the newborn republic. Then they organized an interim government.

As was the case when the American Declaration of Independence was signed in 1776, our declaration only pointed the way toward a goal. It would extract a price of enormous effort and great sacrifice.

While the convention sat in Washington-on-the-Brazos, 6,000 Mexican troops were marching on the Alamo to challenge the newly created republic. Several days earlier, from the Alamo, Col. William Barrett Travis sent his immortal letter to the people of Texas—and to all Americans. He knew the Mexican Army was approaching. And he knew that he had only a very few men to help defend the San Antonio fortress. Colonel Travis wrote:

> Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man—the enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword if the fort is taken—I have answered the demands with a cannon shot, and our flag still waves proudly from the wall—I shall never surrender or retreat.
>
> Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days.
>
> If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death. William Barret Travis, Lt. Col. Commander.

What American, Texan or otherwise, can fail to be stirred by Col. Travis' resolve? In fact, Col. Travis' dire prediction came true—4–5,000 Mexican troops laid seize to the Alamo. In the battle that followed, 184 brave men died in a heroic but vain attempt to fend off Santa Anna's overwhelming army, but the Alamo was crucial in Texas independence. Because those heroes at the Alamo held out for so long, Santa Anna's forces were battered and diminished.

Gen. Sam Houston gained the time he needed to devise a strategy to defeat Santa Anna at the Battle of San Jacinto, just a month or so later, April 21, 1836. The Lone Star was visible on the horizon at last.

We Texans continue to commemorate the heroic times during which we won our independence, when we existed as a republic and finally joined the Union.

Each year, on March 2, there is a ceremony at Washington-on-the-Brazos State Park where there is a replica of the modest cabin where the 54 patriots laid down their lives and treasure for freedom.

Each year, as close as possible to March 2, I read Colonel Travis' letter to my colleagues in the Senate, a tradition started by Senator John Tower. This is a reminder to them and to all of us of the pride Texans share in our history and in being the only State that came into the Union as a republic.

Mr. President, I am pleased to continue the tradition that was started by Senator Tower because we do have a unique heritage in Texas where we did fight for our freedom. Having grown up in the family and hearing the stories of my great-great-grandfather, it was something that was ingrained in us—fighting for your freedom was something that you did. We did it for Texas and we have done it for America.

I think it is very important that we remember the people who sacrificed, the 184 men who died at the Alamo, the men who died at Gilliard, who made it possible for us to win the battle of San Jacinto and become a nation which we were for 10 years before we entered the Union as a republic.

Now we fly both flags proudly—the American flag and the Texas flag—over our capital. I am very pleased to once again commemorate our great heritage and history.

Mr. BAUCUS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING IMF REPLENISHMENT

Mr. BAUCUS. Madam President, I rise to discuss the President's request to provide new support for the International Monetary Fund.

Last December I spent two weeks in Southeast Asia, visiting the Philippines, Brunei, Thailand and Indonesia.

Two of these countries, Thailand and Indonesia, are among the nations hardest hit by the currency crisis. They, along with the Philippines and South Korea, are working with the IMF to reform their financial systems and promote an early recovery.

I believe it is very much in our interest to help them through this crisis, and to provide insurance against a new one by supporting the full request for IMF replenishment.

ECONOMIC STAKES FOR THE U.S.

Why is this?

First, all the countries suffering from the crisis are important markets. South Korea is our sixth largest export market. Thailand bought nearly $9 billion worth of American exports last year. And the longer this crisis continues, the less they will be able to buy.

So economists predict that our economy will lose a half point to a full point of growth next year, meaning $40 billion to $80 billion. Bringing it home, I got a letter last month saying a Montana semiconductor company has just laid off 85 people because of this crisis. If we fail to stop the crisis now, we could well see worse, as pressure grows on China to devalue its own currency. The result of that would be new panics and currency crashes, coupled with greater economic losses for America.

NATIONAL SECURITY STAKES

National security should be an even greater concern in this crisis.

In the past century, we fought seven foreign wars: the Spanish-American War, the "Philippine Insurrection" which followed it, World War I, World War II, Korea, Vietnam and the Gulf War. And of these seven wars, we fought no less than five in countries affected by the Asian financial crisis. Even today, we have 37,000 troops in South Korea to deter a North Korean invasion.

Since the 1970s, economic growth has helped make Asia more prosperous, stable, and peaceful. And that has been of immense national security benefit to us. If the region falls into depression, that could change. Southeast Asia could become destabilized; North Korea could see an opportunity in an unstable South; and we could see other consequences we cannot now predict.

FOUR CONDITIONS

So it is in our interest to end this crisis. And we should contribute to the IMF's effort to do so, under four conditions.

First, we should not simply bail countries out; instead, we should help those people who are willing to help themselves.

And that is what we see in most affected Asian countries. Thai citizens, through the "Thai Helping Thai" campaign, have contributed millions of baht to help the country pay off foreign debts. In Korea, a similar campaign has brought in donations of gold from sixteen million of the country's forty-two-million people. As the President of the Institute of Korean-American Affairs told me in a letter she sent last month:

> With every ounce of gold that is collected, there lies a pool of personal memories. Married couples are giving their gold wedding rings and parents are surrendering gold items they had hoped to pass on to their children.

Likewise, governments are taking very tough and courageous reforms—closing failing financial institutions, ending subsidies and opening capital markets. Having spoken first-hand with Prime Minister Chuan and his team, I believe the Thai government is of high quality and has a convincing plan for recovery. While I have not visited South Korea since the crisis began, my impression is that President Kim Dae-jung also has an aggressive reform agenda and deserves our support.

Second, other countries should share the burden. And, in contrast to the Mexican crisis three years ago, they are doing so.

Japan has pledged $19 billion, about double our pledge of $9.7 billion. While Japan should do more to promote imports from affected countries than it has, its financial contribution in time of recession deserves credit.

Other countries are also doing their part. Australia has pledged $5 billion, Singapore also $5 billion, the European Union $3 billion, and China $1 billion. And China should be applauded for sticking by its promise not to devalue its own currency despite intense pressure on Chinese exports.

Third, the new IMF funding should be part of a long-term strategy to update the international financial institutions.

Between 1986 and 1995, world GDP grew from $26 trillion to $33.5 trillion, or 25%. During the same period, world capital flows grew from about $188 billion to $1.2 trillion per day—about

630%. So the financial world has fundamentally changed in a way the world productive economy has not.

International financial policies and institutions have not kept up. Our failure to anticipate two large crises in three years—Mexico and Asia—shows that beyond any doubt. So as we approve funding for the IMF as today's leading financial institution, we also need a serious, profound effort to understand what changes we need to make to adapt ourselves to a new world.

Finally, we must be ready to say "no" when governments will not reform. In this regard, I am very concerned about Indonesia.

Indonesia's finances are no worse off than are Thailand's or Korea's. But the government has been far slower to implement the reforms it pledged last year, and has recently cast about among several new plans. The result has been a prolonged crisis, continued capital flight and threats to political stability.

We should work very closely with Indonesia's government to fix these problems. But if the government will not implement its promises, we will have no choice but to back off.

On the whole, I believe the Administration is acting in the spirit of our national interest and good common sense by working with the IMF to end the financial crisis. So far, when governments have implemented the IMF programs, the results have been good. The Thai currency has recovered from a low of 57 to the dollar to 43 today, and the Thai stock market has rebounded by more than 50% since January. Korea is also seeing good results; and countries with less financial trouble—Singapore, the Philippines, Brunei—are benefiting from their neighbors' recovery.

So we should stick with a plan that is working. We should approve the Administration's request for IMF replenishment. It is appropriate for Congress to add some conditions relating to market access or greater openness on the part of the IMF. But it is not appropriate to turn the request down or to link it to totally unrelated issues like abortion, as some in the House hope to do.

Madam President, this is a critical issue of American leadership; of American national interest; and also of jobs and prosperity for Americans at home. I hope the Senate will approve the Administration's request.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHUYLKILL VALLEY METRO LIGHT RAIL SYSTEM

Mr. SPECTER. Madam President, I have sought recognition for two reasons:

First, to comment about the Schuylkill Valley Metro Light Rail System, which I visited this morning. It is a very fine example of what can be accomplished with light rail, for many purposes. It seeks to establish a light rail commuter line from city hall in Philadelphia to Reading, Pennsylvania, a stretch of some 72 miles, which would be enormously helpful in transporting people from the inner city to the surrounding counties in the Philadelphia area where there is a labor shortage, to move people from areas where people need jobs to areas where employers need people to fill jobs. This line would further be enormously helpful, to take pressure off of the Schuylkill Expressway, an alleged high-speed line in the Philadelphia area which is more frequently a parking lot as opposed to a high-speed line. It would further be enormously helpful on the problems of air pollution, as a tremendous stream of traffic moves from the suburbs over the Schuylkill Expressway and U.S. route 422.

The cost of this light rail system would be $720 million, with the Federal share being $576 million. Congressman JON FOX joined me today at the area where we took a look at the proposal, and I think it is really a very, very useful use of ISTEA funds. It is my hope that, as we move ahead with the so-called ISTEA legislation, we will make a very substantial investment in infrastructure and that the higher figure will be adopted by the Senate, by the House, and by the conferees as we move through this important legislation.

I have joined over the years in efforts to take the highway trust fund off budget so it will be used for the specific purpose for which it was intended. I know in my State there are an enormous number of important projects which could be funded if the highway trust fund were to be used for highways, bridges and mass transit. I have confidence that the same exists around the country.

THE ESCALATING WAR BETWEEN THE PRESIDENT AND INDEPENDENT COUNSEL

Mr. SPECTER. Madam President, I now seek to discuss, or comment, on the escalating war between the President and independent counsel and to urge the independent counsel to reply forcefully in the public forum to attacks, as opposed to the use of the grand jury as a means of investigating the people who are proposing and undertaking those attacks. My own sense is that independent counsel would be well advised to reply to his critics in a public forum, and by that I do not mean in his driveway in the morning, but, when criticized, to reply. I have had some experience as a prosecutor running grand jury investigations, and it is an inevitable consequence that, when someone is under investigation, that person, persons or entity, will not like the investigation. I think it would be enormously useful if the American people knew, for example, why Mr. Starr is in the investigation on President Clinton's personal affairs.

People ask the question, how did he move from the investigation of an Arkansas land deal, where he has been engaged for many years at very substantial cost, over to the investigation of the President on his personal matters? There is a very direct answer, but one which I think very few people know. That is that Attorney General Reno asked Mr. Starr to conduct this investigation. That request was made by the Attorney General about 6 weeks ago. We all know that Attorney General Reno is very reluctant to authorize investigations by independent counsel, with many of us having urged her to do so on campaign finance reform to no avail. So, when Attorney General Reno authorizes an investigation, there is a good indication that it is for a very, very strong cause. But people do not know that Mr. Starr got into this matter in relation to his authorized investigation of Webster Hubbell. And information came to Mr. Starr from Linda Tripp about an effort to secure employment for Ms. Monica Lewinsky under circumstances identical for Webb Hubbell, with the allegation being, and the inference being, that it was hush money for Webster Hubbell.

Linda Tripp came to Mr. Starr and Mr. Starr knew Ms. Tripp from his previous contacts with her when she was a witness in the Foster suicide and on Filegate. Ms. Tripp told Mr. Starr that Ms. Lewinsky had stated that a given individual had sought employment for Ms. Lewinsky outside of Washington, DC, with a specific firm, and that happened to be an identical firm—an identical individual who had made similar arrangements for Mr. Hubbell.

Mr. Starr then put a consensual electronic surveillance on Ms. Tripp, that is, consensual by Ms. Tripp. And Mr. Starr has been continually criticized for having conducted an unlawful electronic surveillance as recently as yesterday's TV talk shows. The fact of the matter is, Mr. Starr ought to make this point and ought to make it emphatically, that the one-party consent to the electronic surveillance was perfectly lawful under the law of Virginia where it took place.

After the electronic surveillance confirmed for Mr. Starr what Ms. Tripp said, Mr. Starr then took the matter to the Public Integrity Section of the Department of Justice and said, here is the evidence. There are a number of alternatives. One is the Justice Department can handle the matter itself. Second, the Justice Department can seek other independent counsel. Or, third, the Justice Department could refer, Mr. Starr recounts, to Mr. Starr. The matter was then taken to Attorney General Reno, who said it was her decision to authorize Mr. Starr to conduct further investigation related to the Ms. Monica Lewinsky matter, and that was then confirmed by the three-judge court which authorizes Mr. Starr's conduct.

Now, at that time, obviously, Attorney General Reno knew about the electronic surveillance and, in asking Mr. Starr to conduct the investigation, there was, I think, fairly stated, more than implicit approval of what Mr. Starr had done, but really explicit approval of what Mr. Starr had done.

There has been very, very substantial comment on the question of executive privilege. And, in looking at the news media reports on comments about this legal issue, they appear, really, to be authored by people who are advocates for the President's position. The law on executive privilege is well established, has been since the case of United States v. Nixon, 418 U.S. 683, and it applies, as outlined by the Supreme Court of the United States on page 706 of U.S. Reports, volume 418, executive privilege applies to "protect military, diplomatic or sensitive national security secrets." Well, there is nothing of that nature involved in the investigation of the President's personal activities. Executive privilege applies to matters which are carried out by the Executive in his official capacity, again, not in his personal capacity.

There have been commentaries on the issue of the lawyer-client privilege as it would apply to a number of witnesses now appearing before the grand jury, and the speculation is that it is on Mr. Bruce Lindsey. Just as the claim of executive privilege might be applied to Mr. Bruce Lindsey, or perhaps to Mr. Blumenthal, we are not really sure, but there is very strong legal authority in a case decided by the Eighth Circuit Court of Appeals handed down on May 2, In re—Grand Jury Subpoena Decus Tecum, 112 F.3d 910. This is part of the controversy and contest between the White House and Mr. Starr—this case lays out, at page 920 of 112 Federal Reporter on the Third Series: Executive branch employees, including attorneys, are under a statutory duty to report criminal wrongdoing by other employees to the Attorney General.

Mr. Lindsey, who is an attorney, can hardly be in an attorney-client relationship to the President when he is a governmental employee. The court goes on to point out that the way a person retains a lawyer to have the attorney-client privilege is a very direct way, and that is the person retains his own counsel and not looking to a governmental employee to be the counsel. A governmental employee like Mr. Lindsey or other attorneys have their fiduciary obligation running to the Government of the United States. It does not run to anyone else with whom they have contact, even the President of the United States. The express statutory authority set out in 28 U.S.C, section 535(b) establishes the obligation of any governmental employee, including attorneys, to report evidence of wrongdoing to the Attorney General of the United States.

The way these matters are commented upon on the talk shows and in the press and in the media, it appears that there is some strong ground to assert executive privilege. To call it frivolous would be elevating it to a higher level than it deserves. It is absolutely, positively a stalling tack, nothing more and nothing less. It could not possibly apply. Some may argue that the Eighth Circuit opinion is not binding on the U.S. District Court for the District of Columbia, but those who have referred to it in the media make the suggestion that it applies only in St. Louis. The fact of the matter is that it's a Circuit court opinion, it is very persuasive, and there is no authority to the contrary. It is based upon a principle of law which is hard to dispute, and that is that an attorney employed by the Government and paid by the Government owes a duty to the Government and has a statutory duty to report crime to the Attorney General, not to another governmental employee, even the President of the United States, who happens to employ him.

So we have a series of events where there is a very, very strong proposition that what is being undertaken here in this war, this escalating war between the President and independent counsel, really talks about legal propositions which are spurious and frivolous at best. It would be my hope that the independent counsel would respond to the President in the public news media. I know that prosecutors who are investigating cases do not like to disclose what is going on in a pending prosecution, and there are good reasons as a general matter for investigators or prosecutors on an investigative matter not to make disclosures but to keep those matters confidential. But when those prosecutors conducting these investigations are attacked in the public news media, there is absolute justification for a response.

I believe that Mr. Starr made a mistake when he called people before the grand jury last week such as Mr. Blumenthal, in giving Mr. Blumenthal a platform. I made mistakes myself when I was District Attorney of Philadelphia. I made some in the U.S. Senate. And just because Mr. Starr made a mistake does not mean that he is disqualified from carrying on as independent counsel. It does not mean that he ought to resign, as some Members of the other side of the aisle have suggested. The fact is that the Attorney General of the United States has the authority, under the independent counsel statute, to remove Mr. Starr for cause, and the President has the authority, through the Attorney General, to remove Mr. Starr for cause. We have already gone through that once in our Nation's history under a circumstance, the so-called Saturday Night Massacre. But if Mr. Starr is doing things which require his discontinuance in office, that can be handled by the Attorney General. And no suggestion has been made that he ought to be removed. Nor do I think there is any basis for saying that.

When Mr. Starr has found his assistants under attack, it is understandable that there would be a very strong reaction.

Two of his assistants were attacked, one a Mr. Emmick. The information was spread broadly in the news media that an assistant independent counsel, Mr. Emmick, was criticized by a judge for using "threats, deceit, and harassment to get testimony in a 1994 police corruption case." But the fact of the matter is that the court transcript showed that the "threats, deceit, and harassment" had been directed at another Federal prosecutor in Los Angeles, and the same judge called Mr. Emmick "a man of integrity" at a hearing a year later.

These matters do not come out. I think that what Mr. Starr has to do is make a very forceful defense of his assistants.

Similarly, an associate independent counsel, a Mr. Udolf, had been reputedly fined some $50,000 in a Georgia civil proceeding for violating the civil rights of someone who was wrongfully held in jail for 4 days in 1985. But others have come to his defense. The retired Federal chief judge, Judge A.R. Kenyon, said that Mr. Udolf "was very sensitive and always had compassion for people even though he had to prosecute them."

The point is that there are going to be criticisms, and in the course of a legal career, prosecuting attorneys may be censured, and the nature of a criminal proceeding very frequently is very highly charged, very emotional, a lot of things are said by both sides with frequently considerable provocation. But whatever is said, it is my view that Mr. Starr ought to respond in a public contest and ought to do it very, very promptly, again, without resorting to the matter of the grand jury to bring people in there.

The stepped-up attacks on Mr. Starr may carry the suggestion that he is getting closer. Dick Morris observed last week that the testimony of former

Arkansas Governor Jim Guy Tucker might prove to be very, very significant, perhaps decisive in the Arkansas land deal. I do not know whether that is true or not, but I do know that if you take a look at the chronology of events which lasted for years before Mr. Starr could bring former Governor Tucker to trial, it was a long, tough road which took a very protracted period of time, including overturning a judgment where an Arkansas Federal judge dismissed the indictment, the indictment later being reinstated by the court of appeals, and the court of appeals even granting the independent counsel motion to have that judge removed from the case.

So where you have a protracted period of time and very considerable money spent, it is relevant to note what has happened in the matter, these facts really not being known at all by the public and not being known by me unless I take a look to see exactly what is going on behind the veil.

When Attorney General Reno appointed Mr. Starr to expand the jurisdiction to cover the President's personal activities, I made a comment that was widely misinterpreted and widely misconstrued. I said 2 weeks ago that Attorney General Reno had erred in appointing Mr. Starr because people would not understand what he was doing in that case in light of the fact that he started off a long time before in the Arkansas land deal and that it was unfortunate because Mr. Starr has become a lightning rod.

No longer is there a focus of attention on what President Clinton has done, and he is, allegedly, supposedly the object of the investigation, but the attention has been focused only on Mr. Starr. I do not believe that Attorney General Reno had in mind when she appointed Mr. Starr that the appointment would prove to be such a formidable public relations defense for the President, directing attention away from the President as the focus of the investigation to Mr. Starr. But that is certainly what has happened. It is in no way a criticism of Mr. Starr that the Attorney General asked him to take over the investigation and that he has become a lightning rod.

That is where we find this matter. I believe the lightning rod has to exchange and reply in kind, and if it calls for lightening, so be it.

I went to high school in a small town in Russell, KS—Russell High School, which had a football team known as the Broncos. There is another football team not too far from Russell called the Broncos, the Denver Broncos, who were the Super Bowl champions. When I look at this battle, this war being waged with the President, on one hand, and the independent counsel on another, I analogize it to a football game between the Broncos who are the Super Bowl champs and the Broncos from my old high school football team.

If the playing field is to be leveled to any significant extent at all, I believe that Mr. Starr has to respond. The appropriate way to respond is exactly when these criticisms are made.

It is my hope and my understanding that Mr. Starr is not going to pursue the business of calling his critics before the grand jury. I think Mr. Starr, a former Federal judge, a former solicitor general, knows better than to argue that the first amendment is only for articulating the truth. Who knows what the truth is when you have a controversy, or who knows what the eye of the beholder is as to what the truth is? The first amendment is to protect freedom of speech. You cannot get involved in limiting it to who is telling the truth or it would be a never, ever ending controversy.

I hope that we will put this war between the President and the independent counsel on the back burner. I hope that we will presume the President to be innocent and that we will presume Mr. Starr to be innocent and to let the investigation go forward until it is concluded so that the President and the rest of us can focus our attention on the important items facing the country, like this important legislation, ISTEA, on the infrastructure spending of America for the next 6 years; on the enormous problems we are facing in Iraq; on the problems we are facing in balancing the budget and how to handle the $1.7 trillion funding which we now have to apply to America's problems.

But if the debate is to rage and if it is to continue, it is my hope that the grand jury will not be the place where Mr. Starr's critics come, but that he will engage in forceful, lusty debate and express himself and answer his critics and let the chips fall where they may.

I thank the Chair, yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. THOMAS. Madam President, are we on ISTEA?

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS. I would like to speak for 10 minutes on that.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Thank you very much.

Madam President, I want to say—which has already been said a number of times—how pleased I am that we are moving forward on this important legislation. I am a member of the Environment and Public Works Committee, and we worked very hard last year to bring this to the Senate. Of course, as you know, we found some problems, particularly with the House version, and ended up with a temporary bill. That temporary bill expires the first of May, and all of us, I think, are aware of how important it is for us to get on into the permanent reauthorization of this bill so that our various State highway commissions can go forward with their plans.

The current ISTEA law has certainly, over the years, made some important changes in our whole transportation program, our transportation policies. It has changed things a great deal. We have come up with a national system of Federal highways. We have found a way to protect this system and to cause it to be effective. But as we move into the 21st century, we need, of course, to update this law as it was passed to make it more flexible, to make it such that the States can deal with the unique issues that they have.

I am from Wyoming where we have probably more miles and fewer people, more miles per person than, I suspect, most any other State in the Union. So our needs are quite different than they are in California, than they are in New York or Rhode Island. And this ISTEA bill tends to recognize that with more flexibility and more efficiency by reducing some of the regulations that go with it, by putting programs together and helping us to meet the challenges that are before us. It is not perfect, of course.

I believe ISTEA II achieves this goal of efficiency and flexibility, and creates "new rules of the road" that serve the national interest and will help us to build the highways—I hate to be repetitive—and bridges of the 21st century. I heard that somewhere before.

At any rate, my State, as is the case with all other States, has road needs. And our roads are in a condition such that they need a good deal of repair, a good deal of maintenance.

Again, Wyoming is unique. Wyoming taxpayers contribute more to the highway trust fund per person than any other State in the country because we drive more—nearly $200 per person in Federal gas taxes. And yet we have a deteriorating bridge and road system. According to the best figures I get from our highway department, 44 percent of our roads and bridges are in a deteriorating condition, in a fair to poor condition. So we have a great deal to do.

These shortfalls, of course, in the roads of Wyoming, as in other States' roads, are a detriment to all taxpayers. If we are to have a national system, then, of course, you have to cross all the States to get there.

A set of efficient and well-maintained roads is important to the cities that export goods around the country, as they are to us in Wyoming. This bill, of course, and all of the activities and dollars that go with it are a very direct contribution to the Nation's economy. These dollars move out quickly. These dollars move to fill the needs of people throughout the country, provide jobs, and are very efficiently used in a very quick fashion. So ISTEA II will help the flow of goods and services in our country.

We worked very hard. I want to salute the chairman of the committee, Senator CHAFEE, who worked so hard to find, along with others, a fair solution. This is a difficult issue. Through the years, as everyone knows now, we have taken in more money from Federal highway taxes than we have spent. We kept it in the trust fund, at least partially, to help balance the budget.

We have a unified budget, so if you spend the money, even if it is in the trust fund, you spend the money in the highway fund, then you have to reduce the spending somewhere else in order to stay within the spending caps. That is not easy. So the first discussion we have had—it has been a very difficult one—is how much of that money do you spend without impeding on the other spending?

The second difficult one, of course, is that of the formula in which there is distribution. There is always great controversy about the formula. There are States that pay in more than they, frankly, get back. There are States that get more than they pay in. There are those who believe all the dollars should go to highways.

There are others who believe part of the money—this is, after all, a surface transportation bill—some of the dollars ought to go for public transportation, some ought to go for Amtrak, some ought to go for bicycle trails, and those kinds of things. So I suspect, of all the bills that we deal with, No. 1, everyone wants to pass it, everyone knows that it needs to go forward. But there are so many different kinds of interests that are represented here—and legitimate, all legitimate.

So finding a fair funding formula, based on the national interests, is most difficult. I admire very much what the leadership of this committee has done. And it is there to emphasize a National Highway System. I think that is key—a National Highway System.

Let me talk just a minute about an issue that I guess I would have to admit is particularly important to me, but I think to others as well. I happen to be chairman of the Subcommittee on National Parks. We find ourselves with national parks that are being loved to death. More and more people like to go to parks, but at the same time we find ourselves $5 billion to $8 billion in arrears in infrastructure. Nearly $2 billion of that backlog is in highways.

And, of course, parks only have one source of revenue, really, for the maintenance of their highways, and that is Federal taxes. Counties do not come in to Federal parks and build roads as they do in some other public lands. The State does not contribute to the highways inside of parks. So we have found that a high percentage of existing park roads and bridges are in poor condition. And therefore, we need to do something about it.

In my State of Wyoming, Yellowstone National Park alone is $250 million behind for the care of highways. It is very difficult. First of all, they are built in difficult places. Their season is rather short to reconstruct. So it is hard to keep highways moving.

We are very pleased that in this particular bill we make a step forward—we make a step forward—and have moved up from about $70 million a year, which has been traditional, to about $180 million. So it makes a great deal of difference. And then the Park Service will decide where those allocations are made.

The same is true of other Federal lands. Wyoming is 50 percent Federal lands. Some States are much higher. Nevada, for example—86 percent of that State is owned by the Federal Government. So you have BLM lands. You have forest lands. You have refuge lands. All of these are lands that we look forward to helping through this program. And they will receive a small, relatively small increase, relatively small in terms of the problem, but a sizable increase.

Senators CHAFEE and WARNER and BAUCUS have been working with us on this issue. I feel confident that these park needs will very much be accommodated. I thank the Senators for their willingness to do that.

ISTEA II will streamline the program structure and give States and localities more flexibility. I believe that is very important. There is a consolidation of five programs into three, which helps to make it more efficient, provides more flexibility and gives the States more of a chance to decide where their dollars ought to go. I think that is very important.

Again, I thank Senators WARNER, CHAFEE and BAUCUS. They have worked very hard through this time.

Senator BAUCUS, Senator KEMPTHORNE, and I introduced an ISTEA II reauthorization bill. We called it STARS 2000. It was a shining example of what we ought to do. That was earlier this year. I thank them and their staffs for putting it together. Then Senator CHAFEE used that as one of the alternatives, we came together with a bill that I think is top-notch and one that I think we should move forward with as soon as possible.

There are some complications, of course. And they have been going on for years. One of them is the idea of using Federal funds to require that States behave in certain ways in order to get their money. We will be talking about that. I suppose in a number of areas—one of them will have to do with drunk driving, having to do with alcohol content. No one is for drunk driving. Everyone wants to do everything they can to put a cap on that, eliminate it, if possible. But I have to tell you, Madam President, that I find it very difficult to explain why the Federal Government has to tell the States how to do these various things.

I happen to have been in the Wyoming legislature. Most of us here have been in our State legislatures. I think legislatures are perfectly capable of deciding what those kinds of things ought to be, whether it is motorcycle helmets or speed limits or drunk driving, alcohol content.

It seems to me those are the kinds of things that States really ought to do. And I can tell you that folks resent very much the idea of using what they call "blackmail" in terms of Federal money to do that. So I hope we can avoid that. I hope we can be for all the things we ought to be for. But the idea of us deciding here seems to me to be inappropriate.

So I really am pleased that we are moving, and I am glad the leader has brought this forward. Certainly, much of that is a result of the efforts made by the Senators from Texas and West Virginia as they pushed very hard to do this.

ISTEA II maintains the integrity of the ISTEA law. It improves it by more equitable investment of user fees. It ensures that people can cross the country with goods and services. And "bridge" States are involved as well. It increases flexibility.

Again, obviously, nothing is perfect. A bill of this kind is never totally suitable to everyone. But that is the way it is. That is what we are here for. That is why we have a system of deciding and voting—so that we can come up, by a majority vote, to the thing that we think best serves this country and serves it on the intermodal surface transportation.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the distinguished Senator from Wyoming very much for his kind comments on the work we have done. The Senator from Wyoming is a very valuable member of the Environment and Public Works Committee. He has worked with us. As he pointed out, he had one of the major bills that went into the final amalgamation we had here—the STAR bill. And he had deep concerns, as he has outlined here, in certain particular areas. I am glad that we were able to take care of those areas.

Indeed, when we meet tomorrow, I believe we will be, as I pointed out to the Senate a little earlier, able to do even better in some of those particular areas he is concerned with. So our committee will be meeting tomorrow at 9:30. And I look forward to working with the Senator from Wyoming as we proceed with an amendment incorporating some of the provisions that have come about as a result of the additional money that has come forward just in the last—well, just agreed to earlier this afternoon. So, again, I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF RICHARD L. YOUNG, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Richard L. Young, of Indiana, to be United States District Judge for the Southern District of Indiana.

The clerk will report.

The assistant legislative clerk read the nomination of Richard L. Young, of Indiana, to be U.S. District Judge for the Southern District of Indiana.

The PRESIDING OFFICER. Debate on the nomination is limited to 10 minutes, equally divided in the usual form.

Mr. LEAHY. Mr. President, I know that the Senate will, very soon, go to a vote on another judge. It is March. For those who are keeping track, that makes the sixth judge confirmed this year in the third month. Let me see, three into six, as I recall, goes twice. So that's two judges a month. I don't want to strain the capabilities of the U.S. Senate, but there are 85 vacancies. There are 85 vacancies and now, in March, we will confirm the sixth Federal judge.

Justice denied is justice lost.

We are not seeing our responsibility to the Federal judiciary. As long as the Senate maintains a stall on the confirmation of Federal judges, we are not being responsible, we are not even upholding our oath of office. I commend the distinguished chairman of the Senate Judiciary Committee for getting another judge here to be confirmed. I ask the Senate to remember that we have responsibilities to the Constitution, and we have a responsibility to the integrity and independence of the third branch of Government. We are not fulfilling it.

Mr. President, I am going to withhold the rest of my time because the distinguished chairman is not here.

I ask unanimous consent that the Senate be allowed to withhold its time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum, with the time not charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. It is my understanding, Mr. President, that the ranking member of the committee would like to make some comments. I suggest he proceed.

Mr. LEAHY. Mr. President, how much time is there for the Senator from Vermont?

The PRESIDING OFFICER. Each side has 5 minutes.

Mr. LEAHY. I certainly won't take any more than that.

Mr. CHAFEE. I suggest then that the Senator have 5 minutes, and then, if a Member from this side wishes 5 minutes thereafter, we will face that problem then. So why don't we have 5 minutes for the Senator from Vermont?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand that I am taking 5 minutes that was there for me in any event. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I am delighted that the Senate has decided to take up the nomination of Richard L. Young to the U.S. District Court for the Southern District of Indiana.

This is one of seven judicial nominations that is currently pending before the Senate. I spoke a little earlier this afternoon about this.

I want to note that, unfortunately, the Senate continues to pass over the nominations of G. Patrick Murphy for a vacancy on the Federal bench of the Southern District of Illinois and Michael P. McCluskey for a judicial emergency vacancy on the Federal bench for the Central District of Illinois.

Nor is the Senate today taking action on the nomination of Edward Shea to the Federal bench for the Eastern District of Washington, Judge Jeremy Fogel to the judicial emergency vacancy on the Federal bench for the Northern District of California or Margaret McKeown to a judicial emergency vacancy on the U.S. Court of Appeals for the Ninth Circuit.

Judge Young has been with the Vandenburgh Circuit Court of Indiana since 1990. After Senator LUGAR came to the Judiciary Committee to testify in his behalf, Judge Young was reported by the Committee without a single dissenting vote. The American Bar Association gave Judge Young its highest rating.

I believe there will be a unanimous vote in support of this nomination and want to congratulate him and his family.

The Senate returns this week facing 85 Federal court vacancies—85. Despite the Senate's dismal record for 2 years running in acting on judicial nominations, I finally saw reason to hope that the extremism that has bedeviled this process might be losing a tiny bit—a tiny bit—of its hold on the Senate.

Few nominees have been targeted as heavily for defeat as was Margaret Morrow, a superbly qualified nominee for a district court judgeship in Southern California. She endured waves of questions, protracted stalling and mysterious holds that prevented an up-or-down vote. Finally, 2 years after she was nominated, she got an overwhelming, super majority, positive vote here in the Senate. I wanted to take that as a signal that public concerns about these logjams were beginning to register with the Senate.

But, unfortunately, that nomination was the last nomination confirmed by the Senate in February. We closed out our first 2 months this year with only five confirmations for article III judges.

Chief Justice William Rehnquist spoke forcefully on the judicial vacancy crisis that is plaguing the Federal courts. He warned: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the Federal judiciary."

Justice delayed means justice denied, because without judges courts cannot try cases, sentence the guilty or resolve civil disputes. Partisan and narrow ideological efforts to impose political litmus tests on judicial nominees and to shut down the judiciary must stop.

We began this year facing vacancies in about one out of every 10 judgeships, and about one-third were judicial emergency vacancies which have been empty for more than a year and a half.

Mr. President, if all we are going to do so far is two judges a month, and we have 85 vacancies, the Senate is not living up to its responsibilities. The Senate is not upholding the Constitution of the United States and not fulfilling our responsibilities to the judicial branch or the American people.

The first week of this session I challenged the Senate to maintain the pace that it reached last fall when we confirmed 27 judges in the last nine weeks of the session. In the first four weeks of this new session, however, we have acted to confirm only five judges. Judge Young will be the sixth judge confirmed in this our fifth week in session. We are well short of the mark and not measuring up to the pace this very Senate attained last fall. I, therefore, urge the Majority Leader to take up the nominations of G. Patrick Murphy, Michael P. McCluskey, Edward F. Shea, Jeremy D. Fogel and M. Margaret McKeown without further delay.

Mr. President, I withhold my time remaining, and, if we are ready to go for a vote, I will yield it.

Mr. CHAFEE. Mr. President, we have time on this side. I am prepared to yield all that time and go to a vote.

Mr. LEAHY. I yield time on this side.

The PRESIDING OFFICER. All time is yielded. The question is, Will the Senate advise and consent to the nomination of Richard L. Young to be United States District Judge for the Southern District of Indiana? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. D'AMATO), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. SHELBY), the Senator from Maine (Ms. SNOWE), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. CLELAND), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 0, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—81

Abraham
Akaka
Allard
Ashcroft
Baucus
Bingaman
Bond
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NOT VOTING—19

Bennett
Biden
Boxer
Cleland
D'Amato
Dorgan
Faircloth
Helms
Inhofe
Kerrey
Kerry
Landrieu
Mikulski
Moseley-Braun
Murkowski
Nickles
Shelby
Snowe
Warner

The nomination was confirmed.

The PRESIDING OFFICER. If there is no objection, the motion to reconsider is laid on the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. McCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SAFE PLACE WEEK

Mr. CRAIG. Mr. President, I would like to take this opportunity to commend my colleagues on adopting Senate Resolution 96, which designates March 15 through 21 of this year as "National Safe Place Week."

Project Safe Place is a unique union of community agencies and the private sector that promotes the well-being of our nation's youth. It is an innovative network of nonresidential community locations where youth who are at-risk or in crisis situations can obtain help quickly and find shelter if necessary. Safe Place cultivates community involvement to combat child abuse, substance addiction, and crime.

Since its creation in 1983 in Louisville, Kentucky, the scope of Project Safe Place has spread to include more than 8,000 Safe Places nationwide, and more than 27,000 young people have sought help at these locations. We all agree that our nation's youth are our most valuable resource. Project Safe Place volunteers have been quietly tending to this resource for fifteen years, offering help to youth who are threatened or in trouble. The recognition Project Safe Place deserves is long overdue.

Senate Resolution 96 celebrates this outstanding program and also honors the efforts of over 2,500 dedicated Safe Place volunteers, who selflessly devote time and resources to protect our nation's young people. Two of these individuals—Sandy Bowen, the National Safe Place Director, and Mickie Adler, who has spearheaded Safe Place efforts in the state of Idaho—have been instrumental in making "National Safe Place Week" a reality.

Sandy Bowen has been involved with Project Safe Place for 13 years. When the program began to gain momentum and become a nationwide effort in 1986, Sandy stepped in as the National Director. Over the years, her hard work, dedication, and concern have helped to bring Project Safe Place out of its infancy, transforming a simple idea into a nationwide force that is now present in over 300 of our communities.

Mickie Adler has been the driving force behind the Safe Place movement in Idaho for four years. In fact, this month marks the four-year anniversary of Safe Place in Idaho. Last year, Mickie brought three students to my Washington office to sell me on the idea of a "National Safe Place Week." Victoria Smith, Caroline Reams, and Jessica McCaleese—all of whom are either High School or Junior High School students from Bannock County—were articulate and poised as they conveyed the idea of promoting Project Safe Place. I would like to take this opportunity to thank these fine young ladies for bringing their ideas to my attention.

Mickie first got involved with the Safe Place movement after Jerelee Underwood, an eleven year old girl, was abducted in Southeast Idaho. She committed herself at that time to preventing future violence against Idaho's children by initiating the first Safe Place site in Idaho four years ago. Since that time, Project Safe Place in Idaho has expanded to include 250 Safe Places in Bannock County—including my regional office there—and 18 sites in the Twin Falls area. Mickie has recently been called upon to implement the program statewide, with new Safe Places to be added in Coeur d'Alene, Burley, Caldwell and Idaho Falls. I want to do my part by offering each of my Idaho offices as Safe Place sites. I encourage my colleagues to do the same nationwide.

There are thousands of people just like Mickie and Sandy who work hard every day because they care too much to let our children endure difficult times alone and without guidance. In part, "National Safe Place Week" will serve to honor and recognize these humanitarians.

More than that, though, "National Safe Place Week" will build community awareness, increasing not only the number of young people the program might help, but also the number of those who themselves might contribute to the effectiveness of the program. As a father, a grandfather, and a concerned citizen, I would like to personally extend a sincere and heart-felt "thank-you" to all those who make Project Safe Place such a successful program. And, to my colleagues in the Senate: Thank you for working with me on this resolution. If passage of "National Safe Place Week" helps only one more youth by keeping him or her from turning to drugs, suicide, or the streets, then I know that our time in passing Senate Resolution 96 will have been well spent.

REPORT OF THE 1998 TRADE POLICY AGENDA AND 1997 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 101

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1998 Trade Policy Agenda and 1997 Annual Report on the Trade Agreements Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 28, 1998.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with amendments:

S. 1579. A bill to amend the Rehabilitation Act of 1973 to extend the authorizations of appropriations for such Act, and for other purposes (Rept. No. 105–166).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL:

S. 1694. A bill to suspend temporarily the duty on certain textile machines; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mrs. HUTCHISON):

S. 1695. A bill to establish the Sand Creek Massacre National Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. GORTON, and Mrs. MURRAY):

S. 1696. A bill to direct the General Services Administration to clear the site of the old Alaska Native Health Center and convey the property to the Municipality of Anchorage; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. AKAKA, and Mr. REED):

S. 1697. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself, Mr. WELLSTONE, Mr. HELMS, Mr. THOMAS, Mr. FEINGOLD, Mr. ABRAHAM, Mrs. BOXER, Mr. MOYNIHAN, and Mr. ASHCROFT):

S. Res. 187. A resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China; to the Committee on Foreign Relations.

By Mr. SPECTER:

S. Con. Res. 78. A concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself and Mrs. HUTCHISON):

S. 1695. A bill to establish the Sand Creek Massacre National Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

THE SAND CREEK MASSACRE NATIONAL HISTORIC SITE PRESERVATION ACT OF 1998

Mr. CAMPBELL. Madam President, today I introduce legislation that is very, very special to me, and which in my opinion is a long time in coming to this Nation, to the State of Colorado, and particularly to my own ancestors. This bill is entitled the Sand Creek Massacre Site Historic Preservation Act of 1998. This legislation would authorize the Federal acquisition of property located within Kiowa County, CO, designated as a point of interest on virtually every map in this Nation and infamously known as the site of the "Sand Creek Massacre."

Today, this property is owned by a private individual, who has strong interest in selling the land. The bill I introduce today would authorize the National Park Service to acquire this land for fair market value in compliance with the agency's standard rules and regulations. My bill would permit full public access to this hallowed site to the public, and more importantly to the descendants of those who lost their lives at Sand Creek.

To provide some perspective, I would like to briefly explain the historical facts surrounding one of the most disgraceful events in American history—the Sand Creek Massacre.

During the early morning hours on the shameful day of November 29, 1864, a Colonel in the Colorado Militia, a religious zealot by the name of John Chivington, led a regiment of Colorado Volunteers to the Cheyenne's Sand Creek campsite, where a band of Cheyenne led by Black Kettle, a well-known "peace" chief, was encamped and unsuspecting of his fate forthcoming on this date. Federal army officers had promised Black Kettle safe passage if he would stay at his campsite and fly the American flag along with a white flag of truce over his lodge, but Colonel Chivington disregarded that flag, and ordered an attack anyway on the unsuspecting village. After many hours of brutal and cowardly fighting, the Colorado volunteers lost only nine men in the fight but managed to murder over 200 Cheyenne, most of them innocent and unarmed women and children. Most men were out hunting and were not in camp. When the skirmish ended, the Colorado volunteers scalped and sexually mutilated many of the bodies of my people, proudly displaying their trophies to cheering crowds in the streets of Denver while desecrating the Cheyenne Heritage.

One report said that Colonel Chivington admonished his soldiers to kill the babies in the camp because, according to him, "nits make lice."

Many of these facts are not disputed. Congress held an inquiry, in fact, after that fatal date and heard extensive testimony on the actions of Colonel Chivington, resulting in a discharge of both him and then territorial Governor Evans. But since Colonel Chivington's unit was not a regular Army unit but rather a Colorado militia which soon disbanded after the fateful day, not one of the people were ever brought to justice.

Mr. President, this description of the events cannot begin to describe the horror that must have taken place on that day. But this bill authorizes our Government to preserve a significant piece of history that I believe is needed to remind us not just of the horrible deeds that took place in this country to many people in our history, but to the Native Americans, and to honor that memory. In fact, at Bent Fort, a national historic site just about 30 miles from the location of the massacre, National Park officials tell me that the single most asked question at the fort is, Where was the Sand Creek massacre located?

I believe that with this property being considered for sale, a rare opportunity exists for us to save an important piece of American history. We should move forward and try, through whatever means we can, to acquire this very sacred site. This action will provide remembrance of the event, allow present and future generations of Americans to learn from our history, which includes much more glory than disgrace.

In closing, I do not know of anybody of my own ancestry who did not have a relative at that terrible place.

I urge my colleagues to support this very important preservation piece.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Preservation Act of 1998".

SEC. 2. SAND CREEK MASSACRE.

(a) Findings.—Congress finds that—

(1) on November 29, 1864, Colonel John M. Chivington led a group of 700 armed soldiers to the Sand Creek Indian Reservation located within the Territory of Colorado, and slaughtered between 200 and 500 Cheyenne and Arapaho Indians, the majority of whom were women and children;

(2) a private landowner currently holds title to the land that constitutes the site of the Sand Creek Massacre and is a voluntary and willing seller of the land;

(3) the site is of great significance to the Cheyenne and Arapaho Indian descendants of those who lost their lives at the incident at Sand Creek, and those descendants deserve the right of unfettered visitation to the site.

(b) Definitions.—In this section:

(1) National historic site.—The term "National Historic Site" means the Sand Creek Massacre National Historic Site established by subsection (c).

(2) Secretary.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) Establishment.—To provide for the preservation and interpretation of the Sand Creek Massacre, there is established the Sand Creek Massacre National Historic Site in the State of Colorado.

(d) Boundary.—

(1) In general.—The National Historic Site shall consist of such land and interests in land in Kiowa County, Colorado, as the Secretary may acquire under subsection (f) at the site of the Sand Creek Massacre in Kiowa County, Colorado.

(2) Map and legal description.—The Secretary shall prepare a map and legal description of the land and interests in land described in paragraph (1).

(3) Public availability.—The map and legal description prepared under paragraph (2) shall be on file in the offices of the Director of the National Park Service, Department of the Interior, and other appropriate offices of the National Park Service.

(4) Boundary revision.—The Secretary may, from time to time, make minor revisions in the boundary of the National Historic Site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460*l*-9(c)).

(e) Administration.—

(1) In general.—The Secretary shall manage the National Historic Site in accordance with this section and the law generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(2) Management.—The Secretary shall manage the National Historic Site for the following purposes, among others:

(A) To protect and preserve the National Historic Site (including the topographic features important to the massacre site, artifacts and other physical remains of the massacre, and the visual scene) as closely as practicable to their condition at the time of the massacre.

(B) To interpret the cultural and natural resources of the site in a manner that promotes public understanding and appreciation of the site so as to perpetuate the qualities and values of the site for future generations.

(3) Consultation and training.—The Secretary shall consult regularly with representatives of the Cheyenne Tribe and Arapaho Tribe on the formulation of the management plan under subsection (g) and on preparation of educational programs made available to the public.

(4) Cooperative agreements.—The Secretary may enter into cooperative agreements with the Cheyenne Tribe and Arapaho Tribe or a subordinate board, committee, enterprise, or leader to carry out this section.

(f) Acquisition of Property.—Within the boundaries of the National Historic Site, the Secretary may acquire, in accordance with applicable procedures of the Department of the Interior, land and interests in land by donation, purchase at fair market value with donated or appropriated funds, or exchange, except that—

(1) no land or interest in land within the National Historic Site may be acquired without the consent of the owner; and

(2) any land or interest in land owned by the State of Colorado or any political subdivision of the State may be acquired only by donation.

(g) Management Plan.—

(1) In general.—Not later than 5 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the National Historic Site.

(2) Contents.—The plan shall provide for—

(A) a resource protection program;

(B) a visitor use plan that includes programs and facilities that will be provided for public use, including the location and cost of public facilities;

(C) a research and curation plan; and

(D) a highway signing program.

(3) Participation.—The Secretary shall encourage—

(A) participation by the Cheyenne Tribe and Arapaho Tribe in the formulation of educational programs for the National Historic Site; and

(B) participation by the State of Colorado and other local and national entities willing to share in the responsibilities of developing and supporting the National Historic Site.

(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that my friend and colleague from Texas, Senator Hutchison, be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I am very pleased to be a cosponsor of the bill that was just introduced by my colleague from Colorado. I appreciate the fact that he is trying to preserve an important piece of history of our country. I will be happy to work with him to make that a reality.

By Mr. STEVENS (for himself, Mr. Murkowski, Mr. Gorton, and Mrs. Murray):

S. 1696. A bill to direct the General Services Administration to clear the site of the old Alaska Native Health Center and convey the property to the Municipality of Anchorage; to the Committee on Governmental Affairs.

THE OLD ALASKA NATIVE HEALTH CENTER CONVEYANCE ACT OF 1998

Mr. STEVENS. Mr. President, I send to the desk for proper referral the Old Alaska Native Health Center Conveyance Act of 1998 to address a serious issue in Anchorage, Alaska.

The Federal government finished construction of the Alaska Native Hospital Center in 1953. This facility is situated on a 15-acre parcel of land near downtown Anchorage. It was substantially affected by the 1964 Alaska earthquake, but was patched up and maintained until it could be replaced. In 1997 a new Alaska Native Health Center was opened. The old facility was boarded up and abandoned after being stripped of fixtures, wiring, heating, and ventilation systems, and other components. It now awaits disposal action by the General Services Administration. The facility is unsalvageable in its present condition and is in violation of multiple safety codes. A recent environmental assessment found not only the presence of asbestos but also lead-containing paint.

Anchorage has a unique and pressing need for this site. The Port of Anchorage is the largest port in Alaska and the 17th largest in the nation—it has grown steadily in recent years, and the tonnage of goods moving through our major port is expected to continue to increase. However, truck access to the Port is limited to either a single two-lane road or through the streets of downtown Anchorage. This is a limiting factor to continued growth, and is already negatively affecting the transfer of goods on and off the domestic and international container ships that call on the Port of Anchorage. The solution is to have new access to the port through the land now occupied by the abandoned hospital center.

My bill would assist the Municipality of Anchorage with this plan by instructing the General Services Administration to clear the land and transfer it to the Municipality of Anchorage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be known as "The Old Alaska Native Health Center Conveyance Act of 1998".

SEC. 2. DEFINITIONS.

For the purposes of this Act the term "property" means the land parcel recorded as Block 35 and Lot 2 of Block 36, Anchorage Original Townsite East Addition, in Anchorage, Alaska on which the old Alaska Native Health Center is situated, but does not mean any portion of such parcel dedicated for use by the Centers for Disease Control and Prevention.

SEC. 3 FINDINGS.

The Congress finds that—

(1) the old Alaska Native Health Center was closed and vacated in 1997 when a new Alaska Native health facility was opened;

(2) the buildings and property formerly used for such Center are scheduled to be disposed of as surplus by the Administrator of the General Services Administration;

(3) asbestos and lead contamination were found in the buildings and on the property during environmental assessments;

(4) the buildings have been stripped of fixtures, wires, and other materials, and any development of the property will require the removal of the buildings and of all asbestos, lead, and other contamination; and

(5) due to the limited availability of land in the area in which the property is situated, the Municipality of Anchorage has a unique interest its future use.

SEC. 4. REMOVAL OF BUILDINGS AND DISPOSAL OF PROPERTY.

(a) REMOVAL OF BUILDINGS.—Notwithstanding any other provision of law, the Administrator of the General Services Administration shall, not later than 18 months after the date of the enactment of this Act, demolish and remove all buildings, structures and other fixtures on the property, including all asbestos, lead, and any other contamination, and restore the property, to the extent practicable, to an undeveloped condition.

(b) DISPOSAL.—Upon completion of the activities required under subsection (a), and notwithstanding any other provision of law, the Administrator of the General Services Administration shall convey to the Municipality of Anchorage, without reimbursement, all right, title, and interest of the United States to the property.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. AKAKA, and Mr. REED):

S. 1697. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes; to the Committee on Labor and Human Resources.

THE AMERICA AFTER SCHOOL ACT

Mr. KENNEDY. Mr. President, today Senators KERRY, REED, AKAKA and I are introducing the America After School Act. With this legislation, I hope that we can do more to provide the care and activities that children need when they are not in school.

Millions of parents today have no choice but to work outside the home. Over 17 million parents need someone to care for their children when the children are not in school. Many are able to find child care through friends or family, local centers, or school-based programs. But over 5 million "latch-key" children have no such arrangements and are left home alone. Our goal in this legislation is to encourage communities to develop activities that will engage our children and keep them off the streets, away from drugs, and out of trouble.

In many cases, parents know the importance of enrolling their children in after-school programs, but cannot afford to do so. Child care costs thousands of dollars each year and is therefore out of reach for many families. Congress has responded by supporting an array of child care programs over the years, but the funding has not kept pace with the need, especially under The Welfare Reform Act which requires more and more parents each year to enter the workforce. As a result, hundreds of thousands of children are now on waiting lists for child care and after school activities. Help for these families and their children cannot come too soon.

The entire country benefits when children get the care that they need. Health costs are lower. Parents' productivity at work improves. Education costs decline when children learn to cooperate in group activities, and when they can obtain help with their homework during after-school programs. The massive costs associated with juvenile delinquency, such as injuries to people, damage to property and police, courts, and corrections—are reduced when responsible after-school activities are available. By expanding after-school programs, we literally are investing in children, their future, and the country's future.

Our legislation significantly expands after-school care, enabling more parents to choose safe, quality programs for their children. We primarily accomplish this goal by increasing the Child Care and Development Block Grants available to states, which subsidize child care for low-income families. Under Title I of this bill, we authorize a $5 billion increase in that program over the next 5 years. This level of investment is necessary to end the waiting lists, and provide after-school care for an estimated 2 million children from low-income working families.

Communities with high concentrations of poverty and at-risk children will get priority in this funding, so that help will be available where it is needed most. No parent should have to make the cruel choice between pressing needs such as food, heat and shelter. The needs of disabled children are also specifically addressed.

Our proposal builds on the experience of the Defense Department, which operates the world's largest child care program for members of the armed services. Over the past decade, they have developed a widely acclaimed model program. They have found that child-care quality is most effectively achieved through salary incentives tied to training. We get what we pay for. Child care workers are notoriously underpaid in today's society. Stronger incentives are needed in order to develop and retain a quality child care workforce. Our bill designates 25% of the block-grant increases for indirect services that include salary incentives tied to training for those who provide care.

In addition, our bill enacts President Clinton's proposal to expand 21st Century Learning Centers which have proved highly successful in using schools as places where members of the community can engage in continuing education, recreation, community building activities and others. This program now only serves 100,000 children nationwide. Our bill contains a five-fold increase in grants by the Department of Education to local public schools. Under this increase, 500,000 more children will be able to participate in school-based programs before and after school.

This bill also provides $1.25 billion over the next 5 years to expand grants by the Justice Department for after-school programs to prevent juvenile crime. Public and private agencies may apply for these grants, and awards will be made on a matching basis. Recipients must coordinate their efforts with State or local law enforcement to achieve maximum effectiveness in fighting crime. After-school educational and recreational programs in high crime neighborhoods will receive priority since children in these inner city neighborhoods face the highest risks.

Hundreds of police chiefs, prosecutors, and crime victims have created an organization called "Fight Crime: Invest in Kids," dedicated to promoting increased Federal investment in after-school programs. A 1995 National League of Cities survey reported that 92 percent of respondents rank before- and after-school care as one of the most pressing needs for children and families—ahead of crime, welfare reform, education, housing and drug abuse. Over 70 percent of people recently surveyed by the Children's Defense Fund—Democrats and Republicans, women and men, young and old alike—believe that revenues from tobacco companies should be invested in child care programs. Hundreds of thousands of parents have put their children's names on waiting lists for child care and after school activities. The need is urgent and widespread, and Congress has a responsibility to act.

The America After School Act, can be effective in meeting these needs and I urge the Senate to approve it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America After School Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) children spend less than 20 percent of their waking hours in school, and their activities during the remaining 80 percent of these hours have a critical impact on their long-term success in school and work;

(2) approximately 24,000,000 children require care after school while their parents work;

(3) during 1991—

(A) there were 36,700,000 school-age children in the United States;

(B) approximately 21,200,000 of the children described in subparagraph (A) lived with working mothers (including mothers seeking employment) and 999,000 lived with mothers who were enrolled in school; and

(C) approximately 912,000 of the children described in subparagraph (A) lived with single working fathers, 61,000 with single unemployed fathers, and 9,000 with single fathers who were enrolled in school;

(4) the General Accounting Office estimates that the current supply of child care for school-age children will meet as little as 25 percent of the demand in some urban areas by 2002;

(5) children who attend quality after-school programs while their parents work—

(A) experience positive effects on their development;

(B) have better peer relations, emotional adjustment, grades, and conduct in school than their peers in other care arrangements;

(C) have more learning opportunities and enrichment activities than their peers in other care arrangements; and

(D) are less likely to engage in juvenile delinquent activity;

(6)(A) most juvenile delinquent activity occurs between 3 p.m. and 8 p.m.; and

(B) from 1988 to 1992, juvenile arrests for violent acts increased by 50 percent;

(7) survey data confirms public support for expansion of programs to assist school-age children, as evidenced by the fact that the need for child care, including before- and after-school care, was rated as one of the most pressing needs for children and families by 92 percent of respondents to a 1995 National League of Cities survey, ranking as the highest rated need in the survey, which inquired about crime prevention, welfare reform, education, housing, family stability, drug and alcohol abuse prevention, and a host of other issues;

(8) 1996 survey data indicate that parents overwhelmingly support using school-based after-school programs for learning and enrichment programs, but 70 percent of all public elementary schools do not offer such programs; and

(9) parents want more than babysitting from after-school programs, and computer classes, art and music courses, tutoring, and community service activities rank high among parental choices for activities for after-school programs.

TITLE I—CHILD CARE AND DEVELOPMENT SERVICES

SEC. 101. DEFINITIONS.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) by redesignating section 658P (42 U.S.C. 9858n) as section 658T;

(2) by moving such section 658T to the end of such Act; and

(3) in such section 658T—

(A) in paragraph (4), by adding at the end the following:

"The term 'eligible child', used with respect to child care and development services, means a school age child."; and

(B) by adding at the end the following:

"(15) Child Care; Child Care Services.—The terms 'child care' and 'child care services' include child care and development services.

"(16) Child Care and Development Services.—The term 'child care and development services' means services described in section 658H(f).

"(17) Child With a Disability.—The term 'child with a disability' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(18) Elementary School; Secondary School.—The terms 'elementary school' and 'secondary school' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(19) School Age Child.—The term 'school age child' means an individual who—

"(A)(i) is not less than 5 and not more than 15 years of age; or

"(ii) at the election of the State involved, is less than 5 years of age; and

"(B) meets the requirements of subparagraphs (B) and (C) of paragraph (4)."

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking "There is" and inserting "(a) In General.—There is";

(2) by striking "this subchapter" and inserting "this subchapter (other than section 658H)"; and

(3) by adding at the end the following:

"(b) Programs for Child Care and Development Services.—There is authorized to be appropriated and there is appropriated to carry out section 658H, $1,000,000,000 for each of fiscal years 1999 through 2003."

SEC. 103. STATE PLAN.

Section 658E(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i)(II), by striking "section 658P(2)" and inserting "section 658T(2)"; and

(ii) in clause (ii), by striking "eligible provider" and inserting "eligible child care provider (or, in the case of child care and development services, an entity described in section 658H(c))"; and

(B) in the first sentence of subparagraph (E)(i)—

(i) by inserting after "within the State" the following "(or, in the case of child care and development services, other appropriate requirements)"; and

(ii) by striking "such requirements" each place it appears and inserting "such licensing or appropriate requirements"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "(D)" and inserting "(E)"; and

(B) by adding at the end the following:

"(E) Programs for Child Care and Development Services.—

"(i) In General.—The State plan shall provide that the State will reserve the portion described in clause (ii) of the State allotment under section 658O for each fiscal year to carry out activities under section 658H.

"(ii) Portion.—For each fiscal year, the portion referred to in clause (i) is the amount that bears the same relationship to the State allotment for that year as the amount appropriated under section 658B(b) for that year bears to the total amount appropriated under section 658B for that year.".

SEC. 104. CHILD CARE AND DEVELOPMENT SERVICES.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

"SEC. 658H. CHILD CARE AND DEVELOPMENT SERVICES.

"(a) Purpose.—It is the purpose of this section to fund quality child care and development services, including direct services provided outside of normal school hours, to promote the health and academic achievement of school age children, and assist the children in avoiding high risk behaviors.

"(b) In General.—Each State that receives funds to carry out this subchapter for a fiscal year shall use the funds reserved as described in section 658E(c)(3)(E) to make grants to eligible entities to carry out programs to expand the availability and affordability of quality child care and development services, including direct services provided outside of normal school hours (including before- and after-school care and weekend, holiday, and summer care) for school age children.

"(c) Eligible Entities.—To be eligible to receive a grant under this section, an entity shall be—

"(1) an elementary school or secondary school; or

"(2) a community-based organization, including a community-based entity that operates a child care center or youth center or is a family child care provider, that meets such requirements of the type described in subparagraphs (E) and (F) of section 658E(c)(3) as the State and local governments involved may prescribe.

"(d) Application.—To be eligible to receive a grant under this section, an entity shall submit an application to the State at such time, in such manner, and containing such information as the State may require. At a minimum, each application shall contain—

"(1) information demonstrating the manner in which the entity will carry out a program described in subsection (b) in a manner that meets the needs, of the community to be served, for child care and development services, including direct services provided outside of normal school hours;

"(2) an assurance that the entity will carry out direct services provided through the program during—

"(A) at least 3 days in each week that the program operates, and for at least 3 hours on each day that the program operates; or

"(B) at least 10 hours in each week that the program operates;

"(3) information demonstrating the manner in which the entity will serve children with disabilities; and

"(4) information demonstrating the manner in which the entity will carry out the planning, establishment, implementation, and evaluation of the program, and provide staff training for the program, in coordination with other entities carrying out programs for children or public transportation programs in the community.

"(e) Preference.—In making grants under this section, a State shall give preference to entities that—

"(1) serve communities with—

"(A) a high rate of poverty, as determined in accordance with criteria established by the Secretary; and

"(B) a high incidence of at-risk children; and

"(2) propose programs that make transportation services available to the children served, if needed to enable the children to receive other services described in this section, using transportation provided under other public programs in the community, such as transportation provided under the Head Start Act (42 U.S.C. 9831 et seq.), or under programs providing services to older individuals, educational programs, or public transportation programs.

"(f) USE OF FUNDS.—

"(1) IN GENERAL.—An entity that receives a grant under this section shall use the funds made available through the grant to provide—

"(A) direct services outside of normal school hours;

"(B) quality services; and

"(C) indirect services.

"(2) DIRECT SERVICES AND RELATED QUALITY SERVICES.—

"(A) IN GENERAL.—The entity shall use not less than 75 percent of the funds described in paragraph (1) to provide two or more of the direct services described in subparagraph (B) to school age children and to carry out related quality services.

"(B) DIRECT SERVICES.—The direct services referred to in subparagraph (A) consist of—

"(i) recreational activities;

"(ii) community-based service programs that provide for meaningful human, educational, environmental, or public safety service;

"(iii) academic assistance and tutoring;

"(iv) mentoring;

"(v) conflict management;

"(vi) health and nutrition services, including disease and injury prevention services;

"(vii) literacy services;

"(viii) child care (other than another service described in this subsection); and

"(ix) transportation of school age children between—

"(I) school or home; and

"(II) the facility in which the services are provided.

"(C) QUALITY SERVICES.—The quality services referred to in subparagraph (A) consist of—

"(i) provision of community-based training, related to the provision of direct services, for staff of the entity, at times and in locations that are accessible to the staff;

"(ii) provision of financial assistance to the staff to attend courses at an institution of higher education that are related to the provision of direct services;

"(iii) provision of financial assistance to staff to promote staff retention;

"(iv) provision of financial assistance to enable the child care and development services program provided by the entity to obtain accreditation by a nationally recognized accreditation organization;

"(v) data collection relating to direct services, including the collection of data described in paragraphs (1)(B) and (2) of section 658K(a) for family units receiving assistance under this section, and submission of the data to the State for inclusion in the reports described in section 658K(a)(2); and

"(vi) evaluation of the child care and development services provided by the entity in accordance with criteria determined by the State, and participation in audits described in section 658K(b).

"(3) INDIRECT SERVICES.—

"(A) IN GENERAL.—The entity shall use not more than 25 percent of the funds described in paragraph (1) to provide indirect services that support the sustainability of the direct services and the accountability of entities carrying out the direct services.

"(B) SERVICES.—The indirect services referred to in subparagraph (A) may include—

"(i) carrying out activities to provide increased compensation to staff who provide the direct services to school age children outside of normal school hours and who participate in appropriate training;

"(ii) developing and maintaining electronic databases of providers who provide the direct services outside of normal school hours, and making the information in the databases available to the public through arrangements with elementary schools, secondary schools, public libraries, community-based agencies, and other public agencies;

"(iii) conducting community needs assessments to determine the need for direct services outside of normal school hours; and

"(iv) constructing, maintaining, and improving facilities, and purchasing equipment for facilities, in which school age children receive direct services outside of normal school hours.

"(g) DEFINITIONS.—In this section:

"(1) DIRECT SERVICES.—The term 'direct services' means the services described in subsection (f)(2)(B).

"(2) INDIRECT SERVICES.—The term 'indirect services' means the services described in subsection (f)(3).

"(3) QUALITY SERVICES.—The term 'quality services' means the services described in subsection (f)(2)(C).".

SEC. 105. CONFORMING AMENDMENTS.

(a) FACILITIES.—Section 658F(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858d(b)(1)) is amended—

(1) in paragraph (1), by striking "section 658O(c)(6)" and inserting "section 658H or 658O(c)(6)"; and

(2) in paragraph (2), by inserting before "except" the following: "except as provided in section 658H and".

(b) QUALITY ACTIVITIES.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended by striking "this subchapter" and inserting "this subchapter (other than section 658H)".

(c) REDESIGNATION.—Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C 9858i) is amended, in subsection (a)(2)(A), by striking "section 658P(5)" and inserting "section 658T(5)".

(d) CONSTRUCTION.—Section 658O(c)(6) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(c)(6)) is amended by inserting "(other than the amounts provided to carry out section 658H)" after "this subsection" each place it appears.

TITLE II—STRENGTHENING THE 21ST CENTURY COMMUNITY LEARNING CENTERS ACT

SEC. 201. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS" after "SECRETARY"; and

(B) by striking "rural and inner-city public" and all that follows through "or to" and inserting "local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or"; and

(C) by striking "a rural or inner-city community" and inserting "the communities";

(2) in subsection (b)—

(A) by striking "States, among" and inserting "States and among"; and

(B) by striking "United States," and all that follows through "a State" and inserting "United States"; and

(3) in subsection (c), by striking "3" and inserting "5".

SEC. 202. APPLICATIONS.

Section 10904(a) of such Act (20 U.S.C. 8244(a)) is amended—

(1) in the first sentence, by striking "an elementary or secondary school or consortium" and inserting "a local educational agency";

(2) in paragraph (1), by striking "or consortium";

(3) in paragraph (2), by striking "and" after the semicolon;

(4) in paragraph (3)—

(A) in subparagraph (D), by striking "or consortium"; and

(B) in subparagraph (E)—

(i) in the matter preceding clause (i), by striking "or consortium"; and

(ii) in clause (ii), by striking the period and inserting a semicolon;

(5) by adding at the end the following:

"(4) information demonstrating that the local educational agency will—

"(A) provide not less than 50 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated;

"(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

"(C) subject to subparagraph (B), in the fourth and fifth years of a local educational agency's project, increase the percentage of the annual cost of activities assisted under the project that is paid for from sources other than the funds provided under this part; and

"(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part."; and

(6) in the matter preceding paragraph (1), by striking "Each such" and inserting the following:

"(b) CONTENTS.—Each such".

SEC. 203. USES OF FUNDS.

Section 10905 of such Act (20 U.S.C. 8245) is amended by striking "may be used" and all that follows through "four" and inserting "shall be used to establish or expand community learning centers that provide activities which offer expanded learning opportunities for children and youth in the community (such as activities conducted before or after school) and which may include any".

SEC. 204. CONTINUATION AWARDS UNDER CURRENT STATUTE.

Such Act (20 U.S.C. 8241 et seq.) is further amended—

(1) by redesignating sections 10906 and 10907 as sections 10907 and 10908, respectively; and

(2) by inserting after section 10906 the following:

"SEC. 10907. CONTINUATION AWARDS.

"Notwithstanding any other provision of law, the Secretary may use funds appropriated under this part to make payments under this part for projects that were funded under this part for fiscal year 1998, under the terms and conditions that applied to the original grants for the projects.".

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 10908 of such Act (as redesignated by section 204(1)) (20 U.S.C. 8247) is amended by striking "$20,000,000 for fiscal year 1995" and inserting "$200,000,000 for fiscal year 1999".

SEC. 206. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on October 1, 1998.

TITLE III—CRIME PREVENTION PROGRAM

SEC. 301. GRANTS TO PUBLIC AND PRIVATE AGENCIES.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by redesignating the second part designated as part I as part K; and

(2) by inserting after the first part designated as part I the following:

"PART J—AFTER SCHOOL CRIME PREVENTION

"SEC. 292. GRANTS TO PUBLIC AND PRIVATE AGENCIES FOR EFFECTIVE AFTER SCHOOL CRIME PREVENTION PROGRAMS.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make grants in accordance with this section to public and private agencies to fund effective after school juvenile crime prevention programs.

"(b) MATCHING REQUIREMENT.—The Administrator may not make a grant to a public or private agency under this section unless that agency agrees that, with respect to the costs to be incurred by the agency in carrying out the program for which the grant is to be awarded, the agency will make available non-Federal contributions in an amount that is not less than a specific percentage of Federal funds provided under the grant, as determined by the Administrator.

"(c) PRIORITY.—In making grants under this section, the Administrator shall give priority to funding programs that—

"(1) are targeted to high crime neighborhoods or at-risk juveniles;

"(2) operate during the period immediately following normal school hours;

"(3) provide educational or recreational activities designed to encourage law-abiding conduct, reduce the incidence of criminal activity, and teach juveniles alternatives to crime; and

"(4) coordinate with State or local juvenile crime control and juvenile offender accountability programs.

"(d) FUNDING.—There are authorized to be appropriated for grants under this section $250,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.".

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 412

At the request of Mr. THURMOND, his name was withdrawn as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 656

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 656, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1305

At the request of Mr. GRAMM, the names of the Senator from New York (Mr. D'AMATO) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1334

At the request of Mr. BOND, the names of the Senator from Oregon (Mr. SMITH), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1421

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1421, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

S. 1573

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1573, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 1644

At the request of Mr. REED, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1644, a bill to amend subpart 4 of part A of title IV of the Higher Education Act of 1965 regarding Grants to States for State Student Incentives.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from California (Mrs. FEINSTEIN), the Senator from Wisconsin (Mr. KOHL), the Senator from New York (Mr. D'AMATO), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

SENATE CONCURRENT RESOLUTION 78—RELATING TO THE INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN FOR WAR CRIMES

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas, in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international law;

Whereas, in Revolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraq invasion of Kuwait";

Whereas, in Revolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991:

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 182,000 persons and the destruction of more that 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to 'unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Husseinn and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the Former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24 million for the International Criminal Tribunal for the Former Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment;

Whereas a failure to try and punish leaders and other persons for crimes, against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts;

Resolved, by the Senate (the House of Representatives concurring,)

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal, seek the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute and imprison Saddam Hussein and other Iraqi officials.

SENATE RESOLUTION 187—CONCERNING THE PEOPLE'S REPUBLIC OF CHINA

Mr. MACK (for himself, Mr. WELLSTONE, Mr. HELMS, Mr. THOMAS, Mr. FEINGOLD, Mr. ABRAHAM, Mrs. BOXER, Mr. MOYNIHAN, and Mr. ASHCROFT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 187

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China engages in widespread human rights violations; and

Whereas President Clinton pledged that the United States would step up its efforts in cooperation with other states to insist that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

Mr. MACK. Mr. President, I rise today to submit a resolution calling for the United States to introduce and make all efforts necessary to pass a resolution at the annual meeting of the United Nations Commission on Human Rights criticizing the People's Republic of China (PRC) for its atrocious human rights record in China and Tibet. This commission will meet on March 16, so I am here today with a sense of urgency.

Mr. President, President Clinton reversed his position in 1993 and chose to de-link trade and human rights in 1993. This decision sacrificed important leverage in our relationship with the PRC to address America's human rights concerns. At the time of the President's decision, however, he promised the American people that he would strengthen his efforts to obtain an international condemnation of Beijing's violation of international human rights standards in China and Tibet. Specifically, he pledged that the United States would step up its efforts in cooperation with other states in insisting that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China.

Mr. President, this Human Rights Commission meets in Geneva on March 16, and to date, the President has not demonstrated his commitment to keep his pledge to the American people. It appears that no other nation on the Commission will initiate this resolution without U.S. support and leadership. It is time for the United States to provide that leadership—the leadership which the people of China depend upon. We must take action to introduce the China resolution at the Human Rights Commission and build international support for its passage.

The U.N. Human Rights Commission is the only international body which oversees the human rights conditions of all states. Even though the resolution may not pass, simply the debate of human rights in China and Tibet at the U.N. Commission makes a difference.

I was fortunate to have had the opportunity to meet Wei Jingsheng in February. Mr. Wei is a Chinese dissident who has spent most of his life in Chinese prisons for his pro-democratic political writings. He was recently exiled from his country, and is now living in the United States. Unfortunately, while he considers this exile cruel, some want to give the government in Beijing credit for releasing Mr. Wei; they call this an example of "progress."

Mr. President, Mr. Wei articulates clearly and convincingly our call to action. His words are appropriate today, and every day we come to work here in the Senate of the United States. In an article by Patrick Tyler in the New York Times on November 22, 1997, Mr. Wei states, "Democracy and freedom are among the loftiest ideals of humanity, and they are the most sacred rights of mankind. Those who already enjoy democracy, liberty and human rights, in particular, should not allow their own personal happiness to numb them into forgetting the many others who are still struggling against tyranny, slavery and poverty, and all of those who are suffering from unimaginable forms of oppression, exploitation and massacres."

Mr. President, the United States must not take our freedom for granted. We must take action. We must not shy away from leadership in the world when our leadership is so badly needed. The United States must sponsor and lead the international effort to condemn the human rights situation in China and Tibet. I hope that my colleagues will join me in passing this resolution calling upon the President to keep his promise to the American people, and insist that the United Nations Commission on Human Rights pass a resolution dealing with the serious human rights abuses in the People's Republic of China.

Mr. WELLSTONE. Mr. President, my colleague, Senator CONNIE MACK from Florida, and I have submitted a resolution that deals with the upcoming U.N. Human Rights Commission meeting in March and the position that our country needs to take in relation to human rights, or lack of human rights in China. This resolution, my understanding is, will be marked up tomorrow in the Senate Foreign Relations Committee.

Senator MACK and I submitted a resolution urging the Clinton administration to make every effort to pass a resolution on China at the U.N. Commission on Human Rights gathering which meets this month in Geneva. For the past 30 years, this Commission has monitored the compliance of different countries with human rights standards. It has investigated violations in countries in all parts of the world, rich and poor, weak and powerful alike.

Almost 4 years ago, the Clinton administration announced its decision to renew most-favored-nation status for China and laid out a new human rights policy toward China. At the heart of this policy was the United States commitment, at least in words, to step up efforts to "insist that the U.N. Human Rights Commission pass a resolution dealing with serious human rights abuses in China." Since that time, the Clinton administration has made it clear that only significant, concrete improvements in the human rights conditions would justify a reconsideration of that commitment.

China has failed to improve their human rights record, and, in fact, as we turn a blind eye to abuses, the situation appears to be deteriorating. China continues to wage war against individual freedoms and human rights. Hundreds, and perhaps thousands, of dissidents and advocates of political reform were detained just this past year. They included human rights and pro-democracy activists and members of religious groups. Many have been sentenced to long prison terms where they have been beaten, tortured, and denied medical care.

Harry Wu, a man of extraordinary courage and character, has documented China's extensive prison-enforced labor system. According to Amnesty International, throughout China, mass summary executions continue to be carried out. At least 6,000 death sentences and 3,500 executions were officially recorded in 1996 alone. The real figures, colleagues, are believed to be much higher.

According to the New York Times last week, with the help of Harry Wu, the FBI conducted an uncover investigation, which confirmed claims that the Chinese are selling organs from executed prisoners for transplant.

Furthermore, repression has increased steadily. Scores of Roman Catholics and Protestants were arrested. Crackdowns continue in Tibet. Authorities ordered the closure of monasteries in Tibet and banned the Dalai Lama's image, and arrests of political dissidents continue. China continues to violently threaten the unique culture, religious, and linguistic identity of the Tibetan people. Taking a firm stand against human rights abuses in China, and around the world, is an expression of our solidarity with people who risk their personal safety to champion these principles.

As an aside, in what travels I have been able to do around the world—and I wish I could do more of it, Mr. President—I do not think that I have ever been more moved in my life than by the courage of people who live in countries with repressive governments, whether they be left or right, and who have the courage to stand alone, and the courage to speak up, even when it could mean they could end up serving long prison sentences, or their loved ones, their wives, husbands, and children, can be rounded up, tortured, raped or murdered. These citizens throughout the world continue to have the courage to speak up for basic freedom. Our country ought to be there supporting these courageous individuals.

One such person is Kalsang Lhamo, a Tibetan exile living in my home State of Minnesota. I recently met her. She told me how her parents were both detained and tortured by the Chinese PLA when she was a child. Their crime? What was the crime of her parents? As she was speaking to me, Mr.

President, there were tears in her eyes. She was crying. The crime of her parents in Tibet was the possession of photographs of their religious leader. After watching her parents starve to death in detention and her neighbors executed, she, too, was beaten nearly to the point of death by Chinese soldiers during a demonstration.

China's release of Wei Jingsheng and its invitations to the U.N. High Commission for Human Rights to visit are welcome steps. A Commission resolution can certainly acknowledge these developments.

Mr. President, our Government can lead the way. The resolution that we must pass at this Commission meeting on human rights can acknowledge this. But they are not in themselves enough to bring about real changes in the lives of the people in China and Tibet, and the human rights situation their remains urgent.

Also, while we are thankful that Wei Jingsheng is out of prison and safely in the United States, it would be a cruel irony if his release were used as a justification for giving up the fight for human rights in China and for our Government not taking a strong position at this U.N. Human Rights Commission meeting in Geneva. First, of course, Mr. Wei's release does not represent systematic change. Second, he was not released unconditionally from his unlawful imprisonment, and he can be rearrested, if he ever returns to China. He can't go back to his country.

Mr. President, as an aside, though I think it is relevant, my father fled persecution, was born in Odessa, Ukraine, but he grew up in Siberian Russia, and then he fled the country when he was 17 years old, in 1914. Then, after the revolution, he thought he would go back. Then his parents told him not to and the Bolsheviks took over, or the Communists took over, and he never saw his family again.

My father and my mother both had advanced Parkinson's at the end of their lives, and so we used to spend a lot of time staying over at their apartment taking care of them. My father had lived in the United States, now, for 65 years. He had no accent at all. He spoke 10 languages fluently, as a matter of fact. He was an amazing man. And yet, when I would spend the night in his room with him, all of his dreaming was in Russian. Talk about the child being the father of the man or the child being the mother of the woman, all of his dreaming was in Russian. And the terrible thing was that it was shouting and it was screaming and it was anguish. I just had to believe that the reason for this, which many Americans can't experience, is how traumatic it must be when you can never go back to your homeland. How traumatic it must be when you can never go back to your country, never see your mother or father.

My father, at 17, was separated from his family. I am absolutely convinced that his mother and father and sister were murdered by Stalin. All correspondence ended during the Stalin years. Wei Jingsheng has been released, but he can never go back to China. He would be immediately arrested and imprisoned. That hardly represents a standard of human rights.

One of the reasons I speak on the floor of the Senate about human rights is to honor the memory of my father. He could never go back, never saw his family again. And at the end of his life, his dreams, I think, were full of anguish, all in Russian, because of that.

Finally, Mr. Wei has told me personally that he believes in the critical importance of our effort to push for a resolution at the session of the Commission this month. Let me repeat that for colleagues. It's a sort of sleepy Monday afternoon on the floor of the U.S. Senate. We will mark this resolution up tomorrow in committee. One way or another, I certainly am going to bring this out as an amendment and we are going to pass it with an overwhelming vote, giving direction to the President and direction to the administration to, at this human rights Commission in Geneva, be sure to pass a resolution which will strongly pressure China on human rights. For God's sake, if Wei Jingsheng—who spent, I don't know, 16 or 17 years in prison because he had the courage to speak up—can put to us this small request that we speak about this on the floor of the Senate, that we try to pass some resolution supporting human rights in his country, we ought to be able to do that. That's the least we ought to be able to do.

For years we have pressured the Chinese on human rights, though I don't think with nearly as much force and commitment as we should have. But to let up now, as the U.N. Commission meets, would be tantamount to defeat for the cause of human justice. Dissidents like Wei Jingsheng, who have been freed and have come to the United States, have thanked advocates for keeping them alive by keeping the pressure on and by focusing attention on their plight. As Senators and as Americans, it is our duty and in our interest to make the extra effort to promote democracy in China and, for that matter, in countries throughout the world, and to bring China in compliance with international standards of human rights.

So, I just want to say today that I am proud to introduce this resolution with my colleague, Senator CONNIE MACK from Florida. This will be marked up tomorrow. One way or another, I will get this to the floor of the Senate as an amendment. I want us to vote as a Senate. I want us to give direction to the administration. I want our Government at this U.N. Commission on Human Rights to talk about human rights and to have a resolution which really puts the pressure on China for all of us. Whether we are Democrats or Republicans, we ought to at least, through resolutions and through amendments and through votes and through speaking—it is the very least we can do, to support these very courageous people. That is the purpose of this resolution.

Mr. President, I ask unanimous consent to add as cosponsors to the resolution that I have submitted with Senator MACK, Senator HELMS, Senator ASHCROFT, Senator THOMAS, Senator ABRAHAM, Senator BOXER and Senator FEINGOLD.

The PRESIDING OFFICER. Without objection, those Senators will be added as original cosponsors.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Tuesday, March 3, 1998, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Global Health: United States Response to Infectious Diseases. For further information, please call the committee, 202/224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Children and Families, will be held on Thursday, March 5, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is After School Child Care. For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, March 2, 1998, at 2:45 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BANKRUPTCY REFORM

• Mr. KYL. Mr. President, I want to speak for a few moments today on the subject of bankruptcy reform. It is an issue that we will be dealing with shortly in the Judiciary Committee. The House of Representatives could vote on a reform bill as early as next month.

Mr. President, bankruptcy filings have been skyrocketing. We have seen a nearly 60 percent increase in personal filings around the country during the last two years, resulting in a discharge of about $40 billion in debt. In Arizona alone, Chapter 7 filings have increased a staggering 81 percent during the same period.

The number of bankruptcy cases filed in my home state last year exceeded the previous record that was set back in 1990, when our real estate market was in serious trouble. What is particularly alarming about the number of filings today is that they are occurring in relatively good economic times.

Now let me say at the outset that there are obviously some people who legitimately need the relief that Chapter 7 was set up to provide. A serious illness or death in the family may have wreaked havoc on the family finances. Maybe there has been a fire or flood that has wiped out the family business or home. In cases like that, where there is extraordinary hardship, there ought to be an opportunity to seek relief and a fresh start. No one disputes that. And I suspect that most creditors are willing to work with someone when such tragedy strikes.

The problem is, too many people appear to be abusing the system of late. A recent study conducted in Phoenix found that a significant number of people who file for relief under Chapter 7 actually have the ability to pay back some, or even all, of what they owe. Let me say that again: they actually have the ability to repay some or all of their debts.

A study by Michael Staten of the Georgetown School of Business suggests that as many as 25 percent of Chapter 7 filers could pay at least 30 percent or more of their non-housing debt. But filing under Chapter 7 allows them to escape all of such debt, regardless of their ability to repay.

Now I know defenders of the status quo prefer to put the blame on creditors, suggesting that they extend credit far too easily, even to individuals who may have difficulty repaying their debt. But let us keep a few points in mind. First, the vast majority of people—an estimated 96 percent—pay their bills on time. So creditors must be doing something right. I am sure that if there were a way for creditors to weed out more of the riskiest accounts, they would do so.

Second, no one is forced to open a credit account, take a loan, or buy something on credit. In fact, millions of hard-working Americans make due without many of the things they would like to have because they cannot afford them—even on credit. Many others delay a purchase until they are better situated to repay.

Third, and perhaps this is the most important point I would make: The people who need credit most are not the wealthiest Americans, but those with moderate or low incomes. If creditors tighten up credit too much, it will be the people closer to the margins—those who need it most—whose access to credit will be impeded.

In my view, the issue really boils down to this: personal responsibility. If someone freely accepts the terms of a credit account, he or she ought to abide by those terms when it comes time to meet the obligations and pay back what is owed. If extraordinary circumstances strike, debtors ought to work in good faith with their creditors to establish a reasonable repayment plan, assuming they have the means to do so.

The irresponsible thing is for people to take something on credit that they have no intention of paying for. And our laws should not sanction that sort of behavior.

Mr. President, let me turn for a moment to a few different cases that illustrate the point I am making here. These are cases that were profiled in recent news reports.

First, there was the case of a New York couple with three children. The husband was on disability. They could easily have qualified for a Chapter 7 discharge of their debt, but they did not want to walk away from their obligations. They chose to repay what they could under a Chapter 13 payment plan, and they are now paying $375 of their $2,125 monthly income to satisfy part of their debt.

An Arizona teacher ended up with $45,000 worth of credit-card debt, but she was determined to find a way to avoid bankruptcy altogether. She put it this way: "When I signed my name, that was my promise." She found a consumer-credit counseling service to help her through tough times, and she is now on her way to paying back her debt and restoring her credit.

Compare the New York couple and the Arizona teacher to debtors who reportedly used credit to buy several thousand dollars worth of computer equipment, furniture, and an entertainment center. Shortly after buying the goods, they sold them, pocketed the proceeds, and without applying anything toward their bills, filed for Chapter 7 to erase their debts.

In another case, a couple allegedly ran up more than $2,000 on a charge card at the very time they were involved in foreclosure proceedings on their home. They apparently knew they could not avoid the foreclosure or pay off the credit-card charges they were incurring. Yet they went ahead and ran up their charge cards with the expectation that they could escape the obligation to repay their debt under Chapter 7.

Mr. President, in the first two instances, we had individuals who stepped up to the plate and tried to make good on their obligations. In the latter two cases, we have individuals who seem to be abusing the system, running up debt they had no intention of repaying. And the way the law works now, it is the abusers who benefit most. And that abuse costs those who responsibly pay their bills as much as $400 per household a year.

What is fair about allowing people who have the ability to pay back some of their debt to walk away free and clear, while the vast majority of people pay their bills on time? What is fair about letting some people avoid their obligations for no good reason, while others who experience credit problems make some effort to repay? I want to emphasize that we need to find a way to deal with people who have the ability to repay their debt, not those who are in such dire straights that their lives are totally upended.

Probably the best thing we could do would be to establish a simple, up-front means test to direct bankruptcy filers to the chapter of the Bankruptcy Code that best meets their needs. I am talking about setting up an objective, administrative test to separate those who are in severe financial straits and truly need complete relief under Chapter 7 from those who are able to repay some or all of their debts.

Here is how this front-end approach would work. People who have annual incomes of less than 75 percent of the national median family income could choose between a Chapter 7 discharge and a Chapter 13 repayment plan, just as they could now. It would be their choice. In other words, there would be no change at all for people with modest incomes.

But for people who have higher incomes, a second test would be applied: could they repay all of their secured and priority debts and at least 20 percent of their unsecured debts over five years? If so, they would have to establish a repayment plan. If not, they could still get protection under Chapter 7. It is as simple and straightforward as that.

We should also create an incentive for people who have a pretty good idea that they are running into financial trouble to avoid running up additional debts they will not be able to repay. We could do that by making sure that debts run up on the eve of bankruptcy filings—within 90 days of the filing—are non-dischargeable.

A longer period of time for higher income debtors to pay off their debts is also worth considering, as is a stop to the so-called "cram downs" of goods to values below which any other American would have to pay.

Mr. President, if someone has the ability to repay, he or she should have to do so. Bankruptcy protection ought to be reserved for those who truly need it. I intend to work in the Judiciary Committee with Senators HATCH and GRASSLEY to craft common sense bankruptcy-reform legislation that addresses these and other concerns. I hope my colleagues will join this effort to ensure that a reform bill can be enacted this year.•

RETIREMENT OF JOHN DAPONTE

• Mr. INOUYE. Mr. President, on December 31, 1997, John DaPonte retired from U.S. Government service and returned to his home state of Rhode Island after having served at the Foreign-Trade Zones (FTZ) Board since 1968. The retirement of a federal official happens several times every day. However, it is important that John DaPonte's career in government be remembered because of the impact that he and the Foreign-Trade Zones Board have made on U.S. trade policy, U.S. companies in the global marketplace, and the economic development of a wide range of communities in the United States. There are few federal government officials who have made such a direct positive impact on the subject they manage.

The agency for which John DaPonte worked, the Foreign-Trade Zones Board, is one of the smallest federal agencies in Washington, DC with only nine employees. It is so small that it does not have a line item in the federal budget. In 1968, Zone projects existed in only 6 states and Puerto Rico and were very modest in size. Today, Foreign-Trade Zones Board activity is in all 50 states and Puerto Rico. During his tenure at the Board, the agency's Zone projects increased from 9 in 1968 to 560 in 1997, a yearly growth rate of 221%; domestic merchandise receipts grew from $18 million in 1966 to $125.6 billion. An average yearly rate of 24,933%; and employment increased from 1200 jobs in 1968 to 370,000 jobs an average yearly growth rate of 1,138%. There are few, if any, federal agencies with this growth record. John DaPonte deserves a thank you for managing an important U.S. trade program that grew rapidly over the last 30 years with very modest resources.

The Foreign-Trade Zone Program is an economic development tool for communities providing financial assistance to many troubled U.S. industries, as well as to foreign-based firms interested in establishing U.S. production operations, by helping them be competitive in the global marketplace. Foreign-Trade Zones place U.S. production facilities on an equal footing with foreign operations. The benefit of this investment is the creation of jobs in the U.S. Industry groups become involved in the Foreign-Trade Zone Program in order to solve trade problems. Major industries involved in the program include shipbuilding, motor vehicles, oil refining, pharmaceuticals, and information technology.

The growth of the Foreign-Trade Zone Program required a very significant amount of effort by the staff of the Foreign-Trade Zones Board. The Foreign-Trade Zones Act, and laws pertaining thereto, were amended in the 1968 to 1997 period on thirteen (13) occasions. Mr. DaPonte implemented many new procedures at the Foreign-Trade Zones Board including minor boundary modifications and grant restrictions to assist in managing the very rapid growth of the program in a balanced manner and without major funding or personnel. In 1968, 2 applications for new projects were filed. In 1997, 85 applications were filed. Board Orders approving new Zone projects grew during the period from 3 Board Orders issued in 1968 to 78 Board Orders issued in 1997.

In order to operate effectively, the Foreign-Trade Zones Board works closely with a wide range of U.S. government agencies. Most important, is the Board's continuing involvement with state and local governmental organizations that implements most zone activity. At a time when we in Washington are trying to empower states and localities, we would do well to look at the positive program developed under John DaPonte's leadership. The Foreign-Trade Zones Program, from the beginning, has been one that actively engaged states, counties, cities, and port authorities on all levels to encourage local economic development activities.

It is clear that during John DaPonte's tenure at the Foreign-Trade Zones Board, the program experienced extraordinary growth. He managed this high level of growth effectively with extremely modest personnel and budget resources. No other Federal agency has created such a positive impact on our nation's balance of trade with such limited resources. John DaPonte's involvement in the federal government is a classic example of the federal government at its best. Today, we remember the positive contributions of John DaPonte to U.S. trade. This Congress thanks him for his efforts and wishes him well in his future endeavors.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to Executive session to consider the following nominations on the Executive Calendar: Nos. 508 through 524 and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps and Navy.

I further ask unanimous consent that the nominations be considered and confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert C. Hinson, 6467

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Gary A. Winterberger, 7009

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Russell C. Axtell, 1784

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Garry R. Trexler, 6465

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Larry K. Arnold, 3721
Brig. Gen. James H. Bassham, 8202
Brig. Gen. George F. Scoggins, Jr., 5952

To be brigadier general

Col. James F. Barnette, 4440
Col. Ralph J. Clifft, 6308
Col. Harold A. Cross, 6940
Col. Thomas G. Cutler, 0206
Col. Gilbert R. Dardis, 0949
Col. Thomas P. Maguire, Jr., 5939
Col. Barbara J. Nelson, 8708
Col. Avrum M. Rabin, 7297
Col. Gary L. Sayler, 7927
Col. Andrew J. Thompson, IV, 0451
Col. Harry A. Trosclair, 5962
Col. Stephen L. Vonderheide, 3217

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Fred E. Ellis, 9826
Brig. Gen. Edward R. Jayne, II, 0797
Brig. Gen. Carl A. Lorenzen, 9580
Brig. Gen. Richard A. Platt, 5817
Brig. Gen. John H. Smith, 7849
Brig. Gen. Irene Trowell-Harris, 0379

To be brigadier general

Col. William E. Bonnell, 6991
Col. Edward H. Greene, II, 8459
Col. Robert H. Harkins, III, 3718
Col. James W. Higgins, 5324
Col. Robert F. Howarth, Jr., 5285
Col. Thomas C. Hruby, 4185
Col. Richard S. Kenney, 4868
Col. Phil P. Leventis, 5798
Col. Charles A. Morgan, III, 9002
Col. Jerry W. Ragsdale, 4281
Col. Lawrence D. Rusconi, 1916

Col. Richard H. Santoro, 9860
Col. Wayne L. Schultz, 7036
Col. Ralph S. Smith, Jr., 2016
Col. Ronald C. Szarlan, 0548
Col. James K. Wilson, 1397
Col. Ruth A. Wong, 1961

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William P. Tangney, 4937

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John M. Keane, 9856

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John M. McDuffie, 7976

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William F. Kernan, 5841

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Joseph W. Godwin, 9278

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James E. Caldwell III, 1384
Col. Robert C. Hughes, Jr., 4532

IN THE MARINE CORPS

The following named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Arnold L. Punaro, 5023

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. John w. Bergman, 6022
Col. John J. McCarthy, Jr., 8507

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Martin R. Berndt, 8515
Brig. Gen. David F. Bice, 8140
Brig. Gen. Wallace C. Gregson, Jr., 5925
Brig. Gen. Michael W. Hagee, 5620
Brig. Gen. Michael A. Hough, 9437
Brig. Gen. Dennis T. Krupp, 6282
Brig. Gen. Robert Magnus, 6252
Brig. Gen. David M. Mize, 9683
Brig. Gen. Henry P. Osman, 9358
Brig. Gen. Garry L. Parks, 1088
Brig. Gen. Randall L. West, 8789

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Jay A. Campbell, 8580
Rear Adm. (lh) Robert C. Chaplin, 7451
Rear Adm. (lh) James C. Dawson, Jr., 7743
Rear Adm. (lh) Malcolm I. Fages, 4038
Rear Adm. (lh) Scott A. Fry, 5541
Rear Adm. (lh) Gregory G. Johnson, 3052
Rear Adm. (lh) Albert H. Konetzni, Jr., 2358
Rear Adm. (lh) Joseph J. Krol, Jr., 6388
Rear Adm. (lh) Richard W. Mayo, 4195
Rear Adm. (lh) Michael G. Mullen, 9509
Rear Adm. (lh) Larry D. Newsome, 7662
Rear Adm. (lh) William W. Pickavance, Jr., 9782
Rear Adm. (lh) William L. Putnam, 6795
Rear Adm. (lh) Paul S. Semko, 1736
Rear Adm. (lh) Robert G. Sprigg, 0549
Rear Adm. (lh) Donald A. Weiss, 7917
Rear Adm. (lh) Richard D. West, 7494
Rear Adm. (lh) Harry W. Whiton, 2916
Rear Adm. (lh) Thomas R. Wilson, 1606
Rear Adm. (lh) George R. Yount, 7416

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. (lh) Kathleen L. Martin, 4639

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Naomi A. Behler, and ending Bryce C. Shutt, which nominations were received by the Senate and appeared in the Congressional Record of November 6, 1997

Air Force nominations beginning John G. Bitwinski, and ending Gary A. Howell, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Air Force nominations beginning Kurt W. Andreason, and ending Rawson L. Wood, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Air Force nominations beginning David W. Arnett II, and ending Bruce E. Vanderven, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Air Force nominations beginning John R. Abel, and ending Helene R. Yosko, which nominations were received by the Senate and appeared in the Congressional Record of February 12, 1998

Army nominations beginning James P. Neely, and ending John C. Warnke, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Roland G. Alger, and ending Johnnie L. Young, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998.

Army nominations beginning Stephen E. Castlen, and ending John I. Winn, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning John P. Barbee, and ending Paul L. Vicalvi, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Steven G. Bolton, and ending Timothy J. Wright, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nomination of Bruce F. Brown, which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Donald E. Ballard, and ending Merrel W. Yocum, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nomination of Morris C. Mckee, Jr., which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Edward S. Crosbie, and ending Martha A. Sanders, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Gary A. Doll, and ending Gordon E. Wise, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Benjamin J. Adamcik, and ending Joy L. Ziemann, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Army nominations beginning Craig H. Anderson, and ending Bruce E. Zukauskas, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Marine Corps nominations beginning Hugh J. Bettendorf, and ending William J. Cook, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Marine Corps nominations beginning Charles G. Hughes II, and ending William S. Watkins, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

Marine Corps nomination of Kent J. Keith, which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Navy nomination of Albert W. Schmidt, which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Navy nomination of Jeffery W. Levi, which was received by the Senate and appeared in the Congressional Record of January 29, 1998

Navy nominations beginning David Avencio, and ending Daniel Way, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 1998

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, MARCH 3, 1998

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Tuesday, March 3; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately proceed to a period for the transaction of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator COVERDELL, 20 minutes; Senator FEINGOLD, 15 minutes; Senator BINGAMAN, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I also ask unanimous consent that at 11 a.m., the Senate resume consideration of S. 1173, the ISTEA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCAIN. Mr. President, in conjunction with the earlier request, tomorrow morning the Senate will be in a period for morning business from 10 a.m. to 11 a.m. At 11 a.m., the Senate will resume consideration of S. 1173, the ISTEA legislation. Also, under the unanimous consent agreement, from 12:30 p.m. to 2:15 p.m., the Senate will recess for the weekly policy luncheons to meet. It is hoped that Members will be prepared to offer amendments to this legislation so substantial progress can be made this week. All Members will be notified when votes on amendments to S. 1173 are ordered.

ORDER FOR ADJOURNMENT

Mr. McCAIN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator ROBB.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

READ ACROSS AMERICA DAY

Mr. ROBB. Mr. President, today marks what would have been the 94th birthday of the late Dr. Ted Geisel, better known to most of us as Dr. Seuss. Dr. Seuss has touched and continues to touch the lives of millions of people with books like "Horton Hears a Who," "One Fish, Two Fish, Red Fish, Blue Fish," "The Cat in the Hat," "Green Eggs and Ham." Dr. Seuss' work continues to make reading fun for children and their parents.

While the good doctor is no longer with us, he left an invaluable gift: works which foster in our children a joy and appreciation for books and the wonderful treasures contained in them.

To honor Dr. Seuss and his legacy, today has been declared "Read Across America Day," a day when millions of students and parents, educators, many of our colleagues and others across the country have been engaged in hundreds of events to renew our Nation's commitment to literacy and to teach every child the importance and joy of reading.

Today, every child should be in the company of an adult who will read to him or her.

Last week, the Senate unanimously approved a resolution I submitted, along with Senator JEFFORDS, in recognition of this very special day, and I thank the Senator from Vermont for his comments this morning about this particular event, and several of our colleagues who participated actively in it.

In addition to my 92 colleagues on both sides of the aisle who cosponsored this resolution, I commend the efforts of groups like the American Library Association, the National Family Literacy Council, the National Association of Elementary School Principals, Reading is Fundamental, the International Reading Association, the Boys and Girls Clubs of America, the I Have a Dream Foundation and the National Education Association that have organized events across the country in support of this very special day.

In communities and schools in my home State of Virginia, there are at least 40 events that I know of to promote literacy and reading. Tonight in Culpeper County, dozens of families will attend an event called "Culpeper Reads," where parents and children will attend a community dinner dressed as their favorite storybook characters.

Parents will have the chance to sign their children up for library cards, and community members will read with families and explain how reading is used in their occupations.

In Hampton, VA, Cooper Elementary has planned an all-day event where individuals will read Dr. Seuss' books to children. And just across the river in Alexandria, Mt. Vernon Elementary School hosted hundreds of high school students and community volunteers as they read with elementary students there.

This morning, I visited Mt. Vernon Elementary School, where I read some of my daughters' favorite books to a class of first graders and to a class of fourth graders.

After that, I also had the pleasure of reading to about 50 third graders at Patrick Henry Elementary School in Arlington.

This morning, Mr. President, I was reminded of how much fun it is to see children's faces light up when you read to them. I was delighted to see so many individuals at each school committed to promoting literacy among our children.

It is my hope that today's activities will motivate individuals to read across America, not just today but every day.

Mr. President, the best way we can help a child learn to read and want to read is by reading to them and with them as often as possible. Time and again, research has shown that children who read aloud in the early years with their parents perform better in school.

Experts say that the single most important activity for building the knowledge required for eventual success in reading is reading aloud to children. Likewise, the effects of illiteracy can be devastating. We know now that 85 percent of high school dropouts and 85 percent of those in juvenile courts are functionally illiterate. Just as alarming is the fact that 51 percent of American high school graduates are functionally illiterate as well.

In a country with resources as plentiful as ours, the fact that our literacy rates are so low is not only shocking; it is shameful.

Mr. President, the earlier in life we can interest children in books, the sooner we can get children into the habit of reading. When children have access to books, when their parents are involved, and when their communities are invested in education, children turn to books for information and enjoyment.

Reading means empowerment. Helping our children understand the value and the pleasure of reading is one of the greatest gifts we can ever give them. Whether it is to obtain knowledge or to understand history, to experience adventure or gather inspiration, we need our children to love reading. But eager and competent readers are made, not born. By taking just a half hour every day to read with our children, we can foster a genuine interest in reading that will stay with our children throughout their lives.

In celebrating Dr. Seuss' birthday today, Read Across America Day will generate new enthusiasm for reading nationwide. I urge every American today to spark and rekindle our children's and our communities' and our own interest in reading.

With that, Mr. President, I yield the floor and ask the Senate to proceed under the order already agreed to.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will now stand adjourned until 10 a.m., Tuesday, March 3, 1998.

Thereupon, the Senate, at 6:17 p.m., adjourned until Tuesday, March 3, 1998, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2, 1998:

THE JUDICIARY

RICHARD L. YOUNG, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT C. HINSON, 6467.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GARY A. WINTERBERGER, 7009.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RUSSELL C. AXTELL, 1784.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GARRY R. TREXLER, 6465.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LARRY K. ARNOLD, 3721.
BRIG. GEN. JAMES H. BASSHAM, 8202.
BRIG. GEN. GEORGE F. SCOGGINS, JR., 5952.

To be brigadier general

COL. JAMES F. BARNETTE, 4440.
COL. RALPH J. CLIFFT, 6308.
COL. HAROLD A. CROSS, 6940.
COL. THOMAS G. CUTLER, 0206.
COL. GILBERT R. DARDIS, 0949.
COL. THOMAS P. MAGUIRE, JR., 5939.
COL. BARBARA J. NELSON, 8708.
COL. AVRUM M. RABIN, 7297.
COL. GARY L. SAYLER, 7927.
COL. ANDREW J. THOMPSON IV, 0451.
COL. HARRY A. TROSCLAIR, 5962.
COL. STEPHEN L. VONDERHEIDE, 3217.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. FRED E. ELLIS, 9826.
BRIG. GEN. EDWARD R. JAYNE II, 0797.
BRIG. GEN. CARL A. LORENZEN, 9580.
BRIG. GEN. RICHARD A. PLATT, 5817.
BRIG. GEN. JOHN H. SMITH, 7849.
BRIG. GEN. IRENE TROWELL-HARRIS, 0379.

To be brigadier general

COL. WILLIAM E. BONNELL, 6991.
COL. EDWARD H. GREENE II, 8459.
COL. ROBERT H. HARKINS III, 3718.
COL. JAMES W. HIGGINS, 5324.
COL. ROBERT F. HOWARTH, JR., 5285.
COL. THOMAS C. HRUBY, 4185.
COL. RICHARD S. KENNEY, 4868.
COL. PHIL P. LEVENTIS, 5798.
COL. CHARLES A. MORGAN III, 9002.
COL. JERRY W. RAGSDALE, 4281.
COL. LAWRENCE D. RUSCONI, 1916.
COL. RICHARD H. SANTORO, 9860.
COL. WAYNE L. SCHULTZ, 7036.
COL. RALPH S. SMITH, JR., 2016.
COL. RONALD C. SZARLAN, 0548.
COL. JAMES K. WILSON, 1397.
COL. RUTH A. WONG, 1961.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM P. TANGNEY, 4937.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN M. KEANE, 9856.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. MC DUFFIE, 7976.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM F. KERNAN, 5841.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH W. GODWIN, 9278.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES E. CALDWELL III, 1384.
COL. ROBERT C. HUGHES, JR., 4532.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ARNOLD L. PUNARO, 5023.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN W. BEEGMAN, 6022.
COL. JOHN J. MCCARTHY, JR., 8507.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624.

To be major general

BRIG. GEN. MARTIN R. BERNDT, 8515.
BRIG. GEN. DAVID F. BICE, 8140.
BIRG. GEN. WALLACE C. GREGSON, JR., 5925.
BRIG. GEN. MICHAEL W. HAGEE, 5620.
BRIG. GEN. MICHAEL A. HOUGH, 9437.
BRIG. GEN. DENNIS T. KRUPP, 6282.
BRIG. GEN. ROBERT MAGNUS, 6252.
BRIG. GEN. DAVID M. MIZE, 9683.
BRIG. GEN. HENRY P. OSMAN, 9458.
BRIG GEN. GARRY L. PARKS, 1088.
BRIG. GEN. RANDALL L. WEST, 8789.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (IH) JAY A. CAMPBELL, 8580.
REAR ADM. (IH) ROBERT C. CHAPLIN, 7451.
REAR ADM. (LH)JAMES C. DAWSON, JR., 7743.
REAR ADM. (LH)MALCOLM I. FAGES, 4038.
REAR ADM. (LH)SCOTT A. FRY, 5541.
REAR ADM. (LH)GREGORY G. JOHNSON, 3052.
REAR ADM. (LH)ALBERT H. KONETZNI, JR., 2358.
REAR ADM. (LH)JOSEPH J. KROL, JR., 6383.
REAR ADM. (LH)RICHARD W. MAYO, 4195.
REAR ADM. (LH)MICHAEL G. MULLEN, 9509.
REAR ADM. (LH)LARRY D. NEWSOME, 7662.
REAR ADM. (LH)WILLIAM W. PICKAVANCE, JR., 9782.
REAR ADM. (LH)WILLIAM L. PUTNAM, 6795.
REAR ADM. (LH)PAUL S. SEMKO, 1736.
REAR ADM. (LH)ROBERT G. SPRIGG, 0549.
REAR ADM. (LH)DONALD A. WEISS, 7917.
REAR ADM. (LH)RICHARD D. WEST, 7494.
REAR ADM. (LH)HARRY W. WHITON, 2916.
REAR ADM. (LH)THOMAS R. WILSON, 1606.
REAR ADM. (LH)GEORGE R. YOUNT, 7416.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. KATHLEEN L. MARTIN, 3639.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING NAOMI A. BEHLER, AND ENDING BRYCE C. SHUTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 6, 1997.

AIR FORCE NOMINATIONS BEGINNING JOHN G. BITWINSKI, AND ENDING GARY A. HOWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

AIR FORCE NOMINATIONS BEGINNING KURT W. ANDREASON, AND ENDING RAWSON L. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

AIR FORCE NOMINATIONS BEGINNING DAVID W. ARNETT II, AND ENDING BRUCE E. VANDERVEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

AIR FORCE NOMINATIONS BEGINNING JOHN R. ABEL, AND ENDING HELENE R. YOSKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 12, 1998.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JAMES P. NEELY, AND ENDING JOHN C. WARNKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING ROLAND G. ALGER, AND ENDING JOHNNIE L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING STEPHEN E. CASTLEN, AND ENDING JOHN I WINN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING JOHN P. BARBEE, AND ENDING PAUL L. VICALVI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING STEVEN G. BOLTON, AND ENDING TIMOTHY J. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATION OF BRUCE F. BROWN, WHICH WAS RECEIVED IN THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING DONALD E. BALLARD, AND ENDING MERREL W. YOCUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATION OF, MORRIS C. MCKEE, JR., WHICH WAS RECEIVED IN THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING EDWARD S. CROSBIE, AND ENDING MARTHA A. SANDERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING GARY A. DOLL, AND ENDING GORDON E. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING BENJAMIN J ADAMCIK, AND ENDING JOY L ZIEMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

ARMY NOMINATIONS BEGINNING CRAIG H ANDERSON, AND ENDING BRUCE E ZUKAUSKAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 1998.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING HUGH J. BETTENDORF, AND ENDING WILLIAM J. COOK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

MARINE CORPS NOMINATIONS BEGINNING CHARLES G. HUGHES II, AND ENDING WILLIAM S. WATKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

MARINE CORPS NOMINATION OF KENT J. KEITH, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

IN THE NAVY

NAVY NOMINATION OF ALBERT W. SCHMIDT, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

NAVY NOMINATION OF JEFFERY W. LEVI, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

NAVY NOMINATIONS BEGINNING DAVID AVENCIO, AND ENDING DANIEL WAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

EXTENSIONS OF REMARKS

EXTEND THE BENEFITS OF FREE TRADE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1998

Mr. OXLEY. Mr. Speaker, for those who missed it, I would like to bring an opinion piece from the February 26th Wall Street Journal to the attention of my colleagues. The subject of the piece is international trade in the Americas.

Foreign trade is of increasing importance to Americans and the companies they work for in today's global economy. After reviewing the relevant data, it is only possible to conclude that North American Free Trade Agreement, for example, has been of great benefit to Ohio's economy. Specifically, Ohio exports to Canada and Mexico grew 34.7 percent between 1993 and 1996, and Canada and Mexico have become Ohio's leading and sixth most important export markets, respectively. Exports to our NAFTA trading partners accounted for nearly half of Ohio's total exports in 1996.

Fifty percent of the impressive national economic growth of the last five years can be attributed to our exports, and the success of NAFTA has been crucial to this growth. Ohio jobs supported by exports—which pay 13 to 16 percent higher than the national average for non-export related jobs—have grown 19 percent since 1992. Finally, U.S. exports to Canada and Mexico have resulted in an increase of 311,000 jobs for Americans.

It is an economic fact that free trade benefits those on both sides of trading relationships. Again Mr. Speaker, I commend the following column by Sidney Weintraub of CSIS and Jeff Chisholm of the Bank of Montreal to the attention of all interested parties.

[From the Wall Street Journal, Feb. 26, 1998]

EXTEND THE BENEFITS OF FREE TRADE

(By Sidney Weintraub and Jeff Chisholm)

The most significant obstacle to the U.S. further extending its trading relationships has been the domestic political challenge posed by vocal critics who assert that freer trade destroys jobs. Opponents used that argument in November when they blocked congressional reauthorization of President Clinton's fast-track authority.

But the facts belie the anti-free-trade rhetoric. In the years since the North American Free Trade Agreement was ratified, unemployment has declined in each of its member countries—the U.S., Canada and Mexico.

In the U.S., whose economic expansion is beginning its eighth year, unemployment has reached its lowest level in a quarter century. Canada, emerging from a long recession, is anticipated to have the highest growth rate of all G-7 countries in 1998; its unemployment rate dropped dramatically in December, to the lowest level in seven years. Mexico, which only two years ago experienced its worst single-year economic decline since the Great Depression, rebounded in 1996 and 1997 to its best performance since the 1970s. Its economic growth was 7% last year; inflation is declining; its stock index is more than 20% higher than it was a year ago. Unemployment in the main cities is now below 3.5%.

A recently completed survey of 361 medium-size and large businesses in the U.S., Canada and Mexico not only confirms these macroeconomic trends, but specifically indicates that Nafta has had no adverse impact on jobs. This survey—to be released next week by Bank of Montreal; its U.S. subsidiary, Harris Bank; and its Mexican affiliate, Grupo Fincanciero Bancomer—found that since Nafta came into effect in 1994, 47% of all North American businesses have gained employees while another 41% employ about the same number. Only 11% of the firms surveyed said that they had lost employees since 1994; of the 361 firms surveyed, only one, a U.S. company, directly attributed its job losses in Nafta. These findings indicate that increased international opportunities, coupled with the significant domestic growth all three economies have experienced in recent years, has fueled job creation across North America.

Seizing on Nafta's success, Mexico has been concluding free-trade agreement with countries throughout the Western Hemisphere. Canada has concluded a free-trade agreement with Chile and has plans to expand its free-trade network further. Of the three Nafta countries, then, the U.S. stands alone in its inability to expand its access to Latin American and Caribbean markets through trade negotiations. The consequence is that North American producers will increasingly base their operations in Canada, Mexico and elsewhere to avoid the discrimination they would face by exporting directly from the U.S. American workers will suffer as a result.

The continuing crisis in Asia makes trade within the Western Hemisphere more important than ever. Already, Canada and Mexico are the top two destinations for U.S. exports, and Latin America has become the fastest-growing regional market for U.S. goods. Similarly, the U.S. is clearly the most important destination for Canadian and Mexican goods.

The leaders of the hemisphere will meet in Santiago, Chile, for the Summit of the Americas in April, at which they will make final preparations to negotiate a Free Trade Area of the Americas. They will look for leadership from North America, especially the U.S. If Mr. Clinton arrives in Santiago without fast-track authority in hand, the U.S. will be isolated from the current hemispheric trend of market opening and subregional economic integration.

The proposed FTAA is the logical next step for expanding trade and investment opportunities throughout the hemisphere. It would be unfortunate if the U.S. squandered the opportunity.

IN HONOR OF ARCHIMANDRITE FATHER PAVLOS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Archimandrite Father Pavlos on the occasion of his ordination and enthronement as Metropolitan Pavlos.

On Sunday, March 1, at the ordination ceremony, the Holy Synod of the Genuine Orthodox Christians of Greece announced the creation of a new Metropolis of America, which will absorb the former Diocese of Astoria. The newly enthroned Metropolitan Pavlos will rule the Metropolis.

Metropolitan Pavlos is a life-long resident of Astoria, which I represent. He was born Petros Strategeas in 1955 to Panagiotes and the late Maria Strategeas. He completed his elementary and secondary education in the United States and Greece and graduated from the American Community School in 1977. He graduated from the College of Theology of the National and Kapodistriac University of Athens with a degree in theology in 1978.

In 1979, he was ordained Deacon by the late Metropolitan Petros of Astoria and renamed Pavlos. Six years later, in 1985, Pavlos was ordained Presbyter by the same Metropolitan and received the title of Archimandrite.

Over the years, Archimandrite Father Pavlos provided himself to be dedicated to the Astoria community. At his church, Saint Markella Cathedral, Father Pavlos' dedication to Astoria's children is strongly evident. He began a day care program for young children at the church which he hopes to increase; his after-school homework assistance program has helped many students.

His magnanimous nature extends far beyond Astoria's young people. Father Pavlos provides comfort for the sick, refuge for those in need and assistance to people who are new to and unfamiliar with Astoria and the United States. Since 1987, he has maintained direct contract with the Greek community through a television program on National Greek Television.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the newly enthroned Metropolitan Pavlos of the Genuine Orthodox Christians of America. His tireless efforts for Astoria residents and the Greek community is outstanding. I am proud to have Metropolitan Pavlos as a constituent.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WILMA DEAN OF BARTHOLOMEW COUNTY, IN

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1998

Mr. McINTOSH. Mr. Speaker, I would like to share an inspiring story with my colleagues and the American people about a woman whose whole life has been full of kindness, compassion and hard work. Wilma Dean, of Bartholomew County Indiana, is a Senior Guest Representative at the Ramada Inn in Columbus. In her twenty-five years of service as a Ramada Inn employee Wilma created a warm atmosphere, for the guests, which was like a home environment. Wilma accomplished this through her courtesy and her ability to be a team-player. Recently, Wilma was rewarded for her exceptional job performance. Wilma's efforts were identified by the Inn's sixty-thousand employees. She was one of five employees to receive a nation-wide award: Hospitality Employee of the Year. Wilma Dean's hard work, dedication and kindness is an important example for others to follow. Work hard. Be kind to others. And help your neighbor if you can.

JOE CAPLING: DEDICATED LEADER, DEVOTED FATHER, TRUE FRIEND

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1998

Mr. BARCIA. Mr. Speaker, the citizens of Harbor Beach have lost a dedicated community leader, a successful businessman and a loyal friend with the passing of Joe Capling. He was truly a unique person and will be missed by his family and friends.

A Harbor Beach City Council Member for 11 years, Joe was a dedicated public servant and highly respected community leader. He served as part of the City's administration, police, Department of Public Works and negotiation committees and the Development Finance Authority Board, rarely missing a city council meeting. People admired Joe and respected his opinions because they were always well thought-out and honest decisions.

He was concerned about the city's growth and success and supported every effort to improve the prosperity of the area. The town and the people were his top priorities. He never wavered on them, even in the face of external pressures and criticism. It is rare to find an individual who was so committed to the well-being of the employees of Harbor Beach and the well-being of the community.

Joe was very proud of and dedicated to the successes of his children and grandchildren. He instilled values that will serve them well throughout their lives. Because he was so committed to his family, he owned and operated the family hotel, Smalley's with his wife, Beatrice, who passed away in 1989. It became a friendly hometown bar where the townspeople loved to congregate. Listening to Joe's entertaining stories created a warm and inviting atmosphere.

As a life member of American Legion Post No. 197 and its past Commander, Joe held various offices at the district and regional levels. Joe also found happiness and solitude in the outdoors, where he loved to fish and hunt.

Mr. Speaker, at a time when there is so much turmoil in the world, it is comforting to know that there are still generous people, like Joe Capling, who care about their community and serve it with such integrity. Please join me in remembering and honoring Joe's legacy.

DEFINING THE NATIONAL INTEREST

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from February 1998 entitled "Defining the National Interest." The newsletter follows:

DEFINING THE NATIONAL INTEREST

The basic test for judging any foreign policy decision is easy to state but hard to apply: Does it serve the American national interest?

During the Cold War, the guiding principle of U.S. foreign policy was clear: the containment of communism. There was broad agreement that the Soviet Union represented a dire threat to American security and values. Every foreign policy decision was viewed through this prism, and defining the national interest was not difficult.

Today, defining the national interest is much harder. The Administration has described expanding and strengthening the world's community of market-based democracies as the goal of American foreign policy. But this concept is abstract. It gives only broad guidance to policy makers who have to make the tough decisions.

Every government in the world wants to involve the United States in solving its problems. Yet even the world's only superpower cannot solve every problem or address every tragedy—the American people will never support such a role. The President and his advisers must decide which issues matter for the United States, and which do not. A decision to invest time and resources—or to risk the lives of young Americans—must be based on a hard analysis of the U.S. national interest.

The national interest has several components:

First, to preserve the territorial integrity of the United States and the safety and security of its people. Peace requires a strong U.S. deterrent and a balance of power.

Second, to sustain U.S. economic prosperity. To continue to improve the standard of living and the quality of life for all Americans, the U.S. must open markets and advance the principles of the free market. We also need to be able to react to financial crises, whether they are in Latin America or Asia, in order to minimize their domestic impact.

Third, to promote democratic values. U.S. support for freedom, individual rights, the rule of law and democratic institutions around the world helps secure peace and stability among states, and advance human rights within states.

Fourth, to promote basic human rights—such as freedom from starvation and genocide, religious freedom, and freedom of political expression. The importance of human rights should not be underestimated. Rights abuses not only violate core U.S. values and ideals—they undermine stability in nations and regions where other U.S. interests are at stake.

Finally, to protect the health and welfare of the American people. The free flow of people and products around the globe means that Americans are no longer isolated from dangers elsewhere, including international crime, drugs, terrorism, and communicable diseases.

No other country in the world has such broadly defined national interests as the United States. Our interests are at stake in every corner of the world and every sector of human life. On every continent the U.S. has multiple political, economic, strategic and humanitarian interests. When confronted with the many threats to the national interest—as the United States is confronted each day—we must prioritize those interests or be overwhelmed by them.

Priorities. Not all interests fall into the same categories. Some U.S. interests are vital. Vital means that you are prepared to go to war, if necessary, to defend them. Vital interests include protecting the people and territory of the United States from nuclear, biological, chemical (NBC) or conventional military attack. They include preventing any hostile power from dominating Europe, the Middle East, Asia or the high seas—as we did in World War II and the Cold War. Some interests are vital, even if force cannot protect them, such as preventing a catastrophic collapse of the world economy and financial system.

The United States also has several very important interests: to prevent the proliferation of NBC weapons and missiles anywhere; to maintain strong ties with our neighbors in the hemisphere and our allies in Europe and Asia; to help resolve regional conflicts; to advance stability in Africa; to promote democracy and the rule of law; to foster U.S. prosperity through free markets and an open trading system; and to promote respect for human rights.

The United States has other important interests, which we cannot disregard without jeopardizing our long-term security. These include several transnational issues: fighting international drugs, crime and terrorism; reducing disease and global poverty; protecting the environment; and addressing population growth.

Resources. Setting priorities among these competing interests guides resource allocation. We need to determine what resources—both human and material—we are prepared to risk or expend to protect the American national interest. Meeting all of the challenges to U.S. foreign policy requires difficult decisions in allocating scarce resources. We simply cannot do it all.

Judgment. When considering the question of the national interest, there is no substitute for sound judgment and political leadership. Americans often have competing views about which interests should dominate, and what level of resources to commit. Presidential leadership in sorting out these questions is critical.

The President conducts American foreign policy. He has the principal burden of persuading the Congress and the American people about the threat to the national interest.

and convincing the public that his chosen course of action will protect those interests at an acceptable cost.

Conclusion. Focusing on the question of the U.S. national interest will not—and cannot—resolve all differences over foreign policy. Reasonable people will disagree about priorities and resources. But asking the right questions will help us arrive at better answers.

TRIBUTE TO ISABELLE GLEN-LAMBERT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1998

Mr. BERMAN. Mr. Speaker, I invite my colleagues to join me in congratulating Isabelle Glen-Lambert, who is surely one of the youngest political activists in California.

Isabelle—just seven years old—led a successful petition drive in her school to allow all students fair access to all of the playground equipment.

I am not surprised to see such political sophistication in one so young, considering that here grandfather, my long time friend Bill Lambert, is the Director of Governmental Relations for the United Teachers of Los Angeles.

It is clear that Isabelle has inherited Bill's endless energy, imagination and determination, and perhaps has even outdone him!

Mr. Speaker, Isabelle's extraordinary accomplishment was chronicled in the Los Angeles Daily News in the following story. I recommend it to my colleagues as a shining example of that wonderful old saying, "where there's a will, there's a way."

PLAYTIME POLITICS AT WORK—7-YEAR-OLD SHOWS LOBBYIST'S ACUMEN

(By Terri Hardy)

Like any good lobbyist, Isabelle Glen-Lambert has roamed the hallways of the state Capitol, schmoozed with legislators and passed out her business card along the way.

Her most successful foray into activism so far: She directed a petition drive at Calvert Elementary School in Woodland Hills that won students fair access to use all of the playground equipment.

Isabelle is 7—perhaps the youngest political activist in the Los Angeles Unified School District. She comes by it naturally: Her grandfather is Bill Lambert, lobbyist for United Teachers Los Angeles.

"Isabelle's been weaned on the legislative process," said her dad, Floyd Glen-Lambert.

The second-grader's most impressive campaign began last month, when Calvert's principal announced that the school's playground equipment was no longer going to be open to all students by grade level.

The principal had found that too many children were using the equipment at the same time, causing some to get hurt. So without consulting students, she directed that only those children seen behaving well would be awarded with a ticket and allowed to play there.

"I didn't get real upset until I started talking it out with my friends," said the spunky Isabelle. "It wasn't fair that you had to get those dumb tags."

Isabelle stewed about the problem, but knew that it was possible to change the system. After all, she'd been to Sacramento with her grandfather, watching high-powered deal making.

She'd talked to politicians herself, handing out her own "lobbyist" cards, that her father—a commercial printer—had made.

(Asked about her grandfather, Isabelle had a quick response: "He's never been a law—he's still a Bill," then let out a guffaw.)

A possible solution to the playground problem dawned when Isabelle's mother remembered that as a youngster, she had circulated a petition among her classmates so girls would be allowed to wear pants at school.

One morning at breakfast, Isabelle shared her plan—"Daddy, I've made my decision, I'm going to make a petition."

"We kicked it around a little bit, she wrote it, and put it on a clipboard," Glen-Lambert said.

Her first signature came from her 5-year-old sister, Rosie. Several names later, she walked into the principal's office.

"I wanted to give her the biggest hug," said Calvert Principal Shelley Rivlin-Hollis. "It indicated she had a real sense of security here, and also that she had an understanding of the democratic process."

Rivlin-Hollis decided that the best way to handle the petition—the first she'd gotten as principal there—was to have the school's student council debate the issue.

Representatives from grades three to five chose sides of the question and then interviewed students, teachers and yard monitors to back up their arguments. The "great debate" was held in early December.

Those on the "pro" side argued that more children got hurt under the old system, which allowed use of the apparatus by rotating the chance to play on the equipment grade level by grade level.

"Less people got hurt when it was an award, in fact, no one got hurt then," said Rocio Carbajal, a 10-year-old student council member.

But Derrik Clark, 11, countered that "no matter what kind of area, if kids aren't careful, they're going to get hurt."

Jerry Johnson, 10, tipped the scales when he argued that everyone should have access.

"Even when some people are bad, they still want to play there," he said.

In a close vote, the council supported Isabelle's petition—with the new proviso that it would now be rotated by classroom, not based on grade level or good behavior, keeping the amount of children in the area down and limiting the chance of injury.

"Kids identified the issue and solved the problem, everyone was happy with the resolution," Rivlin-Hollis said.

Glen-Lambert said he was thrilled that the children were allowed their say.

"We have shared decision making at this school, but sometimes people forget about the children," Glen-Lambert said.

And Isabelle? She was happy just to get back on the monkey bars.

"Look around this place," said Isabelle, gesturing at the wide expanse of blacktop playground. "Do you see anything else good to play on?"

Although pleased with the experience, it hasn't swayed the little girl from her aspiration to become a singer.

"Would I like to be a lobbyist? No," she said. "When I went up to Sacramento, it seemed like a lot of work."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 3, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 4

9:30 a.m.

Rules and Administration

To hold hearings on S. 1578, to make available on the Internet, for the purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site, and on the fiscal year 1999 budget request for the operation of the Library of Congress, and on proposed legislation authorizing funds for the American Folklife Center.

SR-301

10:00 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Commerce.

S-146, Capitol

Armed Services

Airland Forces Subcommittee

To hold hearings to examine military transformation initiatives.

SR-222

Armed Services

Readiness Subcommittee

To hold hearings on the ongoing competitions to determine the dispositions workloads currently performed at Sacramento and San Antonio Air Logistics Centers.

SH-216

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 1999 for the Department of Energy.

SD-366

Judiciary

To hold hearings to review the national drug control strategy.

SD-226

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Air Force programs.

SD-192

2:00 p.m.

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on recruiting and retention policies.

SR-222

Armed Services

Acquisition and Technology Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on policies of the industrial and technology base supporting national defense.

SR-232A

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the World Trade Organization film case and its ramifications for United States-Japan relations.

SD-419

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on the implementation of the Telecommunications Act of 1996, focusing on section 271.

SD-226

2:30 p.m.

Select on Intelligence

To hold hearings to examine issues with regard to biological weapons threat to the United States.

SH-216

MARCH 5

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the global warming agreement recently reached in Kyoto, Japan and its effect on the agricultural economy.

SR-332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Corporation for National and Community Service, and the Federal Emergency Management Agency.

SD-138

Commerce, Science, and Transportation

To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SR-253

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 1999 for the Department of the Interior.

SD-366

10:00 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Oceanic and Atmospheric Administration, Department of Commerce, and the Small Business Administration.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings to examine barriers to airline competition.

SD-124

Armed Services

To hold open and closed (SR-222) hearings on the role of the Department of Defense in countering the transnational threats of the 21st century, including terrorism, narco-trafficking, and weapons of mass destruction.

SH-216

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources

Children and Families Subcommittee

To hold hearings to examine after school child care options.

SD-430

1:30 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Internal Revenue Service, Treasury Department.

SD-124

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Education.

SD-192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine the commercialization of space.

SR-253

Foreign Relations

European Affairs Subcommittee

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine the conflict in the Caucasus.

SD-419

Judiciary

Immigration Subcommittee

To hold oversight hearings on the Immigration and Naturalization Service, focusing on proposals to reform the naturalization process.

SD-226

3:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1999 for the Department of Education, focusing on security on campus.

SD-192

MARCH 6

9:30 a.m.

Judiciary

To hold hearings on civil liability provisions of S. 1530, to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans (pending on Senate calendar).

SD-226

MARCH 9

1:00 p.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the current operation of the District of Columbia public school system.

SD-342

Special on Aging

To hold hearings to examine how retirement of the baby boomer generation will impact the demand for long-term care, the ability of public budgets to provide those services, and the projected retirement income of baby boomers.

SD-562

2:00 p.m.

Judiciary

Youth Violence Subcommittee

To hold hearings to examine the proposed effectiveness of the provisions of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime (pending on Senate calendar).

SD-226

MARCH 10

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the current Federal crop insurance program and proposals to improve the system.

SR-332

9:30 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for military construction programs, focusing on Air Force and Navy projects.

SD-124

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Food and Nutrition Service, Department of Agriculture.

SD-138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings to examine proposals to prevent child exploitation.

SD-192

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on littoral warfare missions in the 21st century.

SR-222

Labor and Human Resources

Business meeting, to mark up S. 1648, to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and to consider pending nominations.

SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on research and efficiency programs.
SD–116

MARCH 11

9:00 a.m.
Armed Services
Readiness Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on environmental and military contruction programs.
SR–232A

9:30 a.m.
Indian Affairs
Business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget, and proposed legislation relating to the proposed tobacco settlement; to be followed by an oversight hearing on sovereign immunity, focusing on contracts involving Indian tribes and alleged difficulties in collecting State retail taxes.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD–192

2:00 p.m.
Armed Services
Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the defense health program.
SR–222

MARCH 12

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for child nutrition programs.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Housing and Urban Development, and the Community Development Financial Institute.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Joint Committee on Printing, the Joint Economic Committee, the Joint Committee on Taxation, the Sergeant at Arms, the Library of Congress and the Congressional Research Service, and the Office of Compliance.
S–128, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department.
SD–192

Armed Services
Acquisition and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on science and technology programs.
SR–222

Commerce, Science, and Transportation
Business meeting, to mark up proposed legislation relating to the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, and to consider other pending calendar business.
SR–253

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to assess the quality and technology of the Agency for Health Care Policy and Research.
SD–430

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Supreme Court, and the Judiciary.
S–146, Capitol

MARCH 17

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for child nutrition programs, focusing on the Women, Infants, and Children (WIC) program.
SR–332

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's enivronmental management program.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S–146, Capitol

Labor and Human Resources
To hold hearings to examine retirement security issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics.
SD–124

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on ship acquisition.
SR–222

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD–138

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Indian Affairs
To hold oversight hearings on the implementation of the Indian Arts and Crafts Act (P.L. 101-644).
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.
SD–192

MARCH 19

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.
S–128, Capitol

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD–124

Labor and Human Resources
To hold oversight hearings on the implementation of the Health Insurance Portability and Accountability Act.
SD–430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD–226

MARCH 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD–138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD–192

Labor and Human Resources
To hold hearings to examine health care quality issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–124

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Indian Affairs
To hold hearings to examine Indian gaming issues.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Health and Human Services.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD–192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings on the Head Start education program.
SD–430

MARCH 31

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
SD–366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.
SD–192

Labor and Human Resources
To hold hearings to examine issues relating to charter schools.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.
SD–124

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD–192

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable/video markets.
SD–226

APRIL 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.
SR–332

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD–138

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD–124

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD–192

APRIL 23

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD–138

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

SENATE—*Tuesday, March 3, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, righteous, holy Judge of us all, we are accountable to You. Every word we speak and action we take is heard and seen by You. Remind us that You bless those who humble themselves and put their trust in You completely. There's no limit to what You will do for a country and its leaders if You are glorified as Sovereign.

May the knowledge of Your blessings to our Nation bring a deeper commitment to You. We want our motto, "In God we trust" to be more than an egregious exaggeration. Begin a spiritual awakening in us that will spread throughout our Nation. You have told us, "Where there is no vision the people perish . . . "—Proverbs 29:18. And we remember Thomas Jefferson's warning, "God who gave us life, gave us liberty. Can the liberties of a nation be secure when we have removed a conviction that these liberties are the gifts of God?" With these words ringing in our souls, grant the Senators and all of us who work with them the courage to reaffirm You as Lord to whom we are responsible for the moral, spiritual, and cultural life of America. In the name of our Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, on behalf of the majority leader, I announce that this morning the Senate will be in a period of morning business until 11 a.m. At 11 a.m., the Senate will resume consideration of S. 1173, the ISTEA legislation. By previous agreement, from 12:30 p.m. to 2:15 p.m. the Senate will recess for the weekly policy luncheons to meet.

It is hoped that at 2:30 p.m. the commerce amendment will be offered. Therefore, Members can anticipate debate on that amendment this afternoon. In addition, the Senate may consider any executive or legislative business cleared for action. As always, Members will be notified when rollcall votes are scheduled.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWNBACK). There will now be a period for the transaction of morning business.

The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank the Chair.

(The remarks of Senator COVERDELL and Senator FEINSTEIN pertaining to the submitted S.J. Res. 42 and S.J. Res. 43 are located in today's RECORD under "Submission of Concurrent and Joint Resolutions.")

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin. Under a previous order, the Senator from Wisconsin is recognized for up to 15 minutes.

Mr. FEINGOLD. I thank the Chair.

(The remarks of Mr. FEINGOLD pertaining to the submission of legislation are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, are we in morning business for 10 more minutes?

The PRESIDING OFFICER. We are in morning business until 11 o'clock.

Mr. WELLSTONE. I ask unanimous consent that I be able to speak for 10 minutes in morning business.

The PRESIDING OFFICER. The Senator has that right under the previous order.

Mr. WELLSTONE. I am sorry?

The PRESIDING OFFICER. The Senator has that right under the previous order.

Mr. WELLSTONE. I didn't know whether other people were in order to speak and I was bumping someone out.

The PRESIDING OFFICER. The Senator from Minnesota has been recognized to speak for up to 10 minutes.

HUMAN RIGHTS IN CHINA

Mr. WELLSTONE. Mr. President, I will be on the floor at 11 o'clock with an amendment to the ISTEA legislation, but let me pick up on comments I made yesterday on the floor of the Senate about a resolution that Senator MACK from Florida and I have submitted dealing with the whole question of human rights in China.

There is an editorial today in the Washington Post—and I think it is a very important editorial—called "A Choice on China." I ask unanimous consent to have that printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

A CHOICE ON CHINA

The Clinton administration long ago abandoned human rights as a primary consideration in dealing with China, but it claimed an intention at least to continue speaking out on the issue. The substance of U.S.-China relations—in other words, trade, military contacts, high-level summits—would go forward no matter what abuses China's leaders committed against their own people, but the United States would, in Secretary of State Madeleine Albright's famous phrase, "tell it like it is" nonetheless. Now, however, it seems the administration may sacrifice even truth-telling so as not to offend China's Communist regime.

The immediate issue is whether to sponsor a resolution at the United Nations Commission on Human Rights when it convenes in Geneva next month. You wouldn't think this would be a tough call. Such a resolution would moderately criticize China's record and call for improvements; it would impose no penalty beyond well-deserved embarrassment. Democracy advocate Wei Jingsheng nevertheless calls the resolution "a matter of life and death" for reform in China. President Clinton explicitly promised, back when he delinked trade and human rights in 1994, that the administration "would step up its efforts" to get such a resolution approved. China's regime remains as oppressive today as it was then.

That much is clear, in fact, from the State Department's own human rights report, which—despite a touch of whitewash this year—does mostly tell it like it is, painting a dismal picture of China's "widespread and well-documented human rights abuses." These include torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religion in Tibet and Xinjiang and, of course, absolute intolerance of free political speech or free press. Just this month, the FBI arrested two Chinese citizens for allegedly marketing human organs harvested from some of the 6,000 prisoners China executes each year. If prisoners are being killed in order to provide organs, it "would be among the grossest violations of human rights imaginable," Stanley O. Roth, assistant secretary of state for East Asian affairs, said last summer.

Yet from Mr. Clinton, still no word on plans for Geneva. Last year the administration similarly dithered and delayed, eventually hiding behind tiny Denmark, which sponsored a resolution. China responded, with grace matching America's courage, by warning that the human rights resolution would "become a rock that smashes on the Danish government's head." This year, while the administration again has been unable to make up its mind, the entire European Union opted out, cravenly vowing not to cosponsor any resolution. The EU then cited a series of inadequate "benchmarks" to measure future Chinese progress in the human rights field, such as that the visit of the U.N. human rights commissioner to China

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> "should be taken seriously by the Chinese leadership."
>
> It may be too late now for the United States to rally a coalition of countries that would guarantee a fair hearing for a resolution on China, but it is not too late for Mr. Clinton to support such a measure nonetheless. He can still send a message that America supports, or at least sympathizes with, the fighters for freedom inside China; alternatively, he can send a message that his friendship with their oppressors is too important to put at risk with any impolite words. For someone who hopes to become this year the first president to visit China since the massacre at Tiananmen Square, this should be an easy choice.

Mr. WELLSTONE. Mr. President, the immediate issue, as the Post editorial points out, is whether or not the United States is going to sponsor a resolution at the U.N. Commission on Human Rights gathering in Geneva, which is going to be coming up, I think, this month, or maybe at the beginning of next month, but within a very short period of time.

I had a chance to meet with Wei Jingsheng who wrote a wonderful book called "The Courage to Stand Alone." He spent many years in prison in China, I think 16 years, for his courage to speak out. He has made it very clear, and I quote the Post editorial, that the resolution is "'a matter of life and death' for reform in China. President Clinton explicitly promised, back when he delinked trade and human rights in 1994, that the administration 'would step up its efforts' to get such a resolution approved."

Mr. President, China remains as oppressive today as it was a few short years ago. I want colleagues to know that this is a separate question from whether or not you were in favor of most-favored-nation status for China. Some people believe trade policy is too blunt an instrument to be focused on human rights. Others do not. I do not share that sentiment. Regardless, let me repeat for colleagues what we know.

The State Department's own human rights report, which has been somewhat controversial because some think it is a bit of a whitewash this year, still nevertheless paints a dismal picture of China's "widespread and well-documented human rights abuses":

> These include torture, extrajudicial killings, arbitrary arrest and detention, forced abortion and sterilization, crackdowns on independent Catholic and Protestant bishops and believers, brutal oppression of ethnic minorities and religions in [countries like] Tibet . . .

And the list goes on.

> Just this month, the FBI arrested two Chinese citizens for allegedly marketing human organs harvested from some of the 6,000 prisoners China executes each year. If prisoners are being killed in order to provide organs, it "would be among the grossest violations of human rights imaginable," Stanley O. Roth, Assistant Secretary of State for East Asian Affairs, said last summer.

We haven't yet heard from the White House as to whether or not they are going to be sponsoring a resolution which would raise all of these questions. I think this is a commitment we have made as a country.

Let me conclude by reading the last paragraph of this Post editorial:

> It may be too late now for the United States to rally a coalition of countries that would guarantee a fair hearing for a resolution on China, but it is not too late for Mr. Clinton to support such a measure nevertheless. He can still send a message that America supports, or at least sympathizes with, the fighters for freedom inside China; alternatively, he can send a message that his friendship with their oppressors is too important to put at risk with any impolite words. For someone who hopes to become this year the first president to visit China since the massacre at Tiananmen Square, this should be an easy choice.

The resolution that Senator MACK and I submitted yesterday calls on the President to move forward with this resolution at the U.N. Commission on Human Rights, which is going to be meeting in Geneva. My understanding was that we were going to mark up this resolution in the Senate Foreign Relations Committee today, but one Senator on the committee has basically blocked that and has exercised his prerogative so we won't be able to mark it up in committee.

I want to make it clear to colleagues that I have every intention—and I hope I will be joined by other Senators—of bringing this resolution to the floor as an amendment on a bill, probably the ISTEA bill. I will wait and see and work, of course, very closely with my colleague Senator MACK.

It is extremely important that the U.S. Senate go on record supporting a resolution passed by this U.N. Commission on Human Rights at its meeting in Geneva. Sometimes I get the feeling that when I speak on the floor of the Senate—in a few minutes we will have a debate, there will be more people here—but when I am on the floor of the Senate and speaking about something like this, I sometimes get the feeling it is unimportant. It is not unimportant. When Wei Jingsheng who spent all those years in prison, when Harry Wu, and others, who have given up years of their life because of their courage to speak up for just basic human rights, call on us in the U.S. Senate, "Won't you please at least adopt a resolution"—I guess it is going to have to be an amendment now—"which really calls on the President and your country to take leadership at this U.N. Commission on Human Rights and have some criticism of what has been going on in China, the torture of people, the execution of people, the imprisonment of people just for speaking up, the persecution of religious groups, won't you at least do that," I am telling you, when I get a request from someone like Wei Jingsheng, who I think is a giant, then I am certainly going to follow through on it.

I believe that in the U.S. Senate there will be overwhelming support for this resolution, which I think now will be an amendment since we have been blocked from being able to mark it up in the Senate Foreign Relations Committee.

I guess I will say to colleagues, if you don't agree that our country at the very least ought to be speaking up on these human rights questions and supporting people like Wei Jingsheng, that that is at least the minimum we can do at this very important U.N. Commission on Human Rights, then you can come to the floor of the Senate and you can debate it.

From my own point of view, one Senator, who happens to be my colleague from Minnesota who doesn't agree and is not going to let this go forward on the Senate Foreign Relations Committee, I would be pleased to debate him and other Senators as well. But my hope is that we will have overwhelming support for this.

Again, this doesn't say you are for or against most-favored-nation status. This doesn't say you are for or against assistance for IMF or not. This is not about GATT. This is not about NAFTA. This is about something else which we ought to have a consensus on, which is, at this upcoming meeting in Geneva—I think our Government has given people in China every reason to believe that we would—and I guess I will quote Secretary of State Madeleine Albright's famous phrase, "Tell it like it is." We ought to tell it like it is. We ought to tell it like it is. The Post editorial is right on the mark, we ought to do it at this very important meeting of the U.N. Commission on Human Rights. That is the time for the United States to speak out.

Silence is betrayal, and our country must not be silent in the face of these kinds of abuses of elementary human rights of citizens in China and, for that matter, in other countries as well.

I hope that I will be doing this on the floor with Senator MACK. I certainly am going to be bringing an amendment to the floor. We have to have a vote on this. I can't let one Senator block a committee from marking up this bill and then have it delayed a month, which will be too late for this U.N. Commission on Human Rights. We will take action on it before the Senate. I hope we get 98, 99 Senators voting in favor of it. It is the least we can do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

NATIONAL SPORTSMANSHIP DAY

Mr. CHAFEE. Mr. President, today is the eighth annual National Sportsmanship Day—a day designated to promote ethics, integrity, and character in athletics. I am pleased to say that National Sportsmanship Day was a creation of Mr. Daniel E. Doyle, Jr., Executive Director of the Institute for International Sport at the University of Rhode Island. Participation this year will include over 10,000 schools in all 50 states and more than 100 countries.

Today, the Institute is holding a daylong town meeting in which athletes, coaches, journalists, students, and educators are engaged in an in-depth discussion of racial issues in sports. I believe that the Institute's work in addressing the issues of character and sportsmanship, and its ability to foster good dialogue among our young people is significant.

As part of the Day's celebration, the Institute selects Sports Ethics Fellows who have demonstrated “highly ethical behavior in athletics and society.” Past recipients have included: Kirby Puckett, former Minnesota Twins outfielder and 10-time All Star; Joan Benoit Samuelson, gold medalist in the first women's Olympic marathon in 1984; and Joe Paterno, longtime head football coach at Penn State University. This year, the Institute will honor over 15 individuals including Mills Lane, district court judge of Reno, Nevada and internationally known professional boxing referee; Bud Greenspan, renowned Olympic cinematographer; Billy Packer, CBS sports commentator; and Ken Dryden, president and general manager, Toronto Maple Leafs.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

If all those activities were not enough, the Institute has found another avenue to promote understanding and good character for youngsters. A new program called Renaissance Education was instituted in 1996 to expose students to the foundations of “total education.” The Renaissance Education concept gives students the opportunity to contribute to a team effort and profit from the benefits of team participation. To kick-off this program, the Institute will host its first-ever Renaissance Games in April where students will participate in sports, leisure, cultural, and academic activities such as: basketball, volleyball, photography, public speaking, creative writing, chess, board games, spelling bees, and library research.

I remain very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who are participating in the events of this inspiring day. Likewise, I congratulate all of those at the University of Rhode Island's Institute for International Sport, whose hard work and dedication over the last eight years have made this program so successful.

Mr. President, it is my understanding that S. 1173 will be the matter before the Senate?

The PRESIDING OFFICER. The Senator is correct.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Mr. CHAFEE. It is my understanding the distinguished Senator from Minnesota has an amendment which he wishes to present. What we would like to do, if it is agreeable with him, is he could present his amendment and discuss it but we not proceed to a vote until we have had an opportunity to check with the Labor Committee, and check some other factors. So he and I could work together on when would be a good time to call it up for a vote.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I have talked to the distinguished Senator from Rhode Island. I will send an amendment to the desk, but I will not be asking for a vote until after we work together on this. I certainly hope there will be support for it. I thank the Senator from Rhode Island for his graciousness.

AMENDMENT NO. 1679 TO AMENDMENT NO. 1676

(Purpose: To require the Secretary of Health and Human Services to report on the number of former recipients of public assistance under the State temporary assistance to needy families programs that are economically self-sufficient)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1679.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

“(k) REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.—

“(1) DEVELOPMENT OF PLAN.—The Secretary shall develop a plan to assess, to the extent possible based on all available information, the number and percentage of former recipients of assistance under the State programs funded under this part that are, as of the date that the assessment is performed, economically self-sufficient. In determining economic self-sufficiency, the Secretary shall consider—

“(A) the number and percentage of such recipients that are, as of the date of the assessment, employed;

“(B) the number and percentage of such recipients earning incomes at or above 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section for a family of the size involved); and

“(C) the number and percentage of such recipients that have access to housing, transportation, and child care.

“(2) REPORTS TO CONGRESS.—Beginning 4 months after the date of enactment of this subsection, the Secretary shall submit biannual reports to the appropriate committees of Congress on the assessment conducted under this subsection. The reports shall analyze the ability of former recipients of assistance under the State programs funded under this part to achieve economic self-sufficiency. The Secretary shall include in the reports all available information about the economic self-sufficiency of such recipients, including data from quarterly State reports submitted to the Department of Health and Human Services (in this paragraph referred to as the 'Department'), data from State applications submitted to the Department for bonuses, and to the extent the Secretary determines they are relevant to the assessment—

“(A) reports prepared by the Comptroller General of the United States;

“(B) samples prepared by the Bureau of the Census;

“(C) surveys funded by the Department;

“(D) studies conducted by the Department;

“(E) studies conducted by States;

“(F) surveys conducted by non-governmental entities;

“(G) administrative data from other Federal agencies; and

“(H) information and materials available from any other appropriate source.”.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that privilege of the floor be given to Mikki Holmes, who is an intern with me, during consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Both she and Kelly Ross have helped me a great deal on the amendment, so I would love for her to be able to be out on the floor, and I thank the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WELLSTONE. Mr. President, let me give my colleagues a bit of background on this amendment—some context. I am, if you will, changing the conversation. We are going to be getting into ISTEA amendments soon, and I will have some other amendments on ISTEA. But this is a vehicle out here on the floor and this is a time for me to raise another question, which I think is a very important one. This amendment would require the Secretary of Health and Human Services to report on the number of former welfare recipients, recipients of public assistance under the State Temporary Assistance to Needy Families programs, who are economically self-sufficient. In other words, what we want to do is have some clear understanding about what is going on in the country right now.

When we debated the welfare bill, I had an amendment which said something like: Let's please get Health and Human Services to take a look at what is going on in the country. And if it should be the case—and I certainly hope it will not be the case—that, as opposed to families being moved from welfare to work with more economic self-sufficiency, which is what our goal is, we are seeing families that are actually becoming more impoverished, children becoming more impoverished, then what we need to do is take corrective action. Let's at least monitor what is happening. That amendment was defeated.

What I am saying to colleagues today is that by passing that piece of legislation, we have a certain responsibility to make sure that we know what is going on throughout the country. Gunnar Myrdal, a Swedish sociologist, once said that ignorance is never random. I think we have to be very careful that we at least make an effort, as responsible policymakers, to understand what is happening.

What I mean by "economic self-sufficiency" is we just need to know whether or not, as the rolls drop—and we have heard reports about how the welfare rolls have dropped by 4 million—whether this reduction in the rolls or reduction in welfare caseload is a reduction of poverty. It can't be viewed as reform unless we are talking about a reduction of poverty. We just need to know whether or not these parents, mainly women, are now working at jobs that provide them a decent wage. The operational indicator that I have in this amendment is we need to know whether or not these families are at 150 percent of poverty. Are they now out of poverty? We need to know whether or not there is child care available for the children. We need to know what the housing situation is. We need to know whether or not there is transportation available for people so they can get to jobs. We just do not know that.

What I am saying in this amendment is, at the very minimum—and I hope there will be support for it—we ask the Secretary of Health and Human Services, based upon the data that she has—some reports from States, some Census Bureau survey statistics, some agency data—to pull together all the available data—someone has to do that—and provide to the Senate, to the Congress, a report 4 months from enactment of this amendment, and then every 6 months, as to what is going on in the country—whether or not these families are reaching economic self-sufficiency.

Let me talk a little bit about some of my own travel, and why I bring this amendment to the floor, and also just let me draw from some documentation, empirical data, that I think will help colleagues as they make up their minds. This is very reasonable. This is very reasonable, Democrats and Republicans. The only thing I am saying is, please let us know.

Now, when I travel around the country—and I have spent some time in low-income communities—I am not just focused on welfare. Personally, I think the most important policy goal for us is to make work pay. I think if people work almost 52 weeks a year and almost 40 hours a week, they ought not be poor in America.

I think some of that is skills development for people who are looking for work. Some of that is access to capital, especially for small businesses, whether it be in Kansas or Minnesota, so we can have more entrepreneurs and have more economic opportunities. And some of that is affordable child care and affordable health care. If you can put that package together, that is probably the best single thing you can do for families in America, especially families, if you will, in the bottom 50 percent of the population.

I hope that is the direction we will go. But as I travel the country—from Delta, MS, to East LA, Watts, to the Pilsin neighborhood in South Side Chicago, to public housing projects, the Ida Wells housing project, to the Robert Taylor Holmes housing project, to inner city Baltimore, to inner city Minneapolis, to rural Aitkin County, to Letcher County, Appalachia, eastern Kentucky—what I find is a bit of a disturbing picture. And I have been trying to check with people in other States.

I am finding another thing. First of all, what I do when I travel around the country is say, OK, now you have seen a drop in caseload and you have fewer people on welfare. That is being applauded. But can you tell me where they are? Where are the people? What kinds of jobs do they have? At what wages? How about the children? Is there decent child care for the children?

Generally speaking, the answer—and it will not just be what I am going to tell you on the basis of my own travel, but I also want to quote from some reports—is people do not know. People do not know. State by State they do not really know. There ought to be some way to assemble that data and at least get a report on what has happened.

I can tell you, I talked a little bit about this on the floor of the Senate before. This is why I bring this amendment to the floor. It is why I am changing the conversation on the floor of the Senate at least at the beginning of this bill. It is why I think this is a matter of urgent importance.

What I find is that I will go to a community, like in Delta, MS, or, for that matter—let us start with rural Aitkin County, MN, or, for that matter, maybe even more importantly, in Whitesburg, KY, and people will say in rural communities two things. No. 1—and in a lot of inner cities; I hope every colleague at some point in time can read William Julius Wilson's book, "The Disappearance of Work," just an eminent sociologist, African American sociologist, who has done superb work; rave reviews for his very careful research.

There are a lot of communities in our country where work still does not exist, even with a record low official unemployment rate. We have communities in our country where there are no jobs.

So there are two issues here. If you are going to tell people they are going to be off assistance, we have to make sure the job opportunities are there.

Now, a lot of people in rural America are saying, "Look, in our communities we don't have the jobs. And just as importantly, we don't have the transportation to be able to get to some of those jobs that are 50 or 60 miles away." So I think we need to know what is happening. I mean, in Whitesburg, KY, in Letcher County, KY, boy, I will tell you what—I say this to the Senator from Kansas—you want to talk about a group of people that are independent, you want to talk about a group of people that are self-reliant and self-sufficient—I am a little biased. That is where my wife's family is from. This is the community.

People say, "We want to be able to work. And if you give us the tools whereby we can have some access to capital, we can chart our own economic future." And there are jobs for people. We are all for this. But right now, in a couple of years from now, everybody please remember in that bill that we passed, there is a drop dead date certain where, depending upon the State, 2 years from now or 4 years from now or a year and a half from now everybody is going to be off assistance. All these parents—women; almost all women—and children will be cut off all assistance.

Before that finally happens, Mr. President, we need to know whether or not these families are now reaching economic self-sufficiency. We need to know what is going on. We cannot just cut all people off assistance without knowing whether or not there are jobs available, whether or not any will be available, or, worse—and I am visiting a lot of communities around the country, and I think Senators are probably hearing this now as we implement this legislation—they are telling me there are no jobs.

Same thing in a lot of inner cities I visit where people tell me in Baltimore. And you know what? I am in complete agreement on this. I want my conservative colleagues to know that I am now changing my ideology. I am becoming a conservative Democrat. I cannot go quite as far as being a Republican. But I am in complete agreement with the proposition that you can have all of the social services imaginable, you can have the WIC program, and you can have the Head Start Program, and you can have outreach programs, but it does not work unless people have an employment opportunity. That is dignity for people.

But you know, when I visit some just great people in Baltimore—they are doing great work—what they tell me is, "Look, all the social services in the world don't cut it unless there are job opportunities here. And the jobs are not available in our ghettos and boroughs. They are available in some of the suburbs, but people cannot get out to them. A lot of poor people do not own cars. And a lot of people rely on the public transportation."

So what I am saying, colleagues, is, let us find out—find out—whether or not people are moving to economic self-sufficiency. Let us find out what this reduction in caseload means. Because I think otherwise we could be doing something here in Washington, DC, that could be unbelievably harsh and unbelievably cruel and just really unconscionable, which is eventually supporting the idea that all families are cut off all assistance even when people have tried to find a job and have not been able to find a job, even when the child care isn't available.

Now, as I travel the country—I wanted to also mention this to colleagues—I have met with entirely too many families who tell me that either their 3- or 4-year-olds, part of the time, are home alone because it is a single parent working because the child care isn't available, or their children, small children, age 2, age 3, one week are with a cousin, another week with another relative, another week with a friend somewhere, because there is no affordable child care.

Or I talk to parents—and I would like for every Senator to put himself or herself in the place of some of these parents—who tell me that before this legislation passed, they would go to school, and they would pick up their first grader—this happened to me in East LA—and this mother, who was just weeping, she was saying, "I work." She wanted me to know she was working. She wanted me to know that she wants to work. I was asking her, how was it going? And it was at that point that she broke down crying, when she said, "It's fine until about 3 o'clock every day," because that is when she would pick up her first grader—now a second grader—at school, and walk her home, sometimes passing gangs in a pretty violent neighborhood. Too much violence still. And she would walk her child home, and then she would be with her child. Now she tells her second grader, "You know, when you get home at the housing project, you're to lock the door, and you're to take no phone calls."

Colleagues, I want you to know that even when there is good weather, there are too many children in America who are not outside playing because there is no supervision for them. Now, we ought to know what is happening around the country to these children. Just because these children are low-income children, just because their mothers are low-income mothers does not make them any less important than anybody else. They are all God's children.

Mr. President, let me just read from a very important article that came out last week in the National Journal by Burt Solomon called "Monitoring Welfare Reform—Sort Of." This is why I want to see us at least call on the Secretary of Health and Human Services to assemble some data, to provide us with reports as to what is going on. That is all. How many families are reaching economic self-sufficiency? Are people who are now off welfare, have they found jobs? At what wage level? Are the children OK? Is there decent child care? That is all that says. We all ought to want to know that. There should not be one vote against this. We should want to know. We should want to know.

Now, to provide some evidence or marshal some evidence for this amendment, let me just read from this very fine piece by Burt Solomon. In quoting one Federal official:

> "I don't think we will be following enough people thoroughly enough"—or long enough—"to get a [strong] understanding of what's going on," a federal official steeped in welfare policy said. Queried about whether there are plans to better organize monitoring, the official replied: "I think the answer is, not really."

Mr. President, I think that is sort of an apt summary. We just do not right now have any coordination. We do not have anybody who is responsible for collecting the data to be able to tell us what is happening to these families.

Secretary Shalala gave a speech at the American Enterprise Institute on Friday, February 6. I will start out at the beginning of her speech. She said:

> But we also have a moral obligation to keep making improvements in welfare reform, and in our social policies.

She is talking about how, now that we have had this law for a while, it is time to ask the questions and figure out where we need to go from here.

> "Today, fewer than 4 percent of Americans are on welfare. What we don't know is precisely what is happening to all of these former welfare recipients." We know that some have married or moved in with family or friends. Others have left the rolls and are holding on to jobs that they were already going to—what is sometimes called the smoke out effect. But what's important is that many are looking for work—and finding it.

Many are looking for work and finding it. But the real issue is that we still do not know what is happening to these 4 million people who are no longer on the rolls.

I go on to quote from her speech:

> States are working hard to enforce the mandatory work requirements in TANF. Sanctions were actually rising even before TANF. Still, most of the 33 states that were authorized by waivers to impose full-family sanctions rarely did so. Now, when sanctions are imposed, it's usually because recipients fail to show up for their initial appointments—not because they refuse to comply with work requirements.

Mr. President, I just want to make the point that one of the things that is happening—it is happening in my State of Minnesota—is a lot of people are basically getting cut off welfare because they are sanctioned. They do not show up for some of their initial appointments. But the question is whether they do not show up for their initial appointments because they do not want to work, or is it because they do not have transportation? Or is it because there is not adequate outreach? Or it is because we are imposing a kind of stability in the lives of people who sometimes have to deal with crisis after crisis? Or is it because, with a lack of child care arrangements, they cannot be there?

I mean, we want to make sure that people are not just being eliminated from the rolls and then, not having any employment opportunities or having jobs that barely pay minimum wage, are worse off a year from now, and they no longer have any health care. I read from an editorial from the Minnesota Star Tribune entitled "Life After Welfare—States Must Ask the Right Questions." I just quote one relevant section.

> The federal law requires states to submit lots of data on the number of clients who receive benefits and who find jobs, but it is almost silent on the issue of family well-being after clients leave welfare. As federal bureaucrats draft new reporting requirements,

> there's a danger that Washington and the governors will define "success" as merely cutting caseloads.

And this is the conclusion of the editorial:

> It's worth remembering that Congress didn't tackle welfare reform because caseloads were rising—they were already falling by 1996. It wasn't because assistance costs were climbing—cash welfare to families has been stable at less than 2 percent of the federal budget since Richard Nixon was in office. It was because welfare was seen as a failed program that fostered other social pathologies: idleness, drug use, broken marriages and neglected children. Having blamed welfare for these problems, it seems only fair to find out whether welfare reform is solving them.

Again, what I am saying to my colleagues is that I think it is terribly important that at least we understand—and to ask the Secretary of Health and Human Services to provide some reporting of data as to—what is happening around the country so that we have some understanding how many of these families have found work, how many of these families are reaching self-sufficiency. Or are matters worse off? What has happened to those parents? And what is happening to these children?

If it is, colleagues, the best-case scenario, I am all for it. If we pass this amendment and the Secretary provides us with some data, assuming she has the data—if she can't pull together data, then we have to figure out what we need to do in order to understand what is happening in the country—if she provides data that shows us that, as we look at this reduction of caseloads by 4 million, that many of these mothers and many of these children are better off, great.

But if, in fact, we find that people have been cut off but haven't found a job, or they find a job that barely pays minimum wage and there is not adequate child care and some of their children are in harm's way as a result of this legislation, then we need to know that as well. Certainly we can't just follow through on eliminating all assistance for all families until we understand whether or not these families have reached economic self-sufficiency.

Mr. President, I quote from an article in the Philadelphia Inquirer on a recent study by Tufts University:

> Despite numerous reports of welfare reform's early success, most states have enacted measures that hurt the families they're supposed to help, a national study at Tufts University pointed out that only 14 states have welfare policies that are likely to improve the economic conditions of poor families.

Let me read a hard-hitting statement by J. Larry Brown, who is director of the poverty center at Tufts University, which I concede has been controversial because they have issued reports over the years. They have been at this for decades, and they focus a lot on malnutrition, hunger and poverty, especially among children in America. Sometimes we don't like what they say because it is just unpleasant news. But I think their research is terribly important, and I will read from J. Larry Brown:

> The evidence shows that as of now welfare reform is failing, and it is failing badly. The vast majority of states are not developing programs to improve the economic circumstances of the poor.

Mr. President, I ask unanimous consent that an executive summary of the Tufts University study be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Tufts University Center on Hunger and Poverty, Feb. 1998]

ARE STATES IMPROVING THE LIVES OF POOR FAMILIES?—A SCALE MEASURE OF STATE WELFARE POLICIES

EXECUTIVE SUMMARY

The Tufts Scale measures whether each state is making progress toward increasing the economic security of poor families under the newly "devolved" welfare system created by Congress in 1996. It also compares whether each state's progress toward this goal is better or worse than that of other states. Results of the study show that:

The majority of states have created welfare programs that ultimately will worsen the economic circumstances of the poor.

More than two-thirds of all states (35) have implemented state welfare policies that will make the economic situations of families worse than under the old welfare system.

Less than a third of all states (14) have implemented state welfare policies that are likely to improve poor families' economic conditions.

Overall, more states in the Northeast and Western region received positive scores on the Scale, indicating they have created state welfare programs that are more likely to help families achieve economic self-sufficiency, while more states in the South and Midwest received negative scores, indicating that their new welfare policies are likely to make self-sufficiency harder to achieve.

Of the fourteen states whose new welfare policies are likely to improve family economic well-being, seven (VT, RI, PA, NH, ME, CT and MA) are in the Northeast, four (OR, CA, WA, and UT) are in the West, two (IL and MN) in the Midwest, and one (TN) in the South.

Of the fourteen states whose new welfare policies are likely to worsen family economic security the most, seven (FL, NC, LA, MS, AL, GA and DC) are in the South, four (OH, IA, MO and KS) are in the Midwest, two (WY and ID) in the West, and one (NJ) in the Northeast.

Two states represent the extremes in measuring progress and failure to date:

Vermont, with a score of +12, is the state whose new welfare policies are most likely to improve the economic security of recipient families.

Idaho, with a score of −15.5, is the state whose new welfare policies are most likely to worsen the economic conditions of poor families.

The cornerstone of the newly decentralized national welfare system is the TANF Block Grant. Under TANF, states are given unprecedented flexibility to create and implement customized state welfare programs to help families become economically self-sufficient. Yet the Scale results show that the vast majority of states have adopted policies under their TANF Block Grants that are likely to worsen the economic security of poor families instead.

Forty-two states have adopted policies under their TANF Block Grants that are likely to worsen the economic security of poor families.

Eight states (VT, OR, NH, MA, WA, RI, ME, and CT) have implemented policies under their TANF Block Grants that are likely to improve poor families' economic security in comparison to the old welfare system.

Vermont received the highest score on the TANF section of the Scale (+7), indicating that it has implemented policies under its TANF Block Grant that are more likely than all other states to improve family economic security. Idaho received the lowest Scale score for TANF (−15.5), indicating that its TANF policies are more likely than those of any other state to worsen family economic security.

The Child Care and Development Fund was created under PRWORA to assist families in obtaining child care so that adults could engage in activities eventually leading to self-supporting employment. According to the Scale, all states except one have adopted child care policies which are likely to improve family economic security compared to their policies under prior law.

All states except Wyoming have implemented child care policies in their new state welfare programs that are likely to improve family economic security.

Six states (CA, MS, NE, PA, RI and VT) received the highest score on the child care part of the Scale.

The Tufts Scale was designed to provide early feedback to help evaluate the likely impact of state welfare program inputs on family economic well-being while the nation waits for longer-term measures of their outcomes. Each state's score provides a measure of whether that state is using its newly available flexibility to invest in the economic circumstances of poor families.

Concerns have been raised by some critics of the 1996 welfare reform law that ultimately it will further impede the economic viability of poor families. The data reported here suggest that these concerns may be well founded. While a few states have made choices which can improve the lives of poor families in their states, most are disinvesting in the poor.

COMPARING STATES' OVERALL TUFTS SCALE SCORES

Table 2 shows overall state scores ranked in descending order (highest to lowest). Recalling from Table 1 that the range of possible overall scores is −38 to +22, it is clear that no state did as little, or as much, as could have been done to change the impact of its welfare programs on the economic security of poor families with children. The highest overall score of +12 points, received by VT, fell 10 points short of the maximum score. The lowest score of −15.5 points, received by ID, was also 22.5 points higher than the minimum.

TABLE 2.—OVERALL TUFTS SCALE SCORES WITH STATE RANKINGS

State	Rank	Score
VT	1	12.0
OR	2	7.5
RI	3	6.5
PA	4	4.5

TABLE 2.—OVERALL TUFTS SCALE SCORES WITH STATE RANKINGS—Continued

State	Rank	Score
NH	4	4.6
ME	4	4.5
CA	4	4.5
WA	8	4.0
CT	8	4.0
UT	10	2.5
IL	10	2.5
MN	12	2.0
MA	12	2.0
TN	14	1.5
NY	15	0.0
NE	15	0.0
VA	17	−0.5
TX	17	−0.5
MT	19	−1.0
DE	20	−1.5
NV	21	−2.0
HI	21	−2.0
CO	21	−2.0
AR	21	−2.0
AK	25	−2.5
NM	26	−3.0
ND	26	−3.0
MI	28	−3.5
MD	28	−3.5
WV	30	−4.0
WI	30	−4.0
SC	30	−4.0
AZ	30	−4.0
SD	34	−5.0
OK	34	−5.0
KY	34	−5.0
IN	34	−5.0
OH	38	−6.0
FL	38	−6.0
NC	40	−6.5
LA	40	−6.5
IA	40	−6.5
NJ	43	−7.0
MO	44	−8.0
MS	45	−9.0
AL	45	−9.0
GA	47	−9.5
DC	48	−10.0
KS	49	−11.0
WY	50	−12.0
ID	51	−15.5

Generally, states in the Southern region scored lower than states in the Northeast. Among the fourteen states receiving overall scores above zero, seven are in the Northeast region (VT, RI, PA, NH, ME, CT and MA), and four are in the Western region (OR, CA, WA and UT). Two states in the top fourteen are in the Midwestern region (IL and MN), and one (TN) is in the South. Of the fourteen states with lowest overall scores, seven are in the Southern region (FL, NC, LA, MS, AL, GA, and DC), four are in the Midwest (OH, IA, MO and KS), two in the West (WY and ID), and one in the Northeast (NJ).

During the 1996 policy debate over "devolving" welfare to the states, leaders in six states were particularly active in efforts to obtain greater state prerogatives. In the states of CA, MD, MI, NJ, OH, and WI, governors made welfare reform a major component of their policy agendas.[18] All of these states except one are doing worse than their peers in terms of promoting the economic security of recipient families. With one exception, all these states received scores at or below the median value of −3 points, while two (OH and NJ) scored among the worse in the nation. CA scored among the top fourteen states with an overall score of +4.5 points (though several of its newer policies were not implemented until after October 1997).

Overall, fourteen states created welfare programs demonstrating greater investment in the economic security of poor families, while two states maintained the status quo under prior law. Thirty-five states (including DC) designed welfare programs which are likely to worsen the economic security of poor families.

Mr. WELLSTONE. Mr. President, let me cite two other pieces of evidence to support this amendment and to explain to my colleagues why I have been out here from the word "go" trying to get us to go on record on this question.

This is a piece from the Milwaukee Journal Sentinel. The title is "Few Leave Welfare Earning Above Poverty Level." This is about a study of welfare recipients in Wisconsin.

> Only about 1 in 6 families that left welfare in Milwaukee County in 1996 earned more than poverty-level wages. This is in Wisconsin, which has really put an all-out effort to invest in this reform.

Let me read again:

> Only about 1 in 6 families that left welfare in Milwaukee County in 1996 earned more than poverty-level wages in a three-month period, according to the most conclusive examination yet of what is happening to local families under Wisconsin's sweeping welfare initiatives.

It goes on to point out that "the turnover rate among those workers was extremely high—in part because the jobs were concentrated in industries that typically have plenty of part-time spots and a more transient work force."

> By the first quarter of 1997, welfare recipients had left most of the jobs for which they were hired the previous year.

So again, let's just understand that this is a study that comes out based on what is happening in Milwaukee County in Wisconsin, saying one out of six families that left welfare earned more than poverty level wages—only one out of six. Moreover, a lot of the jobs are part-time jobs, jobs that people can't count on, and a lot of people had to switch from one job to another.

Finally, Mr. President, an article that appeared in the Star Tribune in my State, "Parents Face Cuts In Welfare Checks."

> Hundreds of Minnesotan parents are in danger of having their welfare checks reduced starting March 1, the first wave of penalties meted out under the state's new welfare law.

Interestingly, in Hennepin County about 50 percent of the parents converting to the new welfare system are showing up for orientation meetings at work; about 70 percent are showing up in Ramsey County.

A lot of these families are in crisis. Some don't plan well—the bus can be late, they can't work out arrangements for kids. The question is going to be whether or not we are going to basically be sanctioning people and cutting people off, even people who want to work.

Now, summarizing what this amendment says, we call on the Secretary of Health and Human Services to take a look at those families who have now been moved off welfare around the country and to provide us with some data as to what the current situation is. The whole goal of this bill was to move families from "welfare" to "workfare," to move families to economic self-sufficiency. That is what we said it was about.

I have said to colleagues today on the floor of the Senate that from articles that are now coming out, looking at what is happening around the country, we see some evidence that a lot of people who have been moved off welfare have not been able to obtain jobs that pay a decent wage, have not been able to obtain employment that gets a family anywhere close to 150 percent of poverty—out of poverty. I am saying to colleagues that Secretary Shalala, who has been very direct and honest herself, has said we need to know more about what is happening with these reform efforts.

I'm saying to colleagues today that there have been some pretty hard-hitting studies that have come out, the Tufts University study being one, which have said that actually it is pretty harsh what is happening around the country. I'm saying that as I travel around the country I have tried to spend time in low-income communities. I have tried to be with people. I have tried to understand what is happening. I don't have all the empirical data, but I am just saying to colleagues what I have observed, and I think I have been honest in my observation. I have been in too many communities with long waiting lists for affordable child care for working poor, moderate income families, and now welfare. Therefore, a lot of these mothers go to work but there is not adequate child care for their children.

I don't want to see, nor should any of my colleagues want to see, more children put in harm's way because of action that we have taken. I am saying to colleagues that in too many innercity communities and too many rural areas, people have said to me that the jobs aren't there, nor is the transportation available to enable them to get to some of the jobs, that they would work, for themselves and their families.

I am saying to colleagues that you cannot argue that because there has been a reduction of 4 million recipients, that that represents reform if it hasn't led to reduction in poverty. You can't say something is working well if what is happening is that many of these families are economically worse off and many of these children are not better by what we have done.

I am saying to colleagues that I have heard enough speeches on the floor of the Senate about children. I have heard enough speeches about the very early years being very important for nurturing of a child, very important to fire up a child's imagination. I am saying to colleagues that in a whole lot of cases these single parents—almost all women, even with children younger than 1—are being told they have to leave the home and take a job. We don't know what is happening to those 1-year-olds, those 2-year-olds, the 3-year-olds and their 4-year-olds. It is our obligation to know what is happening to those children.

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[18] Norris, D.F., and L. Thompson, The Politics of Welfare Reform, SAGE Publications, Thousand Oaks, CA, 1995.

I am making a plea to my colleagues. This is, I say to Senator CHAFEE and Senator BAUCUS, a moderate PAUL WELLSTONE amendment. This is a moderate version. All this does is say, please, let's ask the Secretary of Health and Human Services to pull together some data and make reports to us every half a year as to how many of these families are reaching economic self-sufficiency so we have some understanding of what is going on in the country.

Before I yield the floor—and I am not prepared to yield the floor—might I ask the Senator from Missouri, because I don't want to keep him waiting long, but before yielding the floor, might I ask my colleague whether he is here to debate the amendment or intends to introduce another amendment.

Mr. BOND. Mr. President, I am interested in knowing when I might have the floor. I have a brief statement on the measure.

I will have something to say about this, but I ask my colleague how long he intends to go on.

Mr. WELLSTONE. Mr. President, if I understand my colleague from Missouri, if he has a statement on the overall legislation or something else aside from the amendment, then I want to inquire of the Senator from Rhode Island as to whether or not this amendment will be accepted. If it will be accepted, then we can dispose of it and move on.

If the Senator from Missouri means he has another point of view and wants to speak on this amendment, I am glad to yield the floor and then come back and respond to some of his arguments. I am not quite sure what he has in mind.

Mr. CHAFEE. Mr. President, it is my understanding the Senator from Missouri is going to speak on the underlying bill. Is that correct?

Mr. BOND. Mr. President, I am prepared to address the finance amendment that we reported out today and that will be brought up for debate, we hope, perhaps later today or tomorrow under the unanimous consent agreement. I wanted to speak briefly about that.

Mr. WELLSTONE. Might I ask the leader as to whether or not he has any additional information as to how he wants to proceed?

Mr. CHAFEE. What I suggest, Mr. President, is that the Senator from Missouri is not going to be very long. We will be in 45 minutes anyway, or more, before we recess. So I suggest if we could just let the Senator from Missouri go ahead, and then I have some comments I will direct to the Senator from Minnesota. That is my suggestion.

Mr. WELLSTONE. Mr. President, I don't want to keep my colleague from Missouri waiting. It would be fine with me, I say to the Senator from Rhode Island. I await eagerly his response. I hope we can reach some agreement on this.

I do have more to say about this amendment, but I don't want to inconvenience my colleague from Missouri. I am pleased to relinquish the floor.

The PRESIDING OFFICER. The Senator has relinquished the floor.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair.

I say in response to my colleague from Minnesota, be careful about relying on the Tufts study. The officials in charge of public assistance in my State and other States have pointed out some rather serious flaws in that study. We all share concerns about assuring there is adequate transportation, adequate day care, child care, for people moving from welfare to work, and I am not here to debate that amendment. At the appropriate time, we will review that amendment.

What I wanted to call to the attention of my colleagues is the fact that yesterday my good friend, the distinguished chairman of the Environment and Public Works Committee, Senator CHAFEE, along with Senator BAUCUS, Senator GRAMM, Senator BYRD and the very distinguished chairman of the Budget Committee, Senator DOMENICI, announced agreement on funding levels for the highway authorization for the next 6 years. It will be $171 billion for highways.

Let me explain what that means for my State of Missouri. Under the formula that was passed out of the committee as a committee amendment today, Missouri would receive $3.6 billion—that is billion dollars—compared to $2.4 billion that Missouri received over the last 6 years of the 1991 transportation bill. Missouri's average allocation per year would be around $600 million, as opposed to the $400 million the State was receiving under the old.

That is tremendous progress. I am deeply indebted to the leadership of our committee and particularly to the budget chairman for making these dollars available. This is vitally important. Everybody in this Chamber knows how important funding for transportation is.

I was not a cosponsor of the Byrd-Gramm amendment, but I have always made clear and reiterated my support that highway money and transportation money should go for highways. In Missouri and across the country, when people go to the gas pump, buy gas and pay a tax, they think it is going to the highway trust fund. They think it is going for transportation purposes. And that is a reasonable assumption, except that in this body we have divorced the revenue from the spending stream and in the past we have had that money siphoned off to cover overspending elsewhere. In the 1993 major tax increase, a 4.3-cent tax was levied for deficit reduction.

Now, I believe that the transfer of the 4.3 cents back to the highway trust fund instead of deficit reduction has not only made a significantly increased amount of money available for transportation needs, but it has, I think, put the "trust" back into the highway trust funds. That is what we ought to be about; that is what we ought to be telling the people who are paying those taxes. We are recommitting ourselves to the basic principle and promise that we made, which is that when we provide the revenues to the Government under the dedicated gas tax money, we are going to use it for roads, bridges, highways and transportation when it's collected.

In Missouri, these funds are desperately needed. I daresay that I have heard stories from other States where they understand the importance of highway dollars. I came to the floor last week and explained that the debate over transportation funding and policy was not just an academic debate for Missourians. It is about, obviously, convenience and ease of transportation. It is about economic growth because, in our State, you can see where jobs occur. They occur where there are good highways. But most important, good highways and bridges are matters of life and death in Missouri. Highway fatalities in the State of Missouri increased 13 percent from 1992 to 1995, and many of us in Missouri know somebody or several people who have lost their lives on highways. And 77 percent of the fatal crashes during this timeframe occurred on two-lane roads.

Mr. President, it is a simple matter. When you have heavy traffic on two-lane roads, you have traffic delays, somebody gets anxious and pulls out to pass, and if there is a hill, if there is a curve, or if there is an unseen hidden spot in the road, a head-on crash occurs. That has happened too many times, and it happens because the two-lane roads that we are driving on are carrying traffic that everybody agrees should be carried on four-lane roads. This is why I say it is a matter of life and death.

In Missouri, 62 percent of the roads on the National Highway System, when you exclude the Interstate System, are two-lane roads—two-lane roads that are supposed to be part of our National Highway System. We are in the top 10, in terms of highway count, in the number of cars traveling those roads. Many of those National Highway System roads don't even have shoulders on them. So if somebody comes across the line and you are passing a large truck, if you move too far to the right, you are off on the shoulder, and that can be deadly.

In addition, my State of Missouri has the oldest—I repeat, the oldest—bridges in the country. There are a number of things that we like to be No. 1 in, but having the oldest bridges and some of the worst conditions in the country is not one of them. This is a dubious distinction. We are sixth from the bottom in the condition of our bridges. These are the reasons that the highway funding formula and the transportation bill is so vitally important in my State. The potential funding that this bill provides is a huge step in the right direction to save lives on Missouri's highways, roads, and bridges. Last week, I told the story of driving across some of the bridges in our State where you can look down and see the water. That is not reassuring. They don't design them as "see-through" bridges. Years and years of decay have opened up gaping holes, which is a frightening prospect when you are crossing the Missouri River or the Mississippi River.

I urge my colleagues to work through the budget and the appropriations process to determine that we will make the real funding commitment and that we will meet that funding commitment that we put forward in this bill.

When I began this process, when I started work on it, I had two primary goals. One was for the transportation bill to increase the overall size of the pie for highways, and getting that 4.3 cents in is vitally important. Secondly, Missouri, as one of the donor States, needed to get its share up. I believe these two conditions are met.

You may recall last fall when filibusters held up the bill I crafted a bipartisan interim solution that enabled highway funding to continue through May 1 of this year, which means, as the distinguished occupant of the chair knows, we will be the bedeviled by those orange and white barrels this year. They will be springing up on our highways like the summer road flowers along the highways. They are going to be blossoming. I am pleased to be causing those headaches. But we need to continue the orange and white barrels; we need to continue that construction.

I know the funding debates are far from over. As I mentioned last Friday, there are reasonable people who have passionate differences, and there is nothing like a highway funding fight to bring out those differences. We hope that it is merely a matter of verbal debate. But when it comes to highway funding, these differences have been visible and audible. I want to express again my sincerest thanks to Senator CHAFEE, Senator BAUCUS, and Senator WARNER, for their leadership in working with committee members to avoid the "guerrilla warfare" that has been known to erupt on the highway bill in the past. I told the committee that I thought the leadership had achieved a rough system of justice that would make it possible for us to move this bill forward.

Nobody is going to get everything that they want, but I believe that reasonable compromises have been made, and there may still be more made. We need to get this bill moving. I look forward to working with the members of the committee and my other colleagues throughout this process to achieve the goals that we all have for our States, that I have for my State of Missouri, but, most important, that we all must have for our national transportation policy.

Again, my thanks to the leadership and my congratulations for the great staff work. We look forward to working on it. It will be an interesting debate.

I thank the Chair.

Mr. CHAFEE. Mr. President, I want to thank the distinguished Senator from Missouri for those kind comments. We have worked closely together, and he has been a valuable member of the committee, not only on highway matters, but in other matters likewise. We look forward to his vigorous support as we move forward with this legislation.

Now, the Senator from Minnesota, I believe, has matters to discuss.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me also associate myself with the remarks of the Senator from Missouri. I think all of us owe a debt of gratitude to our colleagues, Senator CHAFEE and Senator BAUCUS, for their determination and doggedness in getting this bill on the floor. This is a very important piece of legislation, I think, for all of our States.

Mr. President, I think the Senator from Rhode Island, in a moment or two, has some questions he wants to put to me. While I am waiting for that, let me just, for my colleagues' information, give the official poverty level income for a family of one woman and two children. It is $12,516. And 150 percent is $18,774.

This amendment, everybody should understand, doesn't dictate anything. It doesn't say that every family of three ought to be able to make that income of $18,000. It doesn't mandate anything; it doesn't dictate anything. It simply says—look, I think people trust me, and I have traveled the country, and I am telling you that some of what is going on—I am not pointing the finger at any particular point, although it is uneven. It is harsher in some States than in others, but we do need to understand exactly what is going on, whether or not these families are able to find jobs and whether or not these are jobs with decent wages, and what is going on with their children. We need for the Secretary to kind of bring together some data and present reports to us so we have knowledge about this.

I see the majority leader on the floor. I would be happy to yield to the majority leader. Then if my colleague has questions he wants to put to me, I would be pleased to respond.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator from Minnesota for yielding me this moment of time. It won't be long.

GOLDEN GAVEL AWARDED TO SENATOR PAT ROBERTS

Mr. LOTT. Mr. President, since the 1960s, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel Award. Today, we add to the list of Golden Gavel recipients the current Presiding Officer, Senator PAT ROBERTS of the great State of Kansas, whose presiding hours now total over 100 hours, effective as of today.

I want to say this, too: I have found that, as Presiding Officer, Senator ROBERTS is reliable and enthusiastic. He maintains order, sometimes running the majority leader from the floor of the Senate Chamber if he insists on talking when not properly recognized. He maintains order with a firm hand, but, most importantly, he is consistently willing to come to the Chamber and preside over the activities here in this Chamber. He is able to handle problems that arise in an appropriate way and without hesitation. So it is with sincere appreciation that I announce the newest recipient of the Golden Gavel Award, Senator PAT ROBERTS of Kansas.

I have already determined that when we have moments of really important legislation, and when rulings of the Chair are going to be necessary and need to be made rather quickly so we can complete the business of the day, we have a new suspect that can assume the position as Presiding Officer, Senator ROBERTS of Kansas. Thank you very much for the job you have done in helping us to preside and keep the Chamber in order.

[Applause.]

The PRESIDING OFFICER. The Presiding Officer observes that under the Senate rules the Presiding Officer cannot participate in debate or comment from the dais. Should that rule not be in effect, the Presiding Officer would publicly state his thanks to the majority leader for the kind comments. But that is not permitted under the rules. The Presiding Officer is unclear about the majority leader's intent. Does the majority leader intend to introduce that in the form of a resolution, or does he intend that it be simply made part of the RECORD?

Mr. LOTT. I think it would be appropriate just to be made part of the RECORD. I appreciate the ruling of the Chair on this matter, which I did not ask a question about. Thank you.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will add a half minute to what the majority leader said. I think one of the most important things that the Senator from Kansas does—and I mean this—is that, regardless of whether or not he is in agreement with you, he is looking at you. A lot of the times that doesn't happen. It means a lot when you have somebody presiding who has the graciousness to be looking at you with respect and to be listening to the debate. He always does that. I can never tell whether he is in agreement or disagreement. That means a lot to me. I suspect that he is usually in agreement with me, but I am not so sure.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1679

Mr. WELLSTONE. Mr. President, I might ask the Senator from Rhode Island if he has any questions. He said he wanted to ask some questions of me.

I yield the floor.

Mr. CHAFEE. Mr. President, I would like to direct, if I might, a couple of questions to the Senator from Minnesota.

I have looked over this amendment, and it's an amendment, obviously, that is in the jurisdiction of the Finance Committee, as the Senator from Minnesota has indicated. And the amendment has just been introduced, so, obviously, there have been no hearings before the Finance Committee, and it's not a matter that has previously been considered by the Finance Committee, if I understand this correctly. I ask the Senator from Minnesota if that is accurate.

Mr. WELLSTONE. Mr. President, that is accurate. Since we are not in court, and the Senator from Rhode Island is always gracious, let me go beyond the "yes or no" answer. It is not at all clear that there will be necessarily a welfare bill from the Finance Committee or a bill that I can raise this question on. We now have a vehicle out here on the floor. My feeling was that, since this amendment calls for nothing more than just to ask the Secretary of Health and Human Services to provide data and analysis to us, based upon what data she has as to what is going on with welfare reform, it doesn't seem to me that this really needs a hearing. It is pretty clear and straightforward and, I think, pretty noncontroversial.

Mr. SPECTER. Mr. President, I am voting against Senator WELLSTONE's amendment because I think it is inappropriate to place it on the pending bill, the Intermodal Surface Transportation Efficiency Act.

I do believe it is a good idea to have the Secretary of Health and Human Services obtain information from the States as to the impact of the welfare reform law on current and former recipients of federal aid, but this critical transportation bill should be moved as expeditiously as possible to get highway, transit, and safety funding moving to the States and our communities as rapidly as possible.

When the 1996 welfare reform law was considered, I noted that only time will tell if that legislation resulted in an unacceptable level of hardship on poor Americans, particularly children. Current law contains data collection requirements with respect to the impact of the changes in welfare law, and as Chairman of the Appropriations Subcommittee which funds the Department of Health and Human Services, I was pleased to provide $26 million for Fiscal Year 1998 for the Department to undertake the kinds of research and analysis we need to determine the true impact of the 1996 law. Further, as Chairman, I will continue to monitor closely the Department's performance in administering the new welfare regime. If Senator WELLSTONE offers this amendment on an appropriate bill, I will likely support it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, I note that this is a piece of legislation that would direct the Secretary to develop a plan. In other words, as I read page 2 here, it says the Secretary shall develop a plan, to the extent possible based on all available information, and so forth.

What I would like to do, Mr. President, is hear from our people on the Finance Committee, which should be very shortly, and I will then see that the Senator from Minnesota has every opportunity to bring this to a vote, should he wish to, this afternoon. We will work it out. He is not going to be blocked in any fashion. But I would like to hear, and it may well be that we can accept the amendment, and that would save us all some time.

We are now just trying to check with the Finance Committee. It may be well that something from the Labor Committee is involved likewise, although it seems to me that this is pretty much a Finance Committee matter. When we get back, after our luncheon recess has concluded, I will speak to the Senator from Minnesota, and we will then be able to go from there.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Rhode Island. I say to him that I will bring the amendment to the floor in good faith with some sense of urgency, because I think it is important that we know what is happening in this matter. I take the Senator at his word. I am pleased that we will proceed this way. I say to my colleague that I hope there will be support for it. That is, of course, the whole purpose of my effort. If there should be some disagreement, then I would want, of course, the opportunity to respond to whatever other positions are taken on this amendment.

I thank the Chair. I yield the floor.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I want to discuss a very important matter relating to the safety of our Nation's highways and streets, and that is DWI-related injuries and fatalities. To use more common parlance, drunk driving. This is a problem that, in spite of many prevention efforts, remains a very serious concern in our country.

The statistics are compelling. For example, on Thanksgiving, Christmas, New Year's Eve and New Year's Day 1996, those 4 days combined, there were 576 DWI-related fatalities on our Nation's highways. In that same year, 1996, nearly 1.1 million people were injured in alcohol-related crashes.

Motor vehicle crashes are the leading cause of death for 15- to 20-year-olds. I think that statistic alone should get the attention of the U.S. Senate and the Congress of this country. Motor vehicle crashes are the leading cause of death for 15- to 20-year-olds throughout this country. About 3 in 10 Americans will be involved in an alcohol-related crash at some time in their lives. Alcohol-related crashes cost society $45 billion annually, and to make matters worse, the loss of quality of life and pain and suffering costs are estimated to total over $134 billion annually.

My home State of New Mexico is not exempt from these problems. In fact, the National Traffic Safety Administration reports that my State of New

Mexico leads the country in DWI-related deaths per capita. The rate in New Mexico is 11.79 deaths per 100,000 people. This rate is 19 percent higher than the No. 2 State, which is Mississippi, and it is more than twice the national rate, which is merely 5.05 deaths per 100,000 people.

Indeed, these statistics paint a very grim picture. What makes the picture even more tragic, Mr. President, is that DWI-related injuries and fatalities are preventable. It clearly is within our national interest to do what we can to reverse this statistic. One obvious way to prevent further deaths is to ensure the sobriety of drivers. That is why I am proud to cosponsor the bill that Senators LAUTENBERG and DEWINE have introduced to establish a national blood-alcohol content standard of .08. Additionally, I am cosponsoring Senator DORGAN's bill to prohibit open containers of alcohol in automobiles. I urge my colleagues to help pass these bills this year.

Another contributing factor to the problem that I believe would make a significant difference in eliminating the problem is the practice of selling alcoholic beverages through drive-up sales windows. This practice only makes it more easy for a drunk driver to purchase alcohol and contributes heavily to the DWI fatality rate in my home State and throughout the country. Eliminating these drive-up liquor windows is essential to reducing these injuries and fatalities.

Tomorrow I will introduce legislation entitled the "Drunk Driving Casualty Prevention Act of 1998" to prohibit the sale of alcohol through drive-up sales windows. I hope to have some cosponsors for that provision at that time.

Mr. President, this ban will make a difference. According to one study, there are 26 States that do not permit drive-up windows. In 1996, these States had, as a combined effort, a 15-percent lower average drunk driving fatality rate than the 24 States that permit sales through drive-up windows.

In the States with the ban, the average rate was 4.6 for 100,000 people as opposed to 5.46 in all other States. On a percentage basis, States with a ban had a 14.5 percent lower drunk driving fatality rate than States that permit sales through windows.

In 1996, comparing 19 Western States in particular, the nine States that have a ban in place had a 31 percent lower average drunk driving fatality rate than the States that permit sales.

In 1995, there were 231 drunk driving fatalities in my home State of New Mexico. Based on the 14 percent lower drunk driving fatality rate, it is estimated that closing drive-up liquor windows could have saved between 32 and 35 lives in that year in my State. Nowhere is it more true that if we can save one life by closing these windows, we need to do that.

The difference can be explained because there are three main benefits that accrue when you close drive-up liquor windows.

First, once the windows are closed, it is easier and more accurate to check the identification when the customers have to purchase their liquor over the counter. Minors have testified that it is very easy to illegally purchase alcohol at a drive-up window where it is difficult to determine their age.

A second benefit is that it is easier to visually observe a customer for clues that that customer is impaired by alcohol or other substances if they have to walk into a well-lighted establishment to make their purchase.

In one municipal court in New Mexico, 33 percent of the DWI offenders reported having purchased their liquor at drive-up windows. Some members of Alcoholics Anonymous say they now realize they could have known each other years earlier if they only looked in their rearview mirror while waiting in line at the drive-up window to buy their liquor.

And third, it sends a clear message to the population that drinking and driving will not be allowed to mix.

The Behavior Health Research Center of the Southwest conducted a study, the purpose of which was to determine the characteristics and the arrest circumstances of DWI offenders who bought alcohol at drive-up liquor windows compared to those who obtained it elsewhere. Nearly 70 percent of the offenders studied reported having purchased the alcohol that they drank prior to arrest. Of those offenders, 42 percent bought packaged liquor, and the drive-up window was the preferred place of purchase.

The study showed that drive-up window users were 68 percent more likely to have a serious alcohol problem than other offenders. Drive-up window users also are 67 percent more likely to be drinking in their vehicle prior to arrest than other offenders are.

Mr. President, we have had one sort of test case in New Mexico, and that is in McKinley County. It was one county in our State that had a terrible problem with DWI and petitioned our legislature for permission to close the windows in that county, the drive-up windows. They did close those windows. Businesses in that community did not see their profits cut in two—the liquor businesses. In fact, they saw their profits jump. The DWI prevention strategy that was employed in McKinley County reduced the fatality rate from 272 per 100,000 in 1989 to 183 per 100,000 in 1997.

Mr. President, I believe we have a great opportunity here to reduce DWI injuries and fatalities. I plan to offer this amendment to the ISTEA legislation tomorrow or later this week. I urge my colleagues to join me in cosponsoring that legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold suggesting the absence of a quorum?

Mr. BINGAMAN. I do withhold.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate now stands in recess.

Thereupon, at 12:34 p.m., the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Indiana, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, the pending business, as I understand it, is the Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. I ask unanimous consent to set aside the Wellstone amendment for the consideration of a McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1680 TO AMENDMENT NO. 1676

(Purpose: To deal with matters under the jurisdiction of the Committee on Commerce, Science, and Transportation)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. HOLLINGS, proposes an amendment numbered 1680.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MCCAIN. Mr. President, first of all, I thank Senator CHAFEE for all of his efforts on this ISTEA issue. He has done a remarkable job. He is a remarkable man. I had the privilege of working for him when he was Secretary of the Navy, and he sometimes felt he didn't provide me with enough leadership at that time. But I am grateful for everything that he has done, and I'm especially grateful for his leadership on this very, very important issue to our Governors, our mayors, our county supervisors, and our city councils.

I say to my friend from Rhode Island, about 50 county supervisors from my State were in yesterday, and this issue dominated their conversation. I am grateful that he has been able to work through this. So the small amount that we are responsible for in the Commerce Committee, I hope, adds to this bill and helps us to move forward as rapidly as possible.

This amendment contains the proposal of the Committee on Commerce, Science, and Transportation to reauthorize ISTEA programs through fiscal year 2003.

The amendment seeks to reauthorize the National Highway Traffic Safety Administration [NHTSA] State safety grant programs, the Motor Carrier State Assistance program, and the Hazardous Materials Transportation Safety Enforcement programs.

The amendment also authorizes new and innovative safety initiatives at the Department of Transportation, including programs focusing on performance-based safety standards and advanced information data analysis.

The amendment is designed to improve travel safety on our Nation's roads and waterways, promote the safe shipment of hazardous materials, protect underground pipelines and telecommunications cables from excavation damage, and ensure that our Nation's commercial motor vehicle fleet is well maintained and safely operated.

Mr. President, this is a bipartisan product. It incorporates many of the proposals requested in the administration's ISTEA reauthorization submission. The committee product also includes a number of new transportation safety proposals.

Senator HOLLINGS and I have worked to accommodate as many Members' requests and concerns as possible, but there are some outstanding questions.

One of the more difficult areas we faced concerned the many requests we received to provide statutory exemptions for one industry or another from certain motor carrier safety rules. Exemptions were sought from hours-of-service regulations and commercial driver's license requirements. These requests are not new. We face them every time Congress considers legislation affecting Federal motor carrier safety regulations.

Senator HOLLINGS and I worked diligently to avoid any statutory exemptions or regulation carve outs for single industries but to ensure there is a fair process by which all requests can be considered appropriately.

Let me be clear. I agree that under certain circumstances, exemptions from regulations may make sense. For example, I believe it's appropriate to acknowledge the special transportation time constraints of farmers during the planting and harvesting seasons, and that we should recognize the need to permit infrastructure maintenance and repair to operate during weather emergencies.

But blanket exemptions and wholesale legislative carve outs for selected businesses and enterprises can weaken safety. The answer is a fair and credible administrative process.

The Secretary of Transportation currently has the authority to grant exemptions. However, the authority is relatively meaningless because prior to granting a waiver or exemption, it must first be proven the exemption would not diminish safety. That's an appropriate consideration, but how can DOT assess an exemption's safety risk if it can't first test the concept on a limited pilot basis?

In an attempt to address this problem and recognize the Secretary should be permitted to examine innovative approaches or alternatives to certain rules, Senator HOLLINGS and I have worked to define a process whereby the Secretary may more appropriately grant waivers and exemptions. This legislation would also authorize the Secretary to carry out pilot programs to test the effects of limited regulatory exemptions. I believe this pilot approach is reasonable and could be carried out in a structured manner that does not impose a risk on public safety.

The committee's amendment includes three amendments adopted by voice vote when the Committee considered the safety amendment. The three amendments incorporate exemptions for three industries.

When these three amendments were debated in the Commerce Committee, I pledged that I would work with the sponsor to craft a safe alternative to the exemptions. These efforts have not succeeded yet, and I want to inform my colleagues that there will be some proposals in the next hours or days to alter those exemptions.

Finally, I want to thank Senator HOLLINGS and the other members of the Commerce Committee who worked so long and hard to get to the Senate Floor today with this amendment.

I urge my colleagues to adopt this critical and comprehensive amendment.

Mr. President, before yielding the floor I want to comment briefly on the issue of airbags. Last year a compromise was reached on language to be inserted in the ISTEA legislation.

I want to thank Senator KEMPTHORNE for his leadership on this issue. He has done the nation a great service by leading the effort to ensure that airbags will not pose a risk to infants.

We are all aware of the tragic accident in Idaho last year where an infant was decapitated by an airbag and of the other infants and children whose lives have been taken. Senator KEMPTHORNE feels this issue personally and deeply and this amendment will help us address this very serious problem.

I would also like to thank Senator HOLLINGS, and Senators BRYAN, GORTON, ABRAHAM, ASHCROFT, and others without whose involvement and help this compromise would not be possible.

I also thank the Secretary of Transportation and the head of the National Highway Transportation Safety Administration.

I will submit a more detailed statement on this issue later, but I would like to quickly summarize what's happening. This amendment deletes the airbag provision in the pending measure and replaces it with an alternative that codifies the current rule suspending the unbelted crash barrier test and requires the Secretary to begin rulemaking on advanced airbags that are more protective of infants, children and other occupants no later than June 1, 1998.

The Secretary would complete the rulemaking next year and the rule will include a phase-in of advanced airbags beginning with model year 2001 and completed by no later than model year 2005.

The pace of the phase-in shall be determined by the Secretary and shall be as rapid as practicable, but does permit the Secretary to postpone benchmark dates by one year with cause. Any further delays would require an Act of Congress.

Again, I thank all Members who were a part of this effort. I believe it will contribute significantly to traffic safety and I will submit a more detailed statement for the RECORD at a later time.

I want to say, Mr. President, that Senator KEMPTHORNE saw that this issue entailed enormous tragedies. I don't know how one could see an infant being decapitated without being deeply moved. Unfortunately, it wasn't a single incident. There have been numerous fatalities of children. I think Senator KEMPTHORNE's amendment which he will be proposing will be shortly forthcoming.

Mr. President, pending the appearance of Senator KEMPTHORNE, I yield the floor.

Mr. HOLLINGS. Mr. President, I am pleased to offer along with Commerce Committee Chairman, Senator MCCAIN, the Commerce Committee amendment to S. 1173, the International Surface Transportation Efficiency Act (ISTEA).

Mr. President, the Commerce Committee has worked together, in a true showing of bipartisanship, to craft this amendment. In this amendment the Committee has developed proposals to improve travel safety on our nation's roads and waterways, promote the safe shipment of hazardous material, advance pipeline transportation safety, and ensure that our nation's commercial motor vehicle fleet is well maintained and operated. This is not to say that we have left all of our policy disagreements behind us with this amendment. There are several that remain to be resolved and we are still attempting to resolve those issues. But on balance we have an amendment with which we all may be proud. I will take a few minutes to outline the amendment's more important provisions.

The amendment reauthorizes various grant programs administered by the National Highway Traffic Safety Administration (NHTSA), designed to improve road safety. The amendment reauthorizes grants to develop countermeasures to alcohol-impaired driving. Two new grant programs are also created. One encourages States to provide for the primary enforcement of seat belt laws. The second encourages states to improve the quality of their highway safety data.

The amendment reauthorizes funding and strengthens the programs to ensure the safe transportation of hazardous materials. It expands hazardous materials training access by allowing states to use a portion of these grants to assist in training small businesses in complying with regulations. We also strengthen enforcement by giving the Secretary of Transportation the authority to issue emergency orders when it is determined that an unsafe condition poses an imminent hazard.

The amendment also reauthorizes the Motor Carrier Safety Assistance Program (MCSAP) which provides funding to the states for commercial driver and vehicle safety inspections, traffic enforcement, compliance reviews, and safety data collection. Moreover, the amendment removes many of the program's prescriptive requirements in favor of a performance based approach. The Secretary will have the authority to order unsafe carriers to cease operations. We also authorize additional funds to ensure the timely and accurate exchange of important carrier and driver safety records.

Perhaps most importantly, we provide the Secretary with the authority to establish pilot programs and grant waivers of regulations to motor carriers. If carriers can show that an alternative approach to regulation will aid safety and be less burdensome, the Secretary can authorize such an alternative. Regulation can be tailored to specific circumstances rather than "one-size-fits-all" regulation.

In the area of rail and mass transportation safety as requested by the Administration we provide for criminal sanctions in cases of violent attacks against railroads, their employees, and passengers. The amendment also extends the basic Wallop-Breaux Aquatic Resources Trust Fund for boating safety and reauthorizes the Clean Vessel Act, allocating $10 million annually for state marine sanitation device projects and $10 million annually for state boating infrastructure projects.

As I noted earlier, not all of our policy disagreements have been solved. I continue to be concerned about three provisions which seem to undermine our efforts to achieve safer highways. These provisions would allow exemptions from federal regulations for utility drivers and those engaged in agribusiness. Specifically, the federal hours of service act which governs how long a driver may drive in any one day, the hazardous materials transportation requirement that ensures that emergency response teams have the necessary information to combat a hazard material incident, and the Commercial Driver's License (CDL) requirements are waived under these provisions.

I think these exemption provisions "go the wrong way" on safety. Indeed, the provisions are also unnecessary given the other provision that allows DOT to develop safe pilot programs and waivers for individuals, companies, and industries. I would like these provisions modified and I remain hopeful that we can work out these issues.

With that caveat I believe that the Commerce Committee has under the leadership of Senator McCAIN, given us an ISTEA amendment that we all can support and I commend it to the Senate.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, let me just express my appreciation to the distinguished chairman of the committee for the leadership which he has provided us and for the bipartisan approach he has taken in crafting the amendment which is before us. I would like to associate myself with his comments and observations with respect to the so-called "industry exceptions" in airbag provisions.

There are generic provisions that provide for pilot projects which I think is appropriate. And, as the Senator has pointed out, a commitment was made during the markup to try to work out some of the concerns that have been voiced by some of our colleagues who want these wider exceptions in airbags. Unfortunately, as the Senator from Arizona has pointed out, we have not yet reached an agreement on those areas. But I want to work with him, and I pledge my support in trying to fashion a compromise that does not emasculate the safety provisions and give blanket exceptions and waivers under the provisions of the amendment which is currently part of the amendment which has been proffered.

Let me also acknowledge and compliment the chairman on his leadership in bringing those of us together who have worked for many years on the airbag legislation. That legislation has its genesis in the 1991 ISTEA markup, at which time the senior Senator from Washington and I worked to incorporate those airbag provisions into the legislation. We recognize, as do all Members, that the unexpected infant fatality count as a result of by and large the inappropriate placement of infant seats has caused the problem that we want to respond to. I believe, under Senator McCAIN's leadership, he brought a group of us together, and through several sessions we have worked out a compromise that is part of this legislation. I am pleased to endorse it.

So I look forward to working with the distinguished Senator from Arizona as we process this part of the highway legislation.

Mr. President, I ask unanimous consent to speak for approximately 7 minutes. It is relevant to the bill but not to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I thank the Chair.

Mr. President, I want to preface my remarks by thanking the leadership on both sides of the political aisle, the able and distinguished chairman, Senator CHAFEE, as well as the able and distinguished ranking member, Senator BAUCUS, for an agreement which has put an additional $26 billion in terms of contract authority into this legislation that we are processing. This is no inconsiderable accomplishment. I recognize that leadership effort lasted for a number of months. It involved Senators PHIL GRAMM, Senator BYRD, and others. But this is a very important thing. It is bipartisan. I am pleased to support that effort.

There are many Federal programs that provide important services to the States. But, as a former Governor, I can tell you that there is no Federal program that is more important than the highway program.

In addition, the funding mechanism for Federal transportation funding—the gas tax—creates an even greater and moral and ethical obligation for us to do our work, and to provide a long-term reauthorization of ISTEA.

The mechanism that my colleague has chosen in putting this compromise together; namely, using the highway component of the additional 4.3 cent gas tax to provide this additional contract authority, I think is particularly appropriate and very sound and a sensible means to provide that enhanced contract authority.

Although Nevada is still small by the national standard, in the last decade we have experienced the most rapid growth rate of any State in the Nation.

Although there are still plenty of sparsely populated, wide-open spaces, we have also become the most heavily urbanized State. While in many respects this tremendous growth has been a positive development, the growth has brought with it a host of infrastructure demands that we are currently struggling to meet.

Perhaps the greatest current need in Nevada is highway improvements. Our limited interstate system and other Federal highways were largely designed in the 1950s and early 1960s when Nevada was a far different place than it is today. Despite a tremendous effort by State and local governments over the past decade, nearly every one of the major arteries is currently operating far beyond its capacity, and there is no end in sight to the increased demand.

We need more capacity on our highways, and the Federal Highway Program is a major partner in that effort. The highway needs of Nevada are even more acute when viewed in the context of our State's heavy dependency upon our largest industry, which is tourism.

Despite our increased reliance on air travel, highways, particularly roads that connect us to our major markets in California, are the key to Nevada's commerce. Some of these major arteries, particularly I–15, Las Vegas' major connection to southern California, operate so far beyond capacity that they threaten to become an impediment to Nevada's incredible economic success story.

In fact, one of the most important demonstration projects the Nevada delegation is pressing for in the pending legislation is a project outside our borders, and that is the widening of Interstate 15 in California from Barstow to Victorville. The passage of this ISTEA legislation is imperative, and sooner better than later.

As we will recall, in the 1991 reauthorization we were successful in including funding for the "Spaghetti Bowl," the most congested part of the downtown access in Las Vegas. Nearly 6 years later, the ground breaking for that project occurred late this last fall. That is an indicator of the time lag that it takes for us to get projects authorized and funded to contract and to construction. This time around, Nevada's highway needs are even greater than in 1991, and the projects we need to fund in the coming years dwarf the "Spaghetti Bowl" project which previously had been the largest highway project in our State's history.

Throughout the State, in both northern and southern Nevada, many large and vital highway projects will need to be financed, and financed soon, and the Federal Government through the ISTEA formula is going to be an essential partner.

In southern Nevada, the State plans to expand the major artery to the rapidly growing northwest sector of Clark County by greatly expanding the capacity of US–95. In northern Nevada, we need to complete the long-awaited connection between Reno and the State capital in Carson City along US–395, and Carson City itself needs a freeway bypass around the capital and commercial areas. We need money to build a new, safer bridge over the Colorado River, taking existing hazardous traffic off the Boulder Dam.

Highways and roads are not the only transportation solutions in the works in Nevada. To an extent which would have been unthinkable only a few short years ago, we are becoming increasingly dependent on mass transit. Both of our major metropolitan areas, Las Vegas and Reno, have significant public bus and paratransit systems which make a major contribution to both mobility and air quality in their respective communities.

The Citizen Area Transit system, or CAT, in southern Nevada, in particular, has been an incredible success story in only a few short years of operation, and it is currently planning on more than doubling its bus fleet in the next several years to more than 500 vehicles. CAT is also well along in the planning process for a major fixed guideway system serving the heavily traveled resort corridor.

Both the bus fleet expansions and the fixed guideway system are counting on their fair share of Federal transportation dollars, something that will simply not be there any time soon if we do not finish our work on ISTEA as quickly as possible.

The State of Nevada and the assorted local governments have all stepped up to the plate. We heard frequently in this partnership with the Federal and State and local governments that local governments must do their fair share. In Nevada, State and local governments have done their fair share. They have imposed some of the highest highway taxes in the Nation upon our residents to provide for those additional improvements which I have alluded to.

What we are currently lacking is a solid, long-term commitment from the Federal Government as part of the Federal Government's requirement to live up to its partnership responsibilities. In fact, the Federal highway and transit programs are just that, they are bargains, commitments made with the American people.

Unfortunately, in what has been a long source of frustration to me, first as a Governor and now as a U.S. Senator, the Federal Government has not lived up to its side of the bargain. Every time any one of us buys a gallon of gasoline, we pay 18.4 cents to the Federal Government, money that is supposed to be set aside and dedicated and spent for highway and transit improvements. As we all know, this is often not the case. Somehow, a good part of this funding never makes it back to the States for highway improvements.

The trust fund balance now stands at more than $20 billion. By the year 2003, the balance of the trust fund could exceed $70 billion, all of which has essentially been taken from the American people under false pretenses; that is, the money is collected for highway improvements but not fully allocated for that purpose. I am hopeful with the compromise that has been effected that we will work to address what I believe is a failure of Federal responsibility.

The time is right for us to increase transportation funding to levels that more accurately reflect the payments taxpayers have been making to the trust fund and to get to work on some of the very transportation and infrastructure problems facing our State and our Nation. Nothing can happen, of course, unless we complete ISTEA soon, and that is why I believe that it is one of the most important priorities for us to deal with in this session of the Congress.

Again, Mr. President, I thank my colleagues who have worked out the compromise that has increased the contract authority by some $26 billion. That is something that every State will benefit from, and a State such as my own with a backlog of infrastructure needs will need this additional funding in order to complete these projects.

WALLOP-BREAUX TRUST FUND

Mr. McCAIN. Mr. President, the amendment to S. 1173 offered by me and Senator HOLLINGS, on behalf of the Commerce Committee, includes a subtitle relating to the Sport Fish Restoration and Recreational Boat Safety programs authorized and funded by several laws comprising the Federal Aid in Sport Fish Restoration Program. These laws include the Dingell-Johnson Act of 1950, the Wallop-Breaux Amendments of 1984, the Wetlands Restoration Act of 1990, and the Clean Vessel Act of 1992. These laws, and the provisions of subtitle F in the amendment that I am offering today, are admittedly under the jurisdiction not only of the Commerce Committee, but also the Committee on Environment and Public Works. However, for the sake of expediency in reauthorizing ISTEA, the provisions relating to the Dingell-Johnson/Wallop-Breaux program in the ISTEA bill are being considered through this amendment.

Mr. CHAFEE. I applaud my colleagues on the Commerce Committee, particularly the distinguished Chairman Senator McCAIN, the ranking member Senator HOLLINGS, and Senators SNOWE and BREAUX for their hard work on these provisions. Although the subtitle regarding the Dingell-Johnson/Wallop-Breaux program is included in the amendment offered on behalf of the Commerce Committee, I would like to express my gratitude to my colleagues on that Committee for the opportunity to remain involved in the negotiations leading to the language in the subtitle, and for the recognition that jurisdiction for that subtitle remains within both Committees. Indeed, the Federal Aid in Sport Fish Restoration program, taken in its entirety, is primarily under the jurisdiction of the Environment and Public Works Committee.

Mr. McCAIN. Our Committees have worked together on legislation relating to this program in the past, and on this particular amendment that we are offering today. Both the Committee on Environment and Public Works and the Committee on Commerce each maintain jurisdiction over different components of this program. Both the U.S. Fish and Wildlife Service and the U.S. Coast Guard implement different components of the program. The Aquatic Resources Trust Fund, which is the funding source for the Program, is divided into the Sport Fish Restoration Account and the Boat Safety Account, which are closely intertwined with each other. For example, funds for boat safety programs come not only from the Boat Safety Account but also from the Sport Fish Restoration Account. In addition, unexpended funds in the Boat Safety Account roll over into the Sport Fish Restoration Account. This complicated flow of funds makes the programs almost inseparable. It is my opinion that while each Committee maintains jurisdiction over different components of the program, both Committees should work closely and collaboratively on legislation relating to this program.

Mr. CHAFEE. I wholeheartedly agree with the distinguished Chairman of the Committee on Commerce.

Mr. McCAIN. In engaging in this colloquy, Senator CHAFEE and I recognize that each committee maintains jurisdiction over different components of this program and different provisions relating to the program contained in subtitle F, and further reaffirm our joint commitment, responsibility, and jurisdiction regarding the Dingell-Johnson/Wallop-Breaux program. I thank the distinguished Senator from Rhode Island for his cooperation on this matter.

Ms. SNOWE. Mr. President, I rise in support of the Commerce Committee Safety amendment, and wish to commend the Senator from Arizona, Mr. McCAIN, for his efforts to bring this amendment to the floor. In particular, I commend him and the Committee for its incentive approach to the serious problem of drunk driving. The Committee amendment provides four grants that provide additional funding to states that take the zero tolerance approach to drunk driving. States that have already enacted tough laws, like my own State of Maine, are eligible for additional funding, while these grant programs will serve as an incentive for other states to pass the tough laws necessary to keep drunk drivers off the roads.

I would also like to briefing explain my provision in this amendment that requires Maine and the Department of Transportation to create a performance based system to evaluate a state trucking law to determine if it is a safety concern.

Maine has lost half of its Motor Carrier Safety Assistance Programs (MCSAP) for the last two years—$145,000 per year—because of a state law providing an exemption from motor carrier safety regulations for trucks traveling within 100 air mile radius of their home base. This loss of funding means that the State cannot hire more state troopers for the Motor Vehicle Enforcement Unit and in fact may have to lay off another trooper if this issue is not resolved soon.

The Maine law in question is used primarily by construction companies, farmers, loggers, sand and gravel, landscaping and local delivery vehicles. In another words, small businesses who do intrastate delivery work or must travel some distance to a work site. Maine did a study for Federal Highway to show that the exemption was not a safety problem, but Federal Highway would not give the state a waiver. The State's study, done by the Maine State Police found no safety problems. And in 1995, the Governor's Task Force on Motor Vehicle Safety, which reviewed Maine's truck laws, recommended that this exemption be kept because it did not have an impact on safety.

My language seeks to end this impasse in order to improve safety by first giving the state its full funding so it can hire more troopers and second to evaluate whether or not the exemption is a safety problem. The language requires the State and the Department to work together to establish a review system for the State to carry out to determine, based on empirical evidence, whether or not this exemption has a negative impact on safety.

The burden will be on Maine to show whether or not there are safety implications to this particular state law. I am confident that this cooperative effort will reassure the Department while at the same time allowing Maine to improve safety on our roadways.

Thank you.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent the amendment be agreed to and it be considered as original text for the purposes of amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1680) was agreed to.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McCONNELL). Without objection, it is so ordered.

AMENDMENT NO. 1681 TO AMENDMENT NO. 1676

(Purpose: To improve airbag safety)

Mr. KEMPTHORNE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 1681 to Amendment No. 1676.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 40, after line 10, insert the following:

SEC. 3106. IMPROVING AIR BAG SAFETY.

(a) SUSPENSION OF UNBELTED BARRIER TESTING.—The provision in Federal Motor Vehicle Safety Standard No. 208, Occupant crash protection, 49 CFR 571.208, that requires air bag-equipped vehicles to be crashed into a barrier using unbelted 50th percentile adult male dummies is suspended until either the rule issued under subsection (b) goes into effect or, prior to the effective date of the rule, the Secretary of Transportation, after reporting to the Commerce Committee of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, determines by rule that restoring the test is necessary to accomplish the purposes of subsection (b).

(b) RULEMAKING TO IMPROVE AIR BAGS.—

(1) NOTICE OF PROPOSED RULEMAKING.—Not later than June 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to improve the occupant protection for all occupants provided by Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

(2) FINAL RULE.—The Secretary shall complete the rulemaking required by this subsection by issuing, not later than June 1, 1999, a final rule consistent with paragraph (1). If the Secretary determines that the final rule cannot be completed by that date to meet the purposes of paragraph (1), and advises the Congress of the reasons for this determination, the Secretary may extend the date for issuing the final rule by not more than one year. The Congress may, by joint resolution, grant a further extension of the date for issuing a final rule.

(3) METHODS TO ENSURE PROTECTION.—Notwithstanding subsection (a) of this section, the rule required by paragraph (2) may include such tests, including tests with dummies of different sizes, as the Secretary determines to be reasonable, practicable, and appropriate to meet the purposes of paragraph (1).

(4) EFFECTIVE DATE.—The final rule issued under this subsection shall become effective in phases as rapidly as practicable, beginning

not earlier than September 1, 2001, and not later than September 1, 2002, and shall become effective not later than September 1, 2005, for all motor vehicles in which air bags are required to be installed. If the Secretary determines that the September 1, 2005, effective date is not practicable to meet the purposes of paragraph (1), the Secretary may extend the effective date for not more than one year. The Congress may, by joint resolution, grant a further extension of the effective date.

(c) Report on Air Bag Improvements.—Not later than 6 months after the enactment of this section, the Secretary of Transportation shall report to Congress on the development of technology to improve the protection given by air bags and reduce the risks from air bags. To the extent possible, the report shall describe the performance characteristics of advanced air bag devices, their estimated cost, their estimated benefits, and the time within which they could be installed in production vehicles.

On page 167, after the matter appearing after line 18, insert the following:

Strike section 1407 of the bill.

In the table of sections for the bill, strike the item relating to section 1407.

Amend the table of sections for the bill by inserting the following item at the appropriate place:

Sec. 3406. Improving air bag safety.

Mr. KEMPTHORNE. Mr. President, this amendment deals with the airbag issue. Before I describe this amendment, I want to commend and thank Senator McCain, the chairman of the Commerce Committee, for all of his tremendous help and leadership and assistance on this issue of airbag safety, as well as Senator Bryan of Nevada who has had a keen interest in this for a number of years also. I appreciate the comments Senator McCain made a few moments ago about my involvement in this issue of airbag safety.

This amendment does a variety of things, but one of the things that is very important is that it affirms that airbags are to be supplemental restraint systems, which is stamped on all the cars, "SRS," supplemental restraint systems. They are not the primary restraint system, which is your seatbelt. I think whatever source you may look to, you will find that the seatbelt is the safest device that you can use in your car.

With the airbags that have been placed in cars, we now see on the new cars it points out that this airbag may kill children. The tragedy is that, in fact, it has killed children. The numbers that just came out have indicated that 54 kids now have been killed by airbags, 36 drivers have been killed by airbags and four adult passengers, for a total of 94 individuals who have been killed by these airbags.

I am one who believes that airbags certainly can be a good safety device when they are designed to standards that place them in their intended role as supplemental safety devices. This allows us now, and I will not go into the details because Senator McCain has laid that out very well, but this now allows us to go through with the Secretary of Transportation the rulemaking and the testing. It allows us to have a testing of these airbags for all sizes of adults. It is going to allow us to now have safer bags that will save lives so that we will not see these costly tragic numbers that I have just recited, and it will protect occupants of all sizes.

I do believe that the National Highway Traffic Safety Administration, NHTSA, has had the authority to go forward with this. Their repeated conclusion is that they did not.

Mr. President, recognizing that Senator McCain is the chairman of the Senate Commerce Committee with jurisdiction over issues related to traffic safety, is he aware that the National Highway Traffic Safety Administration says current law does not allow airbags to be regulated as supplemental restraint systems, and specifically that NHTSA does not have the legal authority to repeal the so called unbelted test standard?

As the Senator knows, the American Law Division of the Library of Congress has reviewed this issue and has concluded that NHTSA has ample legal authority to repeal the unbelted test. The view of the Library of Congress is supported by a number of other legal experts as well.

Mr. McCAIN. I agree that NHTSA currently has the statutory authority to modify the testing methodology for airbags to advance their safety or efficiency.

Mr. KEMPTHORNE. Is it the Senator's view that this amendment is consistent with the statutory interpretation that airbags are supplemental restraint systems, not primary restraint systems, and should be regulated in such a fashion and do you agree that airbags do not substitute for lap and shoulder belts and that all occupants should always wear safety belts regardless of whether there is an inflatable restraint in the vehicle?

Mr. McCAIN. The Senator raises an important point. Airbags are an important safety device, but they are designed to supplement the protection offered by safety belts. Safety belts are the primary safety device and should be worn by all vehicle occupants.

Mr. KEMPTHORNE. Does the Senator agree that the pending amendment affirms the responsibility of the Secretary of Transportation to improve the occupant safety of all occupants provided by Federal Motor Vehicle Standard No. 208 while minimizing the risk to infants, children, and other occupants from injuries and death caused by airbags and, in order to accomplish the rule making required by this amendment, the Secretary shall include tests with dummies of different sizes representing the full range of occupants from infants to adults? The amendment only allows the Secretary of Transportation to reimpose the current safety standard after giving full advance notice to Congress, after giving the public time and opportunity to comment and then only if he or she concludes that doing so would protect infants and children, as well as other occupants, from death and injury. This amendment does not change the policy that airbags are still a supplemental, not a primary restraint system.

Mr. McCAIN. Airbags are certainly not a substitute for safety belts. I want to emphasize again that all vehicle occupants should always wear a safety belt.

Mr. KEMPTHORNE. Thank you. I ask unanimous consent to have printed in the Record two legal opinions that make clear NHTSA had and retains the legal authority to repeal or modify the unbelted seat belt standard.

There being no objection, the material was ordered to be printed in the Record as follows:

Mayer, Brown & Platt,
Washington, DC, January 22, 1997.

MEMORANDUM

To: Phillip D. Brady.
From: Erika Z. Jones.
Re NHTSA's authority to repeal or suspend the unbelted test in FMVSS 208.

You asked for a legal analysis of the question of whether NHTSA could lawfully repeal or suspend the current requirement in Federal Motor Vehicle Safety Standard 208 requiring manufacturers to certify compliance in both the belted and unbelted conditions. We conclude that there are no legal constraints on NHTSA's authority to do so.

BACKGROUND

FMVSS 208 (49 C.F.R. Section 571.208) specifies performance standards for occupant protection in crashes. Among its requirements, FMVSS 208 currently requires manufacturers to certify compliance with the performance standards in two conditions: first, with the crash test dummy belted with the manual three-point safety belt, and second, with the dummy unbelted. See S10(b)(1) of FMVSS 208.

In 1991, Congress enacted the Intermodal Surface Transportation Efficiency Act (ISTEA) (Pub. L. 102–240). Part B of the ISTEA, cited as the National Highway Traffic Safety Administration Authorization Act of 1991, included Section 2508 which mandated that the Secretary of Transportation shall amend FMVSS 208 to provide that "the automatic occupant crash protection system" of each new passenger car and light truck "shall be an inflatable restraint complying with the occupant protection requirements under section 4.1.2.1" of FMVSS 208. The section continued that it "supplements and revises, but does not replace, Federal Motor Vehicle Safety Standard 208, including the amendment to such Standard 208 of March 26, 1991 [citation omitted] extending the requirements for automatic crash protection . . . to trucks, buses and multipurpose passenger vehicles."

In 1994, Congress enacted Public Law 103–272 on July 5, 1994. Section 1 of that Act explained that general and permanent "laws related to transportation . . . are revised, codified, and eanacted . . . without substantive change." Thus, the codification Act transferred the provisions of the former National Traffic and Motor Vehicle Safety Act from Title 15 to Title 49. In the process of the codification, most provisions of the Act were restated, with some omitted as unnecessary or amended for clarity, although none of the omissions or amendments was intended to introduce substantive change.

The air bag mandate in the ISTEA found itself codified at 49 U.S.C. §30127, "Automatic Occupant Crash Protection and Seat Belt Use." The codified language reads as follows:

"(b) Inflatable restraint requirements.—(1) . . . The amendment shall require that the automatic occupant crash protection system for both of the front outboard seating positions for [passenger cars and light trucks] be an inflatable restraint (with lap and shoulder belts) complying with the occupant protection requirements under section 4.1.2.1 of Standard 208."

The codification also retains most of the statement of intent that originally appeared as part of the air bag mandate. The original statement of intent asserted that "[t]his section supplements and revises, but does not replace, Federal Motor Vehicle Safety Standard 208 . . .". In the codification, however, the new placement of this provision is in §30127(f), now stating that "[t]his section revises, but does not replace, Standard 208 as in effect on December 18, 1991, . . .". The reference to "supplement[ing]" FMVSS 208 was omitted in the codification, apparently due to a view that it was unnecessary.

In addition, the codification did not substantively change the ISTEA provisions that instructed NHTSA to amend FMVSS 208 to require that each owners' manual explain that "the 'air bag' is a supplemental restraint and is not a substitute for lap and shoulder belts" and that "occupants should always wear their lap and shoulder belts, if available, or other safety belts, whether or not there is an inflatable restraint." §30127(c)(2) and (4).

The evidence suggests that the requirement for FMVSS 208 certification in the unbelted condition is dictating air bag inflation output that is greater than would be necessary if the unbelted certification test were eliminated or suspended. NHTSA has recently acknowledged that the substantial inflation output of current air bags designs can pose risks to some front seat occupants, particularly children and small statured adults. For example, NHTSA's recent rulemaking notices extending the air bag cutoff switch option in certain vehicles, proposing to permit depowering of air bags and proposing to authorize disconnection of air bags by dealers all contain substantial discussions of the "adverse effects of current air bag designs." See 62 Fed. Reg. 798–844 (January 6, 1997).

In its original incarnation, FMVSS 208 was intended primarily to protect unbelted adult occupants, because safety belt use was very low. In 1984, when FMVSS 208 was reinstated, NHTSA observed that driver safety belt use in the front seat was approximately 14% nationwide. Today, however, adult safety belt use in the front seat is estimated to be close to 70%, due in large measure to the success of state safety belt usage laws, all of which were enacted within the last thirteen years. Today, all states but one require safety belt usage by vehicle occupants, and these requirements, coupled with seat belt usage education efforts, have been successful in raising safety belt usage to levels far in excess of those contemplated in 1984.

Of at least equal significance, there is no sign that Congress considered any evidence of the risks to children and small adult front seat occupants from air bags designed to meet the requirements of FMVSS 208 when the ISTEA was enacted in 1991.

* * * * *

NHTSA has now concluded that the ISTEA air bag mandate, as codified in Title 49, requires the agency to retain the unbelted compliance test because its repeal would eviscerate the requirement for "automatic occupant crash protection system[s]." In a letter dated January 13, 1997 to Senator Dirk Kempthorne, NHTSA Administrator Martinez explained the agency's reasoning as follows:

"If the unbelted test were eliminated from FMVSS No. 208, such that vehicles only had to satisfy the performance requirements of the standard with the manual belts attached, there would be no way to ensure that the air bags would in fact provide "automatic" protection to front seat occupants."

NHTSA thus advised Senator Kempthorne that it "lack[s] legal authority to eliminate the unbelted test".

For reasons discussed in more detail below, we do not concur that NHTSA is so constrained in its authority to interpret the statute and the standard. In particular, NHTSA retains authority to interpret the statute and the standard in a manner that achieves the safety objectives of FMVSS 208 and the ISTEA mandate for an automatic crash protection system—which is an air bag as a supplemental restraint.

ANALYSIS

General principles of administrative law recognize that regulatory agencies "must be given ample latitude to adapt their rules and policies to the demands of changing circumstances," as long as the changed policy is accompanied by a "reasoned analysis for the change." *Motor Vehicle Manufacturers' Ass'n.* v. *State Farm*, 463 U.S. 29, 42 (1983) (internal quotations and citations omitted). Therefore, unless there is an explicit or implicit restriction in the Vehicle Safety Act, as amended by ISTEA, precluding NHTSA from responding to the newly acknowledged information about safety risks posed by current air bag designs, NHTSA retains "ample latitude" to amend FMVSS 208 to remove the unbelted test.

1. The Vehicle Safety Act Does Not Explicitly Preclude NHTSA From Repealing or Suspending the Unbelted Test

Nothing in 49 U.S.C. §30127 or in §2508 of ISTEA explicitly precludes NHTSA from repealing or suspending the unbelted certification test in FMVSS 208.

First, nothing in ISTEA §2508 amends, restricts or otherwise affects NHTSA's plenary authority to amend safety standards, authority which is incorporated in the general rulemaking authority to "prescribe" motor vehicle safety standards in 49 U.S.C. Section 30111(a). In fact, the ISTEA language carefully states that the amendment "supplements and revises, but does not replace" FMVSS 208. And, as discussed above, administrative law principles recognize the authority agencies have to amend their rules to reflect changed circumstances. Absent an explicit Congressional direction limiting that plenary authority in the case of FMVSS 208, NHTSA retains its general authority to amend its safety standards.

Second, when Congress wishes to "freeze" a regulation in place, it knows how to do so. For example, Section 216(7) of the Clean Air Act (42 U.S.C. §7550(7)) "froze" the then-existing EPA definitions for certain terms for purposes of the emission standards established by that Act, in the following way:

The terms "vehicle curb weight," "gross vehicle weight rating" (GVWR), "light-duty truck" (LDT), "light-duty vehicle," and "loaded vehicle weight" (LVW) have the meaning provided in regulations promulgated by the Administrator and in effect as of November 15, 1990. The abbreviations in parentheses corresponding to any term referred to in this paragraph shall have the same meaning as the corresponding term. 42 U.S.C. §7550(7).

Since no such explicit restriction "freezing" the 1991 edition of FMVSS 208 in general, or S4.1.2.1 in particular, was incorporated into the ISTEA amendments, NHTSA is not precluded by statute from amending FMVSS 208, or interpreting it in such a way as to repeal or suspend the unbelted compliance test.

Althouth some may argue that the language is the codified Vehicle Safety Act referring to a revision to FMVSS 208 "as in effect on December 18, 1991" is tantamount to a "freezing" of the requirements of FMVSS 208 as stated on that date, such an argument cannot survive. First, the quoted language did not appear in the ISTEA itself. Since the codification expressly stated that it was not intended to introduce any substantive change, the inclusion of the December 18, 1991 effective date in the codification (but not the original enactment of ISTEA) cannot have any substantive meaning, and surely cannot convey an intent by Congress in 1991 or 1994 to "freeze" FMVSS 208 in the context of the December 18, 1991 provisions. Second, the quoted language does not appear in the substantive requirements for air bag installation, which appear in subsection (b) of Section 30127. Rather, the quoted reference to the December 18, 1991 version of FMVSS 208 appears in subsection (f) of that section, which states that the air bag mandate "revises, but does not replace, Standard 208 as in effect on December 18, 1991." In that context, the citation to the December 18, 1991 version of Standard 208 is nothing more than a reference point, rather than a legislative desire to "freeze" the requirements. Finally, NHTSA has already compromised any theory that the December 1991 provisions of FMVSS 208 are legally "frozen"; for example, NHTSA has already amended FMVSS 208 to allow air bag cutoff switches which clearly amended FMVSS 208 to allow air bag cutoff switches which clearly affect the "automatic" nature of the protection afforded by the air bag.

The ISTEA, as codified in Title 49, thus does not explicitly limit NHTSA's plenary authority to amend FMVSS 208 to respond to the concerns about air bag inflator output in general, or to repeal the unbelted test in particular.

2. The Vehicle Safety Act Does Not Implicitly Preclude NHTSA From Repealing or Suspending the Unbelted Test

For several reasons, there is no implicit constraint on NHTSA's authority to amend FMVSS 208, including S4.1.2.1 if necessary, to eliminate the requirement for certification with an unbelted test dummy.

First, as noted above, there was no express constraints included in ISTEA or the codified Vehicle Safety Act on NHTSA's authority to amend FMVSS 208 in any respect. As long as the proposed amendment otherwise satisfies the Vehicle Safety Act's criteria for rulemaking (objectively, practicability, safety necessity), nothing precludes NHTSA from promulgating such an amendment, particularly in light of Congress intent to consider air bags as supplemental restraints, as well as the more recent acknowledgement by the agency that current air bag designs may pose safety risks for some small front seat occupants.

Second, nothing precludes NHTSA from electing to test compliance with FMVSS 208 with a belted (as opposed to an unbelted) test dummy. In enacting ISTEA, Congress expressed a preference—indeed, a mandate—for an occupant protection system that included both an air bag and a "lap/shoulder belt", which NHTSA has interpreted to mean a manual, three-point seat belt. NHTSA has ample authority to revise FMVSS 208 to reflect supplemental occupant protection, and to decide to evaluate compliance in accordance with this Congressional preference, i.e., with air bags in combination with manual three-point seat belts. The literal language of the codified Vehicle Safety Act strongly supports this interpretation, noting that the automatic protection shall "be in inflatable restraint (*with lap and shoulder belts*)" (Emphasis supplied).

Third, even if NHTSA were not persuaded that it should interpret the ISTEA mandate to authorize (indeed, prefer) testing the air bag as a supplemental restraint in combination with lap/shoulder belts pursuant to the currently prescribed belted test, NHTSA has substantially overstated the concern (as expressed in the letter to Senator Kempthorne) that elimination of the unbelted test would mean that there would be "no way to ensure that the air bags would in fact provide 'automatic' protection to front seat occupants. If NHTSA wished to assure that the air bag was providing some additional "protection" over and above the lap/shoulder belt, then the agency could modify the standard to evaluate in the belted test the incremental protection provided "automatically" (i.e., separately) by air bags. There is no legal reason why such a separate evaluation has to be an unbelted test measuring the same four injury criteria currently in force. For example, NHTSA could add to the belted test some injury criterion which likely could not be met in a vehicle without an air bag. NHTSA has not taken, and could not take, the position that it is without authority to change the injury criteria by which air bag performance is measured. Indeed, NHTSA is proposing elsewhere to do exactly that—revise the injury criteria for thorax acceleration—although that is being proposed for other reasons.

While it is true that NHTSA could not, consistent with the ISTEA mandate, amend FMVSS 208 in such a way as to eviscerate the air bag mandate entirely, an amendment of FMVSS 208 to eliminate the unbelted test would not be such a radical change to the standard. Indeed, there is nothing in ISTEA to suggest that Congress subscribed to the original FMVSS 208 notion that the occupant protection afforded by air bags should necessarily be evaluated without manual safety belts. The Congressional mandate that lap/shoulder belts (interpreted by NHTSA to mean manual three-point safety belts) be provided along with air bags—a substantial enlargement of the original requirements of FMVSS 208, which would have protected *unbelted* occupants—along with the mandate for owner's manual revisions regarding air bags as supplemental restraints, all suggest instead that Congress understood the modern view that air bags are supplemental, not primary, occupant protection and must be used along with manual safety belts for optimal protection. Given that Congress directed this substantial revision to FMVSS 208 as part of the ISTEA amendment, it would be entirely reasonable for NHTSA to conclude that compliance with the new FMVSS 208 requirements should be evaluated with a belted, not an unbelted, test dummy.

3. NHTSA's Own Recent Rulemaking Actions Show That The Agency Retains Substantial Discretion to Amend FMVSS 208, Including With Respect to the Air Bag Mandate

NHTSA has recently adopted an amendment to FMVSS 208 extending the previously authorized cutoff switch to vehicles manufactured after the affective date of the ISTEA mandate for "automatic" protection. This amendment belies any proffered limitation on NHTSA's authority to change the nature of the "automatic" protection provided under FMVSS 208. Indeed, if NHTSA could not lawfully eliminate the unbelted compliance test, because it would leave unevaluated the Congressional mandate that "automatic" protection be provided by means of "inflatable restraints," then how could NHTSA permit cutoff switches, which permit the "automatic" protection to be eliminated altogether when the switch is activated?

In fact, NHTSA is not constrained by ISTEA or the codified Vehicle Safety Act from adopting an amendment that eliminates the unbelted compliance test, if the rulemaking record justifies doing so. NHTSA's amendment of FMVSS 208 to permit cutoff switches is an implicit acknowledgement of the agency's authority to revise FMVSS 208 to reflect contemporary developments in motor vehicle safety.

NHTSA's recent proposals to amend the test conditions of FMVSS 208 in other respects, such as by raising the thorax injury criterion to 80 G's, from the current level of 60 G's, further reflect the agency's acknowledgement of its plenary authority to revise FMVSS 208 to reflect modern understandings of motor vehicle safety needs.

* * * * *

Nothing in the ISTEA or the codified Vehicle Safety Act explicitly or implicitly constrains NHTSA's authority to repeal the unbelted compliance test for certification with FMVSS 208.

Although the statute indisputably requires "automatic" protection by means of "inflatable restraints," NHTSA retains full authority to define what the protection criteria will be, and how the protection will be evaluated. Congress did not evidence any intention of constraining NHTSA's authority and responsibility to do so.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, January 31, 1997.

To: Honorable Dirk Kempthorne; Attention: Gary Smith.
From: American Law Division.
Subject: Whether the Administrator of the National Highway Transportation Safety Board Has the Authority to Amend, Alter, Change or Otherwise Supplement the Test Procedures for Automatic Restraints Set Out in Paragraph S10(b)(1) of Federal Motor Vehicle Safety Standard 208 (49 C.F.R. §571.208, ¶ S10(b)(1)).

You are concerned that the current testing of vehicle airbags has led to a standard for airbag deployment which may in some situations actually imperil vehicle occupants, and would, therefore, like for the Administrator of the National Highway Transportation Safety Administration (NHTSA) to order tests to determine whether and to what extent airbag deployment pressure might be reduced. The Administrator has informed you that it is his belief that he is prohibited from doing so. Accordingly, you have asked that we review a memorandum prepared by the law firm, Mayer, Brown & Platt, which concludes that the Administrator does have the authority to amend the vehicle safety standard which sets forth the test dummy positioning procedures for crash-testing motor vehicles (Federal Motor Vehicle Safety Standard (FMVSS) 208 ¶ S10(b)(1), Occupant crash protection, 49 C.F.R. §571.208 ¶ S10(b)(1)). For the reasons discussed below, we conclude that there is ample evidence to support that conclusion; and further, that there may not be any need to amend the language of the referenced paragraph.

BACKGROUND

In 1966, Congress determined that it was necessary to "establish motor vehicle safety standards" in order to protect the public against "unreasonable risk of accidents occurring as a result of the design, construction or performance of motor vehicles [or the] unreasonable risk of death or injury to persons in the event accidents do occur." The same Act required the Secretary of Transportation "to establish by order appropriate Federal motor vehicle safety standards." and further authorized the Secretary "by order [to] amend or revoke any Federal motor vehicle safety standard established under this section . . . [taking into consideration] relevant available motor vehicle safety data, including the results of research, development, testing and evaluation activities conducted pursuant to this Act."

In response, the Secretary, through the Administrator of NHTSA, promulgated Part 571 of 49 C.F.R., "Federal Motor Vehicle Safety Standards," which include FMVSS 208, Occupant crash protection. The stated purpose for promulgating the Standard was "to reduce the number of deaths of vehicle occupants, and the severity of injuries . . ."

In the "National Highway Traffic Safety Administration Authorization Act of 1991," Congress directed the Secretary of Transportation "to promulgate, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 . . . an amendment to [FMVSS] 208 to provide that the automatic crash protection system for the front outboard designated positions of [certain described vehicles] . . . shall be an inflatable restraint [i.e., an airbag]. . . ."

The same section states that it "revises, but does not replace [FMVSS] 208," merely extending the "automatic crash protection" requirement to "trucks, buses, and multipurpose vehicles."

FMVSS 208 ¶ S10(b)(1), which sets forth the way in which "automatic restraints" are to be tested, states that "In a vehicle equipped with an automatic restraint at each front outbound seating position . . . each test dummy is not restrained during one frontal test . . . by an means that require occupant action. If the vehicle has a manual seat belt provided by the manufacturer . . . then a second front test is conducted . . . and each test dummy is restrained both by the automatic restraint system and the manual seat belt . . ."

DISCUSSION

As the Mayer, Brown memorandum correctly states, "[g]eneral principal of administrative law recognize that administrative agencies 'must be given ample latitude to adapt their rules and policies to the demands of changing circumstances,' as long as the changed policy is accompanied by a 'reasoned analysis for the change.'"[11] Only in the case of a mandate in which Congress has specified some or all of the specifies to be included in any Agency's promulgations would an Agency be precluded from altering or amending those specifics; the statute which first required that motor vehicle safety standards be enacted contained only the directive to the Secretary of Transportation that he promulgate "appropriate Federal motor vehicle safety standards," and further gave the Secretary the authority to "by order amend or revoke any Federal motor vehicle safety standard established under this section." Accordingly, it would appear that the Administrator of NHTSA not only has the authority to amend his own agency's safety standards, but may be expected to do so when he is in possession of "relevant available motor vehicle safety data."

That the provision which requires airbags does not envision that "automatic crash protection" is to be construed as "protection afforded in the absence of a seat belt" is illustrated by the future requirement that

"the owner manuals for passenger cars and trucks, buses, and multipurpose vehicles equipped with an inflatable restraint include a statement in an easily understandable format that

"(1) either or both of the front outboard seating positions . . . are equipped with an inflatable restraint referred to as an 'airbag' and a lap and shoulder belt;

"(2) the airbag is a supplemental restraint;

"(3) lap and shoulder belt also must be used correctly . . . to provide restraint or protection. . . ."

The only statutory reference to "automatic" that our research has uncovered appears in the Conference Report that accompanied ISTEA: "the Senate notes that the current regulations of the Department of Transportation . . . require that passenger cars be equipped with 'passive restraints,' which include either airbags or automatic seatbelts that do not require actions by the occupant in order to be engaged" (House Conf. Rep. No. 102–404 at 400). In other words, it appears that the statute which requires the installation of airbags as automatic, or passive, restraints neither envisions nor requires (because airbags are considered as "supplemental" restraints to be used in conjunction with seatbelts) that they must be tested in unbelted conditions.

Finally, we note the improbability, given the languages set out above to emphasize that airbags are to be considered only as a "supplemental" restraint, that FMVSS 208 ¶ S10(b)(1) requires that crash tests to evaluate airbag deployment pressure be conducted on completely unbelted test dummies in order to determine the pressure at which protection from frontal impact crashes would be available.

JANICE E. RUBIN,
Legislative Attorney

Mr. KEMPTHORNE. Mr. President, without going back and reciting all of the past history, this is an amendment that, through a collaborative process, will now bring us to the point of safer air bags.

A little girl who was killed in Boise, ID, was the reason for my involvement in this whole issue. So I hope that the family will find some consolation, some peace, in knowing that the loss of that precious little child will now lead us to a new era of safer air bags so that other families will not have to experience the tragedy that they have.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1681) was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I personally am in support of the amendment of the Senator from Idaho. I think it is a good amendment. And he has moved his amendment, hasn't he?

The PRESIDING OFFICER. The amendment has been agreed to.

Mr. CHAFEE. Well, put me down as in favor of it.

I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I may speak for up to 10 minutes.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. WYDEN. Thank you very much, Mr. President.

Mr. President, the amendment that was agreed to by the Environment Committee with respect to funding for these critical transportation programs for our country really ought to be called the "Truth In Transportation Funding Act" because it ensures that gasoline taxes collected for transportation purposes will actually be spent on those critical transportation projects.

For too long in America, the Congress has played a budgetary shell game—pretending to put funds away in various transportation programs but actually slipping those funds into other spending accounts.

Mr. President and colleagues, this con game has been closed down. Now Congress is on the way to making the highway trust fund sacrosanct again. Transportation taxes will, indeed, pay for transportation services. This means that the dollars will be used on the ground where they are needed, not squirreled away in some account that never seems to be spent.

Today, the Congress will be in a position to bring much-needed relief to citizens who face transportation gridlock across our country. The Congress is adding an additional $26 billion of transportation spending to what is now in the Senate ISTEA II bill. This translates for our State into an additional $40 million per year.

In our State, transportation dollars are now stretched so thin that the State department of transportation is not developing new projects. We have focused our efforts on merely maintaining existing roads because we did not have funding available to pay for improvements. Until now, there was little hope on the horizon that more funding would be forthcoming.

The Environment Committee's amendment is like emergency surgery for Oregon's clogged transportation arteries. If Congress now passes this bill, it will be possible to think in terms of improving the health of our transportation system instead of how to avoid further deterioration. We will be in a position to plan improvements to reduce congestion in an already overtaxed system. We can start to think about the future and how to handle our State's growing population, and many other parts of our country will be able to do the same.

Mr. President and colleagues, I have always believed that you cannot have big league quality of life with little league transportation systems. In the modern world, a transportation bill is about so much more than how you get from point A to point B. A strong infrastructure is one of the basic ingredients to any recipe for economic growth. It is one of the key things that our businesses look at as they consider where to locate and one of the principal contributors to our quality of life.

I support the Environment Committee's amendment, and I urge my colleagues to support the additional funding needed to build the transportation system our Nation will need to compete in the 21st century.

Let me conclude, Mr. President, by saying that I intend, in the days ahead, to take to this floor to discuss other parts of this important legislation. Our State has been a leader nationally in developing an innovative approach to managed growth in our country. This legislation allocates $20 million per year to reward those States and communities that have been willing to take fresh, creative approaches to handling growth.

I am also working, and there was discussion in the Environment Committee today, with Senator GRAHAM, Senator BOB SMITH, and others, on a way to streamline the process and ensure that the dollars that are allocated for transportation projects are spent in the most effective way. In the past, there has really been a disconnect between the way transportation dollars are allocated and the environmental permits that are associated with actually getting those projects built and on line. We have been working on a bipartisan basis to bring together environmental leaders, builders, and those who were involved in planning our roads, and we believe that we are on our way to coming up with a streamlined system that is going to make it possible for us to save dollars and ensure that the transportation projects are built expeditiously while we still comply with the critically needed environmental laws for our country. I intend, in the days ahead, to talk about those commendable features of this legislation as well.

I want to conclude by congratulating my friend, Senator BAUCUS, from Montana, and Senator CHAFEE for an extraordinary bit of work. This bill is heavy lifting. There are Senators with very strong views. There are regional differences of opinion. But I think we have been able to forge a piece of legislation that is going to make a difference in the 21st century.

I conclude my remarks by especially praising our chairman, who has entered the Chamber, JOHN CHAFEE, and Senator BAUCUS, the ranking minority member, because it is their work that has made it possible for us to come to the floor today.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the senior Senator from Oregon for his kind comments. He has done yeoman's work on the Environment and Public Works Committee, not only in connection with this legislation, but with a whole series of environmental legislation. So having praise from him is doubly satisfying.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Now, Mr. President, we have the so-called Lautenberg amendment that we would like to take up. This is the amendment that deals with the alcohol content in blood. The amendment would lower the alcohol content, which is a test, for drunken driving, from .1 to .08.

Mr. President, we would like to enter into a time agreement on this. The time agreement would be something in the neighborhood of an hour and a half apiece. And now is the time for those Senators to come to the Chamber if, one, they object to this time agreement, and, two, the plan, further, would be that we would vote this evening. In other words, that would take us up to about 6:30, if all the time were used.

So I want to send the word out, we are about to enter into this agreement. I trust offices are listening to what we are saying here and will come on over or call the cloakroom with their views because we want to move on.

We have legislation we have to make progress on. We have been on this floor for some time but now we are ready for this particular amendment, the drinking amendment, which most people are familiar with.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. If I might ask my good friend, the chairman of the committee, Senator CHAFEE, wouldn't it also be a good idea for Senators who are interested in an amendment that might be offered by Senator MCCONNELL, with respect to the disadvantaged business enterprise, to also have their staffs come over to the floor so we can potentially begin to work on it, an agreement on that amendment? That is another amendment that is going to take some time. It is contentious. The more we start working on the provisions of the debate, the more quickly we can reach a time agreement. I guess that would be another subject we should address as well.

Mr. CHAFEE. Well, I certainly agree with the distinguished ranking member. Senator MCCONNELL has been very thoughtful. He has been on the floor. He is ready to go. We want to find out how many people want to speak on Senator MCCONNELL's amendment so we can get some concept of the time that should be set aside. But that is another amendment.

My thinking now is, if we can work out proceeding with the Lautenberg amendment, tomorrow morning we would take up the financing amendment that was agreed to in the committee today as a result of the agreement that was reached yesterday. There may be some debate on that. I do not know. But we are free to take that up tomorrow.

My hope is we would do that tomorrow morning. And then tomorrow afternoon we would go to the McConnell amendment. But the Senator from Kentucky legitimately wants to know how many people want to speak on his amendment. We want a time agreement. He wants a time agreement. I am for a time agreement, enthusiastically for a time agreement.

So, therefore, would individuals who want to speak on the McConnell amendment call up the cloakroom, let us know how long they think they need, and which side they will be on so we can figure that out. The same goes with the Lautenberg amendment.

Time is of the essence. We will reach an agreement pretty quickly on the Lautenberg amendment. Now is the time for people to call with their thoughts.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1679

Mr. CHAFEE. Now, Mr. President, before the Senate we have the Wellstone amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Mr. President, I will talk a little bit about that. We have no time agreement, but I will be relatively brief, maybe 10 minutes. The Senator from Minnesota will be roughly how long?

Mr. WELLSTONE. Mr. President, I think I can probably try to keep my remarks about 20 minutes or so.

Mr. CHAFEE. Then we would like to go to a vote. At that time I will move to table. We will have a rollcall vote at that time, Mr. President.

Now, Mr. President, the amendment offered by the Senator from Minnesota would be timely if the Finance Committee were now considering a welfare bill. The matter before the Senate, the basic underlying bill, is a highway bill, financing for highways.

The amendment of the Senator from Minnesota deals with welfare and accounting for those welfare recipients who have gone off the rolls, how have they succeeded and what has become of them. That is all well and good. But that has nothing to do with highways.

Therefore, Mr. President, I have urged the Senator to attach it to a different bill or withdraw it. I tried to stress to him that what we want to do today is consider bills that deal with the subject before us; namely, highways, their funding, how to build them, and different ideas connected therewith.

If the Finance Committee were debating a welfare bill, the amendment would be germane. But we would also oppose it even under those conditions because it is costly and unnecessary.

Now, when Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996—that was only 18 months ago—one of the important features of that legislation was a commitment to find out whether the sweeping changes were effective in helping the families get off welfare dependency. What we had before us was a welfare bill. In it we had some provisions to ascertain, to do research on how the bill was working out. Congress appropriated about $44 million a year to conduct research on the benefits, the effects, the costs of the State programs that were funded under this new law. This new law was a radical departure from the way business had been done in the past. Furthermore, we were provided money to study the costs of the State programs funded under the new law and to evaluate innovative programs they might have.

Now, is the impact of welfare reform being studied? One of the points the Senator from Minnesota makes is that this is a subject worthy of study. Our point, Mr. President, is that it is being studied. HHS, Health and Human Services, has awarded grants to conduct rigorous evaluations of State programs including a 5-year comparative study of the Minnesota Work First Program. In the Senator's own State a study is taking place. There are also studies on child care and child welfare being conducted by organizations such as the Urban Institute of Columbia University and Harvard.

Now, under the Welfare Act, the Secretary of the Department of Health and Human Services is required to make an annual report to Congress on whether the States are increasing employment and earnings of needy families, and are they increasing child support? I think the child support was one of the points that the Senator mentioned. The report that is required from the Secretary of HHS, the annual report, has to include progress on decreasing out-of-wedlock pregnancies, how are we doing on child poverty, reducing that. It is to include demographic and financial characteristics of families applying for assistance, the families receiving assistance, and families that become ineligible for assistance. I know the Senator is particularly concerned about the effectiveness of employment programs. He mentioned that in his amendment.

The Welfare Act requires a specific study on moving families out of welfare through employment. That is already required. It requires an annual ranking of the States in terms of the most and the least successful work programs. The new $1 billion high-performance bonus program will reward States which are successful in increasing earnings for welfare families.

Beginning in 1999, just a year from now, the Secretary is required to conduct an annual report on a broader set of indicators, including whether or not children and families have health insurance, the average income of these families, and educational attainment of these families. Thanks to the efforts of Senator MOYNIHAN, Congress now receives an annual report. It is called Indicators of Welfare Dependence. It has a wealth of information. Mr. President, here is a copy of the report. This is no light-weight work. It is filled with graphs and percentages of children, age 0 to 5 in 1982, living in poverty by number of years in poverty; percentage of individuals living in poverty by numbers of years in poverty. On and on it goes. It has average monthly AFDC benefits by family and recipients in current and constant dollars. It is a very, very thorough report.

Now, my concern is that States have been developing and implementing data collection systems for more than a year now. For Congress to suddenly impose, as the Senator's amendment does, new requirements for more information to track all former welfare recipients is a major undertaking and something we should not enter into lightly. The impact on States is likely to be costly and burdensome.

The Senator's amendment is good news for computer and data processing vendors, but it is unlikely to mean anything, I suspect, for families and our efforts to combat welfare dependency. The amendment also calls for a report which may give an inaccurate picture about the lives of individuals who enter and leave the welfare system.

Now, the accent of the Senator's amendment is on employment. Employment is an important reason that families find economic self-sufficiently, no question, but it is not the only reason. Families leave welfare because child support is being collected for the first time. They will leave because their children will have health insurance and no longer need take a risk of having their children without health insurance if their earnings are increased.

Mr. President, these are the reasons that I find the amendment well meaning but unnecessary, particularly in view of the massive amount of reports that are already being required, one of which I briefly indicated.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. First of all, let me thank my colleague from Rhode Island for his graciousness. For those who might be watching this proceeding, my colleague could have just simply tabled this amendment. He didn't do that. He will eventually, but he has given me an opportunity to respond to his arguments. I want him to know that I appreciate it.

Mr. President, I won't spend a lot of time on the question of this amendment on the ISTEA bill—which is essentially the highway bill for highways and, hopefully, more mass transit—because, as my colleagues know, Democrats and Republicans alike, we look for vehicles whereby we can come out and introduce amendments that really speak to what we think are some real concerns in the country. All of us do that all of the time. I am doing it now. I am not so sure there will be, I say to my colleague, a welfare bill that will be before the U.S. Senate any time soon. I introduce this amendment with some sense of urgency. I don't think there is any evidence whatever that we will have a welfare bill before the U.S. Senate. So if I am going to have an opportunity to make an appeal to my colleagues, now is the time to do so.

Second, I want to just make it clear what this amendment does and what it does not do. I am puzzled by the opposition, with all due respect to my colleague from Rhode Island. This amendment just simply says to the Secretary of Health and Human Services, please give us a report based upon—not your going out and collecting all sorts of other data—but based upon the data that is available to you.

My colleague just said that there will be some good data available. Most people that I know—I have a social science background—that have looked at this are saying you have a number of different people studying a number of different things and it is fragmented and does not focus on the main question I am asking. Exactly how many of the families are reaching economic self-sufficiency? This amendment just says to the Secretary of Health and Human Services, please pull together the data that is available, reports prepared by the Comptroller General, samples of the Bureau of Census, surveys funded by your own department, studies conducted by States, studies conducted by nongovernment organizations, and administrative data from other Federal agencies. Please bring that data together, coordinate that data and provide reports to us every 6 months as to exactly how many families are reaching economic self-sufficiency. The goal of that being to answer the question, Are these families now at 150 percent of poverty? Are they over poverty? What kind of jobs do they have? What kind of wages? Where are the children? Is child care available? How are people doing on transportation? Are they able to get to work? Have we had situations where people couldn't take jobs in rural areas because they couldn't get to the jobs? Have we had situations where people don't take jobs in the suburbs and metro areas because they couldn't get from ghettos to suburbs because of lack of transportation? That is all this amendment calls for. That is all this amendment calls for.

So I say to my colleagues that, in a way, I think those that oppose this amendment are trying to have it both ways. On the one hand, they are arguing that we have already collected all of this data. I think not, but if so, it's hardly an onerous requirement to say to the Secretary: Please assemble this data and give us a report every 6 months as to what is really happening out there in the country.

If the opposition to my amendment—which I have heard from some people on the other side—is, "Wait a minute, you are going to be asking the Secretary for too much," I say eventually we are going to get to the point where there is going to have to be more of an investment. Because if the Secretary isn't going to be able to provide us with the data we need, with the report we need, based upon the data out there, then I say to you we will need more. That is all the more reason to go forward with this.

So I am puzzled by the opposition. "We already have these studies that are providing us with the information we need," they say. So what is the harm in having the Secretary present reports to us every 6 months so we can have some reassurance that these mothers, these single parents, have now been able to obtain employment that they can support their family on, and the children aren't home alone, and first graders don't go home alone after school, and more children aren't impoverished? Why in the world, if we already have the studies out there, would we not want to ask the Secretary of Health and Human Services to provide us with this report?

If, on the other hand, the basis of the opposition is what I think it is—because I think this is the case—is that this is already being done, as a matter of fact what's being done is pretty fragmented. There is good work being done. Senator MOYNIHAN would be the first to say that we can do better, and that is what this amendment says. Let's ask the Secretary of Health and Human Services to take the additional studies that are out there—and my colleague talked about some of them—and provide us with the report. If she cannot really provide us with the information we need, then we will cross that bridge when we come to it. I am not mandating that she has to provide additional information. I am saying what would be helpful to us, asking her to please bring together the data that is out there, based on these reports, and give us a report on the current situation. That is what this amendment is all about.

Now, after having said that, I would make an appeal to my colleagues. I think on our side, I know Senator BAUCUS is going to support the amendment. On our side I think there is pretty strong support for this. I hope there will be support for this on the other side as well. I think the Senator from Rhode Island—we all have these great things to say about other people and half of it may be true—is a great Senator. I wanted to get his support. I am disappointed because I don't understand what the harm is in this amendment.

With all due respect, you can get into all this language that sounds kind of impersonal and kind of cold like, "We already have studies, we don't need it," or "It is going to require us to obtain additional information, which might cost more money," and "Somebody is going to have to make the investment."

Well, Mr. President, imagine just for a moment, just ponder this question: What if I'm right?

Maybe other Senators have traveled the country. I think I have done as much travel as any other Senator in this Chamber, at least in poor communities, low-income communities. I think I have tried to stay as close to this as any other Senator. I am telling you that in a whole lot of communities it is crystal clear that people live in communities where the jobs aren't there. And in a whole lot of situations—and you will have a lot of people from your States who will tell you the same thing—these women are obtaining jobs, but they hardly pay a living wage. And one year from now, or whatever, when they no longer receive medical assistance, their families are going to be worse off.

I am hearing from a lot of States, including my own State of Minnesota, which has a very low unemployment level and which is doing well economically. I am not here to bash States, but there are studies that raise a whole lot of questions, and there have been some articles that have raised a whole lot of questions about situations where some women haven't shown up for orientation sessions, and sometimes for good reason, and it's said that they don't necessarily want to work. There are communities that have incredibly long waiting lists. The city of Los Angeles had a waiting list of 30,000 for affordable child care before the welfare bill.

Now, look, if I am right about this, if I am right that what has happened—because all too often we know what we want to know and we don't know what we don't want to know—all too often, what is going on here is, we say there are 4 million fewer recipients, a 4 million reduction in the welfare rolls. The reform is a huge success, but that doesn't mean we have seen a reduction of poverty. I am just saying, should we not know what the situation is in the country? Should we not know what kind of jobs, what wages, the child care situation, and should we not know whether these families are better off or worse off? Should we not know all of that, especially since built into that legislation is a date certain whereby, depending on the State, families will be eliminated from all assistance, the assumption being that all these people are now working and can support themselves and their children. Is that assumption valid?

Now, why in the world, I say to my colleagues, would you oppose this amendment? Why would you oppose this amendment?

One final time. This amendment just asks the Secretary of Health and Human Services to please provide to us a report based on the existing studies with data that is out there, on what the situation is around the country, on how many of these families are reaching economic self-sufficiency. Are they out of poverty now? Are their children better off? That's what we want. Or are more families impoverished? Are the jobs just minimum wage? Is there a lack of child care? Is the transportation available or not? Why would we not want to know that?

You know, I didn't mention this earlier, Mr. President, but there is another amendment I will bring out here on the higher ed bill. I wonder if my colleagues know this. In all too many States, single parents who are in school and community colleges are now being told they have to leave college to take a job. Now, here are the parents that are on the path to economic self-sufficiency. They are in school. They are trying to complete their college education so they can get a good job and support their families. They are being told that, because of the welfare reform bill, they can't complete their education. Talk about something that is shortsighted and harsh, something that is myopic. Well, that is another story and another amendment later on.

But for now, please support this amendment. Please ask the Secretary of Health and Human Services to provide us with the data. Please, colleagues, at least let's have a focus on this, let's have the information before us, let's know what is going on, let's make sure that these women and children are doing better. That would make us more responsible policymakers.

Finally, I say to my colleague, if it doesn't pass—and I hope it will—this is an amendment on ISTEA, but I will come back with these amendments over and over again. Because it is my firm belief as a U.S. Senator that we can't turn our gaze away from this. These are citizens who are not the heavy hitters, these are citizens that are not the givers, these are citizens that do not have the lobbyists. These are, in the main, poor people—mainly women and children. I think it is important that we understand what is happening to them, and it is important that we have the right information, and it is important that we do our very best to be responsible policymakers and make sure that these families aren't worse off and that these children are not in harm's way. How in the world, colleagues, can you vote against the proposition that we ought to have as much information as possible before us so that we make sure these children are not endangered, so that we can make sure these families are better off?

I yield the floor.

Mr. CHAFEE. Mr. President, as I mentioned before, we are dealing with a highway bill here. This isn't the appropriate place for that. When we did the welfare bill, I was the one who included in the welfare bill data collection provisions. Should those data collection provisions be inadequate and need to be expanded along the lines the Senator has suggested, I would be glad to work with him and see if we could not include those by working with the Secretary of HHS. This, plainly, isn't the right place for this amendment.

If the Senator has nothing further, I move to table the amendment of the Senator from Minnesota and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Minnesota. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD) is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN), the Senator from Hawaii (Mr. INOUYE), are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—54

Abraham
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Coats
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—3

Allard
Glenn
Inouye

The motion to lay on the table the amendment (No. 1679) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table the motion to reconsider is agreed to.

Mr. CHAFEE. Mr. President, what we would like to do now is move to a Lautenberg amendment dealing with alcohol-blood content. The proposal is that there be 3 hours of debate equally divided.

UNANIMOUS CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, I ask unanimous consent that Senator LAUTENBERG be recognized to offer an amendment on blood-alcohol content and that there be 3 hours for debate, equally divided, under the control of Senator LAUTENBERG and Senator CHAFEE. I further ask unanimous consent that there be 1 hour remaining, equally divided, for debate. In other words, do 2 hours tonight and 1 hour tomorrow. The leader has indicated that we are to come in at 9 a.m. and that the vote will be at 10 a.m.; at 10 a.m., the Senate proceed to vote on or in relation to the Lautenberg amendment. I further ask unanimous consent that no additional amendments be in order prior to the vote in relation to the Lautenberg amendment.

Mr. BAUCUS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Might I ask the chairman of the committee—and we are checking on this—if that 10 o'clock can be delayed until 10:30? There is a problem on our side with a vote at 10 o'clock.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Now, Mr. President, I modify the unanimous consent request, and as a matter of fact, I will just read it over again so everybody will understand it. I ask unanimous consent that Senator LAUTENBERG be recognized to offer an amendment regarding drinking levels, and there be 3 hours for debate, equally divided, and the time be under the control of Senator LAUTENBERG and Senator CHAFEE. I further ask unanimous consent that there be 1 hour, equally divided, for debate tomorrow morning—in other words, do 2 hours tonight and 1 hour tomorrow morning—that we come in at 9:30 a.m., and go straight to the remaining hour on the amendment, and at the hour of 10:30 a.m. the Senate proceed to vote on or in relation to the Lautenberg amendment. I further ask unanimous consent that no additional amendments be in order prior to the vote in relation to the Lautenberg amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I thank the chairman for making that adjustment. I appreciate it very much.

The PRESIDING OFFICER. Without objection, the unanimous consent request is agreed to.

Mr. CHAFEE. Has that been agreed to, Mr. President?

The PRESIDING OFFICER. It has.

Mr. CHAFEE. Mr. President, the majority leader has informed me that there will be no further votes this evening. And so we will now start the debate on the Lautenberg amendment, within 2 hours.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

AMENDMENT NO. 1682 TO AMENDMENT NO. 1676

(Purpose: To provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. Lautenberg], for himself, Mr. DeWine, Mr. Lieberman, Mr. Faircloth, Mrs. Boxer, Mr. Helms, Mr. Glenn, Mr. Durbin, Mrs. Feinstein, Mr. Bingaman, Mr. Moynihan, Mr. Hatch, Mr. Wellstone, Mr. Akaka, Mr. Dodd, Mr. Kerry, Mr. Inouye, Ms. Moseley-Braun, Mr. Bumpers, Mr. Reed, Mr. Smith of Oregon, Mr. Rockefeller and Mr. Chafee proposes an amendment numbered 1682 to amendment No. 1676.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle D of title I, add the following:

SEC. 14 . NATIONAL STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. National standard to prohibit operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2002.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law providing that an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State is guilty of the offense of driving while intoxicated (or an equivalent offense that carries the greatest penalty under the law of the State for operating a motor vehicle after having consumed alcohol).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2003.—Any funds withheld under subsection (a) from apportionment to any

State on or before September 30, 2003, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2003.—No funds withheld under this section from apportionment to any State after September 30, 2003, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (a)(3), the funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. National standard to prohibit operation of motor vehicles by intoxicated individuals.".

Mr. CHAFEE. I wonder if the Senator will yield me 1 minute?

Mr. LAUTENBERG. I am happy to.

Mr. CHAFEE. Mr. President, I urge Senators who are opposed to the amendment to come to the floor. I am designated as in control of the time in opposition, but I will confess I am for the amendment so I will not be speaking against it. And for those Senators who wish time, now is the time to come over.

There are 2 hours. We have an hour in opposition to the amendment. Obviously, I am prepared to turn over the time to anybody in opposition. But I will not be speaking against it. So I wish Senators who are opposed to this amendment would come to the floor.

Thank you. I want to thank the Senator from New Jersey.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I offer this amendment with my colleague from Ohio, Senator MIKE DEWINE, and I include, as cosponsors, Senator LIEBERMAN, Senator FAIRCLOTH, Senator BOXER, Senator HELMS, Senator GLENN, Senator DURBIN, Senator FEINSTEIN, Senator BINGAMAN, Senator MOYNIHAN, Senator HATCH, Senator WELLSTONE, Senator AKAKA, Senator DODD, Senator KERRY from Massachusetts, Senator INOUYE, Senator MOSELEY-BRAUN, Senator BUMPERS, Senator REED, Senator SMITH of Oregon and Senator ROCKEFELLER join me as cosponsors in the amendment; and Senator CHAFEE, the chairman of the committee. And all together, we have 23 bipartisan cosponsors. That is the way it ought to be because this is on behalf of the victims of drunk driving crashes—over 17,000 deaths and about one million injuries each year.

This amendment, the Safe and Sober Streets Act, establishes the legal limit for drunken driving at .08 blood alcohol content in all 50 States. Establishing .08 as the legal definition of drunk driving is responsible, effective, and it is the right thing to do. This amendment, if enacted into law, will save lives. And it is our moral imperative, as legislators, to pass legislation that will make our communities, our roads and, of course, our families safe.

This is the logical next step in the fight against drunk driving. It will build on what we started in 1984, when Democrats, Republicans, and President Reagan joined together to set a national minimum drinking age to 21. And since that time, we have saved over 10,000 lives. And contrary to the concern of the restaurant and the liquor business, those businesses have not gone under, like many warned us about at the time.

Mr. President, the question before us is, should a 170-pound man be allowed to have more than four beers in 1 hour, on an empty stomach, and get behind the wheel of a car? And our answer is, absolutely not. This amendment goes after drunk drivers, not social drinkers.

And while we are pushing for enactment of this legislation, I have had the honor of getting to know some families who have experienced the ultimate tragedy—the Frazier family from Maryland. Randy and Brenda's daughter Ashley, 9 years old, was tragically killed by a .08 drunk driver 2 years ago. This person's blood alcohol content level was .08. What we are trying to do is to establish the fact that .08 is a dangerous level for people on our roads and highways. The Fraziers have lent themselves courageously to this fight, to enact this .08 BAC level across the land.

Last March, Randy Frazier issued a call to Congress, a call that I believe captures what this issue is all about. He said, "It is time for leadership and action here in the Congress to draw a safer, saner, and more sensible line against impaired driving at .08. If we truly believe in family values, then .08 ought to become the law of the land.

Four beers-plus in an hour—now, that is on an empty stomach, Mr. President. That is not casual. That is not a casual level. An empty stomach, four beers in an hour—a 170-pound person is already impaired in their reaction to situations. They should not be allowed to get behind the wheel of a car and create a situation that is the antithesis of what we call the protection of the family.

As we debate this issue, I want each of my colleagues to consider two things: First, ask yourself, have we done enough to combat drunk driving in this country? The answer to that question, in my view, is absolutely not. Second, is a person whose blood alcohol content is .08 percent a threat to themselves and others on the road? And the answer to that one, of course, is a resounding yes.

Adopting this amendment will simply bring the United States of America into the ranks of most other industrialized nations in this world in setting reasonable drunk driving limits.

Canada, Great Britain, Ireland, Italy, Austria, Switzerland, all have a .08 BAC limit. France, Belgium, Finland and the Netherlands have a limit of .05 BAC—half of what we commonly have in our country. Sweden is practically down to zero—.02 BAC.

We heard today from President Clinton. He is very aggressively supporting this amendment. Other supporters include Transportation Secretary Rodney Slater. They include organizations like the National Safety Council; the National Transportation Safety Board; the National Center for Injury Prevention and Control of the Center for Disease Control; the American Automobile Manufacturers Association; Kemper Insurance; State Farm and Nationwide insurance companies; MADD, Mothers Against Drunk Driving, of course; the American College of Emergency Physicians.

I had a talk with a physician today at the White House when we presented this BAC .08 bill. And a physician, the head of an emergency room in the State of Wisconsin, told me that emergency rooms are sometimes so filled with drunk drivers who had been in accidents, that they cannot adequately calibrate the blood alcohol testing machine. The room is sometimes so filled from the victim's liquor-stained breath that they had to leave the room to set the calibration on the blood alcohol testing machine.

Other supporters include the Consumer Federation of America, National Fire Protection Association—the list goes on—Advocates for Highway and Auto Safety.

And we have had newspaper editorials, such as the New York Times and the Washington Post and the Baltimore Sun. I ask, Mr. President, unanimous consent to have printed in the RECORD letters and editorials in support of this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 26, 1998]

ONE NATION, DRUNK OR SOBER

The danger posed by an intoxicated driver does not change when the driver crosses state lines. Neither should the legal test for sobriety. That is the practical thinking behind pending legislation in Congress to create one uniform Federal standard for drunken driving. Some critics say the measure would infringe on states' rights. But this is a problem that transcends state boundaries, requiring a tough, consistent national approach.

The measure, sponsored by Senators Frank Lautenberg of New Jersey and Mike DeWine of Ohio, and Representatives Nita Lowey and Benjamin Gilman of New York, would set a national blood alcohol limit of .08 percent. States would have three years to enact this limit before losing a percentage of their highway construction funds. This same approach was used to encourage compliance with the lifesaving 1984 law that established the 21-year-old drinking age.

Currently, only 15 states set their drunken-driving threshold at .08. Elsewhere it takes a higher level, .10, to put a driver over the legal limit. Thus most of the country would have to adopt the stricter .08 standard or lose Federal funding. This has lobbyists for liquor interests trying to depict the bill as a heavy-handed assault on harmless social drinking. But a blood alcohol level of .08 is sufficient to cause unacceptable damage to a driver's reflexes, judgment and control. Moreover, the .08 level still allows for considerable consumption. An average 170-pound man, experts say, could imbibe more than four shots of hard liquor in an hour—and on an empty stomach—before reaching a blood alcohol concentration of .08.

Far from a moralistic assault on moderate social drinking, the bill is a reasonable effort to save lives. Over 40 percent of all traffic fatalities are alcohol-related, and close to one-fourth of those crashes involve drivers with an alcohol level under the generous .10 standard. As many as 600 lives would be spared each year, and countless other serious accidents avoided, if .08 were imposed nationwide.

With support from President Clinton and lawmakers from both parties, the measure stands a good chance of winning approval when the Senate tackles the contentious issue of highway funding beginning next week—provided, of course, that generous political giving by liquor interests does not overshadow the needs of public safety.

[From the Washington Post, Nov. 8, 1997]

DRUNK IN ONE STATE, NOT THE OTHER?

Drunk drivers are deadly threats no matter where they speed or weave in this country. Yet a driver who is certifiably drunk in Virginia can roll to a "sobriety" of sorts merely by crossing into Maryland. That is a life-threatening inconsistency that exists around the country because there is no uniform standard of drunkenness on the roads. There could and should be a clear and effective standard—and Congress has legislation before it to bring this about.

Nearly all highway safety organizations and physicians groups consider a blood alcohol content reading of .08 as sufficient evidence of a drunk driver. That is the standard in Virginia and 14 other states, and it is hardly an unreasonable limit: A 170-pound man could consume four drinks in one hour on an empty stomach and still come in below .08; a 135-pound woman could down three drinks and do the same. But Maryland, the District and 34 other states have a looser standard—of .10. Why not agree on .08?

There ought to be a national standard, and such a proposition is now before Congress, with support from across the political spectrum. Legislation cosponsored in the Senate by Sens. Frank Lautenberg and Mike DeWine and in the House of Reps. Nita Lowey, Connie Morella and more than 40 other members would withhold federal transportation funds from states without a .08 standard. The logic is simple enough: Driving is an interstate activity.

One sorry explanation for the failure of states to adopt a .08 limit is that lobbyists for liquor interests have worked to kill the idea in state legislatures. In Congress they have trotted out states' rights objections. But states that are softest on drunk driving could keep their looser standards—it's just that federal taxpayers would not underwrite transportation projects for these states. Why should they, when looser laws mean more tragedies that cost the public that much more in health bills—and in lives lost?

Federal incentives to adopt safety measures do work. There are now 44 states that have a zero-tolerance policy for minors who drink and drive, and results show that the number of traffic deaths involving teenagers and alcohol has fallen nearly 60 percent between 1982 (before the federal law) and last year. All of this long ago should at least have propelled Maryland, the District and state legislators to move on their own. But now Congress can bring still better sense to highways by approving a uniform, nationally understood definition of a dangerous driver.

[From the Baltimore Sun, Oct. 25, 1997]

LOWER THRESHOLD FOR DRUNKEN DRIVING

You're driving on the beltway. The motorist in the next lane consumed four beers during the past hour. To paraphrase Clint Eastwood, do you feel lucky?

Amazingly, that tipsy driver may be within his legal rights in Maryland and 34 other states where a blood-alcohol concentration of 10 is the minimum to be considered drunk. In recent years, Virginia and 14 other states have stiffened their definition of intoxicated driving to .08. That's still more than four drinks for a 170-pound man on an empty stomach, more than three for a 135-pound woman.

Yet the state-by-state movement to .08 has stalled, often because lobbyists for liquor interests have successfully smothered it in the various legislatures. The liquor industry is foolish, because automobile deaths rooted in alcohol will only heap scorn on the business, but it is reflexively battling .08 laws nonetheless.

President Clinton and several lawmakers believe it is time to confront drunken driving with a national thrust, as the government is doing now to battle another killer, tobacco.

Under Senate Bill 412, authored by Sens. Frnak R. Lautenberg, a New Jersey Democrat, and Michael DeWine, an Ohio Republican, transportation funds would be withheld from states without a .08 standard.

Washington took a similar stand on teen drinking and driving in 1984—with dramatic effect. Traffic deaths involving teen-agers and alcohol dropped nearly 60 percent between 1982, prior to the federal law, and 1996. That was twice the drop in alcohol-related traffic fatalities for the population at large.

There was also a 25 percent drop in surveys of teens who described themselves as heavy drinkers, suggesting that the force of law nudges people to drink more responsibly. That's a critical and little recognized benefit of a .08 law. In fact, states that switched to .08 recorded an 18 percent decline in fatal crashes involving drivers with blood-alcohol rates of .15.

Medical researchers estimate 600 lives would be saved a year with a .08 law. That has been the experience in other nations with stricter standards than ours, including wine-rich France and Japan, which has fewer drunken driving deaths than Maryland alone 475 vs. 671). Even in the U.S. though, the public isn't as willing to wink at tipsy drivers as it was years ago, after hearing of or being hurt by the deaths of individuals, of families, even a princess.

Four drinks in one state make you no less drunk than four drinks in another. The abundant evidence justifies a national response.

KEMPER,
Washington, DC, October 20, 1997.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.
Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS DEWINE AND LAUTENBERG: You are both to be complimented for stepping forward to offer S. 412, "The Safe and Sober Streets Act of 1997," to the pending reauthorization of the Intermodal Surface Transportation Efficiency Act.

While we as a nation have made progress in the effort to make drinking and driving unacceptable in our society, alcohol related traffic crashes continue to be a sizable problem. Drunk driving fatalities actually increased in 1995 for the first time in a decade.

Your legislation would require the states to enact a blood alcohol concentration threshold of .08% for impaired driving or suffer a loss in federal highway construction funding. This provision should reverse the drunk driving fatality trend and save several hundred lives each year. The .08 threshold is currently in place in Canada, many western European countries and in fifteen states in the U.S. All of the medical evidence indicates that .08 is a sensible threshold to measure driver impairment.

You may feel confident of our companies' wholehearted support of your joint initiative.

Sincerely,

MICHAEL F. DINEEN,
Vice President, Legislative Affairs.

THE COALITION FOR
AMERICAN TRAUMA CARE,
Reston, VA, September 3, 1997.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: The Coalition for American Trauma Care is very pleased to endorse "The Safe and Sober Streets Act of 1997," that would set a national standard for defining drunk driving a .08 Blood Alcohol Content ("BAC"). The Coalition commends your leadership in introducing this legislation that will help save the more than 17,000 lives that are lost each year on our nation's highways due to drunk driving. Nothing could be more important during this week when the world mourns the tragic death of Princess Diana, a victim of drunk driving.

The Coalition for American Trauma Care is a not-for-profit organization representing leading trauma and burn surgeons, leading trauma center institutions, and 16 national organizations in trauma and burn care. The Coalition for American Trauma Care seeks to improve trauma and burn care through improved care delivery systems, prevention efforts, research, and by protecting reimbursement for appropriately delivered services.

The Coalition appreciates your efforts to save lives by enacting tougher drunk driving laws and stands ready to support you.

Sincerely,

HOWARD R. CHAMPION, MD,

President.

NATIONAL SAFETY COUNCIL,

Itasca, IL, December 8, 1997.

The Hon. FRANK LAUTENBERG,
The Hon. MIKE DEWINE,
U.S. Senate,
Washington, DC.

DEAR SENATORS LAUTENBERG AND DEWINE: The National Safety Council is writing to offer our strong support for The Safe and Sober Streets Act of 1977, S. 412, and for your plan to include the bill in legislation to reauthorize the Intermodal Surface Transportation Efficiency Act.

Drunk driving remains a national shame. Despite progress over the years, 41% of all motor vehicle fatalities—more than 17,000 lives lost—involve alcohol. Yet the current legal blood alcohol concentration (BAC) in most states is .10, the highest in the industrialized world.

The National Safety Council long has supported setting the BAC limit for adult drivers at .08, a point at which driving skills are proven to be compromised. If every state adopted .08, an estimated 500–600 lives a year could be saved. Although 15 states now have BAC limits of .08, incentive grants and public policy arguments alone have not succeeded in ensuring wider adoption of .08 laws. Strong federal leadership is needed to achieve a uniform national BAC limit of .08.

That is why we believe enactment of S. 412, which links adoption of .08 laws to federal highway funding, is a necessary and important step. Laws which set the legal BAC limit at .08 are a needed part of the combination of programs and policies which must be in place if we are to win the fight against drunk driving.

The National Safety Council commends and thanks you for your leadership on this critical issue.

Sincerely,

GERARD F. SCANNELL,

President.

AMERICAN COLLEGE OF
EMERGENCY PHYSICIANS;

Dallas, TX, September 24, 1997.

The Hon. FRANK R. LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: The American College of Emergency Physicians (ACEP), representing 19,000 emergency physicians and the patients they serve, urges you to cosponsor S. 412, the "Safe and Sober Streets Act of 1997," introduced by Senators Frank Lautenberg (D–NJ) and Mike DeWine (R–OH).

Emergency physicians witness first-hand the serious injuries and fatalities that result from drunk driving. Last year, drunk driving caused more than 17,000 deaths on our nation's highways. Epidemiologic data has well established that all drivers are impaired at a blood alcohol concentration (BAC) of .08. Furthermore, at this level, the risk of being in a crash increases significantly.

For many years, the College has supported the National Highway Traffic Safety Administration's (NHTSA) recommendation that states adopt .08 BAC as the legal standard for intoxication. The "Safe and Sober Streets Act" would establish a national standard for defining drunk driving at .08 BAC by encouraging all states to adopt this limit.

The facts cannot be disputed. Too many lives have been lost and many more are put at risk every day by drunk drivers. As emergency physicians, we believe that our success is measured not only by the lives we save in the emergency department, but also by the lives we save through prevention. Thus, we urge you to support and help pass this important highway safety measure.

Sincerely,

LARRY A. BEDARD, MD, FACEP

President.

AMERICAN AUTOMOBILE,
MANUFACTURERS ASSOCIATION,

Washington, DC, March 2, 1998.

The Hon. FRANK R. LAUTENBERG,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR LAUTENBERG: This letter is to urge your support for legislation that would provide states with an incentive to adopt and enforce an anti-drunk driving standard of 0.08 Blood Alcohol Concentration (BAC). Such a proposal is contained in S. 412, the Safe and Sober Streets Act, co-sponsored by Senators Lautenberg, DeWine and twenty-one others. This proposal is expected to be offered as an amendment to S. 1173, the ISTEA reauthorization bill.

According to the U.S. Department of Transportation's most recent report, alcohol-related crashes account for 40 percent of all traffic fatalities. While good progress has been made over the past decade, the number of alcohol-related deaths is still over 17,000 each year. In addition, some 1.4 million drivers were arrested in 1995 alone for driving under the influence of alcohol.

Moreover, safety belt use, now required by 49 states, is markedly lower among drivers and occupants involved in alcohol-related crashes.

Clearly, more needs to be done. Currently, in most states the standard for "legal" intoxication is 0.10 BAC, while states that have enacted .08 BAC legislation have witnessed significant reductions in alcohol-related traffic fatalities, according to statistics compiled by Mothers Against Drunk Driving.

AAMA and its member companies, Chrysler, Ford and General Motors strongly urge your support of this legislation.

Sincerely,

ANDREW H. CARD, Jr.

President.

Mr. LAUTENBERG. But more important than the scores of businesses, health and science organizations, governmental agencies, public opinion leaders, is the support from the families and friends of victims of drunk driving—like, as I mentioned before, the Fraziers. They come from Westminster, MD. They lost their 9-year-old daughter Ashley.

I have also gotten to know very well some people from New Jersey, Louise and Ronald Hammell of Tuckerton, NJ. They lost their son Matthew who was growing up in the full bloom of life—very positive, doing things for the community and others. He ultimately sought to be a minister, the wonderful young man. He was rollerblading on the other side of the highway from the car that became involved in his death, and that driver crossed over the yellow line dividing the two lanes of traffic, and came all the way to the shoulder and killed this young man, and so early in his life that he had not really yet begun to develop.

Who opposes this amendment? That is the question we have to ask ourselves. The American Beverage Institute, the National Restaurant Association, the Beer Wholesalers, what is it that they have in mind when they oppose this? They say that "Oh, we're going to lose business," that you ought to be targeting the chronic heavy drinker.

Well, we are after the heavy drinker. That is why we have those roadblocks. And it is sometimes very hard to stop those who are so addicted to a substance that they cannot control themselves and wind up harming others. But does that mean that we ought not to bother because some get away with it? We know that we have to have traffic rules, we have to have red lights. Some people do not obey them. But the fact of the matter is, the majority is well-served by having rules that protect the public.

Organizations, Mr. President, which support this amendment have one thing in mind—the public's interest, the health and safety of our communities and of our roads and of our families. Organizations who oppose this amendment have one interest in mind—they only care about protecting their narrow special interest.

We have to make that judgment here. Drunk driving continues to be a national scourge that imposes tremendous suffering on the victims of drunk driving crashes and their loved ones.

In 1996, 17,126 people were killed in alcohol-related crashes. About one million people were injured in alcohol-related crashes. And I point out, Mr. President, that in the worst year of the Vietnam war—an event that scarred the hearts and the minds of people across our country—in 1 year, the worst year in Vietnam, we lost just over 17,000 people. So here, every year, we lose 17,000-plus people in drunk driving crashes. And it compares to the worst year of a war that left our Nation in mourning for many years.

Every one of these deaths and injuries could have been prevented had the driver decided to call for a ride, hand the keys to a friend, or do anything other than taking that wheel. When that person takes that wheel, it is as if they are carrying a gun. The only question—when is that thing going to go off? It is no different. Murder is murder, and the victim is just as dead whether it comes from a drunk driving accident or whether it comes from the pulling of a trigger.

Deaths and injuries that are due to drunk driving are not "accidents." They are predictable and preventable. Every 30 minutes someone in America—a mother, a husband, a child, grandchild, brother, sister—dies in an alcohol-related crash.

In the United States, 41 percent of all fatal crashes are alcohol-related. Alcohol is the single greatest factor in motor vehicle deaths and injuries. The first step in combating this epidemic is to inject the sense of sanity in our Nation's drunk driving laws and by enacting the Safe and Sober Streets Act. The amendment we have in front of us will go a long way toward reducing the deadly combination of drinking and driving.

Mr. President, my amendment, which would have the effect of lowering this Nation's tolerance for drinking and driving by 20 percent, is what ought to be considered now. This amendment requires all States to define the point at which a driver would be considered to be drunk as .08 blood alcohol content. Fifteen States already have .08 BAC and would be unaffected by my amendment. My State of New Jersey does not have a .08 BAC, nor does the State of my chief colleague in this, Senator MIKE DEWINE, from Ohio, who is well aware of that deficiency in the State law.

Mr. President, .08 is a reasonable and responsible level at which to draw the line in fighting drunk driving. Despite what we are all hearing from special interests and their lobbyists, at .08 a person is drunk and should not be driving. Their reaction is impaired. They can't stop quick enough; they accelerate too fast; they turn too erratically.

In fact, Congress, in its wisdom, set the limit for commercial motor vehicle drivers at .04 BAC in the 1980s. So, Congress clearly understands the connection between the consumption of alcohol and the critical ability needed to drive a vehicle safely on our highways.

Mr. President, .08 BAC is just common sense. Think of it this way: You are in your car, driving on a two-lane road at night. Your child is traveling with you. You see a car's headlights approaching. The driver in this case is a 170-pound man who just drank five bottles of beer in an hour on an empty stomach in a bar. If he were driving in Maryland, he would not be considered drunk. But if he were driving in Virginia, he would be. Does it make sense? We should not have a patchwork quilt of laws when we are dealing with drunk driving.

We had the privilege of hearing the chief of police of Arlington County, VA, today at the White House. He talked about what has happened since Virginia reduced its BAC level to .08. They saw a marked improvement in the reduction of deaths on their highways. Here was someone who had the practical responsibility, the practical knowledge of seeing these victims, of tending to the injured people. He said it works. Let's do it.

Regarding this amendment, .08 utilizes what sound science and research proves, and interjects some reality in our definition of drunk driving and applies it to all 50 States so someone can't drink more and drive in New York than in New Jersey, or in this case, someone drinking in Maryland and driving to Virginia when their blood alcohol level is beyond .08.

Mr. President, there are 10 facts that demonstrate the need for this amendment:

Fact No. 1: Drunk driving continues to be a shameful epidemic that destroys our families and communities: 17,000 deaths each year to drunk driving. Isn't 17,000 too many? Each year in this country more people are killed in alcohol-related crashes than are murdered by firearms. Families and friends of drunk driving victims experience tremendous grief which changes their lives forever. Moreover, deaths and injuries from alcohol-related crashes have an enormous economic impact as well. Alcohol-related crashes cost society over $45 billion every year.

One alcohol-related fatality is estimated to cost society about $950,000, and an injury averages about $20,000 in emergency and acute health care costs, long-term care and rehabilitation, police and court costs, insurance, lost productivity, and social services.

The problem exists, and we must do more to reduce drunk driving. The American people agree. Reducing drunk driving is the No. 1 highway safety issue for the American people.

Mr. President, here is a chart reflecting a Lou Harris poll conducted 1 year ago that found that 91 percent of the respondents believe that the Federal role in assuring highway safety is critical. What do Americans consider to be the No. 1 highway safety problem? Fifty-two point nine percent look at drunk driving as the No. 1 highway safety problem; 18.6 percent look at drivers who exceed the posted speed limit by more than 15 miles per hour; 13.7 percent, young or unexperienced drivers; 6.2 percent, elderly drivers; 5.7 percent, highways in poor condition.

The poll showed the two principal causes of problems on our highways are drunk driving and those who are speeding, with drunk driving overwhelmingly the most feared matter for highway safety.

Fact No. 2: It takes a lot of alcohol for a person to reach .08, contrary to what most people think and contrary to information being given out by the alcohol lobby. I want to clear this up. According to the National Highway Traffic Safety Administration and the National Safety Council, a 170-pound man would have to drink four and one-half drinks in 1 hour on an empty stomach to reach .08 BAC; a female weighing 137 pounds would have to have three drinks in 1 hour, no food, and she is still below .08. The male, at 170 pounds, drinks four drinks and is still below .08. We are not talking about the kind of drinking that is a casual single glass of wine with dinner, contrary to what the lobbyists would have you think.

Mr. President, people with .08 BAC are drunk. Or as others say, they are blitzed, wasted, trashed, bombed. The last thing they should do is get behind the wheel. We used to use an expression around the country, and I remember hearing it often, "Let's have one more for the road." That is the last thing that we want to encourage. That is out. That happy hour is long since gone.

Fact No. 3: Virtually all drivers are seriously impaired at .08 BAC and shouldn't be driving. Here is a chart from the National Highway Traffic Safety Administration. They say at .08, concentrated attention, speed control, braking, steering, gear changing, lane tracking and judgment are impaired. When you get down to even lower levels, half of what the current level is in 35 States in the country, .05, you are talking about problems with tracking, divided attention, coordination, comprehension, and eye movement.

We are not looking to abolish social drinking. We are not looking to create a new temperance in society. What we are saying is that .08 is dangerous if you are driving.

Fact No. 4: The risk of being involved in a crash increases substantially by the time a driver reaches .08 BAC. The risk rises gradually with each BAC level, but then rises rapidly after a driver reaches or exceeds .08 BAC compared to drivers with no alcohol in their system. In single vehicle crashes, drivers with BAC's between .05 and .09 are 11 times more likely to be involved in a fatal crash than drivers with a BAC of zero.

Fact No. 5: .08 BAC laws have proven to reduce crashes and fatalities. One study of States with .08 BAC laws found that the .08 BAC laws reduced the overall incidence of alcohol fatalities by 16 percent. In other words, the involvement in fatal crashes is pervasive when alcohol is taken before the driver gets behind the wheel.

This study also found that .08 laws reduced fatalities at higher BAC levels, meaning they had an effect on extremely impaired drivers. Separate crash statistics have confirmed that finding. When the National Highway Traffic Highway Safety Administration studied the effect of .08 in five States—California, Maine, Oregon, Utah, and Vermont—it found significant reductions in alcohol-related crashes in four out of the five States, ranging from 4 percent to 40 percent when compared to the rest of the States with .10 BAC laws. You may hear that there is no "objective evidence" showing that .08 works. We have heard statements like that before from the tobacco industry, always declaring it is not proven, it is not sure, and it is not certain, but the person who is dead is dead and the family that is broken-hearted stays broken-hearted for life.

Fact No. 6: Lowering the BAC limit to .08 makes it possible to convict seriously impaired drivers whose levels are now considered marginal because they are at or just over the .10 BAC, and the judge says, in many cases, "OK, you are at 0.11; listen, watch yourself and don't do it again." Drinking and driving is a serious offense which should be handled by the appropriate authorities.

Because .08 BAC laws are a general deterrent and have proven to deter even heavier drinkers from driving, the public has an increased awareness and understanding of what it takes to be too impaired to drive. After Virginia passed the law I mentioned before, not only did traffic fatalities go down but arrests also were reduced. Mr. President, .08 laws are not the problem. They are the solution.

Fact No. 7: Most other Western countries already have drunk driving laws that are .08 or less. Here are some of the countries: Canada and Great Britain are .08; Australia varies between .05 and .08; Austria, .08; Switzerland, .08; France, The Netherlands, Norway, Poland, Finland, .05; Sweden, .02. Are we owned by the liquor-producing establishment? Are our families to be governed by rules established by the liquor lobby? I think not. This amendment would bring us into the civilized world when it comes to drunk driving laws.

Most other countries have adopted these laws because they work. For example, over the past few years France has systematically reduced its legal limit for drunk driving and has seen measurable results. In France, the country that is first in per capita wine consumption, a motorist can have his or her license revoked at .05 BAC and can be jailed if caught driving at .08 BAC. It is estimated that 33 percent of all traffic fatalities in France are alcohol-related.

Fact No. 8: The American people overwhelmingly support .08. When the question is asked, Would you be in favor of lowering the legal blood alcohol limit for drivers to .08, 66 percent of the males said yes, 71 percent of the females said yes; the female, the mother, the one who inevitably feels most pain in a family when there is a loss, 71 percent said, Please, America, stop this; get the blood alcohol limit down to a sensible point. And as we saw even at .05 people's actions are impaired. So what we are doing is the right thing here. We hope we can get the liquor people and some of the restaurant people and beer wholesalers to come on over, join us, and be the kind of corporate citizens that we know you would like to be.

So NHTSA surveys all show that most people would not drive after having two or three drinks in 1 hour and believe that the limit should be no higher than that which would get them there.

Fact No. 9: We need a national drunk driving limit. The best approach is the one we employ because it works. This amendment is written the same way as the 21-year-old drinking age law. If the medical and scientific evidence show that a person is impaired at .08 BAC and should not be driving, why should someone be deemed to be drunk in one State but not the other? If they cross the State boundary and kill somebody, that person is just as dead, and that family is just as wounded. This bill will save lives, and it is a much more compelling argument than any other.

As President Reagan said when he signed the 21 minimum drinking age bill into law, "We know that drinking, plus driving, spells death and disaster . . . The problem is bigger than the individual States . . . It's a grave national problem, and it touches all our lives. With the problem so clear-cut and the proven solution at hand, we have no misgivings . . ." President Reagan, who was strictly a person who liked to limit Federal power, said that. ". . . we have no misgivings about this judicious use of Federal power."

Sanctions, which is what we are proposing, work and soft incentives do not work. Since .08 BAC laws were part of the incentive grant program in 1993, only a handful of States have adopted .08. Incentive grant problems are the alcohol industry's best friend because they rarely have positive effects. Most telling, no single State lost highway funds as a result of the 21 drinking age law, and we expect no State to lose highway funds from the zero tolerance law. Some initiatives are important enough to employ that tool.

Fact No. 10: Based on past history, adopting .08 will not hurt the economy. There is no evidence that per capita consumption of alcohol was affected in any of the five .08 BAC States examined by NHTSA. A different, four-State analysis conducted by several alcohol industry organizations showed virtually no effect on overall consumption.

In the alcohol industry analysis, Maine, which adopted .08 in 1988, saw a slight dip in alcohol consumption in 1988, but restaurant sales actually increased 11 percent. Restaurants and the alcohol industry should support this bill because they care about their patrons. They don't want to hear about someone who just left their establishment and wound up killed on a road a few miles away. I don't care how much somebody drinks. They can drink until they fall off the bar stool; but just don't get behind the wheel of a car. This is a reasonable amendment.

We are not talking about prohibition. Remember, when you are in a bar and look at a table full of people, .08 applies to only one of those people—the driver.

As my colleagues read the materials disseminated by the opponents of this measure, you have to think to yourself, is .08 the right or the wrong thing to do? You can only have one conclusion if you care about your constituents. Don't get tangled up in whether this is too broad a reach for the Federal Government. Is it too broad a reach when the Federal Government saves lives, or when the Federal Government enacts environmental legislation that takes lead out of public buildings? Is it too much of a reach when the Federal Government posts warnings about air quality? Not at all. So don't get fooled by the alcohol lobby's machinations out there, saying, "You can't prove it. It's not so. You should work on the chronic alcoholic." Yes, we want to work on the chronic alcoholic, but we want the casual drinker, someone who doesn't realize that when they get to .08, they are in dangerous territory when they get behind the wheel. So I hope my colleagues will all join in and support this amendment.

Consider what the Wall Street Journal said:

> Safe alcohol levels should be set by health experts, not the lobby for Hooter's and Harrah's. The Lautenberg amendment isn't a drive toward prohibition, but an uphill push toward a health consensus.

Mr. President, the Senate has heard my policy arguments. The facts are on our side. I want all Senators to weigh those facts carefully. But I also want them to think about one other issue—not a fact, but a person. I want them to think about the Ashley Fraziers in their State. The child in this photograph was 9 years old. We heard her mother and father talk about her today. This accident took place about 2 years ago. They still mourn every day. When her mother Brenda talked about Ashley, she said they still set a table for four, even though they know there are only going to be three people sitting at that table, because they don't want to forget Ashley. Ashley was killed by a woman, underage, driving with a .08 blood alcohol content. Mr. President, I hope that Senators and the American people can see this child, because there isn't any one of us who is a parent or a grandparent who doesn't so treasure the life of a child like this that we would give our own lives to protect her. We are not being asked to give our lives; we are being asked to give our judgment, we are being asked to give our support.

Two years ago, Ashley's parents heard a noise and saw a sight that they will never forget. She said this morning at the White House, in the presence of the President, that they want to make sure that this never happens to other people. They were unselfishly baring their souls, anguish, and grief to prevent the possibility of someone they don't even know from losing a child like this beautiful young girl. This was a tragedy. Stop and think about the senseless death of this 9-year-old. It pulls our heartstrings, all of us. I ask all Senators to think of this when they vote on this amendment. Think of a family's pain when they lose a child, a loved one, and help us to try to prevent this from happening again.

I urge my colleagues to support the Lautenberg-DeWine amendment to keep drunk drivers off the roads and keep them away from our kids.

I yield the floor.

Mr. CHAFEE. Mr. President, could you give the time situation? The agreement is that each side will have 1 hour. I see Senators here who will speak for the amendment. I think we can yield time to the proponents of the amendment. I am not worried about that. But I want to protect the rights of any Senators who might come over and would be against the amendment.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Jersey has 22½ minutes remaining. The Senator from Rhode Island has 59 minutes 30 seconds.

Mr. CHAFEE. All right. If the Chair could announce when the proponents of the amendment have reached their 60 minutes, that would be helpful, and then we can figure out how to go from there. I am confident there will be time that we can yield from the side I control. But if the Chair could let us know when 60 minutes of the proponents' time is up, I would appreciate it.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. I yield such time as I have available to my colleague from Ohio, Senator DEWINE.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUTENBERG. Would the Chair mind repeating the time available?

The PRESIDING OFFICER. The Senator from New Jersey has 22 minutes.

Mr. LAUTENBERG. I understood the manager on the other side to say he would be willing to accommodate by yielding time from his available time to other proponents. I ask the Senator from Ohio how much time he thinks he needs?

Mr. DEWINE. I state to my colleague, I wonder if I can have 20 minutes, and if the Chair can notify me after 20 minutes, we will see who is on the floor and wants to speak at that point.

Mr. CHAFEE. I am confident that we will have time for the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, let me first thank and congratulate my friend and colleague from New Jersey, not just for his very eloquent statement and leadership today, but for his work over the years. His work has made a tremendous difference in saving a number of lives.

Mr. President, at 10:30 tomorrow morning, Members are going to have the opportunity to do something that we don't always have the chance to do. Many times, we vote on issues and we think we are right, but we don't know what the ultimate effect is going to be. This is one of those times where when we cast our vote, we know what the effect is. Members who come to the floor tomorrow morning at 10:30 to cast their vote on this amendment and vote "yes" will clearly be saving lives. There is absolutely no doubt about it. That is one thing we know. We know it based on statistics and based on history. We know it based on common sense. That is, I think, a great opportunity that we will have tomorrow. This amendment, make no mistake about it, will save lives.

As we consider legislation to authorize funds for most of our Nation's highways, we cannot avoid the issue of the safety of those highways. Tragically, in the last couple of years we seem to have been losing ground in highway safety. After well over a decade of progress, we are starting slowly to move backward.

According to the National Highway Traffic Safety Administration, alcohol-related traffic fatalities dropped from 24,050 in 1986 down to 17,274 in 1995. That was a 28 percent decrease in drunk driving tragedies over a decade. We as a nation, Mr. President, can take pride in the progress that we made.

However, unfortunately, from 1994 to 1995, alcohol-related traffic fatalities rose 4 percent—the first increase in over a decade. In 1995, alcohol-related traffic fatalities increased for the first time in a whole decade. That year, there were 17,274 fatalities from alcohol-related crashes.

Mr. President, this amendment is an attempt to gain back some of the ground that we have lost in the battle against highway fatalities. It would set a national blood alcohol standard—a standard above which the driver is legally under the influence and should not be driving an automobile. All widely accepted studies indicate that the blood alcohol standard should be set at .08 BAC, the blood alcohol content.

Mr. President, at .08 blood content, no one should be driving a car. I don't know any expert, I don't know any police officer, I don't know any scientist who has seriously looked at this issue in the whole country who does not agree with that—who does not agree that at .08 you are under the influence of alcohol, and your judgment, your reflexes, your control of the car, everything is appreciably impaired. There is no doubt about it.

Mr. President, the facts are that the risk of being in a crash rises gradually with each increase in the blood level content. We know that. NHTSA reports that in single-vehicle crashes the relative fatality risk for drivers with blood alcohol content between .05 and .09 is over 11 times greater than for drivers with a blood alcohol content of zero—11 times. When a driver reaches or exceeds the .08 alcohol level, the risk goes up even more. In fact, it dramatically shoots up even above that high standard.

Mr. President, at .08, one's vision, one's balance, one's own reaction time, one's hearing, judgment, self-control, all are seriously impaired. Moreover, at .08, the critical driving task, concentration, attention, speed control, braking, steering, gear change, lane tracking are all negatively impacted and affected.

We have all heard the arguments. The alcohol industry, in arguing against this standard, claims that—get this now—only 7 percent of the fatal crashes involve drivers with blood alcohol content between .08 and .09—only 7 percent. But what does that mean? What that translates into, if you use 1995 figures, it translates into 1,200 people in that year alone dying—1,200 people who are at precisely that level.

Some of the opponents of this bill would argue, "Oh, it is only 7 percent." Tell that to the parents who lost a child. Tell that to the brothers who lost a sister, or children who lost siblings or who lost parents. Changing the blood alcohol level content to .08 could have saved many of these lives.

Where the .08 laws have been tried, they have been proven to reduce crashes and fatalities. A study done at Boston University found that .08 laws reduced the overall incidence of alcohol-related fatalities by 16 percent. Moreover, that same study found that .08 laws also reduced fatalities at higher blood alcohol levels by 18 percent.

So it doesn't just have an impact on the .08 and .09 level; it serves as a deterrent, which affects the entire scale.

Lowering the blood alcohol limit to .08 makes it possible to convict seriously impaired drivers whose blood alcohol contents are now considered marginal, because they are just at or just over .10. Further, the .08 blood alcohol level is a supremely reasonable standard.

Let's look at the chart again that my colleague from New Jersey, Senator LAUTENBERG, showed a moment ago. I think it is important to look at this because there always is in debates such as this some misinformation that is going around. I think you have to get back to the scientific data and to look at this.

In order for a 170-pound male to reach a blood alcohol content of .08, that male would have to consume four drinks, four beers, four shots, four glasses of wine, four in 1 hour on an empty stomach. Is there anyone in this Chamber, is there anyone in the Senate, who believes that they could sit down, drink four shots in an hour, and then get behind the wheel and drive? You might be able to do it. But would you be able to do it very well? I think the answer is clearly no.

Maybe a better question we all should ask ourselves is how many of us, knowing a friend of ours, or acquaintance, or neighbor who had four drinks in an hour on an empty stomach, would say to that person, "Why don't you take my daughter, Anna, uptown to McDonald's, put her in your car, and drive her?" It is ludicrous. There isn't a person who would do that. We know that. Yet, that is what it would take to reach the .08 standard.

A 135-pound female typically would have to consume three drinks in the same period of time.

In other words, Mr. President, the .08 standard is targeted towards those who engage, frankly, in binge drinking—not, let me repeat, social drinking. This bill will not impact social drinkers.

The opponents of this legislation apparently want the public to believe that our legislation would target for prosecution individuals who have had a beer or two, or had a beer and a pizza. That is the opposite of the truth.

I think we should ask ourselves the simple question: Should the average person who has consumed four shots of distilled spirits in an hour, four beers, four glasses of wine on an empty stomach, be behind the wheel of a car? We all know what the answer to that is.

Mr. President, the .08 legislation sets an intelligent national minimal standard, the same kind of commonsense standard that President Reagan pointed to in 1984 when he signed legislation raising the national minimum drinking age to 21. The results are in. The results of that action by this Congress and that President are in. In every year for which the national minimum drinking age was changed, roughly 1,000 lives were saved.

No one believes in States rights more than Ronald Reagan. No one talked about it more eloquently. And there were those when Ronald Reagan took that position in 1984 who said that is inconsistent, that is wrong. We understand that argument. I think Ronald Reagan had it right, as he did a lot of times. His answer was very eloquent. This is what he said about really the same type issue. I quote from President Reagan:

> This problem is much more than just a State problem. It's a national tragedy. There are some special cases in which overwhelming need can be dealt with by prudent and limited Federal influence. And, in a case like this, I have no misgivings about a judicious use of Federal inducements to save precious lives.

President Ronald Reagan, 1984, on a very similar issue.

Mr. President, our purpose here today is really exactly the same as President Reagan's was back in 1984. We are working together in a very bipartisan way to guarantee a fundamental right, because this really is about rights. It is about freedom—the right of freedom to know that when you put your family in a car on a highway and you put your child in a car, there will be an absolute minimum national standard for how sober some other person has to be to drive on that same highway. So, if there is some minimum standard when I am in Cincinnati and leave Ohio and go into Kentucky, and maybe a few minutes later go into Indiana, cross State lines, that there is some national floor, a minimum standard of responsibility. That is about my freedom as a driver. That is about my family's freedom. That is about, I think, responsibility.

That is the rationale behind the .08 standard embodied in this amendment. Simply put, a person at the .08 blood alcohol level is under the influence. No one disputes that. No one. And that person simply should not be driving a car. Our amendment would make this principle the law of the land, and it would save many, many lives.

Mr. President, I see that my time is about up. I at this point reserve the remainder of the time. I do not know if anyone—Senator CHAFEE is on the floor—who wants to speak against the bill at this point wants me to yield time. I see my colleague from Illinois is on the floor. I will reserve the remainder of our time at this point.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, very much.

Mr. President, I thank my colleagues for yielding time. I will be very brief because I know time is short. In addition, I would like to make some comments regarding the underlying bill, the ISTEA bill.

But, in the first instance, with regard to this amendment, I am very, very pleased to be a cosponsor of the amendment and proud to stand in support of it today. We were over at the White House this afternoon for an announcement regarding this important amendment, the .08 amendment. I was just so struck by the families who were there who had lost young ones, who had lost family members to drunk drivers; struck, also, by the fact that what is being called for in this legislation is ultimately very, very reasonable.

This legislation is not prohibition. It does not require someone not to drink at all. What it says essentially is you not get plastered when you get behind the wheel, and not get so impaired in your physical capacity that you put other pedestrians and other drivers at risk.

Listening to the mother this morning talk about how she was taking her daughter to the schoolbus when a drunk driver just came out of nowhere and took the little girl's life was enough to send chills through the heart of any mother, any parent, and certainly ought to commit our attention to the gravity of this matter and the importance of it.

There is no question but that the .08 blood alcohol level saves lives. Studies have shown that States which have adopted .08 laws have had significant drops in alcohol-related traffic deaths and that a national .08 law could prevent up to 600 deaths a year. That does not even take into account the injuries, the loss of capacity, the trauma to people that could be avoided as well—just in fatalities alone, 500 to 600 fatalities a year.

My home State of Illinois has a .08 limit.

I want to report to everybody who is looking at this issue that the results were immediate and dramatic upon the adoption of this statute by the Illinois legislature. In the first holiday weekend in Illinois, under the .08 statute, which was the 4th of July, 1997, alcohol-related fatalities were 68 percent lower than the same period in 1996—68 percent fewer deaths on a weekend. That is a dramatic result from a simple step that is a reasonable step and that ought to be taken for this entire country.

The question has been raised whether or not this is something the States themselves can do. I would point out that, again, my State of Illinois has a .08 level. Other States have higher levels. It should not be an accident of geography for Americans to be secure in the knowledge that drunk drivers will not confront them on the highways. Individuals should be able to have the confidence that if they cross over the border from Illinois to Indiana, or Illinois to Wisconsin, or Illinois to Missouri, that they will enjoy the same safety that they do in our State.

I think that this is a commonsense law, a commonsense amendment, it is a life-saving amendment, and certainly an amendment whose time has come. I urge my colleagues to support the Lautenberg-DeWine .08 amendment to ISTEA.

Mr. President, I would like to ask unanimous consent—I ask the manager of the bill—to be allowed to speak on the underlying bill and that it not be charged to this amendment.

Mr. CHAFEE. What I suggest, Mr. President, is that I am perfectly prepared to give 10 minutes from the opponents' side of the amendment to the Senator from Illinois, if that is adequate time.

Ms. MOSELEY-BRAUN. I think it will be. Yes.

Mr. CHAFEE. All right.

Ms. MOSELEY-BRAUN. I appreciate that.

The PRESIDING OFFICER. The time will be so allocated.

Ms. MOSELEY-BRAUN. Mr. President, the good news about ISTEA today is that an agreement has been ratified by the committee that will provide $26 billion in additional funding to improve our Nation's highways. The better news for States like mine and for the Nation's intermodal transportation system is that this additional money will be distributed in more effective and fairer ways than the rest of the money authorized under ISTEA. This addition to the underlying ISTEA formula will make this landmark legislation better serve the interests of our entire country. I congratulate the budget negotiators and the members of the committee for their sensitivity to the needs of States like Illinois and to the role of transportation as an activity that touches all of our country and brings us together as a people.

My home State of Illinois serves as the transportation hub for our Nation's commerce. It is home to the world's busiest airport and two of the world's busiest rivers. It is where the Nation's freight railroads come together to move goods from one side of the country to another. It is the center of the Nation's truck traffic. If you add up the value of all truck shipments in the country, Illinois has by far the largest share of any State. If you count the ton-miles of truck shipments that pass through States on their way to their final destinations, Illinois has by far the largest share of any State.

This map shows very clearly how we are the hub. We are the hub not only for the Midwest but, really, we are the crossroads of the country.

Illinois's roads, therefore, must literally bear the weight of the largest share of the Nation's commercial activity and our roads are suffering as a result. According to some estimates, nearly 43 percent of Illinois roads need repair, and almost one-fourth of our bridges are in substandard condition. Every year, Illinois motorists pay an estimated $1 billion in vehicle wear and tear and other expenses associated with poor road conditions.

In Chicago the traffic flow on some of the major highways has increased sevenfold since those highways were built in the 1950s and in the 1960s. According to a recent study, Chicago is the fifth most congested city in America.

Today's agreement provides relief to Illinois and to our Nation's transportation system, above and beyond the original ISTEA proposal. Today's agreement creates a new program, targeted toward high-density States like Illinois. The plan allocates $1.8 billion over the next 5 years for this program, of which Illinois will receive at least $36 million, and up to $54 million, a year. All told, Illinois will receive approximately $900 million more for highway improvements over the next 6 years under the agreement approved this morning by the Environment and Public Works Committee.

This is very good news for Chicago area residents who are counting on Federal funds to fix the Stevenson Expressway, and not just Chicago area residents but everybody who comes through the State using the Stevenson. This highway was built in 1964 and has become one of the most important arteries in the area, making connections to the Tri-State Tollway and the Dan Ryan Expressway. The road, the Stevenson, is literally falling apart. The State has asked for $175 million over the next 2 years to aid in this project, and today's agreement provides enough additional funds to Illinois, an additional $200 million every year for the next 6 years, and with that money the State will be able to repair the Stevenson on the schedule that is most desirable to facilitate traffic.

There is more good news. Wacker Drive, a major two-level road in the heart of downtown Chicago, is collapsing. If anyone has ever driven Wacker Drive in Chicago—it is green, and we used to call it Emerald City down there, but it's a double-decker road. According to a recent report, water leaks through joints of the double-decker road when it rains, loosening already fractured concrete and threatening to pour chunks of debris onto vehicles on the lower level. If no repairs are made, Wacker Drive will have to be closed in 5 years. This agreement allows not only for full funding of the Stevenson repair, but additional funding for Wacker Drive.

There is more good news, even greater good news for natives of western Illinois who are counting on Federal assistance for a variety of projects along U.S. 67, which runs from just outside of St. Louis, in the southwest corner of Illinois, to the Quad Cities in the northwest corner. So, over in this area.

There are literally hundreds of road repair projects planned in my State, and today's agreement goes a long way toward turning those plans into actual road improvements.

I want to thank Senator CHAFEE, Senator BAUCUS and Senator LAUTENBERG for their hard work in putting this arrangement together.

Now, this, today's announcement, I am so pleased about this part of it, but I think I would be remiss in not mentioning my sadness that we have not been able to do better by mass transit. We have increased, in this agreement, transportation spending by $26 billion, but not one additional dime will be devoted to mass transit improvements. Historically, there has been a split between spending increases for surface transportation and mass transit in an 80/20 ratio. Preserving this ratio is, I think, essential to ensuring the viability of transit systems around the country.

Mass transportation not only moves people from one place to another; it helps the environment. Without public transportation, without public transit, there would be 5 million more cars on the road and 27,000 more lane miles of road, again increasing the pollution of our environment. Transit is also a great economic investment. The net economic return on public expenditures for public transportation is 4 or 5 to 1. When mass transit improvements are made, land values go up, commercial development increases, jobs are created and people can get where the jobs are. They can get to work. Without transit, congestion alone would cost our national economy some $15 billion annually. In the Chicago area, in my State, congestion and bottlenecks already sap economic productivity, it is estimated, by about $2.8 billion every year. Without the additional investments in the area's transit system, that number could increase.

Again, it is regrettable that we have not been able to do more for mass transit. We have great needs. The Regional Transportation Authority of Northeastern Illinois, the Chicago Transit Authority, Metra, and all of the transit authorities in the State, are in dire need of additional support. I hope before this legislation is finalized, we will understand the importance of mass transit to the Intermodal Surface Transportation Efficiency Act, to the efficiency of our surface transportation effort in this country.

But in the meantime, I did want to take this opportunity—I thank Senator CHAFEE for indulging me this time—but also to say thank you to him and the other budget negotiators for the additions and for the improvements, in my opinion, to the underlying formula. I think this goes a long way, again, to achieving the goals of the ISTEA, achieving the goals of intermodal surface transportation efficiency.

We ought to talk about transportation as a people issue, which it really is. It's not just about roads and bridges and cars and trucks; it is about the people of this country being connected one to the other and being able to carry out the commerce and the activity that keep this country strong. I thank these negotiators for their work.

I yield the floor.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Illinois for those very kind comments. I am glad we are able to be of help.

I will say she is a tenacious battler for Illinois, so I was particularly glad we were able to be of some help in the particular situation Illinois faced.

Mr. President, the Senator from Arkansas has some comments. How much time do I have? Is the proponents' time—perhaps you could give us an account of the time.

The PRESIDING OFFICER. The time of the proponents has expired. The Senator from Rhode Island has 53 minutes.

Mr. CHAFEE. I yield such time as the Senator from Arkansas needs.

Mr. HUTCHINSON. I appreciate this indulgence. I ask consent to speak in morning business. I am going to speak on a different subject. If the chairman would like that not to count against his time——

Mr. CHAFEE. That is fine. How long will my colleague be, roughly?

Mr. HUTCHINSON. Up to 15 minutes.

Mr. CHAFEE. Fine.

Mrs. HUTCHISON. I ask consent to speak 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, may I just say one other thing? I would like to say to all Senators who are listening that now is your chance to come over and speak against the amendment if you so choose. Time is running out here and, frankly, at the conclusion of the comments of the Senator from Arkansas and then a couple of minutes that the Senator from Ohio wants, unless there are people present wanting to speak, it is my intention to yield back the remainder of our time and have the Senate go out.

So, anybody who wants to speak about this amendment—they will have a half-hour tomorrow, that is true. But now is the time to come over. We have some 50 minutes. The Senator will be taking 15, so there will be 35 or 40 minutes left. Now is the time to speak against the measure if anybody wishes to.

If the Senator will proceed?

Mr. HUTCHINSON. Mr. President, I take a moment to commend the Senator from Rhode Island and compliment him for the outstanding leadership he provided the Environment and Public Works Committee on the ISTEA II bill.

It has been suggested he should be nominated, if you have not been, for a Nobel Peace Prize for bringing all the various factions together in what is, I think, a very worthwhile bill that will be to the benefit of all Americans. I commend the Senator.

PRESIDENT CLINTON'S STATEMENT CONCERNING THE TAX CODE TERMINATION ACT

Mr. HUTCHINSON. Mr. President, yesterday, while millions of American households across the country were struggling to understand which of the 480 separate IRS tax forms applied to them, while they were trudging along, trying to read through the accompanying 280 supplemental explanatory IRS pamphlets, while their tax accountants and tax attorneys worked hard to keep them abreast of the more than 800,000 words which make up this country's Tax Code, and while families nervously anticipated the impending IRS deadline of April 15, which is now less than 6 weeks away, President Clinton had the audacity to call my efforts to sunset this country's incomprehensible maze that we call a Tax Code in the year 2001—irresponsible.

Following his speech, President Clinton's chief economic adviser Gene Sperling equated my bill, the Tax Code Termination Act, with "reckless river boat gambling." Worse yet, President Clinton's Deputy Treasury Secretary stated, "We have a Tax Code today that works better for Americans as they do what is crucial to them in their lives." He said that the Tax Code works for Americans.

No; Americans may feel they work for the Tax Code. They surely do not believe that the Tax Code works for them. In short, the President and his advisers were telling the American people in the midst of their "tax season migraines," that this Tax Code works just fine. Are the American people to believe that President Clinton and his economic advisers do not see anything wrong with Americans spending a combined total of 5.4 billion hours—the equivalent of 2 full work weeks—complying with tax provisions? Are Americans to believe that their President does not see anything wrong with the Tax Code that costs this country more than $157 billion per year? Is it possible that the President and his key advisers see nothing wrong with spending $13.7 billion per year enforcing the Tax Code, yet the IRS fails to provide correct answers to taxpayers seeking assistance almost one-quarter of the time?

I think the American people will be able to decide who is being irresponsible and will be able to easily separate the "river boat gamblers" from the sincere legislators working to better their everyday lives.

President Clinton's criticism of the Tax Code Termination Act centers around the notion that one should not set a date to sunset a law until a new law is written and ready to replace it. Doing so, in President Clinton's eyes, would be irresponsible. Well, is it irresponsible to sunset this country's transportation programs, which spend over $23 billion per year, before a new transportation program is written and ready to be put into law? Is it irresponsible to sunset this country's higher education programs before a new law is drafted? Of course not. In fact, right now this Congress is in the midst of debating a new transportation spending program and a new higher education program for one simple reason. When these major spending bills were passed and signed into law, they contained sunset provisions which terminated these programs 5 years after they were implemented. In fact, every major spending program currently on the books contains similar sunset language.

The truth of the matter is that President Clinton doesn't mind sunsetting provisions when the law allows the Government to spend billions of dollars in taxpayers' money. The President does not mind sunsetting Head Start, doesn't mind sunsetting Pell grants or school lunches. Sunsetting only becomes irresponsible to this President when the law being sunset deals with provisions which take money from the pockets of hard-working Americans.

The Tax Code Termination Act is anything but "irresponsible." This act simply sets a date certain, well into the future, when the Tax Code will need to be reauthorized, which will simply place taxes and spending on equal footing. This bill will force Congress to completely rethink how we collect hard-earned taxpayer money and, as with major spending programs, it will allow a healthy debate to ensue on the merits, effectiveness and efficiency of the law as it is currently written.

Why is the President afraid to treat taxes and spending equally? Why should sunset provisions only apply to one but not the other? Maybe it is because the President knows that this tax system cannot withstand close scrutiny—that it can't even stand cursory scrutiny. Maybe the President is afraid that Americans will feel empowered to force this Congress to rethink the amount and methods used to take their hard-earned money. Maybe the President is afraid that he will lose the power to hide tax provisions that benefit favored special-interest groups deep within this large and complex Tax Code? Finally, the President stated yesterday that the Tax Code Termination Act would create uncertainty—skillfully noting that "uncertainty is the enemy of economic growth." Mr. President, is there any certainty in this system? Can one be sure that despite trying diligently to comply with this complex and incomprehensible tax system, one still won't be dragged into court and fined for failure to accurately comply with every jot and every tittle of the Tax Code? Can one be certain that they haven't overpaid or underpaid, that they haven't missed a deduction that is owed them or claimed a deduction for which they don't qualify?

No; the only thing certain about this system is that it guarantees one's rights can be trampled by an overempowered IRS and that one's economic freedom can be jeopardized by overzealous tax collectors.

While the President claims that his opposition to the Tax Code Termination Act is to protect business by ensuring them a long-term landscape on which to make major business investment decisions, most business-led tax organizations actually support our efforts to terminate this Tax Code. The National Federation of Independent Business, Citizens for a Sound Economy, and others know firsthand how many billions of dollars per year they waste trying to understand this Tax Code, much less comply with the Tax Code. They see their profits eaten up by tax lawyers and tax accountants. They know full well that the real uncertainty is in the current code, not in any distant sunset of the current code, and they know that the Tax Code Termination Act will create a clean slate on which a fairer, simpler Tax Code can be built.

I am certain that when and if President Clinton attempts to take this debate outside the beltway, he will quickly learn who is being irresponsible; he will quickly see where the American people stand on this important issue.

Finally, the Tax Code Termination Act, sponsored by myself and Senator BROWNBACK of Kansas, is currently supported by the entire Senate Republican leadership and is being cosponsored by 26 fellow Senators. I urge the President to rethink his position, and I urge my fellow Members to get behind this effort and take the first step in simplifying our Tax Code by setting a date certain that this code will expire.

It is one thing, Mr. President, to be cautious. It is one thing to be prudent. It is quite another to be controlled by timidity and frozen into inaction. As my colleagues have said, the Tax Code has had its place in history, now we need to make it a part of history. I ask my colleagues to join me in that effort.

Thank you, Mr. President. I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. CHAFEE. The Senator from North Dakota wants to speak in favor of the amendment.

Mr. DORGAN. That is correct.

Mr. CHAFEE. How much time does the Senator want?

Mr. DORGAN. If the Senator will yield 10 minutes, I will try not to use all 10.

Mr. CHAFEE. That is fine, 10 minutes, from the time of the opponents.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Presiding Officer.

Mr. President, I rise today to support the Lautenberg amendment. I intend to vote for it, and I am pleased to support a piece of legislation I think will be important in saving lives in our country.

Before I do, I want to talk about three quick items. One is the amendment that has just been adopted, the McCain amendment. I would then like to talk about the Lautenberg amendment and then, finally, an amendment I am going to offer following the disposition of the Lautenberg amendment.

The McCain amendment which has been adopted now contains a provision I want to call attention to dealing with high-speed police pursuit. It is an issue I have been involved with for some long while. I care a great deal about it, and I have introduced legislation for a number of years, part of which has now been included in the McCain amendment dealing with safety.

There are in this country many instances in which high-speed police pursuits are not only necessary but virtually mandatory, and I understand that. There are other circumstances in this country, where high-speed police pursuits are inappropriate and result in the death of innocent people. Nearly 400 people a year are killed and many others are injured in high-speed police pursuits.

One ought to be able to expect all across this country, no matter where one is driving, that law enforcement jurisdictions are given good training and have good policies dealing with high-speed police pursuits. That is my intention with the legislation.

I also feel that I would like to do more. I would like to make sure that in the future, with respect to high-speed police pursuits, that we have a provision that anyone who believes they should be able to flee from law enforcement when law enforcement attempts to apprehend them will lose their vehicle and will have certain jail time. We ought to send the message to all people in this country that you are the villain in high-speed police pursuits. If you don't stop when a law enforcement officer attempts to stop you, there are going to be consequences, and significant consequences. We can save lives by that. And the McCain amendment just adopted includes my provision dealing with high-speed police pursuits and incentives for more training and uniform policies. I think that is a step forward.

Second, the Lautenberg amendment, which I am pleased to support, and I hope will have the support of a majority of Members in the U.S. Senate. I understand that some can quibble here or there about .08 or .10 or .12—this, that, or the other thing. I do not think anyone will quibble with the statement made earlier today by one of my colleagues in which he asked the question: Would you like to put your son or daughter in a car with someone who had four drinks in the last hour and has a .08 blood alcohol content?

Under current law, that person is not drunk. But is that the car you would like your son or daughter in? I think not. Mr. President, .08, I am told, relates to the blood alcohol content of a man roughly 170 pounds who has had four drinks in an hour.

In this country, we license people to drive. No one in this country should be empowered to drive and drink at the same time. It can turn an automobile into an instrument of murder and does every 30 minutes, causing someone else to die on America's roads and streets because someone decided to drink alcohol and drive.

We have had incentive programs previously dealing with drunk driving. Some have worked, some have worked a bit, some have worked well, and some have not worked at all. The Senator's amendment is very simple. The proposition of this amendment is to say that our road programs in this country are national programs. We know they are national because we come here and talk about roads being a national priority. Even the smallest, the most remote, and the least populated areas of our country have roads because those roads allow people to get from one place to another.

Yes, my State is a smaller State, and less populated, but as they move frozen shrimp and fresh fish from coast to coast, guess what? They truck that through North Dakota, and we need roads in all parts of our country to have a first-class economy. A country with a first-class economy needs good infrastructure, and that means good roads.

Because roads represent a national priority and are a national program, it seems to me perfectly logical to understand that anyone driving in this country ought to have some assurance that they are not going to run into someone coming down the other lane who is driving in a jurisdiction or a State where they are told it's OK to have .10 or .12. No one in this country should expect to meet someone at the next intersection, in the next State, or the next county where the driver is drinking. So I am going to support this amendment that calls for a national standard of .08.

Let me tell you about the other amendment I am going to offer following this amendment, which I hope my colleagues will support as well.

Mr. President, did you know there are five States in this country where you can put a fist around a bottle of whiskey and the other around the steering wheel, and you are perfectly legal? There is not one jurisdiction in America where that ought to be legal—not one city, one county, one township where it ought to be legal for anyone to get behind the wheel of a car and drink. Five States now allow that.

Over 20 States allow, if not the driver to drink, the rest of the people in the car to have a party. They can get plenty of whiskey and plenty of beer, and they can go down the road and have a great old party. Over 20 States say that is fine, as long as the driver doesn't drink, and in five of them the driver can drink as well. There is not one jurisdiction that ought to allow that.

My amendment has the same sanction as the amendment proposed by the Senator from New Jersey. It simply says that every State in this country, because we have a national roads program, that as drivers, we can expect some uniformity in treatment across this country when we are driving up to the next intersection. We should expect that no one we will meet in this country is going to be legally empowered to drive the vehicle and drink in the same set of actions.

I will offer that on the floor. I offered it previously several years ago, about 3 years ago, and I missed having that amendment adopted by three votes—only three. I don't know how many people have died because we didn't do that, but some. I don't know their names. But some families have gotten the call, families like the wonderful family of the Senator from Ohio and others in this Chamber, the BUMPERS family—Senator BUMPERS, who several years ago gave one of the most eloquent speeches on the floor of the Senate about the tragedy in his family.

Families have gotten that call because we didn't do what we should do. We should, as a country, decide that there are certain and significant sanctions for those who drink and drive and that we can expect on a national basis that everywhere you go in America, everywhere you drive a car, you will not only have a .08 standard, but you will have some assurance that you are not going to meet at the next intersection or on the next county, State, or even township road someone who is drinking and driving.

Someone said earlier today that you have a right to drive in this country, but you ought not to have a right to drive and drink. I attended a ceremony today that the Senator from New Jersey and the Senator from Ohio attended and heard the statement by a young woman who had just lost her 9-year-old daughter in the not-too-distant past. She spoke again of the tragedy that her family experienced because someone else decided they were going to drink and drive.

To close this discussion, I want to say this. It is one thing for us to come to the floor of the Senate and talk about devoting resources, energy, and effort to try to do something about something we are not certain how to cure. This is not some mysterious illness for which we do not know the cure. We understand what causes these deaths, and we understand how to stop them.

Mothers Against Drunk Driving, God bless that organization and the people who every day in every way fight to make things better on this subject. And we have made some progress. We have made some improvement. But we can do much, much better. We are not near the standard that many of our European allies and our European neighbors have adopted on these issues, saying to people: "Understand this about drinking and driving. If you are going to be out and you have a vehicle, you better not be drinking, because the sanctions are tough. If you get picked up for drunk driving, you are in trouble."

That is what this country ought to say as well. Have a designated driver, take a taxi, do any range of things, but understand as a country that we take this seriously and we intend to do some things on the floor of this Senate in this piece of legislation to say to the American people: We care about this issue, and we can save lives in a thoughtful manner without abridging anyone else's right.

I do not know who said it today—perhaps it was the Senator from Ohio—that you have a right to get drunk, I guess, in this country, but you do not have a right to get drunk and drive. That ought to be a message from the .08 amendment, and I hope from my amendment that follows, that this country says that to everyone living here and everyone intending to drive in the future. Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I have said several times tonight that the opportunity for those who wish to speak against this amendment is now. No one showed up to speak against the amendment. Therefore, I have been yielding time to the proponents of the amendment. We have the Senator from Washington who wishes to speak in support of the amendment for about 10 minutes, and then after the conclusion of that, I will yield an additional 3 or 4 minutes to the Senator from Ohio. Then it is my intention to close up shop here and put the Senate out.

So, I do not know how much time we have left.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 31 minutes 30 seconds.

Mr. CHAFEE. So, anybody who wants to speak against the amendment, now is the time, or they will be relegated to tomorrow where there will be half an hour to speak against it. So I yield the Senator from Washington such time as he needs, maybe 10 minutes.

Mr. GORTON. Yes.

Mr. CHAFEE. Ten minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, last week, when I was first informed of the proposal by the Senator from New Jersey, I was torn. I agreed totally with his philosophy, but I also have a great deal of respect for the States and for their legislatures that, of course, have full jurisdiction over this problem. Many States have acted, and other States are in the process of acting.

Over the weekend, however, I ceased to be pulled in two separate directions on this subject by a remarkable article directly on point in the Sunday Seattle Times.

I would like to share with my colleagues some of that article. Then at the end, I will place the entire news story in the RECORD. The news story was on a great success story in American society, the reduction in automobile deaths. While it deals with the State of Washington, I am certain that it is of relatively universal application, to a greater or lesser extent, all across the United States.

An early paragraph in the article reads:

> The numbers are clear: The state's roads are not just a little safer in the 1990s than in decades past, they're much safer. You're a lot less likely to be in an accident than in earlier times. And if you are in one, you're less likely to be seriously injured or killed.
>
> Last year, there were 1.3 deaths for every 100 million miles driven on Washington's roads and highways. In 1953, as far back as comparable statistics are available, the figure was four times higher—at 5.1 deaths per 100 million miles.

Incidentally, Mr. President, 1953 was the year in which I moved to the State of Washington straight out of school. So our roads are now four times safer than they were in 1953.

The article goes on to speak about causes for this remarkable social success, and says:

> Dr. Fred Rivara, director of Harborview Medical Center's Injury Prevention and Research Center, says the long-term improvement is "clearly due to a combination of a lot of factors"—safer cars, high seat-belt use, air bags, a gradual reduction in drunken driving, construction of interstate highways and improved trauma care for the seriously injured.
>
> Moffat, of the Traffic Safety Commission, identifies freeway construction as "the single most significant safety factor" because interstates are roughly three times as safe as other roads and city streets. * * *

They go on to say—and it is relevant directly to the amendment of the Senator from New Jersey—

> With the freeways built, the traffic-safety focus shifted to drunken driving and the simple defensive measure of encouraging drivers to use their seatbelts.
>
> "Organizations such as Mothers Against Drunk Driving deserve a lot of credit for bringing that about," says Rivara. "They succeeded in changing public attitudes about drunk driving."
>
> One result has been a renewed effort in Olympia to pass tougher drunken-driving laws. One bill would lower the blood-alcohol concentration for driving under the influence to 0.08 percent from 0.10 percent. * * *

Precisely what the Senator from New Jersey proposes.

> The state's death rate essentially has remained at its record-low level for the past six years. Further improvement will require a renewed focus on drunken drivers and seat-belt use, Moffat says, because at this stage "belts and booze are the secrets of success."
>
> Figures from the National Highway Transportation Safety Administration clearly indicate part of the problem. Nationwide, alcohol played a role in about 41 percent of traffic deaths in 1996. * * * In California, the figure was 40 percent and in Oregon, 42 percent.
>
> But in Washington, alcohol was involved in fully half of all traffic fatalities. Furthermore, NHTSA figures show that the influence of alcohol in traffic deaths hasn't

dropped nearly as much in Washington as it has nationally or in California and Oregon.

Moffat, a Seattle policeman for 25 years before moving to the Traffic Safety Commission in 1995, is convinced that tougher drunken-driving laws are the key to safer roads. Oregon and California both have them, and they work, he says. Moffat estimates that similar legislation here would cut fatalities by at least 10 percent.

"What that means in real terms is 70 fewer deaths" each year, he says.

Now, Mr. President, that, in one State, is what we are discussing here in this amendment. In the State of Washington, with roughly 2 percent of the population of the United States of America, approximately 70 fewer traffic deaths per year.

Now, that figure may be smaller in some States that already have the .08 standard. I suspect it may be larger in those whose drunken-driving laws are less significantly enforced.

But, Mr. President, this brings it down to the basic level of individual deaths in individual parts of our country. I found that article to be overwhelmingly persuasive. I trust that the legislature of my State will in fact pass a law which is now halfway through the legislative process. But to encourage strongly, to encourage every State to do exactly the same thing is the key to fewer traffic deaths.

We are not dealing with unknowns here. We are not dealing with predictions. We are dealing with now a history, a history of more than 40 years of keeping track of traffic deaths in my State, a four-times reduction in traffic deaths. And now we have an opportunity to reduce them by another 10 percent, perhaps more than 10 percent through this action.

It is, Mr. President, action that we ought to take and ought to take promptly.

Mr. President, I ask unanimous consent to have the entire news article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Times, March 1, 1998]

STATE'S ROADS ARE THE SAFEST EVER

(By Tom Brown)

Forget road rage, rampaging sport-utility vehicles and tailgating semis.

Despite those and two more-serious road hazards—drunken drivers and failure to buckle up—driving in Washington is safer than it has ever been.

The numbers are clear: The state's roads are not just a little safer in the 1990s than in decades past, they're much safer. You're a lot less likely to be in an accident than in earlier times. And if you are in one, you're less likely to be seriously injured or killed.

"When we're frustrated by some civic problems, this is one where we're actually making progress," says John Moffat, director of the Washington Traffic Safety Commission.

This progress gets overlooked amid reports of pistol-waving road-ragers and horrific accidents such as one last month in Bothell in which three people died when a van was crushed between two trucks and exploded in flames.

Last year, there were 1.3 deaths for every 100 million miles driven on Washington's roads and highways. In 1953, as far back as comparable statistics are available, the figure was four times higher—at 5.1 deaths per 100 million miles.

Despite a big increase in population and a jump in the number of miles driven in the state, the actual number of people who die annually in traffic accidents has declined over the past 20 years.

The last time more than 1,000 people died on Washington roads was in 1979. Last year, there were 663 traffic deaths, even though 73 percent more miles were traveled on state roads than in 1979.

One of the most striking aspects of the traffic record is that the major measures of safety—death rate, serious-injury rate and collision rate—have all either declined or held steady despite worsening congestion and the consequent driver frustration that leads to occasional violence.

In the past decade, while the central Puget Sound region was establishing its reputation as one of the most-congested driving areas in the country, both the state's traffic-death rate and serious-injury rate have declined by about 50 percent.

Dr. Fred Rivara, director of Haborview Medical Center's Injury Prevention and Research Center, says the long-term improvement is "clearly due to a combination of a lot of factors"—safer cars, high seat-belt use, air bags, a gradual reduction in drunken driving, construction of interstate highways and improved trauma care for the seriously injured.

Moffat, of the Traffic Safety Commission, identifies freeway construction as "the single most significant safety factor" because interstates are roughly three times as safe as other roads and city streets. The first major decline in the state's traffic-death rate coincided with the replacement of Highway 99 by Interstate 5 as the state's north-south arterial in the 1960s.

More recently, the new Interstate 90 Floating Bridge also has helped cut the death toll, Moffat says. The original bridge across Lake Washington, which sank in 1990, had an awkward bulge in the middle where it opened occasionally for shipping. It also had reversible lanes during rush hours.

These features produced six or seven deaths a year, Moffat says, while traffic deaths on I-90's two new bridges are rare. He estimates the new bridges, alone, have saved about 70 lives in the past decade.

With the freeways built, the traffic-safety focus shifted to drunken driving and the simple defensive measure of encouraging drivers to use their seat belts.

The first major legislative shots in the state's war on drunken driving were fired in 1979, when traffic deaths peaked at 1,034. Since then, the death rate has plummeted by nearly two-thirds, from 3.6 to 1.3 per 100 million miles.

"Organizations such as Mothers Against Drunk Driving deserve a lot of credit for bringing that about," says Rivara. "They succeeded in changing public attitudes about drunk driving."

Celebrated cases also have galvanized people to act. One such case was the death last year of Mary Johnsen of Issaquah, who was struck and killed by a van driven by a repeat drunken driver while walking along a residential street with her husband.

"I don't know that Mary Johnsen's death was inherently any more tragic than any of the 300 other drunk-driving deaths last year, but it touched a lot of people," says Moffat.

One result has been a renewed effort in Olympia to pass tougher drunken-driving laws. One bill would lower the blood-alcohol concentration for driving under the influence to 0.08 percent from 0.10 percent. Another would allow authorities to impound and forfeit the vehicles of drunken drivers.

The state's death rate essentially has remained at its record-low level for the past six years. Further improvement will require a renewed focus on drunken drivers and seat-belt use, Moffat says, because at this state "belts and booze are the secrets to success."

Figures from the National Highway Transportation Safety Administration (NHTSA) clearly indicate part of the problem. Nationwide, alcohol played a role in about 41 percent of traffic deaths in 1996 (1997 figures are not yet available). In California, the figure was 40 percent and in Oregon, 42 percent.

But in Washington, alcohol was involved in fully half of all traffic fatalities. Furthermore, NHTSA figures show that the influence of alcohol in traffic deaths hasn't dropped nearly as much in Washington as it has nationally or in California and Oregon.

Moffat, a Seattle policeman for 25 years before moving to the Traffic Safety Commission in 1995, is convinced that tougher drunken-driving laws are the key to safer roads. Oregon and California both have them, and they work, he says. Moffat estimates that similar legislation here would cut fatalities by at least 10 percent.

"What that means in real terms is 70 fewer deaths" each year, he says.

MORE OF US USE SEAT BELTS

Despite more drunks on the road, Washington's highway-death rate is substantially below the national average, which was 1.7 per 100 million miles in 1996. That's because more drivers here use their seat belts—about 85 percent, Moffat says, compared with an average of about 60 percent nationally, a figure that varies widely from state to state.

In Washington, of those who die in auto accidents, only 35 or 40 percent have their seat belts on.

"Some accidents are going to kill anyway," Moffat says. But in a potentially fatal crash—defined as two vehicles colliding head-on at 35 mph or an auto hitting a solid object at 60 mph—seat belts raise the chances of survival to 50 percent.

Moffat concludes that of the 60 percent or so who die unbelted each year, half could save themselves with this simple, two-second maneuver. That would be perhaps another 150 lives saved.

But as Rivara notes, those most at risk for fatal accidents—the intoxicated and young, male drivers—are the least likely to use seat belts.

As for road rage, it's no laughing matter—particularly for those who have been shot at or otherwise threatened. But statistically, it is a minuscule contributor to highway-safety problems, and Moffat suggests that residents keep their focus on more fundamental concerns.

"When I look at 330 drunken-driving deaths, that is a tremendous problem," he says. "Road rage doesn't even raise the needle."

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, does the Senator from Ohio wish a few minutes. I say to the Senator from Ohio, how much time would you like?

Mr. DEWINE. Ten minutes.

Mr. CHAFEE. All right, fine.

The PRESIDING OFFICER. The Senator from the great State of Ohio is recognized for 10 minutes.

Mr. DEWINE. I thank my colleague and thank the Chair.

This amendment has received a great deal of attention from the editorial boards across this country. I would like just to read excerpts from several of them because I think their reasoning is quite good.

Let me cite first the Austin American Statesman, October 30:

> Let's say it one more time: DWI laws don't have a thing to do with prohibition, partying, or Puritanism. They aren't intended to interfere with anyone's right to drink alcohol socially or antisocially, responsibly or irresponsibly, in vast or moderate quantities. The law just asks drinkers not to operate heavy machinery on the States' roads and highways while under the influence of alcohol.

The Baltimore Sun:

> You're driving on the beltway. The motorist in the next lane consumed four beers during the past hour. To paraphrase Clint Eastwood, "Do you feel lucky?" Amazingly, that tipsy driver may be within his legal rights.

And they end up:

> Four drinks in one State makes you no less drunk than four drinks in another State. The abundant evidence justifies a national response.

The Omaha World-Herald:

> Yes to a national drunk driving law. Congress uses the threat of withheld funds too often, in our opinion, to force its will upon the States. In this case, however, the States would merely be required to set an intoxication standard that reflects research on how alcohol affects driving.

That is the Omaha World-Herald, October 29.

The Wall Street Journal said this:

> Safe alcohol levels should be set by health experts, not the lobby for Hooters and Harrah's. The Lautenberg-DeWine amendment isn't a drive toward prohibition, but an uphill push toward health consensus.

The Toledo Blade:

> Complaints from the beverage industry that the new limits would target social drinkers and not alcoholics are ridiculous and dangerous. All that matters is whether the person behind the wheel has had too much to drink. Whether he or she is a social drinker is irrelevant.

Finally, New York Newsday:

> It should be obvious that cracking down on drunk driving is an urgent matter of health and safety. The attack is not against drinking; it's against drinking and driving.

Mr. President, my colleagues have said it very, very well. My colleague from North Dakota a few moments ago said it well. He says it is not complicated. It is not complicated how you reduce auto fatalities. This is an easy way to save lives. And this is a way that will save lives.

At 10:30 tomorrow morning we are going to have a chance to do something very simple. We are going to have the chance to come to this floor and cast a yes vote on this amendment. It is one time when we will know the consequences of our act. And the consequence of that act, if we pass this, if it becomes law, will be simply this: Fewer families will have their families shattered, fewer families will have their lives changed forever. That is what the loss of a child or loss of a mother or father to drunk driving does—it changes your life forever.

We will save some families from that tragedy. We will never know who they are. They will never know. But we can be guaranteed that we will have done that and done that much tomorrow morning. This is a very rational and reasonable proposal. I say that because it sets the standard at .08.

I will repeat something I said a moment ago—and I am going to continue to state it because I think it is so important —and that is: No one, no expert who has looked at this believes that someone who tests .08 has not had their driving ability appreciably impaired. No one who has looked at this thinks that someone who tests .08 should be behind the wheel of a car. If any of my colleagues who might be listening doubt that, tonight or early tomorrow morning—we all know police officers; we all know people who have been in emergency rooms; we all know people who have seen DUIs and who know who they tested—pick up the phone and call one of your police officers.

Pick up the phone and call a member of the highway patrol who may have picked up someone, who has picked up probably dozens of people who have been drinking and driving, and ask them if, in their professional opinion, they think someone who tests .08 or above has any business being behind the wheel of a car. I will guarantee you, the answer will be unanimous.

The fact is, the more someone knows about the subject, the more adamant they will be about that. I became involved in this issue a number of years ago when I was an assistant county prosecuting attorney. One of my jobs was to prosecute DUI—DWI cases we used to call them in those days.

I can tell you from my own experience, someone who tests .08—and I have seen the videotape, as they say. I have seen the replays. I have seen the tapes that are taken right before the person takes the test. And I have compared those videotapes where you can see the person staggering, you can see the person's speech slurred, you can see their coordination impaired. I compared that with the tests. I will tell you from my own experience in observing, a person at .08 absolutely, no doubt about it, should not be behind the wheel.

Look what other countries have done. Senator LAUTENBERG showed the chart. Canada, Great Britain, Australia, Austria, all at .08 or below. This is a rational and reasonable thing to do. It is reasonable, as Ronald Reagan said, to have some minimum national standards that assure highway safety.

We live in a country where we get in a car and we think nothing of crossing one, two, three, four, five State lines, and we do it literally all the time. There ought to be some national standard, some floor, some assurance when you put your child in a car, when you get in the car with your wife and your loved ones, some assurance that whatever State you are in, wherever you are driving, that level is .08. That is a rational floor. It is a rational basis.

Again, despite all the scientific evidence, despite all the arguments, still there are some who would say this bill is an attack against social drinkers; this amendment will mean if I have two beers and a pizza I will not be able to drive. That is simply not true. All the scientific data, all the tests, all the anecdotal information tells us that is simply not true.

Let me again go back and repeat what the scientific data shows. It shows that when a male weighing 160 pounds has four drinks in an hour—it takes four drinks on an empty stomach in an hour for that adult male at 160 pounds to reach the .08 level. I don't think anyone believes that person should be behind the wheel, and I don't think there is anyone in this Chamber who will turn their child over to that person.

Mr. President, again we will have the opportunity tomorrow to save lives. I urge my colleagues to cast a "yes" vote on the Lautenberg-DeWine amendment. It will, in fact, save lives.

I yield the floor.

Mr. CHAFEE. Now, Mr. President, we have made valiant efforts to get the opponents of this measure here. We have given them every chance in the world. They have not shown up. Any opponents who want to speak will have half an hour tomorrow to speak.

I therefore propose that we close shop here.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GOVERNMENT SECRECY ACT

Mr. LOTT. Mr. President, I am pleased to join with the distinguished Minority Leader, the distinguished Chairman of the Foreign Relations Committee and with the distinguished Senator from New York, Mr. MOYNIHAN. Both Senator MOYNIHAN and Senator HELMS served with distinction on the Commission on Protecting and Reducing Government Secrecy. They are to be congratulated for their efforts. Senator MOYNIHAN and I have spoken repeatedly about his commitment to declassifying information while protecting legitimate secrets.

S. 712, the Government Secrecy Act of 1997, is a complex piece of legislation. Chairman THOMPSON has already held a hearing in the Governmental Affairs Committee. Other committees have legitimate and appropriate concerns about elements of this legislation, including Foreign Relations, Judiciary, Armed Services and the Select Committee on Intelligence on which I serve as an ex officio member. Their concerns should be addressed as we move through the legislative process.

I also have a number of concerns that I hope are addressed as the committees consider this legislation. I am concerned about allowing judicial review of executive branch classification decisions. I do not think it is wise or necessary to allow judges to second-guess classification decisions. I am concerned about cost—the cost of classification and the cost of declassification. I hope we can arrive at a legislative outcome that reduces the cost of both. I am concerned about creating a new layer of bureaucracy in an already overly bureaucratic process. It is the agencies themselves that should retain the authority to declassify documents. I am most concerned that we give priority to protecting intelligence sources and methods rather than to a vague and subjective "public interest" test. We need to ensure that originating agencies are expressly involved in any declassification process to avoid the mistakes that have recently been made. I also hope there is adequate authority for agencies to meet their legitimate budgetary and source-protection concerns.

I am confident that the deliberative process of committee consideration will address my concerns and the legitimate concerns expressed by the Defense Department, the intelligence community, and others. I know that the Director of Central Intelligence testified last month that he wants to sit down with Senator MOYNIHAN and address those concerns in such a way that we protect sources and methods while opening more old intelligence files to the serious researcher and the general public. I hope that this process of committee consideration can be completed this spring and that we can expeditiously schedule floor time for legislation addressing this important issue.

I want to close with a special tribute to Senator MOYNIHAN's diligence in this effort. He is not just motivated by the fact that too much information is classified and is kept secret too long. He is also motivated by a scholar's desire to know the truth, and by the historian's desire to fully explain past events. I salute his efforts and share his concerns. Openness is important in our democracy. In the words of the Secrecy Commission, chaired by Senator MOYNIHAN, "Secrecy is a form of government regulation . . . some secrecy is vital to save lives, bring miscreants to justice, protect national security, and engage in effective diplomacy . . . National Security will continue to be the first of our national concerns, but we also need to develop methods for the treatment of government information that better serve, not undermine, this objective." In the words of Chairman MOYNIHAN himself: "It is time also to assert certain American fundamentals, foremost of which is the right to know what government is doing, and the corresponding ability to judge its performance." I could not agree more.

I look forward to continuing to work with Senator MOYNIHAN and others in enacting legislation on government secrecy this year.

Mr. DASCHLE. I thank the Majority Leader for raising this important issue and am pleased to join him as a cosponsor of the Government Secrecy Act. I look forward to working with him, the other co-sponsors of the bill, and the relevant committees to move this legislation early in this session. Although some modifications to this legislation may be necessary, I think we can all agree that a democratic government depends on an informed public. This legislation will greatly improve access to government information. By reducing the number of secrets, this legislation will enhance the public's access while at the same time enabling the government to better protect information which is truly sensitive.

As the Majority Leader mentioned, for the past five decades, the secrecy system has been governed by a series of six Executive Orders, none of which has created a stable system that protects only that information deemed vital to the national security of the United States.

Mr. MOYNIHAN. I thank the two leaders for their support and welcome them to an effort that began in the 103rd Congress with the adoption of P.L. 103-236, establishing the Commission on Protecting and Reducing Government Secrecy. This bi-partisan commission, which I had the privilege of chairing, and on which Senator HELMS played an important role, issued its unanimous report last March. The Commission found that the current system neither protects nor releases national security information particularly well.

Mr. HELMS. Mr. President, I thank the distinguished leaders, but I am also deeply grateful to the able senior Senator from New York. For too long the government has classified information which has no business being classified. When I came to the Senate, I was a member of the Armed Services Committee and I remember that I went to many classified briefings, only to be informed, in great detail, of everything that was in the New York Times and Washington Post that morning. The most frustrating thing was that we could not talk about the information from those meetings because it was classified.

Mr. MOYNIHAN. The central fact is that we live today in an information age. Open sources give us the vast majority of what we need to know in order to make intelligent decisions. Analysis, far more than secrecy, is the key to security. Decisions made by people at ease with disagreement and ambiguity and tentativeness. Decisions made by those who understand how to exploit the wealth and diversity of publicly available information, who no longer simply assume that clandestine collection, i.e. "stealing secrets", equates with greater intelligence.

We are not going to put an end to secrecy. It is at times legitimate and necessary. But a culture of secrecy need not remain the norm in American government as regards national security. It is possible to conceive that a competing culture of openness might develop which could assert and demonstrate greater efficiency.

Mr. HELMS. The Commission by law had two goals: to study how to protect the important government secrets while simultaneously reducing the enormous amount of classified documents and materials. We began our deliberations with the premise that government secrecy is a form of regulation, and like all regulations, should be used sparingly. But I feel obliged to reiterate and emphasize the obvious. The protection of true national security information remains vital to the well-being and security of the United States.

Mr. MOYNIHAN. I agree with the Senator. One of the important recommendations of the Commission was a proposal for a statute establishing a general classification regime and creating a national declassification center. The four Congressional members of the Commission, Representatives COMBEST and HAMILTON, Senator HELMS, and I, proposed just such a statute last May, the Government Secrecy Act, S. 712.

Mr. DASCHLE. In deciding that we needed to design a better, more rational classification system, I was moved by the fact that under the current system we are classifying an enormous amount of information each and every year. For example, in 1996 alone, the Federal Government created 386,562 Top Secret, 3,467,856 Secret, and 1,830,044 Confidential items: a total of 5,789,625 classification actions.

Mr. MOYNIHAN. Last year the number of officials with the authority to classify documents originally decreased by 959 to 4,420. Presumably, this should reduce the number of classifications, but the number of classifications increased by nearly two-thirds, over 5.7 million. There cannot be 5.7 million secrets a year which, if revealed, would cause "damage" to the national security. To paraphrase Justice Potter Stewart's decision regarding the Pentagon Papers, when everything is secret, nothing is secret.

Mr. DASCHLE. In addition to costing the taxpayer billions annually, this excessive government secrecy leads to a host of other problems. Secrecy hampers the exchange of information within the government, leads to public mistrust, and makes leaking classified information the norm.

I think it would be useful at this point to note that this legislation will not require the disclosure of a single document or fact deemed vital to our national security. Instead, this legislation will prevent the government from stamping "Classified" on information that is not sensitive.

The Clinton administration has made significant reforms to open government information. For example, last month, Secretary of Energy Federico Pena announced that he would seek to end the practice that considered all atomic weapons information as "born classified" and instead would only classify "where there is a compelling national security interest". The Department of Energy is to be commended for its efforts in recent years to make available information concerning nuclear tests conducted in this country and their effects on human health and the environment. This is a useful step. However, as the statistics I cited above for 1996 make clear, there is still much more to be done.

Mr. MOYNIHAN. Such efforts are welcome and should be encouraged. However, to ensure that they are carried out across the government and in a sustained manner, our Commission proposed that legislation be adopted.

Mr. DASCHLE. Greater Congressional oversight of classification policy is long overdue. For too long, classification and declassification policy have been both developed and implemented by bureaucrats, often anonymously. Consideration of the Government Secrecy Act, S. 712, will promote an open discussion of the advantages and disadvantages of secrecy, a discussion which is not limited to the views of those who are charged with implementing classification policy.

Mr. MOYNIHAN. If the Report of the Commission on Protecting and Reducing Government Secrecy is to serve any large purpose, it is to introduce the public to the thought that secrecy is a mode of regulation. In truth, it is the ultimate mode, for the citizen does not even know that he or she is being regulated. Normal regulation concerns how citizens must behave, and so regulations are widely promulgated. Secrecy, by contrast, concerns what citizens may know. The citizen is not told what may not be known.

With the arrival of the New Deal agencies in the 1930s, it became clear that public regulation needed to be made more accessible to the public. In 1935, for example, the Federal Register began publication. Thereafter all public regulations were published and accessible. In 1946, the Administrative Procedure Act established procedures by which the citizen can question and even litigate regulation. In 1966, the Freedom of Information Act, technically an amendment to the original 1946 Act, provided citizens yet more access to government files.

The Administrative Procedure Act brought some order and accountability to the flood of government regulations that at time bids fare to overwhelm us. Even so, "over-regulation" is a continuing theme in American life, as in most modern administrative states. Secrecy would be such an issue, save that secrecy is secret. Make no mistake, however. It is a parallel regulatory regime with a far greater potential for damage if it malfunctions.

Mr. DASCHLE. One of the most striking aspects of the Commission report is the lack of Congressional involvement in the secrecy system. Apart from the Espionage Act of 1917 and the Atomic Energy Act, which only applies to atomic secrets, there are few statutes dealing with these issues. If secrecy is a form of regulation, then this legislation will serve a similar purpose to the Administrative Procedure Act for the secrecy system.

And there has been little Congressional oversight. I believe the Commission on Protecting and Reducing Government Secrecy, which Senator MOYNIHAN chaired, is only the second statutory examination of the secrecy system.

Mr. MOYNIHAN. That is correct—there has been only one other statutory inquiry into this subject. This was the Commission on Government Security, established in 1955 by the 84th Congress, known as the Wright Commission for its Chairman, Lloyd Wright, past President of the American Bar Association. This was a distinguished bipartisan body, which included in its membership Senators John C. Stennis of Mississippi and Norris Cotton of New Hampshire, along with Representatives William M. McCulloch of Ohio and Francis E. Walter of Pennsylvania.

The Commission report, issued 40 years ago, is a document of careful balance and great detail. The Commission was concerned with classification as a cost. Free inquiry, like free markets, is the most efficient way to get good results. The Commission set forth a great many proposals ranging from Atomic Energy to Passport Security, but its legislative proposals were concise: the proposal to outlaw by statute "disclosures of classified information. . . by persons outside as well as within the Government" was quickly perceived as prior restraint: press censorship. The response was swift and predictable. The recommendation was criticized strongly in articles and editorials in a variety of newspapers, notably by James Reston. And the Commission's recommendations were dropped.

Mr. DASCHLE. The Government Secrecy Commission has learned from history and issued much more prudent proposals. Some individuals have raised constitutional concerns regarding this legislation, but the Government Secrecy Act (S. 712) respects the President's constitutional prerogatives by maintaining the authority of the President to establish categories of classified information and procedures for classifying information. The precedent for Congressional action has already been established by the Atomic Energy Act, the Espionage Act, and the National Security Act.

Mr. MOYNIHAN. The Government Secrecy Act will provide a framework for our secrecy system which can limit the number of documents initially classified and significantly reduce the backlog of already classified documents. It sets standards for declassification whereby information may not remain classified for longer than 10 years unless the head of the agency which created the information certifies to the President that the information requires continued protection. Information not declassified within 10 years may not remain classified for more than 30 years without another certification. It requires that a balancing test be established in making classification and declassification decisions so that officials must weigh the benefit from public disclosure of information against the need for initial or continued protection of the information under the classification system.

The bill also establishes a national declassification center to coordinate and oversee the declassification policies and practices of the Federal Government to ensure that declassification is efficient, cost-effective, and consistent.

I thank the Majority Leader for raising his concerns. It is my sincere intention to work with the Majority Leader and other interested Senators to perfect this legislation, so that we might pass it in the coming months.

Mr. SHELBY. Mr. President, I rise because I have some grave concerns with the current form of the Government Secrecy Act of 1997 (S. 712) and I am pleased that the distinguished Majority Leader and my distinguished colleagues are open to a discussion of this legislation with the goal of establishing the basic principles on which Federal classification and declassification programs are to be based. More stability, reliability, and consistency are needed in the government's approach to both the protection—and I emphasize protection—as well as the release of classified information to the public. The recent compromise of sensitive information through rushed declassification highlights the need for more oversight and accountability of the declassification process. I have serious concerns that S. 712 does not adequately protect sensitive intelligence sources and methods and will unnecessarily cost the taxpayers many hundreds of millions of dollars.

I support the Commission on Government Secrecy's finding that the public has a right of access to the large majority of government-held information and that, in general, too much information is classified and kept secret too long. However, secrecy is essential to intelligence, and U.S. security has depended and still depends on secrecy to succeed. We must proceed with caution in our commitment to make more classified information available to the public. In this regard, I am concerned that some provisions of S. 712 erode the Director of Central Intelligence's statutory authority and ability to protect intelligence sources and methods.

Further, the bill will cost untold millions to declassify and release the tremendous amount of currently classified material in a way that still protects the most sensitive sources and methods. For example, DOD reports to have over 1.2 billion pages of 25 year and older material of historical value that requires review for declassification. The current estimated average cost of review is $1 a page. This means that the cost of declassification of this group of documents alone will be over $1.2 billion—that's billion with a "B", Mr. President.

I am also concerned that the so-called Declassification Center created in S. 712 will not correct the problems facing the current declassification system. It will end up being another costly and unnecessary government bureaucracy. Instead, to promote greater accountability, I propose that we create a more effective and enhanced Executive branch oversight function for classification and declassification programs. In addition, I believe sanctions for unauthorized disclosures should be added to the bill. We need to consider new and unique categories of secrecy for our most sensitive intelligence operations—perhaps to include very serious penalties for public discussion of these activities.

Finally, I am troubled that the bill leaves open the possibility of judicial review of Executive branch classification decisions. This will undoubtedly lead to costly legal challenges that could result in judicial second-guessing of the Commander-in-Chief on national security matters.

I look forward to addressing these and other concerns in our Committee. Our collective goal should be to craft legislation that establishes a sensible framework for a classification and declassification system that continues to protect sources and methods while improving oversight and accountability at an affordable cost.

Thank you, Mr. President.

Mr. KERREY. Mr. President, for Americans government secrecy is a paradox. In a democracy, it's an unusual action for us to decide to keep something secret from the public, because it's their government. What we do is for the people. It's carried out in their name. So it's unusual to do the public's business in secret.

There is only one legitimate reason for our government to keep something secret from its citizens: To keep America safe. As Vice Chairman of the Senate Select Committee on Intelligence, I have been exposed to many things that, if made public, would threaten the security of our citizens and our nation. But I have also seen valuable information unnecessarily kept from the public view. Which is why I support this effort to change the way our government classifies and declassifies its information.

Secrecy is the exception, not the rule, in these matters for a number of reasons. The first and foremost is that this is government of, by and for the people. The second stems from that old adage "sunshine is the best disinfectant". We do a better job in the open, where our ideas and actions are subject to the test of scrutiny, criticism and feedback, than we do in secret. And third, because information we gather belongs to the people, we should make sure information they can use—in their own lives, in their own businesses, and, most important, in making decisions as citizens in a democracy—is provided to them when we can make it available without compromising our safety.

We make the unusual decision to keep things secret for a reason: Because those secrets help to keep Americans safe. Our government classifies information to help protect our citizens and preserve the security of our nation. When the Director of Central Intelligence goes to the President or to Congress to tell us of the threats our nation faces, he can do so because there are men and women around the globe risking their lives to provide our nation's leaders with the information they need to protect our country. Whether the intelligence deals with foreign leaders, terrorists, narcotics traffickers, or military troop movements, our government needs to keep certain information secret or our nation's security will suffer.

Yet much of the information on foreign countries collected by our Intelligence Community can and should be shared with the American people. With the growth of open source information and widespread availability of information technology, the American public is also increasingly a consumer of intelligence. We live in a very complex world, with intertwining relationships between nations shaped by history and culture. It is difficult for policymakers—those of us who study foreign policy, who have access to classified information and analysis, and who receive detailed government briefings—to get the information we need for an informed view on foreign policy issues. Our citizens have an even more limited amount of information available to help them understand what occurs outside our nation's border. Which is why I believe the more information the American public has with which to understand foreign policy the better.

Mr. President, we need to continue to protect "sources and methods", a term of art which refers to the people working to collect intelligence and the means by which they do so. Yet, when we acquire information whose release will not threaten sources and methods, or have information so dated that the people and means used to collect it are no longer in jeopardy, the government should release this information to the public.

We must act this year to reverse a fifty year trend and reduce government secrecy, including intelligence secrecy. The classification system has been regulated by executive order for five decades, with new executive orders contradicting previous ones and producing new costs for all agencies involved. What is or is not a secret should not be subject to a change in political leadership. Congress should place in statute the concept of what is or is not classified information, and provide general standards for classifying and declassifying information.

Mr. President, Congress bears some of the responsibility for the status of our nation's classification policy. The Commission on Protecting and Reducing Government Secrecy was not able to find a single example of a congressional hearing on the issue of executive branch secrecy policy. At the very least, Congress needs to improve its oversight of this issue. As part of this effort, the Senate Select Committee on Intelligence is scheduled to hold a hearing on this issue later this year.

Senators MOYNIHAN and HELMS have shown great leadership in addressing the issue of governmental secrecy. Their work on the Secrecy Commission has helped provide the Senate with the necessary context and analysis of government secrecy we need to address this issue. Their legislation S. 712, the Government Secrecy Act of 1997, goes a long way towards outlining a balanced government policy which protects the most sensitive information while allowing the public access to as much information as possible.

In my discussions with Director of Central Intelligence George Tenet, I have learned that the Intelligence Community does have concerns with the current version of S. 712. The CIA's concerns include their desire that the originator of classified information be in charge of its declassification, and that the classification and declassification process not be subject to judicial review. I look forward to working with Senators HELMS and MOYNIHAN, with Director Tenet, and the Administration to develop legislative language which meets the twin goals of keeping America safe and ensuring our government responds to the needs of its citizens for information.

Because the Department of Defense and the Central Intelligence Agency are responsible for the vast majority of information that requires classification, I believe the committees responsible for oversight of these entities—the Senate Armed Services Committee and the Senate Select Committee on Intelligence—should have the opportunity to review S. 712. I hope that such a sequential referral can be arranged.

Mr. President, we seek legislation that is in balance. We seek secrecy legislation which protects the safety of our citizens and the security of our nation, but also ensures that our government's policies, actions, and information will be as open as possible to its citizens. We must help keep America safe, while also assuring that our actions truly reflect those of a government of, by and for the people. I look forward to the challenge. I yield the floor.

Mr. THOMPSON. Mr. President, I appreciate the attention being given to the Government Secrecy Act, S. 712, by Senator LOTT and Senator DASCHLE. I also wish to commend Senators MOYNIHAN and HELMS for the hard work they have put into this issue as Senate members of the Commission on Protection and Reducing Government Secrecy.

To review the entire secrecy system, Congress established the Secrecy Commission in 1994. Last year, the Commission issued its final report. The Governmental Affairs Committee held a hearing on the Commission's recommendations when they were first issued. Among the recommendations of the Commission was establishing a statutory basis for our secrecy system. Apart from nuclear secrets, there has never been a coordinated statutory basis for establishing and maintaining government secrets. Consequently, there is little coordination among agencies on how information is determined to be secret, little accountability among classifying officials, and little Congressional oversight of the government's secrecy activities.

The Commission also described how the secrecy system functions as a form of government regulation, imposing significant costs on the government and the private sector. It is time to begin reviewing these costs and identify which secrets really need to be kept and which do not. Like other areas of government regulation, we need to inject a cost/benefit analysis into the process to be sure that those secrets we do keep are worth the cost.

The Government Secrecy Act is an issue of good government reform that needs consideration by Congress. I intend to work with Senator GLENN, the Ranking Member of the Governmental Affairs Committee, to report an amended S. 712 very soon. The United States needs a secrecy system that does a better job of identifying those secrets which truly must be kept, and which then can truly keep them secret.

Mr. GLENN. Mr. President, I concur that this is an important issue that our Committee takes very seriously. We held a hearing on the Commission's report last year, and I know that the Chairman has wanted to return to this matter this year.

The question of establishing a statutory framework for classification and declassification has long been a matter of debate. Our own committee held extensive hearings on this subject in 1973 and 1974.

The current system is governed by Presidential executive order, and, as the Majority Leader noted, this has led over time to inconsistencies in policies and procedures. Some have questioned, however, whether legislation is needed. I believe that it is proper for Congress to legislate on this subject, while of course still respecting the authority of the President in this area. This principle of shared authority was recognized in the passage of the Atomic Energy Act, the Espionage Act, and the National Security Act. If Congress acts now to establish a statutory classification and declassification system, we should take a similarly balanced approach.

Balance is also needed in our approach to considering the legislation in the Senate. While S. 712 has been properly referred to our committee, the Committee on Governmental Affairs, the bill raises important issues of interest to the Select Committee on Intelligence, the Armed Services Committee, and the Committee on Foreign Relations. I am fully committed to working with each of these committees as the bill moves forward.

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383, a Supplementary Notice of Proposed Rulemaking was submitted by the Office of Compliance, U.S. Congress. The Supplementary Notice extends the comment period of a prior notice.

Section 304(b) requires this Notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: AMENDMENTS TO PROCEDURAL RULES

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING—EXTENSION OF COMMENT PERIOD

Summary: On October 1, 1997, the Executive Director of the Office of Compliance ("Office") published a Notice of Proposed Rulemaking ("NPRM") to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office and the Library of Congress and their employees, 143 CONG. REC. S10291 (daily ed. Oct. 1, 1997), and on January 28, 1998, the Executive Director published a Supplementary Notice of Proposed Rulemaking requesting further comment on issues raised in comments submitted by the Library of Congress, 144 CONG. REC. S86 (daily ed. Jan. 28, 1998).

At the request of a commenter, the comment period stated in the Supplementary Notice of Proposed Rulemaking has been extended for two weeks, until March 13, 1998.

Dates: Comments are due no later than March 13, 1998.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426-1913. This is not a toll-free call.

Availability of comments for public review: Copies of comments received by the Office will be available for public review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724-9250 (voice), (202) 426-1912 (TTY). This Notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

Signed at Washington, D.C., on this 27th day of February, 1998.

RICKY SILBERMAN,
Executive Director, Office of Compliance.

WELCOMING DR. KAMIL IDRIS, DIRECTOR GENERAL OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

Mr. HATCH. Mr. President, I rise today to welcome to the United States Dr. Kamil Idris, the Director General of the World Intellectual Property Organization (WIPO). As many of my colleagues know, Dr. Idris was elected Director General in November 1997, succeeding Dr. Arpad Bogsch, who served in that capacity for 25 years. As Director General, Dr. Idris is responsible for overseeing WIPO's strong efforts in promoting intellectual property protection across the globe.

Dr. Idris has had a long and distinguished diplomatic career on behalf of his native Sudan. He is particularly well-known in international intellectual property circles through his 16 years of effective service to WIPO, most recently as Deputy Director General. I was pleased to visit with Dr. Idris informally shortly after his election as Director General and once again wish him success in his new position.

I would note that Dr. Idris is taking the helm of WIPO at a critical juncture in the evolution of international intellectual property protection. Nations throughout the world will look to his leadership in promoting a global fabric of intellectual property protection in the ever-explosive digital age. The WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, both signed in Geneva in December 1996, are important components of that fabric. The United States has an opportunity to set standards for the world to follow by ratifying and implementing these treaties in a timely fashion. I have joined with my colleagues Senator LEAHY, Senator THOMPSON, and Senator KOHL to introduce legislation to do just that. I look forward to Dr. Idris' support of similar efforts to implement these treaties in an effective manner in the remainder of the WIPO member countries.

Dr. Idris' visit today marks his first official visit to the United States. He will be accompanied by the Commissioner of Patents and Trademarks, Bruce Lehman, who will join Dr. Idris in meetings with the Secretary of Commerce and other agency officials who play important roles in safeguarding and promoting American ingenuity. Dr. Idris will also have the opportunity to meet with many of the leaders of our creative sectors, among them the pharmaceutical, motion picture, software, information technology, broadcasting, publishing, and recording industries. Each of these industries depend on the work of WIPO to assist them in securing effective protection for their intellectual property in the international marketplace.

I am pleased that Dr. Idris has made this important visit. I am sure I am joined by my colleagues in welcoming him today and in wishing him the best in his activities here. I look forward to continuing to work with him in a close and cooperative relationship.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 2, 1998, the Federal debt stood at $5,514,791,303,162.77 (Five trillion, five hundred fourteen billion, seven hundred ninety-one million, three hundred three thousand, one hundred sixty-two dollars and seventy-seven cents).

Five years ago, March 2, 1993, the Federal debt stood at $4,205,665,000,000 (Four trillion, two hundred five billion, six hundred sixty-five million).

Ten years ago, March 2, 1988, the Federal debt stood at $2,489,404,000,000 (Two trillion, four hundred eighty-nine billion, four hundred four million).

Fifteen years ago, March 2, 1983, the Federal debt stood at $1,220,347,000,000 (One trillion, two hundred twenty billion, three hundred forty-seven million).

Twenty-five years ago, March 2, 1973, the Federal debt stood at $455,045,000,000 (Four hundred fifty-five billion, forty-five million) which reflects a debt increase of more than $5 trillion —$5,059,746,303,162.77 (Five trillion, fifty-nine billion, seven hundred forty-six million, three hundred three thousand, one hundred sixty-two dollars and seventy-seven cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 102

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

As required by section 108(b) of Public Law 98-373 (15 U.S.C. 4107(b)), I transmit herewith the Seventh Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1996 to January 31, 1998).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR CALENDAR YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 32d Annual Report of the Department of Housing and Urban Development, which covers calendar year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

REPORT ENTITLED "1998 NATIONAL DRUG CONTROL STRATEGY"—MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

On behalf of the American people, I am pleased to transmit the *1998 National Drug Control Strategy* to the Congress. The 1998 *Strategy* reaffirms our bipartisan, enduring commitment to reduce drug use and its destructive consequences.

This year's *Strategy* builds upon the 1997 *Strategy* and is designed to reduce drug use and availability in America in half over the next 10 years—a historic new low. This plan has been developed under the leadership of General Barry McCaffrey, Director of National Drug Control Policy, in close consultation with the Congress, the more than 50 Federal agencies and departments involved in the fight against drugs, the dedicated men and women of law enforcement, and with stakeholders—mayors, doctors, clergy, civic leaders, parents, and young people—drawn from all segments of our society.

I am also proud to report that we have made real and substantial progress in carrying out the goals of the 1997 *Strategy*. Working with the Congress, we have begun the National Anti-Drug Youth Media Campaign. Now when our children turn on the television, surf the "net," or listen to the radio, they can learn the plain truth about drugs: they are wrong, they put your future at risk, and they can kill you. I thank you for your vital support in bringing this important message to America's young people.

Together, we enacted into law the Drug-Free Communities Act of 1997, which will help build and strengthen 14,000 community antidrug coalitions and brought together civic groups—ranging from the Elks to the Girl Scouts and representing over 55 million Americans—to form a Civic Alliance, targeting youth drug use. By mobilizing people and empowering communities, we are defeating drugs through a child-by-child, street-by-street, and neighborhood-by-neighborhood approach.

We have also helped make our streets and communities safer by strengthening law enforcement. Through my

Administration's Community Oriented Police (COPs) program, we are helping put 100,000 more police officers in towns and cities across the Nation. We are taking deadly assault weapons out of the hands of drug dealers and gangs, making our streets safer for our families. We have taken steps to rid our prisons of drugs, as well as to break the vicious cycle of drugs and crime. These efforts are making a difference: violent crime in America has dropped dramatically for 5 years in a row.

Over the last year, the United States and Mexico reached agreement on a mutual *Threat Assessment* that defines the scope of the common threat we face; and, an *Alliance* that commits our great nations to defeating that threat. Soon, we will sign a bilateral *Strategy* that commits both nations to specific actions and performance benchmarks. Our work to enhance cooperation within the hemisphere and worldwide is already showing results. For example, Peruvian coca production has declined by roughly 40 percent over the last 2 years. In 1997, Mexican drug eradication rates reached record levels, and seizures increased nearly 50 percent over 1996.

We are making a difference. Drug use in America has declined by 50 percent over the last decade. For the first time in 6 years, studies show that youth drug use is beginning to stabilize, and in some respects is even declining. And indications are that the methamphetamine and crack cocaine epidemics, which in recent years were sweeping the Nation, have begun to recede.

However, we must not confuse progress with ultimate success. Although youth drug use has started to decline, it remains unacceptably high.

More than ever, we must recommit ourselves to give parents the tools and support they need to teach children that drugs are dangerous and wrong. That is why we must improve the Safe and Drug-Free Schools program, and other after school initiatives that help keep our kids in school, off drugs, and out of trouble. We must hire 1,000 new border patrol agents and close the door on drugs at our borders. We must redouble our efforts with other nations to take the profits out of drug dealing and trafficking and break the sources of supply. And we must enact comprehensive bipartisan tobacco legislation that reduces youth smoking. These and other efforts are central elements of the *1998 National Drug Control Strategy*.

With the help of the American public, and the ongoing support of the Congress, we can achieve these goals. In submitting this plan to you, I ask for your continued partnership in defeating drugs in America. Our children and this Nation deserve no less.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998*.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 1116. A bill to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 174. A resolution to state the sense of the Senate that Thailand is a key partner and friend of the United States, has committed itself to executing its responsibilites under its arrangements with the International Monetary Fund, and that the United States should be prepared to take appropriate steps to ensure continued close bilateral relations.

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes.

S. Con. Res. 78. A concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Robert T. Grey, Jr., of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of October 31, 1997 and February 2, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of October 31, 1997 and February 2, 1998, at the end of the Senate proceedings.)

In the Foreign Service nominations beginning Kenneth A. Thomas, and ending Charles Grandin Wise, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 1997

In the Foreign Service nominations beginning Dolores F. Harrod, and ending Stephan Wasylko, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 1998

In the Foreign Service nomination of Lyle J. Sebranek, which was received by the Senate and appeared in the Congressional Record of February 2, 1998

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL:

S. 1698. A bill to amend the Immigration and Nationality Act to create a new nonimmigrant category for temporary agricultural workers admitted pursuant to a labor condition attestation; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 1699. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel BILLIE–B–II; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself, Mr. KERRY, and Ms. MOSELEY-BRAUN):

S. 1700. A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building"; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. JEFFORDS, and Mr. REED):

S. 1701. A bill to amend the Higher Education Act of 1965 in order to increase the dependent care allowance used to calculate Pell Grant Awards; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER:

S. 1702. A bill to amend the Harmonized Tariff Schedule of the United States to change the special rate of duty on purified terephtalic acid imported from Mexico; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1703. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, California; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. HELMS, and Mr. HUTCHINSON):

S.J. Res. 42. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1998; to the Committee on Foreign Relations.

S.J. Res. 43. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding assistance for Mexico during fiscal year 1997, and to provide for the termination of the withholding of and opposition to assistance that results from the disapproval; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. LUGAR, Mr. D'AMATO, Mr. KENNEDY, Mr. TORRICELLI, Mr. HOLLINGS, Mr. ROBB, Mr. SANTORUM, Mr. KYL, Mr. AKAKA, Mr. LIEBERMAN, Mr. ALLARD, Mr. COCHRAN, Mr. GRAHAM, Mr. GRASSLEY, Mr. WYDEN, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. KOHL, Mr. MACK, Ms. MIKULSKI, Mr. CRAIG, Mr. BURNS, Mr. BROWNBACK, Mr. DODD, Mr. DORGAN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. HATCH, Mr. LAUTENBERG, Mr. REID, Mr. COVERDELL, Mr. ENZI, Mr. GRAMM, Mr. KEMPTHORNE, Mr. HELMS, Mr. BAUCUS, Ms. COLLINS, Mr. COATS, Mr. GRAMS, Mrs. FEINSTEIN, Mr. SARBANES, Mr. DEWINE, and Mr. SMITH of New Hampshire):

S. Res. 188. A resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group; to the Committee on Foreign Relations.

By Mr. TORRICELLI (for himself, Ms. LANDRIEU, Mrs. BOXER, Ms. SNOWE, Mrs. MURRAY, and Mr. DASCHLE):

S. Res. 189. A resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mrs. FEINSTEIN):

S. Res. 190. A resolution to express the sense of the Senate regarding reductions in class size; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself, Mr. KERRY, and Ms. MOSELEY-BRAUN):

S. 1700. A bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building"; to the Committee on Environment and Public Works.

THE ROBERT C. WEAVER FEDERAL BUILDING DESIGNATION ACT OF 1997

Mr. MOYNIHAN. Mr. President, I rise to introduce legislation to name the Housing and Urban Development (HUD) headquarters here in Washington after Dr. Robert C. Weaver, adviser to three Presidents, director of the NAACP, and the first African-American Cabinet Secretary. I am pleased that Senators KERRY and MOSELEY-BRAUN are cosponsors of my bill. I would point out that Senator KERRY was poised to introduce similar legislation; in fact, he sent out a Dear Colleague on the subject last November. But he graciously deferred to me, and I am most appreciative. Bob Weaver was my friend, dating back more than 40 years to our service together in the Harriman administration. He passed away last July at his home in New York City after spending his entire life broadening opportunities for minorities in America. I think it is a fitting tribute to name the HUD building after this great man.

Dr. Weaver began his career in government service as part of President Franklin D. Roosevelt's "Black Cabinet," an informal advisory group promoting educational and job opportunities for blacks. The Washington Post called this work his greatest legacy, the dismantling of a deeply entrenched system of racial segregation in America. Indeed it was.

Dr. Weaver was appointed Deputy Commissioner of Housing for New York State in 1955, and later became State Rent Administrator with Cabinet rank. It was during these years working for New York Governor Averell Harriman that I first met Bob; I was Assistant to the Secretary to the Governor and later, Acting Secretary.

Our friendship and collaboration continued under the Kennedy and Johnson administrations. In 1960, he became the president of the NAACP, and shortly thereafter would become a key adviser to President Kennedy on civil rights. In 1961, Kennedy appointed Dr. Weaver to head the Housing and Home Finance Agency, an entity that later became the Department of Housing and Urban Development. In 1966, when President Johnson elevated the agency to Cabinet rank, Dr. Weaver was, in Johnson's phrase, "the man for the job." He thus became its first Secretary, and the first African-American to head a Cabinet agency. Later, he and I served together on the Pennsylvania Avenue Commission.

Following his government service, Dr. Weaver was, among various other academic pursuits, a professor at Hunter College, a member of the School of Urban and Public Affairs at Carnegie-Mellon, a visiting professor at Columbia Teacher's College and New York University's School of Education, and the president of Baruch College in Manhattan. When I became director of the Joint Center for Urban Studies at MIT and Harvard, he generously agreed to be a member of the Board of Directors.

Dr. Weaver had earned his undergraduate, master's, and doctoral degrees in economics from Harvard; he wrote four books on urban affairs; and he was one of the original directors of the Municipal Assistance Corporation, which designed the plan to rescue New York City during its tumultuous financial crisis in the 1970s.

Last July, America—and Washington in particular (for he was a native Washingtonian)—lost one of its innovators, one of its creators, one of its true leaders. For Dr. Robert Weaver led not only with his words but with his deeds. I was privileged to know him as a friend. He will be missed but properly memorialized, I think, if we can pass this legislation.

Mr. President, I ask unanimous consent that my bill, and a July 21, 1997 editorial in the Washington Post, and a July 19, 1997 obituary from the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the "Robert C. Weaver Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Robert C. Weaver Federal Building".

[From the Washington Post, July 21, 1997]

ROBERT C. WEAVER

Native Washingtonian Robert C. Weaver, who died on Thursday in New York City at age 89, had a life of many firsts. Dr. Weaver served as a college president, Cabinet secretary, presidential adviser, chairman of the National Association for the Advancement of Colored People and as a director of the Municipal Assistance Corp., which helped save New York City from financial catastrophe. But his greatest legacy may be the work he did, largely out of public view, to dismantle a deeply entrenched system of racial segregation in America.

Before the landmark decade of civil rights advances in the 1960s, Dr. Weaver was one of a small group of African American officials in the New Deal era who, as part of the "Black Cabinet" pressured President Franklin D. Roosevelt to strike down racial barriers in government employment, housing and education. It was a long way to come for the Dunbar High School graduate who ran into racial discrimination in the 1920s when he tried to join a union fresh out of high school. Embittered by that experience, Bob Weaver went on to Harvard (in the footsteps of his grandfather, the first African American Harvard graduate in dentistry) to earn his bachelor's, master's and doctorate in economics. At another time in America, his university degrees might have led to another career path. For Bob Weaver in 1932, however, those credentials—and his earlier job as a college professor—made him an "associate advisor on Negro affairs" in the U.S. Department of the Interior.

Subsequent work as an educator, economist and national housing expert—and behind-the-scenes recruitment of scores of African Americans for public service—led to his appointment as New York State rent administrator, making him the first African American with state cabinet rank. President John F. Kennedy appointed him to the highest federal post ever occupied by an African American—the Housing and Home Finance Agency. Despite the president's support, however, the HHFA never made it to Cabinet status, because Dr. Weaver was its administrator and southern legislators rebelled at the thought of a black secretary. Years later President Lyndon Johnson pushed through the Department of Housing and Urban Development and named Robert Weaver to the presidential Cabinet.

For the nation, and Robert Weaver, the appointment was another important first. For many other African Americans who found lower barriers and increased opportunity in the last third of the 20th century, Robert Weaver's legacy is lasting.

[From the New York Times, July 19, 1997]

ROBERT C. WEAVER, 89, FIRST BLACK CABINET MEMBER, DIES

(By James Barron)

Dr. Robert C. Weaver, the first Secretary of Housing and Urban Development and the first black person appointed to the Cabinet, died on Thursday at his home in Manhattan. He was 89.

Dr. Weaver was also one of the original directors of the Municipal Assistance Corporation, which was formed to rescue New York City from financial crisis in the 1970's.

"He was a catalyst with the Kennedys and then with Johnson, forging new initiatives in housing and education," said Walter E. Washington, the first elected Mayor of the nation's capital.

A portly, pedagogical man who wrote four books on urban affairs, Dr. Weaver had made a name for himself in the 1930's and 1940's as an expert behind-the-scenes strategist in the civil rights movement. "Fight hard and legally," he said, "and don't blow your top."

As a part of the "Black Cabinet" in the administration of President Franklin D. Roosevelt, Dr. Weaver was one of a group of blacks who specialized in housing, education and employment. After being hired as race relations advisers in various Federal agencies, they pressured and persuaded the White House to provide more jobs, better educational opportunities and equal rights.

Dr. Weaver began in 1933 as an aide to Interior Secretary Harold L. Ickes. He later served as a special assistant in the housing division of the Works Progress Administration, the National Defense Advisory Commission, the War Production Board and the War Manpower Commission.

Shortly before the 1940 election, he devised a strategy that defused anger among blacks about Stephen T. Early, President Roosevelt's press secretary. Arriving at Pennsylvania Station in New York, Early lost his temper when a line of police officers blocked his way. Early knocked one of the officers, who happened to be black, to the ground. As word of the incident spread, a White House adviser put through a telephone call to Dr. Weaver in Washington.

The aide, worried that the incident would cost Roosevelt the black vote, told Dr. Weaver to find the other black advisers and prepare a speech that would appeal to blacks for the President to deliver the following week.

Dr. Weaver said he doubted that he could find anyone in the middle of the night, even though most of the others in the "Black Cabinet" had been playing poker in his basement when the phone rang. "And anyway," he said, "I don't think a mere speech will do it. What we need right now is something so dramatic that it will make the Negro voters forget all about Steve Early and the Negro cop too."

Within 48 hours, Benjamin O. Davis Sr. was the first black general in the Army; William H. Hastie was the first black civilian aide to the Secretary of War, and Campbell C. Johnson was the first high-ranking black aide to the head of the Selective Service.

Robert Clifton Weaver was born on Dec. 29, 1907, in Washington. His father was a postal worker and his mother—who he said influenced his intellectual development—was the daughter of the first black person to graduate from Harvard with a degree in dentistry. When Dr. Weaver joined the Kennedy Administration, whose Harvard connections extended to the occupant of the Oval Office, he held more Harvard degrees—three, including a doctorate in economics—than anyone else in the administration's upper ranks.

In 1960, after serving as the New York State Rent Commissioner, Dr. Weaver became the national chairman of the National Association for the Advancement of Colored People, and President Kennedy sought Dr. Weaver's advice on civil rights. The following year, the President appointed him administrator of the Housing and Home Finance Agency, a loose combination of agencies that included the bureaucratic components of what would eventually become H.U.D., including the Federal Housing Administration to spur construction, the Urban Renewal Administration to oversee slum clearance and the Federal National Mortgage Association to line up money for new housing.

President Kennedy tried to have the agency raised to Cabinet rank, but Congress balked. Southerners led an attack against the appointment of a black to the Cabinet, and there were charges that Dr. Weaver was an extremist. Kennedy abandoned the idea of creating an urban affairs department.

Five years later, when President Johnson revived the idea and pushed it through Congress, Senators who had voted against Dr. Weaver the first time around voted for him.

Past Federal housing programs had largely dealt with bricks-and-mortar policies. Dr. Weaver said Washington needed to take a more philosophical approach. "Creative federalism stresses local initiative, local solutions to local problems," he said.

But, he added, "where the obvious needs for action to meet an urban problem are not being fulfilled, the Federal Government has a responsibility at least to generate a thorough awareness of the problem."

Dr. Weaver, who said that "you cannot have physical renewal without human renewal," pushed for better-looking public housing by offering awards for design. He also increased the amount of money for small businesses displaced by urban renewal and revived the long-dormant idea of Federal rent subsidies for the elderly.

Later in his life, he was a professor of urban affairs at Hunter College, was a member of the Visiting Committee at the School of Urban and Public Affairs at Carnegie-Mellon University and held visiting professorships at Columbia Teachers' College and the New York University School of Education. He also served as a consultant to the Ford Foundation and was the president of Baruch College in Manhattan in 1969.

His wife, Ella, died in 1991. Their son, Robert Jr., died in 1962.

Mr. KERRY. Mr. President, I join Senator MOYNIHAN in supporting his legislation to designate the headquarters building of the Department of Housing and Urban Development in Washington, D.C. as the "Robert C. Weaver Federal Building."

Robert Weaver was a stalwart leader in the fight to build a society free from racial prejudice and discrimination. He spent his life in a pursuit of equality and a campaign to end all forms of discrimination based on race.

Dr. Weaver was a member of "the black cabinet" which sought to ensure that the new government projects of the New Deal applied to and benefitted minority groups during the Roosevelt Administration. His personal crusade led for civil rights led to the selection of the first African-American to be a general in the Army, the naming of the first African-American to be a civilian aide to the Secretary of War, and the appointment of the first African-American to be a high-ranking aide to the head of the Selective Service.

In 1955, Dr. Weaver began a long career in housing when he was appointed Deputy Commissioner of Housing for the State of New York. Later that year, he became the state rent administrator. In 1960, Dr. Weaver was selected to be the vice-chairman of the New York City Housing Redevelopment Board, a three-member body responsible for administering the city's urban renewal and moderate-income housing programs.

Dr. Weaver's reputation as a skilled housing policy and program practitioner soon extended well beyond New York. President John K. Kennedy named Dr. Weaver as Administrator of the Federal Housing and Home Finance Agency, and President Lyndon Johnson nominated him to be the first Secretary of Housing and Urban Development when the Department of Housing and Urban Development was formed in 1966.

Dr. Weaver's leadership and vision set the course for the future of the housing and urban redevelopment industries. Past Federal housing programs had focused largely on "bricks-and-mortar" policies, but Dr. Weaver believed that "you cannot have physical renewal without human renewal." His principal concern was to raise the standard of urban housing and to move away from the bleak high rise projects that scarred the urban landscape and were the origins of many inner city social problems that were just beginning to be recognized. He used all of his various positions and considerable experience to advocate effective public programs to house all Americans and to revitalize communities.

He was a true visionary who fought to expand the possibilities of all Americans. I can think of no better person to name the first building to house the Department of Housing and Urban Development than Dr. Robert Clifton Weaver, the first African-American Cabinet member in New York State, the first African-American member of a President's cabinet, and the federal government's first Secretary of Housing and Urban Development. This tribute is even more fitting because Robert Weaver, along with then Vice-President Hubert H. Humphrey and others, laid the cornerstone of this building during his tenure as Secretary.

By Mr. ROCKEFELLER:

S. 1702. A bill to amend the Harmonized Tariff Schedule for the United States to change the special rate of duty on purified terephtalic acid imported from Mexico; to the Committee on Finance.

HARMONIZED TARIFF SCHEDULE LEGISLATION

Mr. ROCKEFELLER. Mr. President, I rise today to introduce this bill to amend Chapter 29 of the Harmonized Tariff Schedule of the United States to effect the immediate elimination of the special duty rate on Purified Terephthalic Acid (PTA) imports from Mexico in order that the United States polyester industry can remain competitive in the U.S. domestic market.

We're faced with an ironic situation where a single American supplier is the source of substantial harm to the American polyester production industry and American workers. This is a highly unusual situation in which the American supplier has been able to remain a monopolistic producer of PTA, thus controlling the supply of the product and the price U.S. consumers must pay. By eliminating the tariff on PTA from Mexico, this legislation will place the U.S. PTA market on a level playing field with adequate supply and market dictated prices.

PTA is the principal feedstock in producing polyethylene terephthalate (PET), a polyester resin produced in West Virginia by Shell Chemical. This feedstock, PTA, comprises nearly two thirds the cost of polyester production. PTA is produced for the U.S. merchant market by one sole supplier, who can control both the price and supply of PTA in the U.S. market. Because the NAFTA tariff makes PTA imports unaffordable, U.S. PET producers, like Shell, are limited domestically to only one source to meet their PTA needs. This domestic source is not providing PET buyers with sufficient quantities of PTA, nor at a competitive price. Subsequently, the combination of the NAFTA tariff on PTA and a single domestic merchant producer of PTA, the U.S. price for PTA is kept the highest in the world. As a result, U.S. polyester producers, like the one in West Virginia, operate in a closed, non-competitive environment.

Consequently, a tariff inversion is created which significantly harms U.S. PET production because PET imports made with cheaper, foreign PTA are subject to relatively low tariffs or none at all in the case of GSP countries. This tariff inversion exposes West Virginia's PET production and all U.S. polyester production to unfair competition from foreign competitors. Further, it prohibits any possibility for expansion and new job creation.

I understand that the Office of the United States Trade Representative is currently negotiating with their Mexican counterparts various tariff eliminations under the Second Round of Accelerated Tariff Elimination under the North American Free Trade Agreement. The PTA tariff is under consideration. The elimination of the duty for PTA is supported by the majority of the U.S. PTA industry and Mexico.

Shell's future economic viability in West Virginia is linked to the elimination of this tariff. If the tariff is not eliminated, the cutback in Shell polyester production could cost as many as 250 full-time jobs that pay on average, $70,000 a year, including direct wages, benefits and retirement. Already 160 jobs have been lost since 1995 as a direct result of the economic disadvantage caused by this inequity. I would add that these jobs provide some of the highest paying salaries in my State.

This lack of competitive domestic PTA pricing does not just cause harm to my State of West Virginia—also at risk are nearly 3,500 workers employed by several U.S. polyester producers buying PTA across the country.

I urge the Senate to act on this PTA tariff elimination bill so that West Virginians and other domestic workers and producers can fairly compete in this highly competitive global marketplace and to have the opportunity to expand U.S. operations when market conditions permit.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEREPHTHALIC ACID.

(a) IN GENERAL.—Subheading 2917.36.00 of the harmonized Tariff Schedule of the United States in amended by striking "1.8¢/kg + 8.9% (MX)" in the special rates of duty subcolumn and inserting ", MX" in the parenthetical after "J".

(b) EFFECTIVE DATE.—The amendment made by this section applies to goods entered on or after the date that is 15 days after the date of enactment of this Act.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1703. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, California; to the Committee on Commerce, Science, and Transportation.

THE STANISLAUS COUNTY FEDERAL LAND CONVEYANCE ACT OF 1998

Mrs. BOXER. Mr. President, I rise today to introduce legislation providing for the conveyance of federal land to Stanislaus County, California. This bill is nearly identical to legislation passed by the House of Representatives last November.

The land in question is known as the NASA Ames Research Center, Crows Landing Naval Air Facility. During World War II, Crows Landing was a flight training center encompassing 1,500 acres and containing two airstrips. Following the war, jurisdiction was transferred to NASA, which now no longer has any use for this facility. Right now, these airstrips are going to waste.

Giving this land back to the county will promote economic growth and be an important asset to local development. While passage of this bill would greatly serve Stanislaus County, it would also permit NASA to retain the right to use the facility for aviation purposes. It creates a win-win situation for all involved.

Crows Landing has greatly served this nation—first in the interest of national defense and then to the benefit of the space program. But now, it lies abandoned. We should follow the House and give this land back to the people of Stanislaus County.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 555(1) of title 5, United States Code.

(3) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

SEC. 2. CONVEYANCE OF PROPERTY.

As soon as practicable after the date of enactment of this Act, the Administrator shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 3.

SEC. 3. PROPERTY DESCRIBED.

The property to be conveyed pursuant to section 2 is—

(1) the approximately 1,528 acres of land in Stanislaus County, California, known as the "NASA Ames Research Center, Crows Landing Facility (formerly known as the Naval Auxiliary Landing Field, Crows Landing)";

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1); and

(C) designated by NASA to be transferred to Stanislaus County, California.

SEC. 4. TERMS.

(a) CONSIDERATION.—The conveyance required by section 2 shall be without consideration other than that required by this section.

(b) ENVIRONMENTAL REMEDIATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the conveyance required by section 2 shall not relieve any Federal agency of any responsibility under applicable law for any environmental remediation of soil, groundwater, or surface water.

(2) OTHER REMEDIATION.—Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 3 shall be subject to negotiation to the extent permitted by law.

(c) RETAINED RIGHT OF USE; TERMS AND CONDITIONS OF TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), the National Aeronautics and Space Administration shall retain the right to use for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California, the property described in section 3.

(2) LEGISLATIVE JURISDICTION.—The terms and conditions referred to in paragraphs (1) and (3) may not include any provision restricting the legislative jurisdiction of the State of California over the property conveyed pursuant to section 2.

(3) ADDITIONAL TERMS.—Subject to paragraph (2), the Administrator may negotiate additional terms of the conveyance required by section 2 to protect the interests of the United States.

By Mr. COVERDELL (for himself, Mrs. FEINSTEIN, Mr. HELMS, and Mr. HUTCHINSON):

S.J. Res. 42. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1998; to the Committee on Foreign Relations.

S.J. Res. 43. A joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding assistance for Mexico during fiscal year 1997, and to provide for the termination of the withholding of and opposition to assistance that results from the disapproval; to the Committee on Foreign Relations.

MEXICO CERTIFICATION DISAPPROVAL LEGISLATION

Mr. COVERDELL. Mr. President, for the next few minutes I will make limited remarks prior to the introduction of two separate joint resolutions that deal with the administration's recent certification of Mexico dealing with the losing drug war, and that deal, in my judgment, was a more appropriate approach to this situation.

Mr. President, I consider myself as a person somewhat surprised by the New York Times editorial of Saturday, February 28, 1998; the headline of the editorial, "Certifiably Wrong On Mexico."

The Clinton administration does no favor to Mexico or its own credibility by certifying that Mexico is "fully cooperating" in the fight against drug trafficking. Compounding the damage, the White House Drug Policy Director, Barry McCaffrey, fatuously claims that Mexican cooperation is "absolutely superlative."

According to this editorial,

> A more truthful assessment can be found in the Drug Enforcement Administration's confidential evaluation, described by Tim Golden in yesterday's Times. The DEA concludes that "the Government of Mexico has not accomplished its counter-narcotic goals or succeeded in cooperation with the U.S. Government." Mexican trafficking has increased, the DEA notes, and the corruption of its enforcement agencies "continues unabated."
>
> Though Washington finds it diplomatically inconvenient to acknowledge, Mexico has a chronic problem with drug traffickers who always seem to be able to secure the political influence they need to avoid arrest and prosecution. This drug corruption greases the flow of narcotics into the United States. Mexico's drug networks span the border, supplying cocaine, heroin, and marijuana to American users.

Mr. President, in a hearing last week, I indicated, along with Senator FEINSTEIN of California, that we would be introducing resolutions, the purpose of which would be to change this course between the United States and Mexico on this matter. It would be our goal that the process would decertify Mexico on this matter with a Presidential waiver in the national interest in which I believe we both concur. This would be an honest appraisal of our circumstances.

The problem with certifying is that it sends a message to the vast populations of the United States and of Mexico that this war is being won, that we have turned a corner, that things are working out. That simply is not the case. I think it does a disservice to the entire population of both countries for us to send a message of victory when, indeed, the message is one of gravity and loss.

This situation has grave consequences for the people of the United States. I have to say that the United States shares enormous responsibility in this struggle. My remarks are not intended to castigate or single out Mexico; quite to the contrary; I view them as a great ally. They are a great trading partner. We share this hemisphere. We have mutual goals—democratic goals. But neither country seems to want to face the fact that it is losing a precious struggle.

In 1991, the drug interdiction budget for the United States was $2.03 billion; today it is $1.44 billion. That is a dramatic reduction in our commitment. In 1992, the United States stopped, seized 440 kilograms of cocaine and marijuana a day; in 1995, it had been cut in half; we only stopped 205 kilograms of cocaine and marijuana per day.

What does this all mean? In shorthand, it means that about 3 million teenagers aged 12–16 are using drugs today that weren't in 1991. To give an example, in 1991, 400,000 eighth-graders had used an illicit drug in the last year. In 1996 and 1997, that number rose to 920,000. In 10th grade, 600,000 had used a drug in 1991; in 1996 and 1997, it had doubled to 1.2 million children. In 12th grade, 600,000 in 1991; 1.1 million, almost doubled again, in 1996 and 1997.

So by not confronting this directly and honesty, we are all contributing to the accelerated rate of children using drugs and we are going to pay a price for this the likes of which we have never seen.

I will yield to the Senator from California in just a moment, but first I quote a story of a top administrative official on this. It ran in the Phoenix papers.

> "Our current interdiction efforts almost completely fail to achieve our purpose of reducing the flow of cocaine, heroin, and methamphetamines across the (Southwest) [the Mexican] border," said Francis X. Kinney, director of strategic planning for the Office of National Drug Control Policy. . . .
>
> Kinney said the United States will continue to be overrun by drug traffic at the U.S.-Mexican border unless it emphasizes improved intelligence and high-tech screening equipment. . .

The last thing he said addresses the Senator from California:

> "They [the Congress] want us to call it like it is, not to be an apologist," alluding to the U.S. Congress.

I think this gentleman is absolutely correct.

Mr. President, I send a joint resolution to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

Mr. COVERDELL. Mr. President, I send another joint resolution to the desk and ask for its appropriate referral.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

Mr. COVERDELL. Mr. President, in concluding and yielding to the Senator from California, I just want to make it clear that the purpose of these two joint resolutions is to alter the course of our engagement in the drug war, principally as it relates to Mexico. Instead of certifying and saying, "Here is a message of victory to the two peoples of the two Nations," it decertifies with a national security waiver and calls it like it is and refocuses our Governments and our people in a combined effort to win this battle and not lose it—to win it for the millions of children that are suffering, because we are losing it.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Georgia, and I rise to join him in submitting these resolutions for disapproval of the President's decision to certify Mexico as fully cooperating with the United States in the fight against drug trafficking.

Mr. President, as we all know, when the President made the same decision last year, it sparked an intense debate between the administration and what was in all probability a majority of Congress who did not believe that Mexico had earned certification. I have looked long and hard at the evidence that is available. I have received extensive briefings from law enforcement and intelligence officials. Anyone, I believe, who has received these same briefings would come to the conclusion I have reached, that once again the decision to certify Mexico is incorrect and not grounded in the facts.

While Mexico has made some limited progress, there remain gaping holes in its counternarcotics effort. Whether due to inability or lack of political will, these failures badly undermine the urgent effort to keep the scourge of drugs off our streets. Regardless of America's demand problem, when the supply of drugs reaches the point where it comes in at literally tons each day, any demand program is extraordinarily difficult to sustain.

Has Mexico cooperated in some areas? Of course. There are one or two new police units which seem to have trusting relationships with the DEA. New vetting procedures are beginning to be implemented in the hiring of new police officers. Mexico and the United States have agreed on a bilateral drug strategy, although it is a vaguely worded document that will take years to evaluate whether it has been successful and whether actions on the streets will follow this roundtable document.

It can also be argued that pressure brought to bear on drug lord Amado Carrillo-Fuentes was responsible for driving him to seek refuge in another country—Chile—and very likely for his attempt to conceal his identity through plastic surgery. The surgery, of course, resulted in his death and the torture-murder of the entire surgical team. His organization, however, continues to operate, and a reign of violence has been unleashed as his would-be successors battle for control of his organization.

But last year, Senator COVERDELL and I laid out a number of key areas that we would use to judge whether or not Mexico has reached the standard of full cooperation. Sadly, our top law enforcement agencies indicate that none of these changes has produced significant results. There has been no demonstrable action on any—and I repeat "any"—of the benchmarks outlined by Congress last year as key measurements of cooperation by Mexico: dismantlement of drug cartels, the arrest and prosecution of cartel leaders, the extradition of Mexican nationals on drug charges to the United States for prosecution, effective prosecution of corrupt officials, law enforcement cooperation, effective money laundering laws implemented, security of U.S. drug agents working in bilateral efforts in Mexico.

Let me touch on each of these. The cartels in Mexico today are either as strong or stronger than they were a year ago. And despite much talk of cooperation, there has been no substantial progress by the Government of Mexico in developing prosecutable cases against the leaders of the major drug trafficking groups, even when these individuals have been identified by U.S. investigations and are made the subject of U.S. indictments.

The scope of Mexican drug trafficking has increased significantly, along with the attendant violence, even against United States and Mexican law enforcement officials and informants. During 1997, DEA recorded in excess of 50 incidents of threats along the Southwest border. According to the information I have received, the Mexican Government has arrested and prosecuted few individuals in connection with these acts. None of the major cartels has been dismantled nor have their leaders been arrested.

Take the Amado Carrillo-Fuentes organization. After the death of Amado Carrillo-Fuentes, there were numerous enforcement actions taken against his organization, but the intelligence was unproductive, leading to insignificant asset seizures and new arrests.

On July 30, 1997, Mexican authorities detained a close associate of Carrillo-Fuentes, Manuel Bitar-Tafich, leading to seizure of $50 million in the United States. However, because the Mexicans have not provided the needed documents to support the seizure in the United States, much of the money had to be returned. Bitar himself remains in custody, but there has been no movement on his case. While the Mexicans have reported seizing $52 million in Mexico, no documentation supporting this seizure has been provided to the U.S. Government.

The Mexican Government arrested Noe Brito, a member of Carrillo-Fuentes' security apparatus. He was released, however, before the DEA was even allowed to interview him.

The Arellano-Felix operation—the notorious cartel located just south of California in the Tijuana area—continues to operate with impunity. There have been several enforcement actions in 1997, but few resulted in significant results against the cartel's trafficking operations.

On November 8, 1997, the Mexican Attorney General's Office arrested Arturo Everardo Paez-Martinez, a known cartel assassin. Paez is incarcerated in Mexico on the basis of a provisional U.S. arrest warrant but has not been extradited.

On September 20, Mexico's counternarcotics unit reporting to the Attorney General arrested two men on weapons charges, who are known members of the "Juniors," a group of young assassins recruited by the Arellano-Felix cartel. The Government of Mexico offered to extradite one of the men, but the United States had to turn down the offer due to lack of outstanding charges and evidence against him. This is an example of what results from a lack of cooperative law enforcement efforts.

The Sonora Cartel. Miguel Angel Caro-Quintero heads his family's organization operating out of Sonora, Mexico. There are four outstanding warrants for him on smuggling, RICO statute, and conspiracy charges. He has been operating freely in Mexico since 1992. There are also provisional arrest warrants issued for both Miguel and Rafael Caro-Quintero.

The Amezcua-Contreras brothers. The Amezcua-Contreras brothers' organization is believed to be the world's largest clandestine producer of methamphetamine. The organization procures huge quantities of the ephedrine in Thailand and India, which is supplied to laboratories in Mexico and California. The Amezcuas' methamphetamine is distributed in large cities across the United States. A U.S. law enforcement investigation, Operation META, concluded in December of 1997 with the arrest of 101 defendants, seizure of 133 pounds of methamphetamine, and the precursors to manufacture up to 540 pounds more, along with 1,100 kilos of cocaine and over $2.25 million in assets.

Mexican efforts against this organization have not met with great success:

On November 10, 1997, the Mexican military's special vetted unit arrested Adan Amezcua at his ranch in Colima on gun charges, not on drug charges. He is the only Amezcua not under indictment in either the United States or Mexico. He remains in custody pending further investigations. The Government of Mexico has failed to indict or arrest any of the principal members of the Amezcua organization in Mexico.

The DEA International Chemical Control Unit has supported elements of the Government of Mexico financially and logistically for numerous investigations of the Amezcuas, with little or no results. None of the investigations resulted in arrests or produced information that could be used in U.S. courts.

Though Jesus and Luis Amezcua are currently under Federal indictment in the United States on a variety of charges, there are no provisional arrest warrants for them and they remain at large in Mexico.

Extradition was a key benchmark and a test of cooperation. There have been no extraditions from Mexico to the United States of any Mexican nationals on drug charges—none.

The identities of the leaders of the major criminal groups based in Mexico who control the flow of heroin, cocaine, and methamphetamine to the United States have been known for several years. In fact, U.S. law enforcement agencies have built cases on and indicted in the United States virtually all of these cartel leaders. The Department of Justice has filed provisional arrest warrants for the most significant drug traffickers in Mexico. While several have been arrested, many others remain at large and none has been extradited to the United States.

In the war against drugs, extradition of cartel leaders for trial and imprisonment in the United States is a key and indisputable beachhead in the war against drug trafficking. It is also a major benchmark of cooperation.

In my view—and I know the view held by law enforcement in the United States—the drug lords operating in Mexico only fear extradition to the United States, where they know they will stand trial and face punishment commensurate with their crimes. The Mexican law enforcement institutions and legal system present no deterrent to their operations.

That is why this Senate, many of my colleagues, and law enforcement officials have repeatedly said that the most meaningful measurement of real progress in drug cooperation with Mexico is if the major traffickers are apprehended and extradited to the United States.

Provisional arrest warrants have been filed by the Department of Justice for the following major traffickers: Agustin Vasquez-Mendoza, Ramon Arellano-Felix, Rafael Caro-Quintero, Miguel Caro-Quintero, Vicente Carrillo-Fuentes, Eduardo Gonzalez-Quirarte, Oscar Malherbe, Arturo Paez-Martinez, Jaime Ladino-Avila, Jose Gerardo-Castro/Gonzalez-Gutierez, William Brian Martin, Miguel Angel Martinez-Martinez, Antonio Hernandez-Acosta, and Miguel Felix Gallardo.

These are all key lieutenants in either the Amezcua, Carrillo-Fuentes, Caro-Quintero, or Arellano-Felix organizations. The Justice Department requested extradition of four of the above within the past year. The first two requests have been stalled or completely thwarted by Mexican courts.

Last November, the United States and Mexico Attorneys General signed a protocol to the United States-Mexican Extradition Treaty that authorized temporary surrender of a convicted party to the other country to face drug charges. This is certainly a positive signal, but it has yet to be tested in practice.

The bottom line is that, to date, there has not been a single extradition of a Mexican national to the United States on drug charges—not one.

Corruption. Drug-related corruption is probably the single greatest obstacle that the United States faces in its global battle against international drug trafficking. Unfortunately, drug corruption in Mexico is so deeply rooted that it persists despite attempts to eradicate it.

The level of drug corruption in Mexico continues unabated. According to the briefings I have received, virtually every investigation our law enforcement agencies conduct against major traffickers in Mexico uncovers significant corruption of law enforcement officials.

Our own law enforcement agencies indicate that endemic corruption among Mexican law enforcement officials continually frustrates our effort to build cases against and to apprehend the most significant drug traffickers in Mexico, and it is the primary reason there has been no meaningful progress in drug law enforcement in Mexico.

In the wake of the devastating disclosure that Mexico's own "drug czar" was on the payroll of Amado Carrillo-Fuentes, the Mexican Government dismantled the INCD, the Mexican counterpart to the DEA, and fired the majority of its employees.

Unfortunately, many of those fired were ordered reinstated by Mexican courts.

Additionally, of the 40 military officers arrested as part of the Gutierrez-Rebollo investigation, none has been brought to trial or convicted to date.

The following cases indicate how deeply drug corruption has penetrated into Mexican institutions:

Colonel Jose Luis Rubalcava, who had been Director of the Federal Judicial Anti-Drug Police under the INCD, was arrested on or about April 14, 1997 on charges in connection with 2.5 tons of cocaine seized in Sombrete, Mexico in 1995. This is the director for the Judicial Anti-Drug Police—2½ tons of cocaine.

U.S. law enforcement officials speculate that bribery and corruption may have been behind the withdrawal of Baja state police protection from a Tijuana news editor prior to his November 27, 1997 attempted assassination. The editor had been putting public pressure on the issue of drug corruption.

According to a December 1997 statement by Mexican Attorney General Madrazo, out of some 870 Federal agents dismissed on corruption charges in 1996, 700 have been rehired in either the PGR—the Mexican Attorney General's office—or at the state and local level. The rehiring was done at the direction of the courts.

If you cannot fire corrupt law enforcement officials, how can you fight drugs?

The issue of prosecuting corrupt officials is important, because without fear of prosecution, there is little deterrence. Too often in Mexico, officials are fired, but never prosecuted.

In 1997, there were only 3 corruption cases being prosecuted, including General Gutierrez. Another case involves the theft of 476 kilograms of cocaine by 17 PGR officials, including an Army General in Sonora. The third involved a Judicial Police Comandante. The Mexican government has reportedly begun additional prosecutions, but many more cases need to be brought to trial in order to have any deterrent effect.

LAW ENFORCEMENT COOPERATION

This is where the rubber hits the road in counternarcotics cooperation, not in agreements reached at the political level. Unfortunately, law enforcement cooperation from Mexico has been severely lacking.

It is encouraging to hear from DEA that there are now some Mexican officials with whom they believe they can build a trusting relationship.

A key aspect of this institution-building process is vetting, leading to the development and professionalization of the new drug enforcement unit, the Special Prosecutor's Office for Crimes Against Health.

This vetting process could go a long way toward providing U.S. law enforcement officials with the level of trust in their counterparts necessary for an effective bi-lateral effort, but it is still in its infancy, and even some officials who have been "vetted" have subsequently been arrested in connection with traffickers. So while this effort is critically important, it is not evidence of full cooperation by a long shot.

More telling however, is the state of affairs with the much-vaunted Bilateral Border Task Forces located in Tijuana, Ciudad Juarez and Matamoros. Each Task Forces was supposed to include Mexican agents, and two agents each from DEA, FBI, and the U.S. Customs Service. But, regretfully, the Task Forces are not operational because some Mexican agents, and even comandantes, have been under suspicion of, or arrested for, ties to criminal organizations.

The old Task Forces were dismantled after the arrest of General Gutierrez-Rebollo and have been rebuilt since then. But the Mexican government for a long time did not provide the promised funding, leaving DEA to carry the full cost, which they did until September of last year.

Additionally, the issue of personal security for U.S. agents working with the Bilateral Task Forces in Mexico has not been resolved and, as a result, the task forces are not operational and will not be until the security issue is resolved.

The bottom line is that the task forces cannot function properly without DEA and other federal law enforcement agents working side by side with their Mexican counterparts, as is the case with similar units in Colombia and Peru. This critical joint working relationship is made impossible by Mexican policies that do not allow for adequate immunities or physical security for U.S. Special Agents while working in Mexico.

A related problem for the Task Forces is the low quality of intelligence provided by Mexico. To my knowledge there have been no meaningful intelligence leads from Mexican agents to their American counterparts leading to a single significant seizure of drugs coming into this country.

Intelligence sharing simply does not flow north.

U.S. law enforcement officials indicate that Mexico's drug intelligence facilities located near the Task Forces are manned by non-vetted, non-law enforcement civilians and military staff and have only produced leads from telephone intercepts on low-level traffickers. To date, none of the electronic intercepts conducted by the Task Forces have produced a prosecutable drug case in Mexican courts against any major Mexican criminal organization.

To its credit, the Organized Crime Unit does have several major on-going investigations underway. But only 140 of the planned 280 prosecutors, investigators and support personnel have been hired, and only 25 have been "super-vented." Again, this unit is promising, but it is still too early to tell whether it will maintain the integrity, or have the staffing, training and resources to be effective partners in the war against drugs.

ENFORCEMENT

Mexico's seizures of cocaine have increased from 23.6 metric tons in 1996 to 34.9 metric tons in 1997—although that is still far below the average of 45 metric tons in 1991–1993. Marijuana seizures did reach an all-time high.

Unfortunately, seizures of heroin, methamphetamine, and ephedrine are all down sharply. Heroin seizures fell from 363 kilograms to 115 kilograms. Methamphetamine seizures fell from 172 kilograms to only 39 kilograms. Ephedrine seizures fell dramatically from 6,697 kilograms to only 608 kilograms.

Drug related arrests declined from an already low 11,283 to 10,622, barely a third of the number arrested in 1992. Less than half as many weapons were seized in 1997 (1,892) as in 1996 (4,335).

In another crucial enforcement area, Mexico's new money-laundering statutes have yet to be fully enforced, and have not resulted in any successful prosecutions yet. Mexico has decided to make violations of new banking regulations non-criminal violations, which severely undercuts the deterrent factor.

Mexico's Organized Crime Statute has yet to be fully implemented. The Government of Mexico has advised that the lack of judicial support and known judicial corruption have frustrated implementation of the wire intercept aspects of the law.

But let us be honest with ourselves. The statute asks the President to certify that a country has "cooperated fully" with the United States. If Mexico has cooperated in three or four areas, and not cooperated in ten or twelve others, can we really call that full cooperation. Of course not. At best, we should say that Mexico has cooperated partially with the United States in counternarcotics efforts. But full cooperation? It's not even close.

We must make an honest assessment. To those who dislike the certification statute, I quote again from the New York Times editorial "* * * as long as certification remains on the books, the Administration has a duty to report truthfully to Congress and the American people. It has failed to do so in the case of Mexico."

So in the wake of the President's decision to certify Mexico, I believe we in Congress have no choice but to try to pass a resolution of disapproval. If possible, we will pass one with a waiver of sanctions. But if not, we will have to vote on the straight resolution of disapproval. We have until March 28 to decide.

Mr. President, we must make an honest assessment of full cooperation, and there is only one way to assess full cooperation, and it is on the streets. It is with extradition. It is with arrest of cartel leaders. It is with letting our DEA agents who work the Mexican side of the border have their security—meaning beyond. You cannot send them across the border without a mechanism to protect them. None of this is happening today.

The big, highly touted drug agreement, which I read, talks about the size and shape of the table. There are no specifics.

In view of this, I urge decertification with a waiver.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 320

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 320, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 412

At the request of Mr. SMITH, his name was withdrawn as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 712

At the request of Mr. MOYNIHAN, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 712, a bill to provide for a system to classify information in the interests of national security and a system to declassify such information.

S. 1305

At the request of Mr. GRAMM, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from North Carolina (Mr. FAIRCLOTH) were added as cosponsors of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1335

At the request of Ms. SNOWE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1335, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1596

At the request of Mr. COVERDELL, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1596, a bill to provide for reading excellence.

S. 1682

At the request of Mr. D'AMATO, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Florida (Mr. MACK), the Senator from Nevada (Mr. REID), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Indiana (Mr. LUGAR), the Senator from New York (Mr. MOYNIHAN), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Resolution 175, a bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 187

At the request of Mr. MACK, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of Senate Resolution 187, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 188—CONCERNING ISRAELI MEMBERSHIP IN A UNITED NATIONS REGIONAL GROUP

Mr. MOYNIHAN (for himself, Mr. LUGAR, Mr. D'AMATO, Mr. KENNEDY, Mr. TORRICELLI, Mr. HOLLINGS, Mr. ROBB, Mr. SANTORUM, Mr. KYL, Mr. AKAKA, Mr. LIEBERMAN, Mr. ALLARD, Mr. COCHRAN, Mr. GRAHAM, Mr. GRASSLEY, Mr. WYDEN, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. KOHL, Mr. MACK, Ms. MIKULSKI, Mr. CRAIG, Mr. BURNS, Mr. BROWNBACK, Mr. DODD, Mr. DORGAN, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. HATCH, Mr. LAUTENBERG, Mr. REID, Mr. COVERDELL, Mr. ENZI, Mr. GRAMM, Mr. KEMPTHORNE, Mr. HELMS, Mr. BAUCUS, Ms. COLLINS, Mr. COATS, Mr. GRAMS, Mrs. FEINSTEIN, Mr. SARBANES, Mr. DEWINE, and Mr. SMITH of New Hampshire) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 188

Whereas, of the 185 member states of the United Nations, only the State of Israel is ineligible to sit on the Security Council, the Economic and Social Council, or any other United Nations committee;

Whereas the State of Israel was created in response to a 1947 General Assembly resolution and joined the United Nations in 1949;

Whereas the members of the United Nations have organized themselves according to regional groups since 1946;

Whereas eligibility for election to the rotating seats of the Security Council, or other United Nations councils, commissions, or committees, is only available to countries belonging to a regional group;

Whereas Israel has remained a member of the United Nations despite being subjected to deliberate attacks which aimed to place the legitimacy of the State of Israel in question;

Whereas this anachronistic Cold War isolation of Israel at the United Nations continues;

Whereas barring a member of the United Nations from entering a regional group is inimical to the principles under which the United Nations was founded, namely, "to develop friendly relations among nations based on respect for the principle of equal rights . . ."; and

Whereas Israel is a vibrant democracy, which shares the values, goals, and interests of the "Western European and Others Group", a regional group which includes Australia, Canada, New Zealand, and the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it should be the policy of the United States to support the State of Israel's efforts to enter an appropriate United Nations regional group;

(2) the President should instruct the Permanent Representative of the United States to the United Nations to carry out this policy;

(3) the United States should—

(A) insist that any effort to expand the United Nations Security Council also resolves this anomaly; and

(B) ensure that the principle of sovereign equality be upheld without exception; and

(4) the Secretary of State should submit a report to Congress on the steps taken by the United States, the Secretary General of the United Nations, and others to help secure Israel's membership in an appropriate United Nations regional group.

SENATE RESOLUTION 189—HONORING THE 150TH ANNIVERSARY OF THE U.S. WOMEN'S RIGHTS MOVEMENT

Mr. TORRICELLI (for himself, Ms. LANDRIEU, Mrs. BOXER, Ms. SNOWE, Mrs. MURRAY, and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 189

Whereas 1998 will mark the 150th anniversary of the Women's Rights Movement in the United States, a valiant civil rights movement that began in 1848 when the Women's Rights Convention was held in Seneca Falls, New York;

Whereas the Declaration of Sentiments, the document issued by the Women's Rights Convention, is a strong reflection of this country's commitment to liberty and personal freedom;

Whereas the Women's Rights Movement has had an irreversible effect on the opportunities open to women in all areas of life, including business, education, religion, the arts, science, and athletics;

Whereas the history surrounding the fight for women's equality over the past century and a half is still greatly unknown and unrecognized by many of our Nation's citizens and demands more acknowledgment in our children's curriculum;

Whereas there is an ever-increasing need for both women and men to share in the fundamental responsibilities of our national life with a full and equal participation in society; and

Whereas March 1998, is National Women's History Month, celebrated with the theme of "Living the Legacy of Women's Rights": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and celebrates 1998 as the 150th anniversary of the Women's Rights Movement and March 1998 as National Women's History Month under the theme "Living the Legacy of Women's Rights"; and

(2) calls on educators, government officials, and businesses to celebrate the legacy of the Women's Rights Movement and remember the struggle that began 150 years ago.

SENATE RESOLUTION 190—REGARDING REDUCTIONS IN CLASS SIZE

Mr. FEINGOLD (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 190

Whereas long-range projections by the Bureau of the Census indicate a rising number of births, rising to 4,200,000 in 2010 and 4,600,000 in 2020;

Whereas in the coming years the population of school-aged children is expected to increase to a record 52,200,000;

Whereas academic achievement for all students is one of our Nation's highest priorities;

Whereas increased enrollments have resulted in a further increase of the average class size;

Whereas research has shown that children in small classes in the earliest grades achieve better academically than the peers of such children in larger classes;

Whereas research has shown substantial lasting benefits for children who were in small classes during the earliest grades;

Whereas smaller classes allow students to receive more individual attention from their teachers, and reduce teachers' burden of managing large numbers of students and the other work of the teachers; and

Whereas several States have been forward thinking in trying to address this classroom size problem: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) experiments in reducing class size have had an effect on academic achievement in the earliest grades; and

(2) the Senate should seek to assist States in the efforts of States to reduce class size and access the benefits of such a reduction.

Mr. FEINGOLD. Mr. President, I rise today to submit a Senate resolution regarding smaller classes in our public schools.

This resolution expresses the Senate's strong sense that experiments in reducing class size in the earliest grades demonstrate a proven educational benefit. Accordingly, the Senate should assist States in their efforts to reduce class size and assess the benefits of such reductions.

Mr. President, yesterday I visited the Parkview Elementary School in Cudahy, a community near Milwaukee, where I had the chance to read Dr. Seuss' classic children's story, "Green Eggs and Ham," to a group of 15 first-grade students. It was exciting to watch their faces come alive with curiosity as they listened.

Parkview Elementary is a special school because it is one of 30 Wisconsin schools in 21 school districts that are participating in the Student Achievement Guarantee in Education program, or the SAGE program. It is a very popular pilot program and, according to an independent evaluation being conducted by the University of Wisconsin-Milwaukee's, Center for Urban Initiatives and Research, it's been very effective at reducing the size of elementary school classes. SAGE is a very appropriate acronym, for a sage is a teacher who imparts knowledge and wisdom through direct interaction with his or her students, and the SAGE program in Wisconsin is trying to give students and teachers more opportunities to interact directly, which improves learning.

SAGE is a pilot program created by the Wisconsin legislature in 1995. The specific objective of the program is to improve student achievement through four reform strategies: (1) reducing student/teacher ratios to a maximum of 15-to-1, which was the size of the first-grade class I visited yesterday; (2) increasing cooperation between schools and their surrounding communities; (3) implementing a rigorous academic curriculum stressing achievement; and, finally, (4) improving staff development and evaluation. A modest amount of state aid is available to schools who adopt the SAGE program, which currently covers kindergarten through the second grade, and which is scheduled to be expanded to cover third grade in the near future.

SAGE has proven to be very popular with parents, teachers, school administrators and students. Reports from Wisconsin educators indicate improvements in classroom environment and academic performance in schools participating in this program. A December 1997 study found that first-graders participating in SAGE scored higher on standardized tests than other students in comparison schools. The SAGE program has demonstrated again what we know instinctively: students in smaller classes benefit from more attention from teachers, and teachers with fewer pupils will have more time and energy to devote to their jobs. Class size has been proven to be one of the crucial factors in the quality of a child's education, along with teacher quality and parental involvement.

The SAGE program and this resolution will reinforce what should be good, common sense. If you have smaller classes, children get more attention from teachers, and it stands to reason that more attention will translate into more learning.

Mr. President, I think the Wisconsin experience with this kind of commonsense educational reform is instructive.

That is why, last fall, I included an amendment to the Labor and Health and Human Services Departments' 1998 appropriation bill requiring the Department of Education to study the costs and benefits of reducing class size in the earliest grades. My amendment also required the Department to prepare cost estimates of growing enrollments and to follow-up with policy recommendations. In addition, I wrote earlier this year to President Clinton in January requesting that he make reducing class size a priority in his FY 99 education budget. I was pleased that the President's FY 99 budget includes an initiative to help schools provide small classes with qualified teachers in the early grades. Mr. President, in an effort to spread the message of the successful SAGE pilot program, I recently invited Education Secretary Richard Riley to come to Wisconsin for a tour of several SAGE schools.

And, finally, most recently, I have written to the chairman and ranking member of the Labor and Human Resources Committee requesting that the committee hold a hearing to examine the options available to schools as they plan for smaller class size with higher anticipated student enrollment looming.

A recent Department of Education report states that this year's elementary and secondary student enrollment will soon be at record levels. School districts are going to need to adapt to these increases while many of them rightly will be investing as much as they can in the creation of smaller classes for early elementary students.

Addressing the problem of increasing enrollment and the desire to reduce class size presents a great challenge to our communities, our States and our Nation. As I say that, I want to be very clear that I believe that the American public school system is rooted in the vision of Thomas Jefferson. He saw a future where every child in the Nation could look forward to a thorough public education, comparable in quality but under local control. I want it to be clear that when I speak about small class size as a national goal, it is in the context of local control. So I do not support a national mandate for smaller class size.

I believe that any distribution formula for the funds should give credit to and not penalize those States, such as Wisconsin, which have gotten ahead of this and have invested some resources.

I also believe very firmly that any national funding in this area has to be paid for. It cannot be done on the basis of deficit spending or, in effect, borrowing from Social Security.

But with those qualifications, I reiterate that there is a great national purpose in trying to reduce class sizes for children. Therefore, the Federal Government has a limited but important role in ensuring that the Nation makes the proper investments in students today so that it can meet the challenges of the 21st century.

Mr. President, we should take the necessary steps now to help school districts reduce class size as part of an overall effort to improve education and ensure that our children have the best chance to excel and reach their full potential.

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator FEINGOLD, for his remarks about smaller class size and the importance of education. His remarks are very important, and I associate myself with and support his resolution.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

WELLSTONE AMENDMENT NO. 1679

Mr. WELLSTONE proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

"(k) REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.—

"(1) DEVELOPMENT OF PLAN.—The Secretary shall develop a plan to assess, to the extent possible based on all available information, the number and percentage of former recipients of assistance under the State programs funded under this part that are, as of the date that the assessment is performed, economically self-sufficient. In determining economic self-sufficiency, the Secretary shall consider—

"(A) the number and percentage of such recipients that are, as of the date of the assessment, employed;

"(B) the number and percentage of such recipients earning incomes at or above 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section for a family of the size involved); and

"(C) the number and percentage of such recipients that have access to housing, transportation, and child care.

"(2) REPORTS TO CONGRESS.—Beginning 4 months after the date of enactment of this subsection, the Secretary shall submit biannual reports to the appropriate committees of Congress on the assessment conducted under this subsection. The reports shall analyze the ability of former recipients of assistance under the State programs funded under this part to achieve economic self-sufficiency. The Secretary shall include in the reports all available information about the economic self-sufficiency of such recipients, including data from quarterly State reports submitted to the Department of Health and Human Services (in this paragraph referred to as the 'Department'), data from State applications submitted to the Department for bonuses, and to the extent the Secretary determines they are relevant to the assessment—

"(A) reports prepared by the Comptroller General of the United States;

"(B) samples prepared by the Bureau of the Census;

"(C) surveys funded by the Department;

"(D) studies conducted by the Department;

"(E) studies conducted by States;

"(F) surveys conducted by non-governmental entities;

"(G) administrative data from other Federal agencies; and

"(H) information and materials available from any other appropriate source.".

McCAIN (AND HOLLINGS) AMENDMENT NO. 1680

Mr. McCAIN (for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 4, before line 1, insert the following:

TITLE III—INTERMODAL TRANSPORTATION SAFETY AND RELATED MATTERS

Sec. 3001. Short title.
Sec. 3002. Amendment of title 49, United States Code.

Subtitle A—Highway Safety

Sec. 3101. Highway safety programs.
Sec. 3102. National driver register.
Sec. 3103. Authorizations of appropriations.
Sec. 3104. Motor vehicle pursuit program.
Sec. 3105. Enforcement of window glazing standards for light transmission.

Subtitle B—Hazardous Materials Transportation Reauthorization

Sec. 3201. Findings and purposes; definitions.
Sec. 3202. Handling criteria repeal.
Sec. 3203. Hazmat employee training requirements.
Sec. 3204. Registration.
Sec. 3205. Shipping paper retention.
Sec. 3206. Public sector training curriculum.
Sec. 3207. Planning and training grants.
Sec. 3208. Special permits and exclusions.
Sec. 3209. Administration.
Sec. 3210. Cooperative agreements.
Sec. 3211. Enforcement.
Sec. 3212. Penalties.
Sec. 3213. Preemption.
Sec. 3214. Judicial review.
Sec. 3215. Hazardous material transportation reauthorization.
Sec. 3216. Authorization of appropriations.

Subtitle C—Comprehensive One-Call Notification

Sec. 3301. Findings.
Sec. 3302. Establishment of one-call notification programs.

Subtitle D—Motor Carrier Safety

Sec. 3401. Statement of purposes.
Sec. 3402. Grants to States.
Sec. 3403. Federal share.
Sec. 3404. Authorization of appropriations.
Sec. 3405. Information systems and strategic safety initiatives.
Sec. 3406. Improved flow of driver history pilot program.
Sec. 3407. Motor carrier and driver safety research.
Sec. 3408. Authorization of appropriations.
Sec. 3409. Conforming amendments.
Sec. 3410. Automobile transporter defined.
Sec. 3411. Repeal of review panel; review procedure.
Sec. 3412. Commercial motor vehicle operators.
Sec. 3413. Penalties.
Sec. 3414. International registration plan and international fuel tax agreement.
Sec. 3415. Study of adequacy of parking facilities.
Sec. 3416. Application of regulations.
Sec. 3417. Authority over charter bus transportation.
Sec. 3418. Federal motor carrier safety investigations.
Sec. 3419. Foreign motor carrier safety fitness.
Sec. 3420. Commercial motor vehicle safety advisory committee.
Sec. 3421. Waivers; exemptions; pilot programs.
Sec. 3422. Commercial motor vehicle safety studies.
Sec. 3423. Increased MCSAP participation impact study.
Sec. 3424. Exemption from certain regulations for utility service commercial motor vehicle drivers.
Sec. 3425. Waivers for certain farm vehicles.
Sec. 3426. Farm service vehicles.

Subtitle E—Rail and Mass Transportation Anti-Terrorism; Safety

Sec. 3501. Purpose.
Sec. 3502. Amendments to the "wrecking trains" statute.
Sec. 3503. Terrorist attacks against mass transportation.
Sec. 3504. Investigative jurisdiction.
Sec. 3505. Safety considerations in grants or loans to commuter railroads.
Sec. 3506. Railroad accident and incident reporting.
Sec. 3507. Mass transportation buses.

Subtitle F—Sportfishing and Boating Safety

Sec. 3601. Amendment of 1950 Act.
Sec. 3602. Outreach and communications programs.
Sec. 3603. Clean Vessel Act funding.
Sec. 3604. Boating infrastructure.
Sec. 3605. Boat safety funds.

Subtitle G—Miscellaneous

Sec. 3701. Light density rail line pilot projects.

At the end of the bill, add the following:

TITLE III—INTERMODAL TRANSPORTATION SAFETY AND RELATED MATTERS

SEC. 3001. SHORT TITLE.

This title may be cited as the "Intermodal Transportation Safety Act of 1997".

SEC. 3002. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

Subtitle A—Highway Safety

SEC. 3101. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) of title 23, United States Code, is amended by striking "section 4007" and inserting "section 4004".

(b) ADMINISTRATIVE REQUIREMENTS.—Section 402(b) of such title is amended—

(1) by striking the period at the end of subparagraph (A) and subparagraph (B) of paragraph (1) and inserting a semicolon;

(2) in paragraph (1)(C), by inserting ", including Indian tribes," after "subdivisions of such State";

(3) in paragraph (1)(C), by striking the period at the end and inserting a semicolon and "and"; and

(4) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(c) APPORTIONMENT OF FUNDS.—Section 402(c) of such title is amended—

(1) by inserting "the apportionment to the Secretary of the Interior shall not be less than ¾ of 1 percent of the total apportionment and" after "except that" in the sixth sentence; and

(2) by striking the seventh sentence.

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) of title 23, United States Code, is amended to read as follows:

"(i) APPLICATON IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subparagraph (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—For the purposes of this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCESS.—Section 402(j) of title 23, United States Code, is amended to read as follows:

"(j) RULEMAKING PROCESS.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.”.

(f) Safety Incentive Grants.—Section 402 of title 23, United States Code, is amended by striking subsection (k) and inserting the following:

“(k) Safety Incentive Grants.—

“(1) Safety incentive grants: general authority.—The Secretary shall make a grant to a State that takes specific actions to advance highway safety under subsection (*l*) or (m) or section 410. A State may qualify for more than 1 grant and shall receive a separate grant for each subsection for which it qualifies. Such grants may only be used by recipient States to implement and enforce, as appropriate, the programs for which the grants are awarded.

“(2) Maintenance of effort.— No grant may be made to a State under subsection (*l*) or (m) in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for the specific actions for which a grant is provided at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of this subsection.

“(3) Maximum period of eligibility; federal share for grants.—Each grant under subsection (*l*) or (m) shall be available for not more than 6 fiscal years beginning in the fiscal year after September 30, 1997, in which the State becomes eligible for the grant. The Federal share payable for any grant under subsection (*l*) or (m) shall not exceed—

“(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

“(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

“(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

“(*l*) Alcohol-Impaired Driving Countermeasures: Basic Grant Eligibility.—The Secretary shall make grants to those States that adopt and implement effective programs to reduce traffic safety problems resulting from persons driving under the influence of alcohol. A State shall become eligible for 1 or more of 3 basic grants under this subsection by adopting or demonstrating the following to the satisfaction of the Secretary:

“(1) Basic grant a.—At least 7 of the following:

“(A) .08 bac per se law.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

“(B) Administrative license revocation.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol that requires that—

“(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

“(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

“(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

“(ii) the suspension and revocation referred to under subparagraph (A)(i) shall take effect not later than 30 days after the date on which the person refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

“(C) Underage drinking program.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages. Such system shall include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older.

“(D) Stopping motor vehicles.—Either—

“(i) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol; or

“(ii) a statewide Special Traffic Enforcement Program for impaired driving that emphasizes publicity for the program.

“(E) Repeat offenders.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; and dedicated detention facilities.

“(F) Graduated licensing system.—A 3-stage graduated licensing system for young drivers that includes nighttime driving restrictions during the first 2 stages, requires all vehicle occupants to be properly restrained, and makes it unlawful for a person under age 21 to operate a motor vehicle with a blood alcohol concentration of .02 percent or greater.

“(G) Drivers with high bac's.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

“(H) Young adult drinking programs.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

“(I) Testing for bac.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers at fault in fatal accidents.

“(2) Basic grant b.—Either of the following:

“(A) Administrative license revocation.—An administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of alcohol which requires that—

“(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as requested by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receiving the report of the law enforcement officer—

“(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

“(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

“(ii) the suspension and revocation referred to under subparagraph (A)(i) shall take effect not later than 30 days after the day on which the person refused to submit to a chemical test or receives notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures; or

“(B) .08 bac per se law.—A law that provides that any person with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

“(3) Basic grant c.—Both of the following:

“(A) Fatal impaired driver percentage reduction.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available; and

“(B) Fatal impaired driver percentage comparison.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of such calendar years.

“(4) Basic grant amount.—The amount of each basic grant under this subsection for any fiscal year shall be up to 15 percent of the amount appropriated to the State for fiscal year 1997 under section 402 of this title.

“(5) Alcohol-impaired driving countermeasures: supplemental grants.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplemental grant in no more than 2 fiscal years of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402. The State may receive a separate supplemental grant for meeting each of the following criteria:

“(A) Open container laws.—The State makes unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—

“(i) as allowed in the passenger area, by a person (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

“(ii) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

“(B) Mandatory blood alcohol concentration testing programs.—The State provides for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed an alcohol-related traffic offense.

"(C) VIDEO EQUIPMENT FOR DETECTION OF DRUNK DRIVERS.—The State provides for a program to acquire video equipment to be used in detecting persons who operate motor vehicles while under the influence of alcohol and in prosecuting those persons, and to train personnel in the use of that equipment.

"(D) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—The State enacts and enforces a law providing that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated, and further provides for a minimum suspension of the person's driver's license for not less than 30 days.

"(E) SELF-SUSTAINING DRUNK DRIVING PREVENTION PROGRAM.—The State provides for a self-sustaining drunk driving prevention program under which a significant portion of the fines or surcharges collected from individuals apprehended and fined for operating a motor vehicle while under the influence of alcohol are returned to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

"(F) REDUCING DRIVING WITH A SUSPENDED LICENSE.—The State enacts and enforces a law to reduce driving with a suspended license. Such law, as determined by the Secretary, may require a 'zebra' stripe that is clearly visible on the license plate of any motor vehicle owned and operated by a driver with a suspended license.

"(G) EFFECTIVE DWI TRACKING SYSTEM.—The State demonstrates an effective driving while intoxicated (DWI) tracking system. Such a system, as determined by the Secretary, may include data covering arrests, case prosecutions, court dispositions and sanctions, and provide for the linkage of such data and traffic records systems to appropriate jurisdictions and offices within the State.

"(H) ASSESSMENT OF PERSONS CONVICTED OF ABUSE OF CONTROLLED SUBSTANCES; ASSIGNMENT OF TREATMENT FOR ALL DWI/DUI OFFENDERS.—The State provides for assessment of individuals convicted of driving while intoxicated or driving under the influence of alcohol or controlled substances, and for the assignment of appropriate treatment.

"(I) USE OF PASSIVE ALCOHOL SENSORS.—The State provides for a program to acquire passive alcohol sensors to be used by police officers in detecting persons who operate motor vehicles while under the influence of alcohol, and to train police officers in the use of that equipment.

"(J) EFFECTIVE PENALTIES FOR PROVISION OR SALE OF ALCOHOL TO PERSONS UNDER 21.—The State enacts and enforces a law that provides for effective penalties or other consequences for the sale or provision of alcoholic beverages to any individual under 21 year of age. The Secretary shall determine what penalties are effective.

"(6) DEFINITIONS.—For the purposes of this subsection, the following definitions apply:

"(A) 'Alcoholic beverage' has the meaning such term has under section 158(c).

"(B) 'Controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(C) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

"(D) 'Open alcoholic beverage container' means any bottle, can, or other receptacle—

"(i) that contains any amount of an alcoholic beverage; and

"(ii)(I) that is open or has a broken seal, or

"(II) the contents of which are partially removed.

"(m) STATE HIGHWAY SAFETY DATA IMPROVEMENTS.—The Secretary shall make a grant to a State that takes effective actions to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities within State and local highway and traffic safety programs, to evaluate the effectiveness of such efforts, and to link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data:

"(1) FIRST-YEAR GRANT ELIGIBILITY.—A State is eligible for a first-year grant under this subsection in a fiscal year if such State either:

"(A) Demonstrates, to the satisfaction of the Secretary, that it has—

"(i) established a Highway Safety Data and Traffic Records Coordinating Committee with a multidisciplinary membership including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities) of highway safety and traffic records databases;

"(ii) completed within the preceding 5 years a highway safety data and traffic records assessment or audit of its highway safety data and traffic records system; and

"(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan to be approved by the Highway Safety Data and Traffic Records Coordinating Committee that identifies and prioritizes its highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

"(B) provides, to the satisfaction of the Secretary—

"(i) certification that it has met the provisions outlined in clauses (i) and (ii) of subparagraph (A);

"(ii) a multiyear plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined; and

"(iii) certification that the Highway Safety Data and Traffic Records Coordinating Committee continues to operate and supports the multiyear plan described in clause (ii).

"(2) FIRST-YEAR GRANT AMOUNT.—The amount of a first-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State eligible for such a grant under paragraph (1)(A) shall equal $1,000,000, subject to the availability of appropriations, and for any State eligible for such a grant under paragraph (1)(B) of this subsection shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State shall receive less than $250,000, subject to the availability of appropriations. The Secretary may award a grant of up to $25,000 for 1 year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable that State to qualify for first-year funding to begin in the next fiscal year.

"(3) STATE HIGHWAY SAFETY DATA AND TRAFFIC RECORDS IMPROVEMENTS; SUCCEEDING-YEAR GRANTS.—A State shall be eligible for a grant in any fiscal year succeeding the first fiscal year in which the State receives a State highway safety data and traffic records grant if the State, to the satisfaction of the Secretary:

"(A) Submits or updates a multiyear plan that identifies and prioritizes the State's highway safety data and traffic records needs and goals, that specifies how its incentive funds for the fiscal year will be used to address those needs and the goals of the plan, and that identifies performance-based measures by which progress toward those goals will be determined.

"(B) Certifies that its Highway Safety Data and Traffic Records Coordinating Committee continues to support the multiyear plan.

"(C) Reports annually on its progress in implementing the multi-year plan.

"(4) SUCCEEDING-YEAR GRANT AMOUNTS.—The amount of a succeeding-year grant made for State highway safety data and traffic records improvements for any fiscal year to any State that is eligible for such a grant shall equal a proportional amount of the amount apportioned to the State for fiscal year 1997 under section 402, except that no State shall receive less than $225,000, subject to the availability of appropriations.".

(g) OCCUPANT PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 410 of title 23, United States Code, is amended to read as follows:

"§ 410. Safety belts and occupant protection program

"The Secretary shall make basic grants to those States that adopt and implement effective programs to reduce highway deaths and injuries resulting from persons riding unrestrained or improperly restrained in motor vehicles. A State may establish its eligibility for 1 or both of the grants by adopting or demonstrating the following to the satisfaction of the Secretary:

"(1) BASIC GRANT A.—At least 4 of the following:

"(A) SAFETY BELT USE LAW FOR ALL FRONT SEAT OCCUPANTS.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a person in the front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly secured about the person's body.

"(B) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of its safety belt use law.

"(C) CHILD PASSENGER PROTECTION LAW; PUBLIC AWARENESS PROGRAM.—The State has in effect—

"(i) a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system; and

"(ii) an effective public awareness program that advocates placing passengers under the age of 13 in the back seat of a motor vehicle equipped with a passenger-side air bag whenever possible.

"(D) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State demonstrates implementation of a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems. The States are to submit to the Secretary an evaluation or report on the effectiveness of the programs at least 3 years after receipt of the grant.

"(E) Minimum fines.—The State requires a minimum fine of at least $25 for violations of its safety belt use law and a minimum fine of at least $25 for violations of its child passenger protection law.

"(F) Special traffic enforcement program.—The State demonstrates implementation of a statewide Special Traffic Enforcement Program for occupant protection that emphasizes publicity for the program.

"(2) Basic grant b.—Both of the following:

"(A) State safety belt use rate.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the first 3 years a grant under this paragraph is received, and of 85 percent or higher in each of the fourth, fifth, and sixth years a grant under this paragraph is received.

"(B) Survey method.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

"(3) Basic grant amount.—The amount of each basic grant for which a State qualifies under this subsection for any fiscal year shall equal up to 20 percent of the amount apportioned to the State for fiscal year 1997 under section 402.

"(4) Occupant protection program: supplemental grants.—During the period in which a State is eligible for a basic grant under this subsection, the State shall be eligible to receive a supplement grant in a fiscal year of up to 5 percent of the amount apportioned to the State in fiscal year 1997 under section 402. The State may receive a separate supplemental grant for meeting each of the following criteria:

"(A) Penalty points against a driver's license for violations of child passenger protection requirements.—The State has in effect a law that requires the imposition of penalty points against a driver's license for violations of child passenger protection requirements.

"(B) Elimination of nonmedical exemptions to safety belt and child passenger protection laws.—The State has in effect safety belt and child passenger protection laws that contain no nonmedical exemptions.

"(C) Safet belt use in rear seats.—The State has in effect a law that requires safety belt use by all rear-seat passengers in all passenger motor vehicles with a rear seat.

"(5) Definitions.—As used in this subsection, the term—

"(A) 'child safety seat' means any device except safety belts, designed for use in a motor vehicle to restrain, seat, or position children who weigh 50 pounds or less;

"(B) 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line;

"(C) 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation;

"(D) 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

"(E) 'safety belt' means—

"(i) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(ii) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.".

(2) Conforming amendment.—The chapter analysis for chapter 4 of that title is amended by striking the item relating to section 410 and inserting the following:

"410. Safety belts and occupant protection program.".

(h) Drugged Driver Research and Demonstration Program.—Section 403(b) of title 23, United States Code, is amended—

(1) by inserting "(1)" before "In addition";

(2) by striking "is authorized to" and inserting "shall";

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(4) by inserting after subparagraph (B), as redesignated, the following:

"(C) Measures that may deter drugged driving.".

SEC. 3102. NATIONAL DRIVER REGISTER.

(a) Transfer of Selected Functions to Non-Federal Management.—Section 30302 is amended by adding at the end the following:

"(e) Transfer of Selected Functions to Non-Federal Management.—

"(1) The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) The agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes they may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary (through the National Highway Traffic Safety Administration) shall continue to fund these transferred functions.

"(4) The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization for performing these functions in such fiscal year.

"(5) Nothing in this subsection shall be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) Access To Register Information.—Section 30305(b) is amended by—

(1) by striking "request." in paragraph (2) and inserting the following: "request, unless the information is about a revocation or suspension still in effect on the date of the request";

(2) by inserting after paragraph (6) the following:

"(7) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

"(8) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.";

(3) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(4) by striking "paragraph (2)" in paragraph (10), as redesignated, and inserting "subsection (a)".

SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Consolidated state highway safety programs.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (*l*) and (m) of that section—

(i) $117,858,000 for fiscal year 1998;
(ii) $123,492,000 for fiscal year 1999;
(iii) $126,877,000 for fiscal year 2000;
(iv) $130,355,000 for fiscal year 2001;
(v) $133,759,000 for fiscal year 2002; and
(vi) $141,803,000 for fiscal year 2003.

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of section 403(*l*) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $30,570,000 for fiscal year 1998;
(ii) $28,500,000 for fiscal year 1999;
(iii) $29,273,000 for fiscal year 2000;
(iv) $30,065,000 for fiscal year 2001;
(v) $38,743,000 for fiscal year 2002; and
(vi) $39,815,000 for fiscal year 2003.

Amounts made available to carry out section 402(*l*) of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 402(*l*) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $13,950,000 for fiscal year 1998;

(ii) $14,618,000 for fiscal year 1999;
(iii) $15,012,000 for fiscal year 2000;
(iv) $15,418,000 for fiscal year 2001;
(v) $17,640,000 for fiscal year 2002; and
(vi) $17,706,000 for fiscal year 2003.

Amounts made available to carry out section 410 of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 410 of title 23, United States Code, to subsections (*l*) and (m) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of section 402(m) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $8,370,000 for fiscal year 1998;
(ii) $8,770,000 for fiscal year 1999;
(iii) $9,007,000 for fiscal year 2000; and
(iv) $9,250,000 for fiscal year 2001.

Amounts made available to carry out section 402(m) of title 23, United States Code, are authorized to remain available until expended.

(E) To carry out the drugged driving research and demonstration programs of section 403(b)(1) of title 23, United States Code, by the National Highway Traffic Safety Administration, $2,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

(2) SECTION 403 HIGHWAY SAFETY AND RESEARCH.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for highway safety under section 403 of title 23, United States Code, there are authorized to be appropriated $60,100,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, and $61,700,000 for fiscal year 2003.

(3) PUBLIC EDUCATION EFFORT.—Out of funds made available for carrying out programs under section 403 of title 23, United States Code, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, the Secretary of Transportation shall obligate at least $500,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(4) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration—

(A) $1,605,000 for fiscal year 1998;
(B) $1,680,000 for fiscal year 1999;
(C) $1,726,000 for fiscal year 2000;
(D) $1,772,000 for fiscal year 2001;
(E) $1,817,000 for fiscal year 2002; and
(F) $1,872,000 for fiscal year 2003.

SEC. 3104. MOTOR VEHICLE PURSUIT PROGRAM.

(a) MOTOR VEHICLE PURSUIT PROGRAM.—

(1) TRAINING.—Section 403(b)(1) of title 23, United States Code, as amended by section 3101(h), is amended by adding at the end thereof the following:

"(D) Programs to train law enforcement officers on motor vehicle pursuits conducted by law enforcement officers.".

(2) FUNDING.—Out of amounts appropriated to carry out section 403 of title 23, United States Code, the Secretary of Transportation may use such amounts as may be necessary to carry out the motor vehicle pursuit training program of section 403(b)(1)(D) of title 23, United States Code, but not in excess of $1,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

(b) REPORT OF FEDERAL POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Attorney General of the United States, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of Capitol Police, and the Administrator of General Services shall each transmit to Congress a report containing—

(1) the policy of the department or agency headed by that individual concerning motor vehicle pursuits by law enforcement officers of that department or agency; and

(2) a description of the procedures that the department or agency uses to train law enforcement officers in the implementation of the policy referred to in paragraph (1).

SEC. 3105. ENFORCEMENT OF WINDOW GLAZING STANDARDS FOR LIGHT TRANSMISSION.

Section 402(a) of title 23, United States Code, is amended by striking "post-accident procedures." and inserting "post-accident procedures, including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks as necessary to improve highway safety.".

Subtitle B—Hazardous Materials Transportation Reauthorization

SEC. 3201. FINDINGS AND PURPOSES; DEFINITIONS.

(a) FINDINGS AND PURPOSES.—Section 5101 is amended to read as follows:

"§ 5101. Findings and purposes

"(a) FINDINGS.—Congress finds with respect to hazardous materials transportation that—

"(1) approximately 4,000,000,000 tons of regulated hazardous materials are transported each year and that approximately 1,000,000 movements of hazardous materials occur each day, according to Department of Transportation estimates;

"(2) accidents involving the release of hazardous materials are a serious threat to public health and safety;

"(3) many States and localities have enacted laws and regulations that vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers that attempt to comply with multiple and conflicting registration, permitting, routings, notification, loading, unloading, incidental storage, and other regulatory requirements;

"(4) because of the potential risks to life, property and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials, including loading, unloading, and incidental storage, is necessary and desirable;

"(5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable;

"(6) in order to provide reasonable, adequate, and cost-effective protection from the risks posed by the transportation of hazardous materials, a network of adequately trained State and local emergency response personnel is required;

"(7) the movement of hazardous materials in commerce is necessary and desirable to maintain economic vitality and meet consumer demands, and shall be conducted in a safe and efficient manner;

"(8) primary authority for the regulation of such transportation should be consolidated in the Department of Transportation to ensure the safe and efficient movement of hazardous materials in commerce; and

"(9) emergency response personnel have a continuing need for training on responses to releases of hazardous materials in transportation and small businesses have a continuing need for training on compliance with hazardous materials regulations.

"(b) PURPOSES.—The purposes of this chapter are—

"(1) to ensure the safe and efficient transportation of hazardous materials in intrastate, interstate, and foreign commerce, including the loading, unloading, and incidental storage of hazardous material;

"(2) to provide the Secretary with preemption authority to achieve uniform regulation of hazardous material transportation, to eliminate inconsistent rules that apply differently from Federal rules, to ensure efficient movement of hazardous materials in commerce, and to promote the national health, welfare, and safety; and

"(3) to provide adequate training for public sector emergency response teams to ensure safe responses to hazardous material transportation accidents and incidents.".

(b) DEFINITIONS.—Section 5102 is amended by—

(1) by striking paragraph (1) and inserting the following:

"(1) 'commerce' means trade or transportation in the jurisdiction of the United States—

"(A) between a place in a State and a place outside of the State;

"(B) that affects trade or transportation between a place in a State and a place outside of the State; or

"(C) on a United States-registered aircraft.";

(2) by striking paragraphs (3) and (4) and inserting the following:

"(3) 'hazmat employee' means an individual who—

"(A) is—

"(i) employed by a hazmat employer,

"(ii) self-employed, or

"(iii) an owner-operator of a motor vehicle; and

"(B) during the course of employment—

"(i) loads, unloads, or handles hazardous material;

"(ii) manufactures, reconditions, or tests containers, drums, or other packagings represented as qualified for use in transporting hazardous material;

"(iii) performs any function pertaining to the offering of hazardous material for transportation;

"(iv) is responsible for the safety of transporting hazardous material; or

"(v) operates a vehicle used to transport hazardous material.

"(4) 'hazmat employer' means a person who—

"(A) either—

"(i) is self-employed,

"(ii) is an owner-operator of a motor vehicle, or

"(iii) has at least 1 employee; and

"(B) performs a function, or uses at least 1 employee, in connection with—

"(i) transporting hazardous material in commerce;

"(ii) causing hazardous material to be transported in commerce, or

"(iii) manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material.";

(3) by striking "title." in paragraph (7) and inserting "title, except that a freight forwarder is included only if performing a function related to highway transportation.";

(4) by redesignating paragraphs (9) through (13) as paragraphs (12) through (16), respectively;

(5) by inserting after paragraph (8) the following:

"(9) 'out-of-service order' means a mandate that an aircraft, vessel, motor vehicle, train, other vehicle, or a part of any of these, not be moved until specified conditions have been met.

"(10) 'package' or 'outside package' means a packaging plus its contents.

"(11) 'packaging' means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packaging requirements established by the Secretary of Transportation."; and

(6) by striking "or transporting hazardous material to further a commercial enterprise;" in paragraph (12)(A), as redesignated by paragraph (4) of this subsection, and inserting ", and transporting hazardous material to further a commercial enterprise, or manufacturing, reconditioning, or testing containers, drums, or other packagings represented as qualified for use in transporting hazardous material".

(c) Clerical Amendment.—The chapter analysis of chapter 51 is amended by striking the item relating to section 5101 and inserting the following:

"5101. Findings and purposes.".

SEC. 3202. HANDLING CRITERIA REPEAL.

Section 5106 is repealed and the chapter analysis of chapter 51 is amended by striking the item relating to that section.

SEC. 3203. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.

Section 5107(f)(2) is amended by striking "and section 5106, and subsections (a) through (g)(1) and (h) of section 5108(a), and 5109 of this title".

SEC. 3204. REGISTRATION.

Section 5108 is amended by—

(1) by striking subsection (b)(1)(C) and inserting the following:

"(C) each State in which the person carries out any of the activities.";

(2) by striking subsection (c) and inserting the following:

"(c) Filing Schedule.—Each person required to file a registration statement under subsection (a) of this section shall file that statement annually in accordance with regulations issued by the Secretary.";

(3) by striking "552(f)" in subsection (f) and inserting "552(b)";

(4) by striking "may" in subsection (g)(1) and inserting "shall"; and

(5) by inserting "or an Indian tribe," in subsection (i)(2)(B) after "State,".

SEC. 3205. SHIPPING PAPER RETENTION.

Section 5110(e) is amended by striking the first sentence and inserting "After expiration of the requirement in subsection (c), the person who provided the shipping paper and the carrier required to maintain it under subsection (a) shall retain the paper or an electronic image thereof, for a period of 1 year after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business.".

SEC. 3206. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended—

(1) in subsection (a), by striking "Development and Updating.—Not later than November 16, 1992, in" and inserting "Updating.—In";

(2) in the first sentence of subsection (a), by striking "develop and";

(3) in subsection (a), by striking the second sentence;

(4) in the first sentence of subsection (b), by striking "developed";

(5) in subparagraphs (A) and (B) of subsection (b)(1), by inserting "or involving an alternative fuel vehicle" after "material"; and

(6) by striking subsection (d) and inserting the following:

"(d) Distribution and Publication.—With the national response team, the Secretary of Transportation may publish a list of programs that use a course developed under this section for training public sector employees to respond to an accident or incident involving the transportation of hazardous material.".

SEC. 3207. PLANNING AND TRAINING GRANTS.

Section 5116 is amended by—

(1) by striking "of" in the second sentence of subsection (e) and inserting "received by";

(2) by striking subsection (f) and inserting the following:

"(f) Monitoring and Technical Assistance.—The Secretary of Transportation shall monitor public sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the national response team for oil and hazardous substances and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee."; and

(3) by adding at the end thereof the following:

"(*l*) Small Businesses.—The Secretary may authorize a State or Indian tribe receiving a grant under this section to use up to 25 percent of the amount of the grant to assist small businesses in complying with regulations issued under this chapter.".

SEC. 3208. SPECIAL PERMITS AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§ 5117. Special permits and exclusions";

(2) by striking "exemption" each place it appears and inserting "special permit";

(3) by inserting "authorizing variances" after "special permit" the first place it appears; and

(4) in subsection (a)(2), by striking "2" and inserting "4".

(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits and exclusions.".

SEC. 3209. ADMINISTRATION.

(a) Section 5121 is amended by striking subsections (a), (b), and (c) and redesignating subsections (d) and (e) as subsections (a) and (b), respectively.

(b) Section 5122 is amended by redesignating subsections (a), (b), and (c) as subsections (d), (e), and (f), and by inserting before subsection (d), as redesignated, the following:

"(a) General Authority.—To carry out this chapter, the Secretary of Transportation may investigate, make reports, issue subpoenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. After notice and an opportunity for a hearing, the Secretary may issue an order requiring compliance with this chapter or a regulation prescribed under this chapter.

"(b) Records, Reports, and Information.—A person subject to this chapter shall—

"(1) maintain records, make reports, and provide information the Secretary by regulation or order requires; and

"(2) make the records, reports, and information available when the Secretary requests.

"(c) Inspection.—

"(1) The Secretary may authorize an officer, employee, or agent to inspect, at a reasonable time and in a reasonable way, records and property related to—

"(A) manufacturing, fabricating, marking, maintaining, reconditioning, repairing, testing, or distributing a packaging or a container for use by a person in transporting hazardous material in commerce; or

"(B) the transportation of hazardous material in commerce.

"(2) An officer, employee, or agent under this subsection shall display proper credentials when requested.".

SEC. 3210. COOPERATIVE AGREEMENTS.

Section 5121, as amended by section 3209(a), is further amended by adding at the end thereof the following:

"(f) Authority for Cooperative Agreements.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the State Department), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, emergency response planning and training activities.".

SEC. 3211. ENFORCEMENT.

Section 5122, as amended by section 3209(b), is further amended—

(1) in the first sentence of subsection (a), by inserting "inspect," after "may";

(2) by striking the last sentence of subsection (a) and inserting: "Except as provided in subsection (e) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order requiring compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter."; and

(3) by redesignating subsections (d), (e) and (f) as subsections (f), (g) and (h), and inserting after subsection (c) the following:

"(d) Other Authority.—

"(1) Inspection.—During inspections and investigations, officers, employees, or agents of the Secretary may—

"(A) open and examine the contents of a package offered for, or in, transportation when—

"(i) the package is marked, labeled, certified, placarded, or otherwise represented as containing a hazardous material, or

"(ii) there is an objectively reasonable and articulable belief that the package may contain a hazardous material;

"(B) take a sample, sufficient for analysis, of material marked or represented as a hazardous material or for which there is an objectively reasonable and articulable belief that the material may be a hazardous material, and analyze that material;

"(C) when there is an objectively reasonable and articulable belief that an imminent hazard may exist, prevent the further transportation of the material until the hazardous qualities of that material have been determined; and

"(D) when safety might otherwise be compromised, authorize properly qualified personnel to conduct the examination, sampling, or analysis of a material.

"(2) NOTIFICATION.—No package opened pursuant to this subsection shall continue its transportation until the officer, employee, or agent of the Secretary—

"(A) affixes a label to the package indicating that the package was inspected pursuant to this subsection; and

"(B) notifies the shipper that the package was opened for examination.

"(e) EMERGENCY ORDERS.—

"(1) If, through testing, inspection, investigation, or research carried out under this chapter, the Secretary decides that an unsafe condition or practice, or a combination of them, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary may immediately issue or impose restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, that may be necessary to abate the situation.

"(2) The Secretary's action under this subsection must be in a written order describing the condition or practice, or combination of them, that causes the emergency situation; stating the restrictions, prohibitions, recalls, or out-of-service orders being issued or imposed; and prescribing standards and procedures for obtaining relief from the order.

"(3) After taking action under this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5.

"(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.".

SEC. 3212. PENALTIES.

(a) IN GENERAL.—Section 5123(a)(1) is amended by striking the first sentence and inserting the following: "A person that knowingly violates this chapter or a regulation, order, special permit, or approval issued under this chapter is liable to the United States Government for a civil penalty of at least $250 but not more than $27,500 for each violation.".

(b) DEGREE OF CULPABILITY.—Section 5123(c)(2) is amended to read as follows:

"(2) with respect to the violator, the degree of culpability, any good-faith efforts to comply with the applicable requirements, any history of prior violations, any economic benefit resulting from the violation, the ability to pay, and any effect on the ability to continue to do business; and".

(c) CRIMINAL PENALTY.—Section 5124 is amended to read as follows:

"§ 5124. Criminal penalty

"(a) IN GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

"(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of a hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both.".

SEC. 3213. PREEMPTION.

(a) REQUIREMENTS CONTRARY TO PURPOSES OF CHAPTER.—Section 5125(a)(2) is amended by inserting ", the purposes of this chapter," after "this chapter" the first place it appears.

(b) DEADWOOD.—Section 5125(b)(2) is amended by striking "prescribes after November 16, 1990." and inserting "prescribes.".

(c) INDEPENDENT APPLICATION OF PREEMPTION STANDARDS.—Section 5125 is amended by adding at the end thereof the following:

"(h) INDEPENDENT APPLICATION OF EACH STANDARD.—Each preemption standard in subsections (a), (b)(1), (c), and (g) of this section and section 5119(c)(2) is independent in its application to a requirement of any State, political subdivision of a State, or Indian tribe.".

SEC. 3214. JUDICIAL REVIEW.

(a) IN GENERAL.—Chapter 51 is amended by redesignating section 5127 as section 5128, and by inserting after section 5126 the following new section:

"§ 5127. Judicial review

"(a) FILING AND VENUE.—Except as provided in section 20114(c), a person disclosing a substantial interest in a final order issued, under the authority of section 5122 or 5123, by the Secretary of Transportation, the Administrators of the Research and Special Programs Administration, the Federal Aviation Administration, or the Federal Highway Administration, or the Commandant of the United States Coast Guard ('modal Administrator'), with respect to the duties and powers designated to be carried out by the Secretary under this chapter, may apply for review in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

"(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary or the modal Administrator, as appropriate. The Secretary or the modal Administrator shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

"(c) AUTHORITY OF COURT.—When the petition is sent to the Secretary or the modal Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary or the modal Administrator to conduct further proceedings. After reasonable notice to the Secretary or the modal Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary or the modal Administrator, if supported by substantial evidence, are conclusive.

"(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final order under this section, the court may consider an objection to a final order of the Secretary or the modal Administrator only if the objection was made in the course of a proceeding or review conducted by the Secretary, the modal Administrator, or an administrative law judge, or if there was a reasonable ground for not making the objection in the proceeding.

"(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28, United States Code.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 51 is amended by striking the item related to section 5127 and inserting the following:

"5127. Judicial review.

"5128. Authorization of appropriations.".

SEC. 3215. HAZARDOUS MATERIAL TRANSPORTATION REAUTHORIZATION.

(a) IN GENERAL.—Chapter 51, as amended by section 3214 of this Act, is amended by redesignating section 5128 as section 5129 and by inserting after section 5127 the following:

"§ 5128. High risk hazardous material; motor carrier safety study

"(a) STUDY.—The Secretary of Transportation shall conduct a study—

"(1) to determine the safety benefits and administrative efficiency of implementing a Federal permit program for high risk hazardous material carriers;

"(2) to identify and evaluate alternative regulatory methods and procedures that may improve the safety of high risk hazardous material carriers and shippers;

"(3) to examine the safety benefits of increased monitoring of high risk hazardous material carriers, and the costs, benefits, and procedures of existing State permit programs;

"(4) to make such recommendations as may be appropriate for the improvement of uniformity among existing State permit programs; and

"(5) to assess the potential of advanced technologies for improving the assessment of high risk hazardous material carriers' compliance with motor carrier safety regulations.

"(b) TIMEFRAME.—The Secretary shall begin the study required by subsection (a) within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1997 and complete it within 30 months after the date of enactment of that Act.

"(c) REPORT.—The Secretary shall report the findings of the study required by subsection (a), together with such recommendations as may be appropriate, within 36 months after the date of enactment of that Act.".

(b) SECTION 5109 REGULATIONS TO REFLECT STUDY FINDINGS.—Section 5109(h) is amended by striking "not later than November 16, 1991." and inserting "based upon the findings of the study required by section 5128(a).".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 51, as amended by section 315, is amended by striking the item relating to section 5128 and inserting the following:

"5128. High risk hazardous material; motor carrier safety study.

"5129. Authorization of appropriations.".

SEC. 3216. AUTHORIZATION OF APPROPRIATIONS.

Section 5129, as redesignated, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL.—There are authorized to be appropriated to the Secretary of Transportation to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, and 5116) not more than—

"(1) $15,492,000 for fiscal year 1998;

"(2) $16,000,000 for fiscal year 1999;

"(3) $16,500,000 for fiscal year 2000;

"(4) $17,000,000 for fiscal year 2001;

"(5) $17,500,000 for fiscal year 2002; and

"(6) $18,000,000 for fiscal year 2003."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) TRAINING CURRICULUM.—Not more than $200,000 is available to the Secretary of Transportation from the account established under section 5116(i) for each of the fiscal years ending September 30, 1999–2003, to carry out section 5115.

"(d) PLANNING AND TRAINING.—

"(1) Not more than $2,444,000 is available to the Secretary of Transportation from the account established under section 5116(i) for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(a).

"(2) Not more than $3,666,000 is available to the Secretary of Transportation from the account established under section 5116(i) for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(b).

"(3) Not more than $600,000 is available to the Secretary of Transportation from the account established under section 5116(i) for the fiscal year ending September 30, 1998, and such sums as may be necessary for fiscal years 1999–2003, to carry out section 5116(f).".

Subtitle C—Comprehensive One-Call Notification

SEC. 3301. FINDINGS.

Congress finds that—

(1) unintentional damage to underground facilities during excavation is a significant cause of disruptions in telecommunications, water supply, electric power, and other vital public services, such as hospital and air traffic control operations, and is a leading cause of natural gas and hazardous liquid pipeline accidents;

(2) excavation that is performed without prior notification to an underground facility operator or with inaccurate marking of such a facility prior to excavation can cause damage that results in fatalities, serious injuries, harm to the environment and disruption of vital services to the public; and

(3) protection of the public and the environment from the consequences of underground facility damage caused by excavations will be enhanced by a coordinated national effort to improve one-call notification programs in each State and the effectiveness and efficiency of one-call notification systems that operate under such programs.

SEC. 3302. ESTABLISHMENT OF ONE-CALL NOTIFICATION PROGRAMS.

(a) IN GENERAL.—Subtitle III is amended by adding at the end thereof the following:

"CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

"Sec.
"6101. Purposes.
"6102. Definitions.
"6103. Minimum standards for State one-call notification programs.
"6104. Compliance with minimum standards.
"6105 Review of one-call system best practices.
"6106. Grants to States.
"6107. Authorization of appropriations.

"§ 6101. Purposes

"The purposes of this chapter are—

"(1) to enhance public safety;

"(2) to protect the environment;

"(3) to minimize risks to excavators; and

"(4) to prevent disruption of vital public services,

by reducing the incidence of damage to underground facilities during excavation through the adoption and efficient implementation by all States of State one-call notification programs that meet the minimum standards set forth under section 6103.

"§ 6102. Definitions

"For purposes of this chapter:

"(1) ONE-CALL NOTIFICATION SYSTEM.—The term "one-call notification system" means a system operated by an organization that has as 1 of its purposes to receive notification from excavators of intended excavation in a specified area in order to disseminate such notification to underground facility operators that are members of the system so that such operators can locate and mark their facilities in order to prevent damage to underground facilities in the course of such excavation.

"(2) STATE ONE-CALL NOTIFICATION PROGRAM.—The term "State one-call notification program" means the State statutes, regulations, orders, judicial decisions, and other elements of law and policy in effect in a State that establish the requirements for the operation of one-call notification systems in such State.

"(3) STATE.—The term 'State' means a State, the District of Columbia, and Puerto Rico.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"§ 6103. Minimum standards for State one-call notification programs

"(a) MINIMUM STANDARDS.—A State one-call notification program shall, at a minimum, provide for—

"(1) appropriate participation by all underground facility operators;

"(2) appropriate participation by all excavators; and

"(3) flexible and effective enforcement under State law with respect to participation in, and use of, one-call notification systems.

"(b) APPROPRIATE PARTICIPATION.—In determining the appropriate extent of participation required for types of underground facilities or excavators under subsection (a), a State shall assess, rank, and take into consideration the risks to the public safety, the environment, excavators, and vital public services associated with—

"(1) damage to types of underground facilities; and

"(2) activities of types of excavators.

"(c) IMPLEMENTATION.—A State one-call notification program also shall, at a minimum, provide for—

"(1) consideration of the ranking of risks under subsection (b) in the enforcement of its provisions;

"(2) a reasonable relationship between the benefits of one-call notification and the cost of implementing and complying with the requirements of the State one-call notification program; and

"(3) voluntary participation where the State determines that a type of underground facility or an activity of a type of excavator poses a de minimis risk to public safety or the environment.

"(d) PENALTIES.—To the extent the State determines appropriate and necessary to achieve the purposes of this chapter, a State one-call notification program shall, at a minimum, provide for—

"(1) administrative or civil penalties commensurate with the seriousness of a violation by an excavator or facility owner of a State one-call notification program;

"(2) increased penalties for parties that repeatedly damage underground facilities because they fail to use one-call notification systems or for parties that repeatedly fail to provide timely and accurate marking after the required call has been made to a one-call notification system;

"(3) reduced or waived penalties for a violation of a requirement of a State one-call notification program that results in, or could result in, damage that is promptly reported by the violator;

"(4) equitable relief; and

"(5) citation of violations.

"§ 6104. Compliance with minimum standards

"(a) REQUIREMENT.—In order to qualify for a grant under section 6106, each State shall, within 2 years after the date of the enactment of the Intermodal Transportation Safety Act of 1997, submit to the Secretary a grant application under subsection (b).

"(b) APPLICATION.—

"(1) Upon application by a State, the Secretary shall review that State's one-call notification program, including the provisions for the implementation of the program and the record of compliance and enforcement under the program.

"(2) Based on the review under paragraph (1), the Secretary shall determine whether the State's one-call notification program meets the minimum standards for such a program set forth in section 6103 in order to qualify for a grant under section 6106.

"(3) In order to expedite compliance under this section, the Secretary may consult with the State as to whether an existing State one-call notification program, a specific modification thereof, or a proposed State program would result in a positive determination under paragraph (2).

"(4) The Secretary shall prescribe the form of, and manner of filing, an application under this section that shall provide sufficient information about a State's one-call notification program for the Secretary to evaluate its overall effectiveness. Such information may include the nature and reasons for exceptions from required participation, the types of enforcement available, and such other information as the Secretary deems necessary.

"(5) The application of a State under paragraph (1) and the record of actions of the Secretary under this section shall be available to the public.

"(c) ALTERNATIVE PROGRAM.—A State may maintain an alternative one-call notification program if that program provides protection for public safety, the environment, or excavators that is equivalent to, or greater than, protection under a program that meets the minimum standards set forth in section 6103.

"(d) REPORT.—Within 3 years after the date of the enactment of the Intermodal Transportation Safety Act of 1997, the Secretary shall begin to include the following information in reports submitted under section 60124 of this title—

"(1) a description of the extent to which each State has adopted and implemented the minimum Federal standards under section 6103 or maintains an alternative program under subsection (c);

"(2) an analysis by the Secretary of the overall effectiveness of the State's one-call notification program and the one-call notification systems operating under such program in achieving the purposes of this chapter;

"(3) the impact of the State's decisions on the extent of required participation in one-call notification systems on prevention of damage to underground facilities; and

"(4) areas where improvements are needed in one-call notification systems in operation in the State.

The report shall also include any recommendations the Secretary determines appropriate. If the Secretary determines that the purposes of this chapter have been substantially achieved, no further report under this section shall be required.

"§6105. Review of one-call system best practices

"(a) Study of Existing One-Call Systems.—Except as provided in subsection (d), the Secretary, in consultation with other appropriate Federal agencies, State agencies, one-call notification system operators, underground facility operators, excavators, and other interested parties, shall undertake a study of damage prevention practices associated with existing one-call notification systems.

"(b) Purpose of Study of Damage Prevention Practices.—The purpose of the study is to assemble information in order to determine which existing one-call notification systems practices appear to be the most effective in preventing damage to underground facilities and in protecting the public, the environment, excavators, and public service disruption. As part of the study, the Secretary shall at a minimum consider—

"(1) the methods used by one-call notification systems and others to encourage participation by excavators and owners of underground facilities;

"(2) the methods by which one-call notification systems promote awareness of their programs, including use of public service announcements and educational materials and programs;

"(3) the methods by which one-call notification systems receive and distribute information from excavators and underground facility owners;

"(4) the use of any performance and service standards to verify the effectiveness of a one-call notification system;

"(5) the effectiveness and accuracy of mapping used by one-call notification systems;

"(6) the relationship between one-call notification systems and preventing intentional damage to underground facilities;

"(7) how one-call notification systems address the need for rapid response to situations where the need to excavate is urgent;

"(8) the extent to which accidents occur due to errors in marking of underground facilities, untimely marking or errors in the excavation process after a one-call notification system has been notified of an excavation;

"(9) the extent to which personnel engaged in marking underground facilities may be endangered;

"(10) the characteristics of damage prevention programs the Secretary believes could be relevant to the effectiveness of State one-call notification programs; and

"(11) the effectiveness of penalties and enforcement activities under State one-call notification programs in obtaining compliance with program requirements.

"(c) Report.—Within 1 year after the date of the enactment of the Intermodal Transportation Safety Act of 1997, the Secretary shall publish a report identifying those practices of one-call notification systems that are the most and least successful in—

"(1) preventing damage to underground facilities; and

"(2) providing effective and efficient service to excavators and underground facility operators.

The Secretary shall encourage States and operators of one-call notification programs to adopt and implement the most successful practices identified in the report.

"(d) Secretarial Discretion.—Prior to undertaking the study described in subsection (a), the Secretary shall determine whether timely information described in subsection (b) is readily available. If the Secretary determines that such information is readily available, the Secretary is not required to carry out the study.

"§6106. Grants to States

"(a) In General.—The Secretary may make a grant of financial assistance to a State that qualifies under section 6104(b) to assist in improving—

"(1) the overall quality and effectiveness of one-call notification systems in the State;

"(2) communications systems linking one-call notification systems;

"(3) location capabilities, including training personnel and developing and using location technology;

"(4) record retention and recording capabilities for one-call notification systems;

"(5) public information and education;

"(6) participation in one-call notification systems; or

"(7) compliance and enforcement under the State one-call notification program.

"(b) State Action Taken Into Account.—In making grants under this section the Secretary shall take into consideration the commitment of each State to improving its State one-call notification program, including legislative and regulatory actions taken by the State after the date of enactment of the Intermodal Transportation Safety Act of 1997.

"(c) Funding for One-Call Notification Systems.—A State may provide funds received under this section directly to any one-call notification system in such State that substantially adopts the best practices identified under section 6105.

"§6107. Authorization of appropriations

"(a) For Grants to States.—There are authorized to be appropriated to the Secretary in fiscal year 1999 no more than $1,000,000 and in fiscal year 2000 no more than $5,000,000, to be available until expended, to provide grants to States under section 6106.

"(b) For Administration.—There are authorized to be appropriated to the Secretary such sums as may be necessary during fiscal years 1998, 1999, and 2000 to carry out sections 6103, 6104, and 6105.

"(c) General Revenue Funding.—Any sums appropriated under this section shall be derived from general revenues and may not be derived from amounts collected under section 60301 of this title.".

(b) Conforming Amendments.—

(1) The table of chapters for subtitle III is amended by adding at the end thereof the following:

"61. One-Call Notification Program .... 6101".

(2) Chapter 601 is amended—

(A) by striking "sections 60114 and" in section 60105(a) of that chapter and inserting "section";

(B) by striking section 60114 and the item relating to that section in the table of sections for that chapter;

(C) by striking "60114(c), 60118(a)," in section 60122(a)(1) of that chapter and inserting "60118(a),";

(D) by striking "60114(c) or" in section 60123(a) of that chapter;

(E) by striking "sections 60107 and 60114(b)" in subsections (a) and (b) of section 60125 and inserting "section 60107" in each such subsection; and

(F) by striking subsection (d) of section 60125, and redesignating subsections (e) and (f) of that section as subsections (d) and (e), respectively.

Subtitle D—Motor Carrier Safety

SEC. 3401. STATEMENT OF PURPOSES.

Chapter 311 is amended—

(1) by inserting before section 31101 the following:

"§31100. Purpose

"The purposes of this subchapter are—

"(1) to improve commercial motor vehicle and driver safety;

"(2) to facilitate efforts by the Secretary, States, and other political jurisdictions, working in partnership, to focus their resources on strategic safety investments;

"(3) to increase administrative flexibility;

"(4) to improve enforcement activities;

"(5) to invest in activities related to areas of the greatest crash reduction;

"(6) to identify high risk carriers and drivers; and

"(7) to improve information and analysis systems."; and

(2) by inserting before the item relating to section 31101 in the chapter analysis for chapter 311 the following:

"31100. Purposes.".

SEC. 3402. GRANTS TO STATES.

(a) Performance-Based Grants.—Section 31102 is amended—

(1) in subsection (a), by inserting "improving motor carrier safety and" after "programs for"; and

(2) in the first sentence of subsection (b)(1), by striking "adopt and assume responsibility for enforcing" and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce".

(b) Hazardous Materials.—Section 31102 is amended—

(1) in subsection (a), by inserting a comma and "hazardous materials transportation safety," after "commercial motor vehicle safety"; and

(2) in the first sentence of subsection (b), by inserting ", hazardous materials transportation safety," after "commercial motor vehicle safety".

(c) Contents of State Plans.—Section 31102(b)(1) is amended—

(1) by redesignating subparagraphs (A) through (Q) as subparagraphs (B) through (R), respectively;

(2) by inserting before subparagraph (B), as redesignated, the following:

"(A) implements performance-based activities by fiscal year 2000;"

(3) by inserting "(1)" in subparagraph (K), as redesignated, after "(c)";

(4) by striking subparagraphs (L), (M), and (N) as redesignated, and inserting the following:

"(L) ensures consistent, effective, and reasonable sanctions;

"(M) ensures that the State agency will coordinate the plan, data collection, and information systems with the State highway safety programs under title 23;

"(N) ensures participation in SAFETYNET by all jurisdictions receiving funding;";

(5) in subparagraph (P), as redesignated, by striking "activities—" and inserting "activities in support of national priorities and performance goals including—";

(6) in clause (i) of subparagraph (P), as redesignated, by striking "to remove" and inserting "activities aimed at removing"; and

(7) in clause (ii) of subparagraph (P), as redesignated, by striking "to provide" and inserting "activities aimed at providing".

SEC. 3403. FEDERAL SHARE.

Section 31103 is amended—

(1) by inserting before "The Secretary of Transportation" the following:

"(a) Commercial Motor Vehicle Safety Programs and Enforcement.—";

(2) by inserting “improve commercial motor vehicle safety and” in the first sentence before “enforce”; and

(3) by adding at the end the following:

“(b) OTHER ACTIVITIES.—The Secretary may reimburse State agencies, local governments, or other persons up to 100 percent for those activities identified in 31104(f)(2).”.

SEC. 3404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 31104(a) is amended to read as follows:

“(a) IN GENERAL.—Subject to section 9503(c)(1) of the Internal Revenue Code of 1986, there are available from the Highway Trust Fund (except the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 of this title, not more than—

“(1) $80,000,000 for the fiscal year ending September 30, 1998;

“(2) $100,000,000 for the fiscal year ending September 30, 1999;

“(3) $97,000,000 for the fiscal year ending September 30, 2000;

“(4) $94,000,000 for the fiscal year ending September 30, 2001;

“(5) $90,500,000 for the fiscal year ending September 30, 2002; and

“(6) $90,500,000 for the fiscal year ending September 30, 2003.”.

(b) AVAILABILITY AND REALLOCATION.—Section 31104(b)(2) is amended to read as follows:

“(2) Amounts made available under section 4002(e)(1) and (2) of the Intermodal Surface Transportation Efficiency Act of 1991 before October 1, 1996, that are not obligated on October 1, 1997, are available for obligation under paragraph (1).”.

(c) ALLOCATION CRITERIA.—Section 31104(f) is amended to read as follows:

“(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

“(1) On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate, under criteria the Secretary prescribes through regulation, the amounts available for that fiscal year among the States with plans approved under section 31102 of this title.

“(2) The Secretary may designate—

“(A) not less than 5 percent of such amounts for activities and projects of national priority for the improvement of commercial motor vehicle safety; and

“(B) not less than 5 percent of such amounts to reimburse States for border commercial motor vehicle safety programs and enforcement activities and projects.

The amounts referred to in subparagraph (B) shall be allocated by the Secretary to State agencies and local governments that use trained and qualified officers and employees in coordination with State motor vehicle safety agencies.”.

(d) OTHER AMENDMENTS.—

(1) Section 31104 is amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(2) Section 31104 is amended by striking subsection (i) and redesignating subsection (j) as subsection (h).

SEC. 3405. INFORMATION SYSTEMS AND STRATEGIC SAFETY INITIATIVES.

Section 31106 is amended to read as follows:

“§ 31106. Information systems and strategic safety initiatives

“(a) INFORMATION SYSTEMS.—

“(1) IN GENERAL.—The Secretary is authorized to establish motor carrier information systems and data analysis programs to support motor carrier regulatory and enforcement activities required under this title. In cooperation with the States, the information systems shall be coordinated into a network providing accurate identification of motor carriers and drivers, registration and licensing tracking, and motor carrier and driver safety performance. The Secretary shall develop and maintain data analysis capacity and programs to provide the means to develop strategies to address safety problems and to use data analysis to measure the effectiveness of these strategies and related programs; to determine the cost effectiveness of Federal and State safety compliance, enforcement programs, and other countermeasures; to evaluate the safety fitness of motor carriers and drivers; to identify and collect necessary data; and to adapt, improve, and incorporate other information and information systems as deemed appropriate by the Secretary.

“(2) PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT.—

“(A) The Secretary shall include, as part of the motor carrier safety information network system of the Department of Transportation, an information system, to be called the Performance and Registration Information Systems Management, to serve as a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the safety system of the commercial motor vehicle registrants or the motor carriers operating the vehicles. The Secretary may include in the system information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on vehicle, driver, and motor carrier safety performance.

“(B) The Secretary shall prescribe technical and operational standards to ensure—

“(i) uniform, timely and accurate information collection and reporting by the States necessary to carry out this system;

“(ii) uniform Federal and State procedures and policies necessary to operate the Commercial Vehicle Information System; and

“(iii) the availability and reliability of the information to the States and the Secretary from the information system.

“(C) The system shall link the Federal motor carrier safety systems with State driver and commercial vehicle registration and licensing systems, and shall be designed—

“(i) to enable a State, when issuing license plates or throughout the registration period for a commercial motor vehicle, to determine, through the use of the information system, the safety fitness of the registrant or motor carrier;

“(ii) to allow a State to decide, in cooperation with the Secretary, the types of sanctions that may be imposed on the registrant or motor carrier, or the types of conditions or limitations that may be imposed on the operations of the registrant or motor carrier that will ensure the safety fitness of the registrant or motor carrier;

“(iii) to monitor the safety fitness of the registrant or motor carrier during the registration period; and

“(iv) to require the State, as a condition of participation in the system, to implement uniform policies, procedures, and standards, and to possess or seek authority to impose commercial motor vehicle registration sanctions on the basis of a Federal safety fitness determination.

“(D) Of the amounts available for expenditure under this section, up to 50 percent in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 may be made available to carry out this paragraph. The Secretary may authorize the operation of the information system by contract, through an agreement with 1 or more States, or by designating, after consultation with the States, a third party that represents the interests of the States. Of the amounts made available to carry out this paragraph, the Secretary is encouraged to direct no less than 80 percent to States that have not previously received financial assistance to develop or implement the Performance and Registration Information Systems Management system.

“(b) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY PROGRAM.—The Secretary is authorized to establish a program focusing on improving commercial motor vehicle driver safety. The objectives of the program shall include—

“(1) enhancing the exchange of driver licensing information among employers, the States, the Federal Government, and foreign countries;

“(2) providing information to the judicial system on the commercial motor vehicle driver licensing program; and

“(3) evaluating any aspect of driver performance and safety that the Secretary deems appropriate.

“(c) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to and entering into contracts and cooperative agreements with States, localities, associations, institutions, corporations (profit or nonprofit) or other persons.”.

SEC. 3406. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM.

The Secretary of Transportation shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers. The program shall—

(1) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

(2) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

(3) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

SEC. 3407. MOTOR CARRIER AND DRIVER SAFETY RESEARCH.

Of the funds made available to carry out programs established by the amendments made by title II of the Intermodal Surface Transportation Efficiency Act of 1997, no less than $10,000,000 shall be made available for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 for activities designed to advance commercial motor vehicle and driver safety. Any obligation, contract, cooperative agreement, or support granted under this section in excess of $250,000 shall be awarded on a competitive basis. The Secretary shall submit annually a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the research activities carried out under this section, including the amount, purpose, recipient and nature of each contract, cooperative agreement or award and results of such research activities carried out under this section, including benefits to motor carrier safety.”.

SEC. 3408. AUTHORIZATION OF APPROPRIATIONS.

Section 31107 is amended to read as follows:

"§31107. Authorization of appropriations for information systems and strategic safety initiatives

"(a) In General.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary to incur obligations to carry out section 31106—

"(1) $10,000,000 for fiscal year 1998;

"(2) $12,000,000 for fiscal year 1999;

"(3) $12,000,000 for fiscal year 2000;

"(4) $12,000,000 for fiscal year 2001;

"(5) $10,000,000 for fiscal year 2002; and

"(6) $10,000,000 for fiscal year 2003.

"(b) Availability.—The amounts made available under this subsection shall remain available until expended.".

SEC. 3409. CONFORMING AMENDMENTS.

The chapter analysis for chapter 311 is amended—

(1) by striking the heading for subchapter I and inserting the following:

"SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS";

and

(2) by striking the items relating to sections 31106 and 31107 and inserting the following:

"31106. Information systems and strategic safety initiatives.

"31107. Authorization of appropriations for information systems and strategic safety initiatives.".

SEC. 3410. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, including truck camper units.".

SEC. 3411. REPEAL OF REVIEW PANEL; REVIEW PROCEDURE.

(a) Repeal.—Subchapter III of chapter 311 is amended—

(1) by striking sections 31134 and 31140; and

(2) by striking the items relating to sections 31134 and 31140 in the chapter analysis for that chapter.

(b) Review Procedure.—

(1) In general.—Section 31141 is amended—

(A) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

(B) by striking so much of subsection (b), as redesignated, as precedes paragraph (2) and inserting the following:

"(b) Review and Decisions by the Secretary.—

"(1) The Secretary shall review the laws and regulations on commercial motor vehicle safety in effect in each State, and decide—

"(A) whether the State law or regulation—

"(i) has the same effect as a regulation prescribed by the Secretary under section 31136 of this title;

"(ii) is less stringent than that regulation; or

"(iii) is additional to or more stringent than that regulation; and

"(B) for each State law or regulation which is additional to or more stringent than the regulation prescribed by the Secretary, whether—

"(i) the State law or regulation has no safety benefit;

"(ii) the State law or regulation is incompatible with the regulation prescribed by the Secretary under section 31136 of this title; or

"(iii) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.";

(C) by striking paragraph (5) of subsection (b)(5), as redesignated, and inserting the following:

"(5) In deciding under paragraph (4) of this subsection whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of all similar laws and regulations of other States.";

(D) by striking subsections (d) and (e), as redesignated, and inserting the following:

"(d) Written Notice of Decisions.—The Secretary shall give written notice of the decision under subsection (b) of this section to the State concerned."; and

(E) by redesignating subsections (f) and (g), as redesignated, as subsections (e) and (f), respectively.

(2) Conforming changes.—

(A) The heading of section 31141 of such title is amended to read as follows:

"§31141. Preemption of State laws and regulations".

(B) The chapter analysis of chapter 311 of such title is amended by striking the item relating to section 31141 and inserting the following:

"31141. Preemption of State laws and regulations.".

(c) Inspection of Vehicles.—

(1) Section 31142 is amended—

(A) in subsection (a), by striking "part 393 of title 49, Code of Federal Regulations" and inserting "regulations issued pursuant to section 31135 of this title"; and

(B) by striking subsection (c)(1)(C) and inserting the following:

"(C) prevent a State from participating in the activities of a voluntary group of States enforcing a program for inspection of commercial motor vehicles; or".

(2) Subchapter IV of chapter 311 is amended—

(A) by striking sections 31161 and 31162; and

(B) by striking the items relating to sections 31161 and 31162 in the chapter analysis for that chapter.

(3) Section 31102(b)(1), as amended by section 3402(c)(1), is amended—

(A) by striking "and" at the end of subparagraph (Q);

(B) by striking "thereunder." in subparagraph (R) and inserting "thereunder; and"; and

(C) by adding at the end thereof the following:

"(S) provides that the State will establish a program (i) to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104 of this title; and (ii) to ensure that information is exchanged among the States in a timely manner.".

(d) Safety Fitness of Owners and Operators.—Section 31144 is amended to read as follows:

"§31144. Safety fitness of owners and operators

"(a) Procedure.—The Secretary of Transportation shall maintain in regulation a procedure for determining the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under section 13902 of this title. The procedure shall include—

"(1) specific initial and continuing requirements to be met by the owners, operators, and other persons to demonstrate safety fitness;

"(2) a means of deciding whether the owners, operators, or other persons meet the safety requirements under paragraph (1); and

"(3) specific time deadlines for action by the Secretary in making fitness decisions.

"(b) Prohibited Transportation.—Except as provided in sections 521(b)(5)(A) and 5113, a motor carrier that fails to meet the safety fitness requirements established under subsection (a) may not operate in interstate commerce beginning on the 61st day after the date of the determination by the Secretary that the motor carrier fails to meet the safety fitness requirements and until the motor carrier meets the safety fitness requirements. The Secretary may, for good cause shown, provide a carrier with up to an additional 60 days to meet the safety fitness requirements.

"(c) Rating Review.—The Secretary shall review the factors that resulted in a motor carrier failing to meet the safety fitness requirements not later than 45 days after the motor carrier requests a review.

"(d) Government Use Prohibited.—A department, agency, or instrumentality of the United States Government may not use a motor carrier that does not meet the safety fitness requirements.

"(e) Public Availability; Updating of Fitness Determinations.—The Secretary shall amend the motor carrier safety regulations in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and to update periodically, the final safety fitness determinations of motor carriers made by the Secretary.

"(f) Penalties.—The Secretary shall prescribe regulations setting penalties for violations of this section consistent with section 521 of this title.".

(e) Safety Fitness of Passenger and Hazardous Material Carriers.—

(1) In general.—Section 5113 is amended—

(A) by striking subsection (a) and inserting the following:

"(a) Prohibited Transportation.—

"(1) A motor carrier that fails to meet the safety fitness requirements established under subsection 31144(a) of this title may not operate a commercial motor vehicle (as defined in section 31132 of this title)—

"(A) to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under this chapter; or

"(B) to transport more than 15 individuals.

"(2) The prohibition in paragraph (1) of this subsection applies beginning on the 46th day after the date on which the Secretary determines that a motor carrier fails to meet the safety fitness requirements and applies until the motor carrier meets the safety fitness requirements.";

(B) by striking "Rating" in the heading of subsection (b) and inserting "Fitness";

(C) by striking "receiving an unsatisfactory rating" in subsection (b) and inserting "failing to meet the safety fitness requirements";

(D) by striking "has an unsatisfactory rating from the Secretary" in subsection (c) and inserting "failed to meet the safety fitness requirements"; and

(E) by striking "Ratings" in the heading of subsection (d) and inserting "Fitness Determinations";

(F) by striking ", in consultation with the Interstate Commerce Commission," in subsection (d); and

(G) by striking "ratings of motor carriers that have unsatisfactory ratings from" in subsection (d) and inserting "fitness determinations of motor carriers made by".

(2) Conforming amendments.—

(A) The heading of section 5113 of such chapter is amended to read as follows:

"§5113. Safety fitness of passenger and hazardous material carriers".

(B) The chapter analysis for chapter 51 is amended by striking the item relating to section 5113 and inserting the following:

"5113. Safety fitness of passenger and hazardous material carriers.".

(f) Definitions.—

(1) Section 31101(1) is amended—

(A) in subparagraph (A)—

(i) by inserting "or gross vehicle weight, whichever is greater," after "rating"; and

(ii) by striking "10,000" and inserting "10,001";

(B) in subparagraph (B), by striking "driver; or" and inserting "driver, or a smaller number of passengers including the driver as determined under regulations implementing sections 31132(1)(B) or 31301(4)(B)";

(C) in subparagraph (C), by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title".

(2) Section 31132 is amended—

(A) in paragraph (1)(A), by inserting "or gross vehicle weight, whichever is greater," after "rating"; and

(B) by adding at the end of paragraph (3) the following:

"For purposes of this paragraph, the term 'business affecting interstate commerce' means a business predominantly engaged in employing commercial motor vehicles in interstate commerce and includes all operations of the business in intrastate commerce which use vehicles otherwise defined as commercial motor vehicles under paragraph (1) of this section.".

(g) Employee Protections.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary of Labor, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes as may be necessary to strengthen the enforcement of such employee protection provisions.

(h) Inspections and Reports.—

(1) General powers of the secretary.—Section 31133(a)(1) is amended by inserting "and make contracts for" after "conduct".

(2) Reports and records.—Section 504(c) is amended by inserting "(and, in the case of a motor carrier, a contractor)" before the second comma.

SEC. 3412. COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) Repeal of Obsolete Grant Programs.—Chapter 313 is amended—

(1) by striking sections 31312 and 31313; and

(2) by striking the items relating to sections 31312 and 31313 in the chapter analysis for that chapter.

(b) Commercial Driver's License Requirement.—

(1) In general.—Section 31302 is amended to read as follows:

"§31302. Commercial driver's license requirement

"No individual shall operate a commercial motor vehicle without a commercial driver's license issued according to section 31308 of this title.".

(2) Conforming amendments.—

(A) The chapter analysis for that chapter is amended by striking the item relating to section 31302 and inserting the following:

"31302. Commercial driver's license requirement.".

(B) Section 31305(a) is amended by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively, and by inserting after paragraph (1) the following:

"(2) may establish performance-based testing and licensing standards that more accurately measure and reflect an individual's knowledge and skills as an operator;".

(c) Commercial Driver's License Information System.—Section 31309 is amended—

(1) in subsection (a), by striking "make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section," and inserting "maintain";

(2) by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) by striking "Not later than December 31, 1990, the" in paragraph (2) of subsection (b), as redesignated, and inserting "The"; and

(4) in subsection (c), as redesignated—

(A) by inserting after the heading the following: "Information about a driver in the information system may be made available under the following circumstances:"; and

(B) by starting a new paragraph with "(1) On request" and indenting the paragraph 2 ems from the lefthand margin.

(d) Requirements for State Participation.—Section 31311(a) is amended—

(1) by striking "31310(b)-(e)" in paragraph (15) and inserting "31310 (b)-(e), and (g)(1)(A) and (2)";

(2) by striking paragraph (17); and

(3) by redesignating paragraph (18) as paragraph (17).

(e) Withholding Amounts for State Noncompliance.—Section 31314 is amended—

(1) in subsection (a), by striking ", (2), (5), and (6)" and inserting "(3), and (5)";

(2) in subsections (a) and (b), by striking "1992" each place it appears and inserting "1995";

(3) in subsection (c), by striking paragraph (1);

(4) in subsection (c)(2), by striking "(2)";

(5) by striking subsection (d); and

(6) by redesignating subsection (e) as subsection (d).

(f) Commercial Motor Vehicle Defined.—Section 31301 is amended—

(1) in paragraph (4)(A), by inserting "or gross vehicle weight, whichever is greater," after "rating" each place it appears; and

(2) in paragraph (4)(C)(ii), by inserting "is" before "transporting" each place it appears and before "not otherwise".

(g) Safety Performance History of New Drivers; Limitation on Liability.—

(1) In general.—Chapter 5 is amended by adding at the end the following:

"§508. Safety performance history of new drivers; limitation on liability

"(a) Limitation on Liability.—No action or proceeding for defamation, invasion of privacy, or interference with a contract that is based on the furnishing or use of safety performance records in accordance with regulations issued by the Secretary may be brought against—

"(1) a motor carrier requesting the safety performance records of an individual under consideration for employment as a commercial motor vehicle driver as required by and in accordance with regulations issued by the Secretary;

"(2) a person who has complied with such a request; or

"(3) the agents or insurers of a person described in paragraph (1) or (2).

"(b) Restrictions.—

"(1) Subsection (a) does not apply unless—

"(A) the motor carrier requesting the safety performance records at issue, the person complying with such a request, and their agents have taken all precautions reasonably necessary to ensure the accuracy of the records and have fully complied with the regulations issued by the Secretary in using and furnishing the records, including the requirement that the individual who is the subject of the records be afforded a reasonable opportunity to review and comment on the records;

"(B) the motor carrier requesting the safety performance records, the person complying with such a request, their agents, and their insurers, have taken all precautions reasonably necessary to protect the records from disclosure to any person, except for their insurers, not directly involved in forwarding the records or deciding whether to hire that individual; and

"(C) the motor carrier requesting the safety performance records has used those records only to assess the safety performance of the individual who is the subject of those records in deciding whether to hire that individual.

"(2) Subsection (a) does not apply to persons who knowingly furnish false information.

"(c) Preemption of State and Local Law.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using safety performance records in accordance with regulations issued by the Secretary. Notwithstanding any provision of law, written authorization shall not be required to obtain information on the motor vehicle driving record of an individual under consideration for employment with a motor carrier.".

(2) Conforming amendment.—The chapter analysis for chapter 5 is amended by inserting after the item relating to section 507 the following:

"508. Safety performance history of new drivers; limitation on liability.".

SEC. 3413. PENALTIES.

(a) Notification of Violations and Enforcement Procedures.—Section 521(b)(1) is amended—

(1) by inserting: "with the exception of reporting and recordkeeping violations," in the first sentence of subparagraph (A) after "under any of those provisions,";

(2) by striking "fix a reasonable time for abatement of the violation," in the third sentence of subparagraph (A);

(3) by striking "(A)" in subparagraph (A); and

(4) by striking subparagraph (B).

(b) Civil Penalties.—Section 521(b)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) In general.—Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act that is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding $2,500.”;

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(3) by inserting after subparagraph (A) the following:

“(B) RECORDKEEPING AND REPORTING VIOLATIONS.—

“(i) A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31137 and 31138) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person, who—

“(I) does not make that report;

“(II) does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered; or

“(III) does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $500 for each offense, and each day of the violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed $5,000.

“(ii) Any such person, or an officer, agent, or employee of that person, who—

“(I) knowingly falsifies, destroys, mutilates, or changes a required report or record;

“(II) knowingly files a false report with the Secretary;

“(III) knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction; or

“(IV) knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary,

shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each violation, provided that any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.”.

SEC. 3414. INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Chapter 317 is amended—

(1) by striking sections 31702, 31703, and 31708; and

(2) by striking the items relating to sections 31702, 31703, and 31708 in the chapter analysis for that chapter.

SEC. 3415. STUDY OF ADEQUACY OF PARKING FACILITIES.

The Secretary shall conduct studies to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours-of-service rules. Each study shall include an inventory of current facilities serving corridors of the National Highway System, analyze where specific shortages exist or are projected to exist, and propose a specific plan to reduce the shortages. The studies may be carried out in cooperation with research entities representing the motor carrier and travel plaza industry. The studies shall be completed not later than 36 months after the date of enactment of this Act.

SEC. 3416. APPLICATION OF REGULATIONS.

(a) APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES.—Section 31135 as redesignated, is amended by adding at the end the following:

“(g) APPLICATION TO CERTAIN VEHICLES.—Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, regulations prescribed under this section shall apply to operators of commercial motor vehicles described in section 31132(1)(B) to the extent that those regulations did not apply to those operators before the day that is 12 months after such date of enactment, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operations of commercial motor vehicles from the application of those regulations.”.

(b) DEFINITION.—Section 31301(4)(B) is amended to read as follows:

“(B) is designed or used to transport—

“(i) passengers for compensation, but does not include a vehicle providing taxicab service and having a capacity of not more than 6 passengers and not operated on a regular route or between specified places; or

“(ii) more than 15 passengers, including the driver, and not used to transport passengers for compensation; or”.

(c) APPLICATION OF REGULATIONS TO CERTAIN OPERATORS.—

(1) Chapter 313 is amended by adding at the end the following:

“§ 31318. Application of regulations to certain operators

“Effective 12 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, regulations prescribed under this chapter shall apply to operators of commercial motor vehicles described in section 31301(4)(B) to the extent that those regulations did not apply to those operators before the day that is 1 year after such date of enactment, except to the extent that the Secretary determines, after notice and opportunity for public comment, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.”.

(2) The analysis for chapter 313 is amended by adding at the end the following:

“31318. Application of regulations to certain operators.”.

(d) DEADLINE FOR CERTAIN DEFINITIONAL REGULATIONS.—The Secretary shall issue regulations implementing the definition of commercial motor vehicles under section 31132(1)(B) and section 31301(4)(B) of title 49, United States Code, as amended by this Act within 12 months after the date of enactment of this Act.

SEC. 3417. AUTHORITY OVER CHARTER BUS TRANSPORTATION.

Section 14501(a) is amended—

(1) by striking “route or relating” and inserting “route;”; and

(2) by striking “required.” and inserting “required; or to the authority to provide intrastate or interstate charter bus transportation.”.

SEC. 3418. FEDERAL MOTOR CARRIER SAFETY INVESTIGATIONS.

The Department of Transportation shall maintain the level of Federal motor carrier safety investigators for international border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure an equivalent level of commercial motor vehicle safety inspections. Such funds as are necessary to carry out this section shall be made available within the limitation on general operating expenses of the Department of Transportation.

SEC. 3419. FOREIGN MOTOR CARRIER SAFETY FITNESS.

(a) IN GENERAL.—No later than 90 days after enactment of this Act, the Secretary of Transportation shall make a determination regarding the willingness and ability of any foreign motor carrier, the application for which has not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States, to meet the safety fitness and other regulatory requirements under this title.

(b) REPORT.—Not later than 120 days after the date of enactment this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the application of section 13902(c)(9) of title 49, United States Code. The report shall include—

(1) any findings made by the Secretary under subsection (a);

(2) information on which carriers have applied to the Department of Transportation under that section; and

(3) a description of the process utilized to respond to such applications and to certify the safety fitness of those carriers.

SEC. 3420. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation may establish a Commercial Motor Vehicle Safety Advisory Committee to provide advice and recommendations on a range of regulatory issues. The members of the advisory committee shall be appointed by the Secretary from among individuals affected by rulemakings under consideration by the Department of Transportation.

(b) FUNCTION.—The Advisory Committee established under subsection (a) shall provide advice to the Secretary on commercial motor vehicle safety regulations and safety review procedures and findings, and may assist the Secretary in timely completion of ongoing rulemakings by utilizing negotiated rulemaking procedures.

SEC. 3421. WAIVERS; EXEMPTIONS; PILOT PROGRAMS.

(a) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS FOR CHAPTERS 311 AND 315.—Section 31136(e) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively; and

(2) by striking the subsection heading and paragraph (1) and inserting the following:

“(e) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.—

“(1) IN GENERAL.—The Secretary shall, by regulation promulgated after notice and an opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1997, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

“(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this subchapter or chapter 315; and

"(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, waivers, or exemptions under this section.

"(2) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this subchapter or chapter 315 if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

"(A) for a period not in excess of 3 months;

"(B) limited in scope and circumstances;

"(C) for nonemergency and unique events; and

"(D) subject to such conditions as the Secretary may impose.

"(3) EXEMPTIONS.—The Secretary may grant an exemption in whole or in part from a regulation issued under this subchapter or chapter 315 to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the extension.

"(4) PILOT PROGRAMS.—

"(A) IN GENERAL.—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter or chapter 315.

"(B) REQUIREMENT FOR APPROVAL.—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this subchapter or chapter 315.

"(C) EXEMPTIONS.—A pilot project under this paragraph—

"(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this subchapter or chapter 315; and

"(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

"(D) REVOCATION OF EXEMPTION.—The Secretary shall revoke an exemption granted under subparagraph (C) if—

"(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

"(ii) the Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.".

(b) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS FOR CHAPTER 313.—Section 31315 is amended—

(1) by inserting "(a) IN GENERAL.—" before "After notice"; and

(2) by adding at the end the following:

"(b) WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall, by regulation promulgated after notice and an opportunity for public comment and within 180 days after the date of enactment of the Intermodal Transportation Safety Act of 1997, establish procedures by which waivers, exemptions, and pilot programs under this section may be initiated. The regulation shall provide—

"(A) a process for the issuance of waivers or exemptions from any part of a regulation prescribed under this chapter; and

"(B) procedures for the conduct of pilot projects or demonstration programs to support the appropriateness of regulations, enforcement policies, or exemptions under this section.

"(2) WAIVERS.—The Secretary may grant a waiver that relieves a person from compliance in whole or in part with a regulation issued under this chapter if the Secretary determines that it is in the public interest to grant the waiver and that the waiver is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver—

"(A) for a period not in excess of 3 months;

"(B) limited in scope and circumstances;

"(C) for nonemergency and unique events; and

"(D) subject to such conditions as the Secretary may impose.

"(3) EXEMPTIONS.—The Secretary may grant an exemption in whole or in part from a regulation issued under this chapter to a class of persons, vehicles, or circumstances if the Secretary determines, after notice and opportunity for public comment, that it is in the public interest to grant the exemption and that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption. An exemption granted under this paragraph shall be in effect for a period of not more than 2 years, but may be renewed by the Secretary after notice and opportunity for public comment if the Secretary determines, based on the safety impact and results of the first 2 years of an exemption, that the extension is in the public interest and that the extension of the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the extension.

"(4) PILOT PROGRAMS.—

"(A) IN GENERAL.—In carrying out this section, the Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter.

"(B) REQUIREMENT FOR APPROVAL.—In carrying out a pilot project under this paragraph, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(C) EXEMPTIONS.—A pilot project under this paragraph—

"(i) may exempt a motor carrier under the project from any requirement (or portion thereof) imposed under this chapter; and

"(ii) shall preempt any State or local regulation that conflicts with the pilot project during the time the pilot project is in effect.

"(D) REVOCATION OF EXEMPTION.—The Secretary shall revoke an exemption granted under subparagraph (C) if—

"(i) the motor carrier to which it applies fails to comply with the terms and conditions of the exemption; or

"(ii) the Secretary determines that the exemption has resulted in a lower level of safety than was maintained before the exemption was granted.".

SEC. 3422. COMMERCIAL MOTOR VEHICLE SAFETY STUDIES.

(a) IN GENERAL.—The Secretary shall conduct a study of the impact on safety and infrastructure of tandem axle commercial motor vehicle operations in States that permit the operation of such vehicles in excess of the weight limits established by section 127 of title 23, United States Code.

(b) COOPERATIVE AGREEMENTS WITH STATES.—The Secretary shall enter into cooperative agreements with States described in subsection (a) under which the States participate in the collection of weight-in-motion data necessary to achieve the purpose of the study. If the Secretary determines that additional weight-in-motion sites, on or off the Dwight D. Eisenhower System of Interstate and Defense Highways, are necessary to carry out the study, and requests assistance from the States in choosing appropriate locations, the States shall identify the industries or transportation companies operating within their borders that regularly utilize the 35,000-pound tandem axle.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any related legislative or administrative recommendations. Until the Secretary transmits the report to Congress, the Secretary may not withhold funds under section 104 of title 23, United States Code, from any State for violation of the grandfathered tandem axle weight limits under section 127 of that title.

SEC. 3423. INCREASED MCSAP PARTICIPATION IMPACT STUDY.

(a) IN GENERAL.—If a State that did not receive its full allocation of funding under the Motor Carrier Safety Assistance Program during fiscal years 1996 and 1997 agrees to enter into a cooperative agreement with the Secretary to evaluate the safety impact, costs, and benefits of allowing such State to continue to participate fully in the Motor Carrier Safety Assistance Program, then the Secretary of Transportation shall allocate to that State the full amount of funds to which it would otherwise be entitled for fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. The Secretary may not add conditions to the cooperative agreement other than those directly relating to the accurate and timely collection of inspection and crash data sufficient to ascertain the safety and effectiveness of such State's program.

(b) REQUIREMENTS.—

(1) REPORT.—The State shall submit to the Secretary each year the results of such safety evaluations.

(2) TERMINATION BY SECRETARY.—If the Secretary finds such an agreement not in the public interest based on the results of such evaluations after 2 years of full participation, the Secretary may terminate the agreement entered into under this section.

(c) PROHIBITION OF ADOPTION OF LESSER STANDARDS.—No State may enact or implement motor carrier safety regulations that are determined by the Secretary to be less strict than those in effect as of September 30, 1997.

SEC. 3424. EXEMPTION FROM CERTAIN REGULATIONS FOR UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS.

(a) In General.—Section 31502 is amended by adding at the end the following new subsection:

"(e) Exception.—

"(1) In general.—Notwithstanding any other provision of law, regulations promulgated under this section or section 31136 regarding—

"(A) maximum driving and on-duty times applicable to operators of commercial motor vehicles;

"(B) physical testing, reporting, or recordkeeping; and

"(C) the installation of automatic recording devices associated with establishing the maximum driving and on-duty times referred to in subparagraph (A),

shall not apply to any driver of a utility service vehicle.

"(2) Definitions.—For purposes of this subsection—

"(A) Driver of a utility service vehicle.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

"(B) Utility service vehicle.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).".

(b) Continued Application of Safety and Maintenance Requirements.—

(1) In general.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) Definitions.—For purposes of this subsection—

(A) Commercial driver's license.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) Driver of a utility service vehicle.—The term "driver of a utility service vehicle" has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) Regulation.—The term "regulation" has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) Utility service vehicle.—The term "utility service vehicle" has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

SEC. 3425. WAIVERS FOR CERTAIN FARM VEHICLES.

(a) Definitions.—In this section:

(1) Custom harvesting farm machinery.—The term "custom harvesting farm machinery" includes vehicles used for custom harvesting that—

(A) are classified under subpart F of part 383 of title 49, Code of Federal Regulations, as being included in Group A, B, or C (as those terms are used in section 383.91 of that part); and

(B) are used on a seasonal basis to provide transportation of—

(i) agricultural commodities from field to storage or processing; and

(ii) harvesting machinery and equipment from farm to farm.

(2) Commercial driver's license.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(b) Waivers.—In addition to the authority granted to States to waive the application of chapter 313 of title 49, United States Code, with respect to farm vehicles described in 53 Fed. Reg. 37313 through 37316 and farm-related service industries described in 57 Fed. Reg. 13650 through 13654, each State that issues commercial driver's licenses in accordance with chapter 313 of title 49, United States Code, may waive the application of any requirement for obtaining a commercial driver's license for operators of custom harvesting farm machinery or employees of farm-related service industries (or both) that would otherwise apply.

SEC. 3426. FARM SERVICE VEHICLES.

(a) In General.—Section 5117(d)(2) is amended—

(1) in the matter preceding subparagraph (A), by striking "do not prohibit";

(2) in subparagraph (A)—

(A) by inserting "do not prohibit" before "or regulate"; and

(B) by striking "or" at the end;

(3) in subparagraph (B)—

(A) by inserting "do not prohibit" before "transportation"; and

(B) by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(C) do not prohibit a State from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material from—

"(i) a source of supply to a farm;

"(ii) a farm to another farm;

"(iii) a field to another field on a farm; or

"(iv) a farm back to the source of supply.

In granting any exception under subparagraph (C), a State shall be required to certify to the Secretary that the exception is in the public interest, there is a need for the exception, and the State will monitor the exception and take such measures as are necessary to ensure that safety is not compromised.".

(b) Agricultural Production Material Defined.—Section 5117 is amended by adding at the end the following:

"(f) Agricultural Production Material Defined.—In this section, the term 'agricultural production material' means—

"(1) ammonium nitrate fertilizer in a quantity that does not exceed 16,094 pounds;

"(2) a pesticide in a quantity that does not exceed 502 gallons for liquids and 5,070 pounds for solids; and

"(3) a solution of water and nitrogen fertilizer in a quantity that does not exceed 3,500 gallons.".

Subtitle E—Rail and Mass Transportation Anti-Terrorism; Safety

SEC. 3501. PURPOSE.

The purpose of this subtitle is to protect the passengers and employees of railroad carriers and mass transportation systems and the movement of freight by railroad from terrorist attacks.

SEC. 3502. AMENDMENTS TO THE "WRECKING TRAINS" STATUTE.

(a) Section 1992 of title 18, United States Code, is amended to read as follows:

"§ 1992. Terrorist attacks against railroads

"(a) General Prohibitions.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(2) brings, carries, possesses, places or causes to be placed any destructive substance, or destructive device in, upon, or near any train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, without previously obtaining the permission of the carrier, and with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance, or destructive device in, upon or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, knowing or having reason to know such activity would likely derail, disable, or wreck a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of any railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad line used, operated, or employed by a railroad carrier;

"(5) interferes with, disables, or incapacitates any locomotive engineer, conductor, or other person while they are operating or maintaining a train, locomotive, motor unit, or freight or passenger car used, operated, or employed by a railroad carrier, with intent to endanger the safety of any passenger or employee of the carrier, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a railroad carrier while on the property of the carrier;

"(7) causes the release of a hazardous material being transported by a rail freight car, with the intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

"(8) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this subsection; or

"(9) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than 20 years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts; except that whoever is convicted of any crime prohibited by this subsection shall be—

"(A) imprisoned for not less than 30 years or for life if the railroad train involved carried high-level radioactive waste or spent nuclear fuel at the time of the offense;

"(B) imprisoned for life if the railroad train involved was carrying passengers at the time of the offense; and

"(C) imprisoned for life or sentenced to death if the offense has resulted in the death of any person.

"(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a passenger train of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a passenger train or in a passenger terminal facility of a railroad carrier, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both, if such act is committed on a railroad carrier that is engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a passenger train or a passenger terminal facility of a railroad carrier involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.

"(4) Paragraph (1) shall not apply to—

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

"(D) the possession of a firearm or other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

"(E) an individual transporting a firearm on board a railroad passenger train (except a loaded firearm) in baggage not accessible to any passenger on board the train, if the railroad carrier was informed of the presence of the weapon prior to the firearm being placed on board the train.

"(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any locomotive or car of a train, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a railroad carrier engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than 20 years if the offense has resulted in the death of any person.

"(d) DEFINITIONS.—In this section—

"(1) 'dangerous device' has the meaning given that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon'' has the meaning given that term in section 930 of this title;

"(3) 'destructive substance'' has the meaning given that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given that term in section 921 of this title;

"(5) 'hazardous material' has the meaning given that term in section 5102(2) of title 49, United States Code;

"(6) 'high-level radioactive waste' has the meaning given that term in section 10101(12) of title 42, United States Code;

"(7) 'railroad' has the meaning given that term in section 20102(1) of title 49, United States Code;

"(8) 'railroad carrier' has the meaning given that term in section 20102(2) of title 49, United States Code;

"(9) 'serious bodily injury' has the meaning given that term in section 1365 of this title;

"(10) 'spent nuclear fuel' has the meaning given that term in section 10101(23) of title 42, United States Code; and

"(11) 'State' has the meaning given that term in section 2266 of this title.".

(b) In the analysis of chapter 97 of title 18, United States Code, item "1992" is amended to read as follows:

"1992. Terrorist attacks against railroads.".

SEC. 3503. TERRORIST ATTACKS AGAINST MASS TRANSPORTATION.

(a) Chapter 97 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1994. Terrorist attacks against mass transportation

"(a) GENERAL PROHIBITIONS.—Whoever willfully—

"(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or vessel;

"(2) places or causes to be placed any destructive substance in, upon, or near a mass transportation vehicle or vessel, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(3) sets fire to, or places any destructive substance in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;

"(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

"(5) interferes with, disables, or incapacitates any driver or person while that driver or person is employed in operating or maintaining a mass transportation vehicle or vessel, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

"(6) commits an act intended to cause death or serious bodily injury to an employee or passenger of a mass transportation provider on the property of a mass transportation provider;

"(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

"(8) attempts, threatens, or conspires to do any of the aforesaid acts, shall be fined under this title or imprisoned not more than 20 years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, within the United States on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act. Whoever is convicted of a crime prohibited by this section shall also be subject to imprisonment for life if the mass transportation vehicle or vessel was carrying a passenger at the time of the offense, and imprisonment for life or sentenced to death if the offense has resulted in the death of any person.

"(b) PROHIBITIONS ON THE USE OF FIREARMS AND DANGEROUS WEAPONS.—

"(1) Except as provided in paragraph (4), whoever knowingly possesses or causes to be present any firearm or other dangerous weapon on board a mass transportation vehicle or vessel, or attempts to do so, shall be fined under this title or imprisoned not more than 1 year, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(2) Whoever, with intent that a firearm or other dangerous weapon be used in the commission of a crime, knowingly possesses or causes to be present such firearm or dangerous weapon on board a mass transportation vehicle or vessel, or in a mass transportation passenger terminal facility, or attempts to do so, shall be fined under this title, or imprisoned not more than 5 years, or both, if such act is committed on a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

"(3) A person who kills or attempts to kill a person in the course of a violation of paragraphs (1) or (2), or in the course of an attack on a mass transportation vehicle or vessel, or a mass transportation passenger terminal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113 of this title.

"(4) Paragraph (1) shall not apply to—

"(A) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while engaged in the lawful performance of official duties, who is authorized by law to engage in the transportation of people accused or convicted of crimes, or supervise the prevention, detection, investigation, or prosecution of any violation of law;

"(B) the possession of a firearm or other dangerous weapon by an officer, agent, or employee of the United States, a State, or a political subdivision thereof, while off duty, if such possession is authorized by law;

"(C) the possession of a firearm or other dangerous weapon by a Federal official or a member of the Armed Forces if such possession is authorized by law;

"(D) the possession of a firearm or other dangerous weapon by a railroad police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State, whether on or off duty; or

"(E) an individual transporting a firearm on board a mass transportation vehicle or vessel (except a loaded firearm) in baggage not accessible to any passenger on board the vehicle or vessel, if the mass transportation provider was informed of the presence of the weapon prior to the firearm being placed on board the vehicle or vessel.

"(c) PROHIBITION AGAINST PROPELLING OBJECTS.—Whoever willfully or recklessly throws, shoots, or propels a rock, stone, brick, or piece of iron, steel, or other metal or any deadly or dangerous object or destructive substance at any mass transportation vehicle or vessel, knowing or having reason to know such activity would likely cause personal injury, shall be fined under this title or imprisoned for not more than 5 years, or both, if such act is committed on or against a mass transportation provider engaged in or substantially affecting interstate or foreign commerce, or if in the course of committing such acts, that person travels or communicates across a State line in order to commit such acts, or transports materials across a State line in aid of the commission of such acts. Whoever is convicted of any crime prohibited by this subsection shall also be subject to imprisonment for not more than 20 years if the offense has resulted in the death of any person.

"(d) DEFINITIONS.—In this section—

"(1) 'dangerous device' has the meaning given that term in section 921(a)(4) of this title;

"(2) 'dangerous weapon' has the meaning given that term in section 930 of this title;

"(3) 'destructive substance' has the meaning given that term in section 31 of this title, except that (A) the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes, and (B) 'destructive substance' includes any radioactive device or material that can be used to cause a harm listed in subsection (a) and that is not in use solely for medical, industrial, research, or other peaceful purposes;

"(4) 'firearm' has the meaning given that term in section 921 of this title;

"(5) 'mass transportation' has the meaning given that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

"(6) 'serious bodily injury' has the meaning given that term in section 1365 of this title; and

"(7) 'State' has the meaning given that term in section 2266 of this title.".

(b) The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end thereof:

"1994. Terrorist attacks against mass transportation.".

SEC. 3504. INVESTIGATIVE JURISDICTION.

The Federal Bureau of Investigation shall lead the investigation of all offenses under sections 1192 and 1994 of title 18, United States Code. The Federal Bureau of Investigation shall cooperate with the National Transportation Safety Board and with the Department of Transportation in safety investigations by these agencies, and with the Treasury Department's Bureau of Alcohol, Tobacco and Firearms concerning an investigation regarding the possession of firearms and explosives.

SEC. 3505. SAFETY CONSIDERATIONS IN GRANTS OR LOANS TO COMMUTER RAILROADS.

Section 5329 is amended by adding at the end the following:

"(c) COMMUTER RAILROAD SAFETY CONSIDERATIONS.—In making a grant or loan under this chapter that concerns a railroad subject to the Secretary's railroad safety jurisdiction under section 20102 of this title, the Federal Transit Administrator shall consult with the Federal Railroad Administrator concerning relevant safety issues. The Secretary may use appropriate authority under this chapter, including the authority to prescribe particular terms or covenants under section 5334 of this title, to address any safety issues identified in the project supported by the loan or grant.".

SEC. 3506. RAILROAD ACCIDENT AND INCIDENT REPORTING.

Section 20901(a) is amended to read as follows:

"(a) GENERAL REQUIREMENTS.—On a periodic basis, not more frequently than monthly, as specified by the Secretary of Transportation, a railroad carrier shall file a report with the Secretary on all accidents and incidents resulting in injury or death to an individual, or damage to equipment or a roadbed arising from the carrier's operations during that period. The report shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.".

SEC. 3507. MASS TRANSPORTATION BUSES.

Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended (23 U.S.C. 127 note), is amended by striking "the date on which" and all that follows through "1995" and inserting "January 1, 2003".

Subtitle F—Sportfishing and Boating Safety

SEC. 3601. AMENDMENT OF 1950 ACT.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of the 1950 Act, the reference shall be considered to be made to a section or other provision of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777 et seq.).

SEC. 3602. OUTREACH AND COMMUNICATIONS PROGRAMS.

(a) DEFINITIONS.—Section 2 of the 1950 Act (16 U.S.C. 777a) is amended—

(1) by indenting the left margin of so much of the text as precedes "(a)" by 2 ems;

(2) by inserting "For purposes of this Act—" after the section heading;

(3) by striking "For the purpose of this Act the" in the first paragraph and inserting "(1) the";

(4) by indenting the left margin of so much of the text as follows "include—" by 4 ems;

(5) by striking "(a)", "(b)", "(c)", and "(d)" and inserting "(A)", "(B)", "(C)", and "(D)", respectively;

(6) by striking "department." and inserting "department;"; and

(7) by adding at the end the following:

"(2) the term 'outreach and communications program' means a program to improve communications with anglers, boaters, and the general public regarding angling and boating opportunities, to reduce barriers to participation in these activities, to advance adoption of sound fishing and boating practices, to promote conservation and the responsible use of the Nation's aquatic resources, and to further safety in fishing and boating; and

"(3) the term 'aquatic resource education program' means a program designed to enhance the public's understanding of aquatic resources and sportfishing, and to promote the development of responsible attitudes and ethics toward the aquatic environment.".

(b) FUNDING FOR OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4 of the 1950 Act (16 U.S.C. 777c) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

(2) by inserting after subsection (b) the following:

"(c) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Of the balance of each such annual appropriation remaining after making the distribution under subsections (a) and (b), respectively, an amount equal to—

"(1) $5,000,000 for fiscal year 1998;
"(2) $6,000,000 for fiscal year 1999;
"(3) $7,000,000 for fiscal year 2000;
"(4) $8,000,000 for fiscal year 2001;
"(5) $10,000,000 for fiscal year 2002; and
"(6) $10,000,000 for fiscal year 2003,

shall be used for the National Outreach and Communications Program under section 8(d). Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary of the Interior for that program may be expended by the Secretary under subsection (e).";

(3) in subsection (d), as redesignated, by inserting ", for an outreach and communications program" after "Act";

(4) in subsection (d), as redesignated, by striking "subsections (a) and (b)," and inserting "subsections (a), (b), and (c),";

(5) by adding at the end of subsection (d), as redesignated, the following: "Of the sum available to the Secretary of the Interior under this subsection for any fiscal year, up to $2,500,000 may be used for the National Outreach and Communications Program under section 8(d) in addition to the amount available for that program under subsection (c). No funds available to the Secretary under this subsection may be used to replace

funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this Act. The Secretary shall publish a detailed accounting of the projects, programs, and activities funded under this subsection annually in the Federal Register."; and

(6) in subsection (e), as redesignated, by striking "subsections (a), (b), and (c)," and inserting "subsections (a), (b), (c), and (d),".

(c) INCREASE IN STATE ALLOCATION.—Section 8 of the 1950 Act (16 U.S.C. 777g) is amended—

(1) by striking "12 1/2 percentum" each place it appears in subsection (b) and inserting "15 percent";

(2) by striking "10 percentum" in subsection (c) and inserting "15 percent";

(3) by inserting "and communications" in subsection (c) after "outreach"; and

(4) by redesignating subsection (d) as subsection (f); and by inserting after subsection (c) the following:

"(d) NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—

"(1) IMPLEMENTATION.—Within 1 year after the date of enactment of the Intermodal Transportation Safety Act of 1997, the Secretary of the Interior shall develop and implement, in cooperation and consultation with the Sport Fishing and Boating Partnership Council, a national plan for outreach and communications.

"(2) CONTENT.—The plan shall provide—

"(A) guidance, including guidance on the development of an administrative process and funding priorities, for outreach and communications programs; and

"(B) for the establishment of a national program.

"(3) SECRETARY MAY MATCH OR FUND PROGRAMS.—Under the plan, the Secretary may obligate amounts available under subsection (c) or (d) of section 4 of this Act—

"(A) to make grants to any State or private entity to pay all or any portion of the cost of carrying out any outreach or communications program under the plan; or

"(B) to fund contracts with States or private entities to carry out such a program.

"(4) REVIEW.—The plan shall be reviewed periodically, but not less frequently than once every 3 years.

"(e) STATE OUTREACH AND COMMUNICATIONS PROGRAM.—Within 12 months after the completion of the national plan under subsection (d)(1), a State shall develop a plan for an outreach and communications program and submit it to the Secretary. In developing the plan, a State shall—

"(1) review the national plan developed under subsection (d);

"(2) consult with anglers, boaters, the sportfishing and boating industries, and the general public; and

"(3) establish priorities for the State outreach and communications program proposed for implementation.".

SEC. 3603. CLEAN VESSEL ACT FUNDING.

Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is amended to read as follows:

"(b) USE OF BALANCE AFTER DISTRIBUTION.—

"(1) FISCAL YEAR 1998.—For fiscal year 1998, of the balance remaining after making the distribution under subsection (a), an amount equal to $51,000,000 shall be used as follows:

"(A) $10,000,000 shall be available to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

"(B) $10,000,000 shall be available to the Secretary of the Interior for 3 years for obligation for qualified projects under section 3604(d) of the Intermodal Transportation Safety Act of 1997; and

"(C) $31,000,000 shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(2) FISCAL YEARS 1999–2003.—For each of fiscal years 1999 through 2003, the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $84,000,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note);

"(B) $10,000,000 shall be available for each fiscal year to the Secretary of the Interior for 3 years for obligation for qualified projects under section 3604(d) of the Intermodal Transportation Safety Act of 1997; and

"(C) the balance shall be transferred for each such fiscal year to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.

"(3) TRANSFER OF CERTAIN FUNDS.—Amounts available under subparagraphs (A) and (B) of paragraphs (1) and (2) that are unobligated by the Secretary of the Interior after 3 years shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.".

SEC. 3604. BOATING INFRASTRUCTURE.

(a) PURPOSE.—The purpose of this section is to provide funds to States for the development and maintenance of public facilities for transient nontrailerable recreational vessels.

(b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C. 777g), as amended by section 3602, is amended by adding at the end thereof the following:

"(g) SURVEYS.—

"(1) NATIONAL FRAMEWORK.—Within 6 months after the date of enactment of the Intermodal Transportation Safety Act of 1997, the Secretary, in consultation with the States, shall adopt a national framework for a public boat access needs assessment which may be used by States to conduct surveys to determine the adequacy, number, location, and quality of facilities providing access to recreational waters for all sizes of recreational boats.

"(2) STATE SURVEYS.—Within 18 months after such date of enactment, each State that agrees to conduct a public boat access needs survey following the recommended national framework shall report its findings to the Secretary for use in the development of a comprehensive national assessment of recreational boat access needs and facilities.

"(3) EXCEPTION.—Paragraph (2) does not apply to a State if, within 18 months after such date of enactment, the Secretary certifies that the State has developed and is implementing a plan that ensures there are and will be public boat access adequate to meet the needs of recreational boaters on its waters.

"(4) FUNDING.—A State that conducts a public boat access needs survey under paragraph (2) may fund the costs of conducting that assessment out of amounts allocated to it as funding dedicated to motorboat access to recreational waters under subsection (b)(1) of this section.".

(c) PLAN.—Within 6 months after submitting a survey to the Secretary under section 8(g) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777g(g)), as added by subsection (b) of this section, a State may develop and submit to the Secretary a plan for the construction, renovation, and maintenance of public facilities, and access to those facilities, for transient nontrailerable recreational vessels to meet the needs of nontrailerable recreational vessels operating on navigable waters in the State.

(d) GRANT PROGRAM.—

(1) MATCHING GRANTS.—The Secretary of the Interior shall obligate amounts made available under section 4(b)(1)(C) of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," approved August 9, 1950 (16 U.S.C. 777c(b)(1)(C)) to make grants to any State to pay not more than 75 percent of the cost to a State of constructing, renovating, or maintaining public facilities for transient nontrailerable recreational vessels.

(2) PRIORITIES.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that—

(A) consist of the construction, renovation, or maintenance of public facilities for transient nontrailerable recreational vessels in accordance with a plan submitted by a State under subsection (c);

(B) provide for public/private partnership efforts to develop, maintain, and operate facilities for transient nontrailerable recreational vessels; and

(C) propose innovative ways to increase the availability of facilities for transient nontrailerable recreational vessels.

(e) DEFINITIONS.—For purposes of this section, the term—

(1) "nontrailerable recreational vessel" means a recreational vessel 26 feet in length or longer—

(A) operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure;

(2) "public facilities for transient nontrailerable recreational vessels" includes mooring buoys, day-docks, navigational aids, seasonal slips, or similar structures located on navigable waters, that are available to the general public and designed for temporary use by nontrailerable recreational vessels; and

(3) "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1998.

SEC. 3605. BOAT SAFETY FUNDS.

(a) AVAILABILITY OF ALLOCATIONS.—Section 13104(a) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking "3 years" and inserting "2 years"; and

(2) in paragraph (2), by striking "3-year" and inserting "2-year".

(b) EXPENDITURES.—Section 13106 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (a)(1) and inserting the following:

"Subject to paragraph (2) and subsection (c), the Secretary shall expend in each fiscal year for State recreational boating safety programs, under contracts with States under this chapter, an amount equal to the sum of (A) the amount appropriated from the Boat Safety Account for that fiscal year and (B) the amount transferred to the Secretary under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b))."; and

(2) by striking subsection (c) and inserting the following:

"(c) Of the amount transferred for each fiscal year to the Secretary of Transportation under section 4(b) of the Act of August 9, 1950 (16 U.S.C. 777c(b)), $5,000,000 is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under this title. No funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by this section. Amounts made available by this subsection shall remain available until expended. The Secretary shall publish annually in the Federal Register a detailed accounting of the projects, programs, and activities funded under this subsection.".

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 13106 of title 46, United States Code, is amended to read as follows:

"§13106. Authorization of appropriations".

(2) The chapter analysis for chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13106 and inserting the following:

"13106. Authorization of appropriations.".

Subtitle G—Miscellaneous

SEC. 3701. LIGHT DENSITY RAIL LINE PILOT PROJECTS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following new chapter:

"CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

"Sec.

"22301. Light density rail line pilot projects.

"§23091. Light density rail line pilot projects

"(a) GRANTS.—The Secretary of Transportation may make grants to States that have State rail plans described in section 22102 (1) and (2) to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

"(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

"(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

"(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle V is amended by inserting after the item relating to chapter 221 the following new item:

"223. Light Density Rail Line Pilot Projects ....22301.".

KEMPTHORNE AMENDMENT NO. 1681

Mr. KEMPTHORNE proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 40, after line 10, insert the following:

SEC. 3106. IMPROVING AIR BAG SAFETY.

(a) SUSPENSION OF UNBELTED BARRIER TESTING.—The provision in Federal Motor Vehicle Safety Standard No. 208, Occupant crash protection, 49 CFR 571.208, that requires air bag-equipped vehicles to be crashed into a barrier using unbelted 50th percentile adult male dummies is suspended until either the rule issued under subsection (b) goes into effect or, prior to the effective date of the rule, the Secretary of Transportation, after reporting to the Commerce Committee of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, determines by rule that restoring the test is necessary to accomplish the purposes of subsection (b).

(b) Rulemaking to Improve Air Bags.—

(1) Notice of proposed rulemaking.—Not later than June 1, 1998, the Secretary of Transportation shall issue a notice of proposed rulemaking to improve the occupant protection for all occupants provided by Federal Motor Vehicle Safety Standard No. 208, while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags.

(2) Final rule.—The Secretary shall complete the rulemaking required by this subsection by issuing, not later than June 1, 1999, a final rule consistent with paragraph (1). If the Secretary determines that the final rule cannot be completed by that date to meet the purposes of paragraph (1), and advises the Congress of the reasons for this determination, the Secretary may extend the date for issuing the final rule by not more than one year. The Congress may, by joint resolution, grant a further extension of the date for issuing a final rule.

(3) Methods to ensure protection.—Notwithstanding subsection (a) of this section, the rule required by paragraph (2) may include such tests, including tests with dummies of different sizes, as the Secretary determines to be reasonable, and practicable, and appropriate to meet the purposes of paragraph (1).

(4) EFFECTIVE DATE.—The final rule issued under this subsection shall become effective in phases as rapidly as practicable, beginning not earlier than September 1, 2001, and not later than September 1, 2002, and shall become effective not later than September 1, 2005, for all motor vehicles in which air bags are required to be installed. If the Secretary determines that the September 1, 2005, effective date is not practicable to meet the purposes of paragraph (1), the Secretary may extend the effective date for not more than one year. The Congress may, by joint resolution, grant a further extension of the effective date.

(c) REPORT ON AIR BAG IMPROVEMENTS.—Not later than 6 months after the enactment of this section, the Secretary of Transportation shall report to Congress on the development of technology to improve the protection given by air bags and reduce the risks from air bags. To the extent possible, the report shall describe the performance characteristics of advanced air bag devices, their estimated cost, their estimated benefits, and the time within which they could be installed in production vehicles.

On page 167, after the matter appearing after line 18, insert the following:

Strike section 1407 of the bill.

In the table of sections for the bill, strike the item relating to section 1407.

Amendment the table of sections for the bill by inserting the following item at the appropriate place:

Sec. 3406. Improving air bag safety.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1682

Mr. LAUTENBERG (for himself, Mr. DEWINE, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mrs. BOXER, Mr. HELMS, Mr. GLENN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. MOYNIHAN, Mr. HATCH, Mr. WELLSTONE, Mr. AKAKA, Mr. DODD, Mr. KERRY, Mr. INOUYE, Ms. MOSELEY-BRAUN, Mr. BUMPERS, Mr. REED, Mr. SMITH of Oregon, Mr. ROCKEFELLER, Mr. THURMOND, and Mr. CHAFEE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle D of title I, add the following:

SEC. 14 . NATIONAL STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§154. National standard to prohibit operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2002.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law providing that an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State is guilty of the offense of driving while intoxicated (or an equivalent offense that carries the greatest penalty under the law of the State for operating a motor vehicle after having consumed alcohol).

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2003.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2003, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2003.—No funds withheld under this section from apportionment to any State after September 30, 2003, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (a)(3), the funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. National standard to prohibit operation of motor vehicles by intoxicated individuals.".

INHOFE (AND BREAUX) AMENDMENT NO. 1683

(Ordered to lie on the table.)

Mr. INHOFE (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill, add the following:

TITLE —OZONE AND PARTICULATE MATTER STANDARDS

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) There is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) Such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) The President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards;"

(4) The Administrator has stated that three years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) The Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries;

(b) The purposes of this title are—

(1) To ensure that three years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) To ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) To ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

PARTICULATE MATTER MONITORING PROGRAM

SEC. 2. (a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal 2000 to fund one hundred percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States shall ensure that the national network (designated in section 2(a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within one year after receipt of three years of air quality monitoring data performed in accordance with any applicable federal reference methods for the relavent areas. Only data from the monitoring network designated in section 2(a) and other federal reference method monitors shall be considered for such designations. In reviewing the State Implemental Plans the Administrator shall take into account all relevant monitoring data regarding transport of $PM_{2.5}$.

(d) The Administrator shall promulgate designations of nonattainment areas no later than one year after the initial designations required under paragraph 2(c) are required to be submitted.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than two years from the date of enactment of this legislation.

OZONE DESIGNATION REQUIREMENTS

SEC. 3. (a) The Governors shall be required to submit designations of nonattainment areas within two years following the July 1997 promulgation of the revised ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than one year after the designation required under paragraph 3(a) are required to be submitted.

ADDITIONAL PROVISIONS

SEC. 4. Nothing in sections 1–3 above shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Tuesday, March 10, 1998, at 9 a.m. in SR–328A. The purpose of this meeting will be to examine the current federal crop insurance program and consider improvements to the system.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, March 3, 1998, in open session, to receive testimony on the Department of Defense Science and technology programs in review of the Defense authorization request for fiscal year 1999 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 3, 1998, to conduct a hearing on S. 1405, the "Financial Regulatory Relief and Economic Efficiency Act (FRREE)."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 3, 1998, at 9:30 a.m. on tobacco legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 3, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY1999 for the U.S. Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President. I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider amendments to S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997, Tuesday, March 3, 1998, 9:30 a.m., Hearing Room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 3, 1998 at 2:15 pm to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the senate on Tuesday, March 3, 1998 at 10:00 a.m. in room 216 of the senate hart office building to hold a hearing on "Market Power and Structural Change in the Software Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Public Health and Safety, be authorized to meet for a hearing on Global Health: United States Response to Infectious Diseases during the session of the Senate on Tuesday, March 3, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, March 3, 1998 in closed/open session, to receive testimony on the seapower threat-based force requirement in review of the Defense authorization request for fiscal year 1999 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATO ENLARGEMENT: A HISTORIC BLUNDER

• Mr. MOYNIHAN. Mr. President, in this morning's New York Times, Thomas L. Friedman has written a powerful critique of what he calls "fumbling on NATO expansion." In it he refers to a letter in the spring issue of The National Interest from George F. Kennan who warns that NATO expansion is an historic blunder. Ambassador Kennan's letter came in response to an article by Owen Harries, editor of The National Interest, on "The Dangers of Expansive Realism" in the current, winter issue of The National Interest.

It is surely a rare moment when three respected commentators on foreign affairs, and in Ambassador Kennan's case, a participant of historic standing, each of quite distinctive points of view, come together in such strong agreement. In an article in The New York Times of February 5th, 1997, Ambassador Kennan stated that "expanding NATO would be the most fateful error of American policy in the entire post-cold-war era."

I ask that the column by Thomas L. Friedman, the letter by George F. Kennan, the article by Owen Harries, and the article by Ambassador Kennan in The New York Times be printed in the RECORD.

[From the New York Times, March 3, 1998]

OHIO STATE II

(By Thomas L. Friedman)

Last week the Senate Foreign Relations Committee put on a shameful performance. Senators Jesse Helms, Joe Biden & Co. rolled over like puppies having their bellies rubbed when Clinton officials explained their plans for NATO expansion by dodging all the hard questions. It's too bad CNN couldn't entice the Clinton team to go out to Ohio State again and hold a town meeting on NATO expansion. If they had, it would sound like this:

Student: "I've got a question for Secretary of Defense Cohen. When you were here before, you had a hard time defining what the endgame would be if we bombed Iraq. What's the endgame of NATO expansion? I mean, if we just admit Poland, Hungary and the Czech Republic, all we will be doing is redividing Europe slightly to the east. And if we actually do what you advocate, expand NATO to the Baltic States, up to Russia's border, we will be redividing NATO, since the British, French and Germans are not ready to go that far because they know it would be treated by Russia as a strategic threat."

Secretary Cohen: "Son, we've got our endgame on NATO figured out just like we do on Iraq. It's called kick the can down the road and hope it all works out in the end."

Student: "National security adviser Berger, you now say NATO expansion will only cost $1.5 billion over 10 years, when just last year the Pentagon said it would be $27 billion over 13 years, and the Congressional Budget Office said it could be $125 billion over 15 years. How come NATO expansion gets cheaper every day it gets closer to a Senate vote? And how does it get cheaper when France says it won't pay a dime and the Czech Republic doesn't own a single advanced fighter jet, so it will need to buy a whole new air force?"

Mr. Berger: "Our NATO numbers were prepared by the same accountants who said the U.S. budget was balanced. I rest my case."

Student: "Secretary Albright, you say we have to bomb Iraq, because Saddam has all these weapons of mass destruction. But the Russians have 7,500 long-range nuclear missiles, loose warheads falling off trucks and a bunch of Dr. Strangelove scientists looking for work. And we have a Start 2 nuclear reduction treaty that the Russians have signed but not implemented because of resistance in the Russian Parliament to NATO expansion. How could you put a higher priority on bringing Hungary into NATO than working with Russia on proliferation?"

Albright: "Oh, please. You want to blame everything on NATO expansion, like it's El Niño."

Student: "I'm sorry, Madame Secretary, but that's not an answer. You keep dodging this question. You can say that the Russians can't stop NATO expansion. And you can say that it's worth risking a new cold war to bring these three countries into NATO. But you can't deny that NATO expansion has contributed to Russia's refusal to ratify the Start 2 treaty, which is an enormous loss to U.S. national security."

War veteran: "Secretary Cohen, I thought we fought the cold war to change Russia, not to expand NATO. But now that we've changed Russia and should be consolidating that, you want to expand NATO?"

Secretary Cohen: "NATO expansion is not directed against Russia. It's meant to secure the new democracies in East Europe."

Heckler: "If it's meant to secure democracy in new democracies, isn't the most important new democracy Russia? And why is your P.R. campaign for NATO expansion being funded by U.S. arms sellers, who see NATO expansion as market expansion for their new weapons?"

Student: "I just got the spring issue of The National Interest magazine. It contains a letter from George Kennan, the architect of America's cold-war containment of the Soviet Union and one of our nation's greatest statesmen. Kennan says NATO expansion is a historic blunder. What do you all know that he doesn't?"

Mr. Berger: "I have the greatest respect for Mr. Kennan, but our team has its own Russia expert, Strobe Talbott, who speaks Russian, has written books about Russia, and some of his best friends are Russians. He couldn't possible be anti-Russian, and he's for NATO expansion."

Student: "Excuse me, but didn't Talbott write the first memo to Secretary of State Christopher opposing NATO expansion, because. . . ."

Bernard Shaw: "Sorry to interrupt. We've got to close."

[From the National Interest—Spring 1998]

The Dangers of Expansive Realism

I read your article [Owen Harries, "The Dangers of Expansive Realism", Winter 1997/98] with strong approval. It was in some respects a surprise because certain of your major arguments were ones I myself had made, or had wanted to make, but had not expected to see them so well expressed by the pen of anyone else. I can perhaps make this clear by commenting specifically on certain of your points.

First, your reference to the implicit understanding that the West would not take advantage of the Russian strategic and political withdrawal from Eastern Europe is not only warranted, but could have been strengthened. It is my understanding that Gorbachev on more than one occasion was given to understand, in informal talks with senior American and other Western personalities, that if the USSR would accept a united Germany remaining in NATO, the jurisdiction of that alliance would not be moved further eastward. We did not, I am sure, intend to trick the Russians; but the actual determinants of our later behavior—lack of coordination of political with military policy, and the amateurism of later White House diplomacy—would scarcely have been more creditable on our part than a real intention to deceive.

Secondly, I could not associate myself more strongly with what you write about the realist case that sees Russia as an inherently and incorrigibly expansionist country, and suggest that this tendency marks the present Russian regime no less than it did the Russian regimes of the past. We have seen this view reflected time and again, occasionally in even more violent forms, in efforts to justify the recent expansion of NATO's boundaries and further possible expansions of that name. So numerous and extensive have the distortions and misunderstandings on which this view is based been that it would be hard even to list them in a letter of this sort. It grossly oversimplifies and misconstrues must of the history of Russian diplomacy of the czarist period. It ignores the whole great complexity of Russia's part in World War II. It allows and encourages one to forget that the Soviet military advances into Western Europe during the last war took place with our enthusiastic approval, and the political ones of the ensuing period at least wit hour initial consent and support. It usually avoids mention of the Communist period, and attributes to "the Russians" generally all the excesses of the Soviet domination of Eastern Europe in the Cold War period.

Worst of all, it tends to equate, at least by implication, the Russian-Communist dictatorship of recent memory with the present Russian republic—a republic, the product of an amazingly bloodless revolution, which has, for all its many faults, succeeded in carrying on for several years with an elected government, a largely free press and media, without concentration camps or executions, and with a minimum of police brutality. This curious present Russia, we are asked to believe, is obsessed by the same dreams of conquest and oppression of others as were the worst examples, real or imaginative, of its predecessors.

You, I think, were among the first, if not indeed the first, to bring some of the above to the attention of your readers; and this, in my opinion, was an important and valuable service.

GEORGE F. KENNAN,
Princeton, New Jersey.

[From the National Interest—Winter 1997/98]

The Dangers of Expansive Realism

(By Owen Harries)

> *. . . it is sometimes necessary to repeat what all know. All mapmakers should place the Mississippi in the same location and avoid originality. It may be boring, but one has to know where it is. We cannot have the Mississippi flowing toward the Rockies, just for a change.*
>
> —Saul Bellow, *Mr. Sammler's Planet*

In many ways NATO is a boring organization. It is a thing of acronyms, jargon, organizational charts, arcane strategic doctrines, and tried rhetoric. But there is no gainsaying that it has a Mississippi-like centrality and importance in American foreign policy. When, then, proposals are made to change it radically—to give it new (and very different) members, new purposes, new ways of conducting business, new non-totalitarian enemies (or, conversely, to dispense altogether with the concept of enemies as a rationale)—it is sensible to pay close attention and to scrutinize carefully and repeatedly the arguments that bolster those proposals. Even at the risk of making NATO boring in new ways, it is important to get things rights.

Before getting down to particular arguments, the proposed expansion of NATO into Central and Eastern Europe should be placed in the wider context that made it an issue. For nearly half a century the United States and its allies fought the Cold War, not, it was always insisted, against Russia and the Russian people, but against the Soviet regime and the ideology it represented. An implicit Western objective in the Cold War was the conversion of Russia from totalitarianism to a more or less normal state, and, if possible, to democracy.

Between 1989 and 1991, a political miracle occurred. The Soviet regime, steeped in blood and obsessed with total control as it had been throughout most of its history, voluntarily gave up its Warsaw Pact empire, collapsed the Soviet system upon itself, and then acquiesced in its own demise—all with virtually no violence. This extraordinary sequence of events was by no means inevitable. Had it so chosen, the regime could have resisted the force of change as it had on previous occasions, thus either extending its life, perhaps for decades more, or going down in a welter of blood and destruction. That, indeed, would have been more normal behavior, for as the English scholar Martin Wight once observed, "Great power status is lost, as it is won, by violence. A Great Power does not die in its bed." What occurred in the case of the Soviet Union was very much the exception.

A necessary condition for its being so was an understanding—explicit according to some, but in any case certainly implicit—that the West would not take strategic and political advantage of what the Soviet Union was allowing to happen to its empire and to itself. Whatever it said now, such a bargain was *assumed by* both sides, for it was evident to all involved that in its absence—if, that is, it had become apparent that the West was intent on exploiting any retreat by Moscow—events would not be allowed to proceed along the liberalizing course that they actually took. Further, there seemed to be basis for the United States objecting to such a bargain. For after all, its avowed objective was not the eastward extension of its own power and influence in Europe, but the restoration of the independence of the countries of the region. In effect, the bargain gave the United States everything it wanted (more, in fact, for the breakup of the Soviet Union had never been a Cold War objective), and in return required it only to refrain from doing what it had never expressed any intention of doing.

Now, and very much at the initiative of the United States, the West is in the process of reneging on that implicit bargain by extending NATO into countries recently vacated by Moscow. It is an ominous step. Whatever is said, however ingenious and vigorous the attempts to obscure the facts or change the subject, NATO is a military alliance, the most powerful in the history of the world, and the United States is the dominant force in that alliance. And whatever is claimed about spreading democracy, making Europe "whole", promoting stability, peacekeeping, and righting past injustices—all formulations that serve, either consciously or inadvertently, to divert attention from the political and strategic reality of what is now occurring—cannot succeed in obscuring the truth that the eastward extension of NATO will represent an unprecedented projection of American power into a sensitive region hitherto beyond its reach. It will constitute a veritable geopolitical revolution. It is not necessary to accept in its entirety the resonant but overwrought dictum of Sir Halford Mackinder ("Who rules East Europe commands the Heartland; Who rules the Heartland commands the World Island; Who rules the World Island commands the World") to recognize the profound strategic implications of what the U.S. Senate is being asked to endorse.[1]

Why is the Clinton administration acting in this way? And—a different question—does it serve American interests that it is doing so, and that its expressed intention is to proceed much further along the same path?

Immediately after the end of the Cold War there was no great enthusiasm either in America or Western Europe for enlarging NATO. In the early days of the Clinton administration, Secretary of State Warren Christopher, Secretary of Defense Les Aspin, and Ambassador-at-Large Strobe Talbott were all opposed to it.

How, then, did it come about that by the beginning of 1994 President Clinton was declaring that "the question is no longer whether NATO will take on new members, but when and how"? It was certainly not by a process of ratiocination, vigorous debate, and the creation of an intellectual consensus concerning interests, purposes, and means. To this day there is no such consensus, and no coherent case for NATO expansion on which all of its principal supporters agree.

HOW ENLARGEMENT HAPPENED

The Clinton administration's conversion from indifference, or even skepticism, to insistence on NATO expansion was the result of a combination of disparate events and pressures:

The strength of the Polish-American vote, as well as that of other Americans of Central and East European origin.

The enormous vested interests—careers, contracts, consultancies, accumulated expertise—represented by the NATO establishment, which now needed a new reason and purpose to justify the organization's continued existence.

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[1] When I wrote this, I thought that I was drawing attention to something that was implicit but unacknowledged in the policy of NATO expansion. But in his latest book, Zbigniew Brzezinski directly and honestly links American primacy to "preponderance on the Eurasian continent." In the same chapter he quotes Mackinder's dictum. See *The Grand Chessboard* (New York: Basic Books, 1997), chapter 2.

The "moral" pressure exerted by East European leaders, for whom NATO membership is principally important as a symbol that they are fully European, and as a means of back door entry into the European Union.

Conversely, the growing eagerness of some West European governments to grant these states membership of NATO as an acceptable price for keeping them out of, or at least delaying their entry into, the European Union.

The concern and self-distrust felt by some Germans, and not least by Chancellor Helmut Kohl, at the prospect of their country's being left on the eastern frontier of NATO, adjacent to an area of political weakness and potential instability.

Growing doubts about democracy's prospect of success in Russia, and fear of the re-emergence of an assertive nationalism there.

The need of some American conservative intellectuals for a bold foreign policy stroke to "remoralize" their own ranks after some dispiriting domestic defeats, the enthusiasm of others for "a democratic crusade" in Central and Eastern Europe, and the difficulty of yet others to break a lifetime's habit of regarding Moscow as the enemy.

Formidable as this combination of pressures was, it is doubtful that it would have been capable of converting the Clinton administration on NATO expansion were it not for the addition of one other crucial factor: Bosnia. The war in Bosnia focused American attention on post-Cold War Central Europe, and it did so in a most emotional way. Bosnia also raised in acute form the question of the future of NATO, as the alliance's feeble response to the crisis cast doubt on its continued viability, and it raised the question specifically in the context of instability in Central and Eastern Europe. The domino theory, forgotten for two decades, was quickly resurrected and applied. "Bosnia" was increasingly understood not as referring to a discrete event but as a metaphor for the chronic, historically ordained instability of a whole region.

RUSSIA IS RUSSIA IS RUSSIA

Taken together, these pressures were politically formidable, especially for an administration as sensitive to pressure as was Clinton's. But they had very little to do with America's national interests, and the administration's subsequent attempts to make a case for NATO's eastward expansion in terms of those interests have been perfunctory and shallow. A much more serious attempt has been made outside the administration, mainly by commentators of a realist persuasion. The case they have made, however, is badly flawed.

The realist case is based largely on the conviction that Russia is inherently and incorrigibly expansionist, regardless of how and by whom it is governed. Kissinger has warned of "the fateful rhythm of Russian history." Zbigniew Brzezinski emphasizes the centrality in Russia's history of "the imperial impulse" and claims that in post-communist Russia that impulse "remains strong and even appears to be strengthening." Thus Brzezinski sees an "unfortunate continuity" between the Soviet era and today in defining national interests and formulating foreign policy. Another realist, Peter Rodman, speaks in the same vein, explaining the "lengthening shadow of Russian strength" by asserting that "Russia is a force of nature."

In arguing in this way, these commentators are being very true to their realist position. But they are also drawing attention to what is one of the most serious intellectual weaknesses of that position—namely, that in its stress on the structure of the international system and on how states are placed within that system, realism attaches little or no importance to what is going on inside particular states: what kind of regimes are in power, what kind of ideologies prevail, what kind of leadership is provided. For these realists, Russia is Russia is Russia, regardless of whether it is under czarist, communist, or nascent democratic rule.

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ENDS AND MEANS

Another of the central tenets of realism is that if the end is willed, so should be the means. The two should be kept in balance, preferably, as Walter Lippmann urged, "with a comfortable surplus of power in reserve." In the case of NATO expansion, this tenet is being ignored. The NATO members are moving to assume very large additional commitments at a time when they have all made substantial cuts to their defense budgets, and when more such cuts are virtually certain. (The French Cabinet, for example, announced in August that the military draft, which dates back two centuries, is to be phased out and that defense procurement expenditure is to be cut by 11 percent.) The irresponsibility of such a course of action raises the question of the seriousness of the new commitments being undertaken. After all, such pledges have been made in the past, only to be broken: Munich, 1938, was the last occasion on which Western powers guaranteed the security of what is today the Czech Republic.

It is not only in terms of power that realists should be concerned with the balancing of ends and means. They should also consider the suitability of the instruments involved—particularly the human instruments—for the tasks at hand. Not to do so is likely to result in the sort of unpleasant surprise that some realist supporters of NATO expansion got as a result of the March 1997 Helsinki summit. At that meeting, so many concessions were made to Moscow by the Clinton administration that we now have an almost lunatic state of affairs: in order to make acceptable the expanding of NATO to contain a potentially dangerous Russia, we are coming close to making Russia an honorary member of NATO, with something approximating veto power.

Some of the initially most ardent supporters of expansion are now deeply dismayed by these developments. But surely the likelihood of such an outcome was foreseeable. After all, they knew from the start that the policy they were pushing would be negotiated not by a Talleyrand or a Metternich—or an Acheson or a Kissinger—but by Bill Clinton, the man who feels everyone's pain. Kissinger has been clear-eyed enough to label what happened at Helsinki a fiasco.

This image of a Europe "made whole" again after the division of the Cold War is one that the advocates of NATO expansion appeal to frequently. But it is not a convincing appeal. For one thing, coming from some mouths it tends to bring to mind Bismarck's comment: "I have always found the word Europe on the lips of those politicians who wanted something from other Powers which they dared not demand in their own name." For another, it invites the question of when exactly was the last time that Europe was "whole." In the 1930s, when the dictators were on the rampage? In the 1920s, when Germany and Russia were virtual non-actors? In 1910, when Europe was an armed camp and a furious arms race was in progress? In the 1860s, when Prussia was creating an empire with "blood and iron"? When exactly? And then there is the simple and undeniable fact that at every step of the way—and regardless of how many tranches of new members are taken in—the line dividing Europe will not be eliminated but simply moved to a different place. Only if Russia itself were to be included would Europe be "whole." Anyone who doubts this should consult an atlas.

One final note: During the last few months advocates of expansion have been resorting more and more to an argument of last resort—one of process, not of substance. It is that the United States is now so far committed that it is too late to turn back. That argument is not without some merit, for prestige does count, and undoubtedly prestige would be lost by a reversal at this stage. But that granted, prestige is not everything. When the alternative is to persist in serious error it may be necessary to sacrifice some prestige early, rather than much more later. To proceed resolutely down a wrong road—especially one that has a slippery slope—is not statesmanship. After all, the last time the argument that is too late to turn back prevailed was exactly thirty years ago, as, without clear purpose, we were advancing deeper and deeper into Vietnam.

[From the New York Times, February 5, 1997]

A FATEFUL ERROR—EXPANDING NATO WOULD BE A REBUFF TO RUSSIAN DEMOCRACY

(By George F. Kennan)

In late 1996, the impression was allowed, or caused, to become prevalent that it had been somehow and somewhere decided to expand NATO up to Russia's borders. This despite the fact that no formal decision can be made before the alliance's next summit meeting in June.

The timing of this revelation—coinciding with the Presidential election and the pursuant changes in responsible personalities in Washington—did not make it easy for the outsider to know how or where to insert a modest word of comment. Nor did the assurance given to the public that the decision, however preliminary, was irrevocable encourage outside opinion.

But something of the highest importance is at stake here. And perhaps it is not too late to advance a view that, I believe, is not only mine alone but is shared by a number of others with extensive and in most instances more recent experience in Russian matters. The view, bluntly stated, is that expanding NATO would be the most fateful error of American policy in the entire post-cold-war era.

Such a decision may be expected to inflame the nationalistic, anti-Western and militaristic tendencies in Russian opinion; to have an adverse effect on the development of Russian democracy; to restore the atmosphere of the cold war to East-West relations, and to impel Russian foreign policy in directions decidedly not to our liking. And, last but not least, it might make it much more difficult, if not impossible, to secure the Russian Duma's ratification of the Start II agreement and to achieve further reductions of nuclear weaponry.

It is, of course, unfortunate that Russia should be confronted with such a challenge at a time when its executive power is in a state of high uncertainty and near-paralysis. And it is doubly unfortunate considering the total lack of any necessity for this move. Why, with all the hopeful possibilities engendered by the end of the cold war, should East-West relations become centered on the question of who would be allied with whom and, by implication, against whom in some fanciful, totally unforeseeable and most improbable future military conflict?

I am aware, of course, that NATO is conducting talks with the Russian authorities in hopes of making the idea of expansion tolerable and palatable to Russia. One can, in the existing circumstances, only wish these efforts success. But anyone who gives serious attention to the Russian press cannot fail to note that neither the public nor the Government is waiting for the proposed expansion to occur before reacting to it.

Russians are little impressed with American assurances that it reflects no hostile intentions. They would see their prestige (always uppermost in the Russian mind) and their security interests as adversely affected. They would, of course, have no choice but to accept expansion as a military fait accompli. But they would continue to regard it as a rebuff by the West and would likely look elsewhere for guarantees of a secure and hopeful future for themselves.

It will obviously not be easy to change a decision already made or tacitly accepted by the alliance's 16 member countries. But there are a few intervening months before the decision is to be made final; perhaps this period can be used to alter the proposed expansion in ways that would mitigate the unhappy effects it is already having on Russian opinion and policy.●

PEACE CORPS DAY

● Mr. COVERDELL. Mr. President, I rise today to acknowledge March 3 as Peace Corps Day, celebrating the 37th anniversary this past Sunday of President Kennedy signing the legislation that created the Peace Corps on March 1, 1961. As a former Director of the Peace Corps I want to pay tribute to that organization as an example of Americans at their best.

Since 1961, more than 150,000 Americans from all across the Nation have served in the Peace Corps in over 132 countries. Today nearly 6,500 volunteers currently serve in the 84 countries, addressing critical development needs on a person-to-person level, helping communities gain access to clean water; grow more food; prevent the spread of AIDS; teach English, math, and science; help entrepreneurs start new businesses; and work to protect the environment.

Peace Corps volunteers have improved the lives of many people abroad during their terms of service. They have rightly earned great respect and admiration for the American people and for American values. But they have also brought the benefits of their experience home and continued to contribute to their own communities and to our nation as volunteers and in leadership positions. Returned Peace Corps volunteers find their experience, their knowledge of other cultures, and the self-assurance they gain stand them in good stead in their own careers. But they also share the benefits of their time in the Peace Corps with many others. We call this the "Domestic Dividend."

To commemorate Peace Corps Day, more than 5,000 current and returned volunteers will go back to school today to speak with students about their overseas experiences, some via satellite or phone, but most in person. This is part of the agency's global education program "World Wise Schools." Today more than 350,000 students in all 50 states will learn about life in communities of the developing world by talking to volunteers who have lived there. For example, Peace Corps Volunteer Amy Medley will get to talk to her pen pals from Walden Middle School in Atlanta, Georgia for the first time. She will be calling from Africa, where she is currently serving as a science teacher in Eritrea.

As we celebrate today, interest in the Peace Corps is growing. In 1997 more than 150,000 individuals contacted the Peace Corps to request information on serving as a volunteer, an increase of more than 40 percent since 1994. In view of this interest and the tremendous success and record of the Peace Corps, President Clinton has called for an expansion of the Peace Corps in his 1999 budget, putting the agency on a path to fielding 10,000 volunteers in the year 2000. This is a request and a goal I strongly support.

Mr. President, for 37 years, the Peace Corps has extended a helping hand to the world and Peace Corps volunteers have demonstrated in countless ways the generosity and dedication to service that is so much a part of the American character. So I will take this opportunity to salute all of our Peace Corps volunteers, past and present, and to thank them for their service. We appreciate all they have done and continue to do and I look forward to seeing the Peace Corps continue its outstanding record of service into the 21st Century. ●

COMMEMORATION OF CHIEF A. MARVIN GIBBONS

● Mr. SARBANES. Mr. President, I had the honor of joining with Mrs. Mary Anne Gibbons, a number of firefighters from the State of Maryland, the National Fallen Firefighters Foundation, the United States Fire Administration, and others in dedicating the National Fallen Firefighters Memorial Chapel in commemoration of Chief A. Marvin Gibbons.

As I mentioned in Emmitsburg, Mrs. Gibbons is doing a terrific job in her position as a member of the National Fallen Firefighters Foundation board—carrying on the good work for which we honored her husband—and we are extremely grateful for her continued contributions in this area.

I also made mention during the ceremony of the many accomplishments of the "Big Chief," as Chief Gibbons was affectionately known by his many friends and associates. I wanted to make his legacy a part of the CONGRESSIONAL RECORD because throughout his life, I think he embodied the qualities which make our firefighters heroes, leaders, and role models.

Ever since I grew up, two blocks from the fire house in Salisbury, I have always held a deep and abiding respect for the men and women of the fire service. This is not simply because of the willingness of fire fighters to put their lives on the line every day, but also because they tend to do their jobs with kindness and an infallible commitment to serving the citizens of their communities. Indeed, there are few persons more deserving of our respect and admiration than those who serve as fire fighters and first responders.

I have long felt that Americans do not pause often enough to consider the critical importance of the work that firefighters do—to appreciate their sacrifice and the contribution which they make to our nation. Throughout his life, Chief Gibbons not only personified the best of what it means to be a firefighter and a public servant, but he also showed a strong commitment to ensuring that firefighters receive the recognition they richly deserve.

This past weekend's dedication ceremony was indeed a fitting tribute to Chief Gibbons' 42 years of lasting contributions to the fire service. I want to again touch on one of the contributions he made on a national level which is of particular interest to me. As most who are involved in the fire service know, it was Marvin Gibbons who helped ensure that the National Fallen Firefighters Memorial was located in Emmitsburg, Maryland on the beautiful campus of the National Fire Academy. And it was his vision which led to the unveiling of this monument and the first annual National Memorial Service held at Emmitsburg in 1982.

I was proud to introduce and push to enact the legislation that made the Emmitsburg site the official National Memorial to all firefighters. And in 1990, I spoke at the dedication marking the official recognition of the National Fallen Firefighters Memorial where I recall quoting an editorial from the Carroll County Times entitled "Firefighters Memorial: An Important Reminder." I want to again just quote briefly from it, because I think this editorial reflects what Chief Gibbons was striving to accomplish in establishing the memorial and an annual ceremony in honor of our nation's fallen firefighters:

> We take many aspects of life for granted. Not thinking about a service until we need it is an easy way to think . . . But how often do we consider that at a moment's notice, our fire fighters will risk their lives for us? Until the tragedy of fire or some other emergency strikes, we hardly consider it at all.

Mr. President, behind each name engraved in Emmitsburg is a story—a story of courage, dedication and service to others—and I should mention that we are working to expand the National Memorial site there to ensure that it continues to serve as a lasting tribute to our firefighters.

The National Fallen Firefighters Foundation is responsible for the National Memorial Service each year so that as a nation we will never forget the sacrifice that these brave men and women make in protecting us every day. With the dedication of the National Fallen Firefighters Memorial Chapel in his memory, we hope to ensure that the legacy of A. Marvin Gibbons and his commitment to the fire service will also never be forgotten.●

COMMENDING PAT SUMMITT ON MAKING THE COVER OF SPORTS ILLUSTRATED

● Mr. THOMPSON. Mr. President, today I wish to take note of a woman of character and accomplishment who has recently been recognized in a unique and public way for her outstanding talent and tireless work. University of Tennessee Lady Vols Basketball Coach Pat Summitt is on the cover of the March 2, 1998 issue of Sports Illustrated, and I can't think of a better choice. On the caption of the cover, it asks what Coach Summitt's place in basketball history might be, and suggests that she is perhaps the greatest college basketball coach of all time. Mr. President, I think that's a pretty accurate assessment.

As I have pointed out with more than a little pride before to the Senate, the Lady Vols have taken home the national championship trophy the last two years in a row, and five years out of the last eleven. Every one of those victories was both hard-fought and well-deserved, and Coach Summitt was always at the helm. In Tennessee, we're all very proud of what she's done, and fans everywhere have come to appreciate just how much of the success of women's basketball is owed to her efforts. She has helped to make women's basketball a major interest of sports fans, and she has helped create a great deal of opportunity for young scholar-athletes.

Coach Summitt has never let "no" stand in the way of getting what she wanted. As the Sports Illustrated article tells it, Pat grew up on a farm where she learned to work hard and stick to a job until it was done—and done right. Later, after a potentially career-ending knee injury, she defied the odds and the predictions of her doctors not only to play again but to join the 1976 Women's Olympic Basketball team as the oldest player, and come home with a Silver Medal.

Her rise is impressive. She was made head coach at age 22 at the University of Tennessee while she was finishing a graduate degree. And she rose to the task, doing more than she had to do in all her jobs. Anybody else might have settled for second best under the workload. Not Pat. She wanted to succeed. Pat didn't just show up for practice and blow the whistle while the players ran laps. She built the women's program from nearly the ground up. She drove the team to and from games, she made sure everyone had uniforms and towels, she swept the floor and she looked after her players' injuries. And she finished her degree. Pat did it all, and her dedication has paid off.

Pat has spoiled us in Tennessee. We're more accustomed than most to winning the big games. But as long as Pat's in charge, and as long as she keeps bringing in the best young players out there and bringing out their potential, I think we can look forward to a long run of great teams, first-rate competition and championship seasons. So I am pleased that Sports Illustrated has acknowledged what so many of us already know. She's on the cover—for anyone involved in athletics, this is one of those moments that you never forget.

Mr. President, we are proud of Coach Pat Summitt in Tennessee. We're honored to see her on the cover of Sports Illustrated. She deserves this recognition and I send along my best wishes to her.●

COMMENDING PRIDE ANTI-DRUG GROUP FOR REPRESENTING U.S. AT UN MEETING

● Mr. COVERDELL. Mr. President, the Atlanta-based National Parents' Resource Institute for Drug Education (PRIDE) recently represented the United States at the World Youth Consultation for a 21st Century Free of Drugs, sponsored by UNESCO and the United Nations Drug Control Program on February 9 in Paris.

Jody Cameron and Gary Lewis, members of the PRIDE staff, joined 21 young people from other nations in drafting a Youth Charter for a 21st Century Free of Drugs that will be presented to the United Nations General Assembly in June. The charter will establish a global network of youth programs for drug abuse prevention.

PRIDE was the only American youth-serving organization invited to attend the meeting at UNESCO headquarters. Cameron and Lewis will also take part in a subsequent meeting in Alberta, Canada in April and at the Special Session on Drugs of the UN General Assembly in New York this summer.

As one who has long worked with the PRIDE organization, I commend them for the recognition of their leadership in the drug use prevention arena that is signified by their participation in these important UN efforts and know that the United States could not ask for more outstanding representation in these venues.●

"HUMANITARIANS OF THE YEAR AWARD" RECIPIENTS

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge the good work of Dr. and Mrs. Donald Austin, of Grosse Pointe, Michigan. Together, as a team, Dr. and Mrs. Austin have worked on behalf of numerous charitable organizations in Southeastern Michigan for almost thirty years. Dr. Austin, a neurosurgeon, and Mrs. Dale Austin, a civic leader, consistently and selflessly contribute both their time and effort to their surrounding community and to the State of Michigan.

It is with great pleasure that I announce that Dr. and Mrs. Austin are recipients of this year's March of Dimes "Humanitarians of the Year Award." The Austins are being honored with this award as a result of their combined contributions to their community. They will be given their awards at the 26th Annual March of Dimes Sweetheart Ball on Saturday, March 7, 1998 in Dearborn, Michigan. I extend my sincerest congratulations to Dr. and Mrs. Austin.●

"HUMANITARIANS OF THE YEAR AWARD" RECIPIENT

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge Mr. Don H. Barden, of Detroit, Michigan, for his strong commitment to causes that benefit the Detroit community. Mr. Barden, a businessman, has guided the Barden Companies Inc. from revenues of $600,000 to over $90 million in 11 years, making it the thirteenth largest black-owned business in the country. In addition, Mr. Barden is active in a variety of civic and business groups.

It is with great pleasure that I announce that he is the recipient of this year's March of Dimes "Humanitarians of the Year Award." Mr. Barden is being honored with this award as a result of his strong commitment to the Detroit community. He will be given his award at the 26th Annual March of Dimes Sweetheart Ball on Saturday, March 7, 1998 in Dearborn, Michigan. I extend my sincerest congratulations to Mr. Barden.●

"HUMANITARIANS OF THE YEAR AWARD" RECIPIENT

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge Tony Soave, of Grosse Pointe Farms, Michigan for the contributions he has made to the Detroit area, as well as to the State of Michigan. Mr. Soave is the president of Soave Industries. Under his guidance, City Management Corporation, the environmental arm of Soave Enterprises, became the largest independent waste management company in Michigan and an industry leader in environmental practices and community responsibility. City Management Corporation has contributed greatly to the community by "adopting" schools in Detroit, sponsoring students in co-op education programs and offering scholarships. Tony has also made possible the restoration of economic life to abandoned and underutilized properties.

It is with great pleasure that I announce that he is the recipient of this year's March of Dimes "Humanitarians of the Year Award." Mr. Soave is being honored with this award as a result of his strong commitment to the Detroit community. He will be given his award at the 26th Annual March of Dimes Sweetheart Ball on Saturday, March 7, 1998 in Dearborn, Michigan. I extend my sincerest congratulations to my very good friend Tony Soave.•

"HUMANITARIANS OF THE YEAR AWARD" RECIPIENT

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge Anne Simons, of Detroit, Michigan for her tireless commitment to countless charitable causes in the Metro-Detroit area. I am very proud, on behalf of the State of Michigan, to recognize her activity in many organizations.

It is with great pleasure that I announce that Ms. Simons is the recipient of this year's March of Dimes "Humanitarians of the Year Award." Ms. Simons is being honored with this award as a result of her strong voluntary commitment to the Detroit community. She will be given her award at the 26th Annual March of Dimes Sweetheart Ball on Saturday, March 7, 1998 in Dearborn, Michigan. I extend my sincerest congratulations to Ms. Simons.•

TRIBUTE TO MAYOR ERNEST THOMPSON

• Mr. BINGAMAN. Mr. President, I rise today to pay tribute to Mayor Ernest Thompson who has announced his retirement after 26 years as Mayor of Artesia, New Mexico. I am proud to honor this great New Mexican, who personifies leadership and commitment to public service and to his community.

Mr. Thompson was first elected Mayor of Artesia in 1972 and has served continually for seven terms since then. A lot has changed in Artesia since Mayor Thompson was first elected. He remembers that when he first started, the city had no money for some of the most basic municipal necessities. For example, he remembers that the garbage trucks didn't even have doors.

Mayor Thompson has helped to turn the city around. Under him, the city's equipment has been improved, new construction has been started, and Artesia's economy has flourished. During his tenure, Mayor Thompson has been pivotal in bringing the Federal Law Enforcement Training Center to Artesia, in improving the conditions of the streets and parks and in the creation of Artesia's industrial park, police and fire stations, a retard dam, and many other projects important to the community of Artesia.

Mayor Thompson has not only been an active mayor for Artesia; he has also served in many other leadership roles. He has been a member of the National League of Cities, Southeastern New Mexico Economic Development District, and the New Mexico Municipal League, for which he has served as President, and as well as First and Second Vice President

He is also a tireless contributor to community organizations. He has served as president of the Artesia Rotary Club, the New Mexico Gideons, the Artesia Quarterback Club, and the Parents and Boosters Clubs. He is the Finance Chairman for the First Methodist Church of Artesia and has a 46 year. association with the Boy Scouts of America, for which he has served as everything from Cub Master to District Chairman. He is also the recipient of the Boy Scouts' Silver Beaver Award.

Mayor Thompson has been involved in so much as Mayor that we are thankful for, but he would probably say his greatest accomplishment is his marriage of over 55 years to his wife, Grace. Together, they have one son and two grandchildren.

Mr. President, I would like to take this opportunity to personally thank Ernest Thompson for his years of dedication. New Mexico will miss his tireless service and we all wish him and his family the best in the coming years.•

RETIRING ARTESIA MAYOR ERNEST THOMPSON

• Mr. DOMENICI. Mr. President, I rise to pay tribute to a man who is an accomplished public servant and friend—Ernest Thompson, mayor for the City of Artesia, New Mexico. On March 3, Mayor Thompson retires after guiding this southeastern New Mexico community for the past 26 years.

Without any hesitation, it can be said that Artesia, the self-proclaimed "City of Champions," is a better place to live because of Ernest Thompson.

I want to personally thank Mayor Thompson for being a friend and compatriot over the years. He ascended to the mayorship of Artesia in 1972, the same year I was elected to the U.S. Senate. Since then, we have developed a very good personal and working relationship that I believe has been as rewarding to the people of Artesia as it has been to us personally.

Having once been in a mayoral position myself, I recognize Mayor Thompson's 26 years of public service as an example for anyone who wants to be in politics at the local level. His tenure represents a shining example of dedication, persistence, hard work, honesty and integrity.

Like the artesian wells that were once common in the area, Artesians have a certain pride in their community that bubbles to the surface when they look at their past and to the future of their city. They are proud of the steady growth of their quaint town, its schools, and its bedrock values. In many cases, Ernest Thompson has helped foster that pride through his tenacious leadership.

When he leaves office this spring, he will leave to his successor a city with greater economic growth and job opportunities, better roads and infrastructure, and increased services for children and seniors. Through booms and busts over the past quarter century, Ernest Thompson has been a staunch promoter and champion of Artesia, and a stalwart defender for the rights and needs of small towns throughout the country.

Mr. President, let me take a moment to recount some background on my admirable friend, Ernest Thompson.

A native of central Texas, Ernest Thompson moved to Artesia in 1939 to work in the oil and gas industry, which is a major component of the economy in this region. After decades of work and dedication to his family, he retired from his job as a purchasing agent with Navajo Refining Company in Artesia.

Without previous political experience, Thompson was elected mayor of Artesia in 1972, and has maintained a dynamic presence in the community as a member of the Artesia Rotary Club, New Mexico Gideons, Artesia Quarterback Club, and the Parents and Boosters Club. For almost 50 years, he has been actively involved in promoting the Boy Scouts of America in southeast New Mexico.

But I believe his most notable contributions to the public have been as mayor. As Artesia has grown, Ernest Thompson has helped to improve the city as a whole. Since 1972, the city has gained extensive infrastructure improvements including a new wastewater treatment plant, water lines, flood protection structures, and street improvements. Under his administration, the city built a new law enforcement center, an airport terminal, a community center, as well as new fire stations. Artesia's public library and senior center have been expanded and remodeled.

Through it all, Ernest Thompson has worked effectively at state and federal levels to win support for his city. As a member of the Southeast New Mexico Economic Development District, he has toiled to build the area as a whole. A member of the National League of Cities since 1973, Mayor Thompson rallied for towns with fewer than 50,000 residents as president of the Small Cities Advisory Council. He is a member of the League's Finance, Administration, and Intergovernmental Relations Committee.

It is through this work to improve the City of Champions that Mayor Thompson and I have become friends.

I take pride in having played a role in winning for Artesia the Federal Law Enforcement Training Center. I greatly admire city leaders who are innovative in creating opportunities to bring good jobs to their community. Mayor Thompson, with the support of the city counselors, county commission and citizens of Artesia, exhibited such innovation in attracting FLETC to the city in 1989. He greatly helped in my efforts to convince the Treasury Department that Artesia would make an attractive host city for the training facility.

Almost 10 years after we landed FLETC, I am still impressed with the innovation displayed by Mayor Thompson and the community to bring opportunity to the area. Buying the abandoned Artesia Christian College campus and actively working to find a suitable tenant—in this case a FLETC satellite facility—added a new and welcome facet to the area economy.

Taken as a whole, FLETC and other accomplishments will stand as a monument to the 26 years of leadership provided by Mayor Thompson. I will always admire him and his qualities as a leader. I do not say goodbye, but congratulations and thank you. I still look forward to his sage advice and discussions about Artesia, Eddy County, New Mexico and our nation.

Finally, I think it is appropriate to note that while Ernest Thompson was working as Artesia's mayor, he was at the same time a dedicated husband and father. I know his dear wife, Grace, is thankful for his love, dedication and care during personally trying times. Together they are a marvelous couple.

Mr. President, I invite the entire Senate to take note of this tribute to an outstanding local leader as he retires from public office. I ask them to join me and the people of Artesia in expressing gratitude to Mayor Ernest Thompson for all he has done on behalf of others.•

MARKET POWER AND STRUCTURAL CHANGE IN THE SOFTWARE INDUSTRY

• Mrs. BOXER. Mr. President, I would like to comment on the hearing held earlier today by the Senate Judiciary Committee on "Market Power and Structural Change in the Software Industry."

First, I would like to commend Chairman HATCH for holding this important hearing and for his leadership on this issue.

Mr. President, today's creative and innovative software products enable us to bank, conduct research, shop and even trade securities online. And this is just the beginning. It is important therefore, that such a vast and essential resource be allowed to grow and expand in a fair and competitive environment. But recent events had threatened to cast Mr. President, clouds over this most fundamental premise. Let me explain.

On October 20, 1997 Attorney General Reno announced that the Department of Justice would ask a federal judge to order the Microsoft Corporation to cease its practice of forcing manufacturers to sell its internet browser, Internet Explorer, with its widely used operating system, Windows 95. The U.S. District Court here in Washington, D.C. agreed, and on December 11, 1997 ruled that, pending further proceedings, Microsoft could not require purchasers of its operating system software to install its browser software.

In response to the Court's December 1997 ruling, Microsoft offered computer makers three options: (1) a version of Windows which Microsoft believed did not function; (2) a version of Windows which was more than two years out of date and no longer commercially viable; or, (3) Windows 95 bundled with Internet Explorer.

Thanks to the Department of Justice's continuing efforts, however, the storm clouds which had threatened an open and competitive market for internet browser software, now appear to be fading. On January 22, 1998, the Department of Justice and Microsoft reached an agreement in which Microsoft agreed to offer computer manufacturers a version of Windows 95 that contained a fully up-to-date operating system without its Internet Explorer internet browser.

But why should we care about this?

We should care about this because the biggest losers, perhaps, of any anticompetitive action in the internet browser industry will be the millions of everyday people who rely on the Internet. If one company gains such a huge and unfair advantage, other companies will not be able to compete; there will be no choices and innovation will be stifled.

This brings up the issue of "open standards." Open standards on the Internet will allow all access to the Internet without having to rely upon any one company or any one operating platform. Open standards work against monopolies, and ultimately benefit the Internet by increasing competition among software products, resulting in lower prices and a wider selection.

As a Californian, I am concerned about this issue for yet another reason. Cutting-edge software manufacturers from my home state provide tens of thousands of people with high-paying jobs, making software manufacturing one of California's most valued industries. Industry competition is thus vitally important to my state's interest.

I appreciate the integral role the Microsoft Corporation has played and continues to play in the information age—its contributions have been most significant and important. It has made computers and computer applications more accessible to millions of people around the world, and for that, it deserves appropriate recognition and credit. Microsoft has been, and continues to be, the leader in the computer industry. But other, smaller, companies must also be given a chance to compete in the best and oldest of American traditions.

As we move further and further into the information age, the national government must ensure that competition is not eliminated. The Department of Justice should therefore be commended for acting to protect consumers and businesses alike. Similarly, Microsoft deserves credit for agreeing to settle the issue of bundling its operating system software with its internet browser software in what the Department of Justice believed to be a fair and equitable manner. Both made the right call.•

SANCTITY OF THE BALLOT

• Mr. COVERDELL. Mr. President, yesterday's Wall Street Journal lead editorial entitled "Sanctity of the Ballot" should be a wakeup call for America's citizens. Sadly, we can no longer assume public officials tasked with protecting your vote are able to do so. The fact is, passage of the Motor Voter Act has led to growing incidences of election fraud in communities large and small, and the problem is getting worse all the time.

The editorial highlights an important new national organization, the Voting Integrity Project (VIP), which was formed in 1996 in response to the growing abuses highlighted by the Journal. VIP is a non-profit, non-partisan coalition of citizens and civic groups. It organizes and trains citizens to protect the integrity of the vote in their own community. It also investigates and litigates important election fraud cases, including constitutional issues. It is the only independent, national organization performing this important work.

Mr. President, VIP has learned that it is nearly impossible to overturn elections once they have been certified and places its emphasis accordingly, in pro-active programs run by the citizens themselves. Indeed, American voters need to wake up to the harsh reality of today's election process and begin to equip themselves, through organizations such as VIP, to guard the sanctity of their communities' elections and their vote.

I ask that the text of the editorial be printed in the RECORD.

The editorial follows:

[From the Wall Street Journal, Mar. 2, 1998]

SANCTITY OF THE BALLOT

In a rush to make it as easy as possible for citizens to exercise their right to vote, the country has created lax registration and voting procedures that could call into question a close election any number of states. The 1983 federal Motor Voter law requires states to allow people to register to vote when they get a driver's license, even though 47 states don't require proof of legal US residence much less citizenship for such a license. "We have the modern world's sloppiest electoral system," warns political scientist Walter Dean Burnham.

Media and political elites pooh-pooh such concerns, but they are genuine and growing. The House of Representatives has just dismissed an election challenge by former Rep. Bob Dornan of California. But buried in the news that Rep. Loretta Sanchez would keep her seat was the conclusion of a House task force that 748 illegal votes had been cast in an election decided by only 979 votes.

The year long investigation established 624 "documented" cases of non-citizens voting. Another 124 voters cast improper absentee ballots. An additional 196 votes may well have been illegal, but only circumstantial evidence existed. "In the end of the day," says GOP task force member Rep. Robert Ney, "Bob Dornan was right—there were illegal voters." In the Sanchez race they represented close to 1% of all votes cast. The danger is that if this is tolerated, it will only get worse.

In the wake of the Sanchez-Dornan dispute, Rep. Steve Horn, a California Republican, called for a vote on a pilot program to combat fraud in five large states. Local and state officials would be allowed, but not required, to check citizenship records with Social Security and the Immigration and Naturalization Service. If they couldn't verify citizenship, the voter would have to prove his or her status or risk being dropped from the rolls. The program included privacy protections and a requirement that it be "uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965."

This sensible and sensitive proposal doesn't unduly trample on immigrant rights. Almost half the states already ask for all or part of the Social Security number to register to vote. But Democrats, fresh from Ms. Sanchez's triumph, practically accused Rep. Horn of reinventing the poll tax and literacy tests of the Jim Crow era. "It is a shame, it is a disgrace," said Rep. John Lewis, a veteran of the civil rights movement.

In the end, the bill won a 210–200 majority, but it failed because it was brought to the floor under a rule requiring a two-thirds majority. Rep. Horn hopes to have a vote under normal rules within a month. He points to a growing body of evidence that the potential for vote fraud is growing, noting some in the shadow of the U.S. Capitol itself.

In Washington, D.C. an astonishing one of every six registered voters can't be reached at their address of record. The city has lost 100,000 people since 1980, but registration has shot up to 86% of eligible voters from only 58%. Nationally, the average registration rate is only 66%. Felons, dead people, nonresidents and fictitious registrations clog the rolls in Washington, where anyone can walk up and vote without showing I.D.

Across the Potomac River in Virginia, Robert Beers, the voter registrar of prosperous Fairfax County, says the Motor Voter law has increased the number of registered voters, but turnout has actually fallen in recent elections. "There is no question in my mind that we have registered people who aren't U.S. citizens," Mr. Beers told the Washington Times. "Nobody worries about the rolls until you get to the election that's decided by three votes. I wish they would pay attention to it before it gets to that point." He is backing a state bill to require voters to show some type of photo I.D.

Last month Mississippi's legislature passed a motor voter law, but, Governor Kirk Fordice issued a veto because it lacked a voter I.D. provision. "Vote fraud is an equal opportunity election stealer," he says. His concerns about improper registrations are echoed elsewhere. The Miami Herald has found that 105 ballots in last year's disputed mayoral election were cast by felons. Last month a local grand jury concluded that "absentee ballot fraud clearly played an important part in the recent City of Miami elections." This "called into question the legitimacy of the results."

In San Francisco, the Voting Integrity Project has filed suit to overturn a referendum that approved a new stadium. They cite evidence of actions by city and stadium officials to tilt the results toward a pro-stadium vote. The scandal has already been marked by the registrations of the city's election supervisor and Edward DeBartolo, chairman of the San Francisco 49ers.

Everyone supports the right to vote, but an equally important right is the guarantee of elections that are fair and free of fraud. Right now a growing number of states can't guarantee the integrity of their results, and that inevitably will lead to an increasing cynicism and disenchantment with the democratic process.●

NATO EXPANSION AND THE EU

● Mr. MOYNIHAN. Mr. President, today the Senate Foreign Relations Committee has reported the Resolution of Ratification to NATO enlargement. It is appropriate at this time to inform my colleagues of my intention to offer a condition to the Resolution of Ratification when it comes to the Senate for debate linking NATO expansion with economic expansion. I am pleased to be joined in this effort by the senior Senator from Virginia, Senator WARNER.

The former Majority Leader, Howard Baker, Jr., our colleague Sam Nunn, Brent Scowcroft, and Alton Frye recently wrote an article for The New York Times in which they assert that "Linking NATO expansion to the expansion of the European Union would underscore the connection between Europe's security and its economy—and offer certification that entrants to NATO could afford to meet its defense obligations."

It is our contention that Poland, Hungary, and the Czech Republic face no security threats, so strengthening their economies and democratic institutions should be their first priority.

All three of the candidates are eager to join the European Union (EU), which has now decided to begin accession negotiations with them. NATO's decision at Madrid to invite these countries to negotiate for membership preceded the EU offer to negotiate accession. The EU's offer affords the Senate an opportunity to lend support to these countries' bid for EU membership, without accepting any presumption that entry into the EU guarantees admission to NATO.

A provision to link admission to NATO with admission to the EU will encourage expeditious negotiations by the EU, and will allow the three countries to concentrate their full resources on economic modernization, rather than diverting precious resources to military expenditures.

I ask that the text of the condition be printed in the RECORD.

The text of the condition follows:

At the end of section of the resolution (relating to conditions), add the following:

( ) DEFERRAL OF RATIFICATION OF NATO ENLARGEMENT UNTIL ADMISSION OF POLAND, HUNGARY, AND CZECH REPUBLIC TO THE EUROPEAN UNION.—

(A) PROHIBITION.—The President shall not deposit the United States instrument of ratification prior to the latest date by which Poland, Hungary, and the Czech Republic have acceded to membership in the European Union and have each engaged in initial voting participation in an official action of the European Union.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed as an expression by the Senate of an intent to accept as a new NATO member any country other than Poland, Hungary, or the Czech Republic if that country becomes a member of the European Union after the date of adoption of this resolution.●

CONGRATULATIONS TO COMMUNITY HOSPITAL AND NURSING HOME OF ANACONDA

● Mr. BURNS. Mr. President, it is my pleasure to congratulate Community Hospital and Nursing Home of Anaconda, Montana, for being listed among the top 100 hospitals in the nation in 1997. The entire staff of Community Hospital, from CEO Sam Allen on down, should be very proud of their hard work and success in caring for the Anaconda community.

This distinction is based on an annual performance measurement including patient care, operations, and financial management conducted by HCIA and William M. Mercer, Inc. The study, 100 Top Hospitals—Benchmarks for Success, looked at 1,300 hospitals with fewer than 99 acute-care beds, and Community was one of 20 that made the Top 100 from that size category.

The performance measures of the Benchmarks for Success are objective—such as risk-adjusted mortality index and expense per adjusted discharge (case mix and wage adjusted)—which means that Community Hospital's success is documented by experts in the field. I know that Community's patients and staff knew this without the performance study, but I point this out because this isn't a typical award. Community has built itself into a national model, and for that I congratulate them.●

ABRAHAM SPEECH ON BUDGET SURPLUS

● Mr. COVERDELL. Mr. President, I rise to share with my colleagues a speech which I believe provides a number of important ideas and policy positions we should be discussing as we enter the era of budget surpluses.

Because of strong economic growth, the Office of Management and Budget reports that we will begin running a surplus in 2001, and that surplus will total $447 billion by 2005.

In a speech before the Detroit Economic Club on February 17, Senator ABRAHAM sought to start a dialogue on how best we as a nation could approach the upcoming and unaccustomed circumstance of budget surpluses. In my view he offered excellent suggestions on how to save Social Security, provide comprehensive tax reform and invest in infrastructure and human capital, all within the confines of a limited budget surplus.

His specific proposals, limited private investment accounts within the Social Security system, an alternative flat tax and scholarships for low income students entering hi-tech fields, all deserve our attention. It is my hope that they will help spur fruitful debate concerning how we can best approach the new century with continued economic growth, expanding opportunity and confidence in our fellow citizens.

I ask that Senator ABRAHAM's speech be printed in the RECORD immediately following my remarks.

The speech follows.

Surplus Politics: What Congress Should Do

By Senator Spencer Abraham

Before I begin today, I would like to say a few words about the situation in Iraq. When I last spoke here a year ago, it was under very different circumstances. Today we face an imminent crisis in the Middle East. As you know, it is entirely possible that our troops, including a member of my own staff, may soon find themselves in a combat situation. I know I speak for everyone in this room when I say how proud we are of the young people defending our country, and how much we appreciate all that they have sacrificed already. I also know that I speak for everyone here when I say that I hope and pray that we can settle this crisis through diplomatic means, without putting our troops in harm's way. But if we can't, I know we will all support them in every way possible.

THE ECONOMY

But I came here to talk about a more pleasant subject: our economy. And I think this is a pleasant subject for the simple reason that the news continues to be good. Gross Domestic Product is up 3.7 percent over last year, in real terms, that's up 16.3 percent since 1994. Inflation is down to 1.7 percent, down 27 percent since 1994. Unemployment last year averaged just 4.9 percent, down from 6.1 percent in 1994. Interest Rates are at 30 year lows, and down 20 percent from 1994. Industrial production is up 5.9 percent over last year and 14 percent since 1994. And we finally have managed to pass a balanced budget—one that includes tax cuts for working Americans.

The issue we face today, in my view, is "how can we keep this economic growth going strong into the next century?" And I think we can see the outlines of a workable program right here in Michigan. If we look back to 1990, we can see the progress we have made here in Michigan, as well as how we have made it.

In 1990, Michigan had the highest unemployment rate of any industrial state and a $1.8 billion deficit, on a budget of only $8 billion. Now our state is a thriving, fiscally responsible beacon for free enterprise. Since 1990 Michigan has created well over half a million new jobs, brought unemployment down to well under 4 percent, and produced balanced budgets and even a budget surplus.

How did we get here from there? John Engler became governor, and he cut taxes over 20 times, instituted a program of regulatory reforms lessening the burden of a state government on our job creators, brought spending under control and balanced the state budget.

But Governor Engler knows that you can never simply rest on your laurels, particularly when the goal is continued prosperity. That is why, if the Governor gets his way, we'll cut taxes and regulations further and expand our pro-growth policies into the next century.

On the national level we can't rest on our laurels either. The question is, how can we best build on our recent progress? Because of strong economic growth, for the first time in recent memory we face the prospect of budget surpluses. According to the Office of Management and Budget, we will begin running a surplus in 2001, and that surplus will total $447 billion by 2005.

SURPLUS OPTIONS

Assuming we can maintain the budgetary discipline and economic growth necessary to fully realize it, the question is, what are we going to do with this surplus? Now, just about everyone in Washington, DC has their own answer to this question. They fall into four camps. Some say that we should use it to cut taxes. Others respond that we should use it to pay down the national debt. Still others have called on us to use it to "save Social Security." Finally, a number of people have said that we should use the surplus to invest in social programs, human capital and infrastructure.

Of course, all of these answers sound good—but how we handle the specifics is very crucial.

First let's look at those who say simply "cut taxes." That sounds good. I for one believe that one of the reasons Republicans were put on this Earth was to cut taxes. But how? Do we just continue the recent approach of more targeted tax cuts, as the President suggests? Cut a tax here, create a deduction there?

Last year's tax cut was needed and welcome. But the legislation putting it into effect added or amended over 800 sections in an already complicated tax code. I question whether we should just continue down that path.

Paying down the national debt sounds appealing too. But what does it really mean? Remember, even if we use the entire projected surplus, we would only pay down less than 10 percent of the debt. And don't forget, a significant portion of the debt is held by foreign investors. Does it really make sense to use American taxpayers' dollars to make early debt payments, to foreign investors like the central banks of China, Japan and Germany?

Saving Social Security as the President suggests is a good idea too. But how we might employ a short range surplus to do it is the issue. For example, if we simply dump the budget surplus into the Social Security Trust Fund, it would only extend the life of Social Security for less than 2 years.

Which brings us to the fourth and final option: investing the surplus in social human capital and infrastructure. Again, the question is, what does this mean? Based on the President's speech and the comments of other such advocates in Washington, it means rebuilding the Great Society, restoring many of the welfare programs we reformed and launching new programs which will be impossible to end or reduce at a later date.

As my colleague Chuck Grassley says, it appears that "the era of saying that the era of big government is over, is over."

As I have said, in Washington the debate over these choices has begun. And for the most part the attitude is that they are mutually exclusive. Moreover, because too much of the early thinking takes a "business as usual" approach as described above, rather than a creative and innovative one, we aren't likely to make much progress on any front. To have impact we must think in terms of new ideas and approaches. And, a set of strong pro-growth policies must underlie any strategy for using the surplus.

If we are creative in this sense, I believe it is possible for us to attack the burdensome tax code, the looming Social Security crisis, the human capital and infrastructure challenges we confront, and our gargantuan debt, and make great progress on all fronts.

AN INTEGRATED PROGRAM

I see the doubt on your faces. You're thinking we can't do it all. And I confess to having a few doubts of my own. But, for just a moment, suspend your judgment and consider several possible prescriptions. Today I want to share with you some ideas both as to surplus priorities and as to specific policy concepts, with the hope of starting a dialogue on how we should approach the upcoming era of surpluses, in the best interests of Michigan and the nation.

Let's begin with Social Security. Ladies and gentlemen, if we properly use up to two-thirds of the surplus, we can simultaneously save Social Security and dramatically reduce the federal debt. We do this, not by perpetuating the current system with its paltry 1 to 2 percent return on investment, but by employing the surplus to subsidize the transition to a system that would allow anyone in Social Security who so chooses, to invest up to 2 or 3 percent of their earnings—or ⅓ to ½ of the employee share of their payroll taxes, in a private investment account.

As you know, the Social Security system clearly needs saving. As of now the Congressional Budget Office estimates that it goes broke in 2030. If we do not take action, the taxes needed to finance currently projected Social Security benefits in 2030 would be equal to about 8 percent of Gross Domestic Product—equivalent to doubling all personal income tax rates on working Americans. Moreover, as I've said, simply deploying the surplus to the trust fund would only extend this between one and two years.

How can we prevent such a catastrophe? One way is by using part of the surplus to fund a system of Personal Retirement Accounts modeled on the successful and widely used 401(k) plans. People would have the option of investing ⅓ to ½ of their payroll tax contributions to a Private Retirement Account, rather than to Social Security. The employee would be able to invest the money in stocks, bonds and mutual funds. Even with rules guarding the safety of the investments, the return would be far higher than the current system's 1 to 2 percent. Funds would accumulate tax free until retirement, when the employee could withdraw the balance. These dollars would then be used to partially offset the trust funds' obligations to participating individuals, by a fraction of the private investment account payout.

Meanwhile, as we give people a payroll tax cut to finance their private investment accounts, we would use an equal amount of surplus dollars to keep the trust fund whole. In this way we would lower the financial pressure on the system over the long term, saving it from insolvency and dramatically reduce if not eliminate the need to raise payroll taxes.

The economy also would benefit. Where Social Security monies now exist only in theory or in government debt instruments, they now would add to the pool of money available for investment and expansion, thus lowering interest rates and spurring growth. And higher growth would further strengthen the Social Security system. What is more, we could keep our eyes on our money.

For those at or nearing retirement, including baby boomers, this strategy would ensure that everyone receives their social security. But for American young people in particular, this would produce a substantial tax cut and greater security for their old age. That security is particularly important since one recent pool shows that more people under 30 believe that they will personally see a flying saucer in their lifetimes than believe they will see a Social Security check.

Under this plan, a married couple with a combined income of $60,000 would get a $1,200 annual tax reduction. By the time this couple retired, after 35 years of consistent investment, even at a relatively low 5.5 percent rate of return, they would have $120,000 in supplemental retirement income.

Well that's a plan for Social Security. Now remember, we have used at most two thirds of the surplus. The next 25 percent we should consider devoting to taxes. But let's not get into another battle over competing tax cuts. Instead, if we are going to employ any of the surplus on taxes, I believe it should be used to finance an overhaul of our antiquated tax system.

As you know, the President has said in his State of the Union address and since, that whatever we do "we shouldn't use any of the surplus for tax cuts." But I find it hard to take him very seriously when in the same speeches, he himself called for major tax cuts and, more importantly, the launching of $125 billion of new, impossible to restrain, spending programs.

So in response to the President I would say this: if the taxpayers are sending over $400 billion more to Washington then even the DC politicians asked for or expected, don't they deserve to have a tax system that's right for the 21st century, instead of the broken, intrusive, complicated one we have today?

Ladies and Gentlemen, we need a tax system that is fairer, simpler, and flatter and an IRS that is under control.

We need this to restore public confidence in the tax system. A recent USA Today poll found that 60 percent of Americans believe the IRS "frequently abuses its powers." Fully 95 percent believe the tax code itself isn't working and must be changed.

If we had an Economic Protection Agency to watch over the economy the way the Environmental Protection Agency watches over the environment, the IRS code would be labeled toxic. IRS forms would come with a warning label: The Economist General of the United States has determined that the Internal Revenue Code is hazardous to America's economic health and could cause financial devastation to your family.

The problem is that we do not have majority support for any one, particular alternative. According to surveys, the most popular alternative is a flat tax, but even that lacks a clear majority. This is true for a number of reasons but, primarily, because many fear that a flat tax might cost them money, due to a loss of deductions and because of concerns about some of the flat tax proposals floating around out there, which would essentially allow many of the most affluent Americans to pay no tax at all.

So, what do we do? Stick with the current broken system? Impose a flat tax or a sales tax on all Americans whether they like it or not?

Well, here's a proposition. Why force a new system on the taxpayers, or force them to live under the old one? Why not give taxpayers a choice? Let's strive to achieve some consensus. Why not give taxpayers the option of sticking with the old system or of choosing something new.

To that end, with a strong plurality of Americans preferring a flat tax, I've been exploring the concept of an Alternative Flat Tax, and I'd like to outline it here today for your consideration.

Rather than simply impose a new tax structure, we would allow people to opt out of the current system and choose a 25% flat tax instead. Applicable to income above a generous—family—based exclusion.

No one would pay more tax under the Alternative Flat Tax than they do under the current system, for the simple reason that no one would be forced to choose the new system.

In addition to the optional feature, the plan would also, of course, possess the usual appeal of a flat tax:

It's simple—it could be computed on a post card, and it would not entail the development of the kind of complicated transitional tax rules that would be required if we mandated that everyone change to a whole new system.

And it's pro growth—driving down the top marginal tax rate on individuals and businesses to 25 percent would give a tremendous boost to incentives to work, save and invest.

Now, let me talk about how we might invest the rest of the surplus. The final ingredients we need to enjoy growth and prosperity in the 21st century are an upgraded infrastructure combined with a well-trained workforce. And the remainder of the surplus is sufficient to achieve just that.

I don't think I have to tell anyone here about the problems we have with our infrastructure. Over half our roads and bridges are in poor shape. That means that we must spend more on transportation. It also means we must stop spending the road dollars of Michigan and 20 other states to subsidize other people's freeways. An investment of about $5 billion of the surplus per year; money that is already in the highway transportation trust fund, will make that happen.

In addition to our transportation infrastructure, we need to look to our human capital. No input is more important to a business than properly skilled workers. And we as a nation are not producing enough highly skilled workers.

A study conducted for the Information Technology Association of America estimates that there are more than 346,000 unfilled positions for highly skilled workers in American companies.

Bureau of Labor Statistics figures project that our economy will produce 100,000 information technology jobs in each of the next 10 years. Meanwhile, our universities will produce less than a quarter that number of information technology graduates.

This is serious, for Michigan and for the nation. Here in Michigan, 24 of every 1,000 private sector workers are employed by high-tech firms. For the nation, the Hudson Institute estimates that the unaddressed shortage of skilled workers throughout our economy will result in a 5 percent drop in the growth rate of GDP. That translates into about $200 billion in lost output, nearly $1,000 for every American.

This problem calls for both a short term and a long term solution.

For the short term, the only immediate source of talent to fill the gap is immigration. But, by this summer American businesses will reach the limit on the small number of highly skilled temporary workers they can currently bring in from abroad. Last year our employers reached this 65,000 cap for the first time in history, and we did it by the end of August. If no action is taken this year, the cap will be reached by February of 1999 and even earlier the following year. This would be disastrous. If American companies cannot find home grown talent, and if they cannot bring talent to this country, some of them will move their operations overseas, taking American jobs with them.

And that is why I am going to use my position as Chairman of the Senate Immigration Subcommittee to propose that we increase the number of higher skilled temporary workers we allow into the United States. This will keep American companies in this country, saving American jobs and contributing to the growth of the economy. It would also give us time to formulate a long-term solution.

In my view, we can produce the talent here in America to meet our skilled labor needs. And that's where the surplus could come in. Through wise investments in human capital we can give kids in this city, and in every other city in America, including kids whose opportunities seem severely limited, the chance to be part of the new high-tech economy.

Our young people have what it takes to be valuable employees in our high-tech age. But our educational system is not giving them the skills they need to succeed. The National Research Council estimates that three quarters of American high school graduates would fail a college freshman math or engineering course. Most don't even try. Only 12 percent of 1994 college graduates earned degrees in technical fields.

This is not acceptable. In a highly advanced economy like ours we cannot continue to function without highly skilled workers. And our workers cannot continue to prosper unless our educational system gives them the skills they need to succeed.

To begin, I propose we invest $1 billion per year, the balance of the surplus, to annually provide at least 100,000 more Americans with scholarships for study in scientific and technical areas. Let's start training unemployed Americans in skills needed in the information technology industry. Combined with approaches to increase parental choice in determining their children's schooling and to move resources out off Washington and back to the school districts, local school boards and parents, I believe that this investment can increase the skill levels of our workers, to everyone's benefit.

A GOLDEN OPPORTUNITY

Well, these are some of the ideas I am considering, one possible blueprint for our entry into the age of surplus.

In closing let me say I believe we have a golden opportunity. As we stand on the edge of a new century, possibilities are opening up for all Americans. We remain the world's richest nation, and we are richer than we have ever been. Now, after decades of overtaxing and overspending, Washington finally has managed to balance the budget and, provided we institute policies that make sense, soon will produce a surplus.

But this opportunity will not be with us forever. If we do not plan out how we should use the impending surplus it will disappear into more "Washington-knows-best" programs that will simply trap more Americans into lives of dependency and desperation.

But if we are creative we can forge a new path. We can move forward, with optimism, secure in the knowledge that our people want opportunity, not handouts, that our economy can continue to produce prosperity, if only we will let it, and that the entrepreneurial spirit remains alive in America.

We can move toward growth and prosperity for the next century if we are willing to use the surplus as a tool to increase savings and investment, to get the Social Security system back on a sound footing through individual choice, to overhaul our tax system, giving greater control over their money back to our taxpayers, and to rebuild the infrastructure and human capital so crucial to our economy.

Responsible, limited government, combined with the spirit of the American people, can lead us into a new century of unprecedented growth and opportunity, in which the American dream can become a reality for everyone fortunate enough to be an American.

I would welcome your input, here and now or in the future, whether regarding these principles or regarding the reforms I have talked about today. I hope that we will have a chance to discuss these issues, which will be so much a part of public debate in Washington in the coming months, and I thank you for having me speak today.•

CONFIRMATION OF RICHARD YOUNG

• Mr. COATS. Mr. President, yesterday the senate voted to confirm Judge Richard Young to be U.S. district judge for the southern district of Indiana. I rise today to express my strong support for the senate's actions. Judge Young has distinguished himself both professionally and in community service, and it is my honor to commend him to the senate as an excellent choice for the federal bench.

Judge Young has earned an outstanding reputation through his eight years as Vanderburgh circuit court judge, and as a trial attorney for 10 years before that. He has broad legal background, both in his job as judge, and in professional organizations. Currently a member of the board of directors of the Indiana judicial conference, Judge Young also is the former president of the Evansville Bar Association. In addition, it is significant to note that Judge Young has worked in the Department of Justice, and has served as a public defender in Vanderburgh county.

During his time as judge, Judge Young has shown himself to be a diligent worker, handling in a recent year 79 jury trials.

However, it is not only Judge Young's extensive experience and excellent work ethic that make me confident he will bring sound, solid hoosier values to the federal bench. Judge Young also has a proven record of dedication to community service. Before he took the bench, Judge Young served on the board of trustees of the museum of arts and science of the community foundation, and the community corrections advisory board. Judge young has also served in the Easter Seals Society and has had a role in supporting the Evansville rehabilitation center.

Clearly, Judge Young is a dedicated practitioner of jurisprudence and dedicated servant of his community. I am confident he will be an excellent judge and a credit to the state of Indiana, and it is for this reason I offer my support of his nomination to the federal bench.•

THE READING EXCELLENCE ACT

• Mr. COVERDELL. Mr. President, over the weekend, President Clinton used his radio address to call for Senate action on the Reading Excellence Act which seeks to address our Nation's literacy crisis. Under the leadership of House Education and Workforce chairman, BILL GOODLING, this bill passed the other body unanimously in November 1997. I have introduced similar legislation in the Senate as S. 1596. The Reading Excellence Act is also a key component of the Senate Republican leadership's education package, the Better Opportunities for Our Kids and Schools Act, or "BOOKS". While I am pleased that the President has urged passage of our legislation, it should be clear to everyone that our approach represents a clear contrast to the literacy initiative the President had initially proposed. Having said that, we welcome President Clinton to real education reform—you've come a long way.

We clearly have a literacy crisis in this Nation when four out of 10 of our third-graders can't read. Without basic reading skills, many of these children will be shut out of the workforce of the 21st century. According to the 1993 National Audit Literacy Survey, more than 40 million Americans cannot read a phone book, menu or the directions on a medicine bottle. Those who can't learn to read are not only less likely to get a good job, they are disproportionately represented in the ranks of the unemployed and the homeless. Consider the fact that 75 percent of unemployed adults, 33 percent of mothers on welfare, 85 percent of juveniles appearing in court and 60 percent of prison inmates are illiterate.

Although over $8 billion is spent by the Federal Government each year to promote literacy, little progress has been made. Last year, President Clinton recognized this problem, but his "America Reads" proposal offered more of the same. Under the President's plan, the government would recruit one million volunteers to teach reading, under the direction of AmeriCorps. Rather than relying on a million untrained volunteers to teach reading to our young children, we offered a better approach which the President has now endorsed: Let's help our reading teachers do a better job. Our legislation, the Reading Excellence Act, would accomplish the following:

First, our bill would focus on training teachers to teach reading—less than 10 percent of our teachers have received formal instruction on how to teach reading. Moreover, we would ensure that teachers are taught in methods proven by sound scientific research to be effective, such as phonics.

Second, the Reading Excellence Act authorizes grants for extra tutorial assistance for at-risk kids. Parents with children experiencing reading difficulties could apply for funds to purchase extra help from a list of providers supplied by their school.

Third, our bill provides literacy assistance for parents so they can be their children's first and most important teacher. It also ensures that 95% of the literacy funds are driven to the classroom where they will help kids the most.

In last year's appropriations process, $210 million was appropriated for a literacy program, contingent on passage of an authorization bill by July 1, 1998. As I stated, the House has already unanimously passed this bill. It is now up to the Senate to act on similar legislation before the schools let out for summer. The Reading Excellence Act will provide today's children the tools to be successful in tomorrow's workforce. Helping to ensure every child can read is one of the best jobs skills, welfare initiatives or crime bills we can pass this Congress.•

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–92, appoints the following individuals as participants in the 1998 National Summit on Retirement Income Savings:

Wayne Angell of Kansas, Terry Atkinson of New York, John Bachmann of Missouri, Richard Billings of Iowa, Jay W. Bixby of Maryland, Ken Blackwell of Ohio, Jon A. Boscia of Indiana, Donald J. Butt of Colorado, Paula Calimafde of Maryland, Marshall N. Carter of Massachusetts.

Nelson Civello of Minnesota, Jerry Dattel of Louisiana, Charles Elliott of Mississippi, Bill Eubanks of Mississippi, Gary Fethke of Iowa, David Fisher of California, Lynn Franzoi of

California, William J. Goldbert of Texas, Joe Grano of New York, Thomas J. Healey of New York.

Melissa Hieger of Massachusetts, David R. Hubers of Minnesota, Marlynne Ingram of Iowa, Rich Jackson of Idaho, William M. Lyons of Missouri, Joe Malone of Massachusetts, Nancy J. Mayer of Rhode Island, Ron E. Merolli of Vermont, Dan Mitchell of Washington, D.C., James A. Mitchell of Minnesota.

Byron D. Oliver of Connecticut, Aubrey Patterson of Mississippi, Henry M. Paulson, Jr. of New York, Susan Phillips of Washington, D.C., Michael E. Pietzsch of Arizona, Kenneth Porter of Delaware, Richard L. Prey of Iowa, Curt Pringle of California, Ronald W. Readmond of Maryland, Frank Ready of Mississippi.

Elaine D. Rosen of Maine, Heather Ruth of New York, Linda Savitsky of Connecticut, John L. Steffens of New Jersey, Thomas C. Walker of Iowa, Brad Walsh of Mississippi, Carolyn L. Weaver of Washington, D.C., Milton Wells of Virginia, James Wordsworth of Virginia, James W. Ziglar of Washington, D.C.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces on behalf of the Democratic Leader, pursuant to Public Law 105-134, his appointment of Donald R. Sweitzer, of Virginia, to serve as a member of the Amtrak Reform Council.

ORDERS FOR WEDNESDAY, MARCH 4, 1998

Mr. CHAFEE. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Wednesday, March 4; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of amendment No. 1682, offered by Senator LAUTENBERG, to S. 1173, the ISTEA legislation as under the previous order.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Tomorrow, the Senate will resume consideration of S. 1173, the ISTEA legislation. Under the consent agreement, the Senate will conclude 1 hour of debate on the Lautenberg amendment regarding drinking levels, with time equally divided, with a vote occurring on or in relation to the Lautenberg amendment at approximately 10:30 a.m. Therefore, Members should be prepared for the first rollcall vote tomorrow at 10:30.

Following that vote, the Senate will continue to consider amendments to the ISTEA legislation. I hope at least two of the major amendments to this legislation can be offered and debated during Wednesday's session of the Senate. Members should therefore anticipate a busy voting day tomorrow. I certainly hope it will be a busy voting day tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CHAFEE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:20 p.m., adjourned until Wednesday, March 4, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 3, 1998:

UNITED STATES INTERNATIONAL TRADE COMMISSION

THELMA J. ASKEY, OF TENNESSEE, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 2000, VICE PETER S. WATSON, RESIGNED.

JENNIFER ANNE HILLMAN, OF INDIANA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2006, VICE DON E. NEWQUIST, TERM EXPIRED.

STEPHEN KOPLAN, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2005, VICE JANET A. NUZUM, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. FREDERICK H. FORSTER, 6694.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS (MC) AND JUDGE ADVOCATE GENERAL CORPS (JA), AS INDICATED, AND REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, 531, AND 3064:

To be colonel

FREDERICK P. HAMMERSEN, 3972
RONALD L. PERRY, 0587

To be lieutenant colonel

DOUGLAS E. JUDD, 0280
JAMES M. KITARHARA, 8699
MARTHA K. LENHART, 8343(MC)
DOUGLAS J. LITAVEC, 2981
BRUCE A. PEEBLES, 2964
ALAN S. VANNORMAN, 1320(MC)

To be major

WILLIAMS W. MCQUADE, 8318(JA)
*DONALD C. RIVERS, 2215
EUGENE E. STEC, 0222
THOMAS M. WALTON, 3098

IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS IN THE UNITED STATES COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

WILLIAM J. SHELTON, 8522

To be lieutenant

JONATHAN C. BURTON, 6112
KELLY A. BOODELL, 6103
TROY K. TAIRA, 9478
ELISA P. HOLLAND, 3700
BRIAN T. MCTAGUE, 6626
STEPHEN P. MCCLEARY, 6851
FRANK D. WAKEFIELD, 8572
TERRENCE M. JOHNS, 0459
JOHN R. MILLER, 6463
DAVID F. BERLINER, 1046
MICHAEL R. WASHBURN, 9931
JAMES W. NELSON, 6565
STUART E. DUTTON, 9865
MICHAEL G. SARAMOSING, 3720
HERBERT L. OERTLI, 4641
DWAYNE A. BERRY, 4069
RANDY D. SUNDBERG, 3976
KEVIN B. WILSON, 4460
JAMES W. MITCHELL, III, 8395
SCOTT R. LINSKY, 5153
ANN H. BRYANT, 3019
KATHERINE A. HOWARD, 2034
BRAD J. KIESERMAN, 7869
RICHARD J. GAY, 3045
JOHN HALL, 3437
BRIAN C. FINNEY, 4751
LYNN S. SLETTO, 7207
TRACEY COOPER, 2924
PATRICK S. REILLY, 1282
STEVEN D. WHITEHEAD, 4987
THOMAS D. TARRANTS, 4138
DEBORAH K. DARMINIO, 3601
JOHN H. WHITTEMORE, 4225
ANDREW B. CHENEY, 6155
KENNETH M. MOSER, 7522
JOSEPH P. MCANDREWS II, 5405
LINDSAY R. DEW, 1148
FRANK J. KULHAWICK, 6830
GERALD S. FRYE, 1602
KEVIN M. JONES, 4625
SHANE D. MONTOYA, 1354
CHRISTOPHER H. ZORMAN, 4484
JOHN J. DRISCOLL, 6277
CALEB B. PAGE, 4535
TAY S. VOYE, 6301
BRIAN M. MCCORMICK, 9958
BLAKE E. WELBORN, 5615
MICHAEL S. ZIDIK, 4734
RICHARD E. BATSON, 1798
THOMAS J. STUHLREYER, 3519
DERRICK T. MASTERS, 9127
RYAN K. GRIFFIN, 7854
NEVADA A. SMITH, 8669
CHARLES D. MILLER, 2646
KAREN R. GROSS, 0775
LAWRENCE K. ELLIS, 6991
MICHAEL M. BALDING, 7072
NEIL A. WILSON, 8202
THOMAS S. MORKAN, 7041
MICHAEL J. PUTLOCK, 4360
KIMBER L. BANNAN, 1387
JEFFREY S. SMITH, 4193

Tc be lieutenant (junior grade)

ANNA A. STEWART, 9673
HOLLY L. BROWN, 0311
CHRISTOPHER T. WOODLE, 2411
JONATHAN S. SPANER, 2877
HEATHER M. KOSTECKI, 3014
CHARLES V. DARR IV, 9538
JAMES E. DUNNE, JR., 1669
CHRISTOPHER S. WEBB, 8236
PHILIP R. PRATHER, 6596
JAVIER A. DELGADO, 7073
DEREK M. DOSTIE, 0740
TIMOTHY J. WHALEN, 1584
STEVEN B. LOWE, 8281
WARREN W. WEEDON, 3360
JEANNE A. REINCKE, 2900
MATTHEW L. SEEBALD, 5253
DWAYNE M. MORRIS, 2215
PAUL M. GILL, 3162
FRANK W. KLUCZNIK, 4553
WILLIAM T. JEFFRIES, 3447
WILLIAM B. MORGAN, 8280
WILLIAM G. LEDDY, JR., 2681
JAMES F. SHINN, 5545
RICHARD W. SINGLEY, 1532
ERNEST W. GILPIN, 6613
BESSIE V. HOWARD, 1954
JUSTIN H. WARD, 5502
DANILO L. SANTOS, JR., 7732
JOSEPH P. HUMBERT, 3526
ALLISON L. HILL, 1932
ROBERT L. DECOOPMAN, 4298
STEVEN P. SIMPSON, 1735
RICHARD J. SCHULTZ, 3237
STACIE L. FAIN, 2729
THOMAS S. MEYER, 4810
ALBERT F. ANTARAN, 2519
SHALAKO M. BRADLEY, 8247
BRADLEY P. HOMAN, 8690
GEORGE E. KOVATCH, 1268
DAVID R. VALADEZ III, 2234
CARISSA S. CONNER, 7418
MITCHELL N. POORE, 5540
LINDA A. STURGIS, 9264
ERIC J. DOUCETTE, 8077
ADRIAN L. WEST, 0562
TRAVIS L. CARTER, 0229
ULYSSES S. MULLINS, 1982
KRISTI M. LUTTRELL, 4483
DWIGHT E. COLLINS, 5881
KEVIN L. IVEY, 5417
JAMES D. HALL, JR., 4458
OTILIO RAMOS, JR., 6775
JOHN F. BUCKLEY, 9743
MARK C. HICKMAN, 8682

MARTIN G. SARCH, 0867
SUSAN POLIZZOTTO, 1642
JULIA DIAZREX, 6548
DEREK A. DORAZIO, 1978
ROSS L. SARGENT, 2444
WILLIAM M. KELLEHER, 8541
STEPHEN J. ALVAREZ, 8062
AMY E. KOVAC, 3775
MICHAEL ANTONELLIS, 5610
FRED MEADOWS, 9486
THOMAS M. EMERICK, 0371
ALLEN V. BALOUGH, 9462
JACQUELINE M. TWOMEY, 4597
BRIAN P. KEFFER, 6566
CALEB B. HALSTEAD, 1431
OWEN L. GIBBONS III, 1181
CHRISTOPHER J. BUTTON, 3842
ANDREW W. ERIKS, 8366
KELLY M. LARSON, 2311
MARTIN L. SMITH, 7161
STEVEN A. WHEELER, 5213
JERRY W. DAVENPOST, 6877
JOHN L. HARTLINE, 6043
TODD R. LIGHTLE, 5785
JEFFREY S. HARRY, 3453
JUAN MERCADO, 4383
DAVID K. SMITH, 3042
TROY D. LANICH, 8137
SAMUEL D. FORBES, 9959
JOHN L. PRIEBE III, 8029
BRENDEN J. KETTNER, 9095
RICHARD W. HANCOCK, JR., 4066
RUSSELL S. SLOANE, 1603
DAVID D. GEFELL, 0134
YURI V. GRAVES, 3193
ANN S. GILLEN, 2577
KARRIE C. TREBBE, 65113
LUCINDA CUNNINGHAM, 6629
ANDREA D. CHAMPAGNIE, 2867
JOHN V. REINERT, 8386
ROBERT B. VILLACRES, 9350
CAROL M. MCALLISTER, 0909
KEITH O. PELLETIER, 1736

HOUSE OF REPRESENTATIVES—*Tuesday, March 3, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. SNOWBARGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
March 3, 1998.

I hereby designate the Honorable VINCE SNOWBARGER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for 5 minutes.

SUPPORT H.R. 856, THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

Mr. ROMERO-BARCELÓ. Mr. Speaker, yesterday, March 2, was a celebratory date for all Americans. The Jones Act, introduced by the gentleman from Virginia, was enacted on that date in the year 1917, and Puerto Ricans were granted statutory citizenship of the United States. For 81 years, the U.S. citizens of Puerto Rico have been denied the most fundamental rights of American citizenship, the right to vote for the President and the right to voting representation in the House and in the Senate.

Since we began our work in Congress in 1993, everyone here has been aware of my struggle for political equality and my frustrations as a nonvoting Member of the U.S. House of Representatives in trying to achieve equal rights for the 3.8 million U.S. citizens of the Territory of Puerto Rico.

The Children's Health Care Initiative is a perfect example of this struggle. As finally passed, the children in Puerto Rico, all of whom are U.S. citizens, will receive one-seventh of what they would receive if they had been treated as children in a State. It is a matter of serious concern that the health of the American children of Puerto Rico was not considered of equal value within the Nation. Modifications are now being proposed, but we encounter similar struggles every day that confirm that Puerto Ricans are disenfranchised second-class U.S. citizens.

Yet, Puerto Ricans have been model U.S. citizens. Our men and women have valiantly and willingly served in every one of our Nation's armed conflicts since World War I to defend American democratic values.

It is now time for Congress to take action to bring to these 3.8 million citizens political, economic, and social equality. The mechanism to achieve this is within our reach. H.R. 856, also known as the United States-Puerto Rico Political Status Act, represents this mechanism to grant the people of Puerto Rico one of their basic rights, the right to self-determination.

This bill provides for the celebration of the first-ever congressionally sanctioned referendum in this century, allowing Puerto Ricans to choose between two decolonizing formulas, separate sovereignty and statehood, or to remain in the current territorial status. It is an opportunity to end the colonial status of 3.8 million of our U.S. citizens through the democratic exercise of self-determination.

The right to self-determination has been earned by the U.S. citizens of Puerto Rico as a result of their faithful commitment to the Nation. Over 340,000 Puerto Ricans have served in the Armed Forces, many giving their lives in defense of American democracy wherever they were needed in the world.

If the Congress refuses to grant this right to their own disenfranchised citizens, our Nation's image as the symbol of liberty and democracy in the world would be severely tarnished.

There are some people, however, interested in derailing this bill by referring to it as a statehood bill and spreading fear on what they believe are the negative consequences of statehood. I want to set the record straight.

The bill provides the people of Puerto Rico the right to express their political choice by selecting between the three status options. H.R. 856 is not an enabling act that offers the territory instant admission as a State, as some are trying to portray.

These messengers of ignorance contend that statehood will be the fatal for the Federal budget due to the additional funding that would be required, yet fail to mention the positive effect that taxes paid by individuals and companies in Puerto Rico would have in that same budget.

If we were a State now, we would pay $4.5 billion in taxes, and the additional benefits to Puerto Rico would be $3.1 billion; in other words, a net revenue of $1.4 billion to the U.S. Treasury.

In a similarly intimidating fashion they try to raise havoc with the linguistic issue by arguing that there is no room for a Spanish-speaking State, failing to mention, once again, that the official languages of the Government of Puerto Rico and the languages of instruction in school are both Spanish and English. You need to consider that these are merely excuses to prevent the Congress from doing the right thing.

Congress is facing an unprecedented opportunity to end the inequality and disenfranchisement of the U.S. citizens of Puerto Rico by enabling them the exercise of the most fundamental right of all democracies, self-determination, a right that the United States has defended as a Nation throughout the world. It would, indeed, be a national shame if this right were not extended to its own citizens.

We must reject the ignorant, fear-inspired movement to stop the democratic process and deny self-determination to Puerto Rico. As the world's leader, one of the main objectives of U.S. foreign policy has been to promote and defend democracy and self-determination around the world. It might be a good idea to begin applying our policies to our own citizens seeking this right.

I am asking for your support when H.R. 856 reaches the House floor. The U.S. citizens of Puerto Rico and every American committed to freedom, democracy, and justice will be grateful. It is the right thing to do.

CONGRATULATIONS TO TARA LIPINSKY, OLYMPIC GOLD MEDAL WINNER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. KNOLLENBERG) is recognized during morning hour debates for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to congratulate Tara Lipinsky on her outstanding accomplishment on behalf of the United States of America, winning as she did the Olympic gold in women's figure skating at Nagano.

Ms. Lipinsky, the youngest person to ever win a gold medal in an individual event in winter Olympics history, has made all America proud with her wonderful performances. The grace and elegance that Tara Lipinsky brings to her skating is invigorating, and the drive and determination that she has exercised to develop her talent sets a shining example for all of us.

Ms. Lipinsky, along with fellow Olympians Todd Eldredge, Jerod Swallow, Elizabeth Punsalan, Jessica Joseph and Charles Butler, all Olympians, all trained at the Detroit Skating Club in Bloomfield Hills, Michigan. As the Member of Congress with the great honor to represent Michigan's 11th Congressional District, which by the way includes Bloomfield Hills, it is also my home, I would like to take this opportunity to also congratulate the coaches, the family members, and everyone else that was involved that make the Detroit Skating Club one of the best training facilities for ice skaters in the world.

Mr. Speaker, Tara Lipinsky's victory has touched hearts around the world and made the citizens of my district and across the country extremely proud. We owe all our Olympic athletes a hearty well done and congratulations.

2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from New York (Mrs. MALONEY) is recognized during morning hour debates for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, last week one of my colleagues came to the House floor and said that the planning for the 2000 census was done in secret. I am here today to put the facts on the table so that the American people can decide for themselves. Designing the 2000 census has been one of the most public processes in the history of the census.

Dr. Barbara Bryant, the director of the Census Bureau for President George Bush, began the process in 1991 shortly after the conclusion of the 1990 census. She took over the Census Bureau less than 4 months before the 1990 census began, and she knew that it could be improved. The results from the 1990 census reinforced that decision.

In partnership with Congress, Dr. Bryant began the process that resulted in the census design we are debating today. To achieve a better census design, Congress turned to the National Academy of Sciences.

The gentleman from Kentucky (Mr. ROGERS) testified before the House Subcommittee on the Census in 1991 and said there is a need for "an independent review of the census that is fundamental in nature, a back-to-basics, zero-based study that begins with no preconceived notions about what we collect or how we collect it. For that reason, I have pursued the idea of having the National Academy of Sciences conduct such a review. The Academy is credible, experienced, and more importantly, independent. Plus, I have been satisfied they can pull together a panel of fine minds, capable of blending fresh policy viewpoints with an understanding of statistical methods."

In 1992 Congress passed H.R. 3280, "a bill to provide for a study to be conducted by the National Academy of Sciences on how the government can improve the decennial census of population, and on related matters." That study laid out the blueprint for the 2000 census.

It has been alleged that there has been no congressional involvement in planning the census. But how can that be, when the design for the census is based on a study mandated by Congress? In addition, between 1991 and 1994 there were 15 House and Senate hearings on the 2000 census.

If there has been any neglect, it has been since 1995 when Congress abolished the Subcommittee on the Census. In 1995, 1996 and 1997 there were only 4 hearings on the 2000 census.

My colleagues have suggested that there has been no public involvement in designing the census. Again, I would like to have the facts speak for themselves. In 1992 the Secretary of Commerce established an Advisory Committee on the 2000 Census made up of nearly 50 organizations. I would like to put a list of those organizations into the RECORD.

The list referred to follows:

The National Governors Association, the American Association of State Highway and Transportation Officials, the American Statistical Association, the Association of State and Territorial Health Officials, the Business Roundtable, the Council of Chief State School Officers, the Federation for American Immigration Reform, the National Association of Counties, the National Association of Secretaries of State, the National Association of Towns and Townships, and the U.S. Chamber of Commerce.

Mr. Speaker, these organizations met over 20 times since 1992 and each meeting has been open to the public.

The activities of public involvement were not just here in Washington. The director of the Census Bureau and the Under Secretary for Economic Statistics at the Department of Commerce have gone to scores of cities and held town meetings to get public involvement. At each of these town meetings they have solicited public input on the plans that they have put before the public for conducting a fair and accurate census for 2000.

My colleagues have criticized the administration for developing a census designed by the experts. I wonder why they would want a census designed by amateurs.

The facts are that developing the design for the 2000 census has been one of the most public processes in the history of the census. The process has included major constituent groups, Congress and the public. The design for the census has been endorsed by experts and nonexperts alike.

It is very simple. In 1990 the census had an error rate of over 10 percent. Those who oppose a more accurate census want to go back to the way it was done in 1990, even if it costs more, because they believe that the errors in the census work to their advantage. The administration has put forward a plan to reduce the errors in the census and make it more fair and accurate.

The choice is simple. Do we move into the 21st century with a census that uses modern, scientific methods to count absolutely everyone? Or do we do it the old way and pay more to get a census that has millions of errors in it? I say we follow the plan of Dr. Bryant and the National Academy of Sciences.

ORGANIZATIONS THAT SUPPORT SAMPLING

American Jewish Committee, National Association of Counties, American Statistical Association, U.S. Conference of Mayors, Council of Professional Associations on Federal Statistics, Children's Defense Fund, Arab American Anti-Discrimination League, American Sociological Association, National League of Cities, and Cuban American National Council, Inc.

National Association of Business Economists, Japanese American Citizens League, Association of University Business and Economic Research, National Asian Pacific American Legal Consortium, Association of Public Data Users, Americans for Democratic Action, National Community Action Foundation, Asian Pacific American Labor Alliance, Consortium of Social Science Associations, and AFL–CIO.

Labor Council for Latin American Advancement, Leadership Conference on Civil Rights, League of United Latin American Citizens, Mexican American Legal Defense and Education Fund, NAACP, National Council of La Raza, National Urban League, Organization of Chinese Americans, Teachers of English to Speakers of Other Languages, California Rural League Assistance, and American Association of State Highway and Transportation Officials.

□ 1245

STATEHOOD FOR PUERTO RICO

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 21, 1997, the gentleman from Tennessee (Mr. DUNCAN) is recognized during morning hour debates for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to speak on the question of whether Puerto Rico will become our 51st State. Last year I was the only member of the Committee on Resources who voted against this bill on the final committee vote. I did not speak against this bill at the time or try to get anyone else to vote against it, primarily due to my great respect for and friendship with Chairman Young, the primary sponsor. Chairman Young and I agree on almost all issues, particularly on the need to open up a very small portion of Alaska to further oil production.

After I cast this lone dissenting vote, I was asked to visit Puerto Rico by its government and some of its leading citizens, and in an attempt to be as fair as possible, I went there for a weekend visit 8 or 9 months ago. While there, I met some of the nicest people I have met anyplace in this world. I was greatly impressed with the beauty of the island and the great progress that is being made toward freedom and a strong economy and away from the shackles of socialism.

I was impressed with the close ties and favorable feelings most Puerto Ricans have with and for the United States. I was told that Puerto Rico had sent more soldiers and sailors to the U.S. military than any other State per capita, and I really appreciate this.

I had never thought much about this before I went there, but Puerto Rico is closer to Washington, D.C., and the Southeastern United States than are some of our Western States. I believe that Puerto Rico is fast on its way to becoming an island paradise. Some of it already is.

Puerto Rico has a great future, if it continues moving even further toward a free market economy and lower taxes. The island is in a strategic location and could be a valuable asset to us militarily.

However, in spite of all the many good things there are about Puerto Rico and its people, I do not believe Puerto Rico should become a State at this time. First and foremost to me, the American people do not support this expansion. In every poll or survey, the people of my district hold opinions almost identical to the national average. I have not received even one phone call, comment, letter or postcard in favor of this from my district. Every local contact has been against this. This is very important to me.

Second, according to the Congressional Research Service, Tennessee would potentially be one of six or seven States to lose a House Member if Puerto Rico becomes a State. This would not have much effect on me because most of the growth in our State has been in and around Knoxville and Nashville, so my district will be about the same or even possibly shrink in size for the foreseeable future. However, it would definitely hurt our State if we lose the equivalent of 11 percent of our House delegation.

Third, the GAO and others have estimated this could cost American taxpayers $3 to 5 billion a year in added costs to the Federal Government. We are not in nearly as strong a shape economically as some people think with the stock market at record levels. Also in about 8 to 10 years when the baby-boomers begin retiring, we are about to face some of the greatest costs we have ever seen in the history of this country. With national debt of $5.5 trillion right now and a debt almost quadruple that when you figure in future pension liabilities, we really cannot afford to do this until Puerto Rico strengthens its economy significantly.

Fourth, when I went to Israel 3 or 4 years ago, our group met, among many others, with the woman who headed Israeli immigration. She told us they gave all immigrants to Israel up to 2 years of intensive language training if they needed it because Israel felt that it was very important to have a common, unifying national language.

It is fine with me if everyone in this country learns Spanish or some other second language, but I think all U.S. citizens need to be truly, honestly fluent in English. We need a unifying national language. Look at the problems Canada has now with many in French-speaking Quebec wanting to split Canada in the middle. English is and should be our national language, even if some do not like it.

I am told that a little over 20 percent of the people in Puerto Rico are fluent in English. I believe Puerto Rico should greatly emphasize the English language training if they want to become a part of our Union.

Fifth and finally, some say only a little over half of Puerto Ricans want to become a State of the United States if they are given a truly free choice with fair definitions. I do not believe we should add any State unless an extremely high percentage, at least 75 percent or even more, want to become citizens. We certainly do not need to add a State where almost half of the people do not want it.

Puerto Rico should vote first. They can hold a referendum without our permission. The Congress should not take a vote that as a practical matter we cannot get out of unless, and until we have a truly fair, accurate assessment of how many Puerto Ricans really want this.

For all of these reasons, Mr. Speaker, I believe we should maintain our present friendly, close relationship with Puerto Rico as a U.S. Territory.

PEACE CORPS DAY 1998

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. FARR) is recognized during morning hour debates for 5 minutes.

Mr. FARR of California. Mr. Speaker, it has been 35 years since I joined the American Peace Corps, and I rise today to celebrate this month and this very day, the 37th anniversary of the Peace Corps.

It was started on March 1, 1961, when President Kennedy signed legislation passed by this Congress creating the Peace Corps.

Today there are more than 150,000 returned volunteers in the United States, five of whom serve in the House of Representatives and two in the United States Senate.

Today, because of the anniversary of the Peace Corps, there are more than 6,000 returned volunteers that are presently, as I speak, working in schools throughout the United States to bring a program called World Wise Schools. They bring the cross-cultural awareness of these countries that they served in to the school children of America.

I just participated in a program like that downtown at the Peace Corps headquarters, where we had life interaction with students from South Africa, that was being taught by an American Peace Corps volunteer from Washington, D.C.

Today there are 84 countries in the world that have invited the Peace Corps to be in them. There are 6,500 volunteers that are now serving overseas. They are addressing the critical development needs on a person-to-person basis, helping spread and gain access to clean water; to grow more food; to help prevent the spread of AIDS; to teach English, math and science; to help entrepreneurs start new businesses; and to work with nongovernmental organizations to protect our environment.

In fact, the demand for Peace Corps far exceeds the supply. For my conservative friends on the other side of the aisle, I wanted you to recall that the President has asked for expansion of the Peace Corps in his address to the Congress here just last month. In his 1999 budget request, he wants to put 10,000 volunteers, up about 35,000 more volunteers, serving overseas by the year 2000. The demand for their service is there, the supply is not, and the only thing that stands between that is the United States Congress and its ability to appropriate the funds. I encourage my colleagues to do so.

The proposed expansion of the Peace Corps comes at a time when the interest in serving as a volunteer is particularly high. Last year, more than 150,000 Americans contacted the Peace Corps to request information on serving as volunteers, an increase of more than 40 percent since 1994.

The value of the volunteers and their experience is not restricted to overseas service. I can testify that the best service that is given to the Peace Corps is the domestic dividend that we all bring when we come home.

I urge all of those Members of Congress that they ought to think someday even when they retire, that Peace Corps has no limit to the age that one can enter. Remember President

Carter's mother who entered the Peace Corps in her elderly years. I encourage on this 37th anniversary of the Peace Corps that we all be proud of what was created here in the House of Representatives and what has served its country well, the United States Peace Corps.

A TRIBUTE TO CONGRESSMAN GARNER E. SHRIVER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Kansas (Mr. TIAHRT) is recognized during morning hour debates for 5 minutes.

Mr. TIAHRT. Mr. Speaker, today I come to the floor of the House both to commemorate and honor the life of a former Member of this distinguished body, Garner E. Shriver. Garner died this past Sunday, March 1, at age 85.

Both my wife Vickie and I were deeply saddened when we learned of Garner's death. Over the past couple years, Garner had become a personal friend and someone whom I admired greatly. I speak for the entire Kansas delegation in Congress when I say our thoughts and prayers are with Garner's wife, Martha Jane, and their three children, Kay, David and Linda.

Born on July 6, 1912, in Towanda, Kansas, Garner's family later moved to Wichita in 1925, where he attended public schools and graduated from East High School.

Garner stayed in Wichita to receive his undergraduate degree from the University of Wichita, now Wichita State University, in 1934. Today his Congressional papers, amounting to over 180,000 items, are kept at the Wichita State Ablah Library.

In 1940, Garner graduated from Washburn Law School in Topeka, Kansas. Garner put himself through both undergraduate and law school by working odd jobs, including serving as a doorman.

In 1941 Garner married his wife of now 56 years, the former Martha Jane Currier. However, before Martha and Garner had a chance to begin raising a family, World War II pulled Garner away from home for 3 years. He enlisted in the Navy, but after only 10 months he received a commission as Lieutenant, leaving the Navy after 3 years as an officer. During his tour in the Navy, Garner commanded a boat group in the Pacific by the end of the war.

Not long after the war ended, Garner made his first attempt at elected office. His wife Martha Jane recently recounted the story in the Wichita Eagle of how Garner first got into politics. She noted that "he figured he didn't have anything to lose," so in 1946, Garner ran for the Kansas House of Representatives. She continued, "When we went to bed that election night, we didn't know anything about elections. We woke up the next morning to find out he had won by 222 votes."

So began the long and distinguished career of a great Kansas politician. After serving only 2 terms in the Kansas House, Garner set his sights higher and was elected to the Kansas State Senate, where he served two terms.

During his 12 years of service in the Kansas legislature, Garner championed many worthwhile causes, including education for handicapped and retarded children, getting and keeping reckless drivers off the highways, creating the State Park Authority, important flood control legislation, and setting up the 4–H livestock show.

In 1960, Garner left State politics to run for Congress. Winning what was characterized as a very spirited race, Garner became the new representative of the 4th Congressional District. At that time the district included Sedgwick and 14 other counties and was considered to be heavily democratic.

Garner went on to win 8 consecutive races before losing in a narrow defeat, 3,200 votes, in 1976, to former Congressman and now Secretary of Agriculture Dan Glickman.

During his 16 years in Congress, Garner became an influential voice on significant issues of the day, including health and education benefits for our Nation's veterans, and landmark civil rights legislation. Garner served on the committee that drafted the the Civil Rights Act of 1964. His family is very proud of the fact that they have one of the pens LBJ used to sign the historic legislation into law.

Elected in the same class as fellow Kansan Bob Dole, Garner quickly became a close friend and political confidant of Senator Dole. Upon learning of Garner's death, Senator Dole stated that "Garner was one of my closest political friends when we served together in Congress. I, like many others, learned a lot from Garner, who was known as a quiet and effective legislator, and someone who kept his word. He was an exemplary husband and father."

While Garner worked on various issues of national concern during his time, Garner spent a lot of his time taking care of the direct needs and concerns of his constituents back in Kansas. As a senior member of the powerful House Appropriations Committee, Garner was in a unique position to protect the vital interests of both the 4th Congressional District and the State of Kansas.

When Garner left Congress in 1977, he was ranking member of the Appropriations Foreign Operations Subcommittee and the third ranking Republican on the full committee. In that important capacity, Garner was able to make sure Kansas was never overlooked during the Federal budget process.

On a more personal level, I want to express my heartfelt thanks again to Garner for his advice and counsel upon my appointment to the Appropriations Committee after my reelection last year. Before my appointment last year, 20 years had passed since a Kansan had served on the important committee in either the House or Senate. Seeking to understand the first thing about the Appropriations Committee and how it operated, I was fortunate to be able to receive the sage counsel of Garner on the ins and outs of this committee.

After leaving Congress in 1977, Garner returned home to Wichita, Kansas, where he resumed the practice of law and spent the rest of his life alongside his lovely and dedicated wife, Martha Jane. Today, it is only appropriate that we remember and celebrate the life and accomplishments of Garner E. Shriver.

Garner Shriver will be missed, not only by his family, but by me and a lot of other Kansans, Kansans who considered him a friend, an American hero, who lived his life with courage, character and integrity.

So long, Garner. May God bless your soul and your family.

Mr. Speaker, I include for the record a copy of a letter to Mrs. Martha Jane Shriver signed by the entire Kansas delegation.

U.S. CONGRESS,
Washington, DC, March 2, 1998.

Mrs. MARTHA JANE SHRIVER,
Wichita, Kansas.

DEAR MRS. SHRIVER: We were deeply saddened when we learned of Garner's death yesterday morning. We want you and your three children, Kay, David and Linda to know that our thoughts and prayers are with you during this difficult time. We wish we could be with you this Wednesday for Garner's funeral. However, Congress will be in session that day. Representative Tiahrt has reserved time on the floor of the House of Representatives for this Tuesday, March 3, to allow us the opportunity to commemorate the distinguished life of Garner.

During the nearly 30 years of elected public office the name of Garner Shriver became synonymous with Wichita and south-central Kansas. Indeed, Monday's headline in the Wichita Eagle obituary for Garner summed it up well: Garner Shriver was a political giant. While most of us were too young to remember back 50 years ago when Garner began his political career, everyone can be proud of the many accomplishments he achieved during the 12 years he served in the Kansas Legislature and the 16 years he served in the United States Congress.

Elected to Congress in 1960, Garner quickly became a close friend and advisor to another famous Kansan—fellow classmate Bob Dole. During his tenure in Congress, Garner became an influential voice on significant issues of the day, including health and education benefits for our nations veterans, and the 1964 Civil Rights Act. Additionally, Garner effectively combined his political prowess and position on the powerful House Appropriations Committee to make sure Kansas was never overlooked during the federal budget process. And while championing the rights of the average taxpayer, Garner was often heard complaining that members spent "too much of taxpayers' money on junketeering and increased staff."

In addition to being a loyal husband, Garner was a caring and loving father, an honored public servant and a personal friend to thousands of Kansans who, like us, will miss his wit and personal charm. Finally, we wish to recognize, as was noted in his obituary, that Garner viewed public service as a mandate for living a Christian life. We pray that the Lord gives us the same grace he provided Garner during his distinguished public career.

If there is anything we can do to help you during this difficult time, please do not hesitate to call.

Sincerely,

SAM BROWNBACK,
PAT ROBERTS,
U.S. Senate.
TODD TIAHRT,
JERRY MORAN,
JIM RYUN,
VINCE SNOWBARGER,
Members of Congress.

Mr. MORAN of Kansas. Mr. Speaker, I join my colleagues today in honoring the memory of former Kansas Congressman Garner Shriver who was sadly taken from us this week. Garner Shriver will always be remembered as one of Kansas' most effective and revered public servants.

Garner served his country as an enlisted man and as an officer in the U.S. Navy during World War II. Upon his return, he served 12 years in the Kansas Legislature and was later elected to serve 8 consecutive terms in the U.S. House of Representatives.

Here in the House of Representatives he quickly became known as a tireless advocate for our nation's veterans and as a thorough legislator who made sure Kansas was never overlooked in needed federal appropriations.

A quiet, thoughtful man, Garner viewed his public service as a Christian duty. In the process, he achieved great legislative successes benefiting both our nation and his home state of Kansas.

Garner Shriver was a skilled political leader who helped shape the attitudes of an entire generation of young Kansans. It is to his credit, that those of us who have gathered here today on the floor of the U.S. House of Representatives to pay tribute to him were among them.

Our thoughts and prayers go out to his wife, Martha Jane, and their three children, Kay, David, and Linda. Garner Shriver has left a void that will surely be hard to fill.

GENERAL LEAVE

Mr. TIAHRT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the tribute to the late Honorable Garner E. Shriver.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

□ 1300

CONGRESS HAS AN HISTORIC OPPORTUNITY TO IMPROVE THE QUALITY OF OUR NATION'S EDUCATION

(Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. MILLER) is recognized during morning hour debates for 1 minute.)

Mr. MILLER of California. Mr. Speaker, this year the Congress has an historic opportunity to improve the quality of our Nation's education. Teachers are the foundation of our entire educational system, but right now we have a serious problem with the way we prepare and deploy teachers. One in four high school teachers does not even have a college minor in the subject they teach. In high poverty schools, the figure is one in two.

Last week it was reported that U.S. students performed poorly in math and science compared to students in other countries. It is no coincidence that many of these students' teachers have no math or science background. The Committee on Education and the Workforce is about to mark up legislation to upgrade teacher preparation and to attract talented individuals to the profession of teaching.

I will offer my own legislation, H.R. 2228, which would provide for the forgiveness of student loans to qualified entry-level teachers, increase professional development of new teachers, strengthen the standards for federally-supported teacher programs, and require schools to inform parents about the qualifications of their child's teacher.

I support reducing classroom size by hiring more teachers, but when it comes to teachers, more is not enough. I urge my colleagues to support H.R. 2228.

ELIMINATE THE MARRIAGE TAX PENALTY NOW

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, today I rise to explain why enactment of the Marriage Tax Elimination Act is so important with a series of questions: Do Americans feel that it is fair that our Tax Code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million married working couples suffer a tax penalty of $1,400 more in taxes just because they are married? Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced?

The answer is pretty clear. Not only is the marriage tax penalty unfair, but it is wrong that our Tax Code punishes a married working couple with two incomes with higher taxes than an identical couple that chooses to live together outside of marriage. Twenty-one million married working couples suffer an average marriage tax penalty of $1,400 more in higher taxes just because they are married.

Some would say, why does that happen? Under our current Tax Code, a married working couple with two incomes usually files jointly. When they do, their combined income pushes them into a higher tax bracket.

Let me give an example here of a south suburban couple. I represent the south side of Chicago, the south suburbs in Illinois, as well as a lot of bedroom communities and rural areas. Let me give an example of a couple that lives in Joliet. Say you have a machinist who is working at the Joliet Caterpillar Manufacturing Plant, where they make heavy industrial equipment like bulldozers and cranes and earth movers. This machinist is making $30,500 a year in average income. If he is single, after standard deductions and exemptions, he is in the 15 percent tax bracket, being taxed at the 15 percent rate.

Say he meets a gal and she is a public school teacher in the Joliet public schools. She has an identical income. This machinist who works the caterpillar and this Joliet public school teacher decide to get married. She has an income of $30,500 as well. When you combine their income when they file jointly, it produces a $1,400 average marriage tax penalty. Is that fair, just because this machinist at Caterpillar and this Joliet public school teacher decide to get married, that they should pay higher taxes just because they are married?

I think it is wrong that our Tax Code punishes this machinist and this school teacher. I believe we should make it a priority to eliminate the marriage tax penalty. If we think about it, in Joliet Illinois, in the district I am proud to represent, for this machinist and public schoolteacher, $1,400 is a lot of money. That is one year's tuition at Joliet Junior College, it is 3 months of day care at a local day care center, it is several months' worth of car payments and a significant portion of a down payment on a new home.

The Marriage Tax Elimination Act, which now has 235 cosponsors, would eliminate the marriage tax penalty and eliminate it now, because we would give married working couples with two incomes the power of choice to choose to file as two singles or jointly, whichever is to their financial advantage.

The bottom line is, each individual, this machinist and this schoolteacher, under the Marriage Tax Elimination Act, would be able to enjoy the lower tax rate and would be at the 15 percent rate, allowing them to keep that $1,400.

There are a number of ideas out there for tax relief this year. President Clinton talks about the need for child care. In fact, he talks about expanding the current child care tax credit. Let us compare what that means. Under the President's child care tax credit, which only families with children with incomes less than $50,000 would qualify for, the President's plan would provide

$358 in extra take-home pay at the end of the year for the average couple that would qualify.

The Marriage Tax Elimination Act, as an alternative to the President's plan, would actually provide $1,400. If we think about that, at a Joliet day care center for this machinist and schoolteacher living in Joliet, that is 3 weeks worth of day care under the President's proposal or 3 months' worth of day care under the Marriage Tax Elimination Act. The question is, which is better, 3 weeks under the President's plan, or 3 months under elimination of the Marriage Tax Penalty Act?

The bottom line is we should be working to eliminate the marriage tax penalty. It is wrong that our Tax Code punishes marriage with higher taxes. We should make it the centerpiece of our budget discussions. I am pretty proud that this Congress, our new majority, which has been in place for 3 years, has provided more tax relief for middle-class families than any Congress in recent history.

In 1996 we, of course, provided for the adoption tax credit to help families provide a loving home for children. In 1997 we provided a $500-per-child tax credit, which for Illinois families, for 3 million Illinois kids, would allow $1.5 billion in higher take-home pay for Illinois families.

This year let us stop punishing marriage. Let us make elimination of the marriage tax penalty the number one must-do. Let us make it the centerpiece. Let us eliminate the marriage tax penalty, and do it now.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46–$48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel it's fair that the average married working couple pays almost $1,400 more in taxes than a couple with the almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong.

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School teacher	Couple
Adjusted gross income	$30,500.00	$30,500.00	$61,000.00
Less personal exemption and standard deduction	6,550.00	6,550.00	11,800.00
Taxable income	23,950.00	23,950.00	49,200.00
Tax liability	3,592.50	3,592.50	8,563.00
Marriage penalty			1,378.00

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Everyday we get closer to April 15th more married couples will be realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or a car, one years tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Elimination Act.

It would allow married couples a choice in filing their income taxes, either jointly or as individuals—which ever way lets them keep more of their own money.

Our bill already has the bipartisan cosponsorship of 232 Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentleman, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect of it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty * * * bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. Tax Code should not be one of them.

Lets eliminate The Marriage Tax Penalty and do it now.

Which is better?

NOTE: The President's Proposal to expand the child care tax credit will pay for only 2 or 3 weeks of child care. The Weller-McIntosh Marriage Tax Elimination Act, H.R. 2456, will allow married couples to pay for 3 months of child care.

Which Is Better, 3 Weeks or 3 Months?

CHILD CARE OPTIONS UNDER THE MARRIAGE TAX ELIMINATION ACT

	Average tax relief	Average weekly day care cost	Weeks day care
Marriage Tax Elimination Act	$1,400	$127	11.0
President's Child Care Tax Credit	358	127	2.8

URGING MEMBERS TO JOIN THE CONGRESSIONAL DIALOGUE ON VIETNAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Ms. SANCHEZ) is recognized during morning hour debates for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, this past June, United States Secretary of State Madeleine Albright visited Vietnam to formally open the United States Embassy there. The recent establishment of diplomatic relations reflects changes between the United States and Vietnam since the end of the Vietnam War in 1975 and the lifting of the trade embargo in 1994.

Thus, several issues are emerging in the dialogue between the United States and Vietnam. It necessitates the creation of a forum for Members to express their views and to work with the administration on forming foreign policy towards Vietnam.

I rise today to call on my colleagues to join the Congressional Dialogue on

Vietnam. It is founded by myself and the gentlewoman from California (Ms. ZOE LOFGREN). This group will facilitate the dialogue between Members of Congress. It will also provide information to interested parties, and it will engage in discussions between Congress, the administration, and the Vietnamese-American community.

Last September I co-chaired a human rights caucus, a briefing on the human rights situation in Vietnam. During this briefing we heard from representatives from international, religious, and human rights organizations about the status of human rights, religious persecution, and the social and political state of Vietnam.

Through this hearing we learned that there are several voices wanting to be heard on this issue, and it is our job to give these groups the forum to do so. I strongly believe that with the normalization of relations between the two countries there comes a great responsibility. Now, more than ever, it is of critical importance that we pay careful attention to the progression of developments in U.S. Vietnam policy. Again, I strongly urge my colleagues to join the Congressional Dialogue on Vietnam, and I look forward to working with each of them on this important issue.

MOVING OUR COUNTRY TOWARDS A FAIRER, FLATTER, AND SIMPLER TAX CODE AND TAX SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. RIGGS) is recognized during morning hour debates for 5 minutes.

Mr. RIGGS. Mr. Speaker, I take to the floor during morning hour to just bring Members' attention to very interesting developments yesterday that really signaled the first round in a national debate about reforming our Tax Code and moving our country in the direction of a fairer, flatter, simpler Tax Code and tax system.

If Members will for a moment just compare the contrasting styles, the tone of the debate by the proponents and advocates on both sides of this issue. Yesterday two of our Republican colleagues, the House majority leader, the gentleman from Texas (Mr. DICK ARMEY) and the gentleman from Louisiana (Mr. BILLY TAUZIN), spoke to three different groups back here in Washington. This was part of their Scrap the Code tour that they have taken on the road to cities around the country.

Yesterday majority leader Armey, who was one of the leading congressional proponents of the flat tax, and the gentleman from Louisiana (Mr. TAUZIN), one of the leading Congressional proponents of a national sales tax, a national tax on consumption, spoke to these three groups as part of what I think is a very rational, a very level debate about replacing the current Tax Code in favor of one of these two plans, both of which, in my view, would be simpler and fairer than the current system. Again, they have been doing this around the country as part of an effort to inform and engage the American people in this debate.

Contrast their, again, very rational approach to discussing these issues with the President's remarks yesterday back here in Washington. I am quoting from the Washington edition of the Los Angeles Times. The headline is "Clinton Rips Reckless Overhaul of Tax Code."

The article says, "Facing an unexpected stampede in Congress to wipe out the U.S. tax code and replace it with a radical new system," and "radical" is the word the L.A. Times writer uses, "President Clinton on Monday denounced the approach as 'misguided, reckless, and irresponsible,' and warned that it would imperil the economy." Gloom and doom. These are just scare tactics, Mr. Speaker.

The article goes on to say, "In an unusually pointed attack, Clinton and his top advisers assailed popular legislation," legislation that is now pending in this House, in this Congress, "that would end the current tax code on December 31, 2001, to make way for a wholly new version.

"No one concerned about fighting crime would even think about saying, 'Well, three years from now we are going to throw out the criminal code and we will figure out what to put in its place,' Clinton told the National Mortgage Bankers Association. No one would do that. That is exactly what this proposal is. That is exactly what some people in Congress are proposing to do."

Excuse me? I do not see the analogy. I do not see any comparison between our efforts to move the country in the direction of a fairer, flatter, simpler Tax Code with this analogy to throwing out the criminal code. Frankly, I think most of us, the 143 of us that have sponsored legislation to scrap the Tax Code, resent any analogy or suggestion that somehow it is comparable to eliminating the criminal code.

Nothing could be further from the truth, and, as Jack Ferris, the President of the National Federation of Independent Businesses, which is trying to garner 1 million signatures from American citizens nationwide in support of scrapping the Tax Code, as he put it yesterday, what is irresponsible is a 500 million-word code, a 9,000 page Tax Code, that is antiwork, antisaving, and antifamily. That is exactly what we have in America today. We have a Tax Code, a tax system that is riddled with perverse incentives that actually favor consumption and spending over savings and investment.

We cannot go down this path. We should be able to have a rational, informed, bipartisan debate on this in this country without the defenders of the status quo having to, like the President, resort to scare tactics.

Let me tell the Members, what they are attempting to defend is absolutely indefensible. Here are some of the articles that have appeared in publications recently regarding the collection abuses and the culture at the IRS. Here is one that says new audit at IRS finds some agents focused on quotas. "The IRS Unveils New Taxpayer Protections to Limit Agents' Ability to Seize Assets."

Why do they have to do this? Because the new commissioner is quoted in here as saying, "I am concerned about the number of questionable procedural violations that may have occurred in the cases we have reviewed. I am especially troubled about the emphasis," in the IRS, "placed on improving collection status without equal emphasis on customer service and safeguarding taxpayers' rights."

"Treasury Chief Files Action Against IRS Quotas."

Another one, "Top Official Offers Mea Culpa for IRS."

Mr. Speaker, let us have an informed, rational, bipartisan debate. Let us transform the IRS into an agency that treats all taxpayers with respect and gives them the services they deserve, while we move the country in the direction of a fairer, flatter, simpler Tax Code and tax system.

SPEAKER'S TASK FORCE REPORT ON HONG KONG TRANSITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Nebraska (Mr. BEREUTER) is recognized during morning hour debates for 5 minutes.

Mr. BEREUTER. Mr. Speaker, last March, Speaker GINGRICH visited Asia. In the course of his visit to Hong Kong, he determined it would be appropriate to create a House task force to observe and report on the Hong Kong transition as it moved from colonial rule of the United Kingdom to become a separate but integral part of the People's Republic of China. He mandated that I chair that task force.

We created a bipartisan task force of equal numbers from the membership of the Subcommittee on Asia and the Pacific of the House Committee on International Relations, eight members total. The Speaker mandated that we visit Hong Kong and Beijing a minimum of every 6 months and provide a quarterly report to the Congress on the transition, to let the People's Republic of China know that we are watching that transition and to thereby try to protect the freedoms that existed in Hong Kong before the transition. Interestingly, the Australian Parliament has a similar effort underway.

In the first report of the Speaker's Task Force on the Hong Kong Transition, dated October 1, 1997, we reported that Hong Kong's reversion to China was characterized as "so far, so good." Six months after the official reversion, that characterization still applies.

Two other members of the Task Force and I visited Hong Kong, Beijing, Shenzhen and Macau between December 13 and December 20 of last year, and our report is effective through December 31 of 1997.

However, nearly all observers agree it is yet "too early to tell" whether Hong Kong will be greatly affected by the transition and/or whether the United States' significant interests in Hong Kong will be adversely affected. From all the perspectives both within and outside of Hong Kong, the very negative scenarios for Hong Kong which many had predicted thus far have not occurred. Undoubtedly, this is in part due to a determined effort by officials from the People's Republic of China to respect Hong Kong's autonomy under the "one-country, two-systems" formula. Despite the fact that the underlying reasons for China's stance remain the same, there is no assurance that the outcome from those objectives will still prevail.

To date, the Hong Kong people seem to enjoy the same basic liberties and rights they enjoyed prior to the reversion. However, this is tempered by the abolition of the Legislative Council and its replacement by a provisional legislature which was "selected," but not elected, by the people of Hong Kong.

Most observers agree that Hong Kong and Beijing officials responsible for implementing the "one-country, two-systems" framework are on their best behavior. Yet one overriding concern remains, and I put that in the form of a question: Are Hong Kong officials subtly anticipating what Beijing desires and not in all instances vigorously pursuing the autonomy that they now have out of a fear that they will upset Beijing? That is the question.

At least with regard to routine matters, Hong Kong governmental officials seem quick to assert their own autonomy. There is also some evidence that Hong Kong officials may be seeking to influence policies on the mainland. But on more sensitive issues such as President Jiang's interaction with protesters in Hong Kong not too long ago, Hong Kong officials may be attempting to put on a good face for Beijing.

If such attempts to "outroyal the queen" are really occurring in Hong Kong, a subtle and seemingly invisible erosion of Hong Kong's economy could be happening without being fully discernible. That is a summary of what we concluded.

Mr. Speaker, I would like to focus briefly on one other aspect of the Hong Kong transition which is of particular importance to America and being watched by this House, and I will say to my colleagues, the full report of this task force, our second quarterly report, will be found in the Extensions of Remarks for today, but that area is Hong Kong's customs autonomy.

Mr. Speaker, I would say it is a promising start but too early to judge. Indicators suggest that Hong Kong is fully exercising its autonomy as a separate customs territory inside China. Law enforcement cooperation between Hong Kong police and Customs and U.S. Customs remains "much the same," and, according to U.S. officials, there appears to be no change in the working relationship. Nevertheless, it is "too early to judge" whether long-term U.S. trade, security, and law enforcement interests in Hong Kong ultimately will be affected by the transition.

In November, the U.S. Foreign Commercial Service performed 30 postshipment verifications on export licenses and found only one or two questionable situations. Moreover, those questions were resolved with further inspection.

A U.S. interagency team on export controls traveled to Hong Kong on January 12, 1998, as part of a bilateral cooperation agreement between Secretary of Commerce William Daley and Hong Kong Trade and Industry Secretary Denise Yue.

Mr. Speaker, I urge my colleagues to look at our entire report. We are going to more fully examine the customs and export control issue, among others, when we present our third and fourth quarterly reports to the Congress of the United States. Again, our colleagues will find our second quarterly report fully presented in the Extensions of Remarks for today.

AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION HONOREES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey (Mr. PAPPAS) is recognized during morning hour debates for 2 minutes.

Mr. PAPPAS. Mr. Speaker, just a few days ago an organization of which I am a member, called the American Hellenic Educational Progressive Association, or AHEPA for short, had its 33rd Biennial AHEPA Congressional Banquet not too far from here.

At that event one of our colleagues, the gentleman from Florida (Mr. BILIRAKIS) was the recipient of the annual Pericles Award. The gentleman from Florida, as all of us know here, is a leader in many areas of public policy, health care being one of them, but also in areas of public policy dealing with the Mediterranean, Eastern Mediterranean, Greece, and Cyprus. Mr. Speaker, we are all very proud to congratulate the gentleman on that.

The second award recipient was Andy Athens of the Chicago area. He received the 1998 Archbishop Iakovos Humanitarian Award.

Both of these gentlemen are fine Americans. I am very, very proud to know them and to consider them friends and to be a member of the Greek-American community in the United States with them, and am very pleased to have been there with them and their families that evening.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 22 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are grateful, O loving God, for all those people who give of their time and ability by volunteering to assist others and who through their good deeds strengthen the bonds of respect one for another. On this day we praise the efforts of those who volunteer their gifts to others and whose devotion and commitment to the meaning of service has contributed to the vitality of our national life and to our community and family development. Our thoughts at this time and our prayers every day go with these good people. May we encourage their good works and may we follow the high quality of their service in our own lives. In Your name we pray, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under

God, indivisible, with liberty and justice for all.

SPEAKER'S GAVEL USED TODAY MADE WITH CARE AND PATIENCE BY DICK DIETERLE OF MILLERSVILLE, PA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I rise today to pay tribute to Mr. Dick Dieterle. Mr. Dieterle is a retired school teacher and amateur wood worker from Millersville, Pennsylvania who can teach us all a thing or two about patience. My colleagues may have noticed that I used a different gavel this afternoon, a gavel hand-built by Mr. Dieterle especially for this occasion. The head of the gavel is built from white ash that was cured for a year and air-dried for a decade. Mr. Dieterle rescued wood for the handle from a razed Lutheran church in Millersville and made its terminal from African padauk. Perhaps most impressively, Mr. Speaker, the striking block was made from a piece of apple wood that he has been curing for over 50 years. That is a very long time, Mr. Speaker.

This gavel should remind each of us as we gather to take up today's agenda that patience is a virtue and that it often takes 50 years to get something just right, whether that something is a gavel or a book or a piece of legislation. Dick Dieterle said that he is pretty sure the strongest man in the House will not break it. That is what happens when you take the time to perfect something. And looking at the gavel, Mr. Speaker, I am pretty sure that Mr. Dieterle's time was not wasted.

DEMOCRATS' EDUCATION AGENDA

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, I rise today in support of the Democrats' education agenda which will be unveiled tomorrow. It calls for modernizing schools and reducing class size by hiring new teachers. To prepare our students for the future, we must not only increase the number of teachers, but also improve the quality of teachers.

I intend to introduce a bill this week which provides scholarships or stipends for outstanding graduate students enrolled in teacher training programs in math and science. These students would then be obligated to teach math or science for 3 years in an urban or rural public secondary school or repay their stipends.

Among 25 nations, U.S. students ranked 12th and 9th respectively in math and science skills. Almost 50 percent of these students were taught by teachers who did not prepare in those fields. We can do better. I urge my colleagues to recruit and reward future math and science teachers for American children.

THE HEROIC STORY OF CHRIS NOAD

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, not often do we bring stories, heroic stories, before the House of Representatives, so it today brings me great pleasure to tell you about a heroic young man named Chris Noad of Dayton, Nevada. Last Friday Chris was awarded the Boy Scout Gold Honor Medal, the highest life-saving award in scouting, for unusual heroism in saving a life at considerable risk to himself.

Twelve-year-old Chris came to the rescue of his younger sister Kathryn as she was being viciously attacked by a dog in their yard. Hearing the painful cries of his sister, Chris disregarded his own safety, rushed into the yard and was able to grab and pin a 120-pound Rottweiler until further help arrived, allowing his sister to escape. Fortunately Kathryn survived this attack, but that may not have been so without the truly courageous action of her older brother.

The actions taken by Chris Noad during those frightful moments can serve as an example to all of us. Doing the right thing at the right time even when it is at our own jeopardy is something we all need to remember. Large acts of bravery do not always occur by large people. You are truly a hero to your family, to your community and to the State of Nevada.

MEXICAN DRUG CARTEL RECRUITING STREET GANGS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, according to reports, Mexico's drug cartel is recruiting American kids in street gangs in the city of San Diego. That is right. California has become the new breeding ground for Mexican drug traffickers. Unbelievable.

While the Pentagon last year spent $3 billion in Bosnia and Iraq, the Pentagon has announced they are going to suspend their operations on our borders. Beam me up. Let us put the seed corn where the fertilizer can reach it, Mr. Speaker. If Congress can spend billions of dollars to secure foreign borders for foreign citizens in foreign lands, then the Congress of the United States can secure the border in America for the American people. I just have one thing to say to the Pentagon. Suspend this. Are we inhaling or what?

TAXES

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, yesterday on page 1 of USA Today, there was a very interesting chart that is here to my left. It shows the rising tax load. While that is no surprise to anyone paying taxes over the past few decades, this chart caught my eye for several reasons. It shows that the tax burden has been rising steadily since 1965 for families with one working parent and for families with both working parents. Either way, married or single, Uncle Sam takes more and more, and families pay more and more. That is a formula that brings joy to the hearts of big government liberals and Federal bureaucrats and government planners of all sorts. But it does not do much for families who are trying to get ahead.

It is time to change that course. The tax burden on American families, especially middle-class families, is too high. It has been going up for years, and it is time to go the other direction. It is time for some tax relief for the middle class, the backbone of America, that plays by the rules, works hard and pays the taxes.

PUERTO RICAN STATEHOOD

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, today there will be a rule taken up on the Young bill, a bill that is supposed to deal with the self-determination of the people of Puerto Rico. It is really a statehood bill. It is a bill that will guarantee statehood.

In 1993, as many of my colleagues remember, the people of Puerto Rico had a plebescite, independence, Commonwealth and statehood. We all remember the headlines, the headlines read blaring across our Nation, Puerto Rico rejects statehood. Now we are going to come back 5 years later, and since they lost it that time, we are going to write a statehood bill to make sure that that is the option. It is wrong. I am going to give everybody one example.

My father did not see me until I was 1 year old. The reason was because he was serving in the Armed Forces of this Nation. He was born on the island of Puerto Rico. He served in the Armed Forces of this Nation. Under the bill we are going to consider tomorrow, we are going to state that my father's citizenship is statutory. Now, when my father goes and votes, and he likes the Commonwealth, he disagrees with his son about a lot of things, and that is one thing we disagree about, he is going to want to vote for a Commonwealth. He served in the Armed Forces of this Nation, an American citizen. When he goes to vote, Mr. Speaker, the only thing that is going to guarantee him his American citizenship is statehood. You want an election that is going to guarantee a false vote, that is going to be tomorrow. Let the people of Puerto Rico decide.

HUMAN RIGHTS ABUSES IN INDONESIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I stand here today to draw attention to the human rights abuses taking place in Indonesia. As many of my colleagues know, Indonesia is experiencing tremendous economic and social upheaval. In the ensuing panic, the people and government have tagged the Christian and ethnic Chinese minority as the scapegoats for these societal ills.

□ 1415

As a result, massive human rights violations have occurred. Mobs have shut down Christian church services and burned down places of worship. Between February 14 and 17 alone, rioters destroyed the property of 29 churches. Churches gathered to find their musical instruments, benches, bibles, church documents and entire buildings destroyed.

Mr. Speaker, the extremists are not the only perpetrators of human rights abuses. Government authorities allegedly participate in the violence and abuses by failing to protect the churches and communities from attackers. By doing nothing in response to these violations, the government implicitly collaborates with extremist groups and builds anti-Christian sentiment. This is outrageous.

Mr. Speaker, we should not look the other way while such blatant human rights violations occur in Indonesia. I urge Mr. Mondale to raise these issues during his meetings with Mr. Suharto and the Government of Indonesia to take steps immediately to protect these minorities from abuse.

OPPOSITION TO H.R. 856, UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, I am glad to know there is bipartisan opposition to H.R. 856, the United States-Puerto Rico Political Status Act, which we will be asked to vote on tomorrow.

Over the past few weeks, I have received a lot of conflicting information regarding Puerto Rican statehood. Some say statehood will cost the taxpayers $3.5 billion. Others say it will result in a $2.5 billion benefit. Which is true? I cannot be sure, and the American people do not know the truth yet either.

When I was home this weekend, I asked several folks what they thought of Puerto Rico becoming the 51st State. Most of my constituents did not even realize Congress was considering such a vote. We should not vote on such an important bill when our voters are not fully informed.

During my time in Congress, I have generally been supportive of my leadership. But I say to the Republican leadership today that they are making a grave mistake. I believe they have misjudged the will and understanding of the American people. They do not know enough about this legislation, they do not know it is coming. Americans are going to wake up Thursday morning with Puerto Rico well on its way to becoming the 51st star in the flag and they are going to say, why were we not consulted?

I urge my leadership to pull this measure and give the American people an opportunity to make an informed decision.

CITIZENS PROTECTION ACT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, in 1995 a bounty hunter was chasing a bond jumper in Texas. In Houston, he found a woman he thought to be the bond jumper and beat her severely. The woman, who was pregnant, miscarried the next day. The key fact was the bounty hunter had the wrong woman. An innocent woman lost her child at the hands of a rogue bounty hunter.

The majority of bounty hunters are professionals who do excellent work. Unfortunately, there are a few Dirty Harry wannabes out there as well, and the results can be tragic.

I urge my colleagues to support the Citizens Protection Act, a bill which provides an incentive to weed out the rogue bounty hunters and prevent this kind of reckless abuse that resulted in the death of that mother's child.

The Citizens Protection Act holds two things: It says that bounty hunters and their employers, bail bondsmen, are accountable for their actions, making them liable for civil rights actions. The second thing it does, it requires bounty hunters who cross State lines in pursuit of a bond jumper to report their intentions to State law enforcement authorities.

A bounty hunter's license, Mr. Speaker, should not be a license to terrorize and abuse innocent citizens, and I urge my colleagues to support the Citizens Protection Act.

DO NOT SPEND THE SURPLUS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, today the Congressional Budget Office announced that the Federal budget is in surplus for the first time in 30 years. This is remarkable, especially when we look at where we were in 1994.

In 1994, President Clinton's budget projected $200 billion in deficits for as far as the eye could see. Now, back then, the pundits laughed at the Republican leadership when we said we were going to balance the budget as we cut taxes. Well, who is laughing now?

Now that we have a surplus, we need to return the money back to the American taxpayer. Unfortunately, the President has different ideas. He has proposed over $100 billion in new Washington spending.

Well, Mr. Speaker, my constituents do not want any more wasteful Washington spending. Their message to the President is very clear: Don't spend our surplus.

HISTORIC CROSSROADS IN AMERICAN HISTORY

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, we are at a historic crossroads in American history. For the first time since 1969 we have a budget surplus.

As we stand at this crossroads, we see the path fork in front of us and divide in two ways. We can follow Bill Clinton to the left. Bill Clinton wants to lead us down the run down and rutted road that takes us backwards to the era of big government.

Or we can walk the road that leads to the right. This path leads us away from big government spending and leads us closer to familiar benchmarks, like personal responsibility and personal freedom.

The road to the right gives the American people the power to spend their own money, however they see fit, rather than spending it on some far-off Washington bureaucracy in the form of new government spending.

We face an enormous choice today, Mr. Speaker. We can take the road to the left and continue to make the Federal Government bigger and more bloated, or we can go to the right and give the American people more prosperity and more freedom.

We have seen where the path leads to the left, Mr. Speaker. We do not want to travel down that road again.

IS THE SECRETARY OF AGRICULTURE WILLING TO LOOK INTO THE FACES OF AMERICAN FARM FAMILIES?

(Mr. HILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I have a question today for the Department of Agriculture. Are you willing to look into the faces of American farm families?

Yesterday morning in Sweetgrass, Montana, on the border between Canada and the United States, dozens of farmers and ranchers from both sides of the border gathered in protest by barricading the border to gain the attention of the administration.

It is not just a protest about grain prices, even though those prices are below the cost of production. And it was not just a protest about unfair trade, even though Canada and the Canadian Grain Board is dumping grain into the United States. It was a protest about administrations in Washington and a Federal Government in Ottawa that have turned their back on producers.

My question to the Secretary of Agriculture and to our trade representative: Will you come to Shelby, Montana and will you look into the faces of these farm families, and will you sit at their kitchen tables and look at their budgets with me? Will you listen to them and their ideas and their solutions so that these families can enjoy a piece of America's prosperity too? Mr. Secretary, will you do that? Will you not turn your back on them?

PRESIDENT SHOULD SUPPORT COALITION SUPPORTING FAIRER, SIMPLER TAX SYSTEM

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, I rise today to encourage the President to join the coalition supporting a fairer, simpler tax system. The President seems to think that the status quo is okay. He obviously has not been speaking to people in eastern North Carolina because they remind me daily that the status quo is out of control.

When the American taxpayer spends 5 billion hours and $225 billion annually just to prepare their tax returns, something is clearly wrong. Mr. Speaker, the American people need relief, not only from their ever-increasing tax burden of 38 percent but from the lengthy and complicated tax code itself.

I ask the President to join those of us who are fighting to provide the taxpayers with the relief they so rightly deserve. Reject the status quo and support a fairer, simpler tax system for the American people.

CONGRESS TO LOOK INTO MATH-SCIENCE EDUCATION AND NATION'S SCIENCE POLICY

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, earlier a colleague from Maine registered concern about the results of the third International Mathematics and Science Study, which indicated that in the area of mathematics we were at the bottom of the list of nations who took the test, with the exception of Cyprus and South Africa. And in science we are very little better. We only passed up Italy, Lithuania, Cyprus and one other country.

This is indeed a sad state of affairs. I appreciate my colleague's interest, and I also want to mention that the Speaker of the House, the gentleman from Georgia (Mr. GINGRICH), and the chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), earlier during the previous session decided that this was a serious problem that had to be addressed by the Committee on Science. Mr. SENSENBRENNER has commissioned me to head up the effort on the part of the Committee on Science to look into math-science education as well as our Nation's science policy.

In particular, we will be having a hearing tomorrow in which we will have Mr. Bill Nye, the Science Guy; a representative from Sesame Street; and others, talking in particular about the question of how we can maintain interest among our students in science and mathematics as they get older. I encourage the Members of the House to attend that hearing, and I am sure we will learn a great deal about what we can do as a Nation to improve our students' performance in mathematics and science in elementary and secondary schools.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNOWBARGER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

SUPPLEMENTAL REPORT ON H.R. 217, HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent to file on behalf of the Committee on Banking and Financial Services a supplemental report to accompany the bill (H.R. 217), to amend Title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 217) to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively, as amended.

The Clerk read as follows:

H.R. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeless Housing Programs Consolidation and Flexibility Act".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the United States faces a crisis of individuals and families who lack basic affordable housing and appropriate shelter;

(2) assistance from the Federal Government is an important factor in the success of efforts by State and local governments and the private sector to address the problem of homelessness in a comprehensive manner;

(3) there are a multitude of Federal Government programs to assist the homeless, including programs for elderly persons, persons with disabilities, Native Americans, and veterans;

(4) many of the Federal programs for the homeless have overlapping objectives, resulting in multiple sources of Federal funding for the same or similar purposes;

(5) while the results of Federal programs to assist the homeless generally have been positive, it is clear that there is a need for consolidation and simplification of such programs to better support local efforts;

(6) increasing resources available to reduce homelessness are utilized in the development of services rather than the creation of housing;

(7) housing programs must be evaluated on the basis of their effectiveness in reducing homelessness, transitioning individuals to permanent housing and self-sufficiency, and creating an adequate plan to discharge homeless persons to and from mainstream service systems;

(8) effective homelessness treatment should provide a comprehensive housing system (including transitional and permanent housing) and, while not all homeless individuals and families attain self-sufficiency and

independence by utilizing transitional housing and then permanent housing, in many cases such individuals and families are best able to reenter society directly through permanent, supportive housing;

(9) supportive housing activities support homeless persons in an environment that can meet their short-term or long-term needs and prepare them to reenter society as appropriate;

(10) homelessness should be treated as part of a symptom of many neighborhood and community problems, whose remedies require a holistic approach integrating all available resources;

(11) there are many private sector entities, particularly nonprofit organizations, that have successfully operated homeless programs;

(12) government restrictions and regulations may discourage and impede innovative approaches to homelessness, such as coordination of the various types of assistance that are required by homeless persons; and

(13) the Federal Government has a responsibility to establish partnerships with State and local governments and the private sector to address comprehensively the problems of homelessness.

(b) PURPOSE.—It is the purpose of this Act—

(1) to consolidate the existing housing programs for homeless persons under title IV of the Stewart B. McKinney Homeless Assistance Act into a single block grant program for housing assistance for the homeless;

(2) to allow flexibility and creativity in rethinking solutions to homelessness, including alternative housing strategies and an improved service sector;

(3) to provide Federal assistance to reduce homelessness on a basis that requires recipients of such assistance to supplement the federally provided amounts and thereby guarantee the provision of a certain level of housing and complementary services necessary to meet the needs of the homeless population; and

(4) to ensure that multiple Federal agencies are involved in the provision of housing, human services, employment, and education assistance both through the funding provided for implementation of the Stewart B. McKinney Homeless Assistance Act and mainstream funding and to encourage entrepreneurial approaches in the provision of housing for homeless people.

SEC. 3. GENERAL PROVISIONS.

Title I of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

(1) by striking section 102;

(2) in section 103—

(A) in subsection (a), by striking "the term 'homeless' or 'homeless individual or homeless person' includes" and inserting "the terms 'homeless', 'individual', and 'homeless person' include"; and

(B) in subsection (c), by striking "the term 'homeless' or 'homeless individual' does not include" and inserting "the terms 'homeless', 'individual', and 'homeless person' do not include"; and

(3) by redesignating sections 103, 104, and 105 as sections 102, 103, and 104, respectively.

SEC. 4. FEDERAL EMERGENCY MANAGEMENT AGENCY FOOD AND SHELTER PROGRAM.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1998, 1999, 2000, 2001, and 2002.".

SEC. 5. PERMANENT HOUSING DEVELOPMENT AND FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended to read as follows:

"TITLE IV—PERMANENT HOUSING DEVELOPMENT AND FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE PROGRAM

"Subtitle A—General Provisions

"SEC. 401. PURPOSE; PERFORMANCE MEASURES.

"(a) PURPOSE.—The purpose of the program under this title is to provide assistance for permanent housing development for homeless persons and promote the development of a comprehensive housing system that transitions homeless persons to live as independently as possible, including assistance in the form of permanent housing development, supportive housing, emergency shelters, supportive services, and activities to prevent homelessness.

"(b) PERFORMANCE MEASURES.—Consistent with the purposes and requirements of the Government Performance and Results Act of 1993, the programs under this title and the implementation of such programs by the Department of Housing and Urban Development shall comply with the following performance goals:

"(1) The Federal Government shall ensure an effective grant allocation process and sound financial management of the process. Such grant allocation process shall be implemented to ensure that—

"(A) local governments shall work with the appropriate Local Board to create innovative plans sufficient to address the needs of homeless people in their community; and

"(B) all eligible communities receive funds to address the needs of homeless people in such communities through local governments or private nonprofit organizations.

"(2) The financial resources provided under this title shall be used effectively to create more low-cost permanent housing and to transition homeless people to self-sufficiency and permanent housing.

"(3) The Federal Government shall use the Interagency Council on the Homeless as a vehicle to coordinate services, programs, and funds to promote the transition of homeless people to self-sufficiency in permanent housing.

"SEC. 402. GRANT AUTHORITY.

"(a) IN GENERAL.—The Secretary may make grants as provided under this title to eligible grantees for States, metropolitan cities, urban counties, and insular areas for carrying out eligible activities under subtitles B and C.

"(b) GRANT AMOUNTS.—Except as otherwise provided under this title, amounts for a fiscal year allocated under section 406 shall be used as follows:

"(1) INSULAR AREAS.—Any amounts for the fiscal year allocated under section 406(a) for an insular area shall be used for a grant to the eligible grantee for the insular area for such fiscal year.

"(2) PERMANENT HOUSING DEVELOPMENT.—Any amounts allocated under section 406(b) for use under subtitle B shall be used for grants under section 406(b)(2) to States, metropolitan cities, and urban counties for such fiscal year.

"(3) FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE.—Any amounts allocated under section 406(c) for a State, metropolitan city, or urban county, shall be used for a grant under section 406(c) to the eligible grantee for the State, metropolitan city, or urban county, for the fiscal year.

"(c) USE FOR ELIGIBLE ACTIVITIES.—Grant amounts provided under this title and any supplemental funds provided under section 407 may be used only as follows:

"(1) INSULAR AREA GRANTS.—In the case of a grant under subsection (b)(1) for an insular area, for eligible activities under subtitle C benefiting the insular area.

"(2) PERMANENT HOUSING DEVELOPMENT GRANTS.—In the case of a grant under subsection (b)(2) to a State, metropolitan city, or urban county, for eligible activities under subtitle B within the State, metropolitan city, or urban county, respectively.

"(3) FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE.—In the case of a grant under subsection (b)(3) for a State, metropolitan city, or urban county, for eligible activities under subtitle C benefiting the State, metropolitan city, or urban county, and carried out only within non entitlement areas of the State, metropolitan city, or county, as applicable.

"SEC. 403. ELIGIBLE GRANTEES.

"For purposes of this title, the term 'eligible grantee' has the following meaning:

"(1) GRANTS FOR INSULAR AREAS.—In the case of a grant from amounts allocated under section 406(a) for an insular area, such term means—

"(A) the insular area, or an agency, office, or other entity of the area; or

"(B) to the extent that an entity that is a private nonprofit organization is authorized by the government of the insular area to act as the grantee for the area for purposes of this title, such private nonprofit entity.

"(2) GRANTS FOR PERMANENT HOUSING DEVELOPMENT AND FLEXIBLE ASSISTANCE.—In the case of a grant from amounts allocated under section 406(b) or section 406(c) for a State, metropolitan city, or urban county, such term means—

"(A) the State, metropolitan city, or urban county, respectively, or an agency, office, or other entity of the State, city, or county, respectively; and

"(B) to the extent that a private nonprofit organization is authorized by the government of the State, metropolitan city, county to act as the grantee for the State, metropolitan city, or county, respectively, for purposes of this title, such private nonprofit organization.

"SEC. 404. USE OF PROJECT SPONSORS.

"(a) TRANSFER OF GRANT AMOUNTS BY GRANTEES.—Eligible activities assisted with grant amounts provided under this title may be carried out directly by the grantee or by other entities serving as project sponsors which are provided such grant amounts by the grantee or a subgrantee of the grantee.

"(b) COMPETITIVE SELECTION CRITERIA.—To the extent that a grantee does not use grant amounts for eligible activities carried out directly by the grantee, the grantee shall select eligible activities for assistance and project sponsors to carry out such eligible activities pursuant to a competition based on criteria established by the Secretary, which shall include—

"(1) whether the project sponsor that will carry out the activity is financially responsible;

"(2) the ability of the project sponsor to carry out the eligible activity and the project sponsor's experience in successfully transitioning homeless persons into stable, long-term housing;

"(3) the need for the type of eligible activity in the area to be served;

"(4) the extent to which the amount of assistance to be provided with grant amounts will be supplemented with resources from other public and private sources;

"(5) the cost-effectiveness of the proposed eligible activity, considered in relation to the ultimate goal of moving people out of homelessness permanently, including consideration of high-cost area services, and other necessary amenities;

"(6) the extent to which the project sponsor carrying out the eligible activity—

"(A) will coordinate with Federal, State, local, and private entities serving homeless persons in the development of a comprehensive housing system and in the planning and operation of the activity; and

"(B) will, pursuant to section 408(m)(3), carry out the activity in coordination and conjunction with federally funded activities for the homeless;

"(7) the extent to which the project sponsor employs homeless persons or involves homeless persons or formerly homeless persons in the operation and design of its programs; and

"(8) such other factors as the Secretary determines to be appropriate to carry out this title in an effective and efficient manner.

"SEC. 405. COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY COMPLIANCE.

"A grant under this title may be provided to an eligible grantee only if—

"(1) the applicable jurisdiction for which the grant amounts are allocated under section 406 has submitted to the Secretary a comprehensive housing affordability strategy in accordance with section 105 of the Cranston-Gonzalez National Affordable Housing Act and any other requirement established by the Secretary and which is in effect for the fiscal year for which such grant amounts are to be provided; and

"(2) the public official of such applicable jurisdiction who is responsible for submitting the comprehensive housing affordability strategy required by paragraph (1) certifies to the Secretary that the eligible activities to be assisted with such grant amounts are or will be consistent with such comprehensive housing affordability strategy, including the plans in such strategy for addressing housing needs for homeless families.

"SEC. 406. ALLOCATION AND AVAILABILITY OF AMOUNTS.

"(a) Allocation for Insular Areas.—Of the amount made available for grants under this title for a fiscal year, the Secretary shall reserve for grants for each of the insular areas amounts in accordance with an allocation formula established by the Secretary.

"(b) Allocation for Permanent Housing Development Grants Under Subtitle B.—

"(1) Annual portion of appropriated amount available.—Of the amount made available for grants under this title for a fiscal year that remains after amounts are reserved under subsection (a), the Secretary shall allocate for use under subtitle B, 30 percent of such funds (except that for fiscal years 1998 and 1999, the Secretary shall allocate 25 percent of such funds for use under such subtitle).

"(2) Grants.—Using the amounts allocated for use under subtitle B for a fiscal year, the Secretary shall make grants to States, metropolitan cities, and urban counties pursuant to a national competition based on the criteria specified in section 404(b) and in accordance with such other factors and procedures as the Secretary determines to be appropriate to carry out this title in an effective and efficient manner.

"(3) Limitation.—In making grants using amounts allocated for use under subtitle B for any fiscal year, the Secretary shall ensure that not more than 35 percent of the total amount allocated for such use for such fiscal year is used for activities under section 441 of this Act, as in effect on October 31, 1997.

"(c) Allocation for Flexible Block Grant Homeless Assistance Under Subtitle C.—

"(1) Annual portion of appropriated amount available for subtitle C activities.—Of the amount made available for grants under this title for a fiscal year that remains after amounts are reserved under subsection (a), the Secretary shall allocate for use under subtitle C 70 percent of such funds (except that for fiscal years 1998 and 1999, the Secretary shall allocate 75 percent of such funds for use under such subtitle).

"(2) Allocation of amount available between metropolitan cities and urban counties and States.—Of the amount allocated pursuant to paragraph (1) for use under subtitle C for a fiscal year, 70 percent shall be allocated for metropolitan cities and urban counties and 30 percent shall be allocated for States.

"(3) Interim determination of allocated amount.—Except as provided in paragraph (4), the Secretary shall allocate amounts available for use under subtitle C for a fiscal year so that—

"(A) for each metropolitan city and urban county, the percentage of the total amount allocated under this subsection for cities and counties that is allocated for such city or county is equal to the percentage of the total amount available for the preceding fiscal year under section 106(b) of the Housing and Community Development Act of 1974 for grants to metropolitan cities and urban counties that was allocated for such city or county; and

"(B) for each State, the percentage of the total amount allocated under this subsection for States that is allocated for such State is equal to the percentage of the total amount available for the preceding fiscal year under section 106(d) of the Housing and Community Development Act of 1974 for grants to States that was allocated for such State.

"(4) Minimum appropriation requirement.—If, by December 1 of any fiscal year, the amount appropriated for grants under this title for such fiscal year is less than $750,000,000—

"(A) the Secretary shall not allocate amounts for such fiscal year under subsection (b) and this subsection;

"(B) subsection (d) shall not apply to amounts for such fiscal year; and

"(C) notwithstanding any other provision of this title, the Secretary shall make grants under this title from such amounts to States, units of general local government, and private nonprofit organizations, pursuant to a national competition based on the criteria specified in section 404(b).

"(5) Study; submission of information to Congress related to alternative methods of allocation.—Not later than 1 year after the date of the enactment of the Homeless Housing Program Consolidation and Flexibility Act, the Secretary shall—

"(A) submit to Congress—

"(i) the best available methodology for determining a formula relative to the geographic allocation of funds under this subtitle among entitlement communities and nonentitlement areas based on the incidence of homelessness and factors that lead to homelessness;

"(ii) proposed alternatives to the formula submitted pursuant to clause (i) for allocating funds under this section, including an evaluation and recommendation on a 75/25 percent and other allocations of flexible block grant homeless assistance between metropolitan cities and urban counties and States under paragraph (2);

"(iii) an analysis of the deficiencies in the current allocation formula described in section 106(b) of the Housing and Community Development Act of 1974;

"(iv) an analysis of the adequacy of current indices used as proxies for measuring homelessness; and

"(v) an analysis of the bases underlying each of the proposed allocation methods;

"(B) perform the duties required by this paragraph in ongoing consultation with—

"(i) the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate;

"(ii) the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives;

"(iii) organizations representing States, metropolitan cities and urban counties;

"(iv) organizations representing rural communities;

"(v) organizations representing veterans;

"(vi) organizations representing persons with disabilities;

"(vii) members of the academic community; and

"(viii) national homelessness advocacy groups; and

"(C) estimate the amount of funds that will be received annually by each entitlement community and nonentitlement area under each such alternative allocation system and compare such amounts to the amount of funds received by each entitlement community and nonentitlement area in prior years under this section.

"(6) Minimum allocations amounts.—

"(A) In general.—

"(i) Metropolitan cities and urban counties.—Notwithstanding paragraph (3), if for any fiscal year, the allocation under subtitle C for a metropolitan city or urban county is less than 0.05 percent of the amounts available for such use, such metropolitan city or urban county shall not receive a grant and its allocation shall be added to the allocation for the State in which such metropolitan city or urban county is located, except that any such metropolitan city or urban county that received a grant under this title in a previous fiscal year shall be allocated an amount equal to 0.05 percent of the amounts appropriated for such use.

"(ii) States.—Notwithstanding paragraph (3), if in any fiscal year the allocation under subtitle C for a State is less than $2,000,000, the allocation for that State shall be increased to $2,000,000 and the increase shall be provided by deducting pro rata amounts from the allocations under such subtitle of States with allocations of more than $2,000,000.

"(B) Graduated minimum grant allocations.—Notwithstanding subparagraph (A) of this paragraph and notwithstanding paragraph (3), a State, metropolitan city, or urban county shall receive no less funding under this subsection in the first full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act than 90 percent of the average of the amounts awarded annually to that jurisdiction for homeless assistance programs administered by the Secretary (not including allocations for shelter plus care and single room occupancy programs as defined in, and in effect pursuant to, this Act prior to the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act) under this title during fiscal years 1994 through 1997, no less than 85 percent in the second full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act, no less than 80 percent in the third and fourth full fiscal years after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act, and no less than 75 percent in the fifth full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act, but only if the amount appropriated pursuant to section 435 in each such fiscal year exceeds $800,000,000. If that amount does not exceed $800,000,000 in any fiscal year referred to in the first sentence of this paragraph, the jurisdiction may receive its proportionate share of the amount appropriated which may be less than the amount stated in such sentence for such fiscal year.

"(7) REDUCTION.—Notwithstanding paragraphs (1) through (6), in any fiscal year, the Secretary may provide a grant under this subsection for a State, metropolitan city, or urban county, in an amount less than the amount allocated under those paragraphs, if the Secretary determines that the jurisdiction has failed to comply with requirements of this title, or that such action is otherwise appropriate.

"(d) RECAPTURE OF ALLOCATED AMOUNTS.—The Secretary shall recapture the following amounts:

"(1) UNUSED AMOUNTS.—Not less than once during each fiscal year, the Secretary shall recapture any amounts allocated under this section that—

"(A) are allocated for a State, metropolitan city or urban county, or insular area, but not provided to an eligible grantee for the jurisdiction because of failure to apply for a grant under this title or failure to comply with the requirements of this title;

"(B) were provided to a grantee and (i) recaptured under this title, or (ii) not utilized by the grantee in accordance with the purposes and objectives of the approved application of the grantee within a reasonable time period, which the Secretary shall establish; or

"(C) are returned to the Secretary by the time of such reallocation.

"(2) AMOUNTS ALLOCATED TO GRANTEES THAT FAIL TO COMPLY WITH COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY REQUIREMENTS.—Notwithstanding paragraph (1), if, for any fiscal year, a metropolitan city or urban county fails to comply with the requirement under section 405(1) during the 90-day period beginning on the date that amounts for grants under this title for such fiscal year first become available for allocation, the amounts that would have been allocated under subsection (c) of this section for such city or county shall be reallocated for the State in which the unit is located, but only if the State has complied with the requirement under section 405(1). Any amounts that cannot be allocated for a State under the preceding sentence shall be reallocated for other metropolitan cities and urban counties and States that comply with such requirement and demonstrate extraordinary need or large numbers of homeless persons, as determined by the Secretary.

"(e) REALLOCATION OF AMOUNTS.—Any amounts allocated under subsection (b) that are recaptured pursuant to subsection (d)(1) shall be reallocated only for use under subtitle B. Any amounts allocated under subsection (c) that are recaptured pursuant to subsection (d)(1) shall be reallocated only for use under subtitle C.

"SEC. 407. MATCHING FUNDS REQUIREMENT.

"(a) IN GENERAL.—Each State, metropolitan city or urban county, and insular area for which a grant under this title is made shall supplement the amount of the grant provided under this title with an amount that is not less than—

"(1) 50 percent of the amount of such grant, if the State, metropolitan city or urban county, and insular area has indicated in its application for such grant that it will not include as a portion of its supplementation the cost or value of donated services; or

"(2) 100 percent of the grant amount, if the State, metropolitan city, urban county, or insular area indicated in its application for such grant that it will include as a portion of its supplementation the cost or value of donated services.

"(b) MATCHING REQUIREMENT FOR USE OF MORE THAN 35 PERCENT OF FUNDS FOR SUPPORTIVE SERVICES.—In addition to the supplemental funds required pursuant to subsection (a), for the second full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act and each fiscal year thereafter, a State, metropolitan city, or urban county shall supplement the grant funds for the State, metropolitan city, or urban county in an amount equal to the amount used by that State, metropolitan city, or urban county for supportive services in a fiscal year that exceeds 35 percent of the total grant amount for the State, metropolitan city, or urban county for that fiscal year.

"(c) TREATMENT OF INDEPENDENT STATE OR LOCAL GOVERNMENT FUNDS.—Any State or local government funds used independently from the program under this title, or designated for such use, to assist the homeless by carrying out activities that would be eligible for assistance under this subtitle may be counted toward the amount required pursuant to subsection (a).

"(d) AUTHORITY FOR GRANTEES TO REQUIRE SUPPLEMENTATION.—

"(1) IN GENERAL.—Each grantee under this title may require any subgrantee or project sponsor to whom it provides such grant amounts to provide supplemental amounts required under subsections (a) and (b) with an amount of funds from sources other than this title.

"(2) AMOUNT ALLOWED TO BE REQUIRED BY GRANTEE.—

"(A) GRANT AMOUNT.—Except as provided in paragraph (3), a grantee may not require any subgrantee or project sponsor to whom it provides such grant amounts under this title to provide—

"(i) supplemental amounts required under subsection (a)(1) in an amount exceeding 25 percent of the grant amount provided to the subgrantee or project sponsor; or

"(ii) supplemental amounts required under subsection (a)(2) in an amount exceeding 50 percent of the grant amount provided to the subgrantee or project sponsor.

"(B) SUPPORTIVE SERVICES.—A grantee may require any subgrantee or project sponsor to whom it provides grant amounts under this title to provide supplemental amounts required under subsection (b) in an amount equal to the amount used by subgrantee or project sponsor for supportive services in a fiscal year that exceeds 35 percent of the total amount allocated pursuant to this subsection for that fiscal year.

"(3) SUPPLEMENTAL FUNDS MAY BE CONSIDERED AS MATCHING FUNDS.—Supplemental amounts provided by a subgrantee or project sponsor pursuant to this subsection may be considered supplemental amounts for purposes of compliance by any grantee with the requirement under subsections (a) and (b).

"(e) USE OF FUNDS.—Any supplemental funds made available in compliance with this section shall be available only to carry out eligible activities (1) under subtitle B, if the grant amounts are available only for such activities, or (2) under subtitle C, if the grant amounts are available only for such activities.

"(f) SUPPLEMENTAL FUNDS.—In determining the amount of supplemental funds provided in accordance with this section, the following amounts may be included:

"(1) Cash.

"(2) The value of any donated or purchased material or building.

"(3) The value of any lease on a building.

"(4) The proceeds from bond financing validly issued by a State or unit of general local government, agency, or instrumentality thereof, and repayable with revenues derived from the activity assisted under this title.

"(5) The amount of any salary paid to staff to carry out a program for eligible activities under subtitle B or C.

"(6) The cost or value of any donated goods.

"(7) The value of taxes, fees, or other charges that are normally and customarily imposed, but which are waived or foregone to assist in providing housing or services for the homeless.

"(8) The cost of on-site and off-site infrastructure that is directly related to and necessary for providing housing or services for the homeless.

"(9) The cost or value of any donated services, but only if the State, metropolitan city, urban county, or insular area has stated in its application for a grant under this title that it shall supplement the amount of such grant, in accordance with section 407(a)(2).

"(g) REDUCTION IN MATCHING REQUIREMENTS.—If a jurisdiction certifies to the Secretary that it is in fiscal distress (as defined in section 220(d)(2) of the Cranston-Gonzalez National Affordable Housing Act) for a fiscal year, the Secretary shall apply the matching requirement under subsection (a) to such jurisdiction for such fiscal year by reducing such percentage under subsection (a) to the same extent, in the same manner, and according to the same criteria as matching requirements are reduced under section 220(d) of the Cranston-Gonzalez National Affordable Housing Act.

"SEC. 408. PROGRAM REQUIREMENTS.

"(a) APPLICATIONS.—

"(1) FORM AND PROCEDURE.—The Secretary shall make a grant under this title only pursuant to an application for a grant submitted by an eligible grantee in the form required by this section and in accordance with such other factors and procedures as the Secretary determines to be appropriate. The Secretary may not give preference or priority to any application on the basis that the application was submitted by any particular type of eligible grantee.

"(2) CONTENTS.—The Secretary shall require that applications contain at a minimum the following information:

"(A) GRANTS FOR PERMANENT HOUSING DEVELOPMENT ACTIVITIES.—In the case of an application for a grant available for use for activities under subtitle B or an application for a grant available for use under subtitle C for permanent housing development assistance—

"(i) a description of the permanent housing development activities to be assisted;

"(ii) a description of the entities that will carry out such activities and the programs for carrying out such activities; and

"(iii) assurances satisfactory to the Secretary that the facility will comply with the requirement under subsection (j).

"(B) Flexible block grant homeless assistance.—In the case of an application for a grant available for use for activities under subtitle C—

"(i) a description of the eligible activities to be assisted, to the extent available at the time;

"(ii) in the case of a grant for a facility assisted under paragraph (1) or (2) of section 421(a), assurances satisfactory to the Secretary that the facility will comply with the requirement under subsection (j);

"(iii) in the case of a grant for a supportive housing facility assisted under this title that does not receive assistance under paragraph (1) or (2) of section 421(a), annual assurances during the period specified in the application that the facility will be operated for the purpose specified in the application for such period; and

"(iv) in the case of a grant for a supportive housing facility, reasonable assurances that the project sponsor will own or have control of a site not later than the expiration of the 12-month period beginning upon notification of an award of grant assistance, unless the application proposes providing supportive housing assisted under section 421(a)(3) or housing that will eventually be owned or controlled by the families and individuals served; except that a project sponsor may obtain ownership or control of a suitable site different from the site specified in the application.

"(C) All grants.—In the case of an application for any grant under this title—

"(i) a description of the size and characteristics of the population, including specific references to populations with special needs, that will be served by the eligible activities assisted with grant amounts;

"(ii) a description of the public and private resources that are expected to be made available in connection with grant amounts provided;

"(iii) a description of the process to be used in compliance with section 404(b) to select eligible activities to be assisted and project sponsors;

"(iv) a certification that the applicant will comply with the requirements of the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing; and

"(v) a statement of whether the applicant will or will not include, as a portion of its supplementation amount required under section 407(a), the cost or value of donated services.

"(b) Required Agreements.—The Secretary may not provide a grant under this title for any applicant unless the applicant agrees—

"(1) to ensure that the eligible activities carried out with grant amounts will be carried out in accordance with the provisions of this title;

"(2) to conduct an ongoing assessment of the supportive services required by homeless persons assisted by the eligible activities and the availability of such services to such persons;

"(3) in the case of grant amounts to be used under subtitle C for a supportive housing facility or an emergency shelter, to ensure the provision of such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of supportive services to the residents and users of the facility or shelter;

"(4) to monitor and report under section 431 to the Secretary on the progress of the eligible activities carried out with grant amounts;

"(5) to develop and implement procedures to ensure—

"(A) the confidentiality of records pertaining to any individual provided family violence prevention or treatment services through any activities assisted with grant amounts; and

"(B) that the address or location of any family violence shelter facility assisted with grant amounts will not be made public, except with written authorization of the person or persons responsible for the operation of such facility;

"(6) to the maximum extent practicable, to involve homeless persons and families, through employment, volunteer services, or otherwise, in carrying out eligible activities assisted with grant amounts; and

"(7) to comply with such other terms and conditions as the Secretary may establish to carry out this title in an effective and efficient manner.

"(c) Occupancy Charge.—Any homeless person or family residing in a dwelling unit assisted under this title may be required to pay an occupancy charge in an amount determined by the grantee providing the assistance, which may not exceed an amount equal to 30 percent of the adjusted income (as such term is defined in section 3(b) of the United States Housing Act of 1937 or any other subsequent provision of Federal law defining such term for purposes of eligibility for, or rental charges in, public housing) of the person or family. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

"(d) Flood Protection Standards.—Flood protection standards applicable to housing acquired, rehabilitated, constructed, or assisted with grant amounts provided under this title shall be no more restrictive than the standards applicable under Executive Order No. 11988 (42 U.S.C. 4321 note; relating to floodplain management) to the other programs in effect under this title immediately before the enactment of the Homeless Housing Programs Consolidation and Flexibility Act.

"(e) Participation of Citizens and Others.

"(1) In general.—Each grantee shall—

"(A) each fiscal year, make available to its citizens, public agencies, and other interested parties information concerning the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken with the assistance;

"(B) publish the proposed application in a manner that, in the determination of the Secretary, affords affected citizens, public agencies, and other interested parties a reasonable opportunity to examine its content and to submit comments on it;

"(C) each fiscal year, hold one or more public hearings to obtain the views of citizens, public agencies, and other interested parties on the housing needs of the jurisdiction; and

"(D) provide citizens, public agencies, and other interested parties with reasonable access to records regarding any uses of any assistance the grantee may have received under this subtitle during the preceding 5 years.

"(2) Electronic access.—A grantee may comply with the requirement under subparagraphs (A), (B), and (D) of paragraph (1) by making the information available through interactive computer or telephone services or other electronic information networks and systems appropriate for making such information widely available to the public.

"(3) Notice and comment.—Before submitting any substantial amendment to an application under this Act, a grantee shall provide citizens with reasonable notice of, and opportunity to comment on, the amendment.

"(4) Consideration of comments.—A grantee shall consider any comments or views of citizens in preparing a final application or amendment to an application for submission. A summary of such comments or views shall be attached when an application or amendment to an application is submitted. The submitted application or amendment shall be made available to the public.

"(5) Authority of secretary.—The Secretary shall establish procedures appropriate and practicable for providing a fair hearing and timely resolution of citizen complaints related to applications under this subtitle.

"(6) Homeless individuals.—The Secretary shall, by regulation, require each grantee to ensure that each project sponsor assisted by the grantee provides for the participation of not less than 1 homeless person or former homeless person on the board of directors or other equivalent policymaking entity of the project sponsor, to the extent that such sponsor considers and makes policies and decisions regarding any activity, facility, supportive services, or assistance provided with grant amounts under this title. The Secretary shall provide that a grantee may grant waivers to project sponsors unable to meet the requirement under the preceding sentence if the sponsor agrees to otherwise consult with homeless or formerly homeless persons in considering and making such policies and decisions.

"(f) Limitation on Use of Funds.—No grant amounts received under this title (or any funds provided under section 407 or otherwise to supplement such grants) may be used to replace other State or local funds previously used, or designated for use, to assist homeless persons.

"(g) Limitation on Administrative Expenses.—Notwithstanding any other provision of this title, of any grant amounts under this title used to carry out eligible activities, the grantee or the project sponsor may use for administrative purposes—

"(1) an amount not exceeding 5 percent of such grant amount; or

"(2) if the grantee implements use of a standardized homeless database management system to record and assess data on the usage of homeless housing, services, and client needs, and on the number of and other information related to populations with special needs, an amount not exceeding 7.5 percent of such grant amount.

"(h) Housing Quality.—

"(1) Requirement.—Assistance may not be provided with grant amounts made available for use under this title for any permanent housing development, dwelling unit, supportive housing facility, or emergency shelter that fails to comply with the housing quality standards applicable under paragraph (2) in the jurisdiction in which the housing is located, unless the deficiency is promptly corrected and the project sponsor verifies the correction.

"(2) Applicable standards.—The housing quality standards applicable under this subsection to any permanent housing, dwelling unit, supportive housing facility, or emergency shelter shall be—

“(A) in the case of permanent housing, a unit, facility, or shelter located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of such housing, units, facilities, or shelters that provide protection to residents of the dwellings that is equal to or greater than the protection provided under the housing quality standards established under paragraph (3), such applicable laws, regulations, standards, or codes; or

“(B) in the case of permanent housing, a unit, facility, or shelter located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in subparagraph (A), the housing quality standards established under paragraph (3).

“(3) Federal housing quality standards.—The Secretary shall establish housing quality standards under this paragraph that ensure that permanent housing, dwelling units, supportive housing facilities, and emergency shelters assisted under this title are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings. The Secretary shall differentiate between major and minor violations of such standards and may establish separate standards for permanent housing, dwelling units, supportive housing facilities, and emergency shelters.

“(i) Termination of Assistance.—If a person or family (not including residents of an emergency shelter) who receives assistance under this title violates program requirements, the project sponsor may terminate assistance in accordance with a formal process established by such sponsor that recognizes the rights of individuals receiving such assistance to due process of law, which may include a hearing.

“(j) Use Restrictions.—

“(1) Acquisition, rehabilitation, and new construction.—

“(A) In general.—Except as provided in subparagraph (B), each housing facility assisted under subtitle B or subtitle C shall be operated as housing for the purpose specified in the application for assistance with amounts under this title for not less than 20 years after such facility is initially placed in service pursuant to such assistance.

“(B) Exceptions.—

“(i) Inability to operate facility.—If, within such 20-year period, the need for maintaining the facility as housing for the purpose specified in the application for assistance ceases to exist (as determined by the Secretary pursuant to a recommendation by the chief executive officer of the appropriate unit of general local government or project sponsor, taking into consideration the comprehensive housing affordability strategy of the jurisdiction), or the project sponsor is unable to operate the facility as supportive housing, the facility may be used as affordable housing (in accordance with section 215 of the Cranston-Gonzalez National Affordable Housing Act).

“(ii) Applicability of other program restriction.—If the housing facility receives assistance under any other Federal program (including assistance under section 42 of the Internal Revenue Code of 1986) for low-income families, homeless persons, or any other use consistent with assistance under this title, and the use restriction under such program is less than 20 years, the restriction under such program shall apply.

“(2) Other assistance.—Each housing facility assisted under subtitle C shall be operated for the purposes specified in the application for assistance with amounts under this title for the duration of the period covered by the grant.

“(3) Conversion.—Notwithstanding paragraphs (1) and (2), if the Secretary determines that a housing facility is no longer needed for use as housing for the purposes specified in the application for assistance and approves the use of the facility for the direct benefit of low-income persons pursuant to a request for such use by the project sponsor, the Secretary may authorize the sponsor to convert the facility to such use.

“(k) Repayment of Assistance and Prevention of Undue Benefits.—

“(1) Repayment.—If a facility assisted under subtitle B or subtitle C violates the requirement under subsection (j)(1)(A) or (j)(1)(B)(ii) of this section during the 10-year period beginning upon placement of the facility in service pursuant to such assistance, the Secretary shall require the grantee to repay to the Secretary 100 percent of any grant amounts received for such facility under such paragraph. If such a facility violates such requirement after such 10-year period, the Secretary shall require the grantee to repay the percentage of any grant amounts received for such facility that is equal to 100 percent minus 10 percent for each year in excess of 10 that the facility is operated as supportive housing.

“(2) Prevention of undue benefits.—Except as provided in paragraph (3), upon any sale or other disposition of a facility assisted under subtitle B or C occurring before the expiration of the 20-year period beginning on the date that the facility is placed in service, the project sponsor shall comply with such terms and conditions as the Secretary may prescribe to prevent the sponsor from unduly benefiting from such sale or disposition.

“(3) Exception.—Paragraphs (1) and (2) shall not apply to any sale or disposition of a facility that results in the use of the facility for the direct benefit of very low-income families if all of the proceeds are used to provide housing meeting the requirements of subtitle B or C.

“(4) Failure to obtain site.—If a grantee of assistance made available for use under this title obligates assistance for a housing facility other than a facility under section 421(a)(3) or housing that will eventually be owned or controlled by the families and individuals served, and the project sponsor fails to obtain ownership or control of a suitable site for a proposed supportive housing facility during the 12-month period beginning upon the notification of an award of grant assistance, the grantee shall recapture the assistance and make such assistance available under this subtitle.

“(l) Local Boards.—

“(1) Establishment and function.—The head of the executive branch of government of each grantee shall establish and appoint members to a local board, which shall assist the jurisdiction in—

“(A) determining whether the grant should be administered by the jurisdiction, a public agency, a private nonprofit organization, the State, or the Secretary;

“(B) developing the application under section 408;

“(C) overseeing the activities carried out with assistance under this title; and

“(D) preparing the performance report under section 431.

“(2) Composition of local boards.—

“(A) Nomination.—Members of a local board appointed to meet the requirements of subparagraph (D) shall be nominated by persons, other than governmental officials or entities, that represent the groups listed in subparagraph (D).

“(B) Priority.—Persons who will improve access to a broad range of services for homeless persons and who are sensitive to the varying needs of homeless persons, including veterans, the mentally ill, families with children, young persons, battered spouses, victims of substance abuse, and persons with AIDS, shall be given preference when selecting local board members.

“(C) Community support considered.—In appointing members to the local board, the chief executive of each grantee shall consider the extent of support for the nominee in the community which the board shall serve.

“(D) Majority.—Not less than 51 percent of the members of a local board shall be composed of—

“(i) homeless or formerly homeless persons;

“(ii) persons who act as advocates for homeless persons; and

“(iii) persons who provide assistance to homeless persons, including representatives of local veterans organizations and veteran service providers who assist homeless veterans.

“(E) Other local board members.—After the requirements of subparagraph (D) are met, other members of a local board shall be chosen from—

“(i) members of the business community of the jurisdiction receiving the grant;

“(ii) members of neighborhood advocates in the jurisdiction receiving the grant; and

“(iii) government officials of the jurisdiction receiving the grant.

“(3) Waiver of requirements for local board.—The Secretary may waive the requirements of this subsection if the jurisdiction has an existing board that substantially meets the requirements of this subsection.

“(m) Coordination of Homeless Programs.—

“(1) Purpose.—The purpose of the consultation and coordination required under this subsection is to provide various services, activities, and assistance for homeless persons and families in an efficient, effective, and targeted manner designed to meet the comprehensive needs of the homeless.

“(2) In general.—The Chairperson of the Interagency Council on the Homeless shall consult and coordinate with the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Secretary of Agriculture and shall ensure that assistance for federally funded activities for the homeless is made available, to the greatest extent practicable, in conjunction and coordination with assistance for other federally funded activities for the homeless and with assistance under this title.

“(3) Requirements for housing assistance.—The Secretary shall establish such requirements as the Secretary considers necessary to ensure that grant amounts provided under this title are used by grantees and project sponsors, to the greatest extent practicable, in coordination and in conjunction with federally funded activities for the homeless.

“(4) Definition.—For purposes of this subsection, the term ‘federally funded activities for the homeless’ means activities to assist homeless persons, including homeless veterans, or homeless families that are funded (in whole or in part) with amounts provided by the Federal Government (other than amounts provided under this title) and includes—

"(A) the programs for health care under sections 340 and part C of title V of the Public Health Service Act;

"(B) the programs for education, training and community services under title VII of the Stewart B. McKinney Homeless Assistance Act;

"(C) food assistance for homeless persons and families through the food programs under the Food Stamp Act of 1977 and the Emergency Food Assistance Act of 1983;

"(D) the job training, housing, and medical programs for homeless veterans of the Department of Veterans Affairs;

"(E) the job corps centers for homeless families program under section 433A of the Job Training Partnership Act;

"(F) the program for preventive services for children of homeless families or families at risk of homelessness under title III of the Child Abuse Prevention and Treatment Act;

"(G) the programs under the Runaway and Homeless Youth Act; and

"(H) assistance for homeless persons, including homeless veterans, and families under State programs funded under supplemental security income programs under part A of title IV or under title XVI of the Social Security Act.

"(5) Companion services block grants in cases of failure to comply.—

"(A) In general.—If, for any fiscal year, the Chairperson of the Interagency Council on the Homeless determines that adequate coordination has not taken place to ensure that assistance for federally funded activities for the homeless is made available in conjunction and coordination with assistance under this title (as required under paragraph (2)), the Chairperson of the Interagency Council on the Homeless and the Secretary, in consultation with the Interagency Council on the Homeless, shall carry out a program under subparagraph (B) to make companion services block grants available for such fiscal year.

"(B) Companion service block grants.—The block grant program under this subparagraph shall provide block grants, using amounts available pursuant to subparagraph (C), to eligible grantees under this title to provide services of the type available under the programs referred to in paragraph (4) in connection with housing assistance under this title.

"(C) Funding.—

"(i) In general.—Notwithstanding any other provision of law, in any fiscal year in which block grants are to be provided in accordance with subparagraph (A), there shall be available for such block grants, of the amount made available for such fiscal year for each activity referred to in paragraph (4), 10 percent of such amount, as determined by the Secretary and the Interagency Council on the Homeless.

"(ii) Limitation.—Notwithstanding clause (i), the aggregate amount available for companion services block grants under this paragraph for a fiscal year shall not exceed the total amount made available pursuant to section 435 for housing assistance under this title. If, for any fiscal year, the amount determined under clause (i) exceeds such amount, the Secretary shall reduce the percentage under clause (i) for such year so that the aggregate amount made available for companion services block grants under this paragraph from the amounts for each activity referred to in paragraph (4) is equal to the total amount made available pursuant to section 435 for housing assistance under this title.

"(D) Transfer authority.—Except to the extent that the authority of the Secretary and the Chairperson of the Interagency Council on the Homeless is limited by appropriations, and with the concurrence of the head of the affected agency and upon advance approval of the Committees on Appropriations and the authorizing committees of the House of Representatives and the Senate, the Secretary and the Chairperson of the Interagency Council on the Homeless shall transfer funds made available under subparagraph (C) to the companion services block grant for federally funded activities, functions, or programs for the homeless.

"(E) Report.—Not later than the first quarter of the first full fiscal year after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act and each quarter thereafter, the Secretary and the Chairperson of the Interagency Council on the Homeless shall report to Congress on—

"(i) the need for any reprogramming or transfer of funds appropriated for federally funded activities, functions, or programs for the homeless; and

"(ii) any funds appropriated for federally funded activities, functions, or programs for the homeless that were reprogrammed or transferred during the quarter covered by the report.

"(n) Consultation Regarding Use of National Guard Facilities as Homeless Shelters.—The Secretary may not provide a grant for a fiscal year from amounts for such year allocated under section 406(c) for use under subtitle C for a State unless the State has consulted with the Secretary regarding the possibility of making any space at National Guard facilities under the jurisdiction of the State available, during such fiscal year, for use by homeless organizations to provide shelter to homeless persons, but only at the times that such space is not actively being used for National Guard purposes or other public purposes already undertaken.

"SEC. 409. SUPPORTIVE SERVICES.

"(a) Requirement.—To the extent allowed by this title, each project sponsor administering permanent housing development assistance provided with amounts under this title or a supportive housing facility or emergency shelter assisted with such amounts shall provide supportive services for residents of the dwelling units or facility or shelter assisted. The array of supportive services provided may be designed by the grantee or the project sponsor administering the assistance, facility, or shelter. A project sponsor administering a supportive housing facility shall provide supportive services for other homeless persons using the facility.

"(b) Targeting Populations With Special Needs.—Supportive services provided with grant amounts under this title shall address the special needs of homeless persons (such as homeless persons with disabilities, homeless persons with acquired immunodeficiency syndrome and related diseases, homeless persons who have chronic problems with alcohol or drugs (or both), veterans who are homeless, and homeless families with children) intended to be served.

"(c) Services.—Supportive services may include activities such as—

"(1) establishing and operating a child care services program for homeless families;

"(2) establishing and operating an employment assistance program;

"(3) providing outpatient health services, food, and case management;

"(4) providing assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

"(5) providing security arrangements necessary for the protection of residents of supportive housing or emergency shelters and for homeless persons using supportive housing facilities;

"(6) providing assistance in obtaining other Federal, State, and local assistance available for such residents and persons (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment); and

"(7) providing other appropriate services.

"(d) Provision of Services.—Supportive services provided with grant amounts under this title may be provided directly by the grantee, by the project sponsor administering the permanent housing development assistance or the facility or shelter, or by contract with other public or private service providers. Such services provided in connection with a supportive housing facility may be provided to homeless persons who do not reside in the supportive housing, but only to the extent consistent with the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act for the applicable jurisdiction.

"SEC. 410. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

"No person in the United States shall on the basis of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual, as provided in section 504 of the Rehabilitation Act of 1973, shall also apply to any such program or activity.

"Subtitle B—Permanent Housing Development Activities

"SEC. 411. USE OF AMOUNTS AND GENERAL REQUIREMENTS.

"(a) Use of Amounts for Permanent Housing Development.—

"(1) Authorized use.—A State, metropolitan city, or urban county that receives a grant under section 402(b)(2) from amounts allocated for use under this subtitle may use grant amounts (and any supplemental amounts provided under section 407) only to carry out permanent housing development activities within such State, metropolitan city, or urban county. For purposes of this subtitle, the term 'permanent housing development activities' means activities to construct, substantially rehabilitate, or acquire structures to provide permanent housing, including the capitalization of a dedicated project account from which long-term assistance payments (which may include operating costs or rental assistance) can be made in order to facilitate such activities, and activities under section 441 of the this Act, as in effect on October 31, 1997 (subject to the limitation in section 406(b)(3) of this Act).

"(2) Use for supportive services prohibited.—Amounts allocated for use under this subtitle may not be used for supportive services activities.

"(b) Use Through Nonprofit Organizations.—

"(1) In general.—A grantee that receives grant amounts for a fiscal year for use under this subtitle may, pursuant to section 404, provide such amounts to units of general local government and private nonprofit organizations for use in accordance with this subtitle, except that the grantee shall ensure that more than 50 percent of the amounts received by the grantee for the fiscal year are used through private nonprofit organizations.

"(2) WAIVER OF USE OF NONPROFIT REQUIREMENT.—The Secretary may waive the requirement under paragraph (1) that a grantee ensure that more than 50 percent of the amounts received by the grantee for the fiscal year are used through private nonprofit organizations if the Secretary determines that there are not sufficient private nonprofit organizations available to the grantee to meet that requirement.

"(c) ADMINISTRATIVE FEE.—To the extent provided in section 408(g), grant amounts provided under this subtitle may be used by the project sponsor providing such assistance for costs of administering such assistance.

"(d) TARGETING POPULATIONS WITH SPECIAL NEEDS.—To the maximum extent practicable, a grantee shall provide for use of grant amounts made available under this subtitle in a manner that provides permanent housing for homeless persons with disabilities, homeless persons with acquired immunodeficiency syndrome or related diseases, homeless persons who have chronic problems with alcohol or drugs (or both), homeless families with children, and veterans who are homeless.

"SEC. 412. PERMANENT HOUSING DEVELOPMENT.

"(a) IN GENERAL.—Housing shall be considered permanent housing for purposes of this title if the housing—

"(1) provides long-term housing for homeless persons;

"(2) complies with any applicable State and local housing codes, licensing requirements, or other requirement in the jurisdiction in which the housing is located, including any applicable State or local requirements regarding the number of occupants in such a facility; and

"(3) complies with the requirement under section 409(a) regarding providing supportive services for homeless persons.

"(b) CLARIFICATION.—Permanent housing may—

"(1) be restricted for occupancy by homeless persons with disabilities;

"(2) consist of or contain full dwelling units or dwelling units that do not contain bathrooms or kitchen facilities; and

"(3) be provided in the form of rental housing, cooperative housing, shared living arrangements, single family housing, or other types of housing arrangements.

"Subtitle C—Flexible Block Grant Homeless Assistance

"SEC. 421. ELIGIBLE ACTIVITIES.

"(a) IN GENERAL.—Grant amounts allocated for use under this subtitle may be used only for carrying out the following activities:

"(1) ACQUISITION AND REHABILITATION OF SUPPORTIVE HOUSING.—For acquisition or rehabilitation of an existing structure (including a small commercial property or office space) to provide supportive housing other than emergency shelter or to provide supportive services; the repayment of any outstanding debt owed on a loan made to purchase an existing structure for use as supportive housing shall be considered to be a cost of acquisition under this paragraph if the structure was not used as supportive housing or to provide supportive services, before assistance is provided using grant amounts.

"(2) NEW CONSTRUCTION OF SUPPORTIVE HOUSING.—For new construction of a structure to be used as supportive housing.

"(3) LEASING OF SUPPORTIVE HOUSING.—For leasing of an existing structure or structures, or portions thereof, to provide supportive housing or supportive services during the period covered by the application.

"(4) OPERATING COSTS FOR SUPPORTIVE HOUSING.—For covering operating costs of supportive housing (which shall include capital costs for utilizing any interactive computer or telephone services and other electronic information networks and systems appropriate for assisting homeless families); except that grant amounts provided under this subtitle may not be used to cover more than 75 percent of the annual operating costs of such housing.

"(5) HOMELESSNESS PREVENTION.—

"(A) IN GENERAL.—For activities designed to help persons (including veterans who are at risk of becoming homeless) and families avoid becoming homeless, which shall include assistance for making mortgage payments, rental payments, and utility payments and any activities other than those found by the Secretary to be inconsistent with the purposes of this Act.

"(B) PERSONS ELIGIBLE FOR ASSISTANCE.—Assistance under this paragraph may be provided only to very low-income families who have received eviction (or mortgage delinquency or foreclosure) notices or notices of termination of utility services and who—

"(i) are unable to make the required payments due to a sudden reduction in income;

"(ii) need such assistance to avoid homelessness due to the eviction or termination of services; and

"(iii) have a reasonable prospect of being able to resume payments within a reasonable period of time.

"(C) LIMITATION.—Assistance under this paragraph may be provided only if such assistance will not supplant funding for preexisting homelessness prevention activities from other services.

"(6) PERMANENT HOUSING DEVELOPMENT ACTIVITIES.—For providing permanent housing development activities as described in subtitle B.

"(7) EMERGENCY SHELTER.—For—

"(A) renovation, major rehabilitation, or conversion of a building or buildings to be used as emergency shelters;

"(B) covering costs of supportive services in connection with an emergency shelter, if such services do not supplant any services provided by the local government during any part of the 12-month period ending on the date of the commencement of the operation of the emergency shelter; and

"(C) covering costs relating to maintenance, operation, insurance, utilities, and furnishings for emergency shelters.

"(8) SUPPORTIVE SERVICES.—To the extent provided in section 406, for covering costs of supportive services provided to homeless persons in connection with a permanent or supportive housing facility or otherwise.

"(9) TECHNICAL ASSISTANCE.—For technical assistance in carrying out the purposes of this title, except that the Secretary may provide such technical assistance directly to any grantee, including nonprofit sponsors who are proposing project applications for populations with special needs.

"(b) USE FOR HOUSING ACTIVITIES.—Of the aggregate of any grant amounts provided to a grantee for a fiscal year for use under this subtitle and the supplemental amounts provided for such fiscal year by the grantee in accordance with section 407, the grantee shall ensure that an amount that is not less than such grant amounts (less any amount used pursuant to section 408(g)) is used for eligible activities described in paragraphs (1) through (6) of subsection (a).

"SEC. 422. USE OF AMOUNTS THROUGH PRIVATE NONPROFIT PROVIDERS.

"(a) IN GENERAL.—In each fiscal year, each grantee of amounts for use under this subtitle shall ensure that more than 50 percent of the amounts received by the grantee for such fiscal year are used for carrying out eligible activities under section 421 through project sponsors that are private nonprofit organizations.

"(b) WAIVER.—The Secretary may waive the requirement under subsection (a) that a grantee ensure that more than 50 percent of the amounts received by the grantee for the fiscal year are used through private nonprofit organizations if the Secretary determines that there are not sufficient private nonprofit organizations available to the grantee to meet that requirement.

"SEC. 423. SUPPORTIVE HOUSING.

"(a) IN GENERAL.—Housing shall be considered supportive housing for purposes of this subtitle if—

"(1) the housing complies with the requirement under section 409(a) regarding providing supportive services for homeless persons;

"(2) the housing complies with any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located; and

"(3) the housing—

"(A) is transitional housing; or

"(B) is permanent supportive housing as described in section 412.

"(b) TRANSITIONAL HOUSING.—For purposes of this section, the term 'transitional housing' means housing, the purpose of which is to facilitate the movement of homeless persons and families to permanent housing within 24 months or such longer period as the Secretary determines necessary. Assistance may be denied for housing based on a violation of this subsection only if a substantial number of homeless persons or families have remained in the housing longer than such period.

"(c) SINGLE ROOM OCCUPANCY DWELLINGS.—For purposes of this section, a facility may provide supportive housing or supportive services in dwelling units that do not contain bathrooms or kitchen facilities and are appropriate for use as supportive housing or in facilities containing some or all such dwelling units.

"(d) SAFE HAVEN HOUSING.—For purposes of this section, supportive housing may be a structure or a clearly identifiable portion of a structure that—

"(1) provides housing and low-demand services and referrals for homeless persons with serious mental illness—

"(A) who are currently residing primarily in places not designed for, or ordinarily used as, regular sleeping accommodations for human beings; and

"(B) who have been unwilling or unable to participate in mental health or substance abuse treatment programs or to receive other supportive services; except that a person whose sole impairment is substance abuse shall not be considered an eligible person;

"(2) provides 24-hour residence for eligible individuals who may reside for an unspecified duration;

"(3) provides private or semi-private accommodations;

"(4) may provide for the common use of kitchen facilities, dining rooms, and bathrooms;

"(5) may provide supportive services to eligible persons who are not residents on a drop-in basis; and

“(6) provides occupancy limited to no more than 25 persons.

“SEC. 424. EMERGENCY SHELTER.

“(a) In General.—A facility shall be considered emergency shelter for purposes of this subtitle if the facility is designed to provide overnight sleeping accommodations for homeless persons and complies with the requirements under this section. An emergency shelter may include appropriate eating and cooking accommodations.

“(b) Requirements.—Grant amounts under this subtitle may be used for eligible activities under section 421(a)(7) relating to emergency shelter only if—

“(1) the Secretary determines that—

“(A) use of such amounts is necessary to meet the emergency shelter needs of the jurisdiction in which the facility is located; and

“(B) the use of such amounts for such activities will not violate the prohibition under section 408(f); and

“(2) the project sponsor agrees that it will—

“(A) in the case of assistance involving major rehabilitation or conversion of a building, maintain the building as a shelter for homeless persons and families for not less than a 10-year period unless, within such 10-year period, the need for maintaining the building as a full-time shelter ceases to exist and the building is used for the remainder of such period to carry out other eligible activities under this subtitle;

“(B) in the case of assistance involving rehabilitation (other than major rehabilitation or conversion of a building), maintain the building as a shelter for homeless persons and families for not less than a 3-year period;

“(C) in the case of assistance involving only activities described in subparagraphs (B) and (C) of section 421(a)(7), provide services or shelter to homeless persons and families at the original site or structure or other sites or structures serving the same general population for the period during which such assistance is provided;

“(D) comply with the standards of housing quality applicable under section 408(h); and

“(E) assist homeless persons in obtaining—

“(i) appropriate supportive services, permanent housing, medical and mental health treatment (including information and counseling regarding the benefits and availability of child immunization), counseling, supervision, veterans benefits, and other services essential for achieving independent living; and

“(ii) other Federal, State, local, and private assistance available for homeless persons.

“Subtitle D—Reporting, Definitions, and Funding

“SEC. 431. PERFORMANCE REPORTS BY GRANTEES.

“(a) Requirement.—For each fiscal year, each grantee under this title shall review and report, in a form acceptable to the Secretary, on the progress it has made during such fiscal year in carrying out the activities described in the application resulting in such grant and the relationship of such activities to the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act for the applicable jurisdiction.

“(b) Content.—Each report under this section for a fiscal year shall—

“(1) describe the use of grant amounts provided to the grantee for such fiscal year;

“(2) to the extent practicable until the development of a reasonable methodology by the Secretary and the Interagency Council on the Homeless, describe the number of homeless persons and families, including populations with special needs provided shelter, housing, or assistance using such grant amounts;

“(3) assess the relationship of such use to the goals identified pursuant to section 105(b)(2) of the Cranston-Gonzalez National Affordable Housing Act in the comprehensive housing affordability strategy for the applicable jurisdiction;

“(4) indicate the grantee's programmatic accomplishments;

“(5) describe how the grantee would change its programs as a result of its experiences; and

“(6) describe any delays that occurred in the start up of programs and the reason for each delay.

“(c) Submission.—The Secretary shall establish dates for submission of reports under this section and review such reports and make such recommendations as the Secretary considers appropriate to carry out the purposes of this title. The Secretary may withhold or reallocate funds granted to a grantee if the Secretary finds that the grantee has complied with applicable program requirements, but not substantially complied with the application that the grantee submitted to obtain such funds.

“(d) Public Availability.—

“(1) In general.—A grantee preparing a report under this section shall make the report publicly available to the citizens in the jurisdiction of the grantee in sufficient time to permit such citizens to comment on such report prior to its submission to the Secretary, and in such manner and at such times as the grantee may determine. The report shall include a summary of any such comments received by the grantee regarding its program.

“(2) Electronic access.—A grantee may comply with the requirement under paragraph (1) by making the report available through interactive computer or telephone services or other electronic information networks and systems appropriate for making such information widely publicly available. The Secretary shall make each final report submitted under this section publicly available through such a computer, telephone, or information service, network, or system.

“(e) Authority of Secretary.—The Secretary shall establish procedures appropriate and practicable for providing a fair hearing and timely resolution of citizen complaints related to performance reports under this section.

“SEC. 432. ANNUAL REPORT BY SECRETARY.

“The Secretary shall include in the annual report, under section 8 of the Department of Housing and Urban Development Act, information summarizing the activities carried out under this title and setting forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. Such information shall be made publicly available through interactive computer or telephone services or other electronic information networks and systems appropriate for making such information widely available to the public.

“SEC. 433. DEFINITIONS.

“For purposes of this title, the following definitions shall apply:

“(1) Applicant.—The term 'applicant' means an eligible grantee that submits an application under section 408(a) for a grant under this title.

“(2) Eligible grantee.—The term 'eligible grantee' is defined in section 403.

“(3) Facility.—The term 'facility' means a structure or structures (or a portion of such structure or structures) that are assisted through eligible activities under subtitle C with grant amounts under this title (or for which the Secretary provides technical assistance under section 421(a)(9)).

“(4) Grantee.—The term 'grantee' means an applicant that receives a grant under this title.

“(5) Insular area.—The term 'insular area' means each of the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

“(6) Metropolitan city, consortium.—The term 'metropolitan city' has the meaning given that term in section 102 of the Housing and Community Development Act of 1974. A consortium of units of general local governments shall be considered to be a metropolitan city—

“(A) for amounts allocated in accordance with section 406(c)(3), only if the consortium received a formula grant for fiscal year 1996 or 1997 under subtitle B of this title, as then in effect; and

“(B) for amounts allocated in accordance with any formula developed pursuant to section 406(c)(5), only if the Secretary determines that the consortium—

“(i)(I) is comprised of units of general local government which are geographically contiguous (which may include all units of general local government within a State);

“(II) has sufficient authority and administrative capability to carry out the purposes of this title on behalf of its member jurisdictions; and

“(III) will, according to a written certification by the State (or States, if the consortium includes jurisdictions in more than one State) in which its member jurisdictions are located, direct its activities to alleviation of homelessness problems within the State (or States); or

“(ii) received a formula grant for fiscal year 1996 or 1997 under subtitle B of this title, as then in effect.

“(7) Nonentitlement area.—The term 'nonentitlement area' means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes or insular areas.

“(8) Operating costs.—The term 'operating costs' means expenses incurred by a grantee operating supportive housing assisted with grant amounts under this title, with respect to—

“(A) the administration, maintenance, repair, and security of such housing;

“(B) utilities, fuel, furnishings, and equipment for such housing; and

“(C) the conducting of the assessment under section 408(b)(2).

“(9) Outpatient health services.—The term 'outpatient health services' means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management.

“(10) Person with disabilities.—The term 'person with disabilities' means a person who—

“(A) has a disability as defined in section 223 of the Social Security Act;

“(B) is determined to have, pursuant to regulations issued by the Secretary, a physical, mental, or emotional impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes an individual's ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions; or

“(C) has a developmental disability as defined in section 102 of the Developmental

Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

"(11) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means any private organization that—

"(A) is organized under State or local laws;

"(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

"(C) complies with standards of financial accountability acceptable to the Secretary; and

"(D) has among its purposes significant activities related to the provision of—

"(i) decent housing that is affordable to low-income and moderate-income families; or

"(ii) shelter, housing, or services for homeless persons or families or for persons or families at risk of becoming homeless.

"(12) PROJECT SPONSOR.—The term 'project sponsor' means an entity that uses grant amounts under this title to carry out a permanent housing development program under subtitle B or eligible activities under subtitle C. The term includes a grantee carrying out such a program or activities.

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(14) STATE.—The term 'State' means each of the several States and the Commonwealth of Puerto Rico.

"(15) SUPPORTIVE HOUSING.—The term 'supportive housing' means a facility that meets the requirements of section 423.

"(16) SUPPORTIVE SERVICES.—The term 'supportive services' means services under section 409.

"(17) URBAN COUNTY, UNIT OF GENERAL LOCAL GOVERNMENT.—The terms 'urban county' and 'unit of general local government' have the meanings given the terms in section 102 of the Housing and Community Development Act of 1974.

"(18) VERY LOW-INCOME FAMILIES.—The term 'very low-income families' has the same meaning given the term under section 3(b) of the United States Housing Act of 1937 (or any other subsequent provision of Federal law defining such term for purposes of eligibility for, or rental charges in, public housing).

"SEC. 434. REGULATIONS.

"(a) ISSUANCE.—Not later than the expiration of the 30-day period beginning upon the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act, the Secretary shall issue interim regulations to carry out this title. The Secretary shall issue final regulations to carry out this title after notice and opportunity for public comment regarding the interim regulations in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), but not later than the expiration of the 90-day period beginning upon the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act.

"(b) RULE OF CONSTRUCTION.—Any failure by the Secretary to issue any regulations under this section shall not affect the effectiveness of any provision of this title pursuant to section 4(b) of the Homeless Housing Programs Consolidation and Flexibility Act.

"SEC. 435. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for grants under this title $1,000,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

"(b) PROHIBITION ON SET ASIDES.—Notwithstanding any other provision of law, any attempt to put any restriction on the use of funds appropriated for this title (such as for use in special projects) shall be considered an appropriation without authorization and shall be without force or effect.".

(b) APPLICABILITY.—The provisions of the amendment made by subsection (a) shall apply with respect to fiscal year 1998 and each fiscal year thereafter.

SEC. 6. INTERAGENCY COUNCIL ON THE HOMELESS.

(a) CHAIRPERSON AND VICE CHAIRPERSON.—Section 202(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(b) is amended to read as follows:

"(b) CHAIRPERSON AND VICE CHAIRPERSON.—

"(1) CHAIRPERSON.—The Council shall elect a Chairperson from among its members, who shall have a term of 2 years. A member of the Council by reason of any of paragraphs (1) through (16) of subsection (a) who serves as Chairperson for a term may not be elected to serve as Chairperson for the succeeding term. The preceding sentence shall not apply to any member serving as Chairperson on the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act.

"(2) VICE CHAIRPERSON.—The Vice Chairperson of the Council shall have a term of 2 years and shall be—

"(A) the Secretary of Housing and Urban Development, if such Secretary is not elected as the Chairperson of the Council; or

"(B) elected by the Council from among its members, if the Secretary of Housing and Urban Development is elected as the Chairperson of the Council.

"(3) Notwithstanding paragraphs (1) and (2), the first Chairperson elected after the date of the enactment of the Homeless Housing Programs Consolidation and Flexibility Act may not be the Secretary of Housing and Urban Development.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 208 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11318) is amended to read as follows:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"Of any amounts made available in any fiscal year to carry out this Act, 0.0012 of such amounts shall be available to carry out this title.".

(c) TERMINATION.—Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 1994" and inserting "October 1, 2002".

(d) REPEAL.—Section 210 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320) is hereby repealed.

SEC. 7. INVENTORY OF FEDERAL FACILITIES SUITABLE FOR OVERNIGHT SHELTER FOR HOMELESS PERSONS.

(a) IDENTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall request, from the head of each executive agency, information that identifies each covered facility (or any parts thereof) under the control of the executive agency that is suitable for use as temporary overnight shelter for homeless persons.

(b) CONSULTATION.—At the request of the head of any executive agency, the Secretary shall consult with such agency head regarding whether facilities of the agency, or a particular facility or facilities, are covered facilities or are suitable for use as temporary overnight shelter for homeless persons.

(c) COMPILATION AND PUBLICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall compile the information submitted pursuant to subsection (a) and cause the compiled information to be published in the Federal Register a list of all covered facilities identified as suitable for use as temporary overnight shelter for homeless persons.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COVERED FACILITY.—The term "covered facility" means any building, structure, land, or other real property that, in the determination of the head of the Federal agency having control of the property, using standards that shall be established by the Secretary, reasonably could be made available for the use described in subsection (a) without substantial conflict with any other existing, expected, or potential use of the property to carry out the mission of the agency.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given such term in section 105 of title 5, United States Code.

(3) HOMELESS PERSON.—The term "homeless person" has the meaning given such term in section 102 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

(4) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 8. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of law are hereby repealed:

(1) INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION.—Section 2 of the HUD Demonstration Act of 1993 (42 U.S.C. 11301 note).

(2) FHA SINGLE FAMILY PROPERTY DISPOSITION FOR HOMELESS USE.—Section 1407 of the Housing and Community Development Act of 1992 (Public Law 102-550; 106 Stat. 4034).

(3) HOUSING FOR RURAL HOMELESS AND MIGRANT FARMWORKERS.—Subsection (k) of section 516 of the Housing Act of 1949 (42 U.S.C. 1486(k)).

(b) TERMINATION OF SRO ASSISTANCE PROGRAM.—Section 8(e)(2) of the United States Housing Act of 1937 shall not be in effect on or after the date of the enactment of this Act as provided in subsections (a)(4) and (b)(2) of section 289 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12839).

(c) CONFORMING AMENDMENTS TO YOUTHBUILD PROGRAM.—Title IV of the Cranston-Gonzalez National Affordable Housing Act is amended—

(1) in section 455(b) (42 U.S.C. 12899d(b)) by inserting "subtitle C of" before "title IV"; and

(2) in section 457(4) (42 U.S.C. 12899f(4)), by striking "section 103" and inserting "section 102".

(d) CLERICAL AMENDMENT.—The table of contents in section 101(b) of the Stewart B. McKinney Homeless Assistance Act is amended by striking the items relating to titles I, II, III, and IV (including the items relating to the subtitles, parts, and sections of such titles) and inserting the following new items:

"TITLE I—GENERAL PROVISIONS

"Sec. 101. Short title and table of contents.
"Sec. 102. General definition of homeless individual.
"Sec. 103. Funding availability and limitations.
"Sec. 104. Annual program summary by Comptroller General.

"TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

"Sec. 201. Establishment.

"Sec. 202. Membership.
"Sec. 203. Functions.
"Sec. 204. Director and staff.
"Sec. 205. Powers.
"Sec. 206. Transfer of functions.
"Sec. 207. Definitions.
"Sec. 208. Authorization of appropriations.
"Sec. 209. Termination.

"TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

"Subtitle A—Administrative Provisions

"Sec. 301. Emergency Food and Shelter Program National Board.
"Sec. 302. Local boards.
"Sec. 303. Role of Federal Emergency Management Agency.
"Sec. 304. Records and audit of National Board and grantees of assistance.
"Sec. 305. Annual report.

"Subtitle B—Emergency Food and Shelter Grants

"Sec. 311. Grants by the Director.
"Sec. 312. Retention of interest earned.
"Sec. 313. Purposes of grants.
"Sec. 314. Limitation on certain costs.
"Sec. 315. Disbursement of funds.
"Sec. 316. Program guidelines.

"Subtitle C—General Provisions

"Sec. 321. Definitions.
"Sec. 322. Authorization of appropriations.

"TITLE IV—PERMANENT HOUSING DEVELOPMENT AND FLEXIBLE BLOCK GRANT HOMELESS ASSISTANCE PROGRAM

"Subtitle A—General Provisions

"Sec. 401. Purpose; performance measures.
"Sec. 402. Grant authority.
"Sec. 403. Eligible grantees.
"Sec. 404. Use of project sponsors.
"Sec. 405. Comprehensive housing affordability strategy compliance.
"Sec. 406. Allocation and availability of amounts.
"Sec. 407. Matching funds requirement.
"Sec. 408. Program requirements.
"Sec. 409. Supportive services.
"Sec. 410. Nondiscrimination in programs and activities.

"Subtitle B—Permanent Housing Development Activities

"Sec. 411. Use of amounts and general requirements.
"Sec. 412. Permanent housing development.

"Subtitle C—Flexible Block Grant Homeless Assistance

"Sec. 421. Eligible activities.
"Sec. 422. Use of amounts through private nonprofit providers.
"Sec. 423. Supportive housing.
"Sec. 424. Emergency shelter.

"Subtitle D—Reporting, Definitions, and Funding

"Sec. 431. Performance reports by grantees.
"Sec. 432. Annual report by Secretary.
"Sec. 433. Definitions.
"Sec. 434. Regulations.
"Sec. 435. Authorization of appropriations.".

SEC. 9. SAVINGS PROVISION.

Nothing in this Act may be construed to affect the validity of any right, duty, or obligation of the United States or other person arising under or pursuant to any commitment or agreement entered into before the date of the enactment of this Act under any provision of law repealed or amended by this Act.

SEC. 10. TREATMENT OF PREVIOUSLY OBLIGATED AMOUNTS.

Notwithstanding the amendment or repeal of any provision of law by this Act, any amounts appropriated to carry out the provisions so amended or repealed that are obligated before the date of the enactment of this Act shall be used in the manner provided, and subject to any requirements and agreements entered into, under such provisions as such provisions were in effect immediately before such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume, and I would begin by thanking the gentleman from Massachusetts (Mr. KENNEDY), the ranking member on the committee, for his cooperation throughout the process. I will have more to say about him later, because I think this product is largely an effort of cooperation between the two sides, and I am proud of that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH), the great chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding me this time, and let me just say that this particular bill, which is a homeless housing consolidation act, was introduced by our distinguished chairman of the Subcommittee on Housing of the Committee on Banking and Financial Services, the gentleman from New York (Mr. LAZIO). It has received a great deal of partisan input, led by the gentleman from Massachusetts (Mr. KENNEDY), and a number of refinements from the administration and Mr. Cuomo, Secretary of HUD.

I personally think it is a common sense, thoughtful, constructive way to proceed with homeless housing. It represents a commitment of Congress to this arena of public concern, which is one of the most extraordinary in this country at this time. For a country the size of ours to have the depth of our problems is clearly a national embarrassment that takes a great deal of national commitment to overcome.

I would just like to suggest to my colleagues that this is one of these kinds of bills that has had the input of lots of parties and certainly the gentleman from Massachusetts, in his support, symbolizes that; but the gentleman from New York, again, this distinguishes him as one of the preeminent subcommittee chairmen of the House, and I am very appreciative of his leadership on this issue.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume to say, first and foremost, that I would like to again commend the chairman of the Subcommittee on Housing and let him know what a great job I think he has done on this bill and look forward to a strong vote on this bill in a few minutes.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), the new ranking member. I think this is his first time on the House floor as the ranking member of our Committee on Banking and Financial Services, and we all appreciate the dedication and support he has shown not only to housing but in looking out for working families across the board.

□ 1430

Mr. LAFALCE. Mr. Speaker, I am so pleased my first occasion speaking as the ranking Democrat is on behalf of H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act, because I cannot think of any issue that is more important to our committee and to the House, and I cannot think of any bill that I am more supportive of.

Taking on the housing problems of the homeless can often be a thankless task. That is why I would like to start by giving special recognition to the efforts of the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY), the chairman and ranking member of the Subcommittee on Housing and Community Opportunity. Both of the gentlemen have a shared commitment to improving the housing condition of all Americans, and the two have crafted a bipartisan bill to address an issue that could have been polarized, could have been politicized. It gives me hope that we might move other essential housing reform bills ready for conference in an equally collegial fashion.

The bill before us, however, is not only the product of compromise across the aisle. Advocates for homeless providers, homeless persons and State and local governments have also compromised in an effort to move this bill. It is a good compromise, one that includes a number of long-needed reforms.

For one, the bill redirects a recent trend away from developing permanent housing to funding supportive service programs. Certainly we recognize that the service needs of formerly homeless persons and families run deep. But if permanent affordable housing is unavailable, providing services is meaningless. H.R. 217 addresses this problem by preserving 30 percent of the annual appropriation for permanent housing development, and discourages States and localities from using more than 35 percent of their grant for services.

Equally important is the bill's authorization level of $1 billion, $177 million more than the current appropriation of $823 million. I am hopeful this level will send a strong message to the appropriators that the homeless funding level of the last 4 years has been and is insufficient.

Reductions in SSI and food stamps have already put an additional strain on our already overburdened emergency shelters. With time limits on welfare assistance looming before us, there is increased pressure to invest in homeless prevention and emergency housing programs as well as affordable housing development. Despite the fact that our housing delivery system is becoming increasingly more efficient and effective, it cannot sustain all these new and looming pressures without additional resources. So I appeal to the appropriators to recognize the increased needs in our communities, as the authorizing committee has done, and give some relief to an already overburdened system.

Again, I urge all Members to support the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) in supporting H.R. 217.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding. On behalf of the majority, I would like to speak out of order for a few seconds simply to congratulate the minority in their thoughtfulness in designating the gentleman from New York (Mr. LAFALCE) as the new ranking member. Speaking personally, he is not only a wonderful friend but his background in all the issues before the Committee on Banking and Financial Services is unparalleled and unmatched. We are very honored to work with him and we look forward to that prospect.

Mr. LAZIO of New York. Mr. Speaker, I want to once again thank the gentleman from Iowa (Mr. LEACH), the chairman of the committee, for his leadership and his commitment to the needs of low-income families and individuals. Without his help, this bill would not be before us today.

Mr. Speaker, today we embark upon a journey with a worthy destination, an America where no one has to live or die on the streets. Tragically, walking through the streets of many of our cities today, one would see a much different picture than our ideal portrait of an American community. On any one evening in America, say last night, for example, over a half million people, real people with real lives, are homeless. Why? The frustration is that we know what works. We have seen it. It is being done.

Take Julius, for example, who lives at Jeremiah House, a successful housing facility for homeless adults in the shadow of this Capitol. Earlier today the gentleman from Texas (Mr. SESSIONS) and I visited Jeremiah House and spoke to Julius. Julius lived on the streets and in abandoned cars for more than 10 years as a result of drug and alcohol addiction. Today Julius lives at the Jeremiah House, and with the help of his family, he is involved in a substance abuse program, regularly attends church, is enrolled in engineering courses at the University of the District of Columbia, and hopes to receive his Bachelor's degree next year. This, Mr. Speaker, is success.

Although the Federal Government has more than doubled spending on programs designed to address homelessness in the 1990s, hunger and homelessness continue to increase. Families with children comprise more than one-third of today's homeless population. More than 75 percent of homeless adults struggle with mental illness, substance abuse or chronic illness. And at least 25 percent of homeless men are veterans of our armed forces. How can we tolerate their plight? What can be more heart-wrenching than stories of those who fought for our freedom only to find themselves faced with living on the streets when they get back home?

Mr. Speaker, we must ask ourselves one simple question: Do we accept the status quo as inevitable, or must we work harder to find better ways to get better results? Unless we are willing to follow the lead of too many Third World countries where the homeless die alone on streets every day, clearly we must do a better job.

Today we begin to move away from the temporary Band-Aid type solutions of the past. Today we refocus our efforts on preventative strategies and permanent solutions to homelessness. Today we recognize the successes of neighborhood partnerships that link permanent shelter with a strategy of continuing services designed to give the homeless the best chance at self-sufficiency.

This bill, H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act, will provide the 21st century framework to restore hope to hundreds of thousands of unsheltered Americans. It will give those on the streets a real chance at reconnecting with society, their friends and their family.

Our legislation consolidates the 7 existing homeless housing programs under HUD into a single, flexible funding stream for States and communities. Decision-making is given to communities and States, and moves away from centralized planning and the Washington-knows-best mentality.

Homelessness, Mr. Speaker, should not be hopelessness. In our bill, some funding is reserved for a permanent housing competitive grant process to transition toward long-term solutions to homelessness. Last year HUD spent only 10 percent of homeless assistance funds to build permanent housing. Let me be clear: Only 10 percent of Federal homeless assistance last year was spent for exactly what the homeless desperately need, homes.

We cannot afford to let bureaucratic barriers stand in the way of proven solutions and the hope that they bring. Our bill requires all Federal departments and agencies to coordinate homeless assistance. In this way, we eliminate the wasteful duplication of resources, close the gap in services and confront homeless issues holistically.

Finally, our legislation encourages partnerships among nonprofit developers, faith-based groups and service agencies to link permanent housing with a continuum of services. By addressing the core issues of homelessness through a concerted community effort, we give the homeless a real chance to reclaim their stake in society and improve their quality of life.

Mr. Speaker, today this House has the unique opportunity to advance not only common-sense public policy, but also policy with compassion for those without the most basic of human necessities, adequate shelter. Government should be about funding programs that work, that are locally controlled, and that empower our most vulnerable citizens. Too often the homeless are trapped in a revolving door from shelters, to the streets, emergency rooms, treatment centers and back again. Our work here today will help break that cycle and begin the process of ending homelessness in America.

Mr. Speaker, I would also mention the committee's efforts to consolidate the homeless assistance programs are strongly supported by a variety of organizations, including the Vietnam Veterans of America; the U.S. Conference of Mayors; the Association of Local Housing Finance Agencies; the National Association of Counties; the National Community Development Association; LISC, the Local Initiatives Support Corporation; the National Alliance to End Homelessness; the National Law Center on Homelessness and Poverty; and many, many others. Mr. Speaker, I include for the RECORD letters of support from these organizations, as follows:

SUPPORTERS OF H.R. 217

Vietnam Veterans of America, Inc.
U.S. Conference of Mayors
The National Alliance to End Homelessness, Inc.
National Association of Counties
National Community Development Association
Association of Local Housing Finance Agencies
Local Initiatives Support Corporation (LISC)
Corporation for Supportive Housing
National Law Center on Homelessness and Poverty

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, February 23, 1998.

Hon. RICK LAZIO,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN LAZIO: On behalf of the membership of Vietnam Veterans of America (VVA), I write to strongly support passage of

H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act. We feel that the veterans provisions within this bill will greatly assist veterans who are homeless. By increasing access of veterans community-based homeless assistance providers to the HUD homeless funding process, this legislation can facilitate an effective federal response to the national tragedy of disproportionate numbers of veterans among the homeless population.

Homelessness in America is a terrible tragedy. The prevalence of veterans among the homeless population is an even more poignant statement about this tremendous loss of human potential and productivity. As we have discussed with you and your staff, even though widely accepted statistics and analysis show that some 30 percent of the homeless population are veterans. HUD has not been successful in ensuring that it's nearly $1 billion in annual homeless assistance spending appropriately targets these unique needs.

In prior administration's and occasionally even among the current cadre of federal officials, HUD has pointed the finger at VA, essentially saying. "Veterans are their responsibility." But such a policy perspective fails to realize that VA—as a hospital and benefits system—was never designed to treat the complexities of homelessness. While the VA, in recent years, has made tremendous efforts to help veterans who are homeless, the fact remains that VA is not in the housing business. HUD is the federal agency that deals with homeless assistance and housing programs.

VVA has worked on the homeless veterans issue for many years. And while we are heartened to see more attention devoted to the issue, it is disconcerting that current efforts to address homelessness do not meet the specific needs of veterans. The plight of homeless veterans is often misunderstood and overlooked. If general homeless assistance programs—which HUD supports—were effectively rehabilitating veterans, we would not expect to see the disproportionate numbers of veterans within the homeless population. This is why it is so critical that programs which target these veterans' unique needs and maximize their rehabilitation potential are nurtured and supported with federal funding. Veterans are a "federal" responsibility—and not just a VA responsibility.

VVA feels very strongly that the veterans provisions of H.R. 217 will help to combat the specific and unique causes of homelessness among veterans. We strongly urge the House of Representatives to pass this bill, and we further urge the Senate to enact H.R. 217. Thank you for your and the subcommittee's work on behalf of homeless veterans.

Sincerely,

GEORGE C. DUGGINS,
National President.

MARCH 2, 1998.

Hon. RICK LAZIO,
Chairman, House Subcommittee on Housing and Community Renewal, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We write to endorse your efforts to move H.R. 217, the "Homeless Housing Programs Consolidation and Flexibility Act" through the House of Representatives. Consolidation of the McKinney Act's homeless housing programs is an idea whose time has come. In a time when the Department of Housing and Urban Development is undergoing a drastic downsizing the last thing it needs is to run a series of competitions for homeless housing funds. Instead, communities should receive homeless housing funds via a block grant, as generally H.R. 217 would do, so that they can use the funds to meet locally identified homeless housing and service needs. A number of members have advised us that the current competitive method of awarding McKinney Act funds often has the effect of denying funding to their top priority projects.

Creation of a homeless housing block grant and its continuum of care will give communities the certainty of funding they need to undertake comprehensive, long-term strategies to address homelessness.

Although we don't support all of the provisions in H.R. 217, we believe it essential that the legislative process move forward. Passage of this bill will provide the momentum to encourage the Senate to act on a homeless block grant. Once the legislation moves to a House-Senate Conference Committee we will seek modification to several of the provisions in H.R. 217.

Mr. Chairman, we applaud your leadership on this important issue.

Sincerely,

ASSOCIATION OF LOCAL HOUSING FINANCE AGENCIES.
NATIONAL ASSOCIATION OF COUNTIES.
NATIONAL COMMUNITY DEVELOPMENT ASSOCIATION.
U.S. CONFERENCE OF MAYORS.

THE NATIONAL ALLIANCE TO END HOMELESSNESS, INC.,
Washington, DC, February 23, 1998.

Hon. RICK A. LAZIO,
Chairman, Subcommittee on Housing and Community Opportunity, House of Representatives; Washington, DC.

DEAR MR. CHAIRMAN: Over the past several years, we at the Alliance have deeply appreciated your commitment to improving the way in which federal homeless assistance is delivered through the HUD Homeless Assistance Grants. This critical HUD program must address the complex set of challenges that face an extremely diverse homeless population, and it must also respond to the equally complex set of needs of a diverse delivery mechanism. H.R. 217 addresses both sets of needs and challenges and provides a valuable blueprint for re-tolling homeless assistance to achieve the maximum benefit for homeless people.

The National Alliance to end Homelessness believes that any federal homeless assistance program should adhere to the following principles:

End homelessness for as many people as possible through the provision of permanent housing;

Ensure decent "shelter" for those experiencing emergencies and for whom permanent housing is not provided;

Provide flexible funding so that local issues can be addressed, but ensure nonprofit involvement and provide rigorous federal monitoring and oversight to overcome the problems that arise from politicization at the local level;

Increase the motivation and capacity to deal with the problem at the state and local levels;

Ensure that any assistance delivered has a direct and measurable benefit to homeless people, and that the primary thrust of this benefit is their achievement of stability in permanent housing.

H.R. 217 specifically addresses these principles. It reverses the recent trend toward more funding of services and temporary solutions by setting aside funding for permanent housing. It establishes a critical priority for housing for people with chronic disabilities. It targets more resources to the problem by including an authorization level of one billion dollars. It includes local boards to determine how funds will be spent and to monitor their effectiveness. It targets assistance to nonprofit organizations. It addresses the difficult problems of funding services and providing a predictable source of funding to local areas for emergency and transitional assistance. In short, H.R. 217 moves us closer to a system that addresses the primary goal of ending homelessness both for individual homeless people and families, and for the nation.

We at the Alliance have deeply appreciated your willingness to work with us, and to listen to our concerns and those of our members, as you have developed the concepts contained in H.R. 217. We know personally of your commitment to provide real assistance to homeless people. We look forward to continuing to work with you as we collectively improve the homeless assistance system.

Sincerely,

NAN ROMAN.

LOCAL INITIATIVES SUPPORT CORP.,
New York, NY, February 23, 1998.

Hon. RICK LAZIO,
Chairman, Subcommittee on Housing and Community Opportunity, Rayburn House Office Building, Washington, DC.

DEAR MR. LAZIO: I am writing on behalf of the Local Initiatives Support Corporation (LISC) to applaud your recognition within H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act, of the importance of permanent housing to end homelessness by giving our communities' most frail citizens the foundation they need to live healthy, productive lives. As you know, LISC has been working with community development corporations (CDCs) since 1979 providing the necessary tools for them to develop affordable housing and offer the range of social services that revitalizes and reinvigorates communities.

Among a range of activities, LISC provides financing and technical assistance for the development of affordable housing for homeless and disabled persons requiring supportive services. Through the syndication of Low Income Housing Tax Credits in partnership with the National Equity Fund (NEF), we are able to leverage substantial private sector investments for these projects. But this private investment is possible only if long term project subsidies are available to fill the gap between the operating costs and what homeless people can afford to pay in rent. H.R. 217's dedication of national resources for the development of permanent housing will ensure that CDCs can continue to be part of the solution of homelessness in their communities.

LISC also commends the increased $1 billion authorization level of H.R. 217 which acknowledges the need for additional resources to combat homelessness. Federal homeless funds shaped by a vision of creating permanent housing solutions are a significant step towards helping our homeless neighbors reclaim a stake in community life.

Sincerely,

PAUL S. GROGAN,
President.

CORPORATION FOR SUPPORTIVE HOUSING,
New York, NY, February 28, 1998.

Representative RICK LAZIO,
Chairman, Subcommittee on Housing and Community Opportunity, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN LAZIO: I write on behalf of the Corporation for Supportive Housing (CSH) to support H.R. 217, The Homeless Housing Programs Consolidation and Flexibility Act of 1997. While CSH has objections to certain provisions of the bill, which I have articulated to you and repeat below, it remains clear that H.R. 217 would both assure expansion of permanent solutions to homelessness, and enlist state and local governments as real partners of the federal government in the battle to end homelessness nationwide.

CSH is a national nonprofit intermediary dedicated to expanding the quantity and quality of supportive housing available to people who are homeless or at risk of becoming so. The supportive housing model combines permanent, low income housing with on-site mental health, substance abuse, employment and other support services which help the most vulnerable homeless individuals to regain control of their own lives and a stake in the life of their communities. Over the past decade, community based nonprofits have demonstrated that supportive housing is an effective and cost-efficient solution to homelessness. It both provides residential stability for even the most disabled homeless individuals (federal and state government commissioned studies have confirmed tenant retention rates exceeding 75%) and enables those individuals to reduce the frequency and magnitude of their encounters with such costly, emergency driven public systems as psychiatric hospitals, emergency rooms, detox facilities, and jails. Indeed, for the most vulnerable of homeless individuals with special needs such as mental illness, chronic health conditions, or other disabilities, supportive housing is the only demonstrated permanent solution to chronic homelessness.

Several aspects of H.R. 217 merit special mention. First, H.R. 217 recognizes permanent supportive housing as an effective, sustaining and cost-efficient solution to homelessness by proposing to target a percentage of authorized funding (25% growing to 30%) for development of permanent housing. This permanent housing set aside ensures both that sufficient funds can be concentrated at the local level to develop new permanent housing, and that a steady stream of federal funds will remain available for supportive housing providers. Critically, by specifically including long-term rental assistance among the eligible activities for permanent housing funds, H.R. 217 guarantees maximal leveraging of federal homeless assistance funds by state and local governments, philanthropy, and private investors. (For example, private investors in the Low Income Housing Tax Credit can typically provide about one-half of the amount needed for development where long term federal subsidies are in place. HUD research confirms the broader phenomenon. For example, HUD's 1994 report to Congress stated that every McKinney Shelter Plus Care dollar leveraged $2 in local and/or private services funding and every McKinney Section 8 Mod/Rehab dollar leveraged $1.50 in non-federal development dollars.) H.R. 217 also provides for a range of long term rental assistance options, thereby supplying the critical linchpin for creating permanent and sustaining solutions to homelessness. Such targeting of limited federal funds to an identified need, where the federal investment truly partners with that of other public and private entities, embodies the best in federal policymaking.

Second, I strongly endorse your call in H.R. 217 for authorization of federal homeless programs at $1 billion. This authorization level recognizes that homeless care providers, including those who operate permanent supportive housing, require sufficient resources to address the needs of the homeless if this nation is to end homelessness, which began over a decade ago as a "crisis" but sadly remains an enormous and costly problem.

Third, I must reiterate CSH's primary objection to H.R. 217, namely, the block granting of 70% of funds under the consolidated McKinney programs. We believe that: (1) block granting will spread funds too thinly among grantees; and (2) with the addition of a permanent housing set aside and better local match requirements. HUD's current Continuum of Care selection process would satisfactorily distribute homeless assistance funds and do so in the locally-driven fashion that block granting strives to achieve. Despite this reservation, CSH recognizes that H.R. 217 constitutes a major step forward in supporting innovative, cost-efficient strategies to end homelessness through federal homeless assistance programs. Accordingly, we support its enactment into law.

Thank you for your consideration of this letter.

Sincerely,

JULIE SANDORF,
President.

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY,
Washington, DC, February 27, 1998.

Hon. RICK LAZIO,
Chairman, Housing Subcommittee, House Committee on Banking and Financial Services, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write to thank you for your efforts to reauthorize the Stewart B. McKinney Homeless Assistance Act programs that are administered by the U.S. Department of Housing and Urban Development. These programs have provided vitally needed assistance, including emergency shelter and transitional housing, to thousands of homeless Americans.

We appreciate your effort to authorize a level of funding for the program above the level of last year's appropriation. While $1 billion unfortunately is still not adequate to meet the need, it would certainly be a step forward.

It is critically important that the McKinney programs be reauthorized. Thank you again for your efforts and commitment.

Sincerely,

MARIA FOSCARINIS,
Executive Director.

Mr. LAZIO of New York. Mr. Speaker, before I reserve the balance of my time, I would like to express once again my appreciation to the subcommittee's ranking member, the gentleman from Massachusetts (Mr. KENNEDY), for his help in moving this legislation forward. My good friend and colleague has spent much of his public and private life helping the less fortunate, particularly the homeless, realize a better way of life.

I should also recognize the efforts of the gentleman from Washington (Mr. METCALF) on behalf of homeless veterans, and extend my gratitude to the gentleman from Minnesota (Mr. VENTO) for his unwavering support for reform throughout this process and for his work for many years on this important issue.

Mr. Speaker, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself 5 minutes and 40 seconds.

First and foremost, let me just say very briefly how much I appreciate the kind words that the chairman of the Subcommittee on Housing and Community Opportunity, the gentleman from New York (Mr. LAZIO), has expressed.

I think that he, in fact, does deserve a great deal of credit for bringing a bill that had overwhelming support. I think it passed our committee by a vote of 35 to 5. It is a very rare occurrence in the subcommittee or the full Committee on Banking and Financial Services.

I think it is largely due to the sensitivity he showed and the leadership he showed in making compromises on this legislation and making certain that all parts of the country are treated equitably, and with the recognition of the fact that while we want to get government bureaucracy out of the way, we also want to preserve and make certain that programs that do effectively move people out of homelessness and into permanent housing and permanent jobs in fact get the attention and the credit that they deserve.

So I want to just say how much this demonstrates that when we choose to work together, I think a lot can be accomplished by this Congress.

I also want to just express my appreciation as well to the gentleman from Minnesota (Mr. VENTO), who spent years in the Congress leading this fight. When I first got to the House of Representatives, going on almost 12 years ago, the gentleman from Minnesota (Mr. VENTO) was a leader on the homelessness bill at the time.

We were passing, at that time, the McKinney Act, which was an appropriate piece of legislation for a problem that needed to be addressed as a result of the efforts of Mitch Snyder and a number of other people.

The fact is that this bill I think shows a new kind of recognition of some of the programs that work and some of the needless bureaucracy that has evolved around the original McKinney Act. And I think the gentleman from Minnesota (Mr. VENTO) should get enormous credit.

It is not just about credit. And I know the gentleman from New York (Mr. LAZIO) would be the first to admit that this is an issue of how we got to a point where we are appropriating hundreds of millions, if not a billion dollars for fighting homelessness in this country, is really, in my opinion, a tragedy. It is a tragedy that has largely come about as a result of government policies.

There was a time when we did not find a lot of homeless Americans. You could travel the streets of every major city in America and not see thousands and thousands and thousands of homeless people.

The way we got to so many homeless people in America is two ways. First and foremost, we, as a policy, decided that we did not want to house our mentally ill in these concentrated facilities where so many horrific things were being done to them. So we said we were going to close down those facilities.

Then we were going to build housing in neighborhoods to house the mentally ill, the mentally disturbed, those with drug and alcohol abuse. The fact is, what we did as a Nation is, we closed down the facilities but we never built the housing in the neighborhoods.

The second piece of this was that we built in 1980 over 300,000 units for the poor, as a Federal Government, 300,000 housing units. We spent over $30 billion on the housing budget in 1980 dollars. Today we have dramatically cut the amount of money that we are spending on affordable housing.

I want to appreciate the fact that in this particular legislation the gentleman from New York (Mr. LAZIO) and the gentleman from Iowa (Mr. LEACH) have brought up our funding in this bill from $803 million to over a billion dollars. That is a step in the right direction.

But I would point out that the truth of the matter is that the first thing that happened 4 years ago when the Republicans took over the House of Representatives is that we saw the homeless budgets in this country cut by 25 percent. We saw the overall housing budgets in America cut by 25 percent. That was only after the compromises had been reached.

If we do not build housing for the poor, and the country has more and more people, the value of the existing housing rises, the poor do not get any richer, so they cannot afford it. What happens is we end up dumping people out on our streets.

This is an important piece of legislation. I do very much commend the gentleman from New York (Mr. LAZIO) for his work on trying to get this legislation passed and write it in such a fashion that he has gotten such broad support for it. We do appreciate the gentleman's leadership on this.

But we need to work together to make sure that this country recognizes that if we are going to provide billions of dollars to the Pentagon, if we are going to provide billions of dollars in terms of the aid programs that we are currently involved with, that there is a Third World right here in America that also needs to be provided with the necessary resources in order to provide them with basic and affordable housing and health care and education.

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If we want to get these folks that need homeless funding out of homelessness, we have to provide them with housing and jobs.

I would just say that in terms of this particular legislation, I do want to recognize that while the funding has increased, and I know the gentleman from Iowa (Mr. LEACH) has agreed to sign a letter to the Committee on Appropriations asking for the full $1 billion worth of funding, that we have set aside 30 percent of the funding for permanent housing, that we have instituted much greater local control and local flexibility as a result of the chairman's intent, and we have also provided some needed veterans' provisions in this legislation.

Mr. Speaker, I would, in closing, again like to just say that we need to continue to provide additional funding for the homeless. We can provide all the programs, but if we do not get the money out to the people that need it, it will all be a lot of words and no housing.

Mr. Speaker, I want to thank the chairman of the housing committee, the gentleman from New York (Mr. LAZIO), for his leadership, and look forward to working with him as the legislation moves through the process.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. METCALF.)

Mr. METCALF. Mr. Speaker, I rise in support of H.R. 217 and its goal of giving local communities greater flexibility in reducing homelessness. I was concerned about homeless veterans before I arrived in Congress. I am pleased now to be able to do something for them.

Over the past 3 years, I have introduced legislation to help veteran advocacy groups compete for Stewart McKinney funds. In 1996, HUD funded 1,100 projects for a total of $713 million. Of the projects funded, only 48 projects equaling $25 million were designed primarily for homeless veterans. That is only $25 million for homeless veterans out of $713 million. Yet the number of homeless veterans is estimated to be 20 to 30 percent of the homeless population.

We need more help for homeless veterans. H.R. 217 includes an amendment that I offered with the gentleman from Massachusetts (Mr. KENNEDY) to give veteran advocacy groups an opportunity to participate in local advisory boards. These boards will create and coordinate the community's housing plan. In addition, homeless veterans will be considered a special needs population, which makes them one of the targeted populations for services in housing. Lastly, this amendment requires better reporting from HUD and its grantees concerning veterans.

I want to thank the gentleman from Massachusetts (Mr. KENNEDY) and the subcommittee chairman, the gentleman from New York (Mr. LAZIO), as well as the gentleman from Iowa (Chairman LEACH) for their willingness to work with me to include veterans' provisions in this bill, provisions that will help get homeless veterans off the street. These are not just empty promises, but meaningful changes in helping local communities serve their homeless veterans.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. VENTO.)

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to commend the ranking member, the gentleman from Massachusetts (Mr. KENNEDY), and the subcommittee chairman, the gentleman from New York (Mr. LAZIO), for their support of this and their leadership in bringing us together to support H.R. 217, which is a very good bill, which obviously authorizes more dollars, changes some of the policies and redirects and streamlines the law to meet the needs of the homeless across this Nation.

Who are the homeless? The homeless are a group of individuals today that 20 years ago, when we look back into our communities and byways and rural areas, urban, were not the same population. We always have had, sadly, I think some that are chemically addicted homeless, and that is a problem a smaller number of the homeless. But today we have, as my subcommittee chairman has mentioned, the gentleman from New York (Mr. LAZIO), we have nearly half a million people that are homeless.

The roots the source of such homelessness has many sources. In fact, the homeless are very often people that have jobs. They very often are women. Very often they are children that are homeless today.

So it recognizes, sadly, that in 1998, with the highest home ownership in history of our Nation, nearly 66 percent of the people own their own homes, but no one of us live on the average; that today in our society there is a great vulnerability in terms of our being able to fall down and lose out in terms of becoming an economic or social casualty; that today in our society we are very isolated, and the network of support in terms of family and friends and others that historically had been such a great source of help to many that would fail is most often not present, too many americans today are vulnerable.

So we come back with these fed. homeless programs, and the nature of this, McKinney program, which I have worked so hard on with many of my colleagues over these years, is one in which we are trying to build on the local governments and the nonprofits and private sector effort, to establish and maintain a partnership.

This is not a 100 percent funding from Washington. In fact, it is very little funding from Washington to deal with this problem compared to other efforts. We are proposing, and I hope we do spend, the $1 billion that is authorized in this measure. Local governments, nonprofits, the people we represent, the volunteer groups, are spending tens of billions of dollars to meet this housing problem each year across this nation.

The homeless, as I said, they are working, and they are entitled to a lot of the benefits. But, unfortunately, many benefits are attached to shelter to an address. If a child is homeless, they deserve an education, they deserve the funding from the city and State. If they have a health problem, they deserve the benefits that are associated with Medicare if they are eligible or Medicaid if they are eligible. They deserve the opportunity for job training and other programs.

We are trying to provide such programs and must this together with this McKinney Act, which, incidentally, has always been a bipartisan effort. Myself and Chalmers Wylie from Ohio initiated this bill in small way representative; Ed Boland, had a different piece in the appropriation process, the FEMA dollars that are in here represent his initial efforts, and that is reauthorized in this bill and that is a great program.

The fact is that, of course, we named it when we brought it altogether under one umbrella after our dear colleague, our deceased colleague, Stewart McKinney from Connecticut, a good Republican and a good friend and a good advocate for people that have problems and need housing in this Nation.

I hope that with this bill, we can reignite some of that spirit of working together in terms of housing that has alluded us, because we have serious housing problems in this nation. As has been indicated, part of this is because we have not followed through when we deinstitutionalized, a good thing to do, to take apart those institutions.

My State of Minnesota especially has had problems because we were the first in the Nation to institutionalize and deal with many of the problems, but we did not follow through with the community resources that are necessary to meet the needs of people being mainstreamed back into our communities; neither housing nor the social services.

So we have a great opportunity here with this McKinney program to build a new framework, to draw on the others that have responsibilities, not just in terms of the housing programs that emanate in Washington or locally, but to draw on the social service, health nutrition education and jobs programs that are supposed to be there to support the homeless.

There are some good changes in this bill. Frankly, the type of categorical programs which provided many of the ideas, we wanted to see whether these programs worked and many of them did work. Now we will have a homeless plan prepared by the communities that will give us some direction, broad input and a good policy path with flexibility.

Frankly, I think we need the permanent housing in this measure. We need to push the other social service agencies and others that have resources to channel their dollars into the needs of the homeless, because we cannot do it alone, HUD and these McKinney program are just not sufficient in funding or capacity.

The local governments and the nonprofits, are working on overload, they are working on overload, they have too much being placed on them these days, and need the type of support we have proposed here. But we have to do it in a partnership, which we are trying to do in this bill, and which I know can and does work. The Interagency Council on Homelessness is reestablished in this bill, trying to get our Federal agencies to work collaboratively and cooperatively together.

Mr. Speaker, it should be clearly understood that this program the McKinney funding has helped and transitioned many literally 100,000 of homeless back into the mainstream of our society, the problem is that those falling between the cracks of our social nets and onto the streets continues and the McKinney law and act is more needed today that ever.

This is a good bill. I hope my colleagues all vote for it and it passes this House with a resounding yes vote.

Mr. Speaker, as I rise today in support of the Homeless Housing Programs Consolidation and Flexibility Act, I want to recognize the Democratic and Republican staffs for their work in building a compromise bill for us that has been helpful and permits us to be here today that will authorize a billion dollars annually for HUD homeless assistance through FY2002. I testified in front of the Subcommittee on Housing last June in favor of some changes to the Chairman's bill, H.R. 217—changes that would incorporate some of the policies embodied in my McKinney reauthorization legislation, H.R. 1144. I am pleased to note for the Members here this afternoon that many modifications and improvements have been made to address my concerns, the concerns of Mr. KENNEDY, HUD and others.

Members may be aware that as an original author of the McKinney Act in 1987 and sponsor of the legislation to assist the homeless since 1982, I have an intense interest in how we restructure the HUD McKinney programs. I look forward to continuing to work with the Chairman to move this legislation forward and would point out that this measure has always been a bipartisan effort: First, Congressman Chalmers Wylie of Ohio and myself in 1981; second, honoring Congressman Stewart McKinney in 1987; and third, restructuring the programs in 1994 with Congresswoman ROUKEMA. Today, we continue in that vein with this bill, H.R. 217, which authorizes a significant increase over this year's budget—an increase in outlays of $121 million in FY1999, $195 million in FY2000, $364 million in FY2001, $667 million in FY2002, and $784 million in FY2003. Hopefully, we will follow through with the appropriations that would provide these specific increases that will total a billion dollars a year to assist people who are homeless.

For the record, let me briefly recite some of the history behind the consolidation of McKinney programs. Almost since their inception, there were calls for simplification of the HUD McKinney programs and for a change from the competitive nature of the programs to a formula allocation block grant. Attempts to alter the nature of the funding allocation, however, were not successful in Congress until 1994, in part, because of the opposition of many Members, including myself, on the Banking Committee who felt strongly that block granting would spread the limited McKinney dollars a mile wide and an inch deep and the fact that the programs and innovative ideas ought to have an opportunity to demonstrate their effectiveness. Moving to a block grant earlier essentially would have defunded these programs.

In 1994, however, we began to work on a bipartisan basis with the special efforts of the Administration to restructure the HUD McKinney programs into a block grant with some important features. We were successful in passing that rewrite in the omnibus housing bill that was approved by the House, but never finalized into law. Key among those were two features: One a trigger point for reverting to competition so that if appropriations were to be too low, the funds would not be piece-mealed beyond the point of usefulness to entitlement communities. Two, the legislation maintained permanent housing through the Section 8 SRO program as a separate and distinct program. Such a separate permanent housing component creating SRO or other housing, is necessary for production that is less likely to take place in a formula allocation because of the higher capital needs and recurring costs on an annual basis.

In this measure before us, H.R. 217, a couple of important compromises and changes were made through the legislative process from my standpoint. First, H.R. 217 maintains a national competition for the permanent housing activities which include activities to construct, rehabilitate, or acquire permanent housing structures. These activities can also include the capitalization of a dedicated project account from which long-term assistance payments, such as operating costs or rental assistance, can be made in order to facilitate permanent housing for the homeless. In addition, the Committee agreed to allow up to 35% of the funds available for the competition to be used as if under section 441 of the McKinney Act as in effect on October 31, 1997. That is, Section 8 Moderate Rehabilitation for SRO housing can still be produced under the national competition for the McKinney permanent housing program with a cap of no more than 35% of the funds. This was included through a successful amendment that I offered in the Committee and I am appreciative of the support of the Chairman for such amendment. Every study and statistic I've seen on the topic of homelessness is related to the lack of affordable housing and the need to establish permanent housing for homeless people.

As before, the Committee specifically chose not to consolidate permanent housing activities into the flexible block grant. First and foremost, in providing a separate competitive funding mechanism for these programmatic activities, the Committee is assured that housing dollars are producing housing. Secondly, the ebb and flow of funding needs for permanent housing development is such that communities may need large funding amounts in one year and little or nothing in other years. Conversely, if funds were to be allocated for permanent housing under a block grant, many entitlement jurisdictions would never receive sufficient funding to engage in permanent housing projects with or without supportive services because the intense up-front funding needs for permanent housing would completely deplete the formula allocation of a jurisdiction in one funding year. A national competition that still assures projects are tied to local needs and plans will facilitate a more effective allocation of housing resources.

Second, the bill envisions that to meet the matching requirements for the federal funds that a community can choose between a 1:1 match that allows volunteer services to be counted, or a 1:2 match that does not permit volunteer services. Thus this measure incorporates a 1:1 match that I strongly support. It will continue to allow non-profits to use important volunteer services as match. We should, in my judgement, encourage volunteer participation and recognize its value.

Thirdly, the bill includes a reauthorization of the FEMA Emergency Food and Shelter program that is authorized in Title III of the McKinney Act. This is a proven and popular program in the Banking Committee's jurisdiction that needs to be reauthorized, but doesn't require programmatic changes. This is a tremendous program that continues to provide great help nationwide for shelter and emergency meals. I would hope we could in the future work together to increase the level of funding for this key program that works so well with the national and local charities.

Fourth, the bill re-empowers the Interagency Council on the Homeless, the chief interagency body for federal assistance for persons who are homeless. It calls for rotating chairs of the Council and sets aside money from the overall McKinney Title IV appropriation in order to fund the Council. This is imperative in order to facilitate deliberations, coordination and needed improvements to our homeless assistance programs.

Mr. Speaker, we began to work on a bipartisan basis with the special efforts of the Clinton Administration to restructure the HUD McKinney programs into a block grant in 1994. Today we pick up on that effort and will hopefully move the idea forward toward the objective. H.R. 217 consolidates most of the programs, affords citizen and community involvement in the planning process, and maintains a competition for the permanent housing component.

I recognize the new concerns of the Department of Housing and Urban Development, and hope that the discussions around our policy differences will continue to strengthen the programs as we work toward enactment of a McKinney reauthorization. I want to comment the Secretary and his staff for their vision and hard work toward improving the administration of the McKinney programs as they exist today so that communities and persons who are homeless are better served. These McKinney programs work by being pro-active. Unfortunately, the number of homeless persons: men, women and children, continues to mount. Hopefully the root causes of homelessness, both economic and social, will be addressed to correct this crisis. But until that occurs to a greater extent, we must assist and reinforce the local governments and non-profit sector that attempts to cope and meet the needs of people who are homeless in our nation. This reauthorization of the McKinney Act will do that.

I again commend the Chairman for working with us on this bill. While the bill may not be the bill I would construct if left to my druthers, overall it is more than acceptable to me and I encourage Members to support H.R. 217 on passage.

Mr. LAZIO of New York. Mr. Speaker, I yield 3¼ minutes to my friend, the gentleman from Delaware (Mr. CASTLE), the distinguished former Governor of the State of Delaware and a member of the Committee on Banking and Financial Services.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I very much appreciate the opportunity of speaking to this. I think what the gentleman from New York (Chairman LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) have done on this, as well as the gentleman from Massachusetts (Mr. KENNEDY) and the gentleman from New York (Mr. LAFALCE), I think the work on this has been tremendous. It is strong leadership indeed for a compassionate, imaginative and common sense style reform legislation.

Under the current system, about three-quarters of Federal homeless funds are spent on emergency homeless shelters in supportive services. The bill in front of us, H.R. 217, encourages communities to focus HUD homeless funds on affordable housing, which will give homeless persons a chance to become productive members of our society.

To a homeless person, permanent housing means safety and security that cannot be found in homeless shelters. Safety and security are important foundations on which a homeless person can rebuild his or her life.

For too long, HUD has been the 911 all-purpose agency for homeless issues. In the course of trying to provide services HUD should not be providing, HUD has overcommitted its McKinney Act homeless funds. This unbalanced distribution of funds has left longstanding successful homeless programs without the funds to operate. It has happened in every State to one degree or another, but let me share with Members Delaware's experience.

Under the current system, the McKinney homeless funds are distributed through a national competition. As was the case for Delaware in fiscal year 1998, if an applicant fails to meet the cutoff point, the State and all its homeless programs must scrape to find funds to operate that year.

The Ministry of Caring is a Delaware nonprofit homeless provider that raises half of its support from private sources and relies on State and Federal funds to provide the remainder. In Delaware the name "Ministry of Caring" is synonymous with quality, compassionate housing and services for the homeless.

The Mary Mother of Hope House and Samaritan Outreach Program are two homeless programs the Ministry of Caring may have to close this year, because its application fell two points shy of HUD's cutoff in last year's grant competition due to a drafting error over which the Ministry of Caring had no control.

While some may think a national competition for grant money distributes homeless funds to the most deserving programs, the fact is that it produces tremendous inefficiencies. Each year, a homeless program faces the dilemma of whether it will receive a lot of Federal funds or none at all. This prevents these programs from engaging in efficient, long-term planning, and encourages them to overstate their need.

Furthermore, as was the case with the Ministry of Caring, if HUD spent funds in the past to help build houses for the homeless, its investment and your tax dollars go to waste when there are no funds to operate the program. With H.R. 217, each State is assured a minimal level of funding each year the programs can take into account when planning for the long run. At the same time, H.R. 217 reserves 25 percent of the McKinney funds for a national competition, so those programs which are most deserving can still compete for additional funds.

This is just another example of how the Homeless Housing Programs Consolidation and Flexibility Act takes the best features from existing programs, and eliminates wasteful incentives and duplicity in the current system. I encourage my colleagues to support this legislation.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support the bill and I agree there are working poor, women and many people who are now homeless. I want to remind the Congress of the United States that there are veterans who are homeless as well.

I passed an amendment to H.R. 2 that requires that a housing counseling 45 day notice be given by the banks when a delinquency rate is met, and I wanted to have that put in this bill. But I have the assurances of the chairman that H.R. 2 and my language that would require that VA loans and veterans would also get that 45 day notice, be kept in that bill.

Mr. Speaker, I want to remind Members that money itself will not solve the homeless problem. We must leverage private sector money and we must move towards competitive employment opportunities for underemployed people.

It is not just destitute sick people on our streets. Many of them are underemployed and do not have an opportunity for gain.

So, Mr. Speaker, I commend the gentleman from New York (Chairman Lazio) for a great bill. I think it is a dynamic young subcommittee. The gentleman is doing a great job. I want to keep my language, and I want that passed on so my housing counseling program would also be available to the veterans of our country, and they would get a notice and the accompanying protections that are afforded in other type loans.

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Mr. LAZIO of New York. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Speaker, I want to thank the gentleman for being a tireless advocate on behalf of veterans and to let him know that he has my personal commitment that we will look for a vehicle in which to address the gentleman's concern, because his concern is my concern.

Mr. TRAFICANT. It is in H.R. 2. I want to keep it there.

Mr. LAZIO of New York. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. Stearns).

Mr. STEARNS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, studies indicate that anywhere from 500,000 to 3 million American men and women are homeless in any given day. That is a very troubling problem, and I commend the work being done by the gentleman from New York (Mr. Lazio) and all the Members of the House subcommittee for what they are doing to correct this. I applaud their efforts in bringing H.R. 217 to the floor, the Homeless Housing Programs Consolidation and Flexibility Act we have today.

I would like, however, to urge that we also focus much more attention on the largest group of these homeless individuals. This sort of ties in with the comment of the gentleman from Ohio (Mr. Traficant). It is shocking to realize that veterans of services in our Armed Forces represent approximately one-third of all homeless men. Provisions of H.R. 217 do acknowledge the plight of veterans among the ranks of the homeless, but while this bill is a good start, we really must do more for our veterans.

Mr. Speaker, during the 103rd Congress, the House Committee on Veterans' Affairs initiated and the Congress adopted a sense of the Congress regarding funding to support homeless veterans.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I just wanted to commend the gentleman from Florida (Mr. Stearns) for his concern about the homeless veterans. As we both serve on the Committee on Veterans' Affairs, it is also appropriate for us to take those concerns, I think, on to this new budget that we are going to be discussing in the Committee on Veterans' Affairs over the course of the next few days and to bring this up, because that is one of the accounts in the Committee on Veterans' Affairs budget that has been terribly underfunded this year. So I would like to work with the gentleman on trying to make sure we put some money into that bill as well.

Mr. STEARNS. I commend the gentleman from Massachusetts for his comments. I would be very happy to work with him. The gentleman has been very active in this area, and I think he is one of the leaders here in Congress on behalf of the homeless veterans.

Mr. Speaker, the measure that I am thinking about called for substantially increasing the funding for organizations that provide assistance primarily to homeless veterans, so that their share more closely approximates the proportion of veterans in the homeless population. This is a goal I think we need to keep in our sights and work hard to achieve.

As a member of the Committee on Veterans' Affairs and chairman of the Subcommittee on Health, I have seen firsthand the kinds of problems that lead to homelessness among those who have sacrificed for this country. I support H.R. 217 but urge this body to do more to assist those organizations which have targeted their efforts primarily at veterans.

In passing, and in part of reference, I wish to add my feelings on this on a personal matter. Many of these homeless populations are down on their luck. I know that is true. They have had problems with their health. There is something else that is occurring here, however. Many of the homeless have learning disabilities that make it very difficult for these persons to retain and keep a job, a job that is above minimum wage.

So in the future, I hope Congress will look at the impact of learning disabilities on homeless veterans and see what we can do to help them in the early stages, so they do not end up as part of the homeless population.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 1½ minutes to my good friend, the gentlewoman from Florida (Mrs. Meek).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, to the good chairman, the gentleman from New York (Mr. Lazio), and the ranking member, the gentleman from Massachusetts (Mr. Kennedy), I think I will be the only one here in the House today to speak against or in opposition to the bill. It is a very hard thing to do, because of my respect for these two gentlemen and the work that they have done here in the House on housing.

Mr. Speaker, we want all the homeless to be helped, but imposing the same Federal mandates for the entire country may not be the best way to do that, and I am hoping the committee can look at this a little bit further as this bill goes through and goes to the Senate.

I include for the Record a letter from the HUD Secretary, Andrew Cuomo, a letter from the mayor, Alex Penelas, and a letter from the head of my housing foundation, Alvah Chapman, in the Record opposing the bill in its current form.

The letters referred to are as follows:

U.S. Department of Housing
and Urban Development,
Washington, DC, February 25, 1998.

Hon. Rick Lazio,
Chairman, Subcommittee on Housing and Community Opportunity, Committee on Banking and Financial Services,
Washington, DC.

Dear Mr. Chairman: Thank you for your letter of January 26, 1998, concerning the Department of Housing and Urban Development's position on current homelessness assistance legislation being considered by the House of Representatives. The Department is proud of the progress we have made through our homeless initiatives in recent years. Our results are clear: Because of better coordination with local governments and comprehensive local planning, significantly more homeless persons are being helped, the capacity of non-profit providers has been enhanced, and substantially more non-HUD funding has been leveraged to address the problem of homelessness.

Policies implemented by HUD in recent years have eliminated the Federal top-down approach which resulted in a fragmented array of housing and services. In place of this failed approach, HUD has instituted the Continuum of Care which awards homelessness assistance funds based on comprehensive locally-developed plans and priorities crafted by a broad cross-section of community stakeholders, including housing and service providers, government officials, the business community, the faith community, and homeless and formerly-homeless people.

The Department's position is that H.R. 217 would compromise this success in several ways. First, whereas the current system allows local control and community design, H.R. 217 would impose top-down Federal mandates. The mandatory set-aside for permanent housing would limit a local community's flexibility to meet the needs it identifies as priorities. The permanent housing set-aside establishes an additional process and stream of funding. HUD has worked diligently to provide communities with a single process with a single stream of funding. This process currently allows communities to fund essential permanent housing and does not limit the percent of dollars spent on permanent housing.

A second Federal mandate in the proposed legislation is the 35 percent services cap. This mandate would once again limit a community's flexibility to design its own programs and approaches to addressing homelessness. If a community exceeds this cap, H.R. 217 would impose a monetary penalty by increasing the local match requirement. We do not believe local flexibility should be constrained, or a locality penalized for meeting its priority needs.

Our third concern is that homelessness assistance providers input and involvement in designing the locality's system is not sufficiently engaged in H.R. 217. HUD's legislative proposal uses the Consolidated Planning process to ensure and protect not-for-profit and provider involvement in local homelessness assistance planning efforts. We do not believe the provisions of H.R. 217 ensure a balanced community process. The Department believes critical elements of local Continuum of Care planning must be explicitly included in any homelessness assistance legislation in order to establish a necessary balance between local government's submission and homeless provider inclusion.

Finally, our proposal is not designed to be a block grant but rather a performance grant. A synthesis which provides for the formula-based distribution of a block grant and the performance mandate of a competition. We believe strongly that such an approach ensures an equitable distribution of funds while protecting taxpayer's investment in efforts to address homelessness.

In sum, we believe the current community-driven process is preferable to an approach which would limit local decision-making and priority-setting by reestablishing Federal mandates.

We would still support a legislative solution if it removed the 30 percent permanent housing mandate, 35 percent supportive services cap and monetary penalties, and more clearly protected not-for-profits and homelessness providers involvement in the Consolidated Planning and Continuum of Care process.

Thank you for your continued efforts to address the pressing needs of our nation's poor and homeless citizens. I look forward to working with you in the coming months to strengthen our mutual efforts to address these issues.

Sincerely,

ANDREW CUOMO.

METROPOLITAN DADE COUNTY,
STEPHEN P. CLARK CENTER,
Miami, FL, February 27, 1998.

Hon. Congresswoman CARRIE P. MEEK,
Washington, DC.

DEAR CONGRESSWOMAN MEEK: On Tuesday, March 3, 1998, the House of Representatives will consider legislation that will greatly impact homeless assistance funding and the innovative programs that have made Miami-Dade's homeless strategy a national model. The proposed H.R. 217, under the sponsorship of Representative Rick Lazio, seeks to consolidate most homeless funding into a block grant formula. This legislation was introduced in an effort to reduce the Federal "top-down" approach which in past years resulted in an uncoordinated homeless housing and service delivery system. Most recently, however, U.S. HUD has required local communities to coordinate their efforts to fill their needs and gaps. Communities such as Miami-Dade have been able to design successful programs using the competitive funding formula, which has given our community the flexibility to direct funds to meet locally identified needs.

In addition to compromising this most recent successful approach, the proposed legislation has other elements that concern our local community, and would impact the effective and efficient delivery of services to our homeless citizens. In particular, H.R. 217 is intended to provide local control of funding through a block-granting approach. In effect, however, this legislation includes Federal "top-down" mandates, such as mandatory set-asides for permanent housing and a cap on funding for supportive services. These mandates would limit our community's ability to develop strategies specific to address our community's needs. Under the current approach, our community has competitively received over $70 million in federal funds to implement innovative programs. Complimented by a public/private partnership that has raised an additional $24 million, more than 4,000 new beds have or will be created for homeless families and individuals.

As we understand, U.S. HUD has indicated it will no longer propose a block-grant driven funding plan and has eliminated this concept from their appropriations request. The U.S. HUD Secretary has expressed concern with the legislation as it is currently proposed. We are equally concerned as it would un-do the significant local efforts that have helped so many.

We support the current U.S. HUD funding process and would urge you to consider the significant adverse impact that H.R. 217 would have in allowing us to serve the neediest of our community.

Sincerely,

ALEX PENELAS,
Mayor.

ONE HERALD PLAZA,
Miami, FL, March 2, 1998.

Hon. CARRIE P. MEEK,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN MEEK: On Tuesday, March 3, 1998, the House of Representatives will consider legislation that will greatly impact homeless assistance funding and the innovative programs that have made Miami-Dade's homeless strategy a national model. The proposed H.R. 217, under the sponsorship of Representative Rick Lazio, seeks to consolidate most homeless funding into a block-grant formula.

I oppose this approach!!

Communities such as Miami-Dade have been able to design successful programs using the current competitive funding formula which has given our community the flexibility to direct funds to meet locally identified needs!

Under the current approach, our community has competitively received over $70 million in federal funds to implement innovative programs. Complemented by a public/private partnership that has raised an additional $24 million, more than 4,000 new beds have or will be created for homeless families and individuals.

I am told that the U.S. HUD Secretary has expressed concern with Lazio's approach to this matter and does not support H.R. 217.

I support the current U.S. HUD funding process and would urge you to consider the significant adverse impact that H.R. 217 would have in allowing us to serve the neediest of our community.

By now, you have received a February 27 letter from Mayor Alex Penelas stating his position in opposition to the Lazio approach (H.R. 217). I completely support the Mayor's view on this.

We have worked very hard to build a system of care for the homeless in Dade County and H.R. 217 would do much to undo our accomplishments.

Sincerely,

ALVAH H. CHAPMAN, JR.,
Chairman, Community Partnership for Homeless, Inc.

Mr. Speaker, I am hoping this will be a strong enough mandate so we can look at this a little further. This bill consolidates the seven existing homeless programs into one new program, with 75 percent of the Federal funds going to a new block grant program and 25 percent going to competitive permanent housing grants. The bill also imposes new mandates on the use of these funds, and takes away the flexibility from counties like Dade and some of the other counties that are using innovative approaches to really develop their housing programs.

They have done a very good job with this. I hope the Senate and the committee will look at this, and I hope they will be able to add more flexibility to this good bill.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I ask unanimous consent to extend the debate time by 2 minutes on each side, because I would like to make sure that the gentlewoman from Florida (Mrs. MEEK) has the full debate time. She asked for 2 minutes and I only had 1½ minutes.

Mr. LAZIO of New York. Mr. Speaker, I would join in that.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Florida (Mrs. MEEK) is recognized for an additional 30 seconds.

Mrs. MEEK of Florida. Mr. Speaker, if we were to keep these restrictions, it would have a very bad impact on the county. We have developed a very strong public-private partnership under the people there in the county, like the mayor, and certainly $70 million in Federal funds in Dade County have been joined with $24 million in local funds, and we were able to create 4,000 new beds for the homeless families and individuals.

My point is we need more flexibility so we can apply a stronger public-private match within our local communities. This bill would help the delivery of services, particularly supportive services, to these homeless citizens.

Mr. LAZIO of New York. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman yielding time to me.

Mr. Speaker, I want to say with tremendous gratitude that my predecessor, Stewart B. McKinney, cared deeply about housing issues and the provision of housing for people in need, particularly the homeless. I appreciated Congress' desire to name the McKinney Act after him, and am very supportive of what the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) have done in consolidating seven programs into a single block grant, with emphasis on permanent housing and coordination among other agencies to leverage necessary supportive services and greater local flexibility.

I strongly support the bill's focus on permanent housing and supportive services to help homeless families find and keep a permanent home. I appreciate the recognition on the part of this Congress that the McKinney Act is a very important part of our homeless effort, and that this act remains intact under his name.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I have no problems with this bill. I have everything positive to say about it. It is a terrific bill. It is exactly what we need to do.

One of the even more compelling parts of it is the fact that our ranking Democrat and our chairman are both in agreement. I know communities all over the country are going to be in agreement with what we are doing here, and most importantly, we are going to be freeing up resources that are currently spent on administrative costs to be spent on improving the lives of homeless people so they can live lives of greater dignity.

It is a good bill. I am glad it is going to get unanimous support in this body. I thank the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts for yielding time to me, and I thank the gentlemen from Massachusetts and from New York for the creativity and thinking on legislation that is very near and dear to my heart.

In the many times we come to the floor of the House, sometimes it is not our place to give personal stories and anecdotes, but let me say in the city of Houston I have spent time under the bridges with homeless persons. I have spent time in the homeless shelters, I have seen the shanties that are built right here in the United States of America, confronting our homeless citizens, dealing with the crisis of homelessness.

What I would say, Mr. Speaker, is that this is a step in the right direction. It is particularly a step in the right direction because of the fact that it coordinates the needs of our homeless veterans. I spend many a day in the veterans' hospitals talking to those who are now hospitalized, and as well, dealing with homeless veterans on the streets.

In fact, I participate in what we call "Standdown" in Houston, where we go out and bring services to our homeless veterans. If there was ever a greater sacrifice than those who have served our country in the military, it is coming home to be a homeless veteran. So I thank the committee for the leadership in coordinating with the Veterans Administration in dealing with those persons who are veterans and homeless, as well as the opportunities for housing for our women and children and other homeless persons.

Let me say, however, that I would like to add my concern and hopefully expression of interest in working with the committee, although I am not on the committee, on issues reinforcing the continuum of care, looking again at the caps and requirements and the suggestions on where the local communities use their funds.

We are all different, and years ago Houston had one of the highest homeless rates. We still have 10,000 persons on the streets. I know there are many ways we confront those questions.

I would simply say to both the chairman and certainly to my good friend, the gentleman from Massachusetts (Mr. KENNEDY), who has been so much in the forefront of this issue, if they would allow me to have continued input on how this may impact some of our local communities I would appreciate it. I think we are going in the right direction. Anytime we can help cure the disease of homelessness, I think we are going in the right direction.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, let me again congratulate the gentleman from New York (Mr. LAZIO) on an excellent piece of legislation. I want to thank the staff on the Republican side for their efforts, and I would also like to thank both Angie and Rick on the Democratic side for the efforts they made, and particularly to Scott Olson, who has worked very hard on this piece of legislation.

In my final comment, Mr. Speaker, I just would hope that the gentleman from New York and I could agree to take the next stage of this fight to the Committee on Appropriations with, I hope, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE), to make certain that the Committee on Appropriations now follows through on the $1 billion request that has been unanimously asked for by the Committee on Banking and Financial Services, and I hope by the body as a whole.

Again, I want to congratulate the gentleman from New York (Mr. LAZIO), wish him the best, and hope we have more opportunity to work together in the future.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by emphasizing to the gentleman from Ohio (Mr. TRAFICANT), to let him know publicly that I am committed to his counseling notification provisions in H.R. 2, and that I will work hard to make sure it is part of the final product that is moved through conference and hopefully to enactment.

I am confident that H.R. 2 will come to fruition this year, and if need be, we will look for other vehicles in order to address the gentleman's concern. I want the gentleman to know that. I respect him for his unwavering interest in this particular issue.

Let me also thank once again so many people, Mr. Speaker, who helped make this possible: The gentleman from Florida (Mr. CANADY), who was truly a friend to the process, who worked with us and the staff, and on the Democratic side, the gentleman from New York (Mr. LAFALCE) and the gentleman from Texas (Mr. GONZALEZ), and our side of the aisle, the gentleman from Iowa (Mr. LEACH), and many of the speakers who have been here and spoken on behalf of this bill.

Let me particularly thank, Mr. Speaker, the many thousands of Americans that every day get up to serve the homeless. It is I think a very foreign thought for many of us who we have been blessed to grow up in more affluent areas and with families that have been intact and nurturing, to imagine that so many of our neighbors could live out on the streets in some of the coldest days of the year, not just adults but people who are elderly, young children, suffering on the streets and outside. It is not part of an America that I envision for my children or for their neighbors or for Americans in the next generation.

□ 1515

I think we have before us the makings of a solution to the problems. One of the frustrations that we have in the Federal level, I think, is that we so often see the solutions, we know what they look like. In this case we know that community-based solutions work.

We know that flexibility and creativity needs to be rewarded. We know that reciprocity works. We know that the services that help those people who were disabled because of mental illness or physical disability or because of drug addiction or alcoholism, that those do not go away without some support and some help. And we know with help and with support that people can make it to independence and self-sufficiency.

That is the name of the game, Mr. Speaker. It is not just to maintain people, but to help them transform to self-sufficiency; helping them to achieve a quality of life that we would want if somebody on the street were a member of our families; that we care enough to make the effort to support the people, the advocates, the people that manage homeless programs throughout America.

Mr. Speaker, we also know that we can do this in a more cost-effective way. We know that throwing money at the problem alone will not solve it. We know that we need to be value-oriented, that we need to have a sense of success. We need to define success and we need to hold ourselves to that standard. This is important work. This is about saving families and seniors and adults, people that can be saved if we make the effort.

So, Mr. Speaker, I ask my colleagues to support this important legislation, a product born of input from many, many people, people that will not necessarily make the evening news or the front page of the newspapers but nonetheless contribute to their neighborhood in a very important way. Mr. Speaker, I ask my colleagues to support this important bill to help the beginning of the end for the homeless.

Mr. BARR of Georgia. Mr. Speaker, in my home county of Cobb Georgia we have seen first hand the problems associated with the Federal Government controlling the purse strings.

In one case, due to a misunderstanding between the national HUD office and the Regional office Cobb County has been made to suffer.

In a circumstance where Cobb county should have received upwards of six hundred thousand dollars to benefit the homeless. Instead only one project worth eighty one thousand dollars were approved.

In a recent letter to Speaker GINGRICH, the Cobb County Community Development Block Grant Program wrote the following:

> We do not understand why HUD chose to ignore the needs of the sizable homeless population in Cobb County, particularly when local organizations have done such a good job of carrying out local planning and coordination in compliance with HUD's stated objectives for the Continuum of Care process. Nor do we feel that HUD has been candid in explaining why the project was not funded.

Mr. Speaker, H.R. 217 consolidates the seven existing homeless programs under HUD and requires all Federal departments and agencies to coordinate homeless assistance. Wasteful duplication is eliminated and resources are directed to those that need them the most.

H.R. 217 also provides incentives for communities to confront homeless issues comprehensively. It emphasizes the importance of partnerships among the variety of non-profit developers and service agencies in dealing with the special needs of homeless persons.

Mr. Speaker, by consolidating these programs into block grants we can help give state and local governments the ability to fight the problem of homelessness in a much more efficient manner. In the end, H.R. 217 will ensure a better use of tax payer dollars and better care for the homeless.

Mr. CAMPBELL. Mr. Speaker, I am pleased to rise in support of H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act. The homeless crisis continues to be a serious and growing problem, and this legislation addresses it with common sense and compassion.

Through passage of H.R. 217, Congress is recognizing the simple but unassailable principle that no one should live and die on the streets. This legislation takes a number of steps that Congress can and should take to attack this problem. For starters, we provide for more effective delivery of McKinney Act Homeless Assistance programs—programs which give direct assistance just to the homeless. This bill consolidates the seven existing homeless programs under HUD and requires better federal coordination of all homeless assistance. It also provides incentives for communities to confront the homeless problem at the local level, where the decisions are the best-informed. Non-profit developers and service agencies will be given the tools to work together in dealing with the special needs of homeless persons.

The bill provides for the better value in federal homeless spending while making our most vulnerable population more self-sufficient. Instead of the more expensive and less effective approaches of the past, we are able to focus more attention on a coordinated, long-term vision for the homeless with concrete results. There is simply no reason to fail in providing shelter, whether permanent or temporary, to people who have nowhere else to turn. Our homeless population, often trapped in a cycle of hopelessness beyond its control, deserves an innovative response from Congress. I applaud Chairman LEACH, Chairman LAZIO, Congressman VENTO, and Congressman KENNEDY, as well as a bi-partisan coalition of concerned Members, who have worked hard to move homeless assistance policy into the next century.

Mr. LAZIO of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 217, as amended.

The question was taken.

Mr. LAZIO of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 217.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

SAM NUNN FEDERAL CENTER

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 613) to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the "Sam Nunn Federal Center," as amended.

The Clerk read as follows:

H.R. 613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, shall be known and designated as the "Sam Nunn Atlanta Federal Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Sam Nunn Atlanta Federal Center".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 613, as amended, designates the Federal building located in Atlanta, Georgia, as the "Sam Nunn Atlanta Federal Center."

Sam Nunn was born September 8, 1938 in Houston County, Georgia. He received his undergraduate degree from Emory University in 1960 and also his law degree in 1962. During this time, he served in active duty in the United States Coast Guard from 1959 to 1960 and then remained in the Coast Guard Reserve until 1968.

Sam Nunn served in the Georgia House of Representatives from 1968 until 1972. He was then elected to fill the vacant Senate seat of Richard B. Russell and was reelected to the seat for four consecutive terms.

In the Senate, Sam Nunn earned the respect of his colleagues for his extensive work and knowledge of defense matters and his expertise on NATO, nuclear weapons, and other military manpower. From 1987 to 1995, he served as Chairman of the Armed Services Committee of the Senate. Through his position on the Armed Services Committee, Senator Nunn was a vocal advocate of a strong national defense and unwavering in his support for our men and women in uniform.

The designation of the Federal building in Atlanta in honor of Senator Nunn is a fitting tribute to a distinguished public servant. I support this legislation and urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise with great enthusiasm to support this bill introduced by the gentleman from Georgia (Mr. LEWIS), my friend, who recognized the outstanding contributions of former Senator Sam Nunn.

He was elected in 1972, as stated earlier by the gentleman from California, and he quickly became one of the leading figures in all of American Government and is still recognized as an international expert on economic policy, national security affairs, and certainly defense issues as they relate to America and the world.

Senator Nunn was one of the most respected Senators we have ever had. He was known for his bipartisan efforts, a strong work ethic and working style that made things happen, and such an immense grasp of very complex foreign issues that he many times helped to mitigate problems that were developed therein.

He was also respectful of his office and he never tried to waste the taxpayers' dollars.

Mr. Speaker, I want to make a statement here. When I was chairman of the Subcommittee on Public Buildings and Economic Development, this committee, I opposed this building that is now being named for Senator Nunn. We opposed it because it was going to be leased for 30 years at a cost of $3 billion without any owner equity for the American taxpayers at the end of that term. The gentleman from Tennessee (Mr. DUNCAN), my good friend, and I would not allow that.

This project was constructed, I believe, on a time schedule with a savings of almost half a billion dollars to the American taxpayer. That is fitting for the legacy of the man for whom this building now shall be named, Senator Nunn. I am proud to rise and support the gentleman from California (Mr. KIM).

Mr. Speaker, I reserve the balance of my time.

Mr. KIM. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for his kind comments about my good friend and constituent, the Honorable Sam Nunn.

Senator Nunn distinguished himself not only in this body that we serve in now, the United States Congress, but from his early days as an All State basketball player at Perry High School in Perry, Georgia; through his days of law practice in Perry, Georgia; and through his days of service to the State of Georgia in the House of Representatives and of course his days in the United States Senate. He is now distinguishing himself as a very fine lawyer in Atlanta, Georgia.

Mr. Speaker, it was about 25 years ago along about this time of the year that a fellow walked into my coffee club in Bull's Restaurant in Moultrie, Georgia and introduced himself as Sam Nunn and said he was running for the Senate. Nobody knew who Sam Nunn was in our part of the world at that time. In fact, I myself was supporting another Democratic candidate in the Democratic primary. But it was not long until everybody in the State recognized the qualities of the young man from Perry, Georgia. He went on to get the nomination and of course to win in the general election in November, and he served 24 years with honor in the United States Senate.

Sam Nunn succeeded another honorable man, the Honorable Richard B. Russell, and Sam always admired and was inspired by the service of Senator Russell and looked up to him in a way that a lot of us now look up to the service that Sam provided to our State.

Sam was well-known, as the gentleman from Ohio said, on a number of issues, primarily in the area of national security and defense. But his ideas and his thoughtfulness on every single issue that came before the United States Senate was well thought out and well respected by his colleagues. In fact, Senator Nunn was way out front on the balanced budget issue before it was fashionable on the Hill to talk in terms of balancing the budget of this country.

Today he continues that fight. He serves as cochairman of the Concord Coalition, and one of the main points that he advocates is continuing to hold our feet to the fire to ensure that we do continue along the lines of balancing the budget of this country to make this country a better place for our children and our grandchildren.

Mr. Speaker, it is a great pleasure for me to rise today in support of this bill naming the Federal building in Atlanta, Georgia, after the Honorable Sam Nunn, my constituent, my colleague for 2 years, and most importantly, my friend.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS), sponsor of the bill and an outstanding leader on our side of the aisle.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman from Ohio, my friend, for yielding me this time, and I thank the gentleman from California (Mr. KIM) as well as the gentleman from Ohio for their work to help us honor Senator Sam Nunn, a fellow Georgian.

Mr. Speaker, I believe we all recognize the tremendous accomplishments of Sam Nunn and his service in the United States Senate. Sam Nunn was one of the true statesmen of that body and is a source of pride to all Georgia.

Since winning election to Congress in 1986, I have had many opportunities to work with Senator Sam Nunn on several issues, and often benefited from his experience, his counsel, and his support as we worked together.

Since his election to the Senate in 1972, Senator Nunn has served the State of Georgia with honor and distinction. Senator Nunn worked to become the Senate's foremost expert on national security and international affairs. Senator Nunn served 8 years as the chairman of the Senate Armed Services Committee and retired as the ranking Democrat on both the Armed Services Committee and the Permanent Subcommittee on Investigations.

Mr. Speaker, the naming of this building located in the heart of downtown Atlanta will be a fitting tribute to a great American and to a citizen of the world, Senator Sam Nunn. For these reasons, I hope that the Federal Center will soon bear the name of our former Senator and colleague, Senator Sam Nunn.

Mr. BISHOP. Mr. Speaker, I rise today as a cosponsor and supporter of this measure which would designate a building in downtown Atlanta as the Sam Nunn Federal Center. This is a fitting tribute to a friend who happens to be one of the great Georgians and great Americans of our time.

I am proud to have had the opportunity to serve with Senator Sam Nunn as a member of the Georgia Congressional delegation for four years. The benefit of his counsel and his friendship, is one of the great privileges that I have had in public life.

Senator Nunn has played a major role in shaping our times. He is, in fact, an historic figure. Our country is stronger and the world is freer and more secure because of his 12 years of leadership as Chairman and Ranking Minority Leader on the Senate Armed Services Committee. In fact, no one played a bigger role in building our modern military infrastructure than Senator Nunn—and that was one of the essential factors leading to the demise of communism and the global spread of democracy.

This native Georgian, an offspring of a Houston County farm family, followed in the footsteps of his uncle, Representative Carl Vinson, and legendary Senator Richard B. Russell, both longtime chairmen of their respective armed services committees who also made historic contributions to national security. He certainly did them proud. In carrying on their tradition, he won the admiration of his colleagues on both sides of the aisle and achieved international recognition for helping secure peace and freedom throughout much of the world. And he did it his way—not with conflict and confrontation, but through the exercise of quiet strength, deep knowledge, and thoughtful statesmanship.

While he will be most prominently remembered for his work on defense and national security, Senator Nunn did much more. He helped restore fiscal responsibility and efficiency in federal government, fought for land conservation and the environment, attacked drug abuse, and promoted a spirit of citizenship and patriotism in our state and across the country.

Again, I rise in strong support of this measure and I urge all of my colleagues to do the same.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of this bill, asking for an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 613, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, as the 'Sam Nunn Atlanta Federal Center'."

A motion to reconsider was laid on the table.

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the Senate bill (S. 347) to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the "Sam Nunn Federal Center" and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF SAM NUNN FEDERAL CENTER.

The Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, shall be known and designated as the "Sam Nunn Federal Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Sam Nunn Federal Center".

MOTION OFFERED BY MR. KIM

Mr. KIM. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIM moves to strike all after the enacting clause of the Senate bill, S. 347, and insert in lieu thereof the text of H.R. 613, as passed the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to designate the Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, as the 'Sam Nunn Atlanta Federal Center'."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 613) was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 613 and S. 347, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

☐ 1530

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE FEDERAL BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, today CBO or the Congressional Budget Office, the agency that is responsible for tracking revenues and expenditures of the United States Government on behalf of the House of Representatives and the Senate, released a new set of estimates. And it does verify that for the first time since 1969, we are going to have a surplus in fiscal year 1998. This is great news for America. The first time since 1969, I was a sophomore in high school, the United States Government spent less money than what they had in their checkbook.

To me when I came here 3 years ago, this was deemed an impossible dream. When we said we were going to balance the budget by the year 2002, people looked at us, yawned and basically said, we do not believe you, because they had made so many broken promises in the past. Today we stand here with final documentation and verification that in fact the budget is not only balanced, but we are running a surplus.

CBO, the scoring agency or the agency responsible for making predictions here in Washington, is suggesting that we have about a 5, maybe a $10 billion surplus. I would like to go a step further than that. I believe the surplus is much more significant than that. I believe that we will run a surplus in fiscal year 1998 in excess of $25 billion.

I think it is worth talking about where we are from a budgetary point of view, where we are going to and especially how Social Security fits into this overall picture because I have just spent days in Wisconsin where we were in about eight or nine different cities, and everyplace I went, the Social Security issue came up.

So I would like to begin with where we are today and how we got here. Then I would like to look at what we can do in the near future, and then I would like to look at the bigger picture of where we are going to.

I would like to start today by just taking a look at how fast and how rapidly the Federal debt facing our Nation has grown. What I have in this chart is I have a picture of the growing debt facing the United States of America. It can be seen that before 1980, the growth in this debt was pretty minimal. As a matter of fact, it is not quite a flat line, but it did not grow very much between 1960 and 1980. But from 1980 forward, the growth of the Federal debt is very, very substantial.

As a matter of fact, when I left the private sector, I had never been in office before, when I left the private sector, we were about here on this chart. I realized that if this growth pattern of Federal debt was not stopped, that our children did not have a very bright future in this great country we live in. So that is really the primary reason for leaving the private sector and coming in, was to change this picture.

Here today, if we had said a while ago that this was going to flatten out and it was going to steady out here and actually start coming back down because we are running a surplus, people would not have believed us. As recently as 3 years ago, when we looked at 1980, at the point at which the debt started growing dramatically in this country, all the Democrats blamed Ronald Reagan and all the Republicans blamed the Democrats for not being able to control spending.

Again, I would like to point out that the fact of matter is that we are here on this chart. It is not a Republican problem. It is not a Democrat problem. It is an American problem. The only way we can solve this problem is if we as Americans step forward and put forth solutions to the problems. That is what our last 3 years here in Washington have been all about.

For Members that have not seen how large this debt is, I would like to point out the number. We are $5.5 trillion in debt today. Translation: If we divide the debt by the number of people in the United States of America, the United States Government has literally borrowed $20,400 on behalf of every man, woman and child in the United States of America, or for a family of five like mine the United States Government has borrowed $102,000.

The real kicker in this picture is down here on the bottom line. This is real debt. Just like any other debt in the United States of America, interest is being paid on this debt. In fact, for a family of five like mine, I have got three kids and a wife at home, for a family of five like mine, we are paying $580 a month every month to do absolutely nothing but pay interest on the Federal debt.

When we think about a family earning $40,000 to $50,000 a year from Wisconsin or anywhere else in the great country that we live, when we think about that family being required to send in 580 bucks a month, an average family of five, to do absolutely nothing but pay interest on the Federal debt, it is a pretty staggering number. The amazing thing is people do not even realize they are paying all this money in. One dollar out of every six that the United States Government does absolutely nothing but pay interest on this Federal debt. One dollar out of every six the United States Government spends does nothing but pay interest on this debt.

When a family does something as simple as buy a pair of shoes for the kids and the family, they go into that store and they buy the pair of shoes. The store owner makes a profit on the sale of that pair of shoes to the kids, and when the store owner makes a profit on the sale of that pair of shoes, part of that profit gets sent to Washington, and of course what it does is nothing but pay interest on the Federal debt.

I emphasize that one dollar out of every six that the United States Government spends today goes to pay interest on the Federal debt. Let me put that a different way so it makes a little more sense. One dollar out of every six that the United States Government collects in tax revenue from our working families all across America, one dollar out of every six does absolutely nothing but pay interest on that Federal debt.

I think the question begs asking, how in the world did we get to this kind of a situation, where we are $5.5 trillion in debt, $20,400 for every man, woman and child and to a point where a family of five in America pays $580 a month to do nothing but pay interest on the Federal debt?

When we look back at this picture how we got here, I have a picture here of the Gramm-Rudman-Hollings Act, and most folks remember either the Gramm-Rudman-Hollings of 1985 or maybe the one of 1987, or maybe they remember the 1990 budget deal. When we look back in the past and how we got into this mess, time after time the people that were in Washington promised they were going to get to a balanced budget. This blue line on the chart shows the Gramm-Rudman-Hollings promise of 1987, but the one for 1985 is the same thing. They had a blue line that said they were going to balance the budget. 1987 is the one I have shown. The 1990 budget deal. They are all the same. This red line shows you what actually happened to the deficit.

The American people got very cynical looking at this picture time and time and time and time again. They had been promised a balanced budget, and it was not delivered by Washington, DC and by our government. So in 1994, the people looked at this picture and they said, we are really fed up with these broken promises. We need a change in Washington, DC 1993 was the year we had the biggest tax increase in American history. It was the year they looked at this picture and said, the only way we can solve this big deficit that remains out there, in 1993–1994, it was still $350 billion of deficit, that is, the government was spending $350 billion more than it took in, they looked at this picture and said, we know how to solve that. Let us go to the American worker. Let us take more money out of their pocket. That way we can maintain Washington spending, and while we maintain Washington spending, of course we will just collect more tax dollars from the American people. That was the 1993 solution. So it was the broken promises that led to 1993. That was the 1993 solution of raising taxes to solve this problem.

What we found out in 1993, what I knew all along because I was in the private sector working our tail end off, when we were in the private sector we did not want government to take more money from the people to balance the budget. That is not what we wanted. What we wanted was government to control their own appetite for spending, to reduce the size of Washington and lead us to a balanced budget, not by higher taxes, but by less Washington spending.

So in 1993, the people saw this picture. They survived the tax increase, 4.3 cents a gallon for gasoline. It was not even spent to build roads. It was put into social welfare programs, Social Security tax increase, marginal tax bracket increases. The taxes went up on virtually every American citizen in that 1993 tax increase.

So what did the American people do? This is America and a great country. The people in this country had the opportunity to change that, and they did in the 1994 elections. In the 1994 elections they saw their way clear to put Republicans in charge of the House of Representatives and the Senate for the first time in a long, long time, 40 years to be exact. Now we are 3 years into this changed group of people in charge of Washington or our government.

I think the American people ought to be asking the question, is there really any difference, or are these people the same, and are they breaking their promises like before? I would like to answer that question. When we got here in 1995, we laid out a plan again to balance the budget. We said we were going to get there by the year 2002. I have to be honest with my colleagues, what the people said, they yawned and they said, yes, sure. We will believe it when we see it. The time has come to believe it. We not only got the job done by 2002 as promised, we have actually hit our first balanced budget since 1969, 4 years ahead of schedule. We not only got the job done, I think it is very important in the picture form to see that the red line is now below the blue line; that is, we are outperforming what we said we would do as opposed to what happened before we got here.

It is a very, very different picture in Washington, DC Let me emphasize this once more. For the first time since 1969, for the last 12 months running, the United States Government spent less money than they had in their checkbook. This is a monumental accomplishment, and it has been done in 3 short years, well ahead of schedule, of what was initially promised in 1995 when we got here.

An interesting thing happens, when I am out in Wisconsin at a town hall meeting talking to our constituents about this. What happens is they go, hey, MARK, the economy is so strong, you politicians are taking credit and you couldn't have messed it up if you tried. The facts are the economy is very strong. Lots of extra revenue is coming into the United States Government because hard-working American families are busting their tail ends and being successful out there in the private sector, and of course the more income that they earn for their family, they send extra tax revenue to Washington. That is true, there is no question about it.

But that is not the end of the story, because between 1969 and today, there have been other time periods in this government where the economy was strong and extra revenue came in. And every time in the past when Washington got their hands on more revenue, they figured out exactly what to do. They spent it. And that is the difference.

I brought a picture here to help see that a little easier and clearer. In the past, every time the economy got strong and extra revenues started coming in, in the past every time that happened, Washington just spent more money so that we still did not balance the budget. That is why the budget has not been balanced since 1969.

This government was different. The people that came here and were put in charge in 1995 were different. NEWT GINGRICH, JOHN KASICH, some of the others that were here deserve a lot of credit for this picture; BOB LIVINGSTON, to mention another name. Before we got here, growth in spending and this red column shows you how fast spending was going up before we got here in 1995. In the face of this very strong economy with extra revenue coming in, the spending growth rate was reduced to 3.2 percent in our first 3 years. So you see in the face of this strong economy sending extra revenue to Washington, instead of increasing the growth rate of spending, this government saw fit to decrease the growth rate of spending.

It is a combination of the strong economy coupled with the reduced growth rate of Washington spending that has put us in the position where we have actually balanced the budget for the first time in 30 years. And we have done its 4 years ahead of schedule.

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It is this distance from here to here that has put us in this wonderful position where the budget is, in fact, balanced for the first time in 30 years and a tax cut has been provided for the first time in 16 years.

And I would just mention that a lot of folks say, well, we should not want to be cutting taxes until we get the debt paid off. We should not be cutting taxes, but then they put in a "because." I want to point out that the tax cut came about because instead of this blue column being way up here, the spending growth rate being the same as it was before we got here, by bringing that growth rate down to here, it provided money available to reduce taxes on working families all across America.

And does a tax cut matter? Sometimes I get out there and people start complaining that the tax code is so complicated they do not even understand the tax cut. Let me just walk through a couple of things that are very real to the folks in my district and to the folks all across America.

Let me start with the $400 per child. And, remember, when we talk about this $400 per child, it is less Washington, as seen in this picture. This distance from where this red column was, down to here, is less Washington, so these families can keep more of their own money in their own home.

A family with three kids, three kids under the age of 17 from Wisconsin, earning $50,000 a year in that family. Sounds like a lot of money? Well, $50,000 a year and three kids is not a lot of money. It goes very fast. That family, under the tax cut package that was passed last year, will keep $1,200 more in their own home instead of sending it out to Washington. Twelve hundred dollars is $400 per child more in the home instead of being sent to Washington.

I always ask the question out there, too, and I show this kind of chart and I say, look, we could have done more here in Washington. We could have spent more money and kept this blue column up here even with the red column so the spending growing was the same as it was before we got here. We could have done more in Washington. We chose instead to let families keep more of their own money. Then I ask if we had spent more in Washington, instead of doing the tax cut package for the families, 550,000 in Wisconsin alone get to keep more of their own money, if we spent more in Washington, would we do a better job in Washington of spending those families' money than the families would themselves? There is not a single person anywhere we have seen so far that would be willing to stand up and say the United States Government in Washington can do a better job spending those families' money than the families can.

I will give another example of a family from Wisconsin we had at a town hall meeting. They have one in college, a freshman in college, and they have two kids under the age of 17 still at home. For that family, under the tax cut package, and they are a middle-income family; they did not tell me exactly, but between 40,000 and 60,000 a year. That family with three kids at home, one in college, a freshman, and two kids under the age of 17 still at home, when they get a $400 credit on the bottom line for each of the kids still at home, that is $800 for the two kids.

And they get a $1,500 assist for the college tuition. Because in a middle-income family in America today, sending a child off to college is very, very expensive. So the tax cut package contained a provision that if a family has a child that is a freshman or sophomore in college, they can subtract $1,500 off of what they would have sent to Washington and keep it in their own home to help pay that college tuition.

So for this family of five that we are talking about, two kids at home under the age of 17, and a freshman in college, this family of five is going to keep $2,300 more in their home this year rather than send it to Washington. And again, when we ask a family like this do they really think Washington could have spent that money better than they can; do they think Washington could make better decisions on how to spend that money or do they think they can make those decisions themselves, we have not found anybody in Wisconsin that is willing to stand up and say send the money to Washington; we do not think we pay enough taxes, and Washington knows best how to spend it better than we do. That just does not make sense in Wisconsin, and I do not believe it does anywhere in this country.

So I am happy to be here to talk about the things we have accomplished. When we look to the past and see the broken promises of Gramm-Rudman-Hollings, promises repeatedly of a balanced budget that did not occur, and then we look to the past where they raised taxes to try to solve this problem, like in 1993, and then we compare that to the present, where for the first time in 30 years we are actually spending less money than we have in our checkbook, this is really great news. The first time in 16 years taxes are coming down.

Capital gains we did not mention before, but for those people investing in stocks and bonds and mutual funds all over America, and by the way I hope they make a profit, because that is what investment is all about. It is not evil and rotten to invest in a stock or a bond or a mutual fund and make a profit. That is not bad, that is good. And when they make the profit, the capital gains tax rate has been reduced from 28 down to 20. And if they are in the lower income bracket, the rate has been reduced from 15 down to 10.

So this idea of looking into the past and seeing the broken promises and the higher taxes and understanding something different is going on in Washington today, I think that is a very important idea as we look at the changes that have occurred out here since 1995.

So we have what is called a balanced budget. We have taxes coming down. I think we have to ask ourselves what next. And I think to answer that question we need to describe, and this is not going to be quite as positive from here on out, I think we need to keep it in perspective. This is very positive thus far, and actually balancing the budget 4 years ahead of schedule by Washington definition, that is good. And the definition they are using here in Washington is the same as it was all the way back to 1969. But we still have some problems, and as we look to the future we will have to address those problems.

To explain this, I want to start by defining exactly what is meant by a balanced budget in Washington, D.C. Let me preface this by saying I am a home builder and we had a home building company. And we had employees working with us in that company. And my definition of a balanced budget in my home building company would be very different than Washington's definition of a balanced budget.

But having said that, let me define what Washington calls a balanced budget. Washington says their budget is balanced when the dollars collected in taxes equal the dollars sent out in checks. So if we look at all the dollars coming into Washington, the dollars in equals the dollars out. That is Washington, or the government's, definition of a balanced budget.

Now, on the surface that makes a pretty good amount of sense, but I want to get beneath the surface and look at what is actually going on when we talk about this balanced budget. And let this not take any credit away from reaching this point after 3 short years, but let us recognize we still have a very serious problem facing our country.

The reason it is important to understand that is because Social Security plays into this picture dramatically. In the Social Security system, which is part of those dollars in and it is part of those dollars out, what is going on in Social Security today is the Social Security system is collecting $480 billion out of the paychecks of workers all across America.

So when we look at our pay stubs and see there has been money taken out for Social Security, if we add up all the money coming in for Social Security, it is $480 billion. If we look at the money being paid back out to senior citizens in benefits, so we have $480 coming in, the amount going back out to senior citizens in benefits is $382 billion.

The difference, the surplus, is $98 billion if we are looking at just the Social Security system. And again this is very important. It is pretty easy to understand. If this was our checkbook at home and we are sitting down to do our bills, and we had $480 in our checkbook and we wrote out a check for $382, we would in fact have $98 left in our checkbook. That is Social Security today. It is collecting $480 billion, paying $382 out, and there is $98 billion left.

Now, just as many people out there in America might be saving this $98 or $98 billion, in the case of the Social Security trust fund, for when they reach retirement, so that when they do not have enough money coming in they can go to that account that they have been building and saving over a period of time and get money out in order to still pay their bills, that is how American families do this all across our country. Social Security is supposed to work the same way.

We know in the not too distant future that, when the baby boom generation gets to retirement, this number of dollars coming in as compared to the number of dollars going out is going to turn around and the dollars coming in is not going to be enough to pay the dollars going out. That is when the problem hits in Social Security.

Now, in Washington and in many government agencies, they have misled our seniors into believing this does not happen until the year 2029. That is absolutely not true. The amount of dollars coming in versus the number of dollars going out turns around in the year 2012 and perhaps sooner. So what we are really saying here is that the shortfall occurs in Social Security in the year 2012.

Now, the reason they talk about 2029 as opposed to 2012 is they assume between 2012 and 2029 that they can get their hands on this money that is supposed to be in the savings account. Just like in our families when we run short, we go to the savings account, get the money and put it into our checkbook and make good on our checks.

So once more through this. Today there is $480 coming in, there is $382 going out, there is $98 supposed to go into a savings account. Between now and 2012 these two numbers turn around and there is not enough money coming in, too much going out, and we have to be able to get our hands on that money in the savings account.

Now, I find when I am out in my district and I ask the next question, with $98 billion extra coming into Social Security, what do you suppose the United States Government does with that $98 billion? I find that the people in my district generally say they spend it. And the people in my district are absolutely correct.

The $98 billion that has been taken in for Social Security goes into, think of this as the big government checkbook or the general fund. They then spend all the money out of the general fund and, at the end of the year, we have actually been running deficits since 1969. So after that $98 billion comes in and they write all the checks out of the general fund, there is no money left to put down here in the Social Security trust fund. So what they do is put an IOU in the Social Security trust fund instead.

Now, it is important to understand that when Washington says they are balancing the budget, what they mean is that this circle right here is balanced. They mean that after the $98 billion has been put into the checkbook and then all the checks have been written out, that the remaining balance is zero. That is a balanced budget in Washington. The problem with that is there is still no money being put into the Social Security trust fund.

Now, in my business, in the home building business, if this would have been the pension fund, we absolutely could not have gotten away with this. It would have been illegal and we would have been arrested for doing this. But in Washington that is the way this program is set up.

I want to be specific on this, and please do not shoot the messenger. We are trying to solve this problem. In some groups I am with in Wisconsin, I almost feel like I am going to get shot when I tell them about what is going on. It is important to understand that what is going on down here is an IOU. It is a nonnegotiable, nonmarketable Treasury bond.

The significance of nonnegotiable-nonmarketable is that when those two numbers that we just had up here turn around and there is not enough money coming in for Social Security, we cannot take what is in this account and sell it and get the money we need, or we cannot go to our savings account and get the money out.

Now, in this town it is great. People run around and they say those IOUs are backed by the full faith and credit of the United States Government, so why should I question the value of those IOUs in the Social Security trust fund. I always ask the next question. They are backed by the full faith and credit of the United States Government, so when we need the money in 2012 or sooner, where is the United States Government going to get that money from to make good on those IOUs?

That is when the lights begin to dawn and they see how serious the problem is, because when we need that money in 2012 and perhaps sooner, and the United States Government has to make good on those IOUs, there is only a very limited number of things that can happen. One is they could raise taxes on our children and our grandchildren. I do not find that very inviting. I think the tax rate is too high as it stands.

The second thing they could do is put off the date when those IOUs come due. And of course that could be done by changing benefits to our senior citizens. I do not find that very desirable.

So if we do not raise taxes and we do not put off the date the IOUs come due, what is the other option? The other option really is to go into the private sector and start borrowing money out. And when we start talking about that picture, we are right back to this chart I started with.

I do not know of any American citizen that is going to suggest that the right solution to the Social Security problem is to recreate this climbing debt chart that has been given to us over the last 15 to 20 years. I do not know of any American citizen that would contend that this is the right thing to do as we look to the future of this great Nation.

So the question should be asked: What are we doing about it? In our office we have introduced a piece of legislation, it is called the Social Security Preservation Act. It is bill number H.R. 857. And this may seem pretty obvious to most people in America. I notice when I am in Wisconsin, it seems to be an obvious solution. We simply take that $98 billion that is coming in extra for Social Security and we put it immediately into the Social Security trust fund. We do that by buying Treasury bonds, the same kind of thing that any senior citizen could buy at any bank in the United States of America.

The advantage of doing it this way: Number one, we start reporting honestly what is going on in the budget process, because the money now does not get into the big government checkbook, or the general fund. And number two, when those numbers turn around and there is not enough money coming in and we have to make good on those IOUs, we will now have an asset in this trust fund, much like a savings account, that could simply be sold to generate the money we need to make good on the Social Security payments to seniors.

So, again, the solution to this problem, and I am happy to say there are Democrats and Republicans both supporting this bill, it is H.R. 857, it is called the Social Security Preservation Act. I would encourage my colleagues that have not joined with us yet to join us on this bill as soon as possible so that we get the support necessary to bring this bill to the floor of the House.

If this bill is passed, Social Security becomes solvent for our senior citizens all the way to the year 2029. Now, I might say after 2029 there is still a problem, but at least between now and 2029, Social Security would once again be solvent for our senior citizens.

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As we look at this picture, then, I think it is reasonable to ask, we have got this balanced budget, at least on balance by the definition that has been used by the government over the last 30 years, where are we at and where are we going as a Nation in the future?

I think the first thing we need to recognize and do to solve the Social Security problem is our bill, H.R. 857, the Social Security Preservation Act. But there are other problems still facing our country.

One of the problems as I see it is taxes are too high. I have been having fun with this in Wisconsin. I ask the question repeatedly, "Is there anyone in the room who thinks taxes are too low?" To their credit, no one has raised their hand and said, "Yes, I think taxes are too low. Raise taxes, please."

So I think when we look at the problems that are still facing us as a Nation, taxes are too high, the Social Security Trust Fund needs to be restored, and we still have that $5.5 trillion debt hanging out there over our heads. To solve these problems we have introduced a second piece of legislation. It is called the National Debt Repayment Act.

As it relates to Social Security, let us remember that even if we start putting away the cash from this year, we still have this $700 billion that is supposed to be in this, counted already, that is IOUs. So when we start talking about this $5.5 trillion debt, part of it is that money that has been taken out of Social Security over the last 15 to 20 years.

In the National Debt Repayment Act, what we do is look at any surpluses coming into the United States Government. We allocate two-thirds of those surpluses to debt repayment, specifically restoring the Social Security Trust Fund. So two-thirds of it goes to debt repayment, including Social Security and prioritizing Social Security. The other one-third is dedicated to reducing taxes on working families all across America.

We are here in the present now, we have our first balanced budget in nearly 30 years. As we look down the road and think about these problems that are still staring us in the face, a $5.5 trillion debt, the Social Security Trust Fund, taxes are too high, it seems to me to make sense that what we do is dedicate two-thirds of our surpluses to debt repayment, prioritizing Social Security, so we pay off the Social Security notes, that is $700 billion that belongs there, and we dedicate the other one-third to the tax rate.

Let me just say on the tax rate, because I think this is very important, today we have a 37 percent tax burden on our working families. If you take all the taxes paid in in this country, take the State taxes, the property taxes, the local taxes, the sales taxes and the government taxes, Washington government taxes, the tax burden on our families today is 37 percent. Back in 1955 it was about 25 percent.

The outcome of that is seen all through our society. Because the tax rates are so much higher than they used to be, we find that our families that would like to make decisions to allow one parent to stay at home or one of the spouses to stay at home and raise the children are forced into the workplace because the tax rate is so high, and they wind up actually working just to pay more taxes. I understand that in a lot of families both spouses want to work for whatever reason. They may want to work because they want a better life-style, and that is fine. But what is wrong with that picture is that when they start doing it simply so they can pay the extra tax burden so the government can get bigger and bigger and bigger, that is what is wrong with the picture.

As we look ahead to the future, the concept of reducing the tax burden, as I know Speaker GINGRICH has called for, from the 37 percent back to a 25 percent, I would like to again lay this out as part of our vision for the future as we look forward in this country. Would it not be great if we could get to a point where the tax burden on families was again reduced to 25 percent or maybe even lower? Would it not be great if we could have a one-third reduction in the tax burden?

What we are really saying here is that in the future the government might do less and we might leave more money in the pockets of people, and then if the people still want some of those extra services, they can make the decision that with the extra money in their pocket, they go out and buy it. But the concept is that government is less involved in the lives of the American people and the people get to keep more of the money that they have earned.

I might add that that is just one of the problems that we face here in Washington. It seems to me sometimes we forget that the money we are talking about out here, it is not our money here in Washington. That money belongs to the hardworking Americans who have earned that money, and it ought to be treated in that way and with that respect.

I would like to just address a little bit more on the tax cut package that has already been passed. I know I am kind of jumping out of this vision for the future and back into the present, but I would like to do this because I find in Wisconsin that when I talk with folks, a lot of them do not understand that a tax bill has been passed. I would just like to run through just a few of the provisions that are in this tax cut package because folks generally do not understand that this bill is already passed.

What happens, I find when I am there, is they kind of look at me almost as a politician, and that scares me because I am a home builder and a math teacher and not a politician. They start looking like, "You are making us these promises, but are you really going to do any of this?"

The fact is the tax cut package is passed into law, it is done, it is on the books and it should be reflected in your current taxable income. Let me just start with the $400 per child tax credit. I described this briefly before. Starting this year, for every child under the age of 17 with certain income limits, for moderate-income Americans, for every child under the age of 17, when you figure out your taxes next year and you get down to the bottom line, how much you would have sent to the United States Government, you subtract $400 off the bottom line.

If you have got a college student, a freshman or a sophomore, again you figure out how much you would have sent to Washington, but if that freshman or sophomore has spent more than $2,000 on room, board, books and tuition, you subtract $1,500 off the bottom line. For juniors, seniors, grad students, et cetera, you subtract $1,000 or up to $1,000 off the bottom line.

For homeowners in America, and this is a very dramatic change in the Tax Code, if you have lived in your house for 2 years or more and you sell it, there are no Federal taxes due. When we think about our senior citizens and the benefit to our senior citizens of this Tax Code change, it is very, very dramatic.

Many seniors took the old one-time 55 exclusion, sold the bigger home that they raised their children in, bought a smaller home and are now ready for whatever reason to go to some sort of different home, either a nursing home or some sort of skilled care facility. They are now selling this home, and they took that one-time exclusion back when they were 55 and there would be a gain, at least I hope there is a gain on the house they have owned in the interim period. There are no longer any Federal taxes due on the sale of that home.

Medicare, another dramatic change under the Tax Code and the revisions that were written last year for senior citizens. When I took office in 1995, Medicare was headed to bankruptcy. The fix for Medicare in the past was always to go out to the American people and raise taxes. Our government in their wisdom was treating senior citizens in exactly the wrong way in solving the problem of Medicare by simply throwing more money at it. What we needed to do is what has been done in the last 3 years: sit down, look at the situation and see if there was not maybe a better way to do the same thing.

Let me give one example of how this improvement took place. Diabetes is a major problem for seniors. What the government did in their wisdom is, they waited until some sort of a complication developed in diabetes. They would not pay for screening. What they did is waited until something dramatic happened to a senior, whether it was a heart problem or an amputation or eye problems or any of the other negative outcomes from diabetes. Many of these things were treatable if they were caught earlier.

What the government was doing in Medicare was saying, we are not going to pay for screening diabetes that is destroying your life, but if you get good and sick and you need a good and expensive procedure, then we will help you pay for it through Medicare. It is not only the right thing to do for the health and the well-being of our senior citizens, to do the advanced screening, it is also much more cost effective to find the problem early and treat it early so the senior citizen can live a healthier life. Of course that eliminates the high cost burden on the Medicare system.

So instead of just throwing more money at Medicare and leaving the system the way it was, we looked at what was going on and looked for better ways to spend the same money that was being spent. In the diabetes situation alone they are saying as much as $14 billion a year will be saved, and again, let us not transform this into Medicare cuts. By providing our seniors with the opportunity to live a healthier life by this advanced screening for diabetes alone, we are talking about a $14 billion a year change in the cost of Medicare to the United States Government.

That is not all, though. There are also things like screening for breast cancer, colon cancer, a wide variety of other preventive care was very similar to what I just described with diabetes. That was changed in Medicare. Rather than just looking at Medicare and saying, okay, we are going to raise taxes on the people and throw more money at Medicare, we looked at how the same dollars could be spent in a better manner. That is very, very different than the people that were here in control in the past. It is a very different model for solving solutions as we go forward.

The other dramatic change in Medicare is, in the past the United States Government in their wisdom said we here in Washington know what is best for all our senior citizens, so we are going to develop this plan called Medicare and our seniors get the plan, like it or not. What has happened in Medicare is that now if our seniors do not like the government-run plan, they have the opportunity to take the same money the government was spending on their behalf in the government plan and use it to purchase private insurance of their choosing. We not only revise the plan to make it much more effective providing preventive care to seniors, we also put what type of insurance and what type of medical coverage they would like back in their hands where it belongs.

I think what it says is really a statement of respect that we have for the senior citizens in the United States. Many of these senior citizens are the same people that fought in World War II, that preserved this country and got it to where it is today, and those people deserve to be treated with that respect.

While I am on Medicare, and it does not directly relate to the changes of last year, there are a lot of nasty rumors going on out there about what has happened in Medicare: that if a citizen, for example, would like a second mammogram in a year, and Medicare says you only can have one that is covered but a citizen would like a second one, there is a lot of rumors going around out there that if a citizen wants to buy additional coverage for some procedure that is not covered under Medicare, that somehow if the doctor provides that coverage and charges the patient, that the doctor is kicked out of the Medicare program for 2 years.

Let me just say definitively that that is absolutely not true. There are a lot of different groups putting this information out. It is absolutely not true.

Let me give this in a specific example. Let us just say someone had a mammogram, and for whatever reason 3 months later they decided they would like a second one. Medicare says I am not going to cover the second mammogram. And the patient says, well, I want it done anyway and I will pay the doctor for doing it, and the doctor says, okay, I will do it. That is perfectly legal. It is permitted. There are no repercussions back against the doctor. The doctor makes that decision to do it if the patient decides they would like to pay for it outside of Medicare.

So specifically on things that are not covered under the Medicare program, if a doctor provides those services, there are absolutely no ramifications back against the doctor. I just mention that as it relates to Medicare because we have heard so many different stories when I have been out there in public.

So I am going back now to the Tax Code change and just a few other details in it. One other one that is very important to me, I had mentioned capital gains before but I did not mention the adoption tax credit. I think this really says something about where we are going as a Nation.

I have got a lot of charts and graphs here, and they talk about numbers, and they are showing lines and different things that happened, but that is not really what this government is about. This government is about people. It is about values. It is about where we are going as a Nation, what kind of a country we are going to have. It is about how much government is going to be involved. I think when we look at that, we need to understand that the government does, in fact, have a heart, and that we understand that there are tough situations out there in a lot of places in this country.

We also should understand that when we changed this Tax Code, we looked at the possibility of adoptions in this country. What we found is that to have an adoption in America it costs roughly $10,000. So if we have got a middle-income family, say they are earning $40,000 or $50,000 a year, and for whatever reason that family finds out they cannot have their own children, $10,000 might have been insurmountable in terms of adopting a child.

So what we did in the Tax Code is we changed the Tax Code. There is now a $5,000 tax credit to assist that middle-income family with the process of adoption and paying the bills that are involved in the adoption.

So this Tax Code change, it is not all about numbers, and it is not all about these charts I have here. There is a large degree of feeling involved in these. And we recognize that things like the $400 per child, leaving that money in the family's home as opposed to having it out here in Washington, it is not just about numbers. It is about people. It is about the impact that this money in the family will have on these families.

Another example on the $400 per child, I was in with a group of people who had many of their children enrolled in parochial schools. I talked to them about the potential of government providing them some sort of tax assistance for parochial schools. And right away, they reacted no, no, no, no, we do not want any government support for our school. Because they are afraid with government support come government rules and regulations that may not match up with what our parochial schools are teaching, my own kids included that go to a parochial school.

So I explained to them how the $400-per-child tax credit allowed them to make the decision on what they were going to use their own $400 for. If they choose to use that $400 to help pay tuition at a parochial school, well, so be it. That is money that would have been sent to Washington that is now in their home, and they can then choose to make the decision to send their kids to a parochial school if they so desire. But it is not Washington telling them what to do with the money, and it is not Washington telling their parochial school what to teach in their school, but, rather, it is now the parents in their own home making the decision as to how to spend their own money.

I would like to wrap up my time here on the floor today with kind of just a brief summary of some of the things we have talked about. We have looked at the past, and we have looked at how in the past we had a series of broken promises to balance the budget.

Before 1994, we had Gramm-Rudman-Hollings, the budget deal of 1990. We looked at how, in 1993, they reached the conclusion on how to solve this problem. Rather than control Washington spending, the conclusion was to reach into the pockets of American citizens. I know for all the people out there, it was not the first time. I know it was part of the 1990 deal. I know it was part of the 1993 deal. But I also know that every time they reached in the pockets and took more money out here to Washington, all it did was allow them to spend more out here in Washington, and that is not what the people wanted.

That path of broken promises of the balanced budget and the path of higher taxes, that is over. It ended in 1994 when the American people stepped up to the plate and said enough is enough, it is going to stop. They put a new group in charge out here in Washington.

We are now 3 years into that new group. The new group has brought us a balanced budget, not in 2002 as promised, but 4 years ahead of schedule. The announcement today, great news, CBO, from the organization that watches budgeting out here: We are, in fact, running a surplus for fiscal year 1998. The first time since 1969, we are going to have a budget surplus.

□ 1615

Great news. Three years into this thing, we have done it by controlling the growth of Washington spending. We have been effective enough at slowing the growth rate of Washington spending, that we have not only gotten to a balanced budget 4 years ahead of schedule, we have been able to provide the American people with a tax cut.

When I say "we provide," shoot, it is the American people that earn that money. All we are doing out here in Washington is saying keep more of your own money. It is yours to start with, just do not send it out here to Washington. The present, the present has a balanced budget for the first time since 1969; The present, the present is lower taxes for the first time in 16 years; the present, the present is a restored Medicare, and done the right way, with feeling and understanding for our senior citizens.

The future. As we look forward to this, we have 3 major problems remaining. The first is we still have a $5.5 trillion debt staring us in the face; the second is the Social Security money that needs to be put aside for Social Security; and the third is taxes are still too high.

So as we look down the road to the future in this great nation, the National Debt Repayment Act which we have introduced in our office, bill number H.R. 2191, takes two-thirds of any surpluses that develop and it uses it to pay off the debt. Prioritizing, repayment to the Social Security Trust Fund for our senior citizens.

The good news under this bill is that by the year 2026, and maybe sooner, we will have repaid the entire Federal debt that will restore the Social Security trust fund for our senior citizens and it will allow us as a generation to pass this country on to our children debt-free.

I can think of no higher goal that we might have in this government today than to work to a point where we repay the Federal debt so our children can inherit a Nation that is absolutely debt-free. In doing so, we also restore the Social Security trust fund for our seniors.

The other one-third of the surpluses that are developing, let us use those to lower taxes, and let us set our vision for the future that we get the tax rate from 37 back to 25 percent. Would it not be great if one-third of all taxes paid by all Americans at every level of government was reduced, and those American citizens could keep it in their own pocket to decide what they would like to do with it, whether it be to help their children, whether it be to put their kids through college, whether it be to provide their kids with a private school, if that is what they would like to do, if they in their own wisdom think that is better for their children. But the bottom line is to leave that money in the hands of the people that earned it in the first place.

Would that not be a great vision for America? Paid off debts, so our children get a debt-free nation; a restored Social Security trust fund for our senior citizens; and lower taxes, a one-third reduction in the overall tax rate all across America?

Lest anybody think we cannot do it, I just remind the American people of what was said in 1995 when we were first elected. They said you cannot balance the budget and lower tax. Here we are, three years into it, four years ahead of schedule, with the budget balanced, taxes coming down and Medicare restored. It can be done, if it is the will of the people, and if the people get actively involved in making sure that this government does what they want this government to do.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 17 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATHAM) at 5 p.m.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

HOMELESS HOUSING PROGRAMS CONSOLIDATION AND FLEXIBILITY ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 217, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 217, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 386, nays 23, not voting 21, as follows:

[Roll No. 26]

YEAS—386

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler

Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—23

Blumenauer
Cannon
Chenoweth
Coble
Cox
Crane
DeFazio
DeLay
Diaz-Balart
Duncan
Hostettler
Jones
Manzullo
McIntosh
Miller (FL)
Paul
Rivers
Royce
Ryun
Sawyer
Sensenbrenner
Shadegg
Wamp

NOT VOTING—21

Christensen
Doolittle
Gonzalez
Gutknecht
Harman
Hefner
Luther
Maloney (CT)
McInnis
Neal
Poshard
Ros-Lehtinen
Roukema
Rush
Salmon
Scarborough
Schiff
Shimkus
Smith, Linda
Torres
White

☐ 1725

Mr. WAMP and Mr. MILLER of Florida changed their vote from "yea" to "nay."

Mr. WYNN changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MEEK of Florida. Mr. Speaker, on roll call vote #26 on the bill, H.R. 217, taken on March 3, 1998, I was erroneously recorded as voting "yes." On that vote I intended to be recorded as voting "no."

PERSONAL EXPLANATION

Mr. GUTKNECHT. Mr. Speaker, due to illness, I was in Minnesota today and unable to vote on H.R. 217, the "Homeless Housing Programs Consolidation and Flexibility Act." Had I been present, I would have voted in support of H.R. 217.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2495

Mr. WATT of North Carolina. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2495, the Higher Education for the 21st Century Act.

The SPEAKER pro tempore (Mr. LATHAM). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 1996 ANNUAL REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 32nd Annual Report of the Department of Housing and Urban Development, which covers calendar year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE BIENNIAL REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4107(b)), I transmit herewith the Seventh Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1996 to January 31, 1998).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

1998 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, Committee on Agriculture, Committee on Banking and Financial Services, Committee on Commerce, Committee on Education and the Workforce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on National Security, Committee on Resources, Committee on

Transportation and Infrastructure, Committee on Veterans' Affairs, and Committee on Ways and Means:

To the Congress of the United States:

On behalf of the American people, I am pleased to transmit the *1998 National Drug Control Strategy* to the Congress. The *1998 Strategy* reaffirms our bipartisan, enduring commitment to reduce drug use and its destructive consequences.

This year's *Strategy* builds upon the 1997 *Strategy* and is designed to reduce drug use and availability in America in half over the next 10 years—a historic new low. This plan has been developed under the leadership of General Barry McCaffrey, Director of National Drug Control Policy, in close consultation with the Congress, the more than 50 Federal agencies and departments involved in the fight against drugs, the dedicated men and women of law enforcement, and with stakeholders—mayors, doctors, clergy, civic leaders, parents, and young people—drawn from all segments of our society.

I am also proud to report that we have made real and substantial progress in carrying out the goals of the 1997 *Strategy*. Working with the Congress, we have begun the National Anti-Drug Youth Media Campaign. Now when our children turn on the television, surf the "net," or listen to the radio, they can learn the plain truth about drugs: they are wrong, they put your future at risk, and they can kill you. I thank you for your vital support in bringing this important message to America's young people.

Together, we enacted into law the Drug-Free Communities Act of 1997, which will help build and strengthen 14,000 community anti-drug coalitions and brought together civic groups—ranging from the Elks to the Girl Scouts and representing over 55 million Americans—to form a Civic Alliance, targeting youth drug use. By mobilizing people and empowering communities, we are defeating drugs through a child-by-child, street-by-street, and neighborhood-by-neighborhood approach.

We have also helped make our streets and communities safer by strengthening law enforcement. Through my Administration's Community Oriented Police (COPs) program, we are helping put 100,000 more police officers in towns and cities across the Nation. We are taking deadly assault weapons out of the hands of drug dealers and gangs, making our streets safer for our families. We have taken steps to rid our prisons of drugs, as well as to break the vicious cycle of drugs and crime. These efforts are making a difference: violent crime in America has dropped dramatically for 5 years in a row.

Over the last year, the United States and Mexico reached agreement on a mutual *Threat Assessment* that defines the scope of the common threat we face; and, an *Alliance* that commits our great nations to defeating that threat. Soon, we will sign a bilateral *Strategy* that commits both nations to specific actions and performance benchmarks. Our work to enhance coöperation within the hemisphere and worldwide is already showing results. For example, Peruvian coca production has declined by roughly 40 percent over the last 2 years. In 1997, Mexican drug eradication rates reached record levels, and seizures increased nearly 50 percent over 1996.

We are making a difference. Drug use in America has declined by 50 percent over the last decade. For the first time in 6 years, studies show that youth drug use is beginning to stabilize, and in some respects in even declining. And indications are that the methamphetamine and crack cocaine epidemics, which in recent years were sweeping the Nation, have begun to recede.

However, we must not confuse progress with ultimate success. Although youth drug use has started to decline, it remains unacceptably high.

More than ever, we must recommit ourselves to give parents the tools and support they need to teach children that drugs are dangerous and wrong. That is why we must improve the Safe and Drug-Free Schools program, and other after school initiatives that help keep our kids in school, off drugs, and out of trouble. We must hire 1,000 new border patrol agents and close the door on drugs at our borders. We must redouble our efforts with other nations to take the profits out of drug dealing and trafficking and break the sources of supply. And we must enact comprehensive bipartisan tobacco legislation that reduces youth smoking. These and other efforts are central elements of the *1998 National Drug Control Strategy*.

With the help of the American public, and the ongoing support of the Congress, we can achieve these goals. In submitting this plan to you, I ask for your continued partnership in defeating drugs in America. Our children and this Nation deserve no less.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998*.

□ 1730

SPECIAL ORDERS

WETLANDS RESTORATION AND IMPROVEMENT ACT

The SPEAKER pro tempore (Mr. LATHAM). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I rise tonight to talk about our Nation's wetlands and a bill I have introduced to protect and expand these national treasures. I represent a district in eastern North Carolina which includes a majority of the State's coast and 4 major river basins. According to the Federal Government, 65 percent of the area can be classified as wetlands. Clearly wetlands are very important to me and to the citizens of my district.

Eastern North Carolina appreciates the beauty and value of wetlands as much if not more than anybody else. They understand the importance of wetlands to the environment, to water quality and to the life they support. Eastern North Carolinians also want to respect the rights of property owners, and therefore have reached for a balanced approach to protecting our wetlands while allowing landowners to have reasonable use of their properties.

Mr. Speaker, I strongly believe that the common sense solution we have sought is wetlands mitigation banking. Mitigation banking allows private property owners to pay wetlands experts to mitigate the impact their development will have on wetlands. Those experts, working with regulators, do the mitigation in banks of land which are set aside, restored to wetland status and, most importantly, enhanced.

This concept has been embraced by regulators, developers and the conservation community. It is an improvement upon traditional mitigation, which simply is not working because it is too expensive, time consuming and ineffective. Approximately 90 percent of on-site mitigation is unsuccessful. Mitigation banking, on the other hand, creates complete ecosystems.

Regulators usually require that more wetlands be restored in a bank than are destroyed in a development project. For example, in some parts of the South that ratio is 4 to 1, meaning that 4 acres of land must be restored for each acre that was destroyed. So instead of only trying to protect the remaining wetlands with mitigation banking, we are actually increasing wetlands acreage. What is more, because mitigation banks give economic value to wetlands, potentially billions of private sector dollars could flow into restoring wetlands in sensitive watersheds.

Mitigation banking is already being implemented in several areas throughout our Nation. The problem is there is no statutory authority to guide mitigation bankers. Let me repeat that, Mr. Speaker: The problem is there is no statutory authority to guide mitigation bankers. Thus investors are hesitant to supply the money needed without legal certainty.

For this reason, I have introduced the Wetlands Restoration and Improvement Act, H.R. 1290. The legislation, one, requires the bank to meet rigorous financial and legal standards to ensure that wetlands are restored and preserved over the long term; secondly, provides for ample opportunity for meaningful public participation; and, third, ensures that the bank itself has a credible, long-term operation and maintenance plan.

This legislation is the common-sense, balanced approach America needs to protect both our valuable wetlands and the rights of property owners. I hope my colleagues, Mr. Speaker, in the House will look seriously at cosponsoring this legislation.

TOWARD A FAIRER, FLATTER AND SIMPLER TAX SYSTEM

The SPEAKER pro tempore (Mr. TIAHRT). Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, the President is defending the indefensible. President Clinton yesterday described congressional Republican efforts to overhaul the Tax Code and to change our tax system into one that is more pro-family, one that encourages investment and savings, and one that moves the country in the direction of a fairer, flatter, simpler Tax Code, a fairer, flatter, simpler alternative to the system we have today, he described those plans now pending in Congress as reckless in remarks that the President made yesterday here in Washington to the National Mortgage Bankers Association. In fact, the President went on to say that our approach of phasing out the current income tax system and replacing the current 9,000 page, 5.5 million word Tax Code with a fairer, flatter, simpler alternative, he described that approach yesterday as "misguided, reckless and irresponsible."

I read this entire article, and I have searched his remarks trying to find out what the President would propose. If he does not like our alternative, then what would the President counter with? What would he propose as a better alternative to our plans? Or is the President, as it would appear from his remarks, defending the current Tax Code and the current tax system?

It would appear that the President does favor the status quo, that he is, as I said in my opening comments, defending the indefensible. He cannot possibly think that a system that has created, and this has now been well documented in hearings that we have had back here in Washington, a culture of abuse that has led to many collection abuses around the country, he cannot possibly be defending that system, could he? It is a system that has resulted in one newspaper headline after another.

I cited these earlier this morning on the floor under morning business, but since more of our colleagues are present now, I want to share these headlines again. Here is one: The IRS Unveils New Taxpayer Protections to Limit Agents' Ability to Seize Assets. It actually quotes in this article the new Commissioner of the IRS as saying, quote, I am especially troubled about the emphasis placed on collection statistics, otherwise known as quotas, without an equal emphasis on customer service and safeguarding taxpayer rights.

Look at some of these other newspaper headlines: New Audit at IRS Finds Some Agents Focused on Quotas. We are talking about many, many agents in IRS offices around the country. Treasury Chief Vows Action against IRS Quotas. Top Official Offers a Mea Culpa. That is an apology, I guess, for the IRS, for the collection abuses and for a system again that targets individual American taxpayers and sets out quotas, if one can imagine, for IRS collection agents.

We are trying desperately to reform the IRS, as I said earlier today, into an agency that treats taxpayers with the respect and provides them with the service that they deserve. But, instead, the President is throwing up roadblocks in our way, defending the indefensible, standing up for the current system, and using scare tactics to frighten the American people about what would happen if we move the country in the direction of a fairer, flatter, and simpler tax system.

Now we are attempting to initiate a national discussion about either replacing the current income tax with a national sales tax, a tax on consumption, or a flat tax. We believe that is the way to go. Both of these plans would be simpler and fairer than the current code, the system that the President is defending.

I will tell you, I personally object when the President uses language like reckless, misguided, and irrelevant. I will tell you, I will tell the President, I will tell my colleagues who support the President's position on this what Jack Farris said, the President of the National Federation of Independent Business, an organization of small businesses around the country trying to garner one million signatures on a pledge to replace the current tax system and scrap the Tax Code, which would end the IRS as we know it. It is a death sentence for the current Tax Code by the year 2001. Mr. Farris said, in response to the President, what is irrelevant is a 500-million-word Tax Code that is antiwork, antisaving, and antifamily.

One of our former colleagues, now Senator TIM HUTCHINSON from Arkansas, was quoted as saying yesterday, with less than 6 weeks left before Americans must file their tax returns, President Clinton has shown himself to be out of touch with the plight of the American people.

Mr. Speaker, we definitely need to move the country in a direction of a Tax Code and tax system that would change the current disincentive in the system that favors spending and consumption over savings and investment. This comment, this approach of the President of disparaging the free enterprise system is not going to work. We need to revive our Tax Code in order to move the country in a direction of a fairer, simpler system and to maintain our national prosperity.

ENGEL SLAMS BELGRADE'S BLOODY CRACKDOWN IN KOSOVA; CALLS FOR UNITED STATES TO STOP IGNORING THE SITUATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, just yesterday there was a brutal crackdown in a region called Kosova, which is home to more than 2,000 ethnic Albanians who live under the oppression of Serb tyranny. The Serbian police came in and summarily started beating and killing ethnic Albanians, more than 20 of whom were murdered in cold blood.

The region of Kosova, which is 90 percent Albanian, I have been there a number of times as chairman of the Albanian Interest Caucus of this House. The people there are truly a people living under oppression. They have no political rights. They have no human rights. They have no economic rights. Unemployment is unbelievable. Day after day after day turns into months; and year after year, there is no improvement on the ground.

The United States cannot, Mr. Speaker, stand idly by and allow Serbian President Milosevic and his henchmen to brutally kill people for no reason. This oppression must stop, and the United States is the only country that has the power to stop it.

I have been calling for a number of years for the appointment of a special envoy from the United States to the region of Kosova. Only if the United States gets involved with the appointment of a special envoy do I believe that progress will be made on the ground in Kosova. This would be very similar to what we have attempted to do in Ireland with Senator Mitchell. And we ought to forthwith appoint a special envoy.

My resolution, H. Con. Res. 205, calls for the appointment of a special envoy and calls for sanctions, strong sanctions to be continued on Serbia until there is improvement in the economic and political and human freedoms in Kosova.

Just last week, Mr. Speaker, our government loosened some of the sanctions imposed on Serbia. It sent the wrong message at the wrong time, and I am sure unwittingly contributed to Mr. Milosevic and his henchmen thinking that they can brutally crack down on the Albanians in Kosova.

It is time now to reimpose those sanctions that we removed just last week. It is time to have new sanctions. It is time to make sure that the outer wall of sanctions is in place, continues to be in place and continues to be expanded, because Serbia cannot practice this kind of oppression and think they can get away with it.

Now in 3 weeks the Albanians in Kosova are scheduled to hold elections. And, again, Mr. Speaker, there is no coincidence that these crackdowns came 3 weeks before the Albanian elections are to be held. This is clearly a blatant attempt to intimidate the Albanians, to try to prevent them from exercising the political freedoms that all of us say that we hold dear.

□ 1745

I have often said that the people of Kosova, 90 percent of whom are ethnic Albanians, have the same right to self-determination that all peoples of the world have; no more, but certainly no less. And they have a right to determine their political future, they have a right to determine their economic future, they have a right to determine all of their future, and they do not have the right to be people under occupation, oppressively, brutally occupied and beaten by the Serb authorities.

This is not simply an internal problem in Serbia; this is a human rights problem. The autonomous region of Kosova, in my opinion and the opinion of anybody who likes freedom, has to understand that this region, the people living in the region, should be the sole determining factor in terms of their political future. They should decide their own political future.

Now, both President Bush and President Clinton had issued a Christmas warning saying that the United States would draw the line and would not stand idly by with a brutal crackdown in Kosova. My big fear is that this is the start of a crackdown, and we know what Serb nationalism can do. We saw what it did in Bosnia.

Bosnia could seem like a tea party compared to what could happen in Kosova if the world community and the United States and the European nations do not get involved right now. With 2 million ethnic Albanians, some people would like nothing better to do than to drive a million of them over the border into Albania, and perhaps massacre another million. We cannot stand idly by and allow this to happen.

Only the United States, again, has the power and clout to say to Milosevic and his henchmen, we will not allow you to brutally oppress the people of Kosova, the ethnic Albanians in Kosova. They are entitled to all kinds of rights and freedoms that we treasure here in the United States.

What kind of life is it for people that have no hope of getting employed? What hope is it of people, what kind of life can they expect, if there are no political freedoms, if they cannot get a job, if they cannot teach in the Albanian language, if the schools are oppressed?

There have been peaceful demonstrations going on and going on, and these people have been clubbed and beaten brutally. We cannot allow this to happen. We cannot send a message and say that because things are a little better in Bosnia, now is the time to forget about Kosova.

Mr. Speaker, we must reimpose the sanctions, we must have a special envoy, and we must unequivocally call for freedom for the Albanian people in Kosova.

TAX CODE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. Thune) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, yesterday the President came out and criticized a piece of legislation of which I am a cosponsor of that would call for sunsetting the Tax Code in the year 2001. Frankly, I think when he came out and did that, he really did defend the indefensible.

We have a Tax Code in this country which has become an abomination for the people who have to comply with that law, from individuals, to families to small businesses. Look at where we are today in terms of the volumes of information, the volumes of instructions, the volumes of actual forms of tax law that are out there, the laws and regulations, some 6,000 pages, 34.5 pounds. We spend in this country over 5 billion man-hours a year complying with the Tax Code. There are 480 different forms.

As I went through my tax return this year, I did it a couple of weeks ago, the thing that occurred to me is that the people of this country, even though we lowered taxes last summer in the balanced budget agreement, the people of this country have an even more difficult job this year of complying with the Tax Code than they did last year, because every time Congress touches the Tax Code, we make it more complicated.

I went through those forms. In the back of one particular form there is this elaborate computation and elaborate calculation in which it asks you if this is smaller than this or lesser than this but larger than this, multiply it by 15 percent and subtract it from here and keep going, and on and on and on.

We have a responsibility to the taxpaying people of this country to make the revenue system, the collection system, in this country fair, and to make it simple. So when we talk about eliminating the Tax Code and coming up with a new Tax Code for a new century, that ought to be a goal that all of us in this chamber share, and I would hope that the White House shares it as well.

When the President made his statement yesterday critical of this particular piece of legislation, it indicated he is willing to defend the status quo and willing to go along with what has been the program here for too many years in Washington, DC.

I think that if we are going in fact to reform the Tax Code in this country, that it really starts with a couple of principles, and I think the first one has to do with the fact that if we are going to this year go about the process of writing a tax bill, that the first thing we ought to have is a principle that it ought to be broad-based.

So we have introduced legislation, I along with the gentlewoman from Washington (Ms. DUNN), that in fact would deliver tax relief to the extent we are able to do that this year in a way that is broad-based, in which all people benefit from a growing economy.

We have also introduced legislation that would further simplify, rather than complicate, the Tax Code. That is something, as I said, that is desperately needed. We need to move in that direction in the next century, so we can have a new Tax Code for a new century.

So having said that, and having noted that there is a lot of internal resistance in this particular city to changing the Tax Code, I take some consolation in the fact that the same resistance was there when it came to welfare reform a few years back, and when it came to a balanced budget agreement.

People said all of these things could not be done. And what had to be done in order for Congress to get to that goal is to establish a deadline, to create a deadline out there, to say this is what we are going to do on this date.

The only way we can do that, with the Tax Code is to create a similar deadline, and that is to say to the people of this country that we are going to do away with the existing code and that we are going to start over, with a new Tax Code that makes sense to the people who have to pay the taxes in this country.

So as we pursue this legislation, sunsetting the Internal Revenue Code in the year 2001, I think that it ought to be something that everybody in this body can support, because certainly the people in this country are willing to support that. We cannot continue to go on defending the status quo and allowing all the resistance to change that is in this Washington-based community to keep us from doing the right thing for the people of this country.

As I said earlier, as we move towards that goal, to the extent this year we are able to accomplish anything meaningful in terms of tax relief for the American public, that we ought to do it in a way, one, that is broad case based, and one that will further simplify and not complicate the Tax Code.

We have introduced legislation, the first piece of which would drop more people out of the higher 28 percent bracket into the lower 15 percent bracket. That is to say to the people of this country that we want to encourage you to work harder to improve your lot in life, to earn more. In saying that, we are not going to, as a matter of policy, take from you 28 cents of each additional dollar that you earn.

In fact, our legislation which raises the income threshold at which the 28 percent rate would apply actually drops 10 million filers in this country out of the higher 28 percent bracket and into the lower 15 percent bracket. In all, 29 million filers in America would benefit from this tax relief to the tune of about $1,200 per filer. That is real relief for the people, the hard working taxpayers in this country.

Whether the issue is health care, child care, retirement or education, this enables the people of this country to make the decision in the fundamental way about what is the best way to meet those needs. They can take those dollars that they would save in the form of lower taxes and apply that toward child care needs, towards education needs, toward health care needs.

That is a matter of philosophy, something we very much agree with, and that is that the people of this country ought to be trusted to make that decision on their own, rather than having the bureaucracy in Washington direct targeted tax relief and say you are a winner or loser based upon whether or not you behave in a certain way. That is the philosophy embodied in this tax relief bill.

The second bill is similar in that it raises the personal exemption for each filer in this country. To the extent you have additional dependents, it raises that exemption from $2,700 to $3,400, thereby reducing the taxable income to families in this country.

Again, it does it in an across-the-board way and moves us closer to the goal of simplification, so the ultimate goal of a new Tax Code for a new century can be met. I believe that, again, is ultimately where we ought to be heading.

So to the extent we do anything in the next couple of years as we have this debate about tax reform, to lower the tax burden on American people in this country, it ought to be with an eye toward the actual ultimate goal of a new Tax Code for a new century. I support the legislation of the gentleman from Oklahoma (Mr. LARGENT), who is on the floor, to sunset the existing tax code, and I look forward to working with him to see that that becomes the law of the land, irrespective of the footdragging that is happening on the other end of Pennsylvania Avenue.

TAX CODE TERMINATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LARGENT) is recognized for 5 minutes.

Mr. LARGENT. Mr. Speaker, I would like to take a few minutes to address some of the comments and concerns that the President made yesterday at a speech when he was talking about the Tax Code Termination Act.

This is a bill that myself and the gentleman from New York (Mr. PAXON) have introduced in the House, H.R. 3097, that simply does this: It sunsets the current Tax Code in the year 2001, December 31. It establishes a date certain that we sunset the entire Tax Code with the exception of the payroll deduction taxes on Social Security and Medicare.

The President in his comment said that it would be irresponsible to sunset the Tax Code, that it would create an environment that would be uncertain and not predictable, and that it would have grave consequences on our economy.

Let me just say, Mr. Speaker, that what is irresponsible is to continue to leave intact the Tax Code as we know it today, a Tax Code that literally is punitive, confusing, con founding. Even the experts do not understand; even the people that are paid to administer the current Tax Code do not understand it.

Recent statistics show that the IRS, you call and ask a question about your individual tax return, 47 percent of the time the Internal Revenue Service gives you the wrong answer. The problem is when you go to court, they take you to Tax Court because you have submitted the wrong answer, you are guilty, even though you got the wrong answer from the Internal Revenue Service.

The current code drains $200 billion a year from the U.S. economy. That is how much it costs to file all individual and business tax returns in the United States, over $200 billion.

5.3 billion hours it takes from American businesses and individual taxpayers to file their tax return, 5.3 billion hours consumed by trying to meet the Tax Code.

Let me just say I believe it is un-American and even immoral to have a Tax Code that punishes taxpayers, punishes businesses, and basically shouts at them, guilty, guilty, guilty. Not innocent. That is what our current Tax Code does.

Let me just throw up a couple of charts for illustration purposes to highlight the problem. This first chart shows the number of words first in the Declaration of Independence, 1,300 words in the Declaration of Independence, the words that define the moral vision of our national government, 1,300 words in the Declaration of Independence.

□ 1800

In the Bible, the holy Bible, the word of God, 773,000 words in the Bible. But take the IRS tax code and all of the case law that supports the tax code, 2.8 million words in the IRS tax code, and the case law to support the IRS tax code. That is wrong. We can do better.

The next chart, I think, highlights why we need to sunset the current tax code. Right here, what you see is two lines rising precipitously since 1964. The orange line you see is the words in the U.S. tax code. The actual code itself contains 800,000 words. From 1964 it quadrupled to 1993 from 200,000 to 800,000.

Members will notice that the number of lobbyists in Washington, DC. also went from just over 10,000 to 70,000 in that same period of time. The beauty of the tax code Termination Act is this: that we have a national election for the next President in the year 2000. The tax code will be sunset 1 year after that election. So what we will end up having is, if the tax code Termination Act is passed, essentially a national referendum on replacing the tax code.

You have three candidates, A, B, C, from parties A, B, and C. You are a taxpayer and you go to hear them speak, or they are debating. The first question you are going to ask if this bill is passed, the tax code Termination Action, is, "Sir, if I vote for you for President, what will the tax code look like once you become President, 1 year after you take office?"

So we will have a national referendum on flat tax, national sales tax, the gentleman from Missouri (Mr. GEPHARDT's) modified flat tax, and every other variety therein. We will engage 265 million Americans in a debate at a national level on how we should replace the tax code, not the 70,000 lobbyists in Washington, DC.

Mr. Speaker, I will finish by saying that we need to encourage all Members of the House and the Senate to cosponsor the tax code Termination Act and see the death to this tax code. It is not too soon and hopefully it is not too late.

PAYING HONOR TO THE PEACE CORPS AND ITS VOLUNTEERS ON ITS 37TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, this is one of the first 5 minutes I have done in a very long time. I do so because I want to pay honor to the Peace Corps and to the volunteers who have served.

Today is the 37th anniversary of the founding of the Peace Corps by President Kennedy in 1961, as well as the first annual Peace Corps Day.

In my judgment, the Peace Corps is not a Democrat program, not a Republican program, it is a program that is bipartisan. It is a program that has served not only our country with distinction, but also the many countries that we serve. And speaking as a former Peace Corps volunteer, I know we also get so much out of this enriching, cross-cultural experience.

Mr. Speaker, the bottom line is, the Peace Corps has done an extraordinary job, through its volunteers, in bettering the lives of people throughout this world, from providing safe drinking water to helping new businesses start up, from dealing with health care issues to establishing agricultural programs and fishery programs. I also want to commend the tremendous number of volunteers who were teachers and taught in schools throughout the world.

I would like to, as well, pay my respects to the Peace Corps volunteers who happened to serve in Fiji, where I served from 1968 to 1970, who now have completed their task. We have been in Fiji for 30 years, and this past August we bid farewell to our years of service in that beautiful country. The Peace Corps has finished its responsibilities in Fiji.

On August 22, the Deputy Prime Minister and Minister for Education and Technology, Taufa Vakatale, addressed the Peace Corps volunteers who were there and thanked them for their service. Mark Gearan, the director of the Peace Corps, was there as well. I would like to just read a portion of her comments to the volunteers in the closing ceremonies in Fiji.

She said:

> The Peace Corps volunteers gave the local people in a new insight into the English language, with the variety of accents, pronunciation and spelling; they gave a new perception of what the white people or Europeans are really like. We learned they are down-to-earth ordinary people—not a class above locals.

She goes on to say:

> The presence of the American Peace Corps volunteers in Fiji has made us in Fiji more aware of the importance of giving something back to society rather than expecting something from society. The fact that the volunteers have come from afar to give of themselves to a society they owe nothing to have made us realize that we are all a part of a global village. Thank you, Peace Corps, for that valuable lesson in the giving of oneself for the advancement of peace in this global community.
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> We, the people of Fiji, cannot be disheartened by this departure, for were it simply a matter of choice, we the people and the government of Fiji, would always prefer to maintain our personal and close relationship with the Peace Corps. We also sincerely believe that if it weren't for existing circumstances, this longing would be reciprocated by the government and people of the United States of America.

Then she concludes:

> To all those Peace Corps volunteers presently serving or who have graced our tropical islands in the past, words simply cannot express the gratitude our people and government would like to extend to you all, especially your having given up a specific time in your lives to spend with us. In retrospect, I can only try and fathom the sense of your leaving behind your land of skyscrapers, freeways and mega-entertainment to come down to a country such as ours with its basic facilities, unfamiliarity, food and inclement weather.
>
> Nevertheless, I can only be grateful for your courage and service towards humanity, for in your caring and hope for a more humane world, you have been great ambassadors of your great nation.

Mr. Speaker, I include for the RECORD the entire statement of the Deputy Prime Minister, and once again congratulate the Peace Corps, congratulate the volunteers who served, and congratulate our country for having the foresight, and a former President, President Kennedy, for establishing the Peace Corps.

The remarks of the Honorable Taufa Vakatale are as follows:

> Honorable Christopher Shays, Peace Corps Director Mark Gearan, Excellencies, Ladies and Gentlemen: It is with great pleasure that I welcome you all here tonight on behalf of the government and people of Fiji to farewell from our shores of the United States Peace Corps. Pleasure, of course, not in the Corps' departure, but in your attendance here tonight to share in this rather small gesture of appreciation towards the endurance, grace, self-sacrifice, and unwavering determination the young women and men of the Peace Corps volunteers, brought with them to our islands, and have shared with us over the last 30 years.
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> The contribution of the Peace Corps towards the socio-economic development of the country, among others in the immediate region, does not need any elaboration other than the fact that the cross-cultural exchanges since have further enriched our already diverse society. When the Peace Corps volunteers first came to Fiji, they were used mainly in teaching in the rural areas. The majority went out to remote rural primacy schools where they lived in thatched bures with no electricity, piped water and other basic facilities. They mingled with the villagers and spoke the language, are the local food and generally participated in all the communal activities such as fish-drives, Mekes, church services, etc.
>
> The Peace Corps volunteers gave the local people a new insight into the English language, with the variety of accents, pronunciations and spelling; they gave a new perception of what the white people or Europeans are really like. We learned that they are down-to-earth ordinary people—not a class above locals.
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> Many Peace Corps volunteers, over the years, have taken part in ceremonial Mekes, one performed with the people of Cakaudrove for Queen Elizabeth II's visit in the early 70's. One notable Peace Corps volunteer was renowned for making wine from local fruit, another helped to establish a museum collection of local artifacts, etc. in a school. Another volunteer who was a teacher in an outlying island helped the islanders to develop a cheap and effective Copra drier. Yet another, Alipate of Koro, turned to music and sang many Fijian songs which have been taped and sold locally. I could go on and on, but suffice it say that they have endeared themselves to the people of Fiji.
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> While Peace Corps volunteers have given their services in all areas of government, let me just highlight the Corps' contribution to education. In the early days the volunteers were posted to rural schools to help in the teaching of English and Math. We soon found, however, that we were wasting valuable resources and that this was not how we could use them efficiently. Hence they were posted to secondary schools to upgrade and assist in the teaching of math and science and at one stage, in the teaching of economics and accounting. We have not yet produced enough local teachers to replace the volunteers who were especially good in physics, chemistry and math, and my Ministry will certainly feel the gap left by the volunteers when they leave.
>
> The presence of the American Peace Corps volunteers in Fiji has made us in Fiji more aware of the importance of giving something back to society rather than expecting something from society. The fact that the volunteers have come from afar to give of themselves to a society they owe nothing to have made us realize that we are all a part of a global village. Thank you Peace Corps for that valuable lesson in the giving of oneself for the advancement of peace in this global community.
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> The departure of the Peace Corps exemplifies one of the significant developments now taking place in our global community and which we developing countries will have to address immediately and effectively. That of diminishing assistance from developed countries in the North due to a general shift in foreign policy following the end of the Cold War and as their respective citizens demand improved public services neglected or overlooked prior to 1991.
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> We, the people of Fiji, cannot be disheartened by this departure, for were it simply a matter of choice we the people and government of Fiji, would always prefer to maintain our personal and close relationship with the Peace Corps. We also sincerely believe that if it weren't for existing circumstances this longing would be reciprocated by the government and people of the United States of America.
>
> To all those Peace Corps Volunteers presently serving or who have graced our tropical islands in the past, words simply cannot express the gratitude our people and government would like to extend to you all, especially your having given up a specific time in your lives to spend here with us. In retrospect, I can only try and fathom the sense of your leaving behind your land of skyscraper, freeway and mega-entertainment to come down to a country such as ours with its basic facilities, unfamiliarities, food and inclement weather.
>
> Nevertheless, I can only be grateful for your courage and service towards humanity, for in your caring and hope for a more humane world you have been great ambassadors of your great nation. Your contribution to our nation is substantial and is gratefully acknowledged. In appreciation of your 30 years of dedication and devotion toward the progress of our nation let me say, "Vinaka Vakalevu."
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> The words of Dr. Albert Schweitzer come to mind as I try to find words to thank the American Peace Corps volunteers: "I do not know what your destinies will be. But I know that those amongst you who will be the happiest are those who will have sought and found how to serve."
>
> I know you have come to Fiji to be of service and you have found how to give that service effectively to Fiji. It is thus my hope and the hope of the people and government of Fiji that you have been happy.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 856, UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

Mr. SOLOMON (during the special order of Mr. SHAYS), from the Committee on Rules, submitted a privileged report (Rept. No. 105–426) on the resolution (H. Res. 376) providing for consideration of the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AS PARTICIPANTS TO THE NATIONAL SUMMIT ON RETIREMENT SAVINGS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131), the Chair announces the Speaker's appointment of the following participants on the part of the House to the National Summit on Retirement Savings.

Without objection, the names of participants will appear in the RECORD.

There was no objection.

Ms. Meredith Bagby, NY
Mr. James E. Bayne, TX
Mr. Carroll A. Campbell, Jr., SC
Ms. Joyce Campbell, Washington, DC
Ms. Hilda Cannon, GA
Mr. Christopher W. Clement, AZ
Mr. Benjamin Tanner Domenech, VA
Mr. Clinton A. Demetriou, GA
Mr. Pete du Pont, DE
Mr. Adam Dubitsky, Washington, DC
Ms. Lynn D. Dudley, Washington, DC
Mr. Ric Edelman, VA
Mr. John N. Erlenborn, MD
Ms. Shannon Evans, NV
Mr. Harris W. Fawell, IL
Mr. Peter J. Ferrara, VA
Mr. Ray Gaydos, Washington, DC
Mr. Craig Gholston, TX
Mr. Arthur Glatfelter, PA
Mr. Dylan Glenn, GA
Mr. James T. Gordon, GA
Mr. Brian H. Graff, VA
Mr. Matthew Greenwald, Washington, DC
Mr. Brent R. Harris, CA
Mr. Donald K. Hill, GA
Ms. Amy M. Holmes, Washington, DC
Ms. Karen A. Jordan, AK
Mr. John Kimpel, MA
Mrs. Beth Kobliner, NY
Mr. Gerald Letendre, NH
Mr. Ronald Lyons, OH
Mrs. Patricia De L. Marvil, VA
Mr. Philip Matthews, CT
Mr. Thomas J. McInerney, CT
Mr. Kevin M. McRaith, MN
Ms. Rita D. Metras, NY
Ms. Lena Moore, Washington, DC
Ms. Dana Muir, MI
Ms. Heather Nauert, Washington, DC
Mr. Jeffrey M. Pollock, NH
Ms. Pati Robinson, WA
Ms. Andrea Batista Schlesinger, NY
Mr. Eugene Schweikert, SC
Mr. Charles Schwab, CA
Ms. Victoria L. Swaja, AZ
Mr. Richard Thau, NY
Ms. Sandra R. Turner, FL
Mrs. Sunny Warren, GA
Mr. Albert Zapanta, VA
Mr. Roger Zion, IN

THE EFFECT OF NAFTA ON AMERICAN LIVES AND BUSINESSES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. BONIOR) is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, 3 months ago, Congress and the White House were locked in a heated battle over fast track, a very contentious issue, debate which we think for now has been set aside and put off until another day.

In the meantime, we have a real opportunity, in the calm after the storm, where we can begin a very thoughtful discussion with the American people about our engagement in the global economy.

I am pleased this evening to be joined by two distinguished colleagues who, together with me and the gentleman from Georgia (Mr. JOHN LEWIS), the gentlewoman from Ohio (Ms. MARCY KAPTUR), the gentleman from Florida (Mr. ALAN BOYD) and the gentlewoman from Florida (Mrs. KAREN THURMAN), took a trip through Georgia and Florida to talk to people who were affected by our trade policies. I am joined this evening by the gentleman from Michigan (Mr. BART STUPAK) and the gentleman from Massachusetts (Mr. BILL DELAHUNT).

Several of us, as I said, during the President's Day recess, got on a bus and went 500 miles. We stopped in some of the great cities of the South. We stopped in Atlanta and Tallahassee. We passed through small towns and countless miles of rural countryside. We visited farms and factories and cattle ranches and auto plants. We drove down bumpy roads. We took a few wrong turns, like we took one very long wrong turn. We stayed in people's homes along the way. We talked and we argued late into the night, and passed the time with folk songs and laughter. We had some very unforgettable experiences.

How many of us have had the chance to drive through rural Georgia, listening to the gentleman from Georgia (Mr. JOHN LEWIS) tell stories of the Freedom Rides which rolled through the same countryside in 1961, or tasted fried alligator tail served by the gentlewoman from Florida (Mrs. KAREN THURMAN) at a cattle ranch in someplace called Wacahoota, Florida, or followed the gentleman from Florida (Mr. ALAN BOYD) to the top of the Florida State Capitol building for a birds-eye view of Tallahassee?

But the most important thing that we did on our journey was to listen, listen to people, listen to how these policies had affected their lives. We saw some inspiring success stories, like the Ford Motor Plant in Hatfield, Georgia, which is just outside of Atlanta, where managers and workers have turned a unique partnership into one of the most successful auto plants in the world. They won the J.D. Power Award for Excellence.

We had a very good discussion that lasted over an hour with workers and managers all working together to make a good product, to make a quality product that pays good wages. We heard sad stories, too. We met with workers who lost their jobs at Lucent Technologies, a plant that closed 2 years ago and moved to Mexico.

This is a picture of our bus, with the gentleman from Massachusetts (Mr. BILL DELAHUNT), the gentleman from Georgia (Mr. JOHN LEWIS), and some of the workers. The gentleman from Michigan (Mr. BART STUPAK) is right here. Some of the workers who had lost their jobs are here.

I remember talking to one woman who was standing in front of this plant. She had worked there 25 years. She quietly told what happened when her livelihood disappeared. Like many people today who lose their jobs because of trade, she got another one, but it only paid $7.25 an hour, I believe, working at the Target store. She had been making $15 an hour.

The telephone that she once assembled for Lucent is now made in Reynosa, Mexico. Do you know what they pay folks down there to do that? Less than $1 an hour. But the price of the telephone, she told us, keeps going up. How did she know? She worked in the Target store now that sells those telephones.

We got on the bus from there and we went down to Columbus, Georgia, where we met with textile and apparel workers from throughout the region. They told us what happened when plants closed in small, rural communities where few opportunities are available for those who lose their jobs. More than 150,000 textile and apparel workers have lost their jobs in the past 2 years alone, 2 years alone.

Farther down the road, we visited with farmers who worked at a tomato packing co-op in Quincy, Florida. The once bustling facility now stands virtually empty. Since NAFTA was passed in 1993 more than half the tomato farmers in Florida have gone out of business. Many of these farms have been owned by the same families for generations. These people are very, very proud of their work, and they know they have nothing to fear from old-fashioned competition, but one after another, they told us of their story and their frustration.

Here they are, dealing with a situation in Mexico where tomatoes are grown with chemicals and pesticides that are illegal here in the United States. They are grown in unsanitary conditions and picked by workers, including children, children who are 11, 10 years of age, who toil for indecent wages. That is what they are up against. These Florida farmers wondered aloud how much longer they can stay in business under these conditions.

So what does a tomato farmer in Quincy have in common with a garment worker in Columbus, Georgia? What connects a cattle rancher outside of Gainesville with these people here, a high-tech telephone worker in Atlanta? There is a thread that connects all of these people and their diverse lives. They have learned something important, something that people in Washington and Wall Street still do not understand. These people know from hard firsthand experience that something is wrong with our trade policy. Those of us who work in Washington have a lot to learn from these folks.

We know, of course, that a single bus trip cannot solve such a complex problem.

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But these issues cannot be addressed without listening to the people who are affected and understanding what has happened to their lives.

We began such a dialogue with our 500-mile journey. This is a long-term debate. It is going to take many years, and we expect to be back on the road again soon to continue this discussion. I hope that others will join us from my party and the Republican Party as we work together to steer this Nation into the future. We can do this if we only find common ground, and we can find common ground if we engage in a dialogue, not only with each other but with the people in the country who are affected by these policies.

I believe, in conclusion, before I yield to the gentleman from Michigan (Mr. DELAHUNT) and the gentleman from Massachusetts (Mr. STUPAK), that what we are advocating is a policy for the future, a trade policy that deals with the issues that our parents and our grandparents and their grandparents struggled with a hundred years ago. Those same issues are being struggled with in countries that we do trade with today, that are trying to develop into a developed nation.

In this country 100 years ago we did not have the 8-hour day, we did not have the 40-hour work week, unemployment comp, worker's comp. We did not have the weekend. We did not have health and safety laws. All of those things happened because people were willing to sacrifice, they were willing to march, they were willing to demonstrate, they were willing to be beat up and go to jail. They were willing in some instances to die.

It was a Triangle Shirtwaist fire in the City of New York, at New York University today, a sweatshop where over 100 women were killed because of unsafe working conditions, that prompted the movement to a safe working condition in this country.

It was 9,000 coal miners living in tents, demanding an 8-hour day, and then having the companies mount machine guns on top of armored cars and threaten these miners, burning their tent site, killing 21 of them, including 11 children, that started the movement to get the 8-hour day.

It was Upton Sinclair's novel, "The Jungle," that exposed rotten food and beef in this country that was poisoning and killing too many innocent people. That led the movement to consumerism and led the movement to safe food.

All of this did not just happen. It happened because people did something about it. And there are people like those that I have just mentioned in Mexico and in Indonesia and in China who are struggling for these same basic rights: a decent wage, a right to organize, a right to assemble, a right to collective bargaining, and the right to lift themselves up to our level.

And it is not only right for us to stand with them because it is the right thing it to do; it is also the right thing to do for our people because when their standards go up, multinational corporations cannot say "Well, if you do not take a cut in pay, a cut in wages, a cut in benefits, we are moving to Mexico or Indonesia or China." They cannot say that because the standards there begin to rise and so the comparative advantage is gone.

In conclusion, Mr. Speaker, I want to say that I thank my friends who went on this tour, especially the two gentlemen who are with us today, the gentleman from Michigan (Mr. STUPAK), who knows the food safety issue. He knows all of these issues, but he knows the food safety issue as well as anyone in this Congress, and he has played an instrumental role in raising that issue to the forefront as we debate these issues. And the gentleman from Massachusetts (Mr. DELAHUNT) a new Member who immediately understood this issue and sensed the anger and the frustration in this country, sensed the inequities, and understands the plight of small business people in this, which never gets talked about but is very key as well, and who took of his time to come with us and listen and to see and to talk and to engage in dialogue so that he could come back here and express to our other colleagues what he had heard on this trip.

Mr. Speaker, with that I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding, and thank him for organizing this special order and actually being the leader on the fair trade campaign.

This bus trip that the gentleman talked about, where we went around Georgia and Florida and listened to people, was put on by the Citizens' Trade Campaign. That is a group of religious leaders, labor leaders, consumer groups, consumer advocacy groups, and they invited us to go out and get out of our safe districts, we are comfortable there, and go talk to folks like we have in our photograph there, I didn't know any of them there other than the Members of Congress, and to listen to their stories.

Mr. Speaker, I found throughout this whole trip, no matter what aspect it was, whether it was manufacturing or farming, Americans are eager to compete. They want to compete. They want trade agreements. But at the same time they know that this country has some standards that we must adhere to, whether environmental standards, labor standards, agricultural standards, and especially food safety standards.

They are saying, we are happy to compete. We can compete with anyone at any level. Just let us all play by the same rules. Let us have a fair trade agreement.

Mr. Speaker, it was interesting at the Ford plant that the gentleman spoke of where they made the Tauruses and the Sables, the number one efficient auto plant in the world according to J.D. Power and Associates, year after year. They are the number one plant. They have a great working relationship between labor and management.

We asked the question: How many cars do you sell to Japan? Obviously, they must sell a lot of this number one popular car. They said, "This year we are doing pretty well. We are going to get 670 units." We asked how many units do they make in an hour, and they can make 67 units in an hour. So what Japan orders from us as far as this very popular car is one 10-hour shift worth of cars, is all they are going to have, and they think that is a breakthrough for this year.

The point they stressed is that while they are the most efficient plant in the world according to J.D. Power, yet they can only sell 670 cars. What is going on here? And they do put the steering wheel on the right-hand side. And Japanese consumers love American cars, especially the cars that come off this line in Georgia.

All they ask is, let us compete. If they are going to bring a car in, let us bring a car into Japan. And they were serious and sincere and it was neat to listen to these guys.

Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding. I think a fact that I shall never forget upon visiting that Ford factory was that the cost of the car that they produced, which was the Sable, a fine car, in the United States cost approximately $20,000. When that car was exported to Japan, the consumer in Japan had to pay approximately $45,000 for that vehicle.

Mr. BONIOR. And it was not just the expensive boat ride over.

Mr. DELAHUNT. It was not the expensive boat ride. But I think really what that particular statistic does really talks to what we are about, which was fair trade. We ought to have probably a picture of the car that was produced here, produced in Atlanta, Georgia, just to remind the American people that that car was $20,000 here in the United States and $45,000 in Japan.

Mr. Speaker, I yield back.

Mr. STUPAK. Mr. Speaker, reclaiming my time, the gentleman makes a very good point. We asked why does it cost so much? From $20,000 to $45,000 to $50,000? And they said: See, when we bring an American car and put it over in Japan, then we must follow their rules. We must now follow the Japanese standard. Every car must go through a processing center where they go through with a very fine-tooth comb, and they reject and continue to reject it until that is the perfect car. And every time there is a rejection and further inspection, the manufacturer here, in this case Ford, would then have to pay to bring it up to their standards.

So if I might, I would like to talk a little bit about standards tonight and food safety, because when we went to Florida and we had heard from the gentleman from Florida (Mr. BOYD), the gentlewoman from Florida (Mrs. THURMAN), the gentlewoman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. WEXLER) and others, as we were doing the debate about fast track last year, they said we are happy to compete with Mexico on food standards, especially our winter fruits and vegetables and the citrus, but just have the same standards. But since the implementation of NAFTA in 1993, they said look what happened in our State because we do not have the same standards. Florida has lost 50,000 agriculture-related jobs.

Mr. BONIOR. How many jobs?

Mr. STUPAK. 50,000 agriculture-related jobs since the implementation of NAFTA. The tomato industry has lost $750 million since 1993. They said our job, our health, our Nation's food standards have gone downhill. But we said, look, can we compete with Mexico to produce food at a competitive price while maintaining the world's highest food safety standards? They unequivocally said yes, we can, as long as the food coming into our country meets the same standards.

Mr. Speaker, we are not talking about a surcharge or anything to make it meet our standards. We are talking about some very, very basic health standards that this Nation has set forth, has fought for over the years to develop the world's greatest and safest food supply.

But look what has happened. Take our own State of Michigan. We had the school hot lunch program in which strawberries had come in from Mexico and they were tainted with hepatitis A. And Michigan is as far as one can get from the Mexico southern border. But we have to understand that our fruit and our food supply, especially our winter vegetables, 50 percent or more comes in from Mexico during these winter months.

So we had these strawberries that got in the school lunch program and they came from Mexico. At the initial outbreak we had 179 Michigan students contracted hepatitis A after eating tainted Mexican strawberries.

Mr. DELAHUNT. Mr. Speaker, could the gentleman repeat that, please.

Mr. STUPAK. It started out 179 Michigan schoolchildren contracted hepatitis A by eating tainted strawberries. It is now up to 324, and this is in Calhoun County, the public health officials have told us 324 have contracted hepatitis A from school lunch.

Mr. DELAHUNT. So from the time it was first diagnosed that this epidemic broke out, it has almost doubled in terms of the number of young children that have been conclusively diagnosed and contracted hepatitis as the result of the importation of unsafe food from Mexico?

Mr. STUPAK. Mr. Speaker, the gentleman is correct. I am talking about 10-year-old students here. Most of these children were second, third and fourth grade 10-year-old students.

If we stop and think about what we are doing in this country, we have food standards in this country that are the envy of the world. We have the safest food. But if we look at what has happened recently, every second of every day someone is stricken with food poisoning. If we take a look at it, that is 33 million Americans a year. In fact they attribute 9,000 deaths to tainted food here in the United States.

Mr. BONIOR. Mr. Speaker, that is a startling number. I do not think many of our constituents realize how widespread it is. I know my son just got food poisoning last week. We do not know exactly what it was from, but that was the diagnosis. It happens and it happens often. As my colleague says, 9,000 Americans die per year.

Mr. STUPAK. From food poisoning. And we do not always recognize it as food poisoning. But these numbers are from reports and studies of the General Accounting Office. U.S. News and World Report did a big article on it a couple of months ago. That is where some of these statistics derive from.

Mr. DELAHUNT. Mr. Speaker, if the gentleman would yield for a question, what kind of inspection occurs when these food imports enter into the United States?

Mr. STUPAK. Well, jumping a little bit ahead here, but let me explain a little bit of what has happened, what we have found. I mentioned the General Accounting Office and they have done a couple of reports. One was in May of this year, and here is what they told us.

Mr. HUNTER. The General Accounting Office is an official agency of the United States Government, nonpartisan in nature?

Mr. STUPAK. Nonpartisan. FDA inspections, talking about domestic and imported foods, in 1981 we had 21,000 inspections in this country. 21,000. In 1996 we have, domestic and imported, 5,000 inspections. In 1981 we had 21,000 inspections of our food supply; 1996 we had 5,000.

Mr. BONIOR. It drops down.

Mr. DELAHUNT. That is less than 25 percent this past year of what occurred 6 or 7 years ago.

Mr. STUPAK. Mr. Speaker, remember what I said earlier. More than 50 percent of the lettuce, tomatoes, the fresh fruits and vegetables we consume in this country are not grown in this country because it is the wintertime. Our growing seasons are down, and especially now with the weather problems we have seen with El Nino as California has been hit.

So now we go back to what happened to the tomato industry that we saw in Florida. Why did they lose 50,000 agriculture-related jobs? Why did they lose $750 million in lost profits? Because they cannot compete with the Mexican tomato industry which has really taken over the U.S. market.

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Down in Florida we tell them, you have to play by the rules. You cannot use illegal pesticides. You must use very clean irrigation water, and you must have proper handling of your product. But they do not play by the same rules in Mexico, and when they come across the border, there is no one to inspect.

For instance, take a look at it, there are 9,000 trucks per day that come in from our southern border carrying fruits and vegetables. Actually it is 12,000, but 9,000 are carrying food products. Of those 12,000, 9,000, which are food products, how many are inspected? One percent. Just 1 percent are ever inspected.

The infrastructure to do the inspections that are necessary was never in place when NAFTA, the North American Free Trade Agreement, was passed. And look what has happened. The inspections have actually gone down.

So we wrote the President and the administration a letter, 84 Members of this Congress signed it, and said, look, if we are going to do these trade agreements, and we are for trade, and if we are going to have equal standards, you have to do a couple things, Mr. President. And we hope we can join and work with you because we want to have trade agreements, but we need to include three things.

Number one, we need to include strong food safety and health safety standards in these trade agreements, whether it is NAFTA or an extension of the fast track agreement. Have our standards, please, Mr. President. Let us increase the funding for border inspections of Mexican trucks carrying food produce, meats, frozen foods into our country, and last but not least let us begin an aggressive food labeling program so all food products that come into this Nation, when you go to the store and you reach for that tomato, it should be labeled in that bin, whether that is grown in Mexico, California or Florida. And let the American consumer decide whether they want tomatoes grown in Florida or Mexico.

Mr. BONIOR. Are there any States that do this now?

Mr. STUPAK. Right now there are two States. Florida is actually one of them. So is the State of Maine. In this bus trip we asked agricultural people, what does it cost if we would say you have to label your fresh fruits and vegetable products from the country of origin so the consumer would know? They said, it costs, according to State officials, $4 for every store you own a year, $4 for every store. There were some consumer groups and we asked them. I will take it back, it was $4 a month. So we asked the consumer advocacy groups what did they think. Florida said it was $4 per month per store. What do you think it is? They said, at most it is $8 to $10 per month per store. That is the added cost, very limited, very, very limited.

So there is not a big financial incentive why not to do it, but again, should not the American consumer have the final say on where they want their fruit, vegetables, especially during wintertime, where it is grown, you choose where you want to take it from, that that Nation does not live up to our standards like on irrigation water and illegal use of pesticides, then you should have the right to say, I reject that fruit or vegetable from Mexico. I would rather have U.S.-grown because I know the standards it lives by.

That is all we are trying to do is, what are the safety standards. We talk about safety standards all the time. Whether you are in Michigan, Florida, Georgia, when it comes to trade and food safety standards, you are certainly concerned about your health, your family's health, and you want to make sure you these high standards are met.

Mr. DELAHUNT. If the gentleman would yield, I do not think that there is any Member of this body that would disagree with the fact that it is unconscionable to allow food that is contaminated to be imported into this country.

I want to get back to the statistics that you talked about in terms of your home State of Michigan and Mr. BONIOR's State where there were in excess of 300 children under the ages of 10 who contracted hepatitis. But putting aside the human anguish, putting aside the fact that this is just unacceptable to the American people, what I would dare say is that the cost of treating the victims of that epidemic in terms of our health care dollars has to be substantial.

Somebody is paying the bill. And it would appear to be the people of Michigan in that particular case, but people all over this Nation in terms of allowing into this country the import or importation of food products that very well might be endangering the health of Americans, there is a dollars and cents cost to that.

Mr. STUPAK. No doubt. There is a dollar and cents cost, but let us continue with this Michigan example. There are 300 and some children now who have hepatitis A. We know how to treat that. You are very ill. There is an antibiotic, you will get better. But what has happened in Michigan? Give you some idea of what kind of food we are importing here, these children right now today are still suffering from loss of hair, skin loss, respiratory infections, asthma-related illnesses, shingles, sores in their mouth. Those are not symptoms of hepatitis A. The suspicion is that there were other things in these strawberries. The unclean water that they used to irrigate, could there have been lead, arsenic? Was there an illegal pesticide as Mexico uses, DDT? We have not used that in this country for a long time, and 30 other chemicals in this country they still use in Mexico.

So the secondary symptoms, which are quite horrendous to say the least, we have asked the FDA to do a further follow-up. You have these strawberries. They were impounded. What else was there? Was it lead? What else is causing these other symptoms for these poor children in Michigan? We wrote that back last fall. We still have yet to receive an answer.

So while there is a monetary cost, as the gentleman pointed out from Massachusetts, of treating hepatitis A, we have added costs of things we do not know. We have the agricultural loss of jobs. You have the industry loss, but how do you tell a 10-year-old whose hair is falling out that, well, it is OK, we have got a good trade policy in this country, and we just do not have enough inspections on the border, and, well, I mean, you cannot. Financially or emotionally, you cannot put a value on that.

Mr. BONIOR. It is not just the children in Michigan. Two facts briefly, if I could, that relate to your comments. No. 1, I was astounded to learn on our trip that approximately 70 percent of the food sold at this time of the year in Michigan in the Detroit area is imported, 70 percent. I do not know why I was astounded. I guess I never really thought about it that much. That is a huge number.

The second point I would make, it is not only the children of Michigan who have suffered dramatically as a result of these trade policies that do not take into account lower standards, health standards, but it is the children of Mexico as well. If you look along the border between the United States and Mexico from Texas to California, an area called the maquiladora, there has been virtually no cleanup. They have had this huge surge of industrial development and these plants pouring their waste and their sewage into canals where children bathe and play, and as a result we have had this terrible outbreak of health problems for these children.

The American Medical Association, a conservative and I might even say stodgy organization, but one that is held in pretty high esteem in this country, called this area, called this area, the border area, the maquiladora area, a cesspool of infectious disease. Their words, not mine.

So to get this to trade again, what we are all about is raising those standards so that not only those Mexican children but our children do not have to suffer the consequences that the gentleman from Michigan and my friend from Massachusetts, who so ably outlined for us.

Mr. STUPAK. Mr. Speaker, the issue here in the United States, we want to maintain our food supply as safe as we can. So while we want to raise the standards for the children south and even north of our border, we also must maintain what we already have. These standards, again, the workers we saw, they can compete with anyone provided we are playing by the same standards.

We have had problems with beef coming from Canada, that has been tainted. We have had trouble with Guatemalan raspberries. We have had milk problems up in the Northeast from an airborne pathogen that came over probably from Europe.

So that is why it was so important when we had the fast track discussion last fall and we asked the President to sort of do three things for us, to maintain our standards, the United States standards. Number one, renegotiate the provisions of NAFTA that relate to border inspections and food safety to ensure that any fast track authority would include strong food safety provisions. Secondly, we asked to increase the funding for border inspections or, alternatively, limit the increasing rate of food imports to ensure that there is a safe supply of food here in this country. Last but not least, to begin the program to label all foodstuffs including fresh and frozen fruits, vegetables and meats with their country of origin. Unfortunately, that was not put forth by the administration.

I guess those were simple standards we asked for, but stop and think about it. About 6 months ago or maybe even a little longer, we were ready to go to a trade war with China over things like CDs, intellectual property rights, copyrights, banking laws. That is all fine. We have these standards for cassette discs. We have it for copyright infringement. We have it for so-called intellectual property, and we have it for copyrights. Why not for food safety, something where we all eat and consume? And yet we have more than 50 percent of our fruits and vegetables. At least give the American consumer the right to determine whether they want that tomato grown in Mexico or in Florida, and you know what standards they are grown under.

I learned a lot from these folks on our bus trip. I look forward to future trips for the Citizens for Fair Trade campaign. I think we are all for trade, but when you hear these stories of these people or whose children have been stricken because of improperly imported food, you certainly, your heart goes out to them. But this is an issue that is being repeated too often. As I said, each second of every day someone suffers from food poisoning, 33 million Americans a year suffer from it. There are 9,000 deaths per year.

A CD has never killed anybody, but we certainly maintain its standards. Why can we not have that same standard for our food safety in this Nation?

I thank Mr. BONIOR for organizing this special order and also being a leader on this issue and opening our eyes to some of these very, very serious issues that must be addressed, and it is the proper position of the U.S. Congress to ask these questions as we continue trade agreements around this Nation and around this world.

Mr. BONIOR. I thank my colleague for his insights and leadership, particularly on this aspect of the trade issue.

I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I, too, want to echo the sentiments expressed by Mr. STUPAK that it was an extremely informative and educational trip for myself as well as for every Member of Congress. I did learn something about food. As you know, I come from Massachusetts, which is not necessarily considered an agricultural economy. However, I should point out that Massachusetts is the second leading producer, it might be the first, but I will concede to Wisconsin, the second leading producer of cranberries, and most of those cranberries happen to be cultivated and grown in my district, which includes the south shore of Boston as well as Cape Cod and the islands.

But I did learn this that I had never known before. When we talk about globalization, when we talk about trade, you mentioned, for example, that 70 percent of the food that is consumed in the State of Michigan during the course of the winter is imported. When we talk about globalization, we are really talking to, I would suggest, the beginning of the end of a way of life, but because what I learned on this trip as it related to agriculture is that it is the small farmer in America that is losing, not the large agribusiness, not the large multinational conglomerate, if you will. But again and again we heard that the small farmer just cannot make it.

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They cannot survive. And my memory, and maybe it is a romantic view of American history, was a small farmer in America that really produced not just food, but in many respects our national prosperity.

Mr. BONIOR. Our way of life, our culture, so many pieces of the fabric and texture of our country was established, as the gentleman correctly stated, by that type of an entity. It was not just an economic entity, it was a social entity that carried tremendous values that today we revere in this country.

Mr. DELAHUNT. As the gentleman says, it is almost as if there is a loss of a sense of community; that these people who really made America great, the small farmer, is at such an incredible disadvantage because of unfair trade. Unfair trade.

And those are the people we ought to be concerned about. Who is standing up for the small farmer here in America today? It is certainly not the multinational conglomerate.

I was pleased to hear my friend, the gentleman from Michigan (Mr. STUPAK), talk about that we are not opposed to trade. Because the reality is every single Member that participated in that trip wants to encourage trade. We are pro-trade. We are pro-fair trade. But what we want to be able to do is to write the rules of international commerce so that every single American benefits from the prosperity that is generated by global trade and by the global economy. That is what we are about. And that was really the first very small step along that road. The very first step.

But what we have discovered in real terms is that not everybody is playing by the same rules. We have to have a set of rules where there is a minimum wage; where there are child labor standards; where there is a 40-hour workweek; where there is paid vacations; where there is a weekend. It is not about exploiting other nations, it is about raising their standard of living and not suppressing our own standard of living to benefit the few.

If we can pause and reflect, we think of in the past 10 years how well the stock market has done. Broken all records. Every day there is a new record. I daresay that the stock market has probably increased, since 1980, 700 or 800 or 900 percent, and my gut tells me that I am underestimating that. But what is happening to the median income of the American people in this country? The top 20 percent have done well.

Mr. BONIOR. Extremely well.

Mr. DELAHUNT. But what about the other 80 percent? What about the middle class in America? It is really about the middle class, because if we do not have a viable middle class, the poor and the disadvantaged have nowhere to go but even further down.

So what we are talking about is a global commerce, an international trade where the American people, through its Congress and through its President, write the new rules, the new rules that will encourage trade, but where every single American and people all over the world will benefit, not just a few.

Mr. BONIOR. And the gentleman is so correct when he talks about just the few. There has been an enormous wealth created in this country, particularly over the last 15 to 20 years, and accrued to the top 20 or 25 percent, as the gentleman stated, of our population. They have had tremendous increases in their standard of living and in their worth.

And that is not an insignificant number of people. Twenty-five percent of America is what, maybe 60 million, something like that? Sixty-five million people. That is a lot of people who have generated an enormous amount of wealth. They tend to be the same people who control the organs of communication: the media, the networks, the newspapers, the periodicals, the way we communicate electronically today. They are the folks that control that, and oftentimes they do not move beyond their own circles. They do not see what we see.

The gentleman is absolutely right, the top did very well. But those below the 75 or 80 percent level, below that top 20 or 25 percent, their salaries have basically been frozen or gone down. If we go to the bottom 25 percent of working people in this country, they have had a serious, serious drop in real wages over this same period of time, to the point now where we have in this country the largest income gap between the top working people and the people at the bottom. It has grown enormously.

Why is that? Well, there are many reasons. Trade is a piece of it. I want to be careful and use the right word, but

I would say we have betrayed our ancestors and we have betrayed our heritage on the issues that both of us have talked about that took so long to build up in this country. These struggles for a decent wage, for safe working conditions, for compensation, for time off, they just did not happen. We struggled for that.

Mr. DELAHUNT. If the gentleman will continue to yield for a moment. If those that went before us had not prevailed, would there be a middle class in America today?

Mr. BONIOR. Of course not. Of course not.

Mr. DELAHUNT. Is it not absolutely critical that whatever we talk about in terms of our own responsibility, it is to ensure that those standards that were created, as the gentleman said, through struggle and toil, stay the same so that we continue to have a healthy middle class that really sets us apart as a healthy democracy?

Mr. BONIOR. That is right.

Mr. DELAHUNT. Because without a healthy middle class, democracy starts to erode.

Mr. BONIOR. That is right.

Mr. DELAHUNT. And we become a society of have and have-nots. And that is part of the problem.

Mr. STUPAK. If the gentlemen will yield on that point. In talking about the middle and upper class, and I guess we could say the lower class, those on the lower economic scale, there was an interesting article recently put out by "Inside Michigan Politics," a publication from our home State, just 2 weeks ago.

Mr. BONIOR. That the gentleman shared with me on the bus.

Mr. STUPAK. Right. Basically, they have been doing this study and they had broken down the American workers into five different categories, the top percentile, the middle, and the lower percentile; and again breaking them, the whole working population, into 5 percentiles. The highest percentile, from 1990 to 1996 nationwide, they went up 13 percent greater than any other class.

Mr. BONIOR. The top 20 percent.

Mr. STUPAK. The top 20 percent went up 13 percent. In Michigan it was 12.7, rounded off 13 percent. The middle class, the third percentile, the third level, the middle one here, during that same 6-year period, from 1990 to 1996, they lost 2 percent. So they went down 2 percent. And the bottom 20 percent, or the lowest economic class that they surveyed, actually lost about 20 percent over the same period of time.

So we can see the rich will get richer, the poor will get poorer, and the poor middle class here that we all relate to and speak of, actually lost 2 percent in our home State of Michigan.

Mr. BONIOR. And the gentleman is right. What happens, of course, is when people's salaries get bumped from, as I described earlier this woman at Lucent Industries, is making $15 an hour and she lost her job. She found another one at Target, the department store, for $7.50, half her salary. What happens with those people, of course, is that they work two jobs.

Mr. STUPAK. What is their biggest concern right now?

Mr. BONIOR. And their spouse often works two jobs.

Mr. DELAHUNT. And what does that mean?

Mr. BONIOR. That means they are not home.

Mr. DELAHUNT. That is correct.

Mr. BONIOR. And when they are not home, the whole fabric that keeps our society together, the values of the family being there when their kids come home from school, working with them on their homework, going to their ball games or their dance recitals, it is not there. And they do not participate in their community. They do not vote.

It is no wonder the percentage of people participating democratically in this country is starting to slide, because they do not know what is happening in their communities. They are busy trying to make a living and trying to stay even.

Mr. DELAHUNT. It is like running on a treadmill. That is exactly what it is like.

Mr. BONIOR. Do my colleagues remember the woman who came on the bus, and where was it, it was just outside of Gainesville, with the gentlewoman from Florida (Mrs. KAREN THURMAN), and sang us that song?

Mr. DELAHUNT. Anytown USA.

Mr. BONIOR. Anytown USA; about how these towns have just changed so dramatically. We now have CVS Pharmacies coming in, and the small pharmaceutical companies, the store owner is gone. We have the Kmarts and we have the Wal-Marts that have come in, with the huge percentage of products made abroad, by the way, and that just kind of ruins the whole downtown area in these communities.

The multinational large corporations have had an enormous impact on changing the values and the face of what America looks like today.

Mr. STUPAK. These workers we spoke to, especially ones outside this plant, and even the textile workers down in Columbus, Georgia, if we look at that photograph, and I know it is hard to see for the folks, but those workers there are not young people just out of high school. They had 25 to 30 years. This was the last plant they had of making these telephones. So they moved, some of them, five and six times trying to keep their jobs.

And the gentleman is right, they were making about $13 or $15 an hour and, now, working at Target, for like $7 an hour. But look at these workers. They were mid- to late 50s. They have 25 to 30 years in with this company. And they said we have been gone now for over a year and we are struggling to find work.

And their big concern, what was their big concern? While they were retirees and had vested benefits, they were now taking their health benefits away.

Mr. BONIOR. That is right. These folks, 25 to 30 years, moved their jobs away, now working somewhere else, but at least they had these benefits. Now they are going after their health and pension benefits.

Mr. STUPAK. Now they are going for their health and pension benefits.

Mr. DELAHUNT. It is important to remember, too, we are not just talking blue collar workers here. There were people that were concerned and frightened about their jobs as middle managers.

I can remember reading 2 or 3 years ago a series in The New York Times about corporate downsizing and restructuring. The victims of corporate restructuring and downsizing are out there, too. The individual that was making $65,000 or $75,000 or $85,000 a year, we should speak about him, too, because he has or she has not had an opportunity to secure a job, similar kind of employment, that exceeds in many cases more than 60 percent of what his or her income was.

The gentleman spoke earlier about the small business person. Does anybody in America recognize what is happening in the community? The gentleman talked about the drugstore. I have this vivid memory of every day, on my way home from school, stopping at the independent drugstore: The individual who sponsored the Little League team, who knew my name, who traded with my parents, who was an integral part of the community.

That does not happen today. That store is gone. The hardware store, that was part of the song that that folk singer sang to us. Rather than going down and getting your nails and hammer at the hardware store in our local town, where again we knew that individual and we connected with the owner, with the proprietor, he or she is also gone. Today we walk into Home Depot.

Maybe an argument can be made, and I have not heard it yet, that we are better off as a result of the efficiencies that are occurring there. But there is something missing in terms of the quality of life with these people going on.

□ 1900

Remember community banks? Is there anybody in America that has not witnessed the incredible acceleration of the demise of community banks? I know in New England we really have two banks left. If you are a middle-class person, and you need a loan real quickly, go in and knock on that friendly door.

Mr. STUPAK. Whether it is banking or whatever, and I hope the folks listening do not just think it is Georgia or Florida we are talking about but it is everywhere, whether it is Massachusetts or Michigan.

My home area, northern Michigan, I represent the northern half of the State but even my little community of Menominee, which is 10,000 people, and Marinette, Wisconsin right across the border, 12,000 people, we had 4 paper mills in the area. Recently we have been devastated by layoffs. 896 workers have been laid off since September of 1996.

Our paper industry up there in northern Michigan, each of our mills found their own little niche in the market. What happened? The big corporate multinational company from Australia, Visi, comes in. They like this nice little plant in Menominee, so they buy it. They buy it for two reasons, the niche or the product line we produce and our customer base. So they buy this plant, they buy our product line, they buy our customer base.

Then suddenly, even though that mill makes money and machine number one, paper machine number one still made money, it was not as efficient as they wanted it. So without any responsibility to the community, machine number one is gone, that is 220 workers, and all the support in that factory needs it.

Kimberly-Clark takes over, Scott paper, Scott tissue, we all know that. Kimberly-Clark came in, bought the product line, bought the customer base, basically shut the place down.

Badger was a very small little paper mill in Peshtigo, Wisconsin. Again, imports made it cheaper to buy the pulp elsewhere, and Badger is really struggling to make ends meet. As we globalize, not only is there economic and social justice you have to argue, but there is also a corporate responsibility to these communities and to these individuals. Where do these people, whether in Georgia, Florida or Michigan, who have 30 years in, go for a job?

Mr. BONIOR. There is a backlash that is going on all around not only the country, around the world today, to globalization. We know it is happening, we know it is a reality, we know it is here. It is here to stay, that our borders are broken down, we are going to be trading with each other, and that is good.

The backlash comes when it is not fair. What we are all about is trying to write the rules so that the average man and woman gets a break and it does not all go to the top. It is not much more complicated than that, although we have talked about all the difficult and intricate pieces here.

What we have got to do is start holding accountable those multinational corporations and those governments that are in cahoots with these corporations to make sure that the average working man and woman get a break, because we are all in this together. What happens to the worker in Mexico or Indonesia or in China affects the worker here. People are starting to figure that out.

I thank the gentlemen for spending the time this evening. I look forward to getting back on the bus with them and going to other parts of this country to hear stories, to understand and listen to people and coming back here and sharing their concerns with our colleagues and with the country.

With that, Mr. Speaker, I have the great pleasure and honor of yielding now to the distinguished gentleman from Waco, Texas (Mr. EDWARDS), the Chief Deputy Democratic Whip.

RELIGIOUS FREEDOM

Mr. EDWARDS. Mr. Speaker, I want to thank the distinguished minority whip for recognizing me to speak for a few minutes on an issue that is very near and dear to my heart. Mr. Speaker, I am here today to discuss an issue that I believe is of critical importance to our Nation and to every American family. The issue is religious freedom.

Specifically, I want to comment on Federal legislation that I believe will do great damage to our Bill of Rights and to the cause of religious liberty. The gentleman from Oklahoma (Mr. ISTOOK) has introduced a constitutional amendment that, if passed into law, would for the first time in our Nation's history amend our cherished Bill of Rights, that Bill of Rights which has for over 200 years protected Americans' religious, political and individual rights. On Wednesday the Committee on the Judiciary is expected to vote on this ill-conceived legislation.

The gentleman from Oklahoma (Mr. ISTOOK) has mislabeled his work the Religious Freedom Amendment. More appropriately, it should be called the Religious Freedom Destruction Amendment, because that is what it will do.

In my opinion, the Istook amendment is the worst and most dangerous piece of legislation I have seen in my 15 years in public office. It is dangerous because it threatens our core religious rights and would literally tear down the 200-year-old wall that our Founding Fathers built to protect religion from the intrusion of government. That is why I will be working with a bipartisan coalition of House Members and religious leaders from across the Nation to defeat this measure.

The Istook amendment would allow satanic prayers and animal sacrifices in the name of prayers to be performed in our public school rooms. It would step on the rights of religious minorities and allow government facilities, including county courthouses and elementary public schools, to become billboards for religious cults.

Mr. Speaker, America already has a religious freedom amendment. It is called the First Amendment to the U.S. Constitution. It is the first pillar of our Bill of Rights. It is the sacred foundation of all of our rights.

The First Amendment begins with these cherished words: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." For over two centuries that simple but profound statement has been the guardian of religious liberty, which is perhaps the greatest single contribution of the American experiment in democracy. To tamper with the First Amendment of our Bill of Rights has profound implications.

In the name of furthering religion, the Istook amendment would harm religion. In the name of protecting religious freedom, it would damage religious freedom. With no disrespect intended to my colleague, if I must choose between Madison, Jefferson and our Founding Fathers versus the gentleman from Oklahoma (Mr. ISTOOK) on the issue of protecting religious liberty, I shall stand with Madison, Jefferson and our Founding Fathers.

If history has taught us nothing else, it has taught us that the best way to ruin religion is to politicize it. Our Founding Fathers deleted the mentioning of God in our Constitution, not out of disrespect but out of total reverence for their faith in God and the importance of religion in our lives. It is that same sense of reverence that should move us in this Congress to protect the First Amendment of our Constitution, not dismantle it.

Some have suggested that the Istook amendment is necessary because they allege God has been taken out of public places. I would suggest those people must not share my belief that no human has the power to remove an all-powerful, ever-present God from any place on this earth.

The fact is there is no law in America that prohibits prayers in school. Teachers have said as long as there are math tests, there will be prayers in school. I agree. Under present law, school children may pray silently in school or even out loud, so long as they do not disturb the class work of others and try to impose their religious views upon their fellow students. Today in our schools children can say grace over school lunches and, if they wish, pray around the flagpole before and after school.

Under the Bill of Rights, government resources, though, cannot be used to force religion upon our school children against the wishes of their parents or the children themselves. What the Bill of Rights does prohibit is government-sponsored prayer, as it should.

Our Founding Fathers were wise to separate church and State in the very First Amendment of the Bill of Rights. Religious freedom flourishes in America today. Why? Precisely because of our Constitution's wall of separation between church and State. Islamic fundamentalism seen in the Middle East today is a clear example of how religious rights are trampled upon when government gets involved in religion.

In the months ahead, I urge Americans to look beyond the sound bite rhetoric of the Istook amendment and ask themselves this question: Should prayer be an individual right or a government program?

U.S. SHOULD SUPPORT INDIAN GOVERNMENT AND GOVERNMENT OF PUNJAB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, few weeks ago, several Members of this body had sent a letter to the Honorable Prakash Singh Badal, Chief Minister of the Indian State of Punjab. The letter alleges that India's security forces and the Punjab state police have been involved in a number of acts of murder, rape, and torture of the Sikh community. The letter also called for the establishment of a state human rights commission to investigate these alleged crimes.

Mr. Speaker, there is no need to resurrect these allegations or propose a new way to deal with them.

Last year, under the direction of Chief Minister Badal, the Punjab government established a human rights commission whose primary purpose is to investigate claims of human rights abuses committed by government officials, Indian security forces, and members of the Punjab state police. This commission is headed by a former Chief Justice of the Indian High Court. The former Chief Justice is accompanied by retired judges and private citizens from the State of Punjab. The commission was purposely filled with individuals who are of different and unique backgrounds to ensure that all interests are represented.

The Indian government several years ago, I should point out, also established the National Indian Human Rights Commission to investigate claims of human rights abuses. That commission has found members of the Indian security force, border patrol, and military to have used excessive force, especially in Punjab. This commission has swiftly disciplined these individuals for the crimes they had committed.

I am surprised that there was no mention in this letter that representatives of the International Commission of the Red Cross and Amnesty International have visited India. Many distinguished leaders from the U.S., including Members of this body, have traveled to India to meet with government officials, separatist leaders, and the general population.

Last year, Mr. Speaker, the predominantly Sikh Akali Dal party won the majority of seats in the legislature, and the party's leader, Prakash Singh Badal, was named Chief Minister. To show that they are committed to the peace and prosperity of Punjab, the Akali Dal party ran in coalition with the predominantly Hindu BJP party.

What concerns me, Mr. Speaker, is that these claims and accusations about the situation in Punjab really are almost 10 years old now. The developments over the last 2 years, three elections with over 60 percent voter turnout and the establishment of the state human rights commission, are in sharp contrast to the claims that are being made in this letter that was sent to the Punjab government. The people of Punjab have demonstrated their preference and commitment to peace and the democratic process.

I think it is time that Members of this body look past the problems that formerly plagued Punjab. It is time for us to focus on different issues, such as the major economic reforms initiated by the Punjab government.

Punjab is currently trying to attract numerous American companies to invest in the state's infrastructure, information technology, and agriculture projects. We should support those American companies, such as Pepsi, Heinz, and Kellogg, who have already made tremendous investments and have helped bring stability back to the state of Punjab.

Mr. Speaker, I am simply asking that we show our support and work with the Indian government, as well as the Punjab government, in keeping peace within Punjab. We should encourage American companies to take advantage of the opportunities that exist in Punjab.

Over the last 2 years, the citizens of Punjab have demonstrated their commitment to peace and democracy. I think it is time we put these problems in the past that existed in Punjab behind us. They are being addressed by the human rights commissions that are in place.

It is much more valuable for us to talk about what we can do as Americans to bring Punjab and India closer together with the United States, as I know so many of the people in this body, including our Members of the India Caucus, have strived to do.

☐ 1915

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, our Congressional Budget Office today made an announcement that they now predict that we will have a $8 billion surplus this fiscal year ending October 1. It gives me a great deal of concern that we are hoodwinking the American people on what a surplus really is.

If one looks at this chart, it shows what has happened between 1960 and 2000. You notice even in spite of the Washington claims that there will be a surplus, the national debt keeps going up and up and up. That is because the way Washington defines a surplus is all money in, and all money out. The Trust Fund surpluses are spent in Social Security. In fact all our Trust Fund surpluses are spent on other items, and they are used, in effect, to pretend that we have a balanced budget, when we really do not.

So while we are professing great accomplishments, that we are having a surplus of $8 billion this year, this is how much we are borrowing from Social Security.

The Social Security Trust Fund in 1998, total revenues in, $480 billion; total expenses, $382 billion. We are borrowing from the Social Security Trust Fund, the bottom line, $98 billion. So when they say we have a surplus of $8 billion, it says maybe we are only borrowing $90 billion from the Social Security Trust Fund.

This is the historical tables that the President sent over last month with his 5-year budget. If you would turn to page 111 on these historical tables, you would see that the President's budget, every year for the next 5 years, the national debt increases between $130 billion and $175 billion. That is because we are borrowing from the Social Security Trust Fund.

So on the one hand, we say that the money borrowed from the Social Security Trust Fund is part of the national debt. In fact, it is part of the debt subject to the debt limit that is set by Congress. But creatively, on the other hand, we say, well, this is a unified budget. Therefore, we are going to call what we borrow from the Social Security Trust Fund revenues, and, therefore, the budget is balanced.

I would suggest that the true test of a balanced budget is when the national debt stops going up.

Look at this next chart. Here is the problem that we are having now in Social Security. The little blue area on the top that goes from 1997 until the year 2011 is the surplus that is coming into the Social Security Trust Fund. That blue is the positive side that means that there is more Social Security taxes coming in than is required at the moment to pay out benefits, because Social Security is a pay-as-you-go program. That temporary surplus is what we are using to currently balance the budget.

But that goes away in 2011. It goes away because the cash revenues coming in to fund Social Security benefits are going to be run out, and the benefits are going to be greater than the dollars coming in from the Social Security taxes.

So you see what happens in the other year, and this really gets to the heart of the serious problem of Social Security. If you go way to the bottom right-hand side of the chart, you see we are going to have to borrow $400 billion or come up with $400 billion additional dollars every year to satisfy what we have now made promises to the retirees that are going to be getting Social Security benefits.

A huge problem on Social Security. I think we have to face up to it. The No. 1 thing that the American people have got to start looking at, though, is the fact that Social Security has serious problems. Part of the reason, part of the reason they are having the problems for the future is that we are borrowing the surpluses today to spend for other programs, and we are borrowing those surpluses to pretend that we have a balanced budget, in fact a potential surplus this year and next year. The surplus projected by CBO next year is $9 billion. Next year we are going to be borrowing $100 billion from the Social Security Trust Fund. The following year, in the year 2000, I think the estimate is that the surplus is going down to $1 billion.

The fact is we need to acknowledge the fact that we are borrowing from the Social Security Trust Fund to balance the budget, to so-called balance the budget.

This next chart I think is interesting, because it starts looking at what the problems of Social Security are in this country. This chart shows the numbers. It is the demographics of what is going to be happening to us over the next several years. The number of seniors, the number of retirees is increasing dramatically, a 73 percent increase; 64 million seniors in this country, a 73 percent increase between now and the year 2025, where the working population is only going to be increasing 14 percent between now and that time. So you have an increasing number of seniors and a decreasing number of taxpayers that are paying into Social Security.

Let me just rego into history a little bit on how Social Security was started. Social Security was started in 1935. It was started as a pay-as-you-go program where existing workers pay in their taxes to cover the benefits of existing retirees. So no savings, no investment.

It worked very well in those early years, because in those early years, the average life span of an individual was 61 years. So most people never even lived long enough to collect any Social Security. So a system, a Ponzi game, a pay-as-you-go chain-letter-type structure like this, worked very well if people did not collect that Social Security.

But today, let me tell you what the average life span is today. Today the average life span, at birth, for a male, is 74 years old; for a female is 76 years old. But if you live long enough to start collecting Social Security, if you live to be 65, then on the average, you are going to live another 20 years. That is part of the problem. That is why the increase in seniors is going up so dramatically, and the increase in the people working and paying their taxes is going up modestly.

After World War II we had a high birth rate, those individuals called the baby-boomers, who are going to be retiring just about starting in about 2010, 2011, 2012. So these high-income people go out of the pay-in category and start collecting from Social Security and Medicare and other benefits. So they stop paying their taxes in. That is part of the reason that we really fall off in the year 2011, not having enough tax revenues as the senior population starts increasing.

By 1942, there were 40 people working, paying in their Social Security tax, for every single one retiree. Now, this chart shows that by 1950, that got down to 17 people working, paying in their taxes, for every retiree. Today it is three people working, paying in their taxes. The estimate is by 2027, there is just going to be two people working, paying in their taxes for each retiree. That is why it is so important, so critical, that we start facing up to this problem today, that we do not bury our heads in the sand, but we start acknowledging Social Security.

I compliment the President for at least saying, look, Social Security is a problem. We need to give it a priority. Let us make Social Security first. I say, yes, let us do it. Let us move ahead.

I talked to Ned Gramlich, who is from the University of Michigan. I am from Michigan. He headed the President's Task Force on Social Security. He spent 2 years. They could not agree on any single solution. They came up with three different solutions. However, what is interesting, every solution said that individual opportunity to invest some of that money as their own money is part of the solution. So you start changing it from a fixed benefit program to partially being a fixed contribution program.

And here is why every one of the three propositions that were put before us from that group included private investment as part of the solution. It is because over the last 90 years, the average return on index stocks has been 9 percent, 9 percent return. What do you think the average return for everybody that is under 55 years old is going to be today in Social Security? The Tax Foundation estimates that anybody that retires after the year 2000 is going to have between a negative 0.5 percent return and a negative 1.5 percent return. So Social Security as an investment is a very, very bad investment.

So if part of that money could go and be invested, you are still going to have to pay it, it is still going to go into the Social Security Administration, but like a 401K or like a Thrift Savings Plan, it will be an investment that is going to be the property of the individual worker.

Would it not be great for a change, we heard earlier this evening about the dilemma of people moving up and seeing and experiencing the creation of wealth. Part of the reason is this government and other governments are taking so much away from individuals in taxes. On the average now, 40 cents out of every dollar you earn goes in taxes. If you could reduce that a little bit, if we could allow workers the opportunity to invest some of that money into investments that are going to create wealth, where they could see the magic of compound interest, where their money is doubling every so many years, and, believe me, about the eighth doubling, the quadratic really increases, and you end up with really saying, gosh, this is a good idea, saving and investing.

That is why part of the solution has to be, in Social Security, an individual having that opportunity to take part of that Social Security tax and saving it and investing it and having the opportunity to see the creation of wealth.

The next chart represents what I think is what we have been trying to say in terms of what is happening to the number of seniors that will be increasing at 79 percent, and on the age 20 to 64, they only increase 20.6 percent, and then under age 20 goes up 4.7 percent. It is another way of describing the serious demographics that is really putting a challenge before the United States Congress and the President in terms of both Social Security and Medicare.

Since we created Social Security in 1935, every time we had a little extra money, we expanded the program and expanded benefits. In 1965, for example, we amended the Social Security Act to start the Medicare program in this country. Every time we were short of money, guess what we did? We increased taxes.

This chart shows how we have increased taxes. What I would like to point out is since 1971, Social Security taxes have gone up 36 times. I am going to say that again. Since 1971, we have increased Social Security taxes, the rate or the base, 36 times. More often than once a year we are increasing the taxes on working families in this country.

It is not a good way to go. We have got to make some changes, and I think the sooner we do it, the better.

Since we have increased taxes so much, if you look at the working population in this country, today 78 percent, this chart shows that 78 percent of working families now pay more in the FICA tax than they do in the income tax. So we are faced with a situation where taxes have been increased so often that 78 percent of all workers pay more in the FICA tax than they do in the income tax.

□ 1930

How are we are going to change it? What are we going to do? This, I think, is hopefully a heads-up, an awakening, to the young people in this country that should start demanding that this Congress and this White House do something to save Social Security for them. We are making them pay these huge amounts of taxes out of their pockets, and if we do not do something, they are never going to see any return from those taxes. That is the danger we are facing.

If we look at what happens in terms of the number of years that you are going to have to live after retirement to simply break even on what you and your employer put into Social Security, this chart shows, because it is a Ponzi game, shows that if you retire early, you can get all of your money back that you and your employer put into it in the first 2 years or 4 years; 16 years if you retired in 1995, and it goes up to 23 years that you are going to have to live after retirement if you retire in 2005. If you retire in 2015 you are going to have to live 26 years after you retire.

Another way of saying this is the statistics from the Tax Foundation that say you are going to get a negative ½ to a negative 1½ percent return on the amount of money you and your employer put in Social Security. Let us be perfectly clear whose money that is when the employer puts in half of that 12.4 percent. It is coming out of the employee's pocket.

I mean, if the employer was not willing to acknowledge that he was willing to pay this much to the employee and this much in taxes, that is what the employee is worth. So far as I am concerned, it is coming out of the pocket of the employee, that 6.2 percent that the employer pays in, for a total out of that employee's pocket now of 12.4 percent, just for Social Security. Then you add Medicare on top of that. Then you add your other income taxes and your excise taxes on top of that.

I think we need to start deciding just how much government we want in the United States, how much government are we willing to pay for, when 40 percent of the time you work, you work just to pay your taxes? Let us think of the possibility of getting all taxes down to 25 percent, at least, of what you make. Let us start looking at a more frugal Federal Government.

Of course, the Federal Government is the government that takes most of the tax money out of your pocket. This last chart that I have, that I think is optimistic in terms of what you can make if you are going to have an investment in the stock market, it is optimistic as far as the Social Security return. The Social Security Administration, on the bottom right-hand side, estimates that you can have had about a 1.7 percent return if you are lucky enough to be a white female that is going to have a longer period of years, so you are going to live over the 26 years after retirement, and you are going to make a return on the investment of approximately 1.7 percent.

However, if that same investment were put in the indexed stock market, you would be earning a return of approximately 8.5 percent. The middle blue line is the average real bond return, so even if you are investing in bonds, I am proposing in my bill, and I have introduced the only bill in the House that has been scored by the Social Security Administration that will have been scored to keep Social Security solvent.

In my proposal I am suggesting that we do not increase taxes, that we do not effect any reduction in benefits for those that are retired or those that are close to retirement, but we start taking some of that surplus money, and instead of spending it for other programs we take some of that surplus money that is now coming into Social Security and we start solving the problem by letting workers invest 2.5 percent of their taxable income. What would everybody do if they had the opportunity to invest 2.5 percent of their taxable income in safe investments? They would see the creation of wealth.

I think by taking this so-called surplus and investing it back into Social Security, by allowing workers to own some of that money so if they happened to die before they reached retirement age, it would be part of their estate; unlike Social Security, it would be what they own.

I am suggesting that with the opportunity to invest part of the money, and every year I increase the amount of money that would be allowed for personal investment, because as the trust fund expands, then what we are dealing with is more money available to increase the percentage of your Social Security tax that you can privately invest, so it takes 50 years under my proposal, but you finally get to 10.4 percent out of the 12.4 percent that you could invest as your own investment.

I am suggesting that you can retire as early as you want to to have that kind of fixed contribution returns on your investment. You can take it out at 59½ years old, or whenever you have enough money to buy an annuity, just to guarantee that you are not going to be spending it all and depend on other taxpayers to help you out later. You can retire as early as you want to.

I am suggesting that as you have personal investments, a good way to divide that personal investment between man and wife, between spouses, is to add what each spouse is allowed to invest, and you add both spouses' investment opportunity together and you divide by 2. So both the man and the wife, whether the wife is working or staying at home, would have the exact same amount that they are investing in their own personal retirement savings account.

Some people have asked me, what do you mean by "safe investments"? What I have done in my legislation is limiting it to either indexed stocks or indexed bonds or indexed global funds or indexed cap funds and other safe investments, as determined by the Secretary. It is the direction that we have to go. The quicker we move ahead on these kinds of solutions, the better off our future is going to be, not only for existing retirees, but for future retirees.

I have been asked the question in my town hall meetings, why do you not just take the $65,000 cap off what individuals are now required to pay that 12.4 percent of? When we started this program we started at 1½ percent of the—I think first $3,500. Now, over the years, we are now up to 12.4 percent of the first $65,000 that you earn.

But if you were to take the cap off, because Social Security benefits are calculated based on what you put in, if you took the cap off, the more you put in, the more your benefits would be. So I think that brings us to a decision: Do we want Social Security to turn into a welfare program that has no relationship to the contributions that go in?

I suggest that we do not want to turn Social Security into a program that says, well, if you saved and invested and did it on your own and were lucky, then you do not get anything back; but if you did not save and you did not invest and you did not take two jobs along the way, then we are going to have a Social Security program. I think there is some danger in turning Social Security into a welfare program. However, I do think that we need to slow down the increase in benefits for the higher wage-earners. That is what I do in my proposal.

I wonder, Mr. Speaker, if everybody understands how we calculate Social Security today. Let me just give sort of the rough version. You take your 35 best years of income or wages that you are making, and out of those 35 years you get an average monthly earning. Then you take the average monthly earning and you take the first roughly $450 and you say you are going to get 90 percent of that lower amount and then 15 percent of a higher amount. So what it does is add some degree of, if you will, progressivity to the way we calculate Social Security benefits.

So we go from 90 percent to 30 percent to 15 percent of your wages, and 15 percent of the high wage. That means that the high-wage person that is contributing up to the maximum is going to get a lower percentage back in terms of benefit than the lower wage-earner.

What I do in my proposal is I slow down the increase in benefits for that high-wage earner. I increase the retirement age by an additional 2 years. But to offset that 2-year increase in retirement age, I say that an individual can retire and use their returns for their investments as early as age 59½. So within 30 years, it could very well be that what they are getting from their personal investments would be greater than what they get from their fixed benefits under the traditional Social Security.

Yet one only needs to look at several examples of what States are doing to see the advantages of investment, real investment, and the returns that that can create as far as pension benefits compared to the Social Security fixed benefit program, where, in effect, we spend all of the money immediately when it comes in in taxes.

If we were to look at, for example, some counties in Texas that had the option of not signing into Social Security but invested that money in the kind of investments in stocks and bonds and mutual funds, whatever, those people recently now are getting up to 8 times more than they would have if they had been in the traditional Social Security system.

Mr. Speaker, private investment has to be one of the considerations of how we solve Social Security. I say, and this is what I said when I spoke to the National Association of State Treasurers this afternoon, going over this problem, is let us look at all the options.

Let us say here are all of the ways that we can help stabilize and keep Social Security solvent. Let us start talking about those options, pick out the best options, and let us, by the year 1999, next year, let us come up with a Social Security bill and start moving it forward as far as solving this problem, because the longer we wait, the more drastic the changes are going to have to be.

So let us face up to it, let us talk about it, and the gentleman from Texas (Mr. CHARLIE STENHOLM) and the gentleman from Arizona (Mr. JIM KOLBE) have a bill that says let us have a joint committee of the House and the Senate. Other individuals say let us appoint a commission.

Personally, I question appointing a commission if we are going to simply have a commission that is going to spend a couple of years, like the President's Commission did, coming up with alternative solutions. I think it is Congress' responsibility, it is the President's responsibility.

Let us look at the best possible solutions with the goals of not interfering or reducing the benefits of existing retirees or those that have already planned their retirement based on the promises kept, with the goals of making sure that Social Security is going to be a good investment for working families in this country, and with the goal of making sure that Social Security is going to be available for our grandchildren.

DEVELOPMENTS DURING AND AFTER BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. BLUNT). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, there have been a lot of developments over the past 2 weeks, and I had meant to speak last week and was unable to because of the sudden adjournment that took place last Tuesday, but I think what I wanted to talk about is still pertinent.

I wanted to talk about the closeout, the ending of Black History Month. February was proclaimed as Black History Month or African-American History Month for 1998. But since that time there have been a number of developments which I think are relevant to what I had to say at that time, so I am going to try to blend in some of these additional developments that have taken place with the statement that I originally wanted to make in connection with Black History Month.

Some relevant developments include the conclusion of a peace mission to Iraq, which I think is relevant to what I have to say. Another development is the issuance of a report last week by the Milton S. Eisenhower Foundation and the Corporation for What Works. It is called "The Millennium Breach," in commemoration of the 30th anniversary of the National Advisory Commission on Civil Disorders. The National Advisory Commission on Civil Disorders was better known as the Kerner Commission Report.

The Kerner Commission Report was a report commissioned by President Lyndon Johnson to study the riots that took place in the sixties and to develop a set of recommendations for the Federal Government. I like to call it the Kerner-Lindsey Commission Report, because Mayor John Lindsey, who was at that time Mayor of New York, was also appointed as Governor Otto Kerner of Illinois' vice-chairman, sort of. I know that Mayor John Lindsey did a tremendous amount of work on that Kerner Commission report.

□ 1945

So the Kerner-Lindsey Commission report stands as a report which I think is as great in the refusal to recognize as it is in its value. It has a great value, but if we had a way to measure the volume of the abandonment or attempt to ignore it, then it would be far greater than its value.

From the very beginning, the Kerner-Lindsey Commission report was snubbed by the President himself. President Lyndon Johnson, when they gave him the report, he refused to comment on it publicly. He accepted it, nodded his head, and that was the end of it as far as he was concerned.

By that time, President Lyndon Johnson was greatly burdened by the problems of the Vietnam war and domestic issues. He had had enough in terms of their disturbing his focus on that war. Issues related to civil rights, et cetera, he had given some time and attention to, and he was upset by the fact that there was not more gratitude and that all of these riots had broken out in the summers that led up to the need to commission the Kerner Commission report. Finally, when it was given to him and the recommendations were made, he did not care to deal with it.

The basic recommendation was that we were evolving toward two societies, one black and one white; that the conditions that existed in the black communities were very different from the experience that was taking place in the white communities; and that we needed a series of programs to address the fact that we were evolving into two sides. There were two different sets of opportunity, and those two different sets of opportunities were spawning different reactions and creating a situation in the black community which led to those explosions. By that time, nobody wanted to deal in a rational way with what was happening and the Kerner Commission report was tossed aside.

So I want to congratulate the Eisenhower Foundation. It established a continuation committee at that time, and every 10 years they have updated and commented on what has happened since the Kerner Commission report, and this is the 30th year anniversary. Mr. Speaker, I think that their recommendations here are worth taking note of, especially in connection with the closing out of Black History Month.

Black History Month this past year probably saw a greater number of observances and recognitions of the basic attempt to highlight achievements of blacks and the fact that blacks exist as a major part of the American experience than ever before. Carter G. Woodson founded Black History Month many years ago, and he would have been proud of the depth and the breadth of the recognition and the activities that took place during the past month.

And every year that has been the case, more and more activities take place in relation to Black History Month. More and more corporations have advertisements which indicate their recognition of Black History Month. More and more programs are on public television, and even on commercial television they include more and more programs on black history as time goes by.

So I am pleased with the observance of all of these micro items, these micro activities of black history taking place more and more. That is a step forward. I applaud that progress.

Black History Month was supposed to be a month in which we bear witness to the progress, the richness and the diversity of African-American achievement. Carter G. Woodson created and promoted Negro History Week. This week was selected because it included the birthdays of Frederick Douglass and Abraham Lincoln. In 1976 the week became a month.

It is time for Americans to reflect on the history and teachings of African-Americans whose contributions are still too little known, and that is basically what has been taking place. There are those kinds of items in the mass media and schools and churches, and Carter G. Woodson is to be applauded for having launched this, because it was launched at a time when there was a determined effort to ignore any positive achievements of American blacks, former slaves.

My problem with what is happening is that it does not go far enough. I am pleased with the micro items, as I am sure Mr. Woodson would be pleased. The recognition of various people, of positive achievements of various individuals and personalities, various movements, all of that I am quite pleased with.

I would like to go further and say that in future Black History Months we focus more on macro experiences and relate those macro experiences to what is happening now. In other words, I think it is important to look at macro phenomena related to black history, certain macro phenomena, and see how they have an impact on what is happening now.

What is the impact of knowing more about black history on our current argument related to affirmative action? What does a greater knowledge of black history have to do with that present situation where there are clear forces lined up on both sides, some against affirmative action, and we have a movement underway to get referendums and to reject and repeal all laws, regulations related to affirmative action? What light can knowledge of black history throw on this debate?

Then of course there are other people who say that affirmative action needs to go but they are ready to provide more "opportunity programs." An opportunity program is defined as being different from an affirmative action program because an opportunity program would create opportunities on the basis of disadvantaged status.

In other words, all low-income people, all poor people, black, white, any other ethnic group or race, would be eligible on the basis of the fact that they need the opportunity. Extra help should be given them because they are poor. Extra help should be given them because the circumstances under which they were born placed them at a great disadvantage. So there are people who are rabidly against affirmative action, who will tell us that they are all for opportunity programs.

I would like to talk about how the knowledge of some basic facts and basic phenomena related to black history and the 232 years of slavery that were experienced by our ancestors, black ancestors, how that throws a light on that argument too. Because what we find is that many of the people who say, "I am against affirmative action but I am all in favor of opportunity," when we confront them with a set of recommendations for opportunity programs they are quick to retreat. It becomes "big spending." Opportunity programs equal big spending.

In fact, we took out something called "Opportunities to Learn." We took it out of the law in 1996 in the appropriations process. In 1996 we had a thing in the education law, the Elementary and Secondary Assistance Act, which said that the Federal Government would encourage standards for opportunity to learn in our schools.

We have standards for tests, we should have standards for opportunity to learn. We had standards for curriculum. The one standard that they took out was the standards for opportunity to learn which, translated into common-sense English, it was only a statement that the Federal Government would use its influence. Nobody was mandated to provide opportunities to learn. It would use its influence to encourage States to have certain standards with respect to opportunities to learn.

Mr. Speaker, that meant in addition to setting standards for curriculum and giving tests to see if the young people lived up to those standards, we would also make certain that the young people who are taking those tests had an adequate supply of books, that they had teachers who knew their subject matter, that they had buildings which were adequate in terms of being conducive to learning and certainly safe and without health hazards. That was a frightful thing, and many governors throughout the Nation were the ones who put a great deal of pressure on both Democrats and Republicans to get rid of that language because although it was not mandatory, just to have it around, the governors found uncomfortable. The people who make decisions found it uncomfortable because it meant they would be on the spot in terms of providing resources, which means money. We have to have the money to provide the resources to guarantee that before we give a child a test to see if he has lived up to certain standards of curriculum that we have set, that we have also provided him opportunities to learn.

So they backed away from it because it looked like it would cost a lot of money. It will. We have to have decent physical facilities. The President's construction initiative would cost a great deal of money, and that is necessary to provide the opportunity. If we provide telecommunications facilities for schools and we provide computers and we wire schools for the Internet, that costs additional amounts of monies. We are providing those opportunities for the poor who would normally not have those opportunities.

We have the schools already in the suburbs, the schools of the future. They have the state-of-the-art communication, the computers, the Internet hookups. We have the best schools in the world in certain parts of the country. But in other areas we have youngsters who would benefit from certain opportunity standards, but we have backed away from it and they are getting less and less instead of more and more.

So it becomes critical to confront those who advocate opportunity versus affirmative action, to put their money where their mouth is. Live up to it. Let us have real opportunity programs.

In this report done by the Eisenhower Foundation to update us on the Kerner Commission report and where we are in relation to that report, they have a set of recommendations and some budget figures to go with those recommendations. So we are back to square one in terms of here is what is needed to provide opportunity, focusing on opportunities for minorities in big cities mostly, but the same thing is true of disadvantaged people in any part of the country, poor people.

So when we confront people who say we do not want to spend that much money to take care of the needs of the disadvantaged or the poor, it will break the government, we will go broke and big spending programs have brought us to the point of disaster in our economy, we still confront people like that despite the fact that we are enjoying an unheralded, unprecedented era of prosperity.

The index of the most favored stock index is above 8,000. I listened to the gentleman from Michigan talk about Social Security. Part of what he is saying is what a pity it is that people live so long. How awful that it is we are confronted with a dilemma because we are living longer and that places a burden on Social Security. People did not use to live so long when Social Security was first conceived. They had a much shorter life span.

Well, Mr. Speaker, when Social Security was first conceived we did not have a stock market index up at 8,000. Unprecedented wealth is being accumulated in America. Why should we worry about people living so long because that is going to place a burden on the Social Security system. Let us make sure that the wealth is utilized to guarantee that the elderly people do not have to worry and be ashamed of living long. That is at the heart of the matter.

If we cannot agree that the wealth of the Nation should be dedicated to making life comfortable for the elderly, then we can see how difficult it is to agree that some of the wealth of the Nation should be dedicated to creating maximum opportunity for all those who need opportunity.

Why should African-Americans among the disadvantaged be treated with any special favors, is the way most people put it. Why are they poor in the first place? Why have they not made it? The people argue that expenditures for opportunity should not be made because they all had a chance to make it, all Americans have a chance to make it, and if they are poor it is because there is something wrong with them. Why did they not make it? As a community, why are the African-Americans so far behind the other people who came over here or were brought over here?

Immigrant groups that came later than the slaves have fared much better economically and they are not so dependent. The percentage of people who are poor among other ethnic groups is not as great as the percentage of groups of people who are poor among African-Americans, we hear. There is something wrong with African-Americans.

Well, let us take a look at a piece of history, a phenomenon of history, not a single achievement or micro achievement of one group or one individual. Let us look at the phenomenon of 232 years of slavery.

☐ 2000

I have talked about this before. I think it cannot be emphasized too much. For 232 years slavery denied the opportunity to accumulate wealth to our ancestors. African American ancestors, blacks, slaves who, by the way, were not immigrants, they were hostages. They were kidnapped and brought here and forced to provide free labor.

By the way, also, labor for those 232 years had a greater value than labor has now. It was a labor-intensive world, a labor-intensive economy. You did not have machines to do the hard work. It took labor.

So the human capital supplied by the slaves was supplied free because they were forced to give it, and they got nothing back for it for 232 years. That is more than six generations. No wealth was accumulated. But in the world, all over the world, wealth is accumulated by inheritance. It is passed down from one generation to another. If a generation, if a group of people are not able to pass down any wealth, then they have a deficit. African Americans came out of slavery in 1865 with a deficit of 232 years of not being able to pass on anything, not even a pair of pants, because they owned nothing. They were owned themselves, and whatever they had was under the jurisdiction of their masters.

No capital is the primary problem in, and the lack of capital is the primary problem of impoverished African American communities. The struggle of the newly freed slaves to own homes and land received no assistance. The newly freed slaves were told at one point by General Armstrong of the Union Army, who had his own ideas about reforming and about justice, he briefly had an experiment with every slave was to get 40 acres and a mule. That is where that phrase comes from. They gave a few slaves 40 acres and a mule. And Congress stepped in and told General Armstrong to cut it out. He had to stop that before it really had any impact whatsoever. So the 40 acres and a mule promise was not realized.

Slaves, even after the 13th amendment set them free, and the 14th amendment gave them equal rights, and the 15th amendment gave the right to vote, they could not participate in the land grant program, the program which provided free land to Americans and they could stake out land and from the government begin a homestead and start a new life. Ownership came from God, I guess, from God through the American Government to white people, but slaves were not allowed. There were no reparations, no 40 acres and a mule. And when the land was given out, whether it was the land rush or whatever form they utilized to give away land, blacks were not allowed to participate.

As a group the deficit created for 232 years has still not been overcome. You cannot overcome 232 years of passing down absolutely nothing, no wealth from one generation to another.

And if you want to go check your own family, find out exactly where did your wealth come from, your assets. Some people are not wealthy, but you do have some assets. You own a home. Often couples who own a home were given part of the down payment by their parents. How were your parents able to give you part of the down payment? Because they had accumulated some assets before. Where did they get their assets from? They probably had some help from their parents also. Of course, when you have big multiples of this and people take the small amounts that they inherit, they invest it, they use their ingenuity, and they use capital in ways that increases their wealth, you have large numbers of people become very wealthy and rich. But if you have no capital to begin with, it is almost a miracle.

There are some blacks who got rich. Madam C.J. Walker was one of the first millionaires in the black community. She did not start out with anything. She had a lot of ingenuity, and she knew how to take advantage of the fact that all black women wanted to be beautiful. Cosmetics and the various things connected with hair and beauty enhancements was her business. But and there are many others who took almost nothing and made something out of it.

But in general, miracles are not made. Ordinary people in any group cannot make miracles. They come through a process of slow accumulation of wealth, handed down from one generation to another, opportunities if you own a home, you can get, you have collateral so you can get a loan for a business. If you have a business and the business is going, you can get another loan or you can make some investments. We know how capital is accumulated and handled in this society. If you start 232 years behind, then you have a major deficit.

It is important for every black teenager to understand that. Some of the hate that we experience is due to the fact that they have no knowledge of history. They do not really understand why their parents were poorer than others, why their grandparents did not pass anything down. They do not understand it, so they absorb some of the trash that is thrown at them about being inferior, different from other immigrants, and they begin to hate themselves, and they begin to act out in ways which are very counterproductive and antisocial because they have no sense of the fact that there is a disadvantage there all right, but it has nothing to do with them as individuals. Just the opposite is true.

They should understand that the very fact that their ancestors were able to endure the Atlantic crossing, where slaves were not brought in immigrant ships, as bad as some of the ships might be. The movie Titanic showed you how the poor people were in the hold of the ship, and when the ship wrecked, they were at a great disadvantage. The kind of accommodations that they had were palaces compared with the way slaves came over. Slaves came over lying flat, to make the maximum amount of room. They had to lay flat for the whole trip, and also to control them, they had to lie flat, piled one on top of the other in the holds of the ships. And the very fact that our ancestors endured the crossing was a great achievement.

The fact that they endured 232 years of slavery from one group to another, they survived with some humanity intact, that is a great achievement. I tell people, I am a descendant of an aristocracy of survivors, and every black person ought to understand, you are a descendant of an aristocracy of survivors. A great achievement just to stay alive.

But in the process of just staying alive, we could not accumulate wealth.

The system would not allow us to do that. You have to have something. Property owners and consumers make the economy percolate. The turnover of wealth at the local level sets off a chain reaction that accumulates significant amounts of capital. Local slave communities, what did they have to turn over? How could they have a little general store, somebody being able to patronize it and accumulate wealth by running a general store? Whatever they had, you know, accumulated very meager profits because you were in a community. It was segregated. For years after slaves were set free, the dual economy produced very little wealth, the segregated economy.

That is one of the basic phenomenon of black history that needs to be reviewed more often by blacks and by whites. Understand that there is a 232-year economic deficit that slave labor was demanded, commanded for 232 years for nothing. They got nothing in return. There were no reparations.

We talk about reparations. People get very angry. Why should blacks demand reparations? Reparations obviously has some validity because they do require reparations in certain activities. Our civilization now understands that justice sometimes requires reparations, but when blacks talk about reparations, immediately you get hostility. People turn off or they turn away or they turn towards you violently.

So that is one phenomenon, the economic price that was paid, the disadvantage. Those who argue against opportunity programs, opportunity programs that might focus money on education programs for disadvantaged African American youth in inner cities where the poverty is piled up and still continues, those who argue against that should take a look at the fact that there is a reason why the need is there, and part of that reason relates to America as a Nation, America as a Nation tolerated slavery. America as a Nation provided the legal structure to maintain slavery for much too long.

There are heroes, of course, who tried to get rid of it early, and finally Thomas Jefferson got a prohibition on the importation of slavery long before Lincoln was able to issue the Emancipation Proclamation. The Congress was able to pass the 13th amendment. It was a heroic struggle, and I think I want to note that some African American youth who are very angry about it accuse white people of being responsible for it and find it difficult to relate to white people because they think they are the victims of a long-term plot and all whites are equally guilty. We cannot make alliances, we cannot integrate, we cannot become part of some caring majority activity because, after all, those people cannot be trusted. Those people did that to us, and anybody that has ancestors who participated in a thing as heinous as slavery cannot be trusted.

My answer to that kind of reasoning, by young people or anybody else, old or young, is that the white people set us free. The white people were part of the process. We are indebted to our ancestors, blacks, for surviving and for enduring. We would not be here if they had not endured all of things that were done to them. But white people had the power, and only they had the power, to finally work the situation out so that we were set free.

The abolitionists who were often ridiculed and not given the proper role in history, people who were motivated mostly by religion and a belief that God would not accept a condition where just because one's skin was white you had a reason to reign over another group that was black, they refused to accept that, and they not only refused to accept it, they took action and they agitated to get rid of slavery. They were mostly white. Some of the first statements against slavery in writing were made by the Quakers insisting that they would not tolerate slavery within their midst. They were white. Finally, in the woods and on the field and wherever the bloody Civil War took place, it was mostly white soldiers who fought on behalf of the ending of slavery. They fought on both sides, but there were white soldiers who gave their lives and hundreds and thousands for the cause of the Union and under the banner of Abraham Lincoln. We would not be free if that had not been the case.

So there is no need to get caught up in ethnicity and simple-minded solidarity to the point where you cannot relate to the other race because they were a part of that terrible crime of slavery, that criminal institution. That closes the door and does not recognize the fact that African Americans have two sets of ancestors. We have African ancestors, and we have American ancestors. Thomas Jefferson is my ancestor; George Washington is my ancestor.

I do not think it was wise, I am not proud of the fact, that a school in Louisiana decided to change the name of the school from George Washington to some other name. I think it was Charles Drew who deserved to have schools named after him, but to have children reject their ancestor, their past, because George Washington owned slaves. Yes, he did own slaves, but if he had not had a mindset different from his own ancestors, he came out of a monarchy, they came from a monarchy, they came from a society which looked at all men as being inferior classwise. You had a certain elite class, the royalty that looked down on everybody and reserved the right to command everybody and to more or less enslave everybody. If George Washington had continued that tradition, if he had not had whatever it was that he had when he denied the crown, if he had accepted a crown when it was offered to him, we would have had a monarchy. And probably that monarchy would still be nurturing slavery because you would have had a long struggle just to set the ordinary common white men, Indians, everybody else who came over here, to set them free before you got to the slaves.

At least you had a group of men, nobody quite knows how the miracle of 1776 took place, how you had a group of men who were so rational and at least committed enough to doing the right thing and moving beyond just themselves to the point where they started a process by which the Constitution was able to be put in place and then enlarged, include everybody, everybody was white, and then finally set up a situation where slavery was obviously in contradiction to the principles that they had established.

□ 2015

If the principles had not been established, if there had been no George Washington and Thomas Jefferson, for whatever their shortcomings may be with respect to slavery, we would not have had a basis for later on moving to the steps Abraham Lincoln took when he said the Union must be preserved and the Union can only be preserved if we come to grips with this terrible problem of slavery.

So the phenomenon of denial of wealth for 232 years is one phenomenon that needs to be looked at more. President Clinton's commission on race, I have said before, needs to set some records straight, do some thorough study. There should be an academic component of his Commission on Race Relations.

Of course, his Commission on Race Relations goes beyond just relations between blacks and whites, as it should be. He has a great deal of vision. I applaud the President's vision in terms of understanding that at a time like this, when we do not have riots in the street, we do not have a crisis that is obvious between races, there is no race relations critical situation that has to be addressed on a national level, that that is a time when we should discuss race relations.

We should quietly deal with the fact that under the surface there is a problem. We do have two societies growing apart, according to experts who have made studies, and we need to address that. So I applaud the fact that he has taken this step. He has it on a broad base, so relations with Asians or relations with immigrants in general, a whole lot of things, go beyond the African-American history. But that component ought to be there, and a thorough study of slavery and African-American history would throw a great deal of light on current discussions with respect to public policy. The basic public policy discussion surrounding opportunity would be very much assisted if we knew more about what the denial of opportunity has caused.

The second factor that ought to be looked at in African-American history, the factor which has a great deal of bearing on public policy decision-making now, especially the question of opportunity, should we provide extraordinary resources to guarantee opportunity to the poor, to the disadvantaged, as a way to create a more just society?

If we are not willing to deal with it on the basis of skin color, then just look at the fact that large numbers, the majority of people of African-American descent in this country, are poor. They are disadvantaged in terms of economics. We must look at it for another reason, in addition to the denial of the opportunity to accumulate wealth for 232 years. Let us look at the fact that for 232 years, the institution of slavery pursued the objective of obliteration. Obliteration.

We had experienced a Holocaust. We experienced an obliteration. The Holocaust tried and succeeded in many cases in destroying the body. The ovens of Hitler destroyed massive numbers of bodies. Six million Jews were destroyed physically. And it may be there is nothing worse in the world than to be destroyed physically, because without life there is no hope. The slaves were not destroyed physically, because the slaves were considered to be resources and assets. They wanted to keep the body alive but destroy the soul. So there was, for 232 years, an active effort, an aggressive effort to destroy the soul of the slaves of America who provided free labor.

They started in the middle passage, when they brought them across the Atlantic Ocean. They always mixed the slaves according to tribe. They made certain that slaves of the same tribe were not grouped together on the boats. They mixed them up deliberately because they did not want them to communicate. They wanted to confuse them and prevent any efforts at solidarity. They wanted to stifle any efforts to maintain continuity.

Slaves came from civilizations. African slaves were people who were taken out of a civilization that had rules and regulations and customs, religions, societies. They had tribal ceremonies. But an immediate attempt was made to get rid of all that, not let them practice them, by mixing up people from different places and guaranteeing that they had no common set of beliefs.

They prohibited any religious or other customs or ceremonies or rituals. Slaves could not practice their own religion. And even later on, when the blunder was made by many slaveholders of allowing slaves to convert to Christianity, they limited the amount of time they could have worship service by themselves, even after they had adopted the religion of the master.

They refused to recognize family units. And this is devastating. If we want to know the origin of some of the tremendous sociological problems we have within the African-American community, we should stop and think about the fact that there was an attempt made in the course of the 232 years, not an attempt but a successful venture was launched to guarantee that there were very few family units.

Slaves were sold, children away from parents, and the unit of marriage was not recognized. Slaves had their own unit of marriage, called "jumping over the broom." They considered a man belonged to a woman or a woman belonged to a man because they believed to "jump over the broom" in their own ceremony indicated marriage. Well, they may jump over the broom one night and consider themselves married, and the next night the husband is sold away from the wife or the wife sold away from the husband. So no family unit was recognized.

Children were put in what we might call group settings. We cannot call them orphanages because they were often fed like animals. We know from recent studies of children from Romanian orphanages what can be done to a child if we deny then nurturing within the first few months of their life, certainly within the first year. If we feed them the way we would hogs, if we put their meals in a trough and place them in a room, a holding, a compound with one nanny and 50 children, and nobody gets any individual attention, we can change the brain of a child.

That is what the studies found of the Romanian children who were adopted, and American parents had difficulties with them. Various studies conducted showed that the children had been treated in a way where they had been kept alive physically, but they had no emotional nurturing and they had been treated in a way where their brains had changed. And instead of being receptive and responsive to warmth and cuddling, they rebelled against it and they were hostile toward people who tried to be warm and responsive to them.

This is a very real phenomenon. The whole argument about heredity versus environment is almost settled. We can change the brain of a child who might have come with one set of genes, but if we treat them a certain way, their actual physical structure changes and we have a different individual as a result of the environment we put them into.

Well, slaves were put into a hostile environment. The children were treated in ways in which many of them certainly suffered and experienced that. They even promoted breeding, as if they had a factory. Breeding farms. Breeding farms were like factories of production to guarantee more slaves.

They denied human nurturing and did any other thing they could do to wipe out any sense of a soul of a human being. That was the other phenomenon that we have to take a look at.

Wealth accumulation, out of the question. But in addition to not allowing them to accumulate wealth, there was an active process that, if they wanted to make their slaves efficient, then they had to make them more like animals. If they wanted an efficient working animal, they had to deny them any opportunity to grieve, any opportunity to establish contacts among themselves, because they did not want a brooding slave after their son or their daughter had been sold. They did not want a rebellious slave because they had treated him in some human way for a while and then suddenly found it necessary to treat him like an animal.

So it was in the system. Slavery is often called a peculiar institution. That is the polite way to talk about it. It was a criminal institution designed to dehumanize and to obliterate the humanity of the people who were in it.

When we are considering the massive social disorganization that currently afflicts African-American communities, we have to consider the result of this combination of 232 years of economic denial and the torture of obliteration. The combination of the torture of obliteration and the denial of an opportunity to accumulate wealth has created a condition which still cries out for some special treatment.

Oh, why does it take so long to get over these problems, one might ask. That question is often raised. Well, if we had some kind of continuum where there is some assistance, some opportunity, then we get positive results. During World War II, when everybody had a job, there were massive opportunities available for everybody, white and black, and blacks had an opportunity to earn an income steadily, over a long period of time. We had tremendous leaps forward in terms of the social organization of black communities and families.

In that brief period, there was an accumulation of wealth, enough for large numbers to buy homes. And it began the dispersal of blacks who had moved out of the South into the industrial North, into different communities within cities and also into the suburbs. If we just applied a set of favorable conditions economically to the black community over a reasonable period of time, probably we could get rid of all of the social problems that seem intractable.

Economics is at the heart of it. There are a number of books that have been written, and they keep repeating over and over again that the jobs that all left the cities and the places where blacks were accumulated, to fill up the vacuum of the jobs that left the drugs came in, and the crime that the drugs bred, of course, exacerbated the problem.

I am saying all this because I wanted to stop Black History Month or African American History Month from being trivialized, from being celebrated with an overkill of microachievements, without getting to the heart of what we need to do and look at and study in order to have a better approach to public policy.

What are we going to do about the President's proposals for school construction? Are we going to have on this floor all those arguments about we do not want big government, we do not want big spending, while out there in the inner cities they have hundred year-old schools? In New York City they have numerous school buildings that are 70 to 80 and 100 years old.

In New York City we have almost 300 schools, 300 schools, which are still using furnaces that burn coal. Recently there was a series of articles in the Daily News on asthma, the horror of asthma in the city. We have one of the highest accumulations of asthma in New York City than anywhere else in the country.

It really shocked me that the Daily News could write a series of articles in three stages, three different days, and discussing asthma and the high rate of asthma and how it accumulates in certain communities, and discussing asthma and how attacks often take place in schools and teachers do not know what to do. They never bothered to mention that there are 300 coal-burning furnaces in the city and they are contributing greatly to the asthma problem.

It just is mind-boggling to believe that a set of reporters, journalists who are trained, could develop an article. I cannot believe that it is by accident. I cannot believe they overlooked the fact that there are 300 coal-burning schools and they spew coal dust into the air. Even the best coal-burning furnace with the best filters are going to have coal dust in the place where they are located. And coal dust accumulates slowly in the lungs of young children, who are very susceptible to the impact and the effect of coal dust. But that was not mentioned in any one of the Daily News articles.

I have asked a few questions. I was told someone on the Daily News staff has gone to work for the Mayor and they did not want to do anything to upset the city government. I do not know.

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I hope that this is not a corrupt oversight. I hope it is an incompetent oversight. Either way, it is hard to imagine writing an article about the accumulation of asthma cases, the rate of asthma cases in the city, and not bothering to see that the 300 coal-burning schools have something to do with it.

In the making of public policy and responding to the President's initiative, school construction, smaller class sizes, you cannot have smaller class sizes in most inner-city communities like Chicago, New York, Philadelphia, unless you build more schools or you greatly expand those that exist or renovate them. So you have got to build schools. The construction initiative of the President is directly related to any initiative you take on smaller class sizes.

You cannot have an increase in the amount of computers and wiring for the Internet in the inner-city schools unless you repair or build new schools, because those old schools are not wired properly to receive the wiring or you cannot even bore holes because of asbestos in walls. They still have a serious problem of asbestos.

In New York City I have been involved in a project to wire 11 schools as a pilot project. First we had to have a certification by an asbestos firm that asbestos, if it existed in the schools, was a problem with the holes that we bored, it was not too great. They had to certify that it really was not a health hazard. It is very expensive to get the asbestos firms that do the certification. Just to get off the ground and be able to get permission to bore holes to bring volunteers in to wire the schools, we had to spend money on asbestos certification. In many schools, of course, it is so great until you cannot get off first base and start the process unless they make considerable repairs and removal of asbestos.

Now there is a move on to test the pipes of the schools, because large numbers of old schools of course have lead pipes. They only had lead pipes in public buildings at the time these schools were built, so those lead pipes are deteriorating, of course, and lead in the water becomes a problem, a very serious problem, for children. We are just getting around to really making a survey of the old schools and testing to make certain that the levels of lead are not dangerous.

So the President's initiative on construction and his initiative to improve education, if you have children, even if they have the advantage of smaller class size, if they ingest enough lead, their brains are affected. One of the things lead does to your brain is certainly greatly decrease your capacity, your intellectual capacity. That has been clearly established in studies.

The President has some other initiatives beyond the wiring of the schools for computers and the ratio of classes. Child care at an early age, more Head Start. All of those same initiatives, by the way, appear, and I do not think they are parroting or plagiarizing the President. I think this report has been under way for some time. They come to the same conclusions, that you need to maximize opportunity in ways that are very concrete and very practical.

Let us take a look at what some of this Eisenhower Foundation, which is itself an update and review of the Kerner Commission report, the Kerner-Lindsey Commission report, let us take a look at some of the recommendations they are making. First you might be interested in a few items from the executive summary. For those people who are so much older than I am or younger than I am and do not remember the Kerner-Lindsey Commission report which talked about two societies, let us just review in their executive summary some of the things they say.

My point here is that public policy should be guided by a knowledge of history. I went all the way back to 232 years of slavery. That history is very pertinent as we make public policy decisions, the fact that slaves were denied an opportunity to accumulate wealth, the fact that slaves were treated like animals and an attempt was made to obliterate their souls. The soul is the intellect and the heart. A whole lot of things go into a soul. Laws were made, by the way, to punish anybody who taught slaves to read.

Let us come forward to 30 years ago when riots broke out in Detroit, in Newark, Los Angeles and Philadelphia. New York under Lindsey's administration managed to avoid any major riots until finally in the spring of 1968 when Martin Luther King was assassinated, you could not hold back the anger and we did have riots break out in New York City following the assassination of Dr. Martin Luther King. The Kerner Commission came out with the following report that angered Lyndon Johnson a great deal:

"Our Nation is moving toward two societies, one black, one white, separate and unequal.

"What has happened in the 30 years since and where do we stand now? The Kerner Commission proposed remedies to racial, spatial and economic disparity. The civil rights movement of the 1960s and early 1970s brought about improvements that helped expand an African-American middle class. It is important to recognize the achievements made possible by the civil rights movement and by individual struggles of millions of African-Americans. The African-American middle class has expanded, as has African-American entrepreneurship. The proportion of African-Americans with white collar jobs has risen. There has been an enormous rise in the number of African-American mayors, other elected officials and police chiefs. The high school graduation rate among African-Americans is rising.

"Yet in the 1970s, when technological change in the economy increased demand for high skilled and educated workers, jobs for the less skilled and educated became obsolete. The unemployed stayed behind, but more mobile middle-class African-Americans left core inner-city neighborhoods. Especially during the 1980s, labor market policies to provide training and jobs for the less skilled never materialized. In the words of Professor William Julius Wilson and his colleagues at the Kennedy School of Government at Harvard University, 'The exodus of working- and middle-class blacks from core inner-city neighborhoods enhanced the concentration effects of joblessness and poverty and removed important economic and social buffers that had softened the impact of macroeconomic changes in these vulnerable communities. During the decades of the 1970s and 1980s, conditions in inner-city ghettos went from bad to worse.' "

I am quoting from the executive summary of the report that was issued by the Eisenhower Commission, a 30-year update and review of the Kerner Commission report. That last statement which was made by a Ph.D. college professor might have been a little difficult to understand. In essence what he was saying, middle-class blacks, those who had the education and a little economic advantage, they moved away from the big cities. So you were left with a core of people in the inner city who were poor only. The least educated and the poorest were left to fend for themselves. The leadership class was taken away. The activities, in many cases economic activities, entrepreneurship activities that the leadership class of blacks provided in the inner city also was taken away. In more plain, ordinary terms, that is what Dr. William Julius Wilson was saying.

To continue from the executive summary of this report:

"Today, while pundits and leaders talk of full employment, for the first time in the 20th century most adults in many inner-city neighborhoods are not working in a typical week."

Let me repeat that. Most adults in inner-city neighborhoods are unemployed. They are not working. It is not that they are not looking for jobs, because whenever you have a job opportunity, you have lines of hundreds of people who are looking to get those jobs. I think one of the most publicized incidents was the case in Chicago when they opened a new hotel and 4,000 people lined up for those jobs in long lines in the winter all around the block and throughout that area, lined up to get a few hundred jobs.

"Former Labor Secretary Ray Marshall estimates the real unemployment rate at about 15 percent, far higher than the official rate."

Certainly within my 11th Congressional District in Brooklyn, the 15 percent figure has been the rate for a long time.

"The Center for Community Change in Washington, D.C. estimates the jobs gap to be over 4,400,000 persons needing work. A high proportion are in the inner city. The consequences of high neighborhood joblessness are more devastating than those of high neighborhood poverty. When people are poor but employed they can better prevent family breakup, crime, drugs and other problems than when people are poor and jobless."

I come from a poor family, but my father always was employed. Sometimes he was laid off for short periods, sometimes he had no work for short periods, but basically my father could find work. He never earned more than the minimum wage, by the way. No matter what conditions were, even during the war, he never earned more than the minimum wage. But a family with a father who was employed, there was a great deal of stability in the fact that he was employed, no matter how menial the work was or how low the pay.

"Since the Kerner Commission there have been other important trends."

I want you to take note of the things that are said here. You hear them all the time.

"From 1977 to 1988, the incomes of the richest 1 percent in America increased by 120 percent and the incomes of the poorest fifth in America decreased by 10 percent during the time of supply-side tax breaks for the rich and against the poor."

Now, you might say, well, that happened to all people. But the 10 percent decrease took place among the poorest people and in the African-American communities where you have the poorest people.

"In the words of conservative analyst Kevin Phillips, this meant that the rich got richer and the poor got poorer. The working class also got poorer. The middle class stayed about the same in absolute terms, so it, too, lost ground."

This is middle class white and black, but in the black community with a great concentration of poverty. And it is not stretching the truth to say 60 percent of African-Americans can be classified as the poor, economically poor.

"During the 1980s, child poverty increased by over 20 percent."

During the 1980s, following the Great Society of Lyndon Johnson and the progress made in the 1960s and the 1970s.

"During the 1980s, child poverty increased by over 20 percent, with racial minorities suffering disproportionately."

"Today, the top 1 percent of Americans has more wealth than the bottom 90 percent."

"Since the Kerner Commission, the U.S. has had the most rapid growth in wage inequality in the Western world, with racial minorities suffering disproportionately.

America's neighborhoods and schools are resegregating. Two-thirds of African-American students and three-fourths of Hispanic students now attend predominantly minority schools, one-third of each group in intensely segregated schools.

"In urban public schools in poor neighborhoods, more than two-thirds of children fail to reach even the basic level of national tests."

Recently we had a report about American students scoring lower than European students and Asian students on tests. Well, they did not even have a large number of African-American students take those tests. They do not begin to reach the level where they can even go and compete.

In our inner city schools, in the junior high schools in New York, they found in a study that none of the teachers teaching math and science in junior high school in the areas where the blacks and Hispanics live majored in math and science. They teach math and science, but they did not major in it.

So here you have reaffirmed and repeated again in this report, and I am reading from a report entitled "The Millennium Breach, Rich or Poor, Poorer and Racially Apart". This is in commemoration of the 30th anniversary of a National Advisory Commission on Civil Disorders, the Kerner-Lindsey Report.

They do offer a bit of recent history, which, when you couple it with history which goes back before the Emancipation Proclamation, should throw some light on the decisions we have to make with respect to opportunity, the provision of opportunity.

We say we want to provide opportunity, get rid of affirmative action and provide opportunity. I do not want to get rid of affirmative action, but let us forget it for a while. I challenge all of those who want to provide opportunity to put their money and their resources where their mouth is and provide real opportunity.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTKNECHT of Minnesota (at the request of Mr. ARMEY of Texas) for today on account of illness.

Mr. SHIMKUS of Illinois (at the request of Mr. ARMEY of Texas) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TRAFICANT) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes today.

Mr. PALLONE, for 5 minutes today.

Mrs. MINK of Hawaii, for 5 minutes today.

Mr. FILNER, for 5 minutes today.

Mr. ENGEL, for 5 minutes today.

Mr. EDWARDS, for 5 minutes today.

Ms. BROWN of Florida, for 5 minutes today.

(The following Members (at the request of Mr. KIM) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes today.

Mr. MILLER of Florida, for 5 minutes March 5.

Mr. RIGGS, for 5 minutes today and 5 minutes March 4 and 5.

Mr. METCALF, for 5 minutes today.

Mr. KINGSTON, for 5 minutes today and 5 minutes March 4.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. THUNE, for 5 minutes today.

(The following Member (at his own request) to revise and extend their remarks and include extraneous material:)

Mr. LARGENT, for 5 minutes today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TRAFICANT) and to include extraneous matter:)

Mrs. MINK of Hawaii.
Ms. WOOLSEY.
Mr. KUCINICH.
Mr. SERRANO.
Mr. SCHUMER.
Mrs. MCCARTHY of New York.
Mr. WAXMAN.
Mr. UNDERWOOD.

(The following Members (at the request of Mr. KIM) and to include extraneous matter:)

Mr. OXLEY.
Mr. RADANOVICH.
Mr. QUINN.
Mr. BEREUTER.
Mr. DIAZ-BALART.
Mr. PAXON.
Mr. SOLOMON.
Mr. RAMSTAD.
Mr. ROHRABACHER.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. SKEEN.
Mr. GINGRICH.
Mr. HAMILTON.
Mr. LAZIO of New York.
Mr. KING in two instances.
Mr. FROST.
Mr. PAXON.
Mr. UNDERWOOD.
Mr. WAXMAN.
Mr. ROHRABACHER.
Mr. PORTMAN.
Mr. GUTKNECHT.
Mr. LINDER.
Mr. SMITH of Michigan.
Mr. KIND.
Ms. ROS-LEHTINEN.
Mr. WEYGAND.
Mr. ACKERMAN.
Mr. BERRY.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. PACKARD.
Mr. NEAL.
Mrs. MCCARTHY of New York.
Ms. DUNN.
Ms. BROWN of Florida.
Mr. FRANKS of New Jersey.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 4, 1998, at 10 a.m.

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING—EXTENSION OF COMMENT PERIOD

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, February 27, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1383, I am issuing the enclosed Supplementary Notice of Proposed Rulemaking—Extension of Comment Period.

I am extending the comment period provided in a Supplementary Notice of Proposed Rulemaking that was published pursuant to section 303 of the CAA in the CONGRESSIONAL RECORD on January 28, 1998, and I would appreciate it if you would have this enclosed extension published in the CONGRESSIONAL RECORD.

Sincerely yours,

RICKY SILBERMAN,
Executive Director.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules

SUPPLEMENTARY NOTICE OF PROPOSED RULEMAKING—EXTENSION OF COMMENT PERIOD

Summary: On October 1, 1997, the Executive Director of the Office of Compliance ("Office") published a Notice of Proposed Rulemaking ("NPRM") to amend the Procedural Rules of the Office of Compliance to cover the General Accounting Office and the Library of Congress and their employees, 143 CONG. REC. S10291 (daily ed. Oct. 1, 1997), and on January 28, 1998, the Executive Director published a Supplementary Notice of Proposed Rulemaking requesting further comment on issues raised in comments submitted by the Library of Congress, 144 CONG. REC. S86 (daily ed. Jan. 28, 1998).

At the request of a commenter, the comment period stated in the Supplementary Notice of Proposed Rulemaking has been extended for two weeks, until March 13, 1998.

Dates: Comments are due no later than March 13, 1998.

Addresses: Submit comments in writing (an original and 10 copies) to the Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426–1913. This is not a toll-free call.

Availability of comments for public review: Copies of comments received by the Office will be available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Office of Compliance, at (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice will also be made available in large print or braille or on computer disk upon request to the Office of Compliance.

Signed at Washington, D.C., on this 27th day of February, 1998.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7669. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a final rule under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), pursuant to 7 U.S.C. 136w(a)(4); to the Committee on Agriculture.

7670. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Republic of Korea (Transmittal No. 07–98); to the Committee on International Relations.

7671. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–254, "Dave Clarke School of Law Designation Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

7672. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–261, "Drug House Abatement Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

7673. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–260, "Department of Corrections Criminal Background Investigation Authorization Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

7674. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–259, "Check Identification Fraud Prevention Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

7675. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-256, "Omnibus Regulatory Reform Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7676. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-257, "Collateral Reform Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7677. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-263, "Illegal Dumping Enforcement Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7678. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-262, "Life Insurance Special Contingency Reserve Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7679. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-264, "Advisory Neighborhood Commissions Quorum Definition Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7680. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-265, "Defined Contribution Transition Vesting Clarification Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7681. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-267, "Uniform Interstate Family Support Temporary Amendment Act of 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7682. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-266, "New Washington Convention Center Neighborhood Stability Act 1998" received February 27, 1998, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform and Oversight.

7683. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7684. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the FY 1999 Annual Performance Plan for the Overseas Private Investment Corporation (OPIC), pursuant to Public Law 103-62; to the Committee on Government Reform and Oversight.

7685. A letter from the Executive Director, Office of Compliance, transmitting supplementary notice of proposed rulemaking (extension of comment period) for publication in the Congressional Record, pursuant to Public Law 104-1, section 303(b) (109 Stat. 28); jointly to the Committees on Education and the Workforce and House Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 217. A bill to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively (Rept. 105-407 Pt. 2).

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 992. A bill to end the Tucker Act shuffle; with amendments (Rept. 105-424). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2369. A bill to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; with an amendment (Rept. 105-425). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 376. Resolution providing for consideration of the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico (Rept. 105-426). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself and Mr. Conyers):

H.R. 3303. A bill to authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28 of the United States Code with respect to the use of funds available to the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. COLLINS:

H.R. 3304. A bill to amend the Internal Revenue Code of 1986 to establish a 2-year recovery period for depreciation of computers and peripheral equipment used in manufacturing; to the Committee on Ways and Means.

By Mr. COOK:

H.R. 3305. A bill to require the Secretary of the Treasury to report quarterly to the Congress on the programs led by the International Monetary Fund to financially stabilize East Asian countries; to the Committee on Banking and Financial Services.

By Mr. ENGLISH of Pennsylvania:

H.R. 3306. A bill to amend the Higher Education Act of 1965 to increase the maximum Pell grant from $3,000 to $5,000; to the Committee on Education and the Workforce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Weldon of Pennsylvania, and Mr. Paul):

H.R. 3307. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for contributions to education individual retirement accounts, to increase the amount which may be contributed to such accounts, to permit such accounts to be used to pay elementary and secondary education expenses and training expenses of older individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 3308. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers with certain persons requiring custodial care in their households; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Weldon of Pennsylvania, and Mr. Paul):

H.R. 3309. A bill to amend the Internal Revenue Code of 1986 to permit private educational institutions to maintain qualified tuition programs which are comparable to qualified State tuition programs, and for other purposes; to the Committee on Ways and Means.

By Mr. MCINTOSH (for himself, Mr. Kucinich, Mr. Frost, Ms. Woolsey, Mr. Gordon, Mr. Hamilton, Mr. Hastert, Mr. Scarborough, Mr. Sununu, Mr. Sessions, Mr. Shays, Mr. McHugh, Mr. Davis of Virginia, Mr. Miller of Florida, Mr. Livingston, Mr. DeLay, Mr. Armey, Mr. Boehner, Mr. Thornberry, Mr. Barr of Georgia, Ms. Dunn of Washington, and Mr. Snowbarger):

H.R. 3310. A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Mr. Owens, Mr. Fattah, Mr. Martinez, Mr. Underwood, Mr. Ford, Ms. Sanchez, Mr. Lewis of Georgia, and Mr. Kucinich):

H.R. 3311. A bill to amend the Higher Education Act of 1965 to improve international education at postsecondary institutions; to the Committee on Education and the Workforce.

By Mr. QUINN (for himself, Mr. Latham, Mr. LaFalce, Mr. Rahall, Mr. Walsh, and Mr. McHugh):

H.R. 3312. A bill to establish the Federal Aviation Research and Evaluation Board; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.R. 3313. A bill to amend the Federal Election Campaign Act of 1971 to provide for partial removal of limitations on contributions to candidates whose opponents exceed personal contribution limitations in an election; to the Committee on House Oversight.

By Mr. SHAW (for himself, Mr. Camp, Mr. English of Pennsylvania, Mr. Hayworth, and Mr. Watkins):

H.R. 3314. A bill to provide grants to States to encourage fathers to become better parents; to the Committee on Ways and Means.

By Mr. SNOWBARGER:

H.R. 3315. A bill to amend the Federal Election Campaign Act of 1971 to remove the limitations on amounts that may be contributed to a Federal election campaign, to require political parties to disclose transfers of certain non-Federal funds, to promote the expedited availability of reports submitted to the

Federal Election Commission, to prohibit individuals not qualified to register to vote in elections for Federal office from making campaign contributions, and for other purposes; to the Committee on House Oversight.

By Mr. WISE:

H.R. 3316. A bill to suspend temporarily the duty on IN-W4280; to the Committee on Ways and Means.

By Mr. HILLIARD:

H. Con. Res. 231. Concurrent resolution recognizing the National Black Law Students Association for its role in the professional development of law students, and for other purposes; to the Committee on the Judiciary.

By Mr. MALONEY of Connecticut (for himself, Mr. Manton, Mr. Neal of Massachusetts, Mr. King of New York, Mr. Gilman, Mr. Engel, Mr. Menendez, Mr. Ackerman, Mr. Bonior, Mr. Conyers, Mr. Doyle, Mr. Foley, Mr. Gejdenson, Mr. Holden, Mr. Jefferson, Ms. Kaptur, Mrs. Kelly, Mr. Lantos, Mr. Lipinski, Mr. McDermott, Mrs. Maloney of New York, Mr. Markey, Mr. Meehan, Mr. Olver, Mr. Pallone, Mr. Pascrell, Mr. Payne, Mr. Towns, and Mrs. Kennelly of Connecticut):

H. Con. Res. 232. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 150th anniversary of the emigration of over 1,000,000 people from Ireland to the United States to escape the Irish Potato Famine, and to honor the contributions these immigrants and their descendants made to the United States; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. Nethercutt.

H.R. 59: Mr. Armey, Mr. Canady of Florida, and Mr. Barr of Georgia.

H.R. 158: Mr. Shadegg and Mr. Kim.

H.R. 169: Mr. Barcia of Michigan.

H.R. 464: Mr. Cook and Mr. Skaggs.

H.R. 465: Mr. Lampson.

H.R. 758: Mr. Thornberry.

H.R. 859: Mr. Blunt.

H.R. 880: Mr. Bartlett of Maryland, Mr. Mica, and Mr. Everett.

H.R. 939: Mr. Coyne, Ms. Dunn of Washington, Mr. Kleczka, Mr. Neal of Massachusetts, Mr. Barrett of Wisconsin, of Mr. Shays.

H.R. 979: Mr. Evans, Mr. Brown of Ohio, Mr. Herger, Mr. Ramstad, Mr. Campbell, and Ms. Eddie Bernice Johnson of Texas.

H.R. 981: Mr. Schiff, Mr. Hefner, Mr. Lampson, and Ms. Kilpatrick.

H.R. 1009: Mr. Redmond.

H.R. 1121: Mr. Weldon of Florida.

H.R. 1151: Mr. Knollenberg, Mr. Traficant, Mr. Petri, Mr. Cramer, Ms. McCarthy of Missouri, Mr. Weldon of Florida, Mr. Hall of Ohio, and Mr. Forbes.

H.R. 1231: Mr. Mascara, Mr. Spratt, Mr. Forbes, Mr. Calvert, Mr. Cook, Mr. Clay, Mr. Underwood, Mr. Hastings of Florida, and Mrs. Kelly.

H.R. 1241: Mr. Dooley of California, Mr. Calvert, and Ms. Harman.

H.R. 1378: Mr. Bateman.

H.R. 1415: Mr. Coyne.

H.R. 1515: Mr. Inglis of South Carolina.

H.R. 1605: Mr. Miller of California.

H.R. 1635: Mr. Kennedy of Massachusetts, Mr. Souder, Mr. Walsh, Mr. Brown of California, Mr. Manzullo, and Mr. Pitts.

H.R. 1715: Mr. Talent.

H.R. 1737: Mr. Camp and Mr. Pascrell.

H.R. 1766: Mr. Goodlatte, Mr. Hefner, Mr. Fazio of California, Mrs. Tauscher, Mr. Gallegly, Mr. Deal of Georgia, Mr. Manzullo, Mr. Wynn, and Mr. Rothman.

H.R. 1823: Mr. Martinez.

H.R. 1872: Mr. Pastor.

H.R. 1891: Mr. Sam Johnson and Mr. Spratt.

H.R. 1968: Mr. Ford and Ms. Stabenow.

H.R. 1972: Mr. Barcia of Michigan.

H.R. 2052: Ms. Roybal-Allard.

H.R. 2088: Mr. Pickering and Mr. Walsh.

H.R. 2094: Mr. DeFazio.

H.R. 2173: Mr. Barcia of Michigan.

H.R. 2185: Mr. Quinn.

H.R. 2228: Mr. Rahall and Ms. Lofgren.

H.R. 2273: Ms. Pelosi, Mrs. Johnson of Connecticut, Mr. Jackson, Mr. Tauzin, Mr. Markey, Mr. Vento, Mr. Skelton, Mr. Skeen, Mr. Forbes, Mr. Hall of Texas, Mr. Lampson, Ms. Eddie Bernice Johnson of Texas, Mr. Moran of Virginia, Ms. Norton, Mr. Stokes, Mr. Wise, Mr. Sanford, Mr. Cramer, Ms. DeGette, Mr. John, Mr. Miller of California, Mr. Yates, Mr. Hoyer, Mr. Tierney, Mr. Adam Smith of Washington, Ms. Stabenow, Mr. McDermott, Mr. Bishop, Mr. Dicks, Mr. Kennedy of Massachusetts, Ms. Harman, and Mr. Rothman.

H.R. 2284: Mr. Solomon and Mr. Rohrabacher.

H.R. 2290: Mr. Kucinich.

H.R. 2305: Mr. Regula.

H.R. 2374: Mr. Maloney of Connecticut and Mr. DeFazio.

H.R. 2377: Mr. Bunning of Kentucky and Mr. Calvert.

H.R. 2408: Mr. Olver.

H.R. 2456: Mr. Pallone, Mr. Pease, and Mrs. Maloney of New York.

H.R. 2457: Mr. Bilbray and Mr. Stupak.

H.R. 2488: Mr. Calvert.

H.R. 2495: Mr. Matsui.

H.R. 2515: Mr. Stupak and Mr. Thune.

H.R. 2524: Ms. Woolsey.

H.R. 2547: Mr. DeFazio, Mr. McGovern, and Mr. Deutsch.

H.R. 2627: Mr. Sununu.

H.R. 2639: Mr. Boehlert and Mr. Bachus.

H.R. 2667: Mr. Pappas.

H.R. 2695: Mr. Wexler and Mr. Waxman.

H.R. 2714: Mr. Paxon, Mr. Coyne, and Mr. Olver.

H.R. 2736: Mr. Hastings of Florida.

H.R. 2748: Mr. Hinchey.

H.R. 2775: Mr. Peterson of Pennsylvania and Mr. English of Pennsylvania.

H.R. 2819: Mr. Fazio of California, Ms. Rivers, Mr. Berman, and Mr. Dreier.

H.R. 2821: Mr. Mollohan, Mr. Sandlin, Mr. Solomon, Mr. Evans, Mr. Hulshof, Mr. Hefley, Mr. Barcia of Michigan, and Mr. Ehlers.

H.R. 2829: Mr. Andrews, Ms. Brown of Florida, Mr. Cooksey, Mr. John, Mr. Kind of Wisconsin, Mr. Maloney of Connecticut, Mr. McGovern, Mr. Metcalf, Mr. Pickering, Mr. Sanders, and Mr. Shays.

H.R. 2864: Mr. Hayworth.

H.R. 2869: Mr. Hayworth.

H.R. 2870: Ms. Woolsey and Mr. Gutierrez.

H.R. 2871: Mr. Hayworth.

H.R. 2873: Mr. Hayworth.

H.R. 2875: Mr. Hayworth.

H.R. 2877: Mr. Hayworth.

H.R. 2879: Mr. Hayworth.

H.R. 2881: Mr. Hayworth.

H.R. 2912: Mr. Pascrell.

H.R. 2914: Mr. Edwards, Mr. Kennedy of Massachusetts, and Mr. Barcia of Michigan.

H.R. 2923: Mr. Saxton, Mrs. Morella, and Mr. Quinn.

H.R. 2955: Mr. Oberstar and Mr. Davis of Florida.

H.R. 2992: Mr. Boehner, Mr. Gibbons, and Mr. Doolittle.

H.R. 3008: Mr. Gejdenson, Mrs. Myrick, Mr. Wexler, Mr. Rahall, Mr. Sisisky, Mr. Clement, and Mr. Martinez.

H.R. 3048: Mr. Klug, Mr. Coyne, Mr. Neal of Massachusetts, and Mr. Maloney of Connecticut.

H.R. 3049: Mr. Menendez.

H.R. 3050: Mr. Stupak, Mr. Peterson of Minnesota, Ms. Woolsey, Mr. Ehlers, Mr. Porter, Mr. Olver, Mr. Gutierrez, Mr. Neal of Massachusetts, Mr. Green, Mr. Sawyer, Mr. Wexler, Mr. Davis of Virginia, and Mr. Brown of Ohio.

H.R. 3090: Mr. Traficant.

H.R. 3094: Mr. Pease.

H.R. 3126: Ms. Brown of Florida.

H.R. 3127: Mr. Foley, Ms. Hooley of Oregon, Ms. Woolsey, Mr. Latham, Mr. Cramer, Mr. Clyburn, Mr. Filner, Mr. Wamp, Mr. Hefley, Mr. Ney, Mr. Turner, Mr. Peterson of Minnesota, Mr. Rahall, Mr. Etheridge, Mr. Boucher, Mr. Bentsen, Mr. Hayworth, and Mrs. Mink of Hawaii.

H.R. 3131: Ms. Woolsey and Mr. English of Pennsylvania.

H.R. 3134: Ms. Brown of Florida, Mr. Rahall, and Mr. Wise.

H.R. 3143. Ms. Woolsey, Mr. McGovern, and Mr. Calvert.

H.R. 3149: Mr. Doolittle and Mr. Pappas.

H.R. 3151: Mr. Doolittle and Mr. Pappas.

H.R. 3152: Mr. Bachus and Mrs. Myrick.

H.R. 3154: Mr. Davis of Florida and Mr. Wexler.

H.R. 3158: Mr. Hunter, Mr. Smith of New Jersey, Mr. Calvert, Mr. Solomon, and Mr. Burton of Indiana.

H.R. 3175: Mr. Doolittle.

H.R. 3176: Mr. Bachus.

H.R. 3181: Mr. Waxman.

H.R. 3208: Mr. Conyers and Mrs. Chenoweth.

H.R. 3216: Mr. Conyers, Mr. Filner, Mr. Frost, and Mr. Evans.

H.R. 3217: Mr. Herger.

H.R. 3218: Mr. Coburn.

H.R. 3234: Mr. Calvert, Mr. Hastings of Washington, Mr. Burr of North Carolina, Mr. Cannon, and Mr. Shimkus.

H.R. 3246: Mr. Cunningham and Mr. Knollenberg.

H.R. 3248: Mr. Tiahrt, Mr. Hostettler, Mr. Hutchinson, Mr. Gibbons, and Mr. Doolittle.

H.R. 3249: Ms. Norton and Mr. Smith of Texas.

H.R. 3262: Ms. Waters, Mr. Stokes, Mr. Frank of Massachusetts, and Mr. Cummings.

H.R. 3265: Mr. Hayworth, Mr. Shays, Mrs. Cubin, Mr. Wicker, Mr. Hostettler, Mr. Bass, Mr. Ehrlich, and Mr. Baldacci.

H.R. 3269: Mr. Neal of Massachusetts, Mr. Hilliard, Mr. Frank of Massachusetts, Mr. Sanders, and Mr. Boucher.

H.R. 3287: Ms. DeLauro.

H.R. 3290: Mr. Lazio of New York and Mr. English of Pennsylvania.

H.R. 3291: Mr. Davis of Virginia and Mr. Snowbarger.

H.R. 3297: Mr. Pombo, Mr. Lewis of California, and Mr. Hayworth.

H. Con. Res. 141: Mr. Calvert.

H. Con. Res. 188: Mr. Franks of New Jersey, Ms. Kaptur, Mr. Payne, Mr. Blagojevich, and Mr. Calvert.

H. Con. Res. 203: Mr. Bilirakis, Mr. English of Pennsylvania, Mr. Doyle, Mrs. Thurman, and Mr. Kanjorski.

H. Con. Res. 210: Mr. Davis of Florida.

H. Con. Res. 211: Mr. Boswell, Mr. Redmond, Mr. McCollum, Mr. Sessions, Mr. Snowbarger, and Mr. Porter.

H. Res. 16: Ms. SANCHEZ.

H. Res. 212: Mr. BACHUS, Mr. BARRETT of Wisconsin, Mr. BEREUTER, Mr. BRYANT, Mr. CLYBURN, Mr. ENSIGN, Mr. FROST, Mrs. KELLY, Ms. KILPATRICK, Ms. HARMAN, Ms. LOFGREN, Mr. MCDERMOTT, Mr. NETHERCUTT, Ms. ROS-LEHTINEN, Mr. RUSH, and Mr. TAYLOR of North Carolina.

H. Res. 304: Mr. YOUNG of Alaska.

H. Res. 361: Mr. ROHRABACHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2495: Mr. WATT of North Carolina.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

On February 25, 1998, the following Member added his name to the following discharge petition:

Petition 1 by Mr. YATES on H. Res. 141: GEORGE E. BROWN, JR.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 856

OFFERED BY: MR. SERRANO

AMENDMENT NO. 2: In section 5(a), add at the end the following paragraph:

(3) UNITED STATES CITIZENS BORN IN PUERTO RICO ELIGIBLE TO VOTE.—Notwithstanding paragraphs (1) and (2), an individual residing outside of Puerto Rico shall be eligible to vote in the referenda held under this Act if that individual—

(A) is a United States citizen because of that individual's birth in Puerto Rico; and

(B) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico.

H.R. 856

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 3: At the end of section 2, add the following paragraph:

(16) In 1996, the United States House of Representatives overwhelmingly declared that "the official language of the Federal Government is English". According to the 1990 United States Census, less than 24 percent of the citizens of Puerto Rico speak English fluently. The enhancement of English as the official language of Puerto Rico is consistent not only with this statement of policy, but also with the preservation of our Nation's unity in diversity and the prevention of divisions along linguistic lines. Proficiency in the English language is necessary for all citizens to enjoy the full rights and benefits of their citizenship as guaranteed by the Constitution and to contribute most effectively to the Nation in all aspects. Conducting the business of Federal and State governments in English is the best way to promote efficiency and fairness to every citizen. Only proficiency in English can provide all Americans the enjoyment of the rights and benefits of full participation in the American economy and union.

Strike subsection (b) of section 3 and insert the following new subsection:

(b) OFFICIAL LANGUAGE.—The official language of the Federal Government is English. The legislature of Puerto Rico has established a bilingual policy by making both Spanish and English official languages of Puerto Rico, but has continued to operate its government solely in Spanish, as the majority of the people in Puerto Rico are not proficient in English. In the event that the referenda held under this Act results in approval of a request to Congress that Puerto Rico be admitted to the Union as a State and the Congress approves such statehood, English will be the sole official language of all Federal Government activities in Puerto Rico and, unless otherwise provided by generally applicable Federal law, all communications with the Federal Government by the Government or people of Puerto Rico will be in English. This Act, the procedures authorized by this Act, and the possible accession of Puerto Rico to statehood do not create or alter any rights of a person to government services in languages other than English.

In section 4(a), strike paragraph (7) of subparagraph C of the referendum language and insert the following new paragraph:

"(7) English is the official language of all business and communication of the Federal Government of the United States and all communications with the Federal Government will be in English unless generally applicable Federal law provides otherwise. Puerto Rico, as a State, promotes English as the official language of the State government, courts, and agencies. English is the language of instruction in public schools.".

Strike subparagraph (C) of section 4(b)(1) and insert the following new subparagraph:

(C) Additionally, in the event of a vote in favor of United States sovereignty leading to statehood, the President shall include in the transition plan provided for in this Act that the Federal and State governments implement programs and incentives to promote the acquisition and usage of English by the citizens of Puerto Rico, including but not limited to, teaching in English in public schools, the availability of fellowships and scholarships to increase the opportunities of the people of Puerto Rico to learn to speak, read, write, and understand English, and the provision of educational instruction in English to persons not in schools.

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 4: Strike section 2 and redesignate the succeeding sections accordingly.

In section 1(b), in the table of contents, strike the item relating to section 2 and redesignate the succeeding items accordingly.

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 5: In section 2, in paragraph (2), strike "Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris,".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 6: In section 2(3), strike "including" and insert "and".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 7: In the first sentence of section 2(4), insert "to be approved by the people of Puerto Rico," after "constitution".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 8: In the last sentence of section 2(4)—

(1) strike "remains an unincorporated territory and"; and

(2) insert before the period the following: ", instead the Commonwealth has a unique relationship based on a bilateral compact".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 9: In the second sentence of section 2(5), strike "the territory" and insert "Puerto Rico".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 10: In the first sentence of section 2(7)—

(1) insert "per curiam" and "The";

(2) strike "651) confirmed" and insert "651) expressed"; and

(3) strike "Constitution; and" and insert "Constitution on matters of Federal programs; nevertheless".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 11: In the last sentence of section 2(7), strike "status which is" and all that follows through the period and insert the following: "status. However, the United States Supreme Court has never directly addressed the nature of the political status of Puerto Rico.".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 12: In section 2(10), strike the second sentence.

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 13: In section 2(14), strike "United States citizens live in the islands of Puerto Rico, which" and insert "Puerto Ricans who are United States citizens".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 14: In section 2(15), strike "status" and all that follows through the period and insert "status essentially consistent with United Nations Resolution 1541(XV).".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 15: In section 3(a), strike "the people of the territory" and insert "Puerto Ricans.".

H.R. 856

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 16: In section 3, redesignate subsection (b) as subsection (c) and insert after subsection (a) the following:

(b) NONRESIDENT PUERTO RICANS.—(1) A substantial number of the Puerto Rican people reside outside of Puerto Rico, mostly in the several States.

(2) During any year, a large number of Puerto Ricans live in one of the several States for part of the year and in Puerto Rico for part of the year.

(3) Since the referenda held under this Act may lead to a final disposition of the political status of Puerto Rico, it is of the utmost importance that Puerto Ricans who are United States citizens residing outside of Puerto Rico be permitted to vote in such referenda.

(4) Congress recognizes the right of Puerto Ricans residing outside of Puerto Rico to vote in any referenda held under this Act and requests that the Electoral Commission of Puerto Rico to devise methods and procedures for such Puerto Ricans (including those who were born in Puerto Rico or who have at least one parent who was born in

Puerto Rico) to register for and vote in absentia in any referenda held under this Act.

(5) Congress authorizes and encourages all State governments and Federal agencies to cooperate with and assist the Electoral Commission of Puerto Rico in achieving the goals described in paragraphs (3) and (4).

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 17: In section 4(a), amend paragraph (7) of the referendum language for statehood to read as follows:

"(7) Spanish is an official language of Puerto Rico and its only vernacular language and as such is the official language of business and communication—

"(A) in the State government, courts, schools, and agencies; and

"(B) in Federal courts and agencies when such courts and agencies are acting in or with regard to Puerto Rico.".

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 18: In the second sentence of section 3(b)—

(1) strike "rather than English is currently the predominant language" and insert "is the vernacular language";

(2) strike "the majority of"; and

(3) strike "Puerto Rico; and that Congress" and all that follows through the period and insert "Puerto Rico.".

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 19: At the end of the bill, add the following new section:

SEC. 8. LANGUAGE USED IN FEDERAL COURT IN PUERTO RICO.

English and Spanish shall be the official languages of business and communication in the Federal courts in Puerto Rico.

In section 1(b), in the table of contents, add the following item at the end:

Sec. 8. Language used in Federal court in Puerto Rico.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 20: At the end of the bill, add the following new section:

SEC. 8. LANGUAGE USED IN FEDERAL COURT IN PUERTO RICO.

English and Spanish shall be the official languages of business and communication in the Federal courts in Puerto Rico in any proceeding in which a party speaks fluent Spanish and does not speak fluent English.

In section 1(b), in the table of contents, add the following item at the end.

Sec. 8. Language used in Federal court in Puerto Rico.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 21: In section 4(a), insert after paragraph (6) of the referendum language for Statehood the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(7) Notwithstanding the Amateur Sports Act of 1978, Puerto Rico retains its separate Olympic Committee and ability to compete under its own flag and national anthem in international athletic competitions, even against the United States.".

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 22: In section 4(a), insert after paragraph (6) of the referendum language for Statehood the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(7) Puerto Rico may continue to have its own representative in international beauty pageants in competition with a representative of the United States.".

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 23: In section 4(a)(1)(A), strike "10 years" and insert "180 days".

Strike section 4(b)(1)(C).

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 24: In section 4(a), after paragraph (6) of the referendum language for statehood, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly):

"(7) Section 30A of the Internal Revenue Code of 1986 will continue in effect for 20 years after Puerto Rico becomes a State or until the State of Puerto Rico achieves the same per capita income as the State with the next lowest per capita income.

(8) The internal revenue laws of the United States will not apply to residents of the State of Puerto Rico until such time as the State of Puerto Rico achieves the same per capita income as the State with the next lowest per capita income.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 25: In section 7(c), add at the end the following:

No agency or instrumentality of the Government of the Commonwealth of Puerto Rico, except the Commonwealth Elections Commission, may directly or indirectly use funds made available by this Act. Amounts made available by this Act and by the Puerto Rico legislature for purposes of this Act which are used in media shall be distributed equitably among all major newspapers, radio stations, and television stations in Puerto Rico.".

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 26: In section 4, redesignate subsection (a) as subsection (b) and insert before subsection (b), as so designated, the following new subsection (and redesignate the succeeding subsections accordingly):

(a) Approval of Act.—Notwithstanding any other provision of this Act, prior to holding any referenda under this Act, this Act must be approved by a majority of the qualified voters of Puerto Rico through an islandwide referendum to be held in accordance with the laws of Puerto Rico.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 27: At the end of section 2, add the following new paragraph:

(16) According to the 1990 decennial census of population, Puerto Rico's population, 3,522,037, is greater than the population of 26 of the several States.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 28: At the end of section 2, add the following new paragraph:

(16) In the 50 States of the Union, there are currently approximately 3,300,000 Puerto Ricans who maintain a very close relationship with their relatives in Puerto Rico and who consider themselves to be part of the Puerto Rican nation.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 29: At the end of section 2, add the following new paragraph:

(16) On November 18, 1997, the Supreme Court of Puerto Rico decided in Ramirez de Ferrer v. Mari Bras, CT-96-14, that there exists a Puerto Rican citizenship which is "separate and distinct" from the United States citizenship and that persons born in Puerto Rico who are Puerto Rican citizens may not be denied the right to vote in Puerto Rico even if they are not United States citizens.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 30: At the end of the bill, add the following new section:

SEC. 8. NONINCORPORATION.

Nothing in this Act shall be interpreted to make Puerto Rico an incorporated territory of the United States.

Amend the table of contents by adding at the end the following new item:

Sec. 8. Nonincorporation.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 31: In section 4(a) strike "A. Commonwealth" and all that follows through "(b) Transition Stage" and insert the following:

"(A) Commonwealth.—If you agree, mark here .

"(B) Independence.—If you agree, mark here .

"(C) Statehood.—If you agree, mark here .

(b) Transition Stage

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 32: Strike the last sentence of section 2(7), and insert the following:

The courts have also recognized the existence of a unique political relationship created by the peoples of Puerto Rico and the United States. The United States Supreme Court has never addressed directly the nature of the political status of Puerto Rico.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 33: In the last sentence of section 2(5), strike "the territory" and insert "Puerto Rico".

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 34: Strike the last sentence in section 2(4).

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 35: In the first sentence of section 2(4), strike "instituting" and all that follows through the period and insert "Puerto Rico to adopt its own constitution."

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 36: At the end of section 2, add the following paragraph: (16) By providing for the people of Puerto Rico to express their preference as to its permanent political status, Congress is aware that Puerto Rico is sociologically and culturally a Caribbean and Latin-American nation, formed by a blend of European, African, and native ethnics with distinctive culture which, unlike the several States, has Spanish as a common language. According to the 1990 decennial census of population, only 21,000 persons born in the several States live in Puerto Rico.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 37: In section 4(a)—

(1) strike "'B. Separate Sovereignty'" and insert "'B. Independence and Associated Republic'";

(2) in the matter before paragraph (1) of the referendum language for independence and associated republic (as amended by paragraph (1)), strike "separate sovereignty in the form of independence or free association" and insert "independence or associated republic"; and

(3) in paragraph (7) of the referendum language for independence and associated republic (as amended by paragraph (1)), strike "a free association" and insert "an associated republic".

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 38: In the heading of section 5, strike "**, INCLUDING INCONCLUSIVE REFERENDUM**".

Strike section 5(c).

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 39: Strike section 7 (and amend the table of contents accordingly).

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 40: Strike all after 1(a) and insert the following:

(b) Submission of Petition.—The 3 main political parties in Puerto Rico may submit a unanimous petition to Congress requesting that Congress provide for a referendum to be held by the people of Puerto Rico to choose among options fully described in such petition.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 41: At the end of the bill insert the following (and amend the table of contents accordingly):

SEC. 8. SUNSET PROVISION.

This Act shall cease to have effect 10 years after the date of enactment.

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 42: In section 2(14), strike "at the southeastern-most boundary of our Nation,".

H.R. 856

Offered By: Mr. Gutierrez

Amendment No. 43: In the second sentence of section 3(b), strike "; and that Congress has the authority to expand existing English language requirements in the Commonwealth of Puerto Rico".

H.R. 856

Amendment Offered By: Mr. Romero-Barceló

(To the Amendment Offered by: Mr. Serrano)

Amendment No. 44: Page 1, after line 9, add the following:

The provisions of this paragraph shall be subject to the non-resident voting qualifications, eligibility requirements, and procedures established by the Commonwealth Legislature pursuant to the electoral laws of Puerto Rico, and votes cast in any referendum held under this Act by persons eligible to vote pursuant to this paragraph shall be counted independently from other votes cast and shall not be considered in determining which status option has received a majority of votes in such referendum.

H.R. 856

Offered By: Mr. Schumer

Amendment No. 45: In section 4(a), strike paragraph (4) of the referendum language for separate sovereignty, and insert the following:

"(4) the Constitution and laws of the United States no longer apply in Puerto Rico, and United States sovereignty in Puerto Rico is ended; thereupon, birth in Puerto Rico shall cease to be a basis for United States nationality or citizenship, but persons who had such United States nationality or citizenship, no matter how attained, have the right to retain United States nationality and citizenship, and to the same extent as all other United States citizens, to become dual nationals of the United States and any other sovereign nation, including the Republic of Puerto Rico; and relationship to persons with United States citizenship, no matter how attained, will continue to be a basis for United States citizenship to the same extent, and subject to the same requirements, including requirements as to residency in the United States, that such relationships form the basis for the citizenship of other persons, including persons born to United States citizen parents in other sovereign nations;

In section 4(a), strike paragraph (2) of the referendum language for Commonwealth, and insert the following:

"(2) Puerto Rico is an unincorporated territory of the United States, and the Constitution of the United States as determined by the courts, and the laws of the United States as determined by Congress and interpreted by the courts, protect the fundamental rights of the people of Puerto Rico, including (but not limited to) the rights to due process and to equal protection of the laws, freedom of speech and of the press, the right to travel, and the right to be free from unreasonable searches: *Provided*, That the Constitution of Puerto Rico, including its Bill of Rights, provides additional protections with respect to non-Federal matters;

In section 4(a), strike paragraph (3) of the referendum language for Commonwealth, and insert the following:

"(3) persons born in Puerto Rico have statutory United States nationality and citizenship as prescribed by Congress; and additionally, relationship to persons with legal United States citizenship, no matter how attained, will continue to be a basis for United States citizenship to the same extent, and subject to the same requirements, including requirements as to residency in the United States, that such relationships form the basis for the citizenship of other persons, including persons born to United States citizen parents in other sovereign nations;

In section 4(a), strike paragraph (7) of the referendum language for Commonwealth, and insert the following:

"(7) the extension, continuation, modification, and termination of Federal law and policy applicable to Puerto Rico and its residents is unchanged by this referendum and is within the discretion of Congress; and it is the policy of the Congress to take all necessary steps to ensure that the provisions of the Bill of Rights to the United States Constitution fully protect the people of Puerto Rico; and

In section 4(a), in paragraph (4) of the referendum language for statehood, strike the semicolon at the end and insert the following: ": *Provided*, That the Constitution of Puerto Rico, including its Bill of Rights, provides additional protections with respect to non-Federal matters;".

H.R. 856

Offered By: Mr. Schumer

Amendment No. 46: In section 5(a), add at the end the following paragraph:

(3) Puerto Rican Residency Not Required.—Notwithstanding paragraphs (1) and (2), an individual residing outside of Puerto Rico shall be eligible to vote in the referenda held under this Act if that individual—

(A)(I) is a resident of the United States, including any territory, possession, or military installation of the United States, at the time that the referenda is held; and

(II) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico; and

(B)(I) was born in Puerto Rico; or

(II) has at least one parent who was born in Puerto Rico.

H.R. 856

Substitute

Offered By: Mr. Schumer

(Substitute to the Amendment Offered by Mr. Serrano)

Amendment No. 47: In section 5(a), add at the end the following paragraph:

(3) Puerto Rican Residency Not Required.—Notwithstanding paragraphs (1) and (2), an individual residing outside of Puerto Rico shall be eligible to vote in the referenda held under this Act if that individual—

(A)(I) is a resident of the United States, including any territory, possession, or military installation of the United States, at the time that the referenda is held; and

(II) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico; and

(B)(I) was born in Puerto Rico; or

(II) has at least one parent who was born in Puerto Rico.

H.R. 856

Offered By: Mr. Stearns

Amendment No. 48: In paragraph (2) of section 5(c), strike "there is authorized to be further referenda" and all that follows through the period and insert the following:

not later than 90 days after such referenda, there shall be a second referendum held in accordance with this Act which shall be on the approval of 1 of the 2 options which received the most votes in the first referendum. Such 2 options shall be presented on the ballot using the same language and in the same manner as they were presented in the first referendum.

EXTENSIONS OF REMARKS

CONGRESSIONAL AGENDA: GOALS FOR A GENERATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. GINGRICH. Mr. Speaker, I wanted to bring to my colleagues' attention the following article from the February 24, 1998, Tipp City Herald written by Congressman JOHN BOEHNER regarding the Republican Agenda.

[From the Tipp City Herald, Feb. 24, 1998]

CONGRESSIONAL AGENDA: GOALS FOR A GENERATION

(By John Boehner)

If you're like most Americans, you won't have time to scrutinize every detail of every bit of legislation tackled this year by Congress. Nonetheless, you'll probably identify with the principles behind our efforts: freedom, accountability, and personal responsibility.

My colleagues and I have begun the second half of the 105th Congress with a diverse 90-day agenda reflecting a wide range of issues from completing IRS reform and shrinking the size of government to expanding educational opportunities for our kids. While we tackle these measures in the weeks and months ahead, we'll also be working toward our long-term vision for America—something we call Goals for a Generation.

Our goals for a generation include a drug-free America; the best system of learning in the works; the best and safest retirement system in the world; and modernizing, privatizing, downsizing, and prioritizing government to reduce the total tax burden on families—state, federal, and local—to no more than 25 percent, with a simple, fair, and honest tax code. We'll address each of these goals legislatively this year—and in the years ahead—as we work for a better America in the next century.

In the coming weeks we'll explore the various components of the 90-day agenda and the Goals for a Generation and how they'll affect you and your family, but first it's important to discuss the three principles behind it all: freedom, accountability, and personal responsibility.

Freedom, accountability, and personal responsibility aren't just buzzwords; they're key principles that cut to the core of who we are as a people and what we value as a society. They're basic concepts that have defined America as a nation since its birth. And as diverse as our agenda in Congress this year is, they're at the heart of everything we'll do.

My colleagues and I are committed to enhancing freedom for Americans to live their lives, raise their families, and run their businesses without excessive government interference. We believe it's America's people—not America's government—that has made our nation great. And the bigger and more expensive Washington gets, the smaller and more overtaxed—and less free—people get.

We'll also continue our drive to restore accountability to Washington. Decades of runaway spending and an explosion of regulation and red tape have created an unaccountable monster inside the Beltway—the vast federal bureaucracy. The result has been a government increasingly out of touch with the needs and goals of its citizens—one that while well-intentioned often hurts people more than it helps.

By balancing the budget for the first time in a generation, we've taken our first real steps toward smaller, less intrusive government, but we've got a long way to go.

Lastly, our goals reflect a fundamental belief that Americans will gladly accept personal responsibility to make the right choices in their lives, families and communities. While we're committed to expanding freedom for individuals, we also believe—as American's Founding Fathers did—that with freedom comes a certain responsibility.

Government can't raise a family, teach a child values, or create bonds between neighbors. Only people can do that—and they have a responsibility to do so.

It makes little sense to make laws and draft legislation without stopping to reflect on the core principles behind it. My colleagues and I took the opportunity to do that recently, and we're confident we're moving in the right direction.

We hope you and your family will agree.

COMPETITION IS A GOOD THING

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. DIAZ-BALART. Mr. Speaker, I rise to comment on the current situation regarding competition in the long distance telephone service field. Two years after Congress has passed sweeping telecommunications reform, we are still waiting for real long distance competition to begin.

The Federal Communications Commission (FCC) seems to be creating more and more hoops for the regional phone companies to have to jump through, whether it be court proceedings or "moving target" standards, in order for them to provide long distance service.

If we are ever going to see true competition in the long distance field, the regulators at the FCC need to be sensitive to the realities of enabling local carriers to offer long distance service. Consumers deserve the opportunity to choose from a variety of long distance service options.

TRIBUTE TO THE AFRICAN-AMERICAN HISTORICAL AND CULTURAL MUSEUM

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today in honor of Black History Month to pay tribute to the San Joaquin Valley African-American Historical and Cultural Museum. The African-American museum has been instrumental in exposing the history and contributions of African-Americans to the development of the San Jaoquin Valley.

In 1983, an exhibit was set up as part of Fresno's One Hundred Year Centennial Celebration to show contributions African-American settlers had made toward the growth, prosperity, and cultural richness of Fresno County. By 1988, the exhibit had gained a great deal of popularity and needed to grow. Shortly following the exhibit's popularity, a donation by the State Center Community College District provided the space needed to move the exhibit into its first permanent exhibit hall where it remained until 1989. The museum has moved twice since then and now proudly rests in downtown Fresno.

The African-American Historical Museum is used for a variety of artistic, cultural, and historical presentations. The building has served as a community center for numerous community groups and organizations. In addition, the African-American Museum has hosted community forums, meetings, workshops, and recreational activities. In an effort to combat crime, enhance security, and bring about much needed social and physical change within the area, the African-American Museum has worked diligenty to enhance and improve the neighborhood through various projects and community outreach activities.

The African-American Museum in Fresno is the only African-American Historical-Pictorial museum in the entire San Joaquin Valley. It houses some of the Valley's proudest pictorial moments, events, and heroes. Additionally, the museum is working with the City of Fresno and the Outreach Unit from the School of Professional Phychology and several local businessmen to sponsor a total youth involvement conference. The conference is directed toward crime prevention and positive redirection of youth participation within the community.

Mr. Speaker, it is with great honor that I pay tribute to the African-American Historical and Cultural Museum in honor of Black History Month. The museum symbolizes the long and storied history of contributions made by African-Americans to the development of the San Joaquin Valley. I ask my colleagues to join me in wishing the African-American Historical and Cultural Museum many more years of success.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF JOHN E. MOON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor John E. Moon, Commander-in-Chief of the Veterans of Foreign Wars of the United States (VFW). Mr. Moon has exhibited himself to be a model American through his proud service to his country throughout his life.

Mr. Moon attended Northwest State College and earned degrees in Business Management and Human Resources. Mr. Moon entered the United States Marine Corps in July 1968 and went on to a successful career of defending the interests of his nation. His outstanding service in the Vietnam conflict earned him numerous honors including three bronze stars, the Vietnam Campaign Medal, the Combat Action Ribbon, and the National Defense Service Medal.

After departing Vietnam, Mr. Moon went on to serve as Post Commander of his local VFW post, 2873, and served the people of Grover Hill, Ohio as their mayor for sixteen years. In his terms as local Post Commander, he was awarded the distinction of All State Post Commander. Mr. Moon also served on numerous national committees before achieving the top post in the VFW such as the Americanism committee which helps to inspire the American patriotic spirit within the populace of our nation, especially our youth. Mr. Moon was elected VFW Commander-in-Chief on August 21, 1997 at the VFW National Convention in Salt Lake City, Utah.

My fellow colleagues, join me in saluting a true American patriot, one who believes the American spirit should continue to thrive in the hearts of all Americans, VFW Commander-in-Chief, John E. Moon.

COMMENDATION OF SARA ATKINSON AND ERIN ENO PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNERS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mrs. MINK of Hawaii. Mr. Speaker, I would like to congratulate and honor two young Hawaii students from my district who achieved national recognition for exemplary volunteer service in their communities. Sara Atkinson of Kealakekua and Erin Eno of Wailuku have been named two of my states top honorees in the 1998 Prudential Spirit of Community Awards program, an annual honor conferred upon the most impressive student volunteers across America.

Sara Atkinson is being recognized for her initiative in developing a mentoring program for children who were at-risk for violence and substance abuse. Today, through Sara's commitment, over forty children now have mentors. These mentors not only counsel, but also participate in other community services like fund raising and food drives that benefit Hawaii's needy. I commend Sara for her dedication to assist and improve the community in which she lives.

Erin Eno is being recognized for her commitment to help the elderly. Erin sewed lap blankets and wheel chair bags for residents at a local nursing home. When Erin was told she was too young to volunteer, she decided to do something on her own initiative. She solicited fabrics from a local factory and generously gave her time and talent to sew blankets and wheelchair bags that benefited local nursing home residents. Erin is strongly committed to contributing to the community. Through her creativity and ingenuity she found a way to assist senior citizens in her community.

I applaud the selfless contributions made by Sara Atkinson and Erin Eno. I believe they are shining examples of how young citizens can make a positive impact on the lives of others. I commend them for their desire to help others. What they have done will encourage other young people to follow in their footsteps.

CONGRATULATIONS TO JANICE BRALY, ELEANOR LEMA, CAROL BLASINGAME, SALLY MAGNESON, AND SHIRLEY KIRKPATRICK

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Janice Braly, Eleanor Lema, Carol Blasingame, Sally Magneson and Shirley Kirkpatrick for being recognized as the recipients of the Common Threads Award. The award recognizes women whose roots are in agriculture, and who have dedicated themselves to their community through volunteer service and philanthropic giving.

Janice Braly of O'Neals is a former State President of California Woman for Agriculture and a California 4–H foundation member. Among her other accomplishments are a University of California Davis Dean's Policy Council Member and Castaic School Board Association President. She is currently a member of both the California Cattle Women and the Madera County Cattle Women.

Eleanor Lema of Merced is a three-term Chapter President of California Women for Agriculture. She has been active in the Merced Chamber of Commerce for 10 years. Her accomplishments include being a Merced County Farmland Trust Board member for six years, a Merced Farm Bureau member for 20 years and a member of the Soroptimist Club, where she served as a board member for 15 years.

Carol Blasingame of Fresno served as a Director for the Big Fresno Fair Director for three years. In 1996, she was President of the La Feliz Guild. Carol is a member of the Board of Directors of the Fresno City & County Historical Society, Chairman of the Fresno Fair Education Program, serves on the Ag Fresno Advisory Board, and is a member of California Women for Agriculture.

Sally Magneson of Ballico served as President of the P.T.A. at three different schools, as a Brownie Leader, and as a Cadet Scouts Leader. She is a past President and the founding member of the League of Women Voters of Merced County. Sally was formerly active on the California State Reclamation Board, as the President of the Sierra Club of Merced, and as a member of the Merced County Library Commission.

Shelly Kirkpatrick of Exeter is a 4–H Diamond Star, an Officer of the Central California Chapter of California Press Women's Association, and a member of the Tulare County Cattlemen Association. She is the founding member of the Tulare County Chapter of California Women for Agriculture and was elected to the Recreation Commission for the City of Exeter. Shirley currently serves on the Tulare County Planning Commission and is a member of the California Farm Bureau Land Use Commission.

Mr. Speaker, it is with great honor that I congratulate Janice Braly, Eleanor Lema, Carol Blasingame, Sally Magneson, and Shirley Kirkpatrick for being recognized with the Common Threads Award. I applaud the contributions, ideas, and leadership they have exhibited in our community. I ask my colleagues to join me in wishing these individuals many more years of success.

HONORING THE REV. BETSY SYMLIE

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. QUINN. Mr. Speaker, I rise today to bring to the attention of my colleagues a very special person in my district, the Reverend Betsy Smylie.

Reverend Smylie graduated from Harvard Radcliffe in 1975, and earned her Master of Divinity from Harvard in 1981. Upon graduation, Reverend Smylie began her career of service in Western New York.

Throughout her many years of service to our community, Reverend Smylie served as Vicar of Ephphatha and Diocesan Missioner to the Deaf. She has also demonstrated a true commitment to such important institutions for the Deaf as the St. Mary's School, Deaf Adult Services, and other agencies whose goal is empowerment for Western New York's hearing impaired.

In addition to her tremendous service to the Deaf, strong command of sign language, devotion to God and community, and leadership, she has obtained an extraordinary level of respect from our community, both as a scholar and preacher, and as an unyielding advocate.

Tragically, Reverend Smylie was admitted to the hospital on January 5th, 1998 with malignant brain cancer.

Mr. Speaker, today I would like to join with the Town of Hamburg, and indeed, our entire Western New York community, to express our sincere best wishes to Reverend Betsy Smylie for a complete and speedy recovery through God's Healing Hand as she battles cancer.

Reverend Smylie has always had a love for our American government. It is only fitting that I now ask my distinguished colleagues to join me in prayer for the Reverend Smylie, and for her husband, Reverend John Smylie, and their children, Shemaleiah and Nathan.

IN HONOR OF REVEREND WATKINS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SCHUMER. Mr. Speaker, it is with great pride and pleasure that I write to congratulate you on your calling to serve as the Senior Pastor of the 125 year old Nazarene Congregational United Church of Christ in Brooklyn.

As a native son of the State of Texas you exemplify the belief that everything and everyone in Texas is just a little larger than life. Your illustrious background has encompassed ministering to students at numerous colleges, universities and churches.

You have also served your country with excellence as Coordinator of Health, Education and Welfare Transition Planning Group for the Ford-Carter Transition. As a scholar of all facets of economic justice, you served as a consultant to President Carter in several upper level positions which provided economic assistance to many Americans.

Your belief that "Loving pastoral care and efficient management of the business of the church is extremely important if greater emphasis is to be placed on the spiritual development of the congregation" is a phrase which embodies your caring and intelligent concern for your fellow man.

I feel that the lives of the parishioners of the Nazarene Congregational United Church of Christ will be greatly enriched by your spiritual leadership. It is my most sincere hope that you will continue to enjoy good health for many years to come and that you will be able to fulfill all your plans for the future.

TO ESTABLISH A SELECT COMMITTEE ON POW AND MIA AFFAIRS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. RAMSTAD. Mr. Speaker, over 2,100 Americans are still unaccounted for from the war in Vietnam, over 8,100 from the Korean Conflict, and nearly 78,800 from World War II. It is imperative that the accounting of each and every one of our POWs and MIAs be given the highest priority by our government and by this Congress.

Because I feel so strongly about finding new information on American POWs and MIAs, and as a result of the hundreds of thousands of family members who want to find the truth about their loved ones, I am asking my colleagues to cosponsor H. Res. 16—a resolution establishing a Select Committee on POW and MIA Affairs.

As many of you know, the Senate Select Committee on POW/MIA Affairs released its final report several years ago. But as Members of Congress, we need to keep asking the tough questions and demanding hard answers on this issue.

This proposed Select Committee on POW and MIA Affairs will conduct a full investigation of all unresolved matters relating to any United States personnel unaccounted for from the Vietnam era, the Korean conflict, or World War II, including MIAs and POWs.

This temporary select committee will present it's final report by January 5, 1999, setting forth its findings and recommendations as a result of its investigation, and then terminate.

We must continue with vigilance the work by our government to achieve a full accounting of every American POW/MIA. We have a moral obligation to give this issue our immediate and undivided attention. Please join me in this effort and cosponsor H. Res. 16.

IN HONOR OF LUCIE J. DUVALL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Lucie J. Duvall, Lieutenant of the Cleveland Police Department, on her retirement after twenty-five years of public service. Her outstanding service to the city of Cleveland will not be forgotten.

Lt. Duvall entered the Cleveland Police Department on February 20, 1973 and soon after became one of the first females assigned to basic patrol. During her tenure in the Fourth District of the department, Lt. Duvall worked as a Scientific Investigative Unit and was instrumental in combating the prostitution problem in Downtown Cleveland. Lt. Duvall achieved the rank of Sergeant in 1981 and became a supervisor of the Hostage Negotiation Team. Lt. Duvall continued her work in the department as a member of the Child Pornography Task Force and was an original member of the Ohio Children's Trust Fund.

Lt. Duvall achieved a hallmark in her career in 1982 when she became the first female police officer to head a vice unit in America. Lt. Duvall was promoted to her current rank of Lieutenant in 1982 and continued her fight for the protection of children. Lt. Duvall graduated from the F.B.I. National Academy in 1984 and earned a Bachelor of Science degree from Dyke College in 1993. Lt. Duvall was recently named Detective Bureau Coordinator in the Bureau of Special Investigation in Cleveland in 1995.

My fellow colleagues, join me in saluting a model police officer, a woman who has pioneered numerous fields within the Cleveland police department, Lieutenant Lucie J. Duvall.

IN RECOGNITION OF PEACE CORPS DAY '98

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. HALL of Ohio. Mr. Speaker, today educators and former Peace Corps volunteers came together across the country to take part in Peace Corps Day '98. By speaking in classrooms throughout America, returned Peace Corps volunteers shared their experiences with a new generation of Americans to enhance cross-cultural understanding, and strengthen global education. The events of Peace Corps Day '98 teach young people the value of service to those who are in need.

Since 1961, when the Peace Corps was established by President John F. Kennedy, over 150,000 men and women have volunteered in over 132 countries around the world. I am proud to say that I am one of the 6,500 Ohioans among that number.

For 37 years, the Peace Corps has brought together bright, energetic people who are committed to service, and has equipped them with the tools to serve in foreign countries as representatives of peace. Today, over 6,500 Americans serve as Peace Corps volunteers in over 84 countries. These individuals are helping to create a better future for the local people with whom they work. Peace Corps volunteers are laboring to help communities improve sanitation, cultivate food, and gain access to clean water. These volunteers are teaching English, math, and science; and helping local entrepreneurs start new businesses. Most importantly, however, Peace Corps volunteers are America's diplomats of peace and friendship around the world.

But, it is not easy. I know first-hand the challenges and difficulties faced by Peace Corps volunteers. I also know the tremendous rewards from my own Peace Corps experience. Simply put, it changed my life. When I graduated from college in 1964, my dreams were to play pro-football, make big money, and drive fast cars. Instead, I found myself teaching English and riding a bicycle through the jungles of Thailand.

I remember my first night in Thailand. While sitting in a restaurant, I watched a cat chase a rat across the floor and devour it. I thought, "what am I doing here?" But as my experience progressed, and I got to know the villagers, my entire outlook on life changed. I came home to America with a better understanding and appreciation of the world, with my priorities in order, and prepared for a life of public service.

Peace Corps Day '98 continues the proud legacy of the Peace Corps to instill within young people an understanding of the importance of service and to foster a better appreciation for the world. Today, more than 350,000 students in all 50 states learned about life in developing countries by talking with former Peace Corps volunteers who served overseas. Some students were able to learn about the experiences of volunteers currently serving in countries like Panama through video conferencing and speaker phone.

After 37 years, Peace Corps volunteers continue to work against hunger, illiteracy, and poverty to provide more opportunities to people around the world. Their years of service has improved the lives of millions. The success of Peace Corps volunteers and the continuing needs of the developing world has prompted President Clinton to request more funding for the Peace Corps in order to increase the number of volunteers. At the same time, interest in the program has increased within the American public. In 1997, there was a 40% increase of individuals interested in serving as a volunteer since 1994.

Today, on Peace Corps Day '98, the Peace Corps deserves our appreciation and highest recognition as they continue to instill the value of service and volunteerism to young people throughout our nation.

TRIBUTE TO THE DOMINICAN HERITAGE CELEBRATION COMMITTEE OF HOSTOS COMMUNITY COLLEGE ON ITS CELEBRATION OF THE INDEPENDENCE OF THE DOMINICAN REPUBLIC

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the Dominican Heritage Celebration Committee of Hostos Community College in my South Bronx Congressional District on its celebration of the independence of the Dominican Republic during the week of February 27–March 5, 1998.

On Friday, thousands of members and friends of the Dominican community gathered at the Hostos Center for the Arts & Culture Small Theater to open Dominican Heritage Celebration Week.

The week-long celebration will feature a wide variety of entertainment for all age groups. A series of concerts, art exhibits, lectures and cultural performances will take place to commemorate the contributions of Dominicans to our community and our nation.

Now numbering more than 600,000, Dominicans are the fastest growing Hispanic immigrant community in New York City. With the election of the first Dominican to the City Council, the Honorable Guillermo Linares, and that of New York State Assemblyman, the Honorable Adriano Espaillat, we are witnessing a new generation of Politicians with Dominican roots. That is an encouraging advance.

Although the celebration is in the Bronx, the events bring people from all over New York City to celebrate. Organizations have encouraged different cultural and social organizations to take part in the festivities.

The week-long celebration will have numerous activities for the community to enjoy. Folkloric bands will entertain the crowds and there will also be foods and crafts typical to the Dominican Republic.

Mr. Speaker, it is with enthusiasm that I ask my colleagues to join me in paying tribute to this wonderful celebration of Dominican culture, which has brought much pride to the Bronx community.

A SALUTE TO EUGENE P. RUEHLMANN: 1998 GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. PORTMAN. Mr. Speaker, today I recognize a prominent Cincinnatian and a friend, Eugene P. Ruehlmann, who was recently honored by the Greater Cincinnati Chamber of Commerce as a Great Living Cincinnatian. I thank him for the vision and service that he has so generously given to our area, and for the model he provides today.

Mr. Ruehlmann, a native Cincinnatian, graduated from the University of Cincinnati in 1948 and Harvard Law School in 1950. He served in the Marine Corps and then began a long career in public service. The major transformation of Cincinnati's innovative downtown began under Mr. Ruehlmann's leadership. As a member of the Cincinnati City Council and as Mayor of Cincinnati, he led the effort to keep the Reds in Cincinnati, attract a National Football League franchise to the city, build Riverfront Stadium (now Cinergy Field) and construct the Albert B. Sabin Convention Center.

Following the race riots in 1967, Mr. Ruehlmann worked to heal the city. He reformulated the city's Human Relations Commission, and founded the Mayor's Housing Coordinating Committee and the city's Project Commitment.

He has given his time to numerous charitable and community organizations, such as Children's Hospital, Children's Hospital Medical Center, Greater Cincinnati Foundation, the Work and Rehabilitation Center, March of Dimes and the National Conference of Christians and Jews. Along the way, he has built a successful law practice with Vorys, Sater, Seymour and Pease in Cincinnati, and served on the Board of Directors of the Center for Resolution of Disputes. In all these years, and with all these accomplishments, he has remained a devoted family man. He and his wife, Virginia, have raised eight children and now have twenty-three grandchildren.

All of us in Greater Cincinnati congratulate Gene Ruehlmann on his deserved selection as a Great Living Cincinnatian, and thank him for his many years of distinguished service to our community.

RECOGNITION OF NATIONAL SPORTSMANSHIP DAY

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to recognize and honor today's eighth annual celebration of National Sportsmanship Day. The objective of National Sportsmanship Day is to promote the critical role of ethics, honesty, and fair play in athletics and society in general.

Today, at more than 10,000 schools in all 50 states and over 100 countries, children will be taught the skills of good sportsmanship and the importance of playing fair in sports and in life through programs, contests, and other activities. The skills these children learn will guide them through a lifetime of choices both on the court and off the field.

This program began at the Institute for International Sport, located in my district at my alma mater, the University of Rhode Island. Since it's inception in 1990, this program has touched the lives of hundreds of thousands of young people across the world. The institute provides information and materials to participating schools on sports ethics, healthy competition, and fair and equitable play.

Mr. Speaker, I ask my colleagues to join me in applauding those participating in this worthwhile program, and in extending my congratulations to the Institute for International Sport for being recognized by the President's Council on Physical Fitness and Sports.

GOVERNMENT AUTHORITY AND MANDATES ARE NOT BENEFICIAL TO ECONOMY COMPETITION

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. LINDER. Mr. Speaker, I do not believe that government authority and mandates are beneficial to economic competition. In fact, nations that have achieved the most impressive growth in the past have not been those with rigid government controls. Our telecommunications bill last Congress was an example of our putting trust in the power and potential of the marketplace.

For the past two years, however, I have watched and read about the latest regulatory battle or industry court battle. First, the telecom industries need to honor the intent of the act. Second, I am concerned that the FCC continues to advance in its own direction on many issues—a direction this Congress did not authorize. Somehow, we have to demand that the FCC and the regulators commit to implement this act the way we intended.

And for clarification—we intended less regulatory constraints and more competition in the marketplace. The competition we envisioned between the various telecommunications industries would secure lower prices for consumers, improve service to the American consumer, and accelerate the development of new technological breakthroughs in the telecommunications market. I hope we see the competition we envisioned as soon as possible.

A TRIBUTE TO THE HONORABLE ERNEST THOMPSON, MAYOR OF ARTESIA, NM

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SKEEN. Mr. Speaker, I rise today to recognize the accomplishments of Ernest

Thompson, who has served the last quarter-century as Mayor of the City of Artesia, which is located in my congressional district in southeastern New Mexico.

Mayor Thompson was first elected in 1972. Today, the voters of Artesia will go to the polls to select a new mayor, and they will find his shoes hard to fill. Mayor Thompson has been active in the New Mexico Municipal League, having served as President and as a member of the board of directors. In the National League of Cities, the Mayor served as President of the Small Cities Advisory Council and is a current member of the Finance, Administration and Intergovernmental Relations Committee.

In 1939, almost 60 years ago, Mr. Thompson moved to Artesia from central Texas. He worked at the local Navajo Refining Company until his retirement. The Mayor is a member of the First United Methodist Church, and has spent the last 46 years as an active supporter of the Boy Scouts of America; having served as cub master, scout master, explorer leader, area executive board member and district chairman. He is a recipient of the Boy Scouts of America's Silver Beaver Award.

During Mayor Thompson's administration he initiated and completed almost $30 million of important and necessary local construction projects including a law enforcement center, two fire stations, the Artesia center, a new warehouse, an airport terminal, a wastewater treatment plant, the remodeling and expansion of the Artesia Senior Citizens Center, the remodeling of City Hall, the expansion and remodeling of Artesia Library, and several street and water/wastewater infrastructure projects. Many of these projects were assisted with federal funding through Urban Renewal, Neighborhood Development and Community Development Block Grants which were also matched by the State of New Mexico.

Mr. Thompson has been active in Artesia's important local civic groups including the Artesia Rotary Club, the New Mexico Gideons, the Artesia Quarterback Club and the Artesia Parents and Boosters Club. Mayor Thompson's wife of 55 years, Grace, has always lent her loving support for his many efforts and accomplishments on behalf of the citizens of Artesia. They have one son and two grandchildren.

I ask my colleagues today to take a special moment to recognize and thank Mayor Thompson for his 26 years of outstanding and distinguished service and congratulate him on a job well-done. Artesia will always fondly remember the accomplishments of the Mayor: Ernest Thompson.

THE SPEAKER'S TASK FORCE ON THE HONG KONG TRANSITION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. BEREUTER. Mr. Speaker, the following is the second quarterly report of the Task Force on the Hong Kong Transition. It follows the first report dated October 1, 1997, and it was prepared and compiled by those Members of Congress (Representative DOUG BEREUTER, Representative ALCEE HASTINGS, and Representative DONALD MANZULLO) who traveled to Hong Kong, Macau, Shenzhen, and Beijing from December 13–20 as part of their responsibilities as Members of the Task Force. The report reflects the observations of the Task Force during the trip but also includes other information compiled before and after the trip up to December 31, 1997.

SUMMARY OF SECOND REPORT

In the first report of the Speaker's Task Force on the Hong Kong Transition, Hong Kong's reversion to China was characterized as "so far, so good." Six months after the official reversion that characterization still applies. However, nearly all observers agree it is "too early to tell" whether Hong Kong will be greatly affected by the transition and/or whether the United States' significant interests in Hong Kong will be adversely affected. From all perspectives both within and outside of Hong Kong, the very negative scenarios for Hong Kong, which many had predicted thus far, have not occurred. Undoubtedly, this is due in part to a determined effort by officials from the People's Republic of China (PRC) to respect Hong Kong's autonomy under the "one-country, two-systems" formula. Despite the fact that the fundamental underlying reasons for China's stance remain the same, there is no assurance that the outcome from those objectives will still prevail.

To date, the Hong Kong people seem to enjoy the same basic liberties and rights they enjoyed prior to the reversion. However, this is tempered by the abolition of the Legislative Council and its replacement by a provisional legislature which was "selected," but not elected, by the people of Hong Kong. Most observers agree that Hong Kong and Beijing officials responsible for implementing the "one-country, two-systems" framework are "on their best behavior." Yet, one overriding concern remains: Are Hong Kong officials subtly anticipating what Beijing desires and not in all instances vigorously pursuing the autonomy they have out of fear they will upset Beijing? At least with regard to routine matters, Hong Kong government officials seem quick to assert their own autonomy. There also is some evidence that Hong Kong officials may be seeking to influence policies on the "mainland." But on more sensitive issues such as President Jiang's interaction with protesters, Hong Kong officials may be attempting to put on a good face for Beijing. If such attempts to "out royal the queen" are really occurring in Hong Kong, a subtle and seemingly invisible erosion of Hong Kong's autonomy could be happening without being fully discernible.

BEIJING: HONORING ITS COMMITMENTS

Chinese officials in Beijing and Hong Kong who are responsible for implementing the "one-country, two-systems" legal framework are clearly bending over backwards to demonstrate a policy of non-interference in the areas of Hong Kong's autonomy (every aspect of governance except, as specified, foreign affairs and defense). In meeting after meeting, officials of Hong Kong and China reiterated the "one-country, two-systems" framework and provided anecdotes of decisions with which Beijing or its representatives in Hong Kong were not involved—like Hong Kong's defense of its own currency during the monetary crisis. In one instance, a Chinese official recounted that he was informally approached by a Hong Kong official about an issue falling in the monetary policy arena. That official recounted declining to offer an opinion because it was in Hong Kong's own autonomy. Another example of deference occurred when PRC officials reportedly approached Hong Kong officials regarding South Africa's mission to Hong Kong (a matter all parties agree lies within Beijing's sole authority for foreign affairs).

One good test of the non-interference of PRC officials is Hong Kong's self-reporting under two key international covenants on human rights. When pressed on the issue, Ma Yuzhen, PRC Ministry of Foreign Affairs Commissioner, stated that his office intends to function only as a "conveyor belt" transferring the reports from Hong Kong to the United Nations in New York without suggested changes or even recommendations.

One example of Hong Kong's continued autonomy involves the decision to let British expatriates in the Hong Kong government join the official PRC delegation to such international organizations as the World Intellectual Property Organization. Moreover, Hong Kong officials demonstrated their autonomy at the last Working Group meeting in Geneva on China's accession to the World Trade Organization by submitting seventeen questions in China's new services offer.

But the question remains as to whether Hong Kong officials are altering their actions so as to please Beijing on certain matters. One Hong Kong journalist termed this practice the new "political correctness." This practice could greatly influence how the Hong Kong government handles the requirement in Article 23 of the Basic Law that it enact laws prohibiting acts of treason, secession, sedition, subversion against the Central Government, and theft of state secrets. However, while many people accuse Hong Kong officials of this "political correctness" toward Beijing, the only evidence of such actions occurring involves the Hong Kong government's alleged movement of protesters away from a site where President Jiang Zemin was to be during his visit to Hong Kong, the removal of Taiwan flags from a public bridge during that Taiwan's national day, and also an alleged informal request from the PRC for an opinion by a Hong Kong official on an international monetary policy issue.

Many other controversial issues are labeled by various government opposition groups as falling within this category of "political correctness" on the part of Hong Kong officials, but it is often impossible to discern the motives behind the policy. For example, the Hong Kong government's decision to require more than three hundred schools to comply with a directive to use Cantonese as the medium of instruction in secondary schools (while allowing more than one hundred schools to continue to teach English) could either be a "practical" decision to improve understanding and instruction in the schools or a "patriotic" move.

Similarly, opposition politicians in Hong Kong have vigorously criticized the Hong Kong government for its handling of the Avian flu crisis, arguing that an embargo was not placed on birds from China for fear of angering Chinese officials. However, the Hong Kong government quickly consulted and cooperated with international health official in an attempt to contain the flu. They also eventually and completely banned the importation of chickens from China, thereby placing significant economic hardship on local producers in China, and slaughtered and discarded all chickens in Hong Kong.

POLITICAL AND LEGISLATIVE ACTIVITY

One real caveat to the "so far, so good" characterization of the Hong Kong transition is the roll back of democratic reforms in Hong Kong. Though Chief Executive Tung Chee-hwa argues that the number of directly elected seats of the Legislative Council (Legco) will increase to thirty by the year 2004, he bluntly admits that democratic reform in Hong Kong is "not a priority at this moment." He says that he will do "what is right for Hong Kong" and that, he makes clear, is to let democracy mature slowly.

The Task Force's initial report characterized the changes in Hong Kong's elections laws as a "remaining concern." While it appears that all major political parties in Hong Kong are active in preparing for the May 1998 Legco elections, the number of votes cast will diminish because of changes to Hong Kong's Electoral Law which abolished mass-membership functional constituencies and restricted the numbers of Hong Kongers eligible to vote in the thirty functional seat contests. Unlike the September 1995 Legislative elections, when more than two million Hong Kongers had votes in functional constituencies in addition to their votes in the districts where they lived, in 1998 only 200,000 voters will be eligible to pick the 30 legislators representing functional constituencies. (News reports show registration of functional constituencies to be very low but it is difficult to determine whether general apathy or apathy created by electoral law changes have caused this low registration turnout.)

Moreover, while it is impossible to prove the motive for the election law changes, it is clear that the Democratic Party will lose representation in the newly constituted Legco because of the aforementioned changes and because of the additional election law changes requiring use of a "proportional representation" system to determine election winners. Martin Lee, Democratic Party Chairman, predicts that the representation of "Democratic Party and friends" will fall from twenty-six in the abolished legislature to fifteen in the newly elected legislature in May of 1998.

Most political observers in Hong Kong have welcomed the Provisional Legislature's adoption of a doctrine of 'essentiality," i.e., only considering and approving legislation that is absolutely essential during its transition period until an elected legislature is put into place. However, it is unclear whether the Hong Kong government's decision to postpone consideration of a bill prohibiting acts of treason, secession, sedition, subversion against the Central Government, and theft of state secrets means that the legislation will be more or less restrictive of the Hong Kong peoples' basic rights. Clearly, this issue will be one of the first important tests of the newly elected Hong Kong legislature and current government. Future benchmarks include the government's responsiveness to Hong Kong public opinion when formulating legislation (as it appeared to do in the formulation of the societies ordinance) and whether the Hong Kong government strictly enforces the legislation, once enacted.

HONG KONG'S CUSTOMS AUTONOMY: A PROMISING START BUT TOO EARLY TO JUDGE

Indicators suggest that Hong Kong is fully exercising its autonomy as a separate customs territory within China. Law enforcement cooperation between Hong Kong police and Customs and U.S. Customs remains "much the same" and, according to U.S. officials, there appears to be "no change in the working relationship." Nevertheless, it is "too early to judge" whether long-term U.S. trade, security, and law enforcement interests in Hong Kong ultimately will be affected by the transition.

To prevent smuggling through its port, Hong Kong Customs employs four hundred people but is only able to examine approximately 1300 of the 13.5 million containers per year which move throughout the entrepot territory. In addition, the border between Hong Kong and Shenzhen currently handles 14,000 vehicles per day, and that number is increasing daily. "Without good intelligence," U.S. officials say, Hong Kong custom's task in finding smuggling is like "looking for a needle in the haystack." American officials acknowledge, however, that their Hong Kong counterparts "do as good a job as anyone."

In November, the U.S. Foreign Commercial Service performed thirty post-shipment verifications on export licenses and found only one or two questionable situations. Moreover, those questions were resolved upon further inspection. A U.S. interagency team on export controls traveled to Hong Kong on January 12, 1998, as part of a bilateral cooperation agreement between Secretary of Commerce William Daley and Hong Kong Trade and Industry Secretary Denise Yue. The conclusions of that meeting were not available for this report. Hong Kong's customs service has demonstrated continued diligence and quick response on two potentially serious diversions from North Korea of unmilled tank barrels and rocket fuel. The customs service now has legislation to catch "middle men" in Hong Kong who facilitate diversions not actually involving the Hong Kong port. In this respect it is similar to the United States and a leader in the world.

One continuing complaint by U.S. law enforcement officials involves Hong Kong's laissez faire approach to money being personally carried in and out of Hong Kong. There is no reporting requirement for travelers doing this, and Hong Kong is therefore an ideal place for laundering money. Note: This situation existed in Hong Kong prior to the transition and therefore is not a resulting problem. Nevertheless, it would seem desirable for the U.S. Government to recommend that the Hong Kong government mirror U.S. reporting requirements in order to stem the flow of money laundering.

U.S. officials give Hong Kong Customs high marks for recent stepped-up efforts on textile transhipments, but lower marks for their enforcement of intellectual property rights violations. Hong Kong Customs claims difficulty in "going after the kingpins" and, instead, arrests the sellers at the retail level of pirated material. More blatantly, some well-known arcades certainly do rather openly market pirated software and compact discs. Some Hong Kong officials complain that the reason that pirated products remain on sale in legitimate retail stores is that "there is no deterrent"—judges are too lenient. However, recent increases in jail terms along with expanded enforcement powers for Customs officers may have a positive effect in reducing piracy. Also, the government has introduced legislation that should help enable Customs to control illicit production.

ECONOMIC CONDITIONS IN HONG KONG

If one were only to examine the Heritage Foundation's annual Index of Economic Freedom or the American Chamber of Commerce in Hong Kong's annual confidence survey, one might wrongly conclude that Hong Kong's economic outlook remains unchanged from last year. However, regional economic woes beginning in the summer of 1997 have had a significant impact on Hong Kong.

Drawing on large international currency reserves and a strong determination to defend the HK$–US$ peg, Hong Kong was able to weather an initial attack on its currency caused by the financial turmoil throughout Asia. This led, however, to a sharp rise in interest rates as well as large drops in the stock and property markets. After rising to a new high in August, the stock market fell almost 40% during the last week of October. Since bottoming out in November of 1997, however, the Hang Seng index has battled back to levels recorded in April of 1997. (Information compiled after January 1, 1998) The real estate market is important to Hong Kong's economic viability and stability, and it certainly has an important effect on U.S. firms and citizens residing there. Residential property prices have been trimmed by 20%-30% in recent months.

Tourism in Hong Kong also has noticeably declined and it is difficult to predict how significantly the region-wide financial crisis will further affect this key industry. An additional issue of concern is the fact that the Peregrine Investment Corporation, Hong Kong's largest investment firm, declared bankruptcy on January 12, 1998. (Information compiled after January 1, 1998)

Despite recent difficulties, short-term confidence in the Hong Kong dollar seems strong, and policy makers express a continuing determination to defend the peg. (There are, however, a growing number of dissenters who maintain that Hong Kong will not be able to maintain the peg in the long term, principally because they predict China will eventually devalue the renminbi.) Hong Kong's banking sector and its regulatory regime are strong. Monetary figures show no sign of capital flight or panic. Hong Kong's foreign exchange reserves reached U.S. $96.5 billion in November 1997.

MACAU

Macau will revert to China on December 20, 1999, and become yet another Special Administrative Region. Like the British, Portugal negotiated a Joint Declaration with the PRC government that establishes a "one-country, two systems" formula for Macau. Although there are many similarities between the imminent Macau reversion to China and that of Hong Kong, there are several key differences.

If for no reason other than size, Macau has only a modest effect upon U.S. vital interests. Macau buys only one percent of the total exports which the U.S. sends to Hong Kong, and it houses only 1% of the number of Americans as reside in Hong Kong. Nevertheless, there are legitimate U.S. concerns in the areas of drug smuggling and intellectual property rights violations. For example, it is believed that a considerable portion of the region's illicit compact disc and videotape production lines may have moved to Macau. Estimates suggest that a hundred million or more illegal compact discs and movies per annum may now be produced in Macau. Exacerbating the illicit production problems in Macau are contradictory actions taken by the local courts concerning the government's seizure of equipment used in the illegal production lines.

Organized gang warfare is also a matter of legitimate concern. Early in 1997, Macau was featured in the news by reports about gang fighting or turf wars. Macau officials argue that the overall crime rate in Macau has been exaggerated by the sensational nature of the stories.

Macau's reversion to China presents several other key differences from Hong Kong's reversion to China. For example, Macau has a "through train" for its Legislative Assembly and therefore will not have to cope with the provisional legislature scenario currently existing in Hong Kong. This body currently has twenty-three assembly members of which two-thirds are elected. It also has an ambitious legislative agenda for 1998 that includes localization of the major Portuguese codes and human rights initiatives. Of concern is the fact that the Macau Legislative Assembly was unable in 1997 to pass several human rights initiatives. Other key issues for Macau which pose difficult transition issues include localization of the civil service and nationality issues. With the approval of the Speaker for an expanded area of responsibility because of Macau's relevance to the Hong Kong transition and its proximity, the Task Force would propose to similarly observe and report on the Macau transition.

ADDITIONAL NOTE

Although there have been many economic developments in Hong Kong after December 31, 1997, this report generally reflects those developments occurring before that date. There are limited exceptions where the report comments on events occurring after December 31, 1997, and they are indicated appropriately.

TRIBUTE TO GARY GIACOMINI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Gary Giacomini. Gary is being honored by the Citizens Foundation of Marin and the Marin Council of Agencies as the 1997 Citizen of the Year.

Marin County has a history of electing wonderful members to the Marin Board of Supervisors and Gary is a prime example. He fought hard for his constituents. In fact, he still is fighting for them. Gary truly loved his job. As a member of many county and state agencies, from the Marin County Transit District to the California Coastal Commission, Gary supported the issues that are important to the residents of Marin County.

I have had the pleasure to work with Gary on several Marin County issues. But where I've gotten to really know him is through the Pt. Reyes National Seashore. Shortly after I was elected to the House, Gary came to me with his vision to encourage agriculture by protecting lands east of the National Seashore from development. Based on Gary's vision, I introduced H.R. 1995, the Pt. Reyes National Seashore Farmland Protection Act, to offer willing land owners conservation easements to support agriculture. I made H.R. 1995 one of my top priorities. I will always appreciate Gary sharing his vision with me, and I will always be thankful for his support.

Mr. Speaker, it is my great pleasure to pay tribute to Gary Giacomini. His dedication and success to preserve agriculture in Marin County and fight for the causes he and his constituents believe in is admirable. I wish Gary and his family the best.

SPECIAL RECOGNITION OF SR. BARBARA DAVIS, SC

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. OXLEY. Mr. Speaker, today I rise to spotlight a very special lady who has unselfishly given of her time, energy and soul to others in her community. She has earned the honor of being named the 1998 National Catholic Education Association Distinguished Principal for the States of Ohio and Michigan.

She is one of only twelve Catholic School Elementary Principals in the country and the only one from Ohio to be chosen for this honor. The lives of many young people have been deeply touched with the kindness and sincerity that Sister Davis has shown. As principal of St. Mary's School, Shelby, Ohio, she worked to place computers into classrooms so that students will benefit from technological advances such as the Internet and other educational tools.

I extend my best wishes to her as she receives this award, and I urge her to keep up the good work. She truly is a remarkable teacher and role model. Thank you Sister Davis.

TRIBUTE TO MAJ. GEN. DOUG BUNGER

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. FROST. Mr. Speaker, today I pay tribute to Major General Doug Bunger, who currently resides in Duncanville, Texas, upon his retirement this month from the United States Air Force. In his thirty-one years of service to this great nation he has proven himself an extraordinary leader of people, programs, and finances at all organizational levels in the Air Force, and finances at all organizational levels in the Air Force. As a military comptroller, General Bunger directed the financial operation for military airlift command during a period of intense defense military transportation requirements. He subsequently was the Air Force's Director of Budget Operations and then the Deputy Assistant Secretary for the budget. As such he developed, justified, and executed an annual budget of over $72 billion in support of worldwide air force operations. His record of integrity and accountability was flawless.

To conclude his distinguished career, General Bunger has commanded the Army and the Air Force Exchange Service, a $7 billion retail and services organization headquartered in Southwest Dallas. Under his charismatic leadership and efficient management AAFES has performed its mission exceptionally well, with earnings during his three-year tenure of over $930 million. What is more important is that these earnings have been vital to military personnel around the world, contributing well over $600 million to supplement the morale, welfare, and recreation programs of the Army and Air Force—thereby ensuring quality of life for service members and their families while reducing the burden of support from America's taxpayers. General Bunger's work force of 55,000 serve every day to provide soldiers and airmen value, service and support in all 50 states and 25 different countries—to include Bosnia, Haiti, Kuwait, Saudi, and Korea—significantly enhancing morale while saving them money.

Throughout his career, General Bunger has been an exceptional steward of defense resources, and his legacy of leadership and dedication deserve our admiration and praise. His numerous awards and decorations—which include the Distinguished Service Medal, two Awards of the Legion of Merit, a Bronze Star, four Meritorious Service Medals, and both Air Force Commendation and Achievement Medals—attest to his exemplary professionalism and distinguished service to our nation.

I salute Major General Doug Bunger as he retires from the United States Air Force and wish him and his lovely wife, Sarah, much happiness in their new hilltop home near Hot Springs, Arkansas.

LET CONSUMERS CHOOSE

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. PAXON. Mr. Speaker, during the arduous legislative process that created the Telecommunications Act of 1996, the Members of the Commerce Committee used the basic principle of consumer choice as our guide.

Today, responsibility for implementation of the Telecommunications Act of 1996 rests with the FCC, and I am left to wonder if the same principles that guided Congress' creation of the Telecommunications Act, are guiding the FCC in their implementation of the Act.

When the Federal Communications Commission turned down yet another State Commission's request that the local Bell company be allowed to offer long-distance, the FCC essentially said that local phone customers cannot be trusted to make wise choices. The FCC said that, if we let them, the residents of Oklahoma, Michigan, South Carolina, or Louisiana, for example, might make what the FCC thinks is the wrong decision.

In passing the Telecommunications Act of 1996, Congress wanted competition to begin in the telephone services marketplace. It's time to get all parties moving in that direction.

The free enterprise system is built on the belief that American consumers are best capable of making consumer decisions—that they can decide what is good for them a lot better than a Washington bureaucracy.

TRIBUTE TO JAMES CARROLL PLACE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a wonderful man. The kind of man that made this country the great nation it is today. I honor James Carroll Place as he should be honored.

Mr. Jim was one of those pillars of the community that worked hard every day, played by the rules and did what ever was necessary to make himself and his community successful. At the same time he always upheld the highest standards of conduct and integrity.

His tireless work for the community to build the wonderful event that we celebrate annually in my hometown, The Coon Supper, will be long remembered.

We should all hope that his example of high standards and good conduct will be followed by the generations to come. It made no difference if it was for the church, the town, the Farmers and Businessmen's Club, friends, neighbors, or his own family, he gave his all and his best and expected no less from us all.

He was a friend and mentor to me and was a business associate for many years. We never had a dispute. His sense of fairness and honesty was exceeded only by his great good humor. He was a friend, role model, farmer, leader, father, and Christian.

Some say that the measure of success of a man is his children. If so, then Mr. Jim was successful by all standards.

He will be long remembered as the standard for, as we say in my hometown of Gillett, Arkansas, a good man.

Let us today honor this good man and the standard he set for us all.

SALUTING GUAM POWER AUTHORITY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. UNDERWOOD. Mr. Speaker, It has been more than ten weeks since typhoon Paka struck Guam, causing nearly $400 million in damage and leaving more than 4,000 families homeless. The damage is still evident in some areas, but typhoon debris is steadily disappearing and the island is turning green again. For the most part, conditions are returning to normal, although life remains difficult for those who lost everything. But even for those enduring folks, things are improving day by day. Despite the many discomforts we continue to bear, we remain tremendously grateful that no lives were lost in this disaster. On February 16, we marked another reason for gratitude and appreciation. Just two months to the day of Paka's passing. Guam's electrical power system was fully restored.

The speed of this particular recovery is unprecedented in the annals of Guam's typhoon-prone history. It is a testament to the determination and dedication of the staff and management of the Guam Power Authority and the dozens of line crews from off-island who rushed to Guam's aid.

As in previous typhoons, Guam Power Authority crews were positioned and ready to battle the elements in order to keep the island's power system up and running. But Typhoon Paka was not a typical storm. As winds grew in intensity, and conditions grew increasingly more dangerous, the GPA crews were forced to ride out the storm at their respective worksites until the all-clear signal. The task that faced them the next morning was gargantuan. Power lines were dangling in the streets, in parking lots and in people's yards all over the island. They were tangled in wreckage and lying in broken pieces across roadways and along roadsides. Hundreds of transformers and thousands of street lights were ripped from their perches and scattered everywhere. Many were smashed beyond repair. Throughout the island wooden and concrete power poles broken, bent, tipped and even uprooted.

After assessing the damage, GPA announced that it would take at least three months or longer to restore service islandwide. The lengthy repair time was disheartening but not unreasonable given the immensity of the task. With Christmas around the corner, the sadness and disappointment in the faces of the people of Guam must have inspired the men and women of the Guam Power Authority to rise to the challenge. Instead of three months, GPA set an ambitious new goal of eight weeks.

With help from as far away as Hawaii and California, and from as close as the Northern Marianas, Palau and the Federated States of Micronesia, the Guam Power Authority worked long and hard to make Guam's holiday season as bright with light as possible. The Air Force also came to Guam's rescue with military line crews, heavy equipment and supplies, as well as providing nine C–5 flights to transport these and other personnel and materials to Guam. Our neighbors in the region also sent barges loaded with wooden and concrete poles, as well as transformers, electrical wire and other electrical supplies. All in all, 95 line personnel, 34 bucket trucks and 63 auxiliary line vehicles were brought in to augment GPA's equipment and 200 line personnel and 100 contractor crews. Priority was given to Guam's pumps and water wells, and running water was restored within days of the storm's passing. In the days that followed, GPA replaced nearly 700 transformers, nearly 100 concrete poles and some 800 wooden poles. Crews also restrung hundreds of miles of primary and secondary electrical lines. At this time, GPA is concentrating on replacing nearly 3,000 street lights island wide and reconnecting residential power as homes are repaired.

In the ten weeks since the storm, the line crews have been most visible to the public. They and their heavy equipment have been seen all over the island, working around the clock to restore the system. GPA General Manager Ricardo Unpingco also did a commendable job of keeping the public informed, delivering daily progress reports and fielding questions from the public via the news media. But Mr. Unpingco and the line crews were not alone in this massive and ambitious endeavor. Behind the scenes, many other employees of GPA worked just as long, just as hard, often attending to tasks that were not in their job descriptions, to support the restoration work. Lastly, the biggest, most understanding and most loyal supporters of GPA's restoration work have been the families—the wives, husbands, sons, daughters and loved ones of GPA employees, many of whom were also typhoon damage victims.

I rise today on behalf of the people of Guam to commend and to thank all the men and women of the Guam Power Authority, the personnel from the Saipan Commonwealth Utilities Corporation, Belau Public Utilities, Yap State Public Services Corporation, Pohnpei Utilities Commission, Hawaiian Electric Company, Southern California Edison, and the United States Air Force, and especially the families of all these fine people, for all the efforts and sacrifices they made to restore electrical power to Guam. Si Yu'os ma'ase hamyu todos; si Yu'os en fanbendisi.

CHILDHOOD CANCER AWARENESS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. WAXMAN. Mr. Speaker, the City of Los Angeles has designated the week of March 1, 1998 as "Childhood Cancer Awareness Week." In honor of this proclamation, I ask my colleagues to join me in calling attention to the tragedy of childhood cancer and in working to defeat this debilitating enemy of our children.

Cancer is the leading cause of death in the United States today. Each year, approximately 10,000 American children are diagnosed with cancer. Moreover, it is the leading cause of death by disease among children in our country. While great strides are made each year in research, treatment, and prevention of childhood cancer, we must remain vigilant in our efforts to search for cures and more effective treatments.

I ask my colleagues to reaffirm their dedication to eliminating childhood cancer and to take a moment to express their appreciation to the devoted individuals working in the fight against this dreaded disease.

HONORING SALINE AREA CHAMBER OF COMMERCE WINNERS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to say a few words about a group of constituents in Saline, Michigan whose contributions to their community merit respect and recognition.

Tom Kirvan is managing editor of the Reporter newspapers. His friends and colleagues have named him their Citizen of the Year for his tireless work on behalf of others. Through his involvement with Big Brothers/Big Sisters or the Council on Alcoholism, Tom has been in every way a true public servant.

Rick Kuss is Saline's mayor and is well-known for his work on historic preservation and his efforts to improve Saline. Rick is a person with a great sense of community. The Chamber has rightly recognized his contributions by awarding him the Georgia A. Anderson Vision Award.

Dale Rothfuss is a recipient of a Lifetime Achievement Award from the Saline Chamber.

A retiree, Dale has spent his free time helping others at the area Senior Center, the American Legion, and Saline Community Hospital.

Joann Steiner has also been awarded a Lifetime Achievement Award. A dedicated public servant, Joann has served the Department of Public Works for 35 years. I am proud to join the Chamber in commending her achievements.

Mr. Speaker, in my opinion, one of the hallmarks of good citizenship is the willingness to take of your own time to devote to others. I therefore think it fitting that we recognize these four people for their significant achievements.

THE AVENUE OF THE PINES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. SOLOMON. Mr. Speaker, one of the most attractive streets in New York State will soon be a virtual monument to the work of one of the state's finest companies, Finch, Pruyn & Company, Inc. It's not only one of the most famous tree-lined avenues in the Capital District, but in my opinion one of the most beautiful in the country. It's the Avenue of the Pines in the Saratoga Spa State Park.

My primary district office is in Saratoga Springs and I always look for an excuse to take Avenue of the Pines whenever I visit a neighboring community. That's why I'm glad to see that the avenue's priceless stand of more than 150 white and red pines is getting such attention from a company well-qualified to render it.

Finch, Pruyn & Company has long been an outstanding corporate neighbor in my hometown of Glens Falls. Its president and CEO, Dick Carota, is a real up-from-the-ranks kind of guy who knows every job description in the company from personal experience. He's a real All-American success story, and Finch, Pruyn is an All-American kind of company, providing not only employment, but a nicer place to live for everybody.

In addition to being a giant in the paper industry, Finch, Pruyn directs a nationally-recognized forest management program. In partnership with the New York State Office of Parks, Recreation and Historic Preservation, the company will do borings near the site to determine the age of the trees. Finch, Pruyn will then conduct further research on the effects of vehicular traffic, snow and ice maintenance practices, road salt, wildlife, pests, and diseases.

Four rows of trees were first planted in 1912. Six years later, the walkway was widened and paved for use by vehicles. There have been some modifications since then, but the avenue remains what it always was, one of the most enjoyable stretches of driving in the entire country.

Mr. Speaker, Finch, Pruyn's scientists are the best, and the people of our district can be sure the study will be as thorough as it is interesting. Finch, Pruyn was a pioneer in the field of sustainable forestry as far back as the last century, and later hired the country's best professional foresters. The company is equally advanced in protecting the environment. The company has invested more than $100 million in the last three decades, including $10 million in a new elemental chlorine-free pulp bleaching system.

Mr. Speaker, my friend Dick Carota, Finch, Pruyn's president and CEO, likes to do a little play on words, attributing the company's success to what he calls "Finch Pride."

He and every last employee have a right to be proud. So am I, and so is an entire community. I invite you, Mr. Speaker, and every member of this body to come on up and visit us any time, to see community and corporate cooperation at its finest.

A DEAL THAT'S WORSE THAN WORTHLESS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. OXLEY. Mr. Speaker, I would like to commend a recent column by Charles Krauthammer of the Washington Post to the attention of my colleagues.

[From the Washington Post, Feb. 27, 1998]

A DEAL THAT'S WORSE THAN WORTHLESS

PEACE IN OUR TIME—AGAIN

Two days before Kofi Annan made his "breakthrough" in Baghdad, the U.N. Security Council, with U.S. approval, authorized a huge increase in the amount of oil that Iraq can sell. In a stroke, this "humanitarian" gesture doubled Iraq's oil income to $10.5 billion a year. Iraq can now sell nearly 2 million barrels a day—about two-thirds of the oil it was selling when producing at peak capacity before the embargo. And that number does not even count the oil that we know Saddam is illegally smuggling through Iranian coastal waters.

At this U.N.- and U.S.-authorized level, Iraq—under sanctions!—becomes the *eighth-largest oil exporter in the world.*

This embargo-buster passed with little fanfare. It barely made the back pages of the newspapers. All hands pretended, moreover, that there was no linkage between this bonanza and the subsequent Saddam-Annan deal in Baghdad.

But remember that last November, when the administration was desperately looking for a way out of the last Iraq crisis, the State Department said we'd be willing to offer Saddam a "carrot" to get him to be nice. Such as? Such as a sharp increase in the amount of "humanitarian" oil that Iraq could sell.

So last time, when Saddam broke the Gulf War agreements and kicked out U.S. arms inspectors, the carrot was offered. This time, when Saddam broke the Gulf War agreements and stymied all the arms inspectors, the carrot was delivered.

Last time, President Clinton flapped about threateningly, then watched meekly as the Russian foreign minister brokered a "compromise." This time, Clinton flapped about threateningly, then watched meekly as the U.N. secretary general brokered a new "compromise."

Last time, Clinton's U.N. ambassador crowed that Saddam had "blinked." This time, Madeleine Albright's spokesman deemed the deal "win-win" for us.

Last time, the deal turned out to be completely worthless, giving Saddam four more months to hide his nasty stuff. This time, the deal is worse than worthless, giving Saddam crucial victories on the two issues he cares most about: economic sanctions and weapons inspections.

1. Sanctions. Not only did Saddam incur no penalty for his open defiance of the United Nations and open provocation of the United States, he was treated by Annan with a deference and flattery that bordered on the indecent. Moreover, the Annan-Saddam Memorandum of Understanding breathes not a word of criticism about Iraq's violating previous agreements, nor about its creating this crisis. On the contrary, Annan trashed his own arms inspectors (UNSCOM) as unruly "cowboys" and undertook, in writing, to bring Saddam's ultimate objective, the lifting of sanctions, "to the full attention of the members of the Security Council."

Sure enough, upon his return to New York, Annan began emphasizing the need to show Iraq "the light at the end of the tunnel," the Iraqi code phrase for ending sanctions. Like Russian Foreign Minister Yevgeny Primakov, who brokered the first nonagreement in November, Annan has become Saddam's sanctions-lifting advocate to the world. Unlike Saddam buddy and ex-KGB biggie Primakov, however, Annan is an effective shill.

2. Inspections. The United States had demanded no retreat from free and full access and no tampering by Iraq with the composition and authority of UNSCOM teams. Annan came back with a radical change in the composition of the inspection teams and a serious erosion of their authority. Inspection of "presidential sites," those huge complexes with hundreds of buildings where Saddam could be hiding anything, is taken away from control of UNSCOM, the tough inspectors whose probity we can rely on.

These sites are instead entrusted to a new body, headed by an Annan appointee. It will comprise political appointees, including diplomat-spies from Iraq-friendly France, Russia and China, as well as inspectors who presumably possess the requisite delicacy and sensitivity to Iraqi feelings. Iraqis can be so touchy about their stores of poison gas and anthrax.

How do you carry out a spot inspection—the only kind that has any hope of finding anything—when you first have to notify and await the arrival of, say, the Russian appointee, who has a hot line to the very Iraqi regime he is supposed to inspect? Inspector Clouseau has a better chance of finding concealed nerve gas than this polyglot outfit of compromised politicians and handpicked inspectors.

So tote it up. For Saddam: No penalty. Annan shilling for his demand to end all sanctions. UNSCOM undermined. Presidential palaces secure for storing anthrax and such. And his oil output doubled.

Another triumph of Clinton diplomacy.

1998 CONGRESSIONAL OBSERVANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 11, 1998

Mr. RANGEL. Mr. Speaker, as we celebrate African American History Month, I would like to take this opportunity to pay tribute to the 86

African American recipients of the nations' highest military award for valor, the Medal of Honor. These medals of Honor were awarded for acts of bravery performed from the Civil War through the Vietnam Era.

Last year the President took steps to right a serious wrong, by acknowledging that not one Medal of Honor was awarded to an African American during World War II due to discrimination and other factors. On January 13, 1997 the President awarded the Medal of Honor to seven World War II African American heroes. The Secretary of Defense William S. Cohen also hosted a Pentagon ceremony on February 19, 1997 and paid tribute to the three surviving African American recipients of the Medal of Honor. During the ceremony the "Legacy of Valor" videotape tribute was presented, followed by the unveiling of an exhibit honoring the 86 African American recipients.

I find the following words, as contained in the Department of Defense "Legacy of Valor" tribute to be of particular significance:

> "Eighty-six African Americans have earned the Nation's top award for valor, the Medal of Honor. Their legacy of valor is the thrilling story of African Americans in defense of freedom and justice. The stories of these 86 Medal of Honor recipients account for some of the most astonishing acts of bravery and personal sacrifice in the history of our armed forces. Through it all, despite an American legacy rooted deeply in slavery, each and everyone of them, by supreme sacrifice and devotion to duty, in the words of the great African American poet, Langston Hughes, boldly declared, "I too am American."

They demonstrated that African Americans have earned the right through military sacrifice and achievement alone, to be true Americans economically, politically, and socially. All Americans can take heartfelt pride in this illustrious record which, unfortunately, too frequently has gone unnoticed.

Although 86 African Americans received the Medal of Honor in military conflicts from the Civil War to Vietnam, due to discrimination and other factors, not one was awarded the Medal of Honor during World Wars I and II.

In 1991, however, President George Bush awarded the Medal of Honor posthumously to a World War I African American hero.

Additionally, on January 13, 1997, at a White House ceremony, President William Jefferson Clinton awarded seven Medals of Honor to African American WWII heroes. Six of those medals were awarded posthumously to the families of the honorees and the seventh Medal of Honor was presented to the only living WWII honoree.

All Americans owe a special debt of gratitude to these 86 African American heroes. Despite slavery, segregation, discrimination, and bitter disappointment they defended America with their very lives. When the chips were down, to paraphrase the incomparable General Douglass MacArthur, they understood the hallowed words, "Duty, Honor, Country, Freedom and Justice." These words were their rallying point to build courage when courage seemed to fail; to regain faith, when there seemed to be little cause for faith; to create hope when hope became forlorn. These words taught them not to substitute words for action nor to seek the path of comfort but to face the stress and sharp spur of difficulty head-on; to learn to stand up in the storm, but have compassion for those who fall; to reach into the future, yet never neglect the past. In their belief in God and family, in their strength, in their love and loyalty, many of them gave all that mortals can give.

"Oh beautiful for spacious skies, for amber waves of grain, for purple mountains majesties, above the fruited plains . . ." The wonderful song "America the Beautiful" begins. But as we look back over the valorous contributions of African Americans, it is the second stanza of America the Beautiful that all Americans can sing, with new meaning:

"Oh beautiful, Oh beautiful for heroes proved
in liberating strife,
who more than self their country loved and
mercy more than life . . ."

For these are truly 86 African American heroes who proved in liberating strife on domestic and foreign soil that they loved their country more than themselves and mercy for their people more than life!"

AFRICAN AMERICAN MEDAL OF HONOR RECIPIENTS

VIETNAM (1964–1973)

*ANDERSON, James, Jr.
ANDERSON, Webster
*ASHLEY, Eugene, Jr.
*AUSTIN, Oscar P.
*BRYANT, William Maud
*DAVIS, Rodney Maxwell
*JENKINS, Robert H., Jr.
JOEL, Lawrence
JOHNSON, Dwight
*JOHNSON, Ralph
*LANGHORN, Garfield M.
*LEONARD, Matthew
*LONG, Donald Russell
*OLIVE, Milton Lee, III
*PITTS, Riley L.
ROGERS, Charles Calvin
*SARGENT, Ruppert L.
SASSER, Clarence Eugene
*SIMS, Clifford Chester
*WARREN, John E., Jr.

KOREAN WAR (1950–1953)

*CHARLTON, Cornelius H.
*THOMPSON, William

WORLD WAR II (1939–1945)

BAKER, Vernon J.
CARTER, Edward A., Jr.
*FOX, John R.
*JAMES, Willy F., Jr.
*RIVERS, Ruben
THOMAS, Charles L.
*WATSON, George

WORLD WAR I (1917–1918)

*STOWERS, Freddie

WAR WITH SPAIN (1898)

BAKER, Edward L., Jr.
BELL, Dennis
LEE, Fitz
PENN, Robert
THOMPKINS, William H.
WANTON, George H.

INTERIM (1871–1898)

ATKINS, Daniel
DAVIS, John
GIRANDY, Alphonse
JOHNSON, John
JOHNSON, William
NOIL, Joseph B.
SMITH, John
SWEENEY, Robert Augustus (1 of 20 double recipients)

INDIAN CAMPAIGNS (1861–1898)

BOYNE, Thomas
BROWN, Benjamin
DENNY, John
FACTOR, Pompey (Black/Seminole; also used last name of Facton)
GREAVES, Clinton
JOHNSON, Henry
JORDAN, George
MAYS, Isaiah
McBRYAR, William
PAINE, Adam (Black/Seminole)
PAYNE, Isaac (Black/Seminole)
SHAW, Thomas
STANCE, Emanuel
WALLEY, Augustus
WARD, John (Black/Seminole)
WILLIAMS, Moses
WILSON, William
WOODS, Brent

CIVIL WAR (1861–1865)

ANDERSON, Aaron (a.k.a. Sanderson)
ANDERSON, Bruce
BARNES, William H.
BEATY, Powhatan
BLAKE, Robert (Escaped slave)
BRONSON, James H.
BROWN, William H.
BROWN, Wilson
CARNEY, William Harvey
DORSEY, Decatur (Escaped slave)
FLEETWOOD, Christian A.
GARDINER, James
HARRIS, James H.
HAWKINS, Thomas R.
HILTON, Alfred B.
HOLLAND, Milton Murray
JAMES, Miles
KELLY, Alexander
LAWSON, John
MIFFLIN, James
PEASE, Joachim
PINN, Robert
RATCLIFF, Edward
VEAL, Charles

AFRICAN-AMERICAN MEDAL OF HONOR RECIPIENTS

Vietnam	20
Korea	2
World War II	7
World War I	1
War with Spain	6
Interim 1871–1898	8
Indian Campaigns	18
Civil War	24
Total	86

* The asterisk denotes killed in action. This information provided by the Congressional Medal of Honor Society.

THE MIDDLE EAST AND NORTH AFRICA BANK FOR ECONOMIC COOPERATION AND DEVELOPMENT (MENA BANK)

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. HAMILTON. Mr. Speaker, I am concerned that efforts at regional economic integration, an important part of the Middle East peace process, have fallen by the wayside. The Middle East and North Africa Bank for Economic Cooperation and Development (MENA Bank) is an important U.S.-sponsored initiative to foster regional economic integration, and that Bank has yet to begin operations. A key part of the problem is that the United States has yet to provide funding to capitalize that Bank, and so other Members of the Bank have also been reluctant to provide funding. On December 23, 1997 I wrote to Secretary Albright concerning United States support and funding for the MENA Bank, and on February 4, 1998 I received a reply. The text of the correspondence follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS
Washington, DC, December 23, 1997.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State, Washington, DC.

DEAR MADELEINE: I write to state my strong support for U.S. funding for the Bank for Economic Cooperation and Development in the Middle East and North Africa (MENABANK).

It is a source of concern to me that Congress so far has failed to provide for the U.S. share of MENABANK capital contributions. As a result, it has been difficult for the United States to provide the needed leadership to make the bank a reality, and this entire effort to enhance and backstop the peace process has floundered. Unfortunately, little progress has been made over the past two years toward establishment of the MENABANK, and it is still far away from beginning operations.

I am convinced that this Bank can fulfill a very important role in support of the Middle East peace process. Its intended emphasis on privatization and regional cooperation is exactly the focus needed to promote peace and economic growth to bolster the peace process.

It is my understanding that some in Congress are reluctant to provide funds for this initiative, in addition to funds otherwise available for the Middle East. As you put together the Fiscal Year 1999 budget request, I would urge you to give priority to the MENABANK, even if it is at the expense of other Middle East priorities in the International Affairs budget account.

At a time when some key aspects of the Middle East peace process are so troubled, I believe it is especially important to the U.S. national interest to foster regional economic progress, and to foster hope. The MENABANK can do both. I want to be helpful to you in any way I can in support of U.S. funding and the Bank's early establishment.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC.

DEAR MR. HAMILTON: Thank you for your letter of December 23, 1997, to Secretary Albright concerning United States funding for the Bank for Economic Cooperation and Development in the Middle East and North Africa (MENABank). We appreciate your support and that of others on the Hill for this important peace process institution.

The Administration shares your view that the MENABank will play a seminal role in building stability in the Middle East through facilitating stronger regional economic ties. As you know, the MENABank is a product of an historic joint proposal made in October 1994 by the four core parties to the peace process: Egypt, Israel, Jordan, and the Palestinians. In cooperation with the regional parties, the United States has spearheaded the effort to bring the Bank into being.

Perhaps the best ongoing example of our commitment is our support of the multinational transition team in Cairo, headed by former United States Ambassador David Dunford, which is charged with setting up the Bank's structure. Already, the team, which includes professional staff members from Israel, Egypt, the United States, Japan Italy, the Netherlands, and Canada, has developed a set of draft financial and operational plans and an illustrative list of projects, which should enable the Bank to be launched promptly once two-thirds of its initial capital is committed by its members.

The Middle East currently receives only one percent of global foreign direct investment. The region will need investment of approximately $500 billion over the next ten years to stimulate sustainable economic growth. The Bank's focus on projects with a regional character and the ability to use its $5 billion capital base to leverage significantly greater flows of private resources is crucial in ensuring the growth needed in the region. Only with such growth can we hope to realize and sustain a more stable and prosperous Middle East. In addition, the Bank will help ensure that qualified individuals, often trained in the United States, will remain in the region and contribute to its growth.

We look forward to working closely with you and your staff in our continuing efforts to gather support for the MENABank. Thank you again for your help with this critical initiative.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

NOTES ON H.R. 856

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. ROHRABACHER. Mr. Speaker, before this House votes on H.R. 856, I want to inform my colleagues of a very recent development concerning one of the status options.

One of the most controversial issues in this legislation is the exclusion of an autonomy option that satisfies Puerto Ricans and that complies with the strict criteria of constitutional constraints and public policy imperatives.

Under H.R. 856, Puerto Ricans that do not favor either independence or statehood are forced to opt from the equally undesired extremes of plenary territorial subordination or a free association formula that is really so undefined that it is practically indistinguishable from full independence.

We must offer the people of Puerto Rico fair and realistic options that are clearly and fully defined. That being the case, I want to bring to the attention of this House a proposal that has recently been circulated in Washington and Puerto Rico.

This proposal calls for the development of the present status into a relationship of autonomy within the context of a Treaty of Union between Puerto Rico and the United States. It has been suggested by former Puerto Rico Senate and Popular Democratic Party President, Miguel Hernández Agosto. Many of you may know Senator Hernández Agosto as the person in charge of the pro-commonwealth party during the 1993 plebiscite which they won.

The Treaty of Union proposal has been endorsed or welcomed in Puerto Rico by prominent pro-commonwealth leaders like the Mayors of Ponce, Carolina, Caguas, San Juan and various other civic groups and legislators.

This proposal represents a fresh approach in the attempt to develop commonwealth into a fuller measure of self-government that is compatible with continued ties to the U.S.

This association would operate under a nation-to-nation agreement that will encapsulate, among others, the defense, common market, citizenship and currency provisions that are so relevant to both the U.S. and Puerto Rico. It also permits Puerto Rico to retain and affirm its distinct culture and linguistic identity.

I sincerely hope that if discussion on political status moves forward, Congress will have the opportunity to properly and seriously analyze this deserving and innovative approach.

AMENDMENT #4

(Autonomy Definition)

P. 12, Sec. 4: Strike out completely page 12 and in lieu thereof insert the following: A. Autonomy—if you agree, mark here

The people of Puerto Rico, in the exercise of its natural right, and of its free will as the source of all political power, do hereby establish an autonomous body politic in union with the United States of America under a treaty which cannot be altered unilaterally and subject to the following:

(1) Puerto Rico will control and determine its own nationality and citizenship, provided that the United States citizens born in Puerto Rico will retain such citizenship, unless they voluntarily renounce it, and will be entitled to the same rights and privileges as any other United States citizen.

(2) Puerto Rico will have the authority and responsibility for its internal and external affairs, including, but not limited to, language, olympic and diplomatic representation, customs, enter into agreements to foster its economic development by joining regional and international trade agreements. Puerto Rico may enter into tax-sparring agreements with other nations which may have an effect on its economy similar to the 936 provision of the U.S. Internal Revenue Code, recently abolished. The United States will encourage and support the participation of Puerto Rico in such regional and international organizations.

(3) The United States and Puerto Rico will exchange diplomatic representations and will maintain continuous and friendly consultations with the purpose of achieving concerted actions on foreign affairs.

(4) A common market will exist between Puerto Rico and the United States which would permit free flow of persons, goods, and services between both nations.

(5) The United States will maintain its authority and responsibility over defense matters. This would include:

(a) Responsibility for the defense of Puerto Rico and its people in the same manner as to the United States and its people.

(b) The United States, at its option, may deny or limit access of any foreign power of facilities in Puerto Rico.

(c) The United States, at its option, may own and maintain in Puerto Rico the military bases or installations presently operating in Puerto Rico under the terms of specific agreements.

(d) Any Additional needs will be considered and agreed upon on separate and specific accords.

(6) Except for property needed for defense purposes, all other property under Federal

Ownership will be transferred to Puerto Rico.

(7) The official U.S. currency will be the official currency of Puerto Rico and all Federal applicable laws are made part of the compact.

(8) With the purpose of assisting the government of Puerto Rico to promote the economic well being of its people and in recognition of the special present and future relations between Puerto Rico and the United States, the United States will provide a block grant in an amount at least equal to the amounts provided to the government of Puerto Rico. Individuals will maintain federal entitlements such as social security, veterans benefits, and others on the same basis as at present.

(9) Except for currency and defense, federal laws will cease to apply to Puerto Rico, unless otherwise agreed, effective on the date in which this compact becomes effective.

(10) Any dispute as to the interpretation of this compact which cannot be resolved by negotiation between the parties, can be referred by any party to a special Court on the U.S. Puerto Rico Compact, which will be created by separate agreements.

Comments: All the formulas should be free and independent one from the other, and not juxtapositioned one with the other as the case of independence and Free Association. The Free Association alternative should be defined in clearer terms, than what the bill does. If it is carefully studied, you will see that the independence and the statehood definitions, are spelled out, but Autonomy or Free Association is not. As the bill is at this moment, U.S. Citizenship is only featured in the statehood alternative as a way to obtain more votes in the possible Referendum. There is no legal restriction to feature U.S. Citizenship in Autonomy or Free Association; and, additionally, since Puerto Ricans have had the citizenship for the last 80 years and there has been no problems, we believe that the two alternatives should run on an equal footing.

CONGRATULATIONS TO DR. NANCY DICKEY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to briefly express my congratulations, encouragement and best wishes to Dr. Nancy Dickey of College Station, Texas, who in June, will take office as the first female president of the American Medical Association. The AMA is this country's most active, notable and influential group of physicians, a group that lends its expertise and experience to America's state and federal legislators, as well as our doctors and the families that they care for. I have always said that when shaping public policy dealing with medicine and health care reform, well-intentioned Members of Congress must hear the vital voices of our medical practitioners.

Mr. Speaker, Dr. Nancy Dickey has a long history with Congress of lending her expertise and experience to us as we have considered and deliberated on the important health care issues of the day. In addition to giving over 200 speeches addressing women's issues and encouraging more young women to pursue a career in medicine, she has testified at Congressional hearings at least 10 times.

She has traveled to the nation's capital to speak on the many various issues of health insurance and medical ethics, while maintaining a busy practice as a family physician and program director for the Brazos Valley Family Practice Program at Texas A&M University. Mr. Speaker, Dr. Dickey has displayed conviction and concern for the practicing of medicine, expending tremendous energy on every endeavor she undertakes. That is why I believe it is truly fitting that she will soon be sworn in as president of the AMA, since she will be able to use that energy to lead an organization of more than 700,000 of our country's most gifted and influential doctors.

Dr. Dickey hails from Watertown, South Dakota and is a resident of College Station, but her vision and passion encompass the entire country and reflects her commitment to represent all of America's doctors and address the problems and challenges that both doctors and patients face.

Mr. Speaker, in her youth, she faced the problems and challenges of a time when women were not encouraged to pursue the goal of entering medical school. She was once told by a high school counselor that she could not be both a doctor and a mother. I experienced the same subtle discouragement which actually steered me toward a nursing degree and not into medical school. However, Dr. Dickey chose to ignore the discouragement and focused even more on her goal and task at hand; entering medical school and successfully pursue a career in medicine. Those times for both of us have changed for the better, but she continues today to inspire other young women to enter the field.

Mr. Speaker, as a Registered Nurse who encourages young women to pursue a career in medicine, I am appreciative of Dr. Dickey's efforts in heightening the self-esteem of young women and encouraging them to pursue careers as doctors or any other profession.

Mr. Speaker, I believe her future as president, as well as the AMA's future, will be bright and successful. As she assumes leadership of the AMA, I am convinced that her tenacity, energy, expertise and sincere concern for her profession will benefit that organization, America's doctors and their patients. I congratulate her in advance as she prepares to take office in June, and I wish her the best of luck.

ANNETTE LANTOS PAYS TRIBUTE TO RAOUL WALLENBERG

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. ACKERMAN. Mr. Speaker, Annette Lantos, the wife of our colleague Congressman TOM LANTOS of California has been a leading advocate for the Hungarian Holocaust hero, Raoul Wallenberg. Well before her husband was elected to Congress, Annette had established the International Free Wallenberg Committee to press Soviet authorities to release the Swedish humanitarian from prison. Much of the credit for bringing the tragic plight of Wallenberg to international and particularly to American consciousness has been the result of her work.

On February 8, Mr. Speaker, Annette Lantos delivered a Tribute to Raoul Wallenberg at a special meeting of the Sydney Australia, chapter of WIZO (Women's International Zionist Organization), the non-party voluntary charitable women's organization which is similar to the organization Hadassah here in the United States.

TRIBUTE TO RAOUL WALLENBERG

(By Annette Lantos)

Fifty-four years ago, on March 19, 1944, as the Nazi's campaign of terror and genocide finally overtook our native land of Hungary, a young idealistic Swede made his way to Budapest to interpose his own frail body between the Nazi war machine and the persecuted, unarmed thousands facing deportation and annihilation in Auschwitz.

By the time Raoul Wallenberg arrived to Budapest, 500,000 Jews from the Hungarian countryside had already been taken to Auschwitz where most perished. But Raoul Wallenberg's arrival to Budapest delayed the execution of the death sentence upon the remaining 300,000 Jews of the cities long enough to enable some 100,000 of them—including my husband Tom and myself—to survive. It is on their behalf, and behalf of their children and their grandchildren that my husband, Tom, and I have dedicated many years of our lives to make Wallenberg's story known, and to honor this great man.

When I began my work for Wallenberg in 1975, I had two goals in mind. First and foremost, I wanted to free him from the horrors of the Gulag where he was languishing—by that time for over 30 years. The second goal was to make Raoul Wallenberg's life and accomplishments penetrate the consciousness of mankind and to inspire all those who are touched by his story to become better, more unselfish, more caring human beings, willing to transcend the barriers of race, religion, or nationality in their concern for others.

Raoul Wallenberg taught us two major things. First, he taught us that a single individual committed to a noble goal can achieve miracles. Second, he taught us that human rights are indivisible, that it is not enough just to be concerned simply with our own human rights.

As Jews or Catholics, Australians of Hungarians or Americans, the only relevant concern for human rights that deserves respect is a concern that transcends religion and race and color and national origin. Raoul Wallenberg did not go to Budapest in 1944 to save Lutheran Swedes. He went there to save Hungarian Jews, with whom he had nothing in common except his common humanity. Raoul Wallenberg not only fought evil, but he also fought indifference, and indifference is the twin of evil. Those who kill are murderers, but those who stand by and do nothing in the face of murder share a complicity in crime. Wallenberg's message was loud and clear. We must fight evil, but just as hard we must fight indifference.

Most of you have heard the story of Wallenberg. He started out issuing Swedish passports to all who managed to reach him at the Swedish legation in Budapest. He brilliantly negotiated with the Nazis and later the Arrow Cross gangsters (Hungarian Fascists) who ran Hungary in the final few months of the German occupation, until they recognized the validity of these fictional documents and exempted their owners from deportation and having to wear the yellow star.

He bought or leased 32 large apartment houses and succeeded in declaring them Swedish territory in Hungary. Thousands of people were crowded into these protected houses, many of whom he brought back personally from the forced marches heading toward the death camps. He rushed the saved persons to the protected Swedish houses in Budapest. He even brought people back from the railroad cars, pulling them out of deportation trains, and from the banks of the Danube river. He interposed his own body between the fallen victims and the machine guns that were leveled at them by the Arrow Cross guards.

When the Russians finally liberated Budapest in January 1945, he believed he was finally safe, and went to their headquarters to report and ask for food and medicine for the surviving victims. The Soviets didn't believe his story. They were convinced that he was an American spy. They kidnaped him on January 17, 1945, and he languished in the Soviet Gulag until 1981, when I personally believe that he finally died still in a Soviet prison.

Even today, people ask me whether I think Raoul Wallenberg still lives. I personally do not believe that he is physically alive anymore, but I do believe that in the spiritual sense Wallenberg is more alive than most of us who are still around living our ordinary, day-to-day lives.

He is more alive than most of us, because of what he has done. He not only saved lives, but he saved our faith in humanity. He continues every day to touch the lives of thousands of young people the world over, who, hearing or reading his story, testify that they have been inspired to become better human beings and to dedicate themselves to fight for the right of others who are still persecuted and oppressed all over the world.

I would like to share with you tonight the writing of one of these young people who has been inspired by Wallenberg. The letter I am about to read to you was written by my granddaughter Chelsea Swett at age 10, on the occasion of the dedication of the US Holocaust Memorial Museum in Washington, DC. This truly magnificent museum, a considerable portion of which was paid for by successful Holocaust survivors in America, is not only a memorial to honor those who were consumed in the flames of the Holocaust, but it is intended as a warning to future generations of Americans of the consequences of unbridled racism, religious intolerance and national hatreds.

The exhibits at the Holocaust Museum not only highlight the brutality and callous disregard for human life, but they also reflect the occasional heroic willingness of non-Jews to risk their lives in order to save another fellow human being. I am also very grateful that we succeeded in passing an Act of Congress to rename the street upon which the U.S. Holocaust Museum is located as Raoul Wallenberg Place.

It is most significant that in addition to the permanent exhibition at the museum there is a special exhibit entitled "Remember the Children," which commemorates the more than one million children who died in the Holocaust. This special exhibit also provides a presentation aimed at children so that they can understand the experience of children who suffered in the Holocaust. It is in connection with the special exhibit "Remember the Children" on the occasion of the dedication of the U.S. Holocaust Museum that my granddaughter Chelsea read the following letter:

DEAR MR. RAOUL WALLENBERG: I have wanted to write you a letter for a long time. My grandparents told about you all the time. They tell me stories about how you saved hundreds of thousands of people in Hungary from the Nazis and their concentration camps.

You are a hero. Sometimes I think and wonder what happened to you. Grandfather says that it has been almost fifty years since anyone has heard from you. Still, no one can forget what you did and how brave you were.

My grandparents told me that you were very shy and modest. I can't believe that you were ever shy. My grandparents have told me how tough and strong you were against the Nazis. They said that, representing Sweden, you would walk up to people on their way to the camps and with a handful of fake passports, you would hand them out and say, "Of course you're Swedish. Here's your passport," and you'd take them away to safety. You had houses where you would hide these people and they were safe because you flew the Swedish flag over the homes. My grandparents said that you even went onto the death trains and pulled people into safety. Most of all you are my hero because you saved my grandparents. You gave my grandfather a passport so he could escape the Nazis in Hungary. My grandfather is now a Congressman in the United States and he will never forget what you did for him and thousands of others. He worked to pass a law in Congress saying that you are an honorary citizen of the United States. My grandmother also escaped from Hungary with a Portuguese passport. She, along with my mom, organized a committee to find you after you disappeared. After a long time of looking hard, they still could not find you.

That is why you are a hero to me. That is why you are a hero to so many others. You stood up to the Nazis and did what was right. You saved thousands of lives because you were brave and courageous. Now, a museum for the Holocaust is being dedicated in Washington, DC and it is on a street named for you, Raoul Wallenberg Drive.

There are so many of us who owe so much to you. For all of us, I say thank you for all you did. Thank you.

Your friend,

Chelsea Swett

Some rescuers risked their lives for an hour, some for the duration of the war. Some save one life, others saved thousands. What all the rescuers have in common, and what their message and legacy is to all of us was their inability to avert their eyes to the tragedy of others.

Tom and I have tried personally to carry on this legacy of Wallenberg through the creation of an organization called the Congressional Human Rights Caucus. It is a totally non-partisan organization. Democrats and Republicans work shoulder to shoulder to accomplish its purposes. It has one single goal, to make Wallenberg's message a reality globally. The congressional Human Rights Caucus fights for human rights, wherever human rights are abased.

We try to implement daily Wallenberg's message that human rights are indivisible. We fight for the right of Christians to practice their religion in China and Africa; we fight for the Jews in Syria; we fight for the rights of Tibetans to retain their culture and religion in Tibet; we fought for the rights of ethnic Hungarians in Transylvania; we fight for the Ba'hai in Iran so that the Ayatollah cannot succeed in crushing that peaceful, gentle people.

It is not an accident that in the entire history of the United States that the two men have been honored by the U.S. Congress with honorary American Citizenship—Sir Winston Churchill and Raoul Wallenberg. These two men represent the two great ideals of our century. Churchill, the champion of freedom and democracy, and Wallenberg, the champion of human rights.

I suspect that as time goes on the scope, the heroism and the depth of these two giants will increasingly penetrate the world, and future generations will see their timeless ideals fulfilled in their own lives. Long after all of us here in this room are gone, long after the sound and fury of this twentieth century have been relegated to the garbage heaps of history, the ideals and the memory of Raoul Wallenberg will live on. He will live on to teach future generations what I think is the single most important lesson of human history—that in order to survive, in order to create more livable condition in this world, we must accept the responsibility of becoming our brothers' and our sisters' keepers. This is the meaning of Wallenberg's legacy, and this is the meaning of our struggle for human rights across the globe.

TRIBUTE TO ANNA DeMARTINO

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mrs. McCARTHY of New York. Mr. Speaker, I congratulate and honor Anna DeMartino of Melverne, New York who received The 1998 Prudential Spirit of Community Award. Anna attained her exemplary recognition for her fundraising campaign at school for a family affected by domestic violence. With the money raised, Anna purchased winter gloves, hats, toys and stuffed animals, and wrapped them herself. She delivered the goods to a local domestic violence coalition who, in turn, distributed the contributions to a family adversely touched by domestic violence.

Despite statistics that indicate Americans are less involved in their communities now than previously, it is vital we encourage and support the kind of selfless contributions such as Anna DeMartino. We must all think how we can ensure the health and vitality of our communities. Young volunteers like Anna provide inspiring examples.

Anna DeMartino should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Anna for her selfless initiative and contribution to the community. She demonstrated a level of commitment and accomplishment truly extraordinary in today's world, and deserves our sincere admiration and respect. Anna demonstrates that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

PRESIDENT CLINTON'S OBJECTION TO THE TAX CODE SUNSET

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. PACKARD. Mr. Speaker, yesterday President Clinton announced his objection to Congress' proposal to terminate the tax code by the end of the year 2001. I would like to take this opportunity to voice my disappointment in the President's decision to reject our legislation.

The tax code represents governmental arrogance at it highest level—in punishes the right things and rewards the wrong things. We need to enact tax reform and put more money back into the hands of taxpayers.

Improving the quality of life in America begins with letting families keep more of what they earn. In the last half-century alone, the federal government's take from families has skyrocketed from only five percent to over twenty-four. Add taxes at the state and local level, and nearly half a family's take home pay is spent just to keep government bureaucracies running. Mr. Speaker, lowering taxes returns power to where it rightfully belongs—out of the hands of government and into the homes of families.

In his decision to object to the solution that we put on the table, President Clinton defended the status quo, a 10,000 page tax code that few can decipher and many agree is unfair. This code must be replaced, and setting a deadline on the current system is the right place to start. Mr. Speaker, I urge my colleagues to stand strong in the wake of the President's objection to our plan to sunset the tax code.

ASIAN AMERICANS—A STRENGTH FOR AMERICA

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to voice my disapproval with the unfair and inaccurate references and implications that certain politicians and members of the media have made regarding the Asian-American community's involvement in our political system. Specifically, I take issue with the manner in which some elected officials and members of the press have created a climate of suspicion surrounding the role that Asian-Americans played during the 1996 election cycle.

As an elected official, I am troubled by the reports of potentially unlawful fundraising activities that may have been conducted during the 1996 presidential campaign. Congress must thoroughly review the allegations that have surfaced concerning the alleged fundraising violations, but in a manner that neither questions nor attacks the integrity of any ethnic, racial or religious group living in this country. If Congress finds that an individual or individuals broke federal campaign laws, then the offender or offenders should be punished. But neither Congress nor the media should suggest, nor allow for it to be implied, that an entire community of people is responsible for the improprieties of a few individuals.

With the publicity surrounding those contributors alleged to have given money improperly, the legitimate, appropriate and positive political activity of the Asian-American community has become obscured. The many Asian-Americans that I know and consider to be my friends are active in their communities and are as committed to improving the quality of life for their families and their children as any other group of Americans. In fact, the 1996 campaign proved that the Asian-American community's participation in the political process is growing. Asian-American civil rights and community groups organized an unprecedented nationwide naturalization drive to ensure that eligible individuals became citizens and exercised their full contributional rights. Community leaders encouraged people to speak out about important issues, vote in record numbers, and run for office. This is the kind of participation that, as Americans, we should welcome and encourage, particularly from a community that was effectively silenced by one of this country's most ignoble acts of legislation, the 1884 Chinese Exclusion Act.

Unfortunately, the racial accusations that have come to eclipse the genuine issue of campaign finance reform have created an atmosphere of fear and anxiety among politically active Asian-Americans. We cannot afford, Mr. Speaker, to again silence the voice of this still underrepresented community. Nor can we afford to ignore the positive contributions and electoral accomplishments of Asian-Americans in this country. Advances are being made in science, education and government thanks to the efforts of this community. And just last year in Washington state, Gary Locke, the son of Chinese immigrants, became the first person of Asian descent to win a governorship on the continental United States.

In conclusion, Mr. Speaker, I urge members of the media, the political arena and the public to keep their focus on the real task at hand—to determine how we can prevent campaign fundraising scandals from ever happening again. I realize that we all would like to bring to justice anyone who has knowingly and willingly broken our laws. But we cannot allow the integrity of the Asian-American community to be sacrifices in the name of a misguided pursuit of justice. Asian-Americans have proven themselves exemplary citizens and deserving participants in the American democratic process.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. KIND. Mr. Speaker, as we begin work this week, the week after the Senate failed to pass campaign finance reform legislation, many in the media are proclaiming campaign finance reform dead. I disagree, there is still a chance if the House of Representatives passes our own bill. I hope Mr. Speaker that you do not use the vote in the Senate as an excuse for failing to act in this House.

A majority of the Senate supported the McCain-Feingold campaign reform bill. A majority of the members of the House, as judged by those who have signed on to campaign reform legislation, support campaign finance reform. The will of the majority in the Senate was denied because of Senate rules which requires 60 votes to end debate and pass a bill. The only way the will of the majority in the House can be denied is by your failing to schedule a vote on this issue.

We have been promised a vote on campaign finance reform before the end of March. The people of this nation have demanded that we act to clean up our broken election system. They will be watching to insure that the vote this month is a fair vote without poison pills. Mr. Speaker the people of my district refuse to take "no" for an answer. Do not let them down by denying the will of the majority.

BEST WISHES TO JAMES R. ADAMS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to join the employees of Texas Instruments, Inc. in honoring and congratulating James R. Adams on his upcoming retirement on April 16, 1998 following the company's annual meeting of stockholders. Mr. Adams is currently Chairman of the Board of Directors, and while he will remain a director of the company and serve on various boards, his direction and leadership in the capacity of chairman will be missed. He is deserving of this retirement, which will actually be his second. Originally, Mr. Adams came out of retirement in June 1996 to serve as TI Chairman following the untimely death of Jerry R. Junkins, who had been TI's chairman, president and CEO since 1985.

Under Mr. Adams' leadership and vision, TI was formed into a more successful company for the future, specializing in digital signal processing solutions, the fastest-growing segment of the semiconductor industry. During Mr. Adams' tenure, TI's digital signal processor and mixed-signal/analog revenues almost doubled over the past two years, improving TI's financial performance and increasing shareholder profits.

However, as Chairman, Mr. Adams was just as focused in having TI serve its surrounding community as he was focused in have the company increase its financial earnings. I know Jim Adams as someone who made sure that his company had a civic duty and responsibility of contributing and volunteerism in the community. He knew that a company should invest in students and schools in addition to investing in stocks and semiconductors. While ensuring this his company knew the benefits and good business of assisting education, he commits his personal time in doing the same, as a member of the Baylor University Hankamer School of Business Advisory Board, the University of Texas Engineering School Advisory Council and the Texas A&M Capital Campaign Steering Committee. As his successor, Mr. Thomas Engibous acknowledged; "His experience, counsel and outreach to the community have contributed significantly to the new realization of the new TI." Because of that outreach, he made TI, not only a corporate giant, but one with a giant care and concern for the community.

Before his association with TI, Mr. Adams had an extensive career in the telecommunications industry. He joined Southwestern Bell Telephone Company in 1965, the same year he earned his MBA in statistics and business finance from the University of Texas at Austin. He began his career as a computer supervisor in San Antonio, and, after holding many influential positions throughout the country with Southwestern Bell and AT&T, he became president of Southwestern Bell in 1988.

Mr. Speaker, in addition to those active professional tasks, Jim finds the time to participate in many activities in business, government, civic affairs and education, most notably serving on the board of the Dallas Citizens Council, the Telecom Corridor Technology Business Council and the Dallas Symphony Association.

I wish Jim the best of luck as, once again, he embarks on a new phase of his life in the form of retirement. I hope that this time, he gives himself an official retirement after a lifetime of achievement for Texas Instruments and the greater Dallas community.

OPPOSING THE PLANNED MERGER OF MCI COMMUNICATIONS AND WORLDCOM

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. BROWN of Florida. Mr. Speaker, on January 5, 1998, the Reverend Jesse L. Jackson, Sr., and the Rainbow/PUSH Coalition filed comments with the Federal Communications Commission (FCC) in Washington, opposing the planned merger of MCI Communications and WorldCom. The Communications Workers of America, AFL–CIO (CWA) also opposed the merger, but this was not well covered by the mainstream media.

It seems to me, Mr. Speaker, that the points which Reverend Jackson and the CWA have raised with the FCC deserve serious consideration and debate. At $48 billion, this will be the largest corporate merger in this Nation's history. It involves two companies which have historically opposed the right of their workers to organize and belong to labor unions. It also involves two companies which historically have limited their investment in many of our Nation's under-served communities.

In February 1996, President Clinton called for the American telecommunications industry to expand its capital investment, to expand its hiring, and to expand its efforts to build a stronger, more connected America.

Since then, MCI and WorldCom have channeled virtually all of their investment to serving business and upper income communities. They have made no investment in America's inner cities. In fact, when you look at the leadership of these two massive companies, Mr. Speaker, it reflects virtually none of today's rich American tapestry of diversity.

Only one of 14 members of the MCI board of directors is not of European American descent, and WorldCom's board of directors is the only major telecommunications company in the U.S. whose board of directors is made up of only white men, with no race or gender diversity.

Mr. Speaker, we all hear and read about how these giant corporate mergers are going to help, but how will they help issues of job creation and greater opportunities for All Americans?

I would like to commend Reverend Jackson for addressing this important issue.

ADDRESS OF SPEAKER GINGRICH TO THE WASHINGTON STATE LEGISLATURE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. DUNN. Mr. Speaker, on January 13, 1998 House Speaker Newt Gingrich addressed a Joint Session of the Washington State Legislature in my home State of Washington. In his remarks, he suggested four goals for the country. First, that we as a society focus on being drug-free. Second, that we need to emphasize education and learning. Third, that we should talk about rethinking retirement. And fourth, that we ought to reduce the total amount of taxes the citizens owe their government. Mr. Speaker, these are noble goals.

I am delighted to be here. Let me start by saying to all of you, we share a common future, that it is important to build better abilities to communicate, and we are working very hard, both with the governors and with the leaders of state legislatures, to learn how to share what works, what does not work, what the federal government is doing right, what it is doing wrong, and whether we have a common, general direction we are trying to go in. To recognize, in a country our size, that there is an enormous difference between Washington, D.C. and the state of Washington, just as there is an enormous difference between Washington, D.C. and Georgia.

And so, how do we have a common, general direction while maximizing our decentralization, maximizing local leadership and maximizing local initiatives? I want to share with you, for a few minutes if I could this morning, what we have done and where we were going. But frankly, it is exciting to me to see what you have done. You have implemented Welfare Reform in a very practical way. You have begun to take advantage of the opportunity to help people move out of poverty and into work, in what I think is a very, very important step in the right direction. You are working on Education Reform in a way that is very practical, and which is going to increase the chance of learning for all the children of this state. You recognize how much your state is connected to the world market, whether it is through Boeing or Microsoft or Weyerhaeuser or wheat farming; that, in fact, what happens in Jacarta does matter in Spokane and Seattle and Olympia and across the whole state.

We are, in a sense, entering a new era together. In the Capitol, in Washington, we tried to reach out. Let me say, first of all, I think the Western Governors' University is a very exciting project. I commend all of you who have voted to have your state participate in it; the notion that you are really now becoming pioneers for the whole country, in telecommunications, in the use of distance learning, and in making available to all citizens across an eight-state region an opportunity to share educational resources. That is a very important development, and it is ultimately going to allow you to lead, not just the United States but the entire world as people tie in and then learn from these experiences.

I also have to say that the Western States Coalition that Speaker Ballard talked about, I found last summer to be very helpful. We brought a number of eastern members out, and as you know, the West is different. It is bigger. It is more complex. In some parts of the West, water problems are dramatically different. We in Georgia never quite experience the same water situation as in Eastern Washington. We are in a situation where we have a huge surplus of water most of the time. We do not understand Western water laws compared to Eastern law.

To be in situations where we can look at the coming together of modern urban civilization, because in every Western state there are urban areas, and in fact, some of the Western states are more urbanized than some of the Eastern states in terms of the way people are, to look at that next to the environmental concerns, next to the agricultural, mining and forest concerns, to see it first hand, is important. I have already told the Speaker that I will be back, hopefully, in August for a visit to Washington state to look at the Columbia River Basin, to look at other concerns, and to get a better briefing on the issues that matter. And also to fly to Alaska, and look at our largest state and what their unique concerns are.

I commend those legislative and other leaders who began to develop a Western state coalition to talk through what we should do at the federal level to increase flexibility within a framework of still getting to a common, general direction. I think the information age, with Microsoft and many other developments here is going to give us some opportunities that are enormous. I think the world market gives us opportunities that are enormous. And as the state that houses our most successful exporter of manufactured goods, Boeing, you know how important the world market is. But I think they also offer us opportunities to work together.

One of the things I hope to do is to introduce the spirit of Peter Drucker and Edwards Demming into the whole way we think about government. Peter Drucker is the leading management consultant of the Twentieth Century, and Edwards Demming developed the concept of quality and taught that concept to the Japanese. In fact, the prize for the best company in Japan is the Demming Prize. They are really talking about a way of thinking that is a powerful, information age modernization over the bureaucratic model we have all inherited at every level. From school board, to city council, to county commission, to state government, to federal government, we have a model of structures that needs to be thoroughly rethought.

I will give you a simple example. I know this is true in Georgia; I will let you decide if it is true in Washington. My wife, Marianne, went to spend $15 last fall. She did not go to a place like Nordstroms because she waited in line an hour and a half. She was not buying Beanie Babies or some fad that justifies that. She was getting her driver's license.

I suggest to you that you have two clocks in your head. You have been acculturated to have these two clocks. One clock has a second hand and you use it every time you go into the private sector facility. When you go to McDonald's, when you go to a department store, when you stand waiting to be served, there is a second hand which you watch prior to getting impatient. The second clock has fifteen-minute increments and you use it when you walk into public buildings. You will inherently wait longer and be less impatient. Now, in both experiences you are paying money. In one case, it is taken from you in taxes and in the other case it is voluntary. You are a customer in both cases. But we have allowed, over the last 50 years, the private sector to modernize, to rethink what it is doing, to maximize its customer orientation, while allowing the public sector to find excuse after excuse to avoid rethinking its development.

Part of what I hope we can do together is think through what a Twentieth Century information age, customer-oriented model of governance would look like? How would you design it? How would you staff it? How would you reward people who were effective, and retrain people who were ineffective? Or dismiss them if they refuse to learn? And how can we think that process through so that people 20 years from now have the same expectation of efficiency, customer orientation and modern performance out of the public sector that they have out of the private sector? And that would lead to a revolution in the structure of our governments.

I think it has to be done together because the truth is, and this is a message I have for every state legislature as well county commissions, school boards and city councils, there are things we do in Washington, D.C. which make it harder for you in Washington state to be effective. One of the things I would encourage you to do is to identify in literally every one of your legislative committees, and report back to us, those things we should change which are stopping you from modernizing the government of the state of Washington. I think I can speak for all three of the members here with me today—for Jennifer Dunn, who is now the highest-ranking elected woman legislator in the U.S. Congress as the vice-chair of our conference; for George Nethercutt, who is doing a tremendous job on the Appropriations Committee; for Linda Smith, who has been working very, very hard on reform issues—I think they would say the whole delegation is prepared to try to serve as a bridge to come back and say to us, "The following 37 laws are pretty dumb. The following 600 regulations do not work. The following micro-management is making it impossible to reform."

I want to extend to you an open door, to say we would like to learn from you, at the grass roots, what you are experiencing that you think makes it harder for you to do the job for the people of the state of Washington.

We have had an impact in the Congress. When we were sworn in in January of 1995, the Congressional Budget Office was projecting a $320 billion deficit for the year 2002. They are now projecting a $32 billion surplus. Now you are legislators. I would suggest to you that any legislative body which, in three years, can move a system from a $320 billion deficit to a $32 billion surplus has begun a process of fairly dramatic change. Some of that was the economy. But we also saved $600 billion in entitlements, we passed Welfare Reform which, as you know, has had a dramatic impact. In New York state alone there are 509,000 fewer people on welfare today than there were three years ago. They have moved from the public sector, where they were taking money from the taxpayer, to the private sector where they are paying taxes. It has been a major factor on what has happened with the budget turnaround.

Because we are committed to a balanced budget, we have lowered interest rates by at least two percentage points over what they would have been otherwise. That has had a huge effect on farming, or purchasing cars and buying houses, on paying off student loans, and on all the different things people pay interest on, including what governments pay in interest.

We think we have begun. But we have a lot to do, and a long way to go. I want to propose to you that there are four major goals, lots of things we need to do together. I could talk today about the ICE T bill in transportation, because I know it is an important issue. I could talk about a wide range of issues that matter. But I want to focus on four today. Although, before I do, I do want to commend you for your rainy day fund. I was calculating based on the size of your budget; if we had a comparable rainy day fund, it would be about $90 billion. I will let you imagine a Washington, D.C. that would allow $90 billion to sit there without having approximately $400 billion of new ideas! But I do commend you because it is the right direction and it is the way we should be moving.

I want to suggest four goals to you. First, that we become a society that focuses on being drug-free and, therefore with dramatically less violence. Second, as you are already doing, we really emphasize education and learning. Third, we have now come to a point in our history where we should talk about rethinking retirement. And fourth, that we ought to talk openly about what is the total amount of taxes the citizens should owe their government in a peacetime environment. Let me briefly talk about each. Let me be candid and say these will only work in collaboration. They will only work if we work together.

I think the number one goal we should establish is to break the back of the drug trade and the back of the drug culture. To insist that our children deserve to live in a drug-free society where they are not threatened with addiction and where they are not threatened physically. I believe, as a historian, we can do it. We have done it before. We did it in the 1920's. Other countries have done it. It is a matter of willpower, focus, resources and management.

I came today to ask you and your governor to work together to tell us, from the state of Washington, what you need from the federal government as your highest priority to enable you to have a drug-free Washington state. What do we have to do to do our share of the job? And then ask you to do your share of the job and make a genuine commitment.

I will just give you one specific statistic that I find staggering. If you are a woman, you are 27 times more likely to be killed if you are in a home with hard drugs than if you are in a drug-free home. Not 27 percent, but 27 times. That is 2700 percent more likely to be killed. And when we talk about violence in America, I do not think we can talk about the future without realizing how much of that is tied to drugs. We realize that in New York City alone, there are 32 drug-addicted babies born every week. The human and financial cost of not taking on drugs is horrendous.

We are challenging General McCaffrey to produce a World War II-style victory plan. I think we need a decisive, sharp, two- or three-year effort to break the back of the drug culture, to make it too expensive to use drugs. And to recognize that the problem is not in Colombia. The problem is not in Mexico. The problem is in the streets, the neighborhoods and the schools of America, and in the professional sports of America and among some of the rock stars of America. If we are not buying it, they are not going to be shipping it. We have an obligation to start in America to win the war on drugs—to be the model country for everyone else, to not just lecture Mexicans and Colombians on what we wish they would do because we do not have the guts to do it here at home.

If you will let us know, whether by resolution, by report, or by letter, what we need to do to help you win the war in the state of Washington, and if we can get every state legislature engaged and every state government engaged, I truly believe, in three or four years, we will be a drug-free country. And I can imagine nothing, nothing that will do more for children's health than to be able to win the war on drugs and save them from that kind of a future.

Second, I want to pledge to you our commitment to work with you on Education Reform. I want to draw one distinction between education and learning. I think we want the best education system in the world, and I think we want the best system of learning in the world. They are not necessarily the same. Here again, I want to thank Microsoft, where I will be spending part of the afternoon studying. We have an education system that is teach-focused. A learning system is student-focused.

We have the potential in the next decade to build a seven-day-a-week, 24-hour-a-day learning system available for a lifetime, which you can access from anywhere at anytime at your convenience and learn as much as you are capable of learning. We should make it a national goal to really encourage the development of that kind of learning system. To some extent, your Western State Governors' University is a step in the direction, but we are only scratching the surface. We have the potential for everyone to learn, and to do it at their convenience. Now, this is not a panacea. It is not a replacement for an education system. But it is an important enhancer, and it will allow us to leapfrog, not catch up, not match up with, but leapfrog the Japanese, Germans and others in providing the best system of learning in the world, which is essential if we were going to have the best economic competition in the world. Because, if you do not have good learning in the information age, you cannot produce the technology you need in order to have the best jobs in the world. So this is vital to our entire future.

In addition, we need the best education system. I favor scholarships, so that in really bad neighborhoods parents have the right to choose. But this is not going to solve the problem. Most children in America are going to learn in public schools for the rest of their lifetimes. I am a product of public schools. My wife is a product of public schools. Both of our daughters went to public school. I taught part-time when I was a college teacher. I also taught in the public high school.

Most schools do pretty well. But every one of you knows that there are some schools in this state you would not send your children to, just as you know there are some schools in my state that I would not send my children to.

And here is the test for us. We say in our Declaration of Independence that we are endowed by our Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness. We have to take that passionately and apply it to education reform. This means that every child of every ethnic background in every neighborhood has been endowed by God with the right to pursue happiness. In the information age, if you are not learning how to read and write, and you are not getting an education, you are more likely to go to prison than to go to college, and you are not being given the true opportunity to pursue happiness. I think that is how we ought to approach education reform.

We ought to say first of all to a school system, let us start writing into the contract that if your school is in the bottom 20 percent in scoring, the contract does not apply any more, as of that date. Not "Let us slowly modify tenure." Not "Let us have a study commission." You would not leave your children in those schools. We have too many of our friends who are very big passionate supporters of the worst public schools, but their kids go to private school. We have too many teachers who pay the union dues and they want to make sure that we do not reform public schools; but their children go to private school. There are some big city systems where 40 percent of the public school teachers send their children to private school because they know better. We have an obligation to be passionate about this. Winston Churchill had a phrase for World War II. He would pass a note that said, "Action this day." This should be our attitude across the board to the system.

I want to suggest three reforms that are very specific. Two of them we are not going to do at the federal level, one we have to. But I am here as a citizen sharing ideas; I am not here to say we are going mandate any.

I do want to suggest as a general principle that we should have a passionate, deep commitment to every child in American learning how to read by end of the fourth grade. We should focus overwhelmingly on learning how to read and write in the fourth grade. I am going to be very direct: we should learn how to read and write in English, because that is the commercial language of the United States, and they are having their future crippled if they cannot read and write by the fourth grade.

Second, I think that the federal government should modify the bilingual education law to make it local option. You at the state level and the school boards at the local level should have the right to decide for your children what is the most effective way to make sure that they are capable of reading and writing in English at the earliest possible time.

And third, I would really like to suggest you consider, and I say this upon the state with some trepidation, but I would like you to consider mandating that, once a year, at every grade level, a day be spent looking at the Declaration of Independence and the Constitution. I say this for two reasons. First, as a historian, I actually think it is kind of good for Americans to learn how they became American. We are multi-ethnic, but we are one civilization. We are bound together by this thing of being American. We signed a contract with ourselves. We the people of the United States, we issued a declaration that says "we hold these truths to be self-evident." And if our citizens do not grow up learning these things, how can we expect America to continue?

But secondly, the Declaration says, "We are endowed by our Creator . . ." Now, I want to see the ACLU lawsuit that explains why the teacher cannot explain what the Founding Fathers meant when they used the word "Creator". I think it would be a very edifying moment in American history.

America is radically different than Europe. In the European model, power went from God to the king and was loaned to the citizens. This is why Brussels is worse than the IRS. In the European model, the citizen only has those rights loaned to them by the state. In the American model, from our opening date of our first document, we said power goes from God to the citizen, and you loan it back to the government. It is a very different model. And I just think if we spent one day a year from the first grade to twelfth grade studying that model, coming into contact with the great people who created this country, we would be a healthier country. We would be a country with a better sense of where our rights come from. We would be a country with a more serious sense of why being a citizen matters. And so I want to commend that to you.

Our third goal is to look at retirement. A lot of that is federal. But I also have a proposal that I think you will find interesting at the state level. And this is very simple. We are moving from 60 years of deficit spending. We were about to move to a generation of surpluses. This is not like 1969, the last surplus. We had lots of deficits, one year of surplus, and then lots of deficits. If we were disciplined in Washington, and if we avoid war, we will be in a position to have twenty or thirty years of surpluses.

This gives us for the first time a chance to talk seriously about retirement, to recognize that Social Security is a very powerful and tremendous system developed in 1925 when there were no computers. But Social Security is neither personal nor modern. In fact, in one study that Congressman Mark Sandford of South Carolina put out, he looked at his 20-year-old son. He said "You know, Einstein was asked, 'What is the most powerful thing in the universe?' And he said, 'Compound interest.'" If you simply take the FICA tax a 20-year-old will pay today and invest their FICA tax over their lifetime, in an average market basket investment, not buying Microsoft when it is young, but an average market basket investment, they will make $975,000 for their retirement. If you give them the current government payment, they will make $175,000. So, we are condemning 20-year-olds to lose $800,000 by the way we have designed the system.

I am proposing a National Commission on Retirement, made up of one-third baby boomers, one-third older than baby boomers, and one-third younger than baby boomers. I suggest to my colleagues in the House and Senate that they set up a citizens committee in their district tied in by the Internet to the National Commission. I think we ought to look at the totality, because I believe that by using a good part of the surpluses intelligently, we can make the transition to a personal, modern social security system, tied into the development of better pensions and tied into the development of better savings. And we can leave our children and grandchildren a dramatically better retirement in a much wealthier country with a much higher savings rate with much lower interest rates and much more capital investment. And that is a much healthier America in the future.

And I know it takes some courage for elected officials to raise the issue, but I just think we are at a magic moment of transition. I believe the grandparents, as long as they are secure in getting the current system, will want their grandchildren to have the best possible future. And I believe we can have an honest, adult, dialogue about this without the kind of mudslinging and the kind of 30-second commercials that so badly weaken our political structures. So, I encourage you to look at it, to offer us advice, but I also encourage you to look at the state program. I do not know the details of your program, but I will tell you that Michigan has now adopted a new, personal pension system that vests within two years, where the new employees are controlling their own money in a way that is a very dramatic departure from the way we have done pensions in the last 60 years.

Finally, I want to ask a very touchy question, and you are the first group of legislators I have done this with. So I will be very curious to see your reaction after I leave and you no longer have to be polite because I am around. I want to raise a serious question: In peacetime, in a free society, how much should your government be allowed to take from you?

I was fascinated when I read Paul Johnson's new History of the American People. He is a former socialist in Britain turned conservative and he has written a wonderful history of the American people. And he said that in 1775, we were probably the lowest-taxed people in the history of the world and we hated every penny. And he said we were so grateful that we were so low-taxed as to say, "How come you need this?" And the part about how much freedom, in part, is a function of how much time you have. How much money do you have? Not how much does your government have to give to you. How much do you have? And it turns out that when you study it that the American people said for forty years that they believe, in peacetime, the most their government should take from them is 25 percent. We currently—federal, state and local—take 38.

And what I would like to propose is that we set a goal over the next ten to fifteen years to get to 25 percent taxation. The feds currently take about 22 percent. I propose we go down to 14 percent. So we lose 8 percent. State and local currently takes about 16 percent, I propose state and local goes down to about 11 percent. So we will drop by more than you will have to drop. But, I think it is fair for you to come back to us and say, "Fine, how about block-granting education money rather than having 700 little programs? How about dropping this kinds of red tape?" I think it is a two-way dialogue.

But, if we take Demming and Drucker; if we are prepared to prioritize, modernize, downsize and privatize, we can create, over the next ten to fifteen years, a country where people have more take-home pay, a better retirement system, a lifetime learning system, and an education system that either works or is changed rapidly when it starts to fail. People will be competitive in the world market, having the highest technology and the greatest entrepreneurship to produce the best goods, giving us the highest incomes with the greatest economic security and the capacity to lead the world.

Yes, this is big. Yes, it is a lot. But, frankly, the Contract With America was pretty different when we started and I am very proud that at the key moment in the fall of 1994, we bought a two-page ad in TV Guide that did not attack anybody, did not have any pictures. It just said, "You hire us and we will try to do these ten things." And I think the time has come as citizens, across the board in both parties, to talk about for the next generation, "What are the goals worth doing? Let us work together to do it."

I accept fully the responsibility today that I have come here and said, you come up with ideas on the drug war; we have to listen to you and at least try to help. You come up with what we need to do to get out of your way in education; we have an obligation to listen and try to help. You tell us what we are doing wrong about pensions that make your job harder, let us know. And you tell us how you think we should change federal pension law. It would be very helpful and we would listen to you.

And finally, if we are going to get there together, we have an obligation both to shrink the federal government and to shrink the burden the federal government imposes on you. But, I think for our citizens, the America I just described would be a vastly better place.

And let me just close with this thought. Every time I come out here, I have to tell you, I just love coming to this state. I think part of it relates to the fact that I was here—some of you will be able to identify this—a few years ago on a stopover and went down to the fish market and bought a geoduck and took it to my mother-in-law, who promptly chopped it up and made stew out of it. I have to say, also, that I just brought back a very wonderful salmon that they identified with much more immediately and ate immediately.

But, it is a fabulous state. You sort of have this sense, I always have this sense, when I come here what Lewis and Clark must have felt. As an easterner, when I fly in and look out at Mt. Rainier, when I look at Puget Sound, when I see the weather, even on rare days like yesterday—again, for a Georgian, it was very exciting—I think we lose, sometimes, the romanticism of what this country is about. This country is a romance. This country has the most magical way of saying to the whole planet, "I do not care what your background is, I do not care what your religion is, I do not care what your ethnicity is. If you have a big enough dream and you are willing to pursue it, come to America and try it out." And the result has been to put together the most exciting opportunities for people in the history of the world.

This is a great country filled with good people and given a chance to achieve remarkable things. I believe we can work together in a partnership—not us dictating to you—but in a partnership. And we can give our children and grandchildren an even greater America with an even greater future. And through that, we can give the entire human race an opportunity to live in freedom and prosperity and safety.

Thank you for honoring me by allowing me to come here today. Thank you.

PERSONAL EXPLANATION

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mrs. MINK of Hawaii. Mr. Speaker, on February 11 and 12, 1998, I was granted a leave of absence and according missed Roll Call votes number 12 through 17. Had I been present I would have voted No on Roll Call number 12, and Yes on Roll Call number 13, Yes on Roll Call number 14, Yes on Roll Call number 15, Yes on Roll Call number 16, and No on Roll call number 17.

HONORING THE FIRST PRESBYTERIAN HISPANIC CHURCH

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, today, I am proud to recognize the First Presbyterian Hispanic Church.

The Cuban patriot Jose Marti once said: "We need temples of love and humanity that free everything that is generous in man." Marti's vision was one shared by Reverend Ernesto Sosa, a constituent of my congressional district. Reverend Sosa, along with a group of dedicated leaders, founded the Primera Iglesia Hispana Prebysteriana, the First Presbyterian Hispanic Church on March 2, 1958, in Miami, Florida. This group of dedicated community leaders who for many years had fought for freedom and democracy in Cuba, returned to there in the hopes of establishing the church in their homeland. Their dreams were shattered, however, when the Castro dictatorship set itself on a course of religious oppression and persecution.

The group returned to this great country where individual freedoms are not only valued but protected and when they would be free to complete their generous and noble task. The church began by establishing a center to assist new refugees, a place where regardless of race or creed, people were offered food, clothing and medicine. A year after the establishment of the center, a clinic and nursery were developed to provide additional services to the community. The center not only offered resources to the public, but spiritual guidance at a time when many of these families were suffering through the difficulty of being separated from their loved ones and adjusting to life in their new country.

The Iglesia Prebysteriana Hispana de Miami eventually built a new temple to accommodate their growing congregation. The current pastor, Reverend Mardoqueo Munoz-Castillo, continues to lead the congregation in weekly Sunday masses. Today, after celebrating the fortieth anniversary of their founding, the church provides a variety of support resources to the public and, as always, important spiritual guidance.

NATIONAL MIDDLE SCHOOL MONTH

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. NEAL. Mr. Speaker, it is my pleasure to stand before this great legislative body during Education Week to acknowledge the positive educational initiatives that are taking place in the Second Congressional District of Massachusetts.

This month is National Middle Level Education Month, and I would like to take this opportunity to commend Mary E. Wells Junior High School in Southbridge, Massachusetts for the strives they are making in promoting academic excellence to all of their students. Mary E. Wells Junior High School, under the leadership of Principal Brian Abdallah and Vice-Principal Bryant Montigny, has submitted to me a Proclamation that epitomizes the direction that education and standards of excellence should follow across the nation. Mary E. Wells Junior High School attained the privilege and honor of being nominated by the Massachusetts Department of Education as a Blue Ribbon School for the 1997–1998 school year. This distinction gives credence to the diligence and dedication of the teaching staff at Wells and the positive outcomes that can result when challenging standards and curriculum exist and teaching and active learning partnerships are pursued.

PROCLAMATION

Whereas, middle level education has a special and unique function in the nation's education system; and

Whereas, young adolescents are undergoing dramatic physical, social, emotional and intellectual growth and are especially vulnerable; and

Whereas, the habits and values established during early adolescence have critical, lifelong influence; and

Whereas, this influence affects the future health and welfare of our nation; and

Whereas, an adequate public understanding of the distinctive mission of the middle level school is necessary for that mission to succeed; and

Whereas, it is incumbent upon all of us in education and in the larger community to have high expectations for all students, educators, schools, parents, and community members for middle school students to achieve and develop to their fullest potential;

Therefore be it Resolved, that the month of March 1998 be declared National Middle Level Education Month; and is being celebrated at Mary E. Wells Junior High School in Southbridge, Massachusetts.

Resolved, that the public be afforded special opportunities to visit middle schools and participate in programs that focus on the nature of young adolescents, celebrate the ways in which our nation's schools respond to their needs and to the needs of the nation; and *Resolved*, that the public be encouraged to commit to working with schools to provide the highest standard of schooling and highest expectations for all adolescents and adults working with them.

TRIBUTE TO NEW YORK SENATOR NORMAN J. LEVY (1931–1998)

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. LAZIO of New York. Mr. Speaker, I rise to respectfully acknowledge the passing of New York State Senator Norman J. Levy on Saturday, February 7, 1998.

True heroes do not come around very often. Heroes take chances, they demonstrate courage, and they fight for those who are in need. Senator Levy was such a hero, a champion for Long Island and New York. He was an extraordinary example of a public leader.

I am fortunate to have known Senator Levy for many years and I very much admired him for his moral compass, dedication to public service, and his ability to work for his constituents. Senator Levy was a remarkable individual who lived his life with dignity and grace, earning the respect of the Long Island community. He dedicated his life to making this same community a safer and more enjoyable place to live and work.

Senator Levy has a long and distinguished career serving the State of New York, beginning in the Nassau County District Attorney's office and then serving in the New York State Senate since 1970. In the State Senate, he developed and fought to pass innovative legislation. Among his many achievements, Senator Levy sponsored the first mandatory seatbelt law, ensuring that drivers and passengers are safe on New York roads. He was also an active proponent for special education and had an open and direct relationship with teachers and parents.

Not only did Senator Levy work on behalf of the residents of New York State in the State Legislature, but he was also very active in many community organizations and charities.

For his many personal achievements and most importantly for his friendship, I will fondly remember New York State Senator Norman Levy and continue to look to him as one of the best examples of a dedicated and conscientious public servant. I am proud to have known such an extraordinary individual.

With Senator Levy's passing the people of Long Island and New York have lost a great friend.

TRIBUTE TO NEW YORK STATE SENATOR NORMAN J. LEVY (1931–1998)

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mr. KING. Mr. Speaker, I rise today to honor one of New York's greatest statesmen, Senator Norman Levy. Norm Levy passed away last month, after a long illness. He will be missed.

Norm Levy was one of the giants of the New York State Legislature. He was a dominate presence in the Senate and was admired and respected by members of both parties. As Chairman of the Transportation Committee, he was instrumental in directing policy on issues affecting the lives of all New Yorkers.

Norm Levy was also a strong voice for Long Island in Albany. He was unmatched in seeing to it that our region's concerns were addressed by the state government.

Norm Levy's absence leaves a great void in Long Island politics. He was an outstanding legislator, a sharp-minded and insightful politician, and unlike many people in our business, a truly nice guy. I was always proud to call him my friend.

The people of Long Island and all of New York State will be poorer for his loss.

TRIBUTE TO NEW YORK STATE SENATOR NORMAN J. LEVY (193–1998)

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1998

Mrs. McCARTHY of New York. Mr. Speaker, I wish to join my colleagues from Long Island in honoring the accomplishments of a distinguished public servant, State Senator Norman J. Levy. Senator Levy recently passed away, leaving behind a strong legacy of commitment and dedication to the State of New York and Long Island in particular.

Norman J. Levy was well known and respected by the people of Nassau County. He was born on January 24, 1931 in Rockville Center, New York and attended elementary school in Lynbrook and Malverne. After receiving degrees from Bucknell University and Brooklyn Law School, Mr. Levy began his career of service to the American people by joining the U.S. Army as a Chief Legal Clerk to the Army Staff Judge Advocate from 1954 to 1956.

In 1958, Norman Levy became the first law intern of the Nassau County District Attorney's office and moved-up to become Assistant District Attorney of Nassau County in 1959. In 1962, he was appointed Chief of the Nassau County Rackets Bureau where he fought organized crime until being elected to the New York Senate in 1970.

While representing the people of Nassau County in the Senate, Senator Levy distinguished himself as a true leader. He served as Chairman of the Committee on Labor and later as Chairman of the Committee on Transportation. He also served as Chairman of the Senate Task Force on Drunk Driving. Chairman Levy became a nationally recognized advocate for safety by sponsoring anti-DWI legislation and highway safety laws, including our nation's first mandatory seat-belt law.

Mr. Speaker, we will miss Senator Levy. And we will remember him fondly as a champion in the fight for safety and the fight against crime. Through his dedication and commitment, he made Long Island, and the whole State of New York, a safer and better place for our families.

SENATE—*Wednesday, March 4, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

It was 161 years ago today that President Andrew Jackson gave a clarion call to prayer in his farewell address. Jackson's words challenge us: "You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom to preserve it for the benefit of the human race. May He who holds in His hands the destinies of nations, make you worthy of the favors He has bestowed and enable you, with pure hearts and hands and sleepless vigilance, to guard and defend, to the end of time, the great charge He has committed to your keeping."

Let us pray.

Almighty God, as the sword of these piercing words hangs over this Senate chamber today, provide the Senators with a renewed sense of awe and wonder over the awesome challenge You have entrusted to them. Thank You for the abundant courage You provide leaders who seek first and foremost to know and do Your will. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will resume consideration now of S. 1173, the ISTEA surface transportation reauthorization legislation. As under the consent agreement, the Senate will conclude 1 hour of debate on the DeWine-Lautenberg amendment regarding alcohol levels, with a vote occurring on or in relation to the DeWine-Lautenberg amendment at approximately 10:30 this morning. Following that vote, it's hoped that the Senate will be able to debate an amendment dealing with funding levels. In addition, this afternoon the Senate will hopefully debate an amendment to be offered by Senator McConnell. Therefore, Members should be prepared for votes throughout today's session.

As a reminder to all Senators, the first rollcall vote today will occur at 10:30 a.m.

I urge the Senate to work hard to make progress today. If we can have this debate and vote at 10:30 and go to the funding level resolution and hopefully find a way to complete that today and move on to the McConnell amendment and hopefully get to a vote on that, a great deal can be accomplished today and we can move the bill along considerably.

Mr. President, I would like to yield myself leader time so that I may comment on the Lautenberg amendment briefly.

The PRESIDING OFFICER. The majority leader is recognized.

THE LAUTENBERG-DEWINE AMENDMENT REGARDING BLOOD-ALCOHOL LEVELS

Mr. LOTT. Mr. President, as I understand the amendment, it would require States to enact the .08 alcohol content legislation instead of the present, I think, .10 level of alcohol to be considered drunk. That has to be done by September 30, 2000. Noncompliant States would lose 5 percent of highway funding on October 1, 2000, and then 10 percent thereafter. Currently, 15 States already have the .08 level of alcohol content to be considered drunk in drunk driving cases.

Mr. President, I think we should encourage people not to drink. We should encourage all people not to drink excessively. We should do all that we can to get the States to pass the lower level of .08. I support that. We need to combat the problem of drunken driving.

I understand the tragedy and the ravages of people that drink and drive. My father was killed in just such an accident. So this is not an issue that I take lightly. But I will oppose this amendment. This is a typical Federal Government attitude—not to encourage you to do right, not to say if you do the right thing, there will be incentives in it for you; no; you do it our way, or we will punish you; you will lose funds if you don't do it the way we say. Some people say President Reagan did the same thing. Yes, and I opposed it then, too.

I am very much opposed to alcoholism and drinking and driving. But for us to stand here and pontificate about how you must do it our way, that this is the solution, or we are going to take your funds away, what about poor States like mine where people are killed every week because of bad roads, potholes in the roads, dangerous bridges? What about safety? If a State, for whatever reason, by mistake or obviously for the wrong reasons, doesn't do it, we take a big chunk of money away from them. Is that going to save lives? No. As a matter of fact, it may lead to more lives being lost.

So while I know this is well-intentioned, and while I support the intent or the goals of this legislation, the idea that we are going to punish States because you don't do it our way I think is the wrong thing to be doing. I hope my colleagues will think about this very, very seriously before they cast a vote in favor of this amendment.

Mr. THURMOND. Will the able Senator yield?

Mr. LOTT. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend our able majority leader on his statement and the position he has taken in this matter. I am sick and tired of the Federal Government trying to dictate to the States and threaten to withhold funds if the States don't do what the Federal Government wants. Let us take a stand here today to show that the States have their rights and will not be invaded by the Federal Government.

Mr. LOTT. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota——

Mr. CHAFEE. Mr. President, when we go back on the bill, we will have an hour, equally divided, and the distinguished Senator from New Jersey isn't here, who controls that time, but let's get started here.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

EXPLANATION OF ABSENCE

Mr. CHAFEE. Mr. President, I wish to announce that Senator JEFFORDS will necessarily be absent from today's Senate session due to an illness in the family.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1173) to authorize funds for construction of highways, for highway safety

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Lautenberg amendment No. 1682 (to amendment No. 1676), to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

AMENDMENT NO. 1682

Mr. CHAFEE. How much time will the Senator from Minnesota need?

Mr. WELLSTONE. I will take 3 minutes.

Mr. CHAFEE. I will yield 3 minutes to the Senator from Minnesota, and the Senator from Rhode Island wants 5 minutes, and the Senator from Illinois wants 5 minutes.

The PRESIDING OFFICER. The time until 10:30 is now evenly divided.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am pleased to come to the floor today to add my voice to those of my colleagues, Senators LAUTENBERG and DEWINE, in support of this amendment to require states to pass .08 blood alcohol content (BAC) laws.

People who drive while they are impaired are placing all of us in harm's way. The real issue is whether or not a person should be driving after consuming alcohol. There is no good reason that this should be accepted as a standard practice in our society.

Opponents to this amendment will argue such things as "this means that a 120-pound woman could not drive after drinking two glasses of wine". I believe they are missing the point. The point is that if a person is impaired by alcohol, he or she should not be driving—period. The point is that someone's BAC might reach .08 after consumption of a certain amount of alcohol, and that BAC level might just be indicative of physical impairment that would affect driving ability. We are not talking about someone being fallen-down drunk, but perhaps a young woman whose reaction time might be slowed, so that as a young child darts out into the street in front of her car, she is unable to react quickly, enough to hit the brakes in time to stop the car from hitting the child. Was this woman "drunk"? No, but the alcohol in her body slowed her reaction time.

Here are some facts from the National Institute on Alcohol and Alcohol Abuse at NIH that help to explain the issue:

The brain's control of eye movements is highly vulnerable to alcohol. In driving, the eye must focus briefly on important objects and track them as they and the vehicle being driven move. BAC's of .03 to .05 can interfere with these eye movements.

Steering is a complex task in which the effects of alcohol on eye-to-hand reaction time are super-imposed upon the effects on vision, studies have shown that significant impairment in steering ability may begin at a BAC as low as .04.

Alcohol impairs nearly every aspect of information processing by the brain. Alcohol-impaired drivers require more time to read a street sign or to respond to a traffic signal than unimpaired drivers. Research on the effects of alcohol on performance by both automobile and aircraft operators shows a narrowing of the attention field starting at a BAC of approximately .04.

The National Public Services Research Institute reports the following:

Approximately 10 percent of miles driven at BAC's of .08 and above are at BAC's between .08 and .10. Every year, crashes that involve drivers at BAC's of .08 to .99 kill 660 people and injure 28,000.

Driving with a BAC of .08 is very risky. They estimate that crash costs average $5.80 per mile driven with a BAC of .10 or higher, $2.50 a mile for a BAC between .08 and .99, and only 11 cents a mile for each mile driven while sober.

The preliminary evaluation of the .08 legislation by the National Highway Traffic Safety Administration indicates that this law will reduce alcohol-related fatalities by 5 to 8 percent. This is at least comparable to the impact of other laws such as zero tolerance for youth, administrative license revocation or graduated licensing.

The evidence is clear. There is no good argument against the .08 legislation. In fact, responsible alcohol distributors and manufacturers should favor it. There is no excuse not to implement a law that could decrease traffic fatalities by 600 each year, and decrease traffic-related injuries by many thousands. We need to be responsible and encourage the implementation of .08 legislation in all states, and to provide incentive for doing so.

Mr. President, again, I want to add my voice to my colleagues, Senator LAUTENBERG and Senator DEWINE, and support this amendment to require States to pass the .08 blood alcohol content law.

Mr. President, people who drive while they are impaired are placing all of us in harm's way. That is really the issue. Now, opponents of this amendment have argued that this is going to mean such a thing as, "A 120-pound woman could not drive after drinking two glasses of wine." I believe they miss the point. The point is, if a person is impaired by alcohol, he or she should not be driving, period.

There are some important facts laid out by the National Institute on Alcohol Abuse. It lays out clearly why this amendment is so important. The evidence is really clear. There is no good reason and no good argument to be against this .08 legislation. In fact, responsible alcohol distributors and manufacturers should favor it.

There is no excuse not to implement a law that could decrease fatalities by 600 each year and decrease traffic-related injuries by many thousands. We need to be responsible, and we need to encourage the implementation of the .08 legislation in all States and to provide those States incentives for doing so. I urge my colleagues to support this amendment.

Mr. President, on a personal note, I want to thank Minnesota Mothers Against Drunk Driving for all that they have done to educate all of us in my State, including me as a Senator. I have been at their gatherings, and I say to my colleague, Senator LOTT, I absolutely accept what he says in the best of faith. I know he is committed to the general concept. But I believe, after spending time with these families who have lost so many loved ones in these accidents, that we ought to be as tough as possible. This is a matter of public health. We ought to make sure that we have as few people driving who are impaired from alcohol as possible around our country. This is an issue for our national community. This is a matter of public health. This is protection for families in our country. This is the right thing to do. I hope we get a strong majority vote for this amendment.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today in support of the Lautenberg-DeWine amendment, and I commend both Senators for this excellent amendment. It would, as previous speakers have discussed, establish a .08 blood alcohol concentration level, or BAC level, as a threshold for driving under the influence throughout the United States.

As we all know, drunk driving is a scourge on the highways of the United States of America. It is something that we are all against. This legislation would take a very positive step to ensure that all States provide for a very rigorous .08 blood alcohol content standard as their measure of driving under the influence of alcohol.

This law builds on previous success. Since 1986, alcohol-related fatalities on our roads have decreased by 28 percent. That is a result of the efforts of many, many people. It is the result of tougher laws, increased enforcement, public education, and particularly the work of Mothers Against Drunk Driving, who have done so much to illustrate this problem and reach policymakers throughout the United States. Although we are proud of this success, we can and must do more.

In 1996, more than 17,000 people were killed because of drunk driving. Now, these deaths are not accidents because these are tragedies that could have been avoided—many of them—if we had tougher laws and better enforcement. That is what we are about today. We are trying to declare throughout this country that we have a tough standard for those who would drink and drive, a standard that would save lives throughout this country in every community.

I don't think any of my colleagues would like to say to a family who lost a loved one and tell them, "Well, the standard of .10 was OK," because in that situation it's not OK. We can do better. We know these laws work, and we want to make them work much, much better.

In essence, the .08 blood alcohol concentration standard means fewer deaths on the roads of America, fewer driving fatalities, fewer young people cut down in the prime of their lives, and it means a safer America. That is what we should stand for today.

Currently, 15 States already have adopted a .08 blood alcohol concentration standard. A recent study by Boston University showed that these States experienced a 16 percent decline in fatal driver crashes where the driver's BAC was .08 or greater. Already these States have shown that this standard saves lives. And we can do better.

It is estimated that nationally, if we adopt the .08 standard, we can save between 500 and 600 lives a year. Those are impressive statistics. But lives alone are not at stake. Each year drunk driving accidents cost this country $45 billion. That is six times more than we spend on Pell grants. We can do better. We can save lives. We can save resources. We can make our world much, much safer.

There are those who argue that this would put a huge constraint on law-abiding Americans who occasionally will have a drink and then drive. That is something I don't think is true at all because under this standard a 170-pound man must consume more than four drinks in an hour on an empty stomach to reach this BAC. A woman of 135 pounds would have to consume three drinks. That is not social drinking. That is drinking irresponsibly, and then getting into an automobile.

This law will not affect the reasonable, rational, careful, deliberate person who may have one social drink or two and then drive. In fact, the American Medical Association said that really the beginning of impairment is not .08, it is .05 blood alcohol content. So this standard is far from what medical experts would argue is the beginning of deterioration of motor skills when one drives an automobile. We can do better. We have to recognize today that we must do better.

There are those of my colleagues who have suggested that this proposal is an improper infringement on the prerogatives of the States. First of all, we have taken positive steps before in this land. For example, just a few years ago we adopted through congressional action a zero-tolerance policy that would say for young people driving that the blood alcohol content was basically zero, that they should have no drinks if they are driving an automobile, and we have seen success already.

Mr. President, we have already seen the success of our zero-tolerance policy throughout the United States, a policy that was promulgated through Congress and adopted by many States, where fatalities at night by younger drivers have dropped 16 percent in States that are following the zero-tolerance policy.

So this law and this approach is not an impermissible imposition on the States. It is a rational, reasonable way to encourage what is the right thing to do. It is small comfort that if one State, such as my State of Rhode Island, adopts this standard but it is not adopted next door in Massachusetts or Connecticut, and someone in Massachusetts comes speeding into my State. That is not a States' rights issue. That is an issue of interstate commerce, of national economy, of national highways that reach every corner of this country regardless of State lines. We don't stop the national highways at the State lines. We shouldn't stop good, sensible bills that will control drunk driving in this country at the State lines.

I urge passage of this legislation, and again commend Senators LAUTENBERG and DEWINE for their excellent effort.

I yield my time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to yield 5 minutes against the amendment to the senior Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, regretfully I rise in opposition to this amendment. I say regretfully because if I were in the State Senate of Oklahoma, I would vote in favor of this amendment. Presently, there is no Federal standard or Federal law for blood alcohol level—none. So we have an effort now to federalize a national problem. I don't think we should do that.

I led the effort years ago that would allow the States to set speed limits. I thought the States should set the speed limits, not the Federal Government. I didn't say that I thought every State should increase their speed limits. I thought States should set the speed limit.

What about the alcohol level? Again, if I were a State legislator, I would support the lower level. Fifteen States have this level—.08. Maybe it should be lower. Let the States make that decision. I hate to federalize problems, and I hate to tell the States that if they don't do such and such we are going to withhold 10 percent of their money, or 5 percent of their money the first few years and 10 percent thereafter.

Whose money is it? Is that Federal money? No. That money is paid for by our constituents, by our consumers, and by our people who are on the road. They pay that money. It comes to Washington, DC, and now we start putting strings on it. We basically tell the States if you do not pass a law that we have determined is best—and I don't know anything about blood alcohol limits. I have heard three beers, I have heard four beers. I don't know. I have not done the homework. I will take their word for it. But really, should we be dictating or mandating that on the States? I don't think so. And tell the States if they don't pass such and such, we are going to withhold 5 percent of their funds.

We are talking about millions and millions—hundreds of millions—of dollars. In a few years, it will be 10 percent. So it is a real heavy penalty if they don't subscribe to our Federal dictate. I just disagree with that. That money came from the States. It came from individuals. This is not Federal money. For us to put on these strings, I think is a mistake.

I am very sympathetic to the goal of the authors of the amendment, and I compliment them for trying to say we want to reduce drunken drivers on the streets. I want to do the same thing. I just do not agree with their tactics.

The Commerce Committee amendment has some incentives to encourage States to lower levels, and if the States lower those levels, they can get more money. In other words, a little bit of a carrot. This is a heavy stick. As a matter of fact, this is more than a heavy stick. This is a dagger. This says you have to do it. I think we should encourage it.

Again, I go back to the Constitution. Sometimes we ignore the Constitution. But the 10th amendment to the Constitution says:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Time and time again we come to this body and we find a problem. And drunk driving is a real serious problem. But we want to have a Federal solution: The Federal Government knows best. I think the framers of the Constitution were right when they said we should reserve those powers to the States and to the people, and encourage the States—maybe even give them a little bonus—if they make some moves that we think would be positive. But to federalize it and now, for the first time in history, have a blood alcohol content which has always been the prerogative of the States, in my opinion, is wrong.

I can count the votes. My guess is that the proponents probably have the votes.

But I think, again, we are trampling on States' rights. We are also trampling on this idea or encouraging this idea that if there is a problem, we need a Federal solution, and we will not give back your money. I resented that when I was a State legislator. I resented the fact that when we sent our highway moneys to Washington, DC, from our State, we only got about 80 cents back. That bothered me. We would only get about 80 cents on the dollar back. Then, not only that, when we got the 80 cents back, we got all the strings attached: You have to have the Federal highway speed limit; you have to have all of these other Federal requirements; you have to have the Davis-Bacon standard. You have to pass all of these rules. By the time we complied with those rules, that dollar would only buy about 60 some cents' worth of road. It wasn't a very good deal for our State.

So I would like to not put more punitive actions on the States if they don't comply with what we think—Government knows best.

Again, I want to compliment the authors. But I think this is an intrusion into States and I urge my colleagues to vote no on the amendment.

Mr. DURBIN addressed the Chair.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair. Mr. President, I thank the Senator from Montana.

Let me at the outset salute my colleagues, Senator FRANK LAUTENBERG of New Jersey and Senator MIKE DEWINE of Ohio, who are, on a bipartisan basis, offering an amendment today which is critically important to the safety of American families.

America has learned the dangers of drunk driving. Americans understand that we lose one of our neighbors, or one of our children, or one of our friends, or one of the people we work with every 30 minutes to a drunk driver—every 30 minutes. America understands that this law which we are debating will save 500 to 600 lives each year. It will spare countless parents, spouses, and friends from the senseless tragedy of drunk driving deaths.

America understands. Does the U.S. Senate understand? The vote will answer the question in just a few moments.

Let me address the issue of States rights. I don't believe this debate is about States rights. I think it is time, in this particular situation, to reject this well-worn argument when it comes to saving lives.

I can remember this argument about States rights a few years ago when I served in the House because there was a hodgepodge of standards around the United States. In some States you could drink at the age of 18, some at the age of 21, and we decided to make it uniform. The States said this is a mistake, that the Federal Government shouldn't to it, that it is the heavy hand of Central Government trying to impose its will on States. Of course, it made no sense.

In my home State of Illinois, where the kids at night would drive across the border to Wisconsin and drink legally and then drive home drunk, killing themselves and innocent people, it made no sense. We rejected it. We said it will be a national uniform standard drinking age of 21. What we are saying here is that we will have a national uniform standard when it comes to drunk driving.

This debate is not about protecting States rights. This debate is about protecting families that live in every State. It is about protecting families who go on vacation from State to State and worry about their safety. It is about people who go to the store and think it is just a casual trip in the car and find, because of a drunk driver, that a fatal accident or a serious accident resulting. That is what this debate is really about. Families that cross State lines shouldn't fear that there is more danger in one State or the other to drunk drivers.

I think we have to react to the reality of the number of Americans who are losing their lives each year because of drunk driving.

The New York Times probably said it best in the title to its editorial: "One Nation, Drunk or Sober." Should it be a different standard in each State because of the issue of States rights? Can you imagine going to the funeral home, can you imagine meeting with the grieving parents, or the students when someone has lost a classmate, and saying, "I am sorry we cannot do more on drunk driving because it is an issue of States rights?" How empty that argument sounds when we are talking about saving lives.

When you look at the groups that are supporting this, listen to what the Wall Street Journal has to say. This is no liberal organization. It is pretty conservative. And they say:

> Safe alcohol levels should be set by health experts, not the lobby for Hooters and Harrah's. The Lautenberg-DeWine-Lowey amendment isn't a drive toward prohibition but an uphill push toward health consensus.

Then go to the experts—not only the health experts—who will tell you that the impairment of drivers at .08 is a serious matter. They estimate that some 40 percent of all of the alcohol-related accidents occur with people who have been drinking and have imbibed at a level that doesn't quite reach .10 but is at .08, and still is very serious.

Then, of course, go beyond the health experts. Talk to the law enforcement people—the people who respond to these accidents, the people who have to see the tragedy when someone makes a terrible decision to drink and drive and, as a consequence, lives are lost and people are injured. They stand shoulder to shoulder begging us to pass this Lautenberg-DeWine amendment, as does the organization, Mothers Against Drunk Driving.

I want to salute them especially. This is the type of political movement in America which is really, I guess, unique to our country; people who have been touched by tragedy come together and say, "Let's make a difference; let's spare other lives that might be lost." Mothers Against Drunk Drivers, Students Against Drunk Driving in Illinois and around the Nation have really led this debate.

I am happy to stand in support of the Lautenberg-DeWine amendment. I think doing this will not only save lives, but it will put to rest once and for all this empty argument that this is really about States rights. This is about much more. It is about the rights of every family in every State to get on the highway and to realize that they can be safe.

I thank the Chair.

Mr. CHAFEE. Mr. President, I, in control of the opponents' time, yield 5 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President. I thank the chairman for the time.

Mr. President, we are here again talking about an issue that seems to come up every time there are highway bills and highway funds to be distributed. We always come up with this question of process, of who has the responsibility to make the kinds of laws that would be there.

I am disappointed that some of the speakers just previous have indicated they don't think the States have the ability to make the decisions, that they don't think the State legislatures feel as passionately about drunken driving as we do. I think they do. I have been there. To say, "Well, this is something the States simply can't do, or aren't capable of doing, or don't care about," it seems to me is not fair or balanced.

I think we ought to talk about the process here. And the process is, how do we best deal with States as a Federal entity, in this case, with highway funding? This isn't the first kind of mandate that has been applied. Every time this comes up we have mandates, whether it be highways, helmets, whether it be speed limits—which, by the way, were put on in a similar kind of process and were changed later because it didn't work very well.

There is no one in this place or no one that I know of in the whole country who doesn't want to do more about preserving safety in driving. There is no one here who cares more about the losses that we have. That is not the issue here. The issue is process, procedure, and what is the proper role in doing it. I think we ought to consider incentives, and we have done that; $25 million of incentives here for the States to do this. But instead we move towards penalties.

We have been through this a number of times, and we are back at it again. I think we ought to give the leadership. And the President wants to give leadership on this issue. Why doesn't he do that as President? We can do that. If this is the proper level, and I do not disagree with it, I would support it in my State, my State legislature. But the process is what we are talking about. Should this body say to the States, "Look, if you want the money that your people pay into the fund, if you want it back, then you have to do what the Congress prescribes"? It is not as if the money came from somewhere else. This money came from the States.

So it is a difficult one and I, frankly, have misgivings about even rising to talk about it, but I do think the system is important. The process is important here, and we ought to really consider it over a period of time, as to how much of this sort of thing we do. We do it each time this arises.

So I think we ought to put on all the pressure that we can. I think we ought to have all the incentives that are possible to move towards safer driving, to move toward doing something about drunk driving losses. But I think we also ought to ask ourselves about where do we stop in this idea of penalizing the States if they do not properly adhere to what this body proclaims they ought to do.

So I appreciate very much the opportunity for us to debate this. I am, of course, a great supporter of this bill, and hope we can move forward with it. I, frankly, hope we can do it without encumbering it with mandates of any kind. I thought we were going to be able to do that this year. The fact is the committee, I think it is fair to say, probably wasn't in support of doing it and therefore it did not come out of the committee that way. But now, of course, we are continuing to work on it. So I hope we can find additional ways, other ways, incentives to move towards .08. I have no objection to that. On the contrary, I support it.

On the other hand, I do think it is necessary for us, over time, to take a strong look at the kinds of processes and procedures that we impose on the States. I am sorry I cannot make as light of States rights as has been made on the floor this morning, as if it does not pertain. It does, in fact, pertain. And we have different kinds of conditions.

Mr. President, I appreciate the time, I thank the chairman for his time, and I look forward to the debate.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I urge opponents, please come to the floor. We have something like 25 minutes left on the opponents' time. Here is the opportunity that they have to speak. So I urge any opponents who wish to speak to come quickly to the floor. Now is the chance to voice their opposition to the amendment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I know the Senator from Ohio has been looking for some time. I ask the Senator how much time he needs.

Mr. DEWINE. Let me inquire, if I could, how much time the proponents have left?

The PRESIDING OFFICER. The proponents have a little over 10 minutes. The opponents have a little over 15 minutes.

Mr. LAUTENBERG. I ask the chairman of the committee, the Senator from Rhode Island, whether or not, if he does not have any opposition speakers, he might help us out with a few minutes?

Mr. CHAFEE. Yes; I will be glad to. If there is nobody here who wishes to speak against, and we have time left, I am certainly glad to yield.

Mr. LAUTENBERG. I yield to the Senator from Ohio, 5 minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I appreciate some of the very eloquent comments that have been made this morning on the Senate floor. I appreciate the comments about States rights. Let me say, though, that there are very few times when we, as Members of the Senate, can come to the floor and cast our votes when we will know that the vote we cast will save lives. That is true in this case. There is absolutely no doubt about it. Lives will be saved and families will be spared the heartache of losing a child or mother or father.

There are other things I think we clearly know and that are not in dispute. That is one. The second is that no one has come to the floor suggesting that a person who tests .08 has any business being behind the wheel of a car. That is not really in dispute at all. No doctor who has looked at this, no emergency room doctor who has looked at it, no police officer who is involved in testing people, pulling them over and seeing what they test and looking at their reflexes, looking at how they act —everyone who has had that experience agrees—at .08, no one should be behind the wheel. If anyone has a doubt about it, think of it this way: If you were at a party and someone had four beers in an hour and you watched him drink those four beers in an hour, and you observed he didn't have anything to eat, four beers in 1 hour, and he looked over after that time and said, "Let me take your little 5-year-old daughter"—my daughter, a 5-year-old, is named Anna—"Let me take her up to the Tastee-Freez and buy her an ice cream cone; I'll drive her up." How many of us would put her in that car? We would not do that. There is no doubt about it. So it is absolutely a reasonable standard.

Does it include social drinkers? We are not talking about one or two beers and a pizza. We are talking about people who have absolutely no business behind the wheel of a car.

I think Ronald Reagan did say it best. I think he had it right in 1984. He supported a similar type concept, and that concept was that there should be a minimum standard across the country for the drinking age, and it should be 21 no matter where you were in the country. He supported that. The great champion of States rights said in this case a national uniform standard will save lives and makes common sense. This is what Ronald Reagan said in 1984 when he signed the bill:

> This problem is much more than just a State problem. It's a national tragedy. There are some special cases in which overwhelming need can be dealt with by prudent and limited Federal influence. In a case like this I have no misgivings about a judicious use of Federal inducements to save precious lives.

It is a minimum standard. It is a rational standard. Doesn't it make sense that when you get in your car and put your family in the car and go on a trip—many of us cross two or three State lines every week; every day, some of us—doesn't it make sense there should be some assurance that there is a minimum standard that exists, no matter where you drive your car in this country? Doesn't that make sense? I think it does.

So, I think it is a question—yes, it is a question of rights. The rights of families, the right to live, the right to have a fair chance on the highway not to have someone come at you who has been drinking and driving. That is what this is all about.

So I urge my colleagues to vote "yes" on this amendment in the vote that will take place in 20 or 25 minutes. It is a rare opportunity among all the things we debate, all the rhetoric—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. Mr. President, I yield another minute to the Senator from Ohio.

Mr. DEWINE. It is a rare opportunity to save lives. I urge my colleagues to take this rare opportunity and spare a family, spare hundreds of families, life's greatest tragedy, and that is the loss of a loved one.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the amendment offered by Senator LAUTENBERG and Senator DEWINE to implement a nationwide .08 blood alcohol level requirement for DUI offenses.

Let me begin by saying that I agree with those who say alcohol consumption—and how much is enough—should be a matter of personal responsibility. Adults should have the common sense to know when enough is enough and when not to get behind the wheel.

Tragically, however, the statistics show common sense is not that common.

In California, we already have the .08 standard and still the accident rates are staggering. According the California Highway Patrol, there were 91,654 DUI arrests and 37,622 DUI accidents in 1996. Also in that year, there were 1,254 fatalities and 35,654 injuries due to DUI-related accidents. Let me remind you this is with the standard we are pushing for in this bill.

To put these statistics in perspective, in California there were 3,555 total traffic fatalities in 1996. Nearly 40 percent of the traffic fatalities in California in 1996 were alcohol related. I understand this is consistent with the national average which show that 41 percent of all traffic fatalities are alcohol related.

According to a MADD survey, 68.8 Americans support lowering the legal blood alcohol limit to .08. That same survey showed that 53 percent of Americans consider drunk drivers to be the nation's number one highway safety problem.

However, when you cut through the numbers, this is really an issue about saving lives and about personal safety. Every American—no matter where they live—has a right to feel safe on our highways. I believe tough DUI laws, including strict blood alcohol limits, do reduce drunk driving and do make our roads safer.

I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, drunk drivers are a menace to all of us. Last September, a car driven by an alcohol-impaired teenager went off the road near Montpelier, Vermont, killing teenagers Brian Redmond and Ryan Kitchen. This was a rare enough tragedy in Vermont that it sent the entire state into mourning. Nationwide, however, the story is far different. More than 40 percent of all traffic fatalities are alcohol-related—more than 17,000 in 1996 alone.

I am proud that Vermont is one of only 15 states that already has a .08 blood alcohol standard. Vermonters have a longstanding awareness of the dangers of drunk driving, and I advocated adoption of the toughest state drunk driving laws in the nation while serving as State's Attorney in Chittenden County. Today, Vermont has a state law which lowers the threshold for drivers under the age of 21 to .02 percent, one of the toughest laws in the nation.

The amendment which we are considering will establish a .08 standard in all 50 states. If enacted, states will have three years to enact .08 laws, or they will have a portion of their highway construction funds withheld. With all due respect to the cosponsors of this amendment, I have reservations about this approach. I have always been a senator who believes that, whenever possible, Congress should respect each state's right to govern itself. I am uncomfortable when we in Washington say that we will penalize states financially when they do not behave as we see fit. I think we in Congress use that threat too often. Instead of punishments, we should offer incentives for states to adopt tougher drinking and driving laws. It would be better to offer supplemental transportation resources to those states that meet a higher standard. The rest of the states would follow soon enough once they see their neighbors benefitting from doing the right thing.

Nevertheless, I am convinced that Senator LAUTENBERG's amendment will save lives, just as the .08 standard has saved lives in Vermont. Although this amendment will not directly affect Vermont, I will vote for it. I am convinced that we can send a strong signal to all Americans that there should be one standard for drinking and driving. This nation has made some progress in the war on drinking and driving, and with this legislation we can save still more lives.

Mr. CRAIG. Mr. President, I share the concern of my colleagues from New Jersey and Ohio, and all the cosponsors of this amendment.

I am in complete agreement with the view that there should be a no tolerance policy for drinking and driving. That kind of irresponsibility is inexcusable; the senseless human tragedy it produces is unpardonable. Our laws should be severe enough to deter anyone who thinks he or she can abuse alcohol and drive without impairment. Our law enforcement officials should have the tools they need to locate and stop these accidents waiting to happen.

My state of Idaho is one of the states that has already adopted a blood alcohol content standard of .08 percent. They believed this was a reasonable standard, based on sound data, that would help save lives. Other states have come to the same conclusion and made the same choice.

And that brings me to my point.

While I would support a strong resolution from this Senate denouncing drunk driving or even recommending the adoption of this particular blood alcohol content standard, I cannot endorse this amendment. The federal government should leave this decision to the states, where it constitutionally belongs in the first place.

I am confident if the facts truly support it, this standard will be adopted voluntarily by every state. However, I am not willing to say today that this is the one and only way to solve the terrible problem of drunk driving, nor that it is the best way. We've heard a lot on this floor and from the administration about how our states are "laboratories of ideas." Instead of burdening them with new federal mandates, we should be ensuring they have the maximum freedom and flexibility to work out effective solutions for local problems, especially problems of this magnitude.

In short, transportation dollars that are critical to public safety should not be threatened in order to force states into compliance with the "solution of the day"—no matter how well intended.

While I strongly agree with the goal of stopping drunk driving in America, I strongly disagree with the path this amendment would take to achieve that goal. For all of these reasons, I have no alternative but to vote against this amendment.

Mr. LIEBERMAN. Mr. President, I rise in support of the bi-partisan amendment introduced by Mr. LAUTENBERG and Mr. DEWINE to set a national illegal blood alcohol content (BAC) limit of .08 for drivers over age 21. I am proud to be an original co-sponsor of the bill upon which this amendment is based.

Mr. President, the drunk driving problem is a national disgrace. Its severe emotional and financial costs to society are staggering. In 1996, more than 17,000 Americans died in alcohol-related crashes. That means someone in America loses a loved one every 30 seconds to a driver who is drunk. In 1996, more than 321,000 persons were injured in crashes where police report that alcohol was present.

When you count up the health care costs, lost work, and other economic impacts, alcohol-related crashes also add up to a monetary loss to society of more than $44 billion every year. It's not surprising that a recent survey by Allstate identified drunk driving as the #1 highway safety problem in the eyes of a majority of Americans.

We know that the physical and mental abilities of virtually all drivers are impaired at .08. This impairment includes critical driving tasks such as vision, balance, reaction time and hearing, judgement, and the ability to concentrate. The heightened risk of a crash starts with the first drink, but rises rapidly when BAC is as high as .08. For example, the National Highway Traffic Safety Administration has concluded that, in single-vehicle crashes, the relative risk for drivers with a BAC between .05 and .09 is more than 11 times greater than for drivers with no alcohol in their systems.

Although setting a minimum BAC isn't the only answer to our national drunk driving problem, it's a necessary part of the solution. Studies show that .08 actually has saved lives where it is law by deterring unsafe drinking behavior. In fact, figures show that even heavy drinkers, who account for a large number of drunk driving arrests, are less likely to get behind the wheel because of .08 laws. We also should remember that .08 makes it easier for police and courts to do their jobs—they are less likely accept excuses when faced with offenders who have BAC levels at or around .10.

A national strategy to require driver safety measures like this one has worked before. We have seen, for example, how earlier national laws that require seat belts and mandate zero tolerance for drinking and driving under age 21 dramatically have reduced driving fatalities. More than an estimated 16,000 lives have been saved since 1975 by the 21 drink age law. It also is very important to remember that the concept of .08 is not new or radical. 15 States already have adopted .08. Many industrialized nations have even lower legal limits ranging from .02 to .08.

Don't be misled by those who may argue that .08 laws prohibit reasonable alcohol consumption. Such is not the experience of States that have adopted this law. To be legally drunk under a .08 standard, a 170-pound male must consume four and a half drinks in an hour and on an empty stomach. That's not what I consider social drinking and that's just not the kind of behavior that most of us who drive would consider safe.

Mr. President, we need .08 BAC as a national limit. Having one mandatory national standard doesn't permit confusion about what's safe and what's reasonable. Pedestrians, passengers, and safe drivers all need protection from drunk drivers no matter where they live.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. The proponents of the Lautenberg amendment have about 4½ minutes. Those opposed have about 15 minutes.

Mr. LAUTENBERG. Thank you, Mr. President. I yield myself such time as we have available, with the hope that when the Senator from Rhode Island returns we will be able to—will the Senator from Rhode Island allow 5 minutes to me at this juncture if there is no one else?

Mr. CHAFEE. Yes. I think the Senator has a little time left. Why doesn't he consume that and go into our time for the remainder?

Mr. LAUTENBERG. OK.

Mr. CHAFEE. I think we will have plenty of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I yield myself as much time as I have available.

First, I ask unanimous consent we add Senator HOLLINGS as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we are getting to the point where we are going to wrap up this debate. I thank my friend and colleague from Ohio, Senator MIKE DEWINE, for his support, his commitment, and his work on this issue. He has fought tenaciously to reduce drunk driving. I hope he and I at the end of this debate will be able to shake hands on behalf of the American people and say we have done something good this morning.

I remind our colleagues, as I listen to the debate, about the issues that I hear being discussed. Frankly, it bewilders me, because I stand next to the picture of a child who was 9 when a drunk driver took her life. I hear discussions of process, that the process is the issue. The process is not the issue. The issue is whether or not we want to say to every American parent, "We have done something more to save, perhaps, your child or your grandchild or your sister or your brother." That is the issue, and that is, I hope, what the American people are going to say when they look at the vote count and say, "My Senator stood up for life."

"My Senator," on the other hand, they can brag, "proudly, stood up for process."

Can you imagine in the homes across America, all the people who are going to be applauding because someone stood up for process? It is outrageous. It cannot be that way.

In the balcony sit people I have come to know, people I have come to know very well: Brenda, Randy and Stephanie Frazier—mother, father and sister of Ashley.

I wish I could ask them to speak about their view of process, whether or not they think that process is the thing that we ought to be talking about. Or should we be talking about the loss that they had, that they do not want anyone else to experience.

Before Senators vote on this amendment, I ask them to think about their children and think about the pain that could come from the loss of a child they know and love. Today we can spare parents across this country, in all 50 States, the grief experienced by the Frazier family.

Mr. President, I hope that the happy hour is over for drunk drivers. Every year in this country more people are killed in alcohol-related crashes than were killed in our worst year of fighting in Vietnam. And the country stood in national mourning at that time. By lowering to .08 the blood alcohol level at which a person is considered legally drunk, we can save more than 500 lives each year.

Mr. President, drunk driving is a crime, a crime like assault, like shooting at someone, like murder; and it should be treated with the same severity as other crimes that bring harm or death to another person. We can prevent many injuries and deaths that result from drunk driving by making .08 the national alcohol limit, just like 21 is the drinking age limit across the country. And if we do that, we could save lots of lives, like other westernized countries—like Canada, like Ireland, like Great Britain, Germany and Switzerland. Poland has a .03 BAC, and Sweden .02.

We can make .08 work in America, if we pass this amendment and declare our opposition to violence on our highways. Because it is at .08 that a person's capacity to function is impaired. Their vision, balance, reaction time, judgment, self-control—this is the level at which they are medically drunk. And if they are deemed medically drunk, we ought to deem them legally drunk, in every State, no matter where they live.

Mr. President, the alcohol lobby is trying to bottle up this bill. We are not targeting social drinkers. We are targeting drunk drivers. And when you get drunk, it is your business. But when you get drunk and drive, it is our business. We are not asking people to stop drinking. We are not running a temperance society here. We are asking them not to drive if they are drunk.

The PRESIDING OFFICER. The Senator has consumed all of the proponents' time.

Mr. LAUTENBERG. About 3 more minutes?

Mr. CHAFEE. Yes, 3 more minutes from the opponents' side.

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

By enacting this law, we can stand with our Nation's families and prevent the loss of life that tears a family apart. We can stand with the public interest against the narrow opposition of special interests.

Mr. President, we should do the right thing and pass this amendment. The Washington Post said it this morning in its editorial: The vote is a vote to create "a single, clear certified and effective standard across the country as to what constitutes drunk driving."

Let us vote to protect our children, our families—not drunk drivers. And I ask everybody to take one final look at this beautiful child's face before they cast a vote.

I will yield the floor, but before doing that, Mr. President, I say thank you to my friend and colleague from Rhode Island for his support for this amendment, and also to the Senator from Montana who has been forthright and supportive of this amendment as well.

Mr. President, have the yeas and nays been asked for?

The PRESIDING OFFICER. The yeas and nays have not been.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I am deeply concerned over the high incidence of highway fatalities in our country that involve alcohol.

In 1996, more than 17,000 lives were lost as a result of alcohol-related collisions out of the 40,000 deaths overall in our country. So that is about nearly half. I believe that this measure will help reduce that.

I understand the views of the opponents who think that it should be left to the States. But when you have a small State such as mine where there are people who are constantly going into the neighboring States, back and forth, it seems to me that in order to make our highways safer, and which obviously involves out-of-Staters, a law such as this is necessary. So I support it, Mr. President.

Mr. President, I am pleased to join with my colleagues from New Jersey, Senator LAUTENBERG, and from Ohio, Senator DEWINE, in support of the amendment to strengthen drunk driving laws throughout the Nation.

I am very concerned about the safety of our nation's highways. I am particularly troubled by the high incidence of highway motor vehicle injuries and fatalities involving alcohol. The statistics are truly alarming. In 1996, more than 17,000 lives were lost on our nation's highways as a result of alcohol-related collisions. This represents nearly half of the 40,000 fatalities that occur on U.S. highways every year. The real tragedy, however, is that drunk driving accidents are completely avoidable.

This amendment would strengthen drunk driving laws across the country and dramatically reduce the number of fatalities attributable to driving while intoxicated. The amendment specifically targets those states that have not enacted a .08 blood alcohol content (BAC) drunk driving law.

In 1997, the National Highway Transportation Safety Administration (NHTSA) issued a report entitled "Setting Limits, Saving lives: The Case for .08 BAC Laws." The report cited studies which indicate that virtually all drivers, regardless of skill, are significantly impaired at the .08 BAC level. At that level, basic driving skills such as braking, steering and speed control, as well as judgment, reaction time, and focused attention are adversely affected.

Contrary to the claims of those who oppose this amendment, the .08 standard does not punish social drinking. To exceed the .08 limit, one would need to consume an excessive amount of alcohol. The NHTSA report includes an example. In order to exceed the .08 BAC level, a 170 pound male would need to consume more than four drinks in an hour, while a 137-pound woman would need to consume three drinks, the report indicates.

Despite these statistics, 35 states still maintain the higher .10 standard before someone is considered legally drunk—and that puts many lives at risk. Drunk drivers not only risk their own lives, but the lives of every other motorist on the road. The .08 level is a sensible approach to preventing senseless tragedies on our nation's roadways. I urge my colleagues to support this amendment. Thank you.

Mr. President, I know the Senator from Oklahoma would like some time. And the opponents have 10 minutes?

The PRESIDING OFFICER. The opponents have 10 minutes remaining.

Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, parliamentary inquiry. Is the situation such that we are going to vote either up or down on the amendment or a motion to table the amendment?

The PRESIDING OFFICER. A motion to table could be made.

Mr. NICKLES. I understand. Is the amendment amendable?

The PRESIDING OFFICER. If the motion to table fails, it will then be subject to amendment.

Mr. NICKLES. Is it subject to amendment prior to a motion to table?

The PRESIDING OFFICER. The unanimous consent agreement prohibits that at the present time.

Mr. NICKLES. I understand.

Mr. President, one of the reasons why I rise in opposition to the amendment is, the penalty is too hard. I care just as much about the child that Senator LAUTENBERG alluded to as anybody else. I care just as much about wanting to eliminate drunk driving as anybody in this Chamber.

The penalty under this bill is too harsh. And 10 percent of the highway funds is—looking at any State—the State of Texas is $1 billion over 6 years. That is a pretty big penalty. The penalty in my State of Oklahoma is $200 million. That is a pretty big penalty.

The reason why I was asking or inquiring about is it amendable is that maybe we should change the penalty from 5 percent and 10 percent to half a percent and 1 percent. You are still talking about real money that would be a real incentive, but 10 percent is too high. In other words, we want to encourage States.

I mention the Commerce Committee amendment has an incentive program. It is not a lot. I think we found out from staff—I did not know when I made my earlier comments—$25 million, not much of a carrot, a little bit of a carrot. So we encourage States to do it. Maybe that should be enhanced a little bit.

But I look at the draconian penalties in this thing. This thing is really a dagger at the highway program to take 10 percent of the funds. In the State of Michigan you are talking about $477 million. That is a lot of money. I mean, so the penalties, in my opinion, are too high.

The reason why I was inquiring about a second-degree amendment is maybe we should change the penalty and make it 1 percent or 2 percent instead of 10 percent. I think it is too much of a gun at the head of the States and saying, "You have to do this or you're going to lose hundreds of millions of dollars."

The State of Texas would lose $1 billion over 6 years. The State of California over $1 billion. For the State of California it would be $1.3 billion over a 6-year period of time. That is a lot of money.

So I understand the desire that some people want to Federalize alcohol-content crimes. That, I believe, should be left in the State's jurisdiction. I kind of wonder, if you have States that are not complying—maybe the States are going to change their law but do not really enforce it. Are we going to have the Federal Government come in and say, "Wait a minute. Now you're going to have to monitor the amount of enforcement"?

We cannot have the State of Rhode Island say, well, they are going to change the law but not really enforce it until you get over the .1. I do not know that that would happen, but I question the wisdom of Federalizing blood alcohol content.

It has not been a Federal crime. It has not been a Federal incidence. Now we are saying the Federal Government is telling the States, you have to do this or you will lose hundreds of millions of dollars—in some States billions of dollars. I think it is overkill. I think it is too punitive. I think we should consider—and maybe we will not do it now; I know the bill has a little ways to go; it still has the conference—but if this provision is going to be in, I think we should reduce the penalties.

I think it is far too harsh. It is too much of a dictate, too much of a mandate, too much trampling on, I believe, of the Federal Government saying, "Before you get your money back, you must do the following: Before you get your highway money back, we're going to put an additional string on it, an additional penalty, up to 10 percent, which is hundreds of millions of dollars." I think it goes too far.

So, Mr. President, one other comment. My colleagues alluded to the fact that in 1984 we did something comparable, and we had a national drinking age of 21. Now, it might surprise some of my colleagues on the other side. I supported that. And the reason is, I live very close to the border in Oklahoma. And Oklahoma had a 21; Kansas had an 18. And we had people running back and forth across the State line to take advantage of that situation. Not a very safe situation. So I supported it.

I saw some differences in that provision, although the penalty was still very high. It was too high then, in my opinion. This, I think, is a little bit different. Now we are Federalizing blood alcohol content, and I seriously doubt the wisdom of doing that. And we are putting far too heavy of a burden on the States for noncompliance.

Again, for those of us that read the Constitution and say all of the rights and powers are reserved to States and the people, I think some of our colleagues and proponents, who have very good intentions, in the bill are saying, there is a problem and, therefore, we have to have a Federal solution. We are going to use the heavy hand of the Federal Government and withhold funds that come from the States, come from the people, and say, you cannot have that money back unless you do as we determine what is proper. I think that is a mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, we have additional time for opponents. How much time is there for the opponents?

The PRESIDING OFFICER. Four and a half minutes.

Mr. CHAFEE. Four and a half minutes. So now is the time. Again, I urge any opponents to please come to the floor and use that time.

Mr. DORGAN. I wonder if the Senator from Rhode Island would yield for a question?

Mr. CHAFEE. Yes.

Mr. DORGAN. I am a supporter of the amendment, but I am wondering if I might use one minute if no one else is seeking recognition.

Mr. CHAFEE. Yes. Let us leave it this way: The Senator from South Dakota can proceed. If somebody comes in on this side and wants to speak in opposition, then I would appreciate it if the Senator would then yield.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Senator from Rhode Island.

The Senator from Oklahoma was discussing the 21-year-old drinking age. That was established in legislation by Congress some long while ago. In fact, I believe the provisions in that bill, with respect to penalties for those States that would not comply, are identical to the provisions of the penalties in this bill.

We have decided, as a country, there are certain things that are national in scope. Our road program is a national program, a program of priorities. And I think this amendment simply says, let us determine what represents drunk driving so that you are not driving in one State versus another, and come up to an intersection, when you cross the State line, and find someone driving down the road that is drunk but in fact is not legally drunk because that State has a different set of rules.

In fact, you can now—and I hope to change this—you can now drive and drink in five States. In five States you can put a whiskey bottle in one hand and a driver's wheel in the other and drive down the road and you are legal. In over 20 States someone else in the car can have a party while the driver drives as long as the driver does not drink.

I also will propose, following this amendment at some point, that in every State in this country we have a prohibition on open containers of alcohol in vehicles. So the point I wanted to make with respect to the comments by the previous speaker was, we have tried incentive programs.

For example, a number of years ago we had an incentive program. Incentive grants were established, since the early 1990s, with respect to trying to persuade the States to pass legislation prohibiting open containers in vehicles. We have said, we want incentives to be available to prevent open containers in vehicles and pass legislation to prevent open containers in vehicles. Despite that, in 1998, 22 States still prohibit open containers in vehicles. Incentives do not work. I do not think we ought to talk about incentives on this issue. And alcohol and vehicles do not mix.

No one in America should be able to drive and drink at the same time. Yet in five States you can. Nowhere in America should a car be driven down the road to meet anyone here, their families or anyone in America, and then at the next intersection have, if not the driver drinking, the rest of the people in the car with open containers of alcohol. If we don't decide to have the will to at least require that in this country, then we will not stop the carnage on American roads.

I appreciate the Senator offering the amendment. I intend to support it and I hope my colleagues will support it, as well.

Mr. CHAFEE. How much time remains?

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. CHAFEE. One minute for the opponents. I see no one prepared to take that time. If somebody from the proponents wishes to use it, with the understanding that as soon as an opponent appears they will yield——

Mr. LAUTENBERG. By the time we finish with the 1 minute—we could yield back all 37 seconds that remain.

Mr. CHAFEE. Do you want to speak now?

Mr. LAUTENBERG. I thank the Senator from Rhode Island.

The arguments have been made abundantly clear. We are talking about something that will save lives. We are talking, on the other hand, about whether or not the process is appropriate or whether or not the penalties are too high.

I submit to Members that there is no penalty too high to permit a child like this to live a full life. No penalty too severe. I think when Senators vote here, that is what they ought to be thinking about—thinking about the people back home and how they will react to a vote they are making here.

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCAIN (when his name was called). Present.

Mr. BAUCUS. Mr. President, on this vote I have a pair with the Senator from Hawaii, Mr. INOUYE. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. ROBERTS) and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

On this vote, the Senator from Montana (Mr. BAUCUS) is paired with the Senator from Hawaii (Mr. INOUYE).

If present and voting, the Senator from Hawaii would vote "yea" and the Senator from Montana would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—62

Abraham
Akaka
Biden
Bingaman
Bond
Boxer
Breaux
Bumpers
Byrd
Chafee
Cleland
Coats
Collins
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Faircloth
Feinstein
Frist
Gorton
Gramm
Harkin
Hatch
Helms
Hollings
Hutchison
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Robb
Rockefeller
Roth
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—32

Allard
Ashcroft
Bennett
Brownback
Bryan
Burns

Campbell
Cochran
Craig
Enzi
Feingold
Ford
Graham
Grams
Grassley
Gregg
Hagel
Hutchinson
Inhofe
Kempthorne
Kyl
Landrieu
Lott
Mack
Nickles
Reid
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Thurmond

ANSWERED "PRESENT"—1

McCain

PRESENT AND GIVING A LIVE PAIR—1

Baucus, against

NOT VOTING—4

Glenn
Inouye
Jeffords
Roberts

The amendment (No. 1682) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I just want to point out to the Members what the next order of business will be. We now will take up the funding amendment that provided a good deal of additional money for a whole series of States, every State, and we would like, obviously, to get a time agreement on that, but we are having some trouble doing it. We are going to get started nonetheless.

AMENDMENT NO. 1684 TO AMENDMENT NO. 1676

(Purpose: To provide for the distribution of additional funds for the Federal-aid highway program.)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, and Mr. LIEBERMAN, proposes an amendment numbered 1684 to Amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, yesterday, the Committee on Environment and Public Works held an important meeting on the pending business before the Senate; namely, the underlying legislation, S. 1173, the Intermodal Surface Transportation Efficiency Act of 1997. During yesterday's business meeting, the committee agreed unanimously, the 18 members of the committee voted 18–0, to adopt an amendment to S. 1173, which will provide an additional $25.9 billion for the Nation's highway programs over the next 5 years. The additional funds will bring the total authorization for highways in the bill to $171 billion.

As I mentioned last Thursday in my opening statement on ISTEA II, which is how we will refer to the underlying legislation, the majority leader, Senator LOTT, and Senators DOMENICI, D'AMATO, BYRD, GRAMM, WARNER, BAUCUS, and I have been working to try to resolve the difficult issue of how much additional funding should be directed to transportation. We have participated in a challenging but ultimately productive set of meetings. Although I am not an advocate of spending the 4.3 cents gasoline tax on highways, I believe that the agreement we reached is a fair one that will allow the Senate to complete its work on ISTEA in a timely fashion.

The principal question on everyone's mind is how this additional funding will be allocated among the 50 States and various ISTEA programs. I am pleased that the amendment before us distributes the new money in a manner that is responsible to all States and to all regions of the country. Moreover, the committee amendment does not affect the allocations or program structure in the underlying ISTEA II bill. The lion's share of the additional funds, $18.9 billion, goes to all 50 States in the same proportion as the formulas under S. 1173.

Before we proceed, I want to outline the package adopted by the committee yesterday. To make the bill fairer, the committee amendment provides additional funds for those States that did not fare as well as the majority of the States in S. 1173.

First of all, this amendment does address the inequities of the so-called donor States, those States that contribute more money to the highway trust fund than they receive from the Federal aid highway program. The underlying bill, S. 1173, as reported, guaranteed that each State would receive at least 90 cents in return for every dollar allocated to the States from the trust fund. The amendment before us includes an additional $1.9 billion over the life of the bill to ensure that each State receives at least 91 cents in return.

Now, the States that will benefit from this donor State bonus are the following: Alabama, Arizona, California, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. These States have complete flexibility to use the additional funds for any purpose authorized under title 23, which is the Federal aid highway title of the U.S. Code. That is the first thing we did.

Second, there are a number of densely populated States, such as California, Illinois, and New Jersey, where high volumes of traffic clog the roads and high repair costs impede routine maintenance. The committee amendment provides an additional $1.8 billion over the next 5 years for these high-density States. The additional funds may be spent for any purpose authorized under title 23 to relieve the terrible congestion problems and address tremendous infrastructure needs.

Those States which are neither donor States nor high-density States also may spend a percentage, 22 percent, of the additional funds they receive pursuant to this amendment for any purpose authorized under title 23.

The committee amendment also provides additional funds for those ISTEA programs directed to regions of the country with unique needs. For instance, the Appalachian Development Highway System was first authorized in law in 1965, but is not yet completed. The committee amendment provides an additional $1.89 billion for the Appalachian Highway Program for fiscal years 1999 through 2003 to help complete the 3,025 mile system.

Second, as a result of the implementation of the North American Free Trade Agreement (NAFTA) and other key trade agreements, states along the Mexican and Canadian borders have experienced a substantial increase in truck traffic. The increased traffic and congestion along these routes has put a heavy burden on the corridors that connect border locations and other ports of entry. The committee amendment provides $450 million over the next five years in contract authority for the nation's border infrastructure and trade corridors.

Third, the roads that run through the nation's parks, Indian reservations, and other public lands are in great need of maintenance and repair. The committee amendment provides an additional $850 million over 5 years for the Federal Lands Highway Program.

This is in addition to the money that was included in the bill originally as we submitted it.

Of the $850 million total, the committee amendment provides $50 million per year for fiscal years 1999 through 2003 to help address the mounting needs of the nation's 49,000 miles of Indian reservation roads. An additional $50 million per year for the next 5 years, is provided for the Public Lands Highway Program, which funds Forest Service roads and other public roads that run through federal lands.

The remaining $350 million in the Federal Lands portion of the committee amendment is directed to the Park Roads and Park Ways Program. An integral part of our National Parks System is the 8,000 miles of park roads and parkways that make the splendor of these national treasures accessible to all Americans. Fifty million dollars of the $70 million annually for the Park

Roads and Parkways Program is directed to these roads that run through our national park system.

The remaining $20 million per year is set-aside to address the backlog of needs for the roads in our National Wildlife Refuge System. I am delighted that the committee has agreed to include this additional funding for the 4,250 miles of refuge roads within the system. Indeed, the National Wildlife Refuge System, which is administered by the Fish and Wildlife Service, plays a pivotal role in the conservation of fish and wildlife resources throughout the country. The additional funds provided in the committee amendment will allow the Service to better focus its appropriations on the core mission of protecting fish and wildlife and their habitats.

Mr. President, before closing, I want to thank all of the members of the committee for their diligence and cooperation in adopting the amendment before us.

I see Senator WARNER here, who has been a very valuable ally and originator, actually, of much that is in this legislation.

I thank them all for their diligence and cooperation in adopting the amendment before us. I thank the majority leader, Senator LOTT, who presided over the negotiations in which we arrived at this compromise; Senator BYRD, Senator WARNER, whom I previously mentioned, Senator BAUCUS, the ranking member of the full committee, who has been so helpful, Senator GRAMM, and particularly Senator DOMENICI. All I thank for their determination and resolve during our discussions.

I urge my colleagues in the Senate to support the amendment before us so we can proceed to the business at hand and enact an ISTEA II bill which will bring the Nation's transportation system into the next century.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Virginia.

Mr. WARNER. Mr. President, I want to defer to the distinguishing ranking member. Then I shall follow dutifully the seniority of our committee.

First, I thank the chairman, and I will include those remarks.

But we have on the floor here the distinguished senior Senator from South Carolina, the President pro tempore, who has counseled with me, and other members of the committee, on a regular basis concerning this. The distinguished Senator represents South Carolina, which is in the category of a donor State, as is the State of Virginia. I wish to assure the senior Senator from South Carolina—and perhaps the chairman can join me—that his State will receive an allocation of 91 percent under the formulation that I and others have worked out. We, in the course of the recalculation, specifically asked the chairman and the distinguished ranking member, as, over the weekend, we reworked the formula. It was my desire to raise the level from 90 to 91 percent with respect to as many donor States as we could achieve. But according to my calculations, I represent to the distinguished Senator from South Carolina that his State has achieved a 91 percent mark.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, may I say, as chairman of the Transportation Subcommittee, that the answer is yes. In fact, currently there are a good number of States—so-called "donor" States—which contribute more to the highway trust fund than they receive in terms of highway allocations. They receive actually less than 90 percent. There are some States down around the 80s. One, I think, is 76 percent. I am not sure about South Carolina. But the bill that passed the committee made sure that there is a floor of 90 percent—that donor States get at least 90 percent. Through the able efforts of the Senator from Virginia, and others—Virginia is often a donor State—that was then raised to 91 percent.

This was one of the areas of concern that we on the committee had when we considered additional money under the Byrd-Gramm-Warner-Baucus amendment; that is, there are some States that felt they needed additional money because of high density, and others because they are donor States. There are some Western States that felt because they are public land States they should get some, too. And then the Appalachian Regional Commission felt that there was not enough money in the underlying bill. So the amendment would give a little more to Appalachia.

But the long and short of it is that South Carolina, and all donor States, will, under the amendment now pending, combined with the underlying bill, receive at least 91 percent. Technically, it is 91 percent of the percentage of their contribution of the funds that are allocated, but for all intents and purposes, it is raised from 90 percent to 91 percent.

Mr. President, while I have the floor, I would like to follow on the points made by the very distinguished and able chairman of the committee, Senator CHAFEE, very generally. Several of us—Senator CHAFEE, myself, Senator BYRD, Senator GRAMM, Senator WARNER, Senator DOMENICI, and, most particularly, the majority leader, Senator TRENT LOTT, met many, many times over the last several weeks to find a fair way to distribute dollars that would be raised in the act transferring 4.3 cents of the gasoline tax to the trust fund, and then back to the States.

Essentially, we came up with a program dealing first with States that had legitimate concerns as a consequence of the committee bill and then distributing the rest back to the States according to the percentage share that they were receiving under the bill so as not to give any favoritism to anyone in place.

That is what we did. It is an agreement that was agreed to by all the main parties. We, at the same time, talked with many other Senators who were not part of this conversation in order to have a result that reflected fairness to regions in all parts of the country.

It is also an agreement agreed to by Senator DOMENICI, the very, very able chairman of the Senate Budget Committee. He said he would find a way with these increases to come up with a balanced budget resolution that does not exceed the caps in the budget resolution so that those who are concerned that this additional money might "bust the budget" may rest much more assured that is not the case. If anybody can find a way to not balance the budget and not bust the caps and get the rest of the additional money because of this amendment, certainly Senator DOMENICI can do that.

I might add, Mr. President, that these issues are never easy. Every State feels that it should have a few more highway dollars, and every State feels that its share is not quite as fair as the share of other States. There is no magic in this. It is just a matter of looking at all the claims, all the equities, and all the differences in different parts of the country. Some States are donor States and some States are donee States. Others have completed their interstate highways later, rather than earlier. Some States have real bridge problems that need to be addressed. Some States, like in ours, in the West, next to public lands, count on a lot of tourists who visit our States. For example, in the State of Montana, there is tourism with tourists going to visit Yellowstone or Glacier Parks. Some tourists pay a little bit of Montana tax to the degree that they travel in our State. But we in Montana have to pay a lot to maintain those highways. So it is adding all of those equities together as best we possibly can.

On the numbers again, just so everyone is clear, the underlying bill spends about $145 billion in contract authority over 6 years on the highway program. The amendment that we are now addressing, that is before the body, adds $6 billion for a total $171 billion in contract authority that would be spent allocated among the States.

I do not want to get too technical about this, but contract authority is not exactly the same as obligation limitations or outlays, which is to say that the Budget Committee will determine what those obligation limitations are. The Appropriations Committee will then decide how much of the total it can spend. The Appropriations Committee will not be bound to spend the full $171 billion unless it wants to. The Appropriations Committee can spend a little less, if it decides in its determination that it is more appropriate because it will have to find some offsets to spend this additional money. Obviously, there will be some compelling needs with the Budget Committee with other ideas and other programs, but still with the contract authority set at $171 billion over 6 years, there is a tremendous incentive for the Budget Committee and the Appropriations Committee to spend—allocate outlays—the actual dollars going to the States to build highways at a level very close to $171 billion—not entirely, but very, very close.

This underlying bill, Mr. President, I remind Senators, is much, much more flexible than the current highway program. The current highway program has 11 separate categories that are pretty rigid; somewhat inflexible. They give State highway departments gray hairs sometimes, because one State's needs—say that were Arkansas—is a little bit different from another State's needs—let's say Montana or Rhode Island or Virginia or South Carolina.

So we collapsed those 11 categories into 6. And the six are now much more flexible, very flexible. For example, one of the main categories is called "surface transportation account." You can take money out of that for Amtrak, if you want. You can take money out of that for mass transit, if you want. You can spend more on enhancements, if you wish. There is a lot of flexibility here, flexibility that the States have, much more flexibility given to States than is the case under the current highway bill. The departments of transportation commissioners wanted this. It makes sense to the committee that much more delegation of flexibility be given to the States.

For those who are concerned about the Congestion Mitigation Air Quality Program, CMAQ, actually there are more dollars in this bill than the current CMAQ program. CMAQ is important because we want to make sure that building more highways is consistent with improving air quality. We passed the Clean Air Act in 1991, telling States and cities that are not in attainment to undertake certain actions to bring their air quality standards into compliance. Obviously, if you build a lot more lanes, have a lot more traffic in the city, more cars, more auto emissions, sometimes it is inconsistent with the goals of air quality improvement. So, basically, the CMAQ money is there to help deal with that problem.

And, I might say, in the first category, called "interstate maintenance," called "national highway system money," there is a restriction: You cannot build additional lanes for single occupancy. You can for HOV lanes, again to address congestion and air quality problems, but you cannot build lanes just for single-occupancy cars. Again, we are trying to merge two competing programs together.

I might say, this is particularly important, this amendment, to my State of Montana. We are a big State. We don't have a lot of people. In fact, we have more miles per capita of highways than any other State in the Nation. Our State gasoline tax is the third highest in the Nation. We are paying for our highways as best as we possibly can. We are not a big industrial State. In fact, we are a relatively poor State. I am embarrassed to say this, but Montana, today, ranks 46th in the Nation for per capita income. We were 35th, 36th, not too many years ago. We are now down to 46th.

It is tough. We don't have the money in Montana to pay for our roads, and this is going to go a long way. Mr. President, 90 percent of the households in Montana make multiple trips of over 100 miles each year, and that is compared with a national average of 80 percent. As I say, tourists come to Montana—actually it's 8 million visitors who come to visit our State. It is beautiful. Glacier National Park in the summertime—a lot of people come to fish and camp out and bring their families from all over the country. In the winter, of course, there is skiing, whether it's downhill, cross-country, or snowmobiling, which is very popular in our State.

I will just sum up by saying, as much as it sounds like we spend a lot of money on highways, in the larger context this really is not enough. Today, the United States spends, State, local and Federal combined, about $34 billion a year on our highways. The Department of Transportation did a needs study, what is needed to be spent just to maintain the current condition of our highways, recognizing winter and summer things get beat up and so on and so forth. They concluded that about $54 billion a year should be spent just to maintain the current level of maintenance of America's highway system. So if we want to do better, we should spend, according to the Department of Transportation, maybe $70 billion a year, so as to improve our highway system, to keep up with the highway system in Germany, for example, and some other countries that spend a lot of money on their highways.

Of course, their gasoline taxes are much higher than they are in the United States, but those dollars go to improve their highways. That is a decision that those countries have made. We are spending $171 billion over 6 years. That is a far cry from $60, $70 billion over 1 year. It is just an example of what other countries are doing compared with what our needs are, to explain that the current bill, as important as it is, is probably not enough if we wanted to improve upon our current system.

I am going to yield the floor to whoever wants to speak here. Again, I thank all those who worked very hard on this and hope we can conclude this bill very quickly, because we have to go to conference on the House-passed bill whenever they pass their bill. By May 1, the bill has to be signed by the President. By May 1, that's when the current program expires. We were a bit derelict last year in the Senate when we did not pass the highway bill even though the program expired June 30 of last year. We got tied up on campaign finance reform, and we agreed to move the transportation bill up to one of the first orders of business in 1998. That slipped a little, but fortunately here we are.

It is very important that we move expeditiously to meet our Nation's needs and satisfy Americans who want to be assured that we have the highway program in place, a solid 6-year program, so contractors can plan and State departments of transportation can plan ahead and we do not have to worry about this on-again/off again problem that we are currently facing with our program. So I hope we do move very expeditiously to pass not only this amendment but the full bill so we can get on to work with the House in the conference and pass the bill.

I yield the floor.

Mr. WARNER. Mr. President, I wonder if the Senator will engage in a colloquy? As subcommittee chairman—fortunately, I have had as my ranking member the distinguished Senator from Montana from the very first day of the consideration of this bill in the Environment Committee, and of course we initiated the work in the subcommittee. The Senator from Montana and I decided that we were not going to seek retribution for some of the inequities in the 1991 ISTEA, but we were going to try to establish a formula and other provisions in the bill which brought about the greatest equity achievable, in a bipartisan way, in this piece of legislation. I feel that we have remained true to that fundamental principle that the Senator from Montana and I laid down on day 1.

Do you share that view?

Mr. BAUCUS. I answer the point of the very distinguished Senator from Virginia that I very much do. I might remind the Senator of several facts which substantiate his point.

No. 1, the current highway program is based on very dated data. It is based on the 1980 census. We even have in here the 1916 postal road formula—that is in the current law. Of course, the bill we are passing today brings it up to date.

Mr. WARNER. Mr. President, I have even used the example, the pony express was still in here someplace.

Mr. BAUCUS. Once we get this legislation passed, we are out of the pony express era because we will have current data, data reflecting how many miles people travel in their State, lane miles, vehicle miles, et cetera. That is a formula based on the actual usage and needs in the State, which is critical.

In addition to that, I might add to my distinguished friend that there were earlier separate competing bills. There was a STEP 21 bill sponsored by the Senator from Virginia; there was a STARS 2000 bill, which had a little Western influence; there was ISTEA-Plus, I think the name of it was, or the ISTEA bill which was sponsored by the northeastern Members of the Senate.

With the leadership of Senator WARNER we were able to bring the three bills together. We didn't favor one region over another. On a very bipartisan basis, you on your side and I on my side, along with Senator CHAFEE, had to come up with a bill which is fair to America, fairest to the country.

We passed our bill out of committee. Even though we did the very best we could, there were still some Senators who had some concerns. Some of them were off the committee. We dealt with those concerns with this amendment on a very bipartisan basis.

Mr. WARNER. I thank my colleague, because I felt as a trustee of these funds—and when you and I, for example, joined on the first amendment to try to add additional funding, we were going to win that when, obviously, leadership was able to persuade one or two colleagues and we came within one vote, to my recollection.

Then along came the distinguished senior Senator from Texas and our distinguished former majority leader, the distinguished Senator from West Virginia, and you and I joined in that effort, even though we were at odds with our distinguished chairman and other members of the committee. We felt it was imperative to add these funds. With the add-on, I want to make clear, we left the basic formula intact, 90 percent intact, and simply superimposed this amendment on top.

Again, under the guidance of the distinguished chairman of the committee and yourself—and I had a voice in it, of course—we again tried to achieve equity. I specifically asked the chairman to make certain that in the recalculation, over the weekend, we get as many States as possible above the 90 to 91 percent. I think we have done that. There may be some 90.8, some fraction. But in order to achieve the fundamental equity, we did our very best in superimposing this add-on, on the undisturbed basic bill, as the allocations were made up in that bill.

Mr. BAUCUS. That is exactly right. In fact, in a nutshell, we believe it is only fair to the American people that a portion of the gasoline tax that goes to the trust fund be allocated to the States. We took that amount, 3.45 cents, and essentially allocated it according to the provisions of the underlying bill without changing the formulas, making a couple of minor changes to accommodate some legitimate concerns of Senators. That is basically what we have done. Frankly, I cannot think of a fairer way to do it.

I am also reminded there is sort of a feeling in the room, and also the feeling in the committee when we acted on this in the room where we put this together—you can tell when it's fair or not fair. Everybody was happy and felt good. It felt good. Also, in the committee, when the committee reported out this amendment, you could tell, too, it passed unanimously with Senators all around, as the Senator well knows.

Mr. WARNER. That's owing to the leadership of Senator CHAFEE, in the first bill, and you—Senator CHAFEE and you as ranking. When we brought, shall we say, the subcommittee bill, before the full committee, I was astonished we got a unanimous vote.

Mr. BAUCUS. I was, too.

Mr. WARNER. Now with Senator CHAFEE's leadership, we got another unanimous vote in our committee. But I have felt the will of the entire Senate was represented in various groups on our committee. We listened carefully, took things into consideration, and did the best we could. I am urging Senators to support this amendment. But I caution those who want to come and perhaps give their own proposal, be careful, because once you take one part of this formula and move it, you will be surprised how all the States begin to go up and down in other areas of the calculations.

So, I think the Senate will have to repose a lot of trust in our committee. But that trust is predicated on the principle of fairness that we started with when the first word of this bill was placed down by the subcommittee, and it has transcended—that concept of fairness is throughout our work.

I thank my distinguished colleague.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in support of the amendment. I thank my colleagues, each of those who are on the floor, and my dear colleague from West Virginia, Senator BYRD, who is not here, for their leadership in bringing us to the point at which we find ourselves today.

What I would like to do is to explain the problem we sought to deal with, say a little bit about how we came to be at this point, and then try to explain why every Member of the Senate should rejoice that we have reached a point where we are going to take a very dramatic step in terms of improving the quality of America's highways and, in doing so, improve their safety, their efficiency, and not only save the lives of thousands of our fellow citizens, but improve the lives of tens of millions of Americans who use our highways.

I entered this debate over one simple issue, and I have always viewed it as an issue that has to do with honesty in Government and equity. The issue that I entered the debate on, along with Senator BYRD and joined by Senator BAUCUS and Senator WARNER, was an issue that boils down to basic trust. And that is, people go to the filling station and, in a lot of States in the Union, that little clip that you used to put on the nozzle where you could pump the gas and go on about your business and do something else, many States have taken that clip off. So you often find yourself standing there holding this nozzle, and every once in a while, in desperation, somebody reads the gasoline pump.

When you read the gasoline pump, it sort of gives the good news and the bad news story. The bad news is a third of the cost of buying a gallon of gasoline in America is taxes. The good news is, at least, as it says it on the pump, that the gasoline tax is a user fee and that user fee is used to build roads. So while you should be unhappy that a third of the cost of a gallon of gasoline is going to pay taxes, you should be happy with the fact that at least those taxes are going to build the very roads that you are going to ride on in burning up that gasoline that you are buying.

I entered this debate because the bad news is true, a third of the cost of a gallon of gasoline is, in fact, taxes, but today it is not true that all those taxes go to build roads. In fact, beginning in the 1990s, the Federal Government started diverting highway trust funds to other use. So we collected gasoline taxes, those moneys were put into the trust fund, but by not spending those moneys on highways, we were able to spend those moneys on other things.

Then, in 1993, the Congress adopted the first permanent gasoline tax in American history since we had the highway trust fund where the money went to general revenues, and so the money was spent and none of it was spent on highways.

That produced a situation by this year where roughly 25 to 30 cents out of every dollar paid by every American in gasoline taxes goes not to build roads but to fund other expenditures of the Federal Government.

Senator BYRD and I started this debate because we believed that that was dishonest. We believed that the Government was deceiving the American people, and we thought it was wrong. We thought it was wrong to take a dedicated tax and spend it on general Government rather than spending it for the purpose to which Americans had been led to believe that they were paying the tax.

Our first victory in this roughly 2-year effort was on the tax bill last year where we were able to take that 4.3-cent-a-gallon tax on gasoline away from general revenue and put it back into the highway trust fund where it belonged. It was a big issue, because 4.3 cents per gallon collects roughly $7 billion a year in revenues.

We were successful in that effort. Then, last year, we started the effort to guarantee that the money was actually spent on highways. That effort, by Senator BYRD and myself, produced a coalition with Senator BAUCUS and Senator WARNER, the chairman and ranking member of the subcommittee with jurisdiction over the highway bill. That started a negotiation which reached a successful conclusion the day before yesterday in a new highway bill, for all practical purposes, very different than the bill that the President proposed, very different from the bill that came out of the committee, and I think different in being better.

The bill before us guarantees that over the next 6 years, we will move from a situation where almost 30 cents out of every dollar of gasoline taxes today is diverted to some use other than building highways and for transportation purposes to spend on general programs. We will move from that situation today to a situation 6 years from now when this bill is fully in effect so that every penny of the 4.3-cents-per-gallon tax on gasoline, which is now diverted to other uses, will be used for the purpose of improving the transportation system of America and building roads.

That will mean that this bill will, over the next 6 years, spend $173 billion on highways. The difference in the number that Senator BAUCUS used and this number is that about $2 billion of the expenditure is under another title in the Commerce Committee, and I do not want people to be confused to think we have taken away $2 billion from the agreement that we announced the other day. The total is $173 billion.

What does that mean relative to the highway bill that has just ended? What it means nationwide is that by the economic growth we have experienced, by the growth in the collection of gasoline taxes and by dedicating every penny of gasoline taxes to build roads, nationwide we are going to increase the amount of money for highway construction over the next 6 years, as compared to the last 6 years, by 45 percent. That is a dramatic change. As a result of this bill, Americans who would have died on roads in West Virginia and Texas and all over America will not die. As a result of this bill, people who would have waited in congestion, taking time away from their work or their family, will find that that congestion has been abated.

So we are not just talking about spending another $26 billion of money on highways, the purpose for which the money was collected. But we are talking about improving the lives of Americans by the tens of millions and saving the lives of thousands of our fellow citizens.

Secondly, by getting out of this absurd situation we were in under the previous bill where we were using the 1980 census for no other purpose than to discriminate in favor of States that were losing population and against those that were gaining population, by going to the current census, a State like my State, which has been growing very rapidly, will not only benefit from the fact that we are not allowing 30 cents out of every dollar of money collected in gasoline taxes to be siphoned off to pay for something else, but by using the current census and through other factors, the State of Texas will have an increase in highway funding over the previous bill of 60 percent. Obviously, that is a big deal for my State. It is a big deal for every State in the Union.

Some people will say, "Well, but if you're spending the money on highways, you're not spending the money on other things." When we debated this bill for the first time at the end of the last session, our opposition came from people who basically said, "Well, spending money on highways is great, but if you spend this money on highways, we can't spend it on other things."

Let me respond to that in two ways. First of all, we do have a great need in highways, but the real argument is not one of relative need. The real argument is we collected the money for the purpose of building highways. This is a dedicated tax. So those who find today a sad occasion because for the first time since the mid-eighties we are actually going to spend gasoline taxes on highways and they are unhappy because we are not going to spend the money on other things, let me say, as I have said in the past, that they remind me of rustlers who have been stealing our cattle. We finally catch them, we call the sheriff out, we don't hang them, we don't even make them give our old cattle back they stole. All we say to them is, "You have to quit stealing our cattle." We will hear from a few of them today, and their basic response will be, "Well, that's great, but where do I get my beef? If I can't rob the highway trust fund, where do I get this money to do all this good I want to do?"

I have two responses. One, that is not my problem. Two, we should have never been spending highway trust fund money for other purposes. We should have never let the Federal Government collect money in gasoline taxes and turn around and spend it for something other than the purpose for which those taxes were collected.

So I believe this is a happy day. Is everybody satisfied? I have great appreciation of the situation of Senator CHAFEE and Senator BAUCUS and Senator WARNER. You can't satisfy everybody. We have a highway system that is a national system and, obviously, I have been unhappy about the fact that my State was getting 77 cents for every dollar we sent to Washington. I have complained vigorously, and partly as a result of that complaint, we have changed the bill. We have gotten rid of the 1980 census, and we are going to have a dramatic increase in funding going to States like mine.

You can always say, "We want more," but I think it is important, and Senator CHAFEE has made the point and I agree with it, we have a National Highway System. When we were building roads across Texas in the 1950s and 1960s, the Interstate Highway System, we were more of a beneficiary State. But what good is it to have an Interstate Highway System that when it gets to Western States, you don't have the highway? If it is an east-west or north-south system and you have a State that has a low population and a low formula and, as a result, can't build its system, do you have a national system?

There are always going to be years, because of the ongoing building of the interstate system, where some States are going to get more than a dollar back, some are going to get less. But thanks to Senator WARNER—and I congratulate him and thank him personally—under this bill, for all practical purposes, no State will ever again get less than 91 cents out of every dollar in formula money back that they send to Washington in terms of highway taxes.

What that means is, no matter what we are doing in terms of a national system, at least that minimum will be available to every State. I think that is a dramatic improvement, and I think it is something of which people can be proud.

I think this is a major step forward. I thank everyone who has worked on the bill. I have enjoyed having the opportunity to work with the sponsors, with Senator CHAFEE. I thank Senator LOTT for his ability to bring everybody together. I think it has been a classic case of democracy at work. Someone once said that there are two things you don't want to watch people do. One is making sausage and the other is making laws.

But I have to say that I think any civics class at any high school in America that sat through the whole process on writing this highway bill, that sat in every meeting and every negotiation, and that watched the give-and-take, that listened to the intellectual content of the debate, both public and private debate, that watched the consensus form, would go away convinced that, while our system is not perfect, it is clearly the best system that has ever been devised by the mind of man.

So I am proud of this bill. I am happy for my State. I am happy for the country. I believe that this is a dramatic improvement. And while I do not agree with or support every single provision of the bill, you reach a point where you have to say, this is the best we are going to do given that we have 100 Members of the Senate. There will be those who will be offering amendments to try to tear this consensus apart. I do not intend to support any of those amendments. I think we have put together a good bill. And I think it is time to get on with improving our highway system, with saving lives, with improving the quality of life for hundreds of millions of people all over the country.

So I am for this amendment. I am for this bill. And I congratulate those who have been the leaders of that effort.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished senior Senator from Texas for his remarks, personal and otherwise, directed at those who put together this amendment.

But now I say to all colleagues, we are entering into that phase which I have called in previous iterations of the highway bill, the "battle of the charts." And the charts are coming over the transom, under the transom, and from all directions. And it comes down to whether or not someone can put up a matrix which benefits their State a little bit more. But I assure you, it is at the detriment of someone else. And you have to at some point, when the votes come, decide: Did the committee or did not the committee try and do an equitable distribution of the funds?

The basic bill reported out by the subcommittee, then by the full committee, is unchanged. But in working out the most equitable distribution we could under the add-on, as a consequence of the Byrd-Gramm-Baucus-Warner amendment, you could figure it several different ways. And therein I presume the debate will focus in just such time as we proceed to vote on this amendment. And there are means by which you could calculate it in a different way.

I think Senators are perfectly entitled to fight. And they should. But it all comes back to, will their formula be viewed as an equitable distribution of the funds?

And I say that when the final vote is taken it is my hope and it is my expectation that the Senate will express its confidence in the ability of the committee—under the guidance of the distinguished majority leader, and, indeed, with the valued input of Senator BYRD, Senator GRAMM of Texas—that we did the best we could to make equitable distribution of the apple.

So let us now engage in the "battle of the charts." I hope Senators will come to the floor and express their views with respect to their individual States and their own view as to whether or not equity was achieved.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank our friends on the committee for their effort here. And we are trying to get information to help us decide exactly how we should respond to the committee amendment. That information was requested as soon as the amendment was adopted. We are still awaiting for that information.

I think it is only fair to those States, States that have been particularly put in a donor position decade after decade after decade, which is the case with many of our States, that we get the information that we sought. We very well—I am speaking just for myself—we very well may end up supporting this amendment. But it would seem to me, as a matter of fundamental fairness, that when an amendment this complex and this important to our States is brought to the floor, that where information is sought from the Department of Transportation, that information be forthcoming before we are expected to vote on this amendment.

Mr. WARNER. Mr. President, if the Senator would yield, I know of no reason why the chairman, who is momentarily absent from the floor, or the ranking member or myself is trying to push this to a conclusion prior to those who desire to have additional information get all that information and have free discussion on it.

So please do not send out the alarm that, in my judgment, we are trying to roll this thing through before all States have an opportunity to examine the complexity of this and get such information and charts as they so desire.

Mr. LEVIN. I very much appreciate it.

Mr. BAUCUS. If the Senator would yield for me to further make the point of the Senator from Virginia, the Senator knows my office is also calling the DOT to light a fire under them to get the information back so that the Senator from Michigan has all the information he wants in order to make an informed decision.

He is absolutely right. I mean, he represents his State and wants to represent it to the fullest. And he believes, correctly, that he would like to have more information. And so we are doing our best to get the information for the Senator. Once he does have it, I am quite confident things will work out. But it is more important, first, to get that information.

Mr. LEVIN. I thank my friends from Montana and Virginia for their support in our effort to get this information and, indeed, for their long, hard efforts to try to bring a conclusion to this effort to come up with a fair highway bill.

The problem is, as the Chair and others know, there are some States that have not been treated equitably and fairly, at least in our eyes, over the decades.

First, the Senator from Texas correctly says we have a National Highway System. And that is true. I do not think it would be possible to build an interstate across Montana if Montana only got back the amount of money in gas tax for the building of that interstate that was sent to Washington by folks buying gas in Montana. I have no doubt of the truth of that comment.

I have been to Montana. I have been on those interstates. I understand that. I appreciate that. Indeed, I would support that if this were coming up for funding in the 1950s. But that does not explain why a whole bunch of other States that are not in that situation get back a $1.20, $1.40, $1.60, $1.80, $2 for every dollar they send.

We can explain some of this to our constituents. And I have. I get up and use Montana as the example. And I say, it is only right, if you are going to have an Interstate System, that more money go to build an interstate in Montana than is coming from Montana. That is the point the Senator from Texas made.

But, again, let me emphasize, there are a whole bunch of States that that is not applicable to, who have for decades gotten back a heck of a lot more than they have sent into this system and put into that trust fund. And those of us that have been in a donor position for decades, because of these formulas which were put in here many years ago, cannot possibly justify the huge amounts which many donee States have received which do not relate to the fact that they are sparsely populated and have large distances to cross.

And while my friend from Texas may be correct in the case of some States falling into the donor or donee situation, depending upon what year you may be looking at, there are other States which have been in the donor situation constantly throughout where you cannot justify this. And there has been some effort in this bill to correct the unfairness. And I want to thank my friends from Rhode Island, Montana, Virginia, and to others, Texas, who participated in this effort to get a little more fairness for the so-called donor States. I want to thank them for that effort.

Does it come close to repairing the unfairness? I do not know. And we are not going to know until we get this data. There are a lot of complications in these formulas. My dear friend from

Virginia is right, you get all kinds of charts coming in. I mean, one chart which we already have shows that two-thirds of the States actually get a smaller percentage under the committee amendment than they did under the underlying bill.

If that is true—and some of those being donor States—if that is true, how do donor States then get a guarantee of 91 cents back instead of 90 cents, if some of those two-thirds of the States that get a smaller percentage under the committee amendment are donor States?

My State gets a smaller percentage under the committee amendment than it does under the underlying bill. You can add all the money you want, which is what the committee did, but the problem still is going to remain in terms of the percentage of the contribution unless something else happens here. We should be in a worse percentage situation under the committee amendment than we were under the underlying bill. But that is what we want to look at in terms of charts.

I have questions about the density group. How is that defined? I have highly dense, congestive places in the State of Michigan, but I am not one of those 10 States. How is it defined? And why? And why is it that 10 States all get the same amount of money for density no matter where they may fall on some density chart? No matter where they fall, they all get the same amount of money year after year, but States that do not quite reach the level of density get nothing. I would like to at least know why and how, how that is arrived at.

I have a number of questions which I would like to have answered. Are those special categories—for instance, density. When you get a density bonus or a density amount in this bill, does that count in terms of the donor State guarantee of 91 percent? Does that count towards that? We do not know. Perhaps some of the sponsors of the amendment could answer that question.

And to my friend from Texas, my understanding is it is not 91 cents back on the dollar; it is 91 percent of contribution. And that, as a matter of fact, is not 91 percent of your contributions, because there is something taken off the top here. So it is 91 percent of the contributions of the amount which is distributed to the States which is less than 100 percent.

I wish it were 91 cents on the dollar, I tell my good friend from Texas. I wish it were that every buck we are going to send to Washington, from here on in, we are assured we are going to get 91 cents back. That is not my understanding of what this bill does.

So I think here that there is an underlying feeling on the part of many States two things: One, that we need a fairer treatment; and, two, that we want to see some data. And, three, speaking now for myself, when we receive that data, it may answer a whole lot of these questions so that indeed someone like me may end up voting for an amendment such as this, as being an improvement over the status quo.

Now, there is another problem which none of us are going to solve here. And that is that there are offsets for this increase. And we do not know where those offsets are coming from. Because the budget is going to be adopted after we adopt this bill. And the Budget Committee is going to have to find, as I understand it for this upcoming year, $1 billion-plus. We do not know where that $1 billion-plus is coming from.

Now, we are all in that boat. But it is a problem that we all ought to be concerned about. Is that $1 billion going to come from education? Is that $1 billion coming from veterans? It is going to come from domestic discretionary spending. And even those who vote for this amendment, it seems to me, have to be concerned with what lies down the road in terms of paying for this committee add-on.

Again, that is nothing which data from the highway department is going to be able to answer. That is something which we are going to have to fight out or debate in the weeks and months ahead. But it is a real concern. It is an unanswered question. In this case it is a question which cannot be answered prior to the time when we will be voting on this amendment. But, nonetheless, it should be raised as a flag, I think, for all of us. Even those of us who intensely support this amendment, it seems to me, would have some concern about, how are we going to pay for the offset, to pay for the amount of money which has been added?

Mr. WARNER. Mr. President, if I could interject. I thank the Senator. I rose for the purpose of a clarifying statement. You do not pose that in any way as a delay of a judgment by the Senate on the pending amendment? It is just a realization that at some point in time the Senate, as a body, will have to consider where the offsets came from, but not in the context of getting a definitive answer for the purposes of addressing a yea or nay on this amendment; am I not correct?

Mr. LEVIN. The Senator is correct.

Mr. WARNER. I thank the Senator.

Mr. LEVIN. As I said, that is a concern that I hope all of us have regardless of how we end up voting on this amendment as to how that money is going to be paid for, how that offset is going to be achieved.

Second is something I am very much concerned about. We keep hearing thoughts, rumors as to where this is coming from, but that will not be resolvable. I do believe the good chairman of the Budget Committee has indicated there will be no undue impact on any domestic discretionary program as a result, but I haven't seen those exact words—I have heard that secondhand—that the Senator from New Mexico, the chairman of the Budget Committee, has said something like no undue impact on any discretionary program. But I'm not going to quote him because I didn't actually see the quote itself.

So what it comes down to is that we have an amendment that is pending. We have a request for information relative to a complicated amendment, made yesterday to the highway department. We don't have that information.

If the managers of the bill and the sponsors of this amendment are willing to get that information forthcoming before our vote, it seems to me we either ought to have a quorum, as I understand they are on their way, or we ought to set aside this amendment for an hour or two so those of us who are not decided on how to vote on this amendment could be in a position where we could vote on it.

PRIVILEGE OF THE FLOOR

Mr. WARNER. On behalf of the distinguished Senator from Oklahoma, Mr. INHOFE, for purposes of this debate, I ask unanimous consent that Mr. Andrew Wheeler be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ran a calculation for the Senator from Michigan and I will send it over to my good friend. He and I came to the Senate together and sit on the Armed Services Committee together. We have had many debates. The records are full. If the Senator would, take a look at that and see whether or not my analysis of your State is correct. But as I listened carefully, the Senator made the representation to the Senate in his remarks that there are some States that will get less money than they would under the underlying bill.

Mr. LEVIN. That is not correct. The Senator is not correct. I said about two-thirds of the States get a smaller percentage under the amendment than they do under the underlying bill. I will give the Senator some examples and have them printed in the RECORD.

I believe this chart comes from the Federal Highway Administration. I think every State gets more money because there is a significant amount of money that is added to the pot. My statement is that about 38 States get a smaller percentage of a larger pot than they did.

Mr. WARNER. Let's talk about the pot. You are addressing the amendment that is pending before the Senate which we refer to as an add-on to the underlying bill.

Mr. LEVIN. That is correct. The pot I refer to is the total pot after the add-on. I am saying under this chart of the highway administration, this came in yesterday.

Mr. WARNER. I have a copy.

Mr. LEVIN. If you look at the right-hand column, at the minuses, looking at the 6-year percentages with the so-called "option," which is the committee amendment, 38 of the States have a little minus in front of them, meaning they usually get a slightly smaller percentage of the larger pot, which is represented by the amount of money totally there after the committee amendment is adopted. That is the reference I made.

Every State gets more money and every State—to put it very bluntly, say that Michigan contributes an additional $110 million to the highway fund in this larger pot. That $110 million of the delta, the extra money going into this pot, to enlarge it, comes from Michigan, and we get back $100 million. These are hypothetical numbers. That means we are getting back more money, right? But we have put in, actually, a larger share of money towards the amount that is going out.

My good friend from Texas, I am sure, would agree it is about time that the money that goes to the highway fund is distributed to the States. It is long overdue. We shouldn't be having surpluses built up from gas tax dollars which our people pay in order to build and maintain highways. That is long overdue.

My point here, however, is that of the extra amount of that $26 billion that the committee adds, say Michigan's share of that $26 billion is $110 million—I am making up numbers here—and if we get back from that extra amount $100 million, the answer is, yes, we are getting back more than we did under the underlying bill, but it still could be a smaller percentage of the total than we would have gotten under the underlying bill.

Mr. WARNER. Mr. President, I will yield momentarily.

Let's see if we can narrow the Senator's concern. The Senator's concern is not with the underlying bill; it is the manner in which the funds were allocated, roughly $6.9 billion to five programs, and that $6.9 billion coming off of the total $25.8 billion, is that correct?

Mr. LEVIN. The answer is correct. The questions that I have are relative to the amendment that we don't have the information on.

Mr. WARNER. The Senator expresses at the moment some disagreement as to how the committee took the total of $25.8 billion, then took a sum of $6.9 billion and allocated it to five programs; basically, is that the area in which the Senator has disagreement?

Mr. LEVIN. No, I have questions in that area. I don't have a disagreement until I get the information, and then I may or may not have a disagreement.

Mr. WARNER. And that hopefully is forthcoming.

I yield the floor.

Mr. GRAMM. Mr. President, our dear colleague from Michigan reminds me of the drowning man that is on the verge of going down for the third time and we have thrown him an inner tube and he is complaining that he has to swim a little to get to it.

Mr. LEVIN. Will my friend yield for a quick comment?

Mr. GRAMM. I never stop in the middle of an analogy.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas has the floor.

Mr. LEVIN. If the Senator might yield.

The PRESIDING OFFICER. I remind Senators to address each other through the third party. The Senator from Texas has the floor.

Mr. GRAMM. I will get to the point because I'm basically trying to answer questions the Senator raised.

Let me go back to his made-up example. Currently, every taxpayer in America who pays gasoline taxes is basically being cheated out of 25 cents on the dollar on average of what they pay in because it says right on the pump the money is going for highways and it's not. This amendment, over a 6-year period, eliminates that problem.

The Senator from Michigan is saying if Michigan taxpayers now paying 4.3 cents per gallon are currently paying $110 million in gasoline taxes in that tax, what if this amendment only gives Michigan $100 million to build roads from this 4.3 cents per gallon. It seems to me you don't have to have studied high mathematics to understand that Michigan is a lot better off getting $100 million of the $110 million than they were getting zero from the $110 million.

When you look at the formula, because of the makeup of the National Highway System, there are many States that will not get every penny of it back to their State but they are going to be substantially better off than they are now and a tremendous amount of the underlying inequity will be fixed. That is the first point I wanted to make.

The second point I want to make is in terms of offsets, where we are going to cut other programs to pay for this, that we are going to decide those offsets in the budget. Every Member of the Senate will have an opportunity to vote on that.

Before we weep too much about the offsets, I go back to my example of the rustler who has been stealing our cattle by taking 25 cents out of every $1 in gasoline tax and spending it on something else. It may be that in the process someone discovers that this rustler actually gave money to the First Baptist Church, but are we going to argue that we don't want to stop rustling because a rustler contributed money when the plate was passed at the First Baptist Church? The point is, we have to take the money away. That money should never have been there in the first place. This money should have been spent on roads from the beginning.

Finally, before I yield to the Senator, and I will be happy to do it or yield the floor and let him have the floor, what I will try to do not just for the Senator from Michigan but for all of our colleagues, I will try to explain some of the logic of the underlying bill. I'm not on the committee but I have studied the thing and understand it so that Senator BYRD and I could write our amendment with Senator BAUCUS and Senator WARNER, so, in fact, I find myself in possession of information that I never wanted to have to begin with but I think it is relevant to this whole debate. I don't think people really understand how the highway program works. Maybe as one who is a new possessor of this knowledge, I find it really reflects on this whole problem we are dealing with.

Let me try to very briefly deviate from my background as a schoolteacher, and be brief. Let me try to run through it and then explain the games that people can play if they chose to. Since the beginning of our highway program, we have had a general rule of thumb, and that has been a division of money from the highway trust fund. That portion that goes to highways has gone into two pots. One pot is money that is available nationally under an account that is overseen by the Secretary of Transportation and the National Highway Administration, and that has normally been roughly 10 or 11 percent, total. That has focused on individual priorities and a series of concerns that have not generally been dealt with by the allocation to the States. The other 90 percent has gone to the States. This is not a new invention with this bill. It has been true in every highway bill that we have had. It is true in this bill.

Now, I could personally go through this bill and take the 10 percent of items that will be funded under the national account and say there are a lot of these programs that I am not for. I don't want to create sadness by talking about what they are, but the point is, since they deal with concerns for a big country, and Texas is one piece of it—the most important piece, the largest piece—and shares more interest in common with the country because we have more diversity than anybody else, it is true that we have money for building roads on public lands. We are blessed in Texas in that we were a country first so we have virtually no public lands. We never thought it made sense when we came into the Union to have the United States own our State. So we will get virtually no money out of the account that is available for building highways on public lands. It is a little over $1 billion, if my memory serves me right.

Now, I could stand up here and say, "Look, Texas has got no public lands to speak of. We are not going to get a penny out of that $1 billion." The point being, like the distinguished Presiding Officer who is from a Western State, he didn't choose to have the Federal Government own a huge chunk of his State. Probably over half the land in his State is owned by the Federal Government. I feel sorry for him. I don't think it is right. I would like to see some of that land back in private hands, I say to the Presiding Officer. The point is that is part of a national system. The Presiding Officer can't help it that the Federal Government owns over half of his State.

So, to adjust, in the 10 percent of the bill, we have a whooping $1 billion that his State will benefit from, and my State won't benefit. We won't get any of the money. Now, I could do a chart that says you eliminate that program for funds to be spent on public lands and I could show Texas gets more money. I can show that Virginia gets more money. We have money in here for roads on Indian reservations. We had the most bitter part of the Indian wars in my State. We had Apaches and Comanches raiding our capital in the 1870s. We have only a couple of tiny, little Indian reservations in Texas. Oklahoma has vast quantities, as does Arizona.

Now, I could stand up here and say, well, look, by building roads on Indian reservations, you are not doing anything for Texas. I could take that billion dollars for roads on Indian reservations in the 10 percent national account in the bill—I could strip it out and say, look, you distribute it to all the States, and every State will gain. In fact, you would probably get 40 of the 50 States in the Union that would gain if you did that. But is that how you write a national highway bill?

So the point I am making is that to single out parts of the 10 percent and say that if we eliminated them, we could have more to give the States, look, if I were writing the highway bill by myself, I would not even have the 10 percent. I would give all of it to the States. But I am not writing the highway bill by myself. What I am trying to explain to people is that when you are singling out programs like the Appalachian Regional Highway Program, you are singling out a program that has been in every highway bill since 1965. The money that is being provided is actually a smaller percentage of the overall bill than President Clinton requested. The amount of money being provided is a smaller percent than was spent under the last highway bill, when you add up all the expenditures.

This is a program that became the law of the land in 1965. The program is on the verge of moving toward completion. You can single it out if you want to, but how is it less meritorious than building roads on public lands? How is it less meritorious than building roads on Indian reservations? It's part of a series of national priorities.

Now, in case you don't know much about geography, Texas is not part of Appalachia. My State doesn't benefit one bit from that provision. But the point is, it has been part of every program since 1965, and it is part of this 10 percent overhead to deal with specific programs. So if we could go back and reinvent the world, change the whole highway system, this logic would make sense. But I think singling out a couple of programs when there are many others that are more vulnerable—and we can all play this game—in the end you don't have a highway bill.

Let me say, in terms of density, that I don't have to read very well to see that Texas, which has 3 of the 10 largest cities in the country, does not benefit a nickel—not a penny—from this density thing. Where did this density thing come from? First of all, I am not accepting any responsibility. I am not on the committee. I would love to take it out. But what is it trying to do?

Well, the old highway bill was written under the 1980 census, which was outrageous. It happened because the House has been, until the last reapportionment, dominated by the East and Midwest. All of our formulas are rigged to take money away from the South and the West and give it to the East and the Midwest. We all know it. We are beginning to fix it with this highway bill. But as a result of getting rid of the 1980 census, which is only 18 years old, by doing that we are going to have some States that are substantial losers, and our colleagues are going to have to go back to their States and say that in the highway bill we really got a dramatic change relative to the old bill, basically because people voted with their feet to move off to California, Texas, Virginia and Georgia.

What this whole density provision is about is trying to cushion the blow to those States. So I could offer an amendment—as apparently is being contemplated by others—to say, strike this density provision. Let me look here before I say that. Virginia gets nothing out of the density provision. I will mention one more. Rhode Island gets nothing from the density provision. So we could offer an amendment to strike the density provision and give that money to other States, and we could show that 40 States of the Union benefit and only 10 or 15 lose. But the purpose was to write a bill that every State in the Union can live with, and where people, in good conscience, can go home and say that given where we are, given the growth pattern of the country, we did as well as we could expect to have done, given what has happened to the population in the country and the movement of population.

So I want to urge my colleagues to understand that we have always had a division of roughly 90–10 in the funds for national priorities and to the States. I wish we had no 10 percent, but we do, and we always have. Singling out specific programs is simply not fair when we look at the other programs, whether it's building roads on Indian lands or public lands, simply because we have no Indian lands in our State, or we have no public lands to speak of in our State. We need to understand what a national highway bill is about is dealing with those things.

I want to conclude by going back to ARC. I know more about ARC than I ever started out wanting to know, given that I am not from there. But I have had the privilege, in the last year, of working with a man who is very much committed to Appalachia. When Senator BYRD was born in Appalachia, it was a big red letter banner day for Appalachia and for West Virginia. He cares about this program intensely. So people look at this and say that is a good and ready target. There are only 13 States in Appalachia, and that means there are 26 Senators. Again, when you take 100 and subtract 26, you get more than a majority.

I want to be sure that everybody understands the following points:

No. 1. Appalachia has been part of the national section of this bill, in one form or another, since 1965. I guess Senator BYRD was the only person who was here in 1965 and who voted for it, but it passed and it's the law of the land.

No. 2. We have a smaller percentage of the amount of money we are spending in this bill going to Appalachia than the President asked for. We have a smaller percentage of this bill going to Appalachia than was actually funded over the last 6 years as a result of the appropriations process and the old bill, and so anybody who thinks that this is some new program that has been put into this bill, that is providing money that was not there over the last 30 years, or that somehow it is providing more money as a percentage of the bill than we had in the past, is simply wrong.

I urge my colleagues, if you are going to single out one little program, remember that everybody can play this game, whether it's Indian land roadbuilding or public land roadbuilding, or 25 other categories; we can each pick some part of the bill that does not benefit our State and we can try to take that part away to add money to the formula. But the truth is that this roughly 90–10 formula has been in place throughout the whole history of the highway bill, and, in fact, if you knocked out this program and didn't change the makeup of the highway bill, the Secretary of Transportation would decide where the money is spent and would probably spend it on exactly the same thing.

So I wanted our colleagues to understand how the bill is made up, and I think that, other than the handful of people on the committee, people don't know. So it looks like some giant conspiracy against them when, in fact, if you look at the totality of it, it makes sense. Since we all resent deals we are not part of—I certainly do—these deals they put together in committee look mysterious. But I think if you understand how the bill has evolved over the last 30 years and how it is made up, it is pretty reasonable, again, for the kind of work we are doing.

I wasn't trying to get into a debate with the Senator from Michigan. I am from a big-time donor State. My State, under the old highway bill, got back 77 cents out of every dollar. We are going to get back 91 cents out of every dollar in this bill, and I rejoice. It is progress. In the future, when we build a vast North-South interstate system to go with our East-West system, maybe in the next highway bill, people will be standing here saying that Texas is getting back $2.12 for every dollar, because now you are building these interstates from Lubbock to Texarkana.

The point is, that is what a National Highway System is about. When it works in our favor, we are all quiet about it, hoping nobody notices. When it works against us, we scream to the heavens. That is how the system works.

I would be happy to yield the floor and let the Senator from Michigan speak, or answer a question. I didn't want to stop in the middle of my analogy, knowing how clever the Senator from Michigan was, knowing he would destroy it outright.

Mr. WARNER. Mr. President, I thank the Senator from Texas. It has been interesting. I may have made a mistake. Perhaps I should have taken the block of money that was to correct the inequity of the donor States and put it up there above the line as one of those programs. But it was a program. While not clearly identified above, it was a program. Let me give you some examples.

In the 1991 ISTEA I bill—I was a conferee and I was in the second row and was told to be quiet while the dominating chairmen, predominantly from the Northeast, controlled it. That bill came out, and Massachusetts got $2.45; Connecticut, $1.92; New York, $1.25; Maine, $1.23; New Jersey, $1.09; Pennsylvania, $1.16. The donor States: South Carolina got 72 cents; Missouri, 85 cents; Michigan, 80 cents; Mississippi, 83 cents; Virginia, 79 cents; Florida, 82 cents.

You bet I took a block of money and I straightened it out, together with the support of my distinguished ranking member, the senior Senator from Montana. We straightened it out. We took a chunk of money and balanced that thing out so that now, with the underlying bill, they get 90 cents—not these egregious disproportionate sums, but 90 cents.

With the amendment before us, we tried to allocate the dollars so the donor States came up—as many as we could—to 91 cents. Maybe one or two were a fraction under, about 90.8 cents. But that's what we tried to do under this bill. There it is.

I am going to put into the RECORD at this point a chart, in the battle of the charts now, to show all of the States and how they fared under the 1991 bill compared to the underlying bill at 90 percent.

I ask unanimous consent that the chart be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COMPARISON OF AVERAGE ANNUAL APPORTIONMENTS FOR VARIOUS SURFACE TRANSPORTATION REAUTHORIZATION PROPOSALS*

[In thousands of dollars]

State	ISTEA P.L. 102–240			Intermodal Surface Transportation Efficiency Act II S. 1173		
	$	%	% HTF	$	%	% HTF
Alabama	332,076	1.815	0.8181	440,984	1.997	0.9000
Alaska	212,284	1,160	4,5339	273,823	1.240	4.8445
Arizona	256,005	1.399	0.8110	342,955	1.553	0.9000
Arkansas	262,823	1.437	0.9944	293,697	1.330	0.9205
California	1,670,616	9.133	0.9046	2,020,441	9.150	0.9063
Colorado	200,876	1.098	0.8602	281,614	1.275	0.9989
Connecticut	352,884	1.929	1.9283	379,110	1.717	1.7161
Delaware	72,760	0.398	1.3807	103,788	0.470	1.6315
Dist. of Col.	92,104	0.504	3.9887	99,792	0.452	3.5799
Florida	768,405	4.201	0.8210	1,016,800	4.605	0.9000
Georgia	544,262	2.975	0.7638	774,165	3.506	0.9000
Hawaii	126,495	0.692	2.6738	131,960	0.598	2.3106
Idaho	125,018	0.683	1,2451	181,076	0.820	1.4939
Illinois	683,258	3.735	1.0105	734,596	3.327	0.9000
Indiana	408,059	2.231	0.8254	537,118	2.432	0.9000
Iowa	220,676	1.206	1.0352	291,408	1.320	1.1324
Kansas	210,018	1.148	0.9936	289,137	1.309	1.1331
Kentucky	285,474	1.561	0.8097	383,071	1.735	0.9000
Louisiana	264,040	1.443	0.8187	391,813	1.774	1.0064
Maine	117,708	0.643	1.2310	126,672	0.574	1.0974
Maryland	305,888	1.678	1.0020	332,751	1.507	0.9000
Massachusetts	830,024	4.537	2.4582	392,393	1.777	0.9627
Michigan	514,446	2.812	3.8023	696,628	3.155	0.9000
Minnesota	280,668	1.534	1.0733	330,117	1.495	1.0458
Mississippi	202,329	1.106	0.8345	278,518	1.261	0.9516
Missouri	404,387	2.211	0.8553	525,443	2.379	0.9206
Montana	161,661	0.884	1.8457	234,074	1.060	2.2139
Nebraska	142,252	0.778	0.9603	185,431	0.840	1.0369
Nevada	117,301	0.641	1.0027	161,202	0.730	1.1415
New Hampshire	88,413	0.483	1.1842	114,829	0.520	1.2741
New Jersey	521,026	2.848	1.0925	532,188	2.410	0.9244
New Mexico	178,413	0.975	1.1226	231,866	1.050	1.2085
New York	1,001,465	5.475	1.2562	1,126,672	5.102	1.1707
North Carolina	478,873	2.618	0.8336	624,113	2.826	0.9000
North Dakota	116,258	0.636	1.7645	161,202	0.730	2.0267
Ohio	655,612	3.584	0.9369	760,300	3.443	0.9000
Oklahoma	259,702	1.420	0.8421	347,988	1.576	0.9347
Oregon	212,793	1.163	0.8934	284,368	1.288	0.9890
Pennsylvania	889,978	4.865	1.1697	836,244	3.787	0.9104
Rhode Island	106,052	0.580	2.1089	128,078	0.580	2.1098
South Carolina	234,009	1.279	0.7246	350,872	1.589	0.9000
South Dakota	119,442	0.653	1,8165	172,243	0.780	2.1699
Tennessee	365,565	1.998	0.7947	499,764	2.263	0.9000
Texas	1,174,846	6.423	0.8396	1,520,201	6.884	0.9000
Utah	130,046	0.711	0.8311	190,431	0.862	1.0082
Vermont	79,486	0.435	1.4840	103,788	0.470	1.6052
Virginia	414,607	2.267	0.7970	565,171	2.559	0.9000
Washington	341,090	1.865	0.9506	405,928	1.838	0.9371
West Virginia	209,819	1.147	1.4239	225,365	1.021	1.2669
Wisconsin	352,373	1.926	0.9544	401,139	1.817	0.9000
Wyoming	115,092	0.629	1.3513	167,827	0.760	1.6323
Puerto Rico	81,874	0.448	N/A	101,332	0.459	N/A

COMPARISON OF AVERAGE ANNUAL APPORTIONMENTS FOR VARIOUS SURFACE TRANSPORTATION REAUTHORIZATION PROPOSALS*—Continued

[In thousands of dollars]

State	ISTEA P.L. 102–240			Intermodal Surface Transportation Efficiency Act II S. 1173		
	$	%	% HTF	$	%	% HTF
Total	18,292,630	100.0		22,082,486	100.0	

*Federal Lands Highway Program funds are excluded from this comparison.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. WARNER. Yes.

Mr. GRAMM. Listening to the Senator talk about eliminating the tremendous inequity in the 1991 bill, I think it would behoove every Member of the Senate, when they are looking at how well off they are under your bill with our amendment, to look at how they did in 1991 and see that each of the inequities that we chafe under are far diminished under your bill and, of course, knowing you represent Virginia, and listening to the fact that on the old highway bill you were sitting in the back room in obscurity and silence, and now you speak with such great clarity, it reminds me of the old saying in the part of the country we are from, which is, "Save your Confederate money, boys, the South will rise again."

Mr. WARNER. Before we invoke too much history here, it wasn't just the South; it was Michigan and some other States that were in the donor category. But I am going to put this on the table. So, when the call up yonder is taken here shortly on this amendment, you can see exactly where you fared under the 1991 bill compared to where you fare under this bill. And it is absolutely striking.

Again, I am back to try to be helpful among the several States. There stands 90 like a stone wall. We tried to get above 90 as best we could for as many donor States. And I think when the final charts come out, I can show you exactly where the donor States went under the recalculations that we get under the amendment.

But I thank the Senator from Texas. It was very interesting to listen to his rendition, which was accurate, or I would have interjected. It was accurate as to how these bills have been put through, through the years. And you can fault the ARC. My State happens to be a beneficiary. Therefore, when I speak in support of ARC, I do so think that Virginia is a beneficiary. It is proudly in the Appalachian corridor. But that program has been there since 1965. It was enacted by the U.S. Senate in conjunction with the House. As a matter of fact, I think it was William Jennings Randolph who was then chairman of the committee on which I am proudly serving, and now under the leadership of Senator CHAFEE and Senator BAUCUS. But that was at that time. And it is a program that is unfinished, as Senator BYRD pointed out, and hopefully this will take it almost to completion under this bill.

So I thank the Senator from Texas.

Mr. President, if there are other Senators desiring to speak, I will yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

First, let me assure my good friend from Texas that I agree with most of what he said, including the reference to Senator BYRD, as not only a red letter day for West Virginia when Senator BYRD came to the Senate, but it was a red letter day for the Nation and for the Senate when Senator BYRD came to the Senate. And his effort on behalf of the Appalachian Regional Commission is one that I think is a justified effort.

This is a national bill. I happen to agree with that. The Senator from Texas made reference to the fact that this is a national bill. This is also a complicated amendment. Those of us who have been in the donor status for decades want to understand. There are other Senators who would like to get the data that hopefully now the Transportation Department is providing us. But for those of us who have given tens of millions, totaling hundreds of millions of dollars, as donor States, based on formulas which cannot be justified in our eyes, we surely want to understand what these new formulas provide, and why.

I asked a question about the new density program. It is a new program. This is not one that has been in the law for some time like the ARC or the public lands. This is a new program based on density. How are those rules divided? For those of us who have dense areas in our States, why is it that we are not on the list while some others States are on the list? It may be a very good formula. It may be a fair formula, taken in context. But it is a new formula and one I surely want to understand since we have some dense areas in my State.

We have asked for some information. I think it is only fair that we get this information. It is going to affect how at least some of us may vote on this amendment. Speaking for myself, it is going to affect how I vote on this amendment. In some sense, we are better off. There is a 91 percent assurance, we are told, that is built into the law. That is an improvement over the past.

However, there are some disadvantages to the approach as well. One of the disadvantages is that we now are creating a very large uncertainty as to how these added funds are going to be paid for with other programs. We cannot solve that here. But we all have to understand that we are taking that risk. For those of us who are still in a significant donor position, even though it has improved over the last ISTEA, we have to weigh the risk of losing important discretionary programs against the improvements that we seek.

My good friend from Texas talked about throwing a lifeline to somebody who is drowning. Is this a 10-foot lifeline to somebody who is drowning 20 feet offshore? That is the question we have to analyze. Does someone in the position of representing a donor State vote for this because it is an improvement, with all the risks that are there? Or do we vote no on this because it still embodies for 6 more years an unfairness that we perceive?

All I am urging upon my colleagues is this: that surely fairness dictates, if not the outcome of formulas, we be given information upon which we wish to rely in voting on an amendment in a bill. As I said, I may vote for this amendment, I may vote for the bill, but we want information to help us make that judgment. For those of us who have been in a donor State position for decades, it seems to me that this is a fair thing for us to ask and a fair thing for us to expect.

I have no need to talk longer on this. I do have a need to get the information which will permit me to make that assessment, which I have referred to.

I will suggest the absence of a quorum, unless there is somebody else who wishes to speak, in order that we can now visit with the transportation people and obtain that information that we have been waiting for.

Mr. President, unless there is somebody else who wishes to address the body at this point, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the chart that I referred to of the Federal Highway Administration be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1998–2003—ISTEA II ADDED FUNDS APPORTIONED BY NET ISTEA II PERCENTAGE

[Dollars in thousands]

State	Average annual apportionments allocations for ARC & Density, and bonus payments		Dollars, Delta	Six-year percentages		
	S.1173, 6-yr	Option, 6-yr		S.1173, 6-yr	Option, 6-yr	Delta
Alabama	140,999	543,453	102,454	1.9970	2.0819	0.0850
Alaska	273,832	312,932	39,099	1.2400	1.1988	−0.0412
Arizona	342,967	404,698	61,731	1.5531	1.5504	−0.0027
Arkansas	293,707	335,644	41,937	1.3300	1.2858	−0.0442
California	2,020,393	2,372,013	351,621	9.1490	9.0871	−0.0619
Colorado	281,603	321,812	40,209	1.2752	1.2329	−0.0423
Connecticut	379,110	433,131	53,021	1.7167	1.6593	−0.0574
Delaware	103,791	118,611	14,820	0.4700	0.4544	−0.0156
Dist. of Col.	99,792	114,042	14,250	0.4519	0.4369	−0.0150
Florida	1,016,835	1,214,381	197,546	4.6046	4.6523	0.0477
Georgia	774,191	914,267	140,076	3.5058	3.5025	−0.0033
Hawaii	131,987	150,818	18,831	0.5977	0.5778	−0.0199
Idaho	181,083	206,939	25,856	0.8200	0.7928	−0.0272
Illinois	734,622	884,279	149,658	3.3266	3.3876	0.0610
Indiana	537,137	633,817	96,680	2.4323	2.4281	−0.0042
Iowa	291,411	333,019	41,608	1.3196	1.2758	−0.0438
Kansas	289,146	330,434	41,288	1.3093	1.2659	−0.0435
Kentucky	383,084	473,511	90,427	1.7347	1.8140	0.0793
Louisiana	391,895	447,919	56,023	1.7746	1.7160	−0.0587
Maine	126,698	144,810	18,112	0.5737	0.5548	−0.0190
Maryland	332,762	414,089	81,327	1.5069	1.5864	0.0795
Massachusetts	392,383	478,422	86,039	1.7768	1.8328	0.0560
Michigan	696,652	822,044	125,391	3.1547	3.1492	−0.0054
Minnesota	330,122	377,264	47,142	1.4949	1.4453	−0.0496
Mississippi	278,522	322,152	43,630	1.2612	1.2342	−0.0271
Missouri	525,467	600,512	75,045	2.3795	2.3005	−0.0789
Montana	234,082	267,506	33,424	1.0600	1.0248	−0.0352
Nebraska	185,430	211,902	26,472	0.8397	0.8118	−0.0279
Nevada	161,208	184,226	23,018	0.7300	0.7058	−0.0242
New Hampshire	114,833	131,229	16,396	0.5200	0.5027	−0.0173
New Jersey	532,206	638,198	105,991	2.4100	2.4449	0.0349
New Mexico	231,874	264,982	33,108	1.0500	1.0151	−0.0349
New York	1,126,664	1.324,725	198,061	5.1019	5.0750	−0.0269
North Carolina	624,134	744,883	120,748	2.8263	2.8536	0.0273
North Dakota	161,208	184,226	23,018	0.7300	0.7058	−0.0242
Ohio	760,326	916,776	156,450	3.4430	3.5121	0.0691
Oklahoma	348,008	397,705	49,697	1,5759	1.5236	−0.0523
Oregon	284,363	324,966	40,603	1.2877	1.2449	−0.0428
Pennsylvania	836,421	1,054,347	217,926	3.7876	4.0392	0.2516
Rhode Island	128,083	146,371	18,288	0.5800	0.5607	−0.0193
South Carolina	350,884	413,990	63,107	1.5889	1.5860	−0.0029
South Dakota	172,249	196,844	24,595	0.7800	0.7541	−0.0259
Tennessee	499,781	615,535	115,754	2.2632	2.3581	0.0949
Texas	1,520,253	1,793,886	273,632	6.8842	6.8723	−0.0119
Utah	190,417	217,615	27,198	0.8623	0.8337	−0.0286
Vermont	103,791	118,611	14,820	0.4700	0.4544	−0.0156
Virginia	565,190	699,238	134,048	2.5594	2.6788	0.1194
Washington	405,917	463,879	57,962	1.8381	1.7771	−0.0610
West Virginia	225,413	305,472	80,059	1.0207	1.1703	0.1495
Wisconsin	401,153	473,357	72,204	1.8165	1.8134	−0.0031
Wyoming	167,833	191,797	23,964	0.7600	0.7348	−0.0252
Puerto Rico	101,332	115,802	14,470	0.4589	0.4436	−0.0152
Total Apportioned	22,083,248	26.103,083	4,019,835	100.0000	100.0000	

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I take the floor because we are presently in a quorum call and I thought it might be a good time for me not to overly impose on the Senate, since the Senate is not having any debate at the moment anyway.

Mr. President, Sir Francis Bacon, who was the Lord Chancellor and who ultimately went to the Tower—he wasn't executed, but he went to the Tower. In 1621, he was impeached and he was sent to the Tower for accepting bribes, which he admitted. He said there are three things that make a nation great and prosperous: a fertile soil, busy workshops, and easy conveyance for men and goods from place to place.

The Persians knew the importance of good roads, and had a network of roads that connected Susa and Ecbatana and Sardis and Babylon and Nineveh and Carchemish. Cyrus the Great was the king of Anshan in 559 B.C., and he became the king of all Persia when he defeated the Medes in 550. From 550 B.C. until 529 B.C. Cyrus ruled. Cyrus was killed in a battle with the Massagetai, whose ruling queen was named Tomyris—Tomyris. It's a very interesting story.

Herodotus, the author of history, tells us about it. I won't repeat that part today. Cyrus was killed in 529 B.C. and Cambyses, his son—Cambyses II—ruled from 529 to 522 B.C. Then Darius the Great ruled from 522 B.C. to 485 B.C.

Darius the Great—and Herodotus tells us this—Darius became king upon the neigh of a horse. He and some others joined in a conspiracy and assassinated an imposter to the throne. Upon the death of the imposter, these seven conspirators, of which Darius was one, decided they had to make a decision as to who would rule. They had a very interesting discussion about democracy and aristocracy and monarchy. Herodotus tells us all about it. It would be interesting for Senators to read that, or to reread it in the event they have already done so.

In any event, they decided at sunrise they would go out into the suburbs, these several conspirators, and that the first horse that neighed, the rider of that horse would be king of Persia. Darius subsequently told his groom, Oebares, about this and said, "This is what we have agreed upon. Do you have any ideas?" Oebares said, "Yes, don't you be concerned about it. Your horse will be the first to neigh."

That evening, Oebares took the favorite mare of Darius' horse into the suburbs and tied her to a tree. He then took Darius' horse to where the mare was tethered, and, after a little while, returned with Darius's horse into the city for the night. The next morning, Darius and the other conspirators rode out into the suburbs with their horses. As they came near to the area where the mare was still tethered, Darius' horse neighed. The other conspirators immediately fell down upon the ground and proclaimed Darius to be the new king of all Persia. This is according to Herodotus.

Darius the Great built great roads. The Egyptians knew how to build good roads, the Etruscans, the Carthaginians, but the Romans were the truly great roadbuilders. Some of the roads and bridges that the Romans built hundreds of years ago are still in use. Many Senators who have visited Rome and have gone out to Tivoli—a few hours drive—have traveled the Old Appian Way, which was built by Appius Claudius Caecus, beginning in 312 B.C. and extending from Rome to Capua and on to Brundisium. The Romans knew how to build roads. They understood that in the center of the road there had to be a crown so that the water would drain off on each side and that on each side there had to be a ditch for the runoff water. These roads enabled the Roman legions to reach any part of the vast Roman empire. The Romans were great roadbuilders. And they built bridges, some of which are still in use today.

Now, roads in our time are very important and we have heard the expression that America is a country on wheels. People are on wheels. They are going hither, thither and yon at all times.

The Department of Transportation has indicated that the highways in all of the national system have deteriorated and that only 39 percent of the highways in the national system are in "good" condition.

We now have this highway bill that has come to the floor and we have already discussed the amendment, how it came about, and the meetings that took place in the majority leader's office. I said before and I say again, the majority leader performed a tremendous service in inviting those who were participants in the discussions, inviting them to his office and sitting with us each day, assisting us in reaching an agreement which now takes the form of an amendment to the ISTEA II bill, the Intermodal Surface Transportation Efficiency Act.

I came into these meetings, in a way, as someone out of the highways and hedges. I am not on the Environment and Public Works Committee. I am not on the Budget Committee. The Environment and Public Works Committee has jurisdiction over this legislation. I am not on that committee. Mr. BAUCUS is the ranking member of that committee. Mr. CHAFEE is the chairman. Mr. WARNER is a member of that committee and is chairman of the Transportation Subcommittee of that committee. Mr. DOMENICI is chairman of the Budget Committee, and Mr. GRAMM of Texas is a member of the Budget Committee. Those were the participants. I believe Mr. D'AMATO sat in on one or two meetings. He is chairman of the Banking Committee, which has jurisdiction over the mass transit moneys. That was not part of our amendment.

So, as I say, I was a stranger, in effect, to these meetings, not being a member of the committees that were directly involved. But I got into this thing because of Appalachia and because the moneys that were being deposited into the highway trust fund were not being spent for highways. And I talked with various Senators, upon one occasion with the Senator from Montana, Mr. BAUCUS. I said, "We need help on Appalachian highways." He said, "Well, we need more money, we need more money." I said, "OK, let's spend the money that is going into the highway trust fund. That is what the people think it is being collected for; let's spend it."

Mr. GRAMM of Texas had offered an amendment last year in the Finance Committee to transfer the 4.3-cent gas tax, of which 3.45 cents is for highways and 0.85 cent, or a little less than 1 penny per gallon, is for mass transit.

Mr. GRAMM had taken the bull by the horns and had, in the Finance Committee, offered an amendment, which was adopted, to transfer the 4.3 cents gas tax into the trust fund.

Senator GRAMM's amendment was later adopted by the Congress in the Taxpayer Relief Act. Congress adopted that proposal, and that money has been going into the highway trust fund but not being spent.

For those two reasons, I invited myself to the "party." I came up with this fine team of GRAMM, BAUCUS, and WARNER, and we all said, "Let's spend that money on highways and bridges," and we accordingly joined in sponsoring the amendment to do so.

That is how the Romans would have spent it. That is how the Etruscans would have spent it. I think that if Darius and the Persians were here today, they would say spend it on roads.

The four of us worked hard over a period of several weeks and months to get other cosponsors on the amendment. In the final analysis, we got 54 cosponsors in all. The day we reached an agreement on the amendment, may I say to the Senator from Montana, Mr. BAUCUS, I received a call from a 55th Senator saying, "I want to get on that amendment."

So it is never too late—never too late, never too late—to go to the altar, never too late to get religion, never too late to join in a good cause.

There were several Senators who said they did not want to cosponsor the amendment for various reasons, but if it came to a vote, they would support the amendment. I hope that will be the case.

This bill does not please everybody. I have not talked about Appalachia because I sense that there is a tendency for some people to think that I am only interested in Appalachia. However, I listened to Senator GRAMM just a little while ago make an excellent case for Appalachia.

Many times I have read Daniel Webster's reply to Senator Hayne of South Carolina on Tuesday and Wednesday, January 26 and 27, 1830. It was on January 26 and 27 that Webster took the floor in the old Chamber just down the hall and made his magnificent reply to Senator Hayne of South Carolina.

Many of the schoolboys in this country years ago memorized those speeches by Webster. We used to do those things. Webster spoke from about 12 pages of notes, one of the great, great speeches of all time, perhaps not the greatest. Demosthenes in his oration on the Crown probably delivered the greatest oration of all time. Cicero was once asked which of Demosthenes' speeches he liked best, and he said, "The longest."

Webster, in his debate with Hayne, made my case concerning "a road over the Alleghanies." I have quoted him a number of times over the years. I will not do that today. The record has been made.

But I could not have said it better than did Senator GRAMM earlier today.

So much for Appalachia at this point. I came here today to speak on the overall amendment. The adoption of this amendment signals a critical milestone in restoring integrity to our highway trust fund and the trust of the traveling public—the trust of the traveling public in their Federal Government. You drive up to the gas tank and you buy gasoline; you pay 18.3 cents on every gallon of gasoline in Federal tax—18.3 cents.

The ranking member of the Environment and Public Works Committee, who knows a lot about these things—I am not supposed to know a lot about this subject; don't know a lot about anything probably, not as much as I used to know on many subjects.

The Senator from Montana will correct me if I make a misstep here. The American people when they drive up to that gas pump see the little cylinder running round and round and round, and they know that the gas is flowing out of that nozzle into the tank of their car. As that cylinder rolls, the gas is pouring out of the nozzle. In their mind's eye, they should also see that as that cylinder rolls and the gas flows into the tank, there is also money flowing from their purchase into the highway trust fund. Just as the cylinder rolls, that money is flowing right into the highway trust fund.

So, there is 18.3 cents on the gallon that they pay in Federal tax. As Senator GRAMM has put it a number of times—the only part we are talking about here is the last 4.3 cents permanent gas tax that was added by the Congress—we are not talking about the cattle that were rustled before the 4.3 cents tax was enacted, we just want you to stop rustling the cattle.

In any event, we are talking about the 4.3 cents. Actually, in our amendment, we are talking about the 3.45 cents of that 4.3 cents, and we say that the people believe that that money is going into the construction and repair and maintenance of the highway system.

That trust fund was created in 1956. I am probably the only Member of the Senate who was in Congress at the time that trust fund was created. That was during the Eisenhower administration, when the interstate system of highways was created, all of which has been completed. That trust fund is what we are talking about. The 4.3 cents gas tax is going into the trust fund, and it should be spent on highways.

My colleagues and I who cosponsor this amendment are simply saying let's keep faith with the American people.

Senators GRAMM, BAUCUS, WARNER and I have toiled mightily over these last several months to boost the resources available over the next 6 years to better meet the needs of our Nation's transportation infrastructure and better spend the resources that are collected from the public and deposited in the highway trust fund.

Over the last several years, spending on our Nation's highways has been restricted so severely that the highway account of the highway trust fund now shows an unspent balance of more than $12 billion, money that sits idle in the trust fund, serving only the purpose of offsetting the Federal deficit at a time when our roadways and bridges are deteriorating at a rapid rate and our constituents are required to sit in ever-worsening traffic jams.

This past summer, the Senate adopted the Taxpayer Relief Act of 1997 which, through the efforts of my colleague Senator GRAMM, took the 4.3 cents gas tax initially levied for deficit reduction and moved that revenue into the Highway Trust Fund. As I indicated earlier, of that 4.3 cents, 3.45 cents was newly-deposited into the highway account of the highway trust fund. However, the ISTEA II bill reported by the Environment and Public Works Committee, S. 1173, did not authorize one penny—one penny—of that additional revenue to be spent on our Nation's highways and bridges. It was at this time—part of this is a repetition of what I have said earlier—it was at this time that Senator GRAMM and I joined forces to mount a campaign to amend the committee bill so as to allow the spending of the resources of the 4.3 cents—spend it.

We were very pleased to be joined in our efforts by Senators BAUCUS and WARNER, respectively, the ranking member and chairman of the Surface Transportation Subcommittee.

It has been a vigorous battle that we have waged here over the past several weeks trying to gain the minds and the hearts of other Senators. Up to one week ago we had 54 cosponsors, and then we got a 55th one. But we were faced with very able adversaries in these meetings in Senator LOTT's office—very able adversaries in Senator DOMENICI and Senator CHAFEE.

One week ago, the majority leader, Mr. LOTT, invited us to his chambers in an effort to negotiate a compromise on this issue. And I have commended and will commend again the fair-minded manner in which the majority leader presided over those negotiations.

Senators BAUCUS and GRAMM and WARNER and I were not inclined to negotiate a solution that in any way abandoned our principle of authorizing the spending of the revenue in the highway account of the highway trust fund. And we made that point very clear. Even so, there were other factors that appropriately were brought into the discussion and merited the attention of all participants.

Specifically, the Congressional Budget Office has reestimated the revenue stream of the 4.3 cents coming into the trust fund, as well as the overall cost of the committee-reported ISTEA bill. It also reestimated the total amount of new revenue coming into the trust fund over the life of the next highway bill, 1998–2003. The changes reflected in this amendment, in comparison to the original Byrd-Gramm-Baucus-Warner amendment, largely reflect the appropriate differences in CBO's estimates.

The original Byrd-Gramm-Baucus-Warner amendment authorized $30.9 billion, an amount equivalent to CBO's original estimate of the revenue to the highway account of the trust fund for the period, fiscal years 1999–2003. CBO reestimated this revenue stream to be a level of $27.4 billion. This amendment that we are cosponsoring, that we are presently considering today, totals $25.9 billion of the $27.4 billion that we had asked for. So we came down from $27.4 billion to $25.9 billion. And, as such, this amendment covers 94 percent of our initial goal.

Now, Mr. President, I have been in several high-level negotiations in my public career of 52 years. It is rare that I am offered 94 percent of my original position and, as such, I, along with Senators GRAMM, BAUCUS and WARNER, embraced this final compromise. And as was true under the Byrd-Gramm-Baucus-Warner amendment, every State—every State; every State; every State—will see substantially increased highway funding authorized in this bill.

Now, we brought money to the table. And I can understand how everybody now wants a chunk of that money that we brought to the table. And they should have a chunk. I came to the Senate from the House of Representatives when there were 48 States in the Union. And when I was sworn in on January 3, 1959, the two Alaska Senators were sworn in with me. There were 96 Senators, and those two Alaska Senators that were sworn in with me made 98 Senators. Later that year, the two new Hawaii Senators came in to make a total of 100 Senators.

Well, 50 States in the United States are benefiting under this amendment. I wanted to see the tide rise for every State—the tide would rise and lift the boats for all the States. I wanted to see that money taken out of the trust fund and spent for highways and bridges in all 50 States.

And I wanted the people of Appalachia, who have waited 32 years, to see their boats rise. I wanted to see a consistent, secure source of funding for those Appalachian highways. Appalachia consists of 13 States, 200,000 square miles, 22 million people in Appalachia. We are all concerned about helping the disadvantaged and minorities.

Well, here is a whole region of people, stretching from southwest New York down the spine of the Appalachians into northern Mississippi and Alabama, people who have been disadvantaged. Yes. We are also a minority in some ways, a minority of people for whom the general prosperity of the Nation has not been fully enjoyed.

I was here when Congress passed the legislation authorizing the Appalachian Development highway system in 1965. For the entire Appalachian region, 78 percent of the highways have been completed—78 percent. In West Virginia, only 74 percent of the Appalachian highways have been completed. West Virginia is the only State among the 13 States that is wholly within Appalachia.

The people of Appalachia have been promised this a long time. It, too, is a part of the Nation.

So, out of the roughly $26 billion in our amendment, yes, $2.5 billion is for Appalachia. Not just for West Virginia, but the 13 States of Appalachia. I am proud of Appalachia, proud to be a West Virginian. I asked for only a small portion, $2.5 billion, for the 13 Appalachian States, and all the rest of the money that I helped to bring to the table can be spread throughout the 50 States.

Every State—every State—will see substantially increased dollars as a result of this amendment. Moreover, Senator DOMENICI's participation in these negotiations has given rise to an understanding that additional outlays will be found through the budget resolution to enable the Appropriations

Committee to fund these additional authorizations.

I thank Senator DOMENICI, who brought his considerable expertise on budgetary matters to the negotiating table. Here is a little bit more about Appalachia. I have already spoken about Appalachia, but I will read it. It won't take long.

Regarding the Appalachian Development Highway System (ADHS), I have worked long and hard to secure contract authority authorizations for the program in the new highway bill.

Let the States in Appalachia draw down contract authority from a reliable source of funds and complete their system, and in doing so, they, too, will lift all the books of the Nation.

In January of 1997, over a year ago, I visited the President in the Oval Office and urged him to include contract authority authorizations for the Appalachian Highway System in his ISTEA II proposal. He expressed his support for my position and, subsequently, did include $2.19 billion in contract authority in his ISTEA II proposal.

Under the agreement that has been reached, authorizations of contract authority for the Appalachian Highway System will result in a total of $2.19 billion in authorized contract authority over the six years, 1998–2003. This is the same amount as requested by the President, a compromise which I am willing to accept.

Let me emphasize that these funds will not be earmarked in any way. They will be allocated to the states on the basis of the mileage yet to be completed and on the cost to complete that mileage.

At markup the day before yesterday, the Environment and Public Works Committee utilized the new resources that were agreed to in the negotiations to satisfy the concerns of several other members from several other regions of the country. The amendment includes additional authorizations for the donor states, for parks and refuge roads, and for a new "density" program.

As I say, each of us would like to have more in this bill. I don't watch TV very much. I am very selective about what I watch on that magnificent medium, but I do watch these presentations that come along from time to time that show us what is happening out in animal country. I see a group of animals chasing another animal. I see the powerful lion, a herd of lions, and they are stalking, stalking, stalking a poor gazelle, a zebra, or some other animal. Finally the lion—ah, the king of beasts!

I remember the old fable in which a fox and a lion were having a discussion, and the fox said, "Look, I have many whelps, and you have only one." The lion answered and said, "Yes I have only one, but that is a lion."

The lion closes in for the kill. The lion attacks the victim, and then all the other lions rush in and seize a share of the kill. They want in on the kill. That is like it is sometimes in politics.

I hope that with the adoption of this amendment the Senate will move rapidly to debate the remaining amendments to the bill so we can ensure the earliest possible opportunity to send a comprehensive 6-year transportation bill to the President. I remind my colleagues that, including today, there are 33 sessions remaining through May 1. Come the stroke of that clock, 12 o'clock midnight on May 1, no State can obligate an additional dollar for highways. We have to move rapidly to adopt a highway program. We must remember that our colleagues in the other body have yet to act on a 6-year highway bill. With the breaking of this logjam, I hope our colleagues in the other body will move expeditiously to pass a robust multiyear highway bill that meets or exceeds the levels authorized here today so that the authorizing committees can get to conference and send a bill to the President prior to May 1.

Before I yield the floor, I want to thank sincerely our minority leader, Senator DASCHLE, who carefully monitored our progress and supported our efforts. Again, I thank my principal cosponsors, Senators GRAMM, BAUCUS and WARNER. We did not allow ourselves to be divided in this effort, and the level of funding in this amendment reflects the success we enjoy by remaining united.

Finally, let me thank Senators DOMENICI and CHAFEE, two fine committee chairmen, who are equally able today as allies as they were as adversaries at an earlier time. This is an important bill to you who are listening and watching via television and radio. This is for you and it is for your children—your children.

An old man traveling a lone highway
Came at evening, cold and gray
To a chasm vast and wide and steep,
With waters rolling cold and deep.
The old man crossed in the twilight dim;
The sullen stream held no fears for him.
But he turned, when he reached the other side,
And he built a bridge to span the tide.
"Old man," said a fellow pilgrim standing near,
"You are wasting your strength in building here.
Your journey will end with the passing day,
And you never again will travel this way.
You have crossed the chasm deep and wide;
Why build you a bridge at eventide?"
The builder lifted his old gray head.
"Good friend, in the path I have come," he said,
"There followeth after me today
A youth whose feet must pass this way.
This chasm, which was but naught to me,
To that fair youth might a pitfall be.
He, too, must cross in the twilight dim.
Good friend, I am building this bridge for him."

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I know the time is running out on the debate on this major amendment, the amendment that is in the nature of a substitute. But I wanted to take about 5 minutes and express my views about it.

Frankly, it is common knowledge around here that I was not in favor of moving quickly with the ISTEA bill. But clearly, we are ready now. We have had ample opportunity to discuss how much money is coming into the trust fund from the 4.3 cents, how much contract authority ought to be obligated to use it up during the next 5 years. Part of that would be in 1998. So it is a 6-year cycle. We arrived at a conclusion that is pretty clear and pretty close to fair, in my opinion. In fact, I think it is about as well as we can do.

America needs highways. The U.S. Government has a lot of programs it is involved in that are not its responsibility. But there is no question that it is the responsibility of the Federal Government to appropriately handle the gasoline tax money and to let our States build roads with it. So, in a very real sense, it is a very high priority, because for many things that we spend money on, we are not, in a sense, as trustees, obligated to spend money for those things. And there are scores of them.

So I have come to the conclusion that the dollar number of $173 billion as the total expenditure over the next 5 years is a right number, consisting of the gasoline tax of 4.3 cents which used to be in the general fund and is now in the trust fund. I believe it is going to help our States in many ways, and I think in many parts of the United States it is going to provide some very, very healthy employment where it is needed.

In addition, it seems to me that the chairman of the Committee on Environment and Public Works, with the able assistance of Senator BAUCUS as its ranking member, and the entire committee, all of whom have voted in favor of this amendment, have put together a very good cross section of the kinds of things we need in these changing times to carry out our responsibility with reference to this gasoline money and get some national programs that are necessary and put as much of it as we can—91 percent minimum—to every State, as I understand it, in return for their dollars so that they can begin this process of gearing up to build more roads. And they will take a little while for that. This is a very big increase. They are not going to be able to start next month with a maximum effort in this program. It will take the rest of this year and part of next year before it is actually built up to the maximum.

But I think the American people, probably on more than anything else we are going to be voting on around here—a broad cross section, not a little special interest or a sliver of our society, but a very broad cross section—want more roads, if we have gasoline tax money to pay for them. And many States have put their own gasoline tax on it and are even doing more.

There is nothing more frustrating for the people in my home State in a growing city to find out—already when we are not even 1 million in population—that their roads are clogged, the freeways are not working, and nothing causes them to wonder more what is going on in terms of planning and appropriate expenditure of resources. We are about to say to them that I think this is about as good as we can do, with all of the competing interests. This is about as fair a program for all of the sovereign States and for the kind of special highway research and the like that is necessary.

So from my standpoint, I am on the amendment. I wasn't on the original Byrd-Gramm amendment. We had some very lengthy debates trying to arrive at the right dollar number—we did—that permit me in good conscience to say that we have a good bill. There are some very legitimate questions. And, if there were Senators here, they could probably ask me, with some degree of difficulty—and I would have some degree of difficulty answering them—that is, since every year we put in an appropriated amount for these highways that comes within the annual cap that we must live with, the annual total domestic program spending, how are we going to add this to the entourage of American programs that exist and still meet that cap when we didn't contemplate this program?

Let me repeat, I see no difficulty doing that for the next year. We have to find just a little over $1 billion to accomplish that purpose in the first year. It grows a little bit, because contract authority is slow to spend, and it will get bigger. In the fourth and fifth year, it will be bigger, and then well beyond the caps that will be spent. But caps won't be around in the last year of this expenditure. Nonetheless, I believe that since this is so vitally important, that we will find the wherewithal to meet our caps—that is, meet our total domestic expenditures—and, yet, be able to fund this program.

If some Senator, insisting on knowing precisely what program would be constrained, cut back or eliminated in order to pay for it, I wouldn't be prepared to tell you that. But I am prepared to tell you that the Budget Committee will have to do that. It will make some recommendations on how we pay for this program and maintain the authenticity and variety of our caps where we believe that our balanced budget will be a balanced budget. I think we can get there.

I thank everybody who participated, and all who have joined today in this amendment can say they were part of the original amendment which pushed this forward. And I have no quibble with them. There were a lot of Senators on that—not quite as many as the proponents would have liked. I had a little bit to do with that. I asked some not to go on so that we could make an agreement. I hope they are not feeling put upon, having waited and now to be able to vote for this bill and be on it. I don't like to do that, but I sort of thought it would be better for everyone if we slowed up a little bit. And it turned out well.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, we spent a good deal of time this afternoon without any action on the floor, in quorum calls. We want very much to get on with this bill. People ought to bring over their amendments. If they have problems—as you know, we are just dealing solely with the so-called Chafee amendment, which is the major amendment dealing with the increased financing for a whole series of programs. I see no reason why we should not go to a vote. No one has brought over any amendments. Nobody is proposing anything here on the floor. We have worked out the ones who have. We have worked them out. Others say they are going to get together. They may be along. It is all very indefinite. I see no reason why at a quarter of 3 we should not have a vote.

So, Mr. President, that is the tilt I have, because I want to get on with this bill. There are other lengthy amendments after this. This is not the last amendment by a long shot. There are other amendments that we have to consider. We have one involving disadvantaged business enterprises and a whole series of others. There are some 100-plus amendments out there. Clearly, hopefully, they are not all going to be brought up, but we ought to get on with this. If people have problems, come on over here.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I chime in with the remarks of the distinguished Senator, chairman of our committee, Senator CHAFEE, and encourage Senators who do have amendments on this underlying amendment to come on over. I am going to encourage the chairman to go to a final vote on this amendment in the next 25 minutes, by a quarter of 3. Senators have had more than ample notice all day long, certainly this afternoon, and having heard from the chairman and from myself, all the offices around, they have about 25 minutes to get here. That is more than fair. I think it is, frankly, in fairness to other Senators who want to get on with this bill, move on with it—it's in fairness to them that we vote by a quarter to 3 on this final amendment. Unless Senators come to the floor with their amendments where we can work out some kind of time agreement in some expeditious manner, I really strongly encourage the chairman to vote at quarter to 3 if there are no pending amendments.

Mr. INHOFE. Will the Senator yield?

Mr. CHAFEE. Yes, to the Senator from Oklahoma.

Mr. INHOFE. I share the frustration of the chairman and ranking member. I advise them I have an amendment which is at the desk. Everything has been worked out with the minority, majority, EPA. In a very few minutes I would like to set aside any business to take that up. It should be a very short amendment and should be voice voted.

Mr. CHAFEE. I agree with the Senator from Oklahoma. He has worked with us, starting last night. I just finished a conversation with the Administrator of EPA. The Senator and the Administrator have worked out their problems. Certainly it is something I can accept, and I will have an opportunity to discuss it with the ranking member, and I am confident he will find it acceptable, too. That's what we want to do. Let's get on with these things. The Senator from Oklahoma has been over here.

I just want to say to the Senator from Oklahoma, as soon as we get his worked out then we will move to set aside this and see if we can't dispose of his amendment quickly.

The Senator from Florida?

Mr. MACK. I just want to address myself to comments that were made by Senator LEVIN a little earlier with respect to, frankly, those of us who are considered donor States. We are still looking for more information. I understand from your point of view we have all the information that there is to have, and we ought to have sufficient data to make decisions about where we are on this amendment.

I would say to the distinguished Senator that last evening several of us met with our staffs, going over, asking questions about what the impact of the amendment would be to our individual

States. There was no clarity last night. We called and asked for a meeting this morning with individuals from the highway department, to come down and go over the data with us. They did so this morning. We asked for additional information. They are working on getting that information back to us. We hope sometime this afternoon that information would be available to us. We will then be in a better position to evaluate just exactly where we are.

I must say, maybe it is because I am dealing from a position of real extreme frustration, representing a State that we believe under the old proposal had about 77 cents back for what we had contributed in the past, in the last year. I remember the debates and the discussions that we had 5 years ago, kind of saying, "This is never going to happen to us again," that is being a donor State to the extent that we have been.

So we are concerned and we do not feel that we have enough data to make a decision. We think it is unfair to say, let's just go ahead and move this amendment at this time. We do not have, and have not had, the time that you all have had over these last several months to be working on this bill. We have this opportunity now to try to evaluate what the amendment does. We are making a reasonable request. We are not trying to delay the bill. So, I ask the amendment be set aside until we have an opportunity to get this information and we can then discuss how we proceed.

Mr. CHAFEE. I say to the distinguished Senator from Florida, I would be very reluctant to set this aside. It has been my experience in this place, once you set it aside, if we had 10 problems now, we will have 30 problems by tomorrow as everybody's staff gins up more problems in response to the legislation before us.

I don't know——

Mr. BAUCUS. Will the chairman yield?

Mr. CHAFEE. Yes.

Mr. BAUCUS. Maybe one solution here—there is no perfect solution. Maybe one solution might be to vote on this amendment, and Senators who have concerns about this amendment can state them, that is, they are voting for it kind of on reservation or something like that, pending information that they get, and reserve the opportunity to offer amendments at a later time. I say that because this amendment, I suspect, is going to pass. Therefore, that will have passed and we will be done with it. Then we can still address the concerns that the Senator from Florida may or may not have, and having passed this amendment doesn't put him in a disadvantageous position.

Mr. WARNER. I think in our discussions you intended a voice vote.

Mr. BAUCUS. A voice vote would be more helpful to the Senators who do not know.

Mr. WARNER. I think the senior managers of the bill would be willing to accept that.

Mr. CHAFEE. You guessed it right.

Mr. WARNER. Then the bill is open for amendments throughout the course of further deliberations.

Mr. MACK. Again, I appreciate the response. I understand. Each of us has had the opportunity to manage a bill. We know how we want to keep that bill moving. The longer it lays out there, the more difficulties it attracts. So I understand the concerns of the managers.

Give us a few moments, those of us who are the donor States, an opportunity to take a look at this and see how we might proceed.

Mr. CHAFEE. If the distinguished Senator from Florida is talking about a few moments, he is stirring my heart.

Mr. MACK. We might have a several-hour debate on what the definition of "moment" is.

Mr. CHAFEE. We all know what "moment" means. If you want several moments, you go to it. As of now, I'm saying everybody come on over here with their amendments, all individuals come with their amendments, and hopefully we would like to have a vote by a quarter of 3. But because of the urging of the Senator from Florida, a few moments will get us along for a while.

Please, all I would say to the Senator from Florida, a few moments really doesn't mean a meeting at 6 o'clock tonight.

Mr. MACK. I understand.

Mr. LEVIN. Will the Senator from Rhode Island yield for a moment?

Mr. CHAFEE. Yes.

Mr. LEVIN. I think what the Senator from Florida is saying—I concur—is we would be able in a few moments to know whether the suggestion of the Senator from Montana would be acceptable to us, and that could literally be in a few moments, and then we could have a voice vote promptly, and then, with the understanding set forth and the suggestions set forth by the Senator from Montana, be able to consider the data which we expect later on today at a later time.

Mr. CHAFEE. You have a few moments. Come on back and see us in a few moments. Let's all agree that a few moments isn't very long.

Mr. BAUCUS. I would like to, if I could, quantify a little bit what a few moments means. Can the Senators tell us that a few moments means no more than 15 minutes?

Mr. MACK. We might debate this issue for an hour or two——

Mr. BAUCUS. At least let us know in 15 minutes whether you can accept.

Mr. MACK. It was indicated a little earlier that there would be maybe 25 minutes. I think our definition of "moment" would fit within that range.

Mr. BAUCUS. We have used up about 10 minutes of it.

Mr. CHAFEE. All right.

Mr. BAUCUS. OK; 25. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, as I previously announced, we want to get on with this legislation. It is my intention that at 3 o'clock, I will ask unanimous consent that amendment No. 1684 be agreed to, the motion to reconsider be laid upon the table, and the amendment be considered as original text for the purpose of further amendment.

I ask unanimous consent that Senators WYDEN and SESSIONS be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it is the intention to seek a voice vote; we want to make that clear.

Mr. CHAFEE. Yes, it will be my intention, as I say, at 3 o'clock to proceed with a voice vote on the amendment.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. CHAFEE. In the interim, if Senators wish to talk on this subject or others, I will reserve the time at 3 o'clock to proceed with this unanimous consent request.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. CHAFEE. Yes.

Mr. LEVIN. I want to say to the Senator that this is acceptable to this Senator as a way of proceeding, so we can preserve our rights after we get the material we have been waiting for to determine whether or not we wish at that time to offer amendments relating to the subject we discussed this morning. I thank my good friend from Rhode Island.

Mr. CHAFEE. We, obviously, hope the Senator will not have an amendment, but should he have one, we shall be delighted to receive it.

Mr. WARNER. Mr. President, if I might, Senator MACK wishes to associate himself with the remarks of the Senator from Michigan. He was very active in the discussions on this, as was the Senator from Michigan. So we thank them as a group speaking on behalf of the donor States. I have been one of the major spokesmen for donor States, and I am glad to have the assistance of my colleagues.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the Senators on the floor who are concerned about protecting their rights, and I thank them for being so accommodating. We have worked out an arrangement where we can move forward with this bill and, yet, they can still protect their rights and offer amendments if they so choose. I thank them.

It is my understanding, Mr. President, the Senator from Michigan would like to have a colloquy.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would like to have a colloquy, if my good friend from Montana is able to do it at this time.

Is it the intent of this bill, assuming this amendment is adopted, to return to the States 91 percent of their share of contributions to the trust fund or 91 cents of each gas tax dollar sent to the highway trust fund?

Mr. BAUCUS. I say to my friend, of the amounts apportioned to the States, the goal is to give States 91 percent of their percent share of contributions to the highway trust fund.

Mr. LEVIN. So, it is not true, then, because of various administrative, research and special funds set aside and not distributed to all the States, that the total dollars returned to each State would be less than 91 percent of its contributions to the highway trust fund highway account?

Mr. BAUCUS. The Senator is correct. However, let me make an important point. In the underlying bill, 10 percent of the money is used for things such as research, emergency relief for natural disasters and administrative costs. That 10 percent is not counted in the calculation of the State's share. But this is not a new concept. These are national programs. It is the approach that has been taken in the previous ISTEA program as well. It is not new. In the amendment, I say to the Senator, we have given Michigan actually a better deal.

In this amendment, we calculate the dollars needed to give you a 91-percent share. This calculation, for the first time, includes other programs. Included in the calculation under the amendment are the additional amounts apportioned to the States, that is $18.9 billion, plus the $1.8 billion in the new density program and the $1.89 billion in the Appalachian highway program. The result is that 91 percent is now calculated on a larger universe of funds than in the underlying bill.

Mr. LEVIN. I thank my friend. Just to be clear, the 91-percent share does not assure a minimum 91 cents back on each dollar sent to the trust fund; in terms of cents on the dollar guaranteed, a 91-percent share is going to be less for each State, as it always has been, than 91 cents on the dollar.

Mr. BAUCUS. The Senator is correct.

Mr. LEVIN. I thank my good friend and yield the floor.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I ask unanimous consent that the amendment No. 1684 be laid aside until 4:10, at which time it would then come up under the prior arrangement that we had.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, the Senator from Oklahoma has an amendment.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 1687

(Purpose: To ensure that the States have the necessary flexibility to implement the new standards for ozone and particulate matter)

Mr. INHOFE. Madam President, I have an amendment at the desk, and I ask for its consideration.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. INHOFE), for himself and Mr. BREAUX, proposes an amendment numbered 1687.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

TITLE .—OZONE AND PARTICULATE MATTER STANDARDS

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) There is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and the States should receive full funding for the monitoring efforts;

(2) Such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) The President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards";

(4) The Administrator has stated that three years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) The Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries;

(b) The purposes of this title are—

(1) To ensure that three years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) To ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) To ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

PARTICULATE MATTER MONITORING PROGRAM

SEC. 2. (a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal 2000 to fund one hundred percent of the cost of the establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the States shall ensure that the national network (designated in section 2(a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each area following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within one year after receipt of three years of air quality monitoring data performed in accordance with any applicable federal reference methods for the relevant areas. Only data from the monitoring network designated in section 2(a) and other federal reference method $PM_{2.5}$ monitors shall be considered for such designations. In reviewing the State Implementation Plans the Administrator shall consider all relevant monitoring data regarding transport of $PM_{2.5}$.

(d) The Administrator shall promulgate designations of nonattainment areas no later than one year after the initial designations required under paragraph 2(c) are required to be submitted. Notwithstanding the previous sentence, the Administrator shall promulgate such designations not later than Dec. 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than two years from the date of enactment of this legislation.

OZONE DESIGNATION REQUIREMENTS

SEC. 3. (a) the Governors shall be required to submit designations of nonattainment areas within two years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than one year after the designations required under paragraph 3(a) are required to be submitted.

ADDITIONAL PROVISIONS

SEC. 4. Nothing in sections 1–3 above shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

Mr. INHOFE. Madam President, we have had an amendment and actually have had a bill to address a problem that many of us are concerned with having to do with a change that was proposed by the Administrator of the EPA in November 2 years ago. This made dramatic changes in the standards for particulate matter and for ozone.

We held extensive hearings. As chairman of the Clean Air Subcommittee, we had seven hearings on this bill. It has become very controversial. The Administrator of the EPA has set the standards. After having gone through the process of the hearings and the process of the comment periods, it is now set. However, in the memorandum of implementation by the President, we have a time guideline for the implementation of these standards. Let me repeat that. The standards are set in both particulate matter and in ozone but not yet implemented. The implementation period provides for certain periods of time for establishing a PM monitoring network for collecting data for Governors to recommend areas of designation for the EPA to designate new nonattainment areas, and then for the States to submit State implementation plans. That would be true on both ozone and particulate matter.

What we are attempting to do with this bill is to take these guidelines to make sure that they are in order and that everyone has ample time to carry out what has to be done in order to implement these standards. That would require a period of time.

So what I have done with this amendment is take the memorandum of implementation from President Clinton and put that down into periods of time as he recommends, and we are adding that as an amendment. Obviously, this is germane to this bill because if we are to find ourselves out of attainment, it would dramatically affect the ability of the States to be able to have their transportation funds.

So with the following three exceptions, this amendment only puts into the bill the time guidelines that we have all agreed to. It has been signed off on by the minority and the majority and the EPA.

The first one is an area that does not affect time lines. It has to do with fully funding. This is a conscientious concern. However, the States have talked to us through the Governors associations, U.S. Conference of Mayors, the counties, and the rest of them saying that what they don't want to have is an unfunded mandate whereby they would have all of these obligations to monitor the PM and go through all of this and not have it funded. This portion of the amendment, section (2)(a), requires that the EPA absorb all of these costs.

The next area is one that meets a problem that mostly concerns the agricultural community throughout America; that is, their concern with how they will be treated. Section 2(e) says that this study would take place that would address the concerns of farmers who believe that they will be targeted for PM 2.5. And we talked about PM 2.5. We are talking about 2.5 micrograms as opposed to the current 10 and emissions larger than 2.5.

This is their concern. Everyone has agreed that this is a legitimate concern that the farmers of America have, and we are accommodating them.

The last section that does not affect just the timeline is section 4 where it says:

> Nothing in section 1–3 above shall be construed by the Administrator of the Environmental Protection Agency or any court, State, or person to affect any pending legislation.

There is some pending legislation.

I would like to add that I had a conversation with Administrator Browner, and we have had many nice conversations. While we have occasionally disagreed philosophically on some things, I did agree with her that if this amendment passes and survives the conference, passes and then is signed into law, I have no intention of bringing up any other legislation or amendments affecting the national ambient air quality standards; that is, barring anything totally unforeseen. I can't imagine what that would be.

Mr. President, my amendment today addresses the EPA's revised Particulate Matter and Ozone National Ambient Air Quality Standards. As you know, I have been a vocal critic of the EPA's revised Particulate Matter and Ozone National Ambient Air Quality Standards. My subcommittee has held extensive hearings on both standards, and I am convinced, based on the record developed in those hearings, that those standards are not needed to protect the health of our citizens, or our environment, and that the implementation of these standards will impose huge costs on the country, that are completely unjustified. For these reasons, I have sponsored legislation that would require EPA to reconsider these standards, before they are implemented.

I rise today to pursue a narrower objective. The administration has announced an implementation plan for both standards. However, a number of concerns have been raised about EPA's ability to implement this plan under the Clean Air Act. One key concern has been whether EPA can hold off on designation areas as not meeting the new standards—i.e., as nonattainment areas.

With regard to PM 2.5 (the new Particulate Matter standard), three years of federal reference method monitoring data are necessary to designate areas, and a monitoring network—funded by EPA, not the states—needs to be put in place to generate these data.

With regard to the ozone standard, EPA needs to develop guidance on nonattainment boundaries, before the designation process can even begin. EPA says that this guidance will be available in 1999, but, the states still must submit their recommended designations to EPA this July unless something is done.

The amendment I have offered is designed to address these concerns by giving the Agency clear authority to proceed with the schedule announced by the President last July. I am offering it because I believe it would be unacceptable for the Congress to allow a situation to develop where uncertainty about EPA's legal authority could result in confusion and chaos.

I caution, however, that this legislation does not affirm the standards. Whether those standards are lawful, appropriate, and necessary is still an open question that is being considered by the Courts. We can't realistically expect this question to be answered in a year or more. This legislation is designed to assure that the agency has clear authority to proceed with its implementation schedule, while the very important questions about the legitimacy of these standards are still debated.

This legislation addresses only the timing of attainment designation under the President's implementation plan for these standards. EPA recently proposed to order the states to develop plans, that, among other things, would require reductions in inter-state emissions that might be contributing to exceedances of the 8-hour ozone standard. A number of legal and factual objections to this proposal have been raised by states, industry, and others. Since this is only a proposal, I have not addressed in this legislation EPA's authority under the Act to require any reductions before state plans are developed after areas have been designated.

I thank very much Senator BAUCUS, Senator CHAFEE, and Administrator Browner, as well as some of the staff: Chris Hessler, Jimmie Powell, with whom I worked closely, Barbara Roberts, and Tom Sliter. They have been very cooperative and very helpful in bringing this to the point where we are today.

At this point I yield for questions.

Mr. CHAFEE. Madam President, I rise in support of the amendment which has been offered by my colleague who is the chairman of the Clean Air Subcommittee of the Environment Committee. He has identified some important concerns about the implementation of the recently revised so-called National Ambient Air Quality Standards.

This is a very complicated area. The Senator from Oklahoma has invested a good deal of time and energy studying this and educating our committee about it. His subcommittee, as he mentioned, held seven hearings on the subject here in Washington and another in Oklahoma. He and his staff led the sometimes difficult negotiations on this amendment to, as he noted, a successful conclusion.

I want to applaud the Senator from Oklahoma for his efforts both on this amendment and on the larger issue of the NAAQs rule. He has invested a great deal of energy and time in studying this complicated matter and educating the Environment and Public Works Committee about it. His subcommittee held seven hearings on the issue here in Washington, and another in Oklahoma. He and his staff led the sometimes difficult negotiations on this amendment to a successful conclusion. His efforts and patience have served us all well because the amendment before us will improve the implementation of the NAAQs.

This amendment seeks to ensure that commitments made last year about how the standards would be implemented are upheld. The Environmental Protection Agency said it would cover 100 percent of the costs associated with installing and operating the new monitors needed to measure fine particulate matter. Having made the promise, the federal government must ensure that it is kept. This amendment would do that.

The amendment would also require three years of data collection before planning starts for additional pollution controls. The EPA has decided that it needs three years of data to ensure that chronic sources of particulate matter are accurately identified. Complete data will enable states to develop appropriate control strategies. Reducing PM 2.5 is important to the public health but we must be sure that new controls are used where they are needed. Without sufficient monitoring data, we will not be certain the right sources are targeted for controls, and we may not achieve the improved air quality or the health benefits that we are seeking.

Along the same lines, we need to be sure we can chemically distinguish one type of particulate from another. That is the only way State air officials will know if they need to reduce pollution from wood stoves or power plants. This amendment requires a field study of the monitors to ensure that they are serving this purpose effectively.

The EPA promised the States that they would have both the resources and the information necessary to implement the NAAQs rule. Through this amendment, the Senator from Oklahoma is attempting to enforce those commitments.

All of the goals of this amendment are worthy and reasonable and I urge everyone to support it.

Essentially what the amendment does is the following: There have to be monitors set up to measure particulate matter and ozone levels and other matter. The question is, Who is going to pay for these monitors? Is it going to be the Federal Government? The Administrator indicated it would be the Federal Government, but there seems to be some backing off from that.

The amendment of the Senator from Oklahoma says that the Environmental Protection Agency would cover 100 percent of the costs of installation. You have to install these things and operate them. You have to go out and check these new monitors to measure the fine particulate matter.

That is the first thing the Senator has accomplished in this amendment. That is a very welcome provision because the State budgets are having trouble keeping up with the requirements of the Clean Air Act.

The other part of his amendment would codify the requirement under the National Ambient Air Quality Standards. That calls for 3 years of data collection before there can be a designation of nonattainment for this particular part of so-called particulate matter. So, the EPA has decided that 3 years of data are necessary to ensure that chronic sources of particulate matter are accurately identified. As I understand the amendment of the Senator, it requires 3 years. Am I correct?

Mr. INHOFE. That is correct.

Mr. CHAFEE. So, this is a difficult area. The assurance that the Senator from Oklahoma has put in, dealing with both the period and also who is going to pay for these monitors, is a good one. We are glad to accept it on this side.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this is a happy day, because it was not too long ago here that, after the EPA announced new standards for ozone and small particulates, there was going to be a huge uproar in the Senate and there would be a big battle over whether or not the EPA should be allowed to go ahead with these new standards.

Frankly, however, as Senators have looked at this issue—and I take my hat off to the Senator from Oklahoma, Senator INHOFE, who has come up with this amendment—the effect of this amendment is not to delay those standards and not to in any way impede those standards, but rather set up a procedure which helps, frankly, assure the process will continue on a fair basis; namely, that the monitoring costs—and they will be quite extensive; that is monitoring the air in various parts of the country, particularly nonattainment areas—will be paid for by the Environmental Protection Agency. That is not by States. The States will be fully reimbursed for their monitoring costs. So that helps establish a solid program because we know where the money is going to come from and it will be fully paid for.

A second major change here, at least a clarification, is that States will not be faced with new nonattainment designations under the Clean Air Act for PM 2.5—that is the small particulates—without 3 years of monitoring data. That at least makes sense, that we have 3 years of monitoring data. In fact, the EPA-proposed standard was based on a 3-year average anyway. So as a practical matter, this is a measure which will help assure that the standards will be addressed fairly, comprehensively, and also in a timely manner. So this version of this amendment, unlike earlier versions that had been filed, does not delay implementation of the new air quality standards.

This version also has no language in it which revokes the standards. There was some concern that these standards might be revoked. That is not in here. Also, there is no provision that proposes a moratorium on EPA.

In short, the new standards will go forward as envisioned. I might say to Senators, this is a long, involved process. It could take 10, 12 years before some of these standards actually ever go into effect, if they ever do. If they do go into effect, they are at the behest of and designation of States. That is, States, under what is called State implementation plans, would designate what actions various entities, whether they are powerplants or automobiles or what not, would have to do in order to qualify. And that would take a long time.

So I finish where I began. This is a happy day. This is a resolution. It is a compromise. And I think it is going to help people be more assured, on a more solid, fair basis, that our air will be cleaner in those parts of the country where it needs to be cleaned up. I think it is a good amendment, and I thank the Senator very much for his amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Rhode Island.

Mr. CHAFEE. I would like to extend the thanks of all of us to the Senator from Oklahoma, Senator INHOFE, because he was willing to compromise. He talked with the Administrator of EPA, Ms. Browner, several times. I did, too. He was willing to give. He did not demand it only be his way. It was a successful compromise. I congratulate the Senator.

Mr. INHOFE. I thank the Senator from Rhode Island. I further ask unanimous consent that Senator JEFF SESSIONS be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, if I may, I would like to briefly inquire with my colleague how his amendment will affect areas of my state.

It is my understanding that this amendment will not in any way interfere with or delay efforts currently underway by EPA and various states to address the issue of pollution transported across state lines. Is that correct?

Mr. INHOFE. Yes, that is correct. The amendment is simply designed to provide greater certainty for states, small businesses and consumers regarding control strategies for the new ozone and particulate matter standards.

Mr. SANTORUM. Mr. President, this amendment codifies a time line for the Administrator to promulgate final designations under the new ozone and PM standards. Is it the Senator's intention that areas in violation because they are heavily impacted by dirty air from other states should be "held harmless" in the interim period or not be penalized with more air-pollution controls by being "bumped up" to a higher nonattainment status?

Mr. INHOFE. That is my intention. Should this not be the case, we would have to revisit this issue legislatively.

Mr. SANTORUM. Mr. President, I rise in support of the amendment offered by my colleague from Oklahoma, Senator INHOFE.

The Senator's amendment will ensure that federal funding is available to construct and operate a nationwide monitoring system for fine particles, and it will allow future designation decisions to be based on three complete years of monitoring data. The amendment would also provide Governors with two years to consider regional transport issues prior to submitting new ozone redesignations.

This amendment will not, as some opponents may contend, roll back or delay the new standards. On the contrary, the amendment does not change the new standards and adheres to the President's own time table for achieving them. In fact, this amendment may actually strengthen the new standards by establishing a legally certain schedule for putting them into place. Moreover, this amendment is critically important because it will make sure that future Clean Air Act designations will be based on actual air quality data rather than guesswork and extrapolation. In view of the anticipated costs associated with meeting the new standards, we must take this very simple step.

Last summer, when the President announced new air quality standards for soot and smog, he also promised that the Federal Government would work closely with states and local communities to implement these standards in a fair, flexible and cost-effective manner. For many communities in Pennsylvania, the imposition of new standards has been a very bitter pill to swallow, but the promised implementation plan has offered a spoonful of sugar to help the medicine go down. While the President's pledge has been appreciated, it is my view that this amendment is necessary in order to give states and communities reassurance that the promised implementation plan will be followed. Thank you, and I urge the adoption of this amendment.

Mr. BYRD. Mr. President, I am pleased to be a cosponsor of this amendment, and I wish to thank my colleague from Oklahoma, Mr. INHOFE, for his efforts in this regard. These new rules, which modify the ambient air quality standards for ozone and particulate matter, would severely impact West Virginia. Up to ten counties in my home state might be thrown into nonattainment under these rules, and a large number of industries might be adversely affected, including chemicals, construction, steel production, glass manufacturing, coal-fired utility power plants, pulp and paper mills, and commercial trucking.

On a national level, the impact of these rules is even greater, with early estimates from the President's Council of Economic Advisors that these rules might cost $60 billion annually. Many major urban areas have not yet complied with the current ozone standard, and are not even close to being able to do so. These urban areas have not even completed their plans on how they will comply with the current standard. Basic logic would dictate that these states should first finish these plans, and enforce the current standard, before moving on to even more ambitious proposals. Instead, these states must constantly revise their air plans, even while never completing those plans. As I stated in an earlier letter to the Environmental Protection Agency (EPA), these states are trapped in the clean air version of the perpetual motion regulatory machine, where replanning becomes as important as actual implementation and enforcement.

In the area of particulates, there is almost no national monitoring data, and there is weak scientific and technical support for the rule. The EPA and the environmental community refer to a small number of studies that support the rule, but there is room for serious debate about whether a clear connection between PM 2.5 and health-related problems has been established.

The amendment before us is actually quite modest in its goals, and unfortunately does not address many of these broader problems with this air rule. The amendment codifies promises made by the Administration with regard to the time schedule to implement the new rules, and also codifies provisions for funding a nationwide network of monitoring stations for particulate matter. The Administration's proposed time schedule is not legally binding, and this amendment will ensure that the EPA cannot later alter the terms of the implementation package that it has offered to state governments.

Despite these modest goals, this amendment holds the EPA's feet to the fire, and will ensure that promises made to the states will be honored. I am pleased to cosponsor the amendment offered by Senator INHOFE, and ensure that promises made to West Virginia are promises kept by the EPA.

Mr. CHAFEE. We are prepared to vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. If I might beg the indulgence of the chairman of the committee, I understand the Senator from California, Senator BOXER, might want to speak on this amendment. She is looking at it at the moment. I suggest if procedurally we can do that, we ask consent this be temporarily laid aside so Senator REID can speak. He may have an amendment here, too. I do not expect a problem, but I, in good faith, must tell the Senator I am informed Senator BOXER would like to have the opportunity to perhaps speak on this amendment.

Mr. CHAFEE. That is her privilege.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. INHOFE. Will the Senator yield? Would it be a good idea to go ahead, rather than set it aside, and recognize the Senator from Nevada? It may be ready at that time.

Mr. BAUCUS. That's probably a better alternative, that we keep talking on the amendment and Senator REID can keep talking, too.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Nevada is recognized.

Mr. REID. I say to the two managers of the bill, I do have an amendment. I understand it has been reviewed thoroughly over the last several days by the staff and it is acceptable. If there is adequate time, I would be happy to speak on the bill also now.

Mr. BAUCUS. I might suggest you speak on the bill and/or your amendment. Once this amendment is disposed of, then we can vote on your amendment. Either way.

Mr. REID. Mr. President, I have an amendment. I will send it to the desk. Is there an amendment pending that needs to be set aside?

The PRESIDING OFFICER. There is an amendment pending.

Mr. REID. I ask unanimous consent that that be the case.

Mr. BAUCUS. I ask consent the Senator speak on his amendment. The Senator from Oklahoma—speak on your own amendment. We will dispose of the Inhofe amendment, and then——

Mr. REID. If we set aside the amendment of the Senator from Oklahoma my statement on my amendment will only take a minute.

Mr. INHOFE. Will the Senator from Nevada yield? Is it the Senator's intention to have an amendment on my amendment or speak on my amendment?

Mr. REID. I want to speak on my amendment. Your amendment is acceptable. I have nothing to say about your very fine amendment.

The PRESIDING OFFICER. The pending business is the amendment offered by the Senator from Oklahoma.

Mr. REID. I ask unanimous consent that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

AMENDMENT NO. 1688 TO AMENDMENT NO. 1676

(Purpose: To provide support for Federal, State, and local efforts to carry out transportation planning for the Tahoe National Forest, the Toiyabe National Forest, the Eldorado National Forest, and the areas owned by States and local governments that surround Lake Tahoe and protect the environment and serve transportation)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BRYAN, Mrs. BOXER, and Mrs. FEINSTEIN, proposes an amendment numbered 1688 to amendment No. 1676.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 253, between lines 15 and 16, insert the following:

"(3) LAKE TAHOE REGION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region (as defined in the Lake Tahoe Regional Planning Compact) a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

"(B) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under subparagraph (A) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(C) ACTIVITIES.—

"(i) HIGHWAY PROJECTS.—Highway projects included in transportation plans developed under this paragraph—

"(I) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(II) may, in accordance with chapter 2, be funded using funds allocated under section 202.

"(ii) TRANSIT PROJECTS.—Transit projects included in transportation plans developed under this paragraph may, in accordance with chapter 53 of title 49, be funded using amounts apportioned under that title for—

"(I) capital project funding, in order to accelerate completion of the transit projects; and

"(II) operating assistance, in order to pay the operating costs of the transit projects, including operating costs associated with unique circumstances in the Lake Tahoe region, such as seasonal fluctuations in passenger loadings, adverse weather conditions, and increasing intermodal needs.

Mr. REID. Mr. President, this amendment is offered on my behalf and that of Senators BRYAN, BOXER and FEINSTEIN. It has the support of the State governments of both California and Nevada, and it is an amendment that is very simple. It grants Metropolitan Planning Organization status for the Lake Tahoe basin on the border between California and Nevada.

Not only is Lake Tahoe the most beautiful place on the Earth, and it has been deemed to be such since the time Mark Twain first looked at it and said it was the "fairest place on all the Earth," locals within the basin, the Washoe Indian Tribe, and the State governments of Nevada and California, have long recognized the unique status of Lake Tahoe. But, in addition to its beauty, it is certainly one of the most fragile environments anyplace in the world. For many years the competing interests in the basin have found ways to work together to protect the famed water quality of the lake. These partnerships have been developed and are unique and have proved the notion that it is not necessary to harm the economy to improve the environment.

Mr. President, last summer President Clinton convened a Summit. He and Vice President GORE AND five Cabinet officers came to Lake Tahoe and spent 2 days. They addressed the related transportation, forest health and water quality concerns that face the Basin. Transportation was identified as one of the key areas where improvements in infrastructure could also yield key environmental benefits. MPO status recognizes the unique bi-State nature of the Tahoe basin and enhances the ability of local residents to compete for transportation planning funding.

I appreciate very much the consideration of both sides and would ask that this amendment be accepted.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, this amendment is satisfactory to this side. It is my understanding—I have talked with the distinguished ranking member—the amendment is acceptable to the minority side likewise.

We are prepared to accept it, and I congratulate the Senator from Nevada for his amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1688) to amendment No. 1676 was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, with the permission of the manager of the bill—if the manager of the bill would rather I speak at a later time, I will be happy to do that. I just wanted to speak on the bill if there is nothing going on in here on the floor.

Mr. CHAFEE. Well, we are waiting for the Senator from California.

Mr. REID. As soon as she shows——

Mr. CHAFEE. We want to be sure she is going to show. The Senator from Oklahoma has been very patient.

Mr. REID. Whenever you learn she is not going to come or she does come, I will be happy, with a wave of the hand, to sit down.

Mr. CHAFEE. Why don't we say you go ahead for 10 minutes and let's see what happens, with the understanding you will yield if she comes over so she can say her piece.

Mr. REID. Or if for any other reason the manager of the bill wants to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I rise as an original cosponsor and very strong supporter of S. 1173, the Intermodal Surface Transportation Efficiency Act. Both S. 1173 and the amendment adding an additional $26 billion to the bill passed unanimously out of the Committee on Environment and Public Works, a committee I have served on very proudly for my years in the U.S. Senate.

I want to also say, and spread across the Record of this Senate, what a tremendously fine job has been done by the chairman of this committee and the ranking member of this committee to allow this bill to be where it is today. It has been very hard work. Frankly, it would have been nice if we had done it last year, but we didn't. The reason we are where we are today is because of the work of the chairman of the full committee and the work of the ranking member of the committee.

The States of Rhode Island and Montana have many reasons to be proud of the two Senators who are managing this bill, but for no reason should they be more proud of their Senators than the work they have done on this bill. Their committee work has been outstanding and is certainly something that everybody in this country, not only the people from the States of Rhode Island and Montana, should feel very good about, what is happening on this floor.

Every person who is a Member of the U.S. Senate or the House of Representatives has a stake in a national transportation system that is second to none, one that meets the present and future needs of the American people. This bill is not perfect, but it is a tremendously strong bill. Moving people and goods quickly and efficiently throughout the Nation is one of the most important things we can do to maintain a strong economy. Far too much time and productivity is lost waiting in traffic.

I give an example to all. People in southern California are connected with the people of southern Nevada by I-15. I-15 is a tremendously burdened road. The chairman of the committee came to Nevada and heard testimony regarding the importance of this legislation. He heard firsthand about the tremendous difficulty we have moving people to and from southern Nevada and southern California.

Mr. President, it is no longer a question of having people come to Las Vegas for purposes of tourism. The problem is that the road is clogging interstate commerce. Vehicles, trucks moving produce, cannot move on this road. It is too crowded. This is only an example of what is happening in other parts of the country, although the problem of I-15 is magnified because of how old it is and how much repair needs to be done on it.

The original ISTEA legislation in 1991 was really the brain child of the committee chair at that time, Senator PAT MOYNIHAN from the State of New York. He did very good work. He was visionary in this bill. It changed the thrust of legislation dealing with surface transportation that had been in effect since the Second World War. The legislation in 1991 was one of the most far-reaching and innovative pieces of legislation ever produced by Congress. It laid out a road map for transportation for the entire 21st century.

Rather than focusing upon the completion of the Interstate System, ISTEA focused on connecting different modes of transportation to meet the needs of the future. I enjoyed very much working on that legislation as a Member of this committee, and I think it is some of the most rewarding work that I have done since I have been a Member of Congress.

With the exception of the Department of Defense authorization bill, ISTEA is going to be the largest money bill that Congress will take up this year. I also say, although I do not see him on the floor of the Senate today, the subcommittee chair of the Transportation Subcommittee, Senator JOHN WARNER, is a fine Senator.

I had the pleasure of serving with him when I was chairman of a subcommittee and he was ranking member. Coincidentally, I was talking with someone this morning who is a friend of Senator WARNER. We talked with some affection about the work that the Senator from Virginia does generally, but especially in this committee and this subcommittee. I commend and applaud the work of Senator WARNER in this legislation.

We have to recognize, with the exception of the defense authorization bill this year, ISTEA II is going to be the largest money bill Congress will take up this year. As such, we have a tremendous responsibility to get it right. Our economy is utterly dependent upon having a strong and vital system of transportation. The creation of this intermodal system will require all the innovative and creative thinking we can muster at the Federal, State, regional and, yes, local levels. The State of Nevada has a tremendous need for adequate highways, I say second to none.

The State of Nevada is the most mountainous State in the Union, except for the State of Alaska. We have 314 mountain ranges. We have 32 mountains that are over 11,000 feet high. We have tremendous growth in the State of Nevada. Just to give you one illustration, in Clark County, where Las Vegas is located, we need to build more than one elementary school each month to keep up with the growth of students in that area. So we have real problems.

Also, we have a State that is extremely large. Within its borders, you could place the States of New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire and Delaware, and then still have some left over. None of these States would touch one another, and there would still be, as I have indicated, plenty of room to cut up Virginia and use it to fill in the gaps joining all these States.

We have the additional problem that 87 percent of the State of Nevada is owned by the Federal Government. We lead the Nation in Federal ownership of land.

Nevada is also a bridge State. Hundreds of thousands of tons of goods travel across Nevada through Utah, Arizona, and to and from California. The CANAMEX route, one of the NAFTA corridors, traverses Nevada, crossing over the top of the Hoover Dam bridge. When I say the Hoover Dam bridge, that is really a misnomer. You cross right over Hoover Dam. One of the greatest bottlenecks in the country is over Hoover Dam. Traffic is lined up sometimes 5 to 10 miles trying to get over that dam, and to think of the safety involved in not having adequate transportation moving over that dam—it is unsafe. If there were an accident of some kind, it would really do extreme damage to the water supplies of southern California and the small areas below Hoover Dam. We have to do something about that also.

In southern Nevada, thousands and thousands of new people move in each month. In fact, almost 300 people a day move into Las Vegas alone. So we have rapid growth. In 1970, there were fewer than 500,000 residents in the whole State of Nevada. By the year 2000, there will be 2 million. That is the growth that is taking place in Nevada.

In 1970, there were 2.2 billion vehicle miles traveled in Nevada. By the year 2000, there will be over 12.5 billion vehicle miles traveled in Nevada. Accommodation of such growth requires innovative thinking and creative planning on the part of the State and local transportation people.

Again, talking about the State of Nevada and all that growth, I have indicated that it takes a lot of innovative thinking on the part of the State to make sure that this all works out well. It also necessitates imposing one of the stiffest State and local taxes in the Nation. We have done that. We have done it willingly, because we recognize that if we are going to meet the demands of the traffic problems in Nevada, we cannot depend only on the Federal Government. We have done our share and more.

In spite of that, Nevada needs a strong, effective Federal level of effort, and that is what this bill does. As written, ISTEA II provides a total of $173 billion for highways, highway safety, and other surface transportation programs over the next 5 1/2 years.

I hope that as soon as this bill passes out of this Chamber, the House of Representatives will take it up and get a bill back to us, so we can go to conference and get this very important bill worked out so that the departments of transportation in the 50 States know what is ahead of them. They can do their bidding, they can let their contracts prior to the bad weather happening, and go ahead and have a smooth transition. We badly need to do that.

Overall, this bill represents a 40-percent increase in funding over the original ISTEA bill some 6 years ago. With the completion of the Interstate Highway System, it is vital we turn our attention to developing multimodal transportation policies that will allow us to not only maintain the excellent infrastructure we have, but also to move forward to meet the demands of a new century.

In many ways, transportation issues of the future will be vastly more difficult than the ones of yesterday. We live in an increasingly diverse Nation, one that is no longer able to be solely dependent upon the automobile. Even in a State as vast as Nevada, a bridge State, where we desperately need more roads, we are also seriously looking at the role monorails, magnetic levitation, and other high-speed rail systems can play in our future transportation infrastructure.

I think one of the finest parts of this bill is something that Senator MOYNIHAN and I have worked on, and that is the part of the bill that deals with magnetic levitation. Yesterday, Senator MOYNIHAN brought a box that contained a model of a maglev train to the committee. In his statement, he made a plea for funding to design and implement a magnetic levitation system. We need to do that.

Mr. President, our airports are clogged all over the country; our highways are clogged all over the country. We need a way of moving people for relatively short distances, up to 300 miles. The only way we can do that rapidly and efficiently with the technology we now have is with magnetic levitation.

In the 1960s, two scientists were stuck in traffic in New York. They were MIT professors. They said, "This is ridiculous that we are stuck in traffic; let's do something about it." They went back to the laboratories and invented magnetic levitation.

We, as a country, helped at the Federal level. We provided moneys for research and development of this very unique mode of transportation. We did it for a few years and dropped it. As soon as we dropped it, Germany and Japan picked it up, and they are now way ahead of us with this. It is too bad. We are the ones who should be in the forefront of developing this mode of transportation. We need to get on board.

This bill contains an authorization of $1 billion for magnetic levitation, and it actually provides funds, up to $30 million, for some grants that will get this program going. This is very, very important, and I express my appreciation to Senator MOYNIHAN for his good work in this area.

The money that is in the bill is a modest amount to move this project forward, but it is an amount; it is more than we have ever done. There is tremendous funding in the bill for all our individual States and other areas, and I am happy we do have some for magnetic levitation. As I indicated before, this bill is not perfect. But I am proud of the progress we have made. The bill is good for all States. It is tremendously important. It is a great product for the country.

The bill before us does a fine job of balancing many of our Nation's competing priorities for transportation while giving the States the flexibility they need to expend dollars in ways that make sense, given the many regional differences we have in our country. I am supportive of the congestion mitigation and air quality improvement program and the transportation enhancement program. The additional money and increased flexibility are very positive developments. A national transportation system that does not address environmental issues is one that would not be living up to the expectations of the American people.

Other important programs, such as the intelligent transportation system program, have both a positive impact on the environment and also improve the efficiency of the highways. It is a dual track. I held, as I indicated earlier, a field hearing in Las Vegas last year focused on intelligent transportation systems, and the response was tremendous. Local governments around Las Vegas and Reno have all begun to put innovative high-tech transportation programs into place, and they are very pleased with the initial results.

I am also supportive of a strong Federal Lands Highway Program. As a Senator from a Western State—and remember, I said earlier 87 percent of the State of Nevada is owned by the Federal Government—so as a Senator from a Western State with a huge amount of public land, it is impossible to overstate how important is the vital lifeline that these road and highway funds provide to rural Americans.

I want to say a few words on safety. I support the efforts of my friend, Senator MCCAIN from Arizona, to develop a safety title for inclusion in the overall authorization. I have a strong record on safety, and in this legislation, I am very happy to support this title.

I want to spend a couple minutes discussing a safety issue that we are not addressing in nearly enough detail in this reauthorization. As the chairman and ranking member know, I have opposed triple-trailer trucks. I believe they are both intimidating and unsafe. I have, since offering my amendment on this issue—talking about moving forward on this—I have received scores and scores of letters from all over the country from people who are afraid of these trucks. I believe they are incompatible with our obligation to provide a safe network of roads and highways.

I do appreciate the input that I have received from the trucking industry. But my fear of these triple-trailer trucks is not something that I bear alone. I recognize that for a variety of reasons, though, this is not a majority view. I have been in the Congress long enough, I have served in legislative bodies long enough, to know when I have enough votes. I do not have enough votes to have my amendment adopted. I am not going to go forward with my amendment because, I repeat, I do not have the votes to pass it.

Many of my colleagues argue there is just not enough accurate data available to make an educated decision on this issue. Although I would counter that mere common sense should dictate that triple-trailer trucks do not belong on the same roads as a passenger car, I agree that there is an appalling lack of data available on this subject. Information given out by the trucking industry is unreliable and people cannot underscore the validity of it because it is put out by the trucking industry. What we need is the Department of Transportation to do some work on this and get some real facts to determine the accident rate and what these big trucks do to our roads and make a decision as to: Is the length of the truck an important element or is it how much these trucks weigh? We have to get more information on this. There is a lack of data available on this subject.

Mr. President, in an attempt to remedy this deficiency, I have been working with many, including the American Trucking Association, for months to try to forge an agreement that would allow us to better study the safety, environmental, and infrastructure impacts of all classes of longer-combination vehicles. I have been doing this since last fall when we first introduced this legislation.

Obviously, the American Trucking Association disagrees with me that triples and others of these long vehicles are unsafe, but they acknowledge that there is a public perception problem, and they have been willing to work with me, which I appreciate. Unfortunately, though, I found that there is little common ground between the safety community and the American Trucking Association on what are the acceptable bounds for a comprehensive study of size, weight, and other trucking issues. No matter what model we came up with, various parties certainly would not agree with what we should do. As a result, I am unable to come up with a compromise on this subject right now. I would ask the Secretary of Transportation to take a look at this issue. It is a very important issue in the 16 States where we have these triple-trailer trucks.

It is extremely frustrating to me and is a situation we, as a body, should not allow to continue. There is an overwhelming lack of useful data available to the U.S. Senate concerning longer-combination vehicles. So I call upon the trucking industry, all of the safety groups, and the U.S. Department of Transportation, to work it out, not in a combative fashion, but to sit down and work together to come up with valid information, which we do not have. It is not acceptable for the mistrust that exists between these groups to continue to stand in the way of a comprehensive, complete, and objective study of these longer-combination vehicles. As I have indicated, I am not offering my amendment today, but the

Senate dialogue on the subject is just beginning.

I want to also say, as I see in the Chamber today the ranking member of the Appropriations Committee, the former majority and minority leader of the Senate, that we are to the point on this bill where we are as a result of the work done by the Senator from West Virginia. Others of us joined in the original amendment, but I think everyone recognizes it has been the tenacious nature of the Senator from West Virginia to move forward on this legislation that has us at a point where we are today with a bill with $26 billion more actual real dollars in it than we would have had. We have a bill that we are going to get out of this Senate within the next week or 10 days, and it is all, I believe, as a result of the work done by the Senator from West Virginia, which the Senator from Nevada very much appreciates.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. REID. Finally, although we are not yet discussing the transit title, let me say a few words about public transportation.

Las Vegas is the fastest growing city in the Nation. There is some debate as to whether it is Las Vegas or the suburb of Henderson, where I graduated from high school. But that area of the country is growing extremely rapidly, as I have already explained. Yet before 1992, it had, at best, a very weak mass transit system. In 1992, the Citizens Area Transit—we call it CAT—owned by the Regional Transportation Commission, and operated on a contract basis, began a fixed-route bus system for Las Vegas.

The response has been tremendous. The Las Vegas community has truly embraced CAT. In less than 5 years, ridership on CAT has grown from 14.9 million annual riders to over 35 million in 1996, a total ridership growth of 134 percent, and going up each day.

The fare box recovery ratio is high. Most of the system's costs are recovered without requiring a huge subsidy. The bus fleet is 100-percent compliant with the Americans With Disabilities Act.

So impressive has been CAT's ability to grow efficiently and effectively, that the American Public Transit Association last year awarded its Outstanding Achievement Award to CAT in the hardest-to-win midsized system category. This is a tremendous feat for such a young system. After all, Mr. President, this system does not rely on much in the way of Federal funds. The dollars that the Federal Transit Administration has provided has been very timely and useful to this bus system. For that reason, I would oppose efforts to change transit formulas to provide a minimum allocation to States without or with only minimal transportation systems.

Let me conclude today, Mr. President, by saying that I join with my colleagues on both sides of the aisle in saying that the fuels taxes paid into the highway trust fund each year will support significantly higher spending on transportation, and I am very happy that Congress is now moving in that direction.

These are trust fund moneys. Every time you go buy a tank of gas at the service station, the money that is collected there, a portion of it, goes into the highway trust fund. Those moneys should be used for that purpose, and that purpose only. To do otherwise would be a violation of the enormous trust the American people have sent us to Washington to uphold.

Our Nation's infrastructure represents the lifeline that fuels our economy. When we neglect to adequately provide for the health of this lifeline, all of us suffer. Whether it is unsafe and degraded roads or pollution caused from overcongestion, all of us are affected. The price is not only the inconvenience of traversing a dilapidated infrastructure. Indeed, the real price is the increased costs all of us pay for goods and services because of the burdens placed on a steady flow of the stream of commerce. It is similar to a cholesterol buildup, I guess, in the arteries, Mr. President. Eventually there is a steep price to pay.

Again, I congratulate my colleagues, Senators CHAFEE, BAUCUS, WARNER, and BYRD, on a job well done. I look forward to working with all my fellow Senators in passing this strong, vital 6-year bill as quickly as possible, and then urging the House to move forward just as quickly so we can get the bill to the President for his signature.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Nevada for his kind comments. He has been a very valuable member of the Environment and Public Works Committee, I guess, ever since he came here to the Senate. We have worked closely together on a whole series of matters. He has particularly been involved with the Endangered Species Act, revisions of which I hope we can bring to a conclusion pretty soon. So I thank the Senator for all his very constructive work in our committee and on this legislation likewise.

AMENDMENT NO. 1687

Mr. CHAFEE. Mr. President, the Senator from California has no objection. So let us proceed with the approval on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1687.

The amendment (No. 1687) was agreed to.

Mr. INHOFE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I ask unanimous consent to have printed in the RECORD letters of support from the National Governors Association, the U.S. Chamber of Commerce, and two other letters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 3, 1998.

Senator JAMES INHOFE,
SROB, Washington, DC

DEAR SENATOR INHOFE: On behalf of the nation's Governors we are writing in support of a requirement that EPA pay one hundred percent of the cost of monitoring for the new fine particle air quality standard. We also urge Congress to codify the time frames in the President's directive for implementing the new federal standards for ozone and particulate matter.

As you realize, state face a heavy burden of performance under the federal air quality standards. The costs of new monitoring networks will be substantial. Moreover, while many states regard the EPA's implementing timeframe as unrealistic, we are concerned that we may be given even less time than promised to monitor and submit data to the EPA. It would be self-defeating if states were shortchanged on the resources for monitoring and the time allowed for implementation of the new air quality standards. If states were not provided with adequate time and resources to carry out their responsibilities, the underlying purpose and objective of the federal requirements might not be realized. For that reason, it is important to codify the President's schedule for implementing the new air quality standards, and to ensure that EPA pays for all costs associated with the new monitoring requirements.

If you have any questions, please don't hesitate to contact us or Mr. Tom Curtis of NGA at 624-5389.

Sincerely,

GEORGE V. VOINOVICH,
Chairman.
TOM CARPER,
Vice Chairman.

NFIB,
Washington, DC, March 3, 1998.

JAMES INHOFE,
U.S. Senate,
Washington, DC

DEAR SENATOR INHOFE: On behalf of the 600,000 small business members of the National Federation of Independent Business (NFIB), I am writing to urge you to support the Inhofe Amendment to the Senate Highway bill (ISTEA).

Members of the Administration have stated that a nationwide monitoring system for PM2.5 is necessary to classify nonattainment areas under the new clean air standards. As states seek ways to comply with the new standards, it is critical that these decisions be based on sound data provided by this type of monitoring network.

By ensuring the construction and operation of a new nationwide PM2.5 monitoring system, the Inhofe Amendment provides a framework of reliable data and sound science to assist states with control strategies.

In a recent NFIB survey, a strong majority of small business owners favored requiring agencies to use sound science and valid evidence before issuing new rules.

The new stringent standards for ozone and particulate matter will undoubtedly result in expanded emissions controls on small businesses in areas of the country that have not been subject to prior regulation. Designation of nonattainment areas will bear heavily on those least able to shoulder the burden—small businesses. It is imperative that designations for the new standards be supported by sound, accurate data.

Thank you for your consideration of our request and your support for small business.

DAN DANNER,
Vice President,
Federal Government Relations.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, March 3, 1998.

To Members of the United States Senate:

The U.S. Chamber of Commerce urges your support for the amendment to be offered by Senator Inhofe to S. 1173, the Intermodal Surface Transportation Efficiency Act. The U.S. Chamber of Commerce is the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region.

From an economic standpoint, immediate implementation of the new standards would triple the number of communities out of compliance, at a time when continuing improvements are being made to the nation's air quality. The amendment will provide states, businesses and consumers greater certainty that control strategies for attaining compliance with both the new ozone and fine particulate matter standards are based on reliable data. The amendment will provide the necessary funding to the Environmental Protection Agency (EPA) for establishing a nationwide monitoring network for $PM_{2.5}$ and allows for the collection of three full years of monitoring data before EPA decides which areas of the country do not meet the new standard. The amendment is consistent with the timelines set froth in President Clinton's Memorandum on Implementation of the new National Ambient Air Quality Standards (NAAQS) for ozone and $PM_{2.5}$.

Accordingly, we urge your support for the Inhofe amendment to ensure that the new NAAQS are based on the best data possible. The U.S. Chamber will consider including the vote on this amendment to S. 1173 in its annual How They Voted ratings.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

AMERICAN LEGISLATIVE
EXCHANGE COUNCIL,
Washington, DC, March 2, 1998.

Senator JAMES INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: It has come to my attention that you are considering an amendment to the Senate Highway bill, known as ISTEA, dealing with the Environmental Protection Agency's revised National Ambient Air Quality Standards for particulate matter. I commend you on addressing this important issue.

ALEC's members comprise over 3,000 state legislators in all fifty states. These new standards will seriously impact our state economies and divert scarce funds from other health and environment priorities. Thus, it is crucial that these standards not be imposed prematurely.

ALEC has adopted the Resolution on Ozone and particulate Matter NAAQS Revisions, (enclosed), a model resolution opposing the rapid implementation of these changes. In the resolution, ALEC notes that little monitoring information has been developed as to the beneficial health effects of new standards. ALEC believes more study is needed to ascertain if a casual link exists between particles of 2.5 microns and possible adverse health effects. Also, ALEC supports further study to determine the actual benefits and costs involved.

ALEC's model legislation has been considered by many state legislatures, and has already passed in seven states. I hope this information is helpful as you continue your deliberations on this issue. If you have any questions, I encourage you to call Scott Spendlove, Acting Director of ALEC's Energy, Environment, Natural Resources and Agriculture Task Force, at (202) 466-3800.

Sincerely,

DUANE PARDE,
Executive Director.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to the Inhofe amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 1705 are located in today's RECORD under "Introduction of Bills and Joint Resolutions.")

Ms. MOSELEY-BRAUN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I also would like to thank the Presiding Officer. This is actually my time to be in the Chair, and I appreciate his giving me the opportunity to speak on the ISTEA legislation before us. I will try to be brief in light of his willingness to stay a little extra today.

I just thought I would take a few minutes to review as I see it the progress that has been made really going all the way back to last year in the effort to try to address the problems of infrastructure and transportation in our country. Let me do that though, first, from my perspective as a Senator from the State of Michigan.

For quite a long time—in fact, longer than anybody around seems to be able to remember—our State has been one of the States which was referred to as a donor State. That means that when gas tax moneys are sent to Washington, more moneys get sent from Michigan than ever come back in the form of support for the highway system. We understand and I think have shown over the years a great deal of patience with the formulas that have been used and the return on investment that has taken place.

We understood, for example, when the Interstate Highway System was being built that a lot of States needed to have additional dollars beyond that which they could generate from their own gas tax revenues in order to build the system so that we could transport Michigan cars to the South or to the West and to the east coast, or Michigan agriculture products and take advantage of receiving in exchange the goods and services that other States were exporting. However, because we are sending more dollars to Washington than we have received back, it has meant that our State has not been able to do all that we would like to in order to prepare our own infrastructure for the 21st century.

We are especially beset by specific problems in Michigan. One is the fact that the weather in our State tends to be quite a bit colder than the average for the entire country. Particularly in the northern parts of Michigan we encounter winters that are very severe. And that has an effect on the road system.

We also, of course, confront problems that relate to the age of our system. The Interstate System in our State of Michigan on average is approximately 7 years older than the national average, which means that some of our roads are more in need of service and repair than might be the case in other parts of the country.

For this variety of reasons, it has been my view from the beginning of the discussion of transportation legislation, which really was initiated last year, that it is indispensable that Michigan receive more money back, more dollars back, than we have been receiving in previous years. To that end, our State legislature and our Governor addressed this issue very clearly in 1997. The Governor came forth with a very bold plan aimed at trying to provide adequate revenues and resources to put Michigan's roads on a path to being in good shape for the next century. Half of the plan essentially was a plan that basically relied on Michigan to assume a greater responsibility.

So the State legislature and the Governor signed into law legislation which increased our States' gas tax by a little over 4 cents to generate approximately $200 million more per year to be available for our State department of transportation. The Governor also charged all of us who are Federal legislators with the job of bringing back more dollars to Michigan as part of the reauthorization of the ISTEA legislation. The target he set for us was $200 million as well, and it was his view that, if the State could increase by $200 million what it invested in roads and if the Federal Government's share could be increased by $200 million, that $400 million amount would give Michigan an excellent chance to address its repair needs, new roads needs, and a variety of other transportation needs.

We have been working on this, obviously, now for quite a long time. I think the progress to date has been good. The strategy that I have taken or tried to work on here as a Member of the Senate has really been a three-part strategy. Earlier this week, on Monday, we learned that the second of the three parts had been successfully completed. The first part was successfully completed in 1997, and we will soon work on the balance. But let me talk about that strategy briefly and why, at least from Michigan's point of view, things are much more positive today than they were just a few days ago.

The first part of the strategy was simple. It was to shift into the national highway transportation trust fund all the gas tax revenues being sent to Washington from Michigan and other States. As you know, in 1993, when we increased the Federal gas taxes by 4.3 cents, it was the first time those dollars didn't go into the highway trust fund; they went into the general fund. For a lot of us that didn't make sense. Several of us tried to have that 4.3 cents repealed. We didn't have enough votes to get that job done. But what we did have was support this past year during the deliberations on the tax bill in the summer of 1997 to shift those tax dollars from the general fund to the transportation fund, to make those dollars now available, if we authorized it, to be spent on transportation. That was step one. It was a big victory for donor States.

Step two took place earlier this week. After a lengthy behind-the-scenes and public set of discussions and debates and negotiations, the decision was made to spend a considerably greater amount of money on transportation over the pendency of the ISTEA legislation than had been expected to be spent when the legislation was first brought to the Senate last year. Essentially, that amount will be approximately $25 billion additional over this timeframe. This is good news. It means that the 4.3 cents we are transferring into to the trust fund will not be allowed to increase the trust fund surplus but instead be available to be spent on transportation so the donor States will have the opportunity to see more of their gas tax moneys coming back.

It has been estimated that the combination of the underlying legislation which was introduced here and the new dollars that are going to be made available will for Michigan put us at least at the $200 million mark and perhaps considerably beyond that. That, of course, is the final step in the process.

What I wanted to do in my brief remarks today was to thank the chairman of the Environment and Public Works Committee and the ranking member and others who have been here working and will continue, I am sure, for the next several days to be working for the progress that has been made; to also thank those who were involved in these budget discussions, particularly Senator DOMENICI, with whom I had numerous meetings and discussions on this over the course of the last several months, for his willingness to work on the new budget resolution in such a way as to accommodate the additional spending on transportation. I think we are making progress in the right direction.

The final step, obviously, is to determine how the new dollars and all the money will be allocated. As a donor State, I have made it very clear to the ranking member, to the chairman, and others that we in Michigan would like to see donor States get as much equity as possible. We recognize in this Chamber that we are not the majority of States. We also recognize that there are unique needs in various regions of the country, which we will try to address.

For my part, I want to be as helpful to the process as possible, and at the same time I want to make it clear that as a Senator from Michigan I am going to do everything I can to try to make sure that our voice is heard and that we address to the degree we possibly can in this Chamber the need for States that are donor States to get their fair share. I hope we can finish this process in a way, as I said, that allows us to not only hit but exceed the $200 million per year increase that the Governor has set for us. I am more definitely on course for doing that, and I appreciate the progress that has taken place so far.

I look forward to working with everybody. I will keep my constituents apprised as further developments occur. But to those from Michigan who are tuned in or who will be following this debate, I do want to make it clear that we have succeeded, first, in shifting the gas tax revenues into the trust fund; second, we have now succeeded in making sure that those revenues coming into the trust fund will be spent. When you add those together you definitely see Michigan on the road to receiving a much greater number of dollars back from Washington than has been the case. That is the kind of direction I hope we can continue right through to the end of this legislation both here in the Senate and ultimately when we work with the House to finish this up later this year.

Mr. President, thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent to set aside the pending amendment, which is the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, we have a series of amendments that have been agreed to by both sides.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 1690 TO AMENDMENT NO. 1676

(Purpose: To modify State infrastructure bank matching requirements)

Mr. CHAFEE. Mr. President, I send to the desk an amendment on behalf of Senator MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MURKOWSKI, proposes an amendment numbered 1690 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 191, line 12, strike the semicolon at the end and insert ", except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;".

Mr. CHAFEE. This amendment by the junior Senator from Alaska is in connection with State infrastructure banks. This amendment restores the so-called sliding scale matching rate for States having large amounts of federally owned land. Under the current State Infrastructure Bank Pilot Program, such States may provide a smaller non-Federal match for Federal contributions of capitalizing grants.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1690) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1691 TO AMENDMENT NO. 1676

(Purpose: To include as a goal of the innovative bridge research and construction program the development of new nondestructive bridge evaluation technologies and techniques)

Mr. CHAFEE. Mr. President, the second amendment which I have is by the senior Senator from New Mexico, Senator DOMENICI. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DOMENICI, proposes an amendment numbered 1691 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 371, line 6, strike "and" after the semicolon.

On page 371, line 10, strike the period and insert "; and".

On page 371, between lines 10 and 11, insert the following:

"(6) the development of new nondestructive bridge evaluation technologies and techniques."

Mr. CHAFEE. Mr. President, what this amendment does is deal with innovative bridge research and construction. There is such a program. This would include the development of nondestructive bridge evaluation technologies and techniques. This is an important part of bridge safety research.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1691) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1692 TO AMENDMENT NO. 1676

(Purpose: To refine the criteria of selection for Federal assistance for Trade Corridor and Border Infrastructure, Safety, and Congestion Relief projects)

Mr. BAUCUS. On behalf of Senator MOYNIHAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. MOYNIHAN, proposes an amendment numbered 1692 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 98, line 7, amend subparagraph 1116(d)(2)(A) by striking "of commercial vehicle traffic" each place it appears and substituting "and value of commercial traffic".

Mr. BAUCUS. This amendment, as I mentioned, I am offering on behalf of Senator MOYNIHAN from New York. It clarifies that the Secretary shall consider the value of commodities traveling through a State in addition to the volume of the commodities when selecting proposals in the border infrastructure and trade corridor program.

We have examined this amendment. I think it has also been cleared by the other side. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1692) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1693 TO AMENDMENT NO. 1676

(Purpose: To clarify the planning provisions of the bill)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of Senators MOSELEY-BRAUN and DURBIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Ms. MOSELEY-BRAUN, for herself and Mr. DURBIN, proposes an amendment numbered 1693 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 249, strike lines 5 through 11 and insert the following:

"(2) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at last 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

"(I) whose population is more than 5,000,000 but less than 10,000,000, or

"(ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

Mr. BAUCUS. On behalf of Senator MOSELEY-BRAUN, this is an amendment to, frankly, correct an error that was made in the drafting of the Environment and Public Works Committee bill before us today. The effect of this amendment, therefore, would be to return to current law.

When the committee drafted the bill before us, that is ISTEA II, we did not make any major changes to the current ISTEA planning provisions. The language the Senator from Illinois is reinserting should not have been deleted from the bill.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1693) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1694 TO AMENDMENT NO. 1676

(Purpose: To provide for research into the interactions between information technology and future travel demand)

Mr. BAUCUS. Mr. President, I have another amendment. This is on behalf of Senator Barbara BOXER.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mrs. BOXER, proposes an amendment numbered 1694 to amendment No. 1676.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 345, line 6, strike "and".

On page 345, line 9, strike the period and insert "; and".

On page 345, between lines 9 and 10, insert the following:

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand.

Mr. BAUCUS. This amendment on behalf of the Senator from California, Mrs. BOXER would expand the current research programs to include how telecommuting and other technological and economic changes can affect travel. I believe this is a good amendment and will help fill the gap in our research programs. California certainly is a State with telecommuting and other technologies, and travel, and I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1694) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, we are working to try to get another amendment up.

Mr. CHAFEE. Mr. President, I think perhaps this might be a time when we might do the best we could to alert our colleagues as to what is taking place.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. The major amendment we have been on since 10:30 this morning, what you might call the so-called Chafee amendment, has been tied up with some difficulties. We have not been able to move to a vote on that. We have set it aside to take up other matters. At this time, I would like very much if we could take up the Dorgan amendment, if that is possible. If that is not possible, and that will take an hour, we would soon be able to alert people whether we will be able to do that or not.

Absent that, and even in addition to that, there would be an amendment of about a half an hour by the junior Senator from New Mexico, Senator BINGAMAN. If the Dorgan amendment is not available to take up, then it would be my suggestion we go directly to the Bingaman amendment, which would take a half hour.

So it is possible that we would have some votes—a vote at somewhere around 6 o'clock. As you can note from my statement here, there are some "ifs" involved in all this. I am doing the best I can to keep our fellow Senators alerted to what the situation is.

Mr. BAUCUS. We are making every effort to locate both those Senators and we are urging them to come to the floor as quickly as possible. I am unable to report at this time whether they will be able to come to the floor, but we will certainly try.

Mr. CHAFEE. I say further, what we would like to do is to dispose of the underlying amendment, that is the amendment before us, the so-called Chafee amendment. If we cannot do it tonight—and I see problems with that—certainly do it the first thing in the morning. Then we would go to the McConnell amendment on disadvantaged business enterprises. He has indicated he would be ready. Actually, I told him we were going to do that this afternoon, so my predictions are not totally accurate on what we are taking up and what we might take up.

But we are doing the best we can. That is a major amendment and will take some time. We would certainly like to get to that amendment as soon as we can. The key thing is to dispose of the so-called Chafee amendment as soon as we can.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I fully concur with the agenda laid out by the distinguished chairman, and hope we accomplish it. Meanwhile, I ask unanimous consent Senator CAROL MOSELEY-BRAUN be added as a cosponsor of the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I am authorized to announce on behalf of the majority leader there will be no more votes this evening. We will announce shortly the schedule for tomorrow, what time we will be coming in, what votes will be coming up and when they will be coming up. We will be ready to announce that very, very shortly.

I ask unanimous consent that Senator DOMENICI be added as a cosponsor to the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, we are waiting for the final arrangements for the schedule for early tomorrow, and pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, before we start, I once again say to anybody who hasn't yet got the message, I have been authorized by the majority leader to announce that there will be no further rollcall votes this evening.

Madam President, I ask unanimous consent that at 9 a.m. on Thursday, immediately following the resumption of the highway bill, Senator BINGAMAN be recognized in order to offer an amendment regarding liquor drive-throughs. I further ask unanimous consent that there be 30 minutes for debate, equally divided in the usual form, on that amendment. I further ask consent that immediately following that debate, the amendment be set aside and Senator DORGAN be recognized to offer an amendment regarding open containers. I ask consent that there be 60 minutes for debate, equally divided in the usual form, on that amendment. Finally, I ask consent that at the expiration of that time, at approximately 10:30 a.m. on Thursday, the Senate proceed to a vote on or in relation, first, to the Dorgan amendment, to be followed by a vote on or in relation to the Bingaman amendment. I also ask unanimous consent that no amendments be in order to the above-mentioned amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAFEE. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. DOMENICI. Madam President, shortly, the Congressional Budget Office—that is the official professional staff that has been in existence for many years that helps the Congress with budgeting—is going to issue—it is already prepared, it is ready for a formal issuance—an analysis of the President's budgetary proposals for the year 1999.

Before I tell the Senate what they are going to conclude, let me hearken back to when the President issued his budget. There were many Senators who asked me, "How can the President have so many new domestic programs when we have an agreed-upon limit for the year 1999 and the year 2000 and the year 2001, all the way to the year 2003, that doesn't permit any growth in the Federal domestic program?" As a matter of fact, to be accurate, it permits .5 percent growth, which the Congressional Budget Office has said, doing the arithmetic, it is even high; you cannot grow that much.

So I was being asked: Where can the President find money for his education initiative—whether you are for it or against it—for his child care proposal—whether you are for it or against it—and a long shopping list of programs? And I believe I said then, and said on the floor of the Senate, I do not believe he can. I believe he has tried to find a way to spend more than the agreement says we can spend, but says he isn't by transferring revenues and receipts to the Appropriations Committee so they can spend the money and take credit for the revenues and receipts and other matters like that.

Well, as a matter of fact, the Congressional Budget Office says that the President is $68 billion in excess of the agreed-upon amounts we can spend for each of these 5 years—$68 billion over the budget agreement caps on the domestic discretionary programs, on the domestic program part of the appropriations process.

Now, that is very important, because to the extent that that is correct, then obviously, unless Senators want to go back and restrain and cut and eliminate domestic programs, they are clearly not going to be able to fund very much of the President's new domestic initiative list that was forthcoming and stated in his State of the Union address.

Now, frankly, I did not believe, as one who has worked on this for some time, that the President could exchange matters in that way, and what I said has now been vindicated by the professionals who do the work for the Congress. If you could do it that way, then obviously these agreed-upon caps would be meaningless, for all you would have to do is find revenues and receipts, and the Government could grow and grow in terms of the amount that we spend and still say that we are within the agreed-upon caps because you offset the receipts against the expenditures.

Apparently, the Congressional Budget Office said that is not possible and then found that some of the expenditures are going to spend out more than the President says. Now, that is interesting, because if you wonder where we are on surpluses, you know the President said we had a $220 billion surplus over 5 years. The Congressional Budget Office, in its report, says the surplus for the 5 years, Mr. President, will be less than half of that, it will be $108 billion—slightly less than one-half of what he predicted.

In addition to that fact, which should sober us up a bit, this professional evaluation done for us by an independent entity—not the economists who work for the President, and not the President's Office of Management and Budget, but an independent group—they also say that the budget, the way the President is spending it, goes out of kilter and that in the year 2000 we are in deficit again. In other words, we come out, have a little surplus—a little surplus—and then in 2000 we are in deficit again. We come out of it shortly afterwards. But it does put us in a very awkward position, as we speak of the accumulation of surpluses over time, to find that the numbers we are going to be forced to use are going to say there is no surplus in the year 2000.

Now, I wish that the President was right in his $220 billion surplus over 5 years. I wondered about it, especially with all the new spending. But I was today to some extent—some sober language enters our discussions now, a little sobering-up with reference to where we are. And, I will insert in the RECORD the Congressional Budget Office's analysis in toto for everyone to read.

One last comment. The Congressional Budget Office has modified the annual surpluses also substantially so that there are no significant surpluses in the early years—maybe 4, 5, 6, 7 billion dollars, but nothing significant.

Now, that means that our job around here is a lot more difficult, because whenever anybody thinks it does not matter whether we overspend, we are going to be confronted with the sobering fact that we had better not be looking to the President's budget for guidance or advice because it will just make matters worse.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, March 3, 1998, the federal debt stood at $5,528,586,832,076.70 (Five trillion, five hundred twenty-eight billion, five hundred eighty-six million, eight hundred thirty-two thousand, seventy-six dollars and seventy cents).

One year ago, March 3, 1997, the federal debt stood at $5,358,957,000,000 (Five trillion, three hundred fifty-eight billion, nine hundred fifty-seven million).

Five years ago, March 3, 1993, the federal debt stood at $4,197,838,000,000 (Four trillion, one hundred ninety-seven billion, eight hundred thirty-eight million).

Ten years ago, March 3, 1988, the federal debt stood at $2,492,076,000,000 (Two trillion, four hundred ninety-two billion, seventy-six million).

Fifteen years ago, March 3, 1983, the federal debt stood at $1,219,388,000,000 (One trillion, two hundred nineteen billion, three hundred eighty-eight million) which reflects a debt increase of more than $4 trillion—$4,309,198,832,076.70 (Four trillion, three hundred nine billion, one hundred ninety-eight million, eight hundred thirty-two thousand, seventy-six dollars and seventy cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING NATIONAL SECURITY INTERESTS WITH RESPECT TO BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

I hereby certify that the continued presence of U.S. armed forces, after June 30, 1998, in Bosnia and Herzegovina is required in order to meet the national security interests of the United States, and that it is the policy of the United States that U.S. armed forces will not serve as, or be used as, civil police in Bosnia and Herzegovina.

This certification is presented pursuant to section 1203 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, and section 8132 of the National Defense Appropriations Act for Fiscal Year 1998, Public Law 105–56. The information required under these sections is in the report that accompanies this certification. The supplemental appropriations request required under these sections is being forwarded under separate cover.

America has major national interests in peace in Bosnia. We have learned from hard experience in this turbulent century that America's security and Europe's stability are intimately linked. The Bosnian war saw the worst fighting—and the most profound humanitarian disaster—on that continent since the end of the Second World War. The conflict could easily have spread through the region, endangering old Allies and new democracies alike. A larger conflict would have cast doubt on the viability of the NATO alliance itself and crippled prospects for our larger goal of a democratic, undivided, and peaceful Europe.

The Dayton framework is the key to changing the conditions that made Bosnia a fuse in a regional powder keg. It is decisively in American interests to see Dayton implemented as rapidly as feasible, so that peace becomes self-sustaining. U.S. leadership is as essential to sustaining progress as it has been to ending the war and laying the foundation for peace.

I expect the size of the overall NATO force in Bosnia and Herzegovina will remain similar to that of the current SFOR. However, the U.S. contribution would decline by about 20 percent, as our Allies and partners continue to shoulder an increasing share of the burden.

Although I do not propose a fixed end-date for this presence, it is by no means open-ended. Instead, the goal of the military presence is to establish the conditions under which Dayton implementation can continue without the support of a major NATO-led military force. To achieve this goal, we have established concrete and achievable benchmarks, such as the reform of police and media, the elimination of illegal pre-Dayton institutions, the conduct of elections according to democratic norms, elimination of cross-entity barriers to commerce, and a framework for the phased and orderly return of refugees. NATO and U.S. forces will be reduced progressively as achievement of these benchmarks improves conditions, enabling the international community to rely largely on traditional diplomacy, international civil personnel, economic incentives and disincentives, confidence-building measures, and negotiation to continue implementing the Dayton Accords over the longer term.

In fact, great strides already have been made towards fulfilling these aims, especially in the last ten months since the United States re-energized the Dayton process. Since Dayton, a stable military environment has been created; over 300,000 troops returned to civilian life and 6,600 heavy weapons have been destroyed. Public security is improving through the restructuring, retraining, and reintegration of local police. Democratic elections have been held at all levels of government and hard-line nationalists—especially the Republika Srpska—are increasingly marginalized. Independent media and political pluralism are expanding. Over 400,000 refugees and displaced persons have returned home—110,000 in 1997. One third of the publicly-indicted war criminals have been taken into custody.

Progress has been particularly dramatic since the installation of a pro-Dayton, pro-democracy Government in Republika Srpska in December. Already, the capital of Republika Srpska has been moved from Pale to Banja Luka; media are being restructured along democratic lines; civil police are generally cooperating with the reform process; war criminals are surrendering; and Republika Srpska is working directly with counterparts in the Federation to prepare key cities in both entities for major returns of refugees and displaced persons.

At the same time, long-standing obstacles to inter-entity cooperation also are being broken down: a common flag now flies over Bosnian institutions, a common currency is being printed, a common automobile license plate is being manufactured, and mail is being delivered and trains are running across the inter-entity boundary line.

Although progress has been tangible, many of these achievements still are reversible and a robust international military presence still is required at the present time to sustain the progress. I am convinced that the NATO-led force—and U.S. participation in it—can be progressively reduced as conditions continue to improve, until the implementation process is capable of sustaining itself without a major international military presence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

REPORT ON TELECOMMUNICATIONS PAYMENTS TO THE GOVERNMENT OF CUBA FROM U.S. PERSONS—MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the "LIBERTAD Act"), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period July 1 through December 31, 1997, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

	Amount
AT&T Corporation (formally, American Telephone and Telegraph Company)	$11,991,715
AT&T de Puerto Rico	298,916
Global One (formerly, Sprint Incorporated)	3,180,886
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	4,128,371
MCI International, Inc. (formerly, MCI Communications Corporation) ...	4,893,699
Telefonica Larga Distancia de Puerto Rico, Inc.	105,848
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	5,608,751
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	2,887,684
	33,095,870

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998.*

REPORT OF THE NOTICE OF THE CONTINUATION OF THE IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1998, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998.*

MESSAGES FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 347. An act to designate the Federal building located at 100 Alabama Street, N.W., in Atlanta, Georgia, as the "Sam Nunn Federal Center."

The message also announced that pursuant to the provisions of section 114(b) of Public Law 100–458 (2 U.S.C. 1103), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development to fill the existing vacancy thereon, the term to expire on September 27, 1999; Mr. PICKERING of Mississippi.

The message further announced that House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 217. An act to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively.

The message also announced that pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131), the Chair announces the Speaker's appointment of the following participants on the part of the House to the National Summit on Retirement Savings: Ms. Meredith Bagby of New York, Mr. James E. Bayne of Texas, Mr. Carroll A. Campbell, Jr. of South Carolina, Ms. Joyce Campbell of Washington, D.C., Ms. Hilda Cannon of Georgia, Mr. Christopher W. Clement of Arizona, Mr. Benjamin Tanner Domenech of Virginia, Mr. Clinton A. Demetriou of Georgia, Mr. Pete du Pont of Delaware, Mr. Adam Dubitsky of Washington, D.C., Ms. Lynn D. Dudley of Washington, D.C., Mr. Ric Edelman of Virginia, Mr. John N. Erlenborn of Maryland, Ms. Shannon Evans of Nevada, Mr. Harris W. Fawell of Illinois, Mr. Peter J. Ferrara of Virginia, Mr. Ray Gaydos of Washington, D.C., Mr. Craig Ghloston of Texas, Mr. Arthur Glatfelter of Pennsylvania, Mr. Dylan Glenn of Georgia, Mr. James T. Gordon of Georgia, Mr. Brian H. Graff of Virginia, Mr. Matthew Greenwald of Washington, D.C., Mr. Brent R. Harris of California, Mr. Donald K. Hill of Georgia, Ms. Amy M. Holmes of Washington, D.C., Ms. Karen A. Jordan of Arkansas, Mr. John Kimpel of Massachusetts, Mrs. Beth Kobliner of New York, Mr. Gerald Letendre of New Hampshire, Mr. Ronald Lyons of Ohio, Mrs. Patricia De L. Marvil of Virginia, Mr. Philip Matthews of Connecticut, Mr. Thomas J. McInerney of Connecticut, Mr. Kevin M. McRaith of New Mexico, Ms. Rita D. Metras of New York, Ms. Lena Moore of Washington, D.C., Ms. Dana Muir of Michigan, Ms. Heather Nauert of Washington, D.C., Mr. Jeffrey M. Pollock of New Hampshire, Ms. Pati Robinson of Washington, Ms. Andrea Batista Schlesinger of New York, Mr. Eugene Schweikert of South Carolina, Mr. Charles Schwab of California, Ms. Victoria L. Swaja of Arizona, Mr. Richard Thau of New York, Ms. Sandra R. Turner of Florida, Mrs. Sunny Warren of Georgia, Mr. Albert Zapanta of Virginia, and Mr. Roger Zion of Indiana.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 217. An act to amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4119. A communication from the President of the United States, transmitting, pursuant to law, the report of 24 proposed rescissions of budgetary resources; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Energy and Natural Resources, and to the Committee on Commerce, Science, and Transportation.

EC–4120. A communication from the Secretary of Defense, transmitting, pursuant to law, a report concerning the Cooperative Threat Reduction Program; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 1704. A bill for the relief of Renee Merhej and Wadih Merhej; to the Committee on the Judiciary.

By Ms. MOSELEY-BRAUN (for herself, Mr. MOYNIHAN, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, Mr. DASCHLE, Mr. REID, Mr. GLENN, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, and Mr. REED):

S. 1705. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1706. A bill to amend title 23, United States Code, to encourage States to enact laws that ban the sale of alcohol through a drive-up or drive-through sales window; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. BUMPERS, and Mr. BYRD):

S. 1707. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. DODD, Mrs. BOXER, Mr. BREAUX, Mr. ROBB, Mr. LEVIN, Mr. LAUTENBERG, Mr. GLENN, Mr. KERRY, Mrs. FEINSTEIN, Mr. REID, Mr. REED, and Mr. BRYAN):

S. 1708. A bill to improve education; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 1709. A bill to authorize the Secretary of Labor to provide assistance to States for the implementation of enhanced pre-vocational training programs, in order to improve the likelihood of enabling welfare recipients to make transitions from public assistance to employment, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself, Mr. LEVIN, Mr. LEAHY, Mr. STEVENS, Mr. ROBB, Mr. WARNER, Mr. SARBANES, and Ms. MIKULSKI) (by request):

S. 1710. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE (for Mr. LOTT):

S. Res. 191. A resolution making Majority party appointments for the Committee on Governmental Affairs for the 105th Congress; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. HUTCHISON, Mr. DURBIN, and Mr. SANTORUM):

S. Con. Res. 79. A concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN (for herself, Mr. MOYNIHAN, Mrs. MURRAY, Mr. KENNEDY, Mr. GRAHAM, Mr. DASCHLE, Mr. REID, Mr. GLENN, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, and Mr. REED):

S. 1705. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

THE PUBLIC SCHOOL MODERNIZATION ACT OF 1998

Ms. MOSELEY-BRAUN. Mr. President, I send to the desk a bill and ask for its appropriate referral.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Ms. MOSELEY-BRAUN. Mr. President, today I am pleased to introduce, along with a number of my colleagues, the Public School Modernization Act of 1998. This legislation addresses one of the most fundamental problems with public education in America, and that is that many of our elementary and secondary schools are literally falling down around our children.

The Public School Modernization Act of 1998 will help States and school districts finance their school improvement priorities. It will help them modernize classrooms so that no child misses out on the information age. It will help them ease overcrowding so that no child is forced to learn the principles of geometry in a gymnasium. It will help them patch leaky roofs, fix broken plumbing, and strengthen the facilities that provide the foundation for our children's education. Without this support, schools will continue to crumble under the weight of deferred maintenance and neglect, and our children's education, and their future, and our Nation's future, will suffer as a result.

Education in America correlates with opportunity for individuals, but also for our country as a whole. The rungs of the ladder of opportunity in America are crafted in the classroom. Consider that high school graduates earn 46 percent more each year than those who don't graduate from high school. College graduates earn 155 percent more every year than those who do not graduate from high school. Over the course of a lifetime, the most educated Americans will earn five times as much as the least educated Americans. So education is clearly related to individual prosperity and the ability of people to function in this new economy.

Education also correlates to almost all indicia of economic and social wellbeing. Educational attainment can directly be tied to income, to health, to the likelihood of being on welfare, to the likelihood of being incarcerated in a prison, and to the likelihood of voting and participating in our democracy.

However, education is more than a tool simply to lift people out of poverty or to provide a better standard of living for individuals. It is also the engine that will drive America's economy in the 21st century. In a Wall Street Journal survey last year of leading U.S. economists, 43 percent of them said that the single most important thing that we could do to increase our long-term economic growth would be to invest more in education and research and development. Nothing else came close to education in that survey. One economist said, "One of the few things that economists will agree upon is the fact that economic growth is very strongly dependent on our own abilities."

A recent study by the Manufacturing Institute concluded that increasing the education level of workers by 1 year raises the productivity level by 8.5 percent in manufacturing. Imagine, Mr. President, if you will, that in this global economy, the only way we will be able to hold on to our position as the country in the world with the highest standard of living is if we prepare our work force—as a whole, all of our workers—to compete at the highest level of competition and to produce at the highest level of productivity.

The Public School Modernization Act of 1998 represents the kind of investment that will result in better futures for our children and a better future for our country. The bill strengthens the fundamental tenet of American education—local control. By helping schools finance their capital improvement priorities, the Federal Government can free local resources for educational activities and can help give communities the kind of buildings that they need before they can implement the kinds of school reforms that parents and educators are demanding.

The Public School Modernization Act of 1998 creates a simple, effective, and easy-to-administer means of helping communities modernize their schools. The bill creates a new category of zero coupon bonds for States and school districts to issue to finance capital improvements. It allocates $21.8 billion worth of bonding authority to States and large school districts over the next 2 years.

Over 5 years, the bill will cost our National Government only $3.3 billion, but $21.8 billion worth of new construction and modernization will be made available by that $3.3 billion, which means for every Federal dollar that we invest over the next 5-year period, there will be an additional 6.6 in State and local dollars. That is a pretty good leverage capacity from this kind of investment.

Perhaps most important, though, Mr. President, is that this bill is bureaucracy-free, or as close to bureaucracy-free as we can manage. States and school districts need only to comply with two main requirements before issuing these new school modernization bonds. First, they must conduct a survey of their school facility needs, which you would think that every school district would have already, but the truth is they don't, yet. Second, they must describe how they intend to allocate the bonding authority to assure that schools with the greatest needs and the least resources benefit. That is it. Those are the only strings. There is no reapplying for funds, no continuous oversight, no getting individual projects approved by some Federal agency. The plan is simple. It will work. And it will strengthen local schools.

Mr. President, the magnitude of the school facilities problem is so great today that many districts cannot maintain the kind of educational environment necessary to teach all of our children the kinds of skills they will need to compete in the 21st century global economy.

We commissioned a study by the GAO a couple years ago. What they concluded was that every day some 14 million children in this country—14 million children—attend schools in need of major renovations or outright replacement, 7 million children every day attend schools with life-threatening safety code violations, and it will cost $112 billion to bring the schools up to code. This is not bells and whistles, this is not equipping them with computers and fancy new cosmetics, but just to address the toll that decades of deferred maintenance have taken on our school facilities across this country.

In my State of Illinois, school modernization and construction needs top $13 billion. Many of our school districts have a difficult time enough just buying textbooks, pencils, and teacher salaries, let alone financing capital improvements. This would free local resources for education by providing Federal support for bricks and mortar.

By the way, the national school repair price tag, as enormous as it sounds, does not include the cost of wiring our schools for modern technology. One of the greatest barriers to the incorporation of modern computers into classrooms is the physical condition of many school buildings. You can't very well use a computer if you don't have an electrical system working in the wall to plug it into. According to the GAO study, almost half of all schools—half of all schools—lack enough electrical power for the full-scale use of computers, 60 percent lack the conduits to connect classroom computers to a network, and more than 60 percent of the schools lack enough phone lines for instructional use.

Last year, principal Rita Melius from Waukegan, IL, came to Washington and told of her experience with computer technology at her school. She thought she was doing the right thing by equipping her schools with modern school technology, but when she deployed the computers around the schools, fires started in the building because the wiring was so old. Her experience is being replicated all over this country as communities try to bring their schools into the information age. This legislation will give Ms. Melius, and others like her, the resources to modernize their classrooms.

Mr. President, it will also give communities the power to relieve overcrowding. According to the U.S. Department of Education, just to keep up with growing enrollment, we will need to build some 6,000 new schools over the next 10 years.

I have visited schools in Illinois where study halls are being held in the hallways, literally, because there is no other space. I have seen stairway landings converted into computer labs. I have seen cardboard partitions used to turn one classroom into two. I point out, Mr. President, that particular school was in what could be called a basement. It wasn't exactly a basement, it was at ground level, but they had cardboard separating two classes from each other. There is a school, frankly, where the lunchroom has been converted into two classrooms, where students eat in the gymnasium. And instead of having gym, they have "adaptive physical education" while they stand next to their desks, because the gyms are being used for lunchrooms. It is really shameful, Mr. President, and it is the situation that we find in almost a third of the schools in this country.

Again, I point out that this phenomenon is not just an inner-city problem. It exists in rural communities and suburban communities as well—just about one-third in each type of community across the United States.

Teachers and parents know full well that these conditions directly affect the ability of their children to learn, and research backs up that intuition. Two separate studies found a 10 to 11 percent achievement gap between those students in good buildings and those in shabby or poor buildings, after controlling for all other factors.

Other studies have found that when buildings are in poor condition, students are more likely to misbehave. Three leading researchers recently concluded, ". . . there's no doubt that building condition affects academic performance."

This morning, in a press conference in which a student from a local school talked about overcrowded conditions, he mentioned that they were having discipline problems from fights breaking out from what he called "hall rage," because the overcrowding situation in the school was so perverse and extreme that students were literally bumping into each other trying to move from class to class. So we have a situation here in which academic performance is affected.

I think it is time to mention something at this point. We just saw, this week, the grades come in on an international math and science test. The results were profoundly disturbing. American students scored close to the bottom, or at the bottom, on every math and physics test offered.

Now, here we are. A new study of high school seniors in 23 countries shows U.S. students scored significantly lower than students in other countries. This is in math, nations with scores above the international level: Netherlands, Sweden, Denmark, Switzerland, Iceland, and Norway. Nations with scores close to the international average: Italy, Russia, Lithuania, Czech Republic, and the United States. Nations lower than the international level: Cyprus and South Africa. We are in the category of nations with scores lower than the international level, which includes: France, Russia, Switzerland, Denmark, Cyprus, Lithuania, Australia, Greece, Sweden, Canada, Slovenia, Italy, Czech Republic, Germany, and the United States is next to last in advanced mathematics. In physics: Norway, Sweden, Russia, Denmark, Slovenia, Germany, Australia, Cyprus, Latvia, Greece, Switzerland, Canada, France, Czech Republic, Austria, and the United States. We are last. From the President down to the local township officials, this should be a clarion call that we have to work to improve the quality of our schools.

Our school facilities problems directly result, Mr. President, from our archaic school funding formula and system. The current system, the way we fund schools, was established a century ago when the Nation's wealth was measured in terms of property wealth, in terms of landholdings. Wealth is no longer accumulated just in land, and the funding mechanism that ties funding of our education to the local property tax is no longer appropriate, nor is it adequate.

Again, according to the GAO, poor and middle-class school districts try the hardest to raise revenue from the property tax, but the system works against them. In some 35 States, poor districts—that is, districts with smaller property tax bases—have higher tax rates than wealthy districts, but they raise less revenue because there is less property wealth to tax.

This local funding model, this model of depending on the local property tax to fund education, does not work for school infrastructure, just as it would not work for our highways or any other infrastructure.

It is ironic that we are here talking about the highway bill. Imagine what would happen if we based our system of roads on the same funding model we use for education. Imagine if every community was responsible for the construction and maintenance of the roads within its borders. In all likelihood, we would see smooth, good roads in the wealthy towns, a patchwork of mediocre roads in middle-income towns, and very few roads at all in poor communities. Transportation would be hostage to the vagaries of wealth and geography. Commerce and travel would be difficult, and navigation of such a system would not serve the best interests of our whole country. That hypothetical, unfortunately, precisely describes the way that we fund our public education system.

I believe we need a new approach. We need a partnership among all levels of government and the private sector that preserves local control in education but creates a financing balance that better serves local property taxpayers, children, schools, and indeed our entire country. This new act I am introducing today represents such a new partnership. It is a simple and effective means of leveraging limited Federal resources, strengthening local control of education, and improving the educational opportunity for every child.

I urge my colleagues to take a close look at the needs of the schools in their own States and decide what they stand for: higher property taxes and crumbling schools, or lower property taxes and a new partnership to improve our schools for the 21st century. I believe that we have some opportunities here.

Again, I have visited a lot of schools and I have seen what happens when we engage the resources sufficient to provide an environment and support needed for our children to learn. American kids are no dumber than kids anywhere else in the world. There is no reason for us to be at the bottom of this international testing. It is not their fault. It is our fault for failing to engage appropriately, to give public education the kind of support that it needs to have.

Now, there is some good news I would like to call to your attention. A group of some 20 Illinois school districts, led by Superintendent Paul Kimmelman, banded together to form a group called the First in the World Consortium. Their goal was to score first in the world on the international math and science test. At the same time that these results came out, Mr. President, the results from the First in the World Consortium came out also. They succeeded. The students in that consortium placed first in the world when compared with other countries, which is far above the dismal performance of our country as a whole.

What does this consortium have that the schools in our country lack? It is not the makeup of students. The kids are as capable anywhere in the country, whether they come from rich families or poor families. We have some of the brightest students in the world, who need only the opportunity to learn. The difference, however, is what supports we, as a community, a national community, can provide for them—schools with first-rate facilities, small classes, modern technology, and supportive communities.

So I hope that we will all take a look at the importance of this legislation. This is a way that we can engage the support of the National Government, our national community, acting in our national interest to serve our most important resource, which is our children. If we don't invest in them and if we don't build up these schools, many of which were built—I am making an assumption about age, but when you and I were in grammar school, Mr. President, these schools were built almost a generation ago and, in many instances, more than a generation ago. That generation saw fit to provide facilities that were suitable for learning. That we have not, I believe, speaks volumes for us.

I think our generation has an absolute obligation and duty to provide for this generation, the next generation of Americans, no less an opportunity than we inherited from the last generation of Americans. We have a duty to see to it that they have the ability to get educated and to take their talent as far as those talents will take them, to maximize the ability of every person to rise to the absolute best level that he or she can, based on his or her natural talents.

Those natural talents, though, Mr. President, have to be nurtured in an environment and in facilities that are suitable for learning. This legislation will begin, hopefully, to create the kind of partnership that will allow the National, State, and local governments to stop the finger-pointing, stop the blame game, stop pushing the buck, and say it is somebody else's duty, or responsibility, or fault, and allow us to come together on behalf of what is clearly in our interest as citizens not only of cities and States and local communities, but as citizens of this great country.

This is why we have to come together. This is why we have to put the old, tired arguments behind us. This is why I think we should take a variety of ideas and put them out so that we can reach a consensus on getting some results, getting results that will serve our children's interests.

The public certainly wants us to do it. According to a bipartisan poll released earlier this year, some 76 percent of registered voters would support a $30 billion, 10-year Federal commitment to rebuild and modernize our schools. This legislation provides for that kind of a partnership. I certainly hope, Mr. President, that the Members of this body will review the GAO reports regarding their own States, because this is not just an Illinois problem, this is not just a North Carolina problem, or a Wyoming problem; this is a problem for America, and every State in this country has the same problem in the same ways. I urge them to examine the reports by the General Accounting Office regarding the condition of schools in their States, I ask them to examine the report of the General Accounting Office regarding the property tax dependence in their States, and I urge them to sign on and cosponsor this legislation.

Mr. President, I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Public School Modernization Act of 1998”.

SEC. 2. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

(a) IN GENERAL.—Part IV of subchapter U of chapter 1 of the Internal Revenue Code of 1986 (relating to incentives for education zones) is amended to read as follows:

“PART IV—INCENTIVES FOR QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS

“Sec. 1397E. Credit to holders of qualified public school modernization bonds.

“Sec. 1397F. Qualified zone academy bonds.

“Sec. 1397G. Qualified school construction bonds.

“SEC. 1397E. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

“(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified public school modernization bond on the credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year the amount determined under subsection (b).

“(b) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any qualified public school modernization bond is the amount equal to the product of—

“(A) the credit rate determined by the Secretary under paragraph (2) for the month in which such bond was issued, multiplied by

“(B) the face amount of the bond held by the taxpayer on the credit allowance date.

“(2) DETERMINATION.—During each calendar month, the Secretary shall determine a credit rate which shall apply to bonds issued during the following calendar month. The credit rate for any month is the percentage which the Secretary estimates will on average permit the issuance of qualified public school modernization bonds without discount and without interest cost to the issuer.

“(c) LIMITATION BASED ON AMOUNT OF TAX.—

“(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

“(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(d) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND; CREDIT ALLOWANCE DATE.—For purposes of this section—

“(1) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND.—The term ‘qualified public school modernization bond’ means—

“(A) a qualified zone academy bond, and

“(B) a qualified school construction bond.

“(2) CREDIT ALLOWANCE DATE.—The term ‘credit allowance date’ means, with respect to any issue, the last day of the 1-year period beginning on the date of issuance of such issue and the last day of each successive 1-year period thereafter.

“(e) OTHER DEFINITIONS.—For purposes of this part—

“(1) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

“(2) BOND.—The term ‘bond’ includes any obligation.

“(3) STATE.—The term ‘State’ includes the District of Columbia and any possession of the United States.

“(4) PUBLIC SCHOOL FACILITY.—The term ‘public school facility’ shall not include any stadium or other facility primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

“(f) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section and the amount so included shall be treated as interest income.

“(g) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“SEC. 1397F. QUALIFIED ZONE ACADEMY BONDS.

“(a) QUALIFIED ZONE ACADEMY BOND.—For purposes of this part—

“(1) IN GENERAL.—The term ‘qualified zone academy bond’ means any bond issued as part of an issue if—

“(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

“(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

“(C) the issuer—

“(i) designates such bond for purposes of this section,

“(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

“(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

“(D) the term of each bond which is part of such issue does not exceed 15 years.

“(2) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—

“(A) IN GENERAL.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

“(B) QUALIFIED CONTRIBUTIONS.—For purposes of subparagraph (A), the term ‘qualified contribution’ means any contribution (of a type and quality acceptable to the local educational agency) of—

“(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

“(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom, "(iii) services of employees as volunteer mentors,

"(iv) internships, field trips, or other educational opportunities outside the academy for students, or

"(v) any other property or service specified by the local educational agency.

"(3) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

"(D) the comprehensive education plan of such public school or program is approved by the local educational agency, and

"(E)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

"(4) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

"(B) providing equipment for use at such academy,

"(C) developing course materials for education to be provided at such academy, and

"(D) training teachers and other school personnel in such academy.

"(5) TEMPORARY PERIOD EXCEPTION.—A bond shall not be treated as failing to meet the requirement of paragraph (1)(A) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a reasonable temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued. Any earnings on such proceeds during such period shall be treated as proceeds of the issue for purposes of applying paragraph (1)(A).

"(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

"(A) $400,000,000 for 1998,

"(B) $1,400,000,000 for 1999,

"(C) $1,400,000,000 for 2000, and

"(D) except as provided in paragraph (3), zero after 2000.

"(2) ALLOCATION OF LIMITATION.—

"(A) ALLOCATION AMONG STATES.—

"(i) 1998 LIMITATION.—The national zone academy bond limitation for calendar year 1998 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(ii) LIMITATION AFTER 1998.—The national zone academy bond limitation for any calendar year after 1998 shall be allocated by the Secretary among the States in the manner prescribed by section 1397G(d); except that, in making the allocation under this clause, the Secretary shall take into account Basic Grants attributable to large local educational agencies (as defined in section 1397G(e)).

"(B) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State education agency to qualified zone academies within such State.

"(C) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2002.

"SEC. 1397G. QUALIFIED SCHOOL CONSTRUCTION BONDS.

"(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this part, the term 'qualified school construction bond' means any bond issued as part of an issue if—

"(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility,

"(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

"(3) the issuer designates such bond for purposes of this section, and

"(4) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1397F(a)(5) shall apply for purposes of paragraph (1).

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

"(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

"(2) if such issuer is a large local educational agency (as defined in subsection (e)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

"(1) $9,700,000,000 for 1999,

"(2) $9,700,000,000 for 2000, and

"(3) except as provided in subsection (f), zero after 2000.

"(d) HALF OF LIMITATION ALLOCATED AMONG STATES.—

"(1) IN GENERAL.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated among the States under paragraph (2) by the Secretary. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State education agency to issuers within such State and such allocations may be made only if there is an approved State application.

"(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year. For purposes of the preceding sentence, Basic Grants attributable to large local educational agencies (as defined in subsection (e)) shall be disregarded.

"(3) MINIMUM ALLOCATIONS TO STATES.—

"(A) IN GENERAL.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

"(i) the amount allocated to such State under this subsection for such year, and

"(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of one-half of the national qualified school construction bond limitation under subsection (c) for the calendar year.

"(B) MINIMUM PERCENTAGE.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

"(4) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

"(5) APPROVED STATE APPLICATION.—For purposes of paragraph (1), the term 'approved State application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of—

"(i) health and safety problems at such facilities,

"(ii) the capacity of public schools in the State to house projected enrollments, and

"(iii) the extent to which the public schools in the State offer the physical infrastructure needed to provide a high-quality education to all students, and

"(B) a description of how the State will allocate to local educational agencies, or otherwise use, its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how it will—

"(i) give highest priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

"(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own, and

"(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation.

Any allocation under paragraph (1) by a State education agency shall be binding if such agency reasonably determined that the allocation was in accordance with the plan approved under this paragraph.

"(e) Half of Limitation Allocated Among Largest School Districts.—

"(1) In general.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year. No qualified school construction bond may be issued by reason of an allocation to a large local educational agency under the preceding sentence unless such agency has an approved local application.

"(2) Allocation formula.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

"(3) Large local educational agency.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

"(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

"(B) 1 of not more than 25 local educational agencies (other than those described in clause (i)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

"(4) Approved local application.—For purposes of paragraph (1), the term 'approved local application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the local educational agency with the involvement of school officials, members of the public, and experts in school construction and management) of such agency's needs for public school facilities, including descriptions of—

"(i) the overall condition of the local educational agency's school facilities, including health and safety problems,

"(ii) the capacity of the agency's schools to house projected enrollments, and

"(iii) the extent to which the agency's schools offer the physical infrastructure needed to provide a high-quality education to all students,

"(B) a description of how the local educational agency will use its allocation under this subsection to address the needs identified under subparagraph (A), and

"(C) a description of how the local educational agency will ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, or repair in the locality that would have occurred in the absence of such allocation.

A rule similar to the rule of the last sentence of subsection (d)(5) shall apply for purposes of this paragraph.

"(f) Carryover of Unused Limitation.—If for any calendar year—

"(1) the amount allocated under subsection (d) to any State, exceeds

"(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (e). The subsection shall not apply if such following calendar year is after 2002.".

(b) Reporting.—Subsection (d) of section 6049 of such Code (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) Reporting of Credit on Qualified Public School Modernization Bonds.—

"(A) In general.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 1397E(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1397E(d)(2)).

"(B) Reporting to corporations, etc.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) Regulatory authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(c) Clerical Amendments.—

(1) The table of parts for subchapter U of chapter 1 of such Code is amended by striking the item relating to part IV and inserting the following new item:

"Part IV. Incentives for qualified public school modernization bonds.".

(2) Part V of subchapter U of chapter 1 of such Code is amended by redesignating both section 1397F and the item relating thereto in the table of sections for such part as section 1397H.

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 1998.

(2) Repeal of restriction on zone academy bond holders.—The repeal of the limitation of section 1397E of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act) to eligible taxpayers (as defined in subsection (d)(6) of such section) shall apply to obligations issued after December 31, 1997.

Bill Summary

The Public School Modernization Act creates and expands tax incentives to help States and school districts meet their school modernization and construction priorities. The bill includes two major provisions.

QUALIFIED SCHOOL MODERNIZATION BONDS

The bill allows state and local governments to issue "qualified school modernization bonds" to fund the construction, modernization, and rehabilitation of public schools. Bondholders, instead of receiving interest, would receive annual Federal income tax credits. The maximum term of the bonds would be 15 years.

A total of $9.7 billion of authority to issue qualified school modernization bonds would be allowed in each of 1999 and 2000, half to States and half to the 100 school districts with the largest numbers of poor children (The District of Columbia is considered a State.) The authority allocated to the 100 large districts would be based on the amounts of Federal assistance received under Title I, Basic Grants. In addition, the Secretary of Education would have the authority to designate 25 additional districts to receive bond authority directly from the Federal government. The authority allocated to States would also be based on the State's share of Title I, Basic Grants, excluding the 100 large districts and any others designated by the Secretary to receive bond authority directly from the Federal government. A small portion of the total amount of bond authority would be set aside for each U.S. possession (other than Puerto Rico, which is considered a State) based on its share of the total U.S. poverty population. A State, possession, or eligible school district would be permitted to carry forward any unused portion of its allocation until September 30, 2003.

Under the proposal, a bond would be treated as a qualified school modernization bond if three requirements are met. First, the Department of Education must approve a school construction plan of the State, territory, or school district that: (1) demonstrates that a survey has been undertaken of the construction and renovation needs in the jurisdiction, (2) describes how the jurisdiction will assure that bond proceeds are used for the purposes of this proposal, and (3) explains how it will use its allocation to assist localities that lack the fiscal capacity to issue bonds on their own. Second, the issuing government must receive an allocation for the bond from the State, territory, or eligible district. Third, 95 percent or more of the bond proceeds must be used to construct or rehabilitate public school facilities.

QUALIFIED ZONE ACADEMY BONDS

The bill makes three changes to the existing qualified zone academy bonds (created in the Taxpayer Relief Act of 1997). First, the bill increases the 1999 bond cap from $400 million to $1.4 billion and adds an additional $1.4 billion of bond cap in 2000. Second, the bill expands the list of permissible uses of proceeds to include new school construction. Third, the bill sets the maximum term of qualified zone academy bonds at 15 years.

Qualified zone academy bonds can be used by school districts, starting this year, for school improvement purposes. The subsidy mechanism is the same as with the new school modernization bonds—Federal tax credits to bondholders in lieu of interest—but there are several requirements associated with zone academy bonds. First, schools must secure 10% of the funding for the school improvement project from the private sector before issuing the zone academy bonds. Second, the school must work with the private sector to enhance the curriculum and increase graduation rates and employment rates. Finally, in order to be eligible, the school must either have 35% of students eligible for the free- and reduced-price lunch program, or be located in an empowerment zone or enterprise community.

COST

The Joint Committee on Taxation estimates the total cost of this proposal is $3.3 billion/5 years and $9 billion/10 years. The Department of Treasury estimates the cost is $5 billion/5 years.

The proposal is fully paid for within President Clinton's balanced budget.

Mr. KENNEDY. Mr. President, I am honored to be a sponsor of the Public School Modernization Act of 1998, introduced today by Senator MOSELEY-BRAUN to help communities across the country in their struggle to modernize, repair, and rebuild their school facilities.

Schools across the nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $100 billion just to repair existing facilities nationwide.

Massachusetts is no exception. 41% of our schools across the state report that at least one building needs extensive repair or should be replaced. Three-quarters report serious problems in buildings, such as plumbing or heating defects. 80% have at least one unsatisfactory environmental factor.

In Boston, many schools cannot keep their heating systems functioning properly. On a given day, 15 to 30 schools complain that their heat is not working.

The leaking roof at Revere High School is so serious that the new fire system is threatened. School Committee members estimate that fixing the roof will cost an additional $1 million, and they don't know where to get the money.

It is difficult enough to teach or learn in dilapidated classrooms. But now, because of escalating enrollments, those classrooms are increasingly overcrowded. The nation will need 6,000 new schools in the next few years, just to maintain current class sizes.

State governments and local communities are working hard to meet these challenges. In Massachusetts, under the School Building Assistance Act, the state will pay 50–90% of the most severe needs. 124 schools now have approved projects, and are on a waiting list for funding. The state share should be $91 million this year, but only $35 million is available. More than 50 other projects are awaiting approval. With that kind of deficit at the state and local level, it is clear that the federal government has a responsibility to act.

I am pleased that President Clinton has made this issue one of his highest priorities. The legislation we are introducing will allow states and local governments to issue $22 billion in bonds over the next five years for school repairs and construction. Half of the amount will go to state governments, and the other half will go to the 100 cities across the nation with the largest numbers of low-income children, including Boston and Springfield. The bonds will be interest-free for the states and cities—Uncle Sam will pay the interest.

Under this plan, the state government in Massachusetts can issue $230 million in bonds for construction and renovation of school buildings. The City of Boston can issue an additional $90 million, and the City of Springfield can issue an additional $36 million, so that a total of $356 million in bonds will be available to help Massachusetts schools under this legislation.

Good teaching and good schools are threatened if school buildings are unsafe and need repairs. President Clinton has made it a top priority to see that America has the best public schools in the world. And my Democratic colleagues and I intend to do all we can to see that we reach that goal.

Investing in schools is one of the best investments America can possibly make. For schools across America, help is truly on the way—and it can't come a minute too soon.

By Mr. BINGAMAN:

S. 1706. A bill to amend title 23, United States Code, to encourage States to enact laws that ban the sale of alcohol through a drive-up or drive-through sales window; to the Committee on Environment and Public Works.

THE DRUNK DRIVING CASUALTY PREVENTION ACT OF 1998

Mr. BINGAMAN. Mr. President, I rise briefly to discuss a very important matter relating to the safety of our Nation's streets and highways, DWI-related injuries and fatalities. This is a problem that in spite of many prevention efforts, remains a serious concern.

The statistics are compelling. For example, on Thanksgiving, Christmas, New Years Eve, and New Years Day 1996, there were 576 DWI-related fatalities on our Nation's highways. In that same year, nearly 1.1 million people were injured in alcohol-related crashes. Motor vehicle crashes are the leading cause of death for 15- to 20-year-olds. About 3 in 10 Americans will be involved in an alcohol-related crash at some time in their lives. Alcohol-related crashes cost society $45 billion annually. To make matters worse, the loss of quality of life and pain and suffering costs total over $134 billion annually.

My home state of New Mexico is not exempt. In fact, the National Traffic Safety Administration reports that New Mexico leads the country in DWI-related deaths per capita, a rate of 11.79 deaths per 100,000 people. This rate is 19 percent higher than the No. 2 state, Mississippi, and is more than twice the national rate of 5.05 deaths per 100,000.

Indeed, these statistics paint a very grim picture. What makes this picture even more tragic, Mr. President, is that DWI-related injuries and fatalities are preventable. It clearly is within our national interest to do everything we can to reverse this course. One obvious way to prevent further deaths on our highways is to ensure the sobriety of drivers. That is why I proudly am cosponsoring Senator LAUTENBERG's and Senator DEWINE's bill to establish a national blood-alcohol content standard of .08. Additionally, I am cosponsoring Senator DORGAN's bill to prohibit open containers of alcohol in automobiles. I urge my Senate colleagues to help pass these bills this year.

Another contributing factor to the problem that I believe would make a significant difference if eliminated is the practice of selling alcohol beverages through drive-up sales windows. This practice only makes it more easy for a drunk driver to purchase alcohol, and it contributes heavily to the DWI-fatality rate in New Mexico. Eliminating these drive-up liquor windows is essential to reducing these injuries and fatalities.

When I was in New Mexico 2 weeks ago, I held a series of seminars with high school students from throughout the state, and I listened to their concerns about the problems in the state and in the country. One young man, Simon Goldfine, who is a student at Del Norte High School in Albuquerque, agreed that the DWI rate in New Mexico is much too high, and one reason he explained is these drive-in liquor windows. Simon explained that if a drunk person has to walk into a liquor store, it will be easier to determine if he is drunk than if he simply sat in his vehicle. And Simon asked if something could be done to eliminate the windows. Today I would like to tell Simon that we will do something about it.

Today, at Simon's urging, I am introducing legislation, the Drunk Driving Casualty Prevention Act of 1998 to prohibit the sale of alcohol through drive-up sales windows.

Mr. President, I believe no one in America will disagree with Simon that this ban will make a difference. According to one study, there are 26 states that do not permit drive-up windows. In 1996, these states had a 15 percent lower average drunk driving fatality rate than the 24 states that permit these windows. In the states with the ban, the average rate was 4.6 per 100,000 people, as opposed to 5.46 in all other states. On a percentage basis, states with a ban had a 14.5 percent lower drunk driving fatality rate than states that permit sales windows.

In 1996, comparing 19 western states in particular, the nine states with a ban had a 31 percent lower average drunk driving fatality rate than the ten states that permit the windows.

In 1995, there were 231 drunk driving fatalities in New Mexico. Based on the 14-percent lower drunk driving fatality rate, it is estimated that closing drive-up liquor windows could save between 32 and 35 lives annually in New Mexico. Nowhere is it more true that if we can save one life by closing these windows, we should do it.

The differences can be explained because there are three main benefits to closing drive-up liquor windows: first, it is easier and more accurate to check IDs over the sales counter. Minors have testified that it is very easy to illegally purchase alcohol at a drive-up window where it is difficult to determine their age. Second, it is easier to visually observe a customer for clues that they are impaired by alcohol or other substance if they have to walk into a well-lit establishment to make their purchase. Moreover, in one municipal court in New Mexico, 33 percent of DWI offenders reported having purchased their liquor at drive up windows. Some members of Alcoholics Anonymous say they now realize they could have known each other years earlier if they had only looked in their rear view mirror while in line at a drive-up window. And third, it sends a clear message to the population that drinking and driving will not be tolerated.

The Behavior Health Research Center of the Southwest conducted a study, the purpose of which was to determine the characteristics and arrest circumstances of DWI offenders who bought alcohol at a drive-up liquor window compared to those who obtained alcohol elsewhere. Nearly 70 percent of offenders studied reported having purchased the alcohol they drank prior to arrest. Of those offenders, 42 percent bought package liquor, and of those offenders, the drive-up window was the preferred place of purchase. Additionally, the study showed that drive-up window users were 68 percent more likely to have a serious alcohol problem than other offenders. Drive-up window users also are 67 percent more likely to be drinking in their vehicle prior to arrest than other offenders. This study showed that drive-up windows facilitate alcohol misuse in vulnerable populations. The persons most affected are the high-risk problem drinkers, and when liquor availability is restricted, it is among those offenders that use, and consequently alcohol-related offenses, declines the most.

There are some that may contend that closing these windows is going to hurt small businesses. To the contrary. Closing these drive-up liquor windows will actually help increase profits, and it is very easy to explain. When a customer has to walk into an establishment, he or she is very likely to purchase more than the original item. The customer is likely to pick up, for example, potato chips, sodas, and magazines. This is not as likely to happen at the drive-up window simply because the customers cannot see the items from their vehicle. In McKinley County, New Mexico, which is the only county in New Mexico to ban these windows, businesses actually saw a jump in profits. Most importantly, because of its DWI prevention strategy, McKinley County's alcohol-related injury and fatality rate dropped from 272 per 100,000 in 1989 to 183 per 100,000 in 1997.

Mr. President, I believe we have a great opportunity here to reduce DWI injuries and fatalities. Therefore, I plan to offer this bill as an amendment to the ISTEA legislation, and I urge my Senate colleagues to join me. I ask unanimous consent that the rest of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BAN ON SALE OF ALCOHOL THROUGH DRIVE-UP OR DRIVE-THROUGH SALES WINDOWS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. Ban on sale of alcohol through drive-up or drive-through sales windows

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2000.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 1999, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2000, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law (including a regulation) that bans the sale of alcohol through a drive-up or drive-through sales window.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall lapse.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall lapse.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Ban on sale of alcohol through drive-up or drive-through sales windows.".

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. DURBIN, Mr. BUMPERS, and Mr. BYRD)

S. 1707. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improved safety of imported foods; to the Committee on Labor and Human Resources.

THE SAFETY OF IMPORTED FOOD ACT OF 1998

Ms. MIKULSKI. Mr. President, I rise today to introduce the "Safety of Imported Food Act of 1998." I am proud to be the sponsor of this important legislation to provide the American people with safer imported foods. This legislation is part of President Clinton's food safety initiative. Its purpose is to provide for improved safety of imported food consistent with U.S. food safety requirements.

The bill expands FDA authority to ensure the safety of imported foods in two very important ways. It authorizes the Secretary to deny entry of imported food products if it is determined that the products do not meet the U.S. food safety requirements. It also authorizes the secretary to consider, in determining whether imported food products meet U.S. food safety requirements, a refusal to allow necessary inspections or testing.

Our nation's food supply has gone global. Once our imported food consisted mainly of bulk staples. Now we import growing quantities of fresh fruits and vegetables, seafood, and many other foods. Thirty-eight percent of all fruit and 12% of all vegetables consumed in the U.S. are imported. Imported food entries doubled in the last

7 years and a 30% increase is expected by 2002.

We have been put on alert by recent cases of food borne illness. Michigan school children were sickened by imported strawberries contaminated by Hepatitis A. There have been widespread reports of cyclospora from imported raspberries. Soft cheese from Europe has been found to be contaminated with listeria and salmonella. And radish seed sprouts from the Far East have been found infected with Ecoli 0157:H7.

The impact of unsafe food is staggering. As many as 33 million people become ill each year from contaminated meat, poultry and produce. Over $3 billion are spent in hospitalization due to food related illness. Added to that are the losses in productivity.

Now that our food supply has gone global, our food safety measures must go global as well. Current authority requires FDA to rely on inspection and testing at the border to ensure that safety standards are met. With the ever increasing quantities of imported foods, it is impossible for FDA to inspect more than a small percentage of shipments. Additionally, such inspections are often impractical, given the perishable nature of many of the imported foods. The FDA may also place more general restrictions on imports, but only after a problem has surfaced, often after a major outbreak of illness has occurred. Both of these types of measures address the problem of unsafe food reactively.

The "Safety of Imported Food Act" places the emphasis on the underlying food system of control at the food source, a more preventive means of addressing food safety. It focuses on the conditions that cause problems rather than the problem once it has occurred. By allowing FDA to consider the food safety system in place, the bill provides the means by which FDA can use its limited resources more efficiently.

There are several things this bill does not do. It does not shut our borders or immediately deny entry of imported food upon enactment. It does not require inspections or access without consent. In fact, it does not create any new inspection authority, either foreign or domestic.

The bill is short, but what it will achieve is significant. It will provide FDA with authority to ensure that all imported foods meet the U.S. level of protection, consistent with rights and obligations under international trade agreements. It provides FDA with a more effective enforcement tool and the ability to use its resources more effectively. Under the bill, foreign producers may have an incentive to upgrade their food safety systems. Most importantly, the bill will provide the American public with greater assurance that imported foods meet the same safety standards as do foods produced in the U.S.

I wish to commend President Clinton and Vice President GORE in making food safety a top priority. By strengthening the food supply both here and abroad, I believe we make the world a safer place to live. I look forward to the Senate's support of this important legislation.

By Mr. DASCHLE (for himself, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Mr. KENNEDY, Mr. DODD, Mrs. BOXER, Mr. BREAUX, Mr. ROBB, Mr. LEVIN, Mr. LAUTENBERG, Mr. GLENN, Mr. KERRY, Mrs. FEINSTEIN, Mr. REID, Mr. REED and Mr. BRYAN):

S. 1708. A bill to improve education; to the Committee on Labor and Human Resources.

THE REVITALIZE AND EMPOWER PUBLIC SCHOOL COMMUNITIES TO UPGRADE FOR LONG-TERM SUCCESS ACT

Mr. DASCHLE. Mr. President, today I am introducing on behalf of my colleagues, Senators MURRAY, MOSELEY-BRAUN, KENNEDY, DODD, BOXER, BREAUX, ROBB, LEVIN, LAUTENBERG, GLENN, KERRY, FEINSTEIN, REID, REED, BRYAN and myself, legislation that puts the spotlight directly on our efforts to strengthen and modernize our nation's public schools.

We recognize that a strong public education system is the key to America's future. Our economic prosperity, our position as a world leader, our system of law, and our very democracy require that all of our children have access to the best possible education.

We have heard a lot over the last 20 years about the things that are wrong with education in this country, and there's no question that we need to do some things better. We just learned the other day, for example, that our 12th graders are behind the rest of the world in math and science achievement. That is unacceptable and must be corrected. But there are signs that we have been able to make some progress. Our fourth-graders are well above the average in mathematics and near the top in science. And there are innovative programs springing up around the country that are taking advantage of federal funds to make remarkable changes in the way public schools are run. The City of Chicago, for example, has taken dramatic steps including ending social promotions, raising their standards, and providing extra help to make sure that children can achieve those standards. Parents and community members are more involved , and, while it's too early to see results in terms of test scores, there are dramatic improvements in attendance. Those who are involved are amazed at their progress.

Despite many local improvements, our schools still face many challenges. Student enrollments are at record high levels and are expected to increase over the next decade. This growth, combined with aging buildings and the demand of technology, is straining many school facilities. Growing enrollments and teacher retirements also mean that more than 2 million new teachers will be needed over the next decade. The quality of those teachers will have a significant impact on student achievement levels. Recent advancements require better integration of technology in our public schools and better training for instructors in using technology effectively in the classroom. While many schools have implemented reforms and student performance is improving in some communities, too many children, particularly those from low-income families, are still not learning up to their potential.

The legislation we are introducing today—the RESULTS Act—will addresses these issues in 5 ways:

(1) We create a new tax credit to help communities offset the cost of school construction and modernization;

(2) We provide funds to help communities reduce class sizes in grades 1 through 3 by hiring and training 100,000 new teachers;

(3) We help communities establish additional after-school programs for school-aged children;

(4) We advance the federal commitment to integrate technology into the classroom and provide resources to train teachers to use that technology effectively; and

(5) We include the President's initiative to provide grants to high-poverty urban and rural school districts that are serious about carrying out standards-based reforms, such as those occurring in Chicago, to improve student achievement.

Mr. President, Democrats recognize that the federal government has an important role to play in encouraging all Americans—including parents, teachers, business and community leaders, and elected officials at all levels of government—to work in partnership to strengthen and revitalize our public schools. Our nation's commitment to a strong system of public education has made our country great. We renew that commitment today with this plan to prepare our students to lead this country into the 21st Century. I thank my colleagues who have worked with me to demonstrate our resolve to modernize and strengthen our public schools and invite our colleagues across the aisle to make the same commitment and join us to enact the important legislation.

I ask unanimous consent that a title-by-title explanation of the bill, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

S. 1708—SUMMARY

TITLE I—HELPING COMMUNITIES RENOVATE AMERICA'S SCHOOLS

The General Accounting Office has found severe school disrepair in all areas of the United States. More than 14 million children attend schools in need of extensive repair or replacement. The repair backlog totals at least $112 billion, and this does not include expansions needed to accommodate enrollment increases, class size reductions, and integration of technology in the classroom. The problem transcends demographic and geographic boundaries. For 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least 1 building is in need of extensive repair or should be completely replaced.

The condition of school facilities has a direct effect on the safety of students and teachers, and on the ability of students to learn. Researchers at Georgetown University found the performance of students assigned to schools in poor condition falls 10.9 percentage points below those attending classes in buildings in excellent condition. Other studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a dilapidated facility to a new facility.

This Title includes 2 initiatives to expand tax incentives to help states and school districts address the school construction backlog.

QUALIFIED SCHOOL MODERNIZATION BONDS

State and local governments will issue qualified school modernization bonds to fund the construction, modernization, and rehabilitation of public schools. Bondholders will receive annual Federal income tax credits in lieu of interest. The maximum term of the bonds will be 15 years.

A total of $9.7 billion of authority to issue qualified school modernization bonds is allocated in 1999 and 2000—50 percent to states and 50 percent to the 100 largest school districts. The authority allocated to the 100 largest districts will be based on the amounts of Federal assistance received under Title I, Basic Grants. In addition, the Secretary of Education will have the authority to designate 25 additional districts to receive bond authority directly from the Federal government. The authority allocated to States will also be based on the State's share of Title I, Basic Grants, excluding the 100 large districts and any others designated by the Secretary to receive bond authority directly from the Federal government.

I should note that I would prefer to provide more funds to the states to make sure that rural areas, many of which are severely limited financially, have access to the funds they need to modernize their schools as well. However, this bill reflects a joint House and Senate Democrats and White House initiative, so I have not made that change in this bill.

To be treated as a qualified school modernization bond program, 3 requirements must be met. First, the Department of Education must approve a school construction plan of the state, territory, or school district that: (1) demonstrates a survey of the construction and renovation needs in the jurisdiction has been undertaken; (2) describes how the jurisdiction will assure that bond proceeds are used for the purposes of this proposal; and (3) explains how it will use its allocation to assist localities that lack the fiscal capacity to issue bonds on their own. Second, the issuing government must receive an allocation for the bond from the State, territory, or eligible district. Third, 95 percent or more of the bond proceeds must be used to construct or rehabilitate public school facilities.

QUALIFIED ZONE ACADEMY BONDS

The bill makes 3 changes to the existing qualified zone academy bonds (created in the Taxpayer Relief Act of 1997). First, the bill increases the 1999 bond cap from $400 million to $1.4 billion and adds an additional $1.4 billion of bond cap in 2000. Second, the bill expands the list of permissible uses of proceeds to include new school construction. Third, the bill sets the maximum term of qualified zone academy bonds at 15 years. The subsidy mechanism is the same as with the new school modernization bonds—Federal tax credits to bondholders in lieu of interest—but there are several requirements associated with zone academy bonds. First, schools must secure 10 percent of the funding for the school improvement project from the private sector before issuing the zone academy bonds. Second, the school must work with the private sector to enhance the curriculum and increase graduation and employment rates. Finally, in order to be eligible, the school must either have 35 percent of students eligible for the free- and reduced-price lunch program, or be located in an Empowerment zone or enterprise community.

TITLE II—REDUCING CLASS-SIZE

Qualified teachers in small classes can provide students with more individualized attention, spend more time on instruction and less on other administrative tasks, cover more material more effectively, and work more closely with parents. Research has shown that students attending small classes in the early grades make better progress than students in larger classes, and that those achievement gains persist through at least the eighth grade. The benefits are greatest for low-achieving, minority, poor, and inner-city children. Smaller classes also allow teachers to identify and work earlier with students who have learning disabilities, potentially reducing those students' need for special education in later grades.

Efforts to reduce class sizes are likely to be successful only if well-qualified teachers are hired to fill additional classroom positions, and if teachers receive intensive, ongoing training in teaching effectively in smaller classroom settings. Currently, 1 in 4 high school teachers do not have a major or minor in the main subject they teach. This is true for more than 30 percent of math teachers. In schools with the highest minority enrollments, students have less than a 50 percent chance of getting a science or math teacher who holds a degree in that field.

Over the next decade, we will need to hire over 2 million teachers to meet increasing student enrollments and teacher retirements. Comprehensive improvements in teacher preparation and development are needed to ensure students' academic success. Too many teachers graduating today have insufficient experience in the classroom or are unprepared to integrate technology into their lessons. The federal government can assist in this effort by providing resources to help communities reduce class sizes and improve the quality of teacher training.

This program is designed to help states and local educational agencies recruit, train, and hire 100,000 additional qualified teachers in order to reduce class sizes nationally, in grades 1 to 3 to an average of 18 students per classroom. In addition, the program provides resources to improve small classroom teaching in the early grades so that all students can learn to read well and independently by the end of the third grade. Funding of $1.1 billion will be appropriated in the first year and $7.3 billion over 5 years.

I want to emphasize that our proposal is aimed at improving the quality of teaching, not just the quantity of teachers. This is critical if we expect to see improvements in student achievement.

TITLE III—EXPANDING AFTER-SCHOOL CARE

Many children spend more of their waking hours without supervision and constructive activity than they do in school. As many as 5 million children are home alone after school each week. Too many of these children are tempted during this time to try cigarettes, alcohol, marijuana and engage in other dangerous activities. The law enforcement community, which has been very active in their efforts to focus our attention on this problem, reports that most juvenile involvement in crime—either committing them or becoming victims themselves—occurs between 3 p.m. and 8 p.m. Children who attend quality after-school programs, on the other hand, tend to do better in school, get along better with their peers, and are less likely to engage in delinquent behaviors. Unfortunately, only one-third of the schools in low-income neighborhoods and half of the schools in affluent areas currently offer after-school programs. Expansion of both school-based and community-based after-school programs is key to providing safe, constructive environments for children and helping communities reduce the incidence of juvenile delinquency and crime.

This bill expands the 21st Century Learning Centers Act and provides $200 million each fiscal year to help communities develop after-school care programs. Grantees will be required to offer expanded learning opportunities for children and youth in the community. Funds could be used to provide:

(1) literacy programs;

(2) integrated education, health, social service, recreational or cultural programs;

(3) summer and weekend school programs;

(4) nutrition and health programs;

(5) expanded library services;

(6) telecommunications and technology education programs;

(7) services for individuals with disabilities;

(8) job skills assistance;

(9) mentoring;

(10) academic assistance; and

(11) drug, alcohol, and gang prevention activities.

While expanding after-school programs in public schools will help hundreds of thousands of children. It is important to note that many other community-based organizations, including YMCAs, and Campfire Boys and Girls, provide high quality programs for children as well. These programs also need and deserve federal assistance, since it is unlikely that schools will be able to meet the needs of all children. While school-based care is the focus of this legislation, many Democratic Senators and I also strongly support providing additional resources for after-school care through other programs, and we would also like to see greater coordination among all federal, state, and local programs in order to maximize the effective use of public resources and encourage more collaborative efforts at the local level.

TITLE IV—PROMOTING EFFECTIVE USE OF TECHNOLOGY IN THE CLASSROOM

Americans agree that integrating technology effectively in the classroom must be a central component of preparing students for the 21st Century. Fully 74 percent of Americans believe that computers improve the quality of education and half believe their public schools offer too little access to adequate computers.

The importance of strengthening students' technology skills cannot be underestimated. Nearly one quarter of the jobs added to our economy in the past year were in technology-based occupations. By the year 2000, 60 percent of all jobs in the nation will require skills in computer and network use. Just 22 percent of all workers have those skills today.

Incorporating technology effectively in the classroom has been proven to improve students' mastery of basic skills, test scores, writing, and engagement in school. With these gains comes a decrease in dropout rates, as well as fewer attendance and discipline problems.

We are making progress. While only 35 percent of schools had access to the internet in 1996, now 78 percent are on-line. The Schools and Libraries Universal Service Fund, or "E-rate," will provide up to $2.25 billion annually in discounts to assure every American school and library access to telecommunications services, internal connection, and Internet access. More than 20,000 schools and libraries have already applied to participate in this program. The National Governors' Association has urged Congress to maintain the integrity of the E-rate, and provide adequate funding for this important program now.

Many states and localities are taking good advantage of other Federal programs such as the Technology Literacy Challenge Fund, Technology Innovation Challenge Grants, Star Schools and other programs to obtain equipment and wire schools. Additional resources are needed to continue this effort as well as help train teachers in the effective use of technology in the classroom.

This legislation states that it is in the Nation's interest to invest at least $4 billion in funding for Department of Education technology programs between fiscal years 1999 and 2003.

We also require schools and libraries participating in the E-rate to establish policies to limit access to inappropriate material. Our bill also includes several measures to increase Federal resources to improve professional development and help teachers integrate technology into the classroom. Under our proposal, 30 percent of National Challenge Grant for Technology grants will be directed to partnerships that are focused on developing effective teaching strategies. To improve training and preparation of teaching candidates and new teachers, the Secretary will be authorized to award grants to partnerships that train candidates and education school faculty in the effective use and integration of technology in teaching academic subjects.

The bill establishes $75 million in grants to be managed jointly by the Office of Education Research and Innovation and the National Science Foundation to support innovative research in education technology, development of research results in partnerships with the private sector, and evaluation that identifies the most effective approaches to implementing education technology.

TITLE V—EDUCATION OPPORTUNITY ZONES

Students in schools where a high proportion of children come from lower-income families begin school behind their peers academically and, too often, never catch up with their peers. Later on, they are less likely to go to college and more likely to experience unemployment. High levels of poverty and the lack of resources has resulted in watered down curricula, lowered expectations for their students, and fewer qualified teachers. These challenges are compounded in high-poverty rural schools because of their isolation and small size.

Some high-poverty schools have shown, however, that students can achieve more if the schools adopt high standards for students, teachers and administrators, provide extra help to students, adopt proven systemic reforms, and hold schools, staff, and students accountable for the results.

This program will provide $200 million in FY1999 and $1.5 billion over 5 years to high-poverty urban and rural school districts that are serious about carrying out standards-based reform plans to improve the academic achievement. Grants will be awarded to approximately 50 districts that:

(1) agree to adopt high standards, test student achievement, and provide help to students, teachers and schools who need it;

(2) ensure quality teaching, challenging curricula, and extended learning time; and

(3) end social promotion and take steps to turn around failing schools.

Lessons learned from these districts will be shared with schools across the country. Schools will be encouraged to provide students and parents with school report cards and expanded choices with public education.

Awards will be made according to a competitive, peer review process. Consortia of large and small urban areas, and rural school districts will be selected to participate.

Schools run by the Bureau of Indian Affairs are also eligible.

Successful applicants will have broad-based partnerships to support their reforms, including parents, teachers, local government, business, civic groups, institutions of higher education and other members of the community.

Mr. KENNEDY. Mr. President, President Clinton and Democrats in Congress have made it a top priority to see that America has the best public schools in the world—and we intend to do all we can to see that we reach that goal.

The nation's students deserve modern schools with world-class teachers. But too many students in too many schools in too many communities across the country fail to achieve that standard. The latest international survey of math and science achievement confirms the urgent need to raise standards of performance for schools, teachers, and students alike. It is shameful that America's twelfth graders ranked among the lowest of the 22 nations participating in this international survey of math and science.

The challenge is clear. We must do all we can to improve teaching and learning for all students across the nation. That means:

We must continue to support efforts to raise academic standards.

We must test students early, so that we know where they need help in time to make that help effective.

We must provide better training for current and new teachers, so that they are well-prepared to teach to high standards.

We must reduce class size, to help students obtain the individual attention they need.

We must provide after-school programs to make constructive alternatives available to students and keep them off the streets, away from drugs, and out of trouble.

We must provide greater resources to modernize and expand the nation's school buildings to meet the urgent needs of schools for up-to-date facilities.

I will do all I can to see that the "RESULTS! Act"—"An Act to Revitalize and Empower Schools to Upgrade for Long-Term Success"—is approved by Congress. The bill will help modernize and expand the nation's schools, reduce class size, expand after-school care, improve education technology in schools, and create education opportunity zones in communities across the country.

A necessary foundation for a successful school is a qualified teacher in every classroom to make sure young children receive the individual attention they need. That's why a pillar of the Democratic agenda is to help bring 100,000 new teachers to schools and reduce class size in the elementary grades.

Research has shown that students attending small classes in the early grades make more rapid progress than students in larger classes. The benefits are greatest for low-achieving, minority, and low-income children. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities, and reduce the need for special education in later grades.

Many states are also considering proposals to reduce class size—but you can't reduce class size without the ability to hire additional qualified teachers to fill the additional classrooms.

Too many schools are already understaffed. During the next decade, rising student enrollments and massive teacher retirements mean that the nation will need to hire 2 million new teachers. Between 1995 and 1997, student enrollment in Massachusetts rose by 28,000 students, causing a shortage of 1,600 teachers—without including teacher retirements.

The teacher shortage has forced many school districts to hire uncertified teachers, and ask certified teachers to teach outside their area of expertise. Each year, more than 50,000 under-prepared teachers enter the classroom. One in four new teachers does not fully meet state certification requirements. Twelve percent of new teachers have had no teacher training at all. Students in inner-city schools have only a 50% chance of being taught by a qualified science or math teacher. In Massachusetts, 30% of teachers in high-poverty schools do not even have a minor degree in their field.

Our proposal will reduce class size in grades K–3 to a nationwide average of 18 by hiring more teachers. Under our proposal, states and school districts will be able to recruit, train and hire 100,000 additional qualified teachers in order to reduce class size and improve teaching and learning in these early grades. In the first year, Massachusetts will receive $22 million to support these efforts. We will also be working through the Higher Education Act to improve teacher training at colleges and universities.

Our proposal will also help schools meet their urgent needs for construction, modernization, and renovation. Schools across the nation face serious problems. Many are overcrowded. Many others have antiquated facilities suffering from physical decay, with no ability to handle the needs of modern education. Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition.

Massachusetts is no exception. 41% of our schools across the state report that at least one building needs extensive repair or should be replaced. Three-quarters report serious problems in buildings, such as plumbing or heating defects. Eighty percent have at least one unsatisfactory environmental factor.

It is difficult enough to teach or learn in dilapidated classrooms. But now, because of escalating enrollments, those classrooms are increasingly overcrowded. The nation will need 6,000 new schools in the next few years, just to maintain current class sizes.

It will take over $100 billion just to repair existing facilities. Obviously, the federal government cannot do the whole job. But states and communities across the country are working hard to meet these needs, and the federal government should do more to help.

This year, Revere, Massachusetts passed a $2.2 million bond issue to renovate the roofs on three of its seven schools. After these renovations were completed, a fourth school's roof started to leak. The leak is so serious that the school's new fire system is threatened. School Committee members estimate that fixing the roof will cost an additional $1 million, and they don't know where to get the money.

Last year, half of Worcester's schools were not equipped with the wiring and infrastructure to handle modern technology.

Enrollment in Springfield schools has increased by over 1,500 students, or 6 percent, in the last two years, forcing teachers to hold classes in storage rooms, large closets, and in basements.

Our proposal will authorize states and local governments to issue $22 billion in bonds for school repairs and construction. Part of the amount will go to state governments and part will go to the 100 cities across the nation with the largest numbers of low-income children, including Boston and Springfield. The bonds will be interest-free for the states and cities—Uncle Sam will pay the interest.

Our legislation also addresses the urgent need to provide effective activities for children of all ages during the many hours each week when they are not in school.

Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Juvenile delinquent crime peaks in the hours between 3 p.m. and 8 p.m. Children unsupervised are more likely to be involved in antisocial activities and destructive patterns of behavior.

Our goal in this legislation is to encourage communities to develop activities that will engage children and keep them out of trouble. Crime survivors, law enforcement representatives, prosecutors, and educators have all joined together in calling for a substantial federal investment in after-school programs.

Clearly, such financial assistance is needed in states across the country. Too often, parents cannot afford the thousands of dollars a year required to pay for after-school care, if it exists at all. In Massachusetts, 4,000 eligible children are on waiting lists for after-school care, and tens of thousands more have parents who have given up on getting help. Nationwide, half a million eligible children are on waiting lists for federal child care subsidies. The need for increased opportunities is obvious and this legislation attempts to meet it.

Our bill will provide $1 billion over the next 5 years for after-school programs, to enable public school districts in partnership with community-based organizations to bring millions more children, including disabled children, into such programs, and make schools into community learning centers as well.

This proposal will help communities to increase the availability of after-school programs. It will support efforts in Boston to make after-school services available to as many children as possible. Boston's 2-to-6 Initiative will serve an additional 3,000 young people over the next four years, keep school buildings open for city programs and non-profit programs, and challenge private sector leaders to double the number of available after-school jobs to 1,000 over the next two years.

The proposed expansion of the 21st Century Community Learning Center program will enable schools and communities to create programs that meet their after-school needs—and obtain the extra resources required to make it happen.

Our bill also proposes to help failing schools implement the reforms that they know will turn them around. Too many schools now struggle with watered-down curricula, low expectations, fewer qualified teachers, and fewer resources than other schools.

Under the Education Opportunity Zones proposal, these school districts will get the extra resources they need in order to increase achievement, raise standards, end social promotion, upgrade teacher skills, and strengthen ties between the schools, the parents, and the community as a whole.

The bill also calls for continued investment in education technology, so that cutting-edge technology will be available to as many students as possible. That means we must continue to invest more in computers, software, and high-tech training for teachers, so that every child has the opportunity to use technology as an effective learning tool.

Investing in students and teachers and schools is one of the best investments America can make. For schools across America, help can't come a minute too soon, and I urge Congress to enact this legislation as expeditiously as possible. The message to schools across the country today is clear—help is finally on the way.

Ms. MOSELEY-BRAUN. Mr. President, I want to commend the Democratic leader, Senator DASCHLE, for assembling this important legislation, and I want to thank President Clinton for articulating a vision for America that includes a significant federal commitment toward improving the quality and accessibility of education for all Americans. The RESULTS Act is designed to help fulfill that commitment, and represents the type of action this Congress should take to prepare America for the 21st century.

I visited a number of schools in Illinois over the past several months, and talked with parents, teachers, children, and school officials at the elementary, secondary, and postsecondary levels. I found that without exception, education is at the top of their minds. Illinoisans, like most Americans, support policies designed to help ensure that America remains preeminent in the intensely competitive, global economy of the 21st century.

Last year, this Congress took historic measures to improve the accessibility of quality higher education, with the enactment of President Clinton's HOPE Scholarship and Lifetime Learning tax credits. We also restored the student loan interest deduction, so that graduates now receive a Federal income tax deduction when they make interest payments on their student loans. I intend to work this year to broaden the deduction we created last year, so that more former students, struggling under a burden of debt that has grown enormously in recent years, can make ends meet.

Now, this Congress must act to improve the quality of elementary and secondary education available to our children. We must act to ensure that as we approach the 21st century, no child is left behind. We must act to ensure that no child is forced to try to learn in an overcrowded classroom or a crumbling school, and that every child has access to the kinds of technologies he or she will need to understand to compete in the next millennium.

The RESULTS Act will help States and school districts improve their schools for the 21st century, and includes a number of very important provisions, including a plan to create a new partnership between the Federal government and State and local governments to rebuild and modernize our school buildings. Under this new proposal, States and school districts would be able to issue new, zero-interest bonds to modernize and build schools. Bondholders would receive Federal income tax credits in lieu of interest payments. Using this mechanism, the Federal government can leverage almost $22 billion worth of school improvements, at a cost of only $3.3 billion over the next five years, according to the Joint Committee on Taxation.

According to the U.S. General Accounting Office, it will cost $112 billion to bring existing school buildings up to code—to patch the leaky roofs, replace the broken windows, fix the plumbing, and make other needed repairs. That price tag, as enormous as it sounds, does not include the cost of building new schools to accommodate the record numbers of children who are crowding our schools, nor the cost of upgrading classrooms for modern computers.

This problem has overwhelmed the fiscal capacities of state and local authorities. It is a problem affecting all areas of the country, because it is a direct result of the antiquated way we pay for public education in this country. The local property tax, which made sense as a funding mechanism when wealth was accumulated in the form of land, no longer works as a means of funding major capital investments. In urban, rural, and suburban schools all across the country, the magnitude of the crumbling schools problem has dwarfed local financing capabilities. It is a problem that directly affects the ability of students to learn, teachers to teach, and schools to implement the kinds of educational reform efforts that parents are demanding to improve the quality of education in this country.

According to academic data correlating building conditions and student achievement, children in these decrepit classrooms have less of a chance. Their education is at risk. They will be less able to compete in the 21st century job market. Ultimately, we will all come out on the losing end. America can't compete if its students can't learn, and our students can't learn if their schools are falling down.

The legislation being introduced today gives Congress a historic opportunity to jump start the process of rebuilding, renovating, modernizing, and constructing new schools to meet the needs of all our children into the 21st century. The RESULTS Act engages the federal government in the support of elementary and secondary education in a way that preserves local control of education. In the same way the federal government helps finance highways, but the state and local governments decide where the roads go, the federal government can help state and local authorities rebuild our schools. America has a $112 billion infrastructure problem that makes it increasingly difficult for our students to learn the skills they will need to keep America competitive in the 21st century. Now is the time for Congress to act.

I want to congratulate the Democratic leader again for his work on this bill, as well as President Clinton and Secretary Riley, who helped shape many of its provisions. I hope the 105th Congress will approve this legislation quickly, and renew the promise embodied in the words of the 19th century American poet James Russell Lowell, who wrote: ". . . [I]t was in making education not only common to all, but in some sense compulsory on all, that the destiny of the free republics of America was practically settled."

By Mr. SPECTER:

S. 1709. A bill to authorize the Secretary of Labor to provide assistance to States for the implementation of enhanced pre-vocational training programs, in order to improve the likelihood of enabling welfare recipients to make transitions from public assistance to employment, and for other purposes; to the Committee on Labor and Human Resources.

THE JOB PREPARATION AND RETENTION TRAINING ACT OF 1998

Mr. SPECTER. Mr. President, I have sought recognition to introduce vocational training legislation, entitled the "Job Preparation and Retention Training Act of 1998," which is designed to respond to the need for pre-vocational training assistance to enable welfare recipients to make the transition from public assistance to work.

I believe that the historic 1996 welfare reform law will serve the American people well by ending systemic dependence and creating a program that emphasizes employment—gainful and permanent employment—by giving the States greater flexibility in administering their programs. We are already hearing about the rise in employment rates and the substantial drops in State welfare rolls.

While many Americans have effectively made the transition from welfare to work, a need exists for skills training to enable many of the individuals who have been long-term welfare recipients to make transitions into unsubsidized employment that provides career potential and enables the individuals to achieve economic self-sufficiency.

Mr. President, as Chairman of the Senate Labor, Health and Human Services and Education Appropriations Subcommittee, I believe that it would be worthwhile to recognize the need for pre-vocational training, a type of training that is not formally offered by the U.S. Department of Labor.

Current Federal law does not adequately address the tremendously negative effect of unfavorable environmental and cultural factors on the ability of such individuals to obtain and retain gainful employment.

I believe that a Federal commitment to the development of pre-vocational training programs should focus on: improving the job readiness of individuals who are welfare recipients and preparing the individual psychologically and attitudinally for employment.

The bill I am introducing today would authorize funding for States to enroll chronic welfare dependents into a training program which would provide the necessary skills to locate and maintain employment. The Secretary of Labor would award States grants on a competitive basis for use in teaching individuals to fulfill workplace responsibilities such as punctuality, literacy, communication, and other survival skills. Once an adult has completed this short period of training, he or she would be prepared to get the most out of their job training and unsubsidized employment opportunities. The $50 million authorization would be provided for each of the next two years. The sunset will provide a chance to determine the program's efficacy. Further, training funds would be limited to no more than $1,200 per individual, which I am advised is a realistic cost of skills training and job placement programs.

Many community-based organizations across the country have already recognized this need and are providing pre-vocational training. In this limited context, we have found that prevocational trainees have fared much better in the economy. I am advised that one such community-based organization, the Opportunities Industrialization Centers of America, Inc., has found that the average hourly wage of trainees prior to pre-vocational training was $3.70, not even a minimum wage. After receiving pre-vocational training, these same participants started earning an average of $8.00 an hour. Further, pre-vocational training resulted in an 85% placement rate into better-paying jobs.

I encourage my colleagues to join me in sponsoring this legislation. This bill is intended to enhance welfare reform and it does not tamper with the positive changes in existing law, such as the five-year time limit. Simply, I am asking for continued federal involvement in ending generational welfare.

By Mr. COCHRAN (for himself, Mr. LEVIN, Mr. LEAHY, Mr. STEVENS, Mr. ROBB, Mr. WARNER, Mr. SARBANES, and Ms. MIKULSKI) (by request):

S. 1710. A bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code; to the Committee on Governmental Affairs.

THE RETIREMENT COVERAGE ERROR CORRECTION ACT OF 1998

Mr. COCHRAN. Mr. President, today I am introducing, at the request of the Administration, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code—specifically, current and former federal employees who should have been placed in the Federal Employee Retirement System (FERS), but were misclassified as Civil Service Retirement System (CSRS) or CSRS Offset.

The federal government's transition from CSRS to FERS began in 1984. As government agencies carried out the complex job of applying two sets of transition rules, mistakes were made, and thousands of employees were placed in the wrong retirement system—many learning that their pensions would be less than expected. The Administration's proposal, "The Federal Retirement Coverage Corrections Act," would provide employees with a choice between corrected retirement coverage and the coverage the employee expected to receive, without disturbing Social Security coverage law.

I think this bill deserves the careful consideration of the Senate. As Chairman of the Governmental Affairs Subcommittee with jurisdiction over the subject, I will try to ensure a thorough review of all the options for dealing with this issue.

Among the provisions of the bill, are the following:

(1) Generally, errors of less than 3 years would not be eligible for corrective action.

(2) Social Security-covered employees who were erroneously CSRS covered or CSRS Offset covered, may elect to be retroactively under either CSRS Offset or Social Security-only coverage.

(3) CSRS covered, CSRS Offset covered or Social Security-only covered employees who were erroneously FERS covered will be deemed to have elected FERS coverage and will remain covered by FERS, unless the employee declines it.

(4) Generally, FERS covered employees, former employees, and annuitants who were erroneously CSRS covered or CSRS Offset covered, may elect retroactive coverage under either CSRS Offset or FERS coverage. However, this election may not be available or may be subject to adjustment under certain very limited circumstances.

(5) A Thrift Plan make-whole provision to provide the earnings that are now disallowed on the employee's make-up contributions.

(6) Provisions are included to deal with the retroactive application of Social Security upon the correction of a retirement coverage error in which an employee was erroneously covered by CSRS.

(7) The Director of OPM is given discretionary authority to waive time limits, reimburse necessary and reasonable expenses and compensate losses, and waive specified repayments; and finally

(8) Costs of the "Retirement Coverage Error Correction Act" would be paid from the Civil Service Retirement Fund, and OPM would be authorized to spend money from that Fund to administer the Act.

I invite Senators to join in this effort to address a serious problem affecting many federal employees.

I ask unanimous consent that a copy of the bill and a section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Retirement Coverage Error Correction Act of 1998".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds that a number of Government employees have been placed under erroneous retirement coverage during the transition from the Civil Service Retirement System to the Federal Employees Retirement System. When these errors are of significant duration, they adversely affect an employee's ability to plan for retirement. It is the purpose of this Act to provide a remedy that treats all such individuals fairly and reasonably, and demonstrates the Government's concern for its employees who have been disadvantaged by a Government error in their retirement coverage. Affected employees should have a choice between corrected retirement coverage and the benefit the employee would have received under the erroneous coverage, without disturbing Social Security coverage law.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) "Annuitant" means an individual described by section 8331(9) or 8401(2) of title 5, United States Code;

(2) "CSRS" means the Civil Service Retirement System established under subchapter III of chapter 83 of title 5, United States Code;

(3) "CSRS covered" means subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, including full CSRS employee deductions;

(4) "CSRS Offset covered" means subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, including reduced CSRS employee deductions;

(5) "Director" means the Director of Office of Personnel Management;

(6) "FERS" means the Federal Employees Retirement System established under chapter 84 of title 5, United States Code;

(7) "FERS covered" means subject to the provisions of chapter 84 of title 5, United States Code;

(8) "OASDI employee tax" means the Old Age, Survivors and Disability Insurance tax imposed on wages under section 3101(a) of the Internal Revenue Code of 1986;

(9) "OASDI employer tax" means the Old Age, Survivors and Disability Insurance tax imposed on wages under section 3111(a) of the Internal Revenue Code of 1986;

(10) "OASDI taxes" means the sum of the OASDI employee tax and OASDI employer tax;

(11) "former employee" means an individual who formerly was a Government employee, but who is not an annuitant;

(12) "Office" means the Office of Personnel Management;

(13) "Retirement coverage determination" means the determination by an agency whether employment is CSRS covered, CSRS Offset covered, FERS covered, or Social Security only covered;

(14) "Retirement coverage error" means an erroneous retirement coverage determination that was in effect for a minimum period of 3 years of service after December 31, 1986;

(15) "Service" means a period of civilian service that is creditable under section 8332 or 8411 of title 5, United States Code;

(16) "Social Security-only covered" means employment under section 3121(b) of the Internal Revenue Code of 1986, subject to OASDI taxes, but not CSRS covered, CSRS Offset covered, or FERS covered; and

(17) "Survivor" means an individual described by section 8331(10) or 8401(28) of title 5, United States Code.

SEC. 4. ERRORS OF LESS THAN 3 YEARS EXCLUDED.

Except as otherwise provided in this Act, an erroneous retirement coverage determination that was in effect for a period of less than 3 years of service after December 31, 1986, is not covered by this Act.

SEC. 5. SOCIAL SECURITY-ONLY COVERED EMPLOYEES WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS OFFSET COVERED.

(a) This section applies in the case of a retirement coverage error in which a Social Security-only covered employee was erroneously CSRS covered or CSRS Offset covered.

(b)(1) This subsection applies if the retirement coverage error has not been corrected prior to the effective date of the regulations described in paragraph (3).

(2) In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such an individual shall be CSRS Offset covered, retroactive to the date of the retirement coverage error.

(3) Upon written notice of a retirement coverage error, an individual shall have 6 months to make an election, under regulations promulgated by the Office, to be CSRS Offset covered or Social Security-only covered, retroactive to the date of the retirement coverage error. If the individual does not make an election prior to the deadline, the individual shall remain CSRS Offset covered.

(c)(1) This subsection applies if the retirement coverage error was corrected prior to the effective date of the regulations described in subsection (b)(3).

(2) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of the regulations, to be CSRS Offset covered or Social Security-only covered, retroactive to the date of the retirement coverage error.

(3) If an eligible individual does not make an election under paragraph (2) prior to the

deadline, the corrective action previously taken shall remain in effect.

SEC. 6. SOCIAL SECURITY-ONLY COVERED EMPLOYEES NOT ELIGIBLE TO ELECT FERS WHO WERE ERRONEOUSLY FERS COVERED.

(a) This section applies in the case of a retirement coverage error in which a Social Security-only covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b)(1) This subsection applies if the retirement coverage error has not been corrected prior to the effective date of the regulations described in paragraph (2).

(2) Upon written notice of a retirement coverage error, an individual shall have 6 months to make an election, under regulations promulgated by the Office, to be FERS covered or Social Security-only covered, retroactive to the date of the retirement coverage error. If the individual does not make an election prior to the deadline, the individual shall remain FERS covered, retroactive to the date of the retirement coverage error.

(c)(1) This subsection applies if the retirement coverage error was corrected prior to the effective date of the regulations described in subsection (b)(2).

(2) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of the regulations to be FERS covered or Social Security-only covered, retroactive to the date of the retirement coverage error.

(3) If an eligible individual does not make an election under paragraph (2) prior to the deadline, the corrective action previously taken shall remain in effect.

SEC. 7. CSRS COVERED, CSRS OFFSET COVERED, AND FERS-ELIGIBLE SOCIAL SECURITY-ONLY COVERED EMPLOYEES WHO WERE ERRONEOUSLY FERS COVERED WITHOUT AN ELECTION.

(a) If an individual was prevented from electing FERS because the individual was erroneously FERS covered during the period when the individual was eligible to elect FERS under title III of the Federal Employees Retirement System Act of 1986, the individual is deemed to have elected FERS coverage and will remain covered by FERS, unless the individual declines, under regulations promulgated by the Office, to be FERS covered, in which case the individual will be CSRS covered, CSRS Offset covered, or Social Security-only covered; as would apply in the absence of a FERS election, retroactive to the date of the erroneous retirement coverage determination.

(b) In the case of an individual to whom subsection (a) applies, who dies prior to discovery of the coverage error, or who dies during the election period prescribed in subsection (a) prior to making an election to correct the error, without having the right to decline FERS coverage, the individual's survivors shall have the right to make the election under regulations promulgated by the Office that provide for such election in a manner consistent with the election rights of the individual.

(c) This section shall be effective retroactive to January 1, 1987, except that this section shall not affect individuals who made or were deemed to have made elections similar to those provided in this section under regulations promulgated by the Office prior to the effective date of this Act.

SEC. 8. FERS COVERED CURRENT AND FORMER EMPLOYEES WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS OFFSET COVERED.

(a) This section applies to a FERS covered employee or former employee who was erroneously CSRS covered or CSRS Offset covered as a result of a retirement coverage error.

(b)(1) This subsection applies if the retirement coverage error has not been corrected prior to the effective date of the regulations described in paragraph (2). As soon as practicable after discovery of the error, and subject to the right of an election under paragraph (2), if CSRS covered or CSRS Offset covered, such individual shall be treated as CSRS Offset covered, retroactive to the date of the retirement coverage error.

(2) Upon written notice of a retirement coverage error, an individual shall have 6 months to make an election, under regulations promulgated by the Office, to be CSRS Offset covered or FERS covered, retroactive to the date of the retirement coverage error. If the individual does not make an election by the deadline, a CSRS Offset covered individual shall remain CSRS Offset covered and a CSRS covered individual shall be treated as CSRS Offset covered.

(c)(1) This subsection applies if the retirement coverage error was corrected prior to the effective date of the regulations described in subsection (b)(2).

(2)(A) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of the regulations, to be CSRS Offset covered, retroactive to the date of the retirement coverage error.

(B) An individual who previously received a payment ordered by a Court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless that amount is waived in whole or in part under section 12, and any amount not waived is repaid.

(C) An individual who, subsequent to correction of the retirement coverage error, received a refund of retirement deductions under section 8424, or a distribution under section 8433, of title 5, United States Code, shall not be entitled to make an election under this subsection.

(3) If an individual is ineligible to make an election or does not make an election under paragraph (2) prior to the deadline, the corrective action previously taken shall remain in effect.

SEC. 9. ANNUITANTS AND SURVIVORS IN CASES WHERE FERS COVERED EMPLOYEES WERE ERRONEOUSLY CSRS COVERED OR CSRS OFFSET COVERED.

(a) This section applies to an individual who is an annuitant or a survivor of a FERS covered employee who was erroneously CSRS covered or CSRS Offset covered as a result of a retirement coverage error.

(b)(1) Within 6 months after the date of enactment of this Act, the Office shall promulgate regulations authorizing an individual described in subsection (a) to elect CSRS Offset coverage or FERS coverage, retroactive to the date of the retirement coverage error.

(2) An election under this subsection shall be made within 18 months after the effective date of the regulations.

(3) If the individual elects CSRS Offset coverage, the amount in the employee's Thrift Savings Plan account under subchapter III of chapter 84 of title 5, United States Code, at the time of retirement that represents the Government's contributions and earnings on those contributions (whether or not this amount was subsequently distributed from the Thrift Savings Plan) will form the basis for a reduction in the individual's annuity, under regulations promulgated by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount referred to in the preceding sentence, would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset annuity that would have been provided the individual.

(4) If—

(A) a surviving spouse elects CSRS Offset benefits; and

(B) a FERS basic employee death benefit under section 8442(b) of title 5, United States Code, was previously paid;

then the survivor's CSRS Offset benefit shall be subject to a reduction, under regulations promulgated by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount of the payment referred to subparagraph (B) would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset annuity that would have been provided the individual.

(5) An individual who previously received a payment ordered by a Court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless repayment of that amount is waived in whole or in part under section 12, and any amount not waived is repaid.

(c) If the individual does not make an election under subsection (b) prior to the deadline, the retirement coverage shall be subject to the following rules—

(1) If corrective action was previously taken, that corrective action shall remain in effect; and

(2) If corrective action was not previously taken, the employee shall be CSRS Offset covered, retroactive to the date of the retirement coverage error.

SEC. 10. PROVISIONS RELATED TO SOCIAL SECURITY COVERAGE OF MISCLASSIFIED EMPLOYEES.

(a) REPORTS TO COMMISSIONER OF SOCIAL SECURITY.—In order to carry out the Commissioner of Social Security's responsibilities under title II of the Social Security Act, the Commissioner may request the head of each agency that employs or employed an individual erroneously subject to CSRS coverage as a result of a retirement coverage error and retroactively converted to CSRS Offset coverage, FERS coverage, or Social Security-only coverage to report in coordination with the Office of Personnel Management, and in such form and within such time frame as the Commissioner may specify, any or all of the following—

(1) the total wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid to such individual during each year of the entire period of the erroneous CSRS coverage;

(2) the excess CSRS deduction amount for the individual; and

(3) such additional information as the Commissioner may require for the purpose of carrying out the Commissioner's responsibilities under title II of the Social Security Act.

The head of an agency or the Office shall comply with such a request from the Commissioner. For purposes of section 201 of the Social Security Act, wages reported pursuant to this subsection shall be deemed to be wages reported to the Secretary of the Treasury or the Secretary's delegates pursuant to subtitle F of the Internal Revenue Code of 1954. For purposes of this section, the "excess CSRS deduction amount" for an individual shall be an amount equal to the difference between the CSRS deductions withheld and the CSRS Offset or FERS deductions, if any, due with respect to the individual during the entire period the individual was erroneously subject to CSRS coverage as a result of a retirement coverage error.

(b) ADJUSTMENT TO TRANSFERS UNDER SECTION 201 OF THE SOCIAL SECURITY ACT.—Any amount transferred from the General Fund to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund under section 201 of the Social Security Act on the basis of reports under this section shall be adjusted by amounts previously transferred as a result of corrections made (including corrections made before the date of enactment of this Act), and shall be reduced by any excess CSRS deduction amounts determined by the Director of the Office of Personnel Management to be remaining to the credit of individuals in the Civil Service Retirement and Disability Fund or in accounts maintained by the employing agencies. Such amounts determined by the Director in the preceding sentence shall be transferred to the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund in the proportions indicated in sections 201 (a) and (b) of the Social Security Act.

(c) APPLICATION OF OASDI TAX PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986 TO AFFECTED INDIVIDUALS AND EMPLOYING AGENCIES.—An individual described in subsection (a) and the individual's employing agency shall be deemed to have fully satisfied in a timely manner their responsibilities with respect to the taxes imposed by sections 3101(a), 3102(a), and 3111(a) of the Internal Revenue Code of 1986 on the wages paid by the employing agency to such individual during the entire period he or she was erroneously subject to CSRS coverage as a result of a retirement coverage error. No credit or refund of taxes on such wages shall be allowed as result of the operation of this subsection.

SEC. 11. FUTURE CSRS COVERAGE DETERMINATIONS.

No agency shall place an individual under CSRS coverage unless—

(1) the individual has been employed with CSRS coverage within the preceding 365 days; or

(2) the Office has agreed in writing that the agency's coverage determination is correct.

SEC. 12. DISCRETIONARY ACTIONS BY DIRECTOR.

(a) The Director is authorized to take any of the following actions—

(1) extend the deadlines for making elections under this Act in circumstances involving an individual's inability to make a timely election due to cause beyond the individual's control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney's fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses relating to forgone contributions and earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive repayments otherwise required under this Act.

(b) In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review on any basis.

(d) The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

(e) The Office of Personnel Management shall, within six months after the date of enactment of this Act, and annually thereafter for each year in which the authority provided in this section is used, submit a report to each House of Congress on the operation of this section.

SEC. 13. THRIFT PLAN TREATMENT FOR CERTAIN INDIVIDUALS.

(a) This section applies to an individual who—

(1) is eligible to make an election of coverage under section 8 or section 9, and only if FERS coverage is elected (or remains in effect) for the employee involved; or

(2) is an employee (or former employee, annuitant, or survivor, subject to conditions similar to those in section 8 and 9) in the case of a retirement coverage error in which a FERS covered employee was erroneously Social Security-only covered and is corrected to FERS coverage.

(b)(1) With respect to an individual who whom this section applies, the Director shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, for credit to the account of the employee involved, an amount equal to the earnings which are disallowed under section 8432a of such title 5 on the employee's retroactive contributions to such Fund. Such amount shall represent earnings, on such retroactive contributions, during the period of the retirement coverage error and continuing up to the date on which the amount is paid by the Director (and based on distributions from the employee's Thrift Savings Plan account). Such earnings shall be computed in accordance with the procedures for computing lost earnings under such section 8432a. The amount paid by the Director shall be treated for all purposes as if that amount had actually been earned on the basis of the employee's contributions.

(2) In cases in which the retirement coverage error was corrected prior to the effective date of the regulations under section 8(c) or section 9(b), the employee involved (including an employee described in subsection (a)(2)) shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions shall be treated in accordance with the provisions of paragraph (1).

(c) The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section.

SEC. 14. AUTHORIZATION AND APPROPRIATION.

All payments permitted or required by this Act to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this Act, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 15. SERVICE CREDIT DEPOSITS.

(a) In the case of a retirement coverage error in which—

(1) a FERS covered employee was erroneously CSRS covered or CSRS Offset covered;

(2) the employee made a service credit deposit under the CSRS rules; and

(3) there is a subsequent retroactive change to FERS coverage;

the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code and regulations prescribed by the Office, shall be a paid to the annuitant or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8342(c) or 8424(d) of title 5, United States Code, as applicable.

(b)(1) This subsection applies in the case of an erroneous retirement coverage determination in which—

(A) the employee made a service credit deposit under the FERS rules; and

(B) there is a subsequent retroactive change to CSRS or CSRS Offset coverage.

(2) If at the time of commencement of an annuity there is remaining unpaid any excess of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, the annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code and regulations prescribed by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to in the preceding sentence, would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset annuity that would have been provided the individual.

(3) If at the time of commencement of a survivor annuity, there is remaining unpaid any excess of the CSRS service credit deposit over the FERS service credit deposit, and there has been no actuarial reduction in an annuity under the preceding paragraph, the survivor annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code and regulations prescribed by the Office. The reduced survivor annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to in the preceding sentence, would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS Offset survivor annuity that would have been provided the individual.

SEC. 16. REGULATIONS.

(a) In addition to the regulations specifically authorized in this Act, the Office may prescribe such other regulations as are necessary for the administration of this Act.

(b) The regulations issued under this Act shall provide for protection of the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

SEC. 17. EFFECTIVE DATE.

Except as otherwise provided herein, this Act shall be effective on the date of enactment.

RETIREMENT COVERAGE ERROR CORRECTION ACT OF 1998—SECTION-BY-SECTION ANALYSIS

The first section provides a title for the bill, the "Retirement Coverage Error Correction Act of 1998".

Section 2 explains the Congressional findings and purpose of the Act.

Section 3 defines the terms used in the Act. Among the definitions, "retirement coverage error" means erroneous coverage that was in effect for at least 3 years of service after December 31, 1986.

Section 4 provides that, except as otherwise provided in this Act, errors of less than 3 years are excluded from eligibility for corrective action under the Act. The primary exception to the three-year rule is in Section 7, concerning FERS covered employees who should have been, but were not, given the opportunity to elect whether to be covered by FERS.

Section 5 deals with cases of retirement coverage errors in which a Social Security-only covered employee was erroneously CSRS covered or CSRS Offset covered. Under this provision, OPM will promulgate regulations giving such individuals the option to elect to be retroactively under either CSRS Offset or Social Security-only coverage. If erroneously under CSRS coverage, the employee will be placed under interim CSRS Offset coverage as soon as practicable, and will have the right to make the coverage election under the regulations.

There will be an 18-month election period applicable to cases where there was a correction of the coverage error prior to the effective date of the regulations. In such cases, if the individual does not make a timely election, then the corrective action previously taken shall remain in effect.

In cases where the coverage error was not corrected prior to the effective date of the regulations (other than interim conversion from CSRS to CSRS Offset), the individual will have 6 months after notification of the error in which to make an election. In such cases, if the individual does not make a timely election, then the individual will remain under CSRS Offset.

Section 6 deals with cases of retirement coverage errors in which a Social Security-only covered employee who was not entitled to elect FERS was erroneously FERS covered. Under this provision, OPM will promulgate regulations giving such individuals the option to elect to be retroactively under either FERS coverage or Social Security-only coverage.

There will be an 18-month election period applicable to cases where there was a correction of the coverage error prior to the effective date of the regulations. In such cases, if the individual does not make a timely election, then the corrective action previously taken shall remain in effect.

In cases where the coverage error was not corrected prior to the regulations, the individual will have 6 months after notification of the error in which to make an election. In such cases, if the individual does not make a timely election, then the individual will remain under FERS coverage.

Section 7 provides that in the case of an erroneous retirement coverage determination in which a CSRS covered, CSRS Offset covered or FERS-eligible Social Security-only covered employee was erroneously FERS covered, the employee is deemed to have elected FERS coverage and will remain covered by FERS, unless the employee declines, under regulations promulgated by OPM, to be FERS covered. This form of corrective action is appropriate, regardless of whether the error lasted 3 years, when the individual was prevented from electing FERS during the statutory election period provided by title III of the FERS Act of 1986. Individuals who previously had the right to make such an election under OPM regulations will not be given an additional opportunity to make an election. This section ratifies OPM's authority to issue regulatory provisions to provide appropriate treatment in this situation, in accordance with court decisions. This section will be effective retroactive to January 1, 1987.

Section 8 applies to employees and former employees (but not annuitants) in cases in which a FERS covered employee was erroneously CSRS covered or CSRS Offset covered. Under this provision, OPM will promulgate regulations giving such individuals the option to elect to be retroactively under either CSRS Offset or FERS coverage. CSRS covered employees will be immediately and retroactively converted to CSRS Offset coverage, since Social Security coverage is automatic by action of law, with the right to make the coverage election under the regulations.

There will be an 18-month election period applicable to cases where there was a correction of the coverage error prior to the effective date of the regulations. In such cases, if the individual does not make a timely election, then the corrective action previously taken shall remain in effect.

In cases where the coverage error has not been corrected prior to the effective date of the regulations (other than interim conversion from CSRS to CSRS Offset), the individual will have 6 months after notification of the error in which to make an election. In such cases, if the individual does not make a timely election, then the individual will remain under CSRS Offset.

In two situation, individuals will not be permitted to make an election. When an individual elects to receive a refund of FERS employee contributions or a Thrift Savings Plan payout, the individual waives the right to benefits based on the service. Accordingly, if, subsequent to correction of the error and placement under FERS, the individual takes either of those actions, there is no justification to reinstate the rights to retirement benefits which were given up knowingly and voluntarily.

In addition, individuals who previously received a payment ordered by a Court or provided as a settlement of claim for losses resulting from a retirement coverage error will not be entitled to make an election unless repayment is made, or is waived by the Director of OPM.

Section 9 deals with the same types of errors as section 8, but in cases where the employee has retired or died. The basic provisions are essentially the same, but there are provisions for actuarial adjustments to prospective annuity payments when a retroactive election divests the right to payments which have already been made.

Section 10 deals with the retroactive application of Social Security upon the correction of a retirement coverage error in which an employee was erroneously covered by CSRS. Subsection (a) provides discretionary authority for the Commissioner of Social Security to request wage and other relevant information directly from the employing agencies, in a form and manner prescribed by the Commissioner. Such information is necessary to correctly compute the employee's Social Security benefit as if the employee had not been erroneously classified. Exercise of this authority would provide for a more efficient provision of such information than current law and procedures, particularly for years prior to the 3-year limitation on assessment of taxes. Information for years prior to the 3-year period open to assessment of taxes would otherwise have to be provided by each individual employee or be provided at the discretion of the employing agency. The authority contained in this subsection would enable the Commissioner of Social Security to prescribe specific procedures, if those procedures are determined to be necessary, to receive directly the information for these employees to ensure that their wage records properly reflect their earnings history.

Subsection (b) provides that any amounts which may be transferred to the Social Security Trust Funds as a result of the reports which may be required under subsection (a) shall be reduced by certain amounts previously and erroneously deducted for CSRS, and that these amounts shall be transferred from the Civil Service Retirement and Disability Fund to the Social Security Trust Funds in order to correct the retirement and Social Security coverage error. Subsection (c) provides that the OASDI employee tax and OASDI employer tax are deemed to have been paid for the entire period of the erroneous CSRS coverage.

Section 11 requires agencies, before placing any employee in CSRS coverage, to obtain written agreement from OPM that CSRS coverage is correct, unless the individual has been employed with CSRS coverage within the preceding 365 days, the generally applicable statutory period for exclusion from Social Security. It is intended to prevent future coverage errors.

Section 12 gives the Director of OPM specific discretionary authority to waive time limits, reimburse necessary and reasonable expenses and compensate losses, and waive specified repayments. The authority to compensate an individual for losses does not extend to claims relating to forgone Thrift Savings Plan contributions and earnings or other investment opportunities. In view of the judgmental nature of such relief, the provision bars administrative or judicial review of these actions. The provisions requires OPM to report to Congress on the use of the authority under this section within six months after enactment, and annually thereafter, if the authority is used.

Section 13 provides for costs of the Act to be paid from the Civil Service Retirement Fund. It also authorizes OPM to spend money from that Fund to administer the Act.

Section 14 deals with service credit deposits which can be affected by actions under the Act. Subsection (a) provides for payment of interest on partial refunds of service credit deposits required as a result of corrective actions. Subsection (b) provides for collection by actuarial annuity reduction of certain additional service credit deposits required as a result of corrective actions.

Section 15 provides that the Office may prescribe regulations necessary for the administration of the Act. In addition, it requires that OPM's regulations protect the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

Section 16 provides that except as otherwise provided, the Act shall be effective upon enactment.

ADDITIONAL COSPONSORS

S. 1021

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S.

1021, a bill to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes.

S. 1220

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1260

At the request of Mr. GRAMM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1260, a bill to amend the Securities Act of 1993 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from North Carolina (Mr. HELMS), the Senator from New York (Mr. D'AMATO), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1365

At the request of Mr. MIKULSKI, the name of the Senator from Maine (Mr. SNOWE) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1391

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

S. 1600

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1600, a bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years.

S. 1605

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1606

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1606, a bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture.

S. 1608

At the request of Mr. ALLARD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1608, a bill to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

S. 1671

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 1671, a bill to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

SENATE JOINT RESOLUTION 9

At the request of Mr. KYL, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Missouri (Mr. ASHCROFT) were added as a cosponsors of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. SNOWE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the names of the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. NICKLES), the Senator from Minnesota (Mr. GRAMS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAIG), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Tennessee (Mr. FRIST), the Senator from Georgia (Mr. COVERDELL), the Senator from Missouri (Mr. ASHCROFT), the Senator Michigan (Mr. ABRAHAM), the Senator from Florida (Mr. MACK), the Senator from Ohio (Mr. DEWINE), and the Senator from Indiana (Mr. COATS) were added as cosponsors of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, his name was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Resolution 155, supra.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Montana (Mr. BAUCUS), the Senator from California (Mrs. BOXER), and the Senator from North Carolina (Mr. FAIRCLOTH), were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

AMENDMENT NO. 1682

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Amendment No. 1682 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

At the request of Mr. THURMOND, his name was withdrawn as a cosponsor of amendment No. 1682 proposed to S. 1173, supra.

SENATE CONCURRENT RESOLUTION 79—COMMEMORATING THE PEOPLE OF REMY, FRANCE AND FORMER MEMBERS OF THE 364TH FIGHTER GROUP

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mrs. HUTCHISON, Mr. DURBIN, and Mr. SANTORUM) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas on August 2, 1944, a squadron of P–51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France;

Whereas the resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including 7 stained glass windows in the 13th century church;

Whereas, despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers;

Whereas on Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor;

Whereas the surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy; and

Whereas, to express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds, through its project "Windows for Remy", to restore the church's stained glass windows: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly during and after August 1944; and

(2) recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th century church.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution on behalf of myself, Senator BOXER, Senator HUTCHISON, Senator DURBIN, and Senator SANTORUM, to commemorate the acts of kindness of the residents of Remy, France afforded World War II Army Air Corps pilot Lieutenant Houston Braly. While these deeds occurred more than fifty years ago, the story of this young pilot is carried on in the hearts and minds of the people of Remy. Now the friends and comrades of Lt. Braly have joined together to show their appreciation in a most sincere gesture of goodwill.

On August 2, 1944, Lt. Braly's squadron of P–51 fighters on patrol in northern France encountered a German munitions train. The squadron made three unsuccessful attack runs at the train, which was almost impossible to see because of camouflage. On the fourth run, however, Lt. Braly's fire hit a car carrying explosives, causing a tremendous explosion.

Airplanes circling 13,000 feet over the battle were hit by shrapnel from the train. Haystacks in fields some distance away were seen burning, and nearly all buildings in the small French town were demolished. The 13th century church in the town of Remy barely escaped destruction, but the historic stained-glass windows were destroyed.

The explosion also claimed the life of Lt. Braly, who was only twenty-two years old on that tragic day.

Despite the near total destruction of the small town, the residents of Remy regarded that young American as a hero. A young woman pulled Braly's body from the burning wreck of the plane, wrapped him in the nylon of his parachute, and placed him in the town's courtyard. Hundreds of villagers showered the site with flowers, stunning the German authorities. Threats of reprisals were made if the tributes continued, but eventually the authorities agreed that a small, private burial could be performed in the church's cemetery.

The next morning it was discovered that despite the potentially severe consequences, villagers had once again paid tribute to the young pilot. The covert placement of flowers on Lt. Braly's grave continued until American forces liberated Remy to the cheers of the townspeople. American soldiers were led to Lt. Braly's grave, which was marked by the bent propeller of his P–51 fighter.

Nearly 50 years later, Steven Lea Vell of Danville, California, came across this story during the course of research he was doing at the Air Force Archives in Alabama. Mr. Lea Vell was so moved by the story that he visited Remy, France, only to find that the stained glass windows of the magnificent 13th century church which were destroyed in the explosion had not been replaced. Mr. Lea Vell contacted various members of the 364th Fighter Group, under which Lt. Braly had served. These veterans had heard the stories of how the residents of Remy had honored their fallen friend. They joined together to form Windows for Remy, a non-profit organization working to raise $200,000 to replace the stained glass windows to repay the town for their distinguished actions toward Lt. Braly.

Mr. President, the residents of Remy have not forgotten the story of that young American pilot. On Armistice Day, November 11, 1995, fifty years after the war ended, the town of Remy paid tribute once more to Lt. Braly. On that day they renamed the crossroads where he perished to "Rue de Houston L. Braly, Jr."

I am confident that my fellow senators will join me in commending the people of Remy, France for their kindness and recognize the friends and former comrades of Lt. Braly for their efforts to pay back this debt of honor.

SENATE RESOLUTION—191—MAKING MAJORITY PARTY APPOINTMENTS

Mr. CHAFEE (for Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Resolved,

SEC. 1. That the following be the majority membership on the Committee on Governmental Affairs for the remainder of the 105th Congress, or until their successors are appointed, pursuant to section 2 of this resolution:

Governmental Affairs: Mr. Thompson (Chairman), Mr. Roth, Mr. Stevens, Ms. Collins, Mr. Brownback, Mr. Domenici, Mr. Cochran, Mr. Nickles, and Mr. Specter.

SEC. 2. That section 1 of this resolution shall take effect immediately upon the filing of the report by the Committee on Governmental Affairs as required by Senate Resolution 39, agreed to March 11, 1997.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

CHAFEE (AND OTHERS) AMENDMENT NO. 1684

Mr. CHAFEE (for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, Mr. LIEBERMAN, Mr. WYDEN, Mr. SESSIONS, Mr. DOMENICI, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 136, after line 22, add the following:

SEC. 11 . ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the States in the ratio that—

(A) the total of the apportionments to each State under section 104 of title 23, United States Code, and section 1102(c) of this Act and the allocations to each State under section 105(a) of that title (excluding amounts made available under this section); bears to

(B) the total of all apportionments to all States under section 104 of that title and section 1102(c) of this Act and all allocations to all States under section 105(a) of that title (excluding amounts made available under this section).

(2) DISTRIBUTION AMONG CATEGORIES.—

(A) LIMITED FLEXIBLE FUNDING FOR CERTAIN STATES.—For each fiscal year, in the case of each State that does not receive funding under subsection (c) or an allocation under subsection (d), an amount equal to 22 percent of the funds apportioned to the State under paragraph (1) shall be set aside for use by the State for any purpose eligible for funding under title 23, United States Code, or this Act.

(B) Distribution of remaining funds.—

(i) In general.—For each fiscal year, after application of subparagraph (A), the remaining funds apportioned to each State under paragraph (1) shall be apportioned in accordance with clause (ii) among the following categories:

(I) The Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code.

(II) The Interstate bridge component of the Interstate and National Highway System program under section 104(b)(1)(B) of that title.

(III) The National Highway System component of the Interstate and National Highway System program under section 104(b)(1)(C) of that title.

(IV) The congestion mitigation and air quality improvement program under section 104(b)(2) of that title.

(V) The surface transportation program under section 104(b)(3) of that title.

(VI) Metropolitan planning under section 104(f) of that title.

(VII) Minimum guarantee under section 105 of that title.

(VIII) ISTEA transition under section 1102(c) of this Act.

(ii) Distribution formula.—For each State and each fiscal year, the amount of funds apportioned for each category under clause (i) shall be equal to the product obtained by multiplying—

(I) the amount of funds apportioned to the State for the fiscal year under paragraph (1); by

(II) the ratio that—

(aa) the amount of funds apportioned to the State for the category for the fiscal year under the other sections of this Act and the amendments made by this Act; bears to

(bb) the total amount of funds apportioned to the State for all of the categories for the fiscal year under the other sections of this Act and the amendments made by this Act.

(3) Authorization of contract authority.—

(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $640,000,000 for fiscal year 1998, $3,346,000,000 for fiscal year 1999, $3,634,000,000 for fiscal year 2000, $3,881,000,000 for fiscal year 2001, $3,831,000,000 for fiscal year 2002, and $3,587,000,000 for fiscal year 2003.

(B) Contract authority.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) Other Adjustments.—

(1) In general.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(2) Contract authority.—Funds authorized under subparagraphs (A) and (B) of paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) Limitation.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(c) High Density Transportation Program.—

(1) In general.—There is established the high density transportation program (referred to in this subsection as the "program") to provide funding to States that have higher-than-average population density.

(2) Determinations.—

(A) In general.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act for ISTEA transition; by

(II) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce).

(B) National average.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) Eligibility criteria.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) Distribution of funds.—

(A) Availability to states.—For each fiscal year, except as provided in subparagraph (D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) State notification.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) Project proposals.—

(i) Submission.—

(I) In general.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) Total cost of projects.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) Selection.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) Deadlines.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) Redistribution of funds.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount that the State is eligible to receive.

(5) Other eligible states.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) Population density.—The population density of the State is greater than the population density of the United States.

(B) Through truck traffic.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) Eligible projects.—Funds made available to carry out the program may be used

for any project eligible for funding under title 23, United States Code, or this Act.

(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $360,000,000 for each of fiscal years 1999 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(8) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section 104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1) with respect to which at least 45 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(2) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c).

On page 97, line 22, strike "and".

On page 97, strike line 25 and insert the following:

project;

(C) provides for the safe and efficient movement of goods along and within international or interstate trade corridors; and

(D) provides for the continued planning and development of trade corridors.

On page 98, between lines 21 and 22, insert the following:

(D) the extent to which truck-borne commodities move through each State and internationally;

On page 98, line 22, strike "(D)" and insert "(E)".

On page 99, line 1, strike "(E)" and insert "(F)".

On page 98, line 10, strike "(F)" and insert "(G)".

On page 98, line 13, strike "(G)" and insert "(H)".

On page 98, line 15, strike "(H)" and insert "(I)".

On page 98, line 19, strike "(I)" and insert "(J)".

On page 98, line 23, strike "(J)" and insert "(K)".

On page 99, line 24, insert ", trade corridor development," before "and".

BENNETT (AND HATCH) AMENDMENTS NOS. 1685–1686

(Ordered to lie on the table.)

Mr. BENNETT (for himself and Mr. HATCH) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1685

At the appropriate place, insert the following:

SEC. . TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE; DEFINITIONS.—

(1) PURPOSE.—The purpose of this section is to provide assistance and support to State and local efforts on surface and aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(2) DEFINITION.—In this section, the term "Secretary" means the Secretary of Transportation.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall give priority to funding for a mass transportation project related to an international quadrennial Olympic or Paralympic event to carry out 1 or more of sections 5303, 5307, and 5309 of title 49, United States Code, if the project—

(A) in the determination of the Secretary, will meet extraordinary transportation needs associated with an international quadrennial Olympic or Paralympic event; and

(B) is otherwise eligible for assistance under the section at issue.

(2) CONTRACTUAL OBLIGATION.—A grant or a contract for a project described in paragraph (1), approved by the Secretary and funded with amounts made available under this subsection, is a contractual obligation to pay the Government's share of the cost of the project.

(3) NON-FEDERAL SHARE.—For purposes of determining the non-Federal share of a project funded under this subsection, highway and transit projects shall be considered to be a program of projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Mass Transit Account of the Highway Trust Fund such sums as may be necessary to carry out this subsection.

(c) TRANSPORTATION PLANNING ACTIVITIES.—Notwithstanding any other provision of law, the Secretary may participate in—

(1) planning activities of State and metropolitan planning organizations, and project sponsors, for a transportation project related to an international quadrennial Olympic or Paralympic event under sections 5303 and 5305a of title 49, United States Code; and

(2) developing intermodal transportation plans necessary for transportation projects described in paragraph (1), in coordination with State and local transportation agencies.

(d) USE OF ADMINISTRATIVE EXPENSES.—From amounts deducted under section 104(a) of title 23, United States Code, the Secretary may provide assistance in the development of an Olympic and a Paralympic transportation management plan, in cooperation with—

(1) an Olympic Organizing Committee responsible for hosting an international quadrennial Olympic or Paralympic event; and

(2) State and local governments affected by the international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) GENERAL AUTHORITY.—The Secretary may provide assistance to State and local governments in carrying out transportation projects related to an international quadrennial Olympic or Paralympic event. Such assistance may include planning, capital, and operating assistance.

(2) NON-FEDERAL SHARE.—The Federal share of the costs of any transportation project assisted under this subsection shall not exceed 80 percent. For purposes of determining the non-Federal share of a project assisted under this subsection, highway and transit projects shall be considered to be a program of projects.

(f) ELIGIBLE GOVERNMENTS.—A State or local government is eligible to receive assistance under this section only if it is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AIRPORT DEVELOPMENT PROJECTS.—

(1) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.".

(2) DISCRETIONARY GRANTS.—Section 47115(d) of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic or Paralympic events.".

(h) GRANT OR CONTRACT TERMS AND CONDITIONS.—Notwithstanding any other provision of law, a grant or contract funded under this section shall be subject to such terms and conditions as the Secretary may determine, including the waiver of planning and procurement requirements.

(i) USE OF FUNDS BEFORE APPORTIONMENTS AND ALLOCATIONS.—Notwithstanding any other provision of law, funds made available under section 5307 of title 49, United States Code, may be used by the Secretary for projects funded under this section before apportioning or allocating funds to States, metropolitan planning organizations, or transit agencies.

(j) USE OF APPROPRIATIONS.—From amounts made available to carry out sections 5303, 5307, and 5309 of title 49, United States Code, in each of fiscal years 1998 through 2003, the Secretary may use such amounts as may be necessary to carry out this section.

AMENDMENT NO. 1686

At the end of subtitle A of title I, add the following:

SEC. 11 . TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) USE OF ADMINISTRATIVE EXPENSES.—From funds deducted under section 104(a) of title 23, United States Code, the Secretary may provide assistance for the development of an Olympic and a Paralympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event.

(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

INHOFE (AND OTHERS) AMENDMENT NO. 1687

Mr. INHOFE (for himself, Mr. BREAUX, Mr. SESSIONS, and Mr. BYRD), proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill, add the following:

TITLE .—OZONE AND PARTICULATE MATTER STANDARDS

FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) There is a lack of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$, in the United States and States should receive full funding for the monitoring efforts;

(2) Such data would provide a basis for designating areas as attainment or nonattainment for any $PM_{2.5}$ national ambient air quality standards pursuant to the standards promulgated in July 1997;

(3) The President of the United States directed the Administrator in a memorandum dated July 16, 1997, to complete the next periodic review of the particulate matter national ambient air quality standards by July 2002 in order to determine "whether to revise or maintain the standards;"

(4) The Administrator has stated that three years of air quality monitoring data for fine particle levels, measured as $PM_{2.5}$ and performed in accordance with any applicable federal reference methods, is appropriate for designating areas as attainment or nonattainment pursuant to the July 1997 promulgated standards; and

(5) The Administrator has acknowledged that in drawing boundaries for attainment and nonattainment areas for the July 1997 ozone national air quality standards, Governors would benefit from considering implementation guidance from EPA on drawing area boundaries;

(b) The purposes of this title are—

(1) To ensure that three years of air quality monitoring data regarding fine particle levels are gathered for use in the determination of area attainment or nonattainment designations respecting any $PM_{2.5}$ national ambient air quality standards;

(2) To ensure that the Governors have adequate time to consider implementation guidance from EPA on drawing area boundaries prior to submitting area designations respecting the July 1997 ozone national ambient air quality standards;

(3) To ensure that implementation of the July 1997 revisions of the ambient air quality standards are consistent with the purposes of the President's Implementation Memorandum dated July 16, 1997.

PARTICULATE MATTER MONITORING PROGRAM

SEC. 2. (a) Through grants under section 103 of the Clean Air Act the Administrator of the Environmental Protection Agency shall use appropriated funds no later than fiscal 2000 to fund one hundred percent of the cost of he establishment, purchase, operation and maintenance of a $PM_{2.5}$ monitoring network necessary to implement the national ambient air quality standards for $PM_{2.5}$ under section 109 of the Clean Air Act. This implementation shall not result in a diversion or reprogramming of funds from other Federal, State or local Clean Air Act activities. Any funds previously diverted or reprogrammed from section 105 Clean Air Act grants for $PM_{2.5}$ monitors must be restored to State or local air programs in fiscal year 1999.

(b) EPA and the State shall ensure that the national network (designated in section 2(a)) which consists of the $PM_{2.5}$ monitors necessary to implement the national ambient air quality standards is established by December 31, 1999.

(c) The Governors shall be required to submit designations for each areas following promulgation of the July 1997 $PM_{2.5}$ national ambient air quality standard within one year after receipt of three years of air quality monitoring data performed in accordance with any applicable federal reference methods for the relevant areas. Only data from the monitoring network designated in section 2(a) and other federal reference method $PM_{2.5}$ monitors shall be considered for such designations. In review in the State Implementation Plans the Administration shall consider all relevant monitoring data regarding transport of $PM_{2.5}$.

(d) The Administrator shall promulgate designations of nonattainment areas no later than one year after the initial designations required under paragraph 2(c) are required to be submitted. Not withstanding the previous sentence, the Administrator shall promulgate such designations not later than Dec. 31, 2005.

(e) The Administrator shall conduct a field study of the ability of the $PM_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrograms in diameter. This study shall be completed and provided to Congress no later than two years from the date of enactment of this legislation.

OZONE DESIGNATION REQUIREMENTS

SEC. 3. (a) The Governors shall be required to submit designations of nonattainment areas within two years following the promulgation of the July 1997 ozone national ambient air quality standards.

(b) The Administrator shall promulgate final designations no later than one year after the designations required under paragraph 3(a) are required to be submitted.

ADDITIONAL PROVISIONS

SEC. 4. Nothing in sections 1–3 above shall be construed by the Administrator of Environmental Protection Agency or any court, State, or person to affect any pending litigation or to be a ratification of the ozone or $PM_{2.5}$ standards.

REID (AND OTHERS) AMENDMENT NO. 1688

Mr. REID (for himself, Mr. BRYAN, Mrs. BOXER, and Mrs. FEINSTEIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 253, between lines 15 and 16, insert the following:

"(3) LAKE TAHOE REGION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) establish with the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region (as defined in the Lake Tahoe Regional Planning Compact) a transportation planning process for the region; and

"(ii) coordinate the transportation planning process with the planning process required of State and local governments under this section, section 135, and chapter 53 of title 49.

"(B) INTERSTATE COMPACT.—

"(i) IN GENERAL.—Subject to clause (ii), notwithstanding subsection (b), to carry out the transportation planning process required by this section, the consent of Congress is granted to the States of California and Nevada to designate a metropolitan planning organization for the Lake Tahoe region, by agreement between the Governors of the States of California and Nevada and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities (as defined by the Bureau of the Census)), or in accordance with procedures established by applicable State or local law.

"(ii) INVOLVEMENT OF FEDERAL LAND MANAGEMENT AGENCIES.—

"(I) REPRESENTATION.—The policy board of a metropolitan planning organization designated under subparagraph (A) shall include a representative of each Federal land management agency that has jurisdiction over land in the Lake Tahoe region.

"(II) FUNDING.—In addition to funds made available to the metropolitan planning organization under other provisions of this title and under chapter 53 of title 49, not more than 1 percent of the funds allocated under section 202 may be used to carry out the transportation planning process for the Lake Tahoe region under this subparagraph.

"(C) ACTIVITIES.—

"(i) HIGHWAY PROJECTS.—Highway projects included in transportation plans developed under this paragraph—

"(I) shall be selected for funding in a manner that facilitates the participation of the Federal land management agencies that have jurisdiction over land in the Lake Tahoe region; and

"(II) may, in accordance with chapter 2, be funded using funds allocated under section 202.

"(ii) TRANSIT PROJECTS.—Transit projects included in transportation plans developed under this paragraph may, in accordance with chapter 53 of title 49, be funded using amounts apportioned under that title for—

"(I) capital project funding, in order to accelerate completion of the transit projects; and

"(II) operating assistance, in order to pay the operating costs of the transit projects, including operating costs associated with unique circumstances in the Lake Tahoe region, such as seasonal fluctuations in passenger loadings, adverse weather conditions, and increasing intermodal needs.

THE OCEAN SHIPPING ACT OF 1998

HUTCHISON (AND OTHERS) AMENDMENT NO. 1689

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. LOTT, and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 1998".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect May 1, 1999.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and";

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(2) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(3) striking paragraph (10) and redesignating paragraphs (11) through (27) as paragraphs (10) through (26);

(4) striking "in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container," in paragraph (10), as redesignated;

(5) striking "paper board in rolls, and paper in rolls." in paragraph (10) as redesignated and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(6) striking "conference, other than a service contract or contract based upon time-volume rates," in paragraph (13) as redesignated and inserting "agreement";

(7) striking "conference." in paragraph (13) as redesignated and inserting "agreement and the contract provides for a deferred rebate arrangement.";

(8) by striking "carrier." in paragraph (14) as redesignated and inserting "carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.";

(9) striking paragraph (16) as redesignated and redesignating paragraphs (17) through (26) as redesignated as paragraphs (16) through (25), respectively;

(10) striking paragraph (17), as redesignated, and inserting the following:

"(17) 'ocean transportation intermediary' means an ocean freight forwarder or a non-vessel-operating common carrier. For purposes of this paragraph, the term

"(A) 'ocean freight forwarder' means a person that—

"(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; and

"(B) 'non-vessel-operating common carrier' means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(11) striking paragraph (19), as redesignated and inserting the following:

"(19) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual ocean common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the ocean common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of any party."; and

(12) striking paragraph (21), as redesignated, and inserting the following:

"(21) 'shipper' means—

"(A) a cargo owner;

"(B) the person for whose account the ocean transportation is provided;

"(C) the person to whom delivery is to be made;

"(D) a shippers' association; or

"(E) an ocean transportation intermediary, as defined in paragraph (17)(B) of this section, that accepts responsibility for payment of all charges applicable under the tariff or service contract.".

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

(a) Ocean Common Carriers.—Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel-operating common carriers;" in paragraph (5) and inserting "operators;";

(2) striking "and" in paragraph (6) and inserting "or"; and

(3) striking paragraph (7) and inserting the following:

"(7) discuss and agree on any matter related to service contracts.".

(b) Marine Terminal Operators.—Section 4(b) of that Act (46 U.S.C. App. 1703(b)) is amended by—

(1) striking "(to the extent the agreements involve ocean transportation in the foreign commerce of the United States)";

(2) striking "and" in paragraph (1) and inserting "or"; and

(3) striking "arrangements." in paragraph (2) and inserting "arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.".

SEC. 104. AGREEMENTS.

(a) In General.—Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by—

(1) striking subsection (b)(8) and inserting the following:

"(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item";

(2) redesignating subsections (c) through (e) as subsections (d) through (f); and

(3) inserting after subsection (b) the following:

"(c) Ocean Common Carrier Agreements.—An ocean common carrier agreement may not—

"(1) prohibit or restrict a member or members of the agreement from engaging in negotiations for service contracts with 1 or more shippers;

"(2) require a member or members of the agreement to disclose a negotiation on a service contract, or the terms and conditions of a service contract, other than those terms or conditions required to be published under section 8(c)(3) of this Act; or

"(3) adopt mandatory rules or requirements affecting the right of an agreement member or agreement members to negotiate and enter into service contracts.

An agreement may provide authority to adopt voluntary guidelines relating to the terms and procedures of an agreement member's or agreement members' service contracts if the guidelines explicitly state the right of members of the agreement not to follow the guidelines. These guidelines shall be confidentially submitted to the Commission.".

(b) Application.—

(1) Subsection (e) of section 5 of that Act, as redesignated, is amended by striking "this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do" and inserting "this Act does"; and

(2) Subsection (f) of section 5 of that Act, as redesignated, is amended by—

(A) striking "and the Shipping Act, 1916, do" and inserting "does";

(B) striking "or the Shipping Act, 1916,"; and

(C) inserting "or are essential terms of a service contract" after "tariff".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting "or publication" in paragraph (2) of subsection (a) after "filing";

(2) striking "or" at the end of subsection (b)(2);

(3) striking "States." at the end of subsection (b)(3) and inserting "States; or"; and

(4) adding at the end of subsection (b) the following:

"(4) to any loyalty contract.".

SEC. 106. TARIFFS.

(a) In General.—Section 8(a) of the Shipping Act of 1984 (46 U.S.C. App. 1707(a)) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in paragraph (1);

(2) striking "file with the Commission, and" in paragraph (1);

(3) striking "inspection," in paragraph (1) and inserting "inspection in an automated tariff system,";

(4) striking "tariff filings" in paragraph (1) and inserting "tariffs";

(5) striking "freight forwarder" in paragraph (1)(C) and inserting "transportation intermediary, as defined in section 3(17)(A),";

(6) striking "and" at the end of paragraph (1)(D);

(7) striking "loyalty contract," in paragraph (1)(E);

(8) striking "agreement." in paragraph (1)(E) and inserting "agreement; and";

(9) adding at the end of paragraph (1) the following:

"(F) include copies of any loyalty contract, omitting the shipper's name."; and

(10) striking paragraph (2) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access. No charge may be assessed a Federal agency for such access.".

(b) Service Contracts.—Subsection (c) of that section is amended to read as follows:

"(c) Service Contracts.—

"(1) In general.—An individual ocean common carrier or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree. In no case may the contract dispute resolution forum be controlled by or in any way affiliated with a controlled carrier as defined in section 3(8) of this Act, or by the government which owns or controls the carrier.

"(2) FILING REQUIREMENTS.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an individual ocean common carrier or an agreement shall be filed confidentially with the Commission. Each service contract shall include the following essential terms—

"(A) the origin and destination port ranges;

"(B) the origin and destination geographic areas in the case of through intermodal movements;

"(C) the commodity or commodities involved;

"(D) the minimum volume or portion;

"(E) the line-haul rate;

"(F) the duration;

"(G) service commitments; and

"(H) the liquidated damages for nonperformance, if any.

"(3) PUBLICATION OF CERTAIN TERMS.—When a service contract is filed confidentially with the Commission, a concise statement of the essential terms described in paragraphs 2(A), (C), (D), and (F) shall be published and made available to the general public in tariff format.

"(4) DISCLOSURE OF CERTAIN TERMS.—

"(A) An ocean common carrier, which is a party to or is subject to the provisions of a collective bargaining agreement with a labor organization, shall, in response to a written request by such labor organization, state whether it is responsible for the following work at dock areas and within port areas in the United States with respect to cargo transportation under a service contract described in paragraph (1) of this subsection—

"(i) the movement of the shipper's cargo on a dock area or within the port area or to or from railroad cars on a dock area or within the port area;

"(ii) the assignment of intraport carriage of the shipper's cargo between areas on a dock or within the port area;

"(iii) the assignment of the carriage of the shipper's cargo between a container yard on a dock area or within the port area and a rail yard adjacent to such container yard; and

"(iv) the assignment of container freight station work and container maintenance and repair work performed at a dock area or within the port area.

"(B) The common carrier shall provide the information described in subparagraph (A) of this paragraph to the requesting labor organization within a reasonable period of time.

"(C) This paragraph requires the disclosure of information by an ocean common carrier only if there exists an applicable and otherwise lawful collective bargaining agreement which pertains to that carrier. No disclosure made by an ocean common carrier shall be deemed to be an admission or agreement that any work is covered by a collective bargaining agreement. Any dispute regarding whether any work is covered by a collective bargaining agreement and the responsibility of the ocean common carrier under such agreement shall be resolved solely in accordance with the dispute resolution procedures contained in the collective bargaining agreement and the National Labor Relations Act, and without reference to this paragraph.

"(D) Nothing in this paragraph shall have any effect on the lawfulness or unlawfulness under this Act, the National Labor Relations Act, the Taft-Hartley Act, the Federal Trade Commission Act, the antitrust laws, or any other Federal or State law, or any revisions or amendments thereto, of any collective-bargaining agreement or element thereof, including any element that constitutes an essential term of a service contract under this subsection.

"(E) For purposes of this paragraph the terms 'dock area' and 'within the port area' shall have the same meaning and scope as in the applicable collective bargaining agreement between the requesting labor organization and the carrier.".

(c) RATES.—Subsection (d) of that section is amended by—

(1) striking the subsection caption and inserting "(d) TARIFF RATES.—";

(2) striking "30 days after filing with the Commission." in the first sentence and inserting "30 calendar days after publication.";

(3) inserting "calendar" after "30" in the next sentence; and

(4) striking "publication and filing with the Commission." in the last sentence and inserting "publication.".

(d) REFUNDS.—Subsection (e) of that section is amended by—

(1) striking "tariff of a clerical or administrative nature or an error due to inadvertence" in paragraph (1) and inserting a comma; and

(2) striking "file a new tariff," in paragraph (1) and inserting "publish a new tariff, or an error in quoting a tariff,";

(3) striking "refund, filed a new tariff with the Commission" in paragraph (2) and inserting "refund for an error in a tariff or a failure to publish a tariff, published a new tariff";

(4) inserting "and" at the end of paragraph (2); and

(5) striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(e) MARINE TERMINAL OPERATOR SCHEDULES.—Subsection (f) of that section is amended to read as follows:

"(f) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public, subject to section 10(d) of this Act, a schedule of rates, regulations, and practices pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions.".

(f) AUTOMATED TARIFF SYSTEM REQUIREMENTS; FORM.—Section 8 of that Act is amended by adding at the end the following:

"(g) REGULATIONS.—The Commission shall by regulation prescribe the requirements for the accessibility and accuracy of automated tariff systems established under this section. The Commission may, after periodic review, prohibit the use of any automated tariff system that fails to meet the requirements established under this section. The Commission may not require a common carrier to provide a remote terminal for access under subsection (a)(2). The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.".

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "service contracts filed with the Commission" in the first sentence of subsection (a) and inserting "service contracts, or charge or assess rates,";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Commission";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether the rates or charges which have been published or assessed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs. For purposes of the preceding sentence, the term 'constructive costs' means the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade. The Commission may also take into account other appropriate factors, including but not limited to, whether—";

(6) striking paragraph (1) of subsection (b) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(7) striking "filed" in paragraph (1) as redesignated and inserting "published or assessed";

(8) striking "filing with the Commission." in subsection (c) and inserting "publication.";

(9) striking "DISAPPROVAL OF RATES.—" in subsection (d) and inserting "PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Commission under this section, the Commission shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable.";

(10) striking "filed" in subsection (d) and inserting "published or assessed";

(11) striking "may issue" in subsection (d) and inserting "shall issue";

(12) striking "disapproved." in subsection (d) and inserting "prohibited.";

(15) striking "60" in subsection (d) and inserting "30";

(16) inserting "controlled" after "affected" in subsection (d);

(17) striking "file" in subsection (d) and inserting "publish".

(18) striking "disapproval" in subsection (e) and inserting "prohibition";

(19) inserting "or" after the semicolon in subsection (f)(1);

(20) striking paragraphs (2), (3), and (4) of subsection (f); and

(21) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide service in the liner trade that—

"(A) is not in accordance with the rates, charges, classifications, rules, and practices contained in a tariff published or a service contract entered into under section 8 of this Act unless excepted or exempted under section 8(a)(1) or 16 of this Act; or

"(B) is under a tariff or service contract which has been suspended or prohibited by the Commission under section 9 of this Act or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a);";

(4) redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;

(5) striking "except for service contracts," in paragraph (4), as redesignated, and inserting "for service pursuant to a tariff,";

(6) striking "rates;" in paragraph (4)(A), as redesignated, and inserting "rates or charges;";

(7) inserting after paragraph (4), as redesignated, the following:

"(5) for service pursuant to a service contract, engage in any unfair or unjustly discriminatory practice in the matter of rates or charges with respect to any port;";

(8) redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(9) striking paragraph (6) as redesignated and inserting the following:

"(6) use a vessel or vessels in a particular trade for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;";

(10) striking paragraphs (9) through (13) and inserting the following:

"(8) for service pursuant to a tariff, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage;

"(9) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any port;

"(10) unreasonably refuse to deal or negotiate;";

(10) redesignating paragraphs (14), (15), and (16) as paragraphs (11), (12), and (13), respectively;

(11) striking "a non-vessel-operating common carrier" in paragraphs (11) and (12) as redesignated and inserting "an ocean transportation intermediary";

(12) striking "sections 8 and 23" in paragraphs (11) and (12) as redesignated and inserting "sections 8 and 19";

(13) striking "or in which an ocean transportation intermediary is listed as an affiliate" in paragraph (12), as redesignated;

(14) striking "Act;" in paragraph (12), as redesignated, and inserting "Act, or with an affiliate of such ocean transportation intermediary;"

(15) striking "paragraph (16)" in the matter appearing after paragraph (13), as redesignated, and inserting "paragraph (13)"; and

(16) inserting "the Commission," after "United States," in such matter.

(b) Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)) is amended by—

(1) striking "non-ocean carriers" in paragraph (4) and inserting "non-ocean carriers, unless such negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this Act";

(2) striking "freight forwarder" in paragraph (5) and inserting "transportation intermediary, as defined by section 3(17)(A) of this Act,";

(3) striking "or" at the end of paragraph (5);

(4) striking "contract." in paragraph (6) and inserting "contract;"; and

(5) adding at the end the following:

"(7) for service pursuant to a service contract, engage in any unjustly discriminatory practice in the matter of rates or charges with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries; or

"(8) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries;".

(c) Section 10(d) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)) is amended by—

(1) striking "freight forwarders," and inserting "transportation intermediaries,";

(2) striking "freight forwarder," in paragraph (1) and inserting "transportation intermediary,";

(3) striking "subsection (b)(11), (12), and (16)" and inserting "subsections (b)(10) and (13)"; and

(4) adding at the end thereof the following:

"(4) No marine terminal operator may give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.

"(5) The prohibition in subsection (b)(13) of this section applies to ocean transportation intermediaries, as defined by section 3(17)(A) of this Act.".

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking "section 10(b)(5) or (7)" and inserting "section 10(b)(3) or (6)"; and

(2) striking "section 10(b)(6)(A) or (B)" and inserting "section 10(b)(4)(A) or (B).".

SEC. 111. FOREIGN SHIPPING PRACTICES ACT OF 1988.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking "'non-vessel-operating common carrier'," in subsection (a)(1) and inserting "'ocean transportation intermediary',";

(2) striking "forwarding and" in subsection (a)(4);

(3) striking "non-vessel-operating common carrier" in subsection (a)(4) and inserting "ocean transportation intermediary services and";

(4) striking "freight forwarder," in subsections (c)(1) and (d)(1) and inserting "transportation intermediary,";

(5) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(6) inserting "and service contracts" after "tariffs" the second place it appears in subsection (e)(1)(B); and

(7) striking "(b)(5)" each place it appears in subsection (h) and inserting "(b)(6)".

SEC. 112. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels operated by that common carrier and any such vessel may be libeled therefore in the district court of the United States for the district in which it may be found.".

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking "section 10(b)(1), (2), (3), (4), or (8)" in paragraph (1) and inserting "section 10(b)(1), (2), or (7)";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) inserting before paragraph (5), as redesignated, the following:

"(4) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)."; and

(4) striking "paragraphs (1), (2), and (3)" in paragraph (6), as redesignated, and inserting "paragraphs (1), (2), (3), and (4)".

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by—

(1) striking "or (b)(4)" and inserting "or (b)(2)";

(2) striking "(b)(1), (4)" and inserting "(b)(1), (2)"; and

(3) adding at the end thereof the following "Neither the Commission nor any court shall order any person to pay the difference between the amount billed and agreed upon in writing with a common carrier or its agent and the amount set forth in any tariff or service contract by that common carrier for the transportation service provided.".

SEC. 113. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking "and certificates" in the section heading;

(2) striking "(a) REPORTS.—" in the subsection heading for subsection (a); and

(3) striking subsection (b).

SEC. 114. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking "substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce." and inserting "result in substantial reduction in competition or be detrimental to commerce.".

SEC. 115. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 116. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking "freight forwarders" in the section caption and inserting "transportation intermediaries";

(2) striking subsection (a) and inserting the following:

"(a) LICENSE.—No person in the United States may act as an ocean transportation intermediary unless that person holds a license issued by the Commission. The Commission shall issue an intermediary's license to any person that the Commission determines to be qualified by experience and character to act as an ocean transportation intermediary.";

(3) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as an ocean transportation intermediary unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section—

"(A) shall be available to pay any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act;

"(B) may be available to pay any claim against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act with the consent of the insured ocean transportation intermediary and subject to review by the surety company, or when the claim is deemed valid by the surety company after the ocean transportation intermediary has failed to respond to adequate notice to address the validity of the claim; and

"(C) shall be available to pay any judgment for damages against an ocean transportation intermediary arising from its transportation-related activities under section 3(17) of this Act, provided the claimant has first attempted to resolve the claim pursuant to subparagraph (B) of this paragraph and the claim has not been resolved within a reasonable period of time.

"(3) The Commission shall prescribe regulations for the purpose of protecting the interests of claimants, ocean transportation intermediaries, and surety companies with respect to the process of pursuing claims against ocean transportation intermediary bonds, insurance, or sureties through court judgments. The regulations shall provide that a judgment for monetary damages may not be enforced except to the extent that the damages claimed arise from the transportation-related activities of the insured ocean transportation intermediary, as defined by the Commission.

"(4) An ocean transportation intermediary not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(5) striking, each place such term appears—

(A) "freight forwarder" and inserting "transportation intermediary";

(B) "a forwarder's" and inserting "an intermediary's";

(C) "forwarder" and inserting "intermediary"; and

(D) "forwarding" and inserting "intermediary";

(6) striking "a bond in accordance with subsection (a)(2)." in subsection (c), as redesignated, and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1).";

(7) striking "FORWARDERS.—" in the caption of subsection (e), as redesignated, and inserting "INTERMEDIARIES.—";

(8) striking "intermediary" the first place it appears in subsection (e)(1), as redesignated and as amended by paragraph (5)(A), and inserting "intermediary, as defined in section 3(17)(A) of this Act,";

(9) striking "license" in paragraph (1) of subsection (e), as redesignated, and inserting "license, if required by subsection (a),";

(10) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(11) adding at the end of subsection (e), as redesignated, the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean transportation intermediary, as defined in section 3(17)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean transportation intermediary, as so defined; or

"(B) agree to limit the payment of compensation to an ocean transportation intermediary, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the intermediary services are provided.".

SEC. 117. CONTRACTS, AGREEMENTS, AND LICENSES UNDER PRIOR SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

"(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, licenses, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984, shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1998, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1998.";

(2) inserting the following at the end of subsection (e):

"(3) The Ocean Shipping Reform Act of 1998 shall not affect any suit—

"(A) filed before the effective date of that Act; or

"(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

"(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the Ocean Shipping Reform Act of 1998.".

SEC. 118. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR THE FEDERAL MARITIME COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.

There are authorized to be appropriated to the Federal Maritime Commission, $15,000,000 for fiscal year 1998.

SEC. 202. FEDERAL MARITIME COMMISSION ORGANIZATION.

Section 102(d) of Reorganization Plan No. 7 of 1961 (75 Stat. 840) is amended to read as follows:

"(d) A vacancy or vacancies in the membership of Commission shall not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the members serving on the Commission is required to dispose of any matter before the Commission.".

SEC. 203. REGULATIONS.

Not later than March 1, 1999, the Federal Maritime Commission shall prescribe final regulations to implement the changes made by this Act.

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) IN GENERAL.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking "forwarding and" in subsection (1)(b);

(2) striking "non-vessel-operating common carrier operations," in subsection (1)(b) and inserting "ocean transportation intermediary services and operations,";

(3) striking "methods or practices" and inserting "methods, pricing practices, or other practices" in subsection (1)(b);

(4) striking "tariffs of a common carrier" in subsection 7(d) and inserting "tariffs and service contracts of a common carrier";

(5) striking "use the tariffs of conferences" in subsections (7)(d) and (9)(b) and inserting "use tariffs of conferences and service contracts of agreements";

(6) striking "tariffs filed with the Commission" in subsection (9)(b) and inserting "tariffs and service contracts";

(7) striking "freight forwarder," each place it appears and inserting "transportation intermediary,"; and

(8) striking "tariff" each place it appears in subsection (11) and inserting "tariff or service contract".

(b) STYLISTIC CONFORMITY.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), as amended by subsection (a), is further amended by—

(1) redesignating subdivisions (1) through (12) as subsections (a) through (l), respectively;

(2) redesignating subdivisions (a), (b), and (c) of subsection (a), as redesignated, as paragraphs (1), (2), and (3);

(3) redesignating subdivisions (a) through (d) of subsection (f), as redesignated, as paragraphs (1) through (4), respectively;

(4) redesignating subdivisions (a) through (e) of subsection (g), as redesignated, as paragraphs (1) through (5), respectively;

(5) redesignating clauses (i) and (ii) of subsection (g)(4), as redesignated, as subparagraphs (A) and (B), respectively;

(6) redesignating subdivisions (a) through (e) of subsection (i), as redesignated, as paragraphs (1) through (5), respectively;

(7) redesignating subdivisions (a) and (b) of subsection (j), as redesignated, as paragraphs (1) and (2), respectively;

(8) striking "subdivision (c) of paragraph (1)" in subsection (c), as redesignated, and inserting "subsection (a)(3)";

(9) striking "paragraph (2)" in subsection (c), as redesignated, and inserting "subsection (b)";

striking "paragraph (1)(b)" each place it appears and inserting "subsection (a)(2)";

(10) striking "subdivision (b)," in subsection (g)(4), as redesignated, and inserting "paragraph (2),";

(11) striking "paragraph (9)(d)" in subsection (j)(1), as redesignated, and inserting "subsection (i)(4)"; and

(12) striking "paragraph (7)(d) or (9)(b)" in subsection (k), as redesignated, and inserting "subsection (g)(4) or (i)(2)".

SEC. 302. TECHNICAL CORRECTIONS.

(a) Public Law 89-777.—Sections 2 and 3 of the Act of November 6, 1966, (46 U.S.C. App. 817d and 817e) are amended by striking "they in their discretion" each place it appears and inserting "it in its discretion".

(b) Tariff Act of 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

TITLE IV—MERCHANT MARINER BENEFITS.

SEC. 401. MERCHANT MARINER BENEFITS.

(a) Benefits.—Part G of subtitle II, title 46, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.
"11201. Qualified service.
"11202. Documentation of qualified service.
"11203. Eligibility for certain veterans' benefits.
"11204. Processing fees.

"§ 11201. Qualified service

"For purposes of this chapter, a person engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(B) operated in waters other than inland waters, the Great Lakes, other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§ 11202. Documentation of qualified service

"(a) Record of Service.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

"(1) issue a certificate of honorable discharge to a person who, as determined by the respective Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

"(2) correct, or request the appropriate official of the Federal government to correct, the service records of the person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable discharge.

"(b) Timing of Documentation.—The respective Secretary shall take action on an application under subsection (a) not later than one year after the respective Secretary receives the application.

"(c) Standards Relating to Service.—In making a determination under subsection (a)(1), the respective Secretary shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(d) Correction of Records.—An official of the Federal government who is requested to correct service records under subsection (a)(2) shall do so.

"§ 11203. Eligibility for certain veterans' benefits

"(a) Eligibility.—

"(1) In general.—The qualified service of an individual referred to in paragraph (2) is deemed to be active duty in the armed forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38.

"(2) Covered individuals.—Paragraph (1) applies to an individual who—

"(A) receives an honorable discharge certificate under section 11202 of this title; and

"(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

"(b) Reimbursement for Benefits Provided.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for an individual by reason of eligibility under this section.

"(c) Prospective Applicability.—An individual is not entitled to receive, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.

"§ 11204. Processing fees

"(a) Collection of Fees.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of $30 from each applicant for processing an application submitted under section 11202(a) of this title.

"(b) Treatment of Fees Collected.—Amounts received by the respective Secretary under this section shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities, or in the case of fees collected for processing discharges from the Army Transport Service or the Naval Transport Service, deposited in the general fund of the Treasury as offsetting receipts of the Department of Defense, and shall be available subject to appropriation for the administrative costs for processing such applications.".

(b) Clerical Amendment.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

"112. Merchant mariner benefits............11201".

TITLE V—CERTAIN LOAN GUARANTEES AND COMMITMENTS

SEC. 501. CERTAIN LOAN GUARANTEES AND COMMITMENTS.

(a) The Secretary of Transportation may not issue a guarantee or commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a liner vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) after the date of enactment of this Act unless the Chairman of the Federal Maritime Commission certifies that the operator of such vessel—

(1) has not been found by the Commission to have violated section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a), within the previous 5 years; and

(2) has not been found by the Commission to have committed a violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port within the previous 5 years.

(b) The Secretary of Commerce may not issue a guarantee or a commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a fishing vessel under the authority of title XI of the Merchant Marine Act, 1936, (46 U.S.C. App. 1271 et seq.) if the fishing vessel operator has been—

(1) held liable or liable in rem for a civil penalty pursuant to section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858) and not paid the penalty;

(2) found guilty of an offense pursuant to section 309 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859) and not paid the assessed fine or served the assessed sentence;

(3) held liable for a civil or criminal penalty pursuant to section 105 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375) and not paid the assessed fine or served the assessed sentence; or

(4) held liable for a civil penalty by the Coast Guard pursuant to titles 33 or 46, United States Code, and not paid the assessed fine."

Amend the title so as to read "A Bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

MURKOWSKI AMENDMENT NO. 1690

Mr. CHAFEE (for Mr. Murkowski) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 191, line 12, strike the semicolon at the end and insert ", except that if the State has a higher Federal share payable under section 120(b) of title 23, United States Code, the State shall be required to contribute only an amount commensurate with the higher Federal share;".

DOMENICI (AND HARKIN) AMENDMENT NO. 1691

Mr. CHAFEE (for Mr. Domenici, for himself and Mr. Harkin) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 371, line 6, strike "and" after the semicolon.

On page 371, line 10, strike the period and insert "; and".

On page 371, between lines 10 and 11, insert the following:

"(6) the development of new nondestructive bridge evaluation technologies and techniques.

MOYNIHAN AMENDMENT NO. 1692

Mr. BAUCUS (for Mr. Moynihan) proposed an amendment to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 98, line 7, amend subparagraph 1116(d)(2)(A) by striking "of commercial vehicle traffic" each place it appears and substituting "and value of commercial traffic".

MOSELEY-BRAUN (AND DURBIN) AMENDMENT NO. 1693

Mr. BAUCUS (for Ms. MOSELEY-BRAUN, for herself and Mr. DURBIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 249, strike lines 5 through 11 and insert the following:

"(2) REDESIGNATION.—

"(A) PROCEDURES.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) as appropriate to carry out this section.

"(B) CERTAIN REQUESTS TO REDESIGNATE.—A metropolitan planning organization shall be redesignated upon request of a unit or units of general purpose local government representing at least 25 percent of the affected population (including the central city or cities as defined by the Bureau of the Census) in any urbanized area—

"(I) whose population is more than 5,000,000 but less than 10,000,000, or

"(ii) which is an extreme nonattainment area for ozone or carbon monoxide as defined under the Clean Air Act.

Such redesignation shall be accomplished using procedures established by subparagraph (A).

BOXER (AND WELLSTONE) AMENDMENT NO. 1694

Mr. BAUCUS (for Mrs. BOXER, for herself and Mr. WELLSTONE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 345, line 6, strike "and".

On page 345, line 9, strike the period and insert "; and".

On page 345, between lines 9 and 10, insert the following:

"(H) research on telecommuting, research on the linkages between transportation, information technology, and community development, and research on the impacts of technological change and economic restructuring on travel demand.

BROWNBACK AMENDMENT NO. 1695

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . DESIGNATIONS OF ABANDONED RAILROAD RIGHTS-OF-WAY.

Section 8(d) of the National Trails System Act (16 U.S.C. 1247(d)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) LOCAL GOVERNMENT APPROVAL.—A railroad right-of-way may be designated for interim use as a trail under this subsection or any other provision of law only if the designation first is approved by the appropriate local government entity, as identified by the State in which the right-of-way is located.".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "The President's Fiscal Year 1999 Budget Request for the Small Business Administration." The hearing will be held on March 18, 1998, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power, of the Energy and Natural Resources Committee, to consider S. 1515, a bill "To amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes."

The hearing will take place on Tuesday, March 31, 1998, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

For further information, please call James P. Beirme, Senior Counsel, (202/224–2564) or Betty Nevitt, Staff Assistant at (202/224–0765).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 4, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this oversight hearing is to consider the President's proposed budget for fiscal year 1999 for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 4, 1998 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "A Review of the National Drug Control Strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 4, 1998 beginning at 9:30 a.m. until business is completed, to conduct an oversight hearing on the FY99 budget and operations of the Library of Congress, and to review the reauthorization of the American Folklife Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 4, 1998 at 2:30 p.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 4, 1998, in open session, to receive testimony on the Policies Concerning the Industrial and Technology Base Supporting National Defense in Review of the Defense Authorization Request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 4, 1998, at 10 a.m. in open session, to receive testimony on Military Transformation Initiatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, March 4, 1998 at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "The Telecommunications Act of 1996: Moving Toward Competition Under Section 271."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on East Asia and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 4, 1998, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 4, 1998, at 2 p.m. in open session, to receive testimony on Recruiting and Retention Policies Within the Department of Defense and the Military Services in Review of the Defense Authorization Request for fiscal year 1999 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Readiness Subcommittee of the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, March 4, 1998, in open session, to receive testimony on the Ongoing Competitions to Determine the Dispositions of the Workloads Currently Performed at Sacramento and San Antonio Air Logistics Centers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information Committee on the Judiciary and the Senate Select Committee on Intelligence be authorized to meet for a joint hearing during the session of the Senate on Wednesday, March 4, 1998 at 2:30 p.m. in room 216 of the Senate Hart Office Building to hold a joint hearing on: "Biological Weapons: The Threat Posed by Terrorists."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ACCOUNTING STANDARDS FOR DERIVATIVES AND THE FASB

• Mr. D'AMATO. Mr. President, investors place their trust as well as their funds in our capital and financial markets. It is clear that one of the reasons for this trust is the knowledge that financial statements are reliable, relevant, consistent, comparable and prepared according to well-understood and carefully considered standards, known as generally accepted accounting standards. These financial reporting standards are an essential component of the attraction of our capital markets—to borrowers who are looking for the most capital at the lowest cost and to suppliers of capital who want to invest with confidence and earn a high return.

This openness and transparency is the result of the useful and highly successful mechanism used in the United States for over 60 years to develop financial reporting and accounting standards. Although Congress empowered the Securities and Exchange Commission (SEC) to set accounting standards in 1934, for over sixty years the Commission has delegated this responsibility to the private sector. The Financial Accounting Standards Board (FASB) has exercised the delegated authority to develop accounting standards, subject to SEC review, since 1972. In that year, a blue ribbon commission, created by the SEC, recommended the creation of the FASB in order to insulate its deliberative process from the influence of special interests and politics. The FASB's task is to establish and improve financial standards in an inclusive, public and deliberative manner.

Mr. President, while I have not always agreed with the FASB's pronouncements and activities over the years, I believe strongly in an independent standard setting body and I believe the FASB has worked well. It has earned praise for its evenhanded, principled and well-reasoned decisions from professionals in the accounting profession, from the SEC and the financial media, and investors.

Mr. President, at times, the FASB's activities have generated controversy and opposition from those affected by and opposed to its pronouncements. At this particular moment, the FASB is encountering stiff criticism as a result of its attempt to require institutions who hold derivatives to provide some type of fair market value financial reporting.

As my colleagues are aware, derivatives are highly complex financial instruments that can and do perform an important role in effective risk management by enabling commercial corporations, governments and financial firms and others, in the U.S. and worldwide, to reduce their exposure to fluctuations in interest rates, currency exchange rates, and the prices of equities and commodities. Derivatives also enable users to reduce funding costs and speculate on changes in market rates and prices. But Congress is also well aware that the use and misuse of derivatives can cause severe financial shocks. Hearings held by the Banking Committee in recent years demonstrated that derivatives improperly used, and inadequately regulated, can expose an institution or company to potential ruin with serious consequences for depositors, investors, taxpayers and, potentially, the stability of the financial system.

Mr. President, regulatory agencies and Congress have studied the numerous regulatory, policy and disclosure issues raised by derivatives. Among the more serious findings is that derivatives generally do not need to be accounted for in financial statements. In other words, there are billions of dollars worth of derivatives outstanding that are not reflected adequately in the financial statements of major industrial companies, banks and other large derivative users.

In 1994 a GAO study, (Financial Derivatives: Actions Needed to Protect the Financial System), recommended that the FASB:

> Proceed expeditiously to issue its existing exposure draft on disclosures of derivatives and fair value of financial instruments.
>
> Proceed expeditiously to develop and issue an exposure draft that provides comprehensive, consistent accounting rules for derivative products, including expanded disclosure requirements that provide additional needed information about derivatives activities.
>
> Consider adopting a market value accounting model for all financial instruments, including derivative products.

Mr. President, the FASB is earnestly pursuing this complicated objective with the support of the SEC, the accounting profession and most investment professionals. The critics and opponents of the proposed derivative accounting standards are now taking the extraordinary step of asking Congress to intervene in the FASB's standard setting procedures. This not only threatens the FASB's ability to determine appropriate standards for disclosure of derivatives-related information, it seriously jeopardizes its independence. This course of action is extremely unwise and provides continuing justification for having an independent, professional entity to set accounting and financial reporting requirements, like the FASB, rather than the Congress or a government agency.

Mr. President, it is obvious that Congress lacks the technical expertise and resources to develop accounting standards, as does the SEC. In addition, federal bank regulators lack the impartiality to administer disclosure standards dedicated to investor protection and public disclosure since the banking laws are geared to maintaining public confidence in financial institutions rather than requiring the full and complete disclosure of a financial institution's real financial condition.

Mr. President, Congress should resist the suggestion of removing standard setting from the public sector and transferring it to a government agency. If history is any guide, this step would create more problems than it would solve. Every recent effort by a government agency, including the Congress, to set accounting standards has been a total failure. For example, during the early days of the savings and loan crisis, the FSLIC (Federal Savings and Loan Corporation—the former S&L regulator) created "supervisory goodwill" as a mechanism by which healthy thrifts could acquire or invest in fledgling ones. Regulators permitted supervisory goodwill to qualify as regulatory capital. Then, in 1989, Congress enacted stricter capital standards under the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) and mandated that all supervisory goodwill was to be charged-off over an accelerated period ending in 1994, causing severe capital constraints, even pushing some S&Ls to liquidate assets at a severe discount. Between the actions of the regulators and the Congress, the S&L crisis lasted longer than necessary, the recovery took longer than necessary and eventually ended in a $130 billion dollar taxpayer-financed bailout. In fact, the final costs to the federal government of the S&L bailout may increase as a result of the ongoing "supervisory goodwill litigation."

Mr. President, the FASB started working on derivatives and hedging in 1991. It has had an extensive and open process that has involved ample opportunity for public comment, debate and participation by all constituents. This open and deliberative process is still ongoing and will, in the end, produce thoughtful and comprehensive accounting standards that will better inform investors and the financial markets as a whole and contribute to their effective functioning.

Mr. President, I do not want to dwell on the S&L crisis or on the benefits and risks of derivatives. Instead, I simply want to underscore that Congress should not disrupt the FASB's independence and professionalism in setting accounting standards, for derivatives or for any other project. The SEC has jurisdiction over the FASB and the Congress already conducts oversight of the SEC and the FASB. In fact, the Subcommittee on Securities has held two hearings on the derivatives issue. I would oppose authorizing the SEC, or any other federal agency, to set accounting standards. We should leave to the private sector the responsibility to develop accounting and financial reporting standards that are at the heart of the success of our process of capital formation.●

NATIONAL SPORTSMANSHIP DAY

● Mr. REED. Mr. President, March 3rd was the eighth annual celebration of National Sportsmanship Day in over 10,000 schools in all fifty states and more than 100 countries throughout the world.

Recognized by the President's Council on Physical Fitness, National Sportsmanship Day was conceived by the Institute for International Sport, located in my home state of Rhode Island. As the President's Council Co-Chairs Tom McMillen and Florence Griffith Joyner have stated, "this event will serve as a highly visible, one-day effort to stress the importance of ethics and sportsmanship, not just on the athletic field but in all aspects of life. . . having a powerful and positive effect on the youth of the United States and the world."

Heeding President Clinton's challenge to begin a serious dialogue on race relations in the United States, the centerpiece of this year's National Sportsmanship Day was a seminar and town meeting at the University of Rhode Island discussing race issues in sport. This day long event included panels composed of athletes, coaches, and journalists who discussed the many different aspects of these issues.

In addition, the Institute has enlisted the help of several Sports Ethics Fellows, including Mills Lane, a Reno, Nevada district judge and internationally known professional boxing referee, Billy Packer, CBS sports commentator, and Ken Dryden, the president and general manager of the Toronto Maple Leafs. These men and women are wonderful role models who can be admired for more than just their athletic prowess. They have consistently demonstrated an interest in furthering the principles of honesty and integrity in sport and society.

These Sports Ethics Fellows are helping to teach the important lessons of National Sportsmanship Day by developing programs for National Sportsmanship Day. Through competition, young athletes can learn that while winning is a worthy goal, honor, discipline, and hard work are more important. Indeed, these values will guide them in all aspects of everyday life.

Mr. President, I ask my colleagues to join the President's Council on Physical Fitness and Sports and the Rhode Island Congressional delegation in recognizing this day and the principles it embodies.●

THOM HINDLE: DOVER'S CITIZEN OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Thom Hindle, a distinguished individual, for being named the 1998 Dover Citizen of the Year. I commend his passion for American history and his inexhaustible dedication to keeping it alive.

Thom, a Dover native, became very concerned that the history of Dover was not given the appreciation nor the recognition it deserved. As a result, Thom set out to remind and educate the community about the important facts and contributions Dover's history has to offer.

Thom became the trustee for the Woodman Institute, an organization that focuses on preserving and documenting the past. Thom felt that he was preserving Dover's "hidden treasures" and sought to give everyone the chance to experience them. To keep it alive, he wrote a historical book on Dover which included written and pictorial information for future generations.

Thom is also the president of the Northam Colonists, Dover's historical society, as well as a member of the Heritage group, a committee that is part of the historical society. The committee centers on historical areas of the town and also provides guided tours during the fall, which focus on historic homes and other noteworthy sights. He is also a trustee to Dover's oldest elderly care facility, The Wentworth Home. As a trustee, he raises money for a number of city projects that improve the visual aesthetics of the community. His work not only recognizes the important tributes of the past but also those that enrich the present.

As a former history teacher, I appreciate Thom's commitment to history. It is imperative to remember our country's past, to see where we have been as a nation, and to see where we are going as a people. Not honoring American history is not honoring those who have fought, died, and sacrificed for the great nation we have today.

Therefore, we as a generation should carry on the tradition our forefathers started: to continue to fight and strive to improve the lives of generations to come and to never give up the aggressive crusade for greatness and consistent drive for virtue. Like Thom, we should continue to defend the past and augment the future. Mr. President, I want to congratulate Thom for his outstanding work and I am proud to represent him in the U.S. Senate.●

37TH ANNIVERSARY OF THE PEACE CORPS

● Mr. DODD. Mr. President, yesterday, March 3, was designated by the President as the day to pay public tribute to the 37th anniversary of the Peace Corps. Although the official anniversary technically occurred on Sunday, March 1, a day during the week for events to be sponsored in honor of the Peace Corps' anniversary proved to be more practical.

It was nearly four decades ago that President Kennedy signed legislation into law to create the Peace Corps in 1961 and sent the first class of volunteers to Ghana. Since its founding, more than 150,000 Americans have served in the Peace Corps.

The public recognition of the Peace Corps' anniversary has special significance for me personally, as I was fortunate enough to serve as a Peace Corps volunteer in the Dominican Republic some years ago. Like other Americans who have had the honor of serving as Peace Corps volunteers, my service in the Dominican Republic will remain one of the most important periods of my life.

Currently there are 6,500 volunteers, serving in 84 countries around the globe. These people dedicate two years of their lives to addressing the critical development needs of impoverished communities. They help people gain access to clean water, grow more food, help prevent the spread of AIDS, teach English, math and science, aid entrepreneurs in the development of new business, and work with non-governmental organizations to protect the environment.

The Peace Corps has been marked by much success thanks to current and returned Peace Corps volunteers. Based on the Peace Corps' high level of achievement since its creation, and taking into account the unmet needs of the developing world, I support the proposed increase in the Peace Corps Fiscal Year 1999 budget.

The value of the Peace Corps is not limited solely to its overseas volunteer service. There is a "domestic dividend" as well—the experience and value that is brought back to the communities where volunteers return once their two year tour is over. Experience has shown that Returned Peace Corps volunteers participate in their communities across the nation more than most other Americans.

This week, as the nation celebrates the 37th anniversary of the Peace Corps, more than 350,000 students in all 50 states will learn more about life in the developing world by talking with and listening to 5,000 current and returned volunteers, in person, via satellite and by phone. In my home state of Connecticut, one of six states and 23 cities that declared March 3 as Peace Corps Day, students in New London talked to current Peace Corps Volunteers in Panama and students at Balboa High School in Panama via a live CU-SeeMe video conference. With advancing technology, it is exciting to have students in the United States learn more about people in different corners of the world, without even leaving their classroom.

Finally, I commend all of those volunteers, both past and present who have contributed to the success of the Peace Corps. Every anniversary is an important one. This one has been made special by being officially recognized as Peace Corps Day—something that will hopefully become an annual occurrence. It serves as an opportunity for Americans to learn about other cultures of the World and to pay tribute to the more than 150,000 Americans who have dedicated part of their lives to making this a better World to live in. I am confident that we in the Senate are proud of each and every one of them.•

TRIBUTE TO THE EAGLE SCOUTS OF TROOP 358

• Mr. SANTORUM. Mr. President, I rise today to recognize a very special group of young men from one of the oldest African American Boy Scout units in the nation. On February 7, 1998, eleven members of Troop 358 were officially honored as Eagle Scouts.

Troop 358, sponsored by Grace Baptist Church of Germantown, Pennsylvania, has a proud tradition of achievement. In 45 years, Troop 358 has produced a total of 33 Eagle Scouts—including this year's class. To put this in perspective, consider that only 2.5 percent of the nation's 4.5 million scouts ever become Eagle Scouts. Moreover, only about 1 percent of African American scouts reach this goal.

Eagle Scouts learn valuable lessons in leadership, honor, and pride in their communities. In fact, the community service projects that the Scouts completed to earn their badges are as extraordinary as the young men themselves. For instance, one new Scout set up a workshop for inner city kids who wanted to prepare for the Scholastic Aptitude Test. Another young man wrapped up his Eagle service project painting a school. Still another ploughed through months of paperwork to complete 8 of his 29 merit badges in one week.

Mr. President, these 11 new Eagle Scouts—Jarrett Coger, Jerece Barnes, Askia Fluellen, Bruce Frazier, Andre Kydd, Jared LeVere, Sean Long, Kyle McIntosh, Robert Redding, Ernest Stanton and Anwar White—are a credit to their families and to their scoutmasters, A. Bruce Frazier and Charles M. Whiting. They are also living tributes to the late Earl Grayson, who led Troop 358 through both good and bad times for 36 years.

In closing, I ask my colleagues to join me in extending the Senate's best wishes for continued success to the new Eagle Scouts and to all those who have sustained Troop 358 over its 45 year history.•

BEN MEED, THE AMERICAN GATHERING OF HOLOCAUST SURVIVORS, AND GERMAN COMPENSATION

• Mr. D'AMATO. Mr. President, I rise today to briefly comment on the program of German reparations being paid to Holocaust survivors. Over the past two years, we have looked extensively at the role Swiss banks played during the Holocaust. What we found was shocking. Clearly we discovered that in addition to carrying out the mass murder of millions of people, Jews and non-Jews, the Nazis carried off the greatest robbery in history.

After the war, the new government of Germany began a program of restitution for the survivors of the Holocaust. Over the past half-century, Germany has paid billions of dollars to survivors, but can we really say that this is enough? Can we say that it is fair that someone who survived, for example, five months in a concentration camp, but not the six required to obtain compensation, is fair? Can we say that it is fair that someone who survived a Gestapo prison should be denied compensation for their suffering? The answer to these questions is an emphatic NO!

It is time that Germany drop their reservations to paying compensation to all those who deserve it, regardless of income levels, regardless of the time spent enduring Nazi torture. All limitations should be dropped and each and every survivor, everywhere, regardless of their situation, should be provided with compensation.

Mr. President, Ben Meed, the President of the American Gathering of Jewish Holocaust Survivors, makes these same points in a speech he gave at the National Leadership Conference in Washington on February 15, 1998. His speech is poignant and succinct. Holocaust survivors have little time left and they need help. I could not agree more with this wise man's conclusions. At this time, I ask unanimous consent that the text of his remarks be included in the RECORD.

Mr. President, I urge my colleagues to read Ben Meed's words and to help ease the suffering of these survivors of mankind's greatest inhumanity to man. I ask that they be printed in the RECORD.

The remarks follow:

REMARKS BY BENJAMIN MEED AT THE NATIONAL LEADERSHIP CONFERENCE

Distinguished guests, Fellow survivors, my younger colleagues and dear friends

Though many issues of importance will be raised during the day, I want to take this opportunity to convey the dismay and anger felt by survivors toward the reparations program established by Germany and to express the survivors' goal to challenge those programs.

German compensation has become an extremely important—perhaps the most important—issue to survivors. Many survivors need the compensation. And most survivors, even those who would not accept German money before today demand rights for the payment. But time is Germany's ally; time is the enemy for survivors. As nature takes its course, we learn daily of the deaths of more survivors. That unfortunate fact only serves to emphasize the urgency of this matter.

We attend funerals almost daily. Let me also add that since the reparation program started over forty years ago, more than 50% of survivors receiving German pensions have passed away. Germany is not paying to the deceased or to their heir.

After the Holocaust, we survivors were in no position to negotiate directly—also many of us wanted nothing to do—with Germany. Though German money does go to some survivors, the amounts and the conditions attached to the funds humiliate us personally and collectively.

In 1951, Chancellor Adenauer announced that compensation for survivors was Germany's moral responsibility. And, since the 1950's, the Claims Conference has negotiated with Germany on behalf of the survivors. It has served as trustee for their collective interest, and we survivors are grateful for any help extended to us. But whatever was done, was not enough. Much more can be done and must be done quickly.

Until recently, survivors played virtually no role in Holocaust-related compensation matters. We did not negotiate with Germany; we did not decide how the German money would be used; and we did not distribute the money. All of these things were done without our participation.

Yes, the Claims Conference and their leaders deserve our appreciation for the work they did when we were unable to do it. The negotiations with Germany resulted in various compensation programs for survivors. There is the Federal Indemnification Law, the Hardship Fund and the Article 2 Fund. We all know that no amount of compensation can truly "pay" for the damage Germany did to our people. Yet the amount Germany has provided is shameful, and the conditions for eligibility are outrageous and humiliating; they are unacceptable today.

First, the amount Germany has paid is barely a start in repairing the destruction and human misery it caused. Our homes . . . our culture . . . our faith in our fellow man were destroyed. Who will give us back our families, our youth, our health. So much of our minds are still—and will always be—there. Any yet whenever some survivors receive payments, we are told, "look, see how much Germany pays to the survivors!" How can anyone talk about German "generosity" in the context of the Holocaust. It sounds big when you say Germany paid more than fifty billion dollars over forty years to Israel and to other countries in reparations. But think about it, how much did Germany's robbery amount to in four years of the Holocaust? Some historians today are estimating that the robbery was more than three hundred billion dollars worth of land, homes, gold, jewelry and personal belongings—beside murdering our six-million people.

Second, the individual payments Germany has made, though needed by many survivors, are typically small; they do not furnish a dignified life with modest security that Germany has a duty to provide.

Third, only survivors who were in a camp for a minimum of six months, or a ghetto for eighteen months, are entitled to German compensation; and you must prove it with documentation which is difficult if not impossible to obtain. Can you imagine the fear and anguish which lingers from a single day in the Warsaw or Lodz Ghetto, Auschwitz, Buchenwald, or in hiding? Can the people who imposed these insensitive limitations have any idea of what one day in those places felt like? It didn't take a month or two—or certainly six months—to be abused, or to be plagued by nightmares, forever.

Finally, survivors must show virtual poverty—notbeduerftigt—to qualify for payments. This turns the payments into welfare. Thus, the very people targeted by the Nazis for murder are now treated as beggars or, at best, as charity cases. This is disgraceful and insulting to us. Compensation should be paid for what Germany did during the Holocaust; it should have absolutely nothing to do with the circumstances of our lives after the war struggling to rebuild our lives.

As a general matter, the selections the programs make—based on income, previous payments and other restrictive rules are upsetting reminders to survivors of the infamous selections made during the Holocaust. This, to us, is intolerable and cannot remain the same; it must be eliminated.

In sum, too many survivors have been excluded from German payments; too many who have gotten something have been paid too little; too many improper conditions—selections—have been imposed; and too many in immediate need of help will not receive compensation quickly enough to do any good. All this, in the name of humanity and justice, must be changed.

Germany has treated Holocaust reparations like any other business—get the best deal possible; pay as little as possible; and be done with it. Holocaust survivors deserve better. It may be that the claims of survivors are unprecedented; but that is because the Holocaust was unprecedented.

But as we are in the last stages of our lives, there are many needy and lonely survivors who live in distressing circumstances. With an average age exceeding 75, they feel forsaken, afflicted by illness and, in addition to the usual complications of growing old. They still carry the nightmares of the Holocaust.

Now we know that circumstances could have been very different had survivors played a larger role in the compensation negotiations with Germany. Germany would not have dared to take the adamant negotiating positions it regularly took with the Claims Conference had survivors who still bore the numbers of the camps tattooed on their arms been present. And if Germany had played "hard-ball", survivors—from the United States and elsewhere around the world—would or should have walked away from the negotiating table, and taken their case public, or to their own governments for support. For the last few years, we proved the importance of the survivors at the negotiating table. Yes, without survivors, we would not achieve these gains.

Survivors have dedicated themselves to not permitting the world to forget the Holocaust. They played a leading role in establishing museums, memorials and other Holocaust remembrance-related projects in Israel, the United States and elsewhere. We did this not for ourselves—we know what happened—but for the rest of the world, which had to be educated and reminded.

We now are equally determined to do what is necessary to make certain, in the little time we have left, that fellow survivors live out their years in dignity; not full of fear and frustration.

Germany's war against the Jews was more brutal and relentless than the war it waged even against the Allied soldiers. To fulfill its moral obligation, Germany should have a compensation program which gives to every victim, even at this late date, the fullest possible coverage; enough compensation to establish a foundation upon which survivors can live out their lives in dignity, and with security. Germany not only can do it; it is the right thing for Germany to do.

The gross injustices done to Jewish Holocaust survivors should be the concern of everyone. Now it is clear what needs to be done: We want the removal of all restrictions in the German compensation programs; we want German compensation to be inclusive—to cover every remaining survivor; and survivors should be involved in every facet of German compensation; the negotiations and decisions about how the money is used.

My dear fellow survivors, I focus my comments today on Germany but we all know too well that other countries participated in the world's greatest robbery from our Jewish people in Europe. We commend those who are exposing these matters on every level. But we survivors know better that nothing, no nation could be compared to the greatest murder machine of Germany.

We should never forget this. Let us also not forget that we spent a lifetime after the Holocaust educating, documenting and commemorating the Holocaust. We must continue to stand on guard of Remembrance. We should never be blinded with the glitter of gold. The memory of our kedoshim should never be tarnished.

Let us work together, together let us demand what is right.●

TRIBUTE TO THE AMERICAN RED CROSS FOR ITS CONTRIBUTION TO THE RED RIVER VALLEY FLOOD RELIEF EFFORT IN 1997

● Mr. GRAMS. Mr. President, I rise today in honor of "American Red Cross Month" to pay tribute to one of the most exemplary humanitarian organizations the world has ever known, and to specifically recognize how the Red Cross touched the lives of thousands of Minnesotans during the 1997 spring floods.

Each year the Red Cross comes to the aid of victims of 66,000 disasters nationally. When disaster strikes, the Red Cross responds swiftly to the call to relieve human suffering and restore a sense of comfort and normalcy in the face of tragedy—a response honed over its 135 years of service.

This surely was the case when tragedy hit Minnesota in the form of severe flooding in the spring of 1997. When the Minnesota and Red Rivers overflowed their banks, it brought forth a flood of destruction and human misery unseen in this normally peaceful part of the country.

The Red Cross response to this catastrophe was swift and effective. With operations in three states—Minnesota, North Dakota, and South Dakota—the Red Cross provided over 6,994 volunteers to aid in the flood relief effort. In addition, the Red Cross contributed direct assistance to approximately 11,867 families.

In Red Cross service centers, victims were provided with basic necessities which were made scarce or unattainable due to the floods. The extensive damage to private homes displaced thousands, prompting the Red Cross to open 19 shelters which served 6,001 people. In all, the Red Cross served 1,179,950 meals at its 43 feeding sites and with its 64 mobile feeding units. The Red Cross was also able to provide fresh water, clothing, and blankets.

After the water had returned within its banks and it was time for people to return to their homes to begin to clean up the residue left by the flood waters, the Red Cross provided 12,754 cleanup kits to aid in this long process.

In a relatively short period of time, the river took away from some what it had taken a lifetime to build. In order to aid people in dealing with the mental strain brought by such a traumatic experience, the Red Cross made mental health professionals available, who attended to the needs of 15,498 individuals.

During the many weeks of flood recovery work, there were two instances where individuals generously gave significant monetary contributions to the victims of the flood. These anonymous donors were properly referred to as "Angels." While this label is indeed appropriate, it seems that it should also accurately be used to describe the thousands of Red Cross volunteers who came from all over this country and generously gave their time and labor to people known only to them by their need for assistance.

Mr. President, while this was indeed a dark time for Minnesotans in the flood areas, the uncompromising compassion of Red Cross volunteers provided a bright display of kindness, a light that shone in the hearts of the many who so generously gave their time and labor in the face of this great tragedy. On behalf of the people of Minnesota, I wish to offer my sincerest thanks to the men and women of the Red Cross and commend this fine organization for its relief efforts throughout the world.●

ORDER FOR STAR PRINT—S. CON. RES. 77

Mr. CHAFEE. Madam President, I ask unanimous consent that S. Con. Res. 77 be star printed with the changes that are now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MAJORITY PARTY APPOINTMENTS FOR THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CHAFEE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 191 submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 191) making majority party appointments for the Committee on Governmental Affairs for the 105th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. CHAFEE. Madam President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 191) was agreed to, as follows:

S. RES. 191

Resolved,

SEC. 1. That the following be the majority membership on the Committee on Governmental Affairs for the remainder of the 105th Congress, or until their successors are appointed, pursuant to section 2 of this resolution:

Governmental Affairs: Mr. THOMPSON (Chairman), Mr. ROTH, Mr. STEVENS, Ms. COLLINS, Mr. BROWNBACK, Mr. DOMENICI, Mr. COCHRAN, Mr. NICKLES, and Mr. SPECTER.

SEC. 2. That section I of this resolution shall take effect immediately upon the filing of the report by the Committee on Governmental Affairs as required by Senate Resolution 39, agreed to March 11, 1997.

ORDERS FOR THURSDAY, MARCH 5, 1998

Mr. CHAFEE. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Thursday, March 5, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1173, the so-called ISTEA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Madam President, tomorrow, the Senate will resume consideration of S. 1173, the ISTEA legislation. Under the consent agreement, Senator BINGAMAN will be offering an amendment on liquor drive-throughs. Following 30 minutes of debate, the Senate will then debate on the Dorgan amendment on open containers for 60 minutes. At 10:30 on Thursday, the Senate will proceed to two consecutive votes on the Dorgan and Bingaman amendments—Dorgan first and then Bingaman.

Following those votes, it is hoped that the Senate will be able to adopt the funding amendment, which is the so-called Chafee amendment, the underlying amendment we have been dealing with today, and then begin consideration of the McConnell amendment regarding disadvantaged businesses. We hope to be able to enter into a time agreement with respect to the McConnell amendment immediately following those two back-to-back votes. The Senate will continue to consider amendments to the ISTEA legislation throughout the day on Thursday and into the evening. As a reminder to all Members, the first rollcall votes tomorrow will occur at 10:30 a.m., back to back.

ORDER FOR ADJOURNMENT

Mr. CHAFEE. Madam President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment following the remarks of Senator LEVIN, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I thank the Chair. I thank the Chair for her usual courtesy and patience.

RECENT DEVELOPMENTS RELATING TO IRAQ

Mr. LEVIN. Madam President, I want to take a few moments to speak about the important developments that have taken place over the last several days relating to Iraq.

On Monday afternoon I met for about an hour with UNSCOM Executive Chairman Richard Butler. Yesterday, General Tony Zinni, the Commander-in-Chief, U.S. Central Command, who would lead any strike that the United States might carry out against Iraq, testified before the Armed Services Committee. I believe that the remarks of Chairman Butler and the testimony of General Zinni would be of interest to my colleagues and to the American people.

I met with Chairman Butler in his office at United Nations Headquarters in New York. Senator WARNER and I had traveled to the Persian Gulf region with Secretary of Defense William Cohen, at the Secretary's invitation, last month and, while Senator WARNER was unable to travel to New York on Monday, a member of his staff, Judy Ansley, was able to attend my meeting with Chairman Butler.

During the course of this meeting, we covered a host of issues concerning UNSCOM inspections relating to Iraq's weapons of mass destruction and their means of delivery. I will not attempt to cover all those issues today but I did want to recap some of the major points that he made.

One of the most important points that Chairman Butler made was that people should not get bogged down in debating the detailed procedures that are being worked out at UN headquarters for UNSCOM to inspect the so-called presidential sites. Instead, the international community should focus on Iraq's clear commitment in the Memorandum of Understanding to finally implement the UN Security Council resolutions to give UNSCOM and the IAEA immediate, unconditional and unrestricted access to any site in Iraq.

Chairman Butler noted a fundamental historic reality that from day 1 Iraq has sought to limit, mitigate, reduce and, in some cases, defeat the law (i.e. UN Security Council's resolutions) by a variety of devices.

I want to just spend one more moment to restate that point. The details are obviously important. But the more you focus on the details that need to be worked out, the more that let's Saddam Hussein off the hook. And the hook here, which he is on and must be kept on, is his commitment and the UN resolution requiring that UNSCOM and the IAEA be given immediate, unconditional, and unrestricted access to any sites in Iraq.

That is the goal. That is the commitment. That is the requirement. That is what Iraq is bound by. That is undisputed.

While, again, details are important, we should not be focusing on the details because the more we do the more Saddam Hussein is going to say, "Oh, all those are details subject to negotiation." We don't want this to get bogged down in negotiations over details. We want to hold Saddam Hussein's feet to the fire. And the fire here is an unqualified commitment to immediate, unconditional, and unrestricted access to any site in Iraq, including the Presidential sites.

Saddam is the one who is going to try to raise and create ambiguity.

Again, while, of course, there are details to be worked out, we should be the ones who are focusing on the clear, unambiguous requirement to open these sites to access.

Chairman Butler confirmed that after UNSCOM became aware, despite earlier denials, that Iraq had possessed 2,100 gallons of anthrax and 3.9 tons of VX, Iraq claimed that it had destroyed those substances. He noted first of all, that was a violation of the UN resolutions, since destruction of such substances is to be carried out by UNSCOM, and second, that UNSCOM was unable to verify that Iraq had destroyed them.

Chairman Butler made the point that since 1995, UNSCOM had found important indicators of weapons of mass destruction programs that Iraq has sought to conceal and about which they have lied to UNSCOM. He noted, moreover, that UNSCOM has evidence of a connection of significant biological substances to Iraq's special security organization, thus demonstrating that Saddam Hussein uses the same apparatus to seek or manufacture weapons of mass destruction that he uses to keep himself in power.

Chairman Butler stated that UNSCOM only goes looking for things in two circumstances: one, when they have evidence that supports a search, such as documentation of the possession of growth media which could be used for biological weapons; and two, when Iraq lies to UNSCOM. In the latter case, a broad forensic investigation has to be undertaken. He was quick to add that just because a specific inspection doesn't "hit pay dirt," doesn't mean that the search is over, particularly in view of Iraq's track record of lies and deception.

Chairman Butler described the Memorandum of Understanding that UN Secretary General Kofi Annan negotiated with Iraq as a "high-level political commitment" that he "hopes to heavens the Iraqis observe." He noted that he has talked to the Secretary General and has received the clarification that when a site, Presidential or not, is inspected by UNSCOM, it will be his decision as to when and where the inspection takes place, how it is inspected, and who the members of the professional, technical part of the team are who will actually carry out the inspection. He also said that those decisions will be made by the Director General of IAEA with respect to nuclear matters. He added that this is consistent with the Secretary General's intention, that the details were being formalized within the United Nations, and that he would let me know if there were any changes to those details.

Chairman Butler added that the diplomats who will accompany UNSCOM inspectors as observers to the eight presidential sites will be there to ensure not only that the UNSCOM inspectors comport themselves with dignity, but also that the Iraqis behave properly as well.

Finally, Chairman Butler noted with concern that there has been a three and one-half month hiatus in some of UNSCOM's work in Iraq, but that he is very pleased that this agreement was worked out that should permit UNSCOM to resume the full spectrum of its activities and that they will shortly test the agreement.

Madam President, Senator WARNER and I have written to the Majority Leader and the Democratic Leader urging them to invite Chairman Butler to come to Washington to meet with all Senators. Senator WARNER and I certainly hope that an invitation will be extended and that Mr. Butler would respond favorably to such an invitation, as we believe that all Senators should have an opportunity to hear directly from this dedicated international public servant.

Madam President, during his appearance before the Armed Services Committee, General Zinni testified that our friends in the Persian Gulf region congratulated the United States when Secretary General Kofi Annan negotiated the MOU with Iraq and they felt it was a victory for United States strength and resolve. He added, in response to my question, that he shared that view. He also testified that he agreed with Chairman Butler that the negotiation of the MOU leaves us in a better position to obtain Iraqi compliance with Security Council resolutions.

I commend all of General Zinni's testimony to our colleagues.

I again thank the Chair. I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand adjourned until 9 a.m. tomorrow morning.

Thereupon, the Senate, at 6:39 p.m., adjourned until Thursday, March 5, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 4, 1998:

FEDERAL ELECTION COMMISSION

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2003, VICE TREVOR ALEXANDER MCCLURG POTTER, RESIGNED.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ROBERT H. BEATTY, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING AUGUST 30, 2004. (REAPPOINTMENT)

STATE JUSTICE INSTITUTE

ARTHUR A. MCGIVERIN, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000, VICE JANIE L. SHORES, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, March 4, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 4, 1998.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are grateful, O God, that in a world that often is marked by perplexity and confusion, there are proud moments of renewal that encourage us in the depths of our souls and help us to see a brighter and more noble future. Whenever we anticipate new ideas, new responsibilities, new aspirations or ambitions, our hearts and minds, our very beings can be invigorated and sustained by the opportunities before us. Of all your gifts, gracious God, for which we give boundless thanks, it is for the gift of life with all its wonder and all its glory. Make us conscious of this very special gift so that we will lead lives of gratitude and of praise. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SAXTON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAXTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute speeches on each side.

IRA PLAN TO ENTER SOCIAL SECURITY SWEEPSTAKES

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, on February 27, 1997, I introduced with Majority Leader ARMEY a bill to expand the IRA system.

In today's Congressional Daily, the headline is "Kasich Enters IRA plan into Social Security Sweepstakes." This is good news. It goes on to say House Budget Chairman KASICH today floated a plan to use part of the windfall, meaning the surplus in our budget, to establish a government system of individual retirement accounts. This is good news.

H.R. 891 would increase the amount that one could contribute over a period of years from today's maximum of $2,000 to $7,000 annually. It would also increase the salary threshold from today's level to $110,000, including all Members of the middle class. It would also permit withdrawals for a number of purposes, including medical expenses and education costs, in addition to those already permitted.

This is a good bill. I urge all my colleagues to become cosponsors.

DEMOCRATS WANT TO IMPROVE PUBLIC SCHOOLS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the Democratic leadership in the House and Senate are unveiling the details of legislation today to improve America's public schools. Our plans are in marked contrast to the Republican leadership that continues to stress tuition vouchers and other efforts that will provide less funding for public schools. Last session the Republicans went so far as to advocate abolishing the Department of Education.

Democrats want to give America's towns and cities the ability to reduce class size through hiring an additional 100,000 new qualified teachers. Reducing class size is the best way to raise student achievement, and smaller classes also provide for better discipline.

Democrats also want to address the need for renovations to school buildings and new construction. We will provide tax incentives to help States and local districts accelerate the pace of new construction and renovation.

Mr. Speaker, Republicans do not believe in public education. The Democrats, on the other hand, want the Federal Government to improve America's public schools.

TAX CODE NEEDS OVERHAUL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the President referred to the proposed overhaul of the Tax Code as irresponsible. He went on to say that the Republican effort to reform the Nation's current income tax code would be simply reckless for the economy and families.

Mr. President, I respectfully disagree. In my opinion, it would be irresponsible for Congress not to overhaul this Tax Code. It would be irresponsible for this Congress to allow such an inequitable, punitive Tax Code to continue to stifle the economic growth in this country. Mr. President, I feel it is irresponsible for you and your administration to blatantly stump for the status quo when the status quo represents a tax collection agency that is abusive to innocent working men and women, intrusive into the lives of each and every taxpayer, and callous to every American citizen.

Although it is not clear at this point which type of alternative tax system would be best for this country, what is clear, however, is that the current tax system is broken and must undergo a complete overhaul. Mr. President, the only irresponsible action is your support for an unconscionable, unfair and defective tax system.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that they are to address their remarks to the Chair and not to other government officials.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PUBLIC EDUCATION PROVIDES OPPORTUNITY FOR THE FUTURE

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, America has a deep and strong commitment to public education. Education is a need for all Americans. Public education needs to be available for all Americans, not just a select few. In America we try to provide education for everyone.

Vouchers take away valuable resources from public education and provide it only to that select few. This program is not about school choice. It is about destroying the public education system and leaving the majority of America's youth without a choice and without a good education.

Today we have a fine group of young Texans from El Paso who attend public schools, who are here with us in Washington. Public education provides an opportunity for their future. It provides opportunity to many families not only in my own district but throughout our Nation who choose public education.

MARRIAGE TAX ELIMINATION ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, today I rise to ask the question of why should we pass the Marriage Tax Elimination Act. I think it is best explained with a series of questions.

Do Americans feel that it is fair that a working married couple pays higher taxes just because they are married? Do Americans feel that it is fair that 21 million married working couples pay an average of $1,400 more than an identical working couple living together outside of marriage? Do Americans feel that it is right that our Tax Code actually provides them an incentive to get divorced?

Twenty-one million married working couples pay on the average of $1,400 more in taxes just because they are married. In the south suburbs of Chicago, that is 1 year's tuition at a community college. That is 3 months worth of day care.

The Marriage Tax Elimination Act now has 238 bipartisan cosponsors. It would immediately eliminate the marriage tax penalty. The marriage tax penalty is unfair and it is wrong. Let us eliminate the marriage tax penalty and do it now.

ON THE CUTTING EDGE IN DEALING WITH RAPISTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Oklahoma Senate passed a bill to allow castration of convicted rapists. That is right. Castration. Opponents say it is cruel. Victims say it is about time. I say hats off, and anything else off, to the Oklahoma Senate. Maybe, just maybe, Mr. Speaker, rapists will not only think twice, they will start thinking 3 and 4 times before they brutalize our constituents.

I also would like to say that no matter how you slice this, Mr. Speaker, Oklahoma is on the cutting edge when it comes to dealing with rapists. For those who say, "How do you really feel, Jim?" I recommend that Oklahoma go a step further. Put it into law, then hire Lorena Bobbitt to administer the program.

I yield back whatever might be left after Oklahoma is done with rapists.

AMERICANS WANT FAIRER, SIMPLER TAX SYSTEM

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, on Monday the President indicated that he will not support efforts to sunset the Internal Revenue Code and to replace it with a fairer, simpler tax system. His statement has caused me a great concern, especially since I do not know how much longer American families and businesses can afford to shoulder the tremendous tax burden they are currently facing. Taxes are simply too high, and the Internal Revenue Code is too lengthy and too complicated.

Polls prove that a fairer, simpler tax system is what the American people want. I know from speaking to the people in my district that it is not only what they want, it is what they need. I urge the President to join those of us who are working to give the American people the tax relief they deserve, want and need. It is past time for a fairer, simpler tax system in this country.

SELF-DETERMINATION FOR PUERTO RICO

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, today is a very important day for the people of Puerto Rico, but it is a more important day for the democratic process. This afternoon the House of Representatives will debate H.R. 856, the United States-Puerto Rico Self-Determination Act. This bill sets up a plebiscite that will determine the future status of Puerto Rico.

The American people should know that this bill was designed to guarantee statehood for Puerto Rico because it was written by the party that supports statehood. I will say this again. If H.R. 856 becomes law, Puerto Rico will be the 51st State, whether or not the people of Puerto Rico want it to be.

H.R. 856 is not the result of a democratic process. By defeating this bill, we will be sending a message that we truly honor the idea of self-determination for the people of Puerto Rico. I urge my colleagues not to be fooled by the arguments of the other side. A vote for H.R. 856 is a vote for statehood, not a vote for self-determination.

BUDGET SURPLUS

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, the Congressional Budget Office, known in Washington as the CBO, announced yesterday that the Federal budget is expected to have a surplus of $8 billion this year. That will be the first time in Washington there has been a balanced budget since 1969, 29 years ago.

Now, of course the liberals will be happy to have a surplus because they want to take that money and spend it on new programs and bigger social programs from Washington, DC. Conservatives will be happy because they want to pass more tax cuts so that the middle class can keep more of their money.

Demagogues will be happiest of all, because they can tell more lies about protecting Social Security, knowing full well that Social Security is a pay-as-you-go system with the money going out as fast as it comes in. They are counting on the fact that most people will have no idea exactly how a pay-as-you-go system works.

But American taxpayers should be the happiest of all, because a balanced budget means lower interest rates, which means people can buy houses more easily, and cars. It is a good day for the American people.

WELCOME TO THE LAMP-LIGHTERS, EL PASO SINGING GROUP

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Mr. Speaker, this morning I stand here proudly and would like to welcome a group of young people from El Paso, Texas. This is a group of singers that is called the Lamplighters, that sings a positive message about life.

This group was formed in 1987 at Henderson middle school through the vision of Mr. Jim Marshall and the support of the principal, Mr. Ralph Chavis. The Lamplighters are a group that is made up of 40 middle school students ages 11 to 15, and they are sitting in the gallery to my left. They are here getting a firsthand look at democracy in action.

The Lamplighters sing a collection of 25 songs that include themes such as biculturalism, success, friendship, search for the truth, believing in themselves and understanding God. Their mission is to light up life with positive themes through song, a goal they always accomplish with every performance, such as this morning performing for the Texas delegation.

□ 1015

Today I welcome the Lamplighters to Washington, DC, where I am pleased they are here, and I know that they will experience firsthand and appreciate the excitement of democracy in action. Welcome.

SUNSET THE CURRENT TAX CODE

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, I was disappointed this week to hear the President label Republican efforts to sunset the Internal Revenue Code as irresponsible. I want to tell you my definition of irresponsible. Last year only one in five calls to the IRS customer hotline got through. That is irresponsible.

The IRS sends out 8 million pages of forms and instructions each year, enough to circle the Earth 28 times. That is irresponsible.

Every year, Money Magazine asks 50 different tax preparers to prepare a 1040 form for a sample family. No two preparers ever arrive at the same answer, and the results vary by thousands of dollars. That is irresponsible.

I am proud to be a cosponsor of legislation to sunset the Internal Revenue Code. There is nothing radical about accountability from a government agency or working towards a fairer, flatter Tax Code. If you want a true definition of irresponsibility, look at our current Tax Code. Maintaining the status quo is the most irresponsible thing that we could do to our Nation and to our future.

REFORM THE IRS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, this House must reform the IRS. The outrageous recently released GAO report documents that the IRS unfairly singles out taxpayers in the South for random audits. The GAO reports that 47 percent of the random tax audits during the past 3 years were in 11 Southern states that represent only 29 percent of the population. More than 85 percent of those audits had incomes of less than $25,000, many of whom depend upon the Earned Income Tax Credit for our working poor.

Why should an individual be three times more likely to be audited in North Carolina than in the State of Massachusetts? North Carolinians are honest people. Why should they be subjected to this kind of treatment? As a former small businessman and a Southern taxpayer, I am outraged at this report and call for immediate action to reform the IRS.

Mr. Speaker, I am pleased to join my colleagues on the Democratic side and those on the Republican side in passing IRS reform last year. The findings of that report provide some clear examples of why our esteemed colleagues in the other body should quit dragging their feet and join the House in passing reform.

HUMAN RIGHTS ABUSES CONTINUE IN SUDAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to speak to the massive human rights abuses occurring in Sudan. The Khartoum Government, the National Islamic Front, is waging a war on the Christian and Animist South. The Northern army has committed horrifying atrocities against individuals and communities, including moderate Muslims who do not adhere to the Khartoum agenda. Women and children are sold into slavery. Young boys are conscripted to combat their own villages. Pastors often are thrown into wells, doused with oil, and lit on fire to burn to their death.

Much of the humanitarian aid in Sudan is distributed through Khartoum Government forces, who force conversion to extremist Islam in exchange for food.

On May 23, 1997, Northern authorities detained and imprisoned Mr. Faisal Abadallh, a Sudanese Christian accused of evangelism. In January of 1998, authorities charged Mr. Abadallh with 12 offenses, three of which could lead to the death penalty.

Mr. Speaker, the President acted wisely in imposing sanctions on Sudan in 1997. However, we must not leave the issue at that point. It is outrageous that this terrible suffering continues. Our Nation should continue to speak out.

SUPPORT THE SCHOOL INFRASTRUCTURE BILL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is appropriate this morning that we had in our chamber students from El Paso, Texas, the Lamplighters, formed from Henderson Middle School, the constituents of my colleague from Texas, the gentleman from Texas (Mr. REYES), because today is an important day for Americans. We heard just recently a disturbing study about the imbalance of the performance of our students in America in math and science. Well, today we stand on the side of our students and on the side of learning by offering to the American people a school infrastructure bill that will begin to go throughout this Nation and fix the leaking roofs, the falling roofs, the expanded crowdedness that we have in our school districts across the Nation.

The school infrastructure bill that the Democrats will be offering today will say once and for all that we want our children in America to learn in safe and secure conditions. Then we will add another 100,000 teachers to our communities, 100,000 trained individuals committed to teaching our children, committed to preparing them for the 21st century.

I ask my colleagues in this body to support this legislation and stand on the side of our children.

LIBERALS OPPOSE TAX REFORM

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, what does a liberal do when confronted with a tax cut? He opposes it. He condemns it. He becomes outraged at the very idea that Washington could get along with a little less and a family could do with a little more.

I opened up the Washington Post to find the headline, President Bashes GOP Tax Plan. Then turning to the New York Times, I find this headline: Clinton Attacks GOP Tax Overhaul Plan.

It appears that the days of working on a bipartisan basis with the Republican Congress are over. Liberals are upset. In fact, they are mad at the President for finally helping to pass a tax cut for middle-class families last year. So the liberals will not let the President continue down the road of tax relief, IRS reform, and overhaul of the Tax Code.

I guess the New Democrats at the White House are no longer calling the shots these days. It is too bad. The American people want tax reform.

IMPROVING EDUCATION

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, sometimes standing on the floor of the House of Representatives is like standing in an echo chamber. As soon as one member says they want to do something to help rebuild our public schools and provide a better education for our children, everybody starts saying it.

Well, Mr. Speaker, it is time to stop talking about it and to start doing something about it. That is why we have introduced legislation that would reduce class sizes by hiring an additional 100,000 qualified teachers, and legislation that would give states and local school districts help with new school construction and new renovation.

I believe these bills are a great opportunity for every legislator who says they care about education to follow up their words with actions. If Members are serious about making improvements in our education system, I urge them to cosponsor these bills.

BEING TRUTHFUL ABOUT THE BALANCED BUDGET

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, we did get good news yesterday, and that good news was that for the first time in 30 years, the Federal Government is about to pay its bills. For the first time in 30 years, we are about to run a surplus, not a deficit.

But we also need to remember that we run two sets of books here in Washington. One is the external set of books, the books that reflect the money that comes in and the money that goes out into all funds, and the second set of books reflects what we are doing to continue to borrow from the Social Security Trust Fund and from the Highway Trust Fund.

Mr. Speaker, we need to not only balance the budget on that one set of books, but we need to balance the budget on the second set of books as well. Do not continue to increase the debt; do not spend this new money, this external surplus, on new programs; stop borrowing from the Social Security Trust Fund and stop borrowing from the Highway Trust Fund. Pay all the bills and be truthful with the American people, and treat the trust funds like they are truly trust funds.

TARGETED TAX CUTS NEEDED

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, I came to the well because I have heard one speaker after another from the other side suggest that the President came out against tax cuts and that the natural reaction of the Democratic Party is to be opposed to tax cuts.

I would remind my colleagues that in fact the President has proposed a number of tax cuts, and that in fact a majority of the Democrats voted for tax cuts as part of the balanced budget agreement. What we are opposed to is eliminating the Tax Code, as the other side has proposed, without anything to replace it. That could wreak havoc on our economy.

Imagine when banks and the real estate community have to determine what would be the real cost of homes, for example, if you did not have a mortgage interest deduction, or any number of other assets if you did not have depreciation expenses.

We are in favor of tax cuts, but targeted tax cuts; tax cuts for families who are finding it difficult to afford child care expenses, or higher education expenses. Targeted tax cuts is what we need, not irresponsible elimination of the Tax Code.

CONTRACT WITH AMERICA A SUCCESS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, in 1994, along the campaign trail, Republicans said that if the Republican Party became the majority, that we would pass a legislative agenda called the Contract with America within the first 100 days of the 1995 session.

Washington pundits and the typical status quo Washington liberals said, number one, they would not; number two, they could not; and then when the process was going on, they said they should not. All the Democrats fought it, kicking and screaming and yelling, saying it was going to lead to economic disaster, and all voted against welfare reform and voted against tax cuts for the middle class.

What happened? Within 100 days, the Contract with America passes, and what is the result? In 1995, the deficit, $164 billion; 1996, the deficit, $107 billion; 1997, the deficit, $22 billion; and in 1998, just announced, a surplus of $8 billion.

Where are all those Democrats who said that the Contract with America was going to be an economic disaster, who fought tax cuts for the middle class? The proof is that the budget is balanced, it worked, and I hope next time they do not fight us.

IMPROVING AMERICA'S PUBLIC SCHOOLS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last week the Washington Post reported some grim news: The scores of Americans high school seniors ranked near the bottom in a rigorous new international exam in math and science.

This is unacceptable. Our schools clearly need help, and this body needs to get moving. Democrats are eager to get to work to reduce our class sizes, to repair crumbling schools, to put computers in classrooms and to provide an atmosphere in which our children can learn.

But my Republican colleagues, what they want to do is they want to throw out public education, to end public education as we know it. What they want to do is one more time make education the purview of the rich and of the wealthy. They also want to have tax cuts, tax cuts for the wealthiest Americans, one more time.

Let us put our kids first, and not last. Education should be our top priority, public education, the great equalizer, which has allowed all of us to be able to live up to and work to our potential, no matter where we are on the socioeconomic scale. Let us get to work on education. Let us improve America's public schools.

MAKING AMERICAN EDUCATION THE ENVY OF THE WORLD

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I do not think there is any disagreement in America that perhaps the most sacred responsibility we have is the education of our children, and I do not think there is any doubt in anybody's mind that the best way to beat the world and to be the envy of the world in the education of our children is to have the very, very best public education system in the world. There is no one I know that wants anything less than the very, very best public education for our children.

But, unhappily, Mr. Speaker, we have some children that are being left behind today. In Washington, DC, we have some very, very good schools, and in Washington, DC, we have some catastrophically bad schools.

Just a few months ago, 7,500 families, distressed about what was happening with their children and the bad schools in which they were trapped, applied for a meager 1,000 scholarships that would enable those mothers and those fathers to move their children to a better school of their choice.

□ 1030

The people of Washington, DC, especially those who are not at the top rungs of the socioeconomic ladder, want their children to have the same opportunity as the wealthy people who have their children in Sidwell Friends.

We have a bill that we will bring to the floor here in a few days, a bill that would allow 2,000 scholarships for the very poorest families in America, from among those who apply to be chosen at random, so that those parents can use those scholarships to take their child to that school where the child can succeed.

Let me just say, Mr. Speaker, I have met some of those children who up to this point have been the lucky recipients of the private scholarships, privately funded scholarships made available to their families. By over 60 percent, these bright young boys and girls say they like math and science the best. If we put a bright young mind in a school where they are encouraged, where somebody cares and takes the time, and yes, indeed, offers a little discipline along with that encouragement, we see a bright, happy child.

We will bring that bill to the floor. We will pass that bill. I hope Members on both sides of the aisle can find compassion for the children that overrides their desire to comply with unions, and I hope when we send that bill to the President and he picks up that pen, he will realize he has the lives of 2,000 beautiful children in his hands. He can sign the bill and give them the opportunity, or he can veto the bill and satisfy the unions.

BEFORE WE SPEND OUR FEDERAL SURPLUS, WE BETTER MAKE SURE WE REALLY HAVE ONE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, every day we hear all kinds of talk now about how we are going to spend the Federal surplus. Before everyone gets all giddy about all this extra cash, however, we had really better take a closer look.

Alan Sloan, the Wall Street editor of Newsweek, recently wrote in the Washington Post, "But get a grip. There is no surplus. If you do math the normal way, instead of Uncle Sam's way, there is nothing resembling a budget surplus on the horizon." Mr. Sloan wrote that all the talk about a surplus comes because we are using Federal budget accounting instead of real world accounting.

As he pointed out, "Virtually the entire difference between Federal math and real-world math involves Social Security's retirement and disability funds, whose surpluses are masking the deficit in the rest of the budget."

If we were not using the Social Security and many other trust funds to offset or mask the size of the deficit, we would still have a huge deficit on top of an already horrendous $5.5 trillion national debt.

Mr. Speaker, before we begin celebrating and spending our supposed, alleged surplus, we had better make sure that we really have one. We are very far from it right now.

PRESIDENT CLINTON TURNING HIS BACK ON TAX REFORM

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, earlier this week, President Clinton turned his back on fundamental tax reform by reforming the tax code. He said that getting rid of the current tax code and replacing it with a better one is irresponsible.

The President is finally revealing his true liberal self. As we enter a new century, we need a new tax code. We need a tax code that encourages savings and investment. We need a tax code that is simple, so that our citizens do not need to hire accountants and lawyers to comply with the rules. We need a tax code that takes less money from working families. We need a tax code that gives the American people a break, not manipulates their lives.

For 40 years, the Democrats in this Congress built a tax code that was riddled with loopholes, ridiculous rules, and hard-to-understand regulations, all to control our lives. It is time to tear that system down and build a better, simpler, and fairer tax code for the next century.

THE SOLOMON ENGLISH LANGUAGE EMPOWERMENT AMENDMENT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, in just a few minutes this House will begin debate on something that is probably the most important issue that we will take up on the floor this Congress during this entire year. It is the question of whether or not to start in motion the wheels that will begin to admit Puerto Rico as a State to this Union.

I would just hope that all Members, and because of their interest for their constituents, would pay particular attention. I would suggest that they come over here. This debate is going to take 7 or 8 hours on this floor, but it is very, very important.

I will be offering an amendment that will begin to emphasize that based on this premise, for the past two centuries we have forged a Nation out of our different peoples by emphasizing our common beliefs, our common ideals, and perhaps, most importantly, Mr. Speaker, our common language.

Our English language has permitted this country to live up to our motto, our national motto, and that motto is e pluribus unum, and it means "out of many, one." The English language is the reason that we have survived these last 200 years. Think about it.

PROVIDING FOR CONSIDERATION OF H.R. 856, UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 376 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 376

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided and controlled by Representative Young of Alaska, Representative Miller of California, Representative Solomon of New York, and Representative Gutierrez of Illinois or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 5(a) or rule XXI are waived.

SEC. 2. (a) Before consideration of any other amendment, it shall be in order to consider the amendment printed in the Congressional Record and numbered 3 pursuant to clause 6 of rule XXIII. Consideration of that amendment shall be preceded by an additional period of general debate, which shall be confined to the subject of that amendment and shall not exceed one hour equally divided and controlled by Representative Solomon of New York and a Member opposed to that amendment.

(b) Consideration of the amendment printed in the Congressional Record and numbered 2 pursuant to clause 6 of rule XXIII shall be preceded by an additional period of general debate, which shall be confined to the subject of that amendment and shall not exceed thirty minutes equally divided and controlled by Representative Serrano of New York and a Member opposed to that amendment.

(c) Amendments specified in subsections (a) and (b) of this resolution shall be considered as read and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Consideration of those amendments, and all amendments thereto, shall not exceed one hour.

SEC. 3. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for debate purposes only.

Mr. Speaker, House Resolution 376 is an open rule providing for consideration of H.R. 856, which is the the United States-Puerto Rico Political Status Act. The rule provides 90 minutes of general debate, equally divided and controlled by the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. MILLER), myself, the gentleman from New York (Mr. SOLOMON), and the gentleman from Illinois (Mr. GUTIERREZ), or their designees.

The rule makes in order the amendment in the nature of a substitute offered by the gentleman from Alaska (Chairman YOUNG) and printed in the CONGRESSIONAL RECORD and numbered 1, which shall be considered as read.

The rule also waives clause 5(a) of rule XXI prohibiting appropriations in a legislative bill against the amendment in the nature of a substitute. The Committee on Rules understands this waiver to be technical in nature, and further understands that the Committee on Appropriations has no objection to it.

Mr. Speaker, this is an open rule. However, the Committee on Rules decided to single out two significant policy amendments for particular treatment for debate on this floor. The committee determined that these amendments should receive a specified debate time and a time certain to close debate on those amendments and any amendments thereto.

These two amendments are the Solomon amendment, which clarifies the official role of English in government activities, and the Serrano amendment, which relates to eligibility of mainland U.S. citizens of Puerto Rican descent to vote in a referendum.

After general debate on the bill, there will be an additional period of general debate on the Solomon amendment, and then 1 hour of consideration of the amendment.

Mr. Speaker, the rule also provides that the amendment of the gentleman from New York (Mr. SERRANO) will have 30 minutes of additional general debate time, similar to the Solomon amendment, and 1 hour of consideration for the amendment process; in other words, amendments offered to that amendment.

The rule further provides that both the Solomon amendment and the Serrano amendment shall be considered as read and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, but there will be second degree amendments allowed to it, similar to an open rule process.

Mr. Speaker, the rule also provides that the Chair is authorized to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD that appeared today.

The rule also allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, as the Members are well aware, this is an extremely controversial issue. It is controversial among the American people, and it is certainly controversial among the people that reside on the islands of Puerto Rico. Members of the House are divided on this issue, and not necessarily by party.

However, despite our differences over the substance of the legislation, many of us have agreed that the fairest way to consider this very controversial and difficult issue is under an open rule, and I commend Chairman YOUNG for his cooperation in bringing this matter to the floor under these considerations today.

☐ 1045

The gentleman is an outstanding Member of this body, and even though he and I will tangle somewhat on the floor, we will remain good friends when we leave here. He and I very rarely ever differ. He and I have fought hundreds of battles on this floor in the last 20 years on the issue of property rights, individual property rights of individual Americans, and we will continue to do that as long as the two of us are left standing on this floor.

Mr. Speaker, I admonished Members who appeared before the committee yesterday to comport themselves in a dignified fashion and to exercise restraint in determining which amendments to offer and how many would be offered. I am pleased to note that the Members who appeared yesterday before the Committee on Rules agreed to offer a finite and limited number of amendments. That means that those in opposition to the bill will probably offer 10 or 12 amendments at the very most. Then there are several amendments by those that might be supportive of the bill itself, that might have some perfecting amendments as well. But other than that, we would expect that this debate would continue through the day, but under no circumstances would carry over into tomorrow.

So we would hope that Members would come here, that they would be dignified in their remarks, and that we would speak to the issues and not get into a lot of superfluous conversation. I would urge support of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON), my very dear friend, for yielding me the customary half-hour.

Mr. Speaker, I rise in support of this open rule, and I commend my Chairman for allowing the rule to come to the floor in this position.

Mr. Speaker, the issue of self-determination for the people of Puerto Rico has been an issue for many, many decades. This year marks the 100th anniversary of Puerto Rico's being part of the United States.

Eighty-three years ago, Mr. Speaker, in the midst of World War I, Congress extended American citizenship to the residents of Puerto Rico with all of its rights and responsibilities, including being subject to the military draft. Since then, over 200,000 Puerto Ricans have served in this country's various military endeavors. Puerto Ricans presently abide by all American laws passed by this Congress. They are also required to serve on juries. They pledge their allegiance to the flag of the United States.

This bill we consider today, Mr. Speaker, is a bill giving 3.8 million people of Puerto Rico their long-overdue right to self-determination. Contrary to what some people say, this is not a statehood bill. It simply allows the people of Puerto Rico to decide for themselves what kind of relationship they will have with the United States rather than having it forced upon them.

Under this bill, Puerto Rico has several options. They can be integrated into the Union, as has Hawaii, or they can remain a separate Nation as the Philippines did. And since 80 percent of the voters of Puerto Rico go to the polls, we can be assured that their decision will represent a very strong majority.

Once they make that decision, no matter what that decision may be, I believe we should support them. And I am not the only one who feels that way.

Mr. Speaker, eight years ago I was an original cosponsor of the legislation which passed the House to allow Puerto Ricans to vote on the status of their relationship with this country. Unfortunately, Mr. Speaker, that bill died in the Senate, but it did have the support of the majority of this House.

Self-determination also had the support of one of America's most popular Presidents. I have here, Mr. Speaker, a statement by the idol of the gentleman from New York (Mr. SOLOMON), President Reagan. He supported Puerto Rican self-determination in a statement dated January 12, 1982, which I would like to put in the RECORD.

In his statement, President Reagan says: "Puerto Ricans have fought beside us for decades and have worked beside us for generations. We recognize the right of the Puerto Rican people to self-determination. President Reagan also said that he believed that statehood would benefit both the people of Puerto Rico and their fellow American citizens in the States."

President Clinton supports the legislation, as did every Republican President since Dwight Eisenhower. Mr. Speaker, it is a good idea whose time is long overdue. After 83 years of American citizenship, this country owes these people the right to make their own decision. We owe them self-determination. They are American citizens, Mr. Speaker, and they should be treated as such.

Unfortunately, in addition to Puerto Rican self-determination, which is a very popular idea, there is another issue which is being linked to the bill, the issue of whether the United States will pick an official government language. Although English is certainly the de facto language of our country, the Framers of our Constitution deliberately refused to establish a national religion or a national language. People come from all over the world to live here, and are not linked to one another by common language. They are linked to one another, Mr. Speaker, because of their love of freedom, their love of liberty.

President Reagan said, and I would like the gentleman from New York, my dear friend, the former Marine to hear this, Mr. Reagan said, and I quote, "In statehood, the language and culture of the island, rich in history, would be respected, for in the United States the cultures of the world live together with pride."

In fact, when the Constitution was drafted, there were nearly as many people speaking German in this country as there were speaking English. English is already the primary language used in business, government, cultural affairs in the United States. But if we require English in all governmental functions, people who call 911 and cannot speak fluent English might be in a lot of trouble.

So rather than mandating English and prohibiting technicians from doing their jobs in life-threatening situations involving non-English speakers, I suggest we recognize the primary role of English in our national affairs, but allow the use of languages in other governmental functions when it is appropriate.

I think what I am trying to say, Mr. Speaker, is that people should be allowed to speak whatever language gets the job done at 911, in police departments, and with emergency and medical technicians. In doing so we would not only be respecting the wishes of our Founding Fathers but also probably saving many lives in the process.

So I urge my colleagues to support this rule, and I would like to just read one other statement which is attributed to Ronald Reagan. It appeared in Roll Call Thursday, February 26. And I quote again from Ronald Reagan who said this January 12, 1982. He said "In statehood, the language and the culture of the island, rich in history and in tradition, would be respected, for in the United States, the cultures of the world live together with pride."

Mr. Speaker, I urge my colleagues to support this rule, to support the bill, and to defeat the English-only amendment.

Mr. Speaker, I include the following for the RECORD:

[The White House, Office of the Press Secretary, Jan. 12, 1982]

STATEMENT BY THE PRESIDENT

When I announced my candidacy for this office more than two years ago, I pledged to support statehood for the Commonwealth of Puerto Rico, should the people of that island choose it in a free and democratic election. Today I reaffirm that support, still confident in my belief that statehood would benefit both the people of Puerto Rico and their fellow American citizens in the 50 states.

While I believe the Congress and the people of this country would welcome Puerto Rican statehood, this Administration will accept whatever choice is made by a majority of the island's population.

No nation, no organization nor individual would mistake our intent in this. The status of Puerto Rico is an issue to be settled by the peoples of Puerto Rico and the United States. There must be no interference in the democratic process.

Puerto Ricans have borne the responsibilities of U.S. citizenship with honor and courage for more than 64 years. They have fought beside us for decades and have worked beside us for generations. Puerto Rico is playing an important roll in the development of the Caribbean Basin Initiative and its strong tradition of democracy provides leadership and stability in that region. In statehood, the language and culture of the island—rich in history and tradition—would be respected, for in the United States the cultures of the world live together with pride.

We recognize the right of the Puerto Rican people to self-determination. If they choose statehood, we will work together to devise a union of promises and opportunity in our Federal union of sovereign states.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, just to respond to the gentleman from Boston, Massachusetts (Mr. MOAKLEY) my very, very close friend.

Mr. Speaker, I would say, yes, I did serve in the United States Marine Corps back during the Korean War. I did not have the privilege of serving in combat, but I served with a great many Puerto Rican citizens of the United States and to this day they are some of the greatest friends that I have.

Unfortunately, they are divided on this issue just as the rest of the Puerto Rican people are, those that are still alive, some of which I talked to just in the last 48 hours. It breaks down where one-third of them are for statehood, one-third of them are for commonwealth, and surprisingly, one-third of them are for independence. I did not think that would be that high, but that is the issue.

Mr. Speaker, I take a little umbrage at the gentleman, my good friend, pointing to the ads that appeared in Roll Call, and not just in Roll Call but in the Washington Times and all kinds of papers. Millions of dollars have been spent by lobbyists trying to force a particular issue on this Congress, and I do not think the Congress is going to listen to that today because they are a pretty astute body.

But concerning my hero Ronald Reagan and, yes, he is my hero and he will forever be, even in spite of his physical condition today. It is so sad. But President Reagan, yes, he did. He supports self-determination, but he does not support this bill or its deliberately skewed language favoring statehood.

Mr. Speaker, let me read this letter that I just received dated February 27, and it is from the Ronald Reagan Foundation. It says, "Dear Congressman Solomon, thank you for your request to clarify President Reagan's participation in the current debate on Puerto Rican statehood. As I am sure you understand, President Reagan is no longer participating in campaigns of any kind." Despite the unauthorized use of his name, appearing in that Roll Call, "photograph and quotes in a recent ad in the Washington Times and Roll Call, he is not now nor will he ever be taking any position on H.R. 856, the issue of statehood for Puerto Rico, or self-determination for the Puerto Rican people." And it goes on to say, "I hope this clarifies that issue."

Mr. Speaker, I was not going to get into a debate on this during the rule because I was hopeful that we could move on to the general debate time itself so that we would not be interrupted by other votes. But there are many things that have held this country together over the last 200 years. Many of them, as I quoted before, "e pluribus unum" means out of many one. It means patriotism, it means pride, it means volunteerism. But, above all, it means that we speak a common language in this country.

We are a melting pot of the entire world, of every ethnic background in the entire world, and we are proud of that. But had we let these various languages become a part of our American culture, this democracy would not be here today. And if my colleagues do not believe it, come up to my congressional district which borders on Canada, and see how we are faced with a situation in Quebec that literally tears that country asunder. We just cannot allow that to happen. And that is why at the appropriate time, I will be offering an amendment that will clarify the English-first language in this country.

Having said all of that, I appreciate the remarks of the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG), one of the men I respect most in this body, chairman of the Committee on Resources, and the single representative from the great State of Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the rule for consideration of the United States-Puerto Rico Political Status Act, H.R. 856.

The proposed open rule is consistent with the process which is followed by the Committee on Resources in the development of this bill to resolve the United States political status problem with Puerto Rico.

This was an effort to reach out and include as many sectors as possible in a fair manner in which the facts were openly aired and examined without respect to special interests or local political considerations.

I can confirm that as the chairman of the House committee of jurisdiction for territorial affairs, the committee followed and completed every legislative step in the development of this initiative during the past 4 years from 1995 to the present time.

Five extensive hearings with the broadest participation possible were held in Washington and Puerto Rico. Testimony was heard from individuals with many different views on the future relationship of Puerto Rico and the United States. Special attention was given to allow the three principal parties in Puerto Rico, each representing the status of commonwealth, independence, or statehood, to present their preferred definition with their respective status options.

Subsequent deliberations by Members of Congress were complete and exhaustive. All the issues have been raised and debated.

Once Members examined the complexity of the problems, they realized that this bill is the most viable way to address the problems facing the United States due to failure to permanently resolve Puerto Rico's status.

The bill's self-determination process in H.R. 856 is a carefully crafted three-stage process, a three-stage process leading to full self-government for Puerto Rico as a separate sovereign nation or a State of the Union if the majority of the people are ready to change the current form of local self-government as the Commonwealth of Puerto Rico.

□ 1100

Congress and the Americans of Puerto Rico will be required to vote in each of the three stages of the bill. I want to stress that. Congress and the Americans of Puerto Rico will be required to vote in each of the three stages of the bill, an initial referendum, a 10-year transition plan, and the final implementation act. If there is no majority for change, then the status quo continues and United States citizens of Puerto Rico are consulted again by referendum at least once every 10 years.

The Committee on Resources overwhelmingly approved and reported it twice, first in the 104th Congress and now in the 105th Congress. I firmly believe it is appropriate and necessary for the full House to now consider the United States-Puerto Rico Political Status Act, H.R. 856.

In carrying out congressional responsibilities under the Constitution for territories, Congress will be able to directly respond to the request of the Legislature of Puerto Rico to the 105th Congress to define the status choices and authorize a process to resolve Puerto Rico's political status dilemma. I support this rule, and I will discuss in debate the merits of all amendments that come before us.

I want my colleagues to understand this is nothing new. This is a project I worked on, my committee has worked on, the people of Puerto Rico have worked on, for the last 4 years. It is time to act. It is time for this Congress, this House, to pass this legislation for America, for the people of Puerto Rico. This rule is a good rule, and I urge passage of the rule but, more than that, the defeat of some amendments and final passage of this legislation, long overdue for the people of Puerto Rico.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. Maybe I did not make myself clear. I am not insinuating in any way that former President Ronald Reagan is for this bill. All I want to do was to read a statement he put out in a press release. Once a President speaks, use of that language is never unauthorized because that is his statement. It is history. Once again, he said, in statehood, the language and culture of the island, rich in history, rich in tradition, would be respected, for in the United States the cultures of the world live together with pride. Ronald Reagan.

The reason I wanted to make it so plain is because I know my dear friend, the gentleman from New York (Mr. SOLOMON), idolizes President Reagan, and rightly so. I just wanted to be sure he knew what the President's thoughts were when he did address the Puerto Rican situation.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I rise in strong support of this rule and in strong support of the bill which we are dealing with today. This is indeed a historic moment because, make no mistake about it, this is the first time that a rule has come on this floor accompanying a bill of this nature that will, in my opinion, begin a process to end what I and many other people consider, and all should consider, the present colonial status of Puerto Rico.

In order to do this, we have to put forth a process. This rule puts forth a process for the debate, and the bill puts forth the process for ending the colonial status. We have to immediately attack that which is being said either with a lack of information or viciously to defeat the bill, which is that this bill leads Puerto Rico toward statehood. How can it do that if this Congress is not committing itself at this point to any of the three options?

What this Congress is saying is, we will allow you in consultation with us, to take a vote, and then the results of that vote will become our consideration here on the House floor. Some may be afraid that the vote would come out against the option they favor. That is democracy. Some may be afraid that the option somebody favors will never be dealt with. We can only find out. But I assure my colleagues, that nothing will happen unless we approve this rule and approve this bill. In fact, I often tell people, I have a 31-year-old daughter and a 4-year-old granddaughter. I suspect that if this bill fails today, my grandchildren, as adults, will still be discussing the colonial status of Puerto Rico.

As we get close to the year 2000, and once in a while we listen to the U.N., the U.N. has suggested that all countries unload their territories and colonies before 2000. The greatest democracy on Earth still holds close to 4 million people in that kind of a situation. I do not care if statehood wins. I do not care if independence wins. I do care every day when I get up and I realize that the children of Puerto Rico are all members of a colony. It is good for the U.S. Government to change this. It is good for the Puerto Rican people to change it.

So I congratulate the gentleman from Alaska (Mr. YOUNG) for bringing this bill, and I congratulate my colleague the gentleman from New York (Mr. SOLOMON) for this rule. I will not agree with the gentleman from New York (Mr. SOLOMON) on everything today, and I will not agree on many things during the session with the gentleman from Alaska (Mr. YOUNG), but we agree on this beyond anything else, and that is why I was proud to add my name as a co-prime sponsor early on.

I do not move back from that commitment. I support the Young bill with every bit of strength in this body, because after 100 years with the U.S. and 405 years with Spain, it is time that Puerto Rico knew whether it can join the community of nations as an independent Nation or gain sovereignty by joining the Union.

Either one is correct. The present is not. I support the rule. Vote for it. And I will support the bill strongly today. I am sure that if I am given time, you will hear from me a few times during the day today.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARÇELÓ).

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise to support the rule for this H.R. 856. Today this House will consider the United States-Puerto Rico Political Status Act. For the people I represent, the 3,800,000 United States citizens living in Puerto Rico, the enactment of this legislation would be the single most important political development in 100 years. Yet many of my colleagues may wonder why this legislation is necessary and why they or their constituents should care about Puerto Rico.

They should care because, geography aside, no citizen and no constituency in this Nation is an island. They should care because the rights and privileges denied to one group of citizens threaten the rights and privileges enjoyed by the entire body politic. They should care because as individuals and as a Nation, to paraphrase the English author C.S. Lewis, we are defined by the choices we make. Incrementally, in seemingly insignificant small steps, we make decisions, and those decisions define us. Our choices tell us who we are.

The fundamental choice before this House today is this: Do we cherish the principles of our democracy enough to put an end to 100 years of colonialism and extend the right of full self-determination to the U.S. citizens of Puerto Rico? A century ago when the victorious United States signed the Treaty of Paris ending the Spanish-American War, it acquired Puerto Rico as a possession. Article 9 of the treaty stated that the civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress. Subsequent Supreme Court decisions have ruled that Puerto Rico's status is that of an incorporated territory subject to the plenary authority of Congress under the territorial clause of the Constitution.

Exercising its powers, Congress granted citizenship to the residents of Puerto Rico by statute in 1917. And in 1950, with the passage of the Puerto Rico Federal Relations Act, Congress authorized the people of Puerto Rico to draw up a Constitution and organize a local government.

Let us be clear about what the Puerto Rico Federal Relations Act did and did not do. After nearly a half century of obfuscation, some partisans would have us believe that Puerto Rico's current commonwealth status is the product of a bilateral pact between Puerto Rico and the United States and that the island is really a free associated State or an associated Republic. But the unvarnished truth is that Puerto Rico's colonial status remains unchanged. As a territory, we are self-governed in local matters not covered by Federal laws, but we have never exercised self-determination.

The Congressional record is clear. The intent of the Puerto Rico Federal Relations Act was to create a provisional government until the issue of status was resolved, and if anything was decided in the 1993 plebiscite, it is that for the first time since the United States arrived on our shores, Puerto Rico is being ruled by Congress under an agreement that does not have the support of the majority of the people of Puerto Rico. We are being governed without the consent of the governed.

Like Dorothy in the Land of Oz, we could sit here, click our heels three times, and wish the problem would disappear. Where would it go, to Kansas? But it will not. The fact is that only Congress has the authority to resolve this dilemma, and only Congress can create an environment in which Puerto Ricans can legitimately address this issue.

This is precisely what the United States-Puerto Rico Political Status Act is designed to do. This legislation does not endorse one political choice over another. It is status neutral. All it seeks to do is create constitutionally sound and congressionally approved definitions of status options to be considered by the people of Puerto Rico.

The bill proposes a timetable for referendums on status, and it makes provisions, should they prove necessary, for a smooth transition to and for the implementation of a new political status. These measures are critical if the status process is to go forward and if self-determination by the people of Puerto Rico is to have any meaning of legitimacy. The people of Puerto Rico, to borrow words of Israel's Golda Meir from 1946, only want that which is given naturally to all peoples of the world, to be masters of our fate. That for which the Puerto Ricans fought side by side with our fellow citizens in the mainland, defending other countries on foreign shores, to stand for the right of people's self-determination, is being denied to 3.8 million U.S. citizens.

Some of my colleagues in this House whose districts include large Puerto Rican communities would deny us this. But unlike my constituents, these expatriate Puerto Ricans enjoy voting representation in Congress and the right to vote in Presidential elections, and although the economic, social and political affairs of the residents of Puerto Rico are in great measure controlled by the government in which we have little to say, they would still deny the right to vote and the right to voting representation by opposing this bill.

All of my colleagues here today have the privilege of voting yes or no on the United States-Puerto Rico Political Status Act. Yet I am the sole Representative of this House for 3.8 million U.S. citizens in Puerto Rico. I cannot vote. This is the defining legislation for my constituents, and I cannot vote. This legislation would end 100 years of Puerto Rico's colonial relationship with the Nation, yet I cannot vote.

I ask you, do you cherish the principles of our democracy enough to dismantle 100 years of colonialism and extend the right of full self-determination to the U.S. citizens of Puerto Rico? I hope you do, for our sake and for the Nation's sake.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume just to respond somewhat to the last several speakers.

Just responding to the statement of the gentleman from Massachusetts (Mr. MOAKLEY) about the position of President Ronald Reagan on this bill, I did not read the last sentence in this letter from his Chief of Staff Joanne Drake. It says, I hope this clears up any misunderstandings that these ads may have caused. These ads did not receive the authorization of Ronald Reagan to run.

□ 1115

Now, let me also state for the gentleman from Massachusetts (Mr. MOAKLEY) that I had another idol, too, that I idolized very much, and he used to sit in that chair up there. He was a good friend of the gentleman's, and his name was Tip O'Neill. He was one pretty tough hombre, but he was pretty fair to us in the minority and that is why I also respected him a great deal

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I would point out to the gentleman that he just used a non-English word. Is the gentleman sure he wants to put that in the RECORD, "hombre"?

Mr. SOLOMON. Well, Mr. Speaker, reclaiming my time, let me also respond a little bit on the colonialism issue by my very, very good friend, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ). And I was willing to even yield him an additional minute if he had needed it. But it really hurts a lot of our feelings on both sides of the aisle to talk about this issue of colonialism because, my colleagues, there is no colonialism.

If the people of Puerto Rico overwhelmingly want statehood in this country, I will be the first to help lead the fight to bring them in, just as we did for the Northern Marianas, for the Marshall Islands, for Palau and for Micronesia. When the issues came up, we pushed for them to make a decision one way or the other, but we did not try to jam one particular idea on them.

And, consequently, the Marshall Islands and Palau and Micronesia became sovereign Nations under a free association with the United States whereby we do help them, they provide military bases to us, and there is a very close relationship. But under no circumstances did we try to keep them in a colonial position.

The Northern Marianas chose to stay as a trust to the United States of America, but they chose it. We did not ask them to. So is that colonialism? The answer is absolutely not. And the truth of the matter is when the Puerto Rican people, when they overwhelmingly want statehood, as did the people of Alaska and as did the people of Hawaii, when the vote came in a plebiscite in Alaska, 83 percent of the people wanted statehood. Eighty-three percent. When the people of Hawaii wanted to come into this Nation of ours as the 49th State, they wanted it by 94 percent.

Today, my good friend, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), indicated that the majority of people in Puerto Rico want statehood. That just is not true. In the last plebiscite of 1993, a majority of the people wanted something other than statehood. And I defy anyone to come down here and show me the facts any differently.

Mr. Speaker, I yield such time as he may consume to the gentleman from the State of Mississippi (Mr. WICKER), a very, very important Member of this body and a member of the Committee on Appropriations.

Mr. WICKER. Mr. Speaker, I thank the gentleman for yielding me this time. I have the greatest respect for the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules. He is put in a very difficult position today. He has a tough job, Mr. Speaker. He is put in the position of presenting a rule to this body on a bill that he is vigorously, vigorously opposed to. So I have always respected him for the hard job he has, but even more so today because of the position that he has found himself in.

I also have the greatest respect for some of the proponents of this legislation. The gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, is a very effective leader in the House of Representatives. He believes fervently in this issue, and he is entitled to his beliefs and his opinions and has worked very effectively for the legislation, and I have great respect for his viewpoint.

However, I do oppose the bill and oppose the rule, Mr. Speaker, because I do not believe the American people have enough facts about this issue. I do not believe the American people are prepared to have their national legislature move on a decision concerning Puerto Rican statehood.

Now, there are people who have risen on the floor today and previously, who said this is not a statehood bill, but I would submit to my colleagues, Mr. Speaker, that this is very much a statehood bill. And this is the reason—as the chairman has previously stated, Puerto Rico has voted previously, very recently, on the issue of statehood, and they rejected the idea of statehood; 1993, I believe, was the latest plebiscite. This bill, if passed by the House of Representatives, and if enacted by the Senate and signed by the President, would say to the Commonwealth of Puerto Rico, "Vote again, you did not get it right last time." If Puerto Rico votes for statehood with 50 percent plus 1, a bare majority, then the Congress of the United States will have to decide the issue to decide. We must vote on a bill to decide whether to grant the Commonwealth of Puerto Rico their statehood. However, in this referendum that is proposed by this bill, if Puerto Ricans vote once again for commonwealth status, this bill says, "Wait a minute, you didn't get it right. We will let that decision stand, but just for a little while. And after 10 years you must vote again and you must vote again and you must vote again until you get it right. And the right decision is statehood."

So I would say that the bill is designed to eventually get a decision by the Puerto Rican people for statehood. And because of that, I say that enactment of the bill would inevitably put us down the path to admitting Puerto Rico as the 51st State, and that is a serious, serious decision. This is a major decision.

Adding a star to the United States flag is a major decision for Americans to make. It is a serious matter which Congress and the American people need to have a full understanding about. I do not think the American people know this issue is out there. When I went home to my constituents, they had no idea that Congress was about to vote on a bill which will inevitably lead to statehood.

So for that reason, I oppose the rule. I respect the chairman for bringing it forward, but I think that if we as a body want to take the position today that, having had this debate this morning, this issue is not ripe for a decision and we need to go back and have a further national conversation about this, I think the correct decision is to vote "no" on the rule. And that will be my vote, Mr. Speaker.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that this is the first time I have heard that one of the major problems with this bill is adding a star to the flag. Betsy Ross did not have any trouble, and she did not even have the machinery we have today.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I rise in opposition to this bill but in support of the rule. I would like to thank the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, and the gentleman from Massachusetts (Mr. MOAKLEY), for having an open rule today, because, finally, we are going to have some debate on this very critical issue, debate that I must say that on numerous occasions I, as a Member of this Congress, who represents over 150,000 Puerto Ricans in my district, was not allowed to participate in that debate. I think that was wrong. And now we want to have a debate here. So I want to thank both of the gentlemen for that.

I only come to raise one issue right now. I have a very deep preoccupation at this point, concern, and that is that all of these proceedings are being conducted in English. All of these proceedings are being conducted in English, and yet the people of Puerto Rico are the ones who are going to have to interpret everything that this Congress is doing. Many of them are not going to be able to understand what is going on here today, Mr. Speaker.

I know some of my colleagues will smile and chuckle, but it really is not anything funny. It is serious. People should understand, American citizens should understand what it is this Congress is doing in terms of their position.

Let me give my colleagues an example, gentlemen. If I walk into a theater, a movie theater today anywhere in Puerto Rico, anywhere in Puerto Rico, there are subtitles to everything said in English, in every movie theater in Puerto Rico. Why? So that the people can grasp what is going on in the movie. Many times I would laugh two seconds ahead of the rest of the audience because by the time they read the translation, I am an English native speaker, and I would understand that.

So I bring that as an issue that even in movie theaters, even in entertainment, and this is much more important than that. Look, if we were in the House of Representatives in San Juan, Puerto Rico, all of this would be going on in Spanish. So the legislators, when they legislate in Puerto Rico, do it all in Spanish. If we were in the Senate in Puerto Rico it would all be being conducted in Spanish so that the people would understand the proceedings of the representatives they elect.

If we were in a courtroom, the judge and the lawyers would all be speaking in Spanish. If we were buying a piece of property today, we would register that piece of property, not in English, but in Spanish.

So I would like to ask the chairman of the Rules Committee to see if there is some way that we might not have some simultaneous broadcast of this, a way in which this House of Representatives could translate so that the people of Puerto Rico can be fully informed of the farce of self-determination which is being perpetuated upon them with this bill here today.

Mr. MOAKLEY. Mr. Speaker, I have two remaining speakers. How much time do I have, Mr. Speaker, and how much time does the gentleman from New York (Mr. SOLOMON) have?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Massachusetts (Mr. MOAKLEY) has 9 minutes remaining, and the gentleman from New York (Mr. SOLOMON) has 10 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me time.

Mr. Speaker, I rise in support of the rule. This is an important day for the people of Puerto Rico. As a representative of the Virgin Islands, an unincorporated territory of the U.S., we fully support our brothers and sisters and our neighbor to the northwest on their journey to determine their relationship to the United States and achieve full self-government.

As we do so, we fully recognize how much what is done here today will likely influence and impact on the determination of our future relationship as well.

For this reason, it is of the utmost importance to us that Congress and the administration support the process of self-determination, which it does. It is also important, however, that the process be one generated, determined, and driven by the people of Puerto Rico, and that the integrity of this process be maintained.

I am, therefore, Mr. Speaker, very sympathetic to the concerns of the supporters of commonwealth for fairness in the presentation of the option they represent and all other options of H.R. 856.

Mr. Speaker, I am concerned not only that the definition presently in the bill does not reflect their input from the PDP, but also that H.R. 856 contains language which could lead one to conclude that the status of commonwealth would be a less than desirable choice for the people of Puerto Rico.

What may be viewed, Mr. Speaker, by supporters of statehood for Puerto Rico and reflected in this bill as an insupportable, undemocratic, and colonial status, could in fact be what my constituents and those of other territorial delegates aspire to, given the same opportunity.

While commonwealth may not be a status which provides complete and full self-government today, its constitutional limitations should not be trumpeted for the sake of expediency.

This Congress has a responsibility to ensure that any process it creates for the people of Puerto Rico or any of the island territories to exercise their right to self-determination must be balanced and provide inclusion and fair treatment for all of the options available.

In this regard, I look forward to supporting an amendment in the nature of a substitute which I understand will be offered later and which was worked out by the authors of H.R. 856 and the gentleman from California (Mr. MILLER), the ranking member.

Mr. Speaker, the people of Puerto Rico have waited 100 years for the opportunity to be given a legitimate chance to exercise the full right to complete self-determination. While not perfect, the bill before us today is a good beginning.

We have an opportunity to say to the people of Puerto Rico, as well as the Virgin Islands and the other territories, that the Congress of the United States respects us and will provide a fair and comprehensive process for us to make known our choice on the further political status of our islands whenever we are ready to do so.

The question of political status has for too long dominated the political landscape in Puerto Rico. What we do here today will go a long way toward finally resolving this issue once and for all. I urge passage of the rule.

I thank the gentleman from Massachusetts for yielding me time.

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Mr. SOLOMON. Mr. Speaker, I submit for the RECORD a short explanation of section 6 of H.R. 856, an analysis of that section of the expedited procedures.

The document is as follows:

ANALYSIS OF SECTION 6 OF H.R. 856

Requires the majority leaders in both the House of Representatives and the Senate to introduce legislation to implement the transition plan and implementation plan, as the case may be, no later than 5 legislative days after the President submits such legislation to Congress.

Requires such legislation to be immediately referred to the committee or committees of jurisdiction and, if not reported within 120 calendar days of session after its introduction, automatically discharged and placed on the appropriate legislative calendar.

Makes in order, as a highly privileged matter in the House and a privileged matter in the Senate, a motion to proceed to the consideration of the legislation qualified under these expedited procedures by a Member favoring the legislation, but not until: (1) the legislation has been on the calendar for 14 legislative days; (2) the Member consults with the presiding officer of the respective House as to scheduling; and (3) after the third legislative day after the Member gives notice to the respective House.

Waives all points of order against the motion and against consideration of the motion and, if agreed to, requires the House or the Senate, as the case may be, to proceed to immediate consideration of the legislation without intervening motion (except one motion to adjourn) or other business.

Stipulates that in the House of Representatives, the legislation would be: considered in the Committee of the Whole; debatable for four hours equally divided between a proponent and an opponent; and subject to a four hour amendment process (excluding recorded votes and quorum calls).

Requires, after the committee rises, that the previous question be considered as ordered to final passage without intervening motion, except one motion to recommit with or without instructions.

Provides procedures in the House and Senate for the hook-up of identical legislation passed by both Houses or, in the event that one House receives a request for a conference from the other House, to make in order after three legislative days following the receipt of such a request a motion by any Member to disagree to the amendment of the other House and agree to the conference.

Defines the term "legislative day" in the House and the Senate to mean a day on which such House is in session.

Provides that the procedures of H.R. 856 are enacted as an exercise of the constitutional rulemaking authority of the House and the Senate with full recognition of the right of either House to change its rules at anytime.

SHORT EXPLANATION OF SECTION 6 OF H.R. 856

H.R. 856 requires a referendum to be held by December 31, 1998, on Puerto Rico's path to self-government either through U.S. statehood or through sovereign independence or free association. It requires the President to submit to the Congress for approval legislation for: (1) a transition plan of up to ten years which leads to full self-government for Puerto Rico; and (2) a recommendation for the implementation of such self-government consistent with Puerto Rico's approval.

Section 6 of H.R. 856 specifies the expedited procedures in the House of Representatives and the Senate for the consideration of legislation introduced to implement a transition plan and an implementation plan. Legislation introduced in the 104th Congress (H.R. 3024) contained procedures that the Rules Committee found to be unworkable and inconsistent with the stated goals of the legislation. Consequently, on September 18, 1996, the Committee reported H.R. 3024 with a new Section 6, which more clearly reaches the stated goal and rational behind including the expedited procedures in the bill, as well as being consistent with the Rules of the House governing normal procedure. Those same provisions are contained in Section 6 of H.R. 856.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from

California (Mr. ROHRABACHER), an extremely outstanding Member of this body.

Mr. ROHRABACHER. Mr. Speaker, first let me thank the gentleman from New York (Mr. SOLOMON) for the leadership that he is providing on this issue. We have learned quite often that providing leadership on controversial issues leads one to personal attacks. The gentleman from New York (Mr. SOLOMON) has courageously stepped forward to provide leadership on this issue that is not only important to the people of Puerto Rico but also important to the people of the United States of America as a whole.

Mr. Speaker, while I oppose H.R. 856 in its current form, I do support an open rule for its consideration. The number one reason why this bill should be opposed is because it sets up basically, as we have heard in this debate so far, an unfair and undemocratic process that will cause the largest group of Puerto Rican voters to boycott the election, thus producing a phony majority for statehood.

Whenever any other territory has come into the Union, they have petitioned for giving their residents the opportunity for an up or down, yes or no vote. That is the normal process that is expected, but it is not good enough for Puerto Rico. Why? Because the Puerto Rican Government is controlled by statehood supporters who know from past balloting and current polling that they would lose a fair up and down vote on statehood.

The statehood supporters have maneuvered the Committee on Resources into constructing a ballot that will not reflect the will of the people. This is because the definition of "commonwealth" in the bill describes a colonial status that is unacceptable to commonwealthers, leaving them no choice but to boycott the election since they oppose all 3 options offered by the bill.

Back in Puerto Rico, statehood supporters are gloating about how the definition being used in the bill will guarantee a victory for statehood even though they know the majority of people do not support statehood. They are right about the outcome of this bill, but they are wrong to do this to the people of Puerto Rico.

The phony pro-statehood majority produced by this bill then sets in motion a mandatory statehood vote in Congress next year and two more votes in Puerto Rico. But even then, that far down the road to statehood, H.R. 856 still does not provide the people of Puerto Rico an up or down vote, a yes or no vote as to whether or not they want to become a State.

Why are we so afraid to treat the people of Puerto Rico as we have every other State that has entered the Union? This is what we have done to every other people who wanted to join the Union. We have given them a yes or no vote on statehood. Why are people now trying to maneuver it so the people of Puerto Rico do not have this opportunity? Because they know that the people of Puerto Rico, given the opportunity, will vote "no" on statehood.

Mr. Speaker, the fair way to handle this is the way we have always done it, is to give the people a chance for an up or down vote. If this is a first step toward statehood, if this is a first step toward treating the Puerto Rican people as all other citizens of the United States, they should be treated just as every other group trying to join the United States was treated. H.R. 856 rejects the simple, fair way that was good enough for everybody else and substitutes a skewed ballot with foreordained results. We should not stand for this unfair, undemocratic process. We should reject H.R. 856 while accepting the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from New York (Ms. VELÁZQUEZ) is recognized for 2 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to the bill. I thank the gentleman from New York (Mr. SOLOMON) for providing the only thing that is fair about this bill, that is, to provide a rule that will provide a free and open debate. That is what this bill needs.

Mr. Speaker, this is not about self-determination. This is legislation that has been drafted by the statehood supporters. They were the ones who provided the definition for the commonwealth, indeed denying access to the democratic process by not allowing 48 percent of the people of Puerto Rico to participate in this debate. Forty-eight percent of the people of Puerto Rico supported commonwealth 5 years ago when the last plebiscite was held. But here we are presenting to the House floor legislation that will favor the statehood for Puerto Rico.

Mr. Speaker, make no mistake. By voting on this legislation, we are imposing statehood to the people of Puerto Rico. It is a shame that today by providing in the commonwealth definition that citizenship is statutory, it is shameful, it is a lack of respect to the people of Puerto Rico, it is a lack of respect to the men and women who have died, who have fought defending this country, and it is to say to even the supporters of the Commonwealth of Puerto Rico, you cannot support the Commonwealth of Puerto Rico because we will take the citizenship away from you. This is not about self-determination. This is about making Puerto Rico the 51st State of the Nation.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman who represents the northern part of Puerto Rico, that is, Providence, Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time. I appreciate the chance to address the point of the gentlewoman from New York (Ms. VELÁZQUEZ) about this bill because it was addressed earlier by the gentleman from Chicago, Illinois (Mr. GUTIERREZ) about the fact that this process was not fair. It is ironic that this process was not fair because it did not include the commonwealth definition. Yet in the bill itself, the commonwealth has an opportunity to vote for the status quo in this legislation.

But let me address the issue that she brought up. The reason why this is so awful to the gentlewoman from New York (Ms. VELÁZQUEZ) and people of Puerto Rican descent is the same reason it is awful for people who feel that we ought to have statehood for Puerto Rico. That is, without statehood the people of Puerto Rico are put down.

Just as she said, without statehood, the people of Puerto Rico can have their citizenship denied, because it will be up to this Congress in its constitutional authority, given the fact that Puerto Rico is a territory under the territorial clause of this United States Constitution, that at any time this Congress can take away the citizenship of the people of Puerto Rico. At any time the people of Puerto Rico can have the Solomon language imposed on them.

The irony with the gentleman from Illinois (Mr. GUTIERREZ) saying "I wish this was in Spanish" is that the only way to guarantee the people of Puerto Rico that they have a right to speak their own language is if they get to become a State. Because if they are a State, they have the rights under the 10th Amendment of the United States Constitution. They reserve the power to decide what their local language will be, just as every other State in this Union is able to do.

The irony is, unless Puerto Rico becomes a State, they will not be able to decide what their language will be, they will not ever be able to vote for the things that we vote on regularly that affect them. The irony in this debate is that we keep hearing that this process is unfair.

Let us understand. The gentleman from Mississippi (Mr. WICKER) said that we already had a referendum. Unfortunately, Mr. Speaker, the problem is it does not matter what Puerto Rico does. The whole purpose of this debate is that the Congress has to give its approval so that Puerto Rico can decide.

They cannot decide now. They never had the decision. Those plebiscites were not sanctioned by the United

States Congress. And because they were not sanctioned by the United States Congress, they have no meaning. Why? Because, once again, Puerto Rico is under the territorial clause of the United States Constitution, meaning until they become a State or until they become an independent nation, they cannot choose for themselves.

That is why we are putting this bill forward, because we believe they ought to be able to decide for themselves. That is what this debate is all about. I want to commend the gentleman from Alaska (Mr. YOUNG), and I want to commend the gentleman from Massachusetts (Mr. MOAKLEY). I want to thank them for having this debate and allowing this debate to come on the floor.

I need to repeat this. We can argue until we are blue in the face about any other issue. Just understand this. Puerto Rico is under the territorial clause of the United States Constitution. I am a member of the Committee on Resources. The Committee on Resources has jurisdiction over territories and commonwealths and Native American reservations. Have my colleagues ever heard of that before? It is called the territorial clause. We have to vote on a bill to allow the people of Puerto Rico the right to make a choice.

I am really looking forward to this debate because the fact of the matter is, if we understand the simple fact that this is simply about giving the congressional authority to the people of Puerto Rico so they can make up their own mind, then I think this debate will become clearer.

Let me just conclude by saying with respect to English as the mandatory language by the Solomon amendment, there will be an amendment to the Solomon amendment that will allow us to treat Puerto Rico, in the event that it becomes a State, which I hope it does, like any other State in this country. But the Solomon amendment is very unfair and discriminatory because it affects the people of Puerto Rico singularly and it does not apply to the people of Puerto Rico the same way it applies to everyone else in this country. I might add, English is the official language in all the proceedings within government on the island of Puerto Rico.

Mr. SOLOMON. Mr. Speaker, I look forward to the debate with the gentleman from Rhode Island on the Solomon amendment. I might also add that the gentleman ought to be a little more benevolent in his praise for those who brought this bill to the floor. Think about that, when he only mentioned the names of YOUNG and MOAKLEY.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Speaker, I just would like to respond to the gentleman from Rhode Island (Mr. KENNEDY).

The problem with this bill is due process. If we are talking here about self-determination, what we are saying is we are going to provide an open, democratic process for all the political parties and all the political sectors in Puerto Rico to participate. This legislation does not do that. Why, instead of writing the definition among the gentleman from California (Mr. MILLER), the gentleman from Alaska (Mr. YOUNG) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

In fact the president of the Popular Democratic Party knew about the new definition when he was approached by a reporter in Puerto Rico. The definition was rewritten when El Nuevo Dia, the largest newspaper in Puerto Rico, published a poll that said that 75 percent of the people of Puerto Rico favored a commonwealth option to be included in this bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Let me be brief so we can get on with the debate on the bill.

I would like to point out that there are those that think that some people are pandering for the Hispanic vote. I would just like to point out that in the national Latino poll back in 1992, which is the last official poll on record, that the Mexican-American people in the United States of America that live here opposed statehood by 55.4 percent. In other words, they were supporting a commonwealth. The Cuban-American people supported commonwealth by 60 percent. And the Puerto Rican people supported commonwealth by 69 percent. I just wanted to get that in. I submit this poll for the RECORD.

The document referred to follows:

H.R. 856 (THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT) IS NOT ONLY BAD POLICY, IT IS BAD POLITICS

Polls you may have heard of urge support for H.R. 856

"[I]t is clear that the key to winning the Latino vote is to find issues that specifically appeal to them. Puerto Rico is just such an issue."—Luntz Research Companies, Language of the 21st Century

Polls you may not have heard of disagree with Frank Luntz

(1) Hispanics are not uniformly in support of statehood.

SUPPORT FOR STATUS OF PUERTO RICO BY ETHNIC INDICATORS

Status of Puerto Rico	National origin			Nativity	
	Mexican	Puerto Rican	Cuban	Foreign born	Native born
Statehood	22.3	27.2	28.6	23.4	27.4
Commonwealth	60.3	69.2	65.3	68.5	55.5
Independence	17.3	3.6	6.2	8.1	17.0

—de la Garza, Hernandez, Falcon, Garcia and Garcia, "Mexican, Puerto Rican and Cuban Foreign Policy Perspectives," Garcia, Pursing Power, 1997.

[In percent]'

Preferred status of Puerto Rico	Mexican	Puerto Rican	Cuban	Anglo
A state	23.9	27.1	35.2	26.4
A commonwealth	55.4	69.4	60.7	47.9
Independent	20.7	3.5	4.1	25.7

—National Latino Political Survey, 1992.

(2) Support for Puerto Rico statehood among U.S. voters declines as they are told more about the costs and demands of statehood

	Percent
U.S. voters favoring statehood for Puerto Rico	65
Percentage still in favor after being told English and Spanish would share equal status in Puerto Rico	55

(Mason-Dixon Research, 1997. Note: Mason Dixon did not mention that roughly 60 percent of the residents of the island of Puerto Rico, according to its Governor, Rafael Hernandez Colon, speak little or no English. Other estimates place this figure at the 80% level. Nor did they mention that statehood would cost the taxpayers as much as $4 billion annually, according to the General Accounting Office.)

☐ 1145

Mr. Speaker, this whole debate is going to boil down to a statement which was made by one of the most respected Members of this body, the gentleman from Puerto Rico (Commissioner ROMERO-BARCELÓ), in his book, when he said, "As I have stated many other times, our language and our culture are not negotiable."

Mr. Speaker, that is a very, very true statement. This entire debate that will take place over the next 7 or 8 hours will set forth the principle that any State that will be brought into this Union, as all previous States before, will come under the exact same laws as every other State in the Nation. That means that they will have no special national anthem, they will have no special flag, they will have no special Olympic team; they will be the same as every other State in this union.

Mr. ROMERO-BARCELO. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I think to deny to yourself and to your children and to your people your heritage, to deny your language and who you are, is to deny yourself, your being. The fact that we want to maintain Spanish does not mean that we are going to not want to speak English also. What we are asking is, do not impose English only. Let us be bilingual, and let us help the Nation in our relationship with Latin America.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, if the gentleman reads the Solomon amendment, the Solomon amendment is setting forth into law that for every State of the Union, all 50 States today, that English will be the official language of instruction. That is what it does.

If this bill becomes law tomorrow, then all 50 States are affected tomorrow by that Solomon amendment. It does not affect Puerto Rico. But if Puerto Rico 2 years or 3 or 4 years from now would become a State, then English would be the official language of instruction, but it would in no way prohibit a second language of Spanish or any other language from being taught on the Island of Puerto Rico. That is a fact, and that is what we will debate here in a few minutes.

Mr. Speaker, I urge support for this rule would hope there would not be a vote on it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WICKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 370, nays 41, not voting 19, as follows:

[Roll No. 27]

YEAS—370

Abercrombie
Ackerman
Allen
Andrews
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—41

Aderholt
Archer
Bachus
Bryant
Carson
Chabot
Costello
Crane
Duncan
Emerson
Goode
Goodling
Graham
Hall (TX)
Hefley
Hilleary
Istook
Jenkins
Jones
Kingston
LaHood
Latham
Lewis (KY)
Metcalf
Norwood
Obey
Petri
Regula
Riley
Rogers
Royce
Salmon
Schaffer, Bob
Sensenbrenner
Sessions
Smith, Linda
Spence
Wamp
Weller
Whitfield
Wicker

NOT VOTING—19

Chenoweth
Doolittle
Ewing
Frank (MA)
Gibbons
Gonzalez
Harman
Kennedy (RI)
Luther
Poshard
Rogan
Ros-Lehtinen
Scarborough
Schiff
Shimkus
Stark
Tiahrt
Torres
Towns

☐ 1209

Messrs. ARCHER, GRAHAM, HEFLEY and RILEY changed their vote from "yea" to "nay."

Ms. DELAURO changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, I missed one vote on H.R. 856, The United States-Puerto Rico Political Status Act, because I was attending the funeral of former Congressman Garner Shriver in Wichita, Kansas. Had I been present I would have voted yes on rollcall No. 27.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Speaker, on rollcall No. 27, I was inadvertertly detained. Had I been present, I would have voted "aye."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2369, WIRELESS PRIVACY ENHANCEMENT ACT OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–427) on the resolution (H. Res. 377) providing for consideration of the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3130, CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–428) on the resolution (H. Res. 378) providing for consideration of the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, which was referred to the House Calendar and ordered to be printed.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 376 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 856.

□ 1212

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico, with Mr. DIAZ-BALART in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. MILLER), the gentleman from New York (Mr. SOLOMON) and the gentleman from Illinois (Mr. GUTIERREZ) each will control 22½ minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very historical moment, one that is long overdue. In debate on the rule, there were some statements made that I think should be clarified before I go into the full text of my presentation today, why I support this legislation.

The Northern Marianas were mentioned and other territories were mentioned, and how they came into this great united part of our United States, even as territories are separate governments. But, for instance, the Northern Marianas, the Government of the United States and the Government of the Northern Marianas will consult regularly on all matters affecting the relationship between them. At the request of either government, and not less frequently than every 10 years there shall be an additional consultation taken.

Mr. Chairman, over 100 years ago, this Congress was passionately discussing the 400-year-old colonial grip that Spain had on the islands adjacent to and south of Florida. Just over 2 weeks earlier, on February 15, 266 American servicemen lost their lives in Havana harbor with the explosion of the United States warship, the Maine.

□ 1215

The monument to these gallant men stands highest above all else in Arlington National Monument. Many others lost their lives in the ensuing Spanish-American War amid the cries of "Remember the Maine." But why?

This Congress declared war and sent Americans in harm's way in the defense of the sacred ideal: self-determination. America won the war, and assumed sovereignty over Cuba, Puerto Rico, and some of Spain's Pacific possessions. All but one are no longer territories. Only Puerto Rico still stands, after 100 years, a territory.

Mr. Chairman, Congress promptly delivered on its promise of self-determination to the people of Cuba by providing for a process which permitted Cuba to become a separate sovereign after a few brief years.

In contrast, the Rough Rider who had charged up San Juan Hill to ensure the United States' victory in the Caribbean had become President of the United States and urged Congress to grant United States citizenship to the people of Puerto Rico in his 1905 State of the Union address. Quote, "I earnestly advocate the adoption of legislation which will explicitly confer American citizenship on all citizens of Puerto Rico. There is, in my judgment, no excuse for the failure to do this."

I believe President Teddy Roosevelt's words are even more true today to this bill as when he spoke them in 1905.

Our fellow Americans in Puerto Rico, now numbering some 4 million, have been loyal to this Nation and have valiantly fought in every major conflict. We have all benefited in ways that cannot be calculated from the bravery, the loyalty, and the patriotism of over 200,000 Americans from Puerto Rico who have served in our Nation's Armed Forces.

It is clear that a heavy price has been paid by Puerto Rico for this country, which has yet to fully deliver on the promise of the U.S. General Miles when he landed in Puerto Rico 100 years ago this year:

"In the continuation of the war against the Kingdom of Spain by the people of the United States, in the cause of freedom, justice and humanity, their military forces have come to occupy the island of Puerto Rico. They come bearing the flag of freedom. They bring you the encouraging strength of a Nation of free people whose greatest power consists of justice and humanity for all those who live in their community. The principal objective will be to give the people of your beautiful island the largest extent of freedom possible. We have not come to wage war, but to bring protection, not just for you but for your property, in order to promote your prosperity and in order to obtain for you the privileges and the blessings of our government. It is not our purpose to interfere with any of the laws and customs present that are wise and beneficial."

The Congress provided Puerto Rico with increasing levels of self-government for the first half of this century, culminating with the authorization in 1950 for the process of a development of a local constitutional government.

By 1952, Congress conditionally approved a draft constitution submitted by the legislature of Puerto Rico. After those changes were made by Puerto Rico, the new constitutional government of the territory became effective under the name declared by the constitutional convention as the Commonwealth of Puerto Rico.

The establishment of local constitutional self-government did not alter Congress' constitutional responsibility under the Territorial Clause for Puerto Rico. However, it was under the first years of the commonwealth that President Eisenhower established the Eisenhower Doctrine regarding Puerto Rico which is still in effect today and is reflected in the United States-Puerto Rico Political Status Act.

After the local constitutional government of Puerto Rico was established, Puerto Rico was removed from the United Nations' decolonization list, prompting questions as to whether Puerto Rico was still a territory under the sovereignty of the United States and subject to the authority of Congress. President Eisenhower, a Republican, acted decisively by sending a message to the United Nations that he recommended that the United States Congress grant Puerto Rico separate sovereignty if requested by the Puerto Ricans through the legislature of Puerto Rico.

While the legislature has never petitioned for separate sovereignty, the legislature sent joint resolutions to Congress in 1993, 1994, and 1997 requesting congressional action. Keep that in mind, because I have heard time and again that the Congress, by doing this, is dictating to the Puerto Rican people. But the legislature sent to this Congress in 1993, 1994, 1997 requesting congressional action to define the political status and establish a process to resolve, establish the process to resolve Puerto Rico's political status dilemma.

Although in recent years the Puerto Rican legislature formally requested the Congress to resolve Puerto Rico's political status, U.S. citizens in Puerto Rico had been advocating action for over a decade. I remember the submission to Congress in 1985 to 1987 of over 350,000 individually signed petitions for full citizenship rights. This incredible grassroots effort was led by Dr. Miriam Ramirez of the nonprofit, nonpartisan civic organization, Puerto Ricans in Civic Action.

Mr. Chairman, I believe this initiative influenced the then president of the Senate to include in his first State of the Union address as President on February 9, 1989, the following request: "I've long believed the people of Puerto Rico should have their right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum."

Mr. Chairman, about the same time as President Bush requested Congress authorize a political status referendum in Puerto Rico, the three presidents of the three principal political status parties in Puerto Rico asked Congress to help resolve Puerto Rico's political status, as Puerto Rico has never been formally consulted as to their choice of ultimate political status.

While Congress has yet to formally respond to the request of the President, the leaders of Puerto Rico, and the petitions of the Americans in Puerto Rico, this bill will do just what has been asked by the people of Puerto Rico in numerous years and numerous times by the president of the Senate, by the Presidents in the past in their platforms.

The United States-Puerto Rico Political Status Act, H.R. 856, establishes in Federal law for the first time a process to resolve Puerto Rico's political status. I remind my colleagues it will not happen overnight, regardless of what we do here today. This is just a process that will take place.

My colleague who was speaking on the rule said that the public is not aware of this action today. May I remind my colleagues that if we were to pass this bill today, and I hope we do pass this bill today, it must be passed by the Senate and the people of Puerto Rico must also pass it in 1998. It comes back to the Congress in 1999, and by 1999 we again in Congress must act. We must pass a bill approving the transitional stage. Then it goes back to the people of Puerto Rico. And, by the way, the start of the transition period begins in the year 2000.

But this more than anything else is a bill that establishes the right to determine for the first time in 100 years their self-determination. It is a fair and balanced process that has been developed with an enormous amount of input. Mr. Chairman, I resent certain Members saying that this has not been fair. We asked all of those people involved, all three parties, to submit what their definition should be in this bill. We have in my substitute recognized commonwealth. We recognize independence. We set forth a process which will create a State.

Mr. Chairman, if it does become a State, I am one of the few people, along with the gentleman from Hawaii (Mr. ABERCROMBIE) that has gone through this process.

I have heard some statements here today about English language only. When Alaska became a State, that was not a requirement. We had 52 different dialects in Alaska. People speak English. They also speak many other languages. It was not a requirement. Hawaii has two official languages. They have English and Hawaiian. New Mexico has two official languages, English and Spanish.

The concept of the amendments that will be offered to this bill, especially the amendment of the gentleman from New York (Mr. SOLOMON), he is my good friend and we talk about what good friends we are, it is a poison pill amendment. America is a melting pot. It is a group of people coming together under one flag. We all speak different languages at different times. Some of us are more fortunate to speak more than one language, but we must always recognize the cohesive part of the United States, and that is being an American. English will come. But to pick out one part of this bill and to say this is a requirement before it ever happens is a poison pill amendment to this legislation.

Let us talk about history again. This is the last territory of the greatest democracy, America. A territory where no one has a true voice, although our Government does an excellent job, but there are approximately 4 million Puerto Ricans that have one voice that cannot vote. This is not America as I know it. This is an America that talks one thing and walks another thing. This is an America that is saying, if Members do not accept this legislation, "no" to who I think are some of the greatest Americans that have ever served in our armed forces, and are proud to be Americans, but do not have the representation that they need.

This legislation is just the beginning. It is one small step of many steps. It is a step for freedom, it is a small step for justice, it is a small step for America. But collectively, it is a great stride for democracy and for justice.

This legislation should pass. The amendment of the gentleman from New York (Mr. SOLOMON) should be defeated. We should go forth and show the people of America, show the people of Puerto Rico, that our hearts are true, so that the rest of the world will follow the example of the great United States and free their territories and free the people so they can have self-determination. This is what this bill does, and that is all it does.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 30 seconds to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I would love to be able to speak for 30 minutes, an hour, or two hours on this subject, but there are so many other people that want to speak on this subject, and many of my colleagues have heard me over and over on this, that I am going to yield some of the time that I would have been allotted, so that other Members of this Congress can address the House in support of this bill, which is a very, very important bill for the people of Puerto Rico, for the 3,800,000 U.S. citizens in Puerto Rico.

Mr. MILLER of California. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, the Committee on Resources of the House of Representatives had an obligation to report to this floor a fair and accurate plan for the citizens of Puerto Rico to choose their status. I believe that this committee has met that obligation.

Mr. Chairman I thank the gentleman from Alaska (Mr. YOUNG), chairman of the committee, for leading us through what has been a difficult process. I also thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), our friend, for all of his help in this process.

Mr. Chairman, the people of Puerto Rico, if this bill is passed, will be given the opportunity by the Congress of the United States under the laws of this Nation, to choose their status. They can choose to continue in the commonwealth arrangement, they could choose to become an independent nation, they could choose to become one of the States of the United States of America.

Our obligation was to see that when this process went forward to the people of Puerto Rico, that it was a fair process, that it was an accurate process. We had had an earlier plebiscite where the parties wrote their own definitions and the people voted, and the Congress has done nothing because the Congress knew, in fact, those definitions, whether they were of statehood or of commonwealth, were, in fact, not accurate and would not be supported by the Congress of the United States and did not reflect the laws and the Constitution of this country.

In the committee, I was very distraught at the beginning of this process because I felt that those who support commonwealth were not able to present their definition to the Congress, to the committee. I worked very hard so that that definition could be offered. I offered that definition. It was turned down overwhelmingly on a bipartisan basis. It was something called "enhanced commonwealth." It was sort of a make-believe status of commonwealth.

□ 1230

The suggestion was that if you voted for commonwealth, you would then be empowered to pick your way through the Constitution of the United States, and the laws of the United States, and pick and choose which laws you wanted to apply and not have apply, and that you did not have to live under the power of the Congress of the United States or of the Constitution of the United States. That simply was unacceptable to the overwhelming majority of the committee. I believe it is unacceptable to the overwhelming majority of this House. Someone can certainly come forward and offer that amendment this afternoon, should they choose, and I believe it would clearly be unacceptable to the people of this country.

So what we put forth is a definition of commonwealth that recognizes their current status today, that they live in a commonwealth arrangement. It says Puerto Rico is joined in relationship under the national sovereignty of the United States. It is the policy of the Congress that this relationship should only be dissolved by mutual consent. That is the situation that we have.

We went on to say that in the exercise of the sovereignty, the laws of the commonwealth shall govern Puerto Rico to the extent that they are consistent with the Constitution of the United States. There is no other way to do business, consistent with the Constitution of the United States, treaties and laws of the United States, and the Congress retains its constitutional authority to enact laws that it deems necessary relating to Puerto Rico.

That is the burden of commonwealth. That is why some people do not like it. Some people would prefer independence over commonwealth, and some people would prefer statehood. There is a certain burden to commonwealth. We cannot pretend that there is not. But the people of Puerto Rico ought to be able to choose that. They have to be able to choose the status that they want.

That is what this legislation does. It enables the people of Puerto Rico to make their choice; not our choice, their choice. And hopefully under this legislation, the Congress would then honor that choice after the President and others have worked out a plan to enable that choice to go forward. That is what this legislation does. Nothing more, nothing less.

I think it is an important piece of legislation. I think it is recognized that the people of Puerto Rico are entitled to and must have a free and fair vote on this matter. I would hope that my colleagues would support this legislation to allow that to happen.

Mr. Chairman, the House today considers H.R. 856, a complex bill that has, at its core, a very basic concept: the right of a free people to determine the political system under which they live.

Puerto Rico has been a part of the United States for a century. Its residents, whether they live in San Juan, Mayaguez, New York or San Francisco, are United States citizens. H.R. 856 gives those 4 million Americans the right to decide their future status relationship to the rest of the United States: to become an independent nation, to become a state, or to remain in commonwealth status.

Unlike some of my colleagues who have worked on this issue over the past decade, I do not have a personal preference. I believe status should be determined by the governed. Our obligation is to present fair and accurate status options to the voters of Puerto Rico—options that reflect Constitutional and political reality—and to honor the choice made by a majority of the voters.

During much of the consideration of this legislation by the Resources Committee in this Congress and the previous Congress, I could not support the legislation because I did not believe that the very sizeable number of Puerto Rican voters who support the Commonwealth option were treated fairly. Originally, this bill did not even contain any Commonwealth option.

But I am pleased to say that Chairman YOUNG worked closely with me and with others to ensure that each of the political parties was heard, and that we ultimately agreed on definitions that are fair and accurate. They are included in Mr. YOUNG's substitute, and I support that substitute strongly.

Rarely have we seen more intense lobbying on an issue. It is obvious that opinions are divided on Puerto Rico's status and on this legislation. But let them address some of the misconceptions and misrepresentations that are being circulated about this bill, because Members should not be confused and should not be deceived into voting on this subject based on inaccuracies.

No one in this Chamber is more qualified than I to speak about how we addressed the Commonwealth issue. I so strongly advocated inclusion of a Commonwealth option that I was accused of being pro-Commonwealth. The definition of Commonwealth supplied by that party, which is similar in many respects to the definition on the ballot during the 1993 referendum in Puerto Rico, is not accurate and is not acceptable to the Congress. It is not acceptable that Puerto Rico would be eligible for full participation in all federal programs without paying taxes; it is not acceptable that Puerto Rico would pick and choose which federal laws apply on the island; it is not acceptable that Puerto Rico would be free to make its own foreign treaties.

I appreciate that this is what the supporters of "enhanced Commonwealth" want. But the Congress is not prepared to give such unprecedented rights to Puerto Rico while denying them to every state in the Union. Nevertheless, I offered that definition in the Resources Committee so that it would be clear what is and is not acceptable to the Congress. It was overwhelmingly, and bipartisanly, defeated. And Congress should not offer an option to the voters of Puerto Rico that we are not prepared to embrace.

The definition of Puerto Rico now included in the substitute by Mr. YOUNG may not be utopian, but it is historically and Constitutionally accurate.

There are some who argue that this bill is unfair because it fails to recognize that Puerto Rico is a "nation." Puerto Rico, like many other areas of the United States, has a unique history and unique culture; that is in part what makes our country so remarkable and enduring. But Puerto Rico is not a nation in any sense under U.S. law or international law. Our refusal to recognize Puerto Rico as a "nation" in H.R. 856 is not a slight; it is accurate.

There are some who oppose this bill because they do not want America to "wake up tomorrow" and find out Puerto Rico is going to be the 51st state. This bill provides for a plebiscite to choose among three options, only one of which is statehood. Even if that option is chosen, there is a transition period of up to a decade during which a plan for achieving statehood would be developed, and then voted on in the Congress and in Puerto Rico. And Congress also will vote on an admissions act. So no one should be under a misimpression that this legislation railroads statehood.

Some have raised concerns that admitting Puerto Rico at some point in the future will cost some states seats in this House. I personally support increasing the size of the House to 441 seats to accommodate the 6 new seats Puerto Rico would occupy. In any event, that is a statutory decision to be made by the Congress, just as Congress increased the size of the House permanently when other multi-Member territories were admitted in the 19th and early 20th century.

There are those who argue that Puerto Rico would cost the federal government money were it to become a state. I would hope that the financial status of citizens would not be an issue in determining whether they are accorded the full rights of citizenship. I thought we had resolved that issue by declaring the poll tax and property ownership unconstitutional. And we should be careful about applying such a standard: as of FY 1996, 29 states—more than half—received more federal expenditures than they paid in taxes. Let's not impose a standard on Puerto Rico that we wouldn't apply to other states.

I also have noted some questions as to why the bill calls for periodic referenda should either permanent status—independence or statehood—not be selected. Let us be clear that the bill authorizes additional referenda, it does not mandate them. The purpose of the referenda is to determine a permanent status, and Commonwealth is generally recognized not to meet that test. Should the voters of Puerto Rico decide to continue as a Commonwealth, they could do so indefinitely.

Lastly, let me address what has unfortunately become a centerpiece of this debate: whether we should, in this legislation, mandate English as the official national language.

The House voted on that legislation in 1996; the leadership could bring it before the full House again at any time. But this is not the time or place to do it. The Solomon amendment declares English to be the national language, but it imposes a series of additional unconstitutional burdens on the people of Puerto Rico, requiring that "all communications with the federal government by the government or people of Puerto Rico shall be in English"; requiring that "English will be the sole official language of all federal government activities in Puerto Rico"; imposing English as the "language of instruction in public schools."

We don't need to single out Puerto Rico like this, to inflame this debate and insult the 500-year-old culture of 4 million Americans. We have a reasonable alternative amendment that is going to be introduced by Congressmen DAN BURTON, BILL MCCOLLUM, DON YOUNG and myself that takes a different, and fairer, approach. The Clinton Administration supports our substitute.

Our amendment says Puerto Rico, if it becomes a state, will be treated exactly like every other state. If Congress decides that English is to be the official language and passes a comprehensive law to that effect, then Puerto Rico will be covered just like every other state. But let's not single out Puerto Rico in a divisive and unconstitutional manner for special treatment.

Our amendment also calls for Puerto Rico to promote the teaching of English because that language is clearly the language that allows for the fullest participation in all aspects of American life. And we call for inclusion in any transition plan of proposals and incentives for promoting English proficiency in the schools and elsewhere in Puerto Rico. Surely, we can reasonably address this issue in an equitable manner without passing a confrontational and unfair insult to our fellow countrymen and women.

The time has come to tell the people of Puerto Rico that the rest of the nation of which they are a part is prepared to hear their views and respond to their desires. That we will stand by our historic and legal tradition that inclusion in America is not dependent on one's background or ethnicity, but on a common allegiance to this nation and its Constitution. After being a part of the United States for 100 years, after sending its sons to war five times in this century, it is time that this Congress recognized the right of Puerto Rico to determine its future in a democratic fashion. That is the purpose and the policy contained in H.R. 856, and I call on the House today to pass this bill, and defeat the divisive Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

In April 1775, hundreds of brave men stormed the bridges of Lexington and Concord, setting in motion a revolutionary struggle for liberty that culminated in my hometown of Saratoga, NY, in the greatest victory for individual freedom and democracy in all of human history. That blood-stained victory of our forefathers has left the legacy that you and I, and all of us, call America.

Liberty and justice and democracy, these are words that do more than describe our Nation's ideals and principles. They are the very essence of this country of ours. These ideals are able to thrive and to dominate the political and economic landscapes of the United States because of the people's devotion to its unit as a Nation, to an idea that there is something unique, something distinct about being an American.

Throughout my military service, my small-business career and the last 31 years in public office, I have dedicated my life to further the principles of freedom and democracy and self-determination throughout this world. Like all of my colleagues, I have been blessed to live in this most free and democratic Nation in the world, and sometimes you ought to travel overseas into the former Soviet Union and see how much they respect this democracy of ours. It was a product of blood and sweat and commitment to principle, of those who have gone before us.

While serving in the United States Marine Corps during the Korean era, I was privileged to serve side by side with so many Puerto Rican Americans, great people, great personal friends of mine, and to be stationed for a time on the island of Viacus in Puerto Rico where I made some of my closest friendships that today still exist, and during that time I was able to gain a personal affection for the people of Puerto Rico and for their love of liberty and their distinct culture. As a result Puerto Rico and its people hold a very warm space in my heart.

Today, the House considers a bill which may lead to a dramatic and permanent change in the lives of these U.S. citizens. It is billed by its supporters as a bill to permanently resolve the political status of Puerto Rico, through a process of self-determination. But, however lofty and worthy the objectives of this bill, it is a flawed measure that flips the very principles of self-determination and democracy on their heads, Mr. Chairman. In establishing a self-determination process for Puerto Rico, Congress, under the U.S. Constitution, must answer to two distinct yet equally important interests, my colleagues should listen to this, the citizens of Puerto Rico and the citizens of the United States. I believe this bill as currently drafted, fails to answer to either interest, either the Puerto Rican citizens or the American citizens on this mainland, for this bill actually violates self-determination. Read the conference, read the report of this bill which was authored by the gentleman from California (Mr. MILLER).

I strongly support allowing the citizens of Puerto Rico to vote on the future of their political status. In fact, they actually do not need to get permission from this Congress of the United States to do so. In fact, they already did in 1952, in 1967, and again in 1993. However, I firmly believe that in order for a political process to deliver self-determination, it must always allow for the participation of all of its citizens, not just some. This bill as currently drafted, not only requires, but listen to this, it demands that Puerto Rico hold a plebiscite before the end of this year, 1998. Who are we to tell them? In that referendum the citizens of Puerto Rico will be asked to choose between commonwealth, between separate sovereignty, and statehood. This seems to be simple enough. However, Mr. Chairman, there is a catch to it.

Members of this House should be aware that the Statehood Party of Puerto Rico supports the ballot definition of statehood in this bill, and the Puerto Rican Independence Party supports the ballot definition of independence in this bill. However, the Commonwealth Party, the party that actually won every past referendum on political status, does not support the definition of commonwealth in this bill. And ask yourself why not?

In fact, the definition of commonwealth was written not just once but twice by the supporters of the statehood option without the approval of the vast majority of the people in Puerto Rico, the Commonwealth Party. What this means is that the largest political party in Puerto Rico is faced with a grave choice under this bill. They can either choose to campaign, to support, to vote for a ballot definition that directly contradicts the very premise of their political party's existence, or they cannot participate in the referendum. They have chosen not to participate, and that is a terrible shame.

So first and foremost, the House is debating a measure designed to determine Puerto Rico's political status in which one of the three local political parties, in fact the largest in Puerto Rico, will not even participate. How is that going to take an accurate and democratic measure of the political choices of those 3.8 million U.S. citizens there? The fact is, it is not.

Mr. Chairman, back in 1990, the last time this House considered similar legislation, all of the parties were supportive of the process and supported that bill because it was a fair bill. I voted for it. It sailed through the House under suspension of the rules only to be stalled in the other body. Today we debate a controversial bill not just here in the United States, but also in Puerto Rico.

One final comment on this bill's self-determination problems, Mr. Chairman. As this bill currently stands, it requires Puerto Rico permanently to hold this referendum every 10 years until statehood gets 50 percent plus 1. Then, the transition and implementation process begins. Since the current support for independence hovers around 5 percent, and for statehood around 45 percent, the likely outcome of a forced decennial vote seems likely to be statehood with hardly half the population supporting it.

This bill also contains certain constitutional pitfalls. Mr. Chairman, Members should listen carefully to what I am about to say because their constituents want to know this. Under this bill, if the citizens of Puerto Rico choose statehood in the first referendum, the constitutional protections given States begin to apply to Puerto Rico upon the President's submission of a transition plan taking Puerto Rico from commonwealth to statehood.

What this means is that the process of integrating Puerto Rico into this Union begins with a vote of the transition bill. Members better remember that. According to the Supreme Court in *Balzac* v. *People of Puerto Rico*, way back in 1922, once the process of integration begins, it is very difficult to reverse, and we will not reverse it.

The catch with this provision is that under this bill, Congress will be required to vote on this transition plan as early as early next year. While Puerto Rico may not officially join the Union for another 5 or 6 or 7 or 10 years, the vote to begin the admissions process could take place as early as next year, and there would be no turning back at that point.

Such a voting strategy is almost identical to that done when we gave away the Panama Canal to Panama and when Great Britain gave Hong Kong back to China. Members better start thinking about that because their constituents are thinking about it. A vote to do it occurs now, while it actually changes hands sometime in the future. That is what we are voting on here today.

Mr. Chairman, our constituents want to know, they want us to listen and to be careful about this. With the referendum required to be held before the end of this year, this bill requires the President to send Congress transition legislation within 180 days of that referendum. That means if that referendum is held in December, as late as December of this year, within 180 days the President is ordered to send us a transition bill. Within 5 days of the receipt of that bill, the majority leaders of the House and the Senate are required to introduce the bill. And within 120 days of introduction, a vote occurs on the bill on the floor of this House of Representatives, which could happen next July or August or September or October or November or December of 1999. That is how close this is.

In essence, this bill sets up a process whereby the citizens of Puerto Rico are forced to vote until they choose statehood, and then the process kicks in to high gear under expedited procedures as I have just outlined.

Yes, it is true that it may take up to 10 years, as the bill says, for the process to run its course, but the bulk of the actual process occurs up front, and Members had better understand it.

The most serious constitutional reservation of this bill involves the treatment of the rights enjoyed by the people of Puerto Rico currently under the commonwealth status. The ballot contained in the bill states that Congress may determine which rights under the United States Constitution are guaranteed to the people of Puerto Rico.

This statement is wrong at several levels. First, it rests upon the remarkable proposition that Congress has the authority to deprive the people of Puerto Rico of any and all of their constitutional rights. This provision of this bill is demonstrably false, Mr. Chairman, because even Puerto Rico, if it were an unincorporated territory, the people of Puerto Rico would be still guaranteed fundamental constitutional rights. That is why so many people in Puerto Rico support commonwealth.

The description of the citizenship rights of Puerto Rico is similarly flawed. It states that Puerto Ricans are merely statutory citizens and implies that their citizenship may be revoked by Congress. Well, the people of Puerto Rico are United States citizens within the meaning of the 14th amendment. Get the amendment out. Read it. The 14th amendment. These points were clearly enunciated yesterday by our colleague, the chairman of the House Committee on the Judiciary, Subcommittee on the Constitution. We have it over here, if Members want to read it.

Third and finally, this bill fails to clearly lay out how assimilation would occur under the bill for either Puerto Rico or the United States, and this is the most important part of this entire debate. As I stated earlier, I have a great deal of respect for the pride and for the culture of the people of Puerto Rico. They are wonderful people. I believe, as do many of my colleagues, that Puerto Rico is a nation, it is unique and distinct in its own right, and Puerto Rico has every right to preserve and enhance this rich heritage of culture and history. That is their right.

But if the citizens of Puerto Rico freely choose to seek statehood, they should understand clearly, and I think my good friend the gentleman from Illinois (Mr. GUTIERREZ) made this point earlier, what are the assimilation expectations of the American people, of the 260 million Americans in this country? Puerto Rico deserves a clear, concise and direct discussion of these issues. They have not had that. They do not know what the assimilation would be. Admitting a State requires the assimilation of a territory within the Union of States, and language differences are the number one barrier to actual assimilation. The bill before us today contains the most vacuous statement of language policy that I have ever seen.

□ 1245

How will the average citizen of Puerto Rico understand what this means if we cannot even understand what it means ourselves? And I would ask every Member back in their offices to pick up the bill and read it. In this regard, the bill's language regarding English is weak, it is inadequate, and must be clarified for the benefit of the people of the island of Puerto Rico because they need to know what they are getting into.

My fellow colleagues, it was Winston Churchill who stated that the gift of common language is a priceless inheritance and, Members, not explicitly stating what role Puerto Rico's inherited Spanish language and our common tongue, English, would play in a State of Puerto Rico, I believe, would be a grave mistake for everyone.

To rectify this, I intend to, later in the debate, offer an amendment regarding the role of the English language, which I believe very clearly explains this issue to both the American people and to the people of Puerto Rico.

Now, some of my friends are going to argue that I have specifically selected the statehood option for the bulk of my criticism with this bill and that it is merely a process bill which includes that as an option. Let me make something perfectly clear. For my constituents in upstate New York, who are wedged between Canada and New York City, between Quebec and New York City, the statehood option for Puerto Rico is the choice with the most far-reaching and permanent consequences. It is a permanent relationship that requires assimilation, and that choice needs to be decided by an overwhelming majority of the citizens of Puerto Rico before my constituents and before my colleagues' constituents will agree to let them join the Union.

It must be clear to our good friends in Puerto Rico that if they choose statehood, it is still within Congress' powers as representatives of this country to say no. Statehood may be an option at some point in the future, but the American people are going to have to examine that situation at that time, and that time is today. We cannot force a decision on the citizens of Puerto Rico and the citizens of Puerto Rico cannot force the United States to accept a decision.

The Puerto Rican people deserve to know exactly what they are voting on and the American people deserve to know the ramifications of each of those options. Until this bill becomes an actual self-determination bill, passes constitutional muster in all of its components, and fundamentally addresses the issue of assimilation, I will oppose this bill. And I hope we can clarify it by adoption of my amendment later on this afternoon.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I rise as the designee of the gentleman from Illinois (Mr. GUTIERREZ), and I yield myself such time as I may consume.

Mr. Chairman, I rise today to express my strenuous opposition to H.R. 856, the United States-Puerto Rico Political Status Act. Mr. Chairman, I think that we can all agree that the people of Puerto Rico must be given the right to self-determination. Unfortunately, H.R. 856 does not accomplish this.

This bill is the product of a flawed legislative process that was designed to produce a very specific result. It was written without consulting all the parties that have a very real interest in its outcome.

Proponents of H.R. 856 will try to say that this is a bill about self-determination. They are misleading their colleagues. Instead, H.R. 856 is a one-sided bill that is biased in favor of Puerto Rican statehood. It was written by the party that supports statehood in a way that promotes statehood without consulting all the participants in this very, very sensitive process.

Under H.R. 856, Puerto Ricans will be given the choice between statehood, Commonwealth status or separate sovereignty, yet the Commonwealth option does not even guarantee citizenship. Why was citizenship not statutory back in 1990 when this House voted for this bill? I do not understand what happened since 1990.

The authors of this legislation have said that our citizenship is statutory. Simply put, this means that our citizenship can be taken away. Tell that to the widows of men who fought and died in foreign wars so that citizenship of all Americans will be guaranteed. Mr. Chairman, tell that to my uncle, who fought valiantly in Korea for my colleagues, and for me, and for all Americans everywhere.

Furthermore, if the people of Puerto Rico were to choose Commonwealth status, the bill will require further plebiscites until either statehood or separate sovereignty wins. This double standard applied to Commonwealth shows how the deck is stacked in favor of statehood. Under those conditions, not even the most forceful defender of Commonwealth status will vote for it.

Many people forget that the original version of this bill did not even include a Commonwealth option. The party that supports Commonwealth status had no input in the drafting of H.R. 856, and has been repeatedly shut out of the process. Amazingly, the president of the Commonwealth Party learned about the bill's definition of Commonwealth from a reporter.

In fact, the Statehood Party had to rewrite the Commonwealth definition after a poll in a major Puerto Rican newspaper showed that 75 percent of Puerto Ricans supported the inclusion of a fair and balanced Commonwealth option, which this bill lacks. Today, and I repeat, today in Puerto Rico, a new poll was released that shows that 65 percent of the people of Puerto Rico reject this bill.

Mr. Chairman, it is an outrage to the democratic process that the definition for Commonwealth status was written by the very party that opposes it. It is like allowing Republicans to decide who could appear on a Democratic ballot.

Five years ago, the people of Puerto Rico held a plebiscite on this issue and chose to maintain their current status. This is a situation that the losers in that contest do not seem willing to accept. Yet the outcome was an important one. It reaffirmed the permanent United States citizenship of the people of Puerto Rico that is guaranteed under the Constitution. It acknowledged the bilateral nature of the United States-Puerto Rico relationship. It confirmed the autonomous status of Puerto Rico, which can only be changed by mutual consent.

The supporters of H.R. 856 are rejecting each and every one of these arguments when they say that citizenship can only be protected under statehood. Puerto Ricans are American citizens and we are proud to be American citizens. We do not need a plebiscite to prove that we are Americans any more than the people of Massachusetts or Virginia do.

This bill is not the result of a democratic process. It does not define all the choices to the satisfaction of the very people who will participate in this plebiscite. By defeating this bill, we will be sending a message that we truly honor the idea of self-definition for the people of Puerto Rico.

Mr. Chairman, I urge my colleagues to not be fooled by the arguments of the other side. A vote for H.R. 856 is a vote for statehood, not a vote for self-determination.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, we have embarked on one of the more significant debates this Congress will have in this 2-year period, maybe one of the more significant debates that we can have because we are trying to find a way to resolve concerns we all have about a part of the United States. Make no mistake about it, Puerto Rico is part of the United States.

In my State of Florida, which is right next door, it is a neighbor, it is a very friendly neighbor, the people of Puerto Rico are citizens of the United States. There are no Customs checks or boundaries between our country and theirs or my State and Puerto Rico.

Puerto Rico is a Commonwealth. It is a funny kind of status to most of us because we do not think of it in that way very often, at least I do not. I know that anybody who lives in Puerto Rico can come live at my State or Texas or Minnesota or New York, anywhere, any time they want to. That is fine.

Travel is free. People talk to each other all the time. There is a common bond that is there. And I think it is important for us as we debate this bill today to recognize the depth of this relationship and the importance of it and the tenderness of it.

The people of Puerto Rico have sacrificed many times over for the United States. Many men have given their lives in the service of this country from Puerto Rico over the years. We have been partners for years and years and years.

I believe it is very, very important that we give the people of Puerto Rico, as this bill does, an opportunity to determine what they wish us to consider in this Congress in the coming years regarding their future status.

It is not, as has been said before, that this legislation would determine whether or not Puerto Rico were to be a State or not. It is to give to the people of Puerto Rico a plebiscite, a vote, an opportunity to say yes to statehood, we would like you to consider that, Congress, or, no, we would rather stay in the Commonwealth status, or possibly we would rather be independent.

If this is not resolved in favor of statehood or independence now, it provides a vehicle for there to be future opportunities for the people of Puerto Rico to speak out on this issue and to debate all of those things that have been discussed today that need to be debated. There needs to be that kind of debate. That is what it is all about.

Yes, if Puerto Rico becomes a State, there will be expectations on both sides. We need to have a further airing of that. That is what the plebiscite debate in Puerto Rico would be all about.

Certainly assimilation in that broad sense of the word has always been part of the American tradition. But we assimilate immigrants into this country, and Puerto Ricans are not immigrants. They are citizens. But we assimilate immigrants into this country, and, ultimately, make them citizens every year, every day. We have done it since the beginning of the nations history.

We should not be concerned about the challenges involved in it. I do not think either side should be concerned. But we should be open about it. We should discuss it, and we should have a fair debate about it. But above all else, we need to be sure that the people of Puerto Rico get the chance to have that debate first.

So I urge my colleagues in the strongest sort of way to vote for this resolution today to give the Puerto Rican people that opportunity.

I would like to make a couple of comments, too, about who has supported this in the past. We have heard people debate, what did Ronald Reagan or George Bush say about it? Well, when the Puerto Rican statehood plebiscite was being discussed in November 1993, Ronald Reagan said,

> My friends, as you consider whether or not you wish to continue being a part of the United States, I want you to know one thing, the United States will welcome you with open arms.
>
> We've always been a land of varied cultural backgrounds and origins, and we believe firmly that our strength is our diversity.
>
> There is much Puerto Rico can contribute to our Nation, which is why I personally favor statehood. We hope you will join us.
>
> Thank you and God bless you.

So I think that it is important that we understand that the history has been of this Nation that many, many, many people have urged statehood on Puerto Rico in the past. But, again, that is not the purpose of the plebiscite. It is for the people of Puerto Rico to decide that.

We are also going to hear the question about English being discussed out here. The gentleman from New York (Mr. SOLOMON), a moment ago, was discussing that question.

I favor English as the official language of the United States. I have been a cosponsor of bills to do that for a long time. All 50 States, and if we get a 51st State, the 51st State, too, should abide by that. That should be our official language. We should put it in the statute of the books of this country to say that. But to attach it to this bill sends the wrong signal.

We are interested in seeing Puerto Rico treated as everybody else. If we actually have an official language statute ever become law, and I hope it does, it should apply to all of the territories, the Commonwealths, the possessions of the United States. It should be known that English is the official language of the United States. But I do not believe it should be adopted on this bill today.

I would urge the support for the substitute amendment that I am helping cosponsor later on.

The CHAIRMAN. Who rises as the designee for the gentleman of California (Mr. MILLER)?

Mr. ROMERO-BARCELÓ. I do, Mr. Chairman.

Mr. SOLOMON. Mr. Chairman, we have a Member that has to get back to a hearing, so I would take him out of order.

Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE.)

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to H.R. 856 because I have serious reservations about the constitutionality of this legislation which authorizes the Commonwealth of Puerto Rico to hold a referendum to determine Puerto Rico's political future and prescribes the wording of the ballot to be submitted to the voters.

Under the Act, the voters of Puerto Rico purportedly may choose to maintain the current Commonwealth status, to become a State, or to become an independent Nation. The ballot language mandated by the Act, however, severely mischaracterizes and denigrates Puerto Rico's current Commonwealth status.

□ 1300

The ballot language mandated by the act, however, severely mischaracterizes and denigrates Puerto Rico's current commonwealth status. These repeated misstatements clearly appear to be designed to ensure that the statehood option prevails. Any doubt on this vanishes when the act's prescribed ballot is read in conjunction with other provisions of the act.

For instance, the act calls for a referendum every 10 years until the statehood option prevails. And the legislative history, the committee report is openly hostile to the current commonwealth status. Thus, a referendum using the prescribed ballot would deny the people of Puerto Rico an informed and accurate choice concerning their future political status and would reveal nothing about the true sentiments of the people of Puerto Rico on this important question.

The most serious misstatements contained in the act relate to its treatment of the rights enjoyed by the people of Puerto Rico under commonwealth status. The ballot contained in H.R. 856 states that Congress may determine the rights under the United States Constitution that are guaranteed to the people of Puerto Rico. This statement is wrong.

The act's description of the citizenship rights of the people of Puerto Rico is similarly flawed. The act states that Puerto Ricans are merely statutory citizens and implies that their citizenship may be revoked by Congress. The people of Puerto Rico, however, right now are United States citizens within the meaning of the 14th Amendment of the United States Constitution.

The ballot language mandated by H.R. 856 also mischaracterizes Puerto Rico's current political status. The act describes Puerto Rico as an unincorporated territory of the United States. Beyond the pejorative connotations associated with this term, which was used to describe the United States' colonial possessions, this description is inappropriate because the United States Supreme Court has held that Puerto Rico, like a State, is an autonomous political entity sovereign over matters not ruled by the Constitution. But these falsehoods are to be right on the ballot, mischaracterizing the commonwealth's status, when Puerto Ricans vote.

The purpose of the proposed referendum is to learn the sentiments of the people of Puerto Rico. In light of the fundamental inaccuracies, any referendum using the prescribed ballot could not be relied upon as an honest reflection of the sentiments of the people of Puerto Rico. Accordingly, the act as currently formulated necessarily fails to accomplish its very purpose.

Equally important, these fundamental inaccuracies in the ballot's description of the commonwealth status option effectively deny the people of Puerto Rico their constitutional right to exercise the franchise in a meaningful way. As the proponents of Puerto Rican statehood well understand, the commonwealth option described in the ballot will attract no significant support among Puerto Rico's voters, including voters who are otherwise ardent advocates of continuing Puerto Rico's commonwealth status.

Thus, the referendum contained in the act infringes on the voting rights of the people of Puerto Rico by presenting them with a factually inaccurate choice, a false choice as to their political future status. In short, H.R. 856 presents the people of Puerto Rico with a ballot that is stacked in favor of the statehood option. From the very start, the election is rigged. The ballot language mandated by the act is designed to ensure this result regardless of the true sentiments of the people of Puerto Rico.

Such a palpably deficient ballot raises serious constitutional issues. Moreover, as a matter of policy, it certainty cannot be justified as an effort to give Puerto Ricans meaningful self-determination. Mr. Chairman, I oppose this legislation and I ask others to do so as well.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman's comments. I want everybody to understand one thing. As chairman of this committee, we did this job right.

The gentleman talks about constitutionality. He does not know the Constitution from something else. We sent this down to the Justice Department. They reviewed it with the best constitutional lawyers. Everything in this bill is constitutional. I did this job correctly as chairman. To have someone say it is not constitutional or allude it is unconstitutional when it has been thoroughly scrubbed by those that know the Constitution, I think is inappropriate.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, let me just underscore this. Let us go over it and over it and over it again. If Members do not like the language of this bill, if they do not like the definition of commonwealth in this bill, they do not like commonwealth. If Members find that the language that we use to describe commonwealth is repugnant——

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will suspend.

The Chair will admonish those in the gallery and remind all persons that they are here as guests of the House, and that any manifestation of approval or disapproval of any of the proceedings is a violation of the rules of the House and will not be permitted.

The gentleman may proceed.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the fact is that if everyone is so insulted by this process, I hear the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Mr. GUTIERREZ) say, "I don't like this process because they shut out a political party in Puerto Rico." Let us understand what they are shutting out, although it is not the case, I will argue.

But let us just assume that we are shutting out the PDP, the Populares in Puerto Rico. What do they want? They want the commonwealth status. What is the commonwealth status? It is colonial status. It is saying that this Congress can decide unilaterally, without Puerto Rico's opinion or approval, what we want Puerto Rico to do. End of story, I say to the gentleman from New York (Mr. SOLOMON).

So when you talk about how we are being unfair, think about it. We are being unfair because we do not like commonwealth. You bet I do not like commonwealth. I do not like the fact that 3.8 million people are disenfranchised, 3.8 million United States citizens who fought in our wars, who died in our wars are not even allowed to vote for their Commander in Chief. Can you imagine?

This country was founded, at the Boston tea party we declared our Revolutionary War, because we did not have representation here. That is what they do not have. Puerto Ricans cannot decide this bill. The gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has no vote. He represents 3.8 million United States citizens. This is a bill that affects them, and they have no vote. What is that, other than colonialism?

This bill will give them statehood if they vote for it. Let us say they do not want to vote for statehood now, they still like this quasi-colonial status. We give them an opportunity, because in the final analysis, it has to be the United States.

I think it is so insulting that I have to be up here deciding on something that the people of Puerto Rico should be able to decide with or without my approval, with or without the approval of the gentleman from New York (Mr. SOLOMON), with or without the approval of the gentleman from Alaska (Mr. YOUNG). We represent other States. Why should we have any say in the matter with respect to Puerto Rico? We were not elected by the Puerto Ricans. They deserve their own representation. If we vote for this bill, they will get their own representation.

Mr. GUTIERREZ. Mr. Chairman, I yield myself such time as I may consume. Let me explain to the gentleman from Rhode Island (Mr. KENNEDY) why we are deciding this bill. We are deciding this bill because, unlike the description that the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has given, we did not welcome the United States to Puerto Rico. Puerto Rico was invaded by the United States during the Spanish-American Civil War.

Mr. KENNEDY of Rhode Island. No argument there. No argument there.

Mr. GUTIERREZ. Let us be clear. The gentleman is right. We are making the decisions because that is what is happening.

Mr. Chairman, I rise to strongly oppose H.R. 856 because this is the exact opposite of what its supporters pretend it to be. H.R. 856 is supposed to be a bill for self-determination, not for statehood, which my friend from Rhode Island has every ability, he is for statehood. That is what he wants. If I were for statehood and I was willing to gamble everything for statehood, I would be for this bill because this is a guarantee that statehood is going to win the plebiscite. I can understand that. Let us be clear.

Now I want to be clear about my position, also, Mr. Chairman. I am for independence for Puerto Rico. I am for independence for Puerto Rico. There was a time that the statehooders and the commonwealthers and the whole system would jail people like me for being for independence for Puerto Rico. That is why there are not more people for the independence of Puerto Rico. As they jailed the people of your former fatherland, Ireland, for wishing the independence and the sovereignty of that nation.

I would suggest to everybody what we can oppose, and it is wrong. Supporters of this bill have approached my colleagues on both sides of the aisle, Mr. Chairman, and told them that the passage of this bill only means that Congress authorizes the people of Puerto Rico to express their preference for political status among 3 options.

Some supporters of the bill have played a very cynical game of telling some of my Democrats, "Vote for this bill, and you will have 6 new Democratic Members of the House and 2 new Democratic Senators. That is why we should vote for the bill." That is being and that should be said here, because that is part of the debate and the conversation, and we should fully explain to the people of Puerto Rico how it is that this Congress is arriving at a decision to make their self-determination.

At the same time, some of the very same people have circulated a memorandum full of very strange statistics. Mr. Chairman, beware of strange numbers for they could be telling stranger lies. It is a memorandum entitled "Puerto Rico, Republican Territory," in which some magician tries to convince the uninformed that Puerto Rico will produce 6 Republican Congressmen and 2 Republican Senators.

It sounds strange to me. The gentlewoman from New York (Ms. VELÁZQUEZ), a Puerto Rican; the gentleman from Illinois (Mr. GUTIERREZ), of Puerto Rican descent; the gentleman from New York (Mr. SERRANO); and even the Resident Commissioner has decided to sit on our side of the aisle, the main proponent of this bill, and he is in the Democratic Caucus. Let us not play games with one side or the other getting some advantage over this, because that is not respectful. Mr. Chairman, this is a strange manner in which to conduct a serious debate on the future of a whole people.

Self-determination is a serious matter. The sacred right of self-determination has to be exercised in a totally democratic, open and above-board fashion. The true sovereignty of any nation, and Puerto Rico is indeed a nation, rests with its people. I think that the Members of this Congress should understand what the people of Puerto Rico believe, because this is something that is going to affect them.

They did a poll in Puerto Rico, El Nuevo Dia, that is The New Day, the largest paper of circulation in Puerto Rico; by the way, owned by a statehooder. They asked the people. On the nationality question, 65 percent of the people see themselves as Puerto Rican and not American, 65 percent of the people in Puerto Rico; 62 percent of the people consider their Nation to be Puerto Rico and not the United States.

But at the same time, 75 percent consider their American citizenship to be very important. Strange, you say, that sounds like a contradiction. It is the contradiction of colonialism, obviously. But it is also what the authors of this understand very well. On the one hand, they tell you, Puerto Rico is not a nation, it is just a group of people. It is this little tropical island that sits out there somewhere in the Caribbean.

But let me tell everybody in this room, the people of Puerto Rico which you are deciding today their options, consider themselves as a Nation. They consider to have a nationality, that nationality being Puerto Rican. You should understand that. You should understand that very, very clearly.

At the same time they want to keep their American citizenship. I think that that is very clear. Just March 4, they asked the people of Puerto Rico what they think about the Young bill. They asked the people of Puerto Rico. They said 35 percent reject the Young bill, 33 percent support the Young bill, and another third do not have an opinion on the Young bill. It says if Puerto Ricans within the great diaspora of Puerto Rico, that is Puerto Ricans in the United States, do not get to vote on this, over half of them say we should reject the Young bill.

□ 1315

That is the people of Puerto Rico. But let me go further, Mr. Chairman, because I think it is very, very, very important that we understand what is going on here.

Look, there is a value I hold even dearer than my wish for the independence of Puerto Rico, and that is the respect that I have for the true aspirations of the Puerto Rican people. That is their inalienable right of the people of Puerto Rico to their self-determination.

That is precisely why I oppose this bill so strongly. H.R. 856 is exactly the opposite. It is a bill, read it, it is a bill that is cleverly designed to obtain an artificial majority for statehood for Puerto Rico and to lead Congress down an irreversible path, first through the incorporation of Puerto Rico, and then to the admission of Puerto Rico as the 51st State of this great union. In fact, some opponents of H.R. 856 call this a trap.

Now, Congress makes an offer of statehood to the people of Puerto Rico. The only requirement, the only requirement, is that a simple majority vote in favor of statehood. But the ballot is so stacked in favor of statehood that I am going to read a quote, and, please, listen to this quote:

The Resident Commissioner, CARLOS ROMERO-BARCELÓ, said, "Victory for statehood is guaranteed because the definition of "commonwealth" does not include fiscal autonomy and does not include U.S. citizenship, a guarantee. The definition of Commonwealth in this bill is that of a territory. We just left the word "territory" out." Quote-end quote of the Resident Commissioner of Puerto Rico here.

So I am not saying this bill is stacked in favor of statehood; the very proponent, the Resident Commissioner of Puerto Rico, has stated this publicly, and that is wrong, to play politics, partisan politics.

Mr. Chairman, I want to thank the gentleman from Alaska (Mr. YOUNG), and I want to thank the gentleman from California (Mr. MILLER), because both gentlemen have been decent with me. When I asked to participate in their hearings, they both know that they had to override objections of certain Members to allow me to participate in their committee, but they did. The gentleman from California (Mr. MILLER) and the gentleman from Alaska (Mr. YOUNG) have always listened to me, have always come and said, "Luis, what do you think? Let us talk about this."

I know that the gentleman from California (Mr. MILLER) tried to fix this. I know he did. He did make every attempt to fix this, and I know that he went to everybody and tried to bring people together. He testified so yesterday, and I know it to be a fact. Unfortunately, it was not able to be done. It was not able to be done. This has to be a process of consensus, of building people together.

Mr. Chairman, do you know something? That is why I did not yield, because when I asked for the opportunity to speak about this issue, I was objected to time and time again. I will respect the wishes of those who wish to speak to this issue that have respected the wishes of the people of Puerto Rico and all Members of this House, but do not expect treatment from me which others have disregarded for others.

Once the people of Puerto Rico vote for statehood under this rather unfair game plan, the Commonwealth Party has said it cannot participate in the plebiscite. That is going to be a problem. You have got about 48 percent of the people who say if you do it this way, we are not going to participate in this thing.

Now, I am going to make one last statement and then reserve the balance of my time. Look, this is serious. This is serious. If you approve this Young bill, do you know what you have said? You have said that 3.8 million Puerto Ricans do not have the protection of the 14th Amendment of the Constitution of the United States. You have said that their American citizenship is not guaranteed.

I will tell you what people will say. They will never take it away. This Congress would never take an action.

Do you know something? My dad did not get to see me until I was a year old, I would say to the gentleman from New York (Mr. SOLOMON), because when he was called to duty, he served. He served, Mr. Chairman.

How can we say that my dad and tens of thousands of other Puerto Ricans who have served this Nation, right, that their citizenship is statutory, can be taken away from them at a whim of Congress? I do not believe that.

As a matter of fact, in the 1950 Nationality Act, this Congress approved something that says the 50 states and Puerto Rico, anyone born there, is protected by the 14th Amendment and are citizens of this country. That is what the 1950 Nationality Act says.

So do not come back here and say that commonwealth is statutory citizenship, because, you know something? I want Puerto Rico to be a free and independent nation, and in that I disagree with my colleague, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ). The gentleman wants it to be assimilated and a state, but I think it is important, it is important, that the people of Puerto Rico have the definitions that they can have.

Lastly, in 1993, when the Resident Commissioner's party was in power in Puerto Rico, the Statehood Party, they controlled the two houses, the House and the Senate, and they controlled the governorship. They had a plebiscite in Puerto Rico.

Why, when they controlled all the rules in Puerto Rico, was the Commonwealth status not not a territory? Why was not the citizenship not statutory when that came up?

Why is it? As a matter of fact, in 1990 we unanimously accepted some definitions here, 1990, and none of these considerations. Do you want to know why? Because they want to stack the cards.

If the people of Puerto Rico want statehood, I will be the first one to come here and support statehood for Puerto Rico, but it has got to be a fair process. People can laugh and people can chide, because they do not understand the seriousness of this matter. This is about the 14th Amendment. This is about my dad, this is about my wife, Soraida, born in Moca, Puerto Rico; and I do not intend to go back to her tomorrow and say her citizenship is any less than mine. She was born a citizen of this country, and I am going to protect her right. It is not statutory, it is protected.

Mr. Chairman, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Chairman, there is no right more fundamental to our democracy than the right of people to decide their political future. American democracy was conceived in the great struggle of the Revolutionary War, and it originated out of a fight for self-determination by the American colonists to be able to control their own affairs.

We have long asserted this right, not only for Americans, but for people all over the world. We have insisted that this is a universal human right that every human being should enjoy. So certainly it should and must be a fundamental right for people living under the American flag as American citizens. Yet almost 4 million American citizens, the people of Puerto Rico, have not enjoyed this right.

We have the opportunity to ensure today that American citizens who have sacrificed their loved ones in our wars, who serve our country in and out of uniform, and who obey our laws, should have a say in their political future. The people of Puerto Rico deserve an opportunity to vote on their future political status, and this bill simply gives them that opportunity. The choice should be theirs, and this Congress should respect that outcome.

This is a simple issue of basic human rights. The bill should easily become law. But today there are many in this Congress who want to hold this legislation hostage to an extreme agenda.

The Solomon English-only legislation, which House Republicans pushed through 2 years ago, but which died in the Senate and which has laid dormant ever since, would impose English-only restrictions that are unnecessary and divisive. While immigrants from all ethnic groups understand the importance and the necessity of learning English, the Solomon amendment does nothing to make this happen any quicker or easier.

The fact that some have raised this issue today is a slap in the face to the people of Puerto Rico, who love America and love their heritage. Instead of enforcing political rights, this amendment would undermine them by weakening the Voting Rights Act and ending bilingual access. Instead of expanding access to government, the Solomon amendment chills communications between Members of Congress and constituents. It imposes unique requirements on the people of Puerto Rico that Congress has not imposed on citizens of any other State of the United States.

Mr. Chairman, I urge the Members to support the bipartisan substitute that is being put forward by the leadership of this committee. It recognizes that it is in the best interests of our Nation and our citizens to promote the teaching of English, and it sets the goal of enabling students to achieve English language proficiency by the age of 10. It does not threaten free and open speech and communication of public safety, and it does not single out the people of Puerto Rico for unique, extraordinary requirements that we ask of no other State in the United States of America.

Finally, it is time to get on with the business at hand. It is time to extend the same rights to the people of Puerto Rico that billions of other people around the world take for granted. Puerto Rico has been a member of our American family for over 100 years. The people of Puerto Rico have waited long enough to finally decide their own destiny. More than a half decade ago Franklin Roosevelt said this to Congress. He said, "Freedom means the supremacy of human rights everywhere." Our support, he said, goes to those who struggle to gain those rights or keep them.

Mr. Chairman, we have a magnificent opportunity today, a bipartisan opportunity, an opportunity to extend the magic and the blessing of freedom and human rights and self-determination to the almost 4 million citizens of the United States, the people of Puerto Rico. Vote against the Solomon amendment, vote for the bipartisan substitute, and vote for this legislation for the meaning of America to be brought to the people of Puerto Rico.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Guam.

The CHAIRMAN. The gentleman from Guam (Mr. UNDERWOOD) is recognized for 2½ minutes.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to apologize to the gentleman. In my passionate plea for Puerto Rico, I forgot the great Territory of Guam. We are working very close together. It slipped my mind. So I do apologize to the gentleman.

Mr. UNDERWOOD. Mr. Chairman, reclaiming my time, I thank the gentleman for entering that into the RECORD.

Mr. Chairman, I stand in strong support of H.R. 856 and urge my colleagues to vote for this very important legislation. I applaud the work of the gentleman from Alaska (Chairman YOUNG), the gentleman from California (Mr. MILLER), and my fellow statutory citizen, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

H.R. 856 is significant because it establishes Federal responsibility in a process of self-determination for the people of Puerto Rico that would lead to decolonization. The Treaty of Paris, which ceded Puerto Rico and Guam to the U.S. in 1898, clearly gave the responsibility to this body for determining the political status of the inhabitants of these territories. Until this body does this, these areas will continue to remain colonies, 100 years since the end of the Spanish-American War. Until we do this, there will not be clarity in the ultimate political status of these unincorporated territories.

□ 1330

The bill before us clearly states that the Federal Government has the responsibility to act within a specific time frame and in unequivocal terms so that the process itself does not lead to more frustration and uncertainty. The Federal responsibility must be consistent with a modern 21st century understanding of decolonization, and it must lead to a process which forces expeditious action.

Today, 100 years after the Spanish-American War, the U.S. Congress has the unique opportunity and the moral obligation to resolve Puerto Rico's quest for a clear political status for its citizens. It is the right thing to do.

Mr. Chairman, if Members support democracy and the principle of fairness, I urge Members to vote for 856. It is the right thing to do for the citizens of the Caribbean island, to demonstrate that this country is second to none in the exercise of self-determination, that we are second to none in honoring our treaty obligations, and that we are second to none in the full implementation of democracy.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman from Puerto Rico for yielding time to me.

I rise in strong support of this legislation. I rise in strong support for the substitute that will be put forth to the Solomon amendment, and in opposition to the Solomon amendment.

Since 1985 I have served on the Helsinki Commission, which was charged since 1976 to oversee the implementation of the Helsinki Final Act. Within that act it said that the international community ought to respect the self-determination of peoples.

It is one of the most troubling issues that confronts the international community and the emerging democracies around the world. It is difficult because we need to determine what group, what size, how many do you need for self-determination. Does it need to be an identifiable, geographic area? If so, how large? It is an issue that we deal with in Yugoslavia.

Always, always, always the United States is on the side of those who aspire to make their own decisions. On this floor we have heard some very articulate expressions on both sides of this issue, from people who know the politics of Puerto Rico far more than I. But I know that those articulate people will debate this issue vigorously, and it will be the people of Puerto Rico who make this decision, as it should be. But it is important that this Congress express at home, within our own Nation, that same conviction on behalf of self-determination that we express around the world.

I would hope that we would overwhelmingly, in a bipartisan way, pass this legislation. I want to commend the gentleman from Alaska (Mr. YOUNG) for his leadership on this issue, and the gentleman from California (Mr. MILLER), and indeed, the delegate from Puerto Rico, and all of those who participate in this debate.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from Puerto Rico for yielding me this time.

Mr. Chairman, I rise in support of the bill before us today. I rise in opposition to the Solomon amendment. I rise in support of the bipartisan substitute.

Mr. Chairman, the essence of the bill before us today is to allow the people of Puerto Rico to make the decisions about their own destiny, what we like to refer to as self-determination.

For the last few decades we have talked long and often hard about the importance of self-determination in all parts of the world: in Russia, in Cuba, around the globe. It is now time to talk about self-determination for one of our nearest neighbors.

This is not that complicated. That is the beauty of democratic elections. Members have heard here today that there are lots of points of view about this issue within Puerto Rico. Those differences can be resolved by democratic elections. That is what we are here today to do, not to impose any particular form of government, be it statehood, independence, or Commonwealth status, but rather, to let the people, the people themselves decide what form of government they believe is most desirable.

The point is that today Puerto Ricans can fight in our wars but cannot elect the Commander in Chief. They can contribute to Social Security, and they do, but they cannot receive Social Security benefits. We need to change this, and we need to use our time-honored democratic processes to do that.

Mr. Chairman, let me talk for a moment about this notion embodied in the Solomon amendment of English only. We all recognize that English is the common language of our country. It is the dominant language of our country. But who was it that decided that to be an American you had to speak the language of the British Isles? I am not sure that makes sense.

We were a country founded on tolerance, multiculturalism. It seems to me we can make room for those people who speak other languages. We left the Old World to create the New World for precisely this reason, to leave the conformities and traditions of the Old World behind. I think it is time we move forward to true multiculturalism and accept the fact that we do not have to have an ordered language in our society. I urge the adoption of the bill before us.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, the debate we are hearing today reminds me of the demagoguing we heard back when the new majority took over in January of 1995. We tried to do some things that were right for the country, and we were demagogued as those who were trying to end the school lunch program, as those who were trying to eliminate Medicare, and as those who were trying to hurt the environment. We all knew that was not true, but yet the demagoguing continued.

The demagoguing continues today by those who are opposed to this bill, who say that it is going to somehow create a State, a new State, instantly. That is false. That is demagoguing.

There is also demagoguing about how this bill might be promoting bilingualism. That is not true at all, but nonetheless the arguments continue. They say this is anti-Commonwealth. That is also not true. The demagogues know it but they continue to make these arguments, in spite of the truth and substance of what we are trying to accomplish here today.

For those who think somehow that this is going to end the official language of the world, it is also a case of demagoguing. English is the official language of the world. One hundred fifty seven of 168 airlines have English as their official language. There are 3,000 newspapers printed in English in the country of India. Six members of the European Free Trade Association all conduct their business in English, despite the fact that none of the six members are from English-speaking nations. Three hundred thousand Chinese speak English in their own country. Forty-four countries have English as their official language.

The size of the English language, the number of words in the English language, is about 1 million. If we count the insects, and entomologists say there are a million known insects that could also become words, if we added them to our language, you could make 2 million words that would be part of the English language, compared to other languages, like German, that has about 184,000, and French, that has about 100,000 words.

For those fear-mongers who think we need some kind of amendment on this bill to help us promote English, English is already the official language of the world. We do not need an amendment to tell us that. It is going to continue to be the official language of the world. We should support H.R. 856, and all proudly, because of what it stands for, and not be fear-mongering about what it might do to the great language of English that is used worldwide.

I say to my friends, let us stop the demagoguing, let us stop the fear-mongering that we have injected into this debate. Lighten up and support H.R. 856.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is truly a historic debate in this Congress. This is my sixth year as a Member of this Congress. It is the first time we are really talking about an issue about the fundamental union of our States. That is really what we are talking about.

In this Chamber over the last 100 years, and before that in the other Chamber just down the hall for 100 years before that, or just about, this is the kind of debates that went on. Unless it was one of the first original 13 colonies, each State went through a process. There were different debates and different things that went through that process. But that is where we are now.

I think part of the acknowledgment of this bill is something that obviously is controversial, but I think the fact, and people can debate it, is that the status of Commonwealth is an unstable equilibrium. In a sense, the bill acknowledges that. It can continue, but it cannot continue indefinitely. The process of the legislation specifically puts that into statute, and that is why it is critical that this legislation pass.

I would mention that the amendment by the gentleman from New York (Mr. SOLOMON), I think we should acknowledge what the amendment offered by the gentleman from New York (Mr. SOLOMON) attempts to do. We need to be direct about this.

This amendment is really not germane to this bill. It is an issue that in and of itself can be discussed and debated, but to turn English into the official language of the United States is not about this bill. It does not deserve to be on this bill, and it is inappropriately on this bill. I think we have to understand the reason it is on this bill is to kill the bill.

However anyone in this Chamber feels about that particular issue, and I know it is a passionate issue, I urge the defeat of the Solomon amendment and the support of the substitute offered by the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) and others to assure that this historic opportunity is taken advantage of.

Mr. Chairman, H.R. 856 will enable Congress to administer and determine the status of Puerto Rico in the same manner this institution has been administering and decolonizing territories since the Northwest Ordinance of 1789. The historical constitutional practice of the United States has been to decolonize nonstate territories which come under U.S. sovereignty by either full incorporation leading to statehood (as in the case of Alaska and Hawaii) or separate nationhood (Philippines).

For too long Puerto Rico has been diverted from the historical process of decolonization. Because local self-government was established under P.L. 81–600 in 1952, Congress has pretended that Puerto Rico could be administered permanently as a territory with internal constitutional self-government. However, the local constitution did not create a separate nation as the pro-commonwealth party in Puerto Rico argues. Puerto Rican born Americans are still disenfranchised in the federal political system which is supreme in the territory as long as the U.S. flag flies over the island.

Puerto Rico is not a "free associated state" in the U.S. constitutional sense or under international law as recognized by the United States. Puerto Rico remains a colony. That is not my choice of words, that is the term used by the McKinley Administration to describe Puerto Rico. It is also the term used by the former chief justice of the Puerto Rico Supreme Court who was one of the architects of the commonwealth constitution.

Because H.R. 856 will define the real and true options that the Congress and the people in Puerto Rico have to resolve the status question, I strongly support this bill. Informing the voters in the territory of the real definition of commonwealth, statehood and separate sovereignty including free association is necessary because of the misleading adoption in 1952 of the Spanish words for "free association" by the pro-commonwealth party to describe the current commonwealth status. No wonder people are confused!

Only when people understand the real options can there be informed self-determination, and only when there has been informed self-determination can Congress then decide what status is in the national interest. Then the status of Puerto Rico can be resolved if there is agreement on the terms for status change. If not the status quo continues, but the process to decolonize Puerto Rico will exist. Then Puerto Rico's colonial status will continue only as long as the people of Puerto Rico are unable to choose between statehood and independence on terms acceptable to Congress.

To promote a better understanding of the nature of free association, I would like to share the following background paper on free association written by the U.S. Ambassador who negotiated free association treaties for President Reagan. The U.S. has a free association relationship with three Pacific island nations, and this status is very different from the free association espoused by the so-called "autonomists in Puerto Rico"—who want to be a separate sovereign nation but also keep U.S. nationally and citizenship.

That "have it both ways" approach to free association was attempted in the case of the

Micronesian Compact of Free Association, but the State Department, Justice Department and Congress rejected that model as unconstitutional and unwise. It was an attempt to "perfect" the legal theory of the Puerto Rican commonwealth as a form of permanent self-government, a nation-within-a-nation concept that has always failed and always will because the U.S. constitution does not allow a Quebec-like problem in our Federal system.

Ambassador Zeder's explanation of free association as an option for Puerto Rico makes the ground rules for this form of separate sovereignty very clear and easy to understand. I include his statement for the RECORD.

The statement referred to is as follows:

UNDERSTANDING FREE ASSOCIATION AS A FORM OF SEPARATE SOVEREIGNTY AND POLITICAL INDEPENDENCE IN THE CASE OF DECOLONIZATION OF PUERTO RICO

(By Ambassador Fred M. Zeder, II)

Consistent with relevant resolutions of the U.N. General Assembly, Puerto Rico's options for full self-government are: Independence (Example: Philippines); Free Association (Example: Republic of the Marshall Islands); Integration (Example: Hawaii). See, G.A. Resolution 1514 (1960); G.A. Resolution 1541 (1960); G.A. Resolution 2625 (1970).

For purposes of international law including the relevant U.N. resolutions international conventions to which the U.S. is a party, the current status of Puerto Rico is best described as substantial but incomplete integration. This means that the decolonization process that commenced in 1952 has not been fulfilled.

As a matter of U.S. domestic constitutional law, a territory within U.S. sovereignty which has internal constitutional self-government but is not fully integrated into the national system of political union on the basis of equality remains an unincorporated territory, and can be referred to as a "commonwealth." (Example: Puerto Rico and the Northern Mariana Islands).

For purposes of U.S. constitutional law, independence and free association are status options which are created and exist on the international plane. Thus, instead of the sovereign primacy of Congress under the territorial clause, the sources of constitutional authority with respect to nations with separate sovereignty include the article II, section 2 treaty-making power and the applicable article I, section 8 powers of Congress such as that relating to nationality and immigration law.

Relations between the U.S. and a nation which is independent or in free association are conducted on the basis of international law. Thus, independence and free association are status options which would remove Puerto Rico from its present existence within the sphere of sovereignty of the United States and establish a separate Puerto Rican sovereignty outside the political union and federal constitutional system of the United States.

Instead of completing the integration process through full incorporation and statehood, either independence or free association would "dis-integrate" Puerto Rico from the United States. This would terminate U.S. sovereignty, nationality and citizenship and end application of the U.S. Constitution in Puerto Rico. In other words, the process of gradual integration which began in 1898, and which was advanced by statutory U.S. citizenship in 1917 and establishment of constitutional arrangements approved by the people in 1952, would be terminated in favor of either independence or free association.

Under either independence or free association, the U.S. and Puerto Rico could enter into treaties to define relations on a sovereign-to-sovereign basis. Free association as practiced by the U.S. is simply a form of independence in which two sovereign nations agree to a special close relationship that involves delegations of the sovereign powers of the associated to the United States in such areas as defense and other governmental functions to the extent both parties to the treaty-based relationship agree to continue such arrangements.

The specific features of free association and balance between autonomy and interdependence can vary within well-defined limits based on negotiated terms to which both parties to the arrangement have agreed, but all such features must be consistent with the structure of the agreement as a treaty-based sovereign-to-sovereign relationship. In U.S. experience and practice, even where free association has many features of a dependent territorial status the sources and allocation of constitutional authority triggered by the underlying separation of sovereignty, nationality and citizenship causes the relationship to evolve in the direction of full independence rather than functional re-integration.

Free association is essentially a transitional status for peoples who do not seek full integration, but rather seek to maintain close political, economic and security relations with another nation during the period after separate sovereignty is achieved. Again, this could be accomplished by treaty between independent nations as well. Thus, free association is a form of separate sovereignty that usually arises from the relationship between a colonial power and a people formerly in a colonial status who at least temporarily want close ties with the former colonial power for so long as both parties agree to the arrangements.

Free association is recognized as a distinct form of separate sovereignty, even though legally it also is consistent with independence. Specifically, free association is consistent with independence because, as explained below, the special and close bilateral relationship created by a free association treaty or pact can be terminated in favor of conventional independence at any time by either party.

In addition, the U.S. and the international community have recognized that a separate nation can be a party to a bilateral pact of free association and be an independent nation in the conventional sense at the same time. For example, the Republic of the Marshall Islands is party to the Compact of Free Association with the United States, but has been admitted to the United Nations as an independent nation.

Thus, the international practice regarding free association actually is best understood as a method of facilitating the decolonization process leading to simple and absolute independence. Essentially, it allows new nations not prepared economically, socially or strategically for emergence into conventional independence to achieve separate nationhood in cooperation with a former colonial power or another existing nation.

Under international law and practice including the relevant U.N. resolutions and existing free association precedents, free association must be terminable at will by either party in order to establish that the relationship is consistent with separate sovereignty and the right of self-determination is preserved. This international standard, also recognized by the U.S., is based on the requirement that free association not be allowed to become merely a new form of internationally accepted colonialism.

Specifically, free association is not intended to create a new form of territorial status or quasi-sovereignty. It is not a "nation-within-a-nation" relationship or a form of irrevocable permanent union, but is, again, a sovereign-to-sovereign treaty-based relationship which is either of limited duration or terminable at will by either party acting unilaterally.

In other words, both parties have a sovereign right to terminate the relationship at any time. The free association treaty may provide for the terms and measures which will apply in the event of unilateral termination, but the ability of either party to do so can not be conditioned or encumbered in such a manner that the exercise of the right to terminate the relationship effectively is impaired or precluded.

For that reason, the territory and population of each nation involved must be within the sovereignty, nationality and citizenship of that nation, and the elements and mechanisms of the free association relationship must be defined consistent with that requirement. Separate and distinct sovereignty and nationality must be established at the time of decolonization and preserved under the relationship or the ability of either party to terminate will be impaired.

Thus, the major power may grant to people of the free associated nation special rights normally associated with the major power's own citizenship classifications, such as open immigration and residence rights.

However, these arrangements are subject to the same terminability as the overall relationship, and thus may be either for a limited duration or subject to unilateral termination by either party at any time.

Consequently, there can be no permanent mass dual nationality because this would be inconsistent with the preservation of the underlying separate sovereignty. Any special rights or classifications of the major power extended to the people of a free associated nation are more in the nature of residency rights and do not prevent either nation from exercising separate sovereignty with respect to the nationality of its own population.

Upon termination of the free association relationship by either party, any such classifications or special residency rights will be subject to unilateral termination as well. Both during and after any period of free association, the people of each of the two nations will owe their allegiance to and have the separate nationality of their own country. Any attempt to deviate from these norms of international law and practice would undermine the sovereignty of both nations, and would impair the right of self-determination which must be preserved to ensure the relationship is based on consent rather than coercion.

In summary, the United States recognizes each of the three U.N. accepted status options for Puerto Rico to achieve full self-government. One of those options, integration, is within U.S. sovereignty and the federal political union, the other two, independence and free association, exist without U.S. sovereignty, nationality and citizenship.

Obviously, Puerto Rico can not act unilaterally to establish a new status. This is so not only because of U.S. sovereignty and the authority of Congress under the territorial clause, but also because Puerto Rico seeks the agreement of the U.S. to the terms under which any of these options would be implemented. This means Congress must agree to the terms under which a new status is defined and implemented.

There is no right on the part of Puerto Rico unilaterally to define its relationship with the United States. Nor would it be consistent with U.S. commitments to respect the right of self-determination for non-self-governing people under U.S. administration to dispose of the territory of Puerto Rico in a manner which does not take into account the freely expressed wishes of the residents.

Thus, as the two parties which must define and carry out a future relationship based on consent and the right of self-determination which each must exercise, Congress, on behalf of the United States, and the people of Puerto Rico, acting through their constitutional process, must decide whether decolonization will be completed through completion of the process for integration into union or separation and nationhood apart from the U.S. for Puerto Rico.

Mr. GUTIERREZ. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have been impressed in this debate thus far about the determination of us as Members of Congress to provide for real self-determination for the great people of Puerto Rico. I think it is fundamentally important to the Puerto Rican people themselves and to all of us as Americans, when we talk about the most important issue, perhaps, that we can determine in this Chamber, as to whether or not and who we define as American citizens, that we are clearly saying to the Puerto Rican people that they are welcome as not only citizens of this country, but they are in fact welcome as a 51st State.

But, and I mean a serious but, for anyone who has taken the time to visit Puerto Rico, to not just visit there in the sense of getting a nice suntan, but going there and talking with the Puerto Rican people and gaining a better understanding of their own identification, the truth of the matter is there are millions of Puerto Ricans that consider themselves to be Puerto Ricans, Puerto Ricans first.

American citizens, yes. They are willing to fight and die for this country. But I do not consider myself a Massachusettan first and then an American, I consider myself to be an American.

I think that we as American citizens ought to fundamentally be wide enough in the breadth of our knowledge and our sense of other human beings to allow them their own self-identification. That means that we ought to respect those that believe in the Commonwealth party.

I have a great many friends that are commonwealthers and statehooders. But I have great respect for the Commonwealth party, and I believe that this bill unfairly slants the way we define Commonwealth by bringing up issues as to whether or not this means that Puerto Rican people are going to be forever faced with determinations by this body as to whether or not we are going to consider them to be citizens, whether or not we are going to tax them, a whole series of questions that effectively undermines one group of Puerto Ricans that over and over again has stood up for equality status versus statehood.

If the people of Puerto Rico claim and vote for statehood, I would be the first in this Chamber to vote with them and to give them their vote and voice here in the Congress of the United States. But if in fact they choose Commonwealth status, then let us respect that as well, and let us make this an evenhanded debate that does not slight one side or the other, but gives this important issue the respect it is due.

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Mr. SOLOMON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the honorable chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time. Mr. Chairman, I rise today in support of H.R. 856, the United States-Puerto Rico Political Status Act, allowing Puerto Ricans to determine their future political status.

Mr. Chairman, I rise today in support of H.R. 856, the United States-Puerto Rico Political Status Act, which will allow Puerto Ricans to determine their future political status.

This bill would give the U.S. citizens of Puerto Rico the right to self-determination. I believe every U.S. citizen should be afforded that opportunity.

The right to self-determination is a foundation or our freedoms. By voting against this bill, we would be sending a message that we don't believe other citizens should be given the opportunity and privilege of voting that we enjoy.

Puerto Ricans have served and died in wars defending democracy for years, yet they cannot elect a President or participate in the legislative process. This is unjust and un-American. Voting for H.R. 856 will entrust 3.8 million Hispanic Americans who reside in Puerto Rico with the power of an educated vote on self-determination.

Furthermore, voting for H.R. 856 does not confer statehood to Puerto Rico, but merely establishes a referendum that sets the terms and clarifies the choices to allow Puerto Ricans to determine their future political status. With regard to the language of the island, Puerto Rico recognized English as an official language of the local government in 1902—longer than any other American domain. English is the language of the local and federal governments, courts, and businesses, and is also in the curriculum of all the schools on the island of Puerto Rico.

As chairman of the International Relations Committee, I recognize the importance of supporting democratic principles abroad. Supporting H.R. 856 were enormously help to strengthen U.S. relations with Latin American nations. It is equally important to support these democratic standards here in America, by voting for a non-binding referendum.

For these reasons, I urge my colleagues to join in voting for H.R. 856, and grant Puerto Ricans the right to self-determination.

Mr. ROMERO-BARCELO. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for yielding me this time.

Mr. Chairman, a matter of self-determination should be a matter that brings unanimous consent in this body, and it pains to me to see divisions and splits. If the bill is imperfect, there are many hurdles yet to go: additional island votes, additional congressional votes provided by the bill. Also, the vote to be taken in Puerto Rico is nonbinding.

Above all, we cannot get ahead of the Puerto Rican people. In 1993, we in the District of Columbia had a historic vote on statehood. That is not what this vote is about. It is about allowing the Puerto Rican people to decide what affiliation they themselves desire. This is what we say we want people around the world to decide.

I represent half a million people in the District of Columbia who identify with Puerto Ricans because we too are treated as less than full Americans, living here right under the noses of the Congress of the United States. We know what it is like to fight and die in wars while suffering denials of concomitant rights.

The District has even fewer rights than Puerto Ricans because we do not have the right to self-government. We in the District feel a deep kinship which demands for self-determination around the world, and especially self-determination among our own in Puerto Rico.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, as we debate this, there are 20,000 Puerto Ricans serving in the Armed Forces of the United States. In this century, 200,000 have taken the pledge to defend our country. As recently as the Vietnam war, almost as many Puerto Ricans as Mississippians gave their lives for our country. And as recently as the Gulf War, when American casualties were miraculously low, four Puerto Ricans died for the United States of America.

Mr. Chairman, if that is not the price to pay for the privilege of deciding whether or not they want to be a State, then what is? They have paid the price. They deserve the right to make that decision.

Mr. Chairman, I urge my colleagues to please vote in favor of this bill.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HORN), one of the Members that would probably be considered the least partisan of all on both sides of the aisle.

Mr. HORN. Mr. Chairman, I thank the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for yielding me this time.

Mr. Chairman, I feel very strongly in support of the amendment offered by the gentleman from New York. I will support it. But I will also vote against this bill.

We have a wonderful Resident Commissioner here from Puerto Rico. There is excellent representation from Guam, the District of Columbia, Virgin Islands, American Samoa. But I think this is just wrong public policy. We should not be raising false expectations of any group. I think the one way to do it is to say right now, let us not kid ourselves, this is not a good idea.

Puerto Rico is the result of the Spanish-American War. It has a wonderful people. What the gentleman from Mississippi said is absolutely correct. Many of them have given their lives for our country. There are also wonderful people in Guam, Saipan, the Virgin Islands, American Samoa, and the District of Columbia.

Mr. Chairman, I would say to the gentlewoman from the District of Columbia (Ms. NORTON) that we can solve the District's problem very easily and do what Congress did in the Nineteenth Century when it ceded back to Virginia that part of the District of Columbia which had been carved out of Virginia. Give it back to Maryland, and the District would have full representation.

But Puerto Rico should never have been a territory. Cuba was never a territory. Cuba has been independent. Granted, the Marines occupied them and a number of other countries from time to time. But we should have left Cuba independent. We did. We should have left Puerto Rico independent. We did not. And we need not continue that error forever.

We kept our promise to the Philippines that they would be independent in 1946. There is many a Filipino life of the Philippine Scouts, Philippine Army, that helped the United States in the sad, sad days of 1941 when the Japanese Empire extended its military and Naval forces southward in Asia.

Many of the 50,000 Cambodians in my City of Long Beach have talked to me and asked if Cambodia could become a State. Now, that would be a wonderful idea. They are wonderful people. No people except the Jews, the Kurds, the Armenians, and a few others have had to go through the hell that the people of Cambodia have gone through. One million were killed by Pol Pot. But as I have told them, it does not make sense for them to be a State of the United States. We have to draw the line.

And for those who have small States and want the second representative, just forget about it if six representatives come in from anywhere, Puerto Rico or any other territory that seeks statehood.

The niceness of the people and their heroism, we should honor. But we should not be getting ourselves entangled in situations that will be another Quebec, no matter how much we teach the English language. And, frankly, we have to say "no" from the beginning. Let us not make a major mistake. Vote "yes" for the Solomon amendment and "no" on the passage of the bill.

The CHAIRMAN. The gentleman from Illinois (Mr. GUTIERREZ) has 1 minute remaining; the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has 3½ minutes remaining; the gentleman from Alaska (Mr. YOUNG) has one-half minute remaining; and the gentleman from New York (Mr. SOLOMON) has one-half minute remaining.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, I believe under the procedures of the House that it would be appropriate at this time for the gentleman from Illinois (Mr. GUTIERREZ) to use up his time, then the gentleman from Puerto Rico, then myself, and then reserving the close for the chairman of the committee. Would that not be in order? I would suggest it, at any rate.

The CHAIRMAN. The Chair will recognize Members to close general debate in reverse of the order in which the Members opened. Therefore, the Chair will recognize Members to close debate as follows: The gentleman from Illinois (Mr. GUTIERREZ), the gentleman from New York (Mr. SOLOMON), the gentleman from California (Mr. MILLER), and the gentleman from Alaska (Mr. YOUNG).

Mr. GUTIERREZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think the gentleman from Mississippi (Mr. TAYLOR) was very eloquent when he spoke about the thousands of Puerto Ricans that have given their lives in the armed forces. And the gentleman ended his statement by saying they should be able to vote for statehood. Indeed, they should.

That is not the question here. The question is should not they be able to vote for other statuses also, and should we stack the deck against them and in favor of statehood? Listen. I want everybody to understand this. We cannot have self-determination if the people who are going to have the plebiscite do not agree with the definitions, if we say to those people when they walk into the ballot box, and this is what we are asking them to do: statehood, citizenship guaranteed; commonwealth, maybe, including those thousands and thousands that have served in the Armed Forces that are citizens today. That is weighting it against, and it is unfair.

So if we are going to bring up the courage, if we are going to bring up the commitment and the service, let them decide in a fair manner what their future is. And I remind my colleagues, this is not a group of people. It is not a territory. It is a nation. They feel that they are a nation. Puerto Rico is a separate and distinct country.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, briefly, the reason I have opposed this bill in its present form is because it sets in motion a procedure that would possibly bring Puerto Rico into the Union with a simple vote of 50 percent plus 1. When Alaska came in, 83 percent of the people wanted statehood. When Hawaii came in, 94 percent of the people wanted statehood. We cannot have another Quebec on our hands like Canada. If the overwhelming majority of the people of Puerto Rico want statehood, I will be the first to stand up here to fight for their admittance. Until that time, I think we should oppose this bill.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 856, and oppose the Solomon amendment and support the Miller substitute.

Mr. Chairman, I commend the gentleman from Alaska (Mr. YOUNG) for his leadership in this matter. His State and my State went through years and years of agony, of pleading with this Congress to be admitted as a complete partner, as a State. We went through much this same type of argument on many side issues. And I regret that my dear friends are in opposition to this proposal on the grounds that they do not feel that the ballot is fairly stated.

The central issue here is that the people of Puerto Rico are being given the decision-making opportunity. They have to cast their ballots one way or another. The issue of statehood versus commonwealth will be clearly debated by the people.

Mr. Chairman, I feel that this is an issue which goes to the very heart of this democracy and the people of Puerto Rico ought to be given the right to vote.

Mr. Chairman, H.R. 856 is the first congressionally recognized framework that establishes a referendum for the people of Puerto Rico to determine whether they choose to be a commonwealth, state, or independent nation.

H.R. 856 is not a bill granting statehood, it is a bill to allow American citizens to determine their political future. Some argue against H.R. 856 because they do not like the definition of commonwealth or simply do not support statehood and do not want to see the same rights and benefits accorded all states given to Puerto Rico. We do not know how the people of Puerto Rico will vote. However, we owe our fellow Americans the chance to decide for themselves what relationship they wish to have with the United States.

For example, some say the bill's definition of Puerto Rico's current territorial or "commonwealth" status is not attractive as statehood. Each status has its advantages and disadvantages. If a majority of the residents of Puerto Rico were to choose to remain a commonwealth under H.R. 856, their relationship with the United States would not change.

There are some who oppose the possibility of Puerto Rico becoming a state because both Spanish and English are the official languages of Puerto Rico. These opponents wish to "assimilate" Puerto Rico into the United States and believe the only way to "assimilate" these residents is to declare English as the official language. This is not true. At least four territories: Louisiana, New Mexico, Oklahoma, and Hawaii were admitted as states with constitutional provisions protecting the rights of French, Spanish, Native American, and Native Hawaiian speaking residents. How can we impose different standards of Puerto Rico.

Many would have us believe that Puerto Rico residents have no interest in speaking or teaching or conducting business in English. This is simply not true. For example:

85 percent of Post-Secondary school students speak English and Spanish.

English is used in all official communications by federal agencies on the island. All documents presented before the United States District Court for the District of Puerto Rico are in English. Court proceedings in the Federal Court are conducted in English.

Since 1900 the public school system has offered bilingual education. English is taught from Kindergarten through 12 grade.

The Puerto Rico Department of Education is implementing a program to strengthen the bilingual skills of public school students. This program consists of a strong emphasis on reading English and Spanish starting in Kindergarten; English textbooks in math and science; English immersion programs; as well as teacher exchange programs between the continental United States and Puerto Rico to improve English teaching skills.

32 professions in Puerto Rico require their members to take licensing examinations in English. They include Accounting, Architecture, Engineering, Medicine, and Optometry. Puerto Rico's largest weekly newspaper, The Caribbean Business, and the Pulitzer Prize-winning The San Juan Star, the third largest daily newspaper, are both completely in English.

Even with this English foundation already existing in Puerto Rico, H.R. 856 stresses the need for a continued English presence by stating that "English shall be the common language of mutual understanding in the United States."

Proposing an "English-only" amendment to H.R. 856 opens up an issue larger than Puerto Rico. An amendment declaring English as the official language of the United States affects every state. This is an unnecessary amendment that is larger than the bill at hand and should be debated standing alone and not attached to H.R. 856.

English is by far our Nation's common language. According to the U.S. Census Bureau, 95 percent of Americans currently speak English "well" or "very well." It is because English is already the language of the U.S. and its people, and because there is no threat that English will be subsumed by other languages, that I do not think English-Only amendments affecting all Americans should be enacted.

For the past 100 years, the people of Puerto Rico have served America with loyalty, pride and commitment. They have a right to decide what form of relationship Puerto Rico should have with the United States. I support a plebiscite. Hawaii as a Territory also was accorded U.S. citizens status and later voted to become a state. The people of Puerto Rico should also decide this for themselves. H.R. 856 allows them to do so.

I urge the passage of H.R. 856.

Mr. ROMERO-BARCELO. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in strong support of H.R. 856. To me this is a question of equity and fairness. There are nearly 4 million Puerto Ricans who are American citizens who are denied the right to self-determination. This bill simply starts a process. It is nothing more, nothing less.

We will be able to find out from this process what Puerto Ricans want. We can then respond to that process. This is only fair. The people of Puerto Rico did not ask to be a part of this country 100 years ago, remember. They became a part by the Spanish-American War, and as was pointed out, they have been loyal citizens. They have the same right to self-determination as all Americans do.

Mr. Chairman, I represent a district in the Bronx, in Westchester County in New York. We have many, many Puerto Ricans living there and the people are positively excited about the fact that their brethren on Puerto Rico will have the opportunity to have this dialogue. As my colleague from Hawaii said, the people of Alaska and Hawaii went through much the same thing. Much of the arguments that were raised against them coming into the Union are being raised now.

We do not favor any one thing. We want the process to start. The people of Puerto Rico deserve nothing less.

Mr. ROMERO-BARCELO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I guess we should be discussing here an amendment as to whether this Nation should be allowed to invade any country that does not speak English. That is the problem.

Mr. Chairman, there has been so much demagoguery here. When they discuss it they say that we are not allowing the people that support commonwealth to vote because we say that citizenship is statutory. What else is it? There is a Constitution of the United States that says that those born in a State are citizens and also those that are naturalized are citizens. The Constitution does not say anything else.

So it is by law in 1917 that established that those born in Puerto Rico shall be citizens of the United States, so we are citizens by a statute. And that statute cannot be repealed to deny those that are citizens the right of citizenship. But that statute can be repealed to say and amended to say that those that are born from the year 2,000 on will no longer be citizens by reason of birth, and the people of Puerto Rico should know that under commonwealth that could happen. We say it will probably not happen because it is the policy of the Nation to maintain those that are born in Puerto Rico from now on also as citizens, but they must know the truth.

The people of the commonwealth have been voting for lies for many, many years and they have been misled. The United Nations was misled when this country went to the United Nations and said Puerto Rico has achieved a full measure of self-government. All of my colleagues know that I am here and I cannot vote. I cannot even vote for this bill that is so important for the people of Puerto Rico.

Mr. Chairman, all we are asking is give us an opportunity for self-determination. Give us an opportunity to vote whether we want to stay as we are or we want to be a State or we want to be independent. This is self-determination, what we have fought for on foreign soils all over the world.

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Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

Again, this is our opportunity, as we close this debate to thank everybody participating in the debate for their decorum and their honesty and their strong beliefs. I believe that this is the correct way to go. I believe it is the right thing to do. This is justice.

I will strongly oppose the Solomon amendment. I will support the bipartisan amendment of Burton-Young-Miller, and I suggest respectfully that this is the right thing for Congress today. And as we stop this great century and begin a new century, the right thing to do for the Americans of Puerto Rico and the great United States of America.

Mr. LAZIO of New York. Mr. Chairman, I rise in support of the Puerto Rico Political Status Act. The bill would grant the four million

U.S. citizens living in Puerto Rico the right to determine their own future.

This year marks the one hundredth anniversary of Puerto Rico's accession into the United States at the end of the Spanish-American War. Over that time, Puerto Rico has made major contributions to this nation, including the service of more than 200,000 of its young men and women in the armed forces of the United States. More than 8,000 have given their lives in defense of our nation's freedom. Given the many contributions residents of Puerto Rico have made to the United States, I support this initiative for Puerto Rico's self-determination.

The self-determination process of H.R. 856 ensures that the people of Puerto Rico and the people of the United States, through their representatives in Congress, will each have a voice in the three stages of resolving Puerto Rico's political status. As you know, the bill allows residents of Puerto Rico to determine the political status of their island by a democratic referendum process. Under the bill, voters choose either to retain the current commonwealth structure for local self government as a territory, separate sovereignty, or statehood.

This bill does not mandate that Puerto Rico become a state. The bill would leave the decision to the local residents to exercise their collective voice and determine the future of Puerto Rico. However, should residents favor statehood, the bill outlines a transition plan that includes incentives and opportunities for residents to learn English.

Mr. Chairman, the United States is known the world over as the promoter and keeper of political freedom. We must allow the United States citizens living in Puerto Rico to determine their political future as well.

Mr. BUNNING. Mr. Chairman, I rise in opposition to H.R. 856, the United States-Puerto Rico Political Status Act.

Back during my baseball days, I actually lived in Puerto Rico for two years. And I think I have some idea about life on the island. It has a long, rich history, and a vibrant culture. Living there was a wonderful experience.

But, I think that it's this history and culture that dictate that Puerto Rico should be independent from the United States. No matter how hard the proponents of statehood, or those who support continuing commonwealth status, argue their case, I don't think they can reconcile the fact that Puerto Rico has strong traditions that profoundly separates it from America.

It is a separation that cannot be bridged.

I recognize that on the surface there are similarities between America and Puerto Rico. Politically and economically some links have been forged during Puerto Rico's years as an American Commonwealth.

But these connections are only skin deep. Beyond that the customs and culture of Puerto Rico are predominantly their own, or much more closely identified with other Latin or Hispanic cultures.

The vast majority of its residents speak Spanish, not English. And in the most recent referenda, held just five years ago, the residents were profoundly divided over their island's future. None of the options—independence, statehood, or commonwealth status—received even a majority vote, much less a ringing endorsement.

If an overwhelming majority of residents wanted to join the United States that would be one thing. But the indecision among Puerto Ricans simply reflects the fact that the distance between the U.S. and Puerto Rico is much greater than the 950 miles of ocean that separate San Juan from Miami.

Mr. Chairman, I think Puerto Rico should be independent. I don't think it should be a state, and I don't think it should be a commonwealth. And I think that no matter what we do here today, there is no way we can overcome the fact that America and Puerto Rico are separated by profound differences.

The bill before us today claims to present us with a choice for helping Puerto Ricans determine their future. But, it is a false choice because no matter how long we debate this matter in Congress, and no matter how many referenda are held in Puerto Rico, their is only one inevitable outcome—independence.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of the Young-Miller substitute for H.R. 856, the United States-Puerto Rico Political Status Act.

The political status of Puerto Rico has been a topic of discussion of the Committee on Resources, and its predecessor Committees, for decades. My interest in Puerto Rico began in the 1970's when I was a member of the staff of Congressman Phil Burton of California. I learned then of the political divisions within Puerto Rico, and those political divisions are still in existence.

From my perspective, all three political parties in Puerto Rico make persuasive arguments in support of their respective positions, and I believe all three are viable political options. Additionally, I believe a political status of free association is a possibility for Puerto Rico to consider at some point in the future, but given the present political makeup of the commonwealth, I do not believe it should be included on the ballot at this time.

Before I make my specific comments on H.R. 856, I want to note for the record that I think it is critically important that throughout this process, as an institution, Congress must present itself as fair and as evenhanded as possible. When I speak of self-determination for Puerto Rico, in my mind, that means the people of Puerto Rico choose their own course, and in making that choice all options should be available for the people of Puerto Rico to consider.

Even though Congress has plenary authority over Puerto Rico, I believe it would be a serious mistake for the Congress to impose its will upon the people of Puerto Rico without fair and equitable consultation with the Puerto Rican leaders and the people. I place such high concern on this issue because it is my sense that if Congress is not scrupulously evenhanded in this regard, three things can happen. First, the U.S. citizens in Puerto Rico lose their trust in the process and in Congress as an institution. Second, if events do not go as smoothly as Congress might hope, it will be the Congress that will be blamed for the problems, and rightfully so. Third, we all know political status is an emotional issue in Puerto Rico. The Commonwealth has a long history of fair and impartial elections with voting percentages which are the envy of every state of the United States. If the political status selection process were perceived as unfair, I fear the consequences of even the perception of partiality, and again, I believe Congress would have to take its share of the blame and responsibility.

Mr. Chairman, as I see it, the underlying problem, if it is a problem at all, is that over 90% of the people of Puerto Rico are almost evenly split on which political course they should follow. As a result of this, no one group can obtain a majority of votes. Until that changes, any affirmative action Congress takes will not be in accordance with the wishes of the majority in Puerto Rico. Given those facts, I believe it is neither wise, nor good policy, to tilt the scales, just to acquire a majority.

I do have a few concerns with this legislation I want to note. I have said repeatedly that I do not like the idea of one political group defining another political group's definition of itself. To a certain extent, we have that problem in this bill—the bill contains a definition of Commonwealth status, but it was not drafted and is not supported by the political party which supports that status. It is difficult to ask a political organization to vote for or support a status its members do not support, and that is a serious concern I have with this bill. The situation is complicated by the apparent reluctance of the Popular Democratic Party to provide a definition of "Commonwealth" which could be included in the bill.

Because of the opposition of one of the major political parties to a key definition in the bill, it was not an easy decision for me to support this bill. I support the definitions contained in the Young-Miller substitute, but want to note that I do not consider the definition of Commonwealth as describing a static relationship as some have stated. Rather, I believe it describes the current dynamic relationship between the people of Puerto Rico and the people of the United States, which can and should be changed over time.

Secondly, while some may not consider Puerto Rico's current relationship with the United States to be a permanent one, it does not make sense to force a change on the people of Puerto Rico which they do not want. It would be a serious mistake to encourage the people into a "permanent" political status that will not best serve their long-term interests.

Third, Mr. Speaker, is the issue of the use of the English and Spanish languages in Puerto Rico. Coming from an insular area in which Samoan and English are spoken I see nothing to gain and much to lose by forcing the citizens of Puerto Rico to give up part of their Spanish heritage by prohibiting them from speaking to each other in Spanish.

On the other hand, we will not be well served as a nation if the vast majority of the citizens of one of our states do not speak English, and speak it well. The example of Quebec, Canada has been discussed often these last few weeks, but that is not the only example. I would also point to the problems in the Balkans and in many countries in sub-Saharan Africa. This is a very difficult issue which I believe is appropriately addressed in the Burton-Miller-Young amendment, and I support that amendment.

Mr. RAHALL. Mr. Chairman, I rise in support of H.R. 856, legislation which would provide a framework by which the people of Puerto Rico may determine their political status.

Various speakers during today's debate will discuss a number of aspects of this legislation and the sensitive issues it raises.

However, as the ranking Democratic Member on the Subcommittee on Surface Transportation, I will limit my remarks to how Puerto Rico is currently being treated under the federal highway and transit programs, and what the process of self-determination could mean to the island.

Today, the people of Puerto Rico are the beneficiaries of federal highway dollars even though they do not pay any federal motor fuel taxes into the Highway Trust Fund.

On the surface, that may appear to be a good deal for Puerto Rico and a bad deal for the rest of the country.

Yet, our contribution to the highway infrastructure of the island is relatively small. Indeed, over the six-year life of ISTEA, starting with 1992 and ending with 1997, Puerto Rico received $492 million in federal highway dollars.

It is interesting to note that with a population of about 3.8 million people, Puerto Rico received considerably less than Hawaii, a State with similar characteristics in terms of the factors used to apportion federal highway dollars to the States.

With a much smaller population of 1.2 million, Hawaii received a little more than $1.2 billion in federal highway dollars during ISTEA compared to the $492 million sent to Puerto Rico.

On the other hand, if we simply look to population, Connecticut with about 3.3 million people received $2.2 billion over ISTEA compared to Puerto Rico's $492 million.

As such, while Puerto Rico, which pays no federal motor fuel taxes, receives federal highway dollars, the amount is nowhere near what it would receive if it was a State and its residents contributed into the Highway Trust Fund.

In fact, under existing formulas, if Puerto Rico was a State it would receive back in federal highway dollars far more than what it contributes in motor fuel taxes as is the case with Hawaii, Connecticut and many other States.

Is there a pressing need to make transportation improvements in Puerto Rico, yes, certainly.

Anyone who has driven the streets of Santruce, or Rios Piedras, or Bayamon or anywhere else in San Juan knows of the massive congestion which plagues that city.

This is not to say that the government is not making efforts to make improvements.

For example, Tren Urbano is one of, if not the best new transit start anywhere in the United States. Yet, the federal share currently is only 30% of that project while other, less deserving transit projects, have federal share of at least 50% with some up to 80%.

Why is this? I think in part it is due to the resourcefulness of the governor and his administration. But I also think it is in part because they feel there may be limits to the extent of federal transit dollars they can seek under Commonwealth status.

In conclusion, I would observe that the people of Puerto Rico have shed their blood in defense of the United States. For over 100 years they have been a junior partner in the development of the greatest Democracy in the world that is this country. The relationship has been mutually beneficial.

However, I believe it is time, once again, for the people of Puerto Rico to make a determination as to their political status.

Do they want a full seat at the table that is these United States, to be a full and equal partner, or do they want to continue to sit at that table on a small stool as a commonwealth, or do they want to go their own way as a separate nation.

That is what this legislation is about.

I urge a yes vote on H.R. 856.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Puerto Rico Political Status Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, table of contents.
Sec. 2. Findings.
Sec. 3. Policy.
Sec. 4. Process for Puerto Rican full self-government, including the initial decision stage, transition stage, and implementation stage.
Sec. 5. Requirements relating to referenda, including inconclusive referendum and applicable laws.
Sec. 6. Congressional procedures for consideration of legislation.
Sec. 7. Availability of funds for the referenda.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Puerto Rico was ceded to the United States and came under this Nation's sovereignty pursuant to the Treaty of Paris ending the Spanish-American War in 1898. Article IX of the Treaty of Paris recognized the authority of Congress to provide for the political status of the inhabitants of the territory.

(2) Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris, Congress has exercised its powers under the Territorial Clause of the Constitution (article IV, section 3, clause 2) to provide by several statutes beginning in 1917, for the United States citizenship status of persons born in Puerto Rico.

(3) Consistent with the Territorial Clause and rulings of the United States Supreme Court, partial application of the United States Constitution has been established in the unincorporated territories of the United States including Puerto Rico.

(4) In 1950, Congress prescribed a procedure for instituting internal self-government for Puerto Rico pursuant to statutory authorization for a local constitution. A local constitution was approved by the people of Puerto Rico, approved by Congress, subject to conforming amendment by Puerto Rico, and thereupon given effect in 1952 after acceptance of congressional conditions by the Puerto Rico Constitutional Convention and an appropriate proclamation by the Governor. The approved constitution established the structure for constitutional government in respect of internal affairs without altering Puerto Rico's fundamental political, social, and economic relationship with the United States and without restricting the authority of Congress under the Territorial Clause to determine the application of Federal law to Puerto Rico, resulting in the present "Commonwealth" structure for local self-government. The Commonwealth remains an unincorporated territory and does not have the status of "free association" with the United States as that status is defined under United States law or international practice.

(5) In 1953, the United States transmitted to the Secretary-General of the United Nations for circulation to its Members a formal notification that the United States no longer would transmit information regarding Puerto Rico to the United Nations pursuant to Article 73(e) of its Charter. The formal United States notification document informed the United Nations that the cessation of information on Puerto Rico was based on the "new constitutional arrangements" in the territory, and the United States expressly defined the scope of the "full measure" of local self-government in Puerto Rico as extending to matters of "internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution, the Puerto Rico Federal Relations Act and the acts of Congress authorizing and approving the Constitution, as may be interpreted by judicial decision.". Thereafter, the General Assembly of the United Nations, based upon consent of the inhabitants of the territory and the United States explanation of the new status as approved by Congress, adopted Resolution 748 (VIII) by a vote of 22 to 18 with 19 abstentions, thereby accepting the United States determination to cease reporting to the United Nations on the status of Puerto Rico.

(6) In 1960, the United Nations General Assembly approved Resolution 1541 (XV), clarifying that under United Nations standards regarding the political status options available to the people of territories yet to complete the process for achieving full self-government, the three established forms of full self-government are national independence, free association based on separate sovereignty, or full integration with another nation on the basis of equality.

(7) The ruling of the United States Supreme Court in the 1980 case Harris v. Rosario (446 U.S. 651) confirmed that Congress continues to exercise authority over Puerto Rico pursuant to the Territorial Clause found at Article IV, section 3, clause 2 of the United States Constitution; and in the 1982 case of Rodriguez v. Popular Democratic Party (457 U.S. 1), the Court confirmed that the Congress delegated powers of administration to the Commonwealth of Puerto Rico sufficient for it to function "like a State" and as "an autonomous political entity" in respect of internal affairs and administration, "sovereign over matters not ruled by the Constitution" of the United States. These rulings constitute judicial interpretation of Puerto Rico's status which is in accordance with the clear intent of Congress that establishment of local constitutional government in 1952 did not alter Puerto Rico's fundamental status.

(8) In a joint letter dated January 17, 1989, cosigned by the Governor of Puerto Rico in

his capacity as president of one of Puerto Rico's principal political parties and the presidents of the two other principal political parties of Puerto Rico, the United States was formally advised that ". . . the People of Puerto Rico wish to be consulted as to their preference with regards to their ultimate political status", and the joint letter stated ". . . that since Puerto Rico came under the sovereignty of the United States of America through the Treaty of Paris in 1898, the People of Puerto Rico have not been formally consulted by the United States of America as to their choice of their ultimate political status".

(9) In the 1989 State of the Union Message, President George Bush urged the Congress to take the necessary steps to authorize a federally recognized process allowing the people of Puerto Rico, for the first time since the Treaty of Paris entered into force, to freely express their wishes regarding their future political status in a congressionally recognized referendum, a step in the process of self-determination which the Congress has yet to authorize.

(10) On November 14, 1993, the Government of Puerto Rico conducted a plebiscite initiated under local law on Puerto Rico's political status. In that vote none of the three status propositions received a majority of the votes cast. The results of that vote were: 48.6 percent for a commonwealth option, 46.3 percent statehood, and 4.4 percent independence.

(11) In a letter dated December 2, 1994, President William Jefferson Clinton informed leaders in Congress that an Executive Branch Interagency Working Group on Puerto Rico had been organized to coordinate the review, development, and implementation of executive branch policy concerning issues affecting Puerto Rico, including the November 1993 plebiscite.

(12) Under the Territorial Clause of the Constitution, Congress has the authority and responsibility to determine Federal policy and clarify status issues in order to resolve the issue of Puerto Rico's final status.

(13) On January 23, 1997, the Puerto Rico Legislature enacted Concurrent Resolution 2, which requested the 105th Congress ". . . to respond to the democratic aspirations of the American citizens of Puerto Rico" by approving legislation authorizing ". . . a plebiscite sponsored by the Federal Government, to be held no later than 1998".

(14) Nearly 4,000,000 United States citizens live in the islands of Puerto Rico, which have been under United States sovereignty and within the United States customs territory for almost 100 years, making Puerto Rico the oldest, largest, and most populous United States island territory at the southeastern-most boundary of our Nation, located astride the strategic shipping lanes of the Atlantic Ocean and Caribbean Sea.

(15) Full self-government is attainable only through establishment of a political status which is based on either separate sovereignty and nationality or full and equal United States nationality and citizenship through membership in the Union.

SEC. 3. POLICY.

(a) Congressional Commitment.—In recognition of the significant level of local self-government which has been attained by Puerto Rico, and the responsibility of the Federal Government to enable the people of the territory to freely express their wishes regarding political status and achieve full self-government, this Act is adopted with a commitment to encourage the development and implementation of procedures through which the permanent political status of the people of Puerto Rico can be determined.

(b) Language.—English is the common language of mutual understanding in the United States, and in all of the States duly and freely admitted to the Union. The Congress recognizes that at the present time, Spanish and English are the joint official languages of Puerto Rico, and have been for nearly 100 years; that English is the official language of Federal courts in Puerto Rico; that the ability to speak English is a requirement for Federal jury services; yet Spanish rather than English is currently the predominant language used by the majority of the people of Puerto Rico; and that Congress has the authority to expand existing English language requirements in the Commonwealth of Puerto Rico. In the event that the referenda held under this Act result in approval of sovereignty leading to Statehood, it is anticipated that upon accession to Statehood, English language requirements of the Federal Government shall apply in Puerto Rico to the same extent as Federal law requires throughout the United States. Congress also recognizes the significant advantage that proficiency in Spanish as well as English has bestowed on the people of Puerto Rico, and further that this will serve the best interests of both Puerto Rico and the rest of the United States in our mutual dealings in the Caribbean, Latin America, and throughout the Spanish-speaking world.

SEC. 4. PROCESS FOR PUERTO RICAN FULL SELF-GOVERNMENT, INCLUDING THE INITIAL DECISION STAGE, TRANSITION STAGE, AND IMPLEMENTATION STAGE.

(a) Initial Decision Stage.—A referendum on Puerto Rico's political status is authorized to be held not later than December 31, 1998. The referendum shall be held pursuant to this Act and in accordance with the applicable provisions of Puerto Rico's electoral law and other relevant statutes consistent with this Act. Approval of a status option must be by a majority of the valid votes cast. The referendum shall be on the approval of 1 of the 3 options presented on the ballot as follows:

"Instructions: Mark the status option you choose as each is defined below. Ballot with more than 1 option marked will not be counted.

"A. Commonwealth.—If you agree, mark here

"Puerto Rico should retain Commonwealth, in which—

"(1) Puerto Rico is joined in a relationship with and under the national sovereignty of the United States. It is the policy of the Congress that this relationship should only be dissolved by mutual consent.

"(2) Under this political relationship, Puerto Rico like a State is an autonomous political entity, sovereign over matters not ruled by the Constitution of the United States. In the exercise of this sovereignty, the laws of the Commonwealth shall govern in Puerto Rico to the extent that they are consistent with the Constitution, treaties, and laws of the United States. Congress retains its constitutional authority to enact laws it deems necessary relating to Puerto Rico.

"(3) Persons born in Puerto Rico have United States citizenship by statute as secured by the Constitution. It is the policy of the United States that citizenship will continue to be granted to persons born in Puerto Rico. The rights, privileges, and immunities provided for by the United States Constitution apply in Puerto Rico, except where limited by the Constitution to citizens residing in a State.

"(4) Puerto Rico will continue to participate in Federal programs and may be enabled to participate equally with the States in the programs where it is not now participating equally contingent on the payment of contributions, which may include payment of taxes, as provided by Federal law.

"B. Separate Sovereignty.—If you agree, mark here

"The people of Puerto Rico should become fully self-governing through separate sovereignty in the form of independence or free association, in which—

"(1) Puerto Rico is a sovereign Republic which has full authority and responsibility over its territory and population under a constitution which is the supreme law, providing for a republican form of government and the protection of human rights;

"(2) the Republic of Puerto Rico is a member of the community of nations vested with full powers and responsibilities for its own fiscal and monetary policy, immigration, trade, and the conduct in its own name and right of relations with other nations and international organizations, including the rights and responsibilities that devolve upon a sovereign nation under the general principles of international law;

"(3) the residents of Puerto Rico owe allegiance to and have the nationality and citizenship of the Republic of Puerto Rico;

"(4) The Constitution and laws of the United States no longer apply in Puerto Rico, and United States sovereignty in Puerto Rico is ended; thereupon birth in Puerto Rico or relationship to persons with statutory United States citizenship by birth in the former territory shall cease to be a basis for United States nationality or citizenship, except that persons who had such United States citizenship have a statutory right to retain United States nationality and citizenship for life, by entitlement or election as provided by the United States Congress, based on continued allegiance to the United States: *Provided*, That such persons will not have this statutory United States nationality and citizenship status upon having or maintaining allegiance, nationality, and citizenship rights in any sovereign nation, including the Republic of Puerto Rico, other than the United States;

"(5) The previously vested rights of individuals in Puerto Rico to benefits based upon past services rendered or contributions made to the United States shall be honored by the United States as provided by Federal law;

"(6) Puerto Rico and the United States seek to develop friendly and cooperative relations in matters of mutual interest as agreed in treaties approved pursuant to their respective constitutional processes, and laws including economic and programmatic assistance at levels and for a reasonable period as provided on a government-to-government basis, trade between customs territories, transit of citizens in accordance with immigration laws, and status of United States military forces; and

"(7) a free association relationship may be established based on separate sovereign republic status as defined above, but with such delegations of government functions and other cooperative arrangements as may be agreed to by both parties under a bilateral pact terminable at will by either the United States or Puerto Rico.

"C. Statehood.—If you agree, mark here

"Puerto Rico should become fully self governing through Statehood, in which—

"(1) the people of Puerto Rico are fully self-governing with their rights secured under the United States Constitution, which shall be fully applicable in Puerto Rico and which, with the laws and treaties of the United States, is the supreme law and has the same force and effect as in the other States of the Union;

"(2) the State of Puerto Rico becomes a part of the permanent union of the United States of America, subject to the United States Constitution, with powers not prohibited by the Constitution to the States, reserved to the State of Puerto Rico in its sovereignty or to the people;

"(3) United States citizenship of those born in Puerto Rico is recognized, protected and secured in the same way it is for all United States citizens born in the other States;

"(4) rights, freedoms, and benefits as well as duties and responsibilities of citizenship, including payment of Federal taxes, apply in the same manner as in the several States;

"(5) Puerto Rico is represented by two members in the United States Senate and is represented in the House of Representatives proportionate to the population;

"(6) United States citizens in Puerto Rico are enfranchised to vote in elections for the President and Vice President of the United States; and

"(7) English is the official language of business and communication in Federal courts and Federal agencies as made applicable by Federal law to every other State, and Puerto Rico is enabled to expand and build upon existing law establishing English as an official language of the State government, courts, and agencies.".

(b) Transition Stage.—

(1) Plan.—(A) Within 180 days of the receipt of the results of the referendum from the Government of Puerto Rico certifying approval of a ballot choice of full self-government in a referendum held pursuant to subsection (a), the President shall develop and submit to Congress legislation for a transition plan of not more than 10 years which leads to full self-government for Puerto Rico consistent with the terms of this Act and the results of the referendum and in consultation with officials of the three branches of the Government of Puerto Rico, the principal political parties of Puerto Rico, and other interested persons as may be appropriate.

(B) Additionally, in the event of a vote in favor of separate sovereignty, the Legislature of Puerto Rico, if deemed appropriate, may provide by law for the calling of a constituent convention to formulate, in accordance with procedures prescribed by law, Puerto Rico's proposals and recommendations to implement the referendum results. If a convention is called for this purpose, any proposals and recommendations formally adopted by such convention within time limits of this Act shall be transmitted to Congress by the President with the transition plan required by this section, along with the views of the President regarding the compatibility of such proposals and recommendations with the United States Constitution and this Act, and identifying which, if any, of such proposals and recommendations have been addressed in the President's proposed transition plan.

(C) Additionally, in the event of a vote in favor of United States sovereignty leading to Statehood, the President shall include in the transition plan provided for in this Act—

(i) proposals and incentives to increase the opportunities of the people of Puerto Rico to learn to speak, read, write, and understand English fully, including but not limited to, the teaching of English in public schools, fellowships, and scholarships. The transition plan should promote the usage of English by the United States citizens of Puerto Rico, in order to best allow for—

(I) the enhancement of the century old practice of English as an official language of Puerto Rico, consistent with the preservation of our Nation's unity in diversity and the prevention of divisions along linguistic lines;

(II) the use of language skills necessary to contribute most effectively to the Nation in all aspects, including but not limited to Hemispheric trade;

(III) the promotion of efficiency to all people in the conduct of the Federal and State government's official business; and

(IV) the ability of all citizens to take full advantage of the economical, educational, and occupational opportunities through full integration with the United States; and

(ii) the effective date of incorporation, thereby permitting the greatest degree of flexibility for the phase-in of Federal programs and the development of the economy through fiscal incentives, alternative tax arrangements, and other measures.

(D) In the event of a vote in favor of Commonwealth, the Government of Puerto Rico may call a Special Convention to develop proposals for submission to the President and the Congress for changes in Federal policy on matters of economic and social concern to the people of Puerto Rico. The President and the Congress, as appropriate, shall expeditiously consider any such proposals. The Commonwealth would assume any expenses related to increased responsibilities resulting from such proposals.

(2) Congressional consideration.—The plan shall be considered by the Congress in accordance with section 6.

(3) Puerto Rican approval.—

(A) Not later than 180 days after enactment of an Act pursuant to paragraph (1) providing for the transition to full self-government for Puerto Rico as approved in the initial decision referendum held under subsection (a), a referendum shall be held under the applicable provisions of Puerto Rico's electoral law on the question of approval of the transition plan.

(B) Approval must be by a majority of the valid votes cast. The results of the referendum shall be certified to the President of the United States.

(c) Implementation Stage.—

(1) Presidential recommendation.—Not less than two years prior to the end of the period of the transition provided for in the transition plan approved under subsection (b), the President shall submit to Congress a joint resolution with a recommendation for the date of termination of the transition and the date of implementation of full self-government for Puerto Rico within the transition period consistent with the ballot choice approved under subsection (a).

(2) Congressional consideration.—The joint resolution shall be considered by the Congress in accordance with section 6.

(3) Puerto Rican approval.—

(A) Within 180 days after enactment of the terms of implementation for full self-government for Puerto Rico, a referendum shall be held under the applicable provisions of Puerto Rico's electoral laws on the question of the approval of the terms of implementation for full self-government for Puerto Rico.

(B) Approval must be by a majority of the valid votes cast. The results of the referendum shall be certified to the President of the United States.

SEC. 5. REQUIREMENTS RELATING TO REFERENDA, INCLUDING INCONCLUSIVE REFERENDUM AND APPLICABLE LAWS.

(a) Applicable Laws.—

(1) Referenda under Puerto Rican laws.—The referenda held under this Act shall be conducted in accordance with the applicable laws of Puerto Rico, including laws of Puerto Rico under which voter eligibility is determined and which require United States citizenship and establish other statutory requirements for voter eligibility of residents and nonresidents.

(2) Federal laws.—The Federal laws applicable to the election of the Resident Commissioner of Puerto Rico shall, as appropriate and consistent with this Act, also apply to the referenda. Any reference in such Federal laws to elections shall be considered, as appropriate, to be a reference to the referenda, unless it would frustrate the purposes of this Act.

(b) Certification of Referenda Results.—The results of each referendum held under this Act shall be certified to the President of the United States and the Senate and House of Representatives of the United States by the Government of Puerto Rico.

(c) Consultation and Recommendations for Inconclusive Referendum.—

(1) In general.—If a referendum provided in section 4(b) or (c) of this Act does not result in approval of a fully self-governing status, the President, in consultation with officials of the three branches of the Government of Puerto Rico, the principal political parties of Puerto Rico, and other interested persons as may be appropriate, shall make recommendations to the Congress within 180 days of receipt of the results of the referendum regarding completion of the self-determination process for Puerto Rico under the authority of Congress.

(2) Additional referenda.—To ensure that the Congress is able on a continuing basis to exercise its Territorial Clause powers with due regard for the wishes of the people of Puerto Rico respecting resolution of Puerto Rico's permanent future political status, in the event that a referendum conducted under section 4(a) does not result in a majority vote for separate sovereignty or statehood, there is authorized to be further referenda in accordance with this Act, but not less than once every 10 years.

SEC. 6. CONGRESSIONAL PROCEDURES FOR CONSIDERATION OF LEGISLATION.

(a) In General.—The majority leader of the House of Representatives (or his designee) and the majority leader of the Senate (or his designee) shall each introduce legislation (by request) providing for the transition plan under section 4(b) and the implementation recommendation under section 4(c) not later than 5 legislative days after the date of receipt by Congress of the submission by the President under that section, as the case may be.

(b) Referral.—The legislation shall be referred on the date of introduction to the appropriate committee or committees in accordance with rules of the respective Houses. The legislation shall be reported not later than the 120th calendar day after the date of its introduction. If any such committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the legislation, and the legislation shall be placed on the appropriate calendar.

(c) Consideration.—

(1) After the 14th legislative day after the date on which the last committee of the House of Representatives or the Senate, as

the case may be, has reported or been discharged from further consideration of such legislation, it is in order after the legislation has been on the calendar for 14 legislative days for any Member of that House in favor of the legislation to move to proceed to the consideration of the legislation (after consultation with the presiding officer of that House as to scheduling) to move to proceed to its consideration at any time after the third legislative day on which the Member announces to the respective House concerned the Member's intention to do so. All points of order against the motion to proceed and against consideration of that motion are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the legislation is agreed to, the respective House shall immediately proceed to consideration of the legislation without intervening motion (exception one motion to adjourn), order, or other business.

(2)(A) In the House of Representatives, during consideration of the legislation in the Committee of the Whole, the first reading of the legislation shall be dispensed with. General debate shall be confined to the legislation, and shall not exceed 4 hours equally divided and controlled by a proponent and an opponent of the legislation. After general debate, the legislation shall be considered as read for amendment under the five-minute rule. Consideration of the legislation for amendment shall not exceed 4 hours excluding time for recorded votes and quorum calls. At the conclusion of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the legislation and amendments thereto to final passage without intervening motion, except one motion to recommit with or without instructions. A motion to reconsider the vote on passage of the legislation shall not be in order.

(B) In the Senate, debate on the legislation, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 25 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees. No amendment that is not germane to the provisions of such legislation shall be received. A motion to further limit debate is not debatable.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to the legislation described in subsection (a) shall be decided without debate.

(d) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of the legislation described in subsection (a) that was introduced in that House, that House receives from the other House the legislation described in subsection (a)—

(A) the legislation of the other House shall not be referred to a committee and may not be considered in the House that receives it otherwise than on final passage under subparagraph (B)(ii) or (iii); and

(B)(i) the procedure in the House that receives such legislation with respect to such legislation that was introduced in that House shall be the same as if no legislation had been received from the other House; but

(ii) in the case of legislation received from the other House that is identical to the legislation as engrossed by the receiving House, the vote on final passage shall be on the legislation of the other House; or

(iii) after passage of the legislation, the legislation of the other House shall be considered as amended with the text of the legislation just passed and shall be considered as passed, and that House shall be considered to have insisted on its amendment and requested a conference with the other House.

(2) Upon disposition of the legislation described in subsection (a) that is received by one House from the other House, it shall no longer be in order to consider such legislation that was introduced in the receiving House.

(e) Upon receiving from the other House a message in which that House insists upon its amendment to the legislation and requests a conference with the House of Representatives or the Senate, as the case may be, on the disagreeing votes thereon, the House receiving the request shall be considered to have disagreed to the amendment of the other House and agreed to the conference requested by that House.

(f) DEFINITION.—For the purposes of this section, the term "legislative day" means a day on which the House of Representatives or the Senate, as appropriate, is in session.

(g) EXERCISE OF RULEMAKING POWER.—The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives and, as such, shall be considered as part of the rules of each House and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. AVAILABILITY OF FUNDS FOR THE REFERENDA.

(a) IN GENERAL.—

(1) AVAILABILITY OF AMOUNTS DERIVED FROM TAX ON FOREIGN RUM.—During the period beginning October 1, 1997, and ending on the date the President determines that all referenda required by this Act have been held, from the amounts covered into the treasury of Puerto Rico under section 7652(e)(1) of the Internal Revenue Code of 1986, the Secretary of the Treasury—

(A) upon request and in the amounts identified from time to time by the President, shall make the amounts so identified available to the treasury of Puerto Rico for the purposes specified in subsection (b); and

(B) shall transfer all remaining amounts to the treasury of Puerto Rico, as under current law.

(2) REPORT OF REFERENDA EXPENDITURES.—Within 180 days after each referendum required by this Act, and after the end of the period specified in paragraph (1), the President, in consultation with the Government of Puerto Rico, shall submit a report to the United States Senate and United States House of Representatives on the amounts made available under paragraph (1)(A) and all other amounts expended by the State Elections Commission of Puerto Rico for referenda pursuant to this Act.

(b) GRANTS FOR CONDUCTING REFERENDA AND VOTER EDUCATION.—From amounts made available under subsection (a)(1), the Government of Puerto Rico shall make grants to the State Elections Commission of Puerto Rico for referenda held pursuant to the terms of this Act, as follows:

(1) 50 percent shall be available only for costs of conducting the referenda.

(2) 50 percent shall be available only for voter education funds for the central ruling body of the political party, parties, or other qualifying entities advocating a particular ballot choice. The amount allocated for advocating a ballot choice under this paragraph shall be apportioned equally among the parties advocating that choice.

(c) ADDITIONAL RESOURCES.—In addition to amounts made available by this Act, the Puerto Rico Legislature may allocate additional resources for administrative and voter education costs to each party so long as the distribution of funds is consistent with the apportionment requirements of subsection (b).

The CHAIRMAN. Before consideration of any other amendment, it shall be in order to consider Amendment number 3 printed in the RECORD, which shall be preceded by an additional period of general debate confined to the subject of that amendment. That debate shall not exceed 1 hour, equally divided and controlled by the gentleman from New York (Mr. SOLOMON) and a Member opposed.

Consideration of Amendment number 2 printed in the RECORD shall be preceded by an additional period of general debate confined to the subject of that amendment. That debate shall not exceed 30 minutes, equally divided and controlled by the gentleman from New York (Mr. SERRANO) and a Member opposed. Amendments specified in section 2(a) and 2(b) of House Resolution 376 shall be considered read and shall not be subject to a demand for division of the question. Consideration of each of those amendments and any amendments thereto shall not exceed 1 hour.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for any recorded voted on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to debate the subject matter of the amendment offered by the gentleman from New York (Mr. SOLOMON).

The gentleman from New York (Mr. SOLOMON) and a Member opposed, each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. SOLOMON).

Mr. BURTON of Indiana. Mr. Chairman, I and the gentleman from California jointly would like to control the remaining 30 minutes in opposition to be equally divided.

Mr. SOLOMON. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The gentleman from California (Mr. MILLER) would have priority recognition. He could get unanimous consent to give half of his time to the gentleman from Indiana.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to do that.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. SOLOMON. Reserving the right to object, Mr. Chairman, to whomever is making the unanimous consent request here, I would not object when the time comes, but there will be, as I understand, an amendment offered by the gentleman from Indiana, an amendment, a substitute to my amendment. If we are going to give unanimous consent to manage the time jointly, I would like to ask unanimous consent that I be able to claim the time in opposition to the gentleman's substitute to my amendment.

The CHAIRMAN. The Chair has not determined at this point how that amendment is going to be considered. That amendment may be debated under the 5-minute rule within the time limit.

Mr. SOLOMON. The problem is, we would like to have Members in opposition and for the amendment and not go into the 5-minute rule.

PARLIAMENTARY INQUIRIES

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. Mr. Chairman, I just wanted to ask of the Chair how the time on my amendment, when it comes in order, will be divided and how it should be divided?

The CHAIRMAN. As of now, it will be considered under the 5-minute rule.

Mr. YOUNG of Alaska. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Chairman, we are discussing the amendment of the gentleman from New York under 1 hour of the rule. The time should be divided equally between the gentleman from New York (Mr. SOLOMON) 30 minutes and the gentleman from California (Mr. MILLER) 30 minutes, yielding 15 minutes to the gentleman from Indiana; is that correct?

The CHAIRMAN. That could happen. Once the amendment is pending, we may then proceed under the 5-minute rule.

Mr. SOLOMON. Reserving the right to object, Mr. Chairman, that would take unanimous consent, and that is why I am reserving the right to object, because when the Burton amendment is offered, I would ask agreement that we be able to not proceed under the 5-minute rule, but to divide the time equally 15 minutes for the substitute and 15 minutes opposed. We could have done this in the rule, but we did not do it because we wanted to get the unanimous consent on the floor.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, my understanding is there may be additional amendments. So the person who offers a perfecting amendment or whatever to the gentleman's amendment to the substitute would get time, I assume, to explain their amendment or something.

Mr. SOLOMON. Mr. Chairman, continuing my reservation of objection, I yield to the gentleman from Illinois (Mr. GUTIERREZ) for some input on this subject.

Mr. GUTIERREZ. Mr. Chairman, I believe I have the only other amendment. I have a perfecting amendment. Obviously the Burton substitute would go first, but I have a perfecting amendment. So if we could reach an agreement so that my perfecting amendment would get 10 minutes of time, I would not ask for an extraordinary amount of time, so that I could have the perfecting amendment and reserve at least 10 minutes of time outside of the gentleman's hour that he already has. Then we could all have a unanimous consent, and I think we might be able to figure this out.

Mr. SOLOMON. Continuing my reservation of objection, might I inquire of the Chair whom would be recognized first to offer an amendment either in the form of a substitute or a perfecting amendment to my amendment?

The CHAIRMAN. The Chair would not wish to anticipate recognition at this time. The Chair would grant recognition to the Member that would rise first and seek recognition and if both rise, grant priority of recognition to the appropriate Member.

Mr. SOLOMON. Would it not be done by seniority, Mr. Chairman?

The CHAIRMAN. The Chair would obviously take into account seniority and committee membership.

Mr. SOLOMON. Mr. Chairman, I withdraw my reservation of objection. We will cross that bridge when we come to it.

PARLIAMENTARY INQUIRIES

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTON of Indiana. A perfecting amendment, Mr. Chairman, precedes the determination of an amendment. A substitute comes after the amendment or at the end of the amendment process. Am I not correct?

The CHAIRMAN. The two amendments may be pending at the same time.

Mr. BURTON of Indiana. I thank the Chair.

Mr. GUTIERREZ. Reserving the right to object, Mr. Chairman, I would like to sit down and let the Members figure out the rest of it. My only concern is that because of the gentleman's ranking and seniority here that I be allowed, if the gentleman just says, "Congressman, I will make sure you get your 10 minutes," and the gentleman will allow me, and I will limit my perfecting amendment to 10 minutes, and then we can proceed with the rest of this. The gentleman's word is very valuable to me, and I will just take that. Then I can sit down and let these gentlemen figure out the rest of it.

Mr. BURTON of Indiana. Mr. Chairman, as I understand it, we are going to be under the 5-minute rule which would govern the time distribution; is that correct?

The CHAIRMAN. As of now, that is correct.

Mr. BURTON of Indiana. Mr. Chairman, should we ask unanimous consent that each one of the amendments, since there is only two, be given 15 minutes for each amendment for debate, equally divided among proponents and opponents? I will make a unanimous consent request to that effect.

The CHAIRMAN. The gentleman may make that request by unanimous consent.

Mr. MILLER of California. Reserving the right to object, currently under the rule there will be 1 hour on the amendments to Solomon; is that correct?

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. SOLOMON. Under the rule there would be 1 hour of general debate on the Solomon amendment before it is called up. After the 1 hour has expired, then I would call up the amendment and then it would be subject to amendment by the two gentlemen.

Mr. MILLER of California. With 1 hour of total time to all amendments?

Mr. SOLOMON. That is correct.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Alaska. May I make a suggestion to all my good friends. Why do we not begin the debate, general debate, and then let us work out the timeframe of the amendments that will be offered.

The CHAIRMAN. The gentleman from New York (Mr. SOLOMON) will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

From the very beginning our Nation has recognized that the prosperity of the people of America depended on their continuing firmly united, and the wishes and the prayers and the efforts of our best and wisest citizens have been constantly directed to that object. These are the words of the wisdom of The Federalist papers of John Jay, our country's first Chief Justice of the Supreme Court.

Justice Jay went on to say, I have often taken notice that providence has been pleased to give this one connected country to one united people, a people descended from the same ancestors, speaking the same language, attached to the same principles of government, very similar in their manners and their customs, and who, by their joint councils and arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and their independence.

That is the history of our country.

Based on this premise, for the past two centuries we have forged a Nation out of our different peoples by emphasizing our common beliefs, our common ideals and, perhaps most importantly of all, our common language.

Our English language has permitted this country to live up to our national motto, E Pluribus Unum, which means out of many, one.

Mr. Chairman, it is in this spirit that I offer the English language empowerment amendment to the U.S.-Puerto Rico Political Status Act. In short, this amendment is based on two very simple principles. It is based on unity, and it is based on opportunity. My devotion to unity and the English language is premised on the belief that our strength in unity can best be preserved through the prevention of divisions along linguistic or cultural lines. Such cultural divisions have been encountered by Canada with Quebec and could be with the U.S. and Puerto Rico today.

Now, what do I mean by this division of linguistic lines? These divisions are not between people, but they are between opportunities. Americans who do not know English are segregated. They are segregated from those who do, separated from everything the United States and its precious Constitution stands for.

A reaffirmation of English as the official language is absolutely necessary to demonstrate that the Federal Government's goal is to desegregate all Americans. This is because America is composed of people who have for centuries pulled themselves up by their bootstraps with courage and a vision to pursue the opportunity that America has to offer. Consequently my amendment is intended to ensure that no American citizen, no matter what their cultural background, no matter whether they live in Puerto Rico or Iowa, has to be trapped in a linguistic box, kept away from those tools of opportunity.

This is the land of opportunity and the land of language, the land of opportunity and English. There should be no ambiguity about this fact. The usage and understanding of English is the key to economic and educational opportunity in this country of ours. Therefore, we as the Federal Government must do everything we can to promote and to enhance the ability of all Americans no matter what their heritage to read, to speak and understand this language of opportunity.

Based on this visionary premise during the 104th Congress, the House of Representatives voted, and the gentleman from California (Mr. CUNNINGHAM) will speak to that in a minute, voted 259 to 169 in favor of the bill which declared English the official language of the United States. However, the provisions of this bill before us today undermine the principles of that empowerment act, and they deny opportunities to the children and the people of Puerto Rico, make no mistake about it. Furthermore, this bill does not address how the omission of Puerto Rico as an official Spanish State would affect English as the official language of the United States Government. Nor does it protect the rights of English-speaking Americans in Puerto Rico or the rights of the children of Puerto Rico to learn English.

These are crucial, important questions to answer because according to the 1990 U.S. census, and this is so important, less than 24 percent of the U.S. citizens in Puerto Rico speak English fluently, while 98 percent do actually speak Spanish. All children in the public schools are taught only in Spanish from kindergarten through the high school, while English is taught as a second language.

□ 1415

To correct these weaknesses of the underlying bill, my amendment basically does two things, and this is exactly what it does:

First, it replaces the language in this bill, the nebulous language policy which states that "English is the common language of mutual understanding in the United States." It replaces it with the clearer and simpler statement that "English is the official language of the Federal Government," applicable to the entire Nation, as done in the Empowerment Act in the last Congress which overwhelmingly passed this House with strong Republican and Democratic support.

Secondly, it addresses Congress' fundamental responsibility to ensure that any State meet certain standards and provide certain fundamental rights and protections. In 1845 and again in 1911 our United States Supreme Court held that Congress may require a new State to meet certain standards before it would be admitted. As a result, my amendment tailors the statehood ballot to reflect this national official English policy. It states that the Congress expects that a future State of Puerto Rico would promote English as the official language of the State government, of its courts and agencies, and that English would be the language of instruction in public schools but would not bar the teaching of Spanish in those same public schools. These provisions will guarantee current and future generations of Puerto Rico unfettered access to the tools with which to successfully assimilate into this Union of ours, should they choose to become a State at a later date.

Today can be a historic day, my colleagues, a day in which Congress not only debates the future political status of 3.8 million U.S. citizens, but also a day which will focus and strengthen those things which unite us as a Nation and which expand the horizons of opportunity for all our citizens.

This is an amendment of opportunity, my colleagues. It is a vision of unity and compassionate measures. It deserves all of America's support, from the young dairy farmer in Argyle, New York, to the logging family in Olympia, Washington, to the schoolteacher in San Juan, Puerto Rico. I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, what America needs is English plus, not English only. What America needs is to teach English, not preach it. What America needs is to respect diversity, not divisiveness. The last time I visited the Statue of Liberty, that eloquent lady did not say "Spanish-speaking people not accepted here."

The blood spilled and lives lost by thousands of Spanish-speaking American veterans has not been limited to English only, and it is wrong to deny those veterans the very rights for which they fought. Whether intended or not, this debate on English only is divisive and insults the culture of millions of Hispanic Americans, Asian Americans, Korean Americans and others.

Mr. Chairman, the brightest days of America's history have come when we were inclusive, when we added women and racial and religious minorities to the rights enumerated in our Declaration of Independence and Constitution. The darkest days of America's history have come when we excluded our citizens from full participation in our democracy; for example, when black veterans were allowed to die for the very freedoms they were denied right here at home. I hope this will be a bright day for all of America's citizens, not a dark day that will turn us backwards into a quagmire of divisiveness.

The 3 percent of American citizens that do not speak English, many of them seniors living with their children in their homes, hardly pose a threat to the greatest democracy in the history of the world. If Hispanics and other Americans, such as Korean Americans in my district, are willing to work hard and pay taxes and serve us in uniform, then surely we should show them the brightest, the best of America today.

Vote "no" on the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. LIVINGSTON), one of the Members of this body that has been harassed by Members in his own party, and Members on both sides of the aisle, but is one of the real stand-up Members in this House.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding me this time. The other gentleman from Louisiana was disappointed the gentleman was not speaking about him. He thought, and I thought, the gentleman from New York was speaking about him.

Mr. Chairman, I rise today in strong support of the amendment by the gentleman from New York, the Solomon amendment to H.R. 856, the United States-Puerto Rico Political Status Act. Regardless of how we feel about the ultimate bill, the fact is that this bill's current provision on English is weak and inadequate and needs to be strengthened. H.R. 856 says that English will be the common language of mutual understanding in the United States. That means really nothing. Common language is not an official language.

That facts are that less than half of all the citizens of Puerto Rico can speak English. Less than half can speak English. And according to the New York Times, fully 90 percent of the island's 650,000 public school students lack basic English skills by the time they graduate. If Puerto Rico becomes a State, this situation will be intolerable. A youngster growing up in Puerto Rico will speak Spanish, will not speak English. And, in my opinion, a youngster growing up in the United States needs to speak the common language.

If my wife and I take a child to Spain and raise the child in Spain, we will raise the child speaking Spanish so that he can communicate, or she can communicate in the language of the Nation. We will not expect Spain to teach our kid English if we are going to live in their country. Likewise, we ought to expect people growing up in this Nation to speak English so that they can communicate for their own good and become productive citizens.

Our common language is the tie that binds us all. The motto of this Nation, "E Pluribus Unum," "out of many, one," should remind us that we are a Nation of different peoples and cultures but we are united. The ability to communicate in a common tongue is the key to success that unites us in our democracy.

We see in Canada that different languages can seriously impair the unity of a nation, and that nation is about to come apart at the seams because they speak a different language.

The Solomon amendment is only common sense. By establishing English as the official language of the Federal Government, the Solomon amendment will make it perfectly clear that English will be the language of the Federal Government across the Nation. Not just in Puerto Rico, across the Nation.

Under Solomon, Puerto Ricans may freely speak Spanish at home or anywhere they please, but the State of Puerto Rico will promote English as the official language of the State government, of the courts, of the agencies, and in the schools teaching in English will be mandated in public schools. This will make citizens of the island full and equal partners in America, in a fashion our Founding Fathers envisioned and it will make them productive citizens of the United States of America.

I urge the adoption of the Solomon amendment and the defeat of all the perfecting and the substituting amendments which will delete it and attempt to nullify the provisions of the Solomon amendment. English is the American language.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, right now, in Puerto Rico, more people are watching this C–SPAN on a per-capita basis than in any State of the Nation. That belies the statements that have been made here that the people of Puerto Rico do not understand English.

More than about 50 percent of the people know and understand English. Twenty-five percent are proficient in English. But how many children are proficient in English when they graduate from high school in the 50 States of the Nation? There is a very low proficiency in English from graduates in the 50 States. But all of those people in Puerto Rico, if they cannot understand, they have somebody in their family or a friend that is translating what is going on here, and they know what is going on.

When they say that in order to vote that we have to be proficient in English, my God, why was that not decided when we were granted citizenship? A person who asks for naturalization, he takes a test in English. Now, 95 percent of the people of Puerto Rico can pass that test without any problem; that is a citizenship test.

So the test that we give people who ask for citizenship has less requirements than what we are trying to require in this amendment from the people of Puerto Rico who have been citizens since 1917, for 81 years, who fought together, who worked together to make this Nation what it is today. They fought in the foreign soils defending the right to self-determination.

They say, oh, this bill tells the people of Puerto Rico the wrong things. It does not allow the people of Puerto Rico to understand that they must speak English. We know we must speak English. Everybody in Puerto Rico knows that. We know that English is the language of the world. What is anyone here afraid of?

We should be in the country, instead of trying to impose English, promoting the learning of English by providing opportunities to learn English, providing more opportunities for people who understand the language and to speak it and to write it. That is what this should be all about, not about trying to impose. This is not a dictatorship. This is a democracy. Let us not belie what we are.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. Is the gentleman from Indiana using the time of the gentleman from New York?

Mr. BURTON of Indiana. Mr. Chairman, I have 15 minutes, and the gentleman from California (Mr. MILLER) has 15 minutes in opposition. That is what was decided.

The CHAIRMAN. The Chair's understanding is the gentleman from Indiana was going to make that unanimous consent request.

Mr. SOLOMON. Mr. Chairman, we have no objection.

The CHAIRMAN. But as of now, we are under the 60 minutes divided for the underlying subject.

Mr. MILLER of California. Mr. Chairman, the gentleman from Indiana (Mr. BURTON) has 15 minutes of our 30 minutes because the gentleman from New York (Mr. SOLOMON) withdrew his objection.

The CHAIRMAN. The Chair had made an announcement that the hour would be divided 30 minutes and 30 minutes under the rule. The Chair would now entertain a unanimous consent request to further divide the time.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that 15 minutes of the time allocated to me under the rule be allocated to the gentleman from Indiana (Mr. BURTON) at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BURTON.)

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am one of the 165 cosponsors of H.R. 123, which was a bill to declare English as the official language of the Government of the United States. I strongly believe that that is a good piece of legislation.

However, after having said that, I do not believe that that particular piece of legislation belongs in this bill. This bill is a bill that is designed to give the people of Puerto Rico the right to let the Congress of the United States know whether they want to be an independent nation, whether they want to remain a Commonwealth, or whether they want to become a State.

It does not mean that they will become a State, because any decision that they make in this referendum will have to come back to the Congress of the United States for final determination. And the process is going to take about 10 years if the process is followed according to the legislation that we have before us.

So the fact of the matter is this bill is designed to find out what the people of Puerto Rico really want.

Why are we doing this, because there was a plebiscite in Puerto Rico just a few years ago? A few years ago, there was a plebiscite; and each of the parties, the Commonwealth party, the statehood party, and the independent party were able to define for themselves what Commonwealth meant, what statehood meant, and what independence meant. Because of that, the people of Puerto Rico, when they voted, were voting based upon the determination that was being made by the party who wanted their vote.

What we decided to do was, we decided to find out from leading legal authorities what statehood meant, what Commonwealth meant, and what independence meant so that the people of Puerto Rico, when they voted on the plebiscite, would be voting on the facts and not on what some party said.

We have contacted the legislative counsel of the Congress of the United States for their input. We have contacted the Congressional Research Service for their input. We have contacted the Department of Justice of the United States for their input, and other constitutional experts.

What we have determined in this bill is what is constitutionally defined as statehood, independence, and Commonwealth status.

□ 1430

And so the people of Puerto Rico, when they vote on this plebiscite, will be voting on what the facts are and not what some party says in Puerto Rico who has a reason to define their party in a certain way. The Commonwealth Party, in the definition that was on the plebiscite a few years ago, was not defined correctly. What we are doing is clarifying that in the language that is in this bill, that will go on the ballot if we pass this legislation.

Like I said earlier, I am for the English legislation that was before this body some years ago. I was a cosponsor of that. I do not believe the Solomon amendment as written has any place in this legislation. Because there is some confusion about this, this is becoming an English-only bill, which it should not be.

I have a perfecting amendment or a substitute amendment which will, effective immediately, allow for English proficiency in Puerto Rico by the age of 10. I think that the people of Puerto Rico, when they read the substitute that I have, will be very happy with that because it encourages learning English in all the schools and all the institutions down there by the age of 10. We think that that will happen.

Let me just add one more point. That is, the people of Puerto Rico already are citizens of the United States of America. We are not talking about some country out there in the middle of nowhere. Those people have citizenship already. For us to deny them the ability to decide whether they want to be a commonwealth or if they want to become independent or a State I think is just dead wrong.

Let us not muddy up the waters by adding the Solomon language to this, which is a pervasive issue. He is talking about English for the entire United States of America. We are talking about a plebiscite bill for Puerto Rico. Let us decide the Puerto Rico issue with the amendment that I am going to add which will encourage English as the language down there, proficiency by the age of 10. And then later on if we want to, let us go back to the English-only bill that we had before this body some time ago and debate that as a separate issue, but not on the Puerto Rico bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the Solomon amendment. It is a clear example of a solution to a problem that does not exist. It may seem to some that this requirement is a laudable goal but the fact is that the proponents of this bill, the delegations and so forth that support it, are against this amendment. It is an unnecessary, ineffective and divisive amendment.

It is unnecessary because English and Spanish have been the official languages of Puerto Rico since 1902. To put that in perspective, STROM THURMOND was born way back in 1902. That is a long time ago. Furthermore, this bill already has a provision highlighting the importance of English as a common language. It states, and I quote, "English is the common language of mutual understanding in the United States, and that this policy shall apply in all of the States. That is all that is needed to accomplish the stated goal of the Solomon amendment's proponents."

Furthermore, of course, our Nation is a melting pot. My grandparents were of German and Italian ancestry. I am proud of my parents and the wonderful heritage we share. But I am and we are all Americans, and as such I believe the strength of our Nation is derived not from laws that mandate our American patriotism and demand our fidelity but from core values and common beliefs that define and guide our rights and responsibilities. Whatever language we speak, write or think in, our freedom and liberties are not bound by but rather transcend the limits and the boundaries of such language.

The Solomon amendment strikes at the core value of such American belief and practice. It says that we must do to Puerto Rico that which we did not do to the Scandinavian and German Midwest territories to achieve statehood, to superimpose a language requirement and condition statehood consideration upon what is in essence the denial of that heritage, culture and history. Vote no on this Solomon amendment.

This Solomon amendment is big government, and big brother, at its worst.

This Solomon amendment would require the English language to be the official language of all government functions in the United States. It is possible that, if the current version of this legislation passes, the people of Puerto Rico will vote to join the Union as the 51st state and that the Congress would respond by enacting legislation which would grant Puerto Rican statehood. What this amendment requires, then, is that English will be the official language of Puerto Rico. English would be the official language in all of the affairs of state government, including teaching in public schools. Supporters of this amendment say its passage will empower the citizens of Puerto Rico. Their goal is the "long term assimilation of Puerto Ricans into American society."

Now that may seem to many upon its face to be a pretty laudable goal. The problem is that the main supporter of this legislation, Mr. ROMERO-BARCELO, is deeply opposed to such a provision. The Congressional Hispanic Caucus opposes it as well. They say, and I agree, that this amendment is unnecessary, ineffective and divisive.

It's unnecessary because English and Spanish have been the official languages of Puerto Rico since 1902. To put that into perspective, STROM THURMOND was born way back in 1902. Furthermore, H.R. 856 already has a provision highlighting the importance of English as a common language. H.R. 856 states, and I quote, "English is the common language of mutual understanding in the United States, and that this policy shall apply in all of the states." This is all that is needed to accomplish the stated goal of the Amendment proponents.

The Solomon amendment iteration of this matter is ineffective because far from empowering people, it would make government in

Puerto Rico work far less efficiently. Around half of all people in Puerto Rico over the age of five are bilingual. That means the other half don't speak English or Spanish. Passing this amendment means that this close to 50% of people will not be able to vote because they won't understand the English-only ballots. They'll have some trouble in courts of law, because they won't be able to understand the proceedings. They'll have one heck of a time trying to file Federal taxes—which is, as we all know, pretty complicated even if you know the English language. And they may not even be able to speak with 911 operators in emergencies. That doesn't sound like empowerment to me, Mr. Chairman. That sounds like a bad idea.

Now the one thing you hear people who support this amendment say again and again is that H.R. 856 will create an American Quebec. Quite the contrary, it would be the Solomon amendment that creates a situation similar to that which has ripped Canada apart in recent years. The lesson from Canada should be that you should never, ever legislate a language requirement. Far from creating an atmosphere that would ease assimilation, this amendment would create an atmosphere of division, suspicion and mistrust.

Finally, as we approach the 21st Century, multilingualism is something we need to encourage. As the reach of the global economy increases, the ability to speak more than one language will be an important and marketable skill. If this bill passes, and citizens of Puerto Rico choose to join the Union as the 51st state, their impressive ability to use English and Spanish will be something we could all be proud of and respect, not denigrate.

America is a melting pot. My grandparents were German and Italian, and I am proud of my parents and the wonderful heritage we all share. But I am and we are all Americans, and as such I believe that the strength of our nation is derived not from laws that mandate our American patriotism and demand our fidelity, but from core values and common beliefs that define our rights and responsibilities. Whatever language we speak, write or think in, our freedom and liberty are not bound by but rather transcend the limits, the boundaries of such language. The Solomon amendment strikes at the core value of such American belief. It says that we must do to Puerto Rico that which we didn't do to the Scandinavian and German Midwest territories to achieve statehood: superimpose a language requirement and condition statehood consideration upon what is in essence the denial of a heritage, culture and history. This amendment results in a price we should not place on statehood. Join me in opposing the Solomon amendment!

Mr. SOLOMON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the sponsor of the official English bill that passed this House overwhelmingly with bipartisan support 2 years ago.

Mr. CUNNINGHAM. Mr. Chairman, one thing I think the members of Puerto Rico will see, I think this is one of the most healthy debates that I have seen on this floor in 7 years. It is issue-oriented. I have got conservatives for and against, I have got liberals for and against, and each with individual ideas. I commend both sides of this.

I did not have time to speak on the floor. I would like to speak to the amendment but I would also like to speak to the bill.

Teddy Roosevelt, Rough Rider, San Juan Hill, and yes, many, many members from Puerto Rico have shed their blood to support democracy and fight communism and socialism around the world just like many Americans have. I think you know how most of us feel about that.

I would also say that the people, now nearly 4 million Puerto Ricans, have voted on several occasions on these issues. I know for me, and I will say this and I will give you my support, it is not required by Congress that they vote on what their determination wants to be. If you have at least two-thirds instead of 50 plus one on a very important issue like this, this gentleman will support it, but not on a 50 plus one vote.

I think if we look, the Puerto Rican people themselves are divided on this particular issue. Quebec has been mentioned. I am not going to let the gentleman from Indiana (Mr. BURTON) give me any more golf bags after this, but I would say that if he wants to encourage them to learn English, if we ask the people of Quebec and encourage them to learn English instead of French, look at the problems they have had, it would not happen. I think it takes stronger.

Mr. Chairman, I was disappointed in the minority leader at his representation of the English provision in this. Let me tell my colleagues why. First of all, there were 259 votes. I went from the very extreme portion of a bill as chairman of the committee and down to the lower portions and moderated the bill to where even States had the right, after this body had said English is the common language of our government, that each individual State had a right to change that. It gave them that option. There was no mandatory thing there. I thought that that was very fair. I think that is why we got such bipartisan support for it. I think the misrepresentation was not well proposed in the bill.

I think another big issue, it fails to follow the precedents of other U.S. territories that joined the Union, Hawaii, Alaska, with the great percentages. They really want it. It should be something very special to the great majority of a country. Puerto Rico, as the gentleman said, they feel they are a country. It should be the great expectation of a great majority of that group before they become an American citizen. I do not want another Quebec here. I do not want in Puerto Rico that kind of division and that divisiveness. I think that that is a legitimate issue.

They said it is a poison pill. The former Governor of Arkansas had a bill similar to this, Governor Clinton, 23 States in our Union. That is not extreme, as the minority leader said. I just think if we are going to speak, I think we need to speak not disingenuously but purport what the bill says. It is English as a common language, not English only.

When I was in the Philippines, the Philippines was going to have Tagalog as its official language. I recommended to President Ramos that that was a disservice because it has no root in math or science. I speak a little Tagalog. They would do themselves a disservice internationally.

I went to Vietnam. They are carrying computers, they are learning English and they are studying business because they understand. That is all we are asking for Puerto Rico, that they do that. Instead of speaking Spanish first in their classrooms and English second, it should be turned around, if they want a bite of the American dream. I think that is very, very important.

I would ask my colleagues, think carefully about this. If we can have a vote from Puerto Rico, where the majority of them say we want to be an American citizen, I think only a very small percentage of the group that are opposed to this would say no. But we do not have that. I ask my colleagues to take a look at that.

I would say, Mr. Chairman, as I mentioned, the bill by both sides of the aisle has been represented well with the issues. I thank my colleagues for that. But this is more serious than most bills we have coming up here. I think that is the reason we have given it so much time. Give yourself the time, look at the issues on both sides of it, and I think you will not support the bill and you will not support the substitute but you will support the Solomon amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

First of all let me point out to my colleague from California, the people of Puerto Rico are citizens of the United States. They already are citizens. He says if they want a bite of the American dream. They already are Americans. The only problem is they are Americans without representation. They do not have any Congressmen. They do not have any Senators. They do not have any representation in this body. Yet they are American citizens. They are like orphans out in a storm walking around saying, "Where are my parents?" It does not make any sense.

This plebiscite is an advisory plebiscite, I will say to my colleague from California. This is an advisory plebiscite. What is he afraid of? All we are asking for is an opinion from the people of Puerto Rico on what they want. If they come back and only 51 percent say that they want statehood or they want commonwealth, we decide in this body whether or not we want to proceed any further. I think if it was that close, we probably would not. But let us say they come back and that 70 percent want statehood and only 10 percent or 20 percent want commonwealth. At that point I think that we as a body ought to make that determination.

But make no mistake about it, these are American citizens without representation in the Congress of the United States, and that is wrong.

Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I am speaking on the time of the gentleman from Indiana (Mr. BURTON). I am speaking from the majority side of the aisle because I am speaking on his time. I am looking at the gentleman from California (Mr. MILLER) right now who is smiling at me, and trying to get over the hush that came over the crowd as someone moves to this side. I am looking for the gentleman from Alaska (Mr. YOUNG), my very able chairman.

I point that out because this is a nonpartisan issue and is being cast, I am very sorry to say, in somewhat partisan terms, not necessarily by party but partisan terms, as if there is a right side and a wrong side. As the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has indicated, as the gentleman from Indiana (Mr. BURTON) has indicated, as the gentleman from California (Mr. MILLER) has indicated, and the gentleman from Alaska (Mr. YOUNG), what we are trying to do here today is to aid and assist, as Members of the House of Representatives, the self-determination of fellow citizens.

The gentleman from Indiana (Mr. BURTON) has been adamant on this. I do not think we are going to find a more partisan person in the House with respect to the question of English and its being used as common language throughout the United States. But that issue will be debated in another venue, at another time.

What we are talking about here is something that I ask Members, as a representative from the last State to come into the Union. We have only been a State for 38 years. We have been a State for less years than many people in this body have been alive and serving in public office.

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So it is very, very particularly poignant in some respects to me today to stand here as someone who was not born in Hawaii and has the privilege to serve in Hawaii.

I was born in the east of the United States, in Buffalo, New York, in the area represented by the gentleman from New York (Mr. PAXON) today. It never occurred to me that one day I would have the privilege and honor of standing in the well of this House to serve the people not only of Hawaii, but of the United States of America.

That will happen in Puerto Rico. We cannot determine ahead of time what is going to happen there. The conventional wisdom, as some will recall, when Hawaii and Alaska came into the Union, was that Hawaii would be a Republican State, and, indeed, we elected a Republican Governor in our very first State election, and that Alaska would be a democratic State.

As you know, that has worked differently. We have had Republican office holders here, we have had Democratic office holders here. This is not a partisan issue.

Mr. Chairman, I appeal to my Republican friends, please, take into account that our fellow citizens are merely asking for the opportunity to determine their future. Join Democrats and Republicans all together and vote for the bill and against this particular amendment.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to the Solomon amendment and in strong support of the substitute language.

Mr. Chairman, English is fast becoming the language of the world. It is not we English speakers who need to fear the integrity of our language; it is, indeed, others who have concerns.

We, as I said earlier in this debate, who support so strongly the principles of the Helsinki Act, have advocated in country after country after country that they give to people within their country respect of their cultural and their national identities. Of course, language is a critical component of that.

The Soviet Union, my friends will recall, tried to have everybody speak Russian on the concept that if everybody spoke Russian, there would be a sense of unity within the Soviet Union. But that unity was at the point of a sword. It will not get you what you want.

Mr. Chairman, I urge support of the substitute, and opposition to the Solomon amendment.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH) for the purpose of entering into a colloquy with me.

Mr. HAYWORTH. Mr. Chairman, I do rise for the purpose of entering into a colloquy with the gentleman from California (Mr. CUNNINGHAM), who will be speaking for the sponsor of the amendment, the gentleman from New York (Mr. SOLOMON).

First let me compliment my friend from New York for introducing this important amendment. This amendment will save precious taxpayer dollars, while reaffirming that English should be the official language of the government. A common language of government is essential to our health as a Nation.

Let me turn to the gentleman from California (Mr. CUNNINGHAM). It is my understanding it was the intention of the gentleman from New York (Mr. SOLOMON), the author of this amendment, to include the entire text of H.R. 123, the Bill Emerson English Language Empowerment Act of 1997, as this amendment. Is that correct?

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, it was the intention of the gentleman from New York (Mr. SOLOMON) to include the text of H.R. 123 in this amendment.

Mr. HAYWORTH. Mr. Chairman, reclaiming my time, as the gentleman knows, I worked with the authors of H.R. 122 to include certain sections of the bill that recognize the unique status of Native Americans under our Constitution and various treaties. Section 167 of H.R. 123 explicitly states, "Nothing in this chapter shall be construed to limit the preservation or use of Native Alaskans or Native American languages as defined in the Native American Languages Act." Section 169 of the bill further states that the measure does not apply to "the teaching of these languages." These provisions were added at my behest to protect the unique obligations we have to Native Americans.

Again, asking the gentleman from California, was it the intention of the gentleman from New York (Mr. SOLOMON) to protect the various obligations of our native people?

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield further, it was the full intention to protect Native American languages, as these sovereign tribes have a unique relationship with the Federal Government. Unfortunately, the Parliamentarian ruled that adding these sections would not be germane to the bill we are debating. I look forward to working with the gentleman in seeing that the Native American languages are protected as the bill works its way through the legislative process.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I was sitting in my office listening to this debate, and really the question is what does the 105th Congress have to fear? It really sounds like two things.

First of all, we are fearful of Puerto Rico having an election, which is essentially a public opinion election. Since when did Congress fear elections?

The other thing we have is we are fearing people that speak other languages. Why? One hundred four sessions that went before us did not fear that. In fact, our forefathers who admitted Louisiana, New Mexico, Oklahoma and Hawaii, allowed those states to come in and protected the rights of those people to speak French, Spanish, Native American and Hawaiian, Aloha, a language that everybody uses in business.

What about our forefathers who rebuilt this room we are all sitting in, in 1949 and 1950. If you look around, there are 23 lawgivers that we respect. These are the people who historically gave us the under-law for American law. These were the lawmakers, lawgivers, as we call them. There are 23 of them. Only three of them spoke English, and one of those, Thomas Jefferson, also spoke French.

Mr. Chairman, what are we afraid of? Defeat this amendment and pass the bill.

Mr. CUNNINGHAM. Mr. Chairman, I yield two minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I know this is an emotional issue to many folks. The commonwealth status of Puerto Rico has been a long-standing status and it confers upon its people certain rights of citizenship.

This body is about to take it to a new level. I do not believe the American people are any closer to understanding this issue than when we started. It is taking everybody in the country by surprise.

It is a big deal to me. I think we are rushing into it. But if we are going to do it, we need to recognize certain things.

Three out of four people in Puerto Rico are not fluent in the English language, and we are setting in motion the possibility of Puerto Rico becoming a State in a couple or three years.

The legislative affairs of the Commonwealth of Puerto Rico are conducted in Spanish. The Federal Court system requires that jurors speak English to sit as jurors, but the State court system, or the equivalent thereof, is conducted in Spanish, so if anybody finds themselves in Puerto Rico as a State, chances are you are going to be tried in a language you do not understand.

What the gentleman from New York (Mr. SOLOMON) is trying to do is bring unanimity to the 50 or 51 states, saying the common language that unites us is English, and it would apply to all states, not just the Commonwealth of Puerto Rico.

If we are going to go down this road, we certainly need this piece of legislation. But I believe it is ill-advised to do this without the goodwill of the American people behind us and without exactly understanding where the people of Puerto Rico are.

I do not understand why we are doing it, but if we are going to do it, the English component of the Solomon amendment is essential to integrating Puerto Rico into the United States in a viable way. When 3 out of 4 people cannot speak English, that is a road map for disaster, if you are going to be a part of the United States.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong opposition to this English only amendment. The gentleman from New York says that we need this amendment to empower the citizens of Puerto Rico to be full and equal partners in this Union.

What will empower the people of Puerto Rico to be full participants in this Union is if we get about voting this bill through and allowing them the right to finally have self-determination on the island, so that they can have all the rights and privileges of their American citizenship status which they are currently denied because they are under Commonwealth status, which, if I need to remind Members, means they are under the territorial clause of the United States.

Ironically, we could pass English only requirements for the people of Puerto Rico under the current territorial status, because that is our power. If they become a State, which I hope they will, they will retain the 10th Amendment power to decide what their own language will be.

So it is interesting. If they become a State, they will be able to decide for themselves; if they remain a Commonwealth, it is up to us to decide what their language is going to be.

Vote against the Solomon amendment, and vote for the passage of the bill.

Mr. MILLER of California. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, earlier in the debate the gentleman from California (Mr. CUNNINGHAM) got up and spoke about his legislation dealing with English as an official language. The point was made that all states would be treated the same, and the states had a right to change some requirements under the 10th Amendment, should they decide to do so.

The problem with the Solomon amendment is that in fact in this legislation it treats Puerto Rico differently than any other State in the Union, because it goes on and declares that English is the official language of the United States. But it then goes on to say the people of Puerto Rico can only communicate with the Federal Government in English and that the Federal Government can only communicate with the people of Puerto Rico in English.

This means if you are a DEA agent, you can only speak English if you are engaged in an activity. If you are the FBI, you can only speak English if you are engaged in an activity. If you are engaged in a search and rescue and the people do not speak English, you can only speak to them in English.

I do not think that is what we want to do. There is a legitimate debate to be had under the Cunningham legislation. We had it two years ago. I suspect we will have it again before this year is out. That would apply to all of the states equally and the states would retain their rights.

But the Solomon amendment goes far beyond those requirements and singles out Puerto Rico for special burdensome treatment. People can only write to their member of Congress, should they choose statehood and have Members in the Congress of the United States, they could only write to them in English. It would be against the law to write to them in Spanish or in another language. It would be against the law to petition the President of the United States or the Congress in any other language. That is not true anywhere else in this country.

We ought to make sure that if we deal with this issue, that we treat all of the states on an equal footing. This says if Puerto Rico becomes a state, it would be singled out for much more burdensome treatment than the general debate on English as an official language.

Mr. BURTON of Indiana. Mr. Chairman, I yield two minutes to my good friend, the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, let me first say that I rise in strong opposition to the Solomon amendment and in favor, strong support, of the substitute language.

Let me say that the gentleman from Indiana (Mr. BURTON) is very courageous in taking this stance. He supports English only, but he knows it does not belong in this bill. That is what this issue is all about.

Why not be fair? Why single Puerto Rico out? If it decides to become a State and if we allow it to become a State, it shall be governed by the law of the land. Everyone knows that. But why single it out now? Why try to make a statement that is unfair and a statement that is not necessary?

The issue on the whole is one that is not necessary. Everyone knows that everyone learns to speak English both in Puerto Rico and here. As an Hispanic American, a Latino and Puerto Rican, I can tell you, we do not go around spending time figuring out how not to learn English. Do I not sound like a person who tries every day to improve on the language? I am going to get it right one of these days.

This is a bad amendment, and it should not be here.

Let me close with this: When Latinos or Hispanics sit around the dinner table and the issue of language comes up, it is never a plot against the English language.

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It is usually a lament about the fact that the children and the grandchildren no longer speak Spanish. So with that recognition, what is the fear? Let us go forward. Let us allow this bill to take place. Let us make this vote possible.

Let us not muddy the waters any more. Let the people of Puerto Rico, the Puerto Rican people, have a vote on this issue. Let us not single them out for anything that you do not single other States out for.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise in support of the Solomon amendment. I would like to clarify an issue. The minority leader, the gentleman from Missouri (Mr. GEPHARDT) stated that we have never placed any language condition on any territory that was considering statehood.

I want to clarify that that is false, that in fact in 1811 Congress specifically required that Louisiana adopt English as the official language of their proceedings, of all government writings, and all government functions. They not only required Louisiana in 1811 to do it, they required Oklahoma and New Mexico to specifically have to teach in English as a primary language. In fact, Arizona was required to guarantee that its executive and legislative officials would conduct business in the English language.

So let us not talk about singling out anyone. The fact is this has a historical record that says that when the issue of language has become a question, English is the common language of these United States; that has been clarified by Congress again and again, and has been placed as a requirement on any territory wishing to gain statehood that they must, too, adopt English as their official common language.

Mr. Chairman, I appreciate the fact that the gentleman from Illinois and the gentlewoman from New York proposed a substitute to the substitute, which really shows where some people may be coming from on this issue. That is, their substitute to the substitute says let us make Spanish the official language of Puerto Rico.

I think what we are saying is let us be up front about it. We should clarify to the people of Puerto Rico that part of the transition from territory to State is going to be transition from Spanish to English. That is de facto. Let us do it up front, be truthful to the people of Puerto Rico, let us not promise them State and local government we cannot deliver.

The fact is the assimilation of any territory into the greater Union is going to happen not just politically but culturally, socially, and linguistically.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I stand in support of the substitute and in opposition to the Solomon amendment. We are making a language issue out of a self-determination issue.

People understand that the use of English in Puerto Rico is something that is essential to understand here. But there is no one that I know of that does not want to learn English to fully function in American society. There are very few people in Puerto Rico that I know of who do not want to learn English. In fact, in Puerto Rico there is a clear educational policy which fosters English, and indeed, English can be used for official purposes. If Puerto Ricans choose statehood under this framework, those policies would be strengthened. I think this is understood and acceptable.

But what is not acceptable is to allow Puerto Ricans the right to self-determination and in the same process to decide in advance of their choice that they not be treated the same way as other States.

The Solomon amendment tries to use the language issue to deliver a blow to the possibility of Puerto Rican statehood by putting a restriction on their possible admission, which other States have not had in their history. The Burton substitute is a responsible, coherent, moderate statement about the realities of American life, the necessity of English, but also recognizes that the tolerance of differences is a cornerstone of American democracy, that education is better than coercion, that knowing more is better than knowing less, that addition is better than subtraction, that knowing more languages is not un-American.

Thank you, all of you.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. I thank the gentleman for yielding me the time, Mr. Chairman.

I also join with my colleague, the gentleman from New York (Mr. SERRANO) who says he is working every day to speak English, and so am I, to improve on our use of the language. But I will never speak English like they do in New York or Boston or even other parts of our country.

I oppose the Solomon amendment and support the substitute amendment. To make English our official language limits our Nation. English is our official language. It is our common language. We always have used English. It did not take a law in this Congress to do that. It has not taken 200 years to do it. We do it because we want to.

To file a document in court in the United States, or a public record, it has to be in English or an English translation. Our citizenship ceremonies are in English, even though we did have one aberration of a Federal judge doing it in Arizona. But it has to be in English, by statute.

Furthermore, English only is unwarranted because two of our States, New Mexico and Hawaii, have two official languages. In Hawaii it is English and Hawaiian, and in New Mexico it is English and Spanish. I hope the Puerto Rican voters would choose statehood and integrate English into their language.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague for yielding time to me.

Mr. Chairman, this is a bad amendment. We do not need it. English is the predominant and common language of this Nation. English is used in government and courts throughout Puerto Rico. We must encourage everyone to speak English, but we must not discriminate against those who speak other languages.

Puerto Ricans are citizens of the United States. We must not deny the people of Puerto Rico their heritage. They contribute to the diversity and richness of our country. This amendment will make government more difficult. It will make communication more difficult.

Mr. Chairman, we should encourage everyone to learn English, but we should not deny Spanish-speaking Americans their tradition. English is the primary language of our Nation. In almost every corner of the world English is the language of international affairs, of international politics and business. We do not need this amendment. This amendment tells our citizens, deny your heritage, forget your roots. That is the wrong message for a great Nation, for a great people, a proud people to send.

Let us embrace diversity and learn from each other. This is how we have grown and prospered as a great Nation and a great people. I urge all of my colleagues, Democrats and Republicans, to vote no on the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia, Mr. BOB GOODLATTE, a distinguished member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I thank the chairman for yielding time to me, and for his leadership on this issue.

Mr. Chairman, it has been said that the Solomon amendment is not constitutional. Nothing could be further from the truth. Let me read right from the language of the amendment. It says, "English is the official language of all business and communication of the Federal Government of the United

States, and all communications with the Federal Government will be in English unless generally applicable Federal law provides otherwise."

Puerto Rico as a State promotes English as the official language of the State government, courts, and agencies. English is the language of instruction in public schools. This is not a mandate, this is similar to what we have required of Louisiana, Oklahoma, and other States in the past, and it is simply not correct that this is inappropriate.

In the last Congress, this body overwhelmingly passed similar language to apply to the entire country, and should do so with regard to Puerto Rico today. English is the language used by our government. It is the language of commerce, and it is the common language of the overwhelming majority of the American people.

Language differences are the number one barrier to full assimilation, and Puerto Rico is certainly no exception. According to the 1990 U.S. census, less than 24 percent of Puerto Ricans speak English fluently, and a 1997 survey found that 76 percent of Puerto Ricans think it unacceptable to have English as their official language. It is no coincidence, therefore, that a recent poll concluded that only 16 percent of Puerto Ricans consider themselves to be Americans.

Before the people of the United States accept Puerto Rico into their Union, they expect the people of Puerto Rico to want to be a part of it. Make no mistake, H.R. 856 will create an American Quebec. If Puerto Rico gains statehood under this bill, it is likely to declare Spanish as the official language, which could then force the U.S. Government to make Spanish the quasi-official language to accommodate the needs of Puerto Ricans.

Not only would this significantly undermine the long-term assimilation of Puerto Ricans into American society, but it would also increase the pressure for the rest of the United States to become officially bilingual.

Language is the common bond that holds our Nation together. A common language allows the children of Virginia to communicate with and learn from the children of California. Without this amendment, the same will not be true for the children of Puerto Rico. Without this amendment, children will never have the opportunity to participate fully and equally with their fellow citizens.

Mr. Chairman, pro-statehood forces have stated on many occasions that their language and culture are not negotiable. Congress is not asking anyone to negotiate away their culture, but the Constitution grants Congress the power to determine the rules for statehood, and that Constitution was established to create a more perfect Union, not a more divided Nation.

We must make clear that Puerto Rico must be prepared to be an equal partner. Support the Solomon amendment and oppose the Burton substitute.

If Congress passes H.R. 856 without this amendment, we will embroil ourselves in a divisive debate that will last for years to come. When we welcome a new state into our great union, we should do so by building bridges that unite us, not roads that divide us. Puerto Rico statehood without English as the official language is a bad idea that is sure to create tension between the states, enormous administrative nightmares, and huge costs to the American people. Our states are united, and they should remain so. The American people do not want, and cannot afford, another Quebec.

I urge my colleagues to vote yes on the Solomon amendment.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ.)

Ms. VELAZQUEZ. Mr. Chairman, I rise in strong opposition to the Solomon amendment. This amendment would outlaw elected officials from communicating with their constituents in Spanish. It will hamper the efforts of Federal agencies to collect taxes, inform citizens of their rights, and ensure due process, and it will endanger lives by making illegal anything but English to be used, even by police department and paramedics responding to life-threatening situations.

This amendment is guaranteed to make government inefficient and ineffective and jeopardize the civil rights of some of society's most vulnerable members.

I represent one of the highest non-English-speaking populations in the country. Under the Solomon amendment, I will be barred from communicating with the people of the Twelfth District of New York in a second language. This will keep me from doing what they elected me to do. This amendment is divisive and unnecessary. It does not belong on this legislation.

Mr. SOLOMON. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BOB BARR), a distinguished member of the Committee on the Judiciary.

(Mr. BARR of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Chairman, I rise in support of the Solomon amendment.

Mr. Chairman, I rise in support of the Solomon English Language Empowerment Amendment. The English language portion of 856 is meaningless. The Solomon amendment will clarify this vague language by designating English as the official language of the United States; requiring that English be the sole official language of all federal communication in Puerto Rico and; making English the official language of state government courts and agencies; making English the language of instruction in public schools.

Americans speak English. Many Americans speak more than one language. In fact, many of my colleagues on both sides of the isle are bilingual. But everyone in this chamber understands the importance of speaking English. In fact, I believe that every member in this House who would be called upon to counsel a foreign speaking immigrant, would tell them that the most important thing that this immigrant could do to begin to assimilate and become successful in America is to learn English.

If Puerto Rico became a state, the citizens of Puerto Rico would send to us Representatives and Senators. Now Puerto Ricans might be given a choice between candidate A who doesn't speak English and candidate B who is bilingual. Hopefully, they would elect the bilingual candidate. The business of this body and the business of America is conducted in English.

Currently, in America, you can go from state to state and understand the laws, the government, the courts, from New Hampshire to Hawaii. This notion would fundamentally change if Puerto Rico were to be admitted without the Solomon Amendment. Puerto Rico conducts its official business in Spanish. This is even after 100 years of influence by the United States. Puerto Ricans are essentially saying that we do not recognize America. We do not want to assimilate. We want to be Puerto Rico, and we want to be Spanish.

Mr. Chairman, 63% of Puerto Ricans can't recite the Pledge of Allegiance. Sixty Six percent do not know the words to the Star Spangled Banner. This makes sense when you learn that only 16% of Puerto Ricans consider themselves to be American. By themselves, these polling numbers don't trouble me. I don't want to force anyone to be American who doesn't want to. However, just as Puerto Ricans have every right to maintain their Spanish heritage and their Spanish language, so too does America have every right to maintain its English language tradition. This is a fundamental building block of our nation, and the basic fiber that binds this great country together.

Mr. Chairman, English has been and hopefully always will be the common link between the melting pot of cultures in our nation. We have many different cultures in our nation, from the woods of Maine to the shores of the Pacific north west, from 10,000 lakes of Minnesota to Georgia's Golden Isles. The cultures, the religions, the traditions vary as greatly as the miles. Yet, the English language binds these people together in a proud tradition that we have come to know, as being American.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RIGGS), chairman of the Committee on Education and the Workforce that has jurisdiction over the English language issues, and a very valuable Member of this body.

Mr. RIGGS. Mr. Chairman, I thank the distinguished chairman of the Committee on Rules and sponsor of this amendment for yielding time to me.

Mr. Chairman, let me say first of all, I support the right of Puerto Rico residents, American citizens, to have self-determination, to choose statehood over the current status as a Commonwealth. But I believe as a condition of statehood those voting in any kind of referendum or plebiscites should acknowledge and accept English as the official common and commercial language of our country.

I have a little bit different perspective on this issue, as the chairman of the Subcommittee on Early Childhood, Youth and Families. My concern is twofold: too often bilingual education fails our young people, and the alarming dropout rate of Hispanic students in America.

Too many of our young people are not getting the education and the job training that they need to live successful and productive adult lives, to take advantage, if you will, of all these high-tech jobs that our economy continues to create every day. For them, the have-nots of tomorrow, it is a personal tragedy. For our country it is a very serious, it is a very real challenge, because we need a skilled work force to remain competitive.

I mentioned the bilingual education. The statistics are appalling. One-third of all Hispanic students nationwide, according to the U.S. Department of Education's own report, drop out, and that figure is closer to 50 percent in my home State of California. In fact, if Members really want to boil the debate down, last year only 6.7 percent of limited English proficient students in California public schools have learned enough English to move into mainstream classes.

We have the largest school district in the State, the Los Angeles School District, suing the Governor because the Governor wants to administer tests in reading, writing, and math to all students in the second through 11th grades, but only in English.

□ 1515

Bilingual education is too often a failure. It does not promote a transition to English fluency, but it traps youngsters in a dependency on non-English languages and special help. "Bilingual" has become a misnomer. English as a second language should not mean second-class citizenship.

Mr. Chairman, I urge Members to support the Solomon amendment, and let us reform bilingual education.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, when I served in the Armed Forces, I was stationed for a while in Puerto Rico. I was eager to learn Spanish so that I could communicate with the people of Puerto Rico. So I walked into a restaurant, after studying my Spanish to an n'th degree, and I said proudly, after I saw a picture of a hot dog on the back of the counter, "Hagame el favor de darme un perro caliente." And so the youngster looks at me, turns around to the cook and says, "One hot dog with everything."

The point is that he knew English. That he knew that I knew English. He was helping me with my Spanish, but I learned that first lesson there, that most of the people either speak English in Puerto Rico or want to speak English in Puerto Rico.

Our fellow citizens in Puerto Rico in time will be 100 percent able to speak English. By that time, they will blend in perfectly to our English language customs for the entire country.

Mr. Chairman, I support the substitute.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Chairman, I rise today in opposition to this amendment. I remember talking with my grandparents about their parents who came to this country from Ireland and Germany. And many of my colleagues' ancestors came from Portugal or France or from other places where they really learned what it was that was great about this country.

We never required them to come into this country and learn English before they got here. What they came for was the great thing that they saw in this country: the opportunity for them and their children to have a better world. They learned English because they wanted to learn English, not because the Congress told them they had to.

Our children today are all over the world on computers. Businesses are all over the world. Do my colleagues know what the common language is? English. The Congress did not have to tell them that it should be English. They learned it. They made it that way.

Yet this Congress sees fit here today to try to impose something they have never imposed upon any other State, making sure that English is the official language. It is unnecessary. It is an imposition that should not be condoned. We should vote down this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH), my good friend.

Mr. DEUTSCH. Mr. Chairman, I think it is important to point out that this is a bipartisan issue in terms of people rejecting the Solomon amendment and supporting the substitute.

Mr. Chairman, I wish the gentleman from California (Mr. RIGGS) was still here just in terms of responding to his comments. If the amendment was just what the gentleman said he wanted, it probably would not be so bad. It would be at least a relevant debate. But this amendment is not limited to Puerto Rico. This amendment really has no place in this debate.

This amendment is an issue which should have been debated on its own, not on this bill. The Solomon amendment's purpose is to kill the bill. That is its purpose.

We can debate the issue of Puerto Rico's ability to determine its future outside of that. The substitute allows us to do that. When we want to, we can talk better requirements for statehood, requirements for issues on Puerto Rico outside of the requirements for the entire country. That is what the debate needs to be about.

Mr. Chairman, I urge my colleagues on both sides of the aisle to vote strongly in favor of the substitute and against the Solomon amendment, and to give the people of Puerto Rico the opportunity to decide their own future.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I rise in strong opposition to the Solomon amendment. I think we have heard here time and time again that when called to duty, drafted, called to serve, there is no litmus test, there is no test of language for people. Indeed, the 65th Infantry served with distinction and honor and valor in the Korean conflict, and almost everybody spoke one language as the troops were ordered into battle, and that language was Spanish.

We should not raise this as an issue here today. The language of the people of Puerto Rico is Spanish. We should respect that.

Just as I have said before, it would be detrimental, it would be detrimental to attach to statehood an English language requirement, because then people who would want to become a State would say, well, I cannot accept it that way. It is wrong.

We understand what the language of our people is. Look in Puerto Rico today. From kindergarten through 12th grade of high school, English is taught, but people have preserved their Spanish language. Let us respect them.

Mr. BURTON of Indiana. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Indiana (Mr. BURTON) has one-quarter of 1 minute remaining.

Mr. BURTON on Indiana. Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODE), an outstanding Member of this body on the other side of the aisle.

Mr. GOODE. Mr. Chairman, I rise in support of the Solomon amendment because I fear a Quebec-type situation in this country. Now is the time to establish English as the official language. If we do that in this bill and if we follow suit in 123, we will not have problems cropping up like in Canada and across the world.

Mr. Chairman, I can tell my colleagues that if we have that up front, everybody knowing it, it is better. My great-grandmother was German and she never learned to speak English. She was at a disadvantage her whole time in this country, and I think we need to start with English first.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GOODE. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would just like to know what language the gentleman from Virginia speaks. He sounds like he is from down South some place.

Mr. GOODE. Mr. Chairman, it is "Southern" English.

Mr. SOLOMON. Mr. Chairman, how much time does the gentleman from Indiana have remaining?

The CHAIRMAN. One-quarter of one minute.

Mr. SOLOMON. Mr. Chairman, I yield 15 seconds to the gentleman from Indiana (Mr. BURTON) out of the goodness of my heart.

Mr. BURTON of Indiana. Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in support of the Solomon amendment. This bill is aimed at admitting a State to the Union that is overwhelmingly populated by Spanish-speaking people who have a proud culture and are proud of their language and view themselves as a separate nation.

The people of Puerto Rico have no intention of giving up their language or their culture or their Olympic teams or their Miss Universe contestants, and there is no reason they should have to give these things up if they do not want to become part of a State, residents of a State of the Union.

However, if they expect to be residents of a State of the Union and to be Americans first, they must speak the common language and English is the common language; and to become part of our culture, not to maintain their separate culture, to root for our Olympic teams and have our Miss Universe contestant as their contestant.

Mr. Chairman, I support the Solomon English language amendment to this bill because it takes the appropriate steps to put Puerto Ricans on notice that statehood means becoming part of our Nation and no longer being part of a separate culture and a separate nation, especially as reflected by a separate language.

We should make sure that no one is fooled into thinking that the United States is becoming a bilingual society, a bilingual Nation trying to accommodate itself to this nation within a nation. And that nation within a nation, there are people there who believe in independence. In the past we remember when there were independence people who violently wanted independence for Puerto Rico.

The fact is they have a proud culture and a proud nation. They are not part of the United States unless they are willing to become part of the United States.

Mr. Chairman, H.R. 856 is wrong for the people of Puerto Rico and it is wrong for the people of the United States. "E pluribus unum." We are one people and that is fine. Let us be one people. But if a people expect to be part of the United States, they should be part of the United States.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) to close our side on this debate.

Mr. BURTON of Indiana. Mr. Chairman, I yield 30 seconds to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the balance of my time, so that the gentleman will have 1½ minutes to close.

The CHAIRMAN. The gentleman from Puerto Rico is recognized for 1½ minutes.

Mr. ROMERO-BARCELÓ. Mr. Chairman, if the English-first or English-only amendment were really meant to be for improvement of the bill, at least we could understand it. But the English-first supporters have distributed a paper here where it says even if this bill passes, this amendment passes, that Members should vote against H.R. 856. In other words, they are against the bill and this amendment is being used merely as a way to put a poison pill on the bill.

In Puerto Rico, as I have said over and over again, we are not rejecting English. We are embracing English. We were the first jurisdiction to approve English as an official language in 1902, but we also want Spanish as an official language. Both languages. We want to be bilingual. What is wrong with that?

This morning, earlier today, we had the gentleman from Illinois saying that in Puerto Rico the movies were dubbed. The majority of the movies shown in Puerto Rico are not dubbed. They are in English and the movie houses are full.

At the Blockbusters, the majority of the films that are rented out are not subtitled and neither are the movies subtitled. And in Puerto Rico the people who are watching these proceedings now on C-SPAN understand what is going on.

As the gentleman said a little while ago, when he asked for the "perro caliente," that is one of the problems that people who go to Puerto Rico to learn to speak Spanish have. The Puerto Ricans speak English.

Mr. Chairman, they say Puerto Ricans do not feel that they are a part of a Nation. We have to take a look at that. Why is that? There are 50 stars, not 51 stars. We still have not been admitted into the family. Once we are admitted into the family, not 50 percent, 60 percent, but 100 percent of the people of Puerto Rico will feel that they are part of the Nation.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, is there no further time outstanding other than mine?

The CHAIRMAN. The gentleman may close debate.

Mr. SOLOMON. And the Chairman is recognizing me for that purpose?

The CHAIRMAN. The gentleman is correct.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge Members to listen to this in their offices. If the Solomon amendment is defeated, or if the Solomon amendment is watered down and this bill becomes law and Puerto Rico becomes a State, any citizen of the State of Puerto Rico can bring an action against the United States of America Government or against any one of the other 50 States and demand bilingual equal treatment under the Equal Footing Doctrine. Members better think about that when they cast their votes in half an hour from now.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to section 2(a) of House Resolution 376, it is now in order to consider Amendment No. 3 printed in the CONGRESSIONAL RECORD.

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent that the hour of debate on the Solomon amendment, the Gutierrez amendment thereto, if offered, and the Burton substitute, if offered, be divided and controlled as follows: 30 minutes to the gentleman from New York (Mr. SOLOMON), 6 minutes to the gentleman from Illinois (Mr. GUTIERREZ), 12 minutes to the gentleman from Indiana (Mr. BURTON), and 12 minutes to the gentleman from California (Mr. MILLER), subject to equitable reductions, if necessary, to remain within the 1 hour of consideration permitted under this rule. I think this is an agreed-to unanimous consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SOLOMON:

At the end of section 2, add the following paragraph:

(16) In 1996, the United States House of Representatives overwhelmingly declared

that "the official language of the Federal Government is English". According to the 1990 United States Census, less than 24 percent of the citizens of Puerto Rico speak English fluently. The enhancement of English as the official language of Puerto Rico is consistent not only with this statement of policy, but also with the preservation of our Nation's unity in diversity and the prevention of divisions along linguistic lines. Proficiency in the English language is necessary for all citizens to enjoy the full rights and benefits of their citizenship as guaranteed by the Constitution and to contribute most effectively to the Nation in all aspects. Conducting the business of Federal and State governments in English is the best way to promote efficiency and fairness to every citizen. Only proficiency in English can provide all Americans the enjoyment of the rights and benefits of full participation in the American economy and union.

Strike subsection (b) of section 3 and insert the following new subsection:

(b) OFFICIAL LANGUAGE.—The official language of the Federal Government is English. The legislature of Puerto Rico has established a bilingual policy by making both Spanish and English official languages of Puerto Rico, but has continued to operate its government solely in Spanish, as the majority of the people in Puerto Rico are not proficient in English. In the event that the referenda held under this Act results in approval of a request to Congress that Puerto Rico be admitted to the Union as a State and the Congress approves such statehood, English will be the sole official language of all Federal Government activities in Puerto Rico and, unless otherwise provided by generally applicable Federal law, all communications with the Federal Government by the Government or people of Puerto Rico will be in English. This Act, the procedures authorized by this Act, and the possible accession of Puerto Rico to statehood do not create or alter any rights of a person to government services in languages other than English.

In section 4(a), strike paragraph (7) of subparagraph C of the referendum language and insert the following new paragraph:

"(7) English is the official language of all business and communication of the Federal Government of the United States and all communications with the Federal Government will be in English unless generally applicable Federal law provides otherwise. Puerto Rico, as a State, promotes English as the official language of the State government, courts, and agencies. English is the language of instruction in public schools.".

Strike subparagraph (C) of section 4(b)(1) and insert the following new subparagraph:

(C) Additionally, in the event of a vote in favor of United States sovereignty leading to statehood, the President shall include in the transition plan provided for in this Act that the Federal and State governments implement programs and incentives to promote the acquisition and usage of English by the citizens of Puerto Rico, including but not limited to, teaching in English in public schools, the availability of fellowships and scholarships to increase the opportunities of the people of Puerto Rico to learn to speak, read, write, and understand English, and the provision of educational instruction in English to persons not in schools.

AMENDMENT OFFERED BY MR. GUTIERREZ TO THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GUTIERREZ to the amendment offered by Mr. SOLOMON:

In the amendment proposed to section 4(a) of the bill, in lieu of the text proposed to be inserted as paragraph (7) of subparagraph C of the referendum language, insert the following:

"(7) Spanish is an official language of Puerto Rico and its only vernacular language and as such is the official language of business and communication—

"(A) in the State government, courts, schools, and agencies; and

"(B) in Federal courts and agencies when such courts and agencies are acting in or with regard to Puerto Rico.".

□ 1530

Mr. GUTIERREZ. Mr. Chairman, I yield myself 2 minutes and 30 seconds.

Mr. Chairman, this bill is supposed to be about self-determination. Self-determination should be informed. The Statehood Party in Puerto Rico has promised statehood. This means that under statehood, Puerto Rico gets to keep its culture and its language, and I agree with the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) that that is the kind of statehood that we should have.

As a matter of fact, and I quote from a book, "Statehood is for the Poor," published in 1978 by the current Resident Commissioner, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ): Our culture and our language are not negotiable.

That is published in "Statehood is for the Poor" by the Resident Commissioner. And, I believe that the people of Puerto Rico have come to understand and to accept that that is the way that statehood would be proposed and that their culture and their language would be something that is protected.

Puerto Rico has spoken Spanish for over 500 years. When I get to Puerto Rico and see my parents, we speak in Spanish. When I go to a courtroom in Puerto Rico, it is in Spanish. When I register a deed, it is in Spanish. When a police officer pulls somebody over for going a little too quickly, the citation is in Spanish, and the subsequent sentencing, I assure my colleagues, is in Spanish, and you better have a lawyer that can speak Spanish.

When you to go school and you graduate, your diploma is printed in Spanish. Every record, including your birth certificate, is in Spanish. Spanish is the language of the people.

Are we talking about civil rights? Let us not talk about imposing another language. Go to Puerto Rico today. Go to the Veterans Administration or Social Security Administration office in Puerto Rico today, and everyone will speak to you in Spanish, unlike Chicago or New York or Oklahoma, because Spanish is the language there. And since statehood has been proposed in Puerto Rico, the culture and the language are nonnegotiable. I think we should guarantee that to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the Resident Commissioner.

Mr. Chairman, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I ask unanimous consent to oppose the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. I object, Mr. Chairman.

The CHAIRMAN. The time has been allocated pursuant to the unanimous-consent request that was agreed to earlier.

Mr. BURTON of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in opposition to this amendment submitted by the gentleman from Illinois (Mr. GUTIERREZ) because this amendment is intended to be a poison pill against those that are for the bill. It is supposed to be intended as a poison pill, because in Puerto Rico the law is that both English and Spanish are official languages, and you can have documents in English, and the agencies in Puerto Rico are by law obligated to give those documents in English if a citizen requests for those documents in English. You can register property and deeds drafted in the English language.

So what has been said here is not true. We want to maintain that right of all citizens to have their documents and their business with government transacted in either Spanish or English. Those that do not understand will be provided with a translation. We will provide people to translate their business for them. This would be an imposition upon Puerto Rico and will be against the laws of Puerto Rico.

The gentleman from Illinois (Mr. GUTIERREZ), who lives in Chicago and would like to have independence, now he is acting like a colonial power imposing laws in Congress that would repeal the laws that we have, that would amend the laws without the people of Puerto Rico voting for it, without the legislature participating. We oppose this amendment very strongly.

Mr. GUTIERREZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of this amendment. Mr. Chairman, this amendment will make Spanish the official language of Puerto Rico. It will protect what already exists. If supporters of this bill are voting for self-determination for the Puerto Ricans, they will support allowing them to speak their own language. They will support allowing them to do business and operate their courts as they have for almost 500 years.

Mr. Chairman, I have sat on this floor and listened to the arguments of my colleagues on the other side of this issue. I have heard many distinguished Members of this body argue, some passionately, some angrily, that by supporting this bill they are protecting the people of Puerto Rico. They say that we must allow self-determination for Puerto Rico because they respect our culture, our history and our right to control our destiny.

I have argued that this bill does not provide self-determination, but I will accept that the supporters of this bill think they are promoting the wishes of the people of Puerto Rico. Well, if that is the case, they will have to make their argument in Spanish because the majority of the people of Puerto Rico do not speak English. And why should they? The fact is that our culture, our history, our essence is rooted in the Spanish language. More than that, it is the language of the legal system, the Commonwealth Government and all non-Federal official business. If the supporters of this bill really respect the people of Puerto Rico, they will support this amendment which makes Spanish the official language of Puerto Rico.

Mr. GUTIERREZ. Mr. Chairman, I yield myself such time as I may consume.

I will close by making the following arguments. I think they have not been refuted here today. In a book written in 1978, "Statehood is for the Poor," written and authored by the Resident Commissioner of Puerto Rico, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), he stated clearly and unequivocally that language and culture are nonnegotiable.

Now, when the campaign goes to Puerto Rico, I want to make sure that if that is what they are saying to the people of Puerto Rico, that that is what this Congress is guaranteeing them. Let us not let them be under any illusions about what is going to be. Since that is exactly what has been proposed by the Statehood Party and repeated so many times, I want those statehooders who have applauded, who have cheered, who have cherished statehood, and want to preserve their language and culture, to have exactly what they have demanded and asked and rallied for. So, therefore, in the name of self-determination, I ask that this amendment be adopted so that we respect the wishes of the Statehood Party. We should do no less.

Mr. Chairman, I ask for a recorded vote on this perfecting amendment and make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the unanimous-consent request, debate will take place on all three of the amendments that are being discussed, and then they would be held.

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUTIERREZ. Mr. Chairman, we will be able to ask for a vote on this perfecting amendment later on. I have not relinquished my right.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would be glad to assist the gentleman in seeing to it that he gets his vote at the appropriate time.

The CHAIRMAN. The Chair will put the question at the appropriate time.

Mr. GUTIERREZ. I thank the Chair.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana as a substitute for the amendment offered by Mr. SOLOMON:

In section 3, amend subsection (b) to read as follows:

(b) OFFICIAL ENGLISH LANGUAGE.—In the event that a referendum held under this Act results in approval of sovereignty leading to Statehood, upon accession to Statehood, the official language requirements of the Federal Government would apply to Puerto Rico in the same manner and to the same extent as throughout the United States.

Add at the end of section 3 the following new subsection:

(c) ENGLISH LANGUAGE EMPOWERMENT.—It is in the best interest of the Nation for Puerto Rico to promote the teaching of English as the language of opportunity and empowerment in the United States in order to enable students in public schools to achieve English language proficiency by the age of 10.

In section 4(a), in the referendum language for Statehood, amend paragraph (7) to read as follows:

"(7) Official English language requirements of the Federal Government apply in Puerto Rico to the same extent as Federal law requires throughout the United States.".

In subparagraph (C) of section 4(B)(1), strike "(C) Additionally," and all that follows through "(ii) the effective date" and insert the following:

(C) Additionally, in the event of a vote in favor of continued United States sovereignty leading to Statehood, the transition plan required by this subsection shall—

(i) include proposals and incentives to increase the opportunities of the people of Puerto Rico to expand their English proficiency in order to promote and facilitate communication with residents of all other States of the United States and with the Federal Government, including teaching in English in public schools, awarding fellowships and scholarships, and providing grants to organizations located in various communities that have, as a purpose, the promotion of English language skills;

(ii) promote the use of English by the United States citizens in Puerto Rico in order to ensure—

(I) efficiency in the conduct and coordination of the official business activities of the Federal and State Governments;

(II) that the citizens possess the language skill necessary to contribute to and participate in all aspects of the Nation; and

(III) the ability of all citizens of Puerto Rico to take full advantage of the opportunities and responsibilities accorded to all citizens, including education, economic activities, occupational opportunities, and civic affairs; and

(iii) include the effective date.

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer a reasonable substitute to the Solomon English only amendment. Although I agree that we need to debate and pass an English only bill or a constitutional amendment making English the official language of our government, holding U.S. citizens hostage in Puerto Rico, not allowing self-determination to take place is against my strongly held beliefs in democracy.

English has been made an issue to kill this Puerto Rico plebiscite bill. H.R. 856 is a process bill to advance the democratic cause, to advance the Founding Fathers' idea that freedom and democracy demand self-determination.

That is what this debate is really about. Nevertheless, English has been brought into the debate, forcing me and others to offer an alternative. Supporters of H.R. 123, the Bill Emerson English Language Empowerment Act, share Mr. SOLOMON's English language policy goals, but should not support this amendment to H.R. 856. I supported strongly Mr. Emerson's bill when it was on the floor.

The Solomon amendment is not faithful to H.R. 123. Instead the Solomon amendment does two things the House has never endorsed. Number one, the Solomon amendment requires ballot language on the statehood option which confuses voters to believe that Congress has imposed English as the exclusive official language of Puerto Rico's potential State government, which is not the case. And two, it also confuses the voters that English is the exclusive language of instruction in Puerto Rico's public schools, which is not the case.

The Solomon amendment does not empower the 3.8 million United States citizens of Puerto Rico by promoting English under the current commonwealth territory status. Instead, the Solomon amendment would promote continuation of an enclave of disenfranchised Spanish-speaking U.S. citizens, a recipe for creating a Quebec-style separatism under the American flag, which none of us wants.

We can avoid this by passing the Burton-Miller-McCollum-Young substitute. Our amendment would be effective immediately, immediately. English proficiency by age 10 is the Federal policy standard for school students in American's largest and most populous territory if my amendment passes. Our amendment eliminates ambiguity and constitutional flaws in the Solomon amendment with clear and constitutionally sound provisions applying to Puerto Rico, if it becomes a State, the same national English policy applicable to all other States.

The irony of the Solomon amendment is that it would isolate Puerto Rico from the purpose the amendment wants to establish when it wants to establish English as the official language of the United States. The Solomon amendment would apply English to all of the 50 States, but would carve out a territory, Puerto Rico, under the U.S. flag without the benefit of English as the official language until, and only if, Puerto Rico became a State after 10 years. However, under my substitute, there would be an immediate effect by a new national policy to promote the teaching of English to enable students in public schools to achieve English language proficiency by the age of 10, right now. In other words, 50 States would be required to have English as the official language, but not Puerto Rico, until they became a State. So you fortified the position that that is going to be a Spanish-speaking State for at least 10 years.

My amendment would make sure that English would be a proficiency, there would be proficiency in English by age 10 in Puerto Rico immediately, not waiting 10 years.

The last couple of evenings I was able to watch "Braveheart" on television. This heroic story of the freedom fighters of Scotland led by William Wallace over their British rulers resonates even to this day.

□ 1545

Like Scotland, Puerto Rico desires a chance at true freedom. However, rather than take the debate to the battlefield, they ask us simply for the opportunity to take the debate to the ballot box.

Yes, they have local self-government, but under their current status Puerto Ricans are, in effect, ruled by the United States Congress but without any representation in Congress. Puerto Ricans have no vote in the Congress, but yet, can be called into battle in a war on behalf of the United States at a moment's notice.

Yes, freedom and democracy are at the heart of this debate over H.R. 856. Do we believe in a free people exercising their right to self-determination or do we not? That is the real question we are debating today.

We should, in my opinion, do the right thing and give Puerto Rico the opportunity to let Congress clearly know if they want to be a State, a Commonwealth, or an independent country. And, once we find out, and my colleagues need to know this, the final determination on the status of Puerto Rico rests with this body.

The plebiscite we are talking about is advisory only. We are just asking that the people of Puerto Rico be able to let us know in the Congress, in a clearly defined way, what they want. Once we know that, then the Congress makes the final determination.

Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume, and I would tell this body that back in 1983, I was sitting in front of my locker in the gym when a young man from Indianapolis, IN, came by and sat next to me in the gym and we began to talk, and we have been talking since 1983.

And I said to myself, "There is another Jerry Solomon coming along here. He sounds to me like a true traditional doctrinaire conservative and, therefore, when I retire in a few years, I would feel safe that he was here." My beliefs have been shattered. I cannot believe he is offering this gutting amendment to the Solomon amendment, the true conservative position in this body, and that is why I rise so much against his amendment.

This amendment enshrines, my colleagues, the language right of the Puerto Ricans in statute in a way that will spark years of litigation in States across this country. Remember this, because sure as I am standing here, it is going to happen.

Any Puerto Rican anywhere in the U.S. could challenge Federal and individual State laws and declarations of English as the official language. No State would be able to protect its official English law until all States pass English as the official language, and that will not happen if they are being sued, Mr. Chairman. The amount of lawsuits that will come about will be unbelievable if the Solomon amendment is gutted by this amendment.

This amendment deletes my amendment's finding and declaration of English as the official language. It deletes the protections for English-speaking citizens. It deletes protections for States which have declared English their official language until all States have done so.

The Burton amendment adds a new English proficiency standard that conflicts with the Equal Educational Opportunity Act and other language provisions in current law. And the liberals on the other side of the aisle should think about that.

The Burton amendment misleads voters as to what Congress will require as a minimum standard for the admission of a State. Do we want to mislead the Puerto Rican people? If there is really a 10-year period before admission, why should the people of Puerto Rico know that they are voting on something which Congress will not accept?

And finally, my colleagues, the Miller-Burton amendment limits the President's ability to deal with the language issue and to protect English, which was recognized in the official English bill that passed this House overwhelmingly 2 years ago with bipartisan support.

If my colleagues understand the issue, they will come over here and vote down the Burton-Miller amendment and support the Solomon amendment, and then Puerto Rico will have a chance when the overwhelming majority of those people understand that English will be the official language and will not divide this country.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and commend the gentleman from Indiana (Mr. BURTON), the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) for the bipartisan substitute they are offering to the Solomon amendment. I rise in support of the underlying legislation to grant self-determination to the people of Puerto Rico and in opposition to the Solomon amendment, and in support of this amendment.

English and Spanish are already the official languages of the Government of Puerto Rico and have been since 1902. English is taught in public schools from kindergarten through high school. And it is my understanding that 95 percent of Puerto Ricans who achieve education beyond high school are fluent in both languages.

I want to be clear to my colleagues and read directly from the Burton amendment: In the event that a referendum under this act results in approval of sovereignty leading to statehood, upon accession to statehood the official language requirements of the Federal Government would apply to Puerto Rico in the same manner and to the same extent as throughout the United States.

Let us support this amendment, which treats Puerto Rico the same as every other State, if Puerto Rico chooses to become a State. The Burton substitute also recognizes that it is in the best interest of the United States and Puerto Rico to promote the teaching of English and sets the goal of enabling students to achieve proficiency by the age of 10.

Mr. Chairman, my friend, the gentleman from New York (Mr. SOLOMON), whom I hold in the highest regard, is acting in a very unSolomon like mode with this amendment today. It is not wise and it is not fair. I urge my colleagues to oppose this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources and my great friend and colleague.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of the substitute to the Solomon amendment.

For those that are listening to this great debate, in order to help the public know about what Congress has been doing about Puerto Rico for the past 4 years, all hearings, testimony, reports, amendments and the bill can be found on the Committee on Resources' home page at www.house.gov/resources/.

I have just read an editorial in the Washington Times that said there were no hearings on this legislation. We have spent 4 years having hearings and input from everybody participating in this legislation. To have a leading newspaper be that irresponsible is no call for true journalism in this great Nation of ours. Talk about propaganda. It is wrong when a leading newspaper can, in fact, promote something that is incorrect to the general public.

So remember, www.house.gov/resources/ to hear the history of how this came to the floor today.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding me this time.

When my grandfather first set foot in this country, he was a young man from Ukraine, and he did not speak a word of English. Not a single word. He came here for a better future. Like millions of immigrants before him and millions who have come after him, my grandfather set out to work. He got a job, he raised a family, and he learned the language. There was no law telling him that he had to learn English. There was no need for a law. He learned English because it was practical; because he wanted to.

My grandfather's story is not unique. In this country, a country built by immigrants from around the world, 95 percent of the people speak English. That is right, 95 percent, according to the latest census.

So I ask my colleagues, what is the purpose, what is the purpose of this English-only amendment and what benefits will it bring? Well, the answer is none. This amendment will only interfere with business, it will impede the efficient function of government, it will deny people their constitutional rights, and it could conceivably and possibly even endanger their lives.

What purpose is served if a public health worker, perhaps a doctor who is trying to stop the spread of a deadly disease, is only allowed to speak with people who know English? None. But that is what this amendment could lead to.

In fact, this English-only amendment could effectively prevent thousands of citizens, American citizens, from voting by denying them their rights under the Voting Rights Act. That is going too far.

This country is successful because millions of people, people from hundreds of countries, have chosen to throw in their lot together to build a common future. Our democracy thrives because it is built on a foundation of freedom.

Passing a law telling people what language they have to speak is akin to telling them what words they must say.

So in closing, Mr. Chairman, I urge my colleagues to vote for this substitute, the Miller-Young substitute, and against the Solomon amendment.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I might consume.

Just to set the record straight, most people around here can read bills. If they read the bill, they will know that the Solomon English language empowerment amendment only affects those things that the government does that are binding and enforceable. It does not affect things such as the information gathering operations of the government such as the census forms and welfare forms. It does not do that. It does not affect public health issues or politicians campaigning in their district. It does not do that.

Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BARR), one of the constitutional lawyers in this body. He is an outstanding member of the Committee on the Judiciary.

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time.

Although I have not had the honor and pleasure of talking since 1983 with the gentleman from Indiana, I do know him as a man of great courage and honor and have enjoyed serving with him on his Committee on Government Reform and Oversight.

I know him to be a gentleman who is constantly waging battles against government mismanagement, against government waste, against government bureaucrats. I know him as a gentleman who inevitably and constantly is speaking the truth bluntly and does not suffer government bureaucrats and fools at all.

I must, therefore, express some surprise at the amendment that the gentleman from Indiana is offering and would respectfully urge my colleagues to vote against it.

There are such things as wolves in sheep's clothing. This is a sheep in sheep's clothing. If one looks behind the facade of the rhetoric here, flowery and lengthy as it is, one finds absolutely nothing, zero, zip, nada.

Not only is there nothing in this amendment in terms of requiring the English language in any way, shape, or form in Puerto Rico if it is admitted to statehood, but it actually, I believe, by its terms, would set us back. One has to read simply from page 2.

Additionally, in the event of a vote in favor of continued United States sovereignty leading to statehood, the transition plan required by this subsection shall include proposals and incentives to increase the opportunities of the people of Puerto Rico to expand their English proficiency in order to promote and facilitate communication with residents of all other States of the United States and the Federal Government, including teaching in English in public schools, awarding fellowships and scholarships, and providing grants to organizations located in various communities that have as a purpose the promotion of English language skills.

This will set up more bureaucrats. Who is going to monitor this? Where is the money going to come from for these proposals and incentives to increase the opportunities? We are going to be paying for it.

Mr. Chairman, this is a bad amendment. What we ought to do is have an up or down vote on the Solomon amendment. I believe it is a good, solid, and worthy, and constitutionally sound amendment that is not violative of any provisions in our Constitution, including the 10th amendment.

This amendment to the Solomon amendment offered by the gentleman from Indiana sounds good. It sounds nice. It sounds like there is substance there. But in reality, it is not there.

There is nothing here other than language that will get us involved in a morass of additional grants and money programs and bureaucrats trying to determine whether or not these monies are being spent to truly incentivize, as they say now days, to promote and facilitate communication, et cetera.

I urge our colleagues to look behind the fancy rhetoric here, to an empty amendment, to vote it down, and vote in favor of the Solomon amendment.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, I rise in support of this bipartisan substitute which brings some common sense and fairness to the debate.

No one doubts the importance of English for all Americans. It is our common language. I tell my students and my constituents back home that to succeed in this global economy, in this modern world, we must learn English, and not only learn, but master in English. English is the key for opportunity. This amendment allows this opportunity to provide that instruction and that training in English.

□ 1600

It would treat Puerto Rico in a just manner, as it would treat all the other existing States. I would like to remind all the Members in this House that the territories prior to being accepted, such as Hawaii, we also allowed them the opportunity to be able to keep their native language. When we dealt with the Territory of Oklahoma, we also recognized the Native Americans in that area. When we looked at New Mexico, we also took into consideration the Spanish in that particular community.

The Solomon amendment would prevent millions of Americans and would discriminate against a lot of individuals in Texas and others and in Puerto Rico itself. This is not fair. It is not right. I would ask that Members vote for this particular amendment. Mr. Chairman, in the age of increasing global competition, we should be nurturing some of our Nation's most valued treasures, our culture, our language and our skills, not curtailing them.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume. I would just like to say to my colleague from New York and my colleague from Georgia, my very good friends, if they will look on page 2 of my amendment, the second paragraph, it says, in section 4(a) in the referendum language for statehood, amend paragraph 7 to read as follows: "Official English language requirements of the Federal Government apply in Puerto Rico to the same extent as Federal law requires throughout the United States." The law will be the same for Puerto Rico, the same English language law for Puerto Rico as it is for the rest of the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume. I would just point out to the gentleman from Indiana (Mr. BURTON), so does my amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I rise in opposition to the Burton, Miller and company amendment. I think it is just a fig leaf designed to put us all in court and take away a lot of power from States. If Members are for English first as a language, as an issue, then they need to oppose it and they need to support Solomon.

It is not unusual for us to demand such things and try to amend bills and so forth to do what we want to. There is nothing unusual about it. Oklahoma and New Mexico were both required to have State constitutions providing that public school education be conducted in English. Arizona was required to guarantee that its executive and legislative officials could write, speak and understand English.

That is all the Solomon language is trying to do. Culturally it is trying to go a little bit beyond the language question. I think one of the things that has inspired the Solomon language is the situation with Quebec, north of our border. In 1995 Quebec had a vote and came very close to receiving a majority for independence. It was a vote of 49.4 percent, 10 percent higher than it had been 15 years earlier. It is very possible that in the future, Quebec will secede from Canada.

Is there any correlation between Puerto Rico and Quebec? Let us look at it. What do they have in common? Both had their own languages and cultures long before becoming part of English-speaking majority nations, should that happen. Both had populations in which the overwhelming majority speak a language different from that of the majority of the rest of the Nation, and both have political movements that focus on independence as the key to maintaining a separate culture and linguistic identity. Both have economic elites that speak English while the more economically disadvantaged citizens do not.

It is quite possible that if we look at the number, 82 percent of the people of Quebec are French speakers, 98 percent of the people of Puerto Rico are Spanish speakers. The strong cultural identity which we are all aware of in this House, and the strong cultural identity that we want the good American citizens of Puerto Rico to maintain, is at risk here.

This is a statehood vote. This is not just let us see how you feel about it. This is starting the car and pulling it out in the driveway. You do not do that unless you are going to take a trip, Mr. Chairman. This is a statehood vote. It will radically change the culture in Puerto Rico and lead to a lot of division in the United States over it.

Mr. ROMERO-BARCELO. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Chairman, simply put, we ought not hold the issue of Puerto Rico's political status hostage to the question of making English the official language of all government functions across the United States. Mr. Chairman, if that happened a lot of us here in the Congress would be barred from speaking on the House floor. I have been accused of a lot of things in my career in politics, but speaking English has not always been one of them. I once remember hearing a colloquy between Jamie Whitten and Kika de la Garza on this House floor, and I could not understand a thing anybody said.

In fact, I heard the remarks of the gentleman from New York (Mr. SOLOMON) as he introduced his amendment and if I was not mistaken, he employed a foreign phrase from the language of a dead empire. Along with the gentleman from New York (Mr. SOLOMON), I believe deeply in the principle of "e pluribus unum," out of many, one. But I think the gentleman from New York ought to be allowed to enunciate the principle in the original language. Whether it is Hawaiian or Cajun French, Polish or even Gallic, there are millions of Americans who speak languages other than English and there is no reason to reduce their first tongues to second-class linguistic citizenship.

Mr. ROMERO-BARCELO. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in strong opposition to the Solomon amendment and in support of the Burton-Young-Miller-McCollum substitute. The Solomon amendment is patently unfair to the people of Puerto Rico and does not belong in this process of self-determination.

Mr. Chairman, the people of Puerto Rico have been loyal American citizens for more than 100 years. It is high time that they be given the opportunity to make a choice once and for all on what their political relationship will be. To allow the Solomon amendment to pass would pollute the current bill and its intent, causing possibly the entire process to be derailed.

We need to remain focused and clear. H.R. 856 is not supposed to be a statehood bill. There are actually 4 options. The people of Puerto Rico can choose any one. But if their choice is to become the 51st State of the Union, we should vote that choice on its merits.

We are a country noted for its rich cultural diversity. Let us not dishonor that history. Reject the Solomon amendment.

I urge my colleagues to support the Burton-Miller-Young-McCollum substitute and the right of the people of Puerto Rico to self-determination. I commend my colleagues for bringing this substitute to the floor.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume. We can bring this to a head at any point now. I think it has been a very good debate. Certainly Members have stated their feelings.

I want to ask Members this question one more time: Will Congress have to begin conducting House and Senate floor proceedings in both Spanish and English? Will the CONGRESSIONAL RECORD, Federal Register and Uniform Commercial Code need to be printed in Spanish and English? The answer is it may be. Will a State of Puerto Rico be able to force other States to conduct their official business in a language other than English? The answer is very likely.

It will result in many lawsuits all across this country. I suppose if you are a lawyer or if you have got children who are entering the law profession, perhaps you ought to vote for this bill because you are certainly going to generate a lot of work for them.

Mr. Chairman, I could go on and on and on. But I am going to say one more time that if this amendment, the Solomon amendment, is defeated, or if it is watered down, anyone in this country can bring an action anywhere in the United States and could challenge Federal and individual State laws and declarations of English as the official language. No State would be able to protect its official English language.

Again, these are very, very important matters. I am going to just reiterate one more time the procedures that are going to take place. I have already said what would happen if the Solomon amendment is defeated or watered down. But if this bill becomes law without the Solomon amendment, within the next 9 months, before the end of 1998, we are ordering, demanding, requiring the island of Puerto Rico to conduct a plebiscite, and we are ordering, demanding and requiring them to do this until they finally vote for statehood. Mr. Chairman, that is absolutely wrong.

If we pass this bill and if the President signs it within over the next several weeks, that plebiscite will be held because it will be mandated by this Congress on the Puerto Rican people. Within 180 days after that, which takes us towards midyear of 1999, the President must give us his transition plan. Then written into this law in section 6 is a requirement that this Congress will have to vote on that within 120 days.

That, Mr. Chairman, is the turning point. It is the turning point when we no longer can deny Puerto Rico statehood, no matter what the percentage of approval is by the Puerto Rican people. Mr. Chairman, that is wrong. If we do not have the kind of overwhelming support that we had in Hawaii and that we had in Alaska, we are going to end up in a situation almost identical to what we have in Quebec, Canada today, and we cannot allow that to happen.

The one major issue that has held this country together for all these 200 years as a melting pot of all ethnic backgrounds throughout the entire world, it does not matter whether it is the Pacific, it does not matter whether it is Europe, wherever it is, it is the common language of English that has kept us together. That keeps our esprit de corps, it keeps our patriotism alive, because we all speak that one language. That is what is at stake on the voting on this amendment in a few minutes.

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Chairman, I would like to point out and reiterate to the membership in voting on the Burton amendment the language previously cited by its author, that "the official English language requirements of the Federal Government apply in Puerto Rico to the same extent as Federal law requires throughout the United States," does nothing but simply lock in the status quo. English is already required for Federal purposes in Puerto Rico. Yet notwithstanding that, the overwhelming majority of Puerto Ricans do not understand English, do not speak English. This language in the Burton amendment, which its author cites as a strengthening amendment, simply maintains the status quo. It goes no further and cannot go further by its terms.

I thank the gentleman from New York for yielding.

Mr. SOLOMON. Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1½ minutes.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, let me just say that I think the amendment, my substitute, the gentleman from California's substitute, solves the English language issue if you want to have it attached to this bill. But this bill is not about the English language, nor should it be. It is about whether or not the people of Puerto Rico have a right to let the Congress of the United States know if they want to be a State, a commonwealth or independent.

☐ 1615

This English issue is a red herring that has been put into the bill to try to drive a stake through the heart of the bill to kill it. That is what they want to do. They want to kill the bill. It should not even be here in here. We should be debating the English only issue in a separate piece of legislation as we have in the past.

This is a plebiscite bill to find out from the people of Puerto Rico what status they want. Do they want to be a State, do they want to be a commonwealth, or independent? If they want to be a State, for instance, it has to come back to the Congress and a process of about 8 or 10 years is going to take place before they become a State. So the Congress is going to make the final determination anyhow. This is a red herring.

The other thing I want to say is that I have great respect for my colleagues, but I think that every one of my colleagues who are opposing this bill, I hope every one of my colleagues who are sitting in their offices will focus on the main issue at hand today, and that is do people who are American citizens, and that is the people of Puerto Rico, do the people who are American citizens have the right to say, we want representation if we are going to be paying the price in wars and taxes and everything else for this country. Do they have that right? They should. They are American citizens.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the gentleman is standing up and saying, "JERRY SOLOMON brought this English debate into this bill." Here is the bill. It is not my bill. This is the committee bill. On page 10, line 1, section B, language, "English shall be the common language of mutual understanding in the United States." It goes on for pages. I did not introduce this into the bill, you folks did.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I would say to the gentleman from New York (Mr. SOLOMON), the reason we did was because we knew the gentleman as the chairman of the Committee on Rules was going to put this amendment into the process. That is why we did it, and the gentleman knows it.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I might consume.

With the Parliamentarians sitting up there I went to the Parliamentarians and said, I do not want to go beyond the germaneness of this bill. I will not do it. I will not use the power of our Committee on Rules to do that. I could have done it, Mr. Chairman, as the gentleman knows. Instead, we wrote an amendment germane to the bill. So I think the gentleman misspoke.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will yield, I do not think I owe the gentleman an apology. First of all, the bill only authorizes that language, authorizes the English provisions in that bill. It does not mandate them, if the gentleman reads that.

Mr. SOLOMON. Mr. Chairman, reclaiming my time, nor does my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the coauthor, the sponsor of this amendment, the gentleman from Indiana (Mr. BURTON) has quite properly stated what this amendment is about. This amendment is about should at the end of this process the people of Puerto Rico decide to choose statehood as an option and a condition under which they want to live, the language in the Burton substitute says they will be treated the same as any other State. They will be treated the same as the citizens of Nebraska or California or New York or Florida or Louisiana or anywhere else.

If this Congress should decide that English is the official language of this country and wants to add a lot of requirements about that at some future date, if Puerto Rico is a State, Puerto Rico will live under those requirements the same as the citizens of any other State.

If Puerto Rico petitions to become a State, and we agree to that, and they vote for that and we vote for that, they are petitioning to become a State on coequal terms of every other citizen of every other State. The Solomon amendment goes beyond that. It goes beyond that to require, require, that the communications be only in English and people can only communicate with the Federal Government in English, far beyond what is required today in any law that we have.

So what we said was not knowing yet what the people of Puerto Rico will determine, let us just level the playing field, so, again, this debate cannot be used, because in the politics of the campaign, statehood versus commonwealth versus independence, people want to argue you are going to lose your right to speak Spanish, you are going to be forced to speak only English, you are not going to have citizenship. This campaign gets way out of control. So we tried to put language here which is very simple. You will be treated, should you vote for statehood, the same as any other citizen in any other State, period, with respect to the requirements of the English language of the Federal Government.

That is fair, and I think it is proper, when people are going to engage in a historical vote about their status from that point forward.

That is what this committee owed them, that is what this Congress owes them, and the Burton amendment allows that to happen. It simply levels out the playing field with respect to English. They will know that they will not be discriminated against because they speak Spanish; they will not be burdened because they do not have full compliance with English. They will simply be treated the same as all other American citizens.

Many people have risen on this floor today to testify as to the contributions the Puerto Rican people, the citizens of this country, have made to the growth of this country in every aspect of our history. All we are saying to those people is, you will be treated the same as everyone else who has made that contribution. And when you make the decision to choose statehood or commonwealth, you will know that the playing field is level here.

That is what the Burton amendment accomplishes. That is not what the Solomon amendment does. The Solomon amendment puts a series of conditions beyond that level playing field, that in the text of his amendment apply only to Puerto Rico and only to those communications between the citizens of Puerto Rico and the government. That we should reject.

If later we want to do that, and Mr. CUNNINGHAM indicated that maybe the English as an official language bill will come back, if that prevails and passes and is signed into law, that will be the law of the land with respect to the people in Puerto Rico and the people in California. But we should not be trying to guide that determination here, because this is about a plebiscite, and this is about what people can expect to happen and not happen should they choose one of the three alternatives outlined in the legislation.

This committee worked very hard. Mr. YOUNG held a whole series of hearings in Puerto Rico and here to try and determine the fairest way to present these three options. We ought not now try to put our thumb on one side of the scale one way or the other with respect to the outcome of that vote.

The people of Puerto Rico ought to be able to make their choice in this plebiscite about their status, and then it will be incumbent upon the Congress to either accept or reject that or to condition that. But we will then know what the choice of the people of Puerto Rico is.

Mr. Chairman, I believe the Burton amendment maintains the integrity of this process so that we will know when that vote is taken, that we have provided free and fair options with respect to the status for the people of Puerto Rico to choose.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Chairman, I thank the gentleman from Indiana for yielding me time.

I would also thank the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. MILLER), the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Alaska (Mr. YOUNG) for bringing not only the bill, but this amendment here, because this is what is going to bring us together, I hope.

Mr. Chairman, I would say to the gentleman from New York (Mr. SOLOMON), I understand that English language does bring us together, but we have more in common than just our language. As a Nation we are held together by love of liberty and freedom, no matter what language we speak and no matter how we speak English, because we speak English in different ways, from Texas to Maine, to Boston to Florida and everywhere else. But that is what this amendment talks about.

Let me read the language for the Members who are maybe watching in their offices. "The official language requirements of the Federal Government shall apply to Puerto Rico in the same manner as and the same extent as throughout the United States."

If the citizens of Puerto Rico make a decision for statehood, they will come in on the same level as the citizens of Texas. You can come to Texas and speak Spanish, you can come and speak English; but if you go into a courtroom, you are going to speak English or have a translator.

They could speak whatever language they want, because that is the freedom we enjoy. I have people in Texas who are proud to be German and speak German, but when they go to court they have to have an English translation.

Mr. Chairman, I urge support for the Burton amendment.

Mr. BURTON of Indiana. Mr. Chairman, I yield the balance of my time to the gentleman from Rhode Island (Mr. KENNEDY).

The CHAIRMAN. The gentleman from Rhode Island is recognized for 30 seconds.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, ultimately this is a political football. The Solomon amendment is meant to kill this bill. To think that we are asking the Puerto Rican people to be forced to speak English. I would ask the gentleman from New York (Mr. SOLOMON), how often did we ask the 200,000 Puerto Ricans who served in our Nation's military and were putting their lives on the line in defense of this liberty how well they spoke English? And why is it right for us now to say they have to speak English? When they were good enough to die for this country, they were good enough to serve for this country, now we are going to impose the English language on them, when it was never the case when it happened to come to them serving in our Nation's military.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to try to hold myself down a little bit after the remarks from my friend, the gentleman from Rhode Island (Mr. KENNEDY) over there. It seems like he and I always get into it about this time. I will just tell my good friend that I helped teach the Puerto Ricans in the military how to speak English, and I am very proud of it.

We are going to close this out, and it has been a good debate, up until the last couple of speakers. The Solomon amendment does nothing different than what we have done for Oklahoma, for Louisiana, for New Mexico and for Arizona. But now it becomes even more important, because I will state once again that if the Solomon amendment is defeated, if the Burton amendment allows the Solomon amendment to be watered down, we are going to jeopardize the future of this democracy of ours, because it means that Puerto Rico could possibly be brought in within the next 24 months into this Union with only a very, very small majority of people wanting citizenship. We should never, never let that happen. As we did with Hawaii, as we did with Alaska, we should always have overwhelming support, not only of those areas that want to come into the United States, but also of the American people.

The polls show that the American people are opposed to this legislation in its present form. It shows that the Puerto Rican people in the last plebiscite were opposed to statehood, and we should clear these up before this matter ever becomes law. But, just as a safeguard, we ought to pass the Solomon amendment.

Mr. Chairman, let me say in closing that the Solomon amendment has the support of U.S. English, it has the support of English First, it has support of the English Language Advocates, it has support of the Center for Equal Opportunity. All grassroots English groups in this country support the Solomon amendment and oppose the watering down of the amendment, whether it be by MILLER-BURTON or by anyone else. So I urge support of the Solomon amendment and defeat of the Miller-Burton amendment.

Mr. TOWNS. Mr. Chairman, I rise today to express my vehement opposition to H.R. 856, the United States-Puerto Rico Political Status Act, and to the English-only language amendment offered by the gentleman from New York.

At the outset, I want to extend my full support to my fellow colleagues, NYDIA VELÁZQUEZ (D–NY) and JOSE SERRANO (D–NY), in their efforts to ensure that the people of Puerto Rico have a "voice" in this process. As Congresswoman VELÁZQUEZ stated earlier today, "Why don't we let Puerto Rico decide what's best for Puerto Rico."

For close to one hundred years, Puerto Rico has been a Commonwealth of the United States. Puerto Rican citizens have abided by the laws of the United States; they have participated in defending the United States in various wars; and even joined the military during peaceful times. Both English and Spanish are the official languages of Puerto Rico. They clearly are an integral part of our representative government. We should take extreme caution and listen to their concerns.

Moreover, we should not, as some of our colleagues are trying to do, force them to abide by a stringent English-only language requirement. How can we force such an arbitrary requirement on the citizens of Puerto Rico when none exists for any of the 50 states? As the bridge to Latin America, already over 85% of Puerto Ricans are fluent in both English and Spanish. Further, the United States does not have an official language law, and we should not start by imposing one on a geographic area as diverse as Puerto Rico. For over four hundred years, our country has been a "melting pot" for people of all racial and ethnic backgrounds. In fact, we pride ourselves on this unique aspect of our history. We are a nation founded on the principles of freedom and equality for all.

Mr. Chairman, I hope that my colleagues will remember these principles and support the right of self-determination for the citizens of Puerto Rico.

Mr. ORTIZ. Mr. Chairman, I rise today to oppose the English-only provisions being offered to this bill to define the political status of Puerto Rico.

I have consistently opposed English-only provisions to bills that have been before the House and do so again today. While I understand my friends who advocate these changes, we simply disagree. As the representative of a border district—as a man who has grown up speaking two languages every day of my life—I understand the dynamics of this proposal.

People on one side see the English language as the defining and unifying element of the United States. Those who believe as I do, that the English language is the most important element of economic development in our country, also realize that it is the democratic institutions and history of the United States that define us as a country and a community.

This policy, while well intentional, will make some untenable changes. It will rescind the use of bilingual education, a valuable program to children of new immigrants. It will prohibit the use of bilingual voting materials and ballots. In a democracy, su voto es su voz—your vote is your voice. We would be stifling a deep democratic tradition if we kept voting and balloting information out of the hands of those who speak a language other than English.

Probably the most insidious thing an English-only policy would do would prohibit the use of dual language public health notices. Now, it has been our experience in South Texas that health care knows no single language, and it has been our experience that diseases know no border. This would be a profoundly bad idea, and it would only hurt everyone, not just those who do not speak English.

I would like to associate myself with the remarks of my friend CHET EDWARDS who said that we need to teach English, not preach it. Spanish is the language of commerce in most countries of the Americas. The Spanish-speaking countries are the largest potential market for U.S. goods—we must not let the opportunity to sell them our products go by. Our schools, and this government, must learn the language of world commerce—which is primarily English, but is also increasingly Spanish.

Let us not take a bad idea and make it worse. Please join me in opposing the English only provisions of this bill.

Mr. GILMAN. Mr. Chairman, I rise in support of the Burton-McCollum-Young substitute to the Solomon English amendment to H.R. 856.

Under this amendment, the English language would be immediately fostered in Puerto Rico—unlike the Solomon amendment, which applies the English language requirements only if the U.S. citizens of Puerto Rico choose to become a State. The Burton substitute would allow all students to be proficient in the English language by age 10.

Please join me in supporting the Burton substitute to the Solomon English amendment. This bipartisan substitute provides an impartial and equitable alternative.

Ms. JACKSON-LEE of Texas. I rise in opposition to the amendment to HR 856, offered by Representative SOLOMON, requiring English to be the official language of all government functions across the entire United States and support the substitute amendment offered by Representatives BURTON, MILLER, and YOUNG, which would treat Puerto Rico the same as every other state; which recognizes the primary role of English in our national affairs; and which would not preclude the use of other languages in government functions when appropriate.

As a member of the House Judiciary Committee, it comes as no surprise to me that yet again the proponents of the English-only movement are attempting to divide this country with English-only legislation.

While we in this country do not always agree, we share a common set of democratic ideals and values—a commitment to freedom, equality, tolerance and opportunity. This is what holds us together—not language.

On the same principle, I want to make my position clear that there is no place for English-only legislation in this country. English-only is nothing more than a political tactic. Why else would we be seeking to implement English-only policies when 95 percent of the U.S. population already speaks English?

What the Solomon amendment really does is effectively to disenfranchise a large population of citizens for the purely political reason that they traditionally vote Democratic rather than Republican.

Specific to this bill, the real fear of the Republicans is that in the event that Puerto Rico joins the Union as a state, the majority of the voting population may turn out voting Democratic. Puerto Ricans see through this veiled political attempt. So do current registered voters.

English-only alienates ordinary citizens. Let's face the reality of the 21st century—we live in a multicultural and multilingual society, and this is America's strength. We are a proud nation of immigrants. Many immigrants recently have become citizens, and embrace the opportunity which many were deprived in their native country to vote.

Many immigrants also are learning English faster than ever, as indicated by increased enrollment in English classes. By abolishing bilingual ballots, the English-only measure seeks to undermine standing law—the Voting Rights Act of 1965—and to frustrate the participation of U.S. citizens in the political process.

We need to keep out English-only legislation and retain bilingual voting materials not only to allow voters to engage meaningfully in our democracy, but also to permit voters to participate on an informed basis. They need to know who is running for office and also to understand more complex voting issues such as constitutional amendments.

Republicans may misguide the American people with the argument that empowering voters with bilingual assistance costs tax dollars. Nothing could be farther from the truth. Studies show that the cost of bilingual assistance for voting is either nominal or causes no additional costs. A GAO report shows that of 295 responding jurisdictions, written assistance costs less than 8 percent of election expenditures and it estimates that costs 18 states nothing. Oral language assistance is even less burdensome.

As important as voting, ordinary citizens need access to our government. We do not want to cripple government with English-only mandates, lest the police, 911 operators and Emergency Medical Service technicians would be unable to do their jobs in life threatening situations involving an individual with little fluency in English.

Conversely, the government needs to continue to provide services to ordinary citizens. Restricting the ability of agencies to dispense information to the public in a language other than English would undermine important government functions such as collecting taxes, informing citizens of their fundamental rights, promoting equal educational opportunity and public health and safety, and ensuring due process under the law.

English-only isolates the U.S. from the rest of the world. Similar to the evolving society in which we live, our world is also changing. We live in a global economy, requiring Americans to be more cognizant of the language, the cultural norms and sensitivities and business practices of our international trading partners. The time calls for us to adapt—which does not mean imposing that our government functions in one language—English only.

The majority of federal documents are already in English. According to the General Accounting Office, only 0.06 percent of federal documents are printed in non-English languages. Rather than restrict the use of non-English languages, we should be expanding our fluency in several different languages. Thirty-two million Americans speak a second language. They are competitive with the rest of the world.

I urge my colleagues to vote against the Solomon amendment, and resist this latest attempt to divide our country, and weaken its position globally and vote in favor of the substitute to the Solomon amendment offered by Representatives BURTON, MILLER, and YOUNG.

Mr. SOLOMON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ), to the amendment offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GUTIERREZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, I understood that we were going to try to reduce the second vote down to 5 minutes. How do we do that? How do we propound a recorded vote at this time?

The CHAIRMAN. The Chair has the authority to do it. Pursuant to the rules, the Chair will announce the subsequent two votes if ordered will be 5 minute votes.

Mr. GUTIERREZ. Mr. Chairman, before we vote, there have been some pretty scandalous things occurring.

The CHAIRMAN. A recorded vote is ordered. The gentleman from Illinois is out of order.

Mr. GUTIERREZ. If the Chairman will, please, I do have a very good point. This is very serious. We are violating the rules of the House, Mr. Chairman. This is being handed out against our rules.

The CHAIRMAN. Does the gentleman have a parliamentary inquiry?

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUTIERREZ. Mr. Chairman, can this be handed out to Members of the House of Representatives as they are walking in here, to ask people to vote yes or no on different amendments as they walk in here, without having the letterhead of the U.S. Congress and without it being signed by some Member of Congress?

The CHAIRMAN. Handouts handed out to the membership must indicate who authorized them.

Mr. GUTIERREZ. Mr. Chairman, then I bring to the attention of the Chair that this is being handed out amongst us without signature, without the letterhead, not in accordance with our rules, and I would ask that the Chair protect in any way possible the integrity of the rules of the House.

The CHAIRMAN. The Chair will do everything possible so that the rules of the House are adhered to and complied with.

Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote, if ordered, on the Burton substitute amendment to the Solomon amendment or on the Solomon amendment without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 13, noes 406, answered "present" 1, not voting 10, as follows:

[Roll No. 28]

AYES—13

Conyers
Davis (IL)
Gutierrez
Kennedy (MA)
McKinney
Meeks (NY)
Owens
Pastor
Payne
Rush
Serrano
Towns
Velázquez

NOES—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu

Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Waters

NOT VOTING—10

Doolittle
Gonzalez
Harman
Kilpatrick
Luther
Poshard
Schiff
Schumer
Shimkus
Torres

□ 1651

Messrs. JACKSON of Illinois, BECERRA, SMITH of Texas, SMITH of Michigan, MALONEY of Connecticut, BATEMAN, and RANGEL changed their vote from "aye" to "no."

Ms. McKINNEY and Messrs. OWENS, KENNEDY of Massachusetts, and CONYERS changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON) as a substitute for the amendment offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the Chair's prior announcement, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 182, not voting 10, as follows:

[Roll No. 29]

AYES—238

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Ballenger
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Camp
Campbell
Cannon
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gordon
Granger
Green
Greenwood
Hall (OH)
Hamilton
Hansen
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pombo
Pomeroy
Portman
Price (NC)
Rahall
Rangel
Redmond
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Shaw
Sherman
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thornberry
Thurman
Tierney
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

NOES—182

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Conyers
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Ganske
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Gutierrez
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McDade
McHugh
McIntosh
Menendez
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Porter
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Sisisky
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thune
Tiahrt
Towns
Traficant
Upton
Velázquez
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—10

Doolittle
Gonzalez
Harman
Kilpatrick
Luther
Poshard
Schiff
Schumer
Shimkus
Torres

□ 1701

Messrs. BOB SCHAFFER of Colorado, HASTERT, BAESLER, ROGAN, and HALL of Texas changed their vote from "aye" to "no."

Mrs. KELLY and Mr. SMITH of New Jersey changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLOMON), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the Chair's prior announcement, this will be a 5-minute vote.

PARLIAMENTARY INQUIRY

Mr. ROMERO-BARCELÓ (during the vote). Mr. Chairman, I have a parliamentary inquiry. I was standing here, and the Chairman did not see me.

The CHAIRMAN. The gentleman will state it.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I have to explain to everyone what this second vote is. There is confusion in the hall as to what this second vote is.

The CHAIRMAN. The Chair has explained to the Members what this vote is.

The vote was taken by electronic device, and there were—ayes 265, noes 153, not voting 12, as follows:

[Roll No. 30]

AYES—265

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Bereuter
Berry
Bishop

Blagojevich
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Granger
Green
Greenwood
Hall (OH)
Hamilton
Hansen
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer, Bob
Serrano
Shaw
Sherman
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thurman
Tierney
Turner
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—153

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barr
Bartlett
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Callahan
Calvert
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Conyers
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Dreier
Dunn
Emerson
Everett
Fawell
Fowler
Franks (NJ)
Frelinghuysen
Ganske
Goode
Goodlatte
Goodling
Goss
Graham
Gutierrez
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kingston
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Manzullo
McIntosh
Menendez
Metcalf
Miller (FL)
Myrick
Nethercutt
Neumann
Ney
Norwood
Packard
Pappas
Parker
Paul
Paxon
Petri
Pickett
Pitts
Porter
Pryce (OH)
Radanovich
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Sisisky
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thune
Tiahrt
Towns
Traficant
Upton
Velázquez
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf

NOT VOTING—12

Berman
Doolittle
Furse
Gonzalez
Harman
Kilpatrick
Luther
Poshard
Schiff
Schumer
Shimkus
Torres

□ 1711

Mr. SALMON, Mr. COOKSEY, and Ms. DUNN changed their vote from "aye" to "no."

Mr. PASCRELL and Mr. BERRY changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER pro tempore (Mr. HASTERT), assumed the Chair.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

The Committee resumed its sitting.

□ 1715

Mr. SERRANO. Mr. Chairman, it is my intention to offer amendment number 2 that was printed in the RECORD at this time.

The CHAIRMAN. It is now in order to debate the subject matter of the amendment by the gentleman from New York (Mr. SERRANO). The gentleman from New York (Mr. SERRANO), and a Member opposed, each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. SERRANO).

Mr. GUTIERREZ. Mr. Chairman, I would like to claim the 15 minutes in opposition.

PARLIAMENTARY INQUIRIES

Mr. ROMERO-BARCELÓ. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROMERO-BARCELÓ. Mr. Chairman, would a member of the committee, would he have an opportunity to be the first recognized in opposition, too?

Would a member of the committee that is sponsoring this bill, would I not be entitled to be recognized in opposition, too, to control the time?

The CHAIRMAN. The gentleman is correct; the priority of recognition would grant to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) recognition previous to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. ROMERO-BARCELÓ. I would like to be recognized in opposition, Mr. Chairman.

The CHAIRMAN. So the gentleman is claiming the time in opposition?

Mr. ROMERO-BARCELÓ. That is correct.

Mr. SOLOMON. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Chairman, no one on this side of the aisle is going to have any time on this amendment, and I would like to ask the gentleman if he would yield me half of his time in opposition.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I ask unanimous consent to yield half of my time to the gentleman from New York (Mr. SOLOMON) in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GUTIERREZ. Mr. Chairman, I want to make sure how this all works. I understand that the gentleman from New York has an amendment and I also have an amendment to his amendment. When does that happen in terms of the procedure here today?

The CHAIRMAN. The subject matter of the amendment offered by the gentleman from New York (Mr. SERRANO) is going to be generally debated now for 30 minutes. After that time the gentleman from New York will offer his amendment, and then the amendment of the gentleman from Illinois (Mr. GUTIERREZ) may be offered to the amendment of the gentleman from New York, if the gentleman from Illinois would have one.

Mr. GUTIERREZ. And in order for me to offer an amendment to the amendment, I would need to get someone who controls time within that 30 minutes or I would never be able to offer it? And I am sorry, Mr. Chairman.

The CHAIRMAN. No. If the gentleman offers a substitute amendment at that time, debate on that substitute amendment would be under the 5-minute rule.

Mr. GUTIERREZ. So I would get my own 5 minutes? So it is my understanding, and I thank the Chairman for his indulgence, and excuse my lack of knowledge of the procedures here.

I want to make sure, because what I would like to do is make sure that the gentleman from New York can have his amendment. I just want to make sure that at some point, because of the half hour, I either get to introduce this as an amendment or as a substitute, and that that will be guaranteed by the House that I can do that.

The CHAIRMAN. The gentleman will be able to propose his substitute or perfecting amendment if offered within the one hour of permitted consideration.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I present today, amendment No. 2, would provide for American citizens born in Puerto Rico, who reside outside the island, to participate in this vote.

Let me, as I begin, Mr. Chairman, note that this amendment has been agreed to by the chairman of the committee and chief sponsor of the bill, the gentleman from Alaska (Mr. YOUNG), and he will speak to this issue in a few minutes.

The gentleman from Alaska supports our amendment because he feels that it is a fair amendment that speaks to a legitimate issue. Mr. Chairman, those of us born on the island of Puerto Rico, and indeed all Puerto Ricans, feel very much a part of the island of Puerto Rico regardless of where we are living. Regardless of where we find ourselves, we very much feel a part of the island and, therefore, we feel very much that any vote taken in Puerto Rico on the political status of the island should include us.

Let me be clear that this bill does not say, nor do I believe, that I should be involved in electing the Governor of Puerto Rico or the mayor of my hometown of Mayaguez or anything like that. This bill comes about because many of us understand the fact that the relationship between the U.S. and Puerto Rico created certain situations throughout our history which made a lot of us, either through our parents or as adults, leave the island. We left the island physically but we never did leave the island in many other aspects. In addition, so many of us travel back and forth to the island that the union between the two places or the two communities has remained one.

My original amendment, Mr. Chairman, included not only those born on the island, but included the children of at least one parent born on the island who were born anywhere outside the island. That amendment, in all honesty, had about six votes. And since I can count a little better than that, I began to deal with that issue. It was based on the fact that we removed that part from the amendment that the gentleman from Alaska, the author of the bill, agreed to the amendment. This then allows thousands of Puerto Ricans who live throughout the 50 States to vote in the plebiscite.

Now, in addition, Mr. Chairman, there is precedence throughout the world, in different votes that have been taken, for this kind of involvement. This is not a new idea. What I do want my colleagues to understand is that if we face this vote, and I know this is going to sound funny, thinking in terms of States, the idea of one person living in one State voting in another State, we would never agree to this. But this is not about voting in another State, this is about the future of a territory, of a colony.

And when that future is decided forever, and statehood is forever, and independence is forever, and an associated republic is forever, and those three could be the options that come in at the end, then all of the children of the territory, all of the children of the colony, should be allowed to vote.

I want to close with this. I want to thank the chairman of this committee not only for the bill, but for consenting to my amendment, and I would implore Members on both sides to take his lead in accepting an amendment that has been around 8 years. I may be the only Member of the House who had an amendment before there was a bill, and now there is a bill to attach the amendment to.

This is a good amendment, it maximizes the number of people who will participate and, in my opinion, makes this plebiscite truly an American plebiscite because it includes more than just the people who live on the island.

Mr. Chairman, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment very, very reluctantly. Very reluctantly, because my fellow Member, the gentleman from New York (Mr. SERRANO), has been a very great supporter of our H.R. 856, our bill for United States-Puerto Rico political status, and I feel very grateful for everything he has done.

I know the gentleman does this because he believes in it, otherwise he would not do it. I know he believes in this very, very dearly. I stand up almost regretfully to oppose it, but I must oppose it because I am convinced that were this to pass, we are including an element into the result of the elections that could really create a serious situation.

If Puerto Ricans were to vote in Puerto Rico, which is as it always has been, and we have had two plebiscites and the referendum for the approval of the Constitution, and in none of them the Puerto Ricans who reside in the mainland have been allowed to vote. The rule that residents control, you have to be a U.S. citizen and a resident of Puerto Rico has always controlled all elections and all referenda in Puerto Rico.

To change this, the majority that voted here in the mainland who do not reside in Puerto Rico and who are not going to receive the favorable or negative impact of that vote will then impose their will on the people of Puerto Rico.

I think this is for the people of Puerto Rico who live in Puerto Rico to decide and not for those brothers and sisters of ours that have moved to the mainland.

Many times, as the gentleman from New York (Mr. SERRANO) says, it was against their will. Economic conditions forced them to move. So be it. But they have moved. People like the gentleman from New York (Mr. SERRANO) have their families here. Their children were born here. Eventually they might go visit Puerto Rico, but they are going to stay here forever, for the rest of their lives. They are not planning to go back to Puerto Rico.

So I repeat again that the results of the vote, whether good or bad, will affect directly the people that live in Puerto Rico. It will affect emotionally those that live here in the mainland. But just the fact that we have an emotional attachment and a feeling emotionally about the results is not a sufficient right to vote and create something that is of impact to the people of Puerto Rico.

One example, the gentlewoman from New York (Ms. VELÁZQUEZ) is against this bill. And she does not want the Puerto Ricans to vote and have the opportunity to vote on this bill. Yet, if she were to vote, she would be voting against statehood. She would be depriving the people of Puerto Rico the right to vote and the right to representation. But she has that right to vote, and she has that right to representation. We do not have that.

Someone that has that right, how can they be voting in an event to deprive those citizens that do not have that right and looking for that right? I think this is something that would create a confusion. It would create unfairness and an injustice to the people of Puerto Rico. I must oppose this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield 1 minute to the gentlewoman of New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I want to make a clarification. It is important for Puerto Ricans in the mainland to participate, because, in fact, Puerto Ricans in the United States, they go back and forth to Puerto Rico. But there are many Puerto Ricans here who have suffered political persecution in Puerto Rico, and they are in the United States because of the political environment in Puerto Rico.

In fact, when I was a professor at the University of Puerto Rico, I was politically persecuted. I decided to leave the island. I should have the right. This is not any State election. This is a unique and special election on the future and the political destiny of Puerto Rico. Of course I should have the right to have a say in that determination.

Mr. SERRANO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Puerto Rico says we are not effected. The fact of life is my 40 years in this country have been affected by the relationship between Puerto Rico and the United States.

Secondly, the gentleman understands that his citizenship and mine are statutory. This vote may change that relationship. My child's citizenship is constitutional. I have a stake as to what decision is made on the island because I may be affected in the future.

Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), my leader on this issue.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of this amendment, and I do so reluctantly, although my good friend, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and I have been working very close.

But I thought about this after the gentleman from New York (Mr. SERRANO) testified before the committee, and I tried to put myself in place of a young man or young woman who had to, either for economical reasons or other reasons, had to go to the United States, because they are citizens now by statute, had to go to the United States to get employment and to work.

□ 1730

This is a very serious system where we may set forth here an independent nation. I would like to know, I would like to participate, because I am still a citizen of Puerto Rico although I have gone to the United States. I would like to know if it becomes a State then everything is equal, or it remains the original commonwealth that it is now.

But more than that we have to understand, these persons have a role to play because they were born on the island. They were born on the island. Keep that in mind. They had not left the island other than for economic reasons or for family, but they were born on the island.

I will not support grandchildren, aunts, uncles and all the rest of them because they are citizens of the United States, because they were born here, in the United States. But I think it is imperative that we allow that individual who for some reason had to leave the island, as beautiful as it is, and now he is being asked to not make a decision, not participate in a decision that will affect his or her life.

After many hours of debate and discussion with myself, and that sometimes gets awful boring, I decided in favor of the Serrano amendment. I want to compliment him for offering it. I am going to urge the gentleman from Puerto Rico who has been the horse in this whole program to be very careful in what he offers, and if he offers something, to please not ask for a vote on it. Because what will happen in the long run, people are going to be tired, and we never know what might happen.

Let us say we do what is correct for the Puerto Rican people today. Although we can voice our opinion, let us keep this to the minimum of mechanical efforts to make sure this bill comes to fruition and a vote tonight.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I yield myself such time as I may consume. I take the advice of the chairman of our committee very seriously. I will consider it very, very, very seriously.

I want to again repeat that it hurts me very much really to take any kind of opposite position to the gentleman from New York (Mr. SERRANO), my colleague here on this issue. I know how deeply he feels about it. But as deeply as he feels about it, I also feel deeply about the fact that in Puerto Rico, the people who are going to be voting would not like to see the results of their vote affected by the vote that is taken outside of Puerto Rico, by people that even though they were born in Puerto Rico, reside somewhere else, they have a right to vote, and are residing there and are going to die there and probably live there for the rest of their lives. Whatever happens in Puerto Rico is going to, yes, affect them directly, there is no doubt about it.

But I want to clarify something for the record. The fact is that the gentleman from New York (Mr. SERRANO) has a statutory citizenship, the same as I have, that we are citizens because in 1917 a law was passed that said all persons born in Puerto Rico shall be citizens of the United States. But the results of the plebiscite or the referendum will not affect his citizenship or my citizenship. It will not affect the citizenship of any of those that are born, only of those that are born after the status change occurs.

If Puerto Rico opts for statehood, once Puerto Rico becomes a State, then those that are born in Puerto Rico as a State will be constitutional citizens because its constitution says that only those that are born in the State shall be citizens and also those that are naturalized. It does not talk about anything else. Then we are citizens because the law provides us citizenship.

That is why in the definition of commonwealth in the bill we say that the citizenship is statutory under commonwealth. That means that the Congress may in the future if it feels like it say from this day on, or from the future day on, those born in Puerto Rico shall no longer be citizens. They can do that if we are a commonwealth. They cannot do that if we are a State. That is why I say the citizenship is statutory.

Also, the citizenship of the children in Puerto Rico will not be constitutional until Puerto Rico becomes a State. Our citizenship will remain the same. The citizenship of his children will remain the same.

Even to be more clear to the people of Puerto Rico, we are not pushing this or misguiding anybody. When we said that citizenship is statutory, we also added a statement that says that it is the policy of Congress to keep granting citizenship to people born in Puerto Rico under commonwealth. That is specified in the bill. When people talk about the unfairness of the bill, no, no, the definition of commonwealth is about as fair as it can be, the only thing, it is true. How can a territory be better than a State?

That is why they are at a disadvantage. Because when people read the definition of commonwealth as what it is, a territory, they realize that there are much more advantages to statehood, even though those in the territory do not pay Federal income taxes and will not be paying Federal income taxes as long as Puerto Rico is a territory. But we also want to assume our responsibility and pay our share. We now have a commonwealth which is a welfare commonwealth, a welfare territory, because we are not contributing and not paying our share.

As a State Puerto Rico not only would pay their share but we would be paying over $4.5 billion in taxes if we were a State right now. The additional cost at this point in time would be about $3.1 billion, a net benefit of about $1.4 billion to the Treasury of the United States.

So all of these things that have been flying around against Puerto Rico, against Puerto Rico being a State, all of them are misguided. They are half-truths, some of them, some are completely erroneous, some are completely false. I beseech everybody here on this amendment to, yes, we will have to listen to Serrano, but please let us vote against it.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I think this is a very enlightening and interesting debate, because as so eloquently has been stated by the chairman of the Committee on Resources, he has basically paraphrased that there are nationals, that there is a nationality, that Puerto Rico is a nation and that the people born in that nation should determine the future of that nation.

I think if for no other reason, this has accomplished very, very much. Because when the Serrano amendment, which I hope is adopted later on, and I have an amendment to it, when it is adopted, it will say that the people of Puerto Rico are a duly constituted people born on that island and born on that island of a nation of people, and so they should participate, much as the Algerians who lived in France participated, much as the Irish who lived in Great Britain participated, much as the people of all of the other countries colonized.

What we have stated here is Puerto Rico is a colony of the United States. Therefore, that all members of that colony. So Puerto Rico is a nation. That by accepting, and I want to thank the gentleman from Alaska (Mr. YOUNG) for finally so eloquently stating that point here today, because I think that that is an important part. Remember, that that is what we are doing, bringing two nations together. We should do it very, very carefully, with consultation and making sure that each partner understands what we are doing.

Let me just take exception once again, because I see that there is one thing that the gentleman from Alaska (Mr. YOUNG) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) and the gentleman from New York (Mr. SERRANO) all agree with in unison. That is, that Puerto Rican citizenship if you are born on the island of Puerto Rico is statutory. I think that is wrong. I think that is wrong.

Let me just state for the record that the Immigration Nationality Act of 1945 tracked from the language of the 1940 act, it says that all those who live in the United States, including Alaska, Hawaii and Puerto Rico, are nationals of that country and born in the United States. Once again what we are saying is that if you are born in Puerto Rico, like my dad, like my wife, that her citizenship if you adopt this Young bill can be taken away.

Let me just make two points. A, does anybody really believe in this room that this Congress would ever take away the citizenship of 3.8 million people? Does anybody in this room think that will ever happen? Absolutely not. No President would ever sign that legislation. If no one would ever do it and no court would ever sanction it, why is it that we are saying it is statutory?

On the one hand we say it is statutory. On the other hand I am sure that we will all dive on the blade so that that citizenship would never be taken away. I am sure every Member here would say, "But I would never allow that to happen." If you are never going to allow it to happen and no President would sign it, then let us not make it statutory.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN), a person who well understands what the discussion is about.

Ms. CHRISTIAN-GREEN. I thank the gentleman from New York for yielding me this time. Mr. Chairman, I am pleased to rise today in support of the amendment offered by the gentleman from New York (Mr. SERRANO) which would allow the persons born in Puerto Rico but who do not currently reside on that island to vote in the referendum authorized by H.R. 856.

Mr. Chairman, H.R. 856, if enacted, would allow the people of Puerto Rico to exercise their rights to self-determination. The principle of self-determination as stated in Article 2 of the United Nations charter declares that, and I quote, all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Like the gentleman from New York (Mr. SERRANO), I believe the right of a people to determine their political status is a fundamental one. And unlike local elections, a referendum on the final political status of Puerto Rico would affect the future of all Puerto Ricans, whether they live in or out of Puerto Rico. And so it is only right that on an election that will have such profound consequences on the future of their island, all Puerto Ricans who were born in the islands be given the opportunity to exercise their right to self-determination. I ask my colleagues to vote "yes" on the Serrano amendment.

I also want to take this opportunity to thank and commend the gentleman from Alaska (Mr. YOUNG) for his leadership on H.R. 856 and his willingness to listen to all sides, as well as his commitment to all of the United States territories.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a lot has been said here almost in disagreement but yet speaking about statutory citizenship and constitutional citizenship. Make no mistake about it, I have no doubt that my citizenship is different than the one my son who was born in the Bronx has. I do not have a doubt about that. I do not have to be a constitutional lawyer to know that I became a citizen on the island of Puerto Rico when I was born there, because it was a law in 1917 that said so. That law was passed by Congress. The Constitution is not amended by Congress. There is a whole process to change that.

And so I am clear on the fact that my son's citizenship is one that is protected by the Constitution of the United States and if I am not mistaken, there are only a few ways in which he can lose that citizenship. One, for instance, he could be found guilty of treason, but it has to be some extreme circumstance by which he would lose that citizenship.

But I have no doubt that this Congress can pass a law to take away from me my citizenship and the citizenship of the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the gentlewoman from New York (Ms. VELÁZQUEZ), and the people who live on the island of Puerto Rico. Would they do it? Probably not. Would a court uphold it? Possibly not. Can they do it? Absolutely. One thing is clear, this Congress has the right on this kind of citizenship to pass a law here saying that beginning next Monday, every person born in Puerto Rico is no longer a citizen, an American citizen.

The outcome of this plebiscite does affect people like myself who were born on the island. I understand the concern of the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from New York (Ms. VELÁZQUEZ). I would have wanted to include in this amendment all Puerto Ricans regardless of where they were born, but I am also a practical person who understands that it is better to accomplish this tremendous victory that the gentleman from Alaska (Mr. YOUNG) has accepted than to go with something I could not get and would not be able to gather any support.

Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume, just to talk about the precedent that we might be setting here. I worry somewhat with the changeover that has happened in the United States House of Representatives, where two-thirds of the Members are new in the last 4 years. But some of us have to look back institutionally and look at situations like this.

□ 1745

I know of no other precedent that we have ever set where we allowed voters in one part of the United States to cast votes in other parts. I have a situation representing the Adirondack Mountains and the Catskill Mountains in New York State, and we have a lot of people who live in Connecticut, live in New Jersey, live in Westchester County or live in New York City, and they cannot come up, although they used to do it, but it was illegal, they cannot come up to the Adirondacks and cast votes up there. This is a similar situation.

Now, those people, if they live in Connecticut and they want representation up there, one of the two spouses will change their registration and vote in my congressional district up in the mountains. This seems to me a similar situation, because really we are letting some U.S. citizens cast votes twice that really affect the entire United States of America.

I just think we have to be very careful about the precedent we are setting here. It is because of that I will probably oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would just clarify what my colleague, the gentleman from New York (Mr. SOLOMON), said. This is a different kind of vote. I would not propose on this floor to vote for Governor of Puerto Rico or mayor of Mayaguez, my hometown. This is a special and unique vote.

In addition, the gentleman may be surprised to know there were constituents of yours who did set perhaps a precedent you do not want by voting in Polish elections. There is a bill in the Dominican Republic to allow Americans of Dominican descent to vote in those elections; Colombians; Peruvians. This is happening in other places.

I am not proposing that. I am proposing a one-time vote on this very unique situation about a status question.

Mr. Chairman, I yield 3 minutes to the gentleman from Guam (Mr. UNDERWOOD), who understands what I am going through here today.

Mr. UNDERWOOD. Mr. Chairman, I want to reiterate for those of us who are statutory citizens, i.e., citizens by virtue of congressional action, we represent a unique category of human beings that are under the American body politic, proud Americans, but recognizing that we have a unique status.

That is why this amendment is necessary, because it speaks to the issue not just of political self-determination, but ultimately to the issue of who has that right to self-determination.

This is not the same kind of election that one has when one votes for elected officials. We have fought long and hard in this country to make sure that that kind of voting is extended to all those people who are represented by elected officials. But this is an issue of political self-determination.

When you are born in Wisconsin or born in Idaho, you cannot get up in the morning and decide that Idaho or Wyoming should have one day an election which gives them the full range of choices about whether they should be independent or have a special relationship with the United States. They are a State. They are full and equal partners in the American body politic. The Civil War has settled that issue once and for all.

But what do we have here? We have here a unique group of individuals, of people who have been subsumed into the American flag through conquest, and by virtue of that they have always been extended citizenship through congressional action. It is their status that is at stake. It is their individual status that is at stake. That is why it makes perfectly good sense that when we deal with the issue of self-determination, we must deal with the issue of who has a right to self-determination.

Any piece of legislation which deals with the self-determination of Puerto Rico, or even in the case of my own home island of Guam, must always deal in a serious and thoughtful way with who actually has this right to self-determination. Whomever was colonized should be the participants in decolonization. In the case of Puerto Rico, it is Puerto Ricans. In legal terms, it must be the people whose citizenship is in control of Congress.

If we value Puerto Rican self-determination, and if we really value the meaning of the vote, we would deal with the issue of voter eligibility. Mr. SERRANO has offered an amendment which deals with this issue in a thoughtful and meaningful way. The gentleman wants all Puerto Ricans to be allowed participation. The people who became citizens by virtue of congressional action are the people whose lives and political futures are at stake. Those people must be the ones to make the choice about their homeland, about their future. It is their future which is at stake. Anything less would make a mockery of the process and compromise the meaning of self-determination.

Mr. Chairman, I must reiterate again, a self-determination election is very different from any other kind.

Mr. SOLOMON. I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, this is academic debate we are having here. We are asked to believe the following: That Mr. SERRANO, who was born in Puerto Rico, who came to the United States of America, who was allowed into the halls of this Congress with full voting privileges, that his citizenship can be revoked; that there is a court in this Nation, a Congress, a President and a court in this Nation, that will affirm that.

We know that that is just never going to happen. Let us face it. Raise your hand anyone who believes that will ever, ever happen. It will not. Think about it. You have tens of thousands of men and women who served in the Armed Forces with honorable discharges. What court in this Nation would take away their citizenship? They paid taxes, they were born, their birth certificates. Think about it. It is not going to happen.

So let us not play the game of fear with the people of Puerto Rico and inject fear. That is what is wrong with this bill, that we put them into fear. It is never going to happen, and we all know it.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have debated the amendment. I understand we are going to go on to the amendment process now. The gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has an amendment, I believe, and I believe the gentleman from Illinois (Mr. GUTIERREZ) does as well.

Mr. Chairman, I yield back the balance of my time so we can move on to the amendment process.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close by saying that I do not function out of fear, in terms of putting fear on anyone else. I function out of fact.

The fact of life is that we would not be here dealing with this very good bill unless we understood that there is a unique relationship between Puerto Rico and the United States. If everything was fine and dandy, we would not be here passing this bill.

Mr. Chairman, I do not try to bring fear into people, but I know what this country is capable of doing. We are a great Nation, but at times we are governed in a behavior that may make changes.

I do not want to run the risk of finding out what kind of citizenship I have. I think I already know. Is that good? Is that bad? How do I live with it? I dealt with it. I worked my way up the system and became a member of the U.S. Congress. Sometimes I try to do a pretty good job at it.

Mr. Chairman, I think it is important to note that this amendment today speaks to the fact that so many of us who left the island did so as a result of a relationship between the U.S. and Puerto Rico, a relationship that started off with a military invasion and which, at this date, has not ended with anything which brings either independence or statehood.

Puerto Rico remains in limbo, and, as Puerto Rico remains in limbo and we try to solve that situation by bringing forth this bill, then I continue to put before you that this vote belongs to all of the children of that colony, all of the children of that territory. Yes, I am affected by the results of that vote.

Mr. Chairman, I would hope that everyone takes the lead of the gentleman from Alaska (Chairman YOUNG), and accepts this amendment without a vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to section 2(b) of House Resolution 376, it is now in order to consider amendment 2 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 2 OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer Amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 Offered by Mr. SERRANO:

In section 5(a), add at the end the following paragraph:

(3) UNITED STATES CITIZENS BORN IN PUERTO RICO ELIGIBLE TO VOTE.—Notwithstanding paragraphs (1) and (2), an individual residing outside of Puerto Rico shall be eligible to vote in the referenda held under this Act if that individual—

(A) is a United States citizen because of that individual's birth in Puerto Rico; and

(B) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico.

The CHAIRMAN. Pursuant to the rule, consideration of this amendment and any amendments thereto shall not exceed 1 hour.

The Chair recognizes the gentleman from New York (Mr. SERRANO) for 5 minutes in support of his amendment.

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUTIERREZ. Mr. Chairman, will I still be able to offer my substitute amendment after the gentleman from New York (Mr. SERRANO) finishes with his amendment?

The CHAIRMAN. The gentleman from Illinois may offer his amendment at any time during the pendency of the amendment offered by the gentleman from New York (Mr. SERRANO).

Mr. GUTIERREZ. Mr. Chairman, there is not a limit of time anymore for amendments?

The CHAIRMAN. The amendment offered pursuant to the rule by the gentleman from New York (Mr. SERRANO) will be pending for no longer than one hour. At any point during that pendency, the gentleman from Illinois may offer his substitute.

Mr. GUTIERREZ. Mr. Chairman, further parliamentary inquiry. I had asked earlier of the Chairman if I would be guaranteed an opportunity to offer my amendment, and the Chairman said yes. I hope that that will still stand.

The CHAIRMAN. Is the gentleman from Illinois offering his amendment at this time?

Mr. GUTIERREZ. I do not think I can proceed. The gentleman is amending his amendment, am I correct?

Mr. SERRANO. Mr. Chairman, if the gentleman will yield, if I may, I would like to clarify this unique rule, where we debated my amendment before I officially presented it. Is that correct?

The CHAIRMAN. The last period of debate was general debate on the subject matter of the amendment of the gentleman from New York (Mr. SERRANO). Now the gentleman has offered his amendment, and it is in order for a substitute amendment to be offered for the gentleman's amendment.

AMENDMENT OFFERED BY MR. GUTIERREZ AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SERRANO

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. GUTIERREZ as a substitute for the amendment offered by Mr. SERRANO:

In section 5(a), add at the end the following new paragraph:

(3) ELIGIBILITY TO VOTE.—Notwithstanding paragraphs (1) and (2), an individual residing outside of Puerto rico shall be eligible to vote in the referenda held under this Act if that individual—

(A) is a United States citizen because of that individual's birth in Puerto Rico, or satisfies requirements that shall be prescribed by the Electoral Commission of Puerto Rico (which shall include methods, provisions to include Puerto Ricans who have at least one parent who was born in Puerto Rico) for registering and voting in absentia in referenda held under this Act; and

(B) would be eligible to vote in such referenda but for that individual's residency outside of Puerto Rico.

The CHAIRMAN. Without objection the substitute was entertained prior to the 5 minute speech on the underlying amendment by the gentleman from New York (Mr. SERRANO). The gentleman from New York is now recognized for 5 minutes on the underlying amendment, after which it will be in order for the gentleman from Illinois (Mr. GUTIERREZ) to proceed for 5 minutes on the substitute.

There was no objection.

□ 1800

Mr. SERRANO. Mr. Chairman, I want to reiterate the fact that when the gentleman from Alaska (Chairman YOUNG) accepted my amendment, and as we heard, he spoke in favor of that amendment, he did it with the full understanding that what he was accepting was an amendment that he could not only explain but that both of us could actually argue in favor of, without anyone being able to raise any questions about it.

Both the gentleman from Alaska (Mr. YOUNG) and I have had concerns way before this about who constituted and what constituted the body of Puerto Ricans that should vote.

I repeat once more, I personally would have wanted to include everyone that the gentleman from Illinois (Mr. GUTIERREZ) would like to include. But the fact of life is that that amendment, bringing it to that point, would have had very little support not only in committee, in negotiations, but on the House floor. I feel that my amendment accomplishes 95 percent of the mission that we set out years ago to accomplish, which was to enlarge the vote and bring in more Puerto Ricans into this decision-making process.

I understand clearly my colleague, my brother, the gentleman from Chicago, my fellow Puerto Rican brother from Chicago's desire to include more people. I had to explain to my son why my amendment did not include him. But I feel confident that I can explain it, as I have here today, and I feel confident that if we move forward with the amendment as is, that we will in fact allow for a large body of people who would be affected directly to participate.

What we need to do here today is to do whatever we have to do, but not put into jeopardy the underlying amendment which is accepted by Chairman YOUNG. In other words, in proposing any other amendment to my amendment, please keep in mind that we could throw out everything that we have gained up to this moment.

So I respect the amendment before us now, but I would hope that in no way this amendment takes away the importance of the underlying amendment, and I would hope that the gentleman from Chicago would actually consider retiring his amendment in favor of the one we have worked on for so long.

The CHAIRMAN. The gentleman from Illinois (Mr. GUTIERREZ) is recognized for 5 minutes on his substitute amendment.

Mr. GUTIERREZ. Mr. Chairman, first let me say to my good and distinguished friend, the gentleman from New York, that I would not offer this amendment if I thought it was frivolous, if I thought it was silly, if I thought it was somehow just something that I woke up in the morning and thought it was the right thing to do. No, I say to the gentleman from New York, I think this amendment is very appropriate.

But I want to thank the gentleman. He has been here for a long time. I went to a hearing back in New York when the gentleman first got elected to Congress, and I traveled from Chicago to New York City, and I remember the gentleman was chairing that meeting. The interesting thing about that meeting that the gentleman from New York (Mr. SERRANO) was chairing was that it was bilingual, it was both in English and Spanish, something unfortunately that these proceedings are not, because he wished at that time for everybody to understand, because I know that the gentleman understood that Puerto Ricans spoke Spanish and that was their language.

So we do not do that for that purpose. I will say one thing, we will ask for a vote on this, but we will ask for a voice vote on this amendment. We will ask—I told the gentleman from

New York when we were in the back that I would do that, that I would ask for a voice vote, so we can debate it.

Now, having said that, and I hope any trepidation that the fine gentleman from New York might have that we could somehow stir this away, because the gentleman feels he has it, and I hope that at least, I really, sincerely hope that we get at least what the gentleman wants. Let me now refer back.

Mr. Chairman, I think it is interesting. The gentleman from Alaska (Mr. YOUNG) said something that was really interesting. He said that when it came to Puerto Rico, they were born there. I do not remember that in Alaska we looked for former Alaskans that got to vote whether Alaska should become a State. I do not remember that we looked for everybody born in Hawaii in order for Hawaiians to make a decision whether we should become a State, or that we looked for former people that may have even fought at the Alamo before we said that those are all the people from Texas, before they become a State.

But we are doing it, and rightfully so, for the people of Puerto Rico, because it is a Nation and it is different. That is why, I say to the gentleman from Alaska (Mr. YOUNG), by his very words, I continue to tell him, he cannot treat this merely as a territory, as another group of people, some chattel that happened to have come to the United States because of a victory during the Spanish-American war. It is a people, it is a Nation, and we should be careful and diligent in ensuring that as we proceed, we make sure that the decisions that we make are going to be good for all of us. That is why I suggest that we extend the amendment.

What does my amendment do? My amendment says the following. Let me explain it as simply as I can say it. See, the gentleman from New York (Mr. JOSE SERRANO), if he has a brother, because his parents moved to the United States of America from the nation of Puerto Rico, his brother's birth certificate says the same mom, same dad, Puerto Rico, Puerto Rico, just as his, except, of course, his would have been in the Bronx, maybe his brother, and his would have been in Puerto Rico. So you would have two brothers who have an exact same claim, and using your very expressions, that they came here because of political persecution, the one brother who came here because of political persecution and may have returned and be living in Puerto Rico today, something that the gentleman from New York (Mr. SERRANO) has decided not to do, he may be living there today, right? We cannot figure this out.

So I am simply saying, let the family, and I know that the gentleman from Alaska (Mr. YOUNG) said that every cousin, uncle, but no, that is not what I am saying. In my family, I married Soraida and she has 14 brothers and sisters. Nine of them were born on the island of Puerto Rico. Because of economic and social conditions, the nine of them moved with mom and dad to Chicago. The other five subsequently were born. Their birth certificates are identical. They are Puerto Rican nationals, both born in Puerto Rico. The only difference is five birth certificates say Cook County. So we can prove it.

It is not like I am saying anybody. In order to vote, you have to have a birth certificate, and where it says "Mom born in Puerto Rico, dad born in Puerto Rico," you get to vote; not the children, not like my daughter and the children of other generations. Just so that those generations, that immediate generation that has such close ties can vote. Let me just tell the Members why. Many Puerto Ricans move back to the island of Puerto Rico.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment to the amendment makes the amendment even less acceptable. Let us think about what would happen. A person born in Puerto Rico, but his parents were there because they were on a contract working for 5 years from the State of Wisconsin, and they have two children born in Puerto Rico during those 5 years, then they move back to Wisconsin. They never go back to Puerto Rico. The children never go to Puerto Rico. They never learn Spanish. They would be qualified to vote under the amendment offered by the gentleman from New York (Mr. SERRANO).

However, somebody born in Puerto Rico, or somebody born in New York, and at an early age his parents got divorced and somehow he ended up back in Puerto Rico living with his grandparents, or aunt and uncle, and he grew up in Puerto Rico, and he got married in Puerto Rico, went to school in Puerto Rico, got married in Puerto Rico, he had children in Puerto Rico, and then he got a good job in Pennsylvania so he moved to Pennsylvania.

Now he is living in Pennsylvania, and he is planning in 20 years, he is going to go back to Puerto Rico, but he has not demonstrated it, he is just thinking about it. He cannot vote, because he was born in New York, not in Puerto Rico. Yet, he has much more relationship with Puerto Rico, much more emotional attachments with Puerto Rico than the one that was born there and obviously now lives in Wisconsin and is not even concerned about Puerto Rico. Yet the other one can vote. So that could bring constitutional challenges to this vote.

The way that the gentleman from Illinois is proposing, then that multiplies, that kind of situation, with the parents and the children and the grandchildren. If you have the children of those who were born in Puerto Rico, then you get somebody who was born in Puerto Rico and moved to the United States and he is living somewhere else, in Wisconsin, Wyoming, in Iowa, and his sons were born over there and they were raised over there, they have never been in Puerto Rico, and they can vote in Puerto Rico because one of their parents was born in Puerto Rico? This is just carrying the thing to an absurdity.

These people who have no attachments to Puerto Rico, either emotionally or otherwise, would be allowed to vote and change the results of the vote to be held in Puerto Rico. That is why I think we have to oppose this. It would set a tremendous precedent.

They say, well, this is not an election. Right, this is not an election to elect a Governor or to elect a candidate, candidates to come to the House or the Senate. No. But then this is a referendum. Now, if that precedent was established, it would mean that in Texas or in Maine or in Illinois or in California, if there is a referendum and there is an amendment to the Constitution, and those that were born in that State are living somewhere else, then they should also be allowed to vote in that referendum. That might change the situation in their State where they are from, where they have family.

We have established rules of law. Only those that are U.S. citizens and who have residence in the place where they are, they are allowed to vote. Those Puerto Ricans who cannot vote in Puerto Rico in national elections when they move to a State, then they acquired residency in the State and then they can vote in the national elections for the President, they can vote for Congressmen, they can vote for a Senator, they can vote for Governor, they can vote for the State legislature, they can vote for mayors. They have a full vote.

We cannot vote in their States. We cannot vote in anything that affects them, and we have family and relatives in the States. We cannot vote in their States, even though we feel attachments to something that may affect them, but they can vote in Puerto Rico.

That is a very, very, very bad precedent. As I said, I hate to oppose the proposal offered by the gentleman from New York (Mr. SERRANO), because he has worked so strongly on this bill, like we all have, and he is a good friend, and I know he sincerely believes in this. He is emotional about it. But this is my conviction. I have worked, when I started in politics, I was working in my party within electoral affairs, and I know the impossibility of putting this into effect.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to acknowledge the gentleman from New

York (Mr. SERRANO) for his leadership on this issue. This amendment, the Gutierrez amendment, builds on his excellent work. The Gutierrez amendment to the amendment offered by the gentleman from New York (Mr. SERRANO) would allow all Puerto Ricans to participate in this historic plebiscite.

The problem that the gentleman from Puerto Rico has, it seems like he does not understand, this is about self-determination. This is not about a State election. We know that the people from New York have to vote on any election in New York and that they cannot vote on any election that takes place in Pennsylvania.

But this is not about any State election, this is about the political future of Puerto Rico. In fact, we Puerto Ricans, we are only 3 million Puerto Ricans in the United States. For the most part Puerto Ricans have not participated in the electoral process here in the United States. Because of the close ties that they still have with Puerto Rico, they follow more closely the political situation in Puerto Rico than they do in terms of what is going on in the United States.

So it is important that Puerto Ricans in Puerto Rico participate and the Puerto Ricans in the mainland and their children participate. Some of them are here because they left the island because of economic reasons. Some Puerto Ricans are here not because they wanted to be here, but because of political persecution. If that is the case, they are entitled to have a say in this self-determination process.

It will be unfair to deny it, to the entire Puerto Rican community, to participate in this process. We are a nation. The United States recognizes that Puerto Rico is a nation, that what happens there affects us, and this is an important process for all the Puerto Ricans here and in Puerto Rico.

I would say, I would urge my colleagues to allow this to be a fair process for all Puerto Rican Americans living in Puerto Rico and in the mainland. They should have a right to determine the political future of Puerto Rico. At least let us make this legislation better by allowing them to participate in the final outcome of Puerto Rico.

☐ 1815

This is a legislation that has been drafted so that we push one side of the political formulas in Puerto Rico. It is a legislation that supports statehood for Puerto Rico.

Allow all Puerto Ricans to participate and to say "no" to statehood and "yes" to the democratic process.

Mr. SOLOMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. GUTIERREZ. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I thank the gentleman from New York (Mr. SOLOMON) very much for yielding me this time.

Mr. Chairman, let us think about this a moment. We want all the people to be able to participate in this process that can participate in this process. I think we all really want that. Think about it one moment. Someone is born on the island. They spend 30 years there. They move because of economic reasons. They do not get to vote. But if they show up on the island 3 months before the elections, register there and have no emotional tie until their next promotion or their next job transfer, they get to determine the future of that island.

Mr. Chairman, think about it. Think about it. Mr. Chairman, I say to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the Resident Commissioner who is an ardent strong supporter of statehood, that I would think he would wish to cherish the fact that people born on the island of Puerto Rico who live in the United States of America, and who live statehood and who understand statehood, would be allowed to participate because he is such an ardent supporter of statehood. And since they live in a State, it seems to me they would be voting for statehood because that is what they want, because they already live in a State and they want everything that he already wants for the people of Puerto Rico.

Why deny those very Puerto Ricans born on that island the opportunity to participate when they live in the United States already in a State and understand this better? Let us bring the community together. Let us bring us all together, because I think that that is what is really vitally important.

Mr. Chairman, I stand here today to speak for the 100,000-plus Puerto Ricans that live in my district in Chicago who really want to participate in this process.

Let me end by saying that I think the work that the gentleman from New York (Mr. SERRANO) has done has raised a lot of other issues. We will disagree, however, and I must state this, that it is not statutory. That the 14th Amendment of our Constitution applies to the gentleman, applies to all of those Puerto Ricans, and that we should not use any tactics in order to do that.

With that, Mr. Chairman, I would like to ask that if there is no objection, that we vote on my amendment to the Serrano amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) as a substitute for the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present.

Pursuant to clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 31]

ANSWERED "PRESENT"—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)

Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob

Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

□ 1837

The CHAIRMAN. Four hundred five Members have answered to their name, a quorum is present, and the committee will resume its business.

RECORDED VOTE

The pending business is the demand of the gentleman from New York (Mr. SOLOMON) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 57, noes 356, not voting 17, as follows:

[Roll No. 32]

AYES—57

Ackerman
Blagojevich
Bonior
Brown (CA)
Carson
Cox
Davis (IL)
Delahunt
DeLauro
Diaz-Balart
Engel
Furse
Gejdenson
Gilman
Gutierrez
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)

Jefferson
Johnson (CT)
Johnson, E. B.
Kennedy (MA)
Kennelly
Lewis (GA)
Maloney (CT)
Markey
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Miller (CA)
Moakley
Nadler
Neal
Obey
Olver

Owens
Pallone
Pastor
Payne
Rangel
Rohrabacher
Ros-Lehtinen
Rush
Sanders
Serrano
Shays
Tierney
Towns
Velázquez
Waters
Weller
Wynn
Young (AK)

NOES—356

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit

Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger

Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston

LoBiondo
Lofgren
Lowey
Lucas
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Pelosi

Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)

Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Yates
Young (FL)

NOT VOTING—17

Dingell
Doolittle
Franks (NJ)
Gekas
Gonzalez
Harman

Kilpatrick
LaTourette
Luther
Peterson (PA)
Portman
Poshard

Schaefer, Dan
Schiff
Schumer
Shimkus
Torres

□ 1848

Mr. SNYDER changed his vote from "aye" to "no."

Mr. COX of California changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCHUMER. Mr. Chairman, I was unfortunately absent for rollcall votes 28 through 32. Had I been present, I would have voted yes on rollcall votes 29 (Burton) and 32 (Serrano), no on rollcall votes 28 (Gutierrez) and 30 (Solomon), and present on rollcall vote 31, a quorum call.

In particular, I am disappointed that the House has silenced the voice of Puerto Ricans living on the mainland by denying them a vote in this historic referendum.

If you have ever been to New York City's Puerto Rican Day Parade, you have seen firsthand the pride that Puerto Ricans living on the mainland have in their rich heritage. Their links to the island—their economic, cultural, political, and family connections—make them intensely interested in Puerto Rico's political identity.

The referendum established by H.R. 856 is no typical election. It is the most momentous decision the people of Puerto Rico have ever made. We should have ensured that all Puerto Ricans were able to participate in their people's choice.

For that reason, I filed an amendment to expand voting eligibility to all Puerto Ricans living on the mainland—both those who were born on the island and those who have at least one parent who was born here. This amendment was very similar to one offered by my colleagues Mr. GUTIERREZ and Ms. VELÁZQUEZ, which was unfortunately defeated on a voice vote.

Even with this serious flaw, Mr. Chairman, I still believe it is important for Congress to allow the people of Puerto Rico to determine their own future. For that reason, even though the bill has its shortcomings, I want to give the people of Puerto Rico this historic opportunity to determine their own destiny, and am voting in favor of H.R. 856.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. BUNNING. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Kentucky.

Mr. BUNNING. Mr. Chairman, I thank the gentleman for yielding to me, and I rise in opposition to H.R. 856.

Mr. YOUNG of Alaska. Mr. Chairman, I do not want the full 5 minutes, but I do want to suggest to the Members on the floor that it is my intention to entertain the amendments that will be offered by the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from New York (Ms. VELÁZQUEZ) and that we will roll the votes until 9 o'clock. At that time, I hope the gentleman and the gentlewoman, and whoever is offering amendments, will have come to a fruition, finalization, of these amendments so that we can bring this legislation to the end of the day very quickly.

That is my intent, to have no more votes until, I believe, 9 o'clock.

Mr. GUTIERREZ. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I thank the gentleman from Alaska for yielding to me. I want to say two things on behalf of the gentlewoman from New York (Ms. VELÁZQUEZ) and myself.

We do not intend to call for any recorded votes, at least on our amendments, any subsequent recorded votes on our amendments. Just so that the gentleman will know, we will debate them but not ask for recorded votes on them, A.

Although we promised the gentleman from New York (Mr. SOLOMON) and the gentleman from Massachusetts (Mr. MOAKLEY) that we would offer no more than 12, we will offer no more than 5 additional amendments.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman, and I thank the chairman of the Committee on Rules.

There will be an amendment offered by the gentleman from Georgia (Mr. BARR). I understand that will be debated. But I would suggest that everybody will have at least an hour if they wish to go to dinner or go to the office to do some work, and then after 8 o'clock all holds are barred and we hope to bring this to finalization by 9 o'clock.

AMENDMENT NO. 36 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment numbered 36.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment number 36 offered by Mr. Gutierrez: At the end of section 2, add the following paragraph:

(16) By providing for the people of Puerto Rico to express their preference as to its permanent political status, Congress is aware that Puerto Rico is sociologically and culturally a Caribbean and Latin-American nation, formed by a blend of European, African, and native ethnics with distinctive culture which, unlike the several States, has Spanish as a common language. According to the 1990 decennial census of population, only 21,000 persons born in the several States live in Puerto Rico.

Mr. GUTIERREZ. Mr. Chairman, first, before I begin, and I do not know if we can do something, but I figure with the will and the ability and the knowledge that the gentleman of New York (Mr. SOLOMON) has, and the gentleman of California (Mr. MILLER) has, and the goodwill, that we can figure some way, because they keep referring to all of these amendments as mine when, indeed, Mr. Chairman, I just want to make it clear for the record that every last amendment is a Gutierrez-Velázquez amendment.

Apparently, we did not do the right thing when we introduced them, but if somehow along the way that could be clarified, I think that is very important, because the gentlewoman from New York and I are working together on each one of these amendments.

I rise to offer my amendment to section 2 of the bill, the findings section. My amendment adds language to the bill to clarify that Puerto Rico is, instead, a nation.

I offer this amendment because I think it is very important that both the people of Puerto Rico and the people of the United States understand clearly what the United States Congress is doing in relation to the people of Puerto Rico.

The people of Puerto Rico consider themselves a nation. I think that should be made abundantly clear to all the Members of this House. They consider themselves a nation, a separate and distinct people.

They love their American citizenship. Some of my colleagues say that is a contradiction. That is the contradiction we get with colonialism. It is not their contradiction. It is a contradiction that we have. But everyone should understand that.

They love their American citizenship. But yet if you ask them, where are you from, they say Puerto Rico, not in the same sense that maybe the Chairman, when you say where are you from, and he would say from Florida, or I might say from someplace, or the gentleman from New York (Mr. SOLOMON) might say from New York, from the Empire State of New York.

No, I suggest to all of my colleagues, if they go to a Puerto Rican Day celebration anywhere in the United States of the America, in the United States of America, you have what you have, and it is the reality. If we walk up to those people and they are celebrating their nationality, and you say what are you, they say I am Puerto Rican. What are you? They say, I am Puerto Rican. That is the way they feel.

Then if you ask them, what are you a citizen of? They say the United States of America. That is the distinct difference that we must understand. That is why I must offer this amendment so that people understand it is not another territory. It is not another group of people. It is not. It is very different and distinct.

I think we should remind ourselves of that as we proceed with these deliberations. The people of Puerto Rico have an ethnicity, have a language, have a culture. Excuse me, strike the word ethnicity, have an idiosyncracy of their own.

There are words in Spanish—(The gentleman from Illinois spoke in Spanish). I mean, if you are from Mexico or Colombia or from Cuba, they say you are from Puerto Rico—(The gentleman from Illinois spoke in Spanish). That is the way it works, because those, indeed, are from here.

We may wish, as my mother many times said—(The gentleman from Illinois spoke in Spanish), which means you may wish to hide yourself from the skies with your hand, but you cannot.

The fact is that Puerto Rico is a nation, and we should recognize this here in this bill. It is a nation of people who are citizens of the United States.

Remember something. President Clinton said, oh, but in America, we have people from Poland, and they are Polish Americans. We have people from Ireland, and they are Irish Americans. We have people from Germany, and they are German American, and on, and on, and on. He said, we all blend here together in the United States of America. That is true.

The difference is, I would say to President Clinton, there is a Germany, a Poland, and an Ireland. When you make Puerto Rico a State, is there a Puerto Rico as a State or as a nation?

Let us understand this is different. All of those people came here as immigrants to this country with the intent of staying here forever. The people of Puerto Rico want to have a special relationship with this Nation. Let us try to see if we cannot do that and achieve that together. I end my comments with that.

□ 1900

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all Members that remarks in languages other than English cannot be transcribed by the Official Reporters of Debate and cannot be printed by the Government Printing Office. Members may, however, submit translations of their remarks in other languages and such translations will appear in the RECORD in the distinctive type associated with an extension or revision of remarks.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, Puerto Rico is a nation, a Latin American nation and a Caribbean nation. It is a historically constituted stable ethnic community with a common culture, a common history, a common economic life, and its own language, Spanish. But more importantly, there is a common psychology of a people who are unique in their customs, traditions, music and way of being. We call it Boricua. It is unfortunate that the sponsors of this bill have ignored this fact.

Puerto Rico has been long recognized by the courts, Congress and international countries as being a distinct nation. Puerto Rico's special status as a separate nation under the sovereignty of the United States derives from an extensive history of legal precedents. The Supreme Court recognized Puerto Rico as a distinct nation when, in the early part of the century, it decided that Puerto Rico was in fact an unincorporated territory which never intended to become a State. Congress recognized Puerto Rico as a distinct Nation in 1917 when it extended U.S. citizenship to Puerto Rican nationals.

This is a national issue which deals with the rights of the Puerto Rican nation to self-determination. The island existed as its own nation well before they were annexed in 1898 by the United States. The people of Puerto Rico who are the subject of this pending legislation already consider themselves a nation and are in fact a nation who are not willing to renounce their own culture, their own heritage and, most of all, their own language in order to join the Union.

Our amendment to the "findings" section makes Congress aware that Puerto Rico is sociologically and culturally a Caribbean and Latin American nation. It is made up of people of European, African and native ethnicities with a distinct culture which, unlike several States, has Spanish as a common language.

I would like to correct the gentleman from Puerto Rico who said that we embraced the English language in 1902. No, that was not so. Let us set the record straight. English was imposed upon the people of Puerto Rico in 1902 and still to this day, even with that imposition, the large majority of the people of Puerto Rico do not speak English.

Mr. Chairman, Puerto Ricans are very proud of their cultural heritage and of their Puerto Rican national identity. This pride for the homeland transcends barriers and oceans. As Puerto Ricans leave the island, they take with them the intense pride they feel for their nation. Puerto Rico, the nation, shares common geographical spaces, a long history, its own economic life and its very distinct Caribbean, Latin American culture, but above all a common language, Spanish. Puerto Ricans have been speaking Spanish for 500 years, the first 100 under Spanish rule and the last century under American rule. Its closest neighbors in the Caribbean all speak Spanish.

Language, history and culture are distinct characteristics that all point to Puerto Rico being a nation. This amendment will make Congress appreciate and adopt that reality. I urge my colleagues to support the amendment.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to define the word "nation". It has several meanings, but the meaning that is accepted throughout the world and the meaning we first find in the dictionary is a self-containing body politic that has a relationship with other countries and other nations and has representation in worldwide organizations.

Puerto Rico is not a nation. Puerto Rico is a community. That we are definitely, a community, a community that has its own characteristics like communities throughout the world and communities throughout this Nation have their characteristics. Our language is Spanish. But we also are able to speak English.

Everyone in Puerto Rico recognizes the importance of English. We not only recognize it in Puerto Rico, I think the whole world recognizes it. A group of members of the Hispanic Caucus went over to Spain recently, 5 of us, on a trip, a good will trip. We had meetings with the King and the President, the President of the Chamber of Deputies, the President of the Senate. One thing we realized in Spain is that they study English from the first grade on, and they accept and they realize that English is the lingua franca. Throughout the world, everyone is coming to recognize that.

At home, when I was governor, I visited every single high school in Puerto Rico. When I asked them about the issues, the students that stood up, they always infallibly, the students, the parents, the teachers said that they wanted to have better opportunities to learn English. That was in every high school in Puerto Rico.

If you pick up a newspaper in Puerto Rico, in the job offers on Sunday, 90 percent or more of the job offers say bilingual, bilingual, bilingual. Everyone realizes that they have to speak English. There is no resentment against English. On the contrary.

When they talk about this Nation, there is no such thing as a nation in Puerto Rico. We are a community. We have no international standing. We are part of the United States. It was mentioned a little while ago, the Irish Americans, the English Americans, the Italian Americans, the French Americans, but the Puerto Ricans are Puerto Ricans. Do Texans call themselves Texan Americans or Californian Americans or New Yorker Americans? No, they are New Yorkers, Texans, Californians, and we are Puerto Ricans, because we are part of the Nation.

Part of our culture is the American democracy and the values for which it stands. That is what the people of Puerto Rico and everyone has accepted here, they realize it, they want their U.S. citizenship, and they will not change their U.S. citizenship for anything and they will not trade it, they will not accept anything else.

Some of them might be misguided as to what it means to be a U.S. citizen and might not realize that they do not have all the privileges and all the rights and all the responsibilities that other citizens do. But one thing the people want to do, they want to be self-supporting and we want to pay into the fiscal system and share alike, like brothers and sisters, with the rest of our citizens.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, our two colleagues in support of their amendment described, I think accurately, a history of Puerto Rico but they did not accurately describe the nation. It is that history, that is the reason why we are here today, so that the people of Puerto Rico can freely and openly choose the status which they desire. Because of that history, because of how this relationship has evolved, that is why we are here today, to pass this legislation and then the people in Puerto Rico can make the decision about their status. I oppose this amendment.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I think it arises out of the justified pride of the authors, but I do not think we need to really define here the nationhood of Puerto Rico.

The real issue before us is Puerto Rican self-determination. I strongly support the underlying bill, H.R. 856, which would allow us to move forward and allow Puerto Rico to make a strong and clear decision on its own destiny.

Since the founding of our Nation, the concept of self-determination has been a central value of how we define ourselves as Americans and what we expect of other nations. As our Nation has grown, we have championed these values abroad. Today, we ask the developing democracies in Eastern Europe and the former Soviet Union to empower their citizens. We demand similar rights for communities like Taiwan and Tibet where the national right of self-determination has been challenged. We confront those nations like North Korea and Cuba that actively repress the natural right of self-determination by their own citizens.

I believe that we must now extend this same principle to Puerto Rico, a territory of the United States since 1917 and a commonwealth since 1952. As a commonwealth, the citizens of Puerto Rico exist in political twilight. They are not incorporated as a U.S. State and are not represented in Congress as such. But, they do not exist as a separate nation either. The U.S. flag proudly flies over San Juan and its citizens have fought alongside of us in war.

Today, the U.S. House of Representatives has an historic opportunity to express how much we appreciate the rich and positive contributions by the citizens of Puerto Rico. I sincerely believe we are a better nation due to their presence. To show our gratitude and our respect, we must pass H.R. 856. The legislation provides a non-biased, three-way ballot allowing the residents of Puerto Rico to choose between the current commonwealth status which is not permanent or to move towards independence or statehood. It is important to note that this bill does not create a self-executing process towards statehood. I also want to emphasize that the U.S. Congress would be the ultimate authority in deciding whether to ratify a possible choice of statehood by the citizens of Puerto Rico.

I join House Resources Committee Chairman DON YOUNG and the bill's bipartisan list of cosponsors in support of the referendum since it serves the national interest and begins the end to Puerto Rico's ambiguous territory status. Historically, the United States has advanced democratic self-determination procedures in its territories on terms acceptable to the U.S. Congress. The referenda enabled the residents to achieve the equality of full citizenship, through either statehood or independence. Since World War II, Congress has fulfilled this responsibility with respect to the Philippines, Hawaii and Alaska, but not with respect to Puerto Rico—the largest and most populous U.S. territory.

Much confusion and misinformation has been deliberately raised by the bills opponents in hopes of dooming its passage. If you listen to the opponents of H.R. 856 and those who oppose a fully self-governing Puerto Rico, they would have you believe that this bill is a vote on statehood. Nothing could be further from the truth. Chairman DON YOUNG, the primary author of the bill, went to great lengths to make any change in Puerto Rico's political status gradual and subject to terms acceptable to Congress.

As the United States strives to uphold the responsibility of being a beacon of democracy, we must undo the last vestiges of colonialism. After 100 years since Puerto Rico joined us in association, the United States should let the people of Puerto Rico exercise the liberty and independence of decision that our flag represents.

The time to do the right thing is now. We cannot forget that 3.8 million citizens—the residents of Puerto Rico—have second-class status within our democracy. I call on my colleagues to support H.R. 856, the United States-Puerto Rico Political Status Act, and to respect the rights of the people of Puerto Rico.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words. The hour is getting late and it gets more difficult to participate.

I oppose this amendment, as Puerto Rico is not a nation. This bill will enable Puerto Rico to become a nation as a separate sovereignty if a majority of the U.S. citizens of Puerto Rico vote to be independent. This provision is potentially confusing and should not be accepted, and I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: In paragraph (2) of section 5(c)—

(1) strike "sovereignty or statehood, there is" and insert the following (and adjust the margins accordingly):

sovereignty or statehood—

(A) there is

(2) strike the period at the end and insert "; and"; and

(3) add at the end the following new subparagraph:

(B) not later than 90 days after such referenda, there shall be a second referendum held in accordance with this Act which shall be on the approval of 1 of the 2 options which received the most votes in the first referendum. Such 2 options shall be presented on the ballot using the same language and in the same manner as they were presented in the first referendum.

Mr. STEARNS. Mr. Chairman, I wanted the amendment to be read because a lot of Members will not know what it is about and I thought they could hear the amendment itself. Basically, this is an amendment to provide for a runoff referendum if the first referendum required in the bill does not result in a 50-plus percent vote for independence or statehood. My amendment is a simple method of improving H.R. 856 to make the self-determination process more fair for the Puerto Rican people.

My amendment seeks to abbreviate this self-determination process by holding a runoff referendum no more than 90 days after the first referendum. Because there would be only two choices at this point, voters could more easily achieve a binding majority vote for statehood, commonwealth, or independence in my proposed runoff. Such a process would avoid the lengthy process we have in the bill.

Let us review this again. First, should the runoff referendum result in a majority for one of the 3 processes, yet it did not have a full 51 percent, then we would have another election, 90 days later, and the top 2 would be voted on to see which one would be the winner. The runoff would serve to coalesce the interests of the voters because those who first voted for the third option would then be forced to vote for the first or second options in the runoff. This knowledge of Puerto Rico's preference on the issues could help us here in Congress tailor future referenda to their preferences.

I am introducing this amendment to H.R. 856 because I think it is important to expedite the process. What the current polls show is that 45 percent of the Puerto Rican voters support commonwealth and only 35 percent support statehood. Nevertheless, should Puerto Rico choose commonwealth, H.R. 856 mandates continued referenda until either statehood or independence gains the majority.

Would it not be nice within 90 days after the first referendum to have the top two voter preferences voted again and we decide immediately what the Puerto Rican voters support? They would be subjected to the same thing we have here in Congress. When people run for Congress during the primary, the first two in the primary run for a final runoff before the general election. Why keep having the same vote over and over on such a protracted time frame? In the alternative, why not consider the desires of the Puerto Ricans when allowing them to hold future votes and tailor future referenda to achieve a concrete result?

Mr. Chairman, my amendment seeks to abbreviate the lengthy process outlined in the bill and to clarify immediately, within 90 days, the desires of the Puerto Rican people for future referenda, both through a runoff referendum in 90 days. Supporting this amendment will produce an improved bill for Puerto Rico's self-determination. I urge my colleagues to support my amendment.

☐ 1915

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am a little confused, because we have heard a lot of debate today about the Congress forcing people to do things, and I am afraid that what this will do is put the pressure on two groups to have the vote within 90 days. To my knowledge, this never happened in any other case in the United States if there was not a majority. In fact, there have been other areas that did not have a majority, and they had to wait and wait and wait until they did it again. I am a little confused why it is necessary to do this on this bill.

It is very clear in my bill, it says you have to have a majority. The gentleman from Georgia (Mr. BARR) will offer an amendment that I will not support that wants a super majority. This says we are going to have a vote on the two top ones in 90 days.

This adds confusion to the bill and is not necessary. I reluctantly oppose the amendment. I just heard about it, and the gentleman talked to me a moment ago, and I do not really know what it is going to try to accomplish, so I do oppose the amendment.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not sure that this approach works. I think after looking at a number of different approaches, the committee decided that all three options ought to be on the ballot; that the people, given the political cultural history of people on the islands, they ought to be able to express it along those lines.

I am sure there are many people that might vote for independence, which historically has been the third party out. The notion of a runoff to many of these people, that is not an option to them. They would not go from independence to saying they are looking for statehood. It does not work.

This is a political process where people have very, very strong convictions. We may want to transport the mainland system, where people kind of wander around between Republicans and Democrats and different options and do not seem to hold the same kind of convictions. On this issue, people have very strongly held positions, and the fact that you lose the runoff does not mean you then convert that position immediately to one of the other options, because that is not how your political positions have evolved or have been articulated over the many years of this relationship.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, for example, let us say it turns out commonwealth gets 46 percent, statehood gets 43 percent, and the remaining goes for a sovereign nation. Then you would have the runoff of the commonwealth and the statehood. Those people who believe in independence would probably support Commonwealth, and it would move to probably 53 or 54 percent. So then we in Congress would know immediately that they prefer the commonwealth or independence alternative rather than statehood.

I think that information is very important for the people in Puerto Rico to know and important for Members of Congress to know when we determine whether this country should move forward to statehood. It is another critical piece of information. It gives democracy a chance to work, and gives the people who support independence an opportunity to vote again.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I am not sure that is a real option to many of the people who support independence. They will have to determine that. I remain opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 376, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

Are there further amendments to the bill?

AMENDMENT NO. 5 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer Amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 5 offered by Mr. GUTIERREZ: In section 2, in paragraph (2), strike "Consistent with establishment of United States nationality for inhabitants of Puerto Rico under the Treaty of Paris,".

Mr. GUTIERREZ. Mr. Chairman, the gentleman from Alaska (Mr. YOUNG) spoke earlier about the hour being late and how people do not listen and do not pay attention, but I have got to tell you, we got to. This is a very important issue.

Why do I want to strike these words? I hope that the gentleman from Alaska (Mr. YOUNG) and others would participate in this debate, because I think it is important.

Mr. Chairman, I rise to present an amendment and to move the first three lines of the findings under the word "Paris," because that statement is false.

I have there at my desk a complete copy and text of the Treaty of Paris signed by both the United States of America and Spain, in Paris, France, on December 10, 1898. I have read, and I hope all of the Members before they enter into a decision read the Treaty of Paris.

Mr. Chairman, the only, I repeat, the only mention of the word "nationality" is found within Article IX of the treaty, and it refers to the future Spanish subjects residing in the newly acquired territories. Because this issue goes directly to whether Puerto Ricans not only are a distinct people, but also to whether this fact has always been recognized by our Congress, our government, and the people of the United States, Mr. Chairman, I am going to quote it in full.

Article IX. Listen. You will learn a little bit of history tonight.

"Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or secedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or its proceeds, and they shall also have the right to carry on in their industry, commerce and professions, being subject in respect thereof to such laws that are applicable to other foreigners. In case they remain in the territory, they may preserve their allegiance to the Crown of Spain by making before a court of record, within a year from the date of the exchange of ratification of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and adopted the nationality of the territory in which they may reside," Puerto Rico.

So when we talk about the issue of nationality, it is right in the Treaty of Paris.

"The civil rights and the political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

Let me repeat that. "The civil rights and political status of the native inhabitants of the territory," that is Puerto Rico, "hereby ceded to the United States shall be determined by the Congress."

Mr. Chairman, I challenge any of my colleagues to prove me wrong and to find another place in the text of the Treaty of Paris in question the word "nationality." It is nowhere else to be found in the treaty.

Now, let us go back to the treaty. "In default of which declaration they shall be held to have renounced it and adopted the nationality of the territory in which they may reside."

"The nationality of the territory in which they may reside."

What nationality? Of Puerto Rico.

Now, Mr. Chairman, as I understand it, treaties are in essence contracts between two or several nations. Treaties tend to be specific and clear. The failure of a treaty between two or several nations to be clear about its terms has led on more than one occasion to dispute.

Mr. Chairman, this is serious business. If the United States Congress wished to grant Puerto Ricans the nationality of the United States, as it is claimed in the so-called findings of the Young bill, why is it not spelled out clearly and specifically in the Treaty of Paris?

Let me go back and read to you other relevant parts of the treaty which I think will shed light on this article. In Article I of the treaty, it says, "Spain relinquishes all claims of sovereignty over the title of Cuba."

In Article II it says, "Spain cedes to the United States the island of Puerto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones."

In Article III it says, "Spain cedes to the United States the archipelago known as the Philippine Islands."

Mr. Chairman, I ask, where in this Treaty of Paris did the Congress of the United States expressly extend United States nationality?

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

Mr. GUTIERREZ. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I ask, where in the Treaty of Paris did the Congress of the United States expressly extend United States nationality, think about that, to the people of Cuba, to the people of Guam, to the people of the Philippines or Puerto Rico? It is nowhere to be found in the Treaty of Paris.

This so-called finding is a lie. It implies that the failure to declare allegiance to the Crown of Spain by a specified date meant the establishment of United States nationality for the inhabitants of Puerto Rico. In other words, they interpret the Treaty of Paris to say, hey, if you did not renounce your sovereignty under Spain, you became nationals. But we did not say that. The United States of America did not grant that to those people. It says, of nationals of that territory, the only territory being Puerto Rico.

The terms of the treaty are very clear. Spanish subjects who fail to declare their allegiance to the Spanish Crown by a specified date became, in the words of the Treaty of Paris, not Americans or American citizens, but nationals of the territory in which they reside. In the case of Puerto Rico, clearly they became nationals of Puerto Rico, because they were not citizens of the United States, and we did not grant them United States nationality.

I ask anybody to look at that treaty and find something different.

Mr. Chairman, I think it is very clear, they became Cuban nationals, Guam nationals, Philippine nationals, and Puerto Rican nationals. And you know something, Mr. YOUNG, the Cubans became independent. Guam, the Philippines. So think about it, they were nationals of a nation, along with other people of other territories.

Mr. Chairman, Puerto Rico is a separate and distinct nation with its own culture, language and history. But the proponents of H.R. 856 seek to deny the existence of the Puerto Rican nation with its very defined terms.

Mr. Chairman, this fact of the existence of a clearly defined Puerto Rican nationality is exactly the reason why Congress has not once in 100 years since the Treaty of Paris incorporated Puerto Rico as a territory.

Mr. Chairman, there is very extensive public available research which will substantiate each and every one of my assertions.

Finally, I will limit my presentation to the following: Think about it. After the Treaty of Paris, what is the next document that we have in relationship between Puerto Rico and the United States? You know what it was, Mr. YOUNG? It was the act of Congress in 1900 known as the Foraker Act, the first organic act of Puerto Rico. And guess what? Under the section General Provisions of that act of Congress, it puts to rest any notion that the Treaty of Paris established United States nationality for inhabitants of Puerto Rico, as is alleged in this false finding, because I am going to quote it to you. This is an act of Congress, 1900 Foraker Act, section 7:

> All inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and their children born subsequent to them, shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States, except such as have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain; and they, together with such citizens of the United States as may reside in Puerto Rico, shall constitute the body politic under the name people of the people of Puerto Rico.

□ 1930

Puerto Rico is a nation, under the Foraker Act of Congress. We did not give them nationality, we did not give them anything. We signed a treaty. So please stop saying that it is a group of people; the Foraker Act in 1900 and every subsequent piece of legislation. I am not, and I ask anybody to stand up and find where in the Foraker Act it says that Puerto Ricans were granted American nationality. It is not there in the Treaty of Paris.

I would think that King George III, he must have just turned. I can just see him. If he would just show up for a second, I could just see him, because King George must have said, God, did I just hear a Member of Congress say that Puerto Rico is not a nation, that it is just a group of people? Because I think, as the King of England, I once said that about the 13 colonies.

They said those 13 colonies are not a nation. That is not a group of people, that is just a group of colonies that we got out there that we own. They would have been cheering and applauding the English throne. They would have said, God, we have Members of Congress who say to us today, in 1998, after 1776 declaring our independence from the King and England, that still people dispute that there are nations out there. They are there. The facts are clear.

Mr. ROMERO-BARCELO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had a teacher in law school who said that when you had the facts, you harped on the facts. When you had the law on your side, you harped on the law. When you did not have the facts or law on your side, you made a hell of a mess, and pleaded all over the place.

That is precisely what the gentleman from Illinois is doing. He is trying to confuse the issues here. I repeat once more, Puerto Rico is not a nation, as we understand nations to be, and they have no participation in international organizations as a separate nation. The United States represents Puerto Rico and all the 50 States in all international organizations.

Mr. Speaker, I want to submit, if the gentleman from Illinois and the gentlewoman from New York feel that they belong to a different nation, a different nation than the United States, I would recommend that perhaps they should renounce their seats and let some Americans occupy their seats.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Congress is given the responsibility to determine the civil rights and status of the inhabitants of Puerto Rico under the Treaty of Paris. I have the Treaty of Paris in front of me. I do not want to get into a great debate with my friend, the gentleman from Illinois, but Congress extended U.S. sovereignty to Puerto Rico and U.S. nationality to its residents.

Consequently, I oppose the amendment, and I think that we ought to have a vote on the amendment.

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment, the short version.

The Clerk read as follows:

> Amendment offered by Mr. BARR of Georgia: In section 4(c)(3)(B), strike "Approval must be by a majority of the valid votes cast." and insert "Approval of the separate sovereignty option must be by a majority of the valid votes cast, and approval of the statehood option must be by a super-majority of 75 percent of the valid votes cast.".
>
> In section 5(c)(2), strike "majority vote for" and insert "in the approval of".

Mr. BARR of Georgia. Mr. Chairman, we have heard a lot of proponents of H.R. 856 argue that this bill is necessary in order to offer the people of

Puerto Rico the opportunity to determine their own political destiny. This is not right. This is not correct.

No one disputes that Puerto Rico should have the right to self-determination. As a matter of fact, they already have that right. Nothing prevents the Puerto Rican people from petitioning Congress for admission to the Union without the necessity of a federally-mandated plebiscite. But Puerto Rico has not done so. Why not? It may very well be that because ever since the first plebiscite was held in 1952, the majority of Puerto Ricans have never asked for statehood.

In the last plebiscite, held in 1993, none of the status options received a majority of the vote. In fact, only 46 percent of Puerto Ricans chose statehood, while an even larger number, 49 percent, voted to retain Commonwealth status. Concerning the permanent, irrevocable nature of statehood, it does not make sense to grant it unless the overwhelming majority of Puerto Ricans favor such a step.

Recent national polls show that American and Puerto Ricans alike support a requirement that statehood be approved by a supermajority of Puerto Rican voters. According to an April 1997 Public Opinion Strategies poll, 61 percent of mainland Americans favored a requirement that statehood be approved by a supermajority of at least 75 percent of the popular vote.

Likewise, a June 1997 poll of Puerto Rican voters conducted by American Viewpoint demonstrated that 57 percent of Puerto Ricans also supported such a requirement.

The amendment I am offering follows the will of the people, both in the United States mainland and in Puerto Rico, a 75-percent supermajority for the Puerto Rican approval vote, which in the later step is a completely reasonable requirement when one considers the fact that Alaskans gave 83 percent approval to statehood and Hawaii gave 94 percent.

Why is a supermajority requirement necessary? Let us look at the big picture. English is the common language of the United States. It is not the common language of Puerto Rico. Spanish is an official language of Puerto Rico. It is the language of its courts and its legislature and its schools.

According to the 1990 census, less than a quarter of all Puerto Ricans speak English. In 1996 this House voted overwhelmingly to make English the official language of the United States. Eighty-six percent of Americans favor making English the official language of the United States and 74 percent of Americans favor a requirement making Puerto Rico accept English as its official language prior to becoming a State.

Puerto Rican statehood and the overwhelming mandate for making English the official language of the United States will inevitably generate a contentious debate over issues of language and culture. If this friction translates into political turmoil similar to the bitter separatist struggle in Quebec, it could undermine the long-term assimilation of Puerto Rico, or even worse, provoke resentment, violence, or acts of terrorism against mainland U.S. and supporters of Puerto Rican statehood.

This is why I say to my colleagues, let the will of the people be heard, but let us make sure it truly is the will of the people, consistent with the historical standards that were maintained with regard to the admission of the last two States of the Union, Alaska and Hawaii, during which or in both of which votes, well over 80 percent of the people voted for statehood.

What we are simply saying in this case, with regard to Puerto Rico becoming a State, is that before that becomes a reality, and in order to ensure a true plebiscite, we ought to require and should require through this amendment a 75-percent supermajority.

I ask adoption of this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask the question of the gentleman, if I understand the gentleman correctly, he has modified his amendment from the original text where it only applies to the admission stage; is that correct?

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. That is correct.

Mr. YOUNG of Alaska. This does not apply to the plebiscite that will be taken in the first stage?

Mr. BARR of Georgia. That is correct.

Mr. YOUNG of Alaska. That does not apply to the second stage?

Mr. BARR of Georgia. To the Puerto Rican approval after congressional consideration?

Mr. YOUNG of Alaska. This is not necessary, except only in the case where the plebiscite voted for statehood and they made the application to the Congress, the Congress votes, there is a transition stage, this goes back, and they have to reach the 75 percent?

Mr. BARR of Georgia. That is correct.

Mr. YOUNG of Alaska. The only question I have, what other States required that in the title or in the text of the statehood act? Were there any other States that ever required that?

Mr. BARR of Georgia. I think this is a unique situation. The gentleman is certainly correct in his implication that this has not been required before, but I do not think that is necessarily a reason why, in this particular case, given the language difficulties and the very strong feelings; I mean, the gentleman is sitting at a desk where there is a bullet hole by some Puerto Rican separatists. Tempers can run very high on this.

This amendment was intended so that it truly reaches the vast majority of people, and I think will be a tempering amendment as well.

Mr. Chairman, to those who say that this is nothing but rhetoric; that it couldn't happen here, well, I have news for you. It has already happened here. Right here in this very Chamber. On March 1, 1954, Puerto Rican nationalists ascended to the House gallery, drew pistols, and opened fire. Before they were subdued, five Congressmen lay wounded on the House floor. To this very day, we can see the evidence of their handiwork. Inside that desk, is a drawer with a bullet hole.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the gentleman from Georgia (Mr. BARR) is correct in one aspect of his amendment. That is, I think that ultimately for this act to succeed, the vote to change the status in Puerto Rico to State should be by a supermajority.

In the past, that has happened in other States because of the enthusiasm by the end of the process for statehood, and when they in fact voted on the admission, as the proponents of this amendment pointed out, they voted by 79 percent and other supermajorities, but there was no requirement that they voted. Had Alaska voted by 50.1 percent, it would have been a State. It voted by 79, but there was no requirement. This would be the first time that we have placed this requirement on this.

I agree with that requirement, but I am deeply disturbed by the fact that we have a 75 percent threshold here. I just think that we have raised the bar where in fact this amendment, in all likelihood, could torpedo this act; or should the people in Puerto Rico choose to go forward with the process of adopting statehood, that this in fact could be a defeat of that aspect.

I think a reasonable higher percentage, above 50 percent, is understandable, but I do not believe that 75 percent is it, and for that reason I would oppose this amendment.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just rise in support of the amendment offered by the gentleman from Georgia (Mr. BARR) that would require the supermajority of 75 percent. The reason is that we have heard many times that no other States have had to have this requirement. But no other States have been so apparently divided on the question of becoming a State; no other territories, if you will.

Mr. Chairman, I believe that 75 percent is conservative. I believe it is a minimum level. It would bother me that we would have a territory that wants to become a State with less than 75 percent. I would think, Mr. Chairman, that it would be 90 or 95 percent of the people wanting to join officially as a State into the great United States of America.

I believe that the 75 percent is there because the gentleman from Georgia (Mr. BARR) and many Members of Congress realize that this is a controversial measure. It is a measure that is dividing the island of Puerto Rico. We do not know if it is going to be yes, we do not know if it is going to be no, but both sides agree that it is going to be a very, very close vote.

I think it would be a shame to admit a new State to the Union where we do not have at least 75 percent of the people who enthusiastically are willing and want all the rights and privileges of being a State.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment on the basis that this 75 percent on the final vote the third time is excessive. Today with the mass media and the use of the mass media in any kind of election, it is easy to reach 25 percent or more. Just by one 26 percent, all of a sudden something stops. And 74 percent, a majority in Puerto Rico, then if the opposition gets 26 percent, the whole thing stops.

I think the requirement of 75 percent is extremely high. I think it would dampen the spirits of the people themselves, to say, why should we be required 75 percent when nobody else was required more than 50 percent? Some States were even admitted to the Union with less than 50 percent. They voted for statehood less than 50 percent, yet they were admitted into the Union. With Puerto Rico it is 75 percent. I think this is too exaggerated, and I would oppose it.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is a lot of information being disseminated by members of this committee that this is a stacked deck against Commonwealth. I would respectfully ask them to read the bill. In fact, it enhances the Commonwealth position. I am a little bit concerned that the type of information being displayed and disseminated by other members of this House to those that did vote in favor of the Young-Miller-McCollum-Burton amendment ought to understand that this bill has been carefully crafted contrary to what people may say, and only the Congress has the right to define what Commonwealth is.

☐ 1945

Only the Congress. And so, Mr. Chairman, those who will be watching this debate on television should reconsider some of the information they have received in the very few minutes since the last vote. I just ask Members to do that as they watch this debate, to understand that we have crafted this bill very balanced and very straightforward.

Those who say the bill has not seriously considered commonwealth, look at the original text. I did not even include commonwealth in it. But because supporters of commonwealth came to me, we wrote with the gentleman from California (Mr. MILLER) a definition that does give them advantage. I would just like to suggest that we stick to the script.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, once again I would like to commend the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, for his work on this bill. It is a historic bill. I feel very privileged to be a member of this committee, to have been able to work on this legislation, to have had the chance to travel to Puerto Rico many times over the course of the last 2 years to hear the voice of the people of Puerto Rico.

Initially when I came to Puerto Rico I was sympathetic to the commonwealth cause because that is the cause that has been historically identified with the Democratic Party of which I am a Member. And yet I felt from the testimony of the people in Puerto Rico that there is a transformation going on in Puerto Rico, because the people of Puerto Rico have finally come to the realization that commonwealth status is no longer the best of both worlds. It does not mean, as many people thought it meant, that there was a bilateral agreement between the people of Puerto Rico and the United States.

Mr. Chairman, I wish that we had had that bilateral agreement. I wish the people were right when they said that they had an equal voice as the United States when it came to determining the laws of Puerto Rico. But unfortunately, Mr. Chairman, that is not the case right now in Puerto Rico.

If we need evidence of it, all we need to do is go back to the 103rd Congress, last Congress, and see that this Congress unanimously, without the support of the people of Puerto Rico, did away with 936, the tax status in Puerto Rico. The reason we did away with it is, guess what, it is up to this Congress to choose; not the people of Puerto Rico. I find that very upsetting. I find that very troubling that we in this Congress can decide arbitrarily what the law is going to be for Puerto Rico, and yet they have no voice in the matter. So that is why we have come to this bill and that is why we need to support this legislation.

Mr. Chairman, in conclusion let me just say those who say commonwealth is not favored in this legislation are right, because when we define commonwealth status we understand that it can be nothing more than territorial status. Like it or not, that is the legal opinion of the Supreme Court, of the constitutional experts. Even the United Nations know that commonwealth status is not a recognized final status.

So when people say we leave it up for another vote and another vote and another vote when there is not a majority who vote for statehood, the reason is that some day the people of Puerto Rico have to choose between the constitutionally accepted choices of final status, i.e. independence which is recognized, or full assimilation with the United States with respect to statehood for the people of Puerto Rico.

Now, in conclusion, let me just say anybody who has been to the Puerto Rican community in my State should know that simply because they are in Rhode Island does not mean they have taken away any of their Puerto Rican identity. I know for sure that, having been to Puerto Rico, even if they become an "estado," it is not going to change the people of Puerto Rico. They will still be the shining star of the Caribbean and will still have their own culture and identity. There is nothing that will take that away from them.

But ultimately they will have the right of every other American citizen to vote for a Congressman who will represent them in the halls of this Congress when we choose to make decisions that affect the people of Puerto Rico. That is why we need to pass the Young bill as is and let a majority of the public decide, which has always been the case: a majority decides.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say to the gentleman from Rhode Island (Mr. KENNEDY), my friend, that number one, I think it would be good for us if the gentleman could please offer to us the Supreme Court decision sometime that states that the commonwealth does not exist, because I would like to read it.

Mr. Chairman, I would like to also see something from the United Nations, since the gentleman referred to the United Nations, where the United Nations says that the autonomous status is somehow also something that is not acceptable in international law. Because I would really like to see that for my own edification.

I think that that is important because I think that that is the process that we are about here today, is learning from one another. Because I can bring the gentleman the Foraker Act that was passed in 1900 that says this Congress gave Puerto Ricans Puerto Rican citizenship. I have here the Treaty of Paris which says that those members of that territory will be nationals of that territory. Complete, complete disregard for these findings that we have here.

So there is a lot to be debated and I think that we really do have to understand something. Let us have a debate about some constructive questions. Unfortunately, because of the way the rules are worked out, we only could debate it today. It seems interesting.

I always wondered, as I said yesterday, if we were determining our future relationship with Israel, if the 40-some-odd Jewish Members and others of us here who care about that relationship would want to limit it to one day; if it were about Ireland, if the gentleman from Rhode Island and others would say, "God, Luis," if I came to them and said we have to limit it to one day; if it was about South Africa and the African-American Members would say, "We have to limit it to one day?" It is sad. So much to discuss. So much to debate. So much to learn about. And yet so little time to make this momentous decision.

That is what I really think. No one hears about the Foraker Act. Did my colleagues read the Jones Act of 1917? Did they read Law 600 of 1950? No, it is like the complete history is in these findings. Findings that were prepared.

Mr. Chairman, I want to repeat something. I think that the gentleman from California (Mr. MILLER) did a great job, but let us understand something. The gentleman said before the Committee on Rules yesterday that when he could not reach an agreement with the "commonwealthers," he took that definition from the commonwealthers, took it to them and it was rejected. Then do my colleagues know what he did next? He said he sat down with the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) and the two of them made an agreement of what that definition should be.

I do not think that is an exactly fair and equitable manner of arriving at definitions that are going to determine the future of Puerto Rico. I thought we had a democracy here, bipartisan. Mr. Chairman, can my colleagues imagine if I got to write the platform for the Democratic Party and said here it is, go run on it?

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I appreciate the gentleman's frustration that we have only had a day. I have enjoyed the fact that we could pack a lot into this day, even more than the time that we have.

Let me just say that consistent with the Principles 6, 7, 8, and 9 of the Annex Resolution 1541 of the United Nations General Assembly, the U.N., statehood is the decolonizing status option for decolonization.

Mr. GUTIERREZ. Mr. Chairman, reclaiming my time for a moment, because that is interesting, the United Nations. And what about section 748?

Mr. KENNEDY of Rhode Island. Independence also.

Mr. GUTIERREZ. It is also independence, and also autonomy is in there. Is it not interesting that the gentleman says that the United Nations says that self-determination is statehood, the ultimate assimilation of one country by another?

My only point is the Supreme Court has ruled on this thing invariably differently. There is no definite decision about that. All I am saying is that Cabot Lodge went down there, made the agreement. We went before the Committee on Decolonization. We went before them, before the world community, and said the people of Puerto Rico and the United States have reached a compact. We came back here to Congress and we said this is what we are going to respect.

Now I know the gentleman is going to go back and say that did not exist and it was a big lie. The Congress lied. Cabot Lodge lied. We were all one big liar. Is that what we are saying here today? Eisenhower lied. Everybody lied. I do not think quite we can say that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARR of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 376, further proceedings on the amendment offered by the gentleman from Georgia (Mr. BARR) will be postponed.

AMENDMENT NO. 29 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Ms. VELÁZQUEZ: At the end of section 2, add the following new paragraph:

(16) On November 18, 1997, the Supreme Court of Puerto Rico decided in Ramirez de Ferrer v. Mari Bras, CT–96–14, that there exists a Puerto Rican citizenship which is "separate and distinct" from the United States citizenship and that persons born in Puerto Rico who are Puerto Rican citizens may not be denied the right to vote in Puerto Rico even if they are not United States citizens.

Ms. VELÁZQUEZ. Mr. Chairman, this amendment adds a new finding to the bill. It recognizes the separate and distinct nature of Puerto Rican citizenship.

The amendment provides that on November 18, 1997, the Supreme Court of Puerto Rico decided that there exists Puerto Rican citizenship which is separate and distinct from the United States citizenship. The court further found that persons born in Puerto Rico who are Puerto Rican citizens may not be denied the right to vote in Puerto Rico if they are not United States citizens.

Juan Mari Bras, the subject of this lawsuit, has challenged us to take a close look at the nature of Puerto Rico nationality and citizenship. The proponents of the bill insist that the Puerto Rican people have no rights other than what Congress has granted them. This reading of history is outright wrong and deceiving. This deliberate omission of fact from the findings is yet another example of the misleading hand behind the drafting of this bill.

By omitting this finding, we are ignoring the fundamental protections of international human rights as well as the U.S. Constitution. Almost 50 years ago, several years after the creation of the United Nations, the Universal Declaration of Human Rights, a treaty signed and ratified by the United States Congress, provided under Article 15 that everyone has a right to nationality.

Furthermore, Article 19 of the American Declaration of the Rights and Duties of Man, as well as article 20 of the American Convention of Human Rights, recognized this fundamental international right and protection.

The existence of a separate and distinct Puerto Rican citizenship and that the Puerto Rican people form a Nation cannot be questioned. The Puerto Rican people have a distinct language and culture and a defined geographical territory, and it has been self-governing since the 1950's through the commonwealth relationship entered with mutual consent with the United States.

Neither the Jones Act nor the Puerto Rican Federal Relations Act took Puerto Ricans' inherent right to their own nationality and to be citizens of their nation. The Supreme Court, the Puerto Rico Supreme Court's recent ruling confirms this historical and legal interpretation.

Mr. Chairman, we should not approve a bill with such a misinterpretation of Puerto Rico's nationality and citizenship rights. I urge my colleagues to support my amendment.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment. I propose to add this finding because I think it is very important for Congress to understand the reality of the Puerto Rican people. This bill makes a formal offer of statehood, too.

This amendment informs Congress and the American people about a very recent and very important decision made by the Supreme Court of Puerto Rico of the Commonwealth of Puerto Rico, of which the Resident Commissioner was once Governor.

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In the case of Miriam J. Ramirez de Ferrer, a great supporter of statehood in Puerto Rico, against Juan Mari Bras, somebody who wishes independence for Puerto Rico, in this momentous decision the Supreme Court of Puerto Rico, not Luis Gutierrez, the Congressman from the Fourth District of the State of Illinois, but the Supreme Court of Puerto Rico determined that Puerto Rican citizenship is a birthright of all persons born on the island, borne of the natural right of all persons guaranteed under the Constitution of the Commonwealth of Puerto Rico. I did not make this up. This is a recent decision of the Supreme Court of Puerto Rico. Talk about self-determination.

Are we simply going to disregard that decision, the same Supreme Court where there is a statehood Governor currently in Puerto Rico? This Supreme Court decision based both on Federal law and precedent as well as the Constitution of the Commonwealth was that Puerto Rican citizenship is, and I quote, separate and distinct from United States citizenship.

A very well known and respected leader of the movement for Puerto Rican independence, Mr. Juan Mari Bras traveled to Venezuela and in accordance with U.S. law went to the U.S. Embassy in Venezuela and filed an application to renounce his American citizenship. He returned to Puerto Rico and resumed his law practice. A year later he received a formal certificate accepting his resignation of American citizenship. When he registered to vote in Puerto Rico, his right to vote in the Puerto Rican election was challenged. The case went all the way to the Puerto Rican Supreme Court, which upheld his right to vote in Puerto Rican elections. The court decided also that while it was constitutional for the Puerto Rican Legislature to require U.S. citizenship to vote in Puerto Rico, along with residence and other requirements, native-born Puerto Ricans are guaranteed their right to vote in Puerto Rican elections by sole virtue of their Puerto Rican citizenship conferred to them by their birth in Puerto Rico. So states the Supreme Court of Puerto Rico.

This is very important because it highlights the important fact that Puerto Rico is indeed a nation, that citizenship and nationality are two different things. It is in the Treaty of Paris. It is in the Foraker Act. It is in this recent decision, because I know that some of my colleagues are saying, why are you going so far back? Well, I went back 90 years, and now I am coming present.

Members should know this, this Congress, that the Supreme Court Justices, all American citizens, had decided, what do you do with Juan Mari Bras? He was born in Puerto Rico. He renounces his American citizenship. What country do you send him to? Where do you get rid of him to? The Supreme Court said he was born on this island, there is nothing we can do. He renounced it, and he has no other country because he is a national of this nation, Puerto Rico.

I suggest to anybody to please explain to me what you do with people in the circumstances of Juan Mari Bras.

Now, I think it is important that we discuss and debate all these issues. Unfortunately, we will not have enough time today.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, we have been hearing about the nation of Puerto Rico, and once again I repeat, Puerto Rico in geopolitical terms is not a nation. One might consider Puerto Rico a nation in sociological terms, but not in geopolitical position.

We are a community. What the gentleman from Illinois and the gentlewoman from New York are trying to do here is trying to confuse the issue by saying Puerto Rico is a nation, a different nation; therefore we have to treat it differently from what we treat all the other U.S. citizens. But the issue before us is clear. The issue before us is, are we going to allow self-determination or not to the U.S. citizens in Puerto Rico. All this extraneous material that is being brought up here today is for the purpose of confusing. There is no legitimate purpose on this issue to have to consider what happened in 1900, what happened in 1902.

What we are trying to do is what happens now, what happens in the future. The decision in the case of Juan Mari Bras was by a Supreme Court in Puerto Rico where five out of the seven members were appointed by the Governor, who is of the Commonwealth Party, and all of them had been active politically before they were appointed to the bench. The Chief Judge of the Supreme Court of Puerto Rico was a lawyer of the Commonwealth Party in electoral matters, in matters of election. He is the Chief Judge of the Supreme Court.

The decision by the Supreme Court very carefully kept away from all Federal laws and the U.S. Constitution very carefully so the decision could not be questioned in the Federal forum. It has been highly criticized as a horrendous judicial decision by many outstanding attorneys in Puerto Rico.

So those things happen in this issue of the status. This is why it is necessary to bring before Congress and Congress allow the people of Puerto Rico to vote to see if we can put an end and decide finally which road Puerto Rico is going to take.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 4 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GUTIERREZ:

Strike section 2 and redesignate the succeeding sections accordingly.

In section 1(b), in the table of contents, strike the item relating to section 2 and redesignate the succeeding items accordingly.

Mr. GUTIERREZ. Mr. Chairman, this amendment seeks to address the grave injustice done to the independence and to the commonwealth versions of Puerto Rican history that are included in these findings. As I have shown previously in the debate on the findings sections, the findings sections to be included in this bill have been chosen to provide a distorted pro-statehood version of Puerto Rican history, beginning with the very denial that Puerto Rico ever existed as a nation and as a people.

It is unfair to present such an unbalanced view of the Puerto Rican history if the true objective of this bill were truly self-determination. Rather than attempt a superficial discussion on historical facts on which those of us with a little knowledge of Puerto Rican history find it very hard to agree upon, and upon which, in all truth, the majority of my colleagues unfortunately know little of the details, and of the interpretation of those historical details, we are asked to subscribe to with our vote.

This bill is so slanted in favor of statehood, especially in the findings section, that it is really an overkill. The purpose of this very conveniently selected presentation of Puerto Rican history is to provide political ammunition to the Statehood Party during the plebiscite campaign. Adoption of this amendment will make this bill less unfair and less skewed in favor of statehood.

I have just shown you clearly, I think, when we spoke about the Treaty of Paris, that nowhere in the Treaty of Paris, and I asked the gentleman from Puerto Rico if he has found in the Treaty of Paris where it says United States nationality, because if he finds it, then you know I will take it back, because then maybe I missed it somewhere, but he has not responded to that. Where it is in the Foraker Act of 1900, I asked the gentleman from Puerto Rico to please find. And it says there, Puerto Rican citizenship. It exists. It existed as a nation of people.

There is a difference between nationality and citizenship. That has already been determined throughout the world. Yes, Puerto Ricans are nationals. I know that some of them feel less Puerto Rican than others and that there may be degrees to which people feel. I am sure that when we had the great war of independence from Great Britain, there were many of those who said, oh, God, I do not want to be a member of that new emerging Nation of those 13 colonies. I kind of like King George. He is okay. And there were others who felt as Thomas Paine, as Jefferson and as others, that it was time to incorporate into a new Nation and to make that Nation valid. That is what we have got in Puerto Rico.

Let us understand it. Let us not skew the issue. I ask that the findings just simply be eliminated because what you are doing, if you allow these findings, is a blank check, because they will take these findings, convert them into 30-second commercials and distort the reality of the congressional intent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 21 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. GUTIERREZ:

In section 4(a), insert after paragraph (6) of the referendum language for Statehood the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(7) Notwithstanding the Amateur Sports Act of 1978. Puerto Rico retains its separate Olympic Committee and ability to compete under its own flag and national anthem in international athletic competitions, even against the United States."

Mr. GUTIERREZ. Mr. Chairman, under statehood, according to the International Olympic Committee and the Amateur Sports Act of 1979, the United States Olympic is the sole representative in the Olympic games and Pan American games, of which Puerto Rico participates in both the Olympics, sending its own team from Puerto Rico to the Olympics and Pan American games. No other body or organization can represent the U.S. or any part thereof if they become a State of the Union. If Puerto Rico becomes a State, it is extremely unlikely that they may compete in Olympic games separately from the U.S. as an Olympic team, as has been the long history of the people of Puerto Rico. To the end the International Olympic Committee granted the National Olympic Committee of the United States exclusive powers for their representation for their respective countries at the Olympic games and all other OIC-sanctioned events.

Evidently, if Puerto Ricans are pushed to vote in favor of statehood, they are going to lose one of their most treasured traditions of representation in the sports arena. Furthermore, Puerto Rico would no longer be able to participate in the Olympics as a separate entity. Puerto Ricans would be forced to lose one of their richest and treasured sources of patriotic pride.

I want to remind my fellow colleagues that Puerto Rico is such a proud nation that when President Carter called for a boycott of the Moscow games in 1990, the Puerto Rican national Olympic team sent two athletes with a Puerto Rican flag. Think about it. Puerto Rico as a nation will never give up its Olympic representation that ties them with the U.S. because they could not disappoint their national athletes that train so hard. Think about it. The President of the United States says, we are going to boycott, and yet the people of Puerto Rico send their own Olympic team, American citizens, to go and participate while other citizens. You see how they are different. You see how there is a separate relationship. Let us understand that.

I just want to make one last point. I did have an amendment to pardon Bobby Knight because Bobby Knight went out to Puerto Rico in 1976, this is true, just to make the point, 1979 during the Pan American games, probably the Resident Commissioner remembers, and in the final for the gold medal it was the United States and Cuba, and there were 20,000 fans there, and they were all chanting, Cuba, Cuba, Cuba, not because they believed in Communism, not because they believed in Fidel Castro, but because they had a sense of the great andeano, the Jose Marti. They were applauding the athletes from another Spanish-speaking country. Unfortunately, he did not get it and he made some obscene gestures, was arrested and said, how can these citizens of the United States not be cheering for the American team? Why? Because they loved their American citizenship, but they are a different and a special kind of people.

Let us treat them specially in accordance with their fine tradition. That is why I present this amendment. Let us allow them to continue to have their Olympic team even if they are a State of the Union, because we want to respect their great history and pride.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we must have seen a different Pan American games in Puerto Rico because I certainly, the event that he talked about Bobby Knight did not happen with Cuba. It was something that happened during the practice, and then it was very, he pushed an officer of the law and he said some very, very unfavorable remarks about Puerto Rico, insulting remarks about Puerto Rico and Puerto Ricans. Therefore, he earned the hatred and the bad will of the people of Puerto Rico. And they took it out on the team, and it had nothing to do with Cuba.

Always there are people in Puerto Rico that feel, members of the pro-Communist party, which has never been registered as a voting party, did not maintain a registration as a voting party, and they got about half a percent of the vote when they went into elections. Yes, they went there and cheered Cuba, but it was not everyone that was there. I was there at those games.

To say that Puerto Rico cannot participate, well, Puerto Rico can participate if that would be the desire of the people of Puerto Rico, and that was the decision of the Olympic Committee. The International Olympic Committee is a private organization. It is not an official government organization. As a matter of fact, they say, government, stay out. In the International Olympic Committee bylaws it is specifically stated that any province, any State, any jurisdiction that has been allowed to have a committee, a team representing them in the Olympics, if they become integrated with another nation, become a State of or a part of another nation, they can maintain their own Olympic committee. And that is what has happened with Hong Kong.

□ 2015

However, whether or not we participate in the Olympic games every 4 years for 2 weeks cannot be put in the same table of consideration as the economic welfare of the people of Puerto Rico and the political equality of the people of Puerto Rico; the right to vote, the right to representation and the right to participate in a democratic system. We believe in democracy. We cannot put that aside in order to participate in the games every 4 years for 2 weeks. That is not in the same table of consideration.

So this, again, is another issue that is brought in just to confuse and to try to tell people they should not vote for this bill because, after all, this is self-determination and this is what America is all about.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the last word.

Mr. GUTIERREZ. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I certainly do not want to make this the kind of issue that the resident commissioner wants to make it. I just want to make the point the fact is Bobby Knight had a few problems in Puerto Rico. He was arrested. And he did say some very disparaging words, and those disparaging words had a direct relationship between the games that were being played there and the reaction.

He could not understand how 10 American citizens, if we want to make it, it was more than 10 I assure the resident commissioner, could cheer for a team other than the United States when it was going for a gold medal. And subsequently he got into some trouble about that. But it just talks about the special nature of the relationship.

I want people to understand. It did not happen in Alaska and it did not happen in Hawaii and it did not happen in Texas. Why can we bring up all these issues, and it happened in Puerto Rico, of language and culture? And the resident commissioner said it was not geopolitical. Okay. But he said it was sociological. That is pretty incredible. That is an admission here. Sociological nationality. Let us examine what that means. That means it is a separate and distinct people.

That is our point here. Our point here is let us have a fair referendum. Look, there was a referendum in 1993. The party of the resident commissioner was the party that wrote the script and the rules. Everyone voted. The resident commissioner, that if statehood would have won that plebiscite, that he was going to come here and demand statehood for Puerto Rico. So the gentleman thought that was a good plebiscite then and those were good rules and regulations then. Why is it today that the gentleman comes with this other version when he would have taken that version and asked us to have adopted it back 5 short years ago?

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTIERREZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 376, further proceedings on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) will be postponed.

Are there further amendments?

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Which amendment is the gentleman proposing?

PARLIAMENTARY INQUIRY

Mr. GUTIERREZ. Parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GUTIERREZ. Mr. Chairman, is there going to be any time allotted to close this debate after the end of all of the amendments?

The CHAIRMAN. After voting on the amendments, Members can strike the last word, after which the Committee will rise and report.

Mr. GUTIERREZ. There will be an additional 5 minutes then at the end so we can all close, those who wish to close; is that true?

The CHAIRMAN. We are proceeding under the 5-minute rule. This amendment that the gentleman proposes, though the gentleman has not stated which amendment——

Mr. GUTIERREZ. Let me explain, and the Chair can help me. I really do not want to propose an amendment, I just want to be able to close. And I was informed that there would be no opportunity after all the amendments were exhausted to say anything in closing.

Mr. YOUNG of Alaska. Mr. Chairman, does the gentleman mean to close on the whole bill?

Mr. GUTIERREZ. Yes, on the whole.

Mr. YOUNG of Alaska. There will be an opportunity to close on the whole bill after the amendments are voted on. We can move to strike the last word.

The CHAIRMAN. Members will be able to offer pro forma amendments and move to strike the last word.

Mr. YOUNG of Alaska. Pro forma amendments, move to strike the last word and speak on the bill itself.

AMENDMENT NO. 24 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer amendment number 24.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment number 24 offered by Mr. GUTIERREZ:

In section 4(a), after paragraph (6) of the referendum language for statehood, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly):

"(7) Section 30A of the Internal Revenue Code of 1986 will continue in effect for 20 years after Puerto Rico becomes a State or until the State of Puerto Rico achieves the same per capita income as the State with the next lowest per capta income.

"(8) The internal revenue laws of the United States will not apply to residents of the State of Puerto Rico until such time as the State of Puerto Rico achieves the same per capita income as the State with the next lowest per capita income.

Mr. GUTIERREZ. Mr. Chairman, we have had a good long day here of debate and discussion and I think that people should understand something. This is a very serious decision that we are entering into. I know we have had this debate about statutory citizenship all day and it is just very important to me.

It is important because I think that we have shown that the 14th amendment should apply to all the people of Puerto Rico. Think about it. The 14th amendment of the Constitution of the United States will be simply thrown up in the air if we adopt this. That is wrong. It is wrong to all those citizens on the island of Puerto Rico.

I want a fair process. I want a process that says here is independence, and a version of independence a little kinder and gentler and a little more realistic than the one offered here; a version of statehood, a realistic version of statehood, the kind of statehood that I lived in Puerto Rico.

I would like to tell everybody that in 1972, when I was 19 years old, I registered to vote. The first time I voted was in San Sabastian, Puerto Rico, so take it from me, I know what the statehooders propose, what the independence people propose, what the commonwealthers propose, because I was there listening for many years. I went to the University of Puerto Rico. I graduated from high school in Puerto Rico. Politics, politics and the national questions and status is something that we debate and discuss everyday.

Let me tell my colleagues, if we do not clarify some of these things, here is what we will get: the 30 second spot that is going to scare the living daylights out of anybody. I see it already. Vote for statehood or your citizenship will be taken away. And you know, whoever pays, my mother said—(the gentleman spoke in Spanish)—I am sorry, I am not supposed to say. Basically what that means is that a paper will hold whatever you write on it. And whoever has the money to write those 30-second scripts and to put them up on the TV set, that is wrong for us to allow something like that. That is wrong for people to go in.

Let us not force a vote on any issue. That is what we are doing here. It is wrong to talk about citizenship which we all know will never be taken away from a people. And if we know it will never be taken away, let us not let it be used in this plebiscite.

And let us have a plebiscite. And I reiterate once again, whoever wins fair and square, we can all come together and move forward, move forward as a people.

I would like to say this last thing. Look, when Members of this Congress talked about South Africa and Nelson Mandela, nobody ever said they should just move back to South Africa if they thought that was so important. When Members of this Congress talk about Ireland and the importance of Ireland and its independence, nobody says they should go back to Ireland if they want to talk about that. When Members in this Congress talk about Israel and talk about their proud Judaism, nobody says they have to go back. When people talk about Cuba, nobody says go back to Cuba. Why is it that when people want to raise issues because I am of Puerto Rican descent that I am told go back to Puerto Rico or do not have anything to do with it.

The resident commissioner is invited to come to my district any day, as he has often done. I think we should all be invited to speak to one another as brothers and sisters in the quest for justice, equality and a fair and reasonable solution to this very critical status question.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

In closing I again want to reiterate that I think that the committee has brought to the floor of the House a fair procedure for determining the future status of Puerto Rico, should the citizens of Puerto Rico decide to engage in that process.

There is no question that these choices are difficult choices, and that is why the process is set forth in the manner it is so that the Puerto Rican citizens can be best informed as they proceed down this path as to whether or not they want to choose independence, statehood or Commonwealth status.

And there is a very real difference between these three statuses. People like to pretend that they can argue that they are sort of the same, enhanced Commonwealth; that is, to pretend like you have all of the same rights as the citizens of the United States of America, but they know, in reality, they do not. So Commonwealth will have some burdens.

Statehood, because it puts them in the same status as all of the rest of the citizens, there will be people in Puerto Rico that think that that brings burden to the selection, to the plebiscite. They will make those decisions, and they will argue about them back and forth.

But the fact is that if you vote to become a State, you become a State. You share all of the benefits and all of the liabilities. If you vote to continue in Commonwealth, you are something less than that. You do not share equally with the citizens of California in public assistance payments and education payments and education to the handicap and food stamps and nutrition programs, because you are not a State.

The representatives of Puerto Rico historically have tried to boost those allotments, to boost those payments, to argue that these are citizens who are treated unfairly. But that has not been how the Congress has responded.

So those citizens are deprived the full benefits, but they are deprived the full benefits because the Congress has decided that they are not the same as citizens of the States. That is a burden of Commonwealth. People do not like to talk about that.

Another burden a Commonwealth has is it does not want to acknowledge that it has to live under the laws of this country as put forth by the Congress of the United States, but it does.

If this was, in fact, a nation today, then what are we doing here today? We are here because, under the current arrangement, they are forced to live under Federal laws of this country, and some people do not like that. They believe they would rather be a separate nation, or they believe that, if they have to live under these laws, they also want to participate in the benefits of everything else that goes along with being a State.

The definition of Commonwealth is an accurate description of the status of Puerto Rico today. That is the status that we would ask the people to vote on. That is Commonwealth today. Not what they hope Commonwealth would be, not what they would like it to be, but what it is under the laws of this country and the Constitution of the United States of America.

If you cannot, if that is not a winning hand in the election, so be it. But that is the laws of this country. That is the Constitution of this country. Yes, it is different. It is different than being a citizen of the State of the United States of America.

Now, many people have come to my office, and they have argued to me how really it is not different. Folks, it is different. That is what this election will be about. We treat them differently every day. That is what upsets so many people, that citizens of the United States of America can be treated in this fashion as this Congress deliberates action after action after action.

The remedy for that is statehood, or the remedy for that is independence, or the status quo, which would be Commonwealth. Those are the choices at the end of the day that the people of Puerto Rico will have to decide. Those are the choices in a fair and open and just manner that this committee presents to the plebiscite.

The people of Puerto Rico will make a determination of which status they want to determine. If the Olympic team is so important, then I guess they can take Commonwealth. They can continue that. But then they have to look the citizens in the eye and say, but by the same token, you cannot share in the benefits of all the other citizens of the United States.

If it is less important, they might decide that the great athletes of Puerto Rico can run on the American team and participate, and they can share in equal benefits. That is what this is about. And at the end of the day, this bill presents that in a fair and open fashion.

□ 2030

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today has been an education for a lot of Americans watching this debate. Perhaps some people have learned about the passions surrounding this debate. Maybe some people have come to understand at least a little bit how proud the people of Puerto Rico are to be American citizens, how proud we are to live in a democracy in which the concept of free and open debate not only survives but thrives.

Of course, Mr. Chairman, I am a product of that freedom. I am an American citizen born on the island of Puerto Rico, came to the mainland, was elected to Congress and stand before this body a full-fledged voting Member of this great legislative body. I have a great respect for this institution, but I am concerned that a process is about to be imposed on the people of Puerto Rico that is anything but democratic.

I appreciate the intention of my colleagues on both sides of the aisle to allow for the self-determination of the people of Puerto Rico. I have said this before and I will say it again. This bill is not about self-determination. It is about statehood. This bill is the product of a process that did not consult the very people it affects the most.

In 1990 a commonwealth status definition was agreed to by the authors of H.R. 856 that was acceptable to the interested parties. The chairman of the Committee on Resources voted for the definition at the time. The current ranking member of the committee voted for the definition at that time. The definitions were acceptable to the parties that represented the statehood, commonwealth and independent options.

But now it seems that the very definitions that were agreed to unanimously in the House of Representatives are not good enough. My colleagues seem intent now on forcing a vote on Puerto Rico that includes new definitions that many Puerto Ricans strongly disagree with. I will tell my colleagues that if they truly want self-determination for Puerto Rico, they will vote against this bill.

I have heard my colleagues whom I have great respect for tell me that I should vote for independence. I have heard my colleagues tell me that I should vote for statehood. The fact is that I do not really have a choice, because if this plebiscite is held under this bill, we will see a 51st State, not because the people of Puerto Rico want to be a State. If they wanted that, they would have voted that way in the plebiscite of 1993. No, they will vote for statehood because under the definitions in this bill, commonwealth is not really an option.

The authors of this bill have already said that their intention was to eliminate commonwealth status as a viable option and they were successful. In fact, the authors of this bill did not even offer commonwealth as an option in the plebiscite when they originally wrote this bill.

Mr. Chairman, many people in this Chamber will tell us that they know what is best for the people of Puerto Rico. My response is why do we not let Puerto Rico decide what is best for Puerto Rico? Why do we not give our participants equal input in determining how a status bill should be written? Why do we not give all Puerto Ricans the right to vote on that question?

I do not think that this House should be in the business of telling the people of Puerto Rico what is best for the people of Puerto Rico. They should make that decision. That is what self-determination is all about. That is why I ask my colleagues today to oppose this legislation.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this is a really complicated debate for people who are just learning about it for the first time over the course of today. I have had the benefit of having the last couple of years in the Committee on Resources to listen to this testimony consistently, and to have had the chance to visit Puerto Rico, as I said earlier.

What really came about from my many hours of listening to testimony on this issue that I think is something that makes the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Illinois (Mr. GUTIERREZ) so upset, and that is, this Congress decides what the fate of Puerto Rico is whether the people of Puerto Rico like it or not.

The thing about it is, I am in total agreement with the sympathies and concerns of the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from New York (Ms. VELÁZQUEZ). I am as outraged as anyone else, as the gentlewoman just said, that this Congress should think that it could make any decision affecting Puerto Rico without the opinions and the people of Puerto Rico being part of that decision-making process. That is why I am for statehood. That is why I am for this bill.

Mr. Chairman, the gentlewoman from New York said that this commonwealth definition was decided by the committee very unfairly. Let us understand, if we decided what the commonwealth definition was based upon the way the commonwealth party wanted it decided, we would have had a little bit of everything we wanted.

I heard this commonwealth definition. I said, "This commonwealth definition sounds pretty good." I said, "It sounds so good I want Rhode Island to have commonwealth status." I bet every other Member in this place would like to have commonwealth status the way the commonwealth party in Puerto Rico wants it to be defined.

But, Mr. Chairman, we have a responsibility not to define commonwealth status in any partisan terms but to define commonwealth status based upon the laws of what commonwealth means. As much as my good friends say that commonwealth status means that we are a nation, that commonwealth status means this or that, or guess what the United Nations said, the proof is in the pudding.

Whenever a bill comes up that relates to Puerto Rico, it is referred to the Committee on Resources. Why? Because the Committee on Resources has jurisdiction over Indian and insular affairs, meaning territories. Meaning no matter what we may say about the Supreme Court decisions, no matter what we may say about U.N. resolutions, the proof is in the pudding.

We are sitting here debating this. We would not be debating this if there was a bilateral pact. If Puerto Rico really had the say in this matter, they would have said, "Hey, U.S. Congress, we don't need you to give us the right to vote. We have the right to vote."

Puerto Rico could not do that because they are under the Territorial Clause of the United States Constitution, like it or not. Mr. Chairman, there is the old Snickers ad that says, "No matter how you slice it, it still comes up peanuts." The fact of the matter is, no matter how you define commonwealth, it still comes up Territorial Clause. That is the bottom line here.

That is why I think this is a good bill, because ultimately the people of Puerto Rico will have a say in their final determination and finally get some representation on this floor.

I want to conclude by saying the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) has taken on this issue singularly, being the Resident Commissioner who has not had the chance to vote but who has taken his position very seriously and has been a tireless advocate on behalf of the people he represents. On the eve of this historic vote, I want to salute the gentleman from Puerto Rico for the job that he has done on behalf of the people of Puerto Rico; the gentleman from Alaska (Mr. YOUNG), as well as the gentleman from California (Mr. MILLER).

Let us support this bill, and let us end colonial status for 3.8 million people and finally make them full citizens of this country with voting representation in this United States Congress.

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I first of all would like to thank the gentleman from Alaska (Mr. YOUNG), the chairman of our committee, for the dedicated amount of work that he has put into this bill. He lived the frustrations of being a territory, so he really believes in it and feels it. The people of Puerto Rico, not only the people of Puerto Rico, the people of this Nation will be grateful for the steps that we are taking here today, and I hope we take this step in the final passage of the bill.

I want to thank the gentleman from California (Mr. MILLER), our ranking member, also for the dedication that he too has put into this bill, for being instrumental in doing away with all the suspiciousness that reasonable people would have about this bill and the definitions. We worked hard and we feel that our chairman, our ranking member and all of the members of the committee were very careful in making this bill a very, very serious and very objective bill.

I want to make also a special mention, when we started this bill, I had my very serious differences with the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules. But as we have dealt with this bill, the gentleman from New York has been a real gentleman. He has always kept his word. He has been a formidable opponent in this bill, but I must recognize that he has been a real gentleman. I would thank him for his dedication, also, to his job.

The gentleman from Rhode Island (Mr. KENNEDY) and all the others that have worked hard on this bill, I want to thank them all.

In Puerto Rico, as I mentioned earlier, they are watching this on C-SPAN. I think this probably will be one of the most watched programs in Puerto Rico for a long, long, long, long time. Everybody is understanding what is happening here. Those who do not understand English, believe me, some relative or some friend or some fellow workers there are translating the proceedings for them. They are hoping that their faith in this Congress, their faith in their Nation, in the United States, will be confirmed today.

Because, as we have spoken before, this bill is about self-determination. This bill is about the opportunity of 3.8 million U.S. citizens who have been disenfranchised for 81 years, for 81 years disenfranchised, where they have not been able to participate in the democratic process of their Nation. We have been part of the United States for 100 years it will be July 25, the American troops first landed in Puerto Rico in 1898. This Monday was precisely the 81st anniversary of our citizenship.

As we take a look at the procedures here today, one of my greatest sorrows and I am sure one of the greatest sorrows of the people of Puerto Rico is to find that the most adamant and vociferous opponents of this bill have been, one, a gentlewoman that was born in Puerto Rico and the other, a gentleman that was not born in Puerto Rico but is from Puerto Rican extraction, that they are opposing it at every instance, that the people of Puerto Rico have a chance for self-determination.

They have given a lot of reasons why this should not happen but it all boils down that they oppose this bill. They say that this bill is tilted toward statehood. That is not correct. This bill is not tilted toward statehood. This bill spells out the differences between statehood, between independence and between commonwealth.

For the first time, for the first time since Puerto Rico has been involved in plebiscite and their status, they are going to be voting on a bill that defines commonwealth as what it is. I want to read the definition of commonwealth because so much has been said. No one will disagree with this definition:

"Commonwealth. Puerto Rico should retain commonwealth in which Puerto Rico is joined in a relationship with and under the national sovereignty of the United States. It is the policy of the Congress that this relationship should only be dissolved by mutual consent."

That is a correct and precise statement that was carefully drafted by our chairman and by the gentleman from California (Mr. MILLER). Yes, I participated in the conversations. However, my decisions were not what made the final wording of this bill.

"Two. Under this political relationship, Puerto Rico, like a State, is an autonomous political entity, sovereign over matters not ruled by the Constitution of the United States. In the exercise of this sovereignty, the laws of the commonwealth shall govern in Puerto Rico to the extent that they are consistent with the Constitution, the treaties and laws of the United States."

☐ 2045

Congress retains its constitutional authority to enact laws it deems necessary relating to Puerto Rico.

What is false? That is exactly as it is. Everything in this bill is the truth, and that is what the people of Puerto Rico should be given a choice to vote on.

Mr. Chairman, I hope that all Members will vote for this bill, not only for Puerto Rico, but for the sake of this Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 376, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment offered by the gentleman from Florida (Mr. STEARNS); an amendment offered by the gentleman from Georgia (Mr. BARR); and Amendment No. 21, offered by the gentleman from Illinois (Mr. GUTIERREZ).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed, and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 28, noes 384, not voting 18, as follows:

[Roll No. 33]

AYES—28

Bachus
Campbell
Carson
Combest
Cubin
Duncan
Herger
Horn
Hunter
Istook
Jones
Kingston
McIntosh
Moran (KS)
Paul
Petri
Radanovich
Rohrabacher
Sanford
Schaffer, Bob
Sensenbrenner
Shadegg
Sherman
Smith, Linda
Snowbarger
Souder
Stearns
Taylor (NC)

NOES—384

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Berman
Bilbray
Doolittle
Foley
Gonzalez
Granger
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Smith (OR)
Torres
Yates

☐ 2105

Mr. BASS and Mr. WISE changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 376, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BARR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 282, not voting 17, as follows:

[Roll No. 34]

AYES—131

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Boehner
Brady
Bryant
Bunning
Callahan
Canady
Castle
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Crane
Crapo
Cubin
Cunningham
Danner
Deal
Dickey
Dreier
Duncan
Emerson
Everett
Ewing
Fawell
Fossella
Fowler
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kingston
Klug
Knollenberg
Lazio
Lewis (KY)
Linder
Lipinski
Livingston
McCrery
McHugh
McIntosh
Metcalf
Miller (FL)
Myrick
Neumann
Ney
Northup
Norwood
Oxley
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Porter
Portman
Pryce (OH)
Regula
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Smith (MI)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stump
Sununu
Taylor (NC)
Thornberry
Tiahrt
Upton
Wamp
Weldon (PA)
Weller
Wicker
Wolf

NOES—282

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Calvert
Camp
Campbell
Cannon
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Pickett
Pombo
Pomeroy
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Reyes
Riley
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sessions
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
White
Whitfield
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Berman
Doolittle
Farr
Frost
Gonzalez
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Smith (OR)
Torres
Yates

□ 2112

Mr. ENSIGN changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2115

AMENDMENT NO. 21 OFFERED BY MR. GUTIERREZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 2, noes 413, answered "present" 1, not voting 14, as follows:

[Roll No. 35]

AYES—2

Gutierrez
Velázquez

NOES—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson

Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Waters

NOT VOTING—14

Berman
Doolittle
Gonzalez
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Smith (OR)
Yates

☐ 2122

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any other amendments?

Mr. SOLOMON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have been on the floor since 10 o'clock this morning. We have had a very, very good debate. The amendment process is over. The committee is about to rise. I just wanted to alert the body that there will be a re-vote on the Solomon amendment as amended by Miller-Burton. That vote has been requested by U.S. English and those of us who do not want to see this thing die.

Mr. Chairman, I would just read a couple of paragraphs out of this letter from U.S. English. It says, "There has been much confusion over U.S. English's position concerning the amendment introduced by Representatives Burton, Miller, and Young. U.S. English wishes to clarify this matter."

Mr. Chairman, they go on to say that the Burton-Miller amendment is meaningless and has absolutely no legal effect. They go on to say that U.S. English strongly supports the Solomon amendment as originally introduced, and should the Solomon amendment be re-voted on in the full House, that they would ask for a "no" vote on the Solomon amendment as amended, and I too will ask for a "no" vote on that when it is re-voted.

At the same time, I would rise in opposition to the bill. I think Members all must revisit it one more time. Without the Solomon amendment language in the bill, anyone anywhere in the United States can challenge Federal and individual State laws and declarations of English as the official language. This opens up Pandora's box, should the bill ever become law without that amendment. I think we all should consider that.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank all of my colleagues that participated in the debate. They have worked from 10 o'clock this morning until the night on this historical moment. Much has been said about this bill. A lot of it true; some of it not so true.

But I would ask Members in your hearts to think about one thing for one moment. We are being asked to re-vote on an amendment that was offered by the gentleman from New York (Mr. SOLOMON). And if Members defeat the Solomon amendment, they are left with the language in the bill. Keep that in mind.

Mr. Chairman, I started this process over 4 years ago. I have had the hearings. I have done it the right way. I want to thank the leadership on my side of the aisle and the leadership on that side of the aisle for allowing this debate to begin. This is just one small step, as I said earlier in the day. This is one small step to bring justice to America and to the Puerto Rican people. I believe it is crucially important as we go into the year 2000.

Mr. Chairman, I think it is the best thing we can do for democracy and for this great Nation. I thank you for the indulgence. I gave my word. I gave my commitment that we would bring this bill to the floor for America and the Puerto Rican people. This is the legislative process. This is how this House should work. Not behind closed doors, not by secret meetings, but open debate, discussing the merits, the cons and the pros of legislation that decides the destiny of this great Nation.

I am asking my colleagues to vote "yes" on the Burton-Miller-Young bill as they voted before.

☐ 2130

I am asking my colleagues to vote yes on the amendment offered by the gentleman from New York (Mr. SOLOMON), my good friend, as he asked you to do. I am asking them to vote yes on final passage so we can begin this venture into future generations.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BONILLA) having assumed the chair, Mr. DIAZ-BALART, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico, pursuant to House Resolution 376, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SOLOMON. Mr. Speaker, I demand a vote on the so-called Solomon amendment, as amended.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

In section 3, amend subsection (b) to read as follows:

(b) OFFICIAL ENGLISH LANGUAGE.—In the event that a referendum held under this Act results in approval of sovereignty leading to Statehood, upon accession to Statehood, the official language requirements of the Federal Government would apply to Puerto Rico in the same manner and to the same extent as throughout the United States.

Add at the end of section 3 the following new subsection:

(c) ENGLISH LANGUAGE EMPOWERMENT.—It is in the best interest of the Nation for Puerto Rico to promote the teaching of English as the language of opportunity and empowerment in the United States in order to enable students in public schools to achieve English language proficiency by the age of 10.

In section 4(a), in the referendum language for Statehood, amend paragraph (7) to read as follows:

"(7) Official English language requirements of the Federal Government apply in

Puerto Rico to the same extent as Federal law requires throughout the United States.".

In subparagraph (C) of section 4(B)(1), strike "(C) Additionally," and all that follows through "(ii) the effective date" and insert the following:

(C) Additionally, in the event of a vote in favor of continued United States sovereignty leading to Statehood, the transition plan required by this subsection shall—

(i) include proposals and incentives to increase the opportunities of the people of Puerto Rico to expand their English proficiency in order to promote and facilitate communication with residents of all other States of the United States and with the Federal Government, including teaching English in public schools, awarding fellowships and scholarships, and providing grants to organizations located in various communities that have, as a purpose, the promotion of English language skills;

(ii) promote the use of English by the United States citizens in Puerto Rico in order to ensure—

(I) efficiency in the conduct and coordination of the official business activities of the Federal and State Governments;

(II) that the citizens possess the language skill necessary to contribute to and participate in all aspects of the Nation; and

(III) the ability of all citizens of Puerto Rico to take full advantage of the opportunities and responsibilities accorded to all citizens, including education, economic activities, occupational opportunities, and civic affairs; and

(iii) include the effective date

Mr. SOLOMON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 177, not voting 13, as follows:

[Roll No. 36]

AYES—240

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Bereuter
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Campbell
Cannon
Cardin
Carson
Castle
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Granger
Green
Greenwood
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sherman
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Young (AK)

NOES—177

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Bartlett
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Dreier
Duncan
Dunn
Emerson
Ensign
Everett
Fawell
Fowler
Franks (NJ)
Frelinghuysen
Ganske
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McIntosh
Menendez
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Regula
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Sisisky
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Upton
Velázquez
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—13

Berman
Doolittle
Gonzalez
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Yates

□ 2147

Mr. BENTSEN and Mr. HILLIARD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 208, not voting 13, as follows:

[Roll No. 37]

AYES—209

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Cannon
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Coyne
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner

Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Granger
Green
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Pombo
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Redmond
Reyes
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stark
Stenholm
Stokes
Stupak
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Young (AK)

NOES—208

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Callahan
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Deal
Dickey
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fossella
Fowler
Fox
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kind (WI)
Kingston
Kleczka
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McHugh
McInnis
McIntosh
McIntyre
Menendez
Metcalf
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riley
Rivers
Rogan
Rogers
Rohrabacher
Roukema
Royce
Rush
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Sununu
Talent
Tanner
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Upton
Velázquez
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—13

Berman
Doolittle
Gonzalez
Harman
Kilpatrick
Luther
McDade
Poshard
Riggs
Schaefer, Dan
Schiff
Shimkus
Yates

□ 2207

The Clerk announced the following pair:

On this vote:

Mr. McDade for, with Mr. Riggs against.

Mr. FOSSELLA and Mr. RUSH changed their vote from "aye" to "no."

Mr. PETERSON of Pennsylvania and Mr. POMEROY changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONILLA). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings are in violation of the rules of the House.

REPORT ON PAYMENTS TO CUBA PURSUANT TO CUBAN DEMOCRACY ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–221)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

This report is submitted pursuant to 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114 (March 12, 1996), 110 Stat. 785, 22 U.S.C. 6021–91 (the "LIBERTAD Act"), which requires that I report to the Congress on a semiannual basis detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for payments to Cuba by license. The CDA states that licenses may be issued for full or partial settlement of telecommunications services with Cuba, but may not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control (OFAC) amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

The OFAC has issued eight licenses authorizing transactions incident to the receipt or transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments to the Government of Cuba from a blocked account. For the period July 1 through December 31, 1997, OFAC-licensed U.S. carriers reported payments to the Government of Cuba in settlement of charges under telecommunications traffic agreements as follows:

AT&T Corporation (formally, American Telephone and Telegraph Company)	$11,991,715
AT&T de Puerto Rico	298,916
Global One (formerly, Sprint Incorporated)	3,180,886
IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.)	4,128,371
MCI International, Inc. (formerly, MCI Communications Corporation)	4,893,699
Telefonica Larga Distancia de Puerto Rico, Inc.	105,848
WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.)	5,608,751
WorldCom, Inc. (formerly, LDDS Communications, Inc.)	2,887,684
	$33,095,870

I shall continue to report semiannually on telecommunications payments to the Government of Cuba from United States persons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998.*

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–222)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the national emergency declared with respect to Iran on March 15, 1995, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) is to continue in effect beyond March 15, 1998, to the *Federal Register* for publication. This emergency is separate from that declared on November 14, 1979, in connection with the Iranian hostage crisis and therefore requires separate renewal of emergency authorities.

The factors that led me to declare a national emergency with respect to Iran on March 15, 1995, have not been resolved. The actions and policies of the Government of Iran, including support for international terrorism, its efforts to undermine the Middle East peace process, and its acquisition of weapons of mass destruction and the means to deliver them, continue to threaten the national security, foreign policy, and economy of the United States. Accordingly, I have determined that it is necessary to maintain in force the broad programs I have authorized pursuant to the March 15, 1995, declaration of emergency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 4, 1998.*

CONTINUATION OF NEED FOR U.S. ARMED FORCES IN BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–223)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I hereby certify that the continued presence of U.S. armed forces, after June 30, 1998, in Bosnia and Herzegovina is required in order to meet the national security interests of the United States, and that it is the policy of the United States that U.S. armed forces will not serve as, or be used as, civil police in Bosnia and Herzegovina.

This certification is presented pursuant to section 1203 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85, and section 8132 of the National Defense Appropriations Act for Fiscal year 1998, Public Law 105–56. The information required under these sections is in the report that accompanies this certification. The supplemental appropriations request required under these sections is being forwarded under separate cover.

America has major national interests in peace in Bosnia. We have learned from hard experience in this turbulent century that America's security and Europe's stability are intimately linked. The Bosnian war saw the worst fighting—and the most profound humanitarian disaster—on that continent since the end of the Second World War. The conflict could easily have spread through the region, endangering old Allies and new democracies alike. A larger conflict would have cast doubt on the viability of the NATO alliance itself and crippled prospects for our larger goal of a democratic, undivided, and peaceful Europe.

The Dayton framework is the key to changing the conditions that made Bosnia a fuse in a regional powder keg. It is decisively in American interests to see Dayton implemented as rapidly as feasible, so that peace becomes self-sustaining. U.S. leadership is as essential to sustaining progress as it has been to ending the war and laying the foundation for peace.

I expect the size of the overall NATO force in Bosnia and Herzegovina will remain similar to that of the current SFOR. However, the U.S. contribution would decline by about 20 percent, as our Allies and partners continue to shoulder an increasing share of the burden.

Although I do not propose a fixed end-date for this presence, it is by no means open-ended. Instead, the goal of the military presence is to establish the conditions under which Dayton implementation can continue without the support of a major NATO-led military force. To achieve this goal, we have established concrete and achievable benchmarks, such as the reform of police and media, the elimination of illegal pre-Dayton institutions, the conduct of elections according to democratic norms, elimination of cross-entity barriers to commerce, and a framework for the phased and orderly return of refugees. NATO and U.S. forces will be reduced progressively as achievement of these benchmarks improves conditions, enabling the international community to rely largely on traditional diplomacy, international civil personnel, economic incentives and disincentives, confidence-building measures, and negotiation to continue implementing the Dayton Accords over the longer term.

In fact, great strides already have been made towards fulfilling these aims, especially in the last ten months since the United States re-energized the Dayton process. Since Dayton, a stable military environment has been created; over 300,000 troops returned to civilian life and 6,600 heavy weapons have been destroyed. Public security is improving through the restructuring, retraining and reintegration of local police. Democratic elections have been held at all levels of government and hard-line nationalists—especially in the Republika Srpska—are increasingly marginalized. Independent media and political pluralism are expanding. Over 400,000 refugees and displaced persons have returned home—110,000 in 1997. One-third of the publicly-indicted war criminals have been taken into custody.

Progress has been particularly dramatic since the installation of a pro-Dayton, pro-democracy Government in Republika Srpska in December. Already, the capital of Republika Srpska has been moved from Pale to Banja Luka; media are being restructured along domestic lines; civil police are generally cooperating with the reform process; war criminals are surrendering; and Republika Srpska is working directly with counterparts in the Federation to prepare key cities in both entities for major returns of refugees and displaced persons.

At the same time, long-standing obstacles to inter-entity cooperation also are being broken down: a common flag now flies over Bosnia institutions, a common currency is being printed, a common automobile license plate is being manufactured, and mail is being delivered and trains are running across the inter-entity boundary line.

Although progress has been tangible, many of these achievements still are reversible and a robust international military presence still is required at the present time to sustain the progress. I am convinced that the NATO-led force—and U.S. participation in it—can be progressively reduced as conditions continue to improve, until the implementation process is capable of sustaining itself without a major international military presence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 3, 1998.*

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 856, the bill just passed.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Indiana?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 856, UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 856, the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the action of the House just taken.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1232

Mr. CONDIT. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1232, a bill originally introduced by Representative Bono of California, for the purposes of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF INDIVIDUALS TO AMTRAK REFORM COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 203(b)(1) of Public Law 105-134, the Chair announces the Speaker's appointment of the following individuals on the part of the House to the Amtrak Reform Council for a term of 5 years:

Mrs. Christine Todd Whitman of New Jersey;

Mr. Bruce Chapman of Washington; and

Mr. Christopher Gleason of Pennsylvania.

There was no objection.

SOCIAL SECURITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. SMITH of Michigan. Mr. Speaker, continuing the discussion on do we really have a surplus, yesterday the Congressional Budget Office estimated that this year we would have a surplus of $8 billion. However, this year we are borrowing about $90 billion from the Social Security trust fund, so we are hoodwinking the American people, pretending there is a surplus.

We have come a long ways. We have cut down overspending by over $200 billion over the last 3 years, but it is not a surplus. We still have a long way to go, and it is important that we put Social Security first. Anybody that would like a copy of this survey, please let me know. I will include this for the RECORD.

In this survey, the voters profoundly dislike using Social Security surpluses to subsidize the remainder of the Federal Government. Ninety-three percent want Congress to balance the budget without using the Social Security deposits.

Let us still stay on track. Let us get a more efficient, more constructive government that is going to serve the needs of government at a lesser tax rate and more efficiently and not use the surplus to mask the deficit.

We have asked questions about Social Security on three national surveys this year.

The primary observations are:

Voters profoundly dislike using the Social Security surpluses to subsidize the remainder of the federal government. 93% want Congress to balance the budget without using SS deposits.

Voters overwhelmingly reject "raiding" of the Trust Fund. 74% approve of a new federal law prohibiting Congress and the President from raiding the Social Security Trust Fund to cover deficit spending.

Voters are inclined to believe that the federal government is using Social Security Trust Fund surpluses to mask the size of the deficit.

The President's credibility on Social Security is not secure.

Voters would rather use the overall budget surplus to shore up Social Security than to cut taxes, pay down debt or spend on federal programs.

Younger voters don't believe they'll get Social Security when they retire, and Republicans are especially dubious.

Voters do not consider the Social Security system to be basically sound.

Personal Savings Accounts is the preferred approach to strengthen Social Security.

	ALL	GOP	DEMS	IND
Personal Savings Accounts	43	52	34	47
Eliminate benefits/rich	18	13	22	21
Raise retirement age	10	11	11	9
Raise payroll taxes	6	4	8	4
Reduce benefits for everyone	3	3	4	3

Voters are strongly in favor (six to one) of allowing those under 40 to privately invest a portion of their payroll taxes for their future retirement.

□ 2015

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PITTS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BALANCING THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, yesterday, the Congressional Budget Office announced that they anticipate we will have an $8 billion surplus in this fiscal year. This is a remarkable announcement. It is an historic announcement.

We have waited for over 30 years for the good news that the budget would, at long last, be balanced. However, as important and as significant as this may be, I urge that we not celebrate excessively. Why is this? It is because we still have a great deal of heavy lifting to do.

The announcement does not recognize the tragic condition that we face as a Nation with respect to our fiscal affairs. First, it does not recognize that we continue to operate on a consolidated Federal budget or unified Federal budget which rolls all trust fund operations into the bottom line.

As a consequence, it glosses over the fact that we are borrowing $100 billion in fiscal 1998 from the Social Security Trust Fund because that Trust Fund is running a surplus. It is running a surplus because the baby-boom generation is in its peak earning years, and it is contributing at the maximum level, and it is not drawing out.

So in reality, if we would discount this subsidy to the operating budget from the Social Security Trust Funds, we would not have an $8 billion surplus. Instead, we would have a $92 billion deficit.

We have some heavy lifting to do to overcome this $92 billion deficit that remains. That is one reason we should not celebrate too strongly.

Secondly, we have to remember that we have a debt of approximately $5.4 trillion, approximately $20,000 for every man, woman and child in this country. Indeed, it is heartwarming to learn that under one theory of calculating the budget, we have a surplus of $8 billion. But, remember, this is little more than about $17 for each man, woman and child that we can take off of that $20,000 debt.

So, again, we have a long ways to go. In fact, if you look at the years over which this surplus has been projected, we would probably not be able to reduce that debt by as much as even $1,000. So we have a ways to go in terms of making a dent in this vast national debt.

A third reason that we should not celebrate too strongly is that we have obligations that we have incurred in the operation of the Social Security program and the Medicare program that are not funded. The unfunded liabilities of those two programs are conservatively estimated to be at least $3 trillion and $9 trillion respectively. That is a total of at least $12 trillion, or approximately two and a half times the current national debt.

We have a great deal to do in reforming and revising the Social Security and Medicare programs, improving their funding, to make sure that this $9 trillion or $3 trillion unfunded liability in those respective programs does not hit us squarely between the eyes or our children and grandchildren between the eyes 30, 40, 50 years from now.

So, although we should tarry and recognize the significance of this accomplishment, of having at least a $8 billion surplus in terms of historic calculations, we should not be exuberant. In fact, I do not even think we should crack out the champagne. We could probably celebrate with a near beer and enjoy the fizz, but remain sober and committed to yet attacking with renewed vigor the problems that lie ahead in making sure that our financial fiscal house is in order in this country, and making sure that this country has a financial condition that we are proud to leave as a legacy to our children and grandchildren.

We should not allow the partisanship that has unfortunately divided us on all too many occasions to overcome our commitment to doing the right thing by the next generation in the years to come.

THE PURSUIT OF JUSTICE BY THE INDEPENDENT COUNSEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I rise today to address a subject that is on the minds of all Americans, the pursuit of justice by the Independent Counsel.

In recent weeks, we have seen the personal character and motives of Kenneth Starr subjected to an unprecedented number of insults and attacks by friends of the President, attacks which are designed to delay justice and shift focus away from the truth.

Sadly, Mr. Speaker, these attacks only tarnish our system of law in America. Our criminal justice system was designed to operate outside the political arena. It was intended that officers of the court would seek justice based on the presentation of the facts and the determination of whether conduct based on these facts was unlawful or not.

The search for truth and determination of the facts has sadly become an indictment by political operatives of the Independent Counsel and his office. Diverting attention from the facts of this case does not serve justice, it simply demeans the Presidency.

Mr. Speaker, Congress passed the Independent Counsel statute in response to the Watergate experience of 1974, assuring that an independently appointed court official would best be able to seek justice involving allegations against high government officials. Moving the prosecution process outside the White House best assures that credible allegations of wrongdoing against such officials will not go unchecked. It is certainly not in our national interests for a President to investigate himself.

The history of the Independent Counsel statute is interesting. Congress reauthorized it three times. President Clinton himself signed the reauthorization legislation in 1994. Many Members of this Congress back in 1994 voted for such reauthorization.

Under the law, the Independent Counsel is given the same investigative authority as the Department of Justice. The authority includes conducting grand jury investigations, granting immunity to witnesses, and challenging in court any privilege claims or attempts to withhold evidence on national security grounds.

We must also understand, Mr. Speaker, that obtaining testimony by subpoena is an important investigative tool to determine the facts of allegations of wrongdoing by the President. Without facts, neither truth nor justice can be preserved.

Mr. Speaker, the Attorney General appointed Mr. Starr through a judicial panel and maintains full authority to remove the Independent Counsel. Mr. Starr was not appointed because he was without integrity; he was appointed because he is a fine lawyer, possessed of substantial legal skills and experience, and respected for his character and honesty.

If President Clinton genuinely believes Mr. Starr has acted beyond authority, the Attorney General may remove him for cause and appoint a different Independent Counsel. The power to do so resides in this President.

If the President believes the insults that his spokesmen level at Mr. Starr, then the President should seek removal. If he does not agree with those insults, the President should instruct his defenders to stop their public criticism, criticism that is not designed to learn the truth, but to deflect it and bring contempt on our justice system.

With international challenges facing our country, the public needs reassurance that our highest national leader is truthful, that his representations to us are reliable, that we can trust his word on matters of national security, that he is an honorable representative for all Americans. Under the circumstances, the President's sacred honor is in question. All the criticisms against the Independent Counsel by political operatives of the President do not change that at all. Their criticisms serve not the best interests of the country nor the one standard that Americans support most, the truth.

Mr. Speaker, all Americans need to know that our President is honorable. Seeking the truth should not just be another political campaign. Assaulting our legal system and the officers of the court who administer it, who serve under it, may have temporary political benefit. Public opinion polls ebb and flow, but the long-term damage is more lasting. Public distrust of our legal system, the system in which we want our citizens to have faith, will result from a contradiction of the noble American principle that we are a country of laws, not men. That rule of law and justice is of paramount importance to a civil society. No person, no matter how popular, is above the law.

Mr. Speaker, we should all take a careful look at the phenomenon unfolding before us, the gaming of our justice system, where criticizing legal authority is the defense weapon of choice, where putting a proper spin on the evidence is a substitute for being truthful and honest and accepting the consequences.

□ 2230

Free societies governed by laws fairly administered can prevail over political tyranny only if citizens have faith in and respect for authorities charged with enforcing the laws. Law is the embodiment of the moral sentiment of the people. The laws of our country are the most perfect branch of ethics. Laws should be like death, which spares no one. It has been said that every violation of truth is a stab at the heart of human society.

Mr. Speaker, in conclusion, our society, our country, needs the truth in this instance. To people of integrity, there would be no conversation so agreeable as that of a man, be he the President or the independent counsel, who has no intention to deceive. The withholding of truth can be a worse deception than a direct misstatement. Searching for the truth is the noblest occupation of mankind. Obscuring it is a curse on our society that will damage our institutions of government and our national spirit for years to come.

EXPLAINING THE ATTITUDES, CONCERNS, AND BELIEFS OF OUR CONSTITUENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. SCHAFFER) is recognized for half of the time until midnight as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, tonight I am joined by some of my colleagues from the freshman Republican class, which includes individuals who were elected in 1996 and were sworn in at the beginning of 1997. This class is one that has come to this microphone often during special orders to talk about the agendas that we have set forward and that we are fighting to promote here in Congress, but more recently, we have had the opportunity to spend a considerable amount of time back at home in our respective districts, holding and conducting a number of town meetings and visiting with constituents and speaking about the issues that are taking place here, and describing our activities to our constituents.

So tonight our focus is primarily to report back to the Congress and to our colleagues about those things we have heard from our constituents, and to in fact explain the attitudes and opinions and beliefs of those constituents to the rest of the House.

With that in mind I am joined tonight by the gentleman from South Dakota (Mr. THUNE) and also the gentleman from great State of Minnesota, Mr. ROY BLUNT, is here. We may be joined by another gentleman from the State of Michigan, who has suggested he may join us tonight. I just wanted to have a general discussion with the Members here, and yield time back and forth and talk about the things we have heard.

As for me, conducting several town meetings and visiting throughout the country, throughout the district, rather, the concern for the key issue in the country of the national debt seemed to be first and foremost on people's minds, at about $5.5 trillion. That debt, when divided by the number of citizens in the country, comes to about $20,000 per man, woman, and child.

People are quite concerned about providing some real relief with that debt. People are encouraged by the news that we have heard and the reports that the economy has done so well and has allowed the American taxpayers to catch up with the spending of Congress, so we anticipate a budget surplus; that is to suggest that the debt may be eliminated, and that is, again, according to the way the government does its accounting. But the real question is what to do with a surplus if one is found to exist.

What I am hearing for the most part is that people would like to see us find some strategy to retire that debt, either pay it off directly, to try to find a way to relieve the tax burden on the American people in a way that allows them to be more productive, and generate more revenue to the Federal Government through tax relief, and a number of other strategies that have been suggested to me.

People would still like to see us move forward on our goals to provide further tax relief, to rein in the abuses at the IRS, and to begin treating taxpayers as though we are innocent until the IRS proves we might be guilty, rather than the other way around, as the burden is unfairly placed on taxpayers today when there is some question over tax obligation and liability.

Education was the third key issue that I had heard back in my district. We have had a lot of discussion about the government trying to usurp an independent national testing strategy that we have today, with independent operations that provide national benchmarks for our schools. The Clinton administration, as we know, has been trying to establish a national testing procedure through the U.S. Department of Education in a government-owned sort of fashion.

Many people in my district, in fact most people who are familiar with the proposal, have flatly rejected it and believe that we ought to defer authority back to our States and really focus on the freedom to teach and liberty to learn at the most local level. So that is a general sense of the key issues that have been raised in my town meetings.

Mr. Speaker, I yield to the gentleman from South Dakota (Mr. THUNE) to tell us what he has been hearing.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Colorado for yielding to me.

I would say that there has been a lot of talk lately about how great the economy is doing, and just yesterday the Congressional Budget Office announced that we actually have an $8 billion Federal surplus in 1998. I think that is remarkable when we think about where we have come from, starting when our side took a poll of the Congress back in 1994, and began to govern in 1995, and how progressively each year we have been able to whittle away at the deficit to the point today where the fiscal discipline has actually paid off and we are doing something in terms of talking about operating with a surplus. I think that is a remarkable achievement.

It has been almost 30 years since that happened, since government was in the black. When we think about 30 years ago, most people now serving in Congress probably were probably closer to studying civics in high school or in the college classroom than they were to voting on the House floor. There are a lot of staffers, interns, and pages now working here in the House that were not even born yet back in 1969, which was the last time that we actually balanced the budget, the last time that it was at that point in time that we sent a man to walk on the Moon for the first time, and he took a giant step forward for mankind, and yet we have been walking backwards in terms of the fiscal path we have been on for this country.

Our booming economy, the budget surplus, are really truly, I think, noteworthy and very positive developments for our Nation. However, I would also say that we still have a long way to go, because as the gentleman mentioned with the unified budget concept, we have reached balance. We are actually operating in the black.

But the fact of the matter is that we continue to borrow from the Social Security trust fund, which masks the true size of the deficit. This year about $100 billion, and already some $650 billion, have been borrowed from the Social Security trust fund. That is a very, very serious issue which needs to be addressed.

When I go back to my State of South Dakota, and I spent a long time out there over the President's Day break, and then again last weekend and talked to my constituents, they are not ready quite yet to break out the bubbly and start celebrating the surplus. We may be doing well, but that does not necessarily mean Congress can pat itself on the back and assume that everyone in America is satisfied.

When I travel back to South Dakota, I meet a lot with young families where the husband and wife are trying to juggle jobs and schedules so that they can pay the bills, pay for day care, and still find a way to see their kids and each other at the end of the week.

I meet college students who are taking a full load of classes plus trying to work 40 hours a week on top of it to pay for their school. I meet with retired South Dakotans and senior citizens across my State who are worried about the Medicare program and Social Security program. I meet a lot of young professionals who are just starting out in their careers who, when you ask them if they believe that Social Security is going to be there for them, laugh it off. In fact, a recent survey found that more people believe in UFOs than believe that Social Security is going to be there when they retire.

So we may have a budget surplus in the unified sense, as we call it, here in Congress, but the people who created that surplus through their hard work and tax dollars are not necessarily seeing the benefits of our booming economy.

The American people are still overtaxed, and we saw some statistics just the other day in USA Today where it talked about the overall tax burden on the average family in this country, and how it has increased in each decade, in the past several decades, to the point today where the average family of four spends 38.2 percent of all their earnings just to pay taxes at one level, be it the Federal, State or local level. That is an enormous tax burden.

In terms of the overall economy, we heard the President say the other night that we have the smallest government in 35 years. I am not sure which criteria he was using, but I think we would have to look far and wide to find anything that would suggest that.

The fact of the matter again is that we are now, in terms of tax revenues, taxing people of this country at 20.1 percent, by the President's budget, of our total gross domestic product. That is the largest tax burden collectively on our society since the Second World War.

So to make sure that we do not go back to the budget wilderness we have been wandering in for the last 30 years, I believe that we have to do some significant things, which I will talk a little bit about in terms of some of the solutions that I see out there in terms of a long-term fix for the fiscal problems that are facing us as we head down the road with Social Security, as the number of people who are retiring and receiving benefits outnumber those poor people who are paying in and working hard to pay into that system, and we look at what we can do in terms of a new tax code for a new century.

Those are some things we had talked about collectively on our side of the aisle that we have established as priorities. I have some suggestions as well in terms of how we go about doing that.

Mr. HOEKSTRA. Mr. Speaker, will the gentleman yield?

Mr. BOB SCHAFFER of Colorado. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleagues for inviting me, and for letting an old-timer join them this evening. But having been here in 1993 when this President set his priorities, and then seeing his budget that he just submitted to the Committee on the Budget a couple of weeks ago, and having Alan Greenspan testify to the Committee on the Budget today, I cannot help but reinforce how positive is the direction that we are going in.

Alan Greenspan came in and said that what we really need to do is we need to stick to the discretionary budget caps, because interest rates and the markets and the financial experts really are not taking us at our word. They are really not believing that we can actually hold tough on the discretionary spending.

So he sent us a clear message today, saying hold tight on discretionary spending caps and we will continue to see the benefits in our economy, because what we will do is we will continue to see lower interest rates; holding spending, perhaps cutting taxes.

But what is our President doing? His budget proposed increasing spending, so the 20.1 percent would go up; increasing taxes; and actually takes us back to a deficit. The President's budget proposal as scored by CBO says we will have a couple of years of surplus, low surplus, but by 2000, we are going to go back to deficit.

If we did nothing, if we all went home for the next 5 years and did nothing, we would be better off than doing the President's budget, because he increases taxes, but it is back to the old policies that we saw before from this President: let us increase taxes, let us increase spending. We would be $43 billion better off in terms of reducing the deficit if we did nothing. This President wants to increase spending and increase taxes, and do it in such a way that government grows and the deficit comes back.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I think people around the country recognize that, when it gets right down to it. People are beginning to get wise to the budget manipulations that they see from the White House.

I know in Missouri, and I apologize, earlier I mentioned that the gentleman from Missouri (Mr. BLUNT) was from Minnesota. That is not the case. Let me apologize. I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. We have warmer winters in Missouri, and there are lots of other good things about our State.

Mr. Speaker, one of those is, I think it was one of my predecessors in Congress from our State about 100 years ago gave our State the name, the Show-me State. He said, I am from Missouri, you have to show me. And certainly we are skeptical, as many people are in my district are, about really what is happening as we work to balance this budget.

Now clearly, clearly the last two Congresses and the hard work of the American people have gotten us a long way. I think in January of 1995 the projected deficit for last year was $365 billion. This was after the President's tax increase, this was after 2, 3 years of the Clinton administration, and the projected deficit was $365 billion.

It turned out to be $22 billion. We got that announcement yesterday. As the gentleman from South Dakota (Mr. THUNE) mentioned, it looks like now for the first time in 30 years we are running a surplus, but of course what Missourians wonder about is how we could be running a surplus and still be increasing the national debt. Clearly that does not make sense from the show-me standard that we would want to set for whether you are in a surplus situation or not.

We need to continue to work to be sure that we quit, that we stop this process of borrowing from the trust funds, that we really do run a surplus, before we even think about how to spend that surplus. That does not mean we cannot do some tax relief, that does not mean we cannot take advantage of these good economic times, but it certainly does mean that we should not be committing the government to new programs based on some surplus, when we are still borrowing this year $100-plus billion from the Social Security trust fund, from the Highway Trust Fund.

We want to see that surplus in our State become a real surplus. We would like to say that this unified budget is actually treating the trust funds like they were trust funds, and is actually paying all the bills that the government has coming in, and beginning to pay down the national debt, not continuing to increase the national debt.

It would be pretty hard to convince any Missourians, particularly southwest Missourians, where I am from, that you have a surplus, and you are continuing to borrow and you are continuing to increase your debt by around $150 billion. That does not sound like a surplus to us. The Washington standard is not a good enough standard for hard-working taxpayers who want to see us have a real surplus.

But again, I do not want to say that in a way that takes away from what has already happened, because we have gone from a projected deficit of $365 billion to, today, a surplus under the same standards, the same rules, the same guidelines, of about $8 billion. That is a pretty big turnaround. We just need to turn that corner a little bit more before we feel like we are totally in the kind of situation where we are starting to paying off the debt instead of increasing the debt.

I think the hard work of the American people and the vitality of our economy, and frankly, the hard work of this Congress to set those budget caps that our friend, the gentleman from Michigan (Mr. HOEKSTRA) has talked about, and to stay within those caps and see the interest rates go down and the economic vitality that produces and the additional tax dollars that that produces, the additional tax dollars that the tax cuts that we were able to do last year have produced, have made a real change in America.

☐ 2245

But we have to be careful that we do not follow the lead of the President just a month ago, 6 weeks ago in this Chamber where in 75 minutes, in a 75-minute State of the Union message, he proposed about $75 billion in new spending. That sounds like the era of big government is definitely back. And certainly a $75 billion, $1-billion-per-minute record is probably the record for anybody's State of the Union address ever in the history of the country, and this Congress and the taxpayers of America really cannot let that happen. I do not think they want that to happen.

Frankly, I think that is why we have not heard much about the President's spending proposals since he walked out of here at the State of the Union message and nobody responded to an America that goes right back into deep, deep debt the first time we think we may be able to make our payments in one month. That is not going to happen. I think we are all hearing that as we have had time to go back home.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, let me issue a word of encouragement to conservatives and Republicans across the country based on what I heard back home. I want to share some statistics briefly. It was not too long ago in Colorado that we had runaway spending at the State level and high taxes. The voters in Colorado through a series of initiatives and ballot proposals capped spending of our State budget and spending of all of our local governments. They additionally placed pretty severe tax limitations on State government and local government.

I remember at the time when I was serving back in the State Senate, that the liberals in Colorado were just whining and crying about these limitations on spending and tax increases as though it was somehow going to crush the State. And those of us on the conservative side and the Republican party back in Colorado stood our ground and maintained that, no, we believe very firmly in these conservative economic principles that if we lower taxes, we increase revenue to the State because of economic growth and prosperity. And when we lower spending, we move more authority out of the halls of government and into the homes of free people throughout the State.

Back in Colorado during the town meetings I just returned from, things are pretty good economically when it comes down to it. Colorado is almost an oasis in the west when it comes to economics. And here is the real impact of tax reduction and spending reductions in my State for those who doubt that these principles work and that the Republicans and conservatives here in Congress are on the right track.

This is a report I am going to refer to from the Center on Budget and Policy Priorities, a very liberal organization in its goals and objectives. But here is what they found in one of the lowest tax States in the union: The poorest one-fifth of our population in my State since the mid-1980s to the mid-1990s realized the greatest amount of economic growth and income growth in poor households. This is the poorest fifth. Their incomes over that 10-year period grew 39 percent.

The second fifth of income categories, their income grew 21 percent. The middle fifth saw income growth of 12 percent. The fourth group there, which is almost to the richest category, had a 6 percent growth and the richest fifth of Colorado citizens saw 16 percent growth. All income categories saw a remarkable growth over a 10-year period.

Mr. Speaker, that is very impressive. What is most impressive is that low taxes, smaller spending has resulted in a 39 percent growth rate for the poorest one-fifth of the residents of my district in my State.

I would suggest when we talk about spending and taxes within the context of compassionate and humanitarian approaches to serving our people, the proof is right here. That it is far more humanitarian, it is far more compassionate to take cash out of Washington, D.C., not even bring it here but to leave it back into the hands of the people who earned that wealth, who are able to turn income into jobs or are willing to take the risks as entrepreneurs and create wealth on a local level and at the State level in a way that honest to goodness has helped the poorest fifth of my State.

That means that there is more dollars to spend not on welfare, not on various entitlement programs and handout programs in my State, although we continue to do that, but more dollars are going to classrooms, for example. More dollars are going to the important priorities that when I travel around the State people tell me they want to see us invest in.

So we are doing it on a State level. These are accomplishments that Congress does not deserve a whole lot of credit for and should not try to take that. But what it does show is that if we can find strategies to turn more of the authority of Washington, D.C. back to our States, we can find strategies to shrink the size of the Federal Government and empower our people locally, that we can expect more of this. We can expect to see more of the poorest families in the country begin to become self-sufficient and move toward higher income categories and achieve real success. That is a Republican vision and a strategy that we all stand for and one that I am proud to say that it is working and it ought to be a point of encouragement for this Congress and the rest of the States of the Union.

Mr. HOEKSTRA. Mr. Speaker, I can understand why the gentleman from Colorado might be reluctant to yield to the gentleman from Michigan only because we have talked about the oasis in the west, but Michigan in many respects is the oasis of the Midwest.

Under our governor, the State I believe since 1990 has had 24 tax cuts. We have moved from a point where our structural unemployment was higher than the national average for a number of years. It was structural. It was said that Michigan's unemployment rate cannot get below the national average. I think now for the last 2 or 3 years our unemployment rate has been below the national average. Surprisingly, but not really because we have implemented the same strategies, tax cuts, aggressive business promotion, Michigan last year led the Nation in terms of job creation.

So, again, by returning power at the State level, we have returned it back to families, to businesses to grow jobs. That helps everybody. That benefits everybody.

The governor across the lake from us in Wisconsin I believe announced that he was recently signing the last welfare checks because now in Wisconsin they are going to restore the dignity that anybody receiving State assistance is going to be receiving a paycheck. They are going to be working for their benefits. So the kinds of strategies that the gentleman was talking about in Colorado are taking place and being successful all around the country. Lowering taxes, cutting spending and returning power back to the local level.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is interesting we find Republican governors or Republican legislators leading the way at the State level. It is a clear distinction that is exhibited here between what our party represents and what our liberal colleagues on the other side of the aisle represent.

They define compassion by how much money government can give away to the charity of politicians' choices. We believe we define compassion by how much money we leave in the hands of those who earn it and encourage more to earn higher wages. The experiences in Michigan and Colorado are great examples.

Mr. THUNE. Mr. Speaker, if the gentleman would yield, not to be outdone here, since we have heard from Michigan and Colorado, but let me just say as well that in South Dakota we are leading the way in many respects. We are one of the few States which does not have a personal corporate income tax. For that reason we have attracted a lot of economic development to a State where certainly the climate is not always conducive to attracting people.

We have businesses coming into our State because we are very attractive and have a great work ethic. And we have in a systematic way in the last few years as well lowered taxes. On property taxes, our legislature went 5 percent farther. They lowered those taxes by 20 percent a couple of years back. Cumulatively, over the past 3 or 4 years, a 25 percent rollback in property taxes in our State. I think that is significant.

What it tells us that it is consistent with our philosophy and I think it is something that should apply here at the Federal level too. That is that we want to make the Federal Government smaller and the family budget bigger. I think that is a principle that is shared by a lot of our governors, our State legislatures around this country. Frankly, we want to see Washington do less so that the American family can do more.

Mr. Speaker, when we in a systematic way work to that end, I think we give the opportunity to our people, our families, the hard-working Americans in all of our States and congressional districts to do what they do best.

So I would still say, and I think in having this discussion tonight it is important to remember that one of our first priorities and it has been mentioned earlier and I think we would all agree with it, is that we have to preserve Social Security. We have to do something about this enormous debt that we have accumulated.

Washington has not had the fiscal discipline up until recently for a very long time. And inasmuch as our States are doing well, the Federal Government is not doing so well when it comes to the debt that we have racked up on the next generation. I think that we need to put a systematic plan in place to address that issue.

Mr. Speaker, I am cosponsoring legislation offered by the gentleman from Wisconsin (Mr. NEUMANN) which would do that. I think perhaps some of my colleagues in the Chamber this evening are as well. That bill basically says that if there is a surplus, and there is some debate about that, but to the extent that there is a surplus, two-thirds of that should go to paying down the debt and restoring our trust funds, Social Security, transportation, environmental, et cetera, and the last third should be used for lowering our tax burden on the people in America.

Furthermore, it puts a plan in place, a discipline over time that says the Federal Government cannot spend more than 99 percent of what it takes in in revenue. Each year we set aside 1 percent and apply that toward the debt. And having done that based on economic assumptions that I think are fairly modest in a period of 30 years, we would have actually eliminated in its entirety the $5.5 trillion debt that we have accumulated.

This is very significant because as we pare down that debt, we also pare down the interest payment which is chewing up a good part of the Federal budget. This year about $250 billion in interest. I use the illustration because it is something in my part of the country people will understand. But every personal income tax dollar raised west of the Mississippi River and then some is applied just toward the interest on the debt. That is something that when the Committee on Appropriations does the budget here in Congress that they do before anything else. They have to write the check to pay the interest on the debt.

That is tax dollars from hard-working Americans that do not go to any important governmental or public purpose. We are not paving any roads with that or doing anything to advance education or improve the quality of our kids' education in this country. We are simply saying that that is a product of the 30 or 40 years of fiscal neglect.

Mr. Speaker, I think it is high time we do something to address that. I would certainly encourage my colleagues here this evening to work with us as cosponsors of that legislation and move us in a direction that will address the long-term issue, and that is the irresponsible spending patterns that we have had here which have led us to this point.

Mr. Speaker, I notice we have the gentleman from Pennsylvania (Mr. PETERSON) here in the Chamber. I am wondering if he might have something to add to the discussion. We have been talking about what most of us have heard over the course of listening and town meetings back in our home districts.

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is interesting. I wanted to share my perspective of the President's message that we heard here in this hall a few weeks ago. It was a pretty smooth message. But in the first two paragraphs, he talked about Social Security first. That is pretty basic. That has been applauded throughout the country.

But when he went on in the hour-long speech, he spent the money that could have put Social Security first. I guess it is pretty basic fundamentals. My colleagues have already chatted about it a bit. But we are balancing the budget by borrowing $100 billion in his proposed budget from Social Security. And when we add up all of the trust funds, we really will increase the debt if we pass the President's budget by about $140 billion to $150 billion. That is increasing the debt.

We may not be spending more general fund revenues than we are taking in, but we are spending more money than we are taking in. To me that is basically fundamental. So I think the President in his smooth talk, as I call it, talked about Social Security first and then put it last.

The other issue about his overall proposal that bothered me in basic budgeting, this is only my second Federal budget but I have dealt with 19 State budgets. In the State, whenever we got a one-time funding source where we had a windfall of a few million dollars, in the State it was millions, here it is billions, but he was going to use the supposed talked-about tobacco settlement to build a budget. And when we take one-time revenues, and we may get them 2 or 3 years, I am not sure what the settlement will be or how soon it is going to pay out, but it is not forever revenue. It is temporary revenue.

When we build a budget with temporary revenue, down the road we are either going to cut that spending or raise taxes to replace that spending. That is bad budgeting. That is basic, fundamental poor budgeting. That is part of the President's proposal.

□ 2300

I think if we really want to put Social Security first, I think we have a very short window. I think in the next 2 to 3 years, we have some unusual revenue growth, if we do not somehow screw up the economy in this country, if we do not take this opportunity to back out of borrowing from Social Security and actually start a trust fund, leave that 100 million, make that 100 billion. In a 3-year period if we could stop borrowing at all, we would already have accumulated 200 billion actual money in the bank to be invested wisely and could be building for those who are worried about Social Security in the future.

If it was my choice, if I were king, I would take the tobacco settlement and whatever payments are part of it. I know we have farmers to take care of. There is a lot things to solve with the tobacco settlement because there are people that are going to be displaced out there. I have sensitivity to that. But whatever money is not allocated in that settlement, I would put in the Medicare Trust Fund. Now we have started to help extend the Medicare program for more than 10 years out because that is all that it is solvent today. Those are two things that would send the right message to especially the seniors in this country.

A couple other things that I wanted to mention was the sunsetting the IRS. I see the President has taken us on for sunsetting the IRS in the Tax Code as if that is irresponsible. I think the gentleman from Oklahoma (Mr. LARGENT) did an outstanding job the other day of his theory that it should be a national debate in the next Presidential election. And if we sunset it and give ourselves the time to go through the next election, when we are electing the next President, we can elect a President that tells the American people what kind of a simplified Tax Code they want and that he is going to give them. I think it would be an absolute time to debate that nationwide.

Those are just a few of the things that I think are very important.

Mr. BLUNT. Let me say in that regard, the President, I think yesterday, started right down the path that we all should anticipate in the fight to sunset the Tax Code. The President said, if we sunset the Tax Code, we would not have mortgage deductions anymore. Who says we would not have mortgage deductions anymore? The President takes a couple of hundred words, a couple thousand words, maybe, out of a 5.5 million word Tax Code and holds those up to the American people and says, now, to save this, we have to have all of this.

The pressure to maintain the Tax Code is going to be right here in Washington. There is not a single thing in the Tax Code that somebody did not want in there. There is not a single thing in the Tax Code that some special interest did not want in there.

The Tax Code is out of control. It is not a creature of the IRS. It is a creature of the Congress. But I think yesterday we saw exactly the reason that we need to go ahead and commit to slay the dragon of the Tax Code and then have the debate about a new system, because we saw the President get some response by just taking one appealing thing in a Tax Code that largely does not appeal to anybody and saying, you do not want to lose this. And if you slay the Tax Code without a new plan, you are going to lose this.

The truth is that the folks who are really out there to protect the 5.5 million word Tax Code, and by the way, the Declaration of Independence had 1,300 words in it, the entire Old and New Testament has 773,000 words in it. The Tax Code is eight times as big as the Old and New Testament. I think it is 42,000 pages of Tax Code and 20,000 pages of the IRS interpretations of what the 42,000 pages mean, and nobody understands that Tax Code.

But if we do not commit ourselves to eliminate the code first, the debate on what to replace it with will be used as the way to ensure that we never eliminate the code, because you will see the greatest efforts at class warfare. You will see the greatest efforts at generational warfare, all waged by people who want to save some sliver of that Tax Code that they worked so hard to get in there that does not help anybody in America but them.

The commitment that we would make as a Congress to eliminate the Tax Code at a future date, and I believe the bill that many of us, I am certainly cosponsoring the legislation, the date on our legislation is December 31, 2001, with the commitment to have a new system in place by Independence Day 2001, 6 months in advance of when it would necessarily have to go into effect, to slay that Tax Code and then have this national debate that has to meet the framework of being fairer, being simpler, producing no more revenue than the current Tax Code produces and to really truly eliminate the IRS as we know it, because the IRS is only the IRS because of a Tax Code that nobody fully understands. And that is what allows the IRS in its worst cases to be the IRS.

One of the most frustrating things in the world would have to be a well-intentioned IRS employee with a Tax Code that can mean anything somebody at the IRS decides it may mean in any given instance. We need to commit to eliminate that code, and I think the President is just as wrong on this as he was last spring when he told us the IRS does not need to be reformed. And then, again, 6 weeks ago here he turned to the Senate and says, and why do you not pass those IRS reforms that the House passed last year. Remember, he was opposed to those IRS reforms and said the IRS was running better than it ever had in any time certainly than it was 5 years ago when he took office. That is just not true. He admitted as much in the State of the Union message.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it was so ironic when the President made this speech about characterizing our efforts to rein in the IRS as somehow irresponsible, it is important to note where he made the speech. I do not want to malign the group he was before and speaking in front of, but it was a special interest group of a particular group of individuals who are involved in a certain aspect of financial institutions.

But that really illustrates what is sick about tax policy in Washington in the first place. You stand in front of the interest group that happens to be in town for one week or another, tell them what they want to hear about their little part of the Tax Code, and that, over time, if you look at it in reverse, is how the Tax Code was created to be the way it is now, why it is so ridiculous.

I think what brings us all here together as Republicans tonight is that we want to put the average American taxpayer first. We have spent a considerable amount of time traveling around our districts listening to real people who do not care about this loophole or that loophole or that advantage or this disadvantage in the Tax Code. They want the entire program reined in. They want us to exercise our authority and provide the oversight and demand the accountability that we ought to do, and they want us to focus on liberating the American public so that this Tax Code, which now represents about 20 percent of the burden just in Federal income tax to the average American family, is reduced.

Is that what you are hearing in your part of the State?

Mr. HOEKSTRA. Mr. Speaker, that is exactly what I hear, listening to our colleague from Missouri. What we are finding is at the State level Governors are aggressively slaying the dragons of big State government, whether it is South Dakota, whether it is Colorado or Michigan. They are trimming back on bureaucracy. They are lowering taxes. They are doing all the things that the other side said you cannot do it.

The people need this. Government has to deliver these services. And what we are seeing at the State level is kind of like, we can slay those dragons, and when we do, the average person benefits because they keep more of their own money.

We create more jobs which increases wages, and we have to learn that same lesson here in Washington, that we can go out and slay those dragons. We can slay the Tax Code and develop a better Tax Code than what has developed over the last 30 years because of special interests.

We can change the education bureaucracy here in Washington so that we are focusing on kids again. The education bureaucracy here in Washington focuses on special interests. It focuses on everything but kids learning. The study that came out last week, the Timms international study, devastating for America. I think in science and math we scored 19, 20 out of 21 countries. That is an improvement because in some of the other studies that have been done internationally, we scored about 38 or 39. These were high school seniors. The only reason we moved up is we are not compared to as many countries as we were in the other studies.

But it is devastating that we are not turning out the kinds of kids out of our education system that we need to be turning out. We have gone around the country listening, and we will be in your State in a couple weeks. We have been, I think, in 14 different States. You have to focus on parents, local control, basic academics in the classroom and safe and drug-free schools. That is the message.

What we have learned is Washington programs are focused on bureaucracy and paperwork. We have 760 programs and, you say, hallelujah, now I know why we have an Education Department to coordinate all these 760 programs. Wrong. They go through 39 different agencies. We have got to slay that dragon, get the education bureaucracy in Washington out of here and get it focused on kids, parents and local control, and helping those children learn, not bureaucracy, bureaucrats or paperwork in Washington.

Mr. THUNE. Let me just pick up on what the gentleman from Michigan said there, because I think the underlying theme that we are hearing in all these discussions this evening is the whole issue of personal freedom, taking the bureaucracy out of Washington, D.C., and allowing families and State and local governments to do what they do best.

And really I think that seems to me, the gentleman from Missouri talked about the Tax Code, 34½ pounds, we put it on a scale. It is an atrocity. And you think about the captivity that that puts people in this country in. They are so dependent and need to be released and unburdened from the shackles of big government.

If we can come up with a way that simplifies that process, I did mine a couple weeks ago. I speak firsthand from this. It is a remarkable, remarkable experience to try and go through and sort through all those forms and try and come up with, get your tax return prepared and completed in a way that satisfies all those regulations. But I think the same thing is true in education.

We are not viewed, I do not believe, out there as people who want to do anything to undermine the education of our children. We want a higher quality system, a better value to the taxpayers which puts more of the choice and freedom back home in living rooms with the men and women of this country.

I happen to believe, as I think everybody in the Chamber this evening does, that fundamentally we are a lot better served, my children are infinitely better off and your children and grandchildren, if we have that focus, that point of control back home as opposed to here in Washington.

I think the underlying theme in everything we are talking about is liberating people from big government programs, from an education bureaucracy, from a tax bureaucracy, a revenue collecting bureaucracy, and putting more control and power in their hands. As the gentleman from Missouri mentioned earlier, there has been a lot of foot-dragging along the way.

IRS reform was an issue which was very popular with us, and the President basically pooh-poohed it until he found it was also popular with the American public. Then all of a sudden he was back at the table saying this is a great idea. You look at, along the way, welfare reform. Nobody said that could happen. A balanced budget, nobody said those things could happen. Now we are talking about scrapping the Tax Code. He is saying that is irresponsible.

The only thing that is irresponsible is defending the status quo. We have an opportunity here over the next couple of years to do something that is significant and historic, which builds upon the progress of welfare reform, balanced budget, lower taxes, Medicare reform, and that is to reform this Tax Code, to scrap the old one and start from the ground up with something that makes sense because the one that we have today does not.

If we have to bring everybody kicking and screaming at the White House along on this journey, so be it, because I think the American public supports us. They are going to be leading the way when we give them some opportunities to look at the alternatives that are out there. I think it is all about more personal freedoms, smaller government, lower taxes and putting more control and more decisionmaking authority in the hands of individuals as opposed to government.

Mr. BOB SCHAFFER of Colorado. The Tax Code keeps cash out of the hands of families who might want to put their kids into a higher education setting or some other academic setting that would make them more marketable and more profitable in the job market, and these regulations that we talk about with respect to education drive up effectively the cost of education for all of our children throughout the country.

The gentleman from Missouri (Mr. BLUNT) is a former college president.

Mr. BLUNT. Mr. Speaker, I appreciate that. One of the things that we all worked for and voted for last year right here on the House floor was a resolution that did exactly what you and the gentleman from Michigan (Mr. HOEKSTRA) and others want to do and the gentleman from South Dakota (Mr. THUNE) was mentioning with education. I know the gentleman from Pennsylvania (Mr. PETERSON) was an advocate of this. That was, let us get what money we spend where it does the most good. Let us be focused on education, not focused on bureaucrats. This is the right kind of solution that we need.

I think 310 Members of the House, which means that lots of Democrats joined virtually all the Republicans, and we passed a resolution that said that 90 cents out of every dollar in every Federal elementary and secondary program needed to get to the classroom, the Dollars to the Classroom Act. And suddenly we are reducing all that money that is used up by bureaucrats, all that money that is used up by people figuring out new forms to fill out and by people that have to fill out those forms and by people that monitor those forms. We are saying, let us get that money to where it will do some good.

□ 1315

Let us be sure that we do not waste $1,800 for every classroom in America every year, like we are doing now when we are getting about 65 cents out of every dollar in the classroom. Let us get 90 cents out of every dollar in the classroom. Let us let parents be involved in that decision. Let us let local building administrators be involved in spending that money. But mostly let us let teachers and kids get together. Let us put that money not in the hands of some bureaucrats in Washington, or even in all of our State capitals, let us put that money in the hands of a teacher who knows every child's name in that class. That can make a difference.

Mr. THUNE. The gentleman presiding, it is his legislation we are talking about.

Mr. BLUNT. That is exactly right.

The SPEAKER pro tempore (Mr. PITTS). The Chair would advise the gentlemen that there being no designee of the minority leader, the gentleman from Colorado (Mr. SCHAFFER) may proceed for up to 15 minutes more.

The gentleman is recognized.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, you are in the chair and cannot join us in the discussion, but also a Member of the freshman class the gentleman from Pennsylvania (Mr. PITTS) has led the way in urging this Congress and our Federal Government to put more cash into the classrooms and basically starve the bureaucracy back in Washington and put children first. And it is a project that we are all very happy to be a part of and be supporting and we commend him for his leadership.

The gentleman from Pennsylvania (Mr. PETERSON) also has worked on similar efforts back in his home State, and he may have a little more to add to that.

Mr. PETERSON of Pennsylvania. The gentleman used the words "starve the bureaucracy." As I look at the Washington bureaucracy, I do not think there is anybody starving.

The President, in his message, also talked about that government was smaller, I forget by what percentage than when he came here. When we add back the million people who have been taken out of the military, our government bureaucracy has grown immensely under the administration of the present President. I am told there are departments that have doubled. I think EPA has doubled in numbers of employees. There are other departments that are 50 percent bigger. While we were cutting the military immensely, the rest of this government, as far as personnel is concerned, has exploded.

There is a line item in the budget called general government. And I am going on memory here tonight because I have not looked it up recently, but if my memory is correct it was a $10 billion line item that in his budget was going to increase to 17 billion. It was general government. That is personnel. That is bureaucracy. So he was asking for a 42 percent increase in that line item in this year's budget.

That is an area we need to take a look at it. I know I am personally having an audit done on how many employees there are in each department and how many there have been for the recent years. And if we want to waste money, build a huge bureaucracy. The Federal Government should not have these huge bureaucracies.

I know my communities cannot deal with EPA, my businesses cannot effectively deal with EPA, but they can effectively deal with their State environmental agencies, who should be implementing the programs that we designate or that we prioritize. So I think we can take a huge look at cutting back.

Pennsylvania had a Governor a few years ago by the name of Dick Thornberg. I think my colleagues know him or know of him. He cut the size of government from about 105,000 to 92,000. Now, at that time I was a State legislator and then ran for the Senate about that same period of time, but I was serving in government. As he cut the bureaucracy and improved the management, our casework in our offices, helping people deal with government, went down measurably because he made those departments much more efficient, more professionally run, with less people, so our workload of helping communities and people deal with government became much less.

As soon as we got a new Governor who did not pay attention to that and started adding more people to the payroll, our workload in our offices went up because of the inefficiency of the bureaucracy that was not well managed.

That is another point I wanted to make in my concluding comments. We measure Governors and Presidents on what they propose, not on what they do. We really should be taking a look at this administration and why did we have $23 billion in wrongful spending in Medicare; why do we have 21 percent error rate in the tax credits? We could go on and on with the long list. That is poor management.

That is the job of an administrator, is to run government. But we only talk about what they propose, what they promise, and what they are going to do for us, when the first job of a CEO is to manage a company. The first job of a President or a Governor is to manage their government. And we should be measuring our leaders on how they manage the resources that we give them and the programs we give them.

I think if we did that, things would change a lot because they would stop talking about new programs and they would start paying attention to managing government. And I think we need to change our whole focus.

Mr. BOB SCHAFFER of Colorado. I have a question I would like to pose to my four colleagues, and that is with respect to this issue of reining in government and the success we have seen at the State level, what the President is criticizing, trying to rein in the IRS through sunset provisions is not new throughout the country. I am curious how many of my colleagues' States have sunset provisions that we deal with at the State regulatory level. Are any of my colleagues' States involved in those back home?

There are several States that do. I will give an example out in Colorado. Pennsylvania does. In Colorado, if we look at every regulatory agency in our State laws, at the end of the statute there is a termination date. The Public Utilities Commission, by way of an example. Eight billion dollars worth of commerce and industry is regulated by that agency in my State. At the end of the act, if we open up the law books, it says this agency expires and terminates, goes away effectively on, and it will say June 31 in some year out in the future, 5 or 10 years out in the future.

What these sunset dates do, and many people do not understand this, this does not mean the agency goes away, but what it does do is it shifts the burden away from the government and it takes the advantage away from the bureaucracy, away from the status quo, and gives all of the advantages for reform to the taxpayers and the people.

That is what would happen if we sunsetted the IRS, and the reason we are pushing so hard for it. Getting any incremental change in that act is so difficult here because we have to get 218 majority votes here, another majority vote in the Senate, we have to compromise it, too, and somehow find a way to get the President to sign it. That is a tall order. But if we shift the burden and say we must come up with majority agreement in all three, the House, Senate and the President, or else the whole agency expires, well, I think people will start negotiating a lot more seriously. They start putting the taxpayers ahead of the bureaucrats, they start putting real reform ahead of status quos.

And that is why sunset dates are so effective. They are responsible. They are done in several States and done so quite effectively. And I think we ought to take a lesson from the playbook from many States and employ sunset dates, not just on the IRS, although that is the best place to start, but in several regulatory agencies.

Mr. PETERSON of Pennsylvania. If the gentleman will yield there, I would like to ask this question of the gentleman from Michigan, who is our education expert; if we had a sunset provision in all 700-some programs in the Department of Education, the gentleman's committee would be pretty busy, would it not, reviewing all those as their times came due?

Mr. HOEKSTRA. I thank the gentleman for asking the question. Absolutely. Because if there is another agency in a department that needs to be sunsetted, not that we need to get rid of it but that we need to reevaluate its purpose, because we know we are not getting the kind of results that we want so we know we have to do something; then we have to go through and we ought to be evaluating those 760 programs. We know that out of those dollars, 30 to 35 cents never gets to the classroom, which is where the leverage point is.

So then we should come back, and I have a list here of what does the Federal education program do or what does the President want it to do. The President wants the Federal education program to build our schools and hire our teachers. Are those Federal responsibilities? I do not know. We really should have a good debate about that. I am not sure. I do not think so.

We want it to develop our curriculum, test our kids, feed them breakfast, feed them lunch, teach them about sex, teach them about drugs, do after-school programs. But other than that, it is our local schools. Now, are those, are all of those decisions best driven from Washington?

This is where the education department has evolved from since 1979. And if we go back through the debate, in the debate in 1979, the people who participated in support of the education department said we do not want to move control from parents and the local and the State level to Washington. We just want to facilitate. Well, in reality if we take a look at where that bureaucracy has gone, it has moved well beyond its original mandate. It should have been sunsetted so we could have reevaluated the direction and the impact and the performance on an ongoing regular basis, rather than creating an agency where bureaucrats are just feeding themselves and getting bigger and bigger and bigger and losing focus of their real job.

Mr. THUNE. If the gentleman will yield on that point, because it is an important point. The fact we do not have sunset provisions in Federal programs is what I think makes the President's budget so dangerous.

The gentleman from Pennsylvania made the point earlier about the fact that there is all this new spending: 39 new entitlement programs. We cannot create a program in this city and ever hope, even though its purpose ceases to exist, to get rid of it if the time ever comes.

So I think before we embark on this road of new Federal spending, new government, new Washington programs, which is clearly the direction that the President wanted to go when he came out with his budget, and I did not count it up, but a billion dollars a minute is a pretty astonishing rate of government growth, but that is what the State of the Union address was all about, creating new Washington bureaucracy and new Washington spending.

And I think that is a very dangerous road to start down, given the fact that any time we create entitlement programs in this city, they are there to stay.

I think that he is assuming a whole lot of things about the performance of this economy that we really do not know about. I think we would be much better served to the extent that we have addressed long-term issues like Social Security, like Medicare, having done that, that any dollars that are left, we ought to give them back to the taxpayers whose dollars they are in the first place and really ought to have first claim.

So I think you make an important point when you talk about all the various programs over time that have been created, never been evaluated. Before we head down that road again, I think the American public would be better served if we talk in a very fundamental way about ensuring that we do not create new Washington spending. I think that is an important point that we probably all agree on.

Mr. BLUNT. If the gentleman will yield, I think that is exactly right. I think what happens is, if you do have sunset provisions, every agency not only is aware that it is going to have to come up for review, but every assignment it is given is going to have to come up for review, and that just does not happen now.

We have lots of programs on the books that are not funded, are underfunded, or just out there waiting for that moment when they can come back in and grab some more money. Nobody ever challenges those things. I think that one of the great reviews we could do would be to do that.

I think one of our freshman colleagues, the gentleman from Texas (KEVIN BRADY) has legislation he is working on that would really put sunset provisions in as an automatic part of any new program that goes into effect, any new agency that goes into effect. Then of course we ought to go back and attach those same provisions to old agencies.

I think what happens in Colorado and other States that have this is the departments themselves pretty quickly come back to the legislature and say, when they see something that is going to be a problem for them, when it comes time to defend it, when it comes time for them to be reauthorized, they say in advance, you know, we think this is really not working out like we thought it would. We think you ought to eliminate this, because we do not want to come back 2 years from now and explain why we have not been able to make it work. I think that is one of the things we could do to begin to get this government under control.

Also the other thing that has been mentioned so often tonight that we have taken great advantage of over the last 3 years has been the States themselves. How many times tonight in our discussion have we talked about, whether it is welfare programs or education programs, how much benefit we are getting by letting the 50 States be 50 laboratories for change?

There are great results happening in State after State after State where we have allowed them leeway in areas like welfare that they have not had before. The Governor of Wisconsin just the other day, as was pointed out, wrote the last welfare check. There are not going to be any more of those checks issued in that State. It has made a dramatic difference in the way they approach this problem.

Mr. PETERSON of Pennsylvania. I guess a concluding remark for me is one of the first things I said tonight. I think we really have 3 years to back out of the trust funds. If we do not stop borrowing from the trust funds the next 3 years, we probably will not have an economy that will allow us to do that. I think we have a limited time to stop borrowing from them. I think the pressure ought to be on.

I do not think we have to whack and cut with a cleaver. I think we just have to be a little bit frugal like we are with our own money, just a little bit frugal here in Washington. We can stop borrowing from the trust funds, and we can make sure Social Security and Medicare are strong and that our children do not have the debt that we are going to leave them if we do not do it.

Mr. SCHAFFER of Colorado. Our time has expired this evening. I appreciate the Speaker and his indulgence and for presiding tonight. By the way, Republican freshmen have an hour scheduled again next week on Wednesday, so I hope everybody will join us here again. We will continue our discussions about how we can move authority out of Washington back to the States and back to the policymakers and leaders who are closest to the people and know most about how to lead this great country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUTHER of Minnesota (at the request of Mr. GEPHARDT) for today, March 4, on account of family illness.

Ms. KILPATRICK of Michigan (at the request of Mr. GEPHARDT) for after 3 p.m. today and the balance of the week on account of a family emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Ms. WATERS, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.
Mr. CAMPBELL, for 5 minutes, on March 5.
Mrs. MORELLA, for 5 minutes, on March 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. HAMILTON.
Mr. DAVIS of Illinois.
Mr. PALLONE.
Mr. DINGELL.
Mr. JOHN.
Mr. STARK.
Mr. FORD.
Mr. BENTSEN.
Mr. WISE.
Mr. PASCRELL.
Mr. SANDLIN.
Ms. NORTON.
Mr. KIND.
Ms. DELAURO.
Mrs. LOWEY.
Mr. FROST.
Mr. TOWNS.
Mr. VISCLOSKY.
Mr. SCHUMER.

(The following Members (at the request of Mr. NETHERCUTT) and to include extraneous matter:)

Mrs. MORELLA.
Mr. FORBES.
Mr. KING.
Mr. DAVIS of Virginia.
Mr. WOLF.
Mr. PACKARD.
Mr. GILMAN.
Mr. GALLEGLY.
Mr. ROHRABACHER.
Mr. PORTER.

(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) and to include extraneous matter:)

Mr. RANGEL.
Mr. MCGOVERN.
Mr. CLYBURN.
Mrs. MEEK of Florida.
Mr. TIAHRT.
Mr. BARR of Georgia.

ADJOURNMENT

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, March 5, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7686. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV97-984-1 FIR] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7687. A communication from the President of the United States, transmitting his requests for FY 1998 supplemental appropriations and FY 1999 budget amendments to address emergency funding needs related to the situation in Bosnia and in Southwest Asia as well as to natural disasters in the United States; and to designate these requests as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105-220); to the Committee on Appropriations and ordered to be printed.

7688. A letter from the Secretary of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 1997, pursuant to Public Law 104-201, section 827 (110 Stat.

2611); to the Committee on National Security.

7689. A letter from the Secretary of Defense, transmitting a report that the Department has not authorized any category of merchandise to be sold in, at, or by commissary stores, pursuant to 10 U.S.C. 2486(b)(11); to the Committee on National Security.

7690. A letter from the Director, Selective Service System, transmitting a report on the operation of the system for fiscal year 1997, pursuant to 50 U.S.C. app. 460(g); to the Committee on National Security.

7691. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the semiannual report on tied aid credits, pursuant to Public Law 99-472, section 19 (100 Stat. 1207); to the Committee on Banking and Financial Services.

7692. A letter from the Secretary, Department of Health and Human Services, transmitting the 1997 annual report on the Loan Repayment Program for Research Generally, pursuant to 42 U.S.C. 2541-1(i); to the Committee on Commerce.

7693. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Adminstration's final rule— Extralabel Animal Drug Use; Fluoroquinolones and Glycopeptides; Order of Prohibition [Docket No.97N-0172] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7694. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-271, "Suspension of Liquor Licenses Amendment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7695. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-272, "Make a Difference Selection Committee Establishment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7696. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-273, "Natural and Artificial Gas Gross Receipts Tax Amendment of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7697. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-276, "Commercial Mobile Telecommunication Service Tax Clarification Amendment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-268, "Unemployment Compensation Tax Stabilization Second Temporary Amendment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-270, "Testing of District Government Drivers of Commercial Motor Vehicles for Alcohol and Controlled Substances Temporary Amendment Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7700. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-278, "Equal Opportunity For Local, Small, and Disadvantaged Business Enterprises Temporary Act of 1998" received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-277, "Mortgage Lender and Broker Act of 1996 Temporary Amendment Act of 1998 " received March 2, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7702. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 1996 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. section 8G(h)(2); to the Committee on Government Reform and Oversight.

7703. A letter from the Chairman, Federal Reserve System, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7704. A letter from the Director, Office of Science and Technology Policy, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7705. A letter from the Attorney-Advisor, U.S. Trade and Development Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7706. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component of Pollock in the Aleutian Islands Subarea [Docket No. 971208296-7296-01; I.D. 022098B] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7707. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry [Docket No. 960223046-8030-03; I.D. 012398C] (RIN: 0648-ZA09) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7708. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 970930235-8028-02; I.D. 022498A] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7709. A letter from the Deputy Assistant Adminstrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 8 [Docket No. 970606131-8033-02; I.D. 041497C] (RIN: 0648-AG25) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7710. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component Pollock in the Bering Sea Subarea [Docket No. 971208296-7296-01; I.D. 022598C] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7711. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking of Ringed Seals Incidental to On-Ice Seismic Activity [Docket No. 970725179-8017-03; I.D. 071497A] (RIN: 0648-AK33) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7712. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the third annual report, pursuant to 28 U.S.C. 598(a)(2); to the Committee on the Judiciary.

7713. A letter from the Secretary of Transportation, transmitting the Fifteenth Annual Report of Accomplishments Under the Airport Improvement Program for the Fiscal Year 1996, pursuant to 49 U.S.C. app. 2203(b)(2); to the Committee on Transportation and Infrastructure.

7714. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes [Docket No. 97-NM-264-AD; Amendment 39-10169; AD 97-19-16] (RIN: 2120-AA64) received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7715. A letter from the Acting Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 97F-0336] received February 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7716. A letter from the Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Source and Grouping Rules for Foreign Sales Corporation Transfer Pricing [Docket No. REG-102144-98] (RIN: 1545-AV90) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7717. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the appropriation justification for the U.S. Merit Systems Protection Board(MSPB) for fiscal year 1999; jointly to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 377. Resolution providing for consideration of the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes (Rept. 105-427). Referred to the House Calendar.

Ms. PRYCE of Ohio: House Resolution 378. Resolution providing for consideration of the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements (Rept. 105–428). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Oregon:

H.R. 3317. A bill to provide that each State may establish a pilot program for mediation of private rights of action under the Migrant and Seasonal Agricultural Worker Protection Act; to the Committee on Education and the Workforce.

By Mr. BAKER (for himself and Mr. Pallone):

H.R. 3318. A bill to amend title 49, United States Code, to improve the one-call notification process, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WAMP:

H.R. 3319. A bill to provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes; to the Committee on Resources.

By Mr. RANGEL (for himself, Mr. Stark, Mr. Matsui, Mrs. Kennelly of Connecticut, Mr. Coyne, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Becerra, Mrs. Thurman, Mrs. Lowey, Mr. Gephardt, Mr. Bonior, Mr. Yates, Mr. Conyers, Mr. Murtha, Mr. Hefner, Mr. Waxman, Mr. Frost, Mr. Gejdenson, Mr. Schumer, Mr. Boucher, Mr. Evans, Mr. Owens, Mr. Ackerman, Mr. Kennedy of Massachusetts, Mr. Sawyer, Ms. Pelosi, Mr. Faleomavaega, Mr. Andrews, Mr. Abercrombie, Ms. DeLauro, Mr. Dooley of California, Mr. Edwards, Mr. Sanders, Mr. Olver, Mr. Filner, Mr. Green, Mr. Hilliard, Mr. Hinchey, Mrs. Maloney of New York, Mr. Meehan, Mr. Rush, Mr. Underwood, Ms. Velázquez, Mr. Kennedy of Rhode Island, Ms. Jackson-Lee, Ms. Lofgren, Mr. Strickland, Mr. Blagojevich, Ms. Carson, Ms. DeGette, Mr. Etheridge, Ms. Kilpatrick, Mr. McGovern, Ms. Sanchez, Mr. Sherman, Mr. Tierney, Mr. Wexler, and Mr. Weygand):

H.R. 3320. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Ways and Means.

By Mr. BARR of Georgia:

H.R. 3321. A bill to amend the Communications Assistance for Law Enforcement Act, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS:

H.R. 3322. A bill to repeal the prohibition on the use of Robert Gray Army Airfield at Fort Hood, Texas, by civil aviation; to the Committee on National Security.

By Mr. GUTKNECHT:

H.R. 3323. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment of oxidized polyacrylonitrile fibers; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 3324. A bill to suspend from January 1, 1998, until December 31, 2002, the duty on SE2SI Spray Granulated (HOE S 4291); to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 3325. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 3326. A bill to suspend temporarily the duty on 2-Ethylhexanoic acid; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts:

H.R. 3327. A bill to suspend temporarily the duty on the chemical Polyvinyl butyral; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself and Mr. Meehan):

H.R. 3328. A bill to suspend temporarily the duty on a certain anti-HIV and anti-AIDS drug; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3329. A bill to amend the Internal Revenue Code of 1986 to expand certain enterprise zone incentives applicable to portions of the District of Columbia and to provide for individuals who are residents of the District of Columbia a maximum rate of tax of 15 percent on income from sources within the District of Columbia; to the Committee on Ways and Means.

By Mr. RIGGS:

H.R. 3330. A bill to prohibit discrimination and preferential treatment on the basis of race, sex, color, national origin, or ethnicity in connection with admission to an institution of higher education participating in any program authorized under the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. Armey, and Mr. Campbell):

H.R. 3331. A bill to ensure the transparency of International Monetary Fund operations; to the Committee on Banking and Financial Services.

By Mr. SENSENBRENNER (for himself and Mr. Brown of California):

H.R. 3332. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes; to the Committee on Science.

By Mr. STARK:

H.R. 3333. A bill to establish a policy of the United States with respect to nuclear nonproliferation; to the Committee on International Relations.

By Mr. THORNBERRY (for himself, Mrs. Cubin, and Mr. Brady):

H.R. 3334. A bill to provide certainty for, reduce administrative and compliance burdens associated with, and streamline and improve the collection of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes; to the Committee on Resources.

By Mrs. THURMAN:

H.R. 3335. A bill to amend the Agricultural Adjustment Act to require the timely application to imported fruits and vegetables of grade, size, quality, and maturity requirements applicable to comparable domestically produced fruits and vegetables under agricultural marketing orders; to the Committee on Agriculture.

By Mrs. THURMAN (for herself and Mr. Evans):

H.R. 3336. A bill to name the Department of Veterans Affairs medical center in Gainesville, Florida, as the "Malcom Randall Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mrs. MORELLA (for herself, Mr. Dixon, and Mr. Cummings):

H.J. Res. 113. A joint resolution approving the location of a Martin Luther King, Jr. Memorial in the Nation's Capitol; to the Committee on Resources.

By Mr. SHAW (for himself and Mr. Mica):

H.J. Res. 114. A joint resolution disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1998; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself, Mr. Levin, Mr. English of Pennsylvania, Mrs. Johnson of Connecticut, Mr. Matsui, Mr. Leach, Mr. Blumenauer, Mr. Davis of Florida, Mr. Hall of Texas, and Mr. Moran of Virginia):

H. Con. Res. 233. Concurrent resolution calling on Japan to establish and maintain an open, competitive market for consumer photographic film and paper and other sectors facing market access barriers in Japan; to the Committee on Ways and Means.

By Mr. PAYNE:

H. Con. Res. 234. Concurrent resolution regarding the human rights situation in Sudan and Mauritania, including the practice of chattel slavery and all other forms of booty; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. Cook, Mr. Underwood, Ms. Stabenow, and Mr. Pomeroy.

H.R. 65: Mr. Camp and Mr. Peterson of Minnesota.

H.R. 66: Mr. Maloney of Connecticut.

H.R. 107: Ms. Brown of Florida.

H.R. 146: Mr. Rahall.

H.R. 284: Mr. Barrett of Wisconsin, Mr. Sanders, and Mr. Clay.

H.R. 303: Mr. LoBiondo and Mr. Camp.

H.R. 306: Mr. Mascara, Mr. Rahall, Mr. Etheridge, and Mr. Sawyer.

H.R. 371: Ms. Sanchez.

H.R. 372: Mr. Nadler.

H.R. 665: Mr. Canady of Florida.

H.R. 900: Ms. Waters and Mrs. Johnson of Connecticut.

H.R. 981: Mr. Vento, Mr. Lantos, Mr. Adam Smith of Washington, Mr. Engel, Mrs. Tauscher, and Mr. Nadler.

H.R. 1016: Mr. English of Pennsylvania.

H.R. 1062: Mr. Everett.

H.R. 1075: Mrs. Roukema and Mr. Fazio of California.

H.R. 1215: Mr. Vento, Mr. Pallone, and Mr. Pastor.

H.R. 1261: Mr. Christensen and Mr. Greenwood.

H.R. 1289: Mr. DEUTSCH and Mr. ENSIGN.

H.R. 1302: Ms. SLAUGHTER and Mr. BALDACCI.

H.R. 1356: Mrs. LINDA SMITH of Washington, Mr. CHRISTENSEN, MR. BROWN of California, and Mrs. THURMAN.

H.R. 1401: Mr. WELLER, Mr. HINCHEY, and Mr. ENSIGN.

H.R. 1525: Mr. BROWN of Ohio.

H.R. 1531: Mr. HEFLEY.

H.R. 1571: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HILLIARD.

H.R. 1573: Mr. ALLEN.

H.R. 1605: Mr. FROST.

H.R. 1656: Mr. GREENWOOD.

H.R. 1670: Ms. DELAURO.

H.R. 1736: Ms. JACKSON-LEE.

H.R. 1786: Mr. HINCHEY, Mr. MEEHAN, Mr. WATTS of Oklahoma, and Ms. SANCHEZ.

H.R. 1816: Mr. DOOLITTLE.

H.R. 1873: Mr. SHAYS.

H.R. 2020: Mr. HOLDEN, Mr. GILCHREST, Mr. GOODLING, Mr. COYNE, Ms. FURSE, and Mr. MORAN of Kansas.

H.R. 2023: Mr. ANDREWS.

H.R. 2130: Mr. LOBIONDO, Ms. KAPTUR, Mr. MOLLOHAN, Mr. STENHOLM, and Mr. CONDIT.

H.R. 2173: Mr. BATEMAN, Mr. BARRETT of Wisconsin, and Mr. NEAL of Massachusetts.

H.R. 2174: Mr. BROWN of Ohio, Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. TIERNEY, Ms. SANCHEZ, Mr. CLAY, and Mr. PICKETT.

H.R. 2202: Mr. BLUMENAUER.

H.R. 2257: Ms. WOOLSEY and Mr. CALVERT.

H.R. 2290: Ms. RIVERS.

H.R. 2305: Mr. BURTON of Indiana and Mr. COOKSEY.

H.R. 2409: Mr. BROWN of Ohio.

H.R. 2457: Mr. GEJDENSON.

H.R. 2500: Mr. SMITH of New Jersey, Mr. JOHN, and Mr. CRAMER.

H.R. 2652: Mr. VENTO.

H.R. 2695: Mr. SCHUMER and Mrs. CLAYTON.

H.R. 2698: Mr. ACKERMAN, Ms. KILPATRICK, Mr. LAFALCE, Mr. FILNER, Ms. FURSE, Mr. CONYERS, Mr. NEAL of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. FORD, Ms. HOOLEY of Oregon, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. DAVIS of Illinois, Ms. NORTON, Mrs. TAUSCHER, and Mr. MANTON.

H.R. 2699: Mr. EVANS and Mr. DEUTSCH.

H.R. 2715: Mr. CANADY of Florida.

H.R. 2752: Mr. ORTIZ and Mr. GREEN.

H.R. 2754: Mr. RUSH, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. ACKERMAN, Mr. COYNE, and Mr. WYNN.

H.R. 2870: Mr. LANTOS, Mr. BALLENGER, Mr. CAMPBELL, and Mr. SMITH of New Jersey.

H.R. 2883: Mr. TALENT, Mr. BOEHNER, and Mr. YOUNG of Alaska.

H.R. 2888: Ms. RIVERS.

H.R. 2914: Mr. CLAY.

H.R. 2923: Mr. DOOLITTLE, Mr. ENGLISH of Pennsylvania, Mr. GILMAN, Mr. ENGEL, Mr. OXLEY, and Mr. GILCHREST.

H.R. 2938: Mr. WICKER and Mr. DEUTSCH.

H.R. 2941: Mr. SMITH of New Jersey and Mr. COBURN.

H.R. 2951: Ms. BROWN of Florida, Mr. POMEROY, Mr. BALDACCI, Mr. FALEOMAVAEGA, Mr. PRICE of North Carolina, Mr. SHADEGG, Ms. FURSE, Mr. DAVIS of Illinois, and Mr. SANDLIN.

H.R. 2968: Mrs. MYRICK, Mr. BOEHNER, Mr. COOKSEY, Mr. CAMPBELL, and Mr. EHLERS.

H.R. 2973: Ms. HOOLEY of Oregon, Mr. STUPAK, Mr. DEFAZIO, and Mr. BARRETT of Nebraska.

H.R. 2981: Ms. LOFGREN and Mr. MILLER of California.

H.R. 2992: Mr. BRYANT.

H.R. 3007: Ms. LOFGREN, Mr. CALVERT, Mr. KUCINICH, and Mr. LUTHER.

H.R. 3027: Mr. LEWIS of Georgia.

H.R. 3028: Mr. LEWIS of Georgia.

H.R. 3029: Mr. HOUGHTON.

H.R. 3086: Ms. LOFGREN, Mr. BALLENGER, Mr. MORAN of Virginia, and Mr. SAWYER.

H.R. 3097: Mr. HUNTER, Mr. BARTON of Texas, Mr. COLLINS, Mr. HASTINGS of Washington, Mr. BUNNING of Kentucky, Mr. LATOURETTE, Mr. LIVINGSTON, Mr. SAM JOHNSON, and Mr. ARMEY.

H.R. 3103: Mr. GIBBONS, Mr. SESSIONS, and Mr. JENKINS.

H.R. 3144: Mr. ENGLISH of Pennsylvania.

H.R. 3158: Mr. GILMAN.

H.R. 3161: Mr. WEXLER and Mr. GUTKNECHT.

H.R. 3162: Mr. ENGLISH of Pennsylvania.

H.R. 3205: Mr. GEJDENSON.

H.R. 3216: Ms. LOFGREN, Mr. HALL of Ohio, Mr. SANDLIN, and Ms. FURSE.

H.R. 3224: Mr. CALVERT and Mr. FALEOMAVAEGA.

H.R. 3228: Mr. DAVIS of Florida.

H.R. 3240: Mr. HILLIARD, Mr. BROWN of California, Mr. YATES, Mrs. MINK of Hawaii, Mr. GUTIERREZ, and Mr. FALEOMAVAEGA.

H.R. 3251: Mr. DICKS, Mr. HASTINGS of Florida, Mr. ANDREWS, Mr. NEAL of Massachusetts, Ms. WOOLSEY, Mr. BONIOR, Mr. NADLER, Mr. EVANS, Mr. GILMAN, Mr. ACKERMAN, Mr. HINCHEY, Mr. CAMPBELL, and Mr. LEWIS of Georgia.

H.R. 3254: Mr. ROGAN.

H.R. 3260: Mr. LATOURETTE, Mr. KNOLLENBERG, Mr. ENGLISH of Pennsylvania, Mr. BARRETT of Wisconsin, Mr. KLECZKA, Mr. REGULA, Mr. GILLMOR, Ms. STABENOW, Mr. COBLE, and Mr. LAHOOD.

H.R. 3269: Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FROST, Mr. CLYBURN, and Mr. LEWIS of Georgia.

H.R. 3282: Mr. SUNUNU.

H.R. 3287: Ms. WOOLSEY and Mr. WEYGAND.

H.R. 3288: Mr. BACHUS and Mr. REDMOND.

H.R. 3291: Mr. BOYD, Mr. SAWYER, and Mr. NETHERCUTT.

H.J. Res. 78: Mr. GALLEGLY.

H. Con. Res. 14: Mr. TOWNS.

H. Con. Res. 27: Mr. FRANK of Massachusetts, Mr. PASTOR, and Mr. WAXMAN.

H. Con. Res. 41: Mr. BRYANT.

H. Con. Res. 125: Mr. CALVERT and Mr. ROHRABACHER.

H. Con. Res. 195: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 211: Mr. HOSTETTLER.

H. Con. Res. 215: Mr. SNYDER, Mr. HILLIARD, Mr. RADANOVICH, Mr. BOEHNER, Mr. JEFFERSON, and Mr. FALEOMAVAEGA.

H. Con. Res. 219: Mr. GREEN, Mr. BONIOR, Mr. LANTOS, Mr. BERMAN, Mr. CALVERT, Mr. MILLER of Florida, Mr. WEXLER, Mr. FALEOMAVAEGA, Mr. CUNNINGHAM, Mr. DEUTSCH, and Mr. SHERMAN.

H. Res. 267: Mrs. MYRICK.

H. Res. 312: Ms. FURSE, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, and Mrs. TAUSCHER.

H. Res. 358: Mrs. CLAYTON.

H. Res. 364: Mr. PORTER and Mr. BEREUTER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3130

OFFERED BY: MR. CARDIN

AMENDMENT NO. 2: In the table of contents of the bill, add at the end the following:

TITLE IV—IMMIGRATION PROVISIONS

Sec. 401. Aliens ineligible to receive visas and excluded from admission for nonpayment of child support.

Sec. 402. Effect of nonpayment of child support on establishment of good moral character.

Sec. 403. Authorization to serve legal process in child support cases on certain arriving aliens.

Sec. 404. Authorization to obtain information on child support payments by aliens.

At the end of the bill, add the following:

TITLE IV—IMMIGRATION PROVISIONS

SEC. 401. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

(a) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(i) IN GENERAL.—Any alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $5,000, until child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

"(ii) APPLICATION TO PERMANENT RESIDENTS.—Notwithstanding section 101(a)(13)(C), an alien lawfully admitted for permanent residence in the United States who has been absent from the United States for any period of time shall be regarded as seeking an admission into the United States for purposes of this subparagraph.

"(iii) WAIVER AUTHORIZED.—The Attorney General may waive the application of clause (i) in the case of an alien, if the Attorney General—

"(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; and

"(II) determines that the likelihood of the arrearage being eliminated, and all subsequent child support payments timely being made by the alien, would increase substantially if the waiver were granted.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 402. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER.

(a) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking the period at the end and inserting "; or"; and

(2) by inserting after paragraph (8) the following:

"(9) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in any arrearage, unless child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to aliens applying for a benefit under the Immigration and Nationality Act on or after 180 days after the date of the enactment of this Act.

SEC. 403. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.

(a) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

"(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons or other similar process, which is issued by—

"(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

"(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

SEC. 404. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

"(4) PROVISION TO ATTORNEY GENERAL AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—On request by the Attorney General or the Secretary of State, the Secretary of Health and Human Services shall provide the requestor with such information as the Secretary of Health and Human Services determines may aid them in determining whether an alien is delinquent in the payment of child support.".

Amend the title so as to read: "A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.".

H.R. 3130

OFFERED BY: MR. GILMAN

AMENDMENT NO. 3: At the end of the bill, add the following:

TITLE V—INCLUSION OF CHILD CARE COSTS IN CHILD SUPPORT ORDERS

SEC. 501. INCLUSION OF CHILD CARE COSTS IN CHILD SUPPORT ORDERS.

Section 466(a) of the Social Security Act (42 U.S.C. 666(a)) is amended by inserting after paragraph (19) the following:

"(20) CHILD CARE COSTS.—Procedures under which all child support orders issued or modified in the State on or after the date of the enactment of this paragraph include, in the case of a custodial parent who is employed or is actively seeking employment, a provision proportionately allocating actual child care costs between the custodial and noncustodial parents based on the income of each parent, excluding income from child support.".

EXTENSIONS OF REMARKS

TRIBUTE TO NELLIE LONGSWORTH

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to Nellie Longsworth of Bethesda, Maryland, one of the nation's leading advocates for historic preservation. Nellie will retire this week after serving as president of Preservation Action, for twenty-two years. During that time, Nellie has been tireless in her efforts to save America's architectural and cultural treasures, its historic sites and districts, and its neighborhoods and communities.

For more than two decades, with enthusiasms, perseverance, and wisdom, Nellie has helped thousands of Americans become aware and involved in public policy debates about our nation's cultural resources on the local, state, and federal levels. For Members of Congress and their staffs, Nellie has been the principal contact for historic preservation issues and a resource for us all.

Largely because of Nellie's leadership and hard work, thousands of communities across the country use historic preservation to strengthen and preserve their character. Cities, towns, and rural communities use historic properties to build pride and to foster economic development. Last year alone, 902 owners of historic commercial properties took advantage of the federal historic rehabilitation tax credit, spending $1.73 billion and creating 42,000 jobs.

Mr. Speaker, as Nellie Longsworth leaves Preservation Action, please join me in celebrating her leadership in preserving America's built environment and its cultural and natural resources for generations to come and in thanking her for her commitment to the richness and diversity of our American heritage!

CONGRATULATIONS ON 50 YEARS OF HEALTH CARE SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. STARK. Mr. Speaker, 50 years ago, Dr. Sidney Garfield with six other physicians forged a pioneering, self-employed medical partnership to provide prepaid health care services and preventive health care services to the residents of northern California. The group ministered to its members' health care needs, both on and off the job.

Since those doctors began their work, the physicians, nurses and employees affiliated with The Permanente Medical Group have improved community health by providing medial care, conducting clinical and medical research, creating and supporting community health programs, bestowing grants and donations, and providing scholarships, education and training for medical students and health professionals. I can attest personally to the group's lasting community involvement. For example, in my district, the staff of The Permanente Medical Group volunteers clinical time on Saturday mornings to remove gang-related tattoos from at risk youth who want to make positive changes in their lives.

The Permanente Medical Group is now the nation's largest medical group, comprised of more than 3,700 physicians, as well as nurses, employees and other caregivers. In Northern California alone, they provide health care services to more than 2.5 million people. The men and women affiliated with the medical group have consistently demonstrated their excellence, creativity and care as they have provided quality health care to all the people of our communities.

Through its 50 year affiliation with the Kaiser Permanente Medical Care Program, The Permanente Medical Group has demonstrated that affordable and high quality medical care can be provided through a relationship, both integrated and autonomous, between a non-profit health care plan and an independent, self-governing medical group. This is a model relationship in which medical decision-making and standard-setting are safeguarded and conducted by medical professionals. Mr. Speaker, I ask you to join me in celebrating the half century of remarkable care that Californians have received and wishing The Permanenete Medical Group another fifty years of excellence in the community.

TRIBUTE TO JEDDAH TEMPLE NO. 160

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Jeddah Temple No. 160 of Orangeburg County, South Carolina. Friday evening, March 6th, I will join its members in celebration of its fiftieth anniversary.

Jeddah Temple is affiliated with the Prince Hall Free and Accepted Masons, which is the oldest existing African-American group in the United States. Jeddah Temple has produced men of distinction throughout the nation, in the fields of education, law, engineering and finance. Since its inception in 1947, the Temple has grown in annual membership from 29 to 159 Nobles in 1982. The group has 95 members in this, its fiftieth year.

The Orangeburg Chapter of Jeddah Temple has offered tireless assistance to the Orangeburg community over the fifty years since its establishment. Its mission statement articulates an emphasis on involvement in the community. Through its activities, the Temple has endeavored to promote and enhance human relations in the Orangeburg area. Members are particularly attentive to the needs of the young and elderly. The Temple promotes education through scholarships and tutorial programs, and it also assists the elderly and needy through the donation of time, food, clothing and other means.

Please join me in recognizing Jeddah Temple No. 160 of Orangeburg County as it celebrates the fiftieth anniversary of its creation.

TRIBUTE TO MARC ZALKIN OF CHICAGO, IL

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to Marc Zalkin an individual who has been a serious advocate for the disabled and the poor. Marc departed this life Monday, February 23, 1998 at the age of 49. He leaves behind a committed life of service to humanity and mankind. His legacy of advocating peace in the midst of the Vietnam War, and compassion for those who were disenfranchised will forever be remembered.

Martin Luther King once said that if a man has not discovered something that he will die for, he is not fit to live in this society. I assure you that Marc had many things for which he was willing to lay his life down for. Although he was diagnosed with multiple sclerosis in 1981 his drive, commitment, passion and zeal to champion social causes to uplift humanity never waned. He was a founder and the first executive director of the 46th Ward Community Service Center, which opened in the mid-1970s to provide educational, legal, health and housing services to Uptown neighborhood residents. Whether focusing his attention Uptown or downtown Marc was a committed advocate for people with disabilities. He founded No Limits Inc., which he later called Abilities Inc., a company that created products for people with disabilities, including a Braille cookbook.

Marc was truly an idealist, whose tireless work and commitment helped elect Chicago's first African American Mayor the late Harold Washington. The 46th Ward Community Center he conceived evolved into the Uptown People's Law Office and Community Learning Center. Marc was able to help a number of families who suffered from Black lung disease receive benefits and pursue legal claims. This world is a better place because of the service Marc rendered. To your family we say thank you for allowing Marc to touch our lives in a very special way.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NEW BALANCED BUDGET FIGURES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PACKARD. Mr. Speaker, yesterday the Congressional Budget Office announced that for the first time in almost four decades, the federal budget is finally balanced. I applaud my Republican colleagues in Congress as well as the Appropriations Committee on which I serve for the efforts they put forth to achieve this success.

The American people gave Republicans a congressional majority because we promised to put an end to wasteful and irresponsible government spending. The Appropriations Committee is the only committee with a direct impact on spending and the federal budget. Every dollar that Congress decides to spend or save must come through Appropriations; if we do not do our job, a balanced budget can never become a reality. Mr. Speaker, anyone can talk about balancing the budget but the fact is, only the Appropriations Committee can make it happen.

While I chaired the Legislative Branch Appropriations Subcommittee, I personally engineered a $262 million two-year reduction in how much Congress spends on its own operations. We succeeded in reducing waste and improving efficiency, ultimately cutting 10 percent from Congress' own budget. If the entire federal budget were cut proportionately, the budget would have shown a $100 billion surplus two years ago. The message we sent during those first years in the majority resonated throughout the federal government.

Under the leadership of Congressman BOB LIVINGSTON (R–LA), the Appropriations Committee has fundamentally changed the way Washington spends. Since taking control of Congress, Republicans have eliminated a total of 307 outdated and unneeded programs. Mr. Speaker, we have streamlined government and made it more accountable to the American taxpayer. Under Chairman LIVINGSTON's leadership, we have held the line on government spending for the past four years in a row. That effort is now paying off.

PUBLIC SCHOOL MODERNIZATION ACT OF 1998

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. RANGEL. Mr. Speaker, today I am introducing legislation entitled the Public School Modernization Act of 1998, which consists of two education tax incentives that are contained in the President's budget recommendations for fiscal year 1999. I am very pleased that more than fifty Members have joined me as cosponsors of this needed legislation.

It is my hope to continue to work with the Administration to introduce the President's domestic initiatives that are within Ways and Means jurisdiction. I will also continue to urge consideration by the Congress of these important proposals.

My bill would expand opportunities for students in kindergarten through twelfth grade and beyond. This goal is crucial to the country's social and economic well being. It's a well known fact, that without the proper educational tools, young people lose hope for the future. We have only to look at the high levels of crime, drug use, juvenile delinquency, teen pregnancy, and unemployment to know the value of a good education. Without basic academic opportunities, the future is bleak. My bill identifies communities that shoulder a disproportionate share of these social problems and offers a solution—a future of hope.

The Taxpayer Relief Act of 1997 provided additional financial resources to assist families in meeting the cost of higher education. I believe that assistance is vitally important but not enough. We must do more to ensure that those students who wish to pursue higher education are prepared for the challenges of a college education. We also must work harder both to educate and train those students who choose or need to earn a full-time living after high school. In pursuit of this goal, this legislation would provide assistance to public educational institutions to make this a reality. Therefore, our bill expands the education zone tax incentives that were enacted last year. Those incentives are designed to enhance academic achievement below the college level through public-private education partnerships. I believe that we must have greater private-sector involvement in our educational system, and our bill expands existing tax provisions designed to encourage that involvement.

Our bill also includes tax incentives to assist local governments in improving and constructing public school facilities. This aspect of our bill does not require a public-private partnership and is not limited to schools in distressed areas or with a large population of poor students. This aspect of our bill provides $19.4 billion over the next two years in interest-free capital for school infrastructure projects. Providing all students with clean and safe public school facilities is a necessary first step in assuring a high quality educational system.

Some have argued that the Federal Government should have no role in assisting the public school system at the K through 12 level. I strongly disagree. The Federal Government historically has provided financial resources to the public school system. It has done so in part by providing tax-exempt bond financing that enables State and local governments to fund capital needs through low-interest loans. The bill that we are introducing today, in many respects, is very similar to tax-exempt bond financing. This bill does not require any additional layers of bureaucracy at the Federal or State level. It provides special tax benefits to holders of certain State and local education bonds. The procedures used to determine whether bonds are eligible for those special payments are substantially the same as the procedures currently applicable in determining whether a State or local bond is eligible for tax-exempt bond financing.

I also want to be very clear that this bill supports our public school system. I believe that improving our public school system should be our highest priority. Approximately 90 percent of the students attending kindergarten through grade 12 attend public school. If we can find the resources to provide additional tax incentives, those incentives should be focused on improving the public school system that serves such a large segment of our student population. I have and will continue to oppose legislation such as the so-called "Coverdell" legislation, that diverts scarce resources away from our public school system.

Although the bill that we are introducing today contains only tax provisions, I recognize that tax provisions alone cannot provide sufficient additional resources needed to assist students in obtaining a quality education. Therefore, I also support the other education improvements included in the President's budget.

Currently, this Nation is enjoying one of the longest periods of economic expansion in its history, with low unemployment and continued creation of new jobs. Much of the credit for that rests with the deficit reduction efforts of the Clinton Administration and the technological advantages that our industries enjoy over their competitors in other countries.

We will not remain competitive in the world economy unless we invest in our human capital to maintain that technological advantage. Any available resources should be invested in human capital. A survey last year of economists by the Wall Street Journal found that 43 percent of the economists surveyed stated that increased spending on education and research and development would be the one policy with the most positive impact on the economy.

Amazingly, while the concept of investing in human capital goes unchallenged in debate, elected leaders are still spending more of our nation's limited budget resources on back-end, punitive programs like law enforcement and prisons, rather than front-end investments like education and training that can really pay off in increased workforce productivity.

Unfortunately, these skewed priorities are present at the local level, too. New York City spends $84,000 per year to keep a young man in Riker's Island Prison, yet only $7,000 each year to educate a child in Harlem.

We must change our priorities. Let's invest in the future of this country through our children. Let's bring the same zeal to encouraging and educating our children that we now apply to punishment and incarceration.

The following is a brief description of the provisions contained in our bill.

DESCRIPTION OF THE BILL

The bill would include the following two provisions as recommended in the President's budget. These tax incentives would cost approximately $3.6 billion over the next 5 years.

1. EDUCATION ZONE ACADEMY BONDS

Section 226 of the 1997 Taxpayer Relief Act provides a source of capital at no or nominal interest for costs incurred by certain public schools in connection with the establishment of special academic programs from kindergarten through secondary schools. To be eligible to participate in the program, the public school must be located in an empowerment zone or enterprise community or at least 35 percent of the students at the school must be eligible for free or reduced-cost lunches under the Federal school lunch program. In addition the school must enter into a partnership with one or more nongovernmental entities.

The provision provides the interest-free capital by permitting the schools to issue special bonds called "Qualified Zone Academy Bonds." Interest on those bonds will in effect be paid by the Federal Government through a tax credit to the holder.

The bill would increase the caps on the amount of bonds that can be issued under the program as shown in the following table. The bill would also permit the bonds to be used for new construction.

Year	Current law (million)	Additions under the bill (billion)	Total issuance cap
1998	$400	....	[1] $400
1999	400	$1.0	[2] 1.4
2000	0	1.4	[2] 1.4

[1] Million. [2] Billion.

The bill would make several technical modifications to last year's legislation. It would repeal the provision that restricts ownership of qualified zone academy bonds to financial institutions, it would require a maximum maturity of 15 years, rather than a maximum maturity determined under a formula, it would change the formula for allocating the national limit to make it consistent with the formula used in allocating the limit on qualified school construction bonds, and it would provide an indefinite carryover of any unused credit.

2. QUALIFIED SCHOOL CONSTRUCTION BONDS

The bill would also permit State and local governments to issue qualified school construction bonds to fund the construction or rehabilitation of public schools. Interest on qualified school construction bonds would in effect be paid by the Federal Government through an annual tax credit. The credit would be provided in the same manner as the credit for qualified school academy bonds.

Under the bill, a total of $9.7 billion of qualified school construction bonds could be issued in 1999 and in 2000. Half of the annual cap would be allocated among the States on the basis of their population of low-income children, weighted the State's expenditures per pupil for education (the Title I basic grant formula). The other half of the annual cap would be allocated among the hundred school districts with the highest number of low-income children and that allocation would be based on each district's Title I share.

The following chart shows the aggregate amount of qualified school construction bonds that could be issued in each State under the bill. The total includes amounts allocated to large school districts in the State. An additional $600 million is reserved for allocations to other school districts not in the largest 100 districts.

[In thousands of dollars]

State	*Estimated allocation*
Alabama	$285,079
Alaska	36,902
Arizona	257,957
Arkansas	145,925
California	2,281,018
Colorado	165,781
Connecticut	205,080
Delaware	36,902
District of Columbia	75,395
Florida	1,047,028
Georgia	476,055
Hawaii	40,984
Idaho	43,463
Illinois	911,455
Indiana	276,395
Iowa	103,120
Kansas	126,821
Kentucky	277,115
Louisiana	463,217
Maine	61,639
Maryland	306,488
Massachusetts	354,978
Michigan	857,280
Minnesota	220,820
Mississippi	253,547
Missouri	314,131
Montana	52,274
Nebraska	78,955
Nevada	71,817
New Hampshire	36,902
New Jersey	414,267
New Mexico	145,570
New York	2,166,015
North Carolina	297,397
North Dakota	36,902
Ohio	782,970
Oklahoma	203,043
Oregon	155,387
Pennsylvania	852,156
Puerto Rico	494,937
Rhode Island	72,188
South Carolina	198,015
South Dakota	38,002
Tennessee	331,119
Texas	1,614,095
Utah	66,771
Vermont	36,196
Virginia	258,862
Washington	236,595
West Virginia	142,557
Wisconsin	332,401
Wyoming	33,059

SAINT PATRICK'S DAY 1998

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. GILMAN. Mr. Speaker, the glorious and joyous holiday of Saint Patrick's Day for all of those Irish around the world, and their many friends, fast approaches once again.

It is especially important this year to celebrate this great holiday honoring Ireland's patron saint, and we and the entire world hope and pray that lasting peace and justice on the Emerald Isle will emerge from the current peace talks on the future of the north of Ireland.

I recently returned from Ireland where I helped lead a congressional delegation to reinvigorate the Irish American inter-parliamentary exchange, dormant since the mid-1980s.

We were all very grateful for the leadership of our Speaker NEWT GINGRICH, and the work of our distinguished U.S. Ambassador Jeane Kennedy Smith in Dublin, in helping to bring about this renewed inter-parliamentary exchange between Ireland and the U.S. Congress.

We saw firsthand on our visit to Ireland, the new economic vibrancy in the Irish Republic. The "Celtic Tiger" is alive and well. One statistic we learned paints the impressive economic picture of the new Ireland: Other than the U.S. today, Ireland exports more computers worldwide than any other nation in the world, including even Japan.

For the first time in many years, there are more than enough good jobs, immigration is down, and the Irish diaspora are returning home to work and take these new jobs. 4,500 in 1997 alone returned home from America. The long suffering of the close knit Irish family from the immigration of its sons and daughters, hopefully is a thing of the past.

The close links, common bonds, friendships and mutual understandings between the Irish people and our nation are long, strong and vibrant. Both nations have benefited from these close ties, common links, and deep mutual understandings and fond affection.

The Irish have played a vital part in American history. There were Irish soldiers and officers who distinguished themselves in the American Revolution, helping us secure our own freedom from the British.

Many Irish paid the ultimate sacrifices in our tragic civil war. For example, 540 Irishmen died or were wounded in less than 30 minutes on September 17th, 1862 at Antietam in fighting on the side of the north as part of the Irish Brigade, in the bloodiest day of our civil war.

The Irish contribution is enormous to our politics, arts, sports, literature, commerce, the labor movement, and so many other areas of our American life. We, as a nation and a people, owe the Emerald Isle much. We have an obligation to pay attention to events in Ireland today.

The Irish role in U.S. politics is well known, including providing us more than a dozen American Presidents. Our histories, cultures, and people are very closely linked.

It is little noted, but at one time not long ago, the President of the U.S., the Speaker of the House, and the Majority Leader of the U.S. Senate, while serving together in our highest elected offices, were all Irish Catholic with close and very deep roots in the Emerald Isle.

Today, the future of the north of Ireland, and its relationship with the vibrant and prospering Republic of Ireland to the south is being decided across the bargaining table, not by the bomb and gun. Those engaged in the senseless sectarian killings have not de-railed the peace process. They shouldn't and must not be permitted to do so!

The U.S., both the executive branch and the Congress have played a vital and constructive role through an evenhanded and balanced approach to the Irish peace process, now moving forward in Belfast, albeit at far too slow a pace.

I have been particularly pleased to play a small part in keeping the Irish question high on the U.S. foreign policy agenda. We owe all the Irish people here and there, at least that much.

I have not hesitated to provide bipartisan support for President Clinton's overall constructive and very helpful efforts in helping to find peace and lasting justice in the north of Ireland.

These historic talks in Belfast today are being led, we are all very proud to say, under the able chairmanship of our former congressional colleague, Senator George Mitchell of Maine who himself has some proud Irish roots.

In promoting the effort to finding lasting peace and justice in the north through all party inclusive talks, we in America have in some small way been able to help pay back Ireland's warm and generous people, who have given our nation so much.

Today, after urging by both governments in the region, the U.S., and the millions of friends of the Irish people all around the globe, the future of the north is being decided by the responsible leadership of the people through political means, and discussions and their eventual "consent" to any proposed solutions. This is how it should be!

The Irish people both north and south, have consistently made clear that talks and negotiated political settlement were and are the preferred means to the protracted problems on that small and beautiful island.

We must all insist that substantive progress in the talks come soon. The Irish people must be presented with political solutions so they can exercise their right to "consent" in deciding for themselves the political and economic future of their island. The referendums which are intended to be scheduled on May 7, 1998, in both the north and south will give the people of Ireland a chance to exercise that consent over any proposed solutions for the future of their small island.

We must all work even harder at this historic and important moment in Irish history. We must help finding meaningful efforts to foster lasting peace and justice through building greater understanding and respect for human rights, and equality of esteem for both traditions.

We must help build a shared economic prosperity in the north. In addition, we must strive for greater reconciliation, especially through the treatment of Irish prisoners, and of those on the loyalist side, as well. Far too many on both sides have suffered long and enough in this struggle.

We now have the chance to put behind once and for all a struggle and a divisive past in the north of Ireland. This well clearly be for the benefit of the future, and for all of the youth of Ireland.

I have been proud of the long and warm friendship I have had with our Irish-Americans here in America, as well as the Irish on the Emerald Isle.

As we all prepare to celebrate the great holiday of Saint Patrick's day, let us hope and pray that this year the terrible and destructive division of the Emerald Isle and its people can and will be resolved permanently, justly and peacefully.

SALUTE TO KEVIN LEVEILLE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute today to a young man from my home town of Ventura, California who dedicated himself to making the world a better place to live. Kevin Leveille sacrificed for the care and concern of creatures great and small. He was dedicated to helping his fellow man and to preserving the environment. He passionately gave of his time, his love and eventually his life for this cause.

Kevin was a Peace Corp volunteer living in the Ivory Coast of Africa in the town of Tanda. But only two months before he was to finish his tour of duty which started in 1996, Kevin was tragically murdered during a robbery of his home. He is survived by his dear mother, Vicki Lopez, and his father, Paul Leveille.

At the age of 26, Kevin loved life—but not only his own. Kevin was a sensitive young man, always concerned about the vulnerable. His father, Paul, described his son as a peace loving young man who one time attached a bell to the family cat so it couldn't kill outside birds. Kevin recognized the value of every living thing, no matter how small and no matter how far away.

Kevin sojourned to Africa two years ago on a quest to share his knowledge and talents with those abroad. An honors graduate from Ventura High School, and armed with a bachelor's degree in environmental engineering and applied mathematics, Kevin set sail to apply his knowledge on a foreign shore as a volunteer. During his time in Tanda, Kevin worked to ensure the townspeople had cleaner water and a better sanitation system. He was also training incoming volunteers, as he was planning to further his academic education by returning to the United States to pursue a masters degree.

Kevin's mission was selfless. He took himself out of his comfort zone and lived in a foreign land among strangers. He took himself out of the safety of his homeland and subjected himself to foreign rule. He gave of himself receiving no pay and little recognition. He was simply doing what he thought should be done without letting material interests cloud his vision.

There is no doubt Kevin Leveille was a fine American and a fine human being, setting an example of honor and service.

This is a life that once touched people here and around the world—but now, he is a spirit who inspires by showing us the real meaning of love, duty, and dedication.

CONGRATULATIONS TO OLYMPIC GOLD MEDALIST NIKKI STONE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. McGOVERN. Mr. Speaker, all of America watched last month as our Olympic athletes competed in Nagano, Japan. I would like to take just a moment today to applaud one of those athletes—Nikki Stone of Westboro, Massachusetts—for her gold medal performance in Aerial Skiing.

Aerial skiing combines grace, speed and power at dizzying heights—with twists, turns, flips and spins thrown in for good measure. Competitors race down a mountain, fly into the air, perform amazing feats of aerial artistry, and land on their feet, all with skis attached.

Nikki Stone accomplished all of these things, and she accomplished them with the love of sport, love of competition and love of country that comes with being a champion.

Growing up in Westboro, Nikki participated in local gymnastics programs, and was recognized from an early age as an exceptional athlete. She quickly turned to high-level competition, and despite a series of debilitating back injuries, continued to rise to the top of her sport. Nikki's life in aerial skiing reflects the courage, discipline, and go-for-it attitude that will continue to bring her success in whatever future challenges she faces.

I know that America will never forget watching Nikki's final winning effort in Nagano—a gravity-defying jump in snowy, foggy conditions. And I know the people of Central Massachusetts will never forget how proud we were when we saw her on the medal stand, her arms raised in triumph after the playing of our National Anthem.

Mr. Speaker, on March 21 the town of Westboro will honor Nikki Stone with a parade worthy of an Olympic champion. On behalf of everyone in my district, I offer my heartfelt congratulations to Nikki Stone for all that she has done so well.

TRIBUTE TO JAMES CALISTER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to Mr. James Calister. James was recently honored as one of New Jersey's top two student volunteers by the Prudential Spirit of Community Awards program. By initiating and supporting programs that promote racial harmony, James has set a positive example for his hometown of Maplewood, and the residents of the Eighth Congressional District of New Jersey.

James recognized that Maplewood was undergoing a gradual demographic change. Once an affluent, white suburb, Maplewood was quickly becoming a diverse municipality, consisting of residents from different racial and socio-economic backgrounds. James became an instrumental figure in creating a peaceful merging of these disparate groups by ensuring that the dialogue remained amicable.

By attending community planning and Board of Education meetings, James learned how to influence policy-makers and enlist them in his fight against prejudice and racism. He joined the Racial Balance Task Force, and won election as Student Council President based on his promise to improve relations within his school and community. In addition, James spends much of his free time helping to coordinate various community and school-wide events, such as Diversity Day and Martin Luther King, Jr. Day, which help to promote racial harmony.

On May 2, 1998, James will travel to Washington, DC to attend the awards ceremony hosted by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principles. James will come to our nation's capitol with a well-deserved and earnest sense of pride in his accomplishments. This year alone, more than 11,000 students were considered for his honor.

Prudential Insurance Company of America, in concert with the National Association of Secondary School Principles, created the Prudential Spirit of Community Awards in 1995. It was an award created to impress upon all youth volunteers that their contributions are both critically important and highly valued, and to inspire others to follow their example. During its three short years of existence, the program has blossomed into the nation's largest youth awards program based solely on community service, with more than 30,000 youngsters participating.

Mr. Speaker, I ask that you join me, the Prudential Insurance Company of America, the National Association of Secondary School Principles, and the residents of Maplewood as we commend James Calister for his dedication to the cause of racial reconciliation.

FRANK HARDEN CELEBRATES 50 YEARS AT WMAL RADIO

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. WOLF. Mr. Speaker, one of the nation's capital area's most popular morning radio personalities recently reached a milestone in broadcasting at WMAL–AM 630. Frank Harden, now co-host of the "Harden, Brant and Parks" morning show, celebrated his 40th anniversary with WMAL on December 24, 1997.

In announcing that momentous occasion, WMAL also said that Frank Harden has renewed his contract for another three years and will continue to be heard on WMAL on a limited basis while spending some well-deserved leisure time at his homes in Sweden and Maryland. That's good news for the thousands of listeners, including presidents and members of Congress, who have spent their mornings with Frank Harden for several decades.

Many will recall the morning team of Frank Harden and Jackson Weaver. In 1959, Frank Harden auditioned with his late partner Jackson Weaver for the WMAL–AM morning team position. They won the affections of management and more importantly, Washington area listeners, and what began as a 13-week trial contract became the longest running two-man program in the history of radio.

I had the pleasure of working with Harden and Weaver in the early 1980's, soon after I came to Congress. Faced with the closure of the popular Turkey Run Farm Park in the 10th Congressional District of Virginia because of budget cutbacks, people in the district mobilized to save Turkey Run. We went on the air with Harden and Weaver, who helped spur the community on with their daily reports on the importance of the park to school children in the area. And when Harden and Weaver spoke, folks listened. Needless to say, Turkey Run Farm was saved and remains open today.

After the passing of Jackson Weaver in 1992, Harden was paired with sportscaster Tim Brant, and later former airborne reporter Andy Parks. The Harden, Brant and Parks brand of friendly humor, helpful information and wit has been waking up Northern Virginia, District of Columbia and Maryland listeners for over five years now.

Frank Harden, a native of Macon, Georgia, began his radio career at WSAV in Savannah. Prior to joining WMAL's staff on December 24, 1947, Harden worked in Atlanta and Denver, and as an announcer for network radio shows including "The Lone Ranger" and "The Edward P. Morgan Show."

During his years with WMAL, Frank Harden has received awards such as the March of Dimes A.I.R. Lifetime Achievement Award, performed community involvement that is without equal, raised millions of dollars for Children's Hospital, made thousands upon thousands of announcements and personal appearances for community, civic, and church events, and sent many thoughtful, personal wishes to his faithful listeners. The "Harden and Weaver" program enjoyed ratings successes like no other morning drive-time show, and "Harden, Brant and Parks" consistently ranks near the top among morning listeners.

Said WMAL President and General Manager Tom Bresnahan, upon the occasion of Frank Harden's 50th anniversary at the station, "We're thrilled to have Frank as part of the WMAL family. He's a class act!"

Indeed, Mr. Speaker, Frank Harden is a class act. We offer our congratulations to him with our best wishes and hope that we will continue to hear his voice gracing the Washington airwaves for many more years to come.

IN HONOR OF JAMES FARMER

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. SANDLIN. Mr. Speaker, six weeks ago, one of the truly great men of our times received the recognition and honor he deserves for his lifetime of dedication to and leadership of the civil rights movement. James Farmer, Jr., who was born and raised in my hometown of Marshall, Texas, received the Presidential Medal of Freedom—the highest civilian honor in our country.

Mr. Farmer is one of the giants of the American civil rights movement and a true American hero. He founded the Congress of Racial Equality (CORE), a group that became famous for its nonviolent sit-ins and freedom rides. He is the last of the "Big Four" civil rights leaders of the 1960's, which included Dr. Martin Luther King, Jr., of the Southern Christian Leadership Conference, Roy Wilkins of the NAACP, and Whitney Young of the National Urban League. Mr. Farmer was one of the men President Lyndon Baines Johnson consulted concerning the language of the Civil Rights Act of 1964.

Mr. Farmer is a man who dedicated his life to improving America for present and future generations. He fought to open the doors of justice and opportunity to all Americans, regardless of the color of their skin. Together as a nation we opened those doors, and James Farmer has continued to lead the fight to see that we do not retreat.

Yes, Mr. Farmer is a fighter, but he trained himself and his followers in the principles of direct action through nonviolence. He taught us that it is possible to work toward and achieve meaningful progress and change through a combination of education, fierce determination, and strong faith. James Farmer and Dr. Martin Luther King put their vision to work in America, and although we still have room to improve, we are a changed people and a changed nation because of their efforts.

The Presidential Medal of Freedom was designed for "persons the President deems to have made especially meritorious contributions to the security of national interests of the United States, to world peace, or to cultural or other significant public or private endeavors." I nominated Mr. Farmer for the Presidential Medal of Freedom and recommended him to the President because he has earned this honor and because I believe he deserves a formal expression of our appreciation and gratitude. I am pleased the President bestowed his highest award on Mr. Farmer, and I am honored to have played a small role in that process.

Friends, we are better Americans thanks to James Farmer, and we are also better human beings.

RECOGNIZING THE UNIVERSITY OF MEMPHIS BASKETBALL TEAM

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. FORD. Mr. Speaker, I rise today in recognition of the University of Memphis Tigers ladies basketball team. The Lady Tigers, under the leadership of Joye Lee-McNelis, captured their Conference USA regular season title by putting together a 14–2 conference record. Last week, the Lady Tigers traveled to Louisville, Kentucky for the Conference USA post-season tournament and won three consecutive games to capture that title as well. The Tigers put on quite a show, winning the final game in dramatic fashion over the host team in a game that was televised nationally by ESPN. The Men Tigers also had a great deal of success this year as they concluded the conference season 12–4 and also captured their division title. The women will be making their fourth consecutive NCAA tournament appearance. The men's title was their third regular season championship in the last four years.

After starting the season with a 4–4 mark, the Lady Tigers put together a long winning streak to become one of the nation's toughest teams the exciting play of LaTonya Johnson and Tamika Whitmore, combined with the terrific coaching of Lee-McNelis, have been the formula for success for these Tigers. As the popularity of women's basketball begins to soar, the commitment to success that this team has shown has helped to win over Memphis basketball fans. This was evident during the championship game as hundreds of fans roared in support of the Tigers after making the journey from Memphis to Louisville.

Mr. Speaker, I ask my colleagues to join me in honoring the accomplishments of the University of Memphis Tigers. We thank them for bringing championships to the city of Memphis and wish them the best of luck in postseason competition.

CONGRATULATING BEAUSOLEIL

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. JOHN. Mr. Speaker, I would like for my colleagues to join me in congratulating BeauSoleil on capturing a Grammy Award for Best Traditional Folk Recording.

BeauSoleil's talented group featuring Michael Doucet, David Doucet, Jimmy Breaux, Al Tharp, Billy Ware, and Tommy Alesi have contributed greatly to the spread of Cajun music not only in my state of Louisiana but throughout the country and indeed the world. Since 1975, BeauSoleil has succeeded in preserving the authentic Cajun music that we are so proud of in Louisiana and in doing so, shared our rich history far beyond our famous bayous with others. I think a Los Angeles Times article put it best by stating that "even as BeauSoleil stretches the basic Cajun sound and pushes at musical boundaries, it never veers far from the crucial values of family, friendship and community that have kept the Cajun people and culture alive for 400 years." It is only fitting that they now are honored by the Grammy's for such a profound work like "L'Amour ou la Folie (Love or Folly)" which embodies a diverse cultural blend of Cajun and Creole classics, blues, South Louisiana swamp-pop, New Orleans jazz, and Afro-Caribbean material. This prestigious award along with six prior Grammy nominations recognizes bandleader Michael Doucet's commitment to spreading the "joie de vivre" Louisianians find in our music while keeping the traditions of our culture alive for everyone to cherish.

Furthermore, Mr. Speaker I am proud to add that BeauSoleil was not the only band to be nominated by the Grammy's from my Congressional district. Mr. Jo-El Sonnier and the Hackberry Ramblers were among the elite musicians to receive this special honor as well. Mr. Jo-El Sonnier's "Cajun Pride" and the Hackberry Ramblers' "Deep Water" were both nominated for the Best Traditional Folk Recording. I am extremely proud of these nominees who have shared long, fruitful careers in the entertainment industry and extend my deepest appreciation for their celebrating the musical treasures indigenous to our state for so many years.

In conclusion, let me join with my fellow Louisianians in congratulating these talented musicians on their outstanding achievements as we are fortunate to have such great ambassadors of our music and culture.

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DESIGNATE DC CITY-WIDE EMPOWERMENT ZONE AND GIVE MAJOR TAX CUTS TO DC RESIDENTS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Ms. NORTON. The economic package I introduce today is the missing piece for the revitalization of the District of Columbia. The new and improved District of Columbia Economic Recovery Act of 1998 (DCERA) proposes tax incentives for DC residents and businesses designed to stem the inexorable flight to middle income residents from the District, a phenomenon that has resisted the presence of a control board, a historic rescue package, and improvements in the city's financial condition.

The bill has two important goals. First, the DCERA affords benefits to the only group in the city that has received none—DC residents. Last year, the District government got a billion dollar rescue package that grows in value each year and DC businesses got billions in potential tax benefits that all agree are invaluable. DC residents are still waiting for tax benefits that can stem the mounting tide that is sweeping the middle income tax base from this city while we look the other way. Second, the bill makes city-wide the tax benefit package I won for the District last year in the Taxpayer Relief Act of 1997.

Let me turn first to needed remedies to correct unfair advantages to some and outright discrimination against others unintentionally incorporated into the package we recently won for DC businesses. Although I pleaded with Congress to make city-wide the benefits for DC businesses in the Taxpayer Relief Act passed last summer, Congress was unwilling to absorb the small additional cost. These very valuable business tax benefits, including a $3,000 tax credit for every DC resident employed and elimination of capital gains tax, were limited to certain levels of residential poverty. These neighborhood limitations have justifiably stirred objections and the unintended consequences I warned of are all too apparent. For example, the Willard Hotel can get $3,000 off the $15,000 it may pay to a cleaner or a bell hop, but the Hay Adams and the Washington Hilton, whose general manager will speak this morning, cannot. Businesses in one section of a struggling commercial strip are included, but their mirror counterparts down the street are not, as one business owner who will speak here today can testify. High income university students with little personal income have brought Georgetown and Foggy Bottom businesses under the law, but businesses in struggling areas of Ward 5 do not qualify. These discriminatory effects litter the economic landscape city-wide.

This section of my bill would correct anomalies that give some businesses an unearned competitive advantage, forcing competition among our already depleted pool of businesses instead of between those in and outside of DC. The solution is simple and fair; designate the District of Columbia an empowerment zone. This designation is sensible for three reasons. It would (1) erase indefensible distinctions that tear neighborhoods apart and help some DC businesses at the expense of others; (2) draw upon the criterion of poverty already in the law; and (3) assure the congressional intent of the existing package to make the city an exemplary capital is not undercut by the hit-and-miss effect of the recently passed DC tax package. The present law requires a 20% residential zone poverty rate for businesses to receive the tax benefits and a 10% poverty rate to qualify for capital gains tax elimination. Since the poverty rate for the District is 23%, it makes sense to use the city-wide poverty rate to designate the entire city an empowerment zone.

I want to move to the second major section of the bill. This is not the first time that I have introduced a tax cut package for residents, but the urgency has grown. Bills that represent a decided departure almost never pass except after several introductions, lots of hard work, and the building of momentum. In introducing a tax cut this year, I mean to indicate that I do not intend to give up until DC residents and those who might be attracted here are given a reason to live in this city. We need this provision because we lack what has saved other big cities from collapse: a state to funnel money back from fleeing taxpayers and the ability to tax commuters who work in the city. As a result of these twin deficits, the continuing population hemorrhage could find the recovery now in progress countermanded by a simultaneous exodus of the city's core middle income tax base. We are losing three times as many residents in the 1990s as we lost in the 1980s. Ominously, in the two years since 1995, even with a control board in place to stabilize the city, we lost nearly as many residents as we lost in the 1980s. This unchecked flight is virtually the worst among other cities today.

Yet the totals at the bottom line do not tell the real story of what the loss means to the city. Worse than the total loss is the income distribution of that loss. The people who are leaving I call prime movers because they are in the prime income groups. They give communities their grassroots vitality, insist upon excellence in education for their children, prevent the deterioration of neighborhoods, and pay taxes adequate to fund city services. The prime movers are in the prime years of their earnings, with disposable income rising each year. Two-thirds of the prime movers are ages 25–44 and 50% of them earn $50,000 or more. A hefty majority of the taxpayers in flight, or 63%, earn between $35,000 and $100,000. This income group are the people whom demographers mean when they use the words "middle class." The greatest flight, 38% is in the taxpaying core of this group between $50,000 and $100,000. Just below them at $35,000–$50,000 is the second largest group of prime movers. At only 3%, the least likely to leave are the poorest residents with income under $15,000, who need the most services.

The major tax breaks my bill provides residents are simple. After affording sharp increases in the traditional standard deduction and personal exemption, a uniform rate of 15% will be applied progressively up the income scale to reduce present tax liability—from a 79% reduction to a 34% reduction, depending on income. The lower the income, the greater the tax reduction. The DCERA would leave 50% of DC residents off of the tax rolls altogether. The uniform rate would rescue the rest from bracket creep, and thus assure that income increases resulting from the tax cut are not then significantly taxed away.

Let me try to dispose of one canard. It is true, of course, that people don't leave one jurisdiction for another because of their federal income taxes, and they are not leaving DC primarily because of the onerous combination of federal and high local DC taxes. It does not follow, however, that a substantial federal tax reduction will not be an incentive to keep people here or bring some back. The feedback from residents indicates that today only a tax break makes a significant difference to prime movers. They see a tax break as an incentive that overcomes the many disincentives to stay in the District today, including schools, other services, and urban conditions.

The bill has important safeguards against artificially rapid property value increases and against gentrification. A list of these safeguards, all of them in previous versions of the bill, is attached as an addendum to this statement. An important new safeguard against gentrification is my recently enacted $5,000 DC homebuyer credit. This credit already is allowing DC residents of modest means to become homeowners and to avoid exclusion as the market rises, as you will hear from one of our speakers today.

The District has less to work with than any American city: no lifesaving state to help as Maryland helps Baltimore and Virginia helps Richmond; no ability to tax commuters who use costly city services, as Philadelphia and New York do; and no clearance of state functions, such as welfare and mental health, among the costly functions that the President's revitalization package did not take. Above all, the District uniquely is denied the most fundamental of American rights—full representation by a Congress that extracts the same federal taxes as it does from those, who, unlike District residents, have full representation in the Congress and full democracy where they live. What the DCERA seeks today is not the full value of the rights and remedies due us and which we will never concede. Today, we seek enough relief from taxes to give us the only route to economic salvation for the city—a middle income tax base.

SAFEGUARDS AGAINST UNNATURAL INCREASES IN COST OF LIVING

Requires Proof of DC Residency For 183 Days Annually

Applies Only to Wage and Salary Income Earned in DC or Metropolitan Region

Applies to Investment and Dividend Income Earned Within DC Only

Capital Gains Relief on DC Investments Only

Old IRS Rate on Investments Outside DC

Annual Treasury Study to Protect Against Unintended Consequences

Stand-by Legislation Examples

Council Passed Legislation Freezing Property, Sales, and Income Taxes Effective Upon Enactment of DCERA

Cap on Property Tax Rates and Growth of Assessments (Similar to TRIM, P.G. County)

Surtax on Capital Gains Derived from Excess Profits

Revolving Fund for Zero Percent Interest Loans (Or Tax Credits) to Cover Unusual Increases in Home Prices

Maintenance of Rent Control

INTRODUCTION OF THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1998

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. BAKER. Mr. Speaker, I rise today joined by the distinguished gentleman from New Jersey, Mr. PALLONE, in introducing the "Comprehensive One-Call Notification Act of 1998."

This is an industry initiated, self-help, pro-environment bill that places public health and human safety at the very top of the list of our concerns as this nation builds an underground infrastructure that we all rely on for the movement of goods and services across this country.

The introduction of this legislation addresses an important national public safety issue—the prevention of damage to this nation's underground infrastructure. My bill is aimed at improving state one-call notification, or "call-before-you-dig," systems. Participation in one-call programs saves lives and protects the environment by reducing the number of accidents caused by excavation near unmarked facilities.

These accidents are serious business—something my constituents know about first-hand. In May 1996, an underground petroleum pipeline near Grammercy, Louisiana, was hit, causing the release of 8,400 barrels of highly flammable gasoline into a nearby swamp. The accident killed hundreds of fish, six alligators, snakes and at least one deer. It caused the closure of U.S. Route 61, inconveniencing scores of re-routed drivers. It forced the shutdown of the Kansas City Southern Railroad. And finally, the bearer of the Olympic torch, who just happened to be passing through the area on the way to the opening of the Atlanta games, was forced to detour.

This accident was caused when an unknown excavator dug into the pipe, and failed to report the damage. Mr. Speaker, my bill could prevent such terrible accidents.

Too often, laws are only changed as a result of a disaster, such as the one in Louisiana. In Louisiana, we learned from our experience. We passed a strong state one-call law. Now it is time for the rest of the nation to follow suit.

One-call programs work by giving excavators a clearinghouse to use prior to beginning a project. A contractor or other excavator calls a central number and notifies the one-call center of the location of the planned excavation. The one-call center then notifies all pipelines, utilities and phone companies in the area of the proposed excavation, so that all underground facilities can be located and marked. The excavator can then work around the underground utilities, and avoid the use of heavy equipment near such facilities.

Better communication is the answer, and better communication is what one-call centers are all about. But while 49 states have one-call statutes and programs, these programs vary widely in the level of required participation, and in the overall effectiveness of damage prevention. Some states exempt certain groups of excavators, and some states exempt certain underground facility operators. The result is an accident rate that is much too high. This is unacceptable.

We must improve the effectiveness of state one-call programs—before another disaster occurs. And that is precisely what this legislation does.

The idea is simple: prevent accidents by establishing an open line of communication. All excavators should call before digging. All underground facility operators should accurately mark their facilities. And states should enforce their own laws to discourage violations.

The answer to better one-call systems is not billions of dollars in federal money, or federal mandates on the states. The answer is national leadership on improving one-call systems nationwide, followed by more comprehensive and consistent programs in all 50 states.

Mr. Speaker, this bill does not try to write the perfect one-call statute. Those decisions need to be made at the state level, by those involved in looking at the unique problems within a particular state. What this legislation does do is encourage states to provide for a maximum level of one-call participation by all excavators and all underground facility operators. It also encourages states to develop more effective enforcement efforts.

On the question of exemptions, the bill advocates the use of a risk-based analysis to determine whether a party should be required to participate. Those entities which represent a potential risk to the public or the environment should be required to participate. On the other hand, those who represent only a de minimis risk can participate on a voluntary basis, if at all. The whole question of whether exemptions should be made, however, is still left to the states. Ultimately, it is the state governments which need to be examining the unique situations within their borders.

My legislation is based on incentives, not mandates. If a state feels that its one-call program provides the level of coverage and enforcement envisioned in this legislation, then it can apply to the Department of Transportation for a one-time grant. We are, in essence, rewarding the "A" students and encouraging the others to do better. States are not compelled to apply for a grant, and they are not punished if they chose not to participate. This legislation does give the advocates of stronger one-call programs one more tool to use in their efforts at the state level.

Let me be clear. This legislation is not a federal "takeover" of state one-call programs. To the contrary, the goal of my legislation is to support states in their efforts to improve the quality of underground damage prevention. After this becomes law, states will continue to exercise exclusive jurisdiction over one-call programs within their borders. I view this type of legislation as an example of the kind of responsible federalism that should be supported by this Congress, and extended to other programs as well.

Similar legislation has already passed unanimously in the other chamber. That legislation, S. 1115, was sponsored by Majority Leader TRENT LOTT and Minority Leader TOM DASCHLE, as well as a host of other Republicans and Democrats. The bipartisan support of the Senate bill is something I believe will happen in the House as well.

Improving public safety is not a partisan issue. All of us want to do a better job in preventing life-threatening accidents. I want to encourage my Republican and Democratic colleagues to join me in supporting this legislation.

Mr. Speaker, I look forward to working with my colleagues on both sides of the aisle to move the process forward here in the House and send this common sense initiative to the

President for his signature. The Comprehensive One-Call Notification Act provides a public policy statement which is long overdue. My state of Louisiana learned its lesson the hard way. It's time for the rest of the country to follow our example. Let's not wait for another accident. Let's improve One-Call programs today.

THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1998

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PALLONE. Mr. Speaker, four years ago, I introduced H.R. 4394, the Comprehensive One-Call Notification Act, in response to a terrible pipeline accident that occurred in my district. In Edison, NJ, a rupture in a natural gas pipeline caused an explosion that demolished eight apartment buildings and left hundreds of people homeless. The explosion produced a fireball so great that it could be seen in three States, and a fire so intense that it melted the cars parked at the apartment complex.

Four years later, I am still trying to pass a Comprehensive One-Call Notification Act. Four years later, I am still working to improve One-Call systems. I am pleased today to join my colleague from Louisiana, Mr. BAKER, in introducing the Comprehensive One-Call Act of 1998. This legislation is a modified version of my 1994 bill, designed to encourage the development of better One-Call programs. This bill does not contain any state mandates with regard to One-Call programs. It does encourage states to adopt comprehensive programs to maximize safety assurances for all citizens.

To the people in my district, the safety of pipelines is absolutely essential. My constituents were witnesses to a horrible tragedy that they carry with them, even four years later, fears they had never before imagined. In a way however, they were also witnesses to a miracle: only one person lost her life in the accident, tragically suffering a heart attack, and most residents escaped without injury. Certainly, in light of the total devastation of the area, the potential for a greater number of fatalities is apparent.

The Edison accident, like the majority of pipeline accidents, was caused by third party damage. Often times, excavators do not know what is buried beneath their work sites. This ignorance can lead to fatal and expensive consequences. The bill we are introducing today proposes three simple solutions to this problem: before they begin digging, all excavators should call a central phone number to learn whether there are any underground facilities at the excavation site. All facility operators should participate in One-Call programs, and, once notified, should accurately mark any underground facilities. Finally, States should strongly enforce their One-Call laws to encourage maximum participation in One-Call programs. These simple measures can save lives, prevent property damage, and prevent the need for expensive repairs.

More than anything else, One-Call is about prevention. One telephone call can prevent explosions like the Edison accident. One telephone call can prevent the death of an excavator digging near a gas line. One telephone call can prevent the contamination of the environment by a ruptured hazardous liquid or sewer line. One telephone call can prevent the need for expensive repairs to fiber optic cables. As another example, shortly after the pipeline incident in my district, a cut in an electric line at Newark airport by a contractor resulted in closure of the Airport for nearly 24 hours. One-Call programs—and this bill—would prevent this type of accident.

Today, 49 States have some kind of One-Call system, but Federal action is necessary, as demonstrated by the accidents mentioned above. Many current State systems are inadequate. Some provide exemptions for certain types of excavators. Some fail to cover all underground facilities. Some States have incredibly complex enforcement mechanisms, and some States don't bother to enforce One-Call laws at all. This bill recommends a program that will be successful. The key to this success is the concept of participation by all excavators and facility operators. Excavators will be assured that they are digging in a safe place, and facility operators have insurance that their lines will not be damaged.

This bill encourages States to improve their One-Call programs. It contains no mandate that States adopt such a system. Instead, it provides grants to States that choose to institute the principles of this bill and develop effective one-call systems. I believe that once States delve deeply into this issue they will conclude, as I have, that a comprehensive One-Call system is a life-saving device that should be a part of any public safety program.

With this bill, we have an opportunity to prevent accidents like the Edison explosion in every community in this country. Let us take the explosion that awoke the residents of the Durham Woods Apartment Complex in Edison as a wake up call to us. Pass one-call.

HONORING THE BIRTH OF ABBEY DEENA TO DR. HERBERT LEPOR AND DR. ELLEN SHAPIRO

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. KING. Mr. Speaker, I rise to inform the House that on February 25, 1998, Dr. Herbert Lepor and Dr. Ellen Shapiro became the proud parents of a baby daughter, Abbey Deena. Abbey Deena was born at The New York Presbyterian Hospital and she weighed in at 6 pounds, 14 ounces. The best news of all is that Abbey Deena and her mother are in perfect health.

I am proud to be able to call Dr. Lepor and Dr. Shapiro my good friends. Dr. Shapiro is an internationally renowned Pediatric Urologist and is the Director of Pediatric Urology at New York University Medical Center. She received her medical degree from the University of Nebraska College of Medicine, was a surgical intern and resident at the Johns Hopkins Hospital and a Clinical Associate in the Surgery Branch of the National Cancer Institute, Bethesda, Maryland. She was a fellow in Pediatric Urology at the Children's Hospital of Michigan and was Assistant Professor of Surgery at the Washington University School of Medicine and at the Medical College of Wisconsin. Prior to moving to New York City, she practiced Pediatric Urology at the Children's Hospital of St. Louis and the Children's Hospital of Wisconsin.

Dr. Lepor has been Chairman of Urology at New York University School of Medicine since 1993. During that time he has established one of the preeminent centers of urological care, education and research in America. Dr. Lepor graduated Phi Beta Kappa and summa cum laude from the University of California, Los Angeles (UCLA) at the age of 20. He earned his medical degree at the Johns Hopkins University School of Medicine and completed Urology Residency Training at the Brady Urological Institute at Johns Hopkins. Dr. Lepor is a nationally renowned expert on prostate treatment and has written numerous scientific articles and books on that topic. He performs more radical prostatectomies a year than any other surgeon in the tri-state area. He has been recognized by American Health magazine and New York Magazine for his expertise in prostate cancer.

At the time of their marriage, Dr. Lepor and Dr. Shapiro were the only husband and wife Urology team in America. More important than any of their professional abilities, however, they are outstanding people who care deeply about their patients and give untiringly of themselves.

As happy as Dr. Lepor and Dr. Shapiro are over the birth of their beautiful daughter, I know that Abbey Deena will soon realize how fortunate she is to have such outstanding parents. On behalf of myself and my family I wish them the very best of health and happiness.

HONORING HENRY STEELE COMMAGER

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. DAVIS of Virginia. Mr. Speaker, it is with deep sadness that I rise today to announce the passing of a great historian and teacher, Henry Steele Commager. His contributions to our Nation during the twentieth century are beyond measure. He taught generations of Americans to respect the genius that lay behind one of the greatest documents in world history, the United States Constitution. Mr. Commager died on Monday, March 2, 1998 at the age of 95. It is difficult for me to believe that such a prolific American historian is gone.

When I was a student at Amherst College, I had the honor of having Mr. Commager as an instructor. This brilliant scholar reminded his students about the unique circumstances and rare, combined genius that existed when our republic was created. In addition, he worked tirelessly to awaken a true respect for and commitment to our government institutions from his students. Under his tutelage, I came to learn about the power of our Constitution and the importance of its structure in every facet of our government. I believe Mr. Commager's tireless passion led many young people such as myself to public service. Moreover, I firmly believe he showed many of his students how to be active citizens committed to fighting apathy in the American electorate.

Mr. Commager encouraged all politicians not to be afraid of their moral convictions and to vote on the principles that originally elected them to office. He was a strong-willed man with the singular courage to pursue the hearts and minds of all Americans. His writings were not limited to the academic world, rather he actively sought to engage all individuals and rouse in them a passion for our history, our founding fathers, and our institutions of government. Henry Steele Commager dedicated himself and his life's work to preserving our Constitution.

I know that Henry Steele Commager will be missed by lawmakers in both chambers who were influenced by his many writings, particularly The Growth of the American Republic. The breadth of his work and its lasting legacy will always serve as a reminder of Mr. Commager's patriotism and the strength of his commitment to democratic principles. My deepest condolences go to Henry Commager's family, his wife Mary Powesland and his children. Recent articles in both The Washington Post and The Washington Times illustrates Mr. Commager's contributions to our nation.

[From the Washington Post]

Henry Steele Commager, 95, one of the leading scholars of U.S. history, died March 2 at his home in Amherst, Mass. The cause of death was not reported.

Dr. Commager taught U.S. history at colleges and universities for more than a half-century. Since the 1930's, he had maintained a torrential outpouring of writing aimed not only at sophisticated scholars but also at undergraduates, high school students and the general reader. He had the gift, rare in an academic, of being able to seemingly effortlessly translate historically complex matters into supremely lucid and deceptively simple prose.

Generations of his readers learned that their country was truly admirable and that, if it sometimes stumbled, it always righted itself. Dr. Commager, who called himself an independent Democrat, wrote with the faith of a Jeffersonian liberal in the aims and abilities of the American people and clearly admired the nation's past.

As a champion of the U.S. Constitution, once calling it the "greatest monument to political science in literature," he wrote of this country's greatness as not unrelated to the sweeping growth of social justice.

He lectured Americans not only in classrooms but also in some of the best-received general history texts of his time. He may be best known for "The Growth of the American Republic," written with Samuel Eliot Morrison and published by the Oxford University Press in 1931. Noted historian Allan Nevins hailed the book as "the most entertaining, stimulating and instructive single-volume history of the United States as yet written."

Dr. Commager and Nevins collaborated on the work's 10th edition, which was published in 1987.

In 1941, Dr. Commanger co-wrote "Our Nation," which became a leading high school U.S. history text. In 1942, he and Nevins cowrote "America: The Story of a Free People," a best-selling book for the lay reader that covered U.S. history from the first British settlers to the Japanese attack on Pearl Harbor in December 1941.

In addition to immensely popular general histories, Dr. Commager also wrote on more specialized topics. These included a 1936 biography of a pre-Civil War New England theologian and abolitionist, and such philosophic offerings as "The American Mind," "Freedom, Loyalty and Dissent," "The American Character" and "The Empire of Reason."

He also was a prodigious editor, making historic writing more accessible to the general reader. Works he edited included Alexis de Tocqueville's "Democracy in America," Benjamin Franklin's "Autobiography" and Francis Parkman's "The Oregon Trail."

He once maintained that his most significant work may have been his now-legendary "Documents of American History," first published in 1934. Growing to more than 600 documents, its 10th edition was published in 1988.

Dr. Commager was born in Pittsburgh and grew up in Chicago. Orphaned before he was 10 years old, he was raised by a grandfather, a Chicago clergyman. The future historian began earning his living at age 15 by working in a local library.

He received a bachelor's degree in philosophy and master's and doctoral degrees in history from the University of Chicago. He also received a master's degree in politics from Oxford University in England and attended the University of Copenhagen.

During World War II, he worked for the Office of War Information in Europe and also was an official Army historian. He taught history at New York University from 1926 to 1938 and then at Columbia University before joining the faculty at Amherst College in the 1950's.

As a teacher, Dr. Commager promoted discussion if not downright battles in the classroom. A champion of civil liberties, he had tangled with Sen. Joseph McCarthy (R-Wis.) in the 1950's over the professor's opposition to loyalty oaths.

Even in the 1980's, he continued to lecture politicians on history and civil liberties, quoting Supreme Court Justice Oliver Wendell Holmes to the effect that "we should be ever receptive to loathsome ideas."

George McGovern, the former South Dakota senator and Democratic presidential candidate, who once taught history with one of Dr. Commager's popular texts, told the Associated Press that the historian's public pronouncements helped sway policy makers to question the Vietnam War.

"He certainly influenced me in making certain that I was on the right track. My own instincts and reading and study convinced me of that. To have a person of the status of Henry Steele Commager saying the same thing was very reinforcing," McGovern said.

Over the years, Dr. Commager wrote for such publications as Current History, the Atlantic Monthly and the Nation. History, however, reported that he owned at least a thousand classical record albums, which he played while working.

Dr. Commager also was enthusiastic about sports. He had written works on baseball and was a rabid college football fan. At least one parent of an Amherst graduate recalls Dr. Commager shouting "advice" from the stands, in no uncertain terms, to an embattled Amherst football coach.

Dr. Commager was a member of numerous historical societies, as well as Phi Beta Kappa, and the American Scandinavian Society.

[From the Washington Times]

Henry Steele Commager, a prolific American historian who championed the Constitution as a model of political genius, died yesterday at the age of 95.

Mr. Commager, who died at his home in Amherst, wrote a body of works spanning much of this nation's history. But his best-known work was "The Growth of the American Republic," which in various revised versions served as a standard college text for generations of students.

His impact went far beyond fellow historians and students. Mr. Commager wrote as much for the popular press as for the scholarly journals. In both arenas, he championed principles of the Constitution, which he called the "greatest monument to political science in literature."

The self-described independent Democrat also did not shy at lecturing Congress and presidents about what he viewed as their moral and constitutional obligations.

Mr. Commager was John Woodruff Simpson lecturer at Amherst College—a post previously held by poets Robert Frost and Archibald McLeish. Before coming to Amherst in 1956, he was on the faculty of New York University and Columbia University.

He also held chairs in American history at Cambridge University and Oxford University. He lectured at universities in Latin America, Japan, Israel and most of the countries of Western Europe.

Mr. Commager, who earned his doctorate from the University of Chicago in 1928, also wrote "Theodore Parker," 1936; "Majority Rule and Minority Rights," 1943; "The Story of the Second World War," 1945; "The American Mind," 1951; "The Commonwealth of Learning," 1968; "Jefferson, Nationalism and Enlightenment," 1975; "The Empire of Reason," 1977; and "This Day and Generation," with Edward Kennedy, 1979.

In 1934, he edited "Documents of American History," a compilation of nearly 500 writings. The 10th edition was published in 1988.

"The Growth of the American Republic" was written with Samuel Eliot Morison in 1931. Mr. Commager collaborated with Alan Nevins on the 10th edition published in 1987.

Born in Pittsburgh and orphaned before his 10th birthday, Mr. Commager was raised by his grandfather, a Chicago clergyman. He said he began earning his living at the age of 15 by working in a library.

Mr. Commager married Evan Carroll in 1928, and they had three children. He married Mary Powlesland in 1979.

She survives him. His other survivors include two daughters.

TRIBUTE TO THE QUARTER BACKERS OF THE SOUTHAMPTON HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the members of the Quarter Backers Club of Southampton Hospital, who for 20 years have poured their hearts and valuable time into helping the hospital acquire the most technologically advanced, life saving medical equipment and services for the East End, Long Island community.

As a lifelong resident of the Long Island Town of Southampton, I am very proud to count the Quarter Backers as my personal friends and neighbors, men and women whose commitment to our home town knows no bounds. Motivated solely by the selfless desire to help Southampton Hospital provide the best medical care available, the Quarter Backers have raised and donated more than $100,000 annually for the purchase of the best diagnostic, therapeutic and emergency medical equipment in the industry. Their labors have produced the greatest fruit imaginable, for they have saved the lives and eased the suffering of countless numbers of their neighbors.

The brainchild of John Grattan, a member of the Hospital's Board of Directors who came up with the idea while he was a patient at the hospital, the group was christened the Quarter Backers because members offer quarterly contributions to Southampton Hospital. With the help of Richard J. Micallef, the current chairman of the Quarter Backers Steering Committee and a member from the beginning, John Grattan organized the many East End business men and women, community leaders and others who were committed to supporting the hospital. Born at Southampton Hospital 21 years ago, the Quarter Backers Club has grown into one of the most vital and active members of the hospital family.

Today, the Quarter Backers number more than 200, men and women from every walk of life who have helped Southampton Hospital adjust to rapid advancements in medical technology. They have raised funds to acquire cardiac diagnostic machines, expand the orthopedic sports medicine facilities and supply mammography equipment that formed Southampton Hospital's Breast Health Center. Collectively, the Quarter Backers are as integral to Southampton Hospital as the 120 staff physicians, sixty consulting doctors, nurses and other staff members in building a healthier East End.

More than just fundraisers, the Quarter Backers are the hospital's ambassadors to the East End, reaching out to their neighbors, business groups, local media and schools, building and cementing relationships with the community. Their devotion to Southampton Hospital and their commitment to saving lives and improving community health is all that motivates the members of the Quarter Backers. This is the reason why they have flourished and grown during two decades of service.

That is why, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in proudly saluting the Southampton Hospital Quarter Backers as the group enters its 21st year of proud service to the hospital and the East End of Long Island.

EXCHANGE CLUB OF LONG BRANCH HONORS POLICEMEN OF THE YEAR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PALLONE. Mr. Speaker, this evening, Wednesday, March 4, 1998, the Exchange Club of Long Branch, NJ, will honor two officers as Policemen of the Year as part of its annual crime prevention week.

Cpl. Howard Townsend and rookie officer Michael Ahart are being honored for preventing a possible case of arson. On May 7, 1997, the police received a call to respond to a person possibly attempting to burn down a house. Cpl. Townsend and Officer Ahart responded to the scene and confronted an individual at the back door of the residence. The subject lit a cigarette lighter and instructed the officers not to come any closer or he would set fire to the house. The two officers responded to the emergency like the well-trained professionals that they are. Cpl. Townsend called for fire engines, paramedics, ambulances and a negotiator. He prudently advised the emergency vehicles not to use their lights or sirens to avoid further alarming the individual in the house. Officer Ahart remained with the subject, talking until he was able to get close enough to take a lighter and a gasoline-soaked rag away from him. It was subsequently discovered that the downstairs apartment—where an 85-year-old man and his disabled 83-year-old wife lived—had been completely soaked with gasoline.

Mr. Speaker, the actions of these two police officers are a source of pride to the Long Branch community. While I'm sure that Cpl. Howard and Officer Ahart would object to being described as heroes, and would insist that they were just doing their jobs, their decisive action under severe pressure reminds all of us of the great contributions that police officers around our country make to our security, often at serious personal risk.

The Long Branch Exchange Club is part of a national organization of civic clubs devoted to allegiance to the flag and programs to benefit and educate children. They also stage festival events and other community programs throughout the year.

TRIBUTE TO ANNIE SMITH OF CHICAGO, ILLINOIS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. DAVIS of Illinois. Mr. Speaker, today I pay tribute to a citizen of this country who represents the best of what America has been, is and can become.

Mrs. Annie Smith was born in Mississippi in 1906, moved to Arkansas with her family and ultimately settled in Chicago, Illinois.

God blessed her with the gift of creativity. She learned cosmetology and millinery, established her own shop and was an outstanding business woman for many years. She was a graduate of Madam C.J. Walker's Beauty College and was an Eastern Star.

Mrs. Smith was a member of the St. Luke's Baptist Church for many years before joining the Carey Tercentenary A.M.E. Church, until her death, under the leadership of Rev. K.K. Owens. She was preceded in death by her husband, Joseph Smith and son Charles Gordon.

Best wishes are extended to her son, Mr. Eugene Ireland, and grandchildren, Charlotte Willis, Vernetia Johnson, Jeffrey Johnson, Kevin Johnson, Ann Hill, Rosalynn Hill and her other grandchildren, nieces, nephews, and other family members and friends.

TRIBUTE TO DENT MIDDLE SCHOOL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dent Middle School for being honored with the Palmetto's Finest award. This award is giving annually to four schools in my home State of South Carolina for excellence in an educational facility. It is sponsored by the Carolina First bank and the S.C. Association of School Administrators.

As a former high school history teacher, I congratulate them with heartfelt pride for the work that is being done at Dent Middle School. Under the leadership of principal Cheryl Washington, a personal friend, Dent was chosen based on factors including how they teach, what classes they offer and how well the school interacts with parents and the local community. Site visits are also made by the judges, who comprise a team of educators representing schools that have won the award previously. Schools may win this prestigious award only once.

Dent Middle School, located in the Midlands area of the Sixth Congress District, is a unique school that represents the diverse population of my district very well. Dent has not only an economically, but also racially, diverse student body of 1,200. Students come from affluent suburban areas, lower-income apartment communities and nearby Fort Jackson. Students also come from across Richland District 2 for a magnet program housed at Dent. The magnet program, The Learning Cooperative, offers a longer school day, smaller teacher to student ratios, and challenging subjects for approximately 240 students from across the school district.

Aside from the magnet program, Dent offers an after-school tutoring program, study sessions and help with homework for students who need extra assistance. They also offer a program called ALERTS who offer special challenges for academically talented students.

Aside from being chosen as one of the Palmetto's Finest, Dent Middle School is a finalist for the Blue Ribbon School award given by the U.S. Department of Education. The other schools in South Carolina chosen as Palmetto's Finest are Riverside High in Greenville County, Reidville Elementary in Spartanburg County and Shell Point Elementary in Beaufort County. All four of the Palmetto's Finest schools will be honored by Governor David Beasley and state Superintendent of Education Barbara Nielsen at a March 10 gala in Columbia.

Principal Washington says the awards bestowed on Dent aren't won easily and it takes the "commitment of everyone here, the collaboration of everyone working together." It is obvious that Dent Middle School is indeed very committed to meeting the needs of an extremely diverse student body and has proficiently collaborated their efforts so that each student gets the educational attention they deserve. Mr. Speaker, I ask you to join with me in paying tribute to Dent Middle School, with congratulations to Ms. Cheryl Washington; two of the Palmetto State's Finest.

HONORING THE HOUSTON FOOD BANK ON ITS 15TH ANNIVERSARY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Houston Food Bank on 15 years of service to the community. The Food Bank will celebrate its anniversary with a gala birthday luncheon on March 12, 1998. In keeping with its tradition of seeking ever new ways to serve, funds raised at the luncheon will be used to expand delivery of fresh fruit and vegetables and provide nutrition education to thousands more needy families.

There is much to celebrate. Since it opened its doors in March 1982, the Houston Food Bank has steadily grown into the nation's fourth-largest food bank, serving 36 counties in southeast Texas and feeding 200,000 people each month.

When it began, the Houston Food Bank consisted of volunteers picking up food in a psychedelic Volkswagen bus and icing it down in picnic baskets. Today, the Food Bank operates from a 73,000-square-foot warehouse featuring 160,000 cubic feet of freezer and refrigerated space. It operates three bobtail trucks, two tractors, and eight trailers for pickup of donated food provided through a partnership with 300 food companies.

Since its inception, the Food Bank has provided 160 million pounds of food to people in need. Last year alone, the Food Bank provided 20 million pounds of food and other essentials to 400 member charities, including food pantry programs, shelters for the homeless, nutrition programs for the elderly, and group foster homes.

These accomplishments are reason enough to celebrate, but the Houston Food Bank recently received more good news when it was honored with the Congressional Hunger Center's 1997 "Victory Against Hunger Award." The Center praised the Food Bank as "a national model for innovation and efficiency in feeding the hungry," specifically citing programs that "engage all facets of the community in the fight against hunger.

This is but one of many well-deserved honors the Houston Food Bank has received. In 1984, the Houston Food Bank became a certified member of Second Harvest, a network association of 185 food banks across the United States. The Food Bank's honors include Second Harvest's Food Bank Award for Excellence in 1990, the Nabisco Model Food Bank Award in 1993, and the Hunger's Hope Award for Innovation in 1996.

The Houston Food Bank's fresh produce operation, the Produce People Care Center, serves as a model food bank program nationally, handling six million pounds of nutritious fruits and vegetables each year. In another initiative that is being copied elsewhere, the Food Bank has formed a partnership with the Texas Department of Criminal Justice whereby Texas prison inmates are growing millions of pounds of fresh fruits and vegetables on surplus prison farmland.

Perhaps the most important ingredient of all in the Houston Food Bank's success is community involvement. As a private, non-profit organization, the Food Bank depends on the support of concerned businesses, foundations, individuals, and the religious community for financial support to meet its annual budget. In addition, about 4,500 hours are donated by volunteers each month. Because of the strong support of the food industry and its low operating cost, the Food Bank is able to provide $20 in food for each dollar donated.

As the Houston Food Bank celebrates its 15th anniversary, it will honor two visionary couples who put a roof over the Food Bank's head and a foundation under its dreams. When the Food Bank was just an idea, philanthropists Joan and Stanford Alexander of Weingarten Realty Investors stepped forward with an offer of donated warehouse space, which gave the Food Bank both a home and credibility in the community. Then, in 1988, the late Albert and Ethel Herzstein donated the Food Bank's permanent home, the 70,000-foot-warehouse that is in use today.

Joan and Stanford Alexander's support of the Houston Food Bank from the beginning gave the organization public credibility when it needed it most. They have been valuable members of the Food Bank's Advisory Board, offered wise counsel, and advocated on behalf of the Food Bank. The Alexander's support of the Food Bank is just one expression of their concern for the disadvantaged and suffering, which has also led to their involvement with Crisis Intervention, SEARCH, and Interfaith Ministries of Greater Houston among many other organizations. Their help in the Food Bank's beginning stages is truly commendable and their continuing commitment has made it possible for the Houston Food Bank to fulfill the potential they foresaw.

The Food Bank lost one of its truest friends when Albert Herzstein passed away in March 1997. The son of Russian emigres, Albert Herzstein rose from truck driver and delivery boy to president of Big Three Industries. After his retirement, Mr. Herzstein began to build and lease warehouses. Through the Albert and Ethel Herzstein Charitable Foundation set up by him and his late wife, Mr. Herzstein helped local charities, including the Houston Food Bank, that provide food, shelter, and education, focusing on the construction of buildings to house their work. His gift to purchase the Food Bank's current facility ended its four-and-a-half year quest for a permanent home and made possible a phenomenal growth in the numbers of people fed. Every can and box of food that moves through the Herzstein Center is a tribute to this generous couple.

As the Houston Food Bank celebrates its fifteenth anniversary, its dedicated staff, volunteers, and supporters are looking as much to the future as to the past. In the words of Board President Jerome Pesek, "As we blow out the candles on the cake, our wish is still for a city without hunger." Mr. Speaker, I join the Houston Food Bank in rededicating our community to this goal, and I congratulate all involved for making so much progress toward achieving it.

MANAGED CARE CONSUMER PROTECTIONS: WHY COSTS WILL BE LIMITED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. STARK. Mr. Speaker, the opponents of managed care consumer protections constantly say that the cost of the reforms will substantially drive up costs, and therefore cause employers to drop insurance coverage for their workers.

Some of their cost estimates are laughable. Remember the old Western, "Have Gun, Will Travel?" There is a whole industry in Washington of Ph'Ds who serve the same bounty hunter role. "Have Ph'D; Will Produce the Study Results YOU Want." Or as the old vaudeville joke goes, "If the man wants a green suit, turn on the green light."

One reason the studies are silly is that the States are already requiring, for the roughly 50% of plans that they can regulate, that managed care plans comply with the type of reforms we are proposing. Another reason is that the managed care trade association, AAHP, already requires as a condition of membership that a plan comply with many of these standards. The question arises, why should there be much extra cost if the plans are already complying with their trade association's quality standards?

Using data from Blue Cross Blue Shield, my staff has compiled the following matrix of State actions. Clearly, the passage of Federal legislation will not be asking the managed care plans to deal with issues they are not already dealing with on a wide scale.

STATE CONSUMER PROTECTION LAWS

Attached is a preliminary summary of States' consumer protection laws. This information, taken from the Blue Cross/Blue Shield Association's 1997 Survey of Health Plans, indicates that all but four states have enacted at least one of the managed care quality protections listed in the President's Consumer Bill of Rights. In addition:

Thirty-nine (39) states have enacted laws prohibiting "gag clauses" in provider contracts.

Twenty-nine (29) states have enacted laws allowing direct access to specialists without prior approval from the plan's primary care physician. These laws apply primarily to OB–GYN's, but a few also refer to chiropractors, dermatologists, and other specialists. Another five (5) states are expected to propose direct access to specialists in 1998.

Twenty-six (26) states have enacted laws requiring payment for certain care delivered in an emergency room. Almost half (12) of these states also impose a "prudent layperson" standard. Another nine (9) states are expected to introduce legislation with the "prudent layperson" standard in 1998.

Twelve (12) states have external grievance review laws that require health plans to allow enrollees to appeal coverage or claims denials to an outside medical expert of panel, if dissatisfied with the outcome of the plan's internal appeals process. Another 12 states are expected to enact mandatory external grievance review laws in 1998.

Sixteen (16) states (CA, DE, FL, HI, IA, ID, IL, IN, KY, MD, ND, OK, PA, SC, TN, and WA) are expected to propose a framework of quality standards for managed care plans in 1998.

STATES' CONSUMER PROTECTION LAWS (AS OF 1997)

State	Info disclosure	Choice of plans and providers*	Access to ER services	Prohibition on gag clauses	Respect and nondiscrimination#	Confidentiality	Complaints appeals**
Alabama		X					
Alaska							
Arizona	X		X	X			X
Arkansas		X	X				
California	X	X*	X	X			X
Colorado		X*	X	X			
Connecticut		X	X	X			X
Delaware		X	X^	X			X**
District of Columbia			X^	X			X**
Florida	X	X	X	X			X
Georgia		X	X	X			X**
Hawaii							X**
Idaho	X	X	X	X			
Illinois		X	X^				
Indiana		X	X^	X			
Iowa							
Kansas		X	X	X			
Kentucky		X	X^				
Louisiana		X	X	X			
Maine		X		X			
Maryland		X	X	X			X**
Massachusetts		X		X			
Michigan			X	X			
Minnesota		X		X			
Mississippi		X	X^				X**
Missouri		X	X	X			X
Montana		X		X	X		
Nebraska		X*	X	X			
Nevada		X	X	X			
New Hampshire		X	X	X			X**
New Jersey		X	X	X			X
New Mexico		X		X	X		
New York		X	X	X			X**
North Carolina		X	X	X			X
North Dakota				X			X**
Ohio			X	X			X
Oklahoma		X*	X	X			X**
Oregon		X	X	X			
Pennsylvania		X	X^	X			X**
Rhode Island		X	X^	X	X		X
South Carolina		X	X^				
South Dakota							
Tennessee		X*	X	X			X
Texas		X	X	X			X
Utah		X		X	X		
Vermont	X	X*		X			X
Virginia		X	X	X			
Washington		X	X	X			X**
West Virginia					X		
Wisconsin							
Wyoming				X			
Total	5	34	35	39	5	0	24

*Twenty-nine (29) states have laws that allow direct access to a specialist without prior referral from the primary care physician. These apply primarily to OB-GYNs, but also can refer to chiropractors and dermatologists. Another 5 states (*) are expected to propose self-referral to specialists in 1998.

^Twenty-six (26) states have enacted laws requiring payment for certain care delivered in the emergency room. Twelve (12) of these states also impose a "prudent layperson" standard. Another nine (9) states (^) are expected to introduce this legislation in 1998.

#Five states prohibit discriminatory practices (e.g., denying/canceling coverage, higher premium) against victims of domestic abuse.

**Twelve (12) states have external grievance review laws that require health plans to allow enrollees to appeal coverage or claims denials to outside medical expert or panel, if dissatisfied with outcome of plan's internal appeals process. Another 12 states (**) are expected to enact mandatory external grievance review laws in 1998.

Source: Blue Cross Blue Shield Association 1997 Survey of Plans.

GROWING UP BLACK IN SHEPHERDSTOWN

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. WISE. Mr. Speaker, I would like to introduce for the record an article by Mary Corcoran Lehman for the Shepherdstown Chronicle of Shepherdstown, West Virginia. This article was written in commemoration of Black History Month a few years ago. It is about the life of Mr. Charles Branson, a local city councilman, who has lived through an extraordinary period of American history and provides a fascinating perspective of this time.

While February, designated as Black History Month, has come to a close, I wanted to place this article in the Congressional Record today. The contributions of a person or culture to our society should not be limited to a specific month, but should be celebrated year round. Mr. Branson's story and others like it remind us that throughout one's life many people give significantly to the legacy of America everyday.

GROWING UP BLACK IN SHEPHERDSTOWN

(By Mary Corcoran Lehman)

Childhood for Charles Branson was enjoyable. He was born in 1921 at his home on Angel Hill on Shepherdstown's East End. At that time, he says, every black was born at home even though there were two hospitals in Martinsburg. Transportation was a problem, he remembers. Very few, if any, blacks had an auto in the 1920s. Charles' own family, for instance, got their first car in 1934 or 35.

The families in the East End were very close. Charles' maternal grandparents lived just 20 feet away. The grandparents owned both their home and the home where Charles, his parents, and his two siblings lived and grew up.

His parents, Charles says, worked very hard. His mother, who died when she was just 38 from complications from diabetes, never saw a washing machine. She scrubbed the family's laundry on an old wash board. "Later in life I felt rather badly about that wash board," Charles says. She also worked as a domestic. His father worked various jobs. He was a laborer at Shepherd College, worked at the Blairton stone quarry and, in the early 30s when the Depression was still hitting hard all over, he worked for the WPA.

During the 20s and 30s Angel Hill was a mixed neighborhood, Charles remembers. "We all played together, black and white, in the street," he says. "There were no playgrounds. We'd shoot marbles, set up horse shoe pits and we played ball." Angel Hill children also played in the area where the Shepherdstown Day Care Center now is, he says, in a big field that extended back to where Porky May now lives.

Nathan Manuel, who is now a dentist, was Charles' closest friend back them. "We had a nice group then" he says. "We'd race up and down the street rolling tires." He remembers doing this with Robert Washington, Genevieve Monroe's younger brother. "And I also played with her sisters," he says.

Black and white adults, who lived on Angel Hill, also socialized, he says. "Society was not integrated then" Charles adds, "but as far as the activities of the people in the area it was integrated."

When Charles Branson was 8-years old he started school. He didn't begin school at the usual age of six because his legs were badly scalded with boiling water which tipped off a coal stove when he was six or seven. "I remember taking those bandages off," he says.

When he did start school he realized for the first time that there was a difference between blacks and whites. Charles had to walk all the way from Angel Hill to the far West End of Shepherdstown to attend the black Shadyside School. To get there he walked right past the white school on the corner of King and High Streets. It was about three blocks closer to his home than Shadyside and he says he used to wonder why he couldn't go there. The only time black kids went near the white school was after hours when they played on the fire escape tubes, he remembers now.

The great black educator Dr. John Wesley Harris was principal of Shadyside during the years Charles was there. He succeeded Charles' grandfather John W. Branson. Harris was the senior Branson's pupil at one time. Branson's grandfather went to Page County, Virginia and taught in Luray. Several decades later grandson Charles would follow in his footsteps.

Charles graduated from Shadyside in 1937 without ever going through the eighth grade. The fifth, sixth, seventh and eighth grades were all in one class and by the time Charles was in the seventh grade he had heard and learned it all. When it came time for the eighth graders to take the state test, seventh grader Charles took it too and passed. The three others who took the test with him at the Eagle Avenue School in Charles Town passed also. Charles had the highest score so he was named valedictorian of his class and Clarence Holmes was salutatorian.

The only black high school in Jefferson County at the time was at Storer College in Harpers Ferry. It was a boarding school. Dr. Harris, whose son attended Storer also, took Charles to school in the fall. He came home for holidays. Board at the school in 1937 was $16 a month. "Even that was hard for my parents to raise," Charles says.

Charles was at Storer for four years. In his junior year his mother died. Life became increasingly more difficult then. He couldn't stay on campus because his family could no longer afford the board so he went to work at a white tourist home in Harpers Ferry. The $2 a month he earned enabled him to continue his schooling.

The tourist home, Laurel Lodge, was owned by the sister of Storer's Registrar Pansy Cook. "I wrung the necks of chickens and plucked them on Saturdays," Charles remembers. "They had big chicken dinners on Sundays and for the work they gave me lodging in the furnace room of their basement." Part of the job, he says, was to attend the furnace at night. The basement was so permeated with coal dust, he says, that even though he changed the sheets once a week by the middle of the week "they were as black as anything."

Charles had meals on campus and because he had so many friends there he always had a place to keep his clothes and take a bath. "It worked out very well," he says.

On weekends he would hitch a ride to Shepherdstown with Charles "Cop" Shipley, who lived in the yellow house next to Trail's Chevron where David Malakoff and Amy Young now live. Shipley's father Bob was the first state trooper in Shepherdstown. His brother Kenneth was fire chief in Shepherdstown for many, many years and lived in the old King Street fire hall.

In 1941 Charles completed high school. He remembers that Jennings Randolph, then a congressman, was the commencement speaker. After graduation Charles came back to Shepherdstown. But at that time Shepherdstown didn't have many opportunities for a black man to make money, Charles says. You could maybe work in the apple orchard for Goldsborough and Skinner at 20 an hour or see if Shepherd had a laborer's job but that was about it.

Instead Charles decided to go to New York City with his friend C.J. Jackson. Jackson had New York relatives; he had an aunt who lived out in Mount Vernon, New York. Charles found a job in downtown Manhattan at 125th Street and Seventh Avenue. He started out as a dishwasher in a little restaurant. In six months he had decided it was not the job for him. He went to New Haven, Connecticut where he hoped to work for the Winchester Rifle Works. One of his former classmates worked there.

When that didn't transpire, Charles got a job in Ansonia at a big old country club where he would up in the kitchen. "I never boned so many turkeys in my life," he says ruefully. "Time to get on back home." Back home to the orchards and Shepherd College.

He was working at Shepherd for a regular salary of $40 a month and board when he married his wife Ruby in May of 1942. It was during World War II and every able bodied man, black or white, was joining or being drafted to join the armed forces. "I was working at Shepherd when I got inducted at Fort Hayes in Columbus in December," he says. After induction Charles immediately left for Fort Hood, Texas where he was placed in Tank Destroyer Training.

During the Second World War the army was segregated. Entire divisions of black soldiers were commanded by white officers. Charles became part of the 827th Tank Destroyer Battalion, Company C, Third Platoon. But being commanded by white officers hardly mattered Charles remembers, because he had to answer to non-coms, who were black.

Charles was a private first class and the assistant gunner in a M–18 Tank Destroyer. He originally received training for tank warfare in Africa but in 1944 after the Allied invasion of Europe tank training changed.

The 827th was sent to Europe. Charles landed at Marseilles and he and his battalion took part in the invasion of Southern France. "In November, a couple of days after my birthday, I knew something was happening. Whole battalions of various companies formed. A communion service was held. For the first and only time I had communion in the army," he says.

The next couple of days they began moving north towards the front. Then the snows came. They were especially deep in Europe that year, he remembers. "They came up to your waist in some places," he says. Finally they reached Strasbourg, almost to the Sigfreid Line and headed towards Luxembourg.

On December 16, 1944 in the early morning Charles saw balls of fire and heard a roaring. It was a hot shell and he was in active combat for the first time. He admits he was scared. "You'd have to be a fool not to be," he says. He was right on the edge of the Battle of the Bulge.

His platoon moved into an area supporting the 79th Infantry and the all-white 42nd Rainbow Division, MacArthur's old division. During a lull in the battle he and the others crawled out of their tank and black soldiers and white soldiers freely mingled. "You couldn't get more integrated than that," he says.

Charles observed one instance of death at close hand. He was just 25 yards from a Company B tank that was hit. He saw a soldier trying to come out over the gun turret (snow prevented escape from the bottom). He found out later the man died from injuries.

In early January the tide turned when the sun came out and U.S. ground forces received air support. Charles saw his first jet plane, a German one, at that time. It dropped one bomb, he says and was gone so fast he wondered what it was.

The war ended for Charles on October 3, 1945 at Fort Mead, Maryland where he was mustered out of the army with a good conduct medal and a honorable discharge.

Before his discharge, in August, he would not have believed he would return to civilian life so soon. He was on a ship enroute to the Pacific Theater when a voice over the PA system announced the end of the war and the ship turned around to dock in Boston harbor instead.

When he came back home to Shepherdstown, he and Ruby brought the house at 308 West German Street where they still live. He bought it for $600. It was a duplex then but later the and Ruby converted it to a single family home. He worked in the orchards until 1946. All the time his wife kept urging him to go back to school on the G.I. Bill. There were no decent jobs to be found, he says.

In 1946 he was called to work as a janitor at the Army Hospital in Martinsburg. The 65 cents an hour he earned there was three times the 20 an hour he was making in the orchards and by now he and Ruby had four children. The Army Hospital was converted to the Newton D. Baker Veteran's Administration Hospital shortly after he began work and he put in an application to work for the federal government. Still Ruby was urging him to go back to school.

So in August of 1946 Charles registered for classes in business administration at Storer College. He selected a business administration major because his college advisor told him he would be eligible for a G.I. loan to set up his own business when he graduated. "But I had no particular business I was interested in," he says. "When I got out of school I had to get a job." So he switched to education and social studies.

The commencement speaker at his 1950 graduation was W.E.B. Du Bois, who had first come to Storer College in 1908, for a meeting of the Niagara Movement, the precursor of the N.A.A.C.P. That 1950 Storer class was the largest class ever graduated from Storer, Charles remembers.

In the second semester of 1951 Charles went back to school. Although he graduated with a Bachelor in Social Studies. Charles had not completed his professional studies. By the end of the summer session he had minors in business administration and physical education. During one summer school session he attended a class with a teacher at the black high school in Luray, Virginia, Andrew Jackson High School. The man's wife was principal of the school. Charles was offered a job as a teacher and football coach.

He had no car and no idea how he was going to get to Luray but the $2,400 yearly salary was more than he had ever made. "I just knew I would get there," he says. At first he left his family behind and lived in a rented room but by November Charles had found a house for $15 a month.

However, in 1952 Ruby became sick and she and the children went back to Shepherdstown. Charles would come home on weekends by train getting in around midnight on Friday and leaving very early Monday mornings. It wasn't a very satisfactory arrangement and in 1956 he came back to Shepherdstown. He worked once again at the VA Center where he stayed until he retired in 1985 after sustaining his fourth heart attack.

Charles has never retired from public service though. He has served a total of eighteen years on the Shepherdstown Council. He first became a councilman in 1974 but took two years off between 1980 and 1982. He spearheaded the cleaning up of Back Alley after the alley became a dumping ground following the closing of the Town Dump on Rocky Street. And he was one of the founding members of the Shepherdstown Community Club which was active in the present youth center building until the mid 1980s.

The Shadyside School that Charles attended was closed in 1946. Shepherdstown blacks then went to the East Side School. That building now houses the Shepherdstown Day Care Center. Although the Brown vs. the Board of Education decision against segregation in public schools was handed down by the United States Supreme Court in 1954 Charles says schools in Shepherdstown were not integrated until the late 50s or early 60s.

Three of his six children attended segregated schools. The three older children, Rose, Barbara and Charles, attended Jefferson County's black high school, Page Jackson in Charles Town.

Only the three younger children, Leon, Rodney and Brenda, attended integrated schools in Shepherdstown. All three graduated from Shepherdstown High School.

TRIBUTE TO THE JULIA WEST HAMILTON LEAGUE, INC.

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to The Julia West Hamilton League, Inc., which was formed in 1938, the outgrowth of 10 women who dared to dream. Mrs. Ellen V. Johns Britain, the organizer, believed that women joining together as a dedicated unit might accomplish some of the things that seemed impossible at that time, but could be helpful to the betterment of the community, education, youth and self.

Mr. Speaker the League was named to honor a great woman who gave unsparingly of her time, devotion and love to the causes of humanity, Mrs. Julia West Hamilton, who was a participating member of the League until her death. The League was incorporated in 1971. The first president was Mary EC Gregory. The League is currently led by Mary J. Thompson.

Mr. Speaker, The purpose of the League is (1) to promote benevolence, cultural and educational interests in the community; (2) to strive to gain new knowledge and skills of achieving better self-understanding, learning to interact more sensitively and honestly with others; (3) to encourage young people to aim early in life toward education, develop good character and find a useful place in society; and (4) to establish a monetary award known as the Julia West Hamilton Award. This award is presented to a student in each of the 14 senior high schools in Washington, DC and a four-year Julia West Hamilton Scholarship is awarded to a recipient from one of the senior high schools every four years. To date, the League has provided over $68,000 in student awards and scholarships.

Over the past 21 years the League has donated approximately $73,500 to the Hospital for Sick Children and has supported Howard University's Sickle Cell Anemia Program. The League has also contributed to the Brigadier General West A. Hamilton Scholarship Fund of the Washington Club of Frontiers International, the United Negro College Fund, the Cardozo and Eastern High School bands and the Eastern High School Choir for travel abroad. Assistance is also provided to needy families at Thanksgiving and Christmas. The League holds lifetime memberships with the National Council of Negro Women and the Phyllis Wheatley YWCA. In 1980, the Ellen V. Johns Britain Award was established in honor of the founder of the Julia West Hamilton League, Inc. This award is presented for outstanding and dedicated services to a member of longstanding.

Mr. Speaker, I ask that this August body join me in special tribute to the gentle ladies of The Julia West Hamilton League, Inc. whose motto, "THE ONLY GIFT IS A PORTION OF THYSELF" and good works, on the occasion of their 60th anniversary, are worthy to be praised.

PERSONAL EXPLANATION

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. FROST. Mr. Speaker, I discovered that without explanation, my vote was not recorded on Roll Call vote number 22, the Federal Agency Compliance/Civil Rights amendment. I was present for this vote and voted Yea.

IN HONOR OF THE RETIREMENT OF FRANK STRONA FROM THE NEW HAVEN POLICE DEPARTMENT, MARCH 4, 1998

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Ms. DELAURO. Mr. Speaker, I rise to pay tribute to Frank Strona, a devoted member of the New Haven Police Department, who retired Saturday, February 28, 1998.

Providing for the protection and safety of our citizens from acts of violence is one of the fundamental duties of government. But government carries out this responsibility only through the work and dedication of people like Frank Strona. His extraordinary bravery and pride in carrying out his duties will serve as an example for police departments throughout Connecticut to strive towards.

Mr. Strona served in the New Haven Police Department for over thirty-five years. He is cherished as a friend and mentor to many junior officers, and many members of the community, including myself. His career began as a rookie cop. In a short time he became a motorcycle policeman, graduating from cruiser patrolman. He spent almost twenty of his thirty-five years as Dog Warden and Manager of the Mounted Police Regiment of the New Haven Police Department—keeping the regiment strong.

Second only to his loving family, Strona's distinguished career in public service has been the greatest source of pride in his life. This devotion and pride will be his lasting legacy. The members of the New Haven Police Department and the community of New Haven have all benefited from his unwavering commitment to the safety and security of our community. For this, we offer him our lasting gratitude and congratulations on his retirement.

TRIBUTE TO JOSEPH MEYER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to a Northwest Indiana business pioneer and the founder of Bank Calumet, Joseph Meyer. Joseph was born in Wisconsin in 1878. As a youth, whenever he could, he traveled with his father who was a professional photographer. His father was particularly interested in photographing various aspects of nature and often took his son into fields and forests. The young Joseph soon learned a great deal about plants and nature in general. But this happy arrangement lasted only a few years because the father died when his son was not yet a teenager. As a result of the family's financial difficulties, Joseph was sent to an orphanage, where he received a technical-vocational education.

Upon graduation from high school, Joseph had to leave the orphanage. He went to Milwaukee where he lived with a grandmother, who provided room and board which enabled young Joseph to take a low paying job in the printing industry. He recognized that he needed practical experience before he could go out on his own.

Eventually, he felt he had enough experience, so with a small loan from his grandmother, he set up his own print shop in her basement. Slowly he accumulated enough savings to open his own print shop on East Water Street. He was a good printer, but not yet a good financial manager and he did not know how to locate a financial advisor. Moreover, Milwaukee was suffering from a recession at that time. Finally, he was out of money and had to close his shop. His first business venture, therefore, was a failure.

Joseph Meyer then moved to Chicago, where printers were in demand, and obtained a job with a large industrial printer until it was shut down by a long and violent strike. Next he took a job in the print department of The Hammond Times.

But the desire to have his own business was strong. By saving everything he could from his job at the paper and with a small bank loan, he was able to afford an old printing press which had to share space in his modest home with his wife and young family. Joseph soon heard about crooked gaming devices and learned how these machines were tampered with to cheat the public. So in 1908, he wrote a short book exposing this scheme and printed it himself—two pages at a time.

This literary effort was well received and very profitable. His initial thought was to expand his printing business, but he remembered his failed print shop back in Milwaukee. He realized that his next business would have to be guided by a plan and that he would need help with the financial side.

In thinking about his skills, he knew he had two strengths. He knew a lot about printing; after all, that's what he had been doing for several years. But he also knew a great deal about nature and plants. Over the years, he had built on the basic knowledge he had gained from those early field trips with his father. He became interested in the curative power of native plants and the advantages of natural substances as dietary supplements. For his life's work, he decided it made sense to combine both these talents—his knowledge of printing and his love of nature.

He grew and harvested plants in the vacant land around his Hammond house, on land that no one seemed to care about at the time. Marketing of these health foods and medical items would be through a catalog. Since he would print the catalog himself, his profit would be enhanced. He mobilized his eight children and taught them to distinguish the valuable plants from ordinary weeds and had them help in the harvesting.

His children were also put to work in the family dining room, assembly-line fashion, to fold and bind the catalog. Eventually, he was able to purchase fertile land to grow the plants he needed and in 1925 construct a handsome Tudor style building to process and manufacture his products. That building still stands among the Borman Expressway near Calumet Avenue. In a few years, this business, then and now known as the Indiana Botanic Gardens, grew larger and his catalog was sent first throughout the Midwest and later all over the country. Today, Indiana Botanic Gardens, which is now located in Hobart, continues to thrive under the direction of a Joseph Meyer descendant.

By the late 1920s and early 1930s, the country had slipped into a very severe economic downturn. Many businesses closed. But this time, Joe Meyer's business did not fail. In fact, the Botanic Gardens continued to expand. It turned out that the herb and health food business was largely recession proof. His direct-from-the-manufacturer mail order business provided products at a lower price than his competitors, and his home remedies were cheaper and more readily available than regular medical doctors.

But he did have one serious problem. The economic downturn was so severe that he couldn't find a sound yet convenient financial institution to hold his deposits. In fact, in the year 1933, Joseph Meyer was faced particular dilemma in that all of Hammond's banks had failed. He had no local place to deposit the dimes and quarters and dollars that were arriving in cash every day at his plant.

A group of Hammond community leaders with a financial background approached Joseph Meyer about starting his own bank, but this was a big step. He would have to risk everything he had achieved and he did not know anything about banking. However, over the years he had learned a lot about running a business, the need for expert assistance and how to find that talent, the vital necessity of having a business plan, focusing on your objective, assembling the right team, and making sure that new income grew when sales grew. This time, he had the capital, but he had to decide whether all the other things could be put in place.

With careful reflection, and attention to detail, he assembled his team and opened the Calumet State Bank on March 4, 1933. The rest, as they say, is history. Today, Bank Calumet is still largely owned by Joseph Meyer's family. It is the largest locally owned bank in Lake County, with 16 offices and nearly $800,000,000 in assets, a book value of over $78,000,000, and a multi-year string of record profits.

From the very beginning, Joseph Meyer infused his personality into the new bank. If you look at the early ledger book, you will see that the first day deposits totaled around $73,000. Almost that entire amount came from Joseph—either from his personal funds or from businesses he owned.

But Joseph Meyer wanted to reach out to the broader Hammond community. He knew people had lost much of their savings when Hammond's banks failed. That loss had produced a deep distrust of banking, yet he also knew people's money really would be safer in his well-run bank than at home in a jar or under the mattress. So he hit on an idea that would reassure the general public. He took some of his own government bonds and put them up as collateral to back the bank's deposits. Now people could be certain that even if the bank failed, there would be something to stand behind and guarantee their deposits.

Calvin Bellamy, current President and Chief Executive Officer, tells me that the same commitment to customers and community guides the present management of Bank Calumet. Before returning to that subject, let me first say something about the Bank's Main Office, which at nine stories is still the tallest building in Hammond.

The 100,000 square foot structure at 5231 Hohman Avenue was begun in 1924 to house the First Trust and Savings Bank which failed in the Great Depression. The building's steel frame is covered by Indiana limestone and at the base by polished Minnesota granite. The main lobby has its same original and magnificent chandeliers. The American walnut ceiling—at least 35 feet from floor level—is decorated with painted and inlaid designs. The original marble floors and columns still grace the lobby.

In 1934, the bank moved from its original location at 5444 Calumet Avenue to the present Hohman location. The transfer of the bank's assets and cash required a heavily armored motorcade. Fayette Street was guarded every few feet by machine gun toting marksmen perched on roof tops along the route. $650,000 traveled down the street that day, a very attractive target in those Depression plagued times. Fortunately, all went well.

Today, the bank continues to serve as an outstanding corporate citizen and partner with the people of Hammond. I want to briefly highlight the bank's particular commitment to Hammond's neighborhoods and the education of the city's children.

Hammond is a city of neighborhoods. And its future will be determined by the strength of those neighborhoods. In 1989, the bank's management began wondering what they should be doing to strengthen Hammond's neighborhoods. They began with five separate focus groups, each drawn from a different part of the city. As they dialogued, it became clear that Hammond's housing stock, though still mostly in moderate to good condition, needed attention.

So beginning later that year, the bank announced its Neighborhood Investment Program (NIP). Through NIP, the bank began offering home improvement financing to residents of Hammond at one percent below its normal rate and on terms more flexible than its usual underwriting standards.

This program has been offered every year since 1989. Each year the bank sends a brochure to all homeowners in Hammond. Now in its eighth year, the bank has made over 800 NIP loans. From antidotal evidence, bank officials have strong reason to believe that without this extra effort, much of the home improvements financed by NIP loans would not have occurred. They can say for certain whatever home improvement financing that would have occurred anyway would have been at higher cost to the homeowner. If nothing else, the NIP discount has made rehabilitation of Hammond homes a more affordable proposition.

Besides the Bank's commitment to rehabilitation and remodeling Hammond homes through its Neighborhood Investment Program and various credit counseling activities, they also give a great deal of attention to the Hammond public schools. For about a decade the bank has had a formal partnership with Wallace Elementary School. Some of the partnership's key elements include an active Student of the Month Program, banking curriculum taught at the school, and student tours and job shadowing at the bank. Aside from these specific details, the partnership boils down to this: several bank officers have a great deal of personal contact with these students, providing a mentoring experience for these eager young learners from a diverse, moderate income neighborhood.

In 1997, Calumet Bank felt the need to expand its involvement with the Hammond schools. More and more, its loan officers are seeing credit reports on young people only out of high school a few years already developing credit problems. Excess use of credit cards slow payment of bills and careless management of their checking accounts, these and other problems are causing people in their twenties and thirties to have difficulties obtaining affordable home, auto and other financing.

Given these challenges, the bank wanted to be part of the solution. So in the spring of 1997, they proposed to Hammond School Superintendent Dr. David Dickson a program they call MONEY MATTER$. What they are offering to do is go to all four Hammond high schools and have contact with every senior.

MONEY MATTER$ would consist of a three part series—first on the history of money and the role of banks in the economy, next on the proper use of credit and understanding the role played by each individual's personal credit report, and finally a session on how to manage a checking account, including the proper use of ATM cards.

Calumet Bank has also formed a President's Council whereby four students from each high school meet with senior bank officers over lunch for more in-depth discussion of banking issues and also career opportunities in banking. This group will meet for the third time on March 5, 1998. The bank's goal is to stimulate dialog since they recognize that businesses also need to learn more about what youth are thinking.

As you can imagine, these school-based activities represent a very significant time commitment. There are also some dollars involved, but the bank feels this extra effort and expense are important to the future of Hammond and Northwest Indiana. As a community bank, Bank Calumet's leaders realize their future depends on the community's future.

Since Joseph Meyer founded his bank 65 years ago it has undergone several name changes. But whatever the name, its commitment remains true to Joseph Meyer's original philosophy of service to their customers and their community.

As bank President Bellamy expresses it, "If the people of Hammond—individuals, government, and businesses—continue to work together as partners, our city's future will be at least as exciting as our past. Those of us in leadership positions today have benefitted from the experiences of our predecessors and it is no less our duty to continue the work of building for an even better future."

Mr. Speaker, Joseph Meyer was not instantly successful. In fact, he suffered a business failure before he found his stride. Yet, despite personal and business setbacks, he eventually made a success of himself, and provided an invaluable asset to the people of Hammond as well as the rest of Northwest Indiana.

150th ANNIVERSARY OF THE HUNGARIAN REVOLUTION OF 1848

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. DINGELL. Mr. Speaker, I rise today to join the state of Hungary and Hungarian-Americans everywhere in commemorating the 150th anniversary of the 1848 Hungarian revolution.

In 1848 revolution swept through the European continent. By March of that year, the revolutionary sentiments had spread to Hungary, which was ruled by the Austrian Habsburg empire. On March 3 legendary Hungarian patriot Louis Kossuth made a monumental speech, dubbed the "inaugural address of the revolution". Kossuth's speech enumerated 12 sweeping reforms that reflected some of the most progressive ideas of the age, such as a reduction of feudal rights and the emancipation of the peasants. This declaration struck an immediate chord with the Hungarian people. The reforms immediately spurred the Austrian people to demand similar rights, and on March 13 a full-fledged revolution broke out in Vienna.

On March 15, while Kossuth was in Vienna presenting his 12 points to the Habsburg monarchy, students in Budapest armed only with Kossuth's reforms seized control in what has come to be known as the bloodless revolution. The following day the Hungarian delegation, led by Kossuth, submitted Hungary's demands before Emperor-King Ferdinand. The Austrian monarch quickly agreed to the points, prompting the Hungarian Diet to put the revolutionary reforms into effect. Thus, Hungary's future was forever influenced as the result of a peaceful, lawful revolution.

The Hungarian Diet immediately began to work nonstop to pass new laws. By April the Diet had passed 31 progressive measures, which essentially amounted to a new constitution. These "April laws" attempted to provide for the needs of a nation moving towards modernization.

Unfortunately, Hungarians did not have long to experience * * * government were intent on squashing any semblance of Hungarian independence. On September 10, Baron Jelacic, with encouragement from the Habsburgs, led 40,000 Croatian troops across the Hungarian frontier. Hungary, led by Kossuth, was in the process of building up its army, and initially lost several battles to the invaders. Finally, General Arthur-Gorgey, who was to become one of Hungary's greatest generals, was given control of the Hungarian army. By April 1849 Gorgey's military brilliance and the tremendous bravery of the elite Hungarian Honved troops had driven all of the invaders out of Hungary, and Hungary had officially declared its independence from Austria.

The Habsburg's were humiliated and forced to call on Russian Czar Nicholas I for assistance in bringing the now independent Hungary back under Austrian control. As a result, Hungary's independence was short-lived because in June, 1849, a joint Austrian-Russian offensive overwhelmed the valiant Hungarian defenders. On August 13, Gorgey's forces laid down their arms before the Russians at Vilagos. Kossuth was forced to flee his beloved homeland and would live the rest of his life travelling the world to gain support for Hungary's cause. In a speech made prior to his departure, Kossuth said, "My principles were those of George Washington I love you, Europe's most loyal nation."

Although, the Hungarian revolution of 1848 did not end in prolonged independence for Hungary, it did result in at least one very noble achievement. The revolution prevented the Austrian government from revoking the emancipation of the peasants and all other unfree persons in the Habsburg's empire. For this historic accomplishment and for striving towards the ideal of the American Revolution, Hungarians and Americans of Hungarian decent should always be proud. I join with the strong Hungarian-American population in the downriver communities to celebrate the Hungarian revolution of 1848, truly an important turning point in the history of the Hungarian nation.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. KIND. Mr. Speaker, The headline of an article in today's *The Hill* says it all: "Soft Money Soars as Campaign Reform Falters."

As an unyielding supporter of campaign finance reform, I am sickened by what the article goes on to discuss, "The soft money explosion is a result of campaign officials findings innovative ways to channel the supposedly non-federal money into congressional campaigns. Campaign officials are boasting of their fundraising prowess: But this has reformers fearing that the growing stream of soft money into Democratic and Republican congressional committees has turned into a mighty river that threatens to flood the political system's banks."

Soft money contributions are unlimited and the congressional campaign committees in 1997 set a soft money raising record of more than $30 million. As campaign finance reform has once again died in the Senate, and gasps for life in the House of Representatives, the fundraising machine gets more and more out of control.

Mr. Speaker, the problem is clear, there is too much money involved in the campaigns. The influence of money has created the appearance that special interests rule the democratic process. People no longer believe they have a voice in their government. I urge you to schedule a vote on campaign finance reform on the floor of the House of Representatives. We must act soon. The people of western Wisconsin have told me to continue the fight until you agree to allow a vote. The people refuse to take "no" for an answer.

MISCONCEPTIONS ABOUT CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 4, 1998 into the CONGRESSIONAL RECORD.

MISCONCEPTIONS ABOUT CONGRESS

One thing I have found over the years is that people aren't hesitant to tell me what they think about Congress. Many of the public's comments and complaints are very perceptive and right on the mark. People are quite right, for example, that Congress has difficulty thinking long-term and that our campaign financing system is a mess. But often what I hear shows an inadequate grasp of what Congress does and how it works. Misconceptions about Congress can erode confidence in government and weaken civic involvement.

Some examples: The criticisms of Congress are numerous.

Ethics standards: People will often say that Congress' ethics standards have declined and that large numbers of Members are dishonest and corrupt. Certainly some Members engage in improper conduct, yet most experts on Congress would say that congressional ethics has improved considerably over the years. When I came to Congress, there was no House ethics committee, no written code of conduct, and no financial disclosure requirements. Members could accept lavish gifts from special interests and convert campaign contributions to personal use, and were rarely punished for personal corruption. None of that would be tolerated today.

Special interest money: Americans hear all the stories about the enormous amount of fundraising Members must do today and believe that Congress is a "bought" institution. It is clear that the "money chase" has gotten out of hand, and that we ignore this problem at our own peril. I would be the last to say that contributions have no impact on a Member's voting record. But there are many influences that shape Members' voting decisions—including their assessment of the arguments, the opinions of experts, their party's position, and, most importantly, what their constituents want. Members know that if they don't vote the way their constituents want, they simply won't be reelected.

Impact of Congress: People will often say that Congress' actions have little or no impact on their daily lives, even as they receive their Social Security checks, drink safe water, drive on the interstates, attend college through student loans, or use the Internet. Many aren't aware of the overall spending priorities of Congress, thinking that most federal spending goes to welfare, foreign aid, or defense, when in fact the biggest chunk, by far, goes to programs for older Americans like Social Security and Medicare. Such misconceptions can make national policy debates all the more difficult.

Members out of touch: Most Americans feel that Members don't pay much attention to what their constituents want. My experience is that most Members are acutely aware of their constituents' views. They are in constant contact with constituents and go to great lengths to solicit their views. They return home most weekends, and closely follow local opinion through staff reports, polling results, and local news reporting. Indeed, the reverse contention may be closer to the mark, that Members today pay almost *too much* time noticing every "blip" in the public opinion polls and thinking about what will play well in the next election rather than what would be good for the country.

Perks and pay: Many people complain about Members always looking out for their own perks and pay, enriching themselves at the taxpayer's expense. Almost daily someone will contact my office upset that Members receive free medical care or don't pay income taxes or contribute to Social Security—none of which is true. Suffice it to say that Members are acutely aware that their pay and benefits are highly sensitive politically. Over the years Congress has eliminated many special benefits, and it should continue to do so. People are surprised to hear that since I've been in Congress, Member pay has not even kept up with inflation. My current pay is $20,000 less than if my 1965 pay had been adjusted to inflation.

Slow, messy processes: People don't like Congress' slow, messy, ponderous processes, which allow bills to be buried in committee or stalled through lengthy floor debates. We certainly need to streamline the operations of Congress, but we misunderstand the role of Congress if we think it should be a model of efficiency and quick action. The founding fathers never intended it to be. They clearly understood that one of the key roles of Congress is to slow down the process—to allow tempers to cool and to encourage deliberation, so that unwise or damaging laws are not enacted in the heat of the moment.

Constant bickering: One of the most frequent complaints I hear about Congress is that Members spend too much time arguing and bickering. There clearly has been too much partisan wrangling in recent years, but people often don't understand that Congress is designed to allow contentious debates on the major policy issues of the day. In a country as large and remarkably diverse as ours, one of the key roles of Congress is to act as a sounding board for all the diverse groups in our society. Allowing all sides a chance to be heard as we try to reach a consensus on a long list of difficult issues means that the debate may at times be contentious, but it also helps to keep our country from coming apart at the seams.

Conclusion: Public misconceptions about Congress aren't simply of interest to academics. In our representative democracy they have a major impact on how well our system of government works. They lead to public feelings of mistrust and alienation, and give rise to cynicism about government in general and Congress in particular. Restoring confidence in government requires both improved performance by government and improved understanding of its role.

Congress is a complex, important, and fascinating institution, with both strengths and weaknesses. I am impressed almost daily with the way it tackles difficult problems and acts as a national forum in developing a consensus. I am particularly impressed with the role it has played in creating and maintaining a nation more free than any other. Ensuring that the American people have an accurate understanding of Congress' role in national governance and its strengths and weaknesses is one of our most important challenges in the years ahead. We need to get Americans to think twice about the role of Congress and its impact on their lives.

FOREST HEALTH IN COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the health of the national forests in Colorado and the economies of rural communities are at risk from current national forest management practices. Severe threats from fire, insects and disease endanger the forests and the health, happiness and well-being of the citizens of Colorado. While properly utilized timber harvests can effectively contribute to restoring the health of forests, timber programs on the national forests have been almost completely eliminated in Colorado.

Many scientists believe that Colorado has more, and older, trees now than at any time in recorded history. The health and capacity of Colorado's forests is directly related to the volume of timber harvested. Without proper management, thinning or prescribed burns, timber inventory accumulates to the point where growth is impeded, and stands become susceptible to wildfires, beetle infestations and disease. The proper harvests add valuable and essential resources to the economy while reducing the potential for catastrophic fires by eliminating dangerously high levels of fuels.

Mr. Speaker, the motivation of the Forest Service these days seems to be driven not by what is best for the forest, but by what group protests the loudest. Meanwhile, timber budgets and timber sales decline and administrative costs escalate. Directing funds away from timber budgets negates forest management plans, undermines public input into the process, and harms the forest ecosystem. Such impediments to the Forest Service mission have resulted in a de facto policy of reduced use, increased risk of wildfires, and deteriorating forest health.

Better national forest timber management programs are essential to the proper stewardship of the national forests in Colorado and to the health, condition and structure of the environment. Accordingly, I have urged my colleagues in the Colorado delegation and the Chief of the U.S. Forest Service to support proper timber management tools to ensure better forest health in Colorado.

Mr. Speaker, the Colorado State Senate has spent considerable time evaluating the impact of our national forests on the Colorado economy. I hereby submit for the record the following Resolution adopted by the Colorado State Legislature.

SENATE JOINT RESOLUTION 97-26—ADOPTED BY THE COLORADO LEGISLATURE, 1997

CONCERNING THE SUPPORT OF PROPER TIMBER HARVESTING AS A MANAGEMENT TOOL TO ENSURE BETTER FOREST HEALTH IN COLORADO.

WHEREAS, The health of the national forests in Colorado and the economies of rural communities are at risk of current national forest management practices; and

WHEREAS, The threat of fire, insects, and disease endangers the health, happiness, and well-being of the citizens of Colorado; and

WHEREAS, Timber programs on national forests have been almost completely eliminated in Colorado; and

WHEREAS, The proper uses of timber harvest as a management tool can effectively contribute to restoring the health of forests; and

WHEREAS, The proper use of timber harvest as a management tool can help reduce dangerously high levels of fuels resulting in the potential of catastrophic fires; and

WHEREAS, Prescribed fires, used without the complement of timber harvest, often destroy economically viable, renewable resources and violate air quality and visibility standards; and

WHEREAS, Better national forest timber programs are essential for proper stewardship of Colorado's forests and improvement of the health, condition, and structure of the natural environment; now, therefore.

Be it Resolved by the Senate of the Sixty-first General Assembly of the State of Colorado, the House of Representatives concurring herein; That we, the members of the General Assembly, respectfully urge that:

(1) The United States Forest Service Chief and the Colorado Congressional delegation support proper timber harvesting as a management tool to ensure better forest health in Colorado;

(2) The Colorado Congressional delegation support the Rocky Mountain Regional Forester's strategy to reverse the decline of forest management programs and to reach a

more effective program level by the year 2000; and

(3) The Colorado Congressional delegation support Congressional efforts to improve efficiency, effectiveness, and accountability of national forest management,

Be it further resolved, That copies of this resolution be transmitted to each member of Colorado's Congressional delegation, the Chief of the United States Forest Service, and the Rocky Mountain Regional Forester.

Mr. Speaker, I commend the Colorado Senate for adopting Senate Joint Resolution 97–26 in support of proper timber management to ensure better forest health in our state. State and local input into the management of our public lands is essential to maintain a healthy forest and thriving economy. I fully support their recommendations for better state and local involvement in the planning and implementation of forest policies. This resolution, sponsored by Colorado State Senator Don Ament, enjoys very strong support in Colorado. I thank Senator Ament, and his colleagues for their efforts and dedication to the state. I assure my former colleagues in the Colorado General Assembly that I will do everything in my power to improve efficiency, effectiveness, and accountability in the management of our national forests.

In Congress my colleagues and I on the House Resources Committee and the Subcommittee on Forests and Forests Health are working to ensure that the Forest Service and the Administration hear Colorado's message loud and clear. On February 25th, the subcommittee held oversight hearings on the Administration's roadless area moratorium. There, county commissioners, forestry experts and Forest Service officials testified on the issue of access to our public lands for management, resources and recreation. The Forest Service's new "no access" policy, by conservative estimates, will lock up at least 34 million acres of public lands. Once again, the federal government has proposed a one-size-fits-all solution in contravention of forest planning practices that formerly relied on local participation and public input.

On March 26th, we will hold an extensive hearing before the House Resources, Budget and Appropriations Committees into the operations, budgeting and management of the Forest Service. There, with my colleagues, I intend to examine better management alternatives and push for positive change. Proper management of our forests can provide habitat for our wildlife as well as recreational and economic resources for our people.

Colorado Senate Joint Resolution 97–26 serves as a proper basis for congressional oversight. I commend the document to my colleagues and urge their full attention to the measure.

Finally, Mr. Speaker, I wish to recognize Colorado State Senators, Ken Arnold, Jim Congrove, Dick Mutzebaugh, Maryanne Tebedo, and Dave Wattenberg, who joined Senator Don Ament in sponsoring and promoting Colorado Senate Joint Resolution 98–26.

TRIBUTE TO JUDY MELLO

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mrs. LOWEY. Mr. Speaker, we have all come to accept that we now live in a global society. One remarkable woman who recognized this fact long ago is Judy Mello. I wish to pay tribute to her today.

Since 1994, Judy has served as President and CEO of World Learning, an organization committed to helping develop the knowledge, skills, and attitudes needed to contribute effectively to international understanding and global development. World Learning currently runs over 220 programs in 120 countries, providing direct program services to more than 300,000 individuals. World Learning runs a School for International Training and important cultural exchange programs.

Prior to her appointment at World Learning, Judy made her mark in the world of international banking. She ran her own firm, J.H. Mello Company, which provided financial advisory services to clients, and subsequently served as Managing Director of Cambridge International Partners, an investment banking firm in New York City. Formerly, she polished her international credentials and leadership skills at the International Division of Citibank, Marine Midland Bank, First Women's Bank, New York, Lehman Brothers, and American Express.

Throughout her career, Judy has worked to help prepare America to compete in the global marketplace. The list of her commitments is long and distinguished: she served on the Board of World Education; the Board of Directors of the New York Business Development Corporation; the advisory board of the Nitze School of Advanced International Studies; the Johns Hopkins University Bologna Center; and the Board of Overseers of the NYU Graduate School of Business Administration.

I am also extremely grateful for her efforts to foster the careers of aspiring women. She is a founding member and past director of the Committee of 200, an organization of women CEOs, and a founding member and co-chair of the Capital Circle, which mobilizes capital for women-run businesses. She is a member of the Women's Forum, and a past member of the Women's Economic Round Table. Her dedication to the advancement of women in the corporate world is paving the way for the women CEOs of today and tomorrow.

I am delighted that the National Association of Breast Cancer Organizations will honor Judy Mello next week with their distinguished "Celebrate Life Award" for exhibiting the willingness to take control of her life, and the courage to determine her own destiny. I am so proud of her and I am hopeful her example serves as inspiration to all women—and all Americans.

SIXTH PRESBYTERIAN CHURCH CELEBRATES 145TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the Sixth Presbyterian Church on the occasion of its 145th Anniversary of splendid spiritual and civic guidance.

Dr. Mason Noble came to the District of Columbia from New York City in 1852. He canvassed a neighborhood in southwest Washington with the hope of starting a Presbyterian congregation. The first few months, the group met in the home of William and Amanda Thompson. On January 23, 1853 at a meeting in Island Hall, Dr. Noble, with 32 people, voted to organize Sixth Presbyterian Church.

Land and a building were purchased at Sixth and C Streets, SW and the congregation celebrated its first Eucharist on February 14, 1853. Dr. Noble served as pastor to the growing congregation for twenty years which is longer than any of the eighteen pastors who followed in his foot steps. The congregation worshiped in its first building for more than 65 years. As the city expanded to the northwest, the members voted to move to Sixteenth and Kennedy Streets, NW. The Chapel, now the Choir, Primary and Nursery rooms, was dedicated on Sunday, September 23, 1917. The seventh pastor, Reverend Douglas P. Birnie, with the tireless efforts of the elders and trustees, guided the Church through the difficult period of World War I. Ground was broken for the present sanctuary on January 2, 1929 during the Great Depression. The first worship service was held in the new sanctuary on Thanksgiving Day, November 28, 1929. The building was dedicated on Sunday, March 9, 1930. The eleventh pastor, The Reverend Godfrey Chobot, D.D. guided the members through this building phase. Shortly after the dedication, the Washington Board of Trade's Committee on Municipal Art awarded the congregation its Award in Architecture and acclaimed the sanctuary as the finest example of French Norman Architecture in the city. The carillonic bells were dedicated as ground was broken for the third phase of the present edifice on February 8, 1952. The Earl Franklin Fowler Memorial Hall or Fellowship Hall with church offices, classrooms and the Church Parlor on the lower level was dedicated on January 23, 1953—exactly one hundred years after the church was organized. On November 12, 1951, Dr. Fowler, the thirteenth pastor, died in the pulpit just before the realization of his and the congregation's dream for the new building.

Twenty-four years ago, Pastor Donald D.M. Jones and a group of elders decided to open the doors of this Church to all who would come. The Church continues to grow as a multi-cultural congregation, with members from thirteen countries, and celebrates this 145th Anniversary as a beacon of light in the nation's capital.

Mr. Speaker, I ask that this body join me in congratulating this remarkable institution on the occasion of this anniversary knowing that its future will be as bright as its past.

CELEBRATING THE 100TH ANNIVERSARY OF THE MEDICAL LIBRARY ASSOCIATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. PORTER. Mr. Speaker, I am very pleased to recognize the 100th anniversary of the Medical Library Association (MLA). Headquartered in Chicago, Illinois, MLA was founded on May 2nd, 1898 by four librarians and four physicians to "encourage the improvement and increase of public medical libraries."

A century later, MLA has grown into a professional organization which represents more than 1,200 institutions and 3,800 individuals involved in the management and dissemination of biomedical information to support patient care, education and research. Whether working in hospitals, academic health centers, or libraries, MLA members play a vital role in improving the quality of health care throughout the nation.

Physicians have consistently reported positive changes in their diagnosis, choice of tests and drugs, length of hospital stays and advice given to patients as a result of information provided by medical librarians. The ability of medical librarians to quickly maneuver through the wealth of health care information on the Internet, and to identify the most credible, relevant and appropriate sources of information for each request has become a critical component of today's health care system.

In keeping with its commitment to improve and expand the health information professions, MLA assists librarians in the exchange of health sciences publications, offers continuing education seminars and scholarships, and continuously develops leadership programs designed to meet the needs of the medical library community. In addition, MLA places a high priority on keeping its members up-to-date with respect to the latest breakthroughs in health care information technology.

As we celebrate MLA's centennial anniversary, I believe it is also important to recognize the longstanding partnership between MLA and the National Library of Medicine (NLM) at the National Institutes of Health. As chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, I am very familiar with the extraordinary work being done at the NLM to improve access to health care information. By using NLM's state-of-the-art medical data bases and telemedicine project sites, medical librarians are able to provide doctors and patients, often in underserved rural and urban areas, with the most current and accurate health-related information.

Mr. Speaker, as we approach the 21st Century, it is clear that the telecommunications advances of the Information Age will continue to revolutionize the role that medical librarians play in the delivery of health care in America. It is with an eye to the future, that I invite all Members to join me in celebrating the past 100 years of the Medical Library Association during their 1998 Centennial Celebration.

CALEA IMPLEMENTATION AMENDMENTS OF 1998

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. BARR. Mr. Speaker, today I am introducing a bill to amend and clarify portions of the Communications Assistance for Law Enforcement Act (CALEA), enacted into law on October 25, 1994 (PL 103–414). The implementation of this legislation—intended by Congress to preserve the status quo of law enforcement's electronic surveillance authority and to define the telecommunications industry's duty to assist law enforcement in the digital age—is seriously behind schedule. CALEA's effective date is October 25, 1998 and the assistance capability and capacity requirements set forth in the law will not be available.

The purpose of CALEA is to preserve the government's ability to conduct electronic surveillance in the face of changing communications technology, to protect the privacy of customer communications, and to avoid impeding the development of new telecommunications services and technology. In CALEA, Congress placed an affirmative requirement on telecommunications carriers to modify and design their network equipment, facilities, and services to continue to permit law enforcement to conduct electronic surveillance in the face of changing network technology. This requirement, however, is subject to certain specified conditions such as the reimbursement of the industry's cost of implementation of CALEA and the reasonable achievability of the proposed changes to carrier networks.

Congress intended that the FBI, which has been delegated the responsibility of implementing CALEA on behalf of the Attorney General, have only a consultative role in the implementation of CALEA. Congress also intended that the telecommunications industry develop the technical standards necessary to permit carriers to implement the needed changes in their networks. The carriers are required to permit law enforcement to continue to receive call content or call identifying information, pursuant to an appropriate court order or other lawful authorization.

The FBI, however, has gone far beyond its consultative role in the implementation of CALEA. The FBI has insisted that the industry's technical standards include requirements for capabilities that go beyond the scope or intent of CALEA. The capabilities proposed to be included by the FBI are costly, technically difficult to deploy or technically infeasible, and raise significant legal and privacy concerns.

The FBI is now threatening enforcement actions and the denial of appropriate cost reimbursement to the industry if its proposed capabilities are not deployed by the industry. In sum, these actions—the delays in the issuance of technical standards and the required government notice of electronic surveillance capacity—have caused the implementation of CALEA to be seriously behind schedule.

The bill I am introducing will merely clarify the intent of Congress when it enacted CALEA almost four years ago. It provides for definitions of terms necessary to clarify that Congress intended that the telecommunications carriers' existing network technology be "grandfathered" or deemed in compliance with CALEA, unless the costs of retrofitting such technology are borne by the government. Further, my bill provides for the extension of dates of compliance for the telecommunications industry which recognize the reality of the delays that the industry has faced in its implementation of CALEA. My bill will not add any additional costs to the government over and above the $500 million originally authorized in CALEA. However, the delays occasioned by the FBI could very well add to the government's costs of this important legislation in the future. I urge my colleagues to support this important legislation.

THE NUCLEAR NON-PROLIFERATION POLICY ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. STARK. Mr. Speaker, with the end of the cold war and the break-up of the Soviet Union, nuclear nonproliferation efforts continue to be a priority for United States. Many events have taken place which have strengthened nuclear nonproliferation efforts. The cornerstone of international nuclear nonproliferation, the Nuclear Nonproliferation Treaty (NPT), completed its 25-year lifespan in 1995 and was made permanent. The former Soviet states, Ukraine, Kazakhstan and Belarus have joined the NPT as non-weapons states and agreed to remove all nuclear materials from their territories.

Although the international community has taken positive steps toward nonproliferation goals, new developments require scrutiny of current U.S. nonproliferation policy. Safety and security of nuclear weapons and materials in the former Soviet Union, the India-Pakistan arms race, North Korea's violations of the NPT, continuing suspicions about Iran's nuclear activities, and the availability of weapons-usable materials and technologies are leading reasons for concern.

The breakup of the Soviet Union left an undetermined amount of nuclear materials scattered throughout the former Soviet territories. Large quantities of nuclear weapons, weapons materials, and technology in the former Soviet Union are all potential proliferation problems. There are terrifying reports that nuclear materials have been illegally stolen and transferred from Russia to rogue states. The sluggish economic conditions in Russia have provoked Russian nuclear and missile experts in accepting employment offers in rogue nations. And Russia isn't the only region of concern for the United States.

Since the end of the cold war, North Korea has diverted plutonium to a secret bomb program, threatened to withdraw from the NPT and blocked inspections. North Korea currently has enough plutonium to build one or two bombs, but refuses to disclose the extent of its nuclear activities. Neither India nor Pakistan are a party to the Nuclear Nonproliferation Treaty—nor have they signed the Comprehensive Nuclear Test Ban Treaty. Pakistan has acknowledged the capability to build at least one nuclear reactor while some experts believe it has enough enriched uranium for 10–15 weapons. Both India and Pakistan have combat aircraft that, with modifications, would be capable of delivering nuclear weapons. The U.S. continues to suspect Iran of using its civilian nuclear program as a pretense to establish the technical basis for a nuclear weapons option.

Today, I am introducing legislation that will set forth a blueprint for accomplishing critical nonproliferation objectives. The bill, the Nuclear Non-Proliferation Policy Act of 1998, establishes fourteen policy goals for the United States to pursue on nuclear arms control and nonproliferation. The arms control objectives are less important now for their own sake than for preventing nonproliferation. A comprehensive test ban, a global ban on the production of fissile material, verified dismantlement of United States and Russian nuclear weapons are measures that will help build international support for tough nonproliferation agreements, could cap the nuclear weapons programs of the threshold nuclear weapons states, and could reduce the chances of future theft or diversion of nuclear material from the former Soviet Union.

Additionally, the United States must continue to support the International Atomic Energy Agency (IAEA) nonproliferation safeguards, tighten nuclear export controls in the United States and elsewhere, and increase the role of the U.N. Security council in enforcing international nonproliferation agreements. As we have recently experienced, these measures will help prevent terrorist leaders like Saddam Hussein from building a secret nuclear weapons program.

Finally, the United States must make it clear that it will make no first use of nuclear weapons, that our nuclear weapons will only be used to deter nuclear attack. We should seek to have the other permanent members of the UN Security Council—who are also the other nuclear weapons states—adopt such a 'no first use'policy and to pledge to assist any country which is party to the NPT and against which first-use of nuclear weapons is made. These positive and negative security assurances can help build crucial support among developing nations to sign onto the NPT. One the other hand, if the United States begins targeting third world countries with nuclear weapons, as some in the Pentagon might propose, it would give added rationale for those countries to build their own nuclear deterrents.

Now, more than ever, the United States must set a firm standard in the nonproliferation arena. U.S. credibility and leadership in nonproliferation suffers when Washington subordinates nonproliferation to economic or other political considerations. None of the objectives in this bill will, on its own, stop proliferation. But by adopting a comprehensive nonproliferation policy, the United States can accomplish its overall goal of ending the further spread of nuclear weapons capability, rolling back proliferation where it has occurred, and preventing the use of nuclear weapons anywhere in the world.

U.S. FOREIGN MILITARY SALES DURING FISCAL YEAR 1997

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention information submitted pursuant to the Arms Export Control Act with respect to U.S. foreign military sales during fiscal year 1997.

The first table details worldwide government-to-government foreign military sales [FMS] during fiscal year 1997 for defense articles and services and for construction sales. Total FMS sales for fiscal year 1997 totaled $8.809 billion. This is a decrease from $10.469 billion in fiscal year 1996.

The second table details licenses/approvals for the export of commercially sold defense articles and services for fiscal year 1997. Licenses/approvals totaled $11.013 billion, a decrease from $14.558 billion in fiscal year 1996.

The tables follow:

TOTAL VALUE OF DEFENSE ARTICLES AND SERVICES SOLD TO EACH COUNTRY/PURCHASER AS OF SEPTEMBER 30, 1997, UNDER FOREIGN MILITARY SALES

[Dollars in thousands][1]

Countries	Accepted—Fy 1997
Foreign military sales	
Albania	$759
Antigua & Barbuda	262
Argentina	18,981
Australia	287,524
Austria	27,187
Bahamas	51
Bahrain	54,049
Bangladesh	1,592
Barbados	139
Belgium	122,049
Belize	327
Bolivia	3
Bolivia—Intl Narc	8,638
Bosnia-Hercegovina	2,103
Botswana	439
Brazil	24,962
Brunei	69
Bulgaria	4,332
Cambodia	1,246
Canada	103,253
Chad	36
Chile	2,322
Colombia	74,487
Costa Rica	175
Czech Republic	2,268
Denmark	32,558
Dominican Republic	187
Ecuador	4,158
Eduador—Intl Narc	1,812
Egypt	1,065,593
El Salvador	4,869
Eriterea	1,934
Estonia	999
Ethiopia	1,120
Finland	291
France	102,163
Germany	325,754
Greece	224,467
Grenada	353
Guinea-Bissau	121
Guyana	70
Haiti	877
Honduras	910
Hungary	6,905
India	299
Indonesia	793
Israel	524,988
Italy	41,194
Ivory Coast	187
Jamaica	50
Japan	346,758
Jordan	18,253
Kenya	779
Korea (Seoul)	853,987
Kuwait	48,116
Laos	1,070
Latvia	1,417
Lebanon	21,960
Lithuania	1,175
Luxembourg	4,326

TOTAL VALUE OF DEFENSE ARTICLES AND SERVICES SOLD TO EACH COUNTRY/PURCHASER AS OF SEPTEMBER 30, 1997, UNDER FOREIGN MILITARY SALES—Continued

[Dollars in thousands][1]

Countries	Accepted—Fy 1997
Macedonia (Fyrom)	2,057
Malaysia	11,481
Mexico	27,663
Morocco	3,466
Nacisa	602
Namibia	286
Namsa-General + Nike	7,358
Namsa-Hawk	1,956
Namsa-Weapons	4,438
Napmo	2,184
Nato	1,839
Nato AEW+C (O+S)	38,299
Nato EFA (NEFMA)	1,505
Netherlands	225,314
New Zealand	24,271
NHPLO	200
Norway	64,494
OAS HQ	601
Oman	11,541
Org of African Unity	250
Pakistan	101
Paraguay	31
Peru	285
Peru—Intl Narc	100
Poland	4,893
Portugal	19,241
Rep of Philippines	20,055
Romania	331
Saudi Arabia	742,372
Senegal	1,965
Seychelles	62
Shape	2,100
Singapore	192,230
Slovakia	2,003
Slovenia	216
South Africa	154
Spain	828,768
Sri Lanka	74
St. Kitts and Nevis	187
St. Vincent + Gren.	66
Sweden	6,194
Switzerland	13,413
Taiwan	353,737
Thailand	187,413
Trinidad—Tobago	185
Tunisia	15,235
Turkey	339,597
Uganda	3,872
UNDHA	945
United Arab Emirates	5,586
United Kingdom	558,949
Uruguay	1,078
Venezuela	59,421
Zimbabwe	91
Classified totals[2]	609,749
Subtotal	8,778,248
Construction sales	
Bolivia—Intl Narc	$485
Cambodia	49
Colombia	500
Egypt	21,356
El Salvador	1,834
Eritrea	544
Ethiopia	388
Germany	1,405
Morocco	3,476
Singapore	266
Subtotal	30,303
Total	8,808,551

[1] Totals may not add due to rounding.

[2] See the classified annex to the CPD.

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES SEPTEMBER 30, 1997

[Dollars in thousands]

Countries	Cumulative
Algeria	$57,938
Andorra	39
Angola	11,618
Antigua	1
Argentina	198,780
Aruba	62
Australia	416,030
Austria	36,413
Azerbaijan	6
The Bahamas	9
Bahrain	8,917
Bangladesh	2,568
Barbados	96
Belarus	12
Belgium	131,132

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES SEPTEMBER 30, 1997—Continued

[Dollars in thousands]

Countries	Cumulative
Belize	95
Bermuda	68
Bolivia	1,666
Bosnia Herzegovina	32,714
Botswana	3,013
Brazil	191,334
British Virgin Islands	4
Brunei	21,076
Bulgaria	459
Burkina Faso	2
Cambodia	29
Canada	8,649
Cayman Islands	7
Chad	2
Chile	32,564
China	2,068
Colombia	39,077
Costa Rica	1,653
Cote D'Ivoire	67
Croatia	121
Cyprus	5
Czech Republic	6,378
Denmark	83,987
Dominican Republic	7,319
Ecuador	7,540
Egypt	82,210
El Salvador	8,244
Eritrea	900
Estonia	15
Finland	106,389
France	180,906
French Guiana	5,538
French Polynesia	2
Gabon	23
Georgia	3
Germany	511,772
Ghana	4,383
Greece	36,270
Greenland	23
Grenada	68
Guatemala	2,211
Guinea-Bissau	2
Guyana	108
Haiti	61
Honduras	3,696
Hong Kong	2,147
Hungary	474
Iceland	4,788
India	29,867
Indonesia	66,190
Ireland	9,163
Israel	714,187
Italy	172,344
Jamaica	335
Japan	2,121,893
Jordan	4,293
Kazakhstan	3,286
Kenya	617
Kiribati	1,516
Republic of Korea	423,749
Kuwait	14,972
Kyrgyzstan	9
Laos	650
Latvia	9
Lebanon	825
Liechtenstein	2
Lithuania	400
Luxembourg	5,190
Macau	77
Macedonia	263
Malaysia	90,922
Mali	1
Malta	1
Mauritius	59
Mexico	22,153
Monaco	21
Mongolia	6
Montserrat	3
Morocco	15,798
Namibia	298
Nepal	4,140
Netherlands	350,197
Netherlands Antilles	136
New Caledonia	93,528
New Zealand	107,675
Nicaragua	80
Niger	1
Norway	141,653
Oman	2,528
Pakistan	53,046
Panama	11,941
Papua New Guinea	421
Paraguay	42
Peru	5,367
Philippines	72,219
Poland	2,188
Portugal	47,569
Qatar	3,081
Reunion	20
Romania	43,125
Russia	23,809
Saudi Arabia	115,583
Seychelles	11
Singapore	163,713
Slovakia	2,149
Slovenia	2,603
Solomon Islands	760
South Africa	10,865
Spain	202,297
Sri Lanka	2,210
St. Kitts & Nevis-Angu	5
St. Lucia	44
St. Vincent & Genadines	4
Suriname	139
Sweden	396,139
Switzerland	173,103
Taiwan [1]	261,098
Tanzania, United Republic	597
Thailand	122,172
Trinidad & Tobago	809
Tunisia	2,038
Turkey	257,150
Turks & Caicos Islands	1
Uganda	4
Ukraine	77
United Arab Emirates	17,409
United Kingdom	1,193,778
United Nations	82
Uruguay	14,723
Uzbekistan	6
Various Countries	72,368
Venezuela	342,929
Vietnam	5
Yemen	5,159
Zambia	808
Zimbabwe	122
Classified totals [2]	736,042
Worldwide total	11,012,618

[1] Taiwan first quarter modified due to error found in calculations used to generate data.

[2] See classified annex to CPD.

Note.—Details may not add due to rounding. This information was prepared and submitted by the Office of Defense Trade Controls, State Department.

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SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 5, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:30 a.m.

Appropriations

To hold hearings on proposed legislation making supplemental appropriations for Bosnia and Iraq.

SD–106

Judiciary

To hold hearings on civil liability provisions of S. 1530, to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans (pending on Senate calendar).

SD–226

MARCH 9

1:00 p.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the current operation of the District of Columbia public school system.

SD–342

Special on Aging

To hold hearings to examine how retirement of the baby boomer generation will impact the demand for long-term care, the ability of public budgets to provide those services, and the projected retirement income of baby boomers.

SD–562

2:00 p.m.

Judiciary

Youth Violence Subcommittee

To hold hearings to examine the proposed effectiveness of the provisions of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime (pending on Senate calendar).

SD–226

MARCH 10

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the current Federal crop insurance program and proposals to improve the system.

SR–332

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for military construction programs, focusing on Air Force and Navy projects.

SD–124

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Orson Swindle, of Hawaii, and Mozelle Willmont Thompson, of New York, each to be a Federal Trade Commissioner, Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs, John Charles Horsley, of Washington, to be Associate Deputy Secretary of Transportation, and Christy Carpenter, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR–253

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Food and Nutrition Service, Department of Agriculture.

SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine proposals to prevent child exploitation.
SD–192

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on littoral warfare missions in the 21st century.
SR–222

Banking, Housing, and Urban Affairs
To resume hearings on S. 1405, to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency action, and to provide for improved consumer credit disclosure.
SD–538

Foreign Relations
To hold hearings to examine the plight of the Montagnards.
SD–419

Governmental Affairs
Business meeting, to mark up S. 981, to provide for analysis of major rules, and S. 1364, to eliminate unnecessary and wasteful Federal reports.
SD–342

Judiciary
To hold hearings on the United States Marshals Service, focusing on the selection process for the 21st century.
SD–226

Labor and Human Resources
Business meeting, to mark up S. 1648, to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and to consider pending nominations.
SD–430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, focusing on research and efficiency programs.
SD–116

MARCH 11

9:00 a.m.
Armed Services
Readiness Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on environmental and military contruction programs.
SR–232A

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Indian Affairs
Business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget; to be followed by an oversight hearing on sovereign immunity, focusing on contracts involving Indian tribes and alleged difficulties in collecting State retail taxes.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD–192

Judiciary
To hold an additional hearing on the nomination of Frederica A. Massiah-Jackson, to be United States Disrict Judge for the Eastern District of Pennsylvania (reported by Committee).
SD–226

2:00 p.m.
Armed Services
Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the defense health program.
SR–222

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 1301, to provide for consumer bankruptcy protection.
SD–226

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on U.S. national security space programs and policies.
SR–232A

MARCH 12

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation authorizing funds for child nutrition programs.
SR–332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Housing and Urban Development, and the Community Development Financial Institute.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Joint Committee on Printing, the Joint Economic Committee, the Joint Committee on Taxation, the Sergeant at Arms, the Library of Congress and the Congressional Research Service, and the Office of Compliance.
SD–116

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department.
SD–192

Armed Services
Acquisition and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on science and technology programs.
SR–222

Commerce, Science, and Transportation
Business meeting, to mark up proposed legislation relating to the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, and to consider other pending calendar business.
SR–253

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to assess the quality and technology of the Agency for Health Care Policy and Research.
SD–430

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Supreme Court, and the Judiciary.
S–146, Capitol

Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Judiciary
To resume hearings on provisions of S. 1530, to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans, focusing on children's health and stopping children from smoking (pending on Senate calendar).
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for programs of the U.S. Coast Guard.
SR–253

MARCH 16

1:00 p.m.
Special on Aging
To hold hearings to examine the lending practices of the subprime lending market, focusing on how senior citizens are targeted by unscrupulous lenders.
SD–628

MARCH 17

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for child nutrition programs, focusing on the Women, Infants, and Children (WIC) program.
SR–332

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's enivronmental management program.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.
S–146, Capitol

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine privacy issues in the digital age, focusing on encryption and mandatory access.
SD–226

Labor and Human Resources
To hold hearings to examine retirement security issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics.
SD–124

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on ship acquisition.
SR–222

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to review policy directives for protecting America's critical infrastructures.
SD–226

MARCH 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD–138

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Small Business
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration.
SR–428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Indian Affairs
Business meeting, to mark up proposed legislation with regard to Indians in the proposed tobacco settlement; to be followed by an oversight hearing on the implementation of the Indian Arts and Crafts Act (P.L. 101-644), focusing on the Arts and Board activities, resource needs, and mission.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.
SD–192

2:00 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine nuclear nonproliferation and the Comprehensive Nuclear Test Ban Treaty (Treaty Doc. 105-28).
SD–342

MARCH 19

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.
S–128, Capitol

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD–124

Labor and Human Resources
To hold oversight hearings on the implementation of the Health Insurance Portability and Accountability Act.
SD–430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD–226

MARCH 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD–138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD–192

Labor and Human Resources
To hold hearings to examine health care quality issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–124

MARCH 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Indian Affairs
To hold hearings to examine Indian gaming issues.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

MARCH 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Health and Human Services.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD–192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings on the Head Start education program.
SD–430

MARCH 31

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands

in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
SD-366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.
SD-138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.
SD-192

Labor and Human Resources
To hold hearings to examine issues relating to charter schools.
SD-430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.
SD-124

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1515, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.
SD-366

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD-192

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable and video markets.
SD-226

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD-226

APRIL 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.
SR-332

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD-138

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD-124

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD-192

APRIL 23

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD-138

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD-192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD-138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD-192

MAY 7

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD-138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

MARCH 5

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total

reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SR-253

2:00 p.m.

Foreign Relations

European Affairs Subcommittee

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine the conflict in the Caucasus.

SD-419

HOUSE OF REPRESENTATIVES—*Thursday, March 5, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CALVERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 5, 1998.

I hereby designate the Honorable KEN CALVERT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Rabbi Toby H. Manewith, Director, Hillel Foundation, A.S. Kay Spiritual Life Center, American University, Washington, D.C., offered the following prayer:

"The world rests on 3 things: On din, justice, on emet, truth and on shalom, peace." This, according to Shimon Ben Gamliel, the first century Jewish sage. Though these concepts are intertwined, the first two are valued, in part, as agents; it is through them that peace is attained. And peace, say the sages, is but another name for that which human beings of all walks and stations see as divine.

Most Holy One,
May our pursuits be of justice,
And may truth light our way.

And through these may we, our leaders, our Nation, its citizens, and citizens of the world, be guided on a path of ever increasing peace.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. ETHERIDGE) come forward and lead the House in the Pledge of Allegiance.

Mr. ETHERIDGE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes on each side.

WELCOME TO RABBI TOBY H. MANEWITH

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, I take pride in having presented to the House for the prayer, Rabbi Toby Manewith. She is a constituent of mine from Chicago, where she lived until her graduation from Northwestern University in 1988. She was ordained from Hebrew Union College in 1993.

Her first post was as Hillel Director at Syracuse University, a post she held for 4 years. She took an assignment at American University last summer, where she is now.

Mr. Speaker, it is clear that this young rabbi has much to offer and I know we wish her well.

BLM INVESTIGATION URGED

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Everett Dirksen once said that "a billion here and a billion there, and pretty soon you are talking about real money." Well, is $1.7 trillion of a Federal budget not enough to provide for the simple upkeep and maintenance of our national park system? Clearly the Bureau of Land Management does not think so.

After complaining of a shortage of necessary funds to provide for the upkeep of the Red Rock Canyon National Conservation Area, the BLM imposed a new user fee on anyone wishing to enter this national treasure. Well, what improvements have been made as a result of this hidden tax on the American people? None. Zip. Nada. In fact, the BLM used its own discretion to divert these funds it deemed necessary for improvements just to hire more government bureaucrats.

Mr. Speaker, in a time when all Americans are being asked to do more with less to balance the Federal budget, government bureaucrats must be held to the same standard. I urge a full and complete investigation into this blatant misuse of taxpayer funds.

BULLETPROOF VESTS SAVE LIVES

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I call on this Congress to take action to save the lives of America's brave law enforcement officers.

Two days ago at 4 o'clock in the morning in Kenley, NC, a police officer by the name of Todd Smith stopped a dark sedan on Highway 301 for missing tags. Those 3 men attacked him, took his weapon, shot him at point-blank range in his midsection.

Fortunately for Todd Smith, he was wearing a bulletproof vest that was 10 times the strength of steel. They took him to Johnston Memorial Hospital. His life was saved. The doctor said if he had not been wearing a vest, he would have died on the spot.

Mr. Speaker, each and every law enforcement officer in America should have the protection of a bulletproof vest. We have legislation to accomplish this. I am an original cosponsor of H.R. 2829, the Bulletproof Vest Partnership Grant. It is now tied up in a committee. The Republican leadership has refused to allow it to move. That is outrageous. In the name of Officer Smith and all law enforcement officers, I demand that this bill pass.

PAKISTAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to focus attention on the situation facing minority religious believers in Pakistan. Although the country's constitution upholds religious freedom, section 295(c) of the penal code states that defiling the sacred name of Mohammed is punishable by death. Unfortunately, reports suggest that some Pakistanis use this law, which carries with it a mandatory death penalty, to falsely accuse Christians of blasphemy.

Let me illustrate with several photographs. The first photograph reveals a young woman sitting in the midst of the destruction caused when the government bulldozed the Christian church and surrounding community buildings. The second photograph shows the view of Reverend Noor Alam, a Christian clergyman lynched by extremists recently in Pakistan. The next photograph depicts the treatment of Pakistani Christians who protested

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

last year's destruction of churches in Shantinagar. Members can see the ropes around their necks.

Mr. Speaker, freedom of religion is a fundamental human right and should be protected by all governments of the world, including the government of Pakistan.

DEMOCRATS UNVEIL EDUCATION AGENDA

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, every day all across America we tell children that education is very important to their future. But we send them a contradictory message in the condition of American schools. If we truly want to convince children of the importance of education, we must improve the schools at which they learn and reduce class size. Just a few weeks ago, the Democratic leadership of the House and the Senate joined with President Clinton in rolling out a Democratic agenda which calls for smaller classes, it calls for 100,000 new teachers to teach in these smaller classes, and an initiative to repair old schools and build new schools. This initiative of President Clinton's which I hope the entire Congress will join in calls for a $20 billion initiative on tax-free bonds for local communities to rebuild their schools. The schools our children learn in are in some cases environmental hazards. In many cases the classrooms are overcrowded. In all cases there is need for reconstruction. Send a clear, consistent message to children that education is important by placing an importance on their schools.

DEMOCRATIC EDUCATION INITIATIVE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this body has no greater challenge than to make sure that all of America's children no matter how humble their background have access to a quality education. Education is the great equalizer in our Nation. It is what has allowed the daughter of a garment worker like myself to grow up to be a Member of the House of Representatives. My colleagues on the other side of the aisle want to dismantle public education, to siphon off precious funds into risky voucher proposals. Democrats have a plan to strengthen America's public schools by repairing and modernizing crumbling schools, putting 100,000 teachers in the classroom to promote stronger discipline and better learning, and to cut down on class size. America's public schools have made our Nation strong and put the American dream within reach for so many of our Nation's children. I urge my Republican colleagues not to abandon our children but to follow the Democrats' lead in working to rebuild America's public schools and to maintain strong public education in this Nation.

OUR LIBERAL FRIENDS

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, the President and his allies in this House are calling us the Do-Nothing Congress. I agree. We are the do-nothing-the-liberals-like Congress. Maybe that is why the poll numbers for Congress are at an all-time high, because this Congress will not do anything to the American people. We will not raise their taxes, we will not stick them with unfunded mandates, we will not drive their small businesses out of business, we will not kill the economy, we will not spend the surplus, we will not waste their hard-earned money. I understand that the minority leadership has another agenda and we are hearing it this morning. When Democrats have another so-called agenda, the American taxpayer should have a panic attack. You can say this about our liberal friends on the other side of the aisle. They got what it takes to take what you got. Let us face the facts. The American people want a break from more wasteful Washington programs no matter what our liberal friends might say.

DEMOCRATIC EDUCATION INITIATIVE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise today to talk about a long-term vision, the vision of the Democratic Party to support education in America, to invest in our young people. The fact of the matter is that while a short-term tax cut may be nice, your children's future is tied to education. Education is the key to opportunity. Right now we like to talk about the new jobs, the global jobs, the high-tech jobs. But the fact of the matter is that without a good education, we cannot get those jobs. Right now American employers are looking overseas to hire people because our system does not provide enough qualified, well-educated young people. How can we address this problem? The Democrats advocate first improving our schools. Over a third of our schools need major repairs.

□ 1015

Over 50 percent of our schools are not prepared or wired for the Internet. We have class sizes that are too large, and we lack discipline in the schools. The Democrats advocate a major investment in education to repair our schools. The Democrats advocate a major investment in hiring 100,000 new teachers so we can have smaller classrooms, better discipline and provide a better educated workforce to take on the new jobs of the new millennium.

FREEDOM WORKS AWARD TO FAMILY MISSIONS

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I am honored today to present the Freedom Works Award to the Family Missions of the D.C. area. I established the Freedom Works Award to celebrate freedom by recognizing individuals and groups who promote personal responsibility instead of reliance on the government.

The Family Missions was founded in 1968 and has chapters in most cities across the United States. It is a privately funded charitable religious organization made up of families who believe their Christian duty is best served by assisting and operating homeless shelters, soup kitchens and offering other human services assistance within their communities. Their activities have ranged from delivering 2 tons of milk weekly for the last 4 years to D.C.-area soup kitchens, to serving as Red Cross deputies in Florida during the aftermath of Hurricane Andrew.

It really warms my heart to see these young people doing all they can to help people in need. The Family Missions volunteers also help teenage runaways and shelters for battered women. This organization has taken on these difficult tasks and more without receiving a single penny of Federal assistance. Instead, they have relied on the personal initiative taken by Cindy Thompson, Sam Lloyd, Brian Thomas Edwards and Lisa Salazar, and a long list of other members of the family.

The success of the Family Missions is based on the simple belief that there is no greater love for our fellow man than to be willing to lay down our life for them.

Mr. Speaker, government alone cannot solve our Nation's problems. That does not mean we simply throw up our hands in frustration. It means every single one of us, no matter what our politics, must roll up our sleeves and do the work each of us is capable of doing to rebuild our neighborhoods and communities. Every day groups like the Family Missions demonstrate the understanding that with freedom comes responsibility.

Sadly enough, there is far more homelessness and hunger in this great Nation than any of us are willing to accept. Poor and distressed people need hope, they need love, they need people willing to come to them, if necessary, who will show they care. They found all these things and more in the Family Missions.

If we are a great country today, then if we are going to be a great country in the future, it will be because of groups like Family Missions.

FOCUS ON HELPING CHILDREN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, one of the most important challenges we have as we move toward the 21st century is to make sure that the children of America really count. In order to do that, there are so many needs that children have. One of them, of course, is the rebuilding of our schools and better school infrastructure.

Almost one-third of our public schools were built prior to the beginning of World War II in 1939, and an indepth study shows that one-third of the 80,000 public elementary and secondary schools in the United States, about 26,000 have at least one building in need of extensive repair. The Democrats' rebuilding school bill is the right direction for our children.

Children must be in the forefront of our mind, the same way that the Congressional Children's Caucus next week will hold an important hearing on access to mental health resources for our children. Eleven million children have a diagnosable mental, emotional behavioral disorder, and 1 in 20 will have severe disorder by age 18.

This is an important cause, our children are an important cause. I hope that our colleagues will focus their attention in the next couple of months in helping our children.

LEGISLATION TO PREVENT PROSECUTORIAL ABUSE

(Mr. McDADE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDADE. Mr. Speaker, I am introducing legislation cosponsored by our colleague JACK MURTHA that will safeguard the citizens of this Nation from unfair, abusive and unethical conduct by rogue employees of the Department of Justice.

The bill establishes clear standards of conduct for Department of Justice employees and makes them accountable for transgressions.

The legislation makes it punishable, for example, for a DOJ employee to engage in actions such as seeking the indictment of a person without probable cause, failing to release information that would exonerate someone under indictment, or misleading the court.

An independent review board is created to monitor compliance with those standards, and that board would have the authority to impose penalties on those found guilty, all of this done in public.

For the information of my colleagues, I am submitting for the record a lengthy list of cases where U.S. courts have found prosecutorial abuse. This list was prepared by the Library of Congress at my request.

Mr. Speaker, I urge my colleagues to cosponsor this bill, which would ensure the constitutional rights of American citizens.

SUPPORT MORE TEACHERS AND MORE REPAIRS FOR PUBLIC SCHOOLS

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, public school education has made this country the most productive and advanced country on the planet. It is the key that opens the door of opportunities to achieve the American dream. It is not only where we learn our common American heritage and our common values, but it is where we can set a high level of achievement and expectation for all American students.

Supporters of public schools understand that our public schools must get better, but let us start at the beginning, grades 1, 2 and 3. That is why I support President Clinton's 100,000 new teachers to reduce class size. Smaller class sizes mean more individualized attention for all of our kids, and a safer and better environment in which they can learn.

But there are those in the extreme who want to tear down our public schools and take money from them, to eliminate the opportunity for all Americans to be able to achieve the American dream.

I urge my colleagues to support President Clinton's plan to reduce class size for 100,000 more schoolteachers, and to provide repairs to the needy school districts whose school buildings are in disrepair.

HOPE NOW FOR YOUTH

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RADANOVICH. Mr. Speaker, Republicans have begun to downsize the institution of government through privatizing, localizing and eliminating Federal programs, and returning more power, money and decision-making to families and local communities. But that is not enough. As a society, we must release the power of religious and civic organizations to solve local problems.

One such organization is Hope Now for Youth in Fresno, California. Hope Now for Youth hires religious, ethnic college students to serve as counselors for young men in Fresno who are involved in risky behavior. The counselors seek to provide the parenting that these kids have missed growing up. Other services include job training, job placement, and help with meeting basic needs.

Hope Now for Youth does all of this without any government money. It is funded by individuals and businesses in Fresno who have taken personal responsibility to rebuild their own communities. It relies heavily on volunteers who give of their time and their love.

Mr. Speaker, Hope Now for Youth is an effective local charity that is a positive role model for all Americans. Local charities like Hope Now for Youth deserve our support. Anyone wishing to find out more may contact my office.

GET ADVICE ON EDUCATION FROM EDUCATORS

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, my Republican colleagues have ridiculed the President's proposal to hire 100,000 new teachers and to reduce class size to 18. I would suggest that they may want to get out of Washington and talk to some real people about this issue. I did just that last weekend.

My daughter, Alanna, is a third grade public schoolteacher in the suburbs of Cincinnati, Ohio, and I had a chance to visit with Alanna. I asked her, "What do you think about the President's proposal?" She said, "Well, dad, right now my class size is 25. If it were reduced to 18, I could be a better teacher. I could spend more time with the 5 or 6 kids in my class who really need help."

Mr. Speaker, I would urge my Republican colleagues, instead of blindly opposing this very important proposal by the President to reduce class size from 25 to 18, get out and talk to some public school teachers and find out what is really going on in the real world.

THE BIRTH DEFECTS PREVENTION ACT

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, in spite of the fact that the United States has the most advanced health care system in the world, 3 percent of our children are born with birth defects. Approximately 150,000 babies are born each year in this country with a serious birth defect.

Although some birth defects are minor and have no permanent consequences, others cause permanent disability, which necessitates constant medical care, special education, and other services that cost victims and their families countless tears and thousands of dollars each year. All too often, serious birth defects result in death. In fact, birth defects are the leading cause of infant death in America today.

Next week, the House will consider legislation that could dramatically reduce the incidence of birth defects in America. The Birth Defects Prevention Act, sponsored by Senator KIT BOND and passed by the Senate last year, would direct the Centers for Disease Control to serve as the national clearinghouse for the collection and storage of data on birth defects, help States establish birth defect surveillance programs or improve existing ones, and make grants available to the public and nonprofit organizations to develop and implement birth defect prevention strategies.

SUPPORT EDUCATION FOR A MODERN WORKFORCE: OPPOSE VOUCHERS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, there is nothing more important than giving every child a chance for good education. Our economy is changing and technology is more important than ever. We must prepare our students to compete in a growing, global economy. That is why Democrats want to strengthen our public schools, build and renovate more than 5,000 schools, reduce the class size to 18, hire over 100,000 teachers, and ensure that every child has a chance to get ahead in our society.

What do Republicans propose? Just yesterday the majority leader came to this floor and suggested draining funds from our public schools for private school vouchers. This plan would weaken our public schools; it would help the few and deprive the many. That is the Republican plan. It is not right, it is not fair to the majority of our students, it is the wrong road to travel.

Mr. Speaker, we must support strong public schools for every student in America.

A BUDGET DEAL IS A DEAL

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, back home we say a deal is a deal and a bargain is a bargain. A farmer back in Minnesota described our deficit dilemma best when he said the problem is not that we are not sending enough money into Washington; the problem is that Washington spends it faster than we can send it in. In other words, "It is spending, stupid."

When I came to Washington, the Congressional Budget Office was predicting $200 billion deficits for as far as the eye could see, well into the next millennium. Well, since I came to Washington, we have eliminated over 300 programs, reformed welfare, and dramatically cut the growth of spending here in Washington. As a result, the Federal budget is balanced today.

Last August we set tough spending caps. Now the President wants to renege.

This is what the President is recommending. The blue line represents what we agreed to spend in our spending caps. Now the President wants to exceed those by $69 billion.

Mr. Speaker, a deal is a deal. Keep faith with the caps. Let us pay down some of the debt, and slow down the Washington spending machine.

INCREASING FAIRNESS IN INTERNATIONAL TRADE

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, I rise today to urge my colleagues' support for legislation I will introduce this afternoon to increase fairness in international trade.

As my record shows, I am a strong supporter of fair trade and expanding markets for American products. Regardless of whether we vote to use more American money to replenish the IMF accounts, we already are the largest contributor to the fund. As such, it is our obligation to speak up for what is right.

□ 1030

My bill is focused on what the Asians should do to help themselves by upholding their trade reform commitments and ensuring fair trade. We need to take responsibility as world leader in trade and democracy.

This bill would use our voice and vote in the international finance institutions to insist that promised market opening reforms are carried out in Asia. I urge my colleagues to support the Asian Trade Reform and Implementation Act, it would send a strong message to Asia: Open your doors to U.S. products.

THE SITUATION IN KOSOVA

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, democracy is struggling to take root in Kosova despite the continued pattern of Serb violence against the ethnic Albanian population. Parliamentary and presidential elections are scheduled to be taken in Kosova on March 22. This will be the first general election this volatile region has had since 1992 and it represents a landmark event for the 90 percent Albanian population in Kosova in their struggle for freedom and independence.

Today we are just hearing reports of artillery shelling and aerial bombing of villages, part of a continuing pattern of violence against the ethnic Albanian population by the Serbs. This must stop. I call upon President Clinton to initiate strong measures, including tougher sanctions against the Belgrade Government of President Milosevic. For the sake of the ethnic Albanian people in Kosov, and a lasting peace in this troubled region, we cannot allow this violence to continue.

THE DEMOCRATIC PARTY IS COMMITTED TO FISCAL RESPONSIBILITY

(Mr. ADAM SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAM SMITH of Washington. Mr. Speaker, the most recent estimates show that we are actually going to have a budget surplus for fiscal year 1998 if all continues to go well this year.

I rise to make a couple of comments about that. First of all, I think we can all be proud of that accomplishment. It was just 5 years ago that the deficit was $300 billion and climbing, with no end in sight. It was depressing to look as the interest on the debt rose to the point where we felt we would never get out of that hole. Now we are starting to make progress and can be proud of that.

I feel that both parties can have some degree of credit for that accomplishment. But as a Democrat, I am particularly proud that my party has shown that it can be fiscally responsible. It can be fiscally responsible, where at the same time caring about other things that are important to the American people: investing in our future through education, protecting our seniors by making sure that they have health care and Social Security.

One final point. While we have accomplished a lot, there is still much to accomplish. Fiscal responsibility is not accomplished in one day. You cannot do it once and forget about it. It is a continual task. In the months and years ahead we must remain committed to that fiscal responsibility. I am proud that my party has made that commitment.

WIRELESS PRIVACY ENHANCEMENT ACT OF 1998

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 377 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 377

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. Each section of the Committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. CALVERT). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate.

Mr. Speaker, yesterday the Committee on Rules met and granted an open rule to H.R. 2369 which provides 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Commerce. The rule also waives points of order against consideration of the bill for failure to comply with the 3-day availability of committee reports.

House Resolution 377 also makes the Committee on Commerce amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment and provides that it shall be considered as read.

The rule allows for priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Votes may be postponed during consideration of the bill, and voting time may be reduced to 5 minutes if the postponed vote follows a 15-minute vote. Finally, the rule provides one motion to reconsider, with or without instructions.

The right to privacy is one of the most sacred rights our Founding Fathers fought and died to establish. Since the early days of our Nation, subsequent generations have defended this right. Today, advanced technology provides the latest threat to each individual's privacy.

I was shocked to hear during testimony before the Committee on Rules yesterday that the FBI actually had to stop using cellular phones during the investigation of the TWA Flight 800 disaster because they were being intercepted by members of the press corps. We have to put a stop to that sort of thing.

It is not the high-tech geniuses that we have to worry about. Off-the-shelf scanners are easily modified to turn them into electronic stalking devices. Simply clip the correct wire and someone can listen in in your private conversations. An entire industry which produces these intrusive devices has sprung up.

H.R. 2369 is a bipartisan bill which will clearly permit the modification of scanners. It requires the FCC to develop regulations which extend existing protections to new services, including personal communications services, protected paging, and specialized mobile services. H.R. 2369 clearly states that intercepting wireless communications is illegal.

Finally, the bill requires that the FCC must investigate violations under this law. H.R. 2369 is a bipartisan bill which moved quickly through the Committee on Commerce and should be supported by the entire House. I urge all my colleagues to support this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 377 is an open rule allowing for full and free debate on a bill that seeks to enhance privacy for all commercial users of cellular technology, both analog and digital. H.R. 2369 takes into account the development of new technologies in digital cellular and digital personal communications services, the generations beyond analog wireless communication.

The bill also prohibits the manufacture or modification of off-the-shelf radio scanners which would be capable of intercepting digital cellular telephone communications. It is already illegal to manufacture or import such equipment capable of intercepting analog cellular communication; this legislation advances Federal law to deal with advances in technology since the law was enacted.

Mr. Speaker, this legislation requires the Federal Communications Commission to step up its enforcement of existing laws, as well as the new prohibitions which will be imposed by this proposal. This legislation makes a significant change in current law by providing that the act of scanning cellular communications is in and of itself illegal. Thus, the manufacture or the possession of the equipment capable of scanning these private conversations, as well as the actual scanning of private cellular communications, will be illegal.

Mr. Speaker, with enhanced enforcement on the part of the FCC, perhaps some of the predatory practices which threaten the privacy of the millions of cellular conversations that take place each and every day can be stopped.

Mr. Speaker, this bill was unanimously reported from the Committee on Commerce, and is one of importance in today's world of rapidly changing technological development. I urge support of this open rule and support of the bill.

Mr. GOSS. Mr. Speaker, I thank the gentlelady from North Carolina for yielding me time and I rise in strong support of this open rule.

I commend my friend from Louisiana, Chairman TAUZIN, for his leadership on this issue. He's right—we need to tighten current laws on wireless privacy. It's important to ensure that our constituents are afforded privacy protections when they are using their cell phones or other wireless devices. But we should remember that under current law it is already illegal to tap into wireless conversaiton—both Congress and the FCC have spoken on this matter.

It is abundantly clear that telecommunications technology is exceeding our regulatory protective efforts. As Chairman TAUZIN testified in the Rules Committee yesterday, with the clip of a wire an off-the-shelf scanner can become a stalking device. Even FBI agents have testified that they no longer use their cellular phones for fear of being tapped.

H.R. 2369 makes some good improvements and toughens the penalties in certain cases—this is progress. But we need to recognize that no law will guarantee our privacy without rigorous enforcement of the law. As the cellular industry grows so will this problem—today's scanner crisis will be something far different tomorrow. What we can and must do is insist that the folks we charge with administering and enforcing these laws do so. I am hopeful that his commonsense legislation will send a strong message that we are serious about punishing those individuals who perpetrate these assaults on personal privacy.

I urge a "yes" vote on the rule as well as the underlying bill.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 377 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2369.

□ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes, with Mr. CALVERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin, let me take a moment to thank the subcommittee chairman, the gentleman from Louisiana (Mr. TAUZIN) for his outstanding effort on this important matter, and the ranking member of the subcommittee, the gentleman from Massachusetts (Mr. MARKEY). They have done fine work on this issue, and deserve the appreciation of the House. It is only because of their efforts that we are able to present this bipartisan package of amendments to the current wireless privacy law contained in H.R. 2369.

The House should know that while the Committee on Commerce learned about the problems of wireless privacy laws as a result of a phone call between the leaders of the House that was intercepted by a Florida couple, wireless privacy is not a partisan issue. The Clinton White House has to routinely remind its employees not to use cellular or pager communications for sensitive material because of eavesdropping. I believe all Members of this House would like their cellular calls to remain private.

In my own case, I had my cellular number pirated by somebody with a device, and ended up getting bills for calls from Baltimore and Annapolis when the House was in session.

H.R. 2369 is an effort to clarify that not all wireless communications are in the public domain. The airwaves are a public good, but the public is not free to intercept all wireless communications that just happen to pass through the air nearby. Congress made a decision long ago to protect private wireless conversations and reaffirmed it in 1992. Private wireless conversations deserve privacy protections from unwanted listeners. Public communications, where there is no expectation of privacy, do not.

H.R. 2369 places new restrictions on scanner manufacturers to protect the development of the new wireless communications. The bill extends prohibitions on scanners capable of intercepting cellular frequency to other wireless technologies such as personal communications services and protected paging and specialized mobile radio services. Thus, we are making the determination that scanners should not be capable of intercepting these new communication services. This is the right policy to make.

Let me make it clear, though, that H.R. 2369 does not outlaw scanners nor restrict the manufacturers of scanners that enable scanning public communications.

□ 1045

This body recognizes that people use scanners for legitimate purposes. Our Nation's public safety community uses scanners to monitor emergency calls, coordinate appropriate responses, and provide assistance to our citizens in need. Congress has always had a strong appreciation for the members of the public safety community. We want to make sure that the public safety officials that put their lives on the line every day for our constituents are not threatened by undue scanner prohibitions. Scanners are not necessarily an evil.

However, it is also clear that some people use scanners for harmful, inappropriate activities. At the hearing on this issue, we learned that the news media is one of the largest violators of the law, often interfering with criminal or sensitive investigations of the police or enforcement agencies for their own gain.

To address this problem, H.R. 2369 tightens the prohibitions on intercepting wireless communications. These changes will expand the range of fines for violators and will make interception alone illegal. The changes will also force the Federal Communications Commission to investigate and enforce penalties for violators of these communications statutes.

Together, the new scanner restrictions and the heightened privacy standards will increase consumer security and privacy. Nothing can guarantee complete privacy for wireless communications. We must try to increase the privacy afforded users step-by-step.

H.R. 2369 does take the next positive step, and I ask all Members to support H.R. 2369. It is a balanced bill that will go a long way to help wireless communication users without threatening the legitimate use of scanners.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by complimenting the gentleman from Louisiana (Mr. TAUZIN), chairman of the subcommittee, for the exemplary work which he has done on this legislation. It is very important legislation and it is legislation that really does help to fill a vacuum which has been created because of the advent of the digital era.

Mr. Chairman, I also thank the gentleman from Virginia (Mr. BLILEY), chairman of the full committee, for his work in making sure that this legislation is moved quickly, constructed properly, and that the American public get this protection as quickly as possible.

I also express my thanks on our side to the gentleman from Michigan (Mr. DINGELL) and all the Members who have been very much concerned about this legislation, who as well deserve credit for how quickly we have moved it out here.

In 1992, back in an era long gone by now when I was chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, I passed a piece of legislation which was signed into law by President Bush, outlawing radio scanners which were capable of listening in on cellular phone conversations because it was and it is illegal to eavesdrop on cellular phone conversations. The legislative intent at that time was to ensure that people could not manufacture, import, sell, or use scanners that allowed people to eavesdrop on people's cellular phone conversations.

The bill that we are dealing with today is quite straightforward. It is simply an extension of that previous policy, but catching up with the rapid change in technology. The central point of the bill to simply extend the prohibition on the manufacturing of scanners to include not only cellular frequencies but also the frequencies used by the next generation of wireless technology, so-called PCS technologies, which are really digital technologies, microcellular telephone systems.

Mr. Chairman, digital technology actually makes it more difficult for unethical people to eavesdrop on individuals' private conversations, but it is not in and of itself a fail-safe technological inoculation against privacy invasions. For that reason, I believe that this legislation is absolutely necessary today. We must pass it.

In addition, I think that we should discuss as well the whole question of encryption policy. That is what kind of sound encryption policy can we put on the books in order to give people the ability to protect themselves with the best privacy-enhancing tools possible.

Mr. Chairman, important ethical questions loom for us. In fact, as a society, this rapid technological change affects us all, no matter where we live, no matter which technology we now use. And although aspects of our evolving national telecommunications policy and networks represent a new frontier from a technological standpoint, we must always remember that the fundamental principles of right and wrong stay the same whether we are in the real world or we are in the virtual world. The same fundamental principles have to remain intact.

Finally, Mr. Chairman, I feel very strongly that we need to establish basic privacy principles for the telecommunications arena. Just because personal information can be collected, just because it can be gleaned off of the airwaves, off of the Internet, or can be cross-referenced by computers into sophisticated data lists for sale to others, does not mean that it has been technologically predetermined that privacy rights and societal values have to bend to that technology.

Last year I introduced legislation that would establish a Privacy Bill of Rights for the information age. And I hope that we can begin to have the kinds of discussion in this Congress, in this country, that would ensure that we have fully dealt with the implications of this technological revolution, that we have given the technologically savvy protections to people that they are going to need to protect their financial data, their health data, their personal information, and that they have real rights to in fact ensure that their privacy is not in danger.

Mr. Chairman, today's bill addresses an important segment of our communications networks: The PCS wireless marketplace. It will be important for us as a society to pass this law, to give that protection, and then to move on to the even broader debate of the implications of our ever-expanding network of networks, the Internet, satellite, other wireless technologies, cable systems and others, so there is a broad-based Privacy Bill of Rights that every American is entitled to regardless of the technology which they are using.

Mr. Chairman, I look forward to using today's debate and discussion as a foundation for a larger debate about privacy in this new era, in this cyberspace era into which we have all been dragged, willingly or unwillingly, with all of our private information put out there for observation by those of which we know little and, in fact, should be quite concerned.

So I would like to say, again, the gentleman from Louisiana has identified this issue. He has been able to build a consensus on our committee that has made it possible for us to move forward in a dramatic presentation in our committee. He made quite clear to all of the Members how critical it was for us to move, and as a result, we are out here on the floor. The gentleman from Louisiana deserves great credit for this important legislation that moved so quickly.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first of all thank the gentleman from Virginia (Mr. BLILEY), chairman of the full committee, for his comments and support and his active assistance in the passage of this legislation. His statement I think in a very personal way again describes how important it is for Americans not only to have an expectation of privacy, but to have those of us in policy positions to reinforce and protect that expectation of privacy.

I also want to commend the gentleman from Texas (Mr. SAM JOHNSON), our colleague who last week indeed pushed forward the anticloning legislation which is aimed to protect against the cloning of telephone numbers and the stealing of people's property through that process. As the Chairman alluded to, this bill and that bill go hand-in-hand and are part of an ongoing process to redefine in a technological age privacy rights in America.

Mr. Chairman, let me quickly turn to the gentleman from Massachusetts (Mr. MARKEY), my dear friend for whom my respect and admiration has always been bountiful, and which continues to grow as our relationship in Congress continues to widen and expand. Let me tell this House that very often we fail to say thank you to those who precede us in the work we do, and I want to say publicly "thank you" to the gentleman from Massachusetts, former chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, for the very excellent work he and his committee has done in the past to build a record of support for privacy rights and the law upon which we build today an extension of those rights.

The gentleman has indeed been a leader in defining privacy rights in America in a technological age, and I want to pledge to the gentleman and to all of his past efforts, a continuation of that debate and I hope the full fruition of his goals and objectives, because I share them in defining privacy rights, not only in telephone service but on the Internet, in the broadband area; the privacy rights that should be able to protect people in their health records and their financial records as they do electronic commerce, in their property rights, and as people conduct business over the broadband services of satellite and wireless communications systems.

In that regard, let me further elaborate on the very important need for this legislation today and again commend all of my colleagues for the unanimous vote we received in the Committee on Commerce to report this bill to the floor.

Mr. Chairman, 43 million Americans now communicate via wireless cellular and PCS telephone devices. That does not even count the many millions of Americans who use cordless phones in their homes, which are indeed wireless devices inside our homes: 43 million Americans, 80 percent of which use wireless communications based upon the old analog system, which is easily compromised by scanners designed to do that.

In our committee room we demonstrated how with a small piece of wire and a soldering iron we could take a legal scanning device and convert it into an illegal scanning device. We used information that was being promoted on the Internet to learn how to do it. On the Internet there were companies advertising that they would take a legal scanner and convert it so that it would be a device to listen in on one's neighbors and friends as they tried to conduct private conversations on the telephone.

Literally, the problem is growing and becoming worse. We are told by the law enforcement community that while 43 million Americans are trying to communicate privately on their telephones, 10 million other Americans now have the technological power to listen in. That ought to be untenable in our society.

Mr. Chairman, the right of privacy is intricately related to our freedoms and liberty in our society. Take away the right of privacy and we deny Americans intimately of their basic rights to be free. If we cannot be free in our communications, how restricted are we in our rights to participate as citizens in a free society with thought and free speech, highly regarded and, in fact, deeply protected in our Constitution?

So we embark today on an effort to further protect the right of people to have that freedom, that right of privacy in an age when compromising communications technologically is becoming all too easy and all too accessible to people in our society.

Mr. Chairman, let me say it again, as the gentleman from Massachusetts, my friend, has said it. The fact that I have the power to do something does not give me the right to do it. The fact that I have the power to harm someone physically does not give me the legal right to do it. The fact that I have the power to walk over to my neighbor's mailbox and intercept his mail and read it does not give me the right to do so. And Federal law prohibits that activity.

In the same way, the fact that someone has the power, the capacity with a technological device to listen in on our conversations that we have an expectation of privacy about does not give that person, or anyone in our society, the right to listen in without a proper court order, because in fact a court has determined that that is permissible.

Absent that fact, we all have an expectation of privacy, and we in government ought to do everything we can to protect that expectation of privacy. That is what this bill is about. This bill is designed to say in this analog era, as we move into a digital era where encryption, that is devices that are going to try to protect privacy in conversations and Internet communications, as these encryption devices are invented and as other smart people try to find technologically how to break into those encryption systems, we have nevertheless to say in law that while someone might be able to do it, while someone might be smart enough to intercept my conversation in the digital area, they still do not have a right to do it.

Mr. Chairman, this bill says to intercept it is a crime. To take that conversation and give it to someone else is a crime. To publish it is a crime, as is currently the law. And it also says to the FCC that they do not have to wait for the Federal Justice Department to give them permission to enforce this law.

☐ 1100

You have to go out and protect the 43 million Americans who have a right to that protection. In short, this bill advances the freedom of Americans. It advances privacy rights, but it is just the first step. As my friend from Massachusetts said, we have much more work to do. We have much more to do in defining people's privacy rights and indeed to protect those rights as we move into a much more complicated age of communications in our society and in the world.

I again want to thank my friend from Massachusetts for his incredible collegial effort to make this happen today and for building the base upon which this law is constructed to further improve the rights of Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

We have witnessed in the last 50 years in our country the rapid evolution of the personal computer. Moreover we have seen in the last few years the explosive growth of that global network of such machines that is called the Internet. Interestingly, a French Jesuit priest named Teilhard de Chardin talked about this emerging worldwide web. He wrote, however, not about the sheer wonder of a linked network of machinery, but, rather, about the true intelligence of such a network, the human aspect of it. In a book called The Formation of the Noosphere, a half century ago, he wrote the following: No one can deny that a network, a world network, of economic and psychic affiliations is being woven at ever-increasing speed which envelops and constantly penetrates more deeply within each of us. With every day that passes, it becomes a little more possible for us to act or to think otherwise than collectively.

This philosophy foreshadowed what we would hear later from Marshall McLuhan, and McLuhan constantly made reference to that Jesuit priest, Teilhard de Chardin, when McLuhan coined the phrase "global village." But that in many ways was just secular shorthand for Teilhard's philosophy.

As a student at Boston College in the 1960s, I was taught this philosophy in the same way that the chairman of the full committee, the gentleman from Virginia (Mr. BLILEY), who is Jesuit-educated, as the gentleman from Michigan (Mr. DINGELL), who is the ranking Democrat on this committee who is Jesuit-educated, was also exposed to this very same philosophy of the interconnectiveness of all of us, the convergence of humans into a single massive noosphere, using the word "noos" for the word meaning "mind" in Greek.

Although Teilhard articulated his vision using a religious lexicon, his concept of a web of human connectivity that would envelop the Earth and be propelled by human consciousness sounds remarkably similar to today's Net, and because we have the chance to animate technology with human values, it is vitally important for us to ensure that the technology does not define us, but that we define the technology with the human values that we want it to embody.

There is a certain Dickensian quality to all of these technologies. It is the best of wires, and it is the worst of wires simultaneously. This wondrous set of telecommunications skills and technologies that makes it possible to build this new world of electronic commerce, to make it possible for children and schools across the country to be able to communicate on it, also has the capacity to compromise our privacy, to insinuate itself into our daily lives in ways in which we never anticipated.

The legislation which we have before us today is a very important step towards protecting citizens, animating it with human values that reflects the best of what humanity believes this technology can provide for us. While limiting the negative consequences, the unintended consequences that so much is a part of the very same dual personality of these technologies.

Again, I want to congratulate the gentleman from Louisiana.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds. Having been educated at Harvard on the Bayou, Nicholls State College in Louisiana, I deeply respect that philosophical training my friend has had. I take it from that that the Irish Catholic community is in support of this bill, and so is the Cajun Catholic community.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. I was going to ask the gentleman if he could translate what the gentleman from Massachusetts (Mr. MARKEY) said.

Mr. Chairman, I thank the gentlemen. Between the two of them they have hit every segment of the American educational level. We appreciate that.

However, I have to admit I understand him better than I do you. He speaks English.

The cellular telephone industry is growing rapidly. As we know, there is currently about 56 million Americans that use cellular phones today. One of the things that Thomas Jefferson said early on was there are three things we ought to do in America. One is take care of our foreign affairs, two is deliver the mail, and three is protect this Nation and the general welfare. That is precisely what this bill does, protects our people, this great America, against intrusion by anyone.

I want to thank the gentleman from Louisiana (Mr. TAUZIN) for coming to the telecommunications corridor in Richardson, Texas, which is just north of Dallas. As my colleagues know, every company, just about, is represented there. I would invite the gentleman from Massachusetts (Mr. MARKEY) to accompany the gentleman next time.

I tell my colleagues, the advance of technology is such that something has to be done to protect the American people. If Members recall, last week, the gentleman from Louisiana (Mr. TAUZIN) has already discussed it, Congress outlawed equipment that allows criminals to steal telephone numbers and run up bills to unsuspecting users. Today we are protecting the right to private conversation over cellular phones. If I am talking to my accountant, my banker, my wife or my children, I want to have the security that no one is recording my call or putting it out on CNN.

This bill does that, and it protects private conversation between two people. That is what America is all about. The gentleman mentioned it, the freedoms that we enjoy, that our servicemen have fought so long and so many years over to protect. Now we are adding one more protection.

I thank the gentleman from Louisiana and the gentleman from Massachusetts (Mr. MARKEY) for their bill. I hope it will pass overwhelmingly.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), chairman of the Republican caucus.

Mr. BOEHNER. Mr. Chairman, I want to congratulate both the chairman and the ranking member of the Committee on Commerce and the Subcommittee on Telecommunications for bringing this bill to the floor. As another Jesuit-educated Member of this institution, I take with great pride my colleagues in the institution who have had the honor of being so educated.

Mr. Chairman, as we approach this new millennium, we are in the midst of a communications revolution that we have all come to call the information age. Just look around this Capitol complex. Virtually every Member and staffer is making use of new technology to keep them in closer contact with the people that they represent.

It is not just here in the Capitol. Whether it is a cell phone attached to an ear, as we call home from the road, whether it is a pager that is buzzing on our hip to remind us of our next appointment or a vote here on the floor, or the laptop computers that we use, many at this very moment checking on their latest e-mail, more than 50 million Americans use some sort of mobile electronic communication service each and every day.

Mr. Chairman, Americans are using the new technology of the information age to keep pace with the unbelievable demands of daily life in America today. And our privacy laws that allow them to do so freely and securely must keep pace as well. We have come to expect that the things we do in our homes and the calls that we make on our telephones will not be the subject of arbitrary eavesdropping or illegal snooping. And it is the responsibility of this Congress to ensure that this time-honored expectation prevails in America during this age of the information age.

Current technology is outpacing the law, so we need to modernize Federal law in order to meet the people's expectation of privacy. There are technology pirates who cruise the information highway in search of other people's private thoughts and secrets. Some do it as voyeurs and profiteers. Others do it to destroy their enemies. The reason is unimportant. What is important, however, is that this Congress respond and do so quickly.

The Wireless Privacy Enhancement Act that we are considering today will update the law to address the challenges of new technology and further strengthen penalties for those who choose to illegally intercept and divulge private conversations.

We have a responsibility to periodically update these Federal laws to maintain public confidence in new technology. And gray areas in current law affecting such things as digital phones, fax machines, pagers and computers demand that we act now.

In my mind there is no better example that exists for the need for protection against this kind of snooping than the illegal taping and distribution of a phone call, a cellular phone call between myself and some of my House colleagues last year. I made this call in December of 1996 using my wife's cell phone in her car during our Christmas vacation. While I spoke to several of my House colleagues, little did I know that my words and my expressions were being recorded and would end up as part of a public relations campaign to try to destroy the Speaker of this very House. The incident should prompt each of us to pause and to consider the importance of this legislation and this particular issue.

What are the American people to expect from technology pirates who step into the breach for illegal or immoral purposes? Today I speak from personal experience about the outrage and sense of powerlessness one feels when they learn that their expectation of privacy has been destroyed. The stakes are high in the battle for the law to keep pace with this new technology. If we fail to protect the American people's sense of privacy, if we fail to keep the door open to the next wave, we are actually shutting the door to the next wave of technological advances. We have closed the door on a key component of a brighter, more secure American future, and I do not think that is what any of us want to do.

The people's thirst for new gadgets and conveniences is tied to their belief that new technologies provide a basic level of security and privacy. If we stand by and allow the lawless and the obsessed to tape and reveal private words and comments, do we honestly expect the American people to trust and rely on this new wave of technology?

Mr. Chairman, it is time to bring the privacy laws of this Nation into the 21st century. I urge all my colleagues today to support this legislation and to send a strong and unequivocal message to all of those who would deny the American people some expectation of privacy with their wireless devices.

Our message should be plain and simple: If you violate someone's privacy, you are not creating idle mischief, you are breaking the law, and you will be brought to justice.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I just want to come down here to the House to lend my support and approval for H.R. 2369, the Wireless Privacy Enhancement Act. For me and my congressional district and for the State of Florida, the key, important aspect of this bill is the change made to protect the needs of the amateur radio community and the needs of news organizations and others that rely on scanners to perform their duties.

As my colleagues know, my home State of Florida is slightly susceptible to natural disasters, and we are just now beginning to recover from the horrific tornado-driven storms from the past weekend. Without the aid of the amateur radio operators, Florida would suffer more during these disasters. The operators perform an invaluable service in helping coordinate disaster assistance.

Mr. Chairman, I applaud the countless individuals who dedicate their time and services in order to help their neighbors in times of emergencies. Therefore, I applaud the efforts of the gentleman from Louisiana (Mr. TAUZIN) and the ranking member, the gentleman from Massachusetts (Mr. MARKEY) for addressing their needs.

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I strongly believe that this legislation will strengthen privacy in personal communications by allowing for the prosecution of either interception or divulgence of cellular and other radio communications, both analog and digital. This is a good bill. I thank the gentleman from Louisiana (Mr. TAUZIN) for his effectiveness in this matter.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I wanted to take a minute to compliment the gentleman from Florida (Mr. STEARNS) and his efforts at our subcommittee level indeed to make sure that our bill did not interfere with the rights of the legal standing community, the amateur radio operators who do assist dramatically in times of natural disaster. My home State of Louisiana as he knows was visited by Andrew as his was just a few years ago. We have a desperate need for the services. The work he did in our subcommittee to ensure that we did not interfere with those legitimate uses of scanners is an important aspect of this bill that I am very glad the gentleman highlighted today on the floor.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume. I would like to again thank the gentleman from Louisiana (Mr. TAUZIN) for his excellent work on this legislation. It is going to, I think, be looked back at as a very important piece of legislation. As we move from 30 to 40 to 50 to 60 million Americans with cell phones and PCS phones, they will be grateful that this law is on the books.

I want to thank the gentleman from Virginia (Mr. BLILEY), I want to thank the gentleman from Michigan (Mr. DINGELL), of course, on our side as well as all the others on our side. I would like to commend the staff: Whitney Fox; John Morabito; Tricia Paoletta, a Boston College graduate, I might add, Jesuit-trained; Mike O'Rielly, Andy Levin and David Schooler for their work on the legislation as well; on my staff to Colin Crowell who has worked on these privacy-related issues for the last 6 or 7 years, becoming one of the Nation's real experts on the subject, all of them necessary in order to put this legislation together.

By the way, Colin is also a graduate of Boston College and Jesuit trained, as a result reflecting these larger values I think in the spiritual and practical sense that Teilhard would have wanted.

Mr. Chairman, I yield back the balance of my time with the hope that the Members will give unanimous support to this bill this morning.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume, indeed to close this debate and to again thank all the members of the committee who participated in this effort. As the gentleman from Massachusetts (Mr. MARKEY) has done before me, let me add my thanks to the staff. He has done them all the honor of naming them personally. Let me concur in that, in that commendation to each one of you. The work of the staff has always been marvelous in terms of support for making sure this language is properly crafted and properly completed.

I also wanted to add to that thanks to the staff of the gentleman from Michigan (Mr. DINGELL) and particularly to Andy Levin who has been an important part of this legislation and to the gentleman from Michigan personally for his assistance in working with us as a team as we usually do on the Subcommittee on Telecommunications to craft good legislation for our country.

In short, Mr. Chairman, this is but a first effort. Members will see us again on this floor, I hope very soon, talking about privacy rights on the Internet and privacy rights for Americans in their health care records, in their financial records, in their financial transactions as they literally explore these new technologies in learning to communicate in commerce with one another a great deal more than even we know today. In that regard as we come to this floor, our effort will continue to again define and redefine and enlarge the right of Americans to conduct their communications and their privacy transactions in a way that respects and enlarges upon that expectation of privacy.

Mr. QUINN. Mr. Chairman, although I was unable to attend today's debate, I would like to voice my full support for H.R. 2369, the Wireless Privacy Enhancement Act. I believe that privacy is a fundamental right of all American's. This bill secures privacy problems for all commercial cellular services, specialized radio devices and paging equipment. The bill requires the FCC to deny authorization to scanners that are equipped with decoders that could convert digital cellular, SMR's or PCS to analog voice, or convert paging to digital text. Please know that if I were able, I would have voted for the final passage of H.R. 2369.

Mr. TAUZIN. Mr. Chairman, with thanks to all who participated in this effort, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Privacy Enhancement Act of 1998".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. COMMERCE IN ELECTRONIC EAVESDROPPING DEVICES.

(a) PROHIBITION ON MODIFICATION.—Section 302(b) of the Communications Act of 1934 (47 U.S.C. 302a(b)) is amended by inserting before the period at the end thereof the following: ", or modify any such device, equipment, or system in any manner that causes such device, equipment, or system to fail to comply with such regulations".

(b) PROHIBITION ON COMMERCE IN SCANNING RECEIVERS.—Section 302(d) of such Act (47 U.S.C. 302a(d)) is amended to read as follows:

"(d) EQUIPMENT AUTHORIZATION REGULATIONS.—

"(1) PRIVACY PROTECTIONS REQUIRED.—The Commission shall prescribe regulations, and review and revise such regulations as necessary in response to subsequent changes in technology or behavior, denying equipment authorization (under part 15 of title 47, Code of Federal Regulations, or any other part of that title) for any scanning receiver that is capable of—

"(A) receiving transmissions in the frequencies that are allocated to the domestic cellular radio telecommunications service or the personal communications service;

"(B) readily being altered to receive transmissions in such frequencies;

"(C) being equipped with decoders that—

"(i) convert digital domestic cellular radio telecommunications service, personal communications service, or protected specialized mobile radio service transmissions to analog voice audio; or

"(ii) convert protected paging service transmissions to alphanumeric text; or

"(D) being equipped with devices that otherwise decode encrypted radio transmissions for the purposes of unauthorized interception.

"(2) PRIVACY PROTECTIONS FOR SHARED FREQUENCIES.—The Commission shall, with respect to scanning receivers capable of receiving transmissions in frequencies that are used by commercial mobile services and that are shared by public safety users, examine methods, and may prescribe such regulations as may be necessary, to enhance the privacy of users of such frequencies.

"(3) TAMPERING PREVENTION.—In prescribing regulations pursuant to paragraph (1), the Commission shall consider defining 'capable of readily being altered' to require scanning receivers to be manufactured in a manner that effectively precludes alteration of equipment features and functions as necessary to prevent commerce in devices that may be used unlawfully to intercept or divulge radio communication.

"(4) WARNING LABELS.—In prescribing regulations under paragraph (1), the Commission shall consider requiring labels on scanning receivers warning of the prohibitions in Federal law on intentionally intercepting or divulging radio communications.

"(5) DEFINITIONS.—As used in this subsection, the term 'protected' means secured by an electronic method that is not published or disclosed except to authorized users, as further defined by Commission regulation.".

(c) IMPLEMENTING REGULATIONS.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall prescribe amendments to its regulations for the purposes of implementing the amendments made by this section.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. UNAUTHORIZED INTERCEPTION OR PUBLICATION OF COMMUNICATIONS.

Section 705 of the Communications Act of 1934 (47 U.S.C. 605) is amended—

(1) in the heading of such section, by inserting **"INTERCEPTION OR"** after **"UNAUTHORIZED"**;

(2) in the first sentence of subsection (a), by striking "Except as authorized by chapter 119, title 18, United States Code, no person" and inserting "No person";

(3) in the second sentence of subsection (a)—

(A) by inserting "intentionally" before "intercept"; and

(B) by striking "and divulge" and inserting "or divulge";

(4) by striking the last sentence of subsection (a) and inserting the following: "Nothing in this subsection prohibits an

interception or disclosure of a communication as authorized by chapter 119 of title 18, United States Code.";

(5) in subsection (e)(1)—

(A) by striking "fined not more than $2,000 or"; and

(B) by inserting "or fined under title 18, United States Code," after "6 months,"; and

(6) in subsection (e)(3), by striking "any violation" and inserting "any receipt, interception, divulgence, publication, or utilization of any communication in violation";

(7) in subsection (e)(4), by striking "any other activity prohibited by subsection (a)" and inserting "any receipt, interception, divulgence, publication, or utilization of any communication in violation of subsection (a)"; and

(8) by adding at the end of subsection (e) the following new paragraph:

"(7) Notwithstanding any other investigative or enforcement activities of any other Federal agency, the Commission shall investigate alleged violations of this section and may proceed to initiate action under section 503 of this Act to impose forfeiture penalties with respect to such violation upon conclusion of the Commission's investigation.".

The CHAIRMAN. Are there any amendments to section 3?

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOEHNER) having assumed the chair, Mr. CALVERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2369) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes, pursuant to House Resolution 377, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 15, as follows:

[Roll No. 38]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—15

Doolittle
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick
Lofgren
Luther
Poshard
Quinn
Rodriguez
Ros-Lehtinen
Schiff
Shimkus

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Mr. KOLBE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 38, final passage of H.R. 2369, had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I regret that due to unforeseen circumstances I was unable to vote on H.R. 2369 (rollcall No. 38). If I had been present, I would have voted "Aye".

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, on rollcall vote No. 38, I was unavoidably detained at the White House. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on rollcall vote No. 38 I was unavoidably detained at the White House because of an important announcement for Houston. Houstonian Colonel Eileen Collins was named the first woman commander of the Space Shuttle. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2369, the bill just passed.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS ON H.R. 1432, THE AFRICAN GROWTH AND OPPORTUNITY ACT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I rise to inform the House of the Committee on Rules' plans in regard to H.R. 1432. It is the African Growth and Opportunity Act.

The Committee on Rules is planning to meet the week of March 9 to grant a rule which may limit the amendment process to that bill, the African Growth and Opportunity Act. Mr. Speaker, the Committee on International Relations ordered this bill reported on June 25 and filed a report on March 2. The Committee on Ways and Means ordered the bill reported on February 25 and filed the report on March 2.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 11 a.m. this coming Tuesday, March 10, to the Committee on Rules at Room 312 in the Capitol. Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

Mr. Speaker, this bill has some tax code implications to it. The tax code implications are sprinkled throughout the bill, so we cannot just close one part of the bill dealing with the tax code. That is why we have to ask for amendments to be filed. We will try to consider this as an open rule, except for those issues that affect the tax code, so Members should be aware of that and try to get their amendments filed by 11 a.m.

CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 378 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 378

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3130) to provide for an alternative penalty procedure for states that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. No amendment shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Points of order against the amendment printed in the Congressional Record and numbered 2 pursuant to clause 6 of rule XXIII for failure to comply with clause 7 of rule XVI are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 378 is a modified open rule providing for a fair and thorough debate of H.R. 3130, The Child Support Performance and Incentive Act. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Ways and Means. Under the rule, any Member seeking to improve the bill by offering a germane amendment may do so. The only requirement is that their amendment be preprinted in the CONGRESSIONAL RECORD.

Normally the Committee on Rules merely affords priority recognition to Members who preprint their amendments in the RECORD, but this rule requires it. That is because the underlying bill is very technical in nature.

For example, it establishes formulas under which States are penalized for noncompliance with Federal requirements. In addition, the bill represents a carefully negotiated agreement with the administration, and amendments to change the bill could compromise the broad support it has earned. Therefore, it is important that the Committee on Ways and Means is aware of any possible amendments to the bill.

The rule also waives points of order against the consideration of an amendment to be offered by the gentleman from Maryland (Mr. CARDIN). Simply put, the Cardin amendment would deny visas to foreign nationals owing more than $5,000 in child support payments. It also prohibits the naturalization of individuals who are not in compliance with child support orders.

In testimony to the Committee on Rules, the gentleman from Maryland (Mr. CARDIN) explained that his amendment has bipartisan support among members of the Committee on Ways and Means, and that the Committee on the Judiciary, which has primary jurisdiction over his amendment, has no objection to its consideration.

In an effort to speed up consideration of H.R. 3130, the rule will allow votes to be postponed and reduced to 5 minutes, if the postponed question follows a 15-minute vote. Finally, this rule provides for the customary motion to recommit, with or without instructions.

Mr. Speaker, many of my colleagues enthusiastically supported this legislation in 1988 and in 1996 that sought to improve our Nation's system of collecting child support. The fact is that in many States the difference between what is owed in child support and what is actually collected amounts to millions, if not billions, of dollars, which never reach the children who are depending on it. If we want self-sufficiency to be a reality for many low-income single-parent families, we must do better.

In recognition of the Nation's poor record of enforcement, Congress instructed the States to establish statewide data systems to help track down deadbeat parents and make them pay. States were given Federal tax dollars to set up these systems, and it is incumbent upon them to do so. However, some States have not been able to meet the Federal standards and deadlines, and as a result, they are facing very significant penalties. No one is suggesting that penalties are inappropriate. The question is whether the punishment matches the crime.

Under current law, the penalties are stiff. States that did not meet the October 1 deadline last year are at risk of losing their Federal child support money, as well as their entire welfare block grant. This type of penalty does not just scold States, it threatens to decimate their entire child support program.

I think the gentleman from Florida (Chairman SHAW) said these penalties are the equivalent of issuing the death penalty for stealing a loaf of bread. My State of Ohio offers a good example of why H.R. 3130 is necessary.

Ohio had installed its statewide child support enforcement network in all 88 of our counties in advance of the designated deadline. In Ohio's view, the State was in compliance. However, since Ohio had not entered the data into the system, HHS considered them in violation of Federal requirements. As a result, Ohio was threatened with losing its Federal child support money, as well as the State's entire 728 million TANF block grant.

In my mind, that is an excessive penalty that does not square with congressional intent, gives no consideration to the good-faith effort Ohio and other States have made to achieve the Herculean task of setting up statewide systems, and more importantly, it does nothing to help Ohio's children, who are in desperate need of their parents' financial support.

H.R. 3130 will move us toward a more reasonable policy that will give States a strong incentive to get their child support programs up to speed, without letting them off the hook for unacceptable delays. Under this bill, Ohio still loses about $1.1 million, and faces additional penalties if they do not have their systems up and running by October of this year. This penalty is real, and the threat of additional fines is sufficient to encourage Ohio and other States into quick compliance without compromising the State's ability to meet the needs of children and families.

The gentleman from Florida (Chairman SHAW) and the ranking member, the gentleman from Michigan (Mr. LEVIN) deserve congratulations for their good work on this bill, which addresses a real and immediate problem with a fair, bipartisan solution.

In the interests of children across the Nation who are waiting for their parents to give them the support they deserve, I urge every Member to vote yes on the rule and yes on this commonsense legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a modified open rule. It will allow for a fair debate on H.R. 3130. As my colleague has described, this rule provides 1 hour of general debate. That will be equally divided between the majority and the minority.

Under this rule, only amendments printed in the CONGRESSIONAL RECORD will be in order. The rule also waives points of order against an amendment that will be offered by the gentleman from Maryland (Mr. CARDIN).

In 1988, Congress passed a law that required States to computerize their systems to monitor enforcement of child support payments. Any State that failed to meet this deadline for making the change would lose substantial Federal benefits. Apparently what has happened is fewer than half the States really met the deadline as of October 1, 1997.

This bill recognizes the difficulty in meeting the deadline. It creates less severe penalties for States that make a good-faith effort to meet the requirements. The bill also creates new incentives for the States to improve the effectiveness of their child support programs. The Committee on Rules approved the rule by voice vote, and it had support on both sides of the aisle. I would urge adoption of the rule.

□ 1200

Mr. HALL of Ohio. Mr. Speaker, I have no additional speakers, it appears, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to House Resolution 378 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3130.

The Chair designates the gentlewoman from Missouri (Mrs. EMERSON) as Chairman of the Committee of the Whole, and requests the gentleman from Michigan (Mr. CAMP) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, with Mr. CAMP (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a sledge hammer now hangs over the States. Because of bipartisan legislation enacted back in 1988, States that violated the deadline for establishing good computer systems in their child support enforcement programs will lose all of their child support funds and, eventually, all of their funds in the Temporary Assistance for Needy Families block grant, that is TANF. Here is an idea of how huge these penalties are: In California, they would amount to $4 billion a year; Michigan would be $880 million; in Pennsylvania, $800 million; in Illinois, $650 million.

Penalties of this magnitude are devastating and would cripple both the child support and the welfare programs being run by those States. Then everyone would lose: the Federal Government, State government, and families and children, most of them poor.

What we need is a new penalty that will be serious enough to motivate the States to do the right thing, yet moderate enough not to cripple the States' programs. This is exactly what this bill does.

Specifically, under this bill noncompliant States will lose 4 percent of their child support money but none of their TANF welfare money the first year they are out of compliance; 8 percent the second year they are out of compliance; 16 percent the third; and 20 percent for the fourth and subsequent years.

To give an idea of the impact of this bill, consider the following comparisons: California would be penalized $11 million, not $4 billion. Michigan would be penalized $4 million, not $880 million. Pennsylvania would be penalized $3 million, not $800 million. Illinois will be penalized $3 million, not $650 million.

Yes, the penalties under this bill are moderate compared to those of current law. But no Member would think that they are weak. When this bill is enacted, at least 16 States will pay penalties that total about $30 million. This amount is greater than all the child support penalties imposed against States in this program for the previous decade.

At the request of several States and Members of this body, we also included a waiver procedure in this bill that gives States some flexibility in how they can fulfill the most important computer requirement in Federal child support legislation, creating a computer system that links all the counties and cities of the States together in a common system. The General Accounting Office assures us that the technology to link together computer systems that operate on different software is now readily available, so we should allow the States to use this technology and then help them to pay for it.

But our provision is carefully drafted to ensure that the linked systems perform efficiently and that the Secretary has adequate information and authority to disallow systems that are not adequate.

The most important feature of this bill is that we have worked for nearly 5 months to build a bipartisan, bicameral approach that is supported by the administration, the States, and child advocates. And here I have to compliment the gentleman from Michigan (Mr. LEVIN), my esteemed colleague. The gentleman and his staff have contributed greatly, at least as much to this bill as the majority. The gentleman from Michigan has repeatedly helped us to find the middle ground between competing forces that tried to move the penalties towards the extremes. Thanks in large part to the gentleman and the members of his subcommittee, this bill has found that magic place along the continuum of penalties that allows all sides to support our bipartisan approach.

Thus, it is not surprising that this bill enjoys nearly universal support. All sides support the bill because it represents the middle ground between severe penalties that will cripple the States and moderate penalties that will motivate the States to do the right thing.

In addition to a few minor and technical provisions, the bill also contains a very useful reform of the Nation's child support incentive program. Under current law, generous child support incentives are paid to States that conduct inefficient child support programs. More than half the money is now given away without any regard to the programs's efficiency. Under the system created by this bill, States will receive incentive payments only for effective performance.

Virtually everyone who has studied the new system has concluded that it would lead to improvements in child support performance by the States. The House enacted this reform last year, but the Senate failed to take it up, so we are going to send it back to them once again.

The heart of this bill is the penalty provision. It is fair, it is tough, and it enjoys nearly universal support. So let us now move quickly to enact this bill and to impose serious but not crippling fines on States that have failed to build effective computer systems. If we take this action, I can virtually assure the Members that within a year all but one or two States will have their systems and will meet all the Federal requirements. More importantly, we will have taken yet another step towards creating a child support system that ensures that children get the financial support they need and deserve.

Madam Chairman, I reserve the balance of my time.

Mr. LEVIN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I am proud to be cosponsor with the gentleman from Florida (Mr. SHAW), chairman of the committee, on this legislation.

This Congress has been at this problem for a decade, and we are talking here about the children of America and children who are in great need. We made some progress in the last 10 years. Support orders have become more numerous and they have become more enforced. But it remains this today: About half of the children where there is a separation and a divorce in most cases do not have a support order. And in the half of the cases where they do, there is not in many of them full compliance with that order.

Madam Chairman, this is an essential part of our effort to provide strength, support within the family where there is need. The gentleman from Florida and his staff have worked endlessly with our staff and with the administration, and I am proud to be a cosponsor of the Shaw-Levin bill on child support.

Madam Chairman, I want to emphasize that I think this is a tough bill. The earlier legislation had penalties that essentially were never going to be implemented. And penalties that are so far off the chart that they will never happen are really not penalties.

What the gentleman from Florida and I and others have done here is to replace penalties that were not enforceable with penalties that indeed, as the gentleman has said, are going to be implemented. The States that have not met the deadline are going to pay a realistic price, and the gentleman has outlined how they will be implemented, starting with 4 percent of the child support administrative funds.

We do allow an alternative where States have counties which have developed elaborate systems and effective systems, those States where they can piece together a system so it is fully integrated as if it were a single system can ask HHS for a waiver. That authority is within HHS. And all States must be forewarned if they are going to ask for a waiver, they have to come up with a system that is going to be as efficient, as quick, as subject to complete implementation as if there were a single integrated system.

We also provide in this bill for an incentive system that will truly work, based, as the gentleman from Florida said, on five elements: the degree of paternity establishment, the establishment of support orders, collections on those orders, collections on arrearages, and cost-effectiveness.

So this is an important day for tens of thousands of kids of America. What we are doing here on a bipartisan basis is to say to them, the States shall meet their responsibility. We gave hundreds of millions of dollars from the Federal Treasury so the States would implement a system that was faithful to the children who were supposed to be protected. And now, within a reasonably short period of time, every support order is going to be, hopefully, implemented within a State and across State lines.

So, again, I want to say to the gentleman from Florida (Mr. SHAW) and to the staff, as well as to the gentleman from Michigan (Mr. CAMP) who is also on the committee, to all of my Democratic colleagues on Ways and Means, and to the staff and the administration, a job well done. We are going to be busy on the other side of the rotunda to see that this time what we pass will become law.

Madam Chairman, I reserve the balance of my time.

Mr. SHAW. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. CAMP), a hard-working member of the Subcommittee on Human Resources.

Mr. CAMP. Madam Chairman, I thank the gentleman from Florida (Mr. SHAW) for yielding me this time, and for his leadership on this issue. I also want to thank the gentleman from Michigan (Mr. LEVIN) for his efforts, as well.

Madam Chairman, the bill before us today, the Child Support Performance and Incentive Act, is important to our Nation's children for two major reasons.

First, our legislation says that Federal incentive payments to the States for child support should be based on good performance. The better a State does at collecting child support for our children, the more they will get in incentive payments.

Regrettably, our current system does not base payments on how well the State actually performs at child support collection. It is time we changed this, and we are doing it in a bipartisan and careful manner, working with child advocates, with the administration and experts from the States and local communities.

Second, our bill will help States develop better computer systems that can accurately and efficiently manage State child support programs. These computers play a vital role in helping States collect child support for children. Many States, 32, in fact, have not met the deadlines Congress set in 1988 and there are plenty of reasons why.

Partly, in 1988 no one had any idea about how the world of computers would look a decade later. The personal computer on my desk today is as powerful as many statewide computer systems were back in 1988. These things have changed dramatically in the last 10 years, and States rightfully want some flexibility in how those requirements are enforced.

Madam Chairman, we need to continue building a strong and effective child support system. Whether for families leaving welfare or single parents struggling to get by, our bill is crucial to America's children so they can start getting the support they need and deserve.

Mr. LEVIN. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. MATSUI), my colleague and friend who has worked hard on this issue.

□ 1215

Mr. MATSUI. Madam Chairman, I would like to thank the gentleman from Michigan for yielding time to me. I would like to commend both the gentleman from Michigan and gentleman from Florida, chairman of committee and the ranking member of the subcommittee. They have done an outstanding job in putting together a bipartisan consensus. I truly appreciate their efforts and the fact that they showed a great deal of sensitivity to some of the States, obviously like Michigan, but particularly a State like California.

It was obvious that the penalties that were imposed some 10, 12 years ago were much too stringent. To take away all of the AFDC monies for the failure of creating the incentive program, it just was not a realistic penalty suggestion. As a result of that, everybody, including the State of California, knew that enforcement would not occur. But this is a realistic proposal. This is one in which I believe it is incumbent upon the States, particularly the State of California, to comply with.

Back in the mid-1960s, Sacramento County, my county, actually had a child support enforcement section of the Sacramento County DA's department. That was being run at that time by an attorney Virginia Mueller, who was a Cornell graduate. We have had great success in Sacramento County. But in the State of California today, unfortunately, in all 58 counties we have a performance rate of 14 percent, absolutely shameful.

I have to say that this is just the other side of the welfare reform bill that was passed last year. Last year we were focusing on the custodial parent, usually the mother with minor children. This year we will be focusing on the noncustodial parent, usually an able-bodied male who may have another family and is disregarding the requirements and obligations that he had to his other family, the family that is now impoverished. As a result of that, we need to do a better job. This bill will go a long way in doing that.

I want to just conclude by making one further observation. I mentioned California's performance rate is 14 percent. It is outrageous, and it is one in which I believe that if we could get it up to 50 or 60 percent, we could actually eliminate a lot of the TANF payments and probably eliminate a lot of the taxpayer burden on welfare payments. So I will not under any circumstances in the next 3 or 4 years support any effort by California to seek a further waiver, further extension of the penalties. I think these penalties are reasonable, and the State of California with the technological know-how we have should not have any problem integrating all 57 counties in order to make a system that collects payments from anybody throughout the State of California.

I want to urge strong support for this legislation, and hopefully we will be able to work with the other body in order to move this legislation before we adjourn.

Mr. SHAW. Madam Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Chairman, I rise in strong support of this bill and would like to commend my colleague from Florida, the gentleman from Florida (Mr. SHAW), and the gentleman from Michigan (Mr. LEVIN) for bringing this to the floor today.

One of the most universally supported efforts in the welfare reforms we enacted 2 years ago were provisions to get tough on so-called deadbeat parents, parents who bring children into this world and then wash their hands of all responsibility for them. This scourge has been one of the saddest reasons why so many people, mostly women, have been trapped in the welfare system, dependent on government to help raise children because the fathers of those children have offered no help.

We enacted provisions to curb this negligence within a welfare reform package entitled the Personal Responsibility Act. I repeat that, because that is the substance of this debate, personal responsibility, accepting responsibilities for bringing a child into this world and then accepting the responsibility to pay for them and care for them.

Nowhere does that name better apply than forcing those who bring children into this word to take personal responsibility for their support. This bill modifies the penalties contained in those reforms as well as the Family Support Act of 1988, not to weaken the provisions, but to ensure that they can be realistically met.

The current penalties for failure by States to meet data processing and collection requirements are severe, the loss not only of the State share of Federal child support funds, but the State's temporary assistance for needy families block grants. Clearly we will only compound the problems of those struggling to get off welfare if we penalize States so severely that they are financially crippled and unable to continue their reform efforts. This bill rectifies that by imposing penalties as incentives to meet child support program requirements, but without dealing these States such a blow that they cannot possibly meet those requirements at all.

Again, I commend the Committee on Ways and Means for offering this bill and urge its passage.

Mr. LEVIN. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chairman, I join my colleagues in the California delegation in supporting H.R. 3130. It would be truly tragic if we allowed any child in California to be penalized for the State's inability to implement a statewide computerized child support collection system. But even if we are successful today in our efforts to keep California's welfare dollars, we will be doing absolutely nothing to force deadbeat parents to live up to their responsibilities or to help a single child out of poverty. The only way we are going to increase the rate of child support collection in California, which is currently an abysmal 14 or even 13 percent, some say, of court-ordered amounts, and across the Nation, is to make child support collection a Federal matter.

That is why the gentleman from Illinois (Mr. HYDE) and I have introduced H.R. 2189, the Uniform Child Support Enforcement Act. This bill would use existing national computer systems to collect and distribute child support. Not only would collection go up dramatically, but welfare would go down to the same degree. We would not be wasting any more time or money trying to fix a doomed State-by-State, county-by-county computer system.

Kids in California, children across the country should not have to wait any longer to get the child support they deserve. From the ashes of California's computer meltdown, let us bring to life a Federal system to make sure that every child support check is truly in the mail.

Mr. SHAW. Madam Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a distinguished member of the Committee on Ways and Means and a member of the subcommittee.

Mr. ENGLISH of Pennsylvania. Madam Chairman, I rise in strong support of H.R. 3130, legislation that will improve child support collection efforts and at the same time save many States from facing a draconian penalty. H.R. 3130 builds on the child support provisions that were included in the Personal Responsibility and Work Opportunity Act that completely revamped our welfare system. Our new welfare laws ensure that children receive the support that they are due on time and in full by achieving three major goals: By establishing uniform State tracking procedures, by taking strong measures to establish paternity, and funding and ensuring tough child support enforcement.

Our new welfare laws enable States to track deadbeat dads who flee across State lines. States will now have directories of new hires with information used to establish paternity, modify and enforce support orders and reduce fraud, and at the same time State information is now being transmitted to the Federal Parent Locator Service for data matched with other States.

Cracking down on deadbeat dads has been a priority. Our commitment is strengthened even further through the legislation we are voting on today. We need to recognize under a 1988 law, States face the termination of almost all of their welfare funding if they fail to meet certain deadlines, including October 31 of this year, to implement automated data processing systems for child support collections. This devastating penalty will occur in at least 16 States under current law, including my home State of Pennsylvania, if this legislation is not passed.

Let us recognize, H.R. 3130 in no way lets States off the hook. Too often in the past Congress has enacted laws that threaten to penalize States for failing to meet Federal requirements, but backed down when it came time to follow through. Today we are not doing that. This bill strikes the right balance by penalizing States that miss the deadline for establishing effective computer systems while ensuring that these penalties are legitimate and balanced and do not hurt the very children we are trying to help.

In my view, the bipartisan Child Support Performance and Incentive Act before us today protects children by improving child support payment requirements and at the same time protects States by creating an alternative penalty system.

Mr. LEVIN. Madam Chairman, I yield 2 minutes to the most distinguished gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. I would like to commend the gentleman from Michigan (Mr. LEVIN) and the gentleman from Florida (Mr. SHAW) for bringing this most important legislation to the floor today. We all talk about child support, the need for child support, the importance of child support. But what we are doing today is going one step closer to making the rhetoric into fact and doing something about child support enforcement.

When we passed welfare reform 2 years ago, many of us fought to include improvements to our child support system. The legislation before us today makes good on one of those promises by revamping the current formula for the Federal incentive payments given to States for running effective child support systems. The measure would provide incentive payments to States based on five criteria of performance: establishing paternity, establishing child support orders, collecting current child support, collecting past due child support, and administrating cost-effective child support enforcement systems.

In other words, the bill clearly encourages States to take all the necessary steps to make sure both parents share in the financial responsibility of supporting the children that are their children.

The legislation also revises the penalty on States that have not met the Federal deadline for having a computerized child support system. Establishing, tracking and enforcing child support orders is much more difficult when State caseworkers have to go back again, find out where the files are, go through file boxes to find those files. We have come into the computer age. There is no reason why the child support enforcement system should not be in the computer system.

The bill therefore requires States to pay a modest penalty for failing to meet a 10-year old automation requirement. I should point out that the Federal Government paid States a 90 percent match to fulfill this mandate. The original deadline elapsed 2½ years ago. So I do not think the bill requires States to meet an unreasonable timetable.

Madam Chairman, better child support enforcement means fewer families on welfare, an improved standard of living. I have worked on this situation for years. I know that it is very difficult to get it on the front burner of people's lives, but I am telling my colleagues, this bill will help children, and it is a very good bill.

Mr. LEVIN. Madam Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank the gentleman from Michigan and the gentleman from Florida. I want to, first of all, say that I have the highest respect for the gentlemen from Michigan and Florida and congratulate them on this effort. I will support this bill. I toyed with frankly opposing the bill, but after discussing it with the gentleman from Michigan (Mr. LEVIN) and knowing of the concerns of the gentleman from Florida (Mr. SHAW), I am going to support this bill. I think it is a reasonable, rational thing probably to do.

I think that we are sincere in doing this, and we are trying to do something that will not harm children while at the same time continuing incentives in place.

Madam Chairman, the States have had 10 years to get their computer systems together. Yet here they are asking Congress not only for an extension, but while we are at it, could we throw in reduced penalties, too. In talking to my very distinguished friend and colleague, the gentleman from Maryland (Mr. CARDIN) who sits on this committee, I think we are correct in reducing these penalties. My own State very frankly, Madam Chairman, is concerned about this bill and perhaps would not like to see it passed, and do not want any penalties. I do not share the view of my State on this issue.

I have practiced law for over a quarter of a century. I practiced in the courts of Prince George's County in Maryland. I handled a lot of domestic cases in that process and sat in the courtroom not only with my own clients, but watched other nonsupport cases come before the courts. I saw time after time after time a wink and a nod at parents who did not meet their responsibilities, who did not support their children, who nad children, thought it was a spectator sport and thought they would pass the cost on to the rest of us.

□ 1230

That was despicable and is despicable. God gives us a great blessing when he gives us children and we ought to take the responsibility to ensure that they are fed and housed and clothed properly. There are too many Americans who do not do that. This ought to be a priority item for every State and for every administrator to make sure that child support is collected. Far too little of it is collected now. It is not that I resent sharing in the costs to help those children in need. None of us begrudge them the help. But all of us, I think, ought to be and are angry at those parents who can but do not support their children. In an age of computers and information technology, we ought to be capable of identifying and going after those who owe their children, not just society but their children the responsibility that parenthood places upon them.

Again, Madam Chairman, I want to thank the gentleman from Florida (Mr. SHAW) and the gentleman from Michigan (Mr. LEVIN) for their leadership on this issue. It is obvious that we have a practical problem, it is obvious that we want to go ahead, and it is obvious that we continue to keep in effect incentives to get on line so that we will get at deadbeat parents.

I thank the Chair for her not tapping the gavel as soon as she might otherwise have done. This is an important issue, not just this bill, but we need to as a Congress and as a Nation focus on enforcing and expecting responsibility of parents towards their children.

Mr. SHAW. Madam Chairman, I yield myself such time as I may consume. I would like to compliment the gentleman from Maryland (Mr. HOYER) for a very fine statement. He has put his finger on what we need to attack next, and, that is, the disintegration of the American family. What we have seen from the 1960s to date, much of it was caused by a failed welfare system, but we are trying to correct many of those things. Now we have to go back and teach parental responsibility. The problem that we have, we have got so many of these young adults that are having kids, some of them kids themselves who are having children who have never even lived in a home where there was a male figure. It is disgraceful where this country has gone with the disintegration of the American family. I might say that the next piece of the puzzle in welfare reform is to reverse this trend and go back to the real principles. When we say family values, it should be more than just a political cliche. It should have some real meat to it and something that we all believe in and let us put the emphasis on the family. I compliment the gentleman from Maryland (Mr. HOYER) for those remarks.

Mr. HOYER. Madam Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for his remarks. I thank him for his work. I agree that all of us together need to heighten expectations. I frankly think what happened in the 1970s, in the 1960s in particular was that we lowered expectations of performance of ourselves and of others and somehow society did not feel it incumbent upon them to hold others accountable for that which they ought to be responsible for. I think this is one example, but it is a broader example than that. I frankly think under the gentleman's leadership, frankly I think under President Clinton's leadership in terms of talking about responsibility which he talked about in 1992 and which we followed through in this Congress, I think we are seeing much better performance, but we need to do much more. I thank the gentleman for his remarks and his leadership.

Mr. SHAW. Reclaiming my time, I would also add, in talking about our expectations, people will generally not rise above our expectations of them. Clearly under the welfare reform bill, now under this bill as the effect that it is going to have on fathers all over this country who are not meeting their obligations, it is going to raise the expectations and require certain things that were not required before and that were really just sloughed off. Those days are behind us, thank goodness, and I think we are on the way to putting back together the American family.

Madam Chairman, I rise in support of this bill with reservations, which I will state.

This legislation is intended to encourage the remaining states and territories to comply with child support enforcement computer guidelines set in 1988.

The states have had ten years to get their computer systems together. Yet here they are, asking Congress not only for an extension, but, while we're at it, could we throw in reduced penalties too?

Incredibly, there are still 14 states and two territories that have yet to comply, including my own state of Maryland.

A substantial number of children will be adversely affected if we do not make these changes. That is something that no one wants to do.

This is tragic. Congress is, in effect, rewarding the states for their delinquence. We are sending the wrong message to deadbeat parents and their children.

However, Madam Chairman, we are reminded once again that, in the past, child support enforcement was a low priority in this country. We cannot and should not send the wrong message to deadbeat parents that failure to pay child support is acceptable. They are not excused by Congress or any other government function of their responsibilities to their children. We must be careful not to forgive passive neglect.

In my own legislative efforts to crack down on deadbeat parents, I say "you can run but you can't hide!" This legislation says "you can run, you can hide, and eventually you will be caught, but not for a little while longer."

Any extension provided for non-compliant states and territories prolongs the time that children must wait for badly needed support.

I will vote in favor of this bill for the children, who need assistance sooner rather than later.

Madam Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Madam Chairman, I have an amendment at the desk, an amendment to H.R. 3130, if that could be called up.

Mr. SHAW. Madam Chairman, if the gentleman will yield, I would tell the gentleman that we are still in general debate. We are, I think, about to conclude the general debate.

The CHAIRMAN. The gentleman may discuss his amendment at this time, he just may not offer it.

Mr. GILMAN. Madam Chairman, I had intended to offer an amendment to H.R. 3130, the Child Support Performance and Incentive Act, which would have included the cost of child care in child support payments to custodial parents who are currently employed or are active seeking employment. I recognize that some States around our Nation are already doing this and I applaud their efforts. However, many States in our Nation are not. It is these States that that amendment would have been targeted. It was the intent of my amendment to split the costs of child care proportionately between the custodial and noncustodial parent, not to separate child care and child care support payments.

It is my understanding that the gentleman from Florida (Mr. SHAW) has agreed to work with me in conference to include language which would express the true intent of my amendment that child care expenses be a factor in determining child care support payments.

Mr. SHAW. Madam Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding to me. I agree with the gentleman that we are going to continue to work with him. We know of his concern in this area and we know of the value of his intentions. We will do what we can to work with the gentleman during the conference process and even afterwards if it is not included in the final product.

Mr. GILMAN. I thank the gentleman for his willingness to work with us on this proposal and I look forward to working with him in conference.

Mr. LEVIN. Madam Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, let me acknowledge both the gentleman from Florida (Mr. SHAW) and the gentleman from Michigan (Mr. LEVIN) for this very forthright and straightforward legislation. In formulating and organizing the Congressional Childrens Caucus in this congressional term as I have gone around my district and other places, one of the rising cries that I hear are from struggling single parents want to do the right thing. They always ask how can they be helped to do the right thing. One of the ways that we have tried to help in the Congressional Childrens Caucus is by promoting children as a national agenda. Child support is more than the moneys distributed to someone to do something with. Child support is dignity. It brings down the enticement to do things that are not right for both the parent who is struggling and the child. You notice I say parent, because this is something that happens to males and females. In my own State of Texas, this is a good bill, for I want to see them get a system that responds to all the parents who are in many instances working parents struggling to raise many children. In fact, we find that half of the 18.7 million children living in single parent families in 1994 were poor; 70 percent of African-American children growing up in a single parent household lived at below the poverty line compared to about one of every 10 children in two-parent families. The system is broken and this particular legislation in fact provides sort of a guiding line, an incentive to get your act together, and if you do not, within a year's time, you will see the moneys that you would hope to have gotten from the Federal Government starting to eke out. I think this is important, because we must support our children. Unfortunately, only 21 States and Guam have met the October 1, 1997 deadline. I think it is important that the Committee on Ways and Means in their wisdom has seen the value of making sure that we have a way of supporting our children.

Madam Chairman, let me say that our most important treasure in this Nation, and I thank you for your kindness, is and are our children. My English teacher would want me to get one of those correct. But I say that so that we know children as well make mistakes, but the mistake that we do not want to make is to leave them outside in the cold. This is an excellent bill, I offer my support, and I ask my colleagues to support it.

Madam Chairman, I rise today in support of H.R. 3130, the Child Support Performance and Incentive Act of 1998. Child support is an issue critical to the well-being of our nation's children. In 1994, one in every four children lived in a family with only one parent present in the home. Half of all children spend a portion of their childhoods in single-parent homes. While these figures are striking in their own right, we cannot begin to truly understand their impact on our nation's children without considering the fact that half of the 18.7 million children living in single-parent families in 1994 were poor, and 70 percent of African American children growing up in a single parent household, lived at or below the poverty line, compared with about one of every 10 children in two-parent families.

Many children in single-parent families rely on child support to keep them from poverty, but in doing so they rely on a child support system that is broken and has for years failed our nation's children. According to the Department of Health and Human Services, 31 million American children are currently owed more than $41 billion in unpaid child support. Only 20 percent of child support cases resulted in collections in 1996, even though taxpayers spent $2.24 billion per year on public child support enforcement. These statistics reflect a child support system in need of our attention and in need of reform. H.R. 3130 is an important first step in that direction.

The Family Support Act of 1988 set a deadline for all states to have in operation a fully-automated data processing system to assist in administering their child support enforcement systems. Only 21 states and Guam met the October 1, 1997 deadline. Those states not meeting the deadline—including California, Michigan, Illinois, Ohio, Pennsylvania, and my home state of Texas—face extremely severe penalties under current law. They are confronted with the possibility of losing both their federal child support funding and all of their federal welfare assistance funding provided by the Temporary Assistance to Needy Families Act block grant. This obviously benefits no one and, in fact, threatens to punish those very people the original law was intended to protect—young children and single parent families.

Current law has also been criticized for not actually rewarding states for their performance in child support enforcement. The federal government spends nearly $500 million a year on child support incentive payments to states—but more than half of those funds are awarded to states without regard to how they actually perform in child support enforcement.

H.R. 3130 provides an answer to those concerns by establishing a new alternative penalty for states that failed to meet last October's deadline. The bill provides that a state that makes a good faith effort to comply with the data processing requirements of the Family Support Act of 1988 could avoid the penalty required under current law and instead qualify for an alternative penalty provided that the state submits a plan to the Department of Health and Human Services specifying how, by what date, and at what cost it will comply with the data processing requirement.

H.R. 3130 also creates a new federal incentive system to reward states with effective child support enforcement programs. This new system is intended to ensure that more of these federal funds are given to the states based on the states' actual performance in child support enforcement.

H.R. 3130 is an important step in mending a child support enforcement system that is now quite damaged. It is the result of bipartisan action and cooperation and I commend the work of all involved in bringing it before us this afternoon. I urge my colleagues to join me in strong support of this important legislation.

Mr. LEVIN. Madam Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding me this time. Madam Chairman, I rise in support of H.R. 3130. I want to tell Members a bit about the research that I did prior to the vote on this measure. I went to the State of North Dakota and evaluated their efforts to bring the new system of child support collection on line. I was terribly concerned that passage of this measure might somehow signal that quickly bringing more rigorous child enforced collection procedures on line would be set back by this legislation. I became convinced of the contrary. North Dakota is making great strides toward meeting the new standards. However, we are not going to meet the deadline. Collections are increasing. We are on track to have an optimal system on line by this summer. If we do not pass this bill, North Dakota will be substantially financially penalized. The resources put into bringing us on line and upgrading our systems will be diverted into dealing with the consequences of the existing penalty. In other words, existing law is not serving a constructive purpose. This law will serve the constructive purpose of encouraging States, like the one I represent, to step up child support collection and to bring these new systems on line as quickly as possible. I commend the State employees in North Dakota that are working so hard to get us there and appreciate very much the Committee on Ways and Means bringing this bill forward.

Ms. NORTON. Madam Chairman, I support the Child Support Performance and Incentive Act, a bill which would ensure that children and families will not be unnecessarily punished in states still working on establishing database systems required under the Family Support Act of 1988.

Under the current law, 42,182 children in the District of Columbia could lose vital assistance through the Temporary Assistance for Needy Families (TANF) block grant. And the District is not alone. Because of the complexities involved in establishing these database systems, 29 states including several large states such as California, Michigan, Illinois, Ohio and Pennsylvania, were unable to meet an extended deadline under the old law.

The alternative penalties that have been developed in this bill will reward the states that have met the statutory deadline of setting up a database system without unduly punishing the children of our country living in the majority of the states and the District of Columbia.

Mr. GOODLING. Madam Chairman, I rise today in support of H.R. 3130, the Child Support Performance and Incentive Act of 1998. This bill builds upon the historic welfare reform legislation that became law two years ago and is proof positive of Republicans' long standing commitment to welfare reform.

As Chairman of the Education and Workforce Committee, two years ago I worked in tandem with Mr. SHAW, the Chairman of the Ways and Means, Human Resources Subcommittee to deliver a sweeping welfare reform package—a package that truly empowers people to lead more successful and more fulfilling lives.

As Republicans, we know that we must attack hopelessness and poverty on several fronts. That is why, the work of our Committee coupled with the efforts of Mr. SHAW's, represented a comprehensive approach to the war on poverty. We poured more money into child care; toughened up the child protection grant; created real work requirements to spur more people to work; and gave States and locals greater flexibility to successfully run their child nutrition programs and State welfare programs.

The phenomenal and unexpected rapid decline in the welfare roles points to the success of our approach.

However, Republicans' commitment to protecting children and improving the welfare system did not end in 1996.

We have continued to monitor the implementation of welfare reform to make sure that it is successfully implemented. That is why since the passage of the Welfare reform law, you have seen dramatic improvements in the areas child protection, adoption and foster care signed into law.

The bill we have before us today is just another step to making sure we continue to give States and local governments what they need to get struggling families back on their feet.

I urge my colleagues to vote for H.R. 3130.

Mr. QUINN. Madam Chairman I would also like to voice my full support for H.R. 3130, the Child Support Performance And Incentive Act. This bill focuses on States' efforts to convert their child support data collection and enforcement efforts from employee-dependent to automated, computer-based systems. One sure way that Welfare Reform will work is to ensure parents with custodial children that they will receive child support payments from non-custodial parents on a regular basis. H.R. 3130 gives States' a revised penalty structure which fail to comply with deadlines to automate their child support enforcement programs. Please know that if I were able, I would have voted for final passage of H.R. 3130.

Mr. CRANE. Madam Chairman, I rise today in support of H.R. 3130, the Child Support Performance and Incentive Act of 1998, which is of critical importance to the children of Illinois. I am pleased the House of Representative is acting quickly on this legislation which strikes the right balance between encouraging states to modernize their child support systems without penalizing the very children the law is designed to help.

While we want to ensure that states have the most efficient mechanism in place to collect and distribute child support payments to families in neet, we must also make certain that the penalties for failure to meet the federal deadlines are not so extreme as to jeopardize funding intended for those same children. My own state of Illinois did not meet the deadline established by the 1988 Family Support Act and if this legislation is not approved today, Illinois will be forced to forfeit $650 million in federal funding for child support services. Child support programs provide vital assistance in locating parents, establishing paternity and collecting child support payments and a large penalty, such as the one facing Illinois, is extreme and serves only to hurt those we seek to help.

The bill before us would still impose a penalty of almost $3 million on Illinois but by reducing the penalty and restoring funding for these programs, we can be certain efforts in Illinois will continue to ensure that more deadbeat parents are located and made accountable. After all, collecting financial support from parents is what this effort is all about. As the father of eight children, I find it personally repugnant that so many parents are unwilling to face their responsibility voluntarily and the federal government is forced to continually address the issue of child support enforcement.

I urge my colleagues to vote in support of our children and continuing our efforts to stop irresponsible parents from following cowardly paths of denying their children the financial support they deserve.

Mr. DAVIS of Illinois. Madam Chairman, I rise today in support of H.R. 3130, the Child Support Performance and Incentive Act of 1998. This bill sets forth an alternative penalty structure for states that did not complete their statewide child support computer systems by the deadline.

Under current law, states like my home State of Illinois, Michigan, Pennsylvania and Ohio stand to lose all of their child support enforcement funding plus the states entire Temporary Assistance for Needy Families (TANF) block grant. Such a loss would be devastating to millions of children and adults and undermine welfare reform efforts underway in the various states. Child support enforcement is a vital component of any welfare reform plan and efforts to cut any funds for enforcement could hurt those who need the help the most.

The alternative penalty structure in this bill is fairer and more reasonable than current law. This bill recognizes states' good faith efforts to complete their systems and targets federal child support enforcement dollars only. However, this bill provides real incentives for states that actually do a better job at child support enforcement. Such inducements provided by this bill gives a real glimmer of hope that those children seeking assistance, whether in Illinois or any other state will in fact secure the support they need.

Therefore, I urge all of my colleagues to support this bill.

Thank you.

Mr. ETHERIDGE. Madam Chairman, I rise today in support of H.R. 3130, the Child Support Performance and Incentive Act, which would reduce the financial sanctions imposed on states that have not established a statewide computer system by October 1, 1997 to enforce child support payments, and increase financial rewards for those states that effectively enforce child support orders. As amended, this legislation would deny visas and entry to noncustodial parents who are foreign nationals owing more than $5,000 in child support in this nation, and require state courts, cases involving non-amicable divorces, to include child care costs in their calculations when calculating the amount of child support payments a non-custodial parent must make.

This bipartisan legislation is not an attempt to allow deadbeat dads the opportunity to escape their child support payments, but rather it provides an alternative penalty procedure for states that fail to meet federal child support data processing requirements. This legislation would reform federal incentive payments for effective child support performance, rewarding those states with respect to their performance in paternity establishment and child support order enforcement, including cost-effectiveness.

The Family Support Act of 1988 set a deadline of October 1, 1995, for all states to have in operation a fully-automated data processing system to assist in administering their child support enforcement systems. Most states, however, were unable to meet this deadline because federal regulations specifying the requirements for the data processing system were issued late, and because of the complexities involved in establishing such systems. With the enactment of PL 104–35, Congress extended the deadline for two years, until October 1, 1997.

The state of North Carolina is in full compliance with the October 1st deadline. The State has implemented its statewide automated data processing system for child support enforcement, and has been certified by the United States Department of Health and Human Services (HHS). While the State's plan was submitted to Health and Human Services prior to the October 1, 1997 deadline, the necessary site visit and administrative action by HHS was not completed until January 1998. North Carolina is one of fifteen states that will benefit from this bill's provision to allow HHS to waive any penalties for states that have done the necessary work but which were not certified by the October deadline.

For those states that did not meet the October 1, 1997 deadline, this legislation is not just a slap on the wrist. This legislation provides severe financial penalties including: loss of federal child support funding and their federal welfare assistance funding provided by the Temporary Assistance for Needy Families (TANF) block grant.

We must demand parents live up to their responsibilities to their children. H.R. 3130, with the inclusion of the Cardin and Gilman amendments, effectively addresses state issues, as well as enhances the current web of tools available to enforce child support orders.

Madam Chairman, I support H.R. 3130, as amended. It sends a strong message to states and parents that child support enforcement is vitally important, and I am pleased to join my colleagues on both sides of the aisle in urging its passage.

Mr. WELLER. Madam Chairman, as a member of the Committee on Ways and Means, I rise in support of H.R. 3130, the Child Support Performance and Incentive Act. Under current law, 16 states, including my state of Illinois, are facing very severe penalties for failing to complete a statewide child support computer system by October 1, 1997. These states stand to lose their entire TANF Block Grant and their federal child support funding. If these penalties were to stand, the states' welfare programs would be completely jeopardized, and many people could be left without their benefits. This bill restructures the penalty system in a way that will encourage states to get their systems up and running as soon as possible. The bill will increase the penalty for each year that states fail to comply, thereby giving them more incentive to get their programs on-line quickly. Everybody agrees that it is important to have an efficient statewide system to enforce child support payments.

The bill also restructures the Child Support Incentive system. This program awards almost a half billion dollars per year to the States. This bill would make the incentive program based on performance measures such as: paternity establishment, collections on current payments and cost effectiveness. In order to qualify for this funding states would have to show that their child support program is successful—and that's what this is all about.

Payment of child support is everyone's goal, and I believe this bill will help states in their efforts to do so. I appreciate the hard work of Chairmen SHAW and ARCHER on this bi-partisan bill, and urge a "yes" vote.

Mr. PAPPAS. Madam Chairman, I rise in strong support of the amendment introduced by my colleague from Maryland, Mr. CARDIN. My only regret is that I did not introduce this amendment first.

The Cardin amendment is desperately needed to combat the ever growing problem of deadbeat parents fleeing the country to avoid child support orders. The Cardin amendment will deny visas and entry into the United States to foreign nationals and legal residents who are noncustodial parents owing more than $5,000 in child support payments in the United States. It also provides federal immigration officers with the authority to serve summons, court orders and other legal process in child support cases at the border. In this day of growing free trade and less border restrictions, this amendment will raise the importance of payment of child support beyond state borders.

Madam Chairman, I have a situation in my district where a hard working mother has been actively seeking the payment of child support arrears. However, the father has fled the country. He now operates an airline out of a Central American country and regularly comes into this country to conduct business. The deadbeat parent has a FAA certified flying license, a U.S. Passport, a U.S. business address in the United States, but when it comes to actually complying with his child support responsibilities, he is nowhere to be found. Although this Congress passed provisions as part of the 1996 welfare reform package to address child support by those who flee the country, not much has been done to help my constituent's situation. Specifically, between the two state child support systems, the U.S. Departments of Transportation, State and Health & Human Services, a lot of confusion remains about the proper agency in charge of ensuring payment. I am hopeful that these agencies and states will work together immediately to further close this child support loophole.

Moreover, I am very glad to see the section defining "good moral character." I think it is time that this Congress state that government should not recognize citizens as having good moral character if they are thousands of dollars behind in support of their children. Hard financial times are one thing, purposeful avoidance of the law and family responsibilities is another. I have been trying to get the FAA to recognize the nonpayment of child support as failure of "good moral character" so that the FAA would revoke the pilot certifications of pilots. I believe Mr. Cardin's amendment is a good signal to be sent to all federal agencies that this Congress is serious about this issue and that we will not tolerate non payment of child support.

As such, I heartily support this amendment, I congratulate its sponsor for his work and I strongly urge the passage of the Cardin Amendment.

Mr. VENTO. Madam Chairman. I rise today in support of this bill, the Child Support Performance and Incentive Act of 1998. Although the states and counties are primarily responsible for child support enforcement programs, this bill attempts to facilitate their task of ensuring that every child receives financial support from both parents.

Dead-beat parents who duck out on child support are a big problem. Children rely on adults for their well-being. It is our sacred responsibility to provide for and fulfill their basic needs. To avoid this responsibility is immoral, but unfortunately some parents do renege on such responsibility and that is why we need this new legislation. Child support should ensure that single parent homes don't need public assistance to support children and that they remain independent with a stable certain household income.

Appropriately, the welfare reform act included tough child support measures such as driver's license revocation and the development of a new hire reporting system to track offenders. Child support enforcement at the Federal and State levels is being transformed by these measures. However, despite the enactment of these requirements several states have had problems reaching compliance, and ironically could be severely affected by the proposed penalties for non-compliance.

We all understand the importance of computers with regards to the dissemination and organization of information. Computers and computer programs are especially key when handling a caseload of 20 million children nationally. As of today, only 16 States have been certified as having a comprehensive computerized systems for such purpose. However, although many others are very close to completion, their non-compliance could result in cessation of all Federal child support enforcement funding. This bill would provide states making a good faith effort to comply with the data processing requirements to avoid the current penalty in law and qualify for an alternative penalty of increasing percentages for each year of non-compliance. This proposed penalty system would continue to allocate funding to states who are in the process of reaching compliance and not truncate the substantial progress achieved. To completely cease funding would further hamper states' ability to complete their computerized systems and compound the problem of achieving such a good goal.

Currently, the federal government spends nearly $500 million a year on child support incentive payments to states. The current incentive program is based on maximizing child support collections relative to administrative costs. The problem is that more than half of the funds are awarded to states without regard to how they actually perform in child support enforcement. We all recognize that this does not create a significant incentive for the achievement of the program goals.

The proposed incentive payment program included in this bill would, more accurately, measure the performance of state child support programs. The new incentive funding system would allow the child support incentive program to truly be driven by achieving results for families and children in need of support.

This bill addresses another important issue: adoption. The State of Minnesota has over 1,000 children awaiting adoption. H.R. 3130 would apply a severe penalty to any state that delays the adoption of a child because the adoptive parents may live in another state. With the growing number of children who are becoming wards of the state, it is important that we provide children with permanent homes, in the shortest possible time. The adoptive family pool needs to be increased nationwide in order to provide such kids the right families and support they need in order to succeed.

Minnesota state child support collections have increased 125% since 1991. In 1997, my state provide child support services for more than 200,000 cases in, and close to 40% those cases received some form of welfare benefits. Child support collected saved taxpayers $70.7 million in AFDC grants and human services officials agree that child support is a key component in welfare reform. It is pretty simple: child support can keep families off of welfare. Every child has the right to financial support from both parents and public policy and law should facilitate such.

In an era of tight and shrinking budgets, we need to make sure that we find the most acceptable and effective ways to provide for the economic well-being of America's children. I am pleased to say that Congress understands the importance of child support and has stepped up to the plate today and in the past to make sure that child support enforcement system works better in the future. I urge my colleagues to support this bill.

Madam Chairman, today I rise in support of H.R. 3130, the "Child Support Performance and Incentive Act of 1998." This bill achieves balance between two competing needs: the critical need for states to automate their child support enforcement systems to ensure that children receive the support they are due; and the imposition of crippling penalties against those states that have not yet automated their systems.

California is one of more than a dozen states that does not yet have a statewide computer system in place. If H.R. 3130 is not enacted, the state stands to lose $4 billion in federal welfare block grant funding. This would seriously jeopardize the state's ability to provide welfare assistance to more than 2.2 million needy families and children.

The bill makes two changes that should do much to help California. It permits alternative system configurations, including linked local systems, to meet the requirement for a single statewide computer system. That requirement was included the Family Support Act of 1988. H.R. 3130 also modifies the penalty structure for dealing with states that failed to meet the October 1997 deadline, by decreasing the $4 billion penalty to $11 million this year.

The bill's penalty increases over time to reach $43 million by 2000. The penalties are designed to hold California and other states accountable for implementing statewide or alternative computer systems as soon as possible. Child support payments are too important to be held hostage by ineffective computer systems.

It is imperative that California implement an automated system as soon as possible to provide essential child support services to improve the lives of children who lack the support of two parents. It is these children who benefit from improved child support enforcement, and who suffer from incompatible and ineffective systems.

Mr. LEVIN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Support Performance and Incentive Act of 1998”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS

Sec. 101. Alternative penalty procedure.
Sec. 102. Authority to waive single Statewide automated data processing and information retrieval system requirement.

TITLE II—CHILD SUPPORT INCENTIVE SYSTEM

Sec. 201. Incentive payments to States.

TITLE III—ADOPTION PROVISIONS

Sec. 301. More flexible penalty procedure to be applied for failing to permit interjurisdictional adoption.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Technical corrections.

TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS

SEC. 101. ALTERNATIVE PENALTY PROCEDURE.

Section 455(a) of the Social Security Act (42 U.S.C. 655(a)) is amended by adding at the end the following:

“(4)(A) If—

“(i) the Secretary determines that a State plan under section 454 would (in the absence of this paragraph) be disapproved for the failure of the State to comply with section 454(24)(A), and that the State has made and is continuing to make a good faith effort to so comply; and

“(ii) the State has submitted to the Secretary a corrective compliance plan that describes how, by when, and at what cost the State will achieve such compliance, which has been approved by the Secretary,

then the Secretary shall not disapprove the State plan under section 454, and the Secretary shall reduce the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the fiscal year by the penalty amount.

“(B) In this paragraph:

“(i) The term ‘penalty amount’ means, with respect to a failure of a State to comply with section 454(24)—

“(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs;

“(II) 8 percent of the penalty base, in the case of the 2nd such fiscal year;

“(III) 16 percent of the penalty base, in the case of the 3rd such fiscal year; or

“(IV) 20 percent of the penalty base, in the case of the 4th or any subsequent such fiscal year.

“(ii) The term ‘penalty base’ means, with respect to a failure of a State to comply with section 454(24) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the preceding fiscal year.

“(C)(i) The Secretary shall waive a penalty under this paragraph for any failure of a State to comply with section 454(24)(A) during fiscal year 1998 if—

“(I) by December 31, 1997, the State has submitted to the Secretary a request that the Secretary certify the State as having met the requirements of such section;

“(II) the Secretary has provided the certification as a result of a review conducted pursuant to the request; and

“(III) the State has not failed such a review.

“(ii) If a State with respect to which a reduction is made under this paragraph for a fiscal year achieves compliance with section 454(24)(A) by the beginning of the succeeding fiscal year, the Secretary shall increase the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the succeeding fiscal year by an amount equal to 75 percent of the reduction for the fiscal year.

“(iii) The Secretary shall reduce the amount of any reduction that, in the absence of this clause, would be required to be made under this paragraph by reason of the failure of a State to achieve compliance with section 454(24)(B) during the fiscal year, by an amount equal to 20 percent of the amount of the otherwise required reduction, for each State performance measure described in section 458A(b)(4) with respect to which the applicable percentage under section 458A(b)(6) for the fiscal year is 100 percent, if the Secretary has made the determination described in section 458A(b)(5)(B) with respect to the State for the fiscal year.

“(D) The preceding provisions of this paragraph (except for subparagraph (C)(i)) shall apply, separately and independently, to a failure to comply with section 454(24)(B) in the same manner in which the preceding provisions apply to a failure to comply with section 454(24)(A).”.

SEC. 102. AUTHORITY TO WAIVE SINGLE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM REQUIREMENT.

(a) In General.—Section 452(d)(3) of the Social Security Act (42 U.S.C. 652(d)(3)) is amended to read as follows:

“(3) The Secretary may waive any requirement of paragraph (1) or any condition specified under section 454(16), and shall waive the single statewide system requirement under sections 454(16) and 454A, with respect to a State if—

“(A) the State demonstrates to the satisfaction of the Secretary that the State has or can develop an alternative system or systems that enable the State—

“(i) for purposes of section 409(a)(8), to achieve the paternity establishment percentages (as defined in section 452(g)(2)) and other performance measures that may be established by the Secretary;

“(ii) to submit data under section 454(15)(B) that is complete and reliable;

“(iii) to substantially comply with the requirements of this part; and

“(iv) in the case of a request to waive the single statewide system requirement, to—

“(I) meet all functional requirements of sections 454(16) and 454A;

“(II) ensure that calculation of distributions meets the requirements of section 457 and accounts for distributions to children in different families or in different States or sub-State jurisdictions, and for distributions to other States;

“(III) ensure that there is only 1 point of contact in the State which provides seamless case processing for all interstate case processing and coordinated, automated intrastate case management;

“(IV) ensure that standardized data elements, forms, and definitions are used throughout the State;

“(V) complete the alternative system in no more time than it would take to complete a single statewide system that meets such requirement; and

“(VI) process child support cases as quickly, efficiently, and effectively as such cases would be processed through a single statewide system that meets such requirement;

“(B)(i) the waiver meets the criteria of paragraphs (1), (2), and (3) of section 1115(c); or

“(ii) the State provides assurances to the Secretary that steps will be taken to otherwise improve the State's child support enforcement program; and .

“(C) in the case of a request to waive the single statewide system requirement, the State has submitted to the Secretary separate estimates of the total cost of a single statewide system that meets such requirement, and of any such alternative system or systems, which shall include estimates of the cost of developing and completing the system and of operating and maintaining the system for 5 years, and the Secretary has agreed with the estimates.”.

(b) Payments to States.—Section 455(a)(1) of such Act (42 U.S.C. 655(a)(1)) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the semicolon at the end of subparagraph (C) and inserting “, and”; and

(3) by inserting after subparagraph (C) the following:

“(D) equal to 66 percent of the sums expended by the State during the quarter for an alternative statewide system for which a waiver has been granted under section 452(d)(3), but only to the extent that the total of the sums so expended by the State on or after the date of the enactment of this subparagraph does not exceed the least total cost estimate submitted by the State pursuant to section 452(d)(3)(C) in the request for the waiver;”.

TITLE II—CHILD SUPPORT INCENTIVE SYSTEM

SEC. 201. INCENTIVE PAYMENTS TO STATES.

(a) In General.—Part D of title IV of the Social Security Act (42 U.S.C. 651–669) is amended by inserting after section 458 the following:

“SEC. 458A. INCENTIVE PAYMENTS TO STATES.

“(a) In General.—In addition to any other payment under this part, the Secretary shall, subject to subsection (f), make an incentive payment to each State for each fiscal year in an amount determined under subsection (b).

“(b) Amount of Incentive Payment.—

“(1) In general.—The incentive payment for a State for a fiscal year is equal to the incentive payment pool for the fiscal year, multiplied by the State incentive payment share for the fiscal year.

“(2) Incentive payment pool.—

“(A) In general.—In paragraph (1), the term ‘incentive payment pool’ means—

“(i) $422,000,000 for fiscal year 2000;

“(ii) $429,000,000 for fiscal year 2001;

“(iii) $450,000,000 for fiscal year 2002;

“(iv) $461,000,000 for fiscal year 2003;

“(v) $454,000,000 for fiscal year 2004;

“(vi) $446,000,000 for fiscal year 2005;

“(vii) $458,000,000 for fiscal year 2006;

“(viii) $471,000,000 for fiscal year 2007;

“(ix) $483,000,000 for fiscal year 2008; and

“(x) for any succeeding fiscal year, the amount of the incentive payment pool for the fiscal year that precedes such succeeding fiscal year, multiplied by the percentage (if any) by which the CPI for such preceding fiscal year exceeds the CPI for the 2nd preceding fiscal year.

“(B) CPI.—For purposes of subparagraph (A), the CPI for a fiscal year is the average of the Consumer Price Index for the 12-month period ending on September 30 of the fiscal year. As used in the preceding sentence, the term ‘Consumer Price Index’ means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

"(3) STATE INCENTIVE PAYMENT SHARE.—In paragraph (1), the term 'State incentive payment share' means, with respect to a fiscal year—

"(A) the incentive base amount for the State for the fiscal year; divided by

"(B) the sum of the incentive base amounts for all of the States for the fiscal year.

"(4) INCENTIVE BASE AMOUNT.—In paragraph (3), the term 'incentive base amount' means, with respect to a State and a fiscal year, the sum of the applicable percentages (determined in accordance with paragraph (6)) multiplied by the corresponding maximum incentive base amounts for the State for the fiscal year, with respect to each of the following measures of State performance for the fiscal year:

"(A) The paternity establishment performance level.

"(B) The support order performance level.

"(C) The current payment performance level.

"(D) The arrearage payment performance level.

"(E) The cost-effectiveness performance level.

"(5) MAXIMUM INCENTIVE BASE AMOUNT.—

"(A) IN GENERAL.—For purposes of paragraph (4), the maximum incentive base amount for a State for a fiscal year is—

"(i) with respect to the performance measures described in subparagraphs (A), (B), and (C) of paragraph (4), the State collections base for the fiscal year; and

"(ii) with respect to the performance measures described in subparagraphs (D) and (E) of paragraph (4), 75 percent of the State collections base for the fiscal year.

"(B) DATA REQUIRED TO BE COMPLETE AND RELIABLE.—Notwithstanding subparagraph (A), the maximum incentive base amount for a State for a fiscal year with respect to a performance measure described in paragraph (4) is zero, unless the Secretary determines, on the basis of an audit performed under section 452(a)(4)(C)(i), that the data which the State submitted pursuant to section 454(15)(B) for the fiscal year and which is used to determine the performance level involved is complete and reliable.

"(C) STATE COLLECTIONS BASE.—For purposes of subparagraph (A), the State collections base for a fiscal year is equal to the sum of—

"(i) 2 times the sum of—

"(I) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved is required to be assigned to the State pursuant to part A or E of this title or title XIX; and

"(II) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved was so assigned but, at the time of collection, is not required to be so assigned; and

"(ii) the total amount of support collected during the fiscal year under the State plan approved under this part in all other cases.

"(6) DETERMINATION OF APPLICABLE PERCENTAGES BASED ON PERFORMANCE LEVELS.—

"(A) PATERNITY ESTABLISHMENT.—

"(i) DETERMINATION OF PATERNITY ESTABLISHMENT PERFORMANCE LEVEL.—The paternity establishment performance level for a State for a fiscal year is, at the option of the State, the IV–D paternity establishment percentage determined under section 452(g)(2)(A) or the statewide paternity establishment percentage determined under section 452(g)(2)(B).

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's paternity establishment performance level is as follows:

"If the paternity establishment performance level is:		***The applicable percentage is:***
At least:	***But less than:***	
80%		*100*
79%	*80%*	*98*
78%	*79%*	*96*
77%	*78%*	*94*
76%	*77%*	*92*
75%	*76%*	*90*
74%	*75%*	*88*
73%	*74%*	*86*
72%	*73%*	*84*
71%	*72%*	*82*
70%	*71%*	*80*
69%	*70%*	*79*
68%	*69%*	*78*
67%	*68%*	*77*
66%	*67%*	*76*
65%	*66%*	*75*
64%	*65%*	*74*
63%	*64%*	*73*
62%	*63%*	*72*
61%	*62%*	*71*
60%	*61%*	*70*
59%	*60%*	*69*
58%	*59%*	*68*
57%	*58%*	*67*
56%	*57%*	*66*
55%	*56%*	*65*
54%	*55%*	*64*
53%	*54%*	*63*
52%	*53%*	*62*
51%	*52%*	*61*
50%	*51%*	*60*
0%	*50%*	*0.*

Notwithstanding the preceding sentence, if the paternity establishment performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 10 percentage points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's paternity establishment performance level is 50 percent.

"(B) ESTABLISHMENT OF CHILD SUPPORT ORDERS.—

"(i) DETERMINATION OF SUPPORT ORDER PERFORMANCE LEVEL.—The support order performance level for a State for a fiscal year is the percentage of the total number of cases under the State plan approved under this part in which there is a support order during the fiscal year.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's support order performance level is as follows:

"If the support order performance level is:		***The applicable percentage is:***
At least:	***But less than:***	
80%		*100*
79%	*80%*	*98*
78%	*79%*	*96*
77%	*78%*	*94*
76%	*77%*	*92*
75%	*76%*	*90*
74%	*75%*	*88*
73%	*74%*	*86*
72%	*73%*	*84*
71%	*72%*	*82*
70%	*71%*	*80*
69%	*70%*	*79*
68%	*69%*	*78*
67%	*68%*	*77*
66%	*67%*	*76*
65%	*66%*	*75*
64%	*65%*	*74*
63%	*64%*	*73*
62%	*63%*	*72*
61%	*62%*	*71*
60%	*61%*	*70*
59%	*60%*	*69*
58%	*59%*	*68*
57%	*58%*	*67*
56%	*57%*	*66*
55%	*56%*	*65*
54%	*55%*	*64*
53%	*54%*	*63*
52%	*53%*	*62*
51%	*52%*	*61*
50%	*51%*	*60*
0%	*50%*	*0.*

Notwithstanding the preceding sentence, if the support order performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's support order performance level is 50 percent.

"(C) COLLECTIONS ON CURRENT CHILD SUPPORT DUE.—

"(i) DETERMINATION OF CURRENT PAYMENT PERFORMANCE LEVEL.—The current payment performance level for a State for a fiscal year is equal to the total amount of current support collected during the fiscal year under the State plan approved under this part divided by the total amount of current support owed during the fiscal year in all cases under the State plan, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's current payment performance level is as follows:

"If the current payment performance level is:		***The applicable percentage is:***
At least:	***But less than:***	
80%		*100*
79%	*80%*	*98*
78%	*79%*	*96*
77%	*78%*	*94*
76%	*77%*	*92*
75%	*76%*	*90*
74%	*75%*	*88*
73%	*74%*	*86*
72%	*73%*	*84*
71%	*72%*	*82*
70%	*71%*	*80*
69%	*70%*	*79*
68%	*69%*	*78*
67%	*68%*	*77*
66%	*67%*	*76*
65%	*66%*	*75*
64%	*65%*	*74*
63%	*64%*	*73*
62%	*63%*	*72*
61%	*62%*	*71*
60%	*61%*	*70*
59%	*60%*	*69*
58%	*59%*	*68*
57%	*58%*	*67*
56%	*57%*	*66*
55%	*56%*	*65*
54%	*55%*	*64*
53%	*54%*	*63*
52%	*53%*	*62*
51%	*52%*	*61*

"If the current payment performance level is:		***The applicable percentage is:***
At least:	***But less than:***	
50%	*51%*	*60*
49%	*50%*	*59*
48%	*49%*	*58*
47%	*48%*	*57*
46%	*47%*	*56*
45%	*46%*	*55*
44%	*45%*	*54*
43%	*44%*	*53*
42%	*43%*	*52*
41%	*42%*	*51*
40%	*41%*	*50*
0%	*40%*	*0.*

Notwithstanding the preceding sentence, if the current payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's current payment performance level is 50 percent.

"(D) COLLECTIONS ON CHILD SUPPORT ARREARAGES.—

"(i) DETERMINATION OF ARREARAGE PAYMENT PERFORMANCE LEVEL.—The arrearage payment performance level for a State for a fiscal year is equal to the total number of cases under the State plan approved under this part in which payments of past-due child support were received during the fiscal year and part or all of the payments were distributed to the family to whom the past-due child support was owed (or, if all past-due child support owed to the family was, at the time of receipt, subject to an assignment to the State, part or all of the payments were retained by the State) divided by the total number of cases under the State plan in which there is past-due child support, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's arrearage payment performance level is as follows:

"If the arrearage payment performance level is:		***The applicable percentage is:***
At least:	***But less than:***	
80%		*100*
79%	*80%*	*98*
78%	*79%*	*96*
77%	*78%*	*94*
76%	*77%*	*92*
75%	*76%*	*90*
74%	*75%*	*88*
73%	*74%*	*86*
72%	*73%*	*84*
71%	*72%*	*82*
70%	*71%*	*80*
69%	*70%*	*79*
68%	*69%*	*78*
67%	*68%*	*77*
66%	*67%*	*76*
65%	*66%*	*75*
64%	*65%*	*74*
63%	*64%*	*73*
62%	*63%*	*72*
61%	*62%*	*71*
60%	*61%*	*70*
59%	*60%*	*69*
58%	*59%*	*68*
57%	*58%*	*67*
56%	*57%*	*66*
55%	*56%*	*65*
54%	*55%*	*64*
53%	*54%*	*63*
52%	*53%*	*62*
51%	*52%*	*61*
50%	*51%*	*60*
49%	*50%*	*59*
48%	*49%*	*58*
47%	*48%*	*57*
46%	*47%*	*56*
45%	*46%*	*55*
44%	*45%*	*54*
43%	*44%*	*53*
42%	*43%*	*52*
41%	*42%*	*51*
40%	*41%*	*50*
0%	*40%*	*0.*

Notwithstanding the preceding sentence, if the arrearage payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the arrearage payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's arrearage payment performance level is 50 percent.

"(E) COST-EFFECTIVENESS.—

"(i) DETERMINATION OF COST-EFFECTIVENESS PERFORMANCE LEVEL.—The cost-effectiveness performance level for a State for a fiscal year is equal to the total amount collected during the fiscal year under the State plan approved under this part divided by the total amount expended during the fiscal year under the State plan, expressed as a ratio.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's cost-effectiveness performance level is as follows:

"If the cost effectiveness performance level is:		***The applicable percentage is:***
At least:	***But less than:***	
5.00		*100*
4.50	*4.99*	*90*
4.00	*4.50*	*80*
3.50	*4.00*	*70*
3.00	*3.50*	*60*
2.50	*3.00*	*50*
2.00	*2.50*	*40*
0.00	*2.00*	*0.*

"(c) TREATMENT OF INTERSTATE COLLECTIONS.—In computing incentive payments under this section, support which is collected by a State at the request of another State shall be treated as having been collected in full by both States, and any amounts expended by a State in carrying out a special project assisted under section 455(e) shall be excluded.

"(d) ADMINISTRATIVE PROVISIONS.—The amounts of the incentive payments to be made to the States under this section for a fiscal year shall be estimated by the Secretary at or before the beginning of the fiscal year on the basis of the best information available. The Secretary shall make the payments for the fiscal year, on a quarterly basis (with each quarterly payment being made no later than the beginning of the quarter involved), in the amounts so estimated, reduced or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section are deemed obligated.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary governing the calculation of incentive payments under this section, including directions for excluding from the calculations certain closed cases and cases over which the States do not have jurisdiction.

"(f) REINVESTMENT.—A State to which a payment is made under this section shall expend the full amount of the payment to supplement, and not supplant, other funds used by the State—

"(1) to carry out the State plan approved under this part; or

"(2) for any activity (including cost-effective contracts with local agencies) approved by the Secretary, whether or not the expenditures for the activity are eligible for reimbursement under this part, which may contribute to improving the effectiveness or efficiency of the State program operated under this part.".

(b) TRANSITION RULE.—Notwithstanding any other provision of law—

(1) for fiscal year 2000, the Secretary shall reduce by 1/3 the amount otherwise payable to a State under section 458 of the Social Security Act, and shall reduce by 2/3 the amount otherwise payable to a State under section 458A of such Act; and

(2) for fiscal year 2001, the Secretary shall reduce by 2/3 the amount otherwise payable to a State under section 458 of the Social Security Act, and shall reduce by 1/3 the amount otherwise payable to a State under section 458A of such Act.

(c) REGULATIONS.—Within 9 months after the date of the enactment of this section, the Secretary of Health and Human Services shall prescribe regulations governing the implementation of section 458A of the Social Security Act when such section takes effect and the implementation of subsection (b) of this section.

(d) STUDIES.—

(1) GENERAL REVIEW OF NEW INCENTIVE PAYMENT SYSTEM.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of the implementation of the incentive payment system established by section 458A of the Social Security Act, in order to identify the problems and successes of the system.

(B) REPORTS TO THE CONGRESS.—

(i) REPORT ON VARIATIONS IN STATE PERFORMANCE ATTRIBUTABLE TO DEMOGRAPHIC VARIABLES.—Not later than October 1, 2000, the Secretary shall submit to the Congress a report that identifies any demographic or economic variables that account for differences in the performance levels achieved by the States with respect to the performance measures used in the system, and contains the recommendations of the Secretary for such adjustments to the system as may be necessary to ensure that the relative performance of States is measured from a baseline that takes account of any such variables.

(ii) INTERIM REPORT.—Not later than March 1, 2001, the Secretary shall submit to the Congress an interim report that contains the findings of the study required by subparagraph (A).

(iii) FINAL REPORT.—Not later than October 1, 2003, the Secretary shall submit to the Congress a final report that contains the final findings of the study required by subparagraph (A). The report shall include any recommendations for changes in the system that the Secretary determines would improve the operation of the child support enforcement program.

(2) DEVELOPMENT OF MEDICAL SUPPORT INCENTIVE.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in consultation with State directors of programs operated under part D of

title IV of the Social Security Act and representatives of children potentially eligible for medical support, shall develop a performance measure based on the effectiveness of States in establishing and enforcing medical support obligations, and shall make recommendations for the incorporation of the measure, in a revenue neutral manner, into the incentive payment system established by section 458A of the Social Security Act.

(B) REPORT.—Not later than October 1, 1999, the Secretary shall submit to the Congress a report that describes the performance measure and contains the recommendations required by subparagraph (A).

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 658 note) is amended—

(A) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(B) in subsection (c) (as so redesignated)—

(i) by striking paragraph (1) and inserting the following:

"(1) CONFORMING AMENDMENTS TO PRESENT SYSTEM.—The amendments made by subsection (a) of this section shall become effective with respect to a State as of the date the amendments made by section 103(a) (without regard to section 116(a)(2)) first apply to the State."; and

(ii) in paragraph (2), by striking "(c)" and inserting "(b)".

(2) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(f) ELIMINATION OF PREDECESSOR INCENTIVE PAYMENT SYSTEM.—

(1) REPEAL.—Section 458 of the Social Security Act (42 U.S.C. 658) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 458A of the Social Security Act, as added by section 201(a) of this Act, is redesignated as section 458.

(B) Section 455(a)(4)(C)(iii) of such Act (42 U.S.C. 655(a)(4)(C)(iii)), as added by section 101 of this Act, is amended—

(i) by striking "458A(b)(4)" and inserting "458(b)(4)";

(ii) by striking "458A(b)(6)" and inserting "458(b)(6)"; and

(iii) by striking "458A(b)(5)(B)" and inserting "458(b)(5)(B)".

(C) Subsection (d)(1) of this section is amended by striking "458A" and inserting "458".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2001.

(g) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on October 1, 1999.

TITLE III—ADOPTION PROVISIONS

SEC. 301. MORE FLEXIBLE PENALTY PROCEDURE TO BE APPLIED FOR FAILING TO PERMIT INTERJURISDICTIONAL ADOPTION.

(a) CONVERSION OF FUNDING BAN INTO STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; and"; and

(3) by adding at the end the following:

"(23) provides that the State shall not—

"(A) deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or

"(B) fail to grant an opportunity for a fair hearing, as described in paragraph (12), to an individual whose allegation of a violation of subparagraph (A) of this paragraph is denied by the State or not acted upon by the State with reasonable promptness.".

(b) PENALTY FOR NONCOMPLIANCE.—Section 474(d) of such Act (42 U.S.C. 674(d)) is amended in each of paragraphs (1) and (2) by striking "section 471(a)(18)" and inserting "paragraph (18) or (23) of section 471(a)".

(c) CONFORMING AMENDMENT.—Section 474 of such Act (42 U.S.C. 674) is amended by striking subsection (e).

(d) RETROACTIVITY.—The amendments made by this section shall take effect as if included in section 202(b) of the Adoption and Safe Families Act of 1997.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. TECHNICAL CORRECTIONS.

(a) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking "Economic and Educational Opportunities" and inserting "Education and the Workforce".

(b) Section 422(b)(2) of the Social Security Act (42 U.S.C. 622(b)(2)) is amended by striking "under under" and inserting "under".

(c) Section 432(a)(8) of the Social Security Act (42 U.S.C. 632(a)(8)) is amended by adding "; and" at the end.

(d) Section 453(a)(2) of the Social Security Act (42 U.S.C. 653(a)(2)) is amended—

(1) by striking "parentage," and inserting "parentage or";

(2) by striking "or making or enforcing child custody or visitation orders,"; and

(3) in subparagraph (A), by decreasing the indentation of clause (iv) by 2 ems.

(e)(1) Section 5557(b) of the Balanced Budget Act of 1997 (42 U.S.C. 608 note) is amended by adding at the end the following: "The amendment made by section 5536(1)(A) shall not take effect with respect to a State until October 1, 2000, or such earlier date as the State may select.".

(2) The amendment made by paragraph (1) shall take effect as if included in the enactment of section 5557 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 637).

(f) Section 473A(c)(2)(B) of the Social Security Act (42 U.S.C. 673b(c)(2)(B)) is amended—

(1) by striking "November 30, 1997" and inserting "April 30, 1998"; and

(2) by striking "March 1, 1998" and inserting "July 1, 1998".

(g) Section 474(a) of the Social Security Act (42 U.S.C. 674(a)) is amended by striking "(subject to the limitations imposed by subsection (b))".

(h) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C. 1314a) is amended—

(1) in subsection (b)(3)(D), by striking "Energy and"; and

(2) in subsection (d)(4), by striking "(b)(3)(D)" and inserting "(b)(3)".

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order unless printed in the appropriate part of the CONGRESSIONAL RECORD.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT NO. 2 OFFERED BY MR. CARDIN

Mr. CARDIN. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CARDIN:

In the table of contents of the bill, add at the end the following:

TITLE IV—IMMIGRATION PROVISIONS

Sec. 401. Aliens ineligible to receive visas and excluded from admission for nonpayment of child support.
Sec. 402. Effect of nonpayment of child support on establishment of good moral character.
Sec. 403. Authorization to serve legal process in child support cases on certain arriving aliens.
Sec. 404. Authorization to obtain information on child support payments by aliens.

At the end of the bill, add the following:

TITLE IV—IMMIGRATION PROVISIONS

SEC. 401. ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION FOR NONPAYMENT OF CHILD SUPPORT.

(a) IN GENERAL.—Section 212(a)(10) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)) is amended by adding at the end the following:

"(F) NONPAYMENT OF CHILD SUPPORT.—

"(i) IN GENERAL.—Any alien is inadmissible who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in an arrearage exceeding $5,000, until child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.

"(ii) APPLICATION TO PERMANENT RESIDENTS.—Notwithstanding section 101(a)(13)(C), an alien lawfully admitted for permanent residence in the United States who has been absent from the United States for any period of time shall be regarded as seeking an admission into the United States for purposes of this subparagraph.

"(iii) WAIVER AUTHORIZED.—The Attorney General may waive the application of clause (i) in the case of an alien, if the Attorney General—

"(I) has received a request for the waiver from the court or administrative agency having jurisdiction over the judgment, decree, or order obligating the alien to pay child support that is referred to in such clause; and

"(II) determines that the likelihood of the arrearage being eliminated, and all subsequent child support payments timely being made by the alien, would increase substantially if the waiver were granted.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 402. EFFECT OF NONPAYMENT OF CHILD SUPPORT ON ESTABLISHMENT OF GOOD MORAL CHARACTER.

(a) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking the period at the end and inserting "; or"; and

(2) by inserting after paragraph (8) the following:

"(9) one who is legally obligated under a judgment, decree, or order to pay child support (as defined in section 459(i) of the Social Security Act), and whose failure to pay such child support has resulted in any arrearage, unless child support payments under the judgment, decree, or order are satisfied or the alien is in compliance with an approved payment agreement.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to aliens applying for a benefit under the Immigration and Nationality Act on or after 180 days after the date of the enactment of this Act.

SEC. 403. AUTHORIZATION TO SERVE LEGAL PROCESS IN CHILD SUPPORT CASES ON CERTAIN ARRIVING ALIENS.

(a) IN GENERAL.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1225(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO SERVE PROCESS IN CHILD SUPPORT CASES.—

"(A) IN GENERAL.—To the extent consistent with State law, immigration officers are authorized to serve on any alien who is an applicant for admission to the United States legal process with respect to any action to enforce or establish a legal obligation of an individual to pay child support (as defined in section 459(i) of the Social Security Act).

"(B) DEFINITION.—For purposes of subparagraph (A), the term 'legal process' means any writ, order, summons or other similar process, which is issued by—

"(i) a court or an administrative agency of competent jurisdiction in any State, territory, or possession of the United States; or

"(ii) an authorized official pursuant to an order of such a court or agency or pursuant to State or local law.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to aliens applying for admission to the United States on or after 180 days after the date of the enactment of this Act.

SEC. 404. AUTHORIZATION TO OBTAIN INFORMATION ON CHILD SUPPORT PAYMENTS BY ALIENS.

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended by adding at the end the following:

"(4) PROVISION TO ATTORNEY GENERAL AND SECRETARY OF STATE OF INFORMATION ON PERSONS DELINQUENT IN CHILD SUPPORT PAYMENTS.—On request by the Attorney General or the Secretary of State, the Secretary of Health and Human Services shall provide the requestor with such information as the Secretary of Health and Human Services determines may aid them in determining whether an alien is delinquent in the payment of child support.".

Amend the title so as to read: "A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.".

Mr. CARDIN. Madam Chairman, first I would like to thank the gentleman from Florida (Mr. SHAW) and the gentleman from Michigan (Mr. LEVIN) and the staff of the Committee on Ways and Means and also the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), as well as the administration in helping to craft the amendment that I offer. This matter was brought to my attention by a constituent who was trying to collect child support from a foreign national. The foreign national came to our country regularly as a businessperson making considerable money off of his business ventures here in the United States. My constituent was unable to collect child support because there was no effective way of collecting child support from that foreign national. The amendment before my colleagues would correct that circumstance. It would deny a visa or a reentry to a noncustodial parent, foreign national, that is $5,000 or more in arrears in child support. It would also deny naturalization if the person is in noncompliance with a valid child support order. Lastly, the amendment would give new authority for the service of summons and court orders at our borders for foreign nationals.

Madam Chairman, this particular amendment would place a foreign national in a comparable position as we place our own citizens. If an American is $5,000 or more in arrears in child support, we deny our citizen the right to have a passport. The least we can do for foreign nationals is treat them likewise and deny them the ability to enter our country. For Americans we also deny driver's licenses and other professional certificates. I would urge my colleagues to support this amendment in order that we provide comparable abilities for enforcing child support orders by foreign nationals.

Mr. SHAW. Madam Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Florida.

□ 1245

Mr. SHAW. Madam Chairman, I thank the gentleman for yielding, and I thank the gentleman for offering this amendment.

Madam Chairman, this amendment is strictly within the spirit of this legislation and what we are trying to accomplish. I compliment the gentleman from Maryland (Mr. CARDIN) for bringing this to our attention, and I vigorously support his amendment.

Mr. CARDIN. Madam Chairman, reclaiming my time, I want to thank the gentleman from Florida (Mr. SHAW) for his help in developing this amendment and bringing this matter forward.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. CARDIN).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILMAN) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3130) to provide for alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, pursuant to House Resolution 378, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 1, not voting 15, as follows:

[Roll No. 39]

AYES—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)

Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—15

Bilirakis
Dingell
Doolittle
Ganske
Gonzalez
Harman
Kilpatrick
Klink
Luther
McDermott
Poshard
Quinn
Schiff
Shimkus
Thomas

☐ 1314

Mr. NADLER changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to a death in my family, I regret that I was unable to vote after 3:00 pm yesterday. If I had been present, I would have voted Nay on Roll Call Number 28; Yea on Roll Call Number 29, Yea on Roll Call Number 30; Present on Roll Call Number 31; Nay on Roll Call Number 32; Nay on Roll Call Number 33; Nay on Roll Call Number 34; Nay on Roll Call Number 35; Yea on Roll Call Number 36; and Yea on Roll Call Number 37, final passage of the U.S.-Puerto Rico Political Status Act.

Also, I would have voted "Yea" on final passage of H.R. 3130, the Child Support Performance and Incentive Act, and "Yea" on final passage of H.R. 2369, the Wireless Privacy Enhancement Act.

PERSONAL EXPLANATION

Mr. McDERMOTT. Madam Speaker, on rollcall No. 39 I was unavoidably detained at the White House meeting with the President on the Medicare Commission. Had I been present, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3130, CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Mr. SHAW. Madam Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3130, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. SHAW. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3130, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Madam Speaker, I request this time in order to inquire of the leader as to the schedule for the coming week.

Mr. ARMEY. Madam Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Madam Speaker, I am pleased to announce that we have finished legislative business for the week.

The House will reconvene at 2 p.m. on Monday, March 9 for a pro forma session.

On Tuesday, March 10, the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. We will consider two suspensions: H. Con. Res. 206, a resolution to permit the use of the Capitol Rotunda for a ceremony to remember the victims of the Holocaust; and possibly S. 419, the Birth Defects Prevention Act of 1997. Any recorded votes on these suspensions will be postponed until 5 p.m. on Tuesday, March 10.

On Wednesday and Thursday, March 11 and 12, the House will meet at 10 a.m. to consider the following legislation: H.R. 1432, the African Growth and Opportunity Act; H.R. 2883, the Government Performance and Results Act Technical Amendments of 1997; and H.R. 992, a bill to amend the Tucker Act.

Madam Speaker, we hope to conclude legislative business for the week by 6 p.m. on Thursday, March 12.

There will be no legislative business and no votes on Friday, March 13.

TRIBUTE TO ROBERT "BOB" CHILDS

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Madam Speaker, I would like to take a moment to speak about one of our House's more dedicated employees. Today I would like to acknowledge the career of Bob Childs, who recently left us for retirement after 37 years' work on Capitol Hill.

Bob came to government service in 1960 in the electrical engineering department under the Architect of the Capitol to work on the inauguration of President Kennedy.

In 1961 he assisted in wiring the House for sound. Due in large measure to his efforts, our voices ring loud and clear through this Chamber to this very day.

Early in 1970 Bob worked on the Senate's very first sound system, and in 1973 became the supervisor for the sound systems of both Chambers.

In 1976 Bob participated in the design and installation of our present sound system here in the House, while maintaining supervisory responsibility for its overall operation and for the TV lighting in the Chamber for all joint sessions. It is worth noting that Bob's schedule often required him to arrive at 7 a.m. and to remain on duty until the session ended after special orders.

During his 37 years on the Hill, Bob accumulated a wealth of knowledge as to how this institution functioned in terms of both the legislative process and behind the scenes operations which support our legislative efforts here. His eagerness to share his knowledge, combined with the skill and integrity always present in carrying out his duties, leaves us at a loss on many levels. He can easily be classified as a resource, and we know all too well that a resource is rarely appreciated until it is no longer available. But in Bob's case, we want to let him know how much he have meant to us in this institution and to convey our thanks for a job well done for 37 years.

In closing, it is important to us that Bob realize how special his contributions have been and that wherever retirement takes him and Nancy, to Myrtle Beach, to Cape May, to the Maryland or Delaware coast, we hope that his path will from time to time lead back to us.

Madam Speaker, we say to Bob, "Good-bye, good luck and God Bless you."

Mr. FAZIO of California. Madam Speaker, if the gentleman will yield, I would like to add the minority's accolades to Bob Childs and express our appreciation to the leader for highlighting his service to our institution.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE THE BILL S. 104, NUCLEAR WASTE POLICY ACT OF 1982

Mr. ENSIGN. Madam Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 379) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 379

Resolved, That the bill of the Senate (S. 104) to amend the Nuclear Waste Policy Act of 1982, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The CHAIRMAN. The resolution constitutes a question of the privileges of the House under rule IX.

The gentleman from Nevada (Mr. ENSIGN) and the gentleman from Maryland (Mr. CARDIN) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Nevada (Mr. ENSIGN).

Mr. ENSIGN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am joined by the gentleman from Nevada (Mr. GIBBONS) here today in support of this resolution.

This resolution is necessary to return to the Senate the bill S. 104, the Nuclear Waste Policy Act of 1997. S. 104 contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. It would repeal a revenue provision and replace it with a user fee.

The Nuclear Waste Policy Act of 1982 imposes a fee of one mill per kilowatt hour on electricity generated by nuclear energy. S. 104 would repeal this fee and replace it with a new fee that would be limited to the amounts appropriated for nuclear waste disposal.

The current one mill per kilowatt hour fee is unquestionably a revenue measure. Regardless of the stated intent of the fee, the amount of fee proceeds collected have greatly exceeded costs. The fee is being used to raise revenue to finance the Federal Government generally.

Therefore, the Senate bill, by repealing what is in effect a tax, constitutes a revenue bill. The provision would have a direct effect on Federal revenues. The proposed change is "revenue affecting" and therefore constitutes a revenue measure in the constitutional sense. Accordingly, I am asking that the House insist on its constitutional prerogatives.

Madam Speaker, I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. The proposed action today is procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Madam Speaker, I reserve the balance of my time.

Mr. CARDIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution. The Constitution places the responsibility of initiating revenue measures in the House of Representatives. This resolution merely preserves the prerogatives and responsibility of the House.

S. 104, as noted, would contravene the constitutional restriction since it would repeal a present-law revenue measure and create a user fee.

It is my understanding that today's action will have no effect on efforts to move nuclear waste legislation since the House has already passed legislation to address this issue.

Madam Speaker, I yield back the balance of my time.

Mr. ENSIGN. Madam Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADVISING MEMBERS OF PUBLIC HEARING OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Madam Speaker, I rise today to advise Members of the House that the House Permanent Select Committee on Intelligence has scheduled a public hearing at 3 p.m. on Monday, March 16, 1998. This hearing has been arranged so the committee may take testimony about the report of the Inspector General of the CIA regarding allegations that the CIA was somehow involved with the spread of crack cocaine to California during the 1980s.

As Members know, since the publication in August of 1996 of a series of articles in the San Jose Mercury News, our committee has been conducting an oversight investigation into the validity of the very serious allegations made by those news stories. This public hearing is an important step in that process.

We have invited the CIA's Inspector General, Mr. Fred Hitz, to discuss his investigation and to walk us through the conclusions in his report, which has been available to the public since the end of January.

In addition, I wish to inform Members who have an interest in this subject and who may wish to comment on the IG's report that they are welcome to testify before the subcommittee on March 16. Members wishing to avail themselves of this opportunity should contact the committee as soon as possible so proper arrangements can be made.

ADJOURNMENT TO MONDAY, MARCH 9, 1998

Mr. GOSS. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 10, 1998

Mr. GOSS. Madam Speaker, I ask unanimous consent that when the House adjourns on Monday, March 9, 1998, it adjourn to meet at 12:30 p.m. on Tuesday, March 10, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WELLER. Mr. Speaker, let me explain why enactment of the Marriage Tax Elimination Act is so important with a series of questions. Do Americans feel that it is fair that our Tax Code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million married working couples pay $1,400 more in taxes than identical couples with identical incomes living together outside of marriage? Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced? Clearly it is unfair and it is wrong. Twenty-one million Americans paying $1,400 more just because they are married. On the south side of Chicago in the south suburbs, $1,400 is one year's tuition at a local community college, 3 months of child care at a local day care center, several months' worth of car payments. The Marriage Tax Elimination Act now has 238 bipartisan cosponsors. It would immediately eliminate the marriage tax penalty. The marriage tax penalty is not only unfair, it is wrong. Let us eliminate the marriage tax penalty and do it now.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46–48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these question: Do Americans feel its fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel its fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our tax code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our tax code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School teacher	Couple
Adjusted gross income	$30,500	$30,500	$61,000
Less personal exemption and standard deduction	6,550	6,550	11,800
Taxable income	23,950	23,950	49,200
Tax liability	3,592.50	3,592.50	8,563
Marriage penalty			1,378

But if they choose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1,400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Everyday we got closer to April 15th more married couples will be realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of a down payment on a house or a car, one years tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Elimination Act.

It would allow married couples a choice in filing their income taxes, either jointly or as individuals—which ever way lets them keep more of their own money.

Our bill already has the bipartisan cosponsorship of 232 Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union address when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government. But there certainly is for reforming the existing way government does business. And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentleman, we are on the verge of running a surplus. It's basic math. It means Americans are already paying more than is needed for government to do the job we expect of it. What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty . . . a bipartisan priority. Of all the challenges married couples face in providing home and hearth to America's children, the U.S. tax code should not be one of them.

Lets eliminate The Marriage Tax Penalty and do it now!

WHICH IS BETTER?

The President's Proposal to expand the child care tax credit will pay for only 2 to 3 weeks of child care. The *Weller-McIntosh Marriage Tax Elimination Act HR 2456*, will allow married couples to pay for 3 months of child care.

Which Is Better, 3 Weeks Or 3 Months?

CHILD CARE OPTIONS UNDER THE MARRIAGE TAX ELIMINATION ACT

	Average tax relief	Average weekly day care cost	Weeks day care
Marriage Tax Elimination Act	$1,400	$127	11
President's child care tax credit	358	127	2.8

□ 1330

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. EMERSON). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRAGEDY IN SARASOTA, FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Madam Speaker, it is with great sorrow that I rise today to describe to my colleagues a tragedy which occurred in my congressional district of Florida. On the afternoon of November 7, 1997, in Sarasota, Florida, a 13-year-old girl returned home to discover the body of her mother, Sheila Bellush, on the kitchen floor. Bellush, a mother of six, including 2-year old quadruplets, had been brutally murdered. Her throat was slashed and she was shot in the head. When her body was found, her quadruplets were crawling next to her in her blood.

The trail of evidence immediately led to Jose Luis Del Toro, a United States citizen born and raised in Texas. Del Toro fled to Mexico where he was captured on November 20th.

I would like to share with Members, Mr. Speaker, an excerpt from a message sent to me by my constituents Paul and Anita Marshall: "Both my wife Anita and I are constituents of yours residing in North Port, Florida. We are also full-time law enforcement officers. Recently I responded to the Bellush murder scene and had a first-hand account of this brutal crime. Having been in law enforcement for 19 years, this was the most brutal. of crimes I have ever seen."

Now, Del Toro has been captured. This should have been an open-and-shut case. Del Toro should have been quickly deported for illegal entry and quickly returned to Florida to stand trial for murder. However, when Mexican officials learned of the charges against Del Toro, they refused to simply deport him and instead started lengthy extradition procedures and declared Del Toro would not be returned unless the United States waived the death penalty.

The Sarasota community I represent was outraged, and rightfully so. This move by Mexico is an obstruction of the United States judicial process. It is a violation of U.S. sovereignty, and it is an abomination that we allow this to happen.

This was a United States citizen who was accused of committing a heinous crime against another United States citizen on United States soil, and Mexico apparently feels that it can step right in and prevent this murderer from being brought to justice. I am offended by the arrogance of any Nation that seeks to dictate to the United States what United States judicial policy should be.

Mr. and Mrs. Marshall, my constituents from North Port, continued on in their correspondence: "How can Mexico dictate what judicial action should be taken in our country, especially after all the financial aid and other assistance we have given Mexico over the years?"

I would like to ask the same question. The answer is amazing. The United States actually grants Mexico the right to interfere with our judicial system in this manner. The U.S.-Mexico Extradition Treaty of 1978 allows Mexico the right to deny extradition if the individual in question may be subject to the death penalty upon return.

I believe this is a dangerous policy with a bordering country where murderers can drive across the border within hours of committing a crime. This is why I am introducing a resolution calling for the administration to renegotiate our extradition treaty with Mexico. I ask my colleagues to join with me and support this resolution.

IMMORALITY AND HIGH CRIMES AND MISDEMEANORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Madam Speaker, many constituents have called on me to condemn President Clinton or to condemn former Judge Kenneth Starr. Many are convinced that the President has not been honest in his disavowals of indecent behavior, and it is time for others in public life to demand a fuller explanation from him. Many others are convinced that the recent allegations about the President are irrelevant to his performance in office or his right to stay in office and should be dropped.

It is wrong for the President of the United States to have sexual relations with a White House intern. It is wrong even if she consented. It is wrong because the President is married. It is wrong because the concept of consent is strained between persons of such differing persons of power. It is wrong because sex outside of marriage is wrong. It is wrong to lie about all of these matters. It is wrong to ask, induce or threaten others to lie about them as well.

Not everything that is wrong is illegal. Not everything that is illegal should be grounds for impeachment. For example, taking God's name in vain is wrong. A law to punish it, however, would violate the first amendment, and it is inconceivable that we would impeach a President for blasphemy, no matter how flagrant.

In addition, our country has rules to protect all of us, and we are all better off for those rules' existence. Foremost among these rules is that we demand proof of wrongdoing. Not simply in criminal wrong, but also in our daily judgments of each other, it is wise and good to require proof rather than to operate on a presumption of guilt, fueled by rumor.

President Clinton has asserted his innocence to every allegation listed above. There may be reason to doubt his denials, devoid as they are of any explanation for the questionable conduct. But there is also a process to follow to ensure that no one's reputation, let alone a President's tenure in office, be jeopardized lightly.

To defend his character, however, President Clinton does owe all of us a complete explanation. It is simply not true that rules of court prohibit him from comment. They do not. It is his choice alone that keeps him from comment.

It still is quite a further matter, however, to find in all of this evidence of a crime or of an impeachable offense. Herein lies the confusion. Former Judge Kenneth Starr appears to be investigating the lurid using means we usually reserve for investigating organized crime suspects. What he is attempting, I suspect, is to develop a case of the President inducing witnesses like Webb Hubbell to lie or be uncooperative in the Whitewater matter, and by showing the President to be doing so in the Paula Jones matter, he hopes to have a more convincing case. But more convincing to whom?

Judge Starr has announced he will not be seeking to indict the President criminally, pledging instead to turn over whatever evidence of impeachable evidence of impeachable offenses he may find to the House Committee on the Judiciary. That committee, however, can carry on its own investigation. It exists constitutionally apart from any special counsel. It predates the special counsel by almost 200 years.

Insofar as the President's own behavior is at issue, therefore, it is time to move from Judge Starr's forum to the

House Committee on the Judiciary, after a reasonable but short time to allow Judge Starr to do so in an orderly fashion. All matters presently pending before other committees of Congress relating to grounds of impeachment of President Clinton should also be consolidated before the House Committee on the Judiciary. These other committees and Judge Starr himself may continue investigations into the potential wrongdoing of others. Indeed, Judge Starr has already won 13 convictions or guilty pleas.

I fully expect to follow the work of the Committee on the Judiciary with great care and, if the evidence warrants it, to vote to impeach President Clinton. I would be prepared to do so on the merits, whether the economy is doing well or doing poorly. I urge this action in the alternative hope that if the President is deserving of impeachment, the process might start sufficiently soon to allow for the speedy removal of office of one unworthy of it, or in the alternative, if the President is not deserving of impeachment, that the President be freed from the strains attendant upon the several continuing investigations.

As to the President's personal reputation, I am very sad. If he continues to refuse to volunteer a more credible defense than his simple denial, then he risks becoming an object of ridicule, trivializing himself and much that he seeks to accomplish in his remaining years in office. He has already lost much credibility, and that is not because of any actions of Judge Starr. He has lost credibility because he has minced words time after time in denying what is accused while refusing to say what did happen.

It may turn out that the President did act immorally on many occasions and seemingly without remorse. And yes, this does matter to his official functions. Lying comes easier with practice. Viewing a subordinate employee as an object for one's own gratifications dehumanizes both persons. But the authority of private judgment, the sense of regret of our country might remain as the public matter goes to the Committee on the Judiciary.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Member must avoid personal references to the President of the United States in debate.

TRIBUTE TO WAYNE FOWLER

(Mrs. FOWLER asked and was given permission to address the House for 1 minute.)

Mrs. FOWLER. Madam Speaker, I rise today to pay tribute to a dear friend and now former employee of this great institution, Wayne Fowler. We all have two families when we come here, one back home and the one we make here. I am proud to include Wayne in my family here in this House. It makes it all the easier that we coincidentally share the same last name.

When I first met Wayne, we became fast friends. We had so much in common besides the Fowler name. Wayne is a native of the State that I now represent. We both attended college in Georgia and found our way to careers on Capitol Hill. While I was serving as a legislative assistant to Georgia Congressman Robert Stephens in the late 1960s, Wayne was serving as an LA to Florida Congressman Don Fuqua. Prior to that Wayne worked for Congressman Charlie Bennett, the Member whom I succeeded in 1992.

Wayne and I both left the Hill for a while, only to be drawn back by our mutual interest in public service. Wayne served this House for 32 years, 22 of these right here at this rostrum in the House. As he begins his much deserved retirement, I want to wish him well and thank him on behalf of a grateful Congress. He is already missed.

IN CELEBRATION OF WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to acknowledge my colleague who spoke earlier on this whole issue of Ken Starr and the President. I thank him for his balance.

Let me say that I associate myself with the sense of his remarks that none of us should be acting precipitously. As a Member of the House Committee on the Judiciary, I have repeatedly stated that this is a time for facts, measured efforts, full investigations and the cessation of accusations. I hope my colleague on the other side of the aisle would likewise join me in these comments, for, as a member of the Committee on the Judiciary, it seems even to me that calls for impeachment and impeachment proceedings may themselves be precipitous.

I rose today to celebrate a very important occasion this month as we begin to celebrate women's history month. That is my pride in the announcement today by the President of the United States along with Ms. Hillary Rodham Clinton and Dan Goldin, NASA Administrator, of the selection of Colonel Eileen Collins to be the first commander of the space shuttle and NASA where she is located in Johnson Space Center in Houston, Texas. As a Congresswoman from Houston and a member of the House Committee on Science, I cannot tell Members what an important day this was for those of us who believe in the opportunities for women, wherever their preparedness and their abilities may take them.

□ 1345

As a member of the House Committee on Science, I was greatly concerned at the recent national study that showed that our children, no matter who they were, were not competitive internationally with math and science. How wonderful it was to hear Colonel Eileen Collins salute her parents as her first teachers and her love for math and science. How wonderful it was for her to be able to say to me how she would enthusiastically join me in visiting some of my schools in order to share herself as a role model in explaining to young people the value of math and science.

Another special note that Colonel Collins started out in community college, which says to all Americans in support of the President's efforts to ensure that every American has a chance, an opportunity for higher education, and that they can be successful and can start in their community college systems where they can go for free under new legislation we just passed.

So, Mr. Speaker, I am delighted to support Eileen Collins and say we have important issues before us, and that is why, as I close, that I want to say that the Children's Congressional Caucus will be dealing with the question of mental illness that impacts our children. I think no child should be left out. And what we want to do is to focus our attention on ensuring that any child who has a diagnosed behavioral emotional problem is not cast aside and it is said, well, they cannot be anything. Our hearing will focus on enhancing the resources, accessibility to resources, and helping those parents who are trying to help their children.

This has been a combination of issues, but I think they match each other, one by starting out and saying let us get the facts regarding the leadership of this Nation; let us salute a woman who is already a leader, who will lead us into space; and let us not forget our children, those who may be thought of as castaways, and let us make sure we provide all the resources we can give to our children to make them the very best in this Nation. Let us not be spendthrifts or cut the dollars where we need them in order to help our children.

INTRODUCTION OF PARENTAL FREEDOM OF INFORMATION ACT

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, recent news reports reflect that American children are not doing very well in math and science when compared to other countries. This is not good news, especially when we think of how well Americans will compete in the future. Our world is becoming more and more technological and we rely on math and science every day, and so when we see this lack of an ability to compete, we should all be concerned.

Now the solution to this problem is not simple; it is a multifaceted solution that is needed. But today I want to focus on one of the facets: getting parents involved in the education process.

Today there are barriers in place, obstacles that keep parents from becoming involved. Teachers and principals have told me that when parents are involved with their children's education, the kids do better and the schools are stronger. So, Mr. Speaker, I have submitted legislation to encourage parental involvement by ensuring that parents have access to their children's public school records. I believe an informed parent is an involved parent, an involved parent in their child's education.

The Parental Freedom of Information Act is based on the need to provide active involved parents with information that is vital for them to exercise their right to guide the upbringing of their children. The rationale for this legislation derives from an alarming number of recent cases in which the rights of parents have been ignored and they have had to go to court to secure the basic information which the Parental Freedom of Information Act provides for.

The current hodgepodge of State and Federal laws and legal precedents simply does not provide parents of public school children with a clear-cut right to access information regarding the content of the education their children are receiving.

The Parental Freedom of Information Act will amend the 1974 Family Education Rights and Privacy Act, called FERPA, and strengthen the right of parents of elementary and secondary public school students by guaranteeing parents access to the curriculum their children are exposed to. This includes textbooks, audiovisual materials, manuals, journals, films and any supplementary materials. It will provide access to testing materials administered to their children. It will also require parental consent prior to any student being required to undergo medical, psychological or psychiatric examination, testing or treatment at school, except for emergency care.

Now, this provision does not apply to children who voluntarily wish to meet with a school counselor or visit the nurse's office for medical assistance and services.

The Parental Freedom of Information Act will withhold Federal funds from educational institutions which deny parents access to this information. In addition, the act will allow parents to seek judicial relief and recoup legal costs when their access to this information is denied.

This is an important new enforcement device placed directly in the hands of parents. The Parental Freedom of Information Act in no way seeks to influence the content of curriculum or tests. It simply guarantees that parents have access to the basic information which they must be aware of if they are going to become actively engaged in the education of their child.

The need for the enactment of the Parental Freedom of Information Act is seen when considering some of the following situations: Parents in California were forced to go to court to obtain copies of the curriculum in their sons' decision-making class. The parents believed that the class actually involved a number of family issues and were trying to decide whether they would attempt to remove their two sons from this class.

In the State of Texas, a mandatory test was administered by the Texas Education Agency and they refused to allow parents to view the test even after it was given. Officials claimed their test was secure or secret, and they would not even allow teachers and administrators or school board members to review the test.

In my own experience as a member of the State's Senate Education Committee in Kansas, I requested to review a State standard assessment test. After initially being denied access to the test, eventually I was allowed to see what other taxpaying parents were denied. I discovered in a junior high reading comprehension test a story of a junior high girl who developed a relationship with the statue of a crow. In this story the crow becomes the girl's spiritual guide.

This was offensive to most all parents in the State of Kansas. It did not reflect community standards, yet every junior high student in Kansas was going to be subjected to such a wrong philosophy. Fortunately, because of my position on the State's Senate Education Committee, the story was changed and there were other wonderful alternatives, stories about the history of Kansas or the history of America, yet they were overlooked to purport such a wrong philosophy.

Mr. Speaker, that is why I encourage all of my colleagues to support the Parental Freedom of Information Act.

ASIAN TRADE REFORM IMPLEMENTATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise today to urge my colleagues' support for legislation I introduced to increase fairness in international trade.

As my record shows, I am a strong advocate of fair trade and expanding markets for American products. Our sound economy is due largely to our commitment to open trade. This open trade has led to global competition, which, in turn, has improved our productivity and our efficiency.

We are all painfully aware of the economic crisis in Asia. We will likely have a spirited debate on what the United States should do to help out our troubled allies and trading partners in that region. Regardless of whether we vote to use more American money to replenish IMF accounts, we are already the largest contributor to the fund. As such, it is our obligation to speak up for what is right.

My bill does not focus on what role the United States should have in the Asian recovery. My bill is focused on what the Asians should do to help themselves by upholding their trade reform commitments and ensuring fair trade. Many of the so-called Asian tigers have enjoyed dramatic growth by focusing on exports.

They have insulated their markets from foreign competition and often subsidized their exports to undercut the world price. This lack of real competition has weakened their domestic economies to the breaking point.

As the world struggles to deal with the Asian crisis, we ought to take responsibility as the world leader in trade and democracy. The bill I have introduced would use our voice and vote as the IMF, the World Bank, and the Asian Development Bank to insist that promised marketing-opening reforms are carried out in Asia.

For too long we have been shut out of these growing markets. For too long we have faced Asian goods unfairly dumped into our markets, hurting our factories and our workers.

Now is the time to make the changes that will help. We can help our workers and businesses by requiring that the Asians allow fair trade, and fair markets, for U.S. goods.

I urge my colleagues to support the Asian Trade Reform Implementation Act. It will send a strong and firm message to Asia: Open up your doors to U.S. products.

HOMELESS VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, from the first bullet fired at Lexington to the jungles of Vietnam and the sand dunes of the Persian Gulf, this Nation has asked its citizens to step forward and defend the ideals and principles upon which representative self-government is founded.

Those who responded honorably to this summons have earned the privilege to be considered veterans. Their courage is not only measured in battle, but by their willingness to leave their homes, families, and their dreams behind and fight in defense of these principles.

Many of our citizens have paid the ultimate price in Europe, Korea, Vietnam, and the Persian Gulf. For some, the battle continues as they try to deal physically, emotionally, and mentally with scars that will not heal. Many have turned to drugs and alcohol for solace while others still suffer from posttraumatic stress disorder.

To these veterans, our Nation owes gratitude and respect, but words are simply not enough to convey this message. Our actions must speak louder than our words. We must continue our commitment to our veterans.

One area where improvements are needed is the housing and shelter for homeless veterans. Last year, I introduced legislation to address the plight of homeless veterans. H.R. 1754, the Robert Stodola Homeless Veteran Assistance Act, will require a 20 percent set-aside for homeless veterans under the Stewart McKinney Act program. For far too long, our veterans have not received adequate funding and services to help them transition back into mainstream society.

Earlier this week, we passed H.R. 217, the Homeless Housing Programs Consolidation and Flexibility Act. This legislation will consolidate current homeless programs and create two new block grants. The goal of this legislation is to give local communities greater flexibility in developing a wholistic plan to assist our homeless population.

H.R. 217 also includes an amendment that I offered with the gentleman from Massachusetts (Mr. KENNEDY). This amendment will give veteran advocacy groups an opportunity to participate in the local advisory boards as they coordinate a community homeless plan. In addition, homeless veterans will be considered a special needs population, making them a targeted population for housing programs and services.

Lastly, the Department of Housing and Urban Development will begin reporting data on homeless veterans in both the pre-grant application process and the post-grant reporting process. All grantees will provide information on the number of homeless individuals, including veterans, and how they plan to help them. This is a small but significant step in an effort to help our veterans. I would like to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAZIO) for supporting my amendment.

In conclusion, I want to share with my colleagues the life of Robert Stodola, the veteran after whom the legislation is named. He was a veteran of the U.S. Army. He moved to Whatcom County in the early 1980s.

On February 1, 1992, he was living in his Pinto station wagon near Nugents Corner on the Nooksack River. Two 19-year-old men needed money and, as reported in the Bellingham Herald, planned to roll the old man.

Armed with a baseball bat and tire iron, the two assailants beat Robert Stodola and stole approximately $4. They stole $4. After he was stabbed several times in the back, he was dumped into the river where, according to an autopsy, he drowned.

This legislation is a reminder to all Americans of the plight faced by homeless veterans. The veteran provisions in H.R. 217 will help get homeless veterans off the streets and into recovery.

If we are willing to summon our young people to battle, let us also be willing to provide housing, health care, and security for those who return.

□ 1400

INTRODUCTION OF RESOLUTION DISAPPROVING PRESIDENT'S CERTIFICATION OF MEXICO AS COOPERATING FULLY IN WAR ON DRUGS

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House this afternoon to ask for support and cosponsorship of House Joint Resolution 114. This is a resolution that has been introduced by myself and the gentleman from Florida (Mr. SHAW) that would decertify Mexico.

Most people are not familiar with the certification process. The certification process is a good process that does certify through our State Department whether or not individual countries are making progress in ending drug production and illegal drug trafficking. That certification is made. Once it is made, a country becomes eligible for benefits of the United States Government, benefits such as foreign aid, financial assistance, trade benefits and military assistance. It is a simple law and it does work and it does put pressure on countries who want these benefits of the United States to take action to stop illegal drug trafficking and production.

We do not believe that Mexico has made progress in stopping the wave of illegal drugs coming into this country. Unfortunately, last week the Clinton administration certified Mexico that they are making progress.

I ask my colleagues, is this progress? Let me cite the facts about Mexico:

Seventy percent of the hard drugs entering the United States come in through Mexico. That was the statistic provided to my national security subcommittee a year ago and it is the statistic today. A wave of heroin, a wave of cocaine, a wave of methamphetamines and illegal hard designer drugs are coming into this country and affecting our youth, our schools, our cities and our streets.

Mexico has failed to extradite a single drug kingpin trafficker to the United States to stand trial.

The facts are that Mexico has failed to adopt a maritime narcotics agreement with the United States.

The facts are that the United States drug enforcement chief, the chief of our DEA, Tom Constantine recommended against certification of Mexico according to the Washington Post. Let me quote what he said in a confidential assessment by the Drug Enforcement Administration. It says that the country has had a continued impunity to arrest or to detain the country's biggest drug traffickers.

Let me quote. During the past year, the analysis reads, the government of Mexico has not accomplished its counternarcotics goal or succeeded in cooperation with the United States Government. The level of drug corruption in Mexico continues unabated. This is from the director of our United States Drug Enforcement Agency.

The Mexican government is involved in corruption from the street level to its highest offices and ministries.

Mexico has refused to authorize United States law enforcement agents to carry weapons for their own protection.

The scope of Mexican drug trafficking has increased significantly. This is not just my opinion, this is also the opinion of our Drug Enforcement Agency.

Again heroin, cocaine, methamphetamine continue to enter the United States in unprecedented quantities.

Let me tell my colleagues what this tidal wave of drugs is doing. We have 2 million Americans in prison. I am told that nearly 80 percent of those who are incarcerated in the jails and prisons of the United States are there because of their relationship to drugs, drug abuse or a drug-related crime. Heroin, cocaine and methamphetamine use by our youth has skyrocketed. We must decertify Mexico. I ask for Members' cosponsorship of this joint resolution.

SALUTE TO ROCKY FORD, COLORADO AND THE BOETTCHER FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, Rocky Ford, Colorado is one of the greatest places on earth. Rarely do great families, prosperous entrepreneurs, genuine leaders and abundant agriculture coexist in such prodigious proportions as they do in Rocky Ford.

Rocky Ford was doubly blessed recently to receive an important private grant which promises to move a significant community project closer to completion. The objective of my remarks is to highlight this event and the people of Rocky Ford and to further call the Nation's attention to this great city and to the foundation which has made the municipality even greater.

Mr. Speaker, I rise today to congratulate Colorado's Boettcher Foundation, which has consistently improved the lives of Colorado's residents through grants for community projects and scholarships for students. The State of Colorado has clearly benefited by the work of the fine men and women of the organization and we all owe them a great debt of thanks. Today along with my constituents in Rocky Ford, I applaud the foundation specifically for its generous gift to the city and its people of funds to expand the Rocky Ford community center.

The funds donated to the city have allowed for a very special addition to the center. In order to complete the project, the city submitted a proposal and now that it has been approved, the grant will be sufficient to complete the new center, joining the new and old centers via a construction passageway. I join the city of Rocky Ford in extending our warmest thanks to the Boettcher Foundation.

Furthermore, I would like to offer my thanks to the Boettcher Foundation as a whole. The grant awarded my constituents in Rocky Ford is one of many that have aided projects across the State. Thanks to the foundation, dozens of Colorado programs serving thousands of its citizens have received funding. These programs range from athletic opportunities for disabled youth to housing services to community buildings. Every corner of our great State has at some point been aided by the helping hand of the Boettcher Foundation. We are all the better for it.

As we recognize the Boettcher Foundation and its many contributions, let us remember that it is individuals and groups such as this one that cause America to thrive. Their generosity and good deeds are a credit to the State of Colorado and to the Nation.

Again, Mr. Speaker, congratulations to the good people of Rocky Ford and our friends at the Boettcher Foundation.

FEDERAL COMMITMENT FOR PUBLIC EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, today all over America our schools are inadequate, overcrowded and literally falling down. In Miami students learn to read and write in temporary trailers. Here in our Nation's capital, schools have been closed for violating the fire code. In New York City, students dodge falling plaster and attend class in hallways and cafeterias. It is really extraordinary to me after having visited so many of the schools in the metropolitan region of New York that in the United States of America youngsters go to school with plastic actually holding up the ceiling. This, in the most prosperous and advanced Nation in the world. It just does not make any sense.

A 1996 GAO report confirmed the worst. Record numbers of school buildings across America are in disrepair. One-third of all schools serving 14 million students need extensive repairs. About 60 percent of schools need to have roofs, walls or floors fixed. With school enrollment skyrocketing, this problem will only get worse. It is time for the Federal Government to act. This is a local problem that demands a national response. Our school modernization bond proposal will allocate $19.4 billion for zero interest bonds to fix old schools and build new ones all across the Nation. This is absolutely an essential idea that is creating a partnership between the Federal, State and local governments. The Federal Government should not assume the total responsibility, but we have an obligation to build that partnership. If the Federal Government can help States build prisons and roads, then certainly they should be able to help build schools.

Just look at some of the numbers. Due to the baby boom echo, the children of baby boomers filling the schools, particularly the high schools across the country are once again bulging with students. The demand for school facilities will continue to be high. School enrollment is projected to continue to climb over the next several years, growing from 52.2 million in the 1997–98 school year to 54.3 million by the year 2006–07. With school enrollments rising at the same time that the budgets for building new classrooms have been constrained, overcrowding has become a common problem.

I say to my partners on the other side of the aisle, if we really want to keep down property taxes, then in addition to building roads and highways and bridges and prisons, we have a responsibility to help with our schools. Because of this partnership, it will keep down the local property taxes. This is everywhere.

In California, a 35 percent increase in high school enrollment is projected. In North Carolina, 27 percent increase. In Arizona, 25 percent. In Nevada, 24 percent. In Massachusetts, 23 percent. In Rhode Island, 21 percent. In Georgia, 20 percent. In Virginia, 20 percent. In Texas, 19 percent. And on and on. The bottom line is we have to build schools. The Education Department estimates that 6,000 new schools will have to be built over the next 10 years in response to this rapid growth in school enrollment.

What do poor building conditions have to do with our students' achievement? According to all the studies that have been done, there is a direct connection. For example, a 1991 study of the District of Columbia public schools found a 10.9 percent gap in scores between students in buildings rated poor and ones rated as excellent, after accounting for other factors. The problem is not just an urban one. Studies in rural Virginia and North Dakota have found similar results.

Recently there was a study published in May 1996 by the Virginia Polytechnic Institute and State University which concluded sufficient data exists to state that the condition of a building does result in a difference in students' scores and action.

Mr. Speaker, this is urgent. Education is the key to the strength of the United States of America. I would hope that we can work together to pass this bill this year, because we are doing it for our youngsters, for our families and our futures.

□ 1415

UNITED STATES DRUG POLICY

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCCOLLUM. Mr. Speaker, one of the most startling statistics you are ever going to see, at least that you are going to see in the next year or two, and I hope it is not repeated, is the fact that teen drug use in the United States has doubled since 1992. Doubled, drug use among teenagers.

That is not acceptable. It is not acceptable for many reasons. Society cannot stand having our young people become more and more involved with narcotics that dull their senses, habituate them, get them involved not only with marijuana, but leading on to harder substances, cocaine, heroin, et cetera, that can lead to life-endangering, if not career-ending types of involvement.

It is not acceptable in the sense of the crime that is involved with drugs and how it permeates society and reaches down to the ghettos, as well as up to the higher-income people. It is a very, very bad situation in our country today.

Many who talk about the drug situation like to put a good face on it, a happy face. I do not think there is a happy face.

Yes, we can say that if you compare drug use overall in the United States to something 10 or 20 years ago, it is overall down. Or we can say it is a little better on the treatment side hither and yon than it was before. But the reality is among the people we care the most about, among our children, drug use has doubled since 1992, and we have to do something about it.

Now, I am all for having an Office of Drug Policy, and I am all for that Office of National Drug Control Policy having a strategy, and General Barry McCaffrey is someone who I personally admire, and I believe he is very sincere in his efforts to try to work to eradicate the drug problem in this Nation. But I cannot agree that the strategy which he promulgated with the President a couple of weeks ago is adequate.

I have in my hands the national drug control strategy, 1998, a 10-year plan. There are some things in here that are very good. I particularly commend the drug czar's office for establishing criteria that we can measure progress by. It has been missing. We need to do it just like businesses measure progress hither and yon in their business.

We find in this drug plan all kinds of goals and objectives in detail about how we fight the drug scourge with prevention and treatment and so forth. But in the context of getting to the solution, the 10-year plan has some very serious problems to it.

The reality is that it is too shortsighted, in my judgment. We need to come up with a plan that says, yes, we will attack the demand side and the supply side. We are going to have a balanced approach. We have known that for years. We have talked about it for years. But we really have not come to the consensus, either in the Nation or in Congress or in our national leadership, on precisely what it is going to take and how soon we can get the resources it is going to take to actually stop this entire process of drugs coming into our country like they have been recently.

I am disturbed by the fact that in this drug strategy, up front, it says we should no longer talk about fighting the effort against narcotics as a war. This strategy at the very beginning of it says that war is not an appropriate metaphor, that it is misleading. In essence, the administration in producing this plan is saying we can never defeat the scourge of drugs gripping our Nation and killing our youths. Our only hope is to contain it, and the quote from the drug strategy is, to check the spread and improve the prognosis.

By saying this, they are, in my judgment, yielding and waving a white flag in the efforts we have. We should be conducting a war on drugs, and a war on drugs means a strategy that says, here is what we can do to stop it, here is when we are going to do it, here is how we are going to do it, here is the timetable to do it, and yes, this is a 10-year plan.

What is the ultimate goal of the 10-year plan? It is to reduce the availability and use of drugs in the United States by 50 percent in 10 years. But the teenage drug use in the United States has doubled since 1992, so if we reduce the use by 50 percent in 10 years, we will have only gone back to where we were in 1992. Is that acceptable? I suggest no, it is not acceptable.

In addition, what is meant by the word "availability"? That is a pretty darn broad word. It is defined in here in a way that one might conclude it means the flow of illegal drugs into the United States, but it could also mean law enforcement and a lot of other things that go on to reduce the availability, the opportunity to buy drugs on the streets, I presume.

But nowhere in this drug strategy is there a goal or target that says what our objectives should be to reduce the flow of drugs coming into the United States at our borders or before they get to our borders. That is of paramount importance.

One of the reasons we have so much trouble with our prevention programs and with our law enforcement efforts in fighting narcotics today is because drugs are in more plentiful supply and cheaper than they have ever been. Both cocaine and heroin, in particular, fall into that category.

Heroin, for example, killed more young people in my hometown of Orlando a year or so ago than anywhere else in the United States; more than in Los Angeles, with a population many times the size of Orlando.

In the last two or three weeks, I have seen at least three or four articles in my hometown newspaper about arrests connected with heroin, a couple of them dealing with teenagers in our high schools there, things perhaps unheard of a few years ago being uncommon now.

Why is that? It is because heroin is now coming into the eastern part of the United States from Colombia, and it is purer than ever before, it is better quality and it is cheaper, and we are not really doing anything significant to stop that flow. The same thing can be said in many ways for cocaine and for marijuana and for the other narcotics that we are trying to fight.

That is not to say that Drug Enforcement Administration is not working hard. It is not to say the Coast Guard is not working hard. It is not to say that our State Department and our Defense Department people who are in charge of working in their respective areas are not attempting to do their jobs. It is not to say that Customs is not doing what it is supposed to be doing.

But the reality is the sum of this is insufficient, inadequate, and there is no leadership saying precisely what it is that we need to do and how we are going to do it, to stop the flow of drugs coming in in this alarming amount that has the price so low and the quantity so plentiful, that so many young people are using it that it is hard to get our arms around it.

All of our experts say we need to reduce the flow of drugs into this country by at least 60 percent, if not more, in order to raise the price up and make it more difficult for young people to buy it and afford it and get it and thereby reduce the pressures at the street level.

That is not the only thing we need to be doing. Again, we need to be educating, we need to be on television. Some of the things suggested in this strategy are good about that. I think we are going to spend quite a few million dollars we have appropriated very soon on television commercials directed at young people to try to discourage them from using drugs.

We need to be involved in other ways, including ways in the workplace, which have been in the past suggested and some employers are doing it, but others are not. We need to get more people to have drug-free workplaces.

We need to spread the word out into the community to reduce this demand and use of drugs by education and every way we possibly can. We need to have better treatment programs and so on.

But when it comes right down to the crux of this, if we continue to inundate our Nation with the quantity that is coming in now, it is not going to be possible to manage this from the demand side alone.

It is my judgment as the Chairman of the House Crimes Subcommittee and a member of the House Intelligence Committee, who looks at these matters regularly, and has for some years, it is my judgment that we should set a goal, and I think it is achievable, set a goal to reduce the flow of drugs into the United States from other source countries, from outside the United States, reduce the flow of drugs by 80 percent within the next two or three years. Why don't we set three years and say 80 percent within three years. You can say, is that realistic, is that achievable, can it be done?

I want to tell you a little bit about why I think it can be done. I went down to Colombia and Peru and Bolivia in December, and I was in Mexico and Panama in the early part of this year, and I visited when I went in each of those countries with the key players at the State Department and with our people involved with the DEA in those countries and our defense attache and with the others who are country team members who are every day on the front lines in those countries trying to assist us in reducing crop production of cocaine and heroine, who are attempting to stop the drug lords in Colombia and elsewhere from shipping drugs this way and so forth.

I spent a little time with each one of them in the evenings talking about this idea, could it be possible in your country, in Colombia, in Peru, in Bolivia, if you were given the resources and nobody had a restriction on the amount of money involved, nobody told you you could not have this or could not do the other, could you devise a plan that within three years would stop the flow of drugs from this Nation out to the rest of the world by at least 80 percent? Every one of them said yes, we could. Yes, we could.

I asked them if they had ever been tasked to do that? The answer was universally, no.

Well, most of the drugs, more than 50 percent of the cocaine at least, is produced in Peru, about 20 percent in Bolivia, the rest of it in Colombia, most of it refined in Colombia. There is very little or no cocaine produced and distributed from any other sources than those three countries, and almost all of the heroin in the eastern half of the United States comes from Colombia.

So if we could reduce the flow out of each of those countries by 80 percent over the next three years, we would certainly reduce the flow into the United States of those drugs by pretty close to 80 percent, if not 80 percent. In fact, in the case of cocaine, it should be, it should translate directly into that, or more.

You can say, how have we missed the boat on this? Well, I do not think we have. Let us take country by country examples of how you would address that problem.

First of all in Peru, there has been great progress made. In Peru the quantity of coca base which is used to produce cocaine in a refined form, is way down. Peru used to produce about 60 percent of the world's supply of coca used for cocaine.

They grow plants, by the way, in the countries where they grow them, that are no higher than this rostrum. They produce leaves that look like, in my part of the country, camphorberry leaves, little leaves. They strip the leaves off the bushes several times a year, and they then make them into a sort of a liquid base, and goes on to make the basic base shipped out of the country.

You say "they." Who is they? In Peru and Bolivia and Colombia, the people actually doing this are the poor people, the campesinos. They grow this stuff on acreage that is less than one-third of an acre in American terms, they call them hectares down there, and they are the poorest of the poor doing this. They get very low remuneration for doing it. They don't get much money at all.

They produce these leaves and carry them over and create this base by going to what they call a poso pit, the slang locally for a location where they operate to convert these leaves into the first step of making cocaine. All of this is grown in the Amazon regions of those three countries, down in the hot jungle area. I do not know how many people realize that, but coca plants are grown basically in the jungle, some of it a little higher land than others, but all of it in very thick jungle.

The little plots are cleared out and these poor people grow this stuff. Then they take these leaves and they go near a stream, and they build some 20 foot long, maybe not even that, some 10 foot long trough, a couple feet wide, maybe three or four feet wide at most, very crudely.

They put water in there with the leaves they have carried over in big plastic garbage bags basically, or lawn bags, leaf bags. They dump them in there.

Then they put some sulfuric acid that they brought in, by foot usually, from someplace they have acquired it, usually from the drug dealers, the sources who want them to produce this stuff. And they stomp on it with their feet, sometimes with boots on, sometimes with naked feet, which does not make a lot of sense to me, because sulfuric acid is pretty damaging to the feet.

They do this two or three times over a 24 to 48 hour period. Then they strain off the liquid, and, again, we are talking about really crude operations in the forest, with no refineries or anything like that around. These are temporary shack-type thatch roof things at best set up beside these little streams.

They take this liquid and they put it into a pot, and they mix lime in it, and they make a thicker base, sort of a paste type of substance with it, and then they move it over to another pot and they heat it and cook it and dry it out until they get slabs basically about a foot square, and maybe a inch or two thick, and they wrap it in a tight cellophane heavy material, and they carry it out, their kids carry it out usually, sometimes they do themselves, either out of the jungle by foot to a road or a highway, or, once they get there, into a vehicle, hiding it in compartments under the seat, the back seat of the vehicle or wherever it may be. They might take space out above an axle or wherever they can place this, and they smuggle it to some site, where it is either going to be flown in the case of Peru into Colombia for refinement in a more sophisticated laboratory, or, in the case of Bolivia, near the City of Santa Cruz, where most of these laboratories are for refinement there in that country's case.

At any rate, the point is that in Peru we have made a lot of progress in reducing the crops that are grown and stopping these folks, these poor people who produce these little plots of cocaine, or actually produce plots of coca plants and then go produce the coca base, we have seen in the past two years that President Fujimori has had a new policy in effect, a reduction of 40 percent of the coca crop in Peru.

□ 1430

That is down from about 125,000 hectares, that is the way they measure their land, 125,000 hectares, to about 68,000 hectares during the beginning of this year. That is a dramatic reduction in 2 years. Why has that happened? What has been done to cause that to happen?

One very simple thing happened. President Fujimori of Peru decided on a policy of shooting down all of the private planes that are flying this coca base, once it has gotten to them, out of the country and into Columbia for refining in the laboratories. That policy alone has caused all of this disruption.

There are other things going on. There is a crop eradication program that the United States supports, and there are a lot of men and women in country in the Peruvian businesses and in the world of our foreign service who are working very hard every day to go out and literally destroy crops by hand in Peru, where they take a machete and whack the plant down and kill it.

But the crop eradication alone would not have done this. We have been doing that for a long time. It is the policy of getting tough, and sending a message to those who are attempting to do this, that you are going to lose your life, we are not just going to be kidding around about this anymore. If you are going to be transshipping across country lines out of Peru in a private commercial plane, which is the way most of this goes, you are in real trouble.

Now we have begun the process, in cooperation with the Peruvian Government, of helping them with riverine traffic on all those rivers out there, to stop the possibility that some of this stuff is going out by way of river through the Amazon and so forth. It is effective. It can work.

In order to succeed to an even greater extent, all that is really required is the continued effort on the same track that it has been on, and the determination of the leadership of the Government of Peru and some more air support, some air surveillance, some radar in the air, so we can keep up with these planes and give more support on the riverine program. We need to keep up what we are doing. But it is working in Peru.

In Bolivia, where about 20 percent of the coca crop is grown, the Government of Bolivia has just changed hands last fall. I think it was in August, to be precise. In Bolivia we have a wonderful opportunity now, working with this new government which is dedicated to eradicating the coca production and the cocaine production in that country. As I said earlier, 20 percent is produced there. It is actually refined, in Bolivia's case. There are ways of going about attacking the problem there very similar to what was done in Peru.

I believe that with the support of the United States Government, an effort clearly can be done to make it unsafe for these folks to be transiting and trafficking the base narcotic from the field, where it is grown and put into this paste as I have described, by the poor people, the campesinos, into the city, in the area of Santa Cruz, Bolivia, where it is refined. There is only one road that goes that way, and it is a long way. It seems to me that is a choke point, and we could stop a lot of the traffic along that road.

It also seems to me that there is only one road into Brazil and one main highway into Argentina. There is no reason why we could not choke off the traffic leaving Santa Cruz with a more refined product, and with greater information and equipment, skills, et cetera, I believe that the Government of Bolivia will be able to do the same or better than the Government of Peru over the next couple of years in reducing the production of both the coca base from the plants, as well as the finished cocaine and shipping it out.

It is not important what I believe. What is important is that in both cases, this is what our American, the United States Embassy country team dealing with anti-narcotics believes in each of those countries. They believe it passionately and deeply.

In the case of Bolivia, they say we just need a couple of more planes, we need a couple of more trucks, we need a little more of this or that equipment, it is not terribly expensive; maybe a couple of the x-ray machines, like they have on the borders between Mexico and the United States.

What about Columbia, you say? That is the big, bad apple down in Latin America. We know that is where most of the cocaine production heads north from. That is where most of the laboratories are. The same is true there, though it is more complicated.

In Columbia, the growing regions in the South, they not only grow there but they take in the Peruvian crop and refine it in laboratories that are located in that same region. This is all an Amazon Basin region of Columbia. We have the cooperation, despite some of the difficulties we have had in recent years, we have the cooperation of the Columbian Government. They are going to have a new election this spring. We need to be sure that we continue to get that cooperation, but it appears that it is likely that we will.

The Columbian National Police, headed by General Serrano, has done a terrific job in the face of all odds in going out and trying to destroy crops, trying to destroy laboratories, trying their darndest to arrest the drug lords in Columbia. Some of that has been very successful, though little publicized up here in the States as to what has been done.

The reality is that that portion of the countryside where most of this activity is going on is largely under the control of rebel groups, guerrilla groups, who have been around for many years in Columbia. The shorthand name for them, they call them a FARC, FARC, for a Spanish name. That is an acronym, FARC. This group of revolutionaries used to be affiliated with the Communist movement in years past. Back in the days of the Sandinistas when they were active in Nicaragua, they were sympathetic in the same causes.

There have been human rights violations against this group in the past by the Columbian military. Our State Department and others say that is so. There has been a general resistance to being involved with this group, or supporting Columbian efforts to suppress it.

I want to tell the Members, there is a big problem, because the FARC control that region. They are engaged in gaining all of the money and resources they have to continue to do their operations by running a protection racket for the drug lords, for the drug kingpins in Columbia. The drug kingpins pay them money to go and defend and protect the fields where the coca is grown, and to protect the cocaine laboratories in Columbia.

The FARC then go buy all kinds of arms, AK–47s and so forth, on the world black market for arms, and they do exactly what I said. They go about protecting those fields and those laboratories from the efforts of the Columbian National Police to resolve the matter. As a result, many, many people have been killed who are law enforcement officials of the Columbian National Police, trying to go in and destroy the laboratories and the crops.

The results of that is that there are areas of the country they do not even go into because they cannot reach it. Some of it is technical, because airstrips are not adequately finished in areas close in. Some is because we do not have the right type of helicopters in Columbia to do the job at the longer ranges necessary.

A lot, and most of it, frankly, is because the guerrillas, the FARC, are out there threatening to kill anybody who comes in there, and have the power to do that. The Columbia National Police are not the military in Columbia.

What is it that it takes to resolve this matter in Columbia? It takes the United States Government being willing to put the resources into training and equipping the Columbian military and assisting them in destroying the FARC, to end their control of the region where all of this drug activity is taking place, and then continue and step up our support to the Columbian National Police to go in and destroy all these laboratories, and to our State Department effort, which is a crop eradication effort; they spray, as opposed to hand destruction of crops in Columbia for cocaine, to provide enough planes and enough equipment to go in there and do the job all at one time, not mess around and drag this out for 10 more years, or whatever, just go in and get the job done. It can be done. It may take a few months to get the equipment in order, it may take a few months to train the Columbian military adequately so they can go out and do their job, but it can be done.

I hear people talking to me up here in the two bodies I work with, the other body and this one, about the fear if we train the Columbian military, that, gosh, they have a bad track record. They are going to come back and create all kinds of human rights violations.

I think it is our job to do everything in our power to see to it that they do not commit atrocities. I believe that it is the Government of Columbia's desire that that not be the case. I am convinced by our people on the ground in Columbia that is indeed true, that we have the best climate we may have ever had in modern times for succeeding in gaining the kind of cooperation we need inside the Columbian military and its government to avoid those kinds of atrocities.

But make no mistake about it, the risks of being involved in having some hazard of that sort take place is worth it. That does not mean we condone it, it does not mean we support it, it does not mean we do not condemn it or do everything we can to prevent it, but we need to protect first and foremost the lives of the children of America. We need to protect the lives of our children from the drug presence that is here in this country, from the drugs being produced and shipped, and the sale of those drugs largely controlled by the Columbian drug lords who are running the country in the southern part of Columbia by the use of these rebels.

We need to have those rebels destroyed, and we need to have the crops destroyed and the drug lords destroyed. It can be done without the United States military going in. It can be done if we will simply equip and train the Columbian military and give them the resources that they need. I believe that should be done sooner, rather than later.

In addition to that, though, and even before that occurs, if it does occur in the next couple of years, we can make other progress in Columbia in a similar fashion as we have made in Peru and Bolivia. There is the possibility of a shootdown policy in Columbia. There is a mountain range that runs in Columbia around two-thirds or better of the northern and western part of the country. You have to cross this mountain range to get to the coast with your cocaine that is then going to be shipped by boat or however it comes to the United States or to Mexico.

A lot of the people we have, once this stuff gets to sea it is shipped in little vessels that are hard to detect. They get out over open water in the Pacific going up to Mexico, they get out over open water in the Caribbean in the Gulf of Mexico, and it is very hard for our Coast Guard or our Navy to detect these little vessels out there. A lot of it comes to our country as a result of that, or at least it gets to Mexico, where it is filtered in on that side, and certainly gets to Puerto Rico and the islands and comes on to the States that way.

It so happens that you have to get the crop in a refined condition, which is done in the laboratories in southern Columbia, across those mountains. The way they cross those mountains is not by roads. There are not really any good roads going across those mountains. The way you cross those mountains is by small private plane, small little commercial planes, just like they do in Peru to get the crop to Columbia for final refinement.

If President Fujimori has been successful in Peru, why cannot the Government of Columbia be just as successful in Columbia in shooting down those planes as they identify them and as they begin to leave that country, or at least as they begin to go across the mountains inside Columbia to get to the coast in the first place?

There are a lot of other details that perhaps I would be better off not going into for national security reasons, but we have the ability, from information and intelligence, to know a lot about what happens in Columbia and a lot about the trafficking that is going on there. What we do not have is the leadership to put together the plan that says this is the way we are going to do it, and then go carry it out.

I say the leadership. Our country team in Columbia, who is working in narcotics, has the plan. What we need is for them to be asked for their plan by those higher up in authority in our United States Government, in the executive branch. We need for that plan to be acted upon. We need for the administration to come forward and say to the United States Congress, here is our shopping list, and here is our 3-year timetable. Here is what it is going to take in Columbia to do the job. This is our 3-year plan to literally destroy the drug trafficking in Columbia, to destroy the cocaine production in Columbia. Here is what it is.

We have not seen that plan, but it could come up, and I have a pretty good idea of what ought to be in that plan.

In addition to cocaine, Columbia produces heroin. That is a new thing. Columbia did not used to produce it. Most of the heroin coming in the United States, as most of the world's heroin, used to come from the Golden Triangle over in the Burma area of the world, way over in the Far Eastern part of the world. But now, in recent years, we have found it is even more pure than that, the gold heroin being produced in Columbia. The poppies are grown in Columbia, in the mountains, and the refinement is done there.

Heroin is shipped in much smaller quantities than cocaine. It goes by commercial airline, often. People swallow little packets of heroin and bring it into the airports in the United States virtually undetectable. If one of those packets burst, they are dead, but they are paid a lot of money, so they do it. The reality is that it is much more difficult to interdict the heroin once it is refined and is on its way than it is to stop the large quantities, metric tons, of cocaine.

We have probably 600 or 700 or more metric tons of cocaine in its refined product form coming out of Bolivia and Columbia directed towards the United States every year. We do not interdict very much of it, but we know it has to come in large quantities when it gets on boats. Or if people are bringing it in, we will see somebody be interdicted with a very large quantity of it, a very visible, sizeable white powder substances.

Heroin, again, is small in quantity, much more difficult to interdict at that level. But we can do something that is a lot easier, in the case of heroin, than cocaine, that solves the problem. We can destroy the poppy crops more easily than we can destroy the cocaine or the coca crops.

The reason for that is they are grown in little plots in the mountains, they are grown as annuals. These are plants that come up, and they are pretty flowers, if you have ever seen them grow. There are various types. Some are not dangerous, but the ones, of course, that grow in Columbia in those mountains, as some in Mexico, are very dangerous.

But we have the ability to eradicate, to spray, to do it by hand or otherwise. What is missing in Columbia, frankly, is the size and type of helicopter and aircraft that can go up into the mountains at the elevations where these crops are grown and protect the eradicators as they eradicate those poppy crops.

They can do that, they can spot them fairly easily. It is very easy to detect those crops. There is no reason why, if we provide the equipment to Columbia, that this cannot be done and done very quickly, more quickly than the coca eradication. So it is not as big a problem as some people make it out to be.

Does that mean we can cease and desist and once and for all it is gone, and you will never have to deal with it again? Probably not. I would be naive to think that.

□ 1445

But we can put a plan in place to literally stop it, to destroy those crops, and we can have a continuous plan then that is a lot easier to do, of keeping it suppressed, than it is to get it done to start with in the first place.

There is no reason why for a minimal sustenance resource amount we cannot see the program continue to suppress the growth of poppy and the production of heroin in Colombia for many years to come, if we just go in now and do the right thing by providing the resources and the equipment and follow the game plan.

Again, our in-country embassy antinarcotics team knows how to do this, but it is not being done. Nobody is doing it. No leadership in Washington has asked and tasked them to provide that plan to them, other than of course some of us in Congress who have been inquiring about it.

So, Mr. Speaker, I think my colleagues may sense my frustration and why I am out here today talking with them about it. We in Congress should not be the ones to develop all the plans that are done and to drive this issue. It should be driven by the President of the United States and this administration. It is an executive branch function, primarily. The management of all of these diverse programs and interests to try to focus on drugs is definitely within the executive prerogative.

But I can tell my colleagues that every day that passes and I see a plan like this one, this drug strategy that was promulgated a couple of weeks ago, that calls for a relatively timid approach to reduce drug use and availability in this country by a mere 50 percent in 10 years, every time I see something like this, and this is obviously current, I am moved to come forward and say congressional leadership is necessary. It has got to come from Congress if it is not going to come from the White House.

So that is why I am out here, and I believe that we as Members of the U.S. House have an obligation to the American people to do everything we can to organize and force a plan and the implementation of that plan to reduce the flow of these drugs into the United States by at least an 80 percent reduction of that flow over the next 2 or 3 years. If we follow this path, I am convinced that we can do it.

There are other things that need to be done. We need to have radar planes that are flying the region that the Department of Defense does not currently have. We need to have tracking planes, once they have picked up on vessels or airplanes that they believe from intelligence or otherwise are loaded with narcotics, to be able to chase these planes and vessels, ships. We do not have that surveillance now.

Mr. Speaker, we should have 24-hour, around-the-clock radar covering Bolivia, Peru, Colombia and the waters that go through the Pacific, the Gulf and the Caribbean along the coastline of that part of South America, including Venezuela, where these drugs are leaving and coming and going from. There is no reason why we cannot do that either. But we do not begin to deal with this in a fraction of the amount of surveillance time that would be required to do the job in the 24-hour coverage of which I speak.

There is no reason why we cannot do that if we put our mind to it. But one of the reasons there is a problem with all of this is that a large measure of our counternarcotics effort comes under the control of the Department of Defense. I have no criticism with that. That is where it should be. The Southern Command, with General Wilhelm, which is now located in Miami, is primarily responsible from a military perspective for all our antinarcotics efforts, at least in this hemisphere.

There is a structure in place, a new architecture that the General is working on. I am pleased with what I have seen. He is working there, but he is working with one arm tied behind his back. I will tell my colleagues why. It is because in the Department of Defense mission priorities fighting drugs is way down at the bottom of the list. The resources of DOD have been cut back so much for doing the tasks that most who are involved in our national security areas believe are needed to do the things that are important, that drugs come in last and they get very few resources. They do not get the planes. They do not have the AWACS or the P3 platforms that they need. And they do not get the other equipment that they need and the support that is necessary at Southern Command to do this job.

One thing the President of the United States could do is get with Secretary of Defense Cohen and say let us move the list a little bit around and rearrange the chairs and make fighting the war on drugs meaningful by raising its priority under the mission of DOD to a higher level than where it is today. Some may say that is simple. It could be done tomorrow morning. And of course it is simple. It could be done tomorrow morning, but I do not think that is likely.

There are four basic missions that the military has. One is the major national security obligation of protecting us against all of our enemies that might be aggressive towards us. That is not anything anybody would wish to reduce to a second rung. That is number one. That is what our military, Army, Navy, Air Force, Marine Corps and Coast Guard are all about. We need to keep it there.

Number two is peacekeeping. That means things like Bosnia. There is a lot of debate about whether we should have been in Bosnia, whether we should still be there. As long as we are there, all of us are going to be supportive of the activities that are going on there. But there is a major debate over the degree to which the United States military should be used to be a peacekeeper all over the world putting out fires. That is the number two mission.

The number three mission is readiness and exercises, training exercises to keep people going, keep the training at the proper level for flying and so forth. I do not think that is a bad mission either.

But the fourth mission, there are only four, is the antinarcotics mission to fight drugs, to fight the flow of drugs coming into this country from abroad. That is way down there and it has just about dropped off. When they are at the last rung, they are way off.

Mr. Speaker, it seems to me at least that fighting drugs should be the number 3 priority for the Department of Defense, ahead of exercises and training. I think when we consider the lives being lost of our young people, if we want to fight a war on drugs, it ought to be the number two priority ahead of peacekeeping. It ought to be that national security is number one and then right after that it should be fighting and winning the war on drugs.

It should be a war. It should be put on wartime footing. We should have the Department of Defense supplying every plane, every man, every piece of equipment and every bit of intelligence that we need to do that. The CIA should be devoting whatever resources are required to provide information to that drug-fighting machine with regard to what the drug lords are doing, who is producing what, where the shipments are going and how they are going. We should not spare a nickel in doing this job.

If we simply change the priorities in the DOD, in the Department of Defense, what a world of difference that would make to be able to properly equip General Wilhelm's troops and what he is trying to do in Southern Command. It is very difficult. He is responsible for an awful lot.

The same thing is true of the Coast Guard. They are underfunded and undersupported in what they are trying to do. The Coast Guard is in charge, with Admiral Kramek, of our transit zones interdiction. That is all the stuff at sea and in the air between South America and the United States. They do not have near enough to do it.

We should seal off the island of Puerto Rico from drugs. A lot of people know that the drugs come through Puerto Rico in large quantities now to the eastern part of the United States. There is no reason we cannot seal the island off.

The problem is not Puerto Ricans transiting drugs or dealing in drugs. The problem is drugs coming into Puerto Rico. It is part of the United States. Once they are there, there is no customs to come here. There is no check of a ship or a plane. Puerto Ricans are American citizens. It is just like being in Texas or Florida and shipping drugs or any other piece of equipment to wherever else; the same type of restrictions, very little or none.

We have no reason not to and every reason to seal off the island of Puerto Rico and all the other areas of the United States from drug trafficking. The Coast Guard has that responsibility and we do not provide the equipment, the planes, the radar, and the technical support that they need to do that, the manpower and the dollars. We need to do that.

We need to provide whatever it takes to do this job. This plan, this drug strategy plan has some nice words in it. It has a 10-year goal in it. Some of this stuff is good, but it does not begin to do the job. It does not set the basic target and it does not provide the road map to get it done, and the budget that goes along with this plan that has been submitted is paltry compared to what needs to be given.

Obviously, we need to have the explicit details of here is how we are going to do it over the next 3 years to cut the supply by 80 percent. And we need to know what equipment is needed and what manpower and what follow-on is needed and if we are going to provide more helicopters, and we are going to have to do that to the Latin American effort. We are going to have to provide more planes, these radar-type planes, and more manpower. We are going to have to provide the readiness and the maintenance. We are going to have to have a budget stream and it is going to have to be logical and somebody is going to have to decide what the DOD is going to have it in. Which one is going to have that equipment? Is the State Department going to have these planes, and Customs that group? The coordination has to come from this administration.

Mr. Speaker, I have not forgotten Mexico and I realize it continues to be a very difficult issue for us. I happen to be one who believes that Mexican Government leaders at the very top, the President and their Attorney General in particular, are indeed trying to cooperate and do their best job. But there are big problems in Mexico's structure. We have known about that for some time and we know that many of the states of Mexico, like the States of the United States, have corruption in the state governments; that the police in those states are often involved with narcotics trafficking. We do not know to what degree, but it is a fairly high percentage.

There are going to have to be some structural, systemic reforms in Mexico that are going to take a number of years to accomplish. But the Mexican Government has recently passed new money-laundering laws and made extradition agreements with the United States. We will now see some people come out to be tried in the United States who are drug lords. The military in Mexico is destroying poppy crops in the mountain ranges where they do grow black tar heroin, which is a large part of the heroin in the western United States.

But Mexico does not grow a single bit of cocaine. There is no coca plant in Mexico. No refineries of cocaine in Mexico. And the biggest single group of drug problems that I hear about are problems related to cocaine and heroin, the two of them combined.

There is no reason why one extra ounce of cocaine should be allowed to get to Mexico to be distributed here by their drug lords. That is what is happening now. The Mexicans, these drug lords in Mexico are the ones who are doing the retailing in the United States, at least the western half. The Colombians take their cocaine to Mexico and wholesale it to the Mexicans and the Mexicans retail it here.

Our borders are porous. We need to continue to beef up our Southwest border and we are doing a decent job, but not doing nearly enough. It is not smart in many ways.

When we start looking at prioritization of putting our resources, the best use of our resources to really stop the flow of drugs into the United States is to put it before and below Mexico. Stop the drugs from ever getting to Mexico in the first place. The problems of Mexico are going to be around for a while. We need to work those problems. We do have the cooperation of the President and the Attorney General. Progress is being made. But we have to recognize that it is going to take a while, and if we are going to stop the flow of 80 percent of the drugs coming into this Nation in the next 3 years, which is possible to do, the place to do it is to draw that line south of Mexico and to make it work and to provide the resources that are necessary.

Mr. Speaker, let me wrap up by saying that again we need a balanced approach in fighting narcotics. We need to have a true war on drugs, though. We need to work on the supply side and the demand side. While my conversation today has been about the supply side, we need to put emphasis as well equally on the demand side to get our young people better educated.

But today teenage drug use in the United States is double what it was in 1992. Double what it was. That is absolutely intolerable. It is unacceptable and we should be ashamed of it. Not only should we be ashamed, but we should be out there using every ounce of strength to destroy the pathways of those drugs getting to our young people.

Unless we reduce the quantity of drugs coming into the United States by at least 60 to 80 percent, we cannot drive the price of drugs up that are really cheap today in our cities and reduce the quantity to a manageable level, so that our local law enforcement can really be meaningful in its job and so that our local community leaders can be meaningful and get real results in their education and treatment efforts.

We have to reduce the onslaught of this overwhelming amount of narcotics coming in here, particularly cocaine and heroin from South America. The way to do that is to set that target and set a goal that is realistic and achievable.

I have suggested today that that be a target of 3 years to reduce by 80 percent the amount of drugs coming into the United States. It is a target that every one of our antinarcotics in-country team believes, in the three principal countries involved, that is Colombia, Peru and Bolivia. And it is something that this administration has yet to embrace in this strategy.

We as a Congress need to embrace that strategy. We need to force the resources, if necessary, on this administration to do the job. It can be done. It must be done. We need to provide those resources to those who can do it for us in the State Department, in the Defense Department, in the Justice Department with DEA, and in every other way that is necessary in those source countries where this is affecting.

The leaders in Colombia, Bolivia, and Peru at the very top of their governments are ready, willing and able now to cooperate. We better take advantage of it while we have the opportunity to stop the scourge of drugs affecting our young people. Let us go and give them the resources they need.

It is a first step. It is a logical step. It is not a 10-year plan; it is a 3-year plan. And I challenge my colleagues to join with me in an effort to really have a true, for the first time in our history, true war on drugs.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. LaHood). Under a previous order of the House, the gentleman from South Carolina (Mr. Sanford) is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I rise today because it was just a few weeks ago that the President of the United States in this very chamber said that we ought to reserve every dollar, every penny of a budgetary surplus and put it into Social Security. What was interesting about that to me is that basically what he was talking about, what he was outlining was the larger question of how we are going to save Social Security. In other words, if we take every penny of surplus and put that money where it belongs, which is in the Social Security Trust Fund, rather than borrowing from it, what we have done is we have taken a first step towards saving Social Security. But what that does, because of the way the budget works in Washington, D.C., what that would actually mean would be a pay-down of the national debt, which would be very good for Social Security, but again only a first step. To me what it raises is that larger question of how in fact do we save Social Security.

Some people have said, yes, it is a good first step to put every dollar of Social Security tax into the Social Security Trust Fund, but the larger question is, since that does not affect the 70 million baby-boomers that begin retiring in 2012, and since that is ultimately what we have to deal with, what we ought to do is look at cutting current benefits for current retirees.

I do not think that that is at all a realistic option. When I talk to seniors along the coast of Myrtle Beach, along the coast of South Carolina, what they say to me is the idea of cutting current benefits is crazy, that Social Security is very important to each of their lives, and that that is not the way you are going to save Social Security.

Other people have said, do you know what you ought to do is, you ought to raise payroll taxes on young people. And yet overwhelmingly what I hear from people across my district at home in South Carolina is that that is not a realistic idea, that you can only squeeze but so much blood from a turnip. And what they are saying is that they are squeezed. They are struggling to make a mortgage payment, to make a car payment, to provide for dollars for kids' education, and that the idea raising the payroll tax just is not the way to do it.

Other people say the way we ought to look at saving Social Security is by freezing it. In other words, we ought to just fossilize it, leave it alone. We do not touch it. We leave it in a corner. Well, that would be nice. It is something I wish we could do. But the fact, again, is that we have got 70 million baby-boomers that start to retire in 2012. That is no fault of the designers of Social Security. It is no fault of anybody in the past, but is something that is coming our way, and we ought to, rather than simply freezing and looking at the problem coming in our direction, do something about it, which is what the President of the United States had said in the first step being let us reserve every dollar surplus towards Social Security.

I think the bigger question, if we are not going to cut current benefits, which is not an option, if we are not going to raise payroll taxes, which is not an option, and if we are not going to freeze, standing in the corner, sort of fossilizing it the way the dinosaurs went, that only leaves one other option for saving Social Security. This other option I think ties straight back to what Senator Bob Kerrey, over on the Senate side, a Democrat, is talking about. He says, you have got to have a real rate of return, a real return on assets, if we are going to save Social Security over the next 50 years.

We cannot save Social Security by having it offered to young people today at a suboptimal return. If it is only going to return to them a negative rate of return or a 1 percent rate of return over the course of their lives, we can be assured that Social Security as we know it will disappear over the next 150 years because the consensus in America is not going to be for a sustained rate of return of zero or 1 percent. So I think that the only option in saving Social Security is letting one earn more on their Social Security investment.

The trustees have said, if we do nothing, Social Security begins to run shortfalls in 2012, it begins to run, basically run out of money in 2029; that the average rate of return for everybody working and paying into the system is about 1.9 percent; and that for people born after 1940, the rate of return is actually negative. Now, if you earn a negative rate of return, or if you earn a 1 percent rate of return, you do not end up with a whole lot at the end of the one's working lifetime.

This idea of rate of return is very, very powerful in people's lives. If you take two 20,000-per-year workers, in other words, one fellow earns 20,000 and another fellow earns 20,000, they both go to work at exactly the same age, say they begin work at age 25, and they work until they are 65. If one earns 1.9 percent on your rate of return based on present Social Security taxes, you end up with $175,000 in the bank.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, I come to the floor this afternoon, I expect to be joined by other women Members of Congress. I have already been joined by my distinguished cochair of the women's caucus here in the Congress, the gentlewoman from Connecticut (Mrs. JOHNSON). We have come because this is a special month. It is called women's history month. We who are Members of Congress are not historians, however. While we exalt in women's special history in this country and acknowledge the need to use this month to make Americans more aware of the vital role that women have played in the country's history, we have an additional obligation, we who serve in the Congress, and that is to keep people current on what it is that this Congress is doing for women and for families. For now 21 years the women's caucus has taken as its special obligation to secure the rights and needs of women and their families.

I am going to say something about the work of the women's caucus because I believe that much of that work is done behind the scenes and women's history month is a good point to let Members and others know of the history that is being made in this body for women and for families. Before I am through, indeed in just a few minutes, I am going to hand it off to my cochair, the Republican cochair of the caucus, the gentlewoman from Connecticut (Mrs. JOHNSON), and then I will come back to say something further.

Last year was a landmark year for the women in Congress. We are 50 strong now. We know that that is nothing to write home about if you consider that there are 440 Members of this body, but it does mean that there has been progress in this body since there was hardly a woman to be found among the Members. And that was the case 21 years ago.

Last year in celebrating our 20th anniversary, we had the first dinner we have ever had because we thought when you get to be 20 years old, you ought to do something special, and we had that in a beautiful Federal building downtown, a historic structure. President Clinton, First Lady Hillary Clinton, both attended the dinner and spoke, and the first woman ever to be Secretary of State, Madeleine Albright, was the featured speaker, and because women like to have fun, Sweet Honey in the Rock came to sing for the women and men who were gathered there.

What we do most of the time, however, is not to celebrate. What we do most of the time is to fix upon some priorities from among the many that confront the country every year affecting women and families. Mrs. JOHNSON and I thought that on the 20th anniversary of the caucus, we ought to look at the great progress we have made and think about how we should proceed in the future.

We looked at what milestones had been accomplished. I have to tell Members, without detailing all of them during the time we have this afternoon, that they are most impressive, 20 years of concrete achievements.

To give you just a feel, a few examples. Women in Congress are particularly proud of what we have done for women's health. Women's health was a submerged and neglected field when the women's caucus was born. Today, however, women's health is an issue that women and men in this body can take real pride in. Women are now included in clinical trials. Women had the great neglected conditions, but now osteoporosis and breast cancer are among the conditions that the Congress has given a particular time and attention to.

We are beginning to focus on a real sleeper issue in women's health. If I were to ask the average person what kills more women than any other condition, there would probably be some conditions in the cancer category that people would come forward with because there is so much said about this disease. But the fact is that it is heart disease that kills most women. We need to look closely at heart disease in women to see what it has in common and how it is different from heart disease in men.

Beyond health, and there are a dozen conditions and avenues in health that the women's caucus has brought alive in its 20 years, but I would also cite the Family Medical and Leave Act. This opportunity for people to take uncompensated time off for a serious health need has been a godsend to hundreds of thousands of families already, and it was just signed in 1992. It is a landmark piece of legislation. It leaves us behind most industrialized countries because most industrialized countries give some form of compensated leave for family and medical needs, but we are getting there.

There is, of course, the Pregnancy Discrimination Act, to name another of the great achievements of the women's caucus. When I was having my children, pregnancy was not even covered by health insurance plans, and if it was covered at all, it was covered in a very small amount compared to other conditions. A woman could be dismissed because of pregnancy. This, of course, was discrimination based on pregnancy, and I was Chair of the Equal Employment Opportunity Commission at a time when we believed that pregnancy discrimination was, of course, covered by title VII of the 1964 Civil Rights Act. A decision from the Supreme Court interpreted title VII not to cover pregnancy, however, and it fell to this body to make it clear that title VII should cover pregnancy, and the landmark Pregnancy Discrimination Act was passed. There is no question that women's ability to move as they now must in the workplace would have been severely hindered without the work of this body on the Pregnancy Discrimination Act.

If I could name just one more among many pieces of legislation that are hallmarks of the 20 years of women in the Congress, the Domestic Violence Act, this is another piece of legislation that it took years to enact, but which everyone now embraces as a landmark act. Domestic violence crosses all manner of boundaries in our society, and women have been left without help or assistance, with the focus of the Congress on criminal violence. This body opened itself to understanding that some of the worst violence occurs inside the home, and that more women are murdered by partners and husbands than by strangers. And so the Domestic Violence Act was passed.

Before speaking further about the work that the Congress is doing led by women Members of Congress to make history and not simply celebrate women's history month, I would like to turn to my very good friend, the gentlewoman from Connecticut, Mrs. JOHNSON. I turn to Mrs. JOHNSON, with whom I work side by side, sister to sister, one party or the other notwithstanding. We work together, we believe, as a model of how bipartisanship can and should work in this body. And we believe that the women's caucus is the best example of bipartisanship in the Congress, and we have lots of concrete results to show for what good bipartisanship can do notwithstanding difference in party.

I yield to the gentlewoman from Connecticut (Mrs. JOHNSON), Republican cochair of the women's caucus.

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Mrs. JOHNSON of Connecticut. Mr. Speaker, I want to thank the gentlewoman from D.C. (Ms. NORTON) and, indeed, I am proud to serve with my colleague as co-chair of the Congressional Caucus for Women's Issues because it has made an enormous difference to restructuring the law over the years to recognize the needs of women and the rights of women to be free and equal participants in our democracy.

We are all blessed to live in a land where individual freedom, individual responsibility, equal opportunity and equal justice are the principles that underlie our government. But those ideals cannot be realized unless they are reflected in the law and, indeed, the law changes and moves and has to be amended and reformed as our understanding of what it means to be free and equal changes.

And so it took almost 100 years, well, I guess it was a good 70 years from the time that women really organized to get the vote at a tea party in Seneca Falls before they actually gained the right to vote in a Nation whose underlying document says we are all free and equal and that we believe in self-government. So it does take time.

And today, as we use this special order to kick off Women's History Month, I would like to just talk a little bit about some of the major changes in the structure of law that governs us, that both reflect women's demand to be free and equal citizens in our great Nation, but also have enabled women to do so.

Many of us remember the days before Title IX when women did not have any right to play intercollegiate sports. There was simply no money in it for it, and all the sports budget went to men and all the scholarships went to male athletes. Today, we have women competing on teams in the Olympics, in a great variety of sports, specifically because the Congress of the United States passed Title IX that guaranteed to women equal access to sports opportunities.

That changed the physical education programs of our grammar schools, of our high schools and, very importantly, of our colleges. And it is for that sole reason alone, that change in Title IX under our education laws, that we as a Nation are competing in the Olympics in many, many sports and winning many gold medals.

The equality that women have achieved, not quite, but we are moving in that direction, in the arena of sports has been reflected also in their opportunity for higher education. And we see an increasing number, in fact a very great explosion in the number of women who are lawyers and doctors and engineers and experts of all kinds, having graduated from college, having had access to the same education that men in our society have had access to many moons before.

So our education statutes, as they were written, and rewritten then, have been a bridge over which women have traveled to gain the real equality that comes from the individual equality that comes from equal access to educational opportunity.

Other areas of great achievement are in the areas of health research, and the Congress Women's Caucus has been a leader in the area of health research and women, not only to focus new research dollars on the areas of women's health, the diseases that were most threatening to women, because they were not getting nearly the research attention that the diseases that threatened men were receiving, but also to change the way we do health research so that research was focused equally on women with heart disease as well as men with heart disease; black women as well as white women; black men as well as white men; ethnic diversity, racial diversity and both genders in all of our research studies, in all of our clinical studies, so that knowledge advanced not just about cardiac disease in men but about cardiac disease in a diverse population in a free society.

So the Congress Women's Caucus led that effort to change the way we do clinical trials, to change the way we do health research, as well as to include at the top of the Nation's health agenda those diseases that were most threatening to the lives of women.

And in the area of retirement security, we simply had to change the law so that as a man earned a right to a pension over the years, he could not sign away his wife's right to a pension after his death without her knowledge or permission. So through the law we enhanced women's opportunity for retirement security as we enhanced women's opportunity to equal educational opportunity and as we have in many areas enhanced women's opportunities in the workplace to equal earning power.

On this issue of retirement security, our first efforts were to make sure that a spouse could not sign away his wife's right to retirement, a small retirement pension; and thereafter to follow that with a homemakers' IRA and other things to equalize the opportunity for women, both women who were married to workers and women who worked, to have the equal opportunity to prepare for a secure and economically adequate retirement.

But we also have had to change the law in many other areas to assure women's equal treatment under the law.

So in the area of family violence, when I first was elected to public office, and now that goes back many years at the State level in the '70s, it was all right for a man to beat his wife. It was not all right for him to beat his neighbor's wife. He could be actually arrested and put in jail if he beat his neighbor's wife but if he beat his own wife, he could not be charged in the same way.

And that is because way, way back, women were men's property. And our free society, in spite of our Constitution, in spite of our beliefs that we were all equal and free, was slow to apply that concept of equality to the concept of violence. So today if a man beats his wife he will be treated just the same as if he beat his neighbor's wife. And wives are equally protected against violence with any other woman not related by marriage to a man.

So in the area of health, in the area of retirement security, in the area of violence, in the area of education, in the area of work force participation, women have made tremendous strides. But there is more to be done. The challenges ahead of us are real and we must achieve them if women in America are to achieve real equality of opportunity, real freedom and real personal responsibility, and in the equal justice under law.

In the future, Federal day care policy must not discriminate between the benefits we provide to women who have to pay for out-of-home care and the benefits we provide to women in the same economic bracket, the same earning bracket who provide that care to their children at home.

We have to better recognize in a society where research has shown that development from zero to 3 is so crucial, we have to provide a day care policy that does not discriminate against the parent caregiver. So we have much work to do in day care.

But the Congress Women's Caucus has led the battle and won the battle for ever more money into the day care component of welfare reform and in the day care support that we provide working parents. But we have a long way to go in developing a nondiscriminatory policy that simply supports women in the very, very important work of raising children, and particularly in those critical years from zero to three.

We have a long way to go in assuring that women have equal economic opportunity. And while we have made a lot of progress in some areas, 47 percent of the work force is female but only 5 percent is senior management. Seventy-five percent of those working women hold low-paying jobs with little security. Very few, for example, are successful in the skill trades.

In fact, of all the areas, that is perhaps the area of lowest female achievement. Only .8 percent of the Nation's 1.2 million carpenters are women; only 1.3 percent of the Nation's plumbers and steamfitters and pipefitters are women; and only .7 percent of our mechanics are women. And yet those are jobs that are well paying; those are skill jobs that pay $23 to $27 an hour. And these are areas of nontraditional work where women need the right, if their skills and interest lead them, to participate on an equal basis.

Finally, we have enormous challenges in terms of workplace policy. The gentlewoman from D.C. has talked about the leadership of the Congress Women's Caucus and the work of the Congress to provide family and medical leave and more equitable treatment of pregnant women. We also have to go further than that.

I believe we need to provide protection for women who want to change, or men for that matter, who want to take time and a half off instead of time-and-a-half pay.

People need to have the right to choose between time and money when it comes to bringing up their families. They need to be able to better balance the challenges of work and family in the interests of themselves and their own children. The law needs to be structured in such a way as we did in the Family and Medical Leave Act, that that individual employee choice is protected, and that the employee is protected from retribution in the course of employment by the employer.

I am proud to say that, in the comp time bill, the protection is modeled on the protection in the Family and Medical Leave Act, but it is stronger. I think we have to recognize far more forcefully than we have women's need in the workplace for flexibility.

We believe in personal freedom. We believe in personal responsibility. There could be no equal opportunity without women having the freedom and responsibility to better balance their work and family responsibilities.

So there is much work to be done in many, many areas. But as we go forward in Women's History Month, we must make sure that we all understand not only the progress that women have made, but the degree to which that progress has come specifically as a result in changes in the laws that govern us so that we all do enjoy the same access to education, the same access to health research dollars, the same access to retirement security, the same access to job opportunities, and the same access to protection as employees.

So it has been really a pleasure to join the gentlewoman of the District of Columbia (Ms. NORTON) this afternoon. It has been a great honor to work with my colleague these 2 years as co-chairs of the Women's Caucus.

I am pleased to see that some of our colleagues have joined us.

Ms. NORTON. I would like to thank my co-chair of the Women's Caucus for those very informative remarks and for her work with me on women's issues in the Congress.

Before I yield to the gentlewoman from Maryland (Mrs. MORELLA) who has joined us, I want to also thank the gentlewoman from Connecticut (Mrs. JOHNSON) for continuing the theme that we have set during this hour; that we are not simply this month celebrating women's history. We in the Congress are celebrating women making history. As such, we are informing women and families of America about just how that history is being made in this body.

Before I yield to the gentlewoman from Maryland (Ms. MORELLA), I do believe we have an obligation to update women and families on new legislation that has just been passed in 1997, much of it through the work and pressure of the Women's Caucus, that affect women.

There are four or five very important such pieces. One is an expansion in mammography coverage. Breast cancer and mammography coverage have been a priority for the women in Congress, important facts for women on Medicaid, which covers not only elderly women but disabled women. We have reduced the age where mammography is covered from 39 years to 50 years. This is important information that is probably not out in the public as yet because it is so new.

We have expanded Medicare and Medicaid coverage for Pap smears, pelvic exams, clinical breast exams, and bone mass exams; this only in the past year, 1997.

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We have barred discrimination in Medicare and Medicaid coverage of domestic violence and discrimination in the use of genetic information. This moves us toward correcting abuses that were reported to the Congress. And, of course, I think that there is more general information, as we approach April 15 when taxes must be paid, that we are beginning in this year to have the possibility for families who are raising children under 17 to get a tax credit for those children of $500.

These are examples of the nuts and bolts of what it means to fight for women in the Congress, to have something to show for it, to listen to what women and families say they need and to fight for it on this floor and to carry that fight over into the other body.

Mr. Speaker, I am very pleased to have been joined by the woman who was the Republican cochair of the Women's Caucus during the 104th Congress, the Congress before this Congress, and a woman who has fought hard for women and families ever since coming to Congress. I yield to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia, the cochair of the Congressional Caucus for Women's Issues, for yielding. I want to thank her and the gentlewoman from Connecticut (Mrs. JOHNSON), who just spoke earlier, for the leadership that they have shown with the Congressional Caucus for Women's Issues. I am the former cochair of it and very dedicated to the issues that we have heard espoused and others that need to be done.

I know as we talk about Women's History Month there is no need really to go back to Margaret Brent from my great State of Maryland who in 1648 asked for the right to vote for women, it did not come about until 1920; or to the fact that Eileen Collins has just been appointed to be one who will command a space mission next year. But right now I wanted to focus my comments on just a couple of issues, the issues of child care and family violence.

One of my top priorities for this Second Session of the 105th Congress is to expand access to, and the quality of, child care. To that end I have introduced the Dependent Care Tax Credit Refundability Act, H.R. 2553. It will help working families obtain quality child care.

Currently the dependent care tax credit is a critical source of child care funding for low-income families. Unfortunately, it does not help the poorest of the working poor because it is not refundable. As a result, those who earn too little to pay Federal income taxes do not receive the amount for which they would otherwise be eligible.

My legislation would both expand the credit to help more families and make it refundable to enable the poorest of working families to qualify. It would also include those who provide respite care for ill or disabled dependents.

Over 5 million children under the age of 3 are in the care of others while their parents are at work. Finding quality care for these toddlers is particularly difficult. Research shows that the first 3 years of life are a critical period of brain development, of intellectual growth, of emotional development. Thus for children in child care during these years, the quality of the child care is inextricably linked to their growth and development.

I am pleased to be a sponsor with the gentlewoman from Connecticut (Ms. DELAURO) of legislation, the Early Learning and Opportunity State Grants Act of 1997, H.R. 2713. This legislation will provide grants to States to expand the availability and improve the quality of care for children from infancy through age 3.

College costs and the burden of child care can make a college education inaccessible for many women. Women are twice as likely to have dependents as men, and 3 times as likely to be single parents. For these reasons, I have introduced the College Access Means Parents in School, known as the CAMPUS Act. This legislation will enable more low-income women to get a college education by providing campus-based child care centers.

Often finding affordable quality child care can be an insurmountable barrier for students who have children. The CAMPUS Act will tear down this barrier by providing financial incentives for colleges and universities to establish campus-based child care centers. The good news is that students who have access to campus-based child care centers are more likely to stay in school and graduate than the average college student. Peace of mind that their children are being well cared for enables most of these students to achieve a higher grade point average and to complete their college education in less time than the norm.

It is critical that we address the issue of child care at the earliest opportunity. I will continue my efforts along with the rest of the Women's Caucus to make this assistance a reality.

When the Violence Against Women Act became law in 1994, it changed forever the way the Nation addressed the crimes of domestic violence and sexual assault. Today there are more investigations, criminal prosecutions and stiffer penalties for those who cross State lines to commit domestic violence. Millions of dollars have been given to the States to help them reshape the responses of police officers, prosecutors, judges and victims' service providers to violence directed at women. There is increased funding for shelters and there is a national domestic violence hot line.

But the 1994 act could not and did not cover every issue involving violence against women. Working with the National Coalition Against Domestic Violence, the NOW Legal and Education Defense Fund, the Family Violence Prevention Fund, Ayuda, the Center for Women Policy Studies and many other organizations, the gentleman from Michigan (Mr. CONYERS), the gentleman from New York (Mr. SCHUMER) and I have crafted an omnibus bill, dubbed VAWA II, which is Violence Against Women Act II, that will reauthorize programs under the original legislation and also address such issues as child custody, insurance discrimination, battered immigrant women, campus crime, legal services eligibility, medical training, workplace safety, and the problems faced by disabled and by older women.

This shows that much more needs to be done, but the concerted efforts that we hear about here and that we will read about and, I hope, support of the Congressional Caucus for Women's Issues will note that this Women's History Month will mark the beginning of some significant changes and advances in progress made for all women.

Again I want to thank the gentlewoman from the District of Columbia (Ms. NORTON), the cochair of the Congressional Caucus for Women's Issues. I notice that the gentlewoman from California (Ms. WOOLSEY), who is very supportive, is also here to address this body. I urge my colleagues to join us in cosponsoring all the legislation that was mentioned, VAWA, II and ensuring that its critical provisions are approved in the near future.

Ms. NORTON. Mr. Speaker, I want to thank the gentlewoman from Maryland for coming forward to participate in this special order, for her work last term as cochair of the Women's Caucus and for her continuing hard work with this caucus. I thank her also for those very valuable remarks.

I am pleased to see that as the gentlewoman from Maryland has said, we have been joined by another good friend in the caucus, another very hard worker in the caucus and a very productive and hard worker for women and families in the Congress, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman for yielding to me. I thank her for her kind words, for her very hard work on behalf of women and for her energy and for her great intelligence. I also thank the gentlewoman from Connecticut (Mrs. JOHNSON), the gentlewoman from the District of Columbia (Ms. NORTON) and the gentlewoman from Maryland (Mrs. MORELLA) for celebrating Women's History Month, for participating in this special order and for organizing it in the first place.

Mr. Speaker, I come to the House this evening to honor the story behind the creation of National Women's History Month. In doing so, I salute the National Women's History Project from the 6th Congressional District of California, the district that I represent. This year, our Nation celebrates the 150th anniversary of the women's rights movement. In my home district, this is of particular interest and a particularly special occasion because Sonoma County is the birthplace of the National Women's History Project, the organization responsible for the establishment of Women's History Month.

The National Women's History Project of Sonoma County is a nonprofit educational organization founded in 1980. The history project is committed to providing education and resources to recognize and celebrate women's diverse lives and historic contributions to our society. Today they are well known by educators, publishers and journalists as the resource for U.S. women's history information and referrals.

As recently as the 1970s, women's history was virtually an unknown subject. In 1978, as chairwoman of the Sonoma County Commission on the Status of Women, I was astounded, as well as the other members of our commission, by the lack of focus on women.

During this time, with the leadership of Mary Ruthsdotter who followed me as the next chair of the Commission on the Status of Women, the commission designated the week of March 8 for International Women's Remembrance. This celebration throughout county schools was met with enthusiastic response, beyond anything we had anticipated. I am proud to tell Members that this observance marked Sonoma County's first Women's History Week, the first women's history week in the country that we call America.

The key to the celebration was to have communities and schools recognize the importance of women and the mark that women of all cultural backgrounds have made on society and on our history. It soon became a goal to get Congress and the governors nationwide to declare National Women's History Week.

By 1981, with the hard work of the History Project, Congress declared a National Women's History Week. Together, the women of my district and the National Women's History Project succeeded in nationalizing awareness of women's history.

As word of the celebration's success rapidly spread across the country, State departments of education encouraged activities to honor Women's History Week as a way to educate students about the diverse role of women in history. Within a few years, thousands of schools and communities nationwide were celebrating National Women's History Week.

In 1987, the National Women's History Project first petitioned Congress to expand the national celebration to the entire month of March. Due to the project's successful efforts, Congress issued a resolution declaring March Women's History Month. Each year since, nationwide programs and activities on women's history in schools, workplaces and communities have been developed and shared during the month of March.

In honor of Women's History Month, I must also pay a very special tribute to Molly MacGregor, Mary Ruthsdotter, Maria Cuevas, Bonnie Eisenberg, Suanne Otteman, Lisl Christie, Donna Kuhn, Sunny Bristol, Denise Dawe, Kathryn Rankin and Sheree Fisk Williams, the women at the National Women's History Project.

☐ 1545

These women from Sonoma County serve as leaders in the effort to educate Americans about the contributions women have made and are making in our society.

The history project works with teachers and leaders of national women's organizations to encourage the development of programs and events that celebrate the diversity of women's lives. The project also works with curriculum specialists in school districts throughout the country to help teachers integrate women's history into the schools.

Under strong and thoughtful leadership, the National Women's History Project has been recognized for outstanding contributions to women's and girls' education by the National Education Association, for diversity in education by the National Association for Multicultural Education, and for scholarship service and advocacy by the Center for Women Policy Studies.

I am grateful to all the devoted women at the National Women's History Project for developing women's history month, and for coordinating this year's 150th anniversary of the women's rights movement for this country.

Again, I am proud to honor the National Women's History Project, an organization which has brought national visibility to women's accomplishments. They have left an indelible mark on Sonoma County and across the Nation. Their legacy and work serve as a reminder of the barriers women have overcome and the barriers that yet remain.

Congratulations, wonderful women, and thank you for all that you have done.

I thank the gentlewoman for organizing this special order.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY), for those very important remarks and for her work with our caucus.

I want to continue to talk about that work. I spoke earlier about new legislation that the caucus worked to get passed last year. I want to speak about new ground we have broken with new approaches to working for women as a part of the Women's Caucus.

We have initiated three new approaches. One is a team approach, a bipartisan team approach. The other is a Women's Caucus hearing approach, and the third is a women's town meeting approach.

Let me say a word about women's bipartisan teams. We are a bipartisan caucus, and we have often worked together on an omnibus legislative bill so we can bring together every bill that women have introduced, and we have put it all into omnibus legislation and we introduced it.

We decided that the Women's Caucus should continue to work on such legislation, but that we ought to work more closely together in teams of Members who have special interests. I think the women and families of America need to know about this team approach.

Did you know that the women of the Women's Caucus are working as teams? That means we Republicans and Democrats led each team, one from each party, on issues that we read from our constituents as among their primary concerns when it comes to women and families.

Let me call out what these teams are, and let me let you know what women Members are working on these teams.

Expanding the work against violence against women, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentlewoman from California (Ms. ROYBAL-ALLARD).

Preventative health services for women, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

Educational child care and school readiness, a major issue this session, the gentlewoman from Ohio (Ms. PRYCE) and the gentlewoman from California (Mrs. TAUSCHER).

Job training and vocational education, the gentlewoman from Hawaii (Mrs. MINK), and here may I say I am calling out the team leaders. There is not enough time to call out all the team members for each important area.

Title IX, the gentlewoman from Michigan (Ms. KILPATRICK).

Health care insurance reform, the gentlewoman from Washington (Mrs. SMITH) and the gentlewoman from New York (Ms. SLAUGHTER).

Juvenile justice, the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from California (Ms. LOFGREN).

Women in the military, the gentlewoman from Florida (Mrs. FOWLER) and the gentlewoman from California (Ms. HARMAN).

Pensions and retirement benefits for women, the gentlewoman from Washington (Ms. DUNN) and the gentlewoman from Connecticut (Mrs. KENNELLY).

Teen pregnancy, the gentlewoman from Texas (Ms. GRANGER) and the gentlewoman from North Carolina (Mrs. CLAYTON).

Higher education, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentlewoman from California (Ms. SANCHEZ).

Women-owned businesses, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from California (Ms. MILLENDER-MCDONALD).

HIV-AIDS, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from Texas (Ms. JOHNSON).

International women's rights, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from Georgia (Ms. MCKINNEY).

You have teams, but what do these teams do? Let me offer a representative sample of what these teams have been doing, because I believe that when you hear some of what in fact happens that may not meet the public eye on the floor of the Congress, that women, men and families in America will have some sense of the very hard work that women insist upon doing for women and families.

The gentlewoman from Florida (Ms. FOWLER) is a Republican; the gentlewoman from California (Ms. HARMAN) is a Democrat. They have worked like two peas in a pod on an issue that reared its head the first day of the 105th Congress, and that was sexual harassment of women in the military.

As I speak, there is an important trial going on of a high level military official who was accused of sexual harassment. At Aberdeen, they broke a terrible story of drill sergeants who were said to be harassing women in their command.

We are concerned about this, but I do not think the country should be surprised. You cannot change what has occurred over the millennia, which has been putting men and women together in the military, without knowing there will be occasions like this.

The real question is, what are you going to do about it? You ought to expect there will be some occasions like this, and we ought to, I think, be very proud of our armed services, that this is very much the exception and not the rule.

Well, Representatives FOWLER and HARMAN, working closely with the gentlewoman from Connecticut (Mrs. JOHNSON) and me, simply decided we were going to press this issue to the finish. I am pleased to report that our team leaders, the gentlewoman from Florida (Ms. FOWLER) and the gentlewoman from California (Ms. HARMAN), worked with the chair of their subcommittee, the gentleman from Indiana (Mr. BUYER), who is the chairman of the Subcommittee on National Security on military personnel, and brought that work into our caucus so that we could coordinate with that committee as they went all around the country to see whether or not sexual harassment of this kind was present in other installations as well.

This issue has been settled in the Army, as far as I am concerned, because they brought it before us, the secretary of the Army Togo West, and what has happened is an extraordinary report that indicates the action that the Army is going to take.

I have to say that if the gentlewoman from California (Ms. HARMAN) and the gentlewoman from Florida (Mrs. FOWLER) and the gentlewoman from Connecticut (Mrs. JOHNSON) and I sat down to write what had occurred, we could not have written a better report ourselves.

We think this is going to take care of the sexual harassment in the Army, and I am proud of the work the women in the caucus have done here. We were far more disappointed at the Kassebaum Commission report, because that commission had been established by Defense Secretary Cohen following reports of sexual harassment in the military, a very distinguished commission, which worked very hard.

But I am here to report that the bipartisan Women's Caucus disagrees that women should be separated in training. We think all you do is to delay the problem. If women are separated in training, you are going to get women and men coming together for the first time when they are in fact in the field. Rather work these problems out in training, than to bring them to the field, where we simply cannot afford that kind of intrusion on the work of our Armed Forces.

This is a bipartisan matter. We are not necessarily speaking for Democratic women or Republican women. We are not about to turn back on the notion that we want to further integrate women in the Armed Forces, not move back from where we were. As it is, each service can decide how they are going to do this, and the Marines are not integrating training. But we are not going to stand for moving back, for example, integrated training in the Army, where integrated training has occurred.

If there is a problem, there is a problem at one installation. There may be problems at others. You do not deal with problems by turning back the clock; you deal with problems by rooting out the problems.

There is a commission of people who have studied this matter before in the Armed Forces, and they have said they believe, above all, that women should be further integrated, and not taken back. So the Secretary of Defense is going to have to decide which way to go.

We appreciate what the Kassebaum Commission did and we understand why they did it, but I have to tell you, if anybody had looked closely at the integration of blacks and whites in the services after World War II, I can tell you that there were many incidents, and that it was very hard to get southern white men under the command of black men. But in a command structure, you can do it, and we did it successfully in the military with blacks and whites, and the Women's Caucus is going to demand it be done as well with women and men.

The team has done yeoman service and work, and they continue to be vigilant and report to us in their report to the caucus that they will be looking at specifically gender segregation in the military to see whether or not anything emerges on the floor, so that the entire Women's Caucus will come forward to fight, if need be.

Thus far, all is quiet on the home front. I think that those who want to come forward to try to sex segregate training know that they are going to have a fight on their hands, and I think so far, so good. But be forewarned, you are going to meet a phalanx of women on the floor if you try it, and they are going to be Republican women and they are going to be Democratic women.

Let me go on to report on another team, the Preventative Health Services Team, just to give you an idea of the kinds of things Women's Caucus do that do not always make it to the floor as legislation.

That team, of course, is chaired by team leaders the gentlewoman from Maryland (Mrs. MORELLA), from whom you have just heard, and the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN). I should really say Dr. CHRISTIAN-GREEN, by which I mean MD doctor. Dr. GREEN has been a MD for more than 20 years, and is now a Member who represents the Virgin Islands.

An example of what that team has in mind for this year is that among the things that that team will be doing this year is a presentation on breast self examination by Doctor-Congresswoman DONNA CHRISTIAN-GREEN.

They reported she is going to discuss proper breast self-examination, and what she is going to do is ask women staff from all over the Congress, the Senate and the House, and she and the gentlewoman from Maryland (Mrs. MORELLA) are going to call them together and have a discussion about this, the progress that has been made, and what we need to do to get breast self-examination more widespread.

You will not see that on the floor of the House. That is the kind of innovative thinking and follow through that is typical of these two Members and of Members of this caucus.

Let me give you another example from the work of the team leaders on Women-owned Businesses. That team has as team leaders the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentlewoman from New York (Mrs. KELLY).

They have already had a hearing, and I will have a word to say about that later, but they have already had a hearing on women's procurement in the Federal sector. The Federal sector is the granddaddy of all procurement, obviously, because the Federal Government is so large and so many contracts are let, and they found some difficulty as women strive to get more of those contracts.

□ 1600

Let me tell the Members an interesting approach they have taken. Together they have introduced House Resolution 313, which makes recommendations on ways women can gain access to more procurement opportunities for the Federal Government. But being women, who always like to get something done, they have done more than simply introduced the resolution. They have sent copies of their resolution, their follow-up in this session has been to send copies of this resolution to all Federal agencies, encouraging them to implement these recommendations right now, without legislation, as a follow-up to their own women's caucus hearing.

I believe the gentlewoman from Maryland (Mrs. MORELLA) may want to say some more. I will finish with these teams, so if she wants to have something more to say, I will yield more time to her.

The gentlewoman from Maryland (Mrs. MORELLA) works on the team on HIV/AIDS. This is an issue that plagues our country still. We have made enormous progress on it, but the disease is moving sideways to women and to people of color. We have to find ways to keep the disease from popping up in a new population. We have done well. We need to do much work, but we have done well with gay men. We cannot have this disease move over to minorities and women, and we need more work here.

They will be sponsoring a briefing with HHS and advocacy groups to discuss access to treatment for low-income HIV-infected women and their families, and Medicaid coverage for such patients. This disease is moving to women, but particularly to low-income women, and particularly to women of color. That will be a real service.

Finally, let me say a word about a follow-up to a hearing that my cochair, the gentlewoman from Connecticut (Mrs. NANCY JOHNSON) and I had on contraceptive research. We found that the government is not doing contraceptive research anymore. That means more abortions, and that means nobody in the world is doing it, because we pay for most of this research.

We want to encourage more of this research, and we want to encourage more work to cover contraception so that after-the-fact remedies like abortion will become rare, as it is said. The gentlewoman from Connecticut (Mrs. JOHNSON) and I sponsored such a women's caucus hearing and we are sending a letter to insurance companies encouraging health plans to provide adequate coverage for contraception. There are all manner of plans that cover abortion and do not cover the pill, do not cover the IUD.

That is an invitation at a time when we have not done enough contraceptive research, it is usually inadequate and I must say not foolproof methods available to use, and then go to backup remedies which none of us want to encourage. We hope that insurance companies will provide such coverage. I am a cosponsor of the bill, as is the gentlewoman from Connecticut (Mrs. JOHNSON) that would require companies to do so. But in advance of that and before that bill passes, we would like voluntary compliance.

We are also drafting language regarding contraceptive research funding to start up again the kind of funding that only the most powerful and richest government can do. We do not have adequate contraceptive research for women in America. We do not have it for women in the world. It is one of the great services we could do for the world.

Would the gentlewoman from Maryland (Mrs. MORELLA) have more time she desires before I go further?

Mrs. MORELLA. No, I do not, thank you.

I want to congratulate the gentlewoman on the fact that in her discussion of Women's History Month and what the caucus has done, that she has stressed the bipartisan nature, and the fact that we do have partnerships, we do have teams that work together on all of the various issues, whether it is pay equity, child care, domestic violence, HIV/AIDS and health issues, small businesses. I think the gentlewoman has articulated it very well. It really is just the beginning of all of the work that we do, so I thank the gentlewoman very much.

Ms. NORTON. I thank the gentlewoman for her efforts to make our caucus truly bipartisan, because it certainly takes hard work. We iron out our differences and go ahead. On things we disagree, those do not become caucus issues.

On choice, for example, there are some Members, Democrat and Republican, that are not with us on choice. Therefore, we do not worry with that in the caucus. Those of who are strongly pro-choice will do it on our own or with other Members.

Mr. Speaker, let me finish by saying that the two other groundbreaking approaches the women's caucus has used this session are town meetings and women's caucus hearings. We had a town meeting on pay equity, because we have found that that is a number one issue for women and families. That was a meeting where we did not do most of the talking. We invited women from around the country to do most of the talking. Most of those women came from operations like the business and professional women's clubs of America. It was an important innovation for the women's caucus.

We have had four women's caucus hearings. I mentioned some of the team members. Those hearings have been on zero to 3, the groundbreaking work that has been done on what we all had better understand about young children and what has to be done. It is to far more adequately stimulate them and get child care for them.

I have mentioned contraceptive research. We have to move ahead on that or else we are inviting more abortion. This last year was the 25th anniversary of Title IX. We had a hearing to commemorate it and to indicate the great unsolved issues under Title IX, and of course I have mentioned the procurement hearing because while there is a 5 percent goal, a voluntary goal, for women for contracts from the Federal Government, we are only at 2 percent. The women's caucus hearing brought that out.

Mr. Speaker I appreciate the time that has been awarded to the 50 Members of Congress for this special order.

HONORING WAYNE FOWLER FOR HIS 32 YEARS OF SERVICE TO THE HOUSE OF REPRESENTATIVES AND THE UNITED STATES GOVERNMENT

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, this is a labor of love for me, because it is a privilege for me to rise this afternoon to honor my constituent, Wayne Fowler, for his 32 years of service to the House and the United States Government he has given us. Twenty-two years of that has come right here on our House floor, 6 years as an assistant enrolling clerk and 16 years as an assistant journal clerk.

During his years of service, Mr. Fowler has exhibited a deep appreciation for the value of the legislative process in its purest form, that of the parliamentary actions of the House. Mr. Fowler's devotion to the language of the House Journal, or "journalese," as he calls it, is well known. Wayne never forgot to remind his colleagues that this style of prose has been in use in the House Journal since the second Continental Congress, and that the Constitution mandates the keeping of the House Journal, which is the official record of House proceedings.

Wayne Fowler is a true renaissance man. He is a lover of art, music, and literature. He is an avid bicyclist, which keeps him in such good shape. He is also known to his co-workers as someone who believes in empowering and supporting the work of the young people who also serve this House. He could often be found explaining the procedures of the House to the House pages, something they would never forget, and many of them might go on to become Members of this House and continue to remember that.

Mr. Fowler serves as the verger at St. Columbus Episcopal Church, where he is responsible for the order of the liturgy and for training and supervising the acolytes.

I want to congratulate Wayne. I want to offer my best wishes to him, to his wife, Anona, their two sons, Wayne and Perry, and their wives, Leslie and Amber. We miss you, Wayne, but we wish you the best in your new adventure, and we thank you for your dedicated service to our House of Representatives and to our great country. Come back and visit.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2495

Ms. NORTON. Mr. Speaker, I ask unanimous consent that my name be deleted as a cosponsor of H.R. 2495.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

THE PRESIDENT'S BUDGET PLAN THREATENS TO BRING BACK HUGE FEDERAL DEFICITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from South Dakota (Mr. THUNE) is recognized for no more than 20 minutes.

Mr. THUNE. Mr. Speaker, let me just say that this week we heard some remarkable news come out of the Congressional Budget Office. The Congressional Budget Office reported that we will see this year an $8 billion surplus, and I think that is remarkable news for our country, and it is noteworthy to say that a lot of that progress has been made just in the last few years.

I noticed here as I looked back at the 1995 projected deficit, the 1996 projected deficit, and the 1997 projected deficit, that as recently as 1995 the projection was that the deficit this year would be $164 billion, in 1996 it was going to be $107 billion, and in 1997, $22 billion, is what it actually ended up being, and this year we actually have erased the red ink and we are operating in the black.

That is a remarkable achievement, considering from where we have come in these past few years. That is the good news. I think we ought to all reflect on the fact that that is good news. I think, again, it marks the first time in 30 years we have been able to operate in the black, and it is a tribute to the fiscal discipline that has been exercised by the Congress in the last couple of years in trying to get Federal spending under control.

The bad news, of course, is the fact that after years of hard work to eliminate these deficits, President Clinton wants to send the Federal budget back into the red. That is what is shown also in the analysis of the President's budget which was released yesterday by the Congressional Budget Office. The

President's plan breaks the budget and breaks the agreement that we just reached this last year. Worst of all, it breaks faith with the American people.

It took us since 1969, when the first man walked on the Moon, to bring the Federal budget into balance. The President's plan will bring back deficits in just 2 short years. We should have expected that, because the President has proposed some 85 new initiatives costing $150 billion over the next 5 years.

In addition, he has proposed increasing taxes to their highest level on our society since 1945. Any budget that returns us to the era of more taxes, more spending, and deficits, even for one year, is unacceptable. I think we treated the President's budget with courtesy when it was received on the Hill but declared it dead on arrival, and I think CBO's findings should certainly slam the coffin lid shut on this ill-conceived plan which threatens to wipe out all the progress we have worked so hard to make in bringing down Federal spending and eliminating Federal deficits.

There is an $8 billion surplus in 1998, a remarkable achievement, and I think that hopefully we can continue down that track to build on surpluses in the future. The other part of the bad news, of course, in all this debate and discussion is the fact that even though we are operating in the black this year on a unified basis, budgetary basis, we still have $5.5 trillion in debt that we have racked up over the last several years. We need, I think, again, to put a plan in place to retire that debt.

One of the things that we have looked very seriously at, and in fact I have cosponsored, is a plan that has been offered by the gentleman from Wisconsin (Mr. NEUMANN) which would deal with that very issue. If we can assist and in a systematic way get the discipline that is necessary to reduce the debt over time, we will also eliminate the $250 billion that we spend annually just to pay interest on the debt.

If we think about the drain on the economy, the drain on the taxpayers of this country, to write a check every year through the appropriations process before we fund anything else, roads and bridges, education, defense, any other priority, the $250 billion comes off the top to pay the interest on this $5.5 trillion debt. That is a very serious problem and one we need to come to grips with.

Having said that, I have cosponsored a plan which will address that. It does it in a very simple way. First of all, it says that any time we run a surplus in this country, that we ought to take two-thirds of that surplus and dedicate it to paying down the debt, to retiring the debt, and secondly, to restoring the trust funds: the Social Security trust fund, the highway trust fund, the environmental trust funds. That has to be the priority, first of all, to deal with those issues. Then finally, the last third would be used to lower taxes on the hardworking people of this country.

But it basically makes a statement, an assertion, that we will not commit ourselves to embark down a path or journey down the road towards additional Washington spending and new Washington spending, new Washington programs, until first we have taken care of the debt that is looming out there, and that is going to choke off future generations; that we have addressed the trust fund issues and ensured that Social Security will be there, not only for people who depend upon it today, but also in the future. Then finally, that we give something back to the taxpayers, after all, whose money it is in the first place. I believe that is a very logical, commonsensical approach to dealing with the potential surplus.

Furthermore, this plan over time would completely eliminate the debt by saying that over the course of the next several years we will not spend any more than 99 percent of the revenue that the government collects. In other words, each year we will run a 1 percent surplus that will be directly applied to the debt, so that over time, based upon current economic assumptions, we can, by the year 2026, systematically do away with the debt that is hanging like a cloud over our country's future.

So I believe it is a plan that merits the consideration, the debate, of this body, and hopefully the support on both sides of the aisle, because realistically, I think we have all proven in the past that Congress does not have the discipline, short of a plan like this, that will enable us to deal with the debt and also to continue to keep Federal spending under control.

□ 1615

Any time in Washington we start talking surplus, we have all kinds of people who have ways of spending it. And I think, again, it is something that may be a liberal politician's dream to talk surpluses, but it should be the taxpayers' nightmare.

We need to have a plan in place which addresses that not only for the short term but for the long term, and this legislation, H.R. 2191, the Debt Repayment Act, deals with that very issue.

Having said that, I also believe that in terms of the longevity of Social Security and where we need to be going with respect to that program, that we need some serious fundamental reforms. I think for the first time in a long time in a bipartisan way we are talking about the looming crisis that is ahead of us, and I find that to be very encouraging.

The fact of the matter is, as well, that we also borrow each year about $100 billion from the Social Security Trust Fund and use it, apply it to the overall budget. It makes the budget deficit look smaller. But this year to the extent that we have done that, $100 billion has been used out of the Social Security Trust Fund to mask the true size of the Federal deficit. $650 billion has been borrowed from the Social Security trust fund and applied to the overall cost of running the government.

That is an issue that I also think we need to address, and erect a fire wall between the trust fund and the general budget so that in the future the people that pay into the Social Security Trust Fund through payroll tax have an assurance that their dollars are going to be used for the purpose they were intended. That should be a matter of practice and policy, that we have truth in budgeting and that we have accountability from our government and that no Social Security dollars are robbed to pay for new Washington spending. I think that is what we have been doing these last many years, and that is a practice which certainly needs to be stopped.

Mr. Speaker, as we move into this discussion of potential budget surpluses, it is again very important that we deal with the long-range issues, the debt, the trust funds. But before we again embark upon long-term new spending for government programs, we must do a serious evaluation about what is in the best interest of the people in this country who have needs.

As I travel my State of South Dakota, I hear a lot of different concerns. I talk to young families, husbands and wives who are trying very hard to juggle jobs and schedules so that they can pay the bills, pay for day care, think about their children's education, look at retirement issues, what they can do to put some aside, and then hope to have enough time to see their kids and each other at the end of the week.

I talk to college students who are taking full loads of classes plus trying to work on top of that, 40 hours a week in some cases, in order to pay for their education. I talk to retired senior citizens who are concerned because they see what Washington is doing with the Social Security and Medicare programs, and they want to see that those programs are there not only for them but there for their children and grandchildren.

I talk to young professionals who are starting out their careers and who laugh when asked if they think that Social Security will be there for them when they retire. That question was recently asked of young people in this country, and the survey results found that more people believe in UFOs than believe that Social Security is going to be around for retirement.

We may have today a budget surplus, but we have some serious challenges ahead of us and ones which I think we need to come to grips with. It is going to take continued fiscal discipline along the lines of the plan that I have just been discussing.

When we look beyond those issues at whether or not, in terms of addressing society's needs out there, whether it is child care or education or retirement or health care, should we create new Washington-based programs to address those. Or should we say, again as a matter of fundamental policy, that we believe the people of this country are in a better position to make decisions about how to meet their needs, and therefore we ought to give more money back to them in the form of tax relief. I think that is a very clear choice.

We ought to allow the people of this country to participate in the benefits of a growing economy. When we look at where the American economy is today and the tax burden that we place on Americans, as I noted earlier in terms of the overall tax burden, entirely in terms of tax revenues collected, we are now approaching right at 20 percent of the total gross domestic product of our entire economy going in the form of tax revenues. The highest level since 1945. That is the collective burden.

How that plays out with individuals and families, when we sit down and figure it out, there were some statistics that came out the other day which said that over the past couple of decades that the tax burden has grown, the collective burden, Federal, State and local, to 38.2 percent. That is a remarkable number, when we think that 38 cents out of every dollar that a family in this country makes is going to pay taxes in one form or another.

Again, I think it ought to be a goal and it has been a goal articulated by our majority, the Republican leadership in the Congress, that we ought to work toward a 25 percent tax burden. Federal, State and local taxes should not exceed 25 percent of a family's income.

Mr. Speaker, I think that ought to be more than a goal and we ought to systematically work to where that becomes a reality. Someone said that God only asks for 10 percent, certainly the government could get by on two-and-a-half times that amount, so 25 percent ought to be the goal that we strive for.

Before we go back into the budget wilderness that we have been wandering in for the last 30 years, we ought to look at what we can do to return some of the dollars that the people in this country who are very hard-working and are contributing and making this economy grow, how we can give some of that back to them in the form of tax relief.

Mr. Speaker, I have introduced a couple of pieces of legislation which I think are consistent with that principle, and also address the issue of tax relief in a way which I think is consistent with what certainly is my philosophy and I would hope would be the philosophy of most Americans; that is that we ought to allow everybody to participate as much as they can in a very broad-based way in the benefits of a growing economy. That is one of the principles that underscores our legislation.

Secondly, to the extent that we can provide any form of tax relief in this body, that we ought to do it in a way that further simplifies, not complicates, the Tax Code. Every time the Congress touches the Tax Code, as they have repeatedly since 1986, which was supposed to be the tax reform movement to end all tax reforms, we have had some 4,000 modifications to the Tax Code in this country. More laws, more regulations, more rules, more pages of instruction to the point that today we have 34½ pounds of laws, regulations and rules and instructions, 480 tax forms. It becomes increasingly more complicated.

If we could do something that would liberate the people of this country, the individuals, the families, the businesses, from the burden that is imposed by just the complexity of this Tax Code, I think we would create more jobs, we would see the economy continue to grow even faster, because it is an incredible drag on the economy to see what we do in terms of our tax policy.

But having said that, let me briefly describe the nature of our two tax bills. First of all, we have said that one of the ways we can deliver tax relief is by raising the personal exemption. Everybody in this country claims a personal exemption and then one for their dependents. We would raise that from the current $2,700 to $3,400, thereby reducing the taxable income that each individual and each family in this country is responsible for.

If a taxpayer is paying at the 15 percent category and they are a family of four, that is going to amount to $400 of tax relief. For someone in the 28 percent tax bracket, that is $800 of tax relief each year. That is real relief. That allows people in this country to make real choices about what their priorities are and how they want to spend those tax dollars. If it is on child care, they could buy 12 weeks of child care with that, or 16 weeks of groceries. They could make a couple of mortgage payments or car payments, or start putting something aside for education. That is real relief for working Americans. That is the philosophy that we bring to this.

The second bill is also geared toward the concept of simplifying the code, moving more people into the 15 percent tax bracket. It would raise the income thresholds at which the 28 percent rate applies today. For example, for a married couple that is currently $42,350; we would raise that to $70,000. So, in other words, they could make $70,000 before they start paying taxes at the 28 percent level as opposed to the 15 percent level.

Mr. Speaker, that gives people in this country an incentive to work harder, to earn more, to improve their lot in life because they know that each time they earn an additional dollar, they are only going to have 15 cents taken in taxes as opposed to a higher 28 cents if they fall into that tax category.

What our legislation does is it drops 10 million filers out of the higher 28 percent bracket down into the 15 percent bracket, thereby lowering their tax bracket on average about $1,200 on average per filer. Mr. Speaker, 29 million people in this country would see their tax bills lowered as a result of our legislation.

These are bills that bring real relief and real choices to working families in this country. They do it, as I said earlier, in a way that delivers relief in a broad-based way. People in the lower and middle income categories realize the biggest proportionate share of the tax relief, but everybody up through the income structure, rate structure, will realize tax relief, and that is significant because it gets us away from this notion of targeting and picking winners and losers out of Washington.

I think a big mistake in tax policy in the past is that we try to micromanage behavior. We try to say to people if they will behave this way or jump through these hoops, that we will reward them. We in Washington will reward them by giving them some form of tax relief.

Our bills, on the other hand, are consistent with the philosophy that says that in an equal way, everybody in this country, whether they are single or whether they are married or whether they have children or whatever their status is, if they are a working person who pays taxes, they get tax relief. That is straightforward and simple and common sense. It delivers tax relief in a way that is consistent with our principles and philosophy.

Recently I was reading a Wall Street Journal op-ed piece by Charles Murray on Friday, February 20, which reinforces this philosophy. What he says is, "The power of incentives to affect behavior is not at issue, nor is the power of government to effect incentives. But just as the information needed to organize an economy is too complex for central economic planners to collect and use, so are the incentives that shape human behavior too complex for central planners to engineer. The legislators write a law that pushes policy lever A and opens spending valve B, and they may indeed produce a measurable behavioral output. But it usually has no relationship to the intended output, or worse, it is the exact opposite."

Mr. Speaker, I think as we head down the road in looking again at any kind of tax relief that we might be able to do this year or next year, whenever the budget situation that we are dealing with enables us to do that, we ought to be looking at tax relief that is consistent with the principles that are outlined in our legislation.

I want to credit the gentlewoman from Washington (Ms. DUNN), who is an original cosponsor, in helping me with this legislation. The gentlewoman is a member of the House Committee on Ways and Means, a member of the House leadership, and we have since that time added several cosponsors. We are going to continue to advance this particular proposal in a way that again I think will resonate with the American people, the people who pay the taxes, and hopefully will draw the attention of policymakers here in Washington.

I would just like to, in winding up today, point out the favorable review it is meeting within my home State of South Dakota. Look at the Brookings Register, the editorial, "In Thune, Taxpayers Should Trust." I do not think that is a reflection on me, but it is the proposal that we have outlined and one that they said is very much consistent with principles.

The Mitchell Daily Republic, "Thune Tax Plan is Real Tax Relief." That is the kind of reviews our proposal is meeting with back home. And out here, in New York, Investor's Business Daily calls it "real tax relief." This is the kind of response that we are meeting with.

Again, I think it is very, very much in line with where we ought to be going in this country in terms of tax policy, again with the long-term goal in the year 2000 of coming up with a new Tax Code for a new century. That is where we ultimately need to be.

I am going to continue to advocate for tax reform. But until we get there, to the extent that we are able to offer tax relief, it ought to be consistent with the legislation that we have introduced. I look forward to working with other Members of this body to see that this becomes a reality.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. QUINN (at the request of Mr. ARMEY) for today on account of dental reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. BERRY, for 5 minutes, today.
Mrs. MALONEY of New York, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

The following Members (at the request of Mr. CAMPBELL) to revise and extend their remarks and include extraneous material:

Mr. TIAHRT, for 5 minutes, today.
Mr. GOSS, for 5 minutes, today.
Mrs. FOWLER, for 5 minutes, today.
Mr. SANFORD, for 5 minutes, today.
Mr. BARTON of Texas, for 5 minutes, today.
Mrs. KELLY, for 5 minutes, on March 10.
Mr. METCALF, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.
Mr. BOB SCHAFFER of Colorado, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:

Ms. ROYBAL-ALLARD.
Ms. EDDIE BERNICE JOHNSON of Texas.
Ms. ESHOO.
Ms. KILPATRICK.
Mr. MANTON.
Mr. FALEOMAVAEGA.
Ms. CARSON.
Mr. FILNER.
Mr. KIND.
Mr. BLUMENAUER.
Mr. BARCIA.
Mr. DAVIS of Illinois.
Ms. JACKSON-LEE of Texas.

The following Members (at the request of Mr. CAMPBELL) and to include extraneous matter:

Mr. GRAHAM.
Mr. GALLEGLY.
Mr. CALVERT.
Mr. BARTON of Texas.
Mr. GILMAN.
Mr. CUNNINGHAM.
Mr. INGLIS of South Carolina.
Mr. BUNNING.
Mr. BRADY.
Mr. MCDADE.
Mr. PAUL.

The following Members (at the request of Mr. THUNE) and to include extraneous matter:

Mr. WELLER.
Mr. HILL.
Mr. SMITH of New Jersey.
Mr. PASTOR.
Mr. SCARBOROUGH.
Mr. WEYGAND.
Mr. CLYBURN.
Ms. FURSE.
Mr. BOB SCHAFFER of Colorado.
Mr. PASCRELL.
Mr. SHUSTER.
Mr. MCDADE.
Mr. JOHN.
Mr. GILMAN.
Ms. SLAUGHTER.
Mr. DIXON.
Mr. LANTOS.
Mr. LEWIS of California.
Mr. PAYNE.
Mr. ROHRABACHER.
Mr. HAMILTON.
Mr. TIERNEY.

ADJOURNMENT

Mr. THUNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, March 9, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7718. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Amendment to the Tobacco Marketing Quota Regulations (RIN: 0560–AE96) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7719. A letter from the Administrator, Food Safety and Inspection Service, transmitting the Service's final rule—Use of Binders in "Ham with Natural Juices" Products [Docket No. 96–040F] (RIN: 0583–AC29) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7720. A letter from the Manager Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations; Table Grape Crop Insurance Regulations and Common Crop Insurance Regulations; Table Grape Crop Insurance Provisions [7 CFR Parts 441 and 457] received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7721. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Crop Insurance Regulations, Safflower Seed Crop Insurance Endorsement; and Common Crop Insurance Regulations, Safflower Crop Insurance Provisions (RIN: 0563–AA79) March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7722. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—General Administrative Regulations; Ineligibility for Programs Under the General Crop Insurance Act (RIN: 0563–AB01) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7723. A letter from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, transmitting the Agency's final rule—Common Crop Insurance Regulations; Pear Crop Insurance Provisions (RIN: 0563–AB03) received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7724. A letter from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, transmitting the Institution's final rule—Bank Enterprise Award Program (RIN: 1505–AA71) received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7725. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Hispanic-Serving Institutions Work Study Program [Docket No. FR–4269–I–01] (RIN: 2528–AA07) received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7726. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Manufactured Home Tires, Parts and Accessories Necessary for Safe Operation; and Manufactured Home Construction and Safety Standards [Docket No. FR–3943–F–02] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7727. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule— Determination of Economically Depressed Regions (RIN: 3064–AB08) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7728. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Fairbanks, Alaska Nonattainment Area; Carbon Monoxide [AK 17–1705;FRL–5971–4] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7729. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendments to National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins; Correction of Effective Date Under Congressional Review Act (CRA) [FRL–5963–8] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7730. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for Texas: General Conformity Rules [TX 62–1–7271A ; FRL–5971–7] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7731. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District [CA–011–0063; FRL–5966–8] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7732. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants Arkansas; Revisions and Regulations [AR–2–2–5972a; FRL–5954–4] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7733. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–5973–9] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7734. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Manufacture of Halon Blends, Intentional Release of Halon, Technician Training and Disposal of Halon and Halon-Containing Equipment (RIN: 2060–AH44) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7735. A communication from the President of the United States, transmitting a report on Chemical and Biological Weapons Defense, pursuant to Condition 11(F) of the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997; (H. Doc. No. 105—224); to the Committee on International Relations and ordered to be printed.

7736. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7737. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Retirement and Insurance—Exemption From Continuity Of Coverage Requirements For Certain Decennial Census Employees With Dual Appointments (RIN: 3206–AI12) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7738. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Retirement and Insurance Benefits When An Annuitant Is Missing (RIN: 3206–AH75) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7739. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Supplemental Regulations for Administration of Midway Atoll National Wildlife Refuge (RIN: 1018–AE19) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7740. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Abandoned Mine Land Reclamation Fund Reauthorization Implementation (RIN: 1029–AB93) received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7741. A letter from the Acting Assistant Secretary, Employment and Training, Department of Labor, transmitting the Department's final rule—Procedures for H–2B Temporary Labor Certification in Nonagricultural Occupations [Title 20 CFR Parts 652, 655 and 656.40, 8 CFR 214.2(h), 408 FR 2587, GAL No. 1–95] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASW–19 Sailplanes [Docket No. 97–CE–101–AD; Amendment 39–10357; AD 98–04–46] (RIN: 2120–AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA- Groupe AEROSPATIALE Models TB9, TB10, and TB200 Airplanes [Docket No. 95–CE–70–Ad; Amendment 39–10358; AD 98–04–47] (RIN: 2120–AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–500M Gliders [Docket No. 97–CE–131–AD; Amendment 39–10342; AD 98–04–30] (RIN: 2120–AA64) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and F.28 Mark 0100 Series Airplanes [Docket No. 97–NM–274–AD; Amendment 39–10361; AD 98–04–50] (RIN: 2120–AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of VOR Federal Airway V–204; Yakima, WA [Airspace Docket No. 97–ANM–22] (RIN: 2120–AA66) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4164, PW4168, and PW4168A Series Turbofan Engines [Docket No. 97–ANE–44–AD; Amendment 39–10326; AD 98–04–14] (RIN: 2120–AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–366G1 Helicopters [Docket No. 97–SW–09–AD; Amendment 39–10363; AD 98–05–01] (RIN: 2120–AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 750 Airplanes [Docket No. 98–NM–38–AD; Amendment 39–10364; AD 98–05–02] (RIN: 2120–AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100) Series Airplanes [Docket No. 96–NM–108–AD; Amendment 39–10356; AD 98–04–45] (RIN: 2120–AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7751. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness

Directives; Aerospatiale Model ATR72 Series Airplanes [Docket No. 97-NM-280-AD; Amendment 39-10354; AD 98-04-43] (RIN: 2120-AA64) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7752. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hull Examination Alternatives for Passenger Vessels [USCG-1998-3569] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7753. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Tacoma Harbor, WA [CGD13-98-001] (RIN: 2115-AE47) received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7754. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal from Federal Regulations of the Applicability to Alaska's Waters of Arsenic Human Health Criteria [FRL 5971-9] received February 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7755. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Update of Ports Subject to the Harbor Maintenance Fee [T.D. 97-45] (RIN: 1515-AA57) received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7756. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Compensation for Certain Undiagnosed Illnesses (RIN: 2900-AI77) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7757. A letter from the Director, Office of Regulations Management, Department of Vetereans Affairs, transmitting the Department's final rule—Treatment of Research-Related Injuries to Human Subjects (RIN: 2900-AH68) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7758. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Change from dollar approximate separate transactions method of accounting/change (DASTM) to the profit and loss method of accounting/change from the profit and loss method to DASTM [TD 8765] (RIN: 1545-A124; 1545-AS68) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7759. A letter from the Chief Counsel, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 98-15] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7760. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Addition of Midland International Airport to List of Designated Landing Locations for Private Aircraft [T.D. 97-35] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7761. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Establishment of Port of Entry at Spirit of St. Louis Airport [T. D. 97-7] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7762. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Technical Amendments to the Customs Regulations [T.D. 97-82] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7763. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Customs Service Field Organization; Establishment of Sanford Port of Entry [T.D. 97-64] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7764. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Customs Service Field Organization; Establishment of Sanford Port of Entry [T.D. 97-88] received February 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MENENDEZ (for himself, Mr. Shays, Mr. Pallone, Mr. Hinchey, and Mr. Frank of Massachusetts):

H.R. 3337. A bill to amend title 49, United States Code, to require air carrier baggage liability to be not less than $2,000 per passenger; to the Committee on Transportation and Infrastructure.

By Mr. ALLEN (for himself, Mr. Olver, Mr. Frost, Mr. Baldacci, Mr. Reyes, Mr. Waxman, Mr. Adam Smith of Washington, Mr. DeFazio, Mr. McGovern, Ms. DeGette, Mr. Davis of Florida, Ms. Hooley of Oregon, Ms. Stabenow, Mrs. Thurman, Mr. Delahunt, Mr. Rush, Mr. Meehan, Mr. Vento, and Mr. Dooley of California):

H.R. 3338. A bill to ensure excellent recruitment and training of math and science teachers at institutions of higher education; to the Committee on Education and the Workforce.

By Mr. PAUL:

H.R. 3339. A bill to amend the Agricultural Market Transition Act to ensure that rice farms covered by a production flexibility contract remain in rice production during the term of the contract when the principal producer of rice on the farm is a tenant or sharecropper; to the Committee on Agriculture.

By Mr. MENENDEZ (for himself, Mr. Matsui, and Mr. Gejdenson):

H.R. 3340. A bill to provide an exemption from certain import prohibitions; to the Committee on Ways and Means.

By Mr. GEPHARDT:

H.R. 3341. A bill to amend the Immigration and Nationality Act to strengthen the naturalization process; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. Klink, Mr. Barcia of Michigan, Mr. Brown of California, Ms. Christian-Green, Mr. Coyne, Ms. DeLauro, Mr. Ehrlich, Mr. Filner, Ms. Furse, Mr. Gejdenson, Mr. Green, Ms. Harman, Mr. Hinchey, Ms. Eddie Bernice Johnson of Texas, Mr. Kennedy of Massachusetts, Mr. Kennedy of Rhode Island, Mr. Kleczka, Mr. Kucinich, Ms. Jackson-Lee, Mr. Martinez, Mr. Matsui, Mrs. Meek of Florida, Mr. Mica, Mr. Miller of California, Ms. Millender-McDonald, Ms. Pelosi, Mr. Rahall, Ms. Rivers, Mr. Sanders, Mr. Sandlin, Mr. Serrano, Mr. Adam Smith of Washington, Mr. Stark, Mr. Torres, Mr. Towns, Mr. Weygand, Ms. Woolsey, Mr. Wynn, Mr. Yates, and Mr. Mascara):

H.R. 3342. A bill to prohibit discrimination or retaliation against health care workers who report unsafe conditions and practices which impact on patient care; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT:

H.R. 3343. A bill to suspend temporarily the duty on a certain chemical used in the textile industry and in water treatment; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3344. A bill to suspend temporarily the duty on a certain chemical used in the paper industry; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3345. A bill to suspend temporarily the duty on a certain chemical used in water treatment; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3346. A bill to suspend temporarily the duty on a certain chemical used in water treatment and beauty care products; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3347. A bill to suspend temporarily the duty on a certain chemical used in photography products; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3348. A bill to suspend temporarily the duty on a certain chemical used in peroxide stabilizer and compounding; to the Committee on Ways and Means.

By Mr. TALENT:

H.R. 3349. A bill to suspend temporarily the duty on a certain chemical used in the textile industry; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 3350. A bill to direct the Foreign Trade Zones Board to expand Foreign Trade Zone No. 143 to include an area of the municipal airport of Chico, California; to the Committee on Ways and Means.

By Mr. BUNNING of Kentucky (for himself, Mr. Sam Johnson, Mr. Nussle, Mr. Collins, Mr. English of Pennsylvania, and Mr. Porter):

H.R. 3351. A bill to amend the Social Security Act to establish the Protect Social Security Account into which the Secretary of the Treasury shall deposit budget surpluses until a reform measure is enacted to ensure the long-term solvency of the OASDI trust funds; to the Committee on Ways and Means.

By Mr. BACHUS (for himself, Mr. Aderholt, Mr. Cramer, and Mr. Riley):

H.R. 3352. A bill to amend the Foreign Assistance Act of 1961 to repeal the housing guaranty program under that Act; to the Committee on International Relations.

By Mr. BERRY (for himself, Mr. SNYDER, Mr. JOHN, and Mrs. EMERSON):

H.R. 3353. A bill to direct the United States representatives at certain international financial institutions to insist that the institutions uphold the trade liberalization commitments made by the Asian countries receiving assistance from such institutions; to the Committee on Banking and Financial Services.

By Mr. COBLE:

H.R. 3354. A bill to suspend temporarily the duty on trifluoromethylaniline; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3355. A bill to suspend temporarily the duty on 2-chloro-N-{2,6- dinitro-4- (trifluoromethyl) phenyl} -N- ethyl-6-fluorobenzenemethanamine; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3356. A bill to suspend temporarily the duty on streptomycin sulfate; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3357. A bill to suspend temporarily the duty on propanoic acid, 2-4-(5-chloro-3-fluoro-2-pyridinyl)oxy -phenoxy -2-propynyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3358. A bill to suspend temporarily the duty on 2, 4 dichloro 3,5 dinitro benzotrifluoride; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3359. A bill to suspend temporarily the duty on acetic acid, (5-chloro-8-quinolinyl)oxy-, 1-methyhexyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3360. A bill to suspend temporarily the duty on acetic acid, 2-chloro-4-fluoro-5-(tetrahydro-3-oxo-1H, 3H- 1,3,4 thiadiazolo 3,4-a pyridazin-1-ylidene) amino phenylthio-, methyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3361. A bill to suspend temporarily the duty on orthonitrophenyl; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3362. A bill to suspend temporarily the duty on chloroacetone; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3363. A bill to suspend temporarily the duty on calcium oxytetracycline; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3364. A bill to suspend temporarily the duty on sodium N-methyl-N oleoyl taurate; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3365. A bill to suspend temporarily the duty on dialkylnaphthalene sulfonic acid sodium salt; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3366. A bill to suspend temporarily the duty on O- (6-chloro-3-phenyl-4-pyridazinyl) -S-octyl-carbonothioate; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3367. A bill to suspend temporarily the duty on 4-cyclopropyl- 6-methyl- 2-phenylamino-pyrimidine; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3368. A bill to suspend temporarily the duty on O,O-Dimethyl-S- 5-methoxy-2-oxo-1,3,4- thiadiazol-3 (2H) -yl-methyl-dithiophosphate; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3369. A bill to suspend temporarily the duty on (Ethyl 2-(4- phenoxyphenoxy) ethyl carbamate; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3370. A bill to suspend temporarily the duty on 1- (4-methoxy- 6-methyl-triazin-2-yl) -3- 2-(3,3,3-trifluoropropyl) -phenylsulfonyl -urea; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3371. A bill to suspend temporarily the duty on 3- 4,6-Bis (difluoromethoxy)-pryimidin-2-yl -1- (2-methoxy-carbonylphenylsulfonyl) urea; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3372. A bill to suspend temporarily the duty on 3- (6-methoxy-4-methyl-1,3,5-triazin-2-yl) -1- 2- 2-chloroethoxy)- phenylsulfonyl -urea; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3373. A bill to suspend temporarily the duty on (2S, 4R)/(2R, 4S)/(2R, 4R)/(2S, 4S) -1- {2-4- (4-chloro-phenoxy) -2- chlorophenyl -4-methyl-1, 3-dioxolan-2-yl-methyl} 1H-1,2,4-triazole; to the Committee on Ways and Means.

By Mr. CRAPO:

H.R. 3374. A bill to amend the Harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment for semiconductor plating lines; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself and Mr. SMITH of Texas):

H.R. 3375. A bill to provide for the temporary reduction of duty on synthetic quartz substrates; to the Committee on Ways and Means.

By Mr. ENSIGN:

H.R. 3376. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to taxpayers who use certain clean-burning fuels as a motor vehicle fuel; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 3377. A bill to clarify the rules of origin for textile and apparel products from American Samoa; to the Committee on Ways and Means.

By Ms. FURSE:

H.R. 3378. A bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes", to authorize the Secretary of the Interior to acquire additional lands for Fort Clatsop National Memorial in accordance with the Fort Clatsop National Memorial's General Management Plan dated June 1995; to the Committee on Resources.

By Mr. GUTIERREZ:

H.R. 3379. A bill to restore food stamp benefits for aliens; to the Committee on Agriculture, and in addition to the Committees on the Judiciary, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 3380. A bill to amend title 49, United States Code, relating to public charter operations at certain reliever airports; to the Committee on Transportation and Infrastructure.

By Mr. HILL:

H.R. 3381. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co.; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INGLIS of South Carolina (for himself, Mr. CONDIT, Mrs. MYRICK, Mr. SMITH of New Jersey, Mr. SHAYS, Mr. GOODE, Mr. SENSENBRENNER, Mr. BARR of Georgia, Mr. BURR of North Carolina, Mr. MCHUGH, Mr. GALLEGLY, and Mr. NORWOOD):

H.R. 3382. A bill to offer small businesses certain protections from litigation excesses; to the Committee on the Judiciary.

By Mr. MALONEY of Connecticut:

H.R. 3383. A bill to amend Weir Farm National Historic Site Establishment Act of 1990 to authorize the limited acquisition of additional acreage for the historic site to permit the development of vistor and administrative facilites and to authorize the appropriation of additional amounts for the acquisition ofreal and personal property; to the Committee on Resources.

By Mr. MATSUI:

H.R. 3384. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3385. A bill to suspend temporarily the duty on the production of anti-HIV/anti-AIDS drugs; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3386. A bill to suspend temporarily the duty on the production of anti-cancer drugs; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3387. A bill to suspend temporarily the duty on the production of anti-cancer drugs; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3388. A bill to suspend temporarily the duty on a certain drug substance used as an HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3389. A bill to suspend temporarily the duty on a certain drug substance used as an HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3390. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3391. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3392. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3393. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3394. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MCCRERY:

H.R. 3395. A bill to suspend temporarily the duty on certain printing machinery; to the Committee on Ways and Means.

By Mr. MCDADE (for himself and Mr. MURTHA):

H.R. 3396. A bill to establish standards of conduct for Department of Justice employees, and to establish a review board to monitor compliance with such standards; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 3397. A bill to require an employer which is subject to the Worker Adjustment and Retraining Notification Act and who gives a notice of a plant closing to negotiate in good faith regarding possible means of using the plant and equipment for continued employment, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mr. BARTON of Texas, Mr. SAM JOHNSON, Mr. THORNBERRY, Mr. BONILLA, Mr. COMBEST, Ms. GRANGER, Mr. HALL of Texas, and Mr. WELDON of Florida):

H.R. 3398. A bill to eliminate the requirement that fingerprints be supplied for background checks on volunteers; to the Committee on the Judiciary.

By Mr. SHAW (for himself and Mr. PAXON):

H.R. 3399. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. ACKERMAN, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. FROST, Ms. HOOLEY of Oregon, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. MEEHAN, Mrs. MORELLA, Mr. OWENS, Mr. RAHALL, Mr. SANDLIN, Mr. UNDERWOOD, Mr. WAXMAN, Mr. NEAL of Massachusetts, Ms. LOFGREN, and Mr. DEFAZIO):

H.R. 3400. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SPENCE:

H.R. 3401. A bill to suspend until December 31, 2002, the duty on parts for use in the manufacture of loudspeakers; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 3402. A bill to suspend until December 31, 2002, the duty on certain electrical transformers for use in the manufacture of audio systems; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 3403. A bill to suspend until December 31, 2002, the duty on loudspeakers not mounted in their enclosures; to the Committee on Ways and Means.

By Mr. VISCLOSKY:

H.R. 3404. A bill to require additional public education, outreach, and participation with respect to the disposal of napalm and certain other materials owned or controlled by the Department of Defense, and for other purposes; to the Committee on National Security.

By Ms. WOOLSEY:

H.R. 3405. A bill to amend the child and adult care food program under the National School Lunch Act to revise the eligibility of private organizations under that program; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 3406. A bill to clarify the regulation of Alaskan Guide Pilots conducting air flights in the State of Alaska, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN (for himself, Mr. ENGEL, Mr. MCGOVERN, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Mr. TRAFICANT, Mrs. KELLY, Mr. PAXON, Mr. OLVER, Mr. PAYNE, Mrs. LOWEY, Mr. MORAN of Virginia, Mr. KING of New York, and Mr. HOYER):

H. Con. Res. 235. Concurrent resolution calling for an end to the violent repression of the legitimate rights of the people of Kosova; to the Committee on International Relations.

By Mr. METCALF (for himself, Mr. HYDE, Mr. BUNNING of Kentucky, Mr. LUCAS of Oklahoma, Mr. NEUMANN, Mr. HILLEARY, Mr. SMITH of Michigan, Mr. HERGER, Mr. GILMAN, Mr. TRAFICANT, and Mr. CHABOT):

H. Con. Res. 236. Concurrent resolution to express the sense of the Congress that any Executive order that infringes on the powers and duties of the Congress under article I, section 8 of the Constitution, or that would require the expenditure of Federal funds not specifically appropriated for the purpose of the Executive order, is advisory only unless enacted as law; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. WOLF, Mr. PORTER, Mr. HOYER, and Mr. MARKEY):

H. Con. Res. 237. Concurrent resolution voicing concern about the serious limitations on human rights and civil liberties in Belarus, including lack of compliance with Organization for Security and Cooperation in Europe (OSCE) commitments, and urging the President to take these into consideration in his determination of most-favored-nation (MFN) status for Belarus; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN:

H. Res. 379. A resolution returning to the Senate the bill S. 104; considered and agreed to

By Mr. CANNON (for himself, Mr. HANSEN, Mr. COOK, Mr. SHADEGG, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. HERGER, Mrs. CHENOWETH, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. PETERSON of Pennsylvania, Mr. MCINNIS, Mr. HEFLEY, Mr. SALMON, Mr. HAYWORTH, Mr. MCKEON, Mr. ENSIGN, Mr. PASTOR, Mr. HILL, Mr. SKEEN, Mr. REDMOND, Mr. STUMP, Mr. KOLBE, and Mr. SMITH of Oregon):

H. Res. 380. A resolution expressing the sense of the House of Representatives that no change in the water level of Lake Powell is justified or appropriate; to the Committee on Resources.

By Mr. MILLER of Florida (for himself, Mrs. THURMAN, Mr. TRAFICANT, Mr. BLILEY, Mr. CANADY of Florida, Mr. SCHIFF, Mr. FROST, Mr. BURTON of Indiana, Mr. CALVERT, Mr. SOLOMON, Ms. ROS-LEHTINEN, Mr. ENGLISH of Pennsylvania, Mrs. FOWLER, Mr. WELDON of Florida, Mr. ROHRABACHER, Mr. BILIRAKIS, Mr. MICA, Mr. HASTINGS of Florida, Mr. ROYCE, and Mrs. MYRICK):

H. Res. 381. A resolution expressing the sense of the Congress that the President should renegotiate the extradition treaty with Mexico so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico to the United States; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. WELDON of Pennsylvania introduced A bill (H.R. 3407) to provide for the reliquidation of certain entries of self-tapping screws; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. WATKINS.

H.R. 218: Mr. GREEN and Mr. PICKERING.

H.R. 336: Mr. CALVERT.

H.R. 371: Mr. LANTOS and Ms. WOOLSEY.

H.R. 453: Mr. GILMAN.

H.R. 612: Mr. WHITFIELD, Mr. LUCAS of Oklahoma, Mr. LAFALCE, Mr. MCNULTY, Mr. BONIOR, Mr. BURTON of Indiana, and Mr. LAMPSON.

H.R. 662: Mr. TIERNEY.

H.R. 758: Mr. BATEMAN.

H.R. 836: Mr. KILDEE.

H.R. 919: Mrs. TAUSCHER.

H.R. 970: Mr. HOBSON and Mr. SHAYS.

H.R. 981: Mr. MATSUI, Mr. SERRANO, and Mrs. MCCARTHY of New York.

H.R. 991: Mr. KIND of Wisconsin.

H.R. 1117: Mr. PASCRELL, Mr. STUPAK, Ms. SANCHEZ, Mr. ANDREWS, Mr. STOKES, Mr. CLAY, and Mr. ALLEN.

H.R. 1126: Mr. RYUN and Mr. HERGER.

H.R. 1151: Mr. RAHALL, Mr. FOLEY, Mr. HERGER, Mr. ENSIGN, Mr. BISHOP, Mr. FROST, Mr. ALLEN, Mrs. LOWEY, Mr. CRAPO, Mr. DOOLITTLE, and Mr. BALDACCI.

H.R. 1166: Mr. ENGLISH of Pennsylvania and Mr. HOSTETTLER.

H.R. 1231: Mr. MILLER of California, Mr. NEY, and Mr. WOLF.

H.R. 1234: Mr. DAVIS of Illinois, Mr. THOMPSON, Mr. STOKES, Mr. FALEOMAVAEGA, and Mr. SANDERS.

H.R. 1362: Mr. BROWN of California and Mr. LANTOS.

H.R. 1415: Mr. BERMAN and Mr. BROWN of California.

H.R. 1689: Mr. RILEY, Mr. ROGERS, Mr. NEUMANN, Mr. CHRISTENSEN, Mr. MCGOVERN, and Mr. LAZIO of New York.

H.R. 1704: Mr. NEUMANN, Mr. CUNNINGHAM, Mr. SUNUNU, Mr. WELDON of Pennsylvania, Mr. PARKER, and Mr. QUINN.

H.R. 1711: Mr. ROYCE, Mr. CALLAHAN, Mr. JOHN, Mr. CRAMER, Mr. EHRLICH, and Mr. BARTLETT of Maryland.

H.R. 1766: Ms. CARSON, Mr. CHAMBLISS, Mrs. CUBIN, Mr. DAVIS of Florida, Mr. ETHERIDGE, Mrs. FOWLER, Mr. HILL, Mrs. KENNELLY of Connecticut, Mr. MENENDEZ, Mr. PALLONE, Mr. PAYNE, Mr. REGULA, Mr. SPENCE, Mr. STOKES, Mr. STUMP, Mr. WISE, and Mr. FOX of Pennslyvania.

H.R. 1870: Mr. NEAL of Massachusetts and Ms. PELOSI.

H.R. 1995: Ms. DEGETTE, Mr. FATTAH, Mrs. LOWEY, Mr. KLECZKA, Mr. HASTINGS of Florida, Mr. GUTIERREZ, Mr. MCNULTY, Mr.

LAMPSON, Mr. GILMAN, Mr. MARKEY, and Mr. CLAY.

H.R. 2009: Mr. WISE.

H.R. 2154: Ms. ROYBAL-ALLARD and Mr. FALEOMAVAEGA.

H.R. 2224: Mr. FILNER, Mr. STENHOLM, Mr. HOLDEN, Mr. BAESLER, Mr. KENNEDY of Massachusetts, Ms. WOOLSEY, and Mr. SHERMAN.

H.R. 2228: Mr. LEWIS of Georgia.

H.R. 2351: Ms. NORTON, Mr. WYNN, Mr. KENNEDY of Massachusetts, and Mr. JACKSON.

H.R. 2431: Mr. CONDIT, Mr. WALSH, Mr. BILIRAKIS, Mrs. MYRICK, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2499: Mr. PICKERING, Mr. DUNCAN, Mr. ABERCROMBIE, Mr. MANZULLO, and Mr. HASTERT.

H.R. 2670: Mr. DAVIS of Florida.

H.R. 2718: Mr. CRAPO.

H.R. 2754: Ms. PELOSI.

H.R. 2760: Mrs. EMERSON.

H.R. 2829: Mr. DEFAZIO, Mr. HILLIARD, Mr. PASCRELL, and Mr. ADAM SMITH of Washington.

H.R. 2870: Mr. SKAGGS and Mr. FRANK of Massachusetts.

H.R. 2876: Mr. DUNCAN.

H.R. 2884: Mr. CUNNINGHAM and Mr. TALENT.

H.R. 2912: Mr. PICKETT and Mr. BOSWELL.

H.R. 2914: Mr. DOOLEY of California and Mr. BILBRAY.

H.R. 2921: Mr. SMITH of Texas, Mr. REYES, Mr. ENSIGN, Mr. OLVER, Mr. EWING, Mr. PICKETT, and Mr. HAYWORTH.

H.R. 2970: Ms. WOOLSEY, Mr. STUPAK, and Mr. KINGSTON.

H.R. 2993: Mr. SKAGGS.

H.R. 3011: Mr. PAPPAS.

H.R. 3033: Mr. BONIOR and Mr. DAVIS of Florida.

H.R. 3039: Mr. BARRETT of Wisconsin, Mr. MASCARA, Mr. HAYWORTH, and Mr. REYES.

H.R. 3147: Mr. GUTKNECHT.

H.R. 3152: Ms. WOOLSEY, Mr. TRAFICANT, Mr. JACKSON, Ms. MILLENDER-MCDONALD, and Mr. LANTOS.

H.R. 3156: Mr. CALVERT, Ms. CHRISTIAN-GREEN, Mr. TRAFICANT, Ms. LOFGREN, Mr. UNDERWOOD, Ms. DELAURO, Mr. BARRETT of Wisconsin, Mr. CLAY, Mr. LIPINSKI, Mr. ADAM SMITH of Washington, Mr. DIXON, and Ms. WOOLSEY.

H.R. 3166: Mr. GIBBONS.

H.R. 3206: Mr. LEWIS of California and Mr. CRANE.

H.R. 3211: Mr. STRICKLAND, Mr. LIVINGSTON, Mr. MORAN of Kansas, Mr. DAN SCHAEFER of Colorado, Mr. DIAZ-BALART, and Mr. CALLAHAN.

H.R. 3213: Mr. REYES.

H.R. 3246: Mr. SNOWBARGER and Mr. HEFLEY.

H.R. 3260: Mr. STUPAK, Mr. JOHNSON of Wisconsin, and Mr. NEY.

H.R. 3265: Mr. YATES, Mr. TAYLOR of North Carolina, Mr. UNDERWOOD, Mr. THUNE, Mr. JONES, Mr. WELLER, Mr. MCKEON, Mrs. MYRICK, Mr. SHADEGG, Mr. TAUZIN, Mrs. ROUKEMA, Mr. MCCRERY, Mr. MANZULLO, Mr. KINGSTON, Mr. BRYANT, Mr. KOLBE, Mrs. NORTHUP, and Mr. HILLIARD.

H.R. 3281: Mr. BUNNING of Kentucky and Mr. LEWIS of Kentucky.

H.R. 3287: Mr. TIERNEY.

H.R. 3297: Mr. STUPAK.

H.R. 3304: Ms. LOFGREN and Mr. ENGLISH of Pennsylvania.

H.R. 3331: Mr. STEARNS and Mr. BACHUS.

H.J Res. 89: Mr. BERMAN, Ms. SLAUGHTER, and Mr. TOWNS.

H.J. Res. 102: Mr. BENTSEN, Mr. FALEOMAVAEGA, Mr. LAZIO of New York, Mr. MATSUI, and Mrs. NORTHUP.

H.J. Res. 111: Mr. DAN SCHAEFER of Colorado and Mr. PORTMAN.

H. Con. Res. 28: Mr. COBURN.

H. Con. Res. 188: Mr. MCNULTY.

H. Con. Res. 203: Mr. LANTOS.

H. Con. Res. 209: Mr. BLILEY and Mr. DAVIS of Virginia.

H. Con. Res. 212: Mr. ROHRABACHER, Mr. HOSTETTLER, Mr. LATHAM, Mrs. EMERSON, Mr. BARRETT of Nebraska, and Mr. MCHUGH.

H. Con. Res. 226: Mr. LEACH, Mr. PAPPAS, Mr. GILMAN, Mr. HAYWORTH, Mr. MCKEON, Mr. EVERETT, Mr. GOSS, Mr. SKAGGS, Mr. HULSHOF, Mr. KENNEDY of Rhode Island, Mrs. MYRICK, Mr. SAXTON, Mr. JONES, Mr. GREEN, Mr. ARCHER, Mr. KENNEDY of Massachusetts, Mr. KUCINICH, Mr. BARCIA of Michigan, Mr. LINDER, Mr. BACHUS, Mrs. KELLY, Mr. ENGLISH of Pennsylvania, Mr. THOMAS, Mr. LIVINGSTON, Mr. HILLEARY, Mr. HEFLEY, Mr. LARGENT, Ms. ROS-LEHTINEN, Mr. GEKAS, Mr. GIBBONS, Mr. SHADEGG, Mr. CRANE, Mr. KIM, and Mr. SMITH of Michigan.

H. Con. Res 227: Mr. HYDE, Mr. BARTLETT of Maryland, and Mr. ROHRABACHER.

H. Res. 304: Mr. CAMPBELL.

H. Res. 340: Mr. MATSUI.

H. Res. 363: Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. COYNE, Mr. STEARNS, Mr. CUNNINGHAM, Mr. PICKERING, Mr. EVANS, Mr. TOWNS, Mr. CLYBURN, Mr. KENNEDY of Rhode Island, Mrs. MCCARTHY of New York, and Mr. COOKSEY.

H. Res. 375: Mr. GILMAN, Mr. LANTOS, Mr. GUTIERREZ, Mr. LIPINSKI, Mr. JACKSON, Mr. CAMPBELL, and Mr. HEFLEY.

SENATE—*Thursday, March 5, 1998*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy, holy, holy, Lord God Almighty! Heaven and earth are filled with Your glory. Praise and thanksgiving be to You, Lord most high. Ruler of the universe, reign in us. Creator of all, recreate our hearts to love You above all else. Provider of limitless blessings, may we never forget that we have been blessed to be a blessing. Sovereign of our Nation, we commit our lives to You. We surrender any false idols of our hearts: pride, position, power, past accomplishments. Without You, we could not breathe a breath, think a thought, or devise a plan. May our only source of security be that we have been called to be both Your friends and Your servants. You are the reason for living, the only One we must please, and the One to whom we are ultimately accountable. With united minds and hearts, we dedicate the work of this Senate to You. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Rhode Island is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, today the Senate will resume consideration of S. 1173, the ISTEA reauthorization bill. Under a previous consent agreement, the Senate will debate Senator BINGAMAN's amendment on liquor drive-throughs for 30 minutes, evenly divided, to be followed by an hour of debate, evenly divided, on the Dorgan amendment regarding open containers.

At 10:30, the Senate will proceed to back-to-back votes, first on the Dorgan amendment and then on the Bingaman amendment. Following those votes, it is hoped the Senate will be able to adopt the funding amendment, the so-called Chafee amendment, and then begin consideration of the McConnell amendment regarding disadvantaged businesses. In addition, we hope to enter into a time agreement with respect to the McConnell amendment immediately following those two back-to-back votes.

For the balance of the day, the Senate will continue to consider amendments to the so-called ISTEA legislation. Therefore, Members should anticipate rollcall votes into the evening.

As a reminder to all Members, the first rollcall vote today will occur at about 10:30 a.m.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the leadership time is reserved.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676.)

Pending:

Chafee Amendment No. 1684 (to Amendment No. 1676), to provide for the distribution of additional funds for the Federal-aid highway program.

Mr. CHAFEE. Mr. President, I would say to all within listening distance that we are anxious to move forward with this legislation. If individuals have amendments, if they will bring them over and discuss them with us, we may be able to accept them, but we certainly will be able to give the proponent a place in line so we can move forward with getting this legislation disposed of. So, we are very, very anxious to get on with these amendments. Perhaps we can enter into time agreements, but at least we can move forward. There is a mass of amendments out there, and it is discouraging to be here with nothing going on, in a quorum call, when potentially those amendments could be taken up.

I thank the Chair, and now the Senator from New Mexico is ready to go, and that is encouraging.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to offer an amendment on which there shall be 30 minutes of debate, equally divided.

The Senator from New Mexico is recognized.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, let me begin by first asking unanimous consent that the privilege of the floor be granted to Dan Alpert, who is a fellow on my staff, during the pendency of S. 1173 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask that I be allowed to use 7½ minutes of the proponents' time and Senator BYRD from West Virginia be allowed the remaining time allotted to the proponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1696 TO AMENDMENT NO. 1676

(Purpose: To encourage States to enact laws that ban the sale of alcohol through a drive-up or drive-through sales window)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. BYRD, proposes an amendment numbered 1696.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 236, between lines 16 and 17, insert the following:

SEC. 14 . BAN ON SALE OF ALCOHOL THROUGH DRIVE-UP OR DRIVE-THROUGH SALES WINDOWS.

(a) In General.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. Ban on sale of alcohol through drive-up or drive-through sales windows

"(a) Withholding of Apportionments for Noncompliance.—

"(1) Fiscal Year 2000.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2000, if the State does not meet the requirements of paragraph (3) on that date.

"(2) Subsequent Fiscal Years.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) Requirements.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law (including a regulation) that bans the sale of alcohol through a drive-up or drive-through sales window.

"(b) Period of Availability; Effect of Compliance and Noncompliance.—

"(1) Period of Availability of Withheld Funds.—

"(A) Funds Withheld on or Before September 30, 2002.—Any funds withheld under

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall lapse.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall lapse.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Ban on sale of alcohol through drive-up or drive-through sales windows.".

Mr. BINGAMAN. Mr. President, the problem of drunk driving has been discussed here for a day or two now. It is clear to all of us that this problem is one that wreaks a terrible toll on our communities, a terrible toll on the young people of this country. One statistic that I cited yesterday, and that I think should be of concern to all of us, is that the single largest cause, the greatest cause of death among our young people between the ages of 15 and 20 is driving-related accidents. That is something we need to all be concerned about. Most of those accidents—so-called accidents—relate to alcohol.

A significant contributor to the problem, I believe, is the sale of liquor through drive-up or drive-through windows. We all hear speeches and give speeches about how we do not believe we should combine drinking and driving. That is sort of a common refrain throughout our country and has been for many years. But if you want to know the time and the place and the circumstance where that mixing most obviously occurs, it is when a person drives a car up to a liquor store that has a drive-up window and that person sitting in the car as the driver of that car buys liquor or alcoholic beverages. Allowing the sales through these drive-up windows has the practical effect of preventing effective enforcement of many of our other laws. It also sends completely the wrong message to the driver and the public about refraining from drinking and driving. Let me give three examples.

Under a law which has been adopted in virtually every State, it is against the law to sell liquor to a minor. In fact, we put that on the highway bill several years ago. We put a requirement in that States prohibit the sale of liquor to minors and, in fact, prohibit the sale of liquor to anyone less than 21 years old.

But any young person or any law enforcement officer will tell you that sales to minors are still common in our country. A main way in which minors are able to purchase liquor and alcoholic beverages is by presenting a false ID to someone who is selling them liquor through a drive-up window. It is virtually impossible for a clerk selling through a drive-up window to see clearly who is buying the liquor, to make a good comparison between an identification which may be false in the first place with the person who is sitting there offering them money. So, having these drive-up liquor sales makes it easy for sales to minors to occur, in violation of the law.

It is also, of course, against the law in most States to sell to someone who is already intoxicated. Again, having sales of liquor through drive-up windows makes it very difficult to enforce this law. How can a clerk in a drive-up window tell whether the person sitting in that car, offering money, is in fact intoxicated or not? You contrast that with the opportunity that a clerk has when a person has to walk into a store, a well-lighted store, walk up to a counter, and pay for alcoholic beverages.

A third example of a law which is difficult to enforce because of these drive-up liquor windows is that most States make it illegal for people to drink while they are driving or to have open containers in the car while it is in operation. Senator DORGAN is proposing an amendment, which I strongly support this morning, on that very issue. But, again, having drive-up windows creates a tremendous opportunity and even an invitation to people to violate this law.

The absurdity of what we are permitting to occur by allowing these drive-up sales to continue is highlighted by a practice that has been documented in my State many times, and that is a practice where a driver pulls into a drive-up window and asks for a fifth of vodka, for example, a fifth of vodka and a cup of ice, and is handed both and drives away. Clearly, no law has been violated in my State when that occurs. But if you look at the time and the place and the circumstances of that purchase, it is very difficult to conclude that that driver does not intend to violate the law and to drink while driving.

This is a problem that deserves our attention. The statistics that we have are clear that there is a correlation between the States that prohibit these drive-up windows and those that have gotten their DWI problem under control. There are 26 States that have not yet banned these windows. In these States, there is a 14 percent higher alcohol-related fatality rate than in other States. In the States that do have a ban, the average DWI fatality-related rate was 4.6 per 100,000 people as opposed to 5.46 in other States. If we look at the 19 Western States, the 9 States with a ban had a 31 percent lower average drunk driving fatality rate than the 10 States that permit sales.

Let me just cite one terrible incident that occurred in my State. I know Senator LAUTENBERG talked about the Frazier family in Maryland and the pain they experienced when their young daughter was killed by a drunk driver. In New Mexico, we've had many similar occurrences. One in particular that immediately comes to my mind occurred on Christmas Eve, 1992. As part of their holiday celebration, Paul Cravens took his wife Melanie and their three daughters, Kacee, age 5; Erin, age 8; and Kandyce, age 9, to Albuquerque's West Mesa so they could get a better bird's eye view of the city's fantastic nighttime lights. They never got to see those lights. On the way to the Mesa, they were met head-on by a drunk driver traveling 90 miles an hour in the wrong direction on the interstate highway.

People say, is there any kind of Federal concern about this? This was an interstate highway. Melanie and her three beautiful daughters were all killed. The driver of the other vehicle had been drinking through that day. He admitted that he had bought his beer at a drive-up liquor window before he took to the road that evening.

The problem is real. We are talking about real people, real lives, real risks and dangers that we can prevent and can avoid.

The argument about States' rights that we have heard here, to me, rings very hollow. I know there are many circumstances that have already come up where we have recognized the need to restrict the way States handle alcoholic beverages as part of a safe driving system, and clearly those issues can be discussed more as we get through the debate.

I just want to add one other point that I believe is significant here. As I've said before, the problem of DWI and DWI-related injuries and fatalities is important in New Mexico. There is very broad public support to eliminate these windows. When I was in New

Mexico two weeks ago, I held a series of seminars with high school students from throughout the State, and I listened to their concerns about the problems in the State and in the country. One young man, Simon Goldfine, who is a student at Del Norte High School in Albuquerque, agreed that the DWI rate in New Mexico is much too high, and one reason he explained is these drive-up windows. Simon explained that if a drunk person has to walk into a liquor store, it will be easier to determine if he is drunk than if he simply sat in his vehicle. And Simon asked if something could be done to eliminate these windows. Today, I would like to tell Simon that we will do something about it. I believe no one in America will disagree with Simon that this ban will make a difference. I believe we owe it to everyone, to the young people like Simon and especially the people who have been touched and pained by this problem of DWI to pass this amendment.

Mr. President, I gather my time has expired. Let me yield the rest of the time to Senator BYRD and thank him for his support of this amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator, the offeror of this amendment, for yielding me time.

I wonder if the distinguished Senator from Rhode Island would assure me of an additional 5 minutes if I need it?

Mr. CHAFEE. Yes. We can assure the Senator of that. We will even take it—by unanimous consent add the time, or else we will take it from the opponents' side, if they do not come prepared to speak.

Mr. BYRD. I trust there will be no interruption of my statement until the 7½ plus the 5 have run their course, Mr. President?

The PRESIDING OFFICER. The Chair will so note.

Mr. BYRD. Mr. President, Senator BINGAMAN has brought to the attention of the Senate a new and deadly twist on the idea of convenience stores. He has discussed the existence in some States of stores that sell alcohol at drive-up windows. That is simply amazing to me, a store that sells alcohol at a drive-up window.

How can we take seriously any campaign to reduce the dangers of drinking and driving, while at the same time allowing sales of alcoholic beverages to people in their cars! It is crazy. I am sure that these drivers will, of course, always, personally, follow the guidelines to "wait until you get home to drink these alcoholic beverages!" I am just as sure of that as I am sure that everyone who buys take out food at a drive through window waits until they are safely off the highway before trying to eat a dripping burger or a hot, salty french fry, while simultaneously steering a three thousand pound automobile through traffic!

I applaud the action being taken by my distinguished colleague, Senator BINGAMAN, to ban these alcoholic beverage sales at drive-up windows. There is no reason to take the concept of convenience to this extreme. I have been on the face of this beautiful Earth for a little over 80 years now, and I have seen a lot of new conveniences come into my life, but I can adamantly admit that this is not one that I welcome. I want to be able to enjoy life for many more years, and I do not want the prospect of a long life put into jeopardy so that some boozehound or drunk driver can have great convenience insatiating his or her desire for alcohol without even having to leave the car! There are just some things in this life that should not be easy to obtain—things that should not be so convenient. Easy access to alcohol means easy access to drinking and driving, and that is something to which I am vehemently unalterably opposed.

The existence of this kind of easy-on, easy-off establishment only increases the potential for drunk drivers to purchase alcohol. An intoxicated person, sitting in a car, can easily avoid attracting the attention of the sales person by fiddling with the radio or finding some other type of distraction, thus preventing the sales clerk from noticing that the driver is inebriated, maybe even drunk. Observation of customers for clues to their sobriety, or lack thereof, is much easier if the customer has to park, get out of the car, and walk into the store.

My strong opposition to establishments which offer drive-up alcohol sales is not only limited to my fear of drunk drivers, but also to the potentially illegal sale of alcohol to minors. The pitfalls of youth and inexperience behind the wheel of an automobile are only exacerbated when one throws alcohol into the equation. One question that comes to mind is: How does an employee at this type of alcoholic beverage store adequately make the comparison between a driver's identification and the person sitting in the car presenting that ID? That person is sitting in a car! This potential drunk driver could be 5 foot 10, he could be 5 foot 7 while his or her identification card might identify the person as a six-footer.

Mr. President, I believe that in order to make a sound decision to sell alcohol to a person, the customer should be standing before the sales clerk, presenting the necessary documentation, and showing the essential sober characteristics that are legally required for that person to purchase alcoholic beverages.

I am all in favor of making life more convenient. It is nice to have the liberty of going to a Quik-Mart when you need to purchase a candy bar pick-me-up, or for that gallon of milk that your family needs for breakfast the next day. But, I do not believe in making it more convenient for drunk drivers, potential drunk drivers, or our underage youth or anybody else, for that matter, to purchase alcohol. It is this type of convenience that can make life very inconvenient for the responsible individuals, families, wives, children, our staff people and other travelers who make the conscious decision to "cruise without booze!" Allowing this type of alcohol sales establishment is a leap backwards in the campaign against drunk driving.

I fully support Senator BINGAMAN's amendment, and I urge my colleagues to do the same.

I think of an old poem by Joseph Malins. I hope that I can recall it. I think it is very fitting here. It makes the whole point that Senator BINGAMAN's amendment is trying to accomplish:

'Twas a dangerous cliff, as they freely confessed,
Though to walk near its crest was so pleasant;
But over its terrible edge there had slipped
A duke and full many a peasant.
So the people said something would have to be done,
But their projects did not at all tally;
Some said, "Put a fence around the edge of the cliff,"
Some, "An ambulance down in the valley."
But the cry for the ambulance carried the day,
For it spread through the neighboring city;
A fence may be useful or not, it is true,
But each heart became brimful of pity
For those who slipped over that dangerous cliff;
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.
"For the cliff is all right, if you're careful," they said,
"And, if folks even slip and are dropping,
It isn't the slipping that hurts them so much,
As the shock down below when they're stopping."
So day after day, as these mishaps occurred,
Quick forth would these rescuers sally
To pick up the victims who fell off the cliff,
With their ambulance down in the valley.
Then an old sage remarked: "It's a marvel to me
That people give far more attention
To repairing results than to stopping the cause,
When they'd much better aim at prevention.
Let us stop at its source all this mischief," cried he,
"Come, neighbors and friends, let us rally;
If the cliff we will fence we might almost dispense
With the ambulance down in the valley."
"Oh, he's a fanatic," the others rejoined,
"Dispense with the ambulance? Never!
He'd dispense with all charities, too, if he could;
No! No! We'll support them forever.
Aren't we picking up folks just as fast as they fall?
And shall this man dictate to us? Shall he?
Why should people of sense stop to put up a fence,

While the ambulance works down in the valley?"
But a sensible few, who are practical too,
Will not bear with such nonsense much longer;
They believe that prevention is better than cure,
And their party will soon be the stronger.
Encourage them then, with your purse, voice, and pen,
And while other philanthropists dally,
They will scorn all pretense and put up a stout fence
On the cliff that hangs over the valley.
Better guide well the young than reclaim them when old,
For the voice of true wisdom is calling,
"To rescue the fallen is good, but 'tis best
To prevent other people from falling."
Better close up the source of temptation and crime
Than deliver from dungeon or galley;
Better put a strong fence round the top of the cliff
Than an ambulance down in the valley."

I hope my colleagues will vote today to put a strong fence around the edge of the cliff, because that is all that is going to work.

I commend my colleague for his foresight, for his courage, and for his good sense in offering this amendment. I thank, again, the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, what is the time situation for the opponents and proponents?

The PRESIDING OFFICER. The time for the proponents has expired. The Senator from Rhode Island controls 11 minutes and 30 seconds.

Mr. CHAFEE. I will say to anyone who wishes to oppose this amendment, who wishes to speak in opposition, now is the time to come over to speak. As has been pointed out, there are 11 minutes remaining.

I will make a couple of comments, Mr. President.

Senator BINGAMAN's amendment would withhold 5 percent of a State's highway construction funds, unless the State enacted or enforced a law prohibiting drive-through liquor sales by—it is my understanding the date now has been changed to October 1, 2000; am I correct in that?

Mr. BINGAMAN. Mr. President, we are changing it to 2001, October 1, 2001. I think it will be consistent with the amendment adopted yesterday.

Mr. CHAFEE. Originally, it was 1999, but now it has been changed.

Mr. BINGAMAN. That is correct.

Mr. CHAFEE. Mr. President, I will make that correction, 2001.

Mr. BINGAMAN. Mr. President, I will just add, it is 2001, October 1, 2001, for a 5-percent reduction and October 1, 2002, for a 10-percent reduction, just as the amendment yesterday.

Mr. CHAFEE. Mr. President, like the Senator from New Mexico, I am disturbed by the incidents of alcohol-related injuries and fatalities on our highways, as we all are. I believe the Federal Government should support strong national safety standards for our roads and, indeed, I was a sponsor of the Lautenberg amendment. In our bill, we have provisions dealing with the so-called repeat offender.

I am not sure the Senator's amendment is an appropriate solution to the problem of drunk driving. We cannot expect it to do everything, obviously. I have concerns about how much it will accomplish. It does place, as originally offered—there was a short time period. That has now been extended. Less than 22 of the States have such a law in effect. It will require them to pass this legislation by—the latest figure now is 2001.

I am not sure whether such a sales ban would have an impact on alcohol-related deaths. The National Highway Traffic Safety Administration has no statistical information on the effectiveness of such a sales ban. Indeed, we have not considered this measure at all in our committee.

It is a steep sanction, the 5 and the 10 percent. I think it is one we ought to approach with great caution. I must say, I am a little reluctant to have this bill too filled with sanctions. We have our provision in the bill already; namely, the one dealing with the repeat offender. We have the provision that was adopted in the Lautenberg-DeWine amendment. And then we have another amendment coming up from the Senator from North Dakota, which also has sanctions. I am just reluctant to get in too many sanctions, and the only way they can avoid these sanctions is for the State legislatures to take certain actions by a period, in this instance, by 2001.

I think we are putting a lot on the backs of the State legislatures in a relatively short time. So I have concerns over that, Mr. President.

If anybody wishes to speak in opposition to the amendment, now is the time. If not, I give that time to the proponents. If the Senator from New Mexico wishes to speak, he can take some time.

Mr. BINGAMAN. Mr. President, thank you. I thank the chairman of the committee for his courtesy.

AMENDMENT NO. 1696, AS MODIFIED

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the amendment be modified in accordance with the changes that have been referred to by the Senator from Rhode Island.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 236, between lines 16 and 17, insert the following:

SEC. 14 . BAN ON SALE OF ALCOHOL THROUGH DRIVE-UP OR DRIVE-THROUGH SALES WINDOWS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§154. Ban on sale of alcohol through drive-up or drive-through sales windows

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2000.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law (including a regulation) that bans the sale of alcohol through a drive-up or drive-through sales window.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall lapse.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall lapse.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Ban on sale of alcohol through drive-up or drive-through sales windows.".

Mr. BINGAMAN. Mr. President, I believe Senator BYRD made the case for the amendment more eloquently than I could.

I believe this is a very good opportunity for us to indicate that we do have an interstate road system in this country and that it is in the national interest to be sure that people are not driving on that interstate road system who have purchased liquor under circumstances that make it more likely for them to be drunk or under the influence of alcohol. Clearly, this is a significant way in which we can further that objective.

I hope very much my colleagues will support the amendment. I yield the floor so that the Senator from North Dakota can offer the amendment that he intends to offer.

Mr. CHAFEE. How much time do we have left, Mr. President?

The PRESIDING OFFICER. The Senator from Rhode Island controls 6 minutes.

Mr. CHAFEE. It does not appear that there is anybody who chooses to come to speak in opposition.

Does the Senator from New Mexico have others who wish to speak?

Mr. BINGAMAN. Mr. President, we do not at this point.

Mr. CHAFEE. Let me just say again, Mr. President, I am concerned about the number of sanctions we would be adding to the States under this. I have grave concern whether we might well have a backlash. We had a very solid vote on stern sanctions involved in the Lautenberg-DeWine amendment. There are sanctions in the underlying bill we have dealing with repeat offenders. There are sanctions in the legislation that the Senator from South Dakota is going to propose immediately. So I am worried that there could well be a backlash in the States and particularly, when we go to conference, that the attitude might be to just dispose of all of these sanctions. So that is the concern that I have.

There being no others who wish to speak, I yield back the remainder of our time and am prepared to go to the Dorgan amendment at this time, unless the Senator from New Mexico has anything further to say.

Mr. BINGAMAN. I think that is an acceptable course of action. Thank you, Mr. President.

Mr. CHAFEE. All right. I will do that, Mr. President. We are prepared now to go to the Dorgan amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized to offer an amendment in which there will be 60 minutes of debate equally divided.

The Senator from North Dakota.

AMENDMENT NO. 1697 TO AMENDMENT NO. 1676

(Purpose: To withhold certain Federal highway funds from a State that fails to prohibit open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. LAUTENBERG, Mr. BUMPERS, Mr. CONRAD, Mr. WELLSTONE, Mr. GLENN, Mr. BINGAMAN, Mr. INOUYE, Mr. TORRICELLI, and Mr. REID, proposes an amendment numbered 1697.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle D of title I, add the following:

SEC. 14 . OPEN CONTAINER LAWS.

(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. Open container requirements

"(a) DEFINITIONS.—In this section:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning given the term in section 158(c).

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' has the meaning given the term in section 410(i).

"(4) PASSENGER AREA.—The term 'passenger area' shall have the meaning given the term by the Secretary by regulation.

"(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2002.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, if the State does not have in effect a law described in paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, and on October 1 of each fiscal year thereafter, if the State does not have in effect a law described in paragraph (3) on that date.

"(3) OPEN CONTAINER LAWS.—

"(A) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

"(B) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container in the passenger area by the driver (but not by a passenger) of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer, the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

"(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2003.—Any funds withheld under subsection (b) from apportionment to any State on or before September 30, 2003, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2003.—No funds withheld under this section from apportionment to any State after September 30, 2003, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State has in effect a law described in subsection (b)(3), the Secretary shall, on the first day on which the State has in effect such a law, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not have in effect a law described in subsection (b)(3), the funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Open container requirements.".

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to apologize. I said the Senator from "South Dakota," and I was wrong. He is very much from North Dakota.

Mr. DORGAN. Well, Mr. President, the Senator from Rhode Island is—it is Rhode Island, isn't it? The Senator from Rhode Island is a very generous friend, and a lot of folks get that "North" and "South" mixed up. But North Dakota is very distinct from South Dakota. I do not have the time to describe all of the reasons today, but even Lewis and Clark, nearly 200 years ago, understood that difference because they decided, when they had to spend the winter someplace, they would go a little farther north and spend it in North Dakota.

In any event, I have an amendment that I offer today, an amendment that I think is very important. I want to describe it very briefly, and I think others will come to the floor to support this amendment.

Three years ago I offered an amendment nearly identical to this, and I lost by two votes in a vote on the floor of the Senate. I regret that that happened. It is the way the legislative process is—sometimes you win, sometimes you don't; sometimes the vote is close, sometimes it isn't.

I feel very strongly about this amendment for a lot of personal reasons and also very strongly because of policy reasons. The amendment deals with the ability of people in this country to drive down a road in America and drink while they are driving, or if not having the driver drink, having passengers in the vehicle drinking while the driver is driving on.

Most people are surprised to learn that there are five States in America where it is perfectly legal to put one hand around the neck of a whiskey bottle and the other on a steering wheel, start the engine and drive off, and you are violating no laws.

It is very surprising for people to hear that in some parts of the country, when you take your family on a vacation, you may cross a border where in that next State you have someone driving down the road drinking whiskey, drinking beer, and they are perfectly legal.

With all due respect to the States in which that occurs, that ought not be legal anywhere in America. It ought not be legal anywhere, any time or under any conditions in this country. We ought to expect in this country when we drive on our road system—and it is a national road system—no matter where we drive, no matter what city, what county, what township, what State we are driving in, we ought to be able to expect that at the next intersection we are not going to meet a vehicle that has a driver that is drinking legally while he is driving or while she is driving.

We ought not expect that in the 22 other States, where it is not legal for the driver to drink but it is perfectly legal for the rest of the passengers in the car to be having a drinking party, we ought not expect to meet a car in that circumstance either.

My amendment is very simple. It would, as many States have done, provide that all States shall have a prohibition on open containers. Very simple—a prohibition on open containers. This will not apply to vehicles for hire and commercial vehicles and so on. But you would expect then, if this legislation passes, that no matter where you drive in this country, at the next road or intersection or city or county you are not going to meet a vehicle that is full of people drinking, including the driver.

Very simple. It says the States must enact laws that prohibit open containers. Many States do. Most States do. Some States do not. You all must. There is a sanction here. The sanction is designed not to penalize the State. It is designed to say to States, you must pass a prohibition on open containers.

I have described on the floor—and I shall not this morning—the telephone call I received the night my mother was killed by a drunk driver. Every family in this Chamber knows of someone, a close friend, perhaps a relative, an acquaintance who received that telephone call. My colleague from Ohio, regrettably, received that telephone call about his daughter. My colleague from Arkansas received that telephone call. But it is not just us; 17,000 families receive those telephone calls. And 17,000 families received that telephone call last year.

This is not some mysterious illness for which we do not know a cure. We know what causes this and we know how to stop it. We have to decide in this country that drunk driving is serious business and there are several important steps to take to stop it. This legislation, this amendment, is one.

Mr. President, I am proud today that others will join me. The Mothers Against Drunk Driving strongly supports this amendment. The Advocates for Highway Auto Safety has sent to all my colleagues a letter strongly supporting this amendment. Senators LAUTENBERG, BUMPERS, CONRAD, WELLSTONE, GLENN, BINGAMAN, INOUYE, TORRICELLI, and REID are some of the cosponsors of this amendment. I know the chairman of the subcommittee has voted for it in the past.

I now yield 5 minutes to the Senator from Ohio, Senator DEWINE, for a statement on this. I very much appreciate his willingness to come to the floor.

Mr. DEWINE. I thank my colleague from North Dakota for his fine work in this area.

I rise today, Mr. President, to strongly support the amendment. You know, in the past several decades we in this country have made tremendous progress in the war against drunk driving. But we have seen in the last several years a retrenchment in that. Let me cite the statistics that show this.

According to the National Highway Traffic Safety Administration, NHTSA, alcohol-related traffic fatalities dropped from 24,050 in 1986 to 17,274 in 1995. That was a 28 percent decrease in drunk driving tragedies over a decade. I think we, as a nation, can take a lot of pride in this. But, unfortunately, from 1994 to 1995, alcohol-related fatalities rose 4 percent—the first increase in over a decade.

I believe we must now act to reverse this disturbing trend by reinforcing our commitment and the statement that we make through our laws that drinking and driving simply will not be tolerated.

Yesterday, the Senate took the first step in doing just that. We passed an amendment which would make .08 blood alcohol content the law of the land, a law which I believe the statistics clearly show will save between 2,500 and 3,000 lives over the life of the ISTEA reauthorization.

Today, Mr. President, we can take another step in the right direction. Currently, 22 States allow individuals in a car to be drinking while the vehicle is in operation. And even more shockingly—even more shockingly—there are five States where it is perfectly legal for the driver of a car to drink while at the same time operating the motor vehicle.

Mr. President, common sense should tell us that this is not a good idea. We should be in the business of making it more difficult to drink and drive, not encouraging liquor in cars.

Mr. President, this amendment speaks to what message we send through our laws. When we pass drunk-driving-related legislation, our goal is not to have more people arrested, our goal is not to have more people pulled over; our goal is to deter conduct. That has been the effect of drunk driving laws. That is why the fatality level has gone down. That is why lives have been saved, because people have been deterred. We sent messages to ourselves, to the rest of the country, the people, through our laws, what is important and what is not important.

What kind of a message is it when we say it is OK to have open containers of alcohol in a car? In some locations in this country it is OK for a driver to be going down the road, driving with one hand and holding a beer in the other. What kind of a message is that?

So I think what the Dorgan amendment does and its greatest value is as a deterrent effect. It will help get us back on track. We made progress. We have had steady progress for the last 15 or 20 years in reducing the auto fatalities caused by drinking and driving. It has only been in the last several years that that trend has been reversed.

Passage of the Dorgan amendment, while it is a relatively simple amendment—and it might not seem that it is a huge deal—I think it is a big deal because it sends the right message. It says, "No, it's not OK to have alcohol in a car. It's not OK to be drinking and driving. And it's not OK to drive down the road with a beer in one hand and your other hand on the wheel of a car."

I think there are certain minimum standards that should apply whether you are driving in North Dakota or on a highway in Indiana or Kentucky or wherever you take your family. I think we all have, as parents, the right to think that, when we put our family and our loved ones in a car, no matter where we are going on vacation or where we are traveling, there are some minimum standards that will be followed.

One of the minimum standards, it seems to me, that is eminently reasonable and infringes on no one's rights, is a minimum standard that simply says, "No, you cannot have open containers of alcohol in a car. And, no, you cannot be driving that car and at the same time drinking alcohol." It is that simple.

I urge my colleagues to support this very, very modest and very sensible amendment.

I yield the floor and thank the Chair.

Mr. DORGAN. Mr. President, I thank the Senator from Ohio for his support on the amendment. He has been a strong supporter of this kind of legislation. As he indicates, this is not intruding on someone's basic right to do certain things.

I do not believe that most people in this country would say, "We think it's an inherent right on a national road system for any American citizen to drink and drive at the same time."

I hope very much that those who I know are concerned about this issue of drunk driving and concerned about the some-17,000 people who are killed, 17,000 fatalities each year as a result of alcohol-related accidents, I hope they will join us.

I know that there are some in this Congress who are sympathetic to this issue but believe very strongly that it is something that belongs to the States. I certainly respect that feeling, except that I believe there are some basic standards that we must assert ourselves on. We have done that, for example, on some safety issues such as standards on roads.

How do you build a road to make sure it is standard? We decide there is a certain standard, so we don't run from one State to another finding roads built without any safety characteristics. We have standards for that.

The same is true with respect to safety relative to drunk driving. All we are saying is that we don't think there ought to be anywhere in this country where people in a vehicle are drinking while they are driving down the road. Or the rest of the folks, four other people in the vehicle, are not passing around a bottle of peppermint schnapps or a bottle of Jack Daniels and a six-pack of beer, having a fine party, while the automobile is being driven down the street. That is not what we should expect on our roads and streets in this country.

Mr. President, as I mentioned, I offered this amendment 3 years ago. I lost by two votes. I then switched my vote so I could have it reconsidered later. I was unable to do so. The record will show it was a four-vote loss, but, in fact, I lost this amendment by two votes. I don't know what the vote will be this morning. I expect it will be very close. I hope those who decided to join yesterday in the .08 national standard will also decide today this modest step, as it is described by Senator DEWINE, and others, this modest step, is one that is a step in the right direction.

I will use just a couple of minutes to describe some statistics about drunk driving. I know others have used some data to describe the amount of drunk driving and the amount of casualties on America's roads because of it. In 1996, the last year for which we have complete data, there were 17,272 alcohol-related fatalities. That is an average of one every half hour. In February of 1995, the U.S. Secretary of Transportation convened a conference in Washington, DC. He did so to discuss future goals for reducing deaths and serious injuries on America's highways due to alcohol-related deaths. That conference was called Partners in Progress. It established a goal of reducing drunk driving deaths to no more than 11,000 per year by 2005. That is a lot of highway deaths but substantially below the current level of some 17,000-plus deaths as a result of alcohol-related accidents. Mr. President, 11,000 is a far cry from where we are.

We must—and I think we have in this Senate—begin to take steps to address the issue and see if we can't meet this goal. One step was yesterday with the .08 standard. The second step, I hope, will be today with a proposition that I offer that says we should not allow, anywhere in this country, people who are driving automobiles to be drinking, and we should not allow open containers of alcohol in vehicles in this country.

The Senator from Ohio said something very important. The drunk driving legislation that we are offering in the Congress is not offered in a design to try to catch people, arrest people and throw people in jail. It is offered as a design to try to encourage people that it is wrong to drink and drive. Don't think about it; don't try it; the penalties are severe. We are not looking to go out and arrest people and throw people in jail. We are looking to change people's behavior and habits.

Mothers Against Drunk Driving, an organization I mentioned earlier, is a remarkable organization. It has done a substantial amount of work in recent years to deal with this issue. Frankly, a substantial amount of progress has been made. State legislatures, Mothers Against Drunk Drivers, and others, have led the way to make some substantial changes. I, today, want to congratulate that organization and commend them for the work they have done. As they indicate in their letter to all Members of Congress, the job is not nearly complete and there are more steps to take, one of which we took yesterday, and one of which I hope we will take this morning. The one I am asking the Congress to take is the simplest of all of these steps and it is to say that when you look at what is happening around this country, State by State, you understand that the job is not done. In too many regions of this country there are people driving their vehicles, drinking while driving, and they are perfectly legal; in too many other States, others are drinking in those vehicles and that, too, is legal.

Mr. President, I notice the Senator from New Mexico has risen. I will reserve the balance of my time if he wishes to assume the floor.

Mr. DOMENICI. Mr. President, I wondered if I might just be permitted to use 3 minutes for three amendments that will be accepted?

Mr. DORGAN. Of course. I certainly agree to that.

Mr. DOMENICI. We won't interrupt in the RECORD anything that you have been doing.

The PRESIDING OFFICER. Who yields time to the Senator from New Mexico?

Mr. CHAFEE. Mr. President, we yield time from the opponent's side.

AMENDMENT NO. 1387, AS MODIFIED

(Purpose: To encourage the Secretary of Transportation to use the national laboratories in carrying out the research and technology program)

Mr. DOMENICI. Mr. President, I am sending to the desk amendment No. 1387, which is currently filed, and I want to send to the desk a modification of that amendment.

The PRESIDING OFFICER. The pending amendment will be set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself and Mr. BINGAMAN, proposes an amendment numbered 1387, as modified.

Mr. DOMENICI. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Beginning on page 339, strike line 11 and all that follows through page 341, line 16, and insert the following:

"(ii) in cooperation with other Federal departments, agencies, and instrumentalities and multipurpose Federal laboratories; or

"(iii) by making grants to, or entering into contracts, cooperative agreements, and other transactions with, the National Academy of Sciences, the American Association of State Highway and Transportation Officials, any Federal Laboratory, any State agency, authority, association, institution, for-profit or nonprofit corporation, organization, foreign country, or person.

"(C) TECHNICAL INNOVATION.—The Secretary shall develop and carry out programs to facilitate the application of such products of research and technical innovations as will improve the safety, efficiency, and effectiveness of the transportation system.

"(D) FUNDS.—

"(i) IN GENERAL.—Except as otherwise specifically provided in other sections of this chapter—

"(I) to carry out this subsection, the Secretary shall use—

"(aa) funds made available under section 541 for research, technology, and training; and

"(bb) such funds as may be deposited by any cooperating organization or person in a special account of the Treasury established for this purpose; and

"(II) the funds described in item (aa) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized.

"(ii) USE OF FUNDS.—The Secretary shall use funds described in clause (i) to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this section.

"(2) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

"(A) IN GENERAL.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

"(i) non-Federal entities, including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State; and

"(ii) multipurpose Federal laboratories.

Mr. DOMENICI. Mr. President, I offer this amendment on behalf of Senator BINGAMAN and myself. Senator BINGAMAN's name is on the amendment as an original cosponsor.

This permits research and technology programs within this bill. Under certain circumstances, it permits the Department of Transportation to use Federal laboratories if they have the expertise necessary. This amendment cites certain sections, saying that Federal laboratories can be used in that regard.

I understand Senator CHAFEE has no objections.

Mr. CHAFEE. Mr. President, the Senator is right. We have no objections.

Mr. BAUCUS. The Senator is correct. It seems to be fine.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1387), as modified, was agreed to.

AMENDMENT NO. 1393, AS MODIFIED

(Purpose: To require the Secretary to maximize the involvement of Federal laboratories in carrying out the intelligent transportation system program)

Mr. DOMENICI. I call up amendment No. 1393. I send the modification to the desk and ask it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself and Mr. BINGAMAN, proposes an amendment numbered 1393, as modified.

Mr. DOMENICI. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 389, line 4, insert "the Federal laboratories," after "universities,".

Mr. DOMENICI. Senator BINGAMAN is a cosponsor.

This says the Intelligent Transportation System Program can also be made available to the Federal laboratories if they have sufficient expertise to participate.

Mr. CHAFEE. This amendment is agreeable to this side.

Mr. BAUCUS. This side, as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1393), as modified, was agreed to.

AMENDMENT NO. 1698 TO AMENDMENT NO. 1676

(Purpose: To provide a definition for the term Federal laboratory)

Mr. DOMENICI. I send to the desk an amendment and ask it be immediately considered. It is cosponsored also by Senator BINGAMAN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself and Mr. BINGAMAN, proposes an amendment numbered 1698.

Mr. DOMENICI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 337, after line 6, the chapter analysis for chapter 5 of title 23, United States Code is amended by striking "501. Definition of Safety." and inserting "501. Definitions".

On page 338, strike lines 2 through 8, and insert the following:

"§ 501. Definitions

"In this chapter:

"(1) SAFETY.—The term 'safety' includes highway and traffic safety systems, research, and development relating to vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

"(2) FEDERAL LABORATORY.—The term 'Federal laboratory' includes a government-owned, government-operated laboratory and a government-owned, contractor-operated laboratory.

Mr. DOMENICI. Mr. President, since we are now using the terminology "Federal laboratories," this amendment merely is the definition of Federal laboratories as understood in the U.S. Government. So it is not limited to any particular Department's laboratories but rather Federal laboratories and they are defined in this amendment.

Mr. CHAFEE. Mr. President, this amendment is acceptable to this side.

Mr. BAUCUS. This side, as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1698), as modified, was agreed to.

Mr. DOMENICI. I thank the manager and the ranking Democrat.

I yield the floor.

AMENDMENT NO. 1697

Mr. DORGAN. I yield 5 minutes to the Senator from New Jersey, Senator LAUTENBERG.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for up to 5 minutes.

Mr. LAUTENBERG. I thank my friend from North Dakota.

I stand with Senator DORGAN as a cosponsor of his amendment to require States to adopt this so-called "open container" law. The law will have the practical effect of prohibiting a very dangerous scenario. Just think, it is currently legal in some States to be driving a car with an open bottle of whiskey alongside, or maybe stuck in the cup holder, just an arm's length away from the driver's lips. A car should not be a bar on wheels.

Mr. President, with the passage of my amendment yesterday, .08, this body cast a vote in favor of drunk driving victims and their families. We can all be proud of that vote. Sixty-two Senators voted to inject a sense of sanity in our drunk driving laws, by defining a person as a drunk driver at .08 BAC. We don't want them to reach that level while they are driving a car.

This amendment, the National Drunk Driving Prevention Act, is another critical amendment. It makes as much sense as the Zero Tolerance Act, passed in 1995, and .08 BAC. We have to do all we can to prevent drunk driving in this country. Isn't it, perhaps, obvious, that the least we should do, nevertheless, is to prevent the act of driving and drinking to be performed at the same time?

We have heard, over the past few days, Mr. President, the extent of the national scourge that drunk driving is in our country. I remind those who can hear us, in 1996, almost 42,000 people were killed in highway crashes. Another 3 million were injured. These crashes cost society $150 billion each and every year. Forty-one percent of all traffic fatalities are alcohol related. That means that in 1996, 17,000 people were killed in alcohol-related crashes. Think of what it means. That year, more people were killed in alcohol-related crashes by a significant measure than those killed by firearms, murdered. That year, more people were killed in alcohol-related crashes than were killed in the worst year of the Vietnam war, a war that tore this country apart. The public was in mourning.

A death at the hands of a drunk driver is just as final as the death at the hand of a gun. Drunk driving deaths are preventable. Acting to stop drunk drivers from driving is sensible and responsible. We have to do more. We cannot rest on past laurels. A vote for the .08 BAC is not the only vote that will reduce drunk driving. Voting for this amendment, authored by the Senator from North Dakota, is just as important.

Remember: When you are in your car, at the wheel, it is a driver's seat; it is not a bar stool.

I commend the Senator from North Dakota for his leadership on this and his commitment to the issue. We have learned over these past few days that drunk driving has touched his family personally. I urge all my colleagues to support this amendment, the National Drunk Driving Prevention Act.

I yield the floor.

Mr. CHAFEE. Mr. President, I say to any who wishes to oppose this amendment, now is the time. We are going to vote at 10:30 on this amendment, followed by the Bingaman amendment. So there is time reserved for opponents. Now is the time to come over and speak. I urge anyone who wishes to oppose this amendment of the Senator from North Dakota to come now.

What is the time situation, Mr. President?

The PRESIDING OFFICER. The Senator from Rhode Island has 25 minutes 30 seconds and the Senator from North Dakota has 8 minutes 15 seconds.

Mr. DORGAN. I yield 5 minutes to Senator TORRICELLI.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for up to 5 minutes.

Mr. TORRICELLI. I am very proud to join the Senator from North Dakota in offering this amendment. In our Federal system, there is always a preference for State and local governments setting standards of health and safety for our citizens. By right, those judgments should be made in those levels of government closest to the people themselves. But there are instances where our State and local governments do not rise to those responsibilities to protect our citizens.

Through the years, as our society changes, so, too, sometimes do the standards. We live in a highly mobile society, where in the course of any day, week, or month, citizens from any State in America can find themselves driving on the highways of another locality, in a different jurisdiction. Every Senator has the right and responsibility to know that in that travel, in the pursuit of commerce or recreation, their citizens are safe to some minimal standard. That, in my judgment, Mr. President, is what motivates the Senator from North Dakota today. It defies logic that in 22 States in this Union it is still legal for a passenger in an automobile on a highway to possess an open container of alcohol. And if that is not difficult enough to understand, it is unbelievable that in five States it is permissible, acceptable, it is legal for a person to have one hand on the steering wheel of a moving automobile and the other hand on a container of alcohol.

Our preference for the States governing these issues cannot blind us to a responsibility to protect thousands of lives of our own citizens. I know that in this institution there are those who will not join with the Senator from North Dakota, but it is instructive that while some may vote against him, few, if any, will rise to debate against him, because the point cannot be defended.

In any year in this country, about 17,000 people are losing their lives to alcohol-related traffic accidents. Drunk driving is the leading cause of death of all citizens in America from the age of 5 to 25. There is an epidemic of death from drunk driving across this country. So if you are persuaded that there is a single reason to oppose this in deference to a State law, I offer to the Senate 17,000 reasons why we have to meet our responsibility to the citizens of all 50 States who want to travel with safety and confidence across our highways.

To those who believe that this kind of legislative effort cannot be successful, the best evidence is that through the years our efforts against drunk driving have dramatically reduced the incidents of drunk driving themselves, except with a single category—hardcore drinkers. The casual drinker who drives has been persuaded to exercise caution and to live within the law. But the numbers for hard-core drinkers are staggering. Every weekday between 10 p.m. and 1:00 a.m., 1 in 13 drivers in this country is drunk. Between 1:00 a.m. and 6 a.m., one in seven is drunk. It is those drivers, driving with alcohol in the automobile, with an open container sometimes in their own hands, that we are trying to prevent.

Mr. President, I can think of no legislation that this Senate will consider in the coming weeks that more dramatically could ease the pain of individual American families and save lives than this legislation offered by Mr. DORGAN. I urge my colleagues to support it.

I yield my time back to the Senator from North Dakota.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Rhode Island is recognized.

Mr. CHAFEE. Madam President, I rise in support of this amendment offered by my colleague from North Dakota. The terrible problem of drunk driving is certainly, as we all recognize, an issue of national importance. In 1996, more than 17,000 lives were lost on our Nation's highways as a result of alcohol-related collisions. This represents nearly half of all the fatalities that occur on our roads each year.

The laws on how drinking and driving are treated vary from State to State. As mentioned previously, six States allow drivers to operate motor vehicles and drink alcohol at the same time. In over half of the States, even if a driver cannot drink, all the passengers in the vehicle can drink.

Madam President, the sad thing is that drunk driving accidents are completely avoidable. There is not a single reason why the driver sitting behind the wheel of a car should be allowed to consume an alcoholic beverage.

Now, Madam President, this isn't about freedom and States rights; it is about the rights of a driver against other drivers on the road. Shouldn't every individual have a right to travel safely on the highways? There is a lot of discussion here as to, "Oh, leave it up to each State." Well, as we all know, in my State, you can go across the State in an hour and, clearly, you are either in Massachusetts or Connecticut very quickly. And so it is in most of the States. We travel from State to State freely. Very few people stay entirely within the borders of their own State all the time.

So we have a right to know that when we go out of our State, if our State should adopt an amendment like this, we will be safe in the other States likewise. I believe the amendment of the Senator from North Dakota will save lives by keeping alcoholic beverages off the road. This is a workable and fair solution to the problem of open containers and the larger problem of drunk driving.

Now, Madam President, we still have time in opposition to the Senator's amendment. But absent that, I would be glad to yield some of that time to the Senator from North Dakota, or whatever he chooses. We have previously committed to not go to a vote until 10:30. I would like to stick by that commitment, even though it might require some dead time here.

Mr. DORGAN. Madam President, I will certainly yield back if Senator CHAFEE has somebody who wishes to speak in opposition. He has been very generous and courteous. I appreciate that.

Madam President, let me read to the Senate a letter that I just received this morning from the Secretary of Transportation, Rodney Slater. It is dated today.

He writes:

DEAR SENATOR DORGAN: Earlier this week, President Clinton spoke strongly about the need to reduce the risk of drinking and driving by calling on Congress to lower the legal limit for blood alcohol content to .08 percent. Yesterday, the Senate overwhelmingly agreed by passing the Lautenberg-DeWine amendment. I applaud the Senate for supporting this measure. Today, the Senate has the opportunity to approve another amendment which will help fight drunk driving by voting to prohibit open containers of alcohol in motor vehicles.

In 1996, there were more than 17,000 alcohol-related fatalities in this country. The amendment to be offered by Senators DORGAN, LAUTENBERG, BUMPERS, et al., will further efforts to reduce the terrible loss of life on our highways due to drinking and driving.

I urge the Senate to support adoption of this important highway safety provision.

RODNEY SLATER,
Secretary of Transportation.

Madam President, I indicated a bit ago that this amendment was offered by myself 3 years ago and I lost by two votes. I don't know what the vote is going to be today, but I hope that we will prevail with this amendment.

The Senator from New Jersey noted that no one is speaking in opposition to this amendment, and the reason is quite simple: To oppose this amendment requires someone to come to the floor of the Senate and say they support someone's right to drink and drive.

To the extent that I support the States' rights to determine that they want laws allowing people to drink and drive, it requires someone to stand up and say: This amendment is wrong because I support the right of people to drink while they are driving.

No one will come to the floor to say they support the right of people to drink while they drive in this country—for good reason. Almost all of us know that it's fundamentally wrong. Alcohol and automobiles don't go together. Alcohol and automobiles together represent, in too many instances, drunk driving and, therefore, murder and mayhem on our highways. There is one more dead every 30 minutes, and two dead during this very short debate. The carnage on our roads must stop and can if we decide as a Senate that there are things we can do in public policy to tell the American people not to even think about drinking and driving.

Yesterday, we passed a measure that provides a uniform .08 standard for blood alcohol content. A 170-pound man would have to drink 4 drinks in 1 hour on an empty stomach to get to .08. This question was asked, and I think it is an important question: Would you like to put your children in an automobile driven by someone who has just had four drinks on an empty stomach in the last hour? Or do you think deep in the pit of your belly that would not be a safe thing to do with your children? I think I know the answer. Every American would answer that question saying, no, that is not where I want to put my children.

I would ask the same question with respect to this amendment. Would anyone like to put their children in the automobile where, on the cup holder next to the driver for ready access as the driver drives, there is a can of beer or a bottle of bourbon, because it is legal to do it in some States? Would anyone want to put their children in the front seat or back seat of that car and think, gee, I feel pretty good about sending my kid on that drive? I don't think so. Would anyone want to put their child in the back seat of a car where, if the driver isn't drinking, all the other three passengers are drinking? I don't think so. I think most of us know the answer to that question. There is no vocal opposition to this amendment on the floor of the Senate, because you can't stand up here in the Senate and say that it makes sense to allow people in America to drink and drive.

There was a little boy named Jesse—actually not so little, but kind of short. He was a wonderful boy with an infectious grin, one of the most well-mannered young people you would ever find in life. He was the son of my cousin in Mandan, ND. Jesse is dead now. Jesse went to a party the night before his high school graduation. Jesse was a good boy, but, unfortunately, he accepted a ride with the wrong person. At the end of that matter, he got into the passenger side of an automobile driven by a young man who was drunk, and about 2 minutes later they were hit by a train. Jesse died.

Jesse was just one of those 17,700 people who become a statistic, but his life was important, he was important, and his death was a tragedy. Everyone here has those stories.

I was in an automobile on the main street of Fargo, ND, one night with my daughter. She was driving, and a drunk hit our car. Fortunately, neither of us was injured. The car was totaled—total damage. And I remember my daughter weeping, sobbing uncontrollably, because we had been involved in this crash, and it was traumatic. But by God's grace, we weren't injured. The fellow who hit us was so incredibly drunk that he could not walk when he got out of the car. All he could do was fall. He was too drunk to walk. Every day, every night, every hour, all across this country, you will hear stories like that. People cause property damage, people are injured, people are killed, and it used to be that drunk driving meant someone would give someone a slap on the arm and a wink and a grin, and say, "Well, I saw you in your pickup truck driving," sort of knowing well, "Ah, shucks."

Fortunately, we have moved from that point to a point of better understanding that drunk driving in this country kills people. It is not funny. It is not acceptable. We have done a lot of things to reduce deaths by drunk driving in this country. But we have not yet done enough.

The step we propose today to complement the step the Senate took yesterday is very simple. This amendment is not rocket science; this amendment is painfully simple. It says the following: In our country, as we wage the fight against the carnage on our road from drunk drivers, the simple step that must be taken is to say that no vehicle in this country should be driven by someone who is drinking, and no vehicle in this country should be traveling down America's roads with either the driver or the passengers having open containers of alcohol.

That is so simple and so fundamental, and, yet, I expect will be the product of a rather close vote. And I regret that. Again, I respect everyone's interests, motives and reasons for voting, and, as I said, there are some who believe that the Federal Government has no business intruding into this area. It is the States' business. I say in many areas I agree with that. There are many things that are not the business of the U.S. Senate. They are not the business of the Federal Government. But there are some things that are.

When we designed a national road system, we said the transportation and the free movement across this country on good roads and reliable roads and safe roads is part of that national system. How safe is that movement on roads for someone to load up a car with their children and their spouses and go on a family vacation, and then cross that next line and drive into that next State without much warning and without much thought in the back of your mind that at the next intersection in the next county you might meet someone who is drinking and driving—and it is legal—and that someone who might be drinking alcohol as he or she drives down the road might just miss that green light, turned yellow, then turn red, and come to that intersection and meet your family or meet your neighbor's family? That is what happens in this country. It happened in the last half hour and the half hour before that.

I can't go to a meeting and ask the question of any group of representative people in this country, "How many of you have been affected by drunk driving? How many of you have a relative, a friend, an acquaintance, how many of you know someone who has been killed by a drunk driver?" You can't do that without having most of the hands in the room raised. That is the impact drunk driving has on our country.

My amendment, as I indicated, is painfully simple. It does not attempt to say to the States, "Those of you who do not have open container prohibitions, you are bad States." That is not what it says. It just says there is a national purpose and a national interest on this issue, and the national purpose and the national interest is that anyone driving anywhere, anytime in this country should be able to expect that the next vehicle they meet on the road is driven by and is occupied by people who are not drinking alcohol.

Those of us who have visited with law enforcement people, who spend their days and nights on America's roads, have heard the stories of tragedy and horror by the folks we pay to keep the peace and to enforce our laws. I encourage anyone who has doubts about whether this issue is important to take some time and just sit down for a few minutes with the men and women of the police forces of our country and let them tell you what happens on our roads with those who are impaired from drinking. Let them tell you the tragedy that occurs virtually every day in every way on America's roads. Only then, I think, will those whose lives have not been touched by this tragedy understand that this is a national problem. It is not someone else's problem; it is our problem. This is a problem we can do something about, something real, something tangible, and something important.

Madam President, the Senator from Arkansas, Senator BUMPERS, has come to the floor. I remember 3 years ago, when I offered this amendment, as I indicated the other day, I heard one of the most touching speeches I have ever heard on the floor of the Senate. His family has been visited with the awful tragedy of drunk driving as well. I am pleased he has come. I hope he will not mind if I call on him immediately and ask him to consume as much time as he needs.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Madam President, let me thank first the Senator from North Dakota for his very kind remarks and for yielding to me immediately, because I do have a committee that I need to get back to.

I have come to the floor every time I have had an opportunity for the past 23 years to express my moral and vocal support for legislation that has any potential for curbing drunken driving.

I grew up in a devout Methodist household where, in a small town, drinking was absolutely forbidden. Everybody in town knew who drank. We didn't have anything but Presbyterians, Catholics, Methodists, and Baptists. The Catholics drank wine. We could not have wine at communion in the Methodist Church because the Methodist Church was adamantly opposed to any alcoholic beverage. So we drank grape juice at communion. But my mother, considering the fact, as I have said many times on this floor, that I grew up in a household where we were taught that when we died we were going to Franklin Roosevelt. My mother and my father thought he was the greatest man who ever lived. But my mother could not abide Eleanor Roosevelt because she had been accused—I am not sure, according to Doris Kearns' book, "No Ordinary Time," what the real circumstances were. But, anyway, it was a widely held belief in this country that Eleanor Roosevelt had told young women how not to drink too much, which was, if you drink, you only have one drink, or drink in moderation. That was more than my mother could abide. She detested Eleanor Roosevelt until her dying day.

The interesting thing about growing up poor in the South in those days was, as I say, most people couldn't afford to drink, even if they wanted to. But my mother and father, until the day they died, never—either one—tasted alcohol in any form.

So it was on March 22nd. I was a freshman law student at Northwestern University in Chicago. One Sunday evening somebody came in—there was a telephone booth down the hall in the dormitory—and said, "Dale, somebody wants to talk to you. It is long distance." I went down. My sister's brother-in-law was on the phone saying my mother and father had been in an accident and he thought I should come home. He described it for me, and still it didn't really sink in. But, in any event, that was about 7 or 8 o'clock in the evening. I made arrangements to fly home the next morning. That was back when air traffic was almost nonexistent.

But the sum and substance of the story, Madam President, was my mother and father and another couple had been out on a Sunday evening jaunt and had gone over to Oklahoma to look at the spinach crop on some land that my father owned. They were returning about dusk on a narrow, two-lane highway where I-40 runs today.

So this drunk comes roaring over, sliding into my father's side of the road. And that is the end of the story. The woman, who was a friend, was killed instantly. My mother and father were taken to the hospital in Fort Smith, where my mother died 2 days later and my father died 6 days later.

The interesting thing about that whole thing is—you can think of all kinds of interesting sidelights to a story like that—that the man who hit them had been run out of town in a small town. I believe it was Danville, AR. The sheriff told him to get out of town. He was drunk. So I don't know where he was heading. Some people said he was heading for California. And the State Police picked him up on the way. They didn't pick him up. They saw that he was drunk. The State trooper started chasing him, had a flat, and had to give up the chase.

So here was a family as close as any family could be. Interestingly, my brother was himself in law school at Harvard. I believe he was a classmate of Senator CHAFEE. He was a sophomore at Harvard Law School. They didn't have semesters like they did at Northwestern. This was in March. Of course, he had to drop out of school. We both dropped out of school because we were so devastated. He lost the whole year and had to go back and take the whole year over because he was not there for final exams.

I am taking up too much time, I see. I just want to say that ever since that tragedy happened in my household, I have done everything I could do, both here and as Governor of my State, to make sure other families were not devastated in such a way. I had always been opposed to the death penalty before that happened, and I had a tough time after that reconciling my position. I came down on the side of the death penalty later on because I couldn't make much of a distinction between a drunk driver killing my father and mother than I could if he had done it with a gun.

When I have a chance to vote for an amendment like Senator DORGAN's, it is a pleasure. I compliment him for doing something that may—just may; no, it will—keep a lot of families from enduring the agonies that this close family, as close knit as any family ever, endured being totally destroyed in the blinking of an eye because of a roaring drunk.

I am pleased that the Senator from North Dakota has asked me to come over and speak on it. It is my honor.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the majority leader.

Mr. LOTT. Mr. President, I believe we have scheduled two more votes at approximately 10:30. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LOTT. Mr. President, I would like to use leader time just to make reference to the Budget Office report. I will use my leader time to make some brief remarks. I believe Senator DOMENICI, chairman of the Budget Committee, will want to respond also.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

THE PRESIDENT'S BUDGET

Mr. LOTT. Mr. President, yesterday the Congressional Budget Office delivered its preliminary report on the President's budget proposal. The news is both astonishing and disappointing. It raises the most serious questions about the President's credibility when dealing with the budget.

Five weeks ago, in his State of the Union address, the President made a promise to the American people. I want to quote from his speech. The President asked and answered a very important question. He said:

> What should we do with this projected surplus? I have a simple, four-word answer: Save Social Security first.

I thought to myself, that sounded like a pretty good idea. But that's not what the President's budget does. The President's budget spends $43 billion of the projected future surpluses.

I invite my colleagues to look at the CBO report. It is right on page 1 of that report:

The policies outlined in the President's budget will decrease the surplus in each year from 1999 through 2003.

While the President says he wants to save Social Security first, instead, his budget spends the surplus first. Mr. President, what ever happened to preserving 100 percent of the surplus for this purpose? To me, 100 percent means reserving all of it, not all of it except $43 billion that you want to spend. What happened to saving "every penny of any surplus until we have taken all the necessary measures to strengthen Social Security?" Does every penny mean every penny except $43 billion?

There is some other bad news in this report as well. I will let the chairman of the Budget Committee provide more detail, but I want to give just two highlights. The President's budget spends so much money that it goes into the red in the year 2000. That's right, after all of our hard work last year to balance the budget, and with a lot of help from a growing, booming economy, the President now proposes to send us back into deficits again that soon. If you are following along in the CBO report, that, too, is on page 1 as well. We have not gotten into the rest of it. That is really a depressing thought to me. It took us almost 30 years to get big Government on the wagon, so to speak, and now the President wants us to steer back to the saloon for one more round of spending.

There is one more point that means a lot to people around here. A critical part of last year's bipartisan budget agreement, which the Speaker and I forged with the cooperation of Democrats and the President, was the creation of caps on discretionary spending. CBO tells us that the President's budget will break those caps by $68 billion over the next 5 years. What good is a budget agreement if the President immediately proposes to violate it? What good is balancing the budget if the President proposes to spend his way back into deficit? And, most important, what good is it to promise that you are going to save Social Security first, when the budget you propose redirects $43 billion of that goal? The President sent us a budget 6 days after his promise to save Social Security first. It took only 6 days for that to fall by the wayside. I have to ask the question, what's next, Mr. President?

I yield the floor and I yield 3 minutes of my leader time to the chairman of the Budget Committee.

Mr. DOMENICI. I will not add much. I ask unanimous consent the preliminary report in its entirety—it's not very long—be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the Congressional Budget Office, Mar. 4, 1998]

AN ANALYSIS OF THE PRESIDENT'S BUDGETARY PROPOSALS FOR FISCAL YEAR 1999—PRELIMINARY REPORT

As requested by the Senate Committee on Appropriations, the Congressional Budget Office (CBO) has estimated the effects of the President's budget proposals for fiscal year 1999 using its own economic and technical assumptions. CBO estimates that the President's policies will reduce projected baseline surpluses by $43 billion between 1999 and 2003—and will temporarily dip the budget back into red ink by a small amount in 2000. Nonetheless, the overall picture is one of continuing surpluses through 2003.

Yet the good news embodied in the projections by both CBO and the Office of Management and Budget could easily be reversed. If revenue growth this year is just one-half of one percent lower than expected the budget could remain in deficit. Alternatively, continued robust economic growth could push up estimated surpluses. In any case, deficits or surpluses over the next several years that differ from current projections by upwards of $100 billion are entirely possible.

THE PRESIDENT'S BUDGETARY POLICIES

CBO estimates that, compared with its baseline projections, the policies outlined in the President's budget will decrease the surplus in each year from 1999 through 2003. CBO also expects that surpluses under those policies will actually turn out to be lower than projected by the Administration. Nevertheless, the President's budget is estimated to produce a $42 billion surplus in 2003.

CBO's Estimates of the President's Policy Proposals

The President's plan would reduce the surpluses projected by CBO under current policies by $43 billion over the 1999–2003 period (see Table 1). In 1998, though, the President's proposals would increase the surplus by nearly $1 billion.

The President's budget was designed to offset increases in spending for some programs with increases in revenues and decreases in spending for other programs. However, CBO estimates that net increases in spending will exceed additional revenues by between $5 billion and $16 billion a year.

Under the President's proposals, total revenues would exceed the CBO baseline by $12 billion in 1999 and $18 billion by 2003. The budget proposes about $24 billion in cumulative tax reductions through 2003 (such as an increase in the child and dependent care tax credit), which are offset by revenue increases of $26 billion (for example, repealing the ability of certain multinational firms to expand their use of foreign tax credits and thereby decrease their federal tax payments). The net boost in revenues stems mostly from assumed new revenues from tobacco companies totaling $65 billion through 2003. The budget, however, does not specify the policies that might be implemented to raise that $65 billion. Because there are a number of ways to achieve that end, the Joint Committee on Taxation, which estimates the effects of proposed changes to the tax code, simply accepted the Administration's totals.

CBO estimates that the increases in spending proposed in the President's budget will outstrip the revenues intended to covert the new programs. In particular, CBO estimates that discretionary spending proposed by the President will increase outlays above CBO's baseline by $90 billion from 1999 through 2003, and proposals related to mandatory programs will boost outlays by $28 billion over the same period. In total, the President's proposals would increase spending by $118 billion over five years (not including additional debt-service costs).

Under the President's policies, discretionary outlays would rise from $558 billion in 1998 to $573 billion in 1999—$12 billion above the statutory caps on such spending (see Table 2). Such spending would continue to grow in the President's budget, reaching $598 billion in 2003. Total revenues and outlays would each be around $2 trillion by 2003, representing about 19 percent of gross domestic product (GDP).

Among the Administration's initiatives for mandatory spending are proposals to allow certain groups of people who do not currently have access to employer- or government-sponsored health insurance to purchase Medicare coverage. Although CBO makes somewhat different assumptions about participation rates and costs per person than the Administration does, it generally concurs with the Administration's estimate that the provisions would have a small net budgetary impact. Net costs to the federal government would be held down by the high cost of the specified premiums and the stringency of the eligibility criteria, both of which severely limit the number of people who are likely to take advantage of the proposals.

Although the hike in net spending resulting from the President's proposals reduces projected baseline surpluses, the budget is still expected to remain essentially in surplus through 2003 under the President's policies. From an expected level of $8 billion in 1998; the surplus is projected to rise to $51 billion in 2002 before falling in 2003.

CBO's Estimate Compared with Those of the Administration

Although the pattern in the bottom line suggested by CBO's analysis of the President's budget is roughly similar to that estimated by the Administration, the surpluses that CBO projects are smaller. In addition, CBO estimates a small deficit in 2002. The Administration had projected that by 2003 the surplus would reach $83 billion, whereas CBO's estimate of the surplus in that year is about half that size (see Table 3).

Variations between CBO and the Administration in estimating the deficit or surplus arise from baseline differences as well as differences in estimates of the effect of the President's policy proposals. In 1999 and 2000, variations in policy estimates are larger; however, from 2001 through 2003, baseline differences account for the major share of the discrepancy in the two projections.

Baseline Differences. The greatest differences between the two sets of current-policy projections are on the outlay side. The largest of those differences is in estimates of Medicare spending. The Administration expects that total outlays for Medicare over the next six years (including premiums paid to the government by Medicare beneficiaries) will be $50 billion lower than CBO projects, largely because the Administration believes that policies enacted in last year's Balanced Budget Act will produce more savings than CBO had estimated. Indeed, Medicare alone accounts for around half of each year's difference in projected baseline outlays.

In addition, higher projections by CBO of inflation compared with those of the Administration push up estimates of spending for programs affected by cost-of-living increases (such as Social Security and Civil Service

Retirement). Moreover, higher estimated unemployment and interest rates boost spending on unemployment insurance and net interest on the public debt, respectively. Overall, though, the Administration's assumptions about the performance of the economy over the next six years are not very different from CBO's (see Table 4).

In 1998, CBO's estimate of revenues is significantly higher than that of the Administration, mostly as a result of technical estimating differences. From 1999 through 2003, however, differences between CBO's and the Administration's revenue estimates under current policies are relatively small.

Differences in Policy Estimates. Almost all of the differences in policy estimates relate to the outlay side of the budget—and mostly to discretionary spending. CBO estimates that annual outlays for defense spending and subsidized housing, among other discretionary programs, will be higher under the President's proposed levels of funding than the Administration has estimated.

The major difference in mandatory outlays comes from the savings produced by repealing the recent ruling of the Department of Veterans Affairs that nicotine dependence can be considered a service-related disease for purposes of compensation. The Administration estimates that costs over the 1999–2003 period will be $7 billion higher than CBO projects under current policies and therefore claims $7 billion more in savings from repealing the decision.

CBO'S REVISED BASELINE

In the course of preparing its annual analysis of the President's budget, CBO typically updates its baseline projections to take account of new information from the President's budget and other sources. The revised March projections then usually become the baseline for the budget resolution.

CBO's new March projections are not materially different from those issued in its January 1998 report, The Economic and Budget Outlook: Fiscal Years 1999–2008. The only major change since January is an increase in revenues from 1998 through 2000 to reflect more rapid inflows into the Treasury than either CBO or the Administration had anticipated (see Table 5). That change, however, is enough to shift CBO's projections from small annual deficits to small annual surpluses during those years. CBO expects that the budget surplus for this year will be nearly $8 billion. Assuming that current policies do not change and that the economy stays on the anticipated course, surpluses are projected to rise eventually to $138 billion in 2008.

Both federal spending and revenues are expected to total around $1.7 trillion this year—or approximately 20 percent of GDP. Under CBO's baseline assumptions, projected outlays as a percentage of GDP fall gradually to 18.3 percent by 2008. Revenues decline to 19.3 percent of GDP by 2003 and remain at that level through 2008 (see Table 6).

TABLE 1.—CBO ESTIMATES OF THE EFFECT ON THE SURPLUS OR DEFICIT OF THE PRESIDENT'S BUDGETARY POLICIES

[By fiscal year, in billions of dollars]

	1998	1999	2000	2001	2002	2003	Total 1999–2003
CBO Surplus Projections	8	9	1	13	67	53	NA
Effect on the Surplus of the President's Budgetary Policies							
Revenues:							
Tobacco-related	0	10	12	13	15	16	65
Other	(a)	2	3	3	3	2	14
Subtotal	(a)	12	15	17	18	18	80
Outlays:							
Discretionary	(a)	−12	−15	−15	−27	−22	−90
Mandatory:							
Tobacco-related activities	0	−3	−4	−5	−5	−5	−22
Reduce class size in schools	0	(a)	−1	−1	−1	−2	−5
Repeal VA smoking decision	0	(a)	1	2	3	4	10
Other	1	−2	−2	−3	−2	−2	−10
Subtotal	1	−5	−6	−6	−6	−5	−28
Total Outlays	1	−17	−20	−21	−32	−27	−118
Total Effect of Policies	1	−5	−5	−4	−14	−9	−38
Debt Service	(a)	(a)	(a)	−1	−1	−2	−4
Total Effect on the Surplus	1	−5	−6	−5	−16	−11	−43
Surplus or Deficit (−) Under the President's Budgetary Policies as Estimated by CBO	8	4	−5	8	51	42	NA

[a] Less than $500 million.

Notes: Numbers in the table may not add to totals because of rounding. VA=Department of Veterans Affairs; NA=not applicable.

Sources: Congressional Budget Office; Joint Committee on Taxation.

TABLE 2.—CBO ESTIMATES OF THE PRESIDENT'S BUDGETARY POLICIES

[By fiscal year]

	1998	1999	2000	2001	2002	2003
	In Billions of Dollars					
Revenues	1,680	1,751	1,799	1,863	1,948	2,026
Outlays:						
Discretionary:						
Defense	269	270	273	272	280	290
Nondefense	288	303	306	307	307	308
Subtotal	558	573	580	579	587	598
Mandatory:						
Social Security	376	392	409	428	449	471
Medicare	197	208	219	240	246	271
Medicaid	101	108	115	122	131	141
Other	277	301	325	342	357	374
Subtotal	951	1,009	1,067	1,132	1,183	1,257
Offsetting Receipts	−82	−83	−87	−92	−105	−98
Net Interest	245	247	243	237	231	227
Total	1,671	1,747	1,803	1,855	1,897	1,983
Surplus or Deficit (−)	8	4	−5	8	51	42
	As a Percentage of Gross Domestic Product					
Revenues	20.1	20.1	19.8	19.6	19.6	19.5
Outlays:						
Discretionary:						
Defense	3.2	3.1	3.0	2.9	2.8	2.8

TABLE 2.—CBO ESTIMATES OF THE PRESIDENT'S BUDGETARY POLICIES—Continued

[By fiscal year]

	1998	1999	2000	2001	2002	2003
Nondefense	3.4	3.5	3.4	3.2	3.1	3.0
Subtotal	6.7	6.6	6.4	6.1	5.9	5.7
Mandatory:						
Social Security	4.5	4.5	4.5	4.5	4.5	4.5
Medicare	2.4	2.4	2.4	2.5	2.5	2.6
Medicaid	1.2	1.2	1.3	1.3	1.3	1.4
Other	3.3	3.5	3.6	3.6	3.6	3.6
Subtotal	11.4	11.6	11.7	11.9	11.9	12.1
Offsetting Receipts	−1.0	−1.0	−1.0	−1.0	−1.1	−0.9
Net Interest	2.9	2.8	2.7	2.5	2.3	2.3
Total	20.0	20.0	19.8	19.5	19.1	19.1
Surplus or Deficit (−)	0.1	(a)	(a)	0.1	0.5	0.4
Memorandum: Gross Domestic Product	8,369	8,729	9.097	9,499	9,933	10,405

(a) Less than 0.05 percent.
Source: Congressional Budget Office.
Note: Numbers in the table may not add to totals because of rounding.

TABLE 3.—CBO REESTIMATES OF THE PRESIDENT'S BUDGETARY POLICIES

[By fiscal year, in billions of dollars]

	1998	1999	2000	2001	2002	2003
Deficit (−) or Surplus Under the President's Budgetary Policies as Estimated by the Administration	−10	10	9	28	90	83
	Baseline Differences					
Revenues	22	9	5	1	−1	−2
Outlays:						
Discretionary	5	(a)	−1	−1	−1	2
Mandatory	−1	6	9	16	23	31
Subtotal	4	6	9	15	23	34
Total Baseline Differences	18	3	−4	−15	−24	−36
	Differences in Estimates of Proposed Policies					
Revenues	(a)	−1	(a)	(a)	−1	−1
Outlays:						
Discretionary	(a)	7	7	4	11	(a)
Mandatory	−1	1	3	1	4	4
Subtotal	−1	8	10	6	15	4
Total Policy Differences	1	−9	−9	−6	−15	−5
	All Estimating Differences					
Total Differences	18	−6	−13	−20	−39	−41
Deficit (−) or Surplus Under the President's Budgetary Policies as Estimated by CBO	8	4	−5	8	51	42

(a) Less than $500 million.
Note: Numbers in the table may not add to totals because of rounding.
Source: Congressional Budget Office.

TABLE 4.—COMPARISON OF CBO AND ADMINISTRATION ECONOMIC PROJECTIONS, CALENDAR YEARS 1998–2003

	Forecast		Projected			
	1998	1999	2000	2001	2002	2003[a]
	In billions of dollars					
Nominal GDP:						
CBO	8,461	8,818	9,195	9,605	10,046	10,529
Administration	8,430	8,772	9,142	9,547	9,993	10,454
	Percentage change					
Nominal GDP:						
CBO	4.7	4.2	4.3	4.5	4.6	4.8
Administration	4.3	4.1	4.2	4.4	4.7	4.6
Real GDP:						
CBO	2.7	2.0	1.9	2.0	2.1	2.3
Administration	2.4	2.0	2.0	2.2	2.4	2.4
Implicit GDP Deflator:[a]						
CBO	2.0	2.2	2.3	2.4	2.4	2.5
Administration	1.9	2.0	2.2	2.2	2.2	2.2
Consumer Price Index:[b]						
CBO	2.2	2.5	2.7	2.8	2.8	2.8
Administration	2.1	2.2	2.3	2.3	2.3	2.3
	Percent					
Unemployment Rate:						
CBO	4.8	5.1	5.4	5.6	5.8	5.9
Administration	4.9	5.1	5.3	5.4	5.4	5.4
	Bill Rate (Percent)					
Three-Month Treasury:						
CBO	5.3	5.2	4.8	4.7	4.7	4.7
Administration	5.0	4.9	4.8	4.7	4.7	4.7
	Note Rate (Percent)					
Ten-Year Treasury:						
CBO	6.0	6.1	6.0	5.9	5.9	5.9
Administration	5.9	5.8	5.8	5.7	5.7	5.7
	In billions of dollars					
Taxable Income:[c]						
CBO	6,688	6,906	7,147	7,426	7,732	8,080
Administration	6,670	6,920	7,188	7,474	7,798	8,132

[a] The ratio of nominal GDP to real GDP.
[b] The consumer price index for all urban consumers.
[c] Taxable personal income plus corporate profits before tax.

Note: Percentage change is year over year.
Sources: Congressional Budget Office; Office of Management and Budget.

TABLE 5.—CHANGES IN CBO BASELINE DEFICITS OR SURPLUSES SINCE JANUARY 1998

[By fiscal year, in billions of dollars]

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
January 1998 Baseline Deficit (−) or Surplus	−5	−2	−3	14	69	54	71	75	115	129	138

TABLE 5.—CHANGES IN CBO BASELINE DEFICITS OR SURPLUSES SINCE JANUARY 1998—Continued

[By fiscal year, in billions of dollars]

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Technical Changes:											
Revenues	15	10	5	([a])	([a])	([a])	([a])	([a])	([a])	([a])	([a])
Outlays:											
Discretionary	([a])	([a])	([a])	([a])	([a])	([a])	([a])	([a])	([a])	([a])	([a])
Mandatory	([a])	([a])	1	2	4	1	2	1	([a])	([a])	([a])
Net interest	1	([a])	−1	−1	−1	−1	−1	([a])	([a])	([a])	([a])
Subtotal	2	−1	([a])	1	3	1	1	1	([a])	([a])	([a])
Total Technical Changes	13	11	5	−1	−3	−1	−1	−1	([a])	([a])	([a])
March 1998 Baseline Surplus	8	9	1	13	67	53	70	75	115	130	138

[a] Less than $500 million.

Note: Numbers in the table may not add to totals because of rounding.

Source: Congressional Budget Office.

TABLE 6.—CBO REVISED BASELINE PROJECTIONS

[By fiscal year]

	Actual 1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
In Billions of Dollars												
Revenues:												
Individual income	737	783	792	810	840	886	922	974	1,027	1,083	1,143	1,207
Corporate income	182	197	200	200	200	203	209	216	224	232	241	250
Social insurance	539	573	600	625	651	679	710	743	781	817	856	892
Other	120	127	147	149	155	161	167	173	177	181	187	191
Total	1,579	1,680	1,738	1,784	1,847	1,930	2,008	2,105	2,208	2,314	2,426	2,540
Outlays:												
Discretionary [a]	548	558	561	565	564	560	576	592	609	626	643	661
Mandatory:												
Social Security	362	376	391	409	428	449	471	495	522	551	582	614
Medicare	208	218	231	244	268	277	306	330	367	377	417	448
Medicaid	96	101	108	115	123	131	141	152	165	179	194	210
Other	231	257	273	293	305	319	332	344	362	370	378	399
Subtotal	896	951	1,004	1,060	1,123	1,176	1,250	1,322	1,417	1,477	1,570	1,672
Net interest	244	245	247	243	237	230	226	221	215	209	202	194
Offsetting receipts	−87	−82	−82	−85	−91	−103	−97	−101	−107	−113	−119	−126
Total	1,601	1,672	1,730	1,782	1,833	1,863	1,954	2,035	2,134	2,199	2,297	2,402
Deficit (−) or Surplus	−22	8	9	1	13	67	53	70	75	115	130	138
Memorandum:												
On-budget Deficit (−) or Surplus	−103	−92	−104	−121	−117	−72	−94	−88	−96	−64	−59	−59
Debt Held by the Public	3,771	3,774	3,781	3,793	3,795	3,743	3,706	3,651	3,591	3,491	3,375	3,251
As a Percentage of Gross Domestic Product												
Revenues:												
Individual income	9.3	9.4	9.1	8.9	8.8	8.9	8.9	8.9	9.0	9.0	9.1	9.2
Corporate income	2.3	2.4	2.3	2.2	2.1	2.0	2.0	2.0	2.0	1.9	1.9	1.9
Social insurance	6.8	6.8	6.9	6.9	6.9	6.8	6.8	6.8	6.8	6.8	6.8	6.8
Other	1.5	1.5	1.7	1.6	1.6	1.6	1.6	1.6	1.5	1.5	1.5	1.5
Total	19.8	20.1	19.9	19.6	19.4	19.4	19.3	19.3	19.3	19.3	19.3	19.3
Outlays:												
Discretionary [a]	6.9	6.7	6.4	6.2	5.9	5.6	5.5	5.4	5.3	5.2	5.1	5.0
Mandatory:												
Social Security	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.6	4.6	4.6	4.7
Medicare	2.6	2.6	2.6	2.7	2.8	2.8	2.9	3.0	3.2	3.1	3.3	3.4
Medicaid	1.2	1.2	1.2	1.3	1.3	1.3	1.4	1.4	1.4	1.5	1.5	1.6
Other	2.9	3.1	3.1	3.2	3.2	3.2	3.2	3.2	3.2	3.1	3.0	3.0
Subtotal	11.2	11.4	11.5	11.7	11.8	11.8	12.0	12.1	12.4	12.3	12.5	12.7
Net interest	3.1	2.9	2.8	2.7	2.5	2.3	2.2	2.0	1.9	1.7	1.6	1.5
Offsetting receipts	−1.1	−1.0	−0.9	−0.9	−1.0	−1.0	−0.9	−0.9	−0.9	−0.9	−0.9	−1.0
Total	20.1	20.0	19.8	19.6	19.3	18.8	18.8	18.7	18.7	18.4	18.3	18.3
Deficit (−) or Surplus	−0.3	0.1	0.1	([b])	0.1	0.7	0.5	0.6	0.7	1.0	1.0	1.1
Memorandum:												
On-budget Deficit (−) or Surplus	−1.3	−1.1	−1.2	−1.3	−1.2	−0.7	−0.9	−0.8	−0.8	−0.5	−0.5	−0.5
Debt Held by the Public	47.3	45.1	43.3	41.7	39.9	37.7	35.6	33.5	31.4	29.2	26.9	24.8

[a] The baseline assumes that discretionary spending will equal the statutory caps on discretionary spending in 1999 through 2002 and will increase at the rate of inflation in succeeding years.

[b] Less than 0.05 percent.

Note: Numbers in the table may not add to totals because of rounding.

Source: Congressional Budget Office.

Mr. DOMENICI. Mr. President, yesterday, the Congressional Budget Office released its preliminary analysis of the President's fiscal year 1999 Budget.

Very briefly, according to the CBO analysis, the President's budget proposal would spend $43 billion of the federal surplus rather than save the money for social security as the President admonished us in his State of the Union Address.

This results from the fact that the CBO analysts found that his new proposed spending of nearly $120 billion over the next 5 years exceeds his proposed spending cuts and tax increases of $43 billion.

In other words, if Congress did nothing but abide by the agreement we reached last year, the surpluses projected by CBO would be $43 billion higher than if we adopted the President's budget proposal.

But that won't even be possible, because under the Budget Act, the President's budget could not even be considered on the floor of the Senate, because it would be out of order.

The President's budget violates the agreement reached last year by proposing to break the statutory spending caps by $68 billion, making it out of order in the U.S. Senate.

Further, CBO found that the President's budget dips us back into deficit in the year 2000.

This is disappointing. But even if the administration proposes to break our agreement from last year, I do not.

It is my intent to have the Senate Budget Committee report within the next two weeks a budget for fiscal year 1999 that will: (1) abide by the spending caps set in law last year, (2) balance the budget and keep it in balance, (3) hold any budget surpluses in reserve to protect Social Security and provide for any future transition to a modernized system.

Mr. President, let me make it very simple in this regard. If we did nothing, in other words if the President had not submitted a budget and we just said let's continue with the policies that we have that were established in this bipartisan agreement, the Congressional Budget Office says the surplus would be $43 billion bigger than it is. That is the simple fact which causes them to conclude, and us to concur, that in fact the President has spent $43 billion of the surplus in his budget. It would be $43 billion higher had he not put a budget before the people, which leads you to that one simple conclusion.

Some may recall when the President announced his budget, there was a lot less noise made about it, excepting some profound questions were asked. How can you have $120 billion in new programs and not break the agreed-upon caps—that is the total amount you can spend for domestic discretionary spending—when that cap is a fixed dollar number? It has nothing to do with inflation; it is just a fixed dollar number. How can you say we will spend $120 billion, more or less, more than we had planned yet we will not exceed those agreed-upon totals?

So, what we have now, in my opinion, is a President's budget that, if it were submitted on the floor or in the Budget Committee, would be out of order because it breaches the agreed-upon caps by $68 billion. So it seems to me that we have to go into our mark-up here with that in mind. I am sure the President and his people will explain that they thought certain things could be handled differently than CBO handled them, and they are entitled to that position. But that is what we have to follow, and their rules have to be followed by us. We cannot adopt rules that the President establishes. So I believe it is important that the Senators understand the situation we are confronted with as we move in the Budget Committee and on the floor of the Senate.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. CHAFEE. Mr. President, we are going to vote now. We were scheduled to vote at 10:30. I would like to stick with that if I could. I just don't want this to get into a budget discussion here on the floor of the Senate at this particular time as we are trying to dispose of this legislation.

I do not like to cut off the Senator——

Mr. CONRAD. I ask the Senator from Rhode Island, since the other side has raised the issue, the leader has given me authority to take 3 minutes of leader time to respond, and I think just in fairness we ought to be permitted to do that.

Mr. CHAFEE. Well, if you want 3 minutes, go to it. But, please, no more than that because we are anxious. We did promise the Senator from New Mexico we would deal with three quick amendments by unanimous consent that we can dispose of very, very quickly, and then I do want to go to these votes. Senators have made an effort to be over here. Why do you not proceed for 3 minutes, then we'll do the Bingaman amendments quickly, and then go to the vote—which should not be more than 5 minutes from now.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

THE CREDIBILITY OF THE PRESIDENT ON THE BUDGET

Mr. CONRAD. Mr. President, questions have been raised about the credibility of this President on the budget. If anybody in this town has credibility on the budget, it is this President. When he came to office, the deficit was $290 billion, and under the plan that was passed in 1993, the deficit is now down, on a unified basis, to zero or very close to that. That has been a dramatic improvement and a dramatic record of deficit reduction by this President.

Now they raise questions about a new CBO score of the President's budget. The President did not have that available to him when he submitted his budget. He submitted his budget based on the Office of Management and Budget projections. By the way, both OMB and CBO have been overly conservative with respect to their projections. Neither of them have been close to right in projecting the dramatic decline in the deficit. The President used the numbers in his budget that were available to him at the time he submitted his budget, and his budget projections have proved to be far more accurate in terms of deficit reduction than some others.

So I just say with respect to credibility on the budget, this President has a demonstrated record. He has done the heavy lifting. He has gotten the results that have put this country in such a strong position.

Now we have a question of a difference of projections. Both of the projections of OMB and CBO have been off the mark. They have underestimated what a good job we have done in reducing the deficit. So when the President's credibility is called into question, I think in fairness we ought to say he based his budget on the projections that were available to him at the time he submitted his budget and he has a record and the record stands clearly as one that has produced the most dramatic deficit reduction we have ever seen.

I hope when we start talking about people's credibility, we do not do it in a loose fashion on the floor of the Senate.

I thank the Chair and yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. CHAFEE. I thank the Senator from North Dakota. Now the Bingaman amendments, if we could deal with those quickly?

AMENDMENTS NOS. 1699, 1700 AND 1701, EN BLOC, TO AMENDMENT NO. 1676

Mr. BINGAMAN. Mr. President, I send three amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN), for himself and Mr. DOMENICI, proposes amendments numbered 1699, 1700 and 1701, en bloc, to amendment No. 1676.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1699 TO AMENDMENT NO. 1676

(Purpose: To clarify that Federal laboratories are eligible to receive grants or to enter into contracts, cooperative agreements, or other transactions)

On page 310, strike lines 9 through 17, and insert the following:

"§ 5211. Transactional authority

"To further the objectives of this chapter, the Secretary may make grants to, and enter into contracts, cooperative agreements, and other transactions with—

"(1) any person or any agency or instrumentality of the United States;

"(2) any unit of State or local government;

"(3) any educational institution;

"(4) any Federal laboratory; and

"(5) any other entity.

AMENDMENT NO. 1700 TO AMENDMENT NO. 1676

(Purpose: To clarify that information on transportation-related research and development activities at Federal laboratories shall be included in the general exchange of information being promoted by the Secretary of Transportation)

On page 312, strike line 20 and all that follows through page 313, line 2, and insert the following:

"(B) to promote the exchange of information on transportation-related research and development activities among the operating elements of the Department, other Federal departments and agencies, Federal laboratories, State and local governments, colleges and universities, industry, and other private and public sector organizations engaged in the activities;".

AMENDMENT NO. 1701 TO AMENDMENT NO. 1676

(Purpose: To clarify that innovative research performed by Federal laboratories shall be identified and applied to the intermodal and multimodal transportation research, development, and deployments needs of the Department and the transportation enterprise of the United States)

On page 317, strike lines 1 through 6, and insert the following:

"(2) identify and apply innovative research performed by the Federal Government, Federal laboratories, academia, and the private sector to the intermodal and multimodal transportation research, development, and deployment needs of the Department and the transportation enterprise of the United States;".

Mr. BINGAMAN. Mr. President, I offer these on behalf of myself and Senator DOMENICI. They are very simple, conforming amendments to make it clear that the research activities that the Department of Transportation is engaged in are ones where they can call upon all of the scientific capability in our country, our Federal laboratories as well as our educational institutions, to get that research done. I do not think there is any opposition. I appreciate the chairman's allowing me to offer them at this time, and I urge Senators to support them.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. These amendments are acceptable on this side.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. We have also reviewed the amendments and find them acceptable.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1699, 1700 and 1701) were agreed to en bloc.

VOTE ON AMENDMENT NO. 1697

The PRESIDING OFFICER. The question is on agreeing to the Dorgan amendment, amendment No. 1697.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Dorgan amendment, amendment No. 1697. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCAIN (when his name was called). Present.

The result was announced, yeas 52, nays 47, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—52

Akaka
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Chafee
Cleland
Coats
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Faircloth
Feinstein
Glenn
Gorton
Harkin
Hatch
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Smith (OR)
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—47

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Enzi
Feingold
Ford
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Landrieu
Leahy
Lott
Mack
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Thomas
Thompson
Thurmond

ANSWERED "PRESENT"—1

McCain

The amendment (No. 1697) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ROBERTS). The pending business before the Senate is the Bingaman amendment, as modified.

Mr. BINGAMAN. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1696, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1696, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCAIN (when his name was called). Present.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—43

Akaka
Biden
Bingaman
Boxer
Bumpers
Byrd
Cleland
Coats
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feinstein
Glenn
Harkin
Hatch
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Lautenberg
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Robb
Rockefeller
Sarbanes
Smith (OR)
Specter
Torricelli
Warner
Wellstone
Wyden

NAYS—56

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Brownback
Bryan
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Enzi
Faircloth
Feingold
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Landrieu
Leahy
Lott
Mack
McConnell
Murkowski
Nickles
Reed
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Stevens
Thomas
Thompson
Thurmond

ANSWERED "PRESENT"—1

McCain

The amendment (No. 1696), as modified, was rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island.

AMENDMENT NO. 1684 TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I ask unanimous consent that amendment No. 1684, which is the Chafee amendment, the financial amendment, be agreed to, the motion to reconsider be laid upon the table, and the amendment be considered as original text for the purpose of further amendment.

I want to stress that it will be part of the bill. It can be amended. People can bring up their amendments to it.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. STEVENS. Mr. President, I just want to take a few minutes here, and I won't object in a few minutes to that request, but I think some consideration has to be given to some aspects of the highway and mass transportation problem. It has been very difficult for some of us to deal with. Neither my colleague nor I serve on any of the committees dealing with this subject. I do call attention to the fact that I will be chairing the committee that will deal with it later.

I am a little disturbed about what is happening in terms of small States—in particular, my State. I brought for Members to look at a comparison of my State and the whole United States and the delineation of the highways that exist in my State now. Those little gold dots are the villages and communities in my State that are not served by a highway or road yet. We have been a State now for 40 years and what do we find? If you look at the southeastern part, it looks like a panhandle on the right-hand side of this chart. That is the area of the marine highway system. We now are told we can't build any roads through the Forest Service land, and that is all Forest Service land down there except for a few communities and small areas of Native lands.

We are not considered a part of the mass transportation system although we haul about 2 million of your constituents per year through that area on our ferries. When we built those ferries 30 years ago, the price of them was a lot less than it is now. Today, the cheapest boats that you can buy of this type—they have to be ocean-going ferries—are built overseas, except we can't buy those because the Jones Act says we can't use foreign-built vessels from port to port in the United States. So, we can't use the land to build roads, we have to build our own ferries, and now we have to pay five times as much for those ferries than if we could buy them overseas. Now, it is mass transportation but this bill doesn't recognize ferries of this size as being any part of mass transportation.

I have some concerns that I have mentioned to my great friend from West Virginia about where the money is coming from when we do get to the process of financing that. I know he has some comments. I hope he won't get into that right now. We will work that out, I'm sure. But I want to point out to the Senate that we are going to have to work out a lot of things to finance this bill. This Senator wants to be a little happier with this bill. Right now I'm unhappy with the bill.

Take, for instance, the border money that is in this bill. We have analyzed that Border States Road Program. Our State at the present time has 1,538 miles of border with our neighbor, 20 percent of the total border of the United States, and we figure we are not even included in this. If you want to know why, it is because, for instance, money is made available for contract authority to grant States to improve international gateways, but, by definition, the gateways are groupings of border stations. Well, if you go along our border, you will find one border station; there is no grouping.

We have $18 million in this amendment for States for multistate corridor analysis. Well, we don't share the border with any other State, so obviously we are not involved in that allocation of money either.

Then there is $750 million authorized to be awarded by the Secretary, based upon commercial traffic volume, comparison of other traffic volume. Our State has a volume in just 4 months of the year. We can't compare with anyone for 12 months of the year in terms of traffic volume.

Mr. President, I don't have any objection to this; we are increasing the amount of money in a substantial way. As we do so, it seems that people are forgetting there are some places that don't have roads yet. In this bill, the whole philosophy here is, how do you improve existing roads or how do you really find a way to handle more traffic on the existing corridors that serve our country? I have no problem about that, but what is it going to do for a State like mine? Those roads that we need—we need to connect some of the villages to share schools, so we can share all of the services available from the State, local, and Federal Government. We are told now we can't go through parks, wildlife refuges, and other lands that are owned by the Federal Government. So in order to build them, we have to build longer roads to connect them.

I argued last year about RS 2477, and we lost that battle. We cannot use the original rights-of-way. Along the Kuskokwim and Yukon, in order to build the roads, instead of using the rights-of-way that traditionally have been used the last 100 years, we have to go far inland and build the roads back and then come back to the river again. You can't follow the traditional roads because RS 2477 rights-of-way are no longer valid. Do we have any recognition for the increased costs of building roads where Federal policy prohibits us from using Federal lands in Alaska that would be available in any other State, particularly any other Western State? No, we don't have any.

We do believe we have to have some analysis on a national basis. Other States use ferries. I went over with my good friend from Hawaii, Senator INOUYE, and traveled on one of their brand-new ferries. It was a wonderful experience. I urge every Member of the Senate to do it. They have some ferries that are based on a new concept of suspension, and we were traveling 35 knots in a 6- to 7-foot sea. That is really very good. But those increased island ferries won't do any good for us. We have to comply with the Federal and international laws concerning safety of life at sea. We have to build enormous vessels in order to cross the Gulf of Alaska.

Now, again, the concept of ferries and of the marine highway system, of recognizing that my State is not going to build roads across land, it will use ferries and it will use the marine highway system for our connections, has to be thought about in terms of this bill. So far, I've not been able to get that consideration. I want to see what we can do about dealing with that.

The marine highway system, by the way, several Congresses ago—and I think my good friend from West Virginia will remember this—we made it part of the National Highway System. We thought that was a great advantage. But the money is in the interstate highway system and in the mass transportation system in this bill. So that is not going to do us much good for our marine highway system. That is not where the money is being increased.

I also call the attention to the Senate of the fact that some of these ferry laws—there is a provision of existing law that deals with the requirements for crew, the requirements for other things that apply to the offshore States—in Alaska and Hawaii are burdensome and increase the cost of ferries. I have talked to the Senator from New York about trying to get some understanding of that.

We also have a problem about the Indian reservation roads, the parkway and park roads, the National Wildlife System roads. All of those are covered by this bill. However, we have 70 percent of the parklands, we have 60 percent of the wildlife refuge lands, we have 50 percent of the Federal lands, and we are getting 4 percent of the money that is involved in those. Do you know why? We are prohibited from building roads through those systems, so we have to build roads around the systems, but we don't get any consideration of that cost as we try to face the cost of building a highway system.

I remember sitting in the gallery once right after we became a State, and one of my predecessors, Senator Gruening, was here on the floor speaking about roads in Alaska. That was 1959. I have to tell the Members of the Senate, the map he used was this map. We have not been able to build roads in Alaska because of the obstinate position—this is not partisan, it is not this administration—of the Federal Government. We have not been able to get access to build roads to connect our villages, our communities. We have depended until this time on air transportation to even ship bricks and hay.

Now the Postal Service, very wisely, is saying, "Look, the ratepayers pay the subsidy for Alaska transportation and we are not going to do it anymore." Think of that now. Here is another county, as my grandmother used to say; we are hearing from someone else and they are saying, we are not going to continue to subsidize the transportation of goods in Alaska. We should do the same thing, they say, as everyone else—ship it by road. I remember one of them suggested we ought to be able to ship it somehow by Kodiak, by road. It would be an awful long bridge. Anyone that wants to, I would like them to ride that ferry. We call it the Dramamine Express.

When you talk about my State and the way we function under this bill, it's unfortunate. Maybe we should shift our committee assignments just before the highway bill passes so we can be heard in committees. I am becoming aware of the fact that every 5 years I come here to the floor and I complain. This year, I am going to do more than complain. This year, I am going to make some promises. I am not going to insist on carrying out the functions of this bill unless it becomes fairer.

I understand that donor States want back 91 cents out of every dollar their people pay into the road system. We wish we had more roads so we can pay more into the system. We can't increase that payment into the system until we can build some of these roads. Currently, we are using air-cushioned vehicles in some parts of Alaska to deliver mail. Good idea, right? We are getting no assistance whatsoever in any way to prepare the rights of way for air-cushioned vehicles. It would be a lot cheaper than running trucks over that land and cause a lot less environmental damage than running trucks over the land. But guess what. Rights of way for clearance for air-cushioned vehicles is not covered by this bill.

Now, Mr. President, it is not easy for us to come and really represent a State that is so far away. That is why I have developed such a fondness for my friends from Hawaii, because they go almost as far to get home as my colleague Senator MURKOWSKI and I do. What you don't realize is that, after we get home, we travel farther in our State to get from community to community than many of you travel to get home. We want to have some ability to come into the next century with a basic highway system that will at least meet the needs of some of the rural areas in terms of massing them together, connecting them together, so they can get the advantage of scale in dealing with their problems. That is particularly true of our problem now with regard to schools and villages and communities that are isolated through that vast area we call "the bush."

I could go on a little longer. We are going to go ahead with this bill, and I hope some Members who are working on it will think a little bit about what we are doing. As I said, we have the longest international border in the whole Nation. Under the trade corridor and border-crossing program, we qualify for little or none of the $775 million that deals with border-crossing problems. At least we should be able to deal with these increases. Again, the donor States problem—we have faced that problem. My good friend from West Virginia, Senator BYRD, has worked out a way of dealing with that in terms of increasing money so that there isn't any damage to the existing allocation.

I congratulate him, Senators GRAMM, CHAFEE, BAUCUS, D'AMATO, all of those who worked on this, so that we can have more money available to deal with the highway problems. The "surface transportation problems" is what we ought to really call this bill, a bill to solve surface transportation problems. My State is at least one-fifth of the land mass of the United States, and it is not recognized in this bill as being a State that needs highways, a State that needs assistance in dealing with the areas where we can't build highways in the marine highway system. Particularly, we need assistance in dealing with how do we get our ferries built under the Federal law that requires them built in this country and recognize them as mass transportation? If you go into the corridors where they are putting money into mass transportation, you will find we are buying rights of way, laying track, building terminals. We are doing a lot of things. Those same people who go to Seattle and then go up to Alaska on our ferries can travel all the way across the country under mass transportation, but when they get on our ferries to go up into Alaska, it's no longer mass transportation. If you ask the people on the ferries, they believe those are part of the mass transportation system, but it is not under this law.

I withdraw my objection to the request of the Senator, but I am going to be around here for a few days until we get some of these issues settled to our satisfaction and know that we can come into the 21st century along with everybody else as far as a new surface transportation program. Thank you very much.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I think there is a unanimous consent request pending.

The PRESIDING OFFICER. The Senator is correct.

Is there objection?

Mr. BAUCUS. Reserving the right to object, Mr. President, I might say to my good friend from Alaska, my State of Montana has the same problem Alaska has, being a thinly populated State. We have very much experienced a lot of these same problems with border crossings and what not. One of the issues the Senator mentioned was the border crossings, and maybe there is a way we can work that out in this bill. The mass transit provisions, though—the ferries, for example—are not within this committee's jurisdiction. That is within the Banking Committee's jurisdiction. We expect to have an amendment soon. The Senator makes a basic, good point. It is similar to one I have made many times. I appreciate his coming to the floor.

Mr. STEVENS. Mr. President, I have checked, and since we have become a State, we have built very few new bridges. We have replaced the ones destroyed in the 1964 earthquake, with one exception. The reason we have not built new bridges is we haven't had any new roads.

Mr. President, I will not object.

Mr. LAUTENBERG. Mr. President, I rise to express my support for the changes that have been made to the ISTEA II bill. This legislation is now much more balanced and fair to all states than the original bill last fall. I want to thank the distinguished Chairman of the Committee, Senator CHAFEE, and other Senators involved for their assistance in improving this bill.

I was never happy with the original bill, because it falls way short of addressing New Jersey's growing needs. While the underlying bill recognized the special situation of some states, particularly large, western, low-density states, and those in the Southeast, it did not recognize the unique needs of densely populated, urbanized states with significant passenger, commerce and freight traffic.

Mr. President, last year, the ISTEA II bill that came to the floor was not regionally balanced and did not recognize the special needs of high density, urban states like New Jersey.

This amendment includes a program that I authored which is designed to address the needs of high density, urban states. Called the High Density Transportation Program, this new program addresses the special needs of states where high population density and heavy traffic volume create perpetual bottlenecks in the flow of goods and people through our national transportation system, resulting in tremendous wear and tear on the roads and reduced economic productivity. We can all argue over how much money should go to one region or another, but to deliberately leave out factors that allow for consideration for high density, urban states in a major transportation bill is unacceptable. That's what happened in the original bill.

That's why I am very pleased that the Chairman and Ranking Member of the Environment and Public Works Committee and the Chairman of the relevant Subcommittee, agreed to include this new High Density program in the new bill. And that's why this is now a more balanced bill.

The High Density Transportation Program is a $360 million annual program, distributed over five years. New Jersey will be guaranteed $36 million each year, and will be eligible for more, for projects that reduce congestion, increase mobility, and maintain the infrastructure. Those projects may include construction and maintenance of roads, mass transit, bridges, even bike paths. As long as those projects reduce congestion and improve mobility.

This program, coupled with the increase in apportionments and the funds the Committee included in the Bridge Discretionary account last fall, show a total highway funding increase for New Jersey of approximately $780 million over the life of the bill. This comes out to an average of about $130 million a year over six years. This increase is on top of the yearly average of $532 million a year the original ISTEA II bill included for New Jersey.

Mr. President, this proposal is simple. It gives all states an increase, but also accounts for the needs of states that were not fairly accommodated in the original bill. With this new proposal, New Jerseyans can breathe a sigh of relief, since our needs will begin to be met.

Mr. President, those needs are great. Transportation funding is especially critical in my state. The Garden State is one of the most important links in our nation's transportation system. The most densely populated state in the nation, it also has the highest vehicle density on its roads. Located between two heavily populated metropolitan areas, New Jersey is known as the corridor state, linking commerce and travel to the northeast and the rest of the country. Over 60 billion vehicle miles are traveled on New Jersey's roads annually. The ability of trucks and cars to move freely on New Jersey's roads directly affects New Jersey's economy, as well as the entire region.

Millions of people have traveled along New Jersey's highways. They travel from the South and West to New York City, Boston and New England. And people in New York and New England travel through New Jersey on their way to places like the Jersey shore, Florida or Washington, D.C.

But our roads are used for more than just vacations. Every day, 324,000 tons of goods made in New Jersey are transported on New Jersey's roads by 134,000 trucks.

Many of these trucks are coming from the Ports of Newark and Elizabeth. They are transporting cars and other goods that arrive from countries like South Korea, Great Britain, Germany, Taiwan and Indonesia. The Port of New York and New Jersey is the busiest on the East Coast.

Despite the critical importance of New Jersey's infrastructure to the nation, it is in dismally poor shape, and it is getting worse by the hour. Nearly 20 percent of New Jersey's interstate mileage is in poor or mediocre condition. And more than 45 percent of our bridges are in deficient condition.

Mr. President, New Jersey's roads and bridges take an unbelievable pounding. Our hot summers and harsh winters take a huge toll on its infrastructure. Road salt in the winter and ocean salt year round add to the damage.

In addition, New Jerseyans and those who travel through my state often face untenable congestion. Travelers in both cars and trucks struggle for hours every day with New Jersey's highway stops and starts. And our heavily used roads and bridges are badly in need of additional maintenance.

Mr. President, the status of New Jersey's transportation infrastructure has a direct effect on the state and region's economic vitality and on every resident's quality of life. But, more importantly, it affects the entire nation's economic vitality. And, the future challenges to that infrastructure are ominous. In the next six years, there probably will be more travel on our roads, more cargo coming into our ports and more rapid deterioration of our transportation infrastructure.

Mr. President, I seek to educate my colleagues about my State, because I believe that New Jersey should get its fair share. No more, no less.

Regrettably, last fall's ISTEA bill provided New Jersey with less money in 1998 than it received in 1997. Our transportation needs increase every year, but our funding level went down under the previous ISTEA bill. This was not acceptable.

The last time I took to the floor to discuss S. 1173, I spoke for nearly four hours about the devastating effects this bill will have for New Jersey's transportation infrastructure. Since then there have been important changes which have greatly improved this bill. New funding has enabled the Environment Committee to ease the pain to some states which were hit the hardest by the original Environment Committee apportionment formulas.

New Jersey is the most densely populated state in the nation, and our roads carry more traffic per lane mile than any state in the country. New Jersey is the true corridor state. Ten percent of the nation's total freight either originates, terminates, or passes through New Jersey. These conditions create burdens that have a direct negative impact of the state's transportation infrastructure, the environment, and economic productivity. In addition, our high level of urbanization increases the costs associated with road repair and construction. The High Density Transportation Program is established to address those conditions.

Mr. President, I would like to thank Chairman CHAFEE for his work on this bill and commend him for his continuing efforts to produce a good and balanced ISTEA reauthorization bill. The Committee's decision to include the High Density program truly improves this bill over last year's. As I said at the Committee mark-up, we may have to nominate Senator CHAFEE for a peace prize by the time this process is over.

I would also like to take this opportunity to thank Senator WARNER and Senator BAUCUS for all of their hard work and their leadership on this bill.

I look forward to continuing to work with the Chairman and other Committee members in the coming months as we debate this bill on the Senate floor and in Conference.

The PRESIDING OFFICER. Does the Senator from Rhode Island renew his request?

Mr. CHAFEE. I do renew that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1684 to amendment No. 1676) was agreed to.

Mr. CHAFEE. Now, the amendment is adopted?

The PRESIDING OFFICER. That is correct.

Mr. CHAFEE. The motion to reconsider was part of that and it was laid on the table?

The PRESIDING OFFICER. That is correct.

Mr. CHAFEE. That is all going to be original text?

The PRESIDING OFFICER. That is correct.

Mr. CHAFEE. I thank the Senator from Alaska.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators MOSELEY-BRAUN and WYDEN be added as original cosponsors to the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Senator COLLINS be added as a cosponsor of the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, this is the order.

Senator WYDEN has an amendment that has been agreed to. Actually, it turns out that it is my amendment; I am introducing it. This has been agreed to. We would like to move to the McConnell amendment. That will be a long one. I don't see Senator MCCONNELL here, but I urge him to come because we want to get started on that. There is a time agreement suggested of 3 hours on his side, 2 on our side, and 45 minutes for Senator DOMENICI from New Mexico. We are ready to go.

AMENDMENT NO. 1702

(Purpose: To further clarify the integrated decision-making process for surface transportation projects)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. WYDEN and Mr. GRAHAM, proposes an amendment numbered 1702.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 162, after the end of line 25, insert the following:
>
> "(5) CONCURRENT PROCESSING.—The term, 'concurrent processing' means to the fullest extent practicable, and to the extent otherwise required, agencies shall prepare environmental impact statements and environmental assessments concurrently with and integrated with environmental analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C.

661 et seq.), the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other environmental review laws and executive orders."

On page 163, lines 10–12, strike "with the requirements" through the end of the sentence, and insert "for surface transportation projects at the earliest possible time, including, to the extent appropriate, at the planning stage with the agreement of the State transportation agencies and the cooperating agencies."

On page 163, lines 17–18, strike "with the planning, predesign stage, and decision making".

On page 164, line 2, strike "initiatives." and insert "initiatives, economic development and transportation initiatives."

On page 164, lines 17–18, strike "with the transportation planning and decisionmaking of the", and insert "for surface transportation projects by".

On page 166, line 2, delete "(rather than sequential)".

On page 167, line 7, insert "and the public on request" after "cooperating agencies".

On page 168, line 11, strike "grant", and insert "take action on".

On page 169, after the end of line 10, insert the following:

"and assure early consideration of alternatives to a proposed project, including alternatives that address transportation demand consistent with 23 U.S.C. 134(i)(3)."

On page 169, strike lines 20 through page 170, line 2.

On page 170, line 15, after "agreement", insert "that has been developed with public involvement".

On page 172, line 3, after "APPROACHES.—" insert "In addition to existing formal public participation opportunities,".

On page 172, line 5, after "used", insert ", to the extent appropriate,".

On page 174, line 19, after "subsection (a)", insert "consistent with Part 1501, et seq., of Title 40 of the Code of Federal Regulations."

On page 175, line 6, insert the following new subsection and redesignate the following subsections accordingly:

(c) Section 112 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(g) SELECTION PROCESS.—It shall not be considered to be a conflict of interest, as defined under section 1.33 of title 23, Code of Federal Regulations, for a State to procure, under a single contract, the services of a consultant to prepare any environmental assessments or analyses required, including environmental impact statements, as well as subsequent engineering and design work on the same project, provided that the State has conduced an independent multi-disciplined review that assesses the objectivity of any analysis, environmental assessment or environmental impact statement prior to its submission to the agency that approves the project.

Mr. CHAFEE. Mr. President, I offer an amendment on behalf of myself and Senators WYDEN and GRAHAM to improve the provisions of ISTEA II that establish an integrated decisionmaking process for surface transportation projects—the so-called NEPA streamlining provisions.

ISTEA II includes a number of provisions designed to better integrate NEPA's requirements into the decisionmaking process for surface transportation projects. The intent was to provide for earlier consideration of environmental impacts under the National Environmental Policy Act and to consolidate the permitting process for highway projects—a goal that we can all share. With the help of the sponsors of the original provisions, Senators GRAHAM and WYDEN, as well as others on the committee, I believe that we have reached agreement on a package of improving amendments to that language that will address concerns that have been raised by both the environmental community and the State transportation agencies.

The amendment will, among other things: allow greater public access to key decision documents relating to surface transportation projects; provide for early consideration of alternatives that address transportation demand alternatives; and clarify that the state transportation planning process does not trigger NEPA.

With these improvements, I believe that we have crafted a process that will indeed improve the decisionmaking process for surface transportation projects.

Mr. President, this is an amendment that has been agreed to. It clarifies the integrated decisionmaking process for surface transportation projects. It has been worked out. It deals, to a degree, with the National Environmental Policy Administration Act provisions. We have all worked on it. I want to thank Senators GRAHAM and WYDEN for their fine work on this. It is a fine amendment. I know the Senator from Oregon is here.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I will only take 2 or 3 minutes. I thank the Senator from Oregon for letting me impose on him. I want to say that I am very sympathetic to the case that has been made by the distinguished senior Senator from Alaska. I hope we can do something to help him. He is chairman of the Appropriations Committee, and all of us who have anything in this bill at all, who are impacted by this bill, all of us who support this bill, are going to have to look at this chairman down the road to help us to implement what we are doing here. I hope we will find a way to help him.

I am the only former House Member who is now serving in the U.S. Senate who voted for the addition of Alaska to the Union. I was sworn in with the late Senator Gruening, about whom Mr. STEVENS spoke. That case has been made time and again. I want to say, Mr. President, I have never heard the case made better than Senator STEVENS has made it. I can understand how his people feel. They need help. It seems to me that whatever helps Alaska helps West Virginia. That is the way I look at it. I want to be supportive of finding a positive response to the Senator's needs. I want to help him.

Mr. STEVENS. If the Senator will yield for a moment, I thank the Senator from West Virginia. That help would be meaningful.

Mr. BYRD. I thank the Senator and yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, the pending business, I believe, is the Chafee-Wyden-Graham amendment. I want to take a few minutes to explain to my colleagues what we are pursuing with this amendment. Before Senator BYRD leaves the floor, I want to express my thanks to him for the very extensive input and help that he has given this Member, both on the entire bill and particularly on the provisions that relate to streamlining of the ISTEA permit process both on the transportation and the environmental side. I thank Senator BYRD.

Mr. BYRD. I thank the Senator.

Mr. WYDEN. Mr. President, another way to describe this amendment, which deals with the transportation and environmental review process that is central to getting these projects on line and dealing with our transportation issues, is the "do-it-right-once" amendment.

What we have in this country today is essentially a disjointed process for doing transportation and environmental reviews. In effect, you have one track going down the road trying to address the various requirements essential to OK'ing a project from the transportation side. You then have a separate effort going forward to deal with environmental reviews. Instead of the two efforts being combined at every step of the process, time and money is wasted as these separate undertakings go forward. So what you have is an extraordinary amount of duplication. You have duplication as it relates to the environmental side and as it relates to the transportation side, and you waste an extraordinary amount of time as it relates to getting these projects actually constructed.

I think, as every Senator knows, for transportation projects time is money. Delays in approving transportation projects not only increase the cost of these projects; they also cause lost productivity to our economy and added stress for the commuters that are stuck in traffic.

This bill is the result of extensive bipartisan discussion. Senator GRAHAM and I began this in the committee many months ago. Senator SMITH of New Hampshire has been extremely helpful in this effort and, of course, Senators CHAFEE and BYRD have been very extensively involved. We have now forged a comprehensive package that will streamline transportation and environmental reviews and bring much-needed relief for these key projects.

The bill now will increase the funding for critical highway projects that will ensure that this money is better spent, because we will be speeding up the process for getting the projects built.

Let me be very clear to the Senate. We are not talking about changing the environmental laws in any way. I wouldn't support that kind of effort, and my cosponsors of this amendment wouldn't support it either. This effort to streamline transportation environmental reviews, in fact, keeps every one of the environmental laws in place. It simply says that we are going to improve the decisionmaking process by building the consideration of environmental factors into transportation decisions at the front end of the process rather than at the tail end as has so often happens.

So if we were to do nothing else in this bill, nothing else but to say at the beginning of an effort to get a transportation project built we were going to start consulting on environmental issues at that time, I think it would be a worthy endeavor. But this legislation doesn't just streamline the process; it complies with the environmental laws, and it ensures that there is early consideration of all realistic alternatives. In the urban areas, that means looking at transit, at bike paths, and a variety of nontraditional transportation solutions. But we don't require pointless consideration of these approaches in places where they don't make sense.

Today's changes also increase the opportunities for public involvement. Many of our colleagues have been visited by transportation groups, by State officials, by environmental leaders, saying that they wanted public involvement early in the decisionmaking process. This amendment ensures that is done. In my view, it also increases the chance for early public support when the decisions are made rather than, as happens so often today, having public opposition develop later in the process, which can hold things up for many months.

In conclusion, Mr. President, some have argued that you might do even more than this amendment envisages. They say, put transportation officials in charge of everything; put them in charge of transportation and environmental matters. Under that approach, which I think would be a mistake, I think we are not going to end up saving a lot of time in the review process. More likely, it may lead to questionable environmental decisions and considerable delay when these decisions are challenged in court. There is a better route to improving our transportation system. We can make the process faster, cheaper, and better while complying with all of our environmental laws at the same time.

I see that the chairman of the committee has returned. I want to express my thanks to Chairman CHAFEE. When I and Senator GRAHAM brought him this ISTEA streamlining amendment last summer, he gave us considerable time as we sought then to bring together the industry and environmental groups to support it. Also, the ranking minority member, Senator BAUCUS, who has helped me as a new Senator on a variety of issues, was involved at every step of the way. I thank Senator BAUCUS for that effort.

We are here now as a result of the deliberations that began this summer. This is an amendment that saves time and money and helps strengthen our environmental laws and public support for them at the same time. I urge support of the amendment.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senator from Oregon has brought a very valuable addition to the NEPA process. Most of us, when we deal with the National Environmental Policy Act with respect to projects, believe that the policy is right; that is, that environmental alternatives should be considered fully. But we also experience delays, sometimes so long that we begin to wonder, what is going on here? Is there a better way of doing this? All of us have been there.

This is the very first very serious effort to try to solve that problem; that is, on the one hand, keep the protection of the National Environmental Policy Act, which I think we all want —this Senator certainly does—but, on the other hand, make sure that the process is streamlined so that it doesn't take quite so long, so the decisions can be made, and so there is a little more confidence amongst the public in what these various agencies are attempting to do.

It is simple. It just makes the review process not sequential but concurrent. It should have been concurrent in the first place.

Second, it sets up a schedule of review at the start that the agencies must agree on so each agency knows kind of what it is doing first, if that is the theory, and, beyond that, it sets up a consultation process when there is disagreement among the agencies.

But it is a very good amendment. In fact, I think that this is going to go a lot further—the effect of this amendment—and help many, many more people than is realized. We often have these grandiose amendments and bills around here, and they sound like they are going to do a lot and end up not doing much at all. This is a little bit the opposite. It is the process; it is streamlining. Some may think that it is not a big deal, but it will be a big deal—a huge deal—certainly if it is implemented in the spirit in which the amendment is intended—and I expect that will be the case. As a consequence, we public servants will be serving our people a little bit better than we would have otherwise.

I compliment the Senator very much on his amendment. It is a very good idea. I thank him for it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, it has been a great pleasure to work with the Senator from Oregon over the last several months in the development of this legislation. I share the assessment of the Senator from Montana. It will be seen as one of the most important new ideas in highway transportation planning.

Basically, it is consistent with the evolution that has occurred within the American environmental movement. It wasn't too many years ago that a principal goal of many who described themselves as being environmentalists was to achieve the goal of no growth, no action. It was essentially a negative and defensive posture. As the environmental movement has become a more pervasive part of our society in the way in which we look at our responsibility, it has become a movement which attempts to shape the future in an affirmative way that is sensitive to environmental considerations rather than stagnate in the status quo.

I believe this amendment is part of that evolutionary process, because what it basically says is, let us ask everyone who is a stakeholder in a major Federal participatory transportation project to sit down at the table when the project is in its conceptual form. If there is a problem with this project that is going to render it incapable of ever being permitted, let's put that on the table at the beginning, and, if the project will fundamentally change it, relocate it to a more appropriate site, or whatever is necessary.

If, on the other hand, it is not inherently flawed but there are going to have to be modifications in the design or construction techniques, let's know that at the beginning of the process so that everyone is operating from a position of candor and openness.

Unfortunately, the opposite of what I just described is what happens too often today; that is, that these requirements are not disclosed until the project has been many years in planning and design and millions of dollars spent, and then you find out that there are these flaws, or fatal conditions, or issues that will require a similar investment of time and money for redesign.

So I think this is an amendment that will advance the modern approach to environmentalism and reduce the legitimate public anger and frustration when they see millions of dollars and years of time being discarded because of issues raised at the end of the process, and it will build a new level of confidence and a higher level of environmental sensitivity in our transportation planning.

So I am strongly supportive of this amendment. I appreciate the leadership that so many Members of this Chamber have given to this. I particularly commend my friend and colleague from Oregon and urge that the full Senate join in support of this and that we see when this bill is negotiated with the House of Representatives that the provision will be included in any final legislation that is sent to the President for his signature.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. CHAFEE. Mr. President, we are ready to vote.

Mr. BAUCUS. Mr. President, I apologize. I neglected to mention the hard work of the Senator from Florida. He spoke earlier. I know both he and Senator WYDEN from Oregon worked very hard on this, as did Senator SMITH, who is not on the floor with us. But the three of them worked together to put this together.

I might say it is another example of the cooperation and compromise. Often Senators stand up on the floor, and, I might say, speak rhetorically, knowing that they are not going to get the results but trying to score points back home. These are Senators that worked together to accomplish something solid. And it is worthwhile. I compliment the three of them for being cooperative in compromising and getting the work done.

Mr. CHAFEE. Mr. President, I want to salute the Senators who worked so hard on this: Senator WYDEN and Senator GRAHAM. We are very proud that they are Members of the Environment Committee. They are very valuable members of that committee. And Senator SMITH worked very hard, and is likewise.

So we are ready to go to a vote.

The PRESIDING OFFICER. The question is on agreeing to the Chafee-Wyden-Graham-Baucus-Smith amendment No. 1702.

The amendment (No. 1702) was agreed to.

Mr. CHAFEE. Mr. President, the Senator from Texas would like to talk on an amendment that we have agreed to and then is going to discuss another subject.

I guess we have not moved to reconsider this.

Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, could I ask the Senator from Rhode Island a question? I have a unanimous consent request to ask a member of my staff to be on the floor.

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I ask unanimous consent that David Lee from the Florida Department of Transportation be given floor privileges throughout the consideration of ISTEA II.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate proceed shortly, following the Senator from Texas having the floor, to the consideration of Senator MCCONNELL's amendment regarding contract preferences, and that there be 8 hours of debate, equally divided between Senator MCCONNELL and Senators CHAFEE and BAUCUS, prior to the motion to table, with an additional 45 minutes under the control of Senator DOMENICI. I further ask unanimous consent that, following the expiration or yielding back of time, the Senate proceed to vote on or in relation to the amendment and that no other amendments be in order prior to the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, let me, if I could, ask the chairman a question. Does he want me to introduce the amendment that is agreed to and get that taken care of?

Mr. CHAFEE. I think now is a good time, I say to the Senator from Texas. She has an amendment that has been agreed to. Why don't we present that and dispose of that?

AMENDMENT NO. 1703 TO AMENDMENT NO. 1676

Mrs. HUTCHISON. Mr. President, this just reiterates the importance of the cooperation between the Department of Transportation and the transportation research projects now being done by the Department of Transportation through several universities in my State of Texas, as well as California, Minnesota, and the State of Washington. They are doing very valuable research on relieving congestion. Through transportation and computer systems, they are able to determine how you can relieve congestion in our major cities.

I appreciate the fact that both sides have agreed to this amendment.

I offer it for consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON) proposes an amendment numbered 1703.

At the end of line 16, page 397 insert:

"(3) CONTINUATION OF PARTNERSHIP AGREEMENTS.—The Secretary shall continue through to completion public/private partnership agreements previously executed to promote the integration of surface transportation management systems, including the integration of highway, transit, railroad and emergency management systems."

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, now I would like to see if there could be an amendment—Senator ABRAHAM wants to offer a short amendment. I am told it will take only a couple of minutes. I am willing to let him do that if it is acceptable to the Senator from Rhode Island, but it would change the unanimous consent.

Mr. CHAFEE. Why do we not adopt the Senator's amendment, unless you want more time on it.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Texas?

Mr. BAUCUS. Mr. President, parliamentary procedure, please. Where are we?

The PRESIDING OFFICER. The pending question is the Hutchison amendment.

Mr. BAUCUS. We have reviewed it. It is fine on our side.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1703) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I seek unanimous consent to introduce an amendment at this time, after which the Senator from Texas would then be able to resume the floor for the purpose of the remarks she had previously been approved to make.

The PRESIDING OFFICER. The Senator has a right to offer his amendment.

AMENDMENT NO. 1704 TO AMENDMENT NO. 1676

(Purpose: To make access to the Ambassador Bridge, Detroit, Michigan, eligible for funding)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself and Mr. LEVIN, proposes an amendment numbered 1704 to amendment No. 1676.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 136, after line 22, add the following:

SEC. 11. AMBASSADOR BRIDGE ACCESS, DETROIT, MICHIGAN.

(a) IN GENERAL.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to access roads and construction of access roads, approaches, and related facilities (such as signs, lights, and signal) necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System shall be eligible for funds apportioned under paragraphs (1)(C) and (3) of section 104(b) of that title.

(b) USE OF FUNDS.—Funds described in subsection (a) shall not be used for any improvement to, or construction of, the bridge itself.

Mr. ABRAHAM. Mr. President, the Ambassador Bridge is the single greatest border crossing in the United States. Almost 10 million vehicles cross the bridge each year; almost 3 million commercial vehicles, as many as 10,000 trucks per day. It constitutes, in terms of business activity, almost $350 billion a year in trade for the United States. In fact, 26 percent of all United States-Canada trade traverses the Ambassador Bridge. That trade is expected to increase by 180 percent by the year 2015, which would translate into almost 5.4 million commercial vehicles a year.

This major trade artery is not connected directly to any of the nearby interstates however. That requires commercial vehicles to traverse local roads to get to the freeways and interstates. In these times of "just in time" deliveries, these delays are totally unjustified for such a major trade route. However, even though it is privately owned, it is part and parcel of our National Highway System. However, because it is privately owned, the Federal Highway Administration has determined that the State of Michigan may not use any of its Federal funds to improve the approaches to the bridge. This amendment will allow the State to spend its funds for these projects, if it wishes.

No State will lose any funds with this amendment. It simply will allow Michigan to use the funds it already receives through the independently-derived allocations on these approaches. Furthermore, no funds will actually be spent on the privately-owned portion of the bridge, only on the publicly-owned approaches.

Finally, the bridge authority is providing the Michigan Department of Transportation with toll credit information. This may provide up to all of Michigan's 20 percent matching share requirement.

Mr. President, I offer the amendment on behalf of myself as well as, I know, Senator LEVIN.

I believe the amendment has been cleared on both sides. I hope we can agree to it at this time.

Mr. CHAFEE. Yes; the amendment has been cleared on this side.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Michigan, Senator LEVIN, also would like to be a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I'm pleased to join my colleagues from Michigan in offering an amendment which I understand the committee will accept. I thank the managers.

The first amendment allows improvements and construction on the United States approaches to the Ambassador Bridge from Detroit to Windsor, Canada, to be eligible for federal funding. As my colleagues may know, the Detroit-Windsor border crossing sees one of the largest, if not largest, volumes of international trade in the world. As such, the corresponding volume of traffic is tremendous, particularly truck traffic. The amendment does not allocate funds to repair the years of wear and tear, simply allows currently publicly owned streets and facilities to compete for federal funding. This amendment is important to the city of Detroit, the State of Michigan, and the country because of the significant volume of international trade moving across the bridge.

Mr. BAUCUS. We accept the amendment. I think it is important to clarify that, as a result of this, there is no new money for Michigan but that Michigan will be able to use its own money, particularly its NHS funds, for this access road, basically, to the bridge. With that understanding, we accept the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1704) was agreed to.

Mr. ABRAHAM. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized, under the previous order.

Mrs. HUTCHISON. Mr. President, are we speaking as in morning business for this time period, so that I can introduce a bill? If not, I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON and Mr. GRAMS pertaining to the introduction of S. 1711 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I say to the distinguished Senator from Texas that we have a little time here if she has anything further she would like to discuss on this important measure that she presented.

The program now is for Senator MCCONNELL to come over and present his amendment. He said he would be here at 12:30. We have extra time should the Senator want it. Apparently not, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that the following members of the Joint Committee on Taxation staff be given the privilege of the floor during the ISTEA debate: Lindy Paull, Ben Hartley, Tom Barthold, Judy Owens, Steve Arkin, Joe Nega, Carolyn Smith and Maxine Terry.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, we have two amendments that have been cleared on both sides. I will start with the Inhofe amendment.

AMENDMENT NO. 1705 TO AMENDMENT NO. 1676

(Purpose: To improve the provisions relating to contracting for engineering and design services)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] for Mr. INHOFE, proposes an amendment numbered 1705 to amendment No. 1676.

The text of the amendment follows:

On page 135, strikes lines 2 through 5 and insert the following: "aid highway funds, or reasonably expected or intended to be part of 1 or more such projects, shall be performed under a contract awarded in accordance with subparagraph (A) unless the simplified acquisition procedures of the Federal Acquisition Regulations apply."

On page 135, line 7, insert ", or salary limitation inconsistent with the Federal Acquisition Regulations," after "restriction".

On page 135, line 15, strike "cost principles" and insert "procedures, cost principles," after "the".

On page 135, line 24, strike "process, contracting based on" and insert "procedures of".

On page 136, line 12, strike "process" and insert "procedure".

Mr. CHAFEE. Mr. President, this amendment deals with contracting for engineering and design services. It would ensure that the engineering- and design-related aspects of a project promote competition, foster the use of innovative technologies and ensure consistency in the pricing of engineering and design contracts.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1705) was agreed to.

AMENDMENT NO. 1706 TO AMENDMENT NO. 1676

(Purpose: To allow funding under the surface transportation program for programs to reduce motor vehicle emissions caused by extreme cold start conditions)

Mr. CHAFEE. Mr. President, I have an amendment on behalf of Senator ABRAHAM. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] for Mr. ABRAHAM, for himself, and Mr. LEVIN, proposes an amendment numbered 1706 to amendment No. 1676.

The text of the amendment follows:

On page 183, at the end of line 23 insert the following:

(5) in subsection (b)(9), by striking "section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act" and inserting "section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))";

Mr. CHAFEE. Mr. President, this amendment would allow funds that are allocated under the Surface Transportation Program to be used for programs to reduce motor vehicle emissions caused by extreme cold-start conditions.

The problem is that in the northern States when cold weather comes, the starting of an engine is the highest emission point from the engine. Ninety percent of engine wear happens when the car is started. The engine wear in cold climate conditions is twice this amount.

This amendment has been cleared by both sides. What it will do is permit these funds to be used for some kind of heaters that might be installed to warm up the catalytic converter or other aspects of the engine so that when it is started, it will not start cold and will not have the heavy emissions that occur absent some warming techniques.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, we reviewed the amendment, and we think it is a good idea.

I also ask unanimous consent that Senator LEVIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1706) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the votes by which these two amendments were agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that John Hemphill and Michael Ling, fellows on the Environment and Public Works Committee, be given the privilege of the floor during debate on S. 1173.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, we are operating under an agreement that the Senator from Kentucky was to begin debating his amendment at 12:30. That was 35 minutes ago. I know that the chairman of the committee, Senator CHAFEE, and myself very much want to help the Senator from Kentucky by finding time for him to debate this amendment—offer it and debate it. We reached this agreement with the Senator from Kentucky some time ago, over an hour ago, that he would be here at 12:30 to offer the amendment. The chairman has been so very gracious in accommodating Senators right and left and from all parts of the country to exercise their rights. I inquire as to where might our tardy Senator be, or when is he going to be here?

Mr. CHAFEE. Mr. President, I don't know where our errant brother is. We are ready. I think the ranking member makes a good point. We have been waiting. The agreement was that we were going to start at 12:30. In the famous words of the Senate, the Senator has been described as being "on his way" for the last 45 minutes. So I hope he will be here soon. I must say that I am thinking of, at quarter past, getting up and proposing—and that's 7 minutes from now—that all time after that be deducted from the proponents' side. Let's wait and see. I am going to make an effort to round up the Senator from Kentucky and see if we can't get started.

Mr. BAUCUS. In fact, I agree with the chairman and say that if he is not here by 1:45, it would only be fair to the rest of the Senate that time be charged against him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLING FOR A VOTE ON JAMES HORMEL

Mr. TORRICELLI. Mr. President, last week, President Clinton called upon the Senate to use but one principal criteria when considering nominations for ambassadors for the United States. In his words, that criteria simply stated is: "Will he or will he not be a good ambassador?"

Over 30 years ago, the Senate was confronted with a similar situation to one before us today. This body was asked to assess whether Patricia Harris should be approved to be U.S. Ambassador to Luxembourg. She was a prominent lawyer. There was no question about her qualifications. Indeed, during the course of her career, she went on to be Secretary of HUD and of HEW. But, in 1965, Patricia Harris represented the first African American woman to become an American ambassador. The Senate then was left with a challenge of meeting what Thomas Jefferson considered our highest calling. That is, in his words, whether this would be a nation of "equal opportunity for all and special privilege for none."

I cite the judgment of the Senate in confronting the nomination of Patricia Harris for Ambassador to Luxembourg because the Senate now faces a similar choice. President Clinton has sent before the Senate the name of Mr. James Hormel to become Ambassador to Luxembourg. Mr. Hormel was a member of the U.S. delegation to the U.N. Human Rights Commission. Last May, the Senate approved the nomination for him to serve as an alternate representative to the 51st session of the U.N. General Assembly. Last October, the Foreign Relations Committee recommended Mr. Hormel as our envoy to Luxembourg. But for a few of my colleagues, that is not enough. Just as Patricia Harris met opposition to her nomination as Ambassador to Luxembourg, Mr. Hormel is now being prejudged by some because of his sexual orientation.

Mr. President, I rise today not simply to advance the nomination of Mr. Hormel, but I rise against those who would prejudge his qualifications based simply on the prejudice because of his personal lifestyle and his sexual orientation. I believe that fairness and decency require that Mr. Hormel be afforded his God-given right to serve his country in a position for which he is clearly qualified.

No one can argue with his professional experience, his academic achievement, or the qualifications that led this Senate previously to send his name to be a member of our representation to the United Nations or that led the Foreign Relations Committee to recommend his service as an ambassador.

Mr. Hormel received a doctorate degree from the University of Chicago Law School. He served there as a dean of students. He is a member of the Board of Managers of Swarthmore College, from which he graduated.

Mr. Hormel is a committed philanthropist and public servant. He serves as chairman of the Equidex Corporation and has donated millions of dollars to some of the most important charities in America. They include the Virginia Institute on Autism, the Catholic Youth Organization, the American Indian College Fund, United Negro College Fund, and the Jewish and Children's Family Services. In recognition, he has received numerous awards and was named Outstanding Philanthropist by the National Society of Fundraising Executives.

He is a member of the board of directors of the San Francisco Symphony, the San Francisco Chamber of Commerce, the Human Rights Campaign, and the American Foundation for AIDS Research. He is founding director of the City Club of San Francisco, a club created to bring together community leaders of diverse backgrounds.

Mr. President, as the Secretary of State, Secretary Albright, said, ". . . Mr. Hormel has demonstrated outstanding diplomatic and leadership skills. He will be an excellent United States Ambassador to Luxembourg."

Mr. President, what else could this Senate ask of a nominee to be an American Ambassador, with leadership in corporate fields, in civic pursuits, a philanthropist, a leader of great American universities? What other American Ambassadors have better backgrounds, proven community service, or come with higher praise? This isn't about Mr. Hormel's qualifications. It isn't about his ability to serve as an Ambassador. This has become a referendum on Mr. Hormel's lifestyle, the most private intimate matters of his sexual orientation.

It is said by some colleagues in this institution who stand in opposition to his nomination that his lifestyle is inappropriate and that he is representing a country that is overwhelmingly Catholic. They failed to note, indeed, that the country of Luxembourg itself has spoken favorably of Mr. Hormel's potential service as our Ambassador.

My colleagues know that Mr. Hormel has spoken candidly about his potential service in Luxembourg and has made clear that he will not use his position to advocate his own views or his own private agenda. Indeed, my colleagues know that American Ambassadors are appointed and confirmed to serve solely the interests of the U.S. Government. Whether it is their political views, their religious views, or their sexual orientation, the advance of any of those opinions would be inappropriate by an American Ambassador. They serve in this position for one purpose and one purpose only: to advance the views of the U.S. Government.

Yet, Mr. Hormel, like Patricia Harris before him, stands in a historic position, potentially being confirmed by the U.S. Senate, and has made pledges which should be unnecessary—indeed, are unprecedented—and made several pledges to this institution:

First, to limit his charitable giving to 501(c)(3) organizations and to only donate through private foundations that do not bear his name. He doesn't have to do so, but he has.

He has pledged to prohibit any organization from using his name as a fundraising tool. He doesn't have to, but he made this pledge.

He has pledged to remove his name from any fundraising or charitable activities conducted by outside organizations.

He has pledged to resign from all boards of directors, except Swarthmore College and the San Francisco Symphony.

Yet, critics of Mr. Hormel argue that he is somehow out of step with American life or American values.

Mr. President, it is Mr. Hormel's critics who are out of step with American values. A fundamental principle of this country is that everyone has an opportunity to serve, that everyone is accepted and judged based on their ability to contribute. Mr. Hormel asks to be judged only by that standard.

Mr. President, through the years, from race to gender to religion to ethnicity, this Senate has had to deal with the painful questions of removing prejudice and learning to deal with people based on the content of character that all individuals face equally and fairly as they seek to serve our country. Mr. Hormel asks no more. He has a right to expect no less.

President Clinton has challenged this Senate to judge Mr. Hormel's nomination to be Ambassador to Luxembourg on its own merits. I hope in the great traditions of this institution we will give Mr. Hormel that chance.

Mr. President, I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1708 TO AMENDMENT NO. 1676

(Purpose: To require that Federal surface transportation funds be used to encourage development and outreach to emerging business enterprises, including those owned by minorities and women, and to prohibit discrimination and preferential treatment based on face, color, national origin, or sex, with respect to use of those funds, in compliance with the equal protection provisions of the 5th and 14th amendments to the Constitution)

Mr. McCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] for himself, Mr. GORTON, Mr. SESSIONS, Mr. HUTCHINSON, Mr. ASHCROFT, Mr. HELMS, and Mr. SMITH of New Hampshire, proposes an amendment numbered 1708.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

PRIVILEGE OF THE FLOOR

Mr. McCONNELL. Further, Mr. President, I ask unanimous consent that Melissa Laurenza, an intern on my staff, be granted floor privileges during the consideration of the amendment that is pending at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I rise today to introduce my amendment to bring the federal highway program into compliance with the Constitution and with the recent landmark case of Adarand versus Pena.

According to the Congressional Research Service, the federal government currently runs approximately 160 preference programs that hand out jobs and contracts based on race and gender. Congress now has an historic opportunity to take a small step toward equal protection for all citizens by ending one of these 160 preference programs.

As the Senate seeks to put a new transportation bill into play, we must allow the costly and divisive ISTEA quota to go into retirement.

ISTEA mandates that "not less than 10 percent" of federal highway and transit funds be allocated to "disadvantaged business enterprises" ("DBEs"). Firms owned by officially designated minority groups are presumed to be "disadvantaged." The government has placed the stamp of "disadvantage" on groups with origins ranging from Tonga to Micronesia to the Maldive Islands.

And, Mr. President, what is the reward for these government-preferred firms? The reward is a $17.3 billion quota. In other words, if the government decides that you are the preferred race and gender, then you are able to compete for $17.3 billion of taxpayer-funded highway contracts. But, if you are the wrong race and gender, then—too bad—you can't compete for that $17 billion pot.

Frankly, I am astonished that any Member of this Senate would ever think such a provision is fair, prudent, or constitutional. In fact, the courts have clearly decided that this $17 billion quota is neither fair nor constitutional.

RESPECT FOR THE CONSTITUTION

First of all, Mr. President, the Constitution requires that we end this race-based quota. ISTEA's racial presumption was specifically addressed in the recent landmark case of Adarand versus Pena, where the Supreme Court found that the presumptions subjected individuals to unequal treatment under the law. The Court ruled that the presumption was unconstitutional—unless the government could establish that the race-based program was narrowly tailored to meet a compelling governmental interest.

Let me repeat. That is the test, Mr. President, narrowly tailored to meet a compelling Government interest.

The court held—and it is illustrated here on this chart, straight from the opinion, that: ". . . Section 1003b of ISTEA . . . and . . . the regulations promulgated thereunder . . . are unconstitutional."

The court specifically ruled on this program—yet somehow it is still in the bill—that it is unconstitutional.

Mr. President, I don't need to remind everybody that when we first came to the Senate, we took an oath right down here at the front of the room. And we said, "I do solemnly swear that I will support and defend the Constitution of the United States."

So, Mr. President, on the one hand we have a Supreme Court decision striking down this set-aside in the highway bill and, on the other hand, we have the oath that we took to uphold the Constitution.

Mr. BAUCUS. Mr. President, will the Senator yield for a point of clarification?

Mr. McCONNELL. Let me finish my statement.

Mr. BAUCUS. Just so that the people watching know what the facts are here, I was going to ask the Senator, is that quote on that chart the Supreme Court statement, or is that not the Supreme Court statement—that quote?

Mr. McCONNELL. It is a decision of a district court. But it is a finding of the district court, upon remand of the Supreme Court declaring that very standard unconstitutional, and sent it back down to the district court which said we looked at it based upon the Supreme Court decision and we found it unconstitutional.

Mr. BAUCUS. That is not the words of the Supreme Court.

Mr. McCONNELL. I thank my friend from Montana and look forward to debating him on this important issue over the next 8 hours and 45 minutes.

First of all, Mr. President, the Constitution requires that we end this race-based quota.

ISTEA's race presumption was specifically addressed in the case I just referred to where the Supreme Court found that the presumptions subjected individuals to unequal treatment under the law. The Court ruled that the presumption was unconstitutional unless the Government, as I said, could establish that the race-based program was narrowly tailored to meet a compelling Government interest. That is the test.

This past summer, the district court in Colorado, as I just indicated to my good friend from Montana, followed the Supreme Court's lead and found that the Government, in fact, could not meet the Supreme Court's test.

Specifically, the district court ruled, as in the chart that I referred to—and if I said the Supreme Court, I stand corrected—the district court ruled, as I just referred to the chart, section 1003(b) of ISTEA and the regulations promulgated thereunder are unconstitutional.

The court went on to declare that the Government was precluded from the use of percentage goals found in and promulgated pursuant to ISTEA.

It could not be more clear that the Supreme Court set up the standard, sent it back down to the district court, they applied the standard, and found this provision unconstitutional.

It is now incumbent upon the legislative branch to bring ISTEA into compliance with Adarand and the Constitution. That is precisely what my amendment does, plain and simple. It prohibits the highway program from engaging in discrimination or preferential treatment based on skin color and gender.

In fact, as I indicated earlier, we all remember how we began our careers here by swearing to uphold the Constitution. Here is a clear example of a legislative provision that has been litigated, been found unconstitutional, and, surprisingly enough, is still being proposed to continue as part of the law of the land.

So we have, on the one hand, the courts telling us loud and clear that ISTEA's racial preferences are unconstitutional and, on the other hand, our own public oath to uphold, support, and defend the Constitution. We have little choice but to comply with the unambiguous, unequivocal mandate of the courts and end this unconstitutional race-based program.

Every time the Government hands out a highway contract to one person based on race or gender, it discriminates against another person based on race or gender. Michael Cornelius recently spoke poignantly to this point before the Constitution Subcommittee over in the House of Representatives. He explained that his firm was denied a Government contract under ISTEA, even though his bid was $3 million lower than the nearest competitor—$3 million lower. Mr. Cornelius' bid was rejected because the Government felt that the bid did not use enough minority- or women-owned subcontractors.

If you think that ISTEA's quota is only a goal, just ask Michael Cornelius. The Cornelius bid proposed to commit 26.5 percent of the work to firms owned by minorities and women. Yet 26.5 percent was not enough, in the world of so-called "goals and timetables." These goals and timetables are more appropriately called quotas and set-asides. You see, the combined Federal, State, and local goal under ISTEA was 29 percent, and Mr. Cornelius' 26.5 percent did not perfectly match the Government's so-called goal, and thus the Government awarded the contract to the highest bidder—the highest bidder, Mr. President.

Do you know how much the winning bidder proposed to contract to minority firms? I'll bet you can guess. I'll tell you how much work the winning bid promised to funnel to preferred firms—29 percent. Surely that is a coincidence, that the winning firm met the so-called goal exactly, right on the point. But, you know, the average person would hear this story and conclude that 29 percent is not merely a goal. The average person would conclude that this so-called goal is really a quota, and that is, in fact, precisely what it is. It is a race-based quota and it is unfair, unconstitutional and, frankly, just plain un-American.

So here we have the Government committing racial and gender discrimination and paying $3 million extra just to do it. Let me repeat. We have the Government committing racial and gender discrimination and paying $3 million extra just to do it. The message to Mr. Cornelius, his wife, his children and his employees, over 80 percent of whom are women and minorities, is: Sorry about the discrimination against all of you, but the Federal Government requires it. The Federal Government requires the discrimination. Mr. Cornelius has publicly challenged Congress to give contracts to the lowest bidder and spend the excess millions of dollars in ways that will actually help low-income minorities, and that is exactly what my amendment proposes.

This story of unfairness and discrimination is only one of the many, many stories that result from the unconstitutional ISTEA quota mandate. It is important to remember, as we debate this amendment, that discrimination by any other name is still discrimination and it strikes at the very core of the person being discriminated against.

Next, respect for our States and our cities compels Congress to end the

ISTEA quota. More and more States are being forced to choose between court decisions, on the one hand, that order the termination of preference programs, and, on the other hand, Federal Department of Transportation officials who order them to promote preference programs as a condition for receiving Federal aid. So here we have it, a situation in which a State or a city is caught between a court decision saying you cannot do this anymore and a Federal Department of Transportation saying you must do it or you cannot have any money. The administration would have the American people believe that Adarand is only one decision by one court. It is much more than that. It is a landmark Supreme Court decision and is now the law of the land. Moreover, it is part of a widespread series of recent court orders striking down preferences.

According to the Congressional Research Service, the Adarand decision "largely conforms to a pattern of Federal rulings which have invalidated State and local government programs to promote minority contracting in Richmond, San Francisco, San Diego, Dade County, FL, Atlanta, New Orleans, Columbus, OH, Louisiana, and Michigan, among others." And new challenges continue to be filed. Congress must act now to allow cities and States to get out of this constitutional crossfire that they are caught between: On the one hand, courts saying you cannot operate that way anymore and, on the other hand, the Federal Department of Transportation saying you must operate that way.

I pointed out in some detail the very real human and societal costs of ISTEA's racial preferences. Let me also point out that ISTEA has serious financial costs for our country. Every time the Government ignores the lowest bidder and pays more for a highway contract based on race, it costs the taxpayers real and substantial dollars. As I pointed out in Mr. Cornelius' case, the cost was $3 million. But there is a global cost as well. Based on a 1994 study by the General Accounting Office, ISTEA's racial preferences over the next 6 years will cost the Nation $1.1 billion in unnecessary construction costs. And that doesn't even include the administrative costs of running the program, certifying firms as officially preferred every single year, and then running an elaborate enforcement scheme to ensure that everybody meets the racial quotas on every transportation contract.

Also, that $1 billion does not include litigation costs. As I pointed out, racial contracting programs are being struck down all across the country and more cases continue to be filed. State governments and the Federal Government are being forced to spend countless dollars defending plainly unconstitutional race-based quotas. So, let me reiterate. We are authorizing a bill that not only requires discrimination, it wastes over $1 billion of taxpayer money by ignoring low bidders and funneling contracts to persons who are of the officially approved race and gender.

The Federal Government ought to take the lead in ensuring that all citizens are given opportunities without regard to race, color, national origin, or gender. In that spirit of equality and entrepreneurship, my amendment displaces the race-based Disadvantaged Business Enterprise Program with a race-neutral Emerging Business Enterprise Program. So let me make sure everybody understands. My amendment replaces the race-based Disadvantaged Business Enterprise Program with a race-neutral Emerging Business Enterprise Program.

My amendment requires every State that receives Federal highway dollars to take concrete and specific action to enable emerging businesses to compete for highway contracts and subcontracts. For example, States will be required to maintain a directory of emerging business enterprises and specifically provide outreach and recruiting for highway contracts. The bill also requires targeted outreach and recruiting of emerging businesses owned by women and minorities. Finally, States will be required to provide technical services and assistance on critical issues such as bonding, lending, and general business management, including estimating and bidding practices.

This amendment requires a major outreach effort to make sure that people understand how to compete for business. The emerging business enterprise amendment offers genuine opportunity for substantive business development of all emerging businesses, regardless of race or gender. The emerging business enterprise program will allow small businesses to learn how to compete instead of simply developing a destructive dependence on bid preferences.

One example of the destructive tendency of preferences comes from a very thoughtful book entitled, "The Affirmative Action Fraud." In that book, Clint Bolick explains that the Rocky Mountain News recently tracked 100 companies that received contracts in 1985 under the city of Denver's racial preference program. Denver's minority contracting program required that a certain percentage of all contracts had to be funneled to minority-owned firms. Ten years later—that was in 1985—10 years later, 42 minority firms had gone out of business, 34 were still dependent on this supposedly temporary program, and only 24 were still in business and actually independent from the program.

In point of fact, the current DBE program has a dismal graduation rate. According to a GAO study, between 1988 and 1992, fewer than 1 percent of the DBE firms graduated from the DBE program. The General Accounting Office reviewed six States to see how the States were preparing DBEs to compete. In 1992, those 6 States had 4,717 certified disadvantaged business enterprises. Out of those, 4,717 DBEs, only 17 graduated—17 out of 4,717. And most of the DBEs had been in the program at least 3 years and apparently had learned very little.

The EBE program is a much needed replacement of the failed and unconstitutional DBE program. Even the Department of Transportation has conceded that the Disadvantaged Business Enterprise Program does not prepare minority businesses to compete in the real world. On May 30 of last year, DOT acknowledged the low graduation rates of its firms and conceded in the fine print of the Federal Register that, "The DBE program does not provide for an encompassing business development program."

In short, all Federal contracting programs should meet a four-pronged test. They must be constitutional, colorblind, merit-based, and inclusive—constitutional, colorblind, merit-based, and inclusive. My race-neutral amendment will ensure that the Federal highway program passes this test.

It is time to end the divisive discriminatory practice of awarding highway and transit construction contracts based on race, gender and ethnicity of a company's ownership. Respect for our Constitution, our courts, our States, and our individual citizens demands no less.

It is time to move beyond racial quotas and set-asides and focus our national effort on improving the ability of small businesses, especially those who are women and minorities, to compete through genuine outreach and business development—genuine outreach and business development, and that, Mr. President, is what this amendment would do. It would take out the clearly unconstitutional Disadvantaged Business Enterprise Program, which is not only unconstitutional, but a conspicuous failure, and replace it with a race-neutral emerging business enterprise program that complies with the Constitution and can succeed.

Mr. President, I will stop at this point and inquire as to how much time I have remaining.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator has 3 hours 38 minutes remaining.

Mr. McCONNELL. I yield to the distinguished Senator from New Hampshire whatever time he may need.

Mr. SMITH of New Hampshire. The Senator caught me a little bit by surprise. I appreciate the Senator yielding. I will take 3 or 4 minutes to make some comments, Mr. President, on behalf of my colleague's amendment.

Again, the Senator from Kentucky is out in front taking the lead on an issue which, when you look at it on the surface, appears to be the right thing, but when you look deeper, you know that it is not. Again, he has had the courage to take a lead on this.

This amendment would, I believe, end one of the most costly and unfair and unconstitutional, as the Senator from Kentucky has said, minority set-aside programs in our Federal Government. As the Senator has already said, ISTEA mandates that "not less than 10 percent" of Federal highway and transit funds be allocated to "disadvantaged business enterprises." These are firms owned by officially designated minority groups presumed to be socially and economically disadvantaged.

The Senator from Kentucky already mentioned the Supreme Court case. In the 1995 case, the Supreme Court spoke on this issue in Adarand v. Pena. Senator McCONNELL has gone into the details extensively, and I will not go back through it. But in that decision, as he has said, it is explained that not only the Supreme Court but a U.S. district court has ruled that this minority set-aside program is unconstitutional.

It does seem somewhat, I don't want to say odd, but maybe ironic that we on the floor of the Senate have to debate to take language out through an amendment a piece of legislation that has already been ruled unconstitutional. I don't know what that says about the process, but it does not sound very good to me that we have to do that.

It would seem to me that the logical thing to do would be to not have it in here; in other words, let's end this program and let's not have it in the legislation as we proceed. But it is there.

Plain and simple, this is an affirmative action program for contractors. The administration's attempt to comply with the Court's decision by fiddling around with the DOT regulations does not meet the constitutional litmus test. Therefore, it is now incumbent on the Congress to bring ISTEA into compliance with our Constitution.

We now have a major piece of legislation, i.e. the Intermodal Surface Transportation Efficiency Act, ISTEA, and in order to pass it, we have to bring it into compliance with our Constitution.

It is one thing for the Federal Government to carry out unfair quota-based programs, which most reasonable people oppose, but it is bordering on outrageous, if not outrageous in and of itself, to say that the Federal Government should now mandate these very same unfair quota-based systems on its face, which is exactly what is going on without the Senator's amendment.

This is a time-consuming, a very costly burden to the States. Some of the States, like my own State of New Hampshire, simply don't have, to be very candid about it, some of the significantly racial minority populations. So what happens is, it forces us into a position where we have to deal with the bureaucracy and twist and turn and try to jump through as many hoops as possible to meet that 10 percent DBE goal, which, as the Senator from Kentucky mentioned, is not good public policy. As the Senator well knows and has said—and I agree with him—the opportunity to gain employment ought to be based on merit, not be based on any type of quota.

So by continuing this and the other 150-plus, I might add, preferential treatment programs—150 other preferential treatment programs—we are encouraging businesses to tie their business strategies to unconstitutional programs. As I said, what does this say about our process here, that we are encouraging businesses to tie their business strategy to something that is unconstitutional? The Court has spoken; two courts have spoken. Let's listen to the courts. It is sending the wrong message to many people, whether it is constitutional students or whether it is simply the minority startup businesses that we are trying to help.

A better way, as the Senator has suggested, is to encourage minority entrepreneurs with a small business outreach program, which Senator McCONNELL has in his amendment. It is a good amendment. This alternative will still provide assistance to smaller minority-owned businesses without the heavy-handed mandate upon our States.

Most Americans do not support preferential treatment programs, Mr. President, no matter where they come from or who they are supposed to help. We now have an opportunity to end one right here on the floor of the Senate, to end special preferential treatment. This is an opportunity to do that.

I urge my colleagues to do two things: One, to uphold the Constitution, which, with all due respect to my good friend, is more important than the McConnell amendment, but the language of the McConnell amendment should be the second reason we should support it. So support the Constitution and support Senator McCONNELL and adopt the amendment. I yield to my colleague.

Mr. McCONNELL. Mr. President, let me say to the distinguished Senator from New Hampshire, this is not exactly an isolated case. The Senator from New Hampshire mentioned that the trend in the courts—in fact, Richmond, San Francisco, San Diego, Dade County, New Orleans, Columbus, Louisiana and Michigan are all court cases striking down these kinds of preferences; in other words, striking down Government discrimination based upon race in general.

What is astonishing, I agree with my dear friend from New Hampshire, is that this is in this bill in the wake of the decision.

I wonder how long it is going to take, I ask my friend from New Hampshire, at this rate with every single aggrieved party having to sue, I wonder if my friend from New Hampshire has any sense of how long it may take to get these preferences off the books and bring American practice, Government practice into line with the Constitution.

Mr. SMITH of New Hampshire. A lot longer than the Senator from Kentucky and I would want it to take.

Mr. McCONNELL. We probably won't be here.

Mr. SMITH of New Hampshire. I don't think so.

Mr. McCONNELL. It is an astonishing development. I thank my good friend from New Hampshire for his important contribution.

Mr. President, I believe the Senator from Alabama is here and would like to speak as well. I yield him whatever time he may need.

Mr. SESSIONS. Mr. President, I thank Senator McCONNELL. I say to Senator SMITH, we appreciate your comments and thoughtful insight into this very important subject for our Nation. We want to do the right thing with regard to all of our citizens. We want to have a nation in which civil rights are protected and where everyone has an equal opportunity to participate in the American ideal. It is a very, very important issue.

I thank Senator McCONNELL for developing the kind of amendment that will accomplish, I think, the legitimate goals of those who would like to see more opportunity in contracting Federal road contracts while at the same time protecting the great constitutional privileges that all of us in this Nation have a right to count on.

I serve on both the Environment and Public Works Committee, from which this legislation came, and the Judiciary Committee. In the Environment and Public Works Committee, we had no hearings, took no testimony, did no study as to the advisability and the practicality of how these preferences work out in real life.

For a number of years, I was a U.S. attorney and had the opportunity to prosecute criminal cases of all kinds and sorts. I have a distinct recollection of a case involving a minority individual who had gotten, I think, a $250,000 contract primarily because he was a minority. He was not the low bidder. He got the contract because of the preference set-asides in this highway bill. He promptly turned around and subcontracted the entire contract work to another contractor, presumably not a minority contractor, who did all the work and, in fact, there were false statements made in the course of this situation, for which he was convicted. But there is a lot of abuse in which people put up individuals as straw people just to take advantage of this provision.

There are a lot of problems with the implementation of this act that I could talk about at some length. Fundamentally, I will say the bill is not good policy. It is not the kind of interference into the bid process that we ought to have in this country. But secondly, and most important, I will talk a few minutes about the fact that it is not only bad policy, but unconstitutional.

We had hearings in the Judiciary Committee on this subject, both before the full Judiciary Committee and before Senator JOHN ASHCROFT'S subcommittee. The House of Representatives Judiciary Committee has also had hearings on this, which is chaired by Representative CANADY from Florida, who is an eloquent spokesman on this subject, who has come to see, with absolute clarity, the unconstitutionality and the unfairness of the racial set-asides that we now have in this bill.

Let me say this: The McConnell bill is good. It is a good approach because it encourages new companies; it helps people get involved and get into business for the first time and gives them a lot of other advantages. We ought to do that. We ought to have outreach. We ought to have affirmative action. That is a good ideal for America. It is something that ought to be a part of our law insofar as it is appropriate to do so. But it is wrong to have quotas and set-asides.

We first started affirmative action on March 6, 1961. That was when President John F. Kennedy issued this order:

> The contractors will take affirmative action to ensure that applicants are employed and treated during their employment without regard to race, color, creed or national origin.

That is an ideal with which we can all agree. That is an ideal we can all support. It is something we ought to support and we ought to believe in in this Nation. But President Kennedy did not go as far as we have gone today, where we have actual set-asides that give preferences to one group of people on account of their race and denies a benefit or an equal opportunity to another individual on account of their race. That is what is objectionable about this legislation.

Let me just say, how did we get to this point? I have, I think, an idea about how we got to this point.

Most of us recognize and can remember that there was systematic discrimination against African Americans and other minority groups in this country as little as 30 years ago by law, in some instances. This was an unacceptable event.

When the courts dealt with that, whether it was a police department or a fire department or a State agency, they would enter remedial orders, and they would put demands on those agencies to take immediate steps to make up for the explicit discrimination that had been suffered in that agency or department. The courts have always affirmed that.

Somehow we slipped from these situations into generalized quotas as part of American law. That is a move which is not justified by policy or law, and the United States Supreme Court, and other courts, are beginning to make quite clear that it is unacceptable.

The people of California, with proposition 209, spoke quite clearly as to their view about it, and the courts have promptly affirmed proposition 209, even though this administration and the President of the United States filed a brief saying it was unconstitutional. The Ninth Circuit Court of Appeals ruled that there is no doubt that proposition 209, which prohibited these kinds of quotas and set-asides, was constitutional. I think that we have to deal with this issue because it will not go away.

I was present in the Judiciary Committee hearing when Mr. Pech, who was the chief operating officer of Adarand Constructors, testified. And I have done some research into the law. And I would like to share my thoughts with this body.

The Constitution requires all of us, not just judges, to uphold the Constitution. We swore an oath, as is on that chart to do just that. I believe section 1111 of the ISTEA legislation is clearly unconstitutional under the Adarand Constructors, Incorporated v. Pena case, the landmark 1995, Supreme Court decision.

Adarand involved the same program with the exact same language in this new authorization that was in the previous bill. That was the language the Supreme Court was dealing with and reviewed. In Adarand, the Court ruled all—all—governmental racial classifications, like the ones we have in this legislation, like the one it was considering in the Adarand case—the same language—are subject to the strictest judicial scrutiny.

The Court held "federal racial classifications, like those of a state, must serve a compelling governmental interest and must be narrowly tailored to further that interest.".

It "must be narrowly tailored." There must be a compelling interest.

Now, some make the argument—and this is a matter we have heard a lot about recently—some make the argument that the Supreme Court did not strike down this program in Adarand. But I just say this. It did not uphold it, clearly. What they did was set a standard for the validity or invalidity of this program. And they referred the case back to the district court who tried it. And it gave that district court remand instructions. They remanded it, and they gave them instructions as to how they should evaluate whether or not this statute violated the Constitution.

Justice Scalia, who was on the Supreme Court, wrote in his concurrence:

> [i]t is unlikely, if not impossible, that the challenged program would survive under this understanding of strict scrutiny, but I am content to let that be decided on remand [by the district court].

Based on the instructions and the law, as set forth by the Supreme Court, it was not surprising that on remand the Federal district court properly ruled, on summary judgment, that this program, this set aside program, was unconstitutional. They left no doubt about the constitutionality of this program. The district court stated:

> I find it difficult to envisage a race-based classification that is narrowly tailored. By its very nature, such a program is both underinclusive and overinclusive.

Now, those are legal terms. Somebody might think, "What does that mean, 'underinclusive' and 'overinclusive'?" What the judge was saying simply: It is unfair. It overincludes people beyond who ought to be included; and when you do that, you underinclude people who have a right to be included in the bid process, and have a right to participate in these programs.

That is the fundamental constitutional wrong. It gives advantages to people who do not deserve it; and it is a disadvantage to people who do not deserve to be disadvantaged. That is a fundamental constitutional principle. It will not go away.

So the Court also enjoined, issued an order stopping the defendants from administering, that is, Secretary Pena, from administering section 1003(b) of the ISTEA.

So I would say to anybody who looks at this matter fairly and objectively, without hesitation, there is no doubt that under the current state of the law, regarding this specific statute, it has been declared unconstitutional by the courts of the United States.

Now, yes, they can appeal this district court ruling. But based on the plain holdings of the Supreme Court, which the district judge clearly followed in his opinion, I submit to you there is virtually no chance that it will be reversed. The Supreme Court of the United States cares about this issue. They care about making sure everybody in America has equal treatment. They want to see race relations in America improve, but they have studied it and they have thought about it.

The courts have fulfilled their responsibility, in my opinion. And what have they thought? And what have they decided? Our federal courts have looked down the long road into the future, and they have asked themselves: Will this Nation be better served if we allocate goods and resources and contracts based on the color of one's skin? Is that a defensible policy for a nation to undertake? Can we do that? And they have concluded, no, you cannot, because when you do that you deny someone else an equal right to apply.

Other Supreme Court cases have rendered very similar opinions. Bush v. Vera, Miller v. Johnson, Shaw v. Reno, and Richmond v. J.A. Croson Co. all have subjected Government racial preferences and classifications to the strictest scrutiny. In each one of these cases, the Court has found these racial classifications unconstitutional.

Section 1111 simply reenacts, without change, the same statutory language that was invalidated in Adarand Constructors, Inc. v. Pena. Mr. President, section 1111 literally does not change one single word in the definition of "socially and economically disadvantaged individuals".

Both the previous ISTEA legislation and section 1111 refer to the exact same definition in the Small Business Act. This definition states—and I have the legislation here before me—it states that "contractors shall presume that socially and economically disadvantaged individuals, including Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities or any other individual found to be disadvantaged by the administration under the Small Business Act, shall be presumed to meet the standard for socially and economically disadvantaged."

So that is statute—the problem is not regulations. Some would say "Well, you're quoting from regulations. They might change the regulations." This is the Small Business Act. That is specifically referred to in this highway bill to define what "socially and economically disadvantaged individuals" are. And it gives a racial preference. It says that a black individual is presumed to be socially or economically disadvantaged whereas a struggling white businessman may not.

So what we have here is an overtly racial Government classification. That is why the Supreme Court is concerned about it. Consequently, nothing in this reenactment does anything to strengthen the arguments that this section is constitutional. We, indeed, held no hearings on it.

Moreover, there is no legislative record to support this racial classification. The Environment and Public Works Committee did not hear any testimony concerning the constitutionality of this section or the regulations promulgated pursuant to its identically worded predecessor. The only hearings we had were in the Judiciary Committee, as I mentioned earlier.

Now, the Clinton administration suggests that the new regulations promulgated by the Department of Transportation somehow strengthen the case for the constitutionality of this provision. This, however, is a totally ineffective argument. Subsequent regulations simply cannot repair a statute that is, on its face, unconstitutional. It is difficult for me to see how anybody would argue otherwise. The courts have held—and I will read the opinion of the district judge here, the district judge, when he found this thing unconstitutional. He said:

"The statutes and regulations concerning the SCC program are overinclusive, and they presume that all those in the named minority groups are economically or, in some act and regulation, socially disadvantaged. This presumption is flawed."

The Court held that both the regulations and the statute are unconstitutional. The statute is what the Supreme Court dealt with when it sent the district judge its instructions.

Finally, some suggest that the Adarand v. Pena decision does not render section 1111 unconstitutional. They point to the language of Justice O'Connor when she wrote in the opinion:

> We wish to dispel the notion that strict scrutiny is "strict in theory but fatal in fact." The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and the government is not disqualified from acting in response to it.

So they say, "Jeff, she just said what you say is not true. Adarand really did not close the door on this statute." But, Mr. President, these advocates do not read the very next sentence in Justice O'Connor's decision where she immediately explains this quotation. Justice O'Connor's next sentence cites, as an example, a State governmental agency that had been found to have been engaged in "pervasive, systematic, and obstinate discriminatory conduct." All Justice O'Connor says in this passage is that proven, widespread, systematic discrimination can justify "a narrowly tailored race-based remedy." In other words, a limited racial preference can be constitutional as a remedy for a proven case of specific governmental discrimination.

However, section 1111 is not a remedy for specific governmental racial discrimination. As I said earlier, there has been no determination in this case that the administration of the Federal Highway System is systematically and pervasively biased in its operation.

Mr. McCONNELL. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. McCONNELL. I was listening carefully to what the Senator from Alabama had to say. So the law is, as I understand what the Senator from Alabama had to say, that the remedy has to be narrowly tailored to meet actual past discrimination. Is that essentially the standard here the Senator from Alabama is talking about?

Mr. SESSIONS. That is correct. Such is the essential holding and the basic law of this country. Where you have systematic, proven discrimination, a court can issue a remedy that may provide advantages to one racial group who has been discriminated against.

Mr. McCONNELL. So that group, I say to my friend from Alabama, actually has to have suffered discrimination?

Mr. SESSIONS. Certainly.

Mr. McCONNELL. The Court was saying, you could not just carve out a big part of a program and hand it out to people based upon what color they are or what gender they are; is that correct?

Mr. SESSIONS. Absolutely. This is not a close question.

Mr. McCONNELL. I ask the Senator from Alabama, isn't that what we are talking about here, what, in fact, has been done in this bill that we are trying to remedy with this amendment?

Mr. SESSIONS. Precisely so. The Senator from Kentucky is precisely correct. He has gone straight to the heart of this matter and I think makes a good point.

You know, many of us go around, and we blame Federal judges for much of the litigation and problems and some of these ideas that many people say are liberal ideas. But in this case, I think it is the Congress that has been passing legislation that goes beyond its bounds and is being brought to task by the courts.

So, fundamentally, I just further state that Environment and Public Works Committee made no findings, we made no factual analysis of the interstate highway program in order to determine there is some sort of systematic discrimination ongoing that ought to be corrected. In fact, I think a good argument can be made that the objectivity and fairness of the bid process is virtually above reproach. So there is just no basis for this. That is why it has no chance, in my opinion, of ever passing Supreme Court muster. And this Congress ought not be passing a bill that is bad public policy and is unconstitutional.

Mr. President, I want to read a quote from Mrs. Valery Pech who testified on this subject. She is the wife of Mr. Randy Pech who owns Adarand Constructors. She is an owner herself, I believe. She said:

> We started our family-owned company in 1976 specializing in the installation of highway guardrail systems. In August of 1989, we lost yet another Federal highway contract on which we had submitted the lowest bid. Adarand lost this job and numerous others, past and future, not because of poor reputation, not because our price was too high, not because we limited our bid date, not for any other reason but one. Randy, as owner and operator of Adarand is a white male. We didn't like it. We fought the decision. We contracted a legal foundation to seek help. Six years later, in 1995, the Supreme Court ruled for us and against race-based decisionmaking in the Adarand Constructors case.
>
> Adarand is the only nonminority guardrail business in the State of Colorado. All our competitors are classified as disadvantaged business enterprises. Their status is DBE, and contracts are awarded based solely on the owner's race or gender regardless of whether or not they have suffered past discrimination.

She lists those competitors that they compete against. She notes all of these contractors have been in business—her competitors are minority owned for over 10 years and have solid reputations for getting work done. These four competitors get 95 percent of their work by being low bidder in other than Government contracts; yet when they bid against Adarand for Government contracts, they get a preference and are able to get the bid, although they bid higher.

Do you see the unfairness of it? These are strong competitive companies. One simply happens to be headed by a Hispanic and one is not. The one who is not gets hurt, and the other one has an advantage. That is why the polls of all racial groups feel that these are not fair and just preferences.

Mr. President, I will not belabor the subject. Again, I want to congratulate the Senator from Kentucky for his leadership in coming forward with a remarkable proposal that gives opportunity, gives it affirmatively, reaches out to help disadvantaged, gives them a chance to be successful in getting Government contract work, but at the same time does not violate the Constitution.

In conclusion, I have no doubt that this section is unconstitutional. It is neither supported by a compelling Government interest nor is it narrowly tailored. Therefore, I urge the Senate to consider Senator McCONNELL's amendment. I cannot in good conscience vote for legislation that I consider to be unconstitutional.

Mr. WARNER. Mr. President, I say to the distinguished Senator from Kentucky, I do not wish in any way to interfere in his presentation, but there are some of us who have a different point of view. I am wondering if I could just talk about 3 or 4 minutes on this amendment.

Mr. McCONNELL. I say to my friend, that is fine. I have Senator ASHCROFT here in support of the amendment, and we will go to him when you complete.

Mr. WARNER. This will be a very thorough debate because it is a serious issue. It seems to me there are many facets to this debate. One is the important one raised by my colleagues who have just been speaking as to the constitutionality. Then each Senator has to reach his or her own opinion on the constitutionality. Then there seem to be other factors that have to be taken into consideration.

I rise to alert Senators to take a look at the importance of this amendment. It so happens this bill is mine. I was the author of it as chairman of the subcommittee. We considered this issue, and I determined we should keep this provision in, despite the Adarand case and the development of the law in the course of the writing of the bill.

I urge Senators to begin to study, as a part of their preparation for floor statements and decisions, the important aspect of this amendment on the growth of the participation by women in this country in their ability to compete as professionals in this area of work.

There are charts available; for example, in Virginia, the percent of growth since 1987 in firms of women, an 84 percent increase in the number of firms that are managed, owned, and operated by women in my State. Each State is on this chart. I urge Senators to look at that.

Then the department of Federal highways, DOT, has prepared for each State a chart showing the percentage of these DBE highway contracts that go to women. Particularly in my State, 44 percent of these contracts under the DBE Program go to firms that in this instance are nonminority women—a very significant amount of work.

Another chart that Senators should look at is a comparison of the Federal highway programs that have been since 1983 subject to the DBE provisions, and the participation by the minority firms in the Federal program as compared to the participation in State programs. My State is not on this particular chart, but, for example, I will take Connecticut, 15.7 percent participate under the Federal program; 5.2 percent under the State program. Arkansas, 11.9 percent under the Federal programs; 2.9 percent under the State programs. I will let the distinguished Senator from Rhode Island address this chart; 12 percent in Rhode Island under the Federal program; 0 percent under the State program. Maybe there is some explanation.

I just rise to alert Senators to include this as part of their study.

Mr. President, some have made statements to the fact that the DBE Program has not been effective. I want to address—and indeed rebut—that point.

Let's look at the effect on women-owned highway contracting businesses. The effect has been dramatic. Since 1987, when women were added to the DBE, women-owned highway contracting businesses increased in number by 157 percent.

And women-owned businesses get a significant portion of the DBE funds. Here are some examples:

Alaska: 75 percent of DBE funds go to women ($11.8 mil. of $15.7 mil.)

Indiana: 68 percent of DBE funds go to women ($21.5 mil. of $31.5 mil.)

Mississippi: 87 percent of DBE funds go to women ($19.5 mil. of $22.4 mil.)

New Hampshire: 63 percent of DBE funds go to women ($6.0 mil. of $9.6 mil.)

and in my State of Virginia 44 percent of DBE funds went to women ($14.1 mil. of $32.6 mil.).

In sum, the DBE Program has helped promote women's participation in the construction industry, and will continue to do so under this bill and the new regs.

Without this program, it is questionable that women would have this opportunity. Let's compare some State programs—without DBE—and their Federal aid programs:

	Federal (DBE)	State (No DBE)
Arkansas	11.9	2.9
Louisiana	12.4	0.4
Missouri	15.1	1.7

I believe data like that shows that DBE plays a critical role in allowing women to compete. This is not a giveaway; they must still be the low bidder, obtain bonding, and perform the contract according to its terms.

The case for opportunities for minorities is equally clear. Thanks to the DBE Program, persons of all race and ethnicity have had the opportunity to compete for federally assisted State highway contracts.

With regard to the debate about the constitutionality of this program, I reviewed what the Supreme Court said in the Adarand case.

Justice O'Connor, for the majority, made it clear that the Federal Government may undertake affirmative action programs as long as they meet the "strict scrutiny" standard. The Court did not outlaw Federal affirmative action.

Indeed, Justice O'Connor stated:

> When race-based action is necessary to further a compelling interest, such action is within constitutional constraints if it satisfies the "narrow tailoring" test . . .

As for the district court, to which the case was remanded, Judge Kane's decision did not ban affirmative action either.

When Judge Kane looked at the program, he said:

> I conclude Congress has a strong basis in evidence for enacting the challenged statutes, which thus serve a "compelling governmental interest."

In other words, the program achieves one of the two "strict scrutiny" requirements.

As for the second requirement of "narrow tailoring," U.S. District Judge Kane stated the program's regulations did not meet that requirement.

But given that the Department of Transportation is readying new regulations that are specifically designed to meet the narrow tailoring requirement, it seems to me that that problem is going to be taken care of.

In sum, the DBE Program will be in full compliance with *Adarand*. Indeed, as the chairman of the Subcommittee on Transportation, I intend to make sure of that and hold the Department to that standard.

Therefore, I believe that the DBE Program in this bill is both critical to opportunities for women and minorities in the highway construction industry, and constitutional. It is a program important to a wide range of socially and economically disadvantaged persons, including many in the State of Virginia. Thus, I will be supporting the committee bill and opposing the pending amendment.

Mr. President, I ask unanimous consent that two tables be printed in the RECORD relating to this subject matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHWAY CONTRACTING DOLLARS IN VIRGINIA

Year	Federal-aid dollars awarded $(1000)[1]	Federal-aid dollars to DBEs $(1000)[1]	Annual DBE goal percentage	Actual DBE participation percentage
1991	142,821	23,036	12.0	16.1
1992	131,660	20,903	12.0	15.9
1993	197,956	31,915	12.0	16.1
1994	322,354	48,754	12.0	15.1
1995	220,010	32,688	12.0	14.9
1996	246,195	32,633	10.0	13.3

[1] Contracting dollars awarded by the State for the Federal-aid highway program, not the annual apportionment.

Women and Minority-Owned Businesses Share of the Federal Highway Program: In 1996, businesses owned by non-minority women received $14.1 million (or 5.7% of total contracting dollars awarded) and minority-owned firms received $18.5 million (7.5%). Non-DBEs got the remaining 86.8%.

DBE Firms Ready and Able to Perform Highway Construction Work: There are 458 DBEs qualified as prime contractors in the highway construction industry in Virginia. The State reports that there are more qualified DBE firms than non-DBE firms.

Without DBE Programs Prime Contractors don't use DBE Subcontractors on State Contracts: In 1996, DBEs were successful as subcontractors in the federal-aid program, but there was a 34% drop in the use of DBE subcontractors in the state program.

WOMEN-BUSINESS-STATES 1996 STATISTICS

A state-by-state listing of the number of all women-owned companies in 1996 (in thousands) and the percentage change from 1987, as compiled by the National Foundation for Women Business Owners:

State	Firms in 1996	Percent of growth since 1987
Alabama	98,000	87.9
Alaska	26,000	69.6
Arizona	130,000	97.3
Arkansas	68,000	76.0
California	1,082,000	77.7
Colorado	160,000	64.9
Connecticut	103,000	56.2
Delaware	21,000	95.8
District of Columbia	19,000	59.2
Florida	497,000	106.3
Georgia	203,000	112.4
Hawaii	39,000	66.8
Idaho	42,000	104.1
Illinois	37,000	74.8
Indiana	167,000	71.0
Iowa	92,000	58.6
Kansas	84,000	43.5
Kentucky	99,000	70.1
Louisiana	102,000	67.7
Maine	48,000	85.3
Maryland	167,000	87.7
Massachusetts	192,000	58.5
Michigan	263,000	80.4
Minnesota	166,000	73.5
Mississippi	55,000	73.9
Missouri	155,000	62.1
Montana	34,000	76.7
Nebraska	57,000	63.3
Nevada	47,000	130.0
New Hampshire	42,000	69.6
New Jersey	221,000	72.7
New Mexico	57,000	108.0
New York	527,000	70.2
No. Carolina	198,000	94.3
No. Dakota	19,000	37.8
Ohio	306,000	82.5
Oklahoma	107,000	54.3
Pennsylvania	300,000	74.7
Rhode Island	29,000	84.8
So. Carolina	90,000	93.8
So. Dakota	24,000	65.2
Tennessee	139,000	89.9
Texas	552,000	70.1
Utah	63,000	95.5
Vermont	29,000	94.3
Virginia	189,000	84.0
Washington	188,000	91.8
West Virginia	40,000	64.6
Wisconsin	134,000	78.5
Wyoming	19,000	63.7
United States	7,951,000	77.6

Note.—The growth rate in women-owned construction contractors since 1987 was 157% (2.6%–6.7%).

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I yield the floor.

Mr. MCCONNELL. Mr. President, if the Senator from Montana would like to rotate back and forth, that is certainly fine with me. Senator ASHCROFT has been here and is anxious to speak. I don't particularly want to get into a dispute over the speaking order. Is the Senator from Montana desiring to speak?

Mr. BAUCUS. I have another commitment that starts in about 5 minutes, so if I could speak now that would help this Senator.

Mr. MCCONNELL. I yield the floor.

Mr. BAUCUS. I yield myself such time as I may consume.

Mr. President, this obviously is a very important debate. It is the first civil rights debate we have had in a long time. It is very important that the Senate take this extremely seriously because it is such an important matter. It goes to the heart of what it is to be an American.

I begin by emphasizing a fact which puts us into a bigger context, and that is all of us as Americans want to expand the economic pie. We all want to encourage more American entrepreneurs to start new companies, start more companies, create new jobs. That is especially true for women and for minorities.

We, as Americans, will all be a lot better off and the country will be better off if there are more successful businesses owned by women, more owned by African Americans, more owned by Native Americans. All Americans, as a consequence, will have more jobs, will have more community leaders and will have more positive role models for our daughters and our sons. We will be a more cohesive country, a better country. I don't think there is any doubt about that. I think there is a consensus about that.

The question, of course, is how we can best accomplish that goal. The so-called DBE Program, the Disadvantaged Business Enterprise Program, takes an important step to accomplish that objective by giving women and by giving minority groups a fair shot at that economic opportunity. It gives them a seat at the table.

I will take a few moments to explain the program. First, it was created in 1982 as part of the highway bill signed by President Reagan. It began in 1982. It was then expanded in 1987 when the Senate added women-owned construction businesses to the category of businesses that are presumed to be disadvantaged.

Let me emphasize this point: The program we are talking about is based on the small business program usually referred to as the section 8 program. But it is broader than section 8. In 1987, we expanded the highway Disadvantaged Business Enterprise Program to include not only construction companies owned by members of minority groups but also construction companies owned by women. The expanded program was continued without change in ISTEA. That is, in the highway bill passed in 1991, and the committee has here proposed to continue it again in ISTEA II, the highway bill before the Senate.

How does the program work? The law says unless the Secretary provides otherwise, at least 10 percent of the money expended on highway contracts under the official highway program should go to small businesses owned by socially and economically disadvantaged individuals. So who qualifies? First, you have to be a small business within the meaning of the Small Business Act. Beyond that, you have to be socially and economically disadvantaged. There is the presumption that women and members of certain minority groups are in fact disadvantaged. It is only a presumption, a presumption that can be overcome primarily in two ways. One is that a person who is not a member of one of the presumptive groups can show he or she is socially or economically disadvantaged. That can be shown. The other way is for a third party to challenge the eligibility of a particular contractor, such as a competitor, by showing that the person is not, in fact, disadvantaged.

Under our Department of Transportation regulations, each State—let me underline the word "State"—each State highway program must take various steps to reach out to disadvantaged businesses. In addition, each State—underline again "State"—must establish an overall goal for the percentage of federally funded highway construction dollars going to women and minority-owned businesses. Once that goal is established—again, it is a goal; some States have more than 10 percent; some States goals are lower than 10 percent. It is a goal depending on the State. Once the goal is established, the State highway department establishes another goal for each particular contract. The goal doesn't have to be 10 percent; instead the State can look at the type of work, and the pool of available subcontractors and decide to set a higher goal for certain contracts and a lower goal for others.

Once the goal is established for a contract, each contractor must make a good-faith effort to meet the goal—not mathematically required, not quota required, but a good-faith effort to meet it. That is all that the program is. If the contractor does make a good-faith effort but finds the qualified subcontracts are not available or that their bids are too high, the contractor has satisfied his obligation. In a nutshell, that describes the program.

So how has it worked? What are the results? The program has been in place now for about 15 years. During that time, the percentage of Federal highway expenditures going to disadvantaged businesses has risen from barely 8 percent in 1992 to almost 15 percent today. In my State of Montana, 1996, the State expended $133 million on ISTEA or highway projects. Of that, $27 million—slightly more than 20 percent—went to DBE's.

To companies like Omo Construction in Billings, MT—Ron Omo started out with a pick up, that is all he had, and the will to be his own staff. He was certified as a DBE in 1986. In 1997 his company received $4 million in prime contracts and subcontractors.

Or Greenway Enterprises, in Helena, which is run by Dee Hoovestall, who started out with a backyard seeding company and now runs a large construction company in my State.

There are others, people who have created jobs and improved our communities. With that as background, I would like to respond to the principal criticisms that have been made of the Disadvantaged Business Enterprise Program.

Three points: First, the program is constitutional; second, the program is fair; and third, it works.

It has been argued that the Disadvantaged Business Enterprise Program is unconstitutional. I disagree. There are important constitutional questions, and they deserve careful attention, but when you look at the decision of the Supreme Court, the decisions of the district court, and the new proposed regulations, the program passes constitutional muster.

Let's start with the decision of the Supreme Court. In the Adarand decision, the Supreme Court held that a Federal affirmative action program is subject to what the lawyers call "strict scrutiny." In other words, to pass constitutional muster, the Government must show that the program furthers a compelling interest—and that is a given in this case; the lower court even found that—and also uses a narrowly tailored means to do so. Strict scrutiny means compelling Government interest and, second, that the program is narrowly tailored.

The Supreme Court did not hold that the program was unconstitutional. Again, the Supreme Court did not hold that the program was unconstitutional. Nobody can refute that statement.

In fact, the Court went out of its way to say that subjecting the Federal affirmative action program to strict scrutiny was not equivalent to finding that the program is unconstitutional.

In a majority opinion, Justice O'Connor said:

> We wish to dispel the notion that strict scrutiny is "strict in theory, but fatal in fact." . . . the unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from acting in response to it. . . .

The Court gives some examples and then it says:

> When race-based action is necessary to further a compelling interest, such action is within the constitutional constraints if it satisfies the "narrow tailoring" test this Court has set out in previous cases.

Having established that strict scrutiny applies, the Supreme Court remanded the case so that the lower court could consider whether the program furthers a compelling interest and is narrowly tailored.

The district court judge issued its opinion in June of last year. It is a mixed bag.

After reviewing the legislative history, the judge found that "Congress had sufficient evidence, at the time these measures were enacted, to determine reasonably and intelligently that discriminatory barriers existed in Federal contracting."

Therefore, he concluded that "Congress has a strong basis in evidence for enacting the challenged statutes" and that the program was justified by a compelling Government interest. That was the district court speaking.

Then the judge turned to the second part of the test, narrow tailoring.

Looking at the details of the Federal lands highway program, he concluded that it was not flexible enough or sufficiently related to past discrimination to meet the narrow tailoring test. Therefore, because the program did not pass both parts of the strict scrutiny test, he held as a district court judge that it was unconstitutional.

Let me make three points about this decision.

First, the decision itself applies only to the Federal lands highway program in Colorado.

Second, a single district court's decision that a Federal statute is unconstitutional is, obviously, not the last word. Such decisions frequently are reversed on appeal, and this decision has been appealed.

In fact, there are many law professors who have written that, in their view, the district court decision that the statute is unconstitutional is in error.

Third, the court was looking at the current program. But that program is changing.

A few years ago, President Clinton ordered a review of all Federal affirmative action programs. In response, Secretary Slater has proposed significant changes to the DBE Program, designed to make the program more flexible, more targeted, and, in a nutshell, more narrowly tailored. The proposed new rules would make several important changes.

First, they replace the 10 percent goal with a new goal that's based on an estimate of the extent to which discrimination has affected construction contracting in each State. Again, no numerical goal.

Second, they give more emphasis to incentives like outreach and technical assistance.

Third, they confirm that contract goals are not binding. If a contractor makes a good-faith effort to find qualified women or minority-owned subcontractors, but fails to meet the goal, there is no penalty. If you do your best, that is good enough.

Moreover, the regulations allow the Secretary to waive the requirements if a contractor comes up with an alternative approach that is as good or better then the approach in the rules.

Putting all this together, the Supreme Court held that the program is subject to strict scrutiny, but emphasized that it does not mean that the program is unconstitutional.

The only district court to consider the question held that there is a compelling interest, but not narrow tailoring. The proposed new rules directly address narrow tailoring by making the program even more flexible and targeted. In light of this, I believe that the DBE Program is constitutional.

My second point is that the program is fair. It's fair because it helps women and minorities get a seat at the bidding table—not the only seat, not the best seat, but simply a seat at the table, an opportunity to compete against equally qualified contractors.

Let's face the facts. We all wish we lived in a society that does not discriminate based on gender or race. Well, we don't. Women and members of minority groups do face barriers that the rest of us do not. That is why the DBE Program was created. That is why it was expanded in 1987 to include women.

Let me give you an example. In 1984 the Transportation Subcommittee held an oversight hearing to review the implementation of the 1982 highway bill. A woman named Wendy Johnson testified about the discrimination in the construction industry. She said:

> Few, if any, of the major contractors of State departments of transportation are making aggressive, affirmative efforts to recruit women . . . Yet, we have documented that many women want and need these jobs.

Let me make a point about discrimination another way. Look at the statistics. Women still earn only 72 percent of what men earn for comparable work. Women own about one-third of all small businesses. But women-owned businesses only receive 3 percent of Federal procurement dollars. Minorities make up 20 percent of the U.S. population but own only 9 percent of the construction businesses, and those businesses receive only 4 percent of construction receipts.

According to the General Counsel of the Transportation Department, "Minority and women-owned firms report that they are routinely unable to secure subcontracts on private work where there are no affirmative action requirements and that white-owned prime contractors reject minority or women-owned firms even when they offer the lowest bid."

The DBE Program helps women and members of minority groups overcome these barriers. That is why, to my mind, the program is fair.

My third point is that the disadvantaged business——

Mr. WARNER. If the Senator will yield, I think that is a very important point, and it supplements what I brought to the attention of the Senators earlier. They better do a little homework on this issue as they approach this particular amendment.

Mr. BAUCUS. That is a very good point, particularly as to how much this has helped women become an equal force in this society—or getting there.

Third, the Disadvantaged Business Enterprise Program works. After the program went into effect, the percentage of highway expenditures going to disadvantaged businesses rose significantly, from 8 percent in 1982 to 12.9 percent in 1983. It has remained pretty stable ever since.

The percentage of expenditures going to women-owned businesses has risen steadily, from 3.1 percent in 1983 to 6.7 percent in 1996. That is still pretty low. After all, women make up more than half of the population and own one-third of all small businesses. Maybe 6.7 percent is nothing to crow about, but it's more than double the percentage of expenditures that went to women-owned businesses in 1983, before women were added to the DBE Program.

We can look at it another way. What would happen if this program were repealed? In recent years, several States have eliminated their own disadvantaged business enterprise programs, and the results have been dramatic.

In 1989, Michigan repealed its disadvantaged business enterprise program for State highway contracts. Within 9 months, the percentage of highway dollars going to minority-owned businesses fell to zero. The percentage of highway dollars going to women-owned businesses receiving highway contracts fell to 1 percent.

By 1996, the total percentage of women and minority-owned businesses receiving State highway contracts was still about 1 percent. At the same time, for Federal highway contracts in Michigan, operating under the Federal program, women and minority-owned businesses received 12.7 percent of the contract dollars.

In other words, on Federal highway construction projects, operating with a DBE program, women and minority-owned businesses received a 12 times greater share of contracting dollars than they did on State projects operating without such a program. Mr. President, that is because the program was repealed in Michigan.

There have been similar results in other States and cities, and this obviously tells us something. It is obviously a warning. That is, if we repeal the Federal program or cut the Federal program way back—which, in effect, the McConnell amendment does—opportunities for women and minority-owned businesses are likely to suffer a sharp decline.

Think about what that will mean for hundreds of new, startup companies all across our country.

In many cases, women and minority group members have worked for years to build up their companies. They have borrowed thousands of dollars for expensive construction equipment, all based on the expectation that in America they will have a fair shot, a fair shot at highway construction contracts.

If now, in this bill, we eliminate the DBE Program, a lot of small businesses will be left high and dry.

Pulling all this together, the Disadvantaged Business Enterprise Program is constitutional, it's fair, it works, and it is good for America. We should maintain the program, not weaken or repeal it.

That brings me to the McConnell amendment. The amendment repeals the Disadvantaged Business Enterprise Program and replaces it with something called the "Emerging Business Enterprise Program." This program requires each State to establish a program for outreach, education, and technical assistance for small businesses. But that is about it.

I am all for outreach and I am all for education and technical assistance. Who isn't? But by eliminating contract goals—not quotas, but goals—the McConnell amendment dilutes the program down to almost nothing. And by doing so, it really misses the point.

Women and minority group members who own small construction companies often do need outreach, they often do need education and technical assistance, but in many cases that is not enough. Even when they have the information and the technical skills, they often find that they just can't crack into the market. That is why we need to do more, why we need to establish goals, goals that should be flexible and should be based on the specific circumstances of each State—and they are. But without goals against which we can measure progress, our commitment to expanded opportunity is nothing more than an empty promise.

Fifteen years ago, we made a commitment. We told women and minority-owned businesses in this country that we would give them an opportunity to compete, we would give them a seat at the table.

The program has worked. It has created more opportunity, not less, and it's still necessary.

As President Clinton has said, "In the fight for the future, we need all hands on deck, and some of those hands still need a helping hand."

Mr. President, I urge that we maintain our commitment to opportunity, to inclusiveness, and to lending a helping hand. I urge that the McCONNELL amendment be defeated.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). Who yields time?

Mr. WARNER. On behalf of the Senator from Kentucky, I yield such time as the Senator from Missouri wishes.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that, in accordance with an agreement reached between the Members on the floor, that Senator KERRY of Massachusetts be allowed to speak following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I am pleased to take part in the debate to reauthorize the Intermodal Surface Transportation Efficiency Act of 1997, commonly known as ISTEA. This debate was originally scheduled to take place the first week in May. As we all know, the current measure is designed to end in the last week in April and, had we not debated this until the first week of May, there would have been an interruption in the funding and the opportunity to build highways in this country. So I express my appreciation to the majority leader for moving this debate up and making it possible for us to address this issue in a timely manner. When we are talking about the construction of infrastructure, which allows the body politic to be nourished by the stream of commerce, I think it is important that we don't interrupt that stream. I thank the majority leader.

Although I rise to speak specifically on the amendment of the Senator from Kentucky, I briefly would like to talk about the underlying bill. I must say, I am grateful, on behalf of the citizens of Missouri, for the work that has been done on this bill to ensure a fair return to Missourians for the kind of contribution that they make to the highway trust fund. I especially thank the senior Senator from the State of Missouri, KIT BOND, for his tireless effort in this battle. No Senator in this Chamber, in my judgment, has made a more conscientious and consistent effort to make sure that there was fairness in the allocation of these highway resources than Senator KIT BOND.

To me, the issue is clear, and it has been clear throughout the entire debate. When a Missourian fills the gas tank and pays 4.3 cents in Federal fuel taxes, that money should go to improving the roads of the State rather than paying for additional Federal spending on some social program in a distant State, and that is another improvement that this bill reflects, putting highway taxes back into the highway trust fund.

Mr. WARNER. Mr. President, will the Senator yield? I compliment the Senator for recognizing the contributions of Senator BOND. As my colleague knows, a good deal of money has been added to this bill. Senator BOND laid the foundation, together with the Senator's support, whereby this became a reality in the sequencing in the Byrd-Gramm-Baucus-Warner amendment. But that foundation was laid by the distinguished senior Senator. He serves on the committee and helped develop the underlying bill and the amendment.

I thank the Senator for his participation. Missouri sent two strong proponents for this highway bill, and I compliment the Senator.

Mr. ASHCROFT. I thank the Senator from Virginia. His recognition of the contribution of Senator BOND of Missouri is appreciated and appropriate. I think the decision, which involved both the authorizing committee and the Budget Committee, to dedicate the 4.3-cent fuel tax to highways is a good one, and I am pleased to support that aspect of this bill. I believe that when this is all over, Missourians will now see a 91 cent return on each dollar as opposed to a dismal 80 cents that it received under the former funding scheme. Under the formula that was passed out of the Environment and Public Works Committee, Missouri will receive $3.6 billion compared to $2.4 billion that Missouri received over the last 6 years of the 1991 highway bill. Missouri's average allocation per year would be around $600 million as opposed to around $400 million that the State received under the old bill. I believe this allocation of highway trust money to the development and construction of highways is appropriate.

I would add that this is not taking from other Government programs. This is the allocation of highway trust money for highways. Uniquely, we are beginning to get to the place where we focus resources that we take from people who use the highways on the highways. That is a major benefit. I would like to see a 100 percent return on Missouri's investments. I appreciate the advancements made over the last few days, and I am committed to working with the Budget Committee to see that these additional funds are offset so that we can stay within the budget caps that were approved by this Congress last session.

I quickly would like to address one more issue. This is the amendment that was voted on yesterday to take away State highway funds if they do not establish a blood alcohol content of .08 for drunk-driving violations. I opposed this amendment, not because I do not abhor drunk driving. Far too many of us have lost loved ones as a result of this tragedy. However, I believe States are in the best position to make the decision on the best way to eliminate drunk driving. The "stick" approach offered in the amendment was rejected by the 104th Congress, when we repealed the Federal speed limit. I believe the "carrot" approach, contained in the safety provisions of this bill, which contain a .08 option, is the appropriate method to allow States the freedom to establish comprehensive programs to discourage drunk driving. That is why the National Governors Association, the National Association of Governors' Highway Safety Representatives, the National Conference of State Legislatures, the National Association of Counties, and the American Association of State Highway and Transportation Officials support the safety provisions contained in the bill. I look forward to the continued debate on the underlying policies in this bill.

Now I would like to address the policy and constitutional principles raised by Senator McCONNELL's amendment, which I have cosponsored. The specific issue raised by Senator McCONNELL's amendment is whether we should reauthorize provisions in the ISTEA bill which treat two identically situated individuals differently, based solely on their race. Let me just say, again, the question or issue raised by Senator McCONNELL's amendment is whether we should reauthorize provisions of the bill which require that we treat two identically situated individuals differently only because of their race.

Specifically, a provision in the ISTEA measure requires that 10 percent of the amounts made available under certain titles of the act shall be set aside for small business concerns owned and controlled by socially and economically disadvantaged individuals. The provision goes on to define "socially and economically disadvantaged individuals" by cross-reference to section 8(d) of the Small Business Act.

If you go to that section, you will find that a Government contractor shall presume that "socially and economically disadvantaged individuals" include black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities. The net effect of these provisions is that if two bids come in from two subcontractors, one owned by a white male and the other by a racial minority, and the bids are the same, or even close, the job will go to the minority-owned company, not the low bidder.

I find this objectionable as a matter of public policy. But the question facing the Senate is more than a debate over policy. The U.S. Supreme Court has made it clear that a constitutional principle is at stake. Members of this body have differed on the question of whether the Government should treat people differently solely because of their race. Personally, I believe that we all desperately want a future of racial reconciliation in which race is simply no longer relevant. People of good faith can differ on how best to achieve racial harmony. My own view is that the best way is to usher in a future of racial reconciliation by ending race-conscious Government programs, starting today. You don't end racial discrimination by promoting racial discrimination.

But, while the race-based set-asides in ISTEA are part of this broader debate about whether the Government should let racial factors cloud its decisions—a debate that raises difficult questions—the ISTEA race-based set-asides are an easy case. In the first place, the particular race-based set-asides in the transportation bill represent an issue of constitutional principle.

We cannot evaluate these set-asides as if we were legislating on a blank slate. The Supreme Court, and now a Federal district court on remand, have considered these set-asides and declared them constitutionally suspect. These courts did not consider a similar program, or a related program, but the exact program that is at issue today.

In the 1995 Adarand decision, the Supreme Court held that race-based Government programs are subject to the most exacting level of scrutiny. The Court rejected the notion that the Government's use of race should be subject to a more relaxed standard because the Government's stated purpose was assisting rather than disadvantaging racial minorities. Instead, the Court made clear that when the Government makes distinctions on the basis of race, it is engaging in a dangerous business, and such laws will survive only if they are narrowly tailored to serve a compelling Government interest.

The Supreme Court stopped just short of declaring the program unconstitutional, leaving that task for the district court after any additional development of the record that was necessary. In June of last year, the district court to which the Supreme Court referred the measure confirmed what seemed obvious; namely, that the Federal Government's race-based set-asides were unconstitutional under the Supreme Court's demanding test of strict scrutiny. As Judge Kane emphasized, the race-based presumption of economic disadvantage is both over- and underinclusive. Indeed, the district court said it is not narrow at all; it is both too broad on the one side and too narrow on the other side. It fails because it is not narrowly tailored. Judge Kane observed that the Sultan of Brunei—I assume because this is an

Asian Pacific person, a minority—in spite of being one of the wealthiest persons in the world, would qualify because of race-based consciousness that is specified in the act and would presumptively qualify as a disadvantaged business entity. The district court understands that if you are trying to correct social and business disadvantage, economic disadvantage, and instead of using something that is narrowly tailored to address social and economic disadvantage you use something as broad as race, you are using a category which is overly broad and can't be considered to be strictly tailored—can't be said to be narrowly tailored.

We know there are individuals in the Asian Pacific ethnic group or minority who are as wealthy as any individuals in our entire culture and some as poor as any individuals in our entire culture. The fact is that the racial identity of an individual does not carry an individual into the specific narrow category of being socially or economically disadvantaged.

My concerns with the effect of the court decisions on Congress' ability to reauthorize these provisions, led me to convene a hearing in the Constitution Subcommittee of the Judiciary Committee of the Senate, which I have the privilege of chairing, to examine the constitutionality of the provision. At that hearing we were privileged to receive testimony from Valery Pech, who, along with her husband, Randy, runs Adarand Constructors, the plaintiff in the Adarand cases. She provided the subcommittee with a firsthand look at how this program has operated in practice and the impact it has had on their business.

She testified how this program has caused their firm to lose several contracts, despite being the low bidder on the job. She has also testified that the beneficiaries of this program, which is purportedly targeted at disadvantaged business entities, are, in fact, well-established firms. It has already been noted on the floor of this Senate that most of the time those firms, when they win a contract, win it based on the fact that they are the low bidders, but when they are involved in this kind of contract for federally related tasks, they do not even have to be the low bidder.

I think it should be said that the general public of the country does not want to spend its money if it is not really helping someone who is needy, but just helping someone who is a part of a broad category to get a job which they don't earn by being the best in the competition. The American way is not to award the prize to the one who has this race or that race, or has this disadvantage or that disadvantage by the law. The American system has been to reward achievement and merit. This is a fundamental value of our culture. It is also reflected in our Constitution, and it was reinforced in the Adarand case, both at the Supreme Court level and on the remand. This is not the only set of cases that has decided this.

As a matter of fact, it has been represented on the floor that there has been no other case in which this has been decided. But I think, if not directly on point at least so similar that one could not ignore it, is the case of Houston Contractors Association v. The Metropolitan Transit Authority of Harris County. In that instance, it was another U.S. Federal district court which ruled, consistent with the U.S. Supreme Court, that such set-asides and quotas and preferences as are contained in the ISTEA bill are simply wrong. Those courts, I believe, would provide more than an adequate basis; they would provide a compelling argument that we adopt the amendment as propounded and proposed by the Senator from Kentucky.

The two Adarand decisions make plain the unconstitutionality of the ISTEA set-asides. But removing this provision from the bill as unconstitutional should be an easy decision for Congress for a second reason—the program uses race for a plainly impermissible end. The Constitution obligates the Congress to reject unconstitutional legislation whether or not the courts have, as here, already held the legislation unconstitutional. Wholly apart from the conclusions of the two Adarand courts, it is obvious that the ISTEA set-asides use racial classifications in an impermissible way.

Reasonable persons can differ as to whether the Constitution forbids the Government from using race as a factor in rectifying past racial discrimination. You might have a different situation if you were saying the statute set up a presumption that there had been racial discrimination and then used race as the basis for rectifying that racial discrimination. That is not what the Disadvantaged Business Enterprise Program does.

As its name suggests, the Disadvantaged Business Enterprise Program seeks to assure that a certain percentage of Government contracting dollars flow to—and here are the words—"socially and economically disadvantaged individuals."

The statute then defines a disadvantaged business enterprise as any business owned by members of certain ethnic groups and, since 1987, businesses owned by women of any race.

In the statute, you say that you are trying to correct the problem, which is social and economic, and then you get to the remedy, and the remedy that is proposed is not based on social concerns, it is not based on economics; it is based on race.

The truth of the matter is that the Supreme Court says you have to narrowly tailor the remedy and focus the remedy on the problem, but here the statute says that there is a problem that is social and economic but then has a solution which is racial. Obviously, the district court even saw the humor of the lack of fit between problem and remedy. So far does the racial remedy miss the social and economic problem that it would allow the Sultan of Brunei, one of the richest people in the world, to be presumed socially and economically disadvantaged.

It is clear, you do not have to have a Supreme Court ruling, you do not have to have the district court rulings, you do not have to have a second district court ruling in the State of Texas to tell you this. I don't think you have to be a rocket scientist or law school professor. If the problem is social and economic and your solutions should be narrowly tailored, the solution should be social and economic. It should be focused on the problem. But instead of this statute focusing the solution on the problem of social and economic disadvantage, it focuses the solution on race, which wasn't something that was mentioned as the problem to begin with.

The notion that every small business owned by racial minorities is somehow economically disadvantaged is nonsense. It flies in the face of reality. As a matter of fact, it is an affront to many of the businesses owned by racial minorities or women in this country. Many are very successful. For us to presume that because a black person or a Hispanic person or an Asian person owns a business it is disadvantaged or it is economically failing is for us to engage in rank prejudice, in my mind.

I cannot imagine going up to someone and saying, "I see that your computer business is disadvantaged, it's economically failing, it needs Government assistance, you are a charity case."

"Why?"

"Because your race is a minority race."

That is un-American to me. It would be an affront to me if I were told that in spite of my balance sheet, in spite of my portfolio, in spite of the fact that we had orders backlogged, we couldn't supply the demand, in spite of the fact our profits were up, we were still economically and socially disadvantaged just because of the way we were born, the color of our skin. That is an affront to the dignity of the individuals that this law apparently hopes to protect.

I simply could not in good conscience go to my fellow Americans and say, "Well, your bottom line may show that you are successful and your stock may be worth millions and you may be getting lots of contracts and you may be beating everybody else in your business, but you're a failure because of your race," or "you are disadvantaged because of your race." That is something that we should not do as a country. Government should not go to people and say, "We're going to presume you're a failure, we are going to presume you economically can't make it, that you are socially disadvantaged because you are of a certain race or a certain ethnic minority."

I can't believe that. Why should we suggest that? We have seen time and time again, and we see it more and more frequently, people without regard to race, because of this economy. The economy of America doesn't make decisions based on race—look how many of the role models that are used in selling products all across this country are people of a wide variety of racial and ethnic backgrounds. Some of the most valuable endorsements in America are endorsements from people who, according to this law, would be socially and economically disadvantaged because of race. I would hate to tell some of those people they were disadvantaged. They might take out their wallet and buy me on the spot. They might buy everything that I own, and they could probably do it out of petty cash.

I think the day has passed when we as a nation should try to tell people because they are of a particular race that they have an economic or social disadvantage, when it is pretty clear, when the facts of the matter just might be incontrovertible that they are not disadvantaged.

At the hearing we held in the Constitution Subcommittee, a number of witnesses testified concerning the unconstitutionality of these set-asides and the futility of the Clinton administration's efforts to implement this flawed program and to continue to tell people that based on race alone they are somehow economically disadvantaged or unsuccessful. For example, Professor George LaNoue, of the University of Maryland, provided a detailed account of how the administration has failed to conduct the kind of detailed statistical analysis necessary to justify a race-based program. There is no evidence of how specific groups have been the subject of particular acts of discrimination and how the program is tailored to address these instances of discrimination. Thus, according to Professor LaNoue, there is no compelling interest to justify the use of race as a proxy or as a way of defining remedy in this context.

Other constitutional scholars focused on the critical lack of narrow tailoring in this statute. As Professor Eugene Volokh of the UCLA law school stated:

> The statute as now written . . . is not something that can be saved through any regulations. It seems to be fatally overinclusive, and that strikes me as an easy case that it is not narrowly tailored.

Easy case.

Professor Volokh's testimony reflects the fact that the Constitution allows the Federal Government to use race as a factor only in the rarest of circumstances and only with surgical precision. Well, surgical precision would probably have lopped off the Sultan of Brunei, I might say.

As the constitutional scholars on our panel concluded, the race-based set-asides in this bill are not drafted with sufficient precision or supported with enough statistical evidence to survive constitutional scrutiny.

I ask unanimous consent to have printed in the RECORD an excerpt of the written testimony of Professor LaNoue and the full written testimony of Professor Volokh.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE COMPELLING INTEREST BASIS FOR THE USE OF RACE AND ETHNIC CONSCIOUS MEANS IN THE U.S. DOT PROPOSED REGULATIONS FOR MODIFYING ITS DBE PROGRAM: AN ANALYSIS

(Excerpts of testimony before the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary U.S. Senate by George R. La Noue, Professor of Political Science, Policy Sciences Graduate Program, University of Maryland Baltimore County, and University of Maryland Graduate School Baltimore; Director, Project on Civil Rights and Public Contracts (Phone 410–455–2180); (Currently Visiting Scholar, Institute for Governmental Studies, University of California Berkeley) (Phone-510–527–6088), September 30, 1997)

Criticisms of the Administration's failure to produce information necessary to support a compelling interest or narrow tailoring with regard to the use of racial and ethnic preferences in federal procurement programs.

Despite the fact that more than two years have passed since the Supreme Court's decision in Adarand v. Pena, and despite the fact that the Justice Department and other federal agencies have devoted a considerable amount of their formidable resources to responding to Adarand, the federal government still have not produced:

1. Any findings about whether there has been any discrimination by any federal agency in the contemporary procurement process.
2. Any findings about whether any state DOT agency or any other state agency has discriminated in the award of federal contract dollars.
3. Any findings about whether there has been any underutilization of qualified, willing and able MBE contractors in federal procurement or federally assisted procurement as prime contractors or subcontractors. The federal government has completed no disparity study that could create the "proper findings" the judiciary requires of governments before they employ race conscious measures.
4. Any findings about whether, when MBEs bid on contracts, they are proportionately successful. No study or who bids on federal contracts has been released.
5. Any statistical analysis of whether the particular racial and ethnic groups granted presumptive eligibility are in fact disadvantaged because of patterns of deliberate exclusion or discrimination in recent years.
6. Any evaluation of the effectiveness of existing federal race neutral programs or the possibility of creating new ones.
7. On May 23, 1996, the Justice Department proposed "benchmark limits" for each industry which were intended to represent the "level of minority contracting that one would reasonably expect to find in a market absent discrimination or its effects." and to control the decision of whether race conscious means were necessary in federal procurement related to that industry. (61 Fed. Reg. 26042, 26045, 1996). These benchmark limits still have not been produced. ("Response to Comments to Justice Departments Proposed Reforms to Affirmative action in Federal Procurement," 62 Fed. Reg. 25650. 1997) The Department apparently thought such benchmark limits were essential to narrow tailoring and stated: "Application of the benchmark limits ensures that any reliance on race is closely tied to the best available analysis of the relative capacity of minority firms to perform the work in question—or what their capacity would be in the absence of discrimination." (61 Fed. Reg. 26042, 26049, 1996).

Given this premise, the failure to develop the benchmark limits suggests federal goals are not narrowly tailored.

TESTIMONY BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS OF THE U.S. SENATE COMMITTEE ON THE JUDICIARY

(By Eugene Volokh, Acting Professor of Law, UCLA Law School)

1. THE ISTEA IS UNCONSTITUTIONAL

There are hard cases and easy cases under the Supreme Court's race discrimination jurisprudence. This is a pretty easy case.

To be constitutional, a racially discriminatory program must be narrowly tailored to a compelling state interest. The ISTEA is not narrowly tailored in at least four ways:

A. Overinclusiveness. I know of no evidence that, say, South Asians or Cuban-Americans, or Spanish-Americans, or East Asians are currently suffering from massive race discrimination or the legacy of past discrimination. Doubtless there's some discrimination against these groups, just as there's some against Jews (my own ethnic group), Italians, Irish, and others. But there's no evidence that there's anywhere near enough discrimination to justify preferences for these favored groups, or to explain why Afghans, who are not seen as South Asians, should be treated differently from Pakistanis, who are.[1]

This alone makes the ISTEA unconstitutional under the Court's decision in City of Richmond v. J.A. Croson Co.,[2] and unconstitutional in a way that no regulations can fix, because the statute itself contains the impermissible classifications and the regulations must remain consistent with the statute.

B. Mismatch between the alleged discrimination and the remedy. "Narrow tailoring" means that the racial classification must closely fit the government's interest in remedying discrimination; but the remedy here simply doesn't correspond to the alleged discriminatory conduct.

Consider, for instance, the supposed lending discrimination against minority-owned businesses. If indeed lenders are refusing to lend to qualified minority businesses, the narrowly tailored remedy is to prevent or compensate for this refusal: For instance, to set up a corporation that will lend to all qualified businesses that have been passed over by other lenders. In fact, if these businesses are really qualified, then there's money to be made doing this; the remedy can thus even be self-funding.

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[1] Footnotes at end of article.

But the statute doesn't contain any narrowly-tailored remedy like this. Instead, it provides a set-aside to all minority-owned businesses, whether or not they have suffered from discrimination in lending, with absolutely no program that specifically addresses the supposedly grave problem of lending discrimination.

In fact, the statute's "remedy" here is actually perverse, helping those who seem to need help least. Those businesses that benefit from the set-aside are the ones that ultimately did get the loans they needed. Those that suffered most, that couldn't get the loans, are out of business and aren't helped by the set-aside at all.

C. The need for a race-neutral alternative. The lending example would also be a race-neutral remedy—it would help all businesses that were unfairly denied funding, regardless of their owners' race. The Court has clearly said that race-based remedies are allowed only when race-neutral alternatives are unavailable.[3] But the statute imposes a set-aside that's required regardless of the availability of race-neutral solutions.

D. The need for geographical tailoring. Different parts of the country have wildly different ethnic compositions. Hawaii, which is majority non-white, is a very different place from Maine, and you'd expect very different levels of minority participation in each state's contracting industry.

Likewise, different parts of the country have different levels of participation by women in contracting, and different levels of ethnic discrimination against different ethnic groups. Having a uniform set-aside throughout the country, regardless of all these factors, is the opposite of narrow tailoring.

This is a somewhat controversial point; for instance, the *Adarand* trial court has taken a different view.[4] Still it seems to make common sense. If contracting discrimination against minorities in one state is largely eradicated—or if the paucity of minority contractors in that state is caused by the small minority population in the state—then it's wrong to discriminate against whites there just because substantial discrimination against minorities continues elsewhere. Congress is quite right to try to create nationwide remedies, but "narrow tailoring" consists of creating nationwide remedies that are tailored to local conditions, not remedies that treat the entire country as one undifferentiated mass.

Perhaps someone can propose some statutory changes that will make ISTEA's race preference program constitutional. I doubt that this is possible, but one can't know until one sees the specific proposal. But in its current form ISTEA is clearly invalid.

2. CONGRESS'S CONSTITUTIONAL DUTIES

In *Adarand Constructors, Inc.* v. *Pena*,[5] the Court held that race classifications must pass strict scrutiny. This means that the Court will strictly scrutinize them, but it also means that Congress must strictly scrutinize them, too. Before Congress enacts any racially discriminatory program, Congress itself must verify that the program is indeed narrowly tailored to a compelling state interest.

This is especially so because the Court has suggested that it may in some measure defer to Congress's factual findings. Though the Court never abandons its own duty to independently review the facts, it acknowledges Congress's factfinding capabilities, and thus listens carefully to Congress's judgments.

This deference, then, would mean that the Court is trusting Congress to do the right thing: To look at the facts carefully and skeptically, and to make sure that race preferences aren't just politically convenient or seemingly useful, but genuinely and ineluctably necessary. Congress's solemn constitutional obligation would thus be made even graver by the fact that a coordinate branch is relying on Congress's faithful discharge of its duties.

3. A PRACTICAL NOTE

So far, I have made two rather technical legal points; I'd like to briefly step back and make a more practical one.

People on both sides of this debate share a common goal: To eliminate discrimination. That's why the government properly demands that contractors not discriminate. But under ISTEA, the government in the same breath tells the Adarand Constructors of the world: "While we're demanding that you not discriminate—while we're telling you that race discrimination is a horrible evil—we're at the same time proudly discriminating against you because of your race. You must never treat an employee or a subcontractor worse than another because he's black or Hispanic or Asian. But we are treating you worse than others because you're white."

Is that fair? And will it really work towards our shared goal of ending discrimination? It seems to me the answer to both these question is "no."

FOOTNOTES

[1] In theory, the presumption of social disadvantage is rebuttable—but mostly in theory. In practice, neither the federal government nor state grant recipients have a duty to investigate whether a supposedly "disadvantaged" minority is indeed disadvantaged. *Adarand Constructors* v. *Pena* 965 F. Supp. 1556, 1565 (D. Colo. 1997). In fact, state grant recipients are *required* to presume disadvantage until a third party comes forward with contrary evidence. 49 C.F.R. pt. 23, subpt. D, app. A.

Moreover, while members of favored racial groups get the benefit of the presumption, members of other groups who are also socially disadvantaged have to show this disadvantage by *clear and convincing evidence*—a far higher standard than the conventional "preponderance of the evidence." 13 C.F.R. §124.105(c).

The deck is thus stacked very much in the direction of treating the racial presumption as being essentially dispositive.

[2] 488 U.S. 469, 506 (1989).

[3] *Adarand Constructors, Inc.* v. *Pena*, 515 U.S. 200, 237-38 (1995); *Croson*, 488 U.S. at 507.

[4] *Adarand Constructors, Inc.* v. *Pena*, 965 F. Supp. 1556, 1573 (D. Colo. 1997).

[5] 115 S. Ct. 2097 (1995).

Mr. ASHCROFT. Mr. President, the Constitution gives the Congress an important duty in upholding the Constitution. The oath we take to uphold the Constitution gives us an obligation to vote against unconstitutional laws. The hearing I held in the Constitution Subcommittee convinced me that this is clearly one of those unconstitutional provisions that should be removed from the statute.

I yield the floor.

Mr. MCCONNELL. Mr. President, can I say very briefly to the Senator from Missouri how much I appreciate his fine addition to this debate and how grateful I am for his leadership on this important issue, as well as the distinguished Senator from Alabama, the current occupant of the Chair. They both understand the issue well and make an important contribution to the debate.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I yield myself, with the permission of the manager, such time as I may use.

I have listened carefully now to a number of the arguments for the amendment of the Senator from Kentucky, and I am confident that a good many of my colleagues will join me in adamantly opposing this amendment and, most important, the arguments and the approach that underlie it. This is a very, very significant debate for the Senate, and it is the first very significant confrontation, though it will probably—not probably, certainly—not be the last on the issue of race.

This is a fundamental challenge to an effort that this country has undertaken to make real the promises of our Founding Fathers and the fundamental values of our Nation: economic opportunity, equal opportunity, a chance to be able to share in the remarkable assets of our Nation.

I listened carefully to the Senator from Missouri, and one phrase in particular in his comments that he kept repeating was that the economy of America doesn't make decisions based on race; let me repeat, the economy of America doesn't make decisions based on race.

First of all, I respectfully submit to my friend from Missouri, the economy, per se, doesn't make the decisions; people make the decisions, people within the economy, CEOs of companies, boards of directors, shareholders, whole companies, individual employers, wholly owned subsidiaries. But it is individuals, it is the bosses who hire, it is the individuals who commit a company to a particular direction.

The fact is that individuals in America discriminate. Even in 1998 they discriminate, and anybody who believes that there is not sufficient level of discrimination with respect to women-owned businesses and minority-owned businesses, minorities themselves or women themselves within the marketplace is not looking at the statistics, is not looking at the cases, is not looking at the evidence which clearly documents the existence of that discrimination. I will say more about that in a minute, Mr. President.

There are three fundamental reasons why we should not accept the amendment of the Senator from Kentucky. Reason No. 1 is the program for disadvantaged business enterprises, the DBE Program, is constitutional. It will pass constitutional muster, contrary to the arguments that are being set forth.

Secondly, because of the discrimination that I have just broadly pointed to, it is necessary.

And thirdly, Mr. President, it works; it works brilliantly. There is no reason that we should take a program which already reaches out to a very small group of disadvantaged people and broaden the definitions so as to give more of the very little that goes to the disadvantaged to the vast majority who are already getting the vast majority of what the Federal Government expends in its programs.

I might add, there is, indeed, a compelling interest in the Federal Government making this kind of choice about how the Federal Government will expend Federal dollars.

Mr. President, let me point out, first of all, this is not a quota. It is a set-aside of a specific amount of money, but there is no specific direction as to who gets that amount of money. There is no quota of numbers of women, no quotas of numbers of particular races. It is open to any disadvantaged business enterprise.

And while we set aside a very specific sum of money, we do not allocate it with specificity. We set a national goal. And it is appropriate in this country to set national goals for what we will do to try to break down the walls of discrimination, the barriers against equal opportunity, in order to give people an opportunity to share in the full breadth of the upside of the economy of our Nation.

Mr. President, this goal is renegotiated annually. And it has worked very well to encourage disadvantaged business participation in these contracts. I add, most States have exceeded the 10 percent goal, but there is flexibility where it is needed. And existing law authorizes the Secretary of Transportation to lower that goal in order to respond to local conditions.

So when my colleague says that there has to be a level of flexibility, and it has to be narrowly defined, I respectfully suggest that part of that narrowness is met by the fact that the Secretary of Transportation has the ability to lower that goal under very clear circumstances.

I point out to my colleagues that since this program began, first as an administrative initiative in the late 1970s, and later by statute in 1982, it has been an extraordinarily successful tool for leveling the playing field in Government contracting and for remedying racial and sex discrimination, which still persist.

I add to my colleagues, where you have a showing of clear cases or a history or a pattern or instances of this kind of discrimination, we have an affirmative obligation, both a statutory one and a moral one, to make certain that we are going to do something very specific to respond to that kind of discrimination. And, as I will show, the evidence is so overwhelming as to what happens when you do not have it, that it is clear why there is a compelling interest for the Government to put this kind of effort into place.

Many of the firms that have been able to use the program, the women-owned firms or minority-owned businesses, literally would have been excluded from doing so altogether were it not for the DBE program. And it is not, as my colleague from Missouri said—he kept saying that since we set up this kind of goal, some people of race believe that they are at a disadvantage because of their race. Ask people who participate in the program. There are countless people who will tell you they never believed they were disadvantaged. They do not think they are disadvantaged today. In fact, it is only because of the existence of the program that they have been able to prove to people that not only do they not believe they are disadvantaged, but they are not because they can perform equally as well as any majority firm. And that, in fact, has been a record which has prompted many States to come back and be extraordinarily supportive of the program.

In 1996, I am pleased to say, Massachusetts exceeded its goal of providing 11 percent of the Federally assisted highway dollars to DBEs by providing about 13.6 percent in total to DBEs. And I add, in one multi-year project alone, Massachusetts provided 147 women-owned businesses and 227 minority-owned businesses with an aggregate amount of some $500 million of contracts. The program has been an enormous success and very well received, Mr. President.

So, let me look at the constitutional issue for a moment, if I may.

Contrary to the arguments of the Senator from Missouri, and others, I believe that a careful examination of the Adarand case will show that the Court made it very clear that "strict scrutiny," as he said, is the appropriate constitutional review standard. But that means that you then look to the "compelling State interest" and to the "narrowly tailored" definition in order to see whether or not it will pass muster.

Unfortunately, Mr. President, as I mentioned earlier, there are just countless examples across the country of what happens when you do not have this kind of effort. Although minorities make up over 20 percent of the population, minority-owned firms constitute only 9 percent of all U.S. construction firms, and a mere 5 percent of Federal construction receipts.

So you can see the sort of downward curve between total levels of population, levels of construction, and then levels of receipts with respect to the outlays by the United States to those firms.

Women own approximately 9.2 percent of the Nation's construction firms, but according to the Urban Institute's recent study, their companies earn only half of what is earned by their male-owned counterparts.

Now, let us look at this question of "narrowly tailored," Mr. President.

The DBE program is a very flexibly defined program. It allows for each State to respond to local conditions. By definition, by allowing each State to respond to the needs of that State, it becomes very narrowly tailored. In the implementation, the DBE program has authority to waive the DBE goal. It can waive it completely where it is not possible to achieve the goal in a particular contract or for a given year.

In addition, the Department of Transportation recently proposed regulations to modify the program even further so as to help with compliance with the Adarand test. So you cannot come to the floor of the Senate and measure the program exclusively by what might have been in place several years ago, since already proposed are a set of requirements that respond very specifically to the requirements of the Adarand test.

In fact, the Department of Transportation has received over 300 public comments in response to the proposed rules. And the States that commented on the rules overwhelmingly supported the Federal DBE program.

Let me call the Senate's attention to the specific regulatory changes which deal with this question of "narrowly tailored" and of "flexibility," and which clearly bring it within constitutional muster.

First of all, the Department of Transportation is building even more flexibility into the program by setting goals that reflect the availability and the capacity of DBEs in a given market. And the contract recipients will be allowed greater flexibility to consider local circumstances in formulating their plans to achieve DBE participation.

Second, States and localities implementing the DBE program will be directed to use race neutral—let me emphasize this. The Senator from Missouri kept saying the decision will be made on the basis of race. In fact, there are specific race-neutral aspects to the program, such as outreach, training, technical assistance, and simplifying bonding or surety costs in the bid preparation. And those are used in order to achieve as broad a DBE participation as possible before any race-based aspect of the program is used. So the race-based aspect is pushed way down to the bottom of the list of criteria—only if you cannot satisfy the goals by virtue of those original considerations.

Third, the new regulations will reinforce existing provisions to ensure that firms owned by wealthy individuals are not certified as DBEs and to clarify that non-minority individuals who have suffered discrimination can be certified as DBE owners and become eligible to receive the same program benefits as minority-owned DBEs.

Now, I do not see how anybody, examining those three regulatory changes as a consequence of the

Adarand decision, could say that that is not a legitimate effort to meet the standards of "narrowly tailored" and of "flexibility."

Mr. President, let me turn to the question of "compelling interest" and of "need." Because in addition to being constitutional on its face, it is my judgment that only at peril could you turn your back on the reality of what has happened in many parts of our country.

In some States, the State DBE goals were repealed. So let us look at what happened where they were repealed, Mr. President. Was it a neutral reaction? No. Was it a marginal reaction? No. In point of fact, it was a draconian step backwards. Without a State goal for DBEs, the contracts to women-owned and minority-owned construction businesses in a number of different States plummeted.

We see prime contractors that use DBEs on Federally-assisted construction projects which had DBE goals often excluded DBE goals on State projects where there were no State goals. So in other words, you could have a company come in and they would be adhering to the Federal standards, but where there was no State goal they made absolutely no effort whatsoever in order to try to reach out to a disadvantaged businesses in their State-sponsored contracts.

In Michigan, just to take one example, within 9 months of ending the State DBE program, minority-owned businesses were completely shut out of the State highway construction projects. They received no contracts at all. By 1996, there was a tiny rebound to 1.1 percent, representing only 31 subcontracts. This compared to Michigan's Federal DBE participation of 554 subcontracts worth 12.7 percent. That is the difference, Mr. President—12.7 percent versus first none—zero; then creeping up to 1.1 percent.

Louisiana experienced a similar disparity between Federal DBE participation, where the 1996 DBE negotiated goal was 10 percent, and State participation where there was no State DBE program. In Federally assisted projects, disadvantaged women-owned and minority-owned contractors received 160 prime and subcontracts worth 12.4 percent of Louisiana's Federal contract dollars, compared to a State participation in a mere two prime contracts and 12 subcontracts. That was worth only .4 percent of the State highway construction dollars.

In Hillsborough County, FL, awards to minority-owned contractors fell by 99 percent—99 percent—after the minority contracting program was ended.

In San Jose, CA, suspension of the city's minority contracting program in 1989 resulted in a decrease of more than 80 percent in minority business participation in the city's prime contracts.

Now, I ask my colleagues, is that just the economy of our country speaking, an economy at one moment that is capable of having 12 percent and at another moment, where they lose the incentive to do it, to drop down to zero, to drop down by 99 percent, to drop down by 80 percent, to have .4 percent at the State level while at the Federal level there are 12 percent? You could not have a more compelling interest if you tried, for understanding why it is that in this country we need to continue to break down those barriers of resistance. And there is nothing compelling in the proposal to take away from that marginal percentage and give it to those majority contracts and contractors who already are getting the lion's share of what we expend for transit and highway construction at the Federal level in this Nation.

Mr. President, as the Ranking Member of the Small Business Committee, I find two aspects of this McConnell amendment particularly troubling.

First, the amendment expands the definition of who is eligible for help to include the vast majority of construction firms. Now, I am in favor of helping small businesses. We have done a lot in the Small Business Committee to make sure that they are helped. As a group, they ought to receive a greater percentage of Federal contract opportunities. And I want them to. All of the growth in our economy comes from small businesses. In fact, I cosponsored a bill with Chairman BOND last year that raised the small business Federal contracting goal from 20 percent to 23 percent.

But this program is intended to help level the playing field for businesses owned by individuals that have historically suffered racial, ethnic, or sex discrimination in Federal construction contracting and that continue to suffer that kind of discrimination. It helps women-owned businesses, minority-owned businesses, and majority-owned businesses that have suffered discrimination. They receive about 15 percent of the Department of Transportation-assisted contract dollars.

Mr. President, the other 85 percent still goes to nondisadvantaged majority-owned companies. To increase the assistance to that universe of businesses that, according to the Federal Procurement Data Center, now receive 62 percent of contracts above $25,000, and a higher percentage of those below, would dilute the very salutary effects of the program on companies owned by truly disadvantaged individuals.

Second, and finally, the amendment proposes that the Senate substitute requirements for outreach compilations and directories of assistance and surveys of existing emerging businesses for the national DBE goal and the current DBE program. The proposed substitute program will be expensive to implement because of the detailed requirements for compilation and directories and the frequency with which updates have to be performed.

In addition to being expensive to implement, much of what is proposed as the substitute for the DBE program is simply duplicative of aspects of the existing DBE program and many of the Small Business Administration's programs that are already in place. Each year, the SBA provides outreach, training, technical, bonding, and surety assistance to thousands of Federal contractors through a wide variety of programs. Those programs include the SBA's procurement center representatives, its more than 950 Small Business Development Centers, its Women's Business Centers, and assistance provided through the procurement and minority small business staff in SBA's network of 69 offices throughout the country. It is hardly necessary to duplicate that or to come at it with some kind of add-on program.

Mr. President, time has shown that the DBE program works. It is a program that meets constitutional muster. It is a program that has a rational, national compelling interest. I hope that my colleagues will not undo what has proven to be of enormous benefit to countless minority- and women-owned businesses in the country. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I said to my colleague from Utah I will take less than 5 minutes.

The PRESIDING OFFICER. Who yields?

Mr. BAUCUS. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will keep it very simple. As a Senator from Minnesota, I rise in strong support of this Disadvantaged Business Enterprise Program, what we are calling the DBE program. For people who are watching, if you didn't catch it, it is Disadvantaged Business Enterprise Program.

This program sets out a goal of 10 percent of the highway construction funds. The attempt is to make sure that 10 percent of these funds go to disadvantaged businesses, and the focus is on "minority businesses" and businesses owned by women.

My State of Minnesota has essentially had the equivalent of this program since 1980. One of the reasons I am really proud of being a Senator from Minnesota is I think we have a really strong, progressive, justice tradition. In the last 5 years, Minnesota Department of Transportation has exceeded the 10 percent goal. We have been between about 11 and 13 percent for contracts that have gone out to "minority"-owned businesses and to women-owned businesses.

Mr. President, the important point to make for colleagues is that these businesses have been able to win these contracts because of a level playing field.

It has enabled them to get their foot in the door. They haven't been able to obtain these contracts because they have a bid that comes in higher than other contractors. Other things have to be equal. They don't get these contracts because they do shoddy work. It is because these are effective businesses that do good work. What you have is a situation where around the country we have made the argument through this Disadvantage Business Enterprise Program, we are serious about entrepreneurship.

We think it is indeed better that the people who make the capital investment decisions in the communities we live in are people who own businesses and live in those communities, not people who make decisions over martinis halfway across the world. We are not talking about big multinational corporations.

Insofar as we are focused on our local economies and insofar as we are talking about entrepreneurship, I will tell you, as a member of the Small Business Committee, I have loved working on these issues. I am not ashamed to say that small businesses have been my teachers. I was a teacher, a college teacher. I never owned a small business, and I have learned a lot about what it takes to do so. But it is absolutely true that most of the growth in our economy is in the small business sector.

It is absolutely true that if we want to expand opportunities and if we don't want to turn our gaze away from an unpleasant reality, which is that we still have discrimination in our country—does anybody believe that America is blind to issues of race? Does anybody believe that we have conquered all of this? Does anybody believe that we don't want to try and redress some major historical grievances? That is what we are doing through this program.

It does just what the title says—it is the disadvantaged business enterprise program. It sets a goal of 10 percent of highway money going to these contractors which are owned by minorities and women. It has been enormously successful in the State of Minnesota. We exceed that goal. It enables people to get their foot in the door, start their businesses, and then they become successful in a whole lot of other areas as well.

I think then you have this kind of marriage between, on the one hand, trying to expand opportunity, on the other hand trying to correct a historical injustice, and—although there are only two hands—on the third hand, also being serious about promoting entrepreneurship, also being serious about making sure that women and people of color in our communities are able to obtain some of the funding that comes out of these contracts.

Instead, it will be a close vote. I hope we win. I think we should win. I do not believe that the U.S. Senate ought to be turning the clock back 30 years. I think we should be moving forward. I think a vote which would eliminate this program, the DBE program, would be an enormous step not forward for expanding opportunities, not forward for promoting entrepreneurship, not forward for women and minorities having these opportunities, it would be a giant leap backward.

That is why I come to the floor to speak in behalf of this program.

Mr. McCONNELL. Mr. President, I yield the distinguished Senator from Utah such time as he may need.

Mr. HATCH. I thank my colleague.

Over 30 years ago, the U.S. Senate passed the Civil Rights Act of 1964. It was historic legislation, and its supporters showed great moral courage in seeing it through.

The principle underlying that act was equal treatment: The Federal Government should treat all persons equally, regardless of their race, color, national origin or sex. Indeed, it should mandate equal treatment from employers, labor unions, providers of public accommodation as well as many others.

Now, contrary to popular mythology, however, the Senate was not ahead of the moral curve when it passed the 1964 act. Polls taken at the time show that a majority of Americans supported the legislation. Indeed, they continue to support it. They know that its principle is fundamental. The U.S. government has no business making distinctions based on skin color or sex. Period.

But there were many vocal opponents too. It is important to give credit to the Members of the Senate who resisted those opponents by passing the legislation.

Somewhere over the course of the last generation, the Federal Government started to fall away from the 1964 act's fundamental principle. In the name of "affirmative action," is substituted a policy of preference based on race and sex for the policy of equal treatment. And that is why the term "affirmative action" sometimes has a bad connotation. The fact is, affirmative action calls for outreach, job training, education—those type of things I think everybody is for, and certainly I am for.

I have no doubt that the supporters of preferences were—and still are—well meaning. They wanted to do something about this country's very real history of racial and gender inequity. But the policy they created stood the color- and gender-blind principle of the 1964 Civil Rights Act on its head.

I believe that it was a serious error to compromise one of our most fundamental principles. Despite assurances from preference supporters that these programs will be only temporary—lasting for a few years at most—preference programs now permeate the Federal Government. Rather than withering away, they are showing a remarkable tendency to expand. New programs are added. New groups demand to be included. Under one program, preferences are now available to no less than 40 ethnic groups.

Each time such an expansion occurs, we become less like the color- and gender-blind country that we aspire to be and more like those countries where an ethnic spoils system has been a way of life for centuries.

Who would have thought it would be so difficult for the Federal Government to reclaim the moral high ground? The public has never supported preferences. They have been demanding a return to equal treatment since preferences were first implemented. But the Federal Government's decision to compromise its principles has proven to be habit forming. Despite the public's support for a return to equal treatment, many of our Nation's leaders have refused to stand up for principle.

Even the most indefensible programs are tough to eliminate. ISTEA mandates that "not less than 10 percent" of Federal highways and transit funds be allocated to "disadvantaged business enterprises," which firms owned by designated minority groups are presumed to be. It is a set-aside, pure and simple.

Now, I might add here that these so-called disadvantaged business enterprises need not be actually disadvantaged. Minority business owners who qualify for this program need not be poor or even middle class. The secret about this program is that, like many racial and gender preference programs, its beneficiaries are quite often wealthy. It is worse than no help for those—of all races and ethnicities—who could really use a helping hand. Such programs lull the good people of this Nation into believing that something's being done when in fact little or nothing is being done to help out those who really need the help.

If any set-aside program ought to be eliminated, this should be the one. It is the very same program confronted by the Supreme Court in the 1995 landmark case, *Adarand Constructors* v. *Pena*. At that time, the Court laid down a standard of strict scrutiny for this program and others like it. Under such a standard, the program is unconstitutional unless the Federal Government can demonstrate a compelling purpose and has offered a solution that is narrowly tailored to serve that purpose. It's a tough standard to meet, but it's the standard our Constitution demands.

Last year, on remand, the District Court in Colorado applied the strict scrutiny standard and found this program to be wanting. The Court therefore held the program to be unconstitutional. That was after the Supreme

Court had remanded it to the court to determine whether it deserved to see the light of day and the District court of Colorado in applying the scrutiny standard found this program to be unconstitutional.

That decision was no fluke. Since the Supreme Court's decision in *Adarand*, set-aside programs have been consistently found to be unconstitutional by the Federal courts. Yet, the bill being considered by the Senate blithely reauthorizes the program. In doing so, it ignores our responsibility to bring the program into compliance with the Constitution. That is a responsibility we cannot shirk.

The U.S. Senate is now seriously behind the moral curve on this issue. The public supports a return to principle. The courts are demanding it. The proposed amendment can do that. It eliminates set-asides based on race and sex and substitutes a non-discriminatory program of assistance for "emerging business enterprises," something that most of us can agree on. It will help put us back on the right road. I urge you to support it.

Now, if you want the litany of the 40 ethnic groups, here it is: African Americans, Hispanic Americans, Native Americans—including American Indians, Eskimos, Aleuts and Native Hawaiians, Asian-Pacific Americans—including persons from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia, Vietnam, Korea, the Phillipines, the Republic of Palau, the Marshall Islands, Micronesia, the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, and Nauru, and Subcontinent Asian Americans—including persons from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldive Islands and Nepal. Just think about that. What we are doing is creating all kinds of special interest groups who are vying for these programs and, in the end, the wealthy are getting them anyway. But if we have the amendment of the distinguished Senator from Kentucky, we will be providing an opportunity for those truly emerging businesses that are disadvantaged.

To me, I see a tremendous difference between the language in the bill and the language proposed by the Senator from Kentucky, and I think the language proposed by the Senator from Kentucky is constitutional, where the language in the bill is unconstitutional.

I yield the floor.

Mr. McCONNELL addressed the Chair.

Mr. CHAFEE. Does the Senator have a short request? I wanted to speak.

Mr. McCONNELL. I thank the distinguished Senator from Utah. He has been a leader in this field of getting rid of unconstitutional quotas and preferences, and has been one of the principal cosponsors of the bill to eliminate all of the unconstitutional quotas and preferences in the Federal Government. I thank the Senator from Utah for his support and contribution to the debate.

Mr. CHAFEE. Mr. President, I have great affection for the Senator from Utah, but I don't greet his remarks with the enthusiasm that the Senator from Kentucky has.

The truth of the matter, Mr. President, is that this is the wrong amendment, at the wrong time, in the wrong place. Why do I say this? This is a transportation bill that every single one of us in this Chamber knows is a very important and difficult bill. Trying to balance everybody's interest has been very, very difficult. There isn't a Senator in this place who doesn't know exactly how much his or her State was getting under ISTEA I, then how much under the first proposal of ISTEA II, and finally how much under these new proposals. And all of them want more. As I say, trying to satisfy all of these senators is very difficult.

To come forward with an amendment like this doesn't help. It flies right in the face of an October 1997 letter sent to the majority leader by the Secretary of Transportation. In that letter, which was sent when we first brought up this bill last fall—and there have been no changes in his position since then—Secretary Slater talks about the President's view on this whole Disadvantaged Business Enterprise, or DBE, Program. He closed his letter by saying this:

> This critical effort to achieve equal opportunity must continue. Removal of the DBE program from S. 1173 would be a serious blow to our efforts to assure fundamental fairness to the citizens of this country. I would find it difficult to recommend ISTEA reauthorization legislation to the President for his signature that did not include the DBE program.

This is a gentle way of saying, listen, folks, if you knock out the disadvantaged business enterprise section of S. 1173—which is exactly what the Senator from Kentucky is proposing to do—then there is going to be a veto of this legislation.

I see the Senator from Utah here. If I could get his attention for a moment. Now, he spoke against the DBE provision of our bill. But my question is, why pick on the provision in our bill? It is my understanding that similar affirmative action language is contained in some 160 different federal statutes or regulations. The Senator from Utah chairs the Judiciary Committee—and certainly he is masterful in that role, with all the great powers that supposedly appertain to the chairmanship of a committee—and thus out of that committee comes legislation he wants and bottled up in that committee is legislation he doesn't want. I notice that the Senator from Utah now has before him, in his own committee, legislation to eliminate all federal affirmative action programs, not just this program. So I am asking him—don't pick on our little program here that we are desperately trying to get through. Imagine, here is an amendment that puts the whole bill under the threat of a veto if it is adopted. If the Senator wants to debate affirmative action at the federal level, I would say to him, go ahead and deal with that issue in your own committee. Don't pick on our program. I can't name all 160 federal affirmative action programs, but certainly there are Small Business Administration programs and many others that have special provisions for disadvantaged parties.

So if the senator so wishes, go ahead and do a generic bill on eliminating affirmative action, and go ahead and have it out here on the floor. But I feel helpless here as you all come forward with a amendment like the one the senator from Kentucky has offered on our bill.

Mr. McCONNELL. Is the Senator asking a question?

Mr. CHAFEE. I retract that word "helpless." I feel frustrated. I am not totally helpless.

Mr. McCONNELL. Mr. President, if the Senator was asking a question about why the Supreme Court and the district court ruled this provision unconstitutional, I say to my good friend that it cried out for correction.

Mr. CHAFEE. Let me answer that quickly. There may be many arguments against the DBE, but I must say that your weakest one is this so-called unconstitutional argument. We all know about the constitutionality issue. In 1995, the Supreme Court handed down a decision in *Adarand* v. *Pena*. In Adarand, the justices specifically said that federal affirmative action programs are not unconstitutional. As long as the programs meet a compelling governmental interest and are narrowly tailored, then they can pass constitutional muster. Now, US District Judge Kane, to whom the case was remanded, ended up holding that part of the DOT regulations were unconstitutional on the grounds they were not narrowly tailored. But that is going to be corrected under the new regulations that are due out this spring. So as I say, of all your arguments, that really is the weakest. As a matter of fact, I will give you an opportunity to jettison that argument, if you want.

Mr. McCONNELL. I say to my good friend from Rhode Island, there has been no compelling interest found here, no such finding at all. I guess——

Mr. CHAFEE. Wait a minute. I don't want you to get on with that. Judge Kane found there was a compelling interest.

Mr. McCONNELL. But not narrowly tailored. There have to be two standards: narrowly tailored and compelling interest. Narrowly tailored was not met and, consequently, this effort to jimmy around with the regulations is not going to cure the problem. What is going to happen, if the Senator is successful in defeating the amendment, is that some other plaintiff is going to have to bring some other case, at a cost of thousands in legal fees, to get this struck down one more time.

Mr. CHAFEE. Mr. President, I haven't heard from the Senator from Utah, the distinguished chairman of the committee who has power over all these affirmative action programs. Why doesn't he go after all of them? That would be a rather magnificent effort. It certainly would shake things up. The senator could come to the Senate and try to get rid of all 160 different affirmative action programs. Why doesn't he do that instead of picking on the highway program? Go after all of them. There is a suggestion for you. I certainly would not support that effort, but I am saying that if you really want to get into an affirmative action debate, why you don't do that, through your committee.

Mr. HATCH. If the Senator will yield, let me just say that we are going after all of these preferential programs. This is the first of the 160. We may have to do them one by one, because it is very difficult to even get an all-embracing bill up. But whether we go after them one by one or en bloc, it is important that we go after them. If we allow them to go on, we will be violating one of the basic principles of the Constitution—that is, treating people equally. We will be violating the actual, legitimate, straightforward language of the Constitution and the 1964 Civil Rights Act, which provide equal opportunity for all, not for a select few.

Now, with regard to this particular bill, I want to compliment my dear friend from Rhode Island and my friend from Montana, the two distinguished Senators, because they have carried what is a very difficult bill all the way to this position. I am not here to give them a rough time, but I do think that it's time that we do something about these unconstitutional set-asides and preferences. Whether we do it individually, each of the 160 programs, or whether we do it en bloc, it's time to try and set the record straight with regard to how these funds should be used.

Now, if the distinguished Senator from Kentucky were asking to prevent disadvantaged businesses from benefiting from these funds, I probably would part company with him. But he has a specific provision in here that would help emerging new business enterprises that otherwise might have difficulty competing to obtain some of this money. I heard one of our colleagues talk about various companies—I think it was the Senator from Minnesota—he talked about companies owned by minorities and women who literally deserve a right to compete because they are very competent and very good. Well, if they are very competent and good and they can compete, then they ought to compete for this work on the same terms and conditions as anybody else.

We should not be opening up a loophole here where companies that are very capable of competing have an absolute set-aside so they don't have to compete. I think that is what the Senator from Kentucky is doing. As far as I am concerned, I think we ought to go after these programs and straighten them out so they are not lacking in constitutionality—one at a time, or 10 at a time, or 160 at a time. Ultimately, I think we will probably vote on a full en bloc amendment. Until then, let's make these bills as constitutional as we can.

The PRESIDING OFFICER (Mr. HUTCHINSON). Who yields time?

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume. I see the Senator from Maine on the floor, so I will be brief. I want to just make a couple of points here.

One, I will reiterate a point made by Senator CHAFEE. We, in the Senate, have received a letter from the Secretary of Transportation, Rodney Slater, who said he would find it difficult to recommend to the President for signature ISTEA legislation that did not include the DBE Program, which has been noted in a statement that he would recommend the President veto this bill if the DBE Program is taken out.

I don't want to belabor this constitutionality argument, but it's clear that the Supreme Court did not rule that the Federal highway DBE Program in Colorado was unconstitutional. The Supreme Court did not rule it unconstitutional. It is clear. All Senators who have studied this know that. The Supreme Court said that program, like all affirmative action programs, must be subjected to a strict scrutiny test. That is what the Supreme Court held, that the Colorado public lands DBE Program had to be subject to the strict scrutiny test. That is all they held—nothing more, nothing less. The strict scrutiny test has two parts, compelling interest and narrow tailoring. Even the district court in Colorado said it looks like a compelling interest. So the only question is whether the program was narrowly tailored. A district court judge found, in his judgment, that it was not narrowly tailored. Well, that is one man's opinion. That is a district court judge's opinion. District court judges declare statutes unconstitutional all the time, only to find them overturned by the Supreme Court.

There is only one body that determines whether a statute is really constitutional or not, and that is the Supreme Court. The Supreme Court has not ruled up or down on the constitutionality of the program in Colorado. They have not ruled. In fact, the U.S. Government has filed an appeal on the district court decision. I have a letter from Associate Attorney General Raymond Fisher to Senator DASCHLE, which states that:

> As we discuss further below, we believe that the ISTEA program is narrowly tailored to meet this compelling interest and is constitutional under the Adarand standards.

The U.S. Government is going to appeal.

I ask unanimous consent that this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE ASSOCIATE ATTORNEY GENERAL,
Washington, DC, March 3, 1998.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: This letter responds to your request for the Department of Justice's views regarding the constitutionality of the Disadvantaged Business Enterprise (DBE) program of the Intermodal Surface Transportation Efficiency Act (ISTEA). I have been charged with supervising the Department's review of affirmative action programs at federal agencies, to ensure that such programs meet the constitutional standards enunciated by the Supreme Court in *Adarand Constructors, Inc.* v. *Pena*, 515 U.S. 200 (1995). The Congress has repeatedly found that racial discrimination and its effects continue, and that eradicating the effects of discrimination is a compelling interest. As we discuss further below, we believe that the ISTEA program is narrowly tailored to meet this compelling interest and is constitutional under the Adarand standards.

Under the ISTEA DBE program, the Department of Transportation takes steps to ensure that firms qualifying as disadvantaged businesses are made aware of contracting and subcontracting opportunities in federally assisted state and local construction projects, and that prime contractors use DBEs to do some portion of federally assisted construction projects. As explained below, Congress has found that without the use of affirmative action measures such as the ISTEA DBE program, minority-owned firms would be severely disadvantaged in federally assisted construction projects. The program serves a compelling interest and is narrowly tailored to accomplish that interest.

Congress originally established the federal highway DBE program in the Surface Transportation Assistance Act of 1982, based on a compelling record demonstrating that efforts were needed to ensure that federal highway dollars were not used to perpetuate the effects of racial discrimination on the ability of minority-owned small businesses to participate in government contracting opportunities. Indeed, the Supreme Court in 1980 addressed a very similar provision involving federally-assisted public works projects. See *Fullilove* v. *Klutznick*, 448 U.S. 448 (1980). The Court analyzed a number of Congressional studies and reports issued prior to the provision at issue there, and found that "Congress had abundant evidence from which it could conclude that minority businesses have been denied effective participation in public contracting opportunities by procurement practices that perpetuate the effects of prior discrimination." 448 U.S. at 477–478.

Since that time, Congress has continued to oversee the DBE program and has frequently reevaluated the continuing need for it. See, e.g., The Disadvantaged Business Enterprise Program of the Federal-Aid Highway Act: Hearing Before the Subcomm. on Transp. of the Senate Comm. on Environment and Pub. Works, 99th Cong., 1st Sess. (1985) (testimony on need for program and capacity of minority-owned firms); Review of the 10-Percent Set Aside Program, Section 105(f) of the Surface Transportation Assistance Act of 1982: Hearings Before the House Comm. on Small Business, 98th Cong., 2d Sess. (1984) (testimony on problems faced by DBEs).

On the basis of extensive evidence that the effects of discrimination continue to hamper the efforts of minority firms to compete equally in public construction contracting, Congress has twice reauthorized the program, first in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (which also added a provision including women-owned businesses in the program[1]), and again in 1991 in ISTEA. In 1987, Congress expressly found that "barriers still remain" to full participation by minorities and women in the highway and mass transit construction industry. S. Rep. No. 100–4 at 11. The House Committee on Small Business found "discrimination and the present effects of past discrimination" caused minority businesses to receive "a disproportionately small share of Federal purchases." H.R. Rep. No. 100–460 at 18 (1987).

The compelling interest that supported the DBE provisions of prior legislation still exists today. Congress has continued through the 1990s to hear testimony and review statistical evidence supporting the ongoing need for race- and gender-conscious measures to ensure that minority- and women-owned firms are not disproportionately excluded from federally assisted highway and transit projects. For example, in 1994 the House Committee on Government Operations found that minority-owned firms face particular difficulties in the construction industry due to negative perceptions by commercial lenders and domination of the industry by "old buddy" networks and family firms. H.R. Rep. No. 103–870 at 6–8, 15 & n.36 (1994). One particularly troubling area is discriminatory treatment in obtaining credit and bonding, which creates a negative cycle in which minority firms are unable to overcome their perceived high-risk status. See, e.g., Discrimination in Surety Bonding: Hearing Before and Subcomm. on Minority Enterprise, Finance, and Urban Development of the House Comm. on Small Business, 103d Cong., 1st Sess. 2–3, 7–9, 16, 18, 25–26, 41 (1993); Availability of Credit to Minority-Owned Small Business: Hearing Before the Subcomm. on Financial Institutions Supervision, Regulation and Deposit Insurance of the House Comm. on Banking, Finance and Urban Affairs, 103d Cong., 2d Sess. 19–20, 22, 27 (1994). See generally 61 Fed. Reg. 26,042 26,057–26,058 (1996). Congress's examination of these problems demonstrates quite clearly that discrimination is in part responsible for the condition of firms owned by minorities and by women, and that remedial action is still necessary to ensure that the effects of discrimination do not prevent minority- and women-owned small businesses from competing on an equal footing for the federal expenditures that will be authorized in the new highway and mass transit bill.

In addition, the ISTEA program is narrowly tailored to meet the compelling interest identified by Congress. The ISTEA goals are not quotas, are renegotiated on an annual basis and are not mandatory. Rather, the program allows recipients the flexibility to determine the level of DBE participation appropriate to current local conditions. Moreover, under the current program, agencies are permitted to waive goals when achievement in a particular contract, or even for a specific year, is not possible.[2]

Recent regulations proposed by the Department of Transportation will further ensure that the ISTEA's DBE program is operated in a constitutional manner. The new regulations would require the state or local goal for DBE participation to be based on an assessment of the availability and capacity of DBEs in the state or local construction market. In this way, non-minority firms will not be unfairly disadvantaged by the use of affirmative action measures. The regulations also direct states and localities first to use race-neutral means (such as outreach and technical assistance, or simplifying bonding or surety costs in bid requirements) to achieve their goals; where the state or locality achieves the goal in that manner, affirmative action measures that provide competitive advantages to DBEs would be unnecessary. The regulations also bolster provisions that ensure that firms owned by wealthy individuals will not be certified as DBEs, and clarify that non-minority individuals who also have suffered discrimination can be certified as owners of DBEs and therefore receive the same benefits that may be available to minority-owned DBEs. Finally, the new regulations expand methods by which challenges can be filed by third parties, as well as by state and local officials, where questions are raised about the bona fide status of any firm certified as a DBE.

In sum, as we have stated in defending the ISTEA program in court, the Department of Justice believes that the ISTEA program is constitutional.

Sincerely,

RAYMOND C. FISHER.

FOOTNOTES

[1] Courts have applied intermediate scrutiny to gender-based affirmative action programs, requiring that such programs serve important governmental objectives and be substantially related to achieving those objectives.

[2] The ISTEA program was addressed in *Adarand* v. *Pena*, 965 F.Supp. 1556 (D. Colo. 1997). On appeal, we have argued that the district court improperly reached the constitutionality of the ISTEA program.

Mr. BAUCUS. Here is another letter signed by many law school professors. I see 40 or 50, I don't know. They have the same conclusion—that the district court's decision in Colorado was wrong; that is, that the program is narrowly tailored and is constitutional.

Now, if that is not enough, the Department of Transportation has new regulations, which go even further, and with more flexibility, to make it even more clear that the program is narrowly tailored. Some Senators spoke up and said, gee, wealthy people are, under this definition, socially disadvantaged. Not true under the new regs. They have a net worth test. If you are wealthy, you don't qualify. There are lots of new provisions in the new regulations that will go into effect. They are in the drafting stage now.

Again, just because a district court judge says it is unconstitutional doesn't make it so. The only thing that does that is a decision by the U.S. Supreme Court. They haven't ruled on this.

Second, many think the judge is wrong—many. Finally, there are new regs which are much more flexible and which clearly make this narrowly tailored. For that reason, this is not unconstitutional because it is fair and helps people and it works. It should remain in the bill.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I yield the Senator from Maine such time as she desires.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, there is much in the amendment offered by the Senator from Kentucky that I support. I particularly support its expansion of outreach efforts designed to help emerging small businesses compete for Federal contracts.

I think that those specific provisions of the amendment offered by the Senator from Kentucky would truly be very helpful to a lot of small businesses regardless of their ownership. Moreover, I share the opposition of the Senator from Kentucky to numerical quotas. I don't like the numerical quotas that are in current law. Whether or not they are constitutionally suspect, they are certainly inflexible, and they are often unfair.

I am also opposed to creating a permanent entitlement or preference for businesses based upon their ownership by minorities or women. We should be providing such businesses a hand up, not a permanent handout. However, I believe that the amendment offered by the Senator from Kentucky goes too far. In my view, the programs funded under ISTEA should include a nonnumerical goal—not a quota, not a 10-percent set-aside, but a goal aimed at increasing participation by disadvantaged business enterprises.

Unfortunately, the Senator from Kentucky has indicated that he is unwilling to alter his proposal in this manner, and, for that reason, I am going to vote against his amendment.

Mr. President, we all talk about the legalities of this issue. But I would like to try to put a human face on the matter before us. Let me tell you of a specific example of the benefits of the Disadvantaged Business Enterprise Program, a specific case involving a woman from Maine named Tina Woodman. Tina, in her own words, went from being a waitress to being an ironworker, to being the president of her own company. As a matter of fact, I talked with Tina just this afternoon about her story, with which I was already very familiar.

Footnotes at end of letter.

Tina, after receiving specialized training, was able to go from being a waitress for 10 years to learning to be an ironworker, to opening up and becoming president of her own company, Maine Rebar Services. In fact, she and her company worked this past summer on the Casco Bay Bridge project in Maine, one of the largest construction projects our State has ever had.

By building her own business, Tina has not only been able to provide for her 6-year-old daughter, but for the first time in her life she has also been able to buy her own home. She told me, and her daughter told me, that the best part of this was that they could now plant flowers in their own front yard.

Every time I drive across or see the Casco Bay Bridge, I think of Tina Woodman, and I think of her daughter and the flowers growing in their front yard.

All of this wonderful story would never have come about but for the opportunity given to Tina through the Disadvantaged Business Enterprise Program. Hers is the kind of success story that this kind of program can bring about when it is properly applied.

Mr. President, we do need to reform this program. We need to make sure that it is carefully tailored so as to give people a little bit of a hand up so that they can participate in the American dream.

For this reason, Mr. President, I am going to reluctantly oppose the amendment offered by the Senator from Kentucky. I hope, however, that he and others will be willing to work with me in order to reshape these programs.

Thank you, Mr. President. I thank the managers of the bill, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I yield such time has he may need to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the 14th amendment to the Constitution of the United States relevant to this discussion reads "nor shall any State deny to any person within its jurisdiction the equal protection of the laws."

There was over an extended period of time a debate in the Supreme Court as to whether or not that equal protection clause, applicable by its terms only to States, applied as well to the Federal Government. The Supreme Court has decided that question essentially in the affirmative simply by stating that the fifth amendment to the Constitution, through its due process clause, incorporates the philosophy identical to the equal protection clause in the 14th amendment.

The next debate is over whether or not a nonmember of a minority has the ability to claim discrimination by reason of a provision like the one that is at issue here today. The Supreme Court in the Adarand case, a case already discussed at length during the course of this debate, says, "The principle of consistency simply means that whenever the Government treats any person unequally because of his or her race, that person has suffered an injury that falls squarely within the language and the spirit of the Constitution's guarantee of equal protection."

Finally, with respect to this provision here, the Court in that case said, "It follows from that principle that all governmental action based on race, a group classification, long recognized as in most circumstances irrelevant and therefore prohibited, should be subjected to detailed judicial inquiry to ensure that the personal right to equal protection of the laws has not been infringed. A free people whose institutions are founded upon the doctrine of equality should tolerate no retreat from the principle that government may treat people differently because of their race only for the most compelling reasons. Accordingly, we hold today that all racial classifications imposed by whatever Federal, State, or local governmental action must be analyzed by a reviewing court under strict scrutiny. In other words, such classifications are constitutional only if they are narrowly tailored measures that further compelling government interests."

As against that, what do we have here? The heart of the amendment proposed by the Senator from Kentucky strikes a section identical to the present law that says, "Except to the extent that the Secretary determines, otherwise not less than 10 percent of the amounts made available for any program under titles I and II of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals."

The dual statutory definition of "disadvantaged" deals with sex and with racial minorities.

Mr. President, I do not see that it can seriously be maintained that a national quota stating "no less than 10 percent" can possibly be justified under that Supreme Court language granting neutral equal protection of the laws of the United States to every single individual.

Clearly, the Supreme Court allowed a case-by-case evaluation of disfavored classes, mostly racial minorities, to determine whether or not they had suffered discrimination and, therefore, required specific aid in order to catch up and to be put on an equal plane. But nothing in the portion of this bill which the McConnell amendment would strike speaks to that kind of consideration. It simply says that all of those not defined as disadvantaged in our society are absolutely barred and prohibited from getting certain governmental contracts.

Once again, I read from the Supreme Court decision. "A free people whose institutions are founded upon the doctrine of equality should tolerate no retreat from the principle that government may treat people differently because of their race only for the most compelling reasons."

Not only are there no compelling reasons in this section of this bill, there are no reasons at all. Simply 10 percent of contracts are barred from being awarded to any person outside this disfavored class.

Is it any wonder that the district court on remand summarily entered judgment in favor of the plaintiff in that case? Of course. There is no possible way of finding this statute to be constitutional.

That district court opinion is now on appeal in the 10th circuit, I understand. It is possible that the ensuing decision may again be appealed to the Supreme Court. I would give 20-to-1 odds that the Supreme Court will simply deny certiorari since the conclusion is so obvious.

This does not mean that the sponsors of this bill could not have written in this bill a narrowly tailored specific set of preferences for people against whom specific discriminatory actions had been taken, tailoring it to meet the very requirements of the Constitution laid down by the Supreme Court in a decision, the result of which, it seems to me, was obvious.

But, Mr. President, the sponsors of this bill did not do that. Whatever excuse the authors of the previous proposal 5 years ago may have had, the authors of this bill had none. They know what is required in order to discriminate. They ignored the views of the Supreme Court. And they say, we don't care, we are going to continue this flat quota. This is not the affirmative action about which we have been having a legitimate debate over whether or not there ought to be certain forms of assistance provided to disadvantaged people. This is a debate about the most explicit quota one can possibly imagine and it is simply irresponsible for us to continue.

If the sponsors of the bill do not like the specific proposal that is substituted for this quota, proposed by Senator McCONNELL, fine. Let them come up with one that meets constitutional muster. I think they can. It is just that they have simply not done so to this point.

Mr. President, the preceding speaker has talked about what the advantages of the present system have been, in a simple case. I ask unanimous consent to have printed in the RECORD correspondence from a general contractor, Frank Gurney, Inc., in Spokane, WA.

There being no objection, the letters ordered to be printed in the RECORD, as follows:

FRANK GURNEY, INC.,
Spokane, WA, October 9, 1997.

Re McConnell amendment to the D.B.E. program for Federal aid highway construction.

Hon. SLADE GORTON,
Hart Senate Building,
Washington, DC.

DEAR SENATOR GORTON: We are a small subcontracting firm in Spokane, Washington. We specialize in highway guardrail and signing. More than 95% of our market is Federal, State or County agency work—funded mostly with State and Federal moneys. We are writing to you on the issue of Affirmative Action. We are *not* a "woman" or "minority" owned firm—we are simply Americans. My step-father, Frank Gurney, started the firm in 1959—my brothers and I working with him to build the business from nothing. We all worked very hard for a lot of years to make it a good sound company. Frank Gurney passed away in 1989 with the Affirmative Action quotas that discriminated against our Company as the worst nightmare he had ever experienced and could not overcome. Since Frank passed away the nightmare of discrimination for our Company goes on every week at the bidding table as it has for the last 14 years.

So then please find enclosed correspondence regarding the years of discrimination our firm has experienced.

Most Prime Contractors refuse to write these letters because they always fear litigation—they also know that they are in the middle of government mandated discrimination—that it is in fact not only Constitutionally wrong but morally wrong!

Please know that the intent of this letter is to inform you with our documentation of legislation that No. 1, is very constitutionally wrong and No. 2, does not work at all as intended.

Our M.B.E.—W.B.E. competitors in Washington are mainly Junio Corp. (D.B.A.)—Asian owned, and Peterson Corp. (W.B.E.—Woman owned, from Western Washington along with other out of State M.B.E. firm—Dirt and Aggregate Inc. of Oregon (? owned), Alexander—Martin of Boise, Idaho (W.B.E.) Women owned—Omo Construction of Billings Montana—M.B.E. (Indian owned). We compete with these firms at the bidding table here in the Northwest nearly every week. They are all strong well run firms that have been in business long before the era of Mandatory quotas. We welcome them as competitors on equal footing, but the D.B.E.—M.B.E. quotas in Federal and State funded projects is an unfairness that is very, very hard to overcome. They are larger firms than ours—they need no help—yet they continue to enjoy that advantage of being awarded work that they are not low bidder on simply because of M.B.E.—D.B.E. quotas in government contracts.

We have realized long ago that Affirmative Action attitudes are strongly entrenched in our government—and you as a politician (until possibly now) would view your vote against Affirmative Action as possible "political suicide" regardless of your inward belief—it just "seems so right" but is so wrong!

We like all conscientious Americans are very much in favor of helping the truly disadvantaged but reverse discrimination and quotas are not the way!!!

The thousands of dollars that our firm was low bidder on through the years could have easily paid for a teacher that would give 25 disadvantage minority children the economic, social and academic headstart that would help them to become responsible mainstream American citizens—but instead those dollars simply lined the pockets of a few that did not need help at all.

It is true—simply look into it with the Washington State Department of Transportation. We of course do not have access to exact numbers but we are most certain that if you were informed of the truth you would find less than 5% of registered M.B.E.—W.B.E. firms in Washington are doing more than 95% of the quota dollars and that most of these firms doing 95% of the dollars should have graduated from the program long ago—but they remain in the program simply because they are unchallenged. There is no course of action allowing the Washington Department of Transportation, The Idaho Transportation Department, or the Montana Department of Transportation or anyone else to challenge them. They are the same firms—week after week—month after month—year after year that fill the quota requirements. These firms then squeeze out and suffocate other smaller minority owned firms that try to get started. After an on going gift of 14 years—the large and established minority owned firms can and do price the small "Trying to get going" minority firm out and it is usually does not take very long at prices below cost to do so. So then none of the Department of Transportation want these larger firms out of their programs because they are needed to comply with the legislative quotas that come with Federal Dollars. We on the excluded side of this program are an exact mirror of the "Adarand" guardrail firm in Colorado which now is the focus of the Supreme Court ruling—and until now we all know that the courts of America have strongly ruled in favor of M.B.E.—W.B.E. regardless of the nature of litigation. Litigation that no small company such as ours could ever afford without financial ruination—which would occur before a challenge could ever be heard.

We are not insinuating that anyone in the Department of Transportation or any other agency is doing anything wrong—in fact they are simply doing their job carrying out the wishes of Congress. We are simply trying to display the poor investment of tax dollars under the stewardship of Congress that does not do as it was intended and is compounded with promulgating more discrimination—that very same discrimination that our country is trying to abate!!!

Our firm is not unlike any other small white male owned firm in America that suffer daily from the discrimination promulgated by the government of the United States in its contracting policies.

We believe that God created us all equal. The Constitution of the United States—the most powerful document of democracy the world has ever known, clearly was written by our Founding Fathers—that is God created all men equal then it follows that the document of the Constitution would be so written that is govern all men and women under it as equals. So then why are we not being governed equally? Our government now has preferences based on race and color—the Government has simply uprooted and set the Constitution aside and entered the business of discrimination.

It is wrong.

We, again would like to affirm that we are simply displaying our experience so that indeed you may be informed with knowledge of the reality regarding this very difficult issue—thus the attached sampling of correspondence from our very large files. We love our Country—we pay our taxes and we play by the rules. We, again, do believe in helping the truly disadvantaged and would and do very much support programs that do so—but mandatory goals and quotas are again simply not the way.

Sincerely,

THOMAS STEWART,
President.

STEELMAN-DUFF, INC.,
Clarkston, WA, July 17, 1996.

Re Contract no. 4916, East Lewis Street Interchange.

Subject: Quote.

Mr. TOM STEWART,
Frank Gurney, Inc.,
Spokane, WA.

DEAR TOM: This letter is written as per our conversation regarding your recent quotation on subject project. I had informed you that you were apparent low quote on bid items 72, 73, 74 and 75, but due to MBE and WBE goals I could not utilize you. Your quote on the above bid items amounted to $29,031.27. Petersen Brothers, a WBE firm quoted $31,902.00 for the same work. I was forced to utilize the WBE firm as the difference in your two quotes was very small and created the least amount of inflation to meet assigned goals.

We thank you for your quote and understand your situation. We are forced to inflate our bids to cover added costs on all Federal, State, County and City projects that have DBE, MBE or WBE goals assigned. This particular project the added cost ranged in the vicinity of $20,000.00.

We trust you understand and if added information is needed, please contact us.

Very truly yours,

WAYNE L. VAN ZANTE,
Vice President.

ASSOCIATED SAND &
GRAVEL CO., INC.,
Everett, WA, April 7, 1981.

Frank Gurney Inc.
Spokane, WA.

Re State highway bid for SR 90, Tyler to Salnave Road, bid date April 1, 1981.

GENTLEMEN: We acknowledge receipt of and we thank you for your guard rail quotation for subject project.

While your bid was lower than the quotation we used in preparing our bid, we were obligated to use the higher quotation to satisfy the 6% Minority Business Enterprise goal as set forth in the specifications for subject project.

While we were unable to use your lower price quotation, we trust you will continue to quote prices to our firm on future projects.

Very truly yours,

JACK ZEIGLER,
Chief Estimator.

ROBERT B. GOEBEL
GENERAL CONTRACTOR, INC.,
Spokane, WA, April 25, 1996.

Attn: Tom Stewart.

Re Laurier Bridge replacement, Stevens County, WA, CRP-601A; BROS-2033 (018); 5A-2802.

Frank Gurney, Inc.,
Spokane, WA.

GENTLEMEN: We were apparent low bidder at $1,393,851.00 on the referenced project which bid on 4/23/96 at 11:00 AM.

We received two bids from guard rail subcontractors:

(1) Gurney: $29,598.00.
(2) Petersen Brothers (DBE): $34,745.25.

As you know, there was a 10% DBE requirement in the solicitation documents, which amounted to just under $140,000.00. Even though you were significantly lower than Petersen Brothers, we regret to inform you that we felt compelled to use their amount to help achieve our DBE goal.

Sincerely,

STEVEN R. GOEBEL.

GILMAN CONSTRUCTION,
May 1, 1995.

Attn: Tom Stewart.
Re Monida-Lima.

Frank Gurney Inc.,
Spokane, WA.

DEAR TOM: We would like to thank you for your guard rail quotation on the Lima-Monida Project. Although you had the low guard rail quotation, we were forced to use a higher quotation to meet our DBE requirements.

Listed below are the guard rail prices we received on the project:

Frank Gurney, Inc.—142,906.45.
Omo Construction, Inc.—150,351.55.
Scott Long Construction—151,278.00.

Once again, we would like to thank you for your quotation and hope you will continue to quote any future work.

Sincerely,

GEORGE M. FRIEZ,
Engineer.

WESTWAY CONSTRUCTION, INC.,
Nine Mile Falls, WA, June 28, 1995.

Attn: Tom Stewart.
Re: SR 27 & 23 bridge rail update/bridge replacement.

FRANK GURNEY, INC.,
Spokane, WA.

TOM: We regret we cannot use your quotation for this project. Although your price for the guardrail items was $2000.00 lower than Petersen Brothers, we were unable to use you as we needed Petersen to meet our DBE goal.

Sincerely;

MARK JOHNSON,
Estimator.

FRANK GURNEY INC.,
Spokane, WA, October 29, 1997.

SENATOR SLADE GORTON,
Hart Senate Building,
Washington, DC.

DEAR SENATOR GORTON: Please find another letter of rejection attached that we just received today from Inland Asphalt Company of Spokane. Peterson Bros. is a well run firm—larger than ours—that is—and has—for 15 years—benefited from your discriminatory "Quota" affirmative action policies and legislation. We are not crying "Sour Grapes" or "Belly Aching" we simply are again wondering how you would feel if this were you in receipt of letter after letter of this rejection (our file has many of them—dating throughout 16 years) How would you feel about displaying this letter to your employees and your family. How do I tell my sons—who work in the company—and my employees; not to hold prejudice? I don't know—I only know I really don't know—I only know that it is wrong! Very Very wrong—yet promulgation of this wrong continues in America by our Government. It surely seems that the very discrimination that you as government are trying to abate simply continues with you at the top of the list as its greatest advocate. We expect as usual no response—of course realizing we are the "down side" of the "greater good"—regardless of right or wrong.

Sincerely,

THOMAS C. STEWART,
President.

INLAND ASPHALT CO.,
Spokane, WA, October 27, 1997.

TOM STEWART, P.E.,
Frank Gurney, Inc.,
Spokane, WA.

DEAR TOM: I regret to inform you that although yours was the lowest guardrail quote that I received for the WSDOT Project SR 26 to Lind Coulee Bridge, I found it necessary to use the third lowest guardrail quote in order to meet the DOT requirement of 10% DBE. The second low guardrail quote was from Coral Construction Company but they also are not a DBE firm. The third lowest quardrail quote and lowest DBE guardrail quote came from Petersen Brothers, Inc. (DBE/WBE #D2F0901575). By using Petersen Brothers, Inc., along with DBE traffic control and planing, we were able to just barely meet the 10% DBE requirement at a cost of $11,768.76 to the project.

We at Inland Asphalt Company think highly of the professionalism and quality of work that we have always received from Frank Gurney, Inc. I hope that this does not discourage you from quoting us on future projects.

If you have any questions, please call me at 536-2631.

Sincerely,

LEE T. BERNARDI,
Project Manager.

Mr. GORTON. This illustrates what happened in the real world. It includes a half dozen responses to this small business company with respect to contract submissions in which it was the low bidder, in which the general contractor says, we would like to have picked you, we would have saved money for the taxpayers had we picked you, but we cannot pick you because of absolute orders from the Department of Transportation because of a quota system.

Ironically, the winning high bidders in several of these contracts are larger business enterprises than is Frank Gurney, Inc., with a longer history. The net result is fewer roads are built and improved in order to provide contracts for people less disadvantaged than the low bidder. That is the real world impact of what we have done here.

The Senator from Kentucky knows that we have certain disagreements over what the affirmative language in his amendment should have included. I would have done it somewhat differently. But I am here because I believe that the fundamental approach he has taken to strike an express percentage racial quota is not only the only appropriate response under the Constitution but is the only appropriate, just response in a society based on the proposition that people deserve equal treatment and only equal treatment.

Mr. President, it seems to me that this is an open-and-shut case. We should repeal the sections to be stricken here. If a majority of this body believes in a form of affirmative action, then it should devise a form of affirmative action that meets the strict-scrutiny standards set down by the Supreme Court and does not include a quota system that is entirely unrelated to whether or not its beneficiaries have ever suffered any discrimination whatsoever.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, there are many lawyers in the Senate, some out in the land believe too many. But it is my judgment that the finest lawyer in the Senate is the Senator from Washington. I thank him for his clear explanation of what the law demands in this situation.

No effort by the other side to obscure the obvious, it seems to me, should fool anyone. The Senator from Washington has laid it out with extraordinary clarity. This provision in the bill before us is unconstitutional. I thank the Senator from Washington for his support of the Constitution.

Mr. President, a number of the opponents of the amendment have said they know discrimination exists in this kind of economic activity because the numbers of minority participants have dropped in Michigan and in Louisiana. Colleagues have lamented the loss of the DBE programs in those two States, Louisiana and Michigan, but what they fail to point out was that those DBE programs were terminated based on court decisions that held that the preferences were unconstitutional, and that is, of course, precisely what we are discussing here today, the constitutionality of these kinds of race-based set-asides.

Even the Department of Transportation has quietly conceded that disparity figures do not prove discrimination. Let me share this quiet concession buried in the jungle of Federal regulations. The administration notes that:

> Minority firms may receive less work because of the following reasons: Lack of interest in the work, other commitments, limitations of the amount of work they can handle or lack of qualifications, especially where a State spends a large portion of its funds on a single large project requiring special contractors.

There has been some suggestion by those opposing the amendment that the Adarand case not only wasn't determinative of the race-based set-aside in this bill, but it somehow is an isolated case. The Congressional Research Service has found no—I repeat no—court ruling after a trial where a race-based contracting program has met the Supreme Court test of strict scrutiny. Let me say that one more time. There has been an effort to portray the Adarand case as kind of an aberration, or actually not determinative, not really on point. The fact of the matter is it is just one more in a whole series of cases indicating that these kinds of race-based programs are unconstitutional. In fact, CRS has explained that Adarand conforms to a pattern of Federal rulings across the country, striking down race-based contracting programs as unconstitutional. Let me just mention some of them: Associated General Contractors of California v. San Francisco. That was in the ninth circuit. Michigan Road Builders Assoc. v. Milliken, which was in the sixth circuit; Groves & Sons Co. v. Fulton County, which was in the seventh circuit; Associated General Contractors of Connecticut v. New Haven; O'Donnell Construction Company v. the District of Columbia, in the D.C. circuit; Arrow Office Supply v. Detroit, a Michigan case; Louisiana Associated General Contractors v. Louisiana, Associated General Contractors of America v. Columbus; Engineering Contractors Ass'n of South Florida v. Metropolitan Dade County in the 11th circuit; Contractors Ass'n of Eastern Pennsylvania v. Philadelphia, in the third circuit; Monterey Mechanical v. Wilson in the ninth circuit, just last September; Houston Contractors Association v. Metropolitan Transit, which is in the Southern District of Texas, November 13 of last year, 1997.

Quoting from the Houston Contractors case, right out of the case, the District Court for the Southern District of Texas, the court said:

> Because race is inescapably arbitrary, basing governmental action on race offends the American Constitution.

The court went on to say:

> Assigning governmental benefits to people by their skin color does not quit being arbitrary because the advocates claim that a program has a progressive purpose; a principle wrong for Eugene Talmadge is wrong for Jesse Jackson.

The court went on to say:

> Nothing about transportation depends upon the race of the person—not employees, officers, taxpayers, riders, suppliers, or contractors.

It has been suggested that these are all sorts of lower court decisions and somehow they are off on their own or something, not following the mandate of the Supreme Court.

In the Croson case, way back in 1989, the Court said that:

> . . . a generalized assertion that there has been past discrimination in an entire industry provides no guidance for a legislative body to determine the precise scope of the injury it seeks to remedy. It "has no logical stopping point."

The Court went on to say:

> "Relief" for such an ill-defined wrong could extend until the percentage of public contracts awarded to MBE's in Richmond mirrored the percentage of minorities in the population as a whole.
>
> Appellant argues that it is attempting to remedy various forms of past discrimination that are alleged to be responsible for the small number of minority businesses in the local contracting industry. Among these the city cites the exclusion of blacks from skilled construction trade unions and training programs. This past discrimination [the Court said] has prevented them "from following the traditional path from laborer to entrepreneur." [That is the city talking.] The city also lists a host of nonracial factors which would seem to face a member of any racial group attempting to establish a new business enterprise, such as deficiencies in working capital, inability to meet bonding requirements, unfamiliarity with bidding procedures, and disability cased by an inadequate track record.
>
> While there is no doubt that the sorry history of both private and public discrimination in this country has contributed to a lack of opportunities for black entrepreneurs, this observation, standing alone, [standing alone] cannot justify a rigid racial quota in the awarding of public contracts in Richmond, Virginia. . . . [A]n amorphous claim that there has been past discrimination in a particular industry cannot justify the use of an unyielding racial quota.
>
> It is sheer speculation how many minority firms there would be in Richmond absent past societal discrimination, just as it was sheer speculation how many minority medical students would have been admitted to the medical school at Davis absent past discrimination in educational opportunities. Defining these sorts of injuries as "identified discrimination" would give local governments license to create a patchwork of racial preferences based on statistical generalizations about any particular field of endeavor.

So the Court concluded:

> The 30% quota cannot in any realistic sense be tied to any injury suffered by anyone.

So the Court said:

> We, therefore, hold that the city has failed to demonstrate a compelling interest in apportioning public contracting opportunities on the basis of race. To accept Richmond's claim that past societal discrimination alone can serve as the basis for rigid racial preferences would be to open the door to competing claims for "remedial relief" for every disadvantaged group. The dream of a Nation of equal citizens in a society where race is irrelevant to personal opportunity and achievement would be lost in a mosaic of shifting preferences based on inherently unmeasurable claims of past wrongs. "Courts would be asked to evaluate the extent of the prejudice and consequent harm suffered by various minority groups. Those whose societal injury is thought to exceed some arbitrary level of tolerability then would be entitled to preferential classifications. . . ." We think such a result would be contrary to both the letter and spirit of a constitutional provision whose central command is equality.

The Court went on:

> There is absolutely no evidence of past discrimination against Spanish-speaking, Oriental, Indian, Eskimo or Aleut [Indian] persons in any aspect of the Richmond construction industry. . . . It may well be that Richmond has never had an Aleut or Eskimo citizen [the Court said]. The random inclusion of racial groups that, as a practical matter, may never have suffered from discrimination in the construction industry in Richmond suggests that perhaps the city's purpose was not in fact to remedy past discrimination.
>
> If a 30% set-aside was "narrowly tailored" to compensate black contractors for past discrimination, one may legitimately ask why they are forced to share this "remedial relief" with an Aleut citizen who moves to Richmond tomorrow? The gross overinclusiveness of Richmond's racial preference strongly impugns the city's claim of remedial motivation.

Mr. President, even if by way of some disparity study mirror this administration could show a finding of specific, pervasive discrimination in the highway contracting arena, the administration would still be unable to show that the ISTEA quota is narrowly tailored to remedy that alleged past discrimination. ISTEA and the DBE program funnels not less than 10 percent of Federal highway funds to disadvantaged business enterprises. The Government presumes that an individual is disadvantaged if that individual can trace his or her roots to one of over 100 different countries. These countries range from Argentina to Spain and Portugal to Sri Lanka and Madagascar to Japan and to the Fiji Islands.

Just look at the map I have to my right. If you are from one of the countries with a "P" on it—it is probably hard for people to see—you are in the preferred group. Look at the worldwide web of preferences that we have created, and who can figure out this web? If you happen to be from these countries, you get a preference. If you happen to have emigrated from some other country, you do not.

If you are so unfortunate as to be from Poland, you are out of luck; you actually have to compete and win on the merits. But if you are from Pakistan, you are in the preferred group.

If you are from Nigeria, you are disadvantaged, but if you are from Algeria, you are not disadvantaged.

If you are from Spain or Portugal, you are disadvantaged, but if you are from Bosnia, you are not disadvantaged.

If you are from Israel, you are not disadvantaged, but if you are from Pakistan, you are disadvantaged.

If you are from China or Japan, then you get a preference, but if you are from Russia, sorry, you don't get a preference.

If you are from the Fiji Islands, it is your lucky day; you win the preference prize. But if you are from New Zealand or are an Australian Aborigine, you lose; you are not disadvantaged.

In the Adarand case, the plaintiff explained this overbreadth problem to the Supreme Court. Specifically, the plaintiff's lawyers stated in oral argument:

> We have a situation here where a Hong Kong banker, a Japanese electrical engineer, or the son of landed gentry from Spain could come to Colorado Springs and . . . [run] a [Disadvantaged Business Enterprise].

And, in fact, the district court in Adarand agreed the DBE program is so overly broad that it violates not only common sense, but it violates the Constitution. Indeed, under these standards, as Senator ASHCROFT and others have mentioned, the Sultan of Brunei would qualify as disadvantaged.

By the way, let me tell you a little about our friend, the disadvantaged sultan. This is a man who has an estimated $40 billion fortune, making him the wealthiest monarch in the world. He lives in a sprawling palace, which you can see reflected in this picture, the palace of the Sultan of Brunei. This palace has 22-karat gold-plated mosque domes and 37 types of marble. He has 150 Rolls Royces. And if that is not enough, the sultan keeps his prize thoroughbred horses in hundreds of air-conditioned stables.

So, the sultan could leave his estate in Brunei, forsake his Rolls Royces, abandon his horses in their air-conditioned stables, and then move to my home State of Kentucky and get a bid preference as a DBE over a contractor from the hills of Appalachia. Mr. President, something is wrong with this picture.

In 1980, Justice Stewart poignantly explained what was wrong with this picture. To quote Justice Stewart directly, Congress has "necessarily paint[ed] with too broad a brush."

He said:

> In today's society, it constitutes far too gross an oversimplification to assume that—

And this was in 1980—

> every single Negro, Spanish-speaking citizen, Oriental, Indian, Eskimo and Aleut potentially interested in construction contracting currently suffers from the effects of past or present racial discrimination. Since the . . . set-aside must be viewed as resting upon such an assumption, it necessarily paints with too broad a brush. Except to make whole the identified victims of racial discrimination, the guarantee of equal protection prohibits the government from taking detrimental action against innocent people on the basis of the sins of others of their own race.

Congress has a substantial burden of "inquir[ing] into whether or not the particular [entity] seeking a racial preference has suffered from the effects of past discrimination."

This is what they were talking about in the Croson case, a Supreme Court case.

Again, let me quote the Supreme Court:

> The random inclusion of racial groups, that as a practical matter, may have never suffered from discrimination in the construction industry . . . suggests that perhaps the . . . purpose was not in fact to remedy past discrimination . . . The gross overinclusiveness of [a government's] racial preferences strongly impugns the . . . claim of remedial motivation.
>
> If there is no duty to attempt either to measure the recovery by the wrong or to distribute that recovery within the injured class in an evenhanded way, our history will adequately support a legislative preference for almost any ethnic, religious or racial group with the political strength to negotiate "a piece of the action" for its members.

Again quoting Croson.

Or, as the Fifth Circuit Court of Appeals recently explained in striking down racial preferences:

> A broad program that sweeps in all minorities with a remedy that is in no way related to past harms cannot survive constitutional scrutiny.

Hopwood v. the State of Texas.

As I have explained today, the Government has placed the stamp of disadvantaged on a stupefying array of groups—groups and individuals that are not similarly situated.

As Professor LaNoue has explained:

> Some of the groups on the presumptively eligible list have been in this country since its beginning; some are very recent arrivals. Some are relatively poor; some are relatively affluent. Some have very high rates of business formation; some are very low. Some have well-documented histories of discrimination; some are virtually invisible.

Again quoting Justice Stevens:

> The statutory definition of the preferred class includes "citizens of the United States who are [black], Spanish-speaking, Orientals, Indians, Eskimos and Aleuts." . . . There is not one word in the remainder of the Act or in the legislative history that explains why any Congressman or Senator favored this particular definition over any other or that identifies the common characteristics that every member of the preferred class was believed to share. Nor does the Act or its history explain why 10 percent of the total appropriation was the proper amount to set aside for investors in each of the six racial subclasses.

In summary, as numerous speakers have said, the DBE program is not narrowly tailored. As the District Court concluded in Adarand just this last summer, directly from the Court:

> I find it difficult to envisage a race-based classification that is narrowly tailored. By its very nature, such a program is both underinclusive and overinclusive. This seemingly contradictory result suggests that the criteria are lacking in substance as well as in reason.

Or as the Supreme Court held in Croson, a program is unconstitutional where "a successful black, Hispanic or Oriental entrepreneur from anywhere in the country enjoys an absolute preference over other citizens based solely on their race. We think it obvious that such a program is not narrowly tailored to remedy the effects of prior discrimination.

I cannot imagine how the courts would spell this one out any clearer for us. This program is not designed to remedy past discrimination, it is not narrowly tailored by any stretch of the imagination, and it is plainly and clearly, as the distinguished Senator from Washington so eloquently put it a few moments ago, not constitutional.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I know the distinguished Senator from Illinois wishes to speak, and I will be very brief in commenting.

I have listened to the learned Senator from Kentucky speak this afternoon. He spent a lot of time on the Adarand decision. The only thing we ought to stress about the Adarand decision is that the Adarand decision was a 5–4 decision that did not find that affirmative action is not possible to have in our country. Indeed, I will give you a couple of quotes from—I like to go to the Supreme Court. I am not big on district courts and circuit courts. Yes, they are nice, but I like to go to the top and see what the top people have to say. This is what Justice O'Connor said:

> It is not true that strict scrutiny is strict in theory but fatal in fact. Government is not disqualified from acting in response to the unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country.

Later on, Justice O'Connor stated for the majority:

> When race-based action is necessary to further a compelling interest, such action is within constitutional constraints if it satisfies the narrow tailoring test.

So it can be done, and affirmative action is not unconstitutional. If that is the implication that is derived from the remarks of the Senator from Kentucky, I say it is just plain not accurate.

Mr. BAUCUS. Mr. President, I yield 20 minutes to the very distinguished Senator from Illinois, Ms. MOSELEY-BRAUN.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 minutes.

Ms. MOSELEY-BRAUN. Mr. President, thank you. I rise in strong opposition to the pending amendment that would dismantle the Department of Transportation's affirmative action programs and roll back 15 years of gains that have been made by minority and women contractors.

The Department of Transportation's DBE program, Disadvantaged Business Enterprise Program, ensures that small women- and minority-owned companies have the opportunity to participate in the Federal aid highway program. It does not guarantee anything; it simply allows an opportunity to compete. It levels the playing field, giving small and women-owned businesses and minority-owned businesses an equal opportunity to submit winning bids. The DBE program is fair; it is necessary, and it works.

This program—and let me suggest another way to look at this issue, Mr. President—the DBE program is no more and no less than a structural response to a structural distortion of our society, a distortion that is caused by 200 years of slavery and segregation and, frankly, the status of women and an age-old tradition that set women apart as second-class citizens as well. It responds to the unfortunate but obvious fact that our society was constructed on the traditional station of women and minorities.

Women do not earn 75 percent of the earnings of men who have the same jobs because they are 25 percent less competent or because they pay 25 percent less for food. African Americans are not proportionally poorer, sicker, more imprisoned, or less educated because of accident but, again, because of those distortions created in today's society by those institutional structures that were crafted centuries and decades ago.

The DBE program addresses these underlying realities. It helps to weave thousands of small businesses into the fabric of our economy and our society. It creates for us a stronger Nation. A society that taps the talent of 100 percent of its people is a stronger society because it can draw on a broader pool of talent. A community that gives all of its members a chance to contribute to the maximum extent of their abilities is a stronger community because it benefits from a broader range of contributions.

America is never so magnificent as when she reflects her nobler tradition. Justice and equality, opportunity based on merit and capacity—these are among some of the defining values of our country, and these values are reflected in this DBE program.

The debate over the DBE program has so far been characterized by distortion of the structure and the results of the program. I have heard more than a few in the debate this afternoon. The facts are, it is a fair program that operates within the bounds of the Constitution. It has worked well, and it has created opportunities for thousands of minority- and women-owned businesses.

I have heard a lot of conversation about the constitutionality. I point out, Mr. President, if you read the Constitution of the United States—and here is a copy. I took Senator BYRD's advice and I carry mine around with me. If you read article I, it is very clear that Americans of African descent were not citizens of this great country when the Constitution was written. Similarly, women were not voters of this country when this Constitution was written. Americans of African descent did not receive the rights of citizenship until the passage of the 14th and 15th amendments in 1868, and women were not enfranchised to vote in this country until this century, until 1920, with the passage of the 19th amendment. But ours is a living Constitution. And it is a Constitution that changes over time to reflect the realities of the community as a whole, to keep the core values as it adjusts to changes in the makeup and composition and demographics of the country.

This Constitution has lived so long precisely because it responds to distortions in our society, precisely because it adapts itself to the realities of the time, and because it continues to reflect those core values that bring us together and make us all Americans. And the fact of the matter is that this legislation is constitutional, as has been discussed on this floor.

In 1982, Mr. President, Congress established a national goal for at least 10 percent of Federal highway and transit project funds to be expended with small businesses owned and controlled by socially and economically disadvantaged people.

In 1987, Congress extended this initiative to include women-owned businesses. And in 1991, the program was first included in ISTEA, which is, of course, the legislation that is sought to be amended today. President Reagan signed the 1982 and 1987 measures into law; and President Bush signed the 1991 legislation, again, to bring women, to bring minorities into the economic mainstream of our country.

I will make one other point. This is another digression. But I have listened to the debate today. And even on the screen when this gets broadcast on C-SPAN, it says, "Amendment re minorities." This legislation is not just about minorities, Mr. President. It is about women as well. And we need to make certain that every person who listens to this debate understands that by casting it just in terms of minorities, it changes the focus of the debate, it becomes a subterfuge for a set of buzzwords that, frankly, in my opinion, do not reflect well on this Senate and on this debate.

Under the Federal DBE program, State and local governments work to achieve goals they set for themselves based on the ability of qualified disadvantaged businesses in their areas, without quotas, without set-asides, and without penalty if they fail to meet their goals after good-faith efforts.

In 1996, most States set 10 percent goals for themselves. Some States set higher goals, up to 14 and 16 percent. Only three States failed altogether to achieve their DBE goals in 1996. And only two States failed to reach 10 percent. Most States exceeded their DBE goals, in some cases by large margins.

In my home State of Illinois, which set a 10 percent goal for itself in 1996, 15 percent of its highway construction funds were awarded to DBEs. Again, you are talking all minorities, you are talking all women. So you are really talking about a majority minority set-aside, if you think about it, because if you take women as a proportion of the population, you take minorities, all of them as a proportion of the population, what you really have is a majority of the population. Again, this legislation simply seeks to address a structural distortion in which that majority of the population participates at an unduly low and restrictive level of our economic activity.

The DBE program is flexible in its work. In 1980, DBE participation in Federal highway construction was only 3.6 percent—again for the majority of the population of this country. Only 3.6 percent of the contracts given out by the Federal highway construction efforts were for DBEs.

DBEs realized small gains over the next couple years when the Department of Transportation encouraged participation. Sharp gains were made, however, after Congress put the program into the law in 1982. DBE participation climbed to almost 17 percent in 1984, and it has hovered around 15 percent ever since.

Now, who are the disadvantaged business enterprises? In 1996, DBEs again received slightly less than 15 percent of the Federal-aid highway construction money. Of that small slice, again, here we are—14.8 percent. This is everybody. These are women, minorities, Hispanics, Asians, Native Americans—these are all the majority minority of the population that is described as "minorities" in the debate. They got all of 14 percent of Federal highway spending.

Remember, we are all taxpayers now. Everybody is in the pool putting money in to make this happen, but 14 percent went out to women- and minority-owned businesses in 1996. And 85 percent went to the traditional white male business owners.

Now that is just the reality. This is not about taking anything away from anybody. But it has to be said, and in very clear terms. Here is everybody else. This is the traditional economics. This is a reflection of an attempt to address a distortion in our society that comes out of the tradition of excluding women and minorities. The exclusions are no longer there, but inclusion has not yet happened. Integration has not yet happened. And that is why this debate is so vitally important.

Let us take a look for a moment at the division within this 14.8 percent. African Americans are 14 percent of the 14 percent. Native Americans are 9 percent of the 14 percent. Asian Americans are 3 percent; Asian Pacific, 3 percent of the 14 percent; Asian Indian, 3 percent of the 14 percent. And we are not talking about the Sultan of Brunei either. He is not involved with any of this. We are talking about citizens of this great country. Hispanic Americans, 20 percent of this 14 percent. But look at this, Mr. President, 51 percent—51 percent—of this 14 percent are women-owned businesses.

I ask the question why 50 percent of the conversation that has been going on this afternoon has not talked about the impacts on women that this repeal, if it is successful, will cause?

So the DBE program then redresses gender discrimination as much as it does lingering racial imbalances. It provides economic opportunities for businesses and entrepreneurs who would otherwise be shut out of the construction industry. I have received a number of letters from DBEs urging me to oppose this effort to repeal the program, letters from women and minorities who own and operate small business, small construction firms in all corners of Illinois.

Their letters ask for the continued opportunity to compete. They drive home the point that the DBE program is not about taking contracts away from qualified male-owned businesses and handing them to unqualified female-owned firms. The program is not about denying contracts to Caucasian low-bidders in favor of higher bids that happen to have been submitted by Hispanic or African Americans or Asians or women.

Instead, this program is about creating a climate of competition that brings everybody in. That is what all these business owners in Illinois want, the opportunity to compete. They want a level playing field in which to make the case that they can do the best job for the taxpayers for the least amount of money. They just want a fair chance.

Listen to a letter from Sharon Arnold, who is president of SSACC, Inc., a certified women-owned disadvantaged business enterprise in Pontiac, IL:

> I know that without the [DBE] program I would lose the opportunity to compete. That is all this program does for me; it gives me the opportunity to compete.

Ms. Arnold started her construction firm in 1986, the year before Congress added women to the DBE program. She writes that at the time "I was certain I had made the biggest mistake of my life. Contractors who I had been working with in the bidding process [as a former employee at another construction firm] had no interest [at all] in what I was trying to accomplish . . . Now, the reality is, they still don't care unless my . . . prices are the lowest. In this program competition is the name of the game."

Mr. President, that is the basic concept of the DBE program. Low bids still get the contracts. The program does not create special preferences for more expensive or less qualified bidders. It does not increase the cost of highway construction.

The General Accounting Office has in fact examined this issue and concluded that the program results in less than a 1 percent increase in construction costs—1 percent, Mr. President—to begin to correct some structural distortions that everybody here in this room and certainly everybody in this country knows we have to be able to correct and resolve.

All the DBE program does is open doors. Again, listen to Victor Wicks, President of Wicks Construction Services in southern Illinois. This is a man.

> The DBE program is an economic development program for both minority- and women-owned businesses. The program merely levels the playing field for minorities and women and affords them an equal opportunity to compete for federal construction dollars. . . . All we are asking for is a fair chance—an equal opportunity—a level playing field, for all Americans.

That is what the DBE program provides for Mr. Wicks and the rest of the thousands of qualified disadvantaged businesses across this country.

Mr. President, there has been some debate over whether the DBE program is constitutional in light of the Supreme Court decision in the case of Adarand Constructors v. Pena. Some of my colleagues have asserted that the Senate must "bring ISTEA into compliance with Adarand and the Constitution."

The fact is, the Senate need not do anything except extend current law in order to keep ISTEA in compliance with Adarand and the Constitution. The DBE program was not declared unconstitutional. On the contrary, the Supreme Court wrote the Federal Government must subject affirmative action programs to "strict scrutiny," meaning that the programs must be "narrowly tailored" to meet a "compelling government interest."

The Court, in fact, explicitly stated that affirmative action is still a necessary function of our Government. And it wrote:

> The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and the government is not disqualified from acting in response to it.

Mr. President, the "lingering effects of racial discrimination" of which the Court spoke are exactly the distortions in our society that I referenced earlier. Racism and sexism are indeed unhappy, but still very real, phenomena in our society. The DBE program is one of our responses to those lingering effects, and it works.

Anyone who thinks there is not a "compelling government interest" to justify the DBE program need only to look at the States that do not have them in place for their State-funded highway construction programs.

Data from these States provide side by side comparisons of two construction programs within each State—the Federal-aid highway program, which includes a DBE initiative; and those States' own highway programs for non-Federal-aid highways, which do not include DBE programs.

I want you to consider the following examples from fiscal year 1996.

In Arizona, DBEs received only 3.8 percent of State-funded highway construction dollars, State funded. They received 8.9 percent of the Federal-aid highway program. Again, DBE exists here; it does not exist there.

In Arkansas, 2.9 percent of State dollars; 11.9 percent of Federal dollars. DBE program here; did not exist there.

In Delaware, DBEs received less than 1 percent—less than 1 percent of State-funded highway construction dollars, while they received 12.7 percent of the Federal-aid highway funds in that State.

The next one, the DBEs in Louisiana received only .4 percent —.4 percent—of funds under the State's highway construction program, which does not include a DBE initiative. They received 12.4 percent of funds awarded by the Federal program.

In Michigan, another State without a DBE program, DBEs received only 1.4 percent of State highway construction funds. By contrast, they received 15 percent of Federal highway construction funds.

I can go through Missouri, Nebraska, Oregon—Rhode Island, look at this. In Rhode Island we have the State program without a DBE program, and the State effort is zero percent for all the women and minorities put together. Zero percent of the State highway construction funds; 12 percent of the Federal highway construction funds where there was a DBE program.

Now, this evidence, Mr. President, is incontrovertible. Where there are no DBE programs, women- and minority-owned small businesses are shut out of the highway construction. The Federal DBE program serves to redress the inequality and redress the unfortunate fact that all across the country women and minorities would not otherwise have access to construction contracts.

Now, consider another example—the State of Michigan. In the second quarter of fiscal year 1989, the State of Michigan awarded 5 percent of its highway construction funds to small and minority-owned businesses, and 9.9 percent to small women-owned businesses. Again, I make the point that this debate has been focused on minorities, but it is women that are just as much at risk from this amendment as minorities. Near the end of that quarter, the State ended its DBE program. OK. Here we are right here. So 9.9 percent, 5 percent. Then the end of the program. Within 6 months, by the fourth quarter of that same fiscal year, minority disadvantaged businesses were completely shut out of the State's highway construction program. Less than 1 percent—.6 percent. They received zero contracts. By the first quarter of the following year, women were down to only 1.7 percent of the State's highway programs, down from 9.9 percent.

So this was the experience. Look at this. Here we go. Just totally wiped out from the modest gains that had been made in that State.

Well, Mr. President, that is exactly what would happen if we ended the Federal DBE program. Women- and minority-owned small construction companies would go out of business by the hundreds of thousands.

I have to ask the question, is that really the result we want to have coming out of this debate? Is that really the legacy that the 105th Congress would like to impart on transportation policy—a legacy of no economic opportunity for thousands and thousands of small businesses?

Nationwide, minorities represent 9 percent of all construction funds but receive only about 5 percent of all business receipts. That is overall—9 percent of all funds but 5 percent of all receipts. Women, who own one-third of all firms, get only 19 percent of business receipts. Let us not see 1998 go down as the year in which those opportunities to compete were further eroded.

I urge all of my colleagues to consider the facts—the fact that the DBE Program is constitutional, that it is a program of economic opportunity, that it is a program of fairness, and that it is a program that works. I urge my colleagues to cast their votes for the ideals of opportunity and equality, which describe our Nation, which are described in this Constitution, in this living document.

More to the point, Mr. President, I urge my colleagues to move beyond the politics of division and zero-sum games. Those who oppose having this modest opportunity provided for women and minorities—this modest step to correct a structural distortion that has existed in our country since its founding, this tiny step to bring women and minorities into the economic mainstream and to integrate the business of our country—those who would oppose that are pushing buttons to divide Americans; to pit one against the other; to say this is a zero-sum game, you can't progress, you can't be integrated in this society without someone losing out. No one loses out in this program. No one loses out from opening up the doors of opportunity.

Indeed, opportunity to compete, to have a level playing field, to move beyond race and gender, is what this country has got to be about. I urge my colleagues to reject this ill-considered amendment.

Mr. McCONNELL. I yield to the distinguished Senator from Michigan such time as he may need.

Mr. ABRAHAM. Mr. President, I rise to discuss the amendment of the Senator from Kentucky to the ISTEA legislation. Mr. President, the Supreme Court decision in Adarand v. Pena appears to mean that section 1111 of the existing ISTEA legislation is unconstitutional. That being the case, it is our duty, in my view, to replace this provision with one that meets the test of constitutionality.

In its Adarand decision, the Supreme Court held that programs that create race-based preferences must be narrowly tailored to further a compelling governmental interest. On remand, the Federal District Court determined that the presumption of social and economic disadvantage on account of race included in an earlier version of ISTEA section 1111 violated the equal protection clause of our Constitution. This provision of our Constitution has been crucial to the ongoing struggle for civil rights in this country. It has been behind a number of important Supreme Court decisions dating back to the seminal Brown v. Board of Education.

The Adarand Court continued a long tradition of jurisprudence, establishing a colorblind Constitution, one which demands equal treatment under the law for members of all races. In acting, the Court has drawn a clear distinction between preference or quota programs and affirmative action efforts aimed at providing more opportunity for the less advantaged.

In my view, Mr. President, this is a crucial principle and distinction, one that will not allow the Government to give preference to one individual over another simply on account of status—absent direct evidence of past discrimination that the program is narrowly tailored to address—but does permit us to provide special assistance to those economically disadvantaged.

But our Constitution's principle of equality under the law must not be allowed to conflict in any way with outreach programs aimed at helping the economically disadvantaged of our society. Indeed, it points to public policies more in keeping with America's constitutional heritage, our commitment to fair play, and our desire to help the disadvantaged become full participants in our market economy and the prosperity it provides.

To that end, Mr. President, I believe that Senator McCONNELL's amendment to the ISTEA legislation is potentially helpful. This amendment would strike section 1111 from the legislation on the basis that the changes between the language in this ISTEA and the version deemed unconstitutional by the District Court based on the Supreme Court's Adarand ruling are not sufficient to overcome the Court's constitutional objections. I wish to state that while I realize there is a difference of opinion on this issue, I agree with this constitutional analysis. The amendment would replace section 1111 with a requirement that every State in receipt of Federal highway dollars engage in "emerging business enterprise development and outreach." Under the language, "emerging enterprises" are defined as contractors whose average annual gross receipts do not exceed $8.4 million over a period of 3 years. To be eligible, the businesses also must be small businesses that have been in existence for not more than 9 years.

Under this amendment, States would be called on to provide a number of services to emerging businesses, including periodic review of construction plans to ensure fairness and opportunity, as well as offering seminars, compiling and publishing lists of interested businesses and related companies, and providing networking opportunities on a regular basis.

The McCONNELL amendment offers significant outreach programs aimed at emerging businesses. By so doing, it aims Government assistance at those who need it most. In the process, it avoids rewarding well-to-do businesses simply on account of status, while providing assistance to minorities and women truly in a position to need and make use of it.

In addition, Mr. President, I thank Senator McCONNELL for accepting my language in modifying his amendment. That language directs States to also aim efforts at business enterprises that are located in economically distressed communities and employ a majority of their workers from such economically distressed communities.

Finally, Mr. President, the McConnell amendment is constitutional. Because it does not base the awarding of Government contracts or benefits exclusively on the race of the recipients, it upholds the principles of our Constitution and the equal protection clause in particular. Support for this amendment is fully in keeping with our sworn duty to uphold the Constitution on which our Government is based.

However, Mr. President, in my view, the McConnell amendment does not go far enough. We must do more. I continue to believe, in other words, that economic empowerment initiatives are crucial to the well-being of disadvantaged members of our society, and in the end, to our society as a whole.

It was in order to promote these efforts that I joined a number of my colleagues, including the Presiding Officer, in forming the Renewal Alliance, an alliance dedicated to renewing the families and communities which lie at the heart of our way of life and which are crucial for success in America.

To further these efforts, we have formulated legislation aimed at creating "renewal communities." In these communities, targeted, pro-growth tax benefits, regulatory relief, brownfields cleanup, and homeownership opportunities will combine to produce jobs, hope, and a sense of community. By targeting distressed communities for Federal relief from onerous rules and taxes, we can assist the ongoing revival of our inner cities by spurring growth and productive rebuilding efforts.

In order to become a renewal community, a community must meet several criteria to qualify:

First, it must need the assistance. According to the legislation we have drafted, this means that the area must first be eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974. Second, it must have an unemployment rate of at least 1½ times the national rate. Third, it must have a poverty rate of at least 20 percent. And finally, at least 70 percent of the households in the area must have incomes below 80 percent of the median income of households in the metropolitan statistical area.

In addition, state and local governments must enter into a written contract with neighborhood organizations to do at least five of the following:

(a) reduce tax rates and fees within the "renewal community;"

(b) increase the level of efficiency of local services within the renewal community;

(c) formulate and implement crime reduction strategies;

(d) undertake actions to reduce, remove, simplify, or streamline governmental requirements;

(e) involve private entities in providing social services;

(f) allow for state and local income tax benefits for fees paid or accrued for services performed by a non-governmental entity but which formerly had been performed by government; and

(g) allow the gift (or sale at below fair market value) of surplus realty in the renewal community to neighborhood organizations, community development corporations or private companies.

Third, the community must agree to suspend or otherwise not enforce the following types of restrictions on entry into business or occupations;

(a) licensing requirements for occupations that do not ordinarily require a professional degree;

(b) zoning restrictions on home-based businesses that do not create a public nuisance;

(c) permit requirements for street vendors that do not create a public nuisance;

(d) zoning or other restrictions that impede the formation of schools or child care centers; or

(e) franchises or other restrictions on competition for businesses providing public services including but not limited to taxicabs, jitneys, cable television and trash hauling.

State and local authorities may apply such regulations on businesses and occupations within the renewal communities as are necessary and well-tailored to protect public health, safety and order.

Now, in return for its reforms, Mr. President, the community will receive a number of renewal benefits.

First, a capital gains tax rate of zero for the sale of any qualified zone stock, business property or partnership interest held for at least five years.

Second, increased expending for purchases of plant and equipment in the community.

Third, a 20 percent wage credit for local businesses hiring qualified, low income workers who remain employed for at least 6 months.

Fourth, a provision allowing taxpayers to expense costs incurred in cleaning up contaminated sites within the zone.

Fifth, a provision allowing financial institutions to receive Community Reinvestment Act credit for investments in, or loans to, community groups within the zone. These groups would then provide loans and/or credit to local small businesses.

All of these provisions would encourage investment and job creation within the zone. In my view, this approach, as opposed to the existing preferences structure, or the McConnell approach standing alone, is the way to go.

Accordingly, Mr. President, while Senator McCONNELL's amendment is, in my view, part of the answer to our challenge of providing all Americans the economic opportunity they deserve, it is not enough.

It can, and in my view should, be part of a larger program aimed at helping all Americans rebuild the community institutions which alone can provide the support and training people need to succeed in our competitive world marketplace.

Thus, if the motion to table the Amendment fails, I will attempt to augment it with a broader package of economic empowerment proposals as outlined above.

In addition, should the McConnell Amendment pass, I reserve the right to offer amendments making certain specific modifications to the language in this amendment.

That language would specify that state and federal outreach and dollars under USTEA shall be directed toward emerging business enterprises located in and/or employing the majority of their workers from "targeted areas." A targeted area is defined as a community meeting the same criteria regarding poverty rates and so on necessary to be deemed an empowerment community. This will concentrate our effort where they are most needed and can provide the greatest benefit.

I appreciate the opportunity to speak on these issues today, and I look forward to hearing the rest of this debate. I also look forward to proceeding further in this area—whether in the context of this legislation or at a future point this year—because I think that the ideas which I have tried to outline, and which our Renewal Alliance has been working on, must be part of a broader approach and a broader set of solutions we are responsible for bringing to the American people.

Mr. McCONNELL. If I could take a moment to thank the distinguished Senator from Michigan for his important contribution and the thought that he and the occupant of the chair have put into their proposal. I think is a very important contribution.

Mr. ABRAHAM. Thank you.

Mr. BAUCUS. I yield 10 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER (Mr. COATS). The Senator from Virginia.

Mr. ROBB. Mr. President, I rise to support the Disadvantaged Business Enterprise Program and oppose the amendment of the Senator from Kentucky which would eliminate it.

This amendment, at least, implies that there is something wrong with supporting socially and economically disadvantaged businesses. I see nothing wrong with supporting socially and economically disadvantaged businesses. I believe it is entirely appropriate we do whatever we can, legally, to help small businesses flourish, businesses that might otherwise get swamped by larger, better financed competitors.

Mr. President, it is a sad fact that as we near the end of this century, socially and economically disadvantaged businesses tend to be minority owned. If we don't focus our attention on helping these businesses succeed, we are never going to achieve the dream of an economically colorblind society. The evidence of this, regrettably, is compelling and disturbing. White-owned construction firms receive 50 times as many loan dollars as African American-owned firms that have identical equity.

Where DBE programs at the State level have been eliminated, participation by qualified women and qualified minorities in government transportation contracts has plummeted. There is no way to know whether this discrimination is intentional or subconscious, but the effect is the same. This experience demonstrates the sad but inescapable truth that, when it comes to providing economic opportunities to women and minorities, passivity equals inequality.

If we don't exercise diligence, we are going to stifle businesses owned by qualified women and minorities. It is that simple.

I do not support numerical quotas and I never have. I would never advocate awarding work to anyone who is, or any business that is unqualified for the task. But I do support lending a helping hand to individuals and businesses that, without special attention, might be overlooked, even though they are perfectly capable of performing the necessary work.

And that, Mr. President, I believe is the key to eliminating discrimination over the long-term. We cannot simply declare that a world where inequality exists is otherwise an equal world. We need to recognize that inequality and address it by making an affirmative effort to give qualified businesses a realistic chance to participate.

As Julian Bond remarked recently in a sentiment that I think is right on mark in this case:

> Affirmative action isn't a case of unqualified people getting a leg up, but of qualified people getting an opportunity.

Finally, I would like to commend the managers of the bill and, in particular, my colleague from Virginia for taking a courageous stand to support the DBE, despite the pressure that I am sure he is getting on this particular issue.

Mr. President, the managers are on the right side of this particular issue, and I urge my colleagues to support them by opposing this amendment.

With that, I yield the floor.

The PRESIDING OFFICER. Under the previous agreement, the Senator from New Mexico is recognized to speak for up to 45 minutes, if he so chooses.

Mr. DOMENICI. Mr. President, if somebody needs 5 minutes or so; I am awaiting a document that I need for my remarks.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself 5 minutes.

Mr. President, I want to ruminate about this concept of quotas and goals. First of all, nobody likes quotas. They are rigid, they are unforgiving, they are almost insulting. The DBE program does not use quotas; it uses goals.

Now, some say the goal is 10 percent, 15 percent, or 20 percent, or what not; so is it really a goal? To be honest with ourselves here, it is a goal, but it does have a number associated with it. For example, the number is 10 percent. Some States ask for a lower goal—not a quota, but a lower goal. Some States are granted those lower goals. Some States ask for higher goals and they are granted those higher goals. Some States say, "Our goal is going to be 10 percent," and lo and behold, it turns out that the disadvantaged business enterprise program does not meet 10 percent, it is a lower percent. That has happened in a couple of States. In 1996, in Arizona and in Alaska, the goal was 10 percent, but those two States did not reach the 10 percent goal. In Alaska, it was 8.6 percent. In Arizona, it was 8.9 percent. You might ask: What happened? Why didn't those States meet their goals? As far as I know, nothing has happened, which is further evidence that this is not a quota; it is just a goal.

We all know that goals are important. We know that if we want to achieve something, it is good to have a goal. If you don't have goals, often we slip, we rationalize, and things fall between the cracks and they don't happen. Sometimes it is helpful to have numerical dates or to quantify your goals, again, to help assure that you reach them, like benchmarks. We all know that sometimes quantifying a goal helps make it happen. In this case, we are not talking about a rigid goal. It is a goal that has a lot of flexibility to it in a lot of different ways.

I was a bit bemused when I heard Senators chafing at this concept of goals, I guess the same way Senators resist unanimous consent agreements. A unanimous consent agreement is a kind of a goal. It is a statement that, within 2 hours we are going to vote or something, or within an hour and a half we are going to do something else. We have to have limits sometimes to make something happen. Look at newspapers. Newspaper reporters know they have a deadline to get the paper out.

So if we do want greater inclusion of minority groups participating in highway contracting, and if we want more women enterprises to participate in highway contracting, it is good to have a goal to help make that happen. That is what we are attempting to do here. It is not unconstitutional because it is very flexible. It has a lot of give. I might say that the proposed regulations that the Department of Transportation is working on and, in fact, will probably finalize in a couple of months, make the program even more narrowly tailored. For example, the regulations include further emphasis on good-faith efforts. All a contractor has to show is good faith, not a numerical number. Also in the proposed regulations is a broad waiver allowing States to come up with their own program that will replace the Department of Transportation's program if the State can show that its own program will effectively redress discrimination. That is a broad waiver.

In addition, the proposed regulations would add a net worth cap. That is, if your net worth exceeds a certain amount, you are not eligible, even if you are a woman or a minority. So all those statements about the Sultan of Brunei are irrelevant. The proposed regulations make it very clear that the Sultan of Brunei, with all his palaces and gold-plated Rolls Royces, and so forth, would not even begin to be eligible for the DBE Program. I might say that it is not only the Sultan of Brunei; it is a bunch of other folks whose net worth is significant and who should not be part of the DBE Program.

So the basic point is, again, that this is very narrowly tailored, it is flexible, it is based on good faith efforts. It is not a quota. And the proposed regulations will be even more flexible and narrowly tailored, with more emphasis on good-faith effort.

The PRESIDING OFFICER. Who yields time?

The Presiding Officer had earlier recognized the Senator from New Mexico to speak under a previous agreement, if he is prepared to do so.

Mr. DOMENICI. Mr. President, I yield 5 minutes of my time—although he may have a different view than I have—to Senator BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas is recognized to speak for 5 minutes.

Mr. BROWNBACK. I thank the Senator from New Mexico.

Although I think our views of the world are similar on many issues and actually quite a bit similar on this particular issue, we end up coming at it, in the end conclusion, a bit differently. I appreciate the Senator from New Mexico yielding me 5 minutes for this purpose.

Mr. President, the Senate will soon vote, of course, on an amendment proposed by the Senator from Kentucky on the ISTEA bill. As the bill stands, it mandates that "not less than 10 percent" of Federal highway and transit funds may be allocated to "disadvantaged business enterprises."

I want to speak specifically about this amendment that does away with racial set-asides and replaces it with an outreach program to emerging small businesses. I have really struggled with this vote. I find this a very difficult issue, not because I support quotas or because I believe racial set-asides will help bring about racial reconciliation, which is really my point of view and my difficulty with this because we desperately need racial reconciliation in this country. We need that to take place. We need that process to start in earnest, to move forward with the hearts and souls of people in this country. My problem is that I don't think quotas and set-asides alleviate the disadvantages many Americans face or to increase their ability to compete on a level playing field, nor do I really believe it is going to help us out with this racial reconciliation that our country so desperately needs.

Nevertheless, this has been a hard decision to make. It will be a hard vote to cast. I would like to explain why I will vote in favor of Senator MCCONNELL's amendment and why I have misgivings about doing so.

First, I believe that quotas are unconstitutional. Each of us, in serving in this body, has taken an oath to uphold the Constitution. The Supreme Court's ruling in Adarand is very clear. I took my oath of office to uphold the Constitution seriously. I could not, in good conscience, vote for a measure that I believe, and the Court has ruled, violates the highest law of this land.

Second, I do not think quotas are the answer to the problems that divide us and deny equal opportunity. Quotas do nothing to address the problems that we face as a country, of not having a colorblind society. Indeed, it actually perhaps makes us more aware of the differences, rather than less aware of the differences. It doesn't address some of the underlying problems such as the break-up of families, which is the single greatest predictor of opportunities and income later in life—coming from a solid family that cares and loves the children. Quotas do not help the millions of children who attend schools where violence is commonplace and drug use is rampant. They do not help children to read, write, do arithmetic, or have the basic skills in society that we are having so much trouble with.

Finally, I believe that set-asides are not only ineffective in bringing about racial reconciliation—this is my key point; I don't think they bring about racial reconciliation. Indeed, I think they have been counterproductive. The last several years have shown that quotas in some cases, indeed many, are an acid that further divides our Nation and corrodes the principles of equality. More than 30 years ago, Dr. Martin Luther King, Jr., shared his dream of a society where men and women would be judged "on the content of their character, not the color of their skin." We all, as a country, saw those words as electric and true. This is a dream that almost all Americans continue to share—that we be judged on the content of our character, not on the color of our skin. Although we may disagree on the best means of getting there, I cannot believe that the best way to achieve a colorblind society is to call more attention to race, to count by race, and to divide by race.

That said, the reason I have struggled with this vote is I believe that it is incumbent upon us to open the doors of opportunity to all and reach out to those Americans who have been denied those opportunities. Unfortunately, the way this debate has been spun, a vote for quotas has been equated to show concern for the disadvantaged—a portrayal both false and destructive, I think. We need to do more to extend a helping hand to those in need and to open the doors of opportunity and not only level but expand the playing field for all Americans.

The Senator from Michigan has spoken and the Senator presiding, the Senator from Indiana, has spoken frequently about initiatives of the Renewal Alliance. I want to draw my colleagues' attention to these efforts. I think this is a serious effort at reaching out and truly showing that the way to racial reconciliation is to truly level the playing field and to expand the playing field in the areas where we are having the most opportunity. So the work in the inner cities and the work of the Renewal Alliance has been key in that.

I think this work of the Renewal Alliance is critical because, as I have struggled with this debate—and the reason I have struggled with this vote is not because I believe quotas are the answer, because they just are not, they are not constitutional—is that if we don't have a colorblind society, what do we go to if we don't think quotas are right or constitutional? Then what? I don't think we have answered that question yet in this body. How do we address the needs to create a colorblind society? That is where I think the Renewal Alliance is reaching out and doing that and saying, here are some ways we can truly develop in inner cities, and reach out and say: We care, we want these places, we want you to have opportunity and growth and hope. It is just that we aren't going to do it by acid tests that we have talked about in these quotas and that we can really reach Martin Luther King's vision of a colorblind society if we try to bid out and to reach out and to hold.

I ask my colleagues to look at the work of Senator COATS from Indiana and other people that have truly put their hearts into this and said, here is a way we can go, this is what we can do, this is not constitutional quotas. It is just not going to be. But this is what we can do, and let's do that, and let's reach out as Americans and bind arms together, of all creeds, of all kinds, of all races, of all religions, and make a bigger, better playing field in this country.

That is why, Mr. President, I will be voting for this amendment. It is a difficult vote. And I really hope and pray that we will revisit this issue along the lines of what has been put forward as a way of expanding the hope and opportunity.

With that, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, if I could just have one moment to thank the Senator from Kansas for his important contribution to this debate, and thank him for his support.

The PRESIDING OFFICER. Under the Senate agreement, the Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, thank you, very much.

Mr. President, I rise today in opposition to the Amendment offered by the Senator from Kentucky, Mr. MCCONNELL. The Senator from Kentucky proposes to replace the Department of Transportation's Disadvantaged Business Enterprise (DBE) program with a new "emerging business" program. The amendment is intended to eliminate the DBE program and would have a devastating effect on the opportunities for DBE's to participate in federally funded highway and transit projects.

The proponents of this amendment urge Senators to vote for this amendment by saying that it is incumbent upon the Senate to bring ISTEA into compliance with the Supreme Court's ruling in Adarand versus Pena. They assert that just this summer, after the Supreme Court sent the case back to the District Court, that it found the DBE program was unconstitutional. Furthermore, they declare that the District Court in Colorado followed the Supreme Court's lead and found that the government, in fact, could not meet the Supreme Court's test.

The proponents go on to remind Senators that every member of Congress has publicly and solemnly sworn to support and defend the Constitution of the United States, and that we now have little choice but to comply with the unambiguous, unequivocal mandate of the courts and end the DBE program.

If Senators are considering voting in favor of the McConnell amendment on the basis that the program has been ruled unconstitutional, and that it is now incumbent upon us to bring the program into line with the Supreme Court's rule, then I would ask them to take the time to listen to a different view, and one that I believe is closer to the real facts.

The proponents of this amendment make the argument that we should stand for the rule of law and on this point we agree. However, many Senators will be interested to know that the District Court itself appears not to have followed the rule of law as outlined by the Supreme Court and therefore should not be mislead. I will say this again, because if you listen to the proponents of the amendment, and I have, you are compelled to consider their argument seriously. But if you look at the facts closely, you will find that the very constitutional rule of law the proponents ask us to uphold was itself not precisely followed by the District Court.

In 1995, in Adarand, the Supreme Court did not find the DBE program—or any other affirmative action program—unconstitutional. In fact, seven of nine Justices upheld the constitutionality of affirmative action and its continued need in certain circumstances. Instead, the Supreme Court established a new standard of review—"strict scrutiny"—for federal programs using race conscious measures. This new two pronged test requires that affirmative action programs are "narrowly tailored" to meet a "compelling governmental interest." Without deciding whether the DBE program met this new strict scrutiny test, the Supreme Court sent the case back down to the District Court for consideration in lieu of its holding.

Mr. President, this is the rule of law the Supreme Court said must be followed, and it is the rule of law I would urge Senators to support. However, it is not the rule of law that the District Court followed on remand from the Supreme Court, and that is why the District Court's finding that the program is unconstitutional should be viewed with skepticism.

On remand, the District Court accepted Congress' determination that there was a compelling need for the program. The District Court stated, "I find on the record before me, Congress had sufficient evidence, at the time these measures were enacted, to determine reasonably and intelligently that discriminatory barriers existed in federal contracting . . . I conclude Congress has a strong basis in evidence for enacting the challenged statutes, which thus serve a compelling governmental interest." This meets the compelling governmental interest prong of the Supreme Court's "strict scrutiny" test.

The District Judge, however, decided that the program was not sufficiently narrow in its scope. In this part of his decision, the Judge took a position which directly contradicts the Supreme Court's rule in Adarand.

While seven of nine Justices of the Supreme Court said that there could be affirmative action programs that are both narrowly tailored and meet a compelling governmental interest, this District Court Judge found, "Contrary to the Court's pronouncement that strict scrutiny in not 'fatal in fact,' I find it difficult to envisage a race-based classification that is narrowly tailored."

Obviously, Mr. President, the key words in the District Court's ruling are "Contrary to the Court's (meaning Supreme Court's) pronouncement. . ." I agree with the proponents of this amendment that every Member of Congress took an oath to support and defend the Constitution of the United States, and we should be vigilant in adhering to that oath. But, the fact of the matter is that the District Court itself does not view the constitutional rule the Supreme Court set in Adarand as being able to be followed because it found that it would be difficult to envisage any affirmative action program that could be narrowly tailored. The Supreme Court said that it could envision a program that was both narrowly tailored and furthered a compelling governmental interest, and herein lies the flaw in the argument of the proponents of the amendment. On this point, Justice O'Connor, writing for the majority stated, "We wish to dispel the notion that strict scrutiny is strict in theory, but fatal in fact. The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from action in response to it."

The very District Court ruling that the proponents ask us to rely on is currently being appealed by the Department of Transportation and the Department of Justice in the 10th Circuit Court of Appeals. The case has been fully briefed, but no date has been set for oral argument. So while the proponents suggest that a decision on this matter has been fully resolved by the courts and constitutes a mandate that we should follow, the fact is that it is still an open question.

Furthermore, Mr. President, although the District Court found that the scope of the program was not narrowly tailored, it did not take into account the changes that the Department of Transportation has proposed to the program to respond to the Supreme Court's narrow tailoring guidelines. The Department of Transportation has issued a proposed rule to improve the DBE program and respond to the Adarand decision. The proposed rule is specifically designed to meet the narrow tailoring requirement of the Supreme Court's strict scrutiny test.

Specific narrow tailoring proposals include: Ensuring that specific goals are set to correspond to the availability of qualified DBEs in a given market. The new goal-setting methods will ensure that DBEs receive the same opportunities they would have but for the presence of discrimination—no more, no less. Giving priority to race neutral measures, such as outreach and technical assistance, in meeting overall goals. Recipients would look to these approaches before using race-conscious measures, such as contract goals. Emphasizing the need for recipients to take good faith efforts to meet contracting goals seriously. Recipients must award a contract to a bidder who documents adequate good faith efforts, even if the bidder does not fully meet a contract goal. Providing waivers that will afford recipients increased flexibility in implementing the program.

So while the District Court found it difficult to envisage an affirmative action program that could be narrowly tailored, it did not even have before it the proposed rule that purports to meet that test. These regulations are to be finalized within the next month. After thorough review, both the Department of Transportation, and the Department of Justice have determined the DBE program is constitutional.

The proponents have urged us to comply with the "unequivocal mandate" of the courts and end the DBE program. The only "unequivocal mandate" the courts have stated is that race-based programs must meet the strict scrutiny test. Contrary to the Supreme Court's decision that an affirmative action program could be both narrowly tailored and meet a compelling governmental interest, the District Court found it "difficult to envisage" any narrowly tailored program, and moreover, it did not have before it the very rule proposed to address the aspect of the Supreme Court's strict scrutiny test.

President Eisenhower, when he was still general, used to say that he ". . . never liked to make decisions too quickly . . ." I would urge my colleagues to heed the advice of President Eisenhower, and not make a decision to quickly on this matter prior to a determination being made of whether the proposed rule can meet the narrow tailoring aspect of the Supreme Court's test.

The Senator from Kentucky's amendment requires States to take action to enable emerging businesses to compete for highway and transit contracts and subcontracts. These actions include outreach to emerging small businesses in the construction industry, technical services and assistance with bonding and lending, and technical services and assistance with general business management. The amendment prohibits discrimination and preferential treatment based, in whole or in part, on race, national origin, or gender.

Mr. President, the proponents of this amendment have lead members to believe that the DBE program is really a "quota program." I want to stress at the outset that this program is not a "quota program" as some have suggested. There is a great difference between an aspirational goal and a rigid numerical requirement. Quotas utilize rigid numerical requirements as a means of implementing a program. The DBE program utilizes aspirational goals.

Under the DBE program, State and local government recipients of Department of Transportation funds administer the DBE program. Each year, they determine how much DBE participation is reasonable to expect based on the availability of DBEs and the types of work involved. The recipient's annual goal may be more or less than the national 10% goal established by Congress, and it is worth noting that if they do not meet that goal there are no penalties. In fact, the Department of Transportation has never penalized or sanctioned a State or local recipient for not achieving their goals. This provides flexibility to meet local conditions. Contract goals are not operated as quotas because they only require that the prime contractor make "good faith efforts" to find DBEs. If a prime contractor cannot find qualified and competitive DBEs, the goal can be waived.

Inasmuch as the DBE program is not a quota program, neither does it constitute reverse discrimination as the proponents have suggested. The DBE program works to remedy discrimination, not cause it. In fact, non-minority business people who are disadvantaged have applied and been accepted into the DBE program. In fact, any white male, as long as he can demonstrate social and economic disadvantage, can be admitted to the program.

Let's remember, the Department of Transportation reports that 85 percent of the contracting receipts under ISTEA programs go to non-DBEs with the current DBE program in place. This figure indicates that minority firms do not dominate the construction industry. The role in the construction industry will only be diminished by the elimination of the DBE program.

The DBE program works to ensure a level playing field for qualified DBEs which have for years confronted discrimination and been blocked out of contracting opportunities. That discrimination is evidenced by District

Court's finding that the program meets the compelling governmental interest prong of the Supreme Court's strict scruity test.

THE NEED FOR A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

There is discrimination in the construction industry. Minorities make up 20 percent of the U.S. population, but minority-owned businesses are only 9 percent of construction firms and they get only five percent of the construction business. Women own a third of all small businesses but received less than three percent of federal procurement contract dollars in 1994.

Lenders discriminate against minority firms. It is a lot harder to capitalize a minority construction company. Black construction firms can raise fifty times fewer dollars per dollars of equity capital than White firms. When there is no affirmative action program, DBEs don't get any work.

In Michigan within six months of ending the state DBE program minority-owned businesses were completely shut out of state highway construction. During the same period, in the same state, under the Federal-aid highway DBE program the same DBEs received 554 subcontracts worth 12.7 percent of the federal aid dollars. When there is no affirmative action program white-owned prime contractors reject minority or women-owned firms even when they offer the lowest bid.

The DBE program follows the Supreme Court's Requirements. The current DBE program sets a national participation goal of 10 percent for disadvantaged business enterprises.

The goals are flexible. DOT can, and has permitted, a lower goal based on availability of DBE firms and opportunities for subcontractors.

The goals are sometimes waived completely if a prime contractor, despite good-faith efforts cannot find a qualified disadvantaged business to meet a specific contract. The proposed regulations respond to the "narrow tailoring standards" set out by the Supreme Court.

Courts have said: specific goals should correspond to the availability of qualified DBEs in a given market. Provide the same opportunity to DBEs that they would have received but for the presence of discrimination—no more no less.

Courts have emphasized the importance of "race neutral" measures such as outreach, training, and technical assistance.

Race-neutral measures would be used to achieve as much DBE participation as possible before any "race-conscious" measures are used. Only use "race-conscious measures to extent, and only for as long as, they are needed to achieve a level playing field. Goals are not quotas. Prohibit set-asides except in most severe cases of discrimination.

Mr. President, for those who are managing the bill, or might be waiting to speak this evening, I don't believe I will use all of my time. If I am not holding anybody up, I might reserve some of it until tomorrow, or whenever we finish it.

How much time is allocated to the Senator from New Mexico?

The PRESIDING OFFICER. The Senator from New Mexico has 36 minutes remaining.

Mr. DOMENICI. Mr. President, needless to say, the Senator from New Mexico who comes from a State that has about 11 percent American Indians as part of our population mix and about 38 percent Hispanics—needless to say, I have lived my adult life in an atmosphere where I have rubbed shoulders with those members of the minority—American Indians and Hispanics—in my State as they spoke of opportunity and as they spoke of a chance to own a business and of their hope that their children would get a good education so they could have a chance like all of us had in New Mexico who are not Hispanics or Indians.

I have seen a great number of successes in terms of business by the minority community in New Mexico. Much less by the Indians proportionately—American Indians—than by the Hispanics. And that has a lot of cultural nuances to it also, and tribal nuances and the like.

But I have strived most of my life to try to be part of the kind of community and the kind of lawmaking that gave the minorities an equal chance to own businesses. That is essentially what we are talking about here. And we are engaged in a debate—I don't think a debate about whether everyone, including minorities, ought to have a chance to own businesses in America. I would assume if we put that question to everyone, they would all say of course. But the question is, even though we all say of course, do they really have an equal opportunity? Is it as easy for an intelligent, well-educated Hispanic American, New Mexican, or a Native American to get into business? I will say that without any of the Government involved, they are getting more and more opportunities. And there is no question that more Hispanics are in business in the United States on their own without the benefit of the Federal Government programs than those who are in business because of the Federal programs.

But I can also assure you that the Hispanic Americans who live in my State and in other States are genuinely listening today to this debate. And if they aren't tuned in on C-SPAN, they will soon be hearing what people tell them we are doing here on the floor of the Senate. I guarantee you, Mr. President, and my good friend, exceptionally good friend from Kentucky, who happens to be on the opposite side of this issue today, on the precise formulation of the issue—I guarantee you that whether Hispanics and Native Americans, or other minorities, or women who are part of this program and are scurrying around to catch up with the men in business ownership—incidentally, as an aside, the fastest growing portion of the American business ownership portfolio is now women.

As a matter of fact, as of 2 years ago, women-owned businesses in America, believe it or not, and all by themselves, employed more people than the Fortune 500 in America. And it was the fastest growing piece of those who were entrepreneurs. On the other hand, that doesn't mean that they don't need some help sometime to break into the private sector.

So I have come to the floor concerned because I do not want to be part of an America that is saying, because we don't want quotas and we don't want set-asides, which I will agree we should not have—we are not going to have a major program within the highway programs of this country, which we are currently thinking is $173 billion worth of business, more or less, over the next 6 years, and add to it $41 billion more or less for mass transit. I do not want to leave the floor with that bill and with people being able to say there may not be any minority participation in the businesses that put this fantastic roadway and mass transit system together. That may be a bit of an exaggeration. But essentially what we have done in the past is to try to make sure that there was participation. And we have broadened that to women as part of a group of Americans that are disadvantaged when it comes to owning their own businesses.

So I have for the last 3 days—not for months—studied this issue. And I must say I didn't have hours upon hours to do it; I have a lot of other things I have to do around here. But I have come to the conclusion that we do not have to wipe out the Disadvantaged Business Enterprise Program in this bill in order to accomplish our goal, which I think is rather unanimous, that there be no quotas yet there be some positive direction so that women and minorities will get a reasonable portion of the business under this very, very large multimillion-dollar contract authority that is going out to American business, large and small, to fulfill.

The more I read, and the more I said, "But you can't be right, Senator DOMENICI, because of your wonderful friend from Kentucky whose thoroughness and constitutional acumen on the bill called campaign finance"—I read the same cases with him, and I agreed with him. In fact, I told him that I had come full circle and could clearly understand in campaign finance how it was a freedom of speech issue. He recalls that. I would not have gotten to that point. I was still fuzzy about it until I heard his interpretations of the Supreme Court.

But I tell you that I do not agree that this minority business program that we have in this ISTEA bill before us is a program that mandates quotas and mandates set-asides. In fact, I don't believe it is even fair to just look at the face of the statute, as has been done here on the floor, and read it, and say it is patently a quota system because, Mr. President, it is not implemented without regulations. And the regulations and the way the program is being implemented, from everything I can find out, do not establish quotas or set-asides.

Then I said, "Well, my friend from Kentucky, whom I have just expressed my admiration for, keeps saying the Supreme Court has already ruled it unconstitutional." And I said, "If that is really true, he should get 100 votes."

So I started asking. I have some lawyers on my staff. I don't think necessarily I have Laurence Tribe on my staff. I could have sent it up to Harvard for them to look at it. Maybe my friend from Kentucky would say that wouldn't be a very good place to send it; I don't know. But maybe over to Stanford. Well, let's settle for old Michigan, the University of Michigan.

But in any event, the truth of the matter is that I have now received very, very different information that I think makes sense about whether this Disadvantaged Business Enterprise Program as currently being administered has been declared unconstitutional by the Supreme Court. As a matter of fact, let me say I am convinced that it has not.

What I have done—and I hope the Senate will find this interesting—is I have asked the Attorney General's Office of the United States and the Secretary of Transportation to answer some very precise questions. I have them answered. They are so interesting and so precise. Maybe that is because I asked the questions that I wanted answered. I would like to read them. There are only six. When I am finished later this evening, I will pass out the letter to whoever wants it. It will be then signed by the Attorney General of the United States and by Secretary Slater.

Let me read the letter. The letter is dated March 5, 1998, directed to me.

It says:

> DEAR SENATOR DOMENICI: This letter responds to questions that you have posed regarding the Disadvantaged Business Enterprise (DBE) Program currently authorized by the Intermodal Surface Transportation and Efficiency Act.
>
> 1. Has the text of section 1111 been ruled on by the Supreme Court, and if not, how does section 1111 differ from the statute that was before the Supreme Court in Adarand v. Pena?
>
> The Supreme Court in Adarand v. Pena did not find this or any other program to be unconstitutional. Indeed, the Supreme Court did not even consider the constitutionality of section 1003(b) of ISTEA, which sets a 10% goal for expenditure of the authorized funds with DBEs. The Adarand case involved a different program: the Department of Transportation's use in its own direct federal contracts of compensation to encourage federal prime contractors to use DBE subcontractors. The compensation was provided through a specific contract provision used only in DOT's own direct contracts for highways on federal lands. Even as to this compensation program, the Supreme Court's opinion merely establishes that federal race-conscious programs, like state and local programs, are subject to strict scrutiny. The Court made clear, however, that such scrutiny is not "fatal in fact," and that the federal government has a compelling interest in remedying the lingering effects of discrimination through properly tailored programs.
>
> 2. How do you conclude that Section 1111 of the ISTEA bill was not before the Supreme Court in Adarand v. Pena and has not been declared unconstitutional?
>
> The Supreme Court's opinion in Adarand addresses only the DOT's subcontracting compensation program, not the ISTEA DBE program. The Supreme Court's remand in *Adarand* makes this clear—it states that the courts below were to determine only "whether any of the ways in which the Government uses subcontractor compensation clauses can survive strict scrutiny." 515 U.S. at 238. Only one district court judge—the judge who is considering the remand in Adarand—has found the compensation clause program unconstitutional. While that district court judge also ruled the ISTEA program unconstitutional, the constitutionality of ISTEA was not properly before the court. The Justice Department has argued on appeal to the Tenth Circuit that the district court improperly addressed the constitutionality of ISTEA and, in any event, erroneously concluded that ISTEA was unconstitutional.
>
> 3. Section 1111 of the ISTEA bill states, "not less than 10 percent of the amounts made available under this program shall be expended with small business concerns controlled by socially and economically disadvantaged individuals." In view of this language, why is the DBE program not a mandatory set aside or rigid quota program?
>
> The 10 percent figure contained in the statute is not a mandatory set aside or rigid quota. First, the statute explicitly provides that the Secretary of Transportation may waive this goal for any reason—specifically, the language quoted above is preceded by the phrase "[e]xcept to the extent that the Secretary determines otherwise." Second, in no way is the 10 percent figure imposed on any state or locality. Under the program, it is the states that really set goals for contracting. They may set goals higher or lower than 10 percent depending upon the local availability of DBEs, projected contracting needs and past results of their efforts. Moreover, state agencies are permitted to waive goals when achievement on a particular contract or even for a specific year is not possible.
>
> The DBE program does not set aside a certain percentage of contracts or dollars for a specific set of contractors. Nor does the program require recipients to use set asides. The DBE program is a goals program which encourages participation without imposing rigid requirements of any type. Neither the Department's current or proposed regulations permit the use of quotas. The DBE program does not use any rigid numerical requirements that would mandate a fixed number of dollars or contracts for DBEs.
>
> 4. The comments to the new rule states, "[i]f race-neutral means are the first resort under this proposed section, then set asides and other more intrusive means, such as a conclusive presumption, are the last resort." In view of this language, why is this not a mandatory set aside or rigid quota program?
>
> The comment is intended to make clear that race- and gender-neutral mechanisms (e.g., outreach, technical assistance) are the means of first resort for recipients to use in seeking to meet overall goals. In fact, the rule itself prohibits setting aside particular contracts unless the state has been unable to meet its goals for a number of years *and* there is a court-order or state law which directs the recipient to use set asides. Such set asides would not be permitted, even where state law authorizes their use, unless it can be shown that less restrictive measures, including race neutral programs and flexible contract goals, were insufficient to address the demonstrated effects of discrimination. As discussed above, the DBE program thus neither mandates set asides nor permits the use of rigid quotas.
>
> 5. Are there sanctions, penalties or fines that may be imposed on any recipient who does not meet DBE program goals? In the fifteen years that this program has been in operation, has any state been sanctioned for not meeting its program goals? In answering please provide specific examples to support your conclusion.
>
> No state has ever been sanctioned by DOT for not meeting its goals. Nothing in the statute or the regulations imposes sanctions on any state recipient that has attempted in good faith, but failed, to meet its self-imposed goals. In 1995, two states failed to meet their goals; in 1996, two other states failed to meet their goals; and, in 1997, three states failed to meet their goals. There were no sanctions, penalties or fines of any kind imposed against any of those states.
>
> 6. Is this program only for minorities and women?
>
> No. Any individual owning a business may demonstrate that he is socially and economically disadvantaged, even if that individual is not a woman or minority. Both the current and proposed regulations provide detailed guidance to recipients to assist them in making individualized determinations of disadvantaged status. And, in fact, businesses owned by white males have qualified for DBE status.
>
> 7. What recourse is available to low bidders who have made good faith efforts to meet DBE contract goals, but despite those efforts were not able to do so? Is it true that low bidders who have tried but failed to meet the contract's DBE goal are automatically eliminated from consideration for the contract?
>
> Under the current regulations, if a prime contractor is unable to find available and qualified DBEs to meet a specific contract goal, the goal may be waived. Under the proposed rule, the goal must be waived. No low bidder who tried in good faith but failed to meet the goal is automatically eliminated from receiving the contract.
>
> Thank you for your interest in, and support of, this important program.
>
> Sincerely,
>
> JANET RENO.
> RODNEY E. SLATER.

That is the extent of the letter which I have now read into the RECORD. Mr. President, let me say that, obviously, reasonably oriented Senators, who have good motives, maybe even the same motives and same goals, can disagree. But I take very seriously whether I should come down and vote for a statute that is patently unconstitutional, and I am very confident that, when I vote against the amendment of the distinguished Senator from Kentucky to strike that provision and substitute for it, that I am, when I vote against it, voting to leave in this bill and the regulations accompanying it, a constitutional provision with reference to helping the disadvantaged, including women and any business that might qualify that is economically disadvantaged.

I hope, and I say to the administration very clearly right now: You have now put the signature of the Attorney General of the United States and the Secretary of the Treasury on the answer to these seven questions. And this Senator, and I think a number of other Senators, is going to be voting to keep the provision in the bill based upon these kinds of assurances. Let me make sure that the President of the United States understands that if it turns out that, as they produce the completed regulations for the program, as they attempt it across the board for all programs—they are in the process of doing that; there are many other departments other than the Department of Transportation that need refined regulations. If, in fact it comes out in a few months that the regulations are not being interpreted in the way suggested here, then I assure you that we will change them. I am not suggesting we will do away with help and assistance in the area that is encompassed here, but many are voting because they have confidence that the rules, as they implement this, will not be inconsistent with these statements. This better become a very, very serious challenge to the administration as they finally implement this program.

If they do that, and they are done as suggested in these responses, then I have no doubt that anybody attempting to appeal will lose. I have no doubt that the issue will not be before us again, because it will not have any set-asides to it, it will not have any fixed ratios, the kinds of things that we all know we don't want—quotas, numerical quotas and the like.

With that, I reserve the remainder of my time. But I would say to the leadership, if the rest of the time is running out and we are ready to vote at any time in the near future, I believe a call to me will get me to relinquish the remainder of my time. But for now I will reserve it.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator form Kentucky.

Mr. McCONNELL. I can say to my good friend from New Mexico, for whom I have the greatest respect, I would like to just mention what the Supreme Court said in the Adarand case. Basically what the Supreme Court did was to lay out the standard, and they said that any racial presumption must be narrowly tailored to meet a compelling governmental interest. ISTEA uses that racial presumption. Then what the Court did was they sent the case back to the district court to determine what statutes and regulations were in play in Adarand and whether the statutes and regulations met the strict-scrutiny standard.

In the district court case—I apologize to my good friend from New Mexico if I said the Adarand case declared the regs unconstitutional. I don't think I said that on the floor here today. I may have said that in some conversation we had yesterday. But what the Adarand case did was lay out the standard, sent the case back to the district court, and the district court said, and this is a direct quote, "Section 1003(b) of ISTEA and the regulations promulgated thereunder are unconstitutional." So the district court, applying the standard of Adarand, said the case was unconstitutional.

The Department of Transportation, in trying to appeal the district court decision—they don't like that decision. They are going to appeal it to the 10th circuit. The Department of Transportation in their brief, in describing the lower court decision, says, "This order declares unconstitutional the program operated by DOT, but also the Federal aid DBE program operated by the State of Colorado under ISTEA."

So, I think we are in the same place here. Technically, the Supreme Court only laid down the standard in this case. But that was a landmark standard. It was sent back down to the district court, which applied the standard and found this unconstitutional. And the Court in another case, a very similar case to this—the Court meaning the Supreme Court—has addressed this issue. So it is not like the Supreme Court has never spoken, I would say to my friend from New Mexico, on this subject. In the Croson case the Court said, "In sum, none of the evidence presented by the city"—this was referring to the city of Richmond, a similar factual situation:

> None of the evidence presented by the city point to any identified discrimination in the Richmond construction industry. We therefore hold that the city has failed to demonstrate a compelling interest in apportioning public contracting opportunities on the basis of race.
>
> To accept Richmond's claim that past societal discrimination alone can serve as the basis for rigid racial preferences would be to open the door to competing claims for remedial relief for nearly every disadvantaged group. The dream of a nation of equal citizens in a society where race is irrelevant to personal opportunity and achievement would be lost in a mosaic of shifting preferences based on inherently unmeasurable claims of past wrongs. Courts would be asked to evaluate the extent of the prejudice and consequent harm suffered by various minority groups. Those whose societal injury is thought to exceed some arbitrary level of tolerability then would be entitled to preferential classifications. We think such a result would be contrary to both the letter and spirit of a constitutional provision whose central command is equality.

Finally, let me say the Supreme Court has addressed a similar issue in the Croson case. The Supreme Court laid down the standard in Adarand, sent it to the district court, which applied the standard which found the very provision we are talking about unconstitutional. That is on appeal to the 10th circuit. And the sufficiency of the new regs that my good friend from New Mexico and other speakers on the other side of this issue have referred to I suppose is the issue before us today. In other words, has the Department of Transportation, bearing in mind the Adarand decision and the subsequent district court decision, adjusted the regulations in such a way as to come into compliance with the law?

I cite on that point a letter from George LaNoue, who is an expert in this particular field who has testified before a number of congressional committees on this subject. Professor LaNoue addresses the adequacy of the new regs. He says:

> It is being asserted that various alterations and proposed regulations for ISTEA solve the constitutional problems created by the use of race, ethnic and gender preferences in awarding of contracts under that program. That assertion is incorrect for two reasons. First, the regulatory alternatives go only to the issue of narrow tailoring—

Narrow tailoring—

> not to the constitutional requirement that a compelling basis of remedying identified discrimination be established before any, for the use of preferences, be considered. None of the fundamental evidentiary requirements necessary to support the preferences in this legislation have been established by the administration or by Congress.

He concludes his letter, which I will ask to have printed in the RECORD:

> Proposed regulations are either irrelevant or incomplete to the major requirements of narrowly tailoring, and they do not begin to supply a compelling basis for the use of preferences.

So where I think we are is that reasonable people can differ about what the courts are saying. I think it is pretty clear that the Senator from New Mexico probably speaks for the majority here in the Senate, and we will get an opportunity, as he indicated, to find out what the law is because it is on appeal to the 10th circuit.

It is also very, very clear that quotas and preferences are going to die hard, Mr. President, in this country. There are roughly 160 preferential quota and preference programs in the Federal Government which dole out benefits on the basis of gender and race. It looks as if the only way we will be able to dismantle those is case by case by case.

The Senator from New Mexico is certainly correct, the district court decision applying the standard in Adarand is on appeal to the 10th circuit. But there are numerous Supreme Court and circuit court decisions that give us an indication of what the result will be. It will probably be a denial of cert, which someone will argue, again, is not a Supreme Court decision. But a denial of cert, if the 10th circuit upholds the district court, will, in fact, finish the case.

I am not saying the Senator from New Mexico will take this position at all, but I bet you there will be some, I say to my good friend from New Mexico, who, if we offer this amendment at some later time, will say, "Well, there wasn't a Supreme Court decision on it, it was only a denial of certiorari.

So I thank the Senator from New Mexico. I understand the sensitivity of this issue. I certainly agree with him that he could rely on the Attorney General's opinion about this, if he chose to. She is a part of the administration. The administration opposes dismantling this particular program. Just speaking for myself, I am not surprised that she would take the position she does, and ultimately the courts will decide.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield myself up to 5 minutes.

Let me say to my friend from Kentucky, actually, I am very pleased with the remarks he has made, because essentially there is no question that the amendment which he offers, as I view it, is premature if the purpose is to make this bill eliminate any program that has been ruled by the Supreme Court to be unconstitutional, because obviously, whatever the district court did with it—and it has not been rendered unconstitutional prior to this district court decree—whatever they did to it is on appeal. As a consequence, we don't even know if the appellate court agrees that it is unconstitutional as determined by the district judge who, incidentally, did not even have ISTEA before the court when this decision was rendered.

Let's just make one other observation about the administration. And I hope Democrats will join me with this. I have just said they better be right. They just told us what it does and doesn't do and how they are going to make sure it is tailored that way. But I think it is fair to say to the President that some of us remember when the decisions came down from the Supreme Court about set-asides and the 8(a) program and others that, as the President said—and I can't quote him verbatim nor do I remember the time, but I can assure you it was sometime back—"I will have my administration go through all these laws and correct them so that they meet what the Supreme Court's test is." Frankly, there are a lot of people who have been waiting for them to get that done.

Mr. MCCONNELL. I ask my friend, did they find any they thought were inappropriate?

Mr. DOMENICI. As a matter of fact, I understand from conversations this morning, the conversations that preceded this letter, that they are in the process of rewriting rules and regulations for all of them, not just ISTEA, and I said, "You better hurry up."

We all know that they have to be rewritten. The minority community knows they have to be rewritten. This debate may have been avoidable. Had they written these both generic and specific rules, we might not have had this argument.

The answer I received, so the Senator will know, is that it is very difficult when you look at the whole array of programs. The Senator says there may be more than 160?

Mr. MCCONNELL. Close to. Between 150 and 160.

Mr. DOMENICI. It is very difficult for the lawyers and those who put them together to get it all finished. I think this debate and this letter will push them to get it done, and get it done as quickly as possible.

I yield the floor, and I thank the Senator.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, with regard to the likelihood of the district court decision in Adarand being overturned—I see my friend from New Mexico is leaving—just to close the discussion on what is likely to be the outcome in the case, I asked the Congressional Research Service about the cases in this particular area of the law.

Let me, Mr. President, for our colleagues in the Senate, point out that the Congressional Research Service has found no—no, not a one—no court ruling after a trial where a race-based contracting program has met the Supreme Court's test of strict scrutiny.

I say to my friend from New Mexico, there hasn't been a single case that the Congressional Research Service could find where a race-based contracting program has met the Supreme Court's test of strict scrutiny. In fact, CRS has explained that Adarand conforms—this is not sort of an aberration out there—it conforms to a pattern of Federal rulings across the country striking down race-based contracting programs as unconstitutional:

Associated General Contractors of California v. San Francisco, a ninth circuit case; Michigan Road Builders v. Milliken, a sixth circuit case; Groves v. Fulton County in the Northern District of Georgia; Milwaukee County Pavers Association v. Fiedler in the seventh circuit; Associated General Contractors of Connecticut v. New Haven, district court in Connecticut; O'Donnell Construction Co. v. District of Columbia in DC Circuit; Arrow Office Supply v. Detroit, Eastern District of Michigan; Louisiana Associated General Contractors v. Louisiana in Louisiana; Associated General Contractors of America v. Columbus, Southern District of Ohio; Engineering Contractors Association of South Florida v. Metropolitan Dade County in the 11th circuit; and finally, Contractors Association of Eastern Pennsylvania v. Philadelphia in the third circuit; and more recently, Monterey Mechanical v. Wilson in the ninth circuit, decided last September; Houston Contractors Association v. Metropolitan Transit, decided last November.

Mr. President, CRS was unable to find a single court ruling where after a trial a race-based contracting program has met the Supreme Court's test of strict scrutiny.

I think it is extremely unlikely, in conclusion, I say to my friend from New Mexico, that we are going to have a court decision overturning the district court finding after Adarand laid down the standard. I thank him for his important contribution.

This is a very, very important issue about what kind of a country we are going to have, what kind of America we are going to have. Are we going to realize Martin Luther King's dream of a colorblind society, or are we going to continue down what the Senator from Kentucky believes is a mistaken path of putting people into boxes, into groups, and to doling out benefits and rights based upon what ethnicity they may be, whether they are male or female? Are we going to continue to go down that path or really work to achieve a colorblind society? I think the courts are telling us that quotas and preferences based on race, ethnicity, and sex are not going to be upheld. The pattern is clear, and it seems to me we ought to follow what is, it seems to me, the law of the land in this particular instance. I yield the floor.

Several Senator addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I note Senator KENNEDY is on the floor. He has been over here many times seeking to speak. I yield to the Senator 15 minutes.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome this opportunity to continue the debate on the steps needed to achieve the goal of equal opportunity for women and minorities. Clearly, we have made substantial progress toward the goal of equal justice under law, but just as clearly, we still have a long way to go.

From President Kennedy to President Nixon to President Clinton, there has always been bipartisan recognition in the White House and Congress that the playing field is not level for women and minorities and widespread acceptance of the need to take steps to remedy the effects of persistent discrimination.

Civil rights is still the unfinished business of America. We have made significant progress toward justice for all and opportunity for all. But, as the church arson epidemic, the Texaco and Mitsubishi scandals, the Good Ol' Boys Round Up, and the brutalizing of a Haitian immigrant by police officers in New York City demonstrate, we are not there yet.

Incredibly, there are some who believe that discrimination is a thing of the past, and that the playing field is now level for women, for minorities, and for other victims of discrimination. They are wrong. Job discrimination is still a persistent problem for minorities in all aspects of the economy. The glass ceiling still prevents large numbers of women from attaining important job opportunities.

Nowhere is the deck stacked more heavily against women and minorities than in the construction industry. African American contractors still report arriving at job sites to find signs with racial epithets. One African American contractor was told to leave a home site by a white customer who said, "You didn't tell me you were black and you don't sound black." In California, a female contractor was told that the reason her asbestos-removal business had declined, even though her work was good, was because "it's back to the good ol' boys club. Haven't you heard affirmative action is out?"

There is no doubt that if we terminate meaningful programs, like the Disadvantaged Business Program in ISTEA, the clock will be turned back—back to bigotry, back to closed-door deals, back to denial of opportunity. The door that America is steadily opening to women and minorities will be shut once again.

Proof comes from communities across the Nation. If we terminate a State disadvantaged business program, public contracts awarded to businesses owned by women and minorities decline rapidly.

In Philadelphia, contracts awarded to women and minorities dropped 97 percent—97 percent—in the first month after the city terminated its disadvantaged business ordinance.

In Tampa, contracts awarded to black-owned firms dropped 99 percent—when that city ended its goals program.

In Michigan, minority firms were eliminated as contractors on State highway projects within 6 months after the suspension of the State's disadvantaged business program in 1989. Within 9 months, participation by women-owned businesses had dropped to 1 percent of total awards.

Can it be that no qualified minority contractor was available for a highway construction contract in Michigan after the State program ended? It defies reason to believe that is true.

The Disadvantaged Business Enterprise Program and others like it have brought new faces to the table. Many women and minorities have had the opportunity to participate—to show they can excel. An electronics company in Orlando—a steel assembly firm in Illinois—a crane and crane operator supplier in Chicago—all owned by women. This program gave them the opportunity to prove themselves. But if these programs end, they are deeply concerned that the major contractors that called them and the companies that praised their work will disappear—not because they do bad work, or charge more than their competitors, but because they are women.

Dorinda Pounds, currently president of Midwest Contractors, Inc., an Iowa highway construction business, had trouble getting startup capital. After 9 years in the construction business, she had decided to start her own business and was faced with the task of raising $500,000 for equipment and expenses. She turned to banks and investors, but they initially expressed concern that the male contractors would lock her out and the banks would not recoup their investment. The DBE program certification was indispensable in persuading bankers and investors to take a chance on her new company.

Three years later, prime contractors ask for her—not because she is a DBE, but because she can get the job done.

Jennylynne Gragg, president of G and G Signals and Lighting, is another example. After 6 years in her parents' construction business, she became the company's general manager, and was able to increase profitability immediately. Her father, acting on his belief that the construction industry is "no place for a woman," offered her job to a younger brother with no experience, and Jennylynne decided to prove him wrong.

Eight years later, she operates a successful contracting business of her own. But it has not been easy. She and her mother—now a business partner—have to struggle to obtain financing. General contractors often solicit their bids with no intention of hiring them. Even when they are the low bidder, general contractors have often used another firm and accepted a higher bid.

Why would a general contractor accept a higher bid? It doesn't make sense—unless you remember that the traditional business network doesn't include women or minorities. At a Judiciary Committee hearing on this issue, Janet Shutt, who operates an Indiana construction company, said some general contractors would rather lose money than deal with female contractors.

The Department of Transportation DBE program is changing all that. The program was signed into law by President Reagan in 1983 to assist minority-owned firms.

It was expanded in 1987 to include women. President Reagan and Congress recognized that it was time to end the pervasive discrimination in the highway construction industry, that positive steps were needed to eliminate years of bias against women and minorities.

Under the DBE program, the Department of Transportation sets a national goal—10 percent of Federal contracting dollars—for participation by women and minorities. States then set their goals—not quotas or set-asides—based on the availability of DBEs and the kind of work that must be completed. Most States set a goal of 10 percent. But on occasion, States have set goals lower or higher than the national level. States have never been penalized for failing to meet their goal.

Once States set their goals, contracts are identified for DBE participation. Prime contractors must either meet the goal or show that they have made a good-faith effort to meet it. The new regulations proposed by the Department of Transportation clarify that States must accept valid showings of good-faith efforts, so that the goal will never become a quota.

The proposed regulations also ensure that only truly disadvantaged businesses can participate in the DBE program. Currently, although women and minorities are presumed to be DBEs, those who are not economically disadvantaged are excluded from the program. The new regulations will ensure the integrity of the program by requiring that women and minorities certify that they are disadvantaged and provide a summary of net worth. The presumption may be challenged at any time by the State or the local certifying agency, the Federal Government, or any third party.

Contracting firms owned by white males may also participate in the DBE program, and the proposed regulations clarify the existing requirements for certification. In fact, Randy Pech—the owner of the Adarand Construction Company involved in the Supreme Court case—is seeking DBE certification.

Discrimination by general contractors is a major obstacle faced by women and minorities. But there are many others. A white contractor with a background identical to that of an African American contractor can expect to receive over 50 times as many loan dollars per dollar of equity capital. A study of contractors in Atlanta found that 19 percent of nonminority firms had unlimited bonding capacity—a privilege granted to no minority firm, regardless of size.

Similarly, an African American owned company in Georgia found that if it sent white employees posing as owners of a white-owned company to purchase supplies, they could receive price quotations two-thirds lower than those quoted to the parent company.

Discrimination in the form of higher quotations from suppliers is commonplace. A recent survey reported that 56 percent of African American business owners, 30 percent of Latino business owners, and 11 percent of Asian owners had experienced this discrimination.

Yet, despite the exclusion, the mistreatment, and the prejudice that women and minority businesspeople experience every day—despite the clear and convincing evidence that the DBE program and others like it have given women and minorities a first, fair chance to succeed, there are those who want to eliminate this sensible program.

Some argue that the DBE program is unconstitutional. But, the Supreme Court's Adarand decision did not strike down the program, nor does it prevent Congress from supporting measures to respond to the pervasive discrimination that still exists in this country.

The Supreme Court, in reviewing this issue, has said only that Federal race-conscious programs must undergo "strict scrutiny"—they must be narrowly tailored to meet a compelling governmental interest.

The Court did not say that affirmative action programs are unconstitutional. What the Court did say is that:

> [W]e wish to dispel the notion that strict scrutiny is "strict in theory, but fatal in fact." The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and government is not disqualified from acting in response to it.

To ensure that the DBE program passes the strict scrutiny test, the Department of Transportation is currently completing new regulations that give priority to race-neutral measures. The regulations also emphasize that States must award contracts to bidders who document adequate good-faith efforts, even if the bidder doesn't meet the DBE goal. In addition, the regulations clarify DBE certification standards, including the eligibility of white males who prove disadvantage.

We know that properly administered programs can meet the strict scrutiny test. State and local programs implemented after the Supreme Court's Croson decision prove this point completely.

I urge my colleagues to vote against the amendment offered by Senator McCONNELL. I support education and outreach efforts to eliminate discrimination. But they are not enough alone to end the discrimination that clearly exists. Congress must remain committed to taking needed steps to guarantee equal opportunity for all Americans.

Mr. President, I yield back the remaining time.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. The Senator from Indiana is around. Someone can check the cloakroom. He is, as far as I know, the last speaker on this side for the evening. He is on his way, I am told.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I yield to the distinguished Senator from Indiana such time as he may need.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, we are considering an amendment offered by the Senator from Kentucky, which is designed to address one part of the increasingly contentious debate over affirmative action. The Supreme Court's ruling in the Adarand decision most probably makes the existing Disadvantaged Business Enterprise Program unconstitutional; and, therefore, I think the Senator's amendment is appropriate.

There is a growing sense, however, that as well-intentioned as affirmative action and set-aside programs are, whether they are constitutional or not, really in any way can be reconciled to the American commitment to equal justice under law. At the same time, I think it is important to point out that Americans do remain deeply troubled by the persistent poverty and lack of opportunity that quotas and affirmative action were originally meant to remedy. As unemployment approaches zero in much of the country, the inner cities are still overwhelmed by double-digit joblessness, social breakdown, and education failure.

I want to be clear here this evening: Quotas and set-asides are not the answer to these problems. We have tried that. It has not worked. It does, I believe, violate constitutional principles of equal justice under law. Set-asides and quota programs have been largely a non sequitur to the social and economic questions faced by the urban poor.

Quotas and set-asides do not strengthen civil society and do not strengthen our neighborhoods. It is the churches and charities and volunteer groups and community associations that bind neighborhoods together, along with strong families. That is what makes progress possible in these areas, not a statute written by the Congress that attempts to force a solution that cannot be forced.

Quotas and set-asides do not foster the kind of spirit of entrepreneurship, that is necessary and needed in these communities, by encouraging the creation of the kinds of small businesses that provide employment and help anchor community life. And they do nothing at all for millions of children who are trapped primarily in urban public schools serving primarily low-income families—schools which, by any measure, are failing to provide adequate education for children who are trapped in this school system.

When it comes to the real concerns of urban America, the national debate over set-asides and quotas is just off the mark, Not just off the mark; it is irrelevant. An unfortunate side effect of this debate, however, is that it gives the impression that those who support the amendment of the Senator from Kentucky have nothing else to say about the real concerns of poor Americans living in inner cities, all they want to do is eliminate the one advantage that individuals have.

Now, in the warp and woof of this quota debate, these supporters—Republicans, conservatives, and the others—are painted as largely unknowing and uncaring and uninterested in the real concerns of the poor. Now, if this charge was warranted, it would be a tragedy—a tragedy for our party, a tragedy for conservatives, a tragedy for Republicans. But such a charge is not warranted.

Those who would support the amendment from the Senator from Kentucky, those who would acknowledge that the quota set-aside program has not addressed the real problems, are not those without alternative proposals. They are not those who don't share the concerns of the poor. We, as a group, have put considerable time and energy and thought into new approaches to helping restore our cities, renewing the hopes and dreams of those who live on some of America's meanest streets and meanest neighborhoods, addressing their concerns for the need for community empowerment, for strengthening families.

Several years ago, I introduced a package of proposals under the title of "Projects for American Renewal." It attempted, through a series of initiatives of Federal seeding and Federal support, demonstration programs, and grants, to accomplish a number of things, but primarily falling in three areas: Strengthen families, because families are so key to the strength and stability of communities, but recognizing that not all families are intact; and promoting the role of mentors, organizations and individuals that can provide support for children who don't have fathers at home to help them. It addressed the need for strengthening those community institutions—institutions of charities and nonprofits, churches, synagogues, and other institutions within the community that can reach out and address some of these most fundamental social programs in ways that government programs never have and never will.

It sought to provide for community renewal through a series of empowerment measures and economic empowerment measures designed to gather capital, build businesses, and provide job opportunity and job growth for businesses within communities that needed the help the most.

For the past 18 months, a group of us have been meeting under the title of "Renewal Alliance," a group of roughly 30 Republican Members of the House and Senate seeking to craft a new program of outreach and empowerment to our Nation's urban areas and to our Nation's poor. We have rejected the failed model of the past, the top-down Federal programs that have brought devastation in inner-city communities. We have also, however, rejected a "hands off" approach that believes the best Federal urban policy is no policy at all.

Instead, we have attempted, through the Renewal Alliance, to provide an opportunity agenda for urban America. We acknowledge that there is at least a startup role that the Federal Government can play, primarily through the tax code changes and through some seed money, but we also want to make sure that the role of the Government is that of a supporter and an encourager and a partner to local leaders and institutions who know firsthand what America's urban problems are and are already well on their way to finding solutions.

It is clear to us that from the range and complexity of problems plaguing our inner cities, that capital development—social, human, and economic capital—is the key to the long-term renewal of urban communities.

Our plan addresses this problem at three levels. First, through a charity tax credit and an expanded charitable choice program, we shift authority and resources away from government and toward those private charitable, religious, and voluntary organizations that undergird the life of local communities. We support private economic development through targeted tax incentives and regulatory relief. And we address the dramatic educational defects of urban schools by providing publicly funded scholarships for poor children to attend schools of their choice.

I will take a few minutes—with the indulgence of the proponent of this amendment, my good friend, the Senator from Kentucky—to in more detail describe the Renewal Alliance agenda and its vision for urban America.

First let me talk about community empowerment. Community activist Bob Woodson said there is no social program in America today that is not being solved somewhere by someone. The most intractable problems we face—drug addiction, teen pregnancy, homelessness, youth violence—are being conquered by community leaders most of us have never heard of. Pastor Freddie Garcia of San Antonio has a drug treatment program that has an 80 percent success rate, compared to the single-digit performance of government programs. An independent study of Big Brothers-Big Sisters found among at-risk youth, adult mentoring cut first-time drug use by 46 percent, school absenteeism by 52 percent, and violent behavior by a third.

These are just two of hundreds of examples of programs and individuals involved in leading those programs that are making a difference in dealing with these difficult social problems that plague different communities, neighborhoods, and families in America.

We propose a package of reforms that will strengthen these institutions, these charities, these volunteer groups, that bind communities together and actually heal individual lives. We want to continue the work of the 1996 welfare reform by encouraging States to transfer more authority and resources to the private nonprofit groups and religious groups through State-based charity tax credits.

Our bill also expands and strengthens the charitable provisions contained in the 1996 welfare bill to permit faith-based institutions to compete for all types of Federal human services contracts. The Community Empowerment Initiative also builds on last year's Volunteer Protection Act by limiting the liability of businesses that provide equipment or facilities for use by charitable organizations.

The second component of our Renewal Alliance program is economic empowerment. One of the great under-reported stories of America's booming economy is the fact that tight labor markets are increasingly forcing businesses to look to inner cities for labor. In Wisconsin, Allen-Edmonds Shoes last year moved a major facility from Port Washington to inner-city Milwaukee to take advantage of the untapped labor pool there. The city of Indianapolis has engaged in an aggressive program to bring businesses into poor neighborhoods by reducing regulations and promoting the relative lack of economic competition in inner-city communities.

Our legislation wants to build on these trends. We target the 100 poorest communities in our Nation with tax and regulatory relief designed to spur economic growth on a long-term basis. Our plan reduces to zero the capital gains tax for investments in troubled areas, increases the expensive plants and equipment purchases by small businesses in the zones, and allows businesses in these zones to receive a 20 percent wage credit for hiring qualified low-income workers. To qualify for these benefits, States and localities must agree to reduce local tax rates and fees within the renewal community and to waive local and State occupational licensing regulations. The proposal would also create family development accounts that encourage low-income families to save a portion of their income or of their EITC refunds, to be matched by private contributions which would be available for the purchase of a home, education expenses, or creation of a small business.

The third part of our program is educational choice for low-income families. The recent survey on urban education by Education Week reemphasized the alarming state of our urban schools. Nationwide, just 43 percent of students attending urban schools meet the most minimal standards for reading comprehension. In schools in high poverty areas, only 23 percent meet the basic standard. This pattern held true in math and science, as well as reading.

Urban parents whose children are trapped in schools in which failure is virtually guaranteed are increasingly demanding real change and real alternatives. Publicly and privately financed scholarship programs are now operating at over 30 cities. Early studies of these programs show substantial academic improvement among participating students and a sharp jump in parental satisfaction with the education their children are receiving are the results and consequences of these initiatives.

Our legislation tackles the education problems faced by inner-city children from two different angles. First, we call for a large-scale test of publicly funded scholarships for poor children. We believe these scholarships would provide some immediate relief for families and inject badly needed competition in the public school system. The scholarships would also put real pressure on the public system for real reform as families begin shopping for schools that work. I am pleased to offer these initiatives here on the Senate floor with Senator LIEBERMAN on a bipartisan basis in the past several years, and we want to continue to do that.

The second part of the renewal education reform plan is targeted at relieving the regulatory burden faced by urban schools. Administrators routinely complain that although the Federal Government provides only a fraction of overall education funding, it imposes an overwhelming majority of the paperwork. Our bill would provide an education flex waiver for urban school districts that will permit them to devote more of their dollars to the classroom and less time filling out forms.

This is the Renewal Alliance plan in brief: To restore urban America, community empowerment, economic renewal, educational choice, and reform. We do so not by putting the Federal Government in charge, but by bringing it alongside as a supporter of those individuals and those civic institutions, nonprofits, churches and charities, synagogues and parishes, that are already at work rebuilding lives and rebuilding neighborhoods.

Mr. President, I will vote for the McConnell amendment. I believe the constitutional case for it is compelling. The Senator from Kentucky has crafted a measure that I believe addresses the issue of encouraging participation by the underprivileged of taking advantage of the highway funding that will result from passage of this bill. But I don't want this vote to be interpreted as the answer to the problems that affect the underprivileged, the answer to the problem that affects our communities. We need to do much more. We need a much more comprehensive effort.

The Renewal Alliance has proposed such an effort. It is not written in stone. It is open to amendment. It is open to suggestion. It doesn't answer the whole problem, but it moves us in a substantial direction toward solving that problem. I'm going to discuss this in greater detail. We will be offering this legislative package. We will be exploring opportunities throughout this legislative session to debate and vote on all or some of this package of proposals.

I am joined by a number of my colleagues here in the Senate. I hate to start naming names, but key among them are Senator SANTORUM and Senator ABRAHAM. We are working with an expanded group of Senators who have real concerns and want to propose real solutions to some of the most difficult problems we face as a Nation.

So with that, Mr. President, we will be saying more and doing more on this initiative in the future, but I wanted to take this opportunity to at least inform our colleagues that this vote is simply the opening foray into an area that I think the Senate needs to seriously address and give serious debate and initiatives toward solving. I look forward to the opportunity to continue this effort.

I yield the floor.

Mr. SESSIONS. Will the Senator yield?

Mr. COATS. I am happy to yield to the Senator.

Mr. SESSIONS. First, I congratulate the Senator very much on this renewal idea and community empowerment. I had the opportunity to serve as a U.S. attorney and be a coordinator of a communities-based revitalization program known as Read and See in Mobile and Martin Luther King Jr. neighborhoods—a great neighborhood that declined dramatically over the years.

What we did first was we had a big town meeting, a community meeting of the leaders and the people who live there. We broke up into discussion groups and we listed priorities. All 10 groups listed priorities that they thought their community needed most. First, I remember distinctly that every group listed crime. They wanted a safer neighborhood for their children and their families to live in. They listed programs where they wanted their churches to be stronger in helping kids. As I recall, I can't think of a single one that listed a preferential contract for businesspeople as a need for that community.

Is that what the Senator was saying and suggesting, that we really need to deal with deeper problems than the kind we may be so politically engaged in now?

Mr. COATS. That is precisely what I was saying. I appreciate the Senator's experience and involvement with programs that are locally based and really make a difference in people's lives. What I was trying to say here is that we are faced with a situation where we have a statute on the books that appears to be unconstitutional. I think it goes against the grain of equal treatment under the law—something that is the foundation for what this country believes in. But I didn't want to misinterpret it as the attempt, this year, by the U.S. Senate or U.S. Congress in addressing problems that affect people that are called "underprivileged" or "low-income" or "minorities" or people who live in targeted urban areas. There are deeper problems. There are problems that have defied the Federal solution and have defied the legislative solution but have lent themselves to local solutions, often faith-based solutions, or nonprofit, charitable solutions that we can't write statutes for. Can we assist in the transition of moving the Government from a "one-size-fits-all, let Washington solve the problem," to an aspect of greater involvement of these organizations in dealing with these problems? I think we can. What we are trying to do here is outline some steps that we believe we should take in order to accomplish that.

I appreciate the continued support of the Senator from Alabama and his interest in this and his experience in this. I welcome his participation, as he has offered in the past and I know he will in the future, in terms of our Renewal Alliance efforts.

Mr. SESSIONS. Mr. President, I agree with that. Every group that listed ideas for that neighborhood—all of their ideas were good and all of those ideas would work. I think you are correct, Senator COATS, in how you are approaching this idea. I believe that we need to allow the people in our communities to develop plans for their own neighborhoods, to make them work, and we will get a lot better ideas than some of the programs that have been conjured up in this Congress.

Mr. COATS. Mr. President, I thank the Senator and yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 1173

Mr. CHAFEE. The majority leader has informed me that there will be no more rollcall votes tonight. Second, I ask unanimous consent at 9:30 a.m. on Friday, March 6, the Senate resume the pending McConnell amendment regarding contract preferences and there be 90 minutes remaining for debate, equally divided between opponents and proponents, with 45 minutes of that time equally divided between Senators BAUCUS and CHAFEE, and at 11 a.m. on Friday, the Senate proceed to a vote on or in relation to the amendment, and no other amendments be in order prior to that vote. I further ask consent that if the amendment is not tabled, it be open to further amendment and debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. In light of the agreement, as I previously announced, there will be no further rollcall votes this evening. The next rollcall vote will occur tomorrow morning at 11 a.m.

Mr. BAUCUS. Mr. President, I see the distinguished Senator from California on the floor. She would like to address the McConnell amendment.

I yield 5 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is indeed an honor to participate in this debate, a very important debate.

Mr. President, I will be voting against the McConnell amendment, which would eliminate the Department of Transportation's highly successful Disadvantaged Business Enterprise Program. The main reason I am doing it—and there are many reasons—is because this program is of great benefit to small businesses in my State.

Now, opponents of this program have attempted to label it a quota system. I oppose quotas because quotas are bad policy and quotas are unconstitutional. The people of California feel very strongly against quotas. But what is important to note, as so many of my colleagues have pointed out, the DBE Program is far from a quota program. It is, in fact, a flexible outreach program with goals that bring into the highway contracting industry many small businesses which might otherwise be overlooked or left out.

Now, this program is so flexible, Mr. President, that no State has ever been fined, no State has ever been reprimanded for not meeting the goal, because there is no quota; there is a goal.

Now, we know that small business growth has been the most incredible dynamic in California's economic recovery. There is no way—no way—that a Senator from California, in my opinion, should vote against anything that would put a damper on this extraordinary growth.

What is interesting to me—because I have listened to the debate and I have heard Senator MCCONNELL use the term "race-based" several times—is that white males have always been eligible for the DBE Program. They can participate, as well as, of course, minorities and women. Now, under the new regulations, everyone who participates will have to be certified that they are in fact disadvantaged. In other words, wealthy individuals, whether they are white, whether they are black, whether they are brown, whether they are women—none of them can participate in this program if, in fact, they are not disadvantaged.

So, Mr. President, it is very clear to me—and it is as clear as it can be—that this program is about assuring every American, regardless of their background, wherever they are from, that they will have a fair chance as small businessowners to participate in this very important highway program. I want to say, as a member of the Environment and Public Works Committee, it really makes me proud to see the leadership from my chairman, Senator CHAFEE, and the ranking member, Senator BAUCUS. I think that the two of them have really shown the way.

I want to also point out that Senator WARNER, by adding his strong voice to this debate, is also making a point that in this great Nation the last thing we want to do is put a damper on the growth of small business. In fact, people talk about being colorblind. This program is colorblind. This program is open to all who need to have an opportunity.

I am very proud to stand with Senators CHAFEE, BAUCUS, WARNER, and DOMENICI in casting a vote that will, in fact, allow this program to continue. And, indeed, after I have read the new guidelines that will be coming out, I think this is going to be a program that all of us can be proud of.

Thank you very much, Mr. President.

Mr. SMITH of New Hampshire. Mr. President, I want to join my colleague from Kentucky in supporting his amendment to end one of the many costly, unfair, and unconstitutional minority set-aside programs in our federal government. As the Senator has already stated, the Intermodal Surface Transportation Efficiency Act (ISTEA) mandates that "not less than 10 percent" of federal highway and transit funds be allocated to "disadvantaged business enterprises"—firms owned by officially designated minority groups presumed to be "socially and economically disadvantaged."

In 1995, the Supreme Court spoke on this issue in its Adarand versus Peña decision. While I will not go into detail on this decision since it has already been explained by the Senator from Kentucky, suffice it to say that both the Supreme Court and a U.S. district court have ruled that this minority set-aside program is unconstitutional. Plain and simple, this is an affirmative action program for contractors. And, the Administration's attempt to comply with the court's decision by tinkering with DOT regulations does not meet the constitutional litmus test. Therefore, it is now incumbent on the Congress to bring ISTEA into compliance with our Constitution.

It is one thing for the Federal Government to carry out unfair, quota-based programs, which I oppose, but it is even more egregious that the Federal Government mandate that our states carry out such programs. This is a time-consuming and costly burden on some states, like New Hampshire, that simply do not have a significant racial minority population. It forces the state into situations where it is either awarding contracts to less qualified contractors or jumping through bureaucratic hoops trying to prove that it cannot meet the 10 percent DBE goal. Both of which are not good public policy.

By continuing this and the other 150-plus preferential treatment programs, we are encouraging businesses to tie their business strategy to unconstitutional programs that will eventually be eliminated by the courts. This is sending the wrong message to minority start-up businesses.

A better way to encourage minority entrepreneurs is with a small business out-reach program as outlined in the McConnell amendment. This alternative program would still provide assistance to smaller, minority-owned businesses without the heavy-handed mandate on our states.

Most Americans do not support preferential treatment programs. We now have an opportunity to end one of the many race and gender-based programs in our federal contracting system. I urge my colleagues to uphold the principles of our Constitution and support the McConnell amendment.

AMENDMENT NO. 1687

Mr. INHOFE. Mr. President, I rise today to discuss an amendment that I offered yesterday, amendment number 1687, to S. 1173, the ISTEA Reauthorization Act. This amendment was agreed to by voice vote. This amendment was cosponsored by Senator BREAUX, Senator BYRD and Senator SESSIONS.

The purpose of my amendment was to provide the necessary flexibility and funding to the States that was promised by President Clinton and EPA Administrator Browner for the new National Ambient Air Quality Standards for ozone and particulate matter. These standards were promulgated last July. My amendment in no way ratifies or affirms the underlying standards. These standards are the subject of various lawsuits and pending legislation which seeks to overturn the standards in part or in whole. This amendment simply relieves the uncertainty for the States during the implementation phase over the next few years.

The President and Administrator Browner promised a flexible implementation time frame for the standards which was not based in the Clean Air Act. This amendment ensures that the implementation of the standards would not occur at a faster rate than the President promised.

The first section of the amendment, Section 2(a) provides that the EPA will fund all of the costs for the PM monitoring network with new program dollars and just doesn't take money from other State grants. The States claim that the EPA has reprogrammed fiscal year 1998 dollars from existing State Grant authorities, the amendment requires that these funds be repaid to the States. This provides the assurance to the States that this will not be another unfunded mandate. It also restores the grant funds to the States that the EPA diverted to the monitoring program in 1998.

Section 2(b) ensures that the national network (designated in section 2(a)) which consists of the PM2.5 monitors necessary to implement the national ambient air quality standards will be established by December 31, 1999. EPA will have received the funding from Congress and they will be responsible for ensuring that the network will be in place. If they fail, they will be subject to legal action and must explain the cause of any delay.

Section 2(c) requires that the PM monitoring network be in place and that the States have three years of monitoring data before the Governors are required to submit their recommendations to the EPA. Under the Clean Air Act the Governors must examine the data and notify EPA when an area in their State violates the standards. This will stop the possibility of the EPA being sued by a citizens group demanding that an area be classified before the data has been collected. The Clean Air Act does not require the monitoring data to be collected first. But the President and the EPA promised they would wait for the three years of data. This provision provides the legal authority to wait for the data.

Section 2(d) follows the Clean Air Act and the EPA's implementation schedule, it is the EPA's official review of the Governor's recommendations. It ensures that the Governor's data and information is correct and allows EPA the time to publish the decision in the Federal Register.

Section 2(e) addresses the concerns of the farmers who believe that they will be targeted for PM 2.5 even though their emissions are larger than 2.5. The study will examine the monitoring devices to ensure that they do not capture larger particles. This section is endorsed by the American Farm Bureau who wrote, "The agriculture community continues to be concerned over the accuracy of EPA's fine particulate measurements, especially in regard to agriculture emissions. Testimony has been given in both the Senate and House Agriculture Committees indicating concern that agriculture would be 'misregulated' due to inaccurate fine particulate measurements. This amendment will allow a comparison of EPA's approved method used to measure fine particulate and the new monitors to find if both adequately eliminate those particles that are larger than 2.5 micrograms in diameter."

Section 3(a) follows the EPA's and the President's timeline for allowing the Governors two years to review the current ozone programs before they have to designate nonattainment areas. It allows the Governors to review the other ozone programs such as the new regional ozone transport program before they make new decisions about the new ozone standard.

Section 3(b) follows the Clean Air Act and the EPA's implementation schedule, it is the EPA's official review of the Governor's recommendations. It ensures that the Governor's data and information is correct and allows EPA the time to publish the decision in the Federal Register.

Finally, Section 4 protects the pending lawsuits so that others can raise the issues of Unfunded Mandates, Small Business Review, the validity of the standards, and other issues without having this amendment impede their legal rights. It affirmatively states that this amendment is not a ratification of the new standards and any and all legal challenges to the standards are still valid and real.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, we have completed on this side.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 4, 1998, the federal debt stood at $5,529,409,747,928.18 (Five trillion, five hundred twenty-nine billion, four hundred nine million, seven hundred forty-seven thousand, nine hundred twenty-eight dollars and eighteen cents).

One year ago, March 4, 1997, the federal debt stood at $5,363,583,000,000 (Five trillion, three hundred sixty-three billion, five hundred eighty-three million).

Five years ago, March 4, 1993, the federal debt stood at $4,199,533,000,000 (Four trillion, one hundred ninety-nine billion, five hundred thirty-three million).

Ten years ago, March 4, 1988, the federal debt stood at $2,491,607,000,000 (Two trillion, four hundred ninety-one billion, six hundred seven million).

Fifteen years ago, March 4, 1983, the federal debt stood at $1,219,934,000,000 (One trillion, two hundred nineteen billion, nine hundred thirty-four million) which reflects a debt increase of more than $4 trillion—$4,309,475,747,928.18 (Four trillion, three hundred nine billion, four hundred seventy-five million, seven hundred forty-seven thousand, nine hundred twenty-eight dollars and eighteen cents) during the past 15 years.

MESSAGES FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 203(b)(1) of Public Law 105–134, the Chair announces the Speaker's appointment of the following individuals on the part of the House to the Amtrak Reform Council for a term of five years: Mrs. Christine Todd Whitman of New Jersey, Mr. Bruce Chapman of Washington, and Mr. Christopher Gleason of Pennsylvania.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 856. An act to provide a process leading to full self-government for Puerto Rico.

At 3:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2369. An act to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes.

H.R. 3130. An act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.

The message also announced that the House has agreed to the resolution (H. Res. 379) that the bill of the Senate (S. 104) to amend the Nuclear Waste Policy Act of 1982, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 856. An act to provide a process leading to full self-government for Puerto Rico; to the Committee on Energy and Natural Resources.

H.R. 2369. An act to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3130. An act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 171. A resolution designating March 25, 1998, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1379. A bill to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Hilda G. Tagle, of Texas, to be United States District Judge for the Southern District of Texas, vice a new position created by Public Law 101–650, approved December 1, 1990.

Sonia Sotomayor, of New York, to be United States Circuit Judge for the Second Circuit.

Susan Graber, of Oregon, to be United States Circuit Judge for the Ninth Circuit.

Sam A. Lindsay, of Texas, to be United States District Judge for the Northern District of Texas, vice a new position created by Public Law 101–650, approved December 1, 1990.

Judith M. Barzilay, of New Jersey, to be a Judge of the United States Court of International Trade.

Delissa A. Ridgway, of the District of Columbia, to be a Judge of the United States Court of International Trade.

Brian Scott Roy, of Kentucky, to be United States Marshall for the Western District of Kentucky for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. GRAMS, and Mr. ASHCROFT):

S. 1711. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty tax, to increase the income levels for the 15 and 28 percent tax brackets, to provide a 1-year holding period for long-term capital gains, to index capital assets for inflation, to reduce the highest estate tax rate to 28 percent, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. LIEBERMAN):

S. 1712. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to improve the quality of health plans and provide protections for consumers enrolled in such plans; to the Committee on Labor and Human Resources.

By Mr. SMITH of Oregon:

S. 1713. A bill to amend section 1926 of the Public Health Service Act to encourage States to strengthen their efforts to prevent the sale and distribution of tobacco products to individuals under the age of 18 and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS:

S. 1714. A bill to suspend through December 31, 1999, the duty on certain textile machinery; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 1715. A bill to coordinate the Federal Government's response to communities that are adversely impacted by the closure of significant downsizing of a plant or industry located in the community; to the Committee on Governmental Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1716. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop an action plan to restore the Salton Sea in California and to conduct wildlife resource studies of the Salton Sea, to authorize the Secretary to carry out a project to restore the Salton Sea, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 1717. A bill to amend the Immigration and Nationality Act to strength the naturalization process; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 1718. A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1719. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. KOHL):

S. 1720. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 192. A resolution expressing the sense of the Senate that institutions of higher education should carry out activities to change the culture of alcohol consumption on college campuses; to the Committee on Labor and Human Resources.

By Ms. MOSELEY-BRAUN:

S. Con. Res. 80. A concurrent resolution urging that the railroad industry, including rail labor, management and retiree organization, open discussions for adequately funding an amendment to the Railroad Retirement Act of 1974 to modify the guaranteed minimum benefit for widows and widowers whose annuities are converted from a spouse to a widow or widower annuity; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. GRAMS, and Mr. ASHCROFT):

S. 1711. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty tax, to increase the income levels for the 15 and 28 percent tax brackets, to provide a 1-year holding period for long-term capital gains, to index capital assets for inflation, to reduce the highest estate tax rate to 28 percent, and for other purposes; to the Committee on Finance.

THE TAX RELIEF AND DEBT REDUCTION ACT OF 1998

Mrs. HUTCHISON. Mr. President, today Senator ROD GRAMS and I are introducing the half-and-half bill. We like to say half-and-half is more than just rich milk. We want to have the plan in place so if we, in fact, have a surplus, we will start doing the responsible thing for the people of our country. We believe half should go to debt reduction, to start paying down the $5 trillion debt, and half should go to tax relief for the hard-working American family.

The Federal tax burden today is the greatest that it has been in the history of our country. In fact, 38.3 percent of the average family income is spent on taxes. That is a whale of a burden on people who are trying to raise children, trying to put them through college, and we are very pleased to try to bring down that tax burden with the half-and-half Tax Relief and Debt Reduction Act'' of 1998.

This is what our bill does. First, it eliminates the marriage tax penalty by allowing couples to file as singles. Mr. President, 21 million American couples today pay an average of $1,400 more because they got married. You see behind me an example, and this is a real example. A first-year schoolteacher in Houston is paid $27,000. A rookie police officer in Houston, TX starts out at $29,698. After they get married, their tax burden will be $638.44 more, just because they got married. We do not think that is right. We do not believe that Americans should have to choose between love and money. We want an equitable and fair burden on the taxpayers of this country, and we do not think that people who get married, who are both working, should have to pay more taxes.

The second thing our bill does is raise the income levels for the 15 and 28 percent tax brackets. For a single person, before he or she would move into the 28 percent bracket, it would go up to $35,000; a married couple, $50,000, and for a head of household it would be $40,000. The 28 percent bracket would be expanded for a single person to $71,050; a married couple at $109,950, and head of household $93,750

It is very important that we start giving that relief at these lower income and middle income levels, and that is what this bill will do.

The bill also repeals the 18-month capital gains holding period and makes it 12 months instead. It is a fact that our elderly people pay the most in capital gains taxes, and we think that is wrong. So we are going to try to reduce the holding period so our elderly people who may have to sell assets to live on will not be burdened any more than is absolutely necessary.

We index capital gains taxes for inflation in our bill. Taxpayers should not have to pay a capital gains tax in assets that have increased in value simply due to inflation. Last year we started this process of by allowing an exemption of $500,000 in capital gains for the sale of a home. That's a big help to an elderly person. We want to make it even easier for them.

We would cut the top estate tax rate from 55 percent to 28 percent. We believe estate taxes take away from the ability of Americans to realize the American dream of giving their children a better start.

So we are trying to bring down the tax burden on the hard-working American family. We believe it is important that people be able to keep more of the money they earn, and 38 percent of the average American's pay, salary, going to taxes, is too much of a burden. So I am very pleased Senator GRAMS has come on as the major cosponsor of this bill.

Mr. GRAMS: Mr. President, I rise today to join Senator HUTCHISON in introducing legislation to lockbox any budget surplus for tax relief and national debt reduction. Given this week's budget surplus projections, the "Tax Relief and Debt Reduction Act of 1998" is the right legislation at the right time.

Eighty-five years ago this week, the Internal Revenue Service began collecting the individual income tax, initiating 85 years of ever-increasing hardship for America's taxpaying families. Now, with a budget surplus closer and taxes at an all-time high, it is time that Washington let the taxpayers keep more of their own money, so that families can spend it meeting their own needs—whether that is child care, health insurance, clothing, or groceries. By dedicating half of any budget surplus to reducing the debt and the other half to family tax relief, Senator HUTCHISON's legislation protects the taxpayers of today while reducing the burden on the taxpayers of tomorrow. I commend her for her leadership on this timely issue.

Mr. President, I would like to offer some perspective into why we are introducing the "Tax Relief and Debt Reduction Act" today.

If it seems as though the media has a label for everyone these days, blame it on the era of the 15-second sound bite. At a point in history when many in the media consider brevity the most virtuous of virtues, journalists compete for our attention by whittling down their words into a kind of reporter's shorthand that, over time, becomes meaningless to news consumers.

The shorthand gets especially muddied when it is applied to politics. Once a person enters public office, the media is quick to toss them a label—conservative or liberal, left wing or right wing. As political realities evolve, though, the labels have less and less relevance as time goes on. They become a cliché, no longer very useful in describing a political philosophy.

I believe the American public has already moved beyond the media in breaking from the label mentality, and whether they consider it consciously, they have shifted their thinking from the old concept of liberal versus conservative to that of taxpayers versus big Government. Today, every action of the government is being evaluated by a standard that strikes home for the folks who work for a living, raise a family, and pay their taxes: does it benefit the taxpayers or does it benefit the Government?

What we have discovered through this new way of thinking is that far too often, the Government is prospering at the expense of the taxpayers. Too much faith in Government equals less freedom for families and individuals. Dependency on Government equals less independence for the governed. And as the Government prospers, we have learned that big Government does not necessarily translate into better Government—it is just bigger Government, with more bureaucracy, paid for by higher taxes.

Families today are taxed at the highest levels since World War II, with 38 percent of a typical family's budget going to pay taxes on the Federal, State, and local level. In nominal dollars, a two-income family is paying more just in taxes today than their paychecks totaled in 1977. That is nearly 50% more than they are spending for food, shelter, and clothing combined.

Taxpayers do not mind paying taxes when they can see results. In local government, the results are obvious: clean streets, police cars on patrol, regular garbage pickup. On the Federal level, the results are much less evident. Families want to believe Washington is spending their tax dollars prudently, but when the evening newscasts focus repeatedly on the "fleecing of America," they wonder: Is the Government serving the taxpayers, or just serving itself?

There is no question the Federal Government is growing bigger. Contrary to the claim of President Clinton in his State of the Union address that "we have the smallest Government in 35 years," the Federal Government will spend more tax dollars in 1998 than it has in the history of this nation—$1.7 trillion. That is a 19 percent increase since the President took office in 1993, although inflation during that same period has risen less than 14 percent.

The President would add thousands of new civilian Federal employees and, according to an analysis of his budget by the Senate Budget Committee, $123 billion in new Federal programs that would touch nearly every aspect of daily life, from our classrooms to our boardrooms to our bedrooms.

To pay for all that new government, the President calls for boosting taxes by $115 billion over the next five years. That is a massive hike that would effectively wipe out the hard-fought $85 billion tax cut Americans won under last year's Taxpayer Relief Act.

A big, expensive Federal Government is a bad deal for the taxpayers. It is an even worse deal for my fellow Minnesotans. A recent study conducted by the Northeast-Midwest Institute shows that Minnesota ranks 49th of 50 States in Federal dollars returned to the State. The people of Minnesota pay one of the highest tax rates in the Nation, but only one other State receives less service in return from the Federal Government.

According to the National Taxpayers Union, if Congress could roll Federal domestic spending back to 1969 levels, a family of four would keep $9,000 a year more of its own money than it does today. Millions of families would pay no income tax at all. Unfortunately, tax-and-spend, not tax relief and streamlining, is the policy Washington now pursues.

The most disturbing sign that the taxpayers are losing the "taxpayers versus big government" debate is the rush in Washington to spend a budget surplus that does not yet exist. If a surplus does develop, the Government has no claim on it because the Government did not generate it. A surplus will be borne of the sweat and hard work of the American people, and it therefore should be returned to the people as called for under the "Tax Relief and Debt Reduction Act of 1998."

When Washington serves itself instead of meeting the needs of its owners, the taxpayers, spending rises, taxes increase, responsibilities are neglected, and people begin to feel constricted by a Government they sense is deeply out of touch. At their urging, we have begun to turn the focus away from the smothering squeeze of big government toward families and new partnerships that move Washington from the center of the circle to another spoke along its hub. Where the Federal Government once held all the power, communities—local churches, nonprofit organizations, job providers, individual volunteers, and charities of all types—have stepped forward to work with neighbors to attack problems on the local level.

Freedom for families also means giving families the freedom to spend more of their own dollars as they choose. We have taken steps in Washington to return more of that control to working Minnesotans and all working Americans, through tax relief, beginning with passage last year of the $500 per-child tax credit.

Mr. President, the States offer us an excellent model of how we should use a future budget surplus. In recent years, many Republican governors cut taxes and shrank the size of their governments, and in the process turned budget deficits into surpluses. They are now using those surpluses to provide further tax relief. Take my own State of Minnesota, for example. When Governor Arne Carlson was elected to office in 1990, he inherited a deficit greater than $1.8 billion and a government that was spending 15 percent faster than the rate of inflation. Today, the State government has a $1.3 billion budget surplus. Now the Governor is using the surplus to give Minnesotans a property tax cut and an increase in the education homestead credit. Returning a future surplus to those who created it, the Nation's hardworking taxpayers, is the right way to use that surplus.

I agree with President Clinton that saving Social Security is vitally important. But I believe we can save Social Security and provide tax relief simultaneously, if we have the political will to enact sound fiscal policies. The best way to save Social Security is to stop looting the Social Security surplus to fund general Government programs, return the borrowed surplus to the trust funds, and begin real reform to change the system from "paygo" to one that is prefunded.

As the Federal Government has grown, it is ironic that it has grown further away from the one thing from which it derives its strength. And that is the people. In 1998, Congress and the President have the power to bring government closer to the people, to refocus its attention on serving the taxpayers, not fortifying itself. Yet, while Washington may have the power to change, does it have the resolve to change? I believe it does, because if we intend to reduce the growing burden awaiting the next generation of taxpayers, "Failure is not an option."

In closing, the Hutchison legislation would help move government toward the taxpayers and toward greater accountability, and I urge my colleagues to support it.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator GRAMS for taking a leadership role in this. He has been dedicated, since he was elected to the U.S. Senate, to sound fiscal policies. I think this bill is a sound approach to any surplus that we might have. I appreciate his cosponsorship.

I ask unanimous consent to add Senator ASHCROFT as a third original cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, just to sum up. I think the Hutchison-Grams-Ashcroft half and half bill is sound policy. It is a responsible approach. If we, indeed, have worked hard and cut the deficits and will go toward a balanced budget even sooner than we thought, I think we create a great dilemma of what to do with the surplus. Because we have worked so hard and become more efficient, I hope we will take this opportunity not to backslide, not to go into more spending programs that will put us in the same situation we were before, but instead take the opportunity to start paying down the $5 trillion debt.

So this would be an opportunity to start paying down the debt and put in the pockets of hard-working Americans more of the money they earn. Thirty-eight percent of a person's income is too much to be doling out to Government programs that you may or may not think are a good priority.

So we are going to try to lessen that at the same time that we begin to pay down the debt so our children and grandchildren will not have to take from us that kind of burden. Thank you, Mr. President. I thank the managers of the bill for allowing us to take this time to introduce the bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Half and Half: Tax Relief and Debt Reduction Act of 1998".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by section 3 shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. COMBINED RETURN TO WHICH UNMARRIED RATES APPLY.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 (relating to income tax returns) is amended by inserting after section 6013 the following new section:

"SEC. 6013A. COMBINED RETURN WITH SEPARATE RATES.

"(a) GENERAL RULE.—A husband and wife may make a combined return of income taxes under subtitle A under which—

"(1) a separate taxable income is determined for each spouse by applying the rules provided in this section, and

"(2) the tax imposed by section 1 is the aggregate amount resulting from applying the separate rates set forth in section 1(c) to each such taxable income.

"(b) TREATMENT OF INCOME.—For purposes of this section—

"(1) earned income (within the meaning of section 911(d)), and any income received as a pension or annuity which arises from an employer-employee relationship, shall be treated as the income of the spouse who rendered the services, and

"(2) income from property shall be divided between the spouses in accordance with their respective ownership rights in such property.

"(c) TREATMENT OF DEDUCTIONS.—For purposes of this section—

"(1) except as otherwise provided in this subsection, the deductions allowed by section 62(a) shall be allowed to the spouse treated as having the income to which such deductions relate,

"(2) the deduction for retirement savings described in paragraph (7) of section 62(a) shall be allowed to the spouse for whose benefit the savings are maintained,

"(3) the deduction for alimony described in paragraph (10) of section 62(a) shall be allowed to the spouse who has the liability to pay the alimony,

"(4) the deduction referred to in paragraph (16) of section 62(a) (relating to contributions to medical savings accounts) shall be allowed to the spouse with respect to whose employment or self-employment such account relates,

"(5) the deductions allowable by section 151 (relating to personal exemptions) shall be determined by requiring each spouse to claim 1 personal exemption,

"(6) section 63 shall be applied as if such spouses were not married, and

"(7) each spouse's share of all other deductions (including the deduction for personal exemptions under section 151(c)) shall be determined by multiplying the aggregate amount thereof by the fraction—

"(A) the numerator of which is such spouse's adjusted gross income, and

"(B) the denominator of which is the combined adjusted gross incomes of the 2 spouses.

Any fraction determined under paragraph (7) shall be rounded to the nearest percentage point.

"(d) TREATMENT OF CREDITS.—Credits shall be determined (and applied against the joint liability of the couple for tax) as if the spouses had filed a joint return.

"(e) TREATMENT AS JOINT RETURN.—Except as otherwise provided in this section or in the regulations prescribed hereunder, for purposes of this title (other than sections 1 and 63(c)) a combined return under this section shall be treated as a joint return.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this section.".

(b) UNMARRIED RATE MADE APPLICABLE.—So much of subsection (c) of section 1 as precedes the table is amended to read as follows:

"(c) SEPARATE OR UNMARRIED RETURN RATE.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:".

(c) BASIC STANDARD DEDUCTION FOR UNMARRIED INDIVIDUALS MADE APPLICABLE.—Subparagraph (C) of section 63(c)(2) is amended to read as follows:

"(C) $3,000 in the case of an individual who is not—

"(i) a married individual filing a joint return or a separate return,

"(ii) a surviving spouse, or

"(iii) a head of household, or".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 is amended by inserting after the item relating to section 6013 the following:

"Sec. 6013A. Combined return with separate rates.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 3. INCOME TAXED AT LOWEST RATE INCREASED TO $35,000 FOR UNMARRIED INDIVIDUALS, $40,000 FOR HEADS OF HOUSEHOLDS, AND $50,000 FOR JOINT RETURNS AND SURVIVING SPOUSES.

(a) GENERAL RULE.—Section 1 (relating to tax imposed) is amended by striking subsections (a) through (e) and inserting the following:

"(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

"(1) every married individual (as defined in section 7703) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)),

a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $50,000	15% of taxable income.
Over $50,000 but not over $109,950.	$7,500, plus 28% of the excess over $50,000.
Over $109,950 but not over $155,950.	$24,286, plus 31% of the excess over $109,950.
Over $155,950 but not over $278,450.	$38,546, plus 36% of the excess over $155,950.
Over $278,450	$82,646, plus 39.6% of the excess over $278,450.

"(b) Heads of Households.—There is hereby imposed on the taxable income of every head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $40,000	15% of taxable income.
Over $40,000 but not over $93,750.	$6,000, plus 28% of the excess over $40,000.
Over $93,750 but not over $142,000.	$21,050, plus 31% of the excess over $93,750.
Over $142,000 but not over $278,450.	$36,007, plus 36% of the excess over $142,000.
Over $278,450	$85,129 plus 39.6% of the excess over $278,450.

"(c) Separate or Unmarried Return Rate.—There is hereby imposed on the taxable income of every individual (other than a married individual (as defined in section 7703) filing a joint return or a separate return, a surviving spouse as defined in section 2(a), or a head of household as defined in section 2(b)) a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $35,000	15% of taxable income.
Over $35,000 but not over $71,050.	$5,250, plus 28% of the excess over $35,000.
Over $71,050 but not over $128,100.	$15,344, plus 31% of the excess over $71,050.
Over $128,100 but not over $278,450.	$33,029, plus 36% of the excess over $128,100.
Over $278,450	$87,155, plus 39.6% of the excess over $278,450.

"(d) Married Individuals Filing Separate Returns.—There is hereby imposed on the taxable income of every married individual (as defined in section 7703) who does not make a single return jointly with his spouse under section 6013, a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $25,000	15% of taxable income.
Over $25,000 but not over $54,975.	$3,750, plus 28% of the excess over $25,000.
Over $54,975 but not over $77,975.	$12,143, 'plus 31% of the excess over $54,975.
Over $77,975 but not over $139,225.	$19,273, plus 36% of the excess over $77,975.
Over $139,225	$41,323, plus 39.6% of the excess over $139,225.

"(e) Estates and Trusts.—There is hereby imposed on the taxable income of—

"(1) every estate, and

"(2) every trust,

taxable under this subsection a tax determined in accordance with the following table:

"If taxable income is:	**The tax is:**
Not over $1,700	15% of taxable income.
Over $1,700 but not over $4,000.	$255, plus 28% of the excess over $1,700.
Over $4,000 but not over $6,100.	$899, plus 31% of the excess over $4,000.
Over $6,100 but not over $8,350.	$1,550, plus 36% of the excess over $6,100.
Over $8,350	$2,360, plus 39.6% of the excess over $8,350.".

(b) Inflation Adjustment To Apply in Determining Rates for 1999.—Subsection (f) of section 1 is amended—

(1) by striking "1993" in paragraph (1) and inserting "1998",

(2) by striking "1992" in paragraph (3)(B) and inserting "1997", and

(3) by striking paragraph (7).

(c) Conforming Amendments.—

(1) The following provisions are each amended by striking "1992" and inserting "1997" each place it appears:

(A) Section 25A(h).

(B) Section 32(j)(1)(B).

(C) Section 41(e)(5)(C).

(D) Section 42(h)(6)(G)(i)(II).

(E) Section 68(b)(2)(B).

(F) Section 135(b)(2)(B)(ii).

(G) Section 151(d)(4).

(H) Section 221(g)(1)(B).

(I) Section 512(d)(2)(B).

(J) Section 513(h)(2)(C)(ii).

(K) Section 877(a)(2).

(L) Section 911(b)(2)(D)(ii)(II).

(M) Section 4001(e)(1)(B).

(N) Section 4261(e)(4)(A)(ii).

(O) Section 6039F(d).

(P) Section 6334(g)(1)(B).

(Q) Section 7430(c)(1).

(2) Subparagraph (B) of section 59(j)(2) is amended by striking ", determined by substituting '1997' for '1992' in subparagraph (B) thereof".

(3) Subparagraph (B) of section 63(c)(4) is amended by striking "by substituting for" and all that follows and inserting "by substituting for 'calendar year 1997' in subparagraph (B) thereof 'calendar year 1987' in the case of the dollar amounts contained in paragraph (2) or (5)(A) or subsection (f).".

(4) Subparagraph (B) of section 132(f)(6) is amended by inserting before the period ", determined by substituting 'calendar year 1992' for 'calendar year 1997' in subparagraph (B) thereof".

(5) Paragraph (2) of section 220(g) is amended by striking "by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof".

(6) Subparagraph (B) of section 685(c)(3) is amended by striking ", by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof".

(7) Subparagraph (B) of section 2032A(a)(3) is amended by striking "by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof".

(8) Subparagraph (B) of section 2503(b)(2) is amended by striking "by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof".

(9) Paragraph (2) of section 2631(c) is amended by striking "by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof".

(10) Subparagraph (B) of 6601(j)(3) is amended by striking "by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 4. 1-YEAR HOLDING PERIOD FOR ANY LONG-TERM CAPITAL GAIN.

(a) In General.—Section 1(h)(4) (defining adjusted net capital gain) is amended by adding "and" at the end of subparagraph (B), by striking ", and" at the end of subparagraph (C) and inserting a period, and by striking subparagraph (D).

(b) Conforming Amendments.—Section 1(h) is amended—

(1) in paragraph (6), by striking subparagraph (A) and inserting the following:

"(A) In general.—The term 'unrecaptured section 1250 gain' means the amount of long-term capital gain which would be treated as ordinary income if section 1250(b)(1) included all depreciation and the applicable percentage under section 1250(a) were 100 percent.",

(2) by striking paragraphs (8), (10), and (11),

(3) in paragraph (9), by striking "section 1202 gain, or mid-term gain" and inserting "or section 1202 gain",

(4) by redesignating paragraph (9) as paragraph (8), and

(5) by adding at the end the following:

"(8) Treatment of pass-thru entities.—

"(A) In general.—The Secretary may prescribe such regulations as are appropriate (including regulations requiring reporting) to apply this subsection in the case of sales and exchanges by pass-thru entities and of interests in such entities.

"(B) Pass-thru entity defined.—For purposes of subparagraph (A), the term 'pass-thru entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 5. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) In General.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) General Rule.—

"(1) Indexed basis substituted for adjusted basis.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, then, for purposes of this title, the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) Exception for depreciation, etc.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) Indexed Asset.—

"(1) In general.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation, and

"(B) tangible property (or any interest therein), which is a capital asset or property used in the trade or business (as defined in section 1231(b)).

"(2) Certain property excluded.—For purposes of this section, the term 'indexed asset' does not include—

"(A) Creditor's interest.—Any interest in property which is in the nature of a creditor's interest.

"(B) Options.—Any option or other right to acquire an interest in property.

"(C) Net lease property.—In the case of a lessor, net lease property (within the meaning of subsection (h)(1)).

"(D) Certain preferred stock.—Stock which is preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) Stock in certain corporations.—Stock in—

"(i) an S corporation (within the meaning of section 1361),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a foreign corporation.

"(3) Exception for stock in foreign corporation which is regularly traded on national or regional exchange.—Clause (iii) of paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), and

"(B) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) Indexed Basis.—For purposes of this section—

"(1) General rule.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, increased by

"(B) the applicable inflation adjustment.

"(2) Applicable inflation adjustment.—The applicable inflation adjustment for any asset is an amount equal to—

"(A) the adjusted basis of the asset, multiplied by

"(B) the percentage (if any) by which—

"(i) the chain-type price index for GDP for the last calendar quarter ending before the asset is disposed of, exceeds

"(ii) the chain-type price index for GDP for the last calendar quarter ending before the asset was acquired by the taxpayer.

The percentage under subparagraph (B) shall be rounded to the nearest 1/10 of 1 percentage point.

"(3) Chain-type price index for GDP.—The chain-type price index for GDP for any calendar quarter is such index for such quarter (as shown in the last revision thereof released by the Secretary of Commerce before the close of the following calendar quarter).

"(d) Special Rules.—For purposes of this section—

"(1) Treatment as separate asset.—In the case of any asset, the following shall be treated as a separate asset:

"(A) a substantial improvement to property,

"(B) in the case of stock of a corporation, a substantial contribution to capital, and

"(C) any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) Assets which are not indexed assets throughout holding period.—

"(A) In general.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) Certain short sales.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) Treatment of certain distributions.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(4) Section cannot increase ordinary loss.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(5) Acquisition date where there has been prior application of subsection (a)(1) with respect to the taxpayer.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(6) Collapsible corporations.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(e) Certain Conduit Entities.—

"(1) Regulated investment companies; real estate investment trusts; common trust funds.—

"(A) In general.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) Ratio of 90 percent or more.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) Ratio of 10 percent or less.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) Valuation of assets in case of real estate investment trusts.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) Qualified investment entity.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) Partnerships.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(3) Subchapter S corporations.—In the case of an electing small business corporation, the adjustment under subsection (a) at the corporate level shall be passed through to the shareholders.

"(f) Dispositions Between Related Persons.—

"(1) In general.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) Related persons defined.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) Transfers To Increase Indexing Adjustment or Depreciation Allowance.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is—

"(1) to secure or increase an adjustment under subsection (a), or

"(2) to increase (by reason of an adjustment under subsection (a)) a deduction for depreciation, depletion, or amortization,

the Secretary may disallow part or all of such adjustment or increase.

"(h) Definitions.—For purposes of this section—

"(1) Net lease property defined.—The term 'net lease property' means leased real property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(2) Stock includes interest in common trust fund.—The term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Clerical Amendment.—The table of sections for part II of subchapter O of chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss.".

(c) Adjustment To Apply for Purposes of Determining Earnings and Profits.—Subsection (f) of section 312 (relating to effect on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) Effect on earnings and profits of indexed basis.—

For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets after December 31, 1998, see section 1022(a)(1).".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to the disposition of any property the holding period of which begins after December 31, 1998.

(2) Certain transactions between related persons.—The amendments made by this section shall not apply to the disposition of any property acquired after December 31, 1998, from a related person (as defined in section 1022(f)(2) of the Internal Revenue Code of 1986, as added by this section) if—

(A) such property was so acquired for a price less than the property's fair market value, and

(B) the amendments made by this section did not apply to such property in the hands of such related person.

SEC. 6. REDUCTION OF TOP ESTATE TAX RATE FROM 55 TO 28 PERCENT.

(a) In General.—Section 2001(c) (relating to imposition and rate of tax) is amended to read as follows:

"(c) Rate Schedule.—

"If the amount with respect to which the tentative tax to be computed is:	**The tentative tax is:**
Not over $10,000	18 percent of such amount.
Over $10,000 but not over $20,000.	$1,800 plus 20 percent of the excess of such amount over $10,000.
Over $20,000 but not over $40,000.	$3,800 plus 22 percent of the excess of such amount over $20,000.

"If the amount with respect to which the tentative tax to be computed is:	**The tentative tax is:**
Over $40,000 but not over $60,000.	$8,200 plus 24 percent of the excess of such amount over $40,000.
Over $60,000 but not over $80,000.	$13,000 plus 26 percent of the excess of such amount over $60,000.
Over $80,000	$18,200 plus 28 percent of the excess of such amount over $80,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to the estates of decedents dying, and gifts made, after December 31, 1998.

SEC. 7. REVENUE EFFECT OF ACT NOT TO EXCEED 50 PERCENT OF FEDERAL BUDGET SURPLUS.

Not later than 90 days after the date of enactment of this Act, if the Secretary of the Treasury determines that in any of the 4 succeeding fiscal years the amendments made by this Act will result in a reduction of the estimated revenues received in the Treasury for such fiscal year in an amount in excess of 50 percent of the estimated Federal unified budget surplus (if any) for such year (determined without regard to such amendments), the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a legislative proposal to appropriately modify the provisions of the Internal Revenue Code of 1986 affected by such amendments to eliminate such excess amount. Any legislation enacted for the purpose of achieving the revenue effect of such legislative proposal submitted pursuant to this subsection shall appropriately identify such purpose.

By Mr. JEFFORDS (for himself and Mr. LIEBERMAN):

S. 1712. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to improve the quality of health plans and provide protections for consumers enrolled in such plans; to the Committee on Labor and Human Resources.

THE HEALTH CARE QUALITY, EDUCATION, SECURITY, AND TRUST ACT

Mr. JEFFORDS. Mr. President, today, I join with my good friend Senator LIEBERMAN to introduce the Health Care Quality, Education, Security, and Trust Act—"The Health Care QUEST Act"—in order to improve the quality of our nation's health care system and provide necessary consumer protections without adding significant new costs; increasing litigation; or micro managing health plans.

Over the past decade across the country, an extraordinary change has taken place in the delivery of health care. In 1996, over 67% of Americans received their health care through managed care—almost double the percentage that existed in 1990. However, this transition has not been problem-free. Many consumers worry that the quality of their health care is being sacrificed to cut costs. While the traditional fee-for-service health care system was guilty of over utilization and runaway costs, consumers did feel that they would get the necessary services, treatment, and information to recover from a serious illness or manage a chronic health problem. People are now worried that managed care only manages costs and, in effect, rations care. One consequence of this transformation is that Americans are losing confidence in the quality of care they receive from our health system.

The American Association of Health Plans' voluntary initiative to respond to these concerns, "Putting Patients First," is an important step and I urge that they continue to expand this effort. Businesses, such as General Motors and GTE, have also initiated programs to improve the quality of the health care received by their employees. In addition, a number of states have already passed legislative initiatives to address many of the problems consumers have experienced with their health plans. However, I believe that Federal legislation is necessary because the Employee Retirement Income Security Act of 1974 (ERISA) prevents states from enforcing health care quality standards that relate to the employer-sponsored health benefits that 148 million Americans receive.

The Health Care QUEST Act addresses these concerns through four provisions. First, it creates a Health Quality Council to set national goals for improving health and serve as a resource for Congress and the President regarding health care quality. Second, it expands the duties and responsibilities of the Agency for Health Care Policy and Research (AHCPR) in order to develop the tools needed to measure and report health care quality. The Act also requires that employers and health plans provide enrollees with health plan information such as measures of consumer satisfaction and their right to access speciality health services. Finally, the Act calls for the establishment of the "prudent layperson" standard of access to emergency room care, the right to use an impartial independent external appeals process and the guarantee that a patient's health care professional is able to recommend the best treatment options and to serve as their advocate.

These provisions will help to restore consumers confidence in the quality of our nation's health care system and provide a level playing field—so that managed care plan compete on the basis of quality as well as cost. Based on an analysis by the Lewin Group, the added costs for information disclosure and external appeals requirements are extremely low. The estimated monthly cost per person for comparative information and for external appeals with a three year phase-in is only $0.88. This cost estimate doesn't take into account the improved market efficiency and increased competition that the Lewin Group indicates will be achieved with these requirements.

Much of the debate over this issue to date in Washington has been conducted from two very divergent viewpoints. Many House members, and some in the Senate, believe we should regulate health care very closely, on a disease-by-disease or procedure-by-procedure basis. Another sizable camp believes that there is nothing wrong with the health care marketplace that can't be be sorted out by its own operation.

Obviously, I disagree. And Congress, too, disagreed when it confronted many of these issues in the Medicare program last year. Much of what I propose in the Health Care QUEST Act is contained in the "Balanced Budget Act of 1997" and applies to plans that enroll Medicare beneficiaries. Extending the same standards to the private sector will ensure that all Americans have the same rights and protections.

The states have developed comprehensive approaches that provide regulation for those components of the health care system under their jurisdiction. The challenge for the federal government is to define regulatory solutions for those sectors under federal control that advance the consumer choice health care market while recognizing the voluntary nature of our private system. These regulatory solutions, in my opinion, should not determine medical necessity, establish hospital lengths-of-stay, or impede private sector initiatives. Furthermore, we must not set into statute standards that would preclude efforts for continued quality improvement or fail to recognize the evolutionary nature of medical practice.

The McCarran-Ferguson Act of 1945 granted states the authority to regulate the business of insurance. However, ERISA preempted state law with regard to the regulation of employee benefit plans. While ERISA provides detailed standards for employer provided pensions, it provides only minimal standards for health plans. Currently about 41 percent of those who receive their health coverage through employer-sponsored plans are in self-insured health plans. The Health Care Quest Act follows the framework established under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) by setting national standards for employer sponsored plans under ERISA and a federal floor for insurance companies to follow that states can build upon.

The Health Care QUEST Act will help to restore consumer confidence in our health care system and also promote market efficiency and accountability. I look forward to working with other Senators to enact legislation this year that establishes necessary consumer protections and sets national standards to guide our nation's market based health care reform efforts.

By Mr. HOLLINGS:

S. 1714. A bill to suspend through December 31, 1999, the duty on certain textile machinery; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. HOLLINGS. Mr. President, today, I introduce duty suspension legislation designed to permit the import of certain textile weaving machinery into the United States duty free.

The equipment to be imported is not manufactured in the United States and therefore its importation will not displace domestic sourcing. Moreover, because the product at issue is manufacturing equipment, it will assist in the creation of additional jobs in the textile industry.

I believe that this is the most appropriate use of such legislation. I am therefore hopeful that this new capacity can be used to supply both domestic and foreign needs and will increase employment in the textile industry.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1716. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop an action plan to restore the Salton Sea in California and to conduct wildlife resource studies of the Salton Sea, to authorize the Secretary to carry out a project to restore the Salton Sea, and for other purposes, to the Committee on Environment and Public Works.

SONNY BONO MEMORIAL SALTON SEA RESTORATION ACT

Mrs. BOXER. Mr. President, today I am introducing the Sonny Bono Memorial Salton Sea Restoration Act. My legislation will lead to an efficient and responsible restoration of the unique Salton Sea ecosystem.

Over the years, scientists, communities and politicians alike have been trying to draw national attention to the decline of the Salton Sea. Our late friend and colleague, Representative Sonny Bono, who died in a tragic skiing accident in January, worked tirelessly to make this issue an environmental priority for this Congress. With this legislation, we can carry on that legacy.

The Salton Sea is a unique natural resource in Southern California. Created in 1905 by a breach in a levee along the Colorado River, the Salton Sea is California's largest inland body of water. It is one of the most important habitats for migratory birds along the Pacific Flyway.

For 16 months after the breach, the Colorado River flowed into a dry lakebed, filling it to a depth of 80 feet. For a time following the closure of the levee, the water levels declined rapidly as evaporation greatly exceeded inflow. A minimum level was reached in the 1920s, after which the sea once again began to rise, due largely to the importation of water into the basin for agricultural purposes from the New and Alamo Rivers.

Since there is no natural outlet for the sea at its current level, evaporation is the only way water leaves the basin. All the salts carried with water that flows into the sea have remained there, along with salts re-suspended from prehistoric/historic times by the new inundation. Salinity is currently more than 25 percent higher than ocean water, and rising.

This extreme salinity, along with agricultural and wastewater in the sea, are rapidly deteriorating the entire ecosystem. The existing Salton Sea ecosystem is under severe stress and nearing collapse, with millions of fish and thousands of bird die-offs in recent years. Birds and fish that once thrived here are now threatened with death and disease as the tons of salts and toxic contaminants that are constantly dumped into the Salton Sea become more and more concentrated and deadly over time. The local economy is also being affected by the disaster at the Salton Sea by the loss of recreational opportunities, decrease in tourism, and the impact on agriculture.

Despite the urgency of the situation, we do not have the solution at hand and, therefore, must move forward swiftly, but not hastily. The legislation I am introducing today allows the Department of Interior to adequately review all options for restoring the sea and comply with all environmental laws while also requiring tight, yet realistic, time frames.

I have been working with local and national interests and received many favorable comments on my legislation. Secretary Bruce Babbitt said, "I have had an opportunity to review the Salton Sea legislation that Senator BOXER is introducing this morning. In my judgement, the bill as drafted reflects a more thoughtful and practical approach for addressing the serious environmental challenges that face the Salton Sea. I look forward to working with the Senator in refining and, hopefully implementing this important initiative."

John Flicker, President of the National Audubon Society said, "The National Audubon Society strongly endorses this legislation by Senator BOXER. This bill sets in motion a process to determine the source of the ecological crisis facing the Salton Sea and provide recommendations on how to reverse the Salton Sea's rapid deterioration."

Senator BOXER's bill represents an important step forward in the fight to save the Salton Sea," said Congressman GEORGE BROWN. "She has done an outstanding job building a consensus bill that can win local and federal support."

And the Tellis Codekas, President of the Salton Sea Authority and President of the Coachella Valley Water District said, "Senator BOXER is on the right track with her bill. Her legislation builds on a bipartisan local and national effort to save the Salton Sea."

I am proud of this support. Under my legislation, Interior will report to Congress within one year on the options for restoring the Salton Sea, including a recommendation for a preferred option. Interior will review ways to reduce and stabilize salinity, stabilize surface elevation, restore the health of fish and wildlife resources and their habitats, enhance recreational use and economic development, and continue the use the Salton Sea for irrigation drainage.

Interior then has another 6 months within which it must complete all environmental compliance and permitting activities required to implement the proposal. By the end of this eighteen month period, Interior must submit a final report to Congress, at which time the authorization for construction is triggered, allowing Congress 30 legislative days to make changes in the plan, or to stop it.

We all now agree that we must take the necessary long-term and short-term steps to stabilize salinity and contaminant levels to protect the dwindling fishery resources and to reduce the threats to migratory birds. However, there is no consensus on how that should be done.

The legislation that I am introducing forces those decisions to be made in a timely manner. But, it is not necessary to waive the provisions of one of our landmark environmental laws, the National Environmental Policy Act of 1969, in order to force this process. We must deal with this situation quickly. But, we can take prompt and responsible actions within the framework of environmental laws.

I would like to thank members of the Salton Sea Authority, including the Imperial County Board of Supervisors, the Riverside County Board of Supervisors, the Imperial Irrigation District, and the Coachella Valley Water District, National Audubon Society, Department of Interior, and Congressman GEORGE BROWN for their assistance with this legislation. It is with the help and support of local and national interests that I was able to develop this consensus legislation.

In a December 23, 1997 article in USA Today, Sonny said, "This is our last chance. If we don't move within a year or two, it will be too late." He was right: the clock is ticking and we must act now to find a solution. Scientists have warned that the Salton Sea will be a dead sea within fifteen years.

I am hopeful that my House and Senate colleagues and I can act quickly to ensure passage of this legislation to restore the ailing Salton Sea. This is necessary and important legislation that will not only benefit Californians and our natural heritage, but will also carry on the legacy of Representative Bono.

I ask unanimous consent that the full text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sonny Bono Memorial Salton Sea Restoration Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Salton Sea, located in Imperial County and Riverside County, California, is an economic and environmental resource of national importance;

(2) the Salton Sea is a critical component of the Pacific flyway;

(3) the concentration of salinity or pollutants in the Salton Sea has contributed to the recent deaths of migratory waterfowl;

(4) the Salton Sea is critical as a reservoir for irrigation and municipal and stormwater drainage;

(5) the Salton Sea provides benefits to surrounding communities and nearby irrigation and municipal water users;

(6) remediating the Salton Sea will provide national and international benefits; and

(7) Federal, State, and local governments have a shared responsibility to assist in remediating the Salton Sea.

SEC. 3. DEFINITIONS.

In this Act:

(1) SALTON SEA AUTHORITY.—The term "Salton Sea Authority" means the Joint Powers Authority established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

SEC. 4. SALTON SEA RESTORATION ACTION PLAN.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, in accordance with the memorandum of understanding entered into under subsection (f), shall prepare an action plan for restoring the Salton Sea in California.

(b) CONTENTS.—The action plan shall consist of—

(1) a study of the feasibility of various alternatives for remediating the Salton Sea;

(2) the selection of 1 or more practicable and cost-effective options for remediating the Salton Sea; and

(3) the development of a remediation plan that will implement the options.

(c) OBJECTIVES.—In preparing the action plan, the Secretary shall evaluate options that will—

(1) reduce and stabilize the overall salinity of the Salton Sea to a level between 35 and 40 parts per thousand;

(2) stabilize the surface elevation of the Salton Sea to a level that is between 240 feet below sea level and 230 feet below sea level;

(3) restore habitat and reclaim water quality over the long term to promote healthy fish and wildlife resources and their habitats in the Salton Sea;

(4) enhance the potential for recreational uses and economic development of the Salton Sea; and

(5) ensure the continued use of the Salton Sea as a reservoir for irrigation and municipal and stormwater drainage.

(d) OPTIONS.—In evaluating options under the action plan, the Secretary shall—

(1) consider—

(A) using impoundments to segregate a portion of the waters of the Salton Sea in 1 or more evaporation ponds located in the Salton Sea basin;

(B) pumping water out of the Salton Sea;

(C) augmenting the flow of water into the Salton Sea;

(D) improving the quality of wastewater discharges from Mexico (including discharges from the Alamo River, the Whitewater River, and the New River) and from other water users in the Salton Sea basin;

(E) implementing any other economically feasible remediation options; and

(F) implementing any combination of the actions described in subparagraphs (A) through (E); and

(2) limit the options to economically feasible and proven technologies.

(e) FACTORS.—In evaluating the feasibility of options under the action plan, the Secretary shall consider—

(1) the ability of Federal, tribal, State, and local government sources and private entities to fund capital construction costs and annual operation, maintenance, energy, and replacement costs; and

(2) how and where to dispose, permanently and safely, of water pumped out of the Salton Sea and any salts that may be condensed and accumulated in implementing the option.

(f) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—The Secretary shall carry out the action plan under this section in accordance with a memorandum of understanding entered into with the Salton Sea Authority, the Governor of the State of California, and such other tribal or local entities as the Secretary considers appropriate.

(2) CRITERIA.—The memorandum of understanding shall, at a minimum, establish criteria for the evaluation and selection of options under this section, including criteria for determining the magnitude and practicability of costs of construction, operation, and maintenance of each evaluated option.

(g) RELATIONSHIP TO OTHER LAWS.—

(1) RECLAMATION LAWS.—

(A) IN GENERAL.—An option recommended by the action plan shall not be subject to the Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto (32 Stat. 388, chapter 1093; 43 U.S.C. 371 et seq.) (including regulations adopted under those Acts).

(B) NONREIMBURSABLE AND NONRETURNABLE.—Funds provided to carry out the option shall be considered nonreimbursable and nonreturnable.

(2) LAW OF THE RIVER.—An option recommended by the action plan—

(A) shall not supersede or otherwise affect any treaty, law, or agreement governing use of water from the Colorado River; and

(B) shall be carried out in a manner that is consistent with rights and obligation of persons under all such treaties, laws, and agreements.

(h) REPORTS.—

(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress an interim report on the findings and recommendations of the action plan, including—

(A) a summary of options considered for remediating the Salton Sea; and

(B) a recommendation of a preferred option for remediating the Salton Sea.

(2) FINAL REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a final report on the findings and recommendations of the action plan, including—

(A) a plan to implement the preferred option;

(B) a recommendation for sharing costs to carry out the preferred option, with (at the option of the Secretary) a different cost-sharing formula for capital construction costs than is applied to annual operation, maintenance, energy, and replacement costs; and

(C) the completion of all environmental compliance and permitting activities required for any construction activity under the preferred option.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 5. SALTON SEA RESTORATION PROJECT.

(a) IN GENERAL.—Not later than 30 legislative days after the Secretary submits the final report required under section 4(h)(2), the Secretary shall have the authority to carry out a project for remediating the Salton Sea that is based on the preferred option recommended in the final report, unless otherwise directed by Congress.

(b) LEGISLATIVE DAY.—In subsection (a), the term "legislative day" means any day on which either House of Congress is in session.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000,000.

SEC. 6. SALTON SEA WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—Concurrently with the action plan carried out under section 4, the Secretary shall enter into contracts, grants, and cooperative agreements with Federal and non-Federal entities to conduct studies recommended by the Salton Sea Research Management Committee under subsection (b)(1), including studies of hydrology, wildlife pathology, and toxicology relating to the wildlife resources of the Salton Sea.

(b) SALTON SEA RESEARCH MANAGEMENT COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a committee, to be known as the "Salton Sea Research Management Committee", to make recommendations to the Secretary on the selection of topics for studies under this section and management of the studies.

(2) MEMBERSHIP.—The Committee shall be composed of 4 members, of which—

(A) 1 member shall be appointed by the Secretary;

(B) 1 member shall be appointed by the Governor of the State of California;

(C) 1 member shall be appointed by the Torres Martinez Desert Cahuilla Tribal Government; and

(D) 1 member shall be appointed by the Salton Sea Authority.

(c) COORDINATION.—The Secretary shall ensure that studies under this section are conducted in coordination with appropriate international bodies, Federal agencies, and California State agencies, including—

(1) the International Boundary and Water Commission;

(2) the United States Fish and Wildlife Service;

(3) the Environmental Protection Agency;

(4) the California Department of Water Resources;

(5) the California Department of Fish and Game;

(6) the California Resources Agency;

(7) the California Environmental Protection Agency;

(8) the California Regional Water Quality Board; and

(9) California State Parks.

(d) PEER REVIEW.—The Secretary shall require that studies conducted under this section be subject to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

SEC. 7. REDESIGNATION OF SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS THE SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—The Salton Sea National Wildlife Refuge, in Imperial County, California, shall be known and designated as the "Sonny Bono Salton Sea National Wildlife Refuge".

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the Refuge referred to in subsection (a) shall be deemed to be a reference to the "Sonny Bono Salton Sea National Wildlife Refuge".

SEC. 8. EMERGENCY ACTION TO STABILIZE SALTON SEA SALINITY.

If, during the conduct of studies authorized by this Act, the Secretary determines that environmental conditions at the Salton Sea warrant immediate emergency action to stabilize the salinity of the Salton Sea, the Secretary shall immediately submit a report to Congress documenting the conditions and making recommendations for their remediation, together with specific recommendations for actions to be required and the cost of the actions.

Mrs. FEINSTEIN. Mr. President, today I join my colleague Senator BOXER in introducing the Sonny Bono Memorial Salton Sea Restoration Act. This legislation is similar to that now pending in the House of Representatives, but it seeks to respond to concerns expressed by local, state and federal officials about problems with the House bill. Despite the fact that there are differences between the two versions, the time to address the problems of the Salton Sea has come, legislation will move forward promptly, and be signed into law.

I have spoken on this floor about the problems facing the Salton Sea. Now it is time to turn to how to solve those problems. The legislation introduced today reflects the work of scores of people in California concerned with the Salton Sea. It is consistent with the approach they believe is most appropriate, and it involves them in the process.

This legislation proceeds in two stages.

First, it provides funding and sets a deadline of 18 months for the conduct of additional scientific research on the problems facing the Salton Sea, for the evaluation of various projects to address these problems, for the selection of a specific project, and for the completion of the necessary environmental reviews required by the National Environmental Policy Act and the California Environmental Quality Act.

Second, it authorizes funding, subject to modification by Congress, for the implementation of the project that is chosen.

The research funded in this legislation is absolutely crucial, for the problems facing the Salton Sea are complex. Previously, most concerns expressed about the Sea related to its increasing salinity and its rising water level. More recently, however, massive die offs of fish and migratory birds have occurred, that appear to be caused by problems other than salinity.

So, in addition to determining the optimum elevation for the Sea, and the desirable level of salinity, it is important to understand the interrelationships between these two components and the pollutants that continue to flow into the Sea.

Finally, this legislation proposes a tight timetable for reaching a decision on the best project to solve the problems facing the Sea. However, it is my understanding that the Department of the Interior already has the authority and a limited amount of funding to begin additional testing and environmental review and is willing to do so. This means that an 18 month timetable is realistic. There has been deep concern that a 12 month timetable is insufficient if a sound plan is to evolve which also involves the rivers, now heavily polluted, which empty into and add contamination to the Salton Sea. Therefore, I urge all parties to begin working while this legislation moves through Congress.

Mr. President, in closing, I want to say that I look forward to working with my colleagues in the House to craft a bill that is acceptable to both bodies, a bill that will preserve and enhance the Salton Sea, a bill that is a fitting tribute to the memory of the late Congressman Sonny Bono, who cared so deeply about the Salton Sea. Thank you.

By Mr. KENNEDY:

S. 1717. A bill to amend the Immigration and Nationality Act to strengthen the naturalization process; to the Committee on the Judiciary.

THE NEW AMERICAN CITIZENSHIP ACT

Mr. KENNEDY. Mr. President, few aspects of immigration are more important than the naturalization of new Americans. Naturalization goes to the heart of those we welcome to join our country. Unlike those of us who were born in this country, naturalized immigrants are Americans by choice. Naturalization is the occasion when these new citizens embrace our nation, and our nation embraces them.

Unfortunately, America's immigrant heritage and history are under increasing attack today. Legal immigrants have been unfairly hurt by recent actions to deal with illegal immigration. Voting rights, welfare benefits, and naturalization itself are also under assault.

It now takes two to four years for immigrants to become naturalized citizens. The backlogs continue to increase. It is time to improve the naturalization process, and deal more responsibly with these important issues.

Today, Congressman GEPHARDT and I are introducing the "New American Citizenship Act," because we believe legal immigrants deserve a fair, efficient and affordable way to become citizens. Our bill builds on the recent reforms by INS to reach out to potential new citizens, help them learn our history and form of government, and ensure that the naturalization process is one in which America can take pride.

Our bill provides increased services, and requires INS to reduce the naturalization process to six months with no backlogs. We encourage local communities to help in this effort, by disseminating information to community-based organizations on the requirements of citizenship and the contents of the naturalization exam. Under our proposal, INS cannot increase the naturalization fee to more than $150 until they have shown progress in reducing the backlog.

In addition, we take specific steps to prevent fraud and abuse in the exam. We strengthen the fingerprint process to prevent the mistaken naturalization of unqualified applicants.

Each naturalization ceremony represents the continuing renewal and revitalization of our country. As Barbara Jordan said,

> We are a nation of immigrants, dedicated to the rule of law. That is our history and our challenge to ourselves. . . . It is literally a matter of who we are as a nation and who we become as a people. E Pluribus Unum. Out of many, one. One people. The American people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New American Citizenship Act".

SEC. 2. DECLARATION AND PURPOSES.

(a) DECLARATIONS.—(1) Congress declares that it is the historic policy of the United States to welcome as new American citizens those legal immigrants who qualify for naturalization and who are committed to American democratic principles, our form of Government, and the Constitution of the United States.

(2) Congress reaffirms the existing statutory requirements for naturalization concerning good moral character, lawful and continuous residence in the United States, and an understanding of the English language and the history, principles, and form of Government of the United States.

(b) PURPOSES.—The purposes of this Act are to ensure that—

(1) the naturalization process of the United States properly welcomes those who are committed to American citizenship to participate fully in American civic life;

(2) the act of naturalization is reserved for those who meet the qualifications established by the Constitution and the laws and policies of the United States;

(3) individuals applying for naturalization are provided a fair, efficient, and affordable process;

(4) the backlog of pending applications for naturalization is reduced so that qualified applicants may become new American citizens within six months of applying for naturalization; and

(5) the Immigration and Naturalization Service provides adequate assistance and information to individuals applying for naturalization.

SEC. 3. BACKLOG REDUCTION.

(a) In General.—The Attorney General shall present to Congress not later than 3 months after the date of enactment of this Act a detailed plan for substantially reducing the backlog at each district and regional office of the Immigration and Naturalization Service. The plan shall include specific target dates for reducing or eliminating the backlog, and the percentage of reduction that will be achieved by each target date.

(b) Report.—During each of the fiscal years 1998, 1999, 2000, and 2001, the Attorney General shall submit a monthly report to the Committees on the Judiciary of the Senate and the House of Representatives concerning the progress that is being made in meeting the targets to reduce the backlog of naturalization applications.

SEC. 4. EQUIPPING NEW AMERICANS FOR CITIZENSHIP.

(a) Integrity of Testing Procedures.—The Attorney General shall ensure that procedures utilized by the Immigration and Naturalization Service to carry out the standardized naturalization examinations include the following:

(1) Administration of examinations.—

(A) Proctoring.—All standardized naturalization examinations shall be proctored by an entity certified by the Immigration and Naturalization Service to perform such function. The Immigration and Naturalization Service may certify more than 1 entity to proctor naturalization examinations.

(B) Special rule for "for-profit" entities.—A for-profit organization shall not be allowed to administer or proctor the standardized naturalization examination if such organization also provides citizenship courses.

(2) Pilot program.—During the 24-month period beginning on the date of enactment of this Act, the Attorney General, through a board or contractor determined by the Attorney General to be qualified to administer standardized examinations, shall test the feasibility of administering naturalization examinations to a representative sample of immigrants throughout the United States. The Attorney General shall allow for special arrangements for naturalization applicants who are homebound, in nursing homes, need expedited handling of their applications, or have other extenuating circumstances or incapacitations.

(A) Report.—Not later than 12 months after the institution of the pilot program under this subsection, the Attorney General shall submit a report to Congress regarding the future feasibility of the program.

(B) Requirements of board or contractor.—The board or contractor selected by the Attorney General to develop and administer a standardized test under the pilot program shall—

(i) be qualified to administer standardized examinations and able to ensure the integrity of the examination process through the use of proctors or other appropriate means;

(ii) be able to offer the examination at multiple test sites located within immigrant communities;

(iii) prepare multiple versions of the naturalization examination to be used at each examination site, and must revise the examinations on at least a quarterly basis; and

(iv) have the ability to offer the examination with enough frequency to meet the needs of each community in which the examination is offered.

(C) Appeals.—The Attorney General shall provide an appeals process to permit immigrants who fail the standardized naturalization examination under the pilot program to either have the examination results reviewed by an independent examiner or retake the examination at no cost.

(3) Content of test.—Any new or redesigned naturalization examination developed pursuant to this Act shall not create barriers to citizenship that did not exist under the examinations used before the enactment of this Act.

(b) Provision of Naturalization Materials.—

(1) Materials for home-study.—The Attorney General through the Immigration and Naturalization Service shall make sufficient material, such as textbooks and sample questions, available at no cost to naturalization applicants who choose to study for the naturalization examination without the assistance of a citizenship course.

(2) Handbook.—Upon request, and at the time of adjustment to or admission as a lawful permanent resident, the Attorney General shall provide each such individual with a handbook describing—

(A) the process for obtaining citizenship through naturalization, as well as information on the requirements for naturalization, including the good moral character and continuous residency requirements;

(B) information on the civics and English language portions of the naturalization examination; and

(C) the privileges and responsibilities of citizenship, including the right to vote only after taking the oath of allegiance.

(3) Dissemination of materials.—

(A) In general.—The Attorney General shall widely disseminate, at no cost, to public schools and organizations that provide instruction on citizenship responsibilities and prepare applicants for the naturalization examination materials, such as textbooks, sample questions, and other information regarding the content of the naturalization examination that the Immigration and Naturalization Service determines relevant to assist such organizations in preparing applicants for the naturalization examination.

(B) Development.—The materials described in this subsection shall be developed in consultation with adult educators and organizations that offer citizenship courses.

(c) Effective Date.—Except as provided in subsection (a)(2), this section shall take effect on the date that is 6 months after the date of enactment of this Act.

SEC. 5. PLAN FOR ENSURING EFFICIENCY AND INTEGRITY OF THE NATURALIZATION PROCESS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall develop a plan for ensuring the efficiency and integrity of the naturalization process.

(b) Objectives.—The plan described in subsection (a) shall have the following objectives:

(1) To substantially increase the efficiency of the naturalization process, including the development of—

(A) a system that requires the Immigration and Naturalization Service to complete the entire naturalization process in 6 months or less; and

(B) a contingency plan the Immigration and Naturalization Service will use to accommodate sudden increases in applications, including arrangements with Congress for the rapid reprogramming of funds and positions when necessary.

(2) To increase the integrity and accuracy of naturalization, by taking steps to ensure that—

(A) the fingerprint process for naturalization applicants is as accurate and secure as possible;

(B) there is clear recourse for applicants with illegible or nonexistent fingerprints, including communication in writing from the Immigration and Naturalization Service indicating the reasons for rejection of the fingerprints, and instructions on what action, if any, the applicant must take;

(C) the integrity of the naturalization examination is maintained by ensuring that the examination is applied consistently across the United States, that it adequately tests knowledge of English and civics, and that the examination is not subject to fraud; and

(D) Immigration and Naturalization Service offices are provided with clear guidelines to ensure consistency among offices of the Service in conducting naturalization interviews, including the institution of a standard checklist for the relevant components of the applicant's file, a uniform worksheet for offices to use in determining eligibility, and a list of examples of the offenses which disqualify applicants for naturalization.

(3) To maintain proper oversight of the naturalization process, including—

(A) development of national quality assurance procedures to facilitate effective oversight of fingerprint procedures, naturalization examination centers, and final Immigration and Naturalization Service naturalization interviews;

(B) accountability of field personnel involved in the naturalization process to Immigration and Naturalization Service headquarters;

(C) outreach by national and local Immigration and Naturalization Service naturalization offices to community groups and State and local officials for the purpose of encouraging qualified immigrants to seek United States citizenship;

(D) ensuring that applicants are treated fairly and hospitably, and that a priority is given to customer service, including increased customer service training for all naturalization adjudication officers;

(E) providing naturalization applicants with adequate information on the naturalization process, procedure, and approximate timetable for the entire naturalization process; and

(F) ensuring that Immigration and Naturalization Service offices contain sufficient waiting areas with notices of procedure and instructions in languages common to the community served by the individual office.

(4) To ensure that the naturalization process will be continually updated as new innovations emerge, such as—

(A) improved data sharing and digital fingerprint technologies; and

(B) establishment of a system for local Immigration and Naturalization Service offices to share best practices regarding the naturalization process, or ideas those offices have to improve the process, and for incorporation of these lessons into ongoing naturalization planning by the Immigration and Naturalization Service.

(c) Access for Individuals With Disabilities.—In redesigning the naturalization process, the Attorney General shall provide written guidance to the Immigration and Naturalization Service officers and to applicants so that individuals with disabilities are afforded reasonable accommodations throughout the naturalization process, including, but not limited to, access to Immigration and Naturalization Service facilities, testing sites, and to the English language and civics portions of the naturalization examination.

SEC. 6. DETERRING NATURALIZATION FRAUD.

The Attorney General shall ensure that the naturalization fingerprint submission process deters naturalization fraud and maintains the integrity of the program by implementing the following requirements:

(1) Except in the case of law enforcement agencies designated by the Immigration and Naturalization Service to take fingerprints for naturalization applicants, fingerprint cards shall be sent directly by the Immigration and Naturalization Service, or its designee, to the Federal Bureau of Investigation for processing, rather than returning the fingerprint card to the applicant for submission.

(2) Procuring the technology to institute electronic fingerprint checks at all Immigration and Naturalization Service offices by the fiscal year 2000.

SEC. 7. ENSURING INELIGIBLE IMMIGRANTS ARE NOT NATURALIZED.

(a) Criminal History Background Check.—The Immigration and Naturalization Service shall ensure that a criminal history background check with the Federal Bureau of Investigation is completed for each naturalization applicant prior to the naturalization interview, including requirements that—

(1) all fingerprints shall be sent directly to the Federal Bureau of Investigation as described in section 6;

(2) prior to each naturalization interview, every naturalization file shall contain documented evidence that a criminal background check has been completed and the results of any background check that indicates an applicant has a Federal Bureau of Investigation record have been received;

(3) the Federal Bureau of Investigation shall expeditiously conduct a criminal history background check on each applicant for naturalization, and shall provide a response describing the applicant's criminal history as reflected in the Bureau's records; and

(4) where the applicant cannot provide legible fingerprints, the Federal Bureau of Investigation shall conduct a criminal history background check based on the person's name and any other method of positive identification used by the Federal Bureau of Investigation for criminal history background checks.

(b) Naturalization Interviews.—All naturalization applicants, at the time of a standardized naturalization examination or interview by an adjudications officer, shall be required to demonstrate basic ability to speak and understand words in ordinary usage in the English language, in accordance with section 312(a)(1) of the Immigration and Nationality Act, unless the applicant is exempt from the requirements of that section pursuant to section 312(b) of such Act, and at the time of interview, each adjudications officer shall—

(1) question each applicant about any arrest, charge, conviction, or imprisonment which was revealed as a result of the criminal history check;

(2) determine whether any crime which the applicant reveals he or she committed is one which would disqualify the applicant from naturalization;

(3) verify that the applicant was asked all mandatory questions during the naturalization interview;

(4) refer complex cases involving potentially disqualifying crimes to a supervisory officer for review;

(5) ensure that applicants are informed that they are not United States citizens until they take the oath of allegiance; and

(6) provide each applicant with information on the legal requirements which need to be fulfilled before such applicant can register to vote.

(c) Oath of Allegiance Requirements.—The Immigration and Naturalization Service shall ensure that certificates of citizenship are not to be distributed to naturalization applicants prior to taking the oath of allegiance.

SEC. 8. FUNDING AND FEES.

(a) Availability of Funds.—Of the funds appropriated to the Immigration and Naturalization Service for each of fiscal years 1999, 2000, and 2001, $100,000,000 shall be made available for backlog reduction, and technological and infrastructure changes needed to ensure the appropriate conduct of naturalization activities, including the purchase of equipment for enhanced recordkeeping and fingerprint checks, the development of testing centers, the conduct of the pilot program described in section 4(a)(2), and other purposes.

(b) Limitation on Fees.—

(1) In general.—The naturalization application fee charged by the Immigration and Naturalization Service shall not exceed $150 per applicant until the backlog of pending naturalization applications has been substantially reduced in each Immigration and Naturalization Service district.

(2) Backlog; substantially reduced.—For purposes of this section:

(A) Backlog.—The term "backlog" means naturalization applications which have been pending for longer than 6 months from the time the application was submitted to the Immigration and Naturalization Service.

(B) Substantially reduced.—The backlog of pending naturalization applications for a fiscal year shall be considered to be "substantially reduced" if the number of naturalization applications in the backlog in each Immigration and Naturalization Service district at the end of the fiscal year is at least 30 percent less than the number of applications in the backlog in each district at the end of the previous fiscal year.

SEC. 9. DEFINITION.

In this Act, the term "Attorney General" means the Attorney General, acting through the Commissioner of Immigration and Naturalization.

By Mr. LIEBERMAN (for himself and Mr. Dodd):

S. 1718. A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property; to the Committee on Energy and Natural Resources.

WEIR FARM VISITOR CENTER LEGISLATION

Mr. LIEBERMAN. Mr. President, I rise today to join my friend Senator Dodd in introducing legislation that is vitally important to the future of Connecticut's only national park, the Weir Farm National Historic Site.

As my colleagues may recall, Weir Farm was the home of the great American painter J. Alden Weir, who is widely considered a leader of the American Impressionism movement of the late 19th Century. The brilliant natural beauty of Weir Farm's landscape served as the inspiration for much of Weir's art as well as the work of several other renowned Impressionists who often traveled to the farm at the time. The splendor and serenity of this place also moved Weir's descendants and other artists who later made their home at the farm to preserve much of the landscape in the pristine state that originally inspired the many painters who visited there.

Congress sought to protect this enormously valuable piece of our national heritage when it approved legislation that Senator Dodd and I cosponsored in 1990 to make Weir Farm part of the National Park System and the first site to honor an American painter. This legislation (P.L. 101–485) authorized the Park Service to acquire 62 acres of the original Weir property along with several of the buildings that Weir lived and worked in and many of the original furnishings. The State of Connecticut strongly supported this project and helped make it possible by approving a $4.25 million bond issue to purchase the 60 acres of open space surrounding the Weir homestead. The legislation was also strongly endorsed by a coalition of 20 leading national conservation groups, including The Nature Conservancy, which owns a large preserve of open land adjacent to the park property that further enhances the park's conservation mission.

Today, thousands of visitors who make their way to Weir Farm each year can get lost in the tranquility of the place. They can tour the studio where Weir and his successors toiled and the classic New England barn that caught the eye of many visiting artists and that was rehabilitated with a generous appropriation from Congress. But something is missing—the art itself.

Sadly, these visitors cannot view the wonderful collection of Impressionist works that the park managers and supporters are in the process of acquiring through private donations. That is because there is simply no place to put them on the current site. The cramped historic buildings are ill-equipped to accommodate even a legitimate visitor center, let alone a museum-quality gallery. And the possibility of building an addition has rightly been ruled out of the question because it would distort the landscape and run counter to the park's mission of preserving the historic character of the property.

The legislation we are introducing today would help fill that void and help the park fulfill another critical part of its mission, which is to reunite Weir Farm's historic landscape with the rich array of art it inspired. Specifically, our bill would authorize the Park Service to go forward with its plan to acquire a neighboring property outside the park's boundary and build a full-fledged visitor center to house the collection of privately-acquired paintings from Weir, Childe Hassam, John Twachtman and several others. A companion version of this bill is being introduced in the House today as well by Congressman JIM MALONEY, who represents the district in which the park is located.

The Park Service approved this project as part of Weir Farm's long-term General Management Plan. The Park Service has already identified an ideal 13-acre site to house the visitor center, as well as an adjacent administrative and maintenance facility that was also called for under the management plan. The owners of the targeted site are willing sellers and the Trust for Public Land—with a donation from the Weir Farm Trust, the park's private partner—has generously agreed to act as an intermediary in the purchase by putting an option on the property to prevent it from being developed.

But for the project to go forward, Congress must first approve the acquisition and a one-time change in the park's boundary. Our legislation would do just that, providing the Park Service with the authority to acquire up to 15 additional acres and expand the park's boundary to include this new land. It would also raise the authorization for land acquisition included in the original Weir Farm legislation up from $1.5 million to $4 million.

The Park Service estimates that the total cost of acquiring the property for the future visitor center will be $1.6 million. Of that total, it is expected that approximately $500,000 would come from unexpended land acquisition funds already appropriated by Congress and state and private contributions. That leaves a Federal contribution in the neighborhood of $1.1 million, which the Park Service has indicated it will request in its budget for fiscal year 2000. The projected cost of building the visitor center and the adjoining administrative/maintenance facility is $4.7 million, of which approximately half would come from private sources and the other half would come from Federal funding through the Park Service.

This project not only has the strong support of the Park Service and the State of Connecticut but of the communities surrounding Weir Farm, which straddles the town line between Wilton and Ridgefield. A number of residents in Ridgefield, where the visitor center would be built, initially expressed concern about the impact the project could have on the neighborhood. But the park managers and the leaders of the Weir Farm Trust worked diligently to address those concerns and show the community that the visitor center would in no way threaten the pastoral nature of the area or significantly worsen traffic along the neighborhood's narrow, windy roads.

In fact, the friends of Weir Farm showed that this plan would actually enhance the conservation goals of the park and the community. It would prevent the historic character of the Weir property from being disturbed. And the proposed visitor center site would link the park to an additional 119 acres of contiguous open space owned by the state and the Town of Ridgefield. Also, an independent study showed that the proposed visitor center would not significantly impact the flow of traffic in the neighborhood, and the Park Service is confident that this plan provides the best long-term solution for managing transportation to the park site.

In addition to reaching out to local residents, the park managers and the Ridgefield town government collaborated closely with my office and Senator DODD's office to help us craft the bill we are introducing today in such a way as to ensure that the natural and historic character of the site would be preserved and to ensure the town maintained control over how the property was to be developed. As a result of these efforts, both the Ridgefield Planning and Zoning Commission and the Board of Selectmen formally approved this legislation late last year.

This was not an easy process, and I want to express my deep appreciation to Weir Farm's superintendent, Sarah Olson, and to the town leaders in Ridgefield for their cooperation and their commitment to reach a resolution that is for the good of both the community and the park.

The visitor center we're proposing to build will help Weir Farm realize its full potential not just as a pastoral prize but as a true cultural landmark, one that will likely attract art lovers from throughout the region and hopefully the nation to see Weir's jewel and its splendid setting.

The alternative, Mr. President, is that if this project does not move forward, we will have squandered a wonderfully unique opportunity to make Weir Farm the only place of its kind to wed art and artistic vision in this way. The Ridgefield Press and The Wilton Bulletin, the leading local newspapers, urged us not to let this opportunity slip away in a joint editorial published last year that strongly endorsed the visitor center project. "Bringing the art to Weir Farm," the editors wrote, "has the potential to turn the site into something more than a retreat for artists and hikers—allowing an unusual cultural experience of considerable depth."

Senator DODD and I would ask our colleagues to help us seize this important opportunity by supporting this legislation, which would complete the mission we started eight years ago when we agreed to make Weir Farm part of the park system.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1171) is amended by adding at the end the following:

"(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—

"(1) ACQUISITION.—

"(A) IN GENERAL.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

"(B) PROXIMITY.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

"(C) MANAGEMENT.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

"(2) DEVELOPMENT.—

"(A) IN GENERAL.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

"(B) PARKING AREA.—Any parking area for the resulting visitor and administrative facility shall not exceed 30 spaces.

"(C) SALES.—Items sold in the visitor facilities—

"(i) shall be limited to educational and interpretive materials related to the purpose of the historic site; and

"(ii) shall not include food.

"(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into 1 or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, for the purposes of—

"(A) developing the parking, visitor, and administrative facilities for the historic site; and

"(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.".

(b) INCREASE IN MAXIMUM ACQUISITION AUTHORITY.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1173) is amended by striking "$1,500,000" and inserting "$4,000,000".

Mr. DODD. Mr. President, today I join with Senator LIEBERMAN in introducing legislation to add up to 15 acres to the Weir Farm National Historic Site in Connecticut for the creation of a visitor center and art gallery.

The new property is located in Ridgefield, Connecticut. Because the land is adjacent to undeveloped State and Town land, the non-profit Weir Farm Heritage Trust can ensure that the proposed visitor center and gallery will be in keeping with the pastoral theme of the historic site.

Eight years ago, Congress established Weir Farm as Connecticut's first national park and the only National Park Service site in the country dedicated to the celebration of an American painter. The 62 acre historic site contains the home and studio of the founder of American impressionism, J. Alden Weir and this rich landscape is the inspiration for many of his paintings.

Together, the National Park Service and the Weir Farm Heritage Trust seek to raise public awareness of the farm's historical and cultural significance and to preserve the farm's artistic tradition, while developing a world renown art collection and providing artist workshops. Through a Visiting Artists Program, several artists each year are invited to work within the surroundings of Weir Farm.

More than eleven thousand people visited Weir Farm in 1996 and almost ten thousand came in 1997. The Park Service estimates that by the year 2010, the number of visitors could increase to between 25,000–40,000. It is for these reasons that the Weir Farm Heritage Trust would like to acquire this land and convert an existing building into a visitor center and art gallery and construct a modest 30-space parking area. Language in the bill stipulates that the National Park Service will enter into a binding agreement with appropriate town zoning commissions to manage the projected increase in bus traffic and develop parking, visitor and administrative facilities.

In December, the Ridgefield, Connecticut Selectmen voted in favor of the land acquisition proposal. In November, the Ridgefield Planning and Zoning commission also voted in favor of the plan, after convening several public hearings on the matter.

This proposal is important to the people of Connecticut and all those who wish to see a bit of artistic history preserved in its natural state. I urge my colleagues to support this land acquisition proposal as well.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1719. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co; to the Committee on Energy and Natural Resources.

THE GALLATIN COMPLETION ACT OF 1998

Mr. BAUCUS. Mr. President, I rise today to announce the introduction of the Gallatin Land Consolidation Act of 1998. I am pleased to be joined in this introduction by my fellow members of the Montana delegation—Senator BURNS and Congressman HILL. The Gallatin Act is a bipartisan bill that is the culmination of years of hard work and unheralded cooperation between the Montana delegation, local communities, conservation and user groups, and all levels of government.

The consolidation of this area makes sense on many levels. In the Gallatin area, the Act will consolidate the historic checkerboard ownership that has muddied the waters of land management for years. This bill will establish logical and effective ownership and management of these lands. In the long run, consolidation will substantially reduce the cost to the Forest Service—and ultimately the taxpayer—of managing the Gallatin National Forest. By eliminating this checkerboard ownership pattern, the bill improves public access to Forest Service lands and reduces the disputes that currently arise over the proper location of property lines.

Perhaps most importantly,. this bill will protect these areas so that our children can enjoy them just as we do. The checkerboard ownership pattern invites sprawling subdivisions. Whether those occur across the Taylor Fork, or north in the Bangtails, the effect is the same. The Forest Service lands will be diminished in value for wildlife and recreation as every other section of land is developed. This checkerboard development would also diminish the pristine vistas that make this area so special. By consolidating these lands, we can protect recreational opportunities, wildlife herds, our famous fisheries, and the area's beautiful scenery.

While consolidation benefits the entire Gallatin area, in the Taylor Fork alone, the benefits are awe-inspiring. This area is critical winter range for elk and moose and helps to sustain the largest contingent of grizzly bears in the lower forty-eight states. The conservation of the Taylor Fork, the Gallatin roaded area, and the Bangtails will allow for the continued historic uses that define the character of Montana such as hunting, grazing, recreation, and wildlife habitat protection.

I would like to take a minute to thank the Montana delegation for their hard work that has led to introduction of this Act. I also want to recognize and applaud the efforts of all the folks in Montana who have been instrumental in crafting this consolidation.

Local conservation and wildlife groups in Bozeman and in Butte have worked long and hard to ensure that this bill protects the fisheries and wildlife that make these lands unique. In response to their suggestions, we have crafted the bill to ensure that the public will be involved in planning the timber-for-land component of this exchange. In response to their suggestions, we have also provided for a fair and public process to determine the management direction for the acquired lands, and have included a restoration program to improve the environmental health of these lands. Together, these changes will ensure that these lands will be enjoyed by sportsmen and by all Montanans for generations to come.

And I would like to thank those in the timber industry who have worked to ensure that this exchange will protect Montana mills. The Independent Forest Products Association, who represents many of Montana's small mills has been ever vigilant to ensure that the Forest Service small business provisions are respected. In that vein, I would especially like to thank Al Kington, whose last-minute advice allowed us to craft the bill to provide extra protection for Montana's small mills.

I would also like to thank those who have worked so hard to ensure that the Taylor Fork is protected. The Rocky Mountain Elk Foundation has worked tirelessly to raise funds to purchase one of the sections in the Taylor Fork. Local land owners including the Kelsey's of the 9¼ Circle Ranch and the Patton's of the Black Butte Ranch and the other members of the Upper Gallatin Community, helped with those efforts and have been vocal advocates for conserving these lands for all Montanans.

I would also like to thank Gallatin County Commissioners Jane Jelinksi, Phil Olson and Bill Murdock. My staff met with the commissioners individually and as a group as we crafted this exchange. I appreciate their input and look forward to working with them in the future.

Big Sky Lumber, the private party to this exchange has negotiated the terms of this agreement in good faith. They have provided a number of concessions to make this exchange more responsive to public concerns. These include agreements to providing public recreation access across their lands, protecting viewsheds in the Bridger Canyon area, and providing options to local landowners to allow them to purchase some of these lands following the exchange.

Last, but certainly not least, I would like to thank two public employees, Bob Dennee with the U.S. Forest Service, and Kurt Alt with the Montana Department of Fish, Wildlife and Parks. These two individuals have logged long hours on this exchange over the years and have been an invaluable resource for me and my staff.

However, it should be clear to all that our work is not done. As the bill moves through the legislative process, I will continue working to make sure that this consolidation is responsive to the people that it serves. I look forward to working with the Montana public to finalize this exchange and to protect these important lands.

Every once in a while, we are blessed to work on efforts for which we know our children will thank us. And the Gallatin Consolidation is one of those efforts. If we do not take this opportunity to address the problems that were created by the railroad land grants a century ago, we may never have another such opportunity. If we do not act now, these lands will be broken into smaller and smaller pieces—all to the detriment of our fish, wildlife, and cultural heritage. If we do not act now, it will be to the detriment of our children. However, if we succeed, our children and our grand children will be forever grateful.

Mr. President, I encourage my colleagues to join me in supporting this important effort. And I thank my colleague from Montana for his continued hard work and cooperation on this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gallatin Land Consolidation Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) the land north of Yellowstone National Park possesses outstanding natural characteristics and wildlife habitats that make the land a valuable addition to the National Forest System;

(2) it is in the interest of the United States to establish a logical and effective ownership pattern for the Gallatin National Forest, reducing long-term costs for taxpayers and increasing and improving public access to the forest; and

(3) it is in the interest of the United States for the Secretary of Agriculture to enter into an Option Agreement for the acquisition of land owned by Big Sky Lumber Co. to accomplish the purposes of this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) BLM LAND.—The term "BLM land" means approximately 3,000 acres of Bureau of Land Management land (including all appurtenances to the land) that is proposed to be acquired by BSL, as depicted in Exhibit B to the Option Agreement.

(2) BSL.—The term "BSL" means Big Sky Lumber Co., an Oregon joint venture, and its successors and assigns, and any other entities having a property interest in the BSL land.

(3) BSL LAND.—The term "BSL land" means approximately 55,000 acres of land (including all appurtenances to the land) owned by BSL that is proposed to be acquired by the Secretary of Agriculture, as depicted in Exhibit A to the Option Agreement.

(4) FOREST SYSTEM LAND.—The term "Forest System land" means approximately 28,000 acres of land (including all appurtenances to the land) owned by the United States in the Gallatin National Forest, Flathead National Forest, Deer Lodge National Forest, Lolo National Forest, and Lewis and Clark National Forest that is proposed to be acquired by BSL, as depicted in Exhibit B to the Option Agreement.

(5) OPTION AGREEMENT.—The term "Option Agreement" means the document signed by BSL, dated   and entitled "Option Agreement for the Acquisition of Big Sky Lumber Co. Lands Pursuant to the Gallatin Range Consolidation and Protection Act of 1993", and the exhibits (including an exchange agreement) and maps attached to the agreement.

SEC. 4. GALLATIN LAND CONSOLIDATION COMPLETION.

(a) IN GENERAL.—Notwithstanding any other provision of law, if BSL offers title to the BSL land, including mineral interests, that is acceptable to the United States and meets the requirements of subsection (e)—

(1) the Secretary of Agriculture shall accept a warranty deed to the BSL land and a quit claim deed to the mineral interests in the BSL land;

(2) the Secretary of Agriculture shall convey to BSL, subject to valid existing rights and to such other terms, conditions, reservations, and exceptions as may be agreed on by the Secretary of Agriculture and BSL fee title to the Forest System land;

(3) the Secretary shall grant to BSL timber harvest rights to approximately 20,000,000 board feet of timber in accordance with subsection (c) and as described in Exhibit C to the Option Agreement;

(4)(A) subject to the availability of funds, the Secretary of Agriculture shall purchase the portion of the BSL land in the Taylor Fork area depicted on Exhibit D to the Option Agreement at a purchase price of not more than $6,500,000; and

(B) to extent that funds are not available, the Secretary of Agriculture shall acquire the remaining Taylor Fork sections through an exchange of assets; and

(5) the Secretary of the Interior shall convey to BSL, by patent or otherwise, subject to valid existing rights and to such other terms, conditions, reservations, and exceptions as may be agreed to by the Secretary of the Interior and BSL, fee title to the BLM land.

(b) VALUATION.—The property and other assets exchanged by BSL and the United States under subsection (a) shall be approximately equal in value, as determined by the Secretary of Agriculture.

(c) TIMBER HARVEST RIGHTS.—

(1) IN GENERAL.—Not later than December 31 of the second full calendar year that begins after the date of enactment of this Act, the Secretary shall prepare, grant to BSL, and commence administration of the timber harvest rights identified in Exhibit C to the Option Agreement.

(2) GRANTS.—

(A) IN GENERAL.—The Secretary shall grant timber harvest rights to BSL not earlier than the date that is 45 days after the date on which the Secretary issues a decision notice to grant the timber harvest rights, or, if such a decision notice is appealed, after the date of final resolution of the appeal.

(B) LIMITATION.—The Secretary may not grant timber harvest rights ,that are the subject of administrative appeal or litigation.

(3) ADMINISTRATION.—After timber harvest rights are granted to BSL, the decision notice for those rights and the administration of those rights in accordance with the decision notice shall not be subject to administrative appeal or judicial review.

(4) SCHEDULES.—The Secretary and BSL shall mutually develop and agree on schedules for the harvest of timber the harvest rights to which are granted to BSL in the exchange.

(5) TIMBER SALE PROGRAM.—The timber harvest rights granted under this Act—

(A) shall constitute the timber sale program for the Gallatin National Forest for the period beginning on the date of enactment of this Act and ending on December 31 of the second full calendar year that begins after that date; and

(B) shall be funded by the Secretary annually at levels that are commensurate with the preparation and administration involved in the program.

(6) SUBSTITUTION.—If circumstances, such as natural catastrophe, administrative appeals or litigation, regulatory or legal limitations, or environmental or financial circumstances, prevent the Secretary from granting the timber harvest rights identified in Exhibit C to the Option Agreement, the Secretary shall replace the value of the diminished timber harvest rights by substituting equivalent timber harvest rights volume from the same market area.

(7) OPEN MARKET.—All timber harvest rights granted to BSL in the exchange under subsection (a) shall be offered for sale by BSL through the competitive bid process.

(8) SMALL BUSINESS.—All timber harvest rights granted to BSL in the exchange shall be subject to compliance by BSL with Forest Service small business program procedures in effect as of the date of enactment of this Act, including contractual provisions for payment schedules, harvest schedules, and bonds and including the right of the highest bidder among qualified small businesses that submit minimum bids to be awarded a timber contract.

(9) COMPLIANCE WITH OPTION AGREEMENT.—The Secretary and BSL shall comply with the terms and conditions of the Option Agreement, including terms and conditions with respect to timber harvest rights included in the exchange.

(d) RIGHTS-OF-WAY.—As part of the exchange under subsection (a)—

(1) the Secretary of Agriculture, under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to BSL such easements in or other rights-of-way over Forest System land as may be agreed to by the Secretary of Agriculture and BSL; and

(2) BSL shall convey to the United States such easements in or other rights-of-way over land owned by BSL as may be agreed to by the Secretary of Agriculture and BSL.

(e) QUALITY OF TITLE.—

(1) DETERMINATION.—The Secretary of Agriculture shall review the title for the BSL land described in subsection (a) and, within 45 days after receipt of all applicable title documents from BSL, determine whether—

(A) the applicable title standards for Federal land acquisition have been satisfied or the quality of the title is otherwise acceptable to the Secretary of Agriculture;

(B) all draft conveyances and closing documents have been received and approved;

(C) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary; and

(D) the title includes both the surface and subsurface estates without reservation or exception (except by the United States or the State of Montana, by patent or as otherwise agreed to by the Secretary and BSL), including—

(i) minerals, mineral rights, and mineral interests (including severed oil and gas surface rights), subject to and excepting other outstanding or reserved oil and gas rights;

(ii) timber, timber rights, and timber interests, except those reserved subject to section 251.14 of title 36, Code of Federal Regulations, by BSL and agreed to by the Secretary;

(iii) water, water rights, ditch, and ditch rights; and

(iv) any other interest in the property.

(2) CONVEYANCE OF TITLE.—

(A) IN GENERAL.—If the quality of title does not meet Federal standards or is otherwise determined to be unacceptable to the Secretary of Agriculture, the Secretary shall advise BSL regarding corrective actions necessary to make an affirmative determination under paragraph (1).

(B) TITLE TO SUBSURFACE ESTATE.—Title to the subsurface estate shall be conveyed by BSL to the Secretary of Agriculture in the same form and content as that estate is received by BSL from Burlington Resources Oil & Gas Company Inc. and Glacier Park Company.

(f) TIMING OF IMPLEMENTATION.—

(1) LAND-FOR-LAND EXCHANGE.—The Secretary of Agriculture shall accept the conveyance of land described in subsection (a) not later than 45 days after the Secretary of Agriculture has made an affirmative determination of quality of title.

(2) LAND-FOR-TIMBER EXCHANGE.—The Secretary shall make the timber harvest rights described in subsection (a)(3) available not later than December 31 of the second full calendar year that begins after the date of enactment of this Act.

(3) PURCHASE.—The Secretary of Agriculture shall complete the purchase of BSL land under subsection (a)(4) not later than 30 days after the date on which appropriated funds are made available and an affirmative determination of quality of title is made with respect to the BSL land.

SEC. 5. GENERAL PROVISIONS.

(a) MINOR CORRECTIONS.—

(1) IN GENERAL.—The Option Agreement shall be subject to such minor corrections as may be agreed to by the Secretary of Agriculture and BSL.

(2) NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and each member of the Montana congressional delegation of any changes made pursuant to this subsection.

(b) PUBLIC AVAILABILITY.—The Option Agreement—

(1) shall be on file and available for public inspection in the office of the Supervisor of the Gallatin National Forest; and

(2) shall be filed with the county clerk of each of Gallatin County, Park County, Madison County, Granite County, Broadwater County, Meagher County, Flathead County, and Missoula County, Montana.

(c) STATUS OF LAND.—All land conveyed to the United States under this Act shall be added to and administered as part of the Gallatin National Forest and Deerlodge National Forest, as appropriate, in accordance with the Act of March 1, 1911 (commonly known as the "Weeks Act") (36 Stat. 961, chapter 186), and other laws (including regulations) pertaining to the National Forest System.

(d) MANAGEMENT.—

(1) PUBLIC PROCESS.—Not later than 30 days after the date of completion of the land-for-land exchange under section 4(f)(1), the Secretary shall initiate a public process to amend the Gallatin National Forest Plan and the Deerlodge National Forest Plan to integrate the acquired BSL land into the plans.

(2) PROCESS TIME.—The amendment process under paragraph (1) shall be completed not later than 360 days after the date on which the amendment process is initiated.

(3) LIMITATION.—An amended management plan shall not permit surface occupancy on the BSL land for access to reserved or outstanding oil and gas rights or for exploration or development of oil and gas.

(4) INTERIM MANAGEMENT.—Pending completion of the forest plan amendment process under paragraph (1), the Secretary shall—

(A) manage the acquired BSL land under the same standards, guidelines, and management directions as adjacent land managed by the Forest Service; and

(B) maintain all existing public access to the acquired BSL land.

(e) RESTORATION.—

(1) IN GENERAL.—After acquiring the BSL land, the Secretary shall implement a restoration program including reforestation and watershed enhancements to bring the BSL land and surrounding national forest land into compliance with Forest Service standards and guidelines.

(2) STATE AND LOCAL CONSERVATION CORPS.—In implementing the restoration program, the Secretary shall, when practicable, use partnerships with State and local conservation corps, including the Montana Conservation Corps, under the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

(f) IMPLEMENTATION.—The Secretary of Agriculture shall ensure that sufficient funds are made available to the Gallatin National Forest to carry out this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. BURNS. Mr. President, I am pleased today to introduce with my colleague, Senator BAUCUS, the Gallatin Consolidation Act completion phase, know as Gallatin II (two). Our colleague, Congressman HILL, is introducing identical legislation today in the House.

The bill we have jointly introduced today is the result of much cooperation and communication among the citizens of the State of Montana, the Forest Service, the partners of Big Sky Lumber and the Montana Congressional Delegation. Ranchers, property owners, outfitters, environmentalists, county commissioners, sportsmens groups, wildlife associations and other groups have sat at the table attempting to find consensus on the difficult aspects of the exchange.

That process will continue. The introduction of this bill today does not end the public involvement. In fact, it just opens a different facet of public input. Committee hearings are next in line as we consider this legislation.

The lands the U.S. Forest Service will acquire under this act are some of the richest wildlife habitat areas in the State of Montana. Today the lands in the Gallatin National Forest are still held in a mostly checkerboard land-ownership pattern. Add into this mix a dramatic increase in residential development in rural areas near the National Forests and you have further complicated the resource problems for multiple use in our National Forests.

With this bill we are attempting to consolidate the National Forest System ownership pattern and preserve some of these corridors for wildlife, resource protection, and future generations who are fortunate enough to visit these forests.

I want to thank my colleagues, Congressman HILL and Senator BAUCUS for their participation and cooperation in formulating a delegation approach to this complex land exchange. I look forward to moving this bill forward in an efficient and timely manner so that the deadline for accomplishing the exchange can be met.

Thank you, Mr. President.

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. KOHL):

S. 1720. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; to the Committee on the Judiciary.

THE COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT OF 1998

Mr. HATCH. Mr. President, I rise to introduce a bill that will help provide for greater consumer choice and competition in television services, the Copyright Compulsory License Improvement Act of 1998. Joining me in introducing this bill are my colleagues Senators LEAHY and KOHL.

The options consumers have for viewing television entertainment have vastly increased since that fateful day in September 1927 when television inventor and Utah native Philo T. Farnsworth, together with his wife and colleagues, viewed the first television transmission in the Farnsworth's home workshop: a single black line rotated from vertical to horizontal. Both the forms of entertainment and the technologies for delivering that entertainment have proliferated over the 70 years since that day. In the 1940s and 50s, televisions began arriving in an increasing number of homes to pick up entertainment being broadcast into a growing number of cities and towns.

In the late 60s and early 70s, cable television began offering communities more television choices by initially providing community antenna system of receiving broadcast television signals, and later by offering new created-for-cable entertainment. The development of cable television made dramatic strides with the enactment of the cable compulsory license in 1976, providing an efficient way of clearing copyright rights for the retransmission of broadcast signals over cable systems.

In the 1980s, television viewers began to be able to receive television entertainment with their own home satellite equipment, and the enactment of the Satellite Home Viewer Act in 1988 helped develop a system of providing options for television service to Americans who lived in areas too remote to receive television signals over the air or via cable.

Much has changed since the original Satellite Home Viewer Act was adopted in 1988. The Satellite Home Viewer Act was originally intended to ensure that households that could not get television in any other way, traditionally provided through broadcast or cable, would be able to get television signals via satellite. The market and the satellite industry has changed substantially since 1988. Many of the difficulties and controversies associated with the satellite license have been at least partly a product of the satellite business attempting to move from a predominately need-based rural niche service to a full service video delivery competitor in all markets, urban and rural.

Now, many market advocates both in and out of Congress are looking to satellite carriers to compete directly with cable companies for viewership, because we believe that an increasingly competitive market is better for consumers both in terms of cost and the diversity of programming available. The bill I introduce today will move us toward that kind of robust competition.

The bill I introduce today is focused on changes that we can make this year to move the satellite television industry to the next level, making it a full competitor in the multi-channel video delivery market. It has been said time and again that a major, and perhaps the biggest, impediment to satellite's ability to be a strong competitor to cable is its current inability to provide local broadcast signals. (See, e.g., Business Week (22 Dec. 1997) p. 84.) This problem has been partly technological and partly legal. Today, with this bill, we hope to begin removing the legal impediments to use of the emerging technology that will make local retransmission of broadcast signals a reality.

This is a forward-looking bill which will create an incentive for companies to develop the means by which to provide local programming to local markets over satellite systems. In the next few years, if we make these legal changes, the satellite industry should be able to offer television viewers their own local programming of news, weather, sports, and entertainment, with digital quality picture and sound. This will mean that viewers in the remoter areas of my large home state of Utah will be able to watch television programming originating in Salt Lake City, rather than New York or California. Utahns in remote areas will have access to local weather and other locally and regionally relevant information. And, most important to all the constituents of my colleagues is that they will finally have a choice for full service multi-channel video programming: They will be able to choose cable or one of a number of satellite carriers. This should foster an environment of proliferating choice and lowered prices, all to the benefit of consumers, our constituents.

To that end, the "Copyright Compulsory License Improvement Act" makes the following changes to the Satellite Home Viewers Act:

It makes the satellite compulsory license permanent, just like the cable compulsory license. Under the current law the satellite license will sunset next year.

It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does, and sets a zero copyright rate for providing this service.

It allows consumers to switch from cable to satellite service for network signals without the waiting period now required in the law.

It reforms the current structure of the administrative body which determines rates and distributions applicable to all copyright compulsory licenses to make it more efficient and less expensive for the parties, as well as more technically expert.

It creates substantial regulatory parity between the industries, including must-carry rules, retransmission consent requirements, network non-duplication, syndicated exclusivity, and sports blackout restrictions. These regulations will be phased in over a period of time in which the Federal Communications Commission can carefully consider and tailor their implementation. During that time, the portions of the satellite compulsory license which determine who is eligible to receive network and superstation signals from satellite carriers will continue to apply as they do now.

Mr. President, this is a forward-looking bill that establishes the environment in which there can be more vigorous and fair competition in the video delivery market. But it is constructed to be practical in the realm of achievable legislation. Let me make clear that this bill is carefully balanced to ensure competition. It will do much to put the satellite industry on a more equal footing with its competitors and other market actors, both in terms of its benefits and responsibilities.

Mr. President, let me briefly mention an issue that I think is important to touch on briefly at introduction. I am aware that there is currently controversy and even litigation over some issues relating to compliance with restrictions in the law as it is now written regarding satellite carriers providing network service. Let me make it clear that the introduction of this bill is but the beginning of a process. I would hope that this beginning is not interpreted by anyone as a license to disregard the law as it is now constituted in hopes of any future changes in the law. Our debates and discussions need to be fair and frank, and that process is not helped by abuse or disregard for current law. I would expect full compliance with and application of current law regarding the restrictions on eligibility for distant network signals or any other provisions in current law until such time as changes in the law are actually made.

Having said that, I welcome and urge my colleagues and all interested parties to join in a constructive discussion of this very important legislation. I recognize that we may be able improve this bill before final passage, but I believe the essential balance of this bill is necessary to making it achievable now. I commend it to my colleagues for their consideration and look forward to working with them to help hasten more vigorous competition in the television delivery market and the ever-widening consumer choice that will follow it.

I ask unanimous consent that the bill and an explanatory section-by-section analysis be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

S. 1720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Compulsory License Improvement Act".

SEC. 2. SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§119. Limitations on exclusive rights: Secondary transmissions by satellite carriers";

and

(2) by striking subsection (a) and inserting the following:

"(a) Secondary Transmissions by Satellite Carriers for Private Home Viewing.—

"(1) Secondary transmissions of distant and local broadcast signals subject to statutory licensing.—Subject to the provisions of subsections (b) and (c) of this section and section 114(d), a secondary transmission of a primary transmission made by a television broadcast station licensed by the Federal Communications Commission or by the Public Broadcasting Service satellite feed and embodying a performance or display of a work shall be subject to statutory licensing under this section if—

"(A) the secondary transmission is permissible under the rules, regulations, and authorizations of the Federal Communications Commission and is made by a satellite carrier to the public for private home viewing; and

"(B) the carrier makes a direct or indirect charge for each retransmission service to each household receiving the secondary transmission or to a distributor that has contracted with the carrier for direct or indirect delivery of the secondary transmission to the public for private home viewing.

"(2) SUBMISSION OF SUBSCRIBER LISTS TO TELEVISION BROADCAST STATIONS.—

"(A) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission of a television broadcast station pursuant to paragraph (1) shall, within 90 days after commencing such secondary transmissions, submit to that television broadcast station—

"(i) a list identifying all subscribers within the designated market area of that television broadcast station to whom the satellite carrier has made such secondary transmissions; and

"(ii) a list of all television broadcast stations whose primary transmissions have been transmitted by the satellite carrier to those subscribers during that 90-day period.

"(B) SUBSEQUENT LISTS.—After the submission of the lists under subparagraph (A), the satellite carrier shall, on the 15th day of each month, submit to each television broadcast station—

"(i) a list, which shall be dated, that identifies the name of any subscriber described in subparagraph (A) who has been added or dropped since the last submission under this paragraph; and

"(ii) a list of all television broadcast stations whose primary transmissions have been added or dropped by the satellite carrier since the last submission under this paragraph

"(C) IDENTIFYING INFORMATION.—(i) Each list of subscribers under this paragraph shall include the name of each subscriber, together with the subscriber's home address, which shall include the street address or rural route as the case may be, city, county, State, and zip code and, if different from the subscriber's home address, the location of the subscriber's satellite receiving dish to which the secondary transmissions are made, identified by street address or rural route as the case may be, city, county, State, and zip code.

"(ii) Each list of television broadcast stations under this paragraph shall include the station's call letters and community of license.

"(iii) Subscriber information submitted under this paragraph may be used only for purposes of monitoring compliance by the satellite carrier with this section.

"(3) PENALTIES FOR NONCOMPLIANCE WITH ACCOUNTING AND ROYALTY REQUIREMENTS.—Notwithstanding the provisions of paragraph (1), the willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a television broadcast station licensed by the Federal Communications Commission or by the Public Broadcasting Service satellite feed and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if the satellite carrier has not deposited the statement of account and royalties fees required by subsection (b), or has failed to make the submissions to networks required by paragraph (2).

"(4) PENALTIES FOR WILLFUL ALTERATIONS OF PROGRAMMING.—Notwithstanding the provisions of paragraph (1), the secondary transmission to the public by a satellite carrier of a primary transmission made by a television broadcast station licensed by the Federal Communications Commission or by the Public Broadcasting Service satellite feed and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by section 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

"(5) PENALTIES FOR DISCRIMINATION AGAINST DISTRIBUTOR.—Notwithstanding the provisions of paragraph (1), the willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a television broadcast station licensed by the Federal Communications Commission or by the Public Broadcasting Service satellite feed and embodying the performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if the satellite carrier unlawfully discriminates against a distributor.

"(6) LICENSE LIMITED TO SECONDARY TRANSMISSIONS TO HOUSEHOLDS IN THE UNITED STATES.—The statutory license created by this section shall apply only to secondary transmissions to households located in the United States.".

SEC. 3. STATUTORY LICENSE FOR SATELLITE CARRIERS.

Section 119 of title 17, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS FOR PRIVATE HOME VIEWING.—

"(1) DEPOSIT OF ACCOUNTS AND FEES WITH REGISTER OF COPYRIGHTS.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall, on a semiannual basis, deposit with the Register of Copyrights, in accordance with requirements that the Register shall prescribe by regulation—

"(A) a statement of account, covering the preceding 6-month period, specifying the names and locations of all television broadcast stations whose signals were retransmitted, and listing the Public Broadcasting Service satellite feed, if carried, at any time during that period, to subscribers for private home viewing, the total number of subscribers that received such retransmissions, and other such data as the Register of Copyrights may from time to time prescribe by regulation; and

"(B) a royalty fee for that 6-month period for each television broadcast station whose primary transmission was retransmitted beyond the local market of the station, and for the Public Broadcasting Service satellite feed, if carried, computed by multiplying the total number of subscribers receiving the secondary transmission, and the number of subscribers receiving a secondary transmission of the Public Broadcasting Service satellite feed, during each calendar month by the rate in effect for television broadcast stations as determined under chapter 8 of this title and section 8(c) of the Copyright Compulsory License Improvement Act.

"(2) INVESTMENT OF FEES.—The Register of Copyrights shall receive all fees deposited under this section and, after deducting the reasonable costs incurred by the Copyright Office under this section (other than the costs deducted under paragraph (4)), shall deposit the balance in the Treasury of the United States, in such manner as the Secretary of the Treasury directs. All funds held by the Secretary of the Treasury shall be invested in interest-bearing securities of the United States for later distribution with interest by the Copyright Royalty Adjudication Board as provided in this title. The Register may, four or more years after the close of any calendar year, close out the account for royalty payments made under this section for that calendar year (including payments made under this section as in effect before the effective date of the Copyright Compulsory License Improvement Act), and may treat any funds remaining in such account and any subsequent deposits that would otherwise be attributable to that calendar year as attributable to the calendar year in which the account is closed.

"(3) PERSONS TO WHOM FEES ARE DISTRIBUTED.—The royalty fees deposited under paragraph (2) shall, in accordance with the procedures provided in paragraph (4), be distributed to those copyright owners whose works were included in a secondary transmission for private home viewing made by a satellite carrier during the applicable 6-month accounting period and who file a claim with the Board under paragraph (4).

"(4) PROCEDURES FOR DISTRIBUTION.—The royalty fees deposited under paragraph (2) shall be distributed in accordance with the following procedures:

"(A) FILING OF CLAIMS FOR FEES.—During the month of July in each year, each person claiming to be entitled to statutory license fees for secondary transmissions for private home viewing shall file a claim with the Copyright Royalty Adjudication Board, in accordance with requirements that the Board shall prescribe by regulation. For purposes of this paragraph, any claimants may agree among themselves as to the proportionate division of statutory license fees among them, may lump their claims together and file them jointly or as a single claim, or may designate a common agent to receive payment on their behalf.

"(B) DETERMINATION OF CONTROVERSY; DISTRIBUTIONS.—After the first day of August of each year, the Copyright Royalty Adjudication Board shall determine whether there exists a controversy concerning the distribution of royalty fees. If the Board determines that no such controversy exists, the Board shall, after deducting reasonable administrative costs under this paragraph, distribute such fees to the copyright owners entitled to receive them, or to their designated agents. If the Board finds the existence of a controversy, the Board shall, pursuant to chapter 8 of this title, conduct a proceeding to determine the distribution of royalty fees.

"(C) WITHHOLDING OF FEES DURING CONTROVERSY.—During the pendency of any proceeding under this subsection, the Copyright Royalty Adjudication Board shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall have discretion to proceed to distribute any amounts that are not in controversy. The action of the Board to distribute royalty fees may precede the declaration of a controversy if all parties to the proceeding file a petition with the Board requesting such distribution, except that such amount may not exceed 50 percent of the amounts on hand at the time of the request.".

SEC. 4. DEFINITIONS.

Section 119 of title 17, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) DEFINITIONS.—As used in this section—

"(1) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given that term in section 337(g) of the Communications Act of 1934.

"(2) DISTRIBUTOR.—The term 'distributor' means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers for private home viewing or indirectly through other program distribution entities.

"(3) LOCAL MARKET.—The 'local market' for a television broadcast station has the meaning given that term in section 337(g) of the Communications Act of 1934.

"(4) PRIMARY TRANSMISSION.—The term 'primary transmission' has the meaning given that term in section 111(f) of this title.

"(5) PRIVATE HOME VIEWING.—The term 'private home viewing' means the viewing, for private use in a household by means of satellite reception equipment which is operated by an individual in that household and which serves only such household, of a secondary transmission delivered by a satellite carrier of a primary transmission of a television station licensed by the Federal Communications Commission or of the Public Broadcasting Service satellite feed.

"(6) PUBLIC BROADCASTING SERVICE SATELLITE FEED.—The term 'Public Broadcasting Service satellite feed' means the national satellite feed distributed by the Public Broadcasting Service (other than the transmissions that may not be encrypted under section 705(c) of the Communications Act of 1934), consisting of educational and informational programming intended for private home viewing, to which the Public Broadcasting Service holds national terrestrial broadcast rights.

"(7) SATELLITE CARRIER.—The term 'satellite carrier' means an entity that uses the facilities of a satellite or satellite service licensed by the Federal Communications Commission, and operates in the Fixed-Satellite Service under part 25 of title 47, Code of Federal Regulations (as in effect on February 1, 1998), or the Direct Broadcast Satellite Service under part 100 of title 47, Code of Federal Regulations (as in effect on February 1, 1998), to establish and operate a channel of communications for point-to-multipoint distribution of television station signals, and that owns or leases a capacity or service on a satellite in order to provide such point-to-multipoint distribution, except to the extent that such entity provides such distribution pursuant to tariff under the Communications Act of 1934, other than for private home viewing.

"(8) SECONDARY TRANSMISSION.—The term 'secondary transmission' means the further transmitting of a primary transmission simultaneously with the primary transmission.

"(9) SUBSCRIBER.—The term 'subscriber' means an individual who receives a secondary transmission service for private home viewing by means of a secondary transmission from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

"(10) TELEVISION BROADCAST STATION.—The term 'television broadcast station' means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations.".

SEC. 5. EXCLUSIVITY OF SECTION 119 OF TITLE 17, UNITED STATES CODE.

Section 119 of title 17, United States Code, is amended by adding at the end the following:

"(e) EXCLUSIVITY FOR THIS SECTION WITH RESPECT TO SECONDARY TRANSMISSIONS OF TELEVISION STATIONS BY SATELLITE TO MEMBERS OF THE PUBLIC.—No provision of section 111 of this title or any other law (other than this section) shall be construed to contain any authorization, exemption, or license through which secondary transmissions by satellite carriers for private home viewing of programming contained in a primary transmission may be made without obtaining the consent of the copyright owner.".

SEC. 6. CONFORMING AMENDMENT.

The table of contents for chapter 1 of title 17, United States Code, is amended by striking the item relating to section 119 and inserting the following:

"119. Limitations on exclusive rights: Secondary transmissions by satellite carriers.".

SEC. 7. COPYRIGHT ROYALTY ADJUDICATION BOARD.

(a) ESTABLISHMENT AND FUNCTIONS.—Chapter 8 of title 17, United States Code, is amended to read as follows:

"CHAPTER 8—COPYRIGHT ROYALTY ADJUDICATION BOARD

"Sec.
"801. Copyright Royalty Adjudication Board: establishment.
"802. Membership and qualifications of the Board.
"803. Selection of administrative copyright judges.
"804. Independence of the Board.
"805. Removal and sanction of administrative copyright judges.
"806. Functions.
"807. Factors for determining royalty fees.
"808. Institution of proceedings.
"809. Conduct of proceedings.
"810. Judicial review.
"811. Administrative matters.
"812. Rule of construction.

"§ 801. Copyright Royalty Adjudication Board: establishment

"There is hereby established within the Copyright Office the Copyright Royalty Adjudication Board (hereinafter referred to in this chapter as the 'Board').

"§ 802. Membership and qualifications of the Board

"(a) MEMBERSHIP.—

"(1) IN GENERAL.—The Board shall consist of 1 full-time chief administrative copyright judge, and such part-time administrative copyright judges as the Librarian of Congress, upon the recommendation of the Register of Copyrights, finds necessary to conduct the business of the Board in a timely manner. At no time shall the number of authorized administrative copyright judges be less than 3 or more than 5.

"(2) PART-TIME ADMINISTRATIVE COPYRIGHT JUDGES.—Chapter 34 of title 5 shall not apply to a part-time administrative copyright judge. For purposes of this subsection the Librarian of Congress shall promulgate regulations relating to part-time employment of administrative copyright judges.

"(b) QUALIFICATIONS.—

"(1) CHIEF ADMINISTRATIVE COPYRIGHT JUDGE.—The chief administrative copyright judge shall be an attorney with 10 or more years of legal practice with demonstrated experience in administrative hearings or court trials and demonstrated knowledge of copyright law.

"(2) OTHER ADMINISTRATIVE COPYRIGHT JUDGES.—Each administrative copyright judge, other than the chief administrative copyright judge, shall be an individual with expertise in the business and economics of industries affected by the actions taken by the Board to carry out its functions.

"(c) TERMS.—(1) The term of each administrative copyright judge (including the chief administrative copyright judge) shall be 5 years, except that, of the first administrative copyright judges appointed, the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall appoint all but one of them to lesser terms to establish a staggering of terms such that in any calendar year no more than one term is due to expire.

"(2) The term of each administrative copyright judge (including the chief administrative copyright judge) shall begin when the term of the predecessor of that member ends. An individual appointed to fill the vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed shall be appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is selected.

"(d) COMPENSATION.—The compensation of the administrative copyright judges shall be governed solely by the provisions of section 5376 of title 5 and such regulations as the Librarian of Congress may adopt that are not inconsistent with that section. The compensation of the administrative copyright judges shall not be subject to any regulations adopted by the Office of Personnel Management pursuant to its authority under section 5376(b)(1) of title 5.

"§ 803. Selection of administrative copyright judges

"(a) SELECTION.—(1) The Librarian of Congress, upon the recommendation of the Register of Copyrights, shall select the administrative copyright judges (including the chief administrative copyright judge) among individuals found qualified under section 802(b) who meet the financial conflict of interest under section 805(a). Notwithstanding any other provision of law and at the discretion of the Librarian, the Librarian shall determine the method of selecting the members.

"(2) Administrative copyright judges previously selected by the Librarian of Congress may be selected to serve additional terms. There shall be no limit on the number of terms any individual may serve.

"(b) EFFECT OF VACANCY.—In no event shall a vacancy in the Board impair the right of the remaining administrative copyright judges to exercise all of the powers of the Board.

"§ 804. Independence of the Board

"(a) IN GENERAL.—The Board shall have independence in reaching its determinations concerning the adjustment of copyright royalty rates, the distribution of copyright royalties, the acceptance or rejection of royalty claims and rate adjustment petitions, and such rulemaking functions as are delegated to it under this title.

"(b) PERFORMANCE APPRAISALS.—Notwithstanding any other provision of law or any regulation of the Library of Congress, no administrative copyright judge shall receive an annual performance appraisal.

"(c) INCONSISTENT DUTIES BARRED.—No administrative copyright judge may be assigned duties inconsistent with his or her duties and responsibilities as a administrative copyright judge.

"§805. Removal and sanction of administrative copyright judges

"(a) STANDARDS OF CONDUCT.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, shall adopt regulations regarding the standards of conduct, including financial conflict of interest and restrictions against ex parte communications, which shall govern the administrative copyright judges and the proceedings under this chapter.

"(b) REMOVAL OR SANCTION.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, may remove or sanction an administrative copyright judge for violation of the standards of conduct adopted under subsection (a), misconduct, neglect of duty, or any disqualifying physical or mental disability. Any such removal or sanction may be made only after notice and opportunity for hearing, but the Librarian of Congress, upon the recommendation of the Register of Copyrights, may suspend the administrative copyright judge during the pendency of such hearing.

"§806. Functions

"Subject to the provisions of this chapter, the functions of the Board shall be—

"(1) to make determinations concerning the adjustment of reasonable copyright royalty rates for—

"(A) secondary transmissions to the public by a cable system of a primary transmission as provided in section 111;

"(B) the making and distributing of phonorecords by means other than digital phonorecord delivery, as provided in section 115;

"(C) secondary transmissions to the public by a satellite carrier of a primary transmission made by a television broadcast station and the Public Broadcasting Service satellite feed as provided in section 119; and

"(D) each digital audio recording device imported into and distributed in the United States or manufactured and distributed into the United States as provided in section 1004;

"(2) to make determinations as to reasonable rates and terms of royalty payments for—

"(A) the public performance of a sound recording by means of a digital audio transmission as provided in section 114;

"(B) the making and distribution of phonorecords by means of a digital phonorecord delivery as provided in section 115;

"(C) the public performance of nondramatic musical works by means of coin-operated phonorecord players as provided in section 116; and

"(D) the use of nondramatic musical works and pictorial, graphic, and sculptural works by public broadcasting entities as provided in section 118;

"(3) to accept or reject royalty claims filed under sections 111, 119, and 1007, on the basis of timeliness or the failure to establish the basis for a claim;

"(4) to determine, in cases where controversy exists, the distribution of royalty fees deposited with the Register of Copyrights under sections 111, 119, and 1003;

"(5) to determine the status of a digital audio recording device or a digital audio interface device under sections 1002 and 1003, as provided in section 1010; and

"(6) to engage in such rulemaking as is expressly provided in sections 111, 114, 115, 118, and 119.

"§807. Factors for determining royalty fees

"(a) FOR CABLE RATES.—The rates applicable under section 111 shall be calculated solely in accordance with the following provisions:

"(1) The rates established by section 111(d)(1)(B) may be adjusted to reflect—

"(A) national monetary inflation or deflation, or

"(B) changes in the average rates charged cable subscribers for the basic service of providing secondary transmissions to maintain the real constant dollar level of the royalty fee per subscriber which existed as of October 19, 1976, except that—

"(i) if the average rates charged cable system subscribers for the basic service of providing secondary transmissions are changed so that the average rates exceed national monetary inflation, no change in the rates established by section 111(d)(1)(B) shall be permitted; and

"(ii) no increase in the royalty fee shall be permitted based on any reduction in the average number of distant signal equivalents per subscriber.

The Board may consider all factors relating to the maintenance of such level of payments including, as an extenuating factor, whether the cable industry has been restrained by subscriber rate regulating authorities from increasing the rates for the basic service of providing secondary transmissions.

"(2) In the event that the rules and regulations of the Federal Communications Commission are amended at any time after April 15, 1976, to permit the carriage by cable systems of additional television broadcasting signals beyond the local service area of the primary transmitters of such signals, the royalty rates established by section 111(d)(1)(B) may be adjusted to insure that the rates for the additional distant signal equivalents resulting from such carriage are reasonable in light of the changes effected by the amendment to such rules and regulations. In determining the reasonableness of rates proposed following an amendment of Federal Communications Commission rules and regulations, the Board shall consider, among other factors, the economic impact on copyright owners and users, except that no adjustment in royalty rates shall be made under this paragraph with respect to any distant signal equivalent or fraction thereof represented by—

"(A) carriage of any signal permitted under the rules and regulations of the Federal Communications Commission in effect on April 15, 1976, or the carriage of a signal of the same type (that is, independent, network, or noncommercial educational) substituted for such permitted signal, or

"(B) a television broadcast signal first carried after April 15 1976, pursuant to an individual waiver of the rules and regulations of the Federal Communications Commission, as such rules and regulations were in effect on April 15, 1976.

"(3) In the event of any change in the rules and regulations of the Federal Communications Commission with respect to syndicated and sport program exclusivity after April 15, 1976, the rates established by section 111(d)(1)(B) may be adjusted to assure that such rates are reasonable in light of the changes to such rules and regulations, but any such adjustment shall apply only to the affected television broadcast signals carried on those systems affected by the change.

"(4) The gross receipts limitations established by section 111(d)(1)(C) and (D) shall be adjusted to reflect national monetary inflation or deflation or changes in the average rates charged cable system subscribers for the basic service of providing secondary transmissions to maintain the real constant dollar value of the exemption provided by such section, and the royalty rate specified therein shall not be subject to adjustment.

"(b) FOR RATES OTHER THAN CABLE OR SATELLITE CARRIERS.—The rates applicable under sections 114, 115, and 116 shall be calculated to achieve the following objectives:

"(1) To maximize the availability of creative works to the public.

"(2) To afford the copyright owner a fair return for his or her creative work and the copyright user a fair income under existing economic conditions.

"(3) To reflect the relative roles of the copyright owner and the copyright user in the product made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, risk, and contribution to the opening of new markets for creative expression and media for their communications.

"(4) To minimize any disruptive impact on the structure of the industries involved and on generally prevailing industry practices.

"(c) FOR RATES FOR NONCOMMERCIAL BROADCASTING.—The rates applicable under section 118 shall be calculated to achieve reasonable rates. In determining reasonable rates, the Board shall base its decision so as to—

"(1) assure a fair return to copyright owners;

"(2) encourage the growth and development of public broadcasting; and

"(3) encourage musical and artistic creation.

"(d) RATES FOR SATELLITE CARRIERS.—The rates applicable under section 119 shall be calculated to represent most clearly the fair market value of secondary transmissions. In determining the fair market value, the Board shall base its decision on economic, competitive, and programming information presented by the parties, including—

"(1) the competitive environment in which such programming is distributed, the cost for similar signals in similar private and compulsory license marketplaces, and any special features and conditions of the retransmission marketplace;

"(2) the economic impact of such fees on copyright owners and satellite carriers; and

"(3) the impact on the continued availability of secondary transmissions to the public.

"§808. Institution of proceedings

"(a) PETITION REQUIRED TO INSTITUTE PROCEEDINGS.—With respect to proceedings concerning the adjustment of royalty rates as provided in sections 111, 114, 115, 116, and 119, during the calendar years or under the circumstances specified in the schedule set forth in subsection (c), any owner or user of a copyrighted work whose royalty rates are to be established or adjusted by the Board may file a petition with the Board declaring that the petitioner requests an adjustment of the rate. The Board shall make a determination as to whether the petitioner has a significant interest in the royalty rate in which an adjustment is requested. If the Board determines that the petitioner has a significant interest, the Board shall cause notice of this determination, with the reasons therefor, to be published in the Federal Register, together with the notice of commencement of proceedings under this chapter. With respect to proceedings concerning the adjustment of royalty rates under section 1004, any interested copyright party may petition the Board as provided in that section.

"(b) PETITION NOT REQUIRED TO INSTITUTE PROCEEDINGS.—With respect to proceedings concerning the adjustment of royalty rates as provided in section 118 and the distribution of royalties as provided in section 111, 119, and 1007, no petition is required to institute proceedings. All proceedings concerning the adjustment of rates under section 118 shall commence as provided in section 118(c) of this title. All proceedings concerning the distribution of royalties under section 111, 119, or 1007 shall commence as provided in such sections and in subsection (c)(8) of this section.

"(c) Schedule of Proceedings.—

"(1) Section 111 Proceedings.—In proceedings concerning the adjustment of royalty rates as provided in section 111, a petition described in subsection (a) may be filed during the year 2000 and in each subsequent fifth calendar year, except that in the event that the rules and regulations of the Federal Communications Commission are amended with respect to distant signal importation, or to syndicated and sports program exclusivity, any owner or user of a copyrighted work subject to the royalty rates established or adjusted pursuant to section 111 may, within 12 months after such amendments take effect, file a petition with the Board to institute proceedings to insure that the rates are reasonable in light of the changes to such rules and regulations. Any such adjustments shall apply only to the affected television broadcast signals carried on those systems affected by the change. Any change in royalty rates made pursuant to this subsection may be reconsidered in the year 2000, and each fifth calendar year thereafter, as the case may be.

"(2) Section 114 Proceedings.—In proceedings concerning the adjustment of royalty rates and terms as provided in section 114, the Board shall proceed when and as provided by that section.

"(3) Section 115 Proceedings.—In proceedings concerning the adjustment of royalty rates and terms as provided in section 115, a petition described in subsection (a) may be filed in the year 2007 and in each subsequent tenth calendar year or as prescribed in section 115(c)(3).

"(4) Section 116 Proceedings.—(A) In proceedings concerning the adjustment of royalty rates as provided in section 116, a petition described in subsection (a) may be filed at any time within 1 year after negotiated licenses authorized by section 116 are terminated or expire or are not replaced by subsequent agreements.

"(B) If a negotiated license authorized by section 116 is terminated or expires and is not replaced by another such license agreement which provides permission to use a quantity of musical works not substantially smaller than the quantity of such works performed on coin-operated phonorecord players during the 1-year period ending March 1, 1989, the Board, upon petition filed under subsection (a) within 1 year after such termination or expiration, shall promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of nondramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of the proceedings to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(b).

"(5) Section 118 Proceedings.—In proceedings concerning the adjustment of royalty rates and terms as provided in section 118, the Board shall proceed when and as provided by that section.

"(6) Section 119 Proceedings.—In proceedings concerning the adjustment of royalty rates governing secondary transmissions of as provided in section 119, a petition described in subsection (a) may be filed during the year 2001 and in each subsequent fifth calendar year.

"(7) Proceedings concerning distribution of royalty fees.—In proceedings concerning the distribution of royalty fees under section 111, 119, or 1007, the Board shall, upon a determination that a controversy exists concerning such distribution, cause to be published in the Federal Register notice of commencement of proceedings under this chapter.

"§ 809. Conduct of proceedings

"(a) Board Proceedings.—The Board shall, for the purposes of making its determinations in carrying out the functions set forth in section 806, conduct proceedings subject to subchapter II of chapter 5 of title 5.

"(b) Procedures.—Subject to the approval of the Register of Copyrights, the Board, shall adopt regulations to govern the conduct of the proceedings of the Board. The regulations shall include, but not be limited to, provisions for—

"(1) public access to and inspection of the records of the Board pursuant to section 706;

"(2) the right of the public to attend the proceedings of the Board;

"(3) the procedures to apply when formal hearings are conducted; and

"(4) the procedures to apply and the basis upon which distribution or royalty controversies may be decided on the basis of written pleadings.

"(c) Participation of Copyright Office.—During the conduct of proceedings, the Register of Copyrights may file formally with the Board the position of the Copyright Office on any matter before the Board. Such filings shall be served on all parties to the proceeding. The Board may accept or reject the position of the Copyright Office.

"(d) Majority Rule.—The Board shall act in all procedural and substantive matters on the basis of majority rule.

"(e) Number of Presiding Judges.—The Board shall decide, in its discretion, whether 1 or 3 administrative copyright judges shall preside in a royalty distribution or rate adjustment proceeding. In no event shall the number of presiding administrative copyright judges be more than 3.

"(f) Participation of Parties.—Any copyright owner who has filed an acceptable claim claiming entitlement to the distribution of royalties, or any copyright owner or user who would be affected by a royalty rate to be established or adjusted by the Board, may submit relevant information and proposals to the Board in proceedings applicable to the interest of the copyright owner or user.

"(g) Time Limits for Initial Decision.—Proceedings under section 118 operate under the time limits established in that section. For all other proceedings, if 1 administrative copyright judge is presiding in a proceeding, the Board shall issue its initial decision to the parties to the proceeding and the Register of Copyrights within 6 months after the declaration of a controversy in the proceeding. If more than 1 administrative copyright judge is presiding in a proceeding, the Board shall issue its initial decision to the parties to the proceeding and the Register of Copyrights within 1 year after the declaration of a controversy in the proceeding.

"(h) Requirements for Initial Decisions.—The initial decision under subsection (g) shall include a statement of findings and conclusions and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record. The initial decision shall take into account prior decisions of the Copyright Royalty Tribunal, prior decisions of copyright arbitration royalty panels, as adopted or modified by the Librarian of Congress, and the procedural and evidentiary rulings the Librarian of Congress made that were applicable to the proceedings of the copyright arbitration royalty panels. Notwithstanding any provision of section 603 or 604 of title 5, neither the initial decision nor the final decision is required to include a regulatory flexibility analysis.

"(i) Petitions for Reconsideration and Final Agency Action.—Any party to the proceeding concerned or the Register of Copyrights may petition the Board to reconsider its initial decision in the proceeding. If there are no petitions for reconsideration, the initial decision becomes the final decision of the Board without further proceedings. If there are petitions for reconsideration, the Board shall issue a final decision to the parties to the proceeding and the Register of Copyrights which shall constitute final agency action. The time period by which parties to the proceeding or the Register of Copyrights may file a petition for reconsideration and the time period by which the Board shall render its final decision shall be established by regulation by the Board, subject to the approval of the Register of Copyrights.

"§ 810. Judicial review

"(a) Appeals.—Within 1 week after the Board issues a final decision under section 809, or, if there are no petitions for reconsideration, within 1 week after the time the initial decision of the Board under section 809 becomes the final decision, the Board shall cause to be published in the Federal Register the decision of the rate adjustment or the royalty distribution, as the case may be. Any aggrieved party who would be bound by the final decision may appeal the decision to the United States Court of Appeals for the Federal Circuit within 30 days after the publication of the decision in the Federal Register. In any appeal to which the Board is a party, the chief administrative copyright judge shall refer the conduct of the litigation in defense of the Board's decision to the Department of Justice which shall have the authority to represent the Board under section 516 of title 28. If no appeal is brought within such 30-day period, the decision of the Board is final, and the royalty fee or determination with respect to the distribution of fees, as the case may be, shall take effect as set forth in the decision. The pendency of an appeal under this subsection shall not relieve persons who would be affected by the determinations on appeal under section 111, 114, 115, 116, 118, 119, or 1003, of the obligation to deposit the statement of account or to pay royalty fees specified in those sections.

"(b) Review Subject to Chapter 7 of Title 5.—The judicial review of the Board's final decision shall be had, in accordance with chapter 7 of title 5, on the basis of the record before the Board.

"§ 811. Administrative matters

"(a) Administrative Support.—The Library of Congress, upon the recommendation of the Register of Copyrights, shall provide the Board with the necessary administrative services and personnel related to proceedings under this title.

"(b) Authority To Publish in Federal Register.—The actions of the Board which may be published in the Federal Register by and under the authority of the Board include—

"(1) actions of the Board required to be published in the Federal Register under this title;

"(2) actions of the Board required to be published in the Federal Register under regulations adopted by the Board upon the approval of the Register of Copyrights; and

"(3) regulations of the Board required to be published in the Federal Register to which the Board has been delegated the exclusive right to adopt.

"(c) COLLECTION AND USE OF FEES.—

"(1) DEDUCTION OF COSTS FROM FEES.—The Librarian of Congress and the Register of Copyrights may, to the extent not otherwise provided under this title, deduct from the royalty fees deposited or fees collected under this title the reasonable costs incurred by the Library of Congress and the Copyright Office under this chapter. Such deduction may be made before the fees are distributed to any copyright owner.

"(2) COLLECTION OF FEES.—The Register of Copyrights may impose and collect fees in advance to carry out the ratemaking proceedings. All fees received under this section shall be deposited by the Register of Copyrights in the Treasury of the United States and shall be credited to the appropriations for necessary expenses of the Copyright Office. Such fees that are collected shall remain available until expended. The Register may refund any sum paid by mistake or in excess of the fee required under this section.

"(d) POSITIONS REQUIRED FOR ADMINISTRATION OF COMPULSORY LICENSING.—Section 307 of the Legislative Branch Appropriations Act of 1994 shall not apply to the members of the Board, employee positions in the Board, or employee positions in the Library of Congress that are required to be filled in order to carry out section 111, 114, 115, 116, 118, or 119 or chapter 10.

"(e) BUDGET.—In each annual request for appropriations, the Register of Copyrights shall identify the portion thereof intended for the support of the Board and a statement which shall include an assessment of the budgetary needs of the Board.

"(f) ANNUAL REPORT.—The Board shall prepare an annual report of its work and accomplishments during each fiscal year, which the Register of Copyrights shall include in the annual report required under section 701(c).

"§812. Rule of construction

"Nothing in this chapter shall be construed to affect the authority of the Register of Copyrights to establish regulations under sections 701 and 702.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The item relating to chapter 8 in the table of chapters for title 17, United States Code, is amended to read as follows:

"8. Copyright Royalty Adjudication Board .... 801".

(2) JURISDICTION OF FEDERAL CIRCUIT.—Section 1295(a) of title 28, United States Code, is amended—

(A) in paragraph (13) by striking "and" after the semicolon;

(B) in paragraph (14) by striking the period and inserting a semicolon and "and "; and

(C) by adding at the end the following new paragraph:

"(15) of an appeal from a final decision of the Copyright Royalty Adjudication Board under sections 809(i) and 810 of title 17.".

SEC. 8. TRANSITION PROVISIONS.

(a) TRANSITIONAL PROCEDURES.—During the period beginning on the date of the enactment of this Act and ending on the effective date of this Act, the Register of Copyrights shall adopt regulations to govern proceedings under chapter 8 of title 17, United States Code, as amended by section 7 of this Act. Such regulations shall remain in effect unless and until the Copyright Royalty Adjudication Board, upon the approval of the Register of Copyrights, adopts supplemental or superseding regulations pursuant to section 809(b) of title 17, United States Code.

(b) PROCEEDINGS IN PROGRESS.—

(1) COPYRIGHT ARBITRATION ROYALTY PANEL PROCEEDINGS.—Unless the Register of Copyrights, for good cause, finds otherwise, proceedings in which a copyright arbitration royalty panel has been convened by the Librarian of Congress under chapter 8 of title 17, United States Code, as in effect before the effective date of this Act, shall continue in effect and shall be governed under chapter 8 of such title, and applicable regulations, as in effect prior to such effective date, and proceedings in which a copyright arbitration royalty panel has not been convened by the Librarian of Congress under chapter 8 of title 17, United States Code, before the effective date of this Act shall be suspended and recommenced under the amendments made by section 7.

(2) CONTINUED PROCEEDINGS.—For those proceedings continued under paragraph (1), the functions of the Librarian of Congress and the Register of Copyrights relating to the report of the copyright arbitration royalty panel under title 17, United States Code, as in effect before the effective date of this Act, may, in the Librarian's discretion, upon the recommendation of the Register of Copyrights, be delegated to the Copyright Royalty Adjudication Board, when constituted.

(3) APPEALS.—In any appeal of a decision of the Librarian of Congress adopting or rejecting a determination of a copyright arbitration royalty panel which is pending in the United States Court of Appeals for the District of Columbia Circuit on or after the effective date of this Act, if such case is remanded by the court, the Librarian of Congress shall not reconvene the copyright arbitration royalty panel which rendered the determination, but shall direct the Copyright Royalty Adjudication Board, when constituted, to conduct proceedings in accordance with the directions of the court. If the case is remanded by the court after the enactment date of this Act but before the effective date of this Act, the Librarian of Congress shall have the discretion to reconvene the copyright arbitration royalty panel which rendered the determination, or direct the Copyright Royalty Adjudication Board when constituted, to conduct proceedings in accordance with the directions of the court.

(c) EFFECTIVENESS OF EXISTING RATES AND DISTRIBUTIONS.—All royalty rates and all determinations with respect to the proportionate division of compulsory license fees among copyright claimants, whether made by the Copyright Royalty Tribunal, copyright arbitration royalty panels, or by voluntary agreement, before the effective date of this Act, shall remain in effect until modified by voluntary agreement or pursuant to the amendments made by this Act.

(d) TRANSFER OF APPROPRIATIONS.—All unexpended balances of appropriations made by the Copyright Office for the support of the copyright arbitration royalty panels, as of the effective date of this Act, are transferred on such effective date to the support of the Copyright Royalty Arbitration Board for the purposes for which such appropriations were made except that, in the event that any copyright arbitration royalty panels continue to operate after the effective date of this Act, the Register of Copyrights shall retain such portions of the unexpended balances of appropriations as are necessary to support the continuing copyright arbitration royalty panels.

SEC. 9. AMENDMENTS TO OTHER PROVISIONS OF TITLE 17, UNITED STATES CODE.

(a) SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) of title 17, United States Code, is amended—

(1) in paragraph (2) in the last sentence by striking "Librarian of Congress" and all that follows through the end of the sentence and inserting the following: "Copyright Royalty Adjudication Board as provided in this title. The Register of Copyrights may, 4 or more years after the close of any calendar year, close out the account for royalty payments made for that calendar year, and may treat any funds remaining the such account and any subsequent deposits that would otherwise be attributable to that calendar year as attributable to the succeeding calendar year."; and

(2) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking "Librarian of Congress" the first place it appears and inserting "Copyright Royalty Adjudication Board"; and

(ii) by striking "Librarian of Congress" the second place it appears and inserting "Board";

(B) in subparagraph (B)—

(i) by striking "Librarian of Congress shall, upon the recommendation of the Register of Copyrights" and inserting "Copyright Royalty Adjudication Board shall";

(ii) by striking "Librarian" each subsequent place it appears and inserting "Board"; and

(iii) in the last sentence by striking "convene a copyright royalty arbitration panel" and inserting "conduct a proceeding"; and

(C) in subparagraph (C)—

(i) by striking "Librarian of Congress" and inserting "Copyright Royalty Adjudication Board"; and

(ii) by adding at the end the following: "The action of the Board to distribute royalty fees may precede the declaration of a controversy if all parties to the proceeding file a petition with the Board requesting such distribution, except that such amount may not exceed 50 percent of the amounts on hand at the time of the request.".

(b) SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORDINGS.—Section 114(f) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by amending the first sentence to read as follows: "During the first week of January, 2000, the Copyright Royalty Adjudication Board shall cause notice to be published in the Federal Register of the initiation of voluntary negotiation proceedings for the purpose of determining or adjusting reasonable terms and rates of royalty payments for the activities specified in subsection (d)(2) of this section."; and

(B) in the third sentence by striking "Librarian of Congress" and inserting "Copyright Royalty Adjudication Board";

(2) by striking paragraphs (2), (3), and (4) and inserting the following:

"(2) In the absence of license agreements negotiated under paragraph (1), during the 60-day period beginning 6 months after publication of the notice specified in paragraph (1), and upon the filing of a petition in accordance with section 808(a), the Copyright

Royalty Adjudication Board shall, pursuant to chapter 8, conduct a proceeding to determine and publish in the Federal Register a schedule of rates and terms. In addition to the objectives set forth in section 807(a) in establishing or adjusting such rates and terms, the Board may consider the rates and terms for comparable types of digital audio transmission services and comparable circumstances under voluntary license agreements negotiated as provided in paragraph (1). The Copyright Royalty Adjudication Board, upon the approval of the Register of Copyrights, shall also establish requirements by which copyright owners may receive reasonable notice of the use of their sound recordings under this section, and under which records of such use shall be kept and made available by entities performing sound recordings.

"(3) License agreements voluntarily negotiated at any time between 1 or more copyright owners of sound recordings and 1 or more entities performing sound recordings shall be given effect in lieu of any determination by the Copyright Royalty Adjudication Board.

"(4) Publication of a notice of the initiation of voluntary negotiation proceedings as specified in paragraph (1) and the procedures specified in paragraph (2) shall be repeated, in accordance with regulations that the Copyright Royalty Adjudication Board, upon the approval of the Register of Copyrights, shall prescribe—

"(A) no later than 30 days after a petition is filed by any copyright owners of sound recordings or any entities performing sound recordings affected by this section indicating that a new type of digital audio transmission service on which sound recordings are performed is or is about to become operational; and

"(B) during the first week of January 2005 and at 5-year intervals thereafter."; and

(3) in paragraph (5)(A)(i) by striking "Librarian of Congress" and inserting "Copyright Royalty Adjudication Board, upon the approval of the Register of Copyrights,".

(c) Compulsory License for Making and Distributing Phonorecords.—Section 115(c)(3) of title 17, United States Code, is amended—

(1) in subparagraph (C)—

(A) by amending the first sentence to read as follows: "At the times established in subparagraph (F), the Copyright Royalty Adjudication Board shall cause notice to be published in the Federal Register of the initiation of voluntary negotiation proceedings for the purpose of determining reasonable terms and rates of royalty payments for the activities specified in subparagraph (A) until the effective date of any new terms and rates established pursuant to this subparagraph or subparagraph (D) or (F), or such other date (regarding digital phonorecord deliveries) as the parties may agree.";

(B) in the third sentence by striking "Librarian of Congress" and inserting "Copyright Royalty Adjudication Board";

(2) by amending subparagraph (D) to read as follows:

"(D) In the absence of license agreements negotiated under subparagraphs (B) and (C), upon the filing of a petition in accordance with section 808(a), the Copyright Royalty Adjudication Board shall, pursuant to chapter 8, conduct a proceeding to determine and publish in the Federal Register a schedule of rates and terms. Such rates and terms shall distinguish between—

"(i) digital phonorecord deliveries where the reproduction or distribution of a phonorecord is incidental to the transmission which constitute the digital phonorecord delivery, and

"(ii) digital phonorecord deliveries in general.

In addition to the objectives set forth in section 807(a), in establishing or adjusting rates and terms, the Board may consider rates and terms under voluntary license agreements negotiated as provided in subparagraphs (B) and (C). The Board, upon the approval of the Register of Copyrights, shall also establish requirements by which copyright owners may receive reasonable notice of the use of their works under this section, and under which records of such use shall be kept and made available by persons making digital phonorecord deliveries.";

(3) in subparagraph (E)(i) in the first sentence by striking "Librarian of Congress" and inserting "Copyright Royalty Adjudication Board"; and

(4) in subparagraph (F) by striking "Librarian of Congress" and inserting "Copyright Royalty Adjudication Board, upon the approval of the Register of Copyrights,".

(d) Negotiated Licenses for Public Performances by Means of Coin-Operated Phoñorecord Players.—Section 116 of title 17, United States Code, is amended—

(1) by amending subsection (b)(2) to read as follows:

"(2) Rate adjustment proceeding.—Parties not subject to such a negotiation may determine, by a rate adjustment proceeding in accordance with the provisions of chapter 8, the terms and rates and the division of fees described in paragraph (1)."; and

(2) in subsection (c)—

(A) in the subsection heading by striking "COPYRIGHT ROYALTY ARBITRATION PANEL" and inserting "COPYRIGHT ROYALTY ADJUDICATION BOARD"; and

(B) by striking "a copyright arbitration royalty panel and inserting "the Copyright Royalty Adjudication Board".

(e) Use of Certain Works in Connection With Noncommercial Broadcasting.—Section 118 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(B) in paragraph (1), as so redesignated, by striking "Librarian of Congress" and inserting "Copyright Royalty Adjudication Board";

(C) in paragraph (2), as so redesignated—

(i) by striking "paragraph (2)" each place it appears and inserting "paragraph (1)";

(ii) by striking "Librarian of Congress" the first place it appears and inserting "Copyright Royalty Adjudication Board";

(iii) by striking "Librarian of Congress" the second and third places it appears and inserting "Board"; and

(iv) by striking "Librarian of Congress" the last place it appears and inserting "Board, upon the approval of the Register of Copyrights,";

(2) in subsection (c)—

(A) by striking "1997" and inserting "2002"; and

(B) by striking "Librarian of Congress" and inserting "Copyright Royalty Adjudication Board, upon the approval of the Register of Copyrights,";

(3) in subsection (d)—

(A) by striking "(b)(2)" and inserting "(b)(1)"; and

(B) by striking "a copyright arbitration royalty panel under subsection (b)(3)" and inserting "the Copyright Royalty Adjudication Board under subsection (b)(2)"; and

(4) in subsection (e), by striking paragraphs (1) and (2).

(f) Digital Audio Recording Devices and Media.—

(1) Royalty payments.—Section 1004(a)(3) of title 17, United States Code, is amended in the third sentence—

(A) by striking "the 6th year after the effective date of this chapter" and inserting "1998";

(B) by striking "Librarian of Congress" the first place it appears and inserting "Copyright Royalty Adjudication Board"; and

(C) by striking "Librarian of Congress" the second place it appears and inserting "Board".

(2) Entitlement to royalty payments.—Section 1006(c) of title 17, United States Code, is amended by striking "Librarian of Congress shall convene a copyright arbitration royalty panel which" and inserting "Copyright Royalty Adjudication Board".

(3) Procedures for distributing royalty payments.—Section 1007 of title 17, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking "after the calendar year in which this chapter takes effect";

(ii) by striking "Librarian of Congress" the first place it appears and inserting "Copyright Royalty Adjudication Board"; and

(iii) by striking "Librarian of Congress" the second place it appears and inserting "Board";

(B) in subsection (b)—

(i) by amending the first sentence to read as follows: "After the first day of March of each year, the Copyright Royalty Adjudication Board shall determine whether there exists a controversy concerning the distribution of royalty payments under section 1006(c)."; and

(ii) by striking "Librarian of Congress" each place it appears and inserting "Board"; and

(C) in subsection (c)—

(i) by amending the first sentence to read as follows: "If the Copyright Royalty Adjudication Board finds the existence of a controversy, the Board shall, pursuant to chapter 8 of this title, conduct a proceeding to determine the distribution of royalty payments.";

(ii) by striking "Librarian of Congress" each place it appears and inserting "Board"; and

(iii) by striking "Librarian under this section" and inserting "Board under this section. The action of the Board to distribute royalty fees may precede the declaration of a controversy if all parties to the proceeding file a petition with the Board requesting such distribution, except that such amount may not exceed 50 percent of the amounts on hand at the time of the request.".

(4) Adjudication of certain disputes.—Section 1010 of title 17, United States Code, is amended—

(A) by amending the section heading to read as follows:

"§ 1010. Adjudication of certain disputes";

(B) in subsection (a)—

(i) in the subsection heading by striking "ARBITRATION" and inserting "ADJUDICATION"; and

(ii) by striking "mutually agree to binding arbitration for the purpose of determining" and inserting "petition the Copyright Royalty Adjudication Board to determine";

(C) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(D) in subsection (b), as so redesignated, by striking "arbitration" each place it appears and inserting "adjudication";

(E) by amending subsection (c), as so redesignated, to read as follows:

"(c) Adjudication Proceeding.—The Copyright Royalty Adjudication Board shall conduct an adjudication proceeding with respect to the matter concerned, pursuant to chapter 8 of this title. The parties to the proceeding shall bear the entire costs thereof in such manner and proportion as the Board shall direct."; and

(F) by striking subsections (e), (f), and (g).

SEC. 10. TECHNICAL AMENDMENTS.

(a) Clerical Amendment to Chapter 10 of Title 17, United States Code.—The item relating to section 1010 in the table of contents for chapter 10 of title 17, United States Code, is amended to read as follows:

"1010. Adjudication of certain disputes.".

(b) Clerical Amendment to Chapter 9 of Title 17, United States Code.—The item relating to section 903 in the table of contents for chapter 9 of title 17, United States Code, is amended to read as follows:

"903. Ownership, transfer, licensing, and recordation.".

(c) Clerical Amendment to Table of Chapters.—The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

"6. Manufacturing Requirements and Importation .... 601".

SEC. 11. RETRANSMISSION CONSENT.

Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(b)(1) No cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

"(A) with the express authority of the station;

"(B) pursuant to section 614, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section; or

"(C) pursuant to section 337, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section.

"(2) The provisions of this subsection shall not apply to—

"(A) retransmission of the signal of a noncommercial broadcasting station;

"(B) retransmission of the signal of a superstation by a satellite carrier to subscribers for private home viewing if the originating station was a superstation on January 1, 1998;

"(C) retransmission of the signal of a broadcasting station that is owned or operated by, or affiliated with, a broadcasting network directly to a home satellite antenna, if the household receiving the signal is located in an area in which such station may not assert its rights not to have its signal duplicated under the Commission's network nonduplication regulations; or

"(D) retransmission by a cable operator or other multichannel video programming distributor of the signal of a superstation if such signal was obtained from a satellite carrier and the originating station was a superstation on January 1, 1998.";

(2) by adding at the end of paragraph (3) the following new subparagraph:

"(C) Within 45 days after the effective date of the Copyright Compulsory License Improvement Act, the Commission shall commence a rulemaking proceeding to revise the regulations governing the exercise by television broadcast stations of the right to grant retransmission consent under this subsection, and such other regulations as are necessary to administer the limitation contained in paragraph (2). Such regulations shall establish election time periods that correspond with those regulations adopted under subparagraph (B). The rulemaking shall be completed within 180 days after the effective date of the Copyright Compulsory License Improvement Act."; and

(3) by adding at the end the following new paragraph:

"(7) For purposes of this subsection:

"(A) The term 'superstation' means a television broadcast station, other than a network station, licensed by the Commission that is secondarily transmitted by a satellite carrier.

"(B) The term 'satellite carrier' has the meaning given that term in section 119(d) of title 17, United States Code.".

SEC. 12. MUST-CARRY FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.

Title III of the Communications Act of 1934 is amended by inserting after section 336 the following new section:

"SEC. 337. CARRIAGE OF LOCAL TELEVISION SIGNALS BY SATELLITE CARRIERS.

"(a) Carriage Obligations.—Each satellite carrier providing direct to home service of a network station to subscribers located within the local market of such station shall offer to carry all television broadcast stations located within that local market, subject to section 325(b). Carriage of additional television broadcast stations within the local market shall be at the discretion of the satellite carrier, subject to section 325(b).

"(b) Duplication Not Required.—Notwithstanding subsection (a), a satellite carrier shall not be required to offer to carry the signal of any local television broadcast station that substantially duplicates the signal of another local television broadcast station which is secondarily transmitted by the satellite carrier, or to offer to carry the signals of more that one local television broadcast station affiliated with a particular broadcast network (as the term is defined by regulation).

"(c) Channel Positioning.—Each signal carried in fulfillment of the carriage obligations of a satellite carrier under this section shall be carried on the satellite carrier channel number on which the local television broadcast station is broadcast over the air, or on the channel on which it was broadcast on January 1, 1985, or on the channel it was broadcast on January 1, 1998, at the election of the station, or on such other channel number as is mutually agreed upon by the station and the satellite carrier. Any dispute regarding the positioning of local television broadcast stations shall be resolved by the Commission.

"(d) Compensation for Carriage.—A satellite carrier shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local television broadcast stations in fulfillment of the requirements of this section or for channel positioning rights provided to such stations under this section, except that any such station may be required to bear the costs associated with delivering a good quality signal to the principal headend of the satellite carrier.

"(e) Remedies.—

"(1) Complaints by broadcast stations.—Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under this section, such station shall notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier is obligated to offer to carry the signal of such station or has otherwise failed to comply with the channel positioning or repositioning or other requirements of this section. The satellite carrier shall, within 30 days of such written notification, respond in writing to such notification and either commence to carry the signal of such station in accordance with the terms requested or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning and repositioning or other requirements of this section. A local television broadcast station that is denied carriage or channel positioning or repositioning in accordance with this section by a satellite carrier may obtain review of such denial by filing a complaint with the Commission. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

"(2) Opportunity to respond.—The Commission shall afford such satellite carrier and opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section.

"(3) Remedial actions; dismissal.—Within 120 days after the date a complaint is filed, the Commission shall determine whether the satellite carrier has met its obligations under this section. If the Commission determines that the satellite carrier has failed to meet such obligations, the Commission shall order the satellite carrier to reposition the complaining station or, in the case of an obligation to carry a station, to commence carriage of the station and to continue such carriage for at least 12 months. If the Commission determines that the satellite carrier has fully met the requirements of this section, it shall dismiss the complaint.

"(f) Regulations by Commission.—Within 180 days after the effective of this section, the Commission shall, following a rulemaking proceeding, issue regulations implementing the requirements imposed by this section.

"(g) Definitions.—As used in this section:

"(1) Television broadcast station.—The term 'television broadcast station' means a full-power television broadcast station, and does not include a low-power or translator television broadcast station.

"(2) Local market.—The term 'local market' means the designated market area in which a station is located and—

"(A) for a commercial television broadcast station located in any of the 150 largest designated market areas, all commercial television broadcast stations licensed to a community within the same designated market area are within the same local market;

"(B) for a commercial television broadcast station that is located in a designated market area that is not one of the 150 largest, the local market includes, in addition to all commercial television broadcast stations licensed to a community within the same designated market area, any station that is significantly viewed, as such term is defined in section 76.54 of the Commission's regulations (47 C.F.R. 76.54); and

"(C) for a noncommercial educational television broadcast station, the local market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.

"(3) DESIGNATED MARKET AREA.—The term 'designated market area' means a designated market area, as determined by the Nielsen Media Research and published in the DMA Market and Demographic Report.".

SEC. 13. NETWORK NONDUPLICATION; SYNDICATED EXCLUSIVITY AND SPORTS BLACKOUT.

(a) REGULATIONS.—

(1) IN GENERAL.—Within 45 days after the effective date of this Act, the Federal Communications Commission shall commence a rulemaking to establish regulations that apply network nonduplication protection, syndicated exclusivity protection, and sports blackout protection to the retransmission of broadcast signals by satellite carriers to subscribers for private home viewing. To the extent possible, such regulations shall, subject to paragraph (2), include the same level of protection accorded retransmissions of television broadcast signals by cable systems for network nonduplication (47 C.F.R. 76.92), syndicated exclusivity (47 C.F.R. 151), and sports blackout (47 C.F.R. 76.67).

(2) NETWORK NONDUPLICATION.—The network nonduplication regulations required under paragraph (1) shall allow a television broadcast station in any local market to assert nonduplication rights—

(A) against a satellite carrier throughout such local market if that satellite carrier retransmits to subscribers for private home viewing in such local market the signal of another television broadcast station located within such local market; or

(B) against all satellite carriers within the zone in which the television broadcast station may be received over-the-air, using conventional consumer television receiving equipment, as determined under regulations prescribed by the Federal Communications Commission, but such zone shall not extend beyond such local market of such station.

(3) LOCAL MARKET DEFINED.—The term "local market" has the meaning provided in section 337(g) of the Communications Act of 1934, as added by section 12 of this Act.

(b) DEFERRED APPLICABILITY OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—Notwithstanding the amendments to section 119 of title 17, United States Code, made by this Act, until the regulations regarding network nonduplication protection are established under subsection (a), the statutory license under subsection (a) of such section 119 for secondary transmissions of primary transmissions of programming contained in a primary transmission made by a network station (as defined in section 119(d) of title 17, United States Code, as in effect on the day before the effective date of this Act) shall be limited to secondary transmissions to persons who reside in unserved households (as defined in section 119(d) of title 17, United States Code, as in effect on the day before the effective date of this Act).

SEC. 14. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on January 1, 1999.

SECTION BY SECTION ANALYSIS OF THE COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT

SECTION 1

The title of the bill is the "Copyright Compulsory License Improvement Act."

SECTION 2

Section 2 of the bill amends the section 119 satellite carrier compulsory license of the Copyright Act to create a statutory licensing scheme that permits satellite carriers to provide their subscribers with local and distant television broadcast signals, as well as the national satellite feed of the Public Broadcasting Service. Satellite carriers may retransmit any television broadcast signals to subscribers for private home viewing, provided that such retransmissions are in compliance with the rules and regulations of the Federal Communications Commission. Such compliance would include syndicated exclusivity, sports blackout and network nonduplication protection for broadcasters, as required by section 13 of the bill.

Section 2 requires satellite carriers to provide initial and updated lists to local television stations identifying subscribers in the local television station's area who receive satellite service and the names of the network stations provided to those subscribers. This will allow television stations to preserve their network nonduplication rights provided in section 13 of the bill.

Section 2 prohibits satellite carriers from willfully altering the programming contained on television broadcast signals and the PBS national satellite feed that the carriers retransmit. In addition, satellite carriers are prohibited from unlawfully discriminating against a distributor of satellite retransmitted broadcast programming, and any such unlawful discrimination constitutes an act of copyright infringement subject to the penalties of chapter 5 of the Copyright Act. It is also copyright infringement for a satellite carrier to fail to submit a statement of account and royalty fee necessary to obtain the satellite compulsory license.

SECTION 3

Section 3 of the bill creates the terms and conditions of the satellite compulsory license. Carriers must submit a statement of account and royalty fee to the Copyright Office on a semiannual basis for subsequent distribution to copyright owners. The royalty fee for retransmission of distant television broadcast stations, and the PBS national feed, is the royalty fee in effect on date of enactment of the bill for retransmission of distant television broadcast signals. There is no royalty fee for television broadcast signals that are retransmitted to subscribers who reside within the local markets of such signals.

The remainder of section 3 continues the provisions of the existing law by prescribing how the royalty fees are collected and maintained for distribution, and how copyright owners of works contained on retransmitted television broadcast signals and the PBS national feed may claim royalties.

SECTION 4

Section 4 of the bill contains definitions of terms used in the section 119 compulsory license. Most of the definitions in the existing law are carried forward. New provisions include a definition of "designated market area" and "local market" for determining royalty-free local retransmissions of broadcast signals, and a definition of the new PBS national feed.

SECTION 5

Section 5 of the bill carries forward the provision of existing law maintaining exclusivity of the satellite license with the cable compulsory license of the Copyright Act, found at 16 U.S.C. 111. That is, a satellite carrier making secondary transmissions of television broadcast signals, and the PBS national feed, for private home viewing may only do so under the terms of the section 119 license, and may not invoke the terms of the section 111 cable license.

SECTION 6

Section 6 of the bill contains a conforming amendment amending the table of contents of chapter 1 of the Copyright Act.

SECTION 7

Section 7 of the bill completely revises chapter 8 of the Copyright Act, replacing the current Copyright Arbitration Royalty Panels with a Copyright Royalty Adjudication Board.

New section 801 of the Copyright Act establishes the Copyright Royalty Adjudication Board within the U.S. Copyright Office.

New section 802 of the Copyright Act establishes the membership and qualifications of the Board. New section 802(a) establishes that the Board should be comprised of one full-time Chief Administrative Copyright Judge and at least two part-time Administrative Copyright Judges. It is left up to the discretion of the Librarian of Congress, upon the recommendation of the Register of Copyrights, to determine how many other part-time Administrative Copyright Judges the Board shall have. The determination should be based on how many judges the Board will need to conduct its business in a timely manner.

New section 802(b) requires that the Chief Administrative Copyright Judge be an attorney with ten or more years of legal practice and have experience either in administrative hearings or court trials, and a demonstrated knowledge of copyright law. Other Administrative Copyright Judges must possess expertise in the business and economics of industries affected by the actions the Board takes.

New section 802(c) provides that the term of the Board members shall be five years on a staggered basis so that no more than one term is due to expire in any one year. To achieve this, the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall appoint some of the initial Board members to shorter than five year terms.

New section 802(d) provides compensation for the members of the Board at the Senior Level in accordance with the provisions of 5 U.S.C. §5376.

New Section 803 of the Copyright Act provides for selection of the members of the Board. New section 803(a) provides that the Librarian of Congress, upon the recommendation of the Register of Copyrights, selects the members of the Board. The Librarian may only select those persons found qualified under section 802(b) and found to meet the financial conflict of interest standards adopted under section 805(a). The Librarian may reselect, without limit, members of the Board to additional terms. Section 803(b) provides that actions taken by the Board during those times will be valid, notwithstanding any temporary vacancy.

New section 804 of the Copyright Act provides for the independence of the Board. New section 804(a) provides that the Board shall have decisional independence on the substantive matters before it. Board members are neither to receive performance appraisals nor are they to be assigned duties inconsistent with their duties and responsibilities as members of the Board.

New section 805 of the Copyright Act provides for removal and sanction of the members of the Board. New section 805(a) provides that the Register of Copyrights shall adopt regulations regarding the standards of conduct that members of the Board are expected to maintain. The Register is specifically instructed to adopt regulations concerning financial conflict of interest and *ex parte* communications.

New section 805(b) provides that the Librarian, upon the recommendation of the Register of Copyrights, may remove or sanction a member of the Board, upon notice and opportunity for hearing, for violation of any of the standards of conduct adopted under section 804(a). In addition, the Librarian may also remove or sanction for misconduct, neglect of duty, or any disqualifying physical or mental disability.

New section 806 of the Copyright Act provides for the functions of the Board. New section 806(a) enumerates the rate setting, royalty distribution, and rulemaking functions that are delegated to the Board. The Board determines the rates for: cable retransmission of broadcast signals, the making and distributing of phonorecords by means other than digital phonorecord delivery, satellite carrier retransmission of broadcast signals, and the importing and distributing or manufacturing and distributing of digital audio recording devices.

The Board determines the rate and terms for: the public performance of a sound recording by means of a digital audio transmission; the making and distributing of phonorecords by means of a digital phonorecord delivery; the public performance of music on jukeboxes; the use of music and visual works by public broadcasting entities; and the transmission to the public by a satellite carrier of a primary transmission of a public telecommunications signal.

The Board accepts or rejects claims filed by copyright owners to royalties deposited with the Copyright Office in the cable fund, the satellite carrier fund, and the digital audio recording fund. Then, for those claims that the Board accepts, the Board determines how much each claimant should receive from those funds.

The Board has jurisdiction to decide, when petitioned, if a particular digital audio recording device or digital audio recording interface device is subject to the provisions of chapter 10 for paying a royalty on the distribution of such devices.

The Board also has certain rulemaking authority, some of which is upon the approval of the Register of Copyrights, concerning the filing of claims, the notice and recordkeeping requirements pertaining to some of the compulsory licenses, and the Board's own procedures.

New section 806(b) provides that the creation of the Copyright Royalty Adjudication Board does not diminish the authority of the Register of Copyrights to establish regulations interpreting the provisions and terms of the Copyright Act.

New section 807 of the Copyright Act sets out the factors for determining the royalty fees for the section 114, 115, 116, 118 and 119 compulsory licenses of the Copyright Act. The section also lists the factors that the Board shall take into account when determining or adjusting royalty rates.

New section 808 of the Copyright Act provides for the institution of royalty distribution and rate adjustment proceedings under the compulsory licenses. New section 808 instructs the Board when proceedings shall occur, and whether the proceedings require a petition to initiate them or whether they commence automatically.

New section 809 of the Copyright Act describes the conduct of royalty distribution and rate adjustment proceedings. New section 809(a) provides that the Board shall conduct its proceedings in accordance with the Administrative Procedure Act. New section 809(b) provides that the Board shall adopt its own rules of procedures upon the approval of the Register of Copyrights. New section 809(c) authorizes the Copyright Office, in its discretion, to file formal pleadings with the Board on any matter pending before the Board. All Copyright Office pleadings shall be formally filed and served on all the parties to the proceeding. The Board may accept or reject the advice of the Copyright Office.

New section 809(d) provides that all actions of the Board are by majority rule. New section 809(e) allows the Board the discretion to determine whether, in a particular proceeding, one or three members should preside. New section 809(f) permits all parties whose claims are accepted or who have an interest in the royalty rate to be set to participate in the proceeding and submit relevant proposals and evidence.

New section 809(g) provides that, except as provided in sections 118 and 119(c), the time limit for the issuance of initial decisions in proceedings with one presiding member shall be six months from the declaration of the controversy, and the time limit for initial decisions in proceedings with three presiding members shall be one year from the declaration on the controversy.

New section 809(h) provides that the initial decision shall contain the same level of reasoned decision-making that is required under the Administrative Procedure Act, and take into account the precedent of the decisions of the Copyright Royalty Tribunal, the copyright arbitration royalty/panels and the decisions of the Librarian of Congress made in respect to the copyright arbitration royalty panels.

New section 809(i) provides the parties to the proceeding and the Register of Copyrights an opportunity to petition the entire Board to reconsider any initial decision issued by its presiding member or members. If there are no petitions for reconsideration, the initial decision becomes the final decision automatically. If there are petitions for reconsideration, the entire Board considers the petition, and issues a final decision. The final decision of the entire Board constitutes final agency action. Section 809(i) provides that the time limits for filing petitions for reconsideration, and for the entire Board to issue the final decision shall be determined by regulation.

New section 810 of the Copyright Act provides for judicial review of Board determinations. New section 810(a) provides that when the initial decision becomes the final decision, the Board shall have one week to publish the final decision in the Federal Register. Parties aggrieved by the decision of the Board shall have 30 days from the appearance of the final decision in the Federal Register to appeal the decision to the United States Circuit Court of Appeals for the Federal Circuit. In that case, the Board shall be the defending party, and the Chairperson of the Board shall refer the conduct of the Board's defense to the Department of Justice. Notwithstanding the pendency of any appeal, persons who would pay the royalty rates adjusted by the Board's decision are still obligated to pay the adjusted rate and, if applicable, to file a statement of account with the Copyright Office.

New section 810(b) provides that judicial review of the Board's final decision is in accordance with the Administrative Procedure Act.

New section 811 delineates various administrative matters related to administration of the compulsory licenses. New section 811(a) instructs the Librarian of Congress, upon the recommendation of the Register of Congress, to provide the Board with the necessary administrative services and personnel support it needs. Personnel support may include the services of experts such as a statistician or an economist, when a particular proceeding requires such expertise.

New section 811(b) delegates to the Board the authority to publish in the Federal Register notices of the Board's actions in its proceedings, and such regulations as the Board has been delegated the exclusive right to adopt. New section 811(c) authorizes the Librarian of Congress to assess fees for the reasonable costs incurred in a rate making proceeding from those parties interested in participating in the proceeding. The section further authorizes the Register of Copyrights to deduct from the ratemaking fees and from the royalty fees deposited with the Copyright Office the reasonable costs incurred by the Copyright Office and the Board.

New section 811(d) provides that notwithstanding any ceiling imposed on the full-time equivalent positions in the Library of Congress, the members of the Board or employees in support of the Board do not count in the calculation of that ceiling.

New section 811(e) provides that when the Register of Copyright submits to Congress the budget of the Copyright Office, the Register shall identify the portion intended for the Board with a statement assessing the Board's budgetary needs.

Section 811(f) provides that the Board shall prepare its own annual report and it shall be included in the Copyright Office's annual report.

Section 812 provides a rule of construction continuing the general power of the Register of Copyrights to establish regulations governing the Copyright Act, and makes technical and conforming amendments, including providing for appeals from decisions of the Board to the Court of Appeals for the Federal Circuit.

SECTION 8

Section 8 of the bill provides transitional rules for the establishment of the Board. For example, prior to the constituting of the Board, the Register of Copyrights shall adopt the Board's rules of procedure, but that when the Board is constituted, it may adopt supplemental or superseding regulations, upon the approval of the Register of Copyrights.

The section also provides that copyright arbitration royalty panels that have already been convened at the time of the passage of this act may continue and complete their proceeding, unless the Register of Copyrights, finds for good cause, that the proceeding should be discontinued. For those proceedings that continue, the report of the copyright arbitration royalty panels shall be submitted to the Librarian of Congress, or the Librarian may, in his discretion, direct the panel to submit the report to the Board. If there are any appeals pending of a decision of a copyright arbitration royalty panel that are eventually remanded by the Court, the remanded case shall go to the Board, not to a reconvened copyright arbitration royalty panel.

SECTION 9

Section 9 of the bill contains conforming amendments to substitute the Copyright Royalty Adjudication Board for the copyright arbitration royalty panels and the Librarian of Congress wherever appropriate.

SECTION 10

Section 10 makes technical and conforming amendments.

SECTION 11

Section 11 amends the section 325 of the Communications Act to provide that satellite carriers must in certain circumstances obtain retransmission permission from a broadcaster before they can retransmit the signal of a network broadcast station. Like the regime applicable to the cable industry, network broadcasters are afforded the option of either granting retransmission consent, or they may elect must-carry status as provided in section 12 of the bill. All satellite carriers that provide local service of television network stations must obtain either retransmission consent of the local broadcasters, or carry their signals subject to the must-carry provisions.

Section 11 does exempt carriage of certain broadcast stations from the retransmission consent requirement. Retransmission consent does not apply to noncommercial broadcasting stations, and superstations that existed as superstations on January 1, 1998. Also exempt from the retransmission consent requirement is retransmission of a network station to a household that is not subject to the network nonduplication protection provided in section 13 of the bill. The purpose of this provision is to allow subscribers who reside in the designated market area of a network affiliate, but do not live in an area where the relevant local stations can request network nonduplication (assuring that a subscriber does not or cannot otherwise receive the signal of the local affiliate) to obtain a distant signal of the same network from their satellite carrier.

Section 11 also directs the Federal Communications Commission to, within 45 days of enactment of the bill, commence a rulemaking proceeding to adopt regulations governing the exercise of retransmission rights for satellite retransmissions for private home viewing.

SECTION 12

Section 12 of the bill creates must-carry obligations for satellite carriers retransmitting television broadcast signals. The provisions are similar to those applicable to the cable industry. Any satellite carrier that retransmits a network television broadcast signal to subscribers residing within the local market of that signal, must offer to carry all the television stations in the local market to subscribers residing in the local market. This approach of "carry one, then carry all" is subject to the retransmission consent election of section 11 of the bill. Thus, a satellite carrier does not have to carry a local television broadcast station if the station elects retransmission consent rather than must-carry. The "local market" of a broadcast station is defined as the station's Designated Market Area, as determined by Nielsen Media Research.

Section 12 tracks the cable must-carry provisions of the 1992 Cable Act by relieving satellite carriers from the burden of having to carry more than one affiliate of the same network if both of the affiliates are located in the same local market. Local broadcasters are also afforded channel positioning rights, and are required to provide a good quality signal to the satellite carrier's principal headend in order to assert must-carry rights. Satellite carriers are forbidden from obtaining compensation from local broadcasters in exchange for carriage. Section 12 also provides a means for broadcasters to seek redress from the Federal Communications Commission for violations of the must-carry obligations.

SECTION 13

Section 13 of the bill directs the Federal Communications Commission, within 45 days of enactment of the bill, to commence rulemaking proceedings to impose network nonduplication protection, syndicated exclusivity and sports blackout protection on satellite retransmissions of television broadcast signals for private home viewing. The regulations to be adopted are to be similar to those currently in force for retransmissions of television broadcast signals by cable systems, to the extent possible, recognizing that there are technological and other differences between cable and satellite.

In adopting network nonduplication protection rules, the Commission is directed to adopt rules that permit satellite carriers to provide distant network signals to subscribers who reside within the designated market area of a network station affiliated with the same network but cannot receive an over-the-air signal of the local affiliate, and further do not receive the local signal from a cable or satellite service. The purpose of this provision is to prevent local affiliates from asserting network nonduplication protection against subscribers who legitimately cannot or do not receive the local network affiliate signal, but allow stations to protect their network exclusivity if they do. Thus, if the satellite carrier serving a subscriber provides him or her with the local affiliate for that designated market area, the satellite carrier may not also provide such subscriber with distant network signals affiliated with the same network. Additionally, if a subscriber can receive the local affiliate's signal over the air, the satellite carrier cannot provide distant network signals affiliated with the same network. This replaces the current "white area" system, based on the Grade-B contour of a station enforceable in court, with rules prescribed and overseen by the FCC, once the FCC establishes rules.

SECTION 14

This section provides that the bill shall become effective on January 1, 1999.

Mr. LEAHY. Mr. President, today I am introducing a bill with Chairman HATCH concerning satellite television that I hope will prove to be good news for consumers throughout the nation and in Vermont.

I greatly appreciate this opportunity to work with Chairman HATCH and Senator KOHL.

We intend for this bill to lead to head-to-head competition between cable and satellite TV providers. This should open more choices and services to Vermonters, at lower prices. The bill also will allow householders who want to subscribe to this new satellite TV service to receive all local Vermont TV stations by satellite. The goal is to offer Vermonters more choices, more TV selections—and especially of local programming—but at lower rates.

In areas of the country where there is this full competition with cable providers, rates to customers are considerably lower. I helped foster the home satellite industry with passage of the Satellite Home Viewer Act in 1988 and the extension of that act in 1994. Now it is time for the home satellite industry to offer a competitive alternative to cable. It is my hope that we can foster that competition and do so in a way that preserves the local perspective and service provided by the local network affiliate system.

This bill is intended to permit satellite TV providers to offer the networks through their local TV channels to viewers throughout Vermont and a full complement of superstations and movies. This means that local Vermont TV stations will be available over satellite to many areas of Vermont currently unserved by satellite or by cable.

I have received scores of letters from Vermonters who have complained about the current situation. Under current law, it is illegal for satellite TV providers to offer local TV channels over a satellite dish when you live in a area where you are likely to get a clear TV signal with a regular rooftop antenna.

This means that thousands of Vermonters living in or near Burlington cannot receive local signals over their satellite dishes. I understand their frustration. At our farm in Middlesex, we receive signals from one and a half stations.

This bill is intended to adjust the statutory copyright licenses in order to allow satellite carriers to offer local TV signals to viewers no matter where they live in Vermont. To take advantage of this opportunity, satellite carriers will in general have to follow the rules that cable providers have to follow. This will mean that they must carry all full-power local Vermont TV stations in their TV offering.

Today, Vermonters receive satellite signals with programming from stations in other states. In other words, they would get a CBS station from another state but not WCAX, the Burlington CBS affiliate. I hope that our bill will correct this upside-down situation and make network programming available to all, while preserving local programming and respecting the affiliate system.

By allowing satellite providers to offer a larger variety of programming, including local stations, the satellite industry would be able to compete with cable, and the cable industry will be competing with satellite carriers. Cable will continue to be a highly effective competitor with its ability to offer extremely high-speed Internet connections to homes and businesses.

A major reason I voted against the Telecommunications Act of 1996—and I was only one of five who voted against that bill—was my fear that cable, satellite and telephone rates would go up significantly in rural states. I wish I had been wrong, but the rates, in fact, have been climbing since then. When fully implemented this bill should reverse that trend as has been the case in cities where there were competitors to cable.

The second major improvement in this bill is that satellite carriers that offer local Vermont channels in their mix of programming will be able to reach Vermonters throughout our state. The system will be based on regions called Designated Market Areas, or DMAs, established through marketing surveys done by the Nielsen Corporation ratings organization.

Vermont has one large DMA covering most of the state and part of the Adirondacks in New York—the Burlington-Plattsburg DMA—and parts of two smaller ones in Bennington County (the Albany-Schenectady-Troy DMA) and in Windham County (the Boston DMA).

Over time those two counties could be included in the Burlington-Plattsburg DMA depending on marketing, advertising and other demographic factors that Nielsen Corporation examines.

This new satellite system is not yet available. Companies are preparing to launch spot-beam satellites to take advantage of this bill. I encourage them to do so. Using current technology, signals would be provided by spot-beam satellites using some 150 regional uplink sites throughout that nation to beam local signals up to two satellites. Those satellites would use 60 spot beams to send those local signals, received from the regional uplinks, back to satellite dish owners. High-definition TV would be offered under this system at a later date.

Under this bill, and using this spot-beam technology, home owners with satellite dishes in downtown Burlington, and in almost every county in Vermont, would receive all the full-power TV stations in the Burlington-Plattsburg DMA, including Vermont public television. Therefore, subscribers to the new satellite technology would be able to receive WPTZ, WCAX, WNNE, Vermont public television, and other full-power broadcast stations, throughout most of Vermont. Bennington residents would receive the stations in the Schenectady-Albany-Troy DMA. Windham County residents would receive full power stations in the Boston DMA.

As I mentioned earlier, Bennington and Windham Counties could be included in the Burlington-Plattsburg DMA at a later date as the demographics of the region evolve, or as technology changes.

Under this bill, Vermonters will have more choices. Those who want this new satellite service will be allowed to sign up in the next couple of years or keep their present satellite service.

Those who want to stick with cable, or with regular broadcast TV, are able to continue their viewing in those ways. Since technology advances so quickly, other systems could be developed before this bill is fully implemented that would provide other service but using different technologies.

I share the frustration of so many that laws and regulations in this case have tended to frustrate consumer choices and stifle technology. That is not the way it should be. It is time to update our satellite viewing laws to encourage full and vigorous competition with the cable industry and expand viewer options.

Mr. KOHL. Thank you, Mr. President. Along with my colleagues, Senators HATCH and LEAHY, I rise in support of the Copyright Compulsory License Improvement Act of 1997. This proposal, although clearly not a final product, is an important step forward in creating true competition between satellite and cable television. And that is an important step forward for consumers.

Mr. President, this bill generally takes the right approach. It gives satellite carriers the ability to provide the one thing that consumers want most: local television broadcast signals. In return, the satellite carriers must comply with FCC regulations governing syndicated exclusivity, sports blackout protection, and network nonduplication. The measure also creates a retransmission consent process, and establishes certain "must carry" obligations on satellite carriers that rebroadcast local signals. As a general premise, it seems only fair that the benefits of carrying local signals should be balanced with reasonable regulatory burdens that are consistent with cable's obligations. But we should also look at reducing at least some of the "must carry" burdens—for example, why should any provider be required to carry the Home Shopping Network, which is predominantly commercial?

So what does all this mean for businesses and consumers? Hopefully, it will create more availability and affordability in television programs. And it will help to preserve local television stations, who provide all of us with vital information like news, weather, and special events—especially sports. We ought to get moving on this sooner, rather than later. It would be a mistake to wait until just before the license expires in 1999.

This measure replaces the Copyright Arbitration Royalty Panels with a Copyright Royalty Adjudication Board. In addition to its clever new acronym ("CRAB"), the Board in the future will hopefully find a better way to create parity in the fees that cable and satellite providers pay in copyright royalties. This time around, however, it would be wise to lower legislatively the recently proposed 27 cent rate.

In any event, we should view the Copyright Compulsory License Improvement Act as a point of departure rather than a final product. I am hopeful we can work with the Commerce Committee, which clearly has an important role to play in many of these matters. This measure is a significant step in promoting competition, and Senators HATCH and LEAHY deserve enormous credit for creating a constructive approach, which can only benefit consumers nationwide. I urge my colleagues to join me in supporting it.

SENATE CONCURRENT RESOLUTION 80—CONCERNING SURVIVOR BENEFITS FOR WIDOWS AND WIDOWERS OF RAILROAD RETIREES

Ms. MOSELEY-BRAUN submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 80

Whereas for years, many in the railroad industry have argued that annuities paid to widows and widowers under the Railroad Retirement Act of 1974 are inadequate;

Whereas during the lifetime of the employee and the spouse, the employee receives a full annuity and so does the spouse;

Whereas after the employee's death, however, only a widow's or widower's annuity is payable, which under current law is less than that widow or widower received as a spouse in the month before the employee's death;

Whereas this widow's or widower's annuity is often found inadequate and leaves the survivor with less than the amount of income needed to meet ordinary and necessary living expenses; and

Whereas no outside contributions from the American taxpayer are needed, and any changes will be paid for from within the railroad industry itself: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress recognizes the concern of many in the railroad industry that the widow's and widower's annuity under the current system is inadequate and often leaves the survivor with less than the amount of income needed to meet ordinary and necessary living expenses;

(2) Congress also recognizes that a process of dialogue must take place among all parties of the railroad community including rail labor, management, and retiree organizations before railroad annuity legislation can be enacted; and

(3) because of the self-sufficient and unique nature of the Railroad Retirement System, Congress urges and exhorts all parties of the railroad community, including rail labor, management, and retiree organizations to find a suitable way to fund an amendment that would improve the survivor benefits component to the Railroad Retirement Act of 1974.

Ms. MOSELEY-BRAUN. Mr. President, today I am submitting a concurrent resolution calling on railroad employers, employees, and retiree organizations to work together to provide for a secure retirement for widows and widowers of railroad employees.

Currently, when a railroad employee retires, that retiree and his or her spouse receive 145 percent of the retiree's full retirement annuity. When that retiree dies, however, his or her spouse loses 100 percent of the retiree's annuity, leaving only a 45 percent survivor's benefit. The result can be that widows and widowers of railroad employees no longer have sufficient income on which to live.

In Illinois alone, there are over 50,000 railroad retirees. Over three-quarters of these men and women are married. If nothing is done to correct these retirement inequities, the spouses of these retirees risk spending their final years in poverty.

Many in the railroad industry acknowledge that these survivor benefits are inadequate. While railroad employees and employers pay substantially higher employment taxes than companies covered by Social Security, the higher taxes are not reflected in the level of benefits to which widows and widowers of retirees are entitled.

This resolution calls on the railroad industry to forge a consensus to solve this problem. The resolution urges that rail labor, management, and retiree organizations open discussions for adequately funding an amendment to the Railroad Retirement Act of 1974 to modify the guaranteed minimum benefit for widows and widowers whose annuities are converted from a spouse to a widow or widower annuity.

I introduced a provision to allow for the payment of a survivor annuity to divorced widows and widowers of railroad retirees as part of the Women's Pension Equity Act of 1996. Under current law, a divorced spouse can receive certain retiree benefits but these end when the retiree dies. This loss of benefits can be devastating for divorced spouses who have been supporting themselves in their old age.

I am working to correct this illogical and unjust provision in the law, but without increasing survivor benefits, all widows and widowers, whether married or divorced, are at risk. Having survivor benefits today is not a guarantee of a secure retirement.

This resolution requires no expenditures of taxpayer funds, but merely expresses the intent of Congress that the issue of inadequate retirement income for widows and widowers of railroad retirees be resolved. This concurrent resolution was submitted in the House of Representatives by Congressman Jack Quinn, as House Concurrent Resolution 52.

I urge my colleagues to join me in supporting this concurrent resolution to improve retirement security for tens of thousands of widows and widowers across the country.

SENATE RESOLUTION 192—EXPRESSING THE SENSE OF THE SENATE TO CHANGE THE CULTURE OF ALCOHOL CONSUMPTION ON COLLEGE CAMPUSES

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 192

Whereas many college presidents rank alcohol abuse as the number one problem on campus;

Whereas alcohol is a factor in the 3 leading causes of death for individuals aged 15 through 24 (accidents, homicides, and suicides);

Whereas more than any other group, college students tend to consume large numbers of drinks in rapid succession with the intention of becoming drunk;

Whereas 84 percent of college students report drinking alcohol during the school year, with 44 percent of all college students qualifying as binge drinkers and 19 percent of all college students qualifying as frequent binge drinkers;

Whereas alcohol is involved in a large percentage of all campus rapes, violent crimes, student suicides, and fraternity hazing accidents;

Whereas heavy alcohol consumption on college campuses can result in drunk driving crashes, hospitalization for alcohol overdoses, trouble with police, injury, missed classes, and academic failure;

Whereas the second-hand effects of student alcohol consumption range from assault, property damage, and unwanted sexual advances, to interruptions in study or sleep, or having to "babysit" another student who drank too much; and

Whereas campus binge drinking can also lead to the death of our Nation's young and promising students: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as "The Collegiate Initiative To Reduce Binge Drinking Resolution".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that, in an effort to change the culture of alcohol consumption on college campuses, all institutions of higher education should carry out the following:

(1) The president of the institution should appoint a task force consisting of school administrators, faculty, students, Greek system representatives, and others to conduct a full examination of student and academic life at the institution. The task force should make recommendations for a broad range of policy and program changes that would serve to reduce alcohol and other drug-related problems. The institution should provide resources to assist the task force in promoting the campus policies and proposed environmental changes that have been identified.

(2) The institution should provide maximum opportunities for students to live in an alcohol-free environment and to engage in stimulating, alcohol-free recreational and leisure activities.

(3) The institution should enforce a "zero tolerance" policy on the illegal consumption of alcohol by its students and should take steps to reduce the opportunities for students, faculty, staff, and alumni to legally consume alcohol on campus.

(4) The institution should vigorously enforce its code of disciplinary sanctions for those who violate campus alcohol policies. Students with alcohol or other drug-related problems should be referred to an on-campus counseling program.

(5) The institution should adopt a policy of eliminating alcoholic beverage-related sponsorship of on-campus activities. The institution should adopt policies limiting the advertisement and promotion of alcoholic beverages on campus.

(6) Recognizing that school-centered policies on alcohol will be unsuccessful if local businesses sell alcohol to underage or intoxicated students, the institution should form a "Town/Gown" alliance with community leaders. That alliance should encourage local commercial establishments that promote or sell alcoholic beverages to curtail illegal student access to alcohol and adopt responsible alcohol marketing and service practices.

Mr. BIDEN. Mr. President, over the last two days we have been debating in the Senate various amendments aimed at curbing drunk driving—a devastating byproduct of alcohol consumption. Today, I want to raise another alcohol-related issue—that of drinking on college campuses.

In recent years, we have all heard the stories about college students who are dying because of alcohol. A drunk student falls out of a dorm window in Virginia. Students from Massachusetts to Mississippi die of alcohol poisoning—drinking so much so fast that the alcohol literally kills them. In fact, so far this academic year, there have been at least 17 college students who have died in binge drinking incidents.

Unfortunately, this is not an isolated minority of college students. According to surveys, 44 percent of college students are binge drinkers, and nearly one in every five college students is a frequent binge drinker. This is not what parents expect when they send their kids off to college.

It is time for the culture on college campuses to change.

So, today, I am submitting a sense-of-the-Senate resolution calling on college and university administrators to carry out activities to reduce alcohol consumption on college campuses. This resolution—the Collegiate Initiative to Reduce Binge Drinking—was first submitted in the other body by Mr. KENNEDY of Massachusetts. I want to commend him for his initiative, and thank him for allowing me to join in this effort.

Specifically, the resolution calls on colleges and universities to appoint a task force to establish a policy on reducing alcohol and other drug-related problems; provide students with the opportunity to live in an alcohol-free environment; enforce a zero tolerance policy on the consumption of alcohol by minors; and eliminate alcoholic beverage-related sponsorship of on-campus activities. It also encourages colleges to work with local officials in the town in which they are located.

These activities are very similar to what is happening now at my state's largest college—the University of Delaware—which, according to a study by Harvard University, has had a binge drinking rate 50 percent higher than the national average. But, Mr. President, under the direction of the University's President, David P. Roselle—along with a grant from the Robert Wood Johnson Foundation—the University is actively seeking to reduce this rate and to reduce alcohol consumption on campus. So far, it appears to be working. In just one year—from October 1996 to October 1997—there were 30 fewer alcohol-related incidents on campus.

The lesson is that if we take the problem seriously and seriously address the problem, we can make a difference. The lives of students can be saved. I ask my colleagues to join me in encouraging college administrators to step up to the challenge—before the problem gets any worse.

ADDITIONAL COSPONSORS

S. 356

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1286

At the request of Mr. JEFFORDS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1286, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program.

S. 1379

At the request of Mr. DEWINE, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Michigan (Mr. ABRAHAM) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1379, a bill to amend section 552 of title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclose Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1386

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1386, a bill to facilitate the remediation of contaminated sediments in the waters of the United States.

S. 1395

At the request of Mr. SARBANES, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1395, a bill to amend the Higher Education Act of 1965 to provide for the establishment of the Thurgood Marshall Legal Educational Opportunity Program.

S. 1473

At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1473, a bill to encourage the development of a commercial space industry in the United States, and for other purposes.

S. 1536

At the request of Mr. TORRICELLI, the names of the Senator from Nevada (Mr. REID) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1536, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care, and to otherwise provide for research and information concerning osteoporosis and other related bone diseases.

S. 1589

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1589, a bill to provide dollars to the classroom.

S. 1638

At the request of Mr. CONRAD, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1638, a bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes.

S. 1647

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1669

At the request of Mr. BOND, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1669, a bill to restructure the Internal Revenue Service and improve taxpayer rights, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Idaho (Mr. KEMPTHORNE), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Maine (Ms. COLLINS), and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1682

At the request of Mr. D'AMATO, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1701

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1701, a bill to amend the Higher Education Act of 1965 in order to increase the dependent care allowance used to calculate Pell Grant Awards.

S. 1708

At the request of Mr. DASCHLE, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1708, a bill to improve education.

SENATE JOINT RESOLUTION 41

At the request of Mr. SARBANES, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Joint Resolution 41, a joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from New York (Mr.

MOYNIHAN) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

AMENDMENT NO. 1387

At the request of Mr. DOMENICI the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1387 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1393

At the request of Mr. DOMENICI the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1393 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1684

At the request of Mr. CHAFEE the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 1684 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

BINGAMAN (AND BYRD) AMENDMENT NO. 1696

Mr. BINGAMAN (for himself and Mr. BYRD) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 236, between lines 16 and 17, insert the following:

SEC. 14 . BAN ON SALE OF ALCOHOL THROUGH DRIVE-UP OR DRIVE-THROUGH SALES WINDOWS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. Ban on sale of alcohol through drive-up or drive-through sales windows

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2000.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2000, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law (including a regulation) that bans the sale of alcohol through a drive-up or drive-through sales window.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall lapse.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall lapse.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Ban on sale of alcohol through drive-up or drive-through sales windows.".

DORGAN (AND OTHERS) AMENDMENT NO. 1697

Mr. DORGAN (for himself, Mr. LAUTENBERG, Mr. BUMBERS, Mr. CONRAD, Mr. WELLSTONE, Mr. GLENN, Mr. BINGAMAN, Mr. INOUYE, Mr. TORRICELLI, and Mr. REID) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle D of title I, add the following:

SEC. 14 . OPEN CONTAINER LAWS.

(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by inserting after section 153 the following:

"§ 154. Open container requirements

"(a) DEFINITIONS.—In this section:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning given the term in section 158(c).

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' has the meaning given the term in section 410(i).

"(4) PASSENGER AREA.—The term 'passenger area' shall have the meaning given the term by the Secretary by regulation.

"(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2002.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2001, if the State does not have in effect a law described in paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1)(A), (1)(C), and (3) of section 104(b) on October 1, 2002, and on October 1 of each fiscal year thereafter, if the State does not have in effect a law described in paragraph (3) on that date.

"(3) OPEN CONTAINER LAWS.—

"(A) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

"(B) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container in the passenger area by the driver (but not by a passenger) of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer, the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

"(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2003.—Any funds withheld under subsection (b) from apportionment to any State on or before September 30, 2003, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2003.—No funds withheld under this section from apportionment to any State after September 30, 2003, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State has in effect a law described in subsection (b)(3), the Secretary shall, on the first day on which the State has in effect such a law, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not have in effect a law described in subsection (b)(3), the funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(1)(A), lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 153 the following:

"154. Open container requirements.".

DOMENICI (AND BINGAMAN) AMENDMENT NO. 1698

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 337, after line 6, the chapter analysis for Chapter 5 of Title 23, United States Code is amended by striking "501. Definition of Safety." and inserting "501. Definitions".

On page 338, strike lines 2 through 8, and insert the following:

"§501. DEFINITIONS

"In this chapter:

"(1) SAFETY.—The term 'safety' includes highway and traffic safety systems, research, and development relating to vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

"(2) FEDERAL LABORATORY.—The term 'Federal laboratory' includes a government-owned, government-operated laboratory and a government-owned, contractor-operated laboratory.

BINGAMAN (AND DOMENICI) AMENDMENTS NOS. 1699–1701

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed three amendments to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1699

On page 310, strike lines 9 through 17, and insert the following:

"§5211. **Transactional authority**

"To further the objectives of this chapter, the Secretary may make grants to, and enter into contracts, cooperative agreements, and other transactions with—

"(1) any person or any agency or instrumentality of the United States;

"(2) any unit of State or local government;

"(3) any educational institution;

"(4) any Federal laboratory; and

"(5) any other entity."

AMENDMENT NO. 1700

On page 312, strike line 20 and all that follows through page 313, line 2, and insert the following:

"(B) to promote the exchange of information on transportation-related research and development activities among the operating elements of the Department, other Federal departments and agencies, Federal laboratories, State and local governments, colleges, and universities, industry, and other private and public sector organizations engaged in the activities;".

AMENDMENT NO. 1701

On page 317, strike lines 1 through 6, and insert the following:

"(2) identify and apply innovative research performed by the Federal Government, Federal laboratories, academia, and the private sector to the intermodal and multimodal transportation research, development, and deployment needs of the Department and the transportation enterprise of the United States;".

CHAFEE (AND OTHERS) AMENDMENT NO. 1702

Mr. CHAFEE (for himself, Mr. WYDEN, and Mr. GRAHAM) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 162, after the end of line 25, insert the following:

"(5) CONCURRENT PROCESSING.—The term, 'concurrent processing' means to the fullest extent practicable, and to the extent otherwise required, agencies shall prepare environmental impact statements and environmental assessments concurrently with and integrated with environmental analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other environmental review laws and executive orders."

On page 163, lines 10–12, strike "with the requirements" through the end of the sentence, and insert "for surface transportation projects at the earliest possible time, including, to the extent appropriate, at the planning stage with the agreement of the State transportation agencies and the cooperating agencies."

On page 163, lines 17–18, strike "with the planning, predesign stage, and decision making".

On page 164, line 2, strike "initiatives." and insert "initiatives, economic development and transportation initiatives."

On page 164, lines 17–18, strike "with the transportation planning and decisionmaking of the", and insert "for surface transportation projects by".

On page 166, line 2, delete "(rather than sequential)".

On page 167, line 7, insert "and the public on request" after "cooperating agencies".

On page 168, line 11, strike "grant", and insert "take action on".

On page 169, after the end of line 10, insert the following:

"and assure early consideration of alternatives to a proposed project, including alternatives that address transportation demand consistent with 23 U.S.C. 134(i)(3)."

On page 169, strike lines 20 through page 170, line 2.

On page 170, line 15, after "agreement", insert "that has been developed with public involvement".

On page 172, line 3, after "APPROACHES.—", insert "In addition to existing formal public participation opportunities,".

On page 172, line 5, after "used, insert ", to the extent appropriate,".

On page 174, line 19, after "subsection (a)", insert "consistent with Part 1501, et seq., of Title 40 of the Code of Federal Regulations."

On page 175, line 6, insert the following new subsection and redesignate the following subsections accordingly:

(c) Section 112 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(g) SELECTION PROCESS.—It shall not be considered to be a conflict of interest, as defined under section 1.33 of title 23, Code of Federal Regulations, for a State to procure, under a single contract, the services of a consultant to prepare any environmental assessments or analyses required, including environmental impact statements, as well as subsequent engineering and design work on the same project, provided that the State has conducted an independent multi-disciplined review that assesses the objectivity of any analysis, environmental assessment or environmental impact statement prior to its submission to the agency that approves the project."

HUTCHISON AMENDMENT NO. 1703

Mrs. HUTCHISON proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of line 16, page 397 insert:

"(3) CONTINUATION OF PARTNERSHIP AGREEMENTS.—The Secretary shall continue through to completion public/private partnership agreements previously executed to promote the integration of surface transportation management systems, including the integration of highway, transit, railroad and emergency management systems."

ABRAHAM (AND LEVIN) AMENDMENT NO. 1704

Mr. ABRAHAM (for himself and Mr. LEVIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11. AMBASSADOR BRIDGE ACCESS, DETROIT, MICHIGAN.

(a) IN GENERAL.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to access roads and construction of access roads, approaches, and related facilities (such as signs, lights, and signals) necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System shall be eligible for funds apportioned under paragraphs (1)(C) and (3) of section 104(b) of that title.

(b) USE OF FUNDS.—Funds described in subsection (a) shall not be used for any improvements to, or construction of, the bridge itself.

INHOFE AMENDMENT NO. 1705

Mr. CHAFEE (for Mr. INHOFE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 135, strike lines 2 through 5 and insert the following:

"aid highway funds, or reasonably expected or intended to be part of 1 or more such projects, shall be performed under a contract awarded in accordance with subparagraph (A) unless the simplified acquisition procedures of the Federal Acquisition Regulations apply."

On page 135, line 7, insert ", or salary limitation in consistent with the Federal Acquisition Regulations," after "restriction".

On page 135, line 15, strike "cost principles" and insert "procedures, cost principles," after "the".

On page 135, line 24, strike "process, contracting based on" and insert "procedures of".

On page 136, line 12, strike "process" and insert "procedure".

ABRAHAM (AND LEVIN) AMENDMENT NO. 1706

Mr. CHAFEE (for Mr. ABRAHAM, for himself and Mr. LEVIN) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 183 at the end of line 23 insert the following:

(5) in subsection (b)(9), by striking "section 108(f)(1)(A) (other than clauses (xii) and (xvi)) of the Clean Air Act" and inserting "section 108(f)(1)(A) (other than clause (xvi)) of the Clean Air Act (42 U.S.C. 7408(f)(1)(A))";

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1707

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 269, line 2, insert "(a) In General.—" before "Section".

On page 278, between lines 14 and 15, insert the following:

(b) Redundant Metropolitan Transportation Planning Requirements.—

(1) Finding.—Congress finds that certain major investment study requirements under section 450.318 of title 23, Code of Federal Regulations, are redundant to the planning and project development processes required under other provisions in titles 23 and 49, United States Code.

(2) Streamlining.—

(A) In general.—The Secretary shall streamline the Federal transportation planning and NEPA decision process requirements for all transportation improvements supported with Federal surface transportation funds or requiring Federal approvals, with the objective of reducing the number of documents required and better integrating required analyses and findings wherever possible.

(B) Requirements.—The Secretary shall amend regulations as appropriate and develop procedures to—

(i) eliminate, within six months of the date of enactment of this section, the major investment study under section 450.318 of title 23, Code of Federal Regulations, as a stand-alone requirement independent of other transportation planning requirements, and integrate those components of the major investment study procedure which are not duplicated elsewhere with other transportation planning requirements;

(ii) eliminate stand-alone report requirements wherever possible;

(iii) prevent duplication by integrating planning and transportation processes under the National Environmental Policy Act of 1969 by drawing on the products of the planning process in the completion of all environmental and other project development analyses;

(iv) reduce project development time by achieving to the maximum extent practical a single public interest decision process for Federal environmental analyses and clearances; and

(v) expedite and support all phases of decisionmaking by encouraging and facilitating the early involvement of metropolitan planning organizations, State departments of transportation, transit operators, and Federal and State environmental resource and permit agencies throughout the decisionmaking process.

(3) Savings Clause.—Nothing in this subsection shall affect the responsibility of the Secretary to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects.

McCONNELL (AND OTHERS) AMENDMENT NO. 1708

Mr. McCONNELL (for himself, Mr. GORTON, Mr. SESSIONS, Mr. HUTCHINSON, Mr. ASHCROFT, Mr. HELMS, and Mr. SMITH of New Hampshire) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Strike section 1111 and insert the following:

SEC. 1111. EMERGING BUSINESS ENTERPRISE PROGRAM.

(a) Definitions.—In this section:

(1) Emerging business enterprise.—The term "emerging business enterprise" means a business that—

(A) has annual gross receipts over the preceding 3 fiscal years of less than $8,400,000 (as adjusted by the Secretary to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor);

(B) has not been in business for more than 9 years; and

(C) in response to a survey conducted under subsection (c)(2), has indicated an interest in participating in the construction of a project funded, in whole or in part, under a Federal surface transportation law.

(2) Federal surface transportation law.—The term "Federal surface transportation law" means the surface transportation provisions of this Act and titles 23 and 49, United States Code.

(3) Preferential treatment.—The term "preferential treatment" means the grant of an advantage to any person, including—

(A) any set-aside of any contract or subcontract;

(B) any numerical goal, quota, timetable, benchmark, or other numerical objective, for the award of a contract or subcontract; or

(C) any bid preference, cost preference, or price preference, including a bonus and an evaluation credit.

(4) Recruit; recruitment.—

(A) In general.—The term "recruit" or "recruitment" refers to distributing or disseminating information about an opportunity to bid for a Federal surface transportation contract or subcontract.

(B) Exclusion.—The term "recruit" or "recruitment" does not refer to preferential treatment.

(5) Standard industrial classification code.—The term "standard industrial classification code" means a 4-digit code assigned to an industrial category in the Standard Industrial Classification Manual published by the Office of Management and Budget.

(6) State.—The term "State" means any State or territory of the United States, any political division of any such State or territory, or any interstate entity, if the State, territory, political subdivision, or interstate entity receives financial assistance from the Federal Government under Federal surface transportation law.

(7) Targeted area.—The term "targeted area" means—

(A) any population census tract with a poverty rate of not less than 20 percent;

(B) a population census tract with a population of less than 2,000 if—

(i) more than 75 percent of the tract is zoned for commercial or industrial use; and

(ii) the tract is contiguous to 1 or more other population census tracts that meet the requirement of subparagraph (A) without regard to this subparagraph; and

(C) any empowerment zone or enterprise community (and any supplemental zone designated on December 21, 1994).

(8) Targeted business.—The term "targeted business" means an emerging business enterprise that—

(A) is physically located in a targeted area; or

(B) employs a workforce that is at least 50 percent composed of residents of a targeted area.

(b) Policy.—It is the policy of the United States to provide and encourage the maximum practicable opportunity for emerging business enterprises, including targeted businesses and emerging business enterprises owned by members of a minority group based on race, color, or national origin (referred to in this section as "minorities") and women, to compete for prime contracts and subcontracts funded under Federal surface transportation law, consistent with the fifth and 14th amendments to the Constitution.

(c) Requirement for Emerging Business Enterprise Development and Outreach.—

(1) In general.—Each State that receives funds made available under Federal surface transportation law shall engage in emerging business enterprise development and outreach to implement the policy set forth in subsection (b), including special recruitment efforts for targeted businesses and for emerging business enterprises owned by minorities and women, in carrying out programs under Federal surface transportation law.

(2) Methods of emerging business enterprise development and outreach.—The required emerging business enterprise development and outreach under paragraph (1) shall include—

(A) outreach to the emerging business enterprises in the construction industry in the State, and the recruitment of such enterprises, including—

(i) not less often than annually, a survey of construction contractors and subcontractors within its jurisdiction to determine—

(I) the number and identity of such construction contractors and subcontractors within its jurisdiction that are emerging business enterprises;

(II) the standard industrial classification code that identifies the principal line of business of the emerging business enterprises; and

(III) whether the construction contractor or subcontractor is a targeted business or owned, in whole or in part, by a woman or a minority;

(ii) not less often than annually, publication of a directory of the emerging business enterprises within its jurisdiction, including relevant information about the enterprises such as—

(I) name, address, and telephone and fax numbers; and

(II) the standard industrial classification code that identifies the principal line of business of the emerging business enterprises;

(iii) each time that the State solicits bids or proposals for construction of a project funded, in whole or in part, under Federal surface transportation law—

(I) distribution of information on the project in a manner that is reasonably calculated to reach emerging business enterprises, including posting such opportunities in the Commerce Business Daily and the Pro-Net System of the Small Business Administration;

(II) targeted recruitment of targeted businesses and of emerging business enterprises owned by minorities and women; and

(III) designation of a location at which all emerging business enterprises may have access to the plans and specifications for the project at no cost during normal business hours; and

(iv) on a regular basis, provision of opportunities for emerging business enterprises interested in performing prime contracts or subcontracts funded under Federal surface transportation law to meet and interact with other construction companies and with equipment dealers and material suppliers that support the construction industry in the State;

(B) professional and technical services and assistance with any requirements for prequalification or bonding, including—

(i) not less often than annually, publication of a directory of the bonding companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises to meet and interact with the bonding companies that service the construction industry in the State;

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) the purposes and criteria for prequalification and bonding; and

(II) the steps necessary to qualify a firm for bonding or to increase the firm's bonding limit; and

(iv) on a regular basis, provision of information to emerging business enterprises regarding programs to guarantee a surety against loss resulting from the breach of the terms of a bond by an emerging business enterprise, including the program carried out by the Small Business Administration under part B of title IV of the Small Business Investment Act of 1958 (15 U.S.C. 694a et seq.);

(C) professional and technical services and assistance with risk management and any insurance that the State may encourage or require contractors or subcontractors to carry, including—

(i) not less often than annually, publication of a directory of the insurance companies that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises to meet and interact with the insurance companies that service the construction industry in the State; and

(iii) on a regular basis, offering of seminars and other educational programs on—

(I) risk management; and

(II) the steps necessary to obtain appropriate insurance, including any insurance that the State may require;

(D) professional and technical services and assistance with financial matters, including—

(i) not less often than annually, publication of a directory of the financial institutions that service the construction industry in the State;

(ii) on a regular basis, provision of opportunities for emerging business enterprises to meet and interact with the financial institutions that service the construction industry in the State; and

(iii) on a regular basis, offering of seminars and other educational programs on construction financing and the steps necessary to qualify a firm for a line of credit or increase the firm's credit limit; and

(E) professional and technical services and assistance with general business management, estimating, bidding, and construction means and methods, including—

(i) on a regular basis, offering of seminars and other educational programs on general business management, estimating, bidding, and construction means and methods; and

(ii) on a regular basis, distribution to all emerging business enterprises of information on seminars and other educational programs offered by other entities on general business management, estimating, bidding, and construction means and methods.

(3) FUNDING OF EMERGING BUSINESS DEVELOPMENT AND OUTREACH.—Subject to the approval of the Secretary, each State may use funds made available under this Act, and section 140 of title 23, United States Code, to fund the emerging business enterprise program required under this section.

(d) REQUIREMENT FOR REVIEW OF CONSTRUCTION PLANS.—Each State shall conduct a periodic review of its construction plans and specifications to the extent necessary to—

(1) ensure that the plans and specifications reflect the State's actual requirements; and

(2) determine the feasibility of subdividing contracts to allow more opportunities for emerging business enterprises, particularly those owned by minorities and women, to compete for projects funded, in whole or in part, under Federal surface transportation law.

(e) COORDINATION BETWEEN SECRETARY AND STATE.—The Secretary shall coordinate with each State to help eliminate any duplication between—

(1) the emerging business enterprise program of the State under this section; and

(2) other Federal programs, such as programs carried out under the Small Business Act (15 U.S.C. 631 et seq.).

(f) REQUIREMENT FOR REVIEW OF EMERGING BUSINESS ENTERPRISE PROGRAM.—

(1) REVIEW BY STATE.—Each State shall conduct a periodic review of the implementation and impact of its emerging business enterprise development and outreach efforts under this section, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of factors such as—

(A) working capital;

(B) net profit; and

(C) bonding capacity.

(2) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a biennial review and publish findings and conclusions on the nationwide impact of the emerging business enterprise development and outreach efforts under this section, including an assessment of the impact of the efforts on the overall competitiveness of emerging business enterprises owned by minorities and women through consideration of relevant factors, including the factors specified in paragraph (1).

(g) PROHIBITION ON DISCRIMINATION OR PREFERENTIAL TREATMENT.—

(1) IN GENERAL.—No person in the United States shall, on the basis of race, color, national origin, or sex, be subjected to discrimination or provided preferential treatment under any project (carried out directly or by grant or contract) receiving Federal financial assistance under this Act or any amendment made by this Act.

(2) REQUIREMENT FOR EXPRESS POLICY STATEMENT.—Each time that the State solicits bids or proposals for construction of a project funded under Federal surface transportation law, the solicitation shall expressly state in prominent and boldface lettering that—

(A) "Emerging business enterprises owned by minorities and women are expressly encouraged to submit bids for contracts and subcontracts."; and

(B) "Federal law expressly prohibits the government from discriminating against, or granting or requiring preferential treatment to or for, any person, based on race, color, national origin, or sex, in the award of any contract or subcontract funded under Federal surface transportation law.".

(h) STATUTORY CONSTRUCTION.—Nothing in subsection (b), (c), or (g) shall be construed—

(1) in any way to limit or restrain the power of the judicial branch to order remedial relief to victims of discrimination under the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.) or any other Federal statute;

(2) to prohibit the Federal Government or any State or local government, consistent with subsection (g), from—

(A) recruiting emerging business enterprises owned by women and minorities to bid for contracts or subcontracts;

(B) requiring or encouraging any contractor or subcontractor to recruit emerging business enterprises owned by women and minorities to bid for contracts or subcontracts; or

(C) establishing overall annual goals for the participation of emerging business enterprises, including emerging business enterprises owned by minorities and women, in the emerging business enterprise development and outreach under subsection (c); or

(3) to create any private right of action based on the requirements set forth in subsection (c).

CAMPBELL AMENDMENTS NOS. 1709–1710

(Ordered to lie on the table.)

Mr. CAMPBELL submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1709

On page 52, strike line 16 and insert the following:

"tribe. Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available under this chapter for Indian reservation roads and bridges to pay for the costs of programs, services, functions, and activities, or portions thereof, that are specifically or functionally related to transportation planning, research, engineering, or construction of any highway, road, bridge, parkway, or transit facility that provides access to or is located within the reservation or community of an Indian tribal government, shall, at the option of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), be made available to the Indian tribe under, and shall be used in a manner governed solely by, the flexible and consolidated authorities accorded Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) without regard to the agency or office of the Bureau of Indian Affairs within which the programs, services, functions, and activities, or portions thereof, are performed.";

AMENDMENT NO. 1710

On page 49, strike lines 11 through 17 and insert the following:

"(k) USE OF FEDERAL LANDS HIGHWAYS PROGRAM FUNDS.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection and notwithstanding any other provision of law, the funds made available to carry out the Federal lands highways program under section 204 may be used to pay the non-Federal share of the cost of any project that is funded under section 104 and that provides access to or within Federal or Indian lands.

"(2) ALLOCATION.—All funds made available for Indian reservation roads and bridges under this title shall be allocated among Indian tribes—

"(A) for each of fiscal years 1998 and 1999, in accordance with the relative needs formula used to allocate such funds for fiscal year 1997; and

"(B) for fiscal year 2000 and each subsequent fiscal year, in accordance with a formula established by the Secretary of the Interior under a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5.

"(3) REGULATIONS.—

"(A) IN GENERAL.—Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall issue regulations governing the Indian reservation roads and bridges program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year under paragraph (2)(B), in accordance with a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5.

"(B) TIMING.—The regulations shall—

"(i) be promulgated in final form not later than April 1, 1999; and

"(ii) take effect not later than October 1, 1999.

"(4) NEGOTIATED RULEMAKING COMMITTEE.—In establishing a negotiated rulemaking committee to carry out paragraph (3)(A), the Secretary of the Interior shall—

"(A) apply the procedures under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between the Indian tribes and the United States; and

"(B) ensure that the membership of the committee includes only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes.

"(5) BASIS FOR FUNDING FORMULA.—The funding formula established for fiscal year 2000 and each subsequent fiscal year under paragraph (2)(B) shall be based on factors that reflect—

"(A) the relative needs of the Indian tribes, and reservation or tribal communities, for transportation assistance; and

"(B) the relative administrative capacities of, and challenges faced by, various Indian tribes, including geographic isolation and difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources.".

FAIRCLOTH AMENDMENT NO. 1711

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 104(d)(2) of title 23, United States Code, $40,000,000 for each of fiscal years 1998 through 2003.

ABRAHAM AMENDMENT NO. 1712

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

S. 1173

At the appropriate place, add the following:

TITLE —AMERICAN COMMUNITY RENEWAL

SEC. 00. SHORT TITLE, TABLE OF CONTENTS, FINDINGS, AND PURPOSE.

(a) SHORT TITLE.—This title may be cited as the "American Community Renewal Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 00. Short title, table of contents, findings, and purpose.

SUBTITLE A—DESIGNATION AND EVALUATION OF RENEWAL COMMUNITIES

Sec. 01. Short title.
Sec. 02. Statement of purpose.
Sec. 03. Designation of renewal communities.
Sec. 04. Evaluation and reporting requirements.
Sec. 05. Interaction with other Federal programs.

SUBTITLE B—TAX INCENTIVES FOR RENEWAL COMMUNITIES

Sec. 11. Tax treatment of renewal communities.
Sec. 12. Extension of expensing of environmental remediation costs for renewal communities.
Sec. 13. Extension of work opportunity tax credit for renewal communities
Sec. 15. Conforming and clerical amendments.

SUBTITLE C—ADDITIONAL PROVISIONS

Sec. 21. Transfer of unoccupied and substandard HUD-held housing in renewal communities to local governments.
Sec. 22. CRA credit for investments in community development organizations located in renewal communities.

(c) FINDINGS.—The Congress makes the following findings:

(1) Many of the Nation's urban centers are places with high levels of poverty, high rates of welfare dependency, high crime rates, and joblessness.

(2) Federal tax incentives and regulatory reforms can encourage economic growth, job creation, and small business formation in many urban centers.

(3) Encouraging private sector investment in America's economically distressed urban and rural areas is essential to breaking the cycle of poverty and the related ills of crime, drug abuse, illiteracy, welfare dependency, and unemployment.

(d) PURPOSE.—The purpose of this title is to increase job creation, small business expansion and formation, and homeownership, and to foster moral renewal, in economically depressed areas by providing Federal tax incentives, regulatory reforms, and homeownership incentives.

Subtitle A—Designation and Evaluation of Renewal Communities

SEC. 01. SHORT TITLE.

This subtitle may be cited as the "Renewing American Communities Act of 1998".

SEC. 02. STATEMENT OF PURPOSE.

It is the purpose of this subtitle to provide for the establishment of renewal communities in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(1) tax relief at the Federal, State, and local levels;

(2) regulatory relief at the Federal, State, and local levels; and

(3) improved local services and an increase in the economic stake of renewal community residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

SEC. 03. DESIGNATION OF RENEWAL COMMUNITIES.

(a) IN GENERAL.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter X—Renewal Communities

"Part I. Designation."

"PART I—DESIGNATION

"Sec. 1400D. Designation of Renewal Communities.

"SEC. 1400D. DESIGNATION OF RENEWAL COMMUNITIES.

"(a) DESIGNATION.—

"(1) DEFINITIONS.—For purposes of this title, the term 'renewal community' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as a renewal community (hereafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior, designates as a renewal community.

"(2) Number of designations.—

"(A) In general.—The Secretary of Housing and Urban Development may designate not more than 50 nominated areas as renewal communities.

"(B) Additional designations to replace revoked designations.—

"(i) In general.—The Secretary of Housing and Urban Development may designate one additional area under subparagraph (A) to replace each area for which the designation is revoked under subsection (b)(2), but in no event may more than 50 areas designated under this subsection bear designations as renewal communities at any time.

"(ii) Extension of time limit on designations.—In the case of any designation made under this subparagraph, paragraph (4)(B) shall be applied by substituting '36-month' for '24-month'.

"(3) Areas designated based on degree of poverty, etc.—

"(A) In general.—Except as otherwise provided in this section, the nominated areas designated as renewal communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (C), (D), and (E) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(B) Exception where inadequate course of action, etc.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

"(C) Priority for empowerment zones and enterprise communities with respect to first half of designations.—With respect to the first 25 designations made under this section, the nominated areas designated as renewal communities shall be chosen first from nominated areas which are enterprise zones or empowerment communities (and are otherwise eligible for designation under this section), and then from other nominated areas which are so eligible.

"(4) Limitation on designations.—

"(A) Publication of regulations.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of a renewal community, and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

"(B) Time limitations.—The Secretary of Housing and Urban Development may designate nominated areas as renewal communities only during the 24-month period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed.

"(C) Procedural rules.—The Secretary of Housing and Urban Development shall not make any designation of a nominated area as a renewal community under paragraph (2) unless—

"(i) the local governments and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as a renewal community,

"(II) to make the State and local commitments described in subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe, and

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate.

"(5) Nomination process for Indian reservations.—For purposes of this subchapter, in the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be treated as being both the State and local governments with respect to such area.

"(b) Period for Which Designation Is in Effect.—

"(1) In general.—Any designation of an area as a renewal community shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 7th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments in their nomination pursuant to subsection (a)(4)(C)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) Revocation of designation.—The Secretary of Housing and Urban Development may, after—

"(A) consultation with the officials described in subsection (a)(1)(B), and

"(B) a hearing on the record involving officials of the State or local government involved (or both, if applicable),

revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or State in which the area is located is not complying substantially with the State or local commitments, respectively, described in subsection (d).

"(c) Area and Eligibility Requirements.—

"(1) In general.—The Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

"(2) Area requirements.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of a local government,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of at least—

"(I) 4,000 if any portion of such area is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) which has a population of 50,000 or greater, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) Eligibility requirements.—A nominated area meets the requirements of this paragraph if the State and the local governments in which it is located certify (and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification) that—

"(A) the area is one of pervasive poverty, unemployment, and general distress,

"(B) the unemployment rate in the area, as determined by the appropriate available data, was at least 1½ times the national unemployment rate for the period to which such data relate,

"(C) the poverty rate (as determined by the most recent census data available) for each population census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was at least 20 percent for the period to which such data relate, and

"(D) at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

"(4) Consideration of high incidence of crime.—The Secretary of Housing and Urban Development shall take into account, in selecting nominated areas for designation as renewal communities under this section, the extent to which such areas have a high incidence of crime.

"(d) Required State and Local Commitments.—

"(1) In general.—The Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if—

"(A) the local government and the State in which the area is located agree in writing that, during any period during which the area is a renewal community, such governments will follow a specified course of action which meets the requirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area, and

"(B) the economic growth promotion requirements of paragraph (3) are met.

"(2) Course of action.—

"(A) In general.—A course of action meets the requirements of this paragraph if such course of action is a written document, signed by a State (or local government) and neighborhood organizations, which evidences a partnership between such State or government and community-based organizations and which commits each signatory to specific and measurable goals, actions, and timetables. Such course of action shall include at least five of the following:

"(i) A reduction of tax rates or fees applying within the renewal community.

"(ii) An increase in the level of efficiency of local services within the renewal community.

"(iii) Crime reduction strategies, such as crime prevention (including the provision of such services by nongovernmental entities).

"(iv) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community.

"(v) Involvement in the program by private entities, organizations, neighborhood organizations, and community groups, particularly those in the renewal community, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal community.

"(vi) State or local income tax benefits for fees paid for services performed by a nongovernmental entity which were formerly performed by a governmental entity.

"(vii) The gift (or sale at below fair market value) of surplus realty (such as land, homes, and commercial or industrial structures) in the renewal community to neighborhood organizations, community development corporations, or private companies.

"(B) Recognition of past efforts.—For purposes of this section, in evaluating the course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

"(3) Economic growth promotion requirements.—The economic growth promotion requirements of this paragraph are met with respect to a nominated area if the local government and the State in which such area is located certify in writing that such government and State, respectively, have repealed or otherwise will not enforce within the area, if such area is designated as a renewal community—

"(A) licensing requirements for occupations that do not ordinarily require a professional degree,

"(B) zoning restrictions on home-based businesses which do not create a public nuisance,

"(C) permit requirements for street vendors who do not create a public nuisance,

"(D) zoning or other restrictions that impede the formation of schools or child care centers, and

"(E) franchises or other restrictions on competition for businesses providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling,

except to the extent that such regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety.

"(e) Coordination With Treatment of Empowerment Zones and Enterprise Communities.—For purposes of this title, if there are in effect with respect to the same area both—

"(1) a designation as a renewal community, and

"(2) a designation as an empowerment zone or enterprise community,

both of such designations shall be given full effect with respect to such area.

"(f) Definitions.—For purposes of this subchapter—

"(1) Governments.—If more than one government seeks to nominate an area as a renewal community, any reference to, or requirement of, this section shall apply to all such governments.

"(2) State.—The term 'State' includes Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) Local government.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia."

SEC. 04. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the fourth calendar year after the year in which the Secretary of Housing and Urban Development first designates an area as a renewal community under section 1400D of the Internal Revenue Code of 1986 (as added by this subtitle), and at the close of each fourth calendar year thereafter, such Secretary shall prepare and submit to the Congress a report on the effects of such designations in accomplishing the purposes of this subtitle.

SEC. 05. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) Tax Reductions.—Any reduction of taxes, with respect to any renewal community designated under section 1400D of the Internal Revenue Code of 1986 (as so added), under any plan of action under section 1400D(d) of such Code shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States (other than subchapter X of chapter 1 of such Code).

(b) Coordination With Relocation Assistance.—The designation of a renewal community under section 1400D of such Code (as so added) shall not—

(1) constitute approval of a Federal or Federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)), or

(2) entitle any person displaced from real property located in such community to any rights or any benefits under such Act.

(c) Renewal Communities Treated as Labor Surplus Areas.—Any area which is designated as a renewal community under section 1400D of such Code (as so added) shall be treated for all purposes under Federal law as a labor surplus area.

Subtitle B—Tax Incentives for Renewal Communities

SEC. 11. TAX TREATMENT OF RENEWAL COMMUNITIES.

(a) In General.—Subchapter X of chapter I of the Internal Revenue Code of 1986 (as added by subtitle A) is amended by adding at the end the following new parts:

"PART II—RENEWAL COMMUNITY CAPITAL GAIN

"Sec. 1400E. Renewal community capital gain.
"Sec. 1400F. Renewal community business defined.

"SEC. 1400E. RENEWAL COMMUNITY CAPITAL GAIN.

"(a) General Rule.—Gross income does not include any qualified capital gain recognized on the sale or exchange of a qualified community asset held for more than 5 years.

"(b) Qualified Community Asset.—For purposes of this section—

"(1) In general.—The term 'qualified community asset' means—

"(A) any qualified community stock,

"(B) any qualified community business property, and

"(C) any qualified community partnership interest.

"(2) Qualified community stock.—

"(A) In general.—Except as provided in subparagraph (B), the term 'qualified community stock' means any stock in a domestic corporation if—

"(i) such stock is acquired by the taxpayer on original issue from the corporation solely in exchange for cash,

"(ii) as of the time such stock was issued, such corporation was a renewal community business (or, in the case of a new corporation, such corporation was being organized for purposes of being a renewal community business), and

"(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as a renewal community business.

"(B) Redemptions.—The term 'qualified community stock' shall not include any stock acquired from a corporation which made a substantial stock redemption or distribution (without a bona fide business purpose therefor) in an attempt to avoid the purposes of this section.

"(3) Qualified community business property.—

"(A) In general.—The term 'qualified community business property' means tangible property if—

"(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after the date on which the designation of the renewal community took effect,

"(ii) the original use of such property in the renewal community commences with the taxpayer, and

"(iii) during substantially all of the taxpayer's holding period for such property, substantially all of the use of such property was in a renewal community business of the taxpayer.

"(B) Special rule for substantial improvements.—

"(i) In general.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

"(I) property which is substantially improved by the taxpayer, and

"(II) any land on which such property is located.

"(ii) Substantial improvement.—For purposes of clause (i), property shall be treated as substantially improved by the taxpayer only if, during any 24-month period beginning after the date on which the designation of the renewal community took effect, additions to basis with respect to such property in the hands of the taxpayer exceed the greater of—

"(I) an amount equal to the adjusted basis at the beginning of such 24-month period in the hands of the taxpayer, or

"(II) $5,000.

"(C) Limitation on land.—The term 'qualified community business property' shall not include land which is not an integral part of a renewal community business.

"(4) Qualified community partnership interest.—The term 'qualified community partnership interest' means any interest in a partnership if—

"(A) such interest is acquired by the taxpayer from the partnership solely in exchange for cash,

"(B) as of the time such interest was acquired, such partnership was a renewal community business (or, in the case of a new partnership, such partnership was being organized for purposes of being a renewal community business), and

"(C) during substantially all of the taxpayer's holding period for such interest, such partnership qualified as a renewal community business.

A rule similar to the rule of paragraph (2)(C) shall apply for purposes of this paragraph.

"(5) Treatment of subsequent purchasers.—The term 'qualified community asset' includes any property which would be a qualified community asset but for paragraph (2)(A)(i), (3)(A)(ii), or (4)(A) in the hands of the taxpayer if such property was a qualified community asset in the hands of all prior holders.

"(6) 10-year safe harbor.—If any property ceases to be a qualified community asset by reason of paragraph (2)(A)(iii), (3)(A)(iii), or (4)(C) after the 10-year period beginning on the date the taxpayer acquired such property, such property shall continue to be treated as meeting the requirements of such paragraph; except that the amount of gain to which subsection (a) applies on any sale or exchange of such property shall not exceed the amount which would be qualified capital gain had such property been sold on the date of such cessation.

"(7) Treatment of community designation terminations.—The termination of any designation of an area as a renewal community shall be disregarded for purposes of determining whether any property is a qualified community asset.

"(c) Other Definitions and Special Rules.—For purposes of this section—

"(1) Qualified capital gain.—Except as otherwise provided in this subsection, the term 'qualified capital gain' means any long-term capital gain recognized on the sale or exchange of a qualified community asset held for more than 5 years (determined without regard to any period before the designation of the renewal community).

"(2) Certain gain on real property not qualified.—The term 'qualified capital gain' shall not include any gain which would be treated as ordinary income under section 1250 if section 1250 applied to all depreciation rather than the additional depreciation.

"(3) Gain attributable to periods after termination of community designation not qualified.—The term 'qualified capital gain' shall not include any gain attributable to periods after the termination of any designation of an area as a renewal community.

"(4) Related party transactions.—The term 'qualified capital gain' shall not include any gain attributable, directly or indirectly, in whole or in part, to a transaction with a related person. For purposes of this paragraph, persons are related to each other if such persons are described in section 267(b) or 707(b)(1).

"(d) Treatment of Pass-Thru Entities.—

"(1) Sales and exchanges.—Gain on the sale or exchange of an interest in a pass-thru entity held by the taxpayer (other than an interest in an entity which was a renewal community business during substantially all of the period the taxpayer held such interest) for more than 5 years shall be treated as gain described in subsection (a) to the extent such gain is attributable to amounts which would be qualified capital gain on qualified community assets (determined as if such assets had been sold on the date of the sale or exchange) held by such entity for more than 5 years (determined without regard to any period before the date of the designation of the renewal community) and throughout the period the taxpayer held such interest. A rule similar to the rule of paragraph (2)(C) shall apply for purposes of the preceding sentence.

"(2) Income inclusions.—

"(A) In general.—Any amount included in income by reason of holding an interest in a pass-thru entity (other than an entity which was a renewal community business during substantially all of the period the taxpayer held the interest to which such inclusion relates) shall be treated as gain described in subsection (a) if such amount meets the requirements of subparagraph (B).

"(B) Requirements.—An amount meets the requirements of this subparagraph if—

"(i) such amount is attributable to qualified capital gain recognized on the sale or exchange by the pass-thru entity of property which is a qualified community asset in the hands of such entity and which was held by such entity for the period required under subsection (a), and

"(ii) such amount is includible in the gross income of the taxpayer by reason of the holding of an interest in such entity which was held by the taxpayer on the date on which such pass-thru entity acquired such asset and at all times thereafter before the disposition of such asset by such pass-thru entity.

"(C) Limitation based on interest originally held by taxpayer.—Subparagraph (A) shall not apply to any amount to the extent such amount exceeds the amount to which subparagraph (A) would have applied if such amount were determined by reference to the interest the taxpayer held in the pass-thru entity on the date the qualified community asset was acquired.

"(3) Pass-thru entity.—For purposes of this subsection, the term 'pass-thru entity' means—

"(A) any partnership,

"(B) any S corporation,

"(C) any regulated investment company, and

"(D) any common trust fund.

"(e) Sales and Exchanges of Interests in Partnerships and S Corporations Which Are Qualified Community Businesses.—In the case of the sale or exchange of an interest in a partnership, or of stock in an S corporation, which was a renewal community business during substantially all of the period the taxpayer held such interest or stock, the amount of qualified capital gain shall be determined without regard to—

"(1) any intangible, and any land, which is not an integral part of any qualified business entity (as defined in section 1400F(b)), and

"(2) gain attributable to periods before the designation of an area as a renewal community.

"(f) Certain Tax-Free and Other Transfers.—For purposes of this section—

"(1) In general.—In the case of a transfer of a qualified community asset to which this subsection applies, the transferee shall be treated as—

"(A) having acquired such asset in the same manner as the transferor, and

"(B) having held such asset during any continuous period immediately preceding the transfer during which it was held (or treated as held under this subsection) by the transferor.

"(2) Transfers to which subsection applies.—This subsection shall apply to any transfer—

"(A) by gift,

"(B) at death, or

"(C) from a partnership to a partner thereof, of a qualified community asset with respect to which the requirements of subsection (d)(2) are met at the time of the transfer (without regard to the 5-year holding requirement).

"(3) Certain rules made applicable.—Rules similar to the rules of section 1244(d)(2) shall apply for purposes of this section.

"SEC. 1400F. RENEWAL COMMUNITY BUSINESS DEFINED.

"(a) In General.—For purposes of this part, the term 'renewal community business' means—

"(1) any qualified business entity, and

"(2) any qualified proprietorship.

Such term shall include any trades or businesses which would qualify as a renewal community business if such trades or businesses were separately incorporated. Such term shall not include any trade or business of producing property of a character subject to the allowance for depletion under section 611.

"(b) Qualified Business Entity.— For purposes of this section, the term 'qualified business entity' means, with respect to any taxable year, any corporation or partnership if for such year—

"(1) every trade or business of such entity is the active conduct of a qualified business within a renewal community,

"(2) at least 80 percent of the total gross income of such entity is derived from the active conduct of such business,

"(3) substantially all of the use of the tangible property of such entity (whether owned or leased) is within a renewal community,

"(4) substantially all of the intangible property of such entity is used in, and exclusively related to, the active conduct of any such business,

"(5) substantially all of the services performed for such entity by its employees are performed in a renewal community,

"(6) at least 35 percent of its employees are residents of a renewal community,

"(7) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(8) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property.

"(c) Qualified Proprietorship.—For purposes of this section, the term 'qualified proprietorship' means, with respect to any taxable year, any qualified business carried on by an individual as a proprietorship if for such year—

"(1) at least 80 percent of the total gross income of such individual from such business is derived from the active conduct of such business in a renewal community,

"(2) substantially all of the use of the tangible property of such individual in such business (whether owned or leased) is within a renewal community,

"(3) substantially all of the intangible property of such business is used in, and exclusively related to, the active conduct of such business,

"(4) substantially all of the services performed for such individual in such business by employees of such business are performed in a renewal community,

"(5) at least 35 percent of such employees are residents of a renewal community,

"(6) less than 5 percent of the average of the aggregate unadjusted bases of the property of such individual which is used in such business is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(7) less than 5 percent of the average of the aggregate unadjusted bases of the property of such individual which is used in such business is attributable to nonqualified financial property.

For purposes of this subsection, the term 'employee' includes the proprietor.

"(d) Qualified Business.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this subsection, the term 'qualified business' means any trade or business.

“(2) RENTAL OF REAL PROPERTY.—The rental to others of real property located in a renewal community shall be treated as a qualified business if and only if—

“(A) the property is not residential rental property (as defined in section 168(e)(2)), and

“(B) at least 50 percent of the gross rental income from the real property is from renewal community businesses.

“(3) RENTAL OF TANGIBLE PERSONAL PROPERTY.—The rental to others of tangible personal property shall be treated as a qualified business if and only if substantially all of the rental of such property is by renewal community businesses or by residents of a renewal community.

“(4) TREATMENT OF BUSINESS HOLDING INTANGIBLES.—The term ‘qualified business’ shall not include any trade or business consisting predominantly of the development or holding of intangibles for sale or license.

“(5) CERTAIN BUSINESSES EXCLUDED.—The term ‘qualified business’ shall not include—

“(A) any trade or business consisting of the operation of any facility described in section 144(c)(6)(B), and

“(B) any trade or business the principal activity of which is farming (within the meaning of subparagraph (A) or (B) of section 2032A(e)(5)), but only if, as of the close of the preceding taxable year, the sum of—

“(i) the aggregate unadjusted bases (or, if greater, the fair market value) of the assets owned by the taxpayer which are used in such a trade or business, and

“(ii) the aggregate value of assets leased by the taxpayer which are used in such a trade or business,

exceeds $500,000.

“(6) CONTROLLED GROUPS.—For purposes of paragraph (5)(B), all persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single taxpayer.

“(e) NONQUALIFIED FINANCIAL PROPERTY.—For purposes of this section, the term ‘nonqualified financial property’ means debt, stock, partnership interests, options, futures contracts, forward contracts, warrants, notional principal contracts, annuities, and other similar property specified in regulations; except that such term shall not include—

“(1) reasonable amounts of working capital held in cash, cash equivalents, or debt instruments with a term of 18 months or less, or

“(2) debt instruments described in section 1221(4).

“PART III—FAMILY DEVELOPMENT ACCOUNTS

“Sec. 1400G. Family development accounts.

“Sec. 1400H. Demonstration program to provide matching contributions to family development accounts in certain renewal communities.

“Sec. 1400I. Designation of earned income tax credit payments for deposit to family development account.

“SEC. 1400G. FAMILY DEVELOPMENT ACCOUNTS FOR RENEWAL COMMUNITY EITC RECIPIENTS.

“(a) ALLOWANCE OF DEDUCTION.—

“(1) IN GENERAL.—There shall be allowed as a deduction—

“(A) in the case of a qualified individual, the amount paid in cash for the taxable year by such individual to any family development account for such individual's benefit, and

“(B) in the case of any person other than a qualified individual, the amount paid in cash for the taxable year by such person to any family development account for the benefit of a qualified individual.

No deduction shall be allowed under this paragraph for any amount deposited in a family development account under section 1400H (relating to demonstration program to provide matching amounts in renewal communities).

“(2) LIMITATION.—

“(A) IN GENERAL.—The amount allowable as a deduction to any individual for any taxable year by reason of paragraph (1)(A) shall not exceed the lesser of—

“(i) $2,000, or

“(ii) an amount equal to the compensation includible in the individual's gross income for such taxable year.

“(B) PERSONS DONATING TO FAMILY DEVELOPMENT ACCOUNTS OF OTHERS.—The amount allowable as a deduction to any person for any taxable year by reason of paragraph (1)(B) shall not exceed $1,000 with respect to any qualified individual.

“(3) SPECIAL RULES FOR CERTAIN MARRIED INDIVIDUALS.—

“(A) IN GENERAL.—In the case of an individual to whom this subparagraph applies for the taxable year, the limitation of subparagraph (A) of paragraph (2) shall be equal to the lesser of—

“(i) the dollar amount in effect under paragraph (2)(A)(i) for the taxable year, or

“(ii) the sum of—

“(I) the compensation includible in such individual's gross income for the taxable year, plus—

“(II) the compensation includible in the gross income of such individual's spouse for the taxable year reduced by the amount allowed as a deduction under paragraph (1) to such spouse for such taxable year.

“(B) INDIVIDUALS TO WHOM SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) shall apply to any individual if—

“(i) such individual files a joint return for the taxable year, and

“(ii) the amount of compensation (if any) includible in such individual's gross income for the taxable year is less than the compensation includible in the gross income of such individual's spouse for the taxable year.

“(4) ROLLOVERS.—No deduction shall be allowed under this section with respect to any rollover contribution.

“(b) TAX TREATMENT OF DISTRIBUTIONS.—

“(1) INCLUSION OF AMOUNTS IN GROSS INCOME.—Except as otherwise provided in this subsection, any amount paid or distributed out of a family development account shall be included in gross income by the payee or distributee, as the case may be.

“(2) EXCLUSION OF QUALIFIED FAMILY DEVELOPMENT DISTRIBUTIONS.—Paragraph (1) shall not apply to any qualified family development distribution.

“(3) SPECIAL RULES.—Rules similar to the rules of paragraphs (4) and (5) of section 408(d) shall apply for purposes of this section.

“(c) QUALIFIED FAMILY DEVELOPMENT DISTRIBUTION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified family development distribution’ means any amount paid or distributed out of a family development account which would otherwise be includible in gross income, to the extent that such payment or distribution is used exclusively to pay qualified family development expenses for the holder of the account or the spouse or dependent (as defined in section 152) of such holder.

“(2) QUALIFIED FAMILY DEVELOPMENT EXPENSES.—The term ‘qualified family development expenses’ means any of the following:

“(A) Qualified postsecondary educational expenses.

“(B) First-home purchase costs.

“(C) Qualified business capitalization costs.

“(D) Qualified medical expenses.

“(E) Qualified rollovers.

“(3) QUALIFIED POSTSECONDARY EDUCATIONAL EXPENSES.—

“(A) IN GENERAL.—The term ‘qualified postsecondary educational expenses’ means postsecondary educational expenses paid to an eligible educational institution.

“(B) POSTSECONDARY EDUCATIONAL EXPENSES.—The term ‘postsecondary educational expenses’ means tuition, fees, room, board, books, supplies, and equipment required for the enrollment or attendance of a student at an eligible educational institution.

“(C) ELIGIBLE EDUCATIONAL INSTITUTION.—The term ‘eligible educational institution’ means the following:

“(i) INSTITUTION OF HIGHER EDUCATION.—An institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1), 1141(a)), as such sections are in effect on the date of the enactment of this section.

“(ii) POSTSECONDARY VOCATIONAL EDUCATION SCHOOL.—An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of the enactment of this section.

“(D) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified postsecondary educational expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.

“(4) FIRST-HOME PURCHASE COSTS.—

“(A) IN GENERAL.—The term ‘first-home purchase costs’ means qualified acquisition costs with respect to a qualified principal residence for a qualified first-time homebuyer.

“(B) QUALIFIED ACQUISITION COSTS.—The term ‘qualified acquisition costs’ means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

“(C) QUALIFIED PRINCIPAL RESIDENCE.—The term ‘qualified principal residence’ means a principal residence (within the meaning of section 1034), the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to such residence (determined in accordance with paragraphs (2) and (3) of section 143(e)).

“(D) QUALIFIED FIRST-TIME HOMEBUYER.—

“(i) IN GENERAL.—The term ‘qualified first-time homebuyer’ means an individual if such individual (and, in the case of a married individual, the individual's spouse) has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this subsection applies.

“(ii) DATE OF ACQUISITION.—The term ‘date of acquisition’ means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subsection applies is entered into.

“(5) QUALIFIED BUSINESS CAPITALIZATION COSTS.—

“(A) IN GENERAL.—The term ‘qualified business capitalization costs’ means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

“(B) QUALIFIED EXPENDITURES.—The term 'qualified expenditures' means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

“(C) QUALIFIED BUSINESS.—The term 'qualified business' means any business that does not contravene any law or public policy (as determined by the Secretary).

“(D) QUALIFIED PLAN.—The term 'qualified plan' means a business plan which—

“(i) is approved by a financial institution, or by a nonprofit loan fund having demonstrated fiduciary integrity,

“(ii) includes a description of services or goods to be sold, a marketing plan, and projected financial statements, and

“(iii) may require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.

“(6) QUALIFIED MEDICAL EXPENSES.—The term 'qualified medical expenses' means any amount paid during the taxable year, not compensated for by insurance or otherwise, for medical care (as defined in section 213(d)) of the taxpayer, his spouse, or his dependent (as defined in section 152).

“(7) QUALIFIED ROLLOVERS.—The term 'qualified rollover' means any amount paid from a family development account of a taxpayer into another such account established for the benefit of—

“(A) such taxpayer, or

“(B) any qualified individual who is—

“(i) the spouse of such taxpayer, or

“(ii) any dependent (as defined in section 152) of the taxpayer.

Rules similar to the rules of section 408(d)(3) shall apply for purposes of this paragraph.

“(d) TAX TREATMENT OF ACCOUNTS.—

“(1) IN GENERAL.—Any family development account is exempt from taxation under this subtitle unless such account has ceased to be a family development account by reason of paragraph (2). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations).

“(2) LOSS OF EXEMPTION IN CASE OF PROHIBITED TRANSACTIONS.—For purposes of this section, rules similar to the rules of section 408(e) shall apply.

“(e) FAMILY DEVELOPMENT ACCOUNT.—For purposes of this title, the term 'family development account' means a trust created or organized in the United States for the exclusive benefit of a qualified individual or his beneficiaries, but only if the written governing instrument creating the trust meets the following requirements:

“(1) Except in the case of a qualified rollover (as defined in subsection (c)(7))—

“(A) no contribution will be accepted unless it is in cash, and

“(B) contributions will not be accepted for the taxable year in excess of $2,000 (determined without regard to any contribution made under section 1400H (relating to demonstration program to provide matching amounts in renewal communities)).

“(2) The trustee is a bank (as defined in section 408(n)) or such other person who demonstrates to the satisfaction of the Secretary that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

“(3) No part of the trust funds will be invested in life insurance contracts.

“(4) The interest of an individual in the balance in his account is nonforfeitable.

“(5) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

“(6) Under regulations prescribed by the Secretary, rules similar to the rules of section 401(a)(9) and the incidental death benefit requirements of section 401(a) shall apply to the distribution of the entire interest of an individual for whose benefit the trust is maintained.

“(f) QUALIFIED INDIVIDUAL.—For purposes of this section, the term 'qualified individual' means, for any taxable year, an individual—

“(1) who is a bona fide resident of a renewal community throughout the taxable year, and

“(2) to whom a credit was allowed under section 32 for the preceding taxable year.

“(g) OTHER DEFINITIONS AND SPECIAL RULES.—

“(1) COMPENSATION.—The term 'compensation' has the meaning given such term by section 219(f)(1).

“(2) MARRIED INDIVIDUALS.—The maximum deduction under subsection (a) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws.

“(3) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution to a family development account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

“(4) EMPLOYER PAYMENTS.—For purposes of this title, any amount paid by an employer to a family development account shall be treated as payment of compensation to the employee (other than a self-employed individual who is an employee within the meaning of section 401(c)(1)) includible in his gross income in the taxable year for which the amount was contributed, whether or not a deduction for such payment is allowable under this section to the employee.

“(5) ZERO BASIS.—The basis of an individual in any family development account of such individual shall be zero.

“(6) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 408(n)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which such person will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute a family development account described in this section. For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

“(7) REPORTS.—The trustee of a family development account shall make such reports regarding such account to the Secretary and to the individual for whom the account is maintained with respect to contributions (and the years to which they relate), distributions, and such other matters as the Secretary may require under regulations. The reports required by this paragraph—

“(A) shall be filed at such time and in such manner as the Secretary prescribes in such regulations, and

“(B) shall be furnished to individuals—

“(i) not later than January 31 of the calendar year following the calendar year to which such reports relate, and

“(ii) in such manner as the Secretary prescribes in such regulations.

“(8) INVESTMENT IN COLLECTIBLES TREATED AS DISTRIBUTIONS.—Rules similar to the rules of section 408(m) shall apply for purposes of this section.

“(h) PENALTY FOR DISTRIBUTIONS NOT USED FOR QUALIFIED FAMILY DEVELOPMENT EXPENSES.—

“(1) IN GENERAL.—If any amount is distributed from a family development account and is not used exclusively to pay qualified family development expenses for the holder of the account or the spouse or dependent (as defined in section 152) of such holder, the tax imposed by this chapter for the taxable year of such distribution shall be increased by the sum of—

“(A) 100 percent of the portion of such amount which is includible in gross income and is attributable to amounts contributed under section 1400H (relating to demonstration program to provide matching amounts in renewal communities), and

“(B) 10 percent of the portion of such amount which is includible in gross income and is not described in paragraph (1).

For purposes of this subsection, the portion of a distributed amount which is attributable to amounts contributed under section 1400H is the amount which bears the same ratio to the distributed amount as the aggregate amount contributed under section 1400H to all family development accounts of the individual bears to the aggregate amount contributed to such accounts from all sources.

“(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS.—Paragraph (1) shall not apply to distributions which are—

“(A) made on or after the date on which the account holder attains age 59½,

“(B) made pursuant to subsection (e)(6),

“(C) made to a beneficiary (or the estate of the account holder) on or after the death of the account holder, or

“(D) attributable to the account holder's being disabled within the meaning of section 72(m)(7).

“SEC. 1400H. DEMONSTRATION PROGRAM TO PROVIDE MATCHING CONTRIBUTIONS TO FAMILY DEVELOPMENT ACCOUNTS IN CERTAIN RENEWAL COMMUNITIES.

“(a) DESIGNATION.—

“(1) DEFINITIONS.—For purposes of this section, the term 'FDA matching demonstration area' means any renewal community—

“(A) which is nominated under this section by each of the local governments and States which nominated such community for designation as a renewal community under section 1400D(a)(1)(A), and

“(B) which the Secretary of Housing and Urban Development, after consultation with—

“(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury, the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

“(ii) in the case of a community on an Indian reservation, the Secretary of the Interior,

designates as an FDA matching demonstration area.

“(2) NUMBER OF DESIGNATIONS.—The Secretary of Housing and Urban Development may designate not more than 25 renewal communities as FDA matching demonstration areas.

“(3) LIMITATIONS ON DESIGNATIONS.—

“(A) PUBLICATION OF REGULATIONS.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating a renewal community under paragraph (1)(A) (including procedures for coordinating such nomination with the nomination of an area for designation as a renewal community under section 1400D), and

"(ii) the manner in which nominated renewal communities will be evaluated for purposes of this section.

"(B) Time limitations.—The Secretary of Housing and Urban Development may designate renewal communities as FDA matching demonstration areas only during the 24-month period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed.

"(4) Designation based on degree of poverty, etc.—The rules of section 1400D(a)(3) shall apply for purposes of designations of FDA matching demonstration areas under this section.

"(b) Period for Which Designation is in Effect.—Any designation of a renewal community as an FDA matching demonstration area shall remain in effect during the period beginning on the date of such designation and ending on the date on which such area ceases to be a renewal community.

"(c) Matching Contributions to Family Development Accounts.—

"(1) In general.—Not less than once each taxable year, the Secretary shall deposit (to the extent provided in appropriation Acts) into a family development account of each qualified individual (as defined in section 1400G(f)) who is a resident throughout the taxable year of an FDA matching demonstration area an amount equal to the sum of the amounts deposited into all of the family development accounts of such individual during such taxable year (determined without regard to any amount contributed under this section).

"(2) Limitations.—

"(A) Annual limit.—The Secretary shall not deposit more than $1000 under paragraph (1) with respect to any individual for any taxable year.

"(B) Aggregate limit.—The Secretary shall not deposit more than $2000 under paragraph (1) with respect to any individual.

"(3) Exclusion from income.—Except as provided in section 1400G, gross income shall not include any amount deposited into a family development account under paragraph (1).

"SEC. 1400I. DESIGNATION OF EARNED INCOME TAX CREDIT PAYMENTS FOR DEPOSIT TO FAMILY DEVELOPMENT ACCOUNT.

"(a) In General.—With respect to the return of any qualified individual (as defined in section 1400G(f)) for the taxable year of the tax imposed by this chapter, such individual may designate that a specified portion (not less than $1) of any overpayment of tax for such taxable year which is attributable to the earned income tax credit shall be deposited by the Secretary into a family development account of such individual. The Secretary shall so deposit such portion designated under this subsection.

"(b) Manner and Time of Designation.—A designation under subsection (a) may be made with respect to any taxable year—

"(1) at the time of filing the return of the tax imposed by this chapter for such taxable year, or

"(2) at any other time (after the time of filing the return of the tax imposed by this chapter for such taxable year) specified in regulations prescribed by the Secretary.

Such designation shall be made in such manner as the Secretary prescribes by regulations.

"(c) Portion Attributable to Earned Income Tax Credit.—For purposes of subsection (a), an overpayment for any taxable year shall be treated as attributable to the earned income tax credit to the extent that such overpayment does not exceed the credit allowed to the taxpayer under section 32 for such taxable year.

"(d) Overpayments Treated as Refunded.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by this chapter (determined without regard to extensions) or, if later, the date the return is filed.

"PART IV—ADDITIONAL INCENTIVES

"Sec. 1400J. Commercial revitalization credit.

"Sec. 1400K. Increase in expensing under section 179.

"SEC. 1400K. INCREASE IN EXPENSING UNDER SECTION 179.

"(a) General Rule.—In the case of a renewal community business (as defined in section 1400F), for purposes of section 179—

"(1) the limitation under section 179(b)(1) shall be increased by the lesser of—

"(A) $35,000, or

"(B) the cost of section 179 property which is qualified renewal property placed in service during the taxable year, and

"(2) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified renewal property shall be 50 percent of the cost thereof.

"(b) Recapture.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified renewal property which ceases to be used in a renewal community by a renewal community business.

"(c) Qualified Renewal Property.—

"(1) General rule.—For purposes of this section—

"(A) In general.—The term 'qualified renewal property' means any property to which section 168 applies (or would apply but for section 179) if—

"(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after the date on which the designation of the renewal community took effect,

"(ii) the original use of which in a renewal community commences with the taxpayer, and

"(iii) substantially all of the use of which is in a renewal community and is in the active conduct of a qualified business (as defined in section 1400F(d)) by the taxpayer in such renewal community.

"(B) Special rule for substantial renovations.—In the case of any property which is substantially renovated by the taxpayer, the requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied. For purposes of the preceding sentence, property shall be treated as substantially renovated by the taxpayer only if, during any 24-month period beginning after the date on which the designation of the renewal community took effect, additions to basis with respect to such property in the hands of the taxpayer exceed the greater of (i) an amount equal to the adjusted basis at the beginning of such 24-month period in the hands of the taxpayer, or (ii) $5,000. '

"(2) Special rules for sale-leasebacks.—For purposes of paragraph (1)(A)(ii), if property is sold and leased back by the taxpayer within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback."

(b) Deduction for Contributions to Family Development Accounts Allowable Whether or Not Taxpayer Itemizes.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 (relating to adjusted gross income defined) is amended by inserting after paragraph (17) the following new paragraph:

"(18) Family development accounts.—The deduction allowed by section 1400G(a)(1)(A)."

SEC. 12. EXTENSION OF EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS FOR RENEWAL COMMUNITIES.

Section 198(c)(2)(A) of the Internal Revenue Code of 1986 (defining targeted area) is amended by striking "and" at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

"(iv) any renewal community designated under section 1400D, and".

SEC. 13. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR RENEWAL COMMUNITIES

(a) Extension.—Paragraph (4) of section 51(c) of the Internal Revenue Code of 1986 (relating to termination) is amended to read as follows:

"(4) Termination.—

"(A) In general.—The term 'wages' shall not include any amount paid or incurred to an individual who begins work for the employer—

"(i) after December 31, 1994, and before October 1, 1996, or

"(ii) after June 30, 1998.

"(B) Special rule for renewal communities.—If—

"(i) the employer is engaged in a trade or business in a renewal community throughout the 1-year period referred to in subsection (b)(2),

"(ii) the individual who begins work for the employer is a resident of such renewal community throughout such 1-year period, and

"(iii) substantially all of the services which such individual performs for the employer during such 1-year period are performed in such renewal community,

then subparagraph (A)(ii) shall be applied by substituting the last day for which the designation of such renewal community under section 1400D is in effect for 'June 30, 1998.'"

(b) Congruent Treatment of Renewal Communities and Enterprise Zones for Purposes of Youth Residence Requirements.—

(1) High-risk youth.—Subparagraphs (A)(ii) and (B) of section 51(d)(5) of such Code are each amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(2) Qualified summer youth employee.—Clause (iv) of section 51(d)(7)(A) of such Code is amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(3) Headings.—Paragraphs (5)(B) and (7)(C) of section 51(d) of such Code are each amended by inserting "OR COMMUNITY" in the heading after "ZONE".

SEC. 14. ALLOWANCE OF COMMERCIAL REVITALIZATION CREDIT.

Section 46 of the Internal Revenue Code of 1986 (relating to investment credit) is amended by striking "and" at the end of paragraph

(2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the commercial revitalization credit provided under section 1400J."

SEC. ___ 15. CONFORMING AND CLERICAL AMENDMENTS.

(a) Tax on Excess Contributions.—

(1) Tax imposed.—Subsection (a) of section 4973 of such Code is amended by striking "or" at the end of paragraph (2), adding "or" at the end of paragraph (3), and inserting after paragraph (3) the following new paragraph:

"(4) a family development account (within the meaning of section 1400G(e)),"

(2) Excess contributions.—Section 4973 of such Code is amended by adding at the end the following new subsection:

"(g) Family Development Accounts.—For purposes of this section, in the case of a family development account, the term 'excess contributions' means the sum of—

"(1) the excess (if any) of—

"(A) the amount contributed for the taxable year to the account (other than a qualified rollover, as defined in section 1400G(c)(7), or a contribution under section 1400H), over

"(B) the amount allowable as a deduction under section 1400G for such contributions, and

"(2) the amount determined under this subsection for the preceding taxable year reduced by the sum of—

"(A) the distributions out of the account for the taxable year which were included in the gross income of the payee under section 1400G(b)(1),

"(B) the distributions out of the account for the taxable year to which rules similar to the rules of section 408(d)(5) apply by reason of section 1400G(b)(3), and

"(C) the excess (if any) of the maximum amount allowable as a deduction under section 1400G for the taxable year over the amount contributed to the account for the taxable year (other than a contribution under section 1400H).

For purposes of this subsection, any contribution which is distributed from the family development account in a distribution to which rules similar to the rules of section 408(d)(4) apply by reason of section 1400G(b)(3) shall be treated as an amount not contributed."

(3) Heading.—The heading of section 4973 of such Code is amended by inserting "**FAMILY DEVELOPMENT ACCOUNTS,**" after "**CONTRACTS,**".

(b) Tax on Prohibited Transactions.—Section 4975 of such Code is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(6) Special rule for family development accounts.—An individual for whose benefit a family development account is established and any contributor to such account shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a family development account by reason of the application of section 1400G(d)(2) to such account.", and

(2) in subsection (e)(1), by striking "or" at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

"(F) a family development account described in section 1400G(e), or".

(c) Information Relating to Certain Trusts and Annuity Plans.—Subsection (c) of section 6047 of such Code is amended—

(1) by inserting "or section 1400G" after "section 219", and

(2) by inserting ", of any family development account described in section 1400G(e),", after "section 408(a)".

(d) Inspection of Applications for Tax Exemption.—Clause (i) of section 6104(a)(1)(B) of such Code is amended by inserting "a family development account described in section 1400G(e)," after "section 408(a),".

(e) Failure To Provide Reports on Family Development Accounts.—Section 6693 of such Code is amended—

(1) by inserting "**OR ON FAMILY DEVELOPMENT ACCOUNTS**" after "**ANNUITIES**" in the heading of such section, and

(2) in subsection (a)(2), by striking "and" at the end of subparagraph (C), by striking the period and inserting ", and" in subparagraph (D), and by adding at the end the following new subparagraph:

"(E) section 1400G(g)(7) (relating to family development accounts)."

(f) Conforming Amendments Regarding Commercial Revitalization Credit.—

(1) Section 39(d) of such Code is amended by adding at the end the following new paragraph:

"(9) No carryback of section 1400J credit before date of enactment.—No portion of the unused business credit for any taxable year which is attributable to any commercial revitalization credit determined under section 1400J may be carried back to a taxable year ending before the date of the enactment of section 1400J."

(2) Subparagraph (B) of section 48(a)(2) of such Code is amended by inserting "or commercial revitalization" after "rehabilitation" each place it appears in the text and heading.

(3) Subparagraph (C) of section 49(a)(1) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) the portion of the basis of any qualified revitalization building attributable to qualified revitalization expenditures."

(4) Paragraph (2) of section 50(a) of such Code is amended by inserting "or 1400J(d)(2)" after "section 47(d)" each place it appears.

(5) Subparagraph (A) of section 50(a)(2) of such Code is amended by inserting "or qualified revitalization building (respectively)" after "qualified rehabilitated building".

(6) Subparagraph (B) of section 50(a)(2) of such Code is amended by adding at the end the following new sentence: "A similar rule shall apply for purposes of section 1400J."

(7) Paragraph (2) of section 50(b) of such Code is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting "; and", and by adding at the end the following new subparagraph:

"(E) a qualified revitalization building (as defined in section 1400J) to the extent of the portion of the basis which is attributable to qualified revitalization expenditures (as defined in section 1400J)."

(8) Subparagraph (C) of section 50(b)(4) of such Code is amended—

(A) by inserting "or commercial revitalization" after "rehabilitated" in the text and heading, and

(B) by inserting "or commercial revitalization" after "rehabilitation".

(9) Subparagraph (C) of section 469(i)(3) is amended—

(A) by inserting "or section 1400J" after "section 42"; and

(B) by striking "CREDIT" in the heading and inserting "AND COMMERCIAL REVITALIZATION CREDITS".

(g) Clerical Amendments.—

(1) The table of subchapters for chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Subchapter X. Renewal Communities."

(2) The table of parts for subchapter X of chapter 1 of such Code (as added by subtitle A) is amended by adding at the end the following new items:

"Part II. Renewal community capital gain and stock.
"Part III. Family development accounts.
"Part IV. Additional Incentives."

(3) The table of sections for chapter 43 of such Code is amended by striking the item relating to section 4973 and inserting the following new item:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, medical savings accounts, certain section 403(b) contracts, family development accounts, and certain individual retirement annuities."

(4) The table of sections for part I of subchapter B of chapter 68 of such Code is amended by striking the item relating to section 6693 and inserting the following new item:

"Sec. 6693. Failure to provide reports on individual retirement accounts or annuities or on family development accounts; penalties relating to designated nondeductible contributions."

Subtitle C—Additional Provisions

SEC. ___ 21. TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING IN RENEWAL COMMUNITIES TO LOCAL GOVERNMENTS.

(a) Transfer Requirement.—Pursuant to the authority under section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, the Secretary shall transfer ownership of any qualified HUD property to the unit of general local government having jurisdiction for the area in which the property is located in accordance with this section, but only if the unit of general local government enters into an agreement with the Secretary meeting the requirements of subsection (d).

(b) Qualified HUD Properties.—For purposes of this section, the term "qualified HUD property" means any unoccupied multifamily housing, project, substandard multifamily housing project, or unoccupied single family property, that is—

(1) owned by the Secretary; and

(2) located within a renewal community.

(c) Timing of Transfer.—Any transfer of ownership required under subsection (a) shall be completed—

(1) with respect to any multifamily housing project or single family property that is acquired by the Secretary before the date on which the area in which property is located is designated as a renewal community and that is substandard or unoccupied (as applicable) upon such date, not later than 1 year after such date; and

(2) with respect to any multifamily housing project or single family property that is acquired by the Secretary on or after the date on which the area in which the property

is located is designated as a renewal community, not later than 1 year after—

(A) the date on which the project is determined to be substandard or unoccupied (as applicable), in the case of a property that is not unoccupied or substandard upon acquisition by the Secretary; or

(B) the date on which the project is acquired by the Secretary, in the case of a property that is substandard or unoccupied (as applicable) upon such acquisition.

(d) AGREEMENTS TO SELL PROPERTY TO COMMUNITY DEVELOPMENT CORPORATIONS.—An agreement described in this subsection is an agreement that requires a unit of general local government to dispose of the qualified HUD property acquired by the unit of general local government in accordance with the following requirements:

(1) NOTIFICATION TO COMMUNITY DEVELOPMENT CORPORATIONS.—Not later than 30 days after the date on which the unit of general local government acquires title to the property under subsection (a), the unit of general local government shall notify each community development corporation located in the State in which the property is located—

(A) of such acquisition of title; and

(B) that, during the 6-month period beginning on the date on which such notification is made, such community development corporations shall have the exclusive right under this subsection to make bona fide offers to purchase the property on a cost recovery basis.

(2) RIGHT OF FIRST REFUSAL.—During the 6-month period described in paragraph (1)(B)—

(A) the unit of general local government may not sell or offer to sell the qualified HUD property other than to a party notified under paragraph (1), unless each community development corporation required to be so notified has notified the unit of general local government that the corporation will not make an offer to purchase the property; and

(B) the unit of general local government shall accept a bona fide offer to purchase the property made during such period if the offer is acceptable to the unit of general local government, except that a unit of general local government may not sell a property to a community development corporation during that 6-month period other than on a cost recovery basis.

(3) OTHER DISPOSITION.—During the 6-month period beginning on the expiration of the 6-month period described in paragraph (1)(B), the unit of general local government shall dispose of the property on a negotiated, competitive bid, or other basis, on such terms as the unit of general local government deems appropriate.

(e) SATISFACTION OF INDEBTEDNESS.—Before transferring ownership of any qualified HUD property pursuant to subsection (a), the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by—

(1) canceling the indebtedness; or

(2) reimbursing the unit of general local government to which the property is transferred for the amount of the indebtedness.

(f) DETERMINATION OF STATUS OF PROPERTIES.—To ensure compliance with the requirements of subsection (c), the Secretary shall take the following actions:

(1) UPON DESIGNATION OF RENEWAL COMMUNITIES.—Upon the designation of any renewal community, the Secretary shall promptly assess each residential property owned by the Secretary that is located within such renewal community to determine whether such property is a qualified HUD property.

(2) UPON ACQUISITION.—Upon acquiring any residential property that is located with a renewal community, the Secretary shall promptly determine whether the property is a qualified HUD property.

(3) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

(g) TENANT LEASES.—This section shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

(h) PROCEDURES.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary shall establish, by rule, regulation, or order, such procedures as may be necessary to carry out this section.

(i) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COMMUNITY DEVELOPMENT CORPORATION.—The term "community development corporation" means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

(2) COST RECOVERY BASIS.—The term "cost recovery basis" means, with respect to any sale of a residential property by a unit of general local government to a community development corporation under subsection (d)(2), that the purchase price paid by the community development corporation is less than or equal to the costs incurred by the unit of general local government in connection with such property during the period beginning on the date on which the unit of general local government acquires title to the property under subsection (a) and ending on the date on which the sale is consummated.

(3) LOW-INCOME FAMILIES.—The term "low-income families" has the meaning given the term in section 3(b) of the United States Housing Act of 1937.

(4) MULTIFAMILY HOUSING PROJECT.—The term "multifamily housing project" has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

(5) RENEWAL COMMUNITY.—The term "renewal community" means an area designated (under subchapter X of chapter 1 of the Internal Revenue Code of 1986) as a renewal community.

(6) RESIDENTIAL PROPERTY.—The term "residential property" means a property that is a multifamily housing project or a single family property.

(7) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(8) SEVERE PHYSICAL PROBLEMS.—The term "severe physical problems" means, with respect to a dwelling unit, that the unit—

(A) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

(B) on not less than 3 separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

(C) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced 3 or more blown fuses or tripped circuit breakers during the preceding 90-day period;

(D) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

(E) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

(9) SINGLE FAMILY PROPERTY.—The term "single family property" means a 1- to 4-family residence.

(10) SUBSTANDARD.—The term "substandard" means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

(11) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" has the meaning given the term in section 102(a) of the Housing and Community Development Act of 1974.

(12) UNOCCUPIED.—The term "unoccupied" means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

SEC. 22. CRA CREDIT FOR INVESTMENTS IN COMMUNITY DEVELOPMENT ORGANIZATIONS LOCATED IN RENEWAL COMMUNITIES.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(c) INVESTMENTS IN CERTAIN COMMUNITY DEVELOPMENT ORGANIZATIONS.—In assessing and taking into account, under subsection (a), the record of a regulated financial institution, the appropriate Federal financial supervisory agency may consider, as a factor, investments of the institution in, and capital investment, loan participation, and other ventures undertaken by the institution in cooperation with, any community development organization (as defined in section 234 of the Bank Enterprise Act of 1991) which is located in a renewal community (as designated under section 1400D of the Internal Revenue Code of 1986).".

SEC. 23. CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION.

(a) IN GENERAL.—Section 404(a) (relating to deduction for contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan) is amended by adding at the end the following new paragraph:

"(11) DETERMINATIONS RELATING TO DEFERRED COMPENSATION.—

"(A) IN GENERAL.—For purposes of determining under this section—

"(i) whether compensation of an employee is deferred compensation, and

"(ii) when deferred compensation is paid, no amount shall be treated as received by the employee, or paid, until it is actually received by the employee.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to severance pay."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by subsection (a) to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

SEC. 24. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 1999.

BENNETT (AND HATCH) AMENDMENTS NOS. 1713–1714

(Order to lie on the table.)

Mr. BENNETT (for himself and Mr. HATCH) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1713

At the end of subtitle A of title I, add the following:

SEC. 11 . TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE.—The purpose of this section is to authorize the provision of assistance for, and support of, State and local efforts concerning surface transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—Notwithstanding any other provision of law, from funds available to carry out section 104(k) of title 23, United States Code, the Secretary may give priority to funding for a transportation project relating to an international quadrennial Olympic or Paralympic event if—

(1) the project meets the extraordinary needs associated with an international quadrennial Olympic or Paralympic event; and

(2) the project is otherwise eligible for assistance under section 104(k) of that title.

(c) TRANSPORTATION PLANNING ACTIVITIES.—The Secretary may participate in—

(1) planning activities of States and metropolitan planning organizations and transportation projects relating to an international quadrennial Olympic or Paralympic event under sections 134 and 135 of title 23, United States Code; and

(2) developing intermodal transportation plans necessary for the projects in coordination with State and local transportation agencies.

(d) FUNDING.—Notwithstanding section 541(a) of title 23, United States Code, from funds made available under that section, the Secretary may provide assistance for the development of an Olympic and a Paralympic transportation management plan in cooperation with an Olympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic or Paralympic event.

(e) TRANSPORTATION PROJECTS RELATING TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—The Secretary may provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event.

(2) FEDERAL SHARE.—The Federal share of the cost of a project assisted under this subsection shall not exceed 80 percent.

(f) ELIGIBLE GOVERNMENTS.—A State or local government shall be eligible to receive assistance under this section only if the government is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for each of fiscal years 1998 through 2003.

AMENDMENT NO. 1714

At the appropriate place, insert the following:

SEC. . TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE; DEFINITIONS.—

(1) PURPOSE.—The purpose of this section is to provide assistance and support to State and local efforts on surface and aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(2) DEFINITION.—In this section, the term "Secretary" means the Secretary of Transportation.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may give priority to funding for a mass transportation project related to an international quadrennial Olympic or Paralympic event to carry out 1 or more of sections 5303, 5307, and 5309 of title 49, United States Code, if the project—

(A) in the determination of the Secretary, will meet extraordinary transportation needs associated with an international quadrennial Olympic or Paralympic event; and

(B) is otherwise eligible for assistance under the section at issue.

(2) CONTRACTUAL OBLIGATION.—A grant or a contract for a project described in paragraph (1), approved by the Secretary and funded with amounts made available under this subsection, is a contractual obligation to pay the Government's share of the cost of the project.

(3) NON-FEDERAL SHARE.—For purposes of determining the non-Federal share of a project funded under this subsection, highway and transit projects shall be considered to be a program of projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Mass Transit Account of the Highway Trust Fund such sums as may be necessary to carry out this subsection.

(c) TRANSPORTATION PLANNING ACTIVITIES.—Notwithstanding any other provision of law, the Secretary may participate in—

(1) planning activities of State and metropolitan planning organizations, and project sponsors, for a transportation project related to an international quadrennial Olympic or Paralympic event under sections 5303 and 5305a of title 49, United States Code; and

(2) developing intermodal transportation plans necessary for transportation projects described in paragraph (1), in coordination with State and local transportation agencies.

(d) TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) GENERAL AUTHORITY.—The Secretary may provide assistance to State and local governments, and an Olympic Organizing Committee responsible for hosting an international quadrennial Olympic or Paralympic event, in carrying out transportation projects related to an international quadrennial Olympic or Paralympic event. Such assistance may include planning, capital, and operating assistance.

(2) NON-FEDERAL SHARE.—The Federal share of the costs of any transportation project assisted under this subsection shall not exceed 80 percent. For purposes of determining the non-Federal share of a project assisted under this subsection, highway and transit projects shall be considered to be a program of projects.

(e) ELIGIBLE GOVERNMENTS.—A State or local government is eligible to receive assistance under this section only if it is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(f) AIRPORT DEVELOPMENT PROJECTS.—

(1) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.".

(2) DISCRETIONARY GRANTS.—Section 47115(d) of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic or Paralympic events.".

(g) GRANT OR CONTRACT TERMS AND CONDITIONS.—Notwithstanding any other provision of law, a grant or contract funded under this section shall be subject to such terms and conditions as the Secretary may determine, including the waiver of planning and procurement requirements.

(h) USE OF FUNDS BEFORE APPORTIONMENTS AND ALLOCATIONS.—Notwithstanding any other provision of law, funds made available under section 5307 of title 49, United States Code, may be used by the Secretary for projects funded under this section before apportioning or allocating funds to States, metropolitan planning organizations, or transit agencies.

(i) USE OF APPROPRIATIONS.—From amounts made available to carry out sections 5303, 5307, and 5309 of title 49, United States Code, in each of fiscal years 1998 through 2003, the Secretary may use such amounts as may be necessary to carry out this section.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and

Forestry be allowed to meet during the session of the Senate on Thursday, March 5, 1998, at 9 a.m. in SR-328A. The purpose of this meeting will be to hold a hearing examining the Kyoto treaty on climate change and its effect on the agricultural economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 5, 1998, at 10 a.m. in open session, to receive testimony on the role of the Department of Defense in countering the transnational threats of the 21st century.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 5, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY1999 for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 5, 1998, at 4 p.m. for a business meeting. The agenda will be the approval of the Committee Report on the Special Investigation of Illegal and Improper Activities in Connection with 1996 Federal Election Campaigns.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, March 5, 1998, at 10 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, Subcommittee on Children and Families, be authorized to meet for a hearing on after school child care during the session of the Senate on Thursday, March 5, 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Thursday, March 5, 1998, at 2 p.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Immigration and Naturalization Service Oversight: Reforming the Naturalization Process."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 5, 1998, at 2 p.m. on commercialization of space.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF LT. COL. EILEEN COLLINS, THE FIRST WOMAN SELECTED TO COMMAND A MISSION OF THE SPACE SHUTTLE

• Mr. MOYNIHAM. Mr. President, I rise to recognize the accomplishments of Lt. Col. Eileen Collins, a New York native who earlier this morning was named the first female space shuttle commander by first lady Hillary Rodham Clinton.

Ms. Collins was born in Elmira, New York and graduated from the Elmira Free Academy in 1974. She received her associate's degree in mathematics and science from Corning Community College in 1976, and a Bachelor of Arts degree in mathematics from Syracuse University in 1978. Ms. Collins later received graduate degrees in operations research and space systems management at Stanford University and Webster University.

Ms. Collins has logged over 4,700 hours in thirty different types of aircraft. She was an assistant professor of mathematics at the Air Force Academy in Colorado from 1986 to 1989 and also served as an instructor pilot during her time there. Her many awards include the Department of Defense Superior Service Medal, the Armed Forces Expeditionary Medal for service in Grenada, and the NASA Space Flight Medal.

Lt. Col. Collins has soared to great heights, both literally and figuratively. She is, in several senses, a modern day pioneer. Her career has already been distinguished by efforts to push forward the frontiers of knowledge, through her work as a scientist and as a professor. She has contributed to efforts to bridge gaps between Russia and the United States, through her service as the first woman to pilot the space shuttle during the first flight of the new joint Russian-American Space Program—a program which embodies our vision of a new era of international scientific collaboration. Moreover, she is a member of an elite cadre of women who have served in our astronaut program. Ms. Collins is one of only 27 women who have flown in the history of the U.S. space shuttle program, out of a total of 229 people. Today, she steps up to her place in history as the first woman to be assigned command of a space shuttle mission, and in so doing expands our national vision of the opportunities and possibilities open to all American women.

I am proud to claim Lt. Col. Collins as a native of New York State, and as a product of New York educational institutions through her undergraduate years. Good luck, congratulations, and Godspeed, Lt. Col. Collins.•

NEW HAMPSHIRE'S 1998 OLYMPIC GOLD MEDALISTS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Sarah Tueting, Gretchen Ulion, Katie King, Tarah Mounsey, Tricia Dunn, Sue Merz, Colleen Coyne and Karyn Bye, all distinguished athletes, for bringing home an Olympic gold medal in women's hockey. This gold medal symbolizes their dedication to excellence, relentless drive for greatness and unfailing crusade to become the best of the best.

It is a special honor to have these Granite Staters represent our country and the State of New Hampshire while competing in Nagano, Japan. Concord's Tara Mounsey and Salem's Katie King both went to Brown University in Rhode Island. Tricia Dunn, a resident of Derry graduated from the University of New Hampshire.

I also feel New Hampshire has a special claim to the Olympiads that attended Granite State Universities. Sarah Tueting and Gretchen Ulion both went to Dartmouth College. Sarah is from Winnetka, Illinois, and Gretchen is from Marlborough, Connecticut. Also, Colleen Coyne, Sue Merz, and Karyn Bye all went to the University of New Hampshire. Colleen is from East Falmouth, Massachusetts, Sue is from Greenwich, Connecticut, and Karyn is from River Falls, Wisconsin.

The team was a strong medal contender coming into the Games, however, the Canadian team had a stronger pre-Olympic record. Nonetheless, they beat the odds and prevailed. Team USA went undefeated, winning the final gold medal game against Team Canada, 3 to 1.

Their triumph created an immediate boom to women's hockey. Like pioneers, they have forged ahead in a sport historically not common for women and have proven to the world that it is no longer a sport just for men. As a result, they have become a catalyst for significant change in the interest of women's hockey. Already, local skating rinks across the country are reporting huge increases in lesson sign-ups.

These young Americans have reached the pinnacle of success, achieved what most only dream about, and have proven once again that Americans continue to achieve great feats. They are very much like diplomats, proudly representing America and delivering a superb performance in the world arena of Olympiads.

This Olympic team best exemplifies the qualities of a winning team. Four words come to mind that best represent the tools they used to bring home the gold: teamwork, dedication, hard work, and perseverance. Their attributes are an example for all that inspire others to succeed and reach that dream of dreams.

As a participant in the Olympics, they have joined an elite group of athletes who have continued a tradition rooted since the days of the ancient Greeks. The Olympics are a time when countries come together and put aside their differences to celebrate not only competition but humanity. It is a gathering of diverse cultures, beliefs and traditions which are brought together for a common cause. This event, for which these women have worked so hard is one of the few times the world can concur this way. To not only attend the Olympics but to win a gold medal is an honor of which they should all be proud.

Mr. President, I want to congratulate Sarah Tueting, Tarah Mounsey, Tricia Dunn, Sue Merz, Colleen Coyne and Karyn Bye for their outstanding accomplishments and I am proud to represent them in the U.S. Senate.•

INTERNATIONAL WOMEN'S DAY

• Mr. FEINGOLD. Mr. President, this weekend, on Sunday, March 8, 1998, the world community will celebrate International Women's Day. This day is a time to mark the achievements and progress of women around the world, but also to consider the long road we still have to travel to reach equality and respect for the basic human rights for all women.

Many women and men will mark this day by reflecting on how far women have come in many societies and by continuing to work toward true equality for women all across the globe. The United States has a lot to be proud of in this regard. Women make significant contributions at every level of our society, including in this distinguished body.

Unfortunately, a large number of women will not even know of this day, which is meant to be a celebration of their achievements and accomplishments. On International Women's Day, many women will continue to be subjugated by their husbands or their governments, and many will be unaware of the basic human rights to which they are entitled as members of the world community. In cities and towns all over the world—including in the United States—International Women's Day will be just another day in the long struggle for women to achieve equal pay for equal work, full political and religious rights, access to adequate health care and child care, and the right to control their own destinies. It is troubling that, while women make up approximately 51 percent of the world's population, many of them have little or no civil or political rights.

As Ranking Member on the Subcommittee on African Affairs of the Senate Committee on Foreign Relations, I have had no opportunity to learn much about the status of women on that continent. The conditions into which women are born in Africa vary from country to country and impact greatly on their chances for a successful, happy life. According to the United Nations, baby girls born between 1995 and 2000 in the West African country of Sierra Leone can expect to live approximately 39 years, the lowest for women born on that continent. In this small, war-torn nation, the infant mortality rate is 169 per 1,000 live births, the highest in Africa.

By contrast, the United Nations says, baby girls born in the United States during the same period, 1995–2000, can expect to live 80 years, more than twice as long as baby girls born in Sierra Leone. The infant mortality rate in this country is seven per 1,000 live births—162 less than that of Sierra Leone. The vast majority of baby girls born in the United States have a bright future ahead of them; their counterparts in Sierra Leone face instability and the constant threat of war. A baby girl born today in Wisconsin will share approximately 39 of her birthdays with a baby girl born today in Sierra Leone—sadly, it is unlikely that the baby girl in Sierra Leone will reach her 40th birthday.

In another war-torn African nation, Angola, the conditions are not much better. The thousands of unmarked landmines that riddle that country have contributed to the low 48-year life expectancy of Angolan women. According to the United Nations, women make up 46 percent of the nation's workforce, and 73 percent of women 15 and over contribute to the nation's economy. These women are indicative of those all over the African continent—and indeed all over the world. They literally carry the economy on their backs by producing handmade products and carrying them to markets, or single-handedly transporting bundles of wood or vessels of water for their families.

But, fortunately, not all of the women in Africa or the rest of the world experience such bleak circumstances. For example, women around the world have made great strides in business with the help of microcredit programs. These programs extend loans, often less than $100, to women who need assistance starting or expanding a small business. The benefits of these loans, which are almost always repaid, far exceed their monetary worth. Domestic and international microcredit programs have enabled thousands of women to find the confidence necessary to become self-sufficient and to support their families without government assistance—often for the first time.

In a 1997 speech commemorating International Women's Day, Secretary of State Madeleine K. Albright said, "Advancing the status of women is not only a moral imperative; it is being actively integrated into the foreign policy of the United States. It is our mission. It is the right thing to do, and, frankly, it is the smart thing to do." I wholeheartedly agree with this statement. I am pleased that the United States is taking an active role in the worldwide promotion of the rights of women. These efforts include working with the United Nations High Commissioner for Refugees to establish guidelines to protect female refugees from sexual and physical assault and exploitation. The United States is also working to ensure that the War Crimes Tribunals for Rwanda and the Former Yugoslavia will vigorously prosecute rape as a war crime. Too often, women have been the forgotten casualties of war. I am pleased that the United States government is working to ensure that female refugees are protected and that those who would use rape as a tactic of war are punished.

So, Mr. President, as the world prepares to celebrate International Women's Day, we should honor the achievements of women around the world, but we should not forget those who have little to celebrate.•

RECOGNITION OF ROSELLA SCHNAKENBERG

• Mr. BOND. Mr. President, I rise today to recognize Rosella Schnakenberg for her fifty years of service to First Community Bank in Ionia. On March 18, 1947, Rosella began working as a teller for the First Community Bank, then the Bank of Ionia. At the time she received a salary of $75 a month. Today she is Vice President and Facility Manager of the Bank and oversees the day-to-day operations.

Through the years Rosella has watched the economic ups and downs of the bank and through it all has made sure that people have received quality service and the assistance they need. Watching people start businesses, purchase homes and pay for their children's college education has allowed her to see first hand the help she has given to others.

In addition to Rosella's faithful service to her work, she is a community leader in Cole Camp, Missouri. She has been playing the organ at St. John's Lutheran Church in Cole Camp for more than fifty years and volunteers much of her free time to visiting nursing homes so that residents have company. I wish her continued success and congratulate her for fifty years of loyal service.●

RED CROSS MONTH

● Mr. SARBANES. Mr. President, I rise today to pay tribute to the achievement and service of the American Red Cross. March has been declared "Red Cross Month" by Presidential Proclamation, and I can think of no more appropriate a season to recognize an organization whose mission centers on renewing hope for the citizens of our Nation.

Founded in May, 1881 by Clara Barton, the American Red Cross was charged with providing emergency relief in times of war and natural disaster. Today, the American Red Cross is the largest grass-roots volunteer organization in the United States with 2658 chapters and over a million volunteers. I am pleased that the United States Congress had the foresight in 1905 to designate the American Red Cross as the lead voluntary agency responsible for national and international relief in times of peace. In over a century of service, this organization has grown from an idea borne from war to a national network on which people depend in times of crisis and calm alike.

My own State of Maryland recently suffered severe damage from two consecutive Nor'Easters which battered the coastline. Ocean City, a center of Maryland's summer tourism, and Assateague Island, one of the State's most critical natural resources, sustained high winds, wave action and tidal surges which leveled protective dunes, destroyed recreational beaches and caused severe damage to roads, parking lots, and bike trails. American Red Cross volunteers responded quickly to the needs of these communities by preparing shelters for evacuees, providing replacement food, clothing and basic furnishing to those in need, and helped to evaluate damage to homes of year round residents. I am personally very grateful for all that was done for these people in a time of unexpected loss and would like to thank the many volunteers who pitch in when "Help Can't Wait."

Although disaster relief is one of the most important and renowned roles of the American Red Cross, the local chapters offer many other critical services that serve to prevent emergencies and provide training. The Red Cross is perhaps best known for its work to ensure a safe blood supply and blood products for cancer patients, accident victims and others in need. Other important services include courses in CPR, First Aid, HIV/AIDS education, swimming lessons, life guarding, and disaster relief and preparedness training.

The American Red Cross also works closely with civic and educational entities to further their message and facilitate training. In Maryland, a newly formulated "Safe Families—Safe Kids" Campaign will be presented to schoolchildren from kindergarten to third grade in Baltimore City and counties throughout the State. This program will address safety concerns for children and families, including fire and injury prevention and interaction with strangers.

The activities of the American Red Cross are innumerable and their contributions to the health and wellbeing of our society are invaluable. What is clear, this month and throughout the entire year, is that the tradition of service and the value of community responsibility thrives in the actions of this historic organization. I urge my colleagues to join me in applauding those who are taking part in the oldest and best of America's traditions—the spirit of service.●

HEALTHY KIDS ACT

● Mr. DORGAN. Mr. President, recently I cosponsored legislation authored by my colleague from North Dakota, Senator CONRAD, which addresses a serious threat to public health: youth smoking. Every day 3,000 kids take up smoking, and tragically, 1,000 of them will eventually die of tobacco-related illnesses. Since research has shown that 90 percent of all smokers begin smoking in their teens or younger, we must do more to prevent our children from becoming hooked on tobacco.

The Healthy Kids Act, S. 1638, takes the tobacco settlement negotiated by several states' attorneys general last summer and strengthens it. The bill provides the Food and Drug Administration with full authority to regulate tobacco. This would protect FDA's ability to, among other things, require health warnings on tobacco products, prohibit advertising aimed at children and insure the safety of tobacco ingredients. The bill imposes penalties on tobacco companies if they fail to reduce youth smoking rates by 67 percent over the next 10 years and funds research, prevention and smoking cessation programs. The bill also requires tobacco companies to make public their documents related to the health effects of smoking, manipulation of nicotine levels in tobacco and their efforts to market tobacco products to minors.

Finally, the legislation would impose a health fee on tobacco products of 50 cents per pack in 1999, increasing to $1.50 per pack in 2001. While I have some concern about the level of this new fee, it has two important goals. The first, and most important, is to discourage children from taking up smoking. Most experts agree that a substantial increase in the price of cigarettes is the most effective way to reduce teen smoking. Secondly, this new fee rightly asks smokers to pay for some of the costs to states and the federal government of treating smoking-related health problems.

I don't agree with every provision in S. 1638, but I cosponsored it because I believe it is important that Congress pass comprehensive legislation to combat youth smoking this year. Tobacco should continue to be a legal product for adults, but we need to do more to keep it out of the hands of children and we must hold the tobacco industry accountable for their efforts to hook our kids.●

TRIBUTE TO DR. WENDELL C. SOMERVILLE

● Mr. ROBB. Mr. President, I rise today to note the death of Dr. Wendell C. Somerville, who passed away on Sunday, December 28, 1997.

Dr. Somerville served his nation in the United States Navy and, at the age of 27, received his call to preach. In 1927, he was ordained in the Mill Neck Baptist Church of Como, North Carolina, by a council consisting of representatives of seven churches. From that time until his death, he pastored the First Baptist Church in Rocky Mount, North Carolina and, in 1934, he served as the first full-time Executive Secretary for the General Baptist State Convention.

By 1940, Dr. Somerville took on the assignment for which he is most remembered: Executive Secretary of the Lott Carey Baptist Foreign Mission Convention, an organization to which dozens of Virginia churches belong. He served with distinction in this position for more than 55 years when he was unanimously elected Executive Secretary-Treasurer Emeritus, an office he held until his death. During his active tenure, he traveled extensively, making 28 trips aboard and one around the world where he met with foreign leaders in an effort to spread his positive message.

We cherish his memory as his work touched the lives of men, women and youth alike. Mr. President, I commend to the United States Senate and to the American people the life and public service of Dr. Wendell C. Somerville.●

URBAN POLICY, THE RICE FOUNDATION AND NEW YORK UNIVERSITY

● Mr. MOYNIHAN. Mr. President, I rise today to call our attention to a most significant event to be held next week. On March 10, 1998, New York University will honor the generosity and vision of Henry Hart Rice with the first ever Henry Hart Rice Urban Policy Forum on "The Revitalization of New York City."

The moderator will be Dr. Mitchell L. Moss who has fittingly been named the Henry Hart Rice Professor of Urban Policy and Planning, a newly endowed chair at New York University. In addition to honoring the remarkable legacy and vision of Mr. Rice, this new chair, according to University President, L. Jay Oliva, "will play a major role in supporting undergraduate programs in urban policy that will be available to students from all schools of the University."

The study of urban policy is vital to the future of New York and our nation. Appropriate that it is carried out by as vital and lively an institution as NYU. But let us not lose sight of our history as we look forward. For the longest while we in New York defined ourselves by spectacular public works. The Croton Aqueduct, 1842—pick and shovel all the way for 41 miles to 42nd Street. We built Central Park in two years—more gunpowder than was used at Gettysburg. The Empire State Building —a public work really—14 months. Steam power. But the plain fact is that we have developed a civic culture in which prestige more often goes to those who prevent the city from developing than to those who enable it. The time has come to ask how this came about, and how it might be reversed.

Thus, it is with great anticipation that we look to Professor Moss, the esteemed participants in the Henry Hart Rice Urban Policy Forum, and the committed leaders at NYU, to lead us toward this end.●

FOSTERING FRIENDSHIP AND CO-OPERATION BETWEEN THE UNITED STATES-MONGOLIA

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 320, S. Con. Res 60.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 60) expressing the sense of the Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 60) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 60

Whereas in 1990, Mongolia renounced the Communist form of government and peacefully adopted a series of changes that linked economic development with democratic political reforms;

Whereas the Mongolian people have held 12 presidential elections and 3 parliamentary elections since 1990, all featuring vigorous campaigns by candidates from multiple political parties;

Whereas these elections have been free from violence, voter intimidation, and ballot irregularities, and the peaceful transfer of power from one Mongolian government to another has been successfully completed, demonstrating Mongolia's commitment to peace, stability, and the rule of law;

Whereas every Mongolian government since the end of communism has dedicated itself to promoting and protecting individual freedoms, the rule of law, respect for human rights, freedom of the press, and the principle of self-government, thereby demonstrating that Mongolia is consolidating democratic gains and moving to institutionalize democratic processes;

Whereas Mongolia stands apart as one of the few countries in central and southeast Asia that is truly a fully functioning democracy;

Whereas the efforts of Mongolia to promote economic development through free market economic policies, while also promoting human rights and individual liberties, building democratic institutions, and protecting the environment, serve as a beacon to freethinking people throughout the region and the world;

Whereas the commitment of Mongolia to democracy makes it a critical element in efforts to foster and maintain regional stability throughout central and southeast Asia;

Whereas Mongolia has some of the most pristine environments in the world, which provide habitats to plant and animal species that have been lost elsewhere, and has shown a strong desire to protect its environment through the Biodiversity Conservation Action Plan while moving forward with economic development, thus service as a model for developing nations in the region and throughout the world;

Whereas Mongolia has demonstrated a strong commitment to the same ideals that the United States stands for as a nation, and has indicated a strong desire to deepen and strengthen its relationship with the United States;

Whereas the Mongolian Government has established civilian control of the military—a hallmark of democratic naions—and is now working with parliamentary and military leaders in Mongolia, through the United States International Military Education and Training program, to further develop oversight of the Mongolia military; and

Whereas Mongolia is seeking to develop political and military relationships with neighboring countries as a means of enhancing regional stability: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress—

(A) strongly supports efforts by the United States and Mongolia to use the resources of their respective countries to strengthen political, economic, educational, and cultural ties between the two countries;

(B) confirms the commitment of the United States to an independent, sovereign, secure, and democratic Mongolia;

(C) applauds and encourages Mongolia's simultaneous efforts to develop its democratic and free market institutions;

(D) supports future contacts between the United States and Mongolia in such a manner as will benefit the parliamentary, judicial, and political institutions of Mongolia, particularly through the creation of an interparliamentary exchange between Congress of the United States and the Mongolian parliament;

(E) supports the efforts of the Mongolia parliament to establish United States-Mongolia Friendship Day;

(F) encourages the efforts of Mongolia toward economic development that is compatible with environmental protection and supports an exchange of ideas and information with respect to such efforts between Mongolia and United States scientists;

(G) commends Mongolia for its foresight in environmental protection through the Biodiversity Conservation Action Plan and encourages Mongolia to obtain the goals illustrated in the plan; and

(H) commends the efforts of Mongolia to strengthen civilian control over the Mongolia military through parliamentary oversight and recommends that Mongolia be admitted into the Partnership for Peace initiative at the earliest opportunity; and

(2) it is the sense of Congress that the President—

(A) should, both through the vote of the United States in international financial institutions and in the administration of the bilateral assistance programs of the United States, support Mongolia in its efforts to expand economic opportunity through free market structures and policies;

(B) should assist Mongolia in its efforts to integrate itself into international economic structures, such as the World Trade Organization; and

(C) should promote efforts to increase commercial investment in Mongolia by United States businesses and should promote policies which will increase economic cooperation and development between the United States and Mongolia.

ORDERS FOR FRIDAY, MARCH 6, 1998

Mr. CHAFEE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, March 6, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1173, the ISTEA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Mr. President, tomorrow, the Senate will resume consideration of S. 1173, the so-called ISTEA legislation. Under the consent agreement, from 9:30 a.m. to 11 a.m., the

Senate will conclude debate on the McConnell amendment regarding contract preferences, with debate equally divided between the opponents and proponents, with 45 minutes of that time equally divided between Senators CHAFEE and BAUCUS. Also, under the agreement, at 11 a.m., the Senate will proceed to a vote on or in relation to the McConnell amendment. Following that vote, the Senate will continue to consider amendments to the ISTEA legislation.

In addition, the Senate may also consider any legislative or executive business cleared for floor action. Therefore, additional votes are possible.

As a reminder to all Members, the first rollcall vote tomorrow will occur at 11 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CHAFEE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Friday, March 6, 1998, at 9:30 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF CITIZENS PROTECTION ACT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. MCDADE. Mr. Speaker, I introduced bipartisan legislation this morning, along with my colleague, JACK MURTHA, that will safeguard the citizens of this nation from unfair, abusive and unethical conduct by employees of the Department of Justice. The bill, which we have named the Citizens Protection Act, will also insure that the Department is not able to exempt its own attorneys from the same State laws and rules of ethics as all other attorneys in this country.

The rights and freedoms of our citizens will come under increasing danger if we continue to allow the Justice Department to police itself in secret and exempt itself from regular rules of attorney conduct. We must strengthen oversight of the Department and shine a bright light on prosecutorial misconduct.

The bill establishes clear standards of conduct for Department of Justice employees and makes them accountable for any misconduct. Our legislation makes it a punishable offense for any DOJ employee to engage in such actions as leaking information during an investigation, seeking the indictment of any person without probable cause and failing to release information that would exonerate a person under indictment. It also defines such actions as intentionally misleading a court as to the guilt of any person and knowingly misstating or altering evidence as punishable offenses.

An independent review board is created to monitor compliance with those standards. The board would have the authority to impose penalties such as probation, demotion, suspension and dismissal of those found guilty of charges of misconduct. All meetings of the board will be open to the public.

For the information of my colleagues, I am submitting for publication in the CONGRESSIONAL RECORD a partial list of specific instances of prosecutorial misconduct in federal cases which was prepared by the Congressional Research Service at my request.

The second part of the bill insures that the Department of Justice, through attempts at self-regulation, cannot exempt its lawyers from the same rules of ethics that govern the professional conduct of all other attorneys. These rules are currently enforced, and must continue to be enforced, by the state supreme courts. The legislation affirms a U.S. Court of Appeals ruling on January 6 which concludes that the Attorney General lacks statutory authority to promulgate a rule allowing government attorneys to engage in ex parte communications with persons represented by an attorney.

Concerns about the DOJ's attempts at self-regulation have been expressed by the American Bar Association, the Conference of Chief Justices and the National Association of Criminal Defense Lawyers.

I urge my colleagues to cosponsor this legislation, which responsibly checks the potential for misconduct and self-regulation without impeding the mission of the Department of Justice.

SPECIFIC INSTANCES OF PROSECUTORIAL MISCONDUCT PREPARED BY THE CONGRESSIONAL RESEARCH SERVICE

APPENDIX I

COMPOSITE LIST

PRE-TRIAL

INVESTIGATIONS/CASE PREPARATION

Allowing informants to exercise effective unguided prosecutorial discretion: *United States* v. *Taylor*, 956 F.Supp. 622, 658–60 (D.S.C. 1997)(1).

Bombarding individual with undercover solicitations to commit a crime whose prosecution is characterized to targeted individual as constitutionally suspect: *Jacobson* v. *United States*, 503 U.S. 540 (1992)(2).

INTENTIONAL WITNESS INTIMIDATION

Badgering witnesses, themselves under indictment, while promising the indictments against them will be dismissed if they testify for the government: *United States* v. *LaFunente*, 54 F.3d 457, 461–62 (8th Cir. 1995)(1).

Threatening a witness with loss of immunity from prosecution if he testifies for the defense: *United States* v. *Schlei*, 122 F.3d 944 991-93 (11th Cir. 1997)(1).

Threatening to prosecute: *United States* v. *Smith*, 478 F.2d 976, 979 (D.C. Cir. 1973)(2).

Interviewing witness before the beginning of the case for the defense during which the prospect of incrimination was discussed: *United States* v. *Morrison*, 535 F.2d 223, 228 (3d Cir. 1976)(2).

"Prosecutor's eleventh hour telephone call to witness's attorney reminding him of potential fifth amendment problem if witness took the stand": *United States* v. *MacCloskey*, 682 F.2d 468, 479 (4th Cir. 1982)(2).

Conditioning a potential defense witness's plea bargain on his continued agreement not to testify at the trial of the accused: *United States* v. *Henricksen*, 564 F.2 197, 198 (5th Cir. 1977)(2).

DECISION TO CHARGE

United States v. *Wayte*, 479 U.S. 598 608 (1985) ("the decision to prosecute may not be based upon an unjustifiable standard such as race, religion, or other arbitrary classification, including the exercise of protected statutory and constitutional rights")(3).

Selective Prosecution

On the basis of race: *United States* v. *Armstrong*, 116 S. Ct. 1480 (1996)(3).

On the basis of religion: *United States* v. *Cyprian*, 23 F. 3d 1189, 1195–196 (7th Cir. 1994)(3).

On the basis of gender: *United States* v. *Redobndo-Lemos*, 955 F. 2d 1296, 1298–1300 (9th Cir. 1992)(3).

Solely on the basis of national origin: *United States* v. *Al Jibori*, 90 F. 3d 22, (2d Cir. 1996)(3).

Based on the exercise of First Amendment rights: *United States* v. *Bayless*, 923 F. 2d 70, 72 (7th Cir. 1991); *United States* v. *Steele*, 461 F. 2d 1148 (9th Cir. 1972)(2).

Vindictive Prosecution

Prosecution based on prior invocation of constitutional rights (ordinarily rights of criminally accused): *United States* v. *Godwin*, 457 U.S. 368, 372–80 (1982)(3).

Prosecuting, when considering the evidence as a whole, there is no probable cause: *United States* v. *Ramming*, 915 F. Supp. 854, 867–69 (S.D. Tex. 1996)(1).

Securing incriminating statements from the accused with assurances that he or she would not be prosecuted: *United States* v. *Dudden*, 65 F. 3d 1461, 1468–469 (9th Cir. 1995) (1).

Prosecuting in breach of a plea agreement: *United States* v. *Holloway*, 74 F. 3d 249, 251 (11th Cir. 1996)(1); *United States* v. *Digregorio*, 795 F. 2d 630, 638 (S.D.N.Y. 1992), citing *United States* v. *Fields*, 592 F. 2d 638 647–48 (2d Cir. 1979), inter alia (3).

Abuse of the Grand Jury Process

Currying the favor of a grand jury panel: *United States* v. *Breslin*, 916 F. Supp. 438, 442, 443 (E.D.Pa. 1996)(1).

Encouraging the grand jury to act with unnecessary haste: *United States* v. *Breslin*, 916 F. Supp. at 443, 445 (E.D.Pa. 1996)(1).

Misleading the grand jury to the belief that they were required to accept hearsay evidence: *United States* v. *Breslin*, 916 F. Supp. at 444–45 (E.D.Pa. 1996)(1).

Providing the grand jury with inaccurate statement of the requirements for indictment: *United States* v. *Breslin*, 916 F. Supp. at 445–46 (E.D. Pa. 1996)(1).

Using grand jury subpoenas directed against the attorney of the target of the investigation to disrupt attorney-client relationship and otherwise harass the attorney and his client. *In re Grand Jury Matters*, 593 F. Supp. 103 (D.N.H. 1984), *aff'd*, 751 F.2d 13 (1st Cir. 1984)(2).

Inflammatory remarks before the grand jury suggesting that a target of the investigation may have "bugged" the grand jury room to discover witness testimony against him: *United States* v. *Griffith*, 756 F.2d 1244, 1246–249 (6th Cir. 1985)(2).

Suggesting, without foundation, organized crime links to the target of a grand jury tax investigation and commenting on the veracity of witnesses before the grand jury, conduct characterized as "improper, reprehensible, and unacceptable:" *United States* v. *Serubo*, 604 F.2d 807, 814–16 (3d Cir. 1979)(2).

Intentional presentation of incompetent and misleading evidence to the grand jury for "no other purpose than [improper] calculated prejudice:" *United States* v. *Samango*, 607 F.2d 877 (9th Cir. 1979)(2).

Intentional presentation of false, disparaging, unsworn and irrelevant evidence: *United States* v. *Hogan*, 712 F.2d 757, 760–61 (2d Cir. 1983)(2).

Using a "forthwith" grand jury subpoena duces tecum in lieu of a search warrant when grand jury was not in session: *United States* v. *Hilton*, 534 F.2d 556, 565 (3d Cir. 1976)(2).

Offering extensive, frequent comments amounting to unsworn testimony and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

misstatements of the law, coupled with use of "forthwith" subpoenas, plays upon jurors' patriotism, and heavy-handed questioning of witnesses: *United States* v. *Sears, Roebuck and Co., Inc.*, 518 F.Supp. 179 (C.D.Cal. 1981), *rev'd*, 719 F.2d 1386 (9th Cir. 1983) (prosecutor's "abusive" and "overzealous" misconduct was not sufficiently prejudicial to want dismissal of the resulting indictment)(2).

Advising grand jury that an important government witness would not be testifying before them because if he did organized crime, with whom the targets of the investigation were associated, might harm him: *United States* v. *Riccobene*, 451 F.2d 586, 587 (3d Cir. 1971)(2).

Leaking information on matters occurring before the grand jury to the press: *In re Grand Jury Investigation (Lance)*, 610 F.2d 202 (5th Cir. 1980) (reversing a lower court denial for a hearing on whether sanctions where appropriate for such disclosures); *Barry* v. *United States*, 865 F.2d 1317 (D.C.Cir. 1989)(same)(2).

Knowingly permitting indictment based at least in part on material, perjured evidence: *United States* v. *Basurto*, 497 F.2d 781, 784–87 (9th Cir. 1974)(2).

Misleading grand jury by unauthorized and "swearing in" designation IRS agents as "agents of the grand jury" *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1328–330 (D.Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Misleading grand jury through the exclusive use of hearsay summaries to secure the indictment of one of accused: *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1339–341 (D. Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987) (on ground district court dismissal of indictments was inappropriate remedy)(2).

Permitting unauthorized disclosure of grand jury materials to IRS employees with no criminal law enforcement-related responsibilities: *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1331–332 (D. Colo. 1984), rev'd, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Allowing improper use of grand jury materials for purposes of IRS audits unrelated to any criminal investigation: *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1332–334 (D.Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Widespread disclosure of matters occurring before the grand jury in "target letters": *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1334–335 (D.Colo. 1984), *rev'd*, 921 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Improperly informing witnesses that grand jury secrecy provisions applied to them: *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1335–336 (D.Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy) (2).

Provide witnesses with pocket immunity in the form of assurance letters without authorization: *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1336–338 (D. Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Intentionally calling witnesses before the grand jury with the knowledge that they would calim their privilege against self-incrimination in order to prejudice the grand jury against the target of the investigation and their activities: *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1338–339 (D. Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Using threats and verbal abuse against an expert grand jury witness for disagreeing with the legal theories espoused by the IRS: *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1343 (D. Colo. 1984), *rev'd*, 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987) (on grounds district court dismissal of indictments was inappropriate remedy)(2).

Calling a witness before the grand jury solely for the purpose of prosecuting the witness for perjury on the basis of his testimony: *United States* v. *Chen*, 933 F.2d 793, 796 (9th Cir, 1991)(3).

Abuse of process: use of court subpoenas for office interviews: *United States* v. *Lilla-Chaparro*, 115 F.3d 797, 804 (10th Cir. 1997)(1).

Delays

Pre-Indictment Delays

Intentional pre-indictment delay, prejudicial to the defendant, and perpetrated by the government for reasons of tactical advantage: *United States* v. *Lovasco*, 431 U.S. 783, 795 n.17 (1977)(3).

Post-Indictment Delays

Intentional post-indictment delay, prejudicial to the defendant, and perpetrated by the government for reasons of tactical advantage: *United States* v. *Marion*, 404 U.S. 307, 324 (1972)(3).

Failure to Provide Defense With Material, Exculpatory Evidence or Evidence Tending to Impeach Critical Government Witness [Brady v. *Maryland*, 377 U.S. 83 (1963)(3)]:

Failure to disclose extraordinary privileges afforded government inmate witnesses: *United States* v. *Doyle*, 121 F.3d 1078, 1082 n.2 (7th Cir. 1997) (giving El Rukn inmate witnesses access to internal prosecution memoranda, drugs, sex and unlimited free telephone calls; and valuable gifts, including cash, clothing, 'walkman' radios, food, cigarettes and beer")(1).

Failure to disclose the presentation of misleading evidence: *United States* v. *Vozzella*, 124 F.3d 389, 391, 392 (2d Cir. 1997)(1).

Failure to disclose the presentation of false evidence: *United States* v. *Alzate*, 47 F.3d 1103, 1107–11 (11th Cir. 1995); *United States* v. *Duke*, 50 F.3d 571, 576 (8th Cir. 1995)(1).

Failure to disclose the criminal record of a government witness: *United States* v. *Duke*, 50 F.3d 571, 576 (8th Cir. 1995)(1).

Failure to disclose existence and extent of the criminal involvement of individual, the accused identified in her duress defense, *United States* v. *Udechukwu*, 11 F.3d 1101, 1104–106 (1st Cir. 1993)(1).

Failure to confirm (and denial) defense counsel suggestion that witness, whom the defense was unable to locate and who was central to the defense of the accused, had entered a plea bargain agreement with the government requiring his testimony, *United States* v. *Kojayan*, 8 F.3d 1315, 1316–325 (9th Cir. 1993)(1).

Failure to disclose evidence that the witness, who testified that the accused had paid him to hold drugs, had lied in earlier proceedings involving the same alleged conspiracy *United States* v. *Cuffie*, 80 F.3d 514, 518–19 (D.C.Cir. 1996(1).

Failure to disclose that the principal government witness was under criminal investigation for unrelated misconduct: *United States* v. *Kelly*, 35 F.3d 929, 937 (4th Cir. 1994)(1).

Failure to disclose threats against one government witness made by a second government witness: *United States* v. *O'Conner*, 64 F.3d 355, 359–60 (8th Cir. 1995)(1).

Interference With the Attorney-Client Relationship

Allowing an attorney to act as an agent of the government and solicit incriminating evidence from his or her client: *United States* v. *Sabri*, 973 F.Supp. 134, 147 (W.D.N.Y. 1996); *United States* v. *Marshank*, 777 F.Supp. 1507 (N.D.Cal. 1991)(1).

Surreptitious, improper acquisition of attorney work product: *United States* v. *Horn*, 811 F.Supp. 739, 749 (D.N.H. 1992(1).

Manifestly and avowedly corrupt intrusions: *United States* v. *Schwimmer*, 924 F.2d 443, 477 (2d Cir. 1991) (noting a similar view expressed in *United States* v. *Gartner*), 518 F.2d 633, 637 (2d Cir. 1975)(3).

Improper acquisition of defense strategy with resulting injury to the accused or benefit to the government: *United States* v. *Cross*, 928 F.2d 1030, 1053 (11th Cir. 1991)(3).

Post-indictment Contact in the Absence of Counsel

Undercover, post-indictment solicitation of incriminating statements in the absence of retained counsel: *Massiah* v. *United States*, 377 U.S. 201 (1964)(2).

Conducting plea negotiations directly with an indicted defendant without notifying retained counsel and in violation of applicable ethical restrictions: *United States* v. *Lopez*, 765 F.Supp. 1433, 1456–463 (N.D.Cal 1991)(1).

Post-indictment interview of the employees of the accused out of the presence and without notice to counsel: *United States* v. *Kilpatrick*, 594 F.Supp. 1324, 1342 (D.Colo. 1984), *rev'd* 821 F.2d 1456 (10th Cir. 1987), *aff'd sub nom., Bank of Nova Scotia* v. *United States*, 487 U.S. 250 (1987)(on grounds district court dismissal of indictments was inappropriate remedy)(2).

Trial

Conflict of Interest

Prosecuting a case in which the prosecutor has a personal, pecuniary interest in the outcome: *United States* v. *Heldt*, 668 F.2d 1238, 1275 (D.C.Cir. 1981)(3).

Prosecuting a case in which the prosecutor's interests in his personal and professional reputation are threatened by a *bona fide* civil action alleging bad faith in the performance of official duties: *United States* v. *Heldt*, 668 F.2d 1238, 1275 (D.C. Cir. 1981)(3).

Prosecuting a case using information secured from the accused when the prosecutor was acting as the attorney for the accused: *Wilkins* v. *Bowersox*, 933 F.Supp. 1496, 1521–522 (W.D.Mo. 1996)(3).

Representing the United States in both regulatory and criminal proceedings: *United States ex rel. S.E.C.* v. *Carter*, 907 F.2d 484, 488 (5th Cir. 1990)("SEC attorneys' previous involvement in underlying civil case created a potential for conflict and an appearance of impropriety. This overt and substantial interest in the case and the misstatements in the SEC attorneys' brief undermine our confidence in these prosecutions . . . appointment of the SEC attorneys as special prosecutors was plain error")(3).

Prosecuting a case in which the prosecutor is an essential witness: *United States* v. *Torres*, 503 F.2d 1072, 1083 (2d Cir. 1974)(2).

Allowing an attorney representing the government in a related civil matter to prosecute: *United States ex rel. S.E.C.* v. *Carter*, 907 F.2d 484, 488 (5th Cir. 1990)(2).

Improper Argument

Suggesting Guilt by Association

Emphasizing the similarities between the accused and a codefendant/witness who had pled guilty: *United States* v. *Dworken*, 855 F.2d 12, 29–32 (1st Cir. 1988)(2).

Arguing for the conviction of the accused on the basis of an earlier conviction of an alleged co-conspirator: *United States* v. *Mitchell*, 1 F.3d 235. 238–42 (4th Cir. 1993)(1).

Suggesting Guilt Based on the Adverse Inference From Claim of Right or Privilege

Commenting on the silence of the accused after notification of Miranda rights: *United States* v. *Thomas*, 943 F.Supp. 693 699–701 (E.D. Tex. 1996)(1); *Doyle* v. *Ohio*, 426 U.S. 610, 618–19 (1976)(3).

Commenting, directly or indirectly, on the accused's failure to testify: *Griffin* v. *California*, 380 U.S. 609, 611–15 (1965)(3).

Commenting, directly or indirectly, on the accused's failure to testify: *United States* v. *Roberts*, 119 F.3d 1006, 1015 (1st Cir. 1997); *United States* v. *Wihbey*, 75 F.3d 761, 771 (1st Cir. 1996); *United States* v. *Kallin*, 50 F.3d 689, 693 (9th Cir. 1995); *United States* v. *Cotnam*, 88 F.3d 487, 497–500 (7th Cir. 1996); *United States* v. *Hardy*, 37 F.3d 753, 756–59 (1st Cir. 1994)(1).

Commenting, direct or indirect, upon the failure of the accused to testify: *United States* v. *LeQuire*, 943 F.2d 1554, 1565–568 (11th Cir. 1991); *United States* v. *Eltayib*, 88 F.3d 157, 172 (2d Cir. 1996)(2).

Commenting on the demeanor of the accused: *United States* v. *Leal*, 75 F.3d 219, 225 (6th Cir. 1996)(1).

Commenting, uninvited, upon the failure of the accused to present evidence, either generally or specifically: *United States* v. *Anchondo-Sandoval*, 910 F.2d 1234, 1237–238 (5th Cir. 1990)(2).

Commenting on the accused's invocation of his privilege against self-incrimination before the grand jury: *United States* v. *Bustamante*, 45 F.3d 933, 946 (5th Cir. 1995)(1).

Calling a witness the prosecutor knows will validly invoke a privilege with adverse inferences for the accused: *United States* v. *Brown*, 12 F.3d 52, 54 (5th Cir. 1994)(1).

Referring to invocation of the Fourth Amendment rights by the accused: *United States* v. *Thomas*, 93 F.3d 479, 487 (8th Cir. 1996)(1).

Inflammatory Remarks

Sympathy for witnesses: *United States* v. *Morgan*, 113 F.3d 85, 90 (7th Cir. 1997)(1).

Religious beliefs: *United States* v. *Levy-Cordero*, 67 F.3d 1002, 1008 (1st Cir. 1995); *United States* v. *Cartagena-Carrasquillo*, 70 F.3d 706, 712–14 (1st Cir. 1995); *United States* v. *Manning*, 23 F.3d 570, 573 (1st Cir. 1994); *Arrieta-Agressot* v. *United States*, 3 F.3d 525, 527 (1st Cir. 1993); *United States* v. *Giry*, 818 F.2d 120, 133 (1st Cir. 1987)(1).

Racial and/or provincial bias against the accused: *United States* v. *Cannon*, 88 F.3d 1495, 1052 (8th Cir. 1996)(1).

Inviting a guilty verdict based on the out of state residence of the accused: *United States* v. *Williams*, 989 F.2d 1061, 1071–72 (9th Cir. 1993)(2).

Calling upon the jury "to get even for all the wrongs imposed on the good people of our society" by convicting the accused: *United States* v. *Doe*, 860 F.2d 488, 492–94 (1st Cir. 1988)(2).

Graphic comment suggesting a lack of patriotism on the part of the accused: *United States* v. *Rodriquez*, 765 F.2d 1546, 1560 (11th Cir. 1985).

Persistent references to the poverty, to Christmas-time, to disadvantaged women and children, and to economic depression as appropriate backdrops to the crime with which the defendant was accused: *United States* v. *Payne*, 2 F.3d 706, 711–16 (6th Cir. 1993)(1).

Suggesting that funding for school districts was imperilled by the gambling related RICO activities of the accused: *United States* v. *Vaccaro*, 115 F.3d 1211, 1218 (5th Cir. 1997)(1).

Bad Character Remarks

Emphasizing the bad character (violent and vicious criminal) of the accused: *United States* v. *Procopio*, 88 F.3d 21, 30–31 (1st Cir. 1996)(1).

Repeated references to the past criminal record of the accused during closing argument: *United States* v. *Jackson*, 41 F.3d 1231, 1233 (8th Cir. 1994)(1).

Misrepresentation, in the presence of the jury, that the defendant accused of harboring illegal aliens had himself entered the country illegally: *United States* v. *Santana-Camacho*, 833 F.2d 371 (1st Cir. 1987)(2).

Presentation of emotional evidence of the violent acts of an accused charged with fraud, attempting to impeach a defense witness with prejudicial questions for which there was no evidentiary basis, and arguing guilt on the basis of counts dismissed by the court and contrary to the evidence; *United States* v. *McBride*, 862 F.2d 1316 (8th Cir. 1988)(2).

Attacking Defense Counsel or the Role of Defense Counsel

Ridiculing defense counsel and offering personal opinions on credibility of defense witnesses: *United States* v. *Collins*, 78 F.3d 1021, 1039–40 (6th Cir. 1996); *United States* v. *Barr*, 892 F.Supp. 51, 57 (D.Conn. 1995); *United States* v. *Bautista*, 23 F.3d 725, 733–34 (2d Cir. 1994)(1).

Stating or implying to the jury that defense counsel has suborned perjury: *United States* v. *Verna*, 113 F.3d 499, 504 (4th Cir. 1997)(1).

Suggesting or implying that the purpose of defense counsel is to prevent the jury from discerning the truth: *United States* v. *Frederick*, 78 F.3d 1370, 1379–380 (9th Cir. 1996); *United States* v. *Vaccaro*, 115 F.3d 1211, 1218 (5th Cir. 1997) (prosecutor's statement to the jury that it was the job of defense attorneys to muddle the issues was clearly improper)(1).

Repeatedly accusing defense counsel, in the presence of the jury, of intentionally misleading the jurors and witnesses and of lying in court: *United States* v. *McLain*, 823 F.2d 1457, 1462 (11th Cir. 1987)(2).

Attacking the role of defense counsel and the integrity of defense counsel: *United States* v. *Friedman*, 909 F.2d 705, 707–10 (2d Cir. 1990)(2).

Improper Characterization of Defense Witnesses or Evidence

Attacking witness credibility with evidence not on the record: *United States* v. *Zehrbach*, 47 F.3d 1252, 1264 (3d Cir. 1995); *United States* v. *Mueller*, 74 F.3d 1152, 1157 (11th Cir. 1996); *United States* v. *Crutchfield*, 26 F.3d 1098, 1100–103 (11th Cir. 1994)(1).

Arguing that the accused and witnesses for the defense have lied: *United States* v. *Moore*, 11 F.3d 475, 480–81 (4th Cir. 1993)(1).

Characterizing the testimony of the accused and defense witnesses as lies: *United States* v. *Smith*, 982 F.2d 681, 684 (1st Cir. 1993); *United States* v. *Anchondo-Sandoval*, 910 F.2d 1234, 1237–238 (5th Cir. 1990)(2).

Puffing Up The Government's Case

Urging conviction on the basis of the prestige of the court, the government, or the prosecutors: *United States* v. *Catillo*, 77 F.3d 1480, 1498 (5th Cir. 1996); *United States* v. *Melendez*, 57 F.3d 238, 240–241 (2d Cir. 1995); *United States* v. *Richardson*, XXX F.3d XXX, (7th Cir. 1997); *United States* v. *Carroll*, 26 F.3d 1380, 1389–390 (6th Cir. 1994)(1).

Bolstering witness credibility with evidence not on the record: *United States* v. *Henry*, 47 F.3d 17, 21 (2d Cir. 1995); *United States* v. *Johnson-Dix*, 54 F.3d 1295, 1304 (7th Cir. 1995)(1).

Vouching for government witness's credibility: *United States* v. *Cotnam*, 88 F.3d 487, 500 (7th Cir. 1996); *United States* v. *Manning*, 25 F.3d 570, 572–74 (1st Cir. 1994); *United States* v. *Carroll*, 26 F.3d 1380, 1389–390 (6th Cir. 1994)(1).

Vouching for the credibility of government witnesses: *United States* v. *Williams*, 989 F.2d 1061, 1071–72 (9th Cir. 1993); *United States* v. *Kerr*, 981 F.2d 1050, 1054 (9th Cir. 1992); *United States* v. *Eyster*, 948 U.S. 1196, 1204–206 (11th Cir. 1991); *United States* v. *Simtob*, 901 F.2d 799, 805–6 (9th Cir. 1990); *United States* v. *Eltayib*, 88 F.3d 157, 172 (2d Cir. 1996)(2).

Telling the jury how uncalled witness would testify if called: *United States* v. *Molina-Guevara*, 96 F.3d 698, 703, 704–5 (3d Cir. 1996).

Arguing to the jury, after repeated admonishment by the court, that the government only prosecutes the guilty: *United States* v. *Stefan*, 784 F.2d 1093, 1099–1100 (11th Cir. 1986); *United States* v. *Smith*, 982 F.2d 681, 684 (1st Cir. 1993)(2).

Reliance on Facts Not Evidence

Knowing reference to inadmissible or unsupported evidence during the prosecution's opening statement: *United States* v. *Millan*, 812 F.Supp. 1086, 1088–89 (S.D.N.Y. 1993)(1).

Urging conviction by reference to inadmissible evidence: *United States* v. *Adams*, 74 F.3d 1093, 1096–98 (11th Cir. 1996)(1).

Securing conviction on allegations stated as facts but not in evidence: *United States* v. *Berry*, 92 F.3d 597, 598–99 (7th Cir. 1996); *United States* v. *Morseley*, 64 F.3d 907, 912 (4th Cir. 1995) (it was unquestionably improper for the prosecutor to tell the jury in his closing argument that the accused had confessed when he had not); *United States* v. *Anderson*, 61 F.3d 1290, 1299 (7th Cir. 1995) (it was improper for the prosecutor to inform the jury that the accused had ruined "literally thousands and thousands of lives" even though the government offered no evidence to support such a statement); *United States* v. *Blakey*, 14 F.3d 1557 (11th Cir. 1994) (unsupported argument to the jury that the accused was a "professional criminal"); *United States* v. *Bautista*, 23 F.3d 725, 733–34 (2d Cir. 1994)(1).

Reliance on Perjury or Deception

Presentation of false evidence: *Napue* v. *Illinois*, 360 U.S. 264, 269 (1959).

Misleading the court and jury: *United States* v. *Forlorma*, 94 F.3d 91, 94–5 (2d Cir. 1996); *United States* v. *Vozzella*, 124 F.3d 389, 391, 392 (2d Cir. 1997); *United States* v. *Alzate*, 47 F.3d 1103, 1107–11 (11th Cir. 1995); *United States* v. *Udechukwu*, 11 F.3d 1101, 1104–106 (1st Cir. 1993); *United States* v. *Kojayan*, 8 F.3d 1315, 1316–325 (9th Cir. 1993)(1).

Offering perjurious testimony: *United States* v. *Brown*, 121 F.3d 700 (1997)(1).

Using or failing to correct clearly perjurious testimony: *United States* v. *Rivera Pedin*, 861 F.2d 1522, 1529–530 (11th Cir. 1988)(2).

Intentionally misrepresenting the state of the law to the jury: *United States* v. *Thomas*, 943 F.Supp. 693, 699–701 (E.D. Tex. 1996)(1).

Intentionally failing to correct erroneous testimony: *United States* v. *Young*, 17 F.3d 1201, 1202–203 (9th Cir. 1994)(1).

Encouraging misrepresentations in order to bolster the perjured testimony of a government witness: *United States* v. *Eyster*, 948 U.S. 1196, 1204-206 (11th Cir. 1991)(2).

Post-Trial

Contact in the Absence of Counsel

Questioning a defendant, without notifying his counsel, concerning matters arising in a sentencing-related medical examination: *United States* v. *Adonis*, 744 F.Supp. 336, 345-47 (D.D.C. 1990)(2).

TRIBUTE TO MATTIE SIMS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. PASCRELL. Mr. Speaker, it is my pleasure to introduce you to Mattie Sims. Mattie is a wonderful person, and an outstanding asset to our community, my hometown of Paterson, New Jersey.

Mattie's roots are in the south. She was born in Alabama and raised in Florida. Eventually, she made her way north to New Jersey, where she raised her family. She is the proud mother of two children, a daughter, Stacey, and a son, Richard. Her favorite pursuits include collecting miniature elephants, solving crossword puzzles, and playing bingo.

For well over thirty years, Mattie has served the residents of Paterson as an employee of the Post Office. Her commitment to public service is combined with a sincere interest in private enterprise. In keeping with this interest, Mattie works part-time as a real estate agent for Shriver Realty of Paterson.

In addition to her professional and familial responsibilities, Mattie is also actively engaged in a number of religious and service-oriented organizations. A faithful member of the Grace Chapel Baptist Church, she serves the congregation as the President of the Senior Usher Ministry. Mattie is also a participant in the Hospitality and Pastor Aide Ministries. She is also a member and the financial secretary of the Passaic County African American Woman organization. She is also a member of Chapter 22 of the Matron Star of Bethlehem, the Order of the Eastern Star, and the Royal Matron of Lady Love, Chapter #7.

Mr. Speaker, I ask that you join me, our colleagues, the people of Paterson, and Mattie's family and friends as we honor her for her extraordinary contributions to the community.

CONGRATULATIONS SOUTH MIDDLE SCHOOL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BARCIA. Mr. Speaker, schools provide a foundation for both learning and growing. For three quarters of a century South Middle School has been able to provide students with a rigorous academic curriculum that is essential to prepare students for the future. Since the opening of South Middle School in 1922 there has been a strong emphasis placed on academic excellence, involvement in school co-curricular and athletic activities, and self-discipline and pride in taking responsibility for the development of each student reaching their academic height. I rise today to pay tribute to South Middle School, who ceremoniously celebrated its seventy-fifth anniversary on Thursday, February 26, 1998.

Since its opening, South Middle School has provided the student body with elective classes and organizations that cater to even some of the most diverse interests. Even in the early days students were encouraged to join clubs, organizations, play sports and even become hall monitors. Today the students still have many opportunities to participate in school social functions and have even undergone recent changes that help move the school forward. These changes have included the universal use of school ID cards, and the introduction of such classes as technical education and computers.

Each year 800 to 1,200 students attend South Middle School, which is dedicated to providing its students with a racially diverse urban environment. Six times a year 200 of the school's white, black, hispanic and disabled male and female students will attend a dance at the school. It is activities such as these that provide students from all different backgrounds with the chance to enjoy each other's company in such a positive setting.

The community has played a crucial part in making South Middle School an academic success and continues to take an active role in providing success for the future. The South Middle School staff is on a mission to provide comprehensive education to all students. The staff provides for the students' social, emotional, physical and intellectual needs, as well as their interests and special talents. Success is monitored through input and feedback from students, parents and the staff of the high schools they will eventually attend.

Mr. Speaker, the South Middle School has been an academic success as well as a strong foundation for both the students and the community. I encourage you and our colleagues to join me in recognizing the incredible contributions to the community and in congratulating them on 75 magnificent years of success, commitment and dedication.

TRIBUTE TO BERNADETTE PLOTNIKOFF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Bernadette Plotnikoff, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Bernadette Plotnikoff began her career in education as a teacher at Carlmont High School in 1953. She has devoted herself professionally and in all her volunteer activities to educating children and teaching the community about child abuse and neglect. Through her work on county commissions and task forces, she has helped make San Mateo County a leader on issues affecting children. Ms. Plotnikoff has created several programs to benefit children, including the Male Adolescent Awareness Program to help sexually abused boys overcome the trauma associated with abuse.

Mr. Speaker, Bernadette Plotnikoff is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO SANDRA WHYTE

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. TIERNEY. Mr. Speaker, I rise today to recognize and congratulate the accomplishments of my constituent, Ms. Sandra Whyte of Saugus, Massachusetts. She was a member of the Women's Olympic Hockey Team that captured the gold medal at the XVIII Olympic games in Nagano, Japan. Not only was she a member of a victorious team, but she will also go down in history as a member of the first United States Women's Hockey Team ever to compete at the Winter games.

Sandra was a member of the team, and a prominent one at that. At her forward position she scored two goals and acquired numerous assists during the course of the Olympics; these helped carry the team to the gold medal against Canada. Her playing ability as well as her sportsmanship throughout the games should be commended. Mr. Speaker, Massachusetts' Sixth District is proud to honor Sandra in her pursuits of excellence and in her representation not only of the district, but of the United States as well.

TRIBUTE TO FRANK LEONE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. PASCRELL. Mr. Speaker, I would like to introduce you to Mr. Frank Leone. On March 31, 1998, Frank will be honored as the Distinguished Citizen of the Year by the Passaic Valley Council Boy Scouts of America.

Frank was born and raised in the Fort Apache section of the Bronx, New York. After graduating from James Monroe High School in 1945, Frank joined the United States Navy. During the Second World War, he served with distinction aboard the aircraft carrier, USS Keersage. When Frank returned home, he studied electronic engineering at Farleigh Dickinson University and the Stevens Institute of Technology.

Upon graduation, Frank moved from New York to his current home in Oakland, New Jersey. It is there that Frank and his wife, Ellen, have raised their three children. Making use of his education, he began a brilliant career in the private sector, specializing in electronic engineering and sales. During this time, Frank was able to glean valuable business insight through his interactions with companies such as Allen and Dumont Labs, Curtiss Wright, and the Walter Kidde & Company. Characteristically, Frank used his knowledge to help the residents of Oakland. For twelve years, beginning in the late 1960s, Frank was President of the Oakland Chamber of Commerce, where he fostered a positive environment for the local business community.

In 1963, Frank began his auspicious career in public service when he was elected to serve on the Oakland Borough Council. After leaving the Council in 1965, Frank became the Acting Postmaster of the United States Post Office in Oakland. In June 1967, he received an official appointment to the post from President Lyndon B. Johnson.

In addition to his duties as Postmaster, Frank's reaffirmed his commitment to the people of Oakland by serving as the Civil Defense Director and the head of the Oakland Office of Emergency Management for twelve years. During the 1984 flood of the Ramapo River, Frank coordinated the relief effort in the Oakland area and toured the affected areas with Governor Thomas Kean.

Frank belongs to an extensive array of professional and service oriented organizations. In the past, Frank has held a number of important posts in these groups, including terms as the Vice President, the Legislative Chairman, and a National Presidential Aide for the National Association of Postmasters. Currently, he is the State Vice President and Chaplain of that organization. In addition to these critical professional commitments, Frank is the Deacon of the Ramapo Valley Baptist Church, the Adjutant for VFW Post #5102. He is also active in the American Legion Post #369 and is the Financial Secretary of the Oddfellows Lodge.

Mr. Speaker, in light of Frank Leone's outstanding contribution to Oakland and Passaic County, I would ask that you join me, our colleagues, and Frank's friends and family as the Passaic Valley Council Boy Scouts of America honor him with their Distinguished Citizen Award.

THANK YOU DAVID PRUDER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BARCIA. Mr. Speaker, we would not have safe and secure communities without a police force which is dedicated to protecting our citizens from harm. They put their lives in danger every day to make our lives better. Police forces across this nation perform their duty with limited resources to protect their citizens. And, in many communities volunteer reserve units provide additional officers who are essential in maintaining peaceful communities.

Today, I would like to recognize one of those officers who has volunteered for 20 years with the Bay City Police Reserves and who has been Reserve Chief since 1988. Reserve Chief David C. Pruder has selflessly served the people of Bay City with integrity and outstanding leadership since 1977. Under Reserve Chief Pruder's leadership, the volunteers have made a tremendous difference in the community by donating an incredible 3,000 hours per year.

Reserve Chief Pruder should be proud of his efforts and accomplishments. David Pruder has led by example that volunteers are essential to a safer society. His efforts have made our community safer and our quality of life better. He often recognizes the officers in his unit for their accomplishments and dedication and always gives credit where credit is due. Today, Mr. Speaker, I rise to do the same for him.

David Pruder has touched so many lives with his Police Reserve work, but that is just the tip of a wonderful iceberg. Not only has he made our citizens safer, but he has dedicated many hours over the past 13 years to the Special Olympics to provide disabled individuals with the opportunity to compete in athletic events. He also coaches softball, cross country and skiing. Additionally, he has served on the Board of Directors in Bay and Arenac Counties.

He could not have had such a successful career and fulfilled life without the support of his wife, Kim and their two children Jeff and Stefannie. His loyalty and dedication is also evidenced by his 25 years of employment with S.C. Johnson Wax.

Mr. Speaker, Reserve Chief David Pruder represents the spirit of volunteerism and community service which makes our country one of the greatest nations in the world. I urge my colleagues to join me in recognizing David Pruder and wishing him well in his future endeavors.

TRIBUTE TO LINDA LOPEZ

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Linda Lopez, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Linda Lopez is an exemplary community volunteer who learned the value of service from her mother and sisters, activists in local church and school affairs, as well as the Chicano civil rights movement. Ms. Lopez is President of the Board of La Raza Centro Legal and has been a leader in helping to unionize employees with the Service Employees International Union. She was a founder of the North Fair Oaks Economic Development Organization, now the Community Council, which assists North Fair Oaks residents in presenting issues of importance to their community to the County Board of Supervisors. Ms. Lopez also was involved in founding the Fair Oaks Clinic. She uses her bilingual and community outreach skills with compassion and generosity, and is a devoted single mother of three sons.

Mr. Speaker, Linda Lopez is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

EXPLANATION OF VOTE

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BLUMENAUER. Mr. Speaker, yesterday during the debate on HR 856, the United States-Puerto Rico Political Status Act, I voted for the Miller-Burton substitute amendment to the Solomon amendment, which passed, but against the final version of the Solomon amendment (as amended by Miller-Burton).

I voted for the Miller-Burton substitute because it was vastly preferable to the underlying Solomon proposal. However, because I did not feel that any special "English only" provisions were worth supporting in the end, I opposed the Solomon amendment as amended by Miller-Burton. "English only" provisions are, as a rule, divisive, discriminatory, and serve no useful purpose. They simply have no place in this bill or this debate.

EXPANSION OF THE FORT CLATSOP NATIONAL MEMORIAL

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. FURSE. Mr. Speaker, members of the committee, today I am introducing legislation to allow for the expansion of Fort Clatsop National Memorial in the First District on Oregon. The Memorial was established through an Act of Congress in 1958. With communities all across America beginning to prepare for the centennial of the Lewis and Clark expedition, it is important that we pass this bill as soon as possible.

The present Memorial marks the spot where Meriwether Lewis, William Clark and Corps of Discovery spent 106 days during the winter of 1805. The Bicentennial of their historic journey is fast approaching and the Commissioners of Clatsop County and the Memorial's management approached me for assistance in preparation planning. Clatsop County currently owns the terminal piece of the Lewis and Clark Trail, known today as Sunset Beach, located nearby the Memorial itself. The County Commissioners would like to be able to donate this last piece of the Trail to the Memorial.

It has been established a quarter of a million people will visit Fort Clatsop National Memorial each of the two bicentennial summers, 2004 and 2005. It is imperative that solid preparation be made to accommodate this influx and permit the visitors not only to enjoy following in the footsteps of Lewis and Clark, but also avoid negative impacts that unplanned movement of visitors might create.

Unfortunately, the act of Congress which created the Memorial limited its size to 130 acres. This bill would permit the size of the Memorial to expand, in conjunction with the Memorial's General Management Plan of 1995, and permits acquisition of land through willing trade, sale or donation. The Clatsop County Commission gives this legislation its unanimous support and the entire North Coast community eagerly awaits its passage.

I will work closely with my colleagues on the authorizing Committee to pass this legislation which will benefit my constituents in Oregon, and urge the entire House to support it.

THANK YOU EDWIN KORN, JR.

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BARCIA. Mr. Speaker, our communities only grow and succeed when there is strength in community and strong leaders. I rise today to pay tribute to one individuals, Edwin Korn, Jr., who has been the backbone of Port Austin for almost 40 years, serving 36 of those years as the President of the Port Austin Village Council.

Edwin was born in Detroit and moved to Port Austin in 1950. He left Port Austin only twice; once to attain a higher educational level when he went to college and again to serve his country in the Army. Since then, he has been a strong presence in Port Austin and an important leader of the community.

Appointed clerk in 1962, he served one term as Trustee before becoming President. He has overseen some amazing changes in Port Austin including the switch from well water to lake water and the creation of the waste water facility. Although he will not seek reelection, I am sure he will remain a strong influence and continue to support efforts to improve the lives of the citizens of Port Austin and its surrounding area.

He created and is a member of the Sewer and Water Authority which will allow outlying areas to join in and bring lake water to Bad Axe. Edwin is optimistic that there will be strong development in the Port Austin area over the next ten years and he plans to continue to remain a key player.

He could not have had such a successful career and fulfilled life without the support of his wife Doreen and their four children, 11 grandchildren and 1 great-grandchildren. His loyalty and dedication is evident through his job at Mayes IGA Foodliner where he has worked for 40 years and is now a manager.

Mr. Speaker, if we want citizens who are absolutely driven by the concept of community and family, then we must continue to praise individuals like Edwin Korn. I ask you and all of our colleagues to join me in wishing Edwin Korn the best of luck in all his future endeavors.

TRIBUTE TO MARIAN MANN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Marian Mann, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Marian Mann is an active community volunteer who gives generously of her time and talents to a wide variety of organizations and causes. She was a founder of Daly City's nationally acclaimed anti-graffiti program, as well as the Gateway Festival, an annual celebration of San Mateo County's diversity. Ms. Mann has worked extensively with developmentally disabled individuals and helped create an annual 'Funday' for young people from throughout the Bay Area. She also offers emotional and practical support to youth needing guidance to fulfill their terms of probation.

Mr. Speaker, Marian Mann is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

A TRIBUTE TO JOHN BURTON

HON. JERRY LEWIS

OF CALIFORNIA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. LEWIS of California. Mr. Speaker, my colleague, LUCILLE ROYBAL-ALLARD and I would like to bring to your attention today the fine work and outstanding public service of our longtime friend and former colleague, State Senator John Burton of San Francisco.

In January, John Burton ascended to the highest elected position in the California State Legislature—president pro tem of the State Senate. The shock of the change in the ruling majority in Congress in 1994 was a mere tremor compared to the seismic occurrence that led to John's ascension to his current position. To say the least, John did not take the most traditional path to reach the second highest position in state government. But he would not have had it any other way.

John's career in public affairs has been unique and diverse. His public service has spanned several decades and two coasts. Through it all, he has maintained a reputation for his love of competitive sports, a remarkable sense of humor, and for telling it like it is.

John L. Burton was born in Ohio but was raised and educated in his beloved San Francisco. A standout in basketball, he attended San Francisco State College and graduated from the University of San Francisco Law School where he received the American Jurisprudence Award for outstanding scholarship. Incidentally, John worked his way through college and law school as a city playground director and bartender.

John got his start in the rough and tumble world of California politics as a protégé of his big brother, Phil Burton. Phil was elected to the State Assembly in 1956 and brought into his political operation his brother, John, and two close friends. One was George Moscone with whom John had played basketball on the courts of San Francisco. The second was a shy and retiring young man from Texas, a fellow student at San Francisco State College named Willie Brown.

John was elected to the California Legislature in 1964. Ten years later, he was elected to the House of Representatives. In 1982, he retired from public office and successfully completed a chemical dependency recovery program. He ran a successful law practice until winning a special election to the State Assembly in 1988 where he served until his election to the State Senate in 1996.

John Burton is from the old school of public affairs—where member to member contact is the key to building meaningful personal relationships and where one is only as good as his or her word. He is also a dyed-in-the-wool classic liberal—and very proud of it. As he begins his tenure as president pro tem, John has not only emerged from his brother's shadow, he is casting a pretty sizable shadow of his own.

Mr. Speaker, a friend of John Burton is a friend for life—even if he happens to live and work on the other side of the aisle. Please join us today in recognizing our very good friend, John Burton.

GALLATIN LAND EXCHANGE ACT OF 1998

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. HILL. Mr. Speaker, today I join with my Montana colleagues, U.S. Senators CONRAD BURNS and MAX BAUCUS in introducing the "Gallatin Land Consolidation Act of 1998." This legislation is designed to protect key wildlife habitat in the Taylor Fork area near Yellowstone National Park, save taxpayer dollars through consolidation of checkerboard federal lands and enhance hunting and other recreational pursuits. This bipartisan solution is a major step towards ending the uncertainty regarding the future of these critical land areas.

This bill reflects input from a wide range of community and public interests gathered through a series of meetings and discussions held over the last several months. While there are still details to be addressed with regard to balancing the assets identified for exchange, this bill provides the underlying framework for completing the final phase of the Gallatin Land Consolidation Act. This legislation also proves that it's possible to achieve a balance between responsible natural resource management, which includes preservation of public resources, recreational opportunities and jobs.

It's also important to recognize one of the goals of this exchange is to improve public access to the forest. This legislation directs the

Forest Service to initiate a planning process that will involve the public in determining management of the lands to be acquired in this exchange. During the interim, existing public access to those areas will be maintained.

Mr. Speaker, one other important aspect of this legislation involves the use of federal timber as one of the assets for balancing this land exchange. Twenty million board feet of timber is dedicated over a two-year period to acquiring lands in the Taylor Fork. To ensure that the timber is available in that time frame, local conservationists and sportsmen have committed to the Montana Congressional delegation that they will work proactively with the U.S. Forest Service to review timber sales and resolve environmental concerns up front, rather than waiting to file appeals. That collaboration most clearly illustrates the high level of public support that exists for completing this exchange.

Mr. Speaker, this bill is important to my home state of Montana. With a hearing already scheduled in the Forests and Forest Health Subcommittee, I look forward to working with the rest of Montana's delegation and my House colleagues to complete this exchange during this session of Congress.

RECOGNIZING MR. HUGH THOMPSON

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. JOHN. Mr. Speaker, I would like for my colleagues to join me today in recognizing a true American hero from Lafayette, Louisiana.

Some 30 years ago, a forgotten story of personal courage and bold convictions unfolded in the village of My Lai in South Vietnam. A 24 year old Army helicopter pilot, Mr. Hugh Thompson, found himself thrown into the midst of a massacre—one which pitted him against his superiors and even his own fellow soldiers. His story has remained a dim light in this dark period of our military history. However, I am honored to share it with this body as it represents a patriotic act of great sacrifice, moral fortitude and uncommon valor.

Mr. Speaker, on March 16, 1968, Mr. Thompson, defying his superiors, landed his helicopter in front of helpless My Lai villagers gathered in a hut. He did so not to protect them from the assault of the enemy he was trained to combat in Vietnam but to protect them from the ongoing assault of soldiers wearing the United States' uniform. Shocked at the horror of witnessing innocent children, women and men being fired upon by fellow soldiers, Mr. Thompson moved to action along with his crew mates and radioed two other gun ships to come to the aid of the Vietnamese villagers. The ensuing standoff lasting 15 minutes provided the necessary time for the choppers to airlift a dozen villagers to safety. Had it not been for Mr. Thompson's intervention, many more villagers may have been included in the list of Vietnamese civilians killed that day. I am pleased to announce that this story, Mr. Speaker, will be reaching a final chapter on Friday, March 6, 1998 as he will be receiving public recognition by the United States Army for his efforts some 30 years ago. The prestigious Soldier's Medal will be awarded to him at the Vietnam Veteran Memorial citing his "heroic performance in saving the lives of Vietnamese civilians during the unlawful massacre of noncombatants by American forces."

Mr. Speaker, this high honor marks a long over-due recognition for an American who served his country with great distinction and who continues to do so in counseling veterans in Louisiana's 7th District. I wish to extend my heartfelt appreciation for Mr. Thompson's honorable service and all those who acted beyond the call of duty in saving the lives of those My Lai villagers. I am proud that our nation will do the same this Friday.

TRIBUTE TO THE OFFICERS OF THE DIPLOMATIC SECURITY SERVICE OF THE DEPARTMENT OF STATE; CALL FOR LEAP FOR DSS PERSONNEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. LANTOS. Mr. Speaker, the Diplomatic Security Service (DSS) of the Department of State has been a vital law enforcement and national security asset of the United States government, although the DSS has been far less known than other federal law enforcement organizations. Mr. Speaker, I want to call the attention of my colleagues to this valuable international asset, and pay tribute to DSS officers who play such a vital role in our nation's foreign policy and the security of all Americans.

Earlier this year, the normally low profile of the Diplomatic Security Service received a well-deserved boost when one of the U.S. Marshall Service's most wanted fugitives was apprehended as a result of the assistance of the DSS. For two years, Nathan Hill was one of our nation's most wanted criminal suspects. Law enforcement officials pursued him in Chicago, where he was indicted for the distribution of 9,000 pounds of cocaine through violent gangs in Chicago, Los Angeles, and Houston, and for ordering the killing of two individuals. After his indictment in 1996, Hill fled the United States.

U.S. officials suspected that Hill was in Conakry, Guinea, and the Diplomatic Security Service was pressed into service. They carried out a discreet investigation to confirm Hill's identity and his location in Guinea. DSS officers then worked with Guinean law enforcement officials to arrange the arrest of Hill, which was carried out in the presence of members of the DSS, and they work with Guinean officials to expedite his extradition to the United States to stand trial. He is now being held without bond in Chicago, awaiting trial.

Mr. Speaker, this is only one of the more recent and public examples of the kind of outstanding law-enforcement and security assistance that the Diplomatic Security Service provides. The DSS has wide-ranging domestic and international law enforcement and security responsibilities. DSS agents are not only federal law enforcement officers, they also serve as members of the U.S. Foreign Service, and this combination makes the DSS truly unique.

For over 75 years, the DSS has been the law enforcement arm of the Department of State. It is at the forefront of the struggle against terrorism and transnational crime. No law enforcement agency of the U.S. government is more broadly represented overseas than the agents of the Diplomatic Security Service. Of the 660 special agents of the Diplomatic Security Service, some 240 are serving in 133 embassies, consulates, and U.S. interest sections abroad, and in most countries the DSS officer there is the sole representative of U.S. law enforcement.

DSS officers are trained criminal investigators, since they receive the same basic criminal investigative training as the Secret Service, U.S. Customs officials, and other federal law enforcement officers. DSS officers are given on-the-job training at domestic field offices for the first three to five years of their service. Subsequent assignments can be either domestic or foreign, and throughout a DSS officer's career he or she will have a blend of postings.

Domestically, DSS has responsibility for the protection of foreign dignitaries visiting the United States, and at 21 field offices throughout the country they are engaged in criminal passport and visa fraud investigations. Such investigations are vital to protecting our national security because terrorists and individuals engaged in international organized crime frequently use such bogus travel documents. For example, Mr. Speaker, four of the conspirators in the World Trade Center bombing were charged with passport fraud.

Overseas, DSS agents serving in U.S. diplomatic missions abroad serve as Regional Security Officers (RSO)—the principal advisor on security matters to the ambassador or chief of mission. The RSO manages the Marine Security Guards, the local guard program, security and counterintelligence briefing programs, and a broad criminal and personnel investigative program. In addition to these important functions for the security of each embassy or foreign mission, the RSO administers anti-terrorism assistance training for foreign police, and, in just the past decade, over 18,000 foreign law enforcement officers have been trained under the Anti-Terrorism Assistance Program. Abroad, DSS officers are frequently the principal liaison with foreign police and security services, in which position they assist U.S. law enforcement initiatives and investigations.

Mr. Speaker, the Diplomatic Security Service has provided invaluable security and law enforcement service in support of United States foreign policy and law enforcement objectives. The record of the men and women who comprise the DSS clearly reflects their dedication to duty and their determination to serve the American people in a wide variety of extremely difficult situations.

Mr. Speaker, I am delighted to report to my colleagues that in the First Session of this Congress, the Foreign Relations Authorization Act for Fiscal Year 1998 and 1999 (H.R. 1757) which was adopted by this House on June 11, 1997, approved the inclusion of members of the Diplomatic Security Service under the provisions of the Law Enforcement Assistance Pay (LEAP). Section 1327 of H.R. 1757, which I adamantly supported in the face of considerable doubt and skepticism as the International Relations Committee went through the drafting of the legislation, provides the Diplomatic Security personnel who perform law enforcement and security functions will receive the same compensation as other federal law enforcement personnel, such as the FBI, Secret Service, and other agencies.

In light of the importance of the dedicated agents of the Diplomatic Security Service, Mr. Speaker, I urge my colleagues in this House to continue to support the LEAP provisions in the Foreign Relations Authorization legislation, and I urge my colleagues on the other side of the aisle to work in a cooperative fashion to see that the conference report on H.R. 1757 is completed and approved quickly.

TRIBUTE TO IRENE PAPAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Irene Papan, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Irene Papan has dedicated ten years and countless hours to John's Closet, a non-profit foundation she established in 1988 in memory of her late son John. John's Closet is an all-volunteer program that provides new clothing to more than 6,000 children in San Mateo County. Mrs. Papan believes that the new clothes promote confidence and self esteem, enabling low income children to more fully participate in school. She and her husband, The Honorable Louis J. Papan, have also established a Memorial Scholarship Fund that awards scholarships to special education programs and late blooming high school seniors. Mrs. Papan has been recognized by the cities of Pacifica, Daly City, and South San Francisco for her tireless efforts on behalf of children and was featured on a television program that focused on outstanding community volunteers.

Mr. Speaker, Irene Papan is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

RECOGNIZING ZACH FOSTER AND PAUL PLEMONS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to recognize the honesty, integrity, and good deeds of two of my constituents in Colorado.

Early last month, Mr. Zach Foster, a student at Colorado State University, along with roommate Paul Plemons, found a bag at a store parking lot. Looking in the bag, the two discovered over $500 in cash. Doing what many would not have done, they turned the money over to a store manager, who then returned it to its rightful owner, Sam Ciocotta of Espresso di Cioncotta. They left no name, no address, and no phone number. Determined to find them, Cioncotta ran an ad in the local paper, and in this way he was able to locate and thank the two young men. So moved was Mr. Cioncotta that he offered a reward to the individuals who turned in the money.

Messrs. Foster and Plemons were looking for neither recognition nor notoriety. While the two were ultimately rewarded for their honesty, they neither expected nor sought any remuneration for their act. They turned in the money for one reason, and one reason alone—it was the right thing to do. As Plemons said, "This isn't something that should be rewarded." Indeed, honesty does not have a price tag, but these two young men are worthy of much praise. They truly are a credit both to my constituency and to the entire country.

Mr. Speaker, we are bombarded on a daily basis with stories that tell of the lowest common denominator of human behavior. It is so very rewarding to hear of actions which illustrate the strong ethics and morals that many of us still hold dearly. We must do more to emphasize what is right with America especially at a time when we are surrounded by reports of what is wrong. Mr. Speaker, Zach Foster and Paul Plemons are examples of what is right with America. Please join me in thanking them for having the honesty, commitment, and courage to do the right thing.

AMERICA MUST STAND BY TAIWAN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. ROHRABACHER. Mr. Speaker, the relationship between the United States, The Republic of China on Taiwan, and the Peoples Republic of China (PRC) was a top issue during last October's summit meeting between President Clinton and Jaing Zemin. Taiwan will be an even bigger topic of discussion at the next summit meeting later this year.

I have spent a lot of my time in Congress focusing on America's role in Asia. I believe that one of the most vital elements to promoting America's regional interests, the spread of freedom and prosperity in Asia, hinges on how well we lead on the cross-Strait issue.

In 1996, the PRC had ventured into a reckless policy of launching missiles towards the territory of Taiwan in an effort to undermine its plans for democratic Presidential elections. At the urging of Congress, the United States finally deployed two aircraft carriers with assorted escort ships into the Taiwan Strait. That show of commitment and friendship to Taiwan diffused the crisis. I am proud to have played a part during that crisis urging that Taiwan be defended.

The missile launchings, or so-called military exercises, were terror tactics designed by the PRC's politburo to frighten and intimidate the Taiwanese people. In those days before the first-ever election a Chinese president, the people on Taiwan braved the intimidation and added another achievement to their long and proud history. Bouyed by America's solidarity, the people of Taiwan flocked to the polls and elected Lee Teng-hui as their president.

I was honored to attend President Lee's inauguration and I look forward to seeing him again during my upcoming visit to Taiwan.

The U.S. military intervention of 1996 and your remarks, Mr. Speaker, that were made on the occasion of your visit to Taiwan last year, when you said that Taiwan should be defended if attacked, should be the basis of a new consensus concerning our strategic policy regarding the status of Taiwan. Deterrence works. We need to discourage the PRC from using force against Taiwan. The best way to encourage the right to happen in the relationship between Taiwan and the PRC is to ensure that reason rather than brute force play the dominant role in determining the future. Part of deterring PRC aggression should be to allow our friends on Taiwan to have access to the adequate defensive weapons.

Mr. Speaker, a prominent Asian scholar who I look forward to meeting someday, Dr. Arthur Waldron has written an essay, "Back to Basics: The U.S. Perspective on Taiwan-PRC Relations," which further illuminates some of the points I've made here. I recommend it to my colleagues.

RECOGNIZING SIX MILLION HOURS OF SAFETY

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. GRAHAM. Mr. Speaker, I rise today to pay tribute to and congratulate United Defense's Ground Systems Division of Aiken, South Carolina for an unprecedented safety achievement.

On January 30, 1998, GSD-Aiken employees successfully completed six million hours without a lost-time accident. This remarkable feat is directly attributed to the employees of GSD-Aiken. To accomplish something of this magnitude, every single employee had to work to ensure the safety of others. It was through their hard work and commitment to each other, GSD-Aiken was able to achieve this rare milestone.

An exemplary record in safety is nothing new for GSD-Aiken. Since 1994, GSD-Aiken has been certified by the South Carolina Department of Labor, Licensing and Regulation as a Palmetto Star facility under the Department's Voluntary Protection Program. Through this program, GSD-Aiken was notified of areas in need of improvement as well as confirming their accomplishments.

GSD-Aiken has set a standard in safety that all others should seek to emulate. Therefore, I take great pride in recognizing GSD-Aiken for this remarkable achievement.

TRIBUTE TO BONNIE WELLS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Bonnie Wells, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Bonnie Wells has devoted her entire professional and personal life to helping those in need. The trauma of being abandoned at birth by her mother and spending the five years of her life in an orphanage has given her a unique sense of the needs of others in difficult situations. Ms. Wells established the North San Mateo County Leadership Forum which provides community leaders with background on the operations of their community. She has served as a member of the Child Care Coordinating Council of San Mateo County, including two years as its President, and has received several awards for her service to city and county government, United Way of the Bay Area, Seton Medical Center and other community organizations.

Mr. Speaker, Bonnie Wells is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO LARRY DOBY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the newest member of baseball's Hall of Fame, a fellow South Carolinian, and most importantly, a true pioneer. I rise today to pay tribute to Larry Doby.

As of Tuesday, Doby became the first native South Carolinian to be inducted into the baseball Hall of Fame. While his athletic accomplishments alone are an incredible honor, Doby should be honored as a pioneer in one of America's favorite professional sports and an ambassador of the baseball community.

Doby grew up in Camden, South Carolina, my father's hometown, where he learned to play stickball in the streets and eventually organized baseball on local diamonds. He attended Jackson School, the public school for black children, and later Mather Academy, my high school alma mater. Doby lived in South Carolina until his mid-teens when he went to New Jersey with his mother. There, he attended the integrated Eastside High School in Paterson, New Jersey, the city in which I was married.

From 1942 to 1943 and 1946 to 1947, Doby played for the Newark Eagles of the Negro League. When he signed a contract in 1947 to play with the Cleveland Indians, he became the American League's first black player. He also twice led the American League in home runs, beating out the famed Mickey Mantle. Doby played with the Indians from 1947 until 1955 when he went to the White Sox for the 1956 and 1957 seasons. He returned to the Indians for 1958 and went on to play for Chicago and Detroit until 1959 when he retired.

While the late Jackie Robinson broke the color barrier in the National League in a much-chronicled story, only 11 weeks later Doby followed suit in the American League to a more quiet narrative. Through much of his career, Doby was an overlooked pioneer who endured the same racial taunts Robinson had from teammates, fans and managers.

Pitcher Lou Brissie, another native South Carolinian, played both with and against Doby in the years following World War II. He remarked that Doby was "really an extraordinary man, in many ways. I have a great deal of respect for him. He always carried himself with dignity." While I congratulate the athlete who topped the American League in 1954 with 32 homers and 126 RBIs, it is the man Brissie describes that I pay tribute to today.

Mr. Speaker, I ask you and my colleagues to join me in honoring Larry Doby, the newest member of the baseball Hall of Fame, a fine South Carolinian, and a model American.

EDUCATIONAL AND CULTURAL EXCHANGES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention the December 12, 1997 speech by former Congressman John Brademas, entitled "Educational and Cultural Exchanges Across the Atlantic."

Those remarks follows:

EDUCATIONAL & CULTURAL EXCHANGES ACROSS THE ATLANTIC

(By Dr. John Brademas)

I am delighted to have been asked by Wouter Wilton to speak to you today about educational and cultural exchanges across the Atlantic.

My own links with Europe, let me say at the outset, are several, and they are deep. My late father was born in Kalamata, Greece. In fact, I am the first native-born American of Greek origin to have been elected to the Congress of the United States.

After graduating from Harvard, where I well remembered Secretary of State George Marshall's famous Marshall Plan speech, I spent three years of graduate study at Oxford University where I wrote my Ph.D. dissertation on the anarcho-syndicalist movement in Spain from the mid-1920s through the first year of the Spanish Civil War.

I did most of my research through visits to a library in Amsterdam and interviews with Spanish anarchists in exile living in Paris, Bordeaux and Toulouse.

As a Member of Congress, I traveled to Czechoslovakia, France, Germany, Hungary, Poland, Romania, Spain, the Soviet Union, Yugoslavia and the United Kingdom.

You will not be surprised then that I enthusiastically applaud the efforts of the Delegation of "Team Europe USA" of the European Commission. For although for many of us participating in this meeting, the connections between the United States and Western Europe have been natural, indeed essential, to our lives, I do not think that even well-educated Americans know much about the European Union per se.

Indeed, given the importance of Japan, Korea and especially China, and in light of the continuing need for oil from the Middle East and lack of stability there, is the US-European relationship still fundamental?

Now my Harvard classmate, Sam Huntington, in a powerful essay in *Foreign Affairs* last year, notes that the United States is pulled in three directions—Latin America, Asia and Europe.

"The third pull," says Huntington, "toward Europe is the most important. Shared values, institutions, history, and culture dictate the continuing close association of the United States and Europe. Both necessary and desirable is the further development of institutional ties across the Atlantic, including negotiation of a European Free Trade Agreement and creation of a North Atlantic Economic Organization as a counterpart to NATO," which Huntington describes as "the security organization of Western civilization."

Although I do not accept Huntington's contention that peoples reared in Eastern Orthodox or Muslim civilizations are incapable of learning the habits and practices of democracy, I do agree with his assertion of the primacy for the United States of our ties with Europe.

EDUCATIONAL EXCHANGES

You must understand that the subject of the study of other countries and cultures is one that has preoccupied me for a long time. Thirty-one years ago, as a Member of Congress, I wrote—and President Lyndon Johnson signed into law—the International Education Act, to provide Federal funds to colleges and universities in the United States for teaching and research about other countries. Unfortunately, Congress failed to appropriate the money to implement the statute, and I believe the United States—of course, not for that reason alone—has suffered a great deal in the ensuing years from our ignorance of such places as Vietnam, Iran and Central America.

When, in 1981, I became President of New York University, I determined to strengthen the University's offerings in the international field.

Already powerful in the study of French civilization, we established the Alexander S. Onassis Center for Hellenic Studies—I have told you of my Greek ancestry—and the Casa Italiana Zerilli-Marimò.

With a gift from the late Milton Petrie of New York and his wife, Carroll Petrie, we instituted the King Juan Carlos I of Spain professorship of Spanish culture and civilization under which we have brought eminent scholars annually to lecture at NYU.

We founded the Skirball Department of Hebrew and Judaic Studies and, in our Stern School of Business, a Center on U.S.-Japanese Business and Economic Studies.

My Gaelic-speaking successor as NYU President, L. Jay Oliva, inaugurated Ireland House.

And only last April, I had the honor of welcoming His Majesty, King Juan Carlos I, to our campus to dedicate the King Juan Carlos I of Spain Center of New York University. In the presence of His Majesty, Queen Sofía and the First Lady of the United States, Hillary Rodham Clinton, we officially opened the Center.

As you know, several American universities have programs or centers on Latin America but there are almost none on Spain. We at NYU intend that the King Juan Carlos I of Spain Center become the premier institution in the United States for the study of modern Spain, its economy, history, and politics.

We have already in recent months enjoyed visits from former Prime Minister Felipe González and his successor, José Maria Aznar.

Here I draw your particular attention to a bequest from the late actress, Paulette Goddard, with which we have endowed a chair in European Studies and created, in memory of her late husband, the novelist Erich Maria Remarque, the Remarque Institute, directed by Professor Tony R. Judt and aimed specifically at promoting the study of Europe and facilitation of communications between Americans and Europeans.

I think it appropriate here if I simply quote some lines from the statement of the objectives of Remarque Institute: "[T]he study of Europe—European history, languages, and culture—is no longer a mainstay of educational programs in the United States. In high schools and in colleges it is not uncommon for students to graduate with only the flimsiest acquaintance with Europe. . . . The overall result is not only that the study of Europe . . . has declined in U.S. colleges, but that the sort of scholarly expertise on which journalists, politicians, business people, and the arts world might draw and with which they used to interact is much reduced."

At New York University, I trust I have made clear, we are in large measure Eurocentric in our offerings, especially in our Department of History.

And I must also comment on our students, for of the more than 3,000 colleges and universities in the United States, NYU ranks fourth in the number of non-immigrant international students on campus.

Today over 3,600 students from 120 countries—12.5 percent of our total enrollment—are pursuing academic degrees at NYU.

Also this year, 175 students are participating in NYU Study Abroad Programs in Florence, Paris, London and Prague, while more students from our professional and graduate schools are studying in other countries.

Yet if it is true, as the Institute of International Education reports, that the United States hosts more foreign students by far than any other country—457,984—that number has remained relatively flat for seven years.

In the 1995–96 academic year, the total number of Americans studying abroad was only 89,000, or about one-half of one percent of the student population in the United Sates. I nonetheless note that this figure marked an increase of 5.7 percent in the number of U.S. students going abroad, following an 11 percent rise the previous year. I add that about two-thirds of American students who did academic work in other countries in 1995–96 went to Western Europe.

I offer these facts at a time when, as all of you know, there has been a general retreat in the United States from investment in international diplomacy. That retreat is reflected in cuts in U.S. Information Agency student exchange programs, near elimination in some countries of the Fulbright exchanges, shutdowns of American consulates, harsh attacks on the United Nations, failure to pay our UN dues and, most recently, denunciation of the Kyoto Protocol on global warming by Republican members of the United States Senate.

CULTURAL EXCHANGES

Now if I bring to the discussion of international education the experience of a former legislator and university president, I wear yet another hat that touches directly on the subject of educational and cultural exchanges.

In 1994 President Clinton did me the honor of appointing me chairman of the President's Committee on the Arts and the Humanities. Composed of 45 persons—32 private citizens and 13 heads of Federal departments and agencies with cultural programs—our Committee is charged by the President with encouraging greater private sector support and more public-private partnerships for the arts and the humanities in the United States.

Earlier this year the President's Committee—of which the First Lady, Hillary Rodham Clinton, is Honorary Chair—released *Creative America*, a Report to the President—and the country—containing over 50 specific recommendations for action.

One of the major recommendations in our report to President Clinton was to expand international cultural and educational relations.

In *Creative America*, the President's Committee asserted that "international artistic and scholarly exchanges are more important than ever in a world in which ideas, information and technologies travel freely across national borders."

Certainly, the American economy is linked to international markets, as the current troubles in Asia vividly demonstrate, and as a global power, the United States has a vital interest in supporting programs in our schools, colleges and universities that increase our knowledge and understanding of other countries, cultures and languages.

In this connection, the Fulbright and U.S. Information Agency Exchange Programs have played a crucial role in promoting democratic values around the world.

Everyone here knows that not only have the Fulbright exchanges brought to the United States at critical stages in their careers future presidents and prime ministers, university presidents and scholars, influential journalists and business leaders but have also opened doors of opportunity for Americans to study and teach in other countries.

It is, therefore, a matter of great distress to members of the President's Committee that in recent years, government funding of the Fulbright program and other international educational and and cultural exchanges has been sharply reduced even as private sector support for such efforts has been leveling off.

In light of the nature of the present US Congress, I'm glad to report that a few months ago the Senate and House of Representatives voted funds for educational and cultural exchanges at approximately current levels. One program, the Higher Education Collaboration between the United States and the European Union, will provide grants to be made jointly by the US Department of Education and the European Commission to help American and European colleges and universities with student exchanges.

In like fashion, I hope that more business firms and private foundations in the United States and elsewhere will support programs of international studies at colleges and universities in their respective countries as well as international scholarly exchanges. For example, my colleagues at NYU are now discussing prospects for a campaign to raise funds to endow fellowships for students from Spain and the Spanish-speaking world to pursue graduate study in the humanities and social sciences at our university and fellowships for NYU students to go to Spain or Latin American for post-graduate work.

Even as we in the United States must do far better than we have been doing in supporting international studies at our own colleges and universities and scholarly and cultural exchanges with other countries, I hope you will permit me to suggest that there should be more attention in Europe to learning about America.

When I was at Oxford 45 years ago, study of the United States ended with the League of Nations. And while there's been some progress, it's only in recent years that Oxford has established an Institute for American Studies.

And with the increasing integration of the European Community and the prospect of adding new members from East and Central Europe in the near future, European students need to learn more about each other. It is, therefore, most encouraging that the European Union is supporting several programs to encourage intra-European study and has allocated funds to include students from East and Central Europe, including Russia.

Allow me here to mention a project on which I have been working for the past two years with colleagues in the United States and Europe. I speak a Chairman of the National Endowment for Democracy, a Federally-funded, nongovernmental, nonpartisan foundation that makes grants to private organizations that champion the institutions and practices of a democratic society. My colleagues I plan to establish a Center for Democracy and Reconciliation in Southeastern Europe, to be located administratively in Salonika, Greece. The programs and activities of the Center will be carried out in the several countries of Southeastern Europe—the Balkans. These programs are intended to be multinational in scope bringing together participants from the various countries of the region.

The purpose of the Center's multinational approach is to foster greater interchange and understanding among the peoples of the area and to develop networks among individuals and groups committed to the democratic and peaceful development of Southeastern Europe.

For example, one Center project would support the writing of school textbooks and improvement of pedagogy at all levels in the countries of the region. Textbook treatments of historical relationships are of real consequence in Southeastern Europe. There are few direct cultural and educational links among peoples in the Balkans and the views they take, of their neighbors are extremely important in shaping political attitudes. We hope to forge better ties through a series of workshops for university professors of Balkan history from throughout the region.

The governing body of the Center will be composed chiefly of persons from the region itself. To finance whatever projects the Center will undertake, approaches will be made to corporations, private foundations and the European Commission.

Certainly my colleagues and I who hope to see a Center to support the development of democratic institutions in this troubled part of Europe believe that education, at every level, must play a crucial role.

Now the activities of the President's Committee on the Arts and the Humanities and the National Endowment for Democracy are not the only ones that continue to bring me to existential connection with Europe.

For example, I'm also chairman of the American Ditchley Foundation. Ditchley Park, as many of you know, a few miles outside of Oxford, England, is a lovely 18th-century house that for some 40 years has been a place for conferences on all manner of subjects. I myself chaired a symposium there two years ago on "Corruption in Democratic Societies" and will next February lead another on "Corruption: What to do About it?". Law enforcement authorities, business and political leaders and scholars from several countries, chiefly Europe and the United States will participate. As the battle against corruption has won new visibility on the part of OECD member states, I hope this issue will command increased attention in the European Commission Parliament.

Also, a few weeks ago in both Washington, DC and New York, I was one of 25 Americans who joined a like number of Spaniards from the worlds of business, government and the universities to discuss matters of mutual interest. We shall meet next year in Barcelona.

Here I recall that early in my Congressional career, I regularly took part in what was known as the Anglo-American Parliamentary Group on Africa. Members of our House and Senate, the House of Commons and House of Lords, would meet periodically to discuss Africa but this arrangement was also one of the few venues that enabled British and American politicians to know each other personally and talk about the politics of our two countries.

Ought there not be established a systematic program of exchanges between and among Members of the US Congress, Members of the European Parliament and of the parliaments of EU member states?

I add that next week in Athens, under the auspices of the Carnegie Endowment for International Peace, to take part in the third meeting of a Forum on Greece, Turkey and the United States. Seven persons from each country—nearly all of us having earlier served our respective governments in some capacity—will meet to discuss problems of common concern—the Aegean, Cyprus, relations with the European Union—and hope to build some useful bridges.

And that bridge building across the Atlantic is, after all, what, or so it seems to me and, I take it, to all of you, what we should be about.

Now I realize that there are many more aspects to the transatlantic relationship than I have here addressed: trade, the expansion of NATO, what to do about Bosnia, how to deal with Iran and Iraq, to name a few.

And I could add to this list of challenges to revive—to strengthen and not diminish—US-European exchanges. Certainly I hope that President Clinton will make this commitment a top priority on his foreign policy agenda.

I think it appropriate, therefore, that I conclude these remarks by recalling to you the words of the signatories of the North Atlantic Treaty over four decades ago:

> "They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law."

That's still a pretty good foundation!

UNITED STATES-PUERTO RICO POLITICAL STATUS ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 856) to provide a process leading to full self-government for Puerto Rico:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 856, the United States-Puerto Rico Political Status Act which presents to Puerto Rican voters three political status alternatives: statehood, commonwealth, independence.

If the Commonwealth option obtains a majority of the votes, or if none of the three options obtain a majority, a referendum will be held in Puerto Rico every ten years until an option providing for full self-government achieves a majority of the votes.

Congress granted American citizenship to the residents of Puerto Rico in 1917. This bill provides a congressionally recognized framework for the 3.8 million people of Puerto Rico to freely express their wishes regarding their options for full self-government for the first time in almost a century of U.S. Administration.

Puerto Ricans have been the largest body of U.S. citizens which do not enjoy the privileges usually accorded to citizenship, including voting representation in Congress and the right to vote in Presidential elections.

Puerto Ricans are the largest group of Hispanic citizens in the U.S. and have only a second class citizenship.

H.R. 856 rectifies the problem of second class citizenship by empowering the people of Puerto Rico to become fully enfranchised, either outside of or wholly within the scope of the U.S. Constitution, through the exercise of their right of self-determination.

More than 340,000 soldiers from Puerto Rico have served in the U.S. armed forces since 1917, and more than 8,000 Puerto Ricans have died fighting for America in the U.S. armed forces.

H.R. 856 creates a constitutionally sound process to resolve the status of Puerto Rico.

Inaction is costing the U.S. taxpayer, in that the 3.8 million U.S. citizens of Puerto Rico will continue to enjoy a free ride exemption from the Federal income taxes the rest of us pay.

A vote against H.R. 856 will continue to deny the people of Puerto Rico the right of self-determination, the very same right which the U.S. so consistently and forcefully advocates in the rest of the world among its allies.

TRIBUTE TO ANNIE CHAU

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Annie Chau, a dedicated community leader who is being honored as a "Young Woman of Excellence" by the San Mateo County Women's Hall of Fame.

Annie Chau was born in Hong Kong and immigrated to the United States in 1991. Over the past seven years, she has made remarkable contributions to San Mateo County. As a San Mateo High School student, she has held the positions of Class Treasurer and Vice President of the International Club, in addition to being part of the school's math team, marching band, and local Amnesty International chapter. Ms. Chau has volunteered with children as a reading tutor, an art instructor, and an activity assistant. Further, she represents the youth of the community through her work on the San Mateo County Youth Commission and the Foster City Youth Advisory Council. Annie Chau has achieved a 4.0 GPA and she has been repeatedly recognized for her academic accomplishments in science, math, Latin and Spanish, along with all her volunteer efforts.

Mr. Speaker, Annie Chau is an outstanding leader and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being chosen a "Young Woman of Excellence" by the San Mateo County Women's Hall of Fame.

HONORING ROSEMARY LOMBARD

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Rosemary Lombard. Rosemary is held in the highest esteem by the Irish American community for her overall integrity, leadership and commitment to the preservation of Irish culture and tradition. She has ably chaired and actively participated in numerous major civic, religious, and charitable causes over the years.

Rosemary is a first generation Irish American of Counties Mayo and Sligo heritage. She was born in Washington Heights, Manhattan and was instilled at an early age with a love of Ireland and all things Irish. During her life, she has served tirelessly in the preservation of Irish culture and tradition. Most important of these traditions is the strong and fervent belief in the attainment of human rights for all people of Ireland.

Having her Bachelor's and Masters degrees from Hunter College, and an Educational Leadership Certificate from Manhattan College, Rosemary served as a past President, founding member and Director of the Irish Teachers Association. In addition, she was a past Chairperson of the Irish American Heritage and Cultural Week Committee of the New York City Board of Education. She also broke ground by being the first woman President of the Mayo Society. Her other posts have included: Treasurer of the St. Patrick's Day Parade and Celebration Committee; delegate to the St. Patrick's Day Parade for over 25 years; President of the Ladies Ancient Order of Hibernians, Division 3; United Irish Counties Association's Second Vice President; charter member of the Irish American Heritage Museum; Secretary of the 46th Police Precinct Council, Board Member of the Fordham Civic Association; and Member of the Board of Directors of the Irish Institute.

I think you will agree with me that Rosemary has contributed enormously to our community and deserves much recognition for her dedicated years of service. Today, I pay tribute to Rosemary Lombard and her tireless efforts and know my colleagues will join with me in recognizing her tremendous contributions to education about Irish American heritage and human rights.

COMMENDING THE BRAZOS VALLEY YOUTH TROUPE FOR THEIR ACHIEVEMENTS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BRADY. Mr. Speaker, I am proud to rise in recognition of the Brazos Valley Youth Troupers, who have just spent their spring break taking on Broadway. These talented youth were the first group chosen by Camp Broadway to attend their performing arts instructional camp in New York City. Selected for their wealth of acting experience, this group of 10 to 17-year olds have represented their community of Bryan, Texas with excellence in all of their achievements.

In just two years, the Brazos Valley Youth Troupe has performed for the Olympic Torch Relay, appeared in Andrew Lloyd Webber's *Joseph and the Amazing Technicolor Dreamcoat,* and now studied under the direction of various Tony Award winners on Broadway. The troupe's performance in *Joseph and the Amazing Technicolor Dreamcoat* drew rave reviews from the national touring cast they performed with, as well as the audience. With Camp Broadway, sixteen youth from the troupe traveled to New York City, took classes from the likes of Carol Channing and famed director George C. Wolfe, and met with the cast and crew of *Titanic* in an educational workshop—all at their own expense. In a short period of time, these youths were able to raise $1000 per student to cover their expenses of participating in Camp Broadway.

Mr. Speaker, I commend the efforts of young citizens such as these involved in Brazos Valley Youth Troupe. They reflect the commitment and direction that makes our nation strong. They found a goal and went for it—making themselves a success and, in turn, a success of their community. I join with the citizens of Bryan in applauding them for their accomplishments and encourage them to use that ambition in all their future endeavors.

IN REMEMBRANCE OF FRANK BROWN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. DIXON. Mr. Speaker, I rise today to honor Mr. Frank Brown, a loving, devoted father and family man, decorated veteran, and a successful businessman who passed away in Los Angeles on December 21, 1997.

Frank was born on January 27, 1918, in Old Town, a section of Lewisville, Arkansas. His mother, Kate Bradley, and grandparents Kathryn and Abe, instilled in Frank and his sisters Bernice and Daisy, the solid foundation and commitment to community and family that would serve as his guiding principle for years to come. Following his graduation from Lewisville High School, Frank moved to Shreveport, Louisiana, where he worked in a lumber mill and played first base for one of the few semiprofessional black baseball teams, the Shreveport Black Sports.

Frank answered his country's call in World War II, serving in the United States Army's 870th Engineering and Aviation Battalion in the South Pacific. He received numerous citations and medals for his distinguished military service and was honorably discharged in 1945. Upon leaving the Army, Frank realized one of his longtime goals of building a home for his mother in Arkansas.

From Arkansas Frank moved to Los Angeles, California, where he married Odessa Brown, another Lewisville native, on May 21, 1946. Frank and Odessa produced five children: Marion, Gwendolyn, Kathleen, Frank, and Reginald. In Los Angeles, Frank pursued a career as a glazier and worked for years to break the color line in the once-segregated Glazier and Glass Workers Union, Local 636. He finally became a member of Local 636 in 1953 and in 1965, founded Brown's Glass Company—Los Angeles' first Black-owned glass business. Recognizing the importance of his achievement to the black community in Los Angeles, Frank took the opportunity to share his knowledge and expertise with aspiring entrepreneurs by teaching at the Los Angeles Trade Technical College. He retired from the glass business in 1985 after more than 40 years in the profession.

Aside from his professional accomplishments and love for his family, Frank's other passion was his membership in the Prince Hall Affiliation of the California Jurisdiction and several other fraternal organizations. After many years of dedicated and exemplary service, the United Supreme Council honored him with the 33rd Degree—one of the highest honors that can be achieved in Masonry.

Frank was also active in the National Association for the Advancement of Colored People (NAACP) and the Los Angeles branch of the Urban League. A dedicated and devout Christian, Frank was a member of Los Angeles' famed Trinity Baptist Church for over fifty years. For more than thirty of those years, he served as a member of the Deacon Board, regularly and steadfastly participating in church projects, including the construction of Trinity's current sanctuary. In November 1997, during its 80th anniversary celebration, Trinity paid tribute to Frank for his selfless and enduring commitment to his church family.

Mr. Speaker, I was privileged to know Frank Brown; his and Odessa's daughter—Gwendolyn Brown Byrd—served as my Legislative Director for several years prior to her appointment as Deputy Assistant Secretary for Health, Budgets and Programs at the Pentagon. He was a wonderful family man; a gentleman who instilled in his accomplished children the importance of family and commitment to public service and community. It is, therefore, fitting that his life be recognized in this manner. I ask that my colleagues join me in remembering his contribution to community and in extending our heartfelt condolences to his beloved family.

HUMAN RIGHTS VIOLATIONS IN BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. SMITH of New Jersey. Mr. Speaker, I—along with my colleagues Reps. GILMAN, WOLF, PORTER, HOYER and MARKEY—rise today to introduce a resolution voicing concern about serious limitations on human rights in Belarus, a country of 10 million people located in eastern Europe. Belarus has an old and rich—and often tragic—history. This century, the people of Belarus suffered the horror of both Nazi and Soviet totalitarianism. More recently, they were ravaged by the 1986 Chernobyl nuclear disaster, the legacy of which profoundly haunts Belarus to this day. Today, the rights and liberties of the Belarusian people are being eroded by their own authorities.

As a participating State of the Organization for Security and Cooperation in Europe (OSCE), Belarus has pledged to abide by its commitments under the Helsinki Final Act and subsequent agreements of the OSCE. Yet since the election of President Alyaksandr Lukashenka in 1994, basic rights and freedoms have come under increasing assault in clear violation of Belarus' freely undertaken commitments under the OSCE.

In an illegitimate November 1996 referendum to amend the 1994 Constitution, President Lukashenka amassed sweeping powers over parliament and the judiciary. In his quest for more power, Lukashenka has ignored the constitutionally established system of separation of powers. Virtually all power rests in the hands of Lukashenka, who has resorted to rule by decree. Following the 1996 referendum, Lukashenka disbanded the Supreme Soviet (parliament) and created a new legislature, which is largely subordinate to his authoritarian rule. The resolution I am introducing today urges President Lukashenka to restore the rights of the pre-November 1996 parliament, which, having been duly elected on the basis of democratic elections in 1995, is the only legitimate parliament in Belarus.

Similarly, Lukashenka has also undermined the judicial branch. The previously independent Constitutional Court has been brought entirely under his control, and independence of the judiciary in Belarus is no longer guaranteed.

Belarus has been rife with violations of human rights over the last few years, bringing to mind the bygone Soviet era. Freedoms of expression, and association and assembly are severely restricted. The state controls almost all media outlets. The few genuinely independent newspapers and radio stations have been harassed or shut down. Journalists critical of the regime have been denied accreditation; some have been jailed. Opposition leaders and other individuals who criticize the president or government have been intimidated, beaten, or detained. Non-governmental organizations face obstacles and have been subjected to harassment. The Belarusian Soros Foundation, for instance, which had donated some $13 million to educational, humanitarian, cultural and media projects in Belarus, was forced to close its office there last September as a result of the Belarusian Government's orchestrated campaign of harassment. Demonstrations during the last few years have resulted in short-term detentions—with detainees held incommunicado—fines and police violence against demonstrators and even bystanders.

Mr. Speaker, one can provide a litany of specific instances, but allow me to highlight just two recent cases. Last August, police in the Belarusian town of Stolptsy detained 19-year-old Alexei Shidlauski and 16-year-old Vadim Labkovich—both members of the youth branch of the opposition Belarusian National Front. They were charged for "malicious hooliganism" for allegedly writing on walls appeals for freedom in Belarus and for replacing on several buildings the official red-green Belarusian flag with the red-white-red "independent" Belarusian flag, which President Lukashenka banned in 1995. The young men spent six months in pre-trial detention under very difficult conditions. Just last week, a Miensk court sentenced Vadim Labkovich to a one-and-a-half-year suspended prison term and Alexei Shidlauski to one-and-a-half-year prison term in a strict regime colony. Human Rights Watch, whose representatives were present at the trial, condemned the proceedings as a "show trial and a mockery of justice."

In late December, Yuri Khashchevatsky, an internationally renowned film director and a member of the Belarusian Helsinki Committee was beaten unconscious by two unidentified men, in what human rights observers strongly believe to be a politically-motivated assault. Khashchevatsky had directed a documentary film called "An Ordinary President", which is critical of President Lukashenka. The film won several international prizes, but has been effectively banned in Belarus. Mr. Speaker, I can cite numerous other instances of specific violations of human rights and civil liberties and the Commission on Security and Cooperation in Europe (Helsinki Commission), which I Co-Chair, has detailed information concerning such violations. We have and we will continue to make our views about these matters known to the Belarusian government.

Mr. Speaker, all of the post-communist countries in the region face formidable obstacles in their transition to democratic states based on the rule of law. We recognize that the oppressive legacy of communism and of Soviet rule cannot be overcome overnight. Some of the post-communist countries have made greater progress towards reform; in others, progress has been more erratic, but in virtually all, there has been progress. Belarus, however, appears to be the only country in the region which has witnessed serious backsliding and a turn to the Soviet past. Immediately following its 1991 independence, Belarus appeared to be off to a good start in establishing its democratic credentials, but even those limited reforms have been reversed as Lukashenka has steadily tightened his grip.

Belarusian officials, including President Lukashenka, have complained about Belarus' isolation from the international community, as more and more countries and international bodies have taken Belarus to task over the curtailment of human rights and civil liberties there. The OSCE, for instance, has repeatedly called upon the Government of Belarus to respect human rights and democratic principles, to enter into dialogue with the opposition and to ensure freedom of the media. Lukashenka fails to realize the consequences of his actions and his government's failure to abide by international commitments. The international community has not isolated Belarus—President Lukashenka is isolating Belarus.

After nearly a year of difficult negotiations and several false starts, Belarus and the OSCE agreed to an OSCE Advisory and Monitoring Group, which will assist the Belarusian authorities in promoting democratic institutions and in complying with other OSCE commitments. This Group, which is now commencing its work and which will be located in the Belarusian capital of Minsk, can play a truly constructive role in helping Belarus improve its human rights situation. Let me assure you that I will watch closely the willingness of the Belarusian Government to cooperate with the OSCE Advisory and Monitoring Group.

Mr. Speaker, If the Belarusian Government abides by its commitments under the Helsinki Final Act and subsequent OSCE agreements, its isolation from the international community will disappear and its relations, not only with the United States, but with its neighbors in the region, will improve dramatically.

THE AMERICA AFTER SCHOOL ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. SLAUGHTER. Mr. Speaker, today I am introducing the America After School Act. This bill increases the availability and affordability of high quality after-school child care. It expands the Child Care Development Block Grant and the 21st Century Community Learning Centers Program, while investing juvenile justice funds into after-school prevention programs.

In 64 percent of families with children under 18, both parents work. Their children, especially those 5 to 15 years old, need a safe haven during non-school hours. A recent study showed that when children were unsupervised for long periods of time early in life, they were more likely to display poor behavior adjustment and academic performance as early as the sixth grade. Young people need productive, supervised activities for the periods when they are not in school.

In my district of Rochester, NY, Henry Lomb School #20 has an after school program that serves about 25 students. They could easily triple this number, based on their waiting list and space availability, if only they had enough funding to increase their staff to meet the one-to-ten staff-student requirement.

Meanwhile, Adlai Stevenson School #29 has an after school program that has enough funding to serve sixteen of its students. This is a great start. However, the school consists of a total of four hundred students. This is another example of the great need to expand after school child care in this country.

Other schools in my district report the need for increased funding for transportation, staff, and supplies to provide supervision and constructive activities for school-age children when the school day ends. Because of the lack of funding, schools do not have the resources to provide after-school care for all students every day. They ration the care—two or three days per week for each student. However, a study in my district showed that school attendance was higher on days when students knew they had their after-school program at the end of the day. Clearly, students desire a safe haven after school, as much as their parents desire it for them.

In addition, the peak hours for juvenile crime are from 3 PM to 8 PM. We need to get kids off the streets and into safe, productive programs at their schools where they can receive help with their homework, participate in the arts, and expend positive energy on athletic competition.

We have learned so much about the development of young minds and the importance of nurturing children at a young age. Expanding after school programs will help more children benefit from supervision and constructive attention from adults. We can stimulate these young minds through tutoring opportunities, arts and computer projects, and drug prevention activities.

I am proud to sponsor the America After School Act and I urge my colleagues to join me in improving the care of our nation's children. Following is a summary of the bill and a list of original cosponsors:

SUMMARY OF THE AMERICA AFTER SCHOOL ACT

Promoting Safe After School Activities
($7.25 billion over 5 years)

Title I: Child Care and Development Services

Expand the Child Care Development Block grant (CCDBG) to increase the availability and affordability of quality before and after school health care, and summer and weekend activities for school age children to promote good health and academic achievement and to help avoid high risk behavior. Programs must demonstrate inclusion of disabled children;—grants to schools, community-based organizations, child care, youth, and community centers, or partnerships in low-income areas.—costs: $5 billion over 5 years.

Title II: The 21st Century Community Learning Center Program

Expand the 21st Century Community Learning Center Program by:

Increasing the supply of before and after-school programs in a cost-effective manner by using public schools and their existing resources, such as computers, libraries, and gymnasiums, through a one-to-one matching provision that can be met by using in kind or cash resources.

Streamlining the application process and strengthening fiscal accountability mechanisms by including the local education agency in the application process, but keeping the responsibility for running the program at the school level.—costs: $1 billion over 5 years.

Title III: Crime Prevention Program

Direct half of the $500 million new juvenile justice funds to after school prevention programs, instead of just enforcement programs.

Offer grants on a matching basis to the public and private agencies that conduct after-school prevention programs to high crime neighborhoods and areas with significant numbers of at-risk youth.

Grantees must coordinate with state or local juvenile crime control programs.—costs: $1.25 billion over 5 years.

Original Cosponsors: Gary Ackerman, Rosa DeLauro, Barney Frank, Martin Frost, Darlene Hooley, Eddie Bernice Johnson, Dale Kildee, John Lewis, Zoe Lofgren, Robert Matsui, Marty Meehan, Connie Morella, Richard Neal, Major Owens, Nick Rahall, Max Sandlin, Robert Underwood, Henry Waxman.

TRIBUTE TO MARCELLA "MARCY" CISNEROS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Marcella "Marcy" Cisneros, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Marcella "Marcy" Cisneros is a tireless crusader against domestic violence. She began her work with victims of violence as a volunteer for the San Mateo Battered Women's Services, then served as Director of Program Services and Outreach Education from 1990 to 1993. Her dream to offer greater advocacy services came true in 1993 when Sor Juana Ines opened its doors to abused women. Since its inception, Sor Juana Ines has served over 5,000 women in San Mateo County by answering crisis calls and providing counseling. In 1995, Ms. Cisneros was hired by the District Attorney's Office as one of its first Domestic Violence Victim Advocates. In addition to her current position with the District Attorney, she continues to educate the private sector about domestic violence and serves in a number of other volunteer capacities. She is an Advisory Board Member of the Psychology Department for the College of Notre Dame and a Co-chair of the County Task Force on Violent Crimes Against Women.

Mr. Speaker, Marcella "Marcy" Cisneros is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

RESOLUTION HONORING ANNE B. ANSTINE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. SHUSTER. Mr. Speaker, today I rise, Mr. Speaker, in honor of one of my very great friends, the late Anne B. Anstine of Port Royal, Pennsylvania.

Anne was a gifted and talented woman who cared deeply for not only the people she counted as friends and family, but also for the entire community. She lived an exemplary life of service of the organizations that she supported, and volunteered her time to help whenever she was needed. Her death has affected everyone who knew her, and we will all miss her.

Anne began her long and distinguished career in her hometown in Juniata County; therefore, it is my honor to submit the resolution adopted by the Juniata County Council of Republican Women in the CONGRESSIONAL RECORD. It is with great respect and admiration that I submit the following:

RESOLUTION IN MEMORY OF ANNA MAE BAIRD ANSTINE

Whereas, Pennsylvania has lost a very prominent, proficient and dedicated woman from the ranks of the Republican Party; and

Whereas, Mrs. Anna Mae Baird Anstine, age 73, died May 23, 1997. Known to all as Anne, she was born in Lock Haven, Clinton County, Pennsylvania, the daughter of Clarence E. and Rose Kalmbach Baird. She attended the public schools in Lock Haven, Pennsylvania, and furthered her studies at the Pennsylvania State University, University Park, PA. On September 14, 1944, she married John B. Anstine, Sr. They moved to Juniata County and established their home on Annlick Farm in Licking Creek, Mifflintown, PA. She lived there for forty years before moving to Port Royal, PA. She was the mother of three children: John B. Anstine, Jr., who resides in Port Royal, PA; Mrs. Nicholas S. (Elizabeth A.) Reynolds, who resides in Alexandria, Virginia; and Mrs. Joel (Rachael A.) Diamond, who resides in Reedsville, PA; and

Whereas, Anne served as Secretary-Treasurer for the family business, Annlick Farm Supply, Incorporated, Port Royal, PA since 1947; and

Whereas, Anne's career in public service began when she was elected County Committee Member for Juniata County. She later became Juniata County Republican Party Vice Chairman and aspired to the Chairmanship. Additionally, she served as Vice Chairman for Citizens of Governor Bill Scranton and Scheduling Director for numerous campaigns including Congressman John Heinz for United States Senate, Representative Patricia Crawford for State Treasurer, Judge Frank Montemuro, Jr., for Supreme Court and Judge Robert Shadle for Superior Court; and

Whereas, Anne was appointed leader of the Republican Delegation to visit Taipei, Taiwan and Hong Kong by Edward Wu, Minister of Foreign Affairs To Taiwan and Former Ambassador to Bolivice; and

Whereas, Anne was an At-Large Delegate to the 1984, 1988 and 1992 Republican National Conventions, elected to the Platform Committee for the 1988 National Convention and was designated by President Ronald Reagan and George Bush to serve on the 1981 and 1989 Pennsylvania Electoral College and, just recently, was elected Chairman of the Northeast Region of the Pennsylvania National Committee; and

Whereas, Anne B. Anstine was unanimously elected Chairman of the Republican State Committee of Pennsylvania on February 10, 1990 by the Republican State Committee members in Harrisburg, Pennsylvania; and

Whereas, Prior to being named chairman, Anne served six years as Republican State Committee Vice Chairman. During this period she was Executive Assistant to Senator William J. Moore, who served the 33rd Senatorial District in Pennsylvania. She also worked as Special Assistant to the Speaker of the House of Representatives, Jack Seltzer, and was Special Projects Staff Member for the Republican members of the Pennsylvania House of Representatives; and

Whereas, As a Director of the Pennsylvania Council of Republican Women, Anne presided over Juniata, Huntingdon, and Mifflin Counties. She served as Vice Chairman on the Campaign Committee of the National Federation of Women, Washington, D.C., under which she was a faculty member and traveled throughout the country teaching Scheduling; and

Whereas, Anne served as State Chairman of the Republican State Committee until the June 1996 State Committee meeting held in Hershey, Pennsylvania, where she was elected National Committeewoman for the State of Pennsylvania; and

Whereas, Beginning January 1, 1996, after seventeen years of service on the Pennsylvania Council of Republican Women, she was awarded Director Emeritus status with the Pennsylvania Council of Republican Women; and

Whereas, In November 1996, Anne was honored by Governor Tom Ridge as a Distinguished Daughter of Pennsylvania; and

Whereas, Anne was also elected Honorary member of the Juniata County Council of Republican Women; and

Whereas, Anne served on numerous boards including the Juniata and Mifflin Cancer Boards, the Lewistown Hospital Auxiliary, the Juniata Historical Society, the Milford Grange and the Mental Health Board for Juniata, Huntingdon and Mifflin Counties. Other civil activities include appointment to Pennsylvania's Legislative Eisenhower Centennial Commission, Trustee of the Dwight D. Eisenhower Society, member of Messiah Lutheran Church, past member of the Juniata County Business and Professional Women's Club and Past President of the Mifflin-Mifflintown Women's Civil Club;

Be it resolved: That the Juniata County Council of Republican Women and the Pennsylvania Council of Republican Women do hereby posthumously recognize Anne Baird Anstine for her outstanding leadership in the Republican Party on the national, state and local level, and for her undaunted service with distinction and honor, her overwhelming enthusiasm in said leadership and for her proficient life which all Republican women everywhere can emulate; and

Be it further resolved: That the Juniata County Council of Republican Women and the Pennsylvania Council of Republican Women extend sincere gratitude to her family and many friends for their support and encouragement and express deepest sympathy in the loss of their beloved one and our faithful leader and friend.

Now therefore: The Juniata County Council of Republican Women and the Pennsylvania Council of Republican Women request that this resolution, adopted October 20, 1997 at the PA Council's 75th Diamond Jubilee Convention meeting in Harrisburg, PA, be recorded upon the minutes of the Pennsylvania Council of Republican Women and the CONGRESSIONAL RECORD; and that copies be sent to Anne B. Anstine's three children: John, Elizabeth and Rachael.

THE POWER OF FREE ENTERPRISE

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. SCARBOROUGH. Mr. Speaker, as we Americans approach the 21st century, we should all be reminded of Ronald Reagan's wise words on the power of free enterprise to improve the lives of millions. Like President Reagan, I know history's lesson has taught us that the power of the individual entrepreneur is far more powerful than the plodding might of a government bureaucracy.

As President Reagan said in 1987, the economic vitality pushing our country into the 21st Century is broad-based and irreversible. It's not coming from the top, but from the bottom. The creative talents of our citizenry, always America's greatest asset, are being put to work for our benefit as never before. We have every reason to be optimistic.

When I first came to Washington three years ago, the annual deficit was over $200 billion a year. Bill Clinton said balancing the budget would wreck the economy. But by following the wisdom of Ronald Reagan, we cut government spending a record $50 billion in one year.

Our conservative fiscal policy has caused interest rates to drop, the markets to explode and the deficit to disappear. With the deficit monster in check, we must now reform the Income Tax Code to make it fairer, simpler and less expensive for all Americans. Again, we would be wise to take President Reagan's word to heart: "Common sense told us that when you put a big tax on something, the people will produce less of it. So, we cut the people's tax rates, and the people produced more than ever before."

As President Reagan said in his Farewell Address to the Nation, lower tax rates lead to more jobs, more opportunities and a stronger economy for all Americans. Let us hope that Members of Congress and this Administration will fight for the tax reform that Americans so badly need. If we meet that challenge, truly I believe America's greatest days will lie ahead.

A V-I-C-T-O-R-Y CHEER FOR SOUTHWEST HIGH SCHOOL CHEERLEADERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. FILNER. Mr. Speaker, I rise today to congratulate San Diego's Southwest High School Cheerleaders who just won the National Co-ed Cheerleading Championship in Orlando, Florida.

The team members are a diverse group of 18 young women and men. They are: Sharyne Beza; Gail Buntingan; Alex Cardenas; Letty Cervantes; Lilygene Craig; Carla Cruz; Hilda Cruz; Wilver Dela Cruz; Tito Enriquez; Alejandra Gonzalez; Angela Guerrero; DeeJay Hunter; William Mangull; Edwin Monzon; Ian Navarette; Liezel Padiernos; Liz Trevino; and Tanya Snyder.

The Southwest High School Cheerleaders used their teamwork, professionalism and spirit to climb their way to the top. A true spirit to be the best indeed yields success!

The Southwest High Cheerleaders are not strangers to victory. This team holds three District Championships. With the help of Coach Roy Lucas, the team's grueling daily practices, intense training and unwavering commitment—they achieved something very special for themselves and all of San Diego.

So I say to the Southwest High Cheerleaders today—enjoy your victory and remember what it took to get you here. The skills you have learned working as a team will help you in life, whatever path you choose.

Here's a huge V-I-C-T-O-R-Y cheer for Southwest High's National Champions. Congratulations on a job well done!

TRIBUTE TO GLORIA BROWN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Gloria Brown, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Gloria Brown currently serves on the Mills-Peninsula Health Services Board of Directors, one of many boards on which she has served over the years. In 1995, Ms. Brown organized the first Awareness Sunday Program for African American Women in San Mateo County in response to data indicating that African American women have one of the lowest survival rates of breast cancer in the United States. In 1996, she organized an African American Community Health Advisory Committee through the Mills-Peninsula Health Services in order to identity and address health issues that effect the African American community. Further, Ms. Brown helped design an environmental education program for middle school students to handle the academic, emotional, and social needs of pupils needing an alternative learning environment. This successful program is now in its fifth year and is conducted in partnership with the Cabrillo School District and a local funder.

Mr. Speaker, Gloria Brown is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

A TRIBUTE TO CHARLES HERBERT SEATON

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the life of Charles Herbert Seaton. Herb, as we knew him, was a long time scoutmaster, role model and friend to hundreds of children and young men in North San Diego County, and a fine engineer and public servant.

He was born in Uniontown, Pennsylvania on September 13, 1928 to Charles Swan and Mary Elizabeth Kelley Seaton. He attended East Bethlehem Township High School and Pennsylvania State University, where he graduated in June 1949 with a degree in aeronautical engineering. During the summer of 1948 he worked for the U.S. Navy at the David Taylor Model Basin in Carderock, Maryland testing models of airplanes and missiles. After his graduation from Penn State, he was an instructor in the aeronautical engineering department and attended graduate school until 1951. On December 16, 1950 he married Jean Louise Harte, the daughter of Loyal Bert Harte and Sarah Eva Gray.

The young Seatons moved to San Diego, California in 1951 where Herb was employed at Convair as a senior aerodynamics engineer, working on the F-102 interceptor airplane, the Atlas rocket program, and other launch vehicles. In October 1961, Herb's work moved him to the Aeronautical Division of Ford Motor Company in Newport Beach, California, where he was employed as a principal engineer until January 1962, when he was appointed Assistant Director of Nuclear Flight Systems at the National Aeronautics and Space Administration headquarters in Washington, D.C. For several technical and other reasons, nuclear rocket propulsion did not catch on, and the Seatons returned to California in July 1963, where he applied his expertise in nuclear engineering and propulsion for a number of firms and as a consultant, eventually arriving in North San Diego County with five children in the fall of 1968.

Herb's most memorable role was in his local community. He served as President of the Parents and Teachers Association at Ocean Knoll Elementary School in Encinitas, California in 1972 when his two youngest children were enrolled there. As a leader in the Boy Scouts of America for more than 20 years, he served as Scoutmaster of Troop 777, San Diego County Council (now Desert-Pacific Council). This troop grew to be one of the largest troops in its district and produced many Eagle Scouts. For his devotion to scouting, he was awarded the Order of Merit and Silver Beaver by the Boy Scouts of America. He was also a very active member of International Rotary since 1969, most recently with the Kearny Mesa Club. Every Christmas season he donated his time to play Santa Claus for the Rotary Club and for the Children's Home Society.

His death came on February 12, 1998 at home in Cardiff-by-the-Sea, California. He leaves five children behind: Charles Bret

Seaton of San Diego, California; Gary Bruce Seaton of Newport Beach, California; Carl Evan Seaton of Vista, California; LT Scott Montgomery Seaton, MC USNR of Chesapeake, Virginia; and Mrs. Lauren Louise Stills of Santa Monica, California. He also leaves five grandchildren.

Let the permanent RECORD of the Congress of the United States show that Herb's life exemplified the Scouting and Rotarian traditions of service to community, and that he leaves behind this legacy for his family, friends, and fellow Americans to emulate.

STATEMENT REGARDING THE HIGHER EDUCATION FOR THE 21ST CENTURY ACT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, in Title III of the Higher Education Act, Historically Black Colleges and Universities (HBCUs) will be adversely affected if H.R. 2495, the Higher Education for the 21st Century Act is passed. I requested, therefore, that my name be removed as a cosponsor of this bill.

If this legislation were to pass with a new definition of Hispanic-Serving Institutions (HSIs) incorporated, every college with a 25% Hispanic enrollment would receive funding; thus, 160 colleges would be made eligible. Alternatively, if HBCUs were defined as every college with an African American enrollment of 25%, 356 colleges would be deemed HBCUs versus the current number of 104. Obviously, there is insufficient funding available to HSIs but their funding should not be appropriated at the risk of taking funds from HBCUs which currently receive a relatively small amount of funds.

I have received numerous calls and correspondence from the presidents and alumni of HBCUs who have expressed their concern about this issue. If we are going to give funds to institutions based on a set percentage of an ethnicity as stated in H.R. 2495, then I will support giving dollars to all of the 364 colleges that would become HBCUs and the 160 HSIs that would be eligible to receive resources under this bill.

Because I have made a commitment to balance the budget and no monies can be appropriated to additional institutions, I am unable to support H.R. 2495. Accordingly, I have requested that my name be removed as a cosponsor of H.R. 2495, the Higher Education for the 21st Century Act.

A BILL TO ESTABLISH THE "PROTECT SOCIAL SECURITY ACCOUNT"

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BUNNING. Mr. Speaker, The future of Social Security has finally taken center stage. In his State of the Union address, the President made a bold commitment to save Social Security—reserving 100% of future budget surpluses until necessary measures have been taken to strengthen the Social Security System.

Unfortunately, however, somewhere between the State of the Union and the drafting of the President's budget proposal, this commitment to Social Security got lost in the shuffle.

The President's budget did nothing to redirect budget surpluses to Social Security. It proposed nothing new.

It included no new Social Security Trust Fund investment strategies or any changes to Social Security taxes or spending.

That's why today, I will introduce legislation to create a new treasury account, "The Protect Social Security Account," into which each year's budget surpluses will be deposited.

In essence, my bill would "wall-off" budget surpluses so they could not be spent until a solution to Social Security is found.

We have a fantastic window of opportunity—right now—to do what we all know we need to do—to reform Social Security to make sure it remains solvent beyond the baby boomers—beyond the year 2029—well into the next century.

The fact that, today, we have balanced the budget—and now see the potential of significant budget surpluses for the next ten years—gives us a golden window of opportunity to strengthen Social Security.

We should not let that opportunity pass us by. I urge all my colleagues to join me in protecting the future of this country's most vital program.

RECOGNITION OF SARA DECOSTA OLYMPIC GOLD MEDALIST

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. WEYGAND. Mr. Speaker, I rise today to recognize Sara DeCosta, a constituent from my district who, along with her teammates on the United States Women's Olympic Hockey Team, won the Gold Medal in the Olympic Games in Nagano, Japan.

Sara began playing hockey at the age of five in the all-male Warwick Junior Hockey Association. She loved the game, but kept hearing people tell her that there would be little opportunity for a female to play at the next level. At Toll Gate High School Sara again played on an all-male team. Sara was the first female ever to play in the Rhode Island Interscholastic League's Championship Division. With her in the net, Toll Gate became the first public school in a decade to play in the state hockey finals. As goalie, Sara shut out the defending champions during a final game against 17-year consecutive title holders Mount St. Charles Academy. She became the first goalie in 18 years to do so in a title series game. Due to her hard work the year before, Sara was the starting goalie her senior year.

Sara began her college career playing for the women's hockey team at Providence College. During the summer of 1997 Sara was chosen for Team USA to compete in the Pacific Rim Games at Lake Placid, New York. Team USA shut out the Canadian women's team 3-0 in the winner take all championship game. As a result of her skill and sportsmanship during those games, Sara was chosen for the United States Women's Olympic Hockey Team.

Sara is not only a great player, she is a great team player. She was not chosen to start in the gold medal game against Canada, but understood that the success of the whole team was more important than whether or not she got to play. Before the gold medal game she took off her angel pin that had brought her good luck for so long and gave it to the starting goalie.

For the past fifteen years Sara has heard people tell what she can't do. Sara has shown the whole world what she can do. I ask my colleagues to join me in congratulating Sara and the rest of her teammates for their victory in Nagano.

TRIBUTE TO MILDRED ANN "MILLIE" BESSIRE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Mildred Ann "Millie" Bessire, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Mildred Ann "Millie" Bessire has dedicated countless hours to improving the lives of children, particularly young girls, in San Mateo County. She has spent over 50 years in Girl Scouting, including more than 20 years actively leading a two-week long Girl Scout Day Camp, establishing it as an ongoing program in which she currently acts as Day Camp Administrator. Ms. Bessire also has been active in the Parent Teachers Association (PTA) for over 30 years, serving as President at the local and council levels. In addition, she has developed the expertise of others by recruiting and training adult volunteers, including her own grown daughters who are now active in the Girl Scouting program. In recognition of her volunteer efforts, she has been given numerous awards, including the PTA Honorary Service Award at the local, council, and district levels and the 1997 Women Helping Women Award from the Soroptomists.

Mr. Speaker, Mildred Ann "Millie" Bessire is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. KIND. Mr. Speaker, today I read that there may be a vote on a pure soft money ban on the floor of the House of Representatives. While I strongly support a ban on soft money, it is not enough. Any campaign finance legislation that will make a difference must include increased disclosure rules on independent expenditures. The independent groups have come to dominate our campaigns, you just need to look at the race in California to succeed our colleague Walter Capps to see the effect outside interest groups have had on campaigns.

Fortunately, there is a bill that achieves that goal. The Bipartisan Campaign Integrity Act of 1997, H.R. 2183, bans soft money and places simple disclosure requirements on expenditures by independent groups. This bill does not violate free speech and is a practical way to start to get the big money out of the political system. The six Democrats and six Republicans who worked on this bill have taken the poison pills out of this legislation and have crafted a bill that can be supported by both parties. Our legislation has the most bipartisan co-sponsors of any bill in the House.

The time is now to pass a meaningful campaign finance reform bill. The Bipartisan Campaign Integrity Act of 1997 is the best bill available. The people of my district refuse to take "no" for an answer.

IN HONOR OF G.W. "BUD" MERWIN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. BARTON of Texas. Mr. Speaker, I rise today to recognize a small businessman and a veteran from my home State of Texas. G.W. "Bud" Merwin is retiring as the President of the Automotive Services Association which is located in my district. The Automotive Services Association is the nation's oldest and largest not-for-profit trade association representing all segments of the automotive repair industry including mechanical, collision, and transmission repair facilities.

Bud Merwin started as the owner of a full-service mechanical, towing, and collision repair business. He graduated from the Institute for Organization Management at the University of Delaware and served in the United States Army. He was stationed in Germany and is an honor graduate of the U.S. Army truck, wheel, and light aircraft repair training school.

In 1971, he launched the very first voluntary automotive technicians' certification program, the National Automotive Technicians Certification Board. This later merged with Automotive Service Excellence that has become the industry standard for quality.

Bud was a founding board member of the National Automotive Technicians Education Foundation, a co-founder of the International Autobody Congress and Exposition, and a founding officer of the Automotive Service Councils and the Automotive Management Institute.

G.W. "Bud" Merwin has worked throughout his life to protect American small business and to ensure excellence in the automotive repair community. Although he was not born in Texas, I am glad that he and the Automotive Service Association call it home.

A TRIBUTE TO JOHN E. "JACK" COTTER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to a man whose compassion, community dedication, and managerial skills have made him one of Arizona's most accomplished and well-respected citizens, Mr. John E. "Jack" Cotter, the Chief Executive Officer of Catholic Community Services of Southern Arizona. Arizona's largest voluntary social service organization, Catholic Community Services and its many agencies touch tens of thousands of lives across Southern Arizona each year. I am especially grateful for the services that Mr. Cotter has made available to my constituents in the Second District of Arizona.

Many of the service provider agencies and their programs exist because of the leadership and direction provided by Mr. Cotter during his tenure as Chief Executive Officer. Under his direction Catholic Community Services has achieved a remarkable record of accountability and stability in all its services. This is especially noteworthy because the funding for these services is patched together from many different public, private, local, state, and national sources. In terms of monetary value of the work, the combined program expenditures totaled more than $23 million in the last fiscal year.

With this level of expenditure and with more than one thousand employees working across Southern Arizona, an organization of this size could lose its focus on compassionate service to the individual client. Jack Cotter has worked diligently and has provided leadership to his staff that ensures the true focus of Catholic Community Services has been maintained as a caring organization faithfully guided to serve those most in need of advocates and protectors: our children, our elderly, our ill, and our disabled.

In many Southern Arizona neighborhoods, Catholic Community Services is the only organization available to help those in need. I am grateful for the generous and caring spirit that has moved John E. Cotter to share his talents and to relieve the suffering of so many on a daily basis. The reputation of Catholic Community Services as a trustworthy, compassionate and effective organization for meeting the needs of individuals and communities, reflects the character of its leader, John E. Cotter.

All of Arizona has benefited from the 25 years Mr. Cotter has given to Catholic Community Services. As he retires, it is fitting that we reflect and thank him for all that he has done to make life more productive and less stressful for so many. For others, the services he made available were the critical factors determining life or death. I applaud all that he has done and hold him out to the nation as an honored leader. May his example guide others to a life of compassion and service.

INTRODUCTION OF THE RICE FARMER FAIRNESS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. PAUL. Mr. Speaker, I am today introducing the Rice Farmers Fairness Act H.R. 3339. This legislation would condition the continuation of farm subsidies on the maintenance of rice production. The 1996 Freedom to Farm Act allows for the continuation of subsidies to landowners who discontinue tenant rice farming on their land. In essence, this means that the subsidy will continue to flow in spite of an end to production.

Theoretically, the idea of the plan is to "wean" landowners off of subsidies over a transition period. In fact, what this program allows are "something for nothing" subsidies, which is the worst kind of subsidy. Moreover, as a result of this provision there is a very real threat to the agricultural infrastructure. With landowners receiving subsidies in spite of lack of production, the entire warehousing, processing and "value-added" industries are put at risk.

As grain elevators, processors and others see a reduction in demand for their services because of the diminution of production permitted by this legislation they have a disincentive to continue to provide said services, services which must remain in place in order for those who remain in production to be able to bring to market the rice which they continue to produce. Thus, by way of the decimation of the infrastructure, this subsidy to non-producers comes at the expense of those who continue to produce rice. Therefore, the provisions of the Freedom to Farm Act which provide this subsidy actually amount to another form of federal welfare, taking from producers and giving to non-producers.

My legislation is very simple and direct in dealing with this problem. It says that those who had tenant rice farmers producing rice when they began to receive this subsidy must continue to maintain rice in their crop rotation if they wish to retain the subsidy. In this way, we can remove the perverse incentive which the Federal Government has provided to landowners to exit the rice business and thereby put the entire rice infrastructure at risk.

America's rice farmers are among the most efficient, effective producers of rice in the world despite the many hurdles erected by Washington. Our rice producers can compete with anyone absent such hurdles and this bill will help remove one. In order to enhance our competitive position, we should also end our embargoes of other nations which would like access to rice produced in America. Further we should eliminate the burdensome taxes regulations on America's farmers to insure increased market access and a healthy farming community in the these United States.

TRIBUTE TO SARA AVIEL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Sara Aviel, a dedicated community leader who is being honored as a "Young Woman of Excellence" by the San Mateo County Women's Hall of Fame.

Sara Aviel has won several awards for her excellence in academics, debate, civic work and music. Her participation as an attorney on the Hillsdale Mock Trial Team helped them win the county championship in 1995, 1996, and 1997 and place second in California last spring. She has been a leader in Junior State of America for three years, as well as a reporter for her school newspaper, writing about issues such as the place of religion in public schools. Last summer, Ms. Aviel spent a month in Costa Rica where she communicated in Spanish while working in the rain forest and in an impoverished village. She plays the piano and has played the viola with the El Camino Youth Symphony. In addition to her extracurricular activities, Ms. Aviel has earned a 3.9 GPA, as well as being a National Merit Semifinalist while tutoring others in math and Spanish.

Mr. Speaker, Sara Aviel is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being chosen a "Young Woman in Excellence" by the San Mateo County Women's Hall of Fame.

VICE PRESIDENT TO MEET WITH RUSSIAN PRIME MINISTER

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. WELLER. Mr. Speaker, on Tuesday, March 10, 1998, Vice President Al Gore will be meeting with Russian Prime Minister Viktor Chernomyrdin here in Washington. As a cochairman of the House Republican Israel Caucus, I believe Russia's continued transfers of missile technology and expertise to Iran is a serious concern. At the current rate of transfer, Iran could have the ability to produce ballistic missiles capable of striking targets in Israel and parts of Europe and Asia within a year. I think the Prime Minister's visit is a great opportunity to force our Administration to confront the Government of Russia on this issue.

I'd like to share for the RECORD a copy of a letter that will be sent to Vice President Gore. In addition to expressing our serious concerns about the issue, it also includes some very tough questions that we would like the Vice President to ask of Prime Minister Chernomyrdin.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 4, 1998.

Hon. WILLIAM CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: On the eve of Vice President Al Gore's very important meeting with Russian Prime Minister Viktor Chernomyrdin, we write to you to express our continuing concerns about Russian transfers of missile technology and expertise to Iran. At this time, we feel the need to reemphasize to you our strong opposition to such activities and to express to you our concerns regarding your administration's policies in dealing with this critical situation.

As we have expressed to you in the past, Congress believes that the activities of Russian entities which are engaged in such transfers threaten our national security interests. If the current flow of technology and expertise from Russia to Iran continues unabated, Iran could have an indigenous capability to produce a ballistic missile that could strike at American interests in the Middle East, including our close ally Israel, as well as parts of Europe and Asia.

We believe that your administration needs to do more to address this issue. Under the "Gore-McCain" Iran/Iraq Arms Nonproliferation Act of 1992, you are required to sanction foreign governments or entities which knowingly supply Iran with advanced conventional weaponry or technology that could contribute to their acquisition of weapons of mass destruction. In addition, since Russia is a signatory to the Missile Technology Control Regime, and since such technology transfers are in violation of this accord, further sanctions are called for under the Arms Export Control Act and the Export Administration Act.

The Government of Russia needs to understand that the United States will not stand idly by as entities under Russian authority assist a rogue nation in acquiring weapons of mass destruction. Despite the resolution issued by Prime Minister Chernomyrdin earlier this year, which did not legally restrict such transfers but rather stipulated that Russian firms "should refrain" from such transfers, U.S. intelligence reports indicate that Russian entities have signed contracts with Iran to help produce liquid-fueled ballistic missiles such as the SS-4. There is also evidence that the sale of high-technology laser equipment and other supplies needed for the manufacture and testing of missiles has been negotiated. Beyond the technology transfers, thousands of Russian scientists, engineers and technicians are reported to be operating in Iran as advisors.

In light of the failure of the Government of Russia to stop these transfers, Congress felt compelled to introduce the Iran Missile Proliferation Sanctions Act last fall. This legislation, which has passed the House of Representatives and currently has 82 cosponsors in the Senate, would sanction those entities engaged in the transfer of technologies to Iran.

Mr. President, we are gravely concerned about this situation. We would appreciate your administration's assessment regarding current Russian procedures to stop such transfers.

The Administration has been reluctant until now to impose sanctions on Russian entities involved in providing Iran with missile technology even through existing law requires such sanctions. While we cannot expect the Russian government to be 100% effective in stopping the flow of missile technology and expertise to Iran, we can, and must, expect 100% effort. But, how are we to judge whether Russia is sincerely seeking an end to its cooperation with Iran or merely doing enough to prevent the imposition of American sanctions? Specifically, to allay our skepticism about Russian intentions, we would expect to see real evidence of Russian action. We are requesting that on our behalf you ask the following questions of Prime Minister Chernomyrdin and provide us with his answers as soon as possible.

Why hasn't the Government of Russia passe a law to strengthen their decree which restricts the transfers of such technologies and expertise to Iran? Are there legal actions which could be sought against those entities that continue to engage in such activities? How soon can we expect a law to be enacted?

What concrete evidence has the Government of Russia provided that contracts and intelligence cooperation between Russia and Iran are ceasing and programs being terminated?

Has the Russian leadership spoken out forcefully in public against the transfer of Russian missile technology? Have any entities participating in the transfer of technology been arrested for their involvement?

Have the Russians begun to put in place an effective export control regime? Is there any evidence that Russian efforts are having an impact on Iran's procurement efforts?

Mr. President, we believe that the time for good will has ended. If Prime Minister Chernomyrdin does not provide the United States with concrete evidence proving that his country has taken a serious initiative to prevent the transfer of such technologies, then we must act.

Thank you for your consideration on this very important matter. We anxiously anticipate your reply.

Sincerely,

INTRODUCTION OF H. CON. RES. 235 CALLING FOR AN END TO THE VIOLENT REPRESSION OF THE LEGITIMATE RIGHTS OF THE PEOPLE OF KOSOVA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. GILMAN. Mr. Speaker, the savagery that the Serbs have unleashed upon innocent men, women and children of the province of Kosova in Serbia since the beginning of this month has surpassed the level of brutality that we have become all too accustomed to in the Balkans. In response to an attack by unknown persons in late February on Serbian police in Kosova that left four of the officers dead, the Serbian authorities conducted a series of large paramilitary sweeps utilizing helicopter gunships and armored personnel carriers throughout several rural villages. During the course of these operations they rounded up male citizens and savagely beat them in front of their terrorized relatives. Scores of people have been reported to be killed or injured.

When 30,000 Kosovars marched peacefully in the streets of Pristina, Kosova's capital, to protest the outrageous behavior of the Serbian authorities, the police again overreacted, wading into the crowd and beating anyone they could. Later they attacked newspaper offices and journalists.

The Congress has called for a non-violent resolution of the situation in Kosova since the current crack-down began ten years ago, and urged our government to keep pressure on Serbia until the government of Serbia improved conditions in Kosova. President Milosevic, who bears personal responsibility for the policies that have now led to the current violence, has been repeatedly warned by our government and other members of the international community that we would not tolerate a massive outbreak of violence. These warnings have apparently gone unheeded, and it is now time to demonstrate our strong resolve not to allow the Serbs to continue brutalizing the Albanian majority in Kosova.

H. CON RES. 235

Whereas the Albanian people of Kosova constitute more than 90 percent of the total population of Kosova;

Whereas the political rights of the Albanian people of Kosova were curtailed when the Government of Yugoslavia illegally amended the Constitution of Yugoslavia without the consent of the people of Kosova on March 23, 1989, revoking the autonomous status of Kosova;

Whereas in 1990, the Parliament and Government of Kosova were abolished by further unlawful amendments to the Constitution of Yugoslavia;

Whereas the State Department's 1997 Country Report on Human Rights in Serbia notes violations of civil liberties in Kosova particularly in the following categories: political and other extra-judicial killing; torture and other cruel inhuman or degrading treatment or punishment; arbitrary arrest, detention or exile; denial of fair public trial; and arbitrary interference with privacy, family, home, or correspondence;

Whereas on the night of February 28, 1998, Serbian paramilitary policy units, reported to number in excess of 25,000 men, swept through the Drenica region of Kosova killing more than 20 Albanian citizens, many of whom died from being beaten to death;

Whereas on March 2, 1998, 30,000 demonstrators peacefully marched in Pristina to protest the massacre of February 28 and were brutally attacked by Serbian police;

Whereas a group calling itself the Liberation Army of Kosova has threatened to retaliate against the atrocities committed by Serbian authorities;

Whereas new elections in Kosova have been scheduled for March 22, 1998; and

Whereas the President of the United States and other officials have warned the Government of Serbia that there would be serious consequences if Serbian policies led to an escalation of violence in Kosova: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) efforts of the international Contact Group (the United States, United Kingdom, France, Germany, Russia, and Italy) in support of a resolution of the conflict in Kosova are to be commended and intensified;

(2) no international or United States sanctions currently in force against the Government of Serbia and Montenegro should be terminated at this time, unless such termination serves to support a peaceful resolution to the repression in Kosova;

(3) the United States should consult with its allies and other members of the United Nations on reimposing those sanctions against Serbia-Montenegro that were terminated following the signing of the Dayton Peace Agreement in 1995 if Serbian authorities continue to use unlawful violence against the Albanian people of Kosova;

(4) the United States should acknowledge recent developments in the Republic of Montenegro that indicate that the new leadership of the Republic is seeking a peaceful resolution to the repression in Kosova, particularly the statement by Montenegrin President Milo Djukanovic that Kosova must receive a certain degree of autonomy, and his call for a dialog between the Government of Serbia and Montenegro and ethnic Albanians in Kosova;

(5) the United States should, to the extent practicable, recognize positive actions by the Government of the Republic of Montenegro with regard to repression in Kosova through exclusion from those sanctions that may be applied to the Government of Serbia;

(6) the elections in Kosova scheduled on March 22, 1998, should be allowed to proceed unimpeded by Belgrade, as they represent the opportunity for a peaceful expression of the political will of the Albanian people of Kosova;

(7) all parties should refrain from acts that could lead to heightened tensions in Kosova;

(8) the agreement on education in Kosova should be implemented immediately, including at the university level, allowing all residents of Kosova regardless of ethnicity to receive education in their native tongue; and

(9) that the elected leaders of Kosova should begin a dialog with the authorities in Belgrade to resolve the present situation, and to provide for the exercise of the legitimate civil and political rights of the Albanian people of Kosova.

AMERICAN SAMOA GARMENT INDUSTRY

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation which would make effective the country of origin rules in effect on June 30, 1996 for apparel items produced in American Samoa. This legislation is limited in scope, and it will have a limited impact on U.S. trade. It is, however, critical to the economic development of American Samoa.

Mr. Speaker, the American Samoa Government has been pursuing outside investment opportunities for many years. A few years ago, a garment manufacturing company began production in American Samoa—the first significant new outside industry to invest in the territory since the nineteen-sixties. The new industry provides jobs for our people, tax revenues for the local government and secondary revenue for a variety of private sector businesses.

The industry is small by U.S. standards (it employs fewer than 500 local people at this time), but it represents diversification for our economy, and its presence lessens our dependence on the federal government. The plant is running smoothly and is meeting scheduled production levels.

Because this is a new industry for American Samoa, it requires a significant amount of planning and training of the local workforce. While our people need time to develop the sewing skills needed to be competitive on a world-wide basis, we are very good at cutting—regularly meeting or exceeding the quantitative standards.

To take advantage of our cutting skills, the existing garment manufacturing company is proposing a three-phase expansion. The expansion plans call for the construction of an enlarged cutting facility where fabric of U.S. origin will be cut, a dye plant in which "grey goods" or pre-dyed fabric of U.S. origin will be dyed and a knitting facility where yarn of U.S. origin will be knit into fabric.

This will be good for the U.S. textile industry—in American Samoa and on the mainland. We estimate that an additional $5–7 million dollars can be generated for the mainland U.S. textile industry if the expansion goes forward as planned.

Mr. Speaker, the numbers involved are very small in U.S. mainland terms, but they are of great significance on an island whose population totals 60,000 people.

It now appears that the 1996 change in U.S. Customs regulations has placed in jeopardy our infant garment industry and its future growth. As of July 1, 1996, garments produced almost entirely in American Samoa lost their previous customs treatment even when only a relatively small portion of the production process is performed in a foreign country.

The garment company doing business in American Samoa would like to import U.S. yarn to American Samoa, knit or weave it in American Samoa, dye it in American Samoa, sew as much as the factory in American Samoa can handle, ship the excess out to another country for sewing, bring it back to American Samoa for final assembly and packaging, and have the finished goods enter the United States as products of the United States.

This was possible under the old regulations, but under the 1996 regulations, this can no longer be done. It does not make good business sense for this company to expand as it is proposing in American Samoa unless this expansion is economically feasible. The legislation I am introducing today, if enacted into law, would grandfather the nascent American Samoa garment industry under the old rules, enabling the industry to operate successfully in American Samoa and allowing the existing company to build a larger production facility and finance an orderly expansion.

I believe that this legislation is reasonable and fair and in the best interest of the U.S. textile industry as a whole and the U.S. territories in particular.

My legislation is limited in scope and will merely preserve the old country of origin rules for garment producers in American Samoa. My legislation will help other manufacturing companies who may contemplate locating in American Samoa.

This industry is already providing more than 400 new local jobs in America Samoa, and will provide hundreds more if the expansion plans can be implemented. The infant industry and its future growth are at stake.

This is an important test case which will prove whether or not new export industries can be successful in American Samoa. The implications of the success (or failure) of the expansion project are critical for the economic future of the territory.

Mr. Speaker, the experience of the people of American Samoa is a good example of the difficulties the U.S. territories face in attracting businesses to invest in our economies.

American Samoa's economy has been hampered by our isolation from world markets and world shipping lanes. We have relied on incentives such as the Possessions Tax Credit and the advantages offered under General Note 3(a) of the Harmonized Trade Agreement to help attract the outside investment our economy needs to grow, but those incentives are disappearing.

Over time, the advantages of doing business in the U.S. territories are being outweighed by the emergence of low-cost alternatives engendered by NAFTA and GATT/WTO policies. Countries with lower wage scales, such as Mexico and others in Central America and the Far East, are luring business away from the United States.

Under my analysis, sewing in higher-wage countries will continue to be reduced to the extent that soon there may not be a domestic U.S. sewing industry. I believe that this legislation will better position the United States to keep as much of the industry in U.S. hands as possible, and I look forward to seeing this bill enacted into law.

TRIBUTE TO JOHN ORELLANA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to John Orellana, an individual from my hometown of Corona, California who contributed generously of his time and talents to help others and to make his community a better place in which to live and work. In doing so, he made the ultimate sacrifice and died in January in the line of duty.

Mr. Orellana was not born an American citizen—he immigrated from El Salvador to the United States when he was 17 years old. He was proud of his adopted country, served honorably in the U.S. Marine Corps, and worked hard to provide for his family. Mr. Orellana was a 22-year veteran of the Immigration and Naturalization Service and worked as a special agent in the anti-smuggling unit. He was killed in a car crash as he responded to a call for help from a U.S. Border Patrol agent. Mr. Orellana was a husband, a father, and a great American who went out everyday to make a difference. And he did, some days in small ways, some days in big ways, and on January 29, 1998, it cost him his life. Mr. Orellana deserves our deepest respect and gratitude.

Mr. Speaker, I ask that you and our colleagues join me in remembering John Orellana. Our prayers and most heartfelt sympathy are extended to his family and loved ones. To Mr. Orellana's wife Aura, and his children Nami, David, and Pilar—we honor your husband and father and wish him God's peace.

SALUTE TO GRANT BRIMHALL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. GALLEGLY. Mr. Speaker, I would like to salute a man who has dutifully managed the city of Thousand Oaks for 20 years and has served the State of California for almost 35 years.

Today, I would like to recognize Grant Brimhall's commitment to public service—his commitment to everything from the arts, to social service, to transportation.

Under Grant's direction, Thousand Oaks boasts some of the busiest libraries in the Nation, active teen and senior centers and has maintained beautiful nature paths and scenic trails. And under Grant's direction, Thousand Oaks has provided affordable housing, and a successful business industry for its citizens, with solid and balanced economic growth extending into Ventura County.

Grant Brimhall set a standard—a standard and a philosophy that caught on. His example and urgings inspired the community to take control of their neighborhoods by getting involved in community policing, making Thousand Oaks ranked among the top three cities with the lowest crime rate for its size. Thousand Oaks is a place where residents have joined together to make their streets safer through community policing programs such as a citizens police academy, volunteers in policing, and mobilizing a police resource center.

But Grant Brimhall's contributions go beyond the district lines of Thousand Oaks. He also served the city of Glendora for many years as city manager and was actively involved in many civic activities as well.

I join many others in honoring Grant, who is the recipient of numerous awards from various groups and organizations.

Again, on the event of his retirement, I am pleased to honor the successful career of Grant Brimhall. His leadership and service will be missed, but whose years of hard work will continue to benefit the citizens of Thousand Oaks, California.

PROTECT SMALL BUSINESSES FROM ABUSIVE LAWSUITS

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1998

Mr. INGLIS of South Carolina. Mr. Speaker, I rise today to introduce the Small Business Lawsuit Abuse Protection Act of 1998.

American small businesses are under assault from excessive taxation, regulation and litigation. Particularly frustrating to many entrepreneurs is the fact that the current legal system makes them liable for accidents they do not cause and are powerless to prevent.

In the 104th Congress, the House of Representatives overwhelmingly supported common sense reform of our legal system. Today, however, because a comprehensive reform package was not enacted, it is vitally important that we stand up for small businesses facing a barrage of frivolous lawsuits. In the absence of a comprehensive package, we can still achieve much needed reform by advancing legislation that will offer targeted and incremental reform, as we did in 1997 by enacting the Volunteer Protection Act.

Mr. Speaker, I believe we can build on the momentum we started with the Volunteer Protection Act and provide similar protections to small businesses. The Small Business Lawsuit Abuse Protection Act of 1998 is simple and straightforward. It will offer three important protections to small businesses with 50 or fewer employees: Protects small businesses by allowing the imposition of punitive damages in any civil action only if the claimant establishes by clear and convincing evidence that the conduct carried out by the defendant through willful, misconduct or with a conscious, flagrant indifference to the right or safety of others was the proximate cause of the harm that is the subject of the action; protects small businesses by limiting punitive damages to the lesser of either two times the total amount of economic and non-economic losses or $250,000; and protects small businesses by holding them liable in an amount that is proportionate to the degree of harm for which they are responsible.

A broad and bi-partisan consensus exists on the need to protect America's small businesses from abusive litigation. This legislation is supported by the United States Chamber of Commerce, the National Restaurant Association, National Small Business United and the National Federation of Independent Business.

Mr. Speaker, I encourage my colleagues to give this measure swift and favorable consideration.

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, February 10, 1998.

Hon. BOB INGLIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE INGLIS: The National Restaurant Association—the leading representative for the nation's restaurant industry which employs more than nine million Americans—strongly applauds your effort to protect small businesses from litigation excesses.

Many small businesses, particularly restaurants, have become vulnerable to excessive litigation in recent years. Indeed, our members are all too familiar with the rising costs of liability insurance and with the reality that a single frivolous lawsuit can be enough to drive a restaurant out of business. We strongly support the Small Business Lawsuit Abuse Protection Act of 1997 and believe it will go a long way toward curbing lawsuit abuse.

Because of the fear of unlimited punitive damages when faced with a claim, many small business owners settle out of court for significant award amounts, even if the plaintiff's claim is frivolous and unwarranted. Plaintiffs' attorneys take advantage of a small business owner's fear, pursuing claims against businesses that they know will have "settlement value." The Small Business Lawsuit Abuse Protection Act limits the amount of punitive damages that may be awarded against a small business. In any civil action against a small business, punitive damages may not exceed the lesser of two times the amount awarded to the claimant for economic and noneconomic losses, or

$250,000. Putting a cap on the amount of punitive damages would help to reduce frivolous suits and would enable businesses to obtain more equitable settlements and avoid costly and unnecessary legal fees.

In addition to limiting punitive damages, we are pleased that your legislation includes a provision to limit several liability for noneconomic damages. Under joint and several liability, small business owners are often dragged into lawsuits with which they had little, or nothing, to do. The Inglis Small Business Lawsuit Abuse Protection Act takes an important first step by limiting the liability for noneconomic loss to the proportion of the small business' responsibility. The limitation on several liability would apply in any civil action against a small business.

Representative Inglis, we appreciate your continued commitment to small business and to legal reform. We look forward to working with you to pass the Small Business Lawsuit Abuse Protection Act.

Sincerely,

ELAINE Z. GRAHAM,
Senior Vice President,
Government Relations and Membership.
CHRISTINA M. HOWARD,
Senior Legislative Representative.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, February 11, 1998.

Hon. BOB INGLIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE INGLIS: The U.S. Chamber of Commerce—the world's largest business federation, representing more than three million businesses of every size, sector and region—continues to be a strong advocate of tort reform. Indeed, American consumers and businesses squander more than $150 billion annually in excessive litigation cost and higher liability insurance premiums. That's why we are pleased to support your legislation as another step forward in providing relief from the litigation crisis. We urge Congress to build on the momentum created by the enactment last year of the Volunteer Protection Act by passing your bill, the Small Business Lawsuit Abuse Protection Act.

Small business, the backbone of our nation's economy, are particularly vulnerable to excessive litigation. Small business owners too often face the practical equivalent of a death sentence for their business, with consequent loss of jobs and needed goods and services. The Small Business Lawsuit Abuse Protection Act will level the playing field for small businesses by providing reasonable and well-balanced reforms.

The bill addresses the lottery aspect of litigation in two major ways: (1) by limiting punitive damage awards to the lesser of $250,000 or two times compensatory damages, and (2) by requiring the claimant to prove by clear and convincing evidence that the harm was caused by the small business with a conscious, flagrant indifference to the rights or safety of the claimant. In addition, for noneconomic damages, the bill limits liability to the proportion of the small business' responsibility for causing the harm.

The Chamber greatly appreciates your continued leadership on liability reform issues and support of small business issues. We look forward to working with you and your colleagues to pass the Small Business Lawsuit Abuse Protection Act.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL SMALL BUSINESS UNITED,
Washington, DC, February 19, 1998.

Hon. BOB INGLIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE INGLIS: National Small Business United (NSBU), the oldest small business advocacy organization congratulates you on the introduction of the Small Business Lawsuit Abuse Protection Act. Having reviewed the content and intent of the proposed legislation, NSBU—on behalf of its 65,000 members—offers our full support

Lawsuit abuse is a serious issue for all of America's businesses, but especially troubling for the nation's 22 million plus small businesses. Small businesses generally do not have the legal resources to combat the onslaught of frivolous lawsuits that have an unnerving grip on this country. Your bill set in place common-sense criteria that would protect millions of businesses from frivolous lawsuits while not inhibiting legitimate litigation.

A key component of the bill is your efforts to limit punitive damages at reasonable levels and straight-forward reforms to joint and several liability. NSBU has been calling on Congress to act on these very issues for many years.

By modeling proven and accepted legislation like the Volunteer Protection Act of 1997, the Lawsuit Abuse Protection Act is critical and necessary litigation reform for small business. Representative Inglis, your bill—with its bipartisan support—is welcomed by NSBU and our members.

Sincerely,

TODD MCCRACKEN,
President.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, March 5, 1998.

Hon BOB INGLIS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE INGLIS: On behalf of the 600,000 small business owners of the National Federation of Independent Business (NFIB), I am writing to commend you for your efforts to put an end to abusive litigation and restore common sense to our civil justice system.

Legal reform is a *small business* issue and was listed as a top priority at the 1995 White House Conference on Small Business. The frequency and cost of litigation have been exploding at an alarming rate. Our civil justice system is becoming increasingly inaccessible, unaffordable and intimidating, not to mention unfair. It is now so strained that it threatens not only the fair judicial process but also has become a huge disincentive to business start-ups. The cost and availability of liability insurance was listed as a top concern to small business owners in a survey conducted recently by the NFIB Education Foundation.

Small business owners now see the legal system as a "no win" situation. If sued—even if completely innocent—it means either a costly, protracted trial or being forced into an expensive settlement to avoid a trial. Thousands of small business owners across the country are having their business, their employees, and their future put at risk by a legal system that is out of control.

Small business owners support any measures that inject more fairness into our civil justice system and allow for the affordable pursuit—or defense—of legitimate cases. Your legislation, the Small Business Lawsuit Abuse Protection Act of 1997, is an important vehicle for those goals. With our courts facing an extraordinary backlog with delays up to several years in some jurisdictions, your bill will discourage frivolous or malicious cases, and help streamline and balance the system.

Thank you for your continued support of small business.

Sincerely,

DAN DANNER,
Vice President,
Federal Governmental Relations.

SENATE—*Friday, March 6, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, in this time of quiet we rest in You; we lean on Your stability; and we draw on Your strength. We feel our tensions and anxieties melt away as we simply abide in Your presence. Your love dispels our fears, and the vision of what You are able to do in and through us today maximizes our hopes. When we abide in You, we are able to abound in the unsearchable riches of Your limitless power. Go before us to show the way and help us anticipate the amazing gifts of love, wisdom, discernment, and vision You have prepared for us. You know exactly what we will face today and will equip us to live at our full potential, multiplied by Your energizing power. You do all things well. Thank You for guiding us with Your perfectly prepared answers to the problems and potentials of this day. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Rhode Island, is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, on behalf of the majority leader, I announce that today the Senate will resume consideration of S. 1173, the so-called ISTEA legislation. Under a previous agreement, the Senate will conclude 90 minutes of debate on the pending McConnell amendment regarding contract preferences, with debate equally divided between the proponents and opponents, with 40 minutes of that time equally divided between Senators CHAFEE and BAUCUS.

Also, as under the consent, at 11 a.m. the Senate will proceed to a vote on or in relation to the McConnell amendment. Following that vote, the Senate will continue to consider amendments to the ISTEA legislation.

In addition, the Senate may also consider any legislative or executive business cleared for floor action. Therefore, additional votes are possible during today's session. An effort will be made to announce additional votes as soon as it can be determined when and if additional votes will take place.

As a reminder to all Members, the first rollcall vote today will occur at 11 a.m.

ORDER OF PROCEDURE

Mr. CHAFEE. Mr. President, I ask unanimous consent that in any quorum calls the time be charged equally between the proponents and opponents.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. The Chair lays before the Senate S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676.)

Pending:

McConnell amendment No. 1708 (to amendment No. 1676), to require that Federal surface transportation funds be used to encourage development and outreach to emerging business enterprises, including those owned by minorities and women, and to prohibit discrimination and preferential treatment based on race, color, national origin, or sex, with respect to use of those funds, in compliance with the equal protection provisions of the fifth and 14th amendments to the Constitution.

AMENDMENT NO. 1708

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I yield the Senator from Massachusetts 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the Disadvantaged Business Enterprise program in ISTEA has given numerous women and minority-owned businesses the opportunity they deserve to compete for federal highway construction contracts. Since it began in 1982 and was expanded to include women in 1987, the face of the construction industry has changed dramatically—we still have far to go, but because of this program, we have come a long way.

Today, however, we are faced with a choice. Do we continue to move forward or do we turn back, and return to the virtually all-male, all-white construction industry that we had in the 1970s? Members of the Senate must consider this question carefully, because we know what will happen if the program is eliminated.

In 1978—before implementation of the program—women and minorities received less than 2 percent of all federal contracting dollars. In 1979, the figure was 2.22 percent—and no federal dollars went to women-owned firms—zero. Clearly, America had to do better, and the need to give women and minorities a fair opportunity to bid for contracts led to the implementation and expansion of the program in 1982 and 1987, respectively.

Because of these state and federal initiatives, women and minority-owned firms made great strides in the construction industry. It wasn't until the Supreme Court's decision in Richmond versus Croson in 1989, that this progress began to slow. The Croson decision required application of the strict scrutiny test to state affirmative action programs, and, as a result, several states eliminated these measures.

But, contrary to what some have said, the Croson decision was not the death-knell for these state and local programs. Many of these easily met the strict scrutiny test—in Denver and King County, Washington, for example—and other programs were revised to meet the constitutional requirement.

One of the most important lessons in the wake of the Croson case is the evidence of what happens when these programs are eliminated. There has been a shocking disparity in participation levels by minorities and women in states setting goals under ISTEA for federal dollars, but not setting goals for state contracting dollars.

In Nebraska, 10.5 percent of federal dollars went to disadvantaged business enterprises because of ISTEA goals—but only 3.6 percent of state dollars went to these firms.

In Louisiana, 12.4 percent of federal dollars went to such firms because of ISTEA goals, but only 0.4 percent of state dollars went to the same firms.

In Missouri, 15.1 percent of federal dollars went to such firms, but only 1.7 percent of state dollars did. The trend is the same in every other state that does not have such a program.

This is not what we want for federal transportation contracts. It makes no sense to destroy women and minority-owned businesses and wipe out the 100,000 jobs that they create. That cannot possibly be the goal of this Republican Senate.

The disadvantaged business enterprise program is essential for the survival of these firms. Not because they aren't qualified. Not because they can't compete on merit. But, because too many in the construction industry are not willing to give qualified firms a chance if they are owned by women or minorities.

Ask the women and minorities who are certified for this program. Mary Aguillar-Lancome, president of Coast and Harbor Associates in Boston told me, "If there is a goal, prime contractors will call DBEs; if not, they will not call." Other firms have made similar comments. Jack Bryant, President of Jack Bryant Associates in Massachusetts told me, "Without goals, most in the construction industry would not make a good faith effort to work with women and minority-owned businesses. The elimination of this program would be disastrous."

Of course, the program doesn't just help women and minorities. It extends a helping hand to firms owned by white males, as well. They can be certified to participation if they prove that they have been disadvantaged. Just ask Randy Pech—the owner of the Adarand Construction Firm—because he is currently seeking certification.

It is preposterous to argue that the Sultan of Brunei would be certified, but that an economically disadvantaged white man would not. That cannot happen, and the new regulations clarify the certification requirements.

Mr. President, I want to show this chart, which illustrates very clearly what happens when you have the Federal highway program with the DBE Program and no DBE Program for State-funded programs.

The red indicates the various States that do not have the DBE Program. And you can see what happens in terms of women and also minority construction firms versus those States that are part of the Federal system. The contrast is so dramatic that I think it makes a powerful case. What we are talking about is quality programs—those programs that are going to meet the price competition and also the other competitive forces.

But this illustrates what the principal problem is. I think it is incorporated in this statement by Elaine Martin, president of the MarCon Company in Nampa, ID.

> Most companies can point to one or two jobs that made it possible for those companies to succeed. My essential job would not have been awarded to me without the DBE program. I was low bidder on a job in 1987 where the owner told the estimator to give the job to a larger male-owned firm that had a higher bid than mine. The estimator told the owner that the job had DBE, and as the low bidder I should be given the opportunity to perform.

We have instance after instance.

Dorinda Pounds, President of Midwest Contractors, Inc., in Cedar Falls, IA:

> One of the major reasons that my investors and my banker was willing to take the risk with my new company was that I had the opportunity to become certified as a DBE contractor. Without the DBE program they felt the "good old boy" system would lock me out and would keep me from having a chance to become successful.

That case has been made hour after hour during the course of this debate. We know what the issue is. We are talking about simple fairness and justice for women and minorities in our country to participate in a program that is being paid for by American taxpayers. The American taxpayers, women and minorities, are contributing the tax dollars that go to this program. All we are saying is they shouldn't be excluded from being able to participate in the program.

Those who are trying to strike this program are effectively doing that. They may couch that in different kinds of language, but the record is very clear what the bottom line is going to be and what the results are going to be. The case couldn't be any clearer.

I urge my colleagues to support this program. A vote for this program is a vote for fair opportunity for women and minority-owned construction firms, as well as for many other small businesses around the country. All these business owners ask is a fair chance to compete. We cannot and we must not deny them that opportunity.

This is one of the most important civil rights votes of this Congress and one of the most important civil rights issues of the 1990s. It is time for the Senate to do the right thing, and stand up for civil rights and equal opportunities for all.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, under the time controlled by the Senator from Kentucky, I yield 5 minutes to my friend from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in support of equal rights and civil rights and in support of this amendment.

This program is not an issue about giving people an opportunity. It is a clear quota. It is a quota in the law that says not less than 10 percent of the $208 billion that will be spent under this bill has to be spent through contractors who are not necessarily small or disadvantaged economically. Many of them are quite large, quite successful. But, what they have to fulfill is a quota based on race and gender. This is a violation of everything for which America stands. It is in violation of the Constitution. This specific provision was struck down in the Adarand case by the Supreme Court of the United States.

I am strongly in support of this amendment.

I want to make a point of expressing my admiration for our colleague from Kentucky. I have found that on those tough issues when our constitutional rights are threatened, there is almost always one Member of the U.S. Senate who rises in defense of our freedom, and that is MITCH MCCONNELL from Kentucky. Whether the issue is campaign finance reform, which is a cloaked effort to deny people freedom of speech, or whether it is quotas which violate the basic principle of equal opportunity, there is one man in the Senate who always stands up for our constitutional rights. I want him to know that his colleagues admire him and love him for that.

There are two issues I want to address. No. 1, this provision, which the amendment of the Senator from Kentucky would strike, has been declared unconstitutional in the Adarand decision and, in fact, the court has said that section 1003(b) of ISTEA, which is repeated in this bill, and the regulations promulgated thereunder, are unconstitutional.

I want to remind my colleagues that whether it was 6 years ago, 4 years ago or 2 years ago, we each stood right down there in the well of the Senate, put our hand on the Bible, and swore to uphold, protect, and defend the Constitution against all enemies, foreign and domestic. Sometimes we are the enemies. The issue here is, are we going to uphold the Constitution or are we not? When it comes to the Constitution, put me down on the side of the Constitution.

The second issue is fairness. We all want to help people compete. We all want Americans to have equality of opportunity, but you cannot have equality of opportunity through a program that clearly discriminates against people. There is only one fair way to decide who gets a contract and that is competition based on merit and price.

The General Accounting Office, in a 1994 study, concluded that ISTEA's racial preferences over the next 6 years will cost the Nation $1.1 billion in unnecessary construction costs. The GAO also concluded that the program in this bill is not an avenue for contractors to become competitive. Less than 1 percent of the contractors who get special privileges under this bill graduate to become competitive contractors in the marketplace.

Finally, let me note that the amendment by the Senator from Kentucky strikes down the unconstitutional provision on "disadvantaged business enterprises"—which has nothing to do with disadvantaged business enterprises—and substitutes a new provision on emerging business enterprises, which is clearly constitutional. This provision includes outreach programs to help small businesses, no matter if the head of the business is a man or a woman, no matter what their ethnic background is. It helps people compete. It helps them find bonding. It helps them do the very complicated and expensive work of applying for a Federal contract. And, in fact, it is a better, more fair way because it is based on the American system.

I believe in merit. If there is one principle on which America is established, it is the principle of equal opportunity. It is not equality to exclude people from competing based on race, color, national origin or sex.

I yield the floor and thank the Chair.

The PRESIDING OFFICER (Mr. ENZI). The time of the Senator has expired. The Senator from Kentucky.

Mr. MCCONNELL. I thank my good friend from Texas for his overly kind observations about my work. I thank him for his support for this important amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Before the distinguished Senator from Texas leaves, I want to say I always appreciate the opportunity to hear him debate on the floor because he is very good. In his admiration for the efforts that the Senator from Kentucky is making to defend our Constitution, as he outlines, I hope we can enlist the support of the Senator from Texas against an amendment that is clearly against the Constitution and restricting efforts there, and that is the so-called "burning of the flag" amendment. We would be glad to have him sign up against that pernicious proposed addition—I hope it never passes here—in connection with the Constitution.

Mr. GRAMM. Will the Senator yield?

Mr. CHAFEE. Yes.

Mr. GRAMM. I do not think I will be attending any flag-burning parties. I think it is important to note that when you are dealing with a constitutional amendment, it is a question of whether you want to make that provision part of the Constitution, not whether or not it is constitutional now.

If Senator KENNEDY wanted to amend the Constitution to say that we have privileged Americans who are going to be treated differently than everybody else, and that we are going to discriminate against others in their favor, he would have a perfect right to do that. That provision, if it became part of the Constitution, would be the law of the land.

The point is he would be up against a much bigger opponent than he would like people to believe, and that opponent is the Constitution of the United States, Jefferson, Washington, Lincoln, and every serious thinker about economic and political freedom in the history of this country.

I yield the floor.

Mr. CHAFEE. I am delighted that he has had a roll call of heroes of the country, but before he leaves I would point out one thing. It is not often that he is inaccurate, but I am afraid that he went overboard a little bit today when he suggested that the Supreme Court in the Adarand decision had struck down as unconstitutional the provisions of the affirmative action program. What the Supreme Court said in the 5 to 4 decision—I am talking about the Supreme Court. I like to deal with the Supreme Court. What it did is remanded that case. It did not say it was unconstitutional. Any talk of unconstitutionality came by the lower court which then examined whether the provisions in the Adarand situation conformed to the restrictions that the Supreme Court was applying.

I just want to say to the distinguished Senator from Massachusetts—and by the way, I am on my time now, Mr. President—I think he is exactly right when he points out the difference between what happens when you have a State program with no admonitions in it, or requirements as far as minority contractors go, and what happens when you have the Federal program when the efforts are made. I might say these, the goals, are voluntary in the States. In Kentucky—I was pleased to see that Kentucky is considerably above the 10 percent. Kentucky itself is at 11.5 percent. In my own State, when we have the State programs with none of the Federal requirements in them—with the Federal requirements we are at 12.1 percent to minority contractors; when we do it with the State's money, we are at zero. That is my State, at zero when we deal with the State handing out its money. But when we deal with the Federal Government's requirements, then we go up to 12.1 percent. So it shows the difference that the Federal Government's requirements make. Therefore, I am very much in favor of the language that is currently in the law and am in opposition to the McConnell amendment.

Again, I would point out to everybody, if those who are against these preferences want to come out with a bill that deals with it generically—as we pointed out before, there are some 60 different programs—bring it out on the floor and let's debate it. But let's not do it one by one in individual programs such as this, and particularly this one where we have, as I pointed out yesterday, a letter from the Secretary of Transportation saying that he could not recommend the President sign this measure if the McConnell amendment should pass.

Mr. KENNEDY. Will the Senator yield for a brief question?

Mr. CHAFEE. I will.

Mr. KENNEDY. Since the Senator has referred to Rhode Island, I am wondering, as the manager of this legislation dealing with the surface transportation, whether you have complaints from the contractors about the inefficiency or the poor quality of work, or the failure of being on time? Or the fact that here in Rhode Island, when they are using the Federal funds, it is 12.1 percent?

Generally speaking, I have not, in the course of this debate, heard complaints that the work that is being done with the DBE has been not of first-rate quality, on time, and effective work. I am just wondering if the Senator from Rhode Island is receiving a lot of complaints because the DBE Program is in effect in his State?

Mr. CHAFEE. No. I want to report that we have not received complaints. Indeed, as I pointed out, my State has gone beyond the 10 percent. We are up to 12.1 percent. It is impressive how many States have gone considerably beyond. Our neighboring State, Connecticut, is at 15.7 percent. The suggestion that these are onerous restrictions that cause chaos amongst the States in dealing with these preferences just plain isn't true.

Mr. KENNEDY. I thank the Senator. I yield.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I momentarily am going to yield 10 minutes to the Senator from Ohio. We had extensive discussion yesterday about what the Adarand case did and didn't do. What it did do was lay out a standard which this provision of the bill couldn't possibly meet and sent it back to the district court in Colorado, which found that this section of ISTEA was unconstitutional.

We could argue this round and round and round, and we have argued it round and round and round. But I don't think there are serious constitutional scholars who believe that the Adarand case didn't set up a standard that this section of the bill could not possibly meet.

I yield 10 minutes to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I thank my friend and colleague from Kentucky.

Mr. President, I would like to offer a few thoughts on the pending amendment offered by my good friend from Kentucky, Senator MCCONNELL.

I intend to vote for the Senator's amendment. A new approach from the current set-aside is clearly needed—a new approach is needed because the current system, the current law, violates the United States Constitution.

The United States Supreme Court, in *Adarand Constructors* v. *Pena*, 515 U.S. 200 (1995), ruled that racial classifications are unconstitutional unless narrowly tailored to further a compelling government interest. The federal district court in Colorado in the case of *Adarand Constructors, Inc.* v. *Pena*, 965

F. Supp. 1556 (1997)—following the guidelines set by the Supreme Court—found that the current racial set-aside for federal highway contracts is unconstitutional. The district court found that the 10% set-aside for federal highway contracts and the race-based presumptions contained in the implementing regulations were not narrowly tailored—they excluded certain unlisted minority groups who may very well have been socially and economically disadvantaged, while presuming that all minorities in the listed groups were economically disadvantaged, and in some cases, socially disadvantaged.

Other federal courts, in applying the same strict scrutiny test to other federal, state, and local race-based laws and regulations, have consistently found that these racial preferences are not constitutional. In Ohio, a case is pending before the Ohio Supreme Court (*Ritchey Produce Company* v. *Ohio Department Of Administrative Services*, Supreme Court of Ohio, 1998 Ohio LEXIS 495). A Lebanese-American did not fall within the listed minority groups who received preferential treatment under the Ohio set-aside program, so he was denied certification as a minority contractor. Even if the majority of his workforce consisted of the listed minority groups—that company would still not be eligible to receive minority certification under the current standards.

Thus, given the constitutional guidelines that have been clearly established by the Supreme Court, we in the Congress face a fundamental choice—we can stand aside and watch federal courts dismantle race-based set-aside programs one-by-one, or we can exercise leadership and meet the challenge head on—by initiating a new approach that targets our resources to economically disadvantaged individuals in depressed areas who want a shot at the American dream. To his credit, the Senator from Kentucky has shown leadership by offering such an innovative, constitutional approach. His ideas are not totally new.

In 1980, New York Mayor Ed Koch inaugurated a race-neutral affirmative action program targeted at the economically disadvantaged—providing a 10% set-aside for small firms that did at least 25% of their business in disadvantaged neighborhoods, or employed disadvantaged workers as at least 25% of their workforce. This program has served as a model for other cities nationwide.

In several respects, the Senator from Kentucky's amendment borrows from the Koch program. His amendment would target opportunity assistance programs toward businesses based not on the owner of the business exclusively, but on who's working for the business and just as important, who the business is serving. Specifically, the McConnell amendment targets assistance toward new businesses located in economically disadvantaged areas, or has a workforce half of which are employees from economically disadvantaged areas.

This direction—to reach out to the economically disadvantaged, including minorities and women—will do much to promote the interests of minorities and the country as a whole. By reaching out to businesses that employ the disadvantaged or that are located in depressed areas, we are doing more than just helping disadvantaged businesses, we're uplifting entire communities.

It's more than affirmative action—it's community empowerment.

I would also like to point out that my friend from Michigan, Senator ABRAHAM, was instrumental in the drafting of this specific provision. I commend him for working with the Senator from Kentucky—it reflects their strong interest and support for innovative approaches to community renewal.

I also commend the Senator from Kentucky for placing a time limit on assistance. Assistance under this program would be offered to firms that have been in existence for less than nine years. That just makes sense. The best business development programs are those that help new, disadvantaged businesses stand on their feet and compete.

That's exactly what the McConnell amendment would do. Specifically, the McConnell amendment provides a host of services for eligible businesses—services ranging from financial counseling, business management, and technical assistance for eligible businesses seeking contracts under federal transportation programs.

Taken together, these provisions in the McConnell amendment represent a positive approach that is consistent with the Constitution and with the wisdom and intent of those who first championed the idea of affirmative action—action to provide equality of opportunity for individuals.

Now Mr. President, let me be candid—if given the opportunity, I would have taken the McConnell amendment one step further. I would have maintained the set-aside program—one that would have been acceptable under our Constitution. I believe we can and should have race-neutral set-aside programs for new, economically disadvantaged businesses. The fundamental problem with the existing program is not the set-aside itself—but who receives it and how they are defined. The current program gives an advantage to those who may not need it—individuals who were given a chance based solely on race or racial goals. That's why the federal courts have found this and other set-aside programs to be unconstitutional. Therefore, I would support a set-aside program that provides time-limited business opportunities to businesses who employ or serve the truly disadvantaged—a program that goes beyond outreach and recruitment, and gives disadvantaged businesses a chance to do business—much like Mayor Koch did in New York a decade ago.

Unfortunately, such a program is not before us today. We do not have that option. The choice today is between an unconstitutional law or a new constitutional plan that will provide hope and opportunity for the disadvantaged. While the McConnell amendment does not go as far as I would like or as far as I would go, it is clearly constitutional and it is clearly an effective way to help the disadvantaged. It is a significant improvement over the status quo.

This amendment represents a positive, imaginative step in the right direction—one that is true to our Constitution and to our commitment to equal opportunity. I therefore urge my colleagues to vote in favor of this amendment.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the distinguished Senator from Ohio for his contribution to this important and sensitive debate. I thank him very, very much for his support.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 26 minutes 15 seconds.

Mr. McCONNELL. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. How much time do we have left, Mr. President?

The PRESIDING OFFICER. Twenty-six minutes 49 seconds.

Mr. CHAFEE. I yield 12 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Rhode Island for yielding me 12 minutes. Perhaps I shall not need it all.

I have sought recognition to speak in opposition to the pending amendment, because I think the statute, as it is presently drawn, is constitutional.

The most recent articulation of the guiding legal principles were set forth in Adarand, and Justice O'Connor for the Court said that strict scrutiny does not require the elimination of a program designed to protect those who have been discriminated against as long as there is the requisite narrow tailoring.

She noted the underlying factual basis which does persist to this day:

> The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this

country is an unfortunate reality, and government is not disqualified from acting in response to it.

That is precisely what is being done in the statute at hand.

Justice O'Connor noted that as recently as 1987, every Justice on the Supreme Court of the United States agreed that the Alabama Department of Public Safety's "pervasive, systematic and obstinate discriminatory conduct" justified a remedy, and it was upheld in the case of United States v. Paradise.

Even Justice Scalia, in his concurrence in the City of Richmond v. Croson, noted that there was at least one circumstance where the State may act to "undo the effects of past discrimination."

When we deal with this area, it is an extraordinarily complicated matter and it is very fact-sensitive. I think it is important to note that the statute in question here does not involve the same underlying law which was at issue in Adarand.

In Adarand, the issue involved the Department of Transportation's use in its own direct contracts of Federal compensation to encourage Federal prime contractors. This issue involves the constitutionality of section 1003(b)(3) of ISTEA, which sets a 10-percent goal for expenditures of authorized funds for disadvantaged business enterprises.

The effort has been made in a very strenuous and, I think, successful way to accomplish the kind of narrow tailoring which was called for in Adarand and which is constitutionally mandated.

I ask unanimous consent, Mr. President, to have printed in the RECORD at the conclusion of my remarks the specification as to how the new Department of Transportation regulations are narrowly tailored.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, the cases in this area have been very complicated, very fact-sensitive, customarily decided, or frequently decided, on a 5–4 basis. There are very, very important objectives in the pending statute. There is a general agreement that quotas are wrong for America, and I believe, beyond that, it is inappropriate to give an applicant a position where the applicant is less well-qualified than some other applicant.

I am convinced that if we take the applications for Yale or Harvard or Duke or Cornell or any other fine educational institution, that if there was to be sufficient outreach, we would find minorities who would be well-qualified to take positions in those institutions and that they would not, in fact, be displacing someone who was better qualified. It is a matter of outreach. What the legislation at hand seeks to do is to implement that concept of outreach.

There has been a glass ceiling as to women, which is very well known. The glass ceiling is at ground zero. It is very hard to break into the kind of construction trades which are at issue in this ISTEA legislation. There is no doubt about the problems that other minorities have had. This is a plan to provide that outreach and that opportunity without displacing better qualified individuals or better qualified firms.

For the argument to be made that this act is unconstitutional and that Members of the Senate are sworn to uphold the Constitution, drawing the suggested inference that we are violating our oaths of office in supporting the legislation as is currently written, I think is far, far beyond the mark, to put it in a very, very diplomatic context.

This is an important provision. I believe that it is constitutional as applied with the narrow tailoring of the Department of Transportation regulations and that it meets the obligations of strict scrutiny under the U.S. Constitution. As a matter of public policy, it moves in the right direction.

This is only one of many efforts by the Government to open the door on outreach, and I believe that is a very, very sound proposition.

In my own personal experience as district attorney of Philadelphia, when I had hiring of a great many people as my responsibility, I got the list of all the African American lawyers in the city when I took office and made a systematic effort to call them on a matter of outreach and found that I could locate very well-qualified people to take the positions, not giving them any preference, not giving them any affirmative action in the sense of having people take those jobs who are less well-qualified than others who apply for them.

The same thing followed in the detective branch where the detectives, men and women, were selected from the Philadelphia Police Department. It was a matter of outreach. It did take a little more effort to interview more people to find those in the minority who were well-qualified and that they did not displace better qualified people to accomplish that result.

As long as we have a system which does not discriminate against the better qualified, I think we have a system which is sound and is a matter of outreach, which is very important in this country today.

I intend to oppose the pending amendment, and I urge my colleagues to oppose the pending amendment.

I thank my colleague from Rhode Island. I yield back the remainder of my time.

EXHIBIT 1

THE NEW DOT REGULATIONS—HOW ARE THEY NARROWLY TAILORED?

CALCULATION OF OVERALL GOALS

Old rules: State recipients take into account the maximum amount of work they can obtain from DBEs available to them, and their past performance in meeting their overall goals.

New rules: States must ask themselves: absent discrimination, how much would DBEs participate in DOT-assisted contracts? and then look for that level of participation as the goal. DOT has asked for comment on three specific means of estimating this participation and setting the goal, based on this concept.

MEETING OF OVERALL GOALS

Old rules: States believed they should put goals on every contract.

New rules: No requirement of setting a goal for each contract. State's first effort should be race/gender neutral efforts, such as outreach and technical assistance. If that is insufficient, then states may consider race/gender conscious measures, such as contract goals. More intrusive mechanisms, such as set-asides, may only be used if the state has legal authority outside of the DOT regulations, and has made a finding that the other means had not worked. Finally, once a state finds that the effects of discrimination had been addressed effectively, the use of race/gender measures must be reassessed.

GOOD FAITH EFFORTS

Old rules: There was general guidance from DOT on the granting of good faith waivers, but enforcement was not strong.

New rules: DOT emphasizes to states that they must take seriously their obligation to award a contract to a bidder who has made a good faith effort, and that doing otherwise would be a de facto quota. In addition, states must provide a mechanism for reconsideration to bidders who are denied contracts on the basis of lack of good faith. The mechanism must allow contractors to make oral/written submissions about the denial, and must provide for a review of the decision by a neutral body before the contract is awarded.

DBE DIVERSIFICATION

Old rules: No provision.

New rules: DOT requested comment on how to diversify the types of work in which DBEs are involved, and reduce concentration of DBEs in certain areas. The intent is to promote competition in non-traditional DBE areas, as well as reduce pressure for non-DBEs in areas of typically heavily DBE involvement. After receiving comments, DOT is now looking at new ways to achieve that diversification goal, focusing on the reasons for that concentration.

ADDED FLEXIBILITY FOR RECIPIENTS

Old rules: There were some waivers granted, and some flexibility in the program.

New rules: States with goal setting programs different than the DOT program can submit their program to DOT for review; and if their program appears to be more effective than the DOT program, the state can implement it. DOT will grant broad program waivers for states who think they can do it better their way.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the distinguished Senator from Pennsylvania for those very fine comments. We certainly appreciate his support in this effort.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I rise today to speak on behalf of my amendment to bring the federal highway bill into compliance with the equal protection clause of the Constitution and with various federal court rulings, including two landmark Supreme Court cases.

The question for the Senate this morning is this: Is it fair, prudent and constitutional for the Federal Government to set-aside a fixed percentage of public highway contracts for a preferred group of citizens—until the year 2004, mind you—based on the immutable traits of race and gender?

Or let me phrase it another way: Should U.S. Senators, all of whom have sworn an oath to uphold the Constitution, reauthorize a law that has been reviewed by the United States Supreme Court and subsequently struck down by a Federal court in Colorado?

Mr. President, I say the answer to this question must be a firm and resounding "no."

We must stand up for the Constitution. We must guarantee the equal protection of the laws to every citizen of our country, without regard to race and gender.

We must follow the clear decisions of the Supreme Court, including Adarand and Croson, and the decisions of the court of appeals for the third circuit, the fourth circuit, the fifth circuit, the sixth circuit, the seventh circuit, the ninth circuit, the eleventh circuit and the DC circuit. All of them have struck down race-based programs in the past few years—all of them.

We must take heed of unambiguous rulings of lower courts in Georgia, Connecticut, Ohio, Louisiana, Michigan, and, most importantly, in Colorado.

Let me remind my colleagues that less than 9 months ago the Federal district court in Colorado followed the Supreme Court's lead in Adarand and Croson and ruled—and I quote:

> Section 1003(b) of ISTEA and the regulations promulgated thereunder are unconstitutional.

I do not know when this body will ever have a clearer decision than this one. The administration and the Department of Transportation have tried to obscure this clarity with three or four predictable diversionary tactics.

Diversionary tactic No. 1: Ignore the court decisions. The first diversionary tactic is simply to ignore all the cases I have just cited, claim that Adarand never happened or simply claim that Adarand was wrongly decided or that it is just one decision by one court.

Well, I have quoted Adarand directly and pointed out, with great detail, that Adarand is not an aberration—not an aberration, Mr. President. Again, I quote the Congressional Research Service. The Adarand decision—this is from CRS—"largely conforms to a pattern of federal rulings which have invalidated state and local governmental programs to promote minority contracting—in: Richmond, San Francisco, San Diego, Dade County, Fla., Atlanta, New Orleans, Columbus, Ohio, [the State of] Louisiana, and Michigan, among others—and new challenges continue to be filed [probably as we speak]."

For those who say that Adarand is just not enough for us to go on, let me cite yet another Supreme Court case, Richmond v. Croson from 1989. In that case, the Government decided that minorities were underrepresented in the public construction arena. So the Government enacted a law like ISTEA that said: not less than 30 percent of construction dollars must be allocated to officially preferred—this is officially preferred—minority groups.

And you know what the Supreme Court said about the so-called "30 percent goal"? The Supreme Court said that this "goal" was "an unyielding racial quota." It was a quota, even though the Government plan had a waiver process to supposedly let you out of the quota in certain circumstances.

Let me quote the United States Supreme Court when it applied the "strict scrutiny" test to a set-aside that is virtually identical to the DBE that we have been talking about the last 2 days, the DBE set-aside in ISTEA. The Court said:

> We, therefore, hold that the city has failed to demonstrate a compelling interest in apportioning public contracting opportunities on the basis of race. To accept the city's claim that past societal discrimination alone can serve as the basis for rigid racial preferences would be to open the door to competing claims for 'remedial relief' for every disadvantaged group. The dream of a Nation of equal citizens in a society where race is irrelevant to personal opportunity and achievement would be lost in a mosaic of shifting preferences based on inherently unmeasurable claims of past wrongs. . . . We think such a result would be contrary to both the letter and spirit of a constitutional provision whose central command is equality.

Diversionary tactic No. 2: "We've changed the law," they say, "by tinkering with the regulations."

When ignoring the Court fails, then someone suggests and the administration claims that they have simply changed an unconstitutional statute by simply tinkering with the regulations. But let me point out that the DOT has no new regulations. All we have from DOT is a promise to do better. And the Senate is apparently going to turn a blind eye to the equal protection clause of the Constitution and authorize a $17 billion quota on the mere promise—the mere promise—of cleaning up the program.

Does that fact not strike any other Member of this Senate as being a bit odd? I hope it does.

These new regulations are only in the "proposal" stage. We do not know what they will end up looking like. We do not know if they will make the program better or worse, constitutional or unconstitutional. Even DOT does not know what the new regs will look like.

For example, my colleagues argued yesterday that the proposed regulations would narrowly tailor the program because they would include an economic cap on DBEs. My colleague from Montana argued yesterday that our problems are solved because the new regulations will exclude the Sultan of Brunei—the wealthiest monarch in the world—from the Disadvantaged Business Program. The sultan will not be anywhere near the DBE program, my good friends argue.

Well, last night I took a close look at the proposed regulations to see what the economic cap would be. And you know what I found? Let me read to you word for word the exact language of the so-called narrowly tailoring economic cap.

> You may require the individual whose disadvantage is being questioned to provide information about his or her personal net worth.

But the proposed rule goes on to say:

> You may require only such information as is necessary to establish whether the individual's personal worth exceeds [blank].

They have not decided yet how poor you have to be.

So what is the economic cap? We have no idea. Will there be an economic cap at all? We are told there will be, but it has not been provided yet. DOT apparently does not know. So let me say, I do not know whether the Sultan of Brunei will be excluded or not. The proposed regs do not tell where this narrowly tailored economic cutoff is.

But, Mr. President, even if the cap excludes the sultan—and this is what I hope everybody will remember—even if the cap excludes the sultan, it still will not solve the narrowly tailored problem. You know why? Because even if you solve the "economic" problem, you have still not solved the "race" problem. The Supreme Court and the district court did not focus on the "economic," but rather the "race" issue.

Changing the economic guidelines does not change the fact that the DOT will still presume that all members of certain races are "socially disadvantaged" and need preferences. In other words, the proposed regulations do nothing to solve the most serious problem, which is that ISTEA will continue to make presumptions and decisions based on race, without any particular findings of discrimination against particular individuals or even particular groups in the highway contracting area.

So even if the new regs exclude the sultan economically, everyone will be relieved to know that other persons from Brunei will still be "presumed" to be socially disadvantaged and get preferences, even though no State DOT agency has ever engaged in a pervasive pattern of discrimination against persons from Brunei or from Tonga or Micronesia or the Maldive Islands. Never heard of such a case, but these people are all, by Government fiat, put into the class for preferential treatment.

In the words of the district court in Adarand:

> It [is] difficult to envisage a race-based classification that is narrowly tailored. By its very nature, such a program is both underinclusive and overinclusive. This seemingly contradictory result suggests that the criteria are lacking in substance as well as in reason.

Or as the Supreme Court held in Croson, a program is unconstitutional where "a successful black, Hispanic, or Oriental entrepreneur from anywhere in the country enjoys an absolute preference over other citizens based solely on their race. We think it obvious that such a program is not narrowly tailored to remedy the effects of prior discrimination."

Mr. President, let me conclude this particular point by reminding every Senator that Adarand and Croson are landmark Supreme Court decisions that are now the law of the land. The administration's attempt to comply with the law of the land has been to merely do a little DOT song-and-dance by playing with transportation regulations, not changing any regulations, mind you, but simply proposing them—proposing them.

Mr. President, complying with a landmark Supreme Court case requires much more than a mere "tinkering" with the regs.

Professor George LaNoue is a constitutional law expert who has testified in numerous minority contracting cases. Professor LaNoue has explained in great detail how the DOT's proposed regulations fail to bring the DBE program into compliance with the constitution. I ask unanimous consent that a letter from Professor George LaNoue that details the substantial shortcomings of the proposed regulations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA, BERKELEY INSTITUTE OF GOVERNMENTAL STUDIES,
Berkeley, CA, October 17, 1997.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: It is being asserted that various alterations in proposed regulations for Intermodel Surface Transportation Efficiency Act (ISTEA) solve the constitutional problems created by the use of race, ethnic, and gender preferences in awarding of contracts under that program. That assertion is incorrect for two reasons.

First, the regulatory alterations go only to the issue of narrow tailoring, not to the constitutional requirement that a compelling basis of remedying identified discrimination be established before any for the use of preferences be considered.

None of the fundamental evidentiary requirements necessary to support the preferences in this legislation have been established either by the administration or by Congress.

For example,

1. There has been no determination about whether there has been any discrimination by any federal agency in the contemporary procurement process.

2. There has been no determination about whether any state DOT agency or any other state agency has discriminated in the award of federal contract dollars.

3. There has been no determination about whether there has been any underutilization of qualified, willing and able MBE contractors in federal procurement or federally assisted procurement as prime contractors or subcontractors. The federal government has completed no disparity study that could create the "proper findings" the judiciary requires of governments before they employ race conscious measures.

4. There has been no determination about whether, when MBEs bid on contracts, they are proportionately successful. No study of who bids on federal contracts has been released.

As the Eleventh Circuit said unanimously on September 2, 1997 in striking down a preferential procurement program: ". . . if a [race conscious] program is not grounded on a proper evidentiary basis, then all of the contract measures go down with the ship, irrespective of any narrow tailoring or substantial relationship analysis." (Engineering Contractors Association of South Florida v. Metropolitan Dade County, 1997 WL 535626, *7, (11th Cir. (Fla.))).

Second, even if a compelling interest has been established, the proposed regulations do not meet narrowly tailoring requirements.

1. There has been no statistical analysis of whether the particular racial and ethnic groups granted presumptive eligibility are in fact economically or socially disadvantaged because of patterns of discrimination in recent years. The current list of presumptive eligible groups is a polyglot of designations by racial group (African Americans), culture (Hispanic), country of origin (Asian Americans) and lineage (Native Americans). Some of the groups on the presumptively eligible list have been in this country since its beginning; some are very recent arrivals. Some are relatively poor; some are relatively affluent. Some have very high rates of business formation; some very low. Some have well-documented histories of discrimination; some are virtually invisible. These groups have nothing in common at all.

The district court in the remand of Adarand v. Pena found that the use of race and ethnic based presumptive eligibility was unconstitutional because:

". . . it [is] difficult to envisage a race based classification that is narrowly tailored. By it's very nature, such a program is both underinclusive and overinclusive. This seemingly contradictory results suggests that the criteria are lacking in substance as well as in reason." (at 59-60).

2. There has been no post-Adarand evaluation of the effectiveness of existing federal race neutral programs or the possibility of creating new ones. The utility of race neutral programs must be established before race conscious remedies are employed. The Eleventh Circuit citing Croson recently said:

". . . we flatly reject the County's assertion that 'given a strong basis in evidence of a race-based problem, a race-based remedy is necessary.' That is simply not the law. If a race-neutral remedy is sufficient to cure a race-based problem, then a race conscious remedy can never be narrowly tailored to the problem." See, Croson, 488 U.S. at 509). (Engineering Contractors Association of South Florida v. Metropolitan Dade County, 1997 WL 535626, *34, (11th Cir. (Fla.))).

Race conscious measures can only be used as narrowly tailored remedies for identified discrimination. Race based means cannot be used, as the DOT regulations provide, whenever an arbitrary set-aside or goal percentage is not reached in a particular state during a particular period.

3. There has been no fulfillment of the Administration's promise to create goals specific to various industries. On May 23, 1996, the Justice Department proposed "benchmark limits" for each industry intended to represent the "level of minority contracting that one would reasonably expect to find in a market absent discrimination or its effects" and to control the decision of whether race conscious means were necessary in federal procurement related to that industry. (61 Fed. Reg. 26042, 26045, 1996). These benchmark limits still have not been produced.

The Department apparently thought such benchmark limits were essential to narrow tailoring and stated:

"Application of the benchmark limits ensures that any reliance on race is closely tied to the best available analysis of the relative capacity of minority firms to perform the work in question—or what their capacity would be in the absence of discrimination." (61 Fed. Reg. 26042, 26049, 1996)

Given this premise, the failure to develop the benchmark limits strongly suggests federal goals in ISTEA are not narrowly tailored.

In short, the record does not support the conclusion that a compelling basis for the use of Race conscious remedies exists with regard to the ISTEA program. The proposed regulations are either irrelevant or incomplete to the major requirements of narrowly tailoring and they do not begin to supply a compelling basis for the use of preferences.

Sincerely,

GEORGE R. LA NOUE,
Professor of Political Science, Policy Sciences Graduate Program, University of Maryland Graduate School Baltimore, Visiting Scholar, IGS, University of California, Berkeley.

Mr. McCONNELL. Diversionary tactic No. 3, Mr. President: It is said that "10 percent is a goal, not a quota."

When all else fails, the final diversionary tactic is to argue that the DBE program is a program with goals, not quotas. In fact, some of my colleagues have gone to great lengths to point out that the 10 percent set-aside is merely a goal with no sanctions whatsoever.

Well, let us look at the DBE manual—right out of the manual. This manual is the DBE law of the land for States that receive ISTEA money. The DBE manual explains that failure to comply with the requirements will result in sanctions. Let me quote:

> If the [Federal Highway] Administrator determines that a State has violated or failed to comply with the Federal laws or the regulations . . . with respect to a project, he may withhold payment to the State of Federal funds on account of such project, withhold approval of further projects in the

> State, and take such other action that he deems appropriate under the circumstances, until compliance or remedial action has been accomplished by the State to the satisfaction of the Administrator.

In other words, there are sanctions. These same threats appear in the actual ISTEA contracts and in the Federal transportation regulations.

Now that I have spelled out that the threat of DBE sanctions are serious and real, I am sure my colleagues will respond by saying, "OK, sure we list sanctions, but we never use them. So 10 percent is still just a goal. It's not a quota." The reasoning here is that the Government must punish someone before the "goal" becomes a "quota" or a "requirement."

Well, first, let me say that the threat of losing millions of Federal highway dollars is plenty of incentive for the States to enforce the quota requirement. When the Federal Government is wielding that kind of weapon from on high, it does not have to punish them. A 10 percent quota is still a quota, even if States always comply and no one is formally punished.

Second, if you think the quota is never enforced, just ask two cities in New Mexico. The Senator from New Mexico and I were having a discussion about this issue on the floor just yesterday. Both the city of Rio Rancho and the City of Albuquerque were sued in Federal court over the use of ISTEA's racial quotas. What did the Federal Department of Transportation do? Did it simply call Rio Rancho and Albuquerque and say, "Hey, don't worry about the whole 10 percent thing. It's just a goal"?

That is not what happened, Mr. President. Both Rio Rancho and Albuquerque had to sue the Department of Transportation and Secretary Slater in Federal court to stop the quota enforcement. In the complaint that the cities filed they said:

> The [Department of Transportation] is placing facially unconstitutional conditions upon the receipt of discretionary federal funds to which the City would otherwise be entitled to, and has caused or is likely to cause irreparable injury for which the City has no adequate remedy at law.

So both Rio Rancho and Albuquerque sought a court judgment that would require the Department of Transportation to justify or eliminate the quotas and pay any and all damages and attorney fees to the cities.

And the Federal judge was perfectly clear in declaring that the race-based programs were unconstitutional. In the words of the judge:

> It doesn't really take a first-year law student to say, City of Rio Rancho, don't do this again. I mean, you're going to get sued again.

This is from the court case.

Unfortunately, the city of Rio Rancho, like every other city that receives any ISTEA funds, has little choice in the matter. ISTEA requires racial preferences. And if you are going to get out of the quota requirement, you had better be prepared to go through hell, high water, and the Federal courts.

Surely, my colleagues would agree that a true "goal" would not require State and local governments to sue the Federal Department of Transportation in Federal court just to get the "goal" fixed.

Let's turn to Houston. If Albuquerque and Rio Rancho don't prove that 10 percent is more than just a goal, then let's go from New Mexico over to Houston, TX. Let me share with you some comments included in the ISTEA committee report on the 6-month authorization bill in the House. These comments were part of a very detailed and astute statement made by several Republican House Members.

> In April 1996, a Federal court in Texas temporarily enjoined Houston's METRO transit authority from utilizing race or gender-based preferences in the selection or award of construction contracts—making it impossible for Houston to comply with the federally-approved DBE program.
>
> So, in response to the court's ruling, Houston designed a race-neutral program to provide assistance to economically disadvantaged small businesses.

Very similar to what the McConnell amendment would provide, an opportunity for emerging business enterprises.

> The US Department of Transportation refused to recognize this alternative [race-neutral] program and withheld federal funding from METRO for nearly seventeen months.

Seventeen months without Federal funds, all because Houston was complying with a court order, Mr. President—Houston was complying with a court order prohibiting preferences. I don't know about you, Mr. President, but that sounds like a sanction to me. It sounds like a lot more than mere goals. It sounds like quota enforcement to any rational person listening to what happened.

The point here, Mr. President, is simple arithmetic: Goals plus requirements equal quotas—goals plus requirements equal quotas. The goals in ISTEA are not merely aspirational. The goals have requirements and the real threat of sanctions.

Let me spell out a few human examples about how goals in theory are actually quotas in practice. The first example was mentioned by Senator GORTON yesterday here on the floor, the insightful story about a man named Frank Gurney from Spokane, WA.

We have talked a lot about victims over the course of the last 2 days. Let's talk about some of the victims of this program. Just a couple of months ago, the head of Frank Gurney, Inc. mailed me a copy of yet another letter explaining how he lost yet another job because of the 10 percent quota. The rejection letter stated:

> I regret to inform you that although yours was the lowest guardrail quote that I received for the . . . project . . . I found it necessary to use the third lowest guardrail quote [the third lowest guardrail quote] in order to meet the DOT requirement of 10 percent DBE.

Sorry, you are out of luck, even though you had the lowest bid.

The rejection letter was dated October 27, 1997. So this is still going on. The letters started in 1981, about the time we first authorized the DBE Program, and are still continuing up to and including last year. We know these letters will continue being sent until at least 2004 under this bill, unless my amendment passes, which will be the next time we will have a chance to revisit this law, Mr. President.

I will say a word about Michael Cornelius. If you think the ISTEA quota is only a goal, just ask Michael Cornelius. Mr. Cornelius' firm was denied a Government contract under ISTEA even though his bid was $3 million lower than the nearest competitor. Mr. Cornelius' bid was rejected because the Government felt the bid did not use enough minority- or women-owned contractors. In fact, the Cornelius bid proposed to subcontract 26.5 percent of the work to firms owned by minorities and women. Yet 26.5 percent was not enough in the world of goals.

I listened yesterday to Senator KENNEDY's example of women and minorities who, like Frank Gurney and Michael Cornelius, have been the victims of discrimination. I was moved by Senator KENNEDY's stories, and with each of the two or three stories of discrimination that Senator KENNEDY told, my instinct and my gut response was, "That's discrimination, and it is wrong."

But, Mr. President, do you know the difference between my stories and Senator KENNEDY's stories? There is a critical difference. In Senator KENNEDY's examples, the discrimination was wrong and the discrimination is prohibited by title VII and the Civil Rights Act of 1964.

So the examples of discrimination that were being cited are against the law—now, a law not being contested by anyone, a law supported by virtually everyone I know back in the mid-1960s.

In my examples, the discrimination is wrong but the discrimination is required, Mr. President—required by Federal law, not just any Federal law, but the very Federal law that we are about to reauthorize right here in the U.S. Senate.

How can anyone hear these examples and not conclude that what we are doing in ISTEA is dead wrong? It is wrong for the Cornelius family, it is wrong for the Gurney family, it is wrong for the preferred businesses who get the contracts, and, most importantly, it is wrong for our country.

I don't care how many times you tinker with the regulations or how many times you say 10 percent is only a goal, you can't change the fact, Mr. President, that the Federal Government is requiring States and prime contractors to pick and choose subcontractors based on the immutable traits of race and of gender. There is no lawyer in the Senate and no lawyer anywhere in the United States that will ever convince me that this racial program is fair, prudent, or—most importantly—constitutional.

In closing, let me say, regardless of the outcome of this morning's vote, I firmly believe that the principle underlying the 5th and 14th amendments will ultimately carry the day. It obviously will take a while. The principle is the simple yet powerful idea that every American should be seen as equal in the eyes of the law. I firmly believe, as Justice Scalia explained in Adarand, "Individuals who have been wronged by unlawful racial discrimination should be made whole; but under our Constitution there can be no such thing as either a creditor or debtor race. . . . In the eyes of the government, we are just one race here. It is American."

The courts and the American people understand this principle. Unfortunately, the Congress may be a bit behind.

Mr. President, I'm greatly appreciative of my colleagues participating in this important debate on both sides. They are well meaning Senators who look at the same set of facts and reach a different conclusion, but the debate has come and gone, the sky has not fallen, the Capitol dome has not caved in. In fact, it is the opposite. I think this debate has been very positive and constructive.

I end this debate as I began by asking one simple question: Should we place the Senate's seal of approval on a law that the Supreme Court has declared presumptively unconstitutional and the lower court has specifically struck down, without the Senate or House holding even one hearing after Adarand to determine if the law is narrowly tailored to remedy specific and persuasive discrimination?

As a Member of this body, my duty and obligation to the Constitution, the courts, and individual citizens compels me to declare no, we should not reauthorize this law. We have had no hearings since Adarand to determine that this program or any of the 160 Federal programs of racial preference that have been identified by CRS have met the strict scrutiny standard. The tactic of the Clinton administration has been to delay, deny, divert, and obfuscate. The American people deserve better.

Mr. President, I close with the words of the Weekly Standard:

> It won't do for a democratic country to lurch its way to colorblindness courtroom by courtroom, without the clear and resounding public debate an issue of such moment and principle demands. It won't do . . . to delay the prize of colorblindness, even for a moment, by silently ignoring the battle while it's waged. And, most basically, it won't do . . . to pretend that we don't understand what the Constitution says.

Mr. President, How much time remains?

The PRESIDING OFFICER. Forty-five seconds.

Mr. McCONNELL. I reserve the remainder of my time.

Mr. CHAFEE. Mr. President, I ask unanimous consent that calculators be permitted on the floor during consideration of S. 1173.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I yield to the Senator from Arizona.

Mr. McCAIN. I thank the Senator from Rhode Island.

Mr. President, I rise in opposition to the amendment to eliminate the Disadvantaged Business Enterprise Program and establish a new Emerging Business Enterprise Program.

Mr. President, I'm not a supporter of race-based or gender-based set-aside programs. This amendment goes too far. It eliminates a program that, while seriously flawed in its current focus, was designed to provide opportunities for historically disadvantaged businesses to compete for Federal highway construction dollars. It establishes a new program that merely shifts the focus of Government intention and funding to businesses based on size and length of time in business.

Ironically, Mr. President, if the Emerging Business Enterprise Program proposed in this amendment had existed in 1975, software industry giant Microsoft would have qualified. In its first 3 years of business, Microsoft took in only $420,000, putting it well under the $25.2 million limit of the new program. Clearly, this business did not need any Government help nor interference.

I'm a member of the Renewal Alliance, and I listened with interest to comments made by my colleagues who are also working with this important project. As I stated earlier, I have serious concerns about the racial and gender bias of the DBE Program. However, to eliminate it without a suitable Government-wide replacement program focused on equal opportunity would be counterproductive and shortsighted.

Mr. President, all Americans—regardless of who they are, where they live, or their gender or skin color—all Americans deserve the opportunity to provide for their families, to pursue their aspirations, and to share fully in the American dream. Our efforts to assist the truly needy in our Nation should be focused on providing that opportunity equally. The American dream is based upon equality. History teaches us that there is no panacea for artificial barriers to opportunity, but no matter how intractable the problem, it is the essence of the American character to constantly advance our society so that social and economic progress of each generation exceeds that of its predecessor. No American is unimportant, and as a Nation we have an obligation to help those in need to help themselves.

Our success in that endeavor is bound only by the limits of our energy and our imagination. We must recognize that poverty and economic disadvantage do not confine themselves within a certain race, gender, or ethnic group. Economically disadvantaged people reside in practically every community. We have an obligation to help these Americans even if they do not happen to live within areas of the most severe poverty.

I suggest we target the root of the problem—lack of economic opportunity, not race, gender, ethnicity, and the like. Current programs focus on providing Federal assistance in contract preferences to businesses based on race or ethnicity of a business owner. We should reorient these programs to provide preferences to economically disadvantaged Americans, regardless of their race, creed, or color.

A needy American is a needy American, no matter their race, creed, color, or gender. Certainly the Supreme Court's decision in the Adarand case emphasizes the reality that, by and large, race-based set-asides do not comport with the fundamental tenets of equality and equal protection.

Let me add a few thoughts of my own to the suggestions of other Members as to a possible focus for solving these problems. In the last Congress, I introduced a bill which included a section designed to retarget our efforts and redirect Federal spending goals to assist economically disadvantaged individuals and businesses regardless of race, ethnicity, skin color, or gender. There are a number of other areas where we can, as a Nation, assist our citizens who are less well-off, particularly providing high-quality educational opportunities and accessible and affordable health care. Together, these are the kinds of parameters and programs that I believe would help provide important economic opportunity.

The fundamental question is, shall our Government as a matter of policy prefer certain Americans because of their race or ethnicity or gender over other Americans, regardless of merit or need?

An answer in the affirmative seems to contradict our aspirations for a color-blind society dedicated to the rights of the individual. An answer in the negative appears indifferent to the gross injustices that have been inflicted on various racial and ethnic groups who make up the American tapestry.

The debate over contracting set-asides has focused too narrowly on either maintaining the status quo, with its inherent unfairness, or simply abolishing economic opportunity programs despite their potential to justly assist needy Americans. Fortunately, our options are neither so stark nor so limited. Rather, we can find the answer in reform.

Reforming federal programs so that they are color-blind and gender-neutral and focused on assisting needy Americans rather than wealthy business owners, will help us to address the economic needs of Americans without pitting one group against another, thereby violating the dictates of fairness and equality.

Mr. President, we cannot write a bill that will solve the problem of joblessness and poverty in our nation today. But I believe we can make significant gains by employing the kinds of incentives I and others of the Renewal Alliance have described today. I look forward to a future debate on these ideas to ensure that we craft incentives that will be as appropriate and cost-effective as possible in ending the cycle of poverty and dependence.

Mr. President, let me make one suggestion to my colleagues. I believe the relevant committees should hold field hearings and engage the Americans who live in the poorest communities in the debate over how best we can help them to meet the needs of their families and their neighborhoods. Perhaps it's time we more diligently consult and work with real people and address their realities as we endeavor to address the needs of our great nation.

Mr. President, let me close by saying to my fellow Republicans that our party has much at stake in this debate. As the party of Lincoln, our heritage and destiny is to be a party of all Americans dedicated to the principles of democracy, limited but efficient government, individual freedom and opportunity.

Unfortunately, in discussing the inherent contradictions and shortcomings of affirmative action programs, the danger exists that our aspirations and intentions will be misperceived, dividing our country and harming our party. We must not allow that to happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I thank the Senator for those thoughtful comments.

Mr. BAUCUS. Mr. President, I see the Senator from New Jersey on the floor. I yield 4 minutes to the Senator from New Jersey, Mr. LAUTENBERG.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey for 4 minutes.

Mr. LAUTENBERG. I thank the Senator from Montana.

Mr. President, I stand here in opposition to the amendment that is being offered. I hope that the Senate will reject this amendment because, despite the best intentions of so many, we still do not have a level playing field when it comes to Government contracting. There is still discrimination. Sometimes it's overt, sometimes it's subtle; but it definitely still exists, and the facts bear this out.

Consider the following: for transportation construction contracts, minority-owned firms get only 61 cents for every dollar of work that a white male-owned business receives. Unfortunately, it's even worse for women-owned businesses—they only receive 48 cents. This amendment will only exacerbate these numbers.

I have to take 1 minute, Mr. President, to describe a personal situation. My mother was widowed early in the war. I had already joined the Army, and she went to work for an insurance company, a large insurance company, and she did a good job for 3 years. At the end of that time, they said to her, "Molly, thank you very much, but Joe is back from the Army." She said, "Well, give me another territory." They worked in territories at the time. They said, "Well, you know we don't hire women for these jobs." It was shocking. My mother was shocked, my sister was shocked, and I was shocked, because she did her job and did it perfectly. They said, "We don't hire women for these jobs." We are past that stage, thank goodness. But the fact is that women, whether it is in salaries or in business, are always operating at a different level than white men.

Mr. President, there are a few more figures I would like to give. Few are aware that white-owned construction companies receive 50 times as many loan dollars—and I know this having served for a short time on the Small Business Committee—as minority-owned construction firms with the same equity. And women-owned businesses have a lower rate of loan delinquency, yet still have far greater difficulty in obtaining loans. The majority of women business owners have to resort to personal resources, such as maxing out their credit cards, to finance their business.

Mr. President, we all know what the problems are with the traditional affirmative action programs. But we ought to work to correct them because people who don't have the same advantage, whether it's education or family exposure or a job opportunity, deserve to be able to come into the mainstream of America's economic and cultural life. And if they don't, we know what the problems are.

Mr. President, Jim Crow laws were wiped off the books over 30 years ago. However, their pernicious effects on the construction industry remain. Transportation construction has historically relied on the old boy network, which until the last decade, was almost exclusively a white, old boy network.

I do not imply that the individuals running these white-owned companies were racist, rather, I blame the discriminatory laws and practices that shut minorities out of this industry for so many years.

This is an industry that relies heavily on business friendships and relationships established decades, sometimes generations, ago—years before minority-owned firms were even permitted to compete. In 1982, President Reagan signed into law legislation attempting to put an end to the old boy network.

That legislation, creating the Disadvantaged Business Enterprise program, or DBE program, has been a success.

Mr. President, let me explain briefly what the DBE program does. The Secretary of Transportation sets a nationwide goal for participation by socially and economically disadvantaged businesses in transportation construction contracts. The program does not contain a quota or create a set-aside, but merely sets a goal for states to follow as they wish.

To their credit, the overwhelming majority of states have chosen to follow or exceed the recommended goal of ten percent. Those states that have opted out of this goal have neither been the recipient of any retaliation nor have otherwise suffered from any adverse consequence.

Furthermore, states and municipalities are given the flexibility to adjust their goals to reflect the availability of minority and women-owned businesses in their area.

Who are the participants in the DBE program? They are hungry small businesses that are just trying to get a chance at a Federal contract. These are competitive firms.

As one of my constituents who participates in the DBE program told me, if a pie is sliced ten times and nine pieces are eaten by a "big guy" and one piece is thrown to ten hungry little guys, you can be certain that those ten hungry little guys are going to scramble, shove, kick, and scuffle to get that one piece.

Congress and President Reagan were right back in 1982 and the Chairmen of both the transportation subcommittee and the full committee were right to continue this program in ISTEA.

Why do we still need an affirmative action program for federal construction contracts?

Because we know that the private sector looks to the public sector for leadership on this issue. And we also know that once affirmative action programs stop, the inclusion of qualified minorities, be it in education or in business, drops. We have seen this with law school admissions in California and Texas. We have seen it in state contracting in Michigan and Louisiana.

I fear this would occur at the federal level and that it would spill over into lower levels of government and into the private sector.

Mr. President, it would be a shame to allow this to occur. I urge my colleagues to oppose the junior Senator from Kentucky's amendment and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCONNELL. Mr. President, I understand that I have 45 seconds left, and I yield that to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania, Mr. SANTORUM, is recognized.

Mr. SANTORUM. Mr. President, I support the McConnell amendment. I believe the constitutional arguments are persuasive. As a member of the Renewal Alliance, I must say that the substitute or the replacement program Senator McConnell put forward is a step in the right direction. I disagree with Senator MCCAIN, who said it is not sufficient. I believe it is. It is, in fact, a good step.

Also, if we are able to not table the McConnell amendment, I will be working with Senators ABRAHAM and COATS to see if we can do more, in fact, to put an agenda in place that really will do something for economically disadvantaged areas, and particularly urban areas in this country, so we can in fact create more hope and opportunity in those neighborhoods. That is really the ultimate goal, and I think the McConnell amendment begins to go in that direction.

Mr. BOND. Mr. President—I will reluctantly vote against the McConnell amendment. I am concerned that if this provision is included in this bill the President will veto the bill or it will cause delay in enactment of this important legislation that is imperative to saving lives in this country.

This ISTEA legislation is a matter of life and death to Missourians. Highway fatalities in the state of Missouri increased 13 percent from 1992–95; 77 percent of the fatal crashes during this time frame occurred on two-lane roads. In Missouri, 62 percent of the roads on the National Highway System, excluding the Interstate, are two lanes. I have had too many friends die on Missouri's highways. We need to make certain that this legislation is enacted at the earliest possible date!

I want to make clear that since I became chairman of the Senate Committee on Small Business I have strived to make certain that government contracting opportunities are available to ALL small businesses. I know that the engine driving the economic growth of this country is small businesses. Small businesses and the entrepreneurs of this country, regardless of race or gender, should be given every opportunity to succeed.

For example, last year this body passed the HUBZones legislation which I authored. It passed unanimously and has been signed into law. The law provides government contract set asides to small businesses that are located in HUBZones, which are economically distressed metropolitan areas and poor rural counties. To be eligible for a contract set aside, 35 percent of a small business' workforce must be residents of HUBZones. This program is designed to help small businesses grow, while creating jobs and investment in urban and rural communities that are suffering from economic neglect.

I do have some concerns that the McConnell amendment could inadvertently eliminate the HUBZone program.

It is my hope that I can work with my friend and distinguished colleague, Senator MCCONNELL, on this issue in the future. But, I will not hold up $3.6 billion for my State of Missouri.

Mr. DURBIN. Mr. President, I rise today to express my support for the Disadvantaged Business Enterprise (DBE) program and my opposition to any attempt to weaken or eliminate the program. Under the DBE program federal transportation trust funds from user fees are distributed by the Department of Transportation (DoT) through state DoTs and state and local mass transit agencies. These agencies are required to establish a 10 percent goal for the trust funds they receive, but are afforded tremendous flexibility in reaching those goals. If a state agency or prime contractor is unable to find enough qualified subcontractors to perform the work, they are allowed to apply for a waiver or lower goal. In short, the DBE program does not establish a quota nor a set-aside program.

The opponents of the DBE program argue that this sort of flexible, constitutional affirmative action flies in the face of the American people's disagreement with affirmative action. This is simply not true. A Wall Street Journal poll published in November of last year found that 48 percent of Americans favor affirmative action and only 43 percent oppose. In addition, the voters in Houston last year rejected a Proposition 209-like initiative by 55 to 45 percent, thus, demonstrating the people's commitment to affirmative action.

Moreover, since the opponents of affirmative action often offer no alternative other than the promise of a society free from all prejudice against women and minorities, they must implicitly believe that discrimination no longer exists in this country. Either that, or they are not concerned that there are still very real disparities between the races and genders. Both alternatives are troubling.

The reality of these disparities is still disturbing. In a recent Urban Institute study identical black and white college students posed as test subjects in an experiment designed to measure the extent of racial discrimination in employment. The subjects were identical in dress, had the same resumes, and had scripted presentations. The only variable was race. Whites received job offers 41 percent more often than blacks. For those who received job offers, the wages whites were offered were 17 percent higher than the wages offered to blacks.

Another recent study conducted by the Glass Ceiling Commission found that 96 percent of the senior managers of the Fortune 1000 Industrials and the Fortune 500 Companies are male; 97 percent are white; 0.6 percent (that is, less than one percent) are black; 0.4 percent are Latino; and 0.3 percent are Asian.

Sadly, I am concerned that the arguments waged against the DBE program are not truly criticisms of the program but are merely thinly veiled attacks on civil rights itself. Although I respect the DBE program opponents' right to disagree on these issues, I find it disturbing that the underlying theme of their arguments against the program boil down to this: "Minorities and women may have been discriminated against in the past—they may even still be discriminated against today—but we, the majority, are no longer going to provide remedial efforts to counteract this discrimination. Enough is enough."

This sentiment runs counter to this country's dedication to civil rights and humanitarianism. To preserve our civil rights and to earn equal rights for all we must acknowledge the disappointing reality that we have not yet achieved a color or gender blind society. By attacking the DBE program, the opponents of the program are also dismantling the steps of progress we have made toward a nation we all want—a nation where there will be no reason to debate civil rights and where color and gender are not determinative of opportunity.

Mr. DOMENICI. I wonder if I might have the attention of the distinguished chairman and banking member of the Environment and Public Works Committee, as well as the chairman of the Subcommittee on Transportation. I want to address a program that is authorized under Section 1111 of S. 1173, namely, the Disadvantaged Business Enterprise (DBE) program.

As my colleagues know, in the wake of the Supreme Court's 1995 decision in Adarand v. Pena, all federal agencies undertook a review of their affirmative action programs with an eye toward ensuring that those programs met "strict scrutiny"—the new standard of review set by the Court.

Toward that end, the Department of Transportation proposed a revamping of its regulations for the DBE program. D.O.T.'s intent was to ensure that the DBE program satisfied the two requirements of strict scrutiny—that the program met a "compelling government interest," and that it was "narrowly tailored."

It is my understanding that last May, the Department published proposed new regulations in the Federal Register for comment. That comment period closed last September. Since that time, Department officials have been poring through the 300-plus comments received. They hope to have the new regulations finalized within the next two months.

I believe the DBE program must be implemented in a manner that is constitutional. I believe that that is critical to the integrity of the program, and to the Senate's support of that program. Therefore, I would like to ask the chairman and ranking member—whose committee has oversight over the DBE program—if it is their intention to press the Department to ensure that the new regulations pass constitutional muster.

Mr. CHAFEE. Yes: it is. We have made it clear to the Secretary that while one can never predict with 100 percent certainty what language may pass constitutional muster, the Committee expects the Secretary and his legal staff to do their utmost to make sure that the new regulations closely follow the guidance set forth by the Court in Adarand.

Mr. BAUCUS. I concur. It is the committee's intention that his program be carried out in a manner that is consistent with the Constitution. We expect no less. Secretary Slater is aware of, and I am assured agrees with, our views on this matter.

Mr. WARNER. As chair of the subcommittee that sponsored this bill, I have a particular interest in this matter, and I want to assure the Senator that adherence to Adarand is our intent.

Mr. DOMENICI. I appreciate the Senators' confirmation on this point. Let me ask further: Will the committee continue to be in touch with Department officials as the regulations are readied for release? And will the Committee scrutinize the new regulations to ensure that the Department did in fact follow the Court's guidance under Adarand?

Mr. CHAFEE. Yes: we will.

Mr. BAUCUS. I can assure the Senator, and the Senate, that we will indeed.

Mr. WARNER. We certainly intend to.

Mr. DOMENICI. I am pleased to hear it, and I want to thank the Senators for taking the time to respond to my concerns.

Mr. ABRAHAM. Mr. President, I rise today to comment briefly on some remarks made earlier during debate on the McConnell amendment. In this debate, several of my colleagues noted that the percentage of state-awarded highway contract dollars realized by minority and woman-owned firms dropped dramatically in states that abolished their set-aside programs. Several speakers pointed to what happened in my own State of Michigan as an example of this phenomenon.

What the speakers did not explain is how Michigan ended its program. In 1989, the Sixth Circuit Court of Appeals struck Michigan's state DBE program as being unconstitutional, as a result of which Michigan was forced to abandon it. What this proves, though, is the opposite of what my colleagues supporting the tabling motion are claiming. We need to devise methods that will pass constitutional muster for reaching out to minority and women-owned firms, rather than reenacting a program that the courts surely will strike down, leaving us with no mechanism for aiding disadvantaged businesses.

Mr. DASCHLE. Mr. President, we all believe that America is the land of opportunity. But the road to opportunity is not always an equal access road. The highway construction industry in particular has kept newcomers, like women and minority-business owners, in the slow lane. There's no reason equal opportunity should be sacrificed when it comes to road building

That's why I support the Disadvantaged Business Enterprise, or DBE, program and oppose the McConnell amendment. The DBE program was signed into law by President Reagan and reaffirmed by President Bush; it has always enjoyed bipartisan support. Designed to enhance opportunity for all, and not limit it for any—it's a true equal opportunity program.

Contrary to arguments made by opponents of the DBE program, the Supreme Court in the Adarand case did not find the DBE program unconstitutional. The Court held only that strict scrutiny should apply to federal affirmative action programs as it does to those implemented by the states. Strict scrutiny requires that there be a compelling government interest in addressing discrimination and that the means chosen to address the discrimination be "narrowly tailored." The DBE program meets both tests.

There is clearly a compelling interest in addressing the pervasive discrimination that has characterized the highway construction industry. According to the Supreme Court, "[t]he unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups is an unfortunate reality, and the government is not disqualified from acting in response to it."

The DBE program is also narrowly tailored, meeting the second prong of the Adarand test. The DBE program does not include quotas or set-asides—it is a "goals" program. The individual States set their own goals that can be above or below the national goal of 10 percent. The DBE program does not set rigid numerical targets that must be met to avoid a penalty nor does it set-aside contracts or dollars for certain businesses. Demonstrating conclusively that it is not a quota, the DBE program has no sanctions for failure to meet a goal.

Working to make the program even stronger, the Department of Transportation is issuing new regulations that ensure that it is as narrowly tailored as possible. For example, the new regulations provide that the program must give priority to race-neutral measures to reach out to women and minority-owned businesses; must ensure that good faith efforts are enough, even if the bidder has not achieved the goal; must ensure that the goal-setting is based on number of qualified DBEs in the state; and tighten up the certification process so that only qualified DBEs are in the program.

The DBE program is not only constitutional, but also is effective and necessary. The program creates jobs—the Department of Transportation estimates that the program directly or indirectly results in more than 100,000 jobs each year. It also serves as a motor for economic development in disadvantaged communities, with more than two billion dollars in construction contracts going to small businesses under the program. Women too have benefited greatly from the program. Since women were included as DBEs, their procurement dollars have grown by approximately 175 percent.

But we should not rest on our laurels. The time has not come to end the program, since women and minority-owned businesses are still greatly underrepresented in the highway construction industry. Minorities make up over twenty percent of the population, but minority businesses are only nine percent of all construction firms and those businesses get only five percent of construction receipts. Women own a third of all small businesses but receive less than three percent of federal procurement contract dollars.

In my State of South Dakota, there are seven DBEs qualified as prime contractors and 75 DBE subcontractors. Their contribution to South Dakota's economy and to their own communities goes beyond just the jobs they create and the business they generate. They are inspiring a new generation of small business owners to believe that they, too, will be able to drive on the road to opportunity.

That's why we need to keep this program—because we need to ensure that that road to opportunity is the wide open road that America is known for.

Mr. LIEBERMAN. Mr. President, I rise to express my views on the Disadvantaged Business Enterprise program, and to explain why I have decided to vote against Senator McCONNELL's amendment, which would eliminate that program. This was not an easy decision for me to make. In attempting to analyze the constitutionality of the DBE program, we are dealing with a complicated area of the law, where many issues remain unsettled. But just as importantly, the outcome of this vote will affect hundreds of thousands of hard working Americans, of all races and of both sexes.

I have always opposed laws that establish quotas. I am going to vote against this amendment because I am convinced that the DBE program does not create quotas. There is substantial flexibility built into the program for states to set their own goals based on local conditions. If they fail to meet their own goals, there is no federal sanction or enforcement mechanism. The Secretary of Transportation may waive the national goal of 10% for any reason, and presumably would do so if the collective efforts of the states did not add up to 10% of all ISTEA funds expended. All that convinces me that the percentage stated, while troubling is a goal not a quota.

But I am still troubled by the fact that this law establishes goals based on gender and racial classifications. Any law that confers some benefit based on gender or race can cause unfair results; those who are not members of the enumerated categories, the non-beneficiaries of the program, are being denied absolutely equal treatment. We should all hesitate before enacting such a provision. Indeed, the Supreme Court's Adarand decision now requires us to engage in a careful analysis before enacting such a provision. In Adarand the Supreme Court held that Congress may only enact racial classifications that are narrowly tailored to further a compelling interest. This standard of review, known as "strict scrutiny", is difficult to meet, but in her opinion for the Court Justice Sandra Day O'Connor emphasized that federal affirmative action programs could and would be upheld where Congress was acting in response to the practice and lingering effects of discrimination.

I am voting against the McConnell amendment in spite of my reservations because I am convinced that discrimination persists in the transportation construction industry and in related industries, and because I believe that the DBE program is narrowly tailored to attack the ongoing practice of that discrimination. The program therefore is both justifiable as sound policy and in compliance with the Supreme Court's Adarand decision.

We have before us ample evidence of historic and more importantly ongoing discrimination in the relevant industries, not just the transportation construction industry but also in the surrounding economic structure of lenders, suppliers, surety companies, and trade unions. Much of this evidence appears in the record before Congress; Congressional committees have received testimony describing this discrimination, and on many occasions committees of the House and the Senate have concluded that barriers still remain to equal participation by women and minorities.

In May of 1996, the Department of Justice published in the Federal Register an extensive survey of evidence showing how discrimination works to preclude minorities from obtaining the experience and capital needed to form and develop a business, and how discriminatory barriers deprive existing minority firms of full and fair contracting opportunities. That report found "powerful and persuasive [evidence] that the discriminatory barriers facing minority-owned businesses are not vague and amorphous manifestations of historical and social discrimination. Rather, they are real and concrete, and reflect ongoing patterns and practices of exclusion, as well as the tangible, lingering effects of prior discriminatory conduct." Discrimination by trade unions and private employers has prevented minorities from getting the requisite experience and opportunity to move on to self-employment. Dozens of studies and lawsuits cited in the report demonstrate gross disparities over the years in these sectors of the economy, often caused by proven racial discrimination. Similarly, minorities have often been shut out of lending and bonding markets: a recent study in Denver found that African-Americans were 3 times more likely to be rejected for business loans than whites, and Hispanics were 1.5 times as high. Contracting itself too often remains a "closed network"; prime contractors maintain their long-standing relationships with their subcontractors, and the new entrant minority or women-owned firms are excluded.

In my view, this evidence of discrimination is sufficient to establish the compelling interest required by the Adarand decision. But let's move beyond dry statistics for a moment and consider the people behind these numbers. Earlier I referred to the burdens that gender and racial classifications can impose on innocent parties. Our decision today is so difficult because we must compare that inequity to the harm caused to other, equally innocent people, by discriminatory business practices. The companies now benefitting from the DBE program are not inferior; we have heard no complaints about the quality of their work. Yet without the program many of them never would have received an opportunity to win contracts. I have met with these small-business owners, and they are rightfully proud of their accomplishments, and grateful for the opportunity this program gives them.

Just as I am satisfied that ISTEA's DBE program serves a compelling interest, so too am I convinced that the program is narrowly tailored to further that interest, as required by the Adarand decision. My belief that the DBE program will survive court scrutiny is bolstered by the new regulations that the Department of Transportation will be finalizing in several months. From my discussions with the Transportation Secretary and my staff's discussions with Transportation Department attorneys, it appears to me that the staff at that agency have been doing an excellent job poring over court decisions as well as comments from interested parties. The new regulations will adhere very strictly to the narrowly tailored test, and the result will be a DBE program that considers gender and racial characteristics without becoming quotas.

For example, states will be given a great deal more flexibility in determining how to calculate their goals, based on the availability of qualified DBEs in the relevant industries. These formulae are designed to focus on the extent to which discrimination in the contracting industry has actually reduced opportunities for DBEs, and to determine how much DBE participation there would be in the absence of discrimination.

Under the rules someone who is not himself financially disadvantaged will not be able to qualify for the DBE program, regardless of how small his company is. Anyone will be able to start a proceeding to prove that an individual owning a DBE is not actually socially and economically disadvantaged. On the other hand, anyone not presumed to be socially or economically disadvantaged would be able to apply for DBE status based on special circumstances. Finally, the DBE program makes extensive use of gender and race-neutral alternatives, as well as waivers.

I have listed only some of the more important regulations that have helped convince me that the DBE program will be narrowly tailored to further a compelling interest when it is implemented. Although I am satisfied that the DBE program can survive the courts' scrutiny, I still recognize that innocent people may be burdened by the program's effect on their livelihoods. Our obligation, and the obligation of the Executive Branch, is to minimize these unfair results in the design and implementation of the DBE program, and to strive for a day when we will not feel the need to incorporate even gender or racial goals into our laws at all.

Mr. KEMPTHORNE. Mr. President, I rise today to address the issue of the Disadvantaged Business Enterprise (DBE) program in the Intermodel Surface Transportation Efficiency Act (ISTEA). This DBE program is a narrowly tailored program that establishes the goal for states to have prime contractors use DBE's to do some portion of their federally assisted construction projects. While the federal goal is 10% of all projects, states are free to develop their own goal for their level of participation.

There is much confusion about what the ISTEA DBE program is and what it is not. It is not a program of federally mandated quotas that requires states to participate with the threat of financial sanctions for noncompliance. It is however, a program that allows states to set their own goals and targeted levels participation and permits annual renegotiation of these goals. Additionally, states are permitted to waive their self established goals in a particular contract or for an entire year if compliance is not possible. In fact in both 1996 and 1997 two states did not meet their goals and no sanctions were imposed.

Mr. President, the national goal for participation is 10% and while each state can vary from this my state of Idaho has adopted 10% as their target. The Idaho Department of Transportation informs me that this program is very popular, it is easy to administer and participation is high. In fact, the state of Idaho has exceeded their 10% goal every year including the last three where participation was 11%, 12.4% and 10.7%. In Idaho the majority of the recipients of these construction contracts have been women owned businesses. Interestingly enough since the inclusion of women owned business as an eligible class under the ISTEA DBE program in 1987 women owned business in my state have increased 104%. While this growth figure includes all types of businesses, I am confident that the positive impact of this program on the construction trades cannot be over emphasized.

Mr. President, put quite simply the ISTEA Disadvantaged Business Enterprise program works. Without federal threats and financial sanctions this program has encouraged states to set goals that provide increased opportunities for women and minority owned businesses to participate in the ISTEA program. This is an excellent example of an incentive-based program that benefits our nation as a whole. I am committed to retaining this important program during the reauthorization of ISTEA.

Mr. BINGAMAN. Mr. President, I want to join my Senate colleagues in opposition to Senator McCONNELL's amendment to eliminate the Department of Transportation's Disadvantaged Businesses Enterprise program. This program, known as the DBE program, for years has been very successful in bringing equity and fairness into construction contracting, and I believe it should be maintained as it is. Most of all, I agree that this program does not violate the equal protections guaranteed by our Constitution, and I question the Senator from Kentucky's interpretation that it does.

In fact, if Senator McCONNELL is basing his reasons for eliminating this program on our Supreme Court's decision in Adarand v. Pena, then I am confused. My reading of Adarand suggests nothing of that sort.

While it is true that the underlying issue in Adarand was whether the Department of Transportation has infringed on Adarand's constitutional right to due process and equal protection, the issue the Court actually addressed and decided in this case was by what standard is an infringement in this context determined. In other words, how do we figure out what constitutes a violation of equal protection? Indeed, the Court reversed longstanding law, and raised the standard for justifying this program. Typically, the burden to justify the necessity and the implementation of a program that affects equal protection lays with the government.

The Court, for the first time, determined that the standard of "strict scrutiny" should be applied in a case of this sort. Specifically, the standard of strict scrutiny requires that if the government determines to implement a program such as the DBE program, which ultimately effects an individual's constitutional right to equal protection, the government first must show a "compelling interest." Basically, the government must have more than a very good reason for the program. Second, even if the government can show a compelling interest, the standard requires that the government show that the program is "narrowly tailored" to serve that interest. So the issue before the Supreme Court in Adarand was which standard to apply, and the Court held that the standard must be "strict scrutiny." This is a landmark decision, because it places on the government a very tough test, a test that often is very difficult to overcome. Of critical importance here, is that the Court recognized that the standard, although very tough to meet, is not fatal in fact, it is not impossible to overcome. And I believe that is where my colleague from Kentucky has erred.

What I understand Senator McCONNELL to be saying is that the Court, in holding that strict scrutiny is the standard to apply in this context, ultimately held that the DBE was unconstitutional. To the contrary. The Court simply expounded the standard for making this determination, nothing more, nothing less.

What does this standard mean to the DBE program? It means that the Department of Transportation must show that its governmental "interest," its important reason for having this program, is "compelling." In this context, it requires that the government must show that there is a history of discrimination in the construction contracting industry, such that minority and women-owned businesses, although qualified for a contract, continuously are not awarded contract simply because they are minority- or woman-owned.

Clearly, there long has been a history of discrimination in this country, and the effects of discrimination still linger. Department of Transportation can show that although minority-owned businesses are 9 percent of construction firms, they get only 5 percent of construction receipts. Additionally, DoT can show that women own one-third of all small businesses, but in 1994, for example, received only 3 percent of federal procurement contract dollars. Moreover, Department of Transportation can show that, in the wake of City of Richmond v. Croson, disadvantaged businesses have been squeezed out from contracting opportunities. Put simply, in those areas where there is no DBE program in place, minority-owned businesses received no contracts at all. So it's clear there is a wide gap in the availability of qualified minority- and women-owned contractors and the number of contracts they are in fact awarded. The government's compelling interest is to remedy discrimination, and I don't think anyone in this Congress can dispute the government has a compelling interest.

The real issue here, however, is how the government sets out to remedy that discrimination. The Court explained that strict scrutiny requires the government must "narrowly tailor" whatever is crafted to address this problem. In other words, the program cannot be too broad, but must be designed specifically enough to remedy the discrimination without infringing on anyone else's Constitutional rights.

That is exactly what the Department of Transportation has in the DBE program. The DBE is designed only to provide a "goal" that ten percent of contracts be awarded to disadvantaged businesses. You may ask, what is the difference between a "goal" and a "quota" or a "set-aside"? I see a clear distinction.

A quota requires that a minimum number of construction contracts be awarded to disadvantaged business, regardless of the amount or history of discrimination that has taken place. Right or wrong, it allows no flexibility. Same is true with a set-aside.

The Department's "goal" program, on the other hand, provides broad flexibility. I read the program to encourage contracting with disadvantaged businesses up to 10 percent of contracts. That is a very significant difference, particularly when you consider the strict considerations that DoT has built into the program.

For instance, the program requires that the goal correspond to the availability of qualified DBE's in a given market area; it requires the goal be "race neutral"; the program cannot be for an unlimited period of time but only for as long as it takes to address any measured inequities in contracting; the goal of 10 percent is not required: and it also provides the flexibility to tailor a program to the circumstances of the locality.

Mr. President, I am confident that the DoT's DBE program is not unconstitutional and in full accord with Adarand. But nobody has to take my word for it. I suggest they examine Adarand for its real effect. That precisely is what many very esteemed constitutional law professors did, and they conclude that this program is within constitutional parameters. Any other conclusion we should leave to our Supreme Court.

Mr. President, I appreciate Senator MCCONNELL's concern for all the emerging small businesses in our country, and I agree there should be fairness, equality for all. I am certain he has only the most genuine interests in mind for everyone. I have to disagree, however, that fairness and equality will prevail if the DBE program is eliminated. Given our history as a nation and the lingering effects of discrimination, I believe the DBE program is necessary. Moreover, I believe it is constitutional and should remain intact. Therefore, I will oppose the amendment.

Mrs. MURRAY. Mr President, I rise in strong support of the Disadvantaged Business Enterprise program and in opposition to the McConnell amendment. This program is the right way for our nation to provide business opportunities for all Americans.

I believe in the goals of the DBE program: To improve economic opportunities for qualified, but disadvantaged, business owners, who most frequently are women and people of color. This program counters the effects of past discrimination with a flexible and goal-oriented program that has worked. We have a much more diverse federal contracting base than we have ever had before. Since 1978, where women- and minority-owned businesses won only 1.9 percent of the federal highway construction contracts, they have 14.8 percent. That demonstrates the tremendous success of this program.

The DBE program does an excellent job of providing sufficient flexibility to target true disadvantaged businesses. If an African female-owned business truly is not disadvantaged, it will qualify under this program. Likewise, if a Caucasian male owns a disadvantaged business, he has an opportunity to qualify under the DBE program. That flexibility is why so many of us believe it offers us the best path forward toward true equality for all business people. It focuses our attempts to strengthen our economy on those who need our help most; it forces us to look at economics, not race or gender.

Mr. President, in 1995, the Senate debated this issue as part of the legislative branch appropriations bill. At that time, members of this body recognized this type of proposal simply goes too far. I led the fight to defeat that amendment with bipartisan support, 61–36. As ranking member of the legislative branch appropriations bill at the time, I offered a compromise amendment in an attempt to reach middle ground and deal with this issue in a constructive manner. That amendment passed 84–13.

I pledge to continue to fight economic, gender and race discrimination throughout this country. The Disadvantaged Business Enterprise program is one proven path toward that goal. This is not about special preferences or arbitrary set asides; this is about expanding opportunities for business people. I intend to oppose the McConnell amendment and urge my colleagues to do the same.

Mr. DORGAN. Mr. President, I rise to comment on the debate over the Disadvantaged Business Enterprise (DBE) program and the McConnell amendment. First, I want to say that I have some concerns about the DBE program, at least in its previous structure. I do not doubt the presence of racial, ethnic, and gender discrimination in this country and I would be the first to say that we ought to have strong national policies that are designed to rectify discrimination and provide assistance to businesses that are disadvantaged because of discrimination. However, a strict mandate on states to establish quotas and set asides is not the appropriate means to end discrimination.

Unfortunately, much of the debate over the McConnell amendment has inaccurately characterized the question in polemic terms. The advocates of the McConnell amendment would suggest that a vote against his amendment is a vote for quotas and set asides. That is simply not true.

While I have some concerns about the DBE program, I do not intend to vote for the McConnell amendment. The Department of Transportation has made significant changes in the DBE program under the directive of the President's review of all affirmative action programs. The new regulations no longer require states to adopt a 10% goal of DBE contracts for highway projects. The old regulations had that requirement. I would not support that approach. However, under the new regulations, the DOT provides states with several specific formula options with which they can utilize to establish the appropriate goal for DBE contracts for each particular state. Section 26.41 of the regulations—which specifies how each state sets their overall DBE goals—does not contain any specific percentage requirement.

The 10% goal specified in the underlying legislation is a nation-wide goal. Under the Department's regulations, each state will utilize one of several formula options specified in the regulations to determine the appropriate goal for that state. There is no quota mandate. The only requirement is that states make a good faith effort to determine how to set an appropriate goal for DBE contracts.

I am not persuaded by the agreements that the DBE program is unconstitutional. The Adarand decision did not declare the program unconstitutional. Rather, it required that the program be narrowly tailored. It appears to me that the Department's new regulations have been developed in a manner to comply with that requirement. I am confident that when these new regulations are implemented that the Department will be flexible and work cooperatively with states to establish appropriate goals. If the Department had not taken steps to revise this program, I would be advocating changes with respect to the ISTEA legislation. However, anyone who has reviewed the proposed new regulations (49 CFR Parts 23 and 26, May 30, 1997) would conclude that significant changes have been made and I believe that it is reasonable to allow the Department to implement those changes, which provide a great deal more flexibility to the states and will not impose a specific percentage requirement for DBE contracts.

Notwithstanding the questions about the constitutionality of the DBE program and whether or not it is a quota program, I am very concerned about the McConnell amendment because of the new requirements it imposes on states. The McConnell amendment expands the definition of what constitutes a "disadvantaged business," duplicating many small business development programs which are currently administered by the Small Business Administration (SBA). In addition, the McConnell amendment imposes a significant financial burden on states to develop new outreach programs without providing any federal assistance to pay for these new requirements. Even if one were to conclude that the DBE program ought to either be changed or eliminated, the McConnell amendment is certainly not the correct response.

Therefore, Mr. President, I am opposing the McConnell amendment. However, I urge the Department to implement new regulations that give the states the flexibility to establish their own goal—as has been promised.

Mr. BAUCUS. Mr. President, I yield myself such time as I consume. Mr. President, we had a good debate yesterday. I want to emphasize a couple of points.

First, with all due respect, the argument that the Supreme Court has ruled that this program is unconstitutional and that we now have a duty to expunge the program from the statute books is a red herring. It is a bogus argument, a diversion, a smokescreen, as was so ably stated by the Senator from Pennsylvania, Mr. SPECTER.

If there was any doubt, it should have been dispelled by the letter that Senator DOMENICI received yesterday from

Attorney General Reno and Secretary Slater.

I urge my colleagues to read that letter.

In Adarand, the Supreme Court did not hold that the DBE program is unconstitutional. It held that the program is subject to strict scrutiny. And it emphasized that this is not equivalent to holding that the program is unconstitutional.

The case was remanded to the district court. Judge Kane held that the program furthers a compelling governmental interest. But he also held that the program was not narrowly tailored.

So we have one district court judge, holding that the program is unconstitutional. Not the Supreme Court. Not an appeals court. But one federal district court judge, out of the 647 federal district court judges in the country.

The Justice Department disagrees with the decision. So do many others. And the federal government has appealed the decision.

There are, moreover, strong arguments that the program passes the strict scrutiny standard.

The district court itself held that the DBE program furthers a compelling governmental interest in overcoming discrimination in the construction industry.

With respect to narrow tailoring, as the letter to Senator DOMENICI explains, the DBE program is not a mandatory set aside or rigid quota. It's flexible. It's negotiated with each state. It can be adjusted, lower or higher. It can be satisfied by good faith efforts. No penalty has ever been imposed on a state that has not met it's goal.

And the proposed rules would make the program even more flexible and narrowly tailored.

So I believe that it is very clear that this program is constitutional.

But there's another question.

What's right? What's the right thing to do here?

We all wish we lived in a world that was free from discrimination based on gender or race.

We don't. Discrimination is still with us. I think we all know that.

Women earn about 75 percent of what men earn for comparable work.

Women own one-third of all small businesses, but women-owned businesses only receive 3 percent of federal procurement dollars.

Minorities make up 20 percent of the population, but own only 9 percent of the construction businesses, and those businesses receive only 4 percent of construction receipts.

So what do we do about it?

Sometimes, Mr. President, equal opportunity means more than outreach. It means more than mailing out brochures and holding seminars.

It means giving people an opportunity to prove themselves.

It means giving them a seat at the table.

That's what the DBE program is designed to do.

And, as I said yesterday, it works.

In 1978, 1.9 percent of federal highway construction dollars were going to firms owned by women or minorities.

Today, under the DBE program, it's 14.8 percent.

That's progress.

I, for one, am proud that the percentage of women and minorities participating in the federal highway program in Montana has risen to 20 percent. That's good news. Not only for women and members of minority groups. But for all of us. For our communities.

The program has worked. And because it has worked, people are still counting on it.

About 20,000 companies have qualified as DBEs. They've grown their companies, taken out loans, hired more employees, in the expectation that the program would continue.

If we look at the experience of Michigan, Louisiana, and other states that have repealed their state DBE programs, repeal of the federal DBE program will result in a sharp drop in the percentage of contracts going to businesses owned by women and minorities. By half, or more.

If that happens, all across this country, small businesses women and minority entrepreneurs will be left high and dry.

I, for one, will not vote to let that happen.

Mr. President, the DBE program is constitutional.

It's fair.

It works.

And it builds more inclusive communities and a stronger economy.

It's good for America, and it brings us together. That is what America is all about.

Again, I urge that the McConnell amendment be defeated.

I reserve the remainder of my time.

The PRESIDING OFFICER. There are 3 minutes remaining.

Who yields time?

Mr. CHAFEE. Mr. President, I have previously made clear my thoughts on this.

I think the arguments have been very well made in connection with the opposition to this amendment. I strongly believe that the Congress should not interfere with the Disadvantaged Business Enterprise Program at this point. I don't think this is the appropriate time.

As I have also pointed out several times, we have a letter from the Secretary of Transportation indicating that if this amendment should prevail, he would not be able to recommend that the President approve this legislation. What all that means, Mr. President, is that is a gentle way of saying he would recommend a veto. I suspect there would be a veto of this legislation. We have come a long way to try to get this legislation passed. I very much hope that it will not be subject to any kind of a veto threat, which would result if this amendment should pass.

Mr. President, we are going to vote at 11 o'clock. We must be very close.

The PRESIDING OFFICER. All time has expired.

Mr. CHAFEE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. BENNETT), the Senator from Indiana (Mr. COATS), the Senator from North Carolina (Mr. HELMS), and the Senator from Texas (Mrs. HUTCHISON) are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—58

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
D'Amato
Daschle
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Graham
Harkin
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—37

Abraham
Allard
Ashcroft
Brownback
Burns
Cochran
Coverdell
Craig
DeWine
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson
Thurmond

NOT VOTING—5

Bennett
Coats
Glenn
Helms
Hutchison

The motion to lay on the table the amendment (No. 1708) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, first of all, it has already been announced informally that that is the last vote of the day. I thank the managers of the very important surface transportation legislation for their efforts this week. I think some good progress has been made. Several amendments have been disposed of. This was one that required some 8 hours, I believe, of debate.

Now that we have voted on that, we want to continue to make progress to complete this legislation. I think Senators on both sides believe that good progress has been made. I really appreciate, once again, the effort of Senator CHAFEE, Senator BAUCUS, Senator BYRD, Senator DOMENICI, Senator GRAMM and others, in coming up with the formula change that I think generally is agreed to on both sides of the aisle. But we need to begin to think now about how we conclude this so we can deal with the other very important issues that are awaiting, including the NATO enlargement issue and the Coverdell A-plus education issue. We have a couple other bills we are looking at considering on Monday, including possibly a resolution with regard to Saddam Hussein being a war criminal, and an intelligence bill.

But at the request of the chairman and the ranking member of the Environment Committee, our respective hotlines have asked that all Senators come forward with their amendments.

We are developing a list and we need to know the ones that are serious. I know there are a lot of them out there still that Senators are contemplating offering, but we need to begin identifying the ones that really are serious. For instance, the list we have from the hot line is 250 amendments, with two Members on one side of the aisle having 100 amendments; just two Senators have 100 amendments. I must say, on our side of the aisle, there are 75 amendments. That is ridiculous. We need to identify the ones that we really are going to offer. We need cooperation in order to get that done.

We have been considering the bill really since the last session. Everybody has had a chance in the committee. Last year, we spent about 2 weeks talking about it. We had four cloture votes. We have had a total of 14 days on it.

There are several other issues that are important that we are going to have come up and will vote on, but I think now we need to get serious about bringing this to a conclusion. After looking at the list of amendments and consulting with the Democratic leader, I think we do need to go ahead and get a cloture vote so that we can eliminate the amendments that are not related directly to this bill and then begin to narrow the list.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the committee amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface transportation Efficiency Act:

Trent Lott, John H. Chafee, John Ashcroft, Larry E. Craig, D. Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, R.F. Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spencer Abraham, Jesse Helms.

Mr. LOTT. Mr. President, the cloture vote will occur on Monday, March 9, probably around 5:15 or 5:30. Again, we will check with the Members' schedules and with the Democratic leader, but it will be around that time. We indicated there would not be a vote before 5. It may be a little after 5, depending on when planes arrive and when we can get agreement to have this vote scheduled.

CALL OF THE ROLL

Mr. LOTT. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

Mr. DASCHLE. Mr. President, reserving the right to object, and I do so to comment on a couple matters raised by the distinguished majority leader.

First of all, he noted we have spent at least 3 weeks on this bill already, 2 last fall and 1 last week. He also noted that this has been a productive week, and I share that view; it has been productive. I will encourage my colleagues to vote in favor of cloture Monday night simply because we have to come to closure. There are a lot of good amendments to be offered yet. We will have that debate, but we can do that under the strictures which cloture provides, and I am very supportive of resolving the outstanding questions so we can move on.

I also compliment, as the majority leader did, our two managers. They have done an outstanding job, to date, in working with Members on both sides. I hope that we can continue to be responsive to the concerns, both with the schedule as well as with the legislation. I am sure that will be the case.

Finally, I thank all of those who voted in favor of tabling the previous amendment. I commend the leadership on both sides who took the active interest in enlightening us all about the importance of the Disadvantaged Business Enterprise Program. I appreciate very much the overwhelming vote we just had and, hopefully, at long last, it will put this issue to rest.

Again, Mr. President, I share the sentiment expressed by the leader. This is the time to move this legislation forward. This cloture vote will allow us to do that. I am hopeful that we can have a good debate on other amendments on Monday and have that vote Monday night so we can complete our work sometime by the middle of next week. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I will note, Mr. President, that the chairman and the ranking member have asked me to advise Members they are going to be here for more time today, into the afternoon. They are open for business. If Senators have amendments, particularly if they think they will not be controversial and would like to get them considered, perhaps accepted or get them in line to be considered, I hope Senators will contact the chairman or the ranking member in the next hour. They will be off the floor in a meeting for the next few minutes, but they plan to stay here for several more hours to work on this bill.

I ask unanimous consent now that all first-degree amendments under rule XXII be filed up to 1 p.m. on Monday and all second-degree amendments by 5 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I understand that at 12 noon, approximately, Senator BROWNBACK will be ready to offer an amendment regarding rail banks. I hope other Senators will come and be prepared to offer amendments and have them considered one way or the other this afternoon. Would the Senator from Iowa like me to yield?

Mr. HARKIN. If the leader will yield for a question. On the highway bill, I am concerned the Banking Committee has to offer its amendment on transit. I am concerned about the cloture vote on Monday night. Does that cover the Banking Committee's provisions on transit, because some of us who are concerned about rural transit may have an amendment on rural transit depending on what the Banking Committee's amendment looks like?

Mr. LOTT. I understand that amendment is being drafted, and we hope to have that offered Monday. The Senator will have a chance to take a look at it and be involved in it.

Mr. HARKIN. If the leader will yield further, but if they offer it on Monday and the cloture vote is at, what time, 5?

Mr. LOTT. At 5:15, 5:30, and it could be even a little later, depending on what is going on.

Mr. HARKIN. That would cover the Banking Committee provision.

Mr. LOTT. I think what we are saying is we hope to have the banking issue done before we get to cloture. But if we can't get it worked out, then we will try to work out an arrangement so the Senator's concerns will be addressed. We would not want to foreclose that, let's put it that way.

Mr. HARKIN. I appreciate that. I haven't had any amendments to the underlying bill. Some of us from rural States may have an amendment depending on what the Banking Committee comes out with. We won't have a chance to look at it until Monday. I am concerned about having the cloture vote without time to look at it and consider it with Members on both sides of the aisle. That was my only concern on that.

Mr. LOTT. I will just say, again, I think the Senator has legitimate concerns, and we will have to get an agreement to accommodate those concerns, and we intend to do that.

Mr. HARKIN. I appreciate that.

AMENDMENT NO. 1708

Mr. BYRD. Mr. President, I would like to briefly explain my vote on the motion to table the amendment offered by my distinguished colleague, Senator McCONNELL, to S. 1173, the Intermodal Surface Transportation Efficiency Act. Despite my sympathy with the position of Mr. McCONNELL, and despite my reservations about the Disadvantaged Business Enterprise (DBE) Program, I voted in favor of tabling the amendment.

Like many of my colleagues, I encourage small businesses—including those owned by socially and culturally disadvantaged individuals—to take an active role in bidding for federally funded highway construction contracts. But, while I understand the goals of the DBE program, as set forth in Section 1111 of ISTEA, I do not support preferential treatment for certain businesses on the basis of the race, ethnicity, or gender of their owners.

I believe that the Constitution, as amended by the 5th, 13th, and 14th Amendments, does not permit the government to discriminate or differentiate on the basis of race, ethnicity, or gender—regardless of whether the government's motive is malicious or benign. If the precepts of "equal protection" and "due process" are to mean anything, then they must ensure that no one in this country is granted favorable or unfavorable treatment on the basis of some single differentiating characteristic.

My reading of the Constitution is supported by the Supreme Court's 1995 decision in Adarand versus Pena. In that decision, the Court rules that the DBE and other race-based affirmative action programs can only be upheld if they are narrowly tailored to meet a compelling governmental interest. This test, commonly referred to as "strict scrutiny," makes it exceedingly difficult for any affirmative action program to pass constitutional muster. It should come as no surprise, then, that after the Court remanded the Adarand case, a federal district court judge found that the DBE program fails strict scrutiny, and thus is unconstitutional. Indeed, it is worth pointing out that the last time that the Supreme Court upheld a statute based on a racial- or national-origin classification under the strict scrutiny test was in 1944.

In my opinion, the correct course of action is to award highway contracts on the basis of cost, performance, and the most efficient use of taxpayer's money. This merit-based approach is both fair and constitutionally appropriate.

Despite these reservations about DBE, I also recognize that the courts have not yet definitively ruled on the constitutionality of affirmative action programs. The Adarand district court decision is currently on appeal, and I look forward to further clarification of the constitutionality of programs such as DBE.

Furthermore, while I support the McConnell amendment in principle, I believe that further debate and scrutiny is necessary. This amendment has not yet been subjected to the committee process, which is so essential to determining the true merits and flaws of a proposal. Before we replace the DBE program with an Emerging Business Enterprise Program, we need to ensure that the replacement does exactly what we want it to do. Otherwise, we risk hurting some small businesses through rash, ill-considered action. For these reasons, I voted to table the McConnell amendment.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until 12 noon, with Members allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would like to be recognized for a statement now.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. FRIST, Mr. LOTT, Mr. JEFFORDS, Mr. KENNEDY, Mr. HARKIN, and Mr. BINGAMAN pertaining to the introduction of S. 1722 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. TORRICELLI address the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President.

STATUS OF PUERTO RICO

Mr. TORRICELLI. Mr. President, inscribed on the corridors of this Capitol are the words of William Henry Harrison, spoken at his Presidential inauguration in 1841. He said: "The only legitimate right to govern is an express grant of power from the governed."

Indeed, the very principle of the consent of the governed is the foundation of this democratic society. That issue was at question in the House of Representatives this week when the Congress considered the issue of the political status of Puerto Rico.

I believe it is clear that it is not in the interest of these United States to leave the 20th century, with it being claimed in any quarter of this globe, that the United States is in an involuntary political arrangement with any peoples. The unfinished business of American democracy is the political status of Puerto Rico.

The history of the 20th century for the United States have been the constant expansion of enfranchisement of the governed. Within this century, we have either guaranteed or attempted to assure the right to participate in our democracy to women and, through the struggle of civil rights, for African Americans.

In 1913, we changed the U.S. Constitution to ensure that all citizens of the United States could participate in choosing Members of this Senate. In 1971, we extended the right to vote for those who are 18 years old. And, indeed, also in this century, we ensured this enfranchisement was expanded geographically to include the citizens of Hawaii and Alaska.

But this only begs the question of the unanswered issue since 1898, at the end of the Spanish-American War, of what is to be done with the arrangement of the people of Puerto Rico and the Government of the United States. It is an issue that has come before this Congress continuously. In 1917, Congress granted citizenship to the people of Puerto Rico. In 1952, Congress revisited the issue to provide commonwealth under American jurisdiction.

And yet, the issue continues, because the full rights of citizenship granted to those of the 50 States remain withheld to the people of Puerto Rico. The people of Puerto Rico are subject to laws and regulations passed by this legislative body, yet they have no voting representation. The people of Puerto Rico are led by a President and Vice President exercising full executive authority, but they cannot vote to choose that executive leadership.

The people of Puerto Rico hold citizenship in a country whose legislature can take away or compromise their rights of citizenship at any moment. The legislation passed by the House of Representatives, legislation which I was proud to cosponsor—indeed, originally authored when I was a Member of that body—redresses this injustice.

This legislation does not mandate a political choice for the people of Puerto Rico. Whether or not Puerto Rico ultimately becomes a State of this Union is a question for the people of Puerto Rico, and only for the people of Puerto Rico, to decide. Whether or not the people of Puerto Rico are able to exercise that choice is a responsibility of this Congress.

I do not believe that this Congress should express itself on that issue. Whether or not the choice is statehood, independence, or commonwealth is only a matter for the people of Puerto Rico. But as certainly as it is our responsibility that the people of Puerto Rico have a right to exercise that choice, it is our responsibility in the United States to ensure they exercise it honestly, with legitimate choices.

The bill authorizes Puerto Rico to hold a referendum by the end of 1998 as to whether or not to remain a commonwealth, seek independence, or choose statehood. If a majority of citizens were to decide to seek independence or statehood, then the President would submit legislation to the Congress outlining a transition plan that would culminate in 10 years.

Then, the people of Puerto Rico would take to the polls once again to approve or reject the plan. If it were passed by a majority of the people of Puerto Rico, then the President would submit legislation to the Congress recommending a date to end the transition period. Then, for a third time the people of Puerto Rico would vote again on the issue of self-governance.

This is an extensive and a complicated plan for final political status. It is important that these three votes be held over an extensive transition period, because as history has made clear, any judgment to join this Union is irreversible and it is final. A decision on statehood is made once and never made again.

Mr. President, I understand that there are some Members of the Senate who are concerned about this legislation because of its impact on our Union. I believe that a decision by the Puerto Rican people, if they make it in their own judgment, is in the interests of this Union.

The United States would be enriched culturally. Indeed, it would make clear that the bridge that the United States has enjoyed for so long culturally to Europe is equally as strong with the peoples of Latin America. Indeed, I believe all Americans would be proud and enriched by this judgment.

Mr. President, that, of course, is a decision for the people of Puerto Rico to make. But if they make it, I hope people in our country and Members of the Senate will welcome their judgment.

But on this day, Mr. President, I call upon the Energy and Natural Resources Committee to immediately commence hearings on the important Puerto Rico self-determination bill. I join with Senator GRAHAM and Senator CRAIG in offering this legislation. I hope the people of Puerto Rico can be proud that this Senate will await their judgment and will offer them this opportunity.

Mr. President, I yield the floor.

EXTENSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I request unanimous consent that, notwithstanding the previous order, the Senator from Ohio and I be permitted to proceed in morning business for 15 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS and Mr. DEWINE pertaining to the introduction of S. 1724 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I will send an amendment to the desk. I will not ask for its immediate consideration. This is an amendment that would require the Secretary of Transportation to reduce the amounts made available under the ISTEA of 1998 for the fiscal year 1998 by the amounts made available under the extension that we did last fall, the so-called 6-month extension bill.

Now, last year, Mr. President, as you recall, the Senate passed a 6-month extension bill which allowed the States to use their unobligated balances to fund eligible transportation projects. The bill also allocated an additional $5.5 billion in new money to the States.

As you remember, the ISTEA I expired on September 30 so we knew we were not going to be able to enact a new ISTEA bill—indeed we have not enacted it yet—and that carried us over to May 1 of this year. In it we provided not only that States could use their unobtained balances but there was also allocated an additional $5.5 billion.

The Senate agreed to provide this new $5.5 billion on the condition that the amounts allocated under ISTEA II in fiscal year 1998 would be reduced by the amount each State received under the 6-month extension. In other words, yes, we gave them additional money to carry them through during this extension, but when we enact a final bill, as I hope we will do next week, then the amounts that the States would have received would be deducted from the amounts that we provide for them for the fiscal year 1998.

For example, the amount each State will receive in the surface transportation program, so-called STP funds, under ISTEA II will be reduced by their portion of the more than $1 billion provided in STP funds under the 6-month extension.

Now, there are several reasons why this extension reduction is necessary. First of all, ISTEA II provides money for each fiscal year 1998 through 2003. It does not provide a half-year amount for 1998. If this reduction is not required, States would be receiving one-and-a-half times as much as they should for 1998. In other words, we give them the entire 1998 money in the bill, and we have also previously given them half of that so it doesn't make sense for them to have one-and-a-half times as much money for 1998 as required. Indeed, our bill would be subject to a point of order.

Second, a reduction ensures that each State will receive money based on the new formula provided in ISTEA II instead of the old formula or amounts received in the past. We worked hard to bring this new formula up to date in order to make it fairer, and we believe we have achieved that.

So, Mr. President, this technical and noncontroversial amendment has been cleared by both sides. We want to make sure that this amendment is available for any of the States who would choose to review it. They can get in touch with me and we will give them a copy, obviously.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1719

(Purpose: To include the enhancement of safety at at-grade railway-highway crossings and the achievement of national transportation safety goals in the purpose of the intelligent transportation system program)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mr. Montana [Mr. BAUCUS], for Mr. KERREY, proposes an amendment numbered 1719.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 385, strike lines 13 and 14 and insert the following: creasing the number and severity of collisions;

"(14) to encourage the use of intelligent transportation systems to promote the achievement of national transportation safety goals, including safety at at-grade Railway-highway crossings; and

"(15) to accommodate the needs of all users of".

Mr. BAUCUS. Mr. President, this amendment that I am offering on behalf of Senator KERREY from Nebraska adds another goal to the intelligent transportation system's research program in the underlying bill. It would add the achievement of national transportation safety goals, including atgrade railway-highway crossings to the ITS, intelligence transportation system program.

I think it is a good idea to enhance the ITS program. We all know the problems of rail crossings. There are a lot of accidents and deaths, regrettably, at railway-highway crossings. This added language will help in the development of the ITS to try to find ways to minimize these types of things.

I urge that we agree to this amendment.

Mr. CHAFEE. Mr. President, this amendment is acceptable to this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1719) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1720 TO AMENDMENT NO. 1676

(Purpose: To include the development of techniques to eliminate at-grade railway-highway crossings in the goals of the innovative bridge research and construction program)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. KERREY, proposes an amendment numbered 1720.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 371, strike lines 6 and 7 and insert the following:

"in highway bridges and structures;

"(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic and

"(6) the development of highway bridges and".

Mr. BAUCUS. Mr. President, this amendment would add to the types of works the Secretary should undertake with regard to innovative bridge research. The Secretary would have the flexibility to look at innovative techniques to separate vehicle and pedestrian traffic from railroad traffic. It is designed, obviously, to deal with the problems of congestion, deaths and accidents on bridges.

I urge its adoption.

Mr. CHAFEE. Mr. President, this is acceptable to this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1720) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1721 TO AMENDMENT NO. 1676

(Purpose: To ensure that there is adequate opportunity for public participation in the certification of transportation planning processes of metropolitan areas)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. WELLSTONE, proposes an amendment numbered 1721.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 265, strike line 15 and all that follows through page 266, line 1 and insert the following:

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law;

"(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor;

"(iii) the public has been given adequate opportunity during the certification process to comment on—

"(I) the public participation process conducted by the metropolitan planning organization; and

"(II) the extent to which the transportation improvement program for the metropolitan area takes into account the needs of the entire metropolitan area, including the needs of low and moderate income residents, and the requirement of Title VI of the Civil Rights Act; and

"(iv) public comments are—

"(I) included in the documentation supporting the metropolitan planning organization's request for certification; and

"(II) made publicly available.

"(C) EFFECT OF FAILURE TO CERTIFY.—".

Mr. BAUCUS. Mr. President, this amendment would ensure that the public has an adequate opportunity to comment on the certification process in transportation management areas.

I urge its adoption.

Mr. CHAFEE. This amendment is agreeable to this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1721) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Timothy Hess, a fellow in the office of Senator BOB GRAHAM, be given floor privileges during the ISTEA debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1722 TO AMENDMENT NO. 1676

(Purpose: To add the projected increase in commercial traffic to the factors that the Secretary of Transportation is required to consider in selecting recipients of grants for trade corridors and border infrastructure safety and congestion relief)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DOMENICI, proposes an amendment numbered 1722.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 98, line 13, insert ", and is projected to grow in the future," after "103–182)".

On page 98, line 17, insert ", and is projected to grow," after "grown".

Mr. CHAFEE. Mr. President, this amendment is a modification to the border crossing and trade corridor program. It is for the Secretary to consider an area's future growth while awarding grant funds.

Mr. BAUCUS. Mr. President, we have reviewed the amendment and think it is fine.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1722) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, it might be a faulty assumption on my part; are we in a period of morning business?

The PRESIDING OFFICER. We are currently considering S. 1173, the highway bill.

Mr. BURNS. Mr. President, I ask unanimous consent that I may proceed as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1725 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will be really very brief.

I have been involved in negotiations, as all of us are, on this legislation, all of us trying to use our leverage to fight for what we think is right. I have been very focused on a sense-of-the-Senate resolution amendment which I think will command widespread support from both Democrats and Republicans.

I know, for example, that this resolution was initially something I did with Senator MACK, who still strongly supports it—Senator HUTCHINSON, and many, I hope the Chair.

This is just a sense-of-the-Senate resolution—could be amendment; I hope it would be a separate resolution, but one way or the other—that, basically, strongly urges the President, acting through the permanent representatives of the United States—and I am just looking at this; I will quote his record—"to make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China, Tibet at the annual meeting of the United Nations Commission on Human Rights."

Mr. President, the point is that I am not going to get into any sharp debate or attack people who are not here right now, but I think the point of this resolution, the amendment, is to make sure that we take some action before the United Nations Commission on Human Rights convenes in Geneva, which would be on March 16.

The Senate Foreign Relations Committee will take up this resolution, I think, on Thursday, but my concern, as a U.S. Senator who feels strongly about this, about human rights questions and has worked closely with a number of really great people in these human rights organizations—and I tell you, in some ways, one of the biggest thrills of my life has been to have a chance to work with Wei Jingsheng, who was just in the office and who is very focused in on this.

In any case, what I wanted to make sure of is—and I think many Republicans agree with us—that the Foreign Relations Committee meets, but that still does not guarantee that we have a resolution or amendment on the floor by the end of next week or as soon as possible. And really next week is the critical timeframe that we are talking about.

We have gone back and forth on other resolutions that were going to be introduced. I know Senator SPECTER has one he wants to do on Iraq. My position is, well, then there ought to be one on China.

In any case, I think it is no longer necessary for me to do anything on the floor of the Senate. I have a commitment by the Senate majority leader, Senator LOTT. It is a personal commitment, not an official, formal commitment. I think it is all I need. I think most of us know, if he gives his word, his word is good.

So, I feel very confident that we, indeed, will be able to deal with this resolution in this timeframe, which is so important that really the voice of the Senate be heard, the voice of the Congress be heard. And certainly I hope the voice of the President and the administration will be heard before the Human Rights Commission convenes in Geneva.

So I thank colleagues for working with me. I certainly thank the majority leader for being sensitive and working this out.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I have a managers' amendment, which I will soon send to the desk.

It is a package of technical and noncontroversial changes to S. 1173. A number of changes included in the amendment were recommended by the Department of Transportation to improve and clarify provisions in the bill.

I ask unanimous consent that the full descriptions of the amendments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PROVISIONS IN THE MANAGER'S AMENDMENT TO S. 1173

The manager's amendment includes a number of technical and noncontroversial changes to S. 1173. The paragraphs below summarize the items included in the managers amendment that improve the bill.

On page 5, strike lines 15 through 20 and insert the following: Makes a technical change to authorization levels for the Interstate and National Highway System program for fiscal year 1998 through 2001, and 2003.

On page 7, strike 16 through 20.—Eliminates the duplicative authorization of funds for the Cooperative Federal Lands Transportation Program, as funding for this program was authorized in two places in S. 1173.

On page 8, line 20, after "139(a)", insert the following: Adds language to 104(b) to clarify that the reference to 139(a) was to reflect 139(a) before enactment of ISTEA II.

On page 9, line 16, after "139(a)", insert the following: Adds language to 104(b) to clarify that the reference to 139(a) was to reflect 139(a) before enactment of ISTEA II.

On page 10, line 9, insert "and for the purposes specified in subparagraph—Clarifies the flexibility allowed in spending the Interstate maintenance component and the Interstate bridges component funds on either category.

On page 43, line 12, strike "and".—Facilitates the following amendment.

On page 43, between lines 12 and 13, insert the following: Provides full obligation authority for operation lifesaver and railway-highway crossing hazard elimination in high speed rail corridors.

On page 43, line 13, strike "(xi)" and insert "(xii)".—Facilitates the previous amendment.

On page 44, strike line 6 and insert the following: Provides an obligation limitation for administrative expenses deducted under Section 104(a). Similar limitations are included in annual appropriations Acts for the Federal Highway Administration. The obligation limitation totals $301,725,000 for fiscal year 1999; $302,055,000 for fiscal year 2000; $303,480,000 for fiscal year 2001; $310,470,000 for fiscal year 2002; and $320,595,000 for fiscal year 2003.

On page 85, line 10, strike "sections 103 and" and insert "section".—Makes a technical correction to the section on studies and reports. The reference to section 103 is stricken from the list of sections for which the Secretary must annually report rates of obligation. National Highway System funds are not apportioned under section 103, but must be tracked under this section as they are apportioned under section 104 of title 23.

Beginning on page 91, strike line 24 and all that follow through page 92, line 4.—Strikes the definition for "border region," as this term is not used within S. 1173.

On page 92, line 5, . . .

On page 92, line 11, . . .

On page 92, line 17, . . .

On page 93, line 3, . . .

On page 93, line 6, . . . Provides technical corrections (renumbering) to facilitate the above amendment.

On page 130, line 6, insert: Clarifies that Congestion Mitigation and Air Quality Improvement funds are tied to areas classified as marginal or worse for ozone or carbon monoxide in the 1990 Clean Air Act Amendments.

On page 159, line 21, strike "selection" and insert "bidding".—Makes a technical correction to section 1225, replacing the word "selection" with "bidding," as the term "competitive bidding" is a defined term in title 23, United States Code.

On page 159, line 22, before the period, insert: See amendment description below—line 160, between lines 16 and 17.

On page 160, line 16, strike the quotation marks and—Technical amendment to facilitate the following amendment.

On page 160, between lines 16 and 17—Requires the States that choose to use the design-build process to either use procedure specified in State statute or selection procedures in legislation already adopted by the U.S. Congress and signed into law for use by civilian and military agencies as part of the Federal Acquisition Reform Act of 1996, Public Law 104–106. Section 4105 of the Act established uniform Federal standards for the acquisition of design-build contracts for the first time.

On page 161, line 14, strike "selection".—Makes a technical correction to section 1225, replacing the word "selection" with "competitive bidding," as the term "competitive bidding" is a defined term in title 23, United States Code.

On page 219, line 13, strike "authorized to be appropriated" and insert "made available".—Technical change to make this section's language parallel to the rest of the bill.

On page 250, between lines 18 and 19, insert the following: Clarifies that a metropolitan planning organization designation shall remain in effect until that MPO is redesignated.

On page 290, line 24, strike "agencies" and insert "departments".—Makes a technical correction to section 1701, replacing the word "agencies" with "departments", as the term "transportation department is a defined term in title 23, United States Code.

On page 294, lines 12 and 13 strike: Clarifies the eligibility of INHS funds for use on Interstate highways.

On page 340, line 4, strike "subsection" and On page 343, line 4, strike "subsection" and—Provides a technical correction.

On page 403, strike lines 11 through 13 and insert the following: Provides language to clarify that the primary use of funds under commercial vehicle intelligent transportation system infrastructure shall include the improvement of inspection and crash data electronic processing.

On page 413, line 1, strike "that" and insert "only if the technologies".—Provides clarifying language.

On page 415, line 14, strike: Provides a reduction to contract authority for the fiscal year 2002 from $110 million to $109 million to stay within the Committee's allocation.

AMENDMENT NO. 1723 TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 1723.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike lines 15 through 20 and insert the following:

title $11,977,000,000 for fiscal year 1998, $11,949,000,000 for fiscal year 1999, $11,922,000,000 for fiscal year 2000, $11,950,000,000 for fiscal year 2001, $12,242,000,000 for fiscal year 2002, and $12,659,000,000 for fiscal year 2003, of which—

On page 7, strike lines 16 through 20.

On page 8, line 20, after "139(a)", insert the following: "(as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

On page 9, line 16, after "139(a)", insert the following: "(as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

On page 10, line 9, insert "and for the purposes specified in subparagraph (A)," before "in the ratio".

On page 43, line 12, strike "and".

On page 43, between lines 12 and 13, insert the following:

"(xi) amounts set aside under section 104(d) for operation lifesaver and railway-highway crossing hazard elimination in high speed rail corridors; and

On page 43, line 13, strike "(xi)" and insert "(xii)".

On page 44, strike line 6 and insert the following:

(e) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

(1) $301,725,000 for fiscal year 1999;
(2) $302,055,000 for fiscal year 2000;
(3) $303,480,000 for fiscal year 2001;
(4) $310,470,000 for fiscal year 2002; and
(5) $320,595,000 for fiscal year 2003.

(f) APPLICABILITY OF OBLIGATION LIMITATIONS.—

On page 85, line 10, strike "sections 103 and" and insert "section".

Beginning on page 91, strike line 24 and all that follows through page 92, line 4.

On page 92, line 5, strike "(2)" and insert "(1)".

On page 92, line 11, strike "(3)" and insert "(2)".

On page 92, line 17, strike "(4)" and insert "(3)".

On page 93, line 3, strike "(5)" and insert "(4)".

On page 93, line 6, strike "(6)" and insert "(5)".

On page 130, line 6, insert "and classified under section 181(a) or 186(a) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a))" before "or classified as".

On page 159, line 21, strike "selection" and insert "bidding".

On page 159, line 22, before the period, insert the following: "in accordance with subparagraph (C)".

On page 160, line 16, strike the quotation marks and the following period.

On page 160, between lines 16 and 17, insert the following:

"(C) PROCEDURES THAT MAY BE APPROVED.—Under subparagraph (A), the Secretary may approve, for use by a State, only procedures that consist of—

"(i) formal design-build contracting procedures specified in a State statute; or

"(ii) in the case of a State that does not have a statute described in clause (i), the design-build selection procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m).".

On page 161, line 14, strike "selection" and insert "competitive bidding".

On page 219, line 13, strike "authorized to be appropriated" and insert "made available".

On page 250, between lines 18 and 19, insert the following:

"(6) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (2).

On page 290, line 24, strike "agencies" and insert "departments".

On page 294, lines 12 and 13, strike "paragraphs (1) and (3) of section 104(b)" and insert "section 104(b)(1)".

On page 340, line 8, strike "subsection" and insert "section".

On page 343, line 4, strike "subsection" and insert "section".

On page 403, strike lines 11 through 13 and insert the following:

"(B) electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

On page 413, line 1, strike "that" and insert "only if the technologies".

On page 415, line 14, strike "$110,000,000" and insert "$109,000,000".

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, we have reviewed the amendment and they are, indeed, technical corrections. There is nothing here that is not technical. There are grammatical errors, spelling errors, et cetera. We agree the amendment should be adopted.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1723) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I have an amendment here on behalf of Senator DEWINE. It is a repeat offenders amendment.

This amendment would strengthen and clarify the repeat drunk-driving offenders section of the bill. The bill, as currently drafted, requires States to enact and support penalties for drunk drivers, who have a blood alcohol concentration of .15 or greater, and who have been convicted of a second or subsequent drunk-driving offense within 5 years. The DeWine-Lautenberg amendment strikes the reference to .15 blood alcohol concentration and allows the State law on blood alcohol concentration to determine what is a repeat offender. The amendment, therefore, clarifies that a person who is arrested for driving with a blood alcohol concentration level lower than .15 still may be classified as a repeat offender.

Mr. President, I know there is a good deal of concern amongst our colleagues about these drunk-driving amendments and the penalties that occur. I will not seek to have this agreed to now. I will only file it. It will be my intention to call this amendment up Monday, thus, giving those who might have concerns an opportunity to review it. I think when they review it, they will find that it gives more power to the States than the underlying bill does. Nonetheless, because of the deep interest in this matter, I think it well for it to lie over.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1725 TO AMENDMENT NO. 1676

(Purpose: To make technical amendments to the bill)

Mr. CHAFEE. Mr. President, I send to the desk an amendment that makes a number of technical corrections or revisions to S. 1173, to correct certain grammatical errors, spelling errors, and incorrect references to the law. This amendment has been cleared by both sides. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 1725 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, lines 5 and 6, strike "National Highway System" and insert "Interstate and National Highway System program".

On page 50, line 2, strike "to the pay" and insert "to pay".

On page 62, line 14, strike "wildernessK" and insert "wilderness".

On page 91, strike lines 3 and 4 and insert the following:

able for use in a national park by this paragraph.

"(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—

On page 170, line 3, strike "(2)" and insert "(3)".

On page 170, line 9, strike "(3)" and insert "(4)".

On page 301, line 11, strike "program".

On page 303, between lines 21 and 22, insert the following:

(l) PUBLIC TRANSPORTATION.—Section 142(a)(2) of title 23, United States Code, is amended by striking "the the" and inserting "the".

On page 303, line 22, strike "(l)" and insert "(m)".

On page 304, line 5, strike "(m)" and insert "(n)".

On page 304, line 13, strike "(n)" and insert "(o)".

On page 304, line 17, strike "(o)" and insert "(p)".

On page 357, line 1, strike "SET ASIDE" and insert "SET-ASIDE".

Mr. BAUCUS. Mr. President, let me give you an idea just how technical this is. One of the provisions here is to strike "wildernessK" and insert "wilderness", page 62, line 14. That was just a typo. Another is to strike the words "SET ASIDE" and replace them with "SET-ASIDE". That's the nature of this. This is a very technical amendment. I urge its adoption.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1725) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1687

Mr. INHOFE. Mr. President, while debating my amendment, amendment number 1687, to S. 1173, the ISTEA Reauthorization Act, on Wednesday March 4, I referred to five letters and entered them into the RECORD. Two of those letters were inadvertenly omitted from the RECORD.

I ask unanimous consent that the text of the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS/
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, March 3, 1998.

Hon. JAMES M. INHOFE,
Chairman, Subcommittee on Clean Air Wetlands, Private Property, and Nuclear Safety, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR INHOFE: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we wish to express our support for a particular provision of your proposed amendment to ISTEA legislation that calls for full federal funding for fine particulate matter ($PM_{2.5}$) air monitoring.

STAPPA and ALAPCO are the national associations of state and local air quality agencies in the states and territories and over 165 metropolitan areas across the country. The members of STAPPA and ALAPCO have primary responsibility for implementing our nation's air pollution control laws and regulations. As such, we believe it is essential that EPA provide full funding for the $PM_{2.5}$ monitoring network, as the agency has indicated it would.

In its final $PM_{2.5}$ monitoring regulation (July 18, 1997), EPA estimated that $98.3 million is needed to deploy a national $PM_{2.5}$ monitoring system comprising 1,500 sites (including the purchase of equipment and the costs of operating and maintaining the system and analyzing data). On many occasions, the agency committed to providing full funding over a two-year period for this new program and indicated that this would be new money. Unfortunately, this has not happened.

In FY 1997, EPA allocated $2.7 million for state and local air grants for $PM_{2.5}$ monitoring activities. In FY 1998, EPA earmarked $35.6 million for those activities but, rather than providing full funding, the allocation included only $28.7 million in new money, while the remaining $6.9 million was diverted from other, non-$PM_{2.5}$ monitoring activities that state and local agencies must perform. The proposed FY 1999 budget earmarks $50.7 million for the $PM_{2.5}$ monitoring network. However, this includes only $43.9 million in new funds for $PM_{2.5}$ monitoring activities and again proposes to reprogram funds—$6.8 million—away from other extremely important and grossly underfunded state and local air program activities. Thus, instead of providing $98.3 million over two years to fund the $PM_{2.5}$ monitoring effort, EPA has in fact only allocated $75.3 million in new money, which falls $23 million short of the amount EPA has repeatedly stated is needed and would be provided. Although state and local air agencies remain concerned that $98.3 million may not be sufficient to fully fund the $PM_{2.5}$ monitoring network, we commend your effort to ensure that EPA at least fulfills its commitment.

While we are not commenting on any other provisions of your amendment, we are very pleased with the component of it that calls for full funding under Section 103 of the Clean Air Act for $PM_{2.5}$ monitoring. Moreover, we applaud that the amendment both restores to state and local air grants under Section 105 of the Clean Air Act the $13.7 million that EPA has inappropriately diverted from other important underfunded state and local air quality activities and ensures that the balance of the funds EPA estimated were necessary for the complete fine $PM_{2.5}$ monitoring network is provided with additional monies.

Thank you again for your concern about this important issue. Please contact us if we can answer any questions or provide additional information.

Sincerely,

TIMOTHY J. METHOD,
President of STAPPA.
BRUCE S. ANDERSEN,
President of ALAPCO.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, March 2, 1998.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: Senator James Inhofe will be introducing an amendment to the Senate Highway Bill (ISTEA) on Tuesday, March 2, 1998. The amendment is offered to ISTEA in order to avoid the risk of states' losing highway funds as a sanction under the Clean Air Act for failure to demonstrate attainment. It is also designed to ensure that EPA provides states with the necessary funding to construct and operate a new nationwide PM 2.5 monitoring network that the EPA Administrator says is needed without states having to take funds away from other important state programs.

Further, the amendment will ensure that states collect three full years of fine particulate monitoring data, which the President has called for, before deciding which areas of the country will be subject to new stringent requirements.

The agriculture community continues to be concerned over the accuracy of EPA's fine particulate measurements, especially in regard to agriculture emissions. Testimony has been given in both the Senate and House

> Agriculture Committees indicating concern that agriculture would be "misregulated" due to inaccurate fine particulate measurements. This amendment will allow a comparison of EPA's approved method used to measure fine particulate and the new monitors to find if both adequately eliminate those particles that are larger than 2.5 micrograms in diameter.
>
> The Inhofe amendment will provide states, small business, agriculture and consumers greater certainty that control strategies for particulate matter compliance are based on reliable data. The amendment is consistent with the timelines set forth in the President's Memorandum on Implementation and is a moderate, common sense approach to making sure the necessary PM 2.5 monitoring data is available to EPA in order to make scientifically sound decisions regarding state compliance designations.
>
> Farm Bureau urges you to vote for the Inhofe amendment to ISTEA when it comes to the floor for a vote on Tuesday.
>
> Sincerely,
>
> DEAN KLECKNER,
> *President.*

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Thank you, Mr. President.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 1730 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WYDEN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe we have Senators interested on the floor.

Once again, I regret having to address the Senate regarding the lack of cooperation that we have been getting on the part of some Members with respect to trying to find a way to bring the highway bill to a close. We need to do that. I think Senators have had enough time to analyze what is in the bill and offer amendments during the week. We debated it last year, and even with the cloture vote, we still would have a considerable amount of time next week to consider it and have relevant amendments in order.

Senator DASCHLE, for instance, this morning said:

> This is the time to move this legislation forward. I am hopeful that we can have a good debate on other amendments on Monday and have that vote on cloture on Monday night so that we can complete our work some time by the middle of the week.

That is Senator DASCHLE's comments. I share the sentiment that he expressed and thought all Members were in agreement with regard to the fact that the Senate needs to complete action on this bill as soon as possible in order to go to other pending bills.

In order to achieve that goal, a successful cloture vote must occur in order for the managers to ascertain their remaining work load, what amendments they will have to deal with, and know what time they are talking about.

As I discussed with the minority leader, and with Senator HARKIN, there are two additional issues, however, that the Senate must consider prior to the passage that are vital to the bill. Those are the Banking Committee transit title and the Finance Committee title. It was my understanding we would make other arrangements for consideration of those two issues outside the parameters of rule XXII.

With that in mind, I now propound a unanimous-consent request that is necessary to do that. I ask unanimous consent that notwithstanding the invoking of cloture on the Chafee substitute the Banking Committee title and the Finance Committee title, and relevant amendments thereto, still be in order.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, Mr. President, I agree with our key distinguished majority leader that action needs to be taken on this bill. There are many of us who have sought to learn the details in the amendment which was filed by the floor managers. We just got that amendment yesterday. I believe it is a complicated amendment. The details, the analysis came in yesterday.

Many of us of the donor State position, for instance, want very much to try to achieve greater fairness in this bill. We are not trying to hold up the bill. We are trying to offer amendments to this bill that make it fairer from the perspective of States that, over the decades, have provided so much more funding to the highway program than has been received back by those States. We want that opportunity to seek greater fairness.

The managers have been talking to us about some possibilities that would be foreclosed by a cloture vote. Relevant amendments that are not technically germane would be foreclosed. This unanimous consent agreement only protects certain items postcloture that are relevant. Clearly, the two committee provisions which the majority leader talks about need to be considered as part of this bill, but so do other relevant provisions which are very important to States that feel they have not gotten a fair opportunity. So because it treats differently relevant amendments, postcloture and the relevant amendments that are so important to donor States, for instance, which are not technically germane are not treated in the same way in this unanimous consent agreement as are the ones that are specified, I must reluctantly object.

Mr. LOTT. Mr. President, if I could respond to the comments of the Senator from Michigan, first of all, I don't think you can find a Senator more sympathetic to donor States' concerns and desires than this Senator. My State has been very badly underfunded and mistreated over many, many years on a lot of things but on the highway trust fund formula, in particular.

We have been getting much less than an 85 percent return on the dollar here. We are the poorest State in the Nation, a big State, so don't get me started on donor States. I am sympathetic with what the Senator is saying.

I know he will continue to work with the chairman and the ranking member to see if there is a way to work this out without causing a blowout on the other side. This is a very delicately balanced bill. None of us is totally 100 percent happy with it. There are a number of things that came out of the committee that I just detest, but I realize there has to be a balance. There has to be a blend between regions of the country—big States, small States, donor States, donee—and I think they have done about as good as they could to this point.

I know you will work with Senator CHAFEE and Senator BAUCUS to see if your concerns can be worked out, but also I think that most of the amendments that you might want to offer to help solve your problem really would be available. Now, maybe not every one that you can think of—and I know you don't want to give up anything, but I think you also understand, as the majority leader, this tends to make people focus. We kind of gloated all week; the managers are doing the best they can and they made some good progress. The Senate really hasn't been paying attention. Just now they are beginning to say, "Wait, what does this mean, what exactly do I get—90.07 or do I get 91.2 cents back on a dollar?" So, by doing what I have done, this tends to make people say, OK, the train is leaving. It also limits the debate. If we get cloture, in 30 hours we are finished with this bill. So I understand what you are doing, and I hope you understand what I am doing. Try to work it out if you can.

I urge all Senators to vote for cloture so we can begin to move toward bringing this to closure. I think it will put pressure on the other body to act. Remember, funds are going to be running out on May 1. I have made extra efforts and have met with a lot of Senators to try to get this bill done because I don't want to be blamed when May 1 comes. I don't think anybody would want to do that. We better find a way to make this happen.

The cloture vote will occur at 5:30 on Monday. I hope Senators will vote for cloture. I will continue to try to obtain a consent that allows the Senate to consider these two issues in a fair and orderly fashion. And, certainly, on Monday when we are back, we will get right back to this and see if we can move it along.

Mr. LEVIN. If the majority leader will yield, I want to assure him that the so-called "donor States"—at least, I think I speak for many of those Senators—have been very focused indeed for quite a long time on this issue. It just didn't arise after cloture was filed today. As the majority leader knows, we have worked very hard with the managers. Once we got the analysis of their amendment, we agreed that that amendment would be added as original text. The analysis came in less than 24 hours ago.

I know all the States in the Union feel that they want to do better. We all want a bill. Everybody wants a bill. We are determined to get a bill. Those of us who live in northern States surely would like it before May 1 because we are the ones that a tardy approval of the bill will hurt in terms of getting contracts signed. I know all of my colleagues, whether we are donor States or donee States, will work with the managers to try to come up with something over the weekend if possible.

I thank the majority leader.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I was in a meeting and I heard a unanimous consent request that I didn't quite understand. Was that granted?

Mr. LOTT. The unanimous consent request was objected to with regard to the Banking and Finance Committee provisions.

Mr. STEVENS. The leader has already set a cloture vote for when?

Mr. LOTT. It is 5:30 on Monday.

Mr. STEVENS. What does that do to the banking provision then? Will everything in the banking amendment then have to be germane?

Mr. LOTT. Unless we get permission for the Banking and Finance Committee provisions to be allowed, and that would be my intent. But Senators who have some concerns with it—with the formula, really, the donor States, see this as a way, speaking candidly, to keep a little pressure on this whole issue. Hopefully, we can work their concerns out, and then we would be able to get permission to add the Banking and Finance Committee provisions at that point. But that might be Wednesday of next week.

Mr. STEVENS. I might say to the leader, I am one of those who is disturbed over this "donor" or "donee" designation. As I said the other day, my State is in neither circumstance because we don't have the roads yet. I don't know what this does to us as far as the process is concerned.

May I inquire, before this cloture vote, will we have a breakdown and analysis of the bill on what each State would be entitled to? I have been trying to get that, and I have seen several different versions of what each State is entitled to under the bill. But beyond that, I have some questions about what happens to States that don't have roads.

We have the situation in our State where we are trying to build roads. This bill basically deals with the improvement of existing roads. I think this donor/donee thing sort of means maybe we ought to have a referendum to see whether the State of Alaska can become independent rather than Puerto Rico, because we would be much better off with the money we send to the Treasury. We send money to the Treasury in terms of the revenue from 25 percent of the oil that is produced in the United States. We try to get some of that back in terms of highways and find out we can't do it. I find that it's getting a little serious, as far as we are concerned.

Mr. Leader, I looked, and we have increased the number of miles of roads in our State by 1,100 miles in 40 years. But we had none to start with. Alaska is one-fifth the size of the United States. I am afraid what this means, suddenly, is that we are shut out again for another 6 years. The leader may remember that I had a little bit of an argument 5 years ago on this. We are right back there again. I am at a loss as to what this means to us.

Mr. LOTT. In answer to the Senator's question, I might say that I believe an analysis would be available. I have learned that you can get two different lists, and they might sometimes show a little different analysis or interpretation than what is in the bill.

Would the chairman of the committee like to respond?

Mr. CHAFEE. Well, we certainly have tables and charts that will show what Alaska got under ISTEA I, what Alaska gets under ISTEA II, what Alaska gets under ISTEA II with the added money in the so-called Chafee amendment, what those total dollars are, what the total dollars are in ISTEA II, as amended, compared to ISTEA I. The percentage of the total moneys that are given out, I think, are pretty elaborate—the figures that we have provided. It isn't anything new.

Mr. STEVENS. What I am disturbed about is this concept of 91 percent of the money paid into the Treasury on the gas tax will be returned to each State. How about 91 percent of the money paid into the Treasury from any oil-producing State? We send more money to the Treasury every day than any one of these donor States do. We are not getting it back and we are not getting any roads. I am really getting disturbed.

I must say, Leader, I asked to be notified so I could come and deal with the objection. I understand there is nothing to object to over the cloture vote. But somehow or other, we have to find some way to recognize the plight of States that do not have revenue going into the gas tax fund because they don't have roads. But we are sending more money to the Federal Treasury than any State in the Union with regard to resource production. How about some of that coming back to us? Let us build highways with part of our own tax revenues. Somehow, that has to be worked out. I don't want to be at cross purposes with the leader, but I shall have to vote against cloture once again.

I don't like to do that with the leadership, but it seems to me that there ought to be some way to work out this donor/donee business with relationship to how much money is the State paying into the Treasury from its activities.

These are State lands, Mr. President. We own the lands that the oil is produced from. We send 25 percent of the domestically produced oil to the United States. We could sell it in the world market for a lot more money. But it is getting to be a great problem to me to figure out how to deal with the future for my State. If we can't build roads, we are no longer going to be able to get subsidies for mail transportation, and we have many more of our communities becoming totally isolated now because of the Federal policies that forbid us from building roads across Federal lands in the first place.

Mr. LOTT. Let me say, Mr. President, if I could reclaim my time, I certainly understand what the Senator is saying. I am sympathetic to his concerns. Certainly, he is not getting into cross purposes with me. I am trying to bring this to a conclusion. I understand why he will vote the way he will. By the way, if you want to keep more of that oil and gas revenue in Alaska, put me down, I will be with you. We need to find more ways to leave more money with the people in the States anyway.

Mr. STEVENS. The leader has always been with us. But I have to find a way out of this hole we are in right now, both on building ferries and building roads. I don't have that answer yet. I will be here again and again, Mr. President. Thank you very much.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 5, 1998, the federal debt stood at $5,528,529,698,719.50 (Five trillion, five hundred twenty-eight billion, five hundred twenty-nine million, six hundred ninety-eight thousand, seven hundred nineteen dollars and fifty cents).

One year ago, March 5, 1997, the federal debt stood at $5,359,515,000,000 (Five trillion, three hundred fifty-nine billion, five hundred fifteen million).

Five years ago, March 5, 1993, the federal debt stood at $4,211,535,000,000 (Four trillion, two hundred eleven billion, five hundred thirty-five million).

Twenty-five years ago, March 5, 1973, the federal debt stood at $451,246,000,000 (Four hundred fifty-one billion, two hundred forty-six million) which reflects a debt increase of more than $5 trillion—$5,077,283,698,719.50 (Five trillion, seventy-seven billion, two hundred eighty-three million, six hundred ninety-eight thousand, seven hundred nineteen dollars and fifty cents) during the past 25 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING FEBRUARY 27TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 27, the U.S. imported 7,649,000 barrels of oil each day, 544,000 barrels more than the 7,105,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 54.7 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 7,649,000 barrels a day.

THE SITUATION IN KOSOVO

Mr. BIDEN. I rise today to condemn the murderous attacks carried out by Serbian paramilitary units against civilians in the province of Kosovo.

Mr. President, the immediate cause of the violence was an attack several days ago by units of the so-called Kosovo Liberation Army, which killed four Serbian police. The fundamental cause, however, is the Serbian government s brutal repression of the ethnic Albanians, who make up more than ninety percent of Kosovo s population.

In 1989, Slobodan Milosevic, as part of his demogogic policy of whipping up Serb ultra-nationalism, abolished the autonomous status of Kosovo, granted by the Yugoslav Constitution of 1974.

Flooding the province with Yugoslav military units, special police forces, and nationalist militias, Milosevic set up a police state that has prevented the ethnic Albanians from exercising their basic political and cultural rights.

To their credit, Kosovo's Albanian leadership, led by Ibrahim Rugova, opted for a non-violent approach in their struggle for independence. They established alternative institutions, including a shadow parliament with various political parties, independent schools, and trade unions.

For eight years Mr. Rugova was able to keep the lid on a potentially explosive situation. Inevitably, however, the weight of Serbian repression had its effect, particularly on younger Kosovars, as the ethnic Albanians of Kosovo are called.

A so-called Kosovo Liberation Army was formed, and last year began an armed campaign against Serbian officials and ethnic Serb civilians. While this development is understandable, Mr. President, it is regrettable. Aside from causing casualties and deaths, the armed resistance has provided Milosevic the pretext for his brutal crack-down.

The violence in Kosovo could provide the spark to ignite the Balkan tinderbox into full-scale regional war, which, in the worst case, could bring in neighboring Albania, Macedonia—and perhaps even Bulgaria, Greece, and Turkey.

Immediate action is necessary. Already the Administration is consulting with our NATO allies about an appropriate response. One immediate step should be to extend the mandate of the NATO-led UNPREDEP, the U.N. preventive deployment force in neighboring Macedonia which includes several hundred American troops, beyond its August 1998 termination date.

The Clinton Administration has already revoked several concessions granted to Milosevic as a reward for support of the new Prime Minister of the Republika Srpska in Bosnia.

The Bush Administration's Christmas 1992 warning of military action—which meant air strikes against targets across Serbia—unless violence against the Kosovar Albanians stopped, should be restated.

We should mobilize international pressure on Milosevic to restore the pre-1989 autonomy to Kosovo and to the ethnically heterogeneous Vojvodina province in northern Serbia.

To coordinate our policy, President Clinton should name a high-profile Special Representative for dealing with the Kosovo Problem. Our current Special Representative for the former Yugoslavia, Robert Gelbard, is simply stretched too thin to devote adequate time to this explosive situation.

Mr. President, it is difficult to exaggerate the stakes in the current Kosovo violence. A continuation of the Serbian repression and Kosovar Albanian counter-violence could easily spin out of control and endanger the entire Balkan peninsula.

It could undo the recent progress we have made in Bosnia and endanger NATO solidarity.

We must act at once to prevent these developments.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 105–36 Protocols to the North Atlantic Treaty of 1949 On Accession of Poland, Hungary, and the Czech Republic (Exec. Rept. 105–14).

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION AS REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATIONS AND CONDITIONS.

The Senate advises and consents to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic, which were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty (as defined in section 4(6)), subject to the declarations of section 2 and the conditions of section 3.

SEC. 2. DECLARATIONS.

The advice and consent of the Senate to ratification of the Protocols to the North Atlantic Treaty on the Accession of Poland, Hungary, and the Czech Republic is subject to the following declarations:

(1) REAFFIRMATION THAT UNITED STATES MEMBERSHIP IN THE NATO REMAINS A VITAL NATIONAL SECURITY INTEREST OF THE UNITED STATES OF AMERICA.—The Senate declares that—

(A) for nearly 50 years the North Atlantic Treaty Organization (NATO) has served as the preeminent organization to defend the territory of the countries in the North Atlantic area against all external threats;

(B) through common action, the established democracies of North America and Europe that were joined in NATO persevered and prevailed in the task of ensuring the survival of democratic government in Europe and North America throughout the Cold War;

(C) NATO enhances the security of the United States by embedding European states in a process of cooperative security planning, by preventing the destabilizing renationalization of European military policies, and by ensuring an ongoing and direct leadership role for the United States in European security affairs;

(D) the responsibility and financial burden of defending the democracies of Europe and North America can be more evenly shared through an alliance in which specific obligations and force goals are met by its members;

(E) the security and prosperity of the United States is enhanced by NATO's collective defense against aggression that may threaten the territory of NATO members; and

(F) United States membership in NATO remains a vital national security interest of the United States.

(2) STRATEGIC RATIONALE FOR NATO ENLARGEMENT.—The Senate finds that—

(A) Notwithstanding the collapse of communism in most of Europe and the dissolution of the Soviet Union, the United States and its NATO allies face threats to their stability and territorial integrity, including—

(i) the potential for the emergence of a hegemonic power in Europe;

(ii) conflict stemming from ethnic and religious enmity, the revival of historic disputes, or the actions of undemocratic leaders;

(iii) the proliferation of technologies associated with nuclear, chemical, or biological weapons as well as ballistic and cruise missile systems and other means of the delivery of those weapons; and

(iv) possible transnational threats that would adversely affect the core security interests of NATO members;

(B) the invasion of Poland, Hungary, or the Czech Republic, or their destabilization arising from external subversion, would threaten the stability of Europe and jeopardize vital United States national security interests;

(C) Poland, Hungary, and the Czech Republic, having established democratic governments and having demonstrated a willingness to meet all requirements of membership, including those necessary to contribute to the territorial defense of all NATO members, are in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and

(D) extending NATO membership to Poland, Hungary, and the Czech Republic will strengthen NATO, enhance security and stability in Central Europe, deter potential aggressors, and thereby advance the interests of the United States and its NATO allies.

(3) SUPREMACY OF THE NORTH ATLANTIC COUNCIL IN NATO DECISION-MAKING.—The Senate understands that—

(A) as the North Atlantic Council is the supreme decision-making body of NATO, the North Atlantic Council will not subject its decisions to review, challenge, or veto by any forum affiliated with NATO, including the Permanent Joint Council or the Euro-Atlantic Partnership Council, or by any nonmember state participating in any such forum;

(B) the North Atlantic Council does not require the consent of the United Nations, the Organization for Security and Cooperation in Europe, or any other international organization in order to take any action pursuant to the North Atlantic Treaty in defense of the North Atlantic area, including the deployment, operation, or stationing of forces; and

(C) the North Atlantic Council has direct responsibility for matters relating to the basic policies of NATO, including development of the Strategic Concept of NATO (as defined in section 3(1)(E)), and a consensus position of the North Atlantic Council will precede any negotiation between NATO and non-NATO members that affects NATO's relationship with non-NATO members participating in fora such as the Permanent Joint Council.

(4) FULL MEMBERSHIP FOR NEW NATO MEMBERS.—

(A) IN GENERAL.—The Senate understands that Poland, Hungary, and the Czech Republic, in becoming NATO members, will have all the rights, obligations, responsibilities, and protections that are afforded to all other NATO members.

(B) POLITICAL COMMITMENTS.—The Senate endorses the political commitments made by NATO to the Russian Federation in the NATO-Russia Founding Act, which are not legally binding and do not in any way preclude any future decisions by the North Atlantic Council to preserve the security of NATO members.

(5) NATO-RUSSIA RELATIONSHIP.—The Senate finds that it is in the interest of the United States for NATO to develop a new and constructive relationship with the Russian Federation as the Russian Federation pursues democratization, market reforms, and peaceful relations with its neighbors.

(6) THE IMPORTANCE OF EUROPEAN INTEGRATION.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that—

(i) the central purpose of NATO is to provide for the collective defense of its members;

(ii) the Organization for Security and Cooperation in Europe is a primary institution for the promotion of democracy, the rule of law, crisis prevention, and post-conflict rehabilitation and, as such, is an essential forum for the discussion and resolution of political disputes among European members, Canada, and the United States; and

(iii) the European Union is an essential organization for the economic, political, and social integration of all qualified European countries into an undivided Europe.

(C) POLICY OF THE UNITED STATES.—The Policy of the United States is—

(i) to utilize fully the institutions of the Organization for Security and Cooperation in Europe to reach political solutions for disputes in Europe; and

(ii) to encourage actively the efforts of the European Union to expand its membership, which will help to stabilize the democracies of Central and Eastern Europe.

(7) FUTURE CONSIDERATION OF CANDIDATES FOR MEMBERSHIP IN NATO.—

(A) SENATE FINDINGS.—The Senate finds that—

(i) Article 10 of the North Atlantic Treaty provides that NATO members by unanimous agreement may invite the accession to the North Atlantic Treaty of any other European state in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area;

(ii) in its Madrid summit declaration of July 8, 1997, NATO pledged to "maintain an open door to the admission of additional Alliance members in the future" if those countries satisfy the requirements of Article 10 of the North Atlantic Treaty;

(iii) other than Poland, Hungary, and the Czech Republic, the United States has not consented to invite any other country to join NATO in the future; and

(iv) the United States will not support the admission of, or the invitation for admission of, any new NATO member unless—

(I) the President consults with the Senate consistent with Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties); and

(II) the prospective NATO member can fulfill the obligations and responsibilities of membership, and its inclusion would serve the overall political and strategic interests of NATO and the United States.

(B) REQUIREMENT FOR CONSENSUS AND RATIFICATION.—The Senate declares that no action or agreement other than a consensus decision by the full membership of NATO, approved by the national procedures of each NATO member, including, in the case of the United States, the requirements of Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties), will constitute a security commitment pursuant to the North Atlantic Treaty.

SEC. 3. CONDITIONS.

The advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic is subject to the following conditions, which shall be binding upon the President:

(1) THE STRATEGIC CONCEPT OF NATO.—

(A) THE FUNDAMENTAL IMPORTANCE OF COLLECTIVE DEFENSE.—The Senate declares that—

(i) in order for NATO to serve the security interests of the United States, the core purpose of NATO must continue to be the collective defense of the territory of all NATO members; and

(ii) NATO may also, pursuant to Article 4 of the North Atlantic Treaty, on a case-by-case basis, engage in other missions when there is a consensus among its members that there is a threat to the security and interests of NATO members.

(B) DEFENSE PLANNING, COMMAND STRUCTURES, AND FORCE GOALS.—The Senate declares that NATO must continue to pursue defense planning, command structures, and force goals to meet the requirements of Article 5 of the North Atlantic Treaty as well as the requirements of other missions agreed upon by NATO members, but must do so in a manner that first and foremost ensures under the North Atlantic Treaty the ability of NATO to deter and counter any significant military threat to the territory of any NATO member.

(C) REPORT.—Not later than 180 days after the date of adoption of this resolution, the President shall submit to the President of the Senate and the Speaker of the House of Representatives a report on the Strategic Concept of NATO. The report shall be submitted in both classified and unclassified form and shall include—

(i) an explanation of the manner in which the Strategic Concept of NATO affects United States military requirements both within and outside the North Atlantic area;

(ii) an analysis of all potential threats to the North Atlantic area up to the year 2010, including consideration of a reconstituted conventional threat to Europe, emerging capabilities of non-NATO countries to use nuclear, biological, or chemical weapons affecting the North Atlantic area, and the emerging ballistic and cruise missile threat affecting the North Atlantic area;

(iii) the identification of alternative system architectures for the deployment of a NATO missile defense for the region of Europe that would be capable of countering the threat posed by emerging ballistic and cruise missile systems in countries other than declared nuclear powers, together with a timetable for development and an estimate of costs;

(iv) a detailed assessment of the progress of all NATO members, on a country-by-country basis, toward meeting current force goals; and

(v) a general description of the overall approach to updating the Strategic Concept of NATO.

(D) BRIEFINGS ON REVISIONS TO THE STRATEGIC CONCEPT.—Not less than twice in the 300-day period following the date of adoption of this resolution, each at an agreed time to precede each Ministerial meeting of the North Atlantic Council, the Senate expects the appropriate officials of the executive branch of Government to offer detailed briefings to the Committee on Foreign Relations of the Senate on proposed changes to the Strategic Concept of NATO, including—

(i) an explanation of the manner in which specific revisions to the Strategic Concept of NATO will serve United States national security interests and affect United States military requirements both within and outside the North Atlantic area;

(ii) a timetable for implementation of new force goals by all NATO members under any revised Strategic Concept of NATO;

(iii) a description of any negotiations regarding the revision of the nuclear weapons policy of NATO; and

(iv) a description of any proposal to condition decisions of the North Atlantic Council upon the approval of the United Nations, the Organization for Security and Cooperation in Europe, or any NATO-affiliated forum.

(E) DEFINITION.—For the purposes of this paragraph, the term "Strategic Concept of NATO" means the document agreed to by the Heads of State and Government participating in the meeting of the North Atlantic Council in Rome on November 7–8, 1991 or any subsequent document agreed to by the North Atlantic Council that would serve a similar purpose.

(2) COST, BENEFITS, BURDENSHARING AND MILITARY IMPLICATIONS OF THE ENLARGEMENT OF NATO.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that—

(A) PRESIDENTIAL CERTIFICATION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that—

(i) the inclusion of Poland, Hungary, and the Czech Republic in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO;

(ii) the United States is under no commitment to subsidize the national expenses necessary for Poland, Hungary, or the Czech Republic to meet its NATO commitments; and

(iii) the inclusion of Poland, Hungary, and the Czech Republic in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

(B) ANNUAL REPORTS.—

(i) REQUIREMENTS.—Not later than April 1 of each year during the five-year period following the date of entry into force of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic, the President shall submit to the appropriate congressional committees a report which may be submitted in an unclassified and classified form and which shall contain the following information:

(I) The amount contributed to the common budgets of NATO by each NATO member during the preceding calendar year.

(II) The proportional share assigned to, and paid by, each NATO member under NATO's cost-sharing arrangements.

(III) The national defense budget of each NATO member, the steps taken by each NATO member to meet NATO force goals, and the adequacy of the national defense budget of each NATO member in meeting common defense and security obligations.

(IV) Any costs incurred by the United States in connection with the membership of Poland, Hungary, or the Czech Republic in NATO, including the deployment of United States military personnel, the provision of any defense article or defense service, the funding of any training activity, or the modification or construction of any military facility.

(ii) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this subparagraph, the term "appropriate congressional committees" means the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives.

(3) THE NATO-RUSSIA FOUNDING ACT AND THE PERMANENT JOINT COUNCIL.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate the following—

(A) IN GENERAL.—The NATO-Russia Founding Act and the Permanent Joint Council do not provide the Russian Federation with a veto over NATO policy.

(B) NATO DECISION-MAKING.—The NATO-Russia Founding Act and the Permanent Joint Council do not provide the Russian Federation any role in the North Atlantic Council or NATO decision-making, including—

(i) any decision NATO makes on an internal matter; or

(ii) the manner in which NATO organizes itself, conducts its business, or plans, prepares for, or conducts any mission that affects one or more of its members, such as collective defense, as stated under Article 5 of the North Atlantic Treaty.

(C) NATURE OF DISCUSSIONS IN THE PERMANENT JOINT COUNCIL.—In discussions in the Permanent Joint Council—

(i) the Permanent Joint Council will not be a forum in which NATO's basic strategy, doctrine, or readiness is negotiated with the Russian Federation, and NATO will not use the Permanent Joint Council as a substitute for formal arms control negotiations such as the adaptation of the Treaty on Conventional Armed Forces in Europe done at Paris on November 19, 1990;

(ii) any discussion with the Russian Federation of NATO doctrine will be for explanatory, not decision-making purposes;

(iii) any explanation described in clause (ii) will not extend to a level of detail that could in any way compromise the effectiveness of NATO's military forces and any such explanation will be offered only after NATO has first set its policies on issues affecting internal matters;

(iv) NATO will not discuss any agenda item with the Russian Federation prior to agreeing to a NATO position within the North Atlantic Council on that agenda item; and

(v) the Permanent Joint Council will not be used to make decision on NATO doctrine, strategy or readiness.

(4) TREATY INTERPRETATION.—

(A) PRINCIPLES OF TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) in the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988.

(B) CONSTRUCTION OF SENATE RESOLUTION OF RATIFICATION.—Nothing in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, shall be construed as authorizing the President to obtain legislative approval for modifications or amendments to treaties through majority approval of both Houses of Congress.

(C) DEFINITION.—As used in this paragraph, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8, 1987.

SEC. 4. DEFINITIONS.

In this resolution:

(1) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

(2) NATO MEMBERS.—The term "NATO members" means all countries that are parties to the North Atlantic Treaty.

(3) NATO-RUSSIA FOUNDING ACT.—The term "NATO-Russia Founding Act" means the document entitled the "Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation", dated May 27, 1997.

(4) NORTH ATLANTIC AREA.—The term "North Atlantic area" means the area covered by Article 6 of the North Atlantic Treaty, as applied by the North Atlantic Council.

(5) NORTH ATLANTIC TREATY.—The term "North Atlantic Treaty", means the North Atlantic Treaty signed at Washington on April 4, 1949 (63 Stat. 2241; TLAS 1964), as amended.

(6) PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC.—The term "Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic" refers to the following protocols transmitted by the President of the Senate on February 11, 1998 (Treaty Document No. 105–36):

(A) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Poland, signed at Brussels on December 16, 1997.

(B) The Protocol to the North Atlantic Treaty on the Accession of the Republic of Hungary, signed at Brussels on December 16, 1997.

(C) The Protocol to the North Atlantic Treaty on the Accession of the Czech Republic, signed at Brussels on December 16, 1997.

(7) UNITED STATES INSTRUMENT OF RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY:

S. 1721. A bill to provide for the Attorney General of the United States to develop guidelines for Federal prosecutors to protect familial privacy and communications between parents and their children in matters that do not involve allegations of violent or drug trafficking conduct and the Judicial Conference of the United States to make recommendations regarding the advisability of amending the Federal Rules of Evidence for such purpose; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. LOTT, Mr. JEFFORDS, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. ENZI, Mr. HARKIN, Mr. HUTCHINSON, Ms. MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. MCCONNELL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Ms. SNOWE, Mr. NICKLES, Mr. MACK, Mrs. BOXER, Mr. DASCHLE, Mr. CHAFEE, Mrs. FEINSTEIN, Mr. ROTH, Mr. SPECTER, Mr. D'AMATO, Mr. DOMENICI, and Mr. SANTORUM):

S. 1722. A bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. MCCAIN, Mr. DEWINE, and Mr. SPECTER):

S. 1723. A bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. DEWINE, Mr. BOND, Mr. ENZI, Mr. FAIRCLOTH, Mr. HATCH, Mr. HELMS, Mr. ROBERTS, Mrs. HUTCHISON, and Mr. SMITH of Oregon):

S. 1724. A bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. HELMS, Mr. THOMAS, and Mr. KYL):

S. 1725. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee on Labor and Human Resources.

By Mrs. MURRAY (for herself, Mr. GORTON, Mr. SMITH of Oregon, and Mr. WYDEN):

S. 1726. A bill to authorize the States of Washington, Oregon, and economic zone; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY:

S. 1727. A bill authorize the comprehensive independent study of the effects on trademark and intellectual property rights holders of adding new a generic top-level domains and related dispute resolution procedures; to the Committee on the Judiciary.

By Mr. LOTT:

S. 1728. A bill to provide for the conduct of a risk assessment for certain Federal agency rules, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BREAUX:

S. 1729. A bill to amend title 28, United States Code, to create two divisions in the Eastern Judicial District of Louisiana; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1730. A bill to require Congressional review of Federal programs at least every 5 years, and for other purposes; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 1721. A bill to provide for the Attorney General of the United States to develop guidelines for Federal prosecutors to protect familial privacy and communications between parents and their children in matters that do not involve allegations of violent or drug trafficking conduct and the Judicial Conference of the United States to make recommendations regarding the advisability of amending the Federal Rules of Evidence for such purpose; to the Committee on the Judiciary.

PARENT-CHILD PRIVILEGE STUDY LEGISLATION

Mr. LEAHY. Mr. President, I recently spoke on the floor about the disgust that I share with most Americans about the tactics of Special Prosecutor Kenneth Starr and the disturbing spectacle of hauling a mother before a grand jury to reveal her intimate conversations with her daughter in a matter, which—even if all the allegations about the daughter's conduct were true—do not pose grave threats to the public safety. This matter does not, for example, involve any allegations of violence or drug trafficking conduct.

In this instance, as in others, Mr. Starr has scurried to apply all of the legal weapons at his command, but none of the discretion that he is obligated to exercise as one invested with almost unchecked legal authority. I also expressed my intent to introduce legislation to study whether, and under what circumstances, the confidential communications between a parent and his or her child should be protected. A number of professional relationships of trust are already protected by legal privileges, but not familial relationships. This is the legislation I introduce today.

Currently, under Rule 501 of the Federal Rules of Evidence, privileges are "governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience." Thus, in the absence of any Supreme Court rules or federal statutes, courts look to the United States Constitution and the principles of federal common law to determine the applicability and the scope of privileges.

Legal academicians have expressed support for a parent-child testimonial privilege. The public policy reasons favoring such a privilege are numerous and relate to the respect we accord to fundamental family values. Recognition of such a privilege could foster and protect strong and trusting family relationships, preserve the family, safeguard the privacy of familial communications and intimate family matters against undue government intrusion, and promote a healthy environment for the psychological development of children.

Despite these myriad reasons, there are indeed cases and circumstances when parents should be compelled in court to share what they know from their children. Indeed, courts have generally not been receptive to the parent-child privilege. Only four States—Idaho, Massachusetts, Minnesota, and New York—have adopted either by statute, or by judicial recognition, some form of a parent-child privilege. No Federal Court of Appeals have recognized this privilege nor has any State Supreme Court that has considered the issue. In my own State of Vermont, such a privilege is not recognized.

To my mind, and as a former prosecutor, prosecutors should show restraint before putting parents in the untenable position of making a legal determination as to whether their children should come to them for advice, or whether the parents instead should feel legally pressured to refer their own children to professional therapists, or lawyers, or doctors in order to protect the confidentiality of the child's communications. To be sure, there are some categories of cases, particularly cases involving grave threats to the public safety, such as violent or drug trafficking crimes, where the government can and should appropriately seek testimony from a parent about what a child has said. But we should all be clear about when prosecutors should also show restraint.

Courts have recognized privilege claims in a variety of professional relationships, ranging from attorneys to priests to psychotherapists. Yet the relationship between parent and child—the most fundamental relationship in our society—is generally not so protected in any circumstances. As one New York court explained:

> It would be difficult to think of a situation which more strikingly embodies the intimate and confidential relationship which exists among family members than that in which a troubled young person, perhaps beset with remorse and guilt, turns for counsel and guidance to his mother and father. There is nothing more natural, more consistent with our concept of the parental role.

than that a child may rely on his parents for help and advice. Shall it be said to those parents, "Listen to your son at the risk of being compelled to testify about his confidences?"—*In re Application of A&M*, 61 A.D.2d 426, 403 N.Y.S.2d 375, 378 (1978).

We should consider the sorts of circumstances and the types of cases in which prosecutors should be asked to show some restraint before turning to parents to provide evidence against their children. That is why my bill calls for a study and report by the Justice Department on what these circumstances should be, and to develop prosecutorial guidelines accordingly. Specifically, these guidelines should identify when the communications between parents and their children should carry the same protections as preferred professional relationships, and the circumstances and types of cases when those communications should be subject to government scrutiny.

We cannot rely on the courts to formulate an appropriate parent-child privilege. The Third Circuit recently declined to recognize the parent-child privilege, noting that:

> The legislature, not the judiciary, is institutionally better equipped to perform the balancing of the competing policy issues required in deciding whether the recognition of a parent-child privilege is in the best interests of society. Congress, through its legislative mechanisms, is also better suited for the task of defining the scope of any prospective privilege. . . . In short, if a new privilege is deemed worthy of recognition, the wiser course in our opinion is to leave the adoption of such a privilege to Congress.—*In re Grand Jury Proceedings (Impounded)*, 103 F.3d 1140, 1148, 1153 (3d Cir. 1996).

Likewise, the Seventh Circuit Court of Appeals has made clear that "courts have been reluctant to create new privileges, preferring to leave such matters to the legislature despite any policy reasons supporting recognition of a particular privilege." *United States v. Riley*, 653 F.2d 1153, 1160 (7th Cir. 1981).

Congress should accept this challenge. My bill is a start to the process of seeking expert input on the significant question of when the government may not compel parents to betray the confidences of their children, and when because of compelling need or the nature of the case or circumstances, parents should be required to reveal the substance of what their children have told them.

Thus, the bill I introduce today directs the Attorney General to develop Federal prosecutorial guidelines to protect familial privacy and parent-child communications in matters that do not involve allegations of violent or drug trafficking conduct. In addition, the legislation would direct the Judicial Conference to undertake a study and then give us a report on whether the Federal Rules of Evidence should be amended to explicitly recognize a parent-child privilege in cases not involving violent or drug trafficking conduct, and, if so, in what circumstances that privilege should apply.

While we should endeavor to provide the maximum protection for parent-child communications, we should also be careful not to unduly obstruct law enforcement. Nor should the rule be susceptible to litigious mischief.

Accordingly, the Attorney General and the Judicial Conference will need to address, as part of the study and report called for in my bill, a series of important questions, including:

(1) What communications should be considered confidential for purposes of the privilege and, specifically, should the privilege apply in both criminal and civil proceedings?

(2) Should such a privilege apply only to unemancipated minors, or also to adult children?

(3) Should only the child's communications be protected, or should a parent's communications to a child also receive protection?

(4) Should such a privilege extend beyond a child's natural parents to include step-parents or grandparents?

(5) Should such a privilege be subject to rebuttal if the government establishes a compelling need for the information?

This legislation is the first step in evaluating the merits and difficulties inherent in protecting familial privacy and the parent-child relationship against unwarranted intrusions by the government and by overzealous prosecutors. The public and these families themselves should not have to endure repeated scenes of mothers being marched into grand jury inquisitions to reveal intimate talks they may have had with their children about their private relationships. This is a far cry from allegations concerning violent or drug trafficking conduct. Let us find out what the Justice Department and Judicial Conference recommend about how we can best protect child-parent confidences in ways that comport with American notions of family, fidelity, and privacy, without compromising our public safety and the integrity of our judicial system.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONFIDENTIALITY OF PARENT CHILD COMMUNICATIONS IN JUDICIAL PROCEEDINGS.

(a) STUDY AND DEVELOPMENT OF PROSECUTORIAL GUIDELINES.—The Attorney General of the United States shall—

(1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between children and parents and, in particular, whether such measures have been taken in matters that do not involve allegations of violent or drug trafficking conduct;

(2) develop guidelines for Federal prosecutors that will provide the maximum protection possible for the confidentiality of communications between children and parents in matters that do not involve allegations of violent or drug trafficking conduct, within any applicable constitutional limits, and without compromising public safety or the integrity of the judicial system, taking into account—

(A) the danger that the free communication between a child and his or her parent will be inhibited and familial privacy and relationships will be damaged if there is no assurance that such communications will be kept confidential;

(B) whether an absolute or qualified testimonial privilege for communications between a child and his or her parents in matters that do not involve allegations of violent or drug trafficking conduct is appropriate to provide the maximum guarantee of familial privacy and confidentiality without compromising public safety or the integrity of the judicial system; and

(C) the appropriate limitations on a testimonial privilege for such communications between a child and his or her parents, including—

(i) whether the privilege should apply in criminal and civil proceedings;

(ii) whether the privilege should extend to all children, regardless of age, unemancipated or emancipated, or be more limited;

(iii) the parameters of the familial relationship subject to the privilege, including whether the privilege should extend to stepparents or grandparents, adopted children, or siblings; and

(iv) whether disclosure should be allowed absent a particularized showing of a compelling need for such disclosure, and adequate procedural safeguards are in place to prevent unnecessary or damaging disclosures; and

(3) prepare and disseminate to Federal prosecutors the findings made and guidelines developed as a result of the study and evaluation.

(b) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall submit a report to Congress on—

(1) the findings of the study and the guidelines required under subsection (a); and

(2) recommendations based on the findings on the need for and appropriateness of further action by the Federal Government.

(c) REVIEW OF FEDERAL RULES OF EVIDENCE.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall complete a review and submit a report to Congress on—

(1) whether the Federal Rules of Evidence should be amended to guarantee that the confidentiality of communications by a child to his or her parent in matters that do not involve allegations of violent or drug trafficking conduct will be adequately protected in Federal court proceedings; and

(2) if the rules should be so amended, a proposal for amendments to the rules that provides the maximum protection possible for the confidentiality of such communications, within any applicable constitutional limits and without compromising public safety or the integrity of the judicial system.

By Mr. FRIST (for himself, Mr. LOTT, Mr. JEFFORDS, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. ENZI, Mr. HARKIN, Mr. HUTCHINSON, Ms. MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. MCCONNELL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Ms. SNOWE, Mr. NICKLES, Mr. MACK, Mrs. BOXER, Mr. DASCHLE, Mr. CHAFEE, Mrs. FEINSTEIN, Mr. ROTH, Mr. SPECTER, Mr. D'AMATO, Mr. DOMENICI, and Mr. SANTORUM):

S. 1722. A bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention; to the Committee on Labor and Human Resources.

THE WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

Mr. FRIST. Mr. President, I am very pleased to introduce today, with the majority leader, the Women's Health Research and Prevention Amendments of 1998. The purpose of this bill is to increase awareness of some of the most pressing diseases and health issues that women in our country face. This bill focuses on women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

Our goal, in introducing this bill today, is to create greater awareness of women's health issues and to highlight the critical role our public health agencies—the NIH, the National Institutes of Health, and the CDC, the Centers for Disease Control and Prevention—play in providing a broad spectrum of activities to improve women's health, including research, screening, health data management, prevention and treatment of diseases, and broad health education.

This bill reauthorizes programs at the National Institutes of Health for vital research activities into the causes, prevention, and treatment for some of the major diseases affecting women, including osteoporosis, breast cancer, ovarian cancer, as well as research into the aging processes of women.

Let me cite just a few statistics to illustrate the need for further research into these health issues.

Osteoporosis is a health threat for 28 million Americans, 80 percent of whom are women. One in every two women over the age of 50 years will have an osteoporosis-related fracture.

One out of every eight women will develop breast cancer over the course of their lifetimes, and 1 in 25 will die of breast cancer.

Ovarian cancer is the fourth leading cause of death from cancer among women. One of the most troubling aspects of ovarian cancer is the challenge we have in diagnosing this disease earlier and earlier. We know that a late diagnosis results in a worse outcome. The reauthorization of these research programs will help assure scientific progress in our fight against these diseases and will lessen their burden on women and their families.

For far too long, women in this country have been neglected in many of our research clinical studies. I am very pleased that, since 1993, we have developed guidelines to include women and minorities in NIH-sponsored trials. However, we must continue to do more. We must continue to review our women's health research agenda to set future research priorities and to incorporate new scientific knowledge regarding women's health. We must continue to focus and coordinate all our efforts in research areas, including clinical trial research design, genetic factors, the aging process, and other gender-based differences.

I am also pleased in this bill that we authorize a new research program at the National Heart, Lung, and Blood Institute at the NIH to target heart attack, stroke, and other cardiovascular diseases in women. This program, originally introduced by my colleague, Senator BOXER, will advance research into cardiovascular diseases—the leading cause of death in the United States in women. More than 500,000 American women will die annually from cardiovascular diseases. Cardiovascular diseases—that is, diseases of the heart and the blood vessels—kill almost twice as many American women as all other cancers.

One of the biggest myths in medicine is that heart disease is only a male problem. When we think of a heart attack, many people associate it with men. Even in my own studies during my internship and residency in medicine—not that long ago—all the models, the pictures that were used in textbooks, the warning signs on TV—always pictured a man.

However, since 1984, the number of cardiovascular disease deaths in women has exceeded those of men. And in 1995, 50,000 more women died of heart disease than men. The program we are including in the bill today will expand the research programs at NIH to concentrate more on cardiovascular diseases in women.

Our bill reauthorizes several programs at the Centers for Disease Control and Prevention for prevention and education activities on women's health issues. We are reauthorizing the National Center for Health Statistics, the National Program of Cancer Registries, the National Breast and Cervical Cancer Early Detection Program, the Centers for Research and Demonstration of Health Promotion and Disease Prevention, and the Community Programs on Domestic Violence.

CDC's programs provide critical health services in each of our States and in our communities to detect, prevent, and diagnose diseases such as breast and cervical cancer. For the past 7 years, the National Breast and Cervical Cancer Early Detection Program has provided critical cancer screening services to underserved women, especially low-income women, elderly women, and members of racial and ethnic minority groups. CDC supports early detection programs in all 50 States, in 5 territories, in the District of Columbia, and in 14 American Indian/Alaskan Native organizations. Through March 1997, more than 1.3 million screening tests have been provided by this one program.

CDC programs provide critical data and statistics about women's health that assist us in making informed policy decisions about health care. The National Center for Health Statistics often provides the only national data on the health status of U.S. women and their use of health care. A recent report by the National Center for Health Statistics entitled "Women: Work and Health" summarized the data on health conditions affecting working women. This report is the first comprehensive survey on work-related health issues encountered by the more than 60 million women in the American labor force.

I thank the majority leader for his leadership on this issue and for his efforts in the introduction of this bill. I am pleased to state that this bill is bipartisan. We have included provisions that are the product of the efforts of many of my colleagues—Senators SNOWE, HARKIN, BOXER, and many others. We have the support of nearly the full Senate Labor and Human Resources Committee, and over 27 Members of the Senate are original cosponsors of this bipartisan bill. The level of support for this bill is a real testament to the need to combat the diseases affecting women and to maintain those crucial health services that help prevent these diseases.

This bill, again, is introduced to generate discussion of these important programs. We intend to consider these programs within the context of the upcoming NIH reauthorization bill to be introduced over the next several months. I encourage all Members and constituencies to review the current programs and to provide input as we set the future agenda of women's health research and prevention in this Nation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Health Research and Prevention Amendments of 1998".

TITLE I—PROVISIONS RELATING TO WOMEN'S HEALTH RESEARCH AT THE NATIONAL INSTITUTES OF HEALTH

SEC. 101. EXTENSION OF PROGRAM FOR RESEARCH AND AUTHORIZATION OF NATIONAL PROGRAM OF EDUCATION REGARDING THE DRUG DES.

(a) IN GENERAL.—Section 403A(e) of the Public Health Service Act (42 U.S.C. 283a(e)) is amended by striking "1996" and inserting "2001".

(b) NATIONAL PROGRAM FOR EDUCATION OF HEALTH PROFESSIONALS AND PUBLIC.—From amounts appropriated for carrying out section 403A of the Public Health Service Act (42 U.S.C. 283a), the Secretary of Health and Human Services, acting through the heads of the appropriate agencies of the Public Health Service, shall carry out a national program for the education of health professionals and the public with respect to the drug diethylstilbestrol (commonly know as DES). To the extent appropriate, such national program shall use methodologies developed through the education demonstration program carried out under such section 403A. In developing and carrying out the national program, the Secretary shall consult closely with representatives of nonprofit private entities that represent individuals who have been exposed to DES and that have expertise in community-based information campaigns for the public and for health care providers. The implementation of the national program shall begin during fiscal year 1999.

SEC. 102. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) of the Public Health Service Act (42 U.S.C. 284e(d)) is amended by striking "and 1996" and inserting "through 2001".

SEC. 103. RESEARCH ON CANCER.

(a) IN GENERAL.—Section 417B(a) of the Public Health Service Act (42 U.S.C. 286a-8(a)) is amended by striking "and 1996" and inserting "through 2001".

(b) RESEARCH ON BREAST CANCER.—Section 417B(b)(1) of the Public Health Service Act (42 U.S.C. 286a-8(b)(1)) is amended—

(1) in subparagraph (A), by striking "and 1996" and inserting "through 2001"; and

(2) in subparagraph (B), by striking "and 1996" and inserting "through 2001".

(c) RESEARCH ON OVARIAN AND RELATED CANCER RESEARCH.—Section 417B(b)(2) of the Public Health Service Act (42 U.S.C. 286a-8(b)(2)) is amended by striking "and 1996" and inserting "through 2001".

SEC. 104. RESEARCH ON HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424 the following:

"HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN

"SEC. 424A. (a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate research and related activities of the Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate activities under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to heart attack, stroke, and other cardiovascular diseases in women.

"(c) CERTAIN PROGRAMS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to develop methods for preventing, cardiovascular diseases in women. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the prevalence of heart attack, stroke, and other cardiovascular diseases in women, including African-American women and other women who are members of racial or ethnic minority groups.

"(2) Basic research concerning the etiology and causes of cardiovascular diseases in women.

"(3) Epidemiological studies to address the frequency and natural history of such diseases and the differences among men and women, and among racial and ethnic groups, with respect to such diseases.

"(4) The development of safe, efficient, and cost-effective diagnostic approaches to evaluating women with suspected ischemic heart disease.

"(5) Clinical research for the development and evaluation of new treatments for women, including rehabilitation.

"(6) Studies to gain a better understanding of methods of preventing cardiovascular diseases in women, including applications of effective methods for the control of blood pressure, lipids, and obesity.

"(7) Information and education programs for patients and health care providers on risk factors associated with heart attack, stroke, and other cardiovascular diseases in women, and on the importance of the prevention or control of such risk factors and timely referral with appropriate diagnosis and treatment. Such programs shall include information and education on health-related behaviors that can improve such important risk factors as smoking, obesity, high blood cholesterol, and lack of exercise.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2001. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 105. AGING PROCESSES REGARDING WOMEN.

Section 445I of the Public Health Service Act (42 U.S.C. 285e-11) is amended by striking "and 1996" and inserting "through 2001".

SEC. 106. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

Section 486(d)(2) of the Public Health Service Act (42 U.S.C. 287d(d)(2)) is amended by striking "Director of the Office" and inserting "Director of the National Institutes of Health".

TITLE II—PROVISIONS RELATING TO WOMEN'S HEALTH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION

SEC. 201. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)) is amended—

(1) in paragraph (1), by striking "through 1998" and inserting "through 2002"; and

(2) in paragraph (2), by striking "through 1998" and inserting "through 2002".

SEC. 202. NATIONAL PROGRAM OF CANCER REGISTRIES.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e-4(a)) is amended by striking "through 1998" and inserting "through 2002".

SEC. 203. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

(a) GRANTS.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(1) in paragraph (1), by striking "nonprofit"; and

(2) in paragraph (2), by striking "that are not nonprofit entities".

(b) PREVENTIVE HEALTH.—Section 1509(d) of the Public Health Service Act (42 U.S.C. 300n-4a(d)(1)) is amended by striking "through 1998" and inserting "through 2002".

(c) GENERAL PROGRAM.—Section 1510(a) of the Public Health Service Act (42 U.S.C. 300n-5(a)) is amended by striking "through 1998" and inserting "through 2002".

SEC. 204. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION.

Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u-5(e)) is amended by striking "through 1998" and inserting "through 2002".

SEC. 205. COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

Section 318(h)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)(2)) is amended by striking "fiscal year 1997" and inserting "for each of the fiscal years 1997 through 2002".

Mr. LOTT. Mr. President, this morning I am very pleased to join Senator FRIST of Tennessee, who is an outstanding Senator, and also a doctor, who has been very helpful to me, and a lot of Senators, since he joined this body, in introducing legislation entitled "The Women's Health Research and Prevention Act."

The bill authorizes and reauthorizes a collection of first-class research and prevention programs in the National Institutes of Health and the Centers for Disease Control and Prevention.

Breast cancer is the leading cause of death in women between the ages of 40 and 55. About one out of every eight women in the United States will, unfortunately, develop breast cancer during their lifetime. And so the Frist-Lott bill reauthorizes breast and ovarian cancer research and education programs at NIH.

Osteoporosis is a disease in which bones become fragile and more likely to break. My wife is beginning to confront this particular problem. As women age, they lose bone mass and are at risk of debilitating accidents such as fractures. This bill extends osteoporosis research and education programs at NIH.

Women's health, though, means more than just health issues specific to women. Heart disease, for instance, the No. 1 killer in the U.S. of women, of course, also affects men in great numbers. Hypertension, a leading cause of heart disease, is two to three times more common in women than in men.

In addition to these three key research areas, our bill continues programs in the Centers for Disease Control, including the National Program of Cancer Registries and the National Early Detection Program for breast and cervical cancer.

Senator FRIST, the Senate's only doctor, and an outstanding heart surgeon himself, provided the details of the bill. Senator FRIST is chairman of the Senate Public Health Subcommittee of the Senate Labor Committee, and is one of the Senate's key leaders on all of our health issues.

I am pleased that he is also serving on our Medicare commission that had its first meeting yesterday, including a meeting with the President.

I have often turned to him for advice and guidance on health matters, and will continue to do so in the future. I believe that just this morning Senator FRIST attended a meeting regarding Medicare, and that will be helpful in this effort. I know it will be a bipartisan effort.

I encourage colleagues on both sides of the aisle to cosponsor this important legislation.

This morning I was made aware that Senator MACK is a cosponsor, and Senator D'AMATO. We are inviting all Members to join us in this very serious and very important issue that we need to act on in order to reauthorize some of these programs and authorize new ones.

I thank Senator FRIST for his leadership in this area, and I yield the floor.

Mr. JEFFORDS. Mr. President, I rise to recognize Senator FRIST for taking an important step that brings together a number of Government programs of research, treatment and disease prevention for women. Over the past several years, Congress and the Nation have become increasingly concerned about women's health. I appreciate the leadership and the expertise that Dr. FRIST brings to Congress about these issues. We have much to learn about recognizing and treating the medical needs of women.

In the first session of the 105th Congress, at least 21 bills relating to women's health were introduced and referred to the Senate Labor and Human Resources Committee. At our committee hearing on women's health last July, we heard about important advances being made in research. We also heard about significant gaps of knowledge which need to be filled. More importantly, we recognize how important it is to get information about scientific advances to the public and their health care providers.

Thus, I am pleased the provisions of this bill provide for research and for public and professional education. We know that once the information is out to the public and health care professionals, we need screening programs, closely followed by access to treatment. The bill provides for important patient services.

Finally, once common conditions are well recognized, detected and treated, we need data to track our progress in disease prevention and to alert us to new help in illness trends. This bill provides for these functions through the support for cancer registries, information systems, and program evaluation. It is my hope that having women's issues collected together in one bill will focus the attention of Congress and the Nation on vigorous support of the woman's health initiative.

I am pleased to join Senator FRIST in sponsoring this legislation.

Mr. KENNEDY. Mr. President, I commend Senator FRIST for his leadership on the bill we are introducing today, "The Women's Health Research and Prevention Amendments of 1998." This bill is a bipartisan effort to extend and strengthen several important women's health programs at the National Institutes of Health and the Centers for Disease Control and Prevention.

In recent years, women's health has begun to receive the high priority it deserves. Five years ago government guidelines were finally eliminated that specifically excluded women from many clinical trials. Increasingly, Congress has given higher priority to funds to address breast cancer and other women's health issues. We also established the Office of Women's Health within the Department of Health and Human Services, in order to develop and implement a national agenda for women's health. These successes, however, have revealed that there is much more to be done.

The bill we are introducing today is an attempt to fill some of the gaps in research and prevention that we have identified in women's health. It is time for Congress to acknowledge that women's health involves a wider range of issues, and that the magnitude of these issues varies greatly with age. Car crashes and unintended injuries are the leading killer of women in their teens and twenties. Cancer is the leading killer of women between the ages of 25 and 64. Heart disease is the leading killer among women over 65.

The nation's agenda on women's health must also address other key issues that are more common among women but affect men too, such as osteoporosis, depression, and auto-immune diseases, and illnesses that manifest themselves differently in men and women, such as heart disease, substance abuse, AIDS, and violence.

Our legislation extends important research and prevention activities now being carried out by the National Institutes of Health and the Centers for Disease Control and Prevention in areas traditionally considered women's health issues, such as breast and ovarian cancer, osteoporosis, and domestic violence. It also calls for greater research efforts on heart attacks, strokes, and other cardiovascular diseases, in recognition of the serious effects of these diseases on women.

Our bill also provides continued support for academic health centers to conduct research and demonstration projects related to health promotion and disease prevention to improve quality of life, and to curb premature mortality and illness that contribute to excessive health costs. These academic health centers are effective in informing women and their physicians of steps they can take to prevent serious illness and injury, especially in cases involving chronic and debilitating physical illness, such as arthritis and osteoporosis, which put women at high risk for bone fractures.

In order to enable researchers to monitor health trends among women and to help policymakers make informed decisions on the allocation of resources, it is essential for accurate and timely statistical and epidemiological data to be available. Our bill will provide continued support of the CDC's National Center for Health Statistics, which provides valuable data related to overall health status, lifestyle, onset and diagnosis of illness and disability, and use of health care and rehabilitation services.

It is also important to understand differences between racial and ethnic groups. For example, black women have far higher death rates from heart disease, cancer, stroke and diabetes than white women. Minority women suffer the most from AIDS. More than half of new female cases of AIDS over the past decade were found among blacks. For other chronic diseases, black women have the highest rates of hypertension, while Native American women have higher rates of asthma and chronic bronchitis. This bill will enable the National Center for Health Statistics to continue its important work on the health of ethnic and racial populations, and improve methods to collect data on these subgroups in order to understand and address their various health needs more effectively.

Too many health needs of women continue to be neglected by the nation's health care system. The cost of this national neglect, both in dollars and in lives, is staggering. This bill is an excellent starting point for strengthening current programs and pursuing new initiatives to address urgent national priorities in women's health. I look forward to working with my colleagues and with the women's health community to enact the strongest legislation we can to deal with these vital issues.

Mr. HARKIN. Mr. President, I am pleased today to join many of my colleagues in support of the "Women's Health Research and Prevention Amendments of 1998." This legislation, introduced by my distinguished colleague, Senator BILL FRIST, and cosponsored by nearly all the members of the Committee on Labor and Human Resources, is an important step forward in the study and prevention of diseases and conditions unique to women.

In the late 1980's, I learned that there was an embarrassing lack of research on diseases and conditions prevalent in women. In addition, the General Accounting Office (GAO) reported that women were routinely excluded from medical research studies at NIH. Because of this information, in 1990, I fought for legislation creating the Office of Research on Women's Health at the National Institutes of Health (NIH). Since its creation, the Office successfully worked to ensure that research focuses on women's health and that women be included in clinical trials.

Senator FRIST'S legislation builds upon the base of research and prevention knowledge we have developed over the past few years. The bill reauthorizes essential programs relating to women's health research at NIH and the Centers for Disease Control and Prevention (CDC).

I am particularly proud of the reauthorization of the programs promoting research and education on the drug "diethylstilbestrol," otherwise known as DES. This drug was prescribed to pregnant American women from 1938 to 1971 in the mistaken belief that it would prevent miscarriage. But DES is now known to cause a five-fold increased risk of ectopic pregnancy, as well as a three-fold increased risk of miscarriage. I was proud to introduce legislation in 1992 that established a pilot program through NIH to test ways to educate the public and health professionals about how to deal with DES exposure. Last year I introduced legislation that would give people across the nation access to information developed through this pilot program. I am pleased that this bill has been incorporated in the "Women's Health Research and Prevention Amendments of 1998."

In addition, I am pleased that the bill extends research programs for basic and clinical research and education efforts with respect to cancer, particularly breast cancer and ovarian cancer. I have fought for a long time for increased funding for breast cancer research. During my tenure as Chairman of the Subcommittee on Appropriations that handles NIH we provided dramatic increases in funding for breast cancer research.

This legislation also extends important research at NIH on osteoporosis, Paget's disease and related bone disorders, and research on cardiovascular diseases in women. It reauthorizes programs at the National Institute on Aging, including research into the aging processes of women, with particular emphasis on the effects of menopause and the complications related to aging and the loss of ovarian hormones in women.

CDC also plays an important role in the prevention diseases and conditions in women. This legislation would extend CDC's collection of statistical and epidemiological information, which is often the only national data available on the health status of American women and their use of the health care system. The bill extends CDC's National Cancer Registries Program, which provides funds to states to enhance their cancer surveillance data needed to monitor trends and serve as the foundation of a national comprehensive cancer control strategy.

I am particularly proud that this legislation extends the National Breast and Cervical Cancer Early Detection Program. In 1990 I worked to start and fund this program which provides mammography and cervical cancer screening to low income women without insurance. This program has provided vital access to services for thousands of women across the country.

In addition, the bill would extend authorization for grants to academic health institutions for research on health promotion and disease prevention. A number of these institutions are working together to develop strategies for prevention of cardiovascular disease in women. Finally, the bill reauthorizes grants administered by CDC to non-profit private organizations to establish projects in local communities to coordinate intervention and prevention of domestic violence.

Mr. President, the research into and prevention of diseases prevalent in women is an investment in our daughters, wives, mothers, and sisters. It is an investment in our future.

Mr. BINGAMAN. Mr. President, I rise today to join Senator FRIST and my other colleagues in introducing the Women's Health Research and Prevention Amendments of 1998.

This legislation allows us to reauthorize key women's health research and prevention programs at the National Institutes of Health and the Centers for Disease Control and Prevention. These programs represent a cross section of the current research projects at the federal level that have a direct impact on women's lives here in the United States.

While in the last decade, interest and commitment to women's health has been heightened in the Congress, much work remains. We have taken steps to ensure that women will be included in health care research in the U.S. Prior to 1993, research in women's health was inadequate. Most of the health care studies were conducted only on Anglo men. Quite simply, research studies on men cannot be generalized to women. We know that there are gender and ethnic differences when it comes to health and illness. The time has come to further address the major causes of morbidity and mortality among women: heart disease, osteoporosis, breast cancer, and colorectal cancer.

This bill will provide the basis for looking at the research needs in the spectrum of women's health and as we go to hearings on the bill I am hopeful that additional women's health issues can be addressed.

There is another facet to women's health research that must be considered. It is imperative that we ensure that studies are representative of all women in the United States, including African American, Hispanic, Native American and Asian women. We need research that is culturally sensitive. We must support efforts of community based outreach that allows for recruitment and retention of minority women into research and this should be a factor when projects are planned and conducted.

Mr. President, this legislation has provisions relating to women's health research at the NIH in the disease specific issues of diethylstilbestrol (DES), osteoporosis, breast and ovarian cancer. It expands and allows for increased coordination of research activities with respect to heart attack, stroke, and other cardiovascular diseases in women at the National Heart, Lung, and Blood Institute. This program is critical since cardiovascular disease is the leading cause of death for women in the United States.

Finally, Mr. President, I wanted to take the opportunity to specifically highlight one particular CDC program in the bill. This legislation addresses the Health Promotion and Disease Prevention Research Centers Program at the CDC and will extend authorization for grants to our academic health institutions for research in the areas of health promotion and disease prevention.

The CDC's Prevention Research Center Program is an innovative, extramural link of federal, academic, state, and community based agencies.

For my home state of New Mexico, this CDC project has been particularly useful. In New Mexico a prevention center has been able to focus on health risks and promoting health through applied research at the community level. The project and grant have provided the opportunity to address areas often overlooked such as rural population needs and Native American and Hispanic health needs.

In New Mexico about one of every three American Indian adults has diabetes. The demonstration project has allowed for the promotion of health lifestyles to combat the epidemic of adult onset diabetes. The project has facilitated the formation of a true partnership between the Navajo nation, nineteen pueblos in New Mexico, the New Mexico Department of Health, the University of New Mexico, and the New Mexico State Department of Education. There has been training of community health workers on disease prevention strategies most applicable to American Indian communities. This program is a model for increasing collaboration among established agencies and nontraditional community partners. It is a culturally sensitive approach that is having a direct, positive impact on the health of New Mexicans. The creative approach at CDC of a community based demonstration and application project coupled with evaluation of strategies through research is unique, successful, and should be reauthorized.

Mr. President, in closing, I look upon this bill as the important first step to reauthorize programs at both the CDC and NIH. I look forward to working with Senator FRIST on these and other issues of import to women's health.

Mr. WELLSTONE. Mr. President, I rise today to join my colleague from Tennessee and others in introducing the "Women's Health Research and Prevention Amendments of 1998," as an original cosponsor. This bill reauthorizes funding to extend and enhance many fine programs at the National Institutes of Health and the Centers for Disease Control and Prevention. I am pleased to join in this important effort.

Mr. President, I would like to commend Senator FRIST for his work in developing this legislation to strengthen and expand Federal efforts to promote women's health. While there is still some work to be done to improve the bill as it moves through the normal legislative process, I believe this bill offers a good start and provides a solid foundation on which to build historic improvements in NIH research programs on breast cancer, heart attack, menopause, and other areas. Let me outline briefly a few critical issues that are not addressed by the bill, but which I hope to see addressed as we move forward.

One notable gap is in the area of substance abuse. I believe this bill could be an important complement to the Substances Abuse Treatment Parity Act (S. 1147), which I introduced last September to improve access to equitable medical care to treat the disease of alcohol and other drug dependencies. Substance abuse is a widespread health concern for many women, who also experience associated health, psychological, and family problems. For example, expectant mothers and mothers with small children can be helped with treatment and support services. This is an investment for them, but as importantly for their children, who would have the opportunity to grow up in a healthy, chemical-free home environment. We have to take the problem of substance abuse as seriously as we do other aspects of women's health.

Important information about this national problem will be highlighted in an upcoming five-part PBS series by Bill Moyers, where treatment programs such as the Hazelden program in my state of Minnesota are highlighted. In working with these and other treatment programs in Minnesota, I have learned a great deal about the problems of substances abuse, but also about the hope and success that occurs when effective treatments are available. The Women's Health Research and Prevention Amendments Act could be substantially improved by an additional focus on substance abuse programs.

Another notable gap is in the area of mental health and behavioral science. On page one of the New York Times today was an article on the criminalization of mental illness. The problem is that we as a nation have needed to focus on the humane, dignified treatment of mental illness, and having failed in that, more and more people who are suffering from mental illness are winding up in prisons where they are out of sight, but where they are not getting the care they need. We need to treat mental health as seriously as we treat cancer and heart disease, because mental illness can be just as serious, chronic, and life-destroying as other diseases.

I intend to work closely with Senator FRIST and others on the committee to improve the bill by including a recognition of the role that behavioral science and psychological factors have in the development of and recovery from disease. Many of the diseases mentioned in the bill are scientifically linked to behavioral or psychological factors that can be critical to prevention and recovery. Women also suffer unduly from specific mental health problems and experiences, such as depression and domestic violence. Depression, for example, is a pervasive and impairing illness which affects women at roughly twice the rate of men. Domestic violence places a significant resource and economic strain on our justice, health, and human services systems. Research conducted at urban hospitals has show that about 25% of emergency room visits by women resulted from domestic assaults. Women who have been raped or battered have significantly great physical health problems, as well as increased vulnerability to psychological and emotional suffering. My wife Sheila and I have worked for years to improve the federal response to the epidemic levels of domestic violence across the country; I want to make sure this bill adequately addresses these issues.

Mr. President, it is my commitment to work closely with the committee to enhance these and other areas that are critical to women's health. A strong focus on research and prevention of mental illness and substance abuse for women is an important investment in the health of the nation and of the health and well being of countless families.

Mr. NICKLES. Mr. President, I want to speak today on the Women's Health Research and Prevention Amendments of 1998 introduced by my colleagues Senator FRIST and Majority Leader LOTT. This bill would amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

Education and Research are the key to providing the best health care for women and for that matter, all Americans. The Women's Health Research and Prevention Amendments promote precisely that. Just two examples are the extension of NIH research programs for basic and clinical research and education efforts with respect to cancer, breast cancer, and ovarian and related cancer; and the extension of the CDC National Breast and Cervical Cancer Early Detection Program. These are the kinds of programs that will improve women's health.

I am pleased to be a cosponsor of the Women's Health bill because I believe that research is the best way for Congress to respond to the concern over women's health issues and health issues generally. I make this point, Mr. President, because I have been disappointed that Congress has recently put on lab coats and begun practicing medicine. We have gotten into the dangerous habit of legislating clinical procedures which are not based in science or research but rather driven by social opinion and special interests.

You only have to look back to the end of the 104th Congress to illustrate my point. A majority of Congress supported an effort last year to mandate that all insurance plans cover 48-hour maternity stays in hospitals. However, serval months following the passage of that legislation an article appeared in the Journal of the American Medical Association stating that the "content does not solve the most important problems regarding the need for early postpartum/postnatal services. The legislation may give the public a false sense of security. It may call into question the reasonableness of relying on legislative mechanisms to micro manage clinical practice."

In other words, Congress made a nice, laudable attempt. We said we are going to mandate 48 hours, but it has had no appreciable improvement on the quality of health care. It appears that our so-called victory in passing 48 hours may have in fact done more harm than good in helping women and newborns. This experience, and others like it, should have taught us what not to do.

It should have taught us that before we endeavor to decide what is the best therapy, procedure, or treatment for any one disease, let us look for a minute at what we are doing. What are the unintended consequences of federal mandates on health insurance companies regarding treatments and coverage of services?

Let's take breast cancer as another example. Various bills have been introduced in the last few months that mandate a length of stay for mastectomies or require coverage of an inpatient stay for women undergoing breast cancer surgery for an unspecified length of time, to be determined by the physician.

Were Congress to legislate in favor of one form of treatment over another, we are sending the message that one treatment is preferable to the other. Treatments are constantly changing. Health care needs to be flexible and should not lock doctors in to a specific approach. Shouldn't we allow medical research to decide the best course of action? If the federal government mandates a specific treatment, length of stay or procedure, that then becomes the standard.

In addition, employing mandates in the place of valid research runs the risk of discouraging innovative treatments. For example, recent improvements in anesthesiology are a result of patient appeals to cut down on nausea and vomiting after breast surgery as well as a desire to recover at home.

Longer mandated stays could discourage doctors and patients from developing the best possible plan for recovery. Patients may choose to stay in the hospital for an extended period of time out of fear or lack of knowledge and risk infection. Patients may have the false idea that longer hospital stays equal the best possible treatment when, in fact, recent research indicates that is not necessarily the case.

According to a November 6, 1996, article in The Wall Street Journal, The Johns Hopkins Breast Center in Baltimore, which has gradually eliminated inpatient stays for some women undergoing certain types of mastectomies, has found that outpatient mastectomies are associated with lower infection rates and high levels of satisfaction among women. We have the responsibility to arm patients with the kind of sound research and education this legislation provides, not prescriptive mandates from Dr. Congress.

Lillie Shockeney, R.N. the Education and Outreach Director at the Johns Hopkins Hospital Breast Center and a breast cancer survivor, summed up best in a Finance Committee hearing on November 5, 1997. ". . . I am concerned that it [S. 249, The Women's Health and Cancer Rights Act of 1997] doesn't solve the real medical dilemma that women battling breast cancer are faced with today. We need to be striving to improve patient care for patients undergoing breast cancer surgery rather than unknowingly promote keeping it at status quo. We need to be promoting the development of a comprehensive patient education program and have teams of health care professionals dedicated to striving to improve the care and treatment provided to women with breast cancer."

Mr. President, I want to congratulate Senator FRIST and Senator LOTT for bringing this issue before us in such a responsible and proactive bill. These programs go a long way to serve women. I thank the chair and encourage my colleagues to support this common sense legislation.

Mrs. BOXER. Mr. President, I am very pleased to join my colleagues in introducing the Women's Health Research and Prevention Amendments of 1998. This is a bipartisan initiative, which is important, because promoting the health of American women is a bipartisan concern. I commend the Senator from Tennessee for his leadership on this bill. He has done a tremendous job in building crucial and broad support for it.

I am particularly pleased that the bill includes a title on cardiovascular disease in women, which incorporates legislation I introduced last June, the Women's Cardiovascular Diseases Research and Prevention Act (S. 349). It is appropriate to include it in this comprehensive legislation because cardiovascular disease is the number one killer of women in the United States, a fact many Americans simply don't realize.

The statistics are alarming. More than 500,000 women and girls die from cardiovascular disease each year. Heart attacks and strokes are the leading causes of disability in women. More than 1 in 5 females have some form of cardiovascular disease. Of women and girls under age 65, approximately 20,000 die of heart attacks each year. Cardiovascular disease claim about as many lives each year as the next eight leading causes of death combined. More than 2,600 Americans die each day from cardiovascular diseases; that's an average of one death every 33 seconds. Cardiovascular diseases kill more women each year than does cancer. Heart attacks kill more than 5 times as many females as does breast cancer. Stroke kills twice as many women as does breast cancer. Each year since 1984, cardiovascular diseases have claimed the lives of more females than males. In 1993, of the number of individuals who died of such diseases, 52 percent were female, and 48 percent were male.

Yet for years, women have been under-represented in studies about heart disease and stroke. Models and tests for detection have largely been conducted on men, and some doctors do not recognize cardiovascular symptoms that are unique to women.

The bill we are introducing today authorizes necessary funding to the National Heart, Lung and Blood Institute to expand and intensify research, prevention, and educational outreach programs for heart attack, stroke and other cardiovascular diseases in women. This legislation will aid our Nation's doctors and scientists in developing a coordinated and comprehensive strategy for fighting this terrible disease.

This bill will help ensure that women are well represented in future cardiovascular studies and that their doctors are well informed about symptoms that are unique to women. It will also promote women's awareness of risk factors, such as smoking, obesity and physical inactivity, which greatly increase their chances of developing cardiovascular disease.

This legislation is a critical component in our efforts to draw attention and resources to cardiovascular disease, which strikes so many of our grandmothers, mothers, aunts and daughters. Through it, and in collaboration with many dedicated groups such as the American Heart Association, we can and will beat this devastating disease.

The Women's Health Research and Prevention Amendments of 1998 reauthorize several programs that are of great importance to American women, including research on osteoporosis, cancer, aging, and the drug DES. The bill extends authorization for programs that promote health, prevent disease, and reduce domestic violence. I encourage the leaders to bring this legislation to the floor as quickly as possible, so that we can move forward in our efforts to promote the health of women across the nation.

Mr. DASCHLE. Mr. President, I am pleased to join my colleagues from both sides of the aisle in support of the Women's Health Research and Prevention Amendments of 1998, a bill that responds to a fundamental weakness in our health care system: the relative paucity of research devoted to women's health issues. As we learn about the unique health care needs of women, we have an historic opportunity to redress the unjustified disparity in the level of effort and resources invested in women's health.

This measure extends several targeted initiatives of the National Institutes of Health (NIH), including research on osteoporosis; breast, cervical and ovarian cancer; and heart disease as it affects women.

This research is clearly needed. While heart disease is the leading cause of death among women, there is inadequate understanding of how heart disease manifests in our female population. Indeed, a recent study showed that 2 out of 3 doctors were not aware that the risk factors for heart disease are different for women than they are for men, and 9 out of 10 did not know the symptoms vary according to gender.

Like cardiovascular research, efforts to understand and treat osteoporosis are critically important. More than 28 million Americans, 80 percent of whom are women, suffer from or are at-risk for osteoporosis. Half of all women age 50 or over will suffer a bone fracture due to osteoporosis. Research into the causes, treatment and prevention of osteoporosis is a smart public health investment.

An equally strong case can be made for the other NIH research initiatives extended by this bill. Whether the focus is breast cancer, a disease which takes the lives of 44,000 women each year, or ovarian cancer, which currently has a tragically low survival rate, the research priorities identified for inclusion in this bill represent some of the most important initiatives of any kind that we, as a nation, can undertake.

The bill also extends key women's health initiatives at the Centers for Disease Control: One that I believe is particularly important is the CDC National Breast and Cervical Cancer Early Detection program. Over 1.5 million screening tests have been provided by the program, which began its seventh year in 1998. As a result, more than 23,000 women were able to fight back against an otherwise silent killer. The CDC early detection program is now operational in all 50 states. More than 100 women are screened in my own state each month.

Another very important program reauthorized by this bill is CDC's Community Programs on Domestic Violence initiative.

Domestic violence is a threat to women, to children and to the family unit. It is shockingly prevalent and tragically under-reported. Studies indicate that one-quarter of all women in the United States experience domestic violence at some point in their life, and that 92 percent of them do not discuss these incidents with their physician. We need to recognize the problem for what it is—a crime, a killer, and a public health threat—and fight it with every tool we have at our disposal. Through the CDC program, non-profit organizations apply for resources to combat domestic violence in communities throughout the country. Local efforts to increase public awareness, dispel the myth that domestic violence is a private family matter, and help women and children who fall victim can, case-by-case, make a tremendous difference in the lives of millions of present and potential victims.

This bill continues the effort to bridge the gender gap in the quality of research, data, and care. It asserts the fact that women have unique health care needs and addresses areas of particular importance to women's health. It also affirms the value of health research generally and recognizes the important role research plays in both improving health outcomes and decreasing health costs for many diseases. I am proud to be part of this effort.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. MCCAIN, Mr. DEWINE, and Mr. SPECTER):

S. 1723. A bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers; to the Committee on the Judiciary.

THE AMERICAN COMPETITIVENESS ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the American Competitiveness Act. First, let me thank Senators HATCH, MCCAIN, and DEWINE for cosponsoring this bill. I believe this legislation is important to the country's future because it constitutes an essential ingredient in any long-term strategy to keep the United States a leader in global markets in the 21st century. A coalition of America's leading businesses has endorsed the bill, stating that "The American Competitiveness Act will do more to directly create jobs for Americans—and to keep jobs in this country—than any other bill that will be considered by Congress this year."

Over the past twenty years, no part of the economy has done more to raise the standard of living of the American people than that of information technology. This industry, which barely existed as a handful of companies just a few decades ago, now employs more than 4 million people directly, and many others indirectly. This industry has improved everything from the way we work, shop, travel, and perform financial transactions, to the way our children study. And, as economist Larry Kudlow reports, this industry is central to our economic well-being. The hardware and software industries combined account for about one third of our real economic growth. Overall, electronic commerce is expected to grow to $80 billion by the year 2000.

Yet all is not well with this crucial sector of our economy. American companies today are engaged in fierce competition in global markets. To stay ahead in that competition they must win the battle for human capital. But companies across America are faced with severe high-skill labor shortages that threaten their competitiveness in this new Information Age economy.

A study conducted by Virginia Tech for the Information Technology Association of America (ITAA) estimates that right now we have more than 340,000 unfilled positions for highly skilled information technology (IT) workers in American companies. And that number does not include the non-profit sector, local or federal government agencies, mass transit systems, or companies with fewer than 100 employees.

The Virginia Tech study is hardly alone in identifying this problem. The Department of Labor's figures project that our economy will produce more than 130,000 information technology jobs in each of the next 10 years, for a total of more than 1.3 million. The data also suggest our universities will produce less than a quarter of the necessary number of information technology graduates over the next 10 years. Between 1986 and 1995, the number of bachelor's degrees awarded in computer science declined by 42 percent. This means that even if undergraduate enrollments in this field were to increase as predicted by one survey, we still would not achieve the 1986 level of computer science graduates before 2002. And even then, we would be producing thousands fewer skilled workers than the market demands.

The National Software Alliance, a consortium of concerned government, industry, and academic leaders that includes the U.S. Army, Navy, and Air Force, recently concluded that "The supply of computer science graduates is far short of the number needed by industry." The Alliance points out that the current severe understaffing could lead to inflation and lower productivity and threaten America's competitiveness.

This is serious, both in individual states and for the nation. In Michigan, for example, 24 of every 1,000 private sector workers are employed by high-tech firms, and this figure is growing rapidly in and around Ann Arbor, Lansing, and elsewhere in the state.

Mr. President, if American companies cannot find home grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related jobs currently held by Americans with them. While companies may need to have some operations abroad, we should not keep in place unnecessary restrictions that artificially drive employers to send more operations out of the country.

Further, our shortage of high skilled workers endangers continued economic growth. The Hudson Institute estimates that the unaddressed shortage of skilled workers throughout our economy will result in a 5 percent drop in the growth rate of GDP. That translates into about $200 billion in lost output, nearly $1,000 for every American. One industry official captured the peril of this situation well when he said "it is as if America ran out of iron ore during the industrial revolution."

This problem calls for both a short term and a long term solution. Let me first address the short term. By this summer American businesses will reach the limit on the small number of highly skilled temporary workers they can bring in from abroad. Last year our employers reached this 65,000 cap on H-1B visas for the first time in history, and we did it by the end of August. If no action is taken, the cap may be reached by May this year, and perhaps January or February of 1999. Backlogs will worsen the problem until, practically speaking, companies can no longer count on being able to hire the people they need from any source. Particularly given today's short product cycles, this would be disastrous.

That is why the legislation I am introducing today will increase the number of skilled temporary workers we allow into the United States. This will keep American companies in this country, saving American jobs and contributing to the growth of the economy.

This policy also will give us time to formulate a long-term solution. In my view, we can produce, right here in America, the talent we need to keep our high tech industries competitive. Through wise investments in human capital we can give American kids of all backgrounds, including kids whose opportunities seem severely limited, the chance to be part of the new high-tech economy.

U.S. companies cannot be expected to solve all the educational problems in this country by themselves. They now spend over $210 billion a year on the formal and informal training of their workforce, as well as donating more than $2.5 billion a year to colleges, high schools, and elementary schools. But training is not an acceptable alternative to early acquisition of the technical skills necessary to succeed, and we must do more to help kids acquire needed skills as early as possible.

Some say that the entire solution is training and education. Of course, those both are essential, but to suggest that these represent the entire answer ignores a number of factors, including the global nature of today's economy. Recently the Senate held a long and educational hearing in the Judiciary Committee on the issues centrally related to the subject matter of this legislation. We heard from several of America's leading companies and others on the importance of swiftly addressing the high tech worker shortage by raising the H–1B cap before it is hit in May or June of this year.

We heard at the hearing that Microsoft alone spends over $568 million annually on training and education, while Sun Microsystems spends over $50 million a year, not including the 20,000 volunteer hours Sun employees are contributing to link U.S. schools to the Internet in economically disadvantaged areas. Despite these expenditures, Microsoft and Sun today have 2,522 and 2,000 unfilled technical positions respectively. In addition, we heard testimony that many of their products for export need to involve individuals on H–1Bs with specific language and other skills that are pertinent to the target country.

We learned at the hearing that Texas Instruments spends over $100 million a year on training employees and has over 500 openings for skilled positions, despite, like many companies, engaging in massive and ongoing efforts to recruit on college campuses across the nation. Silicon Valley entrepreneurs are themselves making $200 million in charitable contributions to fund fellowships in science and engineering at Stanford University. Clearly more emphasis on training is extremely important, but is not the only solution.

Our young people have what it takes to be valuable employees in our high-tech age. But our educational system is not giving them the skills they need. The National Research Council estimates that three quarters of American high school graduates would fail a college freshman math or engineering course. Unfortunately, most don't even try. Only 12 percent of 1994 college graduates earned degrees in technical fields.

This is not acceptable. In a highly advanced economy like ours we cannot continue to function without highly skilled workers. And our workers cannot continue to prosper unless our educational system gives them the skills they need to succeed.

The Administration has proposed a number of small initiatives to deal with this shortage of skilled labor. I support these initiatives. But in my view it is clear that we must go farther.

Mr. President, allowing more skilled workers to come to the U.S. is in no way incompatible with improved training and education in this country. The question is not: Do we allow more skilled professionals to enter the country or do we help native-born students pursue these fields? Clearly we must do both. And I will work with my colleagues on both sides of the aisle to see to it that this is accomplished.

To that end, Mr. President, this legislation includes a scholarship program aimed at helping 20,000 low-income students a year study mathematics, engineering, and computer science at the undergraduate and graduate levels.

Of course, this is not all that we should do. We also must begin training unemployed Americans in the skills needed in the information technology industry. This legislation includes three times the funding level proposed by the Administration to train the unemployed in IT skills.

Through careful investment in education we can increase the skill levels of our workers, to everyone's benefit.

The legislation I am introducing will address these issues in the following ways:

First, the bill will increase access to skilled personnel for U.S. companies and universities. The bill will make approximately 25,000 more H–1B temporary visas available in 1998. A key goal of the legislation is to make sure there are enough visas this year to avoid backlogs and major disruptions. For that reason, the 1998 cap will be twice the level of the first 6 months of this fiscal year (through March 31, 1998), which, based on current INS data, would give a 12-month total of about 90,000 visas for the year. As a safety valve, if that total is insufficient in a future year, as of FY 1999, other temporary visas that Congress has already authorized (H–2B visas), if they are left unused from the previous year, would be available. No more than 25,000 of these H–2B visas could be made available as a safety valve in a given year.

The bill also responds to those who have expressed concern about certain occupations being included within the H–1B visa category. The bill removes physical/occupational therapists and other specialized health care workers from the H–1B program and places them into a new temporary visa category called H–1C, with a limit of 10,000 placed on such visas. Accordingly, the bill subtracts 10,000 from the H–1B cap in the first year of availability of H–1C visas. In each subsequent year, any unused H–1C visas from the previous year will be added back to the H–1B cap. The bill leaves unchanged the employment-based immigration cap of 140,000 on the number of foreign-born professionals who may remain permanently in the country.

Second, the bill authorizes $50 million for the State Student Incentive Grant (SSIG) program to create approximately 20,000 scholarships a year for low-income students pursuing an associate, undergraduate, or graduate level degree in mathematics, engineering or computer science. The program provides dollar-for-dollar federal matching funds that will grow to $100 million with state matching. The scholarships will be for up to $5,000 each.

Third, the bill authorizes $10 million a year to train unemployed American workers in new skills for the information technology industry. It also authorizes $8 million for improved online talent banks to facilitate job searches and the matching of skills to available positions in high technology.

Fourth, the bill toughens enforcement penalties and improves the operation of the H–1B program. It increases fines by five-fold for companies willfully violating the rules of the H–1B program, from $1,000 to $5,000. The bill adds new enforcement power by creating probationary periods of up to five years for willful violators of the H–1B program. During the probationary period, violating firms are subject to expanded Department of Labor "spot inspections" at the agency's discretion. The bill also includes reforms to achieve greater accuracy in determining prevailing wages for companies and universities.

Fifth, the bill modifies the per-country limits on employment-based visas to eliminate the discriminatory effects of these per-country limits on nationals from certain Asian Pacific nations.

Today, we have a situation where in a given year there are employment-based immigrant visas available within the annual limit of 140,000, yet U.S. law prevents individuals born in particular countries from being able to join employers who want to sponsor them as permanent employees. Do we want to keep in place a provision of law that says you can hire someone who meets all the proper legal criteria set forth by the U.S. government, but just not too many Chinese or Indians in a given year? This area of law calls out for reform.

Finally, in addition to providing American universities and other nonprofits with increased access to skilled personnel, the bill overturns the Hathaway decision by requiring the Department of Labor to differentiate between prevailing wage calculations for universities, charities, and other nonprofit organizations and those of for-profit entities.

Is the current 65,000 cap on H-1Bs the magic number? Let me briefly review the history. Prior to the 1990 Act, there was no cap on H-1B visas, which previously were called H-1 visas. This bill does not eliminate the cap, but I point out the history to give some context to the discussion on this issue. The 65,000 number was chosen, essentially out of thin air, in the 1990 Act. This number proved sufficient for a number of years, but now has shown to be a significant impediment to growth, particularly in certain industries. Simply put, there is no magic to this 65,000 number. In addition, at that time, to respond to concerns about wages, a Labor Condition Application was added to the program that required companies to attest they were paying individuals on H-1Bs the higher of the prevailing wage or actual wage paid to similarly employed Americans. That remains in the law. Also, at the time, a "complaint-driven" system was developed to enforce compliance and prosecute violators. And it was decided that the Department of Labor would respond to complaints and operate the enforcement of the program. This was done under the chairmanship of Democratic Congressman Bruce Morrison.

Inaction on this issue is not very different from outright restriction, because it will result in such massive backlogs, that with today's fast-moving product cycles, access to these key professionals will be for all practical purposes barely possible.

Who will benefit from restricting the entry of these skilled workers? "On a daily basis, our competitors in Tokyo scheme to stop the momentum of the American semiconductor and computer industries," testified Cypress Semiconductor CEO T.J. Rodgers. "Even if they tried, they could not come up with a better plan to cut off our supply of critical engineering talent than by halting immigration. Unfortunately, it appears they may have the United States government as their ally."

At a hearing on a different topic held just this week in the Judiciary Committee we heard views from major executives about some issues facing the software industry. Despite differing opinions on these other important issues, the business leaders testifying were unanimous when the topic was brought up of alleviating the pending crisis involving H-1B visas.

Scott McNealy, President and CEO of Sun Microsystems, noted that two of the four founders of his company, which now employs over 20,000 Americans, were foreign-born individuals who entered the country via the employment-based immigration system. "I cannot imagine having those two unbelievable national treasures not being allowed in," he said. "And by the way, if you go down through the payroll of our organization, for every legal immigrant that we have hired and put on the payroll, they have created vast amounts of wealth and jobs and a byproduct—wonderful byproducts for our economy and for the planet as a whole."

Bill Gates, Chairman and CEO of Microsoft Corporation stated, "Microsoft is in strong agreement that raising these caps to allow very skilled legal immigrants to come in would be a good thing for the technology industry and for the country. We particularly have a lot of people who come to the U.S. to be educated, and it seems a shame when they've been educated here, not to allow them to stay in the country and to take what they've learned and contribute to companies like ours and many others."

Jim Barksdale, President and CEO, Netscape Communications testified, "We employ an awful lot of legal immigrants, who are very bright people and make a great contribution and more than earn their keep and we would like to see the limit raised."

Perhaps the clearest statement about what may be at stake came from Michael Dell, Chairman and CEO of Dell Computer. He told the Committee, "These companies are global companies and if this work does not occur on U.S. soil it occurs on some other soils. We are disarming the economy of the United States of America if we don't allow these folks to come and stay in this country."

The American Competitiveness Act is endorsed by the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Electronics Association, the Electronics Industry Association, the Business Software Alliance, the Information Technology Association of America, American Business for Legal Immigration, the American Immigration Lawyers Association, the American Council of International Personnel, the National Technical Services Association, the Computing Technology Industries Association, and the United States Pan Asian American Chamber of Commerce.

This issue is also extremely important to America's academic community. At the February 25 hearing before the Senate Judiciary Committee, Stephen Director, Dean of the College of Engineering at the University of Michigan, testified as a representative of the nation's higher education community. His testimony, calling for an increase in H-1B visas and a permanent solution for universities on prevailing wage issues, was endorsed by the American Council on Education, the Association of American Universities, the College and University Personnel Association, the Council of Graduate Schools, NAFSA: Association of International Educators and the National Association of State Universities and Land Grant Colleges. As noted in the testimony, the combined memberships of these associations represent over 2,000 U.S. colleges and universities.

As we move forward, Mr. President, people will no doubt ask whether there are additional measures to protect against abuse of the H-1B program that can be enacted without nullifying efforts to increase high tech companies' access to skilled workers.

On that issue let me say that we must crack down on anyone who would abuse the system. As I've noted, this bill contains substantially larger fines for those engaged in willful violations and establishes long probationary periods for such egregious violators. The law already contains provisions for dealing with abuses. And there have been such cases. But let's keep in mind that in America, justice is served not by restricting the law-abiding, but by targeting those who violate our laws.

In 1997, the Department of Labor found three employers who were found to have engaged in willful violations of the H-1B program. Three. These violators accounted for three visas out of 65,000 granted in that year. So while it is important that we make it clear that we will not tolerate abuse, we must keep the number of incidents in perspective and engage in targeted actions that do not punish the innocent with the guilty.

Today, according to ITAA, 70 percent of America's high tech firms identify an inability to find enough skilled people as the leading barrier to their companies' growth and competitiveness in global markets. Other countries are catching on. Canada has loosened its entry requirements for high tech workers. Singapore has announced plans to move aggressively to attract skilled international workers. And India continues its plans to keep its best talent home to build its domestic industries. I repeat, if restrictions prevent American companies from meeting their labor needs for U.S.-based product, service, and research development, these companies will increasingly locate their facilities offshore. That will mean a loss of jobs, and less innovation and wealth creation in America.

We have a diverse economy, and the relatively small number of people who America can welcome annually to fill key positions at companies and universities benefits us in many ways. We must also pursue the type of long-term strategy, some of which is outlined in this bill, that will increase educational opportunities for U.S. students.

If we are to continue to prosper as a people, we must remain competitive as a nation. To do that, we must do everything within our power to produce more native-born workers who can fill the high skilled positions on which our high-tech and other industries depend. I believe we can accomplish this goal through increased emphasis on training and education. It requires only that we set our minds to the task at hand, and that we not bury our heads in the sand and say that blocking increased access to skilled temporary professionals will somehow help us maintain our way of life. Our universities, our cutting-edge employers, and in particular our workers deserve better.

Mr. President, I ask unanimous consent that the letters of support and the text of the bill be included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) Short Title.—This Act may be cited as the "American Competitiveness Act".

(b) References in Act.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or a repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) American companies today are engaged in fierce competition in global markets.

(2) Companies across America are faced with severe high skill labor shortages that threaten their competitiveness.

(3) The National Software Alliance, a consortium of concerned government, industry, and academic leaders that includes the United States Army, Navy, and Air Force, has concluded that "The supply of computer science graduates is far short of the number needed by industry.". The Alliance concludes that the current severe understaffing could lead to inflation and lower productivity.

(4) The Department of Labor projects that the United States economy will produce more than 130,000 information technology jobs in each of the next 10 years, for a total of more than 1,300,000.

(5) Between 1986 and 1995, the number of bachelor's degrees awarded in computer science declined by 42 percent. Therefore, any short-term increases in enrollment may only return the United States to the 1986 level of graduates and take several years to produce these additional graduates.

(6) A study conducted by Virginia Tech for the Information Technology Association of America estimates that there are more than 340,000 unfilled positions for highly skilled information technology workers in American companies.

(7) The Hudson Institute estimates that the unaddressed shortage of skilled workers throughout the United States economy will result in a 5-percent drop in the growth rate of GDP. That translates into approximately $200,000,000,000 in lost output, nearly $1,000 for every American.

(8) It is necessary to deal with the current situation with both short-term and long-term measures.

(9) In fiscal year 1997, United States companies and universities reached the cap of 65,000 on H–1B temporary visas a month before the end of the fiscal year. In fiscal year 1998 the cap is expected to be reached as early as May if Congress takes no action. And it will be hit earlier each year until backlogs develop of such a magnitude as to prevent United States companies and researchers from having any timely access to skilled foreign-born professionals.

(10) It is vital that more American young people be encouraged and equipped to enter technical fields, such as mathematics, engineering, and computer science.

(11) If American companies cannot find home-grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related American jobs with them.

(12) Inaction in these areas will carry significant consequences for the future of American competitiveness around the world and will seriously undermine efforts to create and keep jobs in the United States.

SEC. 3. INCREASED ACCESS TO SKILLED PERSONNEL FOR UNITED STATES COMPANIES AND UNIVERSITIES.

(a) Establishment of H1–C Nonimmigrant Category.—

(1) In general.—Section 101(a)(15)(H)(i) (8 U.S.C. 1101(a)(15)(H)(i)) is amended—

(A) by inserting "and other than services described in clause (c)" after "subparagraph (O) or (P)"; and

(B) by inserting after "section 212(n)(1)" the following: ", or (c) who is coming temporarily to the United States to perform labor as a health care worker, other than a physician, if the alien qualifies for the exemption from the grounds of inadmissibility described in section 212(a)(5)(C)".

(2) Transition rule.—Any petition filed prior to the date of enactment of this Act, for issuance of a visa under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on behalf of an alien described in the amendment made by paragraph (1)(B) shall, on and after that date, be treated as a petition filed under section 101(a)(15)(H)(i)(c) of that Act, as added by paragraph (1).

(b) Annual Ceilings for H1–B and H1–C Workers.—

(1) Amendment of the INA.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended to read as follows:

"(g)(1) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year—

"(A) under section 101(a)(15)(H)(i)(b)—

"(i) for each of fiscal years 1992 through 1997, may not exceed 65,000,

"(ii) for fiscal year 1998, may not exceed 2 times the number of aliens issued visas or otherwise provided nonimmigrant status between October 1, 1997, and March 31, 1998,

"(iii) for fiscal year 1999, may not exceed the number determined for fiscal year 1998 under such section, minus 10,000, plus the number of unused visas under subparagraph (B) for the fiscal year preceding the applicable fiscal year, and

"(iv) for fiscal year 2000 and each applicable fiscal year thereafter, may not exceed the number determined for fiscal year 1998 under such section, minus 10,000, plus the number of unused visas under subparagraph (B) for the fiscal year preceding the applicable fiscal year, plus the number of unused visas under subparagraph (C) for the fiscal year preceding the applicable fiscal year;

"(B) under section 101(a)(15)(H)(ii)(b), beginning with fiscal year 1992, may not exceed 66,000; or

"(C) under section 101(a)(15)(H)(i)(c), beginning with fiscal year 1999, may not exceed 10,000.

For purposes of determining the ceiling under subparagraph (A) (iii) and (iv), not more than 25,000 of the unused visas under subparagraph (B) may be taken into account for any fiscal year.".

(2) Transition procedures.—Any visa issued or nonimmigrant status otherwise accorded to any alien under clause (i)(b) or (ii)(b) of section 101(a)(15)(H) of the Immigration and Nationality Act pursuant to a petition filed during fiscal year 1998 but approved on or after October 1, 1998, shall be counted against the applicable ceiling in section 214(g)(1) of that Act for fiscal year 1998 (as amended by paragraph (1) of this subsection), except that, in the case where counting the visa or the other granting of status would cause the applicable ceiling for fiscal year 1998 to be exceeded, the visa or grant of status shall be counted against the applicable ceiling for fiscal year 1999.

SEC. 4. EDUCATION AND TRAINING IN SCIENCE AND TECHNOLOGY.

(a) Degrees in Mathematics, Computer Science, and Engineering.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended—

(1) in section 415A(b)(1) (20 U.S.C. 1070c(b)(1))—

(A) by striking "$105,000,000 for fiscal year 1993" and inserting "$155,000,000 for fiscal year 1999"; and

(B) by inserting ", of which the amount in excess of $25,000,000 for each fiscal year that does not exceed $50,000,000 shall be available to carry out section 415F for the fiscal year" before the period; and

(2) by adding at the end the following:

"SEC. 415F. DEGREES IN MATHEMATICS, COMPUTER SCIENCE, AND ENGINEERING.

"(a) Allotments and Grants.—From amounts made available to carry out this section under section 415A(b)(1) for a fiscal year, the Secretary shall make allotments to States to enable the States to pay not more than 50 percent of the amount of grants awarded to low-income students in the States.

"(b) Use of Grants.—Grants awarded under this section shall be used by the students for attendance on a full-time basis at an institution of higher education in a program of study leading to an associate, baccalaureate or graduate degree in mathematics, computer science, or engineering.

"(c) Comparability.—The Secretary shall make allotments and grants shall be awarded under this section in the same manner, and under the same terms and conditions, as—

"(1) the Secretary makes allotments and grants are awarded under this subpart (other than this section); and

"(2) are not inconsistent with this section.".

(b) DATA BANK; TRAINING.—

(1) IN GENERAL.—The Secretary of Labor shall—

(A) establish or improve a data bank on the Internet that facilitates—

(i) job searches by individuals seeking employment in the field of technology; and

(ii) the matching of individuals possessing technology credentials with employment in the field of technology; and

(B) provide training in information technology to unemployed individuals who are seeking employment.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1999 and each of the 4 succeeding fiscal years—

(A) $8,000,000 to carry out paragraph (1)(A); and

(B) $10,000,000 to carry out paragraph (1)(B).

SEC. 5. INCREASED ENFORCEMENT PENALTIES AND IMPROVED OPERATIONS.

(a) INCREASED PENALTIES FOR VIOLATIONS OF H1–B OR H1–C PROGRAM.—Section 212(n)(2)(C) (8 U.S.C. 1182(n)(2)(C)) is amended—

(1) by striking "a failure to meet" and all that follows through "an application—" and inserting "a willful failure to meet a condition in paragraph (1) or a willful misrepresentation of a material fact in an application—"; and

(2) in clause (i), by striking "$1,000" and inserting "$5,000".

(b) SPOT INSPECTIONS DURING PROBATIONARY PERIOD.—Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

"(D) The Secretary of Labor may, on a case-by-case basis, subject an employer to random inspections for a period of up to five years beginning on the date that such employer is found by the Secretary of Labor to have engaged in a willful failure to meet a condition of subparagraph (A), or a misrepresentation of material fact in an application.".

(c) EXPEDITED REVIEWS AND DECISIONS.—Section 214(c)(2)(C) (8 U.S.C. 1184(c)(2)(C)) is amended by inserting "or section 101(a)(15)(H)(i)(b)" after "section 101(a)(15)(L)".

(d) DETERMINATIONS ON LABOR CONDITION APPLICATIONS TO BE MADE BY ATTORNEY GENERAL.—

(1) IN GENERAL.—Section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101(a)(15)(H)(i)(b)) is amended by striking "with respect to whom" and all that follows through "with the Secretary" and inserting "with respect to whom the Attorney General determines that the intending employer has filed with the Attorney General".

(2) CONFORMING AMENDMENTS.—Section 212(n) (8 U.S.C. 1182(n)(1)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking "Secretary of Labor" and inserting "Attorney General";

(ii) in the sixth and eighth sentences, by inserting "of Labor" after "Secretary" each place it appears;

(iii) in the ninth sentence, by striking "Secretary of Labor" and inserting "Attorney General";

(iv) by amending the tenth sentence to read as follows: "Unless the Attorney General finds that the application is incomplete or obviously inaccurate, the Attorney General shall provide the certification described in section 101(a)(15)(H)(i)(b) and adjudicate the nonimmigrant visa petition."; and

(v) by inserting in full measure margin after subparagraph (D) the following new sentence: "Such application shall be filed with the employer's petition for a nonimmigrant visa for the alien, and the Attorney General shall transmit a copy of such application to the Secretary of Labor."; and

(B) in the first sentence of paragraph (2)(A), by striking "Secretary" and inserting "Secretary of Labor".

(e) PREVAILING WAGE CONSIDERATIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(50) The term 'prevailing wage' means the following:

"(A) If the job opportunity is subject to a wage determination in the area under the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a et seq.)), or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage shall be the rate required under such Acts.

"(B) If the job opportunity is not covered by a prevailing wage determined under the Acts referred to in subparagraph (A), the prevailing wage shall be—

"(i) the rate of wages to be determined, to the extent feasible, by adding the wage paid to workers similarly employed in the area of intended employment and dividing the total by the number of such workers, except that the wage set forth in the application shall be considered as meeting the prevailing wage standard if it is within 5 percent of the average rate of wages; or

"(ii) if the job opportunity is covered by a collective bargaining agreement, the wage rate set forth in the agreement shall be considered as not adversely affecting the wages of United States workers similarly employed and shall be considered the 'prevailing wage'.

"(C) A prevailing wage determination made pursuant to this section shall not permit an employer to pay a wage lower than that required under any other Federal, State, or local law.

"(D) For purposes of this section:

"(i) The term 'similarly employed' means having substantially comparable jobs in the occupational category in the area of intended employment, except that, if no such workers are employed by employers other than the employer applicant in the area of intended employment, the term 'similarly employed' means—

"(I) having jobs requiring a substantially similar level of skills within the area of intended employment; or

"(II) if there are no substantially comparable jobs in the area of intended employment, having substantially comparable jobs with employers outside of the area of intended employment.

"(ii) The term 'substantially comparable jobs' means jobs with substantially comparable employers, taking into account size, profit or nonprofit classification, start-up or mature business operations, the specific industry, public or private sector, status as an academic institution, or other defining characteristics which the employer can demonstrate result in a distinct wage scale from the industry at large.

"(iii) The term 'similarly employed' shall be construed to require separate average rates of wage taking into account such factors as years of experience, academic degree, educational institution attended, grade point average, publications or other distinctions, personal traits deemed essential to job performance, specialized training or skills, competitive market factors, or any other factors typically considered by employers within the industry.

(iv) Employers may use either government or nongovernment published surveys, including industry, region, or Statewide wage surveys, to determine the prevailing wage, which shall be considered correct and valid where the employer has maintained a copy of the survey information.

(f) POSTING REQUIREMENT.—Section 212(n)(1)(C)(ii) (8 U.S.C. 1182(n)(1)(C)(ii)) is amended to read as follows:

"(ii) if there is no such bargaining representative, has provided notice of filing to the employer's employees in the occupational classification through such methods as physical posting in a conspicuous location at the employer's place of business, or electronic posting through an internal job bank, or electronic notification available to employees in the occupational classification.".

SEC. 6. ANNUAL REPORTS ON H1–B VISAS.

Section 212(n) (8 U.S.C. 1182(n)) is amended by adding at the end the following:

"(3) Using data from petitions for visas issued under section 101(a)(15)(H)(i)(b), the Attorney General shall annually submit the following reports to Congress:

"(A) Quarterly reports on the numbers of aliens who were provided nonimmigrant status under section 101(a)(15)(H)(i)(b) during the previous quarter and who were subject to the numerical ceiling for the fiscal year established under section 214(g)(1).

"(B) Annual reports on the occupations and compensation of aliens provided nonimmigrant status under such section during the previous fiscal year.".

SEC. 7. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—

(1) as of the date of enactment of this Act is a nonimmigrant described in section 101(a)(15)(H)(i) of that Act;

(2) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and

(3) would be subject to the per country limitations applicable to immigrants under those paragraphs but for this subsection,

may apply for and the Attorney General may grant an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

SEC. 8. ACADEMIC HONORARIA.

Section 212 (8 U.S.C. 1182) is amended by adding at the end the following new subsection:

"(p) Any alien admitted under section 101(a)(15)(B) may accept an honorarium payment and associated incidental expenses for a usual academic activity or activities, as defined by the Attorney General in consultation with the Secretary of Education, if such payment is offered by an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965) or other nonprofit entity and is made for services conducted for the benefit of that institution or entity.".

AMERICAN BUSINESS FOR
LEGAL IMMIGRATION,
March 2, 1998.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: We write to applaud you, on behalf of American businesses, for introducing legislation that addresses the critical shortage of skilled employees in the workforce. The American Competitiveness Act, which you have introduced, will improve the important H-1B visa program and help to ensure that U.S. companies can continue to create jobs and meet the demands of the future.

Today, as you well know, hundreds of thousands of positions in the fastest growing sectors of the U.S. economy go unfilled. In order for American companies to remain competitive in a global market we need to attract the best talent, regardless of place of birth. Professionals who come here on temporary H-1B visas are a key component of America's high technology workforce. With the cap on H-1B visas expected to be hit by early summer of this year, your legislation could hardly come to a more crucial time for American business. In addition, your legislation recognizes the need to provide additional training to American-born workers, so that they can continue to be the world's best workforce in the 21st century. For this recognition we also give you credit and offer our thanks.

We appreciate your steadfast dedication to the vital issues facing the American workforce, and hope that your colleagues will also recognize this problem of crisis proportions. Under your leadership, Congress can solve a major dilemma for American business and simultaneously reaffirm the value of hard work, innovation, and competition. We also firmly believe that the American Competitiveness Act will do more to directly create jobs for Americans—and to keep jobs in this country—than any other bill that will be considered by Congress this year.

Thank you once again for your continued leadership on this critical issue. We look forward to working with you to advance this much needed legislation in the weeks and months ahead.

Sincerely,

SCOTT HOFFMAN,
Director.

American Council on International Personnel; American Electronics Association; American Immigration Lawyers Association; Business Software Alliance; Computing Technology Industries Association; Electronic Industries Association; Information Technology Association of America; National Association of Manufacturers; National Technical Services Association; United States Chamber of Commerce.

UNITED STATES PAN ASIAN
AMERICAN CHAMBER OF COMMERCE,
Washington, DC, March 3, 1998.

Re the American Competitiveness Act.

Senator SPENCER ABRAHAM,
Chairman, Immigration Subcommittee, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR ABRAHAM: We write to endorse the American Competitiveness Act.

This is a new age. Americans and U.S. businesses are operating in an increasingly competitive global environment. Although we are the first and best in the world, we must strive to stay on top. To this end, a well-educated citizenry, a hospitable workplace that offers equal opportunity to all without regard to race or gender, and a skilled work force are essential to sustained growth in the U.S. economy.

In my own business, I represent American companies who have an unfulfilled need for information technology professionals. Because our colleges and universities do not produce enough of them, and whomever they have trained are immediately absorbed into the workforce; our companies must recruit from outside the country to get jobs done. That is why your proposal to increase H-1B temporary visas by 25,000 is so timely and important. This increase will reduce the backlog of issuing H-1B visas to qualified workers whom our companies need to render their services, save jobs and create more jobs.

We would oppose granting the Department of Labor the vastly expanded authority it is now seeking. The Administration's proposals to shorten the maximum length of stay for an individual on an H-1B, require up-front recruiting, which could delay hiring for many months or even years, and broad no-layoff attestations are clearly designed to kill, rather than improve the program. These "reforms" will severely diminish companies' access to necessary personnel and will therefore work against any increase in the H-1B visa quota.

The Labor Department claims it is protecting U.S. workers, but against whom are they being protected? Many of those entering the United States on H-1B visas are from Asian Pacific countries. Our organization finds it offensive that the Administration would try to demonize such individuals in the minds of the American public. This type of immigrant-bashing coming from the Administration must stop.

As a non-profit organization, we wholeheartedly support your proposal to permit different prevailing wage calculations for universities, charities and other non-profit organizations. This proposal brings reality to the administration of our immigration laws. It also reflects the true condition of the market place where non-profit organizations do not pay at the rate of for profit businesses. The proposal makes good sense.

The Act's provisions for scholarships for low-income students to pursue higher education in mathematics, engineering and computer science, and increased training and job search support in the information technology industry will indeed prepare America's work force for the coming century.

We applaud your efforts in the bill to eliminate the discriminatory effect of per country employment immigration limits on nationals from certain Asian Pacific nations.

The American Competitiveness Act is a significant step into the direction that will keep us competitive into the next millenium. We are pleased to support it.

Sincerely,

SUSAN AU ALLEN,
President.

By Ms. COLLINS (for herself, Mr. DEWINE, Mr. BOND, Mr. ENZI, Mr. FAIRCLOTH, Mr. HATCH, Mr. HELMS, Mr. ROBERTS, Mrs. HUTCHISON, and Mr. SMITH of Oregon):

S. 1724. A bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses; to the Committee on Finance.

THE HIGHER EDUCATION REPORTING RELIEF ACT

Ms. COLLINS. Mr. President, today I am introducing legislation, the Higher Education Reporting Relief Act, to reduce the burdensome reporting requirements imposed on educational institutions by the Hope Scholarship and Lifetime Learning tax credits. I am very pleased to be joined by my principal cosponsor, the distinguished Senator from Ohio, Senator DEWINE, who has been a real leader in education issues. I am also pleased to have the Presiding Officer, Senator GORDON SMITH, as one of my cosponsors as well as Senators BOND, ENZI, FAIRCLOTH, HATCH, HELMS, HUTCHISON, and ROBERTS.

Mr. President, when Congress created the Hope Scholarship and the Lifetime Learning Tax Credit, it, unfortunately, at the same time also created a very burdensome and costly reporting requirement for our universities, our colleges, and our proprietary schools. Beginning with the tax year 1998, the regulations will require schools to report to the IRS information on their students—including name, address, Social Security number, information about attendance status, program level, a campus contact, and the amount of qualified tuition and student aid.

Mr. President, this is a perfect example of the law of unintended consequences. We have inadvertently imposed a costly burden on our institutions of higher education. In the words of the president of the University of Maine at Farmington:

> At a time when we are working to increase access and to contain college costs, new government reporting requirements are working against us. We will need to add personnel, not in support of our educational functions, but to comply with the new IRS regulations. This is not sensible and it is definitely not in

the interests of the people we are here to serve.

Mr. President, she said it very well. This is not sensible and it is not in the interests of the people that we are here to serve.

Yet another example from my State comes from the University of Maine at Presque Isle, a small campus with fewer than 1,000 students. The President there has told me that he may well need to hire an additional person to oversee the data collection and reporting requirements of this new law. Indeed, Mr. President, analysis of these reporting requirements indicate that they will cost America's postsecondary educational institutions as much as $125 million, and that is just to set up the system. In addition, tens of millions of dollars will have to be spent each year on an ongoing basis to comply with these onerous new regulations.

Mr. President, this simply does not make sense. The Collins-DeWine bill will repeal the provision of the Internal Revenue Code that requires a school to report this information for its students. Instead, Mr. President, we will treat these educational tax credits just the way we would treat any kind of tax credit. Taxpayers will be required to report the necessary information on their tax returns and to maintain records of their expenses that will support any tax credits that they claim.

Mr. President, the rationale for the Hope and Lifetime Learning education credits is to make postsecondary education both more affordable and thus more accessible to lower income individuals. But in this case, Mr. President, what Congress is giving with one hand it is taking away at least in part with its regulatory hand. The cost of conforming to these regulatory requirements will inevitably result in increases in tuition, chipping away at the very benefit of these tax credits.

Mr. President, the American Council on Education strongly supports this bill. It will help avoid a wasteful expenditure of the resources, the scarce resources, of America's colleges and universities.

I ask unanimous consent a letter from the president of the American Council on Education endorsing our bill on behalf of seven national education associations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
Washington, DC, March 5, 1998.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The creation last year of the Hope Scholarship and Lifetime Learning tax credits through the Taxpayer Relief Act was met with great enthusiasm by the higher education community. These education tax incentives will clearly benefit students and their families. Unfortunately, the creation of these tax credits has an extraordinarily negative by-product: an unprecedented barrage of new regulatory and record-keeping requirements for colleges and universities.

The cost of complying with the education tax provisions in the Taxpayer Relief Act will be enormous. More than 15 million degree-seeking students currently are enrolled in America's colleges and universities; we believe, based on preliminary estimates, that the cost of reporting will be approximately $6 to $8 per student. Note that this estimate does not include the cost of collecting and reporting the data on the roughly 15 million students who take continuing (i.e. non-degree) courses every year. When examined on an institution by institution basis, the cost is alarming. The University of California at Los Angeles estimates it will cost $427,000 to comply with the requirements of the new law; Colorado State University estimates the cost will be approximately $250,000. Unavoidably, the cost of complying with these externally imposed requirements will be passed on to students.

Given the costs and burdens that will be associated with implementing these important provisions, we are grateful for your efforts to minimize the burden to be placed on schools by introducing the "Higher Education Reporting Relief Act."

The higher education community is involved in efforts to minimize or eliminate the reporting burden while preserving important accountability for the use of federal funds. We have established a task force comprised of nine associations to analyze and document the full extent of the burden that these regulations pose. Led by the National Association of College and University Business Officers, this task force will estimate the costs associated with compliance; make recommendations to alleviate the regulatory burden; and assess the possible use of third-party service providers to manage reporting for individual colleges and universities. This group is expected to complete its work in mid-May; we hope that it will be an excellent source of technical assistance to you and others.

We greatly appreciate your leadership on this issue and expect that many of our campuses will contact you directly to express their thanks. We look forward to working with you to relieve higher education institutions from the reporting requirements associated with the new education tax incentives. Thank you for your attention to his issue and for your consistent commitment to students and families, and to American higher education.

Sincerely

STANLEY O. IKENBERRY,
President.

On behalf of: American Association of Community Colleges; American Council on Education; Association of American Universities; Association of Governing Boards of Universities and Colleges; National Association of College and University Business Officers; National Association of State Universities and Land-Grant Colleges; National Association of Student Financial Aid Administrators; The College Fund/UNCF.

Mr. DEWINE. Mr. President, I am delighted to join Senator COLLINS today in the introduction of the Higher Education Reporting Relief Act. This bill, as my colleague has explained, would repeal section 605 of the Internal Revenue Code, thereby eliminating responsibility of schools to file returns to the IRS on behalf of their students.

Now, the National Commission on the Cost of Higher Education has recommended that the most direct way to minimize the regulatory burden on colleges and universities would be to repeal the sections of law that impose reporting requirements.

What is the problem? Here is the problem: Current law relating to the Hope Scholarship and the Lifetime Learning tax credit requires all colleges and universities to comply with very burdensome and costly regulations. Beginning with tax year 1998, schools will be expected to provide the IRS with information regarding its students, including the following: name, address, Social Security number of the students, whether the student was in attendance at least half-time during the academic period, whether the student was enrolled exclusively in a program leading to a graduate-level educational credential, the person to contact at the institution in case there are questions, the amount of qualified tuition and gift aid a student receives—on and on.

The Taxpayer Relief Act of 1997 that we are amending today contained a provision requiring colleges, universities, and trade schools to begin issuing annual reports to students and to the Internal Revenue Service detailing the students' tuition payments in case they apply for the new education tax credit. Preliminary analysis shows the reporting requirements will cost 6,000 colleges in America more than $125 million to implement and tens of millions of dollars annually to maintain.

The bill that Senator COLLINS and I are introducing will free colleges, universities, and trade schools from complying with these very burdensome and costly requirements. Under our bill, taxpayers will now simply claim the new education tax credits on their income tax returns as they do with other tax credits and deductions.

Now, Mr. President, in my home State of Ohio, I have heard from many colleges. They have told me that the reporting requirement will place a significant financial and human resource burden on colleges and universities that will ultimately lead to an increase in the cost of higher education.

Ohio institutions such as Cleveland State, Bowling Green State University, Shawnee State University, and North Central Technical College have all written me and told me these requirements place schools in a very difficult position, putting them between students and parents and the IRS, because the schools are required under the current law to collect information that, frankly, they would not otherwise have to collect. While these schools are very supportive of the Hope Scholarship and

Lifetime Learning tax credit, the burden placed on universities will increase the cost of higher education, which, of course, reduces the benefit of the tax credit to the students.

The bill that my colleague from Maine and I are introducing is commonsense legislation that will eliminate an unfunded mandate placed upon colleges and universities. In realistic terms, if the new reporting requirement is not lifted off the backs of colleges and universities, those schools will be forced to raise tuition costs to cover this unfunded mandate. In effect, students and families will not benefit from passage of the Hope Scholarship because the money received from the tax credit will be used to pay this higher tuition.

I support the Hope Scholarship, and I am excited that students will be given a financial boost in their plans to attain a higher education. However, the Hope Scholarship and Lifetime Learning tax credit will not be as beneficial if it means that colleges and universities will raise their tuition to cover the costs of this unfunded mandate. Trying to pay for an unfunded mandate shifts a school's focus away from its primary goal, which, of course, is giving the students the best possible education.

Now, similar legislation to our bill has already been introduced in the House of Representatives. The House bill is supported by a bipartisan coalition of Members of the House. In addition, Mr. President, the American Association of State Colleges and Universities, representing 425 of the largest colleges and universities in the country, and also the American Association of Community Colleges, representing 1,200 community colleges, have both endorsed this initiative.

Mr. President, I conclude today by asking my colleagues to take a closer look at how this legislation will benefit students and families in this country. I invite any of my colleagues to join us today to cosponsor this bill. Passage of the Hope Scholarship and Lifetime Learning tax credit was a good beginning, but we must now assure that universities and colleges will not raise tuition costs simply to cover the costs of this unfunded mandate.

Our bill, then, is simple. It is simple, fair legislation that will greatly benefit any person who wants to obtain a higher education in this country.

Mr. FAIRCLOTH. Mr. President, I am pleased to be a co-sponsor of the Higher Education Reporting Relief Act. Last year, this body was instrumental in providing key incentives for students who want to go to school to improve their lives and build job skills. The Hope Scholarship and Lifetime Learning tax credits, as adopted in the Taxpayer Relief Act, give financial assistance to young and old who want to attend a community college, university or trade school.

Unfortunately, the legislation also contained a provision requiring these institutions to comply with burdensome reporting procedures such as issuing annual reports to students and the Internal Revenue Service. Preliminary analysis shows the reporting requirements will cost the 6,000 institutions of higher learning in America more than $125 million combined to implement and tens of millions of dollars annually to maintain.

The Higher Education Reporting Relief Act would repeal the Taxpayer Relief Act requirements that higher education institutions collect and report information on all eligible students to the Internal Revenue Service. In lieu of these extensive reporting requirements, taxpayers would be allowed to claim the tax credits on their income tax forms, similar to the way other tax deductions are now reported.

Let's not let this tremendous accomplishment for education be overshadowed by burdensome paperwork. Please join Senators COLLINS, DEWINE, and me in supporting the Higher Education Reporting Relief Act.

By Mr. BURNS (for himself, Mr. HELMS, Mr. THOMAS, and Mr. KYL):

S. 1725. A bill to terminate the Office of the Surgeon General of the Public Health Service; to the Committee on Labor and Human Resources.

THE OFFICE OF SURGEON GENERAL SUNSET ACT

Mr. BURNS. Mr. President, I rise to introduce the Office of Surgeon General Sunset Act, along with Senators HELMS, THOMAS, and KYL. This legislation has the same purpose as my bill from the 104th Congress, but has a different enactment provision. This bill will sunset the Office of Surgeon General only after Dr. Satcher vacates the office; this bill would not remove him from that position.

Every recent Surgeon General nomination, including that of Dr. Koop, has resulted in a political battle which has detracted from important health issues. The position has been used by both parties as a political advocate as much as a public health advocate. In the wake of the recent nomination process, I am more persuaded than ever that the office is a lightning rod for controversy which provides no public benefit.

The Surgeon General and his staff of six serve no compelling purpose. It is often said that the Surgeon General occupies a bully pulpit from which to address the nation on important health issues. But we've been without a surgeon general since the end of 1994, and there was no shortage of voices on major health issues. The president, the first lady, the Secretary of Health and human services, the commissioner of the Food and Drug Administration, and the former surgeon general all spoke on public health issues.

What's more, the Surgeon General and his office are duplicative. The office performs no crucial function that is not handled by a different bureaucracy. In fact, the budget for the office has already been folded into the Office of Public Health and Science, headed by Dr. Satcher in his role as Assistant Secretary for Health. This office has a staff of 300 and a current budget of over $80 million. My bill will merely complete the transition to the Assistant Secretary for Health, eliminating a redundant federal office.

This legislation is not about Dr. Satcher, or about any previous Surgeon General. Dr. Satcher will continue to be Surgeon General and the office would sunset immediately after he vacates it. This legislation will sunset an office that has become a political football and has long since outlived its usefulness.

By Mrs. MURRAY (for herself, Mr. GORTON, Mr. SMITH of Oregon, and Mr. WYDEN):

S. 1726. A bill to authorize the States of Washington, Oregon, and California to regulate the Dungeness crab fishery in the exclusive economic zone; to the Committee on Commerce, Science, and Transportation.

THE DUNGENESS CRAB CONSERVATION AND MANAGEMENT ACT

Mrs. MURRAY. Mr. President, I rise today with my colleagues, Senator GORTON, Senator SMITH of Oregon, and Senator WYDEN to introduce the Dungeness Crab Conservation and Management Act. Having outlined the history and intent of this important piece of legislation on February 12, 1998, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dungeness Crab Conservation and Management Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the ocean Dungeness crab (Cancer magister) fishery adjacent to the States of Washington, Oregon, and California has been successfully conserved and managed by those States since the 19th century;

(2) in recognition of the need for coastwide conservation of Dungeness crab, the States of Washington, Oregon, and California have—

(A) enacted certain laws that promote conservation of the resource;

(B) signed a memorandum of understanding declaring the intent of those States to take mutually supportive actions to further the management of Dungeness crab; and

(C) through the Pacific States Marine Fisheries Commission, formed the Tri-State Dungeness Crab Committee to provide a public forum for coordinating conservation and management actions;

(3) tribal treaty rights to crab under the subproceeding numbered 89-3 in United

States v. Washington, D.C. No. CV-70-09213, are being implemented by the State of Washington through annual preseason negotiations with the affected Indian tribes;

(4) the expiration of interim authority referred to in paragraph (7) will jeopardize the ability of the State to effectively provide for State-tribal harvest agreements that include restrictions on nontreaty fishers in the exclusive economic zone;

(5) the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) requires that Federal fishery management plans be established for fisheries that require conservation and management;

(6) under the Magnuson-Stevens Fishery Conservation and Management Act, several fisheries in the Atlantic and Pacific Oceans, including king crab in the Gulf of Alaska, have remained under the jurisdiction of individual States or interstate organizations because conservation and management can be better achieved without the implementation of a Federal fishery management plan;

(7) section 112(d) of the Sustainable Fisheries Act (Public Law 104-297; 110 Stat. 3596 though 3597) provided interim authority for the States of Washington, Oregon, and California to exercise limited jurisdiction over the ocean Dungeness crab fishery in the exclusive economic zone and required the Pacific Fishery Management Council to report to Congress on progress in developing a fishery management plan for ocean Dungeness crab and any impediments to that progress;

(8) the Pacific Fishery Management Council diligently carried out the responsibilities referred to in paragraph (7) by holding public hearings, requesting recommendations from a committee of that Council and the Tri-State Dungeness Crab Committee;

(9) representatives from the Indian tribes involved, the west coast Dungeness crab industry, and the fishery management agencies of the States of Washington, Oregon, and California were consulted by the Pacific Fishery Management Council, and the Council voted in public session on its final report; and

(10) by a unanimous vote, the Pacific Fishery Management Council found that amending section 112 of the Sustainable Fisheries Act and providing for permanent authority to the States of Washington, Oregon, and California to manage, with certain limitations, the ocean Dungeness crab fishery in that portion of the exclusive economic zone adjacent to each of the States, respectively, and continued participation by fishermen and the Indian tribes subject to the tribal treaty rights referred to in paragraph (3) would—

(A) best accomplish the conservation and management of the ocean Dungeness crab fishery; and

(B) best serve the public interest.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for the continued conservation and management of ocean Dungeness crab in a manner that recognizes the contributions of the States of Washington, Oregon, and California and the needs of the Indian tribes that are subject to the tribal treaty rights to crab described in subsection (a)(3); and

(2) to carry out the recommendations that the Pacific Fishery Management Council made in accordance with requirements established by Congress.

SEC. 3. DEFINITIONS.

In this Act:

(1) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" has the meaning given that term in section 3(11) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(11)).

(2) FISHERY.—The term "fishery" has the meaning given that term in section 3(13) of the Magnuson-Stevens Fishery Management Act (16 U.S.C. 1802(13)).

(3) FISHING.—The term "fishing" has the meaning given that term in section 3(15) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(15)).

SEC. 4. AUTHORITY FOR MANAGEMENT OF DUNGENESS CRAB.

(a) IN GENERAL.—Subject to the provisions of this section, and notwithstanding section 306(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1856(a)), each of the States of Washington, Oregon, and California may adopt and enforce State laws (including regulations) governing fishing and processing in the exclusive economic zone adjacent to that State in any Dungeness crab (Cancer magister) fishery for which there is no fishery management plan in effect under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) REQUIREMENTS FOR STATE LAWS.—Any law adopted by a State under this section for a Dungeness crab fishery—

(1) except as provided in paragraph (2), shall, without regard to the State that issued the permit under which a vessel is operating, apply equally to—

(A) vessels engaged in the fishery in the exclusive economic zone; and

(B) vessels engaged in the fishery in the waters of the State;

(2) shall not apply to any fishing by a vessel in the exercise of tribal treaty rights; and

(3) shall include any provisions necessary to implement tribal treaty rights in a manner consistent with the decision of the United States District Court for the Western District of Washington in United States v. Washington, D.C. No. CV-70-09213.

(c) EXCLUSIVE ECONOMIC ZONE.—

(1) IN GENERAL.—Subject to paragraph (2), any law of the State of Washington, Oregon, or California that establishes or implements a limited entry system for a Dungeness crab fishery may not be enforced against a vessel that—

(A) is otherwise legally fishing in the exclusive economic zone adjacent to that State; and

(B) is not registered under the laws of that State.

(2) EXCLUSION.—A State referred to in paragraph (1) may regulate the landing of Dungeness crab.

(d) REQUIREMENTS FOR HARVEST.—No vessel may harvest or process Dungeness crab in the exclusive economic zone adjacent to the State of Washington, Oregon, or California, except—

(1) as authorized by a permit issued by any of the States referred to in subsection (c)(1); or

(2) under any tribal treaty rights to Dungeness crab in a manner consistent with the decision of the United States District Court for the Western District of Washington in United States v. Washington, D.C. No. CV-70-09213.

(e) STATUTORY CONSTRUCTION.—Except as expressly provided in this section, nothing in this section is intended to reduce the authority of any State under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to regulate fishing, fish processing, or landing of fish.

SEC. 5. ELIMINATION OF INTERIM AUTHORITY.

Section 112 of the Sustainable Fisheries Act (Public Law 104-297; 110 Stat. 3596) is amended by striking subsection (d).

[From the CONGRESSIONAL RECORD, Feb. 12, 1998]

Mrs. MURRAY. Mr. President, soon after the upcoming recess, I will join my colleague, Senator Slade Gorton, to introduce the Dungeness Crab Conservation and Management Act. The ocean Dungeness crab fishery in WA, OR, and CA has been successfully managed by the three states for many years. The states cooperate on season openings, male-only harvest requirements, and minimum sizes; and all three states have enacted limited entry programs. Although the resource demonstrates natural cycles in abundance, over time the fishery has been sustained at a profitable level for fishermen and harvesters with no biological programs.

The fishery is conducted both within state waters and in the federal exclusive economic zone (EEZ). Although state landing laws restrict fishermen to delivering crab only to those states in which they are licensed, the actual harvest takes place along most of the West Coast, roughly from San Francisco to the Canadian border. Thus, it is not unusual for an Oregon-licensed fisherman from Newport to fish in the EEA northwest of Westport, WA, and deliver his catch to a processor in Astoria, OR.

In recent years, federal court decisions under the umbrella of *U.S.* v. *Washington* have held that Northwest Indian tribes have treaty rights to harvest a share of the crab resource off Washington. To accommodate these rights, the State of Washington has restricted fishing by Washington-licensed fishermen. This led Washington fishermen to request an extension of state fisheries jurisdiction into the EEZ. The Congress partially granted this request during the last Congress by giving the West Coast states interim authority over Dungeness crab, which expires in 1999 (16 U.S.C. 1856 note). The Congress also expressed its interest in seeing a fishery management plan established for Dungeness crab and asked the Pacific Fishery Management Council (PFMC) to report to Congress on this issue by December, 1997.

The PFMC established an industry committee to examine the issues, which developed several options. At its June meeting, the PFMC selected two options for further development and referred them for analysis to the Tri-State Dungeness Crab Committee which operates under the Pacific States Marine Fisheries Commission. After lengthy debate, the Tri-State Committee recommended to the Council that the Congress be requested to make the interim authority permanent with certain changes, including a clarification of what license is required for the fishery, broader authority for the states to ensure equitable access to the resource, and clarification of tribal rights. The Tri-State Committee agrees that each state's limited entry laws should apply only to vessels registered in that state. I ask unanimous consent to include the report of the Tri-State Dungeness Crab Committee and the membership list of the Committee in the RECORD.

On September 12, 1997, the PFMC unanimously agreed to accept and support the Tri-State Committee recommendation. The Council agreed that the existing management structure effectively conserves the resource, that allocation issues are resolved by the restriction on application of state limited entry laws, that tribal rights are protected, and that the public interest in conservation and fiscal responsibility after better served by the legislative proposal than by developing and implementing a fishery management plan under the Magnuson-Stevens Fishery Conservation and Management Act. This legislation will fully implement the Tri-State Committee recommendation and ensure the conservation and sound management of this important West Coast fishery.

I look forward to the Senate's timely consideration of this bill.

REPORT OF THE TRI-STATE DUNGENESS CRAB COMMITTEE TO THE PACIFIC FISHERY MANAGEMENT COUNCIL ON OPTIONS FOR DUNGENESS CRAB FISHERY MANAGEMENT, AUGUST 7, 1997

The Tri-State Dungeness Crab Committee met on August 6–7, 1997 to review the Pacific Fishery Management Council (PFMC) Analysis of Options for Dungeness Crab Management. A list of the attending Committee members, advisors, and observers is attached. After completing that review, the Committee discussed the merits of each option and offered the following comments for PFMC consideration.

There was general agreement within the Committee that Option 1, No Action, would not satisfy the current needs of the industry. There was unanimous opposition, however, among Oregon and California representatives to Option 3, Development of a Limited Federal Fishery Management Plan (FMP). Washington representatives were not strongly in favor of a FMP, but viewed it as the only realistic means to address their concerns for the fishery. After an extended discussion, it was the consensus of the Committee that a modified version of Option 2, Extension of Interim Authority, was preferred.

There were three common themes that appeared during the discussion. No Committee members believed that there should be fishing or processing of Dungeness crab in waters of the EEZ under PFMC jurisdiction by any vessel not permitted or licensed in either Washington, Oregon, or California. The Committee generally accepted that additional tools beyond area closures and pot limits could be needed to address tribal allocation issues. Finally, the Committee also agreed that as a matter of fairness, vessels fishing alongside each other in an area should be subject to the same regulations. On that basis, the Tri-State Dungeness Crab Committee recommends that:

1. The PFMC immediately request that Congress make the current Interim Authority a permanent part of the Magnuson-Stevens Fishery Conservation and Management Act, applying only to Pacific coast Dungeness crab, with the following adjustments.

(a) delete the limitations listed in the current Section 2 of the Interim Authority so that state regulations will apply equally to all vessels in the EEZ and adjacent State waters; and

(b) clarify the language in the current Section 3B of the Interim Authority to prohibit participation in the fishery by vessels that are not registered in either Washington, Oregon, or California.

2. The PFMC defer action on a Dungeness crab FMP until March 1998 to determine whether Congress will be receptive to this extension of the Interim Authority.

Proposed draft bill language for an extension of the Interim Authority is attached.

This recommendation is not made without reservations on both sides. Washington representatives were reluctant to totally withdraw consideration of a federal FMP option, in the event that efforts to extend the Interim Authority fail. They expressed little confidence that a request for Congressional action would be successful. Representatives from Oregon were concerned that discriminatory regulations could be enacted in the future by other states that could effectively exclude them from participation on traditional fishing grounds. They preferred this risk over the involvement of federal agencies under a federal fishery management plan.

TRI-STATE DUNGENESS CRAB COMMITTEE MEETING ATTENDANCE—AUGUST 6–7, 1997, PORTLAND, OR

COMMITTEE MEMBERS

Dick Sheldon: Columbia River Dungeness Crab Fishermen's Association, Ocean Park, WA
Ernie Summers: Washington Dungeness Crab Fishermen's Association, Westport, WA
Larry Thevik: Washington Dungeness Crab Fishermen's Association, Westport, WA
Terry Krager: Chinook Packing, Chinook, WA
Paul Davis: Oregon Fisher, Brookings, OR
Bob Eder: Oregon Fisher, Newport, OR
Tom Nowlin: Oregon Fisher, Coos Bay, OR
Stan Schones: Oregon Fisher, Newport, OR
Russell Smotherman: Oregon Fisher, Warrenton, OR
Joe Speir: Oregon Fisher, Brookings, OR
Rod Moore: West Coast Seafood Processors Association, Portland, OR
Harold Ames: CA Fisher, Bodega Bay, CA
Mike Cunningham: CA Fisher, Eureka, CA
Tom Fulkerson: CA Fisher, Trinidad, CA
Tom Timmer: CA Fisher, Crescent City, CA
Jerry Thomas: Eureka Fisheries, Inc., Eureka, CA

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Tom Kelly: WA Fisher, Westport, WA
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By Mr. LEAHY:

S. 1727. A bill to authorize the comprehensive independent study of the effects on trademark and intellectual property rights holders of adding new generic top-level domains and related dispute resolution procedures; to the Committee on the Judiciary.

STUDY AUTHORIZATION LEGISLATION

Mr. LEAHY. Mr. President, from its origins as a U.S.-based research vehicle, the Internet has matured into a democratic, international medium for communication, commerce and education. As the Internet evolves, the traditional means of organizing its technical functions need to evolve as well.

In the days before the Internet, the U.S. Defense Department's research network—called the ARPAnet—used a naming system that would map a computer's numerical address to a more user-friendly host name. With only a few computers linked to the ARPAnet, the U.S. Defense Department's research network maintained a master list of each computer's numerical address and host name. Sending an electronic message or file was a simple matter of looking up the computer's host name on a master list to find its numerical address. As the number of host computers grew, however, it became clear that a new addressing system was needed. Thus, in 1987, the current Domain Name System (DNS) was created.

On today's Internet, the DNS works through a hierarchy of names. At the top of this hierarchy are a set of Top Level Domains that can be classified into two categories: generic Top Level Domains (gTLD) such as ".gov," ".net," ".com," ".edu," ".org," ".int," and ".mil," and the country code Top Level Domain names, such as ".us" and ".uk." Before each TLD suffix, is a Second Level Domain name.

Since the Internet is an outgrowth of U.S. government investments carried out under agreements with U.S. agencies, major components of the DNS are still performed by or subject to agreements with U.S. agencies. Examples include assignments of numerical addresses to Internet users, management of the system of registering names for Internet users, operation of the root server system, and protocol assignment.

For the past five years, a company based in Herndon, Virginia, named Network Solutions, Inc., has served under a cooperative agreement with the National Science Foundation as the exclusive registry of all second level domain names in several of the gTLDs (e.g., .com, .net, .org, and .edu). This contract will end next month, with an optional ramp-down period that expires on September 30, 1998.

The National Science Foundation's exclusive arrangement with Network Solutions regarding the assignment of domain names has drawn criticism from Internet users. This arrangement has also been the subject of antitrust scrutiny by the Justice Department and of two lawsuits in Federal Court. I wrote to Attorney General Reno in July 1997, asking to be kept apprised, as appropriate, of any developments in the Justice Department's antitrust investigation concerning the assignment of the most popular domain names for Internet addresses. I was assured that the Department's objective was consistent with my concerns to ensure that the DNS functions, to the maximum extent possible, in an open, competitive environment that maximizes innovation and consumer choice.

Despite the controversies associated with certain aspects of Network Solutions' management of the gTLDs, many of us have been concerned about what would happen at the end of that company's exclusive contract. Simply put, how will we avoid chaos on the

Internet and the potential risk of multiple registrations of the same domain name for different computers?

That is why I welcomed the Administration's intent to address this issue comprehensively. In the Administration's "Framework for Global Electronic Commerce," the President last year directed the Secretary of Commerce to privatize, increase competition and promote international participation in the DNS. At the beginning of this year, I wrote to Secretary Daley requesting that the Administration present its policy recommendations regarding the management of the DNS without further delay, lest the stability and integrity of the Internet domain name system be threatened.

On January 30, 1998, the Commerce Department released a "Green Paper," or discussion draft, entitled "A Proposal to Improve Technical Management of Internet Names and Addresses," proposing privatization of the management of the DNS through the creation of a new, not-for-profit corporation. This organization would set policy for the allocation of number blocks to regional number registries; oversee operation of the root server system; determine when new top-level-domains should be added to the root system; and coordinate development of protocol parameters for the Internet.

While the corporation would be able to decide when to add new gTLDs, the Administration has indicated that it does not want to wait until the corporation is formed to bring competition to the domain name registration process. Thus, the Green Paper proposes to allow firms other than Network Solutions assign addresses that end in the gTLDs: ".com," ".org" and ".net." The Green Paper also proposes the creation of five new gTLDs, each of which would be based on registries operated by separate firms. The Administration continues to solicit comments on the Green Paper from the DNS stakeholder community, and hopes to finalize and begin implementation of the Green Paper's proposals in April 1998.

Developing this proposal to privatize and increase competition in the DNS was an important and difficult task. I am delighted that the Administration undertook this herculean effort and has finally released its draft proposal to improve the DNS. I especially applaud the hard work of Ira Magaziner, Senior Advisor to the President for Policy Development, Larry Irving, Assistant Secretary of Commerce for Communications and Information and Administrator of the National Telecommunications and Information Administration (NTIA), and Becky Burr, Associate Administrator, NTIA, Office of International Affairs.

I fully agree with the four basic principles guiding the Administration's proposal to structure this evolution; namely that private sector control is preferable to government control; competition should be encouraged; management of the Internet should reflect the diversity of its users and their needs; and stability of the Internet should be maintained during the transition period. These shared principles form the basis of a solid framework from which to determine the evolution of the DNS. That being said, I think it prudent that the Green Paper—already shaped by months of discussions with a variety of Internet stakeholders—is in the form of a discussion draft and that additional public comments are being solicited. The Internet is a democratic form of communication, and changes in its management structure warrant consideration through an open and democratic process.

Among the more challenging questions presented by the Green Paper are how to protect consumers' interests in locating the brand or vendor of their choice on the Internet without being deceived or confused, and how to protect companies from having their brand equity diluted in an electronic environment. Adding new gTLDs, as the Green Paper proposes, would allow more competition and more individuals and businesses to obtain addresses that more closely reflect their names and functions. On the other hand, businesses are also rightly concerned that the increase in gTLDs may make the job of protecting their trademarks from infringement or dilution more difficult. Recent news reports have highlighted the prevalence of "stealth" domain name addresses, which are slight spelling variations on the addresses of popular Web sites used to increase visits by potential subscribers. For instance, as reported in the March 2, 1998 edition of Newsweek, "www.whitehouse.com" is an explicit adult Web site. One needs to use the domain name "www.whitehouse.gov" to reach the White House's web site.

Congress recently addressed certain trademark issues with passage of the Federal Trademark Dilution Act. That legislation proscribes the dilution of famous trademarks in circumstances that might not otherwise amount to trademark infringement. When that legislation passed the Senate, I noted that "no one else has yet considered this application," but expressed "my hope that this antidilution statute can help stem the use of deceptive Internet addresses taken by those who are choosing marks that are associated with the products and reputations of others." CONGRESSIONAL RECORD, S 19312 (December 29, 1995).

Over the past several years, I understand that disputes between trademark owners and domain name owners have been on the rise. To address the legitimate concerns of trademark holders and the diverse needs of Internet users, the Green Paper proposes that a study be undertaken on the effects of adding new gTLDs and related dispute resolution procedures on trademark and intellectual property rights holders. Specifically, the Green Paper states:

> We also propose that . . . a study be undertaken on the effects of adding new gTLDs and related dispute resolution procedures on trademark and intellectual property rights holders. This study should be conduced under the auspices of a body that is internationally recognized in the area of dispute resolution procedures, with input from trademark and domain name holders and registries.

Although some of the recommendations in the Green Paper have proved to be controversial, I understand that DNS stakeholders of diverse background and interests, including those businesses who are concerned that the increase in gTLDs may make the job of protecting their trademarks from infringement or dilution more difficult, such as ATT and Bell Atlantic, support this Green Paper recommendation. The legislation I introduce today directs the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Commissioner of Patent and Trademarks, to request the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive study of the effects on trademark and intellectual property rights holders of adding new gTLDs and related dispute resolution procedures. The study shall assess and, as appropriate, make recommendations for policy, practice, or legislative changes regarding: (1) the short-term and long-term effects on the protection of trademark and intellectual property rights and consumer interests of increasing or decreasing the number of gTLDs; (2) trademark and intellectual property rights clearance processes for domain names, including whether domain name databases should be readily searchable through a common interface to facilitate the "clearing" of trademarks and intellectual property rights and proposed domain names across a range of gTLDs; identifying what information from domain name databases should be accessible for the "clearing" of trademarks and intellectual property rights; and whether gTLDs registrants should be required to provide certain information; (3) domain name trademark and intellectual property rights dispute resolution mechanisms, including how to reduce trademark and intellectual property rights conflicts associated with the addition of any new gTLDs and how to reduce trademark and intellectual property rights conflicts through new technical approaches to Internet addressing; (4) choice of law or jurisdiction for resolution of trademark and intellectual property rights disputes relating to domain names, including which jurisdictions should be available for trademark and intellectual property rights owners to file suit to protect their trademarks and intellectual property rights; (5) trademark and intellectual property rights infringement liability for registrars, registries, or technical management bodies; and (6) short-term and long-term technical and policy options for Internet addressing schemes and their impact on current trademark and intellectual property issues.

The bill also calls upon the Secretary of Commerce to seek the cooperation of the Patent and Trademark Office, the National Telecommunications and Information Administration, other Commerce Department entities and all other appropriate Federal departments, Government contractors, and similar entities with the study.

I use the Internet frequently, and I therefore have a personal stake in ensuring that the evolution of the DNS is one that makes sense from an end-user perspective. In addition, I am proud to say that Vermont companies have been leaders in cyber selling. Both users and companies seeking to do business on the Internet have a direct stake in ensuring that the DNS develops in a manner that protects the rights and promotes their shared interests.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY OF EFFECTS ON TRADEMARKS AND INTELLECTUAL PROPERTY RIGHTS OF ADDING GENERIC TOP-LEVEL DOMAINS.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study, taking into account the diverse needs of Internet users, of the short-term and long-term effects on trademark and intellectual property rights holders of adding new generic top-level domains and related dispute resolution procedures.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study shall assess and, as appropriate, make recommendations for policy, practice, or legislative changes relating to—

(1) the short-term and long-term effects on the protection of trademark and intellectual property rights and consumer interests of increasing or decreasing the number of generic top-level domains;

(2) trademark and intellectual property rights clearance processes for domain names, including—

(A) whether domain name databases should be readily searchable through a common interface to facilitate the clearing of trademarks and intellectual property rights and proposed domain names across a range of generic top-level domains;

(B) the identification of what information from domain name databases should be accessible for the clearing of trademarks and intellectual property rights; and

(C) whether generic top-level domain registrants should be required to provide certain information;

(3) domain name trademark and intellectual property rights dispute resolution mechanisms, including how to—

(A) reduce trademark and intellectual property rights conflicts associated with the addition of any new generic top-level domains; and

(B) reduce trademark and intellectual property rights conflicts through new technical approaches to Internet addressing;

(4) choice of law or jurisdiction for resolution of trademark and intellectual property rights disputes relating to domain names, including which jurisdictions should be available for trademark and intellectual property rights owners to file suit to protect such trademarks and intellectual property rights;

(5) trademark and intellectual property rights infringement liability for registrars, registries, or technical management bodies; and

(6) short-term and long-term technical and policy options for Internet addressing schemes and the impact of such options on current trademark and intellectual property rights issues.

(c) COOPERATION WITH STUDY.—

(1) INTERAGENCY COOPERATION.—The Secretary of Commerce shall—

(A) direct the Patent and Trademark Office, the National Telecommunications and Information Administration, and other Department of Commerce entities to cooperate fully with the National Research Council in its activities in carrying out the study under this section; and

(B) request all other appropriate Federal departments, Federal agencies, Government contractors, and similar entities to provide similar cooperation to the National Research Council.

(2) PRIVATE CORPORATION COOPERATION.—The Secretary of Commerce shall request that any private, not-for-profit corporation established to manage the Internet root server system and the top-level domain names provide similar cooperation to the National Research Council.

(d) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the National Research Council shall complete the study under this section and submit a report on the study to the Secretary of Commerce. The report shall set forth the findings, conclusions, and recommendations of the Council concerning the effects of adding new generic top-level domains and related dispute resolution procedures on trademark and intellectual property rights holders.

(2) SUBMISSION TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the date on which the report is submitted to the Secretary of Commerce, the Secretary shall submit the report to the Committees on the Judiciary of the Senate and House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $800,000 for the study conducted under this Act.

By Mr. LOTT:

S. 1728. A bill to provide for the conduct of a risk assessment for certain Federal agency rules, and for other purposes; to the Committee on Governmental Affairs.

THE RISK ASSESSMENT IMPROVEMENT ACT

Mr. LOTT. Mr. President, federal bureaucrats issued thousands of new rules and regulations last year, adding billions to the regulatory costs already imposed on American businesses and the economy. Whether you realize it or not, almost every aspect of our daily existence is regulated in some way by the government.

That is not to say that the government should not regulate when it's necessary to protect human health and the environment. However, we would all agree that there are reasonable limits to how much protection we really need. For instance, cars are dangerous vehicles. If not properly operated, they can cause serious injury or death. It is certainly acceptable for the government to issue regulations ensuring that a vehicle is able to withstand anticipated impacts. But should we outlaw cars simply because improper operation can lead to death? Of course not. We all can see that the benefits of being able to drive a car far outweigh any risk of death.

Mr. President, how do we separate true risks from inflated risks? How do we parcel out real problems from those created by fear or misinformation? How do we rank risks so that we attend to the most pressing ones first?

I believe that the solution is to strengthen the risk assessment portion of the current federal law. It is about time that federal agencies focused on finding solutions to problems that present real risks, risks that are based on sound science. For too long, agencies have been allowed to use scant science and political windsocks to determine what should be considered a risk to human health or the environment. From an overblown analysis of risk comes irrational and ineffective solutions—some even more harmful than the basic problem.

That is why I am introducing the Risk Assessment Improvement Act.

Before an agency can issue a rule or carry out a cost/benefit analysis, it must determine that there is indeed a risk. Since risk assessment is the first threshold for issuing regulations, I believe that a targeted bill like this one would address the most important part of regulatory reform.

Simply put, Mr. President, this bill ensures that there is no ambiguity about whether or not there is a risk. By requiring rulemaking agencies to follow a prescribed and stringent set of evaluations, the bill strengthens the current method of evaluating risk. In addition, the Risk Assessment Improvement Act states that risks must be reviewed in light of other risks. In other words, it would require agencies to rank risks from least to most severe, guaranteeing that the most serious ones are addressed first. This is not only smart regulatory and health policy, it is smart fiscal policy. We will be better able to allocate federal resources if we know ahead of time which risks are most pressing.

I know that Senator THOMPSON has done his best to assemble a comprehensive regulatory reform package, and I certainly commend his efforts. But a comprehensive approach offers many complexities, both substantively and procedurally. That is why I am introducing a bill to deal with just one element of the regulatory process—risk.

If you take a look at the language of my bill, you will find that it is identical to that in the risk assessment title of the original Levin-Thompson bill. The reason for this is simple: their language is both strong and well written. And it gets the job done. I hope that I can count on Senators THOMPSON and LEVIN's support in moving the bill through the Government Affairs Committee.

In closing, Mr. President, I ask my colleagues to join me in taking an incremental and doable step towards real regulatory reform by supporting the Risk Assessment Improvement Act.

Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Regulatory Risk Assessment Act of 1997".

SEC. 2. RISK ASSESSMENTS.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER II—RISK ASSESSMENTS

"§ 621. Definitions

"For purposes of this subchapter the definitions under section 551 shall apply and—

"(1) the term 'cost' means the reasonably identifiable significant adverse effects, including social, health, safety, environmental, economic, and distributional effects that are expected to result directly or indirectly from implementation of, or compliance with, a rule;

"(2) the term 'Director' means the Director of the Office of Management and Budget, acting through the Administrator of the Office of Information and Regulatory Affairs;

"(3) the term 'flexible regulatory options' means regulatory options that permit flexibility to regulated persons in achieving the objective of the statute as addressed by the rule making, including regulatory options that use market-based mechanisms, outcome oriented performance-based standards, or other options that promote flexibility;

"(4) the term 'major rule' means a rule or a group of closely related rules that—

"(A) the agency proposing the rule or the Director reasonably determines is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable costs; or

"(B) is otherwise designated a major rule by the Director on the ground that the rule is likely to adversely affect, in a material way, the economy, a sector of the economy, including small business, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments, or communities;

"(5) the term 'reasonable alternative' means a reasonable regulatory option that would achieve the objective of the statute as addressed by the rule making and that the agency has authority to adopt under the statute granting rule making authority, including flexible regulatory options;

"(6) the term 'risk assessment' means the systematic process of organizing hazard and exposure assessments to estimate the potential for specific harm to exposed individuals, populations, or natural resources;

"(7) the term 'rule' has the same meaning as in section 551(4), and shall not include—

"(A) a rule exempt from notice and public comment procedure under section 553;

"(B) a rule that involves the internal revenue laws of the United States, or the assessment and collection of taxes, duties, or other revenue or receipts;

"(C) a rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, corporate or financial structures, reorganizations, mergers, acquisitions, accounting practices, or disclosures bearing on any of the foregoing;

"(D) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System or by the Federal Open Market Committee;

"(E) a rule relating to the safety or soundness of federally insured depository institutions or any affiliate of such an institution (as defined in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k)); credit unions; the Federal Home Loan Banks; government-sponsored housing enterprises; a Farm Credit System Institution; foreign banks, and their branches, agencies, commercial lending companies or representative offices that operate in the United States and any affiliate of such foreign banks (as those terms are defined in the International Banking Act of 1978 (12 U.S.C. 3101)); or a rule relating to the payments system or the protection of deposit insurance funds or Farm Credit Insurance Fund;

"(F) a rule or order relating to the financial responsibility, recordkeeping, or reporting of brokers and dealers (including Government securities brokers and dealers) or futures commission merchants, the safeguarding of investor securities and funds or commodity future or options customer securities and funds, the clearance and settlement of securities, futures, or options transactions, or the suspension of trading under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or emergency action taken under the Commodity Exchange Act (7 U.S.C. 1 et seq.), or a rule relating to the protection of the Securities Investor Protection Corporation, that is promulgated under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), or a rule relating to the custody of Government securities by depository institutions under section 3121 or 9110 of title 31;

"(G) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission under sections 312(a)(7) and 315 of the Communications Act of 1934 (47 U.S.C. 312(a)(7) and 315);

"(H) a rule required to be promulgated at least annually pursuant to statute; or

"(I) a rule or agency action relating to the public debt; and

"(8) the term 'substitution risk' means an increased risk to health, safety, or the environment reasonably likely to result from a regulatory option.

"§ 622. Applicability

"Except as provided in section 623(d), this subchapter shall apply to all proposed and final major rules the primary purpose of which is to address health, safety, or environmental risk.

"§ 623. Risk assessments

"(a)(1) Before publishing a notice of a proposed rule making for any rule, each agency shall determine whether the rule is or is not a major rule covered by this subchapter.

"(2) The Director may designate any rule to be a major rule under section 621(4)(B), if the Director—

"(A) makes such designation no later than 30 days after the close of the comment period for the rule; and

"(B) publishes such determination in the Federal Register together with a succinct statement of the basis for the determination within 30 days after such determination.

"(b)(1) When an agency publishes a notice of proposed rule making for a major rule to which section 624(a) applies, the agency shall prepare and place in the rule making file an initial risk assessment, and shall include a summary of such assessment in the notice of proposed rule making.

"(2)(A) When the Director has published a determination that a rule is a major rule to which section 624(a) applies, after the publication of the notice of proposed rule making for the rule, the agency shall promptly prepare and place in the rule making file an initial risk assessment for the rule and shall publish in the Federal Register a summary of such assessment.

"(B) Following the issuance of an initial risk assessment under subparagraph (A), the agency shall give interested persons an opportunity to comment under section 553 in the same manner as if the initial risk assessment had been issued with the notice of proposed rule making.

"(c)(1) When the agency publishes a final major rule to which section 624(a) applies, the agency shall also prepare and place in the rule making file a final risk assessment, and shall prepare a summary of the assessment.

"(2) Each final risk assessment shall address each of the requirements for the initial risk assessment under subsection (b), revised to reflect—

"(A) any material changes made to the proposed rule by the agency after publication of the notice of proposed rule making;

"(B) any material changes made to the risk assessment; and

"(C) agency consideration of significant comments received regarding the proposed rule and the risk assessment.

"(d)(1) A major rule may be adopted without prior compliance with this subchapter if—

"(A) the agency for good cause finds that conducting the risk assessment under this subchapter is contrary to the public interest due to an emergency, or an imminent threat to health or safety that is likely to result in significant harm to the public or the environment; and

"(B) the agency publishes in the Federal Register, together with such finding, a succinct statement of the basis for the finding.

"(2) If a major rule is adopted under paragraph (1), the agency shall comply with this subchapter as promptly as possible unless compliance would be unreasonable because the rule is, or soon will be, no longer in effect.

"§624. Principles for risk assessments

"(a)(1) Subject to paragraph (2), each agency shall design and conduct risk assessments in accordance with this subchapter for each proposed and final major rule, or that results in a significant substitution risk, in a manner that promotes rational and informed risk management decisions and informed public input into and understanding of the process of making agency decisions.

"(2) If a risk assessment under this subchapter is otherwise required by this section, but the agency determines that—

"(A) a final rule subject to this subchapter is substantially similar to the proposed rule with respect to the risk being addressed;

"(B) a risk assessment for the proposed rule has been carried out in a manner consistent with this subchapter; and

"(C) a new risk assessment for the final rule is not required in order to respond to comments received during the period for comment on the proposed rule,

the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.

"(b) Each agency shall consider in each risk assessment reliable and reasonably available scientific information and shall describe the basis for selecting such scientific information.

"(c)(1) Each agency may use reasonable assumptions to the extent that relevant and reliable scientific information, including site-specific or substance-specific information, is not reasonably available.

"(2) When a risk assessment involves a choice of assumptions, the agency shall—

"(A) identify the assumption and its scientific or policy basis, including the extent to which the assumption has been validated by, or conflicts with, empirical data;

"(B) explain the basis for any choices among assumptions and, where applicable, the basis for combining multiple assumptions; and

"(C) describe reasonable alternative assumptions that were considered but not selected by the agency for use in the risk assessment, how such alternative assumptions would have changed the conclusions of the risk assessment, and the rationale for not using such alternatives.

"(d) Each agency shall provide appropriate opportunity for public comment and participation during the development of a risk assessment.

"(e) Each risk assessment supporting a major rule under this subchapter shall include, as appropriate, each of the following:

"(1) A description of the hazard of concern.

"(2) A description of the populations or natural resources that are the subject of the risk assessment.

"(3) An explanation of the exposure scenarios used in the risk assessment, including an estimate of the corresponding population at risk and the likelihood of such exposure scenarios.

"(4) A description of the nature and severity of the harm that could reasonably occur as a result of exposure to the hazard.

"(5) A description of the major uncertainties in each component of the risk assessment and their influence on the results of the assessment.

"(f) To the extent scientifically appropriate, each agency shall—

"(1) express the overall estimate of risk as a reasonable range or probability distribution that reflects variabilities, uncertainties, and lack of data in the analysis;

"(2) provide the range and distribution of risks and the corresponding exposure scenarios, identifying the range and distribution and likelihood of risk to the general population and, as appropriate, to more highly exposed or sensitive subpopulations, including the most plausible estimates of the risks; and

"(3) where quantitative estimates are not available, describe the qualitative factors influencing the range, distribution, and likelihood of possible risks.

"(g) When scientific information that permits relevant comparisons of risk is reasonably available, each agency shall use the information to place the nature and magnitude of a risk to health, safety, or the environment being analyzed in relationship to other reasonably comparable risks familiar to and routinely encountered by the general public. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks.

"(h) When scientifically appropriate information on significant substitution risks to health, safety, or the environment is reasonably available to the agency, the agency shall describe such risks in the risk assessment.

"§625. Deadlines for rule making

"(a) All deadlines in statutes or imposed by a court of the United States, that require an agency to propose or promulgate any major rule to which section 624(a) applies, during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of this subchapter are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(b) In any case in which the failure to promulgate a major rule to which section 624(a) applies by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

"(1) the date on which the requirements of this subchapter are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"§626. Judicial review

"(a) Compliance or noncompliance by an agency with the provisions of this subchapter shall only be subject to judicial review in accordance with this section.

"(b) Any determination of an agency whether a rule is or is not a major rule under section 621(4)(A) shall be set aside by a reviewing court only upon a clear and convincing showing that the determination is erroneous in light of the information available to the agency at the time the agency made the determination.

"(c) Any determination by the Director that a rule is a major rule under section 621(4), or any failure to make such determination, shall not be subject to judicial review in any manner.

"(d) Any risk assessment required under this subchapter shall not be subject to judicial review separate from review of the final rule to which the assessment applies. Any risk assessment shall be part of the whole rule making record for purposes of judicial review of the rule and shall be considered by a court in determining whether the final rule is arbitrary or capricious unless the agency can demonstrate that the assessment would not be material to the outcome of the rule.

"(e) If an agency fails to perform the risk assessment, a court shall remand or invalidate the rule.".

(b) PRESIDENTIAL AUTHORITY.—Nothing in this Act shall limit the exercise by the President of the authority and responsibility that the President otherwise possesses under the Constitution and other laws of the United States with respect to regulatory policies, procedures, and programs of departments, agencies, and offices.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Part I of title 5, United States Code, is amended by striking the chapter heading and table of sections for chapter 6 and inserting the following:

"CHAPTER 6—THE ANALYSIS OF REGULATORY FUNCTIONS

"SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY

"Sec.
"601. Definitions.
"602. Regulatory agenda.
"603. Initial regulatory flexibility analysis.
"604. Final regulatory flexibility analysis.
"605. Avoidance of duplicative or unnecessary analyses.
"606. Effect on other law.
"607. Preparation of analysis.
"608. Procedure for waiver or delay of completion.
"609. Procedures for gathering comments.
"610. Periodic review of rules.
"611. Judicial review.
"612. Reports and intervention rights.

"SUBCHAPTER II—RISK ASSESSMENTS

"621. Definitions.
"622. Applicability.
"623. Risk assessments.
"624. Principles for risk assessments.
"625. Deadlines for rule making.
"626. Judicial review.".

(2) Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

"SUBCHAPTER I—ANALYSIS OF REGULATORY FLEXIBILITY".

SEC. 3. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect 180 days after the date of enactment of this Act, but shall not apply to any agency rule for which a notice of proposed rulemaking is published on or before August 1, 1997.

By Mr. BREAUX:

S. 1729. A bill to amend title 28, United States Code, to create two divisions in the Eastern Judicial District of Louisiana; to the Committee on the Judiciary.

EASTERN JUDICIAL DISTRICT OF LOUISIANA LEGISLATION

Mr. BREAUX. Mr. President, I rise today to introduce legislation to amend Title 28 of the U.S. Code to create two divisions in the Eastern Judicial District of Louisiana: a New Orleans Division, which would be comprised of Jefferson, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint John the Baptist, Saint Tammany, Tangipahoa, and Washington Parishes; and a Houma Division, which would be comprised of Terrebonnne, Lafourche, Saint James, and Assumption Parishes.

It has long been recognized that there is a distinct need for a permanent United States District Court Judge in Houma, Louisiana. The Houma-

Thibodaux metropolitan area is the fourth largest in Louisiana, and the area is growing by leaps and bounds, due in no small part to a revitalized oil and gas industry. With this increase in population and commercial activity, the number of court cases filed in the area will likewise grow.

This inevitable increase in litigation will mean that an increasing number of people from the Houma-Thibodaux area will be forced to travel to New Orleans to appear in federal district court. This is a difficult, congested, and time-consuming trip. Also, many of the rural areas in the Eastern Judicial District have easier access to Houma than they do to New Orleans. Because of these factors, it makes sense to provide residents of the Houma-Thibodaux area and the surrounding, rural areas access to a federal district court closer to home.

A brand new federal courthouse already exists for this very purpose. The George M. Arceneaux Federal Courthouse in Houma, Louisiana, was dedicated for use by the United States District Court for the Eastern District of Louisiana. Unfortunately, this new courthouse is not being used as originally intended. Judges have difficulty making the trip from New Orleans to Houma. As a result, Houma area residents must travel to New Orleans and the new courthouse remains severely under-used.

It is for these reasons, Mr. President, that I offer this legislation today. I also want to note that the Assumption, Terrebonne, Lafourche, Saint James, and 29th Judicial District Court Bar Associations have all passed resolutions expressing their support for this legislation. Furthermore, the bill contains language to ensure that neither pending cases nor summoned, impaneled, or actually serving juries will be affected by the change. I urge my colleagues to join me in supporting the passage of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREATION OF TWO DIVISIONS.

Section 98(a) of title 28, United States Code, is amended to read as follows:

"(a) The Eastern District comprises two divisions.

"(1) The New Orleans Division comprises the parishes of Jefferson, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint John the Baptist, Saint Tammany, Tangipahoa, and Washington.

"Court for the New Orleans Division shall be held at New Orleans.

"(2) The Houma Division comprises the parishes of Assumption, Lafourche, Saint James, and Terrebonne.

"Court for the Houma Division shall be held at Houma.".

SEC. 2. EFFECTIVE DATE.

(a) In General.—This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

(b) Pending Cases Not Affected.—This Act and the amendments made by this Act shall not affect any action commenced before the effective date of this Act and pending on such date in the United States District Court for the Eastern District of Louisiana or in the United States District Court for the Western District of Louisiana.

(c) Juries Not Affected.—This Act and the amendments made by this Act shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this Act.

By Mr. WYDEN:

S. 1730. A bill to require Congressional review of Federal programs at least every 5 years, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL PROGRAM SUNSET REVIEW ACT OF 1998

Mr. WYDEN. Mr. President, someone once said that the only thing which truly lives forever is a Government program in Washington, DC. I am introducing legislation today to rein in the growth of those big Government programs and to require the Congress to stop rubberstamping programs in this body. The sunset legislation that I put forward today will require the key programs of Government to face regular scrutiny and stand or fall on their merits.

This legislation would give Congress a new and powerful tool to rein in the bureaucracy and create a Federal Government that would be smaller, less costly, and more accountable to the American people.

The legislation that I introduce today would establish a special bipartisan, bicameral congressional committee which would be charged with reviewing the key programs of Government every 5 years. Any U.S. citizen of voting age could petition this committee for the termination of these programs. If the committee recommended termination and Congress failed to reauthorize that program within 1 year of that recommendation, it would then become impossible to provide any appropriation for that program without a three-fifths vote in both Houses. In other words, a sunset law would provide a mechanism for shutting the door on unneeded, mismanaged, or failed efforts in Government.

This legislation would end the inertia which sometimes carries Federal programs forward in perpetuity. It would be a meaningful, effective check on the continual growth of Government.

Mr. President, I think that each of us sees, as we look at the Federal budget and carry out our duties, some programs that we believe have served their purpose and can be terminated, some programs that were mistakes in the first place, some that were well-intentioned and just have not worked out.

I look, for example, at programs like the 1872 mining statute which costs the Government about $1 billion per year; the tobacco subsidy programs where we continue to pay out vast sums year after year and then have to encourage, through public education campaigns, individuals not to smoke. I see fighter jet programs that cost billions; the $4.7 billion National Ignition Facility. The list goes on and on.

So it is time, Mr. President, to look at new tools to put the brakes on some of this spending. The legislation that I am introducing today will do that by putting an end to programs and providing an end date for those programs that would otherwise sit on the shelf forever. Twenty-four States, including my own, already have statutes like the Federal sunset law that I propose to the Senate today.

What has been the experience of those sunset laws? One analysis found that during a 5-year period, as many as 23 percent of the agencies reviewed under States' sunset laws were eliminated, including some legislative dinosaurs that would oversee lightning rod salesmen, septic tank cleaners, tourist guides, massage therapists, rainmakers, horse hunters, textbook salesmen, and even tattoo artists.

Sunset laws have given the State governments the chance to streamline and rationalize the myriad of agencies that spring up as governmental bodies respond to the concerns of the moment. I am of the view that the Federal Government needs a similar process to help clean up what former President Reagan used to call "the puzzle palaces on the Potomac."

At its heart, the legislation that I introduce today calls for using a sunset concept on Federal programs as a tool for good and careful government. There is a tendency in Washington, DC, to focus exhaustive attention on programs before they are created and then virtually ignore them from that point out. I sat on the Oversight and Investigations Subcommittee of the Commerce Committee as a Member of the other body, and I saw firsthand that the Congress can spend an extraordinary amount of time and effort trying to pass laws and very little to actually see if what is on the books works.

Requiring that each and every program is periodically reauthorized would focus the Congress' attention and the attention of the media on the operations and effectiveness of individual Government programs in a way that is simply not done today. It will, in my view, increase the pressure on agency managers to perform and do so in a cost-effective fashion. I suspect that some Federal agencies will function a bit differently when they know that there is a certainty of accountability and potential termination of their program that hangs over them.

Mr. President, when any Member of this body has a town meeting at home, they will hear from citizens who are tired of Government programs that don't work and still grow larger each year. Now is the time for the Senate to establish a system to assure that only those parts of Government are kept that work and that there is a renewed effort to terminate programs which simply take up space and waste the taxpayers' money. Our constituents deserve better.

The States have found that sunset laws can provide them the opportunity to reduce waste while still keeping programs that work, and I believe that it is high time for the U.S. Senate to pass favorably on the sunset concept that is working at the State level across this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Program Sunset Review Act of 1998".

SEC. 2. PURPOSE.

The purpose of this Act is to require Congressional reexamination and review of selected Federal programs once every 5 years.

SEC. 3. DEFINITIONS, BUDGET CATEGORIES, REVIEW DATE.

(a) DEFINITIONS.—In this Act:

(1) AGENCY.—The term "agency" means an executive agency as defined in section 105 of title 5, United States Code, except that such term includes the United States Postal Service and the Postal Rate Commission but does not include the General Accounting Office.

(2) BUDGET AUTHORITY.—The term "budget authority" has the same meaning given that term in section 3(2) of the Congressional Budget Act of 1974.

(3) COMPTROLLER GENERAL.—The term "Comptroller General" means the Comptroller General of the United States.

(4) PERMANENT BUDGET AUTHORITY.—The term "permanent budget authority" means budget authority provided for an indefinite period of time or an unspecified number of fiscal years which does not require recurring action by the Congress, but does not include budget authority provided for a specified fiscal year which is available for obligation or expenditure in one or more succeeding fiscal years.

(b) BUDGET CATEGORIES.—For purposes of this Act, each program (including any program exempted by a provision of law from inclusion in the Budget of the United States) shall be assigned to the functional and subfunctional categories to which it is assigned in the Budget of the United States Government, fiscal year 1998. Each committee of the Senate or the House of Representatives which reports any bill or resolution which authorizes the enactment of new budget authority for a program not included in the fiscal year 1998 budget shall include, in the committee report accompanying such bill or resolution (and, where appropriate, the conferees shall include in their joint statement on such bill or resolution), a statement as to the functional and subfunctional category to which such program is to be assigned.

(c) REVIEW DATE.—For purposes of titles I, II, and III of this Act, the review date applicable to a program is the date specified for such program under section 201(b).

TITLE I—FEDERAL PROGRAM REVIEW BY CONGRESS

SEC. 101. JOINT COMMITTEE ON SUNSET REVIEW OF FEDERAL PROGRAMS.

(a) ESTABLISHMENT.—

(1) COMMITTEE MEMBERSHIP.—There is established not later than 60 days after the date of enactment a Joint Committee on Sunset Review of Federal Programs (in this title referred to as the "Joint Committee") to be composed of 8 Members of the Senate to be appointed by the President and Minority Leader of the Senate, and 8 Members of the House of Representatives to be appointed by the Speaker and Minority Leader. In each instance, not more than 4 Members shall be members of the same political party. No Member shall serve on the Joint Committee for more than 6 years (excluding any period of service of less than 1 year) but a Member may be reappointed after the expiration of 2 years.

(2) CHAIRMAN.—The Chairman shall be elected by the members of the Joint Committee and the chairmanship shall rotate between the Senate and the House of Representatives with the first Chairman being selected from Members of the Senate.

(3) VACANCIES.—Vacancies in the membership of the Joint Committee shall not affect the power of the remaining Members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

(4) HEARINGS, ETC.—The Joint Committee is authorized to hold such hearings as it deems advisable. Such hearings must be held in public. The Joint Committee may appoint and fix the compensation of not more than 3 professional staff. The Joint Committee may use the services, information, and facilities of the departments and agencies of the Federal Government that have jurisdiction of the programs being reviewed by the Joint Committee.

(b) FUNCTION.—

(1) IN GENERAL.—In each year, the Joint Committee shall review the programs that have review dates, set under section 201(b), which will occur on September 30 of the following year to determine if such programs should be reauthorized or terminated.

(2) CRITERIA.—The Joint Committee shall consider the following criteria in determining if a program should be reauthorized or terminated:

(A) The efficiency with which the program operates.

(B) An identification of the objectives intended for the program and the problem or need that the program was intended to address, the extent to which the objectives have been achieved, and any activities of the program in addition to those granted by statute and the authority for these activities.

(C) The extent to which the program is needed and is used.

(D) The extent to which the jurisdiction of the program and the other programs administered with the program overlap or duplicate others and the extent to which the program can be consolidated with the other programs.

(E) Whether the agency administering the program has recommended to Congress statutory changes calculated to be of benefit to the public at large rather than only those served directly by the program.

(F) The promptness and effectiveness with which the program disposes of complaints concerning persons affected by the program.

(G) The extent to which the program has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules compatible with the objectives of the program.

(H) The extent to which the program has complied with applicable requirements regarding equality of employment opportunity.

(I) The extent to which changes are necessary in the enabling statutes of the program so that the program can adequately comply with the criteria listed in this paragraph.

(J) The effect on State and local governments if the program is terminated.

(3) RECOMMENDATION.—Upon completion of its review of a program, the Joint Committee shall submit to the appropriate legislative committees of the House of Representatives and the Senate not later than December 31 of the year preceding the year of a program's review date a recommendation for the extension, including extension with change, or termination of the program. Each such recommendation shall be voted on in public by the Joint Committee and shall be published.

(c) LEGISLATIVE COMMITTEES.—

(1) IN GENERAL.—Each year, each legislative committee shall review the programs within the jurisdiction of the committee subject to review under section 201(b) for that year.

(2) RECOMMENDATIONS OF THE JOINT COMMITTEE.—The legislative committee shall—

(A) consider the recommendations of the Joint Committee with respect to programs reviewed; and

(B) with respect to any program recommended for termination by the Joint Committee, report legislation terminating the program or reauthorizing the program.

(d) SPECIAL REQUESTS.—

(1) MEMBERS OF CONGRESS.—A Member of the Senate or House of Representatives may submit to the Joint Committee a written recommendation that a program be terminated. Any such recommendation shall address each of the criteria set forth in subsection (b)(2) and shall contain the views of each department or agency of the executive branch which is responsible for the administration of a program subject to reexamination pursuant to this section. The Joint Committee may consider in advance of the review schedule set forth in subsection (b)(1) each such recommendation.

(2) CITIZENS.—The Joint Committee may consider in advance of the review schedule set forth in subsection (b)(1) a written petition for termination of a program submitted by a United States citizen who is of voting age. Any such petition shall address each of the criteria set forth in subsection (b)(2).

SEC. 102. POINT OF ORDER.

(a) FAILURE TO TERMINATE OR REAUTHORIZE.—It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution, or amendment thereto, which provides new budget authority for a program for any fiscal year beginning after any review date applicable to such program under section 201(b) if the program was recommended for termination by the Joint Committee and was not reauthorized, unless the provision of such new budget authority is specifically authorized by a law which constitutes a required authorization for such program.

(b) Supermajority Requirement.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate and the House of Representatives to sustain an appeal of a ruling of the Chair on a point of order sustained under this section.

SEC. 103. EXECUTIVE BRANCH.

Each department or agency of the executive branch which is responsible for the administration of a program subject to reexamination pursuant to section 201 shall, by the first Monday of June the year before the review year for that program, submit to the Joint Committee a report of its findings, recommendations, and justifications with respect to each of the matters set forth in section 101(b)(3).

TITLE II—SCHEDULE OF SUNSET REVIEW OF FEDERAL PROGRAMS

SEC. 201. REVIEW.

(a) In General.—Each Federal program (except those listed in section 202) shall be reviewed at least once during each sunset review cycle during Congress in which the review date applicable to such program (pursuant to subsection (b)) occurs.

(b) Review Date.—The first review date applicable to a Federal program is the date specified in the following table, and each subsequent review date applicable to a program is 5 years.

Programs included within subfunctional category	First sunset review date
272 Energy Conservation.	September 30, 2000.
301 Water Resources.	
352 Agricultural Research and Services.	
371 Mortgage Credit.	
373 Deposit Insurance.	
376 Other Advancement of Commerce.	
501 Elementary, Secondary, and Vocational Education.	
601 General Retirement and Disability Insurance (excluding social security).	
602 Federal Employee Retirement and Disability.	
703 Hospital and Medical Care for Veterans.	
808 Other General Government.	
050 National Defense.	September 30, 2001.
051 Department of Defense—Military.	
053 Atomic Energy Defense Activities.	
154 Foreign Information and Exchange Activities.	
251 General Science and Basic Research.	
306 Other Natural Resources.	
351 Farm Income Stabilization.	
401 Ground Transportation.	
502 Higher Education.	
701 Income Security for Veterans.	
752 Federal Litigative and Judicial Activities.	
802 Executive Direction and Management.	
803 Central Fiscal Operations.	
054 Defense Related Activities.	September 30, 2002.
152 International Security Assistance.	
155 International Financial Programs.	
252 Space Flight, Research, and Supporting Activities.	
274 Emergency Energy Preparedness.	
302 Conservation and Land Management.	
304 Pollution Control and Abatement.	
407 Other Transportation.	
504 Training and Employment.	
506 Social Services.	
554 Consumer and Occupational Health and Safety.	
704 Veterans Housing.	
751 Federal Law Enforcement Activities.	
801 Legislative Functions.	
806 General Purpose Fiscal Assistance.	
153 Conduct of Foreign Affairs.	September 30, 2003.
271 Energy Supply.	
303 Recreational Resources.	
402 Air Transportation.	
505 Other Labor Services.	
551 Health Care Services.	
604 Housing Assistance.	
702 Veterans Education, Training, and Rehabilitation.	
753 Federal Correctional Activities.	
805 Central Personnel Management.	
908 Other Interest.	
151 International Development and Humanitarian Assistance.	September 30, 2004.
276 Energy Information, Policy and Regulation.	
372 Postal Service.	
403 Water Transportation.	
451 Community Development.	
452 Area and Regional Development.	
453 Disaster Relief and Insurance.	
503 Research and General Education Aids.	
552 Health Research and Training.	
603 Unemployment Compensation.	
705 Other Veterans Benefits and Services.	
754 Criminal Justice Assistance.	
804 General Property and Record Management.	
901 Interest on the Public Debt.	

SEC. 202. PROGRAMS NOT SUBJECT TO REVIEW.

Section 201 shall not apply to the following:

(1) Programs included within functional category 900 (Interest).

(2) Any Federal program or activity to enforce civil rights guaranteed by the Constitution of the United States or to enforce antidiscrimination laws of the United States, including the investigation of violations of civil rights, civil or criminal litigation the implementation or enforcement of judgments resulting from such litigation, and administrative activities in support of the foregoing.

(3) Programs that are related to the administration of the Federal judiciary and which are classified in the fiscal year 1997 budget under subfunctional category 752 (Federal litigative and judicial activities).

(4) Payments of refunds of internal revenue collections as provided in title I of the Supplemental Treasury and Post Office Departments Appropriation Act of 1949 (62 Stat. 561).

(5) Programs included in the fiscal year 1997 budget in subfunctional categories 701 (Income security for veterans), 704 (Veterans housing), and programs for providing health care which are included in such budget in subfunctional category 703 (Hospital and medical care for veterans).

(6) Social Security and Federal retirement programs including the following:

(A) Programs funded through trust funds which are included with subfunctional categories 551 (Health care services), 601 (General retirement and disability insurance (excluding social security)), 602 (Federal employee retirement and disability), or 602 (Department of Defense military retirement and survivor annuities).

(B) Retirement pay and medical benefits for retired commissioned officers of the Coast Guard, the Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Commissioned Corps and their survivors and dependents, classified in the fiscal year 1997 budget in subfunctional category 551 (Health care services) or in subfunctional category 306 (Other natural resources).

(C) Retired pay of military personnel of the Coast Guard and Coast Guard Reserve, members of the former Lighthouse Service, and for annuities payable to beneficiaries of retired military personnel under chapter 73 of title 10, United States Code, classified in the fiscal year 1997 budget in subfunctional category 403 (Water transportation).

(D) Payments to the Central Intelligence Agency Retirement and Disability Fund, classified in fiscal year 1997 budget in subfunctional category 054 (Defense-related activities).

(E) Payments to the Civil Service Retirement and Disability Fund for financing unfunded liabilities, classified in fiscal year 1997 budget in subfunctional category 805 (Central personnel management).

(F) Payments to the Foreign Service Retirement and Disability Fund, classified in fiscal year 1997 budget in subfunctional category 153 (Conduct of foreign affairs) or in subfunctional category 602 (Federal employee retirement and disability).

(G) Payments to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, classified in fiscal year 1997 budget in various subfunctional categories.

(H) Administration of the retirement and disability programs set forth in this section.

(7) Programs included within subfunctional category 373 (Deposit insurance).

TITLE III—PROGRAM INVENTORY

SEC. 301. PROGRAM INVENTORY.

(a) Preparation.—The Comptroller General and the Director of the Congressional Budget Office, in cooperation with the Director of the Congressional Research Service, shall prepare an inventory of Federal programs (hereafter in this title referred to as the "program inventory").

(b) Purpose.—The purpose of the program inventory is to advise and assist Congress in carrying out the requirements of titles I and II. Such inventory shall not in any way bind the committees of the Senate or the House of Representatives with respect to their responsibilities under such titles and shall not infringe on the legislative and oversight responsibilities of such committees. The Comptroller General shall compile and maintain the inventory and the Director of the Congressional Budget Office shall provide budgetary information for inclusion in the inventory.

(c) Submission.—Not later than 120 days of the date of enactment of this Act, the Comptroller General, after consultation with the Director of the Congressional Budget Office, the Director of the Congressional Research Service, and each committee of the Senate and the House of Representatives, shall submit the program inventory to the Senate and the House of Representatives.

(d) Grouping of Programs.—In the report submitted under subsection (c), the Comptroller General, after consultation and in cooperation with and consideration of the views and recommendations of each committee of the Senate and the House of Representatives and of the Director of the Congressional Budget Office, shall group programs into program areas appropriate for the exercise of the review and reexamination requirements of this Act. Such groupings shall identify program areas in a manner that classifies each program in only 1 functional and only 1 subfunctional category and that is consistent with the structure of national needs, agency missions, and basic programs developed pursuant to section 1105 of title 31, United States Code.

(e) INVENTORY CONTENT.—The program inventory shall set forth for each program each of the following matters:

(1) The specific provision or provisions of law authorizing the program.

(2) The committees of the Senate and the House of Representatives which have legislative or oversight jurisdiction over the program.

(3) A brief statement of the purpose or purposes to be achieved by the program.

(4) The committees that have jurisdiction over legislation providing new budget authority for the program, including the appropriate subcommittees of the Committees on Appropriations of the Senate and the House of Representatives.

(5) The agency and, if applicable, the subdivision thereof responsible for administering the program.

(6) The grants-in-aid, if any, provided by such program to State and local governments.

(7) The next review date for the program.

(8) A unique identification number which links the program and functional category structure.

(9) The year in which the program was originally established and, where applicable, the year in which the program expires.

(10) Where applicable, the year in which new budget authority for the program was last authorized and the year in which current authorizations of new budget authority expire.

(f) LISTING OF EXEMPT PROGRAMS.—The inventory shall contain a separate tabular listing of programs that are not required to be reviewed pursuant to section 102.

(g) BUDGET AUTHORITY.—The report also shall set forth for each program whether the new budget authority provided for such programs is—

(1) authorized for a definite period of time;

(2) authorized in a specific dollar amount but without limit of time;

(3) authorized without limit of time or dollar amounts;

(4) not specifically authorized; or

(5) permanently provided,

as determined by the Director of the Congressional Budget Office.

(h) CBO INFORMATION.—For each program or group of programs, the program inventory also shall include information prepared by the Director of the Congressional Budget Office indicating each of the following matters:

(1) The amounts of new budget authority authorized and provided for the program for each of the preceding 4 fiscal years and, where applicable, the 4 succeeding fiscal years.

(2) The functional and subfunctional category in which the program is presently classified and was classified under the fiscal year 1997 budget.

(3) The identification code and title of the appropriation account in which budget authority is provided for the program.

SEC. 302. MUTUAL EXCHANGE OF INFORMATION.

The General Accounting Office, the Congressional Research Service, and the Congressional Budget Office shall permit the mutual exchange of available information in their possession that would aid in the compilation of the program inventory.

SEC. 303. ASSISTANCE BY EXECUTIVE BRANCH.

The Office of Management and Budget, and the Executive agencies and the subdivisions thereof shall, to the extent necessary and possible, provide the General Accounting Office with assistance requested by the Comptroller General in the compilation of the program inventory.

SEC. 304. REVISION OF PROGRAM INVENTORY.

(a) REVIEW AND REVISION.—The Comptroller General, after the close of each session of Congress, shall review and revise the program inventory and report the revisions to the Senate and the House of Representatives.

(b) REPORT.—After the close of each session of Congress, the Director of the Congressional Budget Office shall prepare a report, for inclusion in the revised inventory, with respect to each program included in the program inventory and each program established by law during such session, that includes the amount of the new budget authority authorized and the amount of new budget authority provided for the current fiscal year and each of the 5 succeeding fiscal years. If new budget authority is not authorized or provided or is authorized or provided for an indefinite amount for any of such 5 succeeding fiscal years with respect to any program, the Director shall make projections of the amounts of such new budget authority necessary to be authorized or provided for any such fiscal year to maintain a current level of services.

(c) NEW BUDGET AUTHORITY NOT AUTHORIZED.—Not later than 1 year after the first or any subsequent review date, the Director of the Congressional Budget Office, in consultation with the Comptroller General and the Director of the Congressional Research Service, shall compile a list of the provisions of law related to all programs subject to such review date for which new budget authority was not authorized. The Director of the Congressional Budget Office shall include such a list in the report required by subsection (a). The committees with legislative jurisdiction over the affected programs shall study the affected provisions and make any recommendations they deem to be appropriate with regard to such provisions to the Senate and the House of Representatives.

TITLE IV—MISCELLANEOUS

SEC. 401. APPROPRIATION REQUESTS.

Section 1108(e) of title 31, United States Code, is amended by inserting before the period "or at the request of a committee of either House of Congress or of the Joint Committee on Sunset Review of Federal Programs presented after the day on which the President transmits the budget to Congress under section 1105 of this title for the fiscal year".

SEC. 402. DISCLOSURE.

Nothing in this Act shall require the public disclosure of matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order, or which are otherwise specifically protected by law.

SEC. 403. RULEMAKING.

The provisions of this section, section 304, and titles I and II are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 404. EXECUTIVE BRANCH ASSISTANCE.

To assist in the review or reexamination of a program, the head of an agency that administers such program and the head of any other agency, when requested, shall provide to each committee of the Senate and the House of Representatives that has legislative jurisdiction over such program, or to the Joint Committee on Sunset Review of Federal Programs, such studies, information, analyses, reports, and assistance as the committee may request.

SEC. 405. CONGRESSIONAL REVIEW.

The Committee on Rules and Administration of the Senate and the Committee on Rules of the House of Representatives shall review the operation of the procedures established by this Act, and shall submit a report not later than December 31, 2002, and each 5 years thereafter, setting forth their findings and recommendations. Such reviews and reports may be conducted jointly.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1465

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1465, a bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes.

S. 1701

At the request of Ms. COLLINS, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from California (Mrs. BOXER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1701, a bill to amend the Higher Education Act of 1965 in order to increase the dependent care allowance used to calculate Pell Grant Awards.

SENATE JOINT RESOLUTION 41

At the request of Mr. SARBANES, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of Senate Joint Resolution 41, a joint resolution approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capital.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of Senate Concurrent Resolution 78, A concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 179

At the request of Mr. DORGAN, the names of the Senator from Nebraska (Mr. KERREY), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Resolution 179, a resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 184

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of Senate Resolution 184, A resolution expressing the sense of the Senate that the United States should support Italy's inclusion as a permanent member of the United Nations Security Council if there is to be an expansion of this important international body.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

ABRAHAM AMENDMENT NO. 1715

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 1708 proposed by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 2, line 10, strike "and".

On page 2, line 15, strike the period and insert "; and".

On page 2, between lines 15 and 16, insert the following:

(D) is a targeted business.

On page 4, line 21, strike "an emerging business enterprise" and insert "a business".

On page 5, lines 6 and 7, strike "targeted businesses and".

On page 5, line 21, strike "targeted businesses and for".

On page 6, line 23, strike "a targeted business or".

JEFFORDS (AND OTHERS) AMENDMENT NO. 1716

Mr. JEFFORDS (for himself, Mr. SPECTER, Mr. MOYNIHAN, Mr. LEAHY, Ms. SNOWE, Mr. GREGG, Mr. SARBANES, Mr. SANTORUM, Mr. GRASSLEY, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle A of title I, add the following:

SEC. 11 . NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) COVERED BRIDGE.—The term "covered bridge"—

(A) means a roofed bridge that is made primarily of wood; and

(B) includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land.

(2) HISTORIC COVERED BRIDGE.—The term "historic covered bridge" means a covered bridge that—

(A) is at least 50 years old; or

(B) is listed on the National Register of Historic Places.

(b) HISTORIC COVERED BRIDGE PRESERVATION.—The Secretary shall—

(1) develop and maintain a list of historic covered bridges;

(2) collect and disseminate information concerning historic covered bridges;

(3) foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges;

(4) sponsor or conduct research on the history of covered bridges; and

(5) sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

(c) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

(2) TYPES OF PROJECT.—A grant under paragraph (1) may be made for a project—

(A) to rehabilitate or repair a historic covered bridge;

(B) to preserve a historic covered bridge, including through—

(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

(ii) installation of a system to prevent vandalism and arson; or

(iii) relocation of a bridge to a preservation site; and

(C) to conduct a field test on a historic covered bridge or evaluate a component of a historic covered bridge, including through destructive testing of the component.

(3) AUTHENTICITY.—A grant under paragraph (1) may be made for a project only if—

(A) to the maximum extent practicable, the project—

(i) is carried out in the most historically appropriate manner, using practices in use at the time the bridge was originally constructed; and

(ii) preserves the existing structure of the historic covered bridge; and

(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

(d) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 1999 through 2005, to remain available until expended.

JEFFORDS AMENDMENT NO. 1717

Mr. JEFFORDS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle E of title III, insert the following:

SEC. 35 . RAIL AND PORT ACCESS MODERNIZATION.

(a) DEFINITIONS.—In this section:

(1) FUND.—The term "Fund" means the Older Industrial Rail Modernization and Port Access Fund established by subsection (b)(7).

(2) OLDER INDUSTRIAL REGION.—The term "older industrial region" means the northeastern area of the United States.

(3) OLDER INDUSTRIAL STATE.—The term "older industrial State" means—

(A) Vermont;

(B) Maine; and

(C) New Hampshire.

(4) RAIL PROJECT.—The term "rail project" means a project for the acquisition, rehabilitation, or improvement of railroad facilities or equipment, as described in section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831).

(b) DIRECT FEDERAL ASSISTANCE.—

(1) IN GENERAL.—

(A) GRANTS.—Subject to the availability of appropriations, the Secretary shall make a grant under this subsection to each older industrial State that submits an application to the Secretary that demonstrates, to the satisfaction of the Secretary, a need for assistance under this subsection in carrying out 1 or more transportation projects described in paragraph (2), (3), (4), or (5) that are necessary to improve rail transport in that State.

(B) GRANT AGREEMENT.—The Secretary shall enter into a grant agreement with each older industrial State that receives a grant under this subsection. At a minimum, the agreement shall specify that the grant recipient will meet the applicable requirements of this subsection, including the cost-sharing requirement under paragraph (6)(B).

(2) GRANTS FOR PORT ACCESS.—The Secretary shall make grants under this subsection for the purposes of connecting all railroads to ports and ensuring that double-stack rail cars can travel freely throughout older industrial States.

(3) GRANTS FOR BRIDGE AND TUNNEL OBSTRUCTION REPAIR AND REPLACEMENT.—The Secretary shall make grants under this subsection for the purpose of enlarging tunnels and embankments, removing, repairing, or replacing bridges or other obstructions that inhibit the free movement of freight or passenger rail cars and the use of double-stack rail cars.

(4) GRANTS FOR REPAIR OF RAILROAD BEDS.—The Secretary shall make grants under this subsection for the purposes of repairing, upgrading, and purchasing railbeds and tracks, including improving safety of all railroad tracks.

(5) GRANTS FOR DEVELOPMENT OF INTERMODAL FACILITIES.—The Secretary shall make grants under this subsection for the purposes of constructing and rehabilitating train maintenance facilities and facilities for the transfer of goods and individuals between other transportation modes, including—

(A) intermodal truck-train transfer facilities;

(B) passenger rail stations; and

(C) bulk fuel transfer facilities.

(6) FUNDING LIMITATIONS ON EXPENDITURES OF FUNDS.—

(A) FUNDING.—The grants made under this subsection shall be made with funds transferred from the Fund.

(B) COST-SHARING.—

(i) IN GENERAL.—A grant made under this subsection shall be used to pay the Federal share of the cost of a project conducted under a grant agreement.

(ii) FEDERAL SHARE.—The Federal share of the cost of a project referred to in clause (i) shall be 80 percent of the cost of the project.

(C) ALLOCATION AMONG STATES.—

(i) IN GENERAL.—For each of fiscal years 1999 through 2002, the Secretary shall, in making grants under this subsection, allocate available amounts in the Fund among older industrial States in accordance with a formula established by the Secretary in accordance with clause (ii).

(ii) ALLOCATION FORMULA.—In making grants under this subsection, for each of the fiscal years specified in clause (i), the Secretary shall allocate an equal amount of the amounts available from the Fund to each of the older industrial States that submits 1 or more grant applications that meet the requirements of this subsection.

(7) OLDER INDUSTRIAL RAIL MODERNIZATION AND PORT ACCESS FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Older Industrial Rail Modernization and Port Access Fund". The Fund shall consist of—

(i) such amounts as are appropriated to the Fund; and

(ii) any interest earned on investment of amounts in the Fund under subparagraph (B).

(B) INVESTMENT OF FUND.—

(i) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet then current withdrawals. Those investments may be made only in interest-bearing obligations of the United States or obligations guaranteed as to both principal and interest by the United States. For that purpose, those obligations may be acquired—

(I) on original issue at the issue price; or

(II) by purchase of outstanding obligations at the market price.

(ii) SALE OF OBLIGATION.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price. The special obligations may be redeemed at par plus accrued interest.

(iii) CREDITS TO FUND.—The interest on, and the proceeds from, the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(C) TRANSFERS FROM FUND.—The Secretary of the Treasury shall, on the request of the Secretary of Transportation, transfer from the Fund to the Secretary of Transportation, any amounts that the Secretary of Transportation determines to be necessary to carry out the grant program under this subsection.

(D) ADMINISTRATIVE EXPENSES.—Not more than 1 percent of the amounts in the Fund may be used by the Secretary to cover administrative expenses for carrying out the grant program under this subsection.

(8) APPLICABILITY OF TITLE 23.—Except as otherwise provided in this subsection, funds made available to an older industrial State under this subsection shall be available for obligation in the manner provided for funds apportioned under chapter 1 of title 23, United States Code.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Fund to carry out this subsection $65,000,000 for each of fiscal years 1999 through 2002.

(B) AVAILABILITY OF FUNDS.—The amounts appropriated pursuant to this paragraph shall remain available for obligation until the end of the third fiscal year following the fiscal year for which the amounts are appropriated.

(c) RAILROAD LOAN AND ASSISTANCE PROGRAM.—

(1) PURPOSE.—The purpose of this subsection is to provide assistance for rail projects in older industrial States.

(2) ISSUANCE OF OBLIGATIONS.—The Secretary shall issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 832), in such amounts, and at such times, as may be necessary, during the period that the guaranteed obligation is outstanding, to—

(A) pay any amounts required pursuant to the guarantee of the principal amount of an obligation under section 511 of that Act (45 U.S.C. 831) for any eligible rail project described in paragraph (3); and

(B) meet the applicable requirements of this subsection and sections 511 and 513 of that Act (45 U.S.C. 832 and 833).

(3) ELIGIBILITY.—A rail project that is eligible for assistance under this subsection is a rail project—

(A) for a railroad that is located in an older industrial State; and

(B) that promotes the mobility of goods and individuals.

(4) LIMITATION.—Notwithstanding any other provision of law, the aggregate unpaid principal amounts of obligations that may be guaranteed by the Secretary under this subsection may not exceed $50,000,000 during any of fiscal years 1999 through 2002.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Transportation, to be used by the Secretary to make guarantees under this subsection, $5,000,000 for each of fiscal years 1999 through 2002.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress and the Governor of each older industrial State a report concerning the rehabilitation of the rail infrastructure of older industrial States.

CHAFEE AMENDMENT NO. 1718

Mr. CHAFEE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 5, line 8, insert "(a) IN GENERAL.—" before "For".

On page 7, between lines 20 and 21, insert the following:

(b) REDUCTION FOR AMOUNTS MADE AVAILABLE FOR FISCAL YEAR 1998 UNDER SURFACE TRANSPORTATION EXTENSION ACT OF 1997.—Notwithstanding any other provision of this Act, the Secretary shall reduce the amounts made available under this section, other provisions of this Act, and the amendments made by this Act for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997 (Public Law 105–130) in the following manner:

(1) INTERSTATE MAINTENANCE.—

(A) REDUCTION.—The amount made available to each State under the Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of the Surface Transportation Extension Act of 1997 (23 U.S.C. 104 note; 111 Stat. 2552) (and the amendments made by that Act) (collectively referred to in this subsection as "STEA") for the Interstate maintenance program.

(B) INSUFFICIENT INTERSTATE MAINTENANCE FUNDS.—If—

(i) the amount made available to the State under section 2 of STEA for the Interstate maintenance program; exceeds

(ii) the amount made available to the State under the Interstate maintenance component under section 104(b)(1)(A) of title 23, United States Code;

then, after the reduction required by subparagraph (A) is made, the amount made available to the State under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of that title shall be reduced by the amount of the excess.

(2) Bridges.—The amount made available to each State under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of STEA for the bridge program.

(3) National highway system.—The amount made available to each State under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of STEA for the National Highway System.

(4) Congestion mitigation and air quality improvement program.—The amount made available to each State for the congestion mitigation and air quality improvement program under section 104(b)(2) of title 23, United States Code, shall be reduced by the amount made available to the State under section 2 of STEA for the congestion mitigation and air quality improvement program.

(5) Metropolitan planning.—The amount made available to each State for metropolitan planning under section 104(f) of title 23, United States Code, shall be reduced by the amount made available to the State under section 5 of STEA for metropolitan planning.

(6) Surface transportation program.—

(A) Safety programs.—

(i) Reduction.—The amount set aside for safety programs from the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, shall be reduced by the amount set aside for safety programs from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments.

(ii) Insufficient safety program funds.—If—

(I) the amount set aside for safety programs from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments; exceeds

(II) the amount set aside for safety programs from the amount made available to the State for the surface transportation program under section 104(b)(3) of title 23, United States Code;

then, after the reduction required by clause (i) is made, the amount made available to the State for the surface transportation program under section 104(b)(3), other than the amounts set aside or suballocated under section 133(d) or 505 of that title, shall be reduced by the amount of the excess.

(B) Transportation enhancement activities.—

(i) Reduction.—The amount set aside for transportation enhancement activities from the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, shall be reduced by the amount set aside for transportation enhancement activities from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments.

(ii) Insufficient transportation enhancement funds.—If—

(I) the amount set aside for transportation enhancement activities from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments; exceeds

(II) the amount set aside for transportation enhancement activities from the amount made available to the State for the surface transportation program under section 104(b)(3) of title 23, United States Code;

then, after the reduction required by clause (i) is made, the amount made available to the State for the surface transportation program under section 104(b)(3), other than the amounts set aside or suballocated under section 133(d) or 505 of that title, shall be reduced by the amount of the excess.

(C) Suballocation by population.—The total of—

(i) the amount suballocated by population from the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code;

(ii) the amount suballocated by population from the amount made available to the State for ISTEA transition under section 1102(c); and

(iii) the amount suballocated by population from the amount made available to the State for minimum guarantee under section 105 of that title;

shall be reduced by the amount suballocated by population from the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments.

(D) Surface transportation program flexible funds; interstate reimbursement; equity adjustments.—

(i) Reduction.—The total of—

(I) the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, other than the amounts set aside or suballocated under section 133(d) or 505 of that title;

(II) the amount made available to the State for ISTEA transition under section 1102(c), other than the amounts subject to section 133(d)(3) or 505 of that title; and

(III) the amount made available to the State for minimum guarantee under section 105 of that title, other than the amount subject to section 133(d)(3) of that title;

shall be reduced by the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments, other than the amounts set aside or suballocated under section 133(d) or 307(c) (as in effect on the day before the date of enactment of this Act) of that title.

(ii) Insufficient surface transportation program flexible, ISTEA transition, and minimum guarantee funds.—If—

(I) the amount made available to the State under section 2 of STEA for the surface transportation program, minimum allocation, Interstate reimbursement, the donor State bonus, hold harmless, and 90 percent of payments adjustments, other than the amounts set aside or suballocated under section 133(d) or 307(c) (as in effect on the day before the date of enactment of this Act) of that title; exceeds

(II) the sum of the amounts described in subclauses (I) through (III) of clause (i), after application of the preceding provisions of this subsection;

then, after the reduction required by clause (i) is made, the amount made available under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of that title shall be reduced by the amount of the excess.

(7) Funding restoration; ISTEA sections 1103–1108 funds; State planning and research.—

(A) Reduction.—The amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, other than the amounts set aside or suballocated under section 133(d) or 505 of that title, shall be reduced by the sum of—

(i) the amount made available to the State for funding restoration under section 2 of STEA;

(ii) the amount equal to the funds provided to the State under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027) under section 2 of STEA; and

(iii) the amount made available from the surface transportation program under section 104(b)(3) of that title for State planning and research under section 307(c) of that title (as in effect on the day before the date of enactment of this Act) for fiscal year 1998.

(B) Insufficient surface transportation program flexible funds.—If—

(i) the sum of the amounts described in clauses (i) through (iii) of subparagraph (A); exceeds

(ii) the amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, other than the amounts set aside or suballocated under section 133(d) or 505 of that title, after application of the preceding provisions of this subsection;

then, after the reduction required by subparagraph (A) is made, the amount made available under the Interstate bridge and other National Highway System components of the Interstate and National Highway System program under subparagraphs (B) and (C) of section 104(b)(1) of that title shall be reduced by the amount of the excess.

(8) Additional allocation.—The amount made available to each State for the surface transportation program under section 104(b)(3) of title 23, United States Code, that remains available after the set-asides required by section 133(d) of that title shall be reduced by the amount made available to the State under section 2 of STEA for section 1015(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1944).

(9) Administrative expenses.—

(A) Federal highway administration.—The amount made available for administrative expenses under section 104(a) of title 23, United States Code, shall be reduced by the amount made available under section 4(a)(2) of STEA.

(B) Woodrow Wilson memorial bridge.—The amount made available under section 412 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 shall be reduced by the amount made available under section 4(a)(3) of STEA.

(C) BUREAU OF TRANSPORTATION STATISTICS.—The amount made available under section 111(m) of title 49, United States Code, shall be reduced by the amount made available under section 4(b) of STEA.

(10) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—The amount made available for Indian reservation roads under section 204 of title 23, United States Code, shall be reduced by the amount made available under section 5(a)(1) of STEA.

(B) PUBLIC LANDS HIGHWAYS.—The amount made available for public lands highways under section 204 of title 23, United States Code, shall be reduced by the amount made available under section 5(a)(2) of STEA.

(C) PARKWAYS AND PARK ROADS.—The amount made available for parkways and park roads under section 204 of title 23, United States Code, shall be reduced by the amount made available under section 5(a)(3) of STEA.

(11) RECREATIONAL TRAILS PROGRAM.—The amount made available for the recreational trails program under section 206 of title 23, United States Code, shall be reduced by the amount made available under section 5(b) of STEA.

(12) HIGHWAY USE TAX EVASION PROJECTS.—The amount made available for highway use tax evasion projects under section 143 of title 23, United States Code, shall be reduced by the amount made available under section 5(c)(1) of STEA.

(13) NATIONAL SCENIC BYWAYS PROGRAM.—The amount made available for the national scenic byways program under section 165 of title 23, United States Code, shall be reduced by the amount made available under section 5(c)(2) of STEA.

(14) INTELLIGENT TRANSPORTATION SYSTEMS.—The amount made available for intelligent transportation systems under subchapter II of chapter 5 of title 23, United States Code, shall be reduced by the amount made available under by section 5(d) of STEA.

(15) SURFACE TRANSPORTATION RESEARCH.—

(A) OPERATION LIFESAVER.—The amount made available for operation lifesaver under section 104(d)(1) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(1) of STEA.

(B) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The amount made available for the Dwight David Eisenhower Transportation Fellowship Program under section 506(c) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(2) of STEA.

(C) NATIONAL HIGHWAY INSTITUTE.—The amount made available for the National Highway Institute under section 506(b) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(3) of STEA.

(16) EDUCATION AND TRAINING.—The amount made available for education and training under section 506(a) of title 23, United States Code, shall be reduced by the amount made available under section 5(e)(4) of STEA.

(17) TERRITORIES.—The amount made available for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands under section 104(b)(1)(C)(i) of title 23, United States Code, shall be reduced by the amount made available under section 5(g) of STEA.

KERRY AMENDMENT NOS. 1719–1720

Mr. BAUCUS (for Mr. KERRY) proposed two amendments to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1719

On page 385, strike lines 13 and 14 and insert the following:

"creasing the number and severity of collisions;

"(14) to encourage the use of intelligent transportation systems to promote the achievement of national transportation safety goals, including safety at at-grade railway-highway crossings; and

"(15) to accommodate the needs of all users of".

AMENDMENT NO. 1720

On page 371, strike lines 6 and 7 and insert the following:

"in highway bridges and structures;

"(5) the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic and

"(6) the development of highway bridges and".

WELLSTONE AMENDMENT NO. 1721

Mr. BAUCUS (for Mr. WELLSTONE) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 265, strike line 15 and all that follows through page 266, line 1 and insert the following:

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law;

"(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor;

"(iii) the public has been given adequate opportunity during the certification process to comment on—

"(I) the public participation process conducted by the metropolitan planning organization; and

"(II) the extent to which the transportation improvement program for the metropolitan area takes into account the needs of the entire metropolitan area, including the needs of low and moderate income residents, and the requirement of Title VI of the Civil Rights Act; and

"(iv) public comments are—

"(I) included in the documentation supporting the metropolitan planning organization's request for certification; and

"(II) made publicly available.

"(C) EFFECT OF FAILURE TO CERTIFY.—

DOMENICI AMENDMENT NO. 1722

Mr. CHAFEE (for Mr. DOMENICI) proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 98, line 13, insert ", and is projected to grow in the future," after "103-182)".

On page 98, line 17, insert ", and is projected to grow," after "grown".

CHAFEE AMENDMENT NO. 1723

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 5, strike lines 15 through 20 and insert the following:

title $11,977,000,000 for fiscal year 1998, $11,949,000,000 for fiscal year 1999, $11,922,000,000 for fiscal year 2000, $11,950,000,000 for fiscal year 2001, $12,242,000,000 for fiscal year 2002, and $12,659,000,000 for fiscal year 2003, of which—

On page 7, strike lines 16 through 20.

On page 8, line 20, after "139(a)", insert the following: "(as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

On page 9, line 16, after "139(a)", insert the following: "(as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

On page 10, line 9, insert "and for the purposes specified in subparagraph (A)," before "in the ratio".

On page 43, line 12, strike "and".

On page 43, between lines 12 and 13, insert the following:

"(xi) amounts set aside under section 104(d) for operation lifesaver and railway-highway crossing hazard elimination in high speed rail corridors; and

On page 43, line 13, strike "(xi)" and insert "(xii)".

On page 44, strike line 6 and insert the following:

(e) LIMITATIONS ON OBLIGATIONS FOR ADMINISTRATIVE EXPENSES.—Notwithstanding any other provision of law, the total amount of all obligations under section 104(a) of title 23, United States Code, shall not exceed—

(1) $301,725,000 for fiscal year 1999;

(2) $302,055,000 for fiscal year 2000;

(3) $303,480,000 for fiscal year 2001;

(4) $310,470,000 for fiscal year 2002; and

(5) $320,595,000 for fiscal year 2003.

(f) APPLICABILITY OF OBLIGATION LIMITATIONS.—

On page 85, line 10, strike "sections 103 and" and insert "section".

Beginning on page 91, strike line 24 and all that follows through page 92, line 4.

On page 92, line 5, strike "(2)" and insert "(1)".

On page 92, line 11, strike "(3)" and insert "(2)".

On page 92, line 17, strike "(4)" and insert "(3)".

On page 93, line 3, strike "(5)" and insert "(4)".

On page 93, line 6, strike "(6)" and insert "(5)".

On page 130, line 6, insert "and classified under section 181(a) or 186(a) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a))" before "or classified as".

On page 159, line 21, strike "selection" and insert "bidding".

On page 159, line 22, before the period, insert the following: "in accordance with subparagraph (C)".

On page 160, line 16, strike the quotation marks and the following period.

On page 160, between lines 16 and 17, insert the following:

"(C) PROCEDURES THAT MAY BE APPROVED.—Under subparagraph (A), the Secretary may approve, for use by a State, only procedures that consist of—

"(i) formal design-build contracting procedures specified in a State statute; or

"(ii) in the case of a State that does not have a statute described in clause (i), the design-build selection procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m).".

On page 161, line 14, strike "selection" and insert "competitive bidding".

On page 219, line 13, strike "authorized to be appropriated" and insert "made available".

On page 250, between lines 18 and 19, insert the following:

"(6) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (2).

On page 290, line 24, strike "agencies" and insert "departments".

On page 294, lines 12 and 13, strike "paragraphs (1) and (3) of section 104(b)" and insert "section 104(b)(1)".

On page 340, line 8, strike "subsection" and insert "section".

On page 343, line 4, strike "subsection" and insert "section".

On page 403, strike lines 11 through 13 and insert the following:

"(B) electronic processing of registration information, driver licensing information, fuel tax information, inspection and crash data, and other safety information; and

On page 413, line 1, strike "that" and insert "only if the technologies".

On page 415, line 14, strike "$110,000,000" and insert "$109,000,000".

DeWINE (AND OTHERS) AMENDMENT NO. 1724

(Ordered to lie on the table.)

Mr. DeWINE (for himself, Mr. WARNER, Mr. CHAFEE, Mr. LAUTENBERG, Mr. DORGAN, Mrs. MURRAY, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Beginning on page 225, strike line 12 and all that follows through page 227, line 13, and insert the following:

"(5) REPEAT INTOXICATED DRIVER LAW.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

"(A) receive a driver's license suspension for not less than 1 year;

"(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

"(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

"(D) receive—

"(i) in the case of the second offense—

"(I) an assignment of not less than 30 days of community service; or

"(II) not less than 5 days of imprisonment; and

"(ii) in the case of the third or subsequent offense—

"(I) an assignment of not less than 60 days of community service; or

"(II) not less than 10 days of imprisonment.

"(b) TRANSFER OF FUNDS.—

"(1) FISCAL YEARS 2001 AND 2002.—

"(A) IN GENERAL.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

"(i) to be used for alcohol-impaired driving countermeasures; or

"(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

":(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

"(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—

"(A) IN GENERAL.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer 3 percent of the funds apportioned to the State on that date under each of paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

"(i) to be used for alcohol-impaired driving countermeasures; or

"(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

CHAFEE AMENDMENT NO. 1725

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 8, lines 5 and 6, strike "National Highway System" and insert "Interstate and National Highway System program".

On page 50, line 2, strike "to the pay" and insert "to pay".

On page 62, line 14, strike "wildernessK" and insert "wilderness".

On page 91, strike lines 3 and 4 and insert the following:

able for use in a national park by this paragraph.

"(d) RIGHTS-OF-WAY ACROSS FEDERAL LAND.—

On page 170, line 3, strike "(2)" and insert "(3)".

On page 170, line 9, strike "(3)" and insert "(4)".

On page 301, line 11, strike "program".

On page 303, between lines 21 and 22, insert the following:

(l) PUBLIC TRANSPORTATION.—Section 142(a)(2) of title 23, United States Code, is amended by striking "the the" and inserting "the".

On page 303, line 22, strike "(l)" and insert "(m)".

On page 304, line 5, strike "(m)" and insert "(n)".

On page 304, line 13, strike "(n)" and insert "(o)".

On page 304, line 17, strike "(o)" and insert "(p)".

On page 357, line 1, strike "SET ASIDE" and insert "SET-ASIDE".

McCAIN (AND OTHERS) AMENDMENT NO. 1726

(Ordered to lie on the table.)

Mr. McCAIN (for himself, Mr. MACK, Mr. GRAHAM, Mr. BROWNBACK, and Mr. THURMOND) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 41, line 11, insert "(excluding demonstration projects)" after "programs".

On page 41, line 16, insert "(excluding demonstration projects)" after "programs".

On page 44, strike line 5 and insert the following:

date of enactment of this subparagraph).

"(3) DEMONSTRATION PROJECTS.—

"(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Notwithstanding any other provision of law, a demonstration project shall be subject to any limitation on obligations established by law that applies to Federal-aid highways and highway safety construction programs.

"(B) MAXIMUM OBLIGATION LEVEL.—For each fiscal year, a State may obligate for demonstration projects an amount of the obligation authority for Federal-aid highways and highway safety construction programs made available to the State for the fiscal year that is not more than the product obtained by multiplying—

"(i) the total of the sums made available for demonstration projects in the State for the fiscal year; by

"(ii) the ratio that—

"(I) the total amount of the obligation authority for Federal-aid highways and highway safety construction programs (including demonstration projects) made available to the State for the fiscal year; bears to

"(II) the total of the sums made available for Federal-aid highways and highway safety construction programs (including demonstration projects) that are apportioned or allocated to the State for the fiscal year.

"(4) DEFINITION OF DEMONSTRATION PROJECT.—In this subsection, the term 'demonstration project' means a demonstration project or similar project (including any project similar to a project authorized under any of sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027)) that is funded from the Highway Trust Fund (other than the Mass Transit Account) and authorized under—

"(A) the Intermodal Surface Transportation Efficiency Act of 1997; or

"(B) any law enacted after the date of enactment of that Act.".

SNOWE AMENDMENTS NOS. 1727–1729

(Ordered to lie on the table.)

Ms. SNOWE submitted three amendments intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1727

On page 309, strike line 3 and insert the following: designated Route.

SEC. 18 . VEHICLE WEIGHT LIMITATIONS ON CERTAIN PORTIONS OF INTERSTATE SYSTEM.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following: "With respect to Interstate Route 95 in the State of New Hampshire, State laws (including regulations) concerning vehicle weight limitations that were in effect on January 1, 1987, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations) of the State of Maine concerning vehicle weight limitations that were in effect on October 1, 1995, and are applicable to State highways other than the Interstate System, shall be applicable in lieu of the requirements of this subsection.".

AMENDMENT NO. 1728

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . FUNDING TRANSFER.

The Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the table contained in section 1103(b) (105 Stat. 2027), in item 9, by striking "32.1" and inserting "25.1"; and

(2) in the table contained in section 1104(b) (105 Stat. 2029)—

(A) in item 27, by striking "10.5" and inserting "12.5"; and

(B) in item 44, by striking "10.0" and inserting "15.0".

AMENDMENT NO. 1729

SEC. . NHTSA ACCIDENT PREVENTION EDUCATION EFFORT.

Section 402(a) of title 23, United States Code, is amended by striking "(4) to reduce deaths" and inserting "(4) to prevent accidents and reduce deaths".

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, March 6, 1998, at 9:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "S. 1530, the Protection Act: Civil Liability Provisions."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HEALTH CARE QUEST ACT

• Mr. LIEBERMAN. Mr. President, I am pleased to join with Senator JEFFORDS to announce the introduction of the Health Care Quest Act. Last year, he and I worked together on a bill to improve the quality of health care purchased by the federal government for Medicare, Medicaid, TRICARE, and VA beneficiaries. The Health Care Quest Act extends our effort to improve health care quality to the more than 100 million beneficiaries in private sector plans.

For millions of these individuals, passage of the bill will bring for the first time rights for external appeals when their plan denies payment for medical treatments. The appeals process will be available to any person who thinks they were wrongly denied coverage, and gives them the right of appeal to an impartial body outside the health plan with a decision guaranteed on a timely basis. A timely decision is crucial to a sick person or parent of a child with an illness and this bill sets out very specific timeliness the health plan must meet for the appeal.

The bill guarantees reimbursement for people who go to the emergency room thinking they are sick. Without enactment, a father who goes to the emergency room because he thinks that he is having a heart attack could be left with thousands of dollars of bills. I think that we can rely on the wisdom of people to decide when they need to go to the hospital. a person with a medical emergency should not have to wait to be buzzed in to the emergency room by a managed care bureaucrat hundreds of miles away. Medical care is more serious than admitting visitors to an apartment building.

Patients should expect physicians to recommend the best treatment options and serve as their advocates. Protections from so-called "gag clauses" were included in last year's Balance Budget Act for Medicare beneficiaries. We are extending these protections to beneficiaries of private sector plans.

One distinctive feature of the Health Care Quest Act is its focus on empowering purchasers, providers, and consumers with useful information about their health care. At the center of this effort is a new health care quality advisory body to follow up on the good work conducted by the President's Advisory Commission. The Health Quality Council will continuously update and expand the comparative measures of quality available to drive competition based on value. If the new grievance process in the bill provides a floor under quality, the new information requirements point consumers toward the best care available.

I would like to end with a comment on the need for quality legislation. A recent poll by the Kaiser Family Foundation and Harvard University found that close to half of Americans—48 percent—report they personally, or someone they know, have experienced problems such as lack of information, problems with access to specialists, disputes over emergency room coverage, or no recourse to external grievance procedure.

Low-quality health care's tragic result is sobering, 34.7% children in HMO's not immunized in 1996. 1,600 unnecessary cardiac deaths occurred among 57 million HMO enrollees because a common treatment for heart attacks (beta-blockers) was not used appropriately. 1,200 breast cancers undetected resulting in 1,800 years of life that could have been saved.

Quality is often an issue of where you get your care with wide variations at sites within easy driving distance of each other. One of the premier hospitals in Connecticut, Yale-Haven, discharges over 92% of its heart attack victims alive—despite taking sicker patients with more health problems. Other hospitals within a thirty-minute drive have survival rates as much as 10 percent lower. Yet few patients know their choice of destination may be a life-and-death decision.

The Health Care Quest Act attacks these deadly problems. After it is enacted, a Connecticut resident with an emergency can go to a hospital armed with information, and once there expect their care to be covered by their insurer. If they have a problem they will be get an appeal. And each day they are healthy, a Health Quality Council will be working to make sure the best possible health system is there when they need it.•

UNANIMOUS-CONSENT AGREEMENT—S. 1668

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of S. 1668, relating to disclosure of certain classified information. I further ask unanimous consent that there be 20 minutes for debate on the bill, equally divided between the chairman and ranking member. I ask unanimous consent that no amendments or motions be in order to the bill and, at the conclusion or yielding back of debate time, the bill be read the third time and set aside. I finally ask unanimous consent that a vote on passage of S. 1668 occur at a time to be determined by the majority leader, after consultation with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILLIAM AUGUSTUS BOOTLE FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 595, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 595) to designate the Federal building and United States Courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and U.S. Courthouse."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 595) was considered read the third time and passed.

SAM NUNN ATLANTA FEDERAL CENTER DESIGNATION ACT OF 1998

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 347) to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the "Sam Nunn Federal Center."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 347) entitled "An Act to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the "Sam Nunn Federal Center", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION.

The Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, shall be known and designated as the "Sam Nunn Atlanta Federal Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Sam Nunn Atlanta Federal Center".

Amend the title so as to read "An Act to designate the Federal building located at 61 Forsyth Street SW., in Atlanta, Georgia, as the 'Sam Nunn Atlanta Federal Center'.".

Mr. LOTT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EXAMINATION PARITY AND YEAR 2000 READINESS ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3116, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3116) to address the year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise today in support of the Examination Parity and Year 2000 Readiness Act and I encourage the support of my colleagues in order to address the serious threat facing our Nations' financial industry. While the new millennium brings with it the hopes and dreams of a new era, it is also accompanied by a significant threat to all Americans who use our technology dependent banking industry. The Congress must insure that our regulators are provided with the power and authority to protect the savings of all Americans.

Mr. President, nearly every hard-working American citizen uses a bank, savings and loan or credit union. Banks in particular represent a symbol of safety and trust where Americans feel confident about placing their savings and conducting financial transactions. The widely reported Year 2000 problem places that safety and trust at risk. For a variety of reasons, computer software systems and devices have traditionally used two characters to represent the year in date calculations. A typical scenario involves a system that arranges a date to perform a comparison or calculation. For example, comparing the year 2000 to the year 1998, could result in 1998 being identified greater than 2000. The potential fallout could range from a simple miscalculation of interest on savings accounts, to the complete loss of customer records, and possibly even jeopardizing the viability of an institution. These systems must be validated to insure that they will function properly after December 31, 1999.

The Examination Parity and Year 2000 Readiness Act requires Federal financial regulatory agencies to conduct seminars on the implication of the Year 2000 problem and extends the same examination authority bank regulators already posses to thrift and credit union regulators. This legislation enjoys bipartisan Congressional support and has the endorsement of the executive branch. With the proper attention and focus of our federal regulators, the savings of American citizens can be protected and the safety and soundness of the American banking industry can be assured.

Mr. President, I want to commend Senator BENNETT, the chairman of the Subcommittee on Financial Services and Technology, for his tireless effort to help solve the problems our financial intermediaries will face because of the year 2000 problem. With his usual perseverance, he has demonstrated the important role Congress has in understanding the impact of technology on the financial system. I also commend Senator DODD for cosponsoring the Senate bill. Of course, quick action on this measure by the House was made possible by Chairman LEACH's recognition of the need for this legislation.

Mr. SARBANES. Mr. President, I would like to offer my support for H.R. 3116, a measure that will help our Nation's bank regulators address the so-called Year 2000 computer problem, and enhance the safety and soundness of our financial system.

The Banking Committee has held five important hearings on the Year 2000 problem and its consequences. It became clear during these hearings that the Year 2000 problem, in which computer systems may crash because they fail to process the date change from the 20th to the 21st century, could have a significant impact both on our financial system, and on the U.S. economy as a whole. witnesses testified that the problem is extensive, and will be expensive to solve. Our banking system is heavily dependent on computer technology, and failures at one institution could spread to others through their closely linked networks. Every single financial institution in the United States will need to solve this problem, and some individual banks plan to spend $250 million or more on computer replacements and repairs.

The consequences go far beyond the financial sector, however. Estimates of the worldwide cost of Year 2000 remediation range as high as $600 billion. One Banking Committee witness, economist Edward Yardeni of the investment firm Deutsche Morgan Grenfell, said that there is a 40% or greater risk that business dislocations caused by the Year 2000 problem could bring about a global recession as severe as the one that followed the OPEC oil embargo in 1973. The stakes involved clearly are high.

I want to commend Senators BENNETT, BOXER, and DODD, along with Chairman D'AMATO, for their leadership on this issue through their efforts in the Banking Committee. The committee has been working hard to make sure that our financial industry regulators solve their internal Year 2000 difficulties, and that our banks, thrifts, brokers, and credit unions are ready to enter the new century as well. Thanks to these efforts, our financial institutions are generally acknowledged as leaders in solving the problem, although much work remains to be done.

This bill is a first legislative step toward helping our financial regulators meet the Year 2000 challenge. It directs each federal banking agency—the Federal Deposit Insurance Corporation, the Federal Reserve, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, along with the National Credit Union Administration—to provide financial institutions with informational seminars on, and model approaches to, the problem. It also gives our thrift and credit union regulators the authority they need to examine an institution's vendors, particularly computer services vendors, for Year 2000 compliance. This will put all of our financial regulators on an equal footing with respect to these crucial examinations.

Mr. President, the Year 2000 will not wait: there is no extending the deadline, and our financial institutions must be ready. To help our regulators meet that goal, I urge speedy adoption of this legislation.

Mr. BENNETT. Mr. President, I rise today with my distinguished colleague, Senator DODD, in support of H.R. 3116, the Examination Parity and Year 2000 Readiness for Financial Institutions Act. We jointly introduced the Senate version of this bill, S. 1671 and are in full agreement with it in every respect.

The subcommittee has held five hearings on Year 2000 compliance and I will chair another hearing on this issue next week. Generally speaking, most of our financial institutions are ill prepared to face the millenial date change at this time. None of our regulatory agencies are in the position they should be, based on the time schedule issued by OMB and GAO. This problem is compounded because several of our regulatory agencies have insufficient enforcement authority to ensure that the financial institutions they regulate can continue to function in a safe and sound manner after the millennial date change.

The bill before us at this time will give authority to the Office of Thrift Supervision (OTS) and the National Credit Union Administration (NCUA) in parity with the authority provided to other Federal banking agencies under the Bank Service Company Act (BSCA) with respect to the performance of services by contracted service providers. For example, OTS will be able to examine service providers that contract with a savings association, its subsidiary, or any savings and loan affiliate or other entity as identified in this legislation, as if it were inspecting the savings association itself. Under the BSCA, other Federal banking agencies already have this authority over service providers that contract with an insured bank or any subsidiary or affiliate of the bank that is examined by the agency.

This authority enables all of the Federal banking agencies to take appropriate action against service providers, if for example, the services are provided in such a way as to jeopardize the safety and soundness of the financial institutions in question. This authority allows the regulatory agencies to take appropriate action against a service provider if the services being performed may result in a regulated entity not being Y2K complaint. We expect that the Federal banking agencies will continue to use their authority under the BSCA, and the authority provided by this legislation, to remedy the situation of services being rendered which will result in Year 2000 noncompliance, as well as to prevent any other unsafe and unsound practices. To ensure that the legislation is interpreted to give OTS parity with the other regulators and that Congressional intent is clear, the bill references the OTS's ability to issue orders under section 8 of the Federal Deposit Insurance Act, which includes the Federal banking agencies' general enforcement authority to address unsafe or unsound practices.

This bill also requires that federal financial regulatory agencies hold seminars for financial institutions on the implications of the Year 2000 problem for safe and sound operations, and to provide model approaches for solving common Y2K problems.

Passage of this bill is supported by both the NCUA and OTS. In a "Statement of Administration Policy," OMB has notified us that "the Administration supports passage of H.R. 3116."

I want to take this opportunity to thank Chairman D'AMATO, Senator SARBANES, and Senator DODD for their assistance and support. In particular, I want to thank Howard Mennell, Steve Harris, Andrew Lowenthal, Robert Cresanti, Robert Andros, and Laura Ayoud for their efforts in bringing this bill to a prompt and mutually satisfactory resolution. I also want to thank my House colleagues and their staff for adopting the language of our Senate bill, S. 1671, in the final version of the House passed H.R. 3116. This has greatly expedited the handling of this bill in the Senate.

Mr. DODD. Mr. President, I am very pleased that the Senate is poised to pass Examination Parity and Year 2000 Readiness For Financial Institutions Act, which I introduced with Senator BENNETT last week. The legislation will provide badly needed authority and guidance to Federal financial regulators to help their supervised institutions cope with the Year 2000 computer problem.

The Year 2000—or Y2K—computer problem is caused by the inability of most of the major financial systems to process the year 2000 as the one that follows the year 1999. This is caused by the fact that basic computer code, much of it written as many as thirty years ago, reads dates as two-digits, "98" or "99," instead of four digits "1999" or "2000." If left untreated, computers will read the year 2000 as the years 1900, 1980 or some other default date. The result is not only erroneous calculations, but the total disruption of many critical financial systems.

Unfortunately, neither the Office of Thrift Supervision or the National Credit Union Administration have the authority to examine the Year 2000 preparations of service providers to thrifts and credit unions. Currently, other federal financial regulators—the Federal Reserve, Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation—have this authority.

These service providers perform many of the key transaction and data processing for federally-insured thrifts and credit unions, particularly smaller institutions for whom it is not cost-effective to establish their own computer systems. As a result, it is imperative to the safety and soundness of these institutions for the regulators to be able to establish that their service providers will be Year 2000 compliant.

The legislation also contains provisions that require all financial regulators to hold seminars to educate their respective supervised institutions and, to the maximum extent possible, provide model solutions for fixing the problem. The beneficial impact of such outreach and education efforts for federally-insured institutions is self-evident.

Mr. President, as I've said many times before, the Year 2000 problem is one that we will have to confront in many more ways than this legislation. The extent of the problem goes well beyond the financial services industry to affect virtually every segment of our nation's economy. But this sensible bill is a good first step to ensuring that Federal financial regulators have the tools necessary to address the problem in their area of jurisdiction.

I urge my colleagues to join me in supporting this sensible, bipartisan legislation.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3116) was considered read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the nomination of George McGovern to be U.S. Representative to the United Nations Agencies for Food and Agriculture.

I further ask consent that the Senate proceed to its consideration, the nomination of Robert Grey, Jr., Executive

Calendar No. 527, and nominations on the Secretary's desk in the Foreign Service. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed en bloc, are as follows:

DEPARTMENT OF STATE

George McGovern, of South Dakota, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

Robert T. Grey, Jr., of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Conference on Disarmament.

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Kenneth A. Thomas, and ending Charles Grandin Wise, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 31, 1997.

Foreign Service nominations beginning Dolores F. Harrod, and ending Stephan Wasylko, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 2, 1998.

Foreign Service nomination of Lyle J. Sebranek, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 2, 1998.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR MONDAY, MARCH 9, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 9, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period for the transaction of morning business, with the time equally divided between the two leaders.

I also ask consent that at the hour of 1 p.m. on Monday, the Senate resume consideration of S. 1173, the so-called ISTEA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that at the hour of 5:10 p.m. on Monday, the Senate proceed to consideration of S. 1668, the intelligence disclosure bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Finally, I ask unanimous consent that at the hour of 5:30 p.m., the Senate proceed to a vote on the motion to invoke cloture on the modified substitute amendment to S. 1173, the so-called ISTEA legislation, the surface transportation legislation, and then proceed to a rollcall vote on passage of S. 1668, the intelligence disclosure bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. In conjunction with the previous consent agreements, then, on Monday the Senate will be in for a period of morning business from 12 to 1 p.m. At 1 o'clock, the Senate will resume consideration of S. 1173, the so-called ISTEA bill. It is hoped the Senate will be able to consider some of the numerous amendments which have been offered and filed in regard to this legislation throughout Monday's session. And then, at 5:10 p.m., the Senate will set aside the legislation and have 20 minutes of debate on the intelligence disclosure bill. Under the previous order, at 5:30 p.m. the Senate will proceed to a vote on the cloture motion on the modified substitute amendment to S. 1173, followed by a vote on the intelligence disclosure bill.

So, there will more than likely be two rollcall votes, back to back, on Monday, beginning at 5:30.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I yield the floor.

ADJOURNMENT UNTIL MONDAY, MARCH 9, 1998

The PRESIDING OFFICER. The Senate, under the previous order, stands adjourned until 12 noon, Monday, March 9, 1998.

Thereupon, the Senate, at 3:22 p.m., adjourned until Monday, March 9, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 6, 1998:

DEPARTMENT OF DEFENSE

JOSEPH W. WESTPHAL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE H. MARTIN LANCASTER.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LOUIS C. FERRARO, JR., 2366
BRIG. GEN. DANNY A. HOGAN, 6985
BRIG. GEN. ROBERT B. STEPHENS, 2399
BRIG. GEN. GEOFFREY P. WIEDEMAN, JR., 2483
BRIG. GEN. ROBERT J. WINNER, 3113

To be brigadier general

COL. MARVIN J. BARRY, 3766
COL. BRUCE M. CARSKADON, 0890
COL. JOHN M. DANAHY, 2107
COL. JOHN D. DORRIS, 4306
COL. ROBERT E. DUIGNAN, 8409
COL. SALLY ANN EAVES, 5962
COL. BOBBY L. EFFERSON, 5676
COL. WILLIAM F. GORDON, 8896
COL. JOSEPH G. LYNCH, 4963
COL. MARK V. ROSENKER, 1990
COL. RONALD M. SEGA, 0560
COL. STEPHEN A. SMITH, 9174
COL. EDWIN B. TATUM, 7680
COL. KATHY E. THOMAS, 0940

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF CHAPLAINS, UNITED STATES ARMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3036.

To be major general

BRIG. GEN. GAYLORD T. GUNHUS, 7632

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL J. AGUILAR, 3724
COL. JAMES F. AMOS, 1550
COL. JOHN G. CASTELLAW, 2524
COL. TIMOTHY E. DONOVAN, 4843
COL. JAMES M. FEIGLEY, 1052
COL. EMERSON N. GARDNER, JR., 0157
COL. STEPHEN T. JOHNSON, 0874
COL. JAMES N. MATTIS, 7981
COL. GORDON C. NASH, 4684
COL. ROBERT M. SHEA, 3652
COL. KEITH J. STALDER, 5748
COL. JOSEPH F. WEBER, 1316

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL W. SHELTON, 2431

SECURITIES AND EXCHANGE COMMISSION

ARTHUR LEVITT, JR., OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2003. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE JUDGE ADVOCATE GENERAL'S CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531 AND 3064

To be major

JAMES R. AGAR II, 0256
*ELIZABETH ARNOLD, 2462
*JANE E. BAGWELL, 5746
*RANDALL J. BAGWELL, 5269
*BRYANT S. BANES, 0827
*MICHAEL R. BLACK, 8013
*EUGENE E. BOWEN, JR., 5679
*STEVEN M. BRODSKY, 5529
*RICHARD E. BURNS, 6943
*BRADFORD B. BYRNES, 1912
*JOHN P. CARRELL, 7275
*LARSS G. CELTNIEKS, 7105
*DAVID CHATHAM, 5553
*PAUL S. COHEN, 7105
*STEPHEN A. COPETAS, 9139
*DANIEL J. COWHIG, 3134
*VANESSA A. CROCKFORD, 3097
*DAVID K. DALITION, 1632
*DOUGLAS M. DEPEPPE, 4186
*THERESA A. GALLAGHER, 2545
*PATRICK M. GARCIA, 4016
MATTHEW J. GILLIGAN, 5374
*TYLER J. HARDER, 1696
*CHARLOTTE R. HERRING, 3690
*WILLIAM R. HINCHMAN, 3631

*EUGENE R. INGRAO, 1947
DALE N. JOHNSON, 3689
*MARK L. JOHNSON, 0698
*PHILIP W. JUSSEL, 4537
*JONATHAN A. KENT, 5529
*CHRISTINE A. KIEFER, 6611
*FRANCIS P. KING, 6658
DINAH R. KIRK, 2433
*CARL W. KUHN, 0834
MICHAEL O. LACEY, 6719
*DANIEL A. LAURETANO, 2196
*STEVEN F. LERICHE, 4034
*STEPHEN J. LUND, 5994
*MICHAEL R. LUTTON, 3626
TIMOTHY C. MAC DONNELL, 8472
*GREG S. MATHERS, 1623
*MARK D. MAXWELL, 1764
*LEAH S. MC CARTY, 6865
*MICHAEL J. MC HUGH, 8852
*JAMES J. MILLER, JR., 2735
*THOMAS C. MODESZTO, 1423
*MATTHEW A. MYERS, SR., 5291
MARK A. PACELLA, 8993
*JAMES M. PATTERSON, 6746
*WILLIAM C. PETERS, 8264
*FRANKLIN D. RAAB, 3290
*MISTI E. RAWLES, 7316
JAMES H. ROBINETTE II, 5471
*CHRISTOPHER W. RYAN, 8388
*PAUL T. SALUSSOLIA, 4464
*JULIE P. SCHRANK, 5456
*MICHAEL G. SEIDEL, 0944
*MARTIN L. SIMS, 9260
*BARRY J. STEPHENS, 0961
*STEPHEN C. STOKES, 7417
*RALPH J. TREMAGLIO III, 6917
*KEVIN M. WALKER, 3680
*STEVEN B. WEIR, 5445
*JOHN B. WELLS III, 0278
*NEOMA J. WHITE, 0602
*PAUL S. WILSON, 2852
*NOEL L WOODWARD, 6020
*EVERETT F. YATES, 1956

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be Colonel

MICHAEL H. ABREU, 4252
JOSEPH W. ALBRIGHT, 3446
KENNETH D. ALDRIDGE, 1170
OSCAR R. ANDERSON, 5971
JOSEPH E. ANDRADE, 3029
STEVEN L. ANDRASCHKO, 8591
DAVID M. ANNEN, 7586
DAVID R. APT, 8937
REAMER W. ARGO III, 1542
ROBERT F. ARNONE, 0575
MICHAEL K. ASADA, 9264
DANIEL A. AUMUSTINE, 6826
MAYNARD A. AUSTIN, JR., 4665
NANCY S. AUSTIN, 6407
BRUCE D. BACHUS, 3386
JAMES E. BAGLEY IV, 9359
SHERRIE L. BALKO, 3749
CHARLES R. BALL, 1937
JOHN L. BALLANTYNE IV, 7716
PATTY S. BARBOUR, 8757
DENNIS M. BARLETTA, 6109
WELLSFORD V. BARLOW, JR., 6865
MICHAEL C. BARRON, 7386
ARTHUR M. BARTELL, 7124
JOHN R. BARTLEY, 7891
GLENN P. BEARD, 4050
RICHARD E. BEDWELL, 7338
DAVID R. BISSELL, 6943
TODD E. BLOSE, 4730
DEWEY L. BLYTH, 4386
MICHAEL W. BOARDMAN, 5580
FRANKLIN C. BOHME, SR., 0365
JAMES A. BOLAND, JR., 2063
KENNETH H. BOLL, JR., 9760
STEVEN J. BOLTZ, 7065
JOHN H. BORDWELL, JR., 2744
STEVEN A. BOURGEOIS, 0034
MICHAEL R. BOZEMAN, 7556
CHARLES BRADLEY, JR., 5323
FRANK B. BRAGG, JR., 7605
HOWARD T. BRAMBLETT, 8326
RUFUS T. BRINN, JR., 0967
WILLIAM F. BRISCOE, 7844
LEO A. BROOKS, JR., 5819
VINCENT K. BROOKS, 9015
DOYLE D. BROOME, JR., 4791
MARK L. BROWN, 2775
MICHAEL T. BROWN, 4717
MICHAEL W. BROWN, 1111
JAMES M. BROWNE, 1117
BOYCE K. BUCKNER, 9982
ROBERT D. BUCKSTAD, 7644
NICHOLAS J. BUECHLER, 9703
JOHN C. BURSLEY, 7921
NANCY J. BURT, 6150
RANDALL J. BUTLER, 6117
SALVATORE F. CAMBRIA, 8655
SAMUEL M. CANNON, 6138
EDUARDO CARDENAS, 8195
JOHN M. CARMICHAEL, 4234
JOHN P. CARROLL, 6753
JOHN H. CARTER, JR., 6671
JAMES M. CASTLE, 5445
JAMES A. CERRONE, 5119
BERNARD S. CHAMPOUX, 8048
ANTHONY W. CHANEY, 5159
STEVEN T. CHAPMAN, 6448
LINDA D. CHRIST, 8299
JEFFERY T. CHRISTIANSEN, 8279
BRIAN C. CLEARMAN, 8349
RICHARD A. CLINE, 1640
DONNA L. COFFMAN, 3956
ROBERT W. CONE, 7395
EDWARD M. COOK III, 2903
PETER S. CORPAC, 4941
MICHAEL C. COX, 1370
ROBERT E. COX, JR., 7763
ROBERT L. COXE, JR., 4773
ANTHONY A. CUCOLO III, 7278
KEVIN R. CUNNINGHAM, 7145
WILLIAM W. CURL, JR., 4939
JOHN M. CUSTER III, 4336
MARK A. DANIELS, 9049
RICKY DANIELS, 0817
HAL M. DAVIS, 7490
MICHAEL H. DAVIS, 0595
WALLACE J. DEES, 0374
KATHLEEN R. DENNIS, 2006
GLENN M. DESOTO, 8263
MARK J. DEVLIN, 3890
GENE A. DEWULF, 9822
PAUL C. DIAMONTI, 8677
JAMES G. DIEHL, 8841
THOMAS M. DOCKENS, 1897
LEONARD E. DODD, 0609
MICHAEL J. DOOLEY, 4674
RICHARD D. DOWNIE, 6669
PAUL J. DRONKA, 4440
JOHN A. DURKIN, 7799
GREGORY J. DYSON, 2646
EDWARD D. EARLE, 9815
LAWYN C. EDWARDS, 8699
KRISTI G. ELLEFSON, 9178
KENNETH E. ELLIS, 7485
ERIC O. ENGELBREKTSSON, 9554
ROBERT W. ENGLISH III, 8059
JACK E. FAIRES, 9320
JAMES T. FAUST, 2436
GERALD E. FERGUSON, JR., 6604
MICHAEL FERRITER, 5367
MICHAEL L. FINDLAY, 9880
CRAIG R. FIRTH, 3348
EDWARD L. FLINN II, 0887
JEFFREY W. FOLEY, 2406
STEVE A. FONDACARO, 1054
YVES J. FONTAINE, 2513
REX FORNEY, JR., 1176
ANTHONY W. FORTUNE, SR., 8492
ALFRED H. FOXX, JR., 1556
MARK R. FRENCH, 6386
ALLEN FRENZEL, 0719
DAVID P. FRIDOVICH, 6568
ROBERT J FRUSHA, 1927
ROBERT L. FULLER, 2037
JAMES H. GANT, JR., 0501
JOHNNY L. GARRETT, 5132
RANDY GARVER, 5087
PHILLIP J. GICK, 0348
DANIEL B. GLODOWSKI, 6195
ELLIS W. GOLSON, 2196
MARK A. GRAHAM, 0072
RALPH H. GRAVES, 7702
WILLIAM T. GRISOLI, 3836
ROBERT K. GRISWOLD, 7421
JOHN D. GROSS, 9397
IRA R. GRUPPER, 4217
PETER J. GUSTAITIS, JR., 1382
RICHARD C. HALBLEIB, 4820
RUSSELL J. HALL, 6817
DAVID D. HALVERSON, 1089
FINLEY R. HAMILTON, 4408
MICHAEL A. HAMILTON, 0050
JEFFERY W. HAMMOND, 0841
DAVID R. HAMPTON, JR., 7552
ALLAN C. HARDY, 0846
JONATHAN M. HARRIS, 8349
ROBERT B. HARRISON, 9224
TIMOTHY D. HARROD, 3951
DONALD P. HART, 9396
FRED L. HART, JR., 7007
CLYDE T. HARTHCOCK, 3805
WALTER L. HAWKINS, JR., 1306
AARON B. HAYES, 7554
PAUL T. HENGST, 8477
GAREY R. HEUMPHREUS, 9646
KEVIN M. HIGGINS, 7931
JOHN D. HIGHTOWER, 4477
GREGG L. HILL, 6301
JOHN R. HILLS, 4496
STEPHANIE L. HOEHNE, 8686
JOHN H. HOLLER, 0911
LLOYD W. HOLLOWAY, 2255
STEVEN D. HOLTMAN, 0463
STEVEN J. HOOGLAND, 5222
ROBERT R. HORBACK, 4980
CARL W. HORN, 3152
STEPHEN C. HORNER, 9638
RONALD G. HOULE, 0126
GARY R. HOVATTER, 2499
LARRY K. HUFFMAN, 3486
GEOFFREY L. IRONS, 7137
STOVER S. JAMES, JR., 2803
KAREN M. JANSEN, 6230
GARY D. JERAULD, 8149
BRUCE D. JETTE, 7295
CLARENCE D. JOHNSON, 5945
JOSEPH E. JOHNSON, 1732
RODNEY L. JOHNSON, 2637
ROY E. JOHNSON, 8312
ALFRED P. JONES, JR., 8114
GREGG D. JONES, 5390
THOMAS M. JORDAN, 9638
THOMAS F. JULICH, 3730
KIM R. KADESCH, 7937
RICHARD G. KAIURA, 3744
GENE C. KAMENA, 5383
DEAN E. KATTELMANN, 9128
RONALD E. KAY, 7400
DANIEL J. KEEFE, 1751
STEPHEN E. KEELING, 4605
KEVIN T. KELLEY, 9530
JOHN J. KELLY, 0353
THOMAS P. KELLY, 7973
JOE E. KILGORE, 2211
DAVID A. KINGSTON, 6054
JOHN V. KLEMENCIC, 6724
THOMAS W. KLEWIN, 2920
DAVID J. KNACK, 3909
GARY K. KNAPP, 0048
KARL B. KNOBLAUCH, JR., 3350
GARY K. KOLLMANN, 3262
TIMOTHY G. KONKUS, 8229
ARTHUR S. KRON, 8119
DAVID W. LAMM, 1435
MARK S. LANDRITH, 1171
ALAN D. LANDRY, 4343
HARVEY T. LANDWERMEYER, 2424
WILLIAM E. LANE, 2586
DAVID E. LAPE, 0059
WILLIAM T. LASHER, 5155
ROBERT J. LAUNSTEIN, 1804
STEPHEN R. LAYFIELD, 7666
WILLIAM A. LAYMON, JR., 3853
JOHN P. LEAKE, 9691
CHRISTOPHER F. LESNIAK, 3601
TIMOTHY C. LINDSAY, 2773
RICHARD LLITERAS, 9492
SCOTT A. LOOMER, 1959
ALBERT N. LOVE, 4966
STEVEN M. LOVING, 8018
JOHN R. LOYD, 2315
DAVID W. LUDWIG, 2030
JEANINE A. LUGO, 7125
WILLIAM J. LUK, 8263
ROBERT W. MADDEN, 0356
EARL L. MADISON III, 1539
THOMAS C. MAFFEY, 5724
EDWARD B. MAJOR, 0068
DAVID E. MAKI, 5119
JEAN P. MANLEY, 0104
RICHARD J. MARCHANT, 5008
PAUL G. MARKSTEINER, 8844
NICHOLAS R. MARSELLA, 9959
ELMER J. MASON, 5191
WILLIAM G. MASON, 4658
MARION C. MATTINGLY, 7991
ROBERT L. MC CLURE, 4384
MELITA E. MC CULLY, 9245
DENISE R. MC GANN, 8836
WILLIAM N. MC MILLAN, 3215
PHILIP A. MC NAIR, 8808
RAYMOND MELNYK, 6085
DAVID P. MERIWETHER, 2808
CARL R. MERKT, 4154
EDWARD D. MILLER, JR., 4811
MICHAEL J. MILLER, 7808
PAMELA S. MITCHELL, 1168
KELLEY B. MOHRMANN, 6960
LANCE A. MOORE, 1883
SIDNEY L. MORGAN, 3546
JAMES M. MORRIS IV, 2117
MICHAEL R. MORROW, 6991
STEPHEN D. MUNDT, 5392
GAYLAND D. MUSE, 0672
JOHN B. MUSSER II, 9815
MARK C. NELSON, 2621
VICTOR L. NELSON, 9933
CAMERON B. NERDAHL, 9571
JAMES L. NEWMAN, 2829
CHARLES B. NEWTON, JR., 3850
DANIEL A. NOLAN III, 1537
PETER A. NOTARIANNI, 7860
JAMES H. NUNN, 1746
MICHAEL L. OATES, 3680
PATRICK E. O'DONNELL, 7776
JOSEPH E. ORR, 0312
PAUL A. OSKVAREK, 8072
DONALD A. OSTERBERG, 8916
BRIAN E. OSTERNDORF, 8623
DAVID J. PAGANO, 7390
JAMES A. PAGE, 1387
SCOTT W. PAGE, 0360
EUGENE J. PALKA, 4546
BRUCE T. PALMATIER, 4286
HERMAN T. PALMER, JR., 2040
CONSTANTINE T. PAPAS, 4938
STEPHEN P. PASSERO, 9251
DONALD R. PAWLOWSKI, 3092
CHARLES W. PAXTON, 3574
GARY E. PAYNE, 1647
JOHN R. PAYNE, 2170
FRANCISCO J. PEDROZO, 6481
STEVEN T. PERRENOT, 9793
HUGH W. PERRY III, 4307
RONALD L. PERRY, 0587
WILLIAM N. PHILLIPS, 2441

LAWRENCE A. PIPPINS, 8491
PHILIP T. POPE, 7167
BRUCE J. PORTER, 0662
CHRISTOPHER PRITCHETT, 2140
DAVID J. PYLE, 5297
GEORGE A. QUINN, 6657
ROBERT M. RADIN, 0402
PAUL A. RAGGIO, 5932
MICHAEL L. RAMIREZ, 0952
JAMES C. RANSICK, 0572
JEFFREY N. RAPP, 3505
TOMMY L. RICH, 5469
RICKEY L. RIFE, 9823
JOHN D. RIVENBURGH, 7939
LARRY W. ROBERSON, 9648
MELVIN A. ROBERSON, 5120
JOSEPH P. ROBINSON, 2167
RONALD ROBINSON, 5294
JORGE E. RODRIGUEZ, 2851
DARRELL L. ROLL, 0174
MARTIN R. ROLLINSON, 2997
CHARLETTE I. ROMAN, 3902
MICHAEL G. ROSE, 2869
ELLIOT J. ROSNER, 4779
BLAIR ROSS, 4032
CHARLES A. ROWCLIFFE, 6459
MICHAEL J. ROZSYPAL, 7934
RONALD C. RUSSELL, 6056
KASSEM R. SALEH, 6500
LEONARD J. SAMBOROWSKI, 5612
CHARLES F. SARDO, 4613
CURTIS M. SCAPARROTTI, 8351
JOHN F. SCHORSCH, JR., 8188
DAVID J. SCHROER, 3829
RICHARD A. SCHWARTZMAN, 1707
CHARLES R. SCOTT, 4661
ROBERT E. SEETIN, 2323
KARL A. SEMANCIK, 0021
ROBERT W. SHAFFER, 5701
PATRICK J. SHAHA, 9131
JED A. SHEEHAN, 1381
CHRISTOPHER L. SHEPHERD, 5957
AMMON A. SINK III, 5574
EDWARD M. SIOMACCO, 8992
THOMAS E. SITTNICK, 1359
ROBERT E. SLOCKBOWER, 0695
BRADLEY E. SMITH, 0782
JOSEPH A. SMITH, 0015
RICKEY E. SMITH, 5912
KEITH H. SNOOK, 2548
MARTIN T. SPAINHOUR, 7282
STEPHEN M. SPATARO, 0037
ROBERT M. SPEER, 2266
GREGORY V. STANLEY, 1507
BENNY G. STEAGALL, 7099
KEITH A. STELZER, 2857
JOHN E. STERLING, JR., 4109
GREGORY A. STONE, 5216
HAROLD T. STOTT, JR., 8298
ROBERT A. STROM, 7744
RANDOLPH P. STRONG, 2219
EDWARD W. SULLIVAN, 2628
CHARLES E. SUMPTER, 1577
ALAN D. SWAIN, 4745
ROBIN P. SWAN, 6382
ROBERT N. SWEENEY, 9493
RICHARD E. SWISHER, JR., 9314
CARYL T. TALLON, 7689
PAUL A. TATE, 7842
WILLIAM H. TAYLOR III, 8794
DWIGHT E. THOMAS, 2191
EUGENE L. THOMPSON, 0280
MICHAEL J. THOMPSON, 1074
HARRY C. THORNSVARD, JR., 5138
MARK E. TILLOTSON, 4477
HARRY A. TOMLIN, 9163
HECTOR E. TOPETE, 3814
GEORGE L. TOPIC, 9260
MICHAEL W. TRAHAN, 4346
JAMES A. TREADWELL, 1807
GARY A. TREDE, 6750
THOMAS H. TUTT II, 8549
CONSTANTINE S. VAKAS, 2994
PETER M. VANGJEL, 6018
GLENN S. VAVRA, 5373
GERALD N. VEVON, JR., 0097
CHARLES F. VONDRA, 2622
LLOYD S. WAGNER, 9302
CRAIG A. WALLING, 5060
MICHAEL J. WALSH, 0884
JAMES J. WARD, 0960
DONALD W. WARNER, 9800
JERRY B. WARNER, 6949
KURT A. WEAVER, 0157
LOUIS W. WEBER, 3019
CECIL R. WEBSTER, 9844
KURT WEIDENTHAL II, 0855
CHARLES K. WELLIVER, JR., 5263
JAMES W. WHITEHEAD, JR., 5555
JOSEPH W. WHITLEY, 2890
SAMUEL A. WHITSON, 5449
SAMMY G. WIGLESWORTH, 7904
HAROLD E. WILLIAMS, 2855
RONALD B. WILLIAMS, 2440
PAUL L. WILLIS, 4081
WILLIAM L. WIMBISH III, 2721
DAVID A. WOOD, 4330
MICHAEL R. WOOD, 6039
BRYON J. YOUNG, 2896
BRIAN R. ZAHN, 7132
BERNARD F. ZIPP, 2988

CONFIRMATIONS

Executive nominations confirmed by the Senate March 6, 1998:

DEPARTMENT OF STATE

ROBERT T. GREY, JR., OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

GEORGE MCGOVERN, OF SOUTH DAKOTA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING KENNETH A. THOMAS, AND ENDING CHARLES GRANDIN WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 1997.

FOREIGN SERVICE NOMINATIONS BEGINNING DOLORES F. HARROD, AND ENDING STEPHAN WASYLKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 1998.

FOREIGN SERVICE NOMINATION OF LYLE J. SEBRANEK, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 2, 1998.

HOUSE OF REPRESENTATIVES—*Monday, March 9, 1998*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. TIAHRT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 9, 1998.

I hereby designate the Honorable TODD TIAHRT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer: We know, gracious God, that of Your great gifts to us, we treasure the gift of peace with a passion from our hearts and souls, and this day we laud and honor those who are the makers of peace. With indebtedness and gratitude we acknowledge the work of diplomats and soldiers and the citizens of every land who toil and cajole, who argue and struggle so no person will use weapons to hurt or hinder the freedom that we cherish. As they have blessed us by their vision and persistence, so may Your blessing be with them for, according to Your word, the peacemakers shall be called Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 595. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the "William Augustus Bootle Federal Building and United States Courthouse".

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 347) "An Act to designate the Federal building located at 100 Alabama Street NW, in Atlanta, Georgia, as the 'Sam Nunn Federal Center'.".

The message also announced that the Senate had passed a concurrent resolution of the following title, is which the concurrence of the House is requested:

S. Con. Res. 60. Concurrent resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes.

The message also announced that pursuant to Public Law 105–134, the Chair announces, on behalf of the Democratic Leader, his appointment of Donald R. Sweitzer, of Virginia, to serve as a member of the Amtrak Reform Council.

The message also announced that pursuant to Public Law 105–92, the Chair, on behalf of the Majority Leader, appoints the following individuals as participants in the 1998 National Summit on Retirement Income Savings—

Wayne Angell of Kansas;
Terry Atkinson of New York;
John Bachmann of Missouri;
Richard Billings of Iowa;
Jay W. Bixby of Maryland;
Ken Blackwell of Ohio;
Jon A. Boscia of Indiana;
Donald J. Butt of Colorado;
Paula Calimafde of Maryland;
Marshall N. Carter of Massachusetts;
Nelson Civello of Minnesota;
Jerry Dattel of Louisiana;
Charles Elliott of Mississippi;
Bill Eubanks of Mississippi;
Gary Fethke of Iowa;
David Fisher of California;
Lynn Franzoi of California;
William J. Goldberg of Texas;
Joe Grano of New York;
Thomas J. Healey of New York;
Melissa Hieger of Massachusetts;
David R. Hubers of Minnesota;
Marlynne Ingram of Iowa;
Rich Jackson of Idaho;
William M. Lyons of Missouri;
Joe Malone of Massachusetts;
Nancy J. Mayer of Rhode Island;
Ron E. Merolli of Vermont;
Dan Mitchell of Washington, D.C.;
James A. Mitchell of Minnesota;
Byron D. Oliver of Connecticut;
Aubrey Patterson of Mississippi;
Henry M. Paulson, Jr. of New York;
Susan Phillips of Washington, D.C.;
Michael E. Pietzsch of Arizona;
Kenneth Porter of Delaware;
Richard L. Prey of Iowa;
Curt Pringle of California;
Ronald W. Readmond of Maryland;
Frank Ready of Mississippi;
Elaine D. Rosen of Maine;
Heather Ruth of New York;
Linda Savitsky of Connecticut;
John L. Steffens of New Jersey;
Thomas C. Walker of Iowa;
Brad Walsh of Mississippi;
Carolyn L. Weaver of Washington, D.C.;
Milton Wells of Virginia;
James Wordsworth of Virginia; and
James W. Ziglar of Washington, D.C.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mrs. LINDA SMITH of Washington on March 10 for 5 minutes.

Ms. ROS-LEHTINEN on March 11 and 12 for 5 minutes.

Mr. EHRLICH on March 10 for 5 minutes.

Mr. NORWOOD on March 12 for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TIAHRT) and to include extraneous matter:)

Mr. GUTIERREZ.
Mr. MENENDEZ.
Ms. CARSON.
Mr. SHERMAN.
Mr. TRAFICANT.
Mr. RADANOVICH.
Mr. REGULA.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Tuesday, March 10, 1998, at 12:30 p.m. for morning hour debates.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of June 25, 1997 through January 27, 1998, shall be treated as though received on March 9, 1998. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORDS of the 105th Congress.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7765. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—General Regulations; Revision or Removal of Selected Sections [Docket No. FV97-900-1 FR] received March 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7766. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Humane Treatment of Dogs and Cats; Temperature Requirements [Docket No. 95-078-3] (RIN: 0579-AA74) received March 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7767. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Implementation of the Boll Weevil Eradication Loan Program (RIN: 0560-AE99) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7768. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period April 1, 1997 through September 30, 1997, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

7769. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter stating that the Department's Defense Manpower Requirements Report for FY 1999 will be submitted by April 30, 1998; to the Committee on National Security.

7770. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7201] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7771. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7659] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7772. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7660] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7773. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7774. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Flood Mitigation Assistance (RIN: 3067-AC45) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7775. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7661] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7776. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7777. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7662] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7778. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7779. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7780. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7781. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7663] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7782. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7221] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7783. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7784. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7785. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7664] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7786. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communitites Eligible for the Sale of Flood Insurance [Docket No. FEMA-7665] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7787. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7788. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7666] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7789. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7790. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7212] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7791. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7667] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7792. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7793. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7225] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7794. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7795. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determination [44 CFR Part 65] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7796. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determination [Docket No. FEMA-7220] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7797. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7669] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7798. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7799. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7650] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7800. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7649] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7801. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program; Audit Program Revision (RIN: 3067-AC40) received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7802. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7651] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7803. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determination [Docket No. FEMA-7196] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7804. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7805. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7806. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7652] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7807. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7808. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7809. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7200] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7810. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7656] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7811. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7655] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7812. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7813. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR Part 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7814. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7204] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7815. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7658] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7816. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7657] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7817. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations [44 CFR 67] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7818. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [44 CFR Part 65] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7819. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2003 resulting from passage of H.R. 3042, pursuant to Public Law 101—508, section 13101(a); to the Committee on the Budget.

7820. A letter from the Assistant Secretary, Department of Education, transmitting a copy of the report—Notice of Final Priority and Selection Criteria for Technology Innovation Challenge Grants, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

7821. A letter from the Assistant Secretary for OSHA, Department of Labor, transmitting the Department's final rule—Procedures for Handling of Discrimination Complaints under Federal Employee Protection Statutes (RIN: 1215-AA83) received February 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7822. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Financial Assistance Letter [No. 97-05] received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7823. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification; Spokane, Washington Nonattainment Area, Carbon Monoxide [WA 54-7127; FRL-5975-8] received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7824. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Louisiana: General Conformity Rules [LA 25-1-375a; FRL 5971-5] received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7825. A letter from the Administrator, Environmental Protection Agency, transmitting the final report on the study of hazardous air pollutant emissions from electric utility steam generating units, pursuant to section 112(n)(1)(A) of the Clean Air Act; to the Committee on Commerce.

7826. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule— Streamlining Broadcast EEO Rule and Policies, Vacating the EEO Forfeiture Policy Statement and Amending Section 1.80 of the Commission's Rules To Include EEO Forfeiture Guidelines [MM Docket No. 96-16] received March 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7827. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule— Allocate

Spectrum at 2 GHz for Use by the Mobile Satellite Service [ET Docket No. 95–18] received March 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7828. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule— Reorganization and Revision of Part 1,2,21 and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services [WT Docket No. 94-148] received March 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7829. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Service Fellowships (RIN: 0991–AA96) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7830. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 98–27), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7831. A letter from the Director, Defense Security Assistance Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of December 31, 1997, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

7832. A communication from the President of the United States, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7833. A letter from the the Assistant Secretary for Legislative Affairs, the Department of State, transmitting the President's determination regarding certification of the 30 major illicit narcotics producing and transit countries pursuant to section 490 of the Foreign Assistance Act of 1961, as amended; (H. Doc. No. 105—225); to the Committee on International Relations and ordered to be printed.

7834. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1998 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(e)(6); to the Committee on International Relations.

7835. A letter from the Mayor, District of Columbia, transmitting the comprehensive annual financial report of the District of Columbia, including a report of the revenues of the District of Columbia for the fiscal year ended September 30, 1997, pursuant to Public Law 102—102, section 2(b) (105 Stat. 495); to the Committee on Government Reform and Oversight.

7836. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Acquisition Regulation; Contract Financing; Management and Operating Contracts (RIN: 1991–AB29) received February 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

7837. A letter from the Inspector General, Department of Transportation, transmitting the Office of Inspector General's first annual Performance Plan, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

7838. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the report of the Farm Credit Administration's Annual Performance Plan for 1999, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

7839. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7840. A letter from the Chairman, Federal Housing Finance Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

7841. A letter from the Chairman, Federal Housing Finance Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7842. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Annual Performance Plan for the Fiscal Year 1999, pursuant to 46 U.S.C. app., 1118; to the Committee on Government Reform and Oversight.

7843. A letter from the Chairman, National Credit Union Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7844. A letter from the Director, Office of Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7845. A letter from the Director, Office of Administration, transmitting the FY 1997 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

7846. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office of Federal Housing Enterprise Oversight's (OFHEO's) Strategic Plan for FY 1998–2003; to the Committee on Government Reform and Oversight.

7847. A letter from the Vice President and General Counsel, Overseas Private Investment Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7848. A letter from the Director, Selective Service, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7849. A letter from the Commissioner, Social Security Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7850. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component of Pollock in the Bering Sea Subarea [Docket No. 971208296–7296–01; I.D. 022098A] received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7851. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Texas Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. TX–036–FOR] received February 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7852. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Kansas Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. KS–017–FOR] received February 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7853. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Louisiana Regulatory Program [SPATS No. LA–015–FOR] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7854. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft of proposed legislation to authorize the appointment of additional bankruptcy judges, pursuant to 28 U.S.C. 152(b)(2); to the Committee on the Judiciary.

7855. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the organization's annual report for the fiscal year ending September 30, 1997, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

7856. A letter from the Assistant Attorney General, Office of Legislative Affairs, transmitting a draft of proposed legislation to repeal section 310 of Public Law 99–554; to the Committee on the Judiciary.

7857. A letter from the Deputy Director, Bureau of Transportation Statistics, transmitting a report discussing current and emerging information needs for transportation decision making; to the Committee on Transportation and Infrastructure.

7858. A letter from the Vice President, Government Affairs, National Railroad Passenger Corporation (AMTRAK), transmitting the 1997 Annual Report, and Amtrak's FY 1998 Legislative Report and Grant Request, pursuant to 12 U.S.C. 1701y(f)(2); to the Committee on Transportation and Infrastructure.

7859. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exemption From Tax on Corporations, Certain Trusts [Rev. Rul. 98–15] received March 3, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7860. A letter from the Director, Office of Management and Budget, transmitting a report entitled "The Economic Effects of the Northeast Interstate Dairy Compact," pursuant to Public Law 105—86; jointly to the Committees on Agriculture and Appropriations.

7861. A letter from the Secretary of Transportation, transmitting a final copy of the report, "Transportation in a World Class Capital"; jointly to the Committees on Transportation and Infrastructure and Government Reform and Oversight.

7862. A letter from the Chair, Medicare Payment Advisory Commission, transmitting a report entitled "Medicare Payment Policy"; jointly to the Committees on Ways and Means and Commerce.

7863. A letter from the Railroad Retirement Board, transmitting the Board's justification of budget estimates for fiscal year 1999, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STRICKLAND (for himself and Mr. RAHALL):

H.R. 3408. A bill to amend the Appalachian Regional Development Act of 1965 to provide for local participation in decisions of States to dedesignate segments of the Appalachian development highway system; to the Committee on Transportation and Infrastructure.

By Mr. SOLOMON (for himself, Mr. PETRI, Mr. TANNER, Mr. DINGELL, and Mr. ORTIZ):

H. Con. Res. 238. Concurrent resolution authorizing the use of the Capitol Grounds for a breast cancer survivors event sponsored by the National Race for the Cure; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

253. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 11 memorializing Congress and EPA to include in drinking water standards the SAN trimer by-product of manufacturing processes using styrene and acrylonitrile; to the Committee on Commerce.

254. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 66 memorializing that public safety agencies are allotted sufficient access to radio frequency space; to the Committee on Commerce.

255. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 173 memorializing the Congress of the United States to recognize the right of all citizens to hunt and fish; to the Committee on Resources.

256. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 33 memorializing the President and the Congress of the United States to enact legislation to rename the Washington National Airport as the "Ronald Reagan Washington National Airport"; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 165: Mr. LANTOS.

H.R. 1126: Mr. BILBRAY.

H.R. 2504: Mr. LANTOS and Mr. STUPAK.

H.R. 2652: Mr. LAHOOD.

H.R. 3127: Mr. HOSTETTLER, Mr. INGLIS of South Carolina, Mr. STUMP, Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Florida, Mr. BILBRAY, Mr. BOSWELL, Mr. COMBEST, and Mr. MCGOVERN.

H.R. 3207: Mr. KLECZKA, Mr. MINGE, Ms. NORTON, Mr. MARTINEZ, Mr. STENHOLM, Mr. BERRY, Mr. SISISKY, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STRICKLAND, Mr. DELAHUNT, Mr. CRAMER, Ms. KAPTUR, Mr. WAXMAN, Mr. BORSKI, Mrs. MALONEY of New York, Mr. UNDERWOOD, Mr. FROST, Mr. SAWYER, Mr. BOYD, Mr. LAFALCE, Mr. MARKEY, Ms. PELOSI, Mr. SHERMAN, and Ms. BROWN of Florida.

H.R. 3229: Mr. COBURN, Mr. KING of New York, Mr. SMITH of New Jersey, and Mr. WELDON of Florida.

H.R. 3230: Mr. COBURN, Mr. KING of New York, Mr. SMITH of New Jersey, and Mr. WELDON of Florida.

H.R. 3264: Mr. BUNNING of Kentucky.

H. Con. Res. 127: Mr. JENKINS and Mr. TRAFICANT.

H. Con. Res. 211: Ms. DELAURO.

H. Con. Res. 233: Mr. LAFALCE and Mr. BOUCHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of March 5, 1998]

H.R. 2495: Ms. NORTON.

SENATE—*Monday, March 9, 1998*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

New every morning, the mercies of God;
His faithfulness fails not; it meets each new day.
New guidance for every step of the way,
New grace for new trials, new trust for old fears,
New patience for bearing the wrongs of the years,
New strength for new burdens, new courage for old,
New faith for whatever the day may unfold;
As fresh for each need as the dew on the sod,
Oh, new every morning the mercies of God!

—Annie Johnson Flint.

Thank You, dear God, for giving us a fresh new beginning as we launch a new week of work here in this Senate. Last week is a memory, and next week is uncertain. But this week can become a memorable week if we pull out all the stops and live and work at full potential. You have shown us that a great life is an accumulation of days lived one at a time for Your glory. As You offer us a fresh start, we offer You the complete dedication of our minds and hearts. Through Him who came to give us abundant life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period for morning business until 1 p.m. At 1 p.m., under a previous unanimous consent agreement, the Senate will resume consideration of S. 1173, the so-called ISTEA legislation, which is the surface transportation bill. As a reminder to all Senators, all first-degree amendments must be filed by 1 p.m. this afternoon, and all second-degree amendments must be filed by 5 p.m. today, as under the previous order. We need to find out what amendments are pending out there, make a list, and then make some determination as to how they can be brought up and begin to move toward a conclusion of this very important legislation.

It is hoped that we will be able to consider some of the numerous amendments which have been offered and filed in regard to the surface transportation bill throughout today's session. So, if Senators do have some amendments that they think perhaps can be debated briefly and maybe accepted or put in some sequence to be voted on, that will certainly help us move the bill along.

Also, under a previous unanimous consent agreement, at 5:10 p.m., the Senate will set aside the ISTEA legislation and begin 20 minutes of debate on S. 1668, the intelligence disclosure bill. At 5:30 p.m., the Senate will proceed to a vote on the cloture motion on the modified substitute amendment to the ISTEA bill, to be followed by a vote on the intelligence disclosure bill. Therefore, the first vote today will occur probably in back-to-back fashion at 5:30.

In addition, I hope the Senate can work out some sort of consent to deal with the transit provision and the Finance Committee provision, both of which need to be offered to the pending highway bill. So we will be working with Chairman ROTH and Chairman D'AMATO on those provisions as to how we can get them up and have them considered so that those concerns by Senators who will be affected by these provisions can be taken care of. I will be working with the minority leader throughout the day in an effort to resolve these two important titles and will update the Senate as to progress later on today.

Mr. President, I believe the Senator from Wyoming wishes to speak momentarily. But for now, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until the hour 1 p.m., with the time equally divided between the two leaders.

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. THOMAS. Mr. President, I will share some of the time with my friend from South Dakota, Senator JOHNSON. I will try and be more positive, now that I am organized, Mr. President. Thank you very much.

PUBLIC TRANSPORTATION

Mr. THOMAS. Mr. President, I come to the floor, along with the Senator from South Dakota, Mr. JOHNSON, to talk about something that we think is very important—transportation; which, of course, is what we are into now. We are talking about ISTEA. As you know, much of the Federal tax that goes into the transportation arrangement goes for highways, but a good deal also goes for mass transit transportation. That is what we will be entering into soon.

Historically, the distribution of funds under the Federal transit program has been focused on just a few States. As a matter of fact, eight States receive about 60 percent of the program funds. At the same time, of course, there is an emerging growth and need in rural areas for services to the poor, services to the elderly, and services to the disabled. So we have prepared and have introduced and will talk about, as we go forward, the Transit Modernization Act, which will tend to make some modifications in the distribution of these transit funds which, by the way, have not been significantly modified since 1982. It will make a relatively small change, but you will see as we talk about our States that a relatively small change will make a terrific impact on those States that have not, basically, been the ones receiving the money. At the same time, those that have the greatest needs in transit will still be substantial recipients of these funds.

We have agreed, I think, to an additional $5 billion that will go into these areas of mass transit over the next 5 years. The good news, of course, is to ensure that all of the country benefits, not just a few in favored States, and that all will receive some kind of a meaningful share of increases to respond to what, as in almost all instances, has been a long, unmet need of public transportation.

Even in my State with relatively small towns, we still have the elderly who need transportation, and we have the disabled who need transportation. So we have needs as well. Wyoming receives about $1 million to $2 million annually out of the transit funding.

Out of the total funding, frankly, that rounds out to zero; $1 million out of $5 billion does not even show up on the board. We get back about 11 or 12 cents for every dollar that is contributed to this fund from Wyoming people who buy and pay the Federal gas tax; 11 to 12 cents is returned to Wyoming. Unfortunately, that, as you might imagine, falls substantially below our needs and does not fill our needs.

Wyoming transit offers more than 1.2 million rides per year, and it costs them from $1 million to $2 million annually to provide services. Our needs for the elderly and the disabled, the buses, the van pools, and replacements total over $12 million annually.

Further, we have had in Wyoming—and we are proud of it—one of the most successful activities of moving people off welfare into jobs. So our demands for public transit are growing.

The problem with the current transit program is not limited to the rural West. It also includes States like Michigan, North Carolina, Indiana, Mississippi and Kentucky. All have transit needs that are not being met. Currently, eight States receive 60 percent of the total funding, despite the growth of needs in rural areas. The transit program has not been updated since 1982. The program has not changed much, but the country and the needs of the country have. Growth areas, rural areas, and small communities are beginning to more and more have a need for public transit. Under the supposedly need-based system, these needs have not been met.

As I said earlier, an agreement has been reached to increase transit funding by $5 billion over the next 5 years. That is good. These funds are paid in for that purpose. We will offset this, and this offset will be there for our amendment. Therefore, each State will benefit meaningfully from this. Instead of receiving 11 percent of what we pay in, hopefully we will receive some more.

We want to do this as a result of the opportunity created by the hard work of Senators D'AMATO and SARBANES, the chairman and ranking member of the Banking Committee. In this system, it is my belief that everybody wins.

There are several amendments that have been filed, of course, that would change it. Some affect new starts; some would provide 80 or 90 percent allocation. Another way to achieve it is what we think is a modest amendment that Senator JOHNSON and I have drafted.

It will help States meet their transit challenges, but it will be a fair distribution. It will create a minimum guarantee that will increase each State's share of the transit program up to 70 percent of the State's contribution or a maximum of $12 million a year.

Under this amendment, the vast majority of America's cities and small communities will receive more transit funds, and they will go on, of course, for years as they seek to reach that 70 percent level. It is important to note that this equitable distribution will be accomplished without substantially harming those systems currently receiving the bulk of the money.

All States which are currently substantial donees under the program will remain substantial donees. And 93 percent of the funding will continue to be distributed under the current formula. So we are talking about a redistribution of less than 7 percent of the additional funds that come there.

I hope we are able to take advantage of the growth in transit funding to allow all States to share in the Transit Modernization Act, as it is a protransit amendment, by allowing all States to benefit, creating stronger support for the program, and will benefit 30 to 35 States annually, including all the cities and small communities in those States.

It will establish equity in the transit system by utilizing the growth of the transit funding. However, all States that are currently substantial donees will remain substantial donees. And that is not the case under any of the other amendments. So we believe this is a fair distribution. We believe it is one that recognizes needs. It is one that continues to support the needs of the donee States.

Mr. President, I yield to my friend from South Dakota for his comments with respect to this joint amendment.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the Senator from Wyoming for yielding time to me and also for his very constructive contribution towards working on a fair and equitable amendment to the transit provisions in the ISTEA II legislation that the Senate is considering.

There is an understanding that an agreement has been reached which will allow for an additional $5 billion to be directed toward the transit needs of this country nationwide over the coming 5 years.

I am supportive of this. As a member of the Senate Budget Committee, I certainly will do all I can to find offsets that will be necessary to make this funding a reality. But I think this funding for transit does afford each of our States an opportunity, a unique opportunity, for a win-win circumstance whereby the States that traditionally have drawn significant funds from transit will continue to have that kind of draw and, in fact, will have their transit needs enhanced, but those of us from States that tend to be rural or more recent population growth areas will also find some of our transportation needs also met.

Currently, as the Senator from Wyoming has noted, eight States receive about 60 percent of all the transit funds in the country. The formula has not really been changed significantly since 1982, and there has been no opportunity during that time to allow for modest growth in transit programs in States and cities which historically have not received adequate funding to meet their public transportation needs.

There will be spending offsets, as noted, that will make this $5 billion enhancement possible. It is important, obviously, that this initiative go forth in the context of a balanced Federal budget. I think we all share that across party lines. There is uniform support for that. But in order to reach these offsets, there also is no doubt that all 50 States will have to participate in providing some reductions in their programs to make this transit money available. It is all the more equitable, then, that all 50 States should at least, to some modest degree, share in the increase in transit funds.

The States that currently are donor States—my home State of South Dakota is a donor; that is, we contribute much more to transit than we receive back—will remain donor States. I understand that. I accept that. There are other equities where my home State does better. The same would be said for the State of the Senator from Wyoming. His State will remain a donor State. Those States that are beneficiaries, that receive more than they pay in, will continue to receive more than they pay in. The amendment that Senator THOMAS and I have put together would not change that fundamental reality.

But what we do feel is that this is an opportunity, when there is this very significant growth in the overall pot of money available for transit, that 7 percent of the total pot be subject to some redistribution to recognize the contemporary realities that we now face.

In order to address some of the concerns that have been raised with Senator THOMAS and with me and with our staffs, we have made some changes.

First, there will be no transferability provision in our amendment, so that the money which would be shifted to States that are currently being underfunded for their transit needs will not be allowed to then be shifted into highway construction or bridge repair or nontransit needs.

There was some concern that this amendment was somehow a raid on transit funds for nontransit purposes. We want to make sure—make absolutely certain—that all of our colleagues understand that that is not the case, that the 7 percent component of the transit funds that would be redistributed would be strictly for transit needs.

Secondly, it was expressed that there is some concern about whether a shifting of this 7 percent portion of the funds would somehow jeopardize donor States, what are called new-start funds. And I have heard some concern expressed. The fact is that under our amendment, no State which gains under the pending amendment will have their new-start funding cut next year. Under this amendment, we pay for the changes by making modest reductions from the donee States but not from attacking the new-start funds.

Thirdly, the question has been raised whether this is need based or not, whether 30 to 35 States that would benefit by this have transit needs. Admittedly, the needs that we have in many of our areas where there are fast growing suburban areas, whether it is fast growing new younger cities or whether it is in rural areas, are different than the needs that our colleagues from New York or Chicago might have, but they are very great needs nonetheless.

In my home State of South Dakota, we have a tremendous reliance on our rural transit needs, particularly for seniors to make it to health visits, for groceries, to get to congregate meal sites. All of these things, given the dispersal of the population, the very rural nature of the State, makes transit all the more critical. And it is critical, as well, in our Indian reservation areas. I have nine in my State where the need for access to quality nutrition, education, and medical care would be enormously enhanced by the availability of at least some minimal rural transit assistance.

Currently, over 30 percent of our 206 vehicles providing rural transit in our State are 10 years old or older; 70 percent are 5 years old or older. We have had, in the course of the State, local, and Federal partnership to make rural transit a reality, a continuing hardship where some of our counties now, in fact, are terminating their transit programs. We cannot afford to see this kind of retreat, this kind of neglect, for rural transit needs in my State.

So I think that anyone who takes a close look at our amendment will recognize the very modest nature of the amendment, that it is only 7 percent of a total pot, a vastly growing pot of money, that would be subject to some modest change of redistribution to meet the contemporary transit needs; that, in fact, the overwhelming share of States would benefit by this redistribution; and it would not incur a significant reduction really in the States that currently have the traditional great benefit from the transit programs.

So, again, this is a modest step, but I think it is a modest step in the right direction, one that will contribute greater equity, one that will contribute to the creation of what is truly a national transit strategy. And I think every one of our colleagues who come from the traditional large recipient States will recognize that a national commitment to transit assistance will be all the stronger if, in fact, more than eight States benefit but that all 50 States benefit to a greater degree than is currently the case.

So, again, I thank my colleague, Senator THOMAS from Wyoming, for his work on this in our effort to craft a reasonable and a balanced and a modest change, but one that nonetheless ought to be of great help to the large majority of States as we debate the transit amendment and the infusion of new money into the transit provisions of the ISTEA II legislation.

So, with that, I encourage my colleagues to be very supportive of this and to examine the language of our amendment carefully.

Mr. President, I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. We are in morning business?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be able to speak for 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

HUMAN RIGHTS IN CHINA

Mr. WELLSTONE. Mr. President, I want to bring to the attention of my colleagues a matter before we go back to the ISTEA, or the transportation bill. It concerns a resolution that I think is extremely important. This will be a sense-of-the-Senate resolution that we will have a vote on this week, an up-or-down vote, which says that the Senate strongly urges the President, acting through the current representatives of the United States, to make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights, which convenes March 16.

Mr. President, last week, on Friday, I was able to discuss this with the majority leader, and he made a commitment—and his word is good, I know that—that on this resolution we will have a separate up-or-down vote. I believe we will have a very strong vote for this.

Mr. President, I started out working with Senator MACK from Florida. The resolution was a Mack-Wellstone resolution. I know he will be a very strong supporter, as well as Senator HUTCHINSON from Arkansas, Senator FEINGOLD from Wisconsin, and I think this resolution will receive broad bipartisan support.

I come to the floor of the Senate to speak for two reasons. One, to again thank the majority leader for his commitment that we will have an up-or-down vote on this specific resolution, and second of all, to make an all-out appeal to the administration, to the President, to the Secretary of State, to Sandy Berger and others.

The Washington Post had an editorial last week, and I will read relevant paragraphs.

> The immediate issue is whether to sponsor a resolution at the United Nations Commission . . . in Geneva next month [actually this week]. You wouldn't think this would be a tough call. Such a resolution would moderately criticize China's record and call for improvements; it would impose no penalty beyond well-deserved embarrassment. Democracy advocate Wei Jingsheng nevertheless calls the resolution "a matter of life and death" for reform in China. President Clinton explicitly promised, back when he delinked trade and human rights in 1994, that the administration "would step up its efforts" to get such a resolution approved. China's regime remains as oppressive today as it was then.

Mr. President, I come to the floor to make an appeal to the President, to make an appeal to the administration. I think when we have an up-or-down vote on this resolution, which calls on our country to be a part of an effort to introduce a resolution at this Human Rights Commission meeting on human rights dealing with abuses of human rights in China, we will get a strong vote on the Senate floor—Republicans and Democrats, Democrats and Republicans. We want to work with the administration. I call on the President today to please make a commitment for the United States to play a critically important role.

I consider one of the finest hours I have spent as a U.S. Senator to be Friday morning with Wei Jingsheng. Wei Jingsheng —I think many Senators and the Presiding Officer knows about Wei Jingsheng—spent 18 years in prison in China for the courage to speak out for democracy, for human rights. Because of tremendous international pressure, he was released from prison—in poor health. But he can never go back to his country again or he would be imprisoned.

Wei Jingsheng has been nominated by a number of people for the Nobel Peace Prize. He deserves it. He wrote a wonderful book called "The Courage to Stand Alone." That is what he has done.

He came to my office and met with a lot of different human rights organizations on Friday. I asked him to please write a letter that I could distribute to colleagues this week about the importance of an up-or-down vote on this resolution specifically dealing with China—which the majority leader has made clear we will be able to do this week. I will just quote from a little bit of the letter he wrote, which has been translated.

> I strongly support the passage of a resolution that solely condemns the human rights situation in the People's Republic of China. And he lists a variety of reasons; I will read a couple.
>
> If we want to target more than ten countries at the same time, we not only dilute our force, but also strengthen the solidarity of the anti-human-rights alliance and simultaneously increase resistance to our effort.

Continuing:

> Based on these considerations, I urge those in the Senate who support human rights to take a strategy that stands in opposition to those friends of the Chinese dictatorship. In unity, we can strike against the real leader and supporter of the alliance of anti-human-rights forces—the Chinese Communist government.
>
> As long as we persist we will succeed—it is simply a matter of time. I know because our endeavor is just.
>
> Respectfully, Your friend, Wei Jingsheng.

It is the least we can do, I say to the President, I say to the White House, the least we can do. Whether or not Senators agree or disagree about whether human rights concerns should be linked to trade or not is a separate question from this question. This question is simple. The right place to do this is at the U.N. Commission on Human Rights in Geneva. It is the right time. The President has made a commitment to do so. Now we must follow through on our commitment.

I urge Senators to please support this resolution. We will have an up-or-down vote on it. I also urge Senators: please, don't dilute this. If we want to pass a resolution calling for respect for human rights in all sorts of other countries—yes, I won't oppose that. As a matter of fact, many of those countries are already on the list and it will be brought up in Geneva. But we also need to have a separate resolution dealing with what is happening in China.

Mr. President, the administration has already indicated that it will strongly support action on Colombia, Afghanistan, Cambodia, Nigeria, Iran, Iraq, Sudan and many other countries. Significantly, the administration has also publicly supported an international investigation of the situation in Algeria. But the administration has remained undecided on China.

Like many of you, I support any call for greater action on all governments committing human rights violations. Yes, let's do that. But there are also compelling reasons for the Congress and the administration to issue a stand-alone declaration on China.

This resolution that I will be introducing on the floor of the Senate with bipartisan support is a stand-alone resolution declaration on China. That has been the focuses of the past several meetings of the Human Rights Commission in Geneva. We cannot move away from that focus. This is a compelling moral issue. Our country ought to be there speaking out for human rights for people in China and other countries as well. But this resolution will be the key up-or-down vote.

Finally, Mr. President, the U.N. Human Rights Commission is the only major international body which oversees the human rights conditions of all the nations. There is no dispute that the credibility of the commission process hinges on whether or not there will be at least a debate on China's human rights record. Few countries have so brazenly challenged the legitimacy of international human rights scrutiny or so openly challenged the universality of human rights as China. It would be shocking, I say to the President, for the United States to respond to this challenge with silence.

Would it be shocking, I say to the President, the administration, and my colleagues, for us to respond to this challenge with silence? When I meet with somebody like Wei Jingsheng, who has exhibited such courage—and he just asked us to go on record supporting this simple resolution, and I believe it is the very least that we can do. Colleagues, we are going to have a vote on it this week, and I hope that we have an overwhelming, strong, bipartisan voice and message to the President and the administration that the United States will be courageous, that we will live up to our own best selves as to who we are as a Nation, and we will take the lead in Geneva.

If we let the U.N. Commission on Human Rights meet in Geneva and we are silent and there is not any discussion about religious persecution, the persecution of people because they had the courage to speak out, the crushing of the people in Tibet, and all of the rest, if there isn't even any discussion, it will be devastating for so many courageous people in China that have stood up for human rights. We can't let that happen. Therefore, we will have this up-or-down vote.

EDUCATION AND CHILDREN

Mr. WELLSTONE. Mr. President, I am not quite sure what our schedule will be this week, whether we will finish up on the ISTEA highway bill or not, and that is an important piece of legislation. I think all of us know that people in our States anxiously await the Senate to move forward on this business. It sounds like the next piece of legislation we may have will be a piece of legislation introduced by Senator COVERDELL from Georgia which deals with education and children.

I won't get into all of the specifics. We will have plenty of debate on that matter. I wanted to just mention to colleagues that there are several amendments that I want to bring to the floor that I think are very relevant to what we need to do by way of responding to the concerns and circumstances of children. Let me preface this by saying to colleagues that I think one of the things we have to start doing as legislators, as Senators, one of the things we have to start doing on the floor of the Senate, is to have more of a focus on children. We have given enough speeches to deafen all the gods, and there have been enough reports.

The question is, what are we going to do by way of movement forward with positive action that will help children in our country—all of the children in our country?

I find myself, as I speak on the floor of the Senate today, critical of, I guess, both of our parties. One would think from the pronouncements we hear all the time that everybody is doing great in the United States of America today, that everything is humming along just fine, everybody is happy, everybody is satisfied. Yet, when I travel the country—and I go into a lot of different communities—I don't find that at all.

I am glad that the economy is doing well in the aggregate. I am glad unemployment is at record low levels, though it doesn't tell us what jobs and what wages. I am glad the GDP looks good and that the business cycle is up. But can I raise the question, since we are going to move to education and children, how do we explain the fact that during this business cycle, with Republicans and Democrats talking about how great things are, we have one out of every four children under the age of 3 growing up poor in America, and one out of every two children of color under the age of 3 growing up poor in America? And we are now saying that these early years are the most important years for these children in determining whether or not they are going to have the opportunity to reach their full potential. We have our work cut out for us, and I hope we will respond. So far we haven't.

So when this legislation comes out, I want to just mention a couple of amendments that I am thinking about. One of them speaks to the question I just raised indirectly, but I think it's important. As I travel the country, I am amazed—and I was speaking with a gathering of community college students who have focused on this as well—that in the name of "welfare reform," we are now saying to many single parents—most of them women, and many of them in our community colleges—they have to leave school and take a job. In other words, this is the bitter irony: They are on the path to economic self-sufficiency and yet we are telling many of these parents, these women, "You have to leave college; you can't complete your education; you must take this job, because these are the work force participation requirements." It may be a $6-an hour-job with no benefits; and a year from now they are without health care coverage, they are worse off than they are now, as are their children.

That is outrageous. So I am going to have an amendment for student exemption for these adults who are in school trying to complete their education so they can reach economic self-sufficiency, so that any State that wants to can at least say, look, we want to exclude these parents who are in school from the work force participation requirement. That makes a lot of sense if we are interested in these mothers and children being able to do better.

The second question I want to raise for colleagues is—and I don't know if this will be an amendment on this bill or not, but as long as we are talking about education, which is what we are going to do with the Coverdell bill, and trying to do better for children—how come we cut food stamp benefits by 20 percent? The majority of the beneficiaries are children from families making under $7,500 a year.

As I travel around the country, it all has to do with the questions you ask. It all has to do with whether you are willing to listen. It all has to do with what communities you are willing to visit. I find a lot of teachers telling me that a lot of their students can't do well because they come to school hungry. Why in the world did we cut the major safety net program for the working poor, the primary recipients, by 20 percent by the year 2002? I think we need to revisit that question.

Mr. President, there is another issue that I want to raise that may be an amendment, or may not be, which is that it is impossible to focus on education and children doing well without focusing on the adults or the adult. The two variables—to wear a kind of political science hat for a moment—that have had the greatest impact, or the two primary causes of whether a child does well in school or not, the two most important factors—that is the word I am struggling for—are the educational attainment and the income status of the parent or parents.

Well, if that is the case, I think we ought to start asking the question, if we are looking at the learning gap in our country and what children do well and what children don't do well, what about so many of these communities—and William Julius Wilson, a great sociologist, has written about this in his book called "The Disappearance of Work"—what about these communities where there are no jobs, even with the economy humming along as it is? What about many of the ghettos and barrios in rural areas where there are no jobs, and the parents or parent can't find employment, can't find a job at a decent wage? What is the connection between the economic status, the job status of the parent or parents, and the educational achievement of the children?

I think that, at the very minimum, we ought to ask labor and the Department of Education to do a study of this and come back and provide us with some evidence. I will tell you that I think we will find a very strong correlation. And I will tell you that I am all for work. In fact, I think the most important policy goal is to make sure that when people in America work full-time, 40 hours a week, 52 weeks a year, they are not poor. I can think of a variety of different things we ought to do to make sure that happens. We also ought to look in a lot of communities where people live where there are no jobs at all, nor is there transportation to get into the suburbs where those jobs do exist.

I say to my colleagues, this is not just an urban issue; this is a big rural issue as well. I look forward to when the Coverdell bill comes out to the floor. I look forward to the debate and discussion.

I see my colleague from Missouri on the floor. I don't want to take any more time. Before Senator ASHCROFT takes the floor, I was talking about the importance of getting a resolution on China, urging the administration and the U.N. Commission on Human Rights that we ought to take a position on the violation of human rights in China. I know my colleague is a strong supporter. I say to my colleague that we are going to have tremendous support on an up-or-down vote. I am urging the administration today to please move forward. That was the other agenda item for me.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent that a fellow from my office, Neil Kulkarni, be allowed privileges of the floor during the pendency of morning business and my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I thank the Senator from Minnesota for his kind remarks. I do share his concerns on human rights in China.

STATEMENT MADE BY U.N. SECRETARY GENERAL KOFI ANNAN

Mr. ASHCROFT. Mr. President, I rise to address the disturbing comments made yesterday by U.N. Secretary General Kofi Annan. Apparently emboldened by his recent agreement with Saddam Hussein, Annan stated on ABC's "This Week" that the United States would have to consult with the Security Council before launching military strikes against Saddam Hussein.

He stated:

> If the United States had to strike, I think some sort of consultations with the other members would be required.

Let me state categorically that the United States does not require the permission of the United Nations to use our military forces in the pursuit of our national interests. Nor does the United Nations have any authority to require that the United States use our military forces if it would seek to deploy them.

The United States has never, at any time, ceded to the United Nations any power to require the deployment of American forces against the wishes or the judgment of the United States, nor have we ceded to the United Nations any power to forbid the use of our military force.

Mr. President, the comments by Secretary General Annan over the weekend are indicative of a growing arrogance of a United Nations that has grown accustomed to dictating American foreign policy toward Iraq. With U.S. policy toward Iraq in drift over the last 6 years, Secretary General Annan was able to take the lead in dealing with Saddam's provocations. What has the United Nations achieved? Has Saddam been punished? Have his weapons of mass destruction been destroyed?

On the contrary, Saddam is stronger today than he was before instigating the crisis 4 months ago. He is better off across the board militarily, politically, and economically. He has blocked weapons inspections and moved weapons technology and equipment for several months. He has won greater prestige in the region and in the Arab world generally. He will be allowed to sell more oil. There is growing talk of dismantling the rest of the sanctions regime.

The administration has compared Saddam to Hitler, but the President's policies are laying the groundwork for another Munich in the Persian Gulf. Saddam is the chief terrorist of a terrorist government whose weapons of mass destruction threaten the United States and our allies in the Middle East. The administration seems pleased, however, to make concessions to Saddam through the United Nations. More oil sales and a politicized inspection regime for Presidential sites in Iraq have meant victory for Saddam.

Mr. President, the absence of Presidential leadership on Iraq has not served the United States well in the Middle East. Statements by the U.N. Secretary General that imply U.N. oversight of U.S. military forces are indicative of U.N. arrogance and disrespect for U.S. sovereignty. The deployment of our forces to defend our national interests is not subject to the approval of the United Nations or any other multinational organization.

I intend to place before the Senate an opportunity for the body to state clearly the ability of the United States to make decisions about the deployment of its forces, without regard to, or prior consent from, the Security Council or any other international organization. I believe it is imperative that we make it clear that the United States will not cede any measure of sovereign control of its Armed Forces to the United Nations.

The Constitution charges the President with the duties of Commander in Chief, and it is time for this administration to defend America's interests with clarity and resolve. The drift and inconsistency that has defined this administration's Iraq policy over the last 6 years will only be perpetuated by subcontracting U.S. foreign policy to the United Nations.

If we continue to drift, Mr. President, the President of the United States will find himself asking permission of U.N. bureaucrats before he takes action to secure the interests of the United States. That cannot be allowed.

Mr. President, I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 6, 1998, the federal debt stood at $5,525,824,113,483.61 (Five trillion, five hundred twenty-five billion, eight hundred twenty-four million, one hundred thirteen thousand, four hundred eighty-three dollars and sixty-one cents).

One year ago, March 6, 1997, the federal debt stood at $5,538,686,000,000 (Five trillion, five hundred thirty-eight billion, six hundred eighty-six million).

Twenty-five years ago, March 6, 1973, the federal debt stood at $454,901,000,000 (Four hundred fifty-four billion, nine hundred one million) which reflects a debt increase of more than $5 trillion—$5,070,923,113,483.61 (Five trillion, seventy billion, nine hundred twenty-three million, one hundred thirteen thousand, four hundred eighty-three dollars and sixty-one cents) during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). Morning business is closed.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill with a modified committee amendment in the nature of a substitute (Amendment No. 1676.)

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we are here ready to do business on the so-called ISTEA II legislation. There are a host of amendments out there which we would like to have brought up; either present them, or consideration to see if we can accept them, work out something, or, if not, go to votes.

But we are here to do business. The store is open. I very much hope that those who have amendments will bring them over.

I must say, Mr. President, if people who say they have amendments do not bring amendments over, I lose sympathy for them if later on they say they have amendments and they want time and so forth. Now is the time when nothing else is interfering with the action. So I urge my colleagues who are listening to please bring their amendments over so that we can deal with them.

Seeing nobody on the floor who wishes to present an amendment, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I wonder if I may speak as in morning business for about 10 minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

ENFORCE OIL EMBARGO ON IRAQ

Mr. MURKOWSKI. Mr. President, although stories about Iraq have moved off page 1, history teaches us that we should be prepared for another crisis, and I will tell you why. Most of the previous debate on Iraq has focused on military options or support for opposition groups, but I am here to call the attention of my colleagues to an issue that seems to have been lost. Where is the will of the world to enforce the economic sanctions, including the embargo on oil sales, that date back to the end of Operation Desert Storm?

We must go back, I think, to the original purpose of the economic sanctions against Iraq and simply shut down Saddam Hussein's ability to fund his program for weapons of mass destruction. Because there is a significant amount of oil that he is able to sell, and the proceeds are not going for humanitarian needs in Iraq; they are going into Saddam Hussein's pocket, and, as a consequence, he is fueling his military machine.

In my opinion there is only one way to shut down Saddam's military machine. We must effectively cut off the flow of oil from Iraq. I would like to share a few facts that my colleagues may not be aware of, but that are critical to the issue of how Saddam Hussein maintains his current grip on power. He does that by the cash flow generated from illegal oil sales.

Revenue from oil exports have historically represented nearly all of Iraq's foreign exchange earnings. In the year preceding Operation Desert Storm, Iraq's export earnings totaled $10.5 billion with 95 percent attributed to oil exports, so that's really his cash flow. Iraq's imports during the same year, 1990, totaled only $6.6 billion.

United Nations Security Council Resolution 687, passed in the 1991 at the end of the gulf war, requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities.

But the teeth in Resolution 687 have effectively been removed with the expansion of the so-called "oil-for-food" exception to the sanctions. The first loosening of the sanctions occurred in 1995, when Security Council Resolution 986 allowed Iraq to export $1 billion in oil every 90 days—$4 billion over one year.

And most recently, during the period when Saddam was again violating Security Council resolution by refusing to allow international inspectors to conduct their work, the United Nations voted to more than double the amount of oil Iraq can export per year.

On February 20, the U.N. Security Council, with the Clinton administration's support, adopted Resolution 1153 which will allow Iraq to export $10.52 billion in oil per year—$5.256 billion every 180 days. In other words, Iraq is now authorized to export nearly as much oil, in today's dollars, as it did before it invaded Kuwait.

So we have now given Saddam Hussein the green light to completely rebuild his oil export capacity. As Patrick Clawson, from the Washington Institute for Near East Policy, observed in a recent analysis of Resolution 1153:

> The UN-authorized limit translates into 2.25 million barrels per day (mbd), if the price averages $13 barrel. In addition, Iraq produces .4 mbd for domestic use and .2 mbd for export to Jordan and smuggling out the Gulf or to Turkey. That means Iraq would have to produce 2.85 mbd to make use of the full UN quota. In fact, it is unlikely that Iraq could produce more than 2.5 mbd today and it may take Iraq until the end of 1999 before it could reach a production level that takes full advantage of the UN-authorized

export. In short, Iraq faces no effective limit on its oil exports, because it is now permitted to export all the oil it is capable of pumping.

Mr. President, will the United States force Iraq to wait to rebuild its oil production capability until it meets the conditions imposed at the end of the gulf war? Quite the contrary. In fact, paragraph 12 of Resolution 1153 directs the Secretary General to establish a group of experts to determine whether Iraq has the production and transportation capacity to export the full amount allowed. The resolution goes on to say that the Security Council, "expresses its readiness" to authorize "the export of necessary equipment to enable Iraq to increase the export of petroleum or petroleum products."

Analyst Patrick Clawson correctly pointed out the dangers of allowing Iraq to resume the import of petroleum equipment:

> Were Iraq to resume large-scale imports of oil field equipment, that would pose serious arms control problems. Not only is some of the equipment dual use (e.g., heavy trucks), but it is important to remember that Iraq disguised its "super gun" barrel as an oil pipeline, convincingly enough to mislead some of the "pipe" producers.

Even as President Clinton vowed to "keep the sanctions on" Iraq until the regime lives up to its commitments, we are creating a giant loophole for Iraq's most important commodity—oil.

Of course, expansion of the food-for-oil program is sold as a humanitarian gesture. U.S. Ambassador Peter Burleigh described the Security Council action as the "largest U.N.-sanctioned humanitarian program" in its history. I have no disagreement with finding ways to reduce the misery of the Iraqi people, who have suffered greatly under Hussein's leadership, but I do have a problem with the oil-for-food expansion, because I am not convinced it is controllable under the current U.N. proposal.

The administration has not yet convinced me that the monitoring of this program is so airtight that it does not allow kickbacks that benefit Saddam Hussein directly.

But even if the monitoring is airtight, Mr. President, I am convinced that the program indirectly benefits Saddam Hussein for several reasons.

First, using this program to feed his people and to provide medicine frees up other resources that can be used to finance his factories of death.

Second, the increase in illegal sales of petroleum products coincided with implementation of the oil-for-food program in 1995. Part of this oil is moving via truck across the Turkey-Iraq border. A more significant amount is moving by sea vessel through the Persian Gulf. The Multinational Interdiction Force that operates in the gulf reported last fall that exports of contraband Iraqi oil through the gulf has jumped sevenfold in the past year from $10 million in diesel fuel sales in 1996 to $75 million in 1997. Furthermore, Iraq has been steadily increasing exports of oil to Jordan, from 60,000 barrels per day at the end of Operation Desert Storm to an expected 96,000 barrels per day currently.

An ABC News report in December of 1997 cited the Center for Global Energy Studies estimate that Saddam Hussein was generating $300 to $400 million a year from contraband oil sales.

Mr. President, these are illegal sales that have generated funds for Saddam Hussein's war machine.

I have absolutely no doubt that allowing Saddam to increase his oil production under the new resolution means that contraband oil exports will increase proportionately. It is this illegal flow of oil that is the lifeline that keeps his Republican Guards well fed and his weapons of mass destruction production program on track. A former head of Iraq's military intelligence, in an interview with ABC News, said that the dollars generated by smuggling "enable Saddam Hussein to support his intelligence services and the military to keep them loyal. That is how he stays in power."

Finally, Resolution 1153 does more than provide for humanitarian imports. It finances almost the full range of imports that Iraq would make were it not under the sanctions. Again quoting from Patrick Clawson:

> In fact, UNSCR 1153, provides imports at about half the prewar level, putting the lie to the idea that Saddam is stuck in an ever-constricting "box."

He is not stuck in an ever-constricting box; the box is full of holes. The resolution provides for infrastructure improvements such as sewers and electricity—all activities that would normally be undertaken by the Iraqi Government. To the extent this U.N. action quells citizen discontent with Iraqi leadership, we are just prolonging the life of this horrible regime.

So why did the U.N. Security Council adopt Resolution 1153? I have a few theories about the motivation of the interested parties. For the Clinton administration, this may have been viewed as a counterbalance to the call for military action. I think it was counterproductive, but that was their decision.

But for other members of the Security Council, particularly those who oppose the use of military force—Russia, France and China—the motivation is clear. It is an economic motivation. As a recent Wall Street Journal article observed:

> For Kremlin envoys, more than $10 billion in contracts and debt is at stake in bringing an end to the United Nations economic sanctions against one of Russia's biggest trading partners. Indeed, even under the U.N. embargo, Russian oil companies such as NK Zarubezhneft and AO Surgutneftegas have been the prime beneficiaries of the "food for oil" program . . . Russia signed and delivered 36 contracts to supply pharmaceuticals worth $100 million to Iraq hospitals under the U.N. deal.

The Wall Street Journal correctly observes that Russia's heavy industry would also benefit by supplying oil equipment, such as platforms and rigs, to Iraq, as would Russian arms makers. Of course, some Russian companies have not waited for the end of sanctions. Iraq obtained several Russian gyroscopes used for aiming Scuds in 1995, and just last week we became aware that U.N. inspectors accused Russia of selling Iraq huge steel drums that could be used to produce biological warfare agents.

In spite of these actions by Russia, it was reported this weekend that U.N. Secretary General Kofi Annan was studying a Russian request to have a Russian named as codeputy chairman of the U.N. special commission overseeing the weapons inspections. I sincerely hope the United States will use its veto power to prevent this appointment in light of the obvious conflicts of interest.

I should note, Mr. President, that both China and France have similar conflicts of interest in that their close economic ties to Iraq have been in existence for some time, and their desire for Iraqi oil is well known. These have made them hard set against any military action for some time.

With the United Nations having now negotiated a deal with Saddam Hussein that appears in the short term to have sidetracked military options—and with members of the Security Council actively working to let Saddam Hussein off the hook—what can the United States do unilaterally to advance our national security interests?

I have some suggestions. First, the Congress should hold hearings to examine the impact of increased oil sales on Saddam Hussein's ability to stay in power. As chairman of the Energy and Natural Resources Committee, I would like to conduct these hearings jointly with the Senate Foreign Relations Committee and my good friend, Senator HELMS.

Second, the administration should keep our forces in the gulf region while we test whether this time Saddam Hussein means what he says.

Third, Congress should instruct the administration to pursue means to tighten the oil-for-food monitoring program and to develop measures that would prevent the illegal leakage of oil into the world marketplace. I submitted a resolution 2 weeks ago, Senate Concurrent Resolution 76, which would send that message to the administration. I plan to amend that resolution to reflect what is learned in congressional hearings, and I will ask the Senate to take action on that in the near future.

My resolution will call on the administration to consider the following options:

First, expanding the multinational interdiction force, the MIF, in the Gulf of Arabia and ensuring that the rules of engagement allow MIF forces to effectively interdict vessels containing contraband oil.

Second, using all diplomatic means available to ensure that other countries in the region are not aiding illegal oil exports in violation of the U.N. resolutions.

Third, inspecting all vessels leaving the Iraqi Port of Basra to ensure that the economic sanctions are not being circumvented. This type of blockade is justified under existing U.N. resolutions implementing economic sanctions. While it may sound like an extreme measure to initiate a blockade, I remind my colleagues that we have a blockade of the airspace over that part of the country, which we have taken the initiative to enforce.

Fourth, and finally, entering into negotiations with oil-producing nations to encourage them to make subsidized oil sales to Jordan so that the Iraqi-Jordanian flow of oil can be shut off.

Taken together, all these measures will serve to increase Iraq's economic isolation and provide a deterrence to illegal actions. This is an approach we used successfully in confronting the former Soviet Union, and I think we should return to it right now.

Again, oil is the key to controlling the future military capability of Iraq. We must control it if we are ever going to contain Saddam Hussein.

Mr. President, that concludes my remarks. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise, one, to compliment my colleague, Senator MURKOWSKI from Alaska, for his speech in talking about the United Nations and their increase of the flow of oil. I want to make a couple comments about the administration's handling of the latest crisis with Iraq and express my very strong displeasure with the administration, because I do not think they were very open with Congress.

I met with Secretary of State Albright, Secretary of Defense Cohen, National Security Adviser Sandy Berger, and Chairman of the Joint Chiefs of Staff General Shelton on numerous occasions when we were debating what our reaction should be to Iraq's noncompliance with the U.N. resolutions allowing arms control inspectors to investigate whether or not they were building up munitions of mass destruction. I know the Senator from Arizona sat in on several of these meetings.

As you know, we were in the process of building up armed forces. We were very close to having a military strike. Some people were suggesting different alternatives. The Senator from Alaska said, "Well, maybe we should curtail the flow of oil. We have a program that is called oil for food that has been going on for years now. Maybe if we tighten that up, it would put an economic squeeze on the Iraqis and maybe they would change their behavior and maybe we wouldn't need to drop bombs to have Saddam Hussein realize the errors of his way and that he needs to comply with the U.N. resolutions."

I told the Secretary of State that I was upset about the fact that our international coalition has dissipated, if not disappeared. The only real strong supporter we had in this entire venture was Great Britain. We did not have strong, at least visible support, or audible support from the Saudis or from Turkey. We did not have access to the bases in those countries for bombing purposes if there was an airstrike. That bothered me a lot.

But what bothers me as much now, when we were discussing different options in lieu of a military strike, and one of the options was curtailing the flow of oil that was discussed in this Capitol with leaders of our Government, our leaders did not tell Congress that they had already agreed in the Security Council, or they were working on an agreement in the Security Council, on February 20, to more than double the amount of oil that would be used in this oil-for-food program—more than doubled.

Actually, they go from $2 billion every 6 months to $5.2 billion. They did not tell us that. Most people were not aware of the fact that before the Secretary General flew to Baghdad for his effort to avert or stop the airstrikes and achieve compliance, 2 days before, the U.N. Security Council had raised the amount of the oil-for-food program and more than doubled it. We had those sanctions on since 1991. We restricted the flow of oil to that specific amount of $2 billion for every 6 months, and then all of a sudden, just when we are getting ready to maybe have airstrikes and the U.N. Secretary General was going to go to Baghdad to negotiate a deal—he did not use it for leverage, we basically gave them the carrot—we gave him that incentive before he went to negotiate.

It just happens to be a coincidence? I do not think so. And why wasn't the administration forthcoming to Members of Congress and say, "Well, we've already done this," or "We are now negotiating the U.N. Security Council to do this." They did not do that. They did not tell this Senator, they did not tell other Senators that they were in the process of doing it, and that bothers me. It bothers me a lot.

I for one had serious misgivings, as I know other Members of this body did, on how far we should go in response and how much of a blank check this Congress should give this administration in dealing with Saddam Hussein, but for them to not tell the Congress or the American people, and the fact that the increase in this oil-for-food program was going forward at this very critical time—just a coincidence, I guess—is more than an oversight. It is a very serious mistake. A very serious mistake in dealing with Congress and a very serious mistake in our foreign policy as well.

So I compliment my colleague from Alaska for bringing this to our attention. And I wish to bring it to the administration's attention that some of us might have been willing to say, hey, let us use the oil-for-food program as an incentive to get him to comply. I do not think we would have said, let us give it to him, and then hope that maybe he would agree with the Secretary General. Maybe the deal was already cut before the Secretary General left. We have not heard that, but maybe that was the case. But in any case, I think the administration was not very forthcoming with Congress. And that is not a very positive sign.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, seeing no other Senator seeking recognition, I ask unanimous consent to speak briefly for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

TAIWAN MOVES CLOSER TO WTO ENTRY

Mr. MURKOWSKI. Mr. President, I rise today to call my colleagues' attention to the recent conclusion of the bilateral trade negotiations between the United States and the Republic of China on Taiwan. I think it is significant because it is this event that moves Taiwan one step closer to entry into the World Trade Organization.

This event has particular significance to me because I was a member of the Foreign Relations Committee in 1990 when Taiwan first applied for membership in the General Agreement on Tariffs and Trade, the predecessor organization to the World Trade Organization.

Then chairman of the Foreign Relations Committee, Claiborne Pell, and I and a number of others initiated a letter to President Bush, signed by 13 members of the Foreign Relations Committee, urging our Government to support the formation of a working group on Taiwan's application to GATT. A similar letter to the President, initiated by then chairman of the Finance Committee Lloyd Bentsen and ranking Republican Bob Packwood was signed by 20 members of the Senate Finance Committee.

Mr. President, I am gratified that Taiwan and the United States have reached this important milestone in our bilateral relationship. I also congratulate Taiwan for committing to adopt WTO principles at this time, particularly when many countries in the region are questioning the merits of opening doors and providing freer access to their domestic markets. Taiwan, once again, is serving as a model for the region.

Last week, members of the Finance Committee had an opportunity to meet with the U.S. Trade Representative, Charlene Barshefsky, to discuss this issue, among others. The members of the Finance Committee attending that meeting signed a letter to Ambassador Barshefsky congratulating her and the other USTR negotiators for reaching a deal that will dramatically open Taiwan's markets to U.S. agricultural products, services, and other industrial goods.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> UNITED STATES SENATE,
> *Washington, DC, February 26, 1998.*
>
> Hon. CHARLENE BARSHEFSKY,
> *United States Trade Representative, Winder Building, Washington, DC.*
>
> DEAR AMBASSADOR BARSHEFSKY: We write to congratulate you and your team of negotiators on the successful conclusion of bilateral negotiations with the Republic of China on Taiwan regarding Taiwan's entry into the World Trade Organization (WTO).
>
> We agree with your assessment that this agreement will "dramatically open Taiwan's market to U.S. agricultural products, services and industrial goods." The agreement marks an important milestone in our bilateral relationship with Taiwan, this country's seventh largest trading partner and the world's fourteenth largest economy. Taiwan's commitment to adopt WTO principles should be applauded, especially during a time when many countries in the region are questioning the merit of opening doors and providing freer access to their domestic markets. The United States should now exercise international leadership to support Taiwan's entry into the WTO at the earliest possible opportunity.
>
> We look forward to your continued leadership on this issue.
>
> Frank H. Murkowski, Richard H. Bryan, Connie Mack, Bob Graham, Max Baucus, Chuck Grassley, Jay Rockefeller, John Breaux.

Mr. MURKOWSKI. Mr. President, I hope that Taiwan now continues its forward march and finishes its two outstanding bilateral negotiations with the European Union and Switzerland. And I call on our administration to continue to show leadership on this issue.

I am also encouraged by the leadership of the Director General of the World Trade Organization, Renato Ruggiero, in his recent comments that, "Taiwan's entry does not depend on China. The negotiations of Taiwan are progressing well. At the World Trade Organization we are not, fortunately, ruled by political principles." I hope the rest of the WTO members, the United States included, will abide by those words.

Mr. President, I am not ignoring that Taiwan's entry into the World Trade Organization faces hurdles not faced by other prospective entries. It is well known that the People's Republic of China, which is not yet a member of the World Trade Organization, has indicated that Taiwan should not join the WTO before the PRC. The optimistic solution, of course, is that the PRC conclude its outstanding bilateral negotiations with the United States and the other countries and is prepared for entry at the same time. I would certainly support that outcome. Unfortunately, negotiations with the PRC are not proceeding quickly, and there is always the risk that the PRC will decide to drop its bid for WTO entry altogether. What happens then to Taiwan? Well, that isn't addressed, Mr. President.

Fortunately, Mr. President, we are not yet faced with that situation, so I will not speculate on possible alternatives. But it does call to mind the delicate nature of the three-way relationship between the United States, the Republic of China on Taiwan, and the People's Republic of China.

Recently, comments of Dr. Arthur Waldron, a prominent Asia scholar and a professor of international relations at the University of Pennsylvania, have been brought to my attention because of the insight that he offers on American policy on this triangular relationship.

I would like to share with my colleagues some of the observations Dr. Waldron made at a recent forum hosted by the American Enterprise Institute.

Dr. Waldron said that, "although we have a military policy toward the two sides of the Taiwan Strait, we don't really have a political policy." He was referring, of course, to President Clinton's decision in 1996 to send a pair of aircraft carriers into the region when the PRC began a series of missile tests in the Taiwan Strait on the eve of the first direct democratic presidential elections in Taiwan.

Waldron argues that, while the United States showed military support for Taiwan in 1996, there has been little discussion of a long-term political policy. One of the reasons he says—and I agree—is that, "there are all kinds of taboos around," particularly with regard to the language we use when discussing the issue. "We have a very strong relationship with Taiwan, but we're not allowed to go public with it," Waldron said at last month's forum.

> We can't call them by their official name. You even look in the CIA guide and it has Taiwan, and where it says "official name", it says "none." It's called the Republic of China, or the Republic of China on Taiwan. Those who work for our government aren't allowed to say that. I don't know why.

Waldron believes that the American policy toward the PRC-Taiwan issue is based on similar problems of language. The three communiques between the PRC and the United States, along with the Taiwan Relations Act, outline the official U.S. position on the issue, which is that the United States supports "peaceful reunification" of the two sides of the Taiwan Strait. But in the 1970s, when the first two communiques were signed, it was generally thought that Taiwan would not survive on its own for very long. "There was a real underestimation of the resilience, the capability of Taiwan and its people. There was a sense . . . that they would reach some sort of an agreement with the PRC, which would eliminate this issue," he says.

Of course, that has not happened, Mr. President. And today, with the PRC's Communist regime still in place and Taiwan's democracy growing every day, it is unlikely to happen any time soon.

Waldron calls the current situation "the policy of denial." "The idea is if you can get everybody in the world to say that Taiwan is no more than a renegade province, then somehow it will become a reality. Well, just having somebody say that something is so doesn't [necessarily] make it so," he said at the AEI forum.

Waldron concluded his remarks last month with the comment that he was not calling for "a sudden and dramatic change in policy." Instead, he said:

> What I am calling for is a change in the way we talk and the way we think. We have to start saying to ourselves, suppose that there isn't going to be this wonderful peaceful unification that we've all been talking about, suppose Taiwan keeps on developing the way it is, with even more legitimacy in its political organizations, freer speech and independent capabilities that make it impossible for anybody to compel them. And suppose the PRC doesn't evolve in ways that would make a solution more possible. What should we do? Let's call things by their true names, and talk about real possibilities and real scenarios for the future, rather than imagining that somehow this problem has been solved.

Mr. President, I found Dr. Waldron's comments refreshing. Back in 1993, I requested a hearing on Taiwan in the Foreign Relations Committee on how we could update our relations with Taiwan. This hearing was delayed for over a year as the administration completed the "Taiwan Policy Review." That review was finally released in September 1994. Although the administration did take some positive steps, which I welcomed, it left unanswered many of the inconsistencies that Dr. Waldron discussed.

Further on the subject of Taiwan, Mr. President, yesterday's Washington Post carried yet another in what is clearly a series of Clinton Administration trial balloons on the subject of a Taiwan-Beijing dialogue. This article, authored by former Assistant Secretary of Defense Joseph Nye, indicates the Administration is continuing to use third parties to increase pressure on Taiwan to return to the negotiating table with Beijing.

I, for one, would welcome fruitful dialogue between Taiwan and Beijing, but I think we in the United States would do well to ensure that it takes place on mutually satisfactory terms.

We promised Taiwan in 1979, when we withdrew recognition of the Republic of China, that we would never pressure Taiwan into direct negotiations with the communist authorities on the mainland.

I am troubled by Dr. Nye's thesis and the whole premise of the messages the Administration his been sending to Taipei through former government officials. That is, that Taiwan should hasten to sit at the negotiating table with a nuclear super power that refuses to renounce the use of force against Taiwan's democracy. I believe a renunciation of the use of force by Beijing would be an important demonstration of good will and would facilitate a meaningful dialogue so our democratic friends in Taiwan are not pressured by Washington to negotiate with a gun to their head.

Further, Dr. Nye states that the United States should publicly announce that it will not defend Taiwan if Taiwan declare independence. While I agree that it is undesirable for Taiwan to declare independence, I think Nye's logic is backward. Do we want to encourage people to think that Taiwan is ripe for the picking? Our policy of creative ambiguity has long served U.S. interests. So has our demonstrated readiness to use force, as we did when we introduced the two carriers into the Taiwan Strait two years ago when China tried to intimidate the people of Taiwan on the eve of their presidential election. I believe we should not change this policy. The U.S. should continue to be prepared, under appropriate circumstances, to deploy our defense resources in support of democracy in Taiwan.

Finally, Dr. Nye suggests that there is nothing but second class status in Taiwan's future. I do not think that the United States should endorse such a fate for the proud, free democratic people of Taiwan. With creative solutions, I hope Taiwan can assume its full and rightful place in international organizations. I don't think the United States through current officials, former officials or trial balloons should walk away from our support in this regard.

As President Clinton prepares for another summit with President Jiang of China, I hope that he will take into consideration Dr. Waldron's comments and the input of interested Members of Congress who have long followed this issue. Taiwan is a strong democracy. It is not going to simply bow to coercion from China. The United States should recognize this and work to find a policy that will ease regional tensions and promote future stability in the Asia-Pacific area.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1718 TO AMENDMENT NO. 1676

(Purpose: To require the Secretary of Transportation to reduce the amounts made available under the bill for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997)

Mr. CHAFEE. Mr. President, last Friday, I sent to the desk an amendment numbered 1718. I ask to call up that amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 1718 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, this is an amendment, as I said, that I sent to the desk last Friday. It would require the Secretary of Transportation to reduce the amounts made available under the so-called ISTEA Act for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997, the so-called 6-month extension.

Last year, Mr. President, as you recall, in the latter part of the calendar year, around October, the Senate passed a 6-month extension of the ISTEA legislation which allowed States to use their unobligated balances to fund eligible transportation projects. It also allocated an additional $5.5 billion in new money to the States. The Senate agreed to provide that $5.5 billion on the condition that the amounts allocated to the States under the ISTEA II legislation in fiscal year 1998 would be reduced by the amount each State received for the 6-month extension. In other words, under the legislation we are now considering, Mr. President, we provide money for the entire fiscal year of 1998.

What this amendment would do is say the amounts we previously gave the States in October for this fiscal year will be deducted from the total amount that we provide for the entire fiscal year for them. By the way, Mr. President, the amounts would be allocated to each of the categories for which they had received that amount previously. For example, the amount each State will receive in the surface transportation program, so-called STP funds, under ISTEA II will be reduced by their portion of the more than $1 billion provided in STP funds for the 6-month extension.

There are several reasons why this reduction is necessary. First of all, ISTEA II provides money for each fiscal year 1998 through 2003. It does not provide a half-year amount. If this reduction is not required and agreed to, the States would receive one and one-half times as much as they should for 1998 and our bill would be subject to a point of order. Second, the reduction ensures that each State will receive money based on the new formula provided in ISTEA II instead of the old formula, or amounts received in the past.

We worked long and hard to update this formula to make it as fair as possible.

Mr. BAUCUS. Mr. President, this is essentially a bookkeeping amendment to prevent double counting and to make sure that moneys States do receive under the new ISTEA highway program are according to the new formula rather than the old formula. It is really very straightforward—to prevent double counting.

There is no reason why this should not pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1718) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1841 TO AMENDMENT NO. 1676

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 1841 to amendment No. 1676.

Mr. CHAFEE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Mr. President, this amendment makes several technical clarifying and noncontroversial changes to the underlying legislation.

Mr. BAUCUS. Mr. President, I urge adoption. These are truly technical amendments, clarifying amendments, truly noncontroversial. It should pass.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1841) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Now, Mr. President, we are waiting for those who are going to present the Finance Committee amendment, which I hope will be soon.

Pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I wonder if I could engage the distinguished chairman of our committee in a colloquy about the status of the bill.

Mr. President, I ask the chairman: Isn't it true that we are pretty much wrapped up with our bill, but we are waiting on two major amendments? They are from two other committees, and we are waiting for those committees to come to the floor and offer their amendments so we can get them agreed to and then get on with this bill and get this bill off the floor so we can, hopefully following the House action, have a bill to go to conference.

Isn't it true that we are about wrapped up here but we are waiting on two committees?

Mr. CHAFEE. Mr. President, I say to my distinguished colleague, the ranking member of the committee, that he is exactly right. There are two big amendments out there, but neither of them have anything to do with our committee. One is from the Finance Committee dealing with the tax portions of this legislation, and the other from the Banking Committee dealing with the mass transit portions of this legislation. But both of those are in other committees.

So we have been very anxious. The Finance Committee chairman and others have indicated that they are prepared to come to the floor. We started this at 1 p.m., and we keep hoping that they will come. We are losing valuable time, Mr. President. Obviously, both of us and all members of the committee want to finish this legislation. There are several hundred amendments still out there, but I have reason to believe very few of those are actually going to be presented.

So, we could really make tremendous progress if we could dispose of those two major amendments—the one from the Banking Committee and the one from the Finance Committee, which we are expecting to have presented momentarily.

Mr. BAUCUS. I ask the chairman, also, is it his understanding that the Finance Committee is ready with its amendment, that it has been drafted, but for some reason they just do not come over to the floor and offer it?

Mr. CHAFEE. The Senator is exactly right. That is my understanding. My understanding is they are ready to go.

One of the most famous reports that one hears in the Senate is, so and so "is on his way." "On his way" can mean a lot of things. It can mean circling Ronald Reagan Airport preparing to land, or it could just mean that he has gotten on the elevator and will be here within 45 seconds. So we have heard reports that the Finance Committee representatives who are going to present that amendment are on their way. Again, I am not sure what that exactly means.

Mr. BAUCUS. Mr. President, might I ask the distinguished chairman of our committee, isn't it true that the Finance Committee amendment is very important to this bill because that is the amendment which will extend the current gasoline tax that is going to transfer the funds into the trust fund and, therefore, to other trust fund States? So we definitely need to get this Finance Committee amendment agreed to.

Mr. CHAFEE. I say to the distinguished Senator that he is absolutely right. Without the money, this bill isn't going to amount to much. So we treat the members of the Finance Committee and the chairman with great deference since he provides the wherewithal to make this whole program fly.

The amendment they will present will extend the highway trust fund taxes for 6 years. It will extend the highway trust fund expenditure authority for 6 years. It creates a 15-project pilot program dealing with tax-exempt bonds for private-public partnerships. It has a whole series of provisions that have been worked out in the Finance Committee. It is crucial to this legislation.

So once we get that dealt with, which I certainly hope won't take long, we can then move on to the Banking Committee amendment.

I have just heard through the grapevine that the Banking Committee amendment, which deals with mass transit, will be ready tomorrow. But, as everyone knows, there is a cloture vote coming up at 5 or 5:30. It would seem to me that they should get that Banking Committee amendment in, or there will be all kinds of problems should cloture be invoked since that would not be germane to the bill.

Mr. BAUCUS. Mr. President, might I ask the chairman again, where does he think the Finance Committee amendment is? Here it is, 2:30 in the afternoon.

Mr. CHAFEE. They are on their way. I keep looking toward that door expecting that door to swing open.

Mr. BAUCUS. My office called, and there is no answer. They are out to lunch. The lunch hour, I am sure, is over by 2:30. I hope the Finance Committee comes over quickly so that we get their amendment offered.

I also ask the chairman—there is no reason why we even have to take the Banking Committee amendment. It seems to this Senator that we can just as soon go to third reading, and, if the Banking Committee does not come over with its amendment by tomorrow or the next day, then there is no transit amendment to the bill. There will be other opportunities for them to bring up their transit amendment sometime later this year, I would think. We don't have to wait. We don't have to have the transit amendment in this bill.

Mr. CHAFEE. Mr. President, I have to be cautious about allying myself with those comments since my State gets something out of the transit legislation. It is very important. We have one transit system within our State.

So I am very anxious to see that transit measure passed—the so-called "banking amendment." So, I do not want to foreclose anybody. But I urge the managers of that legislation, as well as others who have amendments which they might want to present, to come on over. The store is open for business. Now is the time.

Mr. BAUCUS. Mr. President, I might also note that last week when we were working out an arrangement to allocate dollars in the Byrd-Gramm-Warner-Baucus amendment the mass transit folks were going berserk; they were all upset that they were not "taken care of".

As we all know, the distinguished chairman of the Budget Committee and the chairman of the Banking Committee and others have reached an agreement of the amounts that will be in the transit title. So there is no reason why they can't quickly put this bill together with the amounts that are contained in that agreement and offer their amendment. I hope they will do that very quickly.

Again, we are here waiting for the Finance Committee. We are here waiting for the Banking Committee. Once those two committees come over with their major amendments to different titles to this bill, we will by and large be able to pass this bill and urge the House to take up and pass their ISTEA bill so we can meet the deadline of April 30. A lot can slip between now and April 30—passage here and in the House, then conference, and we have to have all of that done by April 30, and signed by the President by that same date so we don't have to worry about the possibility of another extension, which I certainly don't want, and so that States can rest assured that the highway program is in place. We have to move here. I hope the Finance Committee and the Banking Committee will help us out.

Mr. CHAFEE. Mr. President, I totally agree. I think once we dispose of those two big amendments, we can really wrap this thing up. It is dangerous to make predictions around here.

Mr. BAUCUS. Don't.

Mr. CHAFEE. All right. I will not. Anyway, I think we can do it rather soon. I know the majority leader is very anxious to get this legislation completed. I share that interest and concern with him.

So, while we wait upon the Finance Committee representatives, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

AMENDMENT NO. 1724 TO AMENDMENT NO. 1676

(Pending: To specify further penalties and the use of withheld funds under the section relating to minimum penalties for repeat offenders for driving while intoxicated or driving under the influence)

Mr. CHAFEE. Madam President, I now call up amendment No. 1724, which I submitted last Friday.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DEWINE, for himself, Mr. WARNER, Mr. CHAFEE, Mr. LAUTENBERG, Mr. DORGAN, Mrs. MURRAY, Mr. LIEBERMAN and Mr. BAUCUS, proposes an amendment numbered 1724 to amendment No. 1676.

Mr. CHAFEE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 225, strike line 12 and all that follows through page 227, line 13, and insert the following:

"(5) REPEAT INTOXICATED DRIVER LAW.—The term 'repeat intoxicated driver law' means a State law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated or driving under the influence after a previous conviction for that offense shall—

"(A) receive a driver's license suspension for not less than 1 year;

"(B) be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;

"(C) receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and

"(D) receive—

"(i) in the case of the second offense—

"(I) an assignment of not less than 30 days of community service; or

"(II) not less than 5 days of imprisonment; and

"(ii) in the case of the third or subsequent offense—

"(I) an assignment of not less than 60 days of community service; or

"(II) not less than 10 days of imprisonment.

"(b) TRANSFER OF FUNDS.—

"(1) FISCAL YEARS 2001 AND 2002.—

"(A) IN GENERAL.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

"(i) to be used for alcohol-impaired driving countermeasures; or

"(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

"(2) FISCAL YEAR 2003 AND FISCAL YEARS THEREAFTER.—

"(A) IN GENERAL.—On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall transfer 3 percent of the funds apportioned to the State on that date under each of paragraphs (1) and (3) of section 104(b) to the apportionment of the State under section 402—

"(i) to be used for alcohol-impaired driving countermeasures; or

"(ii) to be directed to State and local law enforcement agencies for enforcement of laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

"(B) DERIVATION OF AMOUNT TO BE TRANSFERRED.—An amount transferred under subparagraph (A) may be derived—

"(i) from the apportionment of the State under section 104(b)(1);

"(ii) from the apportionment of the State under section 104(b)(3); or

"(iii) partially from the apportionment of the State under section 104(b)(1) and partially from the apportionment of the State under section 104(b)(3).

Mr. CHAFEE. Madam President, this is what we might call a repeat offenders amendment. I filed it last Friday so that our Members would have a chance, and their staffs, to look at it and consider it. The amendment would strengthen and clarify the repeat drunk driving offenders section of the bill; that is, the underlying bill.

The bill, as currently drafted, requires States to act and support penalties for drunk drivers who have a blood alcohol concentration of .15 or greater. And two things have to occur—the drunk driver is arrested, has a blood alcohol content of .15 or greater, and has been convicted of a second or third or more drunk driving offense within 5 years.

This amendment, of which Senator DEWINE is the lead sponsor, is cosponsored by Senator LAUTENBERG, Senator WARNER, Senator CHAFEE, Senator BAUCUS, and Senator DORGAN. And what it does, it strikes the reference to the .15 blood alcohol concentration and lets the State law on blood alcohol concentration determine what is a "repeat offender."

The amendment, therefore, clarifies that a person who is arrested for driving with a blood alcohol concentration level lower than .15, such as .08 or .10, still may be classified as a repeat offender if the State so chooses. So, in essence, Madam President, what this amendment does, instead of our setting it at a Federal level, we let the States set the level for the second or greater offense that has occurred within the 5 years.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I support this amendment. There are no objections I am aware of on our side.

A critical feature is State discretion. The States will have the authority, have the discretion, under this amendment, to change the alcohol content to a level that they so choose. That is, this amendment does not prescribe specifically what the alcohol content should be with respect to the repeat offender law. And because the States have that discretion, that choice, I support the amendment.

Mr. LIEBERMAN. Madam President, on March 4 the Senate voted in favor of an amendment to ISTEA that would make .08 BAC for drunk drivers the law of the land. I voted for this amendment and was an original co-sponsor of the bill introduced last year by Senators

LAUTENBERG and DEWINE to establish .08 BAC as a national standard.

Today I stand in support of a related amendment sponsored by Senators LAUTENBERG and DEWINE that would establish national minimum penalties for repeat drunk driving offenders. Like the .08 BAC amendment, this amendment is supported by senators from both sides of the aisle. Having agreed upon a clear and reasonable standard for drunk driving, we need to take firm steps that stop repeat offenders and that discourage others from drinking and driving.

The terrible price we pay as a society for drunk driving warrants firm measures to address the repeat offender problem. In 1996, over 17,000 Americans lost their lives in car accidents when a driver had been drinking alcohol. These Americans died in every state and they come from all walks of life. Many thousand more Americans suffer severe injuries in alcohol-related car accidents and families are devastated. Experts tell us that repeat offenders account for a disproportionate part of these drunk driving accidents.

This amendment provides states with necessary flexibility and a number of important tools with which to combat the repeat offender problem. It includes minimum sentencing and license revocation. It allows states to implement vehicle impoundment or restrictions on vehicle use. Punitive actions are only part of what is necessary. The amendment also provides for alcohol assessment and appropriate treatment for repeat offenders to address the underlying problems that lead to drunk driving. These carefully considered steps to fight repeat offender drunk driving need to be implemented to protect all Americans.

Drinking and driving once is inexcusable. Drinking and driving a second or third time simply cannot be tolerated. Madam President, I support the Lautenberg and DeWine repeat offender amendment to ISTEA.

Mr. LAUTENBERG. Madam President, I rise to express my support for Senator MIKE DEWINE's amendment that would establish minimum standards of punishment and treatment for repeat offenders of drunk driving. These standards will send a strong message that repeated convictions for drinking and driving will not be tolerated.

We have heard, over the past few days, the extent of the national scourge that is drunk driving in our country. Let me remind you, in 1996, 41,907 people were killed in highway crashes. Another three million were injured. These crashes cost society $150 billion every year. Forty-one percent of all traffic fatalities are alcohol related.

In 1996, 17,126 people were killed in alcohol-related crashes. That year, more people were killed in alcohol related crashes than were killed in the worst year of the Vietnam War, a war that tore this country apart.

Driving While Intoxicated, or DWI, is one of the most prevalent crimes in this country. In 1994, more people were arrested for DWI—1.5 million—than for any other reported criminal activity including larceny or theft. We need to start treating this epidemic.

A shocking number of DWI convictions are repeat offenders. When the National Highway Traffic and Safety Administration studied this issue, it found that about one-third of all drivers arrested or convicted of DWI each year are repeat DWI offenders. One out of eight drunk drivers in a fatal crash has had a DWI conviction in the past three years. The danger of these repeat offenders is illustrated by the fact that drivers with prior DWI convictions are over represented in fatal crashes. These drivers have a 4.1 times greater risk of being in a fatal crash, as do intoxicated drivers without a prior DWI, and the risk of a particular driver being involved in a fatal crash increases with each DWI arrest.

According to the National Commission Against Drunk Driving, about 2,300 innocent victims are killed each year due to so-called persistent drinking drivers, or those who repeatedly drive after drinking. Annually, persistent drinking drivers represent an estimated 65 percent of fatally injured drinking drivers and 15 to 20 percent of all injured drivers. This translates into 7,000 dead drivers and 250,000 injured drivers each year. And, Mr. President, persistent drinking drivers cost the economy $1.5 billion each year in enforcement and court costs and $45 billion each year in crashes.

One study in California demonstrated the extent of this problem over the long-term. It found that 44 percent of all drivers convicted of DWI in California in 1980 were convicted again of DWI within the next ten years.

Madam President, when we talk about drunk driving, too often we talk about it in statistical terms. But there are real people attached to those statistics. In the spring of 1995, a young man, from Tuckerton, New Jersey, full of goodness and potential, was struck down by a drunk driver while he and his friend were in-line skating. Matthew Hammell was exceptional. All those who knew him talk about being touched by his kindness and caring. At one point Matt dreamed of being a baseball player, but as he matured he knew he wanted to be a missionary. His dream became living a life of helping others. But this dream never materialized. Robert Hyer, drunk and driving, struck Matthew with his car while passing another vehicle. Hyer should not have been on the road. Not only was he drunk, but he had a history of driving drunk. Before this fateful incident, Hyer had been charged with DWI six times, though he was convicted only twice. Hyer lost his license in New Jersey in 1984, but somehow he obtained a North Carolina license just two years later. He was a habitual offender who kept bucking the system. A system which kept letting him go. A system which, in the end, was too late in responding.

Madam President, it may be too late for Matthew Hammell, and all of the other Matthew Hammells who are taken from us too early, but it is now that we must become serious about drinking and driving. I introduced a bill one year ago that I named in his honor, the "Deadly Driver Reduction and Matthew P. Hammell Memorial Act." That bill required states to adopt a "three strikes and you're out" law that took away the driver's license.

While I introduced that bill, I am pleased to say that the amendment proposed by Senator DEWINE is a positive step toward combating this terrible epidemic. The amendment before us provides a comprehensive approach toward reducing repeated drinking and driving.

First, the amendment recognizes that the large percentage of DWI arrestees, from 40 to 80 percent of all offenders, are alcohol dependent, by requiring alcohol assessment and treatment, as necessary, after the second and each subsequent offense. Experts suggest that combining treatment and legal sanctions will produce the largest benefit to traffic safety. It makes sense.

Second, the proposal requires states to revoke a driver's license for one year after the second and each subsequent offense. Most states already require license suspensions after the first and subsequent offense, and states have found that the threat of taking away one's license has been very effective deterrent for the general population. However, studies have also found that for the chronic drinking driver, license suspensions have very little effect—upwards of 80 percent of drinking drivers continue to drink and drive after license suspension.

That's why this amendment seeks to employ other methods that will make it difficult for the repeat offender to drive when he or she is drunk, or to drive at all. The amendment requires that, after the second and subsequent offense, the person is subject to vehicle impoundment or immobilization, or the installation of an ignition interlock device on the car. These tools have been found to be extremely effective in reducing recidivism of drunk driving. After the City of Portland, Oregon adopted an ordinance to take cars away from repeat offenders, the City saw a 42 percent decrease in drunk driving fatalities, and a recidivism rate of only four percent for offenders whose cars had been seized.

Ignition interlock devices are those that are locked into a repeat offender's car. Before the person can drive, he or she must blow into the device, and if the device registers more than .02 BAC—or zero tolerance—the car will not turn on. The repeat offender usually is responsible for paying the costs of the device, which is about two dollars a day. Over 35 states have passed some form of legislation that uses ignition interlock devices to combat repeat offenders. According to the NCADD, ignition interlock programs used in several states have reduced recidivism to about one percent while the program is in effect.

Finally, the amendment requires states to adopt laws, if they have not already, mandating jail time or community service for the second (five days in jail or 30 days community service) and subsequent (ten days in jail or 60 days community service) offense. Repeat offenders must know the severity of their crime.

States are given three years to adopt laws that have, at a minimum, these provisions. States that fail to do so must transfer one and one-half percent of their highway construction funds in the fourth year, and three percent in the fifth year, to their Section 402 impaired driving program, or to the state police, to assist in enforcing drunk driving laws.

The NCADD has proposed strategies to deal with the persistent drinking driver. I am pleased to say that this amendment incorporates almost all of those strategies. License revocation. Vehicle immobilization or impoundment. Imposition of an ignition interlock device. Alcohol assessment and treatment. Another strategy the NCADD proposes to deal with the persistent drinking driver is to reduce the legal BAC limit to .08 BAC for adults, because studies have shown that .08 BAC laws have reduced drunk driving at even higher BACs. As we all know, the Senate approved that amendment last week.

Madam President, I want to commend Senator DEWINE and Senator WARNER on their effective leadership on behalf of this issue. The programs that we have passed—the .08 BAC amendment, Senator DORGAN's open-container amendment, and this repeat offender amendment—create a comprehensive program that when in place, will show measurable effects. We will see a reduction of alcohol-related crashes. Fewer families will face the crippling grief of a loved one lost to drunk driving.

This amendment matters. I hope my colleagues will join us in supporting this comprehensive amendment that will save lives.

The PRESIDING OFFICER. Is there any further debate? If there is no further debate, the question now occurs on agreeing to amendment No. 1724.

The amendment (No. 1724) was agreed to.

Mr. CHAFEE. Madam President, I move to reconsider the vote.

Mr. BAUCUS. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1922 TO AMENDMENT NO. 1676

(Purpose: To codify the transportation infrastructure finance and innovation provisions)

Mr. CHAFEE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. GRAHAM, proposes an amendment numbered 1922 to amendment No. 1676.

Mr. CHAFEE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CHAFEE. Madam President, this is a package of amendments to the Transportation Infrastructure Finance and Innovation Act, so-called TIFIA. These include two types of changes. First, they make technical and noncontroversial changes to the TIFIA subchapter. The majority were recommended by the U.S. Department of Transportation to improve and clarify provisions under this act.

Second, this package establishes a fee for those States that use the Federal credit assistance to fund transportation projects under so-called TIFIA. This fee is necessary to offset the revenue loss that the Joint Committee on Taxation estimated will result in the program. It is important to note we have confirmation from the Congressional Budget Office that this fee will address the loss.

I am pleased that TIFIA was included in the underlying bill, S. 1173, as it will assist the Nation in funding the gap between transportation resources and needs.

Mr. BAUCUS. Madam President, we accept the amendment. The chairman has articulated the reasons. They are good reasons.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1922) was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

Mr. BAUCUS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF ACTION AND WITHDRAWAL OF AMENDMENT NO. 1310

Mr. WARNER. Madam President, this is a request from the Republican leader. I understand it is joined in by the Democratic leader.

I ask unanimous consent that Senate action on amendment No. 1310 be vitiated, and I further ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1310) was withdrawn.

Mr. WARNER. Madam President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Madam President, I rise to address a problem that threatens to overwhelm the Nation's Capital and surrounding jurisdictions: traffic. As our colleagues know, driving in the greater Washington area can raise your blood pressure and test your patience. Our regional traffic jam, which is rated as second only to Los Angeles, will get worse, not better, over the next few decades if we fail to act.

Projections indicate that the number of people and jobs in this area will grow by about 50 percent over the next two decades and the number of vehicle miles traveled will grow by nearly 75 percent.

Unfortunately, transportation funding will fall short of our needs by $500 million each year, and this shortfall will be even larger if we don't get the higher funding levels agreed to in ISTEA II. The U.S. Federal Highway Administration predicts that highway funding for the Nation as a whole in 1999 will be $12 billion less than we need just to maintain our current system, and, again, that is assuming the higher funding we have already agreed to in ISTEA II.

Unfortunately, State funding in Virginia will not be able to make up this shortfall. A recent report by the Virginia Department of Transportation shows that the spending shortfall in Virginia alone will be $1.74 billion in 1999, and this shortfall is projected to get worse, rising to $2.44 billion in the year 2009.

This paints a very grim picture for the future when our present situation is already intolerable.

Today, on average, every man, woman and child pays a congestion tax in fuel expenses, lost salaries and productivity, and pollution of $860 every year. Some have predicted by the year 2020 commuters will spend 50 percent more time getting to work. Imagine increasing your drive time from an hour up to an hour and a half or even from 30 minutes up to 45 minutes, depending on where you live and where you work.

Given our predicament, our failure to act may seem surprising, but when we stop and think about it, the Capital region encompasses two States and a Federal district within a single metropolitan area. And although the area has common needs, it is understandably hard to get everyone to agree.

Some have suggested creating a regional transportation department to tax the region and build needed roads. But Marylanders really don't want Virginians helping to choose what roads to build in Maryland, and Virginians don't want their tax dollars paying for projects in DC, and District residents don't want their interests overwhelmed by the suburbs. In short, everyone wants to have a say in how he or she will be taxed, how their money will be spent, and where roads will be built in their neighborhoods.

Earlier today, I submitted an amendment to assist the region in reaching consensus on how to meet its transportation needs. Under this proposal, which my office has vetted with a number of State and local officials and with the Greater Metropolitan Washington Board of Trade, the metropolitan planning organization for this region would come up with a set of projects and a regional funding mechanism to get those projects built. The region would then work toward consensus and an interstate agreement on the projects and funding.

The amendment that I have submitted offers several incentives for the region to reach agreement on this package.

First, the Federal Government would provide a small amount of administrative funding to assist the metropolitan planning organization for this region, the National Capital Regional Transportation Planning Board at the Metropolitan Washington Council of Governments. This board would work to find a way to fund and implement its regional transportation plan, which is ready to go but for the funding.

I believe the region has no real choice but to look at a regional funding mechanism to meet its needs, because Federal and State money will not be enough to address the spending shortfall.

I understand that reaching an agreement will be a lengthy process. So the proposal creates a corporation to provide short-term action on transportation needs. The corporation, acting alone, with the express consent of the region, would have the power to issue bonds to pay for regional projects.

At first, the corporation would obtain revenue by expanding transportation options. For instance, current Federal laws bar single drivers from using HOV lanes in this region during peak hours. This legislation would permit single drivers to use HOV lanes if they pay a toll and if the region agrees to spend the proceeds on transportation. In this way, drivers would have more options than they have today and the region would have more transportation revenue.

I realize that tolls are controversial, and part of the controversy comes from the fact that toll collection can slow down traffic. This legislation bars the use of tolls if they would result in slowing down drivers. There is no reason the region could not collect tolls through advanced technology, called "hot lanes," which allows drivers to pay their tolls without slowing down. "Hot lanes" use sensors to measure a driver's mileage on a toll road and bill the driver accordingly, without requiring them to slow down. Obviously, the tolls would not go into effect immediately. As with all the provisions of this amendment, the region would have to consent, as it would have to consent to any proposal advanced by the Transportation Planning Board.

Finally, this proposal provides for the expedited congressional approval of the region's interstate compact or agreement. Once the region reached consensus, it would not have to wait for Congress to act. This amendment would give automatic approval of the consensus plan unless Congress rejected the plan within 60 days.

I should reemphasize that this legislation is not intended to impose a solution on the region. Neither the transportation planning board nor the new corporation would have the power to raise taxes or build roads in anyone's backyard. Instead, the legislation is designed to promote cooperation among the local governments.

The region would have to find a set of projects and a funding mechanism that is fair to everyone. Only a balanced plan could gain the required approval of the regional and State governments.

In addition, the transportation planning board would need to make sure the plan is cost-effective. Voters and local governments will not agree to extravagant or impractical projects. Voters would have to be convinced that the TPB has come up with an affordable and practical strategy to reduce this region's growing traffic problem. The TPB could come up with any number of solutions to our gridlock problem, but let me describe one possible vision for the region's transportation plan.

First, we could add an extra lane in each direction on the beltway.

We could add an additional Potomac River crossing. Alexandria and southern Maryland, in particular, would benefit from a southern crossing to divert traffic away from the Woodrow Wilson Bridge. We could use these large-scale efforts simply to keep up.

Additional mass transit and alternative transportation are also critical if we are going to reduce congestion and pollution and provide transportation for the disabled and for those who cannot afford cars.

We could direct funds to maintain, upgrade and expand the Metro system. And to further reduce automobile traffic, we could expand bus service and improve bicyclist and pedestrian facilities. Additional commuter rail and commuter ferry service on the Potomac are also possibilities.

Finally, we could improve local roads to create a more web-like highway system instead of our current hub-and-spoke approach. In the future, more people will be commuting along the edges of DC rather than into the city itself. A plan of this magnitude would probably cost between $8 billion and $15 billion above current spending.

I should emphasize that the vision I just suggested is that only, a vision.

The Federal Government could not impose a plan on anyone. Local citizens would participate in creating a regional transportation proposal, and the regional governments would have to consent to any agreement. The State departments of transportation in Virginia and Maryland and the Department of Public Works in the District of Columbia would also have to consent to the agreement.

The Federal Government would contribute only a small sum, less than $1 million divided over 3 years, for the region to move toward consensus on action. This small investment, however, would yield enormous returns as this region's economy grew in strength.

More important, this is the kind of investment the Federal Government should be making. Traffic in and around our Nation's Capital is an interstate problem, creating regional challenges that warrant Federal action. Indeed, congestion threatens the very livelihood of our Nation's Capital.

The Federal Government certainly cannot be expected to foot the bill for every transportation need, and that is not what I am suggesting today. Indeed, I am proposing that the Federal Government should help create a framework for the region to help itself.

There was some understandable anxiety expressed by the departments of transportation of the States and the District when we began to explore this initiative several months ago. But I believe we have addressed those concerns by giving the jurisdictions involved absolute veto power over any action they choose not to support.

Madam President, that is the outline of the proposal that I have introduced in the form of an amendment to the pending legislation. It is my hope that we will be able to clear this legislation at the appropriate time so that we can take action upon it. But at this time I simply wanted to explain to our colleagues what it was that was in this particular amendment so they could consider it, and if it is necessary, tinker with any of the specific provisions. We can do so either between now and the time we complete action on the ISTEA II bill, or in conference, or with subsequent amendments down the road if we need to do any fine-tuning. But I thought it was appropriate to provide our colleagues with some suggestions as to how I believe we should approach this particularly vexing problem for our Nation's capital.

Mr. COCHRAN. Madam President, we have had a good debate, a prolonged debate, on S. 1173, the surface transportation bill, or the highway bill, as it is known in my State of Mississippi. It is now time to pass it and get to work on a conference report with the other body to meet the May 1 expiration of current law.

There is a tremendous backlog of road, bridge and highway projects in every state. Some have estimated that our national investment in highways per vehicle miles of travel decreased by 56 percent during the last 25 years while vehicle travel has increased by 123 percent. This illustrates the problem and explains why we have such a serious need to address this legislation and complete our work so the states can start work on the projects this bill will fund.

I am very pleased that the bill allocates the money on a much more fair and equitable basis than the current formula. Mississippi will get over 90 percent, at least, of the highway tax contributions it makes to the trust fund. That is a lot better than the 83 percent my State is now receiving.

I'm also pleased that the bill gives the states more flexibility to spend the money they get from the trust fund on road, highway and other transportation projects that they identify as their priorities rather than having to abide by federal priorities that don't coincide with state needs.

In Mississippi 29 percent of our major roads are in poor or mediocre condition and 39 percent of the State's bridges are structurally deficient or functionally obsolete.

These conditions contribute significantly to highway accidents which have increased 6 percent during the last 4 years. In addition to the loss of life, these accidents cost Mississippi's citizens $1.3 billion per year, or $500 for every resident, for emergency services, medical costs, property damage and lost productivity.

Another relevant statistic is that 77 percent of all fatal accidents were on two-lane roads and only 14 percent were on roads with four lanes or more. Money that is spent on highway improvements, such as adding lanes and shoulders, will save lives. It is also good economics.

I'm confident the flexibility provided in this bill will help Mississippi solve some of its special and most serious highway and transportation problems, especially the completion of our comprehensive four lane program.

Mississippi has been working for over ten years to implement this program. According to the Mississippi Department of Transportation, projects remaining to be put under contract include 30 miles of US 45, 17 miles of US 49 West, 69 miles of US 61, 25.4 miles of US 82, 54.6 miles of US 84, 24.6 miles of US 98, 58 miles of State Road 25, 33 miles on State Roads 57 and 63, and 10 miles of State Road 302. All of US 72 is now under contract and all of US 78 is now open to four-lane traffic.

The specific provision of the bill that helps us in this way gives states the flexibility to use up to 22 percent of their trust fund allocations for any projects that fall within title XXIII of the U.S. Code, which covers all highway programs.

There are other provisions of this legislation that are of special interest to our efforts in Mississippi to ensure that roads, highways and bridges on federal lands within the States are improved. Additional funding added to the bill as part of the committee amendment will provide $850 million in additional contract authority over 5 years for the three elements of the Federal Lands Highway Program.

Funding for Parkways and Park Roads will increase by $70 million per year for fiscal years 1999–2003, and funding for Public Lands Highways by $50 million per year during the same period. This ought to provide funding to bring the Natchez Trace Parkway closer to completion and ensure some much needed improvements are made to roads in our national forests and wildlife refuge areas.

Another provision of this bill that is of major interest to me and my State is the additional $450 million for funding NAFTA Trade Corridors.

The I–69 Trade Corridor Highway, which will run from Canada down through the Mississippi Valley to our border with Mexico, will provide significant economic benefits to the entire region through which it passes. We expect our State of Mississippi will be one of the states through which I–69 will pass.

Without this investment, the transportation infrastructure of the Mid-South region cannot accommodate the needs associated with increasing trade and commercial traffic. Growth in North American trade, as well as trade between the U.S. and the rest of the world, is supported by recent trends and current projections, particularly in the agricultural sector.

U.S. agricultural exports, which were valued at $26.3 billion in fiscal year 1986, increased to $54.2 billion in 1995 and to nearly $60 billion in fiscal year 1996. We also consistently export more agriculture commodities and food products than we import.

A recent USDA Agricultural Outlook publication projected "robust growth" in global demand for agricultural products in international commodity markets through the year 2005. It also predicted that U.S. high-value agricultural exports will continue to show strong growth, generally outpacing bulk exports and accounting for a growing share of U.S. farm exports.

Every state in the I–69 Trade Corridor exports agricultural products and commodities, sharing in export-generated employment, income, and rural development. These exports generate economic activity in the non-farm economy as well. USDA estimates that each $1.00 received from agricultural exports in 1995 stimulated another $1.38 in supporting activities to produce those exports generating an estimated 895,000 full-time civilian jobs, including 562,000 in the non-farm sector.

Trends in agriculture exports and the potential for their growth suggest that additional investment in transportation resources, particularly in the I–69 Trade Corridor, will provide a favorable return to the economies of all the States and communities along the route.

Madam President, I commend the members of the Committee on Environment and Public Works who have worked hard to provide more funding for our transportation needs and to ensure a more equitable distribution of funds to the States, and I especially congratulate, our distinguished majority leader for his effective leadership in helping to produce a good and fair bill. This bill ought to receive an overwhelming vote of approval.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR COLLINS' GOLDEN GAVEL AWARD

Mr. LOTT. Madam President, today I have the pleasure to announce that

Senator SUSAN COLLINS of the great State of Maine, the current Presiding Officer, is the latest recipient of the prestigious Golden Gavel Award.

Since the 1960s, Senators who preside over the Senate in excess of 100 hours are recognized with the Golden Gavel. The Golden Gavel has long served as a symbol of appreciation for time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

With respect to this particular Presiding Officer, two words describe Senator COLLINS as she presides over this Chamber: reliable and punctual. Senator COLLINS takes her presiding responsibilities seriously and is someone who can always be counted on to serve. We now take the opportunity to extend our thanks to her for her commitment to the fine way in which she presides.

I must say, she has received one of the highest compliments that can be received from the Senate itself. Senator BYRD has commented about what a good job she does in the chair and that she presides fairly and she pays attention to what the Senators are saying.

I congratulate her and thank her on behalf of the U.S. Senate for her time.

(Applause, Senators rising.)

Mr. BAUCUS. Will the leader yield?

Mr. LOTT. I will be glad to yield.

Mr. BAUCUS. I agree with the leader's comments and observations with respect to the current Presiding Officer. In the few times I have been on the floor—and certainly during this last week of managing this bill—she has often been the Presiding Officer. And she smiles.

Mr. LOTT. Sometimes that is hard to do.

Mr. BAUCUS. Yes. Not all Presiding Officers smile. I don't know why she is smiling, if it is in agreement or whatever, but she certainly is engaged. It is a very refreshing continence and demeanor compared to a lot of Presiding Officers.

I also very much congratulate her and agree with the leader's comments.

Mr. LOTT. Thank you.

Mr. CHAFEE. Will the majority leader yield?

Mr. LOTT. Yes.

Mr. CHAFEE. I share those sentiments. I have noticed that the Presiding Officer who is in the seat now, the distinguished Senator from Maine, as you say, follows the debate. Now, she may be thinking about something else, but you wouldn't know it, and, as a matter of fact, she has indicated approval of many of the things I have said, at least it looks that way.

So I think it is wonderful that she has won this great award. I hope she will not give up now. What can she aspire to? How are we going to keep her in this chair?

Mr. BAUCUS. Give her a second one.

Mr. LOTT. Make her a permanent one, except when, of course, Senator THURMOND is available.

I thank the Senator for his comments.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. LOTT. Madam President, I ask unanimous consent that the cloture vote scheduled to occur today now occur at a day and time to be determined by the majority leader after notification of the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, I further ask unanimous consent that all first-degree amendments, as provided under rule XXII, now be filed up to 4 hours following the cloture vote and second-degree amendments to be filed within 24 hours after the cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Now, to explain briefly just what we have done, and it is with the concurrence of the Democratic leader and the managers of the legislation. I do feel that we should get cloture. We should begin to move toward a defined list of amendments and try to bring this very important legislation to a conclusion.

But the biggest complicating factor we have right now is that the titles from the Banking Committee and Finance Committee have not been offered and have not been adopted. I hope now that the two chairmen of those committees will be prepared, later on today or tomorrow, to have those titles included and will give the managers more time to work with Senators who still have some questions that need to be answered. So it seemed, after talking with Senator DASCHLE, Senator BAUCUS, and Senator CHAFEE that it was the proper thing to do at this time.

But let me say, again, we need to begin to think about what are the important amendments; how do we bring this matter to a conclusion. I had indicated last week that it might be necessary, if we cannot find some way to begin to bring it to a close by Wednesday, for us to begin to think about Thursday, Friday, Saturday, and Sunday sessions. I know that a lot of Senators have conflicts and would prefer that we not do it that way. But we will need everybody's cooperation in order to avoid that.

This is Monday. I have faith that we are going to make progress this afternoon and tomorrow. And we will do another assessment then about exactly when we have this cloture vote. I remind Senators that we do have a recorded vote scheduled at 5:30, after 20 minutes of debate on the Intelligence Disclosure Act.

I yield the floor, Madam President.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I thank the majority leader for his efforts in helping us move this bill very expeditiously. He very graciously decided to vitiate the cloture vote that was otherwise scheduled today in an effort to speed up the passage of a couple of the titles of the bill, particularly the Finance and the Banking Committee portions.

I pledge my cooperation—I know I speak for Senator CHAFEE—in trying to work this bill through as quickly as we possibly can because we have to get this thing enacted into law—the current extension expires—so people——

Mr. LOTT. The first of May.

Mr. BAUCUS. Right—can get their dollars spent on the highway programs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. SHELBY. Mr. President, what is the pending business?

CLASSIFIED AND RELATED INFORMATION DISCLOSURE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1668, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1668) to encourage the disclosure to Congress of certain classified and related information.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. There will now be 20 minutes of debate on the bill, equally divided, with no amendments or motions in order.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise today to urge my colleagues to support the passage of S. 1668, the Disclosure to Congress Act of 1998.

This legislation directs the President to inform employees of the intelligence community that they may disclose information, including classified information, to an appropriate oversight committee of Congress when that information is evidence of misconduct, fraud, or gross mismanagement.

The committee is hopeful that this legislation will also encourage employees within the intelligence community to bring such information to an appropriate committee of Congress rather than unlawfully disclosing such information to the media, as happens from time to time.

It is imperative that individuals with sensitive or classified information about misconduct within the executive branch have a "safe harbor" for disclosure where they know the information will be properly safeguarded and thoroughly investigated.

Further, employees within the intelligence community must know that they may seek shelter in that "safe harbor" without fear of retribution.

It is not generally known that the Whistle Blower Protection Act does not cover employees of the agencies within the intelligence community.

The whistle blower statute also expressly proscribes the disclosure of information that is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

In other words, classified information is not covered by the current whistle blower statute.

Therefore, employees within the intelligence community are not protected from adverse personnel actions if they choose to disclose such information to Congress.

In fact, an employee who discloses classified information to Congress without prior approval is specifically subject to sanctions which may include reprimand, termination of a security clearance, suspension without pay, or removal.

Last year, the Senate Select Committee on Intelligence reported the Intelligence Authorization Act for Fiscal Year 1998 which included section 306, a provision with language similar to the bill before you.

Section 306, however, was much broader than the language in this bill because it directed the President to inform all executive branch employees that it would not be contrary to law, regulation, executive order, or public policy to disclose certain information, including classified information, to an appropriate committee or their own Member of Congress.

The Senate passed that bill by a vote of 98 to 1.

Shortly after the Senate vote, the administration issued a Statement of Administration Policy claiming that section 306 was unconstitutional and that if it remained in the bill, in its present form, senior advisers would recommend that the President veto the bill.

Last year, in conference, members of the House Permanent Select Committee on Intelligence also expressed concern over the constitutional implications of section 306.

Our House colleagues were also mindful of the administration's veto threat as expressed in the Statement of Administration Policy.

In response to their concerns, the Senate offered an amendment that significantly narrowed the scope of the provision to cover only employees of agencies within the intelligence community, as does this bill.

The amendment offered in conference further narrowed the provision by allowing disclosure only to committees with primary jurisdiction over the agency involved.

In deference to our colleagues' concerns, however, our committee agreed to amend the provision to express a sense of the Congress that the Congress and executive branch have equal standing to receive this type of information.

In conference, members of both committees committed to hold hearings in the second session of the 105th Congress with the intent to fully examine the constitutional implications to such legislation and to pursue appropriate legislative remedy.

Our committee fulfilled our obligation by holding hearings on February 4 and 11.

The committee heard from constitutional scholars and legal experts on both sides of the issue.

An administration representative argued that section 306 and any similar language represents an unconstitutional infringement on the President's authority as Commander in Chief and Chief Executive.

The administration asserted the following:

> The President as Commander in Chief, Chief Executive, and sole organ of the Nation in its external relations has ultimate and unimpeded authority over the collection, retention, and dissemination of intelligence and other national security information.
>
> Therefore, any congressional enactment that may be interpreted to divest the President of his ultimate control over national security information is an unconstitutional usurpation of the exclusive authority of the Executive.
>
> Finally, the Administration argues that the Senate's language vests lower-ranking personnel in the Executive Branch with a "right" to furnish such information to a Member of Congress without prior official authorization from the President or his designee. Section 306 and any similar provision is, therefore, unconstitutional.

The committee also heard from constitutional scholars that argued that the President's authority in this area is not exclusive.

Hence, Congress also has the authority to regulate the collection, retention, and dissemination of national security information.

Their argument was as follows:

> A claim of exclusive authority must be substantiated by an explicit textual grant of such authority by the Constitution.
>
> There is no express constitutional language regarding the regulation of national security information as it pertains to the President.
>
> Therefore, the President's authority to regulate national security information is an implied authority flowing from his responsibilities as Commander in Chief and Chief Executive.
>
> As the regulation of national security information is implicit in the command authority of the President, it is equally implicit in the broad array of national security authorities vested in the Congress by the Constitution. In fact, Congress has legislated extensively over a long period of time to require the President to provide such information to Congress.
>
> Therefore, Congress may legislate in this area because the Executive and Legislative Branches share constitutional authority to regulate national security information.
>
> This legislation is also constitutional because it does not prevent the President from accomplishing his constitutionally assigned functions and any intrusion upon his authority is justified by an overriding need to promote objectives within the constitutional authority of Congress.

The committee found the latter argument to be persuasive and determined that the Administration's intransigence on this issue compelled the committee to act.

The bill before you is a modified version of section 306, but still directs the President to inform employees and contractors of the covered agencies that it is not prohibited by law, executive order, or regulation to disclose to the appropriate committee, information that the employee reasonably believes to provide direct and specific evidence of, one, a violation of any law, rule, or regulation; two, a false statement to Congress on an issue of material fact; three, gross mismanagement, a gross waste of funds, a flagrant abuse of authority, or a substantial and specific danger to public health or safety.

This bill is intended to ensure that members receive information only in their capacity as a member of the committee concerned.

The committee fully appreciates the need to protect national security information, particularly information that might reveal sensitive intelligence sources and methods.

Therefore, it is critical that classified information received by a member of one of the appropriate committees be protected in accordance with that particular committee's rules.

The Intelligence Committee, for example, must follow a very strict procedure before any classified information could be disclosed to the public.

Accordingly, a member is not free to accept classified information as a member of a committee unrestrained by such rules or to withhold knowledge of the information from the committee's leadership.

When individual Members are entrusted with classified information, they may not pick and choose what role they wish to play in an attempt to circumvent their responsibility to safeguard our nation's secrets. We cannot disregard our obligations, under Senate rules, in order to serve our own political interests.

If a Senator is not a member of one of the applicable committees and is approached by an employee from the intelligence community, it is the hope of the Intelligence Committee that the member would direct the employee to the appropriate committee so that the employee would enjoy the full protection of this legislation.

The various national security committees enjoy a long history of trust with the executive branch and this bill is intended to prevent a member or members from inadvertently or intentionally spoiling that record.

This bill further directs the President to inform such employees that members of the appropriate committees have a "need to know" and are authorized to receive such information.

This language is consistent with the argument propounded by the administration in a brief that it filed in the Supreme Court in 1989, namely that

> . . . the president has uniformly limited access to classified information to persons who have a need to know the particular information, such as a congressional committee having specific jurisdiction over the subject matter.

There is no question that the appropriate committees need this type of information to effectively perform their oversight responsibilities and the administration seems to agree that these committees have a "need to know." Our only disagreement is over the means by which this type of information is brought to the attention of Congress.

In accordance with Executive Order No. 12,958, classified information must remain under the control of the originating agency and it may not be disseminated without proper authorization.

Consequently, an executive branch employee may not disclose classified information to Congress without prior approval. In fact, employees are advised that the agency will provide "access as is necessary for Congress to perform its legislative functions. . . ."

In other words, an executive agency will decide what Members of Congress may need to know to perform their constitutional oversight functions.

We believe that Members of Congress are best positioned to decide what they need to know.

If an employee must secure prior authorization before they can bring evidence of wrongdoing to an appropriate committee, we may never get the opportunity to make that assessment.

Therefore, this legislation is critical if we are to effectively discharge our constitutional obligations.

I urge my colleagues to support this bill as they did last year and send a clear message to the President that the United States Congress will not be subject to the whims of a Chief Executive that may wish to withhold evidence of wrongdoing in the name of national security.

Mr. President, before I yield the floor, I send to the desk a Congressional Budget Office cost estimate for S. 1668, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1668

A BILL TO ENCOURAGE THE DISCLOSURE TO CONGRESS OF CERTAIN CLASSIFIED AND RELATED INFORMATION—AS REPORTED BY THE SENATE SELECT COMMITTEE ON INTELLIGENCE ON FEBRUARY 23, 1998

The bill would require the President to inform certain federal employees and contract employees that they may disclose classified and unclassified information to Congressional oversight committees if they believe the information provides direct and specific evidence of wrongdoing. CBO estimates that the costs of implementing S. 1668 would not be significant because the number of employees covered by the bill would be small and the cost associated with each notice would be minimal. Because the legislation would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and would not affect the budget of state, local, or tribal governments.

The CBO staff contact for this estimate is Dawn Sauter, who can be reached at 226–2840. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I rise in strong support of S. 1668, a bill to require the President to inform Executive Branch employees it is legal for them to bring information to Congress regarding wrongdoing, even if the information has been classified by an Executive Branch official.

Some of my colleagues may be surprised that the Intelligence Committee, which reported this bill after long discussion and study, finds such legislation necessary. Members are aware that the principle of a government employee's right to directly inform Congress has been in statute for eighty six years, and was reinforced in this decade by the Whistleblower Protection Act. What may be less well known is that the Whistleblower Protection Act specifically exempts the principal agencies of the Intelligence Community from the requirements of that law. In addition, successive administrations have held that where classified information of wrongdoing is concerned, Executive Branch officials will decide what portion of the information will be shared with Congress, and how, when, and with whom in Congress it will be shared. The Administration believes the control of classified information lies solely with the President and his designees. They base this belief on the President's role as Commander in Chief.

In current practice, an employee of the Executive Branch with classified information about wrongdoing has the option of informing his or her superior, or the inspector general of the department or agency. The employee also has the option of making a report to the Attorney General. In my view, this is insufficient. Members, especially those who have served on the Armed Services Committee or the Intelligence Committee, can visualize cases in which the classified information of wrongdoing is so sensitive that an employee will fear to take any of the avenues now available. He or she may fear for their career if they inform their boss or their Inspector General prior to informing Congress. In some rare circumstances they might even fear for their safety. Yet today such employees have no other legal recourse.

The ability of government employees to bring information to Congress should be our first concern in this matter. But we should also be concerned about the rights of Congress and the ability of Congress to do the job the Constitution requires. Congress also has important national security responsibilities.

Congress, not the President, raises armies and maintains navies. Congress, not the President, calls out the militia. Congress, not the President, declares war. Congress therefore has the right to national security information, and in fact Congressional committees in the national security and foreign policy fields have been successfully working with and storing this information for many years. In addition, Congress' annual responsibility to authorize and appropriate funds for national security and foreign policy purposes, and its continuing responsibility to oversee how those funds are spent, gives Congress a need to know which justifies its access to information. For these reasons, the Administration's arguments for their exclusive control over classified information ring hollow. I should add that according to CIA Director Tenet, Congress does a better job keeping the secrets entrusted to it than does the Executive Branch. So an argument that Congress should not be trusted with sensitive information is baseless.

Mr. President, I recognize the Administration argument is based on a requirement, as they see it, to defend Presidential prerogatives. In fact, the Clinton Administration has been more open in informing Congress on intelligence matters, including instances of wrongdoing, than any of its predecessors. Some Administration of the future might classify a report to deny Congress the facts, but not this one. So my support for this legislation is not based on concern about a particular Administration. It is based on my concern for the ability of government employees to inform Congress, and on the ability of Congress to play its role in keeping America safe. Given the responsibilities of Congress and its record in keeping classified information secure, there is no reason why whistleblower protection statutes should not also apply to classified information. In voting for this bill, my colleagues are voting for their own right to do their job.

Mr. President, I yield such time as is necessary to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank the Senator from Nebraska for yielding.

Mr. President, there is nothing more fundamental to a democratic government than the oversight of executive responsibility by the Congress. It is, indeed, the essence of an accountability of power that this Congress has access to information and the people who hold it. That exercise of congressional power requires the truthful testimony of personnel in the executive branch of the Government. In no area is this more important than in issues of national security, because, ultimately, it is this Congress that holds the power of war and peace and the responsibility to raise funds for the national defense. But in recent decades, the intelligence agencies of this Government have become the exception in this accountability of power—an exception by statute in the Whistle Blower Protection Act and, perhaps more fundamentally, by the culture of governance in the Government itself.

Tragically, one of the best examples was a former assistant in the Latin American Bureau of the State Department, Richard Nuccio, who came to me, as a Member of the House of Representatives, to report what he believed to be illegal activity. At the time, I served as a member of the Intelligence Committee of the House of Representatives. What Mr. Nuccio imparted to me was criminal conduct. Information that, by statute, was to be reported to the Intelligence Committee had been omitted. In the months and years that followed, the President of the United States expressed outrage. The Central Intelligence Agency conducted an investigation and the rules were changed. Mr. Nuccio paid a price with his intelligence clearance, and ultimately with his career. It appeared that no real lesson had been learned at all.

Last year Senator SHELBY and Senator KERREY provided real protection to executive employees if they come to this Congress with the truth. I have rarely been prouder of two Members of this institution, nor more disappointed in the President of the United States. He threatened to veto the change.

Mr. President, I rise because I am extremely grateful to Senator SHELBY and Senator KERREY for their leadership. Indeed, they were joined by all 19 members of the committee. As a result, I believe that the intelligence community not only will not be weakened, but it will be strengthened. The best protection against abuse of their authority or, indeed, violations of the law, is the knowledge that Federal employees will be protected if they come to this Congress to report such activities.

The occurrence of illegal acts will not be concealed by classifying them or by carefully omitting them in a notification requirement of this Congress.

The best means I know is assuring the intelligence community that it retains the confidence of this Congress and our people.

This legislation is a real contribution to this Congress. Mostly it is a real contribution to the accountability of power that is so important in our democratic system.

Mr. President, I yield the floor.

Mr. SHELBY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Alabama has 3 minutes 30 seconds.

Mr. SHELBY. How much time remains for the other side?

The PRESIDING OFFICER. The Senator from Nebraska has 1 minute 8 seconds.

Mr. SHELBY. Mr. President, I yield our time, and I understand the Senator from Nebraska does also.

Mr. KERREY. Mr. President, I ask unanimous consent to yield the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the role.

Mr. NICKLES. I announce that the Senator from Indiana (Mr. COATS) is necessarily absent.

Mr. FORD. I announce that the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Ohio (Mr. GLENN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that the Senator from Vermont (Mr. LEAHY) is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone

NAYS—1

Cleland

NOT VOTING—6

Boxer
Coats
Durbin
Glenn
Leahy
Wyden

The bill (S. 1668) was passed, as follows:

S. 1668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENCOURAGEMENT OF DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) ENCOURAGEMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the President shall take appropriate actions to inform the employees of the covered agencies, and employees of contractors carrying out activities under classified contracts with covered agencies, that—

(A) except as provided in paragraph (4), the disclosure of information described in paragraph (2) to the individuals referred to in paragraph (3) is not prohibited by law, executive order, or regulation or otherwise contrary to public policy;

(B) the individuals referred to in paragraph (3) are presumed to have a need to know and to be authorized to receive such information; and

(C) the individuals referred to in paragraph (3) may receive information so disclosed only in their capacity as members of the committees concerned.

(2) COVERED INFORMATION.—Paragraph (1) applies to information, including classified information, that an employee reasonably believes to provide direct and specific evidence of—

(A) a violation of any law, rule, or regulation;

(B) a false statement to Congress on an issue of material fact; or

(C) gross mismanagement, a gross waste of funds, a flagrant abuse of authority, or a substantial and specific danger to public health or safety.

(3) COVERED INDIVIDUALS.—The individuals to whom information described in paragraph (2) may be disclosed are the members of a committee of Congress having as its primary responsibility the oversight of a department, agency, or element of the Federal Government to which such information relates.

(4) SCOPE.—Paragraph (1)(A) does not apply to information otherwise described in paragraph (2) if the disclosure of the information

is prohibited by Rule 6(e) of the Federal Rules of Criminal Procedure.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the actions taken under subsection (a).

(c) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—Nothing in this section may be construed to modify, alter, or otherwise affect any reporting requirement relating to intelligence activities that arises under the National Security Act of 1947 (50 U.S.C. 401 et seq.) or any other provision of law.

(d) COVERED AGENCIES DEFINED.—In this section, the term "covered agencies" means the following:

(1) The Central Intelligence Agency.

(2) The Defense Intelligence Agency.

(3) The National Imagery and Mapping Agency.

(4) The National Security Agency.

(5) The Federal Bureau of Investigation.

(6) Any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is it in order for me to proceed for 2 minutes as in morning business?

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

CONGRATULATING DR. BILL FELDMAN, THE NASA TEAM AND LOS ALAMOS NATIONAL LABORATORY

Mr. DOMENICI. Madam President, last Friday, the front page of the Washington Post discussed solid new evidence for water at the poles of the Moon. That news may have great implications for future lunar colonies. With costs around $10,000 per pound just to put material in orbit around the earth, this discovery could tremendously reduce costs for future manned lunar bases. Future lunar camps may be able to extract their water supplies, rather than hauling water with them. The whole NASA team deserves many compliments for their efforts leading up to this exciting news.

I want to commend to your attention the role that New Mexico's Los Alamos National Laboratory, in partnership with the Southwest Research Institute, played in this momentous announcement. Los Alamos designed the neutron spectrometer aboard the Lunar Prospector that enabled these exciting measurements.

The neutrons studied by the instrument come from natural cosmic rays that constantly bathe the moon. The neutrons are then slowed by interactions with hydrogen in water. The spectrometer detects the energy of neutrons leaving the lunar surface.

The complexity of designing instrumentation and actually obtaining the data for a mission like this is immense. For Lunar Prospector, the instrumentation not only had to survive launch, but also the four and a half day trip to the moon, and the insertion into lunar orbit.

Bill Feldman is the Los Alamos project leader for the Los Alamos instrumentation package. Feldman has experienced both the ecstasy of a successful mission and the agony of a failed one. He had instrumentation for mapping Martian water on the failed Mars Observer mission in 1993.

The neutron spectrometer used for this mission builds on a 35 year history at Los Alamos of designing instruments for non-proliferation programs. Feldman's work on neutron spectrometers in space traces back to the Army Background Experiment, that he helped conduct in 1990, that measured the energies of neutrons encountered in orbit.

For events like the Mars Observer or the Lunar Prospector, the team has to find ways to carefully check out their instruments. Sometimes those approaches are almost as daunting as the actual mission. For example, Feldman and his colleagues traveled to Antarctica where they took more than a ton of dirt and a detection package about 19 miles high on a balloon to see how cosmic rays would interact with the materials to provide practice for later real observations.

Secretary of Energy Peña sent a nice note to Dr. Feldman and his team that I will read:

> Congratulations to you and your team of researchers that helped make possible this week's announcement that the Lunar Prospector has found evidence of water on the Moon. These exciting results show that research from the Department of Energy's national laboratories is truly "out of this world." Besides demonstrating the value of the Nation's investment in science and technology, discoveries like this excite and inspire young people to pursue science and engineering as careers.

Secretary Peña said it well. I add my congratulations in celebrating another momentous achievement from New Mexico and our national Laboratory in Los Alamos.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1931 TO AMENDMENT NO. 1676

(Purpose: To reauthorize the mass transit programs of the Federal Government, and for other purposes)

Mr. D'AMATO. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 1931 to amendment No. 1676.

Mr. D'AMATO. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. D'AMATO. Madam President, I rise today to offer an amendment which will reauthorize the mass transit program under ISTEA.

First of all, I thank my colleagues for the many months of negotiations and hard work necessary to produce this breakthrough agreement which has resulted in the amendment that we have offered.

What I intend to do is just briefly give an outline and, hopefully, with the concurrence of the majority leader and other Members, we will take this matter up for fuller discussion and consideration tomorrow morning. But let me first thank the ranking member on the Banking Committee for his support during this very difficult time. Senator SARBANES has been steadfast in his support and in his approach to working out a balanced transit package.

Let me also thank the chairman of the Budget Committee, Senator DOMENICI, for without him and his ability to see that the levels of increase can be accommodated in the budget, we would have no opportunity of going forward.

Then, of course, there is my friend and colleague, the senior Senator from New York, Senator MOYNIHAN, and his steadfastness in helping to achieve this balance.

In total, our amendment will authorize $41.3 billion for mass transit over the next 3 years. That represents a 30-percent increase from the $31.5 billion authorized in the 1991 ISTEA bill. Our amendment provides for funding levels that are $12.6 billion over the administration's NEXTEA proposal.

The amendment will also provide $5 billion more than the Banking Committee bill reported out by a 17-to-1 margin last September. We have been able to achieve this increase thanks to a bipartisan coalition of 24 Senators, including our present Presiding Officer. I thank the Senator from Texas for her graciousness and for her support, because I think it is a recognition of the growing needs of mass transit.

Madam President, I ask unanimous consent to have printed in the RECORD a letter to the majority and minority leaders which was signed by this bipartisan coalition requesting an increase in mass transit funding.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 24, 1998.

Hon. TRENT LOTT,
Russell Senate Office Building,
Washington, DC.

Hon. TOM DASCHLE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LOTT AND SENATOR DASCHLE: We write to express our support for mass transit funding adequate to meet the nation's growing public transportation needs. While we wish to honor the 1997 Balanced Budget Act, we are convinced that the nation's mass transit needs are not being addressed. As strong supporters of investment in mass transit, we want to underscore our view that any additional surface transportation spending agreed to in the Budget Resolution or subsequently in ISTEA must reflect the historic balance between transit and highways.

Mass transit provides an indispensable service to communities all across the country—in major metropolitan areas, small cities and suburbs, and rural regions. It fosters economic development, offers mobility for working Americans, reduces congestion and improves air quality. Moreover, mass transit supports the transportation needs of our nation's elderly, persons with disabilities, transit-dependent populations and the economically disadvantaged. Millions of Americans use mass transit every day. As demand for more and better transit service soars, we in Congress must help all regions of the country meet those needs.

We are committed to assuring that any efforts to increase federal investments in transportation apply equitably to both mass transit and highway programs. Transit must receive its fair share under any transportation funding proposal under consideration. Maintaining the program balance so carefully crafted in ISTEA will ensure that adequate resources are available to address the nation's surface transportation needs into the next century.

We look forward to working with you to advance a balanced transportation investment policy that meets our nation's transit and highway needs.

Sincerely,

Alfonse D'Amato, Ted Kennedy, Paul Wellstone, Jack Reed, Richard H. Bryan, Daniel Moynihan, Chuck Robb, Chris Dodd, Paul Sarbanes, Dick Durbin, Arlen Specter, Robert G. Torricelli, Rick Santorum, Harry Reid, Barbara Boxer, John F. Kerry, Frank R. Lautenberg, Barbara A. Mikulski, Joseph Lieberman, Carol Moseley-Braun, Robert F. Bennett, Ron Wyden, and Mary Landrieu.

Mr. D'AMATO. Madam President, these additional funds will benefit transit operators of all sizes in both urban and rural areas, and in order to meet the new demands for bus and rail systems across the Nation, half the increase—$2.5 billion—will be spent only on new starts. The rural transit program will enjoy a $354 million increase over the amount authorized in the 1991 ISTEA bill.

Over the last 15 years, transit funding has remained relatively flat while highway funding has soared. In 1982, the Federal Government spent $4 billion on mass transit and $9 billion on highways. In 1998, the Government will spend $4.8 billion on transit while spending has grown to $23 billion.

Meanwhile, the demands for transit funding have grown exponentially. Communities in high-growth cities are facing problems of traffic congestion and poor air quality while older transit cities, such as New York and Chicago, need additional funds to maintain and improve transit service. With this increase in mass transit funding, we can now address many of these needs.

More than 80 million Americans, almost one-third of the U.S. population, cannot drive or do not have access to a car. For these people, mass transit is usually the only means of transportation available. The Nation's 32 million senior citizens and 24 million people with disabilities require reliable, safe public transportation service to maintain their independence.

According to the Federal Transit Administration's annual report, U.S. businesses would lose $15 billion a year because of highway traffic congestion if all U.S. transit commuters drove to work instead. More than half of all transit trips are work trips, and people who use transit come from every income level and demographic background.

Federal transit programs benefit communities of all sizes across the Nation. Today, rural transit carries riders more than a billion miles every year. Rural areas have a higher percentage of elderly and disabled populations who are increasingly dependent on mass transit for basic transportation needs.

Madam President, in closing, I thank the chairman of the Environment and Public Works Committee, Senator CHAFEE.

Mr. SARBANES has been a steadfast ally in these negotiations.

And, once again, without the cooperation of my Budget Committee chairman, Senator DOMENICI, and the ranking member, Senator LAUTENBERG, we never would have come to this point.

I ask unanimous consent to have printed in the RECORD a proposed summary of the amendment, for those Senators and staffs who wish to review the amendment.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Summary of D'Amato-Sarbanes Amendment Federal Transit Act of 1997

Section 1. Short Title and Table of Contents

Section 2. Authorizations

The bill authorizes a total of $41.3 billion for federal transit programs over the 6 year period from FY 1998 to 2003. This represents a $9.8 billion increase (31%) over ISTEA authorizations of $31.5 billion.

$36.3 billion of $41.3 billion total was authorized in the Banking Committee bill. S. 1271, while $5 billion comes from the "Transportation Equity Act" negotiated with Sen. Domenici et al.

Section 3. Capital Projects and Small Area Flexibility

Expands definition of capital to include preventive maintenance, leasing, intelligent transportation systems, deployment of new technology and joint development activities.

Allows small urbanized areas (50,000 to 200,000 population) to use their funds for operating or capital, as rural areas now do.

Section 4. Metropolitan Planning

Modifies current planning requirements similar to the Senate highway bill recently reported by the EPW Committee, and makes other changes.

Section 5. Metropolitan Planning Organizations

Requires MPOs in transportation management areas designated after 1991 to include a representative of transit users.

Section 6. Farebox Revenues

Allows proceeds from farebox revenue bonds to be used as the local share for financing capital projects.

Section 7. Clean Fuels Program

Creates a new Clean Fuels formula grant program to assist transit systems in purchasing low emissions vehicles and related equipment. Participation is voluntary and the federal share is 80%. Funds are provided separately for large and small areas, with a cap on what any one recipient can receive. Eligible technologies may include compressed natural gas, hybrid electric, biodiesel and other clean technologies.

Section 8. Capital Investment Grant and Loans

Extends current 40/40/20 split between Discretionary grants for New Starts, Bus and Fixed Guideway Modernization projects.

Section 9. Transit Supportive Land Use

Adds benefits of transit-oriented land use to the factors to be considered by the Secretary in reviewing New Starts projects.

Section 10. New Starts

Limits the amount of New Starts funding that can be used for other than final design and construction to 8 percent.

Section 11. Joint Partnership for Deployment of Innovation

Permits FTA to join with a consortia of public and private organizations to undertake research and deploy new transit technology.

Section 12. Workplace Safety

Provides additional funding to the National Mass Transit Institute to provide workplace safety training to public transit employees.

Section 13. University Transportation Centers

Restores current law regarding University Transportation Centers, repeals change by Senate Highway bill reported by EPW Committee.

Section 14. Job Access Grants

Authorizes $100 million per year for a new "Job Access Grants" program to assist welfare recipients and other low-income individuals get to and from jobs.

Section 15. Grant Requirements

Conforms transit grant requirements to match those under the Federal highway program.

Section 16. HHS and Public Transit Service

Requires coordination of Human Service Agency transportation providers and public transit systems to improve efficiency.

Section 17. Proceeds from the Sale of Transit Assets

Permits a transit recipient to sell an asset purchased with federal funds and retain the proceeds as long as the proceeds are used for mass transit purposes.

Section 18. Operating Assistance for Small Transit Systems in Large Urbanized Areas

Requires large urban areas to consider the impact of any operating aid reductions on the smaller transit operators within the same urban area.

Section 19. Appointment of Appropriations for Fixed Guideway Modernization

Adopts the modified formula for this program as recommended by APTA. Maintains the existing distribution for the first $760 million, and allocates an increasing share of program growth to newer rail systems.

Section 20. Urbanized Area Formula Study

Requires the Secretary to study the current urbanized area formula to determine whether changes are needed to reflect the fact that some small urban areas under 200,000 population carry more passengers per mile or hour than larger systems over 200,000 population.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I rise today in support of S. 1173, the highway reauthorization legislation currently pending before the Senate. Passage of this ISTEA legislation will be very beneficial to the people of my State and to Maine's economy.

Before beginning my remarks tonight, I commend the distinguished managers of this comprehensive legislation, Senator JOHN CHAFEE and Senator MAX BAUCUS. They have worked diligently to produce a broad, bipartisan consensus for this complicated 6-year reauthorization bill. I commend them for their efforts today, and I look forward to working with them as this legislation continues to move through the Senate, be passed by the House, be reconciled in conference and ultimately to be signed into law by the President.

The State of Maine has 1.2 million people. They are spread out across roughly 34,000 square miles. Our State has, by far, the lowest population density in all of New England. Consequently, continuing to improve and upgrade our roads, our highways, our bridges is essential to Maine's future prosperity.

Studies have shown that roughly 80 percent of all economic development occurs within 10 miles on either side of our interstate highway. Thus, the expansion and improvement of our transportation system are vital to increasing job opportunities for all the citizens of our State.

From Maine's perspective, the 1998 ISTEA legislation builds upon the successes of the 1991 law and will continue to provide Maine with needed funding to build, repair, and maintain our surface transportation system into the 21st century.

Madam President, Maine, like other northeastern States, is facing an aging transportation infrastructure. It requires maintenance, rehabilitation, and in some cases outright replacement. S. 1173, as amended, would provide Maine with vitally needed funds for transportation. It would provide a much-needed boost in the funding that would go to my State.

Under the 1991 ISTEA law, Maine received approximately $118 million in annual highway funding. With the adoption of the amendment worked out by the Senator from Rhode Island last week, which I strongly supported, this legislation will now authorize $144 million in transportation spending for Maine annually.

This, Madam President, is good news for our State. It represents a 22 percent increase over the average of the State under the 1991 law. Clearly, this increase will be very beneficial for the people of Maine. The ability of the economy of Maine to grow and offer new and exciting job opportunities to its people is directly related to the quality and the availability of our transportation system. In addition, the higher funding levels should enable the State to pursue some very high-priority transportation projects over the next 6 years.

For example, Madam President, as a native of Aroostook County, I have long been a strong supporter of a four-lane, limited-access highway project in Aroostook County. We need such a highway—all the way from Houlton to Fort Kent—and I am committed to doing everything possible to assist in this vital effort. The higher funding levels authorized by this legislation should enable the State of Maine to continue moving this vitally important project forward by completing the next stage, the environmental studies.

Another important transportation project for Maine will be the efforts to improve our roads and highways that cross the State in an east-west direction. There is also considerable interest in the State in undertaking studies to look at constructing an east-west highway to improve trade and opportunity throughout the State.

In recent years, the prospect of an east-west highway has been getting more and more attention, and the increased highway funding contained in the legislation before us today will assist the State in exploring this exciting new opportunity. Madam President, the ISTEA legislation will also help the State of Maine with other important priorities, such as replacing aging bridges, developing our cargo ports, and improving critical economic corridors throughout the entire State.

These suggest a few of the very important transportation projects that the State of Maine can and should consider moving forward with just as soon as this Congress completes action on the long-term surface transportation reauthorization.

Madam President, the ISTEA legislation will help Maine and its people maintain and develop a transportation system that will meet the challenges of the future. Again, I commend the distinguished managers of this bill for all of their hard work, and I am very pleased to support their efforts in passing this much needed and vitally important legislation.

I thank you, Madam President, and I yield the floor.

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MELVIN R. LAIRD

Mr. WARNER. Mr. President, the Melvin R. Laird Center, a medical research facility, was recently dedicated in Marshfield, Wisconsin. The event brought together political notables from both parties, past and present. Former-President Gerald Ford delivered, what I believe, is one of his finest speeches of his long career of service to the public.

Although Mel Laird may be best remembered for his service as Secretary of Defense during a turbulent period of the Vietnam war, when it was my privilege to serve in the Navy Secretariat, he devoted a full lifetime of public service in the course of improving quality of life in medical fields. This chapter of public service must be made permanent, so I ask unanimous consent to have printed in the RECORD President Ford's remarks about this medical facility—an institution to which Mel Laird gave a full measure of devotion.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRESIDENT FORD'S REMARKS, SEPTEMBER 12, 1997, THE LAIRD CENTER DEDICATION

Thank you, Bob, for that most generous introduction. What an honor to participate in this special tribute to a very special, extraordinary friend. I'm loath to refer to Mel as an elder statesman—if only because of something Harry Truman once said. Candid as ever, Mr. Truman defined a statesman as a politician who has been dead for twenty years.

Perhaps in this case it would be more accurate to say that Mel has been out of active, visible politics for twenty years. But that hasn't prevented Henry Kissinger, Bob Michel, John Rhodes, Governor Nelson, Larry Eagleburger, or David Broder from assembling here to honor Mel for his outstanding service in the U.S. Navy and the Wisconsin legislature—on Capitol Hill and at the Pentagon. In the words of Readers Digest, I regard Mel Laird as one of the most unforgettable characters I have ever met!

I've just come from a private tour of the new Laird Center, which enabled me to see firsthand the pioneering application of molecular genetics to the field of preventive medicine. Needless to say, Mel, you should be very, very proud of this state of the art facility that bears your name. The Center is a magnificent tribute in brick and mortar. But it is much more than that. It is also a dynamic institution whose greatest benefits will accrue to generations yet unborn.

I can't help but reflect, Mel, on how proud John Fogerty, your partner in providing health care funds in the annual Labor, Health, Education and Welfare Appropriations Bill, would be—both of you and of the Center here in Marshfield.

As you all know, age has its privileges, among them the chance to wax nostalgic from time to time. I can hardly believe that over forty years have passed since our first meeting, Mel. It was January 3, 1953, the day you were sworn in as a freshman in the House of Representatives.

I can't honestly say that I was surprised at your swearing in by Speaker Sam Rayburn in the House Chamber. Several months earlier, members of the Wisconsin delegation had tipped me off to an outstanding State Senator from the Marshfield area whom they were convinced would be elected to the House in November 1952.

Come Election Day their prophecy was emphatically confirmed by voters. For Mel it was the first of nine such triumphs at the polls. Over the next sixteen years he more than lived up to his advance billings. From the outset, Marshfield's favorite son was a highly effective member of the House Committee on Appropriations. As the senior Republican on the HEW Subcommittee, he won the respect and confidence of members on both sides of the political aisle.

Long before today's talk of a health crisis in America, Mel Laird was legislating in hopes of averting a crisis. Having served with John and Mel on the House Committee on Appropriations, I think it's no exaggeration to call the period from 1953 through 1969 the Fogerty/Laird Years. Certainly their influence on the NIH was pivotal as they oversaw a vast expansion of American health research programs and facilities. At least five Secretaries of HEW know of Mel's constructive impact on rural health care delivery systems. They know, because he brought them to Marshfield to see for themselves the Clinic's tremendous programs for a major area in Wisconsin.

Of course, there were times during those years when the Republican elephant itself required a little emergency care. It will come as no surprise to his friends and neighbors that Mel was always intensely interested in electing a Republican majority in the House of Representatives. To tell the truth, I was just as interested in electing a Republican Speaker. So, in the late 1950s, when a group of so-called "Young Turks" joined forces to overthrow Joe Martin in favor of Congressman Charlie Halleck of Indiana, Mel and I were all for the change.

In the wake of the Goldwater debacle of 1964, history repeated itself. Only this time around, these by now "Middle Aged Turks" were looking for a candidate to challenge Halleck. Mel urged me to run, and thanks in no small part to his efforts, I won that election by the landslide margin of 73/67. Mel became GOP Conference Chairman. For the next four years we worked in tandem on legislative programs that helped revitalize the Republican party and elect Dick Nixon President in 1968.

I well remember a day in December 1968 when we found ourselves in Palm Springs, California, attending a Republican Governors' Conference. Walter Annenberg hosted a luncheon honoring the President-elect, at which Henry Kissinger was present as the new head of the NSC. Between the main course and dessert Nixon announced that Walter would become his Ambassador to Great Britain and Mel Laird was to be Secretary of Defense.

Mel's friends were overjoyed by his selection. Knowing of his impressive military record in the Navy in WWII and his subsequent service as one of Capitol Hill's genuine defense experts; admiring his uncommon common sense and his sound political judgment, I believed that Mel would be of enormous help to President Nixon as he struggled to find a responsible solution to the tragedy of Vietnam. No less important, I felt certain that Mel and Henry could jointly resolve that terribly difficult issue. Nixon was fortunate to have them on his team.

They can tell you, far better than I, just how the Paris Accord was achieved, followed by the withdrawal of American forces from Vietnam. Let me say this: few public servants have been so tested by events, or have so confirmed the confidence of their admirers, as Mel Laird in those days of tumult and challenge. After four arduous years at the Pentagon he tried to retire. But by then he was Washington's Indispensable Man. President Nixon immediately drafted him as a Presidential Counselor for Domestic Affairs.

In an era when the White House was tainted by scandal, Mel Laird stood out as a model of personal and political integrity. The resignation of Vice President Agnew in October 1973 touched off speculation over who Nixon might choose to replace him under the 25th Amendment. Two days after Agnew's departure Betty and I were having a quiet dinner at our home in Alexandria, Virginia, when the phone rang. It was Mel calling from the White House. He told me that the Democrat controlled House and Senate were unlikely to confirm Rockefeller, Reagan or Connally. In fact, both Speaker Albert and Senator Mike Mansfield were recommending my name as an alternative.

Mel asked whether I had any interest in the job. Frankly, his question came like a bolt out of the blue. My ambition was to be Speaker of the House, not Vice President. I told Mel that I would consult with Betty and call him back. That evening Betty and I agreed that 3½ years as Vice President would be a nice way to end my quarter century in Washington. I passed our decision onto Mel, and the rest, as they say, is history.

Of course, history doesn't stop for anyone. So let me suggest another way we could all honor our friend. This Center will perpetuate Mel's work in the health field. Wouldn't it be great if our politics today could also reflect his blend of principle and pragmatism? You might not guess it from watching The McLaughlin Group, but at heart most Americans are pragmatists. We want to make things work. We value authenticity at least as much as ideology—especially in this age when so much of what passes for American public life seems unreal if not irrelevant.

Mel will recall vividly the days when I used to play straight man to Senator Everett Dirksen in what became known as the Ev and Jerry show. Neither one of us was bashful about criticizing the shortcomings of the Great Society. Yet our differences with the Johnson White House, however sharp they might seem at the time, were programmatic, not personal. We might question the other side's ideas, but rarely its motives and never its patriotism.

Indeed, Everett Dirksen had a great line. "I live by my principles," he liked to say, "and one of my principles is flexibility." Perhaps to some who are disillusioned by politicians whose only principle seems to be flexibility, Dirksen's folk wisdom may appear a cynical contradiction in terms. I didn't see it that way. As far as I'm concerned, there are no enemies in politics—just adversaries who disagree with you on this vote, and might be you on the next one.

Moreover, I've always thought that you had to listen before you could lead. It's pretty hard to listen to each other if you're busy screaming at each other. It's even harder to hear the voice of those who sent you to Washington in the first place.

If partisan political parties are out of favor with most Americans, perhaps it's because they appear to have forgotten that ours is a representative democracy. To many voters—and even more non-voters—parties today are suspected of being decidedly unrepresentative. At worst, they appear as little more than conduits for huge amounts of special interest money.

But fundraising abuses are by no means the only cancer eating away at our democracy. Today we look with horror upon the smoke filled rooms of legend. Over the years, I've sat in more than my share of smoked filled rooms. So has Mel. I think it is fair to say, we've even inhaled from time to time.

I ask you: who is more accountable to the voters—those in the smoke filled room whose jobs depended on keeping their word—and who gave us Lincoln, both Roosevelts, Truman and Eisenhower—or the professional hired guns of today whose services are for sale, whose convictions are located in focus groups, and whose loyalty may not outlast election day?

Based on personal experience, our parties will never regain public confidence until they look beyond the consultants and the tracking polls. As President, facing a stiff challenge from the right wing of my own party in 1976, I was urged to abandon our efforts to promote black majority rule in what was then Rhodesia. Did Henry Kissinger really have to choose at the height of the Republican primary season to fly to Africa and denounce the vestiges of colonial rule?

The pre-primary Texas polls gave one answer, and individual conscience a very different one. Kissinger went, I lost a few primaries, and Rhodesia was set on the course of self-rule as the independent nation of Zimbabwe.

There are dangers that arise when any leader starts to calculate his chances at the expense of his conscience. In the high stakes game of history, only those who are willing to lose for principle deserve to win at the polls. Only those whose principles do not blind them to the search for common ground, can hope to rally a political system that was intentionally designed by the Founders to frustrate utopian reformers.

This much I know for sure: at the end of the day, no leader worth his salt will take comfort in the polls he conducted or the tactical victories he may have racked up. Anyone can take a poll. Only a leader can move a nation.

All his life, Mel Laird has given that kind of leadership—to Wisconsin, to America, to the world. As a result, no historian tracing the evolution of this country during the second half of the twentieth century will be able to overlook the life and legacy of the man from Marshfield. He remains today what he has always been—a model public servant, a can-do conservative who went into politics because he liked people even more than he distrusted bureaucrats. A man who reflects honor upon Washington and the people who sent him there. A patriot before he is a partisan.

Thank you, old friend, for all you have done for the Fords—for all you have been to Wisconsin—for all you have given to America. We are all better for having known you.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 1731. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FALLS POINT; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 1732. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VESTERHAVEN; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 193. A resolution designating December 13, 1998, as "National Children's Memorial Day"; to the Committee on the Judiciary.

By Mr. COVERDELL:

S. Con. Res. 81. A concurrent resolution honoring the Berlin Airlift; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON:

S. 1732. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Vesterhavet*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER FOR THE VESTERHAVET

Mr. GORTON. Mr. President, I rise today to introduce a bill to grant a waiver to the Jones Act to a vessel named the *Vesterhavet* owned by Brett Snow. I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Passenger Vessel Act (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VESTERHAVET, (United States Official Number 979206).

ADDITIONAL COSPONSORS

S. 414

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona [Mr. McCAIN] was added as a cosponsor of S. 414, a bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes.

S. 656

At the request of Mr. WARNER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 656, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 766

At the request of Ms. SNOWE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 778

At the request of Mr. LUGAR, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Ohio [Mr. DeWINE] were added as cosponsors of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 1069

At the request of Mr. MURKOWSKI, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Nevada [Mr. REID], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1069, a bill entitled the "National Discovery Trails Act of 1997."

S. 1325

At the request of Mr. FRIST, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1422

At the request of Mr. McCAIN, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1530

At the request of Mr. HATCH, the names of the Senator from Oregon [Mr. SMITH] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1530, a bill to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans.

S. 1618

At the request of Mr. McCAIN, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1618, a bill to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1684

At the request of Mr. HUTCHINSON, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1684, a bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board.

S. 1711

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1711, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty tax, to increase the income levels for the 15 and 28 percent tax brackets, to provide a 1-year holding period for long-term capital gains, to index capital assets for inflation, to reduce the highest estate tax rate to 28 percent, and for other purposes.

S. 1724

At the request of Mr. DeWINE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. NICKLES, his name was withdrawn as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution condemning Iraq's threat to international peace and security.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from New York [Mr. D'AMATO], the Senator from California [Mrs. FEINSTEIN], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

AMENDMENT NO. 1724

At the request of Mr. DEWINE the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of Amendment No. 1724 proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 81—HONORING THE BERLIN AIRLIFT

Mr. COVERDELL submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 81

Whereas the date of June 26, 1998, marks the 50th anniversary of the commencement of the Allied effort to supply the people of Berlin, Germany, with food, fuel, and supplies in the face of the illegal Soviet blockade that divided the city;

Whereas this 15 month Allied effort became known throughout the free world as the "Berlin Airlift" and ultimately cost the lives of 78 Allied airmen, of whom 31 were United States fliers;

Whereas this heroic humanitarian undertaking was universally regarded as an unambiguous statement of Western resolve to thwart further Soviet expansion;

Whereas the Berlin Airlift was an unqualified success, both as an instrument of diplomacy and as a life saving rescue of the 1,000,000 inhabitants of West Berlin, with 2,326,205 tons of supplies delivered by 277,728 flights over a 462-day period;

Whereas historians and citizens the world over view the success of this courageous action as pivotal to the ultimate defeat of international tyranny, symbolized today by the fall of the Berlin Wall; and

Whereas this inspiring act of resolve must be preserved in the memory of future generations in a positive and dramatic manner: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the 50th anniversary of the Berlin Airlift should include the presentation of a suitable gift of representational art from the citizens of the United States to the citizens of the Federal Republic of Germany, commemorating the fall of the Berlin Wall and the reunification of the great city of Berlin; and

(2) civic and corporate leaders across the Nation are entrusted to fulfill the intent of paragraph (1) by using private subscription and volunteer effort with the encouragement and support of Congress.

SENATE RESOLUTION 193—DESIGNATING "NATIONAL CHILDREN'S MEMORIAL DAY"

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 193

Whereas approximately 79,000 infants, children, teenagers, and young adults die each year in the United States;

Whereas the death of a child is one of the greatest tragedies suffered by a family; and

Whereas support and understanding are critical to the healing process of a bereaved family: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 1998, as "National Children's Memorial Day"; and

(2) requests that the President issue a proclamation designating December 13, 1998, as "National Children's Memorial Day" and calls on the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of infants, children, teenagers, and young adults who have died.

Mr. REID. Mr. President, today I am submitting a resolution that would set aside December 13, 1998 as the National Children's Memorial Day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

I have had many constituents share their heart wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings. Each of these families has had their own experience, but they must all continue with their lives and deal with the incredible pain of losing a child.

The death of a child at any age is a shattering experience for a family. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in the positive resolution of their grief. It is important to families who have suffered such a loss to know that they are not alone. To commemorate the lives of these children with a special day would pay them an honor and would help to bring comfort to the hearts of their bereaved families.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

COLLINS AMENDMENTS NOS. 1730–1732

(Ordered to lie on the table.)

Ms. COLLINS submitted three amendments intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety, and for mass transit programs, and for other purposes; as follows:

AMENDMENT NO. 1730

At the appropriate place, insert the following:

SEC. 18 . FUNDING TRANSFER.

Section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027) is amended in item 9 of the table by inserting ", Topsham-Brunswick Bypass, and improvements to the Carlton Bridge in Bath-Woolwich" after "Bridge".

AMENDMENT NO. 1731

On page 106, line 15, strike "$70,000,000" and insert "$75,000,000".

On page 107, line 3, insert "(including projects using structures made from wood fiber reinforced plastic hybrid composites)" after "bridge".

On page 107, line 6, insert "(including projects using structures made from wood fiber reinforced plastic hybrid composites)" after "bridge".

On page 123, line 25, strike "may" and insert "shall".

On page 124, line 22, insert "(including reconstruction through use of structures made from wood fiber reinforced plastic hybrid composites)" after "reconstruct".

AMENDMENT NO. 1732

On page 320, line 8, insert ", including technology relating to wood fiber reinforced plastic hybrid composites" before the semicolon.

On page 343, line 22, insert "(including technologies that rely on wood fiber reinforced plastic hybrid composites)" after "corrosion".

On page 346, strike lines 15 through 18 and insert the following:

$10,000,000 for fiscal year 1998, $14,000,000 for fiscal year 1999, $18,000,000 for fiscal year

2000, and $20,000,000 for each of fiscal years 2001 through 2003.

On page 368, line 11, strike "and".

On page 368, line 14, strike the period and insert "; and".

On page 368, between lines 14 and 15, insert the following:

"(4) the implementation of bridge structures made from wood fiber reinforced plastic hybrid composites.

On page 369, line 1, strike "$50,000,000" and insert "$60,000,000".

On page 370, line 19, insert ", including structures made from wood fiber reinforced plastic hybrid composites" after "applications".

On page 373, strike lines 9 through 14 and insert the following:

"(i) $15,000,000 for fiscal year 1998;

"(ii) $25,000,000 for fiscal year 1999;

"(iii) $30,000,000 for fiscal year 2000; and

"(iv) $35,000,000 for each of fiscal years 2001 through 2003.

GORTON AMENDMENT NO. 1733

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 99, line 22, strike "and".

On page 99, between lines 22 and 23, insert the following:

(J) the level of traffic delays at at-grade highway crossings of major rail lines in the trade corridor for which application for the grant is made; and

On page 99, line 23, strike "(J)" and insert "(K)".

On page 101, between lines 9 and 10, insert the following:

(C) Infrastructure construction.—

(i) In general.—For each fiscal year, not less than 25 percent of the amounts made available under paragraph (5) shall be used to make grants to improve transport and supporting infrastructure, and construct new infrastructure, in trade corridors experiencing serious delays in the movement of people and goods.

(ii) Consideration of cost-effectiveness.—In selecting States, metropolitan planning organizations, and projects to receive infrastructure construction grants under this subparagraph, the Secretary shall consider the cost-effectiveness of the proposed construction, including—

(I) the volume of commercial and noncommercial highway and rail traffic that would benefit from the construction;

(II) the speed with which the grant recipient would commence the construction; and

(III) the level of matching funds available for the construction from State, local, and private sources.

On page 101, strike lines 21 through 24 and insert the following:

(5) Authorization of contract authority.—

(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $125,000,000 for each of fiscal years 1998 through 2003.

(B) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

BOND AMENDMENT NO. 1734

(Ordered to lie on the table.)

Mr. BOND submittted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle H of title I, insert the following:

SEC. 18 . SENSE OF SENATE CONCERNING THE OPERATION OF LONGER COMBINATION VEHICLES.

(a) Findings.—Congress finds that—

(1) section 127(d) of title 23, United States Code, contains a prohibition that took effect on June 1, 1991, concerning the operation of certain longer combination vehicles, including certain double-trailer and triple-trailer trucks;

(2) reports on the results of recent studies conducted by the Federal Government describe, with respect to longer combination vehicles—

(A) problems with the adequacy of rearward amplification braking;

(C) the difficulty in making lane changes; and·

(D) speed differentials that occur while climbing or accelerating; and

(3) surveys of individuals in the United States demonstrate that an overwhelming majority of residents of the United States oppose the expanded use of longer combination vehicles.

(b) Longer Combination Vehicle Defined.—In this section, the term "longer combination vehicle" has the meaning given that term in section 127(d)(4) of title 23, United States Code.

(c) Sense of the Senate.—It is the sense of the Senate that the prohibitions and restrictions under section 127(d) of title 23, United States Code, as in effect on the date of enactment of this Act, should not be amended so as to result in any less restrictive prohibition or restriction.

CLELAND AMENDMENT NO. 1735

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

At the end of subtitle H of title I, add the following:

SEC. 18 . ADDITIONS TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the undesignated paragraph relating to Georgia—

(1) by inserting "Elbert," after "Douglas,"; and

(2) by inserting "Hart," after "Haralson,".

HOLLINGS AMENDMENTS NOS. 1736–1737

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Amendment No. 1736

On page 129, beginning with line 1 strike through line 23 on page 133, and insert the following: shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

"(2) Declaration of Emergency.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

"(A) in the area covered by an emergency declaration under this paragraph; and

"(B) for a period of not more than 30 days designated in that declaration, issued by an elected State of local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

"(3) Incident report.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

"(A) a utility service vehicle driver to which the declaration applied; or

"(B) a utility service vehicle to the driver of which the declaration applied.

"(4) Definitions.—For purposes of this subsection—

"(A) Driver of a utility service vehicle.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

"(B) Utility service vehicle.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).".

(b) Continued Application of Safety and Maintenance Requirements.—

(1) In general.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) Definitions.—For purposes of this subsection—

(A) Commercial driver's license.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) Driver of a utility service vehicle.—The term "driver of a utility service vehicle" has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) Regulation.—The term "regulation" has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) Utility service vehicle.—The term "utility service vehicle" has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

Amendment No. 1737

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§5117. Special permits, pilot programs, and exclusions";

(2) by striking "exemption" each place it appears and inserting "special permit";

(3) by inserting "authorizing variances" after "special permit" the first place it appears;

(4) in subsection (a)(2), by striking "2" and inserting "4";

(5) by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

"(d) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter. The Secretary may carry out pilot programs unless the Secretary determines pilot programs would pose an undue risk to public health and safety.

"(2) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(3) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.".

(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits, pilot programs, and exclusions.".

SARBANES AMENDMENTS NOS. 1738–1739

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1738

At the end of subtitle H of title I, add the following:

SEC. 18 . SALE OF MERCHANDISE AT SIDELING HILL VISITOR CENTER, MARYLAND.

(a) IN GENERAL.—Notwithstanding section 111 of title 23, United States Code, the State of Maryland may offer merchandise for sale at the Sideling Hill Visitor Center on Interstate Route 68 in Maryland.

(b) TYPES OF MERCHANDISE.—

(1) IN GENERAL.—Merchandise offered for sale under subsection (a) shall be limited to items specifically related to the Sideling Hill site and to memorabilia concerning the State of Maryland.

(2) RELATIONSHIP TO VENDING MACHINE OPERATIONS.—The sale of merchandise under subsection (a) shall not compete with the vending machine operations being conducted at the center as of the date of enactment of this Act.

(c) USE OF REVENUES.—Revenues from the sale of merchandise under subsection (a) may be used only to pay for operating costs of the center.

AMENDMENT NO. 1739

At the end of subtitle H of title I, add the following:

SEC. 18 . CONTINUANCE OF COMMERCIAL OPERATIONS AT CERTAIN SERVICE PLAZAS IN THE STATE OF MARYLAND.

(a) WAIVER.—Notwithstanding section 111 of title 23, United States Code, and the agreements described in subsection (b), at the request of the Maryland Transportation Authority, the Secretary shall allow the continuance of commercial operations at the service plazas on the John F. Kennedy Memorial Highway on Interstate Route 95.

(b) AGREEMENTS.—The agreements referred to in subsection (a) are agreements between the Department of Transportation of the State of Maryland and the Federal Highway Administration concerning the highway described in subsection (a).

BREAUX (AND LANDRIEU) AMENDMENTS NOS. 1740–1743

(Ordered to lie on the table.)

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted for amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1740

On page 309, strike line 3 and insert the following: designated Route.

SEC. 18 . IDENTIFICATION OF HIGH PRIORITY CORRIDOR ROUTES IN LOUISIANA.

Section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031) is amended—

(1) in subsection (c)(1)—

(A) by striking "Corridor from Kansas" and inserting the following: "Corridor—

"(A) from Kansas";

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) from Shreveport, Louisiana, along Interstate Route 49 to Lafayette, Louisiana, and along United States Route 90 to the junction with Interstate Route 10 in New Orleans, Louisiana."; and

(2) in subsection (e)(5)(A), by inserting "in subsection (c)(1)(B)," after "routes referred to".

AMENDMENT NO. 1741

On page 318, strike line 15 and insert the following: fiscal year for which the funds are authorized.".

SEC. 2002A. UNIVERSITY OF NEW ORLEANS INTERMODAL TRANSPORTATION PLANNING AND POLICY CENTER.

(a) IN GENERAL.—In addition to establishing the university transportation centers under subsections (a) and (b) of section 5241 of title 49, United States Code (as added by section 2003 of this Act), the Secretary shall enter into such arrangements as are necessary to assist the University of New Orleans in establishing an Intermodal Transportation Planning and Policy Center (referred to in this subsection as the "Center").

(b) NATIONAL UNIVERSITY TRANSPORTATION CENTER.—The Secretary shall designate the Center as a university transit center for purposes of section 5241 of title 49, United States Code.

(c) REQUIREMENTS FOR CENTER.—

(1) IN GENERAL.—The Center shall serve as the lead institution in a consortium of the entities described in paragraph (2).

(2) CONSORTIUM.—At a minimum, the consortium with respect to which the Center serves as lead agency shall consist of—

(A) the Center;

(B) the National Ports and Waterways Institute of Louisiana State University;

(C) a recognized freight intermodal transportation research organization; and

(D) the Louisiana Transportation Research Center.

AMENDMENT NO. 1742

On page 220, line 14, strike "and".

On page 220, line 17, strike the period and insert "; and".

On page 220, between lines 17 and 18, insert the following:

"(iii) a Gulf Coast high speed railway corridor (as designated by the Secretary).

AMENDMENT NO. 1743

At the appropriate place in subtitle H of title I, insert the following:

SEC. 18 . USE OF CERTAIN TRUCKS FOR HAULING SUGARCANE.

Section 127(a) of title 23, United States Code, is amended by adding at the end the following: "The State of Louisiana may allow, by special permit, the operation of vehicles with a gross weight of not more than 100,000 pounds for the hauling of sugarcane during the harvest season of sugarcane. A special permit issued under the preceding sentence shall be issued for a period not to exceed 100 days per year.".

BREAUX (AND OTHERS) AMENDMENT NO. 1744

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Ms. LANDRIEU, Mr. ROBB, Mr. KEMPTHORNE, and Mr. CRAIG) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 414, strike line 18 and insert the following: App.).".

SEC. 2103A. COOPERATIVE RESEARCH ON INTELLIGENT TRANSPORTATION SYSTEMS BY THE LOUISIANA STATE UNIVERSITY MEDICAL CENTER NEUROSCIENCE CENTER OF EXCELLENCE, THE GEORGE WASHINGTON UNIVERSITY/VIRGINIA RESEARCH INSTITUTE, AND THE NATIONAL CENTER FOR ADVANCED TRANSPORTATION TECHNOLOGIES AT THE UNIVERSITY OF IDAHO.

(a) DEFINITIONS.—In this section:

(1) CRASH ANALYSIS.—The term "crash analysis" means advanced testing and crash simulations that address deficiencies in the use of available airbag technology, including—

(A) crash pulse measurement by airbag triggering sensors;

(B) the development of a smart algorithm to dictate appropriate deployment conditions to minimize potential injuries;

(C) a characterization of injuries of the full range of occupants, vehicle classes, and impact scenarios;

(D) the development of a model to identify preventive measures of neural damage;

(E) the development of a combination of car-to-car, car-to-barrier, and sled tests using advanced computer simulation to thoroughly analyze current problems; and

(F) the conducting of full-scale car-to-car tests of speeds up to 70 miles per hour with—

(i) offsets in the 20 to 100 percent range; and

(ii) impact angles with a range between 0 and 90 degrees; and

(G) the use of a programmable sled test that is capable of reproducing a variety of crash pulses from repeatable crash tests with active restraint systems that use different anthropomorphic test dummy sizes, typed to gender and percentile.

(2) POST-CRASH RESEARCH.—The term "post-crash research" means research that addresses post-crash injury control, including—

(A) an automatic crash notification system that sends a message to emergency medical service personnel to alert the personnel to severe crashes, including severe crashes that require immediate medical attention;

(B) the development of advanced sensors that are capable of identifying and locating crash victims in need of time-critical emergency care; and

(C) the development of post-crash pharmaceutical strategies for acute neuroprotection and the promotion of repair and regeneration of neural cells to allow victims of crashes to lead productive lives.

(3) PRE-CRASH ANALYSIS.—The term "pre-crash analysis" means the use of driver and vehicle technologies that are designed to ensure that any intelligent systems that are subsequently developed and implemented will be effective when used by all drivers of automobiles (including identifying preventive measures of neurological damages, including redesigning seat-passenger and driver compartments to prevent or limit damage to the eye, inner ear, head, peripheral nerves, and the spinal cord).

(b) GRANT AGREEMENT.—As part of the comprehensive program described in section 524 of title 23, United States Code, as added by section 2103 of this Act, the Secretary shall offer to enter into a grant agreement with the appropriate officials of the George Washington University/Virginia Research Institute, the Louisiana State University Medical Center Neuroscience Center of Excellence, and the National Center for Advanced Transportation Technologies at the University of Idaho to carry out an innovative research project (as that term is used in section 524(b)(4) of title 23, United States Code) to—

(1) accelerate the deployment of technology to improve motor vehicle safety systems;

(2) accelerate the deployment of smart air bags (as that term is defined by the Secretary); and

(3) develop medical technologies to prevent and minimize head and spinal cord injuries.

(c) RESEARCH EMPHASIS.—The research conducted pursuant to the grant agreement referred to in subsection (b) shall emphasize pre-crash analysis, crash analysis, and post-crash research that takes into consideration the effects of humans, motor vehicles, and the environment.

(d) FUNDING.—

(1) IN GENERAL.—Of the funds made available under section 524(f) of title 23, United States Code, to carry out this section, the Secretary shall use—

(A) $15,000,000 for fiscal year 1998; and

(B) $12,000,000 for each of fiscal years 1999 through 2003.

(2) AVAILABILITY OF FUNDS.—Notwithstanding section 524(f)(2) of title 23, United States Code, the funds made available for use under paragraph (1) shall remain available until expended. For purposes of section 524(b)(4)(B) of title 23, United States Code, the research project under this section shall be considered to be an innovative research project.

FEINSTEIN AMENDMENTS NOS. 1745–1746

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1745

On page 309, between lines 3 and 4, insert the following:

SEC. 18 . SOUTHWEST BORDER TRANSPORTATION INFRASTRUCTURE ASSESSMENT.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive assessment of the state of the transportation infrastructure on the southwest border between the United States and Mexico (referred to in this section as the "border").

(b) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with—

(1) the Secretary of State;

(2) the Attorney General;

(3) the Secretary of the Treasury;

(4) the Administrator of the Environmental Protection Agency;

(5) the Commandant of the Coast Guard;

(6) the Administrator of General Services;

(7) the American Commissioner on the International Boundary Commission, United States and Mexico;

(8) State agencies responsible for transportation and law enforcement in border States; and

(9) municipal governments and transportation authorities in sister cities in the border area.

(c) REQUIREMENTS.—In carrying out the assessment, the Secretary shall—

(1) assess—

(A) the flow of commercial and private traffic through designated ports of entry on the border;

(B) the adequacy of transportation infrastructure in the border area, including highways, bridges, railway lines, and border inspection facilities;

(C) the adequacy of law enforcement and narcotics abatement activities in the border area, as the activities relate to commercial and private traffic; and

(D) future demands on transportation infrastructure in the border area; and

(2) make recommendations to facilitate legitimate cross-border traffic in the border area, while maintaining the integrity of the border.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the assessment conducted under this section, including any related legislative and administrative recommendations.

AMENDMENT NO. 1746

On page 59, between lines 17 and 18, insert the following:

"(4) USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage States, in carrying out activities funded under this section, to enter into contracts and cooperative agreements with youth conservation or service corps that are certified by the National Association of Service and Conservation Corps.

On page 158, strike line 4 and insert the following: 100 percent.

"(D) USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage States, in carrying out transportation enhancement activities funded from the allocation required by subsection (d)(2), to enter into contracts and cooperative agreements with youth conservation or service corps that are certified by the National Association of Service and Conservation Corps.".

JOHNSON (AND OTHERS) AMENDMENT NO. 1747

(Ordered to lie on the table.)

Mr. JOHNSON (for himself, Mr. THOMAS, Mr. LEVIN, and Mr. ALLARD) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . MINIMUM GUARANTEE OF TRANSIT PROGRAM FUNDS.

Section 5338 of title 49, United States Code, is amended by adding at the end the following:

"(o) MINIMUM GUARANTEE OF TRANSIT PROGRAM FUNDS.—

"(1) SET-ASIDE REQUIRED.—For each fiscal year beginning after September 30, 1997, after providing for any allocation or set-asides under subsection (g) or (h) of this section, but before completing distribution of other amounts made available or appropriated under subsections (a) and (b) of this section, the Secretary shall set aside, and shall distribute to each State, in addition to amounts otherwise distributed to the State (or to its political subdivisions) to carry out sections 5307, 5309, 5310, and 5311, the amount described in paragraph (2)(B).

"(2) CALCULATION.—

"(A) DEFINITION OF MINIMUM GUARANTEE THRESHOLD AMOUNT.—In this subsection, the term 'minimum guarantee threshold amount' means, with respect to a State for a fiscal year, the amount equal to—

"(i) total amount made available or appropriated to all States and political subdivisions under sections 5307, 5309, 5310, and 5311 for that fiscal year; multiplied by

"(ii) 70 percent of the percentage contribution of estimated tax payments allocated to the Mass Transit Account under section 9503(e) of the Internal Revenue Code of 1986 in the latest fiscal year for which data are available, that are attributable to highway users in the State.

"(B) AMOUNT.—Subject to subparagraph (C) and any other limitations set forth in this subsection, the amount described in this subparagraph is the amount, if it is a positive number, that, if added to the total amount distributed to the State (and its political subdivisions) under sections 5307, 5309, 5310, and 5311 for that fiscal year, is equal to the minimum guarantee threshold amount.

"(C) LIMITATION.—The maximum amount distributed to a State under this subsection shall not exceed $12,500,000.

"(3) SOURCE OF FUNDS.—

"(A) IN GENERAL.—Amounts required to be set aside and distributed to States under this subsection in any fiscal year—

"(I) may be obtained from any amounts under section 5309 that are made available or appropriated to the Secretary for funding this subsection or for distribution at the discretion of the Secretary in the fiscal year; or

"(II) if not, shall be obtained by proportionately reducing amounts that would otherwise be made available or appropriated under subsections (a) and (b) of this section, for sections 5307, 5309, and 5311, to those States and political subdivisions for which the total amount distributed under sections 5307, 5309, 5310, and 5311 in that fiscal year is greater than 1.05 times—

"(I) the total amount made available or appropriated to all States and political subdivisions under sections 5307, 5309, 5310, and 5311, in that fiscal year; multiplied by

"(II) the percentage contribution of estimated tax payments allocated to the Mass Transit Account under section 9503(e) of the Internal Revenue Code of 1986 in the latest fiscal year for which data are available that are attributable to highway users in the State.

"(B) PROPORTIONATE REDUCTIONS FROM DIFFERENT SOURCES.—The Secretary shall apply reductions under subparagraph (A) proportionately to amounts made available from the Mass Transit Account and to amounts appropriated or made available from other sources.

"(C) OTHER RULES ON APPLICATION OF REDUCTIONS.—

"(i) IN GENERAL.—Reductions otherwise required by subparagraph (A) may be taken against the amounts that otherwise would be distributed to any State or political subdivision thereof only to the extent that making those reductions would not—

"(I) reduce the total amount distributed to the State and its political subdivisions under sections 5307, 5309, 5310, and 5311 to less than the greater of—

"(aa) 90 percent of the total of amounts distributed to the State and its political subdivisions under those sections in fiscal year 1997; or

"(bb) the minimum guarantee threshold amount for the State for the fiscal year at issue; or

"(II) reduce the total amount distributed to a State or political subdivision that, prior to application of this subsection, would receive a total amount less than the greater of the amount specified by item (aa) or (bb) of subclause (I).

"(ii) PROPORTIONATE REDUCTIONS.—In the event of the applicability of clause (i), the Secretary shall obtain the remainder of the amounts required to be distributed to States under the minimum guarantee required by this subsection proportionately from those States, including political subdivisions, to which subparagraph (A) applies, and to which clause (i) of this subparagraph does not apply.

"(D) PROPORTIONATE REDUCTION IN CASE OF INSUFFICIENT FUNDS.—If the application of subparagraphs (A) and (C) would provide funds in an amount less than the amount described in paragraph (2), the Secretary shall distribute to the State, in lieu of the amount that otherwise would be distributed under paragraph (2), an amount equal to—

"(i) the amount otherwise required under paragraph (2); multiplied by

"(ii) the quotient of—

"(I) the amount obtained by application of subparagraphs (A) and (C); and

"(II) the amount required under paragraph (2) to be provided to all States.

"(4) ATTRIBUTION OF AMOUNTS.—For the purposes of calculations under this subsection, with respect to attributing to individual States any amounts distributed to political subdivisions that are multi-State entities, the Secretary shall attribute those amounts to individual States, based on such criteria as the Secretary may adopt by rule, except that, for purposes of calculations made during the 12-month period beginning on the date of enactment of this subsection, the Secretary may attribute those amounts to individual States before adopting a rule.

"(5) USE AND AVAILABILITY.—

"(A) IN GENERAL.—Amounts distributed to a State under this subsection may be used for any purpose eligible for assistance under this chapter and shall remain available until expended.

"(B) CITY AND COMMUNITY TRANSIT FUNDING INCREASE GUARANTEE.—

"(i) IN GENERAL.—No less than fifty percent of the amount distributed to a State under this subsection shall be distributed by the State to each entity in the State, including the State itself, that, in the immediately preceding fiscal year, received funds directly from the Secretary under section 5307, 5309, 5310, or 5311.

"(ii) ALLOCATION.—In carrying out clause (i), the Secretary shall distribute to each entity described in that clause an amount equal to the ratio between—

"(I) the total amount of funds received by the entity under sections 5307, 5309, 5310, and 5311 in the immediately preceding fiscal year; and

"(II) the total amount of funds received by all entities described in clause (i) in the State under those sections in that fiscal year.

"(iii) USE OF AMOUNTS BY STATE.—The portion of funds that the State distributes to itself pursuant to clause (ii), as a result of the receipt of funds directly from the Secretary under section 5311 in the immediately preceding fiscal year, may be used by the State only in areas and for purposes that are eligible under section 5311.

"(6) TREATMENT OF CERTAIN AMOUNTS.—For purposes of sections 5323(a)(1)(D) and 5333(b), amounts distributed to a State under this subsection that are, in turn, awarded by the Secretary—

"(A) under section 5311, if the subgrantee does not serve an urbanized area; and

"(B) directly to the subgrantee under section 5307, if the subgrantee serves an urbanized area.

ROBB AMENDMENT NO. 1748

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following:

TITLE —REGIONAL TRANSPORTATION IMPROVEMENT

Subtitle A—Metropolitan Washington Regional Transportation

SEC. 001. SHORT TITLE.

This subtitle may be cited as the "Metropolitan Washington Regional Transportation Act".

SEC. 002. FINDINGS.

Congress finds that—

(1) congestion is a serious problem in the metropolitan Washington region, as evidenced by recent studies that have found that only the city of Los Angeles is more congested and that congestion costs each man, woman, and child in the region more than $800 per year in lost time, wasted fuel, and environmental damage;

(2) in the past, regional leaders have successfully worked together to address important transportation needs, through such institutions as the Metropolitan Washington Airports Authority, the Washington Metropolitan Area Transit Authority, and the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments;

(3) even greater regional cooperation is needed to prevent congestion in the metropolitan Washington region from worsening, in light of predictions that, for the period of 1990 through 2020, there will be a 43 percent increase in population, a 43 percent increase in employment, and a 79 percent increase in vehicle miles traveled, in the region;

(4) while transportation needs will grow significantly over the next decades, spending is expected to fall short of transportation needs by more than $500,000,000 per year, even with expected increases in Federal and State spending;

(5) none of the existing metropolitan-wide transportation agencies within the metropolitan Washington region have the necessary powers, authorities, and resources to meet the current and future transportation needs of the region;

(6) the failure to meet the transportation needs of the metropolitan Washington region will undermine the quality of life of the residents of the region, degrade the natural environment, and adversely affect the ability of Federal agencies and private sector businesses to operate effectively and efficiently;

(7) the transportation challenges faced by the metropolitan Washington region are unique and deserve the attention of Congress because of the presence of the Federal Government within the region and because of the intersection of 3 jurisdictions, consisting of 2 States and the District of Columbia, within a single metropolitan area;

(8) the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments, the designated metropolitan planning organization for planning and programming Federal transit and highway funds provided to the metropolitan Washington region, is updating the long-range plan for the region to meet transportation needs in the coming decades; and

(9) with Federal assistance, the Board can more effectively promote regional agreement on how to finance and implement its long-range plan to meet the transportation needs of the metropolitan Washington region.

SEC. 003. PURPOSES.

The purposes of this subtitle are—

(1) to assist the Board in developing a means to finance and implement its long-range plan;

(2) to establish a corporation to provide short-term funding and implementation of the long-range plan;

(3) to empower the Board to consult with the metropolitan Washington region jurisdictions and the public to achieve consensus on long-range financing and implementation of the long-range plan; and

(4) to grant consent to the metropolitan Washington region jurisdictions to enter into an interstate compact or agreement to facilitate action on regional transportation needs.

SEC. 004. DEFINITIONS.

In this subtitle:

(1) Board.—The term "Board" means the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments.

(2) Corporation.—The term "Corporation" means the Metropolitan Washington Regional Transportation Corporation established by section 006(b).

(3) Metropolitan Washington region; region.—The term "metropolitan Washington region" or "region" means the area that is—

(A) located in the area including and surrounding Washington, District of Columbia; and

(B) under the jurisdiction of the members of the Board.

(4) Metropolitan Washington region jurisdiction.—The term "metropolitan Washington region jurisdiction" means a jurisdiction represented by a member of the Board.

(5) Signatory.—The term "Signatory" means a metropolitan Washington region jurisdiction that enters into an interstate agreement or compact under section 006(c).

SEC. 005. DUTIES OF THE BOARD.

(a) Duties.—

(1) In general.—The Board shall—

(A)(i) propose regional funding mechanisms to finance and implement its long-range plan;

(ii) update its long-range plan to reflect additional revenue provided by the regional funding mechanisms;

(iii) manage the Corporation; and

(iv) propose an interstate compact or agreement, including a list of regional transportation projects and a means of funding and implementation of the projects;

(B) provide notice and opportunity for comment on its efforts under this title by metropolitan Washington region jurisdictions and the public;

(C) conduct outreach and education activities to promote public participation;

(D) promote cooperative action by metropolitan Washington region jurisdictions on regional transportation issues; and

(E) assist metropolitan Washington region jurisdictions in developing an interstate compact or agreement to better meet regional transportation needs.

(2) Limitations.—The Board shall not have the power to—

(A) impose a tax; or

(B) preempt any Federal, State, or local law (including a regulation).

(b) Board Support.—The Board may use staff of the Board and employ such additional personnel and agents as are necessary to carry out this subtitle, including public outreach staff to meet the public participation requirements of titles 23 and 49, United States Code.

(c) Timetable.—The Board shall—

(1) develop and publish a first draft proposal for regional funding mechanisms and means to implement its long-range plan not later than 210 days after the date of enactment of this Act;

(2) provide an opportunity for public comment on the first draft proposal during the period beginning on the date of publication of the first draft proposal and ending not earlier than 90 days after that date; and

(3) develop and publish a final proposal not later than August 1, 2000, and provide an opportunity for ratification of the final proposal by metropolitan Washington region jurisdictions.

(d) Planning Process.—In carrying out this subtitle, the Board shall—

(1) comply with the planning requirements of titles 23 and 49, United States Code; and

(2)(A) ensure that the public has a full opportunity to participate in the planning process; and

(B) work with citizen advisory committees representing all points of view, including business, environmental, transportation, senior citizens, and neighborhood associations.

SEC. 006. IMPLEMENTATION OF LONG-RANGE PLAN FOR THE METROPOLITAN WASHINGTON REGION.

(a) Sense of Congress.—It is the sense of Congress that—

(1)(A) the transportation needs of the metropolitan Washington region are urgent; and

(B) delay in responding to the needs may increase congestion, reduce the quality of life, degrade the natural environment, and hinder economic development in the region;

(2) Congress can assist the region in meeting transportation needs by establishing a Metropolitan Washington Regional Transportation Corporation with the power to begin the initial financing and implementation of the long-range plan of the Board;

(3) Congress can assist the region in meeting transportation needs by providing expedited congressional approval of an interstate compact or agreement on financing and implementation of the long-range plan of the Board; and

(4) the Board and the metropolitan Washington region jurisdictions should consider the full range of options for such an interstate compact or agreement, including establishment of—

(A) an independent authority with the power to issue bonds and levy fees;

(B) an intergovernmental authority with revenue from government contributions; and

(C) an intergovernmental authority with the power to manage regional revenues collected through 1 or more regional funding mechanisms.

(b) Metropolitan Washington Regional Transportation Corporation.—

(1) Establishment.—There is established the Metropolitan Washington Regional Transportation Corporation.

(2) General powers.—

(A) In general.—The Corporation shall be a body corporate and politic, and an instrumentality of the Board, having the powers and jurisdiction described in this subtitle and such additional powers as are conferred on the Corporation by the Board, to the extent that the additional powers are consistent with this subtitle.

(B) Administration.—The Corporation shall be governed in accordance with this subtitle and shall be subject to such other provisions as the Board determines appropriate.

(3) General limitations.—Except as otherwise specifically provided in this subtitle, the Corporation shall not have the power to—

(A) impose a tax; or

(B) preempt any Federal, State, or local law (including a regulation).

(4) Duties.—The Corporation shall manage the initial funding and implementation of the long-range plan updated by the Board under section 005(a).

(5) Public accountability.—

(A) Public notice and participation.—The Corporation shall be subject to the requirements of chapter 5 of title 5, United States Code, concerning public notice of, and participation at, all meetings of the Corporation.

(B) Freedom of information act.—The Corporation shall be considered to be an agency for the purpose of compliance with requests under section 552 of title 5, United States Code.

(6) Powers.—The Corporation shall have the power—

(A) to acquire personal and real property (including land lying under water and riparian rights), or any easement or other interest in real property, by purchase, lease, gift, transfer, or exchange;

(B) to apply for and accept any property, material, service, payment, appropriation, grant, gift, loan, advance, or other fund that is transferred or made available to the Corporation by the Federal Government or by any other public or private entity or individual;

(C) to borrow money on a short-term basis and issue notes of the Corporation for the borrowing payable on such terms and conditions as the Corporation considers advisable, and to issue long-term or short-term bonds in the discretion of the Corporation for any purpose consistent with this subtitle, which notes and bonds—

(i) shall not constitute—

(I) a debt of the United States (or any political subdivision of the United States); or

(II) a general obligation of a metropolitan Washington region jurisdiction (or any political subdivision of a metropolitan Washington region jurisdiction), unless consented to by the jurisdiction (or political subdivision); and

(ii) may be secured solely by the general revenues of the Corporation or by other revenues in the discretion of the Corporation;

(D) to fix or revise any reasonable toll, sales tax, or other charge, subject to the consent of the Signatories;

(E) to permit single-occupancy vehicles to travel on high-occupancy lanes in the region upon payment of a toll, if—

(i) the toll can be implemented in a way that does not reduce the volume of traffic; and

(ii) the Board consents to use the toll revenues for regional transportation projects;

(F) to enter into any contract or agreement necessary or appropriate to the performance of the duties of the Corporation;

(G) to enter into partnerships or grant concessions between the public and private sectors for the purpose of—

(i) financing, constructing, maintaining, improving, or operating regional transportation facilities in the metropolitan Washington region; or

(ii) fostering development of a new transportation technology;

(H) to obtain any necessary Federal authorization, permit, or approval for the construction, repair, maintenance, or operation of regional transportation facilities in the metropolitan Washington region;

(I) to adopt an official seal and alter the seal, as the Corporation considers appropriate;

(J) to appoint 1 or more advisory committees;

(K) to sue and be sued in the name of the Corporation;

(L) to carry out or contract with other entities to carry out such maintenance of traffic activities during construction of regional transportation facilities in the metropolitan Washington region as are considered to be necessary by the Corporation to properly manage traffic and minimize congestion, such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation system technologies; and

(M) to carry out any activity necessary or appropriate to the exercise of the powers or performance of the duties of the Corporation under this subtitle and under any interstate compact or agreement relating to the Corporation that is consistent with this subtitle, if the activity is coordinated and consistent with the transportation planning process implemented by the metropolitan planning organization for the metropolitan Washington region under section 134 of title 23, United States Code, and section 5303 of title 49, United States Code.

(c) INTERSTATE COMPACT OR AGREEMENT.—

(1) IN GENERAL.—Subject to paragraph (2), 1 or more of the metropolitan Washington region jurisdictions may enter into an interstate compact or agreement to finance and implement the long-range plan of the Board, if consent is granted by—

(A) the department of transportation of each State that enters into the compact or agreement; and

(B) if the District of Columbia enters into the compact or agreement, the Department of Public Works of the District of Columbia.

(2) REQUIREMENTS.—The interstate compact or agreement shall—

(A) include a list of regional transportation projects and a regional funding mechanism to fund the projects; and

(B) include a time limit of not more than 1 year for approval by the metropolitan Washington region jurisdictions.

(3) EXPEDITED APPROVAL.—An interstate compact or agreement described in paragraph (1) shall be deemed to have the consent of Congress unless Congress enacts a law denying consent to the compact or agreement within 60 days after the date of approval of the compact or agreement by the Signatories.

SEC. 007. MAINTENANCE OF FUNDING AND EFFORT.

The funding provided under any regional transportation program developed under this subtitle shall supplement (and not supplant) other Federal, State, and local transportation funding for the metropolitan Washington region jurisdictions. In using funds provided under this subtitle, a metropolitan Washington region jurisdiction shall maintain the expenditures of the jurisdiction for transportation in the metropolitan Washington region, at a level equal to not less than the level of the expenditures maintained by the jurisdiction for the fiscal year preceding the fiscal year for which the funds are received.

SEC. 008. REPORTS.

The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) not later than 1 year after the date of enactment of this Act, an interim report on the progress of the Board in developing cooperative transportation plans and regional funding mechanisms to meet transportation needs in the metropolitan Washington region; and

(2) not later than 3 years after the date of enactment of this Act, a final report on the results of the actions of the Board in developing cooperative transportation plans and regional funding mechanisms to meet transportation needs in the metropolitan Washington region.

SEC. 009. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $300,000 for each of fiscal years 1998 through 2000, of which not less than—

(1) $100,000 shall be used by the Board for salaries and administrative expenses of experts in financing and developing interstate compacts or agreements; and

(2) $200,000 shall be used by the Board to support a collaborative planning process, to disseminate information to the public, and to pay the salaries and administrative expenses of public outreach staff.

Subtitle B—Regional Transportation Improvement Grants and Assistance

SEC. 101. FINDINGS.

Congress finds that—

(1) the process of developing interstate agreements on transportation planning and funding is difficult and costly and hinders regional cooperation;

(2) the lack of regional action to meet transportation needs is harmful to the long-term growth of regional economies and to the United States as a whole; and

(3) Federal incentives can promote regional cooperation to address transportation needs across the United States.

SEC. 103. TIFIA ASSISTANCE FOR REGIONAL PROJECTS DEVELOPED BY MULTISTATE METROPOLITAN PLANNING ORGANIZATIONS.

Notwithstanding any other provision of law, an eligible project selected under section 102 shall be eligible for financial assistance provided under the Transportation Infrastructure Finance and Innovation Act of 1997, including loans, loan guarantees, and lines of credit.

TORRICELLI AMENDMENTS NOS. 1749–1750

(Ordered to lie on the table.)

Mr. TORRICELLI submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1749

On page 223, strike lines 4 through 18 and insert the following:

(1) in subsection (a)—

(A) by striking "(a) Each" and inserting the following:

"(a) IN GENERAL.—

"(1) PROGRAM.—Each";

(B) by inserting ", bicyclists," after "motorists"; and

(C) by adding at the end the following:

"(2) HAZARDS.—In carrying out paragraph (1), a State may—

"(A) identify through a survey hazards to motorists, users of public transportation, bicyclists, pedestrians, and individuals who live or work near transportation facilities; and

"(B) develop and implement projects and programs to address the hazards.";

(2) in subsection (b), by striking "highway safety improvement project" and inserting "safety improvement project, including a project described in subsection (a)";

(3) in subsection (c), by striking "on any public road (other than a highway on the Interstate System)." and inserting the following: "on—

"(1) any public road;

"(2) any public transportation vehicle or facility, any publicly owned bicycle or pedestrian pathway or trail, or any other facility that the Secretary determines to be appropriate; or

"(3) any traffic calming measure.";

(4) by redesignating subsection (h) as subsection (i); and

(5) by inserting after subsection (g) the following:

"(h) CONSULTATION.—Funds made available under subsection (e) shall be obligated only after consultation with county and local transportation entities.".

AMENDMENT NO. 1750

At the appropriate place, insert the following:

SEC. . NATIONAL ESTUARY PROGRAM.

(a) GRANTS.—Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) PURPOSES.—Grants under this subsection shall be made to pay for assisting activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

"(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

"(A) shall not exceed—

"(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

"(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

"(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991" and inserting "$50,000,000 for each of fiscal years 1999 through 2004".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

BAUCUS AMENDMENT NO. 1751

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, as follows:

On page 159, between lines 6 and 7, insert the following:

(d) DEFINITION OF TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "transportation enhancement activities"—

(1) by striking "scenic or historic highway programs," and inserting "scenic or historic highway programs (including the provision of tourist and welcome center facilities),"

CAMPBELL (AND OTHERS) AMENDMENTS NO. 1752

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Ms. MOSELEY-BRAUN, and Mr. GRAMM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LIMITATIONS.

(a) PROHIBITION ON LOBBYING ACTIVITIES.—(1) No funds authorized in this title shall be available for any activity to build support for or against, or to influence the formulation, or adoption of State or local legislation, unless such activity is consistent with previously-existing Federal mandates or incentive programs.

(b) Nothing in this section shall prohibit officers or employees of the United States or its departments or agencies from testifying before any State or local legislative body upon the invitation of such legislative body.

COVERDELL AMENDMENT NO. 1753

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle H of title I, insert the following:

SEC. 18 . FOOD SIGNS.

(a) IN GENERAL.—Beginning on the day after the date of enactment of this Act, a food business that operates 6 days a week may display a mainline business logo on a FOOD sign described in section 2G-5.7(4) of part IIG of the 1988 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, if the food business—

(1) purchases and has installed under the mainline business logo on the FOOD sign a sign that meets the requirements of subsection (b); and

(2) meets the applicable requirements for displaying a FOOD sign contained in that manual, other than the requirement relating to the number of days of operation.

(b) REQUIREMENTS FOR SIGN POSITIONED UNDER THE MAINLINE BUSINESS LOGO OF A FOOD SIGN.—A sign positioned under a mainline business logo referred to in subsection (a) meets the requirements of this subsection if that sign—

(1) has a blue background;

(2) has a 6-inch white legend and white border; and

(3) indicates the day of the week on which the food business is closed.

DOMENICI AMENDMENTS NOS. 1754–1756

(Ordered to lie on the table.)

Mr. DOMENICI submitted three amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1754

At the appropriate place, insert the following:

SEC. . DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) COMMERCIAL ZONE DEFINED.—In this section, the term "commercial zone" means a zone containing lands adjacent to, and commercially a part of, 1 or more municipalities with respect to which the exception described in section 13506(b)(1) of title 49, United States Code, applies.

(b) DESIGNATION OF ZONE.—

(1) IN GENERAL.—The area described in paragraph (2) is designated as a commercial zone, to be known as the "New Mexico Commercial Zone".

(2) DESCRIPTION OF AREA.—The area described in this paragraph is the area that is comprised of Dona Ana County and Luna County in New Mexico.

(c) SAVINGS PROVISION.—Nothing in this section shall affect any action commenced or pending before the Secretary of Transportation or Surface Transportation Board before the date of enactment of this Act.

AMENDMENT NO. 1755

On page 385, line 13, strike "and" after the semicolon.

On page 385, line 17, strike the period and insert a semicolon.

On page 385, between lines 17 and 18, insert the following:

"(15) to promote the deployment of new intelligent transportation system technologies at international ports of entry into the United States to detect and deter illegal narcotic smuggling; and

"(16) to promote the deployment of intelligent transportation systems to expedite the movement of commercial cargo through international ports of entry into the United States.

AMENDMENT NO. 1756

On page 320, strike lines 11 and 12 and insert the following:

"(I) surface transportation safety;

"(J) infrastructure finance studies; or

"(K) development and testing of innovative technologies for bridge construction and nondestructive evaluation.

DOMENICI (AND OTHERS) AMENDMENT NO. 1757

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. INOUYE, Mr. BINGAMAN, and Mr. JOHNSON) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . FUNDING FOR INDIAN RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

"(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

"(1) IN GENERAL.—Of amounts made available under section 5338(a) to carry out this section in each fiscal year, $10,000,000 shall be available for grants to Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) in accordance with this section for transportation projects in areas other than urbanized areas.

"(2) FORMULA ALLOCATION.—Amounts made available under paragraph (1) shall be allocated among Indian tribes—

"(A) with respect to fiscal years 1998, 1999, and 2000 by the Administrator of the Federal Transit Administration; and

"(B) with respect to each fiscal year thereafter, in accordance with a formula, which shall be established by the Secretary, in consultation with Indian tribes, not later than October 1, 2000.".

HUTCHINSON AMENDMENT NO. 1758

(Ordered to lie on the table.)

Mr. HUTCHINSON submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 110, strike lines 22 and 23 and insert the following:

"(5) REQUIRED ALLOCATION FOR CERTAIN STATES.—

"(A) ALLOCATION.—For each of fiscal years 1998 through 2003, the Secretary shall allocate on October 1, to States eligible under subparagraph (B), for use for projects described in paragraph (1), $5,000,000 of the amounts set aside under paragraph (1) from amounts to be apportioned under subsection (b)(1)(A).

"(B) ELIGIBLE STATES.—A State shall be eligible for an allocation under subparagraph (A) for a fiscal year if—

"(i) the State ranks among the lowest 10 percent of States in a ranking of States by per capita personal income;

"(ii) for the State, the ratio that—

"(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title; bears to

"(II) the percentage of estimated total tax receipts attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003;

is less than 1.00, as of the date of enactment of this subsection; and

"(iii)(I) the State's estimated percentage of total Federal-aid highway program apportionments for the period of fiscal years 1998 through 2003 under this title, as of the date of enactment of this subsection; is less than

"(II) the State's percentage of total Federal-aid highway program apportionments and Federal lands highways program allocations under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), and allocations under sections 1103 through 1108 of that Act, for the period of fiscal years 1992 through 1997.

"(C) ADDITIONAL ALLOCATION.—An allocation to a State under subparagraph (A) shall be in addition to any allocation to the State under paragraph (1).

"(6) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Amounts made available under".

ROTH AMENDMENT NO. 1759

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the bill add the following:

TITLE —REVENUE

SEC. 001. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Intermodal Surface Transportation Revenue Act of 1998".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 002. EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) EXTENSION OF TAXES AND EXEMPTIONS.—

(1) The following provisions are each amended by striking "1999" each place it appears and inserting "2005":

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4071(d) (relating to termination).

(F) Section 4081(d)(1) (relating to termination).

(G) Section 4221(a) (relating to certain tax-free sales).

(H) Section 4481(e) (relating to period tax in effect).

(I) Section 4482(c)(4) (relating to taxable period).

(J) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(K) Section 4483(g) (relating to termination of exemptions).

(L) Section 6156(e)(2) (relating to section inapplicable to certain liabilities).

(M) Section 6412(a) (relating to floor stocks refunds).

(2) The following provisions are each amended by striking "2000" each place it appears and inserting "2007":

(A) Section 4041(b)(2)(C) (relating to termination).

(B) Section 4041(k)(3) (relating to termination).

(C) Section 4081(c)(8) (relating to termination).

(D) Section 4091(c)(5) (relating to termination).

(3) Section 6412(a) (relating to floor stocks refunds) is amended by striking "2000" each place it appears and inserting "2006".

(4) Section 6427(f)(4) (relating to termination) is amended by striking "1999" and inserting "2007".

(5) Section 40(e)(1) (relating to termination) is amended—

(A) by striking "December 31, 2000" and inserting "December 31, 2007", and

(B) by striking subparagraph (B) and inserting the following:

"(B) of any fuel for any period before January 1, 2008, during which the rate of tax under section 4081(a)(2)(A) is 4.3 cents per gallon.".

(6) Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) are amended in the effective period column by striking "10/1/2000" each place it appears and inserting "10/1/2007".

(b) Extension and Modification of Highway Trust Fund.—

(1) Extension.—Section 9503 (relating to Highway Trust Fund) is amended—

(A) in subsection (b)—

(i) in paragraph (1), as amended by section 1032(e)(13) of the Taxpayer Relief Act of 1997—

(I) by striking "1999" and inserting "2005",

(II) by striking ing subparagraph (C),

(III) in subparagraph (D), by striking "and tread rubber", and

(IV) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), (E), respectively,

(ii) in paragraph (2), by striking "1999" each place it appears and inserting "2005" and by striking "2000" and inserting "2006",

(iii) in the heading of paragraph (2), by striking "October 1, 1999" and inserting "October 1, 2005", and

(iv) in subparagraphs (E) and (F) of paragraph (4), as amended by section 901(a) of the Taxpayer Relief Act of 1997, by striking "1999" and inserting "2005", and

(B) in subsection (c), as amended by section 9(a)(1) of the Surface Transportation Extension Act of 1997—

(i) in paragraph (1)—

(I) by striking "1998" and inserting "2003",

(II) in subparagraph (C), by striking "or" at the end,

(III) in subparagraph (D), by striking "1991." and inserting "1991, or",

(IV) by inserting after subparagraph (D) the following:

"(E) authorized to be paid out of the Highway Trust Fund under the Intermodal Surface Transportation Efficiency Act of 1998.", and

(V) by striking the last sentence and inserting the following:

"In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.",

(ii) in paragraph (2)(A)(i)—

(I) by striking "2000" and inserting "2006",

(II) in subclause (II), by adding "and" at the end,

(III) in subclause (IV), by striking "1999" and inserting "2005", and

(IV) by striking subclause (III) and redesignating subclause (IV) as subclause (III),

(iii) in paragraph (2)(A), by striking clause (ii) and inserting the following:

"(ii) the credits allowed under section 34 (relating to credit for certain uses of fuel) with respect to fuel used before October 1, 2005.",

(iv) in paragraph (3)—

(I) by striking "July 1, 2000" and inserting "July 1, 2006", and

(II) by striking the heading and inserting "Floor stocks refunds",

(v) in paragraph (4)(A)—

(I) in clause (i), by striking "1998" and inserting "2003", and

(II) in clause (ii), by adding at the end the following new flush sentence:

"In making the determination under subclause (II) for any fiscal year, the Secretary shall not take into account any amount appropriated from the Boat Safety Account in any preceding fiscal year but not distributed.", and

(vi) in paragraph (5)(A), by striking "1998" and inserting "2003".

(2) Limitation on expenditures.—

(A) In general.—Section 9503(c) (relating to expenditures from Highway Trust Fund), as amended by subsection (d)(2)(A), is amended by inserting after paragraph (5) the following:

"(6) Limitation on expenditures from highway trust fund.—

"(A) In general.—Except as provided in subparagraph (B), no expenditure shall be made from the Highway Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

"(i) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

"(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

"(B) Exception for prior obligations.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of this section before October 1, 2003.".

(B) Transfer of taxes to trust fund terminated if expenditure limitation violated.—Section 9503(b)(4) (relating to certain taxes not transferred to Highway Trust Fund), as amended by subsection (b)(1)(A)(iv), is amended—

(i) in subparagraph (E), by striking "or" at the end,

(ii) in subparagraph (F), by striking the period at the end and inserting ", or", and

(iii) by adding at the end the following:

"(G) any provision described in paragraph (1) on and after the date of any expenditure not permitted by subsection (c)(6).".

(c) Modification of Subsidies for Alcohol Fuels.—

(1) In general.—Subsection (h) of section 40 (relating to alcohol used as fuel) is amended to read as follows:

"(h) Reduced Credit for Ethanol Blenders.—

"(1) In general.—In the case of any alcohol mixture credit or alcohol credit with respect to any sale or use of alcohol which is ethanol during calendar years 2001 through 2007—

"(A) subsections (b)(1)(A) and (b)(2)(A) shall be applied by substituting 'the blender amount' for '60 cents',

"(B) subsection (b)(3) shall be applied by substituting 'the low-proof blender amount' for '45 cents' and 'the blender amount' for '60 cents', and

"(C) subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'the blender amount' for '60 cents' and 'the low-proof blender amount' for '45 cents'.

"(2) Amounts.—For purposes of paragraph (1), the blender amount and the low-proof blender amount shall be determined in accordance with the following table:

In the case of any sale or use during calendar year:	The blender amount is:	The low-proof blender amount is:
2001 or 2002	53 cents	39.26 cents
2003 or 2004	52 cents	38.52 cents
2005, 2006, or 2007	51 cents	37.78 cents."

(2) Conforming amendments.—

(A) Section 4041(b)(2) is amended—

(i) in subparagraph (A)(i), by striking "5.4 cents" and inserting "the applicable blender rate", and

(ii) by redesignating subparagraph (C), as amended by subsection (a)(2)(A), as subparagraph (D) and by inserting after subparagraph (B) the following:

"(C) Applicable blender rate.—For purposes of subparagraph (A)(i), the applicable blender rate is—

"(i) except as provided in clause (ii), 5.4 cents, and

"(ii) for sales or uses during calendar years 2001 through 2007, ⅒ of the blender amount applicable under section 40(h)(2) for the calendar year in which the sale or use occurs.".

(B) Subparagraph (A) of section 4081(c)(4) is amended to read as follows:

"(A) General rules.—

"(i) Mixtures containing ethanol.—Except as provided in clause (ii), in the case of a qualified alcohol mixture which contains gasoline, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, the applicable blender rate (as defined in section 4041(b)(2)(A)) per gallon,

"(II) in the case of 7.7 percent gasohol, the number of cents per gallon equal to 77 percent of such applicable blender rate, and

"(III) in the case of 5.7 percent gasohol, the number of cents per gallon equal to 57 percent of such applicable blender rate.

"(ii) MIXTURES NOT CONTAINING ETHANOL.—In the case of a qualified alcohol mixture which contains gasoline and none of the alcohol in which consists of ethanol, the alcohol mixture rate is the excess of the rate which would (but for this paragraph) be determined under subsection (a) over—

"(I) in the case of 10 percent gasohol, 6 cents per gallon,

"(II) in the case of 7.7 percent gasohol, 4.62 cents per gallon, and

"(III) in the case of 5.7 percent gasohol, 3.42 cents per gallon.".

(C) Section 4081(c)(5) is amended by striking "5.4 cents" and inserting "the applicable blender rate (as defined in section 4041(b)(2)(C))".

(D) Section 4091(c)(1) is amended by striking "13.4 cents" each place it appears and inserting "the applicable blender amount" and by adding at the end the following: "For purposes of this paragraph, the term 'applicable blender amount' means 13.3 cents in the case of any sale or use during 2001 or 2002, 13.2 cents in the case of any sale or use during 2003 or 2004, 13.1 cents in the case of any sale or use during 2005, 2006, or 2007, and 13.4 cents in the case of any sale or use during 2008 or thereafter.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2001.

(d) ELIMINATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.—

(1) IN GENERAL.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 9503(c) is amended by striking paragraph (6).

(B) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

(e) AQUATIC RESOURCES TRUST FUND.—

(1) EXTENSION.—Section 9504(c) (relating to expenditures from Boat Safety Account), as amended by section 9(b) of the Surface Transportation Extension Act of 1997, is amended—

(A) by striking "1998" and inserting "2004", and

(B) by striking "1988" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998".

(2) LIMITATION ON EXPENDITURES.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) LIMITATION ON EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no expenditure shall be made from the Aquatics Resources Trust Fund unless such expenditure is permitted under a provision of this title. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title and which is not contained or referenced in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS FROM THE BOAT SAFETY ACCOUNT.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into, or for any amount otherwise obligated, in accordance with the provisions of subsection (c) before April 1, 2004.

"(3) TRANSFER OF TAXES TO TRUST FUND TERMINATED IF EXPENDITURE LIMITATION VIOLATED.—For purposes of the second sentence of subsection (a)(2), there shall not be taken into account any amount described in subsection (b)(1), section 9503(c)(4), or section 9503(c)(5)(A) on and after the date of any expenditure not permitted by paragraph (1).".

(3) CONFORMING AMENDMENTS.—Section 9504(b)(2) is amended—

(A) in subparagraph (A), by striking "October 1, 1988" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998", and

(B) in subparagraph (B), by striking "November 29, 1990" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998".

SEC. 003. MASS TRANSIT ACCOUNT.

(a) IN GENERAL.—Section 9503(e)(3) (relating to expenditures from Account), as amended by section 9(a)(2) of the Surface Transportation Extension Act of 1997, is amended—

(1) by striking "1998" and inserting "2003",

(2) in subparagraph (A), by striking "or" at the end,

(3) in subparagraph (B), by adding "or" at the end, and

(4) by striking all that follows subparagraph (B) and inserting:

"(C) the Intermodal Surface Transportation Efficiency Act of 1998,

as such sections and Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1998.".

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9503(e) is amended to read as follows:

"(4) LIMITATION.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.".

(c) TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: "For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

"(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

"(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

"(C) 1.86 cents per gallon in the case of liquefied natural gas,

"(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

"(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

SEC. 004. TAX-EXEMPT FINANCING OF QUALIFIED HIGHWAY INFRASTRUCTURE CONSTRUCTION.

(a) TREATMENT AS EXEMPT FACILITY BOND.—A bond described in subsection (b) shall be treated as described in section 141(e)(1)(A) of the Internal Revenue Code of 1986, except that—

(1) section 146 of such Code shall not apply to such bond, and

(2) section 147(c)(1) of such Code shall be applied by substituting "any portion of" for "25 percent or more".

(b) BOND DESCRIBED.—

(1) IN GENERAL.—A bond is described in this subsection if such bond is issued after the date of the enactment of this Act as part of an issue—

(A) 95 percent or more of the net proceeds of which are to be used to provide a qualified highway infrastructure project, and

(B) to which there has been allocated a portion of the allocation to the project under paragraph (2)(C)(ii) which is equal to the aggregate face amount of bonds to be issued as part of such issue.

(2) QUALIFIED HIGHWAY INFRASTRUCTURE PROJECTS.—

(A) IN GENERAL.—For purposes of paragraph (1), the term "qualified highway infrastructure project" means a project—

(i) for the construction or reconstruction of a highway, and

(ii) designated under subparagraph (B) as an eligible pilot project.

(B) ELIGIBLE PILOT PROJECT.—

(i) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall select not more than 15 highway infrastructure projects to be pilot projects eligible for tax-exempt financing.

(ii) ELIGIBILITY CRITERIA.—In determining the criteria necessary for the eligibility of pilot projects, the Secretary of Transportation shall include the following:

(I) The project must serve the general public.

(II) The project is necessary to evaluate the potential of the private sector's participation in the provision of the highway infrastructure of the United States.

(III) The project must be located on publicly-owned rights-of-way.

(IV) The project must be publicly owned or the ownership of the highway constructed or reconstructed under the project must revert to the public.

(V) The project must be consistent with a transportation plan developed pursuant to section 134(g) or 135(e) of title 23, United States Code.

(C) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

(i) IN GENERAL.—The aggregate face amount of bonds issued pursuant to this section shall not exceed $15,000,000,000, determined without regard to any bond the proceeds of which are used exclusively to refund (other than to advance refund) a bond issued pursuant to this section (or a bond which is a part of a series of refundings of a bond so issued) if the amount of the refunding bond does not exceed the outstanding amount of the refunded bond.

(ii) ALLOCATION.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall allocate the amount described in clause (i) among the eligible pilot projects designated under subparagraph (B).

(iii) REALLOCATION.—If any portion of an allocation under clause (ii) is unused on the date which is 3 years after such allocation, the Secretary of Transportation, in consultation with the Secretary of the Treasury, may reallocate such portion among the remaining eligible pilot projects.

(c) REPORT.—

(1) IN GENERAL.—Not later than the earlier of—

(A) 1 year after either ½ of the projects authorized under this section have been identified or ½ of the total bonds allowable for the projects under this section have been issued, or

(B) 7 years after the date of the enactment of this Act,

the Secretary of Transportation, in consultation with the Secretary of the Treasury, shall submit the report described in paragraph (2) to the Committees on Finance and on Environment and Public Works of the Senate and the Committees on Ways and Means and on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall evaluate the overall success of the program conducted pursuant to this section, including—

(A) a description of each project under the program,

(B) the extent to which the projects used new technologies, construction techniques, or innovative cost controls that resulted in savings in building the project, and

(C) the use and efficiency of the Federal tax subsidy provided by the bond financing.

SEC. 005. REPEAL OF 1.25 CENT TAX RATE ON RAIL DIESEL FUEL.

(a) IN GENERAL.—Section 4041(a)(1)(C)(ii) (relating to rate of tax on trains) is amended—

(1) in subclause (II), by striking "October 1, 1999" and inserting "March 1, 1999", and

(2) in subclause (III), by striking "September 30, 1999" and inserting "February 28, 1999".

(b) CONFORMING AMENDMENTS.—

(1) Section 6421(f)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "March 1, 1999", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "February 28, 1999".

(2) Section 6427(l)(3)(B) is amended—

(A) in clause (ii), by striking "October 1, 1999" and inserting "March 1, 1999", and

(B) in clause (iii), by striking "September 30, 1999" and inserting "February 28, 1999".

SEC. 006. ELECTION TO RECEIVE TAXABLE CASH COMPENSATION IN LIEU OF NONTAXABLE QUALIFIED TRANSPORTATION FRINGE BENEFITS.

(a) NO CONSTRUCTIVE RECEIPT.—

(1) IN GENERAL.— Paragraph (4) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(4) NO CONSTRUCTIVE RECEIPT.—No amount shall be included in the gross income of an employee solely because the employee may choose between any qualified transportation fringe and compensation which would otherwise be includible in gross income of such employee.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 1997.

(b) INCREASE IN MAXIMUM EXCLUSION FOR EMPLOYER-PROVIDED TRANSIT PASSES.—

(1) IN GENERAL.—Subparagraph (A) of section 132(f)(2) (relating to limitation on exclusion) is amended by striking "$60" and inserting "$100".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2001.

(c) NO INFLATION ADJUSTMENT FOR 1999.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amounts contained in subparagraphs (A) and (B) of paragraph (2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

If any increase determined under the preceding sentence is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.".

(2) CONFORMING AMENDMENT.—Section 132(f)(2)(B) is amended by striking "$155" and inserting "$175".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1998.

(d) CONFORMING INFLATION ADJUSTMENT.—

(1) IN GENERAL.—Paragraph (6) of section 132(f) (relating to qualified transportation fringe) is amended to read as follows:

"(6) INFLATION ADJUSTMENT.—

"(A) ADJUSTMENT TO QUALIFIED PARKING LIMITATION.—In the case of any taxable year beginning in a calendar year after 1999, the dollar amount contained in paragraph (2)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 1998' for 'calendar year 1992'.

"(B) ADJUSTMENT TO OTHER QUALIFIED TRANSPORTATION FRINGES LIMITATION.—In the case of any taxable year beginning in a calendar year after 2002, the dollar amount contained in paragraph (2)(A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2001' for 'calendar year 1992'.

"(c) ROUNDING.—If any increase determined under subparagraph (A) or (B) is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2002.

SEC. 007. TAX TREATMENT OF CERTAIN FEDERAL PARTICIPATION PAYMENTS.

For purposes of the Internal Revenue Code of 1986, with respect to any Federal participation payment to a taxpayer in any taxable year made under section 149(e) of title 23, United States Code, as added by section 1502, to the extent such payment is not subject to tax under such Code for the taxable year—

(1) no credit or deduction (other than a deduction with respect to any interest on a loan) shall be allowed to the taxpayer with respect to any property placed in service or other expenditure that is directly or indirectly attributable to the payment, and

(2) the basis of any such property shall be reduced by the portion of the cost of the property that is attributable to the payment.

SEC. 008. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(f) EFFECTIVE DATES.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

"(2) The amendment made by subsection (d) shall take effect on July 1, 2000.".

TORRICELLI AMENDMENT NO. 1760

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34 . MOTOR CARRIER SAFETY PERMITS.

Section 5109 of title 49, United States Code, is amended—

(1) in subsection (c), by inserting "annual" before "application with";

(2) in subsection (e)(2), by striking "duration, terms," and inserting "terms";

(3) by redesignating subsection (h) as subsection (i); and

(4) by inserting after subsection (g) the following:

"(h) DURATION.—A safety permit issued under this section shall be effective for a period of 1 year.".

TORRICELLI AMENDMENT NO. 1761

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following:

TITLE —QUIET COMMUNITIES

SEC. 01. SHORT TITLE.

This title may be cited as the "Quiet Communities Act of 1998".

SEC. 02. FINDINGS.

Congress finds that—

(1)(A) for too many citizens of the United States, noise from aircraft, vehicular traffic, and a variety of other sources is a constant source of torment; and

(B) nearly 20,000,000 citizens of the United States are exposed to noise levels that can lead to psychological and physiological damage, and another 40,000,000 people are exposed to noise levels that cause sleep or work disruption;

(2)(A) chronic exposure to noise has been linked to increased risk of cardiovascular problems, strokes, and nervous disorders; and

(B) excessive noise causes sleep deprivation and task interruptions, which pose untold costs on society in diminished worker productivity;

(3)(A) to carry out the Clean Air Act of 1970 (42 U.S.C. 7401 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), and the Quiet Communities Act of 1978 (Public Law 95–609; 92 Stat. 3079), the Administrator of the Environmental Protection Agency established an Office of Noise Abatement and Control;

(B) the responsibilities of the Office of Noise Abatement and Control included promulgating noise emission standards, requiring product labeling, facilitating the development of low emission products, coordinating Federal noise reduction programs, assisting State and local abatement efforts, and promoting noise education and research; and

(C) funding for the Office of Noise Abatement and Control was terminated in 1982 and no funds have been provided since;

(4) because the Administrator of the Environmental Protection Agency remains responsible for enforcing regulations issued under the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.) even though funding for the Office of Noise Abatement and Control has been terminated, and because that Act prohibits State and local governments from regulating noise sources in many situations, noise abatement programs across the United States lie dormant;

(5) as the population grows and air and vehicle traffic continues to increase, noise pollution is likely to become an even greater problem in the future; and

(6) the health and welfare of the citizens of the United States demands that the Environmental Protection Agency once again assume a role in combating noise pollution.

SEC. 03. REESTABLISHMENT OF OFFICE OF NOISE ABATEMENT AND CONTROL.

(a) REESTABLISHMENT.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall reestablish an Office of Noise Abatement and Control (referred to in this title as the "Office").

(2) RESPONSIBILITIES.—The Office shall be responsible for—

(A) coordinating Federal noise abatement activities;

(B) updating or developing noise standards;

(C) providing technical assistance to local communities; and

(D) promoting research and education on the impacts of noise pollution.

(3) EMPHASIZED APPROACHES.—The Office shall emphasize noise abatement approaches that rely on State and local activity, market incentives, and coordination with other public and private agencies.

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit a study on airport noise to Congress and the Federal Aviation Administration.

(2) AREAS OF STUDY.—The study shall—

(A) examine the Federal Aviation Administration's selection of noise measurement methodologies;

(B) the threshold of noise at which health impacts are felt; and

(C) the effectiveness of noise abatement programs at airports around the United States.

(3) RECOMMENDATIONS.—The study shall include specific recommendations to the Federal Aviation Administration on new measures that should be implemented to mitigate the impact of aircraft noise on surrounding communities.

SEC. 04. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $5,000,000 for each of fiscal years 1999 through 2001; and

(2) $8,000,000 for each of fiscal years 2002 and 2003.

McCAIN AMENDMENT NO. 1762

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Strike "Section 3103, Authorization of Appropriations" and insert in its place the following:

"SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAY SAFETY PROGRAMS—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, Untied States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l) and (m) of that section—

(i) $166,700,000 for fiscal year 1998;

(ii) $166,700,000 for fiscal year 1999;

(iii) $166,700,000 for fiscal year 2000;

(iv) $166,700,000 for fiscal year 2001;

(v) $166,700,000 for fiscal year 2002; and

(vi) $171,034,000 for fiscal year 2003.

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of section 402(l) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $44,000,000 for fiscal year 1998;

(ii) $39,000,000 for fiscal year 1999;

(iii) $39,000,000 for fiscal year 2000;

(iv) $39,000,000 for fiscal year 2001;

(v) $49,000,000 for fiscal year 2002; and

(vi) $50,170,000 for fiscal year 2003.

Amounts made available to carry out section 402(l) of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 402(l) of section 402 of title 23, United States Code, to subsections (m) and (n) of section 402 and of section 410 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $20,000,000 for fiscal year 1998;

(ii) $20,000,000 for fiscal year 1999;

(iii) $20,000,000 for fiscal year 2000;

(iv) $20,000,000 for fiscal year 2001;

(v) $22,000,000 for fiscal year 2002; and

(vi) $22,312,000 for fiscal year 2003.

Amounts made available to carry out section 410 of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 410 of title 23, United States Code, to subsections (l), (m), and (n) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of section 402(m) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $12,000,000 for fiscal year 1998;

(ii) $12,000,000 for fiscal year 1999;

(iii) $12,000,000 for fiscal year 2000; and

(iv) $12,000,000 for fiscal year 2001.

Amounts made available to carry out section 402(m) of title 23, United States Code, are authorized to remain available until expended.

(E) To carry out the drugged driving countermeasures incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, $5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and $5,130,000 for fiscal year 2003. Amounts made available to carry out subsection (n) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (n) to subsection (l) and (m) of section 402 and of section ,410 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(2) SECTION 403 HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out the functions of the Secretary, by the National Highway Traffic Safety Administration, for highway safety research and development under section 403 of title 23, United States Code, there are authorized to be appropriated $73,100,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(3) PUBLIC EDUCATION EFFORT.—Out of funds made available for carrying out programs under section 403 of title 23, United States Code, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, the Secretary of Transportation shall obligate at least $500,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(4) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration—

(A) $2,300,000 for fiscal year 1998;

(B) $2,300,000 for fiscal year 1999;

(C) $2,300,000 for fiscal year 2000;

(D) $2,300,000 for fiscal year 2001;

(E) $2,300,000 for fiscal year 2002; and

(F) $2,360,000 for fiscal year 2003.".

ENZI (AND THOMAS) AMENDMENT NO. 1763

(Ordered to lie on the table.)

Mr. ENZI (for himself and Mr. THOMAS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert:

SEC. 6016. FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.

(a) STUDIES.—The Administrator of the Federal Highway Administration (hereinafter in this section referred to as the "Administrator") shall conduct studies of the fundamental chemical property and physical property of petroleum asphalts and modified asphalts used in highway construction in the United States. Such studies shall emphasize predicting pavement performance from the fundamental and rapidly measurable properties of asphalts and modified asphalts. The administrator shall conduct studies that further emphasize development of methods that address performance variables that are not part of the current superpave binder specification.

(b) CONTRACTS.—To carry out the studies under subsection (a), the Administrator shall enter into contracts with the Western Research Institute of the University of Wyoming in order to conduct the necessary technical and analytical research in coordination with existing programs which evaluate actual performance of asphalts and modified asphalts in roadways, including the Strategic Highway Research Program.

(c) ACTIVITIES OF STUDIES.—The studies under subsection (a) shall include the following activities:

(1) Fundamental composition studies.

(2) Fundamental physical and rheological property studies.

(3) Asphalt-aggregate interaction studies.

(4) Coordination of composition studies, physical and rheological property studies, and asphalt-aggregate interaction studies for the purposes of predicting pavement performance, including refinements of Strategic Highway Research Program specifications.

(5) Asphalt-water interaction studies.

(6) Asphalt-aggregate thin film behavior.

(d) TEST STRIP.—

(1) IMPLEMENTATION.—The Administrator, in coordination with the Western Research Institute of the University of Wyoming, shall implement a test strip for the purpose of demonstrating and evaluating the unique energy and environmental advantages of using shale oil modified asphalts under extreme climatic conditions. In implementing this project, the Administrator shall continue necessary monitoring of the performance of the test strip.

(2) REPORT TO CONGRESS.—Not later than November 30, 2003, the Administrator shall transmit to Congress as part of a report under subsection (e) the Administrator's findings on activities conducted under this subsection, including an evaluation of the test strip implemented under this subsection and recommendations for legislation to establish a national program to support United States transportation and energy security requirements.

(e) ANNUAL REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on or before November 30 of each year beginning thereafter, the Administrator shall transmit to Congress a report of the progress made in implementing this Section.

(f) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall expend from administrative and research funds deducted under section 104(a) of this title at least $3,000,000 for each of fiscal years 1998 through 2003 to carry out subsection (b).

INHOFE AMENDMENTS NOS. 1764–1765

(Ordered to lie on the table.)

Mr. INHOFE submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1764

At the appropriate place, insert the following:

SEC.   . ALLOCATION OF MASS TRANSIT ACCOUNT FUNDS.

(a) MINIMUM ALLOCATION.—The Secretary of Transportation shall take such actions as may be necessary to ensure that, in each fiscal year, each State's percentage of the total apportionments to all States from the Mass Transit Account of the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986 is not less than 80 percent of the State's estimated tax payment attributable to highway users in the State paid into that Account in the most recent year for which data are available.

(b) APPLICABILITY.—Subsection (a) does not apply to any State whose contribution to the Mass Transit Account of the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986 in the applicable fiscal year is greater than or equal to $50,000,000.

AMENDMENT NO. 1765

At the appropriate place in subtitle H of title I, insert the following:

SEC. 18   . NATURAL GAS FUELING STATIONS.

(a) IN GENERAL.—Notwithstanding section 5323(j) of title 49, United States Code, or any other provision of law, a compressor or dispenser used in a fueling station for vehicles that are powered by compressed natural gas shall be treated as a manufactured good produced in the United States within the meaning of section 5323(j) of title 49, United States Code, if the final substantial transformation into a compressor or dispenser occurs in the United States.

(b) DEFINITIONS.—In this section:

(1) COMPRESSOR OR DISPENSER.—The term "compressor or dispenser" includes a compressor, compressor block, dispenser, and disk valve.

(2) SUBSTANTIAL TRANSFORMATION.—The term "substantial transformation" means the transformation by manufacturing, processing, or assembly of a compressor or dispenser, with the use of manufactured components, assemblies, or parts produced in the United States, into a compressor or dispenser suitable for use in a fueling station for vehicles powered by compressed natural gas.

(c) EFFECTIVE DATE.—The provisions of this section apply to articles entered, or withdrawn from a warehouse for consumption, on or after October 1, 1998, and before October 1, 2003.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 1766

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. LAUTENBERG, Mr. STEVENS, Mr. INOUYE, Mrs. MURRAY, Ms. SNOWE, Mr. KERRY, Mr. FAIRCLOTH, Mr. KENNEDY, and Mr. BREAUX) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking "$14,000,000" and all that follows through "fiscal year 1997" and inserting in lieu thereof "$50,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003."

SEC. . FERRY AND FERRY TERMINAL LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation may guarantee, or make a commitment to guarantee, the payment of the principal of, and the interest on, an obligation for the construction of ferry boats engaged in the transportation of passengers or passengers and vehicles in the United States or its possessions and of ferry terminal facilities.

(b) APPLICABLE LAWS, ETC.—The requirements for guarantees and commitments under title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) shall apply to the extent reasonable to guarantees or commitments made under this section, except that the Secretary shall by rule provide a simplified application and compliance process for guarantees and commitments under this section.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of carrying out this section $10,000,000 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) STUDY.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) REPORT.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both federal and state, for providing marine ferry service.

MURKOWSKI (AND OTHERS) AMENDMENTS NOS. 1767–1768

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. INOUYE) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1767

At the appropriate place, insert the following:

SEC. . FERRY AND FERRY TERMINAL LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation may guarantee, or make a commitment to guarantee, the payment of the principal of, and the interest on, an obligation for the construction of ferry boats engaged in the transportation of passengers or passengers and vehicles in the United States or its possessions and of ferry terminal facilities.

(b) APPLICABLE LAWS, ETC.—The requirements for guarantees and commitments under title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) shall apply to the extent reasonable to guarantees or commitments made under this section, except that the Secretary shall by rule provide a simplified application and compliance process for guarantees and commitments under this section, which insofar as practicable results in reduced costs to the applicant.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of carrying out this section $10,000,000 in each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

Amendment No. 1768

At the appropriate place, insert the following:

SEC. . REAUTHORIZATION OF FERRY AND FERRY TERMINAL PROGRAM.

Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note) is amended by striking “$14,000,000” and all that follows through “fiscal year 1997” and inserting in lieu thereof “$50,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003”.

SEC. . REPORT ON UTILIZATION POTENTIAL.

(a) Study.—The Secretary of Transportation shall conduct a study of ferry transportation in the United States and its possessions—

(1) to identify existing ferry operations, including—

(A) the locations and routes served;

(B) the name, United States official number, and a description of each vessel operated as a ferry;

(C) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry construction or operations;

(D) the impact of ferry transportation on local and regional economies; and

(E) the potential for use of high-speed ferry services.

(2) identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes, including—

(A) locations and routes that might be served;

(B) estimates of capacity required;

(C) estimates of capital costs of developing these routes;

(D) estimates of annual operating costs for these routes;

(E) estimates of the economic impact of these routes on local and regional economies; and

(F) the potential for use of high-speed ferry services.

(b) Report.—The Secretary shall report the results of the study under subsection (a) within 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(c) After reporting the results of the study required by paragraph (b), the Secretary of Transportation shall meet with the relevant state and municipal planning organizations to discuss the results of the study and the availability of resources, both federal and state, for providing marine ferry service.

MURKOWSKI (AND STEVENS) AMENDMENTS NOS. 1769–1770

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself and Mr. Stevens) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Amendment No. 1769

On page 269, line 2, insert “(a) In General.—” before “Section”.

On page 278, between lines 14 and 15, insert the following:

(b) Redundant Metropolitan Transportation Planning Requirements.—

(1) Finding.—Congress finds that certain major investment study requirements under section 450.318 of title 23, Code of Federal Regulations, are redundant to the planning and project development processes required under other provisions in titles 23 and 49, United States Code.

2. Streamlining.—

(A) In general.—The Secretary shall streamline the Federal transportation planning and NEPA decision process requirements for all transportation improvements supported with Federal surface transportation funds or requiring Federal approvals, with the objective of reducing the number of documents required and better integrating required analyses and findings wherever possible.

(B) Requirements.—The Secretary shall amend regulations as appropriate and develop procedures to—

(i) eliminate, within six months of the date of enactment of this section, the major investment study under section 450.318 of title 23, Code of Federal Regulations, as a stand-alone requirement independent of other transportation planning requirements, and integrate those components of the major investment study procedure which are not duplicated elsewhere with other transportation planning requirements, provided that in integrating such requirements, the Secretary shall not apply such requirements to any project which previously would not have been subject to section 450.318 of title 23, Code of Federal Regulations;

(ii) eliminate stand-alone report requirements wherever possible;

(iii) prevent duplication by drawing on the products of the planning process in the completion of all environmental and other project development analyses;

(iv) reduce project development time by achieving to the maximum extent practicable a single public interest decision process for Federal environmental analyses and clearances; and

(v) expedite and support all phases of decisionmaking by encouraging and facilitating the early involvement of metropolitan planning organizations, State departments of transportation, transit operators, and Federal and State environmental resource and permit agencies throughout the decision-making process.

(3) Savings clause.—Nothing in this subsection shall effect the responsibility of the Secretary to conform review requirements for transit projects under the National Environmental Policy Act of 1969 to comparable requirements under such Act applicable to highway projects.

Amendment No. 1770

Insert at the end of section 11(e) the following:

(4) Distribution of funds.—

(A) Parkways, parks, wildlife refuges.—Of the amounts made available under paragraph (1)(B) for parkways and park roads, and public roads to and within the National Wildlife Refuge System, not less than half shall be made available to States in direct proportion to the percentages of lands within the National Park System, and lands within the National Wildlife Refuge System, respectively, within each State.

(B) Public lands.—Of the amounts made available under paragraph (1)(C) for public lands highways, not less than half shall be made available to States in direct proportion to the percentage of all public lands within each State.

McCONNELL AMENDMENTS NOS. 1771–1772

(Ordered to lie on the table.)

Mr. McCONNELL submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Amendment No. 1771

On page 79, between lines 13 and 14, insert the following:

(e) Compliance With Court Orders.—Nothing in this section limits the eligibility of an entity or person to receive funds made available by this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) by order of a Federal or State court.

Amendment No. 1772

On page 79, between lines 13 and 14, insert the following:

(e) Compliance With Court Orders.—Nothing in this section limits the eligibility of an entity or person to receive funds made available by this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) by order of a Federal or State court.

(f) Review by Comptroller General.—The Comptroller General of the United States shall conduct a biennial review of, and publish findings and conclusions on, the impact throughout the United States of administering the requirement of subsection (a), including an analysis of—

(1) the annual gross receipts of small business concerns owned and controlled by socially and economically disadvantaged individuals;

(2) the distribution of the sums required to be expended under subsection (a) among such small business concerns;

(3) the net worth of socially and economically disadvantaged individuals that control such small business concerns;

(4) the rate of graduation from any programs carried out to comply with the requirement of subsection (a) for such small business concerns; and

(5) the overall cost of administering the requirement of subsection (a), including administrative costs, certification costs, additional construction costs, and litigation costs.

BENNETT (AND HATCH) AMENDMENTS NOS. 1773–1774

(Ordered to lie on the table.)

Mr. BENNETT (for himself and Mr. Hatch) submitted two amendments intended to be proposed by them to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Amendment No. 1773

At the appropriate place, insert the following new section:

SEC. . OLYMPIC AND PARALYMPIC AIRPORT DEVELOPMENT PROJECTS.

(a) Airport Development Defined.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

“(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.”.

(b) Discretionary Grants.—Section 47115(d) of title 49, United States Code, is amended—

(1) by striking “and” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; and”; and

(3) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic or Paralympic events.".

AMENDMENT NO. 1774

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) PURPOSE; DEFINITIONS.—

(1) PURPOSE.—The purpose of this section is to provide assistance and support to State and local efforts on surface and aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(2) DEFINITION.—In this section, the term "Secretary" means the Secretary of Transportation.

(b) PRIORITY FOR TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may give priority to funding for a mass transportation project related to an international quadrennial Olympic or Paralympic event occurring in the United States, to carry out 1 or more of sections 5303, 5307, and 5309 of title 49, United States Code, if the project—

(A) in the determination of the Secretary, will meet extraordinary transportation needs associated with an international quadrennial Olympic or Paralympic event; and

(B) is otherwise eligible for assistance under the section at issue.

(2) CONTRACTUAL OBLIGATION.—A grant or a contract for a project described in paragraph (1), approved by the Secretary and funded with amounts made available under this subsection, is a contractual obligation to pay the Government's share of the cost of the project.

(3) NON-FEDERAL SHARE.—For purposes of determining the non-Federal share of a project funded under this subsection, highway and transit projects shall be considered to be a program of projects.

(4) AUTHORIZATION.—There are authorized to be made available from the Mass Transit Account of the Highway Trust Fund such sums as may be necessary to carry out this subsection.

(c) TRANSPORTATION PLANNING ACTIVITIES.—Notwithstanding any other provision of law, the Secretary may participate in—

(1) planning activities of State and metropolitan planning organizations, and project sponsors, for a transportation project related to an international quadrennial Olympic or Paralympic event under sections 5303 and 5305a of title 49, United States Code; and

(2) developing intermodal transportation plans necessary for transportation projects described in paragraph (1), in coordination with State and local transportation agencies.

(d) TRANSPORTATION PROJECTS RELATED TO OLYMPIC AND PARALYMPIC EVENTS.—

(1) GENERAL AUTHORITY.—The Secretary may provide assistance under this section to State and local governments, and an Olympic Organizing Committee responsible for hosting an international quadrennial Olympic or Paralympic event, in carrying out transportation projects related to an international quadrennial Olympic or Paralympic event. Such assistance may include planning, capital, and operating assistance.

(2) NON-FEDERAL SHARE.—The Federal share of the costs of any transportation project assisted under this subsection shall not exceed 80 percent of the total cost of the project. For purposes of determining the non-Federal share of a project assisted under this subsection, highway and transit projects shall be considered to be a program of projects.

(e) ELIGIBLE GOVERNMENTS.—A State or local government is eligible to receive assistance under this section only if it is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(f) GRANT OR CONTRACT TERMS AND CONDITIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to paragraph (2) of this subsection, assistance under this section shall be subject to such terms and conditions as the Secretary may determine, including the waiver of any planning and procurement requirements under sections 5304, 5325, and 5326 of title 49, United States Code.

(2) LIMITATIONS ON WAIVER AUTHORITY.—Assistance granted under this section shall be subject to (and the Secretary may not waive)—

(1) the policy goals stated in—

(A) section 5301(e) of title 49, United States Code, relating to protection of the environment; and

(B) section 5301(d) of title 49, United States Code, relating to elderly individuals and individuals with disabilities; and

(2) the requirements of—

(A) section 5324(b) of title 49, United States Code, relating to economic, social, and environmental interests;

(B) section 5310(f) of title 49, United States Code, relating to elderly individuals and individuals with disabilities; and

(C) section 5333(b) of title 49, United States Code, relating to employee protective arrangements.

(g) USE OF APPROPRIATIONS.—From amounts made available to carry out sections 5303, 5307, and 5309 of title 49, United States Code, in each of fiscal years 1998 through 2003, the Secretary may use such amounts as may be necessary to carry out this section.

LAUTENBERG AMENDMENTS NOS. 1775–1779

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted five amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1775

At the appropriate place in subtitle A of title III, insert the following:

SEC. 31__. STUDIES CONCERNING LIGHT TRUCK SAFETY AND FUEL ECONOMY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) LIGHT TRUCK.—The term "light truck" means a truck or a multipurpose passenger vehicle, with a gross vehicle weight rating of 8,500 pounds or less.

(3) MULTIPURPOSE PASSENGER VEHICLE.—The term "multipurpose passenger vehicle" means a motor vehicle with motive power, except a trailer that—

(A) is designed to carry 10 persons or less; and

(B) is constructed—

(i) on a truck chassis; or

(ii) with special features for occasional off-road operation.

(4) TRUCK.—The term "truck" means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment.

(b) STUDY OF LIGHT TRUCK SAFETY.—

(1) IN GENERAL.—The Secretary shall—

(A) accelerate current research on the results of collisions between light trucks and passenger cars; and

(B) conduct a comprehensive study of the safety risks posed to occupants of light trucks in single vehicle collisions.

(2) REQUIREMENTS FOR STUDY.—The study conducted by the Secretary under this subsection—

(A)(i) shall include crash tests to evaluate the degree to which the height, weight, and other characteristics of light trucks may present a risk of injury to occupants of passenger cars and light trucks;

(ii) shall evaluate the need to establish rollover safety standards for light trucks; and

(iii) may incorporate such other research and information as the Secretary considers to be necessary; and

(B) shall evaluate the degree to which changing the characteristics of light trucks may reduce the risk of injury to occupants—

(i) of passenger cars involved in collisions with light trucks;

(ii) of light trucks involved in the collisions referred to in clause (i); and

(iii) of light trucks in single vehicle collisions.

(3) RULEMAKING.—Not later than October 1, 2001, the Secretary shall issue an advance notice of proposed rulemaking pursuant to chapter 301 of title 49, United States Code, to consider changing the height, weight, or other characteristics of light trucks to improve the safety of occupants of passenger cars in collisions referred to in paragraph (2)(B)(i) and the safety of occupants of light trucks in collisions referred to in clauses (ii) and (iii) of paragraph (2)(B), to take into consideration the information obtained through the study conducted under this subsection.

(4) FUNDING.—The Secretary shall use funds made available by appropriations for the purpose of carrying out chapter 301 of title 49, United States Code, to conduct the study under this subsection.

(c) STUDY OF LIGHT TRUCK FUEL ECONOMY; REGULATIONS.—

(1) IN GENERAL.—

(A) STUDY.—The Administrator shall conduct a study to assess the need, as a result of increases in emissions of gases that contribute to global warming and that are attributable to the increased use of light trucks, for providing for more stringent fuel economy standards for fleets of light trucks than are provided for under applicable law.

(B) REGULATIONS.—On the basis of the results of the study conducted under subparagraph (A), the Administrator shall issue regulations to establish carbon dioxide emissions standards for light trucks in a manner consistent with subsection (d).

(2) REPEAL EXEMPTION FOR LIGHT TRUCKS FROM GAS GUZZLER EXCISE TAX.—

(A) IN GENERAL.—Section 4064(b)(1) of the Internal Revenue Code of 1986 (defining automobile) is amended—

(i) in subparagraph (A)—

(I) in clause (ii), by striking "6,000 pounds" and inserting "8,500 pounds"; and

(II) by adding at the end the following: "In the case of a light truck (as that term is defined in section 31 (a)(2) of the Intermodal Surface Transportation Efficiency Act of 1998), clause (ii) shall be applied by substituting 'gross vehicle weight' for 'unloaded gross vehicle weight'.";

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to sales occurring after the date of enactment of this Act.

(3) FUNDING.—There is authorized to be appropriated, from amounts in the general fund in the Treasury resulting from the amendments made by paragraph (2), such sums as are necessary to conduct the study under this subsection.

(d) REGULATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall issue regulations that provide for revised emissions standards for light trucks (including such emissions as the Administrator determines to be appropriate) to ensure that all light trucks are covered by emission standards with respect to model years commencing after January 1, 2001.

(2) CERTAIN LIGHT TRUCKS.—Nothing in this subsection is intended to affect any regulation issued by the Administrator with respect to any light truck on the basis of the study described in section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)).

AMENDMENT NO. 1776

Strike pages 10 through 29 and insert the following:
in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total cost to resurface, restore, rehabilitate, and reconstruct deficient bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

(II) under section 204 for the Federal Lands Highways Program, under section 207 for the Cooperative Federal Lands Transportation Program, and under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Regional Development Highway System.

"(III) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;".

AMENDMENT NO. 1777

Strikes pages 257 through 277 and insert the following:

implemented, indicates total resources from public and private sources that are reasonably expected to be available to carry out the plan and recommends any additional financing strategies for needed projects and programs.

"(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a long-range transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

"(4) PARTICIPATION BY INTERESTED PARTIES.—Before adopting a long-range transportation plan, each metropolitan planning organization shall provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan.

"(5) PUBLICATION OF LONG-RANGE TRANSPORTATION PLAN.—Each long-range transportation plan prepared by a metropolitan planning organization shall be—

"(A) published or otherwise made readily available for public review; and

"(B) submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

"(h) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—In cooperation with the State and any affected public transit operator, the metropolitan planning organization designated for a metropolitan area shall develop a transportation improvement program for the area for which the organization is designated.

"(B) OPPORTUNITY FOR COMMENT.—In developing the program, the metropolitan planning organization, in cooperation with the State and any affected public transit operator, shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(C) FUNDING ESTIMATES.—For the purpose of developing the transportation improvement program, the metropolitan planning organization, public transit agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

"(D) UPDATING AND APPROVAL.—The program shall be updated at least once every 2 years and shall be approved by the metropolitan planning organization and the Governor.

"(2) CONTENTS.—The transportation improvement program shall include—

"(A) a list, in order of priority, of proposed federally supported projects and strategies to be carried out within each 3-year-period after the initial adoption of the transportation improvement program; and

"(B) a financial plan that—

"(i) demonstrates how the transportation improvement program can be implemented;

"(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program and

"(iii) identifies innovative financing techniques to finance projects, programs, and strategies.

"(3) INCLUDED PROJECTS.—

"(A) CHAPTER 1 AND CHAPTER 53 PROJECTS.—A transportation improvement program developed under this subsection for a metropolitan area shall include the projects and strategies within the area that are proposed for funding under chapter 1 of this title and chapter 53 of title 49.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 of this title shall be identified individually in the transportation improvement program.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 of this title that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (g) for the area.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(4) NOTICE AND COMMENT.—Before approving a transportation improvement program, a metropolitan planning organization shall, in cooperation with the State and any affected public transit operator, provide citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

"(5) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—Except as otherwise provided in subsection (i)(4) and in addition to the transportation improvement program development required under paragraph (1), the selection of federally funded projects for implementation in metropolitan areas shall be carried out, from the approved transportation improvement program—

"(i) by—

"(I) in the case of projects under chapter 1, the State; and

"(II) in the case of projects under chapter 53 of title 49, the designated transit funding recipients; and

"(ii) in cooperation with the metropolitan planning organization.

"(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project of higher priority in the program, except where either such project is relevant to a determination of conformity with the Clean Air Act, nor shall any such action be required to change the indicated source of funding for any project.

"(i) TRANSPORTATION MANAGEMENT AREAS.—

"(1) DESIGNATION.—

"(A) REQUIRED DESIGNATIONS.—The Secretary shall designate as a transportation management area each urbanized area with a population of over 200,000 individuals.

"(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

"(2) TRANSPORTATION PLANS AND PROGRAMS.—Within a transportation management area, transportation plans and programs shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and any affected public transit operator.

"(3) CONGESTION MANAGEMENT SYSTEM.—Within a transportation management area, the transportation planning process under this section shall include a congestion management system that provides for effective management of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies.

"(4) SELECTION OF PROJECTS.—

"(A) IN GENERAL.—In addition to the transportation improvement program development required under subsection (h)(1), all federally funded projects carried out within the boundaries of a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved transportation improvement program by the metropolitan planning organization designated for the area in consultation with the State and any affected public transit operator.

"(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a transportation management area on the National Highway System shall be selected for implementation from the approved transportation improvement program by the State in cooperation with the metropolitan planning organization designated for the area.

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The Secretary shall—

"(i) ensure that the metropolitan planning process in each transportation management area is being carried out in accordance with applicable provisions of Federal law; and

"(ii) subject to subparagraph (B), certify, not less often than once every 3 years, that the requirements of this paragraph are met with respect to the transportation management area.

"(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

"(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

"(ii) there is a transportation improvement program for the area that has been approved by the metropolitan planning organization and the Governor.

"(C) EFFECT OF FAILURE TO CERTIFY.—

"(i) WITHHOLDING OF FUNDS.—If a metropolitan planning process is not certified, the Secretary may withhold up to 20 percent of the apportioned funds attributable to the transportation management area under this title and chapter 53 of title 49.

"(ii) RESTORATION OF WITHHELD FUNDS.—The withheld apportionments shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.

"(iii) FEASIBILITY OF PRIVATE ENTERPRISE PARTICIPATION.—The Secretary shall not withhold certification under this paragraph based on the policies and criteria established by a metropolitan planning organization or transit grant recipient for determining the feasibility of private enterprise participation in accordance with section 5306(a) of title 49.

"(j) ABBREVIATED PLANS AND PROGRAMS FOR CERTAIN AREAS.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated metropolitan transportation plan and program that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

"(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or programs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

"(k) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title or chapter 53 of title 49, in the case of a transportation management area classified as nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be programmed in the area for any highway project that will result in a significant increase in carrying capacity for single occupant vehicles unless the project results from an approved congestion management system.

"(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (c).

"(l) LIMITATION.—Nothing in this section confers on a metropolitan planning organization the authority to impose any legal requirement on any transportation facility, provider, or project not eligible for assistance under this title or chapter 53 of title 49.

"(m) FUNDING.—

"(1) IN GENERAL.—Funds set aside under section 104(f) of this title and section 5303 of title 49 shall be available to carry out this section.

"(2) UNUSED FUNDS.—Any funds that are not used to carry out this section may be made available by the metropolitan planning organization to the State to fund activities under section 135.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 134 and inserting the following:

"134. Metropolitan planning.".

SEC. 1602. STATEWIDE PLANNING.

Section 135 of title 23, United States Code, is amended to read as follows:

"§135. Statewide planning

"(a) GENERAL REQUIREMENTS.—

"(1) FINDINGS.—It is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight throughout each State.

"(2) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134 of this title and sections 5303 through 5305 of title 49, each State shall develop transportation plans and programs for all areas of the State.

"(3) CONTENTS.—The plans and programs for each State shall provide for the development and integrated management and operation of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the intermodal transportation system of the United States.

"(4) PROCESS OF DEVELOPMENT.—The process for developing the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) SCOPE OF PLANNING PROCESS.—Each State shall carry out a transportation planning process that shall consider the following:

"(1) Supporting the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency.

"(2) Increasing the safety and security of the transportation system for motorized and nonmotorized users.

"(3) Increasing the accessibility and mobility options available to people and for freight.

"(4) Protecting and enhancing the environment, promoting energy conservation, and improving quality of life through land use planning.

"(5) Enhancing the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight.

"(6) Promoting efficient system management and operation.

"(7) Emphasizing the preservation of the existing transportation system.

"(c) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—In carrying out planning under this section, a State shall—

"(1) coordinate the planning with the transportation planning activities carried out under section 134 for metropolitan areas of the State; and

"(2) carry out the responsibilities of the State for the development of the transportation portion of the State air quality implementation plan to the extent required by the Clean Air Act (42 U.S.C. 7401 et seq.).

"(d) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum, consider—

"(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

"(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

"(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

"(e) LONG-RANGE TRANSPORTATION PLAN.—

"(1) DEVELOPMENT.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(2) CONSULTATION WITH GOVERNMENTS.—

"(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the plan shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

"(B) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area, the plan shall be developed in consultation with local elected officials representing units of general purpose local government.

"(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the plan, the State shall—

"(A) provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan; and

"(B) identify transportation strategies necessary to efficiently serve the mobility needs of people.

"(f) STATE TRANSPORTATION IMPROVEMENT PROGRAM.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—The State shall develop a transportation improvement program for all areas of the State.

"(B) CONSULTATION WITH GOVERNMENTS.—

"(i) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134 of this title and section 5305 of title 49.

"(ii) NONMETROPOLITAN AREAS.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with units of general purpose local government.

"(iii) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(C) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the Governor shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(2) INCLUDED PROJECTS.—

"(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include federally supported surface transportation expenditures within the boundaries of the State.

"(B) CHAPTER 2 PROJECTS.—

"(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually.

"(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually.

"(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall—

"(i) be consistent with the long-range transportation plan developed under this section for the State;

"(ii) be identical to the project as described in an approved metropolitan transportation improvement program; and

"(iii) be in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

"(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—

"(i) IN GENERAL.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(E) Priorities.—The program shall reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this title.

"(3) Project selection for areas of less than 50,000 population.—

"(A) In general.—Projects carried out in areas with populations of less than 50,000 individuals (excluding projects carried out on the National Highway System) shall be selected, from the approved statewide transportation improvement program, by the State in cooperation with the affected local officials.

"(B) National highway system projects.—Projects carried out in areas described in subparagraph (A) on the National Highway System shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected local officials.

"(4) Biennial review and approval.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section and section 134, approved not less frequently than biennially by the Secretary.

"(5) Modifications to project priority.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project of higher priority in the program except where either such project is relevant to a determination of conformity with the Clean Air Act, nor shall any such action be required to change the indicated source of funding for any project.

"(g) Funding.—Funds set aside under section 505 of this title and section 5313(b) of title 49 shall be available to carry out this section.".

Amendment No. 1778

Strike pages 91 through 99 and insert the following:

past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.

"(d) Rights-of-Way Across Federal Land.—Nothing in this section affects any claim for a right-of-way across Federal land.

"(e) Authorization of Contract Authority.—

"(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $74,000,000 for each of fiscal years 1998 through 2003.

"(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.".

(b) Conforming Amendment.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 207 and inserting the following:

"207. Cooperative Federal Lands Transportation Program.".

SEC. 1116. TRADE CORRIDOR AND BORDER CROSSING PLANNING AND BORDER INFRASTRUCTURE.

(a) Definitions.—In this section:

(1) Affected Port of Entry.—The term "affected port of entry" means a seaport or airport in any State that demonstrates that the transportation of cargo by rail or motor carrier through the seaport or airport has increased significantly since the date of enactment of the Trade Agreement Implementation Act (Public Law 103–182).

(2) Border region.—The term "border region" means—

(A) the region located within 60 miles of the United States border with Mexico; and

(B) the region located within 60 miles of the United States border with Canada.

(3) Border state.—The term "border State" means a State of the United States that—

(A) is located along the border with Mexico; or

(B) is located along the border with Canada.

(4) Border station.—The term "border station" means a controlled port of entry into the United States located in the United States at the border with Mexico or Canada, consisting of land occupied by the station and the buildings, roadways, and parking lots on the land.

(5) Federal inspection agency.—The term "Federal inspection agency" means a Federal agency responsible for the enforcement of immigration laws (including regulations), customs laws (including regulations), and agriculture import restrictions, including the United States Customs Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, the Food and Drug Administration, the United States Fish and Wildlife Service, and the Department of State.

(6) Gateway.—The term "gateway" means a grouping of border stations defined by proximity and similarity of trade.

(7) Non-federal governmental jurisdiction.—The term "non-Federal governmental jurisdiction" means a regional, State, or local authority involved in the planning, development, provision, or funding of transportation infrastructure needs.

(b) Border Crossing Planning Incentive Grants.—

(1) In general.—The Secretary shall make incentive grants to States and to metropolitan planning organizations designated under section 134 of title 23, United States Code.

(2) Use of grants.—The grants shall be used to encourage joint transportation planning activities and to improve people and vehicle movement into and through international gateways as a supplement to statewide and metropolitan transportation planning funding made available under other provisions of this Act and under title 23, United States Code.

(3) Condition of grants.—As a condition of receiving a grant under paragraph (1), a State transportation department or a metropolitan planning organization shall certify to the Secretary that it commits to be engaged in joint planning with its counterpart agency in Mexico or Canada.

(4) Limitation on amount.—Each State transportation department or metropolitan planning organization may receive not more than $100,000 under this subsection for any fiscal year.

(5) Authorization of contract authority.—

(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,400,000 for each of fiscal years 1998 through 2003.

(B) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(c) Trade Corridor and Affected Port of Entry Planning Incentive Grants.—

(1) Grants.—

(A) In general.—The Secretary shall make grants to States to encourage, within the framework of the statewide transportation planning process of the State under section 135 of title 23, United States Code, cooperative multistate corridor analysis of, and planning for, the safe and efficient movement of goods along and within international or interstate trade corridors of national importance and through affected ports of entry.

(B) Identification of corridors and affected ports of entry.—Each corridor and affected port of entry referred to in subparagraph (A) shall be cooperatively identified by the States along the corridor or by the State in which the affected port of entry is located.

(2) Corridor and Affected Port of Entry plans.—

(A) In general.—As a condition of receiving a grant under paragraph (1), a State shall enter into an agreement with the Secretary that specifies that, not later than 2 years after receipt of the grant—(i) in cooperation with the other States along the corridor, the State will submit a plan for corridor improvements to the Secretary; or (ii) the State will submit a plan for affected port of entry improvements to the Secretary.

(B) Coordination of planning.—Planning with respect to a corridor under this subsection shall be coordinated with transportation planning being carried out by the States and metropolitan planning organizations along the corridor and, to the extent appropriate, with transportation planning being carried out by Federal land management agencies, by tribal governments, or by government agencies in Mexico or Canada.

(3) Multistate agreements for trade corridor planning.—The consent of Congress is granted to any 2 or more States—

(A) to enter into multistate agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of interstate trade corridor planning activities; and

(B) to establish such agencies, joint or otherwise, as the States may determine desirable to make the agreements effective.

(4) Authorization of contract authority.—

(A) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $3,000,000 for each of fiscal years 1998 through 2003.

(B) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project under this subsection shall be determined in accordance with subsection (f).

(d) Federal Assistance for Trade Corridors and Border and Affected Port of Entry Infrastructure Safety and Congestion Relief.—

(1) Applications for grants.—The Secretary shall make grants to States or metropolitan planning organizations that submit an application that—

(A) demonstrates need for assistance in carrying out transportation projects that are necessary to relieve traffic congestion or improve enforcement of motor carrier safety laws; and

(B) includes strategies to involve both the public and private sectors in the proposed project.

(2) Selection of states, metropolitan planning organizations, and projects to

RECEIVE GRANTS.—In selecting States, metropolitan planning organizations, and projects to receive grants under this subsection, the Secretary shall consider—

(A) the annual volume of commercial vehicle traffic at the border stations or ports of entry of each State as compared to the annual volume of commercial vehicle traffic at the border stations or ports of entry of all States;

(B) the extent to which commercial vehicle traffic in each State has grown since the date of enactment of the North American Free Trade Agreement Implementation Act (Public Law 103–182) as compared to the extent to which that traffic has grown in each other State;

(C) the extent of border and affected port of entry transportation improvements carried out by each State since the date of enactment of that Act;

(D) the reduction in commercial and other travel time through a major international gateway or affected port of entry expected as a result of the project;

(E) the extent of leveraging of Federal funds provided under this subsection, including—

(i) use of innovative financing;

(ii) combination with funding provided under other sections of this Act and title 23, United States Code; and

(iii) combination with other sources of Federal, State, local, or private funding;

(F) improvements in vehicle and highway safety and cargo security in and through the gateway or affected port of entry concerned;

(G) the degree of demonstrated coordination with Federal inspection agencies;

(H) the extent to which the innovative and problem solving techniques of the proposed project would be applicable to other border stations or ports of entry;

(I) demonstrated local commitment to implement and sustain continuing comprehensive border or affected port of entry planning processes and improvement programs; and

(J) other factors to promote transport efficiency and safety, as determined by the Secretary.

AMENDMENT NO. 1779

At the appropriate place in subtitle D of title III, insert the following:

SEC. . TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS.

(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of the enactment of this Act, the Secretary shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations and any laws or regulations relating to the safe operation of commercial motor vehicles.

(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and shall consider information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

(c) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

(1) PROHIBITION.—A person reporting a potential violation to the telephone system may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

(d) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, the Secretary may use not to exceed $300,000 per fiscal year for fiscal years 1998 through 2000 to carry out this section.

BINGAMAN (AND OTHERS) AMENDMENT NO. 1780

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. BENNETT) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 8, line 4, insert "and section 207(f)" after "(f)".

On page 87, line 11, insert "under subsection (e)" after "program".

On page 89, line 16, insert "under subsection (e)" before "for".

On page 90, line 7, strike "Notwithstanding" and insert "Subject to subsection (f), notwithstanding".

On page 90, line 21, insert "under subsection (e)" after "program".

On page 91, line 10, add "(other than subsection (f))" at the end.

On page 91, line 16, strike the quotation marks and the following period.

On page 91, between lines 16 and 17, insert the following:

"(f) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—

"(1) AVAILABILITY TO STATES.—Not later than October 1 of each fiscal year, funds made available under paragraph (5) for the fiscal year shall be made available by the Secretary, in equal amounts, to each State that has within the boundaries of the State all or part of an Indian reservation having a land area of 10,000,000 acres or more.

"(2) AVAILABILITY TO ELIGIBLE COUNTIES.—

"(A) IN GENERAL.—Each fiscal year, each county that is located in a State to which funds are made available under paragraph (1), and that has in the county a public road described in subparagraph (B), shall be eligible to apply to the State for all or a portion of the funds made available to the State under this subsection to be used by the county to maintain such roads.

"(B) ROADS.—A public road referred to in subparagraph (A) is a public road that—

"(i) is within, adjacent to, or provides access to an Indian reservation described in paragraph (1);

"(ii) is used by a school bus to transport children to or from a school or Headstart program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

"(iii) is maintained by the county in which the public road is located.

"(C) ALLOCATION AMONG ELIGIBLE COUNTIES.—

"(i) IN GENERAL.—Except as provided in clause (ii), each State that receives funds under paragraph (1) shall provide directly to each county that applies for funds the amount that the county requests in the application.

"(ii) ALLOCATION AMONG ELIGIBLE COUNTIES.—If the total amount of funds applied for under this subsection by eligible counties in a State exceeds the amount of funds available to the State, the State shall equitably allocate the funds among the eligible counties that apply for funds.

"(3) SUPPLEMENTARY FUNDING.—For each fiscal year, the Secretary shall ensure that funding made available under this subsection supplements (and does not supplant)—

"(A) any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations; and

"(B) any funding provided by a State to a county for road maintenance programs in the county.

"(4) USE OF UNALLOCATED FUNDS.—Any portion of the funds made available to a State under this subsection that is not made available to counties within 1 year after the funds are made available to the State shall be apportioned among the States in accordance with section 104(b).

"(5) SET-ASIDE.—For each of fiscal years 1998 through 2003, before making an apportionment of funds under section 104(b), the Secretary shall set aside $1,500,000 of the funds to carry out this subsection.".

DASCHLE AMENDMENT NO. 1781

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 370, line 19, after "applications" insert "(including the use of advanced composites)".

GRAHAM AMENDMENTS NOS. 1781–1795

(Ordered to lie on the table.)

Mr. GRAHAM submitted 14 amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1782

On page 40, strike lines 7 through 10 and insert the following:

198);

(H) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027); and

(I) subsections (c) and (d) of section 1128.

AMENDMENT NO. 1783

On page 30, line 1, strike "and".

On page 30, line 13, strike the period at the end and insert "; and".

On page 30, between lines 13 and 14, insert the following:

"(C) for each of fiscal years 1998 through 2003, a State's total apportionments described in subclauses (I) and (II) of subparagraph (A)(i) for the fiscal year is not less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) determined in accordance with paragraph (3).

On page 30, before line 18, insert the following:

"(3) DETERMINATION OF ESTIMATED TAX PAYMENTS.—

"(A) ESTIMATES.—For the purpose of paragraph (1)(C), the estimated tax payments attributable to highway users in a State for a fiscal year shall be determined based on the estimated receipts for the previous fiscal year, as specified in the latest sequestration report prepared by the Office of Management and Budget under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904).

"(B) RECONCILIATION OF ESTIMATES TO ACTUAL AMOUNTS.—

"(i) In general.—Before making any calculation under subparagraph (A) to determine the amount of an allocation to a State under paragraph (1)(C) for a fiscal year, the Secretary shall adjust the amount of the estimated tax payments attributable to highway users in the State for the previous fiscal year to the extent that—

"(I) the actual tax payments attributable to highway users in the State for previous fiscal years were in excess of or less than the estimate for the previous fiscal years; and

"(II) the excess or deficit described in subclause (I) has not been previously taken into account under this clause.

"(ii) Data.—In carrying out clause (i), the Secretary shall use the latest data available from the Secretary of the Treasury.

"(C) Special rule for fiscal year 1998 and 1999 estimates.—In determining the amount of the estimated tax payments attributable to highway users in a State under paragraph (1)(C) for fiscal years 1998 and 1999—

"(i) the amount of the estimated tax payments for fiscal year 1998 shall be increased by $^{2}/_{14}$ of the amount of the estimated tax payments for fiscal year 1999; and

"(ii) the amount of the estimated tax payments for fiscal year 1999 shall be reduced by the amount of the increase under clause (i).

AMENDMENT NO. 1784

On page 30, between lines 13 and 14, insert the following:

"(C) for each of fiscal years 1998 through 2003, a State's total apportionments described in subclauses (I) and (II) of subparagraph (A)(i) for the fiscal year is not less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than Mass Transit Account) in the latest fiscal year in which data is available.

AMENDMENT NO. 1785

On page 29, line 8, insert "and allocations" after "apportionments".

On page 29, line 13, strike "and".

On page 29, line 14, after "program", insert the following: ", and the Interstate 4R and bridge discretionary program".

On page 29, strike line 15 and insert the following:

"(II) under section 165 for the national scenic byways program;

"(III) under section 206 for the recreational trails program;

"(IV) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike "(II)" and insert "(V)".

On page 29, line 19, strike "bears to".

On page 29, between lines 19 and 20, insert the following:

"(VI) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

"(VII) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

"(VIII) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike "0.90" and insert "0.95".

AMENDMENT NO. 1786

On page 29, line 8, insert "and allocations" after "apportionments".

On page 29, strike line 15 and insert the following:

"(II) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike "(II)" and insert "(III)".

On page 29, line 19, strike "bears to".

On page 29, between lines 19 and 20, insert the following:

"(IV) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

"(V) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

"(VI) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike "0.90" and insert "0.95".

AMENDMENT NO. 1787

On page 136, after line 22, add the following:

SEC. 11 . 95 PERCENT SAFETY NET ADJUSTMENT.

(a) Definition of State.—In this section, the term "State" has the meaning given the term in section 101 of title 23, United States Code.

(b) Adjustment.—

(1) In general.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) each State's percentage of the total apportionments for the fiscal year and the total allocations for the previous fiscal year for Federal-aid highway programs (excluding allocations specified in paragraph (2)); bears to

(B) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.95.

(2) Excluded allocations.—The allocations specified in this paragraph are allocations for—

(A) emergency relief under section 125 of title 23, United States Code;

(B) forest highways, Indian reservation roads, and parkways and park roads under section 202 of that title;

(C) highway-related safety grants under section 402 of that title;

(D) nonconstruction safety grants under sections 402, 406, and 408 of that title; and

(E) motor carrier safety grants under section 31104 of title 49, United States Code.

(c) Reduction of Sums.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) Order of Calculation.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) Applicability.—This section shall apply notwithstanding section 11 (Chafee amendment No. 1684).

AMENDMENT NO. 1788

On page 136, after line 22, add the following:

SEC. 11 . 95 PERCENT SAFETY NET ADJUSTMENT.

(a) Definition of State.—In this section, the term "State" has the meaning given the term in section 101 of title 23, United States Code.

(b) Adjustment.—

(1) In general.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.95.

(c) Reduction of Sums.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) Order of Calculation.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) Applicability.—This section shall apply notwithstanding section 1128.

AMENDMENT NO. 1789

On page 136, after line 22, add the following:

SEC. 11 . 95 PERCENT SAFETY NET ADJUSTMENT.

(a) Definition of State.—In this section, the term "State" has the meaning given the term in section 101 of title 23, United States Code.

(b) Adjustment.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.95.

(c) Reduction of Sums.—The sums made available under all allocated Federal-aid highway programs under this Act and title 23, United States Code (excluding allocations made available under section 1128), shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) Order of Calculation.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

AMENDMENT NO. 1790

On page 30, line 1, strike "and".

On page 30, line 13, strike the period at the end and insert "; and".

On page 30, between lines 13 and 14, insert the following:

"(C) for each of fiscal years 1998 through 2003, a State's total apportionments described in subclauses (I) and (II) of subparagraph (A)(i) for the fiscal year is not less than 90 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) determined in accordance with paragraph (3).

On page 30, before line 18, insert the following:

"(3) DETERMINATION OF ESTIMATED TAX PAYMENTS.—

"(A) ESTIMATES.—For the purpose of paragraph (1)(C), the estimated tax payments attributable to highway users in a State for a fiscal year shall be determined based on the estimated receipts for the previous fiscal year, as specified in the latest sequestration report prepared by the Office of Management and Budget under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904).

"(B) RECONCILIATION OF ESTIMATES TO ACTUAL AMOUNTS.—

"(i) IN GENERAL.—Before making any calculation under subparagraph (A) to determine the amount of an allocation to a State under paragraph (1)(C) for a fiscal year, the Secretary shall adjust the amount of the estimated tax payments attributable to highway users in the State for the previous fiscal year to the extent that—

"(I) the actual tax payments attributable to highway users in the State for previous fiscal years were in excess of or less than the estimate for the previous fiscal years; and

"(II) the excess or deficit described in subclause (I) has not been previously taken into account under this clause.

"(ii) DATA.—In carrying out clause (i), the Secretary shall use the latest data available from the Secretary of the Treasury.

"(C) SPECIAL RULE FOR FISCAL YEAR 1998 AND 1999 ESTIMATES.—In determining the amount of the estimated tax payments attributable to highway users in a State under paragraph (1)(C) for fiscal years 1998 and 1999—

"(i) the amount of the estimated tax payments for fiscal year 1998 shall be increased by $\frac{2}{14}$ of the amount of the estimated tax payments for fiscal year 1999; and

"(ii) the amount of the estimated tax payments for fiscal year 1999 shall be reduced by the amount of the increase under clause (i).

AMENDMENT NO. 1791

On page 30, between lines 13 and 14, insert the following:

"(C) for each of fiscal years 1998 through 2003, a State's total apportionments described in subclauses (I) and (II) of subparagraph (A)(i) for the fiscal year is not less than 90 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than Mass Transit Account) in the latest fiscal year in which data is available.

AMENDMENT NO. 1792

On page 29, line 13, strike "and".

On page 29, line 14, after "program", insert the following: ", and the Interstate 4R and bridge discretionary program".

On page 29, strike line 15 and insert the following:

"(II) under section 165 for the national scenic byways program;

"(III) under section 206 for the recreational trails program;

"(IV) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike "(II)" and insert "(V)".

On page 29, line 18, strike "bears to".

On page 29, between lines 18 and 19, insert the following:

"(VI) under section 1116 of the Intermodal Transportation Act of 1997 for trade corridor and border crossing planning; and

"(VII) under section 1604 of the Intermodal Transportation Act of 1997 for the transportation and community and system preservation pilot program; bears to".

AMENDMENT NO. 1793

On page 30, strike line 1 and insert the following:

"is not less than 0.90 for fiscal year 1998, 0.91 for fiscal year 1999, 0.92 for fiscal year 2000, 0.93 for fiscal year 2001, 0.94 for fiscal year 2002, or 0.95 for fiscal year 2003; and".

AMENDMENT NO. 1794

On page 29, line 8, insert "and allocations" after "apportionments".

On page 29, line 13, strike "and".

On page 29, line 14, after "program", insert the following: ", and the Interstate 4R and bridge discretionary program".

On page 29, strike line 15 and insert the following:

"(II) under section 165 for the national scenic byways program;

"(III) under section 206 for the recreational trails program;

"(IV) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike "(II)" and insert "(V)".

On page 29, line 19, strike "bears to".

On page 29, between lines 19 and 20, insert the following:

"(VI) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

"(VII) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

"(VIII) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike "0.90" and insert "0.91".

AMENDMENT NO. 1795

On page 29, line 8, insert "and allocations" after "apportionments".

On page 29, strike line 15 and insert the following:

"(II) under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) for the Appalachian Development Highway System;

On page 29, line 16, strike "(II)" and insert "(III)".

On page 29, line 19, strike "bears to".

On page 29, between lines 19 and 20, insert the following:

"(IV) under section 1116 of the Intermodal Surface Transportation Efficiency Act of 1997 for trade corridor and border crossing planning and border infrastructure;

"(V) under section 1128 of the Intermodal Surface Transportation Efficiency Act of 1997 (excluding allocations under the Federal lands highways program); and

"(VI) under section 1604 of the Intermodal Surface Transportation Efficiency Act of 1997 for the transportation and community and system preservation pilot program; bears to

On page 30, line 1, strike "0.90" and insert "0.91".

GRAHAM (AND OTHERS) AMENDMENT NO. 1796

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. ABRAHAM, Mr. KOHL, Mr. THURMOND, Mr. MACK, Mr. COATS, Mr. LEVIN, Mr. LUGAR, and Mr. MCCAIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11 . 91 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term "State" has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.91.

(c) REDUCTION OF SUMS.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

GRAHAM AMENDMENT NO. 1797

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 218, after line 25, add the following:

SEC. 13 . IMPOSITION OF ANNUAL FEE ON TIFIA RECIPIENTS.

(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument under this part (as defined in section

1313(2)), an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to such recipient during the year under this part.

(b) Time of Imposition.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument (as so defined).

(c) Applicable Percentage.—For purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

(1) fiscal years 1999 through 2003, 1.9095 percent, and

(2) fiscal years after 2003, 0.5144 percent.

(d) Termination.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

(e) Deposit of Receipts.—The fees collected by the Secretary of Transportation under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

GRAHAM (AND OTHERS) AMENDMENT NO. 1798

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. Abraham, Mr. Kohl, Mr. Thurmond, Mr. Mack, Mr. Coats, Mr. Levin, Mr. Lugar, and Mr. McCain) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11 . 91 PERCENT SAFETY NET ADJUSTMENT.

(a) Definition of State.—In this section, the term "State" has the meaning given the term in section 101 of title 23, United States Code.

(b) Adjustment.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.91.

(c) Reduction of Sums.—The sums made available under all allocated Federal-aid highway programs under this Act and title 23, United States Code (excluding allocations made available under section 1128), shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) Order of Calculation.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) Applicability.—This section shall apply notwithstanding section 1128.

GRAHAM (AND COATS) AMENDMENT NO. 1799

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. Coats) submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11 . 91 PERCENT SAFETY NET ADJUSTMENT.

(a) Definition of State.—In this section, the term "State" has the meaning given the term in section 101 of title 23, United States Code.

(b) Adjustment.—

(1) In general.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(A) each State's percentage of the total apportionments for the fiscal year and the total allocations for the previous fiscal year for Federal-aid highway programs (excluding allocations specified in paragraph (2)); bears to

(B) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.91.

(2) Excluded allocations.—The allocations specified in this paragraph are allocations for—

(A) emergency relief under section 125 of title 23, United States Code;

(B) forest highways, Indian reservation roads, and parkways and park roads under section 202 of that title;

(C) highway-related safety grants under section 402 of that title;

(D) nonconstruction safety grants under sections 402, 406, and 408 of that title; and

(E) motor carrier safety grants under section 31104 of title 49, United States Code.

(c) Reduction of Sums.—The sums made available under all programs covered by subsection (b) to States that do not receive an allocation under subsection (b) shall be reduced on a pro rata basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) Order of Calculation.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) Applicability.—This section shall apply notwithstanding section 11 (Chafee amendment No. 1684).

THURMOND AMENDMENT NO. 1800

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11 . 91 PERCENT SAFETY NET ADJUSTMENT.

(a) Definition of State.—In this section, the term "State" has the meaning given the term in section 101 of title 23,.United States Code.

(b) Adjustment.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.91.

(c) Reduction of Sums.—For each fiscal year, the amount that the Secretary may deduct for administrative expenses under section 104(a) of title 23, United States Code, shall be reduced by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) Order of Calculation.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) Applicability.—This section shall apply notwithstanding section 1128.

NICKLES AMENDMENTS NOS. 1801–1803

(Ordered to lie on the table.)

Mr. NICKLES submitted three amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Amendment No. 1801

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(o) Intercity Rail Infrastructure Investment.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.".

Amendment No. 1802

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(o) Intercity Rail Infrastructure Investment.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.".

Amendment No. 1803

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.".

SESSIONS AMENDMENTS NOS. 1804–1814

(Ordered to lie on the table.)

Mr. SESSIONS submitted eleven amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1804

On page 88, on line 10 to the Chafee Amendment No. 1676 strike lines 10 through 13 and insert the following:

"(ii) shall determine the sum of the percentages determined under clause (i) for states with respect to which the percentage is 4.5 or greater, however the 4.5 percent requirement shall not apply to those states that have had federal lands transferred to the United States Fish and Wildlife Service for the preservation of rare botanical ecosystems, including longleaf pine ecosystem; and".

AMENDMENT NO. 1805

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, strike lines 12 and 13 and insert the following:

project eligible for funding under section 149 of title 23, United States Code.

AMENDMENT NO. 1806

On page 124, strike lines 12 through 19 and insert the following:

this section for fiscal year 1997, as adjusted to reflect increases in the overall funding for the apportioned Federal-aid highway programs since that fiscal year; or

"(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2001, to carry out bridge projects eligible under sections 103(b)(5), 119, and 133(b), will be not less than 4 times the amount apportioned to the State under this section for fiscal year 1997, as adjusted to reflect increases in the overall funding for the apportioned Federal-aid highway programs since that fiscal year.

AMENDMENT NO. 1807

On page 104, strike lines 14 through 19 and insert the following:

"(2) SUBSTITUTE CORRIDOR.—

"(A) IN GENERAL.—In lieu of Corridor H in Virginia, the Appalachian development highway system shall include the Virginia portion of the segment identified in section 1105(c)(29) of the Intermodal Surface Transportation Efficiency Act of 1991 (109 Stat. 597).

"(B) EFFECT OF SUBSTITUTION.—The substitution of the segment under subparagraph (A) shall not result in an increase in a State's estimated cost to complete the Appalachian development highway system or in the amount of assistance that the State shall be entitled to receive under this Act.".

AMENDMENT NO. 1808

At the end of subtitle H of title I, add the following:

SEC. 18 . DESIGNATION OF CORRIDORS IN MISSISSIPPI AND ALABAMA AS ROUTES ON THE INTERSTATE SYSTEM.

(a) IN GENERAL.—

(1) DESIGNATION.—Subject to subsection (b)(2), notwithstanding section 103(c) of title 23, United States Code, the segments described in paragraph (2) are designated as routes on the Interstate System.

(2) SEGMENTS.—The segments referred to in paragraph (1) are—

(A) the portion of Corridor V of the Appalachian development highway system from Interstate Route 55 near Batesville, Mississippi, to the intersection with Corridor X of the Appalachian development highway system near Fulton, Mississippi; and

(B) the portion of Corridor X of the Appalachian development highway system from near Fulton, Mississippi, to the intersection with Interstate Route 65 near Birmingham, Alabama.

(b) SUBSTANDARD FEATURES.—

(1) UPGRADING.—Each portion of the segments described in subsection (a)(2) that does not substantially meet the Interstate System design standards under section 109(b) of title 23, United States Code, in effect on the date of enactment of this Act shall be upgraded in accordance with plans and schedules developed by the applicable State.

(2) DESIGNATION.—Each portion of the segments described in subsection (a)(2) that on the date of enactment of this Act is not at least 4 lanes wide, separated by a median, access-controlled, and grade-separated shall—

(A) be designated as a future Interstate System route; and

(B) become part of the Interstate System at such time as the Secretary determines that the portion of the segment substantially meets the Interstate System design standards described in paragraph (1).

(c) TREATMENT OF ROUTES.—

(1) MILEAGE LIMITATION.—The mileage of the routes on the Interstate System designated under subsection (a) shall not be charged against the limitation established by section 103(c)(2) of title 23, United States Code.

(2) FEDERAL FINANCIAL RESPONSIBILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the designation of the routes on the Interstate System under subsection (a) shall not create increased Federal financial responsibility with respect to the designated segments for each fiscal year 98–03.

(B) USE OF CERTAIN FUNDS.—A State may use funds available to the State under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, to eliminate substandard features of, and to resurface, restore, rehabilitate, or reconstruct, any portion of the designated segments.

(3) ELIGIBILITY FOR OTHER FUNDING.—This section shall not decrease the amount of funding that a State shall be entitled to receive under any other section of this Act or under any other law.

AMENDMENT NO. 1809

Beginning on page 58, strike line 6 and all that follows through page 59, line 14, and insert the following:

subparagraphs (B), (C), and (D), of the apportionments received for a fiscal year by a State under this section—

"(i) 40 percent shall be used for trail or trail-related projects that facilitate diverse recreational trail use within a trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

"(ii) 30 percent shall be used for uses relating to motorized recreation; and

"(iii) 30 percent shall be used for uses relating to nonmotorized recreation.

"(B) WAIVER AUTHORITY.—Upon the request of a State trail advisory committee established under subsection (c)(3), the Secretary may waive, in whole or in part, the requirements of subparagraph (A) with respect to the State if the State certifies to the Secretary that the State does not have sufficient projects to meet the requirements of subparagraph (A).

"(C) STATE ADMINISTRATIVE COSTS.—".

AMENDMENT NO. 1810

On page 42, line 20, strike "1503, 1603," and insert "1603".

AMENDMENT NO. 1811

On page 42, lines 7 and 8, strike "207, and 322" and insert "and 207".

AMENDMENT NO. 1812

On page 136, strike line 22 and insert the following:

specified in subparagraph (G).".

SEC. 11 . PREVAILING RATE OF WAGE.

(a) IN GENERAL.—Section 113 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 113.

AMENDMENT NO. 1813

On page 116, strike lines 3 through 24 and insert the following:

"(i) IN GENERAL.—There shall be available from the Mass Transit Account to carry out this section $10,000,000 for fiscal year 1999 and $20,000,000 for fiscal year 2000.

"(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1, except that—

"(I) the Federal share of the cost of a project carried out under this section shall be determined in accordance with subsection (b); and

"(II) the availability of the funds shall be determined in accordance with paragraph (2).

"(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Mass Transit Account to carry out".

AMENDMENT NO. 1814

Beginning on page 182, line 15, the following new subsection (R) is to be added:

"(R) Any bridge project which has already received funding in accordance with P.L. 102–240 section 1107, subparagraph (b) and for which 100% of the planning and over 25% of the construction is completed shall be considered a project eligible for funding under the National Highway System."

CHAFEE AMENDMENTS NOS. 1815–1829

(Ordered to lie on the table.)

Mr. CHAFEE submitted 15 amendments intended to be proposed by him to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1815

On page 163, line 10, insert "the decision-making process for" after "with".

On page 163, line 17, insert "the decision-making process for" after "with".

On page 164, line 17, insert "the decision-making process for" after "with".

AMENDMENT NO. 1816

At the end of the title entitled "Revenue", add the following:

SEC. . REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.

(a) IN GENERAL.—Section 4481(a) is amended to read as follows:

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of at least 55,000 pounds at the rate of $100 per year plus $22 for each 1,000 pounds (or fraction thereof) in excess of 55,000 pounds.

"(2) ADJUSTMENT OF RATE TO ENSURE REVENUE NEUTRALITY.—For taxable periods beginning after June 30, 1998, the Secretary shall reduce the rate of tax under paragraph (1) by an amount which shall result in total revenues resulting from the imposition of the tax under this section for such taxable periods being no greater than the total revenues resulting from such imposition if the amendment made by section G7X of the Intermodal Surface Transportation Revenue Act of 1998 had not been enacted.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on July 1, 1998.

AMENDMENT NO. 1817

At the end of the title entitled "Revenue", add the following:

SEC. . REMOVAL OF CAP ON HEAVY USE VEHICLE EXCISE TAX.

(a) IN GENERAL.—Section 4481(a) is amended to read as follows:

"(a) IMPOSITION OF TAX.—A tax is hereby imposed on the use of any highway motor vehicle which (together with the semitrailers and trailers customarily used in connection with highway motor vehicles of the same type as such highway motor vehicle) has a taxable gross weight of at least 55,000 pounds at the rate of $100 per year plus $22 for each 1,000 pounds (or fraction thereof) in excess of 55,000 pounds.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on July 1, 1998.

AMENDMENT NO. 1818

On page 43, lines 11 and 12, strike "sections 5222, 5232, and 5241" and insert "sections 5222 and 5232".

On page 309, after line 15, strike the items relating to subchapter IV and section 5241.

On page 318, strike lines 18 through 23 and insert the following:

(a) IN GENERAL.—Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

"§ 513. National university transportation centers

On page 319, line 1, insert "of title 49" after "5317".

On page 319, strike lines 7 through 15 and insert the following:

"(2) to continue operation of university transportation centers at the National Center for Transportation and Industrial Productivity, the Mack-Blackwell National Rural Transportation Study Center, the National Center for Advanced Transportation Technology, the Norman Y. Mineta International Institute for Surface Transportation Policy, and the University of Alabama Transportation Research Center.

On page 325, strike lines 12 and 13 and insert the following:

not more than $12,000,000 for each of fiscal years 1998 through 2003, of which, for each fiscal year—

"(A) not more than $8,000,000 shall be available for operation of the university transportation centers described in subsection (a)(1); and

"(B) not more than $4,000,000 shall be available for operation of the university transportation centers described in subsection (a)(2).

On page 325, line 17, strike "of title 23".

On page 337, after the item relating to section 512, insert the following:

"513. National University Transportation Centers.

AMENDMENT NO. 1819

On page 337, after the item relating to section 512, insert the following:

"513. Use of fluorescent materials for enhanced night visibility.

On page 381, strike line 7 and insert the following:

SEC. 2018. USE OF FLUORESCENT MATERIALS FOR ENHANCED NIGHT VISIBILITY.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

"§ 513. Use of fluorescent materials for enhanced night visibility

"(a) IN GENERAL.—

"(1) PROGRAM.—The Secretary shall establish and carry out a program to demonstrate the application and feasibility of technology using ultraviolet-activated fluorescent materials for enhanced night visibility on the highways of the United States (referred to in this section as the 'technology').

"(2) GOALS.—The goals of the program shall include—

"(A) advancing the current state of the technology;

"(B) reducing the technological, institutional, and economic constraints associated with the use and commercialization of the technology;

"(C) determining the costs and benefits of widespread use of the technology; and

"(D) promoting technology transfer and laying the foundation for widespread deployment of the technology.

"(b) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—

"(1) RESEARCH AND DEVELOPMENT.—Under the program established under this section, the Secretary shall make grants, and enter into cooperative agreements and contracts, to carry out a research and development program to achieve the goals specified in subsection (a)(2), including—

"(A) increasing efficiency in the design and manufacture of ultraviolet headlights; and

"(B) reducing highway installation and maintenance costs of fluorescent markings and signs.

"(2) DEMONSTRATION.—

"(A) IN GENERAL.—Under the program established under this section, the Secretary shall make grants, and enter into cooperative agreements and contracts, to carry out a demonstration program to accelerate innovation with respect to the technology and to lay the foundation for widespread deployment of the technology.

"(B) REQUIRED ELEMENTS.—

"(i) IN GENERAL.—The demonstration program shall consist of 2 or more demonstration projects designed to develop—

"(I) reliable and valid data on the costs of, benefits from, impacts of, and technological, institutional, and economic constraints to widespread deployment of the technology; and

"(II) the information necessary to prepare the interim and final reports required by subsection (c).

"(ii) TYPES OF DATA TO BE DEVELOPED.—Data shall be developed on factors including—

"(I) improved visibility of pedestrians by operators of motor vehicles;

"(II) fluorescent traffic control devices and markings;

"(III) acceptance of the technology by the motoring public, pedestrians, automobile and equipment component manufacturers, and highway officials;

"(IV) safety benefits and costs;

"(V) environmental and health concerns; and

"(VI) technological, institutional, and economic constraints.

"(iii) MINIMUM SIZE OF DEMONSTRATION PROJECT.—At least 1 of the demonstration projects shall include not fewer than 5000 vehicles.

"(C) COMMENCEMENT OF PROJECTS.—Site selection and experimental design for the demonstration projects shall commence not later than October 1, 2000.

"(c) REPORTS.—

"(1) IN GENERAL.—Not later than September 30, 2001, the Secretary shall submit an interim report, and not later than September 30, 2003, the Secretary shall submit a final report, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate that—

"(A) describes the advances of the research and the results of the demonstration projects conducted under this section;

"(B) analyzes the constraints to widespread deployment of the technology, including the institutional and economic constraints associated with the use of fluorescent traffic control devices and markings identified by ultraviolet headlights; and

"(C) makes recommendations for legislative and administrative actions that would address the constraints and accelerate widespread deployment of the technology.

"(2) ASSESSMENT ON HEALTH AND ENVIRONMENTAL CONSEQUENCES.—Each report shall include an independent assessment conducted by the National Academy of Sciences on the health and environmental consequences, if any, that might be anticipated from widespread deployment of the technology.

"(3) CONSULTATION.—Each report shall be prepared by the Administrator of the Federal Highway Administration, after consultation with the National Highway Traffic Safety Administration, the American Association of State Highway and Transportation Officials, and representatives of the automobile industry and the highway safety community.

"(d) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary shall take such action as is necessary to ensure that the information and technology resulting from the research and development and demonstration programs carried out under this section are made available to State and local transportation departments and interested parties as specified by the Secretary.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Of the funds made available by section 541,—

"(A) to carry out the research and development program under subsection (b)(1), including development of ultraviolet headlights, $1,500,000 for each of fiscal years 1999 through 2001; and

"(B) to carry out the demonstration program under subsection (b)(2) $6,000,000 for fiscal year 2001, $6,000,000 for fiscal year 2002, and $2,500,000 for fiscal year 2003.

"(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.".

SEC. 2019. CONFORMING AMENDMENTS.

AMENDMENT NO. 1820

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ALLOCATIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, the Secretary shall allocate $60,000,000 of the funds made available to carry out the program to eligible States described in subparagraph (C).

(B) DISTRIBUTION AND USE OF FUNDS.—Funds allocated under subparagraph (A) shall be—

(i) divided equally among the eligible States; and

(ii) used for projects eligible for funding under this subsection.

(C) ELIGIBLE STATES.—A State is eligible for an allocation under subparagraph (A) if the State—

(i) is listed in the table in subsection (d)(1);

(ii) is not eligible for funding under subsection (b)(1)(B); and

(iii) is not eligible for funding under the other paragraphs of this subsection.

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike "(6)" and insert "(7)";

(2) on page 13, line 14, strike "(7)" and insert "(8)";

(3) on page 13, line 19, strike "$360,000,000" and insert "$420,000,000"; and

(4) on page 14, line 1, strike "(8)" and insert "(9)".

On page 415, strike lines 10 through 15 and insert the following:

(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $41,000,000 for fiscal year 1999, $44,000,000 for fiscal year 2000, $47,000,000 for fiscal year 2001, $49,000,000 for fiscal year 2002, and $54,000,000 for fiscal year 2003.

AMENDMENT NO. 1821

On page 85, between lines 18 and 19, insert the following:

(d) REPORT ON USE OF FUNDS.—Section 104 of title 23, United States Code (as amended by subsection (c)) is amended by adding at the end the following:

"(n) REPORT ON USE OF FUNDS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall submit a report to Congress describing and depicting in map form, on the basis of sub-State geographic area, the relationship between—

"(A) tax payments attributable to highway users paid into the Highway Trust Fund (other than the Mass Transit Account); and

"(B) the obligation of funds from the Highway Trust Fund (other than the Mass Transit Account).

"(2) ESTIMATES.—The report shall include estimates for the most recent fiscal year for which data are available and, to the maximum extent practicable, for previous fiscal years.

"(3) TYPES OF SUB-STATE GEOGRAPHIC AREA.—The report shall contain information on the basis of each State's urbanized, nonurbanized, and rural areas and may contain information on the basis of other sub-State geographic areas.

"(4) DATA COLLECTION.—The Secretary may perform such analysis and collect or require to be collected such data as is necessary to carry out this subsection.

"(5) ANNUAL UPDATES.—Not later than 1 year after the date of submission of the report to Congress and annually thereafter, the Secretary shall update the information contained in the report.

"(6) PUBLICATION.—The Secretary shall publish, or otherwise make publicly available, the information contained in the report and annual updates.".

AMENDMENT NO. 1822

At the end of subtitle A of title I, add the following:

SEC. . BUDGETARY TREATMENT OF TRANSPORTATION TRUST FUNDS.

(a) FINDINGS.—Congress finds the following:

(1) Included in the President's budget for fiscal year 1999 was a proposal by the Office of Management and Budget to administratively redefine obligation limitations on transportation trust funds as budget authority and thereby eliminating contract authority as a form of budget authority.

(2) This administrative decision is in direct contradiction to explicit legislative guidance to the contrary in the Congressional Budget Act of 1974. Section 3(2)(A) of the Congressional Budget Act of 1974 defines contract authority as a form of budget authority. Section 3(2)(B) of the Congressional Budget Act of 1974 explicitly defines the trust funds where obligation limitations shall be defined as obligation limitations. This list does not include the transportation trust funds.

(3) The Office of Management and Budget proposal does not help to address the fundamental problem with the budgetary treatment of the transportation trust funds, the lack of linkage between the taxes deposited into the trust fund and the spending from those same trust funds.

(4) It is clear that the budgetary treatment of the transportation trust funds need to be modified to provide a more appropriate linkage between trust fund receipts and trust fund spending. The Office of Management and Budget proposal is not a step forward in this direction. Under current law, increases in trust fund receipts to these trust funds can only be used to offset other mandatory spending and cannot be used to pay for increased transportation spending. Congress should address the illogical budgetary treatment of the transportation trust funds.

(b) DEFINITION.—For purposes of this section, the term "transportation trust funds" includes the Highway Trust Fund and Airport and Airway Trust Fund.

(c) LIMITATION.—The Office of Management and Budget may not use its authority to change budgetary concepts and definitions under the Balanced Budget and Emergency Deficit Control Act of 1985 to redefine obligation limitations for the transportation trust funds as budget authority for any purpose under that Act or the Congressional Budget Act of 1974.

(d) PROHIBITION.—Obligation limitations on transportation trust funds shall not be treated as budget authority for any purpose under the Balanced Budget and Emergency Deficit Control Act of 1985 or the Congressional Budget Act of 1974 unless the application of this subsection is specifically limited and referenced in law.

AMENDMENT NO. 1823

At the end of subtitle A of title I, add the following:

SEC. . AMENDMENT TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

(a) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "and any committee of the House of Representatives and the Senate whose jurisdiction includes the subject matter of the new accounts or activities" after "and the Senate".

(b) DISCRETIONARY SPENDING.—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "and any committee of the House of Representatives and the Senate whose jurisdiction includes the subject matter of the new accounts or activities" after "and the Senate".

AMENDMENT NO. 1824

Strike "Intermodal Surface Transportation Efficiency Act of 1997" each place it appears and insert "Intermodal Surface Transportation Efficiency Act of 1998".

Strike "Transportation Infrastructure Finance and Innovation Act of 1997" each place it appears and insert "Transportation Infrastructure Finance and Innovation Act of 1998".

Strike "Intelligent Transportation Systems Act of 1997" each place it appears and insert "Intelligent Transportation Systems Act of 1998".

Strike "Intermodal Transportation Safety Act of 1997" each place it appears and insert "Intermodal Transportation Safety Act of 1998".

AMENDMENT NO. 1825

At the end of title IV, add the following:

SEC. . ELIMINATION OF CERTAIN DELAY IN DEPOSITS OF HIGHWAY MOTOR FUEL TAX REVENUES.

Section 901 of the Taxpayer Relief Act of 1997 (111 Stat. 871) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

AMENDMENT NO. 1826

At the end of title IV add the following:

SEC. . REPEAL OF CERTAIN LIMITATION ON EXPENDITURES.

(a) IN GENERAL.—Section 9503(c) of the Internal Revenue Code of 1986 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(b) EFFECTIVE DATE.—The amendment made by this section takes effect as if included in the enactment of section 901 of the Taxpayer Relief Act of 1997.

AMENDMENT NO. 1827

SEC. . ELIMINATION OF CERTAIN DELAY IN DEPOSITS OF HIGHWAY MOTOR FUEL TAX REVENUES.

Section 901 of the Taxpayer Relief Act of 1997 (111 Stat. 871) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

AMENDMENT NO. 1828

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,396,548,000 for fiscal year 1998, $12,369,867,000 for fiscal year 1999, $12,343,721,000 for fiscal year 2000, $12,367,017,000 for fiscal year 2001, $12,634,621,000 for fiscal year 2002, and $13,065,331,000 for fiscal year 2003, of which—

(A) $4,761,136,000 for fiscal year 1998, $4,771,338,000 for fiscal year 1999, $4,801,026,000 for fiscal year 2000, $4,837,108,000 for fiscal year 2001, $4,926,078,000 for fiscal year 2002, and $5,075,859,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,449,041,000 for fiscal year 1998, $1,452,416,000 for fiscal year 1999, $1,460,912,000 for fiscal year 2000, $1,472,658,000 for fiscal year 2001, $1,499,600,000 for fiscal year 2002, and $1,545,051,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,245,207,000 for fiscal year 1998, $7,201,047,000 for fiscal year 1999, $7,305,594,000 for fiscal year 2000, $7,361,222,000 for fiscal year 2001, $7,495,937,000 for fiscal year 2002, and $7,724,222,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,190,284,000 for fiscal year 1998, $1,192,576,000 for fiscal year 1999, $1,199,998,000 for fiscal year 2000, $1,209,794,000 for fiscal year 2001, $1,231,262,000 for fiscal year 2002, and $1,269,481,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums made available for expenditure on the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, and for the purposes specified in subparagraph (A), in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or "(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 150 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than .85; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

"(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	Percentage
Alaska	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.76
Rhode Island	0.61
South Dakota	0.81
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

"(b) TREATMENT OF ALLOCATIONS.—

"(1) OBLIGATION.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "NOTIFICATION TO STATES.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(3)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(3)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

(7) Section 142(b) of title 23, United States Code, is amended by striking "paragraph (5) of subsection (b) of section 104 of this title" and inserting "section 104(b)(1)(A)".

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking "section 104(b)(1)" and inserting "section 104(b)".

AMENDMENT No. 1829

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,396,548,000 for fiscal year 1998, $12,691,604,000 for fiscal year 1999, $12,672,215,000 for fiscal year 2000, $12,709,390,000 for fiscal year 2001, $13,028,866,000 for fiscal year 2002, and $13,485,484,000 for fiscal year 2003, of which—

(A) $4,884,261,000 for fiscal year 1998, $4,895,439,000 for fiscal year 1999, $4,928,972,000 for fiscal year 2000, $4,971,020,000 for fiscal year 2001, $5,079,789,000 for fiscal year 2002, and $5,239,088,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,486,514,000 for fiscal year 1998, $1,490,193,000 for fiscal year 1999, $1,499,790,000 for fiscal year 2000, $1,513,428,000 for fiscal year 2001, $1,546,393,000 for fiscal year 2002, and $1,594,736,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,432,571,000 for fiscal year 1998, $7,449,905,000 for fiscal year 1999, $7,500,013,000 for fiscal year 2000, $7,565,013,000 for fiscal year 2001, $7,729,837,000 for fiscal year 2002, and $7,972,616,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,221,065,000 for fiscal year 1998, $1,233,595,000 for fiscal year 1999, $1,231,933,000 for fiscal year 2000, $1,243,286,000 for fiscal year 2001, $1,269,682,000 for fiscal year 2002, and $1,310,305,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums made available for expenditure on the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, and for the purposes specified in subparagraph (A), in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 150 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) Redistribution of funds.—

(i) In general.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) Limitation.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 percent as adjusted in the manner described in paragraph (2)(B).

(4) Minimum transition.—

(A) In general.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) Obligation.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) Authorization of contract authority.—

(i) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) Contract authority.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) Minimum Guarantee.—

(1) In general.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) Adjustment.—

"(1) In general.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than ; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

"(2) State percentages.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	**Percentage**
Alaska	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.76
Rhode Island	0.61
South Dakota	0.81
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

"(b) Treatment of Allocations.—

"(1) Obligation.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) Set-aside.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) Treatment of Withheld Apportionments.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) Authorization of Contract Authority.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) Conforming amendment.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(e) Audits of Highway Trust Fund.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) Audits of Highway Trust Fund.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(f) Technical Amendments.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "Notification to States.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) Metropolitan Planning.—

"(1) Set-aside.—On";

(B) by striking "(2) These" and inserting the following:

"(2) Apportionment to states of set-aside funds.—These";

(C) by striking "(3) The" and inserting the following:

"(3) Use of funds.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) Distribution of funds within states.—The".

(g) Conforming Amendments.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(3)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "After the first year" and inserting "In general"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(3)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

(7) Section 142(b) of title 23, United States Code, is amended by striking "paragraph (5) of subsection (b) of section 104 of this title" and inserting "section 104(b)(1)(A)".

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking "section 104(b)(1)" and inserting "section 104(b)".

McCAIN AMENDMENTS NOS. 1830–1834

(Ordered to lie on the table.)

Mr. McCAIN submitted five amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1830

On page 34, line 18, strike "$117,858,000" and insert "$166,700,000";

On page 34, line 19, strike "$123,492,000" and insert "$166,700,000";

On page 34, line 20, strike "$126,877,000" and insert "$166,700,000";

On page 34, line 22, strike "$130,355,000" and insert "$166,700,000";

On page 34, line 24, strike "$133,759,000" and insert "$166,700,000";

On page 35, line 1, strike "$141,803,000" and insert "$171,034,000";

On page 35, line 8, strike "$30,570,000" and insert "$44,000,000";

On page 35, line 9, strike "$28,500,000" and insert "$39,000,000";

On page 35, line 10, strike "$29,273,000" and insert "$39,000,000";

On page 35, line 11, strike "$30,065,000" and insert "$39,000,000";

On page 35, line 12, strike "$38,743,000" and insert "$49,000,000";

On page 35, line 14, strike "$39,815,000" and insert "$50,170,000";

On page 35, line 21, after the first comma, insert "to subsection 402(m) and section 410 of title 23, United States Code.";

On page 36, line 5, strike "$13,950,000" and insert "$20,000,000";

On page 36, line 6, strike "$14,618,000" and insert "$20,000,000";

On page 36, line 7, strike "$15,012,000" and insert "$20,000,000";

On page 36, line 8, strike "$15,418,000" and insert "$20,000,000";

On page 36, line 9, strike "$17,640,000" and insert "$22,000,000";

On page 36, line 11, strike "$17,706,000" and insert "$22,312,000";

On page 37, line 4, strike "$8,370,000" and insert "$12,000,000";

On page 37, line 5, strike "$8,770,000" and insert "$12,000,000";

On page 37, line 6, strike "$9,007,000" and insert "$12,000,000";

On page 37, line 8, strike "$9,250,000" and insert "$12,000,000";

On page 37, line 23, strike "$60,100,000" and insert "$73,100,000";

On page 37, line 25 and 26, strike all after "2001," and insert "2002, and 2003.";

On page 38, line 13, strike "$1,605,000" and insert "$2,300,000";

On page 38, line 14, strike "$1,680,000" and insert "$2,300,000";

On page 38, line 15, strike "$1,726,000" and insert "$2,300,000";

On page 38, line 16, strike "$1,772,000" and insert "$2,300,000";

On page 38, line 17, strike "$1,817,000" and insert "$2,300,000"; and

On page 38, line 18, strike "$1,872,000" and insert "$2,360,000".

AMENDMENT NO. 1831

At the end of subsection (f) of Section 3101, "Highway Safety Programs," insert the following:

"(n) DRUGGED DRIVING COUNTERMEASURES.—The Secretary shall make grants to those States that adopt and implement effect programs to reduce drug use and drugged driving:

(l) GRANT ELIGIBILITY.—A state is eligible for a grant under this subsection in a fiscal year by meeting, to the satisfaction of the Secretary, 5 or more of the following criteria:

(A) ZERO TOLERANCE FOR DRUGS.—The State has in effect a law that requires that any person with a measurable amount of a controlled substance, a combination of controlled substances, or a combination of alcohol and controlled substances when driving a motor vehicle shall be deemed to be driving under the influence of or impaired by a controlled substance.

(B) DRUG IMPAIRED DRIVING.—The State has in effect a law that makes it unlawful for any person to drive or be in actual physical control of a motor vehicle while under the influence of or impaired by a drug or substance (licit or illicit).

(C) MANDATORY TESTING FOR DRUGS OR SUBSTANCES.—The State has in effect a law that provides for mandatory chemical testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or, as determined by the Secretary, serious bodily injury, has committed a drug or substance-related traffic offense.

(D) ADMINISTRATIVE LICENSE REVOCATION.—The State has in effect an administrative driver's license suspension or revocation system for persons who operate motor vehicles while under the influence of a drug or substance which requires that—

"(i) in the case of a person who, in any 5-year period beginning after the date of enactment of this subsection, is determined on the basis of one or more chemical tests to have been operating a motor vehicle under the influence of a drug or substance or is determined to have refused to submit to such a test as requested by the law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt the report of the law enforcement officer—

"(I) shall suspend the driver's license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

(ii) the suspension and revocation referred to under (D)(i) shall take effect not later than 30 days after the day on which the person was determined to have been driving under the influence of drugs or refused to take a chemical test in accordance with the State's procedures.

"(E) LICENSE REVOCATION OR SUSPENSION OF PERSONS CONVICTED OF DRUG OFFENSES.—The

State has in effect a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

(i) the revocation, or suspension for at least 6 months, of the driver's license of any person who is convicted, after the enactment of such law, of—

"(I) any violation of the Controlled Substances Act, or

"(II) any drug offense; and

"(ii) a delay in the issuance or reinstatement of a driver's license to such a person for at least 6 months after the person applies for the issuance or reinstatement of a driver's license if the person does not have a driver's license, or the driver's license of the person is suspended, at the time the person is so convicted.

"(F) GRADUATED LICENSING.—The State has adopted an effective three state graduated licensing system for young drivers, as determined by the Secretary, that includes drug use and drugged driving provisions.

"(G) ACTIVE ENFORCEMENT AND PUBLICITY.—The State provides for active enforcement and publicity, as determined by the Secretary, of drugged driving laws.

"(H) DRUG INTERVENTION.—The State has in effect a system, that provides for an assessment of persons determined to have been operating a motor vehicle under the influence of or impaired by a drug or controlled substance, as determined by the Secretary, and referral to drug education, counseling, and treatment, as appropriate.

"(I) DRUG EDUCATION.—The State as adopted an effective educational program, as determined by the Secretary, under which drug information is provided to persons who apply for and who renew their driver's licenses, and drug-related questions are included on drivers' license examinations.

"(2) GRANT AMOUNT.—The amount of a grant made for drugged driving countermeasures for any fiscal year to any eligible State shall not be more than 20 percent of the amount apportioned to the State for fiscal year 1997 under Section 402 of this title.

"(3) DEFINITIONS.—For the purposes of this subsection—

"(A) 'Alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(B) 'Controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(C) 'Motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.".

Strike "Section 3103, Authorization of Appropriations" and insert in its place the following:

"SEC. 3103. AUTHORIZATIONS OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) CONSOLIDATED STATE HIGHWAYS SAFETY PROGRAMS.—

(A) For carrying out the State and Community Highway Safety Program under section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration, except for the incentive programs under subsections (l) and (m) of that section—

(i) $166,700,000 for fiscal year 1998;
(ii) $166,700,000 for fiscal year 1999;
(iii) $166,700,000 for fiscal year 2000;
(iv) $166,700,000 for fiscal year 2001;
(v) $166,700,000 for fiscal year 2002; and
(vi) $171,034,000 for fiscal year 2003;

(B) To carry out the alcohol-impaired driving countermeasures incentive grant provisions of section 402(l) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $44,000,000 for fiscal year 1998;
(ii) $39,000,000 for fiscal year 1999;
(iii) $39,000,000 for fiscal year 2000;
(iv) $39,000,000 for fiscal year 2001;
(v) $49,000,000 for fiscal year 2002; and
(vi) $50,170,000 for fiscal year 2003.

Amounts made available to carry out section 402(l) of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 402(l) of section 402 of title 23, United States Code, to subsections (m) and (n) of section 402 and of section 410 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(C) To carry out the occupant protection program incentive grant provisions of section 410 of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $20,000,000 for fiscal year 1998;
(ii) $20,000,000 for fiscal year 1999;
(iii) $20,000,000 for fiscal year 2000;
(iv) $20,000,000 for fiscal year 2001;
(v) $22,000,000 for fiscal year 2002; and
(vi) $22,312,000 for fiscal year 2003.

Amounts made available to carry out section 410 of title 23, United States Code, are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under section 410 of title 23, United States Code, to subsections (l), (m), and (n) of section 402 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of section 402(m) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) $12,000,000 for fiscal year 1998;
(ii) $12,000,000 for fiscal year 1999;
(iii) $12,000,000 for fiscal year 2000; and
(iv) $12,000,000 for fiscal year 2001.

Amounts made available to carry out section 402(m) of title 23, United States Code, are authorized to remain available until expended.

(E) To carry out the drugged driving countermeasures incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration, $5,000,000 for each of fiscal years 1999, 2000, 2001, 2002, and $5,130,000 for fiscal year 2003. Amounts made available to carry out subsection (n) are authorized to remain available until expended, provided that, in each fiscal year the Secretary may reallocate any amounts remaining available under subsection (n) to subsections (l) and (m) of section 402 and of section 410 of title 23, United States Code, as necessary to ensure, to the maximum extent possible, that States may receive the maximum incentive funding for which they are eligible under these programs.

(2) SECTION 403 HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out the functions of the Secretary, by the National Highway traffic Safety Administration, for highway safety research and development under section 403 of title 23, United States Code, there are authorized to be appropriated $73,100,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003.

(3) PUBLIC EDUCATION EFFORT.—Out of funds made available for carrying out programs under section 403 of title 23, United States Code, for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, the Secretary of Transportation shall obligate at least $500,000 to educate the motoring public on how to share the road safely with commercial motor vehicles.

(4) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 (National Driver Register) of title 49, United States Code, by the National Highway Traffic Safety Administration—

(A) $2,300,000 for fiscal year 1998;
(B) $2,300,000 for fiscal year 1999;
(C) $2,300,000 for fiscal year 2000;
(D) $2,300,000 for fiscal year 2001;
(E) $2,300,000 for fiscal year 2002; and
(F) $2,360,000 for fiscal year 2003.".

AMENDMENT NO. 1832

At the appropriate place insert the following:

SEC. 11 . AVAILABILITY OF FUNDING FOR DEMONSTRATION PROJECTS.

Section 118(b)(2) of title 23, United States Code, is amended—

(1) by striking "FUNDS.—Except as" and inserting the following: "FUNDS.—

"(A) IN GENERAL.—Except as"; and

(2) by adding at the end the following:

"(B) DEMONSTRATION PROJECTS.—

"(i) DEFINITION.—In this subparagraph, the term 'demonstration project' means a demonstration project or program authorized under—

"(I) the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240);

"(II) the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17);

"(III) the Surface Transportation Assistance Act of 1982 (Public Law 97–424); or

"(IV) any other law.

"(ii) PERIOD OF AVAILABILITY.—Notwithstanding any other provision of law, if none of the funds allocated for a demonstration project in a State have been obligated by the date that is 3 years after the last day of the fiscal year for which the funds are authorized, the funds and the authorization of the project shall lapse.

"(iii) TRANSITION PROVISION.—In the case of a demonstration project authorized before the date of enactment of this subparagraph for which funds are not obligated as described in clause (ii) as of that date, the funds and the authorization of the project shall lapse on that date.".

AMENDMENT NO. 1833

On page 129, beginning with line 1, strike through line 23 on page 133 and insert the following:

shall not apply to any driver of a utility service vehicle during an emergency period of not more than 30 days declared by an elected State or local government official under paragraph (2) in the area covered by the declaration.

"(2) DECLARATION OF EMERGENCY.—The regulations described in subparagraphs (A), (B), and (C) of paragraph (1) do not apply to the driver of a utility service vehicle operated—

"(A) in the area covered by an emergency declaration under this paragraph; and

"(B) for a period of not more than 30 days designated in that declaration,

ssued by an elected State or local government official (or jointly by elected officials of more than one State or local government), after notice to the Regional Director of the Federal Highway Administration with jurisdiction over the area covered by the declaration.

"(3) INCIDENT REPORT.—Within 30 days after the end of the declared emergency period the official who issued the emergency declaration shall file with the Regional Director a report of each safety-related incident or accident that occurred during the emergency period involving—

"(A) a utility service vehicle driver to which the declaration applied; or

"(B) a utility service vehicle to the driver of which the declaration applied.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) DRIVER OF A UTILITY SERVICE VEHICLE.—The term 'driver of a utility service vehicle' means any driver who is considered to be a driver of a utility service vehicle for purposes of section 345(a)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

"(B) UTILITY SERVICE VEHICLE.—The term 'utility service vehicle' has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).".

(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—For purposes of this subsection—

(A) COMMERCIAL DRIVER'S LICENSE.—The term "commercial driver's license" has the meaning given that term in section 31301(3) of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term "driver of a utility service vehicle" has the meaning given that term in section 31502(e)(2)(A) of title 49, United States Code, as added by subsection (a).

(C) REGULATION.—The term "regulation" has the meaning given that term in section 31132(6) of title 49, United States Code.

(D) UTILITY SERVICE VEHICLE.—The term "utility service vehicle" has the meaning given that term in section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note).

AMENDMENT NO. 1834

On page 50, beginning with line 18, strike through line 14 on page 51 and insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§ 5117. Special permits, pilot programs, and exclusions";

(2) by striking "exemption" each place it appears and inserting "special permit";

(3) by inserting "authorization variances" after "special permit" the first place it appears in subsection (a), as amended by paragraph (2) of this subsection;

(4) by striking "2" in subsection (a)(2) and inserting "4";

(5) by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter. The Secretary may carry out pilot programs unless the Secretary determines pilot programs would pose an undue risk to public health and safety.

"(2) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(3) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.".

(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits, pilot programs, and exclusions.".

ALLARD (AND GRAMS) AMENDMENT NO. 1835

(Ordered to lie on the table.)

Mr. ALLARD (for himself and Mr. GRAMS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1835

On page , strike lines through , and insert the following:

"(5) Remaining amounts shall be apportioned in urbanized areas eligible for assistance under section 5336(b)(2)(A) that are not described in paragraph (1) of this subsection, if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.".

At the appropriate place, insert the following:

SEC. . ALLOCATION OF CAPITAL INVESTMENT GRANTS AND LOANS FOR NEW STARTS.

Section 5309(m)(1)(B) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: ", of which any amount in excess of $760,000,000 is available exclusively for projects for new fixed guideway systems, and extensions to existing fixed guideway systems placed in revenue service not more than 15 years before the fiscal year for which amounts are made available".

COATS AMENDMENTS NOS. 1836-1837

(Ordered to lie on the table.)

Mr. COATS submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1836

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ALLOCATIONS.—

(A) GARY, INDIANA.—Notwithstanding any other provision of this subsection, the Secretary shall allocate $8,000,000 in each of fiscal years 1999, 2000, 2001, 2002 and 2003 of the funds made available to carry out the program to the State of Indiana to be used for projects that are—

(i) eligible for funding under this subsection; and

(ii) carried out in the standard metropolitan statistical area that includes Gary, Indiana (as determined by the Secretary of Commerce).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike "(6)" and insert "(7)";

(2) on page 13, line 14, strike "(7)" and insert "(8)";

(3) on page 13, line 20, strike "$360,000,000" and insert "$368,000,000"; and

(4) on page 14, line 1, strike "(8)" and insert "(9)".

On page 415, strike lines 10 through 15 and insert the following:

"(other than the Mass Transit Account) to carry out sections 502, 507, 509, and 511 $98,000,000 for fiscal year 1998, $93,000,000 for fiscal year 1999, $96,000,000 for fiscal year 2000, $99,000,000 for fiscal year 2001, $102,000,000 for fiscal year 2002, and $106,000,000 for fiscal year 2003."

AMENDMENT NO. 1837

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 13, between lines 9 and 10, insert the following:

(6) ADDITIONAL ALLOCATIONS.—

(A) GARY, INDIANA.—Notwithstanding any other provision of this subsection, the Secretary shall allocate $8,000,000 in each of fiscal years 1999, 2000, 2001, 2002 and 2003 of the funds made available to carry out the program to the State of Indiana to be used for projects that are—

(i) eligible for funding under this subsection; and

(ii) carried out in the standard metropolitan statistical area that includes Gary, Indiana (as determined by the Secretary of Commerce).

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 13, line 10, strike "(6)" and insert "(7)";

(2) on page 13, line 14, strike "(7)" and insert "(8)";

(3) on page 13, line 20, strike "$360,000,000" and insert "$368,000,000"; and

(4) on page 14, line 1, strike "(8)" and insert "(9)".

SPECTER (AND MOYNIHAN) AMENDMENT NO. 1838

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 115, strike lines 12 through 16 and insert the following:

"(f) PROJECT SELECTION.—

"(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

(A) Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for pre-construction planning activities, including—

"(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under state law;

"(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

"(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

"(B) Notwithstanding section (a)(1) of this section, eligible project costs shall include the cost of pre-construction planning activities.

"(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities."

SPECTER AMENDMENT NO. 1839

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 115, strike lines 12 through 16 and insert the following:

"(f) PROJECT SELECTION.—

"(1) PRE-CONSTRUCTION PLANNING ACTIVITIES.—

(A) Not later than 90 days after a deadline established by the Secretary for the receipt of applications, the Secretary shall evaluate the eligible projects in accordance with the selection criteria and select 1 or more eligible projects to receive financial assistance for pre-construction planning activities, including—

"(i) preparation of feasibility studies, major investment studies, and environmental impact statements and assessments as are required under state law;

"(ii) pricing of the final design, engineering, and construction activities proposed to be assisted under paragraph (2); and

"(iii) such other activities as are necessary to provide the Secretary with sufficient information to evaluate whether a project should receive financial assistance for final design, engineering, and construction activities under paragraph (2).

"(B) There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this paragraph $25,000,000 for each of fiscal years 1999 and 2000, in addition to any funds authorized to be appropriated under subsection (h) of this section. Funds made available under this paragraph shall remain available until expended.

"(2) FINAL DESIGN, ENGINEERING, AND CONSTRUCTION ACTIVITIES.—After completion of pre-construction planning activities for all projects assisted under paragraph (1), the Secretary shall select 1 of the projects to receive financial assistance for final design, engineering, and construction activities."

SPECTER (AND OTHERS) AMENDMENT NO. 1840

(Ordered to lie on the table.)

Mr. SPECTER (for himself, Mr. SANTORUM, and Ms. MOSELEY-BRAUN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . JOB ACCESS AND REVERSE COMMUTE GRANTS.

(a) FINDINGS.—Congress finds that—

(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

(4) not fewer than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

(5) 94 percent of welfare recipients do not own cars;

(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold;

(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs; and

(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5320 the following:

"§ 5320a. Access to jobs

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term 'eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

"(2) ELIGIBLE PROJECT.—The term 'eligible project' means—

"(A) ACCESS TO JOBS PROJECTS.—a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

"(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

"(ii) promoting the use of transit by workers with nontraditional work schedules;

"(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

"(iv) promoting the use of employer-provided transportation including the transit pass benefit under subsections (a) and (f) of section 132 of title 26; or

"(B) REVERSE COMMUTE PROJECTS.—a project related to the development of transportation services designed to transport individuals to suburban employment opportunities from urban, urbanized, or nonurbanized areas. Amounts made available to a grant recipient under this section for reverse commute projects may be used—

"(i) to subsidize the costs associated with adding reverse commute bus or rail routes or service to suburban workplaces;

"(ii) to subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences in urban, urbanized, or nonurbanized areas to a suburban workplace; and

"(iii) to otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban, urbanized, or nonurbanized areas.

"(3) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term 'existing transportation service providers' means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from federal, state, or local sources for nonemergency transportation services.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(5) QUALIFIED ENTITY.—The term 'qualified entity' means—

"(A) with respect to any proposed eligible project in an urbanized area with a population of not less than 200,000, the entity or entities selected by the appropriate metropolitan planning organization, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations; and

"(B) with respect to any proposed eligible project in an urbanized area with a population of less than 200,000, or an area other than an urbanized area, the entity or entities selected by the chief executive officer of the State in which the area is located, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations.

"(6) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who receives or received aid or assistance under a state program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

"(b) General Authority.—

"(1) In general.—The Secretary may make access to jobs grants and reverse commute grants under this section to assist qualified entities in financing eligible projects.

"(2) Coordination.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

"(c) Applications.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish by regulation.

"(d) Prohibition.—Grants awarded under this section may not be used for planning or coordination activities.

"(e) Factors for Consideration.—In awarding grants under this section to applicants under subsection (c), the Secretary shall consider—

"(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

"(2) in the case of access to jobs projects, the need for additional services in the area to be served by the applicant to transport welfare recipients and eligible low-income individuals to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs;

"(3) the extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers;

"(4) the extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands transit networks or hours of service, or both;

"(5) the extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs;

"(6) the extent to which the applicant—

"(A) in the case of access to jobs projects, presents a regional transportation plan for addressing the transportation needs of welfare recipients and eligible low-income individuals; and

"(B) identifies long-term financing strategies to support the services under this section;

"(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process; and

"(8) in the case of reverse commute projects, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities and the extent to which the proposed services will address those needs.

"(f) Federal Share of Costs.—

"(1) Maximum Amount.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

"(2) Nongovernmental share.—The portion of the total cost of an eligible project that is not funded under this section—

"(A) shall be provided in cash from sources other than revenues from providing mass transportation; and

"(B) may be derived from amounts made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

"(g) Planning Requirements.—

"(1) In general.—The requirements of section 5303 through 5306 apply to any grant made under this section.

"(2) Coordination.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process.

"(h) Grant Requirements.—A grant under this section shall be subject to—

"(1) all of the terms and conditions to which a grant made under section 5307 is subject; and

"(2) such other terms and conditions as determined by the Secretary.

"(i) Program Evaluation.—

"(1) Comptroller general.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Comptroller General of the United States shall—

"(A) conduct a study to evaluate the grant program authorized under this section; and

"(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of each study under subparagraph (A).

"(2) Department of transportation.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

"(A) conduct a study to evaluate the access to jobs and reverse commute project grant program authorized under this section; and

"(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

"(j) Funding: Allocation.—

"(1) In general.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 1998 through 2003, of which $150,000,000 shall be authorized for access to jobs projects and $100,000,000 shall be authorized for reverse commute projects. Such amounts shall remain available until expended.

"(2) Allocation.—The amount made available to carry out this section in each fiscal year shall be allocated as follows:

"(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of not less than 200,000.

"(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of less than 200,000.

"(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.".

(2) Conforming Amendment.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5320 the following: "5320a. Access to jobs.".

CHAFEE AMENDMENT NO. 1841

Mr. CHAFEE proposed an amendment to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

On page 8, lines 4 and 5, strike "authorized to be appropriated" and insert "made available".

On page 20, strike lines 11 through 21 and insert the following:

(b) Effect of Certain Delay in Deposits Into Highway Trust Fund.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) Effect of Certain Delay in Deposits Into Highway Trust Fund.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.".

On page 33, line 20, strike "104(b)(2)" and insert "104(b)(3)".

On page 34, line 15, strike "104(b)(2)" and insert "104(b)(3)".

On page 35, line 11, strike "104(b)(1)(A)" and insert "104(b)(1)".

On page 38, between lines 17 and 18, insert the following:

(7) Section 142(b) of title 23, United States Code, is amended by striking "paragraph (5) of subsection (b) of section 104 of this title" and inserting "section 104(b)(1)(A)".

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking "section 104(b)(1)" and inserting "section 104(b)".

Beginning on page 38, strike line 24 and all that follows through page 39, line 4, and insert the following:

(1) $21,500,000,000 for fiscal year 1998;
(2) $28,462,000,000 for fiscal year 1999;
(3) $28,894,000,000 for fiscal year 2000;
(4) $29,334,000,000 for fiscal year 2001;
(5) $29,800,000,000 for fiscal year 2002; and
(6) $30,319,000,000 for fiscal year 2003.

On page 39, line 11, strike "2003" and insert "2007".

On page 41, lines 20 and 21, strike "authorized to be appropriated" and insert "made available".

On page 47, line 4, strike "authorized to be appropriated" and insert "made available".

On page 51, line 22, insert ", by rule," after "develop".

On page 74, strike lines 14 through 23 and insert the following:

"(3) Authorization of appropriations from highway trust fund.—

"(A) In general.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(i) $8,000,000 for development of the system; and

"(ii) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.

"(B) Availability.—Notwithstanding section 118(a), funds made available under subparagraph (A) shall not be available in advance of an annual appropriation.".

On page 79, line 15, insert "(a) In General.—" before "Section".

On page 82, between lines 9 and 10, insert the following:

(b) Technical Amendments.—

(1) Section 104(f)(3) of title 23, United States Code, is amended in the second sentence by striking "section 120(j) of this title" and inserting "section 120".

(2) Section 130(a) of title 23, United States Code, is amended—

(A) in the first sentence, by striking "Except as provided in subsection (d) of section 120 of this title" and inserting "Subject to section 120"; and

(B) in the second sentence, by striking "except as provided in subsection (d) of section 120 of this title" and inserting "subject to section 120".

On page 116, strike lines 21 through 23 and insert the following:

"(B) Authorization of appropriations.—

"(i) In general.—There are authorized to be appropriated from the Highway Trust Fund (other

On page 117, between lines 3 and 4, insert the following:

"(ii) AVAILABILITY.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

On page 120, strike lines 2 through 5 and insert the following:

under section 412;

"(C) require that—

"(i)(I) the Project include not more than 12 traffic lanes, of which 2 lanes shall be exclusively for use by high occupancy vehicles, express buses, or rail transit; and

"(II) the design, construction, and operation of the Project reflect the requirements of subclause (I);

"(ii) all provisions described in the environmental impact statement for the Project or the record of decision for the Project (including in the attachments to the statement and record) for mitigation of environmental and other impacts of the Project be implemented; and

"(iii) the Authority and the Capital Region jurisdictions develop a process to fully integrate affected local governments, on an ongoing basis, in the process of carrying out the engineering, design, and construction phases of the project, including planning for implementing the provisions described in clause (ii); and

"(D) contain such other terms and conditions as the Secretary determines to be appropriate.".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 5, line 19, strike "$3,587,000,000" and insert "$3,603,000,000".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 7, line 10, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 22, insert "at least 50 percent" before "greater".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 23, before the period, insert the following: "(as determined on the basis of the 1990 Federal census)".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 14, line 11, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 16, line 13, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 8, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 14, strike "45" and insert "40".

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking "agency of a Federal, State, or local government" and inserting "agency of the Federal Government";

On page 150, between lines 16 and 17, insert the following:

SEC. 12___. ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting before the period at the end the following: "unless, before the end of the 10-year period, the State requests a longer period for commencement of the construction or acquisition and the Secretary determines that the request is reasonable".

On page 190, line 14, insert "related to surface transportation" after "project".

On page 220, lines 4 and 5, strike "authorized to be appropriated" and insert "made available".

Beginning on page 234, strike line 24 and all that follows through page 235, line 8, and insert the following:

fiscal year, the excess amounts shall be allocated as follows:

"(A) 50 percent to be apportioned to the States in the same manner in which funds are apportioned under section 402(c).

"(B) 50 percent to be allocated by the Secretary under section 403 through cooperative agreements with States to carry out innovative programs to promote increased seat belt use rates.

On page 246, at the end of line 6, add the following: "State wildlife agency, wetland conservation group, land trust, or".

On page 369, line 2, before the period, insert the following: ", of which not less than $500,000 shall be made available to carry out the study under section 511".

On page 375, line 6, strike "2 years" and insert "5 years".

On page 375, strike lines 13 through 15 and insert the following:

SEC. 2016. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

On page 375, strike lines 19 and 20 and insert the following:

"§ 310. Advanced vehicle technologies program

On page 378, strike lines 8 through 11 and insert the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, to remain available until expended.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

On page 378, strike the item between lines 15 and 16 and insert the following:

"310. Advanced vehicle technologies program.".

On page 381, strike lines 4 through 6 and insert the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1998 through 2003.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

On page 385, line 1, add "deployment of" at the end.

On page 399, line 19, strike "or" and insert "and".

On page 402, line 16, strike "and".

On page 402, line 18, strike the period and insert "; and".

On page 402, between lines 18 and 19, insert the following:

"(v) developing and implementing unobtrusive eyetracking technology.

On page 159, between lines 6 and 7, insert the following:

(d) DEFINITION OF TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 101(a) of title 23, United States Code, is amended in the undesignated paragraph defining "transportation enhancement activities"—

(1) by striking "scenic or historic highway programs," and inserting "scenic or historic highway programs (including the provision of tourist and welcome center facilities),"

BREAUX (AND LANDRIEU) AMENDMENT NO. 1842

(Ordered to lie on the table.)

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill insert the following new section Set-Aside for Intermodal Projects:

"SEC. __. SET-ASIDE FOR INTERMODAL PROJECTS.

"(1) IN GENERAL.—Before any apportionment is made under section 104(b)(1) of this title, the Secretary shall set aside $100,000,000 for each of fiscal years 1998, 1999, 2000, 2001, 2002 and 2003 for obligation by the Secretary for intermodal projects. Such funds shall be made available by the Secretary to any State applying for such funds, if the Secretary determines that—

"(A) the State has obligated or demonstrates that it will obligate in the fiscal year all of its apportionments under section 104(b)(1) of this title other than an amount which, by itself, is insufficient to pay the Federal share of the cost of an intermodal project; and

"(B) the applicant is willing and able to—

"(i) obligate the funds within one year of the date the funds are made available;

"(ii) apply the funds to a ready-to-commence project; and

"(iii) in the case of construction work, begin work within 90 days of obligation.

"(2) PRIORITY CONSIDERATION FOR CERTAIN INTERMODAL PROJECTS.—In selecting projects to fund under paragraph (1) of this section, the Secretary shall give priority consideration to any project the cost of which exceeds $5,000,000; (2) combines elements of air, rail, road, or water transportation; and (3) is coordinated by the State in conjunction with a regional planning agency.

"(3) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this section shall remain available until expended.".

ABRAHAM (AND LEVIN) AMENDMENT NO. 1843

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 140, strike line 20 and all that follows and insert the following:

(c) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—Section 323 of title 23, United States Code, is amended by adding at the end the following:

"(e) CREDITING OF CONTRIBUTIONS BY UNITS OF LOCAL GOVERNMENT TOWARD THE STATE SHARE.—A contribution by a unit of local government of real property, funds, material, or a service in connection with a project eligible for assistance under this title shall be credited against the State share of the project at the fair market value of the real property, funds, material, or service.".

(d) CONFORMING AMENDMENTS.—

(1) Section 323 of title 23, United States Code, is amended by striking the section heading and inserting the following:

"§ 323. Donations and credits.".

(2) The analysis for chapter 1 of title 23, United States Code, is amended—

(A) by striking the item relating to section 108 and inserting the following:

"108. Advance acquisition of real property.";

and

(B) by striking the item relating to section 323 and inserting the following:

"323. Donations and credits.".

CONRAD AMENDMENTS NOS. 1844–1847

(Ordered to lie on the table.)

Mr. CONRAD submitted four amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1844

On page 156, strike lines 19 and 20 and insert the following:

(A) in paragraph (2), by striking "10 percent" and inserting "8 percent (or, in the case of a State that is in attainment with respect to all national ambient air quality standards under the Clean Air Act (42 U.S.C. 7401 et seq.), 5 percent)"; and

AMENDMENT NO. 1845

On page 51, line 22, insert ", by rule," after "develop".

AMENDMENT NO. 1846

On page 46, line 15, strike "and trails" and insert "trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge)".

AMENDMENT NO. 1847

On page 46, line 15, strike "and trails" and insert "trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge) or to provide State of local matching funds for any Federally authorized transportation project for which matching funds are required".

ABRAHAM AMENDMENTS NOS. 1848–1855

(Ordered to lie on the table.)

Mr. ABRAHAM submitted eight amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1848

At the appropriate place, insert the following:

SEC. . WELFARE TO WORK FUNDS.

(a) CAPITAL PROJECTS.—Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for—

(1) capital projects (as that term is defined in section 5302(a) of title 49, United States Code); and

(2) the operating costs of equipment, facilities, and associated capital maintenance items, for use in mass transportation (as that term is defined in section 5302(a) of title 49, United States Code).

(b) NON-FEDERAL SHARE OF NET PROJECT COST.—Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for capital projects (as that term is defined in section 5302(a) of title 49, United States Code).".

AMENDMENT NO. 1849

At the appropriate place, insert the following:

SEC. . WELFARE TO WORK FUNDS FOR CAPITAL PROJECTS.

Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for capital projects (as that term is defined in section 5302(a) of title 49, United States Code).

AMENDMENT NO. 1850

At the appropriate place, insert the following:

SEC. . WELFARE TO WORK FUNDS FOR OPERATING EXPENSES.

Notwithstanding section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)) or any other provision of law, funds provided under a grant made to a State under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used for the operating costs of equipment, facilities, and associated capital maintenance items, for use in mass transportation (as that term is defined in section 5302(a) of title 49, United States Code).

AMENDMENT NO. 1851

At the appropriate place, insert the following:

SEC. . WELFARE TO WORK ELIGIBILITY.

Section 5307(e) of title 49, United States Code, as amended by this title, is amended by inserting after "new capital." the following: "Notwithstanding any other provision of this section or section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)), funds provided under a grant made under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)) may be used by a recipient of a grant under this section (for a capital project or for operating expenses) to provide the non-federal share of the net project cost.".

AMENDMENT NO. 1852

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34 . HOURS OF SERVICE.

Section 345(e)(2) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note) is amended by inserting "or for the facility or location to which the driver is assigned" before the period.

AMENDMENT NO. 1853

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34 . TRANSPORTATION OF CONSTRUCTION MATERIALS EQUIPMENT.

Section 345(e)(4) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note) is amended by striking "50 air mile radius of the normal" and inserting "100 air mile radius of the assigned".

AMENDMENT NO. 1854

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34 . HOURS OF SERVICE.

Section 345(e) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note) is amended—

(1) in paragraph (2), by inserting "or for the facility or location to which the driver is assigned" before the period; and

(2) in paragraph (4), by striking "50 air mile radius of the normal" and inserting "100 air mile radius of the assigned".

AMENDMENT NO. 1855

On page 136, after line 22, add the following:

SEC. 11 . NATIONAL DEFENSE HIGHWAY PROGRAM.

Section 311 of title 23, United States Code, is amended—

(1) by striking "Funds made available" and inserting the following:

"(a) DEFINITION OF BASE CLOSURE.—In this section, the term 'base closure' means the closure of a military installation under—

"(1) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102–510; 104 Stat. 1808; 10 U.S.C. 2687 note); or

"(2) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(b) USE OF ADMINISTRATIVE FUNDS.—Funds made available";

(2) by striking "construction of projects for" and inserting the following: "construction of—

"(1) projects for"; and

(3) by striking "may designate. With the consent" and inserting the following: "may designate; and

"(2) transportation projects associated with the economic redevelopment of real property that was the subject of a base closure.

"(c) USE OF APPORTIONED FUNDS.—With the consent".

ABRAHAM AMENDMENT NO. 1856

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. MACK, Mr. KOHL, Mr. GRAHAM, Mr. LEVIN, and Mr. COATS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, in the section added by Chafee Amendment No. 1684, on page 1, strike all after line 1 through page 5, line 6, and insert the following:

SEC. 11. ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments an allocation under section 104 and 105(a) of title 23, United States Code, and section 1102 (c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the donor states in the ratio that—

(A) the rate of contribution of each donor State determined under subparagraph (b); bears to

(B) the sum of the rates of contribution of all donor States.

(2) DISTRIBUTION OF FUNDS.—

(A) DEFINITION OF DONOR STATE.—In this Section, the term "donor State" means each of the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

(B) RATE OF CONTRIBUTION.—The rate of contribution of a donor state shall be equal to the quotient obtained by dividing—

(i) the estimated tax payments attributed to the highway users in the donor State paid in the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; by

(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003.

ABRAHAM AMENDMENTS NOS. 1857–1863

(Ordered to lie on the table.)

Mr. ABRAHAM submitted seven amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1857

At the end of the title entitled "Revenue", add the following:

SEC.   . BLOCK GRANT ACCOUNT.

Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund), as amended by section 901(d) of the Taxpayer Relief Act of 1997, is amended by adding at the end the following:

"(f) ESTABLISHMENT OF BLOCK GRANT ACCOUNT.—

"(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate account to be known as the 'Block Grant Account', consisting of such amounts as may be transferred or credited to the Block Grant Account as provided in this subsection or section 9602(b).

"(2) TRANSFERS TO BLOCK GRANT ACCOUNT.—

"(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Block Grant Account the block grant portion of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after September 30, 1997.

"(B) BLOCK GRANT PORTION.—For purposes of subparagraph (A), the term 'block grant portion' means an amount determined at the rate of .3 cent for each gallon with respect to which tax was imposed under section 4041 or 4081.

"(3) EXPENDITURES FROM ACCOUNT.—

"(A) IN GENERAL.—The applicable percentage of the amounts in the Block Grant Account shall be available, as provided by appropriation Acts, to each State for making expenditures after September 30, 1997, for projects which are or would otherwise be funded under the Intermodal Surface Transportation Efficiency Act of 1997.

"(B) APPLICABLE PERCENTAGE.—The applicable percentage for any State in any fiscal year is the State's percentage of the total expenditures allocated to all States from the Highway Trust Fund (other than the Block Grant Account) for the preceding fiscal year.

"(C) ENFORCEMENT.—If the Secretary determines that a State has used funds under this paragraph for a purpose that is not described in subparagraph (A), the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.".

AMENDMENT NO. 1858

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, between lines 19 and 20, insert the following:

(g) DONOR STATE EQUITY GUARANTEE PROGRAM.—

(1) ALLOCATIONS.—

(A) DEFINITION OF DONOR STATE.—In this paragraph, the term "donor State" means each of the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

(B) ALLOCATION OF FUNDS.—For each of fiscal years 1999 through 2003, the Secretary shall allocate the funds made available by paragraph (3) among the donor States in the ratio that—

(i) the rate of contribution of each donor State determined under subparagraph (C); bears to

(ii) the sum of the rates of contribution of all donor States.

(C) RATE OF CONTRIBUTION.—The rate of contribution of a donor State shall be equal to the quotient obtained by dividing—

(i) the estimated tax payments attributable to highway users in the donor State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; by

(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $2,000,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

AMENDMENT NO. 1859

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 beginning on page 5, strike line 15 and all that follows through page 18, line 19, and insert the following:

$1,346,000,000 for fiscal year 1999, $1,634,000,000 for fiscal year 2000, $1,881,000,000 for fiscal year 2001, $1,831,000,000 for fiscal year 2002, and $1,587,000,000 for fiscal year 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(2) CONTRACT AUTHORITY.—Funds authorized under subparagraphs (A) and (B) of paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(c) HIGH DENSITY TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—There is established the high density transportation program (referred to in this subsection as the "program") to provide funding to States that have higher-than-average population density.

(2) DETERMINATIONS.—

(A) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act for ISTEA transition; by

(II) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce).

(B) NATIONAL AVERAGE.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) ELIGIBILITY CRITERIA.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) DISTRIBUTION OF FUNDS.—

(A) AVAILABILITY TO STATES.—For each fiscal year, except as provided in subparagraph

(D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) STATE NOTIFICATION.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) PROJECT PROPOSALS.—

(i) SUBMISSION.—

(I) IN GENERAL.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) TOTAL COST OF PROJECTS.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) SELECTION.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) DEADLINES.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) REDISTRIBUTION OF FUNDS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount that the State is eligible to receive.

(5) OTHER ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than the population density of the United States.

(B) THROUGH TRUCK TRAFFIC.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) ELIGIBLE PROJECTS.—Funds made available to carry out the program may be used for any project eligible for funding under title 23, United States Code, or this Act.

(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection, $360,000,000 for each of fiscal years 1999 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(8) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section 104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1) with respect to which at least 45 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(2) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c).

(g) DONOR STATE EQUITY GUARANTEE PROGRAM.—

(1) ALLOCATIONS.—

(A) DEFINITION OF DONOR STATE.—In this paragraph, the term "donor State" means each of the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

(B) ALLOCATION OF FUNDS.—For each of fiscal years 1999 through 2003, the Secretary shall allocate the funds made available by paragraph (3) among the donor States in the ratio that—

(i) the rate of contribution of each donor State determined under subparagraph (C); bears to

(ii) the sum of the rates of contribution of all donor States.

(C) RATE OF CONTRIBUTION.—The rate of contribution of a donor State shall be equal to the quotient obtained by dividing—

(i) the estimated tax payments attributable to highway users in the donor State paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003; by

(ii) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) for the period of fiscal years 1998 through 2003.

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $2,000,000,000 for each of fiscal years 1999 through 2003 to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

AMENDMENT NO. 1860

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 5, strike lines 15 through 19 and insert the following:

$1,346,000,000 for fiscal year 1999, $1,634,000,000 for fiscal year 2000, $1,881,000,000 for fiscal year 2001, $1,831,000,000 for fiscal year 2002, and $1,587,000,000 for fiscal year 2003.

AMENDMENT NO. 1861

On page 136, after line 22, in the section added by Chafee Amendment No. 1684, on page 9, strike all after "program if—" through page 10, line 2, and insert the following:

"(A) the State contains a city that is among the 10 most populated cities in the United States (as determined based on the latest available annual population estimates prepared by the Secretary of Commerce); or

"(B) the State contains any portion of the standard metropolitan statistical area of a city described in subparagraph (A) (as determined by the Secretary of Commerce)."

AMENDMENT NO. 1862

On page 136, after line 22, in the section added by Chafee Amendment No. 1684—

(1) on page 9, line 16, strike "(A)" and insert "(A)(i)";

(2) on page 9, line 22, strike "(B)" and insert "(ii)";

(3) on page 10, line 2, strike the period and insert a semicolon; and

(4) on page 10, between lines 2 and 3, insert the following:

(B) the State contains a city that is among the 10 most populated cities in the United States (as determined based on the latest available annual population estimates prepared by the Secretary of Commerce); or

(C) the State contains any portion of the standard metropolitan statistical area of a city described in subparagraph (B) (as determined by the Secretary of Commerce).

AMENDMENT NO. 1863

On page 136, after line 22, in the section added by Chafee Amendment No. 1684, strike all after line 1 and insert the following:

SEC. . BLOCK GRANT ACCOUNT.

Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund), as amended by section 901(d) of the Taxpayer Relief Act of 1997, is amended by adding at the end the following:

"(f) ESTABLISHMENT OF BLOCK GRANT ACCOUNT.—

"(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate account to be known as the 'Block Grant Account', consisting of such amounts as may be transferred or credited to the Block Grant Account as provided in this subsection or section 9602(b).

"(2) TRANSFERS TO BLOCK GRANT ACCOUNT.—

"(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Block Grant Account the block grant portion of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after September 30, 1997.

"(B) BLOCK GRANT PORTION.—For purposes of subparagraph (A), the term 'block grant portion' means an amount determined at the rate of 4.3 cent for each gallon with respect to which tax was imposed under section 4041 or 4081.

"(3) EXPENDITURES FROM ACCOUNT.—

"(A) IN GENERAL.—The applicable percentage of the amounts in the Block Grant Account shall be available, as provided by appropriation Acts, to each State for making expenditures after September 30, 1997, for projects which are or would otherwise be funded under the Intermodal Surface Transportation Efficiency Act of 1997.

"(B) APPLICABLE PERCENTAGE.—The applicable percentage for any State in any fiscal year is the State's percentage of the total expenditures allocated to all States from the Highway Trust Fund (other than the Block Grant Account) for the preceding fiscal year.

"(C) ENFORCEMENT.—If the Secretary determines that a State has used funds under this paragraph for a purpose that is not described in subparagraph (A), the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.".

LEVIN AMENDMENT NO. 1864

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in the bill add:

SENSE OF THE SENATE.—

It is the sense of the Senate that high density transportation program money should be fairly distributed, and that states such as Indiana and Michigan, and any other states that substantially meet the eligibility criteria under that section should be treated in the same manner as any other state eligible for the high density transportation program.

MOSELEY-BRAUN AMENDMENT NO. 1865

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . ROADSIDE SAFETY TECHNOLOGIES.

(a) CRASH CUSHIONS.—

(1) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Security shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) USE OF GUIDANCE.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

MOSELEY-BRAUN (AND DURBIN) AMENDMENT NO. 1866

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 5, strike line 8 and all that follows through page 20, line 10, and insert the following:

(a) IN GENERAL.—For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $11,979,000,000 for fiscal year 1998, $11,808,000,000 for fiscal year 1999, $11,819,000,000 for fiscal year 2000, $11,916,000,000 for fiscal year 2001, $12,242,000,000 for fiscal year 2002, and $12,776,000,000 for fiscal year 2003, of which—

(A) $4,600,000,000 for fiscal year 1998, $4,609,000,000 for fiscal year 1999, $4,637,000,000 for fiscal year 2000, $4,674,000,000 for fiscal year 2001, $4,773,000,000 for fiscal year 2002, and $4,918,000,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,400,000,000 for fiscal year 1998, $1,403,000,000 for fiscal year 1999, $1,411,000,000 for fiscal year 2000, $1,423,000,000 for fiscal year 2001, $1,453,000,000 for fiscal year 2002, and $1,497,000,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,000,000,000 for fiscal year 1998, $7,014,000,000 for fiscal year 1999, $7,056,000,000 for fiscal year 2000, $7,113,000,000 for fiscal year 2001, $7,263,000,000 for fiscal year 2002, and $7,484,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,150,000,000 for fiscal year 1998, $1,152,000,000 for fiscal year 1999, $1,159,000,000 for fiscal year 2000, $1,169,000,000 for fiscal year 2001, $1,193,000,000 for fiscal year 2002, and $1,230,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

(b) REDUCTION OF SUMS.—Notwithstanding subsection (a), the sums made available under paragraphs (1) through (3) of subsection (a) shall be reduced on a pro rata basis by the amount necessary to offset the budgetary impact resulting from adoption of the amendment proposed by Ms. Moseley-Braun (No.).

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 34 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States;

"(ii) 34 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States; and

"(iii) 32 percent in the ratio that—

"(I) the total ton-miles of through shipments by truck in each State; bears to

"(II) the total ton-miles of through shipments by truck in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to "(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) Data.—Each calculation under clause (i) shall be based on the latest available data.

"(D) Minimum apportionment.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) Definition of through shipment.—In this paragraph, the term 'through shipment' means a shipment of property that originates outside a State (but inside the United States), travels through the State, and terminates outside the State.

"(2) Congestion mitigation and air quality improvement program.—

"(A) In general.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) Calculation of weighted nonattainment and maintenance area population.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) Additional adjustment for carbon monoxide areas.—

"(i) Carbon monoxide nonattainment areas.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) Carbon monoxide maintenance areas.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) Minimum apportionment.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) Determinations of population.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) Surface transportation program.—

"(A) In general.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the total ton-miles of through shipments by truck in each State; bears to

"(II) the total ton-miles of through shipments by truck in all States.

"(B) Data.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) Minimum apportionment.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(D) Definition of through shipment.—In this paragraph, the term 'through shipment' means a shipment of property that originates outside a State (but inside the United States), travels through the State, and terminates outside the State.".

KERREY (AND HAGEL) AMENDMENT NO. 1867

(Ordered to lie on the table.)

Mr. KERREY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34 . NEBRASKA SUGAR BEET TRANSPORTATION.

Notwithstanding section 127 of title 23, United States Code, the State of Nebraska may allow for the operation of vehicles to transport sugar beets from the field where those sugar beets are harvested to storage, market, factory, or stockpile or from stockpile to storage, market, or factory if that transportation meets applicable mileage requirements under the laws of the State of Nebraska and otherwise meets applicable requirements under State and Federal law.

DEWINE AMENDMENTS NOS. 1868–1869

(Ordered to lie on the table.)

Mr. DEWINE submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1868

At the end of subtitle H of title I, add the following:

SEC. 18 . ELIGIBILITY FOR FUNDING OF CUYAHOGA RIVER BRIDGE, OHIO.

Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct a new bridge over the Cuyahoga River in Cleveland, Ohio, shall be eligible for funds apportioned under section 104(b)(2) of that title.

AMENDMENT NO. 1869

At the appropriate place in subtitle D of title III, insert the following:

SEC. 34 . SCHOOL TRANSPORTATION SAFETY.

(a) Study.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) Terms of Agreement.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation; and

(iii) mass transportation operators;

(B) academic and policy analysts; and

(C) other interested parties.

(c) Report.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section—

(1) $200,000 for fiscal year 1999; and

(2) $200,000 for fiscal year 2000.

STEVENS AMENDMENT NO. 1870

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Insert at the appropriate place:

23 U.S.C. Section 144 is amended—

(1) in each of subsections (d) and (g)(3) by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions"; and

(2) in subsection (d) by inserting "or such anti-icing or de-icing composition" after "such acetate".

23 U.S.C. Section 133(b)(1) is amended by inserting after "magnesium acetate" the following: "or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions".

Amend 23 U.S.C. Sec. 119(e) by adding after ". . . extending Interstate pavement life," the following new sentence: "Specifically approvable hereunder is the application when conditions warrant of environmentally-beneficial minimally corrosive, cost effective anti-icing and deicing compositions to roadways, bridges, and other elevated structures."

STEVENS (AND OTHERS) AMENDMENT NO. 1871

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. BURNS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 104, insert after line 2:

"(h) Notwithstanding any other provision of this section, the Secretary shall grant ten percent of the funds provided in this section to states with over 300 miles of international border and population densities of 10 persons or less per square mile; provided further that no state shall be awarded less than one-half of its percentage of international border with Canada and Mexico."

STEVENS AMENDMENTS NOS. 1872–1873

(Ordered to lie on the table.)

Mr. STEVENS submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1872

Insert at the appropriate place:

( ) COST-EFFECTIVE TRANSPORTATION REQUIREMENTS.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 in each of fiscal years 1998 through 2003 for the construction of ferry boats, ferry terminal facilities, and approaches to such facilities in accordance with the provisions of section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note), at least half of which shall be available for such boats, facilities and approaches within marine highway systems which are part of the National Highway System.

(2) CONTRACT AUTHORITY.—Funds authorized under this subsection shall be available in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

AMENDMENT NO. 1873

On page 4, line 6, after "including" insert "cost of road construction in each Bureau of Indian Affairs Area."

KOHL AMENDMENT NO. 1874

(Ordered to lie on the table.)

Mr. KOHL (for himself, Mr. GRAHAM, and .Mr. MACK) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of subtitle A of title I, add the following:

SEC. 11——.93 PERCENT SAFETY NET ADJUSTMENT.

(a) DEFINITION OF STATE.—In this section, the term "State" has the meaning given the term in section 101 of title 23, United States Code.

(b) ADJUSTMENT.—For each of fiscal years 1998 through 2003, the Secretary shall allocate among the States amounts sufficient to ensure that the ratio that—

(1) each State's percentage of the sum of—

(A) the total apportionments for the fiscal year for Federal-aid highway programs under this Act and title 23, United States Code; and

(B) the amounts made available under section 1128, excluding allocations under the Federal lands highways program and to carry out section 1116; bears to

(2) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.93.

(c) REDUCTION OF SUMS.—The sums made available under all allocated Federal-aid highway programs under this Act and title 23, United States Code (excluding allocations made available under section 1128), shall be reduced on a pro rate basis by such amount as is necessary to offset the budgetary impact resulting from subsection (b).

(d) ORDER OF CALCULATION.—The adjustment required by subsection (b) shall be the last calculation made by the Secretary in apportioning Federal-aid highway funds to the States for each fiscal year.

(e) APPLICABILITY.—This section shall apply notwithstanding section 1128.

CONRAD AMENDMENTS NOS. 1875–1878

(Ordered to lie on the table.)

Mr. CONRAD submitted four amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1875

On page 46, line 15, strike "and trails" and insert "trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge) or to provide State or local matching funds for any Federally authorized transportation project for which matching funds are required".

AMENDMENT NO. 1876

On page 46, line 15, strike "and trails" and insert "trails, and dikes that protect roads or serve as roads (including reconstruction to raise the height of a bridge)".

AMENDMENT NO. 1877

On page 51, line 22, insert ", by rule," after "develop".

AMENDMENT NO. 1878

On page 156, strike lines 19 and 20 and insert the following:

(A) in paragraph (2), by striking "10 percent" and inserting "8 percent (or, in the case of a State that is in attainment with respect to all national ambient air quality standards under the Clean Air Act (42 U.S.C. 7401 et seq.), 5 percent)"; and

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MOYNIHAN AMENDMENTS NOS. 1879–1893

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted 15 amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1879

At the end of subtitle H of title I, add the following:

SEC. 18 . SENSE OF SENATE ON BALANCE OF PAYMENTS OF FEDERAL FUNDS.

(a) FINDINGS.—The Senate finds that—

(1) according to the Tax Foundation's Special Report on 1997 Federal Tax Burden by State, 11 States receive less than $0.91 in Federal expenditures per dollar of Federal taxes paid;

(2) the same 11 States have paid $1,200,000,000,000 more to the Federal Government than they have received in Federal spending since 1981; and

(3) the per capita balance of payments deficit in those 11 States has totaled $173,520 since 1981.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) if it is inequitable for a State to receive less than $0.91 in spending under the Intermodal Surface Transportation Efficiency Act of 1997 for each dollar paid in gasoline taxes, it is also inequitable for a State to receive less than $0.91 in overall Federal spending for each Federal tax dollar paid; and

(2) the Senate should work to ensure that every State will receive not less than $0.91 in direct payments to individuals, grants to State and local governments, procurement contracts, salaries and wages, and other Federal spending for each dollar paid in Federal taxes.

AMENDMENT NO. 1880

On page 104, line 20, amend subsection 1117(b) by inserting the following paragraph at the end thereof:

"(3) CORRIDOR EXTENSION.—Corridor T in New York shall be extended eastward from its present terminus along Route 17 to the border of the Appalachian Region in the vicinity of Roscoe, New York".

Amendment No. 1881

On page 21, strike line 8 and all that follows through page 30, line 18, and insert the following:

"(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

"(I) apportionments authorized under section 104 of that title for the construction of the Interstate System;

"(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

"(iii) apportionment for the Federal lands highways program under section 204 of that title; and

"(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); Interstate substitute

"(C) The product obtained by multiplying—

"(I) the annual average of the total apportionments determined under subparagraph (B); by

"(ii) the applicable percentage determined under paragraph (2).

"(D) The product obtained by multiplying—

"(I) the annual average of the total apportionments determined under subparagraph (B); by

"(ii) the applicable percentage determined under paragraph (2).

(2) Applicable percentages.—

"(A) Fiscal year 1998—For fiscal year—

"(I) the applicable percentage referred to in paragraph (1)(C)(ii) shall be 145 percent; and

"(ii) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 107 percent.

"(B) Fiscal years thereafter.—For each of fiscal years 1999 to 2003, the applicable percentage referred to in paragraph (1)(C)(ii) or (1)(D)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) Maximum transition.—

(A) In general.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(C), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(C).

(B) Redistribution of funds.—

(i) In general.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) Limitation.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) Minimum transition.—

(A) In general.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(D); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) Obligation.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) Authorization of contract authority.—

(i) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) Contract authority.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(D) Minimum guarantee.—

(1) In general.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) Adjustment.—

"(1) In general.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(C) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

"(2) State percentages.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	**Percentage**
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

"(b) Treatment of Allocations.—

Amendment No. 1882

Beginning on page 21, strike line 15 and all that follows through page 30, line 18, and insert the following:

"(C) the product obtained by multiplying—

"(i) the annual average of the total apportionments determined under subparagraph (B); by

"(ii) the applicable percentage determined under paragraph (2); and

"(D) the product obtained by multiplying—

"(i) annual average of total apportionments determined under subparagraph (B); by

"(ii) the applicable percentage determined under paragraph (2).

"(2) APPLICABLE PERCENTAGES.—

"(A) FISCAL YEAR 1998.—For fiscal year 1998—

"(i) the applicable percentage referred to in paragraph (1)(C)(ii) shall be 145 percent; and

"(ii) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 107 percent.

"(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(C)(ii) or (1)(D)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

"(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

"(ii) the percentage that—

"(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

"(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(C), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(C).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(D); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

"(5) Notwithstanding any other provision of this subsection, in each of the fiscal years 1998 through 2003, funds apportioned under this subsection shall not increase Massachusetts's share to more than 75 percent of its total fiscal year 1997 Federal-aid highway apportionment."

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(C) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

"(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	Percentage
Alaska	1.24
Arkansas	1.33
Delaware	0.47
Hawaii	0.55
Idaho	0.82
Montana	1.06
Nevada	0.73
New Hampshire	0.52
New Jersey	2.41
New Mexico	1.05
North Dakota	0.73
Rhode Island	0.58
South Dakota	0.78
Vermont	0.47
Wyoming	0.76.

"(b) TREATMENT OF ALLOCATIONS.—

AMENDMENT NO. 1883

On page 278, delete line 14 and insert the following:

"4321 et seq.)", provided the metropolitan planning organization has included consideration of at least one alternative plan or program that is designed to maximize use of transportation demand management alternatives."

AMENDMENT NO. 1884

At the end of the bill add the following:

TITLE —EQUITABLE ALLOCATION OF AIRPORT IMPROVEMENT PROGRAM FUNDING

DEFINITIONS.—In this section:

(1) AIRPORT AND AIRWAY TRUST FUND.—The term "Airport and Airway Trust Fund" means the trust fund established under section 9502 of the Internal Revenue Code of 1986.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State dollar contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the amount of funds equal to the amounts transferred to Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 that are equivalent to the taxes described in section 9502(b) of the Internal Revenue Code of 1986 that are collected in that State.

(6) STATE PERCENTAGE CONTRIBUTION TO THE AIRPORT AND AIRWAY TRUST FUND.—The term "State percentage contribution to the Airport and Airway Trust Fund", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that the State dollar contribution to the Airport and Airway Trust Fund bears to the aggregate of the State dollar contributions to the Airport

and Airway Trust Fund collected from all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount equal to the amount of taxes collected in each State during the fiscal year that are transferred to the Airport and Airway Trust Fund; and

(2) the Secretary shall determine the State dollar contribution to the Airport and Airway Trust Fund and State percentage contribution to the Airport and Airway Trust Fund of each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—

(A) ALLOCATION.—Notwithstanding any other provision of law, each State shall be entitled to receive under each program administered by the Secretary for which funds are authorized to be transferred from the Airport and Airway Trust Fund, an amount for a fiscal year that is not less than 90 percent of the amount that is equal to the aggregate amount to be paid under that program to all of the States for the fiscal year (adjusted for any administrative costs referred to in section 9502(d)(1)(C) of the Internal Revenue Code of 1986) multiplied by the State percentage contribution to the Airport and Airway Trust Fund for the fiscal year.

(B) RULE OF CONSTRUCTION.—Nothing in this section is intended to permit a use of amounts made available to a State under this section in a manner that does not meet the applicable requirements of part B of subtitle VII of title 49, United States Code.

(2) IMPLEMENTATION.—If, but for this section, a State would be entitled to receive less than the amount of its equitable State allocation under a program administered by the Secretary, the Secretary shall deduct from the amounts to be paid to States that would be entitled to receive more than the equitable State allocations for those States, pro rata, the amount necessary to enable the Secretary to pay the State the full amount of its equitable State allocation.

AMENDMENT NO. 1885

On page 200, strike lines 3 through 6 and insert the following:

(8) PROJECT.—The term "project" means—

(A) a surface transportation project eligible for Federal assistance under title 23 or chapter 53 of title 49, United States Code; and

(B) a project for an international bridge or tunnel, for which an international entity authorized under State or Federal law is responsible.

AMENDMENT NO. 1886

At the end of the bill, add the following:

TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PROGRAMS

SEC. 01. EQUITABLE ALLOCATION OF FUNDING UNDER NATIONAL AERONAUTICS AND SPACE ADMINISTRATION PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) ADMINISTRATOR—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Administrator to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a grant or other form of financial assistance;

(B) a payment under a contract; compensation of an employee or consultant; or

(C) any other form.

(3) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Administrator the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year; and

(2) the Administrator shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Administrator, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under—

(i) other programs administered by the Administrator; or

(ii) transfer funds to the Secretary of Transportation to fund programs that apportion funds to States that are administered by the Secretary under title 23 or 49 of the United States Code.

(2) IMPLEMENTATION.—If, but for this section, the Administrator would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Administrator shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Administrator to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1887

At the end of the bill, add the following:

TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER FOREST SERVICE PROGRAMS

SEC. 01. EQUITABLE ALLOCATION OF FUNDING UNDER FOREST SERVICE PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of Agriculture, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Chief of the Forest Service, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of Agriculture.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1888

At the end of the bill, add the following:

TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF LAND MANAGEMENT PROGRAMS

SEC. 01. EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF LAND MANAGEMENT PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of the Interior, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Director of the Bureau of Land Management, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of the Interior.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1889

At the end of the bill, add the following:

TITLE —EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF RECLAMATION PROGRAMS

SEC. 01. EQUITABLE ALLOCATION OF FUNDING UNDER BUREAU OF RECLAMATION PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AGENCY EXPENDITURE.—The term "agency expenditure" means any payment made by the Secretary to a State, a political subdivision of a State, or any other public or private person or entity in a State in the form of—

(A) a share of revenues received from Federal land management activity;

(B) a grant or other form of financial assistance;

(C) a payment under a contract; compensation of an employee or consultant; or

(D) any other form.

(2) EQUITABLE STATE ALLOCATION.—The term "equitable State allocation", with respect to a State and fiscal year, means the amount determined under subsection (c)(1) for the State and fiscal year.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means each of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(5) STATE DOLLAR CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State dollar contribution to the Federal Government", with respect to a State and fiscal year, means the amount of revenues under the Internal Revenue Code of 1986 collected from, and the amount of user fees paid or any other payments made to the Federal Government by, all public and private persons or entities in the State during the fiscal year.

(6) STATE PERCENTAGE CONTRIBUTION TO THE FEDERAL GOVERNMENT.—The term "State percentage contribution to the Federal Government", with respect to a State and fiscal year, means the proportion, expressed as a percentage, that—

(A) the State dollar contribution to the Federal Government by the State; bears to

(B) the aggregate of the State dollar contributions to the Federal Government by all of the States for the fiscal year.

(b) DETERMINATIONS.—Not later than 30 days after the close of each fiscal year—

(1) the Secretary of the Treasury shall report to the Secretary the amount of revenues under the Internal Revenue Code of 1986 collected in each State during the fiscal year;

(2) the Secretary shall determine with respect to the Department of the Interior, and the head of each other Federal agency shall report to the Secretary with respect to the agency, the amount of user fees paid or any other payments made to the agency by persons (including all private and public entities) in each State during the fiscal year; and

(3) the Secretary shall determine the State dollar contribution to the Federal Government and the State percentage contribution to the Federal Government by each State for the fiscal year.

(c) EQUITABLE STATE ALLOCATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(A) shall make agency expenditures in each State in each fiscal year under each program administered by the Secretary, acting through the Commissioner of Reclamation, in an amount that is not less than the product obtained by multiplying—

(i) 90 percent of the amount that is equal to the aggregate amount of agency expenditures to be made under that program in all of the States for the fiscal year; by

(ii) the State percentage contribution to the Federal Government by the State for the fiscal year; or

(B) if making agency expenditures in a State in the amount determined under subparagraph (A) under any program is not practicable, shall make the requisite amount of funding available for use in the State under other programs administered by the Secretary of the Interior.

(2) IMPLEMENTATION.—If, but for this section, the Secretary would make agency expenditures in a State in an amount that is less than the amount of the equitable State allocation, the Secretary shall reduce the amounts of agency expenditures to be made in States in which agency expenditures in more than the amounts of the equitable State allocations would be made, pro rata, by the amount necessary to enable the Secretary to make agency expenditures in the State in the full amount of its equitable State allocation.

AMENDMENT NO. 1890

On page 23, line 4, strike "145" and substitute "130" in lieu thereof:

AMENDMENT NO. 1891

On page 23, line 7, strike "107" and substitute "115" in lieu thereof:

AMENDMENT NO. 1892

On page 136, after line 22, insert the following:

SEC. 1128. STUDY OF FISCAL RELATIONSHIP BETWEEN FEDERAL GOVERNMENT AND SEVERAL STATES.

(a) STUDY.—The Secretary of the Treasury shall undertake a study of the following issues:

(1) FACTORS IN STATE ALLOCATION FORMULAS.—

(A) IN GENERAL.—The various factors described in subparagraph (B) used in State allocation formulas included in current Federal assistance programs and possible alternative factors described in subparagraph (C), including an analysis of the strengths and weaknesses of such factors and formulas.

(B) CURRENT FACTORS.—Factors described in this subparagraph include—

(i) rolling 3-year average of State per capita income,

(ii) State total taxable resources,

(iii) per capita income squared,

(iv) poverty population, including poverty population 5–17 years old, poverty population under 21, families with incomes between 130 percent and 185 percent of poverty level, children below 130 percent of poverty level, households below 150 percent of poverty level, and rural population in poverty, and

(v) population receiving benefits under a State program funded under part A of title IV of the Social Security Act, adult population receiving such benefits, children 5–17 years old in families above poverty level receiving such benefits.

(C) ALTERNATIVE FACTORS.—Factors described in this subparagraph include—

(i) State gross domestic product,

(ii) the representative tax system,

(iii) the inclusion of user fees in factors based on tax collections,

(iv) poverty measures which reflect State cost-of-living, and

(v) a more accurate measure of State fiscal capacity than State per capita income.

(2) FISCAL CONDITION AND CAPACITY.—The long-term outlook for the fiscal condition and fiscal capacity of Federal, State, and local governments.

(3) IMPACT OF PAYMENTS DEFICIT.—The impact on a State's economy of running a persistent balance of payments deficit with the Federal Government.

(4) MEASURES LEADING TO MORE EQUITABLE RETURNS ON TAX DOLLARS.—Measures, including changes to allocation formulas, which would provide that each State's return on each Federal tax dollar, including direct payments to individuals, grants to State and local government, procurement, salaries and wages, and other Federal spending, is at least $0.95.

(5) IMPACT OF OTHER FACTORS.—The impacts of the cyclical nature of the economy and other factors, such as employment, on the expenditures, needs, and fiscal capacities of Federal, State, and local governments.

(6) RESPONSIVENESS OF DISTRIBUTION OF FEDERAL ASSISTANCE.—The responsiveness of the distribution of Federal assistance to—

(A) the cyclical nature of the economy and other factors identified under paragraph (5),

(B) the fiscal capacities of State and local governments,

(C) the need for services of State and local governments, and

(D) cost-of-living and cost-of-government differentials.

(7) ADMINISTRATION OF ALLOCATION FORMULAS.—The mathematical models, underlying data, and administration of Federal grant formulas, including the formulas examined under paragraph (1).

(b) STUDY PLAN.—The Secretary of the Treasury, in consultation with the Secretary of Commerce, the Comptroller General of the United States, and recognized organizations of elected officials of State and local governments, including regional organizations of such officials and officials of States that may receive substantially reduced funding under alternative methods of allocating Federal assistance, shall develop a plan for the completion of the study required by subsection (a). Such plan may provide for the participation of such individuals and organizations in the conduct of the study.

(c) REPORT OF STUDY.—Upon completion of the study required by subsection (a), the Secretary of the Treasury shall solicit the views of the persons and organizations with whom the Secretary was required to consult by subsection (b) and shall append such views to a final report to the President and Congress. Such report shall be submitted not later than June 30, 1999.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

AMENDMENT NO. 1893

On page 5, line 12 strike all that follows through page 30, line 17, and substitute the following:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,788,000,000 for fiscal year 1998,
$12,625,000,000 for fiscal year 1999,
$12,644,000,000 for fiscal year 2000,
$12,742,000,000 for fiscal year 2001,
$13,045,000,000 for fiscal year 2002, and
$13,595,000,000 for fiscal year 2003, of which—

"(A) $4,919,000,000 for fiscal year 1998,
$4,934,000,000 for fiscal year 1999,
$4,967,000,000 for fiscal year 2000,
$5,004,000,000 for fiscal year 2001,
$5,092,000,000 for fiscal year 2002, and
$5,239,000,000 for fiscal year 2003 shall be used for Interstate maintenance component; and

"(B) $1,497,000,000 for fiscal year 1998,
$1,502,000,000 for fiscal year 1999,
$1,511,000,000 for fiscal year 2000,
$1,524,000,000 for fiscal year 2001,
$1,550,000,000 for fiscal year 2002, and
$1,595,000,000 for fiscal year 2003 shall be used for Interstate bridge component.

"(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,474,000,000 for fiscal year 1998,
$7,500,000,000 for fiscal year 1999,
$7,549,000,000 for fiscal year 2000,
$7,606,000,000 for fiscal year 2001,
$7,740,000,000 for fiscal year 2002, and
$7,974,000,000 for fiscal year 2003.

"(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title
$1,227,000,000 for fiscal year 1998,
$1,231,000,000 for fiscal year 1999,
$1,240,000,000 for fiscal year 2000,
$1,250,000,000 for fiscal year 2001,
$1,271,000,000 for fiscal year 2002, and
$1,309,000,000 for fiscal year 2003."

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

(D) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 207 of that title $74,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on the National Highway System, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the

Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

“(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

“(ii) the total of all weighted nonattainment and maintenance area populations in all States.

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”.

(b) EFFECT OF CERTAIN AMENDMENTS.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN AMENDMENTS.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the amendments made by section 901 of the Taxpayer Relief Act of 1997 shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title .”.

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 145 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(C).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 145 percent, and, in the case of each of fiscal years 1999 through 2003, 145 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(D); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States specified in paragraph (3) amounts sufficient to ensure that the State's percentage of total apportionments for the fiscal year is—

"(A) not less than the percentage specified for the State in paragraph (3), but

"(B) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Transportation Act of 1997 for the fiscal year.

"(2) TOTAL APPORTIONMENTS.—For the purposes of this paragraph each State's total apportionments for the fiscal year is defined as those made—

"(A) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and congestion mitigation and air quality improvement program; and

"(B) under section 1102(c) of the Intermodel Transportation Act of 1997 for ISTEA transition;

"(3) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(A) for a specified State shall be determined in accordance with the following table:

"State	*Percentage*
Alaska	1.25
Arkansas	1.34
Delaware	0.48
Hawaii	0.56
Idaho	0.83
Montana	1.07
Nevada	0.74
New Hampshire	0.53
New Jersey	2.42
New Mexico	1.06
North Dakota	0.74
Rhode Island	0.59
South Dakota	0.79
Vermont	0.48
Wyoming	0.77

CHAFEE (AND GRAHAM) AMENDMENT NO. 1894

(Ordered to lie on the table.)

Mr. CHAFEE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 197, strike line 11 and all that follows through page 218 and insert the following:

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"§ 181. Definitions

"In this subchapter:

"(1) ELIGIBLE PROJECT COSTS.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

"(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

"(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

"(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

"(2) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

"(3) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(4) Line of credit.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

"(5) Loan guarantee.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

"(6) Local servicer.—The term 'local servicer' means—

"(A) a State infrastructure bank established under this title; or

"(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

"(7) Obligor.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

"(8) Project.—The term 'project' means—

(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49; and

(B) a project for an international bridge or tunnel for which an international entity authority under State of Federal law is responsible.

"(9) Project obligation.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

"(10) Secured loan.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

"(11) State.—The term 'State' has the meaning given the term in section 101.

"(12) Substantial completion.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

"§ 182. Determination of eligibility and project selection

"(a) Eligibility.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

"(1) Inclusion in transportation plans and programs.—The project—

"(A) shall be included in the State transportation plan required under section 135; and

"(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

"(2) Application.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

"(3) Eligible project costs.—

"(A) In general.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

"(i) $100,000,000; or

"(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

"(B) Intelligent transportation system projects.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

"(4) Dedicated revenue sources.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

"(5) Public sponsorship of private entities.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

"(b) Selection Among Eligible Projects.—

"(1) Establishment.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

"(2) Selection criteria.—The selection criteria shall include the following:

"(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

"(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

"(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

"(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

"(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

"(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

"(G) The extent to which the project helps maintain or protect the environment.

"(c) Federal Requirements.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

"(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

"§ 183. Secured loans

"(a) In General.—

"(1) Agreements.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

"(A) to finance eligible project costs; or

"(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

"(2) Limitation on refinancing of interim construction financing.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

"(b) Terms and Limitations.—

"(1) In general.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) Maximum amount.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(3) Payment.—The secured loan—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(4) Interest rate.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

"(5) Maturity date.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

"(6) Nonsubordination.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(7) Fees.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

"(8) Non-federal share.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

"(c) Repayment.—

"(1) Schedule.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) Commencement.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

"(3) Sources of repayment funds.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"(4) Deferred payments.—

"(A) Authorization.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

“(B) Interest.—Any payment deferred under subparagraph (A) shall—

“(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

“(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

“(5) Prepayment.—

“(A) Use of excess revenues.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

“(B) Use of proceeds of refinancing.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

“(d) Sale of Secured Loans.—

“(1) In general.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

“(2) Consent of obligor.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

“(e) Loan Guarantees.—

“(1) In general.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

“(2) Terms.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

“§184. Lines of credit

“(a) In General.—

“(1) Agreements.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

“(2) Use of proceeds.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

“(b) Terms and Limitations.—

“(1) In general.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

“(2) Maximum amounts.—

“(A) Total amount.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

“(B) One-year draws.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

“(3) Draws.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

“(4) Interest rate.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

“(5) Security.—The line of credit—

“(A) shall—

“(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

“(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

“(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

“(6) Period of availability.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

“(7) Rights of third party creditors.—

“(A) Against federal government.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

“(B) Assignment.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

“(8) Nonsubordination.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

“(9) Fees.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

“(10) Relationship to other credit instruments.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

“(c) Repayment.—

“(1) Terms and conditions.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

“(2) Timing.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

“(3) Sources of repayment funds.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

“§185. Project servicing

“(a) Requirement.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

“(b) Agency; Fees.—If a State identifies a local servicer under subsection (a), the local servicer—

“(1) shall act as the agent for the Secretary; and

“(2) may receive a servicing fee, subject to approval by the Secretary.

“(c) Liability.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

“(d) Assistance From Expert Firms.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

“§186. State and local permits

“The provision of financial assistance under this subchapter with respect to a project shall not—

“(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

“(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

“(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

“§187. Regulations

“The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

“§188. Funding

“(a) Authorization of Contract Authority.—

“(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

“(A) $60,000,000 for fiscal year 1998;

“(B) $60,000,000 for fiscal year 1999;

“(C) $90,000,000 for fiscal year 2000;

“(D) $90,000,000 for fiscal year 2001;

“(E) $115,000,000 for fiscal year 2002; and

“(F) $115,000,000 for fiscal year 2003.

“(2) Administrative costs.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

“(3) Availability.—Amounts made available under paragraph (1) shall remain available until expended.

“(b) Contract Authority.—

“(1) In general.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

“(2) Availability.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

“(c) Limitations on Credit Amounts.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

“Fiscal year:	**Maximum amount of credit:**
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000

2003 .... $2,300,000,000.

"§ 189. Imposition of annual fee on recipients

"(a) In General.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

"(b) Time of Imposition.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

"(c) Applicable Percentage.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

"(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

"(2) any fiscal year after 2003, 0.5144 percent.

"(d) Termination.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

"(e) Deposit of Receipts.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

"§ 190. Report to Congress

"Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

"(1) by continuing the program under the authority of the Secretary;

"(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

"(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.".

(b) Conforming Amendments.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before "Sec." the following:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(B) by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"181. Definitions.
"182. Determination of eligibility and project selection.
"183. Secured loans.
"184. Lines of credit.
"185. Project servicing.
"186. State and local permits.
"187. Regulations.
"188. Funding.
"189. Imposition of annual fee on recipients.
"190. Report to Congress.";

and

(2) by inserting before section 101 the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) Duties of the Secretary.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.".

(b) Office of Infrastructure Finance.—

(1) In general.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 113. Office of Infrastructure Finance

"(a) Establishment.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

"(b) Director.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

"(c) Functions.—The Director shall be responsible for—

"(1) carrying out the responsibilities of the Secretary described in section 301(9);

"(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

"(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.".

(2) Conforming amendment.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"113. Office of Infrastructure Finance.".

CHAFEE AMENDMENTS NOS. 1895–1897

(Ordered to lie on the table)

Mr. CHAFEE submitted three amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. Chafee to the bill, S. 1173, supra; as follows:

Amendment No. 1895

On page 8, lines 4 and 5, strike "authorized to be appropriated" and insert "made available".

On page 20, strike lines 11 through 21 and insert the following:

(b) Effect of Certain Delay in Deposits Into Highway Trust Fund.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) Effect of Certain Delay in Deposits Into Highway Trust Fund.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.".

On page 33, line 20, strike "104(b)(2)" and insert "104(b)(3)".

On page 34, line 15, strike "104(b)(2)" and insert "104(b)(3)".

On page 35, line 11, strike "104(b)(1)(A)" and insert "104(b)(1)".

On page 38, between lines 17 and 18, insert the following:

(7) Section 142(b) of title 23, United States Code, is amended by striking "paragraph (5) of subsection (b) of section 104 of this title" and inserting "section 104(b)(1)(A)".

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking "section 104(b)(1)" and inserting "section 104(b)".

Beginning on page 38, strike line 24 and all that follows through page 39, line 4, and insert the following:

(1) $21,500,000,000 for fiscal year 1998;
(2) $28,462,000,000 for fiscal year 1999;
(3) $28,894,000,000 for fiscal year 2000;
(4) $29,334,000,000 for fiscal year 2001;
(5) $29,800,000,000 for fiscal year 2002; and
(6) $30,319,000,000 for fiscal year 2003.

On page 39, line 11, strike "2003" and insert "2007".

On page 41, lines 20 and 21, strike "authorized to be appropriated" and insert "made available".

On page 47, line 4, strike "authorized to be appropriated" and insert "made available".

On page 51, line 22, insert ", by rule," after "develop".

On page 74, strike lines 14 through 23 and insert the following:

"(3) Authorization of appropriations from highway trust fund.—

"(A) In general.—There are authorized to be appropriated to the Secretary from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection—

"(i) $8,000,000 for development of the system; and

"(ii) $2,000,000 for each of fiscal years 1998 through 2003 for operation and maintenance of the system.

"(B) Availability.—Notwithstanding section 118(a), funds made available under subparagraph (A) shall not be available in advance of an annual appropriation.".

On page 79, line 15, insert "(a) In General.—" before "Section".

On page 82, between lines 9 and 10, insert the following:

(b) Technical Amendments.—

(1) Section 104(f)(3) of title 23, United States Code, is amended in the second sentence by striking "section 120(j) of this title" and inserting "section 120".

(2) Section 130(a) of title 23, United States Code, is amended—

(A) in the first sentence, by striking "Except as provided in subsection (d) of section 120 of this title" and inserting "Subject to section 120"; and

(B) in the second sentence, by striking "except as provided in subsection (d) of section 120 of this title" and inserting "subject to section 120".

On page 116, strike lines 21 through 23 and insert the following:

"(B) Authorization of appropriations.—

"(i) In general.—There are authorized to be appropriated from the Highway Trust Fund (other

On page 117, between lines 3 and 4, insert the following:

"(ii) Availability.—Notwithstanding section 118(a), funds made available under clause (i) shall not be available in advance of an annual appropriation.

On page 120, strike lines 2 through 5 and insert the following:

under section 412;

"(C) require that—

"(i)(I) the Project include not more than 12 traffic lanes, of which 2 lanes shall be exclusively for use by high occupancy vehicles, express buses, or rail transit; and

"(II) the design, construction, and operation of the Project reflect the requirements of subclause (I);

"(ii) all provisions described in the environmental impact statement for the Project or the record of decision for the Project (including in the attachments to the statement and record) for mitigation of environmental and other impacts of the Project be implemented; and

"(iii) the Authority and the Capital Region jurisdictions develop a process to fully integrate affected local governments, on an ongoing basis, in the process of carrying out the engineering, design, and construction phases of the project, including planning for implementing the provisions described in clause (ii); and

"(D) contain such other terms and conditions as the Secretary determines to be appropriate.".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 5, line 19, strike "$3,587,000,000" and insert "$3,603,000,000".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 7, line 10, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 22, insert "at least 50 percent" before "greater".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 12, line 23, before the period, insert the following: "(as determined on the basis of the 1990 Federal census)".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 14, line 11, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 16, line 13, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 8, strike "equal to or".

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 18, line 14, strike "45" and insert "40".

On page 140, strike line 15 and insert the following:

(3) in paragraph (3), by striking "agency of a Federal, State, or local government" and inserting "agency of the Federal Government";

On page 150, between lines 16 and 17, insert the following:

SEC. 12 . ENGINEERING COST REIMBURSEMENT.

Section 102(b) of title 23, United States Code, is amended in the first sentence by inserting before the period at the end the following: "unless, before the end of the 10-year period, the State requests a longer period for commencement of the construction or acquisition and the Secretary determines that the request is reasonable".

On page 190, line 14, insert "related to surface transportation" after "project".

On page 220, lines 4 and 5, strike "authorized to be appropriated" and insert "made available".

Beginning on page 234, strike line 24 and all that follows through page 235, line 8, and insert the following:

fiscal year, the excess amounts shall be allocated as follows:

"(A) 50 percent to be apportioned to the States in the same manner in which funds are apportioned under section 402(c).

"(B) 50 percent to be allocated by the Secretary under section 403 through cooperative agreements with States to carry out innovative programs to promote increased seat belt use rates.

On page 246, at the end of line 6, add the following: "State wildlife agency, wetland conservation group, land trust, or".

On page 369, line 2, before the period, insert the following: ", of which not less than $500,000 shall be made available to carry out the study under section 511".

On page 375, line 6, strike "2 years" and insert "5 years".

On page 375, strike lines 13 through 15 and insert the following:

SEC. 2016. ADVANCED VEHICLE TECHNOLOGIES PROGRAM.

On page 375, strike lines 19 and 20 and insert the following:

"§310. Advanced vehicle technologies program

On page 378, strike lines 8 through 11 and insert the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1998 through 2003, to remain available until expended.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

On page 378, strike the item between lines 15 and 16 and insert the following:

"310. Advanced vehicle technologies program.".

On page 381, strike lines 4 through 6 and insert the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1998 through 2003.

"(2) AVAILABILITY.—Notwithstanding section 118(a), funds made available under paragraph (1) shall not be available in advance of an annual appropriation.".

On page 385, line 1, add "deployment of" at the end.

On page 399, line 19, strike "or" and insert "and".

On page 402, line 16, strike "and".

On page 402, line 18, strike the period and insert "; and".

On page 402, between lines 18 and 19, insert the following:

"(v) developing and implementing unobtrusive eyetracking technology.

AMENDMENT NO. 1896

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $, , ,000 for fiscal year 1998, $, , ,000 for fiscal year 1999, $, , ,000 for fiscal year 2000, $, , ,000 for fiscal year 2001, $, , ,000 for fiscal year 2002, and $, , ,000 for fiscal year 2003, of which—

(A) $, , ,000 for fiscal year 1998, $, , ,000 for fiscal year 1999, $, , ,000 for fiscal year 2000, $, , ,000 for fiscal year 2001, $, , ,000 for fiscal year 2002, and $, , ,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $, , ,000 for fiscal year 1998, $, , ,000 for fiscal year 1999, $, , ,000 for fiscal year 2000, $, , ,000 for fiscal year 2001, $, , ,000 for fiscal year 2002, and $, , ,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $, , ,000 for fiscal year 1998, $, , ,000 for fiscal year 1999, $, , ,000 for fiscal year 2000, $, , ,000 for fiscal year 2001, $, , ,000 for fiscal year 2002, and $, , ,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $, , ,000 for fiscal year 1998, $, , ,000 for fiscal year 1999, $, , ,000 for fiscal year 2000, $, , ,000 for fiscal year 2001, $, , ,000 for fiscal year 2002, and $, , ,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums made available for expenditure on the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

“(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

“(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

“(II) the total of all such vehicle miles traveled in all States.

“(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, and for the purposes specified in subparagraph (A), in the ratio that—

“(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

“(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

“(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

“(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

“(I) 20 percent of the apportionments in the ratio that—

“(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

“(II) 29 percent of the apportionments in the ratio that—

“(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

“(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

“(III) 18 percent of the apportionments in the ratio that—

“(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

“(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

“(IV) 24 percent of the apportionments in the ratio that—

“(aa) the total diesel fuel used on highways in each State; bears to

“(bb) the total diesel fuel used on highways in all States.

“(V) 9 percent of the apportionments in the ratio that—

“(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

“(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

“(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

“(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

“(ii) the total of all weighted nonattainment and maintenance area populations in all States.

“(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

“(i) 0.8 if—

“(I) at the time of the apportionment, the area is a maintenance area; or

“(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

“(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

“(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

“(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

“(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

“(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

“(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

“(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

“(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

“(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

“(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

“(3) SURFACE TRANSPORTATION PROGRAM.—

“(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

“(i) 20 percent of the apportionments in the ratio that—

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

“(ii) 30 percent of the apportionments in the ratio that—

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

“(iii) 25 percent of the apportionments in the ratio that—

“(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

“(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

“(iv) 25 percent of the apportionments in the ratio that—

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) DATA.—Each calculation under subparagraph (A) shall be based on the latest available data.

“(C) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.”.

(b) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

“(h) EFFECT OF CERTAIN DELAY IN DEPOSITS INTO HIGHWAY TRUST FUND.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.".

(c) ISTEA TRANSITION.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) APPLICABLE PERCENTAGES.—

(A) FISCAL YEAR 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 150 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) FISCAL YEARS THEREAFTER.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) MAXIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) REDISTRIBUTION OF FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) LIMITATION.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 percent as adjusted in the manner described in paragraph (2)(B).

(4) MINIMUM TRANSITION.—

(A) IN GENERAL.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) OBLIGATION.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) AUTHORIZATION OF CONTRACT AUTHORITY.—

(i) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) CONTRACT AUTHORITY.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) MINIMUM GUARANTEE.—

(1) IN GENERAL.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) ADJUSTMENT.—

"(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than ___; and

"(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

"(i) not less than the percentage specified for the State in paragraph (2); but

"(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

"(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

"State	Percentage
Alaska	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.67
Rhode Island	0.61
South Dakota	0.67
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

"(b) TREATMENT OF ALLOCATIONS.—

"(1) OBLIGATION.—Amounts allocated under subsection (a)—

"(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

"(B) shall be available for any purpose eligible for funding under this title.

"(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

"(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

"(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

"105. Minimum guarantee.".

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.".

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting "NOTIFICATION TO STATES.—" after "(e)";

(B) in the first sentence—

(i) by striking "(other than under subsection (b)(5) of this section)"; and

(ii) by striking "and research";

(C) by striking the second sentence; and

(D) in the last sentence, by striking ", except that" and all that follows through "such funds"; and

(2) in subsection (f)—

(A) by striking "(f)(1) On" and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET-ASIDE.—On";

(B) by striking "(2) These" and inserting the following:

"(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These";

(C) by striking "(3) The" and inserting the following:

"(3) USE OF FUNDS.—The"; and

(D) by striking "(4) The" and inserting the following:

"(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The".

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking ", 104(b)(2), and 104(b)(6)" and inserting "and 104(b)(3)".

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking "AFTER THE FIRST YEAR" and inserting "IN GENERAL"; and

(II) by striking ", 104(b)(2), 104(b)(5), and 104(b)(6)" and inserting "and 104(b)(3)"; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraph (1)"; and

(B) by striking subsection (b) and inserting the following:

"(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.".

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking "or 104(b)(5), as the case may be,".

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)".

(C) Section 141(c) of title 23, United States Code, is amended by striking "section 104(b)(5) of this title" each place it appears and inserting "section 104(b)(1)(A)".

(D) Section 142(c) of title 23, United States Code, is amended by striking "(other than section 104(b)(5)(A))".

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking "(5) of" each place it appears and inserting "(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of"; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking "section 104(b)(5)(A)" each place it appears and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(II) in paragraph (1)(A)(ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)";

(III) in paragraph (3)(B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)"; and

(IV) in paragraphs (3) and (4), by striking "section 104(b)(5)" each place it appears and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)".

(F) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking "sections 130, 144, and 152 of this title" and inserting "subsection (b)(1)(B) and sections 130 and 152";

(ii) in the first and second sentences—

(I) by striking "section" and inserting "provision"; and

(II) by striking "such sections" and inserting "those provisions"; and

(iii) in the third sentence—

(I) by striking "section 144" and inserting "subsection (b)(1)(B)"; and

(II) by striking "subsection (b)(1)" and inserting "subsection (b)(1)(C)".

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking "104(b)(2), 104(b)(3), 104(f), 144," and inserting "104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),"; and

(ii) in subsection (c), by striking "144,,".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "subsections (a) and (b)(1)(B) of section 104 and section 307(a)".

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking "or section 144 of this title".

(F) Section 303(g) of title 23, United States Code, is amended by striking "section 144 of this title" and inserting "section 104(b)(1)(B)".

(7) Section 142(b) of title 23, United States Code, is amended by striking "paragraph (5) of subsection (b) of section 104 of this title" and inserting "section 104(b)(1)(A)".

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking "section 104(b)(1)" and inserting "section 104(b)".

AMENDMENT NO. 1897

At the appropriate place in subtitle G of title III, insert the following:

SEC. 37 . ELIMINATION OF ESSENTIAL AIR SERVICE PROGRAM.

(a) AVAILABILITY OF SLOTS.—Section 41714 of title 49, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) ▌[[Reserved]]▐".

(b) NONHUB AIRPORT.—Section 41715(d) of title 49, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) NONHUB AIRPORT.—In this section, the term 'nonhub airport' means an airport that each year has fewer than .05 percent of total annual boardings in the United States.".

(c) ELIMINATION OF PROGRAM.—

(1) IN GENERAL.—Chapter 417 of title 49, United States Code, is amended by striking subchapter II.

(2) CONFORMING AMENDMENTS.—

(A) Section 329(b)(1) of title 49, United States Code, is amended by striking "and are not used for providing essential air transportation under subchapter II of chapter 417 of this title".

(B) Section 40117(e)(2) of title 49, United States Code, is amended—

(i) in subparagraph (A), by adding "and" at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(C) Chapter 417 of title 49, United States Code, is amended by striking the heading for subchapter I.

(D) Section 41709(b)(1)(A) of title 49, United States Code, is amended by striking "under subchapter II of this chapter or".

(E) The chapter analysis for chapter 417 of title 49, United States Code, is amended by striking the items relating to subchapter II.

CHAFEE (AND GRAHAM) AMENDMENT NO. 1898

(Ordered to lie on the table.)

Mr. CHAFEE (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 197, strike line 11 and all that follows through page 218 and insert the following:

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) In General.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"§181. Definitions

"In this subchapter:

"(1) Eligible project costs.—The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

"(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

"(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

"(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

"(2) Federal credit instrument.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

"(3) Lender.—The term 'lender' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(4) Line of credit.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

"(5) Loan guarantee.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

"(6) Local servicer.—The term 'local servicer' means—

"(A) a State infrastructure bank established under this title; or

"(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

"(7) Obligor.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

"(8) Project.—The term 'project' means any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49.

"(9) Project obligation.—The term 'project obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

"(10) Secured loan.—The term 'secured loan' means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

"(11) State.—The term 'State' has the meaning given the term in section 101.

"(12) Substantial completion.—The term 'substantial completion' means the opening of a project to vehicular or passenger traffic.

"§182. Determination of eligibility and project selection

"(a) Eligibility.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

"(1) Inclusion in transportation plans and programs.—The project—

"(A) shall be included in the State transportation plan required under section 135; and

"(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

"(2) Application.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

"(3) Eligible project costs.—

"(A) In general.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

"(i) $100,000,000; or

"(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

"(B) Intelligent transportation system projects.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

"(4) Dedicated revenue sources.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

"(5) Public sponsorship of private entities.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

"(b) Selection Among Eligible Projects.—

"(1) Establishment.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

"(2) Selection criteria.—The selection criteria shall include the following:

"(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

"(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

"(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

"(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

"(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

"(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

"(G) The extent to which the project helps maintain or protect the environment.

"(c) Federal Requirements.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

"(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

"§183. Secured loans

"(a) In General.—

"(1) Agreements.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

"(A) to finance eligible project costs; or

"(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

"(2) Limitation on refinancing of interim construction financing.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

"(b) Terms and Limitations.—

"(1) In general.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) Maximum amount.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(3) Payment.—The secured loan—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(4) Interest rate.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

"(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

"(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

"(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

"(c) REPAYMENT.—

"(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"(4) DEFERRED PAYMENTS.—

"(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

"(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

"(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

"(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

"(5) PREPAYMENT.—

"(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

"(d) SALE OF SECURED LOANS.—

"(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

"(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

"(e) LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

"(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

"§ 184. Lines of credit

"(a) IN GENERAL.—

"(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

"(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNTS.—

"(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

"(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

"(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

"(5) SECURITY.—The line of credit—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

"(7) RIGHTS OF THIRD PARTY CREDITORS.—

"(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

"(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

"(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

"(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

"(c) REPAYMENT.—

"(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"§ 185. Project servicing

"(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

"(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

"(1) shall act as the agent for the Secretary; and

"(2) may receive a servicing fee, subject to approval by the Secretary.

"(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

"(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

"§ 186. State and local permits

"The provision of financial assistance under this subchapter with respect to a project shall not—

"(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

"(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

"(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

"§ 187. Regulations

"The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

"§ 188. Funding

"(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

"(A) $60,000,000 for fiscal year 1998;

"(B) $60,000,000 for fiscal year 1999;

"(C) $90,000,000 for fiscal year 2000;

"(D) $90,000,000 for fiscal year 2001;

"(E) $115,000,000 for fiscal year 2002; and

"(F) $115,000,000 for fiscal year 2003.

"(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

"(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

"(b) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

"(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

"(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

"Fiscal year:	Maximum amount of credit:
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

"§189. Imposition of annual fee on recipients

"(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

"(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

"(c) APPLICABLE PERCENTAGE.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

"(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

"(2) any fiscal year after 2003, 0.5144 percent.

"(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

"(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

"§190. Report to Congress

"Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

"(1) by continuing the program under the authority of the Secretary;

"(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

"(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.".

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before "Sec." the following:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(B) by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"181. Definitions.
"182. Determination of eligibility and project selection.
"183. Secured loans.
"184. Lines of credit.
"185. Project servicing.
"186. State and local permits.
"187. Regulations.
"188. Funding.
"189. Imposition of annual fee on recipients.
"190. Report to Congress.";

and

(2) by inserting before section 101 the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.".

(b) OFFICE OF INFRASTRUCTURE FINANCE.—

(1) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§113. Office of Infrastructure Finance

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

"(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

"(c) FUNCTIONS.—The Director shall be responsible for—

"(1) carrying out the responsibilities of the Secretary described in section 301(9);

"(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

"(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"113. Office of Infrastructure Finance.".

CHAFEE AMENDMENT NO. 1899

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the end of the amendment, add the following:

"(7) ADJUSTMENT TO OTHER MINIMUM GUARANTEE AMOUNT.—Notwithstanding section 105 of title 23, for each fiscal year, the amount to be allocated to a State under section 105(a)(1)(B) of that title shall be reduced by any amount made available to the State under this subsection.".

(b) DISTRIBUTION OF EXCESS FUNDS.—For each fiscal year, the amount of budgetary savings resulting from adoption of the amendment proposed by ________ (No. ____) shall be apportioned among the States so that the amount apportioned to each State is equal to the product obtained by multiplying—

(1) the amount of the budgetary savings for the fiscal year; by

(2) the State's percentage of the amounts made available under this Act and title 23, United States Code, for the fiscal year.

CHAFEE (AND OTHERS) AMENDMENT NO. 1900

(Ordered to lie on the table.)

Mr. CHAFEE (for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. GRAMM, Mr. BAUCUS, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 136, after line 22, add the following:

SEC. 11 . ADDITIONAL FUNDING.

(a) IN GENERAL.—

(1) APPORTIONMENT.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion, in accordance with paragraph (2), the funds made available by paragraph (3) among the States in the ratio that—

(A) the total of the apportionments to each State under section 104 of title 23, United States Code, and section 1102(c) of this Act and the allocations to each State under section 105(a) of that title (excluding amounts made available under this section); bears to

(B) the total of all apportionments to all States under section 104 of that title and section 1102(c) of this Act and all allocations to all States under section 105(a) of that title (excluding amounts made available under this section).

(2) DISTRIBUTION AMONG CATEGORIES.—

(A) LIMITED FLEXIBLE FUNDING FOR CERTAIN STATES.—For each fiscal year, in the case of each State that does not receive funding under subsection (c) or an allocation under subsection (d), an amount equal to 22 percent of the funds apportioned to the State under paragraph (1) shall be set aside for use by the State for any purpose eligible for funding under title 23, United States Code, or this Act.

(B) DISTRIBUTION OF REMAINING FUNDS.—

(i) IN GENERAL.—For each fiscal year, after application of subparagraph (A), the remaining funds apportioned to each State under paragraph (1) shall be apportioned in accordance with clause (ii) among the following categories:

(I) The Interstate maintenance component of the Interstate and National Highway System program under section 104(b)(1)(A) of title 23, United States Code.

(II) The Interstate bridge component of the Interstate and National Highway System program under section 104(b)(1)(B) of that title.

(III) The National Highway System component of the Interstate and National Highway System program under section 104(b)(1)(C) of that title.

(IV) The congestion mitigation and air quality improvement program under section 104(b)(2) of that title.

(V) The surface transportation program under section 104(b)(3) of that title.

(VI) Metropolitan planning under section 104(f) of that title.

(VII) Minimum guarantee under section 105 of that title.

(VIII) ISTEA transition under section 1102(c) of this Act.

(ii) DISTRIBUTION FORMULA.—For each State and each fiscal year, the amount of funds apportioned for each category under clause (i) shall be equal to the product obtained by multiplying—

(I) the amount of funds apportioned to the State for the fiscal year under paragraph (1); by

(II) the ratio that—

(aa) the amount of funds apportioned to the State for the category for the fiscal year under the other sections of this Act and the amendments made by this Act; bears to

(bb) the total amount of funds apportioned to the State for all of the categories for the fiscal year under the other sections of this Act and the amendments made by this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $454,000,000 for fiscal year 1998, $3,351,000,000 for fiscal year 1999, $3,640,000,000 for fiscal year 2000, $3,895,000,000 for fiscal year 2001, $3,867,000,000 for fiscal year 2002, and $3,640,000,000 for fiscal year 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(b) OTHER ADJUSTMENTS.—

(1) IN GENERAL.—Notwithstanding sections 1116, 1117, and 1118, and the amendments made by those sections—

(A) in addition to the amounts authorized to be appropriated under section 1116(d)(5), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 1116(d) $90,000,000 for each of fiscal years 1999 through 2003; and

(B) in addition to the funds made available under the amendment made by section 1117(d), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) in the manner described in, and to carry out the purposes specified in, that amendment $378,000,000 for each of fiscal years 1999 through 2003, except that the funds made available under this subparagraph, notwithstanding section 118(e)(1)(C)(v) of title 23, United States Code, and section 201(g)(1)(B) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(2) CONTRACT AUTHORITY.—Funds authorized under subparagraphs (A) and (B) of paragraph (1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATION.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(c) HIGH DENSITY TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—There is established the high density transportation program (referred to in this subsection as the "program") to provide funding to States that have higher-than-average population density.

(2) DETERMINATIONS.—

(A) IN GENERAL.—On October 1, or as soon as practicable thereafter, of each of fiscal years 1999 through 2003, the Secretary shall determine for each State and the fiscal year—

(i) the population density of the State;

(ii) the total vehicle miles traveled on lanes on Federal-aid highways in the State during the latest year for which data are available;

(iii) the ratio that—

(I) the total lane miles on Federal-aid highways in urban areas in the State; bears to

(II) the total lane miles on all Federal-aid highways in the State; and

(iv) the quotient obtained by dividing—

(I) the sum of—

(aa) the amounts apportioned to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program;

(bb) the amounts allocated to the State under the minimum guarantee program under section 105 of that title; and

(cc) the amounts apportioned to the State under section 1102(c) of this Act for ISTEA transition; by

(II) the population of the State (as determined based on the latest available annual estimates prepared by the Secretary of Commerce).

(B) NATIONAL AVERAGE.—Using the data determined under subparagraph (A), the Secretary shall determine the national average with respect to each of the factors described in clauses (i) through (iv) of subparagraph (A).

(3) ELIGIBILITY CRITERIA.—A State shall be eligible to receive funding under the program if—

(A) the amount determined for the State under paragraph (2)(A) with respect to each factor described in clauses (i) through (iii) of paragraph (2)(A) is greater than the national average with respect to the factor determined under paragraph (2)(B); and

(B) the amount determined for the State with respect to the factor described in paragraph (2)(A)(iv) is less than 85 percent of the national average with respect to the factor determined under paragraph (2)(B).

(4) DISTRIBUTION OF FUNDS.—

(A) AVAILABILITY TO STATES.—For each fiscal year, except as provided in subparagraph (D), each State that meets the eligibility criteria under paragraph (3) shall receive a portion of the funds made available to carry out the program that is—

(i) not less than $36,000,000; but

(ii) not more than 15 percent of the funds.

(B) STATE NOTIFICATION.—On October 1, or as soon as practicable thereafter, of each fiscal year, the Secretary shall notify each State that meets the eligibility criteria under paragraph (3) that the State is eligible to apply for funding under the program.

(C) PROJECT PROPOSALS.—

(i) SUBMISSION.—

(I) IN GENERAL.—After receipt of a notification of eligibility under subparagraph (B), to receive funds under the program, a State, in consultation with the appropriate metropolitan planning organizations, shall submit to the Secretary proposals for projects aimed at improving mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(II) TOTAL COST OF PROJECTS.—The estimated total cost of the projects proposed by each State shall be equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A).

(ii) SELECTION.—The Secretary shall select projects for funding under the program based on factors determined by the Secretary to reflect the degree to which a project will improve mobility in densely populated areas where traffic loads and highway maintenance costs are high.

(iii) DEADLINES.—The Secretary may establish deadlines for States to submit project proposals, except that in the case of fiscal year 1998 the deadline may not be earlier than July 1, 1998.

(D) REDISTRIBUTION OF FUNDS.—For each fiscal year, if a State does not have pending, by the deadline established under subparagraph (C)(iii), applications for projects with an estimated total cost equal to at least 3 times the amount that the State is eligible to receive under subparagraph (A), the Secretary may redistribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount that the State is eligible to receive.

(5) OTHER ELIGIBLE STATES.—In addition to States that meet the eligibility criteria under paragraph (3), a State with respect to which the following conditions are met shall also be eligible for the funds made available to carry out the program that remain after each State that meets the eligibility criteria under paragraph (3) has received the minimum amount of funds specified in paragraph (4)(A)(i):

(A) POPULATION DENSITY.—The population density of the State is greater than the population density of the United States.

(B) THROUGH TRUCK TRAFFIC.—The quotient obtained by dividing—

(i) the annual quantity of through truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary); by

(ii) the annual quantity of total truck ton-miles in the State (as determined based on the latest available estimates published by the Secretary);

is greater than 0.60.

(6) ELIGIBLE PROJECTS.—Funds made available to carry out the program may be used for any project eligible for funding under title 23, United States Code, or this Act.

(7) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $360,000,000 for each of fiscal years 1999 through 2003.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(8) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(d) BONUS PROGRAM.—

(1) IN GENERAL.—For each of fiscal years 1998 through 2003, after making apportionments and allocations under section 1102 and the amendments made by that section, the Secretary shall allocate to each of the States listed in the following table the amount specified for the State in the following table:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$4,969	$11,021	$11,093	$11,169	$11,253	$11,352
Arizona	$3,864	$14,418	$14,474	$14,533	$14,598	$14,676
California	$10,353	$47,050	$48,691	$48,094	$39,345	$35,119
Florida	$11,457	$30,175	$30,342	$30,518	$30,710	$30,940
Georgia	$8,723	$19,347	$19,474	$19,608	$19,754	$19,930
Illinois	$8,277	$21,800	$21,921	$22,048	$22,187	$22,353
Indiana	$6,052	$22,580	$22,668	$22,761	$22,862	$22,984
Kentucky	$4,316	$9,573	$9,636	$9,703	$9,775	$9,862
Maryland	$3,749	$4,202	$4,257	$4,314	$4,377	$4,452
Michigan	$7,849	$29,286	$29,400	$29,521	$29,652	$29,810
North Carolina	$7,032	$15,597	$15,700	$15,808	$15,925	$16,067
Ohio	$8,567	$9,601	$9,726	$9,858	$10,001	$10,173
Pennsylvania	$5,409	$4,174	$60	$0	$0	$0
South Carolina	$3,953	$12,966	$13,023	$13,084	$13,150	$13,230
Tennessee	$5,631	$12,490	$12,572	$12,658	$12,752	$12,866
Texas	$17,129	$63,908	$64,157	$64,421	$64,707	$65,052
Virginia	$6,368	$14,124	$14,217	$14,315	$14,421	$14,549
Wisconsin	$4,520	$16,864	$16,929	$16,999	$17,075	$17,165

(2) ELIGIBLE PURPOSES.—Amounts allocated under paragraph (1) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(3) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(4) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(e) FEDERAL LANDS HIGHWAYS PROGRAM.—

(1) IN GENERAL.—In addition to the amounts made available under section 1101(4), there shall be available from the Highway Trust Fund (other than the Mass Transit Account)—

(A) for Indian reservation roads under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003;

(B) for parkways and park roads under section 204 of title 23, United States Code, $70,000,000 for each of fiscal years 1999 through 2003, of which $20,000,000 for each fiscal year shall be available to maintain and improve public roads that provide access to or within units of the National Wildlife Refuge System; and

(C) for public lands highways under section 204 of title 23, United States Code, $50,000,000 for each of fiscal years 1999 through 2003.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this subsection.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) LIMITATIONS.—

(A) APPLICABILITY OF OBLIGATION LIMITATIONS.—Funds made available under this subsection shall be subject to subparagraphs (A) and (B) of section 118(e)(1) of that title.

(B) LIMITATION ON AVAILABILITY.—No obligation authority shall be made available for any amounts authorized under this subsection for any fiscal year for which any obligation limitation established for Federal-aid highways is equal to or less than the obligation limitation established for fiscal year 1998.

(f) PREFERENCE IN INTERSTATE 4R AND BRIDGE DISCRETIONARY PROGRAM ALLOCATIONS.—In allocating funds under section

104(k) of title 23, United States Code, the Secretary shall give preference to States—

(1) with respect to which at least 45 percent of the bridges in the State are functionally obsolete and structurally deficient; and

(2) that do not receive assistance made available under subsection (b)(1)(B) or funding under subsection (c).

On page 97, line 22, strike "and".

On page 97, strike line 25 and insert the following:

project;

(C) provides for the safe and efficient movement of goods along and within international or interstate trade corridors; and

(D) provides for the continued planning and development of trade corridors.

On page 98, between lines 21 and 22, insert the following:

(D) the extent to which truck-borne commodities move through each State and internationally;

On page 98, line 22, strike "(D)" and insert "(E)".

On page 99, line 1, strike "(E)" and insert "(F)".

On page 98, line 10, strike "(F)" and insert "(G)".

On page 98, line 13, strike "(G)" and insert "(H)".

On page 98, line 15, strike "(H)" and insert "(I)".

On page 98, line 19, strike "(I)" and insert "(J)".

On page 98, line 23, strike "(J)" and insert "(K)".

On page 99, line 24, insert ", trade corridor development," before "and".

CHAFEE AMENDMENTS NOS. 1901–1902

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1901

On page 337, in the table of contents after line 6, after the item relating to section 512, insert the following:

"513. Program to identify opportunities for cost-effective greenhouse gas emissions reductions.

On page 381, strike line 7 and insert the following:

SEC. 2018. PROGRAM TO IDENTIFY OPPORTUNITIES FOR COST-EFFECTIVE GREENHOUSE GAS EMISSIONS REDUCTIONS.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

"§ 513. Program to identify opportunities for cost-effective greenhouse gas emissions reductions

"(a) PROGRAM.—The Secretary shall carry out a program to identify—

"(1) opportunities for cost-effective reductions in greenhouse gas emissions from the transportation sector, through the use of measures involving technology and measures not involving technology; and

"(2) opportunities to attract new funding to transportation for investments designed to yield cost-effective greenhouse gas emissions reductions.

"(b) REPORT.—Not earlier than 1 year after the date of enactment of this section, and periodically thereafter, the Secretary shall report to Congress and the President on the results of the program.

"(c) RESEARCH AND ANALYSIS.—In carrying out this chapter and chapter 52 of title 49, the Secretary shall ensure that the research and analysis necessary to fulfill the requirements of this subsection are carried out.

"(d) FUNDING.—For each of fiscal years 1998 through 2003, the Secretary shall make available to carry out this subsection not less than $2,000,000 of the funds made available under section 541(a).".

SEC. 2019. CONFORMING AMENDMENTS.

On page 415, line 11, strike "and 511" and insert "511, and 513".

AMENDMENT NO. 1902

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 14, strike the table after line 20 and insert the following:

State	Fiscal Year (amounts in thousands of dollars)					
	1998	1999	2000	2001	2002	2003
Alabama	$11,280	$12,724	$12,749	$12,677	$12,205	$12,249
Arizona	$8,773	$9,896	$9,915	$9,859	$9,492	$9,526
California	$39,172	$45,397	$46,817	$45,546	$34,248	$29,744
Florida	$26,009	$29,339	$29,397	$29,231	$28,142	$28,242
Georgia	$19,803	$22,338	$22,382	$22,255	$21,426	$21,503
Illinois	$18,790	$21,196	$21,238	$21,118	$20,331	$20,404
Indiana	$13,739	$15,498	$15,529	$15,441	$14,866	$14,919
Kentucky	$9,799	$11,053	$11,075	$11,012	$10,602	$10,640
Maryland	$8,512	$9,601	$9,620	$9,566	$9,210	$9,242
Michigan	$17,819	$20,100	$20,140	$20,026	$19,281	$19,349
North Carolina	$15,964	$18,008	$18,044	$17,942	$17,274	$17,335
Ohio	$19,448	$21,938	$21,981	$21,857	$21,043	$21,118
Pennsylvania	$17,273	$17,586	$13,394	$9,647	$6,299	$6,770
South Carolina	$8,975	$10,124	$10,144	$10,087	$9,711	$9,746
Tennessee	$12,784	$14,420	$14,449	$14,367	$13,832	$13,881
Texas	$38,886	$43,864	$43,951	$43,702	$42,074	$42,225
Virginia	$14,457	$16,307	$16,340	$16,247	$15,642	$15,698
Wisconsin	$10,261	$11,574	$11,597	$11,532	$11,102	$11,142

MACK AMENDMENTS NOS. 1903–1910

(Ordered to lie on the table.)

Mr. MACK submitted eight amendments intended to be proposed by him to amendment No. 1676 by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Amendment No. 1903

On page 136, after line 22, strike the section added by Chafee Amendment No. 1684 and insert the following:

SEC. 1128. ADDITIONAL FUNDING.

(a) In General.—On October 1, or as soon as practicable thereafter, of each fiscal year, after making apportionments and allocations under sections 104 and 105(a) of title 23, United States Code, and section 1102(c) of this Act, the Secretary shall apportion the funds made available by subsection (c) among the States in the ratio that—

(1) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

(2) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

(b) Eligible Purposes.—Amounts allocated under subsection (a) shall be available for any purpose eligible for funding under title 23, United States Code, or this Act.

(c) Authorization of Contract Authority.—

(1) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $770,000,000 for fiscal year 1998, $4,705,000,000 for fiscal year 1999, $4,992,000,000 for fiscal year 2000, $5,240,000,000 for fiscal year 2001, $5,173,000,000 for fiscal year 2002, and $4,953,000,000 for fiscal year 2003.

(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

Amendment No. 1904

At the end of the title entitled "Revenue", add the following:

SEC. ___. STATE ELECTION TO REDUCE THE FEDERAL FUEL TAX RATE BY 4.3 CENTS WITH A CORRESPONDING REDUCTION IN AMOUNTS TRANSFERRED TO THE STATE FROM THE HIGHWAY TRUST FUND.

(a) State Election.—

(1) In general.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

"(f) State Election To Reduce By 4.3-Cents the Transportation Motor Fuels Excise Tax.—

"(1) In general.—With respect to any taxpayer in a State described in paragraph (6) during the State's election period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

"(2) Rates of tax.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

"(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

"(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

"(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

"(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

"(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

"(3) Comparable treatment for compressed natural gas.—No tax shall be imposed by section 4041(a)(3) on any sale or use by any taxpayer in a State described in paragraph (6) during the State's election period.

"(4) Comparable treatment under certain refund rules.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon with respect to any taxpayer in a State described in paragraph (6) during the State's election period.

"(5) Coordination with mass transit account.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon with respect to any taxpayer in a State described in paragraph (6) during the State's election period.

"(6) Electing state.—

"(A) In general.—A State is described in this paragraph if the State makes an election described in subparagraph (B) to have this subsection apply to each fiscal year during the State's election period and to have the Secretary of Transportation make a corresponding reduction in the amounts transferred to the State from the Highway Trust Fund for such year.

"(B) Requirements for election.—An election is described in this subparagraph if—

"(i) such election is made by a State at least 180 days before the first fiscal year with respect to which the election applies; and

"(ii) such election is submitted to the Secretary in such form and manner as the Secretary prescribes.

"(C) Election period.—The term 'election period' means the period beginning with the fiscal year determined under subparagraph (B)(i) and ending on the last day of the fiscal year in which a termination of such election is made by the State.".

(2) Effective date.—The amendment made by this section shall take effect on the date of enactment of this Act.

(b) Floor Stock Refunds.—

(1) In general.—If—

(A) before the tax reduction date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) Time for filing claims.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax reduction date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) Exception for fuel held in retail stocks.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) Definitions.—For purposes of this subsection—

(A) the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer, and

(B) the term "tax reduction date" means the first day of the State's election period under section 4081(f)(6)(C) of such Code.

(5) Certain rules to apply.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) Floor Stocks Taxes.—

(1) Imposition of tax.—In the case of fuel on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before the tax-increase date described in paragraph (3)(A)(i) and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(2) Liability for tax and method of payment.—

(A) Liability for tax.—A person holding aviation fuel on a tax-increase date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) Method of payment.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary of the Treasury shall prescribe.

(C) Time for payment.—The tax imposed by paragraph (1) with respect to any tax-increase date shall be paid on or before the first day of the 7th month beginning after such tax-increase date.

(3) Definitions.—For purposes of this subsection—

(A) Tax-increase date.—The term "tax-increase date" means the day following the end of a State's election period under section 4081(f)(6)(C) of such Code.

(B) Held by a person.—Aviation fuel shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(4) Other law applicable.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 or 4091 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081 or 4091.

(d) Effective Date Contingent Upon Certification of Deficit Neutrality.—

(1) Purpose.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the "Director") certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) Effective date contingency.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

AMENDMENT NO. 1905

At the end of the title entitled "Revenue", add the following:

SEC. . REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.

(a) REPEAL.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

"(f) REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.—

"(1) IN GENERAL.—Each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

"(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

"(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

"(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

"(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

"(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

"(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

"(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

"(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.".

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2000.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2000, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2001, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2000—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2001, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the "Director") certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

AMENDMENT NO. 1906

At the end of the title entitled "Revenue", add the following:

SEC. ___. REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.

(a) REPEAL.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

"(f) REPEAL OF 4.3-CENT TRANSPORTATION MOTOR FUELS EXCISE TAX TRANSFERRED TO THE HIGHWAY TRUST FUND BY THE TAXPAYER RELIEF ACT OF 1997.—

"(1) IN GENERAL.—Each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

"(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

"(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

"(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

"(E) section 4041(c)(3) (relating to gasoline used in noncommercial aviation), and

"(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

"(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

"(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—Each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

"(5) COORDINATION WITH MASS TRANSIT ACCOUNT.—The rate of tax specified in section 9503(e)(2) shall be reduced by .85 cent per gallon.".

(2) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the date of enactment of this Act, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the date of enactment of this Act, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the date of enactment of this Act—

(i) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the "Director") certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

AMENDMENT NO. 1907

On page 136, after line 22, in the section added by Chafee Amendment No. 1684 on page 6, strike lines 10 through 24.

AMENDMENT NO. 1908

Beginning on page 105, strike line 1 and all that follows through page 106, line 3.

AMENDMENT NO. 1909

On page 106, strike line 3 and insert the following:

(a).".

(e) USE OF FUNDS.—Notwithstanding the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) or any other provision of law, funds made available to construct the Appalachian development highway system under the amendment made by subsection (d), under section 1128(b), or under any other provision of law shall be apportioned in accordance with section 104(b)(1)(C) of title 23, United States Code, and shall be available for any project on the National Highway System that is eligible for funding under that title.

AMENDMENT NO. 1910

At the end of title entitled "Revenue", add the following:

SEC. ___. CORE PROGRAM STATES.

(a) DEFINITIONS.—In this section:

(1) CORE HIGHWAY PROGRAMS.—The term "core highway programs" means the following programs:

(A) The Interstate maintenance program under section 119 of title 23, United States Code, as in effect on the day before the date of enactment of this Act.

(B) Highway bridge replacement and rehabilitation (excluding off-System bridges) under section 144 of that title, as in effect on the day before the date of enactment of this Act.

(C)(i) Indian reservation roads under section 204 of that title.

(ii) Public lands highways under section 204 of that title.

(iii) Parkways and park roads under section 204 of that title.

(D) Highway safety programs under section 402 of that title.

(E) Highway safety research and development under section 403 of that title.

(F) Motor carrier safety grants under section 31104 of title 49, United States Code.

(G) Metropolitan planning under section 104(f) of title 23, United States Code.

(H) National defense highways under section 311 of that title.

(I) Emergency relief under section 125 of that title.

(2) CORE PROGRAM STATE.—The term "core program State" means a State which makes an election under this section.

(3) ELECTION PERIOD.—The term "election period" means the period beginning with the fiscal year determined under subsection (c)(1) and ending not later than with fiscal year 2003.

(4) Highway account.—The term "Highway Account" means the portion of the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986 which is not the Mass Transit Account.

(5) Mass transit account.—The term "Mass Transit Account" means the Mass Transit Account established under section 9503(e) of the Internal Revenue Code of 1986.

(6) Surface transportation.—The term "surface transportation" includes mass transit and rail.

(b) Election To Become a Core Program State.—Each State which makes an election described in subsection (c) shall be eligible with respect to each fiscal year during the State's election period for—

(1) a core highway programs payment; and

(2) a non-core highway programs block grant,

in lieu of any other payment from the Highway Account authorized under any provision of, or amendment made by, this Act.

(c) Requirements for Election.—An election is described in this subsection if—

(1) such election is made by a State at least 180 days before the first fiscal year with respect to which the election applies;

(2) such election is made by a State that certifies that such State has a metropolitan planning organization established under section 134 of title 23, United States Code, and that such organization will maintain a system for processing funds received by the State under this section throughout the election period; and

(3) such election is submitted to the Secretary in such form and manner as the Secretary prescribes.

(d) Determination and Use of Core Highway Programs Payment.—

(1) Determination of amount of payment.—

(A) In general.—Subject to subparagraph (B), the Secretary shall determine for each fiscal year the payment necessary to meet the commitments of core highway programs for each core program State.

(B) Limitations.—

(i) General rule.—Any payment under subparagraph (A) for any fiscal year for any particular core highway program for a core program State shall be subject to—

(I) except with respect to core highway programs described in subparagraphs (G), (H), and (I) of subsection (a)(1), the funding level for such program for such year under clause (ii) in lieu of the funding level for such program for such year under this Act and the amendments made by this Act, and

(II) the annual obligation limitation for such program for such year imposed under any provision of law.

(ii) Special funding levels.—For purposes of clause (i), the funding levels for core highway programs are as follows:

(A) For the Interstate maintenance program, $5,000,000,000 for fiscal year 1998, $5,100,000,000 for fiscal year 1999, $5,300,000,000 for fiscal year 2000, $5,400,000,000 for fiscal year 2001, $5,600,000,000 for fiscal year 2002, and $5,800,000,000 for fiscal year 2003.

(B) For highway bridge replacement and rehabilitation, $1,183,000,000 for fiscal year 1998, $1,217,000,000 for fiscal year 1999, $1,251,000,000 for fiscal year 2000, $1,286,000,000 for fiscal year 2001, $1,321,000,000 for fiscal year 2002, and $1,358,000,000 for fiscal year 2003.

(C)(i) For Indian reservation roads, $197,000,000 for fiscal year 1998, $202,000,000 for fiscal year 1999, $208,000,000 for fiscal year 2000, $214,000,000 for fiscal year 2001, $220,000,000 for fiscal year 2002, and $225,000,000 for fiscal year 2003.

(ii) For public lands highways, $177,000,000 for fiscal year 1998, $182,000,000 for fiscal year 1999, $187,000,000 for fiscal year 2000, $192,000,000 for fiscal year 2001, $197,000,000 for fiscal year 2002, and $202,000,000 for fiscal year 2002.

(iii) For parkways and park roads, $86,000,000 for fiscal year 1998, $89,000,000 for fiscal year 1999, $91,000,000 for fiscal year 2000, $94,000,000 for fiscal year 2001, $97,000,000 for fiscal year 2002, and $101,000,000 for fiscal year 2003.

(D) For highway safety programs, $171,000,000 for each of fiscal years 1998 through 2003.

(E) For highway safety research and development, $44,000,000 for each of fiscal years 1998 through 2003.

(F) For motor carrier safety grants, not more than $90,000,000 for each of fiscal years 1998 through 2003.

(2) Use of payment.—

(A) In general.—The core highway programs payment for any core program State shall be available, as provided by appropriation Acts, to the State for any core highway program purpose in such State.

(B) Transferability of funds.—To the extent that a core program State determines that funds made available under this subsection to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation purpose in the State.

(f) Determination and Use of Non-Core Highway Programs Block Grant.—

(1) Determination of amount of block grant.—Subject to subsection (g), the amount of the non-core highway programs block grant for any core program State for any fiscal year is equal to the excess of—

(A) the amount of taxes transferred to the Highway Account for such fiscal year which is attributable to highway users in that State as determined by the Secretary of the Treasury (taking into account proper reductions for uses of such taxes for purposes other than the Federal-aid highway program); over

(B) the core highway programs payment to such State for such fiscal year, as determined under subsection (d).

(2) Use of block grant.—The non-core highway programs block grant for any core program State shall be available, as provided by appropriation Acts, to the State for any surface transportation purpose in such State. Any project carrying out such a purpose shall be exempt from any Federal regulation other than with respect to health and safety standards and practices.

(g) Election To Reduce Federal Fuel Tax Rate With Corresponding Reduction in Block Grant.—

(1) In general.—With respect to fiscal years beginning after the satisfaction year and ending with the termination of the election period, a core program State may notify the Secretary (in the same manner as the election described in subsection (c)) of an election to have imposed on highway users in the State the State's core highway programs financing rate with respect to the taxes transferred to the Highway Account which are attributable to such highway users in lieu of the tax rates otherwise established in the Internal Revenue Code of 1986 for such fiscal years.

(2) Determination of core highway programs financing rate.—

(A) In general.—Upon notification by the Secretary of an election by a core program State under paragraph (1), the Secretary of the Treasury shall determine for each subsequent fiscal year such State's core highway programs financing rate, taking into account—

(A) the amount of taxes necessary to fund that State's core highway programs payment for such fiscal year;

(B) the uses of the taxes described in paragraph (1) for purposes other than the Federal-aid highway program for such fiscal year;

(C) any adjustments necessary as a result of a determination under this paragraph for a preceding fiscal year; and

(D) the rates with respect to such taxes otherwise imposed under the Internal Revenue Code of 1986 for such fiscal year.

(B) Report.—Not later than August 1, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that describes the determination required under subparagraph (A).

(C) Congressional approval required.—The Secretary of the Treasury shall not implement the determination required to be included in the report submitted under subparagraph (B) unless a joint resolution is enacted, in accordance with subparagraph (D), approving such determination before the following October 1.

(D) Congressional consideration.—

(i) Terms of the resolution.—For purposes of subparagraph (C), the term "joint resolution" means only a joint resolution that is introduced before October 1 and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: "That Congress approves the determination of the Secretary of the Treasury regarding the imposition of the core highway programs rate for the State of submitted on ", the blank spaces being filled in with the appropriate State and date, respectively; and

(III) the title of which is as follows: "Joint resolution approving the determination of the Secretary of the Treasury regarding the imposition of a core highway programs rate.".

(ii) Referral.—A resolution described in clause (i) that is introduced—

(I) in the House of Representatives, shall be referred to the Committee on Ways and Means; and

(II) in the Senate, shall be referred to the Committee on Finance.

(iii) Discharge.—If a committee to which a resolution described in clause (i) is referred has not reported such resolution by the end of the 30-day period beginning on the date on which the Secretary of the Treasury submits the report required under subparagraph (B), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(iv) Consideration.—Within 30 days after the date on which the committee to which a resolution described in clause (i) has reported, or has been discharged from further consideration of such resolution, such resolution shall be considered in the same manner as a resolution is considered under subsections (d), (e), and (f) of section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(3) Satisfaction year.—For purposes of paragraph (1), the term "satisfaction year" means the fiscal year during which all Federal non-core highway program obligations of a core program State payable from the

Highway Account existing on the date of the election by such State described in subsection (b) are paid.

(h) Election To Become a Non-Mass Transit Account State.—

(1) In general.—A core program State or any other State may notify the Secretary (in the same manner as the election described in subsection (c)) of an election to receive with respect to each fiscal year during the State's election period a non-Mass Transit Account block grant, in lieu of any other payment from the Mass Transit Account authorized under any provision of, or amendment made by, this Act. An election under this subsection shall not affect a State's continued eligibility for revenues provided through the general fund of the Treasury for transit programs.

(2) Determination and use of non-mass transit account block grant.—

(A) Determination of amount of block grant.—Subject to paragraph (3), the amount of the non-Mass Transit Account block grant for any State for any fiscal year is equal to the amount of taxes transferred to the Mass Transit Account for such fiscal year which is attributable to highway users in that State as determined by the Secretary of the Treasury.

(B) Use of block grant.—The non-Mass Transit Account block grant for any State shall be available, as provided by appropriation Acts, to the State for any surface transportation purpose in such State. Any project carrying out such a purpose shall be exempt from any Federal regulation other than with respect to health and safety standards and practices.

(3) Election to eliminate mass transit fuel tax rate with corresponding elimination of block grant.—

(A) In general.—With respect to fiscal years beginning after the satisfaction year and ending with the termination of the election period, a State which has made an election under paragraph (1) may notify the Secretary (in the same manner as such an election) of an election to eliminate the financing rate with respect to the taxes transferred to the Mass Transit Account which are attributable to the highway users of the State in lieu of the non-Mass Transit Account block grant for such fiscal years.

(B) Elimination of mass transit fuel tax rate.—

(i) In general.—Upon notification by the Secretary of an election by a State under subparagraph (A), the Secretary of the Treasury shall, not later than August 1, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that notifies the committees of such an election.

(ii) Congressional approval required.—The Secretary of the Treasury shall not implement the election included in the report submitted under clause subparagraph (A) unless a joint resolution is enacted, in accordance with subparagraph (C), approving such election before the following October 1.

(C) Congressional consideration.—

(i) Terms of the resolution.—For purposes of subparagraph (B), the term "joint resolution" means only a joint resolution that is introduced before October 1 and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: "That Congress approves the elimination of the mass transit fuel tax rate for the State of   submitted on   ", the blank spaces being filled in with the appropriate State and date, respectively; and

(III) the title of which is as follows: "Joint resolution approving the elimination of the mass transit fuel tax rate.".

(ii) Consideration.—A resolution described in clause (i) shall be considered in the same manner as a resolution is considered under clauses (ii), (iii), and (iv) of subsection (g)(2)(D).

(3) Satisfaction year.—For purposes of paragraph (1), the term "satisfaction year" means the fiscal year during which all Federal transit program obligations of a State payable from the Mass Transit Account existing on the date of the election by such State described in paragraph (1) are paid.

(i) Enforcement.—If the Secretary determines that a core program State (or any other State under subsection (h)(2)(B)) has used funds under this section for a purpose that is not a surface transportation purpose, the amount of the improperly used funds shall be deducted from any amount the State would otherwise receive from the Highway Account for the fiscal year that begins after the date of the determination.

(j) Reports.—

(1) Annual state assessment.—A core program State shall—

(A) assess the operation of the State surface transportation program funded under this section in each fiscal year, including the status of the core highway programs in the State; and

(B) report to the Secretary, by January 1 following the end of the fiscal year, on the result of the assessment.

(2) Report of the secretary.—The Secretary shall submit to the appropriate committees of Congress an annual report and evaluation of the State surface transportation programs funded under this section based on the State assessments and reports submitted under paragraph (1). Such report shall include any conclusions and recommendations that the Secretary considers appropriate.

(k) Interstate Surface Transportation Compacts.—

(1) Definitions.—In this subsection:

(A) Infrastructure bank.—The term "infrastructure bank" means a surface transportation infrastructure bank established under an interstate compact under paragraph (2)(E) and described in paragraph (4).

(B) Participating states.—The term "participating States" means the States that are parties to an interstate compact entered into under paragraph (2).

(C) Surface transportation project.—The term "surface transportation project" means a surface transportation project, program, or activity described in paragraph (2).

(2) Consent of congress.—In order to increase public investment, attract needed private investment, and promote an intermodal transportation network, Congress grants consent to States to enter into interstate compacts to—

(A) promote the continuity, quality, and safety of the Interstate System (as defined in section 101 of title 23, United States Code);

(B) develop programs to promote and fund surface transportation safety initiatives and establish surface transportation safety standards for the participating States;

(C) conduct long-term planning for surface transportation infrastructure in the participating States;

(D) develop design and construction standards for infrastructure described in subparagraph (C) to be used by the participating States; and

(E) establish surface transportation infrastructure banks to promote regional or other multistate investment in infrastructure described in subparagraph (C).

(3) Financing.—An interstate compact established by participating States under paragraph (2) to carry out a surface transportation project may provide that, in order to carry out the compact, the participating States may—

(A) accept contributions from a unit of State or local government or a person;

(B) use any Federal or State funds made available for that type of surface transportation project;

(C) on such terms and conditions as the participating States consider advisable—

(i) borrow money on a short-term basis and issue notes for the borrowing; and

(ii) issue bonds; and

(D) obtain financing by other means permitted under Federal or State law, including surface transportation infrastructure banks under paragraph (4).

(4) Infrastructure banks.—

(A) In general.—An infrastructure bank may—

(i) make loans;

(ii) under the joint or separate authority of the participating States with respect to the infrastructure bank, issue such debt as the infrastructure bank and the participating States determine appropriate; and

(iii) provide other assistance to public or private entities constructing, or proposing to construct or initiate, surface transportation projects.

(B) Forms of assistance.—

(i) In general.—An infrastructure bank may make a loan or provide other assistance described in clause (iii) to a public or private entity in an amount equal to all or part of the construction cost, capital cost, or initiation cost of a surface transportation project.

(ii) Subordination of assistance.—The amount of any loan or other assistance described in clause (iii) that is received for a surface transportation project under this subsection may be subordinated to any other debt financing for the surface transportation project.

(iii) Other assistance.—Other assistance referred to in clauses (i) and (ii) includes any use of funds for the purpose of—

(I) credit enhancement;

(II) a capital reserve for bond or debt instrument financing;

(III) bond or debt instrument financing issuance costs;

(IV) bond or debt issuance financing insurance;

(V) subsidization of interest rates;

(VI) letters of credit;

(VII) any credit instrument;

(VIII) bond or debt financing instrument security; and

(IX) any other form of debt financing that relates to the qualifying surface transportation project.

(C) No obligation of united states.—

(i) In general.—The establishment under this subsection of an infrastructure bank does not constitute a commitment, guarantee, or obligation on the part of the United States to any third party with respect to any security or debt financing instrument issued by the bank. No third party shall have any right against the United States for payment solely by reason of the establishment.

(ii) Statement on instrument.—Any security or debt financing instrument issued by an infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(5) EFFECTIVE DATE.—This subsection takes effect on October 1, 1997.

(l) FEDERAL-AID FACILITY PRIVATIZATION.—

(1) DEFINITIONS.—In this subsection:

(A) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning provided in section 105 of title 5, United States Code.

(B) PRIVATIZATION.—The term "privatization" means the disposition or transfer of a transportation infrastructure asset, whether by sale, lease, or similar arrangement, from a State or local government to a private party.

(C) STATE OR LOCAL GOVERNMENT.—The term "State or local government" means the government of—

(i) any State;

(ii) the District of Columbia;

(iii) any commonwealth, territory, or possession of the United States;

(iv) any county, municipality, city, town, township, local public authority, school district, special district, intrastate district, regional or interstate government entity, council of governments, or agency or instrumentality of a local government; or

(v) any federally recognized Indian tribe.

(D) TRANSPORTATION INFRASTRUCTURE ASSET.—

(i) IN GENERAL.—The term "transportation infrastructure asset" means any surface-transportation-related asset financed in whole or in part by the Federal Government, including a road, tunnel, bridge, or mass-transit-related or rail-related asset.

(ii) EXCLUSION.—The term does not include any transportation-related asset on the Interstate System (as defined in section 101 of title 23, United States Code).

(2) PRIVATIZATION INITIATIVES BY STATE AND LOCAL GOVERNMENTS.—The head of each Executive agency shall—

(A) assist State and local governments in efforts to privatize the transportation infrastructure assets of the State and local governments; and

(B) subject to paragraph (3), approve requests from State and local governments to privatize transportation infrastructure assets and waive or modify any condition relating to the original Federal program that funded the asset.

(3) CRITERIA.—The head of an Executive agency shall approve a request described in paragraph (2)(B) if—

(A) the State or local government demonstrates that a market mechanism, legally enforceable agreement, or regulatory mechanism will ensure that the transportation infrastructure asset will continue to be used for the general objectives of the original Federal program that funded the asset (which shall not be considered to include every condition required for the recipient of Federal funds to have obtained the original Federal funds), so long as needed for those objectives; and

(B) the private party purchasing or leasing the transportation infrastructure asset agrees to comply with all applicable conditions of the original Federal program.

(4) LACK OF OBLIGATION TO REPAY FEDERAL FUNDS.—A State or local government shall have no obligation to repay to any agency of the Federal Government any Federal funds received by the State or local government in connection with a transportation infrastructure asset that is privatized under this subsection.

(5) USE OF PROCEEDS.—

(A) IN GENERAL.—Subject to subparagraph (B), a State or local government may use proceeds from the privatization of a transportation infrastructure asset to the extent permitted under applicable conditions of the original Federal program.

(B) RECOVERY OF CERTAIN COSTS.—Notwithstanding any other provision of law, the State or local government shall be permitted to recover from the privatization of a transportation infrastructure asset—

(i) the capital investment in the transportation infrastructure asset made by the State or local government;

(ii) an amount equal to the unreimbursed operating expenses in the transportation infrastructure asset paid by the State or local government; and

(iii) a reasonable rate of return on the investment made under clause (i) and expenses paid under clause (ii).

(m) EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.—

(1) PURPOSE.—The purpose of this subsection is to ensure that—

(A) this section will become effective only if the Director of the Office of Management and Budget (referred to in this subsection as the "Director") certifies that this section is deficit neutral;

(B) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level pursuant to this section; and

(C) the tax reduction made by this section is not scored under pay-as-you-go and does not inadvertently trigger a sequestration.

(2) EFFECTIVE DATE CONTINGENCY.—Notwithstanding any other provision of this Act, this section shall take effect only if—

(A) the Director submits the report as required in paragraph (3); and

(B) the report contains a certification by the Director that, based on the required estimates, the reduction in discretionary outlays resulting from the reduction in contract authority is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003.

(3) OMB ESTIMATES AND REPORT.—

(A) REQUIREMENTS.—Not later than 5 calendar days after the date of notification by the Secretary of any election described in subsection (c), the Director shall—

(i) estimate the net change in revenues resulting from this section for each fiscal year through fiscal year 2003;

(ii) estimate the net change in discretionary outlays resulting from the reduction in contract authority under this section for each fiscal year through fiscal year 2003;

(iii) determine, based on those estimates, whether the reduction in discretionary outlays is at least as great as the reduction in revenues for each fiscal year through fiscal year 2003; and

(iv) submit to the Congress a report setting forth the estimates and determination.

(B) APPLICABLE ASSUMPTIONS AND GUIDELINES.—

(i) REVENUE ESTIMATES.—The revenue estimates required under subparagraph (A)(i) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(ii) OUTLAY ESTIMATES.—The outlay estimates required under subparagraph (A)(ii) shall be determined by comparing the level of discretionary outlays resulting from this Act with the corresponding level of discretionary outlays projected in the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

(4) CONFORMING ADJUSTMENT TO DISCRETIONARY SPENDING LIMITS.—Upon compliance with the requirements specified in paragraph (2), the Director shall adjust the adjusted discretionary spending limits for each fiscal year through fiscal year 2003 under section 601(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) by the estimated reductions in discretionary outlays under paragraph (1)(B).

(5) PAYGO INTERACTION.—Upon compliance with the requirements specified in paragraph (2), no changes in revenues estimated to result from the enactment of this section shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

ABRAHAM (AND DODD) AMENDMENT NO. 1911

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. DODD) submitted an amendment to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . CHILD SAFETY RESTRAINT RESEARCH.

(a) DEFINITIONS.—In this section:

(1) CHILD RESTRAINT EDUCATION PROGRAM.—The term "child restraint education program" includes a publication, audiovisual presentation, demonstration, or computerized child restraint education program.

(2) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(b) FINDINGS.—Congress finds the following:

(1) The annual losses in the United States from motor vehicle collisions are estimated to exceed 800 deaths and 80,000 injuries to children under the age of 5.

(2) It is estimated that properly used child restraints in motor vehicles can reduce the chance of serious or fatal injury in a motor vehicle collision—

(A) by a factor of 69 percent with respect to infants; and

(B) by a factor of 47 percent with respect to children under the age of 5.

(3) Some of the most common seating position designs that have emerged in motor vehicles during the last decade make secure installation of child restraints difficult and, in some circumstances, impossible.

(4) Results from regional child restraint clinics demonstrated that 70 to 90 percent of child restraints are improperly installed or otherwise misused and the improper installation or other misuse is largely attributable to the complication and wide variations in seat belt and child restraint designs.

(5) There is an immediate need to expand the availability of national, State, and local child restraint education programs and supporting resources and materials to assist agencies and associated organizations in carrying out effective public education concerning child restraints.

(c) CHILD PASSENGER EDUCATION.—

(1) AWARDS.—The Secretary may enter into contracts or cooperative agreements with, and may make grants to, State highway agencies and child passenger safety organizations that are recognized for their experience to obtain and distribute national, State, and local child restraint education programs and supporting educational materials.

(2) USE OF FUNDS.—Funds provided to an agency or organization under a contract, cooperative agreement, or grant under subsection (a) shall be used to implement child restraint programs that—

(A) are designed to prevent deaths and injuries to children under the age of 5; and

(B) educate the public concerning—

(i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware and modification devices (if needed), including special installation techniques; and

(ii) appropriate child restraint design selection and placement and in harness threading and harness adjustment; and

(C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

(3) DISTRIBUTION OF FUNDS.—An agency or organization that receives funds made available to the agency or organization under a contract, cooperative agreement, or grant under paragraph (1) shall, in carrying out paragraph (2)—

(A) use not more than 25 percent of those funds to support nationwide child restraint education programs that are in operation at the time that the funds are made available;

(B) use not more than 25 percent of those funds to support State child restraint education programs that are in operation at the time that the funds are made available; and

(C) use at least 50 percent of those funds to implement national, State, and local child restraint education programs that are not in operation at the time that the funds are made available.

(d) APPLICATIONS AND REPORTS.—

(1) APPLICATIONS.—To enter into a contract, cooperative agreement, or grant agreement under subsection (c)(1), the appropriate official of an agency or organization described in that section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) REPORTS.—

(A) IN GENERAL.—The appropriate official of each agency or organization that enters into a contract, cooperative agreement, or grant agreement under subsection (c)(1) shall prepare, and submit to the Secretary, an annual report for the period covered by the contract, cooperative agreement, or grant agreement.

(B) REQUIREMENTS FOR REPORTS.—A report described in subparagraph (A) shall—

(i) contain such information as the Secretary may require; and

(ii) at a minimum, describe the program activities undertaken with the funds made available under the contract, cooperative agreement, or grant agreement, including—

(I) any child restraint education program that has been developed directly or indirectly by the agency or organization and the target population of that program;

(II) support materials for such a program that have been obtained by that agency or organization and the method by which that agency or organization distributed those materials; and

(III) any initiatives undertaken by the agency or organization to develop public-private partnerships to secure non-Federal support for the development and distribution of child restraint education programs and materials.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare, and submit to Congress, a report on the implementation of this section that includes a description of the programs undertaken and materials developed and distributed by the agencies and organizations that receive funds under subsection (c)(1).

(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Department of Transportation $7,500,000 for each of fiscal years 1999 and 2000, of which not more than $350,000 may be spent in any fiscal year for administrative costs.

HUTCHISON (AND BOXER) AMENDMENT NO. 1912

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mrs. BOXER) submitted an amendment to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 101, strike line 21 and insert the following:

(5) ALLOCATION OF FUNDS.—For each fiscal year, of the funds available to carry out this subsection after any transfer under paragraph (4)—

(A) 50 percent shall be allocated to border States, of which—

(i) 45 percent shall be allocated among border States located along the border with Canada in accordance with the ratio that—

(I) the annual quantity of commercial vehicle and automobile traffic crossing the border with Canada into each such border State; bears to

(II) the annual quantity of commercial vehicle and automobile traffic crossing the border with Canada into all such border States;

(ii) 45 percent shall be allocated among border States located along the border with Mexico in accordance with the ratio that—

(I) the annual quantity of commercial vehicle and automobile traffic crossing the border with Mexico into each such border State; bears to

(II) the annual quantity of commercial vehicle and automobile traffic crossing the border with Mexico into all such border States; and

(iii) 10 percent shall be used to provide discretionary grants to border States with a share of the annual quantity of commercial vehicle and automobile traffic crossing the border with Canada or Mexico into all border States that is 5 percent or less; and

(B) 50 percent shall be allocated for planning and development of trade corridors.

(6) USE OF UNITED STATES CUSTOMS SERVICE DATA.—In making allocations under paragraph (5)(A), the Secretary shall use the data concerning quantity of traffic provided by the United States Customs Service for the most recent 12-month period for which the data are available.

(7) ELIGIBILITY FOR REIMBURSEMENT FOR PREVIOUSLY CONSTRUCTED PROJECTS.—The Secretary may make a grant under this subsection to a border State as reimbursement for a project that opened for service after January 1, 1994, if the project is eligible for assistance under this subsection but for the date on which the project opened for service.

(8) AUTHORIZATION OF APPROPRIATIONS.—

HUTCHISON AMENDMENT NO. 1913

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 74, strike line 23 and insert the following: nance of the system.

"(8) A state may, at its discretion, expend up to one-fourth of one percent of its annual Highway Trust Fund apportionments on initiatives to halt the evasion of payment of motor fuel taxes.".

SNOWE (AND SMITH) AMENDMENT NO. 1914

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. SMITH of New Hampshire) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 236, between lines 16 and 17, insert the following:

SEC. 14__. REPORT ON EFFECTS OF ALLOWING HEAVIER WEIGHT VEHICLES ON CERTAIN HIGHWAYS.

(a) DEFINITION OF HEAVIER WEIGHT VEHICLE.—In this section, the term "heavier weight vehicle" means a vehicle the operation of which on the Interstate System is prohibited under section 127 of title 23, United States Code.

(b) REPORT.—Not later than December 31, 2000, the Secretary shall submit to Congress a report on the effects of allowing operation of heavier weight vehicles on Interstate Route 95 in the States of Maine and New Hampshire.

(c) CONTENTS.—The report shall contain an analysis of the safety, infrastructure, cost recovery, environmental, and economic implications of that operation.

(d) CONSULTATION.—In preparing the report, the Secretary shall consult with the safety and modal administrations of the Department of Transportation, and the States of Maine and New Hampshire.

(e) MORATORIUM ON WITHHOLDING OF FUNDS.—Notwithstanding section 127 of title 23, United States Code, during the period beginning on the date of enactment of this Act and ending on the earlier of the end of fiscal year 2002 or the date that is 1 year after the date of submission of the report under subsection (b), the Secretary shall not withhold, under that section, funds from apportionment to the States of Maine and New Hampshire.

SMITH AMENDMENT NO. 1915

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 337, after the item relating to section 512, insert the following:

"513. Recycled materials resource center.

On page 381, strike line 7 and insert the following:

SEC. 2018. RECYCLED MATERIALS RESOURCE CENTER.

Subchapter I of chapter 5 of title 23, United States Code (as amended by section 2017), is amended by adding at the end the following:

"§ 513. Recycled materials resource center

"(a) ESTABLISHMENT.—The Secretary shall establish at the University of New Hampshire a research program to be known as the

'Recycled Materials Resource Center' (referred to in this section as the 'Center').

"(b) ACTIVITIES.—

"(1) IN GENERAL.—The Center shall—

"(A) systematically test, evaluate, develop appropriate guidelines for, and demonstrate environmentally acceptable and occupationally safe technologies and techniques for the increased use of traditional and nontraditional recycled and secondary materials in transportation infrastructure construction and maintenance;

"(B) make information available to State transportation departments, the Federal Highway Administration, the construction industry, and other interested parties to assist in evaluating proposals to use traditional and nontraditional recycled and secondary materials in transportation infrastructure construction;

"(C) encourage the increased use of traditional and nontraditional recycled and secondary materials by using sound science to analyze thoroughly all potential long-term considerations that affect the physical and environmental performance of the materials; and

"(D) work cooperatively with Federal and State officials to reduce the institutional barriers that limit widespread use of traditional and nontraditional recycled and secondary materials and to ensure that such increased use is consistent with the sustained environmental and physical integrity of the infrastructure in which the materials are used.

"(2) SITES AND PROJECTS UNDER ACTUAL FIELD CONDITIONS.—In carrying out paragraph (1)(C), the Secretary may authorize the Center to—

"(A) use test sites and demonstration projects under actual field conditions to develop appropriate performance data; and

"(B) develop appropriate tests and guidelines to ensure correct use of recycled and secondary materials in transportation infrastructure construction.

"(c) REVIEW AND EVALUATION.—

"(1) IN GENERAL.—Not less often than every 2 years, the Secretary shall review and evaluate the program carried out by the Center.

"(2) NOTIFICATION OF DEFICIENCIES.—In carrying out paragraph (1), if the Secretary determines that the Center is deficient in carrying out subsection (b), the Secretary shall notify the Center of each deficiency and recommend specific measures to address the deficiency.

"(3) DISQUALIFICATION.—If, after the end of the 180-day period that begins on the date of notification to the Center under paragraph (2), the Secretary determines that the Center has not corrected each deficiency identified under paragraph (2), the Secretary may, after notifying the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination, disqualify the Center from further participation under this section.

"(d) FUNDING.—Of amounts made available under section 541, $2,000,000 shall be made available for each fiscal year to carry out this section.

SEC. 2019. CONFORMING AMENDMENTS.

On page 415, strike "and 511" and insert "511, and 513".

STEVENS AMENDMENT NO. 1916

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Insert at the appropriate place:

SEC. 11 . MUNICIPALITY OR FERRY AUTHORITY.

(a) Notwithstanding any other provision of law, section 5333(b) of title 49, United States Code, shall not apply to a grant to a municipality of ferry authority for a ferry operated between points which are not connected by road to the remainder of the United States, Canada, or Mexico and which is replacing service that has been or will be diminished by the applicable State or ferry authority within 24 months of the date of passage of this amendment.

(b) The Federal Transit Administration is authorized to award a grant to a municipality or ferry authority required by State law to operate its ferry without any guarantee from other municipal receipts or financing.

BOXER AMENDMENTS NOS. 1917–1919

(Ordered to lie on the table.)

Mrs. BOXER submitted three amendments intended to be proposed by her to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1917

On page , line , insert "and provides nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143)" after "for mass transportation".

AMENDMENT NO. 1918

On page , line After the word "Michigan," insert "and the western end of the San Francisco-Oakland Bay Bridge, California, and the ramps connecting the San-Francisco-Oakland Bay Bridge to Treasure Island, California,"

AMENDMENT NO. 1919

SEC. HOLD HARMLESS.

Notwithstanding any other provision of law, no state, except for the State of Massachusetts and any state that receives a minimum guarantee or transition fund under this Act, shall receive a share of apportioned funds that is less than the average of apportioned funds received under P.L. 102-240.

To the extent annually necessary, discretionary funds under Interstate Maintenance/National Highway System, the Surface Transportation Program and the Secretary's Reserve shall be reduced to provide funds necessary to meet the requirements of this provision.

ROBB AMENDMENT NO. 1920

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 15, line 8, insert the following:

(7) STATE AND DISTRICT OF COLUMBIA APPROVAL OF ACTION BY THE TRANSPORTATION.—

Any exercise of the powers granted under Section—006(b)(6) of this title must be approved by the state departments of transportation in Virginia and Maryland, and the Department of Public Works of the District of Columbia.

CHAFEE AMENDMENT NO. 1921

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by him to the bill, S. 1173, supra; as follows:

Beginning on page 5, strike line 7 and all that follows through page 38, line 17, and insert the following:

SEC. 1101. AUTHORIZATIONS.

For the purpose of carrying out title 23, United States Code, the following sums shall be available from the Highway Trust Fund (other than the Mass Transit Account):

(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—For the Interstate and National Highway System program under section 103 of that title $12,396,548,000 for fiscal year 1998, $12,044,111,000 for fiscal year 1999, $12,019,269,000 for fiscal year 2000, $12,048,589,000 for fiscal year 2001, $12,329,654,000 for fiscal year 2002, and $12,758,889,000 for fiscal year 2003, of which—

(A) $4,636,331,000 for fiscal year 1998, $4,645,686,000 for fiscal year 1999, $4,674,832,000 for fiscal year 2000, $4,712,561,000 for fiscal year 2001, $4,807,175,000 for fiscal year 2002, and $4,956,807,000 for fiscal year 2003 shall be available for the Interstate maintenance component; and

(B) $1,411,057,000 for fiscal year 1998, $1,414,167,000 for fiscal year 1999, $1,422,512,000 for fiscal year 2000, $1,434,740,000 for fiscal year 2001, $1,463,404,000 for fiscal year 2002, and $1,508,812,000 for fiscal year 2003 shall be available for the Interstate bridge component.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title $7,055,286,000 for fiscal year 1998, $7,069,830,000 for fiscal year 1999, $7,113,569,000 for fiscal year 2000, $7,171,685,000 for fiscal year 2001, $7,315,015,000 for fiscal year 2002, and $7,543,000,000 for fiscal year 2003.

(3) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—For the congestion mitigation and air quality improvement program under section 149 of that title $1,159,082,000 for fiscal year 1998, $1,161,170,000 for fiscal year 1999, $1,168,457,000 for fiscal year 2000, $1,178,644,000 for fiscal year 2001, $1,815,000,000 for fiscal year 2002, and $1,860,000,000 for fiscal year 2003.

(4) FEDERAL LANDS HIGHWAYS PROGRAM.—

(A) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $200,000,000 for each of fiscal years 1998 through 2003.

(B) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $90,000,000 for each of fiscal years 1998 through 2003.

(C) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $172,000,000 for each of fiscal years 1998 through 2003.

SEC. 1102. APPORTIONMENTS.

(a) IN GENERAL.—Section 104 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-asides authorized by subsection (f), shall apportion the remainder of the sums made available for expenditure on the Interstate and National Highway System program, the congestion mitigation and air quality improvement program, and the surface transportation program, for that fiscal year, among the States in the following manner:

"(1) INTERSTATE AND NATIONAL HIGHWAY SYSTEM PROGRAM.—

"(A) INTERSTATE MAINTENANCE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(i) 50 percent in the ratio that—

"(I) the total lane miles on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such lane miles in all States; and

"(ii) 50 percent in the ratio that—

"(I) the total vehicle miles traveled on lanes on Interstate System routes designated under—

"(aa) section 103;

"(bb) section 139(a) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) before March 9, 1984 (other than routes on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)); and

"(cc) section 139(c) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997);

in each State; bears to

"(II) the total of all such vehicle miles traveled in all States.

"(B) INTERSTATE BRIDGE COMPONENT.—For resurfacing, restoring, rehabilitating, and reconstructing bridges on the Interstate System, and for the purposes specified in subparagraph (A), in the ratio that—

"(i) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in each State; bears to

"(ii) the total square footage of structurally deficient and functionally obsolete bridges on the Interstate System (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692)) in all States.

"(C) OTHER NATIONAL HIGHWAY SYSTEM COMPONENT.—

"(i) IN GENERAL.—For the National Highway System (excluding funds apportioned under subparagraph (A) or (B)), $36,400,000 for each fiscal year to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands and the remainder apportioned as follows:

"(I) 20 percent of the apportionments in the ratio that—

"(aa) the total lane miles of principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total lane miles of principal arterial routes (excluding Interstate System routes) in all States.

"(II) 29 percent of the apportionments in the ratio that—

"(aa) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in each State; bears to

"(bb) the total vehicle miles traveled on lanes on principal arterial routes (excluding Interstate System routes) in all States.

"(III) 18 percent of the apportionments in the ratio that—

"(aa) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in each State; bears to

"(bb) the total square footage of structurally deficient and functionally obsolete bridges on principal arterial routes (excluding bridges on Interstate System routes (other than bridges on toll roads not subject to a Secretarial agreement under section 105 of the Federal-Aid Highway Act of 1978 (92 Stat. 2692))) in all States.

"(IV) 24 percent of the apportionments in the ratio that—

"(aa) the total diesel fuel used on highways in each State; bears to

"(bb) the total diesel fuel used on highways in all States.

"(V) 9 percent of the apportionments in the ratio that—

"(aa) the quotient obtained by dividing the total lane miles on principal arterial highways in each State by the total population of the State; bears to

"(bb) the quotient obtained by dividing the total lane miles on principal arterial highways in all States by the total population of all States.

"(ii) DATA.—Each calculation under clause (i) shall be based on the latest available data.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding subparagraphs (A) through (C), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) IN GENERAL.—For the congestion mitigation and air quality improvement program, in the ratio that—

"(i) the total of all weighted nonattainment and maintenance area populations in each State; bears to

"(ii) the total of all weighted nonattainment and maintenance area populations in all States.

"(B) CALCULATION OF WEIGHTED NONATTAINMENT AND MAINTENANCE AREA POPULATION.—Subject to subparagraph (C), for the purpose of subparagraph (A), the weighted nonattainment and maintenance area population shall be calculated by multiplying the population of each area in a State that was a nonattainment area or maintenance area as described in section 149(b) for ozone or carbon monoxide by a factor of—

"(i) 0.8 if—

"(I) at the time of the apportionment, the area is a maintenance area; or

"(II) at the time of the apportionment, the area is classified as a submarginal ozone nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ii) 1.0 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.);

"(iii) 1.1 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area under that subpart;

"(iv) 1.2 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area under that subpart;

"(v) 1.3 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area under that subpart;

"(vi) 1.4 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area under that subpart; or

"(vii) 1.0 if, at the time of the apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone, but is classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide.

"(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—

"(i) CARBON MONOXIDE NONATTAINMENT AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2.

"(ii) CARBON MONOXIDE MAINTENANCE AREAS.—If, in addition to being classified as a nonattainment or maintenance area for ozone, the area was at one time also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area described in section 149(b) for carbon monoxide but has been redesignated as a maintenance area, the weighted nonattainment or maintenance area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.1.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.

"(E) DETERMINATIONS OF POPULATION.—In determining population figures for the purposes of this paragraph, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, in accordance with the following formula:

"(i) 20 percent of the apportionments in the ratio that—

"(I) the total lane miles of Federal-aid highways in each State; bears to

"(II) the total lane miles of Federal-aid highways in all States.

"(ii) 30 percent of the apportionments in the ratio that—

"(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

"(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

"(iii) 25 percent of the apportionments in the ratio that—

"(I) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in each State; bears to

"(II) the total square footage of structurally deficient and functionally obsolete bridges on Federal-aid highways (excluding bridges described in subparagraphs (B) and (C)(i)(III) of paragraph (1)) in all States.

"(iv) 25 percent of the apportionments in the ratio that—

"(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

"(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(B) Data.—Each calculation under subparagraph (A) shall be based on the latest available data.

"(C) Minimum apportionment.—Notwithstanding subparagraph (A), each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph.".

(b) Effect of Certain Delay in Deposits Into Highway Trust Fund.—Section 104 of title 23, United States Code, is amended by striking subsection (h) and inserting the following:

"(h) Effect of Certain Delay in Deposits Into Highway Trust Fund.—Notwithstanding any other provision of law, deposits into the Highway Trust Fund resulting from the application of section 901(e) of the Taxpayer Relief Act of 1997 (111 Stat. 872) shall not be taken into account in determining the apportionments and allocations that any State shall be entitled to receive under the Intermodal Surface Transportation Efficiency Act of 1997 and this title.".

(c) ISTEA Transition.—

(1) In general.—For each of fiscal years 1998 through 2003, the Secretary shall determine, with respect to each State—

(A) the total apportionments for the fiscal year under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

(B) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding apportionments for the Federal lands highways program under section 204 of that title;

(C) the annual average of the total apportionments during the period of fiscal years 1992 through 1997 for all Federal-aid highway programs (as defined in section 101 of title 23, United States Code), excluding—

(i) apportionments authorized under section 104 of that title for construction of the Interstate System;

(ii) apportionments for the Interstate substitute program under section 103(e)(4) of that title (as in effect on the day before the date of enactment of this Act);

(iii) apportionments for the Federal lands highways program under section 204 of that title; and

(iv) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943);

(D) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (B); by

(ii) the applicable percentage determined under paragraph (2); and

(E) the product obtained by multiplying—

(i) the annual average of the total apportionments determined under subparagraph (C); by

(ii) the applicable percentage determined under paragraph (2).

(2) Applicable percentages.—

(A) Fiscal year 1998.—For fiscal year 1998—

(i) the applicable percentage referred to in paragraph (1)(D)(ii) shall be 150 percent; and

(ii) the applicable percentage referred to in paragraph (1)(E)(ii) shall be 107 percent.

(B) Fiscal years thereafter.—For each of fiscal years 1999 through 2003, the applicable percentage referred to in paragraph (1)(D)(ii) or (1)(E)(ii), respectively, shall be a percentage equal to the product obtained by multiplying—

(i) the percentage specified in clause (i) or (ii), respectively, of subparagraph (A); by

(ii) the percentage that—

(I) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for the fiscal year; bears to

(II) the total contract authority made available under this Act and title 23, United States Code, for Federal-aid highway programs for fiscal year 1998.

(3) Maximum transition.—

(A) In general.—For each of fiscal years 1998 through 2003, in the case of each State with respect to which the total apportionments determined under paragraph (1)(A) is greater than the product determined under paragraph (1)(D), the Secretary shall reduce proportionately the apportionments to the State under section 104 of title 23, United States Code, for the National Highway System component of the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program so that the total of the apportionments is equal to the product determined under paragraph (1)(D).

(B) Redistribution of funds.—

(i) In general.—Subject to clause (ii), funds made available under subparagraph (A) shall be redistributed proportionately under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, and the congestion mitigation and air quality improvement program, to States not subject to a reduction under subparagraph (A).

(ii) Limitation.—The ratio that—

(I) the total apportionments to a State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of clause (i); bears to

(II) the annual average of the total apportionments determined under paragraph (1)(B) with respect to the State;

may not exceed, in the case of fiscal year 1998, 150 percent, and, in the case of each of fiscal years 1999 through 2003, 150 percent as adjusted in the manner described in paragraph (2)(B).

(4) Minimum transition.—

(A) In general.—For each of fiscal years 1998 through 2003, the Secretary shall apportion to each State such additional amounts as are necessary to ensure that—

(i) the total apportionments to the State under section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program, after the application of paragraph (3); is equal to

(ii) the greater of—

(I) the product determined with respect to the State under paragraph (1)(E); or

(II) the total apportionments to the State for fiscal year 1997 for all Federal-aid highway programs, excluding—

(aa) apportionments for the Federal lands highways program under section 204 of title 23, United States Code;

(bb) adjustments to sums apportioned under section 104 of that title due to the hold harmless adjustment under section 1015(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943); and

(cc) demonstration projects under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(B) Obligation.—Amounts apportioned under subparagraph (A)—

(i) shall be considered to be sums made available for expenditure on the surface transportation program, except that—

(I) the amounts shall not be subject to paragraphs (1) and (2) of section 133(d) of title 23, United States Code; and

(II) 50 percent of the amounts shall be subject to section 133(d)(3) of that title;

(ii) shall be available for any purpose eligible for funding under section 133 of that title; and

(iii) shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are apportioned.

(C) Authorization of contract authority.—

(i) In general.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this paragraph.

(ii) Contract authority.—Funds authorized under this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(d) Minimum Guarantee.—

(1) In general.—Section 105 of title 23, United States Code, is amended to read as follows:

"§ 105. Minimum guarantee

"(a) Adjustment.—

"(1) In general.—Except as provided in paragraph (3), in fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that—

"(A) the ratio that—

"(i) each State's percentage of the total apportionments for the fiscal year—

"(I) under section 104 for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program; and

"(II) under this section and section 1102(c) of the Intermodal Surface Transportation Efficiency Act of 1997 for ISTEA transition; bears to

"(ii) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90; and

“(B) in the case of a State specified in paragraph (2), the State's percentage of the total apportionments for the fiscal year described in subclauses (I) and (II) of subparagraph (A)(i) is—

“(i) not less than the percentage specified for the State in paragraph (2); but

“(ii) not greater than the product determined for the State under section 1102(c)(1)(D) of the Intermodal Surface Transportation Efficiency Act of 1997 for the fiscal year.

“(2) STATE PERCENTAGES.—The percentage referred to in paragraph (1)(B) for a specified State shall be determined in accordance with the following table:

“State	**Percentage**
Alaska	1.27
Arkansas	1.36
Delaware	0.50
Hawaii	0.58
Idaho	0.85
Montana	1.09
Nevada	0.76
New Hampshire	0.55
New Jersey	2.44
New Mexico	1.08
North Dakota	0.76
Rhode Island	0.61
South Dakota	0.81
Vermont	0.50
Virginia	2.56
Wyoming	0.79.

“(3) EXCLUSION.—A State shall not be eligible to receive an allocation under paragraph (1)(A) if, during the period beginning on the effective date of the establishment of the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1954 and ending on October 1 of the applicable fiscal year—

“(A) the total of the apportionments and allocations to the State from the Highway Trust Fund (other than the Mass Transit Account); exceeds

“(B) the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account).

“(b) TREATMENT OF ALLOCATIONS.—

“(1) OBLIGATION.—Amounts allocated under subsection (a)—

“(A) shall be available for obligation when allocated and shall remain available for obligation for a period of 3 years after the last day of the fiscal year for which the amounts are allocated; and

“(B) shall be available for any purpose eligible for funding under this title.

“(2) SET-ASIDE.—Fifty percent of the amounts allocated under subsection (a) shall be subject to section 133(d)(3).

“(c) TREATMENT OF WITHHELD APPORTIONMENTS.—For the purpose of subsection (a), any funds that, but for section 158(b) or any other provision of law under which Federal-aid highway funds are withheld from apportionment, would be apportioned to a State for a fiscal year under a section referred to in subsection (a) shall be treated as being apportioned in that fiscal year.

“(d) AUTHORIZATION OF CONTRACT AUTHORITY.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to carry out this section.”.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105 and inserting the following:

“105. Minimum guarantee.”.

(e) AUDITS OF HIGHWAY TRUST FUND.—Section 104 of title 23, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) AUDITS OF HIGHWAY TRUST FUND.—From available administrative funds deducted under subsection (a), the Secretary may reimburse the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.”.

(f) TECHNICAL AMENDMENTS.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “NOTIFICATION TO STATES.—” after “(e)”;

(B) in the first sentence—

(i) by striking “(other than under subsection (b)(5) of this section)”; and

(ii) by striking “and research”;

(C) by striking the second sentence; and

(D) in the last sentence, by striking “, except that” and all that follows through “such funds”; and

(2) in subsection (f)—

(A) by striking “(f)(1) On” and inserting the following:

“(f) METROPOLITAN PLANNING.—

“(1) SET-ASIDE.—On”;

(B) by striking “(2) These” and inserting the following:

“(2) APPORTIONMENT TO STATES OF SET-ASIDE FUNDS.—These”;

(C) by striking “(3) The” and inserting the following:

“(3) USE OF FUNDS.—The”; and

(D) by striking “(4) The” and inserting the following:

“(4) DISTRIBUTION OF FUNDS WITHIN STATES.—The”.

(g) CONFORMING AMENDMENTS.—

(1) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking “, 104(b)(2), and 104(b)(6)” and inserting “and 104(b)(3)”.

(2)(A) Section 150 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 150.

(3) Section 158 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1) (as so redesignated)—

(I) by striking “AFTER THE FIRST YEAR” and inserting “IN GENERAL”; and

(II) by striking “, 104(b)(2), 104(b)(5), and 104(b)(6)” and inserting “and 104(b)(3)”; and

(iv) in paragraph (2) (as redesignated by clause (ii)), by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraph (1)”; and

(B) by striking subsection (b) and inserting the following:

“(b) EFFECT OF WITHHOLDING OF FUNDS.—No funds withheld under this section from apportionment to any State after September 30, 1988, shall be available for apportionment to that State.”.

(4)(A) Section 157 of title 23, United States Code, is repealed.

(B) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157.

(5)(A) Section 115(b)(1) of title 23, United States Code, is amended by striking “or 104(b)(5), as the case may be,”.

(B) Section 137(f)(1) of title 23, United States Code, is amended by striking “section 104(b)(5)(B) of this title” and inserting “section 104(b)(1)”.

(C) Section 141(c) of title 23, United States Code, is amended by striking “section 104(b)(5) of this title” each place it appears and inserting “section 104(b)(1)(A)”.

(D) Section 142(c) of title 23, United States Code, is amended by striking “(other than section 104(b)(5)(A))”.

(E) Section 159 of title 23, United States Code, is amended—

(i) by striking “(5) of” each place it appears and inserting “(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997) of”; and

(ii) in subsection (b)—

(I) in paragraphs (1)(A)(i) and (3)(A), by striking “section 104(b)(5)(A)” each place it appears and inserting “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(II) in paragraph (1)(A)(ii), by striking “section 104(b)(5)(B)” and inserting “section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”;

(III) in paragraph (3)(B), by striking “(5)(B)” and inserting “(5)(B) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”; and

(IV) in paragraphs (3) and (4), by striking “section 104(b)(5)” each place it appears and inserting “section 104(b)(5) (as in effect on the day before the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997)”.

(F) Section 161(a) of title 23, United States Code, is amended by striking “paragraphs (1), (3), and (5)(B) of section 104(b)” each place it appears and inserting “paragraphs (1) and (3) of section 104(b)”.

(6)(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence, by striking “sections 130, 144, and 152 of this title” and inserting “subsection (b)(1)(B) and sections 130 and 152”;

(ii) in the first and second sentences—

(I) by striking “section” and inserting “provision”; and

(II) by striking “such sections” and inserting “those provisions”; and

(iii) in the third sentence—

(I) by striking “section 144” and inserting “subsection (b)(1)(B)”; and

(II) by striking “subsection (b)(1)” and inserting “subsection (b)(1)(C)”.

(B) Section 115 of title 23, United States Code, is amended—

(i) in subsection (a)(1)(A)(i), by striking “104(b)(2), 104(b)(3), 104(f), 144,” and inserting “104(b)(1)(B), 104(b)(2), 104(b)(3), 104(f),”; and

(ii) in subsection (c), by striking “144,,”.

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking “and in section 144 of this title”.

(D) Section 151(d) of title 23, United States Code, is amended by striking “section 104(a), section 307(a), and section 144 of this title” and inserting “subsections (a) and (b)(1)(B) of section 104 and section 307(a)”.

(E) Section 204(c) of title 23, United States Code, is amended in the first sentence by striking “or section 144 of this title”.

(F) Section 303(g) of title 23, United States Code, is amended by striking “section 144 of this title” and inserting “section 104(b)(1)(B)”.

(7) Section 142(b) of title 23, United States Code, is amended by striking “paragraph (5) of subsection (b) of section 104 of this title” and inserting “section 104(b)(1)(A)”.

(8) Section 152(e) of title 23, United States Code, is amended in the second sentence by striking “section 104(b)(1)” and inserting “section 104(b)”.

CHAFEE (AND GRAHAM) AMENDMENT NO. 1922

Mr. CHAFEE (for himself and Mr. GRAHAM) proposed an amendment to amendment No. 1922 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Beginning on page 197, strike line 11 and all that follows through page 218 and insert the following:

SEC. 1313. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“SUBCHAPTER II—INFRASTRUCTURE FINANCE

“§ 181. Definitions

“In this subchapter:

“(1) ELIGIBLE PROJECT COSTS.—The term ‘eligible project costs’ means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

“(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

“(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

“(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

“(2) FEDERAL CREDIT INSTRUMENT.—The term ‘Federal credit instrument’ means a secured loan, loan guarantee, or line of credit authorized to be made available under this subchapter with respect to a project.

“(3) LENDER.—The term ‘lender’ means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

“(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

“(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

“(4) LINE OF CREDIT.—The term ‘line of credit’ means an agreement entered into by the Secretary with an obligor under section 184 to provide a direct loan at a future date upon the occurrence of certain events.

“(5) LOAN GUARANTEE.—The term ‘loan guarantee’ means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

“(6) LOCAL SERVICER.—The term ‘local servicer’ means—

“(A) a State infrastructure bank established under this title; or

“(B) a State or local government or any agency of a State or local government that is responsible for servicing a Federal credit instrument on behalf of the Secretary.

“(7) OBLIGOR.—The term ‘obligor’ means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

“(8) PROJECT.—The term ‘project’ means—

“(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49; and

(B) a project for an international bridge or tunnel for which an international entity authorized under State or Federal law is responsible.

“(9) PROJECT OBLIGATION.—The term ‘project obligation’ means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

“(10) SECURED LOAN.—The term ‘secured loan’ means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 183.

“(11) STATE.—The term ‘State’ has the meaning given the term in section 101.

“(12) SUBSTANTIAL COMPLETION.—The term ‘substantial completion’ means the opening of a project to vehicular or passenger traffic.

“§ 182. Determination of eligibility and project selection

“(a) ELIGIBILITY.—To be eligible to receive financial assistance under this subchapter, a project shall meet the following criteria:

“(1) INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.—The project—

“(A) shall be included in the State transportation plan required under section 135; and

“(B) at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter, shall be included in the approved State transportation improvement program required under section 134.

“(2) APPLICATION.—A State, a local servicer identified under section 185(a), or the entity undertaking the project shall submit a project application to the Secretary.

“(3) ELIGIBLE PROJECT COSTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible for assistance under this subchapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

“(i) $100,000,000; or

“(ii) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently-completed fiscal year to the State in which the project is located.

“(B) INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed $30,000,000.

“(4) DEDICATED REVENUE SOURCES.—Project financing shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources.

“(5) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraphs (1) and (2).

“(b) SELECTION AMONG ELIGIBLE PROJECTS.—

“(1) ESTABLISHMENT.—The Secretary shall establish criteria for selecting among projects that meet the eligibility criteria specified in subsection (a).

“(2) SELECTION CRITERIA.—The selection criteria shall include the following:

“(A) The extent to which the project is nationally or regionally significant, in terms of generating economic benefits, supporting international commerce, or otherwise enhancing the national transportation system.

“(B) The creditworthiness of the project, including a determination by the Secretary that any financing for the project has appropriate security features, such as a rate covenant, to ensure repayment. The Secretary shall require each project applicant to provide a preliminary rating opinion letter from a nationally recognized bond rating agency.

“(C) The extent to which assistance under this subchapter would foster innovative public-private partnerships and attract private debt or equity investment.

“(D) The likelihood that assistance under this subchapter would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

“(E) The extent to which the project uses new technologies, including intelligent transportation systems, that enhance the efficiency of the project.

“(F) The amount of budget authority required to fund the Federal credit instrument made available under this subchapter.

“(G) The extent to which the project helps maintain or protect the environment.

“(H) The extent to which assistance under this chapter would reduce the contribution of Federal Grant assistance to the project.

“(c) FEDERAL REQUIREMENTS.—The following provisions of law shall apply to funds made available under this subchapter and projects assisted with the funds:

“(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

“(2) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

“§ 183. Secured loans

“(a) IN GENERAL.—

“(1) AGREEMENTS.—Subject to paragraph (2), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

“(A) to finance eligible project costs; or

“(B) to refinance interim construction financing of eligible project costs;

of any project selected under section 182.

“(2) LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

“(b) TERMS AND LIMITATIONS.—

“(1) IN GENERAL.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

“(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed 33 percent of the reasonably anticipated eligible project costs.

“(3) PAYMENT.—The secured loan—

“(A) shall—

“(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

“(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(4) INTEREST RATE.—The interest rate on the secured loan shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

"(5) MATURITY DATE.—The final maturity date of the secured loan shall be not later than 35 years after the date of substantial completion of the project.

"(6) NONSUBORDINATION.—The secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(7) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

"(8) NON-FEDERAL SHARE.—The proceeds of a secured loan under this subchapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

"(c) REPAYMENT.—

"(1) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"(4) DEFERRED PAYMENTS.—

"(A) AUTHORIZATION.—If, at any time during the 10 years after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay scheduled principal and interest on the secured loan, the Secretary may, pursuant to established criteria for the project agreed to by the entity undertaking the project and the Secretary, allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

"(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

"(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

"(ii) be scheduled to be amortized over the remaining term of the loan beginning not later than 10 years after the date of substantial completion of the project in accordance with paragraph (1).

"(5) PREPAYMENT.—

"(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

"(d) SALE OF SECURED LOANS.—

"(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

"(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

"(e) LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

"(2) TERMS.—The terms of a guaranteed loan shall be consistent with the terms set forth in this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

"§ 184. Lines of credit

"(a) IN GENERAL.—

"(1) AGREEMENTS.—The Secretary may enter into agreements to make available lines of credit to 1 or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 182.

"(2) USE OF PROCEEDS.—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

"(b) TERMS AND LIMITATIONS.—

"(1) IN GENERAL.—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNTS.—

"(A) TOTAL AMOUNT.—The total amount of the line of credit shall not exceed 33 percent of the reasonably anticipated eligible project costs.

"(B) ONE-YEAR DRAWS.—The amount drawn in any 1 year shall not exceed 20 percent of the total amount of the line of credit.

"(3) DRAWS.—Any draw on the line of credit shall represent a direct loan and shall be made only if net revenues from the project (including capitalized interest, any debt service reserve fund, and any other available reserve) are insufficient to pay the costs specified in subsection (a)(2).

"(4) INTEREST RATE.—The interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year marketable United States Treasury securities as of the date on which the line of credit is obligated.

"(5) SECURITY.—The line of credit—

"(A) shall—

"(i) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

"(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

"(B) may have a lien on revenues described in subparagraph (A) subject to any lien securing project obligations.

"(6) PERIOD OF AVAILABILITY.—The line of credit shall be available during the period beginning on the date of substantial completion of the project and ending not later than 10 years after that date.

"(7) RIGHTS OF THIRD PARTY CREDITORS.—

"(A) AGAINST FEDERAL GOVERNMENT.—A third party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on the line of credit.

"(B) ASSIGNMENT.—An obligor may assign the line of credit to 1 or more lenders or to a trustee on the lenders' behalf.

"(8) NONSUBORDINATION.—A direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

"(9) FEES.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

"(10) RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.—A project that receives a line of credit under this section shall not also receive a secured loan or loan guarantee under section 183 of an amount that, combined with the amount of the line of credit, exceeds 33 percent of eligible project costs.

"(c) REPAYMENT.—

"(1) TERMS AND CONDITIONS.—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on the projected cash flow from project revenues and other repayment sources.

"(2) TIMING.—All scheduled repayments of principal or interest on a direct loan under this section shall commence not later than 5 years after the end of the period of availability specified in subsection (b)(6) and be fully repaid, with interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

"(3) SOURCES OF REPAYMENT FUNDS.—The sources of funds for scheduled loan repayments under this section shall include tolls, user fees, or other dedicated revenue sources.

"§ 185. Project servicing

"(a) REQUIREMENT.—The State in which a project that receives financial assistance under this subchapter is located may identify a local servicer to assist the Secretary in servicing the Federal credit instrument made available under this subchapter.

"(b) AGENCY; FEES.—If a State identifies a local servicer under subsection (a), the local servicer—

"(1) shall act as the agent for the Secretary; and

"(2) may receive a servicing fee, subject to approval by the Secretary.

"(c) LIABILITY.—A local servicer identified under subsection (a) shall not be liable for the obligations of the obligor to the Secretary or any lender.

"(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

"§ 186. State and local permits

"The provision of financial assistance under this subchapter with respect to a project shall not—

"(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

"(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

"(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

"§ 187. Regulations

"The Secretary may issue such regulations as the Secretary determines appropriate to carry out this subchapter.

"§ 188. Funding

"(a) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter—

"(A) $60,000,000 for fiscal year 1998;

"(B) $60,000,000 for fiscal year 1999;

"(C) $90,000,000 for fiscal year 2000;

"(D) $90,000,000 for fiscal year 2001;

"(E) $115,000,000 for fiscal year 2002; and

"(F) $115,000,000 for fiscal year 2003.

"(2) ADMINISTRATIVE COSTS.—From funds made available under paragraph (1), the Secretary may use, for the administration of this subchapter, not more than $2,000,000 for each of fiscal years 1998 through 2003.

"(3) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

"(b) CONTRACT AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit instrument.

"(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.

"(c) LIMITATIONS ON CREDIT AMOUNTS.—For each of fiscal years 1998 through 2003, principal amounts of Federal credit instruments made available under this subchapter shall be limited to the amounts specified in the following table:

"Fiscal year:	**Maximum amount of credit:**
1998	$1,200,000,000
1999	$1,200,000,000
2000	$1,800,000,000
2001	$1,800,000,000
2002	$2,300,000,000
2003	$2,300,000,000.

"§ 189. Imposition of annual fee on recipients

"(a) IN GENERAL.—There is hereby imposed on any recipient of a Federal credit instrument an annual fee equal to the applicable percentage of the average outstanding Federal credit instrument amount made available to the recipient during the year under this subchapter.

"(b) TIME OF IMPOSITION.—The fee described in subsection (a) shall be imposed on the annual anniversary date of the receipt of the Federal credit instrument.

"(c) APPLICABLE PERCENTAGE.—For the purposes of subsection (a), the applicable percentage is, with respect to an annual anniversary date occurring in—

"(1) any of fiscal years 1999 through 2003, 1.9095 percent; and

"(2) any fiscal year after 2003, 0.5144 percent.

"(d) TERMINATION.—The fee imposed by this section shall not apply with respect to annual anniversary dates occurring after September 30, 2008.

"(e) DEPOSIT OF RECEIPTS.—The fees collected by the Secretary under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

"§ 190. Report to Congress

"Not later than 4 years after the date of enactment of this subchapter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this subchapter, including a recommendation as to whether the objectives of this subchapter are best served—

"(1) by continuing the program under the authority of the Secretary;

"(2) by establishing a Government corporation or Government-sponsored enterprise to administer the program; or

"(3) by phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this subchapter without Federal participation.".

(b) CONFORMING AMENDMENTS.—Chapter 1 of title 23, United States Code, is amended—

(1) in the analysis—

(A) by inserting before "Sec." the following:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(B) by adding at the end the following:

"SUBCHAPTER II—INFRASTRUCTURE FINANCE

"181. Definitions.
"182. Determination of eligibility and project selection.
"183. Secured loans.
"184. Lines of credit.
"185. Project servicing.
"186. State and local permits.
"187. Regulations.
"188. Funding.
"189. Imposition of annual fee on recipients.
"190. Report to Congress.";

and

(2) by inserting before section 101 the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

SEC. 1314. OFFICE OF INFRASTRUCTURE FINANCE.

(a) DUTIES OF THE SECRETARY.—Section 301 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.".

(b) OFFICE OF INFRASTRUCTURE FINANCE.—

(1) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 113. Office of Infrastructure Finance

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Office of the Secretary an Office of Infrastructure Finance.

"(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary not later than 180 days after the date of enactment of this section.

"(c) FUNCTIONS.—The Director shall be responsible for—

"(1) carrying out the responsibilities of the Secretary described in section 301(9);

"(2) carrying out research on financing transportation infrastructure, including educational programs and other initiatives to support Federal, State, and local government efforts; and

"(3) providing technical assistance to Federal, State, and local government agencies and officials to facilitate the development and use of alternative techniques for financing transportation infrastructure.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"113. Office of Infrastructure Finance.".

GRAHAM (AND MURRAY) AMENDMENT NO. 1923

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . NEW START RATING AND EVALUATION.

(a) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) of title 49, United States Code, is amended to read as follows:

"(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

"(1) The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary decides that the proposed project is—

"(A) based on the results of an alternatives analysis and preliminary engineering;

"(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

"(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

"(2) In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

"(3) In evaluating a project under paragraph (1)(B), the Secretary shall—

"(A) consider the direct and indirect costs of relevant alternatives;

"(B) account for costs and benefits related to factors such as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

"(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost of urban sprawl;

"(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

"(E) consider population density, and current transit ridership in the corridor, and avoided cost per new rider;

"(F) consider the technical capability of the grant recipient to construct the project;

"(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

"(H) consider other factors the Secretary considers appropriate to carry out this chapter.

"(3)(A) The Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

"(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs.

"(4)(A) In evaluating a project under paragraph (1)(C), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts the Secretary of Transportation determines to be reasonable to cover unanticipated cost overruns;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

"(B) In assessing the stability, reliability, and availability of proposed sources of local financing, the Secretary of Transportation shall consider—

"(i) existing grant commitments;

"(ii) the degree to which financing sources are dedicated to the purposes proposed;

"(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

"(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

"(5)(A) Not later than 120 days after the date of enactment of the Federal Transit Act of 1997, the Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment.

"(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs as required under this subsection.

"(6)(A) A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary of Transportation finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet the requirements.

"(B) In making any findings under subparagraph (A), the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended, based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection.

"(C) In rating each project, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the guidelines issued under paragraph (5).

"(7)(A) Each project financed under this subsection shall be carried out through a full funding grant agreement.

"(B) The Secretary shall enter a full funding grant agreement based on evaluations and ratings required under this subsection.

"(C) The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

"(8)(A) A project for a fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

"(B) The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary of Transportation shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

"(i) located in a nonattainment area;

"(ii) a transportation control measure (as that term is defined in the Clean Air Act (42 U.S.C. 7401 et seq.)); and

"(iii) required to carry out the State Implementation Plan.

"(C) This subsection does not apply to a part of a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

"(D) This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Transit Act of 1997.".

(b) LETTERS OF INTENT, FULL FINANCING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—Section 5309(g) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking "FINANCING" and inserting "FUNDING";

(2) by striking "full financing" each place it appears and inserting "full funding"; and

(3) in paragraph (1)(B)—

(A) by striking "30 days" and inserting "60 days";

(B) by inserting "or entering into a full funding grant agreement" after "this paragraph"; and

(C) by striking "issuance of the letter" and inserting "letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as evaluations and ratings for the project".

(c) REPORTS.—Section 5309 of title 49, United States Code, is amended by adding at the end the following:

"(p) REPORTS.—

"(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

"(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

"(B) RECOMMENDATIONS ON FUNDING.—Each report submitted under this paragraph shall include—

"(i) evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of enactment of the Federal Transit Act of 1997 or October 1 of the preceding fiscal year, whichever date is earlier; and

"(ii) recommendations of projects for funding, based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years, based on information available to the Secretary.

"(2) SUPPLEMENTAL REPORT ON NEW STARTS.—On August 30 of each year, the Secretary shall submit a report to Congress that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

"(3) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall—

"(A) conduct an annual review of—

"(i) the processes and procedures for evaluating and rating projects and recommending projects; and

"(ii) the Secretary's implementation of such processes and procedures; and

"(B) report to Congress on the results of such review not later than April 30 of each year.".

BRYAN AMENDMENT NO. 1924

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to amendment No. 1737 submitted by Mr. HOLLINGS to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 3208. SPECIAL PERMITS, PILOT PROGRAMS, AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by striking the section heading and inserting the following:

"§ 5117. Special permits, pilot programs, exemptions, and exclusions";

(2) by striking "2 years" in subsection (a)(2) and inserting "4 years";

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

"(e) AUTHORITY TO CARRY OUT PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to carry out pilot programs to examine innovative approaches or alternatives to regulations issued under this chapter for private motor carriage in intrastate transportation of an agricultural production material from—

"(A) a source of supply to a farm;

"(B) a farm to another farm;

"(C) a field to another field on a farm; or

"(D) a farm back to the source of supply.

"(2) LIMITATION.—The Secretary may not carry out a pilot program under paragraph (1) if the Secretary determines that the program would pose an undue risk to public health and safety.

"(3) SAFETY LEVELS.—In carrying out a pilot project under this subsection, the Secretary shall require, as a condition of approval of the project, that the safety measures in the project are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would otherwise be achieved through compliance with the standards prescribed under this chapter.

"(4) TERMINATION OF PROJECT.—The Secretary shall immediately terminate any project entered into under this subsection if the motor carrier or other entity to which it applies fails to comply with the terms and conditions of the pilot project or the Secretary determines that the project has resulted in a lower level of safety than was maintained before the project was initiated.

"(5) Nonapplication.—This subsection does not apply to the application of regulations issued under this chapter to vessels or aircraft.".

"(b) Section 5119(c) is amended by adding at the end the following:

"(4) Pending promulgation of regulations under this subsection, States may participate in a program of uniform forms and procedures recommended by the working group under subsection (b).".

(c) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

"5117. Special permits, pilot programs, exemptions, and exclusions.".

CHAFEE AMENDMENTS NOS. 1925–1926

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to amendments submitted by Mr. McCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Amendment No. 1925

At the top of page 2, insert the following new subsection, and redesignate subsection (f) as subsection (g):

"(f) Required Establishment of a Small Business Program.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a final order of a Federal court finding the program to be unconstitutional, the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

"(1) goals for the participation of small businesses;

"(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

"(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

"(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.".

Amendment No. 1926

At the top of page 2, insert the following new subsection, and redesignate subsection (f) as subsection (g):

"(f) Required Establishment of a Small Business Program.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a court order as described in subsection (e), the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

"(1) goals for the participation of small businesses;

"(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

"(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

"(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.".

BAUCUS AMENDMENT NO. 1927

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1771 submitted by Mr. McCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 1, line 7, strike all after "by" through the period at the end of line 7, and insert the following: "reason of a final order of a federal court finding unconstitutional the program established by the Secretary pursuant to subsection (a).".

BAUCUS AMENDMENT NO. 1928

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1772 submitted by Mr. McCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 1, line 7, strike all after "by" through the period at the end of line 7, and insert the following: "reason of a final order of a federal court finding unconstitutional the program established by the Secretary pursuant to subsection (a).".

MOSELEY-BRAUN AMENDMENTS NOS. 1929–1930

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted two amendments intended to be proposed by her to amendments submitted to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

Amendment No. 1929

On page 9 of the amendment, strike line 22 and insert the following: "ized area.

"(7) Limitation on minimum allocation.—A State shall not be eligible for a minimum allocation of funding in any fiscal year in accordance with this subsection if, with respect to the State, the ratio that—

"(A) the State's percentage of the total apportionments for the fiscal year under—

"(i) section 104 of title 23, United States Code, for the Interstate and National Highway System program, the surface transportation program, metropolitan planning, and the congestion mitigation and air quality improvement program;

"(ii) section 105 of that title; and

"(iii) section 1102(c); bears to

"(B) the State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is greater than 1.".

Amendment No. 1930

On page 9 of the amendment, strike line 22 and insert the following: "ized area.

"(7) Limitation on minimum allocation.—

"(A) In general.—No State may receive a minimum allocation of funding in any fiscal year in accordance with this subsection if the balance of Federal payments for that State in the preceding fiscal year is less than the average balance of Federal payments for the 10 States receiving the most Federal funding under this chapter in the preceding fiscal year.

"(B) Balance of federal payments defined.—In this paragraph, the term 'balance of Federal payments' means total Federal spending in the State at issue, divided by the total Federal taxes attributable to taxpayers in that State.".

D'AMATO AMENDMENT NO. 1931

Mr. D'AMATO proposed an amendment to amendment No. 1676 proposed by Mr. CHAFEE to the bill S. 1173, supra; as follows:

At the appropriate place, insert the following:

TITLE —MASS TRANSIT

SEC. 01. SHORT TITLE.

This title may be cited as the "Federal Transit Act of 1997".

SEC. 02. AUTHORIZATIONS.

(a) In General.—Section 5338 of title 49, United States Code, is amended to read as follows:

"§ 5338. Authorizations

"(a) Sections 5303–5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and 5334 (a) and (c).—

"(1) Mass transit account amounts.—Not more than the following amounts are available to the Secretary from the Account to carry out sections 5303 through 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and subsections (a) and (c) of section 5334:

"(A) $2,698,790,000 for fiscal year 1998.

"(B) $2,773,934,000 for fiscal year 1999.

"(C) $2,849,079,000 for fiscal year 2000.

"(D) $2,925,965,000 for fiscal year 2001.

"(E) $3,004,667,000 for fiscal year 2002.

"(F) $3,085,725,000 for fiscal year 2003.

"(2) Other amounts.—In addition to amounts made available under paragraph (1), not more than the following amounts may be appropriated to the Secretary to carry out section 5303 through 5308, 5310, 5311, 5313, 5314, 5317, 5320, 5320a, 5327, and subsections (a) and (c) of section 5334:

"(A) $738,000,000 for fiscal year 1998.

"(B) $756,000,000 for fiscal year 1999.

"(C) $774,000,000 for fiscal year 2000.

"(D) $793,000,000 for fiscal year 2001.

"(E) $812,000,000 for fiscal year 2002.

"(F) $832,000,000 for fiscal year 2003.

"(b) Section 5309.—Not more than the following amounts are available to the Secretary from the Account to carry out section 5309:

"(1) $2,221,210,000 for fiscal year 1998.

"(2) $2,278,770,000 for fiscal year 1999.

"(3) $2,340,501,000 for fiscal year 2000.

"(4) $2,403,661,000 for fiscal year 2001.

"(5) $2,468,315,000 for fiscal year 2002.

"(6) $2,534,904,000 for fiscal year 2003.

"(c) Section 5315.—

"(1) In general.—The Secretary shall make available in equal amounts from amounts provided under paragraphs (3) and (4) of subsection (g) of this section, not more than $4,000,000 for each of fiscal years 1998 through 2003, to carry out section 5315.

“(2) Workplace safety.—Not more than $1,000,000 shall be appropriated to the Secretary for each of fiscal years 1998 through 2003, to carry out section 5315(a)(15).

“(d) Section 5316.—Not more than the following amounts may be appropriated to the Secretary from the Fund (other than from the Account) for each of fiscal years 1998 through 2003:

“(1) $250,000 to carry out section 5316(a).

“(2) $3,000,000 to carry out section 5316(b).

“(3) $1,000,000 to carry out section 5316(c).

“(4) $1,000,000 to carry out section 5316(d).

“(5) $1,000,000 to carry out section 5316(e).

“(e) Section 5317.—Not more than $6,000,000 is available to the Secretary from the Fund (other than from the Account) for each of fiscal years 1998 through 2003, to carry out section 5317.

“(f) Section 5307.—Amounts remaining available for each fiscal year under subsection (a) of this section, after allocation under subsections (g), (h), and (i)(2) of this section, are available to carry out section 5307.

“(g) Planning, Programming, and Research.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a) of this section, an amount equal to 3 percent of amounts made available or appropriated under subsections (a) and (b), less the amounts authorized for purposes of section 5320a, of this section is available as follows:

“(1) 45 percent for metropolitan planning activities under section 5303(g).

“(2) 5 percent to carry out section 5311(b)(2).

“(3) 20 percent to carry out State programs under section 5313.

“(4) 30 percent to carry out the national program under section 5314.

“(h) Other Set-Asides.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a) of this section, of amounts made available or appropriated under subsections (a) and (b), less the amounts authorized for purposes of section 5320a, of this section—

“(1) not more than 0.96 percent is available for administrative expenses to carry out subsections (a) and (c) through (f) of section 5334;

“(2) not more than 1.34 percent is available for transportation services to elderly individuals and individuals with disabilities under the formula under section 5310(a); and

“(3) $6,000,000 is available to carry out section 5317 for each of fiscal years 1998 through 2003.

“(i) Limitations.—Of amounts made available—

“(1) under subsection (a)(2), less the amounts authorized for purposes of section 5320a, of this section—

“(A) 3.5 percent may be used to finance programs and activities, including administrative costs, under section 5310;

“(B) to finance research, development, and demonstration projects under section 5312(a), 1.5 percent may be used to increase the information and technology available to provide improved mass transportation service and facilities planned and designed to meet the special needs of elderly individuals and individuals with disabilities; and

“(C) not more than 12.5 percent may be used for grants to any 1 State under section 5312(c)(2);

“(2) under subsection (a) of this section, less the amounts authorized for purposes of section 5320a, 5.5 percent of the amount remaining available each year, after allocation under subsections (g) and (h) of this section, is available under the formula under section 5311; and

“(3) under section 5309(m)(1)(C), the lesser of $3,000.000 or an amount that the Secretary determines is necessary for each fiscal year is available to carry out section 5318 for each of fiscal years 1998 through 2003.

“(j) Grants as Contractual Obligations.—

“(1) Federal obligations.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (a)(1), (b), (c), (d), or (e) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

“(2) Appropriations limitation.—A grant or contract approved by the Secretary that is financed with amounts made available under subsection (a)(2) of this section, is a contractual obligation of the United States Government to pay the Government's share of the cost of the project, only to the extent that amounts are provided in advance in an appropriations Act.

“(k) Early Appropriations and Availability of Amounts.—

“(1) Early appropriation.—Amounts appropriated under subsection (a)(2) of this section to carry out section 5311 may be appropriated in the fiscal year before the fiscal year in which the appropriation is available for obligation.

“(2) Availability of amounts.—Amounts made available or appropriated under subsections (a), (b), and (g), paragraphs (1) and (2) of subsection (h), and subsection (i)(2) of this section shall remain available until expended.

“(*l*) Section 5308.—In each fiscal year, before apportioning or allocating amounts made available or appropriated under subsections (a) and (b), of amounts made available or appropriated under subsections (a) or (b) of this section, not more than $200,000,000 is available to carry out section 5308, with $100,000,000 made available from amounts made available from amounts provided under subsection (a)(2) of this section and $100,000,000 made available from amounts provided under subsection (b) of this section.

“(m) Section 5320a.—In each fiscal year, before apportioning amounts made available or appropriated under subsection (a), of amounts appropriated under subsection (a)(2) of this section, not more than $100,000,000 is available to carry out section 5320a.

“(n) Transit Equity Program.—

“(1) In general.—The purpose of this subsection is to further the national interest by providing proportional increases in funding for national mass transit programs, commensurate with increases in national highway programs, in order to ensure balanced improvement in the national intermodal transportation system.

“(2) Funding.—There are authorized to be appropriated to carry out this subsection, from the General Fund of the Treasury of the United States, the following amounts:

“(A) $1,000,000,000 for fiscal year 1999.

“(B) $1,000,000,000 for fiscal year 2000.

“(C) $1,000,000,000 for fiscal year 2001.

“(D) $1,000,000,000 for fiscal year 2002.

“(E) $1,000,000,000 for fiscal year 2003.

“(3) Eligible uses.—Amounts made available to carry out this subsection shall be available for capital projects eligible under sections 5307, 5309, 5310, and 5311, including meeting obligations of the United States associated with multiyear funding commitments, full funding grant agreements under section 5309, and innovative financing activities.

“(4) Contingent commitment authority.—Notwithstanding subsection (g)(4) of section 5309, the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent and full financing grant agreements may be greater than the amounts authorized under subsection (b) of this section by an amount equal to not more than the amount authorized to be appropriated under paragraph (6) of this subsection as of the end of fiscal year 2003.

“(5) Fixed guideway modernization.—In addition to amounts authorized in section 5338(b), the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(A) for fixed guideway modernization:

“(A) $100,000,000 for fiscal year 1999.

“(B) $100,000,000 for fiscal year 2000.

“(C) $100,000,000 for fiscal year 2001.

“(D) $100,000,000 for fiscal year 2002.

“(E) $100,000,000 for fiscal year 2003.

“(6) Capital projects for fixed guideway systems.—

“(A) In general.—In addition to amounts authorized in under subsection (b) of this section, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(B) for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems:

“(i) $500,000,000 for fiscal year 1999.

“(ii) $500,000,000 for fiscal year 2000.

“(iii) $500,000,000 for fiscal year 2001.

“(iv) $500,000,000 for fiscal year 2002.

“(v) $500,000,000 for fiscal year 2003.

“(B) Ferry boat systems.—Not less than 2.8 percent of the amount made available under subparagraph (A) in any fiscal year shall be available for capital projects for existing and new fixed guideway systems that are ferry boats, ferry terminal facilities, that are approaches to ferry terminal facilities in the noncontiguous States, except that the requirements of section 5333(b) do not apply to such projects or to ferry boat projects for which funds have previously been provided under this chapter in such States.

“(7) Buses and related equipment.—In addition to amounts authorized in section 5338(b), the following amounts are authorized to be appropriated to the Secretary, to be added to amounts allocated under section 5309(m)(1)(C) to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities:

“(A) $100,000,000 for fiscal year 1999.

“(B) $100,000,000 for fiscal year 2000.

“(C) $100,000,000 for fiscal year 2001.

“(D) $100,000,000 for fiscal year 2002.

“(E) $100,000,000 for fiscal year 2003.

“(8) Urbanized areas; elderly individuals and disabled individuals.—

“(A) In general.—In addition to amounts authorized in section 5338(a) for activities under sections 5307 and 5310, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts made available for activities under section 5307 for urbanized areas and for activities under section 5310 for elderly individuals and individuals with disabilities:

“(i) $250,000,000 for fiscal year 1999.

“(ii) $250,000,000 for fiscal year 2000.

“(iii) $250,000,000 for fiscal year 2001.

“(iv) $250,000,000 for fiscal year 2002.

“(v) $250,000,000 for fiscal year 2003.

“(B) Allocation.—Of the amount appropriated under this paragraph for each fiscal year—

"(i) 97 percent is available for activities under section 5307; and

"(ii) 3 percent is available for activities under section 5310.

"(9) Other than urbanized areas.—In addition to amounts authorized in section 5338(a) for areas other than urbanized areas, the following amounts are authorized to be appropriated to the Secretary, to be added to amounts made available for assistance for areas other than urbanized areas under section 5311:

"(A) $50,000,000 for fiscal year 1999.

"(B) $50,000,000 for fiscal year 2000.

"(C) $50,000,000 for fiscal year 2001.

"(D) $50,000,000 for fiscal year 2002.

"(E) $50,000,000 for fiscal year 2003.

"(o) Definitions.—In this section—

"(1) the term 'Account' means the Mass Transit Account of the Highway Trust Fund;

"(2) the term 'Fund' means the Highway Trust Fund established under section 9503 of the Internal Revenue Code of 1986; and

"(3) the term 'Secretary' means the Secretary of Transportation.".

(b) Work Agreements as Obligations.—

Section 5309(g)(3)(B) of title 49, United States Code, is amended by adding at the end the following: "The work agreement shall state that the work agreement is not an obligation of the Government.".

(c) Technical and Conforming Amendments.—Chapter 53 of title 49, United States Code, is amended—

(1) in section 5318(d), by striking "5338(j)(5)" and inserting "5338(i)(3)"; and

(2) in section 5333(b)(1), by striking "5338(j)(5)" each place that term appears and inserting "5338(i)(3)".

SEC. 03. CAPITAL PROJECTS AND SMALL AREA FLEXIBILITY.

(a) In General.—Section 5302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by inserting "intelligent transportation systems," after "rights agreements,";

(B) in subparagraph (C), by striking "or" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(E) preventive maintenance;

"(F) the leasing of equipment and facilities for use in mass transportation;

"(G) the introduction of new technology, through innovative and improved products, into mass transportation; or

"(H) a mass transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a mass transportation facility, and the renovation and improvement of historic transportation facilities, because the improvement—

"(i) enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project or establishes new or enhanced coordination between mass transportation and other transportation; and

"(ii) provides a fair share of revenue for mass transportation that will be used for mass transportation;"; and

(2) by adding at the end the following:

"(c) Eligible Costs of Projects That Enhance Urban Economic Development or Incorporate Private Investment.—Eligible costs for a capital project described in subsection (a)(1)(H)—

"(1) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety elements (such as lighting, surveillance, and community police and security services) that protect a transit project eligible under this chapter, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; and

"(2) do not include construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation, except that, if such facilities incorporate community services such as daycare, health care, and public safety, the portion of the facilities related to such community services are eligible costs under this chapter.".

(b) Small Area Flexibility.—Section 5307(b)(1) of title 49, United States Code, is amended by adding at the end the following: "The Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of less than 200,000.".

(c) Discretionary Grants and Loans.—Section 5309 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraphs (D) and (E); and

(B) by redesignating subparagraphs (F) and (G) as subparagraphs (D) and (E), respectively; and

(2) in subsection (f)—

(A) by striking "(f)" and all that follows through "(1) Each" and inserting the following:

"(f) Required Payments.—Each"; and

(B) by striking paragraph (2).

SEC. 04. METROPOLITAN PLANNING.

(a) In General.—

(1) Section 5303.—Section 5303 of title 49, United States Code, is amended—

(A) by striking subsections (a) and (b) and inserting the following:

"(a) Development Requirements.—

"(1) In general.—To carry out section 5301(a), metropolitan planning organizations designated under subsection (c) of this section, in cooperation with the States and mass transportation operators, shall develop transportation plans and programs for urbanized areas of the State.

"(2) Plan contents.—The plans and programs developed under paragraph (1) for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan area and as an integral part of an intermodal transportation system for the State and the United States.

"(3) Development process.—The development process for the plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) Scope of Planning Process.—

"(1) In general.—The metropolitan transportation planning process for a metropolitan area under this section and sections 5304 through 5306 shall provide for consideration of—

"(A) supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increasing the safety and security of the transportation system for motorized and nonmotorized users;

"(C) increasing the accessibility and mobility options available to people and for freight;

"(D) protecting and enhancing the environment, promoting energy conservation and improved quality of life, and coordinating land-use and transportation plans and programs;

"(E) enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(F) promoting efficient system management and operation; and

"(G) emphasizing the preservation of the existing transportation system.

"(2) Goals.—In cooperation with the State and mass transportation operators, and with opportunity for public review and comment, the metropolitan planning organization shall establish goals that relate to the factors described in paragraph (1), and propose projects, programs, and strategies to achieve those goals.";

(B) in subsection (c)—

(i) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) by agreement between the chief executive officer of the State and units of general purpose local government that together represent not less than 60 percent of the affected population (including the central city, as defined by the Bureau of the Census) and 60 percent of such units of government; or";

(ii) in paragraph (2)—

(I) by striking "In a metropolitan area" and all that follows through "shall include" and inserting "Each policy board of a metropolitan planning organization that serves an area designated as a transportation management area when designated or redesignated under this subsection shall consist of"; and

(II) by striking "officials of authorities" and inserting "officials of public agencies";

(iii) in paragraph (3), by striking "in an urbanized area" and all that follows through "officer decides" and inserting "within an existing metropolitan planning area only if the chief executive officer of the State and the existing metropolitan organization determine"; and

(iv) in paragraph (5)—

(I) in subparagraph (A)—

(aa) by striking "75" and inserting "60"; and

(bb) by striking "as defined by the Secretary of Commerce)" and inserting "or cities, as defined by the Bureau of the Census) and 60 percent of such units of government"; and

(II) by adding at the end the following:

"(D) Designations of metropolitan planning organizations, whether made under this section or under any other provision of law, shall remain in effect until redesignation under this paragraph.";

(C) in subsection (d)—

(i) by inserting "(1)" before "To carry out this section";

(ii) by striking "Secretary of Commerce" and inserting "Bureau of the Census";

(iii) by inserting "in existence as of the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997" after "at least the boundaries of the nonattainment area";

(iv) by inserting ", in the manner described in subsection (c)(5)" before the period at the end; and

(v) by adding at the end the following:

"(2) In the case of an urbanized area classified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) after the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1997—

"(A) the boundaries of the metropolitan planning area shall be established by agreement between the appropriate units of general purpose local government (including the central city) and the chief executive officer of the State; and

"(B) the area shall include at least the urbanized area and the contiguous area expected to become urbanized within the 20-year forecast period, and may include the Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area, as determined by the Bureau of the Census, and any area identified as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).";

(D) in subsection (e)—

(i) in paragraph (2)—

(I) by inserting "or compact" after "agreement" the first place that term appears"; and

(II) by striking "making the agreement effective" and inserting "making the agreements and compacts effective"; and

(ii) by adding at the end the following:

"(4) To the maximum extent practicable, each metropolitan planning organization shall coordinate with governmental agencies and nonprofit organizations operating within an existing metropolitan planning area that receive assistance from governmental sources (other than the Department of Transportation) to provide nonemergency transportation services. Such governmental agencies and nonprofit organizations shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services. The purpose of such coordination is to maximize the efficient use of resources and to integrate all such services to ensure accessibility and mobility."; and

(E) in subsection (f)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "United States and regional functions" and inserting "national, regional, and metropolitan transportation functions";

(II) in subparagraph (B), by striking clause (iii) and inserting the following:

"(iii) recommends any additional financing strategies for needed projects and programs;"; and

(III) by striking subparagraph (C) and inserting the following:

"(C) identify transportation strategies necessary—

"(i) to ensure preservation, including requirements for management, operation, modernization, and rehabilitation, of the existing and future transportation system; and

"(ii) to use existing transportation facilities most efficiently to relieve congestion, to efficiently serve the mobility needs of people and goods, and to enhance access within the metropolitan planning area; and";

(ii) in paragraph (2), by striking "as they are related to a 20-year forecast period" and inserting "and any State or local goals developed within the cooperative metropolitan planning process as they relate to a 20-year forecast period and to other forecast periods as determined by the participants in the planning process. In developing long-range plans, the metropolitan planning organization shall take into account the impact of all transportation projects and development plans that will affect the transportation system in the metropolitan area, without regard to whether such projects are financed with Federal funds";

(iii) in paragraph (4), by inserting "freight shippers," after "employees,"; and

(iv) in paragraph (5)(A), by inserting "published or otherwise" before "made readily available".

(b) METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM.—Section 5304 of title 49, United States Code, is amended—

(1) in subsection (a), in the second sentence, by striking "the organization" and inserting "the metropolitan planning organization, in cooperation with the chief executive officer of the State and any affected mass transportation operator,";

(2) in subsection (b)(2), by striking subparagraph (C) and inserting the following:

"(C) identifies innovative financing techniques to finance projects, programs, and strategies."; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting "and the designated recipient under this chapter" after "metropolitan planning organization"; and

(B) by adding at the end the following:

"(3) Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project of higher priority in the program, except where the project is relevant to conformity with the Clean Air Act (42 U.S.C. 7401 et seq.).

"(4) A transportation improvement program and the annual selection of projects involving Government participation shall be published or otherwise made readily available for public review, identifying federally funded projects, and the estimated costs and locations of those projects.

"(5) Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.".

(c) TRANSPORTATION MANAGEMENT AREAS.—Section 5305 of title 49, United States Code, is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

"(2) any other area, if requested by the chief executive officer and the metropolitan planning organization designated for the area.";

(2) in subsection (b), by inserting "affected" before "mass transportation operators";

(3) in subsection (c), by striking "The Secretary" and all that follows through the final period;

(4) in subsection (d)(1)(A)—

(A) by inserting "and any affected mass transportation operator" after "the State"; and

(B) by striking "or under the Bridge and Interstate Maintenance programs";

(5) in subsection (d)(1)(B), by striking "or under the Bridge and Interstate Maintenance programs"; and

(6) in subsection (e), by striking paragraph (2) and inserting the following:

"(2)(A) If a metropolitan planning process is not certified or is certified conditionally, the Secretary may withhold not more than 20 percent of the apportioned funds attributable to the transportation management area under this chapter and title 23, or may establish such other conditions as the Secretary determines to be appropriate.

"(B) Any apportionments withheld under subparagraph (A) shall be restored to the metropolitan area at such time as the metropolitan planning organization is certified by the Secretary.".

(d) STATEWIDE PLANNING.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5305 the following:

"§ 5305a. Statewide planning

"(a) DEVELOPMENT REQUIREMENTS.—

"(1) IN GENERAL.—To carry out sections 5303 through 5305 of this chapter and section 134 of title 23, each State shall develop transportation plans and programs for all areas of the State, which shall provide for the development and integrated management and operation of transportation systems (including pedestrian walkways and bicycle transportation facilities) that will function as an intermodal State transportation system and an integral part of the intermodal transportation system of the United States.

"(2) SPECIFIC REQUIREMENTS.—The development of the plans and programs under paragraph (1) shall—

"(A) provide for consideration of all modes of transportation; and

"(B) be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

"(b) SCOPE OF PLANNING PROCESS.—

"(1) IN GENERAL.—Each State shall carry out a transportation planning process under this section, which shall provide for consideration of—

"(A) supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increasing the safety and security of the transportation system for motorized and nonmotorized users;

"(C) increasing the accessibility and mobility options available to people and for freight;

"(D) protecting and enhancing the environment, promoting energy conservation and improved quality of life, and coordinating land-use and transportation plans and programs;

"(E) enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(F) promoting efficient system management and operation; and

"(G) emphasizing the preservation of the existing transportation system.

"(2) GOALS.—In cooperation with the metropolitan planning organization and mass transportation operators, and with opportunity for public review and comment, the State shall establish goals that relate to the factors described in paragraph (1), and propose projects, programs, and strategies to achieve those goals.

"(c) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—

"(1) IN GENERAL.—In carrying out the planning under this section, a State shall—

"(A) coordinate the planning with the transportation planning activities carried out under sections 5303 through 5305 of this chapter and section 134 of title 23, for metropolitan areas of the State;

"(B) carry out the responsibilities of the State for the development of the transportation portion of the State air quality implementation plan, to the extent required by the Clean Air Act (42 U.S.C. 7401 et seq.); and

"(C) to the maximum extent practicable, coordinate with all other governmental agencies and nonprofit organizations operating within the State planning area that receive assistance from governmental sources (other than the Department of Transportation) to provide nonemergency transportation services.

"(2) Participation.—The governmental agencies and nonprofit organizations described in paragraph (1)(C) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services.

"(3) Purpose of coordination.—The purpose of coordination under this subsection is to maximize the efficient use of resources and to integrate all such services to ensure accessibility and mobility.

"(d) Additional Requirements.—In carrying out planning under this section, each State shall, at a minimum, consider—

"(1) with respect to nonmetropolitan areas, the concerns of local elected officials representing units of general purpose local government;

"(2) the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

"(3) coordination of transportation plans, programs, and planning activities with related planning activities being carried out outside of metropolitan planning areas.

"(e) Long-Range Transportation Plan.—

"(1) In general.—Each State shall develop a long-range transportation plan, with a minimum 20-year forecast period, for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

"(2) Cooperation.—With respect to each metropolitan area in the State, the long-range transportation plan referred to in paragraph (1) shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303 and section 134 of title 23. With respect to each nonmetropolitan area, the long-range transportation plan shall be developed in consultation with local elected officials representing units of general purpose local government. With respect to each area of the State under the jurisdiction of an Indian tribal government, the long-range transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) Opportunity for comment.—In developing the long-range transportation plan under this subsection, the State shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan.

"(4) Transportation strategies.—The long-range transportation plan developed under this subsection shall identify transportation strategies necessary to efficiently serve the mobility needs of individuals.

"(f) State Transportation Improvement Program.—

"(1) In general.—The State shall develop a transportation improvement program for all areas of the State.

"(2) Cooperation.—With respect to each metropolitan area in the State, the transportation improvement program under this subsection shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303 and section 134 of title 23. With respect to each nonmetropolitan area, the program shall be developed in consultation with local elected officials representing units of general purpose local government. With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

"(3) Opportunity for comment.—In developing the transportation improvement program under this subsection, the State shall provide citizens, affected public agencies, representatives of transportation authority employees, other affected employee representatives, freight shippers, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed program.

"(4) Required information.—A transportation improvement program developed for a State under this subsection shall include federally supported surface transportation expenditures within the boundaries of the State. Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually. All other projects funded under chapter 2 of title 23 shall be grouped in 1 line item or identified individually in the transportation improvement program.

"(5) Specific requirements.—Each project shall—

"(A) be consistent with the long-range transportation plan developed under this section for the State;

"(B) be identical to the project described in an approved metropolitan transportation improvement program; and

"(C) be in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as nonattainment for ozone or carbon monoxide under that Act.

"(6) Projects.—The transportation improvement program developed under this subsection shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

"(7) Priorities.—The transportation improvement program developed under this subsection shall reflect the priorities for programming and expenditures of funds, including transportation enhancements, required by this chapter.

"(8) Small areas.—Projects carried out in areas with populations of less than 50,000—

"(A) excluding projects carried out on the National Highway System, shall be selected from the approved statewide transportation improvement program by the State in cooperation with the affected local officials; and

"(B) on the National Highway System, shall be selected from the approved statewide transportation improvement program by the State, in consultation with the affected local officials.

"(9) Review.—A transportation improvement program developed under this subsection shall be reviewed and, on a finding that the planning process through which the program was developed is consistent with this section and section 5303, approved not less frequently than biennially by the Secretary. Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved statewide transportation improvement program in place of another project of higher priority in the program, except where the project is relevant to conformity with the Clean Air Act (42 U.S.C. 7401 et seq.).

"(g) Available Funds.—Amounts set aside under section 5313(b) of this chapter and section 505 of title 23 shall be available to carry out this section.".

(2) Conforming amendment.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5305 the following:

"5305a. Statewide planning.".

SEC. 05. METROPOLITAN PLANNING ORGANIZATIONS.

Section 5303(c)(2) of title 49, United States Code, is amended by striking "and appropriate State officials" and inserting "appropriate State officials, and a representative of the users of public transit".

SEC. 06. FARE BOX REVENUES.

(a) Block Grants.—Section 5307(e) of title 49, United States Code, is amended—

(1) in the first sentence, by striking "A grant of" and inserting the following:

"(1) In general.—A grant of";

(2) in the fourth sentence, by striking "or revenues from" and all that follows through "1985)";

(3) in the last sentence, by inserting "proceeds from a local issuance of debt," after "cash fund or reserve,"; and

(4) by adding at the end the following:

"(2) Maintenance of effort.—The credit given for the use of proceeds from a local issuance of debt in meeting the non-federal share under paragraph (1) shall not reduce or replace State monies required to match Federal funds for any program pursuant to this chapter. In receiving a credit for non-federal capital expenditures under this section, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.".

(b) Discretionary Grants and Loans.—Section 5309(h) of title 49, United States Code, is amended in the fourth sentence, by inserting "proceeds from a local issuance of debt," after "cash fund or reserve.".

SEC. 07. CLEAN FUELS FORMULA GRANT PROGRAM.

(a) In General.—Section 5308 of title 49, United States Code, is amended to read as follows:

"§ 5308. Clean fuels formula grant program

"(a) Definitions.—In this section—

"(1) the term 'designated recipient' has the same meaning as in section 5307(a);

"(2) the term 'eligible project'—

"(A) means a project for the—

"(i) purchase or lease of clean fuel vehicles or hybrid transit vehicles, including clean fuel vehicles that employ a lightweight composite primary structure;

"(ii) construction or leasing of clean fuel vehicle fueling or electrical recharging facilities and related equipment;

"(iii) improvement of existing transit facilities to accommodate clean fuel vehicles; or

"(iv) incremental costs of biodiesel fuel; and

"(B) in the discretion of the Secretary, may include projects relating to clean fuel, biodiesel, hybrid electric, or zero emissions technology vehicles that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies; and

"(3) the term 'Secretary' means the Secretary of Transportation.

"(b) Authority.—The Secretary shall make grants in accordance with this section to designated recipients to finance eligible projects.

"(c) Application.—Not later than January 1 of each year, any designated recipient seeking to apply for a grant under this section for an eligible project shall submit an application to the Secretary, in such form and in accordance with such requirements as the Secretary shall establish by regulation.

"(d) APPORTIONMENT OF FUNDS.—

"(1) FORMULA.—Not later than February 1 of each year, the Secretary shall apportion amounts made available under this section to designated recipients submitting applications under subsection (c) in accordance with the following:

"(A) Two-thirds of the amount made available under this section shall be apportioned to designated recipients with eligible projects in urban areas with a population of not less than 1,000,000 as follows:

"(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of not less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2).

"(ii) 50 percent of the amount made available under this section shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of bus passenger miles of all eligible projects in areas with a population of not less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

"(B) One-third of the amount made available under this section shall be apportioned to designated recipients with eligible projects in urban areas with a population of less than 1,000,000 as follows:

"(i) 50 percent shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of vehicles in the bus fleet of the eligible project of the designated recipient, weighted by severity of nonattainment for the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment for all areas in which those eligible projects are located, as provided in paragraph (2).

"(ii) 50 percent of the amount made available under this section shall be apportioned, such that each such designated recipient receives a grant in an amount equal to the ratio between—

"(I) the number of bus passenger miles (as that term is defined in section 5336(c)) of the eligible project of the designated recipient, weighted by severity of nonattainment of the area in which the eligible project is located, as provided in paragraph (2); and

"(II) the total number of bus passenger miles of all eligible projects in areas with a population of less than 1,000,000 funded under this section, weighted by severity of nonattainment of all areas in which those eligible projects are located, as provided in paragraph (2).

"(2) WEIGHTING OF SEVERITY OF NONATTAINMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B) of this paragraph, the number of clean fuel vehicles in the fleet, or the number of passenger miles, shall be multiplied by a factor of—

"(i) 1.0 if, at the time of the apportionment, the area is a maintenance area (as that term is defined in section 101 of title 23) for ozone or carbon monoxide;

"(ii) 1.1 if, at the time of the apportionment, the area is classified as—

"(I) a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a marginal carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

"(iii) 1.2 if, at the time of the apportionment, the area is classified as—

"(I) a moderate ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a moderate carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

"(iv) 1.3 if, at the time of the apportionment, the area is classified as—

"(I) a serious ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a serious carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.);

"(v) 1.4 if, at the time of the apportionment, the area is classified as—

"(I) a severe ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) a severe carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.); or

"(vi) 1.5 if, at the time of the apportionment, the area is classified as—

"(I) an extreme ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.); or

"(II) an extreme carbon monoxide nonattainment area under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.).

"(B) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being classified as a nonattainment or maintenance area (as that term is defined in section 101 of title 23) for ozone under subpart 2 of part D of title I of the Clean Air Act (42 U.S.C. 7511 et seq.), the area was also classified under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.) as a nonattainment area for carbon monoxide, the weighted nonattainment or maintenance area fleet and passenger miles for the eligible project, as calculated under subparagraph (A), shall be further multiplied by a factor of 1.2.

"(3) MAXIMUM GRANT AMOUNT.—

"(A) IN GENERAL.—The amount of a grant made to a designated recipient under this section shall not exceed the lesser of—

"(i) for an eligible project in an area—

"(I) with a population of less than 1,000,000, $15,000,000; and

"(II) with a population of not less than 1,000,000, $25,000,000; or

"(ii) 80 percent of the total cost of the eligible project.

"(B) REAPPORTIONMENT.—Any amounts that would otherwise be apportioned to a designated recipient under this subsection that exceed the amount described in subparagraph (A) shall be reapportioned among other designated recipients in accordance with paragraph (1).

"(e) AUTHORIZATION.—

"(1) IN GENERAL.—Subject to paragraph (2), in each fiscal year, $200,000,000 shall be made available or appropriated under subsections (a) and (b) of section 5338 to carry out this section.

"(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this section, not less than 5 percent of the amount apportioned under this section in each fiscal year shall be apportioned to fund any eligible projects, for which an application is received from a designated recipient in accordance with subsection (a), for—

"(A) the purchase or construction of hybrid electric or battery-powered buses; or

"(B) facilities specifically designed to service those buses.

"(f) AVAILABILITY OF FUNDS.—Any amount made available or appropriated under this section—

"(1) shall remain available for 1 year after the fiscal year for which the amount is made available or appropriated; and

"(2) that remains unobligated at the end of the period described in paragraph (1), shall be added to the amount made available in the following fiscal year.".

(b) DEFINITION OF CLEAN FUEL VEHICLE.—Section 5302(a) of title 49, United States Code, is amended—

(1) in each of paragraphs (2) through (12), by striking the period at the end and inserting a semicolon;

(2) in paragraph (13), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(14) 'clean fuel vehicle' means a vehicle powered by compressed natural gas, liquefied natural gas, biodiesel fuels, batteries, alcohol-based fuels, or hybrid electric, fuel cell, or other zero emissions technology.".

(c) CLERICAL AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5308 and inserting the following:

"5308. Clean fuels formula grant program.".

SEC. ___08. CAPITAL INVESTMENT GRANTS AND LOANS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended in the section heading, by striking "**Discretionary**" and inserting "**Capital investment**".

(b) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by striking "Of the amounts available for grants and loans under this section for each of the fiscal years ending September 30, 1993–1997" and inserting "After apportioning amounts for the purposes of section 5308, of the amounts available for grants and loans under this section for each of fiscal years 1993 through 2003".

(c) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended in the item relating to section 5309, by striking "Discretionary" and inserting "Capital investment".

SEC. ___09. TRANSIT SUPPORTIVE LAND USE.

Section 5309(e)(3)(B) of title 49, United States Code, is amended by inserting ", and recognize reductions in local infrastructure costs achieved through compact land use development" before the semicolon.

SEC. ___10. NEW STARTS.

Section 5309(m) of title 49, United States Code, is amended by adding at the end the following:

"(5) Not more than 8 percent of the amount made available under paragraph (1)(B) in any fiscal year shall be available for activities other than final design and construction.".

SEC. 11. JOINT PARTNERSHIP FOR DEPLOYMENT OF INNOVATION.

Section 5312 of title 49, United States Code, is amended by adding at the end the following:

"(d) JOINT PARTNERSHIP PROGRAM FOR DEPLOYMENT OF INNOVATION.—

"(1) DEFINITION OF CONSORTIUM.—In this subsection, the term 'consortium'—

"(A) means—

"(i) 1 or more public or private organizations located in the United States, that provides mass transportation service to the public; and

"(ii) 1 or more businesses, including small- and medium-sized businesses, incorporated in a State, offering goods or services or willing to offer goods and services to mass transportation operators; and

"(B) may include, as additional members, public or private research organizations located in the United States, or State or local governmental authorities.

"(2) GENERAL AUTHORITY.—The Secretary may, under terms and conditions that the Secretary prescribes, enter into grants, contracts, cooperative agreements, and other agreements with consortia selected in accordance with paragraph (4), to promote the early deployment of innovation in mass transportation technology, services, management, or operational practices. This paragraph shall be carried out in consultation with the transit industry by competitively selected public/private partnerships that will share costs, risks, and rewards of early deployment of innovation with broad applicability.

"(3) CONSORTIUM CONTRIBUTION.—A consortium assisted under this subsection shall provide not less than 50 percent of the costs of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to a joint partnership project.

"(4) NOTICE REQUIREMENT.—The Secretary shall periodically give public notice of the technical areas for which joint partnerships are solicited, required qualifications of consortia desiring to participate, the method of selection and evaluation criteria to be used in selecting participating consortia and projects, and the process by which innovation projects described in paragraph (1) will be awarded.

"(5) USE OF REVENUES.—The Secretary shall, to the maximum extent practicable, accept a portion of the revenues resulting from sales of an innovation project funded under this section, to be credited to the Mass Transit Account of the Highway Trust Fund and used for joint partnership projects in accordance with this subsection.".

SEC. 12. WORKPLACE SAFETY.

Section 5315(a) of title 49, United States Code, is amended—

(1) in paragraph (13), by striking "and" at the end;

(2) in paragraph (14), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(15) workplace safety.".

SEC. 13. UNIVERSITY TRANSPORTATION CENTERS.

(a) IN GENERAL.—Subchapter IV of chapter 52 of title 49, United States Code (as added by section 2003(a) of this Act), is repealed effective 1 day after the date of enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Section 2003(b) of this Act, and the amendments made by that section, are repealed effective 1 day after the date of enactment of this Act.

(2) APPLICABILITY.—Effective 1 day after the date of enactment of this Act, sections 5316 and 5317 of title 49, United States Code, and the items relating to sections 5316 and 5317 in the analysis for chapter 53 of title 49, United States Code, shall be applied and administered as if section 2003(b) of this Act had not been enacted.

SEC. 14. JOB ACCESS GRANTS.

(a) FINDINGS.—Congress finds that—

(1) two-thirds of all new jobs are in the suburbs, whereas three-quarters of welfare recipients live in rural areas or central cities;

(2) even in metropolitan areas with excellent public transit systems, less than half of the jobs are accessible by transit;

(3) in 1991, the median price of a new car was equivalent to 25 weeks of salary for the average worker, and considerably more for the low-income worker;

(4) not fewer than 9,000,000 households and 10,000,000 Americans of driving age, most of whom are low-income workers, do not own cars;

(5) 94 percent of welfare recipients do not own cars;

(6) nearly 40 percent of workers with annual incomes below $10,000 do not commute by car;

(7) many of the 2,000,000 Americans who will have their Temporary Assistance to Needy Families grants (under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)) terminated by the year 2002 will be unable to get to jobs they could otherwise hold; and

(8) increasing the transit options for low-income workers, especially those who are receiving or who have recently received welfare benefits, will increase the likelihood of those workers getting and keeping jobs.

(b) GRANT AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 49, United States Code, is amended by inserting after section 5320 the following:

"§ 5320a. Access to jobs

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term 'eligible low-income individual' means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

"(2) ELIGIBLE PROJECT.—The term 'eligible project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

"(A) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

"(B) promoting the use of transit by workers with nontraditional work schedules;

"(C) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

"(D) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

"(3) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term 'existing transportation service providers' means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from Federal, State, or local sources for nonemergency transportation services.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(5) QUALIFIED ENTITY.—The term 'qualified entity' means—

"(A) with respect to any proposed eligible project in an urbanized area with a population of not less than 200,000, the entity or entities selected by the appropriate metropolitan planning organization, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations; and

"(B) with respect to any proposed eligible project in an urbanized area with a population of less than 200,000, or an area other than an urbanized area, the entity or entities selected by the chief executive officer of the State in which the area is located, in coordination with affected transit grant recipients (as provided in subsection (g)(2)), from among local governmental authorities and nonprofit organizations.

"(6) WELFARE RECIPIENT.—The term 'welfare recipient' means an individual who receives or received aid or assistance under a State program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2110)) at any time during the 3-year period before the date on which the applicant applies for a grant under this section.

"(b) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary may make grants under this section to assist qualified entities in financing eligible projects.

"(2) COORDINATION.—The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

"(c) APPLICATIONS.—Each qualified entity seeking to receive a grant under this section for an eligible project shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish by regulation.

"(d) PROHIBITION.—Grants awarded under this section may not be used for planning or coordination activities.

"(e) FACTORS FOR CONSIDERATION.—In awarding grants under this section to applicants under subsection (c), the Secretary shall consider—

"(1) the percentage of the population in the area to be served by the applicant that are welfare recipients;

"(2) the need for additional services in the area to be served by the applicant to transport welfare recipients and eligible low-income individuals to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs;

"(3) the extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers;

"(4) the extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands transit networks or hours of service, or both;

"(5) the extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs;

"(6) the extent to which the applicant—

"(A) presents a regional transportation plan for addressing the transportation needs of welfare recipients and eligible low-income individuals; and

"(B) identifies long-term financing strategies to support the services under this section; and

"(7) the extent to which the applicant demonstrates that the community to be served has been consulted in the planning process.

"(f) FEDERAL SHARE OF COSTS.—

"(1) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed 50 percent of the total project cost.

"(2) NONGOVERNMENTAL SHARE.—The portion of the total cost of an eligible project that is not funded under this section—

"(A) shall be provided in cash from sources other than revenues from providing mass transportation; and

"(B) may be derived from amounts made available to a department or agency of the Federal Government (other than the Department of Transportation) that are eligible to be expended for transportation.

"(g) PLANNING REQUIREMENTS.—

"(1) IN GENERAL.—The requirements of sections 5303 through 5306 apply to any grant made under this section.

"(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients, and the eligible projects financed must be part of a coordinated public transit-human services transportation planning process.

"(h) GRANT REQUIREMENTS.—A grant under this section shall be subject to—

"(1) all of the terms and conditions to which a grant made under section 5307 is subject; and

"(2) such other terms and conditions as determined by the Secretary.

"(i) PROGRAM EVALUATION.—

"(1) COMPTROLLER GENERAL.—Beginning 6 months after the date of enactment of this section, and every 6 months thereafter, the Comptroller General of the United States shall—

"(A) conduct a study to evaluate the grant program authorized under this section; and

"(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of each study under subparagraph (A).

"(2) DEPARTMENT OF TRANSPORTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall—

"(A) conduct a study to evaluate the access to jobs grant program authorized under this section; and

"(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the results of the study under subparagraph (A).

"(j) FUNDING; ALLOCATION.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 1998 through 2003. Such amounts shall remain available until expended.

"(2) ALLOCATION.—The amount made available to carry out this section in each fiscal year shall be allocated as follows:

"(A) 60 percent shall be allocated for eligible projects in urbanized areas with populations of not less than 200,000.

"(B) 20 percent shall be allocated for eligible projects in urbanized areas with populations of less than 200,000.

"(C) 20 percent shall be allocated for eligible projects in areas other than urbanized areas.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 53 of title 49, United States Code, is amended by inserting after the item relating to section 5320 the following:

"5320a. Access to jobs.".

SEC. 15. GRANT REQUIREMENTS.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

"(m) GRANT REQUIREMENTS.—The grant requirements under sections 5307 and 5309 apply to any project under this chapter that receives any assistance from an infrastructure bank or through other financing under subtitle C of title I of the Intermodal Surface Transportation Efficiency Act of 1997.".

SEC. 16. HHS AND PUBLIC TRANSIT SERVICE.

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

"(n) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—To the extent feasible, governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services—

"(1) shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

"(2) shall be included in the planning for those services.".

SEC. 17. PROCEEDS FROM THE SALE OF TRANSIT ASSETS.

Section 5334(g) of title 49, United States Code, is amended by adding at the end the following:

"(4) Notwithstanding any other provision of law, if a recipient of assistance under this chapter determines that an asset (including real property) acquired with such assistance is no longer needed for the purpose for which it was acquired, the recipient may sell that asset with no further obligation to the Government, if the proceeds of the sale are used for the provision of mass transportation services in accordance with this chapter.".

SEC. 18. OPERATING ASSISTANCE FOR SMALL TRANSIT AUTHORITIES IN LARGE URBANIZED AREAS.

Section 5336(d) of title 49, United States Code, is amended by adding at the end the following:

"(3) In distributing operating assistance under this subsection to urbanized areas with a population of 1,000,000 or more under the most recent census, the Secretary shall direct each such area to give priority consideration to the impact of reductions on operating assistance on smaller transit authorities operating within the area and to consider the needs and resources of such transit authorities.".

SEC. 19. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) of title 49, United States Code, is amended to read as follows:

"(a) DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998, 1999, 2000, 2001, 2002, and 2003 as follows:

"(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Baltimore, $8,372,000.

"(B) Boston, $38,948,000.

"(C) Chicago/Northwestern Indiana, $78,169,000.

"(D) Cleveland, $9,509,500.

"(E) New Orleans, $1,730,588.

"(F) New York, $176,034,461.

"(G) Northeastern New Jersey, $50,604,653.

"(H) Philadelphia/Southern New Jersey, $58,924,764.

"(I) Pittsburgh, $13,662,463.

"(J) San Francisco, $33,989,571.

"(K) Southwestern Connecticut, $27,755,000.

"(2) The next $70,000,000 shall be apportioned as follows:

"(A) 50 percent in the urbanized areas listed in paragraph (1), as provided in section 5336(b)(2)(A).

"(B) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Pittsburgh, 61.76 percent.

"(B) Cleveland, 10.73 percent.

"(C) New Orleans, 5.79 percent.

"(D) 21.72 percent in urbanized areas to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(5) The next $140,000,000 shall be apportioned as follows:

"(A) 65 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A), if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(6) The next $100,000,000 shall be apportioned as follows:

"(A) 60 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(7) Remaining amounts shall be apportioned as follows:

"(A) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

"(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.".

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337 of title 49, United States Code, is amended by adding at the end the following:

"(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—

"(1) Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

"(2) Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available.".

SEC. 20. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine whether the formula for apportioning funds to urbanized areas under section 5336 of title 49, United States Code accurately reflects the transit needs of the urbanized areas and, if not, whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) REPORT.—Not later than December 31, 1999, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section, together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

ALLARD (AND GRAMS) AMENDMENT NO. 1932

(Ordered to lie on the table.)

Mr. ALLARD (for himself and Mr. GRAMS) submitted an amendment intended to be proposed by them to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page , strike lines through , and insert the following:

"(5) Remaining amounts shall be apportioned in urbanized areas eligible for assistance under section 5336(b)(2)(A) that are not described in paragraph (1) of this subsection, if the areas contain fixed guideway systems placed in revenue service not less than 7 years before the fiscal year in which amounts are made available, and in any urbanized area if, before the first day of that fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.".

At the appropriate place, insert the following:

SEC. . ALLOCATION OF CAPITAL INVESTMENT GRANTS AND LOANS FOR NEW STARTS.

Section 5309(m)(1)(B) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: ", of which any amount in excess of $760,000,000 is available exclusively for projects for new fixed guideway systems, and extensions to existing fixed guideway systems placed in revenue service not more than 15 years before the fiscal year for which amounts are made available".

CONCURRENT RESOLUTION ON SADDAM HUSSEIN

SPECTER (AND DORGAN) AMENDMENT NOS. 1933–1934

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by them to the concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity; as follows:

AMENDMENT NO. 1933

Strike all after the resolving clause and insert the following:

That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

AMENDMENT NO. 1934

Strike out the preamble and insert the following:

Whereas the International Military Tribunal at Nurenberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the

International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international humanitarian law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international humanitarian law in Rwanda;

Whereas more than 70 individuals have been indicted by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24 million for the International Criminal Tribunal for the Former Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

BAUCUS AMENDMENT NO. 1935

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to amendment No. 1772 submitted by Mr. MCCONNELL to amendment No. 1766 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 2, line 18, delete "and", insert the following, and redesignate the subsequent paragraph accordingly:

"(5) the persistence of discrimination against business enterprises owned and controlled by socially and economically disadvantaged individuals;

"(6) the extent of discrimination against construction companies owned and controlled by women and minorities in the financial, credit and bonding markets;

"(7) the impact on businesses owned and controlled by socially and economically disadvantaged individuals in instances in which States have repealed their State Disadvantaged Business Enterprise programs, or in which the operation of the federal Disadvantaged Business Enterprise program has been prevented by the order of a court;

"(8) the impact of the Disadvantaged Enterprise Program on the creation of jobs, especially the creation of jobs for women and minorities;

"(9) the participation rates of disadvantaged business enterprises as prime contractors in programs funded under this Act; and".

CHAFEE AMENDMENTS NOS. 1936–1937

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to amendment No. 1771 submitted by Mr. MCCONNELL to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1936

At the end, insert the following new subsection:

"(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a final order of a Federal court finding the program to be unconstitutional, the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

"(1) goals for the participation of small business;

"(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

"(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

"(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.".

AMENDMENT NO. 1937

At the end, insert the following new subsection:

"(f) REQUIRED ESTABLISHMENT OF A SMALL BUSINESS PROGRAM.—During any time period in which a recipient is prevented from administering the Disadvantaged Business Enterprise program as set forth in subsection (a) by reason of a court order as described in subsection (e), the recipient shall establish a Small Business Program to assist small businesses, as defined by the Secretary, which shall include at a minimum:

"(1) goals for the participation of small businesses;

"(2) outreach and recruitment efforts for small businesses, including disadvantaged business enterprises, to encourage the maximum practicable opportunity for small businesses to compete for prime and subcontracts funded under Federal transportation law;

"(3) assistance to small businesses, including disadvantaged businesses, in obtaining financing, credit, bonding, and other assistance; and

"(4) semi-annual reporting to the Department of Transportation on the impact of the small business program.".

ROCKEFELLER AMENDMENT NO. 1938

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place insert:

Section 102(a) of Title 23, United States Code, is amended by inserting after "required" the following:

"Unless, at the discretion of the State highway department, the vehicle is an alternative fuel vehicle (as defined in section 2023(c) of the Energy Policy Act of 1992 (42 U.S.C. 13433(c)))".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Wednesday, March 11, 1998, at 9:30 a.m. in room 216 of the Hart Senate Office Building to conduct a mark-up on the Committee Budget Views & Estimates letter regarding the FY '99 budget request for Indian programs.

To be followed immediately by a hearing on Tribal Sovereign Immunity.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an Executive Session of the Senate Committee on Labor and Human Resources will be held on Wednesday, March 11, 1998, 9:30 a.m., in SD–106 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. 1648, Preventing Addiction to Smoking among Teens (PAST) Act.
2. Presidential Nominations.

For further information, please call the committee, 202/224–5375.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources, will be held on Thursday, March 12, 1998, 9:30 a.m., in SD–430 of the Senate Dirksen

Building. The subject of the hearing is Assessment of New Health Care Technologies Role of AHCPR. For further information, please call the committee, 202/224-5375.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on the following days:

Thursday, March 12, 1998 at 9:00 a.m. in SR-328A, Tuesday, March 17, 1998 at 9:00 a.m. in SR-328A.

The purpose of these meetings will be to examine reauthorization of expiring child nutrition programs.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 19, 1998 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1488 and accompanying Senate amendment No. 1618, legislation to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes; and S. 1670, a bill to amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact Brian Malnak or Jo Meuse at (202) 224-6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet for a hearing on Monday, March 9, 1998, at 1:00 p.m. The subject of the hearing is the Lessons Learned in the D.C. Public Schools.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, March 9, 1998 at 2:00 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on "Facts and Myths on the S. 10's Juvenile Recordkeeping Requirements."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 9, 1998 at 1:00 p.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO TONY MALMBERG

• Mr. THOMAS. Mr. President, today I rise to recognize Tony Malmberg, who manages the Three Quarter Circle Ranch near Lander, Wyoming. Mr. Malmberg was recognized recently for his superior stewardship practices that demonstrate a healthy environment, such as cleaner water and thriving fauna and flora, go hand in hand with successful ranching.

Tony Malmberg's Three Quarter Circle Ranch is the national winner of the National Cattlemen's Beef Association Environmental Stewardship Award for using innovative practices to protect and enhance natural resources, while increasing the profits of the business. With its over 900 cow/calf pairs and 1,000 yearlings, rotational grazing practices and success in showing profits while safeguarding natural resources such as land and water, Three Quarter Circle Ranch was the clear winner.

Unique in his accomplishments, Mr. Malmberg developed a partnership with schools to provide an educational site where students can learn about wildlife and habitats, streams, vegetation, geology and archaeology, birds and riparian areas. In addition, his ranch was one of the first ranches in the west to develop a ranch/recreation program where guests are able to participate in ranch activities, including livestock herding.

This award should come as no surprise to those who know him. The land is his most important resource and it gives him clear signals when his approaches work and do not work. Therefore, he makes many of his management decisions based on the rhythms of nature. For example, using more tolerant species of plants in meadows to decrease demand for water, reduce irrigation, and enhance stream flows and riparian conditions. Also he adjusts the timing of grazing in riparian areas to encourage beavers to build dams and changing grazing rotations each year to accommodate species diversity.

Mule dear, pronghorn antelope and elk live on the Three Quarter Circle Ranch during the winter. A pond on the ranch is stocked with fish, and nesting structures were added to attract geese.

Obviously Tony Malmberg feels strongly about his role as a steward of natural resources because it not only affects his bottom line, but it helps him demonstrate how ranching benefits other species and the general public.

Three Quarter Circle Ranch was selected by a committee of representatives of the Environmental Protection Agency, USDA's Soil Conservation Service, U.S. Fish and Wildlife Service, the Nature Conservancy, American Farmland Trust, American Sportfishing Association, Texas Tech University, Texas A&M Research and Extension Center, South Utah University and NCBA.

I commend Tony Malmberg for this award and for what he has accomplished on his ranch in Lander. He represents the best of the industry and the very best of working people in the West.•

30TH ANNIVERSARY OF FOCUS: HOPE

• Mr. LEVIN. Mr. President, I rise today to celebrate the 30th Anniversary of Focus: HOPE. On March 8, 1968, Focus: HOPE adopted the following resolution:

> Recognizing the dignity and beauty of every person we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust and affection. Black and white, yellow, brown and red, from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this covenant.

In those simple, poetic words, Focus: HOPE began a journey that has remained true to its original vision thirty years later. Focus: HOPE was founded in one of the Detroit's most economically depressed areas by the late Father William T. Cunningham and Executive Director Eleanor Josaitis in the aftermath of the 1967 Detroit riots. Focus: HOPE's efforts initially centered on healing along racial lines, but in time have evolved into something much greater. As Father Cunningham has said, "traditional societal cancers like racism are so interrelated with other socioeconomic challenges that we can't look at a problem without looking at (the) whole context."

In the 1970's, Focus: HOPE began its Food Prescription Program which continues to provide monthly supplemental food to low-income pregnant and postpartum mothers, infants and preschool children. The 1970's also saw Focus: HOPE take a leadership role in securing low-interest mortgage and automobile loans for African-Americans, designing a race relations training program for desegregated schools, and establishing Focus: HOPE's WALK for Justice, an annual march through Detroit to show interracial harmony.

The 1980's was a time of radical evolution for Focus: HOPE. During this period, Focus: HOPE transformed itself into the nationally recognized center for education and training that it is today. It established FAST TRACK, a computer assisted course which improves the reading and math skills of high school graduates. FAST TRACK prepares students for entry into the Machinist Training Institute (MTI), which produces skilled machinists who are needed in local industry and are able to command good salaries. Focus: HOPE also established its Center for Children, a Montessori school which supports the children of Focus: HOPE's faculty, students and the surrounding neighborhood. Focus: HOPE also established the Food for Seniors program which provides monthly supplemental food to low-income senior citizens. In order to support all of Focus: HOPE's programs, several for-profit companies were established.

The 1990's have seen Focus: HOPE continue to expand. In 1993, Focus: HOPE's Center for Advanced Technologies (CAT) was established to allow interested MTI students to continue their education. This internationally recognized program awards associate's and bachelor's degrees in manufacturing engineering. Focus: HOPE is looking to the future by planning the establishment of Tech Villas, a state of the art residential learning center linked to the CAT, fulfilling the goal of becoming a national demonstration center for advanced manufacturing and training.

Over the years, I have had the great opportunity to be with President Clinton, Gen. Colin Powell, Secretary Ron Brown and many others on tours of Focus: HOPE. While each of these dignitaries has walked away impressed by the size and scope of Focus: HOPE's mission, they have been equally inspired by the spiritual nature of Focus: HOPE. Focus: HOPE has changed the lives of thousands of people throughout metropolitan Detroit by bringing to life the proverb "Give a person a fish and you feed him for a day; teach him to fish and you feed him for a lifetime."

While the past thirty years have undoubtedly been a great success for Focus: HOPE, 1997 was a very trying time for all who care deeply about this community. On May 26, Father William Cunningham, founder and inspiration of Focus: HOPE, passed away after a spirited battle against cancer. On July 2, the Focus: HOPE campus and the surrounding neighborhood were struck by a tornado, causing great damage to Focus: HOPE buildings. Under the magnificent leadership of Eleanor Josaitis and the hard work of the entire staff, Focus: HOPE has rebuilt and rededicated itself to Father Cunningham's vision. This difficult year has brought the community closer together as they celebrate the 30th Anniversary of the "Miracle on Oakman Boulevard," Focus: HOPE.•

TRIBUTE TO BUD McCALL

• Mr. CRAIG. Mr. President, I stand today to pay tribute to a man who quietly serves his community the only way he knows how—through hard work and dedication. Bud McCall, a county commissioner since 1977, is being named Citizen of the Year by the St. Maries Chamber of Commerce.

Bud has been an active community member in St. Maries and Benewah County longer than most people can remember. Bud serves the community in many ways: as an employer, an elected official, and a community volunteer. Today he is being recognized for his voluntary efforts during the spring floods of 1996 when Bud came to the rescue of many area residents. He tirelessly worked around the clock to help protect the community from further damage from the repeated flooding. He rounded up equipment to stabilize crumbling dikes, met with emergency crews developing a crisis management strategy, and provided shelter for those who found themselves homeless. He literally donated thousands of hours of his time and equipment for the benefit of the community when the community needed him most. However, this is nothing new for Bud. He has always been there when the community needs him.

On a more personal note, Bud is a man of few words. He is the kind of man who, when met on the street even after a long day of hard work, will always greet you with a smile.

Bud's love for his community is shown through all he does. I am proud today to recognize him as an outstanding citizen and public servant that represents the ideals of Idaho.•

LITTLE HEARTS DAY CARE: A COMMUNITY EFFORT

• Mr. JOHNSON. Mr. President, I rise today to call your attention to the Little Hearts Day Care in Estelline, South Dakota, and to the community leaders who rose to new heights to create a day care center amid a child care shortage.

Late last year, Estelline experienced a devastating child care shortage when two of the local child care providers closed their doors to pursue other endeavors. While this rural community wishes the best for these providers, Estelline was left in a state of crisis: all of the remaining day care services were filled to capacity, and working parents had no place to bring their children.

In this time of alarm, community leaders, the Estelline Area Development Corporation, and the city worked together to locate a building to operate a non-profit day care center. Soon after, Donna Thompson, Glenda Thompson, and Kim Ward incorporated the Little Hearts Day Care. If it were not for the massive volunteer effort to renovate the vacant building, the Little Hearts Day Care would be little more than a glimmering idea of hope. Thousands of dollars of materials and hundreds of hours of labor were donated to renovate the building and to make the day care center safe for children. Volunteers cleaned, painted, and some even provided professional services such as plumbing and carpentry. I applaud the community of Estelline for their hard work in filling this void in child care.

Our nation's children are its greatest asset and our most precious treasure. It is vital that we help them get the right start, nurture their development and provide for their well-being. Having held numerous child care meetings with providers, parents, and concerned officials all around our state, I am more convinced than ever that providing high quality, affordable child care is one of the most important issues South Dakota and our nation faces. In our state, we have one of the highest ratios of working moms in the country, coupled with one of the lowest per capita income levels. As a consequence, too many of our child care providers are being asked to provide professional, loving care with very marginal compensation.

While I do not believe in "federalizing" child care, I do think our nation needs a federal-state-local partnership designed to provide local child care providers and parents with better options. This cooperative effort should avoid the creation of new bureaucracies and inflexible mandatory rules, while providing greater financial resources for parents and the entire range of child care providers. Training, standards improvement, nutrition assistance and the promotion of employer incentives for child care strategies should also be part of our effort.

I am pleased that child care issues are receiving the attention of Congress and the Administration. I am proud to have cosponsored the Creating Improved Delivery of Child Care: Affordable, Reliable and Educational (CIDCARE) bill. This measure will help working families afford child care and will provide parents incentives to choose higher quality care. I am pleased that the President's proposal will establish a Child Care Provider Scholarship Fund. This measure will enable states to provide scholarship funds to students working toward a degree in child care.

Quality child care is the first step in ensuring that the children of working parents grow up in a healthy environment, and I am pleased that the community of Estelline answered the call for action.

Mr. President, as I yield the floor, I hope other communities throughout the nation will look to the Little Hearts Day Care and the city of Estelline, and benefit from this prime example of civic cooperation.•

TRIBUTE TO JACK BUELL

• Mr. CRAIG. Mr. President, I stand today to pay tribute to the kind of person every community wishes they had, a down-to-earth caretaker of the community with a heart of gold. Jack Buell, Chairman of the Idaho Benewah County Commissioners is being honored in his community as Citizen of the Year. Jack, like many Idahoans, lives in a resource-rich part of Idaho. He not only provides jobs for many citizens of St. Maries, but is constantly working to enrich this small town. Jack has served as a county commissioner since 1974, and has a reputation for active leadership. This year, he was named as one of the top 25 most influential citizens in the state of Idaho by a Boise newspaper.

It is not difficult to understand why Jack is a man of influence: He's a man of his word and a problem solver. Over the past few years, he faced demanding challenges when his community was hit by devastating floods in the spring of 1996. He worked around-the-clock to minimize the destructive damage caused by the spring floods. He offered heavy equipment, employees, campers, trailers and any other resource he had that someone else could use. He paid his employees for their work and never asked the government or community to reimburse him for his employees' wages. And still Jack was deeply frustrated that he could not do more to protect people from the problems and pain they faced as they faced their losses.

Jack has been inspiring in his work with the community schools. When the school board couldn't get a bond passed to build a new gym for the high school, Jack got to work and found local solutions to the problem. He is a man who doesn't ask what his community can do for him, but instead asks what he can do for the community.

Jack's passion for service without recognition does not go unnoticed. I am proud to honor this man so many call friend, and recognize him for living his daily life in a way that has earned the title of citizen of the year.•

INTERNATIONAL WOMEN'S DAY

Mrs. FEINSTEIN. Mr. President, yesterday, Sunday, March 8th, was commemorated by women around the globe as International Women's Day. I rise today to recognize the importance of this day, and to discuss five issues—the use of rape as an instrument of war; the human rights of women in Afghanistan; international trafficking in women and girls; international family planning; and the Convention on the Elimination of All Forms of Discrimination Against Women—where I believe the United States can and must play a key role in leading the international community's efforts to improve the status of women around the world.

Every day, women around the globe are subject to abuse, violence and discrimination simply because they are women. Whether it is the rape of women in Bosnia and Rwanda as part of a policy of ethnic cleansing, the human rights abuses faced by the women of Afghanistan, or the more subtle forms of discrimination faced daily by women everywhere, the majority of the world's women and girls remain excluded from the prevailing vision of human rights and continue to lack basic legal and fundamental rights.

As we look around the globe, it seems safe to say that U.S. foreign policy does not lack for challenges. Yet, even as we face these other challenges—be it the threat of Saddam Hussein or the threat of an Asian financial crisis—we must also recognize that advancing the status of women is not only the right thing to do, it must be a central part of the foreign policy of the United States.

As I mentioned earlier, as we work to advance this broader agenda there are five areas in particular which I would like to address today: The use of rape as an instrument of war, the situation in Afghanistan, international trafficking in women and girls, international family planning, and the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW).

RAPE AS AN INSTRUMENT OF WAR

The first issue I would like to address today is one which, in recent years, has been of increasing concern to me: The use of rape as an instrument of war.

In all too many places around the world—Bosnia, Rwanda, Afghanistan, to name just three—the last few years have witnessed the regular and systematic use of rape and other forms of violent gender discrimination as tactics of war and of "ethnic cleansing." Indeed, in looking at many of the world's ongoing conflicts it sometimes seems as if the use of rape as an instrument of war has become almost commonplace.

While rape by soldiers has long been a brutal reality in time of war, in all too many cases in the past few years it has frequently operated as a weapon of war itself. Soldiers, paramilitaries and militiamen rape and sexually assault women as part of systematic campaigns of ethnic cleansing. In some cases, women have been interned in camps and houses and subjected to repeated rape and sexual assault.

Well, as far as I am concerned rape as a tool of war must never be accepted, and the international community must act—now—to put an end, once and for all, to the use of rape as an instrument of war.

I was pleased when the international war crimes tribunals for both Rwanda and Bosnia issued indictments which, for the first time in history, charged individuals with "grave breaches" of the Geneva Convention and for crimes against humanity for the use of rape as an instrument of war.

I have been sorely disappointed, however, by the repeated failure of the international community—especially in the former Yugoslavia—to see that those who were indicted for perpetrating these crimes are bought to justice.

Estimates are that up to 20,000 women in Yugoslavia were systematically raped as part of a policy of ethnic cleansing and genocide. In Srebrenica, an alleged "safe area," one women told of Serb soldiers, dressed as UN peacekeepers, who came in a factory where refugees were gathered and dragged away two girls aged 12 and 14 and a 23 year-old women. After several hours, the three returned. They were crying, naked, and bleeding. One said, "We are not girls anymore."

According to the United Nations Commission of Experts, the victims of rape in Bosnia included girls as young as six and women as old as eighty-one. Many women and girls were subjected to gang rapes while being held in detention camps. And, tragically, for many of the women of ex-Yugoslavia, rape was merely a prelude to further torture and then death.

I am deeply concerned about NATO's failure to arrest all persons indicted for rape and other war crimes in Bosnia and Herzegovina.

By issuing indictments for rape, the international community sent a strong message that there can be no impunity for violence against women in time of war. Yet few of those indicted have so far faced justice. Of the seventy-nine persons indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY), 50 remain at large, including twenty-two indicted for rape and sexual assault. Only four indicted suspects charged with rape are in custody.

Successful arrest actions in Prijedor, Vitez and Bijeljina demonstrate that the NATO-led Stabilization Force (SFOR) has both the means and the mandate to apprehend indicted war crimes suspects. While the recent voluntary surrenders by three suspects at the urging of Bosnian Serb Premier Milorad Dodik are encouraging, most indicted suspects in Bosnia reside in areas under the control of Radovan Karadzic and other hardliners, who persist in their refusal to cooperate with the ICTY. Unless NATO arrests those indicted in these areas, it is extremely unlikely that they will ever stand trial.

Ultimately, it is a hollow and cynical gesture to claim outrage over rape as a war crime, issue indictments, but then to act as if the indictments do not merit the commitment or resources to see that those who committed these crimes are, in fact, apprehended and prosecuted.

What kind of nation are we if we can not see to it that the people who practiced rape as an instrument of war are not brought to justice?

I believe the use of rape as an instrument of genocide and ethnic cleansing is a war crime of the highest order. And the failure to assure that those who have been indicted for rape as a war crime are apprehended, extradited, and made to stand trial, does a grave injustice to women around the world.

Indeed, if war criminals indicted for rape are not brought to justice, the international community will have betrayed the legacy of Nuremberg, the victims of the wars that tore Rwanda and Yugoslavia apart, and women world-wide. And we will have set a dangerous precedent that will give encouragement to others elsewhere in the world who may consider the use of rape and genocide as tools of war.

I have repeatedly written the President and Secretary of State calling for stronger international action to see to it that those indicted of war crimes are brought to justice. And last year, along with Senator LAUTENBERG and several of my colleagues, I was proud to cosponsor the War Crimes Prosecution Facilitation Act of 1997. Today, in commemoration of international women's day, I once again call on the administration and the international community to take strong, forceful, and unmistakable action on this issue.

AFGHANISTAN

Perhaps nowhere in the world today is there a clearer test of our commitment to the cause of women's rights than Afghanistan.

For close to twenty years, Afghanistan has been torn apart by war and bloodshed. More than a million people have died, and much of the capital of Kabul lies in ruins. For women and their families, these events have been a disaster, made worse in recent years by the ascendency of the Taliban, an extremist militia group which captured Kabul in September 1996 and declared an end to many of the basic human rights of Afghan women.

What some call true Islam, others, including the United Nations General Assembly, say is an abuse of human rights. In Afghanistan today it appears that another tragic chapter in the story of the suppression of women's rights is being written.

The U.S. State Department's 1997 human rights report states:

> Women were beaten for violating increasingly restrictive Taliban dress codes, which require women to be covered from head to toe. Women were strictly prohibited from working outside the home, and women and girls were denied the right to an education. Women were forbidden from appearing outside the home unless accompanied by a male family member. Beatings and death resulted from a failure to observe these restrictions.

The women of Afghanistan, who have seen their families destroyed by war, are now having their economic life and their fundamental human rights stripped away, and the violations of Afghan women's basic human rights have pushed an already war-torn and war-weary Afghanistan to the brink of disaster.

When I look at the situation in Afghanistan I am forced to ask: Where is the world's outrage? Fully half of Afghanistan's population cannot work for a living or be educated. Fully half the population of Afghanistan are being systematically denied their basic human rights.

Yet, all too often, the world has responded by issuing mild denunciations and turning away. This is unacceptable. We must act to stop these injustices and to bring peace to Afghanistan.

First, I intend to introduce legislation calling on the administration to create an Afghan Women's Initiative along the lines of the successful Bosnian and Rwandan Women's Initiatives which the administration has created in the past two years. These initiatives have assisted the victims of those wars by promoting the reintegration of women into the economy with an emphasis on capacity-building, training programs, legal assistance, and support for microenterprise projects, as well as refugee reintegration and protection.

The women of Afghanistan could greatly benefit from such an initiative, and I believe that the success of the Bosnian and Rwandan programs can serve as a model for a similar program for the women of Afghanistan, as well as the numerous Afghan women in refugee camps in Pakistan.

Second, I also believe that the international community should investigate the need for a war crimes tribunal to investigate charges of rape and abuse as instruments of the now almost decade-long civil war which has torn Afghanistan apart. Credible charges have been made about the systematic use of rape by several of the factions and parties involved in this struggle, and I believe that these charges must be investigated and, if true, must lead to indictments and trials. I intend to address this issue in forthcoming legislation as well.

Finally, I believe that the United States must be clear and unequivocal in stating that we will not recognize any government in Afghanistan unless it is broad-based, respective of all Afghans, and respects international norms of behavior in human rights, including the rights of women and girls.

The United States, with our history of commitment to women's rights and equality, must redouble its efforts to place respect for women's rights at the top of the international community's agenda in Afghanistan.

TRAFFICKING OF WOMEN

The third area I would like to address today is a growing problem for women the world over: The forced or coerced trafficking of girls and women for the purpose of sexual exploitation.

The United Nations estimates that every year millions of women become the victims of the fast growing international business of trafficking in women and girls. By capitalizing on poverty, rising unemployment, and the disintegration of social networks, criminal organizations annually make up to $7 billion on the trafficking and prostitution of approximately 4 million women and girls.

These women come primarily from Eastern Europe and East Asia, accepting offers of lucrative jobs as waitresses, models or dancers in the industrialized world to escape the vice of poverty. Once they arrive, their passports are seized, they are beaten, held captive and forced into prostitution. Traffickers and pimps hold these women in debt bondage, forcing them to work uncompensated as repayment for exaggerated room, board, and travel expenses.

Often times, these victims are given falsified documents or travel on tourist visas, so they have little legal protection. When and if these women are discovered by the police, they are usually treated as illegal aliens and simply deported. Laws against traffickers who engage in forced prostitution, rape, kidnaping, and assault and battery are often not enforced. The women will not testify against traffickers out of fear of retribution, the threat of deportation, and humiliation for their actions.

Without effective enforcement of current laws and the implementation of new laws to protect victims and to prosecute traffickers this trend will continue to grow. Senator WELLSTONE and I will be introducing legislation to provide both more information on trafficking and tougher laws dealing with the illegal trade of women.

INTERNATIONAL FAMILY PLANNING

The fourth issue I would like to touch on today is one which has seen much congressional attention in recent years: U.S. support for international family planning and reproductive health.

The world's population is now nearly 6 billion, and the United Nations projects that the figure could grow to as high as 12 billion by the year 2050. Most of this growth will occur in developing countries, where there are few resources to provide basic health or education services. If women are to be able to better themselves and their families it is crucial that they be provided the resources to control their reproductive destinies and health.

Under the leadership of both Democratic and Republican Presidents, and under Congresses controlled by Democrats and Republicans alike, the United States has established a long and distinguished record of world leadership on international family planning and reproductive health issues.

Unfortunately, in recent years these programs have come under increasing partisan attack by the anti-choice wing of the Republican party—this despite the fact that no U.S. international family planning funds are spent on international abortion.

Non-governmental organizations which currently receive U.S. government assistance for family planning and reproductive health programs, such as the International Planned Parenthood Federation, spend only a small portion of their own private funds on activities which can be construed as supporting abortion. And U.S. support for the United Nations Fund for Population Activities is likewise segregated to assure that no U.S. funds go to any activities which may support abortion.

Moreover, international family planning programs have experienced significant cuts in funding in recent years. The Senate Foreign Operations bill for Fiscal Year 1998 would reestablish a separate account for population assistance, at a level of $435 million, and continue the longstanding prohibition against the use of any funds for abortion.

Today, as we mark International Women's Day, I urge my colleagues to recommit themselves to U.S. leadership in international family planning.

CEDAW

Lastly, I would like to turn my attention today to the Convention to Eliminate All Forms of Discrimination Against Women.

The United Nations' adoption of the Universal Declaration of Human Rights in 1948 dramatically focused and increased public awareness of the international human rights agenda. The rights of women—more than half the world's population—however, were not fully recognized as a legitimate problem.

To address this legacy of neglect, the Convention to Eliminate all Forms of Discrimination Against Women (CEDAW) was drafted to organize all existing international standards regarding discrimination on the basis of gender, and to establish rights for women in areas not previously subject to international standards. The United States was an active participant in the drafting of the Convention, and President Carter signed it on July 17, 1980.

After fourteen years of intense scrutiny—scrutiny, in my view, more befitting the technical aspects of an arms control treaty than a document asserting the fundamental rights of over half the world's population—the State Department sent the treaty to the Senate for ratification in September 1994.

In 1994, by a bipartisan vote, the Foreign Relations Committee recommended with qualifications approval of CEDAW, but acted too late in the session for the treaty to be considered by the full Senate.

Unfortunately, now almost four years later, the Convention continues to languish in the Senate, locked up in the Committee on Foreign Relations. I, along with some of my Senate colleagues, sent a letter last year to Chairman HELMS emphasizing the strong support this Convention has and urging him to report it favorably out of Committee, so that it could be placed before the entire Senate for a vote and ratification. Even though CEDAW contains no provisions in conflict with American laws, no such action has been taken on CEDAW to date.

Currently, 161 countries have ratified the Convention. The United States remains the last of the world's democracies to ratify this fundamental document. Indeed, our failure to ratify CEDAW places us amongst a very small group of countries—including Iran, North Korea, Sudan, and Afghanistan—none of whom are normally put in the same category as the United States on questions of human rights.

As a leader on human rights and women's rights, U.S. ratification of CEDAW will demonstrate U.S. commitment to promoting equality and to protecting women's rights throughout the world. Ratification of CEDAW will send a strong message to the international community that the U.S. understands the challenges faced by discrimination against women, and we will not abide by it.

Today, as we commemorate International Women's Day, I call on my colleagues in the Senate to move forward and ratify CEDAW.

These issues that I have discussed today are not just women's issues. As First Lady Hillary Clinton has said, "Women's rights are human rights and human rights are women's rights." And they merit attention throughout the year, not just on one day.

It is my hope that in the remainder of this session we will prove this commitment to ourselves and the rest of the world. We must ratify CEDAW. We must put a stop to the use of rape as an instrument of war. We must not ignore the gross violations of the human rights of Afghan women. And we must take swift action to curb the trafficking of women and girls. And most importantly, we must lead the world in making it clear that oppression, rape, forced prostitution, and gender discrimination will not be tolerated anywhere.

For too long, and in too many tragic circumstances, we have remained silent, placing women's rights on a second tier of concern in our conduct of U.S. foreign policy. As we commemorate International Women's Day the U.S., and the international community, must take a strong stand and issue a clear warning to those who attempt to rob women of basic rights that the world's governments will no longer ignore these abuses, or allow them to continue with impunity or without repercussion.

HEALTH INSURANCE STANDARDS: NEW FEDERAL LAW CREATES CHALLENGES FOR CONSUMERS, INSURERS, REGULATORS (GAO/HEHS 98-67)

• Mr. JEFFORDS. Mr. President, as Chairman of the Labor and Human Resources Committee, I have closely monitored the implementation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) over the past year to ensure its successful implementation and consistency with legislative intent.

On February 11, 1997, the Committee held its first oversight hearing on proposed HIPAA regulations relating to minimum standards for the access, portability, and renewability of health coverage for both fully insured and self-funded plans. Today, I am releasing a new GAO Report, entitled "Health Insurance Standards: New Federal Law Creates Challenges for Consumers, Insurers, Regulators (GAO/HEHS 98-67)," that examines the HIPAA first year implementation issues and challenges that consumers, issuers of health coverage, state insurance regulators, and federal regulators have faced since HIPAA's passage. The findings of this report will be the focus of a second Labor Committee HIPAA oversight hearing that is scheduled for March 19, 1998.

One of HIPAA's most important features is that it provides people who lose their group insurance coverage with guaranteed access to coverage in the individual market—regardless of their health status. However, the GAO found that the complex nature of the law, as well as, insurance carrier practices, and insurance product pricing have hindered many consumers from benefiting from this provision. Some insurance carriers have charged rates that are 140 to 600 percent of the standard premium to people who lose group coverage, and, thus, effectively discouraging them from obtaining the needed individual health insurance coverage. In addition, HIPAA guarantees access to coverage only if certain eligibility criteria have been met. These criteria include having a minimum of 18 months of prior coverage, the exhaustion of all residual employer coverage, and the application for individual coverage within 63 days of the termination of group coverage. Many consumers are not aware of these requirements and are at risk of forfeiting their right to coverage in the individual market.

Another GAO finding relates to HIPAA's certificate of coverage requirement. Health coverage providers, including employers and insurance carriers, believe that certain HIPAA regulatory provisions create an administrative burden, unanticipated consequences, and the potential for consumer abuse.

Although most insurance issuers comply with the Act by providing the mandated certificate of coverage to individuals terminating their insurance, most believe that the process is costly and unnecessary. They feel it would be more efficient to issue the certificates of coverage only to those who request them. The GAO also examined the guaranteed renewal provision and its relationship to other programs such as Medicare. Once eligible for Medicare, HIPAA does not permit issuers to cancel individual coverage. As a consequence, consumers could be left with more expensive, redundant coverage. In addition, the GAO found that the special enrollment periods for group plan enrollees may create opportunities for consumer abuse. Individuals could switch from plans with large deductibles to those with "first dollar" low deductibles in anticipation of medical expenses. Insurance issuers fear such practices will raise overall costs.

The GAO found that implementing and enforcing HIPAA has been challenging for state insurance regulators due to certain unclear provisions. The provisions cited by the GAO that may need further clarification include those relating to risk-spreading, preexisting conditions, nondiscrimination, and the late enrollee requirements in the group market. The process of clarifying these regulations by the three federal agencies involved in implementing HIPAA (DHHS, DOL and IRS) is ongoing.

The report also confirms that federal regulators have faced an overwhelming, new role under HIPAA. In the five states that have failed to pass the legislation required by HIPAA (CA, MA, MI, RI and MO), the Department of Health and Human Services is now required to act as insurance regulator for certain provisions. The department may also have to play a regulatory role in the District of Columbia and some U.S. territories. Meeting these new state regulatory duties has put a financial burden on the agency. As a result, DHHS has requested an additional $15.5 million to fund 65 new full time equivalent staff and contractor support for HIPAA related enforcement activities in fiscal year 1999.

Mr. President, this new GAO report updates the progress in implementing the Health Insurance Portability and Accountability Act of 1996 and highlights important areas for additional oversight. Consumers leaving their group coverage are facing barriers to individual coverage. Some issuers of health coverage are concerned about the additional administrative burden of HIPAA and its possible unintended consequences. And there are areas of the law that need further clarification for state regulators. The Department of Health and Human Services' new role implementing and enforcing HIPAA may also require additional resources.

In addition to this report, another GAO report on the extent to which large employers have access to health insurance will be completed by the end of May. These two GAO reports and their findings will help Congress in our quest to ensure a successful implementation of the Health Insurance Portability and Accountability Act of 1996.

Mr. President, I ask that the executive summary of the report be printed in the RECORD.

The executive summary follows:

RESULTS IN BRIEF

Although HIPAA provides people losing group coverage the right to guaranteed access to coverage in the individual market regardless of health status, consumers attempting to exercise their right have been hindered by carrier practices and pricing and by their own misunderstanding of this complex law. Among the 13 states where this provision first took effect, many consumers who had lost group coverage experienced difficulty obtaining individual market coverage with guaranteed access rights, or they paid significantly higher rates for such coverage. Some carriers have discouraged individuals from applying for the coverage or charged them rates 140 to 600 percent of the standard premium. Carriers charge higher rates because they believe individuals who attempt to exercise HIPAA's individual market access guarantee will, on average, be in poorer health than others in the individual market. In addition, many consumers do not realize that the access guarantee applies only to those leaving group coverage who meet other eligibility criteria. For example, individuals must have previously had at least 18 months of coverage, exhausted any residual employer coverage available, and applied for individual coverage within 63 days of group coverage termination. Consumers who misunderstand these restrictions are at risk of losing their right to coverage.

Issuers of health coverage believe certain HIPAA regulatory provisions result in (1) an excessive administrative burden, (2) unanticipated consequences, and (3) the potential for consumer abuse. Although issuers appear to be generally complying with the requirement to provide a certificate of coverage to all individuals terminating coverage, some issuers continue to suggest that the process is burdensome and costly and that many of these certificates may not be needed. These issuers, as well as many state regulators, believe that issuing the certificates only to consumers who request them would serve the purpose of the law for less cost. Also, issuers fear that HIPAA's guaranteed renewal provision may create several unanticipated consequences for those eligible for Medicare or holding policies designed for certain targeted populations. For example, HIPAA does not permit issuers to cancel coverage of individuals once they become eligible for Medicare. Consequently, some individuals could pay more for redundant coverage. Likewise, for individuals enrolled in subsidized insurance programs for low-income persons, HIPAA may require that such coverage be renewed after these individuals' income exceeds program eligibility limits. Finally, certain protections for group plan enrollees may create the opportunity for consumer abuse. HIPAA's establishment of special enrollment periods may give employees an incentive to forgo coverage until they become ill, and guarantees of credit for prior coverage in the group market could provide enrollees an incentive to switch from low-cost, high-deductible coverage to low-deductible ("first-dollar") coverage when medical care becomes necessary. Some issuers fear that the overall cost of coverage could increase if such abuses became widespread.

State insurance regulators have encountered difficulties in their attempts to implement and enforce HIPAA provisions where they found federal guidance to lack sufficient clarity or detail. For example, regulators say unclear risk-spreading requirements contribute to the high costs faced by certain eligible individuals attempting to exercise their right to guaranteed access in the individual market. Lacking sufficient detail, for example, was guidance to implement nondiscrimination and late enrollee requirements in the group market.

Federal regulators face an unexpectedly large regulatory role under HIPAA that could strain HHS' resources and impair its oversight effectiveness. In five states that reported they had not passed legislation to implement HIPAA provisions by the end of 1997, HHS, as required, has begun performing functions similar to a state insurance regulator, such as approving insurance products and responding to consumer complaints. In addition, HHS may be required to play a regulatory role in some of the other states, the District of Columbia, and the U.S. territories that have yet to pass legislation to implement certain HIPAA provisions. Consequently, the full extent of HHS' regulatory role under HIPAA is not yet known.

Partly in response to health insurance issuers' and state regulators' concerns, federal agencies issued further regulatory guidance on December 29, 1997, intended to clarify current HIPAA regulations such as those related to nondiscrimination and late enrollment in group health plans. Agencies expect to continue supplementing and clarifying the interim regulations in other areas where problems may arise. To address its resource constraints, HHS has reprogrammed resources and requested additional resources as part of its fiscal year 1999 appropriations.●

RECOGNITION OF THE MICHIGAN ASSOCIATION OF COMPUTER-RELATED TECHNOLOGY USERS IN LEARNING (MACUL)

● Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to an important organization in my home state of Michigan which is helping to improve teaching and learning through the use of educational technology. The Michigan Association for Computer-related technology Users in Learning (MACUL), is holding its 22nd Annual Conference on March 12–13, 1998.

Over the past several months, I have met with teachers, administrators, businesspeople and foundation executives to discuss how we can help teachers gain the skills they need to use computers and computer-related technology as teaching and learning tools. In these discussions, I have been told time and again that when it comes to promoting and encouraging technology use in our schools, MACUL is one of the most critical assets in Michigan. MACUL has more than 8,000 active members who represent every facet of the education community, from K–12 teachers to school district administrators and college professors. Throughout its 22 years, MACUL has trained, inspired and informed thousands of people.

MACUL uses many strategies to promote equitable technology planning, innovative uses of technology in the classroom and support services for Michigan educators. The most prominent of these is the MACUL Annual Conference, considered by many people to be the premier event of its kind in the United States. It draws more than 4,000 educators from Michigan, neighboring states and Canada to share their experiences, learn about innovative technology-related programs and to view exhibits of hardware, software and other educational technology. This year's conference promises to be a valuable forum for all who attend.

Mr. President, educational technology is not a thing of the future, it is here today. MACUL is working to help educators put computers and computer-related technology to work in their classrooms, and by doing so is enhancing both teaching and learning. I hope my colleagues will join me in recognizing MACUL for its tremendous efforts and for making a difference in the lives of Michigan's teachers and students.●

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 78

Mr. D'AMATO. Madam President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to consideration of S. Con. Res. 78 relating to the indictment and prosecution of Saddam Hussein; that the only amendments in order be an amendment to the resolution and an amendment to the preamble to be offered by Senator SPECTER; that the total debate time on the resolution and preamble be limited to 2 hours equally divided between the chairman and ranking member, or their designees, with 10 minutes of the minority time allocated for Senator DORGAN. I further ask unanimous consent that following the expiration or yielding back of debate time and disposition of the Specter amendment, the Senate proceed to vote on the adoption of the resolution and that if the resolution is agreed to, then the amendment to the preamble be agreed to and the preamble, as amended, be considered agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 10, 1998

Mr. D'AMATO. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, March 10; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of amendment No. 1931, the pending transit amendment to S. 1173, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Madam President, I also ask unanimous consent that from 12:30 p.m. to 2:15 p.m., the Senate stand in recess for the weekly policy luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. D'AMATO. Madam President, the Senate will resume consideration of S. 1173, the highway bill, with debate continuing on the pending transit amendment. It is hoped that the Senate will be able to make considerable progress on numerous amendments which have been offered and filed in regard to that legislation.

Throughout Tuesday's session, as under the unanimous consent agreement, the Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly policy luncheons. Members should anticipate a busy voting day with votes into the evening.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. D'AMATO. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 6:17 p.m., adjourned until Tuesday, March 10, 1998, at 9:30 a.m.

EXTENSIONS OF REMARKS

DENOUNCING POLICE BRUTALITY AGAINST ETHNIC ALBANIANS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1998

Mr. TRAFICANT. Mr. Speaker, on March 5, 1998 a Serb police force armed with assault rifles attacked ethnic Albanians in the Serbian province of Kosova. This atrocity, in which Serbian police set fire to homes and buildings, left dozens of ethnic Albanians dead, wounded and homeless.

The massacre in Kosova today was just one incident in a long chain of police brutality against ethnic Albanians. The State Department's *1997 Country Report on Human Rights in Serbia* demonstrates that human rights abuses and violations of civil liberties in Kosova are both shocking and pervasive: political and extra-judicial killings, torture, cruel, inhuman and degrading treatment and punishment, arbitrary arrest, detention and exile, as well as denial of fair public trial, arbitary interference with privacy, family, home and correspondence. More recently, on February 28, 1998, over 25,000 Serbian paramilitary police descended on the Drenica region of Kosova, killing more than 20 Albanian citizens, beating many to death. Similarly, on March 2, 1998, Serbian police brutally attacked 30,000 Albanian demonstrators peacefully marching in Pristina in protest of the February 28th massacre.

Ethnic Albanians of Kosova comprise more than ninety percent of the total population of Kosova. Yet, the Albanian people have no political rights such as self-determination and representation in government. On March 23, 1989, the government of Yugoslavia illegally amended the Constitution of Yugoslavia thereby stripping the Albanian people of their political rights by revoking Kosova's autonomy. Further unlawful amendments to the Constitution abolished the Parliament and Government of Kosova.

The U.S. Department of State should immediately condemn this oppressive and sadistic massacre of ethnic Albanians in Kosova by Serbian authorities. Keeping with the promises made by both the Bush and Clinton Administrations, the United States should reimpose economic sanctions against Serbia-Montenegro that were terminated following the signing of the Dayton Peace Agreement in 1995 unless the violence against Albanians in Kosova is promptly terminated and a dialogue is established.

The violence in Kosova has the potential to spread throughout the region, threatening to undermine the Dayton Peace Agreement and spark a Balkan-wide war. It's time for the United States to get tough on brutal dictators like Slobodan Milosevic, and demand compliance with international conventions, before more ethnic Albanians are needlessly slaughtered.

I urge my colleagues to join me in co-sponsoring a sense of the Congress resolution introduced today by our esteemed colleague, BENJAMIN GILMAN. The resolution expresses the sense of the Congress that:

> Efforts of the international Contact Group in support of a resolution of the conflict in Kosova are to be commended and intensified;
>
> No international or United States sanctions currently in force against the Government of Serbia and Montenegro should be terminated at this time, unless such termination serves to support a peaceful resolution to the repression in Kosova;
>
> The United States should consult with its allies and other members of the United Nations on reimposing those sanctions against Serbia-Montenegro that were terminated following the signing of the Dayton Peace Agreement in 1995 if Serbian authorities continue to use unlawful violence against the Albanian people of Kosova;
>
> The United States should acknowledge recent developments in the Republic of Montenegro that indicate that the new leadership of the Republic is seeking a peaceful resolution to the repression in Kosova, particularly the statement by Montenegrin President Milo Djukanovic that Kosova must receive a certain degree of autonomy, and his call for a dialog between the government of Serbia and Montenegro and ethnic Albanians in Kosova;
>
> The United States should, to the extent practicable, recognize positive actions by the Government of the Republic of Montenegro with regard to repression in Kosova through exclusion from those sanctions that may be applied to the Government of Serbia;
>
> The elections in Kosova scheduled on March 22, 1998 should be allowed to proceed unimpeded by Belgrade, as they represent the opportunity for a peaceful expression of the political will of the Albanian people of Kosova;
>
> All parties should refrain from acts that could lead to heightened tensions in Kosova;
>
> The agreement on education in Kosova should be implemented immediately, including at the university level, allowing all residents of Kosova regardless of ethnicity to receive education in their native tongue;
>
> The elected leaders of Kosova should begin a dialog with the authorities in Belgrade to resolve the present situation, and to provide for the exercise of the legitimate civil and political rights of the Albanian people of Kosova.

Once again, I urge my colleagues to cosponsor this resolution.

IN HONOR OF JOHN J. HURLEY, JR., GRAND MARSHAL OF THE 1998 BAYONNE ST. PATRICK'S DAY PARADE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1998

Mr. MENENDEZ. Mr. Speaker, I would like to congratulate John J. Hurley, Jr., for being selected as the Grand Marshal of the 1998 Bayonne St. Patrick's Day Parade.

John Hurley was honored as Grand Marshal on March 1st at the Hi-Hat Caterers in Bayonne. Leo Hurley, Fran Dugan, James Gillespie and Kathleen Munn are also being recognized at the brunch as the Marshal's aides during the parade.

Mr. Hurley has always given back to his community and honored his Irish cultural ties. He is a charter member of the St. Peter's College Knights of Columbus Council, a former Trustee of the Middletown Townhouse Association, a past vice-president of Ireland 32, a member of the County Corkmen's Association of Bayonne, and a Life Member of the Bayonne St. Patrick's Day Parade Committee.

Mr. Hurley's Irish heritage can be traced back to County Cork on his father's side and County Longford on his mother's. He is married to Lorraine Decio of Jersey City and has two children, Megan Marie Hurley and John Brian Hurley.

AMERICAN COLLEGE OF SPORTS MEDICINE

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1998

Ms. CARSON. Mr. Speaker, the American College of Sports Medicine is a colorful kaleidoscope of people and professions bound together by a commitment to using medicine and exercise to develop a better quality of life. They are committed to the diagnosis, treatment, and prevention of sports-related injuries and the advancement of exercise.

Their mission is to promote and integrate scientific research, education, and practical applications of sports medicine and exercise science to maintain and enhance physical performance, fitness, health, and quality of life.

In 1983, the American College of Sports Medicine broke ground as one of the anchor projects for the Indianapolis Canal Area Redevelopment. Now, 15 years later, they are coming full circle and breaking ground on the last lot on the Canal Development Project. This expansion will allow them to provide the needed technology and services at the national headquarters of the world's premier sports medicine and exercise organization.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

By making Indianapolis their home, the American College of Sports Medicine is a jewel in the City of Indianapolis' amateur sports crown.

SUPPORT FOR REV. RONALD I. SCHUPP

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1998

Mr. GUTIERREZ. Mr. Speaker, I rise today to give my support to the work of Chicago Civil Rights leader Reverend Ronald I. Schupp. For the past two years, Reverend Schupp has held a peaceful twenty-four hour fast and vigil outside of the Chinese Consulate in Chicago calling upon the government of the People's Republic of China to grant independence to Tibet and its people.

This vigil has been held on March 10, now known as Tibetan National Day, recognizing for thirty-nine years the ongoing efforts of the Tibetan people to gain their freedom.

The 14th Dalai Lama, who in 1989 won the Nobel Peace Prize for his continuing efforts for a nonviolent peaceful solution to end the occupation of Tibet, is still laboring ceaselessly to accomplish this goal. I fully support Reverend Schupp and the vigil he is once again undertaking.

CONGRATULATIONS TO DERAN KOLIGIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Deran Koligian for being recognized "Man of the Year" by the Armenian National Committee of Central California. Deran Koligian is committed to working hard for the community and Armenian-Americans.

Deran Koligian represents the first Supervisorial District on the Fresno County Board of Supervisors. He is serving in his fourth term and represents some urban areas of Fresno and a large agricultural region in western Fresno County. Koligian served as the 1996 Chairman of the Fresno County Board of Supervisors.

With his duties as a member of the Board of Supervisors, Koligian serves on the Fresno County Audit and Debt Advisory Committees, Central Valley Project Authority Advisory Committee, Biological Diversity Task Force, San Joaquin Agricultural Law Review, Cal-ID Board, I-5 Business Development Corridor Commission, Ambulance Authority, Fresno-Clovis Metropolitan Solid Waste Commission, Pleasant Valley Habitat Plan Board of Directors and Steering Committee, Southeast Solid Waste Commission, Selma-Kingsburg-Fowler County Sanitation District, West County Solid Waste Planning Board, Fresno-Madera Agency on Aging, and Solid Waste Enforcement Hearing Panel. He serves as an alternate member of the San Joaquin Valley Unified Air Pollution Control District, Mid-Valley Water Authority, Water Resources Management Executive Committee, and San Joaquin River Parkway and Conservation Trust.

He was born and raised in Fresno and is a graduate of Madison Elementary School, Central High School, and Fresno State College (now California State University, Fresno). Additionally, he served as an Army infantryman during World War II in the South Pacific.

Supervisor Koligian has been an outspoken advocate for agriculture as a member of the Board of Supervisors of Fresno County. While being engaged in farming his entire life, Koligian has been very actively involved in civic organizational work. He was a member of the Board of Trustees of Madison Elementary School for 12 years, followed by 12 years of service on the board of Central High School. He was also a member of the Fresno County Schools Trustee Association and Fresno County Economic Opportunities Commission. Koligian has also served as chairman of the Fresno-Madera Land Bank Association and Chairman of the Fresno County Planning Commission.

Mr. Speaker, it is a great honor to congratulate Deran Koligian for being recognized as "Man of the Year" by the Armenian National Committee of Central California. Deran Koligian's dedication and pride for the Armenian heritage warrant this recognition. I ask my Colleagues to join me in wishing Deran Koligian many more years of success.

TRIBUTE TO THE WOMEN'S RESOURCE CENTER CALIFORNIA LUTHERAN UNIVERSITY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to recognize the Women's Resource Center of California Lutheran University. This organization will celebrate their Ninetheenth Annual "Creative Options—A Day for Women" on Saturday, March 7th.

March has been designated "Women's History Month" by the Congress of the United States as a tribute to American women of every race, class and ethnic background that have made historic contributions to the growth and strength of our Nation. Women have played and continue to play a critical economic, cultural and social role in every aspect of American life. They serve as leaders in the forefront of every major progressive movement for social change and have worked to create a more fair and just society for all. And though our country has come a long way in recognizing the talents and accomplishments of women, there are still hurdles to be overcome.

The Women's Resource Center offers many services to women, from academic resources to emotional support. In addition, they sponsor a variety of forums aimed at facilitating discussions on the leadership role of women in our community. Creative Options is a day for women to come together to discuss their experiences. This day of reflection is spent listening and talking with each other about hardships associated with being a woman in today's society. From sharing personal stories, women learn from each other how to cope with struggles in their careers, families, and daily lives. With an emphasis on renewal and growth, many view the day as an opportunity to work toward self-improvement.

Throughout this month, schools, businesses and organizations will pay tribute to the role women have played in our country's history. However, the Women's Resource Center of California Lutheran University is an organization that works throughout the year to provide women with strength and support in every area of their lives. Mr. Speaker, distinguished colleagues, please join me in honoring the work they have already done and continue to do.

ANNOUNCEMENT OF THE 1998 CONGRESS-BUNDESTAG STAFF EXCHANGE

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1998

Mr. REGULA. Mr. Speaker, since 1983, the U.S. Congress and the German Parliament have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and convey Members' views on issues of mutual concern.

A staff delegation from the United States Congress are being chosen to visit Germany March 22 to April 4 of this year. During the 2-week exchange, the delegation will attend meetings with Bundestag members, Bundestag party staff members, and representatives of numerous political, business, academic, and media agencies. Cultural activities and a weekend visit in a Bundestag Member's district will complete the schedule.

A comparable delegation of German staff members will visit the United States for 3 weeks this summer. They will attend similar meetings here in Washington and visit the districts of congressional Members.

The Congress-Bundestag is highly regarded in Germany and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. The ongoing situation in Bosnia, the future expansion of NATO and the proposed expansion of the European Union, as well as plans for a single currency will make this year's exchange particularly relevant.

The U.S. delegation should consist of experienced and accomplished Hill staff members who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two Bundestag staffers in their Member's district over the Fourth of July break, or to arrange for such a visit to another Member's district.

Participants are being selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a résumé and cover letter in which they state why they believe they are qualified and some assurances of their ability to participate during the time stated. Applications may be sent to Connie Veillette at 2309 Rayburn Building by noon on Friday, March 13.

IN HONOR OF JAMES C. GARITO, THE 1998 BAYONNE CHAPTER OF UNICO MAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1998

Mr. MENENDEZ. Mr. Speaker, I would like to congratulate James C. Garito for being named the 1998 Man of the Year for the Bayonne Chapter of Unico.

Throughout his life, Jim has been a tireless servant to the community of Bayonne. As a member of the United States Marine Corps, he fought courageously in the invasion of Iwo Jima and earned the Bronze Star in 1945. Since his military service, Jim has served as president of the Holy Name Society and Chairman of the annual carnival at Our Lady of Assumption Church. He has been the executive director of the Bayonne Parking Authority since 1963 and is a past president of the Bayonne Board of Education. He was inducted into the New Jersey Hall of Fame and in honor of his countless civic and community activities, Jim was awarded the Distinguished Service Medal by the New Jersey State Legislature.

Jim will be joined by his wife, Dorothy, and his three children Michael, Kathleen, and Christina, as he is honored by Unico at a dinner reception at the Richfield Regency in Verona on March 7, 1998.

COMMEMORATION OF STEPHEN S. WISE TEMPLE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to commemorate the 34th Anniversary of the Stephen S. Wise Temple, which will be celebrated on March 8, 1998. I would also like to take this opportunity to acknowledge Rabbi Isaiah Zeldin, Rabbi Eli Herscher, Rabbi Leah Kroll, Rabbi Alan Rabishaw, Rabbi Toba August, Cantor Nathan Lam, Cantor Linda Kates, President Steven J. Fogel, and the other members of their dynamic staff.

The Talmud states that "He who does charity and justice is as if he had filled the whole world with kindness." In the spirit of such words, innovative volunteers actively participate in delivering tremendous support to the "Biggest Little Temple in the World," selflessly dedicating their time and energy to enriching our community. In fact, as the synagogue celebrates its 34th Anniversary, we also celebrate the holiday of Purim. This holiday celebrates two important traditions of mishlo'ah manot, or sending portions of foods to friends, and matanot l'evyonim, or giving charity to the needy. For 30 years, the Stephen S. Wise Temple has sponsored a carnival to mark this joyous occasion, fulfilling the Talmudic call to service.

At this time, the synagogue, its membership and the community are preparing to witness the realization of their dream with the anticipated completion of the Arts and Sports Pavilion, the Science and Study Building and the Administration Building of the Milken Community High School of Stephen S. Wise Temple. After Passover, Milken Community High School and faculty will take occupancy of their new and permanent home on Mulholland Drive.

Mr. Speaker, distinguished colleagues, please join me in honoring the Stephen S. Wise Temple for its outstanding accomplishments on this joyous occasion, with best wishes that the school and temple are one in the core purposes of serving and perpetuating the Jewish community, its values and traditions.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 10, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 11

9:00 a.m.

Armed Services

Readiness Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on environmental and military contruction programs.

SR-232A

9:30 a.m.

Commerce, Science, and Transportation

To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Indian Affairs

Business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget; to be followed by an oversight hearing on sovereign immunity, focusing on contracts involving Indian tribes and alleged difficulties in collecting State retail taxes.

SH-216

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs.

SD-192

Armed Services

Airland Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on land forces modernization.

SR-222

Banking, Housing, and Urban Affairs

Financial Services and Technology Subcommittee

To hold hearings on S. 1594, to facilitate the use of electronic authentication techniques by financial institutions.

SD-538

Judiciary

To hold an additional hearing on the nomination of Frederica A. Massiah-Jackson, to be United States Disrict Judge for the Eastern District of Pennsylvania (reported by Committee).

SD-226

Labor and Human Resources

Business meeting, to mark up S. 1648, to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and to consider the nominations of Richard M. McGahey, of New York, to be an Assistant Secretary, and Ida L. Castro, of New York, to be Director of the Women's Bureau, both of the Department of Labor.

SD-106

2:00 p.m.

Armed Services

Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the defense health program.

SR-222

Budget

Business meeting, to mark up a proposed concurrent resolution setting forth the fiscal year 1999 budget fo r the Federal Government.

SD-608

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine developments in the Middle East.

SD-419

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 1301, to provide for consumer bankruptcy protection.

SD-226

2:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on U.S. national security space programs and policies.

SR-232A

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

MARCH 12

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation authorizing funds for child nutrition programs.

SR-332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Housing and Urban Development, and the Community Development Financial Institute.

SD-138

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Joint Committee on Printing, the Joint Economic Committee, the Joint Committee on Taxation, the Sergeant at Arms, the Library of Congress and the Congressional Research Service, and the Office of Compliance.

SD-116

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Treasury Department.

SD-192

Armed Services

Acquisition and Technology Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on science and technology programs.

SR-222

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

Labor and Human Resources

Public Health and Safety Subcommittee

To hold hearings to assess the new health care technologies role of the Agency for Health Care Policy and Research.

SD-430

10:00 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Supreme Court, and the Judiciary.

S-146, Capitol

Banking, Housing, and Urban Affairs

To hold hearings on S. 1423, to modernize and improve the Federal Home Loan Bank System.

SD-538

Budget

To continue markup of a proposed concurrent resolution setting forth the fiscal year 1999 budget for the Federal Government.

SD-608

Foreign Relations

To hold closed hearings on intelligence issues relating to Chinese nuclear cooperation with various countries.

S-407, Capitol

Judiciary

Business meeting, to consider pending calendar business.

SD-226

10:30 a.m.

Governmental Affairs

To hold hearings to examine proposals to reform the Internal Revenue Service, focusing on managerial flexibility and accountablity.

SD-342

2:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy.

SD-124

Armed Services

Strategic Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Energy, focusing on environmental management, nonproliferation, and fissile materials disposition.

SR-222

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine the new generation of African leaders and their impact on African democracy.

SD-419

Judiciary

To resume hearings on provisions of S. 1530, to resolve ongoing tobacco litigation, to reform the civil justice system responsible for adjudicating tort claims against companies that manufacture tobacco products, and establish a national tobacco policy for the United States that will decrease youth tobacco use and reduce the marketing of tobacco products to young Americans, focusing on children's health and stopping children from smoking (pending on Senate calendar).

SD-226

2:30 p.m.

Commerce, Science, and Transportation

Oceans and Fisheries Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for programs of the U.S. Coast Guard.

SR-253

MARCH 16

1:00 p.m.

Special on Aging

To hold hearings to examine the lending practices of the subprime lending market, focusing on how senior citizens are targeted by unscrupulous lenders.

SD-628

MARCH 17

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for child nutrition programs, focusing on the Women, Infants, and Children (WIC) program.

SR-332

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy's enivronmental management program.

SD-116

Commerce, Science, and Transportation

To resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America.

SR-253

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agriculture Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.

SD-138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the United Nations.

S-146, Capitol

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine privacy issues in the digital age, focusing on encryption and mandatory access.

SD-226

Labor and Human Resources

To hold hearings to examine retirement security issues.

SD-430

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on international narcotics.

SD-124

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on ship acquisition.
SR–222

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to review policy directives for protecting America's critical infrastructures.
SD–226

MARCH 18

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

Rules and Administration
To hold hearings on the proposed budget request for fiscal year 1999 for the Smithsonian Institution, the Kennedy Center, and the Wilson Center.
SR–301

Small Business
To hold hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration.
SR–428A

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

Indian Affairs
Business meeting, to mark up proposed legislation with regard to Indians in the proposed tobacco settlement, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act; to be followed by an oversight hearing on the implementation of the Indian Arts and Crafts Act (P.L. 101-644), focusing on the Arts and Board activities, resource needs, and mission.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on National Guard programs.
SD–192

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Labor.
SD–138

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on active and reserve military and civilian personnel programs and the Service safety programs.
SR–222

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine nuclear nonproliferation and the Comprehensive Nuclear Test Ban Treaty (Treaty Doc. 105-28).
SD–342

MARCH 19

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Veterans Affairs, and cemeterial expenses for the Army.
SD–138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Architect of the Capitol, the General Accounting Office, and the Government Printing Office.
S–128, Capitol

Energy and Natural Resources
To hold hearings on S. 1488, to ratify an agreement between the Aleut Corporation and the United States to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and S. 1670, to amend the Alaska Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era.
SD–366

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Federal Communications Commission, and the Securities and Exchange Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Transportation.
SD–124

Labor and Human Resources
To hold oversight hearings on the implementation of the Health Insurance Portability and Accountability Act.
SD–430

2:00 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine international aviation agreements and antitrust immunity implications.
SD–226

MARCH 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on issues with regard to Alzheimer's disease.
SH–216

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Corp of Engineers, and the Bureau of Reclamation, Department of the Interior.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Farm Service Agency, Foreign Agricultural Service, and the Risk Management Agency, all of the Department of Agriculture.
SD–138

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for AMTRAK, focusing on the future of AMTRAK.
SD–192

Labor and Human Resources
To hold hearings to examine health care quality issues.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–124

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on drug addiction and recovery issues.
SH–216

MARCH 25

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to mark up S. 1415, to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use, and to consider other pending calendar business.
SR–253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

Indian Affairs
To hold hearings to examine Indian gaming issues.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Army programs.
SD–192

MARCH 26

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Office of National Drug Control Policy.
SD–192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings on the Head Start education program.
SD-430

MARCH 31

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94-241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.
SD-366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.
SD-138

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.
SD-192

Labor and Human Resources
To hold hearings to examine issues relating to charter schools.
SD-430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.
SD-124

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1515, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.
SD-366

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD-192

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competition and concentration in the cable and video markets.
SD-226

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD-124

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD-226

APRIL 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.
SR-332

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD-124

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD-192

APRIL 23

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD-138

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD-192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD-138

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD-192

MAY 7

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD-138

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

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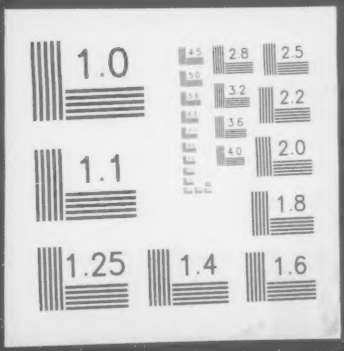
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